

Minutes to the City of Wilmington
Planning and Zoning Commission Meeting
Wilmington City Hall
1165 South Water Street
Thursday, August 3, 2017 at 5:00 PM

Call to Order

The August 3, 2017 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:00 p.m. by Deputy City Clerk Joie Ziller in the Council Chambers of the Wilmington City Hall.

Roll Call

Upon Roll Call by the Clerk the following members answered "Here" or "Present":

Commissioners Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

Quorum

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

Other Officials in Attendance

Also in attendance were the Interim City Administrator Frank Koehler, City Engineer Colby Zemaitis and Deputy City Clerk Joie Ziller

Elect Pro-Tem Chairman

Commissioner Jones made a motion and Commissioner Tryner seconded to elect Commissioner Humphries as Chairman of tonight's meeting.

Upon roll call, the vote was:

AYES: 7 Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

NAYS: 0

The motion carried.

Approval of Minutes

Commissioner Clennon made a motion and Commissioner Jones seconded to approve the March 2, 2017 Planning & Zoning meeting minutes as written and have them placed on file.

Upon roll call, the vote was:

AYES: 6 Clennon, Humphries, Kulpa, Jones, Smith, Tryner

NAYS: 0

PASSED: 1 Wysocki

The motion carried.

Public Hearing

Variance – 504 Van Buren Street [PIN 03-17-25-354-004-0000]

Petitioner John Szefc

Commissioner Clennon made a motion and Commissioner Smith seconded to open the public hearing on the request for variance at 5:03 p.m.

Upon roll call, the vote was:

AYES: 7 Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

NAYS: 0

The motion carried.

Discussion: Interim City Administrator Koehler informed the Commission that the petitioner's request for a variance is to allow for a six foot fence within the front yard at 504 Van Buren Street. The property is located within an R-2 Single Family Residential Zoning. This zoning provides for front yard setbacks of 20 feet from an adjoining street. The home is on a corner lot, there are two front yard setbacks to be considered. City Ordinance 150.87 Fence Regulations allows for fences in the front yard provided they are no higher than three feet in height. On a corner lot, a six foot fence can be installed in the second front yard, provided it is at least ten feet in from the property line, and does not extend beyond the forward wall of the principal building facing the designated front yard. The owner of the property previously had in place a six foot fence, along the property line of the second front yard, which he removed due to obsolescence and was looking to improve on the style and appearance of the fence. The old fence could have remained as a legal, non conforming use. He could have been allowed to perform routine maintenance of the fence. This could have included replacing individual boards, support board, posts, etc. However, as noted in section 150.103 (B) Non Conforming Buildings and Structures, "Should any such building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved." This would indicate that by taking down the old fence, the new fence must conform to the 10 foot setback requirements. Mr. Szefc explained to the Commission that he simply did not know he couldn't install a new fence in the exact location so he removed the old fence which was already in place when he purchased the home several years ago. He only learned this when he came into City Hall to apply for a building permit and discussed this with Building Inspector Rick Smith. Commissioner Tryner stated that based on the appearance of the survey the only thing Mr. Szefc is in violation of is the 10 foot setback on the secondary frontage. Resident Larry Hall felt that with the open fence design Mr. Szefc wants to install would not pose an obstruction at the intersection. Commissioner Jones asked Larry Hall, as an Alderman of this ward, if he was in support of the request for variance. Mr. Hall stated that he was in very much support of this.

Commissioner Smith made a motion and Commissioner Wysocki seconded to close the public hearing on the request for variance at 5:20 p.m.

Upon roll call, the vote was:

AYES: 7 Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

NAYS: 0

The motion carried.

Public Hearing

Text Amendment to the Code of Ordinances Chapter 150 Ordinance-Article 2, 150.19, Site Plan Review for Multifamily, Residential, Commercial and Industrial Developments

Commissioner Jones made a motion and Commissioner Kulpa seconded to open the public hearing on the proposed text amendment at 5:21 p.m.

Upon roll call, the vote was:

AYES: 7 Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

NAYS: 0

The motion carried.

Discussion: Interim City Administrator Koehler explained to the Commission that this is basically an attempt to empower and expand what really should be the roll and purview of the Planning & Zoning Commission. The current ordinance only provides for site plans to be reviewed by the city engineer, city building official, and city planner and then to City Council for their approval. The amendment to section 150.19 of the Wilmington City Code, entitled "Site Plan for multifamily residential, commercial and industrial developments", by inserting the following new section:

Planning Commission Review. The Wilmington Planning Commission shall, within thirty days from the date of submittal by the applicant, review said plans as to their compliance with applicable sections of the zoning ordinance and development regulations of the City of Wilmington. The Planning Commission shall, within thirty days of its review, issue an advisory recommendation to the City Council as to approval or denial of said plans, and shall take into consideration the recommendation or lack thereof from the City Building Official, City Engineer and City Planner.

Commissioner Tryner stated that prior to February 2016 the Planning & Zoning Commission did review all site plans. This roll was taken away from the Commission by previous administration and City Council. Resident/Alderman Larry Hall stated that it's better to have more heads looking at stuff and agrees 100% with the proposed text amendment.

Commissioner Smith made a motion and Commissioner Jones seconded to close the public hearing on the proposed text amendment at 5:30 p.m.

Upon roll call, the vote was:

AYES: 7 Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

NAYS: 0

The motion carried

Commissioners Review/Approval/Recommendation for Variance at 504 Van Buren Street [PIN03-17-25-354-004-0000]

Commissioner Jones made a motion and Commissioner Kulpa seconded the recommendation to City Council allowing for a placement of a six foot decorative or architectural fence on the side

yard of 504 Van Buren Street specifically as outlined by document provided by the homeowner tonight.

Upon roll call, the vote was:

AYES: 7 Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

NAYS: 0

The motion carried

Commissioners Review/Approval/Recommendation for Text Amendment to the Code of Ordinances Chapter 150 Ordinance-Article 2, 150.19, Site Plan Review for Multifamily, Residential, Commercial and Industrial Developments

Commissioner Kulpa made a motion and Commissioner Wysocki seconded the recommendation to City Council to approve the Text Amendment to the Code of Ordinances Chapter 150 Ordinance-Article 2, 150.19, Site Plan Review for Multifamily, Residential, Commercial and Industrial Developments

Upon roll call, the vote was:

AYES: 7 Clennon, Humphries, Kulpa, Jones, Smith, Tryner, Wysocki

NAYS: 0

The motion carried

Citizen's Comment

Interim City Administrator Koehler informed the Commission that the City entered in to an agreement with CMAP to conduct in-depth study of downtown Wilmington. A Vision Workshop meeting will be held on Wednesday, August 9th at 5:30 at the Wilmington Island Park District.

Adjournment

Motion to adjourn the meeting made by Commissioner Clennon and seconded by Commissioner Smith. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on August 3, 2017 adjourned at 5:35 p.m.

Respectfully submitted,



Joie Ziller
Deputy City Clerk