CITY OF WASHINGTON PLANNING AND ZONING COMMISSION MEETING LIBRARY MEETING ROOM – FIVE POINTS WASHINGTON WEDNESDAY, MARCH 1, 2017 6:30 P.M.

AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES January 4, 2017 regular meeting
- 4. NEW BUSINESS
 - A. Public Hearing: Case No. 030117-V-1 Request of Ryan & Traci Snell, 604 Victoria Drive, for a rear yard variance.
 - B. Public Hearing: Rezoning request of Mark Ratterman to rezone a parcel on Washington Road (Lot 382, Rolling Meadows, Section Ten) from R-1 (Single- and Two-Family Residential) and C-3 (Service Retail) to C-2 (General Retail).
- 5. COMMISSIONER'S COMMENTS
- 6. STAFF COMMENTS
- 7. ADJOURNMENT



CITY OF WASHINGTON, ILLINOIS PLANNING AND ZONING COMMISSION MEETING WEDNESDAY, JANUARY 4, 2017 CITY HALL CONFERENCE ROOM 301 WALNUT STREET – 4:30 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 the conference room at City Hall.

Roll Call

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

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

Appv min 11/2/16 PZC meeting as presented

Commissioner Milot moved and Commissioner Reeder seconded to approve the minutes of the November 2, 2016 Planning and Zoning Commission meeting as presented.

Motion carried unanimously by voice vote.

Public Hearing: Certificate of Occupancy Waiver Request, Iuvo Construction, LLC A public hearing was opened for comment at 6:30 p.m. on the request of Iuvo Construction, LLC, 1709 Tullamore Avenue, Suite B, Bloomington, IL for a waiver of the requirements to obtain a certificate of occupancy per City Zoning Code Section 154.237 for Cherry Pointe Subdivision, Section 2, located at the end of Calvin Drive. Publication was made of the public hearing notice, and there were no "interested parties" registered.

P & D Director provided the following information: 1) In August of this year Cherry Pointe Section 2 subdivision was approved by City Council; 2) three building permits have been issued in Section 2 and at that time the applicant, MKR Properties, was informed that certificates of occupancy could not be issued until the public infrastructure improvements were reviewed and approved by the City; 3) it is anticipated that all of the improvements will be complete prior to the occupancies of these homes with the exception of the paving of Calvin Drive and Brown Court; 4) Iuvo Construction, LLC (developer) has applied for a variance that would allow the certificate of occupancies to be issued prior to the completion of the infrastructure improvements where the streets would be treated as private and would release the City from any liability prior to the final paving; 5) this request would be a variation from the City's Zoning Code Section 154.237 "Certificates of Occupancy"; 6) the City's Subdivision Code Section 152.025(V) states "Street pavement in residential subdivisions shall not be installed until the trenches for underground utilities have settled through a winter and spring season" and there is potential that homes could feasibly be finished sometime in late winter or early spring, likely before the paving could be completed; and 7) MKR Properties is asking about the possibility of issuing the certificates of occupancy with a temporary gravel road in place and any maintenance and snow plowing would not be the responsibility of the City. He shared that staff would be concerned about the impact of having homes occupied before the road paving has been completed and approved by the City.

Petitioner's Comments: Attorney Elizabeth Megli, representing the developer, shared that the developer entered into two presold contracts for purchase on the properties prior to knowing about the paving restrictions. She shared that the developer is anticipating the homes to be completed in March with street paving out 30-40 days following completion and that they are willing to enter into an agreement with the City regarding maintenance of the roadway in order to allow occupancy of the homes prior to acceptance of the street pavement. She noted that this is a reasonable request due to the manner of how the City's ordinance was drafted.

Public comments: Ms. Sharon Smith, President of Cherry Pointe Homeowners Association, shared that they would have concerns about completing the street pavement in increments. She shared that there are currently issues with increased damages to the existing street pavement as well as clogged drainage as a result of the construction process. She indicated that the developer knew the ordinance requirements prior to the sale of these homes and it is not fair and they are objecting to the waiver request. Attorney Megli shared her understanding was that the developer was not aware of the ordinance requirements and their desire is to have street pavement in places as soon as they can and it would not be done in phases.

Close Public Hearing

At 6:38 p.m. the public hearing was closed.

Approve certificate of occupancy waiver

Commissioner Weston moved and Commissioner Fischer seconded to recommend approval of the certificate of occupancy waiver request as presented.

Commissioner's Comments: Commissioner Scott asked if the pavement material will be asphalt or concrete and P & D Director Oliphant shared that it will be asphalt. Commissioner Scott asked where the three properties are located on the plat and if homeowners are aware of no access to their properties once the paving begins. It was noted that homeowners are aware and that Brown Drive would be the closest off-street parking for them to use as the three homes are located just west of the Brown and Calvin intersection along the south side. Commissioner Benson asked the duration of the paving process and Commissioner Scott shared that once it is down it would be a few days before you can drive on it. Chairman Burdette commented that it was indicated that they were told the infrastructure had to be compete and if it was the developer or the builder who was told and Oliphant shared that the builder is the developer in this case and they were told. Commissioner Reeder indicated that they had the same issue in Carriage Park subdivision so it has been this way for quite some time and his concern would be for safety

when manhole covers are sticking out of gravel. Oliphant shared that is a concern of ours as well and although an agreement could be structured solidly for both parties, questions will still arise when maintenance isn't being done, etc. and want it fixed by the City. Commissioner Reeder commented that if we don't abide by our policy we set ourselves up for liability. Commissioner Benson commented that at the same time we are passing an ordinance on a new policy that we want in writing because our old policy wasn't clear. Oliphant shared that it is the next item on the agenda in order to have more clear language that clearly indicates that certificate of occupancies can't be issued and we and our City Attorney's office are of the opinion that the language currently in place allows us to not allow for the homes to be occupied. Commission Scott brought forward for discussion of the idea of allowing their engineer to provide a temporary measure in lieu of the asphalt until the plants open, that would get the roadway in travelling condition. Chairman Burdette and Commission Fischer raised their concerns about setting precedence and opening up liability issues when the developer was told about the requirement. Attorney Megli asked for clarification as her understanding was that staff had talked to the engineer and not the developer. B &Z Supervisor Holmes asked who the engineer was and Attorney Megli shared it was Austin Engineering. Both Oliphant and Holmes replied that all their conversations have been with Mr. Rave. Oliphant indicated that he could not speak to whether or not Austin has had any conversation with our City Engineer on this matter. Commissioner Milot asked for confirmation that staff is not recommending the waiver request based on liability and consistency and Oliphant replied yes. Commissioner Milot shared that he would be willing to hear about conditions that could be placed to satisfy the concerns. Attorney Megli shared the developer is willing to work with staff to work out details for a temporary solution. Commissioner Scott shared that he would have liked to see a solution proposed this evening and is comfortable with a possible temporary short term solution that would satisfy the City's concerns. Commissioner Milot was in agreement. Oliphant shared that the Commission could make a recommendation to Council on having a temporary solution in place until the asphalt can go down. Commissioner Weston shared his concern about the lack of hardship and the amount of effort being expended for something that is only out for 30-days.

Approve certificate of occupancy waiver, Cont.)

Commissioner Weston moved to amend the motion to approve recommendation with the condition that a temporary solution be in place that satisfies the City's concerns and was seconded by Commissioner Fischer. There was no further discussion and on roll call the vote was:

Commissioner Fischer shared his concern about the lack of exceptional circumstances in

Ayes: 3 Benson, Milot, Scott

Nays: 4 Burdette, Reeder, Fischer, Weston

Motion did not carry.

Motion amended

w/conditions

A public hearing for the purpose of hearing comment pertaining to proposed amendments to the Zoning & Subdivision Codes for the purpose of adding or deleting text was opened for comment at 7:10 p.m.

Motion did not carry

P & D Director provided the following information: 1) there is not currently language in place in the Subdivision Code that explicitly prohibits the issuance of certificates of occupancy for homes completed prior to the approval of all public infrastructure; 2) there is language in place that allows the City to not issue certificate of occupancies until after such time that the improvements have been approved and there is a desire to make this more clear in Zoning Code and include it in the Subdivision Code as well; 3) the proposed amendment for both codes would prohibit certificates of occupancy from being issued until after the City has approved the infrastructure improvements and would also withhold other public services including street maintenance, snow plowing, and garbage pickup until approval; and 4) the proposed amendment is based on the language that both the cities of East Peoria and Pekin have in place.

Public Hearing: zoning & subdivision code amendments, certificate of occupancy

Public comments: None.

allowing the waiver.

At 7:11 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Milt moved and Commissioner Fischer seconded to recommend approval of the zoning and subdivision code amendment as presented.

Recommend approval of text amendments

Commissioner's Comments: Commissioner Scott asked that a cross-reference be added to both proposed sections that would take someone from the subdivision code to the zoning code and from the zoning code to the subdivision code for more information. Following discussion, it was clear that only the subdivision code needed the cross-reference section to the zoning code. This was concluded due to the new language being identical in both codes with the zoning code having additional information in regards to certificate of occupancy's.

Motion amended nd on

Commissioner Milot moved to amend the motion to approve recommendation by adding "for more information cross-reference zoning code §154.237" to the subdivision code section §152.005 and was seconded by Commissioner Fischer. There was no further discussion and on roll call the vote was:

Ayes: 6 Weston, Scott, Reeder, Burdette, Fischer, Milot Nays: 1 Benson Motion carried.

None.

Old Business

None.

Commissioner's Comments Staff Comments

P & D Director Oliphant shared that there will not be a meeting next month and that beginning with the next meeting he will provide City Council's decision on cases that move to them from here for consideration.

Adjournment

At 7:27 p.m. Commissioner Weston moved and Commissioner Reeder 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: February 22, 2017

SUBJECT: 8 foot Rear Yard Variance Request

PETITIONER: Ryan and Traci Snell

LOCATION: 604 Victoria Dr.

ZBA REQUEST: To allow a proposed deck to be 15 feet from the rear property line. Required rear yard setback is 20 feet or 20% of the lot, whichever is greater. The setback for the petitioner's lot is 23 feet.

BACKGROUND: The property is zoned R-1 and has a lot width of 100 feet and a lot depth of 102.99 feet on the east side and 123.29 feet on the west side. The petitioners are requesting to construct an attached deck to the rear of the house and adjoining an above ground pool. The proposed deck would encroach into the rear yard setback 8 feet.

STAFF'S OBSERVATIONS:

- It appears that the petitioners may be able to receive reasonable return on their property without increasing the size of the existing deck.
- There does appear to be unique circumstances because the lot is irregular in shape with frontage on a cul-de-sac.
- It does not appear that the character of the neighborhood would be altered as the portion of decking that encroaches into the setback is minimal. In addition, there is an existing landscape buffer between the petitioner's property and the property to the rear.

STAFF RECOMMENDATION: Staff recommends denial of the rear yard variance request.



CITY OF WASHINGTON, ILLINOIS – APPLICATION FOR VARIATION

(1)	Full name(s) and address(es) of all legal owners: Ryan Daviel Snell, Traci Leigh Snell, 604 Victoria Drive Washingto
	How would you like to receive correspondence? Mail _X Email
(2)	Full and complete legal description for the property (also attach a copy of your deed and/or property tax bill): Parcel ID: 02-02-13-315-007; Sec13T26N R3W Carriage Park Section 4 Lot37 Se
(3)	Address for the property: 604 Victoria Drive Washington, IL 61571
(4)	Present zoning classification: (i.e., AG, R-1, R-2, CE, C-1, C-2, C-3, I-1, I-2)
(5)	Present use of the property: Single family per manent residence
(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:
	current zoning serback makes a usable deck around the pool not frasible de to blook of yard for pool entry, visibility into pool from deck, # entry to yar
(7)	To the best of your knowledge, can you affirm that the hardship described above was <u>not</u> created by an action of anyone having property interests in the land after the Zoning Ordinance became law? Yes X No
	If "no", explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are <u>NOT</u> entitled to variations.)
(8)	Describe how your situation is unique or different from other property: Setback of house along cul-de-Sac + pool placement on level ground decrease
(9)	Describe the alteration or change, it any, in the basic character of the neighborhood the variation, if granted, CONCRET would make:
	None; Pool ok'd by developer; deck is reasonable for pool usage
(10)	Describe the nature of the variation you are requesting (attach dimensioned site plan): Requesting Setback of 15' (rather than 20-22') for pool deck attached to house for a portion (roughly < 1/4 of deck 50 ft) to allow the deck along one side
	OF DOLF LIMING THE BACK YARD. THIS IS FOR A DORTION OF THE DECKY ertify that all of the above statements and the statements contained in any papers or plans submitted with this ation are true and accurate to the best of my/our knowledge.
authori	ereby expressly consent to the entry in and upon the premises and property described in this Application by any fixed official of the City of Washington for the purpose of posting, maintaining, and removing such notices as may aired by law and for the purpose of verifying any statement or statements herein contained.
	Applicant

NOTE: This application must be signed by the true legal owner or owners of the property.

Tazewell County Illinois

Information for Parcel 02-02-13-315-007, Tax Year 2015 Payable 2016

Property Inform	acion
Township WASHINGTON	Property Class 0040-Improved Residential Lot
Tax Code 02027	Land Use
Tax Rate 7.792390	Total Tax \$7,148.74
Owner Name and Address SNELL, RYAN D & TRACI L 604 VICTORIA DR WASHINGTON, IL 61571-0000	Mailing Name and Address
AGE PARK SECTION 4 LOT 37 SW 1/4 .27 ACRE E	38B 1-2
	WASHINGTON Tax Code 02027 Tax Rate 7.792390 Owner Name and Address SNELL, RYAN D & TRACI L 604 VICTORIA DR WASHINGTON, IL 61571-0000

5/3/05 SPLIT FROM 02-13-300-010 2007 COFE TO ADD NEW CONST AS OF 12/7/07 8%

Assessments								
Level	Homesite	Homesite Dwelling Farm Land Farm B				Total		
DOR Equalized	16,730	81,010	0	0	0	97,740		
Department of Revenue	16,730	81,010	0	0	0	97,740		
Board of Review Equalized	16,730	81,010	0	0	0	97,740		
Board of Review	16,730	81,010	0	0	0	97,740		
S of A Equalized	16,730	81,010	0	0	0	97,740		
Supervisor of Assessments	16,260	78,740	0	0	0	95,000		
Township Assessor	16,260	78,740	0	0	0	95,000		
Prior Year Equalized	16,260	78,740	0	0	0	95,000		

Exemptions								
Exemption Type	Requested Date	Granted Date	Renewal Date	Prorate Date	Requested Amount	Granted Amount		
Owner Occupied	01/20/2011	01/20/2011	01/19/2015		\$6,000	\$6,000		

Tax	king Bodies	
District	Tax Rate	Extension
TAZEWELL COUNTY	0.49866	\$457.48
GRADE SCHOOL 52	2.71602	\$2,491.68
HIGH SCHOOL 308	2.64074	\$2,422.61
COMMUNITY COLLEGE 514	0.49384	\$453.05
WSHNGTN DIST LIBRARY	0.20494	\$188.01
WSHNGTN MASS TRANS	0.00000	\$0.00
WASHINGTON PARK	0.38497	\$353.17
WASHINGTON RD & BR	0.30088	\$276.03
WASHINGTON TOWNSHIP	0.12709	\$116.59
WASHINGTON CORP	0.42525	\$390.12
Total	7.79239	\$7,148.74

1	Sales History								
Year	Document #	Sale Type	Sale Date	Valid Sale	Gross Selling Price	Net Selling Price			

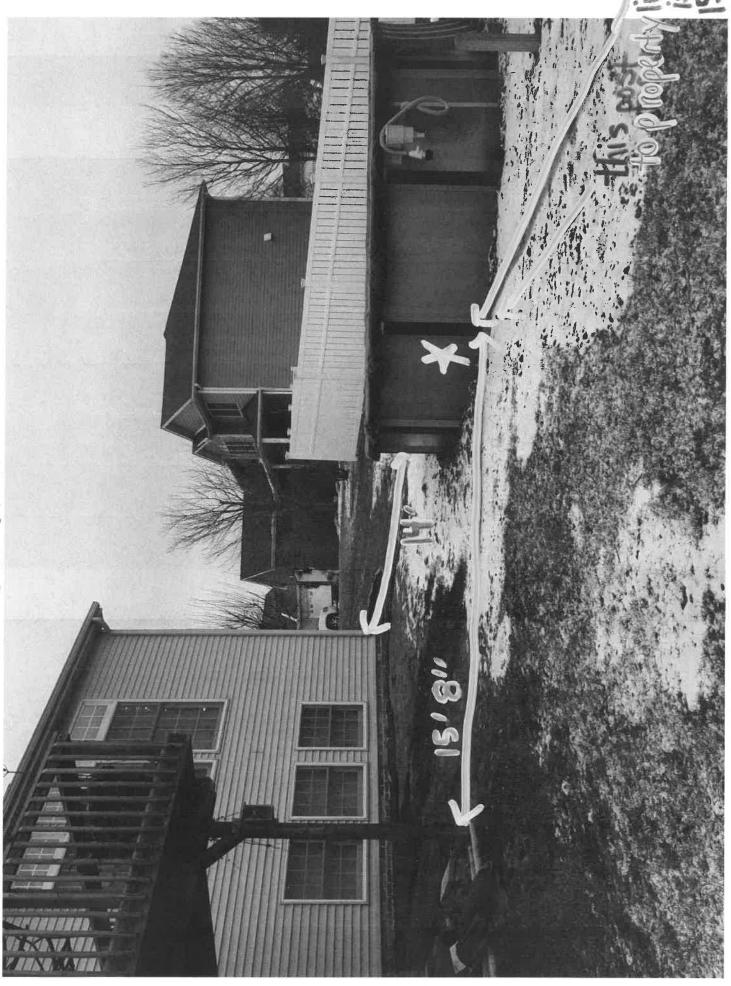
Payments										
Installment	Tax Billed	Penalty Billed	Cost Billed	Drainage Billed	Total Billed	Amount Paid	Total Unpaid			
First	\$3,574.37	\$0.00	\$0.00	\$0.00	\$3,574.37	\$3,574.37	\$0.00			
Second	\$3,574.37	\$0.00	\$0.00	\$0.00	\$3,574.37	\$3,574.37	\$0.00			
Total	\$7,148.74	\$0.00	\$0.00	\$0.00	\$7,148.74	\$7,148.74	\$0.00			

Payment Detail									
Installment Batch Number Receipt Number Date Due Date Paid Paid By									
First	2015000530		06/01/2016	05/25/2016	SOUTH SIDE BANK				
Second	2015001552		09/01/2016	08/30/2016	South Side Bank				

The Tazewell County Assessment Office makes every effort to produce and publish the most current and accurate information possible. The information maintained on this website should not be relied upon for any purposes except for those of the Tazewell County Supervisor of Assessments and his staff. The Tazewell County Assessment Office accepts no responsibility for the consequences of the inappropriate use of the interpretation of data. No warranties, expressed or implied, are provided for data herein. By proceeding with a property search you are stating that the notice has been read and that you understand and agree with its contents.

36.99 8 35.78 New Deck (attached to thouse) Future fette wl Garce (add barrier under) → railing |- Gate w/ steps variance Paol 15'X 30' deck set back Laranafarhured 16' (maybe 7') (note: Poolfencing-attached to pool will also be installed where no deck exists) View from existing deck (ellevated)

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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 and Zoning Commission FROM: Jon R. Oliphant, AICP, Planning & Development Director

SUBJECT: Public Hearing - Request by Mark Ratterman to Rezone a Parcel on Washington Road

R-1 and C-3 to C-2

DATE: February 20, 2017

Background: Mark Ratterman has requested the rezoning of a parcel on Washington Road (IL Route 8) from R-1 (Single- and Two-Family Residential) and C-3 (Service Retail) to C-2 (General Retail). This property is currently owned by John Poloney, who owns the U-Haul/self-storage business to the west. Mr. Ratterman would like to purchase the property to construct a new Domino's Pizza store on the site. The building would be sized to potentially allow for a second unit, though no plans are set at this point for a specific user.

The western 35 feet is zoned C-3 with the remainder of the property zoned R-1. The property was rezoned in 2002 from C-1 (Local Retail) to the current zoning splits. The split zoning was done to match the zoning to the west and to allow for the storage business to utilize that space. The eastern portion of the property was rezoned to R-1 to allow for duplex construction, which has never occurred. This proposed rezoning would ensure that there is not a split of zoning classifications on the same property, as the western 35 feet was not attached to the parcel to the west following the approval of the 2002 rezoning.

Findings: The property is approximately 0.52 acres. The parcels to the north and east in Rolling Meadows North are zoned R-1. The parcels to the west are zoned C-3. Washington Plaza, located on the south side of Route 8, is zoned C-2. The comprehensive plan designates this property as Office and Service Commercial. The proposed rezoning would be compatible with that classification.

Because of its location on Route 8, IDOT also reviews access provisions to the site and the stormwater detention requirements. IDOT will not approve of any future building on the property until these requirements have been met. The City would only want access to be from Route 8 and not to have a secondary ingress/egress from Briar Lane. Additionally, landscaping will be required adjacent to Route 8 and as a buffer for the residences to the north and east. This property likely holds more value as a commercial use due to its location on a five-lane arterial road with an ADT of about 12,000.

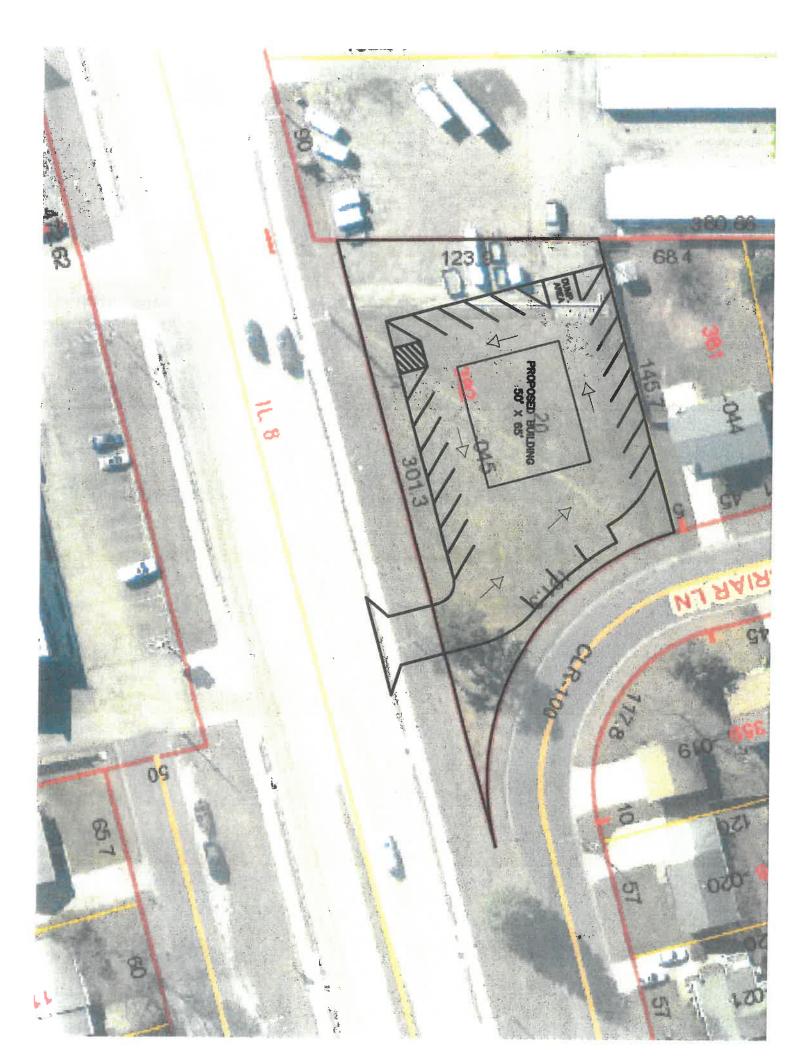
Recommendation: Due to these reasons, the property is suitable for the proposed rezoning. <u>Staff recommends approval of the rezoning of this parcel on Washington Road from R-1 and C-3 to C-2.</u>

A public hearing will be held by the Planning and Zoning Commission at their meeting on Wednesday, March 1.

Enclosures

cc: Mark Ratterman





CITY OF WASHINGTON, ILLINOIS

APPLICATION FOR REZONING

To have a complete application for a rezoning, you must submit to	a following:
Signed and completed application Plat aboving subject property and all adjacent **	Demenship documentation (lease, deed, mortgege, etc.) Appurate legal description obtained from the Warrarty Deed Application fee of \$100 payable to the City of Washington
Address or location of property:	ALGORIA COLONIA DE LA COLONIA
Property Tax ID (PRI) number:	
Current soraing classification of the property P-1 Current use of the property VALANT LAND	Progosed zoning classification of the property L. 2
Proposed use of the property. hat has 9 Center	
Does the proposed zoning meet the City's Comprehensive Plan?	(circle one) (VES)/ NO
If not, what unique characteristics about your property warrant a n	econing?
Name of Applicant MARK ROWLIMAN, Address of Applicant 201 N. Main 34. Ste	From Number of Applicant 5/4 - Lette - 5774
Address of Applicant 201 N. Maist St. Ste	800 31. CM/45 MO 65801
Owner of Property	
Address of Owner.	
I would like to receive correspondence by: Mail X 6	ma End assess mratkroma (6) mbr mgt. Com
PLAY REQUIREMENTS: Your resoning plat must show	
 The subject property and all adjacent properties (including a Each property shall be labeled to show the owner or busines Adjacent rights-of-way, streets, roads, rathroads, waterways, 	is name, address, current zoning, gind propoled Jerang
Commission meeting for a public hearing. The Planning and Zo	commendation to the next regularly scheduled Planning and Zoning orang Commission meets the first Wednesday of every month at 6.30 Wilmor Road. At the Planning and Zoning Commission meeting, you ar the following factors before making their recommendation to the City
Extent to which destruction of value of some property promotes to public compared to hardship imposed upon individual proper time property has been vacant as zoned, considered in content of and 8) Competibility with the Comprehensive Plan.	ich property values are diminished by particular zoning restrictions; 3) health, safety, morals or general welfare of the public; 4) Relative gain ny owners; 5) Suitability of property for zoned purposes; 6) Length of of land developed in vicinity; 7) Community need for the proposed use;
and aubstantially represents the existing features and propose fact or expression of meterial fact, with or without allention,	intained herein, and on the attachments, is true, accurate, and correct of features. Any error, misstatement, or misrepresentation of moteria shell constitute sufficient grounds for the revocation or denief of the
Male B. Ralleson	218/17
Sphature of Applicant	Dafe
1210 00-1	2/3/17
	Dale
ter receiving a completed application, the City Clerk will file is sperly owners. If you have any questions, please contact Jon	notice of your request with the local newspaper and with the adjoi Oliphant, Planning & Development Director st (309) 444-1135.
	THE RESERVE THE PROPERTY OF THE PARTY OF THE
OFFICE USE ONLY COM No.	Pee Paid? Y / N Date:
ubralled? Y / N Dulk	
go before the Ptenning and Zoning Commission:	Contrinsion Action:
第四の企業を加工的報告を表示。 第四の企業を加工的報告を表示	

FOR Plat I

Tazewell County, Illinois

generated on 2/3/2017 11:35:39 AM CST

Parcel

Parcel ID 02-02-20-301-045	Alt.	PIN	Parcel Addre WASHINGTO	ss N RD, WASHINGTON		Data as 1/28/201	
Tax Payer Tax Payer Addre	ss		,	ormation POLONEY JOHN R WASHINGTON RD WASHINGTON IL 615710000	ı		
Transfer Date	***************************************			12/30/2004			
			Location Info	rmation			· · · · · · · · · · · · · · · · · · ·
GIS District No. Township No. Parcel Address	District No. 02015 Township No. 002,			Section & Plat State Assigned District No Routing No. Legal Desc.	:	020 SEC 20 T26N R3W ROLLING MEADOWS SE 10 LOT 382 SV 1/4	EC
	Parcel	Information		Topography		Services	e we derive
Property Class C Neighborhood C Neighborhood Fa Neighborhood Ty Street or Road C	ode actor /pe	60 COMMEI 203 .00	RCIAL BUSINESS	Level High Low Rolling Swampy Flood Hazard Waterfront Property Type	2 2 2 2 2	Water Sewer Gas Electricity Sidewalk Alley	N N