



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth, H. Tyler, Director, Community Development Services

DATE: October 1, 2003

SUBJECT: CCZBA 403-AM-03. Request by J&R Schugel Trucking, Inc. to amend the Champaign County Zoning Map from I-1, Light Industrial to B-4, General Business for a 7.5-acre tract of land located at 3501 Countryview Road.

Introduction & Background

J&R Schugel Trucking, Inc. has requested a zoning change on the property they own at 3501 Countryview Road. The request is to rezone the property from I-1, Light Industrial to B-4, General Business in order to allow the company to slightly intensify the truck sales component of their business. The site is located in the extra-territorial jurisdictional area and just outside the corporate limits on north Cunningham Avenue. Since the map amendment request is located in the extra-territorial jurisdictional area, the City of Urbana has the opportunity to consider the case and exercise protest rights. Should the Urbana City Council recommend a protest of the case, a super-majority vote of the County Board would be required in order for the request to be approved.

On September 18, 2003 the Urbana Plan Commission considered the matter and recommended that the City Council defeat a resolution of protest against the rezoning. For additional information regarding the request, please refer to the Plan Commission memorandum dated September 12, 2003.

Issues and Discussion

J&R Schugel Trucking, Inc. operates a trucking terminal with ancillary semi-tractor repair service and sales. They have been in operation at this location since 1985. The service and sales aspect of the business has traditionally been considered by the Champaign County Zoning Administrator to be incidental to the primary truck terminal operation. Recently the company has desired to slightly increase the sales component of their business. Representatives from the company indicate that in the past they have traditionally had one or two trucks on the property for sale. It is intended that the

number of trucks for sale increase to approximately six trucks at any given time. However, the primary business is still a truck terminal and not a sales facility. In considering this change, the Champaign County Zoning Administrator determined that the increase in sales results in the truck sales aspect no longer being “incidental” to the primary use. For this reason a zoning change is required to a district that allows both a truck terminal and a truck sales facility.

The 1993 Extraterritorial Jurisdictional Area Plan identifies this site as appropriate for a “Light Industrial” land use. The Comprehensive Plan Steering Committee has also recently reviewed draft future land use maps for this area to be included in the new Comprehensive Plan Update. Those maps also indicate this area for a future use of “light industrial”. Those maps do, however, propose commercial land uses along Cunningham Avenue.

Although the request is to rezone the parcel to a commercial designation, it is evident that the current use will continue to be more industrial in nature than commercial. Should the parcel redevelop in the future to a use more commercial in nature, it would be generally consistent with the Comprehensive Plan considering the close proximity to Cunningham Avenue which is planned to be a commercial corridor.

Summary of Staff Findings

At the September 18, 2003 meeting, the Urbana Plan Commission adopted the following findings:

1. The proposed rezoning will promote compatible development within the ETJ.
2. The proposed rezoning is generally consistent with the current Comprehensive Plan and draft Comprehensive Plan Update.
3. The proposed zone change is consistent with policies of both the City and the County which promote contiguous growth and compatibility of land uses.
4. The evaluation of the current surrounding County zoning, the proposed City ETJ projections and the LaSalle Criteria indicate that the zoning change request is justified.

Options

In CCZBA Case #403-AM-03, the City Council has the following options:

- a. Defeat a resolution of protest for the proposed map amendment.
- b. Adopt a resolution of protest for the proposed map amendment.

Staff Recommendation

At the September 18, 2003 Plan Commission meeting, the Commission voted unanimously to recommend that the Urbana City Council **defeat a resolution of protest** for the proposed map amendment based upon the findings summarized above. Staff concurs with this recommendation.

Attachments:

- 1) Draft Ordinance for Resolution of Protest
- 2) Aerial Photo
- 3) Champaign County Staff Report and Zoning Board of Appeals Finding of Fact (not available in digital format)
- 4) Draft Plan Commission Minutes from September 18, 2003

c: John Hall, Champaign County Planning and Zoning
David Thies, Webber and Thies, P.C.
Richard Schugel, Schugel Trucking

RESOLUTION NO. 2003-10-21R

**A RESOLUTION OF PROTEST AGAINST A PROPOSED MAP AMENDMENT TO THE
CHAMPAIGN COUNTY ZONING MAP**

(3501 Countryview Road / J&R Schugel Trucking)

WHEREAS, Richard Schugel from J&R Schugel Trucking, has petitioned the County of Champaign for a map amendment to the zoning map of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 403-AM-03 to rezone 3501 Countryview Road from the I-1, Light Industrial Zoning District to the B-4, General Business Zoning District; and

WHEREAS, said amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-403-AM-03; and

WHEREAS, the Urbana Plan Commission held a meeting on September 18, 2003 to consider the request against the goals and objectives of the City of Urbana Comprehensive Plan as well as the LaSalle Criteria and subsequently recommended by a unanimous vote that the Urbana City Council defeat a resolution of protest against the proposed map amendment; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the

proposed text amendment is in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed map amendment as presented in CCZBA-403-AT-03.

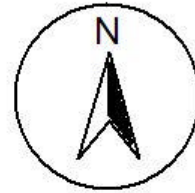
PASSED by the City Council this _____ day of _____, 2003.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2003.

Tod Satterthwaite, Mayor

Exhibit "E": Aerial



CCZBA#403-AM-03
Petitioner: Richard Schugel
Petition for zoning ammendment
Change zoning from I-1, Light Industry to B-4, General Business
3501 Country View Road
I-1 Light Industry

Prepared September 8, 2003 by Community Development Services - nds

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: September 18, 2003

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Alan Douglas, Laurie Goscha

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Rob Kowalski, Planning Manager; Teri Andel, Secretary

OTHERS PRESENT: Zach Borders, Rich Cahill, Liz Cardman, David Monk, Esther Patt, Doug Quivey, Steve Ross, Rich Schugel, Trent Shepard, Ruth Wyman, Joan Zagorski

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:33 p.m., the roll call was taken, and a quorum was declared.

8. NEW BUSINESS

CCZBA 403-AM-03: Request by J&R Schugel Trucking, Inc. to amend the Champaign County Zoning Map from I-1, Light Industrial to B-4, General Business for a 7.5-acre tract of land located at 3501 Countryview Road.

Rob Kowalski, Planning Manager, presented the case to the Urbana Plan Commission. He began by giving a brief background on the history of the company and a description of the site. He talked about the rezoning request. He noted the LaSalle National Bank Criteria that pertained to this case. He summarized staff findings and read the options of the Plan Commission. Staff recommendation was as follows:

Based on the summary of findings specified in the written staff report, staff recommended the Plan Commission recommend that the Urbana City Council defeat a resolution of protest.

Ms. Stake questioned how many trucks the petitioner would be allowed to have in a B-4 Zoning District? Mr. Kowalski answered that J & R Schugel Trucking, Inc. could sell more than six. He did not know if there were a specific number of how many trucks that could be sold, but the entire operation could be used to sell trucks.

Ms. Stake stated that she was looking for the information from the County Board. She quoted the following: *"The County Board will not encourage new commercial development, except in those areas where sewer, water, adequate fire protection and other utilities are readily available."* She understood that the sewer was not available for this operation. Mr. Kowalski believed that the petitioner ran under a septic system. If they did connect to the City sewer, then they would be required to sign an annexation agreement. He thought the goal in that policy was intended more for an area that was not developed and where new development was proposed to be built. J & R Schugel Trucking, Inc. does have water and are in close proximity to have adequate fire and police protection.

Next, Ms. Stake quoted the following: *"The County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations."* She inquired if the drainage had been checked out? Mr. Kowalski responded by saying that City staff had not received any correspondence from the County that there was a drainage problem on this proposed site. The petitioners are not proposing any changes to their site or their building that would require a new drainage facility.

Ms. Stake asked how the petitioners would get sewer connection? Would they have to connect to the City? Mr. Kowalski said that the petitioners would have to connect to an interceptor that would run to their property. He was not sure where the sewer currently ends. If the sewer were extended to their property and they connected to it, then they would have to annex into the Sanitary District and agree to annex into the municipality when they became contiguous to the City boundary.

Ms. Stake understood that there was some problem with the other solution to sewers. There could be problems with the water table underneath with the aquifer? When a person has a septic tank, how was that worked out. Ms. Tyler stated that the Illinois Environmental Protection Agency and the County Department of Health issues permits for on-site sanitary waste disposal systems (septic systems). They perform percolation tests. As long as the system is operating correctly and the petitioner has a health permit, it should not affect the aquifer and should not pose a public health issue. The City has an agreement with the Sanitary District to basically force sanitary sewer connections when there is new development within about 200 feet of the sewer. The proposed location is a little past that point.

Doug Quivey, of Webber & Thies, represented J & R Schugel Trucking, Inc. He responded to some of staff findings and questions asked by Ms. Stake.

Regards to sales, the County has not found that any existing sales are not incidental to what has been going on since 1985. The petitioner desires to increase sales, and instead of having a fight over when it becomes incidental and how to define incidental, they thought that they would go

ahead and request a zoning amendment. There are some adjacent businesses that this has already been done for.

He stated that under the proposed zoning plan, there is no cap per se on the number of sales that could take place. The petitioner does not plan to change the character of the business. Although they would like to increase their sales, it was still a secondary part of their business. It was a little misleading in the sense that the business was not like a common car lot, where general customers come in to look. A lot of the sales are to specific drivers. Many of the sales do not even take place there. It was not like they had plans for hundreds of trucks sitting there to be sold.

In terms of the sewer, the County Public Health has inspected the lot. For a change or modification, it would have to be reinspected and would have to comply with all requirements. The County Zoning Board of Appeals basically said that there were not any problems with any of the infrastructure as it relates to sewer and drainage as to the request in zoning.

Mr. White believed that this made sense. There was definitely room for more trucks to sit on the site. He moved that the Plan Commission recommend that the City Council defeat a resolution of protest. Mr. Hopkins seconded the motion.

Mr. Alix commented that he did not have any problems with the proposal. In general, the Plan Commission should be careful about rezoning Industrial to Business when there are parcels that are setback from a main road like this. He was thinking in terms of whether the road access would be sufficient. He did not feel that this was an issue in this case, though.

The roll call was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	Yes	Mr. Pollock	-	Yes
Mr. Kangas	-	Yes	Mr. Hopkins	-	Yes
Mr. Alix	-	Yes			

The motion was passed by unanimous vote.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission