

# CITY OF WASHINGTON

## PLANNING & DEVELOPMENT DEPARTMENT

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### MEMORANDUM

TO: Mayor Manier and Committee of the Whole  
FROM: Jon R. Oliphant, AICP, Planning & Development Director  
SUBJECT: Condo Conversion Subdivision Code Text Amendment  
DATE: December 7, 2017

**Summary:** A&J Storage and Development has submitted a text amendment request to allow for the conversion of existing commercial buildings into condominium units. The subdivision code allows for the establishment of new condominiums as part of two-family, multi-family, office, commercial, or industrial developments. However, it does not allow for the conversion of any of those uses into individual condo units. Staff recommends approval of this amendment.

**Background:** The City's subdivision code was amended in 2010 to reduce the burden of the City to review and approve items related to the establishment of a condominium subdivision. While this information must be submitted by the developer, it is only for inspection purposes and to have on file. A&J Storage and Development and the church that received a special use permit recently for part of the space at 1750 Washington Road has submitted a request to create a condominium as a way to divide the space prior to a transaction being completed. The alternative would be to do a traditional subdivision, where both the building and real estate are split.

Part of this is due to the fact that if a traditional subdivision were completed, a true fire wall separation would be needed to allow for the property to be recognized as two separate parcels, which carries a significant cost. The consideration of such an amendment would potentially allow for more flexibility for the future use of such spaces. Conversions of existing commercial or office buildings into condo units has become relatively common in Peoria.

The attached draft text amendment would only allow for commercial buildings to be converted into condominium units. Staff recommends approval of this amendment.

The Planning and Zoning Commission held a public hearing on this request at the December 6 meeting and unanimously recommended approval. The Public Works Committee discussed this on November 4 and also recommended approval. General discussion is scheduled for the December 11 Committee of the Whole meeting prior to a first reading ordinance on December 18. The petitioner has requested that the second reading be waived in order to allow for this amendment to be in place as soon as possible and allow for the church to commence its construction following a closing and approval of a building permit.

Enclosure

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF  
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING § 152.007 ENTITLED  
“CONDOMINIUM SUBDIVISIONS”**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
WASHINGTON, TAZEWELL COUNTY, ILLINOIS, as follows:**

**Section 1.** That §152.007(A) of Chapter 152 of the Washington Municipal Code of Ordinances entitled “Condominium Subdivisions,” is hereby amended by deleting § 152.007(A) in its entirety and inserting the following as § 152.007(A) in lieu thereof:

**“§ 152.007 CONDOMINIUM SUBDIVISIONS**

(A) In addition to all other requirements relating to new subdivisions, the requirements of this section shall apply to any subdivision or part of a subdivision intended to be developed by the construction of two-family, multi-family, office, commercial, or industrial buildings and the sale of the building by selling individual condominium units. Conversions of existing two-family, multi-family, office, ~~commercial~~, or industrial buildings into individual condominium units shall not be permitted.”

**Section 2.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law. The allowance to convert existing commercial buildings into individual condominium units applies to conversions subsequent to the passage of this Ordinance.

**Section 3.** That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT

CITY OF WASHINGTON, ILLINOIS  
PLANNING AND ZONING COMMISSION MEETING  
WEDNESDAY, DECEMBER 6, 2017  
WASHINGTON DISTRICT LIBRARY  
380 N. WILMOR ROAD – 6:30 P.M.

Chairman Mick Burdette called the 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, Rich Benson, Mike Burdette, Brian Fischer, Louis Milot, Tom Reeder, and Steve Scott. Doug Weston was absent.

Roll Call

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

Commissioner Reeder moved and Commissioner Benson seconded to approve the minutes of the November 1, 2017 Planning and Zoning Commission meeting as presented.  
Motion carried unanimously by voice vote.

Appv min 11/1/17 PZC meeting as presented

A public hearing for the purpose of hearing comment pertaining to proposed amendments to the Subdivision Code for the purpose of adding or deleting text was opened for comment at 6:31 p.m.

Public Hearing:  
subdivision code  
amendment,  
condominium  
subdivisions

P & D Director provided the following information: 1) A&J Storage and Development has submitted a text amendment request to allow for the conversion of existing commercial building into condominium units at 1750 Washington Road; 2) while the subdivision code allows for the establishment of new condominiums as part of two-family, multi-family, office, commercial, or industrial developments, it does not allow for the conversion of any of those uses into individual condo units; 3) the petitioner and the church that received a special use permit recently for part of the space has submitted the request to create a condominium as a way to divide the space; 4) the alternative would be to do a traditional subdivision, where both the building and real estate are split; 5) if a traditional subdivision were completed, a true firewall separation would be needed to allow for the property to be recognized as two separate parcels, which carries a significant cost; and 6) an amendment would potentially allow for more flexibility for the future use of such spaces.

Petitioner comments: Dane Ainsworth shared that they are requesting this amendment in order to accommodate the future use needs of the church as well if they were to expand further into the space and would like to stay away from having to deal with a firewall if that were to occur. P & D Director Oliphant shared that staff looked at all possible scenarios that could happen in the City and used the Downtown Square as an example, particularly the south side which is currently all under one ownership.

Public comments: None.

At 6:35 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Milot moved and Commissioner Reeder seconded to approve the variance request as presented.

Recommend approval  
of text amendment

Commissioner comments: Several Commissioners expressed concerns in not requiring a firewall from a safety standpoint. Commissioner Scott shared his knowledge and what he has dealt with in his profession on firewalls and condominiums. He shared that building code requirements would kick in with the issuance of a building permit that would address safety issues on a conversion. He also made the point that a new construction commercial condominium would not be required to have firewalls. Commissioner Fischer expressed concerns in not meeting the intent of why the regulation to not allow conversions was added in 2010, and if a change is made, why we aren't allowing conversions for all the uses at the same time. Further discussion ensued that included the following: if the building were a new construction a firewall would not be required; the City's commercial life safety inspector has reviewed and is okay with not requiring a firewall; this is not unique to Washington as Peoria allows condominium conversions; and it was confirmed by the owner that the building has a working sprinkler system.

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

Ayes: 6 Benson, Burdette, Fischer, Scott, Reeder, Milot

Nays: 0

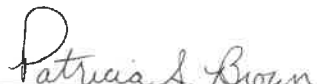
Motion carried.

None.

Staff Comments

At 7:04 p.m. Commissioner Scott moved and Commissioner Reeder seconded to adjourn.  
Motion carried unanimously by voice vote.

Adjournment

  
Patricia S. Brown, City Clerk