

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Mayor Manier and City Council
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: First Reading Ordinance – Request by Dustin Essig to Rezone 104 Esken from C-2 to R-1
DATE: October 12, 2017

Summary: Dustin Essig of DK Investment Group, Inc. has requested the rezoning of 104 Esken from C-2 (General Retail) to R-1 (Single- and Two-Family Residential). Because the property is likely more suitable for a residential use due to its size and location, staff offers a slight recommendation for approval of the rezoning of 104 Esken from C-2 to R-1.

Background: DK Investment Group purchased the property in May. The property has been zoned C-2 since shortly after it was annexed into the City in 1970. Mr. Essig has requested the zoning after having difficulties with financing with a residential use on a commercial-zoned parcel. The parcel to the north (106 Esken) is also requesting a rezoning in order to have two parcels that may have the same zoning classifications.

Staff frequently is asked to provide letters to lenders indicating the current zoning of a property. In most cases, the zoning matches the current land use. For those instances where there is a legal non-conforming use, the use can continue to operate in its existing state so long as the non-conformity is not expanded. If there were to be damage to the structure of at least 50% of its value, the new use would either need to be in conformance with the zoning code or a variance could be requested for the rebuilding of the former use. The proposed zoning to R-1 would make it easier to receive any financing as a traditional single-family residential use.

The property is approximately 0.43 acres (18,819 square feet). The surrounding parcels on the north side of IL Route 8 are zoned C-2. Further north is Centennial Hills subdivision, which is zoned CE (Country Estates). The parcels on the south side of Route 8 are largely zoned R-1 with the exception of one parcel that is zoned C-2. The comprehensive plan designates this property as General Commercial. The proposed rezoning would not be compatible with that classification.

While the comprehensive plan does indicate this property as a commercial use in the future, its location removed from Route 8 and small size complicates its viability. It would likely need to be combined with one or more lots that have direct access to Route 8 to enhance its appeal as a commercial property. Without that, it is not likely to be developed as a commercial use. Additionally, the properties on Esken are all served by private septic systems. The City's subdivision code requires that lots with septic systems shall have a minimum lot size of 20,000 square feet, which is slightly larger than this lot. State statute requires that new or renovated septic systems shall not be approved by the Illinois Department of Public Health if public sewer is available for connection within 300 feet of a residential property. This property is approximately 180 feet from the sanitary manhole that was set as part of the Route 8 widening project and staff has urged the owner to connect to the City's sewer, potentially at the same time as the 106 Esken property.

A public hearing was held by the Planning and Zoning Commission at its meeting on Wednesday, October 11 and the rezoning was unanimously recommended for approval. A first reading ordinance is scheduled for the October 16 City Council meeting with a second reading on November 6.

Enclosures

ORDINANCE NO. _____

(Adoption of this ordinance would rezone 104 Esken from C-2, General Retail, to R-1, Single- and Two-Family Residential)

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF WASHINGTON, TAZEVELL COUNTY,
ILLINOIS, BY REZONING 104 ESKEN FROM C-2 TO R-1**

WHEREAS, a Petition has been filed by Dustin Essig of DK Investment Group, Inc. for the hereinafter-described tract of real property, more particularly described on Exhibit A, attached hereto, and by reference expressly made a part hereof, to have said property rezoned as R-1;

WHEREAS, all hearings required to be held before agencies of the City took place pursuant to proper legal notice:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, as follows:

Section 1. That the minutes of the Planning and Zoning Commission made at the public hearing held on October 11, 2017, and the recommendation of staff contained in its Memorandum to the Planning and Zoning Commission of October 3, 2017, are hereby incorporated by reference as the findings of the City Council, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto.

Section 2. That the City Zoning Ordinance adopted February 20, 1961, as amended, and the Official Zoning Map which is a part of said ordinance, are hereby amended to rezone the property more particularly described from C-2 to R-1.

Section 3. That the City Clerk is hereby authorized to note the zoning grant made by this ordinance on the Official Zoning Map of the City of Washington, Tazewell County, Illinois.

Section 4. That this ordinance shall be in full force and effect from and after its passage and approval by the City Council of the City of Washington, Tazewell County, Illinois.

PASSED AND APPROVED in due form of law at a regular meeting of the City Council of the City of Washington, Tazewell County, Illinois, on the _____ day of _____, 2017.

Ayes: _____

Nays: _____

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION

SEC 20 T26N R3W S 200' OF LOT B NE 1/4

PIN: 02-02-20-200-007



**CITY OF
WASHINGTON**
TAZEVELL COUNTY, ILLINOIS

**OFFICIAL MAP
OF
ZONING DISTRICTS**



Legend

- AG-1 (Agriculture)
- CE (Country Estates)
- R-1A (Single Family Residential)
- R-1 (1-2 Family Residential)
- R-2 (Multifamily Residential)
- C-1 (Local Retail)
- C-2 (General Retail)
- C-3 (Service Retail)
- I-1 (Light Industrial)
- I-2 (Heavy Industrial)



*Prepared by the City of Washington
Department of Planning and Development*

Printed: October 4, 2017