

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(To Allow a Concrete and Asphalt Recycling Plant Located on the North Side of Somer Drive West of North Lincoln Avenue in the IN, Industrial Zoning District / Plan Case No. 1918-SU-04, Apcon Corporation)**

WHEREAS, Apcon, Inc. has submitted an application in Plan Case No. 1918-SU-04 to request a Special Use Permit to allow a concrete and asphalt recycling plant located on the north side of Somer Drive west of north Lincoln Avenue 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 March 10, 2005 concerning the petition filed by the petitioner in Plan Case No. 1918-SU-04; and

WHEREAS, on March 10, 2005, the Urbana Plan Commission voted 5 ayes and 2 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 to allow the establishment of a concrete and asphalt recycling plant located on the north side of Somer Drive west of north Lincoln Avenue 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 conditions of the Special Use Permit shall be binding on Apcon Corporation, its subsidiaries, affiliates, and assigns including but not limited to, Apcon Corporation; Mid-America Recycling, Co.; Mid-America Sand and Gravel Company; Urbana Concrete and Recycling Co.; University Construction; and MACC of Illinois, Inc., and that the term "Petitioner" used in the Special Use Permit and conditions shall apply to all these companies, their subsidiaries, affiliates, and assigns.

2. 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) of asphalt and concrete material.

3. There shall be no asphalt or concrete batching, or tar storage or processing permitted on the site.

4. The layout of the site shall be reconfigured to resemble Exhibit "G" Site Diagram, which illustrates setbacks, fencing, landscaping/buffers and access, within 180 days of approval of the Special Use Permit. 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. An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared to 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. The site shall be graded and reconfigured in substantial conformity with the plans as approved within 180 days of approval of the Special Use Permit.

6. In accordance with Exhibit "G" Site Diagram, the site shall be reconfigured and the following setbacks shall be established and maintained. There shall be no storage of materials within the setbacks.

a. 25-foot setback on the east property line along Lincoln Avenue;

b. 25-foot setback on the south property line along Somer Drive;

c. 25-foot setback along the north and east property lines that abut the legally non-conforming residential land use (Squire Property);

d. A minimum 25-foot setback along the top of the east embankment of the Saline Branch Ditch. A continuous line of jersey barriers shall be placed to delineate a minimum 25-foot setback line along the embankment.

7. In accordance with Exhibit "G" Site Diagram, an opaque fence at least 6 feet in height shall be installed along the south property line along Somer Drive with openings at the three permitted access drives within 180 days of approval of the Special Use Permit.

8. A landscape plan 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. The approved elements of the landscape plan shall be established within 180 days and at a minimum shall include the following provisions:

a. The east property line along Lincoln Avenue shall be screened with either a six-foot high opaque fence or a berm. If the Petitioner utilizes the existing berm for screening, it shall

be cleared of any existing concrete or asphalt debris and shall be planted and maintained with either grass or ground cover material.

b. There shall be a minimum of 20 living evergreen shrubs planted and maintained in a living condition east of the fence or berm along Lincoln Avenue.

9. In accordance with Exhibit "G" Site Diagram, there shall be three access drives permitted from Somer Drive. 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. 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 eastern most access drive shall be no wider than 35 feet at the property line and shall generally align with the existing eastern drive to Blager Concrete on the south side of Somer Drive;

b. The central access drive shall be no wider than 35 feet at the property line and shall generally align with the existing western drive to Blager Concrete on the south side of Somer Drive;

c. The western access drive shall be no wider than 24 feet at the property line and shall generally align with the existing drive to Temple Trucking on the south side of Somer Drive.

10. The curb along the north side of Somer Drive that the petitioners have removed or damaged, and where access drives are closed shall be reconstructed to the standards required by the Urbana Subdivision and Land Development Code and to the satisfaction of the City Engineer within 180 days of approval of the Special Use Permit.

11. That all areas of public right-of-way along Somer Drive that the petitioners have encroached into and damaged be graded and seeded with grass, to the satisfaction of the City Engineer within 180 days of approval of the Special Use Permit, and shall be maintained by the Petitioner.

12. That the Petitioners apply for and obtain a construction permit from the City of Urbana Building Safety Division to extend a water service line installed by the Petitioners and terminating in the public right-of-way on Somer Drive. The water line shall be extended to a point inside the fencing required above, and the extension shall be constructed within 180 days of approval of the Special Use Permit.

13. That the Petitioners are required to control dust consistent with EPA requirements.

LEGAL DESCRIPTION:

PART OF THE SE 1/4 OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., MORE PARTICULARLY DESCRIBED AS BEING LOT 2 OF PLAT OF SURVEY FOR ILLINOIS CENTRAL RAILROAD COMPANY OF A PART OF THE EAST 1/2 OF THE SE 1/4 OF SECTION 31 AND THE WEST 1/2 OF THE SW 1/4 OF SECTION 32, T. 20 N., R. 9 E. OF THE 3RD P.M. AS PER PLAT RECORDED IN PLAT BOOK T AS DOCUMENT 773352, AS AMENDED BY INSTRUMENT RECORDED JANUARY 20, 1969 AS DOCUMENT 787599, IN THE OFFICE OF THE RECORDER, CHAMPAIGN COUNTY, ILLINOIS, AND

THAT PART OF LOT 3 OF THE AFORESAID PLAT OF SURVEY FOR ILLINOIS CENTRAL RAILROAD COMPANY, AS AMENDED, LYING NORTH OF THE RIGHT-OF-WAY FOR

SOMER DRIVE, SAID RIGHT-OF-WAY RECORDED IN BOOK  
2104 AT PAGE 573 AS DOCUMENT NO. 94R 8718 IN  
THE OFFICE OF THE RECORDER, CHAMPAIGN COUNTY,  
ILLINOIS,

EXCEPT,

COMMENCING AT THE SOUTHEAST CORNER OF THE SE  
1/4 OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD  
P.M.; THENCE N. 00°18'52" W., ALONG THE EAST  
LINE OF THE SE 1/4 OF SAID SECTION 31, 1,159.60  
FEET TO THE NORTH RIGHT-OF-WAY LINE OF SOMER  
DRIVE RECORDED IN BOOK 2104 AT PAGE 573 AS  
DOCUMENT NO. 94R 8718 IN THE OFFICE OF THE  
RECORDER, CHAMPAIGN COUNTY, ILLINOIS, SAID  
POINT BEING THE TRUE POINT OF BEGINNING; THENCE  
S. 89°27'08" W., ALONG SAID EXISTING NORTH  
RIGHT-OF-WAY LINE, 62.00 FEET; THENCE N.  
44°27'08" E., 49.53 FEET TO A POINT ON CURVE;  
THENCE NORTH, ALONG A CURVE TO THE LEFT, CONVEX  
TO THE EAST WITH A RADIUS OF 6,560.65 FEET, A  
DISTANCE OF 91.04 FEET TO A POINT OF TANGENCY;  
THENCE N. 00°18'52" W., 217.63 FEET TO THE  
SOUTH LINE OF THE NORTH 11 RODS OF THE EAST 14  
1/2 RODS OF THE SOUTH 102.1 RODS OF SAID SE 1/4  
OF SECTION 31; THENCE N. 89°44'56" E., ALONG  
SAID SOUTH LINE, 26.49 FEET TO THE AFORESAID  
EAST LINE OF THE SE 1/4 OF SECTION 31; THENCE  
S. 00°18'52" E., ALONG SAID EAST LINE, 343.55  
FEET TO THE POINT OF BEGINNING, CONTAINING  
9,753 SQUARE FEET (0.224 ACRES), MORE OR LESS,

ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN  
COUNTY, ILLINOIS,

AND EXCEPT,

COMMENCING AT THE SOUTHEAST CORNER  
OF THE SE 1/4 OF SECTION 31, T. 20 N., R. 9 E.  
OF THE 3RD P.M; THENCE N. 00°18'52" W., ALONG  
THE EAST LINE OF THE SE 1/4 OF SAID SECTION 31,  
1,684.65 FEET TO THE NORTHEAST CORNER OF THE  
NORTH 11 RODS OF THE EAST 14 1/2 RODS OF THE  
SOUTH 102.1 RODS OF SAID SE 1/4 OF SECTION 31,  
SAID POINT BEING THE TRUE POINT OF BEGINNING;  
THENCE S. 89°44'56" W., ALONG THE NORTH LINE OF  
SAID NORTH 11 RODS OF THE EAST 14 1/2 RODS OF  
THE SOUTH 102.1 RODS OF SAID SE 1/4 OF SECTION  
31, 26.49 FEET; THENCE N. 00°18'52" W., 8.81  
FEET TO THE NORTH LINE OF THE AFORESAID LOT 2  
AS SHOWN ON PLAT OF SURVEY FOR ILLINOIS CENTRAL  
RAILROAD COMPANY; THENCE N. 89°27'08" E., ALONG  
SAID NORTH LINE OF LOT 2, 26.49 FEET TO THE  
AFORESAID EAST LINE OF THE SE 1/4 OF SECTION  
31; THENCE S. 00°18'52" E., ALONG SAID EAST  
LINE, 8.95 FEET TO THE POINT OF BEGINNING,  
CONTAINING 235 SQUARE FEET (0.005 ACRES), MORE  
OR LESS, ALL SITUATED IN THE CITY OF URBANA,  
CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCEL #s: 91-15-31-400-023 and  
91-15-31-400-030

LOCATED AT: The North side of Somer Drive west  
of North Lincoln Avenue, 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 21st day of March,  
2005.


AYES: Alix, Chynoweth, Hayes, Patt, Roberts, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 24th day of March

2005.

  
Phyllis D. Clark, City Clerk

James H. Hayes Jr.  
Tod Satterthwaite, Mayor

JAMES H. HAYES, JR., MAYOR PRO-TEM