

STAFF REPORT
Decatur City Plan Commission

Hearing Date September 4, 2018
Case No. 18-38
Proposal Amendments to Zoning Ordinance (Ordinance #3512, as amended)
 regarding the addition of Truck Stops Facilities
Petitioner Raymond Lai, Director of Economic and Community Development

BACKGROUND

The Illinois Video Gaming Act, 230 ILCS 40/1, *et seq.*, (the "Act") was signed into law in 2009, legalizing the operation of video gambling machines in "any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises," including bars, truck stops, and fraternal and veteran organizations ("Establishments") throughout the state.

Specifically, Section 25 of the Act states "[a] person may not own, maintain, or place a video gaming terminal unless he has a valid terminal operator's license issued under this Act. A terminal operator may only place video gaming terminals for use in Illinois in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, and licensed veterans establishments."

The term "Licensed Truck Stop Establishment" is as defined in the State of Illinois Video Gaming Act, 230 ILCS 40/5 *et seq.* and any successor statute.

Under the Act (230 ILCS 40/5), a "Licensed Truck Stop Establishment" is defined as a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code.

However, "Licensed Truck Stop Establishment" is not specifically defined in our City's Zoning Ordinance. There are uses under certain terms (AUTOMOBILE SERVICE STATIONS; CONVENIENCE FOOD AND BEVERAGE STORES; CONVENIENCE FOOD AND BEVERAGE STORES, EXTENDED HOURS: AND GASOLINE STATIONS) that may be easily confused with or claimed to be similar to a conventional truck stop. Thus, there is a potential danger that "self-claimed" truck stops could be located in urbanized areas or neighborhoods of inner city, attracting heavy truck traffic which is considered detrimental to the condition of city streets. Also, they could operate under the disguise of those other uses and qualify for placement of video gaming terminals under the "Act".

DESCRIPTION / ANALYSIS

A conventional truck stop would typically be located near interstate highways, particularly adjacent to interchanges which allow easy access, high visibility, and convenient maneuvering for commercial motor vehicles and trucks. It generally occupies on larger acreage than a regular gas station with convenience store or an auto service station. Inner city or urbanized areas away from interstate highway interchanges are not conducive to ideal locations for truck stops.

In order to avoid heavy truck traffic along city streets, and to prevent ambiguity in interpretation of the Zoning Ordinance, and, considering the geography and layout of the City of Decatur as well as the scale of a typical truck stop, staff recommends that licensed truck stop establishments, as defined and clarified by the “Act”, in its entirety be limited to locations within one-half mile (or 2,640 feet) of the rights-of-way of existing interchanges along Interstate 72, or the interchange of U.S. Business Highway 51 and U.S. Highway 51, within Decatur City limits. Further, it would only be allowed as a Conditional Use in B-2 Commercial District and a Permitted Use in M-1 Intense Commercial – Light Industrial District. In doing so, larger tracts of land have to be assembled to meet the minimum size of three (3) acres and the users are more likely to be commercial motor vehicles or trucks in the outskirts of the City. Additional review and considerations will have to be undertaken under Conditional Uses in B-2 District. Thus, the Zoning Ordinance has to be amended accordingly.

STAFF RECOMMENDATION


Staff recommends approval of the Zoning Ordinance amendments as proposed (see attachment).

PLAN COMMISSION ACTION

Section XXIX.G. of the Zoning Ordinance requires the Plan Commission to hold a public hearing and make recommendation to the City Council on amendments to the Zoning Ordinance. A motion to forward Case Number 18-38 to City Council with a recommendation of approval is suggested. The above report constitutes the testimony and recommendation of the Planning and Sustainability Division, Economic and Community Development Department, City of Decatur.

ATTACHMENTS

1. Petition
2. Mark-up of the proposed amendments

	City of Decatur, Illinois	ZONING ORD. AMENDMENTS
	PETITION FOR REZONING	
	<i>Petition before the Mayor, City Council and Members of the Plan Commission of Decatur, Illinois</i>	
Economic and Urban Development Department One Gary K. Anderson Plaza Decatur, Illinois 62523-1196		424-2793 FAX 424-2728

Please Type

SECTION ONE: PETITIONER / OWNER / REPRESENTATIVE INFORMATION					
Petitioner	RAYMOND LAI, DIRECTOR OF ECONOMIC & COMMUNITY DEVELOPMENT				
Address	#1 Gary K. Anderson Plaza				
City	Decatur	State	IL	Zip	62523
Telephone	217-424-2727	Fax		E-mail	rlai@decaturil.gov
Property Owner					
Address					
City		State		Zip	
Telephone		Fax		E-mail	
Representative					
Address					
City		State		Zip	
Telephone		Fax		E-mail	

SECTION TWO: SITE INFORMATION						
Street Address	N/A					
Legal Description	N/A					
Present Zoning	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input type="checkbox"/> R-3	<input type="checkbox"/> R-5	<input type="checkbox"/> R-6	Is this property a Planned Unit Development? <input type="checkbox"/> YES Approval Date: _____ <input type="checkbox"/> NO
	<input type="checkbox"/> B-1	<input type="checkbox"/> B-2	<input type="checkbox"/> B-3	<input type="checkbox"/> B-4	<input type="checkbox"/> O-1	
	<input type="checkbox"/> M-1	<input type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		
Please list all improvements on the site:						
Size of Tract		<input type="checkbox"/> SF	<input type="checkbox"/> AC			

SECTION THREE: REQUESTED ACTION						
Rezone Property To:	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input type="checkbox"/> R-3	<input type="checkbox"/> R-5	<input type="checkbox"/> R-6	Will this property be a Planned Unit Development? <input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> B-1	<input type="checkbox"/> B-2	<input type="checkbox"/> B-3	<input type="checkbox"/> B-4	<input type="checkbox"/> O-1	
	<input type="checkbox"/> M-1	<input type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		
Other:	Amend Zoning Ordinance (Ordinance # 3512, as amended)					

Section Three Continued

Purpose | Please state the purpose of the proposed rezoning.

The proposed amendments would prevent truck stops with video gaming terminals from undesirable locations and ambiguity in interpretation of Zoning Ordinance regarding truck stops, while in keeping with IL. Video Gaming Act and City Ord. 2016-80.

SECTION FOUR: JUSTIFICATION

The petitioner submits to the City Plan Commission and City Council the following facts (additional pages may be attached):

"Licensed Truck Stop Establishment" is not specifically defined in City's Zoning Ordinance. Ambiguity with similar terms may result in location of truck stops with video gaming terminals in undesirable locations away from interstate locations, particularly near interchanges. With the proposed amendments, the definitions will be clarified and appropriate zoning districts would be considered. This proposal would be in keeping with IL. Video Gaming Act and City Ord. 2016-80.

SECTION FIVE: CERTIFICATION

To be placed on the agenda of the regular meeting on the first Thursday of the month at 3:00 PM in the City Council Chambers, petition must be received on the first Thursday of the preceding month. Failure of the petitioner or the petitioner's representative to attend the Plan Commission hearing may result in items being tabled. Incomplete or erroneous petitions may delay items being heard by the Plan Commission.

Petitioner's Signature		Date	8/10/18
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NOTES:

1. Please forward this completed form and attachments to the Economic and Urban Development Department, Third Floor, Decatur Civic Center. Please make checks payable to the City of Decatur. See Schedule "A" for fees.
2. Signature of this petition grants permission to City staff to place a sign, indicating a request for zoning action, on the subject property at least 10 days prior to the Decatur City Plan Commission hearing. Said sign will be removed within 15 days of final action by City Council.
3. In the event a petition for rezoning is denied by the Council, another petition for a change to the same district shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Council or the City Plan Commission after showing a change of circumstances which would warrant a renewal.
4. All petitions before the Decatur City Plan Commission are reviewed through the Development Technical Review (DTR) Process. Please consult the DTR Brochure for information related to this process.

OFFICE USE ONLY	
Date Filed	
By	

ADDITIONS AND DELETIONS
- ZONING ORDINANCE -

SECTION II. DEFINITIONS

LICENSED TRUCK STOP ESTABLISHMENT: A facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, (iv) that in its entirety locates within one-half mile (or 2,640 feet) of the rights-of-way of existing interchanges along Interstate 72, or the interchange of U.S. Business Highway 51 and U.S. Highway 51, within Decatur City limits. and (v) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

AUTOMOBILE SERVICE STATION: Any building or structure used for the retail sale of any automobile fuels and lubricants from no more than six (6) pumps located on no more than three (3) bays and any combination of one or more of the following uses: (1) retail sale of new automobile parts, accessories, and supplies when ancillary to the repair and maintenance of motor vehicles; (2) all uses listed under the definition of Automobile Repair and service. Minor; and (3) minor repair and maintenance of automobiles and trucks not exceeding a 2-ton capacity, excluding there from all uses defined as Automobile Repair and Service—Major. Convenience items, such as snack foods and beverages, may be sold through vending machines and over-the-counter sales, provided they do not occupy more than 100 square feet of the indoor floor space of the establishment. (See Convenience Food and Beverage Store, Convenience Food and Beverage Store, Extended Hours, Gasoline Station, and Licensed Truck Stop Establishment).

CONVENIENCE FOOD AND BEVERAGE STORE: A retail establishment of 6000 square feet or less of enclosed area, typically offering groceries, carryout beer and wine, soft drinks, and snack foods. This definition includes those establishments which are open for business no earlier than 5:00 AM and no later than 11:00 PM. [See Convenience Food and Beverage Store, Extended Hours]. This definition does not include sales of automotive fuels or services (See Automobile Service Station; Gasoline Station; and Licensed Truck Stop Establishment).

CONVENIENCE FOOD AND BEVERAGE STORE, EXTENDED HOURS: A convenience food and beverage store as herein defined which is open for business any time during the period from 11:00 PM to 5:00 AM, including those businesses open for 24 hours. (See Gasoline Station and Licensed Truck Stop Establishment).

GASOLINE STATION: A business engaged primarily in retail sales of automotive fuels, which may or may not include automobile repair and service as an ancillary service. This definition

ATTACHMENT 2

also permits the sale of convenience food or beverage and similar items in addition to gasoline sales. (See also Automobile Service Station; Convenience Food and Beverage Store; and Convenience Food and Beverage Store, 24 Extended Hours; and Licensed Truck Stop Establishment).

SECTION I. B-2 COMMERCIAL DISTRICT

B. CONDITIONAL USES

11. Licensed Truck Stop Establishment

SECTION XIV. B-4 CENTRAL BUSINESS DISTRICT

B. CONDITIONAL USES

9. ~~Truck or transfer~~ Transfer terminal or freight house or bus garage and repair shop.

SECTION XVI. M-1 INTENSE COMMERCIAL - LIGHT INDUSTRIAL DISTRICT

A. PERMITTED USES

30. Licensed Truck Stop Establishment