TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
Planning Commission
Regular Meeting
March 7, 2019
7:00 PM

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Call to Order/Pledge of Allegiance/Roll Call
Chairman Lawson called the regular meeting of the Cortland Planning Commission to order at 7 p.m. The pledge of allegiance was recited and roll call taken by Clerk Aldis. Shown as present were Commissioners Brad Lawson, Mark Hedrick, Chad Bergeson and Leah Rowe. Shown as absent were Ben Haier, Erik Stransky and Julie Steadman. Quorum was present. Ms. Steadman arrived just after roll call.

Approval of the Agenda
Ms. Rowe moved and Ms. Steadman seconded a motion to approve the agenda as amended. An update of new developments was added for discussion purposes only to item G New Business. Unanimous voice vote carried the motion.

Approval of Minutes
Approve the minutes from the February 7, 2019 meeting.
Mr. Lawson moved and Mr. Hedrick seconded a motion to approve the minutes of February 7, 2019. Unanimous roll call vote carried the motion.

Zoning Administrator's Report
Update on PC 18-06 (Northern Illinois Fence – 50 W Maple Ave)
The recommendation of the Planning Commission was sent to the Town Board for consideration on February 25, 2019. After review and discussion, the Board made a motion to remand the subject back to the Planning Commission for further consideration. More information is needed from the applicant before the subject matter may be readdressed. The applicant is considering options at this time.

Public Hearing
PC19-01(J19-01): Request to Rezone the Southeast Corner of Somonauk Road and Cortland Center Road from C-1 (Limited Retail Business) to C-2 (General Business). Owner: Resource Bankshares, Inc. Applicant: Mario Delgado
Chairman Lawson called the public hearing to order at 7:05 p.m. Clerk Aldis read the public hearing notice into the record. The notice was published in the *Daily Chronicle* on Saturday, February 16, 2019 meeting the requirements of the law.
Chairman Lawson swore in those wishing to testify.

Applicant Presents His/Her Case

Stephanie Butler, attorney for the applicant Mario Delgado addressed the Commission. She stated that Mr. Delgado wished to rezone a property located at the southeast corner of Somonauk and Cortland Center Roads from C-1 Limited Retail Business District to C-2 General Commercial District.

Mr. Delgado had no further information to add.

Public Testimony
Only the applicant and his attorney were present.

Rebuttal
There was no rebuttal.

Staff Report
Ms. Kurtzman reviewed her staff report. She reported the property owner is Resource Banshares, Inc. The proposal is requesting to change the zoning of the subject property from the current C-1 Limited Retail Business District to C-2 General Commercial District. The property [based upon the Town's 2006 address Change] is commonly known as 380 N Somonauk Road/20 E Cortland Center Road (f/k/a 20740 Somonauk Road). The subject property is approximately three (3) acres in size and located at the southeast corner of North Somonauk Road and East Cortland Center Road. It is bounded on North Pampas Drive on its eastern side. The property is presently undeveloped and has been used for row crops. The property was annexed to Cortland in 2002 at which time it was zoned C-1. Properties immediately adjacent to the subject property are to the north – C-2; to the south Suppeland Park – P-1; to the east NeuCort Lakes Subdivision – R-2; to the west agriculture use zoned P-1; and, to the Northwest is unincorporated A-1 (agriculture district).
Ms. Kurtzman reported that the adopted Comprehensive Plan, which guides development throughout the community, includes the Uptown/Civic Center Sub-Area Plan, which provides further guidance including the area of the subject property. This plan envisions this intersection as a new dense mixed-use neighborhood, with an emphasis on pedestrian friendly uses and high-quality amenities. With regard to the annexation agreement that governs the subject property (document number 200200395), which is valid for 20 years, due to expire January 14, 2022, indicates that it is to be used and developed pursuant to the regulations of the C-1 Zoning district. Per Section 2.2(a) of this agreement the property "shall remain in effect during the term of this agreement and thereafter unless amended or varied from at the request of the owner thereof".

Comments from Professionals
There are existing engineering concerns related to the future development of this site, which would need to be addressed when the site is developed. Included were items such as driveway cuts, addressing the change in grade between the roads and the property (in some cases the road is higher than the property and in other locations the property is significantly higher than the road); and location of water mains and sanitary lines.
Ms. Kurtzman also reported that the Planning Commission had recently reviewed a request to rezone property which is directly north the of the subject property (PC 18-03: Treescape Solutions). The Commission effectively recommended denial of this request. On November 23, 2018, the Town Board accepted the applicant's request and rezoned the property to C-2.

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Ms. Kurtzman reviewed the standards upon which review should be taken with the Planning Commission.

Deliberations
Mr. Lawson asked who has jurisdiction regarding grading issues. Ms. Kurtzman replied the county highway department has jurisdiction on Somonauk Road and the Town of Cortland has jurisdiction on Cortland Center Road.

Mr. Bergeson asked if this could be done a special use. Ms. Kurtzman replied it is not a C-1 permitted use in the Code. A Contractor's Yard is permitted in C-2, I-1 or I-2. There is no option for a special use without an approved amendment to the Code. Mr. Bergeson asked if conditions could be attached to this application. Ms. Kurtzman replied in the negative.

Ms. Rowe stated that this use does not fit with the Comprehensive Plan.

Mr. Lawson asked of Mr. Delgado, what would be in this contractor's yard; would there be retail sales (store)?

Mr. Delgado: there would be a fence all around; house snow plows and landscape equipment. There would not be stock inventory on the site. The entry is anticipated to be from Cortland Center Road.

Ms. Steadman asked why type of equipment would be coming and going from the site.

Mr. Delgado stated lawn mowers, pick up trucks with trailers; not earth moving equipment.

Ms. Kurtzman stated with regard to the Comprehensive Plan that this is the anticipated area for the "new uptown". The southwest corner is anticipated for civic purposes, new town hall and library, the other three corners to provide densely populated residential areas and support services. Commercial would serve these areas. Uses anticipated are "mom and pop" type businesses, places with walkability access. C-2 is typically larger vehicle traffic generating businesses.

Motion to Close the Public Hearing
Mr. Lawson moved to close the public hearing, seconded by Ms. Rowe. Unanimous roll call vote carried the motion. 7:25 p.m.

Findings of Fact
Section 9-9-2 B 4; Town's Zoning Code Advisory Report, Finds of Fact
The Findings of Fact were read into the record by Ms. Kurtzman.

a. **Existing Use(s) and zoning of the property in question.**
   The subject property is Zoned C-1 Limited Retail Business District and has been used for agricultural purposes.
b. **Existing uses and zoning of the lots in the vicinity of the property in question.**
   The property to the north has recently been rezoned to C-2 General Commercial District and has been used for agricultural purposes; to the east of the subject property is

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NeuCort Lakes residential subdivision which is zoned R-2 Planned Unit Development; to the south is Suppeland Park which is zoned P-1 Park and Open Space. The property to the west is zoned P-1 Park and Open Space and has been used for agricultural purposes.

c. **Suitability of the property in question for uses already permitted under existing regulations.**
Developing the property for commercial purposes is appropriate as the subject property is located at the intersection of two significant roads – Somonauk Road and Cortland Center Road and public utilities are available. Any development of this property will need to addressed engineering concerns related to access.

d. **Suitability of the property in question for the proposed use.**
There are engineering concerns, such as access to/from the site, which will need to be address prior to any development of this property.

e. **The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned.**
The subject property was zoned C-1 in in 2002 when the property was annexed. Since that time the only development in the immediate vicinity of the property has been NeuCort Lakes, a residential subdivision, and the adjacent Suppeland Park.

f. **The effect the proposed amendment would have on implementation of this Municipality's Comprehensive Plan.**
The Town's "Uptown/Civic Center Sub Area Plan" (adopted in 2006) envisions this intersection as a dense mixed-use neighborhood, with an emphasis on pedestrian friendly uses and high-quality amenities. There are uses, such as those outlined in Section 9-3-7E of the Zoning Code, that are not pedestrian friendly and would not further the implementation of the Comprehensive Plan.

Mr. Lawson asked regarding item e what "immediate vicinity" means. Ms. Kurtzman stated that it subjective, it could mean 100's of feet or 1000's of feet.

Ms. Rowe moved to accept the Findings of Fact as presented, seconded by Mr. Bergeson. Unanimous roll call vote carried the motion.

Recommendation
Ms. Rowe moved to approve a Request to Rezone the Southeast Corner of Somonauk Road and Cortland Center Road from C-1 (Limited Retail Business) to C-2 (General Business), seconded by Mr. Hedrick.
Roll call vote:
Ayes: Mr. Lawson, Mr. Hedrick, Ms. Rowe, Ms. Steadman
Nays: Mr. Bergeson
Absent: Mr. Haier and Mr. Stransky

Motion carried

Unfinished Business
There was not unfinished business for discussion

New Business

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Update on new developments – Discussion only
Ms. Kurtzman reported that a case may be coming before the Planning Commission and the Town Board. She has been asked to expedite the normal schedule where possible which could mean meeting on dates other than the regularly scheduled dates. It was determined that a quorum was available for a special meeting on Thursday, April 18 to approve the minutes of the April 4, 2019 regular meeting. The commissioners were asked to check their schedules for availability of May 20 for a special meeting.

Adjournment
With no further business to discuss a motion for adjournment was entered by Mr. Lawson, seconded by Ms. Rowe. The meeting adjourned at 8:07 pm on a unanimous voice vote.

Respectfully submitted,

Cheryl Aldis
Town Clerk

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