

**CITY OF WASHINGTON, ILLINOIS  
PLANNING AND ZONING COMMISSION MEETING  
WEDNESDAY, NOVEMBER 6, 2019  
WASHINGTON DISTRICT LIBRARY - 380 N. WILMOR ROAD – 6:30 P.M.**

Chairman Mike Burdette called the November 6, 2019 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, Jay Alexander, Mike Burdette, Brian Fischer, Louis Milot, Tom Reeder, Joe Roberts, and Steve Scott. Roll Call

Also present was P & D Director Jon Oliphant, B & Z Supervisor Becky Holmes, and City Clerk Pat Brown.

Commissioner Roberts moved and Commissioner Reeder seconded to approve the minutes of the September 4, 2019 Planning and Zoning Commission meeting as presented. Appv min 9/4/19 PZC meeting as presented  
Motion carried unanimously by voice vote.

Case No. 110619-V-1 – A public hearing was opened for comment at 6:31 p.m. on the request of Dennis Gilmore for a side yard variance at 125 S. Main Street. Publication was made of the public hearing notice, and there were no “interested parties” registered. Public Hearing: side yard variance request, Dennis Gilmore, 125 S. Main Street

B & Z Supervisor Holmes provided a brief overview of the variance request noting the following: the petitioner is requesting a 4’ side yard variance in order to replace an existing dilapidated detached garage that is 1’ from the side property line; the new garage will be larger in size and will be the same distance to the side property line as the original garage; the new garage would also be 10’ from the principal structure where the existing is only 7’; and the current side yard setback requirement in R-1 zoning is 5’.

Petitioner comments: Mr. Gilmore shared that if he were to be in compliance with the setback it would push the garage further back on the property making it cumbersome to get in and out which could make it difficult for him to sell the property in the future.

Public comments: None.

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

Commissioner Milot moved and Commissioner Reeder seconded to recommend approval of the variance request as presented. Recommend approval of variance request

Commissioner comments: Commissioner Reeder asked if there will be a 10’ distance between the house and garage and B & Z Supervisor Holmes replied yes.

There was no additional discussion and on roll call the vote was:  
Ayes: 7 Alexander, Burdette, Fischer, Milot, Reeder, Roberts, Scott  
Nays: 0  
Motion carried.

A public hearing was opened for comment at 6:32 p.m. on the request of Alexander Tarter, 605 Ridge St., to permit a roof mount solar energy system to be placed on the roof of an accessory structure. Publication was made of the public hearing notice, and there were no “interested parties” registered. Public Hearing: Special Use request, roof mount solar energy system on accessory structure, 605 Ridge St.

P & D Director Oliphant gave a brief overview of the request noting the following: the petitioner has submitted a special use application for the installation of a solar energy system on the detached garage at 605 Ridge St.; a special use is required in order to install a roof mount solar array on the roof of an accessory structure per our solar energy code; if approved, it would be located on the south facing garage roof; and the solar array will cover approximately 44% of the garage roof and it is also planned to have a solar array on the east facing principal structure roof covering 20%. He shared that Legacy Solar indicates the reason for placing the panels on the garage is to take the most advantage of the sun and has also attested that the roof of the accessory structure is capable of supporting the proposed system, noting that staff is recommending approval of the request.

Petitioner comments: None.

Public comments: None.

At 6:33 p.m. the public hearing was closed. Close Public Hearing

Commissioner Fischer moved and Commissioner Roberts seconded to recommend approval of the special use request as presented. Recommend approval of special use request

Commissioner comments: Commissioner Fischer commented that this is this first time they have seen solar arrays being placed on both the principal and an accessory structure and asked if there was anything further that needed to be taken into consideration and P & D Director Oliphant replied there would not be. Commissioner Reeder indicated there does not appear to be a 3’ panel setback from the edge of the garage roof structure and John Luginbuhl, Legacy Solar, shared that it is a non-habitable structure and he did not think the 3’ panel setback applies

Recommend approval of special use request, Cont.)

but would consider doing the 3' setback. P & D Director Oliphant shared the setback would be driven by what the code requirements are. Commissioner's Reeder and Scott indicated they would be okay with allowing this as long as a 3' panel setback was done. Commissioner Alexander asked about the purpose of the 3' setback and it was noted it is for fire access and safety purposes.

Following a brief discussion, it was the consensus of the Commission to require the 3' panel setback on the accessory structure roof as part of the special use.

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

Ayes: 7 Alexander, Burdette, Fischer, Milot, Reeder, Roberts, Scott

Nays: 0

Motion carried.

Public Hearing: Special Use request, car wash, 2085 Washington Rd.

A public hearing was opened for comment at 6:39 p.m. on the request of Yonas Hagos, 2085 Washington Road, to operate a car wash as a special use in an I-1 zoning district. Publication was made of the public hearing notice, and there were "interested parties" registered.

P & D Director Oliphant gave a brief overview of the request noting the following: the petitioner has submitted a special use application for the operation of a car wash in an I-1 zoning district at 2085 Washington Road; a special use is required in an I-1 zoning district for permitted uses in the C-2 and C-3 zoning districts; the property is approximately 2.03 acres and is currently owned by Paige Hirstein; annexation occurred in 1972 along with the adjacent 2095 Washington Road property and was zoned I-1 at that time and has remained undeveloped; the proposed self-serve car wash structure would be approximately 5,690 s.f., would have vacuums in front of each parking space, would have a pet wash service, stormwater detention is required, final placement and design would be reviewed by the City and IDOT staff but the preliminary placement and design appear to be satisfactory, IDOT would also review site access and has granted one preliminary means of ingress-egress to the property from IL Route 8; proposed hours of operation are seven days a week from 7:00 a.m. to 8:00 p.m.; up to four employees during peak hours; landscaping is required at streetside, parking lot, and transitional buffer yard; an existing fence along the west property line will remain as well as a proposed fence along the west and north property lines adjacent to 2095 Washington Road; IL Route 8 is a five-lane road with an average daily traffic count of nearly 13,000; the property is most suitable for a non-residential use; the proposed use does not figure to generate significant noise and would likely comply with noise performance standards required in the I-1 zoning district; and the proposed use would generate property tax and a small employment base but would not generate sales tax. He shared the following conditions are recommended for approval: extend the planned 6' white vinyl fence along the southern property line; provide a row of evergreen trees at least 6' in height at the time of planting along the west and east property lines starting from a point 75' south of the north property line to ensure a continuous, consistent setting throughout the development; allow for a ground monument sign utilizing brick near the property entrance that does not exceed 10' in height and matches the brick and color to be used on the building; construct the car wash building entirely of brick on each side (excluding all windows and doors). A color similar to forest green is recommended for the building and ground signage and other accents such as awnings; and all lighting associated with the proposed development must be kept entirely on the property. He shared that Mike Cochran, Austin Engineering, is in the audience and has provided the elevations of an example project of what is being proposed as well as the anticipated noise statistics for the air dryers and vacuums.

Petitioner comments: Mr. Cochran addressed the Commission sharing that they were asked by the developer, Yonas Hagos, to prepare a concept plan for the property. He shared they have communicated all the recommended conditions to the developer and he has agreed to incorporate them into the final site plan. He shared there is a similar concept car wash on Allen Road in Peoria close to the Walmart and U-Haul businesses and this car wash would operate in the same fashion.

Public comments: Stephanie Deiters, Deiters Funeral Home, 2075 Washington Road, expressed her concerns with the proposed car wash noting the following: She purchased her property in 1998 to construct a funeral home with an owner residence; the rural setting and residential balance has been good for your business and residence; is pro small business but wishes to maintain their current setting; noise from the car wash is a concern with it directly next to their chapel where they serve families and the dryers, vacuums, music from cars, will affect the peaceful setting they create; bright lighting from the car wash will be an overall impact to the neighborhood decreasing property values; the current soft dimly lit lighting is more appropriate for this setting; trash generated by the car wash is a likely concern that would affect the landscaping they take pride in offering as part of their business; and additional traffic entering and exiting at this location is a concern for congestion in the area. She shared a neighborhood meeting was held, the property is zoned light industrial, and they would welcome a light industrial use on the property. She requested a denial of the special use and hoped that the Commission will respect the integrity of the existing neighborhood.

Linda Rice, adjacent property owner on the south, shared they do a lot of work and take pride in their property and would like to keep the level of beauty in the area. She expressed her concerns with the proposed car wash that included the following: the amount of traffic and noise it would generate; lighting that would inhibit their backyard enjoyment; crime; future property value; and trash. She asked that the Commission deny the proposal. She also indicated that there are already 5 car washes within a 4-minute drive and other businesses will suffer.

Jeff Jones, 127 Ernest Street, expressed his concerns with the proposed car wash that included the lighting and noise generated that will carry into his backyard and disrupt what they enjoy today. He asked that the Commission deny the proposal.

Public Hearing: Special Use request, car wash, 2085 Washington Rd., Cont.)

Mark Cochran indicated that the developer is sensitive to the concerns and their intent is to develop the property while protecting the existing environment. He shared that in speaking with a traffic engineer, the development will not likely impact the amount of traffic volume in the area; the noise would not likely be much more than what the current traffic makes; the lighting would meet all code requirements and be directed on the site only so as not to pollute other properties; and the landscaping requirements would also provide a buffer block for the additional lighting and noise as well.

At 6:58 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Fischer moved and Commissioner Reeder seconded to recommend approval of the special use request as presented.

Recommend approval of special use request

Commissioner comments: Commissioner Roberts expressed his opposition to the location of this project. He shared he doesn't want to see it leave Washington it is just the wrong location for this development. Commissioner Alexander asked the differences between I-1 and commercial noise and P & D Director Oliphant shared that noise is not specifically addressed in commercial zoning but is in I-1 and I-2 zoning with maximum expectation levels. It was noted that there is more concern with noise towards the back of the property affecting adjacent properties. Commissioner Burdette indicated that he assumes the water detention is based on a formula and P & D Director Oliphant shared that yes, it is intended to cover all impervious and maximum runoffs. Mr. Cochran shared the goal of the ordinance is that the post development condition has the same runoff rate as it did previous to development. Commissioner Milot expressed his concerns with the interruption of the traffic flow and the slight upgrade coming into the area, noting the current traffic difficulties at the Legion Road intersection with IL Route 8. Mr. Cochran shared that they have IDOT's tentative approval and once they submit their final calculations they may or may not be required to have a right turn lane into the development. Further discussion was held on the generated noise from the development; parking requirements; possibility of additional fencing; and the proposed car wash not being suited to this neighborhood area.

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

Ayes: 0

Nays: 6 Alexander, Fischer, Milot, Reeder, Roberts, Scott

Present: 1 Burdette

Motion did not carry.

Motion did not carry

A public hearing for the purpose of hearing comment pertaining to proposed amendments to the Zoning Code for the purpose of adding or deleting text was opened for comment at 7:15 p.m.

Public Hearing: Proposed Zoning Code text amendments, solar energy

P & D Director provided the following information: 1) we are experiencing an increased demand for solar energy projects; 2) our solar energy regulations were adopted in April 2018 and 11 building permits for roof-mount solar systems have been issued since then; 3) as part of the adopted regulations a special use must be approved for any roof-mount solar array on an accessory structure; 4) we are recommending waiving the requirement to obtain a special use permit for an accessory structure as in most cases residents are trying to take advantage of the south-facing roof face on the property which is the most important for maximizing the energy generation; 5) concerns with the structures ability to handle the gravity and wind loads of the panels is addressed through the building permit process where certification is required from a design professional attesting that the roof can suitable handle the loads; 6) the special use process adds about 45-60 days of extra time before an installation can occur; and 7) we are also recommending eliminating the 50% maximum roof coverage requirement that was drafted to reduce the aesthetic impact of the panels due to the evolving technology that will likely have them integrated directly into the roof in the near future. He shared that 3-4 additional permits have been issued and these two amendments should simplify the process. He noted that one requirement was left out of the draft and would like it added that would require a variance for any accessory structure that does not currently meet setback requirements to add a roof mount solar array.

Public comments: None.

At 7:15 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Reeder moved and Commissioner Milot seconded to recommend approval of the text amendments as presented.

Recommend approval of text amendments

Commissioner comments: Commissioner Scott asked if a minimum roof size should be considered and it was noted that through NFPA requirements and the structural engineer sign off required at permitting that having a minimum roof size requirement within our code should not be a concern. Commissioner Alexander commented that we are headed in the right direction by creating an easy process for residents to consider solar energy options. It was noted that "ground mount solar energy systems shall not be permitted" was being shown stricken from letter A. in the draft ordinance and was that correct. P & D Director Oliphant stated it was an error and they are still not permitted so the stricken line will be removed from the text, keeping it intact within the ordinance. It was the consensus to include the variance requirement for any accessory structure not in compliance with setback requirements.

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

Ayes: 7 Alexander, Burdette, Fischer, Milot, Reeder, Roberts, Scott

Nays: 0

Motion carried.

Public Hearing:  
Proposed Zoning Code  
text amendments, adult-  
use cannabis

A public hearing for the purpose of hearing comment pertaining to proposed amendments to the Zoning Code for the purpose of adding or deleting text was opened for comment at 7:23 p.m.

P & D Director provided the following information: 1) On June 25, 2019, Governor Pritzker signed Public Act 101-0027 creating the Cannabis Regulation and Tax Act; 2) this act legalizes the possession and private use of cannabis for IL residents over 21 years of age and becomes effective January 1, 2020; 3) the IL Dept of Financial and Professional Regulation has indicated that it will award up to three adult-use cannabis dispensary licenses in our Bureau of Labor Statistics Region, which includes five counties; 4) the proposed text amendment would set limits on where various adult-use cannabis businesses could be located; 5) municipalities may impose a Municipal Cannabis Retailers' Occupation Tax of up to 3% of the purchase price, which City Council approved in September at the maximum level of 3%; 6) the tax does not authorize the retail sale of cannabis only the collection of a tax; 7) the draft ordinance is largely taken from an IL Municipal League model as well as an ordinance recently approved by the City of East Peoria; 8) the draft ordinance establishes buffers of 1,000 feet for any adult-use cannabis business from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home, or residential care home; 9) cultivation centers and craft growers would not be allowed to be closer than 1,500 feet from a pre-existing property zoned or used for residential purposes while dispensing, infuser, processing, and transporting organizations would be required to be at least 250 feet away from a pre-existing property zoned or used for residential purposes; 10) these uses would only be allowed as special uses in the C-2 and C-3 zoning districts and only one type of each adult-use cannabis business would be allowed as a special use; and 11) regulations specific to dispensaries would limit the hours of operation from 8:00 a.m. to 7:00 p.m. and would not allow for outdoor seating or drive-through services or sales. He shared a map was also created showing properties that would be eligible with these setback perimeters, noting there are just a handful of properties eligible.

Public comments: None.

Close Public Hearing

At 7:27 p.m. the public hearing was closed.

Recommend approval  
of text amendment

Commissioner Reeder moved and Commissioner Roberts seconded to recommend approval of the text amendment as presented.

Commissioner comments: A brief discussion was held on how the buffer distances affect future business locations; dispensing of adult-use cannabis from a pharmacy; craft growers and cultivation centers likely being located in rural areas; buffer distances and how they were drafted after the IML model ordinance; affect of commercial properties with a residential use attached and how it would be treated as a commercial zoning; co-location requirements that would not allow the dispensing of adult use cannabis to be blended with another type of use; and a typo was noted in the buffer language of (9)(a) where the written distance needs to change from 'one thousand five hundred' to 'one thousand.'

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

Ayes: 7 Alexander, Burdette, Fischer, Milot, Reeder, Roberts, Scott

Nays: 0

Motion carried.

Commissioner/Staff  
Comments

B & Z Supervisor commented that there will be a meeting next month.

Adjournment

At 7:40 p.m. Commissioner Scott moved and Commissioner Alexander seconded to adjourn.  
Motion carried unanimously by voice vote.

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Patricia S. Brown, City Clerk