

**MINUTES
CITY OF WILMINGTON PLANNING COMMISSION
Tuesday, January 9, 2024**

Wilmington City Planning Commission met in regular session on Tuesday, January 9, 2024, at 4:30 p.m. in the City Community Room, with Mayor Patrick Haley presiding.

CALL TO ORDER/ROLL CALL

Mayor Haley called the meeting to order at 4:30 p.m.

Patrick Haley (Mayor)	Present	Tony Thompson	Absent
Michael Crowe (Service Director)	Present	Darrell Powell	Present
Tara Short (Park Board President)	Present	Ellen Hill	Present
		VACANT	

Staff Present: Samantha Ison, Clerk of Planning Commission; Drew DeMarsh, Clinton County Regional Planning; Brian Shidaker, Deputy Service Director; Paul Goodhue, City Engineer

EXCUSE ABSENT MEMBERS

Powell moved to excuse the absent members. Short seconded the motion. The members unanimously agreed. Absent member excused.

Thompson arrived at 4:31 pm.

APPROVAL OF MINUTES

**Powell moved to approve the December 5 minutes as presented. Hill seconded the motion. The members unanimously agreed.
December 5 minutes approved.**

Replat

Property Owners:	Wilmington VA LLC
Location:	Clark Street parcels 29021022B01300 & 29021022A01300
Agent/Engineer:	Abercrombie & Associates, Inc.
Current Zoning:	LI (Light Industrial)
Summary of Request:	Replat for building improvements

Powell explained that he had been discussing the project with Doug at Abercrombie and Associates and provided an outline of the project.

DeMarsh provided the staff report and explained that the building is currently sitting on two parcels and the replat must occur in order to complete building improvements. Staff received comments from Public Works: the property is located within a flood zone and property owner could ask FEMA to update the flood map. Property owner is being cooperative with water issues, however building permits should not be issued until all issues are settled. DeMarsh explained that site plan review is not required because the building footprint is not being expanded by more than 25%. The building will be used by a government agency, the Veterans Administration, the light industrial zoning does not need to be changed.

Powell explained that this site offered ample parking compared to the previous site.

Haley opened the floor to public comment. No comment.

Short moved to approve the replat as presented. Powell seconded the motion. Roll Call Vote: Short, aye; Powell, aye; Hill, aye; Thompson, aye; Haley, aye; Crowe, aye. Replat approved as presented.

Site Plan Review

Property Owners:	David Haley
Location:	2420 SR 68
Agent/Engineer:	Stan Messerly
Current Zoning:	LI (Light Industrial)
Summary of Request:	Site plan review for expansion of Ancient Roots

Stan Messerly with Messco Engineering presented the Ancient Roots expansion project. The expansion proposes a building addition and a connector between the existing 9400 sq ft building and proposed building. There will also be a parking lot on the south side of the building. Proposed expansion is well under the maximum permitted impervious surface and building footprint area. The dumpster is remaining in its current location and is highly secured due to the type of materials

processed at the facility. The plans presented show gravel, however since it is not permitted in the zoning code it will be eliminated. For this phase of the expansion, the existing access point will be used. In future expansion phases the previously approved access point will be implemented. Messerly explained that he has been in communication with the Wastewater Department regarding the sewer requirements for the expansion.

David Haley, owner, explained that issue 2 passed and Ancient Roots would like to expand in anticipation of the growth the business will experience. He anticipates an addition 12-15 employees by the end of the expansion.

Powell asked if the access point approval had any expiration. Discussion followed. David Haley did not believe that there was an expiration date on the access point approval.

DeMarsh provided the staff report. Wastewater department stated that there needs to be a 6” sewer lateral out of the building to Morris Avenue with a cleanout in the easement. It is highly recommended for a double sweet cleanout every 75 to 100 ft. DeMarsh explained the city ordinances do not require a landscape buffer for agricultural uses. Staff has discussed with developer the potential safety concerns with additional landscaping due to the nature of the use. Staff does not recommend additional landscaping requirements. Staff recommends final site plan approval contingent upon applicant satisfying the comments from the Wastewater department.

Haley opened the floor to public comment. No comment.

Powell moved to approve the first phase of the Ancient Roots site plan as presented. Hill seconded the motion. Roll Call Vote: Powell, aye; Hill, aye; Thompson, aye; Haley, aye; Crowe, aye; Short, aye. Replat approved as presented.

Rezoning

Property Owners:	Wilmington Iron & Metal Robert Raizk
Location:	2149 US Route 68 Parcels 290220504000000, 290220505000000, & 290220506000000
Agent/Engineer:	McCarty Associates
Current Zoning:	LI (Light Industrial)
Summary of Request:	Request for rezoning from Light Industrial to General Industrial

Cody Beucler of McCarty Associates presented the project. Beucler explained that Wilmington Iron and Metal is updating and expanding some buildings. The site plan will be presented after the rezoning and replat discussion. The majority of the Wilmington Iron & Metal parcels are zoned General Industrial, however three are currently zoned Light Industrial. The request is for the Light Industrial parcels to be rezoned to General Industrial, even though there will not be any additional operations performed on those parcels.

DeMarsh provided the staff report and a recommendation for approval.

Discussion followed regarding surrounding properties. Beucler explained that there is no intention to significantly expand operations into the three parcels in the near future.

Haley opened the floor to the public. No comment.

Hill moved to forward the rezoning to Council with a positive recommendation. Powell seconded the motion. Roll Call Vote: Hill, aye; Thompson, aye; Haley, aye; Crowe, aye; Short, aye; Powell, aye. Rezoning forwarded to Council with a positive recommendation.

Replat

Property Owners:	Wilmington Iron & Metal Robert Raizk
Location:	2149 US Route 68 Parcels 290220508000000, 290220501000000, 290220502000000, 290220507000000, 290220503000000, 290220505000000, 290220504000000,
Agent/Engineer:	McCarty Associates
Current Zoning:	GI (General Industrial)
Summary of Request:	Request for replat

Beucler explained that the current operation has been grandfathered in and the request for replat is to meet zoning requirements for impervious surface when expansion and upgrades are made. Beucler stated that by combining the lots there will be one parcel that contains all of the operation and a

second parcel that is currently used for farming. The parcels will be approximately 25 acres and 12 acres, respectively.

Discussion followed regarding procedure for replat, lot combinations, and administrative review.

DeMarsh provided the staff report and a recommendation for approval.

Haley opened the floor to public comment. No comment.

Powell moved to approve the replat as presented. Short seconded the motion. Roll Call Vote: Thompson, aye; Haley, aye; Crowe, aye; Short, aye; Powell, aye; Hill, aye. Replat approved as presented.

Site Plan Review

Property Owners:	Wilmington Iron & Metal Robert Raizk
Location:	2149 US Route 68
Agent/Engineer:	McCarty Associates
Current Zoning:	GI (General Industrial)
Summary of Request:	Request for site plan review for new construction

Beucler presented the proposed project expansion to include an 80’ x 70’ maintenance garage, a new piece of machinery, extending the railroad line, a new aluminum warehouse that is approximately 160’ x 75’. The site plan shows the proposed concrete and gravel. The gravel will be paved over time. Beucler explained the proposed storm sewer system and the existing 50 ft drainage easement.

Short asked if applicant has received a variance for the gravel. DeMarsh explained that Building and Zoning department would want applicant to receive a variance. Beucler explained that the gravel concern is less prevalent with this property because the property is not connected to the City storm sewer and gravel will not get in the City sewer system. DeMarsh read the section of zoning code that discusses gravel. Discussion followed.

DeMarsh provided additional staff comments. Applicant has already received required EPA permits. Staff recommends site plan approval contingent upon applicant receiving BZA variance for gravel.

Haley opened the floor to public comment. No comment.

Short moved to approve the site plan as presented contingent upon applicant receiving a variance for gravel from the Board of Zoning Appeals. Thompson seconded the motion. Roll Call Vote: Haley, aye; Crowe, aye; Short, aye; Powell, aye; Hill, aye, Thompson, aye. Replat approved as presented.

Certificate of Appropriateness

Property Owners:	Wagstaff Dental
Location:	138 N South St
Agent/Engineer:	Abbot Image Solutions
Current Zoning:	DT, Historic District
Summary of Request:	Request for Certificate of Appropriateness for new signage

John Barry with Abbot Image Solutions presented the proposed signage for Wagstaff Dental. Some of the signs are aluminum and the primary sign is acrylic with halo-lit letters.

DeMarsh provided the staff report and stated that applicant wishes to erect new signs for Wagstaff Dental in the Commercial Historic District overlay. The requirements are defined in section 1159.03. One of the requirements is that materials should be consistent with those of the building or older origin, such as brick, stone, masonry, and wood. Undisguised, contemporary materials such as aluminum, plaster, fiberglass, and glass shall not be used. The sign made of acrylic would be considered a contemporary material. Staff recommends that Planning Commission deny the certificate of appropriateness due to not meeting development guidelines within the Commercial Historic District.

Short stated that the sign does not look like it fits in with the historic district. Powell explained the history of Certificate of Appropriateness.

Haley opened the floor to public comment. No comment.

Thompson asked for clarification of boundaries of Historic District and for clarification of what

Planning Commission is approving or denying. DeMarsh clarified that the commission can vote as to whether or not the proposed signage is appropriate for the Historic District.

Short stated that regardless of individual opinion on the look of the sign, it does not meet the standards for the Historic District. DeMarsh explained the potential risk of setting a precedent of approving nonconforming signs within the Historic District.

Short moved to deny the certificate of appropriateness. Thompson seconded the motion. Roll Call Vote: Crowe, aye; Short, aye; Powell, aye; Hill, aye, Thompson, aye, Haley, aye. Certificate of Appropriateness denied.

Final Plat Approval

Property Owners:	Creekview Project LLC
Location:	Creekview Subdivision Section 1 N Lincoln St
Agent/Engineer:	CESO/DDC Management
Current Zoning:	PUD
Summary of Request:	Request for Final Plat Approval for Section 1 of subdivision

Ross Behnfeldt with DDC Management presented the final plat for Creekview Subdivision Section 1 that contains 50 single family lots and 3 open space lots.

Powell explained that the preliminary plat for Creekview Subdivision had been previously approved and the final plat is required for the developer to sell lots. Discussion followed about the history of the project which began in February 2022.

DeMarsh provided the staff report and recommendation for approval of the Final Plat for Creekview Section 1.

Haley asked for clarification as to whether or not a decision on the final plat is related to the special assessment that has been presented to City Council. Josh Roth, member of the public and the Economic Development Director for the Clinton County Port Authority, confirmed that the special assessment is entirely unrelated to the final plat approval and a decision on the final plat will not affect Council’s decision.

Paul Goodhue, City Engineer, explained the City’s inspector, WSP has been inspecting the infrastructure and the contractor has been doing an excellent job to date. The inspector still needs to provide a final punch list for contractor to complete before Goodhue can sign off on the plat as City Engineer. The appropriate bonds are in place for the topcoat of asphalt and the sanitary sewer lift station. Goodhue provided recommendation for approval.

Powell stated that once Planning Commission approves the final plat, it must be recorded within 60 days. Behnfeldt confirmed that all punch list items will be completed within plenty of time to meet that deadline.

Haley opened the floor to public comment. No comment.

Powell moved to approve the Final Plat for Creekview Subdivision Section 1. Short seconded the motion. Roll Call Vote: Short, aye; Powell, aye; Hill, aye, Thompson, aye, Haley, aye; Crowe, aye. Final plat approved.

Review of Subdivision Regulations

Entity:	City of Wilmington
Agent:	CCRPC, McBride-Dale
Summary of Request:	Review Proposed Subdivision Regulation Updates

DeMarsh stated that there are no updates from the December meeting and thought the new administration should have an opportunity to review and provide feedback before moving forward.

Powell explained that this project is at the final step of the process.

Haley stated that the new administration would like to take time to thoroughly review to avoid mistakes.

Powell confirmed that Planning Commission’s role is to provide a positive or negative recommendation to City Council.

Haley opened the floor to public comment. No comment.

Hill moved to table the discussion indefinitely. Crowe seconded the motion. Roll Call Vote: Hill, aye, Thompson, aye, Haley, aye; Crowe, aye; Short, aye; Powell, aye. Subdivision Regulation Review tabled.

ADJOURNMENT

Seeing no further comments or discussions from those present, Mr. Haley called for a motion to adjourn the meeting.

Powell moved to adjourn the meeting. Meeting adjourned at 5:34 p.m.

Chairperson

Clerk