

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: Protea Place Subdivision Preliminary Plat/Private Street Request
DATE: October 25, 2023

Attached is a preliminary plat for Protea Place Subdivision. It is bordered by US Business Route 24 (Washington Road) on the north, Lakeshore Drive on the west, and S. Cummings Lane on the east. A rezoning from C-2 (General Retail) to R-2 (Multi-Family Residential) was approved in August for approximately 5.02 acres on the southern portion of the property. Protea Place, LLC, proposes the subdivision of the entire 11.67-acre property in a manner consistent with the approved rezoning.

The proposed preliminary plat includes five parcels. The four parcels on the west closest to Lakeshore are owned by Delaware Crossing, LLC. The fifth parcel, which abuts S. Cummings, is owned by Protea Place, LLC. Protea Place, LLC, proposes creating Lots 1-5 on the north side of the property abutting Business 24. These lots would range in size from 1.09-1.295 acres and would be intended for future commercial development. Lot 6 would be approximately 4.058 acres and be earmarked for 56 residential units. Lot 7, immediately east of Lot 6, would be nearly 0.4 acres. There are no immediate plans for development on that lot, though the R-2 zoning permits various residential uses.

The entire property would be accessed by Outlot 1, which would be a private drive, whose ownership and maintenance would be reserved for the developer or an Association comprised of members who are owners of each lot within the subdivision. Outlot 1 would run the length of the property from east to west and would also connect with Business 24 between Lots 3 and 4 for right-in, right-out access. The northern 20' of Lot 6 would remain with the owner of Lot 6, who would grant a permanent access easement to the Association for private roadway purposes for the use of all of the lots within the subdivision. Outlot 2, totaling about 0.42 acres, at the east end would be reserved as one of two detention areas.

Each of the lots meet both the City's subdivision and zoning code regulations with the exception of a request to allow for the private road. The subdivision code grants the Planning and Zoning Commission the ability to "waive the requirement where, due to unique circumstances or topographical limitations, access to a public street must be provided by either a private drive or an ingress/egress easement." Lots 6 and 7 would not have the required minimum 60' of frontage adjacent to a public street without approval of this request. Lakeshore Drive is a private road from a point 250' to the south of its intersection with Business 24. As a result, most of Lot 6 can only have limited frontage adjacent to the publicly-dedicated portion of Lakeshore.

Restrictive covenants will be recorded that outline the ownership and maintenance of Outlot 1. Similar to the recent request to allow private roads within the Cedar Lakes Subdivision, City staff has requested that language be included on the plat and within a future Roadway Easement and Maintenance Agreement to clarify that the City would not have ownership and maintenance responsibility. Staff is supportive of the private road request.

As a result, **staff would recommend approval of the preliminary plat for Protea Place Subdivision** as well as the allowance for the private street. The Planning and Zoning Commission will hear this request at its meeting on November 1. Approval of the preliminary plat would be scheduled for a future City Council meeting.

Attachments

CITY OF WASHINGTON, ILLINOIS

PRELIMINARY PLAT REVIEW CHECKLIST

NAME OF SUBDIVISION Protea Place
OWNER OF SUBDIVISION Delaware Crossing, LLC and Protea Place, LLC
ADDRESS OF OWNER 201 N. Cummings Ln. and 34 Diamond Point
CITY Washington/Morton **State** IL **Zip** 61571/
 61550
NAME OF PERSON COMPLETING THIS CHECKLIST Jon Oliphant
ADDRESS OF PERSON COMPLETING THIS CHECKLIST City Hall
CITY **State** **Zip**
TELEPHONE NUMBER 444-1135
DATE OF SUBMITTAL OF THIS PRELIMINARY PLAT TO THE CITY 10/13/23

WHAT IS THE ZONING CLASSIFICATION OF THIS SUBDIVISION? R-2 and C-2

DO THE PROPOSED USES AND LOT SIZES PROPOSED IN THIS SUBDIVISION COMPLY WITH THE CITY'S ZONING CODE OR THE COUNTY'S ZONING CODE, AS APPLICABLE? Yes
IF NOT, WHAT ACTIONS ARE BEING MADE TOWARDS COMPLIANCE?

Complete the following checklist. Generally, items on the checklist will be checked under the "YES" or "N/A" (not applicable) column. Those items checked "YES" will be shown on the plat or on supporting documentation (construction plans, restrictive covenants, etc.), included with this submittal. For those items that are checked under the "NO" column, explain why this plat should be approved without those items, in the Letter of Request for Preliminary Plat Review.

<u>NO.</u>	<u>REQUIREMENT</u>	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1.	Application for Subdivision with Owner and Developer Identified.	x		
2.	15 copies of Preliminary Plat.	x		
3.	Submitted No Later Than the 15 th Day of the Month Prior to Planning and Zoning Commission Meeting.	x		
4.	Legal Description and Area of Subdivision.	x		
5.	Zoning on and Adjacent the Site, Including Identification of Non-residential Land Uses.	x		
6.	Names of Owners and Property Tax Identification Numbers of Adjacent Unplatted Land	x		
7.	Names of Adjacent Platted Subdivisions.	x		
8.	Topography on and Adjacent the Site with 2' Contours Based Upon State Plane Coordinates.	x		

9.	100-Year Flood Plain, Flood Hazard Areas, Water Courses and Wooded Areas.	x		
NO.	REQUIREMENT	YES	NO	N/A
10.	Lot lines and Sizes, Block and Lot numbers and Minimum Building Setback Lines.	x		
11.	Easements on and Adjacent the Site, with Purpose, Location and Dimensions.	x		
12.	Streets and Roads on and Adjacent to the Site, Including Location, Name, and Right-of-Way Width.	x		
13.	Utilities on and Adjacent to the Site, Including Location and Size of Water, Storm and Sanitary Sewers, and Location of Gas, Electric, Telephone and Street Lights.	x		
14.	Existing and Proposed Locations of Storm Water Controls.	x		
15.	Registered Land Surveyor's Certificate.	x		
16.	Plat Officer's Certificate.	x		
17.	City Clerk's Certificate.			x
18.	Scale not Smaller than 100' Per Inch.	x		
19.	Title, North Arrow, and Date.	x		
20.	Restrictive Covenants, if any.			x
21.	Certificate of Registration on File with City Clerk.			x

FOR CITY OF WASHINGTON USE ONLY

Reviewer: Jon Oliphant

Date of Plat Submittal: 10/13/23 – later revised **Date of Review:** 10/16/23

Date to Go Before Planning and Zoning Commission: 11/1/23

Commission:

Comments to Planning and Zoning Commission: See the attached memo

Commission:

Recommendation of Planning and Zoning Commission: Approve

Commission:

Protea Place, LLC

34 Diamond Point
Morton, IL 61550

October 15, 2023

City of Washington
Planning and Zoning Commission
c/o Jon Oliphant, Planning and Development Director
301 Walnut Street
Washington, IL 61571

Re: Protea Place Subdivision – Preliminary Plat Approval
and Request for Waiver of Public Access to Public ROW

Dear Jon:

Enclosed please find draft copies of the Preliminary Plat for Protea Place Subdivision for review and approval by the City of Washington Planning and Zoning Commission and the City Council. Further to our conversation, please accept this correspondence as a request for the City to exercise its discretion pursuant to §152.019(H) of the City subdivision code to grant a waiver of the requirement that Lots 6 and 7 [as depicted on the Preliminary Plat] have access to and frontage [60'] to a public street.

All lots depicted on the enclosed Preliminary Plat for Protea Place Subdivision comply with the width, area, depth, frontage and access requirements of the City of Washington subdivision code and zoning code for property possessing a zoning classification of C-2 [Lots 1-5] and R-2 [Lots 6-7], except for Lots 6 and 7. Each of Lots 6 and 7 suffer from a lack of 60' of direct frontage to a public street due to the fact that the roads within the subdivision are not proposed to be dedicated by the developer to the City as public streets, and, further, that the right-of-way line for Lakeshore terminates at a point that does not extend to the southernmost lot line of the property proposed to be subdivided.

One solution is for the developer to redesign Outlot 1 as depicted on the Preliminary Plat to serve as a public street and dedicate the redesigned Outlot 1 to the City as a public street instead of maintaining this Outlot 1 as a private road. This would likely require increasing the width of the public street to 60' [as opposed to the 40' private road currently depicted on the Preliminary Plat] and including building setback lines that would impact the design of Lot 6 to accommodate the needed parking outside of the front yard setback. While the developer is not opposed to this approach, the preferred alternative for the Developer is to request the City to grant a waiver of the 60' of direct access/frontage to a public street required pursuant to §152.019(H) of the City subdivision code for Lots 6 and 7.

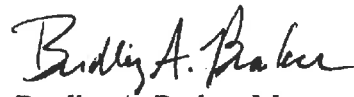
Developer believes the necessary criteria for a §152.019(H) waiver exists:

- A. Topographical Limitations of Subdivision. The topography of the subdivision requires that the stormwater drainage and onsite detention for the subdivision be designed to include Outlot 2 along S. Cummings Lane. The elevations and contours of the subdivision show that the natural surface water drainage for the subdivision flows gradually from the northern half of the subdivision [elevations of 803-798] to southern half of the subdivision, with the southwestern quadrant of the subdivision remaining somewhat flat [elevations of 800-798] and the southeastern quadrant sloping substantially to the east toward S. Cummings Lane [elevations of 800 – 785]. Further consideration of the high water table in the southwestern portion of the subdivision drives the design for onsite detention for the subdivision to the middle and southeastern portion of the subdivision along S. Cummings Lane. Proper design for the stormwater drainage and detention for the subdivision, therefore, requires that the frontage along S. Cummings Lane be used for the stormwater detention basin located on Outlot 2, rather than for access or frontage to public streets for residential lots.
- B. Unique Circumstances. Lakeshore Drive is publicly dedicated right-of-way subject to the Agreement between the City and Westlake Management Co. dated May 4, 1992 (the "Agreement"). Lakeshore extends along the western boundary of the subdivision from the public ROW line of US Business Route 24 to a depth of 250.' That portion of the pavement extending south along the western boundary of the subdivision from the terminus of the public ROW line of Lakeshore to the southern boundary of the subdivision is a private road and, therefore, does not qualify as a public street for purposes of access or frontage to a public street for Lot 6 of the subdivision. Pursuant to the Agreement, Westlake Management Co. expressly authorized the City to grant the access contemplated from Lakeshore into the subdivision. The private portion of Lakeshore extended is nonetheless maintained by the City in the same manner as the City maintains its public streets. The Agreement coupled with the fact that the roads serving Westlake Subdivision have not been dedicated as public right-of-way qualifies as a unique circumstance that should be given consideration to the developer's request for the waiver provided for in §152.019(H) of the City subdivision code.
- C. Prior Precedent for §152.019(H) Waivers. On recent, prior occasions where the City desired that a street within a proposed subdivision remain a private road instead of a public street [thereby eliminating the City's future obligation to maintain another public street], the City has exercised its authority pursuant to §152.019(H) of the subdivision code. Given this prior precedent and the reasons stated above, developer requests the City grant developer's request for a waiver authorized in §152.019(H) of the subdivision code.
- D. Substance over Form. As a final note, the developer, as an option of last resort, could satisfy the requirement that all residential lots possess 60' of access and frontage to a public street by creating one master Lot 6 [which would eliminate Lot 7] that would extend along the entire southern boundary of the subdivision and thereby avail itself of the sufficient public access and frontage to S. Cummings Lane. This option,

however, eliminates Lot 7 from the subdivision, a result that would create additional and unnecessary complexity for the developer to achieve a successful project [i.e. ownership, maintenance and financing]. The City's willingness to consider and grant developer's request for a §152.019(H) waiver, therefore, places substance over form and, therefore, offers the developer additional flexibility and potential for a successful development project, one that will serve to enhance the tax base for the City without increasing the City's burden of maintaining additional public streets.

In light of the above-listed comments, developer urges the City to grant the §152.019(H) waiver for Lots 6 and 7 and approve the Preliminary Plat for Protea Place Subdivision. If you have any questions or need additional information, please feel free to give me a call or you can also reach out to Steve Kerr (309) 696-5690, as you wish. Thank you.

Very Truly Yours,

A handwritten signature in black ink that reads "Bradley A. Braker". The signature is written in a cursive, flowing style.

Bradley A. Braker, Manager

cc.

Steve Kerr

Chris Johnson

Troy N. Pudik, Esq.

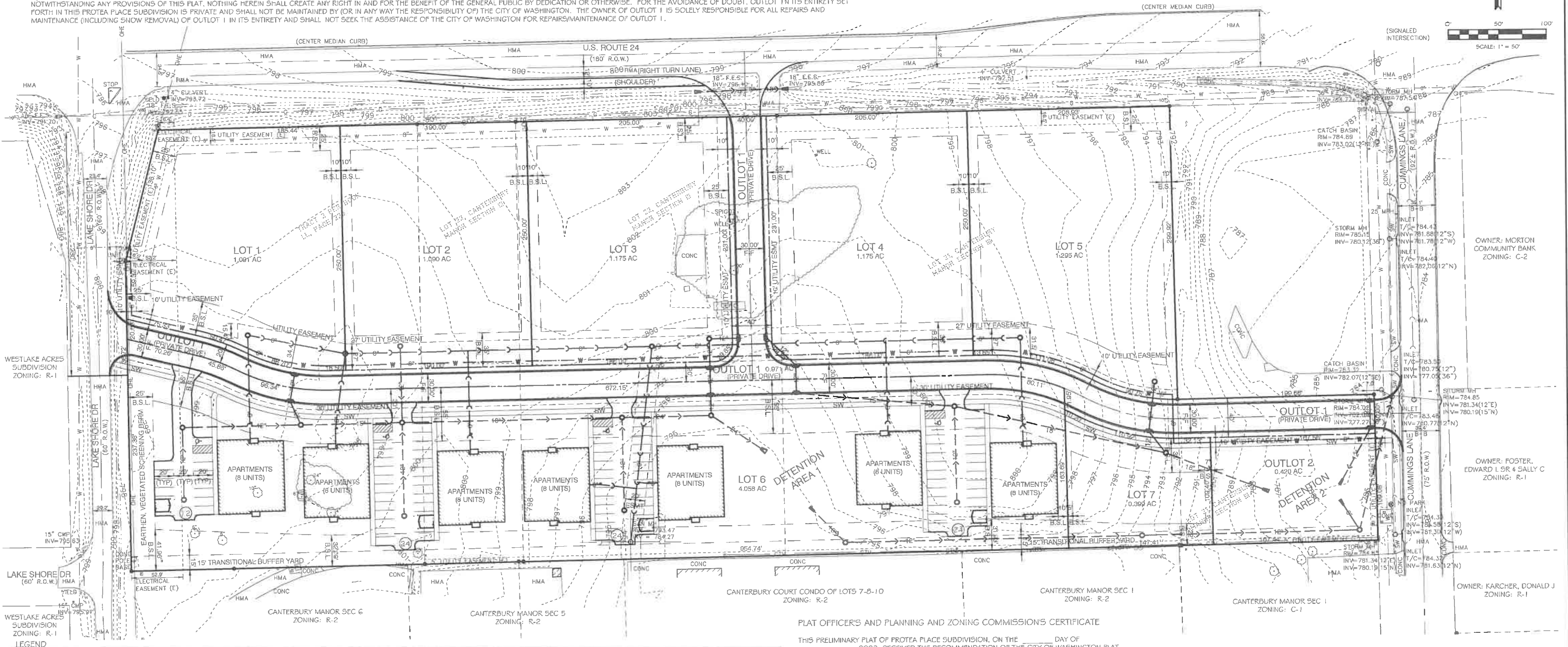
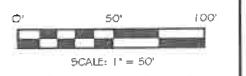
NOTES:

- 1) ALL EXISTING INGRESS/EGRESS EASEMENTS ON THIS PROPERTY TO BE TERMINATED PRIOR TO RECORDING OF THE FINAL PLAT AND ARE THEREFORE NOT SHOWN ON THIS PRELIMINARY PLAT.
- 2) ALL PRIVATE DRIVE CENTERLINE RADII ARE 200 FEET.
- 3) PROPOSED NUMBER OF APARTMENT UNITS ON LOT 6 IS FIFTY-SIX (56). THE PROPOSED APARTMENT UNIT DENSITY ON LOT 6 IS 56 UNITS / 176,765.08 SQ. FEET = 1 UNIT / 3,156.52 SQ. FT (LESS THAN MAXIMUM OF 1 UNIT / 3,000 SQ. FT.)
- 4) TOTAL AREA OF PROTEA PLACE SUBDIVISION = 11.67 ACRES.
- 5) NO DEDICATION OF PRIVATE ROAD

NOTWITHSTANDING ANY PROVISIONS OF THIS PLAT, NOTHING HEREIN SHALL CREATE ANY RIGHT IN AND FOR THE BENEFIT OF THE GENERAL PUBLIC BY DEDICATION OR OTHERWISE. FOR THE AVOIDANCE OF DOUBT, OUTLOT 1 IN ITS ENTIRETY SET FORTH IN THIS PROTEA PLACE SUBDIVISION IS PRIVATE AND SHALL NOT BE MAINTAINED BY (OR IN ANY WAY THE RESPONSIBILITY OF) THE CITY OF WASHINGTON. THE OWNER OF OUTLOT 1 IS SOLELY RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE (INCLUDING SNOW REMOVAL) OF OUTLOT 1 IN ITS ENTIRETY AND SHALL NOT SEEK THE ASSISTANCE OF THE CITY OF WASHINGTON FOR REPAIRS/MAINTENANCE OF OUTLOT 1.

PRELIMINARY PLAT OF "PROTEA PLACE"

A PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS



LEGEND

- | | | |
|--|---|----------------------------------|
| — DEED LINE | --- 530 --- EXIST. CONTOUR LINE | ⊠ EXIST. TRAFFIC CONTROLLER BOX |
| - - - ADJACENT PROPERTY LINE | ● 88 EXIST. SURVEY MONUMENT / R.O.W. MARKER | ⊞ EXIST. ELECTRICAL BOX |
| - · - · - EASEMENT LINE | ▤ EXIST. FLARED END SECTION (F.E.S.) | ○ EXIST. DECIDUOUS TREE |
| - · - · - OUTLOT DEED LINE | ⊞ EXIST. GAS VALVE | ⊞ EXISTING |
| - · - · - RIGHT OF WAY LINE | ⊞ EXIST. TELEPHONE MANHOLE | LS LANDSCAPE |
| - · - · - BUILDING SETBACK LINE (B.S.L.) | ⊞ EXIST. WATER VALVE | CONC CONCRETE |
| - · - · - EXIST. SANITARY SEWER SERVICE | ⊞ EXIST. FIRE HYDRANT | HMA HOT MIX ASPHALT |
| - · - · - EXIST. UNDERGROUND FIBER OPTIC SERVICE | ⊞ EXIST. STORM INLET | SW SIDEWALK |
| - · - · - EXIST. OVERHEAD ELECTRIC SERVICE | ⊞ EXIST. ELECTRICAL METER | B-B BACK OF CURB TO BACK OF CURB |
| - · - · - EXIST. CENTERLINE | ⊞ EXIST. MANHOLE | B.S.L. BUILDING SETBACK LINE |
| - · - · - EXIST. UNDERGROUND GAS SERVICE | ⊞ EXIST. POWER POLE | 12 NUMBER OF PARKING STALLS |
| - · - · - EXIST. WATER MAIN SERVICE | ⊞ EXIST. HAND HOLE | |
| - · - · - EXIST. STORM SEWER | ⊞ EXIST. SIGN | |
| - · - · - EXIST. TELEPHONE / COMMUNICATION SERVICE | ⊞ EXIST. COMMUNICATION PEDESTAL | |
| - · - · - EXIST. CABLE TELEVISION | ⊞ EXIST. WATER WELL | |
| - · - · - EXIST. FLOWLINE | ⊞ EXIST. WATER VALVE | |

PLAT OFFICER'S AND PLANNING AND ZONING COMMISSION'S CERTIFICATE

THIS PRELIMINARY PLAT OF PROTEA PLACE SUBDIVISION, ON THE _____ DAY OF _____ 2023, RECEIVED THE RECOMMENDATION OF THE CITY OF WASHINGTON PLAT OFFICER AND PLANNING AND ZONING COMMISSION. THIS RECOMMENDATION IS SUBJECT TO ACCEPTANCE OR REJECTION BY CITY COUNCIL WITHIN THIRTY (30) DAYS AFTER ITS FIRST REGULAR SCHEDULED MEETING.

PLAT OFFICER _____ CHAIRMAN, PLANNING AND ZONING COMMISSION

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)
I, VALERI L. BROD, CLERK OF THE CITY OF WASHINGTON, ILLINOIS, DO HEREBY CERTIFY THAT BY RESOLUTION NO. _____ ADOPTED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, AT A REGULAR MEETING HELD ON THE _____ DAY OF _____ 2023, THE PRELIMINARY PLAT OF PROTEA PLACE SUBDIVISION WAS APPROVED AND THE STREETS SHOWN THEREON WERE ACCEPTED.

CITY CLERK _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)
I, CALEB E. JOHNSON, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PREPARED THE ABOVE PRELIMINARY SUBDIVISION PLAT AND THE ABOVE PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SUBDIVISION AS DRAWN TO A SCALE OF 1 INCH = 50 FEET. I FURTHER CERTIFY THAT THE ABOVE TRACT OF LAND IS LOCATED WITHIN AN INCORPORATED CITY, TOWN OR VILLAGE OR WITHIN 1/2 MILES OF THE CORPORATE LIMITS OF AN INCORPORATED CITY, TOWN OR VILLAGE WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS NOW OR HEREAFTER AMENDED, AND NOT INCLUDED IN ANY MUNICIPALITY.

DATED AT WASHINGTON, ILLINOIS THIS _____ DAY OF _____ 2023.
MOHR AND KERR ENGINEERING AND LAND SURVEYING P.C.

CALEB E. JOHNSON
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR #035-3884



LICENSE EXPIRES NOVEMBER 30, 2024

M MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5501 N. Prospect Road, Suite 6B Peoria, Illinois 61614
www.mohrandkerr.com
Office: (309) 692-8500
Fax: (309) 692-8501
Professional Design Firm #184.005091

1	10-20-23	OWNER AND CITY COMMENTS ON OUTLOT 1	CDU	SURVEYED	W/LC
2	10-25-23	OWNER AND CITY COMMENTS - NOTE 5	CDU	DRAWN	CDU
				CHECKED	SDX
REV.	DATE	NATURE OF REVISION	CHECKED	SCALE	1" = 50'
				DATE	10-18-2023

CLIENT: PROTEA PLACE, LLC
34 DIAMOND POINT, MORTON, ILLINOIS 61550

TITLE: PRELIMINARY PLAT OF "PROTEA PLACE"
A PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS

PROJECT NO. 22-431
SHEET 1 OF 1
DRAWING NO. 1