



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: October 16, 2023

Prepared By: Jon Oliphant, AICP, Planning & Development Director

Agenda Item: First Reading Ordinance – Request by Spitzer Properties, LLC, to Rezone 2140 Washington Road from C-2 to C-3

Explanation: Jakob Spitzer of Spitzer Properties, LLC, has requested the rezoning of 2140 Washington Road from C-2 (General Retail) to C-3 (Service Retail) to allow for his dumpster rental business to operate there. An analysis of the pertinent facts is offered below.

Background: Mr. Spitzer, via his Company, recently purchased the Subject Property from Veronica Fore. Ms. Fore owned the Subject Property at the time the rezoning application was submitted to the City and she consented to the request. Mr. Spitzer operates a dumpster rental business that is currently temporarily located at 640 N. Cummings Lane. The closest permitted use to Mr. Spitzer's business in the City's Zoning Code is "Machinery, equipment, and vehicle rental," which is allowed in the C-3 District. It is also allowed as a special use in the C-2 District. The Subject Property is approximately 9.08 acres in size. According to the City's permitting records, a single-family house on the Subject Property was demolished in 2004. No improvements have been made to the Subject Property since that time.

The Subject Property has numerous mature trees, with the vast majority located at the rear. It is located on a portion of Route 8 with an average daily traffic ("ADT") count of 13,000. Access can only be gained from Route 8. If the rezoning request is approved, Mr. Spitzer tentatively plans to construct a 4-bay building. One of the bays would be allocated for the Company and the remaining bays would be rented to other tenants. It would tentatively be placed near the west property line about 100 feet from the front property line. The roll-off dumpster storage would tentatively be placed closer to the east property line and about 400 feet from the front property line. According to Mr. Spitzer, there would initially be up to eight 10-, 15-, and 20-yard dumpsters on the Subject Property at any given time. These dumpsters range between 10 and 16-feet in length. The dumpsters are driven from the Subject Property directly to the client. Upon the completion of the client's use, the dumpsters are taken to the landfill, where they are cleaned before they are returned to the Subject Property. Mr. Spitzer represents that there will be no odor emitting from the dumpsters upon their return to the Subject Property. Small repairs to the dumpsters would be done on the Subject Property while larger repairs involving fabricating, welding, or painting are done at another facility. The following are factors to consider in light of the rezoning request:

1. The existing uses and zoning of nearby properties:	<ul style="list-style-type: none">• Properties located North of the Subject Property:<ul style="list-style-type: none">○ Use: Low-Density Residential○ Zoning: CE District (Country Estates)• Properties located East of the Subject Property:<ul style="list-style-type: none">○ Use: Vehicle Repair○ Zoning: C-3 District. The property located at 2136 Washington Road was rezoned from the C-2 District to the C-3 District in 2013.• Properties located South of the Subject Property:<ul style="list-style-type: none">○ Use: Restaurant and Undeveloped○ Zoning: C-2 District• Properties located West of the Subject Property:<ul style="list-style-type: none">○ Use: Self-Storage
---	---

	<ul style="list-style-type: none"> ○ Zoning: C-3 District. The property located at 2154 Washington Road was rezoned from the C-2 District to the C-3 District in 2012.
2. The extent to which property values are diminished by particular zoning restrictions:	<ul style="list-style-type: none"> • The C-2 District allows for many office, service, and retail uses. It also allows for “Machinery, equipment, and vehicle rental” as a special use. Property values do not figure to diminish due to the rezoning request, as other uses are permitted in the C-3 District.
3. The extent to which destruction of value of some property promotes the health, safety, morals or general welfare of the public:	<ul style="list-style-type: none"> • It is difficult to determine the impact that the proposed rezoning and use would have on nearby properties. The properties that neighbor the Subject Property to the east and west are currently zoned to allow for the proposed business use by-right.
4. The relative gain to the public compared to the hardship imposed upon individual property owners:	<ul style="list-style-type: none"> • The proposed rezoning matches the classifications to the properties located east and west of the Subject Property. The proposed use would not commonly be one that the public desires as a destination.
5. The suitability of the property for zoned purposes:	<ul style="list-style-type: none"> • The proposed rezoning matches the classifications to the properties located east and west of the Subject Property. The Subject Property can meet each of the C-3 District zoning regulations. However, the proposed use may not be compatible with other uses in the area.
6. The length of time the property has been vacant as zoned, considered in the context of land developed in the vicinity:	<ul style="list-style-type: none"> • The Subject Property has been zoned the C-2 District since a single-family house was demolished in 2004. The Route 8 corridor has seen some development since that time, though there are several undeveloped parcels on the north side of IL Route 8.
7. The community need for the proposed use:	<ul style="list-style-type: none"> • Staff is not aware of a feasibility study to accurately quantify the community need for this business. Dumpster rental businesses are generally not the types of uses that are highly valued in spite of every business needing at least a single dumpster for its waste disposal.
8. The compatibility with the Comprehensive Plan:	<ul style="list-style-type: none"> • The designation denoted in the Comprehensive Plan for the Subject Property is General Commercial. This category serves a variety of possible uses and is most commonly associated with those that pertain to the sale of goods or services. It should be noted that some goals that are articulated in the Plan are to encourage new development that increases the City’s daytime population, create jobs, and maintain and create tax revenue generating businesses.

Fiscal Impact: The property has an equalized assessed value of \$14,630 as of the 2022 (Payable 2023) tax year. The property tax generation figures to increase somewhat upon the construction of the planned building, which would benefit each of the applicable taxing authorities. There does not figure to be much, if any, sales tax generation. The building would be subject to payment of the water and sewer utility connection fee of a minimum of \$4,732. New water and sewer revenue would also result from the development.

Recommendation/

Committee Discussion Summary: The Planning and Zoning Commission held a public hearing on this request at its meeting on October 4. The PZC unanimously recommended approval of the proposed rezoning with three provisions as noted below. Several nearby business owners were in attendance.

Action Requested: Staff supports the approval of the rezoning of the 2140 Washington Road (IL Route 8) property from C-2 to C-3. A first reading ordinance is scheduled for the October 16 City Council agenda and a second reading will be scheduled for the November 6 meeting. The ordinance contains three provisions that were recommended by the PZC:

1. Any outside storage of items shall be kept at least 15' from the side property lines.
2. Privacy fencing shall be erected completely surrounding any outside storage of items. The fencing must be 7' in height.
3. A minimum of double the required point totals for the three applicable landscaping components—Streetside, Parking Lot, and Transitional Buffer Yard—shall be provided prior to the operation of any permitted C-3 land use. The preservation of any existing vegetation in good condition can count towards the required point totals.

Additionally, staff recommends that this ordinance, if approved, be recorded by Spitzer Properties with the Tazewell County Recorder of Deeds within 90 days to ensure that the conditions run with the land and would be binding to any successors and assigns or any other property occupants.

ORDINANCE NO. _____

(Adoption of this ordinance would rezone 2140 Washington Road from the C-2 District, General Retail, to the C-3 District, Service Retail)

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF WASHINGTON, TAZEWELL COUNTY,
ILLINOIS, BY REZONING 2140 WASHINGTON ROAD
FROM THE C-2 DISTRICT TO THE C-3 DISTRICT**

WHEREAS, a Petition has been filed by Spitzer Properties, LLC, an Illinois limited liability company, for the hereinafter-described tract of real property, more particularly described on Exhibit A (the “Premises”), attached hereto, said Premises being within the corporate limits of the City of Washington, Illinois and by reference expressly made a part hereof, to have the Premises rezoned; and

WHEREAS, the current zoning classification of the Premises is the C-2 District and it is the petitioner’s intent for the Premises to change to the C-3 District zoning classification; and

WHEREAS, after proper notice, a public hearing on said Petition was conducted by the Planning and Zoning Commission of the City of Washington on October 4, 2023; and

WHEREAS, on October 4, 2023, the Planning and Zoning Commission unanimously recommended that the Premises be rezoned pursuant to the Illinois Municipal Code, with certain conditions; and

WHEREAS, it is in the best interest of the City of Washington, Illinois that said Premises be rezoned within the City of Washington, to meet future business growth.

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

Section 1. That the Washington City Council hereby finds as facts the assertions set forth above.

Section 2. That the minutes of the Planning and Zoning Commission made at the public hearing held on October 4, 2023, and the recommendation of staff contained in its Memorandum to the Planning and Zoning Commission dated September 29, 2023, 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 3. Subject to the conditions set forth herein, 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 Premises from the C-2 District to the C-3 District, effective as of the date that this ordinance is recorded with the Tazewell County Recorder of Deeds (“Effective Date”).

Section 4. That Spitzer Properties, LLC, an Illinois limited liability company (“Spitzer”), will be required to pay for and record a certified copy of this Ordinance with the Tazewell County Recorder of Deeds, no later than ninety (90) days from the date of this Ordinance. The City Clerk shall provide Spitzer with a certified copy of this Ordinance for recording. After this Ordinance is recorded, Spitzer shall provide the City with a copy of the recorded version.

Section 5. That the City Clerk is hereby authorized on the Effective Date to note the zoning grant made by this Ordinance on the Official Zoning Map of the City of Washington, Tazewell County, Illinois.

Section 6. That, in the event a certified copy of this Ordinance is not recorded within ninety (90) days of the date herein, this Ordinance shall be deemed null, void, and of no further effect. Thus, the Premises would remain zoned in the C-2 District.

Section 7. That on the Effective Date and thereafter, any outside storage of items on the Premises shall be kept at least fifteen (15) feet from the side yard property lines.

Section 8. That on the Effective Date and thereafter, privacy fencing shall be erected completely surrounding any outside storage of items on the Premises. Said fencing shall be seven (7) feet in height.

Section 9. That on the Effective Date and thereafter, a minimum of double the required point totals for the three (3) applicable landscaping components in the City Code—Streetside, Parking Lot, and Transitional Buffer Yard—shall be provided where a new facility would be constructed.

Section 10. That upon the recording of this Ordinance with the Tazewell County Recorder of Deeds, the conditions set forth in Sections 7 through 9 herein shall run with the land and be binding on any successors and assigns of Spitzer Properties, LLC, an Illinois limited liability company or any other occupants of the Premises.

Section 11. That City Staff are hereby authorized and directed to inspect the Premises to ensure that the conditions set forth in Sections 7 through 9 herein are met prior to any permitted C-3 District land use is authorized by the City. In the event that Spitzer or any successor, assign, or occupant of the Premises fails to abide by the conditions set forth herein, the penalties provided in Section 154.999 of the Zoning Code shall apply and the City can proceed with any remedy set forth therein against the violator.

Section 12. 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 _____, 2023.

Ayes: _____

Nays: _____

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION

A part of the East Half of Section 20, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings are for the purpose of description only: Commencing at an iron rod at the center of said Section 20; thence South $88^{\circ} 51'$ East along the East and West Quarter Section line of said Section 20 as occupied by a property line fence, 653.3 feet to an iron rod, said iron rod being at the Southwest corner of Sublot "D"; thence North $1^{\circ} 15'$ East along the Westerly line of said Sublot "D", and also being along a property line fence designating the West line of the East Half of the Southwest Quarter of the Northeast Quarter of said Section 20, a distance of 1358.1 feet to an iron rod; thence South $89^{\circ} 32'$ East along an existing property line fence, 555.3 feet to an iron rod, said iron rod being the point of beginning for the tract to be described: thence continuing South $89^{\circ} 32'$ East along an existing property line fence, 281.9 feet to an iron rod; thence $0^{\circ} 30'$ West 1372.4 feet to an iron rod; thence South $61^{\circ} 02'$ West along the Northwestern right-of-way line of SBI Route No. 8, a distance of 323.8 feet to an iron rod; thence North $0^{\circ} 30'$ East, 94.0 feet Westerly of and parallel with the East line of the East Half of the Southwest Quarter of the Northeast Quarter of said Section 20, a distance of 1531.5 feet to the place of beginning, containing 9.398 acres, more or less, Tazewell County, Illinois; AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT: A part of the East Half of Section 20, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, further described as follows: Commencing at a found iron pin at the Northwest corner of the Southeast Quarter of said Section 20; thence North $89^{\circ} 02' 09''$ East, 1225.71 feet along the North line of said Southeast Quarter; thence South $01^{\circ} 09' 03''$ East, 132.34 feet to a set iron pin 55.00 feet normally distant Northerly of the proposed centerline of FAP Route 399 (IL 8), said point being the Point of Beginning. From the Point of Beginning thence North $59^{\circ} 44' 15''$ East, thence North $50^{\circ} 16' 31''$ East, 30.41 feet to a set iron pin 60.00 feet normally distant Northerly of said proposed centerline; thence North $59^{\circ} 44' 15''$ East, 96.53 feet to a set iron pin 60.00 feet normally distant Northerly of said proposed centerline; thence South $01^{\circ} 09' 03''$ East, 53.50 feet to a point on the existing Northerly right-of-way line of said FAP Route 399 (IL 8) and 13.26 feet normally distant Northerly of said proposed centerline; thence South $59^{\circ} 42' 47''$ West, 322.98 feet along said existing Northerly right-of-way line to a found iron pin 13.12 feet normally distant Northerly of said proposed centerline; thence North $01^{\circ} 09' 03''$ West, 47.93 feet to the Point of Beginning, said exception contains 14,051 square feet, more or less, or 0.323 acres, more or less, situated in Tazewell County, Illinois.

PIN: 02-02-20-200-015

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: 2140 WASHINGTON ROAD, WASHINGTON, IL 61571

Property Tax ID (PIN) number: 02-02-20-200-Q15

Current zoning classification of the property: C-2 Proposed zoning classification of the property: C-3

Current use of the property: VACANT LOT, NO STRUCTURES

Proposed use of the property: 4-bay building with dumpster storage lot in rear.

Does the proposed zoning meet the City's Comprehensive Plan? ☒ YES ☐ NO

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

Name of Applicant: JAKOB SPITZER, SPITZER PROPERTIES LLC

Phone Number of Applicant: _____

Address of Applicant: _____

Owner of Property: VERONICA FORE

Address of Owner: _____

I would like to receive correspondence by: ☐ Mail ☒ Email Email address: _____

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. Wilmor 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

8/25/2023

Signature of Owner _____

Date

8/29/2023

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.: _____

Fee Paid? Y / N

Date: _____

Plat Submitted? Y / N

Date: _____

Documentation of Authority Submitted: _____

Date to go before the Planning and Zoning Commission: _____

Commission Action: _____

Tazewell County, Illinois

generated on 10/11/2023 12:18:52 PM CDT

Parcel

Parcel ID	Alt. PIN	Parcel Address	Data as of
02-02-20-200-015		2140 WASHINGTON RD, WASHINGTON	10/7/2023

Tax Payer Information

Tax Payer	SPITZER PROPERTIES LLC % JACOB SPITZER
Tax Payer Address	PO BOX 603 WASHINGTON IL 61571
Transfer Date	09/20/2023

Location Information

GIS		Section & Plat	
District No.	02021	State Assigned District No.	020
Township No.	002,	Routing No.	
Parcel Address	2140 WASHINGTON RD, WASHINGTON	Legal Desc.	SEC 20 T26N R3W SUB LOT F; W 179.7 FT SUB LOT E & E 94 FT SUB LOT D NE 1/4 & SE 1/4 9.08 AC

Parcel Information		Topography		Services	
Property Class Code	30 UNIMPROVED LOT	Level	N	Water	
Neighborhood Code	211	High	N	Sewer	
Neighborhood Factor	109.00	Low	N	Gas	
Neighborhood Type		Rolling	N	Electricity	N
Street or Road Code		Swampy	N	Sidewalk	
		Flood Hazard		Alley	N
		Waterfront Property Type			

Spitzer Properties LLC

PO Box 603
Washington, IL 61571
309.472.4090

City of Washington
301 Walnut St
Washington, IL 61571

October 4, 2023

To the Planning and Zoning Commission,

First and foremost, my wife and I sincerely thank you for the opportunity to present our rezoning case before you this evening. We are looking forward to the adventure of building a new business right here in Washington, our lifelong hometown. I would like to briefly paint the picture of our end-goal with the subject property at 2140 Washington Road. We have near-term plans to construct a four bay building and rent out the space. The requested C-3 zoning would allow for a wider spectrum of businesses to be able to rent the space. We love the landscape and mature tree offerings at the subject property and keeping those mature trees remains the forefront of our designing and building plans. Near the rear of the property, we hope to store our dumpster inventory contingent on this rezoning. Next, I would like to address a few items in the Memorandum written by the Planning and Zoning Director. Our company owns eight dumpsters, however we average 2-3 in storage at any given time. In the last year, we have never had all eight dumpsters in storage. As a result of that, we plan to use less than one half acre for dumpster storage. Set back over 240 feet from the street, we are surrounded by brush & large trees. We feel it is unnecessary to fence all nine acres as suggested which would keep out wildlife in the back portion of the property that has no plans for development. With unsightliness in mind, we understand, but request reconsideration of doubling the minimum quantity of landscaping points. Our primary business focus with the subject property is to construct a four bay building as described above.

With these points in mind, we would ask the Planning and Zoning Commission to consider our rezoning request and amend or remove the two recommendations submitted by the Planning & Zoning Director.

Warm Regards,

Jakob Spitzer

Owner, Spitzer Properties LLC

Spitzer Properties LLC

209 Hillcrest Drive
Washington, IL 61571
309.472.4090

City of Washington
301 Walnut St
Washington, IL 61571

August 31, 2023

To the City of Washington,

Spitzer Properties LLC would like to submit a rezoning request for the vacant property at 2140 Washington Rd, Washington, IL 61571. We have entered into an agreement with the seller for the purchase of this vacant lot and anticipate taking possession during the rezoning process. We are requesting rezoning from C-2 to C-3 to allow for storage of roll off dumpsters at the rear of the property. Specifically, up to 8 at any time of 10, 15, and 20 yard dumpsters, subject to increase as the company grows. We also anticipate constructing a 4-bay building in the coming months or years. We have included some drawings subject to change to illustrate our proposed use of this vacant property.

We would like to thank the Planning & Zoning Committee and the City Council for your consideration in reviewing our plan.

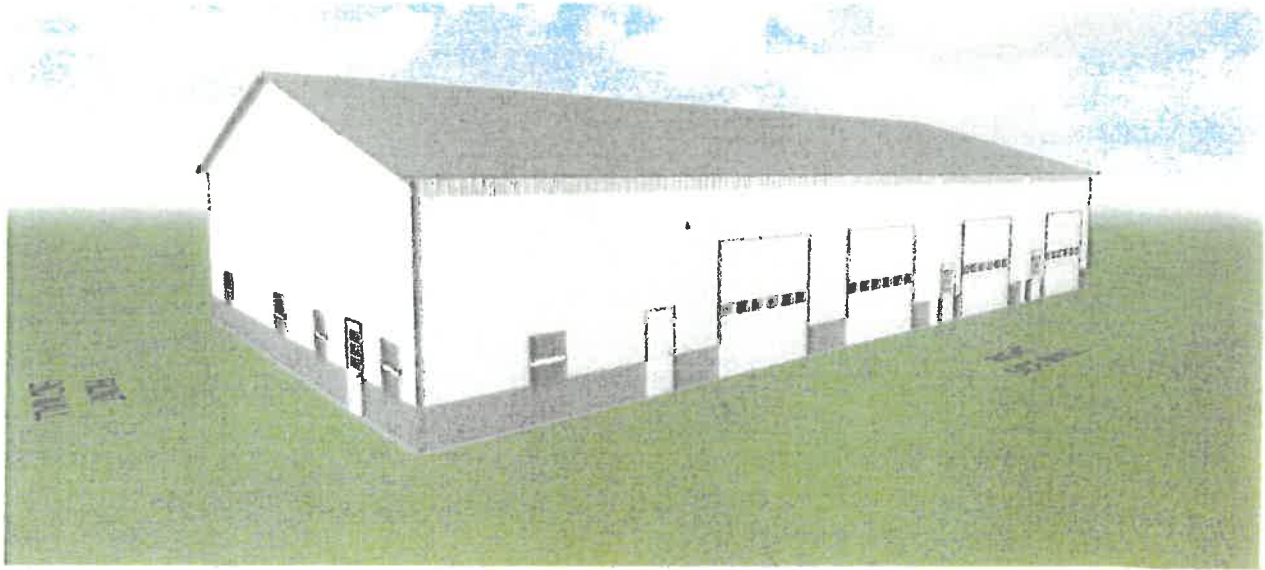
Warm Regards,

Jakob & Hannah Spitzer
Owners, Spitzer Properties LLC

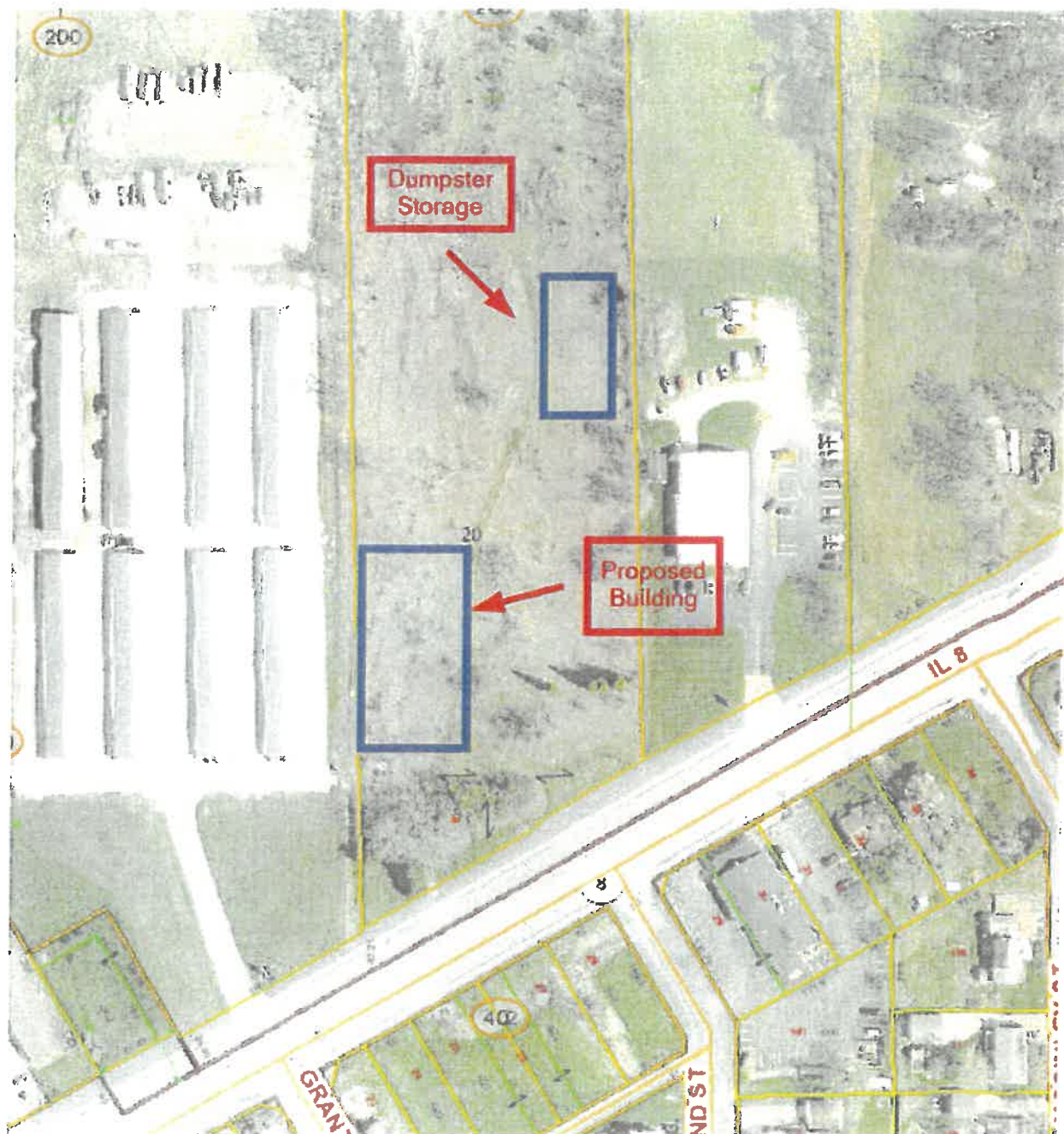
The subject property is 2140 Washington Rd. It is currently zoned C-2. Neighboring properties are zoned C-3. We are requesting a rezoning to C-3 to allow for roll off dumpster storage. (0 - 8 dumpsters, subject to change as the company grows.)

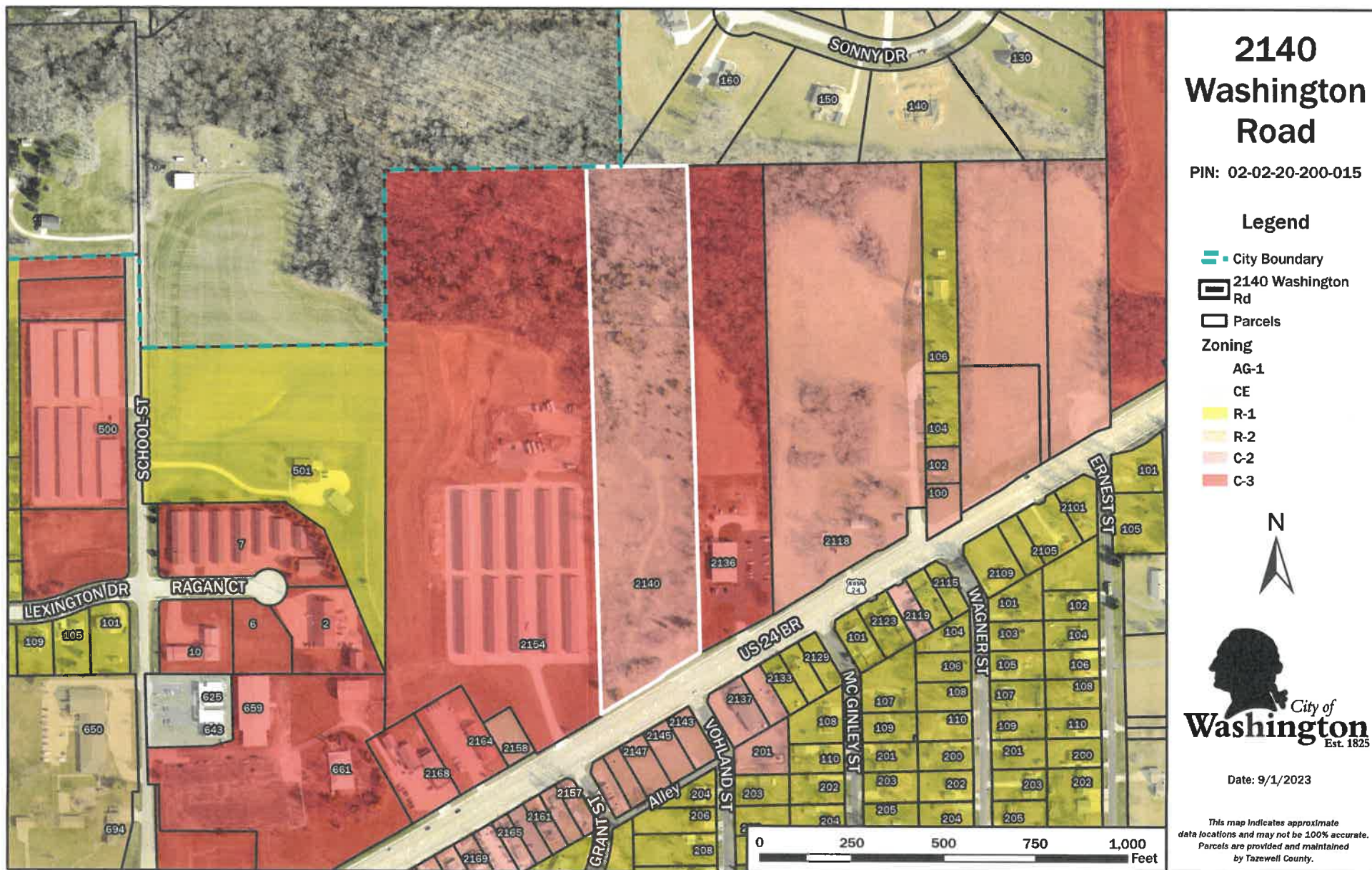


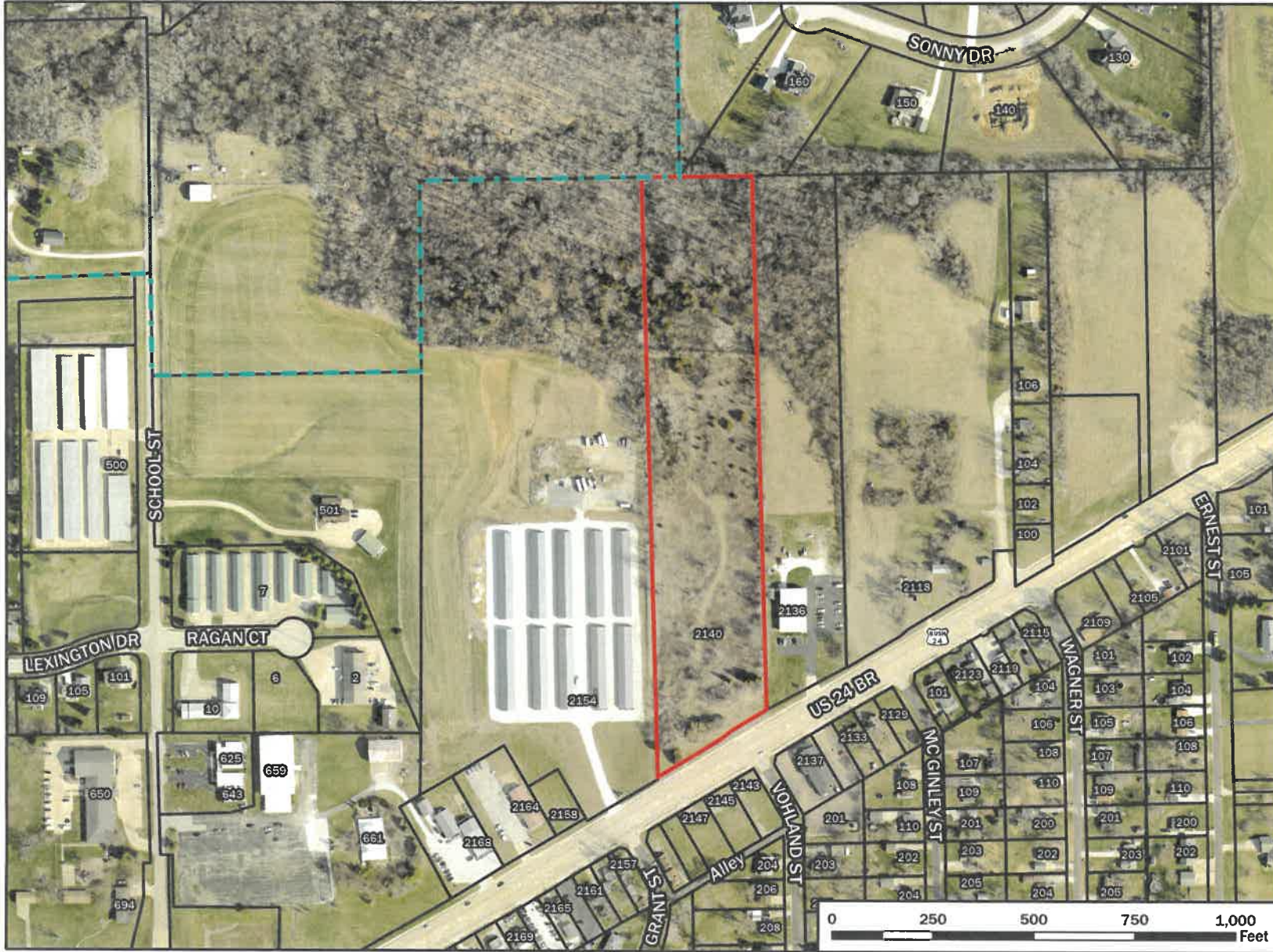
Preliminary drawing of a 4-bay building and subject to change. One bay is to be allocated for our dumpster company and the other 3 bays and office space to be rented out to other tenants.



The building will be situated on the Southwest corner of the property as outlined in the drawing below.







2140 Washington Road

PIN: 02-02-20-200-015

Legend

- City Boundary
- 2140 Washington Rd
- Parcels



Date: 9/1/2023

This map indicates approximate data locations and may not be 100% accurate. Parcels are provided and maintained by Tazewell County.