



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director, City Planner

**DATE:** December 7, 2006

**SUBJECT:** Plan Case No. 2021-SU-06, Request by Cross Construction for a Special Use Permit to allow a concrete recycling operation in the IN, Industrial Zoning District on a 3.36-acre site located at 3201 North Lincoln Avenue.

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### **Introduction**

The petitioner, Cross Construction, has submitted an application for a Special Use Permit to allow a concrete recycling operation on the west side of Lincoln Avenue, north of Somer Drive and south of the Saline Branch. The 3.36-acre site also contains storage of construction equipment and the Lincoln Wood Warehouse mini-warehouses. This warehouse use was established years ago before the property was annexed to the City of Urbana in 2001. Permission must also be granted as a part of this Special Use Permit in order to legally establish two uses on one parcel. The site is located close to another concrete and asphalt recycling plant as well as to other industrial uses in the North Lincoln Avenue Industrial Park Subdivision. Residential and agricultural uses also exist in the area, including a former school house/residence which is located directly south of the property.

The petitioner has used the site in the past for concrete recycling and storage of construction materials associated with Cross Construction's business. These uses have recently resulted in zoning complaints from nearby neighbors for operating without a Special Use Permit. The City required Special Use Permits or other approvals for the Apcon Corporation concrete and asphalt recycling plant to the south, for the Blager cement mixing operation on the south side of Somer Drive, and for the waste transfer station to the north of the site. It is important that the operation be subject to similar review and regulations as have other similar operations in the vicinity in order to allow their continued legal operation within the City of Urbana.

The Urbana Zoning Ordinance does not specifically list the proposed use in Table V-1 Table of Uses. However, it does specify that "*All Other Industrial Uses*" besides those listed in the table may be permitted in the Industrial Zoning District with the issuance of a Special Use Permit. In evaluating the proposed use, the Zoning Administrator has determined that the operation should be classified as an industrial use and should be reviewed for a Special Use Permit since it is not currently a use listed in the

table. This determination is consistent with that employed for Special Use Permits issued for the Apcon Corporation operation to the south.

At its November 30, 2006 meeting, the Urbana Plan Commission conducted a public hearing to consider the case. The Commission voted 7-1 to recommend approval of the Special Use Permit along with the staff recommended conditions of approval, and to include one additional condition. The additional condition is to relocate the access drive for the concrete recycling operation approximately 150 feet further to the north side of the property in order to lessen the noise impacts upon the adjacent non-conforming residence. The draft minutes of the November 30, 2006 hearing are attached to this report.

## **Background**

### **Description of the Area**

The site is located in a largely industrial area along North Lincoln Avenue north of Interstate 74. The 3.36-acre site is surrounded on the north, west and south by the North Lincoln Avenue Industrial Park Subdivision which contains approximately 87 acres, as shown in Exhibit K. Current businesses located in the subdivision include University Construction, the Central Waste Transfer Station, and Blager Concrete. Agricultural and rural residential properties are located to the east of the site and to the north of the subdivision. A former school house is located directly south of the property. This property is zoned Industrial but has been used in the past for residential and commercial uses. The Dunn property to the east of the site is zoned Industrial but remains in agricultural use.

North Lincoln Avenue has long been planned for improvements and a new alignment to the north. Improvements to Lincoln Avenue adjacent to the site and extending south towards the Interstate were completed in 2000 as a result of the waste transfer station. The improvements to the road are designed to handle anticipated industrial traffic. The new alignment will eventually straighten Lincoln Avenue from the vicinity of the site to Olympian Drive, as depicted in the location study completed for the roadway and illustrated schematically in the Comprehensive Plan Map for the area shown in Exhibit D. In the long term, North Lincoln Avenue will be a four-lane, divided roadway. When these improvements are made, the site will only have access to the southbound lane of Lincoln Avenue via a right-in/right-out. In addition, there will be a frontage road that will provide access to the site from Somer Drive to the south.

The 2005 Urbana Comprehensive Plan, Future Land Use Map #1, designates the future land use of this and surrounding sites as Heavy Industrial, as shown in Exhibit D. The following chart identifies the Comprehensive Plan designation, current zoning, and current land use of the site and surrounding properties.

**Survey of Comprehensive Plan Designation,**

**Zoning, and Land Use**

	<b>Comprehensive Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	Heavy Industrial	IN, Industrial	Raw Materials Storage and Staging / Warehouse
South	Heavy Industrial	IN, Industrial	University Construction – asphalt / concrete recycling operation / Single Family Residence
East	Heavy Industrial	IN, Industrial	Undeveloped
West	Heavy Industrial	IN, Industrial	Central Waste Transfer Station
North	Heavy Industrial	IN, Industrial	Central Waste Transfer Station

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

In addition, the following Comprehensive Plan Objectives pertain to the continued industrial use of this site:

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.
- 27.1 Capitalize on development sites with rail and highway access to promote industrial opportunities.

As described below, these objectives are met by the granting of the Special Use Permit with conditions imposed to minimize the impacts to the area. This location is consistent with the Comprehensive Plan’s designation of Heavy Industrial use in the Future Land Use map. Also the site has access to both nearby rail lines and the Interstate.

**Description of the Site**

The site is triangular-shaped and has approximately 504 feet of frontage on Lincoln Avenue and is bordered by the Saline Branch to the north and west. The Saline Branch frontage is currently covered with vegetation. There is a curb cut on the south end of the frontage on Lincoln Avenue, which is the primary access point for concrete recycling operations. A portion on the north side of the site contains the Lincolnwood Warehouse (storage units) and an additional curb cut. This portion is fenced off from the rest of the site. The interior area of the site is unpaved and is used for concrete recycling operations as shown in Exhibit J.

## **Discussion**

### **Proposal**

The applicant proposes recycle concrete at the site which involves the stockpiling of broken concrete at the rear of the site, periodic deployment of a mobile crushing machine to process and stockpile the processed concrete towards the front of the site. The recycled material would then be loaded on trucks to be used on construction sites throughout the Champaign-Urbana area. In addition, the site would continue to be used to store construction materials and as the location of the Lincolnwood Warehouse. The primary business location of Cross Construction is at 3615 N. Countryview Road, north of Urbana off of North Cunningham Avenue. The company houses its offices and its equipment at this location. The subject site is ancillary to the main operations of Cross Construction in rural Urbana. The applicant hopes to eventually relocate the recycling operation to an enclosed facility on another site.

Issues to be addressed in considering the application include location and containment of access points; proper screening from the roadway and adjacent residential uses; establishment of appropriate setbacks; drainage impacts; and protection against noise, dust, and water and air pollution. Many of these issues can be controlled via conditions imposed as a part of a Special Use Permit, while others fall under the permitting jurisdiction of the Illinois Environmental Protection Agency. Specific conditions which may be imposed with this Special Use Permit in order to ameliorate such considerations include: an opaque fence to screen the right of way and adjacent residential use from the operation, an increased setback along the Saline Branch, and the relocation of the site access point to the north side of the site (away from the adjacent residence), among others to be discussed in the Recommendation section of this report.

In addition, because the petitioner proposes to utilize the site for more than one distinct use type (i.e., concrete recycling, construction yard, and mini-warehouse), a permit to allow multiple uses on a single lot is requested to be granted as a part of the Special Use Permit. Ordinarily, a conditional use permit is required to allow the establishment of more than one use on a single lot. However, because a Special Use Permit is required for the concrete recycling operation, it is legally permissible and appropriate to incorporate the Conditional Use permission as a part of the Special Use Permit.

### **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.*

There are existing similar uses in the vicinity of the site, and it is convenient for the location of a concrete recycling plant. The proximity to existing transportation facilities including the nearby railroad line and the Lincoln Avenue interchange with Interstate 74 allows for a concrete recycling plant with convenient access for loading and unloading materials and for delivering the end product. Establishing the business at this location will help to minimize existing truck traffic through existing neighborhoods.

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 home to a number of industrial developments, including University Construction Asphalt Recycling and the Central Waste Transfer Station. Roadways and bridges planned and constructed in the area are to be designed to handle industrial traffic, including the level of truck traffic that would be generated by the proposed use. There are relatively few residences in the area that could potentially be affected by the facility. The proposed site plan includes a fence to screen the adjacent uses from industrial operations. This is consistent with other industrial properties in the area, which have provided necessary landscaping and screening as the area develops. As was the case with similar properties in the area, adherence to a site plan showing fence and setback locations will be a condition of approval for the Special Use Permit.

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 heavy industrial usage. The operation will be required to substantially conform to the layout shown on the attached site plan, and to meet the applicable standards and requirements of the Urbana Zoning Ordinance and other relevant City codes including the Subdivision and Land Development Code.

### **Requirements for a Conditional Use Permit**

In order to approve two uses on the same lot, a Conditional Use Permit may be granted as part of this Special Use Permit. Since a Special Use Permit is higher level of review, City legal staff have suggested incorporating the conditional permission of multiple uses on one site into this Special Use Permit. The following requirements apply to allowing the multiple uses of concrete recycling and a construction yard on a property which has an existing self-storage facility. The criteria are similar to that for a Special Use Permit.

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

These criteria are essentially the same as those for the Special Use Permit, and have been addressed in the previous section.

### **Consideration**

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

When appropriate, conditions for approval may be imposed to protect the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, including but not limited to conditions that:

1. Regulate the location, extent, and intensity of such use;
2. Require adherence to an approved site plan;
3. Require landscaping and screening 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; and/or
8. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

### **Summary of Findings**

1. The proposed use of concrete recycling is allowable with a Special Use Permit as part of “all other industrial uses” in the Zoning Ordinance’s Table of Uses.
2. A Special Use Permit is necessary to allow concrete recycling uses to take place at the site.
3. A Special Use Permit may be used to also grant conditional use permit approval to allow more than one use on a single lot in order to accommodate the proposed uses of concrete recycling, contractor yard/storage, and mini-warehouse at this location.
4. The area is zoned IN, Industrial, and there are other similar uses, including concrete recycling and cement mixing, nearby to the site which have been approved with Special Use Permits.
5. The proposed uses are generally consistent with the 2005 Comprehensive Plan designation zoning categories, and land uses of the subject site and the surrounding area.
6. The proposed use is conducive to the public convenience at this location. It would allow for the

location of industrial uses close to rail services and a major arterial roadway leading to the Interstate 74 interchange.

7. 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.
8. 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.

## Options

In Plan Case No. 2021-SU-06, an application for a Special Use Permit to allow a concrete recycling operation at 3201 North Lincoln Avenue, the Urbana City Council has the following options:

1. Approve the Special and Conditional Use Permit application;
2. Approve the Special and Conditional Use Permit application with conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. Deny the Special and Conditional Use Permit.

## Recommendation

At their November 30, 2006 meeting, the Urbana Plan Commission voted 7 ayes to 1 nay to forward this case to the City Council with a recommendation to **APPROVE** this Special and Conditional Use Permit request with the following conditions:

1. The activity on the site shall be limited to the storing, stacking, piling, sorting, recycling (including but not limited to crushing, grinding and sifting), transporting, loading and unloading of concrete material; the continued use for contractor storage; and the continued use as mini-warehouses.
2. The layout and operation of the facility shall conform to the general layout shown on the attached Site Development Plan (Exhibit G).
3. An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code. The plans shall be prepared and revised as necessary to meet the approval of the City Engineer within 90 days of approval of the Special Use Permit.
4. The site shall establish and maintain the following setbacks as depicted in Exhibit "G". There shall be no storage of materials or other operational activities conducted within the setbacks:
  - a) 25-foot setback on the east property line along Lincoln Avenue;

- b) A minimum 35-foot setback along the top of the east embankment of the Saline Branch Ditch.
5. An opaque fence at least 6 feet in height shall be installed along the east property line along Lincoln Avenue and extending along the south property line to a match point with the existing privacy fence on the Squire property. The required fence shall provide any openings or gates at the permitted access drives and shall be erected within 180 days of approval of the Special Use Permit, in accordance with Exhibit "G". Should the existing fence on the residentially used parcel to the south of the site be removed, the petitioner agrees to extend a privacy fence along the southern property boundary of his site for the length of the residentially used parcel.
  6. A landscape plan to provide for improved screening along the Lincoln Avenue frontage shall be developed in consultation with the City Arborist and the staff of Community Development Services within 90 days of approval of the Special Use Permit and shall be established within 180 days of approval of the Special Use Permit. The landscape plan shall indicate that the property will be screened from view from Lincoln Avenue and from the adjacent residence.
  7. There shall be no more than two access drives permitted from Lincoln Avenue. A driveway access permit shall be obtained from the Urbana Public Works Department and the location of the access drives shall be approved by the City Engineer, in accordance with Exhibit "G" Site Diagram and with the conditions set forth herein. The access drives shall be constructed to the standards of the Urbana Subdivision and Land Development Code and the following provisions within 180 days of approval of the Special Use Permit:
    - a. The northern access drive shall be no wider than 35 feet at the property line. The existing concrete surface at this location is deemed acceptable;
    - b. The southern access drive shall be located at least 150 feet north of the southern property line.
    - c. The southern access drive shall be widened to a maximum of 35 feet at the property line, and shall be paved with concrete and elevated to be higher than the rest of the site to preclude runoff from the site down the access drive.
    - c. The southern entrance to the site shall be improved onto the site such that materials from the site are not tracked onto Lincoln Avenue by vehicles entering and leaving the site.
  8. The Special Use and Conditional Use Permits shall expire upon such time as Cross Construction permanently establishes its concrete recycling operation at another site.
  9. The petitioner shall obtain any necessary permits from the Illinois Environmental Protection Agency that may be required to address noise, dust, air and water quality concerns.

City staff likewise recommends approval with these conditions.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Existing Land Use Map  
Exhibit D: Future Land Use Map



Exhibit E: Aerial Photo  
Exhibit F: Special Use Application w/Site Plan  
Exhibit G: Site Development Plan  
Exhibit H: Summary Sheet for the IN, Industrial Zoning District  
Exhibit I: Notice to Adjacent Property Owners  
Exhibit J: Site Photos  
Exhibit K: North Lincoln Avenue Industrial Park Preliminary Plat

cc: Kurt Salmon, Cross Construction, Inc. 3615 N Countryview Rd, Urbana

**ORDINANCE NO. 2006-12-144**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

(To Allow the Establishment of a Concrete Recycling Operation in the IN, Industrial Zoning District at 3201 North Lincoln Avenue - Plan Case 2021-SU-06 / Cross Construction, Inc.)

WHEREAS, Cross Construction, Inc. has submitted a petition in Plan Case No. 2021-SU-06 to request a Special Use Permit to allow a concrete recycling operation located on at 3201 North Lincoln Avenue in the IN, Industrial Zoning District; and

WHEREAS, this use is not specifically listed under Table V-I of the Zoning Ordinance Table of Uses, but is allowed by Special Use Permit under the category of "all other industrial uses"; 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, after due publication, a public hearing was held by the Urbana Plan Commission on November 30, 2006 concerning the petition filed by the petitioner in Plan Case No. 2021-SU-06; and

WHEREAS, in order to minimize the impact of the proposed development on surrounding properties specific conditions for approval are hereby imposed as permitted under the requirements of the Urbana Zoning Ordinance and identified in Section 1 below; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the approval of a Conditional Use Permit to allow multiple uses on the same lot may be granted as a part of this Special Use Permit, with the conditions set forth below, consistent with the requirements of

Section VII-2 of the Urbana Zoning Ordinance, and with the general intent of that Section of the Ordinance; and

WHEREAS, on November 30, 2006, the Urbana Plan Commission voted 7 ayes and 1 nay to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit; 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 concrete recycling operation located at 3201 North Lincoln Avenue in the IN, Industrial Zoning District as described in the legal description and attached Site Development Plan and with the following conditions upon approval:

1. The activity on the site shall be limited to the storing, stacking, piling, sorting, recycling (including but not limited to crushing, grinding and sifting), transporting, loading and unloading of concrete material; the continued use for contractor storage; and the continued use as mini-warehouses.
2. The layout and operation of the facility shall conform to the general layout shown on the attached Site Development Plan.
3. An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code. The plans shall be prepared and revised as necessary to meet the approval of the City Engineer within 90 days of approval of the Special Use Permit.

4. The site shall establish and maintain the following setbacks as depicted in the attached Site Development Plan. There shall be no storage of materials or other operational activities conducted within these setbacks:
  - a) A 25-foot setback on the east property line along Lincoln Avenue;
  - b) A minimum 35-foot setback along the top of the east embankment of the Saline Branch Ditch.
  
5. An opaque fence at least 6 feet in height shall be installed along the east property line along Lincoln Avenue and extending along the south property line to a match point with the existing privacy fence on the Squire properties. The required fence shall provide any openings or gates at the permitted access drives and shall be erected within 180 days of approval of the Special Use Permit, in accordance with attached Site Development Plan. Should the existing fence on the residentially used parcel to the south of the site be removed, the petitioner agrees to extend a privacy fence along the southern property boundary of his site for the length of the residentially used parcel.
  
6. A landscape plan to provide for improved screening along the Lincoln Avenue frontage of the property shall be developed in consultation with the City Arborist and the staff of Community Development Services within 90 days of approval of the Special Use Permit and shall be established within 180 days of approval of the Special Use Permit. The landscape plan shall indicate that the property will be screened from view from Lincoln Avenue and from the adjacent residence.
  
7. There shall be no more than two access drives permitted from Lincoln Avenue. A driveway access permit shall be obtained from the Urbana Public Works Department and the location of the access drives shall be approved by the City Engineer, in accordance with the attached Site Development Plan. The access drives shall be constructed to the standards of the Urbana Subdivision and Land Development Code and the

following provisions within 180 days of approval of the Special Use Permit:

- a) The northern access drive shall be no wider than 35 feet at the property line. The existing concrete surface at this location is deemed acceptable.
  - b) The southern access drive shall be located at least 150 feet north of the southern property line.
  - c) The southern access drive shall be widened to a maximum of 35 feet at the property line, and shall be paved with concrete and elevated to be higher than the rest of the site to preclude runoff from the site down the access drive.
  - d) The southern entrance to the site shall be improved onto the site such that materials from the site are not tracked onto Lincoln Avenue by vehicles entering and leaving the site.
8. The Special Use Permit shall expire upon such time as Cross Construction permanently establishes its concrete recycling operation at another site.
9. The petitioner shall obtain any necessary permits from the Illinois Environmental Protection Agency that may be required to address noise, dust, air and water quality concerns.

Section 2. A Conditional Use Permit for the establishment of multiple uses on a single lot, including concrete recycling, a construction yard, and a mini-warehouse is hereby granted for the duration of the Special Use Permit granted herein.

LEGAL DESCRIPTION:

LOT 1 OF A SURVEY FOR THE ILLINOIS CENTRAL RAILROAD COMPANY OF PARTS OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 31, AND THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 9 EAST OF

THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT RECORDED IN PLAT BOOK "U" AT PAGE 207;

AND A PART OF LOT 8 OF SAID SURVEY,

BEGINNING AT THE SOUTH CORNER OF LOT 8, BEING AN IRON ROD MONUMENT THENCE ON THE WEST LINE OF LOT 8, NORTH 0 DEGREES AND 00 MINUTES 00 SECONDS EAST (LOCAL BEARING) 187.05 FEET TO AN IRON ROD MONUMENT; THENCE SOUTH 58 DEGREES, 48 MINUTES, 09 SECONDS EAST, 96.89 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ON SAID RIGHT OF WAY LINE SOUTH 31 DEGREES 11 MINUTES 51 SECONDS WEST, 160.00 FEET TO THE POINT OF BEGINNING;

EXCEPT PART OF LOT 1 OF SAID SURVEY;

COMMENCING AT THE SOUTH CORNER OF SAID LOT 8, THENCE ON THE WEST LINE OF LOT 8, NORTH 0 DEGREES AND 00 MINUTES 00 SECONDS EAST (LOCAL BEARING) 187.05 FEET TO AN IRON ROD MONUMENT; THENCE CONTINUING ON SAID WEST LINE NORTH 0 DEGREES AND 00 MINUTES 00 SECONDS EAST, APPROXIMATELY 114 FEET, TO THE CENTER LINE OF THE SALINE BRANCH DRAINAGE DITCH; THENCE ON SAID CENTER LINE TO A POINT 58 DEGREES, 48 MINUTES, 09 SECONDS WEST OF AND 149.11 FEET FROM THE POINT OF BEGINNING, THENCE SOUTH 58 DEGREES, 48 MINUTES, 09 SECONDS EAST, 149.11 FEET TO THE POINT OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCEL #s: 91-15-31-400-033

LOCATED AT: 3201 North Lincoln Avenue, Urbana, Illinois

Section 3. 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 \_\_\_\_\_, 2006.

AYES:

NAYS:

ABSTAINS:

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Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2006.

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Laurel Lunt Prussing, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

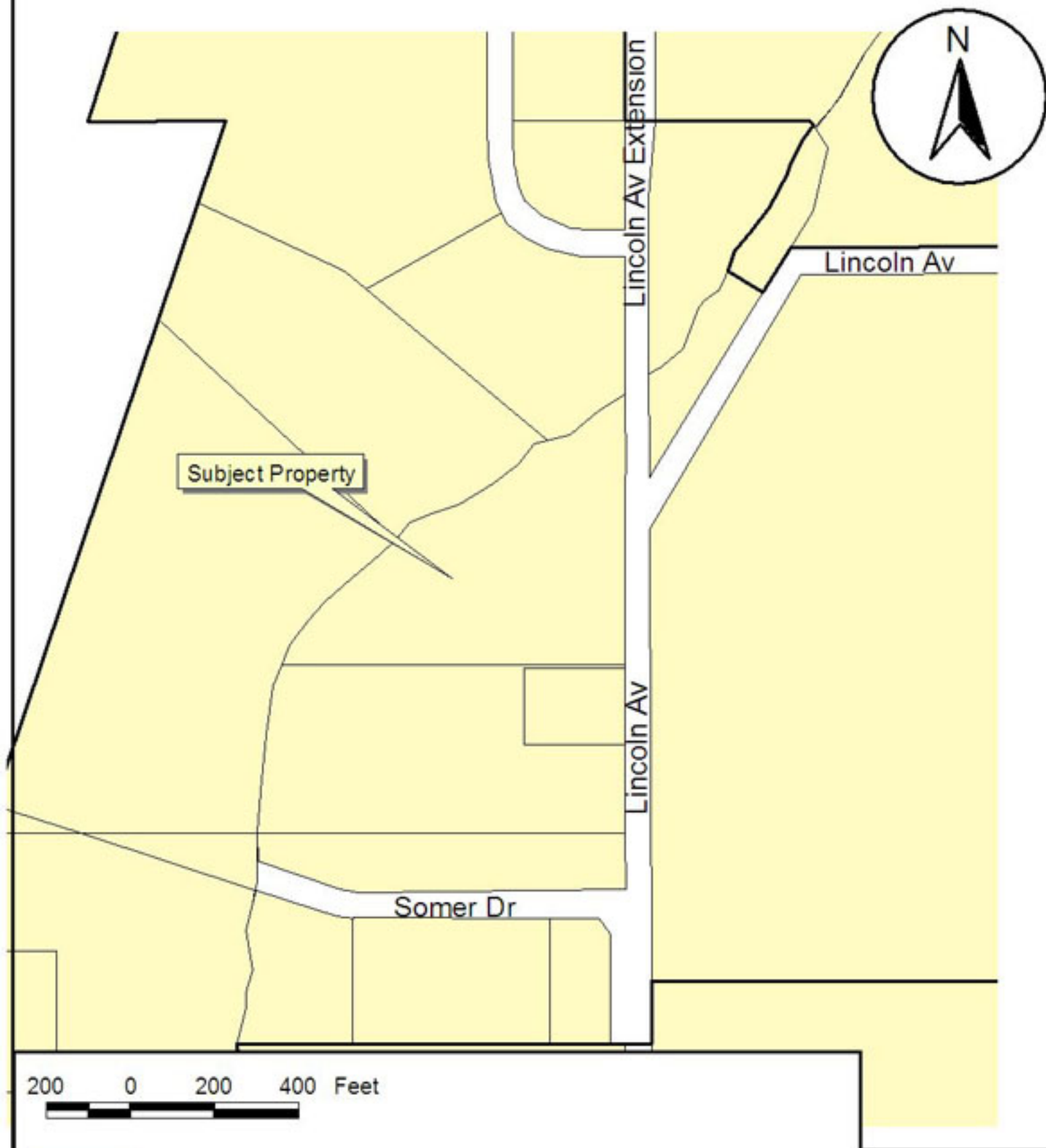
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2006, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE APPROVING A SPECIAL USE PERMIT (To Allow the Establishment of a Concrete Recycling operation in the IN, Industrial Zoning District at 3201 North Lincoln Avenue - Plan Case 2021-SU-06 / Cross Construction, Inc.)" 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 \_\_\_\_\_, 2006, 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 \_\_\_\_\_, 2006.

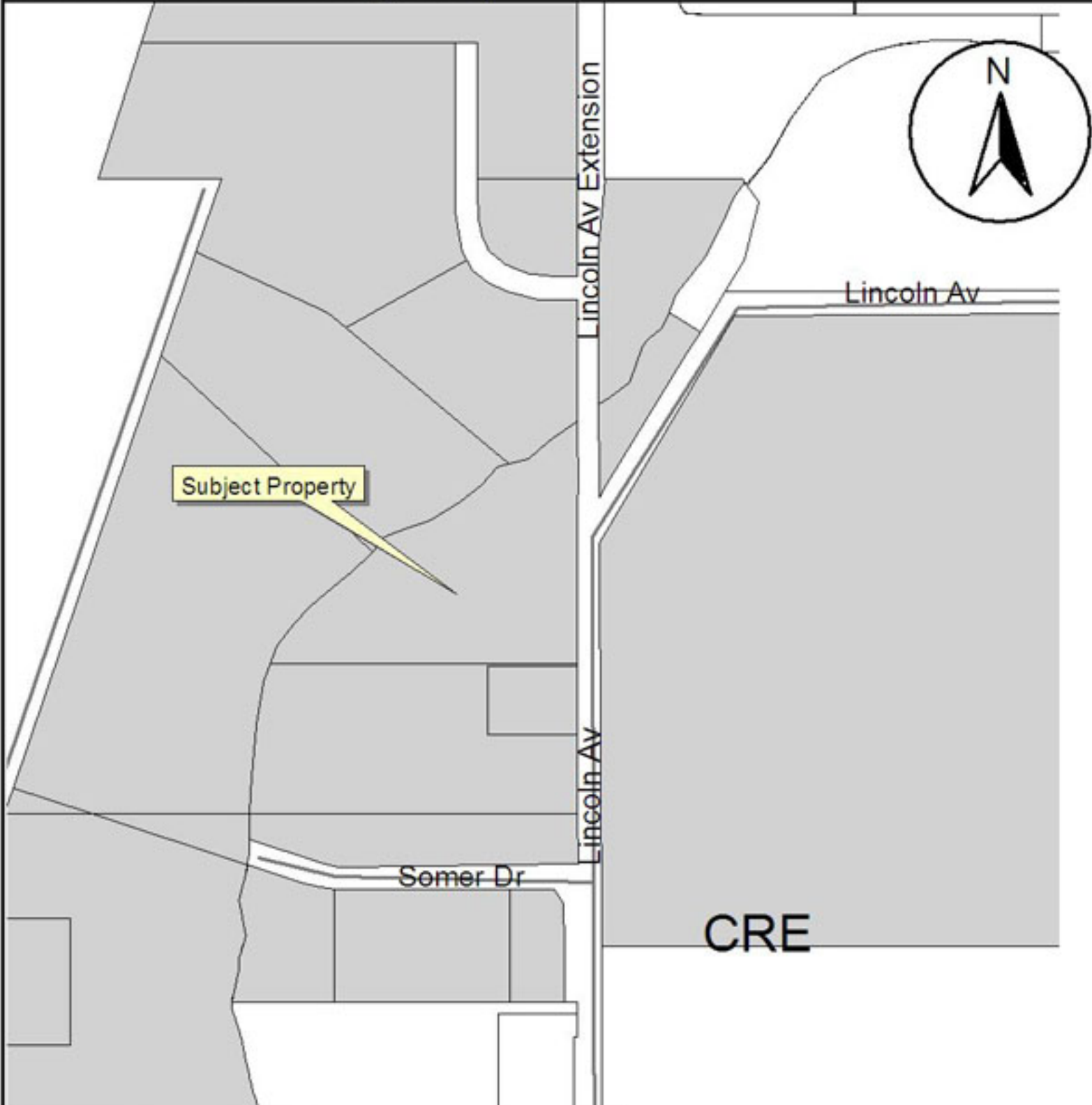


# Exhibit A: Location Map




Plan Case: 2021-SU-06  
Petitioner: Cross Construction  
Location: 3201 N. Lincoln Av  
Description: A request for a SUP for a concrete recycling operation

# Exhibit B: Zoning Map



200 0 200 400 Feet



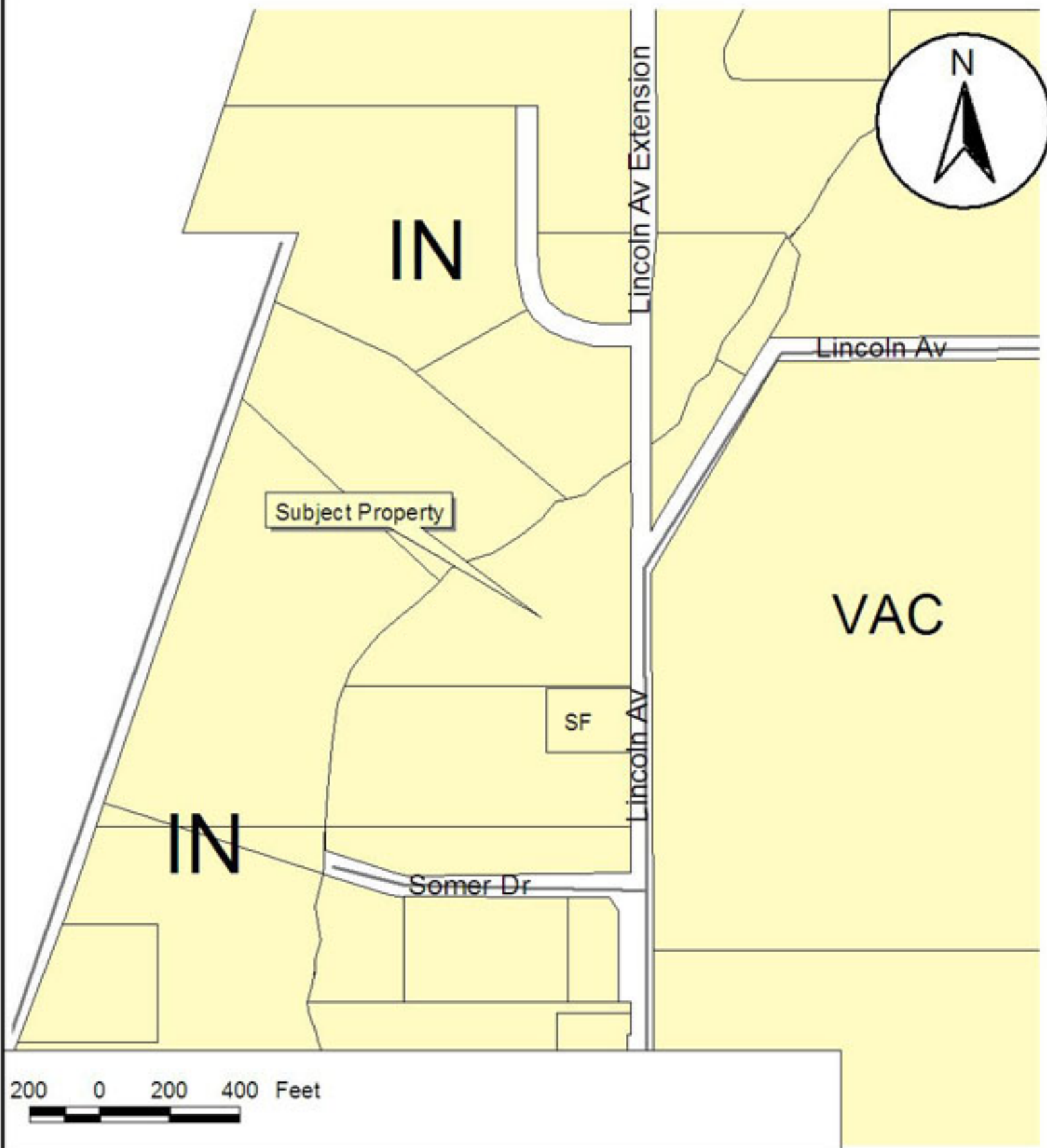
 AG - Agriculture

 IN - Industrial



Plan Case: 2021-SU-06  
Petitioner: Cross Construction  
Location: 3201 N. Lincoln Av  
Description: A request for a SUP for a concrete recycling operation

# Exhibit C: Existing Land Use Map

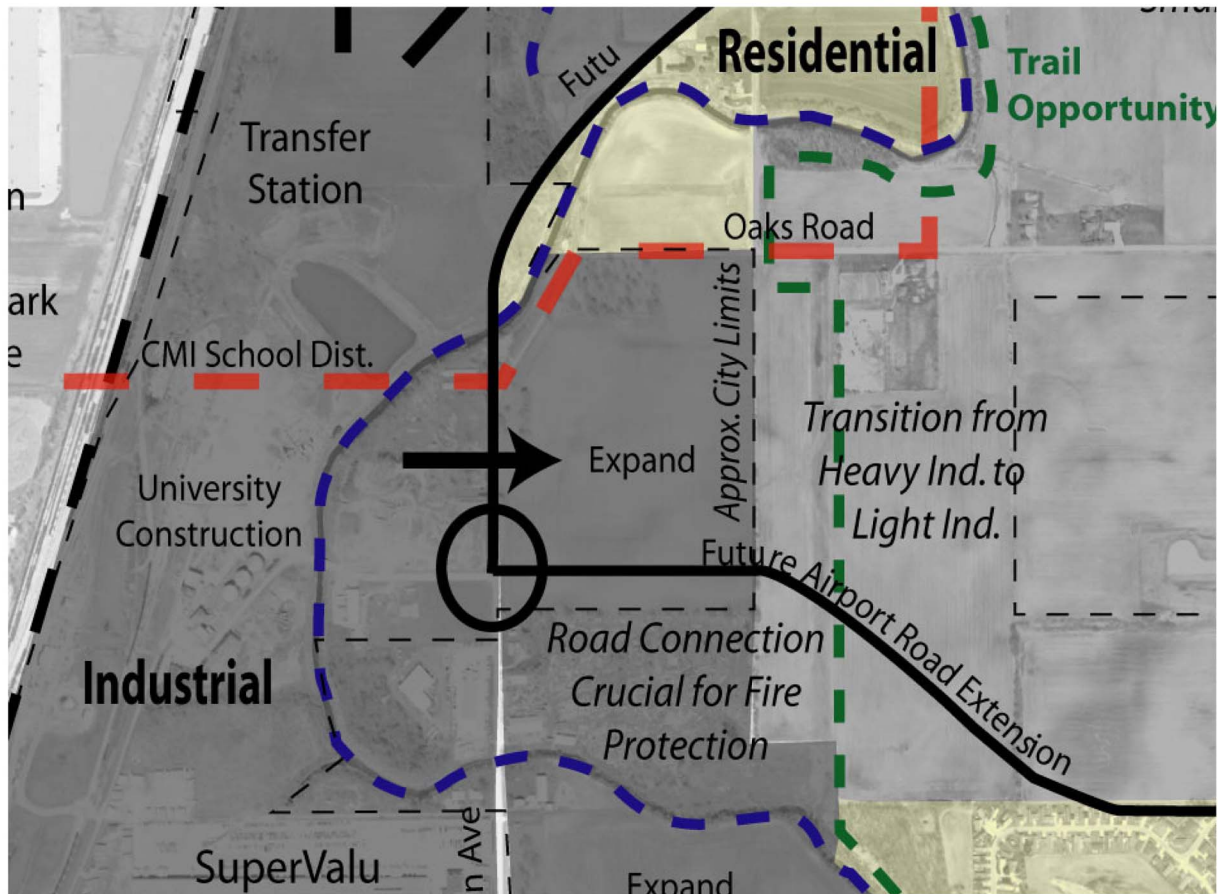


Plan Case: 2021-SU-06  
Petitioner: Cross Construction  
Location: 3201 N. Lincoln Av  
Description: A request for a SUP for a concrete recycling operation

SF - Single Family  
IN - Industrial  
VAC - Vacant Land



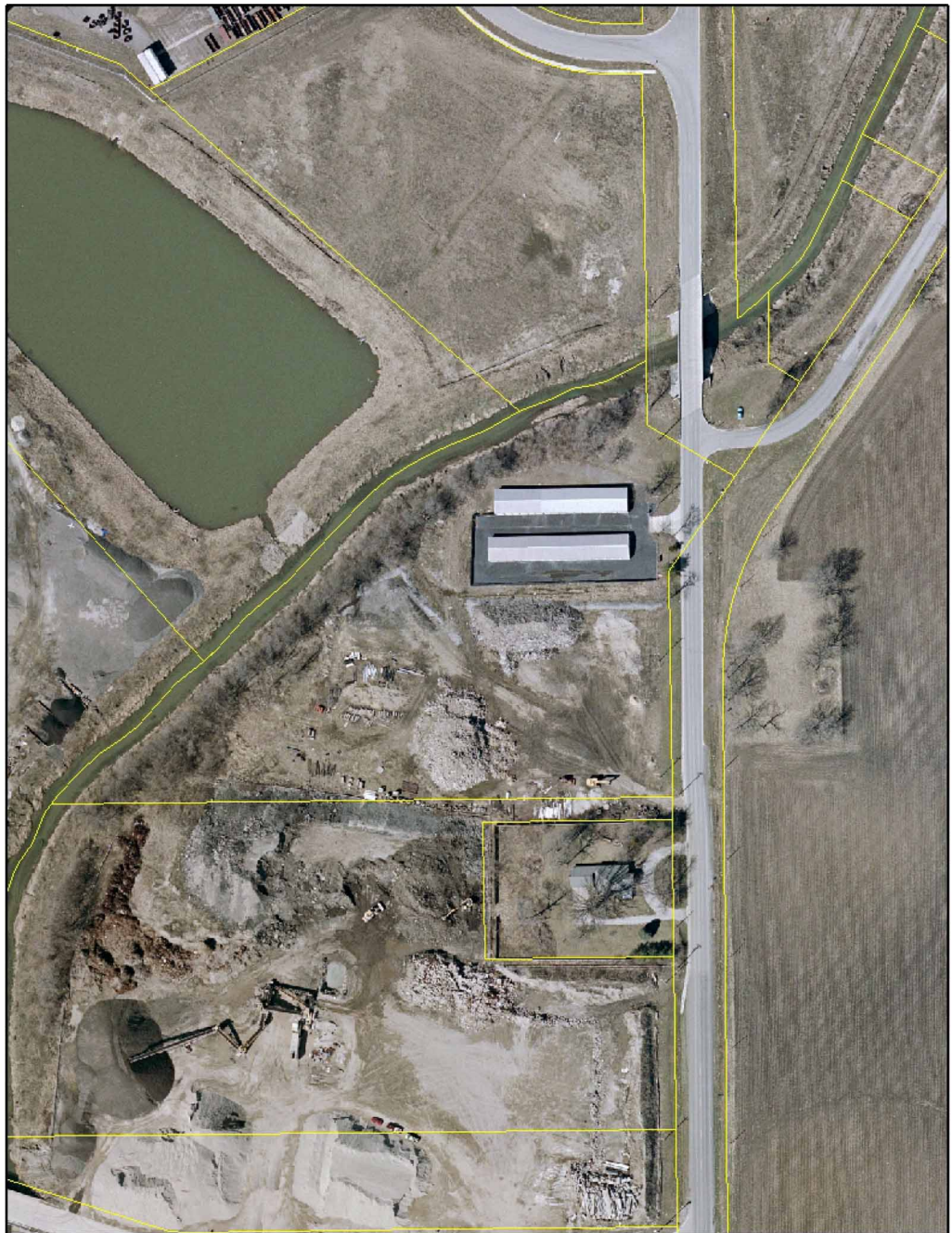
# Exhibit D: Future Land Use Map



Plan Case: 2021-SU-06  
Petitioner: Cross Construction  
Location: 3201 N. Lincoln Av  
Description: A request for a SUP for a concrete recycling operation

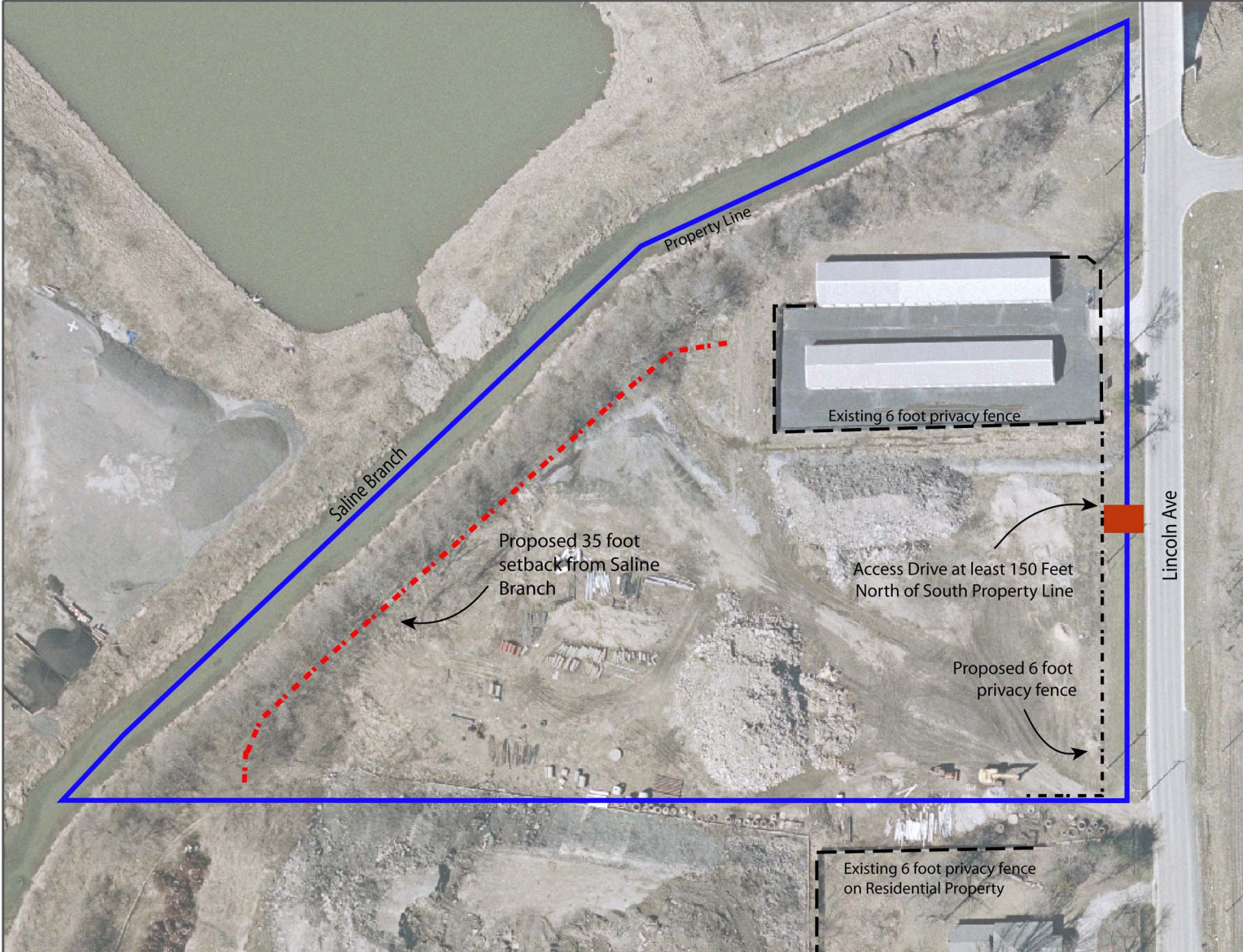


# Exhibit E: Aerial Map



Plan Case: 2021-SU-06  
Petitioner: Cross Construction  
Location: 3201 N. Lincoln Av  
Description: A request for a SUP for a concrete recycling operation





## Exhibit J: Site Photos



Figure 1: The site as seen from the southeast corner.



Figure 2: Piles of the finished product.





Figure 3: Looking down the center of the parcel. There is a buffer between the concrete recycling operation and the self-storage portion of the site.



Figure 4: From the eastern edge, the rear of the site contains some materials from the Apcon operation to the south.



**MINUTES OF A RESCHEDULED REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** November 30, 2006  
**TIME:** 7:30 P.M.  
**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

**MEMBERS EXCUSED:** None

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department; Robert Myers, Planning Manager; Matt Wempe, Planner II; Jeff Engstrom, Planner I; Rebecca Bicksler, Community Development Associate; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Fred Coleman, III; Kurt Salmon; Susan Taylor; Blake Weaver

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**NEW PUBLIC HEARINGS**

**Plan Case No. 2021-SU-06: Request by Cross Construction for a Special Use Permit to allow a concrete recycling operation in the IN, Industrial Zoning District on a 3.36-acre site located at 3201 North Lincoln Avenue.**

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began by giving a brief overview of the proposed site and Cross Construction's activities there. He described the proposed site and the surrounding properties, noting their location, zoning and land uses. He discussed the proposed uses, the requirements for a Special Use Permit and the requirements for a Conditional Use Permit. He noted the options of the Plan Commission and summarized staff findings. In conclusion Mr. Engstrom summarized staff's recommendations provided in the written staff report which were as follows:

*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 Plan Commission recommend **approval** of the proposed Special Use*

*and Conditional Use in Plan Case No. 2021-SU-06 as presented to the Urbana City Council, for the reasons articulated above and with the following **conditions**:*

1. *The activity on the site shall be limited to the storage, stacking, piling, sorting, and recycling (including but not limited to crushing, grinding and sifting), transport, loading and unloading of concrete material; the continued use for contractor storage; and the continued use as mini-warehouses.*
2. *The layout and operation of the facility shall follow the general layout shown on the attached Site Development Plan (Exhibit G).*
3. *An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code. The plans shall be prepared and revised as necessary to meet the approval of the City Engineer within 90 days of approval of the Special Use Permit.*
4. *The site shall establish and maintain the following setbacks as depicted in Exhibit "G". There shall be no storage of materials or other operational activities conducted within the setbacks:*
  - a) *25-foot setback on the east property line along Lincoln Avenue;*
  - b) *A minimum 35-foot setback along the top of the east embankment of the Saline Branch Ditch.*
5. *An opaque fence at least 6 feet in height shall be installed along the east property line along Lincoln Avenue and extending along the south property line to a match point with the existing privacy fence on the Squire properties. The required fence shall provide any openings or gates at the permitted access drives and shall be erected within 180 days of approval of the Special Use Permit, in accordance with Exhibit "G". Should the existing fence on the residentially used parcel to the south of the site be removed, the petitioner agrees to erect a privacy fence along the southern edge of his site for the length of the residentially used parcel.*
6. *A landscape plan to provide for improved screening along the east side of the property shall be developed in consultation with the City Arborist and the staff of Community Development Services within 90 days of approval of the Special Use Permit and shall be established within 180 days of approval of the Special Use Permit. The landscape plan shall indicate that the property will be screened from view from Lincoln Avenue and from the adjacent residence.*
7. *There shall be no more than two access drives permitted from Lincoln Avenue. A driveway access permit shall be obtained from the Urbana Public Works Department and the location of the access drives shall be approved by the City Engineer, in accordance with Exhibit "G" Site Diagram. The access drives shall be constructed to the standards of the Urbana Subdivision and Land Development Code and the following provisions within 180 days of approval of the Special Use Permit:*
  - a. *The northern access drive shall be no wider than 35 feet at the property line. The existing concrete surface at this location is deemed acceptable;*

- b. The southern access drive shall be widened to a maximum of 35 feet at the property line, and shall be paved with concrete and elevated to be higher than the rest of the site to preclude runoff from the site down the access drive.*
- c. The southern entrance to the site shall be improved onto the site such that materials from the site are not tracked onto Lincoln Avenue by vehicles entering and leaving the site.*
- 8. *The Special Use and Conditional Use Permits shall expire upon such time as Cross Construction permanently establishes its concrete recycling operation at another site.*
- 9. *The petitioner shall obtain any necessary permits from the Illinois Environmental Protection Agency that may be required to address noise, dust, air and water quality concerns.*

Kurt Salmon, owner of Cross Construction, approached the Plan Commission to answer any questions. Mr. Ward asked if there had been any consideration given to moving the south access drive farther north towards the center of the property so it would be further away from the residence. Mr. Engstrom said that City staff had not discussed the possibility. Mr. Salmon stated that he would not have a problem with doing this. Mr. Ward felt it would alleviate a potential problem for the residential owners. Mr. Salmon explained that when roadway improvements were made, the south entrance to his property ended up being located right next to the residential property.

Ms. Stake wondered what the zoning complaints were. Matt Wempe, Planner II, said that the basic zoning complaint was that there was a use going on that requires a Special Use Permit, and the owners did not have such a permit. Upon verification, City staff contacted Mr. Salmon and began working with him to obtain a Special Use Permit, which would bring the proposed site into compliance.

Ms. Stake inquired if anything would be going into the Saline Ditch. Mr. Salmon replied no.

Mr. Pollock questioned what the surface of the parking is around the warehouses. Is it paved? Mr. Salmon said it is asphalt.

Mr. Pollock commented that 35 feet seemed really wide for an entrance into the warehouses. Was this really necessary? Mr. Salmon replied by saying that the entrance was built as part of the roadway improvement project and already installed. He did not have anything to do with it. Mr. Engstrom stated that it was not quite 35 feet at the property line.

Mr. Pollock inquired if City staff had considered adding “concrete recycling” as a use in the Industrial Zoning District since several of these uses are located in Urbana. Robert Myers, Planning Manager, stated that City staff would certainly consider it.

Mr. Pollock noticed that in the written report, staff recommended that the fence along Lincoln Avenue be at least six feet tall, but the proposal and the site plan calls for a seven-foot fence. If approval has to adhere to the site plan, then the fence would need to be seven-feet high. Mr.

Engstrom said that seven foot is incorrect. In actuality, six feet is the maximum height allowed for a fence to be on the property line. Mr. Pollock stated that the site plan would need to be changed then.

Mr. Pollock inquired as to whether the City staff was recommending landscaping on the east side along Lincoln Avenue. Mr. Engstrom said yes. Mr. Pollock wondered if the landscaping would be in front of the fence. Mr. Engstrom said yes.

Blake Weaver, attorney for Shirley Squire, owner of the residential property to the immediate south, next addressed the Commission. He stated that Ms. Squire had asked him to attend this meeting to voice her objections. He said that Ms. Squire was probably the source of the zoning complaints, because her previous inquiries had initiated the Apcon Special Use Permit on the neighboring property some time ago. Apcon Corporation has a recycling facility similar to Cross Construction but much larger in size and which is located southwest of Ms. Squire's property. Apcon recycles both concrete and asphalt on their site. They generate a lot of noise and dust, which is more of an issue for the Environmental Protection Agency (EPA). However, even with a field office here in Champaign-Urbana, it is difficult for them to monitor. On a windy day they might receive a complaint about blowing dust and noise being carried by the wind, and because of their work load they will respond with an inspection a day or two later after winds have subsided and not find anything.

Cross Construction is not as large an operation because it is not as large of a parcel. However, there is still constant noise. Ms. Squire only asks that extra conditions be placed on the approval of the Special Use Permit as was done with the Apcon special use permit. She would like the Plan Commission and City Council to consider the following conditions: 1) move the south entrance farther north, 2) possibly require the crushing operations locate on the northern end of the site rather than the southern end, and 3) require a larger setback at least along her northern property line.

Ms. Stake inquired as to whether Ms. Squire's property was rezoned to Industrial against her will. Mr. Weaver believed that Ms. Squire's property was zoned Agriculture (AG) under the Champaign County zoning. When it was annexed, there was a conversion from County AG zoning to City IN zoning. Elizabeth Tyler, Director of Community Development Services, clarified that she believed Ms. Squire's property came into the City as a non-conforming use in a previous County IN zoning. The City did not rezone against the will of Ms. Squire. The City of Urbana did annex the property along with Cross Construction through a wholly surrounded situation which is permitted under State law. When the Dunn Farm was annexed into the City, it caused the City to wholly surround these properties, which allowed the City to annex them as well.

Ms. Stake inquired as to why the complaints were not detailed in the packet of information. Mr. Wempe replied that the complaints were received by phone. Ms. Stake stated that staff could have written it down and provided documentation to the Commission.

Mr. Myers asked Mr. Weaver if he could clarify whether Ms. Squire's property is currently being used as a residence and if so for how long. Mr. Weaver noted that it has been used as a

residential home for the last three years. Ms. Squire had invested in improving the interior as a home. Prior to that the owner let a relative operate a business in the building because it was then vacant.

Mr. Pollock commented that on Exhibit E, Aerial Map, it looks like the south driveway is not on Cross Construction's property. Mr. Engstrom replied that the property lines shown in GIS overlays of aerial photos are often off a few feet.

Mr. Pollock inquired if there was any distance between the southern boundary of the proposed parcel and the boundary line around the residential property. Does Apcon Corporation own a strip of land between these two properties? Mr. Engstrom said yes. Mr. Pollock asked how wide the strip of land is, because he is wondering whether or not there should be additional setbacks required for the southern boundary in terms of moving some of the equipment further away from the residential property. Mr. Myers stated that from a site plan he scaled the strip as about twenty feet wide.

Mr. Pollock stated that he had thought about adding a condition that the southern driveway be moved a certain distance away from the south property line. However, he does not have a specific distance in mind. Mr. Myers noted that there possibly is also an engineering determination. For instance if there is a slight rise in the road the driveway might need to be located to avoid accidents, it would be hard for the Plan Commission to set an exact distance without input from the City's Engineering staff. He thinks the concept of trying to get separation is good, especially if the petitioner is willing to do so. Mr. Pollock asked that if the Plan Commission made a recommendation including this condition to the City Council, that the Engineering Division have enough time to pin down an exact distance before the case was reviewed by the City Council? Mr. Myers said yes.

Ms. Stake wondered how the Plan Commission could keep Cross Construction from being destructive to the residential property. Mr. Pollock responded by saying that they could recommend a specific or general setback, and they could recommend that the driveway be moved a certain distance to the north. The City of Urbana would have the ability to enforce this through the Special Use Permit. Mr. White commented that everyone is forgetting that the residential property is the non-conforming use and has been all along. Before it was a residence, the property was used as a business. The property has been deserted a few times or not used. He did not feel that the Plan Commission or City Council should go through a bunch of hoops to protect a non-conforming use in an IN Zoning District.

Mr. Ward made a motion that the Plan Commission forward this case to the City Council with a recommendation for approval along with the nine conditions outlined by City staff and with another condition that the south access driveway be moved approximately 150 feet north of the south property line. The exact distance is to be determined by the City Engineering staff and the petitioner. Mr. White seconded the motion.

Mr. Ward explained that he did not see any reason why the Plan Commission should not recommend approval of the proposed special use permit as outlined by the staff with the recommended provisions. In terms of the additional provision that he suggested, he respected

Mr. White's argument that the residential property is the non-conforming use. Although he does not personally feel any obligation to alter the driveway to accommodate the residential property owner, he suggested this provision simply because he feels in terms of commonwealth and harmony that it would make sense. It does not appear to be a major cost issue or an issue that the petitioner would oppose. Therefore, it seems to be a win-win situation.

Mr. White was concerned about the distance being mentioned in the new condition. Mr. Ward stated that he suggested the distance be approximately 150 feet to allow wiggle room for some negotiation. On the other hand, he did not want to leave out an approximate distance and then the petitioners only move the south access drive five feet to the north. Mr. Pollock added that the motion does include language to negotiate this with our own Engineering Division.

Ms. Stake remarked that the residential property is a forced non-conforming use, because the petitioner did not want to be annexed. The residential property was zoned County Agriculture when the property was annexed into the City. Mr. White believes that is incorrect. He thought the residential property was zoned County Industrial when it was annexed into the City. Ms. Stake inquired if she was zoned County Industrial because the petitioner wanted that zoning or because the County rezoned the property to Industrial. Ms. Tyler then reviewed a City file on the property and found and shared documentation that the residential property was previously zoned County I-2, which is Heavy Industry. The complaint at that time was that a floral business was operating at Ms. Squire's current residence was not permitted in the heavy industry zoning district. City staff talked with Ms. Squire about whether or not City zoning might or might not help to accommodate the situation. When the Dunn Farm was annexed, the land was converted through the normal zoning conversion provided in the Zoning Ordinance to City Industrial zoning.

A roll call vote was taken on the motion as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	No
Ms. Upah-Bant	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes	Ms. Burris	-	Yes

The motion was passed by a 7-1 vote. Ms. Tyler noted that the Plan Commission's recommendation would go before the City Council on December 11, 2006.