



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Shannon Techie)
DATE: June 1, 2017
CASE NO: PZ 17-19

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Phil Harvey of Remax Traders Unlimited, for Marie Nisius, to rezone property from a Class C-1 (General Commercial) District to a Class R-4 (Single-Family Residential) District, for the property located at 1822 W Forrest Hill Avenue (Parcel Identification No. 14-32-101-001), Peoria, Illinois (Council District 2).

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

The petitioner is requesting to rezone property from a class C-1 (General Commercial) District to a Class R-4 (Single-family Residential) District.

BACKGROUND

Property Characteristics

The subject property contains .18 acres of land and is currently developed with a single-family dwelling. The property is zoned Class C-1 (General Commercial) District and is surrounded by R-4 (Single-Family) zoning to the south, R-3 (Single-Family) zoning to the west and north, and C-1 (General Commercial) zoning to the east.

History

Per the current regulations, a single-family dwelling is not an allowed use in the C-1 District; however, the single-family home on this property was constructed prior to annexation into the City and it is therefore considered legal non-conforming; however, if it were destroyed or damaged by fire the following requirement in Appendix A, Section 9.4 would apply to this property:

A nonconforming building or structure, except one identified by City Council action as being of historic significance, which is destroyed or damaged by fire or other casualty or act of God may be restored only if the cost of reconstruction to a condition in which it was prior to the casualty does not exceed 50% of the replacement cost of the entire building, and further providing no restoration or reconstruction shall be undertaken unless it is started within one year from the date of notice by the Zoning Administrator of this provision or the date of partial destruction whichever is later and completed within 24 months from the date of partial destruction

As such, the property owner is interested in rezoning the property, so that a single-family use would be permitted by right now and in the future.

The property has historically been zoned commercial, as follows:

Date	Zoning
1963 - 1990	C2 (Neighborhood-Commercial)
1990 - Present	C1 (General Commercial)

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

The Community Development Department examines each rezoning application against the standards that resulted from the case of LaSalle National Bank of Chicago V. Cook County and City's Comprehensive Plan.

Standard	Standard Met per Community Development Dept. Review
<p><u>LaSalle Factor #1</u>: Existing uses of and zoning of nearby property</p>	<p>The requested zoning district designation is compatible with the property immediately south, as that property is zoned R-4 (Single-Family Residential) and is developed as single family. Apart, from the school to the north, the property is surrounded by single-family residential dwellings. The two properties immediately east of this property are zoned C-1 (General Commercial); however, they also contain single family dwellings and therefore a single family residential zoning is more appropriate. As such, staff has reached out to the property owners of 1818 and 1814 W Forrest Hill Avenue to discuss rezoning to single-family.</p>
<p><u>LaSalle Factor #2</u>: Extent to which property values are diminished by the particular zoning</p>	<p>Property values should not be diminished by the rezoning to R-4, as the property already contains a residential use and the surrounding properties contain residential uses.</p>
<p><u>LaSalle Factor #3</u>: Extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public.</p>	<p>A rezoning to R-4 would provide a public benefit, as the zoning would then align with the existing use.</p>
<p><u>LaSalle Factor #4</u>: Relative gain to the public as compared to the hardship imposed on the individual property owner.</p>	<p>The rezoning would allow for uses (single-family) that would complement the existing character of the neighborhood.</p>
<p><u>LaSalle Factor #5</u>: Suitability of the property for the zoned purpose.</p>	<p>The subject parcel is suitable for residential development.</p>
<p><u>LaSalle Factor #6</u>: Length of time the property has been vacant as zoned, compared to the development in the vicinity of the property.</p>	<p>The property is not vacant; however, if the existing structure was destroyed by fire, a single-family dwelling can be rebuilt only if the cost of reconstruction to a condition in which it was prior to the casualty does not exceed 50% of the replacement cost of the entire building. A rezoning to R-4 (Single-Family Residential) would allow the property to be redeveloped as single-family in the future, by right if code requirements are met.</p>
<p><u>LaSalle Factor #7</u>: Public need for the proposed use.</p>	<p>The existing use of the property would align with the uses allowed in the R-4 (Single-Family Residential) District and would also begin to address the existing spot zoning in this area.</p>
<p><u>Comprehensive Plan Future Land Use Designation</u></p>	<p>No, as the Future Land Use Designation is Commercial; however, the existing use of the property is single-family and, apart from the school, the surrounding uses are single-family.</p>

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

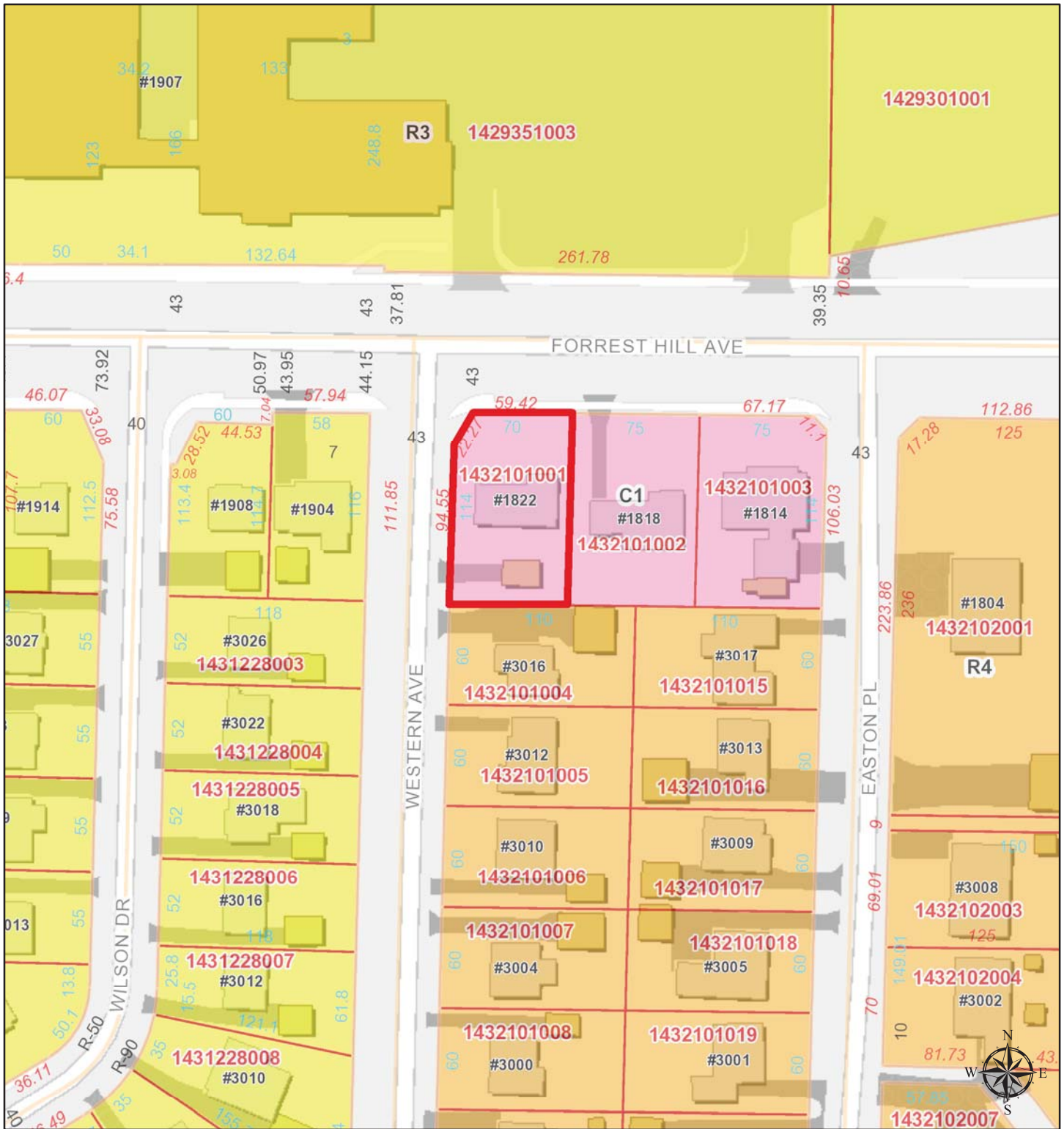
The Community Development Department recommends approval of the request.

NOTE: If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.

ATTACHMENTS

1. Surrounding Zoning (County GIS Print in Color)
2. Aerial Photo (County GIS Print in Color)

1822 W Forrest Hill Avenue Surrounding Zoning Map



1 inch = 83 feet



Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

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1822 W Forrest Hill Avenue Aerial Photo



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