

APPROVED

**Minutes to the City of Wilmington
Planning and Zoning Commission Meeting**
Wilmington City Hall
1165 South Water Street
Thursday, December 6, 2018 at 5:00 PM

Call to Order

The December 6, 2018 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:00 p.m. by Chairman Bryan Humphries 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 Humphries, Clennon, Jones, Kulpa, Smith, Wysocki

Commissioner’s Absent

Tryner

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 City Administrator Joie Ziller, City Engineer & Planner Rodney Tonelli, City Attorney Scott Nemanich, Adar Ridgeport Attorney Benjamin Schuster

Approval of Minutes

Commissioner Jones made a motion and Commissioner Kulpa seconded to approve the November 1, 2018 Planning & Zoning meeting minutes as written and have them placed on file after amendment is made

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Tryner

The motion carried.

Public Hearings

Commissioner Kulpa made a motion and Commissioner Jones seconded to open the Public Hearing at 5:02 p.m. for Annexations with I5, Planned Industrial Development Zoning – Various Properties, Petitioner Adar Ridgeport Industrial Partners, LLC

Upon roll call, the vote was:

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

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NAYS: 0
ABSENT: 1 Tryner
The motion carried.

Scott Nemanich, Attorney representing the City of Wilmington introduces Ben Schuster to the Commissioners, who is there on behalf of the Petitioner. Pursuant to law, notifications were sent out to surrounding landowners, and Administrator Ziller did receive the Certified Mail Receipts back from each landowner showing that proper notices have been sent out, Public Notices as well. This is an annexation of seven parcels in the Ridge Development. This is proposed at the same type of Planning and Zoning as the other properties that were annexed in were. Ridgeport Attorney Benjamin Schuster speaks about annexing these parcels into the City. He would like these properties to be zoned into the large scale industrial district. Under the annexation agreement that Adar Ridgeport is bound by, they are obligated to file a petition and have the property annexed into the City when they acquire property that is adjacent to City boundaries, and then the City will consider it for the rezoning. Adar is asking for the seven new parcels to be rezoned and treated the same way the previous properties that were annexed in were treated. Schuster states that a lot of the surrounding area is unincorporated territory. The contiguous line for the City is to the East. Commissioner Jones reviews the letter from Wilmington Township Road Commissioner William Weidling. Jones states that the original annexation agreement does not call for designated signs, as Mr. Weidling suggest in his letter (attached). Jones does not think that would be a rezoning issue, but it does need to be addressed. A man speaks up stating he has known Mr. Weidling for a very long time, and the fact that he took the time to write the letter and submit it means it's something he truly cares about and it has clearly been an issue. Jones states he will take the letter back and look into it and address it the best they can. He says they are not permitted to hang signs on all roads. A man asks Jones if he had the opportunity to review the letter and that the letter is very specific, and includes the number of signs, which is four. Jones said he is happy to work with the township and they will certainly sit down with the township to figure out what road it is, and what they can do to address it. They want to be in compliance with the agreements, and if there is an issue they will immediately fix it. A man questions who will be providing the township with the information requested for the notification issues. P & Z Commission will be happy to provide that information.

Commissioner Jones made a motion and Commissioner Smith seconded to close the Public Hearing at 5:43 p.m.

Upon roll call, the vote was:

AYES: 6 Humphries, Kulpa, Smith, Jones, Clennon, Wysocki
NAYS: 0
ABSENT: 1 Tryner
The motion carried.

Commissioner Jones made a motion and Commissioner Smith seconded to recess for 5 minutes at 5:43 p.m.

Upon roll call, the vote was:

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

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NAYS: 0
ABSENT: 1 Tryner
The motion carried.

Commissioner Kulpa made a motion and Commissioner Clennon seconded to reopen the meeting out of recess at 5:48 p.m.

Upon roll call, the vote was:

AYES: 6 Humphries, Kulpa, Smith, Jones, Clennon, Wysocki
NAYS: 0
ABSENT: 1 Tryner
The motion carried.

Commissioners Review/Approval/Recommendation

Commissioner Jones made a motion and Commissioner Smith seconded to recommend Annexations with I5, Planned Industrial Development Zoning – Various Properties, Petitioner Adar Ridgeport Industrial Partners, LLC

Upon roll call, the vote was:

AYES: 6 Humphries, Kulpa, Smith, Jones, Clennon, Wysocki
NAYS: 0
ABSENT: 1 Tryner
The motion carried.

Mr. Jones summarizes what will happen after this meeting, the Township will be included on future conversations about signage locations. Mr. Stellino will call the road commissioner and/or the Township in the morning to initiate these conversations and provide these reassurances. The Township asks for more notification on who to contact, and also verification on who will maintain the 300 foot of road in the snow. Administrator Ziller would like the township director to meet with her and the public works director. Ziller states that the annexation agreement says the developer is responsible for maintaining/rebuilding the main roads and secondary roads. Mr. Nemanich recommends bringing documentation to City Hall/Administrator Ziller to show the Commission any issues that arise.

The Planning and Zoning Commissioner recommends to the City Council, annexations with I5, Planned Industrial Zones, Various Parcels listed in the Agenda today with Petitioner Adar Ridgeport Industrial Partners, contingent on the inclusion of the signed package as discussed in tonight's meeting that the Township be included in future conversations of impacts on road and development, a phone call from Adar Ridgeport to the City of Wilmington, specifically the Road Commissioner and the sharing of previously spoken contact information of all parties.

Public Comment

Diana Wier, a resident on Kavanaugh Road, discusses her issue with the semi trucks driving down her road. She is concerned for her children's safety. Commissioners state that there have been many issues with the truck drivers getting lost with their gps. David Landmichael, the owner of the parcel that is not being annexed, discusses his issues with the signage and road

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conditions with the Commission. Landmichael believes the signage on Lorenzo should say Truck Route and designate the weight limit on Murphy and Kavanaugh to say 12 ton. He asks who is responsible for the roads in the winter. City Administrator Ziller states the responsibility falls on the developer. Landmichael said that he complained about the salt quite a bit when the trucks salt the roads they start at the north end and don't start it back up on the South end. He said they salt everywhere besides the houses that need it. Schuster thinks that unfortunately this is a meddling of township vs. city and the boundaries. Landmichael's understanding is that Elston is supposed to be taking care of these roads. He said he talked to the road commissioner about the salt a few times and for some reason South of Murphy and then past his property there is no salt. Benjamin Schuster says that with the annexation, one of the things that will happen is that the portions of Kavanaugh Road that are adjacent to the properties will become part of the City, which allows the City far more control how the roads are handles and treated. Whether it is a speed issue, a salt/road issue, it will become a more unified control. Schuster said that is one of the benefits of annexing into the City. Benjamin Schuster explains to Landmichael that if there is issues that need to be identified and worked on and improved, then he is happy to do. Attorney representing the City Scott Nemanich asks Landmichael who was plowing the roads prior to the project. Landmichael replies with he believes it was the County and he says ever since the annexation, there hasn't been squat done. Ken Kulpa asks Mr. Landmichael for clarification on if the County, the Township or the City was taking care of the roads, and that he is confident it wasn't the City. Mr. Landmichael says every time he calls you guys he doesn't know who to talk to. The Commissioners asks for more clarification on prior to the annexation was the County or the Township taking care of the roads. Someone spoke up saying, whoever Lardi worked for, and everyone said the Township. Landmichael says the point of the matter is that it was being taken care of on a regular basis. Diana Wier asks what is going to happen to her road once the big ignorant buildings are up across the road from her on Kavanaugh. Scott Nemanich says he does not know if that's in the agreement or not yet. Wier asks were the access road into the industrial park is going to be. The Commissioners do not know, as no one has seen any sight plans. Since the City Engineer Rodney Tonelli is absent from this meeting, no one can give Diana Wier an answer. Benjamin Schuster says that once the property is annexed, that is when they come up with the sight plans and traffic plan, what is going on those lots, and that this meeting is just to annex properties into the City. Diana Wier says that another thing is once the builders start breaking the tiles in the fields that have been there for years; she will have water problems and that she is already having water issues. A commissioner said that is supposed to be looked at on the overall sight plan. Landmichael states that there are pumps running by the truck stop/railroad tracks every time it rains and they flood all the fields. Nemanich asks who is pumping. Landmichael replies, D Construction. Administrator Ziller says that it would be the developer. Landmichael says you guys have D pumping all the runoffs into the detention ponds. Wier said it was totally flooded by Cooper Road down the street from Murphy Road, everything is changing. She said she is living in a construction zone, in a war zone. Benjamin Schuster asks if the current drainage plan is working and says these are things we need to know. Ms. Wier says there is no communication whatsoever and that they don't care what happens to them as long as they get their annexation and tax. Ms. Wier says no one has called, and that the City sent her a letter to come to City Hall on November 15 and when she got there the place was locked up. She said she signed for a letter for a meeting and no one notified her it was cancelled. Diana Wier says she does not think they should give them the rezoning. She says the truck traffic has not been addressed. Landmichael asks if they were still going by the 2010 agreement with the

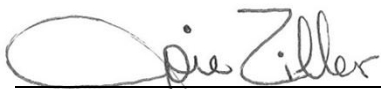
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setbacks and all that stuff. A man says yeah as far as he knows. Landmichael says his question is that they have to stay no closer than 300 feet from his property lines, at all sides, with a building, but says there is no agreement with a buffer area, so he doesn't have to look at the buildings. The Commission says that was part of the annexation, and the time frame is somewhere in the agreement, for a wall/berm. Landmichael says the properties are all zoned estate. His property is 3.5 acres, and zoned E-1. Benjamin Schuster says the moment the property is annexed it gets zoned agricultural. Once it is annexed it falls into the City's jurisdiction to govern and also becomes bound by the annexation agreement and redevelopment agreement. Mr. Nemanich asks Mr. Schuster if he would take a few minutes to call Mr. Stellino to get a direct answer on the request from Mr. Weidling. Mr. Schuster speaks to Ms. Wier and Mr. Landmichael telling them that he fully supports and believes in land/property owner rights and he is not going to ignore anything they said today. And if they ever end up getting annexed in or not, because they are the white stripe in the middle of this, Schuster wants to make sure that whoever owns or takes care of that property does so in a neighborly fashion. Mr. Schuster says he will carry the ball for them. Ms. Wier believes she was offered a ridiculous price for her property/land. Ms. Wier believes that she was offered an absolutely ridiculous price for their property. Schuster said that any offers are based off of the agreement. Ms. Wier asks for clarification on the market value and if it was at 125% and so far from her property line. The Commissioners say yes and Ms. Wier says that is not what she is being offered. Mr. Landmichael says the neighbor has a pond, no house, on four acres, is getting \$ 500,000, 100,000/acre. He is on six acres with a house and was offered \$ 250,000. Mr. Schuster says his recommendation is to take what Mr. Landmichael has been offered and get an appraisal and something to counter offer with. Ms. Wier says they are no longer a residential market; they are now an industrial market. Administrator Ziller states that the negotiations are supposed to be between the property owner and the developer. Attorney Nemanich says that on at least four occasions, there have been people who have contacted him stating they were not living up to the agreement. Therefore everything was reviewed and corrected, if necessary. Mr. Nemanich will make himself available to the landowners to review the appraisal. Mr. Landmichael says that it is to the point now that they don't go by appraisal, and that they should go by what they pay for all the other properties. He says that there were five houses on Regan Lane that were appraised by Zillow at around \$188K to \$200K but they walked away with \$500,000. The Commissioners all state that they cannot be appraised by Zillow, and that the property will need an official appraisal.

Adjournment

Motion to adjourn the meeting made by Commissioner Jones and seconded by Commissioner Clennon. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on December 6, 2018 adjourned at 6:06 p.m.

Respectfully submitted,



Joie Ziller
Deputy City Clerk