



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, Director, Community Development Services

DATE: January 29, 2004

SUBJECT: Case No. 1877-SU-03, Request for a Special Use Permit to establish a cement concrete plant operation in the IN, Industrial Zoning District on a 3.2-acre site located on the south side of Somer Drive approximately 119 feet west of Lincoln Avenue.

Introduction and Background

Apcon Corporation on behalf of Mark Blager has submitted an application for a Special Use Permit to establish a Ready-Mix cement concrete plant on Somer Drive just west of Lincoln Avenue. The 3.2-acre site is currently owned by Apcon Corporation and is located in close proximity to the existing University Construction asphalt and concrete recycling site. The proposed cement concrete plant is complimentary to University Construction's business although it will be a separate operation and business on a separate lot.

Although the use is industrial it is not specifically listed in the Table of Uses in the Urbana Zoning Ordinance. The ordinance specifies that "all other industrial uses" not listed in the table should be reviewed under the Special Use Permit procedures.

On January 22, 2004 the Urbana Plan Commission conducted a public hearing to consider the case. The Plan Commission voted unanimously to recommend approval of the Special Use Permit along with the staff recommended conditions of approval. For more information regarding the public hearing, please refer to the staff memorandum to the Plan Commission dated January 15, 2004. The draft minutes of the January 22, 2004 hearing are attached to this report.

Discussion

Description of the Area and Site

The site is located in an industrial area on Somer Drive just west of North Lincoln Avenue and north of Interstate 74 (see attached maps). The 3.2-acre site is part of the larger North Lincoln Avenue Industrial Park Subdivision Preliminary Plat which contains approximately 87 acres. The North Lincoln Avenue Industrial Park Preliminary Plat was approved in 2002 and identifies the eventual platting and development of 17 industrial lots ranging in size. Current businesses located in the subdivision include University Construction and the new Central Waste Transfer Facility. Planned improvements to North Lincoln Avenue are designed to handle expected industrial traffic for the subdivision. The proposed 3.2-acre site within the subdivision currently contains adequate road frontage on an improved Somer Drive which connects to North Lincoln Avenue.

The cement concrete plant would occupy three undeveloped lots on the south side of Somer Drive shown as lots 2B, 2C, and 2D on the attached preliminary plat. The site contains approximately 450 feet of width along Somer Drive and a lot depth of approximately 300 feet. The lots will need to be final platted prior to development. The site contains 450 feet of frontage on Somer Drive which is an improved industrial local classified street measuring 36 feet in width. The site is approximately 119 feet west of Lincoln Avenue and 250-feet east of the Saline Branch. The site is not adjacent to the Saline Branch at any location.

Proposal

The proposed cement concrete plant would be the base operation for concrete trucks to load coarse aggregate materials, sand and water necessary for concrete trucks to load and deliver to job sites in the community. Washed stone aggregate is delivered via the Canadian National/Illinois Central Railroad less than one-quarter mile west on Somer Drive. The close proximity to the interstate interchange also allows convenient access for concrete trucks to travel to job sites with minimal disruption to residential areas. Finally, the location is adjacent to University Construction which allows concrete trucks to drop off surplus concrete as trucks return from job sites. This surplus concrete can then be recycled and reused for other purposes.

The proposed site plan is attached and outlines how the site will function. The east end of the site will contain four separate stockpiles of aggregate that are needed to create concrete. As described by the applicant, the stockpiles will not be taller than approximately 10 feet in height. Considering the close location of the aggregate source, it is not necessary to maintain large stockpiles. The aggregate is then transferred to a cement fill station via a conveyor system. The cement fill station mixes the aggregate, sand and water and loads the cement into the trucks that then get washed down before exiting the facility for a job site. The height of the cement fill facility is estimated to be 65 feet tall.

The facility would also contain an office building of approximately 2,000 square feet and accessory customer parking. Attached to the office building to the south would be a garage facility of approximately 6,000 square feet. This offers the opportunity to maintain vehicles on-site and also to store some trucks indoors during inclement weather. The site would also contain outdoor truck parking on the south end of the site and additional employee parking on the east.

The operation would employ approximately 25-30 people during peak times of the year and approximately 6-10 people during off-peak times. The operation will contain 19 vehicles and can handle a maximum of 20 loads an hour during peak levels. Normal business hours will be from 6:00AM to 6:00PM Monday through Friday. The applicant estimates that the business completes approximately 10,000 to 20,000 deliveries per year.

The Illinois Environmental Protection Agency regulates concrete cement mixing facilities to ensure that there are no negative impacts to air and water quality. This includes the regulation of how much dust is created from the mixing of materials and how much surplus concrete is mixed into surface runoff. The applicant has indicated that the coarse aggregate used in the operation is a “washed stone” that contains a certain amount of moisture and results in less dust created during the mixing process.

Requirements for a Special Use Permit

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

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

The site is very convenient for the location of a concrete cement plant. The close proximity to existing transportation facilities including the Lincoln Avenue interchange and the Illinois Central Railroad allow for a concrete cement plant to minimize truck traffic for load and unload aggregate materials and for delivering the end product. Establishing the business at this location will help minimize existing cement truck traffic through existing neighborhoods the currently exists due to the separation of needed facilities.

- 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 North Lincoln Avenue area is planned for industrial development and currently contains heavy industrial users including University Construction Asphalt Recycling and the Central Waste Transfer Facility. The roadway facilities planned and constructed in the area are designed to handle industrial traffic including the amount of truck traffic that would be generated by the proposed use. There are few residential uses in the area that could potentially be affected by the facility.

The operation is required to receive permits from the Illinois Environmental Protection Agency to ensure there are no negative impacts to air quality and stormwater runoff.

- 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 proposed use will preserve the essential character of the area which is for heavy industrial uses. The attached site plan is conceptual to show the overall layout and function of the facility. Final construction plans will be required to substantially conform to the attached plan and meet all the applicable standards and requirements of the Urbana Zoning Ordinance and other relevant city codes including the Subdivision and Land Development Code.

Consideration

Staff feels the proposed use is appropriate for this location and will compliment the existing uses in the area. The location of the necessary transportation facilities, specifically the Illinois Central Railroad, will allow the business to operate efficiently and will help minimize truck travel in the area and community as a whole. The close proximity to University Construction and the Illinois Central Railroad also allows the facility to contain smaller amounts of aggregate on the site. The update to the Urbana Comprehensive Plan indicates that this area should be planned for industrial uses considering the location.

The City Council may consider 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 approve 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.

Summary of Findings

On January 22, 2004 the Urbana Plan Commission made the following findings:

1. The proposed use is conducive to the public convenience at this location. It would allow for the convenient location of an industrial use in close proximity to complimentary uses. The location will also help reduce cement truck traffic in the area.
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 industrial uses.

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 use requires review and permitting by the Illinois Environmental Agency to ensure the operation poses no threat to air or water runoff quality.

Options

The City Council has the following options regarding Plan Case No. 1877-SU-03:

1. Approve the Special Use Permit as requested without any conditions.
2. Approve the Special Use Permit along with the staff suggested conditions.
3. Approve 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. Deny of the request for a Special Use Permit.

Staff Recommendation

Staff supports the Plan Commission recommendation to **approve** the Special Use Permit in Plan Case 1877-SU-03 with the following **conditions**:

1. That the layout of the facility shall closely resemble the attached Site Development Plan. Any significant deviation from this Site Development Plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
2. That prior to construction an engineered stormwater management plan be prepared and constructed consistent with the requirements of the Urbana Subdivision and Land Development Code and subject to the review and approval of the City Engineer.
3. Prior to development of the site, a final subdivision plat shall be recorded creating the lot. The subdivision final plat shall be in conformance with the approved Preliminary Subdivision Plat for the North Lincoln Avenue Industrial Park Subdivision.
4. Seven-foot high opaque fencing be installed on the north, east and west perimeters of the site.

Prepared by:

Rob Kowalski, Planning Manager

Attachments: Proposed Ordinance
 Aerial Map
 Special Use Application w/Site Plan (not in digital format)
 Approved Preliminary Plat for North Lincoln Avenue Industrial Park Subdivision (not
 in digital format)
 Notice to Adjacent Property Owners

Note: For photos of the site and area, please refer to the Plan Commission memorandum dated January 15, 2004

c: Mark Blager 1112 Foothill Drive, Champaign, IL 61821
 John Peisker, University Construction, 2906 N. Oak Street, PO Box 848 Urbana, IL 61803
 Melissa Thomas, Fax 355-0087

ORDINANCE NO. 2004-02-012

An Ordinance Approving A Special Use Permit
(Request to establish a Concrete Cement Plant in the IN, Industrial
Zoning District. South side of Somer Drive approximately 119 feet
west of Lincoln Avenue - Plan Case No. 1877-SU-03)

WHEREAS, Mark Blager has submitted a petition under Plan Case 1877-SU-03 for a Special Use Permit to establish a cement concrete plant operation in the IN, Industrial Zoning District on a 3.2 acre site on the south side of Somer Drive approximately 119 feet west of Lincoln Avenue legally described as attached; and

WHEREAS, the Urbana Zoning Ordinance Table of Uses does not specifically list "concrete cement plant" as a use but does specify that "all other industrial uses" shall be permitted in the IN, Industrial Zoning District under the provisions of a Special Use Permit review; and

WHEREAS, all applicable development regulations are intended to be met by the petitioner, including those involving setbacks, drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed development on surrounding properties; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on January 22, 2004 concerning the petition filed by the petitioner in Plan Case No. 1877-SU-03; and

WHEREAS, on January 22, 2004, the Urbana Plan Commission voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as outlined in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the establishment of a cement concrete plant on the subject 3.2-acre parcel as described on the attached legal description with the following conditions upon approval:

1. That the layout of the facility shall closely resemble the attached Site Development Plan. Any significant deviation from this Site Development Plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
2. That prior to construction an engineered stormwater management plan be prepared and constructed consistent with the requirements of the Urbana Subdivision and Land Development Code and subject to the review and approval of the City Engineer.
3. Prior to development of the site, a final subdivision plat shall be recorded creating the lot. The subdivision final plat shall be in conformance to the approve Preliminary Subdivision Plat approved for the North Lincoln Avenue Industrial Park Subdivision.
4. Seven-foot high opaque fencing be installed on the north, east and west perimeters of the site.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this ____ day of _____, 2004.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk _____

APPROVED by the Mayor this ____ day of _____, 2004.

Tod Satterthwaite, Mayor _____

Attachment: Legal Description

Copy from application

Attachment: Site Development Plan

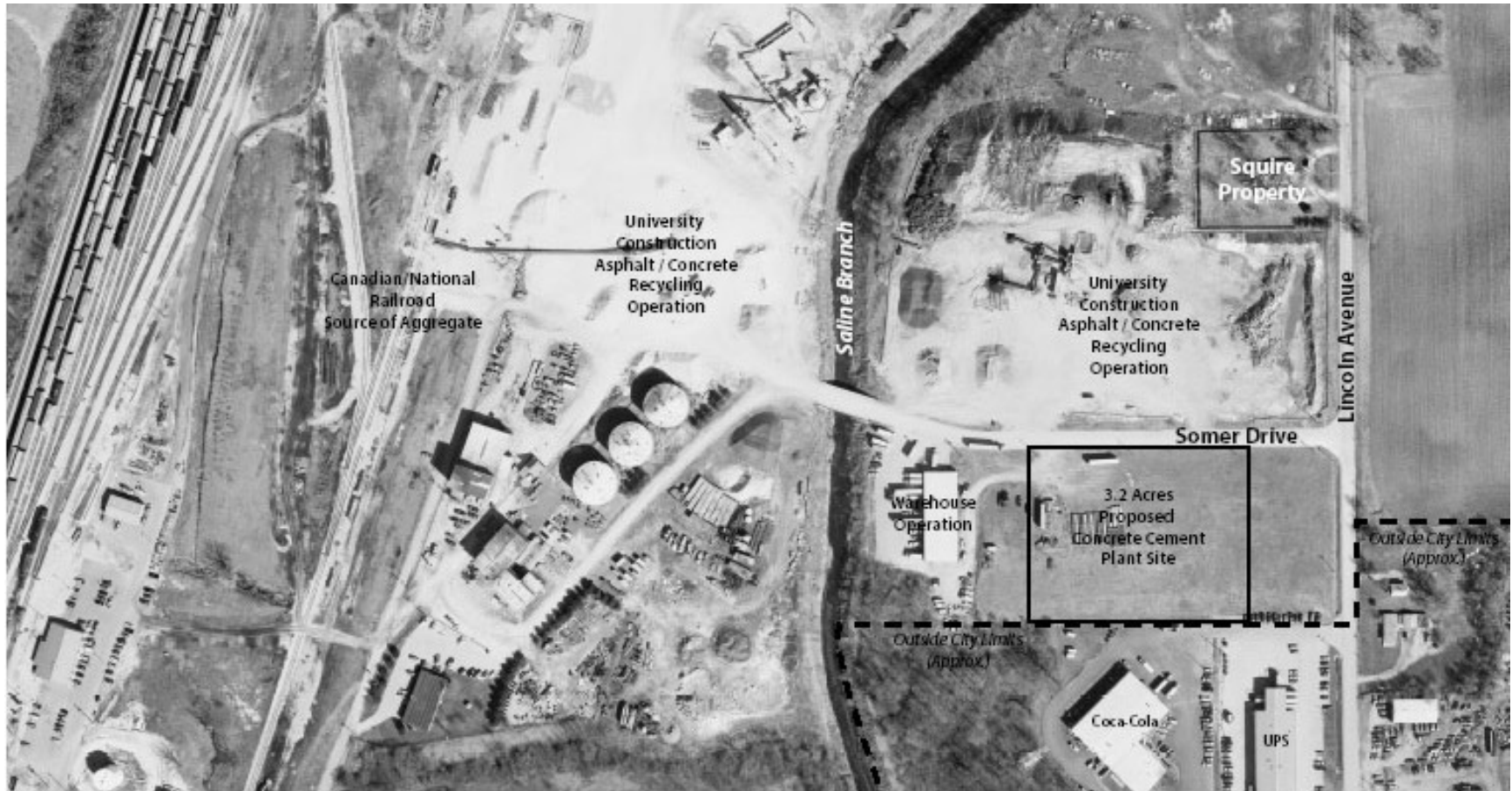
Copy from application

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A SPECIAL USE PERMIT (Request to establish a Concrete Cement Plant in the IN, Industrial Zoning District. South side of Somer Drive approximately 119 feet west of Lincoln Avenue - Plan Case No. 1877-SU-03) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2004, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2004.



Aerial Map

Plan Case 1877-SU-03

Concrete Cement Plant / South Side of Somers Drive



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning Division
400 S. Vine
P.O. Box 946
Urbana, IL 61801
(217) 384-2440

January 7, 2004

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

Dear Property Owner:

A public hearing will be held by the Urbana Plan Commission on **Thursday, January 22, 2004 at 7:30 P.M.** in the Urbana City Council Chambers, 400 S. Vine Street, at which time and place the Commission will consider a request by University Construction for a special use permit to establish a Portland Cement concrete plant on the south side of Somer Drive approximately 119 feet west of Lincoln Avenue. In order to establish such a use in the IN, Industrial Zoning District, a Special Use Permit must be granted by the Urbana Plan Commission and City Council. According to the applicant's petition, the Portland Cement Concrete plant operation will include:

- Stockpiling of stone and sand
- Storage of Portland Cement and fly ash deliveries
- Mixing of stone, sand, cement, fly ash, chemical additives and water
- Transportation of mixture from the site by truck.

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.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: January 22, 2004
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Alan Douglas, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Don White

MEMBERS EXCUSED: Laurie Goscha, Marilyn Upah-Bant

STAFF PRESENT: Rob Kowalski, Planning Manager; Michaela Bell, Senior Planner; Paul Lindahl, Planner; Teri Anandel, Secretary

OTHERS PRESENT: Sandy Bales, Mark Blager, John Fimian, John Peisker, Susan Taylor

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

6. NEW PUBLIC HEARINGS

Plan Case # 1877-SU-03: Request by Mark Blager for a Special Use Permit to establish a cement concrete plant operation in the IN, Industrial Zoning District on a 3.2-acre site located on the south side of Somer Drive approximately 119 feet west of Lincoln Avenue.

Rob Kowalski, Planning Manager, began his presentation by describing the Special Use Permit request. He noted that the proposed site was currently zoned as IN, Industrial. The proposed use was not listed under Industrial uses in the Table of Uses in the Zoning Ordinance. The Zoning Administrator made a determination that the proposed use would fit under “All Other Industrial Uses Not Specified” and would require a Special Use Permit review.

Mr. Kowalski described the proposed site in detail using the Elmo to show each area. He mentioned that the City staff saw this area as the primary Industrial area for the City of Urbana for two reasons, which were as follows: 1) The close proximity to the Canadian National Railroad to the west and 2) The close proximity to the Lincoln Avenue interchange with Interstate 74.

He reviewed the layout of the proposed facility and explained the process of the facility's operation. He mentioned that this location would be beneficial to the petitioner, because of the Canadian National Railroad and University Construction being located nearby. The applicant had anticipated 10,000 to 20,000 loads per year depending on business.

Mr. Kowalski reviewed the requirements for a Special Use Permit according to Section VII-6 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that might have been presented at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed special use as presented to the Urbana City Council, for the reasons articulated in the written staff report with the following conditions:

- 1. That the layout of the facility shall closely resemble the attached Site Development Plan. Any significant deviation from this Site Development Plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.*
- 2. That an engineered stormwater management plan be prepared and constructed consistent with the requirements of the Urbana Subdivision and Land Development Code and subject to the review and approval of the City Engineer.*
- 3. Prior to development of the site, a final subdivision plat shall be recorded creating the lot. The subdivision final plat shall be in conformance to the approved Preliminary Subdivision Plat for the North Lincoln Avenue Industrial Park Subdivision.*
- 4. Seven-foot high opaque fencing be installed on the north, east and west perimeters of the site.*

Mr. Kangas questioned if the opaque fence could not be a stone or cement fence? Mr. Kowalski answered by saying that the existing fence at the Green Street site was a vinyl fence. City staff required an opaque fence, because a chain-linked fence would not meet the intent of what they were looking for. Mr. Kangas asked if City staff wanted the fence to be used as a screen and not as a barrier? Mr. Kowalski replied that was correct.

Mr. White inquired where the nearest residential zoning next to the proposed property? The reason he was asking because of the letter from Blake Weaver stated that there was property owned by Shirley Squire that was residential. Mr. Kowalski believed that the property owned by Shirley Squire was zoned as Industrial as well. It was an old school house, and now Ms. Squire used it as a craft or flower shop. He mentioned that there were not any residential zoning districts within at least 250 feet.

Mr. Alix inquired if Somer Drive was fully built? Was the cul-de-sac shown on the plat already there? Mr. Kowalski answered by saying that Somer Drive was built up to the Saline Branch

Drainage Ditch. There were still improvements to be built according to the Preliminary Plat for the North Lincoln Avenue Industrial Park Subdivision west of the Saline Branch Drainage Ditch to complete that cul-de-sac. Mr. Alix asked if the bridge over the Saline Branch Drainage Ditch was built? Mr. Kowalski replied yes.

Mr. Alix recalled that there was a fence or gate on the other side of the bridge. Was the property beyond the fence/gate the terminal where the gravel was unloaded? How would the aggregate material get from the railroad to the parcel? Mr. Kowalski stated that it would go over the Saline Branch Drainage Ditch, through the fenced area (which would become a dedicated right-of-way) and travel straight west until it got to the railroad. Mr. Alix asked if the proposal was that eventually the cul-de-sac shown on the plat would be built and be public right-of-way? Mr. Kowalski noted that it was currently a public ingress and egress easement. It was proposed to be dedicated and be improved to the same standards as Somer Drive.

Mr. Alix noticed that it was not clear from the Site Plan where the curb cuts would be along Somer Drive. Would there be curb cuts? How much of the area along Somer Drive was proposed to be fenced? How much of the area was proposed to be open? Mr. Kowalski said that the City staff's condition and the intent of the applicant was to have the entire frontage along Somer Drive fenced, and at the two curb cuts or access points there would be a chain-linked gate that would open and close.

Mr. Douglas asked what the definition for "Industrial" was? He wanted to know because he wondered what the Special Use Permit for. Mr. Kowalski stated that the Urbana Zoning Ordinance had a Table of Uses, which specified each imaginable use and what zoning districts those uses were allowed in. A concrete/cement facility, for whatever reason, was not listed in the Table of Uses. When a use was not listed in the Table of Uses, typically City staff finds the closest, similar use. Then, the Zoning Administrator would make an interpretation as to which zoning districts that use would be permitted in. In this case, the Table of Uses had an entry under Special Use Permit for Industrial that said "All Other Industrial Uses", which was kind of a catchall.

Mr. Douglas inquired if there was an existing Special Use Permit for where the aggregate was currently being dropped off? Mr. Kowalski responded by saying that they do have a Special Use Permit that was issued in 1999 for similar types of activities, as well as concrete and asphalt recycling. The Special Use Permit was basically for the area shown on the map as Lot 3. He mentioned that the City currently had issues with University Construction using Lots 1A, 1B and 1C for asphalt and concrete piles. This was a violation of their Special Use Permit, and the City was working on bringing them into compliance over the past three years. The piles were getting smaller, and University Construction was slowly moving the operation back up to Lot 3.

Mr. Douglas questioned if there was any relationship between the Apcon Company and University Construction? Mr. Kowalski did not know the details of that and mentioned that John Peisker could answer that question better.

Mr. Alix inquired how the storage of the materials on Lots 1A, 1B and 1C were in violation of the Zoning Ordinance? Mr. Kowalski stated that the violation would be of the property owner's

Special Use Permit approval. University Construction was supposed to confine all their activity basically in the area west of the Saline Branch Drainage Ditch. They perform the asphalt and concrete recycling in the piles east of the Saline Branch Drainage Ditch, which was outside the area they were approved for. Mr. Alix commented that since the Special Use Permit did not cover the lot east of the ditch, then the argument would have to be that what they were doing on that lot was not legal in that zone. In other words, University Construction would need a Special Use Permit in order to store those piles there. Mr. Kowalski replied that was correct.

Ms. Stake asked where Ms. Squire lived? Mr. Kowalski replied that he did not know where she lived. However, the house that was being discussed was north of the proposed lots.

Ms. Stake asked if University Construction owned the land that they are located on and use? Mr. Kowalski said yes. Ms. Stake commented that was a large piece of land.

John Peisker, of 2906 North Oak Street, explained that the Apcon Corporation was part of a holding company that included University Construction and Mid-America Concrete and Asphalt Recycling. It was the same ownership, but a differentiation of companies. He represented Apcon Corporation and University Construction in this case.

Although staff had done a good job of laying out the facts before the Plan Commission, he wanted to mention a couple of things. First of all, the 3.2-acre site would initially be a lease instead of a purchase. Regardless, they would still go through the platting process.

Secondly, he wanted to address the issue about a Special Use Permit that they obtained in 1999. They included in their request for that Special Use Permit a number of uses for essentially the area west of the Saline Branch Drainage Ditch. As part of that, the activity of concrete and asphalt recycling was happening on the west side of the Saline Branch Drainage Ditch. The Special Use Permit in 1999 essentially displaced that operation, and it moved to the east side of the Saline Branch Drainage Ditch. City staff, the Apcon Corporation and Mid-America have a difference of opinion about whether there was a violation of the Special Use Permit. Apcon Corporation and Mid-America certainly did not see it as a violation of the Special Use Permit, because the property was never part of the Special Use Permit. He mentioned that they have correspondence from the City staff that indicated that they understood what University Construction was doing. City staff's interpretation at that time was that it would be a reasonable use of the property, given that it could be argued that the property fell in the construction yard or some of the types of uses permitted in the Industrial Zoning District. They felt that there might be some discrepancy between the City staff and their company. However, they did not see it as a long-term problem. Mr. Peisker mentioned that the Apcon Corporation would like to eventually see the recycling area move from there. He pointed out that the property to the east of the creek and north of Somer Drive was not really related to the 3.2-acres that they were requesting a Special Use Permit for.

Mr. Alix asked if the tanks were on Apcon's property? Mr. Peisker replied that was correct. Mr. Alix questioned if the reason why the cul-de-sac had not been finished was because it would be going to Apcon's property as well? Mr. Peisker stated that was correct, and there was currently no other use of it.

Mr. Alix inquired if it was their intention in the long-term to sell Lots 1A, 1B and 1C? Mr. Peisker stated that at the time when they were developed in the mid 1980s, the preliminary plat was prepared for that, they needed to draw some lines for some lots. The lines were drawn at the time without any specific uses in mind.

Mr. Alix remembered this particular subdivision when it came before the Plan Commission in relation to dedicating right-of-way for the extension of North Lincoln Avenue. Was that correct? Mr. Peisker replied yes. He did not know if the Preliminary Plat had come before the Plan Commission, but there was a lot that would go to the City Council for approval of a Final Plat, which was essentially to the east of the proposed property.

Mr. Alix questioned if Mr. Peisker's company supplied the aggregate for the Ready Mix Plant? Mr. Peisker explained that Vulcan Materials, which was one of the nation's largest aggregate suppliers, were the ones who utilized the yard as a resale/retail yard. His company assisted in the operation of unloading the rail cars, loading the trucks and moving the aggregate on the site. Mr. Alix inquired if Mr. Peisker's company leased space to Vulcan Materials? Mr. Peisker replied that was correct.

Ms. Stake asked where the water used in the operation came from? Mr. Peisker noted that the Illinois-American Water Company served all of the area. Ms. Stake inquired as to where the waste went? Mr. Peisker stated that the Urbana-Champaign Sanitary District served the entire area as well. Ms. Stake questioned how much water they would be using? Mr. Peisker stated that would be a question that Mark Blager could answer.

Mark Blager, of 1112 Foothill Drive in Champaign, was present to answer any questions.

Mr. Douglas inquired if these were two separate companies under one umbrella? Mr. Blager replied that the Ready-Mix Cement Concrete Plant was a stand-alone company with no affiliation with the Apcon Corporation or University Construction.

Mr. Douglas questioned if the used concrete that was dropped off at University Construction was paid for or just thrown away? Mr. Blager answered by saying that the concrete was paid for material. On any concrete job, there was either too much or not enough. When there was too much concrete left on a certain job, it needed to be disposed of, because it had a short-shelf life and because of certain specifications. That was where the recycle center came into play. Mr. Douglas asked if the recycle center purchased the leftover concrete? Mr. Blager said no, that the recycle center did not purchase it. It was a service that the recycle center provided to ready-mix producers in the area. Mr. Douglas asked if the leftover concrete was recycled and reused? Mr. Blager replied yes. The recycle center breaks it up, crush it, recycle it and resell it.

Ms. Stake inquired as to how far the proposed facility would be from Ms. Squire's property? Mr. Kowalski responded by saying that it would be about 500 feet or a little less away.

Ms. Stake asked what they do about the dust and pollution? Mr. Blager stated that was one of the advantages of being able to use Vulcan's Material. There were two possible sources of

dusting. One comes from the aggregate. The benefit of Vulcan's Material that had been a savior in a lot of ways was that it was a washed material. In using washed materials, the dust had been eliminated from the material. Mr. Kowalski added that the applicant would also be required to get approvals from the Illinois Environmental Protection Agency (EPA) for dust control and for the amount of concrete residue in storm water. Mr. Blager stated that was correct. There were air permits required on a plant like the proposed with the EPA as well as storm water. One of the advantages of a new plant like this would be that the latest dust control systems would be in place.

Ms. Stake asked if the proposed facility would be next to the property where there was a violation occurring of the 1999 Special Use Permit? Mr. Blager said that was his understanding from what he had heard in previous statements at this public hearing. Mr. Kowalski added that the proposed property was on the south side of Somer Drive; whereas, the area where the apparent violation was occurring was immediately on the north side, which would be more adjacent to the Squire property than the concrete plant would be.

Mr. Hopkins asked Mr. Blager to characterize how the proposed facility would be different from the current facility on Green Street? Mr. Blager responded by saying that the proposed facility would be more state-of-the-art, everything would be newer, and the operational logistics of the proposed location from the aggregate side.

Mr. Hopkins inquired if the Green Street Ready-Mix Plant was a different company than the proposed? Mr. Blager said that was correct.

Mr. Alix inquired as to how many employees a facility like this would have? Mr. Blager replied that it would be in the construction business, and just like any other construction activities, it would be seasonal. During low periods of time, there may be six to ten employees. While at peak periods, there may be 20 to 30 employees.

Mr. Alix asked if they would operate during daylight hours only? Mr. Blager stated that was basically correct.

Mr. Douglas inquired if the petitioner would be able to house more aggregate at the proposed facility? Mr. Blager mentioned that one of the advantages of the proposed location would be to be able to house less material there, because they would be closer to the raw materials.

Mr. Douglas asked City staff what the timetable would be for Lincoln Avenue heading north? Mr. Kowalski noted that north of the proposed site was tied more to the development of the new lots. He was not sure of the dates. As far as the realignment of Lincoln Avenue from Interstate 74 to Olympian Drive would be tied more to the development of the area.

Mr. Alix inquired if all University Construction was doing on the property to the east of the creek was storage or were they running actual recycling equipment there? Mr. Kowalski believed it was just stock piling of the materials. The piles have been decreasing in size gradually.

Mr. Alix asked what the City's basis was for classifying that as a non-conforming use? Mr. Kowalski stated that it was the same issue as this case. What was the activity classified as? There was not a specific entry for it in the Table of Uses of the Urbana Zoning Ordinance. Therefore, it fell under the same category, "All Other Industrial Uses". This was the same determination that had been made for the rest of the University Construction site, which was why they went through the Special Use Permit process on the west side of the Saline Branch Drainage District. The difference of opinion that Mr. Peisker had mentioned was whether it could be called a construction yard or not. The Zoning Administrator had made the determination that she would not call it a construction yard, which would be permitted in the Industrial Zoning District. It was really a difference of opinion of what it was called and whether it was really permitted in the Industrial Zoning District without some kind of review. City staff said that there was some kind of review required, and University Construction said there was not. Mr. Alix stated that it was not related to the current case, but he would be inclined to be sympathetic to their argument about the construction yard.

Ms. Stake inquired what an I-2 Zoning District was? Mr. Kowalski explained that it was a zoning district in the County. He pointed out that this was an area in general that dipped in and out of the City boundaries.

Ms. Stake inquired how long the area around the Squire property had been zoned as Industrial? Mr. Kowalski replied that it had been zoned as Industrial for many years. He was not aware of a different zoning district. Mr. Pollock believed that when the area was annexed into the City of Urbana, it was brought in as Industrial. Ms. Stake asked if it was never zoned as residential even though there was a home there. Mr. Kowalski stated that the one lot might have been zoned residential. He believed that the Squire home was once an old school house, and it was possible that it could have been zoned residential in the County. The overall area, including the University Construction area and especially the area along the railroad tracks, have been used and zoned as Industrial ever since it was annexed into the City of Urbana, and it was probably zoned as Industrial before that time in the County.

Mr. White moved that the Plan Commission recommend approval of this case to the City Council including the four conditions suggested by City staff. Mr. Kangas seconded the motion. Roll call was as follows:

Ms. Stake	-	Yes	Mr. Pollock	-	Yes
Mr. Kangas	-	Yes	Mr. Hopkins	-	Yes
Mr. Douglas	-	Yes	Mr. Alix	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.