

Ordinance No. _____

**AN ORDINANCE DEFINING LARGE RETAIL ESTABLISHMENTS,
PROVIDING FOR A CONDITIONAL PERMITTED USE FOR LARGE RETAIL
ESTABLISHMENTS IN THE B-2 GENERAL BUSINESS SERVICE ZONING
DISTRICT AND AMENDING SECTION 155 OF THE OF THE CITY OF
SPRINGFIELD CODE OF ORDINANCES RELATING TO ZONING**

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD,
SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

SECTION 1: Section 155.001 of the City of Springfield Code of

Ordinances is amended by addition of the following definition:

Large Retail Establishment.

A retail establishment (including but not limited to grocery stores, department stores, and home improvement stores but not including automobile dealerships) having 80,000 square feet or more of floor area. For purposes of this definition, “floor area” includes all areas inside the exterior walls of the buildings operated by the Large Retail Establishment, plus outdoor storage areas and outside areas which provide associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, gas stations, etc. “Floor area” includes aggregate square footage of all adjacent stores and lots under common management or control. “Floor area” does not include motor vehicle parking or loading areas.

SECTION 2: Subsection c of Section 155.034 of the City of Springfield

Code of Ordinances is amended by the addition of Large Retail Establishments to the list of conditional permitted uses in the B-2 General Business Service District.

SECTION 3: Section 155.054.2 is hereby added to the City of Springfield

Code of Ordinances, to state as follows:

**155.054.2. Special Performance Criteria for Large Retail
Establishments**

All Large Retail Establishments shall conform to the criteria set forth in this section in addition to any criteria for large scale developments under the City's subdivision regulation other police regulations in the City Code of Ordinances.

A. Buffers. The Large Retail Establishment shall provide visual and noise buffers where any part of the site is within 400 feet of the property line of a residential use or residentially zoned property. There shall be a minimum building setback of at least 400 feet from the property line of any residential use or residentially zoned property for all buildings comprising in the Large Retail Establishment in whole or in part, including any outlots associated therewith. In addition, a masonry screen wall at least 8 feet in height and a landscape buffer at least 20 feet wide shall be provided adjacent to the Large Retail Establishment site property line where it adjoins a residential use or residentially zoned property. The landscape buffer shall be placed on side of the screen wall facing the residential uses or zones and shall include, in addition to shrubs and groundcover, canopy trees at 20 to 30 foot intervals depending on the separation needed for the tree canopies to touch at maturity to form a screen from noise, light and vision.

B. Outdoor Storage Areas. The Large Retail Establishment shall mitigate visual and noise impacts on residential uses, residentially zoned properties and streets that may be adjacent to the site from outdoor storage areas. As a minimum, such areas shall be located onsite and at least 200 feet from the property line of any residential use or residentially zoned property. The areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways and residential properties. The screen shall be at least 8 feet high and of masonry construction to assure the of noise abatement sand to confine any loom papers, cartons, and other trash. Storage materials shall not be visible above the screen. Wherever possible, outdoor storage areas be placed between buildings.

C. Fencing Any detention ponds serving the Large Retail Establishment site shall be fenced to retard public access.

D. Trash Collection Areas. The Large Retail Establishment shall mitigate visual and noise impacts on nearby residential neighborhoods and streets from trash collection areas by locating such areas on-site at least 200 feet from the property line of any residential use, residentially zoned property, or street. The areas shall be screened or enclosed so that they are not visible from public street, public sidewalks, internal pedestrian

walkways, or adjacent residential properties. Screening and landscaping of these areas shall conform to the predominant materials used on the site. The screen shall be at least 8 feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. Wherever possible, trash collection areas be placed between buildings to allow the buildings to act as screens. No trash may be removed between 5:00 p.m. and 9:00 a.m., or on a Saturday or Sunday, as part of scheduled trash collection. The Large Retail Establishment shall regularly collect and remove all trash, loose papers, cartons and trash from its site such that such items do not affect nearby streets or residential areas.

E. Pedestrian Flows. The Large Retail Establishment shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly, inviting image. Sidewalks shall be unobstructed and shall connect the public street, sidewalks, the main entrances to the stores, transit stops on-or off-site, and other buildings on the site, in addition to providing, convenient access to adjacent residential neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot. Sidewalks shall have an associated 3 foot wide landscape strip for their entire length

F. Delivery and Loading Spaces. Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to nearby residential neighborhoods. If the property line of any residential use or residentially zoned property is within 400 feet of any part of the site, such operations shall not be permitted between 10 p.m. and 7 a.m. Delivery and loading spaces shall be set back at least 400 feet from the property line of any residential use or residentially zoned property, unless such operations are located entirely within an enclosed building. Delivery Vehicles shall not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motors, generators or refrigeration equipment running, unless the area where the trucks are parked is set back at least 300 feet from the property line of any residential property to mitigate the truck noise. Delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at 10 feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the highest level of noise abatement. Where possible, delivery and loading spaces be enclosed within a building or placed between buildings in a manner which would allow the buildings to act as screens.

G. Signage

All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and disability glare at any location on or off the property. No direct light source will be visible at the property line at ground level or above of any property zoned residential or in residential use. All parking area lighting will be full cut-off type fixtures. Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward.

H. Use of Parking Lots

The parking lot of a Large Retail Establishment shall not be used for overnight parking of recreational vehicles and campers or for vehicular maintenance by customers of the Large Retail Establishment, and signs prohibiting such activities shall be posted in the parking lot.

I. Outdoor Sales Display/Ancillary Uses. The Large Retail Establishment shall mitigate any impacts to nearby residential use or residentially zoned properties from the location of any outdoor activity associated with services to the public such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas. The outside activity will be set back at least two hundred fifty (250) feet from the property line of any residential use or residentially zoned property, unless a building is located between the activity and the residential or residentially zoned property.

J. Noise Abatement The Large Retail Establishment shall comply with Illinois law pertaining to noise, including the regulations of the Illinois Pollution Control Board or successor entity pertaining to noise pollution and sound emission standards. Roof or ground-mounted mechanical equipment shall be screened to mitigate noise in all directions. Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

SECTION 4: Section 155.054.3 is hereby added to the City of Springfield

Code of Ordinances, to state as follows:

155.054.3 Application for Large Retail Establishment CPU

As part of an application for a Conditional Permitted Use for a Large Retail Establishment in the B-2 General Business Service District, the applicant shall demonstrate, to a reasonable degree of certainty, its future compliance with the performance criteria set forth in Section 155.054.2. The Application for Conditional Permitted Use shall include:

A. A photometric plan and outdoor lighting report which provide information on how outdoor lighting and signage is addressed to mitigate negative impacts on nearby residential uses or residentially zoned properties. The report will also address the negative impacts of outdoor lighting between the hours of 10 p.m. and 7 a.m. on residential properties or zones within 1/4 mile of the site boundaries, and how they will be mitigated.

B. A traffic impact analysis (TIA) for the development using the most recent edition of the Institute of Traffic Engineers Trip Generation criteria as the standard for the generation calculation and projecting traffic for 1-year, 5-years and 20-years on all arterial and collector streets and at all intersections within 1 1/2 miles of the development. The TIA shall identify traffic flow impacts on the public streets and recommend mitigation measures to reduce the impacts on nearby residential areas. The TIA shall demonstrate that the Large Retail Establishment will not unreasonably increase motor vehicle traffic on any street, whether under the jurisdiction of the City or some other governmental unit, adjacent to which there are residentially zoned lots or residential uses, within one mile of the site boundaries. "Unreasonably" in this context means that the maximum projected average and peak hourly traffic counts on any street abutting a residential area during the hours of 7 a.m. through 7 p.m. will not increase due to the Large Retail Establishment more than 80%, and the average and peak hourly traffic count on such streets during other hours will not increase more than 40%, for the entire period of the study. The traffic impact analysis shall designate needed roadway improvements, if any, required to meet these criteria, and no occupancy permit shall be issued for a Large Retail Establishment until such roadway improvements are constructed and dedicated to the City or other governmental agency having jurisdiction.

C. A noise study from a qualified consultant demonstrating how the noise initiated by the land use will be mitigated to comply with noise

regulations of the Illinois EPA. The noise impact analysis shall designate needed mitigation measures, if any, required to meet these criteria, and no occupancy permit shall be issued for a Large Retail Establishment until such measures are constructed.

D. A drainage studies, showing that planned on-site detention is sufficient for detention of storm water runoff from the Large Retail Establishment. The study shall include a survey of downstream detention ponds and works, and shall include engineering calculations demonstrating that existing downstream detention works will not be harmed or overloaded by storm water runoff. No occupancy permit shall be issued for a Large Retail Establishment until such drainage improvements are constructed and if applicable, dedicated to the City or other governmental agency having jurisdiction.

E. An economic impact report. Such report shall include, but not be limited to, all of the following:

1. An assessment of how the construction and operation of the proposed large development will affect wages and benefits, community income levels, and the demand for employment in the city, including the effect, if any, of a project labor agreement for the project.

2. A projection of the costs of social services and effect on related facilities and services resulting from the construction and operation of the proposed development and the incidence of those costs.

3. An assessment of the effect that the construction and operation of the proposed development will have an average total vehicle miles traveled by retail customers in the same market area.

4. An assessment of the effect that the development will have on surrounding land values.

5. An assessment of the market and financial feasibility of the proposed development, including any related market studies and any plans for project phasing and/or lifespan, short and long term.

6. An assessment of the effect the project will have competition and consequent effect on tax revenues.

F. A Fiscal Impact Report assessing the impacts of the proposed conditional use to City services and to related infrastructure for water,

sanitary sewer, storm sewer, roadways, police, fire and solid waste disposal. Such analysis shall include proximity of service facilities, service demand, impacts to other users and to the service provider and potential and proposed mitigation measures, and sources and uses of funds for increasing service capability and/or oversizing or upgrading of infrastructure, as necessary due to impacts from the proposed conditional use.

G. A report showing compliance with the public informational meeting requirements of Section 155.054.4 of this Code, including a transcript of the meeting prescribed by Section 155.054.4 C, and including any written comments from the public.

SECTION 5: Section 155.054.4 is hereby added to the City of Springfield

Code of Ordinances, to state as follows:

155.054.4 Public Informational Meeting for Large Retail Establishments

Prior to submission of an application for a Conditional Permitted Use for a Large Retail Establishment, the applicant shall:

A. Not less than 90 days prior to the public informational meeting required by subsection B of this section, send a written offer to (i) all homeowner associations of residential subdivisions within one and one-half miles of the Large Retail Establishment (ii) other interested groups entitled to notice of zoning change applications from the Springfield-Sangamon County Regional Plan Commission, which written offer shall notify all such associations and groups that the applicant will meet to meet informally with such associations, groups and persons, as well as any other persons who request to attend such meetings (collectively defined as "stakeholders) to discuss the proposed development and solicit input thereon from stakeholders. Not less than 30 days prior to

the public informational meeting, the applicant shall meet with all such stakeholders who have requested such a meeting within 30 days of the date of the written offer.

B. Give not less than 15 days or more than 30 days notice of a public informational meeting by (i) publishing notice thereof at least twice in the *State Journal-Register*; and (ii) mailing a copy of the notice of informational meeting to all addresses located within one mile of the proposed Large Retail Establishment and to all stakeholders as defined in subsection B of this section;

C. Conduct a public informational meeting at a place and time convenient to the public (Monday through Thursday, 6:00 to 8:00 p.m. and not on a holiday) in a venue sufficiently large to accommodate at least 200 persons and at no charge to the attendees;

D. Provide, at the public informational meeting, information about the project, including but not limited to the background and goals of the project, a summary of work and decisions made to date, a proposed schedule for completing the project, a site plan, a description of the zoning, subdivision and other administrative procedures required for the project; and a summary description of the results of outdoor lighting, traffic, noise, economic impact and fiscal impact reports prepared in accordance with Section 155.054.3.

E. Provide a question and answer period for the attendees not less than 1/2 hour in duration;

F. Provide a format for submission by the public of written comments regarding the proposed CPU within 30 days after the meeting.

SECTION 5: Nothing in this Ordinance shall be construed as affecting the legality of any Large Retail Establishment as of its effective date, or for which a building permit has been issued as of its effective date. This Ordinance is effective upon its passage and publication as required by law. The Clerk shall publish this Ordinance in pamphlet form and see to its inclusion in the next update of the City of Springfield Code of Ordinances.

PASSED this _____ day of _____, 2007.

Mayor

ATTEST:

City Clerk

AYES: _____
NAYS: _____

PASSED: _____
APPROVED: _____

ABSENT: _____

