



**DANVILLE AREA
PLANNING & ZONING COMMISSION
MEETING**

Minutes September 3, 2020

Members in Attendance:

Tracy Taylor – Chair
Adam Brown
Michael Hall
Ted Vacketta Jr.
Troy Savalick
Justin Fleming
Pete Goodwin

City Representatives:

Logan Cronk
Natasha Elliott

I. Call to Order, Roll Call & Declaration of Quorum

- a. Chair Taylor called the meeting to order at 5:15pm with declaration of a quorum.

II. Announcement that the P&Z Commission is Advisory to the City Council

- a. Announcement made.

III. Approval of Agenda: 9/10/2020 with amendment

- a. *Motion:* Goodwin *Second:* Vacketta *ALL:* AYE

IV. Approval of Minutes: 06/04/2020

- a. *Motion:* Goodwin *Second:* Savalick *ALL:* AYE

V. General Oath of Audience

- a. All in attendance were sworn-in.

VI. Items of Information

- a. None

VII. Public Hearings

- a. **Major Variance #345** – Lumber Salisbury, LLC is requesting approval for two Major Variances be granted on 1 Logan Ave. for an 8.74' front yard setback and a 5' side yard setback.

- i. **Speaking on behalf of the petition:** Chris Oswald – Attorney from Peoria Illinois and I have the owner – Brad Joseph available as well to answer any questions you might have. What we have is an irregular, triangle shaped lot. It is comprised of several historically smaller lots and a vacated alley. In the packet, you will see where an engineer submitted several drawings to show how some of those lots came together. It is an odd parcel to develop. It will be a 3200 sq. ft. box for a medical office building and the necessary parking. In order to execute the site plan, on Logan, the corner of the parking lot will need to come in a little bit further to 8.74'. Only the parking lot will be there. The other portion is the northern boundary line where we are looking for a 5' rather than a 10' setback from the neighboring property to get the correct lanes of parking in there. They currently run together. There was previously a gas station or laundry mat on the other side. The pavement or asphalt from the neighboring to the north and the gravel/what's left of pavement on our current property currently run together. There will be a big improvement when finished. The neighboring uses are compatible with this. It is

surrounded by commercial property. To the west, on Logan, are wooded/unknown lands. We believe it will be a good business for this community and a good use of this property.

- ii. **Chair Taylor:** What is the development timeframe?
- iii. **Brad Joseph:** Assuming we get all of the approvals needed to close on 9/15, it will take approximately 60 days to erect so approximately 120 days from start to finish.
- iv. **Chair Taylor:** Do you have any idea what the hours of operation will be?
- v. **Joseph:** We have had other locations that we have done that operate from 8am to 7pm.
- vi. **Vacketta:** Expressed operational concerns. It appears that with the placement of the dumpster enclosure - a truck servicing that dumpster would need to back out onto Logan Ave. once it has finished providing services on the property since there is no place on the site to turn around. I am very concerned about how close the drive approaches to the intersection of Main Street. Especially with the discussions that have been held about possibly eliminating the stop light at Logan and Main. That, to me, seems like it could be problematic with traffic flow. Also, with customers just coming and going – if someone is turning from Main St. north onto Logan – travelling at more than just a crawl - someone pulling out of the drive on this property – I could see there being a potential for some mishaps there. Also, with the 5’ setback of the property line, I am a little concerned about how that might impact the marketability of the property to the north to be that close to the improvements on this lot.
- vii. **Oswald:** As far as the location of the entrance – the ingress/egress is the current location of the curb cut where the ingress/egress is on this lot so we are not changing anything.
- viii. **Vacketta:** Traffic patterns have changed probably substantially since this was actually used as a business. Things have changed and I am concerned about that.
- ix. **Oswald:** As far as the proximity to the neighboring property, currently those properties are not being used for anything but they do run together. There will be a distinction between the two with the property line there and the only thing we’re closing the lot with is our parking area. The better part of that corner is for sale. There is an opportunity for others to configure their lots the way they want; but, this is the lot that we have. I believe the other business owner has ingress and egress and we are not interfering with that. They will have to configure their lot and maybe talk to you all too eventually. As for the dumpster, I’ll let Brad speak to that if he has anything to offer. We can work through some options. I will say that we have developed some of these locations and we are able to work around the dumpster issue in a way that has worked for us before. It is something to look at but our engineering firm has done a good job with all of our locations. They put it there and it does not seem we are going to have too much interference with it.
- x. **Vacketta:** They definitely shoehorned it in there.
- xi. **Joseph:** This is the lot size we have. We had 15 different site plans in my office and finalized this one with our tenant. Our engineers thought this was the best probability of access for the truck drivers. We can give it a shot and see if there is any other way to lay it out but this is an odd shaped lot and that is part of the reason why it hasn’t sold all these years is because it is very difficult to layout.
- xii. **Oswald:** I do think traffic patterns are going to lessen with the Carle project being there. I do not believe there is going to be – in my eyes – as busy of an intersection coming south or going north as Logan is going to closed going north.
- xiii. **Vacketta:** It really is hard to say. You can have more traffic going into the Carle facility.

- xiv. Oswald:** A fast food group owned this lot. I never thought they would be able to use this lot. The user of this property averages about 3 people per hour so there will not be much of a change in traffic volume.
 - xv. Taylor:** Anyone other questions? Anyone else here to speak on behalf of the petition? Anyone here to speak against the petition? If not, we will hear the city.
 - xvi. Cronk:** Staff feels the requested major variance for the setbacks on the west, north, and east sides of the property are appropriate in this circumstance. After working with a surveyor, we feel the setbacks petitioned for are adequate for current and potential uses that may come into fruition in the future. All of the zoning and code requirements will be met including the aforementioned landscape and property lines. Based on the information currently received, the Public Works Department recommends approval of petition Major Variance #345.
 - xvii. Taylor:** I do have some concern about traffic flow as Mr. Vacketta and Mr. Goodwin were saying. It is hard to determine how traffic patterns will change with the Carle project. That being said, I will entertain a motion.
 - xviii. Goodwin – Motion**
 - xix. Savalick – Second**
 - xx. Taylor:** Roll Call Please
 - xxi. Cronk:** *Taylor – Yes; Brown – Absent; Goodwin – Yes; Savalick – Yes; Vacketta – No; Fleming – Yes; Hall – Abstain*
 - xxii. Taylor:** The motion carries and will be heard again at City Council on September 15th at 6:00 in a remote meeting.
- b. Re-Zoning Petition #279 – Danville Development, LLC is requesting to re-zone the property commonly known as 204 Eastgate Drive from I2- General Industrial to B3- General Business.**
- i. Speaking on behalf of the petition:** Andrew Mudd on behalf of Danville Development LLC. In reviewing Logan’s report, the application, site plan, and engineering specs have been provided. To not belabor the point too much outside of the fact that we hope that the board sees this for what it could be rather than what it is. It is a potential anchor to develop an industrial property and make all of the surrounding parcels extremely more valuable with a higher tax base and you can develop this corridor in a commercial fashion which will immensely help that area of town. Currently this is being used a 110,000 sq. ft. structure which is vacant. There is a business operating on a smaller scale beside there. As you see on the plans, the plan is to demolish 50,000 sq ft in order to accommodate the required parking space. Pursuant to Mr. Cronk’s report, there would be no adverse effect to any of the living conditions, adjacent properties, buildings, or traffic patterns. Again, the potential for development of the tax base in that area – in my opinion – will be substantial for the city. We would ask that the board approve rezoning petition #279 from I2 to B3 at 204 Eastgate Dr. I would be more than happy to answer any questions you may have. Also, Mr. Lang is available as well to answer any questions that I do not know the answers to.
 - ii. Taylor:** Any questions? One of my concerns is the large amount of semi-truck traffic out there at this time. That does not seem to be a good mix of increased automobile traffic and semi-truck traffic out in that area. That is one of the concerns that I have about this project - although, I do not disagree that it will be a good development in that general area.

- iii. **Lang:** The entryway is long and more than accommodating and nearest to what you would see at most sites with this type of business. Also, when you look at the proposed plan, there is the possibility of a new connection, with IDOT approval, to allow vehicular traffic to enter that way to avoid any interaction with tractor-trailers or larger scale trucks.
- iv. **Taylor:** Is anyone else here to speak for or against the petition?
- v. **Michael Mervis:** As a member of the family who helped develop this area, over the last several decades, my father, our company Mervis Industries, and our affiliates have invested millions of dollars in the development of the industrial park on Eastgate. We currently own three properties down from five or more. We build spec buildings to bring new businesses into the city. We continue to operate, reusing one of our old buildings in a new function. We did so to facilitate economic development and job creation in the eastern part of Danville. Two of the properties we currently own are immediately adjacent to 204 Eastgate. In building to the south, which was once Danville Steel, we now operate our metals division. We have invested significant dollars in acquiring and outfitting part of that facility and the only facility in the United States that reprocesses a material called Duraplate – it's a trailer side. It is composite made of steel and plastic. Roughly a million pounds per month goes through that facility that we manage to keep out of the landfill. The process for that currently involves a rather large shredder. Shredders are not quiet equipment and it occupies the west side of our facility along with the cranes and the loaders that feed the shredder the material. We are investigating another upgrade to the facility that will not be any quieter but it will get the end product much more marketable and thus a better recycling product. That should be another quarter million – maybe more. Another reason why we located the scrap processing facility here is not just because we have the building but it was consistent with the surrounding uses. As the name industrial park suggests, the immediate area is dominated by industrial uses – warehouses, manufacturers, and other logistic operations. The placement of the casino in this location is wholly inconsistent with the current zoning and neighboring uses. Further it would traffic, parking, and a host of other complications for the employers and owners of the operations in that area. I am concerned that you may be approving something with the idea that IDOT *may* be approving a new entrance. I am most deeply concerned by how that entrance will be used by semis coming through it. Because many of you are unfamiliar with the paths semis take – they don't always take a logical pathway. They do not always follow the smoothest transitions through an area. They are going to be running up and down that road as they are now. Through the evenings and through the days. Adding another entrance just means another way that semis are going to be coming in and the entrance will need to be designed to accommodate this as well as other folks. This leads me to question – how many are going to get stacked up on the road? Similarly, semis that are going to weigh on our scale often que up on Lynch Rd. Now we have a semi waiting while other traffic might be trying to slide by when semis are present on what is barely a two-lane, almost unnecessarily curvy road. The challenges to surrounding businesses we've discussed is access to 204. Direct access to Lynch road will require a signalized intersection to handle increased traffic. Which means you are going to have to have break down lanes along Lynch Rd. You're also going to have to have the width and access to let semis through. Casino traffic will undoubtedly also use Eastgate Drive itself creating substantial additional burdens on the curvy roadway – complicating access for existing businesses. The existing site of 8 acres

is not large enough to accommodate a destination casino. The surrounding uses will detract from that appeal for the casino with that coming from the guy who owns two of the properties surrounding the casino. They are not necessarily attractive and endearing – they are functioning industrial sites. Because it is landlocked – it will not be visible from I-74. This is literally going to be a box with slots. If the zoning board is not aware and this shouldn't really come into your decision making but there is a zoned-appropriate site proposal to put double the number of slots on that site. They can come back to the table although we've never really seen Wilmorite because they are the third entity or the evolution of a third entity for this project. Matter of fact, they are now operating under Danville Development but yet, I don't see the name of the owner of this property on this proposal which I believe is required by the rules. It leads me to wonder – since I believe they only have an option on the property – if you rezone it to B3 – and the gaming group is not able to get their application past the gaming board – are we now stuck with B3 in an industrial area and no use? Because of the inconsistency with current zoning in the surrounding areas, the substantial traffic, and undue burden, this use will create, as well as the availability of other land that is appropriate we would request that you reject this petition.

- vi. **Taylor:** Anyone else to speak for or against the petition?
- vii. **Vacketta:** I also have some concerns that I would like to bring forward for the commission to consider. As was alluded to – Danville city ordinances do require that if a petitioner is not the property owner then a written joinder agreement signed by the titleholder of the property and notarized is supposed to be part of the petition submitted – which it was not. It also requires a traffic count – which the only mention I see regarding traffic is that a traffic study will be done. I feel that is the major obstacle for this particular property going to B3. As all of you who have been on this commission with me know, when it comes to rezoning properties, I look – not so much on the specific use but all potential uses for that zoning district. If you look at the table of uses, B3 has the most number of permitted uses of anything in the city. Things such as nursing homes, hotels, bars, or taverns, package liquor stores – it runs the gamut of anything you could possibly think it could be put there. The fact that this property is not absolutely guaranteed to get this particular use and gets zoned B3, then the current property owner or anyone who decides to buy it could put one of these uses on there and not have to get approval from the city anymore. So, it's incompatible with an industrial area to consider B3 for this particular property. If you look right across the street there is a 19 acre property that is zoned B3 with nothing developed there. It was zoned B3 so that everything on that side continuing on to the north could be developed as general business – which makes sense. There is no industrial development on that side of Lynch Rd. I think trying to shoehorn a particular use of B3 into this district is incompatible. So I want you to consider that it is not just this particular use that the petitioner is bringing forward but any B3 use on this property. I work on this end of town and all day long you see semi traffic going up and down this road all day long. If you go to any facility that might be serving alcoholic beverages you have the potential there for some real problems.
- viii. **Goodwin:** Can you explain why this location was chosen for this facility?
- ix. **Mudd:** In regard to the parking space issue, I believe the City Council has already voted that the site was acceptable 12-0. The parking spaces will be located wholly within the border of the parcel that we are talking about. This is being looked at as a temporary

location. The intent of the owner is to build a new structure and retain this parcel. The reason that we ask for B3 is because it will house offices, training facility for employees, as well as storage and a testing center for new games as they come through. This is not meant to be a permanent structure. This is a temporary structure while the permanent one is being built. This site – we felt – would accommodate that on a temporary basis. Dealing with the traffic if we are able to extend the road to Lynch, it is easy to fix by putting a weight restriction on it. Therefore, you cannot drive semis on that road. Also, I was informed by the gentleman tonight that they are actually on a contract to purchase this.

- x. **Taylor:** As far as the curb cut, there have been other requests for curb cuts in the past and the city has not been interested - in the past.
- xi. **Mudd:** Given this owner, I do not believe they will have an issue with that.
- xii. **Savalick:** This last paragraph about the sanitary upgrade is kind of vague – is there any additional information on exactly how big of an upgrade is necessary for that?
- xiii. **Cronk:** Which one are you referring to?
- xiv. **Savalick:** Talking about “The upgrade to be completed in late fall 2021 as part of the agreement with the City of Danville, the petitioner will be responsible for contributing funds toward the construction of sanitary capacity upgrade”. How big of an upgrade is needed?
- xv. **Sam Cole – City Engineer:** The overall upgrade cost is currently at \$1.2 million. There is an agreement between the sanitary district and the City for that upgrade and they have made a commitment to pay for the city’s portion of that cost which would be half of it. It is a large stretch of sewer that needs to be upgraded and that would develop additional capacity for this project and for further development in this area.
- xvi. **Savalick:** Is that in special service district number 2?
- xvii. **Cole:** Yes, I think you are speaking of the drainage and the answer is yes.
- xviii. **Taylor:** Any other questions or comments? While there has been discussions about a casino coming to Danville for almost as long as I can remember, I don’t have an issue with the casino itself but again it’s location-location-location. I honestly believe that there are better locations. I understand that this is temporary at this time but again – we are left with a parcel of B3 in an I2 and at some point in the future be it ten years from now or 50 years from now – when that needs to be marketable it becomes an issue. Quite frankly I think it is the least of the problem with this particular location.
- xix. **Vacketta:** The only other thing I would like to point out to the commission is that if you look at the preliminary findings of fact – if any other developer would bring forward a proposed change of zoning that shows the preliminary findings of fact like this no one would even consider it. *Reading through preliminary findings of fact – section H for Petition 279-* (Referring to H-#4) “will not constitute an entering wedge” which I will take exception to because I believe it would be an entering wedge for B3 because everything surrounding this – I don’t count the point across the street because it is just extending it. (Referring to H-#9-10) “the development will not be injurious to the use and enjoyment of adjacent properties” – I don’t believe I can agree with that because of how it will impact traffic patterns and the businesses that are out there are highly dependent on heavy traffic and does not meet LaSalle Case criteria” – would you like to expand upon that at all?
- xx. **Cronk:** On the last point or all of them?

- xxi. **Vacketta:** No, just LaSalle Case
 - xxii. **Cronk:** Without being able to read the whole document, I do believe that is the spirit of all of these points.
 - xxiii. **Vacketta:** So, like I said, anything else that was brought forward to this group that would have findings of fact like this – I would say – no one would even consider it so just take that into consideration.
 - xxiv. **Taylor:** Any other questions or comments? From the city?
 - xxv. **Cronk:** Staff feels that the requested re-zone from I-2 to B-3 is appropriate, considering the adjacent zoning district to the South East and the lack of development in the proposed re-zoning area. Staff has the understanding that the proposed re-zone has historically been an industrial use, but considering the potential investment in to the property of 204 Eastgate, we feel a positive economic impact could be achieved. Based on the information currently available, without the benefit of additional information that may be presented at the public hearing, the Public Works Department recommends approval of the re-zoning petition #279.
 - xxvi. **Taylor:** I would entertain a motion
 - xxvii. **Goodwin:** I will motion to approve rezoning petition 279 to change it from I2 to B3 and to approve the preliminary findings of fact
 - xxviii. **Savalick:** I will second
 - xxix. **Taylor:** Roll call please
 - xxx. **Cronk:** *Goodwin – yes; Savalick – no; Vacketta – no; Fleming – no; Hall – no; Taylor – no; Brown – absent*
 - xxxi. **Taylor:** Unfortunately the petition does not pass but it will still be heard at city council. It will not be the first time city council did not agree with us.
 - xxxii. **Vacketta:** I do want to note that a rejection by this body will require a vote of 2/3rds of city council to approve it.
 - xxxiii. **Taylor:** Yes, 2/3rds of city council will need to approve it but it will be heard on the 15th at 6:00p.
- c. Items of Information**
- i. None
- d. Adjournment**
- i. **Motion to adjourn** - Vacketta
 - ii. **All** - Aye