



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: The Urbana Plan Commission

FROM: Rob Kowalski, Planning Manager

DATE: October 1, 2004

SUBJECT: Case No. 1909-SU-04, Request by Aldi, Inc. for a Special Use Permit to establish *Grocery Store* in the B-1, Neighborhood Business Zoning District on a 3.65-acre parcel at the northwest corner of U.S. Route 150 and IL Route 130.

Introduction

Aldi, Inc. is requesting approval of a Special Use Permit to establish a grocery store on an undeveloped parcel at the northwest corner of U.S. Route 150 (University Avenue) and IL Route 130 (High Cross Road). The parcel is Lot 456 of the Beringer Commons Subdivision Number 4 Final Plat. The lot is currently zoned B-1, Neighborhood Business. Aldi, Inc. desires to purchase the entire Lot 456 from the original Beringer Commons Subdivision developer and subsequently replat the lot into two separate parcels. The northern lot would contain 2.215 acres while the southern lot would contain 3.654 acres. The site plan identifies a grocery store to be built on the southern lot (see attached site plans). At this time there are no submitted plans for development on the northern lot.

Table V-1. Table of Uses of the Urbana Zoning Ordinance specifies that a *Supermarket or Grocery Store* over 3,500 square feet is permitted in the B-1 zoning district provided that a Special Use Permit is granted from the Plan Commission and Urbana City Council. The grocery store is proposed to be approximately 15,360 square feet in size.

This staff memorandum will give background information regarding the B-1, Neighborhood Business Zoning District, describe the operation of the proposed grocery store, and outline the review criteria for evaluating the Special Use Permit request.

Background

Description of the Area

The lot has been platted as a commercial “outlot” at the far southeast corner of the Beringer Commons Subdivision. Beringer Commons Subdivision contains primarily single-family residential uses but also contains a limited amount of zero-lot line condominiums along Rutherford Drive west of the site. Nearly all of Beringer Commons has been platted although the subdivision is still under development. The lots immediately to the north of the site have not yet been developed. The lots to the west and northwest have been developed with condominiums and single-family homes.

The site is also located at the intersection of two major arterial roadways (U.S. Route 150 and IL Route 130) that are under jurisdiction of the Illinois Department of Transportation (IDOT). At the southwest corner of the intersection is the East Urbana Industrial Park which is currently under development and contains the United States Post Office as well as other industrial warehouse and light manufacturing operations. The southeast corner of the intersection was recently rezoned from IN, Industrial to B-3, General Business and is the site of a proposed Wal-Mart retail store. At the northeast corner of the intersection are single-family homes that front on U.S. Route 150 and are located outside the city limits.

The following chart identifies the Comprehensive Plan designation, current zoning, and current land use of the site and surrounding properties.

Survey of Comprehensive Plan Designation, Zoning, and Land Use

	Comprehensive Plan	Zoning	Land Use
Site	Commercial	B-1, Neighborhood Business	Undeveloped
North	Low Density Residential	R-4, Multi-Family Residential	Under development. Planned for zero-lot line condominiums.
South (across U.S. Route 150)	Industrial	IN, Industrial	Post Office, Industrial Warehouse.
East (across IL Route 130)	Low Density Residential	AG-2 Agricultural (Champaign County)	Single-Family Residential Uses along U.S. Route 150
West	Low Density Residential	R-4, Multi-Family Residential	Zero-lot line condominiums.

Please refer to the attached Future Land Use, Zoning, and Existing Land Use maps and photo exhibits for further information.

B-1, Neighborhood Business Zoning District

Article IV-2.E of the Urbana Zoning Ordinance identifies the B-1, Neighborhood Business Zoning District with the following intention:

The B-1 Neighborhood Business District is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently.

The B-1 district is intended to allow for a lesser intensity of commercial uses than the B-3, General Business Zoning District (see attached Zoning Description Sheet). Many of the parcels zoned B-1, Neighborhood Business in the City of Urbana are smaller and located within older neighborhoods such as at Race Street and Washington Street in West Urbana, Cottage Grove Avenue and Green Street in Historic East Urbana, and at Vine Street and Fairlawn Avenue across the street from the Urbana Middle School. Many commercially zoned parcels of this size are zoned B-3, General Business such as a similarly sized and situated parcel at the northwest corner of Windsor Road and High Cross Road in the Stone Creek Subdivision. Prior to Beringer Commons being annexed into the City of Urbana the parcel was zoned B-2, Neighborhood Business in Champaign County. The 1991 annexation agreement for Beringer Commons identified a “direct conversion” of this zoning from Champaign County zoning to City of Urbana neighborhood business zoning upon annexation.

In 2003 the Urbana City Council directed staff to study the requirements of the B-1, Neighborhood Business Zoning District and propose changes to the requirements that would help achieve better neighborhood compatibility. In spring of 2004 the Urbana City Council adopted Ordinance No. 2004-03-029 which amended the requirements of the district. One of the primary changes was to no longer permit *Supermarket or Grocery Store* by right in the district and to only allow it with the granting of a Special Use Permit. Many other uses previously permitted by right in the district were changed in this fashion including video store, convenience store and drugstore. The rationale behind this change was that in many instances these uses are designed and operated in a way that could be incompatible with adjacent neighborhoods. These incompatibilities could include issues of late store hours, the use of drive-through facilities, excessive lighting, intense traffic, etc. Although these land uses are permitted and considered acceptable in the B-1, Neighborhood Business Zoning District, it was determined that requiring a Special Use Permit would allow the higher level of site plan review that could help mitigate any potential land use incompatibilities with adjacent neighborhoods. For a complete listing of uses permitted in the B-1, Neighborhood Business Zoning District please see Exhibit “I”.

Discussion

Grocery Store Proposal

Operation

The proposed grocery store would contain limited hours of operation and would be open Monday – Thursday and Saturday from 9 AM to 7 PM, and on Friday from 9 AM to 8 PM. The store would be closed on Sundays. The grocery store utilizes a cash deposit system for the shopping carts to prevent stray carts from the parking lot. The store also does not supply bags for merchandise but instead reuses boxes from shipments to allow customers to carry home groceries. Customers are also encouraged to bring their own bags to the store.

The applicant indicates that the store would contain approximately 7-10 employees and would have approximately 10 truck deliveries per week. The company does not process meat or produce on the site.

Site Design

Attached is a site plan depicting the proposed layout for the proposed grocery store. The one-story building would be approximately 16-feet tall and contain approximately 15,360 square feet in area with 113 parking spaces. The building would front onto U.S. Route 150 with the main entrance to the store at the southeast corner of the building. A depressed, one-bay truck dock is proposed at the north end of the building to accommodate deliveries.

The building would be setback approximately 35.5 feet from Rutherford Drive at its closest point and would contain landscape plantings beyond that required in the Urbana Zoning Ordinance. The parking lot would also meet the required setbacks at 15-foot setback from U.S. Route 150 at its closest point and approximately 40-feet from the right-of-way line of IL Route 130. The design of the parking lot includes the required amount of tree-island plantings. The landscape portion of the site plan has been reviewed by the City Arborist.

The use is proposed to have limited parking lot lighting with four four-headed poles at 30-feet tall each. The four poles would be distributed within the parking lot. A two-headed light pole would also be placed at the entrance on U.S. Route 150. A number of wall lights would also be distributed around the perimeter of the building for security purposes. The light poles contain a “shoebox” design lamp which directs lighting down towards the parking lot and keeps it from spilling onto neighboring properties. Most lighting would be turned off at times when the store is not in operation.

The building is proposed to contain two wall signs each approximately 46 square feet in area. The signs would be located on the south and east walls of the building near the entrance. The proposed wall signs comply with the requirements of the Urbana Zoning Ordinance which allow up to 10% of the wall area to be used for signage. One freestanding monument sign is proposed at the southeast corner of the site. The freestanding sign is proposed to be approximately 46 square feet which exceeds the requirements of allowance for freestanding signs in the B-1 district. The district currently only allows freestanding signs to be 32 square feet in area. Considering the relatively large size of the parcel and its location on two principal arterial roads, the applicant is requesting a variance with the Urbana Zoning Board of Appeals to have a larger sign more consistent with the requirements for the B-3, General Business Zoning District.

Access

Vehicular access is proposed to be accommodated primarily from U.S. Route 150 although a secondary ingress/egress road is shown to access Rutherford Drive. At this time there would be no access from High Cross Road although it is anticipated that once the property to the north is developed, an existing curb-cut on High Cross Road would be accessed and would also serve the grocery store development through a cross-access agreement.

Providing access to Rutherford Drive was requested of the developer by city staff upon initial review of the site plan. A drive connecting a neighborhood commercial development on this lot to the Beringer Commons Subdivision was originally identified by the developer on a revised Preliminary Subdivision Plat for this section of the development approved in 2001 (see attached). The drive would allow residents within the adjacent neighborhood vehicular access to the development without requiring them

to leave the neighborhood and access the development from U.S. Route 150. This provision would help reduce trips and prevent unnecessary additional traffic on main arterial roads bordering the neighborhood. As the overall area develops this could prove important for managing traffic and access and connecting neighborhood businesses with neighborhoods themselves.

The proposal for an access drive to Rutherford Drive has been opposed by many residents of the Beringer Commons Subdivision. The overall concern is that the drive would lead to additional unwarranted traffic in the neighborhood as customers enter and exit the grocery store. This concern was originally considered by staff in reviewing the site plan. In reviewing an overall map of the area staff felt that the drive would primarily serve residents of Beringer Commons and possibly the Edgewood Subdivision to the west of Beringer Commons as the exit did not seem to offer any type of traffic route advantage to others living to the south or east of the area. Considering development and traffic patterns in the area, it also did not appear that neighboring development would benefit by access the grocery store through the Beringer Commons development either and that in most instances access would be from Route 150 and in the future also from Route 130 upon development of the tract to the north.

Nevertheless, the access drive to Rutherford Drive should be considered by the Plan Commission as to the impact it could potentially have to the neighborhood. Should the Plan Commission determine that the drive would have a negative impact and therefore should not be constructed, staff recommends maintaining a pedestrian connection to allow residents the ability to walk to the grocery store as well as a future neighborhood commercial development to the north without having to exit the development and walk along U.S. Route 150 or IL Route 130 to visit the businesses.

Sidewalks

It is proposed to have a five-foot wide sidewalk along the frontage of U.S. Route 150 and IL Route 130. The sidewalk would stub into the parking lot on the south side where appropriate striping in the parking lot would lead pedestrians to the store (see attached sidewalk plan). A sidewalk is also proposed along the access drive from Rutherford Drive which allows pedestrians to enter the development from Beringer Commons. The City is currently developing strategies that would create connections for an overall sidewalk plan in the area that would help link future commercial and residential developments along 150 and 130. One of the biggest obstacles is bridging existing drainage ditches in order to allow pedestrians to cross the intersection. The sidewalk plan proposed by the developer should connect adequately into future sidewalk plans.

Drainage

The Beringer Commons Subdivision was developed with a system of four lakes that serve both aesthetic and stormwater detention functions. A commercial development scenario for this site was factored into the overall drainage capacity for these lakes and therefore no on-site detention is required for the commercial lot. Stormwater runoff from the site will be captured within the parking lot and piped to a 50-foot wide drainage easement on the west end of the site where it has been calculated in the overall outlet from the development. Pending approval of the Special Use Permit, final construction plans would be developed and reviewed to ensure proper specification are met for all drainage facilities. At this point the City Engineer has reviewed the drainage plans and find them to be consistent with those originally approved for the Beringer Commons Subdivision.

Special Use Permit Procedures

According to Section VII-6 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate compliance with the following three criteria:

1. *That the proposed use is conducive to the public convenience at that location.*
2. *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*
3. *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Plan Commission shall make a recommendation to the City Council for or against the proposed special use, and may also recommend such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting;
8. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Staff Analysis of Special Use Permit Criteria

1. The proposed use is conducive to the public convenience at that location.

Staff Analysis:

The proposed use of a small-scale grocery store would be conducive to the public convenience at this location because it is located in close proximity to several residential developments as well as along a primary arterial roadway. The use is also not currently represented in the area.

2. The proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.

Staff Analysis:

The grocery store use is designed to be limited in size (15,360 square feet) and proposed to be limited in operation (limited hours of operation) so that it should not be detrimental to the district or the overall public welfare. The building is proposed to be situated in a manner that affords distance from adjacent residential uses that is beyond the current requirements of the Urbana Zoning Ordinance. The use also proposes minimal parking lot lighting and a landscape plan that will help avoid any incompatibilities among adjacent uses.

3. The proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.

Staff Analysis:

The proposed use conforms to the applicable regulations of the B-1, Neighborhood Business Zoning District (except for area of a freestanding sign of which a variance application is currently being considered by the Urbana Zoning Board of Appeals). The building is proposed to be constructed of brick and contain architectural details that will help maintain the character of the district in which it will be located.

Summary of Staff Findings

1. The proposed use is conducive to the public convenience at this location. It would allow for the convenient location of a neighborhood business use (small scale grocery store) in close proximity to residential areas.
2. The proposed use would not pose a detriment to the district in which it is proposed to be located since the district is intended to allow for neighborhood business uses and that the development is limited in size and operation.
3. The proposed use will meet all applicable standards and requirements of the district in which it is located including setbacks, parking and other development regulations.
4. The proposed development will comply with all requirements for stormwater runoff as previously reviewed and approved as part of the overall Beringer Commons Subdivision drainage plans.
5. The proposed use will be required to develop according to the site plan and building elevation details identified in the application for the Special Use Permit and that any deviation from these plans shall require review and approval by the Urbana Plan Commission and Urbana City Council.

Options

The Plan Commission has the following options for recommendations to the City Council regarding Plan Case No. 1909-SU-04:

1. Recommend approval of the Special Use Permit request as presented without any conditions.
2. Recommend approval of the Special Use Permit request, as presented on the attached application, along with the staff suggested conditions.
3. Recommend approval of the Special Use Permit request with any additional conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.
4. Recommend denial of the request for a Special Use Permit.

Staff Recommendation

Based on the evidence presented in the report above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend **approval** of the proposed special use in Plan Case No. 1909-SU-04 as presented to the Urbana City Council, for the reasons articulated above with the following **conditions**:

1. That the layout and architectural design of the grocery store shall closely resemble the attached Site Development Plan and elevation renderings. Any significant deviation from these plans will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
2. That construction plans for the development adequately demonstrate compliance with all previous approvals for drainage as part of the Beringer Commons Subdivision development and that the construction and drainage plans receive approval from the City Engineer.
3. Prior to the issuance of a Certificate of Occupancy for the use, a final subdivision plat shall be recorded dividing the existing Lot 456 of Beringer Commons Subdivision No. 4 as indicated on the Site Development Plan.
4. The developer agrees to install a five-foot wide sidewalk as depicted on the site plan constructed to City of Urbana standards as identified in the Urbana Subdivision and Land Development Code. The developer further agrees to identify this sidewalk shown along U.S. Route 150 and IL Route 130 as a public access easement upon final recording of the subdivision plat.
5. The hours of operation for the grocery store shall be limited to those identified on the original application for Special Use Permit approval which are Monday-Thursday and Saturday from 9 AM to 7 PM and on Friday from 9 AM to 8 PM.

6. The grocery store shall utilize a secure collection and return system for shopping carts for the purposes of avoiding the problem of shopping carts being removed from the site by customers.
7. There shall be no truck delivery access the site from Rutherford Drive.
8. There shall be no delivery traffic between the hours of midnight and 6 AM.

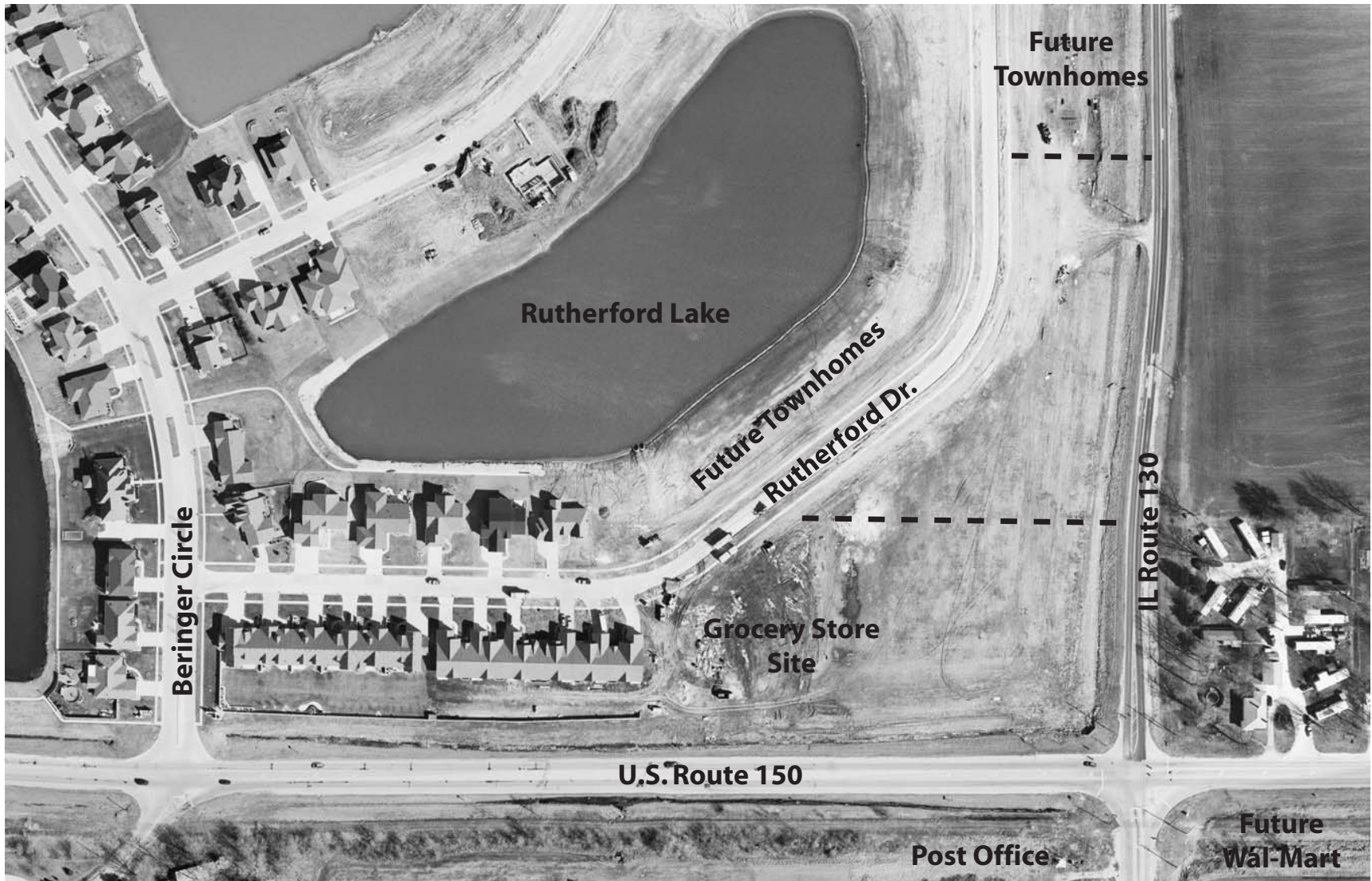
Attachments: Exhibit A, Location Map
 Exhibit B, Zoning map
 Exhibit C, Existing Land Use map
 Exhibit D, Future Land Use map
 Exhibit E, Aerial Photos
 Exhibit F, Special Use Application w/Site Plan
 Exhibit G, Approved Preliminary Plat for Beringer Commons Subdivision
 Exhibit H, Photo Exhibits
 Exhibit I, Summary Sheet for the B-1, Neighborhood Business Zoning District
 Exhibit J, Notice to Adjacent Property Owners
 Exhibit K, Correspondence (under separate attachment)

c: Wayne A. Koch, A.I.A.
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**Exhibit "E"
Aerial Map**

Plan Case 1909-SU-04

Grocery Store Special Use Permit - Lot 456 Beringer Commons Subdivision

Exhibit “H” Photos



**Site looking from east
towards Rutherford Drive
(behind hedgerow)**



**Rutherford Drive looking
southwest. Approximate
location of proposed access
drive. Site to left.**



**On site looking northwest
across Rutherford Drive**



On site looking west. 6-foot high wood fence proposed alongside existing townhome.



Across Rutherford Drive looking southeast onto the site.



Existing access drive on U.S. Route 150 to serve the development.



**Existing two drainage pipes
drainaing into ditch on U.S.
Route 150.**



**From site looking northwest
across Rutherford Drive and
Rutherford Lake.
Preliminary plan shows
townhomes to be built on
opposite side of Rutherford
Drive.**



**Intersection of U.S. Route
150 and IL Route 130 from
site looking southeast.**



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning Division
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September 22, 2004

NOTICE OF PUBLIC HEARING IN REGARD TO A PROPOSED SPECIAL USE PERMIT

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Urbana, Illinois, on **Thursday, October 7, 2004 at 7:30 P.M.** in the Urbana City Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Commission will consider a request in Plan Case **1909-SU-04**.

Plan Case 1909-SU-04 is a request by Aldi, Inc. for the granting of a Special Use Permit to allow the establishment of a *Supermarket or Grocery Store* at the northwest corner of U.S. Route 150 and IL Route 130. The property is zoned B-1, Neighborhood Business. Table V-1. Table of Uses of the Urbana Zoning Ordinance allows the establishment of the *Supermarket or Grocery Store* in the B-1, Neighborhood Business Zoning District under the provisions for Special Use Permit review. Attached to this letter is a location map along with the proposed application and development plan that will be considered at the public hearing. A larger copy of the site plan is available for review at the Community Development offices.

You have been sent this notice because you are a nearby property owner. The Urbana Plan Commission will consider the proposal and its impact to the district at the public hearing. The Plan Commission will forward a recommendation to the Urbana City Council for their final consideration. The Urbana Plan Commission welcomes your comments at the public hearing, or in writing if received prior to the hearing. If you have any specific questions about the request, please do not hesitate to contact me.

Sincerely,

Rob Kowalski, AICP
Planning Manager

Enclosure: Location Map

Persons with disabilities needing services or accommodations for this hearing should contact the Community Development Services Department at 384-2440, or the City of Urbana's Americans with Disabilities Act Coordinator at 384-2466, or TTY 384-2360. If you have any questions concerning this request, please contact my office at (217) 384-2440.