

## MINUTES OF A REGULAR MEETING

### URBANA PLAN COMMISSION

**APPROVED**

**DATE:** December 6, 2007

**TIME:** 7:30 P.M.

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

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, James Ward, Don White

**MEMBERS EXCUSED:** Lew Hopkins, Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Tom Jordan, Joe Lamb, Susan Taylor

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

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

#### 2. CHANGES TO THE AGENDA

There were none.

#### 3. APPROVAL OF MINUTES

Mr. White moved to approve both sets of minutes from the October 18, 2007 meeting and the November 29, 2007 meeting as written. Mr. Grosser seconded the motion. Chair Pollock called for a voice vote on the motion to approve both sets of minutes as presented. The minutes were approved by unanimous vote.

#### 4. COMMUNICATIONS

- ◆ Urbana Plan Commission 2008 Schedule of Meetings Brochure

## 5. CONTINUED PUBLIC HEARINGS

**Annexation Case No. 2007-A-03: An annexation agreement between Champaign Asphalt, LLC and the City of Urbana for a 24.79-acre tract of land generally located north of Saline Court and west of North Lincoln Avenue, including a Special Use Permit to operate an asphalt production facility.**

**Plan Case No. 2056-M-07: A request by Champaign Asphalt, LLC to rezone a 24.79-acre tract of land generally located north of Saline Court and west of North Lincoln Avenue from County AG-2, Agriculture, to City IN, Industrial.**

Robert Myers, Planning Manager, presented these two cases to the Plan Commission simultaneously. He began with an introduction explaining the proposed annexation agreement including the Special Use Permit and the purpose of the proposed rezoning of the property. He showed where the proposed property is located on Exhibit C – Existing Land Use with Aerial Photo. He gave a brief description of the proposed site noting that the only access would be from Saline Court. He said that at some point in time there may be another access from a street connected to the future extension of North Lincoln Avenue.

Mr. Myers talked about the process of the Plan Commission and the City Council noting the timeline of events, including the sale of the proposed site by Squire Farms to Champaign Asphalt. He pointed out the surrounding zoning and land uses for the subject site. He discussed the proposed rezoning and how the proposed zoning designation of IN would be consistent with the goals and objectives shown in the 2005 Comprehensive Plan Future Land Use Map for this area. He reviewed the La Salle National Bank Criteria that pertains to the proposed rezoning case. He read the options of the Plan Commission and presented staff's recommendation, which is as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2056-M-07 and Annexation Case No. 2007-A-03 to the Urbana City Council with a recommendation for approval.*

Ms. Stake inquired as to whether there would be any residential dwellings located close to the proposed site. Mr. Myers answered that the 2005 Comprehensive Plan shows Residential east of the future North Lincoln Avenue extension and east of Saline Branch.

Ms. Stake wondered what the reasons were for the Special Use Permit. Would there be a lot of pollution when the petitioner is developing asphalt? Mr. Myers stated that Joe Lamb, representative for Champaign Asphalt, would be able to give the Plan Commission members more details about the daily operations. He pointed out that Champaign Asphalt is currently located in the City of Champaign on Oak Street within a residential neighborhood, and they currently seem to be operating successfully. Another thing to keep in mind is that the petitioner would need to comply with state laws in terms of their emissions, runoff, and other impacts on neighboring properties. An important requirement of the Special Use Permit is that the petitioner

will need to comply with the State of Illinois' requirements in order to maintain their Special Use Permit.

Ms. Stake expressed her concern that the City does not know how Champaign Asphalt would operate, yet we are planning to give them a Special Use Permit and rezoning. Mr. Myers commented that the annexation agreement would include a rezoning and a Special Use Permit based on the proposed Site Plan. The Site Plan shows what areas of the proposed site the petitioner plans to use. For instance, the Site Plan shows a landscape and sight berm along the east side of the property.

Ms. Stake wondered how large the berm would be. Mr. Myers referred the question to the petitioner. Ms. Stake questioned whether or not City staff needs to know in order to include it in the annexation agreement. Mr. Myers stated that a berm is not actually a requirement for a Special Use Permit when agricultural property is located next door. However, the petitioner is proposing to install the berm at the request of the Squire family. As part of the Special Use Permit, the petitioner has to operate the property conformance with the proposed site plan. If the petitioner does not construct the berm or put landscape in as illustrated on the Site Plan, then they would not be in conformance with the Special Use Permit.

Ms. Stake asked if the proposed property would be part of a Tax Increment Finance District. Mr. Myers said no. He explained that the proposed property would be part of the City's Enterprise Zone, and it would provide an opportunity for the petitioners to get sales tax rebated for any materials purchased in the State of Illinois.

Ms. Stake questioned whether any corporation builds anything without using incentives to do so nowadays. Chair Pollock pointed out that Wal-Mart did.

Ms. Stake wondered how much tax money the City would be losing. Mr. Myers stated that the property value of the proposed site would increase substantially, and it would be brought into the City's limits. Therefore, the City would collect property taxes which otherwise we would not receive without annexation. In terms of unrealized sales tax due to the Enterprise Zone, he did not know.

Mr. White noticed that the majority of the proposed property falls under the Champaign School District. Mr. Myers stated that this is correct. Mr. White questioned whether the petitioner could petition to have the school district boundary lines adjusted so that the proposed property would then fall under the Urbana School District rather than the Champaign School District. Mr. Myers recalled from the annexation agreement that Champaign Asphalt will be obligated to petition the school districts to change the boundaries. However, this does not mean that the school districts will approve their petition. Chair Pollock added that this would not be the first time the Champaign School District has denied such a request. One of the reasons why Olympian Drive has not already been constructed in the Urbana area is because of a disagreement with school district boundaries. In the past, the Champaign School District has decided not to make adjustments to the boundaries.

Mr. Myers mentioned that it is further complicated by the existence of a Metro Zone agreement which deals with sharing of some property taxes for this area between Champaign and Urbana. He does not know the details of the agreement. Chair Pollock wondered if the entire proposed site falls under this Metro Zone agreement. Mr. Myers said yes.

Mr. Ward understood there to be a difference between a case where one school district asks another school district to adjust the boundaries and a case where a property owner asks that their property be detached from a school district. In the first case, it is up to the school districts to decide. In the second case between the school district and the property owner, the Regional Board of Education has jurisdiction over it. Although he is not sure of the process itself, he does know that they are two separate processes. Mr. White stated that this was his understanding as well.

Mr. Fitch asked if the City is planning to pay for the cul-de-sac and would be maintaining it afterwards. Mr. Myers replied that as a subdivision falling under the Subdivision and Land Development Code, the developer pays for any public improvements to serve their development. The City anticipates that the petitioner will extend the cul-de-sac approximately 300 feet and to the City's standards. The street would then be dedicated to the City of Urbana, and the City would maintain the street.

Mr. Grosser wondered if the existing bump out in the cul-de-sac where drivers currently turnaround would continue to exist after they extend the street. Mr. Myers said no. City staff would have to request that the City Council approve a right-of-way vacation where the current turnaround is located.

With no further questions from the Plan Commission members for City staff, Chair Pollock opened the public hearing for the public to speak.

Tom Jordan, of FOTH Infrastructure, replied to some of the questions and concerns that the Plan Commission had expressed. Regarding the height of the berm, there is an abundance of topsoil onsite to construct the berm. They will make it as high as they can to get rid of the dirt. Another factor to keep in mind is that the land to the east is significantly lower, so when you look up at the proposed site, it would not take a very high berm to visually cut off the site from the east.

He discussed the site plan. It is the petitioners' intent to locate their office and maintenance buildings on the east side. Therefore, properties to the east will visually be cut off from the asphalt plant by not only the berm but the buildings for the site as well.

Another good question is about the cul-de-sac turnaround. It has been designed as if the crown were going to be extended in the future. So they can cut the berm off and still have a normal street. When the eastern portion is lopped off, there will be a curb built along there that looks like it was always planned to be that way.

Ms. Stake commented that she is pleased to see that the Champaign Asphalt will be located by the railroad. They will be able to have transportation access to both the railroad and the highway. Mr. Jordan remarked that if the City of Urbana had a choice of all places to have an asphalt plant, they would probably have chosen this site as well.

Ms. Stake inquired about whether there is a problem with pollution. Mr. Jordan responded by saying that the petitioners would be operating under a state permit so they would be limited. As Mr. Myers already pointed out, the petitioners are currently operating in the inner city of the City of Champaign. Therefore it is already monitored very closely.

Mr. Grosser inquired about the rectangular line drawn on the berm on the site plan. Does this represent a fence? Mr. Jordan stated that they will design the berm with at least an eight-foot wide top, so that it will be easier to mow. The rectangular line drawn on the site plan only represents the top of the berm.

Chair Pollock noticed that the proposed site does not abut onto the right-of-way of the railroad. So, how will Champaign Asphalt get access to the railroad? Mr. Jordan explained that Champaign Asphalt's sister company, Emulsicoat, has a rail access on their land should it be needed. He pointed out that Emulsicoat's property is juxtaposed to the proposed site up to the tributary of the Saline Branch Drainage Ditch. They also own the land to the south.

Chair Pollock commented that moving the Emulsicoat operation is appealing because it is currently located between two residential areas. When Emulsicoat expanded 10 to 15 years ago, they added a large amount of equipment and tanks. There was a very serious smell that came out of there. To Emulsicoat's credit, they spent a lot of money on both the equipment that they used to unload and load the rail cars and on their own tanks in terms of pollution control. The EPA found that the smell was not toxic and stated that they could not regulate it. He asked how close is the nearest residential property to the proposed site. Also, will Emulsicoat continue to use equipment that helps abate the smell? Mr. Jordan explained that Emulsicoat's current operation is already in place. He referred the question to Joe Lamb.

Chair Pollock questioned if once the proposed site is developed, then does Champaign Asphalt plan to close down their operation in the City of Champaign?

Joe Lamb, representative of Champaign Asphalt, stated that Emulsicoat's new operation is handling more of what they are doing. The tanks and the layout are state-of-the-art, and they have environmentally the latest and greatest equipment there is.

He talked about the berm. As part of their purchase agreement with Squire Farms, there is also a requirement to plant either Blue Spruce or Evergreen trees along the entire east side of the property in conjunction with the berm.

Regarding dust control, Mr. Lamb stated that all of their facilities, while it is not required in the State of Illinois, have dust control systems called "bag houses." They store all the dust contained in hundreds of individual bags within the facility. These bags are changed out in time to eliminate the dust factor. He also mentioned that over 20 percent of the materials they use are recycled.

Mr. Grosser wondered if the petitioner is planning on changing their name from "Champaign Asphalt" to "Urbana Asphalt"? Mr. Lamb stated that their primary asphalt plant has been in Champaign on Oak Street for over 60 years. The neighborhood has grown up around their

company. However, their office has been in the City of Urbana since 1972, which is just down the road from the plant. It is funny because as you go north on Oak Street, you are in the City of Champaign until just past the plant, then you enter Urbana Township up to their office, and then you are in the City of Urbana.

Chair Pollock inquired about the process in decoupling from the Champaign School District. Mr. Lamb replied that the Metro Zone is a bit of a mystery to everyone. They spoke with the City of Champaign about a possible redevelopment of their present location at Fourth and Oak Streets. Finding someone that has a pretty good command of the metro zone has been a chore, but his understanding is that similar to the First Street Metro Zone that was split 70-30 Champaign's way, the Metro Zone covering the entire proposed site is split 70-30 Urbana's way.

With no further questions for the petitioner or the engineer, Chair Pollock closed the public input portion of the hearing.

Chair Pollock asked how close to the proposed site is the land designated as "Residential" to the east. Mr. Myers answered by saying that scaling from the map available to him, the closest point between the eastern property line and the point that shows on the Future Land Use Map for future "residential" appears to be 1,700 to 1,800 feet. Chair Pollock inquired as to whether there are already any existing residential dwellings in that area. Mr. Myers replied no except that City staff has been talking with a property owner who is interested in developing about 7 or 8 estate size lots along the Saline Branch Drainage District. This development would be located about 2,000 feet from the eastern property line of the proposed site.

With no further questions for City staff, Chair Pollock opened the public hearing for Plan Commission discussion and action.

Mr. White moved that the Plan Commission forward Plan Case No. 2056-M-07 and Annexation Case No. 2007-A-03a to the City Council with a recommendation for approval. Mr. Ward seconded the motion.

Mr. Grosser commented that this is a great location for an asphalt plant. Realistically, this is exactly what the City wants to happen on the proposed site. He likes to see industry move from the City of Champaign to where they want it in the City of Urbana. He also hopes that the School District issue works out in our favor as well.

Ms. Stake expressed that she is also happy to see some industry in the City of Urbana.

Roll call was taken on the motion and is as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.

Mr. Myers said that this case would go before the City Council on December 17, 2007.

## 6. OLD BUSINESS

**Plan Case No. 2057-S-07: A request by Squire Farms to approve a combined Preliminary/Final Plat for Squire Subdivision No. 1 and a General Area Plan, generally located north of Saline Court and west of North Lincoln Avenue.**

Robert Myers, Planning Manager, presented the proposed plat to the Plan Commission. He noted that the petitioner is Squire Farm. This case involves the same property that the Plan Commission just discussed in Plan Case No. 2056-M-07 and Annexation Case No. 2007-A-03.

He gave a brief description of the site. He talked about how a General Area Plan is a plan that helps show the development in a coordinated fashion when only a portion of a larger property is being developed. The proposed General Area Plan shows the Squire Subdivision No. 1 and how it relates to the future roadway network, which conforms to the Mobility Access Plan included in the 2005 Comprehensive Plan.

Normally a 24-acre tract would need two to five points of access depending on how intensively it would be developed. In this case, the proposed subdivision is one lot to be used by a single, extensive user, meaning that they will be using larger areas and will have outdoor storage. It is quite different from access needed for a 24-acre residential subdivision. He mentioned that the only viable point of access to the proposed subdivision is Saline Court. Someday the petitioner may build a second point of access from the future extension of North Lincoln Avenue.

Mr. Myers pointed out that the City's Building Safety Division, Public Works Department, Fire Department and the Planning Division staff reviewed having one point of access and found it to be acceptable.

He discussed the proposed plat. He mentioned that one component of getting the proposed subdivision approved is that Saline Court would have to be extended across someone else's land. Another piece of the project is that the subdivision plat needs to be filed after the right-of-way is accepted. The City does not want to create a landlocked property, so timing of each piece of the project is important.

The petitioner has requested two subdivision code waivers. One is for the length of the cul-de-sac, and the other waiver is for the amount of the cul-de-sac traffic. He reviewed the waiver criteria and analysis of the City staff. He read the options of the Plan Commission and presented staff's recommendation, which is as follows:

*Staff recommends that the Plan Commission approve the General Area Plan as submitted. Additionally, staff recommends that the Plan Commission recommend approval of the Squire Subdivision No. 1 Preliminary/Final Plat with the following waivers from the Subdivision and Land Development Code:*

1. *Waiver from Section 21-36(C)(2) which imposes a maximum 1,000 foot length for cul-de-sac streets serving industrial developments. The existing cul-de-sac*

*length is  $\pm$  1,200 feet, and the applicant proposes to extend the cul-de-sac length to approximately 1,500 feet.*

- 2. Waiver from Section 21-36(C)(2) which limits cul-de-sac streets to a maximum of 250 vehicles per day.*

*And the following condition for approval:*

- 1. Submittal and formal acceptance by the Urbana Public Works Director of a right-of-way dedication for an extension of Saline Court.*

Mr. Grosser inquired as to what the dotted line on the General Area Plan represents. Does this show the area that the petitioner intends to acquire in the future? Mr. Myers explained that the dotted line shows the entire Squire Farm holdings.

Mr. Fitch stated that while reading the traffic analysis, he noticed that the asphalt company may double the traffic. Ultimately, there may be a number of 2,300 vehicles using the road per day. Does this anticipate development or occupancy of the entire area? Is there any timetable? Mr. Myers recalled that the traffic projection of 2,300 is for full development build out.

Tom Jordan, of FOTH Infrastructures, approached to speak on the subject of the traffic count. He said that the traffic impact analysis was prepared for the transfer station. At the time, the transfer station was located on Saline Court, and the rest of the industrial use in that general area was unknown. So, the basis by which the traffic was projected for Saline Court was a design document that was published by the Institute of Traffic Engineers. It has general information for industrialized uses and estimates average daily traffic and peak hours in the AM and PM movement. Therefore, it is a guess of how much traffic will be using the road on a daily basis based on the information in the traffic impact analysis.

Mr. Fitch stated that he is more concerned about the long-term traffic needs and whether the single access point will be adequate in the future. Mr. Jordan replied that his best guess is that the traffic count will not get near 2,300, because there is very little land left to subdivide on Saline Court. So, the current traffic count is pretty much what it is. To go back and do more traffic counts would be more of an academic exercise than a realistic return.

Mr. Fitch wondered what the traffic count would be approximately. Mr. Jordan answered by saying the asphalt company would generate about 400 vehicular trips per day. The speculation about what the other users might be on Saline Court would be just speculation, but one would think when looking back of the events and the occupants of the properties since the traffic impact analysis was done, one would judge that it would decrease dramatically. Now, this is the total traffic count, and the City's code says that we are restricted to a certain number of vehicles per day. He suggested that the City of Urbana take another look at this part of the code, because the restricted number seems to be a capricious number that may not have any practical application.

Mr. White commented that an industrial subdivision is a lot different than a residential subdivision with children playing in the street and cars parked along the side. Mr. Jordan agreed. The text in the City's code just says vehicles. It is silent on the types of vehicles, the nature of



having professional drivers and all the factors that come into play. Keeping this in mind, the City might want to take a look at the code and increase the number of vehicles allowed per day in industrial subdivisions.

Ms. Stake asked who would be constructing the extension of North Lincoln Avenue. Mr. Jordan replied that the proposed site will not actually touch North Lincoln Avenue. The previous subdivider installed Lincoln Avenue up to an agreed upon point with the City of Urbana. So, the public, in some way, will be responsible for constructing the extension of North Lincoln Avenue up to Olympian Drive. It will probably be more funded by the Federal government than by the City of Urbana or the State of Illinois.

Ms. Stake inquired as to what the possibility is that trucks will be going south to the City and to residential areas. Mr. Jordan responded that the trucks will go where the product is needed. The product is typically needed on the highways and out on the fringe of the urbanized area. Chair Pollock added that if a neighborhood or the City decides to pave a street, then one might see some of the trucks. Otherwise, no one will see the trucks. Mr. Jordan pointed out that just because the company seeks economy does not mean they will choose the most direct route. They will choose the most secure route for the trucks to get to their destination.

Mr. Fitch questioned who owns the strip of land between where Saline Court currently ends and where the proposed property is located on the south side. Mr. Myers replied that Emulsicoat owns the land.

With no further questions, Chair Pollock opened the item up for Plan Commission discussion and action.

Mr. White moved that the Plan Commission approve the General Area Plan, and recommend approval of the combined preliminary and final plat for Squire Subdivision No. 1 to the City Council along with the two waivers and the one condition as recommended by City staff. Ms. Burris seconded the motion.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.

Mr. Myers said the combined preliminary/final plat would be presented along with the Plan Commission's recommendation for approval on December 17, 2007.

## **7. NEW PUBLIC HEARINGS**

There were none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following topics:

OASS Text Amendment – The City Council approved the revised Sign Code and Billboard Ordinance. As a result, Adams Outdoor Advertising has officially offered to withdraw their lawsuit based on this new ordinance. Mr. Myers explained how the new ordinance is mostly the same as that recommended by the Plan Commission other than three specific changes. City staff would get copies of the approved ordinance mailed to the Plan Commission in the near future.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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Robert Myers, AICP  
Secretary, Urbana Plan Commission