

**CITY OF WASHINGTON
PLANNING AND ZONING COMMISSION MEETING
LIBRARY MEETING ROOM – FIVE POINTS WASHINGTON
WEDNESDAY, SEPTEMBER 7, 2016
6:30 P.M.**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** – August 3, 2016 regular meeting
- 4. NEW BUSINESS**
 - A. Public Hearing: Case No. 090716-V-1, Distance Between Structures Variance Request, Roger & Joanne Lawless, 208 Hilldale Avenue
 - B. Public Hearing: Subdivision Code Text Amendments – Sections 152.022 “Sidewalks” and Section 152.025 “Streets”
- 5. COMMISSIONER’S COMMENTS**
- 6. STAFF COMMENTS**
- 7. ADJOURNMENT**

**CITY OF WASHINGTON, ILLINOIS
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, AUGUST 3, 2016
WASHINGTON DISTRICT LIBRARY
380 N. WILMOR ROAD – 6:30 P.M.**

Chairman Mike Burdette called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:30 p.m. in the meeting room at Washington District Library.

Call to Order

Present and answering roll call were Commissioners, Mike Burdette, Brian Fischer, Tom Reeder, Steve Scott, and Doug Weston. Commissioners Rich Benson and Louis Milot were absent.

Roll Call

Also present was B & Z Supervisor Becky Holmes and City Clerk Pat Brown.

Commissioner Weston moved and Commissioner Fischer seconded to approve the minutes of the July 6, 2016 Planning and Zoning Commission meeting as presented.
Motion carried unanimously by voice vote.

Appv min 7/6/16 PZC
meeting as presented

A public hearing was opened for comment at 6:31 p.m. on the request of Casey's General Stores, Inc. to rezone a part of 900 Walnut Street from I-1 (Light Industrial) to C-3 (Service Retail). Publication was made of the public hearing notice, and there were no "interested parties" registered.

Public Hearing:
Rezoning, Casey's
General Stores, Inc.,
part of 900 Walnut St
from I-1 to C-3

B & Z Supervisor Holmes gave a brief overview of the rezoning request noting the following: the property is currently owned by RP Lumber; Casey's would like to purchase a small 126 square foot piece of the southwest corner to use for a future expansion on the site; the rezoning would ensure that there is not a split zoning on the property as the small piece would be attached to one of the two adjacent existing Casey's properties; the proposed rezoning would be compatible with the City's Comprehensive Plan which calls for general retail.

Petitioner comments: None.

Public comments: None.

At 6:32 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Scott moved and Commissioner Reeder seconded to approve the rezoning request as presented.

Approve Rezoning
request

Commissioner comments: The consensus of the Commission was that the rezoning of the small parcel made sense for its purposes.

There was no additional discussion and on roll call the vote was:

Ayes: 5 Weston, Fischer, Burdette, Reeder, Scott

Nays: 0

Motion carried.

Case No. 080316-V-1 – A public hearing was opened for comment at 6:32 p.m. on the request of Terrence & Linda Kurtz for a rear yard variance at 1325 Prince George Court. Publication was made of the public hearing notice, and there were three "interested parties" registered.

Public Hearing: rear
yard variance request,
Terrence & Linda Kurtz

B & Z Supervisor Holmes gave a brief overview of the rear yard variance request noting the following: the petitioner is requesting a 17'7" rear yard variance in order to allow for the construction of a single family home which would place the principal structure 7'5" from the rear property line; the rear yard requirement is 25'; the petitioners purchased the lot from the original owners who lost their home in the November 17, 2013 tornado; the lot is located on a cul-de-sac; staff has concluded that the property has two rear yards given the five sided lot configuration, one adjacent the lots that front Westminster and one adjacent the lots that front Kensington; and the rear yard encroachment would be toward the lots that front Westminster.

Petitioner comments: Mr. Jaik Rustemeyer, Dakota Builders, shared that he is working with Linda and Terrence with the house layout on the lot. He shared that the radius has been difficult to work with given the size of the home and with the courtyard load garage they will need to hug one side or the other of the lot. He shared that they are asking that the lot be looked at as a corner lot where the proposed rear yard abutting the Westminster properties could be looked at as a side yard in order to fit the house within the parameters.

Public comments: Mrs. Denise Hood, 713 Westminster Drive, shared that their property is directly behind the petitioner's lot. She shared that they purchased the lot in 2010 as it met what they were looking for which was a quiet residential neighborhood with spacious yards that provided nice spacious living. She shared that prior to the November 2013 tornado their yard was bordered with large two story pine trees which were destroyed and with their yard sloping up towards this lot it will look like the house is on top of them. She shared that she has spoken with their contractor Mr. Scott Lewis who is verifying the topography map but believes that they will also have storm water runoff issues on their property. She also shared concerns that the resale value of their home would be impacted as the perception would give them a shrunken yard feeling as well as potential fence damage that could occur if a fire were to break out. She indicated that because of these concerns they are asking for the variance to be denied and they be made to adhere to 25' rear yard setback.

Public Hearing: rear
yard variance request,
Terrence & Linda
Kurtz, Cont.)

Mrs. Denise Hood, representing her neighbors to the west, Mr. & Mrs. Timothy McGreevy residing at 709 Westminster Drive, read and submitted a statement for the record that shares their concerns and objection to the variance request. The McGreevy's concerns that have not previously been noted are that City variance requests are historically few and minor in nature and much less than the over 50% variance that is being requested and they are in disagreement that the hardship is not self-imposed as the lot does not accommodate the size and layout of the house.

It is noted here that the McGreevy's also presented cross-examination questions directed at the Planning & Zoning Commission within the statement. The Appearance Form for Interested Party Registration for Cross-Examination at Public Hearings states "an interested party may also directly question (cross-examine) the *petitioner or other witnesses* if an appearance form is properly filed prior to the hearing." These questions are reflected in their submitted statement for the record as they were not directed at the petitioner or other witnesses.

Mrs. Lynn Sheets, 717 Westminster Drive, shared they purchased their home in 2008 and the back yard was one of the selling points of property and approval of this variance would not be good for the neighborhood. Mr. Kevin Sheets asked for clarification on the measurement and if it is being measured perpendicular, as it should be, the basement will be dug out at 6' from the property line. He also shared that the house is not a feasible layout for the lot.

Mr. Rustemeyer shared that they went over the calculations for storm water drainage flow and based on the Tazewell County Geographic Information System (GIS) map elevation numbers the flow will actually be going away from the Westminster properties towards Coventry. He noted that the perpendicular lines of the five-sided lot are why they are here asking for the variance as the lot shape presents confusion on which point they pick to measure from for setbacks. He shared that they are not trying to upset anyone and with the questionable lot shape and the house design they want to build, they are trying to keep as close within the terms of subdivision and are meeting front and side setbacks. He shared that the original house on the lot was tucked to one side of the lot as well in order to accommodate a side load garage and meet the tight radius to get an approach and drive coming into the garage. He also shared that the original house may not have been as big as what they are proposing but it shared the same drive/approach challenges.

Close Public Hearing

At 6:59 p.m. the public hearing was closed.

Approve Case No.
080316-V-1, rear yard
variance request

Commissioner Fischer moved and Commissioner Scott seconded to approve the variance request as presented.

Commissioner comments: The following comments/concerns were raised: rotating the house on the lot could meet setbacks but Mr. Rustemeyer shared they could rotate it slightly to get to 10' but if they rotated it more they would lose the ability to place a future pool to the east side of the house; there would be a significant negative impact to the neighboring properties with the proposed layout of the house as it reduces the rear yard perception on the lot along with the potential storm water drainage issues that could occur; it appears that the driveway configuration could work with a different layout; and there appear to be no compelling reasons presented to grant the variance.

Variance denied

There was no additional discussion and on roll call the vote was:

Ayes: 0

Nays: 5 Burdette, Reeder, Weston, Scott, Fischer

Motion did not carry.

Commissioner Comments

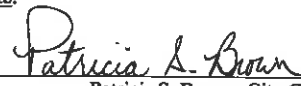
None.

Staff Comments

B & Z Supervisor Holmes shared that there will be a meeting next month on a couple of variances.

Adjournment

At 7:09 p.m. Commissioner Scott moved and Commissioner Weston seconded to adjourn.
Motion carried unanimously by voice vote.


Patricia S. Brown, City Clerk

CITY OF WASHINGTON WASHINGTON, ILLINOIS

TO: Chairman Burdette, and Planning & Zoning Commission Members

FROM: Becky Holmes, Building and Zoning Supervisor

DATE: August 31, 2016

SUBJECT: 2 foot Distance Between Structure Variance Request

PETITIONER: Roger G & Joanne L Lawless

LOCATION: 208 Hilldale Ave.

ZBA REQUEST: To allow a proposed room addition to be 8 feet from an existing detached garage. The required distance between structures is 10 feet.

BACKGROUND: The property is zoned R-1 and has a lot width of 60 feet and a lot depth of 282.4 feet on the east property line and 335 feet on the west property line. The petitioner is requesting to construct a room addition at the rear of the existing residence. The proposed addition would be 8 feet from the existing garage.

STAFF'S OBSERVATIONS:

- It appears that the petitioner would be able to receive reasonable return on his property without constructing a room addition.
- There does appear to be unique circumstances because the lot is narrow and deep.
- It does not appear that the character of the neighborhood would be altered as most properties in the block have accessory structures less than 10 feet from their principle structures.

STAFF RECOMMENDATION: Staff recommends denial of the distance between structure variance request.

CITY OF WASHINGTON, ILLINOIS – APPLICATION FOR VARIATION

- (1) Full name(s) and address(es) of all legal owners:

Roger G & Joanne L. Lawless
208 Hilldale Ave. Washington, IL 61571

- (2) Full and complete legal description for the property (also attach a copy of your deed and/or property tax bill):

Sec 13 T26N R3W BrookHill Addn Lot 22 SW 1/4

- (3) Address for the property: 208 Hilldale Ave Washington, IL

- (4) Present zoning classification: R-1 (i.e., AG, R-1, R-2, CE, C-1, C-2, C-3, I-1, I-2)

- (5) Present use of the property Residential

- (6) Describe how your property cannot yield a reasonable return, if it is required to be used only under the general conditions of your zoning classification:

Most homes in neighborhood have additions
increasing their value

- (7) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance became law? Yes ☒ No ☐

If "no", explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are NOT entitled to variations.)

- (8) Describe how your situation is unique or different from other property:

Property is narrow and deep.

- (9) Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make:

No change, many homes have less than 10'

- (10) Describe the nature of the variation you are requesting (attach dimensioned site plan):

Distance between structure variance

- ☒ (11) (City Council variation request only) Describe the "practical difficulties or particular hardship" that the current zoning laws of the City of Washington would have on your property if those laws were to be strictly enforced:

I/we certify that all of the above statements and the statements contained in any papers or plans submitted with this Application are true and accurate to the best of my/our knowledge.

I/we hereby expressly consent to the entry in and upon the premises and property described in this Application by any authorized official of the City of Washington for the purpose of posting, maintaining, and removing such notices as may be required by law and for the purpose of verifying any statement or statements herein contained.

DATE: July 25, 2016

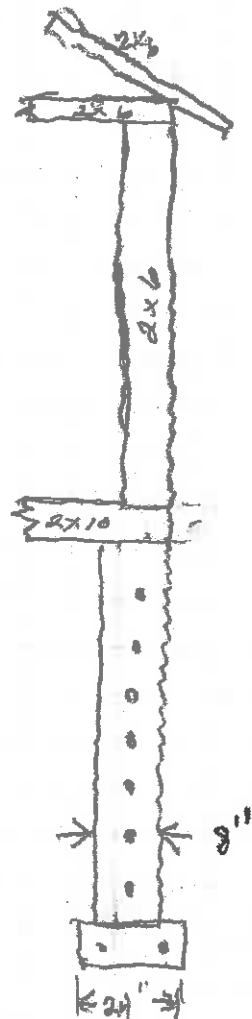
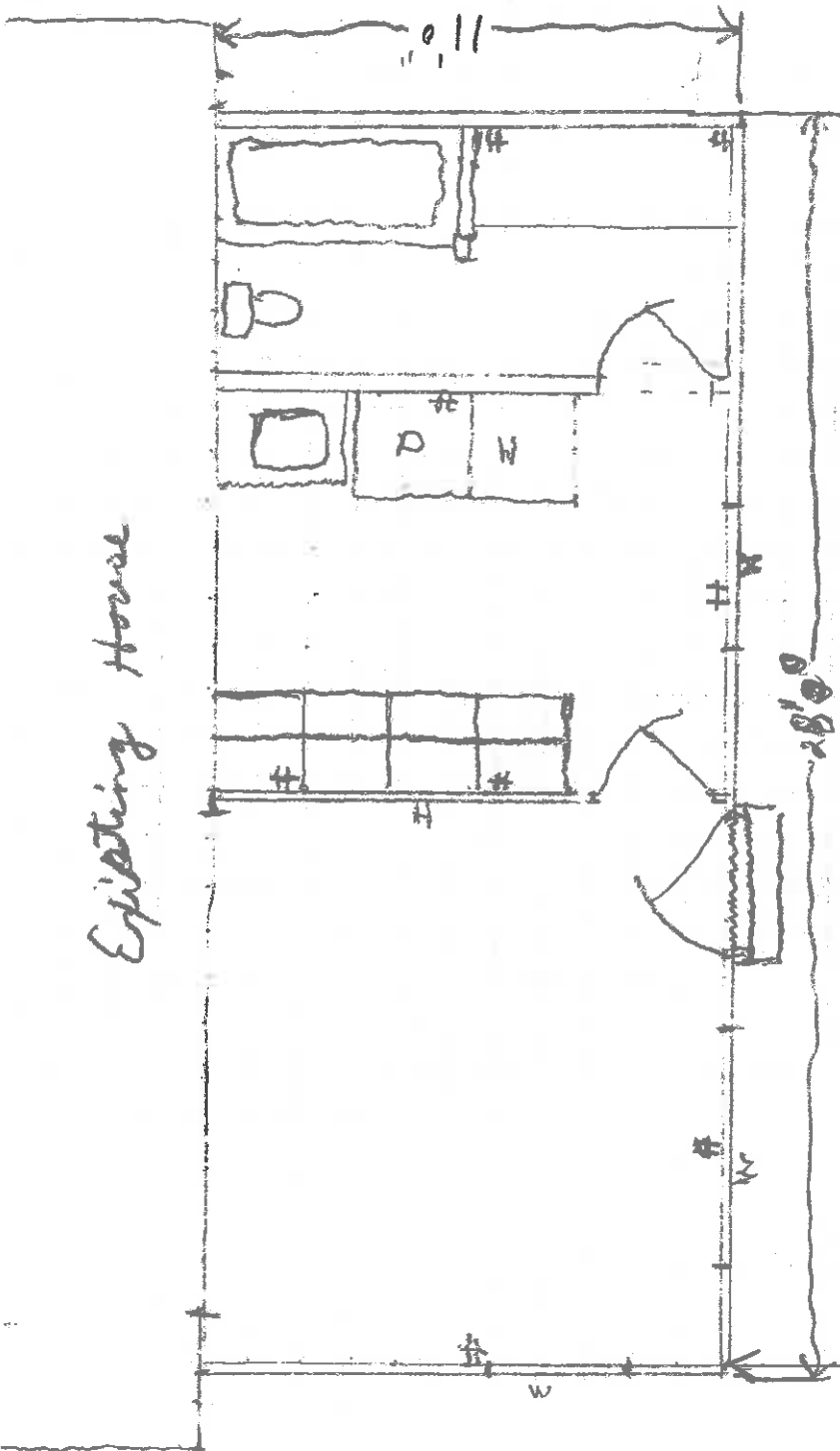
Roger G. Lawless
Applicant

Applicant

NOTE:

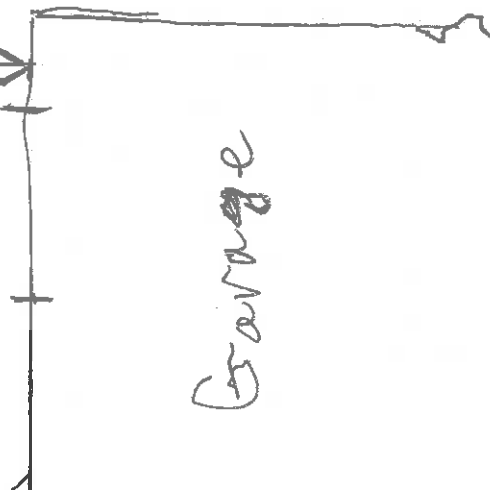
THIS APPLICATION MUST BE SIGNED BY THE TRUE LEGAL OWNER OR OWNERS OF THE PROPERTY.

Existing House



Bathroom 5'8" X 10'6"
 Laundry room 8'6" X 10'6"
 Dining room 11'6" X 10'6"

Garage





CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

301 Walnut St. · Washington, IL 61571

Ph. 309-444-1135 · Fax 309-444-9779

<http://www.washington-illinois.org>

joliphant@ci.washington.il.us

MEMORANDUM

TO: Chairman Burdette and Planning & Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Public Hearing – Sidewalks Subdivision Code Amendment
DATE: August 29, 2016

The City currently has a 50/50 sidewalk program that provides for roughly 50% of the cost of the repair of any sidewalks (and curb) that is deemed to be in poor or substandard condition. This program has been in place since 1965. It provides for \$2.25 per square foot for sidewalk and \$25 per lineal foot of curb. Residents can either choose a contractor to do the work and be reimbursed for the eligible costs or have City employees do the work and pay 50% at the time of construction. Where poor or very poor sidewalk has been identified, residents are typically required to participate financially in the construction of the new sidewalk.

The initial sidewalk construction is the responsibility of the builder/owner. The City's existing sidewalk policy that dates to 1991 is attached. As noted, this does not speak to the future maintenance of curbs. There is also no mandate that any residential subdivisions complete any sidewalk construction upon either a certain percentage of build-out or a particular period of years following acceptance of the public infrastructure improvements. East Peoria, Morton, and Peoria are cities in this region that have ordinances that requires any remaining sidewalks be constructed after a defined period of time following the City's acceptance of the infrastructure improvements and/or where a defined percentage of the lots in a subdivision have had construction on the lots. The owner of those lots is then notified of the need to complete the sidewalk construction. In the event an owner does not comply, the City may, at its option, complete the installation and bill the owner the cost of the construction.

The City's Public Works Committee and Committee of the Whole have discussed these sidewalk issues recently and recommended that the existing 50/50 sidewalk/curb policy be put into an ordinance and for staff to draft an ordinance that addresses any gaps in the city's sidewalks. This would be done to ensure the safety of the residents. This can also be established retroactively to include lots from previously platted subdivisions that have gaps in the sidewalks. The draft ordinance would allow for the City to require that any sidewalk gaps be completed once 75% of the lots within a subdivision are completed and/or at least three years has surpassed upon acceptance of the public infrastructure improvements. This would allow for the completion of sidewalks within many subdivision sections that only have minimal lots remaining.

A public hearing is scheduled for this draft amendment at the September 7 Planning and Zoning Commission meeting.

Attachments

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING CHAPTER 152.022 ENTITLED
"SIDEWALKS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS, as follows:

Section 1. That § 152.022 of Chapter 152 of the Washington Municipal Code of Ordinances titled "Sidewalks" is hereby amended by adding § 152.022 (I-K) in its entirety thereof:

"§ 152.022 SIDEWALKS

(I) *Sidewalks shall be constructed in conjunction with the construction of the house, and same shall be completed when the house construction is completed. For those lots that have not had construction, when seventy-five percent (75%) or more of the lots in a subdivision have had construction on the lots or three (3) years after conditional acceptance of the public infrastructure improvements by the City, whichever is earlier, then the owner of a lot in that subdivision shall complete the installation of a sidewalk within ninety (90) days of the date of being notified of same by the City. In the event an owner does not comply with the construction of said sidewalk within the time period stated above, then the City may, at its option, complete said installation and bill the owner for the cost of same. In such case the owner shall, within five (5) days of the submission of a bill, pay the City of same. In the event payment is not made, then the City may institute legal proceedings for the collection of said amount and may also file a lien on the lot upon which the sidewalk was constructed. No building permit for any improvement to any such lot shall be issued until the cost of installing the sidewalk incurred by the City has been paid in full.*

For all previously platted subdivisions, where there has been a conditional acceptance of the improvements by the City more than three (3) years prior to the date of approval of Ordinance No. _____, then the owners of the lots in said subdivision shall have ninety (90) days from the date of Ordinance No. _____ to install sidewalks. If the sidewalks are not installed, the other provisions of this Section shall apply.

(J) *City-Mandated Sidewalk and Curb Replacement: The City encourages voluntary private property owner participation in the City of Washington Sidewalk and Curb Replacement Program. The City will periodically inventory and evaluate the condition of existing sidewalks and curbs located in the public right-of-way, using insurance industry guidelines as a basis of evaluation. Sidewalk and curb in Poor or Very Poor condition will be identified and listed.*

- 1. Poor condition sidewalks are those which have cracks greater than three-eighths inch (3/8") wide and greater than three-eighths inch (3/8") vertical separation between squares or cracks within the same square, significant surface scaling or pitting, broken sections of sidewalk are loose and shift easily under the weight of walking, and/or some sections may be entirely missing. Poor condition curb would have multiple spalls per panel.*
- 2. Very Poor condition sidewalks are those which have cracks greater than one and one-eighths inch (1 1/8") wide or one and one-eighths inch (1 1/8") vertical separation between squares or cracks within the same square, excessive cracking, scaling or pitting, and/or sections of broken sidewalk can be lifted out or are entirely missing. Very Poor condition curb would have excessive spalling and exposed reinforcement per panel.*

Subject to budgetary considerations, the City Council will select the locations for City-mandated sidewalk and curb replacement. The City Administrator will develop and implement appropriate procedures to notify property owners abutting the selected replacement sidewalk and curb locations of their required financial participation in the construction of the new sidewalk and curb. Sidewalk replacement is typically reviewed and replaced per full square panel, typically four feet by five feet (4'x5'). Curb replacement is typically reviewed and replaced per full jointed segment, typically ten to fifteen feet (10-15').

(K) *Payment by Private Property Owner(s): The City shall participate in the cost of construction and/or replacement of sidewalk and curb in accordance with the following criteria:*

- 1. For City-mandated new sidewalk and/or curb construction or replacement sidewalk and/or curb installed by the City or by a City-awarded contractor (not applicable to properties where sidewalk construction is otherwise regulated by the Subdivision Code, Zoning Code, or Building Code):*

Option 1: The abutting property owner may elect to pay the City fifty percent (50%) of the cost at the time of construction or replacement. The City shall pay the remaining fifty percent (50%).

Option 2: The abutting property owner may elect to pay the City fifty percent (50%) of the cost of the cost, plus six percent (6%) interest, compounded annually, which may be spread over a period of not-to-exceed five (5) years, beginning in the year of construction. The City shall pay the remaining fifty percent (50%).

- 2. For sidewalk and/or curb replacement installed by the City or by a City-awarded contractor at the request of the owner of an abutting property, the abutting property owner shall pay the City fifty percent (50%) of the cost at the time of replacement. The City shall pay the remaining fifty percent (50%).*
- 3. In the case where a private property owner enters into an agreement with a private contractor to replace sidewalk and/or curb located within City-owned right-of-way, subject to prior approval of the City, the City will reimburse the property owner an amount equal to the actual cost of materials only based on the City's final inspection measurements.*
- 4. Property owners may request for sidewalk and/or curb abutting their property to be replaced. Requests must meet the conditions specified in § 152.022 (J) in order to either be placed on the City's replacement program or reimbursed for the cost of concrete material when the property owner contracts with a private contractor to have the work done. The amount of material reimbursement is based on the City's annual concrete bid price per lineal foot and the City's final inspection measurements.*

The City reserves the right to accept, defer, or reject voluntary requests for replacement, subject to budgetary constraints."

Section 2. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Section 3. That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

PASSED AND APPROVED this _____ day of _____, 2016.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk