Town of Cortland

Agenda Request

(SUBMIT FORM TO THE TOWN CLERK NO LATER THAN ONE WEEK BEFORE THE SCHEDULED MEETING)

ALL REQUESTS ARE SUBJECT TO THE APPROVAL OF THE MAYOR

☐ **RESOLUTION** ☐ **ORDINANCE** ☒ **INFORMATION** ☐ **OTHER**

DATE PREPARED: **FEBRUARY 20, 2019** **FOR MEETING ON:** **FEBRUARY 25, 2019**

DESCRIPTION/TITLE:

PC18-05 – NORTHERN ILLINOIS FENCE – REQUEST FOR A SPECIAL USE PERMIT FOR A PLANNED MIXED USE DEVELOPMENT WITH CONCEPT APPROVAL INCLUDING A MIXED USE COMPONENT CONSISTING OF A CONTRACTORS OFFICE/YARD AND TWO (2) APARTMENT UNITS. SUBJECT PROPERTY IS LOCATED AT 50 W MAPLE AVENUE ("OLD CORTLAND ELEMENTARY SCHOOL").

REQUIRED ACTION:

1) RECEIVE AND REVIEW THE PLANNING COMMISSION'S FINDINGS OF FACT AND RECOMMENDATION REPORT AND THE MINUTES FROM THEIR JANUARY 3, 2019, MEETING.

2) RECEIVE AND REVIEW ZONING ADMINISTRATOR'S REPORT TO THE PLANNING COMMISSION (INCORPORATED INTO THE PLANNING COMMISSION'S MINUTES).

3) EITHER GRANT OR DENY THE PETITIONER'S REQUEST BY TAKING AN ACTION. AS THE PLANNING COMMISSION IS RECOMMENDING DENIAL OF THE REQUEST A TWO/THIRDS (2/3) MAJORITY VOTE IS REQUIRED SHOULD THE TOWN BOARD DECIDE TO APPROVE THE APPLICANT'S REQUEST. IF APPROVED, AN ORDINANCE WILL BE BROUGHT TO THE TOWN BOARD AT A FUTURE MEETING.

COMMITTEE RECOMMENDATION:

THE PLANNING COMMISSION IS RECOMMENDING THAT THIS PROPOSAL NOT BE APPROVED.

STATEMENT OF CONCERN/SUMMARY:

ON JANUARY 3, 2019, THE PLANNING COMMISSION CONDUCTED A PUBLIC HEARING TO CONSIDER THE APPLICANT'S REQUEST FOR A SPECIAL USE PERMIT FOR A PLANNED MIXED USE DEVELOPMENT. SIX (6) RESIDENTS PARTICIPATED IN THE HEARING EITHER BY SPEAKING AT THE HEARING OR PROVIDING WRITEN TESTIMONY. THE PETITIONER WAS NOT PRESENT. AFTER CONDUCTING THE HEARING THE COMMISSION DEBATED THE MERITS OF THE CASE AND EXPRESSED CONCERNS RELATED TO IMPACTS THE PROPOSED USE WOULD HAVE ON THE ESTABLISHED NEIGHBORHOOD. UPON COMPLETING THEIR DELIBERATION A MOTION TO RECOMMEND APPROVAL OF THE REQUESTED REZONING WAS MADE, WHICH FAILED (0 AYE, 6 NAY, 1 ABSENT).

SHOULD THE BOARD DECIDE TO APPROVE THE APPLICANT'S REQUEST, STAFF RECOMMENDS THIS CASE BE REMANDED BACK TO THE PLANNING COMMISSION FOR CONSIDERATION OF APPROPRIATE CONDITIONS TO BE PLACED UPON THE PROJECT.

AGENDA PLACEMENT:

☐ BOARD REVIEW OF PENDING BUSINESS ☒ NEW BUSINESS ☐ CONCERNS ☐ STAFF REPORTS

☐ COMMITTEE OF THE WHOLE ☐ PRESIDENT'S REPORT ☐ CONSENT AGENDA ☐ UNFINISHED BUSINESS

☐ PUBLIC HEARING

Prepared by: Anna Kurtzman Approved by: Date:

F:\My Documents\W-ZB\Planning Commission\2018\PC18-05 Northern Il Fence\PC18-05 Agenda Request.doc

FINDING OF FACT AND RECOMMENDATION
TO THE TOWN OF CORTLAND BOARD OF TRUSTEES
PC 2018-05

To: Cortland Board of Trustees
From: Cortland Planning Commission
Date: February 15, 2019

RE: **Consideration of a request to rezone property at 50 W. Maple Ave**

The Cortland Planning Commission conducted a Public Hearing on January 3, 2019, at 7:00 p.m. in the Town of Cortland Town Hall at 59 S. Somonauk Road, Cortland, Illinois. The purpose of the Public Hearing involved consideration of the request by Northern IL Fence/Complete Fence, Inc. as applicant and Destan Aliu, as owner, for a Special Use Permit for a Concept Plan for a Planned Mixed Use Development on a 6.5 acre property at 50 W. Maple Ave. A copy of the application is attached as Exhibit A.

Public notice was given through publication in the Daily Chronicle on December 12, 2018, and via letters sent to adjacent property owners on December 10, 2018 (see Group Exhibit B).

The Planning Commission reviewed and considered the material and information presented at the public hearing. (Five citizens provided verbal testimony during the hearing and one citizen provided written testimony, which was entered into the record – a summary of these comments are included in the minutes – Exhibit C.) The Commission reviewed the required standards upon which a Special Use Permit for a Planned Mixed Use Development request is to be considered (Sections 9-9-2B4, 9-10-3, and 9-7-5 of the Zoning Code) and established Findings of Fact (Exhibit D). The Commission discussed the appropriateness of the proposed uses in relationship to the impacts they would have on the established neighborhood.

A motion was made to approve the request for a Special Use Permit and Concept Plan for the Northern IL Fence/Complete Fence Inc. proposal, which failed (0 Yeas, 6 Nay, 1 Absent). The Planning Commission therefore recommends denial of the request.

Respectfully Submitted,

S. Bradley Lawson

Brad Lawson, Chairman
CORTLAND PLANNING COMMISSION

Revised 11.30.18

Exhibit A

Town of Cortland

59 S. Somonauk Rd.
P.O. Box 519
Cortland, IL 60112-0519

Town Hall:
Administration Office 815/756-9041
Town Clerk's Office 815/756-3030
Facsimile 815/756-4583

Operations & Maintenance:
Town Garage 815/756-6469

Police Department:
Non-Emergency 815/756-2558
Facsimile 815/787-2015

Water/Wastewater:
Office 815/756-9684
Emergencies 815/756-1910
Facsimile 815/756-1543

PC Number: PC 18-05

Date Filed: 11/27/18

LAND DEVELOPMENT APPLICATION

THE UNDERSIGNED RESPECTFULLY PETITIONS THE TOWN OF CORTLAND TO REVIEW AND CONSIDER GRANTING THE FOLLOWING APPROVAL ON THE LAND HEREIN DESCRIBED.
(Check all that apply)

[ ] Annexation*

[ ] Rezoning from _____ to _____

[X] Special Use Permit for a
- [ ] Planned Residential Development
- [ ] Planned Commercial Development
- [ ] Planned Industrial Development
- [ ] Planned Office Development
- [X] Planned Mixed-Use Development
- [ ] Other _____

[X] Concept Plan

[ ] Preliminary Subdivision Plat

[ ] Preliminary Development Plan *(for Planned Developments)*

[ ] Final Engineering Plan

[ ] Preliminary Engineering

[ ] Final Subdivision Plat

[ ] Final Development Plan *(for Planned Developments)*

PART I. APPLICANT INFORMATION

APPLICANT *(Please Print or Type)*

Name: Kevin Hohe / Northern IL Fence / Comple Fence, Inc.

Address: 320 W Lincoln Hwy Cortland IL 60112

E-mail: KHOHE@CNIFence.com

Phone: (630) 327-9472 *Fax:* (____) ____-____

LAND OWNER *(If different than Applicant)*

Name: Destan D Aliu

Address: 237 S Schuyler St OTTUMWA Iowa 52501

E-mail: _____

Phone: (____) ____-____ *Fax:* (____) ____-____

J-18-6

RECEIVED 11-30-18

pymt rec'd w/ original submission

PC Number: PC 18-05

CONTACT PERSON *(If different from Applicant)*

Name: _____

Address: _____

_____

E-mail: _____

Phone: (_____) _____-_____ *Fax:* (_____) _____-_____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY? YES [ ] NO [Y]

(If the Applicant is not the owner of the subject property, a letter from the Owner authorizing the Applicant to file the Land Development Application must be attached to this application.)

IS THE APPLICANT AND/OR OWNER A TRUSTEE OR A BENEFICIARY OF A LAND TRUST? YES [ ] NO [N]

(If the Applicant and/or Owner of the subject property is a Trustee of a land trust or beneficiary(ies) of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address and defining his/her interest therein shall be verified by the Trustee and shall be attached hereto.)

** Attach an original copy of the annexation petition to this application*

PART II. PROPERTY INFORMATION

ADDRESS OF PROPERTY: 50 W. Maple Ave Cortland IL 60112

PARCEL INDEX NUMBER(S): 0929176003

LEGAL DESCRIPTION: *A LEGAL DESCRIPTION MUST BE ATTACHED TO THIS APPLICATION*

AREA OF PARCEL (*ACRES*): 6

IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED: _____

CURRENT ZONING: R1 **PROPOSED ZONING:** Special Use Permit

RECOMMENDED LAND USE: 1997 For School use.
(Based upon the recommendations of the Cortland Town Plan)

PROPOSED LAND USE: Mixed Use

NAME OF PROPOSED DEVELOPMENT: COMPLETE NORTHERN ILLINOIS CORP. HQ

The subject property is located in which FIRE PROTECTION DISTRICT? The Cortland Fire Protection District

The subject property is located in which SCHOOL DISTRICT? 428

I, KEVIN HOWE, hereby apply for review and approval of this application and represent that the application and requirements thereof and supporting information have been completed in accordance with the Zoning Ordinance and/or Subdivision Ordinance of the Town of Cortland.

Signature of Applicant

11/23/2018
Date

received 11/30/18 jk/dk

Professionals in Fencing For Over 30 Years
Residential • Commercial • Industrial

Northern Il Fence/Complete Fence, INC.

320 WEST LINCOLN HIGHWAY
CORTLAND, IL 60112
815-756-3561 phone
815-756-7920 fax

Kevin Hohe
Complete Fence
320. W. Lincoln Hwy
Cortland Il, 60112

November 26 2018

Anna Kurtzman
The City of Cortland
59 S. Somonauk Rd
Cortland IL, 60112

Legal description of the property

Mrs. Kurtzman,

The legal description of the property is: E 1/2 NW 1/4 LYING W OF CROFTS ADDITION & S OF MAPLE ST - SEC 29 - TWP 40N - RANGE 5E

The section we are seeking relief from is

Sections 9-3-7B and 9-3-7G. Per the Town's use matrix we would be classified as a combination of contractors office/yard which are not allowed by right within the R-1 Zoning District. We are also seeking to have two apartments which are not allowed within the R-1 district. We are requesting these uses as part of a mixed use Planned Unit Development.

Respectfully,

Kevin Hohe
President and Managing Partner

Please see the following document for Full Legal description of the property filed on 9/26/2013 with the Dekalb County Recorder of deeds. Page 4 of document.

received
11/30/18 ja/abk

2013012531

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL
RECORDED: 9/26/2013 11:46 AM
REC FEE: 41.00 RHSPS FEE: 9.00

PAGES: 4

QUIT CLAIM DEED
STATUTORY (ILLINOIS)

MAIL TO:

Mr. Destan Aliu
517 Lynwood Circle
Ottumwa, IA 52501

NAME AND ADDRESS OF TAXPAYER & GRANTEE

Mr. Destan Aliu
517 Lynwood Circle
Ottumwa, IA 52501

THE GRANTOR: DESTAN ALIU, a married man, of 517 Lynwood Circle, Ottumwa, Iowa, for and in consideration of Ten and no/100 ($10.00)----------
----Dollars and other good and valuable considerations in hand paid,

CONVEYS AND QUIT CLAIMS to DESTAN ALIU, a married man, of 517 Lynwood Circle, Ottumwa, Iowa, **NESIM GASHI, a widower and not since remarried,** of 5 Jonecaire Place, Stoney Creek, Ontario, L8J1C2, Canada, and **GAZMEND LLESHI, divorced and not since remarried,** of 45 East Timbercheck Drive, Yorkville, Illinois, all interest in the following described Real Estate situated in the Town of Cortland, County of DeKalb and State of Illinois, to-wit:

*60560

See Attached

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Index Number: 09-29-176-003
Property Address: 50 West Maple Street, Cortland, IL 60112

Dated this 24 day of September, 2013

Destan Aliu

Destan Aliu

Unofficial

received 11/30/18 jalak

STATE OF ILLINOIS)
) ss
COUNTY OF DE KALB)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT, DESTAN ALIU, a married man, whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 26 day of Sept, 2013.

Ivana K Jenkin
Notary Public

OFFICIAL SEAL
IVANA K JENKIN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 04/18/14

Unofficial

NAME AND ADDRESS OF PREPARER:
Michael D. Doyle
SLINGERLAND & CLARK, P.C.
114 West State Street
Sycamore, IL 60178
(815) 895-5141

DE KALB COUNTY – ILLINOIS
TRANSFER STAMP OR EXEMPT
UNDER PROVISIONS OF
PARAGRAPH 31-45, SECTION e
REAL ESTATE TRANSFER TAX
ACT.

9-26-13
Date

Destan Aliu
Buyer, Seller or Representative

received
11/30/18 jalabb

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

PARCEL 1: PART OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING ON THE QUARTER QUARTER SECTION LINE AT A POINT THAT IS 8.50 CHAINS EAST OF THE CENTER OF THE NORTHWEST 1/4 OF SECTION 29 TOWNSHIP 40 NORTH RANGE 5, RUNNING THENCE EAST SIX CHAINS; THENCE SOUTH 3-1/3 CHAINS, THENCE WEST SIX CHAINS, THENCE NORTH 3-1/3 CHAINS TO THE POINT OF BEGINNING, IN DEKALB COUNTY, ILLINOIS

PARCEL 2: A PART OF THE NORTHWEST 1/4 OF SECTION 29 TOWNSHIP 40 NORTH RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:: BEGINNING AT THE SOUTHEAST CORNER OF SCHOOL PROPERTY DESCRIBED IN A WARRANTY DEED TO THE DEKALB COUNTY RECORDER'S OFFICE, IN BOOK 143 OF DEEDS, PAGE 55, AS DOCUMENT NUMBER 135574; THENCE SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE EASTERLY BOUNDARY OF SAID SCHOOL PROPERTY, A DISTANCE OF 176 FEET TO A POINT; THENCE WESTERLY PARALLEL TO SOUTH BOUNDARY OF SAID SCHOOL PROPERTY, A DISTANCE OF 396.0 FEET TO THE POINT OF INTERSECTION OF SAID PARALLEL LINE WITH THE SOUTHERLY EXTENSION OF THE WESTERLY BOUNDARY OF SAID SCHOOL PROPERTY; THENCE NORTHERLY ALONG THE SAID SOUTHERLY EXTENSION OF THE WESTERLY BOUNDARY OF SAID SCHOOL PROPERTY, A DISTANCE OF 176 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTHERLY BOUNDARY OF SAID SCHOOL PROPERTY, A DISTANCE OF 396.0 FEET TO THE POINT OF BEGINNING.

PARCEL 3: A PART OF THE NORTHWEST 1/4 OF SECTION 29 TOWNSHIP 40 NORTH RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:: BEGINNING AT A POINT WHICH IS 66 FEET SOUTH OF THE SOUTHWEST CORNER OF BLOCK 4 IN THE VILLAGE OF CORTLAND, WHICH POINT IS ALSO THE NORTHWEST CORNER OF SCHOOL LOT DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 50, PAGE 220 AS DOCUMENT NO. 25176 IN DEKALB COUNTY RECORDER'S OFFICE; THENCE WESTERLY PARALLEL WITH THE SOUTH LINE OF BLOCK 3 IN THE VILLAGE OF CORTLAND (ALONG THE SOUTH LINE OF MAPLE STREET) A DISTANCE OF 186.97 FEET; THENCE SOUTHERLY AT AN ANGLE OF 89 DEGREES 51 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 465.96 FEET TO A POINT; THENCE EASTERLY AT AN ANGLE OF 90 DEGREES 9 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL TO THE SOUTH LINE OF SAID BLOCK 3, A DISTANCE OF 186.97 FEET TO A POINT ON THE WESTERLY LINE OF THE SCHOOL LANDS; THENCE NORTHERLY ALONG THE WESTERLY BOUNDARY OF THE SCHOOL LANDS, A DISTANCE OF 465.96 FEET TO THE POINT OF BEGINNING.

Unofficial

received
11/30/18 jc/kbk

JOHN ACARDO
RECORDER OF DEEDS OF DE KALB COUNTY

AFFIDAVIT – PLAT ACT

Destan Aliua, being duly sworn on oath states that he resides at 517 Lynwood Circle, Ottumwa, IA, and further states that: **(please check the appropriate box)** *52501

A. [X] That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or

B. [ ] That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: **(please circle the appropriate number)**

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;

2. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any streets or easements of access;

3. The sale or exchange of parcels of land is between owners of adjoining and contiguous land;

4. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

5. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets streets or easements of access;

6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

7. Conveyance is made to correct descriptions in prior conveyances;

8. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;

9. The sale is of a single lot of less than 5 acres from a larger tract, and a survey has been made by an Illinois Registered Land Surveyor, and the sale is not a sale of any subsequent lot or lots from the same larger tract of land as determined by the dimensions and configuration of the larger tract on October 1, 1973; and further, local requirements applicable to the subdivision of land have been met.

Affiant further states that __he made this affidavit for the purpose of inducing The Recorder of Deeds of DeKalb County, Illinois to accept the attached for recording.

Destan Aliu

Destan Aliu, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME

this 26 day of Sept, 2013.

Pamela Jo Tate

Notary Public

OFFICIAL SEAL
PAMELA JO TATE
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/04/16

Unofficial

received 11/30/18 jc/abk

Professionals in Fencing For Over 30 Years
Residential • Commercial • Industrial

Northern Il Fence/ Complete Fence, INC.

320 WEST LINCOLN HIGHWAY
CORTLAND, IL 60112
815-756-3561 phone
815-756-7920 fax

Kevin Hohe
Complete Fence
320. W. Lincoln Hwy
Cortland Il, 60112

November 26 2018

Anna Kurtzman
The City of Cortland
59 S. Somonauk Rd
Cortland IL, 60112

Regarding 50 W. Maple Ave 9-10-3 conformity

Mrs. Kurtzman,

We are proposing to move our Cortland business to 50 W Maple Street in order to be support the expansion we've experienced and plan to continue. The current structure is abandoned, dangerous and an eye sore for the community. We will maintain and upkeep the building and provide little to no disruption due to the towns current operation. The town of Cortland will benefit from our continued tax revenues as well as an improved image with a socially responsible firm operating at its center rather than an abandoned and vandalized building. If necessary we are prepared to assist in using part of the property as a Park/ community center. Our proposed occupation will affect our neighbors little to none. We are a low traffic operation and will not interfere with any current happenings in the neighborhood. Our site will be cleaner and safer than it is currently. Over time we plan to develop an elegant front landscaping display that will draw people into the neighborhood rather than deter them as the existing building does now.

Respectfully,

Kevin Hohe
President and Managing Partner

received
11/30/18 jk/cbk

PUD - COMPLETE NORTHERN ILLINOIS CORPORATE HQ

SITE PLAN DRAWING #1

Complete Northern Illinois Fence
320 W LINCOLN HIGHWAY
Cortland, IL 60112
Office:815-756-3561 Fax:815-756-7920

N
W E
S

SCALE = 1mm ≈ 53.64 FT

KEY:

Property line boundary indicated by Yellow lines and Corners marked by the following:

N.W.U. = North West Upper Corner
S.W.L. = South West Lower Corner
S.E.L. = South East Lower Corner
N.E.U. = North East Upper Corner

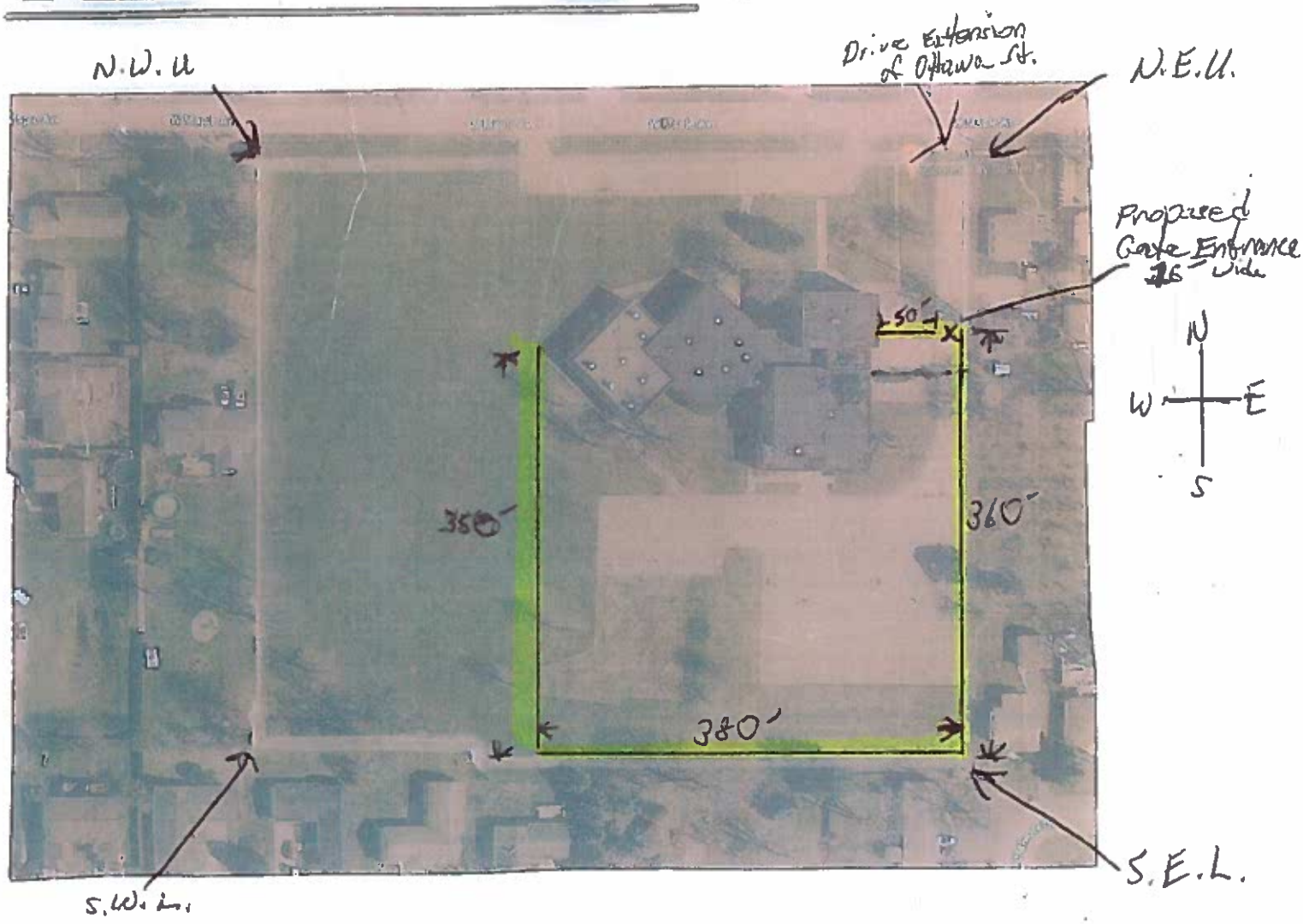
received
11/30/18 jn/cblk

• Demensions
S.E.L. to POINT 1 (SWL) is approximately 410'; POINT 1 (SWL) to POINT 2 (SWL) approx. 10'; POINT 2 (SWL) to S.W.L. approx. 180'; S.W.L. to N.W.U. approx. 500'; N.W.U. to N.E.U. Approx 590'; NEU to S.E.L. approx 510'

PUD - COMPLETE NORTHERN ILLINOIS CORPORATE HQ

SITE PLAN DRAWING #2

Complete Northern Illinois Fence
320 W LINCOLN HIGHWAY
Cortland, IL 60112
Office:815-756-3561 Fax:815-756-7920



KEY:

- Yellow Lines indicate location of Proposed 6' High Maintenance Free Fence.
- Proposed Gate Entrance (1 ONLY) Located on Driveway Marked by letter "X"

* Estimated fence length 1,040' linear feet

1mm ≅ approximately 53.64 feet

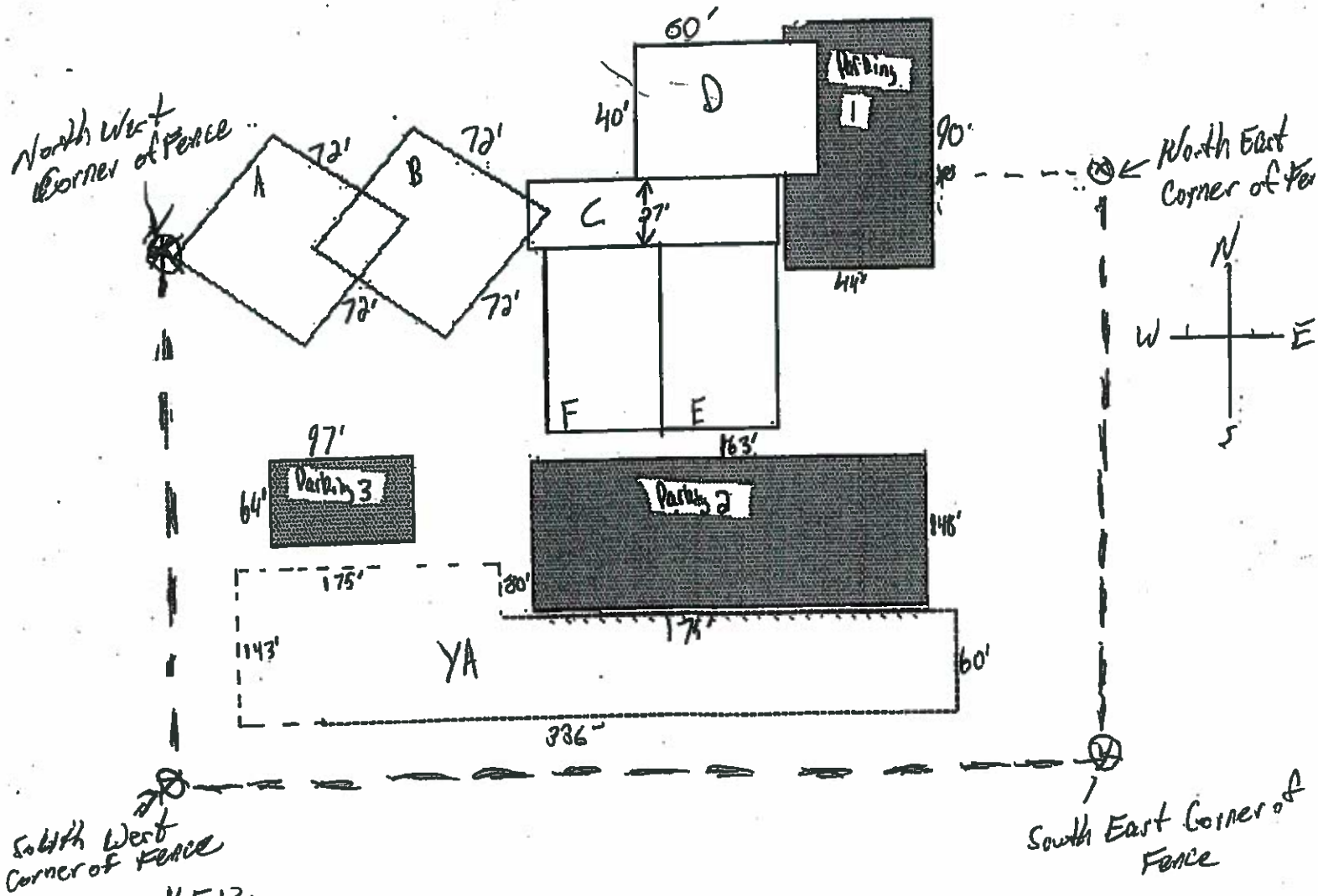
received
11/30/18 j.kbk

PUD - Complete Northern Illinois Corporate Use

SITE PLAN - DRAWING #3

Complete Northern Illinois Fence
320 W LINCOLN HIGHWAY
Cortland, IL 60112
Office: 815-756-3561 Fax: 815-756-7920

* PLEASE NOTE THAT THIS DRAWING FOCUS ON THE AREAS OF THE PROPERTY WITHIN THE FENCE LINE OF DRAWING #2 AND THE EXISTING STRUCTURES



KEY:

BUILDINGS & USEAGE

A. COMMERCIAL OFFICE SPACE
B. Metal, Wood & PVC SHOP
C. SHOWROOM / CUSTOMER ENTRANCE
D. LOWER FLOOR - OFFICES
UPPER FLOOR - 2 APARTMENTS
E. GARAGE FOR TRUCKS
F. MATERIAL STORAGE

Outdoor Areas

YA - Outdoor storage

received
11/30/18 jalabA

Complete Northern Illinois Fence
320 W. Lincoln Hwy
Cortland, IL 60112
Office: 815-756-3561 Fax: 815-756-7920

November 29, 2018

Town of Cortland
RE:Concept Plan for Northern Illinois Fence / Complete Fence, Inc.

a. General Information:

i. Proposed Name – Complete Northern Illinois Corporate HQ
ii. Location Map - See Attached
iii. No change in acreage and change in zoning to special use permit.
iv. No change in number of lots (remaining at 1)
v. See attached list of Names and addresses of adjoining properties
vi. All adjacent properties are zoned R1
vii. Contact information of owners is
   a. Kevin Hohe – cell phone #630-327-9472
   b. Rich Guess – cell phone #708-369-9646

b. Existing Conditions

i. No change to existing
ii. No changes to the existing structures.
iii. No change in current topographic data.
iv. No change current property land
v. No change to existing natural features
vi. No change to existing infrastructure
vii. No change to existing infrastructure
viii. No change to existing elevations of real property.
ix. No change to existing
No change to existing

c. Proposed Development/Improvements

i. No change to any existing lots, parks, or common areas with the exception of adding a 6' high maintenance Free fence to be placed around the property as indicated in the attached drawing titled "Maintenance Fence Location"
ii. No change to existing
iii. No change to existing

Thank you

Kevin Hohe
Northern Illinois Fence/Complete Fence, Inc.
630-327-9472

received
11/30/18 jr/cbk

RE: CONCEPT PLAN

ATTACHMENT # (1)

11/29/2018

Location Map - 50 W. Maple Ave., Cortland, IL 60112

received
11/30/18 jcb/k

Complete Northern Illinois Fence
320 W. Lincoln Hwy
Cortland, IL 60112
Office: 815-756-3561 Fax: 815-756-7920

RE: Item a. v. – Names / Addresses of adjoining properties for Concept Plan for

Complete Northern Illinois Corp. HQ

Adjoining properties and Names – all properties located within the city limits of Cortland

Edgar Perez – 110 W. Maple Ave.
Ronald Johnson – 100 W. Maple Ave.
Robert Helmold – 142 S. West St.
Lubica Kmetova – 150 S. West St.
Karen Green – 175 S. Halwood St.
Andrew/Kathern Argyilan – 35 W. South Ave.
Anthony Klingberg – 61 W. George St.
Saul Montoya – 71 W. George St.
Mark Sawyer – 83 W. George St.
James/Jeffrey/Lizebeth Lowe – 91 W. George St.
Steven Martin – 151 S. Somomauk

received
11/30/18 jc/[illegible]

Professionals in Fencing For Over 30 Years
Residential • Commercial • Industrial

Northern IL Fence/Complete Fence, Inc.

320 WEST LINCOLN HIGHWAY
CORTLAND, IL 60112
Ph 815-756-3561
Fax 815-756-7920

December 7, 2018

RE: Corrected Legal Description for 50 W Maple Ave., Cortland, IL 60112

Please see the attached legal description which is an amendment to be used in lieu of the legal description provided at the time the application was submitted

Thank you.

Sincerely,

Kevin Hohe
President and Managing Partner

received
12/7/18 03K

EXHIBIT A

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 66 FEET SOUTH OF THE SOUTHWEST CORNER OF BLOCK 4 IN THE VILLAGE OF CORTLAND, WHICH POINT IS ALSO THE NORTHWEST CORNER OF SCHOOL LOT DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 50, PAGE 220, AS DOCUMENT NO. 25176 IN DEKALB COUNTY RECORDER'S OFFICE; THENCE WESTERLY, PARALLEL WITH THE SOUTH LINE OF BLOCK 3 IN THE VILLAGE OF CORTLAND (ALONG THE SOUTH LINE OF MAPLE STREET), A DISTANCE OF 186.97 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 89 DEGREES 51 MINUTES, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 465.96 FEET TO A NORTH LINE OF BRIARWOOD ACRES FIRST ADDITION; THENCE EASTERLY, AT AN ANGLE OF 90 DEGREES 09 MINUTES, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTH LINE, 186.97 FEET TO A NORTHEAST CORNER OF SAID BRIARWOOD ACRES FIRST ADDITION; THENCE SOUTHERLY ALONG AN EASTERLY LINE OF SAID BRIARWOOD ACRES FIRST ADDITION, 29.04 FEET; THENCE EASTERLY, ON A NORTH LINE OF SAID BRIARWOOD ACRES FIRST ADDITION, 396.0 FEET TO THE WEST LINE OF BLOCK 10 OF CROFF'S ADDITION; THENCE NORTHERLY, ALONG SAID WEST LINE, 495 FEET TO THE SOUTH LINE OF MAPLE STREET; THENCE WESTERLY, ALONG SAID SOUTH LINE, 396.0 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWN OF CORTLAND, DEKALB COUNTY, ILLINOIS.

Unofficial Copy

received 12/7/18 03K

Group Exhibit B

Certificate of the Publisher

COPY

Daily Chronicle

Description:NORTHERN IL FENCE
1612750

TOWN OF CORTLAND
PO BOX 519
CORTLAND IL 60112

Shaw Media certifies that it is the publisher of the Daily Chronicle. The Daily Chronicle is a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of DeKalb, County of DeKalb, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Daily Chronicle, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on
12/12/2018

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.
In witness, Shaw Media has signed this certificate by Laura Shaw, its publisher, at DeKalb, Illinois, on
12th day of December, A.D. 2018

Shaw Media By: Laura Shaw

Laura Shaw, Publisher

Account Number 10025127 Amount $150.66

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING
Legal Notice is hereby given that Northern IL Fence/Complete Fence, Inc, as applicant, and Destan Alku, as owner, have filed with the Town of Cortland a request for a Special Use Permit for a Planned Residential Development to allow a contractors yard/office and apartments using the existing building at 50 W Maple Street, Cortland, IL (PIN: 09-29-176-003), which is zoned R-1, Single-Family Residence. The 6.5 acre property is located on the south side of Maple Avenue approximately 330 feet west of Somonauk Street and is immediately south of Nina Street and Ottawa Street.

A public hearing will be conducted in front of the Town's Planning Commission on Thursday, January 3, 2019, at 7:00 pm at the Town Hall (59 S. Somonauk Road), Cortland, Illinois, to take testimony regarding the applicant's proposal.

The legal description of the Subject Property is:
A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 66 FEET SOUTH OF THE SOUTHWEST CORNER OF BLOCK 4 IN THE VILLAGE OF CORTLAND, WHICH POINT IS ALSO THE NORTHWEST CORNER OF SCHOOL LOT DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 50, PAGE 220, AS DOCUMENT NO. 25176 IN DEKALB COUNTY RECORDER'S OFFICE; THENCE WESTERLY, PARALLEL WITH THE SOUTH LINE OF BLOCK 3 IN THE VILLAGE OF CORTLAND (ALONG THE SOUTH LINE OF MAPLE STREET), A DISTANCE OF 186.97 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 89 DEGREES 51 MINUTES, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 485.96 FEET TO A NORTH LINE OF BRIARWOOD ACRES FIRST ADDITION; THENCE EASTERLY, AT AN ANGLE OF 90 DEGREES 09 MINUTES, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTH LINE, 186.97 FEET TO A NORTHEAST CORNER OF SAID BRIARWOOD ACRES FIRST ADDITION; THENCE SOUTHERLY ALONG AN EASTERLY LINE OF SAID BRIARWOOD ACRES FIRST ADDITION, 29.04 FEET; THENCE EASTERLY, ON A NORTH LINE OF SAID BRIARWOOD ACRES FIRST ADDITION, 396.0 FEET TO THE WEST LINE OF BLOCK 10 OF CROFF'S ADDITION; THENCE NORTHERLY, ALONG SAID WEST LINE, 495 FEET TO THE SOUTH LINE OF MAPLE STREET; THENCE WESTERLY, ALONG SAID SOUTH LINE, 396.0 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWN OF CORTLAND, DEKALB COUNTY, ILLINOIS.

All parties having an interest in this proposal are invited to attend this meeting and provide testimony as appropriate, or may provide written testimony. Written correspondence should be directed to the Planning Commission c/o the Zoning Administrator, 59 S. Somonauk Road, Cortland, Illinois, 60112.

The application is on file with the Town of Cortland's Zoning Administrator, 59 S. Somonauk, Cortland, Illinois, and may be viewed at this location during normal Town Hall hours. Inquiries regarding the application may be made to the Zoning Administrator at 630-818-5420.

(Published in the Daily Chronicle, December 12, 2018.)1612750

I, Anna Kurtzman, hereby attest that on Monday, December 10, 2018, I caused to have been mailed (via regular US Mail) a copy of the attached Legal Notice (Exhibit A) to the property owners adjacent to 50 W. Maple Street, Cortland, IL (PIN: 09-29-176-003) for a Planning Commission case identified as PC18-05 (a request for a Special Use Permit for Concept Plan approval of a Mixed-Use Planned Unit Development). A list of said property owners is hereby attached as Exhibit B.

STATE OF ILLINOIS)

) SS

COUNTY OF DEKALB)

The undersigned being first duly sworn upon oath, depose and say the above statement is true to the best of their knowledge and belief.

Anna B. Kurtzman
Zoning Administrator

Subscribed and sworn to me this

12 day of December, 2018.

Notary Public

RITA DIXON NIELSEN
"OFFICIAL SEAL"
My Commission Expires
March 11, 2021

Exhibit A

Town of Cortland

59 S. Somonauk Rd.
P.O. Box 519
Cortland, IL 60112-0519

Town Hall:
Administration Office 815/756-9041
Town Clerk's Office 815/756-3030
Facsimile 815/756-4583

Operations & Maintenance:
Town Garage 815/756-6469

Police Department:
Non-Emergency 815/756-2558
Facsimile 815/787-2015

Water/Wastewater:
Office 815/756-9684
Emergencies 815/756-1910
Facsimile 815/756-1543

NOTICE OF PUBLIC HEARING

Legal Notice is hereby given that Northern IL Fence/Complete Fence, Inc, as applicant, and Destan Aliu, as owner, have filed with the Town of Cortland a request for a Special Use Permit for a Planned Residential Development to allow a contractors yard/office and apartments using the existing building at 50 W Maple Street, Cortland, IL (PIN: 09-29-176-003), which is zoned R-1, Single-Family Residence. The 6.5 acre property is located on the south side of Maple Avenue approximately 330 feet west of Somonauk Street and is immediately south of Nina Street and Ottawa Street.

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All parties having an interest in this proposal are invited to attend this meeting and provide testimony as appropriate, or may provide written testimony. Written correspondence should be directed to the Planning Commission c/o the Zoning Administrator, 59 S. Somonauk Road, Cortland, Illinois, 60112.

The application is on file with the Town of Cortland's Zoning Administrator, 59 S. Somonauk, Cortland, Illinois, and may be viewed at this location during normal Town Hall hours. Inquiries regarding the application may be made to the Zoning Administrator at 630-816-5420.

Mailing list for PC 18-05

Exhibit B

PIN	Line 1	Line 2	Line 3	Line 4
09-29-176-002	Ronald L Johnson	100 W Maple Ave	Cortland, IL 60112	
09-29-132-009	Zachary R Theis	41W824 Northway Dr	Elburn, IL 60119	
09-29-133-009	Jacalyn & Jeffrey Czerwinski	67 W Maple Ave	Cortland, IL 60112	
09-29-133-008	Rosemil One LLC	C/O stephen E Milstein	350 Sycamore Rd	Genoa, IL 60135
09-29-134-019	Alexander & Aurbi Bourge	29 W Maple Ave	Cortland, IL 60112	
09-29-177-001	Daniel J Johnson	34 W Maple Ave	Cortland, IL 60112	
09-29-177-007	Steven P Martin	151 S Somonauk Rd	Cortland, IL 60112	
09-29-177-008	Andrew & Kathryn Argyilan	35 W South Ave	Cortland, IL 60112	
09-29-176-014	Karen & Ronald Green	175 S Halwood St	Cortland, IL 60112	
09-29-176-010	Donna & Michael Klemm	186 S King St	Cortland, IL 60112	
09-29-176-009	Anthony & Blanca Klingberg	61 W George Ave	Cortland, IL 60112	
09-29-176-008	Saul Montoya	71 W George Ave	Cortland, IL 60112	
09-29-176-007	Mark Sawyer Living Trust	307 Greenwood N	DeKalb, IL 60115	
09-29-176-006	James, Jeffrey & Lizabeth Lowe	2N706 Howard Rd	Maple Park, IL 60151	
	DeKalb CUSD 428	901 S 4th St	DeKalb, IL 60115	
	Cortland Community Fireman's Assoc	30 W North Ave	Cortland, IL 60112	
	Cortland Library	63 S Somonauk Rd	Cortland, IL 60112	

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
Planning Commission
Regular Meeting
January 3, 2019
7:00 PM

Call to Order/Pledge of Allegiance/Roll Call
Chair Lawson Called the regular meeting of the Planning Commission to order at 7 p.m. Roll call taken by the clerk showed as present Commissioners Ben Haier, Brad Lawson, Mark Hedrick, Chad Bergeson, Erick Stransky and Leah Rowe. Shown as absent was Julie Steadman. Quorum was present. Also present was Anna Kurtzman, Zoning Administrator.

Approval of the Agenda
Mr. Haier moved to approve the agenda as presented presented/amended; seconded by Mr. Hedrick. Unanimous voice vote carried the motion.

Approval of Minutes
Ms. Rowe moved to approve the minutes of November 1, 2018 as presented; seconded by Mr. Hedrick. Unanimous voice vote carried the motion.

Zoning Administrator's Report
With regard to the workshop Ms. Kurtzman reported that the presenters were impressed with the questions asked. You will each get a certificate for attendance. Update on PC 18-03 (Treescape Solutions – NE Corner Somonauk and Cortland Center Roads) Ms. Kurtzman reported that the proposal was approved by the Town Board and the zoning has been changed. There are no projects in the immediate future.

Public Hearing: PC18-05 (J18-6): Request for a Special Use Permit for a Planned Mixed-Use Unit Development and Concept Plan approval for property at 50 W Maple Ave.
Applicant: Northern Illinois Fence/Complete Fence, Inc. Owner: Destan Aliu.

The public hearing was called to order at 7:04 p.m. Clerk Aldis read the public notice into the record. The notice was published in the *Daily Chronicle* on December 12, 2018 meeting the requirements of the law.

Chair Lawson swore in those present wishing to testify.

Applicant Presents His/Her Case
Ms. Kurtzman reported that the applicant was not present. In the absence she provided a summary of the application for the Commission stating this is a 6.5-acre parcel. A Special Use Permit was requested. The intent is to move a current business from Lincoln Highway to this

floor and a contractor's yard for storage. Ms. Kurtzman pointed out page 12 and page 14, Group Exhibit A as graphic use of the property.

Public Testimony

Mr. Steve Martin reported that he lives in Cortland. This property is adjacent to his on the west. He asked if Ottawa Street is a public street? What will be the hours of work Monday through Friday? Eight (8) hour days? Will burning be allowed? Is the applicant in the business of distributing premade fencing or will they be manufacturing on property? He stated that this is a residential area surrounded by homes and that he is concerned about commercial being placed in the middle.

Mr. Dan Johnson stated that he is from Cortland and has lived here for 25 years. He stated he was wishing for something nice with this property and gave examples he believes would help the community. Industry and apartments are not fitting for the area. They have the potential to degrade value of properties and disrupt the neighborhood. He stated he received information from a reputable source that worked in the building several years ago that the owner needs to invest in asbestos abatement.

Mr. Jeff Czerwinsky stated that he is newer to the neighborhood (67 E Maple Avenue) and would like to reinforce what the neighbors have stated. He said he likes the neighborhood. It is Single Family now and should stay that way. The proposed construction yard is not fitting.

Ms. Donna Klemm stated that she lives behind this property to the south and has for 26 years. In 2015 neighbors met and came up with ideas to utilize the building for other uses. Because it has been sitting empty for so long the building should probably be taken down, at least the original part. The newer parts might be able to be saved. This is a residential area and does not need to be a contractor's yard. Items of concern, noise, hours of operation, storage of materials, water retention and how it affects the neighborhood to the south. She reported that the school district had built a berm at the south side of the parking lot to deter water from running into the subdivision; this is not helping a known problem. A drain was placed in the back yard, but it is unknown to what it might be connected. She reported this is an open area as it exists today. There is no kid equipment in the southwest part of town. It is used by the neighborhood for pickup baseball games, drone flying. If it were utilized in a park atmosphere local dollars could stay in town as all residents need to pay out of district fees to DeKalb, Sycamore or other park districts to participate in activities. There could be a zero-depth splash pad as one use. She stated burning is a concern and she is opposed to the fence at the perimeter as it shuts off the entire area. The town is trying to attract families to the area, we need positive and promote public health in its own community.

Mr. Mark Sawyer's letter was read into the record and attached to the minutes.

Ms. Laura Robinson stated that she has toured the building several times; it is a disaster; contaminants. EPA approval is needed. She reported her family has utilized the open area themselves. She questioned apartments on the upper level, she was not understanding of this. A list of other uses of the building and area were provided to the commission. She stated she is of the belief that the building needs to be torn down as it is an eye sore and will get worse with time. Commercial is not meant to be there; noise and burning are an issue.

Rebuttal (Applicant)
There was no rebuttal as the applicant was not present.

Public Opportunity for further questioning:
Mr. Martin asked if Ottawa Street south of Maple Avenue is a public street.
Ms. Kurtzman replied that the street is included in the legal description supplied by the applicant. The town has been maintaining the pavement for decades; the County has located no dedication in its public records. If approved a condition could be added to the Special Use to clean up this property question by requiring a dedication for this access way.

Mr. Martin asked the hours of operation. Ms. Kurtzman stated she could not answer the question.

Mr. Martin asked if burning would be allowed. Ms. Kurtzman stated she could not answer the question.

Special Use Carry over – does it run with the land or stop with this owner? Ms. Kurtzman stated that conditions could be placed in the document. If the use is being permitted the land could be sold with the same plan and a continuation of use would follow the same Special Use Permit.

Regarding apartments Ms. Kurtzman stated the second floor of the original school is proposed to be used for two apartment units. There appears to be no intention of a separate building. If approved the applicant would be limited to two units in the upper original building. The use would be limited to what is in the original application. Without an amendment they would not be able to add additional buildings or locations.

Mr. Martin asked if the building was being sold or leased. Ms. Kurtzman replied the owner is selling the property. She stated the contractor's yard, offices for their business and two apartments on the top floor are the proposal and the contract to purchase is contingent upon the approval of the Special Use Permit.

Mr. Johnson asked if the new owner would be responsible for meeting code requirements on the building and asked if it was reasonable to assume that parts of the building would be unsued.

Ms. Kurtzman replied that the town's building office has had contact with the applicant and informed them an architect would be needed to review the building and determine what would be needed to bring the building to code. Yes, parts of the building could remain unused. A condition could be placed in the Special Use, if approved, if not used within a specified time (fill in the blank) the permit would become invalid.

Ms. Robinson asked if the proposal includes a contractor's yard in the open space area. Ms. Kurtzman replied yes, south of the parking lot. They propose to fence the entire back yard area east to the extent of the building.

Mr. Johnson asked if the architect would inspect before a permit could be granted.
Ms. Kurtzman replied she did not know.

Staff Report:
Ms. Kurtzman reviewed her staff report with the Commissioners. The following is her incorporated report.

The request is for a Special Use Permit for a Planned Mixed-Use Development with Concept Plan Approval PC 18-05 (J18-06), 50 W Maple Ave

The applicant is: Northern Illinois Fence/Complete Fence, Inc.

The property owner is Destan Aliu.

The applicant is requesting:

1. A Special Use Permit for a Planned Mixed-Use Development with Concept Plan Approval

2. The Mixed-Use component consists of a contractors office/yard and 2 apartment units.

A copy of the site plan drawings #1, #2, and #3 are made a part of the minutes.

SUBJECT PROPERTY:
The 6.5-acre subject property is located on the south side of Maple Avenue, approximately 340 feet west of Somonauk Road. The property is developed with a two-story building which was previously used as an elementary school and includes pavement on the south and east side for parking and a playground. There is also a loop drive directly off Maple Avenue. The property is zoned R-1 (Single-Family Residence District).

HISTORY/CURRENT CONDITIONS:
The Subject property currently has a 2-story building which was used as an elementary school. In 2012 School District 428 sold it to Mr. Aliu and it has remained unused since then. Several reports of vandalism have been reported in recent years. At least one water pipe has been frozen in the past which caused water damage to portions of the basement. No permit to repair/replace this pipe has been applied for/granted. Properties that are immediately adjacent to the subject property (or across the street from) have the following zoning and uses:

Direction	Zoning	Use
North	R-1 Single-family Residence District	Single family residences
South	R-3 Two-family Residence District	Single family residences
East	R-1 Single-family Residence District	Single family residences
West	R-1 Single-family Residence District	Single family residences

STAFF ANALYSIS:
Comprehensive Plan:

The Comprehensive Plan's Future Land Use Map shows this area developing with civic uses, specifically tagged as a future elementary school. It is important to note that the Comprehensive Plan and the associated Future Land Use Map were adopted in 2006 – six years before School District 428 sold the property. It should also be noted that the approval of the applicant's request does not mean that the property couldn't be used as a school again in the future.

PUD Process:

The Planned Unit Development process is divided into three stages: Concept Approval, Preliminary Plan Approval and Final Plan Approval. The applicant is, at this time, seeking Concept Approval. There are two key questions associated with Concept Plan Approval - are the proposed uses acceptable at this location and are there issues/concerns that need to be addressed prior to the Town approving a Final Development Plan? Input towards addressing these two questions has been provided below.

Per Section 9-7-5D of the Municipal Code, a minimum of 300 sq. ft of common land is to be set aside for each residential unit. The proposed concept plan notes that there would be two residential apartments therefore a total of 600 sq. ft of common land needs to be provided. This provision has not been met, however, as there is over 81,000 sq. ft of undeveloped land to the west of the building this requirement can be met. If the Planning Commission decides to approve the Concept Plan, then it would be appropriate to add a condition stipulating that the Preliminary and Final Plans address this requirement.

Status of Ottawa Street:

The legal description of the property includes a driveway which provides access to a house immediately to the east of the subject property. However, the County's GIS system shows that this driveway is part of Ottawa Street. Upon query to the County's Mapping Department they indicated that they were unable to determine if/when this driveway was dedicated as public right-of-way, however, they included it on the County's maps as public as it has been used as a public street as far as anyone can recall. This information has been confirmed by both the Town's Public Works Director and the Town's Mayor – both indicating that the Town has maintained it for decades.

If the Planning Commission decides to approve the applicant's request staff recommends that a condition be added whereby the status of the driveway be clarified either by a right-of-way dedication or an access easement be established prior to the approval of the Final PUD Plan.

Parking:

The paved areas on the subject property are substandard (the pavement is cracked, and vegetation is growing in the cracked areas) and need to be brought up to the Town's standards. Since trucks will be accessing the property the paving standards found in Section 9-5-5C of the Municipal Code should be used in the access ways and any loading areas. The rest of the pavement should adhere to the standards found in Section 9-5-3D of the Zoning Code. Should the Planning Commission recommend approval of the applicant's request a condition be added that the paved area be re-paved prior to the issuance of a Final Certificate of Occupancy.

Section 9-5-6 of the Zoning Code provides standards for determining how much parking should be required based upon the use of the property. There is inadequate information at this time to determine exactly how much parking would be required however, based on what we do know over 29 parking spaces would be required. (Staff has been able to identify at least 7,584 sq. ft of commercial/office area with a ratio of 1 parking space per 300 sq. ft [requiring 25 parking spaces]. The required ratio of parking for apartments is 2 spaces if the apartment has 2 bedrooms or less and 3 spaces if the apartment has 3 bedrooms or more. Assuming that the 2 apartments will have 2 bedrooms or less, the required parking would be 4 parking spaces. 4 spaces for residential and 25 spaces for commercial/office = 29 parking spaces. This does not include the warehouse/manufacturing aspects of the property.) As part of the Preliminary Plan the applicant will need to provide more detailed information upon which a determination of the amount of required parking will be determined. The Preliminary Plan will also need to demonstrate how Sections 9-5-3 (parking design standards) will be met.

Given the nature of the business there will be some truck traffic. Compliance with Section 9-5-5 (Design and Location of Off-Street Loading Facilities) will also need to be demonstrated at the time the Preliminary Plan is submitted.

If trucks are to be parked at this site, then a Truck Parking Permit is required (Sections 6-2-2 and 9-5-4A3 of the Municipal Code specify that a Truck Parking Permit is needed when trucks are parked in a residentially zoned area). This permit should be acquired prior to the issuance of a Certificate of Occupancy.

Building Code:

The Building Code's list of "uses" is not the same as those within the Zoning Code. The Building Code's list of uses is used to help define how to apply other aspects of the Building Code aimed at keeping people safe. The architect who designed the old school would have designed it under the standards/requirements for an educational facility under the applicable codes at the time of construction (this building was built in stages over decades and different standards would have applied at different times). As the building will no long be used for educational purposes the applicants will need to hire an architect to determine what, if anything, needs to be modified to address the change in uses. The applicant has been informed that this information will need to be provided to the Town as part of the Building Permit application.

Condition of the Building:

Staff is aware that there is mold in the building which will need to be remediated prior to the issuance of a certificate of occupancy. Due to the age of certain parts of the building and the building supplies that were commonly used at the time of construction staff suspects that some parts of the building might have asbestos in them. The architect's report indicated above will need to address this concern, which will be handled at the time a building permit is applied for.

COMMENTS FROM THE PROFESSIONALS:

Director of Water/Wastewater stated: Water and sewer are currently available on site and there are no issues with capacity.

Public Works Superintendent: Pavement exists south of Maple Ave which lines up with the terminus of Ottawa Street. This pavement has been maintained by the Town but if a gate is

placed across the pavement then there would be no place to store plowed snow. If a gate is placed across the pavement then he recommends that the Town no longer maintain the pavement and that a shared access easement be established in order to give the adjacent property access to their garage.

Town Engineer's comment: The Engineering Department does not have any significant concerns regarding the Concept Plan presented.

STANDARDS UPON WHICH REVIEW SHOULD BE TAKEN:
The Town's Zoning Code has three different sets of criteria upon which the Planning Commission must use before rending a recommendation to the Town Board. Section 9-7-5 provides the conditions that need to be met prior to approving a Planned Unit Development. As all Planned Unit Developments are Special Use Permits the standards for granting a Special Use Permit must also be examined (Section 9-10-3). Finally, Section 9-9-2B outlines the responsibilities of the Planning Commission. Subsection 4 instructs the Commission that a Findings of Fact report is to be provided to the Town Board for every proposed change in the status of uses, such as special use permits.

Each of these sets of criteria are located on Attachment B. To assist the Commission with reviewing these requirements I have drafted proposed language (which is depicted using an italicized font). The Commission does not have to accept the proposed language and may craft its own language.

If the Planning Commission elects to recommend approval with conditions staff recommends the following conditions:

A. Status of the driveway/Ottawa Street south of Maple Avenue be clarified through the establishment of an access easement being dedicated prior to the approval of the Final Planned Unit Development Plan.

B. A common recreational area for the residents that comply with Section 9-7-5D shall be included with the Preliminary and Final PUD Plans.

C. Current on-site pavement shall be brought up to Town standards per Section 9-5-3D for the parking lot and Section 9-5-5C for the loading and accessway areas prior to the Town issuing a Certificate of Occupancy.

D. The applicant shall acquire a Truck Parking Permit prior to the issuance of a Certificate of Occupancy.

Motion to Close Public Hearing
Mr. Bergeson moved to close the public hearing, seconded by Ms. Rowe. Unanimous voice vote carried the motion; 8:01.

Ms. Kurtzman reviewed with the Commission its obligations as required by code.

She reviewed the Matters Entrusted to the Planning Commission (9-2-2), Standards/Findings of Fact; (9-10-3), and Conditions of Approval of a Planned Unit Development (9-7-5)
The Commission determined the following:

STANDARDS/FINDINGS OF FACT FOR:
Northern Illinois Fence/Complete Fence Inc (50 W Maple Ave)

9-9-2: MATTERS ENTRUSTED TO PLANNING COMMISSION:
Section 9-9-2 of the Zoning Code outlines the responsibilities of the Planning Commission. Subsection 4 indicates that, "within a reasonable time after the public hearing, the planning commission shall submit its advisory report to the town board of trustees. The report shall state the planning commission's recommendations regarding adoption of the proposed amendment, and its reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the planning commission shall include in its advisory report findings of fact concerning each of the following matters:"

A. Existing use(s) and zoning of the property in question.
   The Subject Property is zoned R-1, Single-Family Residence and is improved with a building which previously was used as an elementary school. The property also has pavement for associated parking and a playground. The building has not been used since it was purchased by its current owner (2012).

B. Existing use(s) and zoning of other lots in the vicinity of the property in question.
   The properties to the north, east and west are zoned R-1 (Single-family Residence District) and the properties to the south are zoned R-3 (Two-Family Residence District). All the adjacent properties are developed with single-family residential buildings.

C. Suitability of the property in question for uses already permitted under existing regulations.
   The Town's permitted use matrix primarily allows single-family detached housing within the R-1 Zoning District. Short of demolishing the existing building it is unlikely that the property will develop with single-family detached houses.

D. Suitability of the property in question for the proposed use.
   The 6.5-acre subject property, combined with the existing improvements, can accommodate the proposed contractors office/yard and apartments. It is anticipated that relatively minor improvements will need to be made externally from the building (i.e., pavement improvements, screening from residential properties, etc.). No public improvements are anticipated to accommodate the proposed uses.

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 area has been zoned and, other than the elementary school, has developed with single-family housing since the Town initiated zoning.

F. The effect the proposed amendment would have on implementation of this Municipality's Comprehensive Plan.

The Comprehensive Plan's Future Land Use map depicts this site as an elementary school. By keeping the building intact, a school could eventually be re-established here.

9-10-3: STANDARDS (for granting a Special Use Permit):
Per Section 9-10-3 of the Town's Municipal Code, the following set of standards must be met before a Special Use Permit (or an amendment to such a permit) may be approved.

A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
Keeping this company within the Town is desirable as the taxes generated by the business helps to fund governmental functions thus contributing to the welfare of the community. However, placing such an intensive commercial use within an established residential neighborhood is not desirable. Public testimony from all six (6) citizens that participated in the public hearing expressed concerns regarding the desirability of the Special Use and whether it would contribute to the general welfare of the neighborhood and community.

B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
Staff has indicated that there is sufficient capacity to provide water and wastewater facilities to/from this site. No formal Traffic Impact Study was brought forth by the applicant. The public expressed concerns regarding the impact increased traffic would have in a residential area. Public testimony indicated that there may be adverse conditions present which may affect the general welfare, health, and safety of the community. Due to the absence of a building inspection report the general safety and welfare cannot be determined at this time.

C. The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.
The proposed improvements to the site will adversely impact the development or residential uses within the neighborhood. Additionally, the proposed Special Use deviates from the current comprehensive plan.

9-7-5: CONDITIONS OF APPROVAL (of a Planned Unit Development)
Per Section 9-7-5 of the Town's Municipal Code, the following criteria must be met before the development plan may be approved.

The development plan shall not be approved except under the following conditions:

A. Assurance shall be required from the developer that the project will be used for the specified purposes, and the planning commission shall require a trust indenture restricting the area to such uses.
The applicant is seeking concept plan approval at this time. Trust indentures, if deemed necessary, would be accessed at the of Final Plan approval.

B. All residential planned unit developments shall make provision by trust indenture for common land, and commercial planned unit developments may make provision for common land, and a trust indenture shall be required.

Trust indentures for common land is not appropriate at this time as no common land is contemplated. When common land is provided, a trust indenture shall be established prior to the approval of the Final Planned Unit Development Plan.

C. An acceptable site plan shall be presented, showing the area to be developed for buildings; the location, size and number of buildings; the areas and/or structures to be developed for common use; the areas and/or structures to be developed for parking; the location of pedestrian and vehicular circulation and the point of ingress and egress, including access streets where required; the provisions of spaces for loading; and adjustments to be made in relation to abutting land uses and zoning districts.

The applicant has not provided a plan that adequately addresses the concerns of lighting, screening, parking and traffic circulation; and the consideration of the effects the use would have on the adjacent properties. The plan also does not adequately address the status of Ottawa St.

D. At least three hundred (300) square feet of area per residential family unit shall be set aside and maintained for recreation area, under the common ownership of the owners of the area covered by the development plan.

This provision has not been met.

E. A statement of financial responsibility shall be filed with the zoning administrator to ensure construction of the planned unit development, including landscaping, in accordance with the plans and requirements of this chapter. (Note: Final plan acceptance shall be contingent upon meeting all financial requirements outlined in the subdivision ordinance.)

This statement shall be required at the time the Final Plan is approved.

F. Applications for approval of planned unit developments designed in accordance with the provisions of this chapter shall be accompanied by all of the necessary legal documentation relating to the conveyance of common areas as provided for in subsection 9-7-6D of this chapter.

The conveyance of any common land would occur at the time of Final Plan approval.

G. Reasonable additional requirements as to landscaping, lighting, screening, accessway and building setbacks may be imposed by the Planning Commission for the protection of adjacent residential property.

The applicant has provided a plan to screen the building and its operations via a fence. The building and access to the property are already in place. No external lighting has been proposed. However, the applicant has not provided a plan that adequately addresses concerns of lighting, screening and consideration of adjacent residential properties.

Approval of Findings of Fact

Mr. Bergeson moved to approve the amended Findings of Fact, seconded by Mr. Hedrick. Unanimous voice vote carried the motion.

Formal Recommendation to Board of Trustees
Mr. Lawson moved to approve the Special Use and Concept Plan for Northern Illinois Fence/Complete Fence Inc. The motion was seconded by Mr. Bergeson.
Roll call vote:
Ayes: None
Nays: Haier, Lawson, Hedrick, Bergeson, Stansky and Rowe
Absent: Steadman Motion failed.

Adjournment
With no further business to conduct Ms. Rowe motion for adjournment seconded by Mr. Lawson. Unanimous voice vote carried the motion. The meeting adjourned at 9:03 p.m.

Respectfully submitted by,

Cheryl Aldis
Town Clerk

Next Planning Commission Meeting is Thursday, February 7, 2019

Approved: February 7, 2019
Attest:

Exhibit D

STANDARDS/FINDINGS OF FACT FOR:
Northern Illinois Fence/Complete Fence Inc (50 W Maple Ave)

9-9-2: MATTERS ENTRUSTED TO PLANNING COMMISSION:

Section 9-9-2 of the Zoning Code outlines the responsibilities of the Planning Commission. Subsection 4 indicates that, "within a reasonable time after the public hearing, the planning commission shall submit its advisory report to the town board of trustees. The report shall state the planning commission's recommendations regarding adoption of the proposed amendment, and its reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the planning commission shall include in its advisory report findings of fact concerning each of the following matters:"

A. Existing use(s) and zoning of the property in question.

   The Subject Property is zoned R-1, Single-Family Residence and is improved with a building which previously was used as an elementary school. The property also has pavement for associated parking and a playground. The building has not be used since it was purchased by its current owner (2012).

B. Existing use(s) and zoning of other lots in the vicinity of the property in question.

   The properties to the north, east and west are zoned R-1 (Single-family Residence District) and the properties to the south are zoned R-3 (Two-Family Residence District). All of the adjacent properties are developed with single-family residential buildings.

C. Suitability of the property in question for uses already permitted under existing regulations.

   The Town's permitted use matrix primarily allows single-family detached housing within the R-1 Zoning District. Short of demolishing the existing building it is unlikely that the property will develop with single-family detached houses.

D. Suitability of the property in question for the proposed use.

   The 6.5 acre subject property, combined with the existing improvements, can accommodate the proposed contractors office/yard and apartments. It is anticipated that relatively minor improvements will need to be made externally from the building (ie, pavement improvements, screening from residential properties, etc). No public improvements are anticipated to accommodate the proposed uses.

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 area has been zoned and, other than the elementary school, has developed with single-family housing since the Town initiated zoning.

F. The effect the proposed amendment would have on implementation of this Municipality's Comprehensive Plan.

   The Comprehensive Plan's Future Land Use map depicts this site as an elementary school. By keeping the building intact a school could eventually be re-established here.

9-10-3: STANDARDS (for granting a Special Use Permit):

Per Section 9-10-3 of the Town's Municipal Code, the following set of standards must be met before a Special Use Permit (or an amendment to such a permit) may be approved.

A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;

   Keeping this company within the Town is desirable as the taxes generated by the business helps to fund governmental functions thus contributing to the welfare of the community. Keeping this company within the Town is desirable as the taxes generated by the business helps to fund governmental functions thus contributing to the welfare of the community. However, placing such an intensive commercial use within an established residential neighborhood is not desirable. Public testimony from all six (6) citizens that participated in the public hearing expressed concerns regarding the desirability of the Special Use and whether it would contribute to the general welfare of the neighborhood and community.

B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and

   Staff has indicated that there is sufficient capacity to provide water and wastewater facilities to/from this site. No formal Traffic Impact Study was brought forth by the applicant. Public testimony indicated that the proposed use would provide adverse conditions to the general welfare, health, and safety of the community. Due to the absence of a building inspection report further concerns regarding the health, safety and welfare exists.

C. The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

   The proposed improvements to the site will adversely impact the development or residentially uses within the neighborhood.

9-7-5: CONDITIONS OF APPROVAL (of a Planned Unit Development)

Per Section 9-7-5 of the Town's Municipal Code, the following criteria must be met before the development plan may be approved.

The development plan shall not be approved except under the following conditions:

A. Assurance shall be required from the developer that the project will be used for the specified purposes, and the planning commission shall require a trust indenture restricting the area to such uses.

   The applicant is seeking concept plan approval at this time. Trust indentures, if deemed necessary, would be accessed at the of Final Plan approval.

B. All residential planned unit developments shall make provision by trust indenture for common land, and commercial planned unit developments may make provision for common land, and a trust indenture shall be required.

Trust indentures for common land is not appropriate at this time as no common land is contemplated. When common land is provided, a trust indenture shall be established prior to the approval of the Final Planned Unit Development Plan.

C. An acceptable site plan shall be presented, showing the area to be developed for buildings; the location, size and number of buildings; the areas and/or structures to be developed for common use; the areas and/or structures to be developed for parking; the location of pedestrian and vehicular circulation and the point of ingress and egress, including access streets where required; the provisions of spaces for loading; and adjustments to be made in relation to abutting land uses and zoning districts.

The applicant has not provided a plan that adequately addresses the concerns of lighting, screening, and the consideration of the effects the use would have on the adjacent properties.

D. At least three hundred (300) square feet of area per residential family unit shall be set aside and maintained for recreation area, under the common ownership of the owners of the area covered by the development plan.

This provision has not been met.

E. A statement of financial responsibility shall be filed with the zoning administrator to ensure construction of the planned unit development, including landscaping, in accordance with the plans and requirements of this chapter. (Note: Final plan acceptance shall be contingent upon meeting all financial requirements outlined in the subdivision ordinance.)

This statement shall be required at the time the Final Plan is approved.

F. Applications for approval of planned unit developments designed in accordance with the provisions of this chapter shall be accompanied by all of the necessary legal documentation relating to the conveyance of common areas as provided for in subsection 9-7-6D of this chapter.

The conveyance of any common land would occur at the time of Final Plan approval.

G. Reasonable additional requirements as to landscaping, lighting, screening, accessway and building setbacks may be imposed by the Planning Commission for the protection of adjacent residential property.

The applicant has provided a plan to screen the building and its operations via a fence. The building and access to the property are already in place. No external lighting has been proposed.