DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division



memorandum

TO: The Urbana Zoning Board of Appeals

**FROM:** Paul Lindahl, Planner I

**DATE:** August 11, 2006

### SUBJECT:

**ZBA Case 2006-C-03** is a request by SM Properties Urbana, LLC for a Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land at 104 N. Vine Street.

**ZBA Case 2006-C-04** is a request by SM Properties Urbana, LLC for a Conditional Use Permit to allow the establishment of a "Gasoline Station" in the B-4E, Central Business-Expansion zoning district at 104 N. Vine Street.

# Introduction

SM Properties Urbana, LLC (an affiliate of Schnucks Markets Inc.) has submitted two conditional use permit requests for a property at 104 N. Vine Street. The subject property is a vacant lot at the northeast corner of Vine and Main Streets in downtown Urbana. The petitioners wish to develop the property with two separate businesses – a stand-alone coffee shop and a gas station with convenience store. Urbana Zoning Ordinance Section V-3.C permits the Zoning Board of Appeals to allow the establishment of more than one principal use structure or building on a single parcel of land in any zoning district under Conditional Use Permit review procedures. Urbana Zoning Ordinance Table V-1 Table of Uses states that a "Gasoline Station" is permitted in the B-4E Zoning District pursuant to the approval of a Conditional Use Permit by the Urbana Zoning Board of Appeals. A coffee shop or "café" and convenience stores are permitted by right in the B-4E District.

# Background

In 1986, the City created Tax Increment Financing District (TIF) #2 to allow for the redevelopment of areas near Urbana's downtown. In 1992, the City created the B-4E, Central Business – Expansion zoning district to further facilitate opportunities for redevelopment and the growth of Urbana's downtown. In the area northeast of the corner of Vine Street and Main Street were a number of blighted structures and vacant lots where the City desired to promote redevelopment. In 1996, the City and Schnucks Markets, Inc. signed an agreement to allow for commercial redevelopment of the area. Under the agreement Schnucks would acquire property and the City would vacate a number of streets and alleys. The entire development area was rezoned from B-3, General Business, to B-4E at that time. All structures within the area were removed and the site became Schnucks Urbana Crossing, which includes a strip center with grocery store anchor and a number of outlots. The conditional use permit requests are for an outlot of the Schnucks Crossing development that has been vacant since completion of the larger

project. As this corner outlot is prominently visible, its development has been an important economic development goal for the city.

The proposed development would add two new buildings to the site and a fuel station. A Starbucks Coffee shop is proposed to be located at the northwest corner of the lot adjacent to the Advance Auto parking lot and a Schnucks brand gas station and associated convenience store are proposed to be located at the east end of the lot adjacent to the Schnucks Crossing access drive to Main Street. (See exhibits)

Planning for the Starbucks is at an advanced stage and does not in itself require any approvals from the Zoning Board of Appeals. A coffee shop is permitted by right in the district and that use or others also permitted by right could be co-located in a single structure without the need for Zoning Board approvals. Staff have reviewed site plans for the Starbucks building and have found that they meet the requirements of the zoning ordinance.

The questions before the Zoning Board in Cases 2006-C-03, and -04 are respectively:

- 1) Whether more than one principal use or structures may be located at this site; and
- 2) Whether a "*Gasoline Station*" may be permitted as a conditional use at this location

As in all Conditional Use Permit cases there are specific questions and criteria of review used to analyze the questions stated above. Those are addressed later in the memo.

#### **Surrounding Properties**

The subject property is located in the eastern part of Urbana downtown. To the north is the Advance Auto parts store, and to the east is the Schnucks Crossing strip center. South across Main Street is Illini Oil Change, a County Court parking lot, and a vacant lot. To the west across Vine Street is a small park occupied by a billboard and then the Champaign County Sherriff's offices.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

Direction	Zoning	Existing Land Use	Future Land Use	
Site	B-4E, Central Business-Expansion	Vacant	Central Business	
North	B-4E, Central Business-Expansion	Commercial and Parking	Central Business	
East	B-4E, Central Business-Expansion	Commercial and Parking	Central Business	
South	B-4, Central Business, and R-6, High Density Multiple Family Residential	Commercial, Parking, and vacant	Central Business	
West	B-4, Central Business	Mini Park and Government office	Central Business	

# Discussion

### **Development Regulations**

Because the site plan for the development of the Starbucks affects the gasoline station site plan, the following discussion and analysis addresses aspects of both. Please refer to the exhibits for clarification of the discussion.

#### Access

The proposed development would have no direct road access from Vine or Main Streets. The only vehicular access will be from the Schnucks Crossing south entrance on Main Street across from Urbana Avenue. Keeping access off of the major streets will help to minimize traffic safety issues. An important element of the site plan is the provision of a drive-through for the Starbucks. The proposed access plan has been reviewed and approved by the City Engineer and Fire Chief.

### Sidewalk Connections

Pedestrian sidewalk connections are located at the Main Street/Vine Street corner, across the drivethrough lane and to the outdoor seating area. Another pedestrian sidewalk is provided from the Main Street sidewalk northward in the east rear yard and around the convenience store. The project architect and developer have responded positively to staff requests to maximize pedestrian connectivity to others areas of the downtown.

### Setbacks and Landscape Buffers

In the B-4E zoning district the required front yard setback is six feet. Access drives such as the main entrance drive along the north border of the lot are permitted to encroach in the setback. Though not strictly required, the Starbucks drive-through will stay entirely out of the 6-foot front yard set back along Vine Street in order to enhance visual relief and pedestrian safety.

Required side yard and rear yard setbacks are five feet. The side and rear yards encompass the northern and eastern boundaries of the site. The access drive and the drive-through may encroach into the side yard at the north property line facing the Advance Auto parts store. Staff has determined that this encroachment is permissible under the Zoning Ordinance.

No landscape buffer is required at the north property line facing the Advance Auto parts store, however the plan indicates the east end of the north side yard along the entrance drive will be landscaped to screen trash enclosures.

The plans show uncovered parts of the east facing rear yard to have landscaping surrounding the convenience store. Three trees are required to be planted due to the number of parking spaces in the development. The final landscaping plan will be reviewed and approved by the City Arborist and the Zoning Administrator.

### Parking

Zoning Ordinance Section VIII-5.D states that off-street parking required in the B-4E zoning district may be provided at a rate equal to 50% of the amount required by Table VIII-7, entitled "Parking Requirements by Use". The parking provided is more than adequate to meet this standard. Because there are fewer than 20 off-street parking spaces required for each use, bicycle parking is not strictly required. However, because of the relatively high rate of bicycle use in the area, staff has recommended that the Starbucks provide bicycle parking racks. The project architect has indicated that bicycle parking will be provided at locations to be determined.

### FAR and OSR

The proposed development will conform to the floor area and open space ratios for the B-4E zoning District. According to Table VI-3, the maximum Floor Area Ration (FAR) for this district is 6.0, and there is no minimum Open Space Ratio (OSR). The proposed development is well within these parameters.

# **Requirements for a Conditional Use Permit**

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following criteria. Because the two conditional uses require separate actions, the criteria and findings for each are stated separately:

**ZBA Case 2006-C-03:** to allow the establishment of more than one principal use on a single parcel of land

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

The proposed uses will provide a coffee shop with drive up service and fuel and convenience store services in a convenient downtown location. The coffee shop and gas station will complement each other and will create a convenient "one stop" facility for customers who arrive by all modes of transportation.

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.

The gas station is located to the east of the prominent Main/Vine corner, allowing the Starbucks to be the primary visual component of the development. The shared entrance for each is located off of the Schnucks Crossing entry drive and so is less of a traffic problem than if each store had its own entrance off the street. Lighting and signage will be controlled and will focus on the site to minimize light spillover.

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-6.

The proposed uses are allowed in the B-4E district either by right or as a conditional use. The uses are generally compatible with the character of the downtown and other commercial uses in the vicinity. Traffic flow into and out of the property is indirect and will minimize the impact on adjacent roads. The site layout will conform to the requirements of the zoning district. Landscaping on the site will conform to the zoning ordinance requirements and will be enhanced to provide a strong aesthetic presence. Proposed pedestrian and bicycle amenities and landscaping will exceed zoning requirements.

**ZBA Case 2006-C-04:** to allow the establishment of a "Gasoline Station" in the B-4E, Central Business-Expansion zoning district.

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following:

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

The gas station will provide fuel and convenience store services in a convenient downtown location. The gas station will complement the grocery services provided by the existing Schnucks market and will create a convenient "one stop" facility for all users.

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.

The gas station is located to the east of the prominent Main/Vine corner, allowing the Starbucks to be the primary visual component of the development. The shared entrance for each is located off of the Schnucks Crossing entry drive and so is less of a traffic problem than if each store had its own entrance off the street. Lighting and signage will be controlled and will focus on the site to minimize light spillover.

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-6.

Gas stations are allowed in the B-4E district as a Conditional Use. This type of commercial use is in keeping with other auto-oriented commercial uses in the near vicinity. In addition, it has become more common for grocery store developments to provide an affiliated fueling service, particularly when they are anchors in commercial areas (e.g., WalMart/Murphy Oil, Farm and Fleet, Meijer's). Traffic flow into and out of the property is indirect and will minimize the impact on adjacent roads. The site layout will conform to the requirements of the zoning district. Landscaping on the site will exceed zoning ordinance requirements and will be enhanced to provide a strong aesthetic presence.

# Consideration

According to Section XII-2, the Board of Zoning Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permits, and whether the proposed uses 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 Board of Zoning Appeals may also impose 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 the screening of such use by means of fences walls or vegetation;
- 3. Stipulate a required minimum lot size;
- 4. Regulate vehicular access and volume;
- 5. Require conformance to health, safety, and sanitation requirements as necessary;
- 6. Increase the required yards;
- 7. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

# **Summary of Findings**

**ZBA Case 2006-C-03:** to allow the establishment of more than one principal use on a single parcel of land

- 1. The proposal would not pose a detriment to the B-4E, Central Business- Expansion zoning district.
- 2. The proposed uses will be conducive to the public convenience by providing a coffee shop with drive up service and fuel and convenience store services in a central downtown location.
- 3. The facilities are designed for safe and convenient use by customers who arrive by car, bike or on foot.
- 4. The City Engineer and Fire Chief have reviewed and approved the site access provisions.
- 5. The proposal preserves the essential character of the district because this type of commercial use is in keeping with other general purpose commercial uses in the near vicinity.
- 6. The development will meet or exceed all of the applicable requirements of the Urbana Zoning Ordinance. The new buildings will be located outside of the required setbacks, and the required amount of parking will be provided.
- 7. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan which shows the site as "Central Business".
- 8. The proposed development would be consistent with the TIF 2 Redevelopment Plan and would involve the development of a long-vacant prominent parcel in the downtown area with appropriate uses.

**ZBA Case 2006-C-04:** to allow the establishment of a "Gasoline Station" in the B-4E, Central Business-Expansion zoning district.

1. The proposal would not pose a detriment to the B-4E, Central Business- Expansion zoning district.

- 2. The proposed use will be conducive to the public convenience by providing fuel and convenience store services in a central downtown location.
- 3. The facility is designed for safe and convenient use by customers who arrive by car, bike or on foot.
- 4. The City Engineer and Fire Chief have reviewed and approved the site access provisions.
- 5. The proposal preserves the essential character of the district because this type of commercial use is in keeping with other auto-oriented and general purpose commercial uses in the near vicinity.
- 6. The development will meet or exceed all the applicable requirements of the Urbana Zoning Ordinance. The new buildings will be located outside of the required setbacks, and the required amount of parking will be provided.
- 7. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan which shows the site as "Central Business".
- 8. The proposed development would be consistent with the TIF 2 Redevelopment Plan and would involve the development of a long-vacant prominent parcel in the downtown area with appropriate uses.

# **Options**

The Zoning Board of Appeals has the following options in both cases:

- 1. Grant the requested conditional use without any special conditions; or
- 2. Grant the requested conditional use along with any additional conditions and requirements as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
- 3. Deny the requested conditional use.

# **Staff Recommendation**

# **ZBA Case 2006-C-03**

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed conditional use to allow the establishment of more than one principal use on a single parcel of land for the reasons articulated above and along with the following conditions:

1. That the development shall generally conform to the submitted site plan attached as Exhibit H, as it may be amended to meet the codes and regulations of the City of Urbana. Any significant deviation from the site plan will require an amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.

- 2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.
- 3. That the petitioner shall submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator, in general conformity to submitted schematic plans, and including provisions for pedestrian and bicycle access and parking.
- 4. That the Starbucks and gas station/convenience store buildings utilize high quality building materials (e.g., brick, masonry, etc.) to complement the existing Schnucks Crossing grocery store and strip center buildings and in recognition of the prominent site location in downtown Urbana.

### **ZBA Case 2006-C-04**

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed conditional use to allow the establishment of a "Gasoline Station" in the B-4E zoning district for the reasons articulated above and along with the following conditions:

- 1. That the development shall generally conform to the submitted site plan attached as Exhibit H, as it may be amended to meet the codes and regulations of the City of Urbana. Any significant deviation from the site plan will require an amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.
- 2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.
- 3. That the petitioner shall submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator, in general conformity to submitted schematic plans, and including provisions for pedestrian and bicycle access and parking.
- 4. That the gas station/convenience store building utilize high quality building materials (e.g., brick, masonry, etc.) to complement the existing Schnucks Crossing grocery store and strip center buildings and in recognition of the prominent site location in downtown Urbana.

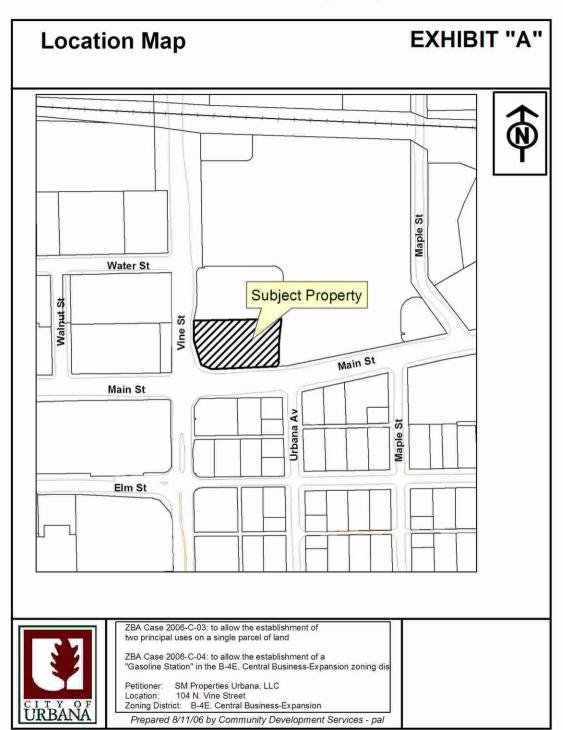
Attachments:

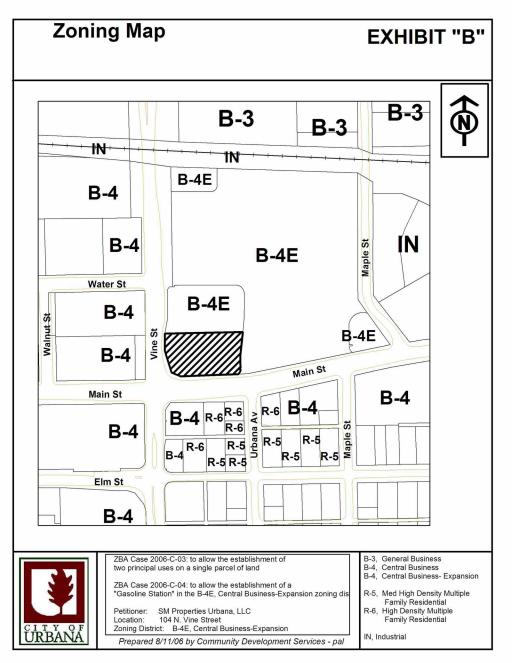
- Ex. A: Location Map
- Ex. B: Zoning Map
- Ex. C: Existing Land Use with Aerial Map
- Ex. D: Future Land Use Map
- Ex. E: Site Photos

- Ex. F: Applications for Conditional Use
- Ex. G: B-4E Zoning District Description Sheet
- Ex. H: Site Plan
- Ex. I: Illustrative Site Plan
- Ex. J: Illustrative Starbucks Elevation

Cc: SM Properties Urbana, LLC Attn: Tim Bailey or Karen Holman 11420 Lackland Road St. Louis, MO 63146

Architectural Spectrum, LLC Attn: Brett Stillwell 201 West Springfield Ave., #300 P. O. Box 140 Champaign, IL 61824-0140 HDC Engineering Attn: Eric Childers 201 West Sprignfield Ave. Champaign, IL 61820





# Existing Land Use w Aerial Photo

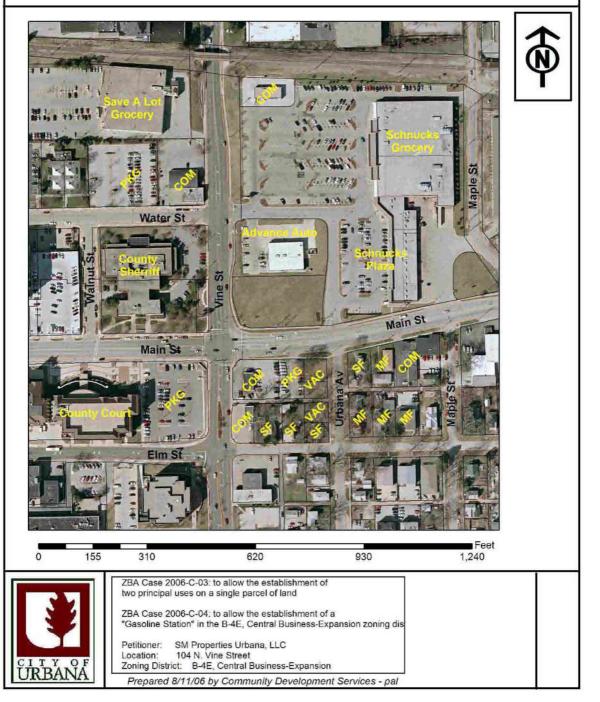


EXHIBIT "C"

# Future Land Use Map

# EXHIBIT "D"

Source: Comprehensive Plan Future Land Use Map # 10 , p. 81 - Detailed Section

> Central Business Concepts for downtown shown in Downtown Stragegic Plan; adopted 2002

Subject Property

Encourage development closer to downtown core that reflects the neighborhood plan when adopted identifying compatible growth opportunities while preserving the low density residen <u>tial quality</u> of the neighborhood. Neighborhood Plan to determine appropriate boundaries and desired development

Railroad

Kurland

Steel

Encourage

relocation of

industrial use

East Main St

Gr



ZBA Case 2006-C-03: to allow the establishment of two principal uses on a single parcel of land

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Petitioner: SM Properties Urbana, LLC Location: 104 N. Vine Street Zoning District: B-4E, Central Business-Expansion

Prepared 8/11/06 by Community Development Services - pal

# Site Photos

# **EXHIBIT "E"**





# B-4E – CENTRAL BUSINESS EXPANSION ZONING DISTRICT

# ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-4E Zoning District is as follows:

"The purpose of the *B-4E, Central Business Expansion District* is to provide areas in proximity to Downtown Urbana for a wide range of retail business, office, and service uses. This District is also intended to allow high density residential uses to insure an adequate supply of housing for persons who desire to reside near Downtown. The development regulations in this District are designed to encourage the construction of new buildings which are comparable with the size and scale of the buildings allowed in the B-4 Central Business District and which are also sensitive to nearby residential neighborhoods. The B-4E District is not intended to replace the existing B-4 zoning in Downtown Urbana but is to supplement it by encouraging the expansion of Downtown Urbana with new, attractive, and well-landscaped buildings and off-street parking lots. The purpose of this District is to accommodate the growth of Downtown Urbana with new developments that provide landscaping, setbacks, and off-street parking greater than that required in the B-4 District and less than that required in the B-3, General Business District. (Ord. No. 9293-72, § 2, 02-01-93)

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the B-4E District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

### **PERMITTED USES:**

#### **Agriculture**

Garden Shop Plant Nursery or Greenhouse

#### **Business - Food Sales and Services**

Bakery (*less than 2,500 square feet*) Café or Deli Confectionery Store Convenience Store Fast-Food Restaurant Liquor Store Meat and Fish Market Restaurant Supermarket or Grocery Store Tavern or Night Club

# **Business - Transportation**

Motor Bus Station

**Business - Vehicular Sales and Services** Automobile Accessories (*New*)

#### **Business - Miscellaneous**

Auction Sales (Non-Animal) Contractor Shop and Show Room (Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops) Lawn Care and Landscaping Service Mail Order Business (10,000 square feet of gross floor area or less) Radio or TV Studio

#### **Business - Personal Services**

Ambulance Service Barber/ Beauty Shop Dry Cleaning or Laundry Establishment Health Club/ Fitness Laundry and/or Dry Cleaning Pick-up Massage Parlor Medical Carrier Service Mortuary Pet Care/ Grooming Self-Service Laundry Shoe Repair Shop Tailor and Pressing Shop

# **PERMITTED USES CONTINUED:**

#### **Business - Professional and Financial Services**

Bank, Savings and Loan Association Check Cashing Service Copy and Printing Service Professional and Business Office Packaging/ Mailing Service Professional and Business Office Vocational, Trade or Business School

#### **Business - Recreation**

Athletic Training Facility, Nonresidential Athletic Training Facility, Residential Bait Sales Billiard Hall Bowling Alley Dancing School Lodge or Private Club Outdoor Commercial Recreation Enterprise *(Except Amusement Park)* Private Indoor Recreational Development Theater, Indoor

#### **Industrial**

Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery and Commercial Printing

#### Public and Quasi-Public

Church or Temple Electrical Substation Hospital or Clinic Institution of an Educational, Philanthropic or Eleemosynary Nature Methadone Treatment Facility Municipal or Government Building Police or Fire Station Principle Use Parking Garage or Lot Public Library, Museum or Gallery Public Park University or College Utility Provider

#### **Residential**

Bed and Breakfast Inn Bed and Breakfast, Owner Occupied Boarding or Rooming House Dwelling Community Living Facility, Category II and Category III Dwelling, Home for Adjustment Dwelling, Loft Dwelling, Multifamily Dwelling, Multifamily Dwelling, Multiple-Unit Common-Lot-Line Hotel or Motel

#### **Business - Retail Trade**

Antique or Used Furniture Sales and Service Apparel Shop Appliance Sales and Service Electrical or Gas Appliance Sales and Services Art and Craft Store and/or Studio **Bicycle Sales and Service** Bookstore Building Material Sales (All Indoors Excluding *Concrete Mixing* **Department Store** Drugstore Electronic Sales and Service Florist Office Supplies/ Equipment Sales and Service Hardware Store Heating Ventilating, & Air Conditioning Sales and Service Jewelry Store Monument Sales (Excludes Stone Cutting) Music Store Pawn Shop Pet Store Photographic Studio and Equipment Sales and Service Shoe Store Sporting Goods Stationery, Gifts or Art Supplies Tobacconist Variety Store Video Store

# **SPECIAL USES:**

#### Public and Quasi-Public

Penal or Correctional Institution Radio or Television Tower and Station Business - Miscellaneous

Shopping Center – Convenience Shopping Center – General

# **CONDITIONAL USES:**

<u>Agriculture</u> Feed and Grain (Sales Only)

#### **Business – Miscellaneous**

Day Care Facility (Non-Home Based) Wholesale Business

#### **Public and Quasi-Public**

Nonprofit or Governmental, Educational and Research Agencies

#### **Residential**

Dormitory Home for the Aged Nursing Home

#### **Business – Vehicular Sales and Service**

Gasoline Station

# <u>Industrial</u>

Bookbinding Confectionery Products Manufacturing and Packaging Electronics and Related Accessories - Applied Research and Limited Manufacturing Engineering, Laboratory, Scientific and Research Instruments Manufacturing Motion Picture Production Studio Signs and Advertising Display Manufacturing Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing

# **DEVELOPMENT REGULATIONS IN THE B-4E DISTRICT**

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
B-4E	4,000	40	None	6.00	None	6	5	5

FAR= FLOOR AREA RATIO OSR= OPEN SPACE RATIO

For more information on zoning in the City of Urbana call or visit:

City of Urbana Community Development Services Department 400 South Vine Street Urbana, IL 61801 (217) 384-2440 (217) 384-2367 fax www.city.urbana.il.us

