



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: May 7, 2009

SUBJECT: CCZBA 611-AM-08: Request by Casey's Retail Company to amend the Champaign County Zoning Map from R-5, Manufactured Home Park to B-4, General Business for a 1.04-acre tract of land located at 2218 E University Avenue

Introduction

Casey's Retail Company and Henri Merkelo have submitted an application to Champaign County to rezone a 1.04-acre parcel at 2218 E University Avenue from R-5, Manufactured Home Park Zoning District to B-4, General Business Zoning District. Casey's is proposing to redevelop the subject property as a Casey's General Store (a gas station and convenience store). The property is currently occupied by a vacant house.

At the January 29, 2009 County Zoning Board of Appeals meeting, a public hearing was held on this case during which adjoining property owners expressed concerns regarding adequate screening and the appropriateness of the County B-4 zoning designation. The Board continued the hearing to their May 14, 2009 meeting to allow the petitioner time to address this concern.

The property lies less than 200 feet from the Urbana city limits. By State law, the City has an obligation to review zoning decisions within a one and one-half mile "extra-territorial jurisdiction" (ETJ) area for consistency with the City's Comprehensive Plan. Additionally, as the petitioner is proposing to construct a Casey's General Store on the subject parcel, a new sanitary sewer permit would be required from the Urbana-Champaign Sanitary District (UCSD). Under an intergovernmental agreement with the UCSD, any property owner outside the corporate limits of Urbana wishing to connect to sanitary sewer service and annex to the UCSD must also agree to annex to the City of Urbana at such time as their property is contiguous.

This case was reviewed at the February 19, 2009 Plan Commission meeting and was forwarded to the City Council with a recommendation to defeat a resolution of protest for the proposed rezoning. The case came before the City Council at their March 2, 2009 meeting, at which time the Council requested the case be sent to the March 9, 2009 Committee of the Whole meeting to allow time to address concerns related to the appropriateness of the proposed zoning district and

the need for screening from nearby residences. A representative from Casey's General Store was not able to attend the March 9 meeting and requested that the City Council continue the case to their April 13, 2009 meeting. The case was further continued to the May 11, 2009 Committee of the Whole meeting.

Discussion

On April 28, representatives from Casey's met with Urbana planning and engineering staff and Champaign County planning staff to discuss site plan and neighborhood issues. Specifically, the meeting addressed the appropriate zoning district for the property and conditions to be included in an annexation agreement between Casey's and the City.

Although Casey's originally applied to Champaign County to rezone the property from R5, Manufactured Home Park to B4, General Business, City and County staff have now advised Casey's that the County B2, Neighborhood Business zoning district would be more appropriate for the subject parcel. The County B2 zoning district would require a Special Use Permit to allow the proposed use. Per Table IV-1 in the Urbana Zoning Ordinance, a direct conversion of the County's B2 zoning district is to the City's B1, Neighborhood Business zoning district. The City B-1 zoning district would also require a Special Use Permit for the proposed use, which would be designated a "convenience store" by the Urbana Zoning Ordinance. Following the meeting, Casey's agreed to amend their rezoning application with the County to apply to rezone to the County B2 zoning district.

Much of the discussion at the April 28 meeting concerned site layout and how to mitigate the impacts of the proposed development on the adjacent residential properties. Because the property is not contiguous to the Urbana corporate limits, annexation is not possible at this time.

However, an annexation agreement must be prepared to allow for a sewer connection and can include controls regarding screening and operation limits.

Casey's is preparing a revised site plan to submit to Champaign County along with an amended rezoning application. They are intending to amend their rezoning application to apply to rezone the property to the County's B2 zoning district, instead of the originally requested B4 zoning district. The site plan revisions will include the following measures:

- 1) The area along the north property line would be deeded to the neighbor. The single-family residence to the north of the subject property is approximately three feet from the property line. By deeding the northeast corner of the lot to the adjacent neighbor, Casey's would be providing the neighbor a ten foot setback from the property line instead of the existing three foot setback.
- 2) Casey's would erect a six-foot-high fence on top of a three-foot-high berm along the north property line.
- 3) Casey's would move the building and the loading zone six feet to the south.

Additional measures being considered for the draft annexation agreement include:

- 1) Agreeing to make reasonable efforts to save the existing trees in the northwest corner of the lot and along the west property line and to install an additional five trees to the north of the building;
- 2) Limiting the hours of operation from 6 AM to 11 PM daily;
- 3) Limiting the deliveries to the store to operating hours only;
- 4) Limiting deliveries to the “Loading Area” to one per week;
- 5) Limiting the use of lighting to operating hours only; and
- 6) No lighting or limited lighting on the rear of the property.

The expected schedule for Casey’s case is as follows:

- | | |
|--------|--|
| May 9 | Casey’s is expected to submit a revised rezoning application to Champaign County. The revised application will request rezoning the subject property to the County’s B2, Neighborhood Business zoning district and include a revised site plan. The revised application will not meet the application deadline for the May 14 County ZBA meeting, so the County ZBA will consider the amended application at their May 28 meeting. |
| May 11 | City staff will provide City Council at their Committee of the Whole meeting an update concerning the Casey’s case. |
| May 14 | The County ZBA will discuss the original rezoning case. This case was continued from the County ZBA’s January 29 meeting. |
| May 21 | The Urbana Plan Commission will consider a resolution of protest for the amended County rezoning case (rezoning the subject property to the County’s B2 zoning district). |
| May 26 | The City Council will hold a public hearing on the draft annexation agreement. |
| May 28 | The County ZBA will hold a public hearing on the amended rezoning application, which requests rezoning to the County’s B2 zoning district and will include a Special Use Permit. |
| June 1 | The City Council will (1) consider and act on a resolution of protest for Casey’s request to Champaign County to rezone the subject property to the County’s B2 zoning district and (2) act on the annexation agreement between the City and Casey’s. |

June 8 The County's Environment and Land Use Committee will consider the request to Champaign County to rezone the subject property to County B2.

June 18 The County Board will consider the request to Champaign County to rezone the subject property to County B2.

Recommendation

City staff requests City Council continue this case to June 1, 2009, to allow staff time to further negotiate the conditions for the annexation agreement with Casey's to ensure that the site plan improvements are met. The City Council will initially review a draft annexation agreement and hold a public hearing on May 26. At the June 1 meeting, City Council will consider both the resolution of protest on the County rezoning and the annexation agreement.

Prepared by:

Rebecca Bird, Planner

cc: John Hall, Champaign County Planning and Zoning
 Vegrzyn, Sarver and Associates, Inc. 24 E Green St, Ste 18, Champaign 61820
 Pat Fitzgerald, Meyer Capel Law Offices 306 W Church St, Champaign 61820
 Dough Beech 1 Convenience Blvd, Ankeny, Iowa 50021