



City of Wilmington - 1165 South Water Street - Wilmington, IL 60481

**Agenda – Planning & Zoning Commission  
Wilmington City Hall Council Chamber  
December 7, 2023 at 5:00 p.m.**

1. Call Meeting to Order
2. Roll Call by Clerk  
Bryan Humphries, Chairperson      Chris Smith  
John Tryner                                      Larry Clennon  
Ivana Longest                                      Frank Studer  
Chris Francis
3. Approve the Previous Meeting Minutes
4. Public Hearing to Consider Request by Petitioner Rich Kane, Consolidated Pipe & Supply Company, Inc., for Annexation, Annexation Agreement, Variance from 150.111 to allow crushed stone or gravel surfaces in all yards, and Map Amendment to I2-Light Industrial approximately 4.76 acres of property located at 23920 Stripmine Road, Wilmington, IL 60481 (PIN 03-17-27-300-022-0000)
  - a. Introduction to Petition
  - b. Open Public Hearing
  - c. Verification of Notice & Publication
  - d. City Staff Summary
  - e. Oath Issued
  - f. Petitioner's Presentation
  - g. Commissioner Clarification
  - h. Public Comment
  - i. Petitioner Response
  - j. Close Public Hearing
  - k. Motion to take action
5. Public Hearing to Consider Request by Petitioner Wilmington Fire Protection District for final site plan, conditional use, and variances to a tract of property comprising approximately 1.696 acres of land located at 201 N. Kankakee Street, Wilmington, IL 60481 (PIN 03-17-25-341-001-0000)
  - a. Introduction to Petition
  - b. Open Public Hearing
  - c. Verification of Notice & Publication
  - d. City Staff Summary
  - e. Oath Issued
  - f. Petitioner's Presentation
  - g. Commissioner Clarification
  - h. Public Comment
  - i. Petitioner Response
  - j. Close Public Hearing
  - k. Motion to take action

6. Public Comment (*State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01*)
7. Other Pertinent Information
8. Adjournment

**The next Planning & Zoning meeting is scheduled for January 11, 2024 at 5:00 PM**

**Minutes to the City of Wilmington**  
**Planning and Zoning Commission Meeting**  
**Wilmington City Hall**  
**1165 South Water Street**  
**Thursday, November 2, 2023 at 5:00 PM**

**Call to Order**

The November 2, 2023 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:02 p.m. by Deputy Clerk Ziller

**Appointment of Pro Tem Chairperson**

Commissioner Clennon made the motion and Commissioner Smith seconded to elect Commissioner Tryner as Pro-Tem Chairperson for the November 2, 2023, Planning and Zoning Commission meeting.

Upon roll call, the vote was:

**AYES:**        5    Clennon, Smith, Studer, Francis, Tryner

**NAYS:**        0

**ABSENT:**    2    Humphries, Longest

Motion passed.

**Roll Call**

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

**Commissioners Present**    Clennon, Smith, Tryner, Studer, Francis

**Commissioner Absent**     Humphries, Longest

**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 City Administrator Jeannine Smith, Mayor Ben Dietz and Deputy City Clerk Joie Ziller

**Approve the Previous Meeting Minutes**

Commissioner Studer made a motion and Commissioner Clennon seconded to approve the October 5, 2023 meeting minutes and have them placed on file

Upon roll call, the vote was:

**AYES:**        5    Studer, Clennon, Smith, Francis, Tryner

**NAYS:**        0

**ABSENT:**    2    Humphries, Longest

Motion passed.

**Public Hearing to Consider Request by Petitioner Thomas Outsen for a Map Amendment from B2-Light Commercial to B3-General Commercial for property generally located at 303 E. Baltimore Street in Wilmington, IL (PIN 03-17-25-343-010-0000)**

Administrator Smith briefed the Commission that the owner of Wilmington Autoplex Inc. approached the City with a land use petition to rezone their property from B2 to B3 to allow for

the use of an automotive repair shop and reviewed the staff memo that was included in the agenda packet.

Commissioner Clennon made a motion and Commissioner Smith seconded to open the public hearing at 5:03 PM

Upon roll call, the vote was:

**AYES:** 5 Clennon, Smith, Studer, Francis, Tryner

**NAYS:** 0

**ABSENT:** 2 Humphries, Longest

Motion passed.

Deputy Clerk Ziller verified that the public hearing notice was published on October 18, 2023, two signs were posted at the subject property on October 13, 2023, and notifications were sent via USPS Certified Mail to all adjacent property owners within 250 feet of said property.

Deputy Clerk Ziller administered the oath to Thomas Outsen, the petitioner. Mr. Outsen had no additional comments to make but was present to field any questions.

Staff received an email from Commissioner Longest who had the following concerns:

1. Spaces for each employee
2. Spaces for quick service customers
3. Spaces for automobiles awaiting parts for services
4. Damaged/wrecked automobiles sitting on lot

Mr. Outsen informed the Commission that there is ample parking for employees and customers and doesn't anticipate this being an issue. Mr. Outsen clarified that damaged and or wrecked automobiles will not be stored at the property.

No additional public comments were made related to the public hearing.

Commissioner Smith made a motion and Commissioner Francis seconded to close the public hearing at 5:08 PM

Upon roll call, the vote was:

**AYES:** 5 Smith, Francis, Clennon, Studer, Tryner

**NAYS:** 0

**ABSENT:** 2 Humphries, Longest

Motion passed.

Commissioner Clennon made a motion and Commissioner Studer seconded to recommend to City Council to approve the Petitioner's, Thomas Outsen, request for a Map Amendment from B2-Light Commercial to B3-General Commercial for property generally located at 303 E. Baltimore Street to allow for the use of an automotive repair shop

Upon roll call, the vote was:

**AYES:** 5 Clennon, Studer, Smith, Francis, Tryner

**NAYS:** 0

**ABSENT:** 2 Humphries, Longest

Motion passed.

**Public Comment**

No public comments were made.

**Discussion – Annexation of Properties Along State Route 53**

Bob Koerner, informed the Commission that he would like to annex several properties owned by Joseph & Danielle Brown, Louis & Mary Sue Pogliano, Sr., and Louis Pogliano, Jr. that are all located along State Route 53 into the City proper. Mr. Koerner explained that he currently rents a building on the Brown property and is considering expanding his concrete mixing business which he explained is a small batch (by the yard) operation. The Commissioners expressed some of their concerns such as the properties being in the Claypool Drainage District, maintenance and condition of the roads within the subject area, and an industrial-zoned use near residential-zoned properties.

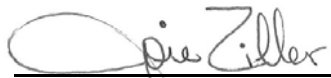
**Other Pertinent Information**

City Administrator Smith informed the Commission that one of the December 7, 2023 agenda items will be a public hearing related to the proposed annexation of Consolidated Pipe on Stripmine Road. Egret & Ox Planning, LLC held their first meeting with the Steering Committee on October 26, 2023 for the Comprehensive City Plan and Master Parks Plan. A public meeting related to the plans will be held on January 31, 2024 at the Wilmington High School. Love’s Travel Stop is to start construction but is awaiting their IDOT permit.

**Adjournment**

A motion to adjourn the meeting was made by Commissioner Studer and seconded by Commissioner Clennon. Upon voice vote, the motion was carried. The Wilmington Planning & Zoning meeting held on November 2, 2023, adjourned at 6:10 p.m.

Respectfully submitted,



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Joie Ziller  
Deputy City Clerk

STATE OF ILLINOIS } Ss.  
 County of Will,

Certificate of the Publisher

**Free Press Newspapers** certifies that it is the publisher of the **The Free Press Advocate**

**The Free Press Advocate** is a secular newspaper, has been continuously published **weekly** for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of Wilmington, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5. A notice, relating to the matter of:

**Planning and Zoning Commission to hold hearing for Consolidated Pipe and Supply Company**

a true copy of which is attached, was published one times in **The Free Press Advocate**, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on **November 22, 2023**, and the last publication of the notice was made in the newspaper dated and published on **November 22, 2023**. This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1. In witness, the Free Press Advocate has signed this certificate by **Eric D. Fisher**, its publisher, at Wilmington, Illinois, on **November 22, 2023**.

**Free Press Newspapers**

By Eric D. Fisher, Publisher  
 Eric D. Fisher

Printer's Fee \$ 57.20

Given under my hand on November 22, 2023

Janet M. Fisher

Janet M. Fisher, Notary Public



*Planning and Zoning Commission to hold hearing for Consolidated Pipe & Supply Company annexation*

**PUBLIC NOTICE**

**Planning and Zoning Commission of the City of Wilmington, IL**

NOTICE IS HEREBY GIVEN that, on December 7, 2023, at 5:00 p.m. a public hearing will be held by the Planning and Zoning Commission of the City of Wilmington at City Hall located at 1165 S. Water Street, Wilmington, IL for the purpose of receiving and considering testimony and public comment on the request of petitioner, Rich Kane, Consolidated Pipe & Supply Company, Inc., for Annexation, Annexation Agreement, Variance from 150.111 to allow crushed stone or gravel surfaces in all yards, and Map Amendment to I2-Light Industrial approximately 4.76 acres of property located at 23920 Stripmine Road, Wilmington, IL 60481 in Wilmington, IL which property is described as follows:

THE SOUTH 8 ACRES OF THE SOUTH 3/4 OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY, ILLINOIS, EXCEPTING THE WEST 277.00 FEET THEREOF.

PIN #03-17-27-300-022-0000

All persons interested in attending are invited to do so and will be given an opportunity to be heard. Additional information on such application can be obtained from the City of Wilmington Clerk's Office at 1165 S. Water Street, Wilmington, IL (815) 476-2175.

Joie Ziller  
 Deputy City Clerk  
 City of Wilmington

Published in the Free Press Advocate on Wednesday, Nov. 22, 2023.

# City of Wilmington Planning and Zoning Staff Report

**SUBJECT:** Petition by Consolidated Pipe & Supply Co., Inc. for Annexation with Map Amendment and Variance Request

**AGENDA ITEM:** 4

**MEETING DATE:** December 7, 2023

**TO:** Honorable Members of the City of Wilmington Planning and Zoning Commission

**FROM:** Jeannine Smith, City Administrator 

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**ACTION REQUESTED:**

Consolidated Pipe & Supply Co., Inc. (Petitioner) approached the City with a land use petition to annex into Wilmington; requesting a map amendment and variances to allow for their existing warehouse & offices. Consolidated Pipe & Supply Co., Inc. is located at 23920 Stripmine Road (PIN 03-17-27-300-022-0000) (see map on following page).

**BACKGROUND:**

Consolidated Pipe & Supply Co., Inc. has been a fixture in “unincorporated Wilmington” for many years. They are also a City Vendor. Recent discussions with Branch Manager Rich Kane revealed an interest in annexation to Wilmington in order to become a bona fide Wilmington business. Subsequently, the City received Petitioner’s request for annexation with a couple of variance requests that will provide for a seamless transition.

Petitioner is requesting a variance from:

- 1) Section 150.111 (D) which states all parking facilities shall have a bituminous or concrete surface except that outdoor storage areas and truck parking areas in any industrial district may have a stone or gravel surface if located in the rear yard **to allow for gravel in all yards;** and
- 2) Section 150.87 (5) that requires walls and fences which enclose outside storage shall be a minimum of eight feet in height and a maximum of 15 feet in height to **allow for a minimum of 6 feet.**

Petitioner is also requesting a map amendment allowing for I-2 Light Industrial Zoning. Consolidated Pipe & Supply Co., Inc. is currently zoned I-1 in Will County which is a similar zoning designation.

Petitioner has properly noticed the public in the Free Press Advocate on Wednesday, November 22, 2023.

**PETITIONER’S NARRATIVE:**

The Petitioner is proposing annexation into Wilmington for the continued use of their wholesale pipe, valve & fitting office, warehouse and distribution business. They are planning an expansion to include an additional metal framed cold storage warehouse upon annexation. They are currently zoned I-1 Low-Impact Industrial in the County and are requesting a map amendment to I-2 Light Industrial in Wilmington. Petitioner is also requesting a variance from Section 150.111 (D) which states all parking facilities shall have a bituminous or concrete surface except that outdoor storage areas and truck parking areas in any industrial district may have a stone or gravel surface if located in the rear yard as well as Section 150.87 (5) that requires walls and fences which enclose outside storage shall be a minimum of eight feet in height and a maximum of 15 feet in height.

**DISCUSSION:**

Picture of area slated for development and adjacent uses:



Source: maps.google.com

Properties abutting the proposed development consist of the following zoning districts (see zoning map):

- North            \*I-1: Low Impact Industrial
- South            A1: Agriculture
- West             \*I-1: Low Impact Industrial
- East             \*I-1: Low Impact Industrial

*\*County I-1 district.* The I-1 district is primarily intended to accommodate low-impact industrial uses and industrial park developments that have very limited adverse visual and operational impacts.



**FINDINGS OF FACT:**

The Planning and Zoning Commission (PZC) shall make recommendation and provide findings of fact to the city council.

**Standards for map amendments**

The PZC shall make findings and recommendations based upon the evidence presented to it in each specific case that:

- (1) The proposed rezoning conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development;
- (2) The proposed rezoning conforms to the intent and purpose of this chapter;
- (3) The proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses; and
- (4) Adequate public facilities and services exist or can be provided.

**Standards for variances**

The PZC shall make findings and recommendations that adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgement of the PZC, a variation is permitted because the evidence sustained the existence of each of the four conditions as follows:

- (a) Reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship;
- (b) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;
- (c) The plight of the owner is due to unique circumstances; and
- (d) The variation, if granted, will not alter the essential character of the locality.

**STAFF RECOMMENDATION:**

**Staff is supportive of this petitioner's request and respectfully requests the Planning and Zoning Commission make a positive recommendation to the City Council to annex Consolidated Pipe & Supply Co., Inc allowing for a map amendment of I-1 Light Industrial and parking lot and fence variances as presented.**



Planning and Zoning Application Form

Received JUN 26 2023 City of Wilmington

Application Request(s)

Check all that apply.

- Annexation, Concept Site Plan, Map Amendment, PUD-Special Use Permit, Preliminary Plat, Final Site Plan, Text Amendment, Final Plat, Variance, Conditional Use Permit

The undersigned applicant(s) request(s) the corporate authorities of the City of Wilmington to approve the following application for the above checked item(s) in the City of Wilmington and in support of the said application, state(s) as follows:

Property and Request Information

23920 STRIPMINE RD, WILMINGTON, IL
Address of Request

CONSOLIDATED PIPE & SUPPLY 03-17-27-300-022-0000
Project Name PIN

STRIPMINE RD & RTE 129 4.76 ACRES
General Location Property Size

Present Zoning Previous Zoning
WHOLESALE PVF WHOLESALE PVF
Present Land Use Proposed Land Use

Reason for Request/Description of Request: ANNEXATION

Building Permit Submitted? Yes No If yes, for what:

Complete the following Development information if applicable:

Development/Subdivision Name: N/A

Type of Development: Residential Commercial Industrial Institutional

Number of Units/Lots (if applicable)

Buildings/Improvements on Property to Remain or be Removed? (describe): EXISTING WAREHOUSE & OFFICES WITH OUTSIDE WYDOWN YARD. NEAR FUTURE ADD OF COLD STORAGE METAL FRAMED ADD'L WAREHOUSE BLDG TO BE APPLIED FOR PERMITTING AFTER ANNEXATION.

Floodplain in areas present on the property?  Yes  No

Professional Fee Agreement Submitted?  Yes  No

**Applicant Information**

**Applicant/Developer**

Owner  Contract Purchaser  Lessee  Agent For:

RICH KANE  
Primary Contact

CONSOLIDATED PIPE & SUPPLY  
Business Name

23920 STRIPMINE RD, WILMINGTON, IL 60481  
Address (City, State, Zip)

RICH.KANE@CPSPIPE.COM  
Email

815-476-5266  
Phone

815-476-5765  
Fax

**Property Owner (if different than applicant)**

Name ~~NA~~

Email

Address (City, State, Zip)

Phone

Fax

**Project Team Attorney**

Name ~~NA~~

Business Name

Address (City, State, Zip)

Email

Phone

Fax

**Engineer**

Name ~~NA~~

Business Name

Address (City, State, Zip)

Email

Phone

Fax

**Project Team (Continued)**  
**Planning/Landscape Architect Consultant**

Name _____	Business Name _____
Address (City, State, Zip) _____	
Email _____	Phone _____
Fax _____	

**Submitted Materials Required**

- Legal Description of Property (Hard Copy)
- Legal Description of Property (Emailed Copy)
- Disclosure of Beneficiaries Form - completed
- Non- Refundable Fees (all that apply)
  - Annexation: \$ 500
  - Preliminary Plat: \$ \_\_\_\_\_
  - Final Plat: \$ \_\_\_\_\_
  - Concept Site Plan: \$ \_\_\_\_\_
  - Final Site Plan: \$ \_\_\_\_\_
  - Variance: \$ \_\_\_\_\_
  - Map Amendment: \$ —
  - Text Amendment: \$ \_\_\_\_\_
  - Conditional Use Permit: \$ \_\_\_\_\_
  - PUD-Special Use Permit: \$ \_\_\_\_\_

Amendment request(s) fees are the same as listed above.

- Variance, Special Use Permit and/or PUD Supplement(s)
- Plat of Survey, to scale and current
- For Variation(s): Marked up Plat of Survey illustrating variation(s)
- Any specific information which may help in the review and approval process

Applicable for new development only:

- Four (4) full-size, folded, collated copies of all applicable plans including but not limited to the following:  
Site Plan with Complete Site Data, Preliminary/Final Plats, Architectural Elevations (Color and Black-Line)  
Signs, Photometric Plan with Lighting Specifications, Tree Survey, Landscape Plan
- One (1) copy of the proposed covenants and restrictions
- A detailed description of business, proposed hours of operation, number of employees

**Applicant Signatures**

The undersigned below hereby certifies that he/she is the owner of the described property and has authorized an agent, which both agree to abide by all ordinances, regulations, and codes of the City of Wilmington as are in full force and effect on the date of the consideration of this application by the Corporate Authorities. The owner or applicant(s) also agree(s) to pay any and all fees, costs, and expenses of the City of Wilmington, including professional fees that are necessary and required to act on this application.

Project Name

CONSOLIDATED PIPE & SUPPLY

Owner's Name

R. K. ...

Owner's Signature

Applicant's Name, if different than owner

Applicant's Signature

23920 STRIPMINE RD., WILMINGTON, IL 60418

Address (City, State, Zip)

5/15/23

Date

**Staff Use Only**

46, 150, 150.40, 150.13, 14, 18

Applicable Code Sections

Commercial

Comprehensive Plan

Zoning of Adjacent Properties: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

06-26-2023

Date Professional Fee Agreement was signed

Applicant's Name, if different than owner

06/26/2023

Submittal Date

J. Smith

Received By

23920 Stripmine Rd

Address (City, State, Zip)

\$ 500

Payment Amount

check # 2775

Payment Type

06/26/2023

Payment Date



DISCLOSURE OF BENEFICIARIES

1. PETITIONER:

RICH KANE
Name

CONSOLIDATED PIPE & SUPPLY
Business Name

23920 STRIPMINE RD, WILMINGTON, IL 60481
Address (City, State, Zip)

RICH.KANE@CPSPIPE.COM
Email

815-476-5246
Phone

2. NATURE OF BENEFIT SOUGHT: ANNEXATION

3. NATURE OF APPLICANT

- checkboxes for Natural Person, Partnership, Corporation, Joint Venture, Land Trust/ Trustee, Limited Liability Company, Trust/Trustee

4. If the applicant is an entity other than described in Section 3, please state the nature and characteristics of the applicant:

5. If your answer to Section 3 is anything other than (a) please identify every owner and beneficiary having any interest, real or personal, in such property, and every member, shareholder, limited partner, or general partner entitled to receive more than 7.5% of the total distributable income of any limited liability company, corporation, or limited partnership having interest in the property.

Table with columns: NAME, ADDRESS, INTEREST. Row a, b, c, d. Row b contains 'NA'.

NOTE: If your answer to Section 5 identifies an entity other than a natural person, then the same disclosure must be made for each entity.

6. PERSON MAKING THE DISCLOSURE ON BEHALF OF THE PETITIONER:

RICH KANE  
Name

BRANCH MANAGER  
Capacity

Address (City, State, Zip)

Email

Phone

VERIFICATION

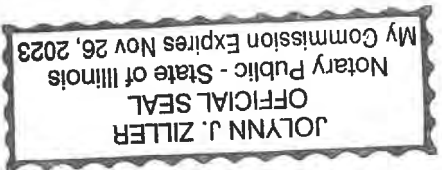
I, RICH KANE, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained herein are true in both substance and fact. I, RICH KANE, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure.

BY: RICH KANE  
Signature

RICH KANE  
Printed Name

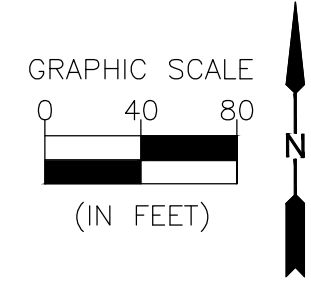
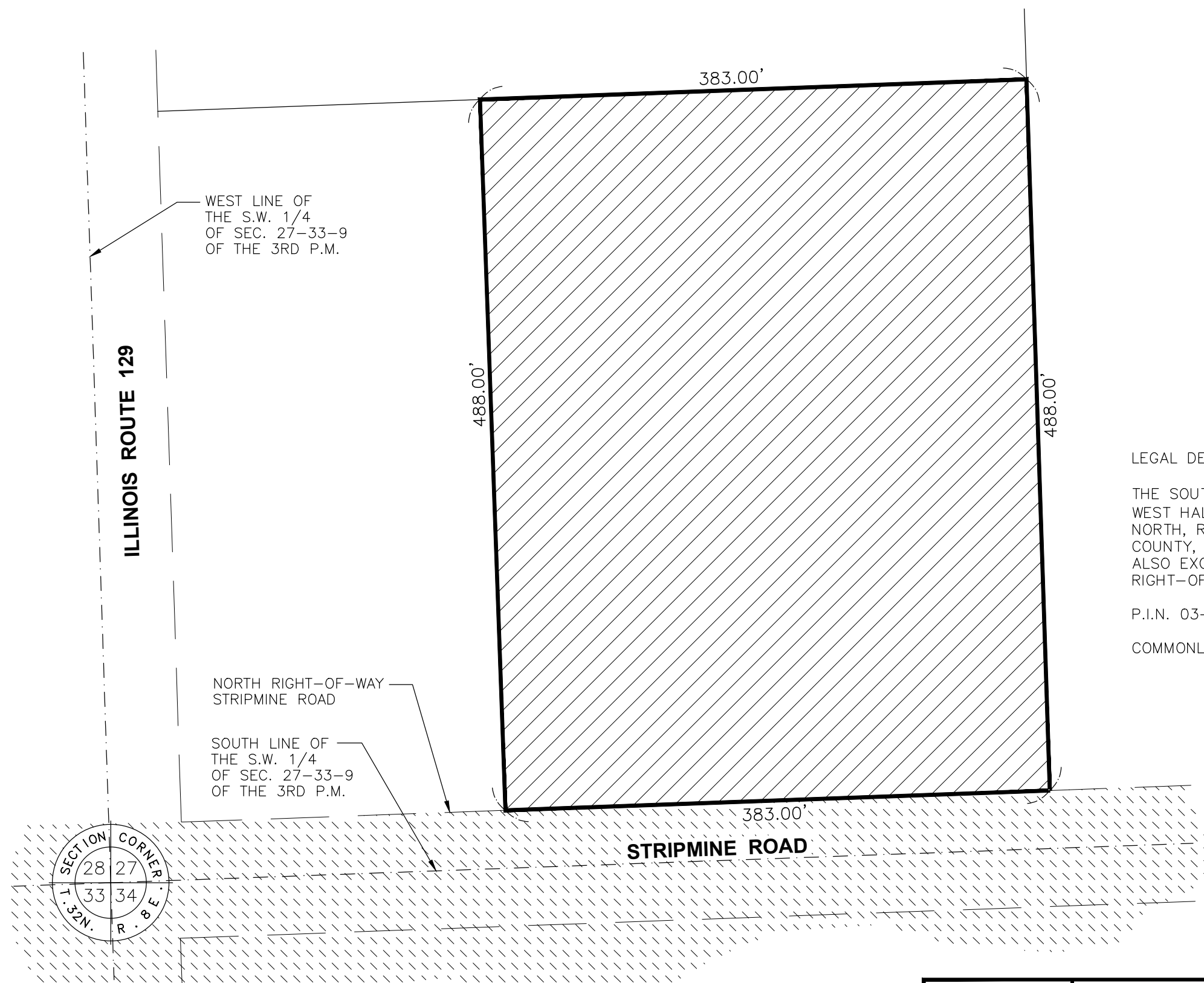
Signed and sworn to before me this  
26 day of June, 2023.

[Signature]  
NOTARY PUBLIC



(Seal)

CHAMLIN & ASSOCIATES, INC. © 2021  
 Drawing Name: H:\A\JOB\444011-10 WILMINGTON CONSOLIDATED PIPE ANNEX & EASEMENT\CAD\ANNEX-23920 STRIPMINE ROAD.dwg Last Modified: Oct 19, 2023 - 4:06pm Plotted on: Oct 19, 2023 - 4:07pm by nickt



**LEGEND**

	AREA WITHIN EXISTING CITY CORPORATE LIMITS
	PROPERTY TO BE ANNEXED
	SECTION LINE
	EXISTING RIGHT-OF-WAY

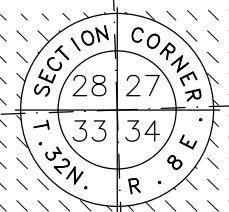
**LEGAL DESCRIPTION**

THE SOUTH 8 ACRES OF THE SOUTH 3/4 OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY, ILLINOIS, EXCEPTING THE WEST 277.00 FEET THEREOF AND ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE RIGHT-OF-WAY OF STRIPMINE ROAD.

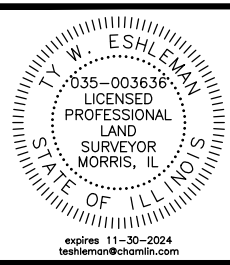
P.I.N. 03-17-27-300-022

COMMONLY KNOWN AS: 23920 STRIPMINE ROAD, WILMINGTON, IL 60481

I, TY W. ESHLEMAN, HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED UNDER MY DIRECTION  
*Ty Eshleman*  
 IL. PLS NO. 035-003636 DATE 10-17-23  
 LICENSE EXPIRES 11/30/2024



Professional Design Firm  
 License No. 184-001717



REVISIONS

CONSOLIDATED PIPE & SUPPLY		
PART OF THE S.W. 1/4 OF SEC. 27-33-9, 3RD P.M. CITY OF WILMINGTON, WILL COUNTY, ILLINOIS		
DRAWN BY: NET	SURVEYED BY:	SHEET NUMBER:
SCALE: AS NOTED	DATE: 10/19/23	1 OF 1
<b>ANNEXATION PLAT</b>		FILE NUMBER: <b>14917</b>
		JOB NUMBER: 44011-10

**Chamlin and Assoc., Inc.**





Map Amendment Application Supplement City of Wilmington

Applicant's Name: CONSOLIDATED PIPE & SUPPLY Date: 5/15/23

Address (City, State, Zip): 23920 STRIPMINE RD, WILMINGTON IL

Request: ~~GENERAL COMMERCIAL~~ I2 Light Industrial

Provide justification as to how the request meets the following Standards for Approval as set forth in the City of Wilmington Municipal Code. Additional sheets may be attached, if necessary.

Chapter 150.14 of the Wilmington Code of Ordinances provides that for a requested Map Amendment, the Planning and Zoning Commission shall provide findings of fact setting forth the reasons for the recommendation, and the findings shall set forth with particularity the following:

- (a) Proposed use of the property that warrants this application for a map amendment: CONTINUED USE OF EXISTING WHOLESALE PIPE, VALVES & FITTINGS WAREHOUSE & DISTRIBUTION
(b) If the proposed map amendment is approved, what improvements of construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements): A BUILDING PERMIT WILL BE APPLIED FOR ADDITION OF (1) WAREHOUSE STRUCTURE, DETACHED BEHIND EXISTING BUILDING.
(c) Identify the existing uses of the properties within the general area of the property in question: RETAIL BAR, CONSTRUCTION COMPANY, SPORTSMAN CLUB, FABRICATION

(d) Identify the existing zoning classification of the properties within the general area of the property in question

GENERAL COMMERCIAL & LIGHT/HEAVY INDUSTRIAL

(e) Describe how the proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses. Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.

INLINE WITH CITY'S PROPOSED USE

(f) Describe how the subject property cannot be reasonably used for any of the uses currently permitted under its current zoning classification. (Physical and market conditions may be considered.)

EXISTING USE FOR PREVIOUS 23 YEARS

(g) Does the property have appropriate public facilities, such as sewer, water and roads, and other required services?

YES

(h) Describe how the proposed rezoning conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development.

CONFORMS TO SURROUNDING EXISTING & PLANNED ZONING

(i) Describe how the proposed rezoning conforms to the intent and purpose of this chapter.

(j) The potential benefits and detriments of the proposed zoning change to the public health, safety and welfare;

NO DETRIMENTS

(k) The extent to which the proposed amendment is in compliance with and/or deviates from the adopted comprehensive plan;

~~FULL COMPLIANCE~~

(l) The suitability of the property in question for the uses permitted under the proposed zoning;

EXISTING & HISTORICAL USE



PLANNING AND ZONING COMMISSION  
PETITION FOR MAP AMENDMENT

(1) The proposed rezoning conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development.

Yes    No   Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) The proposed rezoning conforms to the intent and purpose of Chapter 150 of the City of Wilmington's Code of Ordinances.

Yes    No   Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) The proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses.

Yes    No   Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Adequate public facilities and services exist or can be provided.

Yes    No   Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Required Public Notices**

Unless otherwise confirmed below by acknowledgment of intent to complete notices, the City of Wilmington will complete all ordinance required public notice postings no less than 15 days and no more than 30 days prior to the scheduled public hearing. Such notices include the following:

- City shall provide and applicant shall post a sign on the subject property;
- Public Notice in a newspaper of general circulation;
- Written notice with certified return receipt to the owner of the record, as shown on the record of the local real estate tax collector, of all lots lying within 250 feet, exclusive of right-of-ways, of the property line for which the request is sought.

**Only if Petitioner chooses to complete written notices.** As the petitioner, I would like to complete the required written notices and take full responsibility for the accuracy and timeliness of said notices. Prior to mailing said notices I will confirm with City staff the ordinance required content of the letters, method of sending letters, and required affidavit of notice.

X \_\_\_\_\_  
Applicant's Signature

STATE OF ILLINOIS	)
	) SS.
COUNTY OF WILL	)
The undersigned hereby authorizes the filing of the aforesaid request and understands that the owner or an authorized agent must be present at the public hearing to present the request to the Plan Commission.	
<p>X <u>Rana Kaur</u> OWNER or APPLICANT'S SIGNATURE</p>	<p>NOTARY PUBLIC: Sign: <u>Jolynn J. Ziller</u></p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>JOLYNN J. ZILLER OFFICIAL SEAL Notary Public - State of Illinois My Commission Expires <u>NOV 26, 2023</u></p> </div>
<p>SUBSCRIBED AND SWORN to before me this <u>26</u> day of <u>June</u>, 2023, and who has provided the proper identification and who did take an oath.</p>	



**Variance Application Supplement**

Consolidated Pipe & Supply Co., Inc. 09/12/2023  
Applicant's Name Date  
23920 Stripmine Rd, Wilmington, IL 60481  
Address (City, State, Zip)  
Gravel Parking Lot / existing side fence 6' height  
Request

Provide justification as to how the request meets the following Standards for Approval as set forth in the City of Wilmington Municipal Code. Additional sheets may be attached, if necessary.

Chapter 150.12 of the Wilmington Code of Ordinances provides that for a requested Variance, the Planning and Zoning Commission shall provide findings of fact setting forth the reasons for the recommendation, and the findings shall set forth with particularity the following:

<p>(a) Describe the reason for the request</p> <p>Retain existing lot and parking of gravel/stone in lieu of pavement/concrete.</p> <p>Roadside fence height meets min 8' requirement, however existing side and rear fence height is 6'.</p>
<p>(b) Describe the proposed use</p> <p>Existing and continued use of warehousing and distribution of wholesale Pipe, Valves and Fittings (PVF).</p>
<p>(c) How will the proposed variance impact existing and future land use?</p> <p>No impact, as existing use and future use will remain the same.</p>

<p>(d) How will the proposed variance impact adjacent property values?  No impact</p>
<p>(e) Will the variance negatively impact the general public health, safety, and welfare:  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No  Explanation:</p>
<p>(f) Will the variance conflict with existing conditions or public improvements such as schools, sewer/water systems, parks, roads, traffic patterns, etc.:  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No  Explanation:</p>
<p>(g) Describe reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship  Existing use in county jurisdiction. Financial expenditures required for installation and maintenance of hard surface lot &amp; parking adequate enough for heavy truck traffic, as well as replacing side and rear fence of 6' to meet 8' requirement.</p>
<p>(h) Describe how the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;  Financial expenditures required for installation and maintenance in lieu of continued gravel use would exceed our expenditures to remain profitable at the current location.</p>
<p>(i) Describe how the plight of the owner is due to unique circumstances;  The additional expenses required would not increase our business or make our business more efficient in any way. If required, we would have to remain in county jurisdiction to maintain profitable.</p>
<p>(j) Describe how the variation, if granted, will not alter the essential character of the locality.  There will be no impact as the property will continue as it's existing use and appearance.</p>



PLANNING AND ZONING COMMISSION  
PETITION FOR VARIANCE

(1) Strict enforcement of the code would involve practical difficulties or impose exceptional hardship;

Yes  No Explanation: \_\_\_\_\_

\_\_\_\_\_

(2) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;

Yes  No Explanation: \_\_\_\_\_

\_\_\_\_\_

(3) The plight of the owner is due to unique circumstances;

Yes  No Explanation: \_\_\_\_\_

\_\_\_\_\_

(4) The variation, if granted, will not alter the essential character of the locality. Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgment of the PZC, a variation is permitted because the evidence sustained the existence of each of the above four conditions.

Yes  No Explanation: \_\_\_\_\_

\_\_\_\_\_



**ORDINANCE NO. DRAFT**

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF WILMINGTON AND CONSOLIDATED PIPE & SUPPLY COMPANY, INC., APPROVING A MAP AMENDMENT TO BE ZONED AS I2-LIGHT INDUSTRIAL DISTRICT, AND APPROVING A VARIANCE FOR APPROXIMATELY 4.76 ACRES TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS (23920 STRIPMINE ROAD, WILMINGTON, IL 60481 AFFECTED PIN NO: 03-17-27-300-022-0000)**

**WHEREAS**, a written petition, signed by Consolidated Pipe & Supply Company, Inc. (hereinafter “Owner”), the legal fee title owners of record of land within the territory legally described in Exhibit A to Exhibit 1 and portrayed in the Plat of Annexation in Exhibit B to Exhibit 1 (hereinafter described as “Subject Property”), was been filed with the City Clerk and is requesting that the Subject Property be annexed to the City of Wilmington and requesting that the Annexing Property be designated as I2-Light Industrial District with a variance from Section 150.111 of the City of Wilmington Code of Ordinances (hereinafter the “Code”) to allow crushed stone or gravel surfaces in all yards ;

**WHEREAS**, the Owner is ready, willing, and able to enter into the Annexation Agreement attached hereto as Exhibit 1 (hereinafter referred to as the “Agreement”) and to perform the obligations as required hereunder; and

**WHEREAS**, there are no electors residing in Subject Property; and

**WHEREAS**, the said Subject Property is territory not located within the corporate limits of any municipality, but is contiguous to the City of Wilmington; and

**WHEREAS**, legal notices regarding the intention of the City to annex said territory have been sent to all public bodies required to receive such notice by state statute; and,

**WHEREAS**, copies of such notices required to be recorded, if any, have been recorded in the Office of the Recorder of Will County; and,

**WHEREAS**, the statutory procedures provided in Section 11-15.1-1 of the Illinois Municipal Code (65 ILCS 5/11-15.1-1) for the execution of the annexation agreement have been fully complied with; and

**WHEREAS**, Owner and the City of Wilmington entered into a valid and binding Annexation Agreement attached hereto as Exhibit 1; and

**WHEREAS**, all petitions, documents and other necessary legal requirements are in compliance with the terms of the Annexation Agreement and with the statutes of the State of Illinois, specifically Section 7-1-8 of the Illinois Municipal Code (65 ILCS 5/7-1-8); and

**WHEREAS**, pursuant to notice required by law, the City of Wilmington Planning and Zoning Commission held a public hearing on the annexation agreement, map amendment, and variance, made findings of fact as required by law, and recommend City Council to approve such agreement, map amendment, and variance; and

**WHEREAS**, pursuant to notice required by law, the City of Wilmington Clerk mailed certain notices 10 days prior to a hearing on the annexation agreement held by the City of Wilmington City Council, and City Council then held such public hearing; and

**WHEREAS**, City Council finds that the requisite findings of fact are satisfied and that it is in the best interest of the City of Wilmington to annex the Subject Property to the City of Wilmington, approve a map amendment to Subject Property to be zoned as an I2-Light Industrial District, and approve a variance pursuant to the terms in substantially the same form as stated in the Annexation Agreement attached hereto and as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

**SECTION 1. INCORPORATION OF RECITALS**

The above recitals and all exhibits referred to in this Ordinance are incorporated herein.

**SECTION 2. ANNEXATION**

The territory described in Exhibit A to Exhibit 1 and portrayed in Exhibit B to Exhibit 1 attached hereto and incorporated herein together with adjacent road rights of way is hereby annexed to the City of Wilmington, an Illinois Municipal Corporation, Will County, Illinois. An accurate plat of annexation of the territory is attached hereto in Exhibit B to Exhibit 1.

**SECTION 3: ANNEXION AGREEMENT**

The Annexation Agreement in substantially the form of Exhibit 1 is hereby approved, and the Mayor and Deputy City Clerk are hereby authorized and directed to execute the Annexation Agreement on behalf of the City.

**SECTION 4: MAP AMENDMENT TO B-3 GENERAL COMMERCIAL DISTRICT AND VARIANCE**

That the requested map amendment to the territory described as Subject Property in Exhibit A to Exhibit 1 and portrayed in Exhibit B to Exhibit 1 is hereby granted as provided in the Annexation Agreement, subject to the following conditions:

1. Subject Property, as described in Exhibit A to Exhibit 1, is hereby designated as a I2-Light Industrial District, as presently defined in the Wilmington Code of Ordinances with a copy of such regulations attached hereto and incorporated hereto as Exhibit C to Exhibit 1, and is hereby granted a variance from Section 150.111 to allow crushed stone or gravel surfaces in all yards.

2. Except as provided in Annexation Agreement (“the Agreement”) attached hereto as Exhibit 1 or this Ordinance, the Petitioner shall fully comply with all other I2-Light Industrial Districts regulations and other applicable City Ordinances.

**SECTION 5. ANNEXATION TO BE RECORDED AND FILED**

The City Clerk shall record with the Office of the Will County Recorder of Deeds and file with the Will County Clerk a certified copy of this Ordinance together with exhibits showing an accurate map of the territory annexed within the time required by law.

**SECTION 6: CLERK TO NOTIFY ENTITIES**

Within thirty (30) days after this Ordinance is passed, the City Clerk shall notify in writing by certified mail the Will County election authorities and the post office branch serving the territory.

**SECTION 7: OWNER TO RECORD WITH THE WILL COUNTY RECORDER**

The Owner shall hereafter record this Ordinance including the Annexation Agreement, Plat of Annexation, and related agreements and documents in the Office of the Will County Recorder.

**SECTION 8: SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**SECTION 9: REPEALER**

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

**SECTION 10: EFFECTIVE DATE**

This Ordinance shall be in full force and effect thirty (30) days from and after its passage, approval and publication as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023 with \_\_\_\_ members voting aye, \_\_\_\_ members voting nay, the Mayor voting \_\_\_\_\_, with \_\_\_\_ members abstaining or passing and said vote being:

Kevin Kirwin	_____	Ryan Jeffries	_____
Dennis Vice	_____	Ryan Knight	_____
Leslie Allred	_____	Jonathan Mietzner	_____
Todd Holmes	_____	Thomas Smith	_____

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Ben Dietz, Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk

**EXHIBIT 1**  
**ANNEXATION AGREEMENT**

**ANNEXATION AGREEMENT**  
**BETWEEN THE CITY OF WILMINGTON**  
**AND CONSOLIDATED PIPE & SUPPLY COMPANY, INC.**

This Annexation Agreement (the "Agreement") is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of Wilmington, an Illinois municipal corporation located in Will and Grundy Counties, Illinois (the "CITY"), and Consolidated Pipe & Supply Company, Inc. (the "OWNER").

WITNESSETH

WHEREAS, the Owner represents that it is the sole record fee title owner of certain property free of liens, mortgages or encumbrances consisting of approximately 4.76 acres of land commonly and legally described in Exhibit A attached hereto and portrayed in the Plat of Annexation attached as Exhibit B which by reference both are incorporated in this Agreement (hereinafter referred to as "Subject Property");

WHEREAS, the Subject Property is contiguous to the City and not within the existing territorial limits of any municipality and constitutes territory which may be annexed to the City as provided by Article 7 of the Illinois Municipal Code (65 ILCS 5/7-1-1 et. seq.);

WHEREAS, Owner desires to have the Subject Property annexed to the City upon certain terms and conditions as hereinafter set forth; and

WHEREAS, Subject Property is already improved with a warehouse and offices, and an outside laydown yard;

WHEREAS, subject to the Owner and City entering into an annexation agreement, the Owner submitted a Petition to Annex the Subject Property into the City of Wilmington and for a map amendment for the Subject Property to be a I2-Light Industrial District zoning classification under the City's Zoning Ordinance Section 150.64 and a variance from Section 150.111 to allow crushed stone or gravel surfaces in all yards pursuant to the terms and conditions as hereinafter set forth;

WHEREAS, after Publication and Notice as required by law, the City Planning and Zoning Commission conducted a Public Hearing on the Owner's requested zoning and a variance for the Subject Property. After making required Findings of Fact, the City Planning and Zoning Commission has recommended that the Subject Property be re-zoned to I2-Light Industrial District under the City Zoning Ordinance, a copy of which is attached hereto as Exhibit C and by reference incorporated, with the requested variance;

WHEREAS, the OWNER has executed or will execute all petitions and other documents that are necessary or convenient to accomplish the annexation, map amendment, and conditional use for the Subject Property;

WHEREAS, pursuant to the provisions of Section 11-15.1-1 *et. seq.* of the Illinois Municipal Code (65 ILCS 5/11-15.1-1 *et. seq.*), an Annexation Agreement in substance and in form substantially the same as this Agreement was submitted to the Corporate Authorities and upon publication and notice required by law a public hearing was held regarding this Agreement by the City's corporate authorities on December 19, 2023;

WHEREAS, the Corporate Authorities have received and considered the recommendations of the Planning and Zoning Commission for the rezoning and variance of the Subject Property according to the terms of this Agreement;

WHEREAS, the Corporate Authorities, after due and careful consideration, have concluded that annexing the Subject Property into the City, according to the terms and conditions set forth in this Agreement, will further the growth of the City, enable the City to control the development of the area, increase the taxable value of the property within the City, extend the corporate limits and jurisdiction of the City, permit the sound planning and development of the City and otherwise enhance and promote the general welfare of the City; and

WHEREAS, the Corporate Authorities of the City, after due deliberation, have, by Ordinance, duly passed and approved entering into of this Annexation Agreement, approved annexing the Subject Property, approved the map amendment to zone the Subject Property as an I-2 Light Industrial Zoning District under the City's Zoning Ordinance, and approve a I2-Light Industrial District zoning classification under the City's Zoning Ordinance Section 150.64 and a variance from 150.111 to allow crushed stone or gravel surfaces in all yards as provided in this Agreement, and directed the Mayor and Clerk of the CITY to execute this Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants, promises, and agreements hereinafter set forth, the parties agree as follows:

Section 1: Incorporation of Preamble and Recitals

The above recitals and all exhibits referred to in this Agreement are incorporated herein.

Section 2: Annexation

- 2.1 Applicable Law. This Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 *et. seq.* and Section 7-1-1 *et. seq.* of the Illinois Municipal Code.
- 2.2 Annexation Petition. Owner has filed with the Deputy City Clerk a proper Petition for Annexation (the "Petition") to annex the Property (along with adjacent rights-of-way) to the City pursuant to and in accordance with the provisions of Section 7-1-8 of the Illinois Municipal Code, contingent, however, upon (i) the execution of this Agreement and

compliance with the terms contained herein.

- 2.3 Enactment of Annexation Ordinance. The Corporate Authorities shall enact an Ordinance (the “Annexation Ordinance”) annexing the Subject Property (along with adjacent rights-of-way) to the City within thirty (30) days of the execution of this Annexation Agreement. Prior to such annexation, the Owner shall provide to the City a Plat of Annexation. Certified copies of the Annexation Ordinance, along with copies of the Plat of Annexation, shall be promptly recorded by the City with the Will County Recorder’s Office and filed with the Clerk of Will County after their passage and approval.

### Section 3: Zoning

- 3.1 Concurrently with the enactment of the Annexation Ordinance, the Corporate Authorities shall adopt an Ordinance granting a map amendment to Subject Property to an I2-Light Industrial District zoning classification under the City’s Zoning Ordinance Section 150.64 and a variance from Section 150.111 to allow crushed stone or gravel surfaces in all yards (the “Zoning Ordinance”), and all other necessary zoning approvals (collectively referred to as the “Zoning Ordinances”).
- 3.2 Except as provided in this Agreement, the Owner shall fully comply with all other I-2 Light Industrial Zoning District regulations and other applicable City Ordinances.

### Section 4: Utility Connections and Waiver of Certain Fees

After entering into this Agreement, the City agrees to extend water and/or sanitary sewer extension lines from the City’s water and/or sanitary sewer mains, when it is convenient for the City to do so, to service Subject Property. Once the City extends its water and/or sanitary sewer lines to the right of way adjacent Subject Property, the Owner shall then be responsible for installing and connecting to the City’s water and/or sanitary sewer lines to service Subject Property. All water and sewer distribution system appurtenances shall be installed in accordance with the City’s ordinances and design standards in force at the time of construction. Liability and Risk Insurance. Prior to commencement of any Public Improvements the Owner (or the Owner’s contractor) shall procure and deliver to the City, at the Owner’s (or such contractor’s) cost and expense, and shall maintain in full force and effect until each and every obligation of Owner contained herein has been fully paid, or performed, a policy or policies of comprehensive liability insurance and during any period of construction, contractor’s liability insurance, if applicable and worker’s compensation insurance, with liability coverage under the comprehensive liability insurance to be not less than Two Million Dollars (\$2,000,000) each occurrence and Five Million Dollars (\$5,000,000) total, all such policies to be in such form and issued by such companies as shall be reasonably acceptable by the City to protect the City and Owner against any liability incidental to the use of or resulting from any claim for injury or damage occurring in or about the Project or the improvements or the construction and improvement thereof. Each such policy shall, except the Worker’s Compensation, name the City together with its officials, officers, agents, consultants, and employees a primary, non-contributory additional insureds and shall contain an affirmative statement by the insurer that it will give written notice to the City at least thirty (30) days prior to any cancellation or amendment of its policy. All policies shall be written on an



occurrence basis. This insurance requirement shall terminate when the Public Redevelopment Projects have been completed by the Owner and accepted by the City.

Section 5: Development Provisions

- 5.1 Continuation of Current Uses. Notwithstanding any other provisions of the City of Wilmington Code of Ordinances or this Agreement, the current use of all or any part of the Subject Property may continue on during the life of this Agreement and thereafter as permitted by law.
- 5.2 Ordinance and Building Code Amendments. Unless specifically set forth in this Agreement or the Zoning Ordinance, the Property shall be developed, constructed, and maintained in conformance with the ordinances of the City as from time to time adopted or amended.
- 5.3 Professional Service Fees. Owner agrees to reimburse the City for all professional fees, including but not limited to attorney's fees, engineering fees, consultant fees, and any other actual costs incurred to prepare the agreements, plans, and development-related preparation of this Project.
- 5.4 Landscaping. All landscaping and fencing, if any, on the Project will be completed prior to issuance of an occupancy permit. The Landscaping shall comply with a Landscape Plan that shall be provided to and approved by the City prior to completion.
- 5.5 City Utility Easement. The owner agrees to grant the City an easement as set forth in Exhibit D.

Section 6: Indemnification.

To the extent permitted by law, the Owner, for itself, its successors, and assigns (use of the term "Owner" herein includes successor and assigns), agrees to indemnify, defend and hold the City, together with its past, present and future officials, officers, agents, consultants, and employees, harmless from and against any losses, costs, damages, liabilities, claims, suits, actions, causes of action and expenses (including without limitation reasonable attorneys' fees and court costs) suffered or incurred by the City which is caused as a direct result of (i) the Owner's failure to substantially comply with any of the terms, covenants or conditions of this Agreement or (ii) any claim or cause of action for injury or damage brought by a third party arising out of the construction or operation of the Project by the Owner or (iii) any Third Party challenge to this Agreement or any action taken by the City as a result of this Agreement. The provisions of this Section shall not apply to a loss that arises out of the negligent action or intentional misconduct on the part of the City. Notwithstanding the foregoing, in no event shall Owner be liable for any punitive, consequential, special, indirect, incidental, and/or exemplary damages and/or lost profits, and the City agrees not to make any claim or demand for such damages and/or lost profits against Owner.

#### Section 7: Attorney's Fees and Costs

If the City seeks court enforcement for any provision of this Agreement, the Owner shall be liable to the City for court costs, fees, and expenses including but not limited to administrative costs, court filing fees, attorney's fees, and expert witness costs.

#### Section 8: Application of Ordinances

Except as provided in this Agreement, all ordinances of the City as amended and supplemented from time to time, insofar as they apply to the Subject Property, shall be in effect and enforceable during the effective term of this agreement; provided that the same are applied in a uniform manner throughout the City.

If in interpreting this Agreement or considering matters affecting the Subject Property, a conflict arises or exists between City ordinances or regulations and this Agreement, this Agreement shall control. Such conflicting ordinances or regulations of the City shall, insofar as it conflicts with this Agreement and apply to the uses and operations of the Property which are provided for in this Agreement, or limit the rights granted to Owner or increase the obligations of Owner over those contained in this Agreement, be deemed of no force and effect. The parties intend that the Owner shall comply with those ordinances of the City which do not directly conflict with this Agreement. In the event any action is brought to enforce any term, condition, or provision of this Agreement, the prevailing party shall be paid its reasonable legal fees and expenses and court costs by the other party as awarded by the Court.

#### Section 9: Default.

In the event any party defaults in its performance of its obligations as set forth in this Agreement, then the non-defaulting party shall give written notice to the defaulting party setting forth the alleged default in detail. The defaulting party shall have 60 days thereafter to cure the default or provide evidence that such default shall be cured in a timely manner if it cannot be cured during the said period. In the event that the defaulting party disputes the existence of the default set forth in such notice or fails to so cure the default or to provide evidence that such default shall be cured in a timely manner, then following the expiration of said 60-day period, the non-defaulting party may seek to enforce this Agreement in any Court of competent jurisdiction in Will County Illinois by an appropriate action at law or in equity.

#### Section 10: Cooperation

The parties will cooperate to effectuate the terms and conditions of this Agreement.

#### Section 11: Counter Parts

This agreement may be executed in a number of identical counterparts. If so, each of the counterparts shall, collectively, constitute the Agreement.

Section 12: Non-Merger

The agreements contained herein shall survive the annexation of the Subject Property and shall not be merged or extinguished by the annexation of the Subject Property or any part thereof.

Section 13: Amendment to Agreement.

This Agreement and any exhibits attached hereto may be amended only by mutual consent of the parties, by adoption of an ordinance or resolution of the City approving said amendment, and the execution of said amendment by the parties and their successors in interest.

Section 14: Corporate Authorities

The individuals who are members of the group constituting the corporate authorities of the City are entering into this Agreement in their corporate capacities as members of such group and shall have no personal liability in their individual capacity.

Section 15: Binding Effect, Term and Recording

This Annexation Agreement shall be binding upon and inure to the benefit of the parties hereto, successor owners of record and their assigns as to that portion of the Subject Property they own, and upon any successor corporate authorities of the City, upon any successor municipalities for a period of twenty (20) years from the date of execution hereof. This agreement shall be recorded with the Will County Recorder's Offices.

Section 16: Enforceability

This Agreement shall be enforceable in any the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois by either party by appropriate action at law or in equity.

Section 17: Severability

If any provision of this Agreement is held invalid, such provision shall be deemed to be excised here from the invalidity thereof and shall not affect any of the other provisions contained herein.

Section 18: Notice

Any notice required or permitted by the provisions of this Agreement shall be in writing and sent by certified mail, return receipt requested, or personally delivered, to the Parties at the following addresses or at such other addresses as the Parties may, by notice, designated;

If to City:

City of Wilmington  
Attn: City Administrator  
1165 South Water Street  
Wilmington, IL 60481

with a copy to:

Mahoney, Silverman & Cross, LLC  
Bryan Wellner  
822 Infantry Drive, Suite 100  
Joliet, IL 60435

If to Owner:

with a copy to:

[SIGNATURE PAGES TO FOLLOW]

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement on the date first above written.

CITY:

CITY OF WILMINGTON,

BY: \_\_\_\_\_  
Ben Dietz, Mayor

ATTEST: \_\_\_\_\_  
Deputy City Clerk

Signed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
NOTARY PUBLIC

OWNER:

CONSOLIDATED PIPE & SUPPLY COMPANY, INC.,

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

And

Signed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
NOTARY PUBLIC

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

**EXHIBIT A**

**“Subject Property”**

**COMMON DESCRIPTION**

23920 Stripmine Road, Wilmington, IL 60481

**PARCEL IDENTIFICATION NUMBERS**

03-17-27-300-022-0000

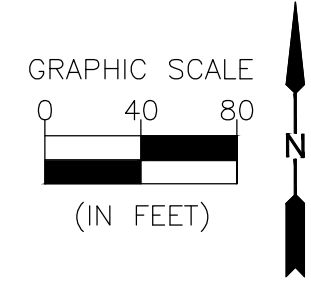
**LEGAL DESCRIPTION**

THE SOUTH 8 ACRES OF THE SOUTH 3/4 OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY, ILLINOIS, EXCEPTING THE WEST 277.00 FEET THEREOF.

**EXHIBIT B**

**PLAT OF ANNEXATION**

CHAMLIN & ASSOCIATES, INC. © 2021  
 Drawing Name: H:\A\JOB\444011-10 WILMINGTON CONSOLIDATED PIPE ANNEX & EASEMENT\CAD\ANNEX-23920 STRIPMINE ROAD.dwg Last Modified: Oct 19, 2023 - 4:06pm Plotted on: Oct 19, 2023 - 4:07pm by nickt



**LEGEND**

	AREA WITHIN EXISTING CITY CORPORATE LIMITS
	PROPERTY TO BE ANNEXED
	SECTION LINE
	EXISTING RIGHT-OF-WAY

**LEGAL DESCRIPTION**

THE SOUTH 8 ACRES OF THE SOUTH 3/4 OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY, ILLINOIS, EXCEPTING THE WEST 277.00 FEET THEREOF AND ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE RIGHT-OF-WAY OF STRIPMINE ROAD.

P.I.N. 03-17-27-300-022

COMMONLY KNOWN AS: 23920 STRIPMINE ROAD, WILMINGTON, IL 60481

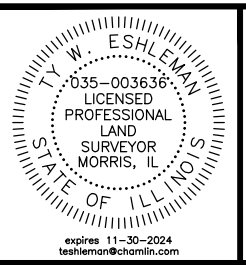
I, TY W. ESHLEMAN, HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED UNDER MY DIRECTION

*Ty Eshleman*

IL. PLS NO. 035-003636 DATE 10-17-23  
 LICENSE EXPIRES 11/30/2024

<p>REVISIONS</p>		
<p><b>CONSOLIDATED PIPE &amp; SUPPLY</b>  <b>PART OF THE S.W. 1/4 OF SEC. 27-33-9, 3RD P.M.</b>  <b>CITY OF WILMINGTON, WILL COUNTY, ILLINOIS</b></p>		
<p>DRAWN BY: NET</p>	<p>SURVEYED BY:</p>	<p>SHEET NUMBER: 1 OF 1</p>
<p>SCALE: AS NOTED</p>	<p>DATE: 10/19/23</p>	<p>FILE NUMBER: <b>14917</b></p>
<p><b>ANNEXATION PLAT</b></p>		<p>JOB NUMBER: 44011-10</p>

Professional Design Firm  
 License No. 184-001717





## EXHIBIT C

### **150.64 I2-Light Industrial District.**

- (A) Purpose and intent. The I2-Light Industrial District is intended to allow industrial uses that are conducted in such a manner so as to not be detrimental to the rest of the community by reason of noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat.
- (B) Permitted land uses and developments. No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this, for other than one or more of the following uses:
  - (1) Accessory uses;
  - (2) Airports, heliports and landing strips;
  - (3) Any use whose primary function is the light manufacturing, fabricating, assembly, disassembly, processing or treatment of goods and products, including but not limited to:
    - (a) Appliances,
    - (b) Bottling companies,
    - (c) Books, printed materials,
    - (d) Clothing and textiles,
    - (e) Drugs,
    - (f) Electrical components,
    - (g) Food processing, food manufacture, bakeries,
    - (h) Furniture, bedding, and carpet manufacture,
    - (i) Glass and ceramics,
    - (j) Paper and paper products,
    - (k) Plastic and fiberglass,
    - (l) Sheet metal,
    - (m) Tools,
    - (n) Wood assembly and finishing;
  - (4) Automobile, truck and recreational vehicle sales, rental and service;
  - (5) Banks and financial institutions;
  - (6) Building material sales and storage;
  - (7) Business, professional and technical training schools;
  - (8) Cartage and express facilities;
  - (9) Farm equipment sales and service;
  - (10) Golf courses and other open space recreational uses;

- (11) Lumber yards;
  - (12) Machine shops;
  - (13) Motor and rail freight terminals;
  - (14) Offices (business, professional, governmental, or medical);
  - (15) Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards;
  - (16) Parking lots and garages, as a principal use;
  - (17) Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability;
  - (18) Printing and publishing establishments, newspapers, duplicating services;
  - (19) Research laboratories and facilities;
  - (20) Self-service storage facilities;
  - (21) Showrooms and retail outlets;
  - (22) Tire stores, sales and service;
  - (23) Union halls, hiring halls, and trade associations;
  - (24) Warehouses, storage, and distribution facilities;
  - (25) Welding;
  - (26) Woodworking.
- (C) Conditional uses. The following uses shall be permitted only if specifically authorized by the city council:
- (1) Banks and financial institutions including drive-through facilities;
  - (2) Buildings whose height exceeds the maximum building height in the I-2 District (see Density and Dimensional Regulations below);
  - (3) Car washes;
  - (4) Gas stations;
  - (5) Junkyards, salvage yards and automobile graveyards;
  - (6) Planned unit developments;
  - (7) Public utility and governmental service uses on lots having areas, widths, yards and other conditions as approved by the city council. Including, but not limited to:
    - (a) Electrical substations and booster stations,
    - (b) Filtration plant, pumping station, well and water reservoir,
    - (c) Sewage treatment plant,
    - (d) Telephone exchange and microwave relay tower,
    - (e) Other government and utility uses;

- (8) Railroad yard, including switching, storage, loading, unloading and maintenance facilities, except those considered accessory to a permitted use, which shall be considered as a permitted use;
  - (9) Recreational and social facilities, including health clubs, lodges and fraternal organizations;
  - (10) Recycling centers;
  - (11) Restaurants;
  - (12) Sanitary landfills, solid waste transfer stations, composting, energy reclamation facilities, incinerators, and similar uses, but excluding hazardous or radioactive waste disposal;
  - (13) Residences, contained entirely within the primary building and exclusively for the use of proprietors, owners and employees.
  - (14) Compounding, processing and storage of flammable liquids, gases and chemicals.
- (D) Bulk and density requirements.
- (1) Minimum lot area. No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.
  - (2) Minimum lot width. A minimum lot width of 100 feet shall be provided for each lot used for a permitted or conditional use.
  - (3) Building setback requirements.
    - (a) Front yard. No principal building shall be allowed within 50 feet of any lot line or street right-of-way line.
    - (b) Side yard. No principal building shall be allowed within 10 feet of any side lot line.
    - (c) Rear yard. No principal building shall be allowed within 10 feet of any rear lot line.
    - (d) Exception. Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.
    - (e) Adjacency to a residential district. Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within 50 feet of the residential lot line.
  - (4) Maximum site coverage. Site coverage shall not exceed 60%.
  - (5) Building height limitations. No building shall exceed four stories or 45 feet in height. This height may be increased to a maximum of 100 feet by a conditional use permit, as long as all yard setbacks are increased by a ratio of one foot for each two feet, or portion thereof, of increased building height over 45 feet, provided that no front yard setback exceed 150 feet and no side or rear yard exceed 75 feet.
- (E) Outdoor storage.
- (1) All outdoor storage, whether a principal or accessory use of the property, shall be screened from public view by placing a solid, sight proof fence not less than eight feet in height around the storage area.
- (F) Special provisions. The following list references the appropriate sections of this chapter which specify the other regulations governing development in this district:
- (1) Section 150.110 et seq. (Off-Street Parking and Loading).
  - (2) Section 150.120 et seq. (Signs).
- (Ord. 1324, passed 1-4-00; Am. Ord. 1403, passed 1-15-02; Am. Ord. 1448, passed 10-15-02)

**EXHIBIT D**

**PERMANENT UTILITY EASEMENT**

Consolidated Pipe & Supply Company., Inc. of 23920 Stripmine Road, Wilmington, IL 60481, (Grantor), for and in consideration of Ten Dollars and 00/100 Dollars (\$10.00), receipt of which is hereby acknowledged, hereby represents that Grantor owns the fee simple title to and grants and conveys to the City of Wilmington, an Illinois municipal corporation, its successors and assigns (Grantee), the perpetual right, privilege, and authority to construct, reconstruct, repair, inspect, maintain, or operate Village water distribution, sanitary sewer distribution, storm water, surface drainage, and related systems together with any necessary vaults, connections, other structures and appurtenances as may be deemed necessary by the Grantee on all areas over, upon, along, under, in, on, across, and through the Easement Area legally described as in the attached Exhibit 1 and depicted in Exhibit 2 (“Easement Area”) incorporated herein by reference, together with the right of access the property necessary for laborers and equipment to do any of the above work. And the right is also granted to cut, trim, or remove any trees, shrubs, or other plants on the easement that interfere with the purpose of this Easement.

No permanent building, driveways, public streets, roads, alleys, walks, parkways, drainage, gardens, shrubs, landscaping, planting, parking areas, and other purposes shall be placed on said Easement Area that now or may later interfere with aforesaid uses and easement rights any more than do the prescribed or allowed uses stated within this paragraph. Grantee shall, after any excavation, construction, or work within the Easement Area, replace, fill, level, and restore the surface of the ground to its existing condition at any time in the future that said surface is disturbed by the grantee in the course of maintaining and operating said main. Where an easement is used both for the purposes under this Easement and other utilities, the other utility installation shall be subject to the prior approval of the Grantee as to design and location, and all installations are subject to the ordinances of the City of Wilmington.

In the event any owner or subsequent owner fails to properly maintain this easement, the Grantee reserves the right to perform, or have performed on its behalf, any maintenance work to or upon the Easement Area. In the event the Grantee shall be required to perform, or have performed, the Grantor shall be responsible for the cost of any maintenance work to or upon the easement, the reasonable cost of said maintenance work, and may constitute a lien against the property or which the easement is located, but only after thirty (30) days written notice to the owner of record delivered via certified mail and the owner of record defaults on payment. The

costs shall not exceed what is reasonably comparable to similar maintenance work performed on similar water main easements. The lien may be foreclosed by any action brought by or on behalf of the City of Wilmington, Illinois.

This Easement and all the terms and conditions hereof shall run with the land and shall be binding upon and shall inure to the benefit of the legal representatives, successors, grantees, and assigns of both parties hereto.

This Easement shall be governed by the laws and decisions of the State of Illinois and shall be enforced in the Circuit Court of Will County, Illinois.

Each person signing this Easement in a representative capacity expressly represents and certifies that he or she is authorized to execute this Easement and to legally bind the entity he or she represents, and that such entity shall be fully bound by the terms hereof upon such signature.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

GRANTOR,

By: \_\_\_\_\_  
NAME

Its: \_\_\_\_\_

State of Illinois        )  
                                  ) SS  
County of Will         )

I, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that [INSERT NAME], [INSERT POSITION] for Consolidated Pipe & Supply Company, Inc., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he/she signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

Prepared By and Mail to:

City of Wilmington  
ATTN: Deputy City Clerk  
1165 S. Water St.  
Wilmington, IL 60481

**EXHIBIT 1**

**EASEMENT AREA**

**Affected PIN: 03-17-27-300-022-0000**

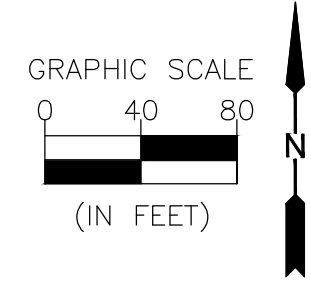
**Legal Description:**

THE SOUTH 20 FEET OF THE FOLLOWING DESCRIBED PARCEL:  
THE SOUTH 8 ACRES OF THE SOUTH 3/4 OF THE WEST HALF OF THE WEST HALF OF  
THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE  
THIRD PRINCIPAL MERIDIAN, WILL COUNTY, ILLINOIS, EXCEPTING THE WEST  
277.00 FEET THEREOF.

**EXHIBIT 2**  
“Easement Plat”

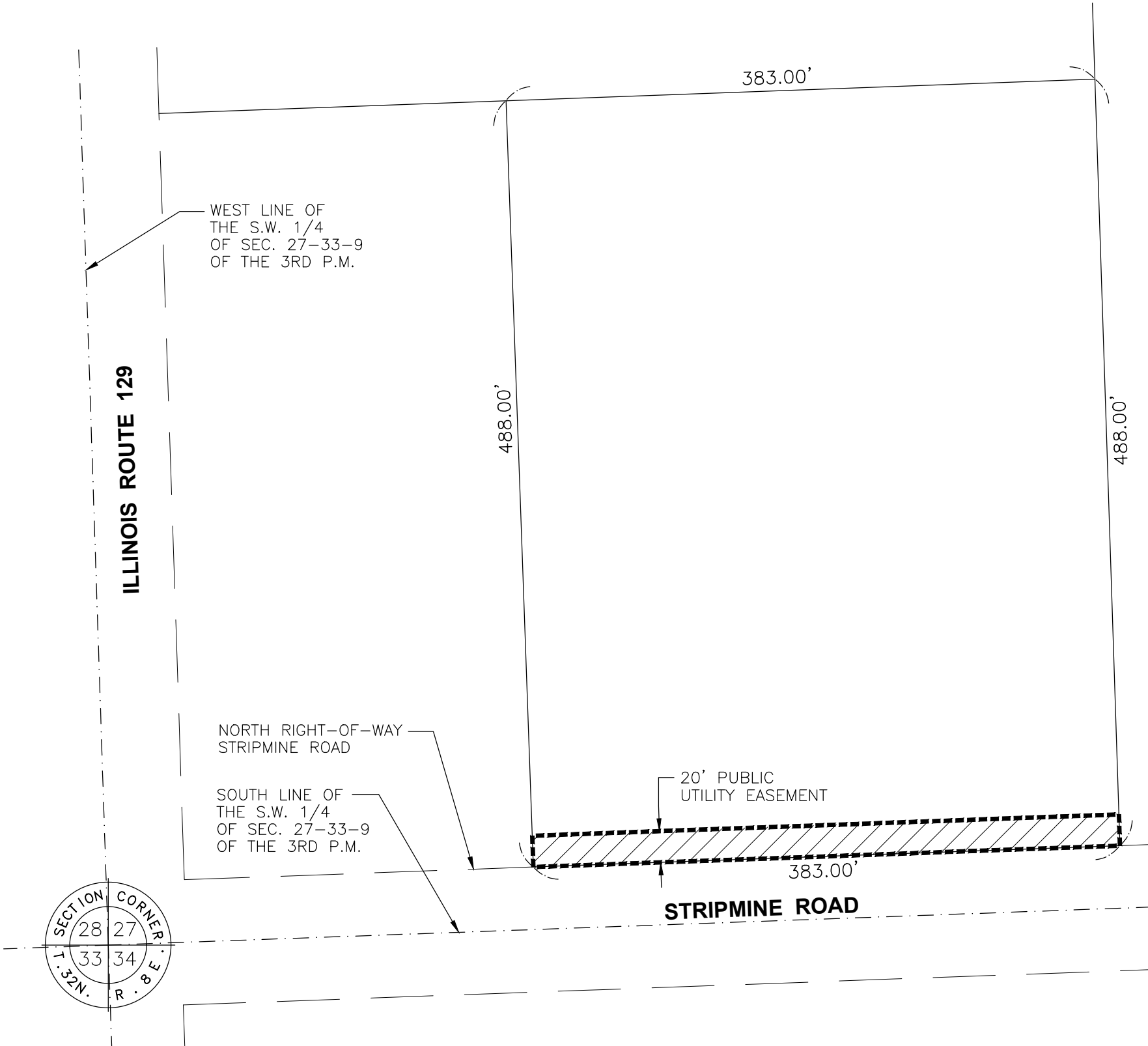


CHAMLIN & ASSOCIATES, INC. © 2021  
 Drawing Name: H:\JOB\444011-10 WILMINGTON CONSOLIDATED PIPE ANNEX & EASEMENT\CAD\ANNEX-23920 STRIPMINE ROAD.dwg Last Modified: Oct 19, 2023 - 4:06pm Plotted on: Oct 19, 2023 - 4:07pm by nickt



**LEGEND**

	PROPOSED EASEMENT
	SECTION LINE
	EXISTING RIGHT-OF-WAY
	EXISTING LOT LINE



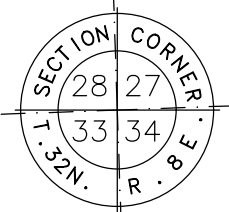
**LEGAL DESCRIPTION**

THE SOUTH 20 FEET OF THE FOLLOWING DESCRIBED PARCEL:

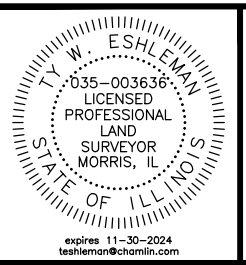
THE SOUTH 8 ACRES OF THE SOUTH 3/4 OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY, ILLINOIS, EXCEPTING THE WEST 277.00 FEET THEREOF AND ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE RIGHT-OF-WAY OF STRIPMINE ROAD.

P.I.N. 03-17-27-300-022

COMMONLY KNOWN AS: 23920 STRIPMINE ROAD, WILMINGTON, IL 60481



Professional Design Firm  
 License No. 184-001717



REVISIONS

<b>CONSOLIDATED PIPE &amp; SUPPLY</b>		
<b>PART OF THE S.W. 1/4 OF SEC. 27-33-9, 3RD P.M.</b>		
<b>CITY OF WILMINGTON, WILL COUNTY, ILLINOIS</b>		
DRAWN BY: NET	SURVEYED BY:	SHEET NUMBER:
SCALE: AS NOTED	DATE: 10/19/23	1 OF 1
<b>EASEMENT PLAT</b>		FILE NUMBER: <b>14918</b>
		JOB NUMBER: 44011-10

**Chamlin and Assoc., Inc.**

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS } Ss.  
County of Will,

Certificate of the Publisher

**Free Press Newspapers** certifies that it is the publisher of the **The Free Press Advocate**

**The Free Press Advocate** is a secular newspaper, has been continuously published **weekly** for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of Wilmington, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5. A notice, relating to the matter of:

**Wilmington Planning and Zoning to consider variance for former Booth Central School property**

a true copy of which is attached, was published one times in **The Free Press Advocate**, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on **November 22, 2023**, and the last publication of the notice was made in the newspaper dated and published on **November 22, 2023**. This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1. In witness, the Free Press Advocate has signed this certificate by **Eric D. Fisher**, its publisher, at Wilmington, Illinois, on **November 22, 2023**.  
**Free Press Newspapers**

By Eric D. Fisher, Publisher  
Eric D. Fisher

Printer's Fee \$ 67.60

Given under my hand on November 22, 2023

Janet M. Fisher

Janet M. Fisher, Notary Public



*Wilmington Planning and Zoning to consider variance for former Booth Central School property*

**PUBLIC NOTICE**  
**NOTICE OF PUBLIC HEARING**  
**WILMINGTON PLANNING AND ZONING COMMISSION**  
**WILMINGTON, ILLINOIS**

On December 7, 2023, at 5:00 p.m., a public hearing will be held by the Planning and Zoning Commission of the City of Wilmington at City Hall located at 1165 S. Water Street, Wilmington, IL, for the purpose of considering and hearing testimony as to a request by the Wilmington Fire Protection District for final site plan, conditional use, and variances to a tract of property comprising approximately 1.696 acres of land generally described by as follows:  
 Common Address: 201 N. Kankakee Street, Wilmington, IL 60481  
 PIN No. 03-17-25-341-001-0000  
 Legally Described as BLOCK 35 IN THE CITY OF WILMINGTON, IN PRT OF THE E1/2 SW1/4 SEC 25, T33N-R9E

The conditional use request is to permit the property to be used for government services in an R-1 residential district. Variances requested include variances related to minimum lot size, minimum lot width, parking in the front yard, size of driveway in the front yard, minimum setbacks, minimum height fence and screening between residential and non-residential, minimum height ornamental vegetation screening, and no sidewalk.

All persons interested in attending are invited to do so and will be given an opportunity to be heard. Additional information on the such application can be obtained from the City of Wilmington Deputy City Clerk at 1165 S. Water Street, Wilmington, IL (815) 476-2175.

By order of the Corporate Authorities of the City of Wilmington, Will County, Illinois  
 Joie Ziller  
 Deputy City Clerk

Published in the Free Press Advocate on Wednesday, Nov. 22, 2023.

# City of Wilmington Planning and Zoning Staff Report

**SUBJECT:** Petition by Wilmington Fire Protection District for a New Firehouse in R-1 Zoning District with Variances and Conditional Use Request

**AGENDA ITEM:** 5

**MEETING DATE:** December 7, 2023

**TO:** Honorable Members of the City of Wilmington Planning and Zoning Commission

**FROM:** Jeannine Smith, City Administrator

**ACTION REQUESTED:**

The Wilmington Fire Protection District (Petitioner) approached the City with a land use petition to construct a new building for the Wilmington Fire Protection District with variances and a conditional use. The proposed site which is currently vacant property will be the new home for the Fire Station #1 building (PIN 03-17-25-341-001) (see map on following page).

**BACKGROUND:**

The Wilmington Fire Protection District purchased the city block bounded by Kankakee, VanBuren, Jackson, and Joliet Streets in 2013 for the purpose of building its district headquarters. Their existing facility is located 2 blocks north and 1 block west.

Petitioner is requesting variances consisting of:

1. Minimum Lot Size: 5.0 Acres required - 1.696 Acres proposed
2. Minimum Lot Width: 300' required - +/- 280' proposed
3. No Parking In Front Yard
4. Driveway shall not be more than 40% of front yard - 53% proposed
5. Minimum Setback, Rear of Building: 25' required – 10' proposed at trash enclosure
6. Minimum 8' Height Fence Screening between Non-Residential and Residential
7. Minimum 6' Height Ornamental Vegetation Screening:
  - a. N. Kankakee Street - proposed with no sidewalk. Vegetation screening provided but not 6' in height and not along entire setback where site plan allows
  - b. With sidewalk In-place on all (4) sides of street. Vegetation screening provided but not 6' in height and not along entire setback@ Kankakee Street and @ Jackson Street, site plan does not have the green space to allow 6'- ornamental vegetation.

Petitioner is requesting a conditional use for a New Fire Station under Article 5, Chapter 150.51, R-1 Residential District allowing the use of the property for government services.

Petitioner has properly noticed the public in the Free Press Advocate on Wednesday, November 22, 2023.

**PETITIONER’S NARRATIVE:**

The Petitioner is proposing a new building construction for the Wilmington Fire Protection District. The proposed site which is currently vacant property will be the new home for the Fire Station #1 building, with the required number of parking for its everyday use, and new landscape minimum required by zoning. The lot is currently vacant and of no use for the public. The surrounding community will benefit from having a fire station nearby for safety with updated facilities to serve its residents. The new construction will also improve the current state of the property, with a new landscape minimum as required by zoning, and maintained throughout the use of the property.

**DISCUSSION:**

Picture of area slated for development and adjacent uses:



Properties abutting the proposed development consist of the following zoning districts (see zoning map):

- North            R1 – Single Family Residential
- South            R2 – Single Family Residential
- West             R2 - Single Family Residential
- North East      B2A – Central Business District
- South East      R2 – Single Family Residential

**FINDINGS OF FACT:**

The Planning and Zoning Commission (PZC) shall make recommendation and provide findings of fact to the city council.

**Standards for variances**

The PZC shall make findings and recommendations that adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgement of the PZC, a variation is permitted because the evidence sustained the existence of each of the four conditions as follows:

- (a) Reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship;
- (b) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;
- (c) The plight of the owner is due to unique circumstances;
- (d) The variation, if granted, will not alter the essential character of the locality.

Standards for conditional uses

The city council, based upon recommendation from the PZC, shall make findings based upon the evidence presented to it in each specific case that:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare; and
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

**STAFF RECOMMENDATION:**

**Staff is supportive of this petitioner's request and respectfully proposes the Planning and Zoning Commission make a positive recommendation to the City Council conditioned on sidewalks being required in each yard fronting all street sides of development.**



# Planning and Zoning Application Form

### Application Request(s)

Check all that apply.

- Annexation
- Preliminary Plat
- Final Plat
- Concept Site Plan
- Final Site Plan
- Variance
- Map Amendment
- Text Amendment
- Conditional Use Permit
- PUD-Special Use Permit

The undersigned applicant(s) request(s) the corporate authorities of the City of Wilmington to approve the following application for the above checked item(s) in the City of Wilmington and in support of the said application, state(s) as follows:

### Property and Request Information

201 N. Kankakee Street, Wilmington, IL. 60481

Address of Request

New Fire Station

Project Name

Block 35, Wilmington

General Location

R1 - Single Family Residential District

Present Zoning

Vacant Lot

Present Land Use

03-17-25-341-001

PIN

73,888 sq.ft. / 1.696 Acres

Property Size

R1 - Single Family Residential District

Previous Zoning

New Fire Station

Proposed Land Use

Reason for Request/Description of Request: \_\_\_\_\_

New building construction for the Wilmington Fire Protection District. The proposed site which is currently vacant property will be the new home for Fire Station #1 building, with required number of parking for it's everyday use, and new landscape minimum required by zoning.

Building Permit Submitted?  Yes  No If yes, for what: \_\_\_\_\_

Complete the following Development information if applicable:

Development/Subdivision Name: \_\_\_\_\_

Type of Development:  Residential  Commercial  Industrial  Institutional

8

Number of Units/Lots (if applicable)

Buildings/Improvements on Property to Remain or be Removed? (describe): See present land use above.



Floodplain in areas present on the property?  Yes  No

Professional Fee Agreement Submitted?  Yes  No

**Applicant Information**

**Applicant/Developer**

Owner  Contract Purchaser  Lessee  Agent For:

**Craig S. Meadows**

Primary Contact

**223 W. Jackson Blvd., Chicago, IL. 60606**

Address (City, State, Zip)

**c.meadows@studiogc.com**

Email

**Studio GC Architecture + Interiors**

Business Name

**(312) 253-3404**

Phone

Fax

**Property Owner (if different than applicant)**

**Tim Zlomie**

Name

**501 N. Main Street, Wilmington, IL. 60481**

Address (City, State, Zip)

**(815) 476-6675**

Phone

Email

Fax

**Project Team**

**Attorney**

Name

Business Name

Address (City, State, Zip)

Email

Phone

Fax

**Engineer**

**Timothy R. Hejny**

Name

**221 W. Washington Street, Morris, IL. 60450**

Address (City, State, Zip)

**timhejny@chamlin.com**

Email

**Chamlin & Associates, Inc.**

Business Name

**(815) 942-1402**

Phone

Fax

**Project Team (Continued)**  
**Planning/Landscape Architect Consultant**

Tod J. Stanton  
Name

Design Perspectives, Inc.  
Business Name

1167 Hobson Mill Drive, Naperville, IL. 60540  
Address (City, State, Zip)

tod@design-perspectives.net  
Email

(630) 606-0776  
Phone

Fax

**Submitted Materials Required**

- Legal Description of Property (Hard Copy)
- Legal Description of Property (Emailed Copy)
- Disclosure of Beneficiaries Form - completed
- Non- Refundable Fees (all that apply)
  - Annexation: \$ \_\_\_\_\_
  - Preliminary Plat: \$ \_\_\_\_\_
  - Final Plat: \$ \_\_\_\_\_
  - Concept Site Plan: \$ \_\_\_\_\_
  - Final Site Plan: \$ \_\_\_\_\_
  - Variance: \$ \_\_\_\_\_
  - Map Amendment: \$ \_\_\_\_\_
  - Text Amendment: \$ \_\_\_\_\_
  - Conditional Use Permit: \$ \_\_\_\_\_
  - PUD-Special Use Permit: \$ \_\_\_\_\_

Amendment request(s) fees are the same as listed above.

- Variance, Special Use Permit and/or PUD Supplement(s)
- Plat of Survey, to scale and current
- For Variation(s): Marked up Plat of Survey illustrating variation(s)
- Any specific information which may help in the review and approval process

Applicable for new development only:

- Four (4) full-size, folded, collated copies of all applicable plans including but not limited to the following:
  - Site Plan with Complete Site Data, Preliminary/Final Plats, Architectural Elevations (Color and Black-Line)
  - Signs, Photometric Plan with Lighting Specifications, Tree Survey, Landscape Plan
- One (1) copy of the proposed covenants and restrictions
- A detailed description of business, proposed hours of operation, number of employees



**Applicant Signatures**

The undersigned below hereby certifies that he/she is the owner of the described property and has authorized an agent, which both agree to abide by all ordinances, regulations, and codes of the City of Wilmington as are in full force and effect on the date of the consideration of this application by the Corporate Authorities. The owner or applicant(s) also agree(s) to pay any and all fees, costs, and expenses of the City of Wilmington, including professional fees that are necessary and required to act on this application.

**New Fire Station**

Project Name

**Tim Zlomie, Fire Chief**

Owner's Name

**Craig S. Meadows**

Applicant's Name, if different than owner

Owner's Signature

Applicant's Signature

**501 N. Main Street, Wilmington, IL. 60481**

Address (City, State, Zip)

**10/9/2023**

Date

**Staff Use Only**

Applicable Code Sections

Comprehensive Plan

Zoning of Adjacent Properties: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Date Professional Fee Agreement was signed

Applicant's Name, if different than owner

Submittal Date

Received By

Address (City, State, Zip)

Payment Amount

Payment Type

Payment Date



Conditional Use Application Supplement

Tim Zlomie, Fire Chief

09/25/2023

Applicant's Name

Date

201 N. Kankakee Street, Wilmington, IL. 60481

Address (City, State, Zip)

Conditional use of property for a New Fire Station.

Request

Provide justification as to how the request meets the following Standards for Approval as set forth in the City of Wilmington Municipal Code. Additional sheets may be attached, if necessary.

Chapter 150.17 of the Wilmington Code of Ordinances provides that for a requested Conditional Use, the Planning and Zoning Commission shall provide findings of fact setting forth the reasons for the recommendation, and the findings shall set forth with particularity the following:

(a) Proposed use of the property that warrants this application for a conditional use New Fire Station under Article 5, Chapter 150.51, R-1 Residential District allowing the use of the property for government services.

(b) If the proposed conditional use is approved, what improvements of construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

The lot is currently vacant and of no use for the public. The surrounding community will benefit from have a fire station nearby for safety with updated facilities to serve it's residence. The new construction will also improved the current state of the property, with a new landscape minimum required by zoning, and maintained throughout the use of the property.

(c) Identify the existing uses of the properties within the general area of the property in question  
The lot is vacant and no use within the general area of the property.

(d) Identify the existing zoning classification of the properties within the general area of the property in question

The existing zoning classification of the property is R1- Single Family Residential District.

(e) Describe how the proposed conditional use will not have an adverse effect on the value of adjacent properties. Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.

The conditional use of the property will not affect the flow of traffic having direct access from the east and west section and this will also improve the curb appeal of the property and provide safety and immediate emergency response for nearby properties.

(f) Describe how the subject property cannot be reasonably used for any of the uses currently permitted under its current zoning classification. (*Physical and market conditions may be considered.*)

The property has been vacant for some time and was previously a school which was also not in alignment with the R1 zoning.

(g) Does the property have appropriate public facilities, such as sewer, water and roads, and other required services?

The lot is bounded by roads on all 4 sides of the property with sewer, and water located within North Joliet Street and North Kankakee Street.

(h) How does the proposed conditional use, and ultimately the use of the property, relate to the land use plan of the current City of Wilmington Comprehensive Plan?

The proposed conditional use will answer the increase in demands for fire station services providing the community with a much bigger and updated facilities.

(i) Describe how the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare.

The new building construction will be use by government services providing public health, safety, and maintained by the fire district.

(j) Describe how the conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood?

The vacant lot will receive new prairie style fire station building, new landscape and new curb appeal which will provide increased in it's property value.

(k) Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

The lot will be used and maintained by the fire district with no impending affect on the adjacent property use and development.



PLANNING AND ZONING COMMISSION  
PETITION FOR CONDITIONAL USE

(1) The proposed request conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed conditional use is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development.

Yes  No Explanation: \_\_\_\_\_

\_\_\_\_\_

(2) The proposed conditional use conforms to the intent and purpose of Chapter 150 of the City of Wilmington's Code of Ordinances.

Yes  No Explanation: The conditional use confirms to the intent and purpose but given the special nature of a fire station the District is asking for approval of several variances. See attached document.

\_\_\_\_\_

(3) The proposed conditional use will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses.

Yes  No Explanation: \_\_\_\_\_

\_\_\_\_\_

(4) Adequate public facilities and services exist or can be provided.

Yes  No Explanation: \_\_\_\_\_

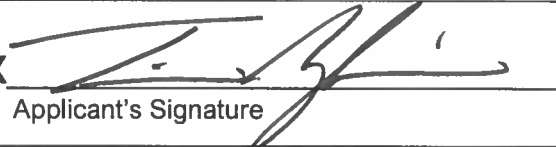
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**Required Public Notices**

Unless otherwise confirmed below by acknowledgement of intent to complete notices, the City of Wilmington will complete all ordinance required public notice postings no less than 15 days and no more than 30 days prior to the scheduled public hearing. Such notices include the following:


- City shall provide and applicant shall post a sign on the subject property;
- Public Notice in a newspaper of general circulation;
- Written notice with certified return receipt to the owner of the record, as shown on the record of the local real estate tax collector, of all lots lying within 250 feet, exclusive of right-of-ways, of the property line for which the request is sought.

**Only if Petitioner chooses to complete written notices.** As the petitioner, I would like to complete the required written notices and take full responsibility for the accuracy and timeliness of said notices. Prior to mailing said notices I will confirm with City staff the ordinance required content of the letters, method of sending letters, and required affidavit of notice.

X   
Applicant's Signature

STATE OF ILLINOIS	)
	) SS.
COUNTY OF WILL	)

The undersigned hereby authorizes the filing of the aforesaid request and understands that the owner or an authorized agent must be present at the public hearing to present the request to the Plan Commission.

<p>X  OWNER or APPLICANT'S SIGNATURE</p>	<p>NOTARY PUBLIC: Sign: <u>Miranda K. Cupples</u></p> <div data-bbox="998 1585 1323 1711" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>MIRANDA K CUPPLES Official Seal Notary Public - State of Illinois My Commission Expires Sep 9, 2025</p> </div> <p style="text-align: center;">AFFIX STAMP HERE</p>
<p>SUBSCRIBED AND SWORN to before me this <u>14<sup>th</sup></u> day of <u>November</u>, 20<u>23</u>, and who has provided the proper identification and who did take an oath.</p>	



**Variance Application Supplement**

Tim Zlomie

Applicant's Name

11-14-23

Date

201 N. Kankakee Street, Wilmington, IL. 60481

Address (City, State, Zip)

For lots size, lot width, no parking, driveway, setback and landscape requirements.  
Request

Provide justification as to how the request meets the following Standards for Approval as set forth in the City of Wilmington Municipal Code. Additional sheets may be attached, if necessary.

Chapter 150.12 of the Wilmington Code of Ordinances provides that for a requested Variance, the Planning and Zoning Commission shall provide findings of fact setting forth the reasons for the recommendation, and the findings shall set forth with particularity the following:

**(a) Describe the reason for the request**

Variance request for the following item described below:

1. Minimum Lot Size: 5.0 Acres required - 1.696 Acres proposed.
2. Minimum Lot Width: 300' required - +/- 280' proposed.
3. No Parking in Front Yard.
4. Driveway shall not be more than 40% of front yard - 53% proposed.
5. Minimum Setback, Rear of Building: 25' required - 10' proposed at trash enclosure.
6. Minimum 8' Height Fence Screening between Non-Residential and Residential.
7. Minimum 6' Height Ornamental Vegetation Screening:
  - 7a. N. Kankakee Street - proposed with no sidewalk. Vegetation screening provided but not 6' in height and not along entire setback where site plan allows.
  - 7b. With sidewalk in-place on all (4) sides of street. Vegetation screening provided but not 6' in height and not along entire setback @ Kankakee Street. And @ Jackson Street, site plan does not have the green space to allow 6'- ornamental vegetation.

**(b) Describe the proposed use**

New Fire Station under Article 5, Chapter 150.51, R1 State Residential District allowing the use of the property for government services.

**(c) How will the proposed variance impact existing and future land use?**

The proposed variance will have no impact on existing and future land use. The property has been vacant for some time and was previously a school which was also not in alignment with the R1 zoning.

(d) How will the proposed variance impact adjacent property values?  
See item (c) response above. The new building construction will be use by government services providing public health, safety, and maintained by the fire district with no impending affect on the adjacent property use and development.

(e) Will the variance negatively impact the general public health, safety, and welfare:  
 Yes  No  
Explanation:

(f) Will the variance conflict with existing conditions or public improvements such as schools, sewer/water systems, parks, roads, traffic patterns, etc.:  
 Yes  No  
Explanation:

(g) Describe reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship  
It will be difficult to achieve the minimum lot size and width of the property based on the proposed property actual size. The increase in the driveway is based on the required growing demands of the community for a much bigger and updated fire station facilities. Additionally the lot size with the use of fire station does not allow for the landscape requirements and fencing would block view required to satisfy safety needs.

(h) Describe how the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;  
The following variations will have no or little affect on the use of the property compared to what it was before. These are reasonable request if permitted under conditions allowed by the district or zoning.

(i) Describe how the plight of the owner is due to unique circumstances;  
This is due to existing conditions of the property and required increased by the Wilmington Fire Protection District to better served it's community and their growing demands.

(j) Describe how the variation, if granted, will not alter the essential character of the locality.  
The variations is for minimum lot width and size which will have no affect on the property character as well as with the 13% increase in the driveway, and 10' setback at the rear end of the building to accommodate the attached trash enclosure.





PLANNING AND ZONING COMMISSION  
PETITION FOR VARIANCE

(1) Strict enforcement of the code would involve practical difficulties or impose exceptional hardship;

Yes  No Explanation: Due to the size and nature of the facility relief from these requirements are the only means of providing an adequately site and safe facility.

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(2) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;

Yes  No Explanation: The facility is governmental in use and the conditions of the site are set for would create a hardship in use and operation of the facility.

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(3) The plight of the owner is due to unique circumstances;

Yes  No Explanation: \_\_\_\_\_

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(4) The variation, if granted, will not alter the essential character of the locality. Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgment of the PZC, a variation is permitted because the evidence sustained the existence of each of the above four conditions.

Yes  No Explanation: \_\_\_\_\_

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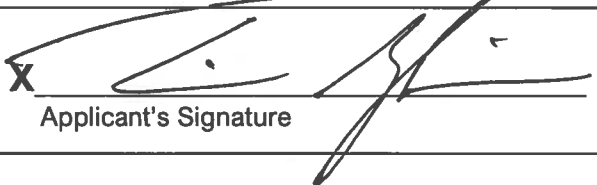
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