

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

**(To Allow the Establishment of a Concrete Recycling Operation
in the IN, Industrial Zoning District at 3201 North Lincoln Avenue,
Plan Case No. 2021-SU-06 / Cross Construction, Inc.)**

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

WHEREAS, this use is not specifically listed under Table V-I of the Zoning Ordinance Table of Uses, but is allowed by Special Use Permit under the category of "all other industrial uses"; and

WHEREAS, all applicable development regulations are intended to be met by the petitioner, including those involving setbacks, drainage, and vehicular access considerations; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on November 30, 2006 concerning the petition filed by the petitioner in Plan Case No. 2021-SU-06; and

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

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

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

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

WHEREAS, on November 30, 2006, the Urbana Plan Commission voted 7 ayes and 1 nay to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the establishment of a concrete recycling operation located at 3201 North Lincoln Avenue in the IN, Industrial Zoning District as described in the legal description and attached Site Development Plan and with the following conditions upon approval:

1. The activity on the site shall be limited to the storing, stacking, piling, sorting, recycling (including but not limited to crushing, grinding and sifting), transporting, loading and unloading of concrete material; the continued use for contractor storage; and the continued use as mini-warehouses.

2. The layout and operation of the facility shall conform to the general layout shown on the attached Site Development Plan.

3. An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code. The plans shall be prepared and revised as necessary to meet the approval of the

City Engineer within 90 days of approval of the Special Use Permit.

4. The site shall establish and maintain the following setbacks as depicted in the attached Site Development Plan. There shall be no storage of materials or other operational activities conducted within these setbacks:

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

b. A minimum 35-foot setback along the top of the east embankment of the Saline Branch Ditch.

5. An opaque fence at least 6 feet in height shall be installed along the east property line along Lincoln Avenue and extending along the south property line to a match point with the existing privacy fence on the Squire properties. The required fence shall provide any openings or gates at the permitted access drives and shall be erected within 180 days of approval of the Special Use Permit, in accordance with attached Site Development Plan. Should the existing fence on the residentially used parcel to the south of the site be removed, the petitioner agrees to extend a privacy fence along the southern property boundary of his site for the length of the residentially used parcel.

6. A landscape plan to provide for improved screening along the Lincoln Avenue frontage of the property shall be developed in consultation with the City Arborist and the staff of Community Development Services within 90 days of approval of the Special Use Permit and shall be established within 180 days of approval of the Special Use Permit. The landscape plan shall indicate that the property will be screened from view from Lincoln Avenue and from the adjacent residence.

7. There shall be no more than two access drives permitted from Lincoln Avenue. A driveway access permit shall be obtained from the Urbana Public Works Department and the location of the access drives shall be approved by the City Engineer, in accordance with the attached Site Development Plan. The access drives shall be constructed to the standards of the Urbana Subdivision and Land Development Code and the following provisions within 180 days of approval of the Special Use Permit:

a. The northern access drive shall be no wider than 35 feet at the property line. The existing concrete surface at this location is deemed acceptable.

b. The southern access drive shall be located at least 150 feet north of the southern property line.

c. The southern access drive shall be widened to a maximum of 35 feet at the property line, and shall be paved with concrete and elevated to be higher than the rest of the site to preclude runoff from the site down the access drive.

d. The southern entrance to the site shall be improved onto the site such that materials from the site are not tracked onto Lincoln Avenue by vehicles entering and leaving the site.

8. The Special Use Permit shall expire upon such time as Cross Construction permanently establishes its concrete recycling operation at another site.

9. The petitioner shall obtain any necessary permits from the Illinois Environmental Protection Agency that may be required to address noise, dust, air and water quality concerns.

10. Should the industrial use to the south be discontinued and redeveloped to a lesser intensity use, the petitioner shall erect a six-foot high opaque fence along the entire southern portion of his property, in conjunction with this adjacent property, and if deemed necessary by the Zoning Administrator.

11. Any crushing or grinding of materials taking place north of the adjacent residential property shall take place no less than 25 feet from the petitioner's south property line.

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

LEGAL DESCRIPTION:

LOT 1 OF A SURVEY FOR THE ILLINOIS CENTRAL RAILROAD COMPANY OF PARTS OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 31, AND THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT RECORDED IN PLAT BOOK "U" AT PAGE 207;

AND A PART OF LOT 8 OF SAID SURVEY,

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

EXCEPT PART OF LOT 1 OF SAID SURVEY;

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

PERMANENT PARCEL Nos.: 91-15-31-400-033

LOCATED AT: 3201 North Lincoln Avenue, Urbana, Illinois

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 11th day of December,
2006.


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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 15th day of December,

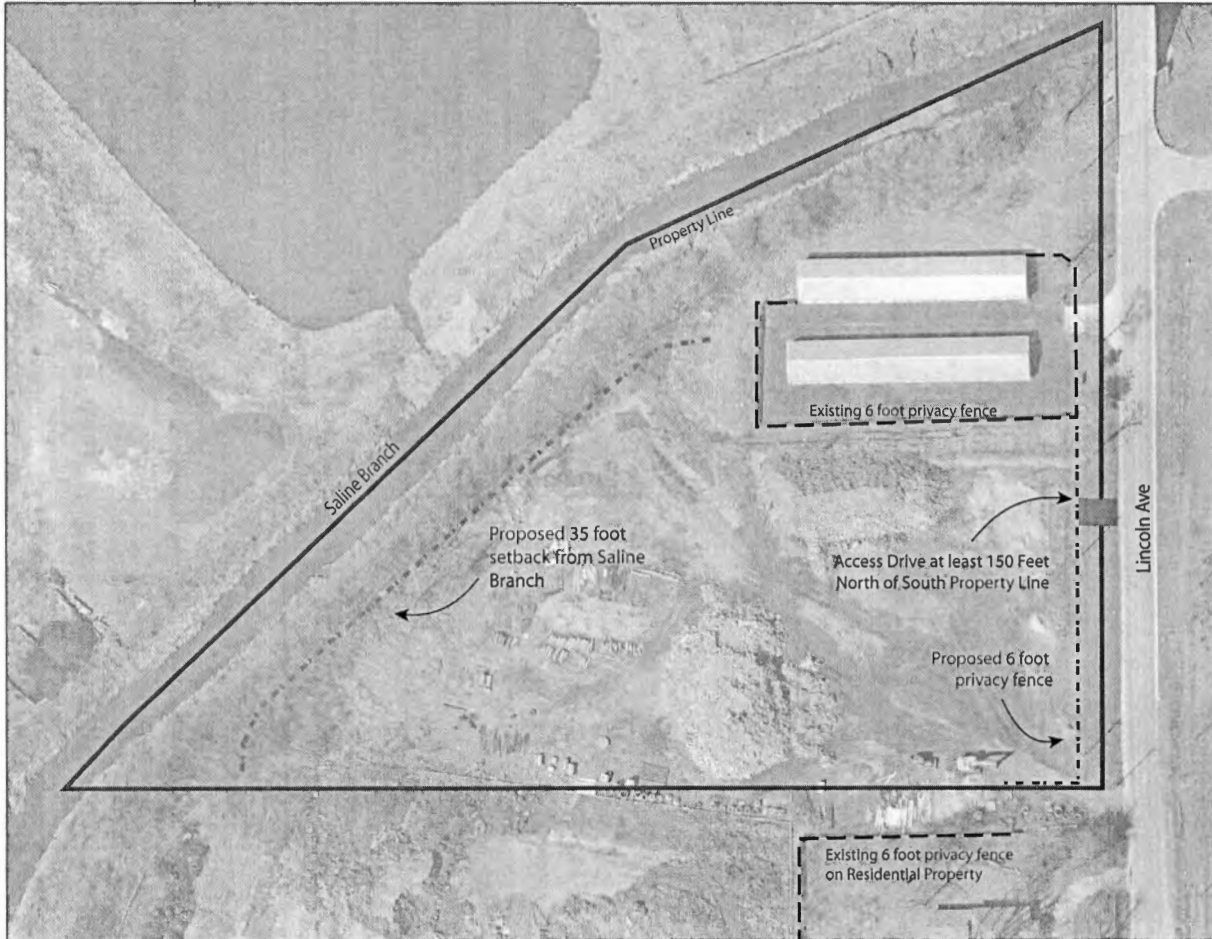
2006.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
by *Robert J. Robert*
Robert J. Robert, Deputy Clerk
Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]

Exhibit G: Site Development Plan



Created by Community Development Services on 11/22/2006 - mhw