

CASE NO. 845-AM-16 and 846-S-16

SUPPLEMENTAL MEMORANDUM #1

SEPTEMBER 15, 2016

Petitioners: Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC

Case 845-AM-16

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 846-S-16.

Case 846-S-16

Request: Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor's Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District in related zoning case 845-AM-16 on the subject property described below.

Part B: Authorize the following waiver to the standard conditions of the "Truck Terminal" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below.

Part C: Authorize the following waiver to the standard conditions of the "Truck Terminal" special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.

Location: A 7.97-acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR2700N, Rantoul.

Site Area: 7.97 acres

Time Schedule for Development: 1-2 years

Prepared by: Susan Chavarria, Senior Planner

John Hall, Zoning Administrator

STATUS

Roy and Kathryn Hatfield, 1516A CR 2700 N, Rantoul, are the neighbors with a residence directly east of the subject property. In a phone conversation on September 9, 2016, Mrs. Hatfield expressed concerns that will be written as evidence under Item 22.A. in the Case 845-AM-16 Finding of Fact and Item 8.J.(2) in the Case 846-S-16 Summary of Evidence as follows:

22. Public Comments:

- A. Roy and Kathryn Hatfield, 1516A CR 2700 N, Rantoul, are the neighbors with a residence directly east of the subject property. In a phone conversation on September 9, 2016, Mrs. Hatfield expressed the following concerns:
- (1) Regarding the proposed 55 feet separation distance between the proposed special use and their property line, she is concerned that their property value will decrease because of the close proximity. She would prefer that the 200 feet minimum be maintained as per the Zoning Ordinance.
 - (2) Regarding the proposed uses, she is concerned that there will be more empty warehouses if the petitioners construct the self-storage units. She says that there are already numerous empty warehouses in the area and wonders why they would build more.
 - (3) Regarding the earth berm and site aesthetic, she is concerned that the proposed earth berm will be an eyesore and will not be maintained. She said that there are already weeds over their heads on the property line they share with the petitioners.

The Hatfield's daughter, Julie Krattz, submitted an email received September 14, 2016 (Attachment A). She expressed concerns that will be written as evidence under Item 22.B. in the Case 845-AM-16 Finding of Fact and Item 8.J.(3) in the Case 846-S-16 Summary of Evidence as follows:

- B. Julie Krattz, daughter of Mr. and Mrs. Hatfield, submitted an email received September 14, 2016 with the following concerns:
- (1) "Part A authorized multiple.... consisting of a 'Truck Terminal, Contractors Facility with Outdoor Storage and/or Operations and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use...' The option of 'and/or Operations' does not define or disclose what the property will actually be used for. The proposal of 144 storage units without utilities can only be construed as a ruse for future use... The proposal also states that these units will be developed over time which gives the Petitioners a lot of time to change the "use" of the property as they so desire."
 - (2) "The 'Use' of the land seems to be a mystery, misrepresented or concealed. The actual future is not disclosed. Kevin Modglin admits in his letter of June 3, 2016 that the 'development intentions are very preliminary at this stage'."
 - (3) "If they are going to grind concrete as stated in an email, whether one time or in the future, drainage is a significant issue per EPA regulations. It is obvious that the Petitioners intend to grind concrete on the property. There is currently a large pile of concrete on the land. One time or not, EPA regulates the enclosure of the facility, drainage and the removal of slurry. The entire package is void of any mention of EPA compliance or permits. LRMP Policy 8.1.7 specifically states, 'The County will ensure that existing and new developments do not pollute the groundwater supply.' Ms. Chavarria directed an email to Kevin Modglin dated August 31, 2016 asking about his intent on removing the broken concrete currently on the property. His response is non responsive at best. He simply states that it will be done later in the fall or spring and is a one-time deal...nothing about how it will be removed. Page 6 addresses the dust. It states, 'Fugitive dust from the subject property is prohibited during loading and unloading and also while earth is being stored.' They cannot control the wind, which in turn will blow the dust on

the neighboring properties, both residential and farm land. With regard to noise, I am told that there are workers out there at 6:00 am. The dump trucks, diesel and earth movers are NOT quiet. I also understand that another neighbor has already complained about the damage they have done to CR2700N. My mother said it was recently repaved and is already worn down to the tar. Who will maintain and pay for the road?"

- (4) "On August 24, 2016 Mr. Modglin emails the County stating the 'trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local [sic] construction projects and "almost exclusively for Mid Illinois Concrete and Exc.' Kevin Modglin owns Mid Illinois Concrete and Excavation. Excavation requires the disposal of concrete."
- (5) "We strongly object to Part B and C of Case No. 846-S-16 addressing the waivers of the setback lines. My parents live in the house adjacent to the land in issue. This will encroach on their property. The proposed building will nearly sit on top of them and will be highly visible, trees or not. In reply to the fence, if it is currently required, why waive it? The Petitioners are bringing unknown material on the property...keep it on that property and not all over the road and neighboring resident's property."

ATTACHMENTS

- A Email from Julie Krattz received September 14, 2016

Susan Chavarria

From: juliekraat@aol.com
Sent: Tuesday, September 13, 2016 10:00 PM
To: Susan Chavarria
Cc: Connie Berry; Jamie Hitt; kkraatz@wpklawfirm.com
Subject: Re: Cherry Orchard; Case No. 845-AM-16 and 846-S-16

RECEIVED

SEP 14 2016

Follow Up Flag: Follow up
Flag Status: Flagged

CHAMPAIGN CO. P & Z DEPARTMENT

Thank you for the package of information. I received it Monday. It was a lot of information to digest in a short period of time. I know you have spoken with my mother. Since this goes to the Board "as is"..

Dear Zoning Board:

I am Julie [Hatfield] Kraatz. I am Pete and Kate Hatfield's daughter. They reside at 1516A County Rd 2700N which is the residential lot adjacent to the subject property. I just received the package concerning the zoning proposals. I was able to get through it, but I live in Fort Worth, TX and was unable to get home by Thursday. This has been bothering them for a long time. The "Special Use" addressed in 846-S-16 is of the most concern.

Part A authorized multiple.... consisting of a Truck Terminal, Contractors Facility with Outdoor Storage" **and/or Operations and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use...**" The option of "and/or Operations" does not define or disclose what the property will actually be used for. The proposal of 144 storage units without utilities can only be construed as a ruse for future use. Who on earth is going to lease a storage unit without utilities? I lived in Rantoul for a long time. The summers are hot and humid and the winters are cold. The proposal also states that these units will be developed over time which gives the Petitioners a lot of time to change the "use" of the property as they so desire.

Further, Page 4 of the Preliminary Memorandum states, "**A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 by County Board.**" Why were the neighboring landowners given four (4) days notice of the hearing if the Petitioners have another 30 days to file for a "Change of Use" Permit. The "Use" of the land seems to be a mystery, misrepresented or concealed. The actual future is not disclosed. Kevin Modglin admits in his letter of June 3, 2016 that the "development intentions are very preliminary at this stage."

Page 5 addresses drainage and noise. If they are going to grind concrete as stated in an email, whether one time or in the future, drainage is a significant issue per EPA regulations. It is obvious that the Petitioners intend to grind concrete on the property. There is currently a large pile of concrete on the land. One time or not, EPA regulates the enclosure of the facility., drainage and the removal of slurry. The entire package is void of any mention of EPA compliance or permits. LRMP Policy 8.1.7 specifically states, "The County will ensure that existing and new developments do not pollute the groundwater supply." Ms. Chavarria directed an email to Kevin Modglin dated August 31, 2016 asking about his intent on removing the broken concrete currently on the property. His response is non responsive at best. He simply states that it will be done later in the fall or spring and is a one time deal...nothing about how it will be removed. Page 6 addresses the dust. It states, "Fugitive dust from the subject property is prohibited during loading and unloading and also while earth is being stored." They cannot control the wind, which in turn will blow the dust on the neighboring properties, both residential and farm land. With regard to noise, I am told that there are workers out there at 6:00 am. The dump trucks, diesel and earth movers are NOT quiet. I also understand that another neighbor has already complained about the damage they have done to CR2700N. My mother said it was recently repaved and is already worn down to the tar. Who will maintain and pay for the road?

On August 24, 2016 Mr. Modglin emails the County stating the "trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local [sic] construction projects and **almost exclusively for Mid Illinois Concrete and Exc.**" Kevin Modglin owns Mid Illinois Concrete and Excavation. Excavation requires the disposal of concrete.

Finally, we strongly object to Part B and C of Case No. 846-S-16 addressing the waivers of the setback lines. My parents live in the house adjacent to the land in issue. This will encroach on their property. The proposed building will nearly sit on top of them and will be highly visible, trees or not. In reply to the fence, if it is currently required, why waive it? The

Petitioners are bring unknown material on the property...keep it on that property and not all over the road and neighboring resident's property.

I trust the Board will consider the entire proposal of Petitioners from both sides, not just what has been presented to them in an abbreviated version.

Julie Kraatz
3209 W. Biddison St.
Fort Worth, TX 76109
817-680-1116