

**CITY OF WASHINGTON, ILLINOIS**  
Planning and Zoning Commission Meeting  
Wednesday, July 7, 2021  
Five Points Washington Banquet Room at 6:30 P.M.

Call to Order	Chairman Mike Burdette called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:30 p.m. in a banquet room in Five Points, Washington
Roll Call	<p>Present and answering roll call were Commissioners, Burdette, Milot, Reeder, Rodriguez, Williams</p> <p>Absent were Commissioners Ritter and Scott</p> <p>Also present was P &amp; D Director Jon Oliphant, Planner Aaron Paque and City Clerk Valeri Brod.</p>
Appv min 5/5/21 PZC meeting as presented	<p>Commissioner Reeder moved and Commissioner Milot seconded to approve the minutes of the June 2, 2021 Planning and Zoning Commission.</p> <p><u>Motion carried unanimously by voice vote.</u></p>
Revised Preliminary Plat Discussion - Trails Edge Subdivision, Sections 9-10	<p>Planning and Zoning Director Jon Oliphant shared details about the proposed revisions to the Trails Edge Subdivision Preliminary Plat for Sections 9 and 10. It was noted that the original plat was approved in 2001 and sections 8-10 were added in 2014. The sections were then subdivided into 37 lots. The current plan has 38 single family lots. Mr. LaHood is seeking approval of a preliminary after what he felt was a good meeting last month. He stated that he shared their email addresses for concerned residents but didn't receive any email responses. He now feels that he came up with a good compromise that he hopes will make everyone happy. Commissioner Burdette noted that the original 38 lots changed to 22 single family and 15 duplexes and Stephanie Court will now connect with Debates. Commissioner Burdette then opened the floor for public comment.</p> <p>Beth Black on Patricia thanked everyone for their time and stated that the last meeting showed that many people had concerns. She shared a packet of information assembled by concerned residents that is attached and made part of these minutes.</p> <p>Ms. Black shared that the current duplexes are indicated in black and additional proposed duplexes are in red. She stated that the number of duplexes in the neighborhood will nearly double and that these lots are smaller than the rest of the neighborhood. Ms. Black shared "Exhibit B" as part of the Trails Edge Covenants. She stated that there are no current restrictions except lots 213-233 in Section 5 and that the rest of the lots are to be used for single family only. She went on to note that as the neighborhood expanded, the regulations increased and that stormwater management was started in Section 6. She noted that the May memos stated that Sections 9 and 10 pose water runoff issues due to being flat and that many are already experiencing water issues in this neighborhood and Devonshire. She asked why would one bother with restrictions and zoning maps if they can be changed and stated that the proposed plat only benefits the developer but impacts more than 300 families.</p> <p>Mr. McIntyre who lives on Kingsbury stated that this changes the whole landscape of the community and said that this isn't the plan everyone wanted after the 2013 tornado. He stated that single family houses in this area sell quickly and this goes against the style of neighborhood. Mr. McIntyre also stated that this causes an issue</p>

with traffic safety and adds expenses to city due to water runoff management. He asked that the plat not be approved until a water runoff study is completed as well as the complete a traffic study due to increases in traffic. Mr. McIntyre stated that this will be at the expense of all residents and stated that drainage ponds might need to be added at more expense to the city.

Jenny Swanson who resides on Debates asked to look at larger impacts on the whole city. She stated that her neighbors are already faced with sewer back-ups. She went on to state that at a previous Committee of the Whole meeting, water issues were discussed and a study with the additional driveway square footage should be included. She requested that the water study to be done with this plat map to look for changes. Ms. Swanson noted that during Comprehensive Planning sessions, it was determined that this type of housing is needed but wants to review the effects on school. She noted that enrollment is increasing and the current 5<sup>th</sup> grades classrooms will have 30 students in each room and wondered about additional expenses in the future with school expansions and referendums. She shared that they have a petition with over 200 signatures and that many homeowners picked this neighborhood twice, once at first then again after the tornado.

Dave Jane, who resides on Debates, shared that they lived in Lake Zurich, IL., and while there a storm flooded homes through window wells creating a great loss. He shared that he last rain gave them a significant amount of water and he doesn't want to chance it again with more real estate, driveways and roofs. He stated his approval for the original plan.

Joe LaHood, developer, shared that Phase 5 was originally supposed to be mostly duplexes. An unidentified resident stated that homes sell within days and Mr. LaHood shared that new construction sales are different than and existing home sales. Mr. LaHood shared that a traffic study was completed. It was noted that the property could be sold and something else can be developed and the previous preliminary plat was done by a different developer. Mr. LaHood shared that he is now the developer after his dad no longer wanted the area. A brief conversation between residents occurred concerning traffic impacts, who the developer works for and where the developer lives. It was noted that the zoning requirements are for single and two-family homes and this meets every code and regulation. One resident shared that she built in 2019 and received covenants signed by the previous developer. Multiple conversations took place between residents.

Commissioner Milot asked for clarification about the water issue and asked about the impact of more driveways with duplexes. Mr. LaHood shared that the development will help convey the water and control it and the current development will que the water in the road until the storm system can catch up.

Katie Beale interjected that she lives in Felcker's Addition and this will affect them. Further conversation regarding drainage issue took place including the adjustments to the road to help control water.

Commissioner Milot asked if the alternative is to build nothing and noted that 3 car garages will also gain more impermeable surfaces to which Mr. LaHood shared that it will be between a 5-10% increase. Mr. LaHood shared they have designed for a 100-year event.

A brief conversation took place regarding the size specifications for the lots and square footage of the structures. Mr. LaHood shared that these are larger than the Eagle Point condos.

Commissioner Burdette expressed his appreciation that the LaHoods have been very open and honest and stated that he is disappointed to hear that no one emailed the LaHoods after being invited. It was noted that this development could start this fall.

A few residents shared that reasons why they did not reach out to the LaHoods.

Commissioner Reeder asked if water engineering is set or will it be looked at in more detail. Mr. LaHood stated that the water has been designed along with the City Engineer and that it was shared with the Public Works Committee and the Committee of the Whole.

Commissioner Milot asked if they are to follow pre-existing covenants. It was noted that these won't vary from current neighborhood.

A resident asked if these will be rentals and Mr. LaHood stated they now anticipate selling some of the lots to neighbors.

Commissioner Burdett asked Mr. Oliphant if the Planning and Zoning Commission has the discretion to vote. Mr. Oliphant noted that this meets all zoning codes which takes away any power from the group.

Stan who resides on Patricia asked why they said they haven't started the covenants and Mr. Lahood shared that he covenants and restrictions are adopted when the final plat is recorded. Stan stated that his biggest concern is water drainage and he shared that he wouldn't want to be next to a duplex, but concentrating them in the center is good.

A brief conversation took place about the timing of the approval process.

Mss Crosby who lives on Grandyle stated the city is spending a lot of tax payer money for a water study.

Commissioner Rodriguez said that as a recent home sale, they received feedback that their house is too close to other houses and people want more space and noted that the market may have changed since the development first started.

An active conversation took place between residents and the developer.

Mr. LaHood noted his compromises and shared that he is from the area and loves Washington and he does not want to hurt the neighborhood.

Jen swan who resides on Debates stated her appreciation that they are willing to compromise but notes many are still not happy with what is proposed and if they can find something that works, they will welcome it.

Commissioner Milo moved, seconded by no one.

Motion failed.

It was explained that the Planning and Zoning Commission does not have the ability to not approve because this meets all requirements.

Commissioner Scott moved and Commissioner Reeder seconded.

Ayes: 5 Burdette, Milo

Nays: 2 Rodriguez, Williams

Abstain: 1 Reeder

Motion carried.

Old Business                      None.

Commissioner/Staff  
Comments                      None.

Adjournment                      At 8:32 p.m. Commissioner Milot moved and Commissioner Williams seconded to adjourn. Motion carried unanimously by voice vote.



## **EXHIBIT B**

### **Trails Edge Covenants**

#### **Declaration**

Section Five        All lots in Section 5 EXCEPT lots 213 through 233 shall be subject to the following covenants, conditions ...

#### **Article I. Occupancy and Use**

- A. Section Two    Lots 58 – 77 in the Subdivision shall be used for single family residential purposes only, regardless of the zoning or use restrictions imposed from time to time by any governmental authority.

Section Three    Lots 78 – 144 in the Subdivision shall be used for single family residential purposes only, regardless of the zoning or use restrictions imposed from time to time by any governmental authority.

Section Four     Lots 145 – 162 in the Subdivision shall be used for single family residential purposes only, regardless of the zoning or use restrictions imposed from time to time by any governmental authority.

Section Five - Lots 163 – 212 in the Subdivision shall be used for single family residential purposes only, regardless of the zoning or use restrictions imposed from time to time by any governmental authority. (See exceptions above in Declaration)

Section Six - Lots 234 – 295 in the Subdivision shall be used for single family residential purposes only, regardless of the zoning or use restrictions imposed from time to time by any governmental authority.

Section Seven – Lots 296 – 319 in the Subdivision shall be used for single family residential purposes only, regardless of the zoning or use restrictions imposed from time to time by any governmental authority.

Section Eight - Lots 320 - 337 in the Subdivision shall be used for single family residential purposes only, regardless of the zoning or use restrictions imposed from time to time by any governmental authority.

- F. All sections – No lot as platted shall be divided so as to result in creating additional lots.

#### **Article II. Construction and Maintenance**

- B. 2. Sections Two, Three, Four and Five – No single family dwelling shall have less than the following minimum number of square feet of enclosed living space, exclusive of garage, porches and breezeways:
- (a) Single-family dwellings of one (1) level, 1000 square feet above the ground.

- (b) Single-family dwellings of two (2) levels, 700 square feet on the main floor, 1200 square feet minimum, both floors.

Section Six - No single family dwelling shall have less than the following minimum number of square feet of enclosed living space, exclusive of garage, porches and breezeways:

- (a) Single-family dwellings of one (1) level, 1200 square feet above the ground.
- (b) Single-family dwellings of two (2) levels, 800 square feet on the main floor, 1600 square feet minimum, both floors.

Sections Seven and Eight - No single family dwelling shall have less than the following minimum number of square feet of enclosed living space, exclusive of garage, porches and breezeways:

- (a) Single-family dwellings of one (1) level, 1400 square feet above the ground.
- (b) Single-family dwellings of two (2) levels, 1000 square feet on the main floor, 1800 square feet minimum, both floors.

B.4. Sections Two, Three, Four, Five and Six – No wallboard, sheet metal, tar paper, shall be used for any exterior wall covering or roofs. No aluminum siding shall be permitted but such exclusion shall not prohibit aluminum soffit, window or door trim. Vinyl siding is permitted. The color of any siding must be approved by the Subdivider.

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B. 6. Sections Two, Three, Four and Five – Fences are permitted within the Subdivision so long as they comply with the Zoning Code of the Village of Washington; however, chain link fences shall only be permitted if the height does not exceed four (4) feet and is vinyl coated.

B.6. Section Six – Fences made of wood or vinyl are permitted in the Subdivision so long as they comply with the Zoning Code of the Village of Washington and are approved by the Subdivider; chain link fences are not permitted within the Subdivision.

B.6. Sections Seven and Eight - Fences are permitted within the Subdivision so long as they comply with the Zoning Code of the Village of Washington; however, chain link fences shall only be permitted if the height does not exceed four (4) feet and is vinyl coated.

B.16.(c) Sections Two, Three, Four, Five and Six – In the event the mail delivery is provided to the door of the dwellings in the Subdivision, freestanding mailboxes shall be removed by the lot owner within thirty (30) days after the commencement of mail delivery to the door.

B.17.(c) Sections Seven and Eight - In the event the mail delivery is provided to the door of the dwellings in the Subdivision, freestanding mailboxes shall be removed by the lot owner within thirty (30) days after the commencement of mail delivery to the door. Not enforceable if US Post Office provides group mailboxes per their requirements.

18. – All sections – Single family lots

B.20. (New starting with Section Six, Seven and Eight) – Each lot owner shall be solely responsible for meeting and adhering to any and all requirements related to both the Illinois Environmental Protection Agency and the City of Washington regulations with regard to storm water issues, including liability for any fines or penalties incurred as a result of inadequate compliance. In the event the IEPA or the City of Washington contact Subdivider with complaints regarding compliance of said regulations for which IEPA or the City of Washington considers Subdivider responsible, Subdivider shall seek reimbursement from lot owner for any damages assessed against Subdivider for said noncompliance, including any attorney fees and costs associated with defending such action. Additionally, in the event a lot owner fails to maintain its lot in compliance with IEPA and City of Washington regulations, Subdivider shall have the right to enter onto said lot and make the appropriate improvements to same in order to bring said lot into compliance with applicable EIPA and City of Washington regulations. If such action is taken by the Subdivider, Subdivider shall seek reimbursement from lot owner for any costs incurred to bring the lot into compliance, including any attorney fees and costs association with such action. Reimbursement to Subdivider may be enforced as a lien on the lot in any court in Tazewell County having jurisdiction of suites for the enforcement of such liens.

B.24. – Sections Two, Three, Four, Five and Six (Removed from Sections Seven and Eight) – Lots facing the park: Each home to have a six (6) foot deep porch with decorative handrail and railing. Developer to approve each porch plan before construction.

B.25. (New starting with Sections Seven and Eight) – See attached Plat which shows the recommended elevation of the top of the foundation and which lots could be Daylights. There are no walkouts and any lots not listed as Daylights are recommended as full level foundations. The grade is the sole responsibility of the purchaser/owner. The Developer, the City of Washington or Austin Engineering are not responsible for future water issues. Any deviation from this ultimate grading plan shall be at the sole responsibility of the purchaser/owner.

B.26. (New Starting with Sections Seven and Eight) – Illinois EPA Storm Water Permit.



#### **Article IV. Home Owner's Association**

- A. All sections - A Home Owner's Association to be known as the Trails Edge Owner's Association shall be organized upon the sale of all Lots in the Subdivision in this Section and in all the future Sections.

#### **Article V. Enforcement**

- D. All sections – The rights, reservations and privileges of the Subdivider shall remain with the Subdivider or its appointed agent or successor until the formation of the Home Owner's Association. Upon formation of the Home Owner's Association, such rights, reservations and privileges shall become vested in the Home Owner's Association without further act or deed.
- E. New to Sections Seven and Eight – In the event the Subdivider or any other party entitle to enforce the various provisions of this Declaration of Restrictions is required to engage counsel, whether in law or equity to enforce its rights or the obligations of the parties subject to this Declaration of Restrictions, said party may, if successful, recover as a part of any award granted therein its reasonable attorney's fees and costs of suit whether or not incurred for negotiation, preparation of a cause of action, filing suit, discover, appearances in court and trial, enforcement of judgement or appeal. Any monetary award rendered as a part of any such judgement to enforce shall bear interest at the statutory rate.
- F. New to Section Seven and Eight – In the event Subdivider incurs any loss or injury as a result of an action or inaction contrary to applicable law, or the terms of this Declaration of Restrictions by a part subject to this Declaration of Restrictions, said party will hold harmless and indemnify Subdivider from and against any such injury or damage, including reasonable attorney's fees and costs associated with the same.

#### **Article VI. Amendment, Modification and Waivers**

##### **Declaration of Amended Restrictions for Trails Edge Subdivision Sections One Through Seven. (May 7, 2014)**

Siding Colors. Acceptable colors for siding to be used on the dwellings constructed in said Subdivisions named herein are shown on the attached Exhibit "A". Siding color must be neutral, (i.e. no pastels, no red, etc.)

#### **KEY TAKEAWAYS**

1. All sections with the exception of Section Five explicitly state that the lots shall be used for single family residential purposes only (regardless of zoning or use restrictions). I believe the lots specified in Section Five are all basically on the periphery of the subdivision and are the current duplexes. By my count, there are 18 duplexes (36 units).
2. The following verbiage appears in all sections: F. All sections – No lot as platted shall be divided so as to result in creating additional lots.
3. As the sections progressed, the minimum square footage requirements were increased twice.
4. Between Section Six and Section Seven, the exterior material requirements were increased.



5. Insertion of B.20. starting with Section Six (2007) and including Sections Seven and Eight regarding storm water issues. It's curious that they would add this after five sections had been completed. Was it added because there were already existing water/drainage issues at that point in time? (Also see B.26 is Sections Seven and Eight)
6. Sections Seven and Eight include hold harmless and indemnification language. Is it coincidental that this was added shortly after the articles dealing with water were put into the restrictions?

Snapshot

Progress

Environment

Educational Diversity

Students

Students with IEPs

Students

Attendance

Academic Achievement

Equity

# CENTRAL SD 51

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## Enrollment

The graph displays the total number of students enrolled in this school over the past five years. The exact numbers are listed below the graph.

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