

## Opposition to Zoning Variance 10/8/13

Good evening thank you for your time and attention:

I have been assured by legal professionals and my own son, the aspiring legal professional, that local governments enjoy a high bar of protection from liability suits. It is unlikely that your personal assets or the city's are at risk by a future lawsuit because of your decision. I do believe that your own personal ethics do guide you to place safety as the highest priority when an issue is placed before you. Our intersection at Main and Magnolia is easily congested. One semi trying to make the turn can quickly back up traffic for a block. Drivers ducking in and out of a drive-through are in a hurry. People want it quick. Drivers are often distracted by others in the car while distributing their food as they leave the drive-through. Distracted drivers in a hurry will dart ahead of an oncoming vehicle to save time and not hold up traffic. These drivers are not as likely to notice children and the family groups where one child rides or runs ahead of the others. This is a scenario you can all easily visualize. A stereotype is the car full of teenagers playing loud thumping music thrilled to be out on their own. This type of driver is still inexperienced and impulsive. They will be trying to navigate in a congested area as we have at the intersection. It is easy to foresee the potential, even probable, likelihood of collisions and injury.

The area to the North and West of the proposed drive through is an entrance to apartments, the Uptown Café, a loading zone for the post office and other businesses. Modern urban development has goals of reducing congestion because it encourages growth. Our Downtown District needs to remain a pedestrian friendly environment because it enhances the location's ability to attract new businesses. This area offers few parking spaces and the use of those spaces decreases visibility for entering and exiting traffic. This only increases the risk. It will add more stress and congestion to the district.

Other more suitable locations could be acquired if the city and the developers had the desire to make this project a reality. I have suggested the space between Casey's and the United Methodist Church. That area has demonstrated over the last several years its current use as an agricultural field is not its highest and the best use. The space would be a great location for a Subway. It would not impact safety or traffic congestion. It also conforms to the area in its nature of business and convenience. It would be even more convenient to Yates City and Farmington.

The developers are projecting lost revenues would return to Elmwood. They mentioned their studies demonstrated this revenue lost in five, ten, and twenty-five mile radii. I find it highly unlikely these revenues would return from people in Peoria desperate to buy a Subway sandwich in Elmwood.

I want to address the misconceptions about the revenue this project would return the city. It is true this project is in the TIF so property tax increases would be retained by the city and not help support our schools, county, township, fire district, or other taxing units. I spend a great part of my official duties educating taxpayers on the property tax system. Misconceptions are common about what adds taxable value. It seems the anticipated revenues to the city have taken priority in the decision making process about this project. It is for this reason I want to address them. I have been questioned about Casey's - why is it not assessed higher, why does it not bring in more property tax revenue? In large part the answer is we assess the building not gasoline and donut sales. We also must seek to assess a property for what it would sell for. The abandoned Casey's build in Hanna City is a good example that the building itself is not the hottest property on the real estate market. Also sometimes people will state the overall cost of a project and think the assessment will be equal to that amount. The Ag Land expansion is a good example. We assess fixed assets not personal property. An elevator requires augers and bucket belts; these are personal property not assessable items.

My point is there are pluses and minuses to every project. The proposed project is a building on a slab; immediately that means it will be a lower value building. There are many factors that determine a final assessment. Our county uses a computerized mass appraisal system. Each residential property has the potential to have a factor added that I will call scenic; it may have a slightly different code. If a house has a lake view or other scenic factor it will be a mark up just like grade and condition. I have questioned whether a view of Sweetwater Park deserves the scenic factor or not. The contribution of attractiveness to the Downtown District is important to value over the long term.

This project is non-conforming to the Downtown District, it will add to congestion, is questionable as to the highest and best use of this location. It will be a negative influence on attracting people and businesses to Elmwood. It runs counter to other urban development trends in Downtown Districts. It has the potential to negatively impact all values in the Downtown District. Keep the Downtown District one of vitality that encourages business creativity. Ease of movement is an essential component in attracting the kind of businesses that Elmwood needs for sustained growth. Revival of the Downtown District will greatly be influenced by its walkability.

I know there is a sense of urgency from the city that this will be the only viable proposal ever for this location. The rethinking and relocation of this project would allow for other alternatives to come together. At the Elmwood Development Association meeting we were planning to unveil a new approach to market Elmwood to businesses that would use modern tools we have not used to this point. We want to initiate a cooperative and collaborative process. This new effort at outreach was never discussed as the meeting was interrupted by a contentious debate over this project. It is time not to criticize the past approach, but to embrace new methods to outreach. Often when the quickest path is blocked it is an opportunity to find a much more rewarding future. I hope you will assist in allowing this project to move to another location. I hope you will work as a board and as individuals in cooperation as we undertake a new collaborative outreach. Our proposals will more effectively communicate the great potential Elmwood has for businesses in addition to retail that can profit and prosper here. We could spark a new era of dynamism in Elmwood's economy. It can start with your decision to deny this variance tonight. I hope you will act out of your own consciences and good judgments to deny this variance. Thank you for your time and your contributions to Elmwood.

Steve Davis

Elmwood and Timber Township Assessor (CIAO)

Elmwoodil.org Forgottonia.org

Member of the Elmwood Development Association

Member of the Elmwood Community Foundation

Volunteer: Fall Festival, Strawberry Festival, Kiwanis, Christmas Walk

Elmwood United Methodist Church Conference Representative

Past:

Owner of Elmnet, Downtown Business Tenant for ten years, Warren County Board of Review, Rosefield Township Assessor, Ellison, Pt Pleasant, and Swan Multi-Twp Assessor