

**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	<p>Present and answering roll call were Commissioners Rich Benson, Mike Burdette, Brian Fischer, Louis Milot, Tom Reeder, Steve Scott, and Doug Weston.</p> <p>Also present was P & D Director Jon Oliphant, B & Z Supervisor Becky Holmes and City Clerk Pat Brown.</p>
Appv min 11/2/16 PZC meeting as presented	<p>Commissioner Milot moved and Commissioner Reeder seconded to approve the minutes of the November 2, 2016 Planning and Zoning Commission meeting as presented.</p> <p><u>Motion carried unanimously by voice vote.</u></p>
Public Hearing: Certificate of Occupancy Waiver Request, Iuvo Construction, LLC	<p>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> <p>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.</p> <p>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.</p> <p>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.</p>
Close Public Hearing	At 6:38 p.m. the public hearing was closed.
Approve certificate of occupancy waiver	<p>Commissioner Weston moved and Commissioner Fischer seconded to recommend approval of the certificate of occupancy waiver request as presented.</p> <p>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</p>

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

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:

Motion amended w/conditions

Ayes: 3 Benson, Milot, Scott
Nays: 4 Burdette, Reeder, Fischer, Weston
Motion did not carry.

Motion did not carry

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.

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

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 comments: None.

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.

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:

Motion amended

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. <u>Motion carried unanimously by voice vote.</u>

Patricia S. Brown, City Clerk