



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** Mayor Diane Wolfe Marlin and City Council Members

**FROM:** John A. Schneider, MPA, Director, Community Development Services Department

**DATE:** January 17, 2019

**SUBJECT:** **An Ordinance Approving a Special Use Permit** (1001 Saline Court / Emulsicoat – Plan Case 2363-SU-18)

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### **Introduction**

In 2005, Emulsicoat, Inc. was issued a Special Use Permit<sup>1</sup> to build a facility at 1001 Saline Court to blend, store, and distribute liquid asphalt, tar, and emulsion materials. The Special Use Permit stated that a new Special Use Permit would be required to expand the facility. Emulsicoat would like to expand, so they have requested a new Special Use Permit. The activities and operations would be identical to those currently taking place on the site. If granted, the new Special Use Permit will replace the existing one.

At the January 10, 2019, meeting, the Plan Commission voted unanimously to forward the case to the City Council with a recommendation to approve the Special Use Permit with conditions. The City Council must approve, approve with conditions, or deny the application.

### **Background**

#### **Description of the Site and Surrounding Properties**

The property consists of three parcels totaling approximately 46.5 acres (see Exhibit A). The existing Emulsicoat facility is on the southern and western parcel, collectively known as “Lot 204A”. The expansion would occur partially on Lot 204A and partially on the southwestern portion of the 22.5-acre northern parcel (“Lot 101”).

The existing facility has one entrance off Saline Court, with internal access drives, a series of production and storage tanks, and four truck scales.

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<sup>1</sup> Ord. No. 2005-09-143 – See Exhibit D.

The surrounding area is industrial and agricultural. To the west is a series of rail spurs and sidings that serve Emulsicoat and other industrial users in the area. To the north are agricultural fields. To the east is the Henson construction materials recycling facility and agricultural uses. To the south is the Republic Services waste transfer station and other heavy industrial uses.

The following chart identifies the current zoning, existing land uses, and Comprehensive Plan future land use designations of the site and surrounding properties (see Exhibits A and B).

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
Site	IN-2, Heavy Industrial	Industrial, Agricultural	Heavy Industrial
North	AG-2, Agricultural (County)	Agricultural	Heavy Industrial
East	AG-2, Agricultural (County)	Agricultural	Heavy Industrial
South	IN-2, Heavy Industrial	Industrial	Heavy Industrial
West	IN-2, Heavy Industrial	Rail	Heavy Industrial

**Proposed Use**

The proposed use is to expand Emulsicoat’s existing asphalt blending, storage, and distribution facility, which provides asphalt products used primarily in road paving. Emulsicoat produces many different blends of asphalt and polymer products, which are stored in bulk tanks, often at elevated temperatures. The operations are closely monitored by the Illinois Environmental Protection Agency (IEPA), and an operating permit is required for such facilities.

The preliminary site plan (Exhibit E) show that the expansion of the facility would include new access drives, a new building, several new truck scales, and new production and storage tanks of varying sizes. The majority of Lot 101 would remain undeveloped, and would presumably be kept in use as farmland for the immediate future. Given the industrial zoning of the parcel, the remaining land could either be sold for development or used by Emulsicoat in the future. However, any expansion by Emulsicoat beyond the current proposal would require a new Special Use Permit.

While the site plan submitted with this application is preliminary, the applicant will be required to submit final plans that conform with all of the City of Urbana’s development regulations prior to construction.

**Plan Commission Meeting**

The Plan Commission held a public hearing on the Special Use Permit request at the January 10, 2019, meeting. The Plan Commission discussed the site plan, including screening and landscaping. Rick

Beyers, Executive Vice President for Emulsicoat, and Mike Friend, an engineer from the Farnsworth Group who is managing the site planning process, spoke at the public hearing. Mr. Friend discussed the site plan and the proposed landscaped berm. Mr. Beyers addressed a question regarding odor, and explained Emulsicoat's long-term plans, which are to move operations from their University Avenue facility to the Saline Court facility within five to ten years. No members of the public spoke for or against the proposal.

## **Discussion**

### **Requirements for a Special Use Permit**

According to Section VII-4.A 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 property is located off North Lincoln Avenue, in an area identified for industrial development. The surrounding area (Saline Court, Lincoln Avenue, and Somer Drive) is developed with heavy industrial uses, including an asphalt recycling facility, construction materials recycling facility, concrete recycling facilities, and a waste transfer station. The site has convenient access to Interstate 74 and to Interstate 57 via Olympian Drive. The site also has direct rail access for shipping and receiving of materials. The Urbana Comprehensive Plan designates this area of the City for Heavy Industrial uses.

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 proposed expansion of the existing asphalt facility will not be injurious to the public at this location. The area is highly suitable for heavy industrial uses and is identified for such uses in the Comprehensive Plan and in the zoning map. It is near Interstate 74 and has direct rail access. The expansion would also allow the transfer of some, if not all, of Emulsicoat's operations from its facility on University Avenue, which is near residential areas, to Saline Court, which is not.

The existing facility is surrounded by a landscaped berm that provides screening, landscaping, and containment should a spill of materials occur on the site. The site planners have indicated that a berm is planned for the proposed expansion. The Plan Commission recommends installing such a berm on the north and east sides of the site as a condition if the Special Use Permit is granted.

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 character of the IN-2, Heavy Industrial District would be preserved with the proposed special use. Setbacks, screening, drainage, and all other applicable development requirements must be met prior to construction and operation of the facility. The proposed development would conform to applicable regulations for the IN-2, Heavy Industrial District.

The City Council shall determine whether the reasons set forth in the applications, and the evidence adduced during the public hearing, justify the granting of the Special Use Permit, 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.

In addition, the City Council may impose 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 conditions that:

1. Regulate the location, extent, and intensity of such uses;
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**

1. Emulsicoat, Inc. requests a Special Use Permit to expand their polymer manufacturing and storage facility in the IN-2, Heavy Industrial Zoning District.
2. The proposed use is conducive to the public convenience at this location, as it is located in an area that already contains heavy industrial uses.
3. The proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located, as it would expand an existing industrial use in an area that is highly suited for industrial use.
4. The proposed use meets the regulations and standards of, and preserves the essential character of the IN-2 district in which it shall be located, as it will meet setbacks, screening, drainage, and other requirements of the district.

5. The proposed use is consistent with the Heavy Industrial designation, as identified in the 2005 Urbana Comprehensive Plan Future Land Use Map.

## Options

The City Council has the following options:

1. Approve the Special Use Permit without any conditions.
2. Approve of the 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 Special Use Permit.

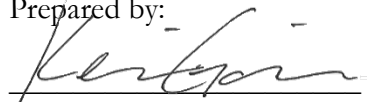
## Recommendation

At its January 10, 2019, meeting, the Plan Commission voted with six ayes and zero nays to forward the Special Use Permit request to the City Council with a recommendation for APPROVAL with the following CONDITIONS:

1. The development shall be constructed in general conformance with the attached “Ordinance Attachment A”.
2. A landscaped berm shall be installed on the eastern and northern sides of the expanded site.
3. The activities allowed by the Special Use Permit are limited to those described in the attached “Ordinance Attachment B”.
4. All required Illinois EPA permits must be obtained prior the development of the site.

Staff concurs with this recommendation.

Prepared by:

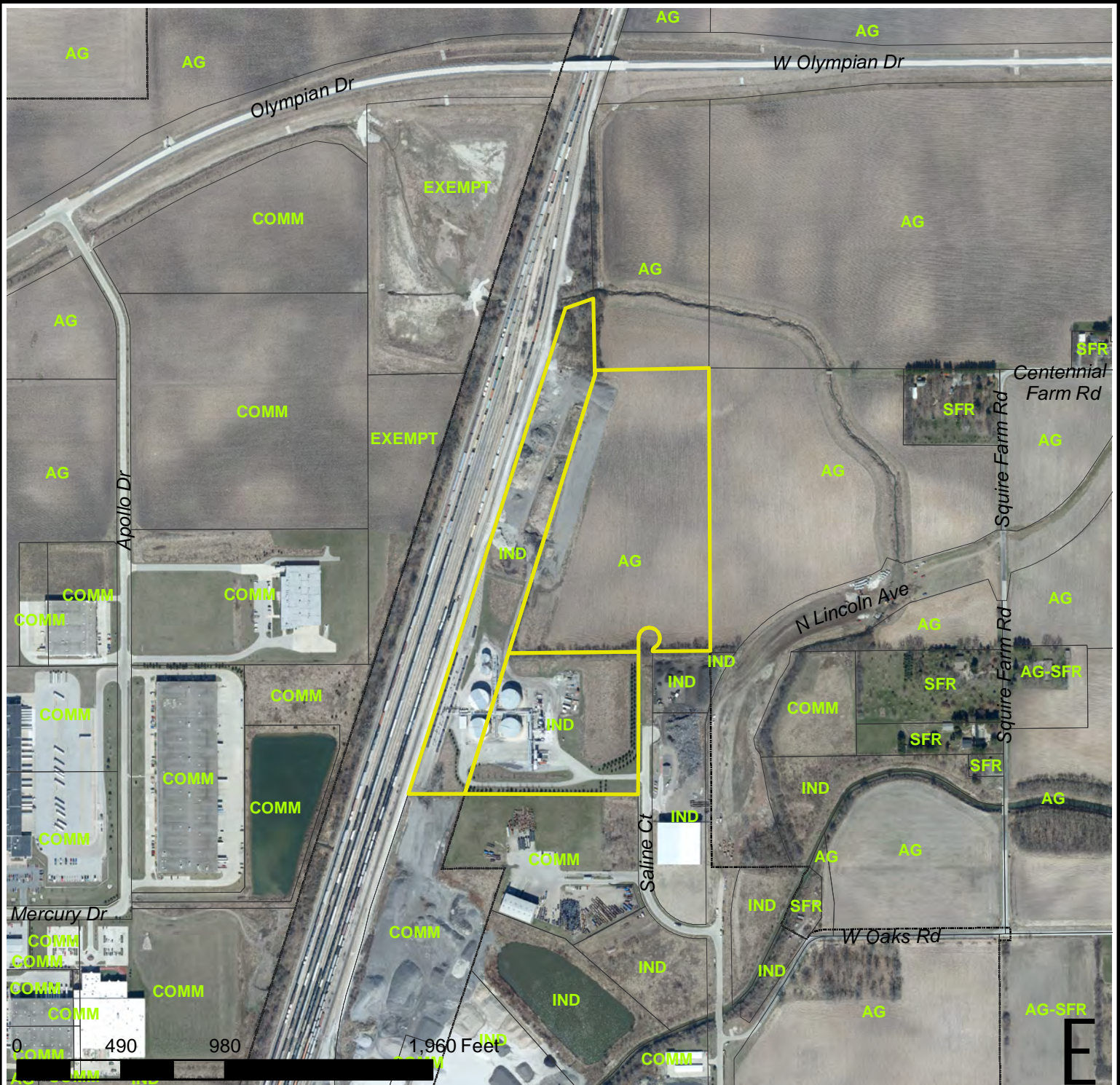


Kevin Garcia, AICP, Planner II

Attachments: Exhibit A: Location and Existing Land Use Map  
Exhibit B: Zoning Map  
Exhibit C: Application for Special Use Permit  
Exhibit D: Original Special Use Permit (2005-09-143)  
Exhibit E: Draft Minutes from January 10, 2019 Plan Commission

*CC: Mike Friend, Farnsworth Group*

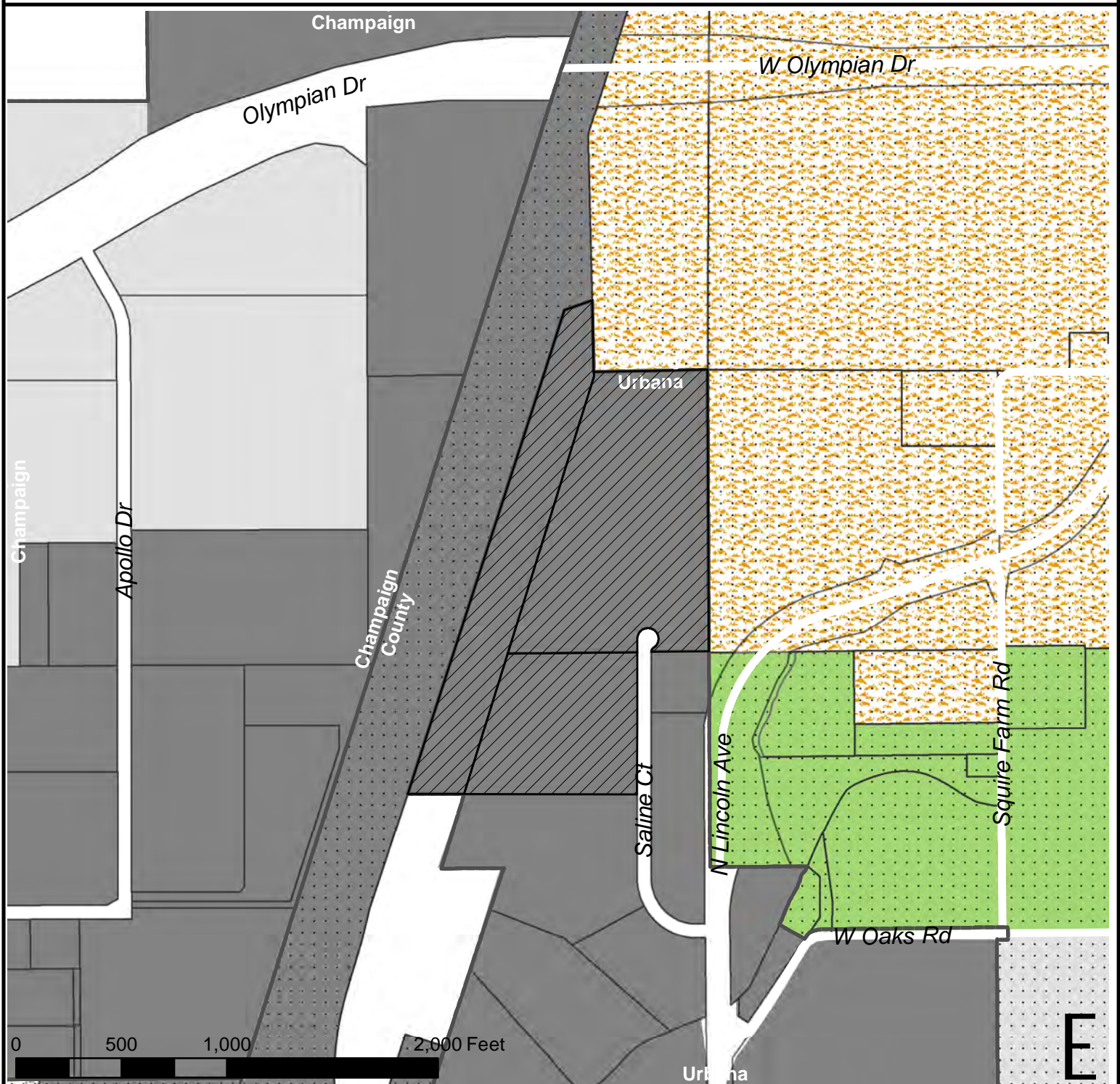
# Exhibit A: Location & Existing Land Use Map



Case: 2363-SU-18  
 Subject: Special Use Permit  
 Location: 1001 Saline Court  
 Petitioner: Emulsicoat, Inc.

 Subject Property

# Exhibit B: Zoning Map



0 500 1,000 2,000 Feet

E



Case: 2363-SU-18  
 Subject: Special Use Permit  
 Location: 1001 Saline Court  
 Petitioner: Emulsicoat, Inc.

	IN-1		CR (County)
	IN-2		I-1 (County)
	AG-1 (County)		I-2 (County)
	AG-2 (County)		Subject Property

## Exhibit C



# Application for Special Use Permit

## PLAN COMMISSION

**The application fee must accompany the application when submitted for processing.** Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 12-07-2018 Plan Case No. 2363-SU-18  
Fee Paid - Check No. 1392 Amount \$200.00 Date 12-07-2018

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section VII-4 of the Urbana Zoning Ordinance to allow (*Insert proposed use*) A Polymer Storage Expansion on the property described below.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Rick Beyers, Executive Vice President, Emulsicoat Inc. Phone: 217-344-7775  
Address (*street/city/state/zip code*): 705 East University Avenue, Urbana IL, 61802  
Email Address: Rick.beyers@asphalt-materials.com

#### 2. PROPERTY INFORMATION

Address/Location of Subject Site: 1001, 1001 1/2, and 1102 Saline Court  
PIN # of Location: 91-15-31-280-007, 91-15-31-280-006, 91-15-31-226-001  
Lot Size: 47.5 Acres  
Current Zoning Designation: IN-2  
Current Land Use (*vacant, residence, grocery, factory, etc*): Industrial and vacant  
Proposed Land Use: IN-2  
Legal Description (*If additional space is needed, please submit on separate sheet of paper*):  
**See Attached**



# Exhibit C

## 3. CONSULTANT INFORMATION

**Name of Architect(s):** N/A

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Engineers(s):** Farnsworth Group, Inc

Phone: 217.352.7408

Address (*street/city/state/zip code*): 2211 W Bradley Ave, Champaign, IL 61821

Email Address: pmoone@f-w.com

**Name of Surveyor(s):** Farnsworth Group, Inc

Phone: 217.352.7408

Address (*street/city/state/zip code*): 2211 W Bradley Ave, Champaign, IL 61821

Email Address: wmeyers@f-w.com

**Name of Professional Site Planner(s):** N/A

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Attorney(s):** Debi Dobbins, Corporate Counsel

Phone: 317-228-8321(O) 317-654-2395(C)

Address (*street/city/state/zip code*): Heritage Environmental Services , 6510 Telecom Drive Suite 400, Indianapolis, IN. 46278

Email Address: dcd@thgrp.com

## 4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property..

Expansion of the existing facility allows the further development of the industrial zoned property. This development will help keep commercial traffic (large trucks) out of the business and residentially zoned areas as this traffic will generally exit I74 and turn north onto Lincoln Avenue. In addition, the northern portion of this proposed project will replace part of or all of the operation at University Ave. depending on market conditions.

Explain how 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 or detrimental to the public welfare.

**The site will be designed in accordance with all of the City's current zoning and subdivision regulations. By meeting these requirements, which are in place to protect the City of Urbana residents, this project will not be injurious to the public welfare. As part of the current zoning and development standards, the site shall be buffered from adjoining properties and the roadway surfaces shall be dust free to minimize adverse impacts to the adjacent properties.**

Explain how 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.

As outlined above, the development will meet the current zoning and development regulations. Landscape buffering/screening will be provided, storm water detention will be provided as required, and the roadway surfaces will be dust free. This expansion is consistent with the existing Emulsicoat facility operations. It is also in character with the adjoining heavy industrial land uses, which include businesses which support heavy/ highway construction, as well as solid waste management. At this time no design or code variances are anticipated for the project.

**Exhibit C**

**NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.**

**By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.**

**CERTIFICATION BY THE APPLICANT**

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

  
\_\_\_\_\_  
Applicant's Signature

  
\_\_\_\_\_  
Date

**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

## Exhibit D

ORDINANCE NO. 2005-09-143

### 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.

## Exhibit D

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

## Exhibit D

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.

8. The owner agrees to the use of directional lighting design so that site lighting does not extend beyond the property described herein, particularly with respect to residential directions, and that additional screening such as large trees and other plantings be used to minimize light pollution beyond the property.

9. The owner agrees to submit a landscape plan to the zoning administrator for review by the zoning administrator and the city arborist.

10. The owner agrees to apply substantially similar or better odor control measures as at their current operation.

### 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

**Exhibit D**

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 26th day of September\*, 2005.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

*D. Roberts*  
Deputy Clerk

APPROVED by the Mayor this 30th day of September, 2005.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

\*Special meeting

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:**      **January 10, 2019**

**TIME:**      **7:00 P.M.**

**PLACE:**    **Urbana City Building  
                  Council Chambers  
                  400 South Vine Street  
                  Urbana, IL 61801**

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**MEMBERS PRESENT:**   Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Daniel Turner, Chenxi Yu

**MEMBERS ABSENT:**   Barry Ackerson, Nancy Ouedraogo, Jonah Weisskopf

**STAFF PRESENT:**     Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Marcus Ricci, Planner II; Teri Andel, Administrative Assistant II; Scott Tess, Environmental Sustainability Manager

**OTHERS PRESENT:**   Chad Beckett, Steve Beckett, Rick Beyers, Marlene Book, Mike Friend, Karen Fresco, Stacy Gloss, Drew Hopkins, Gayle Silvers, Chad Tady (via audio)

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**COMMUNICATIONS**

- Revised Recommended Conditions for Plan Case No. 2363-SU-18

**NEW PUBLIC HEARINGS**

**Plan Case No. 2363-SU-18 – A request by Emulsicoat, Inc. for a Special Use Permit to expand a Polymer Manufacturing and Storage Facility at 1001 Saline Court in the IN-2, Heavy Industrial Zoning District.**

Chair Fitch opened the public hearing for this case.

Kevin Garcia, Planner II, presented the staff report to the Plan Commission. He briefly described the activity of the existing facility and noted that Emulsicoat would like to expand their operations. The activities would be the same. It would just be a larger operation. He noted the location of the subject property and talked about existing access and internal circulation of the site as well as a proposed new additional access to the expanded area. He stated the existing land use and zoning of the adjacent properties. He reviewed the requirements for a special use permit in Section VII-4.A of the Urbana Zoning Ordinance. He read the options of the Plan Commission

and presented City staff's recommendation for approval including the four conditions as revised and handed out prior to the start of the meeting and listed below:

- 1) *The development shall be constructed in general conformance with the "Proposed Site Plan for Special Use Permit".*
- 2) *A landscaped berm shall be installed on the eastern and northern sides of the expanded site.*
- 3) *The activities allowed by the Special Use Permit are limited to those described in the "Special Use Activities".*
- 4) *All required Illinois EPA permits must be obtained prior to the development of the site.*

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Hopkins inquired if Saline Court was a City of Urbana street. Mr. Garcia said yes.

Mr. Hopkins asked if the extension of Saline Court had already been approved. Mr. Garcia replied yes.

Mr. Hopkins wondered if Saline Court was near the maximum allowable length for a cul-de-sac. Mr. Garcia did not have that information available.

Mr. Fell wondered if Condition #2 requiring a berm was an aesthetic consideration. Mr. Garcia responded that the existing berm provides screening, landscaping and is aesthetically pleasing. Mr. Fell asked if the berm was a requirement by the Environmental Protection Agency (EPA). Mr. Garcia referred the question to the applicant. Mr. Fell expressed concern that if the business wanted to expand again in the future, then they would have to rip out the berm. He believed that if the berm was for aesthetic purposes, then the Plan Commission should discuss removing the condition. However, if it was an EPA containment requirement, then they should leave it in.

Chair Fitch reviewed the procedure for a public hearing. He opened the hearing for public input.

Mike Friend, Engineer Manager for Farnsworth Group, approached the Plan Commission to speak. He stated that there are secondary retainer requirements to contain spills at the facility. The berm could serve a dual purpose from this standpoint. There is also a desire to respect landscape screening being sensitive to their neighbors to the north and to the east. The berm does not seem onerous to Emulsicoat. They did have concern with City staff's initial requirement to provide a berm to the west, as they need access to the railroad tracks so City staff excluded the west from the Condition.

With no additional input, Chair Fitch closed the public input portion and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Fell believed that it was redundant to keep Condition #2; however, he was okay with it either way.

Ms. Billman wondered if there was an odor associated with the facility. Rick Beyers, Vice-President of Emulsicoat, Inc., approached the Plan Commission to respond. He talked about the history of the facility in this location. Saline Court was constructed to move their facilities away



**Exhibit E**

January 10, 2019

from 705 East University Avenue because of the odor issues. He does not know of any odor issues at the new location on Saline Court. He explained the process of trapping odors by using conservation vents. Emulsicoat moved over 33% of their operations to Saline Court during Phase I in 2005. The proposed expansion is Phase II, and they plan to move another 25-30% of the business to the Saline Court location. They also plan to move the remainder of the operation within the next 5 to 10 years. He noted that they have planted over 100 trees and maintain the existing berm.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2363-SU-18 to the City Council with a recommendation for approval including the four revised conditions as follows:

- 1) *The development shall be constructed in general conformance with the “Proposed Site Plan for Special Use Permit”.*
- 2) *A landscaped berm shall be installed on the eastern and northern sides of the expanded site.*
- 3) *The activities allowed by the Special Use Permit are limited to those described in the “Special Use Activities”.*
- 4) *All required Illinois EPA permits must be obtained prior to the development of the site.*

Mr. Turner seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Turner	-	Yes
Ms. Yu	-	Yes	Ms. Billman	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that this case would be forwarded to the City Council on January 22, 2019.

**ORDINANCE NO. 2019-01-010**

**An Ordinance Approving a Special Use Permit**

(1001 Saline Court / Emulsicoat– Plan Case 2363-SU-18)

**WHEREAS**, the Urbana Zoning Ordinance requires a Special Use Permit for expanding on the use and intensity of the original Special Use Permit granted in 2005, Ordinance Number 2005-09-143; and

**WHEREAS**, the existing Special Use Permit and the Urbana Zoning Ordinance requires a new Special Use Permit to expand the existing facility; and

**WHEREAS**, Emulsicoat, Inc, has petitioned the City for approval of a Special Use Permit to allow the expansion of an asphalt and polymer blending, storage, and distribution facility in the IN-2, Heavy Industrial Zoning District; and

**WHEREAS**, the Urbana Zoning Ordinance requires a Special Use Permit for “All Other Industrial Uses”, including asphalt and polymer blending, storage, and distribution facilities in the IN-2, Heavy Industrial Zoning District; and

**WHEREAS**, the proposed use is conducive to the public convenience at this location and is located in an area that already contains heavy industrial uses; and

**WHEREAS**, 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; and

**WHEREAS**, the proposed use conforms to the regulations and standards of, and preserves the essential character of the IN-2, Heavy Industrial Zoning District in which it shall be located; and

**WHEREAS**, after due publication. the Urbana Plan Commission held a public hearing on January 10, 2019, and voted with six (6) ayes and zero (0) nays to forward Plan Case 2363-SU-18 to

the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions specified in Section 1 herein; and

**WHEREAS**, 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 Procedures, and with the general intent of that Section of the Ordinance; and

**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 an asphalt and polymer blending, storage, and distribution facility in the IN-2, Heavy Industrial Zoning District with the following conditions:

1. The development shall be constructed in general conformance with the attached “Ordinance Attachment A”.
2. A landscaped berm shall be installed on the eastern and northern sides of the expanded site.
3. The activities allowed by the Special Use Permit are limited to those described in the attached “Ordinance Attachment B”.
4. All required Illinois EPA permits must be obtained prior the development of the site.

Legal Description:

Tract 1:

Lot 101 of Squire Farms Subdivision No. 1 in the City of Urbana, Champaign County, Illinois, recorded as Document 2009R18497 in the Office of the Champaign County Recorder.

Tract 2:

Lot 204A of Emulsicoat – NLAIP – Lot 204A Subdivision in the City of Urbana,  
Champaign County, Illinois, recorded as Document 2006R13247 in the Office of the  
Champaign County Recorder.

PIN: 91-15-31-280-007, 91-15-31-280-006, 91-15-31-280-001, Address: 1001 Saline Court

**Section 2.** The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

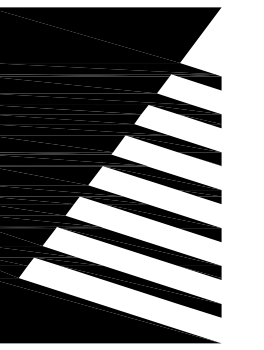
**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Charles A. Smyth, 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 \_\_\_\_\_, 2019, the City Council of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “An Ordinance Approving a Special Use Permit (1001 Saline Court / Emulsicoat Facility Expansion – Plan Case 2363-SU-18)” 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 \_\_\_\_\_, 2019, 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 \_\_\_\_\_, 2019.

# ORDINANCE ATTACHMENT A

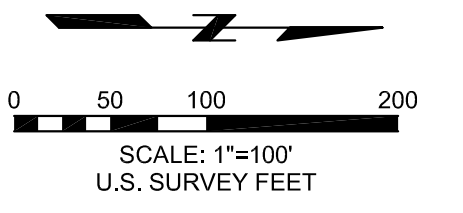


**Farnsworth**  
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Engineers | Architects | Surveyors | Scientists

ISSUE:  
# DATE: DESCRIPTION:



PROJECT:  
EMULSICOAT INC.  
POLYMER STORAGE  
ADDITION

URBANA, ILLINOIS

DATE: 12/07/18

DESIGNED:

DRAWN: SDS

REVIEWED: PJM

FIELD BOOK NO.:

SHEET TITLE:

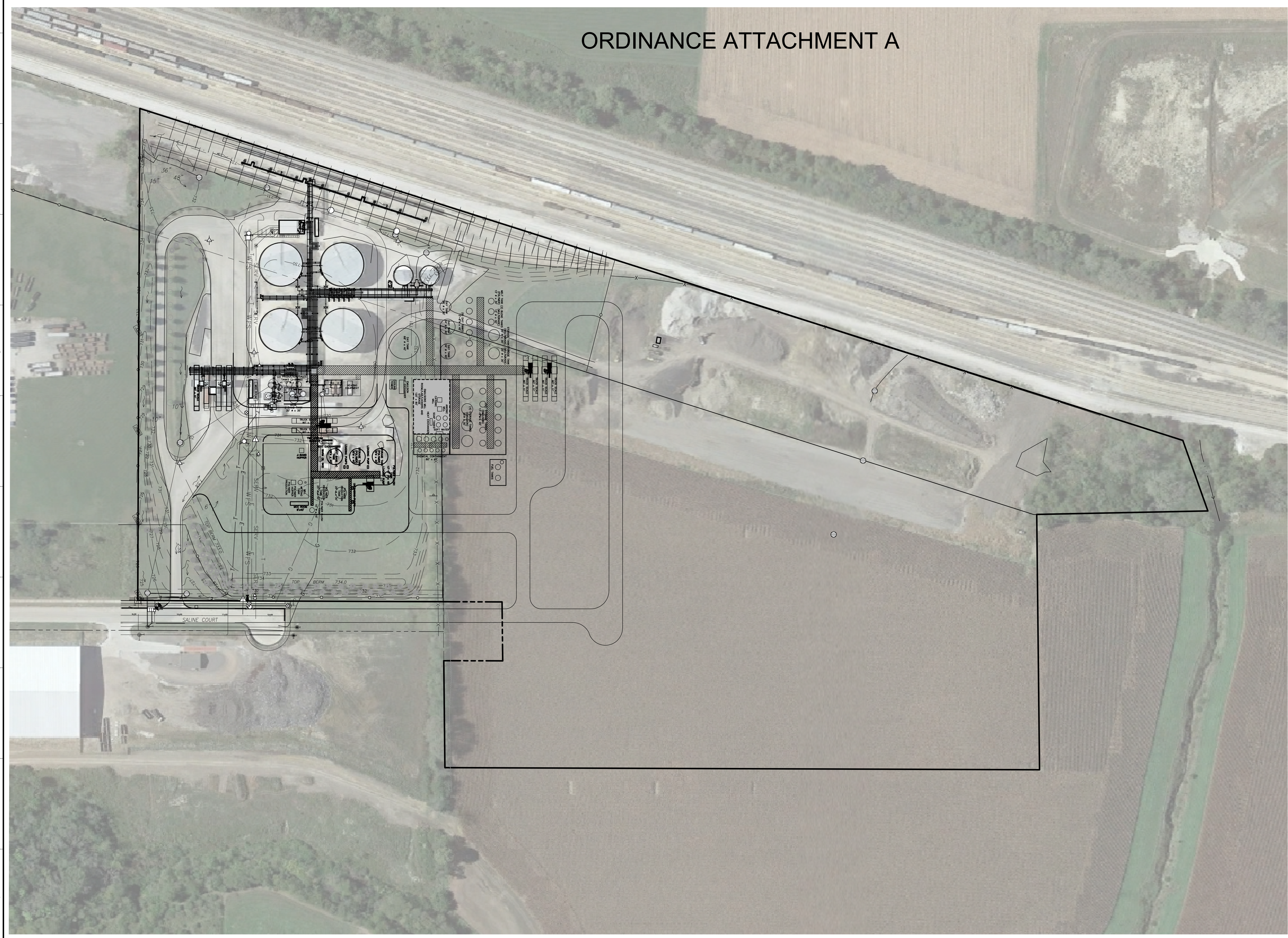
**PROPOSED SITE  
PLAN FOR SPECIAL  
USE PERMIT**

SHEET NUMBER:

**EXHIBIT 1**

PROJECT NO.: 0181484.00

I:\dcmh\1\_8\_2018\0181484.00 - Polymer Storage Addition\04\_Drawings\DWG\EXHIBIT - overall.dwg | 12/6/2018 2:54 PM |



## **ORDINANCE ATTACHMENT B**

### **Special Use Activities**

The activities that will take place on site will include processing for all raw material and asphalt products include the following:

1. Milling of raw materials and asphalt into an emulsion product.
2. Heating, transferring, & storage of asphalt products and raw materials.
3. Steam boiler, hot oil heating systems, & heat exchangers.
4. Batch manufacturing of asphalt and raw materials through heating and mixing.
5. In line blending system of asphalt and polymer modified asphalt.
6. Truck scales and loading racks
7. Conveyors and solids handling equipment.