



January 27, 2020

Stanley E. Nord
Elemental Properties, LLC
919 Thor Drive
Bloomington, IL 61701

RE: Development at 2012 West College Avenue

Dear Mr. Nord:

On Thursday, January 23, 2020, I was contacted by Mr. Patrick Hoban, CEO of the Economic Development Council. On your behalf, Mr. Hoban was seeking a letter relative to your tenant's use of 2012 W. College. Subsequently, we then had an opportunity to speak on Saturday, January 25, 2020 to further discuss the requested letter. During that conversation, I advised that a formal letter with detailed information would be provided in response to your request seeking permission for your tenant to operate at 2012 W. College.

Because of the proximity to single-family residential zoning, you must have a site plan approved before any development occurs on the property. As you are aware, your property is in violation of the Town's Zoning Code. You have developed the property without the required site plan, which makes that development illegal.

It is certainly legal to operate within the building (as long as that operation is allowed in an M-1 district). Since approval of the final plat in May 2019, you have significantly increased the gravel surface by possibly as much as 2 acres and have increased the occupancy of storage containers from 6 to approximately 60 units. It is my understanding your tenant is currently located and potentially operating on the new, illegal development.

Compounding the concern, it seems that development in violation of the zoning code is increasing. On January 3, 2020, the Town Planner sent you an email notifying you of the zoning violation. On Thursday, January 9, 2020, this violation and the required site plan were discussed at a meeting with you, Mr. Hoban and me. Since these January notifications, it is my understanding that the property has been further developed.

"Committed to Service Excellence"

11 Uptown Circle • Post Office Box 589 • Normal, Illinois 61761-0589
Telephone (309) 454-2444 • Fax (309) 454-9609 • TDD (309) 454-9630
www.normal.org

The site plan requirement has been repeatedly explained to you. There were multiple conversations with you and with your legal counsel on this topic in 2019. The requirement was included in the filings with both the Planning Commission and with the Town Council concerning the approval of your plat for the property. It was discussed at the April 1, 2019 Council Meeting, at which you and your legal counsel were present. It was again discussed at the May 20, 2019 Council meeting approving your plat.

Further, in an email dated May 3, 2017, almost 3 years ago, from the Town Planner to you, bullet point #3 stated "If you want to build anything on the lot, you'd need to go through Site Plan review... This is required because the property is within 500 feet of residential zoning..." In the May 20, 2019 Council packet, agenda item #10 contains 26 pages of information. Within that information, it is stated on multiple occasions that a site plan is required due to the proximity to single family residential within 500 feet to the south (Prairie Gardens Planned Unit Development).

While I understand you desire approval for your tenant to operate, and Mobile Mini's successful business enterprise is certainly of value to the community, it goes without saying that it would be improper for Town staff to purposely ignore a violation and authorize continued activity in clear violation of the Town zoning code.

It is our understanding that you are now preparing a site plan application to be filed by February 3, 2020 for the March meeting of the Planning Commission. If that application is not filed and duly pursued, then the Town will have no recourse but to pursue action to stop the violation. Additionally, there cannot be any further development on the property nor can the tenant operate in the illegally developed area until the site plan is approved in accordance with the law. Please also note that the fee memo from the Town, dated May 21, 2019, specified that you would be required to install storm-water detention on the site. This was thoroughly discussed with you and your legal counsel in May of 2019.

Lastly, during our conversation on Saturday, January 25, 2020, you inquired about the relevance of the recently adopted cannabis zoning ordinance. You stated that the cannabis zoning ordinance permitted cannabis business on your property. I've reviewed the information you referenced in our conversation; please note that cannabis ordinance is not relevant to the current zoning violation occurring at 2012 W. College. For reference, the recently adopted cannabis ordinance permits the following types of uses in M-1 zoned districts: craft grower, cultivation center, infuser, processor and transporter. These uses are prohibited within 200 feet of R-1 single family residential zoned districts. This distance, for a cannabis use, is measured from the residential property line to the business structure. The Prairie Gardens PUD property line is beyond 200' from your building, thus a cannabis business could be an acceptable type of

business at 2012 W. College as long as it meets the associated zoning code requirements. The Town's adoption of a cannabis ordinance does not void the requirement for a site plan in your current situation. Your property at 2012 W. College is zoned M-1 manufacturing. Because it is located within 500' of R-1 single family residential, a site plan is required. This, of course, is consistent with the information shared with you since 2017.

Managing the potential risks to residential properties from manufacturing uses is one of the many public purposes of zoning code requirements.

Town staff remain committed to helping you address these issues to allow your tenant to proceed and will continue to answer any questions you or your site plan preparation team may have relative to land use matters that bring your property into compliance.

Respectfully,

A handwritten signature in black ink that reads "Pamela S. Reece". The signature is written in a cursive, flowing style.

Pamela S. Reece
City Manager