

# CITY OF WASHINGTON

## PLANNING & DEVELOPMENT DEPARTMENT

301 Walnut St. · Washington, IL 61571

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<http://www.washington-illinois.org>

[joliphant@ci.washington.il.us](mailto:joliphant@ci.washington.il.us)

### MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission  
FROM: Jon R. Oliphant, AICP, Planning & Development Director  
SUBJECT: Rezoning Request Continuation– Request by John Redlingshafer to Rezone 104 Zinser Place from R-1 to C-2  
DATE: May 28, 2019

**Summary:** John Redlingshafer, on behalf of Barbara Garrett and Jeanine Herbst, has requested the rezoning of 104 Zinser Place from R-1 (Single- and Two-Family Residential) to C-2 (General Retail). This was tabled at the April 3 PZC meeting. The lot is currently used as a private parking lot. Staff offers a recommendation of the rezoning with a 5' east side setback as detailed below.

**Background:** The lot has been used for off-street parking for at least a few decades. The City of Washington formerly had a lease with the owners to utilize the lot for public parking. That lease expired in 2018 and it is currently a private parking lot. The properties to the immediate north and west are zoned R-1 (Single- and Two-Family Residential) and those to the south and east are zoned C-2. By extending this search another block, the zoning includes R-2 (Multi-Family Residential), C-3 (Service Retail), and I-1 (Light Industrial). The area is primarily a combination of single-family residential and office/retail uses. The Washington Historical Society's headquarters are located across the street on the north side of Zinser.

The property is approximately 0.26 acres. City historical records indicate that a house was formerly on the property but was demolished with no known date. While the property meets the zoning regulations for minimum lot width and size, many of the residential properties in this area and on the east side do not conform to modern zoning standards. Because there is generally more flexibility with commercial standards than residential, it would conform to the C-2 lot regulations. The C-2 zoning regulations are attached for your information.

Staff would refer to this as one of many transitional properties in the city, as it is located close enough to multiple uses that it could be relatively compatible with various uses. While the demand for a commercial use may not be as high for this lot because it is not located directly on N. Main Street or the Square, its proximity to the retail and office uses on the Square as well as being next to a public parking lot could put this lot in slightly higher demand as a commercial use. Ms. Garrett and Ms. Herbst have indicated the rezoning is being sought with no intention of changing the current use but noting that the zoning classification would be consistent with its Comprehensive Plan designation (General Commercial) and its location relative to the Square. The owners have indicated a willingness to consider a future lease to again utilize the lot for public parking.

The City maintains the adjacent 16'-wide alley to the east of the subject property. There is a 12" sanitary sewer line that runs through the alley. A rezoning to C-2 would allow for a building to be built up to the east property line and staff has some fear about having a building so close to the line that it would make it difficult at best to get the necessary equipment there to undertake any maintenance of the sewer. The west side yard setback would be ten feet because it is adjacent to a residential-zoned lot. Staff would feel more comfortable if a 5' setback was granted by the owners along the east property line to ensure that there is not a building immediately adjacent to the alley. This would meet the same setback that is allowed in the R-1 district. The owners have consented to this request and a separate restrictive covenant would be drafted at a later time that would likely be similar to language found in our City easements, whereas nothing other than landscaping could be placed within that area and this would also grant the City the ability to remove anything within the setback that would interfere with the maintenance of any utilities.

There is no front yard setback in the C-2 district. While the buildings on Zinser generally have front setbacks of 10-15 feet and are less than today's standard of 25 feet, streetside landscaping would be required. This

landscaping must be in an area at least ten feet in width as measured from the front lot line and the nearest point of any parking lot, access drive, or building and would help ensure that the build-to line is relatively consistent with those on Zinser. Off-street parking and transitional buffer yard landscaping along the west property line would also be required on this lot upon any building construction. The size of the property limits the size of such a structure when accounting for those requirements and therefore, what type of use that could be placed on the property. With that noted, C-2 allows for a variety of office and retail uses.

Due to these reasons, the property is somewhat suitable for the proposed rezoning. Staff offers a recommendation of the rezoning of 104 Zinser from R-1 to C-2 with the continuation of a 5' east side setback currently in place to be granted by the owners to the City for the maintenance of the sanitary sewer.

A public hearing was held by the Planning and Zoning Commission (PZC) at the meeting on Wednesday, April 3 and this item was tabled to allow for further discussion between the City and owners regarding the granting of an easement on the east side. The subsequent discussion led to the consideration of the 5' setback as an alternative. This item will be placed on the agenda at the June 5 PZC meeting for a recommendation to the City Council. It will need to be removed from the table prior to PZC consideration at that meeting.

Enclosures

cc: John Redlingshafer



**CITY OF  
WASHINGTON**  
TAZEWELL COUNTY, ILLINOIS

**LOCATION MAP**



**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: March 27, 2019*

# CITY OF WASHINGTON, ILLINOIS

## APPLICATION FOR REZONING

To have a complete application for a rezoning, you must submit the following:

- Signed and completed application
- Plat showing subject property and all adjacent properties — See below for plat requirements
- Ownership documentation (lease, deed, mortgage, etc.)
- Accurate legal description obtained from the Warranty Deed
- Application fee of \$100 payable to the City of Washington

Address or location of property: 104 Zinser Place, Washington

Property Tax ID (PIN) number: 02 - 02 - 23 - 207 - 006

Current zoning classification of the property: R1 Proposed zoning classification of the property: C2

Current use of the property: Private Parking Lot

Proposed use of the property: Private Parking Lot

Does the proposed zoning meet the City's Comprehensive Plan? (circle one) YES NO

If not, what unique characteristics about your property warrant a rezoning? \_\_\_\_\_

Name of Applicant: John M. Redlingshafer, Attorney Phone Number of Applicant: (309) 444-5990

Address of Applicant: Mescher Law Offices, 108 S. Wood Street, Washington, Illinois 61571

Owner of Property: Barbara L. Garrett and Jeanine M. Herbst

Address of Owner: See above

I would like to receive correspondence by: Mail X Email Email address: jredlingshafer@mescherlaw.com

**PLAT REQUIREMENTS:** Your rezoning plat must show:

- The subject property and all adjacent properties (including across rights-of-way)
- Each property shall be labeled to show the owner or business name, address, current zoning, and proposed zoning
- Adjacent rights-of-way, streets, roads, railroads, waterways, and other physical features

**PUBLIC HEARING:** Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission meeting for a public hearing. The Planning and Zoning Commission meets the first Wednesday of every month at 6:30 p.m. at the Washington District Library meeting room at 380 N. Wilmore Road. At the Planning and Zoning Commission meeting, you will present your request. The Planning Commission will consider the following factors before making their recommendation to the City Council:

1) Existing uses and zoning of nearby property; 2) Extent to which property values are diminished by particular zoning restrictions; 3) Extent to which destruction of value of some property promotes health, safety, morals or general welfare of the public; 4) Relative gain to public compared to hardship imposed upon individual property owners; 5) Suitability of property for zoned purposes; 6) Length of time property has been vacant as zoned, considered in context of land developed in vicinity; 7) Community need for the proposed use; and 8) Compatibility with the Comprehensive Plan.

**Certification:** To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Rezoning.

Signature of Applicant

Date

Signature of Owner

Date

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Jon Oliphant, Planning & Development Director at (309) 444-1135.

FOR OFFICE USE ONLY Case No.: \_\_\_\_\_

Plat Submitted? Y / N Date: \_\_\_\_\_

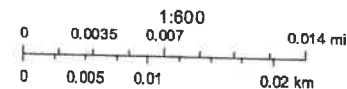
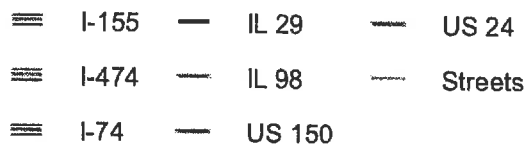
Date to go before the Planning and Zoning Commission: \_\_\_\_\_

Fee Paid? Y / N Date: \_\_\_\_\_

Documentation of Authority Submitted: \_\_\_\_\_

Commission Action: \_\_\_\_\_





This Document Prepared By:

Jane E. Ohaver, P.C.  
245 NE Perry Avenue  
Peoria, Illinois 61603  
(309) 637-5400

Document No. 201700006235 Filed for record in Recorder's Office  
of Tazewell County, Illinois 5-3-2017 at 11:34 AM  
Christie A. Webb, Clerk/Recorder

(Space Above This Line For Recording Data)

**QUIT-CLAIM DEED**

The Grantor, **BARBARA L. GARRETT**, of the County of Sarasota, in the State of Florida, surviving joint tenant of **RAYMOND GEORGE HERBST, JR.** and **RUTH I. HERBST**, both deceased, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, CONVEYS and QUIT-CLAIMS to **BARBARA L. GARRETT** and **JEANINE M. HERBST**, also known as Jeannie Herbst, as joint tenants and not as tenants in common, all interest in the following described real estate, to-wit:

Lot 4 and the East Half of Lot 5 in Block 3 in DORSEY'S ADDITION to the Original Town, now City of Washington, situated in Tazewell County, Illinois.

PIN: 02-02-23-207-006

Grantor hereby releases and waives all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 25<sup>th</sup> day of April, 2017.

  
\_\_\_\_\_  
**BARBARA L. GARRETT**

STATE OF ILLINOIS

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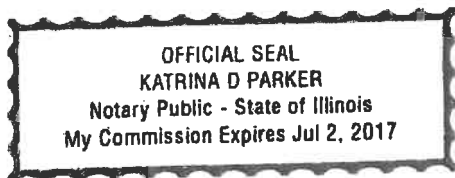
) SS.

COUNTY OF PEORIA

)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT **BARBARA L. GARRETT**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial seal this 25 day of April, 2017.



Katrina D. Parker  
Notary Public

MAIL TAX STATEMENT TO  
AND RETURN TO:

)

)

)

Name: Barbara L. Garrett & Jeanine M. Herbst  
Address: 3775 Aberdeen Drive  
City: Sarasota, FL 34240

EXEMPT 35 ILCS 200/31-45 (e)

4.25.2017

(Date)

Jane E. Chavaz  
Buyer, Seller or Representative

**TO BE FILED WITH THE TAZEWELL COUNTY RECORDER OF DEEDS**  
**AFFIDAVIT FOR PURPOSE OF ILLINOIS PLAT ACT REQUIREMENTS**  
**THIS IS A LEGAL DOCUMENT - PLEASE CONSULT YOUR ATTORNEY**  
(Zoning & Subdivision Ordinances May Also Apply)

PARCEL NUMBER: 02-02-23-207-006

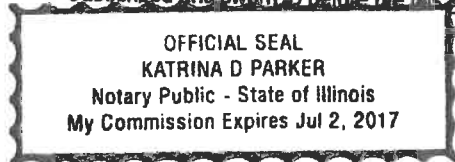
Grantor or Grantor's Attorney authorized representative in a deed transferring interest in the real estate described in the accompanying deed and further states this transfer **IS EXEMPT FROM THE ILLINOIS PLAT ACT (765 ILCS 205) BECAUSE OF THE FOLLOWING:**

- ☒ NOT A DIVISION OF LAND - PARCEL BOUNDARIES REMAIN UNCHANGED (The Recorder will proceed with recording the deed and no further questions apply. County Plat Officer signature is NOT required. Please sign below and have notarized)
- ☐ A DIVISION OF LAND THAT MEETS ONE OF THE FOLLOWING EXCEPTIONS - APPROVAL BY COUNTY PLAT OFFICER (OR DESIGNEE) IS REQUIRED ALONG WITH APPLICABLE FEE PRIOR TO RECORDING:
- ☐ The divisions or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
  - ☐ The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
  - ☐ The sale or exchange of parcels of land between owners of adjoining and contiguous land.
  - ☐ The conveyance of parcels of land or interest therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
  - ☐ The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
  - ☐ Conveyances made to correct descriptions in prior conveyances.
  - ☐ The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
  - ☐ The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
  - ☐ The preparation of a plat for wind energy devised under section 10-620 of the Property Tax Code.
  - ☐ Division meets criteria for agricultural exemption

I swear to the best of my knowledge that the statements contained herein are true and correct. Grantor/Grantor's Attorney further states that this affidavit for the purpose of indicating to THE RECORDER OF DEEDS OF TAZEWELL COUNTY, ILLINOIS, that the conveyance by the attached instrument is within, and in compliance with, the provisions of the Illinois Plat Act.

Name: Jane E. Chaver Signature: Jane E. Chaver Date: 4/25/17  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn to before me this 25 day of April, 2017.



Katrina D. Parker  
Notary Public

Approval for State Plat Act, County Subdivision and Zoning Code Purposes:

SURVEY REQUIRED FOR RECORDING: Yes ☐ No ☐

Tazewell County Plat Officer/designee: \_\_\_\_\_ Date: \_\_\_\_\_

(NOTE: County Plat Officer signature required for properties only in the UNINCORPORATED areas of Tazewell County)



## § 154.092 C-2 DISTRICTS

General retail districts are designed to cater to the needs of a larger consumer population than served by the local retail district and so are mapped typically in major shopping center locations characterized by large establishments generating larger volumes of vehicular and pedestrian traffic.

(A) Uses permitted.

- (1) Any use permitted in C-1 Districts.
- (2) Business uses may be conducted above the ground floor, but not on the same floor as residential uses.
- (3) Additional uses are as follows:

Antique shops.

Apparel shops.

Appliance stores, sales and repair.

Arcades and video game rooms.

Art and school supply stores.

Art galleries.

Automobile detailing and customizing shops, provided there is no body repair or painting performed on the premises.

Automobile parts and accessories stores.

Automobile service stations.

Banks and financial institutions.

Bicycle sales, rental and repairs.

Blue printing and photocopying establishments.

Book and stationery stores.

Bowling alleys and structures accommodating recreational activities.

Cab stands.

Camera and photographic supply stores.

Candy and ice cream stores or shops selling similar commodities where the commodities may be produced on the premises; but all such production shall be either sold at retail on the premises or sold in stores owned and operated by the producing company.

Carpet and rug stores.

Car washes.

Catering establishments.

China and glassware stores.

Clothing and equipment rentals.

Coffee houses.

Coin and philatelic stores.

Convenience stores.

Currency exchanges.

Department stores.  
Drive-in type food and beverage sales.  
Drug stores.  
Dry cleaning and laundry receiving stations; processing to be done elsewhere.  
Electronics and communications stores.  
Employment agencies.  
Florists.  
Food stores, grocery stores, meat markets, bakeries, delicatessens, and package liquor stores.  
Funeral homes and mortuaries.  
Furniture stores, including upholstery.  
Furrier shops, including the incidental storage and conditioning of furs.  
Garden supply and feed stores.  
Gas stations.  
Gift shops.  
Hardware and houseware stores.  
Health and exercise clubs, gymnasiums, reducing and tanning salons.  
Hobby shops.  
Hotels and motels.  
Hospitals, monasteries, nunneries, religious retreats, orphanages, and institutions of an educational, charitable, or philanthropic nature.  
Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles.  
Jewelry store, including repair.  
Laundries, automatic self-serve.  
Leather goods and luggage stores.  
Live bait.  
Loan offices.  
Locksmiths shops.  
Monument sales.  
Musical instruments, sales and repairs.  
Newspaper offices.  
Office supply stores.  
Oil change and lubrication facilities.  
Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.  
Paint and wallpaper stores.  
Pawn shops.  
Pet shops.  
Photography studios, including the developing of film and pictures.  
Physical culture and health service, gymnasium and reducing salons, and masseurs.  
Post offices.  
Public meeting halls.  
Restaurants.

Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing and alterations for retail only, jewelry from precious metals; watches, dentures, and optical lenses.

Sales and display rooms.

Schools: music, dance, or business.

Service: cleaning or repair shops for personal, household, or garden equipment.

Sewing machine sales and service.

Shoe and hat repair.

Shoe stores.

Skating rinks, indoor.

Sporting goods stores.

Tailor or dressmaking shops.

Taverns.

Tea rooms.

Temporary building for construction purposes for a period not to exceed the duration of such construction.

Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.

Temporary outdoor food vending and produce markets.

Theaters (not outdoor).

Tobacco shops.

Toy shops.

Travel bureaus and transportation ticket offices.

Typewriter and business machines sales and service.

Upholstery shops.

Variety stores.

Video and equipment sales and rental.

- (4) All uses permitted in the C-2 District, including storage, must be conducted within an enclosed structure, with the exception of accessory outside sales or display of retail merchandise, provided that such accessory use does not violate parking, lot coverage, or other code regulations, and does not occupy a corner sight triangle (as defined in § 154.141 of this chapter) or in any way create a public safety hazard.

(Ord. 2239, passed 7-3-00)

- (B) Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission.

- (1) Those special uses permitted in a C-1 District.
- (2) Assisted living facility, senior independent housing, or skilled nursing facility.
- (3) Bus depots.
- (4) Clubs and lodges: private, fraternal, or religious.

- (5) Golf courses, miniature golf courses, and driving ranges.
  - (6) Inside mini-warehousing and storage.
  - (7) Machinery, equipment and vehicle rental.
  - (8) Skating rinks and parks, outdoor.
- (C) Floor area ratio. Floor area ratio shall not exceed 1.0.
- (D) Required area. Regulations governing lot area in C-1 Districts shall apply, except for assisted living facilities, senior independent housing, or skilled nursing facilities. Senior independent housing facilities shall have an area of at least one (1) acre and an average of at least four thousand five hundred (5,500) square feet of lot area per dwelling unit. Each assisted living facility or skilled nursing facility containing units of five hundred (500) square feet or less shall be erected on a lot having an area of at least one (1) acre, of not less than two thousand (2,000) square feet per unit, and a lot width of not less than seventy-five (75) feet. Each assisted living facility or skilled nursing facility containing units of more than five hundred (500) square feet shall be erected on a lot having an area of at least one (1) acre, of not less than (2,500) square feet per unit, and a lot width of not less than seventy-five (75) feet..
- (E) Required yards:
- (1) Front yards: None, except for assisted living facilities, senior independent housing, and skilled nursing facilities. The front yard for those uses shall not be less than twenty-five (25) feet.
  - (2) Side and rear yards: regulations shall be the same as in C-1 Districts, except for assisted living facilities, senior independent housing, and skilled nursing facilities. The side yard for senior independent housing shall each not be less than five (5) feet. The side yard for assisted living facilities or skilled nursing facilities shall each be not less than ten (10) feet or thirty (30) feet if located adjacent to a State or U.S. highway.
  - (3) Rear yards: regulations shall be the same as in C-1 Districts.
- (F) Signs. The regulations for signs shall be the same as required for C-1 Districts.
- (G) Maximum Building Height. No building shall exceed a height of Thirty-Five (35) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding therefrom those exceptions contained in §154.173.

- (1) The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed Sixty (60) feet. No assisted living facility, senior independent housing, or skilled nursing facility may exceed thirty-five (35) feet above ground level.
  - (2) Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.
- (H) Automobile storage or parking space. There shall be adequate off-street parking and loading provisions in accordance with § 154.172.
- (I) Fences. Fencing is required as a visual barrier when all or a portion of the subject site is immediately adjacent to a Transitional Buffer Yard as detailed in §154.404(B)(3). Fencing shall further be permitted to shield the following activities:
- (1) Loading, unloading, or storage of refuse containers/dumpsters;
  - (2) Storage or display of materials or merchandise;
  - (3) Loading or unloading of passengers or goods; and
  - (4) Parking of vehicles.

Such fencing shall not be more than seven (7) feet in height above grade.