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: **MAY 8, 2019** **FOR MEETING ON:** **MAY 13, 2019**

DESCRIPTION/TITLE:

PC19-01 – MARIO DELGADO – REQUEST TO REZONE 3 ACRES AT THE SOUTHEAST CORNER OF SOMONUAK ROAD AND CORTLAND CENTER ROAD FROM C-1 TO C-2.

REQUIRED ACTION:

1) RECEIVE AND REVIEW THE PLANNING COMMISSION'S FINDINGS OF FACT AND RECOMMENDATION REPORT AND THE MINUTES FROM THEIR MARCH 7, 2019 MEETING.

2) RECEIVE AND REVIEW THE ZONING ADMINISTRATOR'S REPORT TO THE PLANNING COMMISSION.

3) EITHER GRANT OR DENY THE PETITIONER'S REQUEST TO REZONE BY TAKING ACTION OTHE ATTACHED ORDINANCE ENTITLED: "AN ORDINANCE REZONING THE PROPERTY LOCATED AT TBD (F/K/A 20740) N. SOMONAUK ROAD …"

COMMITTEE RECOMMENDATION:

THE PLANNING COMMISSION IS RE RECOMMENDING THAT THIS ORDIANANCE BE PASSED.

STATEMENT OF CONCERN/SUMMARY:

ON MARCH 7, 2019, THE PLANNING COMMISSION CONDUCTED A PUBLIC HEARING TO CONSIDER THE PETITIONER'S REQUEST TO REZONE PROPERTY AT THE SOUTHEAST CORNER OF SOMONAUK ROAD AND CORTLAND CENTER ROAD FROM C-1 TO C-2. AFTER THE CONDUCTING THE HEARING THE COMMISSION DEBATED THE MERITS OF THE CASE INCLUDING CONCERNS THAT ANY USE WITHIN THE C-2 DISTRICT COULD BE ESTABLISHED ON THIS PROPERTY IF THE PROPERTY WERE REZONED. THEY ALSO EXPRESSED CONCERNS THAT THE STATED PROPOSED USE IS NOT IN KEEPING WITH THE IMPLEMENTATION OF THE COMPRENSIVE PLAN. FINALLY, THEY CONSIDERED THE FACT THAT A SIMILAR REQUEST WAS MADE FOR PROPERTY ACROSS THE ROAD FROM THIS REQUEST AND THAT THE TOWN BOARD ELECTED TO APPROVE THAT REQUEST. AS SUCH, UPON COMPLETING THEIR DELIBERATION A MOTION WAS MADE TO RECOMMEND APPROVAL OF THE REQUESTED REZONING. THIS MOTION PASSED (4 AYES, 1 NAY, 2 ABSENT)

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:

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FINDING OF FACT AND RECOMMENDATION
TO THE TOWN OF CORTLAND BOARD OF TRUSTEES
PC 2019-01

To: Cortland Board of Trustees

From: Cortland Planning Commission

Date: April 8, 2019

RE: Consideration of a request to rezone property at the Southeast Corner of Somonauk Road and Cortland Center Road

The Cortland Planning Commission conducted a Public Hearing on March 7, 2019, at 7:05 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 Mario Delgado as applicant and Resource Bancshares as owner to rezone a three acre property at the southeast corner of Somonauk Road and Cortland Center Road from C-1 (Limited Retail Business) to C-2 (General Commercial). A copy of the application is attached as Exhibit A.

Public notice was given through publication in the Daily Chronicle on February 16, 2019, and via letters sent to adjacent property owners on February 8, 2019 (see Group Exhibit B).

The Planning Commission reviewed and considered the material and information presented at the public hearing (a copy of the approved minutes from this meeting is attached as Exhibit C). It reviewed the required standards upon which a rezoning request is to be considered (Section 9-9-2B4 of the Zoning Code) and established Findings of Fact (Exhibit D).

A motion was made to approve the request to rezone the property from C-1 to C-2, which passed (4 Yea, 1 Nay, 2 Absent). The Planning Commission therefore recommends approval of the request.

Respectfully Submitted,

S. Bradley Lawson

Brad Lawson, Chairman
CORTLAND PLANNING COMMISSION

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
Planning Commission
Regular Meeting
April 4, 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. followed by the Pledge of Allegiance. Roll call taken by Clerk Aldis showed as present Commissioners, Ben Haier, Brad Lawson, Mark Hedrick, and Leah Rowe. Commissioners shown as absent were Chad Bergeson, Erik Stransky and Julie Steadman. Quorum was present. Also present was Anna Kurtzman, Zoning Administrator.

Approval of the Agenda
Ms. Rowe moved and Mr. Haier seconded a motion to approve the agenda as amended to include a discussion item, Chair meeting with the Mayor. Unanimous voice vote carried the motion.

Approval of Minutes
Mr. Haier moved and Mr. Hedrick seconded a motion to approve the minutes of March 7, 2019 as amended. Unanimous voice vote carried the motion.
Ms. Kurtzman noted that a portion of her staff report had incorrect information. Public Hearing information (Delgado) describing the property to the northwest of the subject property as unincorporated A-1 Agricultural use should have stated incorporated R-1 used agriculturally (pg1), and under b. Existing Uses and Zoning of the lots in the vicinity of the property in question (top of pg. 3 last sentence) "The property to the west is zoned P-1 Park and Open Space and has been used for open space."

Zoning Administrator's Report
Update on PC 18-06 (Northern Illinois Fence – 50 W Maple Ave)
Ms. Kurtzman reported that she had relayed additional information to the applicant. There has been no forward progress at this time.

Chair Update – Meeting with Mayor
Mr. Lawson reported that he had met with the Mayor after the last Planning Commission meeting. He reported that the Mayor understands the frustration of the Commission in its mission. He states that the Commission does need to follow the direction of the Codes and use the information at hand and go forward.

Approved: April 18, 2019
Attest: RL

Public Hearing
PC19-02 (J19-02): Proposed Text Amendment adding Fire Sciences Training Facilities to the Permitted Use Matrix (Section 9-3-7F) as requiring a Special Use Permit in the AG, I-1, I-2 and P-1 zoning districts

Chair Lawson called the public hearing to order at 7:10 p.m. Clerk Aldis read the legal notice into the record. The notice was published in *The Daily Chronicle* on March 16, 2019 meeting the requirements of the law.
The Chair swore in Anna Kurtzman, Zoning Administrator.
Ms. Kurtzman reported that the Town is the applicant for this public hearing. The Town has been approached and the possibility was discussed of locating a fire training facility in the Town of Cortland. If that were to be allowed the use would need to be established in the Zoning Code. The questions were asked what is the use, what districts might be appropriate for location, should the permitted use be by right or under a Special Use, or at all, in which case an amendment would not be necessary. It was determined that a Zoning Code amendment would be appropriate.
Ms. Kurtzman stated that in her analysis of the subject matter she proposes AG, I-1, I-2, and P-1 as options for consideration with a special use permit to evaluate applications should they be submitted.

She reported that she had one member of the public come to visit her to try to discern where this training center might be located. Mr. Johnson of Johnson canvas asked if this would directly impact their property. It was indicated to him that his particular area of town was not under consideration for this activity at this time.

Ms. Kurtzman reported that she had received no written testimony and there was no one in the audience wishing to testify.

There was no further testimony.

Chair Lawson moved into deliberations of the Commissioners.
Mr. Haier clarified that no residential or commercial designations were being considered. He was answered in the affirmative.
Mr. Lawson asked for clarification of the P-1 designation with a special use permit. Park and Open spaces are generally parks. He questioned the thought process.
Ms. Kurtzman responded that with the special use permit each application must stand on its own merits. This allows people to evaluate the proposal.
Mr. Lawson asked if this P-1 designation was approved what situations might it open.
Ms. Kurtzman read the "Intent of Districts" section 9-3-5.
"P-1 recreation and open space: This district is to maintain areas that are subject to flooding or having significant flora or fauna by remaining open space or for recreational uses."
The current zoning map was used as a display for areas currently zoned P-1. It was determined that "Government Uses" zoned P-1 included town utilities such as sewer lift stations, water wells and supporting buildings, as well as detention and retention ponds for storm water purposes.

When asked what a facility of the type might look like Ms. Kurtzman responded that it may be similar to Burlington, IL. where areas of controlled fire, indoor or outdoor would be the fire training site. There could be multiple buildings on a site. Traditionally, they are a one or two-story facility with ladder work possibilities. There could be paramedic training, EMS exercises; multiple agencies bringing their own equipment to the site. Training is generally scheduled.

A recess was called at 7:32 and reconvened at 7:37 p.m.

Mr. Hedrick moved and Mr. Haier seconded a motion to close the public hearing. 7:38 p.m.

Findings of Fact

Commissioner's reviewed the proposed Findings of Fact.
Mr. Lawson stated that he was not OK with the P-1 designation and the Town Board may want to consider the appropriateness of this type of use in the Recreational Open Space designation.
After discussion and further consideration, the Commissioners approved the following Findings of Fact on a motion by Ms. Rowe, seconded by Mr. Hedrick. Unanimous voice vote carried the motion.
PC 19-02: Fire Sciences Training Facility Text Amendment

1. Fire Science Training Facilities meet economic development goals as it would bring people to town who have the potential to purchase services from local businesses; elements and principals of the Town's Comprehensive Plan.
2. Well trained firefighting personnel helps to ensure that the community remains safe.
3. The Town's Zoning Code provides zones where certain uses may be allowed by right, allowed through the application of special uses, or not allowed.
4. Fire Science Training Facilities will involve fire and smoke which may adversely impact the physical, mental and/or emotional well-being of some people.
5. The impact that Fire Science Training Facility may have on the Town's water supply should be examined at the time such a facility is contemplated.
6. Because of the potential adverse impact Fire Science Training Facilities cold have on people and the impact on the Town's water supply these types of uses should not be located near concentrations of people. As such, the residential, commercial, and recreational open spaces would not be appropriate for these facilities.
7. Because of the potential impacts that such a training facility may have it should not be allowed by right in any zoning district but may be acceptable in non-residential/industrial districts if the particular impacts examined and, if appropriate, mitigated. As such, Fire Science Training Facilities may be appropriate as Special Uses in AG, I-1, and I-2 zoning districts.

Recommendation

Mr. Haier moved and Ms. Rowe seconded a motion that the Town Board amend Section 9-3-7F of the Zoning code to include the use Fire Science Training Facility as a Special Use under the designation of AG, Agriculture, I-1, Light Industrial, and I-2, Heavy Industrial only. Unanimous roll call vote carried the motion.

Adjournment
With no further business to conduct a motion for adjournment was entered by Mr. Hedrick, seconded by Ms. Rowe and the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Cheryl Aldis

Cheryl Aldis
Town Clerk

Approved: April 18, 2019
Attest: RN

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 19-1

Date Filed: 1/22/19, revised 1/24/19

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*

[X] Rezoning from C1 to C2

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

[X] Concept Plan

[ ] Preliminary Subdivision Plat

[ ] Final Engineering Plan

[ ] Final Subdivision Plat

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

[ ] Preliminary Engineering

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

PART I. APPLICANT INFORMATION

APPLICANT *(Please Print or Type)*

Name: Mario Delgado

Address: 238 Keene Drive
Cortland, Illinois 60112

E-mail: dels_family@yahoo.com

Phone: (815) 970 2690 *Fax:* (____) ____ ____

LAND OWNER *(If different than Applicant)*

Name: Resource Bancshares, Inc.

Address: 555 Bethany Road
DeKalb, Illinois 60115

E-mail:

Phone: (815) 756 6324 *Fax:* (____) ____

Filename: F:\My Documents\W-ZB\Forms\Land Development & Change\Land Development Ap 9-8-17.doc

J 19-1
received
OBK 1/24/19

PC Number: PC 19-1

CONTACT PERSON *(If different from Applicant)*

Name: Stephanie L. Butler, Stephanie L. Butler Law Office, LLC

Address: 210 E. North Street, Suite B
Elburn, Illinois 60119

E-mail: SLB@SLButlerLaw.com

Phone: (630) 448 - 6520 *Fax:* (630) 345 - 3263

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

(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 [X]

(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: 20740 Somonauk Road

PARCEL INDEX NUMBER(S): 09-20-200-003

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

AREA OF PARCEL (*ACRES*): 3.11 acres

IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED: N/A

CURRENT ZONING: C1 **PROPOSED ZONING:** C2

RECOMMENDED LAND USE: Central Business District
(Based upon the recommendations of the Cortland Town Plan)

PROPOSED LAND USE: Landscaping Contractor Office, Storage Building, and Yard

NAME OF PROPOSED DEVELOPMENT: Del's Family Landscaping

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

The subject property is located in which SCHOOL DISTRICT? School District 428

I, Mario Delgado, 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.

Mario A Delgado
Signature of Applicant

0-14-2019
Date

received
OSK 1/24/19

Town of Cortland

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

Town Hall:
Administration Office 815/756-9041
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Facsimile 815/756-1543

PC Number: PC 19-1

Date Filed: 1/22/19

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(Check all that apply)

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[ ] Rezoning from C1 to C2

[X] Special Use Permit for a
- [ ] Planned Residential Development
- [X] Planned Commercial Development
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Name: Mario Delgado

Address: 238 Keene Drive
Cortland, Illinois 60112

E-mail: dels_family@yahoo.com

Phone: (815) 970 2690 *Fax:* ( ) _____

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E-mail:

Phone: (815) 756 6324 *Fax:* ( ) _____

Filename: F:\My Documents\W-ZB\Forms\Land Development & Change\Land Development Ap 9-8-17.doc

J19-1
received
1/22/19 jc

PC Number: PC 19-1

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Address: 210 E. North Street, Suite B
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(Based upon the recommendations of the Cortland Town Plan)

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NAME OF PROPOSED DEVELOPMENT:

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

The subject property is located in which SCHOOL DISTRICT? School District 428

I, Mario Delgado, 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.

Mario A Delgado
Signature of Applicant

0-14-2019
Date

received 1/22/19 ja

LEGAL DESCRIPTION

That part of the South 1/2 of the Northeast 1/4 of Section 20, Township 40 North, Range 5 East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of said South 1 /2; thence Southerly, along the West line of said Quarter, 329.01 feet; thence Easterly, at right angle to said West line, 408.50 feet; thence Northerly, at right angle to the last described course, parallel with said West line, 333.50 feet to the North line of said South 1/2; thence Westerly, along said North line, 408.52 feet to the point of beginning, all in Cortland Township, DeKalb County, Illinois.

Commonly Known As: 20740 Somonauk Road, Cortland, IL 60112

P.I.N.(s): 09-20-200-003

received
1/22/19 ja

ResourceBank
A NATIONAL BANK

April 24, 2019

received
4/29/19 JA

Town of Cortland
Planning and Zoning Board
Cortland IL 60112

RE: Resource Bancshares, Inc. to Delgado
20740 Somonauk Rd, Cortland IL 60112

To Whom It May Concern:

Resource Bancshares, Inc. (Seller) has entered into a real estate contract with Mario Delgado (Purchaser) whereby Delgado agrees to purchase the above referenced property contingent upon the Town's approval of Delgado's application for rezoning. Resource Bancshares, Inc. hereby authorizes Delgado to make said application in explicit conformance with Section 2.2 (b) of Ordinance 2002-01.

Respectfully,

Richard Katz
Chairman and President of the Corporation

received
1/22/19 ja

I, Anna Kurtzman, hereby attest that on Friday, February 8, 2019, 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 a three (3) acre undeveloped property at the southeast corner of Somonauk Road and Cortland Center Road, Cortland, IL (PIN: 09-20-200-003) for a Planning Commission case identified as PC19-01 (a request to amend the Zoning Map from a C-1 [Limited Retail Business District] to C-2 [General Commercial District]). 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
11th day of February, 2019.

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:
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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 Mario Delgado, as applicant, and Resource Bancshares, Inc, as owner, have filed with the Town of Cortland a request to rezone approximately 3.11 acres from Light Commercial (C-1) to General Commercial (C-2). The subject property is located at the southeast corner of N. Somonauk Road and E. Cortland Center Road in the Town of Cortland. A public hearing will be conducted in front of the Town's Planning Commission on Thursday, March 7, 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:

THAT PART OF THE SOUTH ½ OF THE NORTHEAST ¼ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTH ½; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID QUARTER, 329.01 FEET; THENCE EASTERLY, AT RIGHT ANGLE TO SAID WEST LINE, 408.50 FEET; THENCE NORTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, PARALLEL WITH SAID WEST LINE, 333.50 FEET TO THE NORTH LINE OF SAID SOUTH ½; THENCE WESTERLY, ALONG SAID NORTH LINE, 408.52 FEET TO THE POINT OF BEGINNING, ALL IN CORTLAND TOWNSHIP, DEKALB COUNTY, ILLINOIS. With a Property Identification Number of 0920200003.

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, P.O. Box 519, 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 815-981-8790.

Exhibit B

PIN	Line 1	Line 2	Line 3
09-20-200-005	Daniel Martinez	460 N. Somonauk Rd	Cortland, IL 60112
09-20-200-009	NDV Cortland LLC	2340 S. River Rd, Ste 310	Des Plaines, IL 60018
09-20-257-001	Rodolfo Garcia	51 E Clover Ave	Cortland, IL 60112
09-20-256-027	Lana Nimri	52 E Clover Ave	Cortland, IL 60112
09-20-100-008	Keith J Kotche	1060 Lake St, Ste 200	Hanover Park, IL 60133
09-20-251-001 & 09-20-182-001	Town of Cortland	PO Box 59	Cortland, IL 60112

Certificate of the Publisher

COPY

Daily Chronicle

Description:HEARING-DELGADO
1629574

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
02/16/2019

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
16th day of February, A.D. 2019

Shaw Media By: Laura Shaw

Laura Shaw, Publisher

Account Number 10025127 Amount $106.02

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

Legal Notice is hereby given that Mario Delgado, as applicant, and Resource Bancshares, Inc. as owner, have filed with the Town of Cortland a request to rezone approximately 3.11 acres from Light Commercial (C-1) to General Commercial (C-2). The subject property is located at the southeast corner of N. Somonauk Road and E. Cortland Center Road in the Town of Cortland. A public hearing will be conducted in front of the Town's Planning Commission on Thursday, March 7, 2019, at 7:00 pm at the Town Hall (59 S. Somonauk Road), Cortland, Illinois, to take testimony regarding the applicant's proposal.

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(Published in the Daily Chronicle, February 16, 2019.)1629574

Exhibit D

Approved Findings of Fact for PC 19-01

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

The subject property is Zoned C-1 (Limited Retail Business) and has been used for agricultural purposes.

b. Existing use(s) and zoning of other 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 the NeuCort Lakes residential subdivision which is zoned R-2 Planned Unit Development. To the south is Suppeland Park which is zone P-1 Park and Open Space. The property to the west is zoned P-1 Park and Open Space and is undeveloped.

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 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.

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

TO: Planning Commissioners

February 25, 2019

FROM: Anna B. Kurtzman, Zoning Administrator ABK

SUBJECT: PC 19-01: Request to Rezone Property owned by Resource Bankshares, Inc
Southeast Corner of Somonauk Rd and Cortland Center Rd
From C-1 (Limited Retail Business) to C-2 (General Commercial)

STAFF ADVISORY REPORT

APPLICANT: Marlo Delgado

OWNER: Resource Bankshares, Inc

PROPOSAL:
The applicant is requesting to change the zoning of the subject property from the current C-1 (Limited Retail Business) to C-2 (General Commercial). A copy of the application is attached as Group Exhibit A.

SUBJECT PROPERTY:
The subject property is approximately 3 acres in size and is located at the southeast corner of N. Somonauk Road and E. Cortland Center Road. It is also bounded by N Pampas Drive on the eastern side. This property is presently undeveloped but has been used for row crops. The property is currently zoned C-1 (Limited Retail Business). (A location map, aerial photo, and zoning map are attached as Group Exhibit B.)

HISTORY/CURRENT CONDITIONS:
The Subject Property was annexed in 2002 at which time it was zoned C-1. Portions of the property have been farmed with row crops.

Properties that are immediately adjacent to the subject property (or across the street from) have the following zoning and uses:

Direction	Zoning	Use
North	C-2	Agriculture
South	P-1	Suppland Park
East	R-2 PUD	NeuCort Lakes Subdivision
West	P-1	Agriculture
Northwest	Unincorporated A-1 (Agricultural District)	Farmstead*

* It is staff's understanding that the nature of this property is in the process of being converted from a farmstead to a farmstead with a "party barn." This information has not been confirmed.

COMPREHENSIVE PLAN:
The Town adopted a Comprehensive Plan on December 13, 2004, which guides development throughout the community. An "Uptown/Civic Center Sub-Area Plan" was adopted on March 13, 2006, which provides further guidance for the area surrounding the intersection of Somonauk Road and Cortland Center Road (Exhibit C). This plan envisions this intersection as a new dense mixed-use neighborhood, with an emphasis on pedestrian-friendly uses and high quality amenities.

ANNEXATION AGREEMENT:
The annexation agreement associated with this property was adopted on January 14, 2002 (Ordinance 2002-01). A copy of this document is available for review at the Town Hall or can be found at the County Recorder's website as document number 2002003905. This agreement, like most annexation agreements, is valid for twenty years (due to expire January 14, 2022). The bulk of the agreement discusses how the "Meger Property" (now NeuCort Lakes Subdivision) would develop. It appears that, as it pertains to the "Resource Bankshare Property" the relevant sections discuss the zoning – indicating 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 THE PROFESSIONALS:
There are engineering concerns related to the future development of this site, which will need to be addressed when the site is developed. Some of these include: 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 sewer lines.

The Planning Commission recently reviewed a similar request to rezone from C-1 to C-2 for the property which is directly north of the Subject Property (PC 18-03: Treescape Solutions). The Commission effectively recommended denial of this request. On November 23, 2108, the Town Board accepted the applicant's request and rezoned the property to C-2.

STANDARDS UPON WHICH REVIEW SHOULD BE TAKEN:
Section 9-9-2 of the Town's Zoning Code addresses the Planning Commission's role in assessing amendments to the Code, including Map Amendments. Subsection B4 states that the Commission is to provide the Town Board with a written report, that includes your recommendation, and reasons therefore including findings of fact used to make your recommendation. A copy of the standards to be used is included in Exhibit D. This exhibit also provides some examples of how the Findings of Fact may be crafted. Please keep in mind that these examples are suggestions only and are based upon information available at this time. Additional information may be presented during the hearing process which may impact how these points are addressed.

PLANNING COMMISSION ACTIONS:
Open the Public Hearing and accept any and all testimony related to the proposal. Once all testimony has been presented the Commission may close the hearing. After closing the hearing the Commission may discuss the merits of the presented information, establish the Findings of Fact upon which decisions may be made and render a recommendation to the Town Board.

As this is a request to rezone property the Planning Commission may recommend to either approve or deny the request (no conditions may be imposed upon the rezoning). It is important to note that any motion must be made as a positive statement. (I.E., "I make a motion to approve the request to rezone the property at the southeast corner of Somonauk Road and Cortland Center from its present classification of C-1 to C-2.")

/abk
Attachments
F:\My Documents\W-ZB\Planning Commission\2019\PC 19-1 Dels Family Landscaping\PC Report\Advisory Report to PC.docx

Group 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
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Facsimile 815/787-2015

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

PC Number: PC 19-1

Date Filed: 1/22/19, revised 1/24/19

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*

[X] Rezoning from C1 to C2

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

[X] Concept Plan

[ ] Preliminary Subdivision Plat

[ ] Final Engineering Plan

[ ] Final Subdivision Plat

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

[ ] Preliminary Engineering

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

PART I. APPLICANT INFORMATION

APPLICANT *(Please Print or Type)*

Name: Mario Delgado

Address: 238 Keene Drive
Cortland, Illinois 60112

E-mail: dels_family@yahoo.com

Phone: (815) 970 2690 *Fax:* (____) ____ ____

LAND OWNER *(If different than Applicant)*

Name: Resource Bancshares, Inc.

Address: 555 Bethany Road
DeKalb, Illinois 60115

E-mail:

Phone: (815) 756 6324 *Fax:* (____) ____

Filename: F:\My Documents\W-ZB\Forms\Land Development & Change\Land Development Ap 9-8-17.doc

J 19-1
received
OBK 1/24/19

PC Number: PC 19-1

CONTACT PERSON *(If different from Applicant)*

Name: Stephanie L. Butler, Stephanie L. Butler Law Office, LLC

Address: 210 E. North Street, Suite B
Elburn, Illinois 60119

E-mail: SLB@SLButlerLaw.com

Phone: (630) 448 - 6520 *Fax:* (630) 345 - 3263

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

(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 [X]

(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: 20740 Somonauk Road

PARCEL INDEX NUMBER(S): 09-20-200-003

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

AREA OF PARCEL (*ACRES*): 3.11 acres

IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED: N/A

CURRENT ZONING: C1 **PROPOSED ZONING:** C2

RECOMMENDED LAND USE: Central Business District
(Based upon the recommendations of the Cortland Town Plan)

PROPOSED LAND USE: Landscaping Contractor Office, Storage Building, and Yard

NAME OF PROPOSED DEVELOPMENT: Del's Family Landscaping

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

The subject property is located in which SCHOOL DISTRICT? School District 428

I, Mario Delgado, 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.

Mario A Delgado
Signature of Applicant

0-14-2019
Date

received
OSK 1/24/19

Town of Cortland

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

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Emergencies 815/756-1910
Facsimile 815/756-1543

PC Number: PC 19-1

Date Filed: 1/22/19

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 C1 to C2

[X] Special Use Permit for a
- [ ] Planned Residential Development
- [X] Planned Commercial Development
- [ ] Planned Industrial Development
- [ ] Planned Office Development
- [ ] 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: Mario Delgado

Address: 238 Keene Drive
Cortland, Illinois 60112

E-mail: dels_family@yahoo.com

Phone: (815) 970 2690 *Fax:* ( ) _____

LAND OWNER *(If different than Applicant)*

Name: Resource Bancshares, Inc.

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E-mail:

Phone: (815) 756 6324 *Fax:* ( ) _____

Filename: F:\My Documents\W-ZB\Forms\Land Development & Change\Land Development Ap 9-8-17.doc

J19-1
received
1/22/19 jc

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Name: Stephanie L. Butler, Stephanie L. Butler Law Office, LLC

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

PART II. PROPERTY INFORMATION

ADDRESS OF PROPERTY: 20740 Somonauk Road

PARCEL INDEX NUMBER(S): 09-20-200-003

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

AREA OF PARCEL (*ACRES*): 3.11 acres

IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED: N/A

CURRENT ZONING: C1 **PROPOSED ZONING:** C2

RECOMMENDED LAND USE: Central Business District
(Based upon the recommendations of the Cortland Town Plan)

PROPOSED LAND USE: Landscaping Contractor Office, Storage Building, and Yard

NAME OF PROPOSED DEVELOPMENT:

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

The subject property is located in which SCHOOL DISTRICT? School District 428

I, Mario Delgado, 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.

Mario A Delgado
Signature of Applicant

0-14-2019
Date

received 1/22/19 ja

LEGAL DESCRIPTION

That part of the South 1/2 of the Northeast 1/4 of Section 20, Township 40 North, Range 5 East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of said South 1 /2; thence Southerly, along the West line of said Quarter, 329.01 feet; thence Easterly, at right angle to said West line, 408.50 feet; thence Northerly, at right angle to the last described course, parallel with said West line, 333.50 feet to the North line of said South 1/2; thence Westerly, along said North line, 408.52 feet to the point of beginning, all in Cortland Township, DeKalb County, Illinois.

Commonly Known As: 20740 Somonauk Road, Cortland, IL 60112

P.I.N.(s): 09-20-200-003

received
1/22/19 ja

ResourceBank
A NATIONAL BANK

January 14, 2019

Town of Cortland
Planning and Zoning Board
Cortland IL 60112

RE: Resource Bancshares, Inc. to Delgado
20740 Somonauk Rd, Cortland IL 60112

To Whom It May Concern:

Resource Bancshares (Resource Bank, N.A.) has entered into a real estate contract with Mario Delgado whereby Delgado agrees to purchase the above referenced property contingent upon the Town's approval of Delgado's request for rezoning. Resource hereby authorizes Delgado to file said application.

Sincerely,

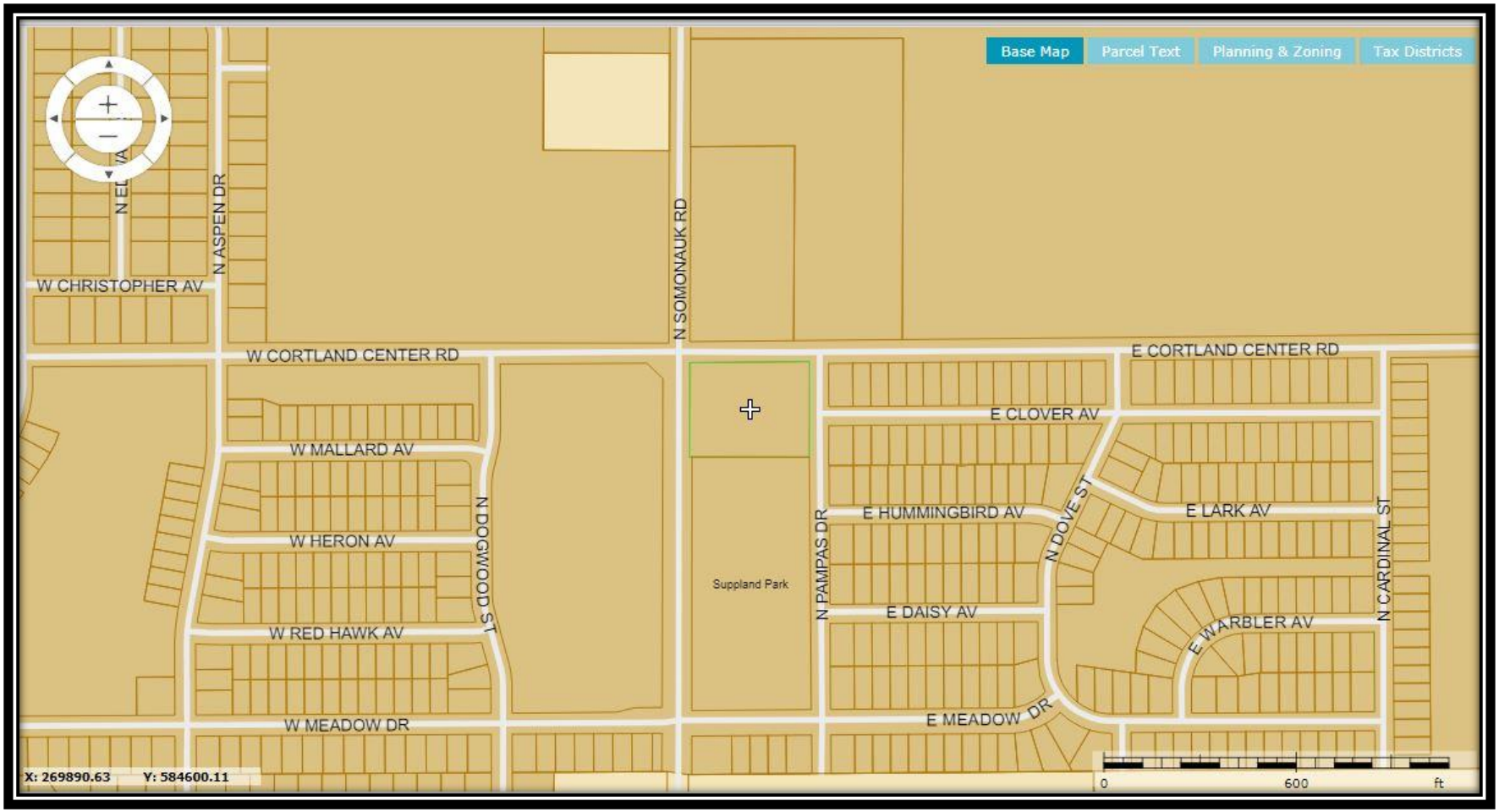
Richard Katz
Chairman and President

received
1/22/19 js

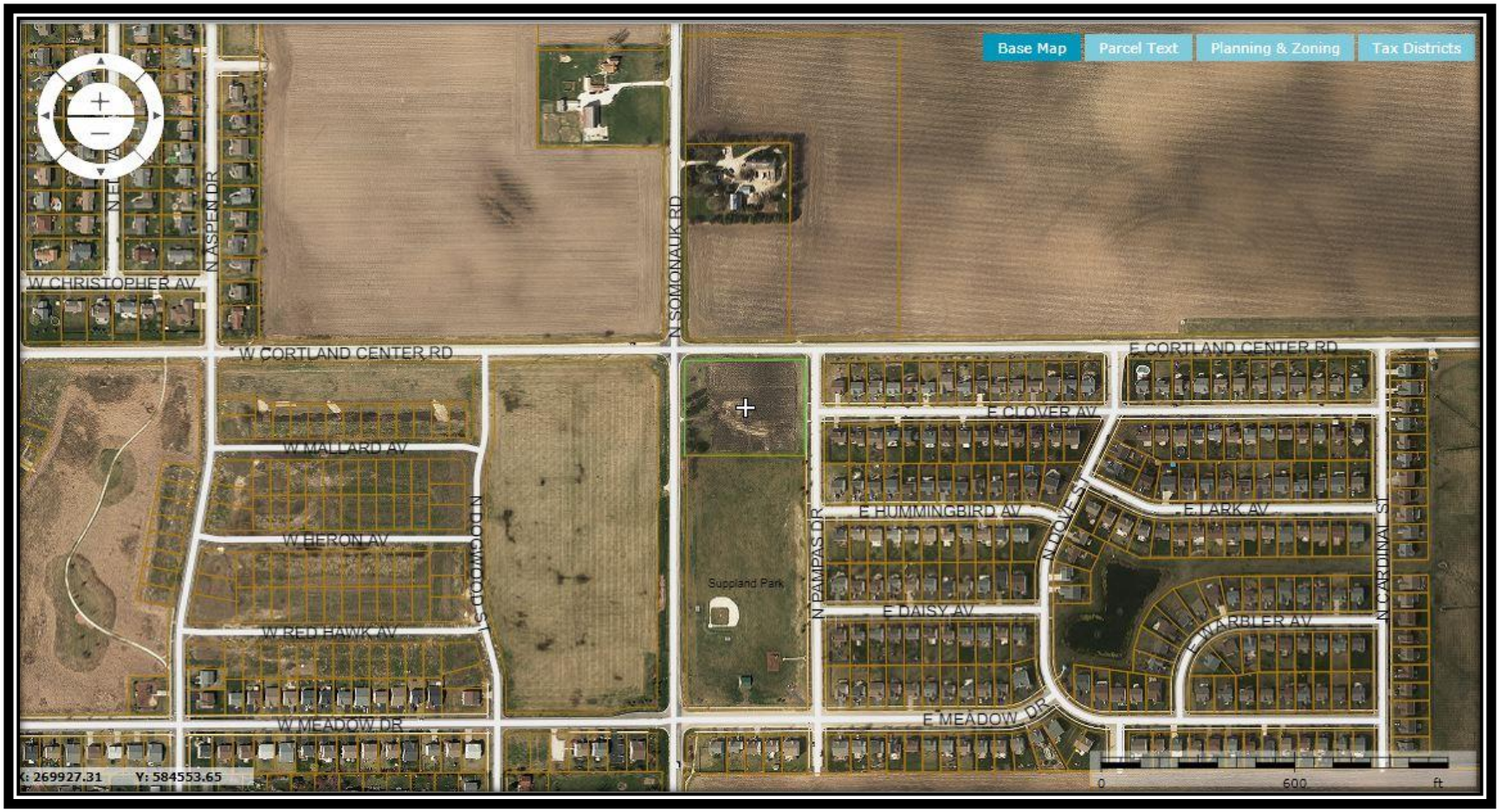
received
1/22/19 ja

Group Exhibit B

Subject Property Location Map



Aerial Map of Subject Property and Area



Zoning Map of Subject Property and Area

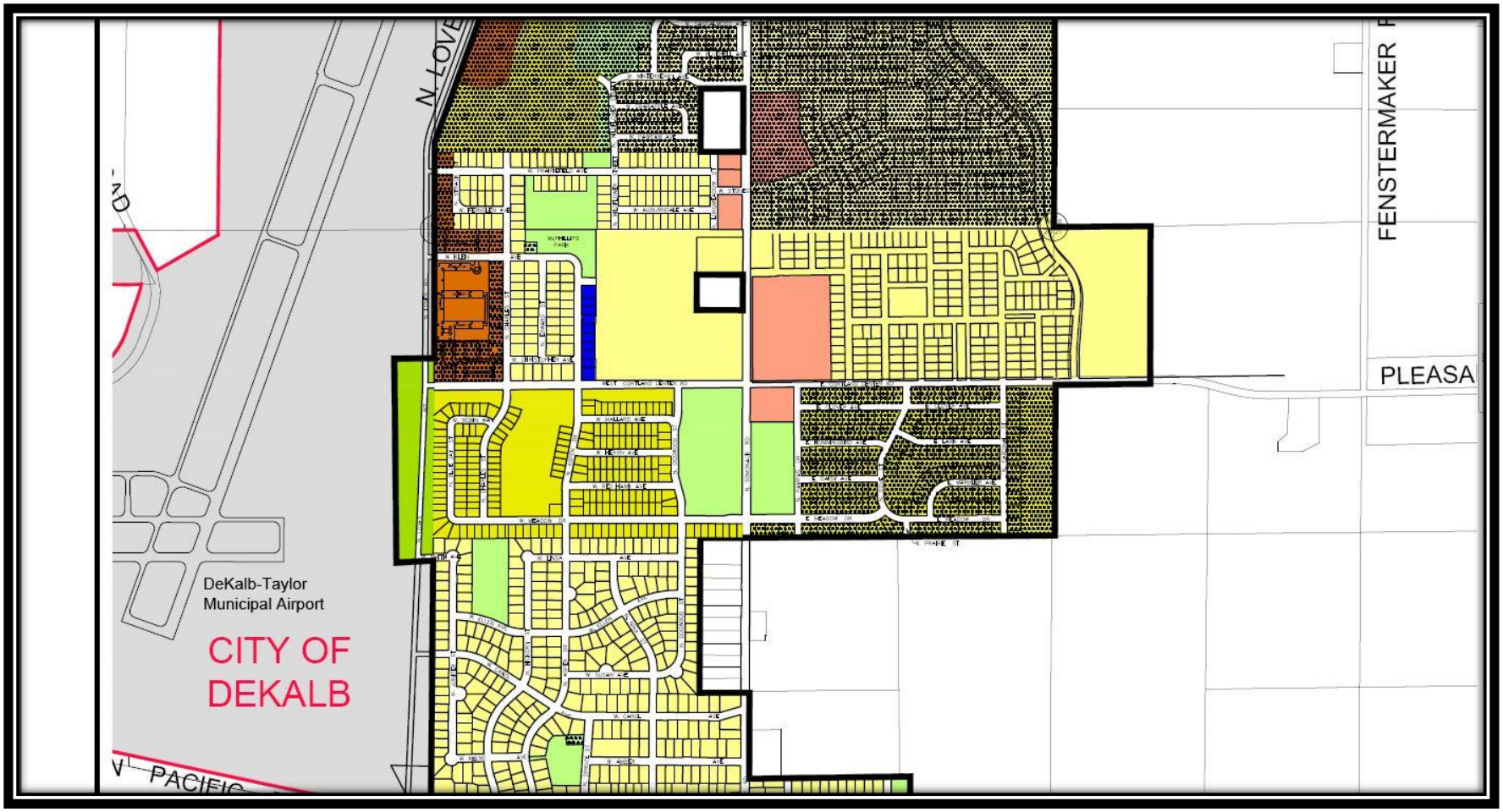


Exhibit C

UPTOWN/CIVIC CENTER SUB-AREA PLAN

An Amendment of the Cortland Comprehensive Plan, Adopted March 13, 2006, Ordinance No. 2006-53

UPTOWN/CIVIC CENTER
SUB-AREA PLAN

The purpose of the Uptown Sub-Area Plan is to establish a vision and adopt an illustrative concept plan for the development of a dense mixed-use neighborhood at the intersection of Cortland Center Road (formerly Pleasant Street) and Somonauk Road in Cortland.

Consistent with the Community Design element of the Cortland Comprehensive Plan, the Uptown sub-area plan envisions this new neighborhood as a mix of retail, offices, food services, business and personal services, banks, civic, lodging and residential uses arranged along pedestrian-friendly streets with high quality architecture, street furnishings, public art, fountains, and public spaces. Upper floors of the buildings, particularly in the mixed-use core, will have offices and residential dwellings. Residential uses adjacent the mixed-use core will be high density preferably with a mix of attached and detached single-family residential dwellings and multiple-family buildings.

In addition to the forty acre, more or less, tract of land at the northwest corner of Somonauk Road and Cortland Center Road, the Sub-Area Plan includes portions of Amdur's Addition, Neucort Lakes and Cambridge Homes' Richland Trails. The commercial frontage of Amdur's Addition is expected to include a full-service grocery store and pharmacy and a hardware store which are accommodated in the Concept Plan. The Somonauk Road frontage of Cambridge's proposed Richland Trails neighborhood is expected to become the site for the new civic center which will include a new library and Town hall buildings and a civic park.

The mixed-use core is intended to provide a wide range of retail, personal and business services, food services (restaurants, cafes, delis, etc.). Outdoor seating and dining areas will be provided to make the environment more hospitable for pedestrians. Additionally, shop fronts will be brought up to the sidewalk to allow pedestrians the opportunity to window shop as they stroll along the sidewalk. A mix of parking choices will be provided. On-street parking will be available along all streets, except Somonauk Road, and parking lots will be placed in the interior of blocks. Parking structures and underground parking are also envisioned as possible parking alternatives.

The introduction of food service uses and a full-service grocery store in the Uptown plan is dependent upon the prohibition against the sale of liquor in the community being lifted. The prospects of attracting these types of businesses is extremely limited if the business cannot sell alcoholic beverages for consumption on the premises or packaged liquor for off-site consumption. The absence of food service uses serving alcoholic beverages will not stop the development of the Uptown neighborhood, but would severely limit the dining experience options for residents and visitors.

Civic uses are also envisioned in this neighborhood. A civic center complex, consisting of a new Town Hall and library buildings and a civic park, is one of the anchors of the proposed development. The civic park adjacent the civic center buildings is envisioned as a formal public space with gardens, fountains and memorials, and perhaps a band shell or other structure for public events. A plaza joining the two civic buildings is envisioned

as a place for public art and fountains and as a gathering spot or location for civic events and ceremonies.

Other public spaces are strongly encouraged in the Uptown neighborhood. Small parks and squares should be provided as focal points, social gathering places, and neighborhood character defining features. The open spaces in the neighborhood should be of high quality design and materials. The amenities and landscaping among the various open spaces in the Uptown neighborhood should not be identical; variety among the open spaces is strongly encouraged.

A formal square is the centerpiece of the new commercial core. Located north of Cortland Center Road, the square would provide a focal point and gathering place. It is envisioned that the square would be a formal landscaped space with seating, a fountain and/or memorial sculpture. Immediately to the south of the square is a plaza that faces the proposed civic center buildings. This civic center plaza is intended to have the same purpose as the square but have a different look and feel from the square.

The use of public art in the Uptown neighborhood is strongly encouraged. Public art may take many forms. In addition to sculpture, public art may be in flat surfaces such as building walls or sidewalks, it may be static or kinetic, it may be interactive, it may involve water or light, it may be in the landscape.

In addition to the residential dwelling units anticipated in the upper floors in the retail core, housing is an integral part of the neighborhood vision. High-density single-family dwellings, such as townhouses or condominium buildings, are encouraged in the neighborhood; particularly along the north side of the Uptown neighborhood adjacent the Heatherfield neighborhood. The residential buildings constructed in Uptown are required to comply with the Community Design principles of the Comprehensive Plan. Namely, garages must be rear-loaded and building facades must incorporate architectural elements and features that contribute to a pedestrian-friendly streetscape.

Other housing choices will be considered in Uptown. Live-work units and accessory dwelling units are encouraged where appropriate in the neighborhood. Accessory dwelling units are small one-room dwellings usually situated over a detached garage and have their own exterior entrance and parking space. Depending upon the building typology used in Uptown accessory dwelling units may be an extremely limited opportunity. A live-work unit is a building typology in which the first floor of the dwelling is the commercial or workspace portion of the dwelling and may share floor space with the household kitchen and bath and the living areas are provided on upper floors, often in a loft-like setting.

Additionally, some residential dwelling units can function as flex-space in the Uptown neighborhood. Selected buildings can be designed in a manner that will enable the ground floor to change from residential to commercial without structural alterations of the building or the building façade at a later date as the neighborhood matures and demand for additional retail or office space grows in Cortland.

Architecture in the neighborhood is expected to emulate the classic Midwestern vernacular: Victorian, colonial, prairie school, and craftsman styles. A mix of styles and building materials is strongly encouraged. Themes are not encouraged since these quickly become dated and lose their appeal. Overuse of a particular exterior building

material is discouraged. Uniformity in building facades, which is all facades having brick or wood or metal as the primary material, can become visually dull and unappealing. The appropriate use of architectural features such as box and bay windows, turrets and towers, spires, oriels and porches are strongly encouraged to provide visual interest and to establish readily recognizable landmark buildings for visitors. The reproduction of historic architectural vernacular styles is not required; successfully applying historic architectural vernacular styles with modern technology and building materials is desired and strongly encouraged. Application of energy efficiency and green technologies to buildings in Uptown is strongly encouraged.

The Uptown neighborhood must be a pedestrian-friendly environment. Wide sidewalks to accommodate strollers, window shoppers and persons sitting at outdoor dining areas or on benches are required. In addition to sidewalks and seating areas the physical environment must be scaled for the pedestrian. Shop windows should not have reflective glass and entrance doors should be recessed. There should be adequate but not blinding illumination of walk surfaces. Signs should be scaled to be read by the pedestrian, not necessarily the motorist. On-street parking should be provided to provide a measure of protection from vehicles moving on the street. Streets should be designed to allow the free flow of traffic at greatly reduced speeds. Facilities for bicyclists should be provided.

In summary, Uptown should become a destination that people will want to visit. The Uptown neighborhood is intended to be a compact area having a lot of activity, diversity of uses and provide a variety of visual and physical experiences for visitors and residents of the neighborhood. It is expected to evolve into the town center as Cortland grows over time.

The Uptown neighborhood will be connected to adjacent neighborhoods by the existing thoroughfare system and new thoroughfares to come. Connecting Uptown to surrounding neighborhoods is essential to it becoming a neighborhood, not an isolated shopping center. The ability of nearby residents to walk or bicycle or drive to Uptown without needlessly traveling on Somonauk Road or Cortland Center Road will contribute to the seamless connection of Uptown with adjacent neighborhoods and reduce the dependence on the automobile for short trips in Cortland.

Uptown will be connected to the Town's developing off-street bike trail network. Trials proposed along Somonauk Road and Cortland Center Road will provide direct access to Uptown. The bike trail connections that will occur along the Somonauk Road and Cortland Center Road trails will enable virtually every Cortland resident to travel to and from Uptown on the future trail network.

The development and evolution of the Uptown neighborhood should not be construed as abandonment of Cortland's downtown along Somonauk Road between North Street and Chestnut Street. Uptown and downtown Cortland can co-exist. While similar in composition they will assume different roles in the community over time. For example, Uptown will become Cortland's civic center and the downtown will evolve into a commuter rail hub when commuter rail service is extended to Cortland and beyond in the future.

In order to implement the Uptown Sub-Area Plan, the Town will need to consider adopting a new zoning classification and land development regulations to apply specifically to this area.

UPTOWN SUB-AREA CONCEPT PLAN

1" = 100'

07.18.05

LANDVISION

Land Vision, Inc.
116 W. Main St., #208
St. Charles, Illinois 60174

Exhibit D

Proposed Findings of Fact

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

The Subject Property is Zoned C-1 (Limited Retail Business) and has been used for agricultural purposes.

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

The property to the north has recently been rezoned to C-2 (General Commercial) and has been used for agricultural purposes. To the East of the Subject Property is the NeuCort Lakes residential subdivision which is zoned R-2 PUD. To the south is Supplland Park which is zone P-1. The property to the west is zoned P-1 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 address 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 addressed 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 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 Suppland 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.