



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **memorandum**

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

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

**DATE:** September 22, 2005

**SUBJECT:** **Plan Case No. 1952-SU-05**, Request by Emulsicoat, Inc. for a Special Use Permit to allow an asphalt blending, storage and distribution plant on a 10.94 acre site to be platted north and west of the current terminus of Saline Court located in Urbana's IN Industrial Zoning District.

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### **Introduction and Background**

Emulsicoat, Inc. has submitted a petition for a Special Use Permit to allow an asphalt blending, storage and distribution plant on a 10.94 acre site located to the north and west of the current terminus of Saline Court. The future street address will be 1001 West Saline Court. The subject property is located in Urbana's IN Industrial Zoning District. Asphalt blending, storage and distribution plants are not listed within the Table of Uses in the Urbana Zoning Ordinance. Such "*Other Industrial Uses*" may be permitted in the IN Industrial zoning district under the provisions of Special Use Permit review.

Emulsicoat, Inc. is the prospective owner for this property. The approval of this Special Use Permit and related cases will facilitate a Land Trade Agreement between MACC of Illinois, Inc., and Emulsicoat, Inc. so that Emulsicoat can operate its plant on the property fronting Saline Court and partly on a property to the west which is adjacent to a rail line.

The subject site is known as Lot 204 of North Lincoln Avenue Industrial Park #2A (NLAIP #2A). It is the only lot in the major subdivision final plat of NLAIP #2A. That subdivision case is currently being reviewed as Plan Case 1953-S-05 and will go to the Urbana City Council for approval at the Special meeting on Monday the 26<sup>th</sup> of September. Because that Final Plat is consistent with the previously approved Preliminary Plat of North Lincoln Avenue Industrial Park Subdivision and no additional waivers from the subdivision regulations are being requested, Plan Commission review was not required.

City Council will also consider an annexation agreement, including a rezoning and granting of a Special Use Permit for the proposed operation, at an adjacent 13.843 tract of land owned by Emulsicoat to the west of the subject site (see attached map). That property, called Tract "A", is located outside the City limits in unincorporated Champaign County. Cases that relate to that tract include: a rezoning, an annexation agreement with special use, and an annexation petition. Final action on these related requests will be considered at the Council Special Meeting on September 26th. At a later date there will

be another subdivision case that will join the subject property Lot 204 to Tract "A" to the west. All of the plan cases and City approvals are interdependent.

Emulsicoat currently has operations at 705 E. University Avenue in Urbana. The company operations are dependent on the availability of railway transport services to supply raw materials and deliver their heated liquid asphalt products which are used in pavement surfacing and hot mixing of road asphalt aggregate. The University Avenue site is currently served by a rail spur that has only one other customer. Because the rail line has few customers and a low number of train trips per week, it may become uneconomical for the rail company to provide service. Emulsicoat is making appropriate plans by seeking this new location that has improved transportation access. In addition, Emulsicoat is interested in moving some of their operations to a location that does not have proximate residential uses. The current location is adjacent to residential neighborhoods which can result in occasional complaints and a higher level of mitigation requirements for odor reduction.

According to the petitioner, the subject property on Saline Court meets their needs for assured rail access, and potential future expansion.

On September 8, 2005 the Urbana Plan Commission conducted a public hearing to consider the case. The Plan Commission voted 7 to 1 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 September 1, 2005. The draft minutes of the September 8, 2005 hearing are attached to this report.

### **Description of the Area**

The site is located west of Lincoln Avenue and the Saline Branch drainage ditch. Immediately to the south is the Central Waste Transfer facility. To the east is an un-platted tract of land owned by MACC of Illinois, Inc. Immediately to the west is Tract "A" which is owned by the petitioners. Under an Annexation Agreement with the City, the petitioners propose to annex that property to the City. As part of the annexation agreement the City will consider rezoning from County AG-2 Agriculture to City IN Industrial in Plan Case 1954-M-05. Also as part of the Annexation Agreement the City will consider granting a Special Use Permit to allow the petitioners' asphalt plant to occupy part of that tract. The petitioners will then file to create a subdivision combining that Tract "A" with the subject Lot 204.

### **Discussion**

#### **Proposed Use**

A special use permit for an asphalt blending, storage and distribution facility is requested to facilitate the blending, storage and distribution of asphalt products used primarily in the construction of pavements. A variety of products would be stored in bulk tanks for distribution to road construction projects and portable hot mix asphalt plants. The productions would include more than 20 blends of asphalt product. A list of products is attached as part of the Special Use application. Most products will be stored at elevated temperatures. The Illinois Environmental Protection Agency (IEPA) closely monitors operation of asphalt blending and storage facilities for compliance with emission levels, and an operating permit from the IEPA is required.

The asphalt materials can be transported to the storage yard by truck or rail. Most products are shipped out by truck. The storage yard would be operated 24 hours per day during high production months from April to November. Rail tanks are unloaded into the storage tanks as shipments arrive, and departing trucks are loaded from storage tanks as needed throughout the day. The facility will be substantially similar in operation to that of the Emulsicoat facility located at 705 E. University Avenue.

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

*"The IN Industrial District is intended to provide areas for manufacturing and industrial uses, where they will have the necessary services and facilities, and minimize obstruction on or by adjoining uses and districts. Light industrial uses, which are unlikely to cause undesirable effects, are permitted by right; more intensive industrial uses which may have wider reaching environmental effects are permitted as special uses, which provide the Urbana Plan Commission and City Council the opportunity to review the uses and impose needed conditions. In order to minimize conflict among incompatible uses, most non-industrial uses are not allowed in the IN Industrial District."*

The proposed asphalt plant facility will be compatible with the intent of the IN Industrial district.

## **Site Details**

### ***Setbacks***

The only required setback in the Industrial zoning district is a 25 foot front yard. The site plans (attached) indicate there will be no structures within 150 to 200 feet of the front lot line.

### ***Parking***

The plans call for the construction of a 30 by 50 foot (1,500 sq. ft.) office building, and a boiler and shop building of approximately 40 by 60 feet (2,400 sq. ft.) Adjacent to the office building will be a 15-space parking lot. The Zoning Ordinance Table VIII-6 requires one parking space per 1,000 square feet of floor area for industrial uses. The parking lot and access drive circle will be paved with asphalt. Adjacent to the access drive will be a truck unloading lane that will be paved with gravel so that spills may be cleaned by waiting for the asphalt to cool and then simply shoveling up the gravel. The parking provided on the site by the proposed lot and the access drive for truck queuing when necessary will provide ample parking. Most of the users of the site will be the truck drivers.

### ***Vehicular Access***

Road access to the site will be from a cul-de-sac extension of Saline Court. A looping access drive will permit trucks to queue for loading. Upon completion of the subdivision combining the subject Lot 204 with Tract "A" to the west, the entire area will be legally subdivided and have road frontage as required by the subdivision code.

### ***Site Drainage***

The creation of the subject subdivision of Lot 204 is currently being reviewed as Plan Case 1952-S-05. In accordance with the Urbana Subdivision and Land Development Code, the subdivision and the site development plans will be reviewed for compliance with all applicable regulations. The City Engineering Division and Community Development Building Safety Divisions have reviewed preliminary plans and found no deficiencies. Final plans including provisions for stormwater, erosion,

and site drainage must be approved by the City Engineer.

## **Special Use Permit Decision Criteria**

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 location of the property is convenient to excellent transportation facilities, both by road and rail. Lincoln Avenue is a major arterial street that provides access to the street network of the City of Urbana and to the Interstate highway system via I-74. Existing roadway access makes good use of pavements designed to accommodate truck traffic, for both deliveries to and from the property. Public streets, private driveways, and parking lots can be served conveniently from the property. The proximity of a major railroad yard makes the location conducive to the public convenience since material can be shipped to and from the property by rail instead of road.

- 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 subject site is part of a larger North Lincoln Avenue area that the 2005 Comprehensive Plan anticipates and recommends for industrial development. Industrial users in the surrounding area include University Construction Asphalt Recycling, Blager Concrete, Urbana Concrete Recycling, and the Central Waste Transfer Facility. The roadway facilities planned and constructed in the area are designed to handle industrial traffic. The subdivision and site development plans will be reviewed by the City Engineering Division. In addition the Illinois Environmental Protection Agency (IEPA) closely monitors operation of asphalt blending and storage facilities for compliance with emission levels, and an operating permit from the IEPA is required.

- 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 current zoning of the site is IN, Industrial. The proposed use is consistent with other uses allowed in the City of Urbana's IN Industrial zoning district. The Industrial zoning district is intended to provide areas for manufacturing and industrial uses, where they will have the necessary services and facilities, and minimize impacts on adjoining uses and districts. Development of the site will meet all the applicable standards and requirements of the Urbana Zoning Ordinance and other relevant city codes, including the Subdivision and Land Development Code. The use will preserve the essential character of the area that is planned for industrial uses.

## **Consideration**

Staff feels the proposed use is appropriate for this location and will reflect the existing uses in the area. The location of the necessary transportation facilities, specifically the Canadian National Railroad, will allow the business to operate efficiently and will help minimize truck travel in the community as a whole. The Urbana Comprehensive Plan indicates that this area should be for industrial uses.

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 approved 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 effect the purposes of the Zoning Ordinance.

## **Summary of Findings**

At the September 8, 2005 hearing the Plan Commission made the following findings:

1. The proposed use is generally consistent with the Comprehensive Plan, zoning and land uses of both the subject site and the surrounding area.
2. The proposed use is conducive to the public convenience because of access to adjacent rail service, and proposed site's location nearby Lincoln Avenue north of Interstate 74, which is used primarily for industrial traffic.
3. 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.
4. The proposed use requires review and permitting by the Illinois Environmental Protection Agency to ensure the operation poses no threat to air quality.

## **Options**

The City Council has the following options. In Plan Case 1952-SU-05, the City Council may:

1. Approve the request for a special use permit without any additional conditions.
2. Approve the request for a special use permit with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance

3. Deny the request for a special use permit.

## **Recommendation**

Staff supports the Plan Commission recommendation to a **APPROVE** the Special Use Permit in **PLAN CASE NO. 1952-SU-05** as presented for the reasons articulated above with following **CONDITIONS**:

1. The Special Use will be in effect only upon the City's approval and recording of a Major Subdivision Final Plat, which will legally create Lot 204 in substantial conformity with the attached Draft Final Plat of North Lincoln Avenue Industrial Park #2A.
2. This Special Use Permit shall be applicable only to the confines of Lot 204 as depicted in the attached Site Diagram, and legal description.
3. The Special Use Permit is applicable only to the asphalt blending, storage, and distribution plant proposed in the application and depicted in the attached Site Diagram.
4. The layout of the site shall be in substantial conformity with the attached Site Diagram. Any significant deviation from this Site Diagram shall require an amendment to the Special Use Permit and shall include review by the Urbana Plan Commission and approval by the Urbana City Council.
5. The activity allowed by the Special Use Permit on the site shall be limited to the blending, storage, and distribution of liquid asphalt, tar, and emulsion materials as described in the attached Special Use Application / Petition.
6. The Owner agrees that all operations, development, construction, or additions to its asphalt blending, storage and distribution plant on Lot 204 (as depicted in the attached Site Diagram, and legal description) shall be in conformity with all applicable State and Federal regulations including Environmental Protection regulations pertaining to chemical emissions, particulate emissions, dust, noise, odor, and ground water protection.
7. The Owner agrees that any new development, construction, or additions on said Lot 204 shall be in conformance with all City of Urbana building, electrical, fire, and plumbing codes, orders or regulations in effect at the time of such construction. The Owner agrees to submit all building construction plans to the City of Urbana for review and further agrees to pay the required permit fees. The Owner further agrees to correct any deficiencies identified in said plan review.

Prepared by:

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Paul Lindahl, Planner I

Attachments:

- Draft Ordinance
- Current Land Use Map w/ Aerial Photo
- Future Land Use Map
- Site Diagram
- Special Use Application / Petition
- Draft Final Plat of North Lincoln Avenue Industrial Park Subdivision #2A

Cc:

Emulsicoat, Inc. Attn: Rick Beyers, 705 E. University Ave. Urbana, IL 61802	Apcon Corp. Attn: John Peisker 2906 N. Oak Street P.O. Box 848 Urbana, IL 61803
Daily & Associates, Engineers, Inc. Attn: Thomas Jordan 1610 Broadmoor Drive Champaign, IL 61821	Thomas, Mamer & Haughey, LLP Attn: James Green P.O. Box 560 Champaign, IL 61824-0560
Shirley Squires 3913 N. Lincoln Avenue Urbana, IL 61803	Blake Weaver 130 W. Main Urbana, IL 61801
Ken Mathis Somerset Township Supervisor 2808 N. Lincoln Avenue Urbana, IL 61803	Rick Wolken Somerset Township Road District Commissioner 2294 County Road, 1600 East Urbana, IL 61802

H:\Paul L\4 - PLAN Cases\2005\Emulsicoat Cases, 2005-A-12, 1953-S-05, 1952-SU-05\1952-SUP-05, Emulsicoat SUP, Saline Ct. extended\1953-SU-05 Emulsicoat Lot 204 CC v3 lib rev.doc

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Allow an Asphalt Blending, Storage, and Distribution Plant Located at 1001 West Saline Court in the IN, Industrial Zoning District / Plan Case No. 1952-SU-05, Emulsicoat, Inc.)

WHEREAS, Emulsicoat, Inc. has submitted an application in Plan Case No. 1952-SU-05 to request a Special Use Permit to allow an asphalt blending, storage, and distribution plant located on a lot to be platted north and west of the current terminus of Saline Court, and to be addressed as 1001 West Saline Court in the IN, Industrial Zoning District; 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 September 8, 2005 concerning the petition filed by the petitioner in Plan Case No. 1952-SU-05; and

WHEREAS, on September 8, 2005, the Urbana Plan Commission voted 7 ayes and 1 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit; and

WHEREAS, in order to minimize the impact of the proposed development on surrounding properties specific conditions of 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-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 allow an asphalt blending, storage, and distribution plant located on a lot to be platted north and west of the current terminus of Saline Court, and to be addressed as 1001 West Saline Court in the IN, Industrial Zoning District, as described in the legal description and attached map exhibit and with the following conditions upon approval:

1. The Special Use will be in effect only upon the City's approval and recording of a Major Subdivision Final Plat, which will legally create the described Lot 204 in substantial conformity with the attached Draft Final Plat of North Lincoln Avenue Industrial Park #2A.
2. This Special Use Permit shall be applicable only to the confines of Lot 204 as depicted in the attached Site Diagram, and legally described herein.
3. The Special Use Permit is applicable only to the asphalt blending, storage, and distribution plant proposed in the application and depicted in the attached Site Diagram.
4. The layout of the site shall be in substantial conformity with the attached Site Diagram. Any significant deviation from this Site Diagram shall require an amendment to the Special Use Permit and shall include review by the Urbana Plan Commission and approval by the Urbana City Council.
5. The activity allowed by the Special Use Permit on the site shall be limited to the blending, storage, and distribution of liquid asphalt, tar, and emulsion materials as described in the attached Special Use Application / Petition.
6. The Owner agrees that all operations, development, construction, or additions to its asphalt blending, storage and distribution plant on Lot 204 as depicted in the attached Site Diagram, and legally described herein shall be in conformity with all applicable State and Federal regulations including Illinois Environmental Protection Agency regulations pertaining to chemical emissions, particulate emissions, dust, noise, odor, and ground water protection.

7. The Owner agrees that any new development, construction, or additions on said Lot 204 shall be in conformance with all City of Urbana building, electrical, fire, and plumbing codes, orders or regulations in effect at the time of such construction. The Owner agrees to submit all building construction plans to the City of Urbana for review and further agrees to pay the required permit fees. The Owner further agrees to correct any deficiencies identified in said plan review.

LEGAL DESCRIPTION:

PART OF THE EAST ½ OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 201 OF NORTH LINCOLN AVENUE INDUSTRIAL PARK SUBDIVISION NO. 2, RECORDED MAY 30, 2002 AS DOCUMENT NUMBER 2002R17213 IN THE OFFICE OF THE RECORDER, CHAMPAIGN COUNTY, ILLINOIS, SAID CORNER LYING 500.00 FEET NORMAL DISTANCE EASTERLY OF THE CENTERLINE SOUTHBOUND MAIN TRACK OF THE CN-IC RAILROAD, SAID POINT ALSO LYING ON THE FORMER EASTERLY RIGHT-OF WAY LINE OF SAID RAILROAD; THENCE N. 17°39'30" E., (URBANA HORIZONTAL CONTROL BEARING), ALONG THE EXTENDED WEST LINE OF SAID LOT 201, PARALLEL TO SAID CENTERLINE, 696.40 FEET TO THE SOUTH LINE OF THE NORTH 1311.10 FEET OF THE NE ¼ OF THE NE ¼ OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M; THENCE N. 89°22'19" E., ALONG SAID SOUTH LINE, 609.12 FEET; THENCE S. 00°13'21" W., 673.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 201; THENCE N. 89°46'39" W., ALONG THE NORTH LINE OF SAID LOT 204, 817.72 FEET TO THE POINT OF BEGINNING, CONTAINING 476,730 SQUARE FEET OR (10.944 ACRES), MORE OR LESS, ALL SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCEL #s: A part of 91-15-31-200-004

LOCATED AT: 1001 West Saline Court, Urbana, Illinois

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 \_\_\_\_\_, 2005.

AYES:

NAYS:

ABSTAINS:

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Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2005.

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Laurel Lunt Prussing, Mayor