



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: The Urbana Plan Commission

FROM: Rob Kowalski, Planning Manager

DATE: September 12, 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. The Champaign County Zoning Board of Appeals considered the case on September 11, 2003. The case will be forwarded to the Environmental Land Use Committee and eventually the full County Board for final action in October.

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.

Representatives from the company indicate that the 7.5-acre parcel is fully developed and there are no plans for any type of building expansion to accommodate increased sales in the future. It has also been noted that the sales component of the business does not generate any additional traffic to the site since the majority of the customers are drivers that are already utilizing the terminal for minor service and transfers.

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.

The City of Urbana has requested that the owner dedicate right-of-way along the frontage of the property to be consistent with right-of-way dedicated on platted property to the north and south. The owner has agreed to this request. The exact amount of right-of-way is still being determined at this time. There are no immediate plans for any improvements to Countryview Road by the Township.

The La Salle National Bank Criteria

In the case of *La Salle National Bank v. County of Cook* (the “La Salle” case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. The existing land uses and zoning of the nearby property.

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The proposed zoning district of commercial is compatible with similar commercial and industrial zoning districts in the area.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as zoned for industrial and the value it would have if it were rezoned to commercial to permit the proposed use.

The ability for the owner to slightly expand the trucking terminal business to include more truck sales increases the value of the business and property without having a negative impact on the district in which it is located.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

Questions 3 and 4 apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*

The request should not affect the health, safety, morals or general welfare of the public.

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

Allowing the existing business to expand offers a relative gain to the public.

5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The property is located in an area that makes it suitable for the zoning change.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The property has been operating as a trucking terminal for a considerable amount of time.

Summary of Staff 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 Plan Commission has the following options:

- a. Recommend that the Urbana City Council defeat a resolution of protest for the proposed map amendment.
- b. Recommend that the Urbana City Council adopt a resolution of protest for the proposed map amendment.

Staff Recommendation

Based on the summary of findings specified above, staff recommends the Plan Commission recommends that the Urbana City Council defeat a resolution of protest.

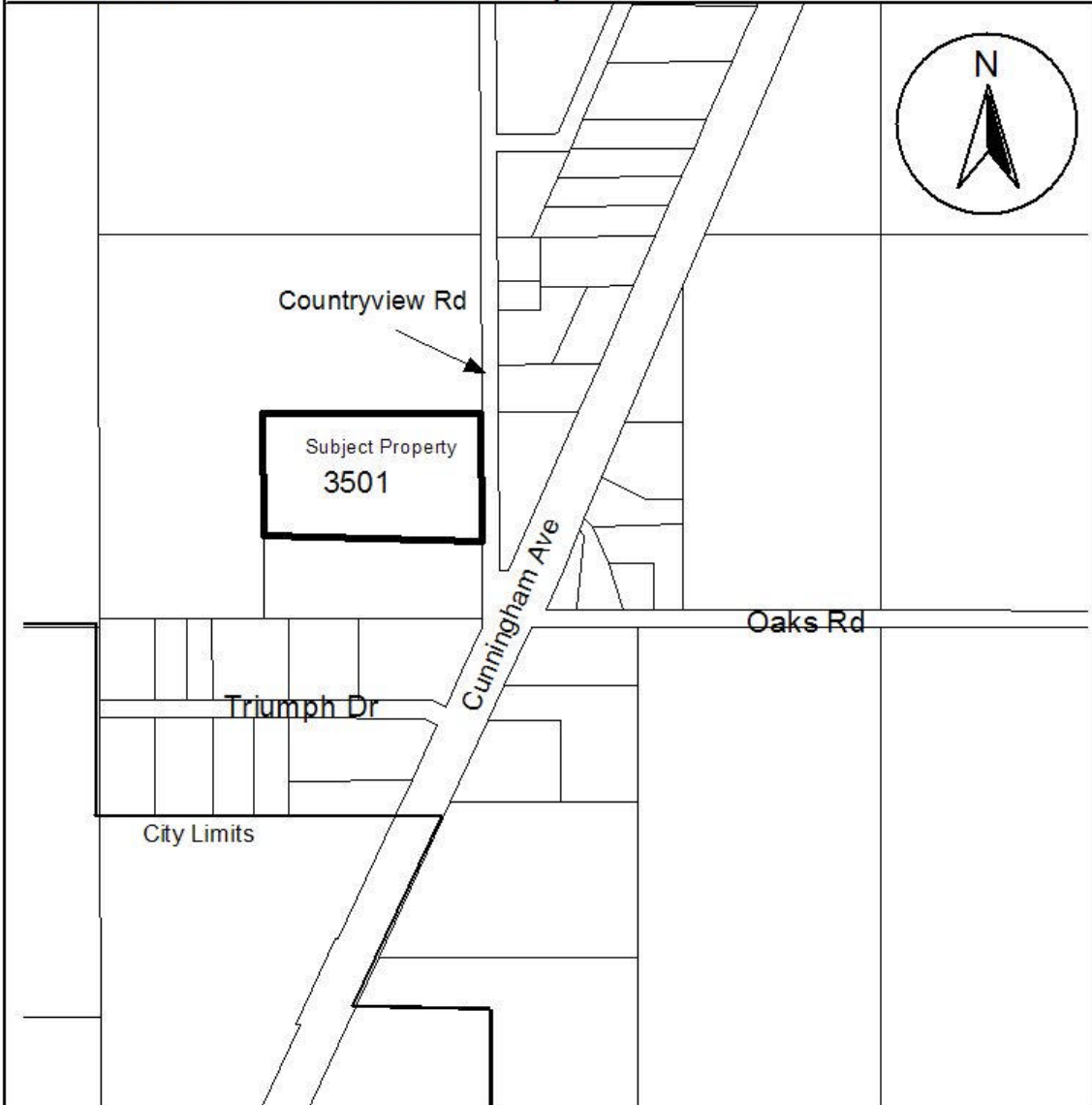
Attachments:

Exhibit "A"; Location Map
Exhibit "B"; Zoning Map
Exhibit "C"; Existing Land Use Map
Exhibit "D"; Future Land Use Map
Exhibit "E"; Aerial
Exhibit "F"; Photos

Champaign County Zoning Board of Appeals Case No. 430-AM-03 staff memorandum dated September Sept. 5, 2003

- c: John Hall, Champaign County Planning and Zoning
David Thies, Webber and Thies
Richard Schugel, J&R Trucking, Inc.

Exhibit "A": Location Map



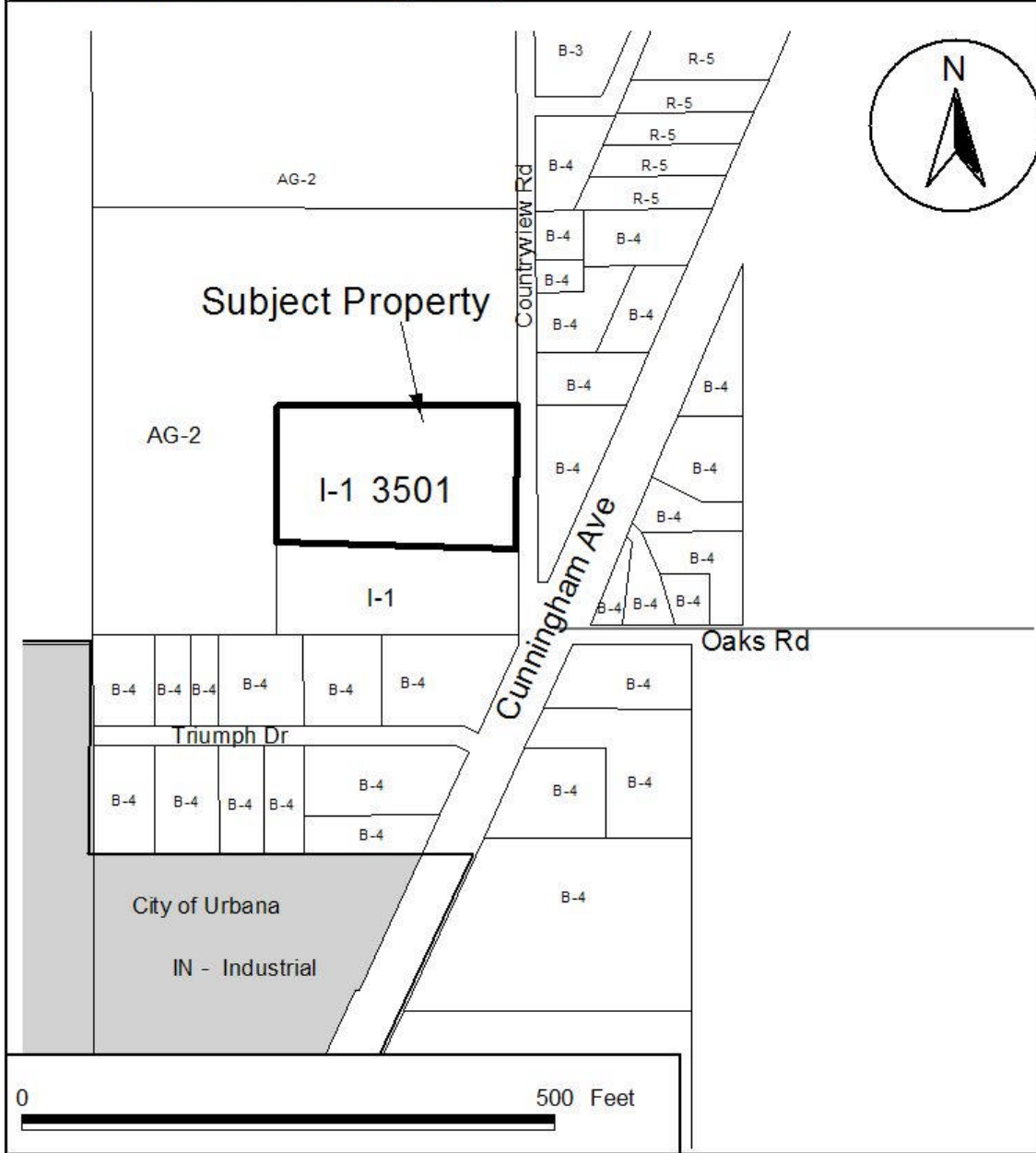
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CCZBA#403-AM-03
Petitioner: Richard Schugel
Petition for zoning ammendment
Change zoning from I-1, Light Industry to B-4, General Business
3501 Country View Road
I-1 Light Industry

Prepared September 8, 2003 by Community Development Services - nds

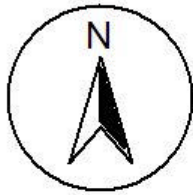
Exhibit "B": Zoning Map



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- B-3 - Highway Business
- B-4 - General Business
- AG-2 - Agriculture
- R-5 - Mobile Home Park
- I-1 - Light Industrial
- IN - Industrial

Exhibit "C": Existing Land Use Map



Agricultural

Countryview Rd.

Subject Property
3501

Businesses

Residential

Oaks Rd

Businesses

Cunningham Ave.

Triumph Dr

Businesses

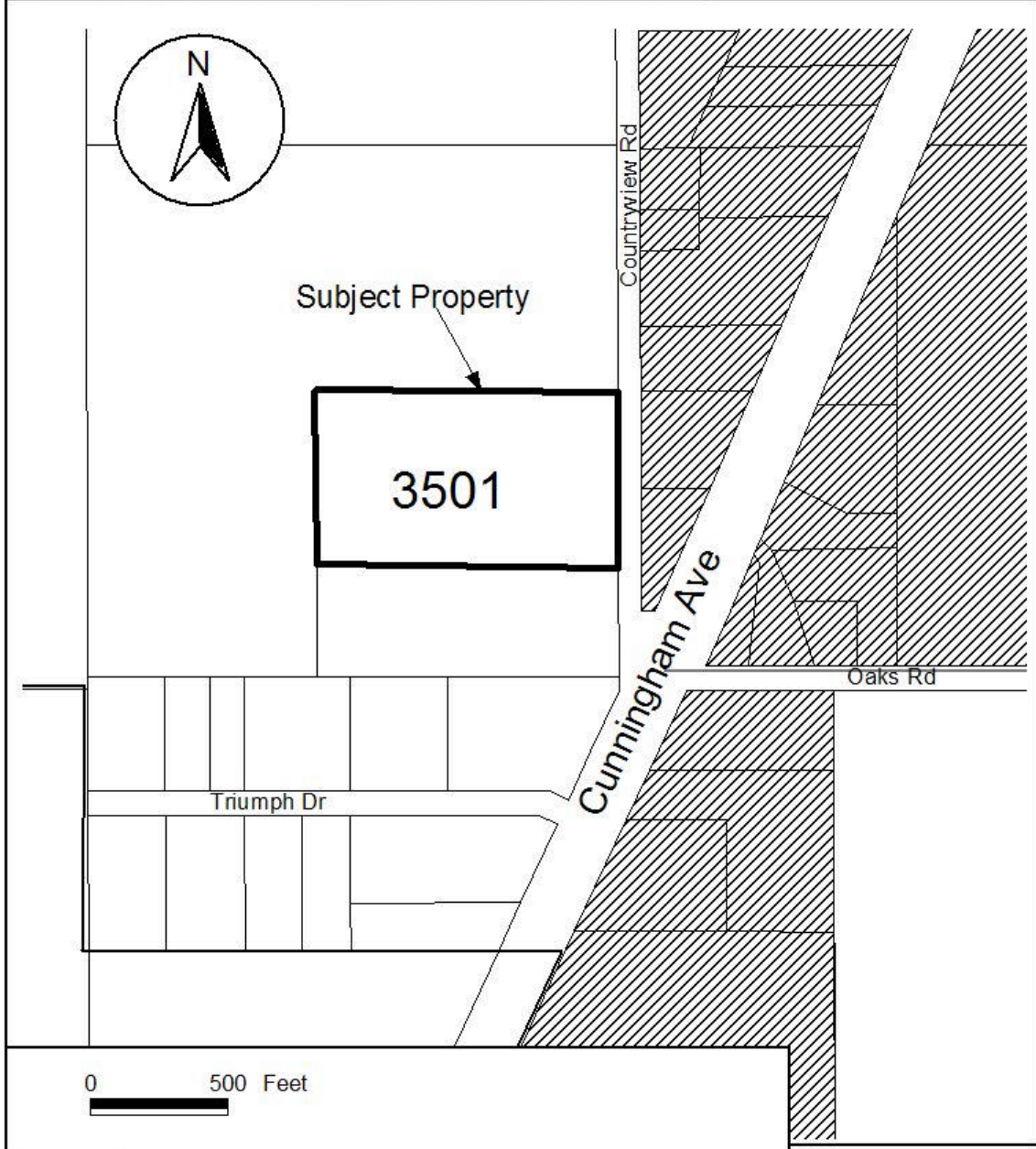
Vacant

Businesses



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Exhibit "D": Future Land Use Map

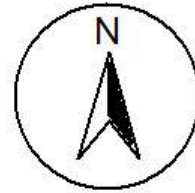


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-  Commercial
-  Light Industry

Exhibit "E": Aerial



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