

**Minutes to the City of Wilmington**  
**Planning and Zoning Commission Meeting**  
**Wilmington City Hall**  
**1165 South Water Street**  
**Thursday, March 10, 2022, at 5:00 PM**

**Call to Order**

The March 10, 2022 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:03 p.m. by Deputy City Clerk Joie Ziller

**Roll Call**

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

**Commissioners Present In-Person** Tryner, Longest, Walinski

**Commissioners Present Via Zoom** Clennon, Smith

**Commissioners Absent** Humphries, Duffy

**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

**Nominate Planning & Zoning Chairman**

Commissioner Smith made a motion and Commissioner Clennon seconded to nominate Commissioner Tryner as acting Chairman for this evening’s meeting, March 10, 2022

Upon roll call, the vote was:

**AYES:**     5   Smith, Clennon, Longest, Walinski, Tryner

**NAYS:**     0

**ABSENT**   2   Humphries, Duffy

Motion passed.

**Approve the Previous Meeting Minutes**

Commissioner Clennon made a motion and Commissioner Smith seconded to approve the January 6, 2022 meeting minutes and have them placed on file.

Upon roll call, the vote was:

**AYES:**     5   Clennon, Smith, Walinski, Longest, Tyner

**NAYS:**     0

**ABSENT**   2   Humphries, Duffy

Motion passed.

## **Public Hearing #1**

Petitioner: ELP55 VII, LLC  
Location: Consisting of 66 Acres – East of Graaskamp Blvd & North of Murphy Rd  
Request: Site Plan Review – 1,002,000 SF Office/Warehouse

Commissioner Longest made a motion and Commissioner Smith seconded to open the public hearing at 5:06 p.m.

Upon roll call, the vote was:

**AYES:**     5 Longest, Smith, Clennon, Walinski, Tryner

**NAYS:**     0

**ABSENT**   2 Humphries, Duffy

Motion passed.

Attorney Benjamin Schuster representing the petitioner Elion Partners introduced himself along with Mr. Stellino. Attorney Schuster reviewed the site plan as presented in the agenda packet for a 1 million-plus square foot spec building.

City Administrator Smith confirmed with Deputy City Ziller that the City receives the certified letters that the adjacent property owners were mailed regarding tonight's public hearing.

City Administrator Smith explained that the building being proposed is similar to what is currently existing within the development.

Public Comment #1 – David Stover, questioned who the general contractor for the project is. Mr. Stellino replied, Alston.

Public Comment #2 – David Stover, questioned if permits have been applied for. Mr. Stellino replied, no.

Public Comment #3 – David Stover, questioned when do you anticipate breaking ground. Mr. Stellino replied as soon as the City approves the site plan and issues the permit for Building VII and Building VIII staged by six months.

Public Comment #4 – Bob Thomas, is concerned that the road (Lorenzo Road) is falling apart and wanted to know he is responsible for the repairs. Mr. Stellino clarified that the City is responsible for the maintenance at the developer's (Elion) expense.

Public Comment #5 – David Stover, questioned if there are any project labor agreements in place. Mr. Stellino stated that there is one, which is approximately 12 years old.

Public Comment #6 – Commissioner Longest, questioned if the water main extension is being discussed. City Administrator Smith confirmed that it is being discussed.

Public Comment #7 – Commissioner Walinski, questioned the agreement with the current homeowners and if the properties have been purchased. Mr. Stellino referenced the map that was included with the agenda packet and explained what properties have been triggered as part of this process.

Commissioner Clennon made a motion and Commissioner Smith seconded to close the public hearing at 5:17 p.m.

Upon roll call, the vote was:

**AYES:**        5    Clennon, Smith, Walinski, Longest, Tryner

**NAYS:**        0

**ABSENT**    2    Humphries, Duffy

Motion passed.

There being no further discussion, Commissioner Longest made a motion and Commissioner Clennon seconded to approve the site plan proposed by ELP VII, LLC for the 1,002,000 SF Office/Warehouse building pending final engineering review.

Upon roll call, the vote was:

**AYES:**        5    Longest, Clennon, Smith, Walinski, Tryner

**NAYS:**        0

**ABSENT**    2    Humphries, Duffy

Motion passed.

## **Public Hearing #2**

Petitioner:        ELP55 VIII, LLC

Location:         Consisting of 66 Acres – East of Graaskamp Blvd & North of Murphy Rd

Request:           Site Plan Review – 1,002,000 SF Office/Warehouse

Commissioner Longest made a motion and Commissioner Clennon seconded to open the public hearing at 5:19 p.m.

Upon roll call, the vote was:

**AYES:**        5    Longest, Clennon, Smith, Walinski, Tryner

**NAYS:**        0

**ABSENT**    2    Humphries, Duffy

Motion passed.

City Administrator Smith confirmed with Deputy City Ziller that the City receives the certified letters that the adjacent property owners were mailed regarding tonight's public hearing.

Commissioner Clennon made a motion and Commissioner Smith seconded to close the public hearing at 5:21 p.m.

Upon roll call, the vote was:

**AYES:** 5 Clennon, Smith, Walinski, Longest, Tryner

**NAYS:** 0

**ABSENT** 2 Humphries, Duffy

Motion passed.

Commissioner Longest questioned how long is the construction of the new building being proposed. Mr. Stellino responded, typically ten to twelve months.

There being no further discussion, Commissioner Longest made a motion and Commissioner Clennon seconded to approve the site plan proposed by ELP VIII, LLC for the 1,002,000 SF Office/ Warehouse building pending final engineering review.

Upon roll call, the vote was:

**AYES:** 5 Longest, Clennon, Smith, Walinski, Tryner

**NAYS:** 0

**ABSENT** 2 Humphries, Duffy

Motion passed.

### **Public Hearing #3**

Petitioner: Walrus CC, LLC

Location: Consisting of 30 Acres – southeast corner of E Kankakee River Drive & HWY 53

Request: variance to Chapter 150.62(D)(5) to allow a building height of 125 feet above average grade, where 100 feet is the maximum permitted under conditional use permit and conceptual site plan review to construct a cold storage warehouse facility

Commissioner Walinski made a motion and Commissioner Smith seconded to open the public hearing at 5:25 p.m.

Upon roll call, the vote was:

**AYES:** 5 Walinski, Smith, Longest, Clennon, Tryner

**NAYS:** 0

**ABSENT** 2 Humphries, Duffy

Motion passed.

George Bene, representing the petitioner introduced himself to the Commission and explained the project to construct cold storage distribution facility with ASRS (Automated Storage and Retrieval System). Mr. Bene explained this project would bring in 150 full-time positions along with substantial property tax revenue. The land is well suited for the development, it is approximately a quarter-mile off Route 53, it is in an industrial use area, and there is good traffic flow with access to the highways and railyards. The proposed building is 322,000 square feet multi-story warehouse and processing which includes 113,000 square feet with a proposed maximum height of 125 feet. The site would include parking for 49 trucks and 163 automobiles, along with 26 dock spaces.

City Administrator Smith stated that within the zoning code I-2 zoning district has a maximum building height of 45 feet and may be increased to 100 feet by conditional use permit as long as all yard setbacks by a certain ratio are met. Reference can be found in the staff report prepared by City Engineer Casey McCollom of Chamlin & Associates that was included with the meeting agenda packet.

Commissioner Longest stated her concerns with the number of trucks currently sitting waiting to get into facilities on Kankakee River Drive. Administrator Smith explained that this is addressed as one of the conditions in the staff report.

Public Comment #1 – David Stover, questioned where they stand with the labor agreement. The petitioner stated their goal is to build it completely union.

Public Comment #2 – Bob Thomas, questioned which way the docks will be facing as he is concerned with the beeping sound of the trucks backing up and the trees are not a good enough cover. Mr. Bene answered the docks will face west.

Public Comment #3 – David Stover, questioned if the type of material for the walls is rated for tornados. Mr. Bene stated that the building material is rated to withstand a tornado.

Public Comment #4 – Commissioner Longest, questioned if an environmental study would be performed considering the proximity of Forked Creek. Mr. Bene stated that this type of study is not needed unless required by the City.

Public Comment #5 – Commissioner Longest, questioned if you didn't have this location where would the location be. Mr. Bene stated most likely to the east in Indiana or to the west near Morris.

Commissioner Smith made a motion and Commissioner Longest seconded to close the public hearing at 5:58 p.m.

Upon roll call, the vote was:

**AYES:**     5   Smith, Longest, Clennon, Walinski, Tryner

**NAYS:**     0

**ABSENT**   2   Humphries, Duffy

Motion passed.

Commissioner Tryner made note of the staff comment, the maximum height per the ordinance is 100 feet and believes that we (Planning & Zoning Commission) cannot entertain the petition at 125 feet if that is not allowed by our ordinance unless the City Council wants to proceed with an amendment to the zoning ordinance. At best we could give some indication of our feelings on the matter but we don't have any authority to approve this request and send it on to the City Council.

Attorney Nemanich stated that the Commission could make a recommendation subject to the City Council making a text amendment to the ordinance.

City Administrator Smith suggested that Commission could continue to a date certain requiring re-notice with a conditional use of a maximum of 100 feet or can move forward and request that City Council do a text amendment.

George Bene stated that in the code there is a variance application and they have met the requirements of the variance application.

There being no further discussion, Commissioner Smith made a motion and Commissioner Clennon seconded to approve the petitioner's variance request for building height, 125 feet, subject to any necessary conditions

Upon roll call, the vote was:

**AYES:**        2 Smith, Clennon  
**NAYS:**        3 Longest, Walinski, Tryner  
**ABSENT**    2 Humphries, Duffy

Motion denied.

**Public Comment**

No public comment was made.

**Review & Approve 2022 Zoning Map**

This will be on the April 7, 2022 agenda for Commission review and approval.

**Other Pertinent Information**

City Administrator.

**Adjournment**

A motion to adjourn the meeting was made by Commissioner Longest and seconded by Commissioner Walinski. Upon voice vote, the motion was carried. The Wilmington Planning & Zoning meeting held on March 10, 2022, adjourned at 6:27 p.m.

Respectfully submitted,



Joie Ziller  
Deputy City Clerk