

1202 N. Institute Pl.
Peoria, IL 61606
January 8, 2009

Zoning Commission
c/o Gene Lear
Planning and Growth Management Department
City of Peoria
456 Fulton St.
Peoria, IL 61602

RE: **CASE NO. ZC 08-71**

PUBLIC HEARING on the request of Jane Ohaver of VanFleet & Ohaver, LLC for Scott and Elisa Demanes to rezone property from a Class R-4 (Single Family Residential) District to a Class CG (General Commercial) District for the property located at 726 East Forrest Hill Avenue and 725 East Buerkin Court, Peoria, Illinois and to rezone property from a Class CN (Neighborhood Commercial) District to a Class CG (General Commercial) District for the property located at 3029, 3031 & 3035 N Wisconsin Avenue, Peoria, Illinois.

Honorable members of Peoria's Zoning Commission:

I respectfully ask the Commission to deny the request to rezone properties listed in Case No. ZC 08-71 from R-4 and CN to CG for the following reasons:

1. It is not "in keeping with the policies of the Official Comprehensive Plan of the City of Peoria" (LDC §2.8.6[B]). The Future Land Use Map for the City of Peoria (part of the City's Comprehensive Plan, adopted 8/21/2001) designates all of these parcels for future residential use. According to the Land Development Code (LDC), residential land use is a higher classification than CN. CG is a lower classification. Thus, the request is in direct opposition to the Comprehensive Plan.
2. It does not meet the finding of facts requirements as listed in LDC §2.8.6(A). Specifically:
 - a. The existing uses of property within the general area of the properties in question are a church (First English Lutheran, zoned R-3), a school (Von Steuben, zoned R-4), and two other small businesses (Cookie Shack and Forrest Hill Cleaners, zoned CN). Everything else in the general area is zoned R-4. A CG zoning district is too intense of a land use designation for the subject parcels and not in keeping with the surrounding land uses in this older, established neighborhood, which is why the existing commercial parcels were zoned CN in the first place. [LDC §2.8.6(A)(1) and (2)]
 - b. 3029, 3031, and 3035 N. Wisconsin are suitable for their current use under the existing zoning. According to the Permitted Use Table (LDC §5.2.2), "Animal Hospital, Veterinary Clinic, Pet Clinic" is a permitted use under CN as well as CG zoning. Since there are no plans to change the use of this property, there is no compelling reason to change the zoning under LDC §2.8.6(A)(3). The other properties are zoned R-4 and would not allow

the desired use. However, since there doesn't appear to be any plan to build anything on these lots, it's unclear why they would need to be rezoned.

- c. The health, safety, and general welfare of the immediate area of the subject properties would be harmed. It's important to remember that CG zoning, once established, would apply not only to the current property owner, but to future owners of this property as well. The commission must consider the zoning request separately from the currently-proposed use. CG zoning would permit any future owners of these parcels to establish uses that would be incompatible with and detrimental to the neighborhood, including: pawn shop, indoor multi-story warehouse, lube and oil change facility, and full- or self-service car wash. These are all permitted uses under CG that are not permitted under CN. Furthermore, buildings in a CG district can be up to four-stories high, which would be out of proportion with the surrounding area. Buildings can also be set back up to 80 feet from the street, meaning that future owners could use these lots for a small strip shopping center—something the code intends to avoid establishing. The uses and traffic patterns that would ensue would be detrimental to the surrounding area—the school in particular—as more pressure would be put on the streets to handle more traffic volume and speed. [LDC §2.8.6(A)(7); §4.2.4; §5.2.2]
- d. The rezoning request is not consistent with the purpose or intent of the LDC. [LDC §2.8.6(A)(9)]

Purpose: For the reasons already stated, it does not promote the health, safety, and general welfare [LDC §1.4(A)], preserve the overall quality of life for residents and visitors [§1.4(B)], or protect the character of established residential neighborhoods [§1.4(C)]. Also, as stated above, it is contrary to “the policies and goals contained within the City’s adopted plans” [§1.4(E)] and does not “[maintain] orderly and compatible land use and development patterns” [§1.4(F)].

Intent: Section 1.5 of the LDC explains the intent of the code. The proposed rezoning is not consistent with the following intent statements:

- i. “Create street space—bring the buildings close to the street and plant canopy street trees” [1.5(B)(2)]; the CG zoning will allow the current and future property owners to maintain large setbacks from the street, even if the current structure were torn down to put up one or more new buildings in the future.
 - ii. “Encourage and assist in the preservation of existing buildings and housing stock” [1.5(B)(10)]; this rezoning will allow existing housing stock to be removed. Furthermore, the more intensive land use allowable under CG zoning will give current or future property owners incentive to amass and combine even more parcels, resulting in the destruction of more housing stock.
 - iii. “Control the scale and fit of new development patterns” [1.5(B)(14)]; rezoning to CG will allow development patterns that are too large and too intense for this small corner surrounded by single family homes. It would not fit into the neighborhood, but would be set apart from the neighborhood due to its large setback and parking lot.
3. Finally, I believe that rezoning these parcels to CG will be detrimental to the public interest (LDC §2.8.6[B]). This decision will have ramifications beyond this one neighborhood. By allowing a

spot zone of CG here, it will set a precedent for elsewhere in the Heart of Peoria area. Developers who propose strip malls in the center of dense urban neighborhoods would be able to point to this decision as a justification for greatly intensifying land use and/or simply getting around the requirements of a CN district. The CN district is intended to protect neighborhoods from the building sizes, setbacks, and types of land uses that would be detrimental to their areas, and to encourage neighborhood-scale commercial development that will fit seamlessly into the urban fabric. If developers are able to get around those protections by simply getting them rezoned CG, Peoria will not be able to revitalize its urban core. CG zoning is for large-scale development on principal arterials, and the 80-foot setbacks were allowed as a concession to developers. To now use that concession as an opportunity to shoehorn CG zoning into an older, established neighborhood is unjustifiable and, indeed, detrimental to the public interest.

Because the requested rezoning is not consistent with the City's Comprehensive Plan, does not meet the findings of fact requirements, and would be detrimental to the public interest, I once again respectfully ask that the Commission deny the petitioner's request.

Sincerely,
C. J. Summers