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.
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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

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PC Number: PC 19-1

Date Filed: 1/22/19

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(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 _____

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

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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,

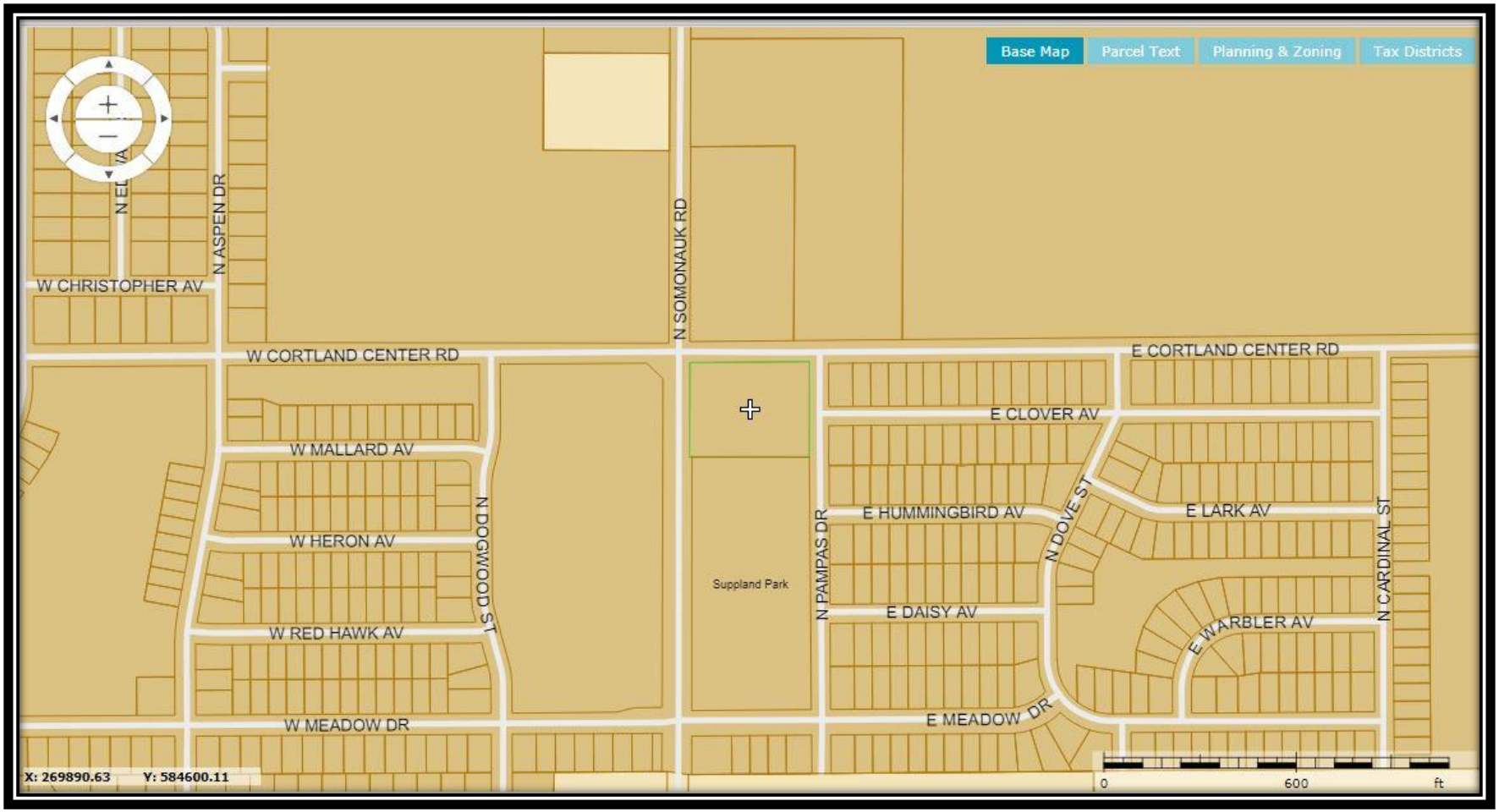
Richard Katz
Chairman and President

received
1/22/19 js

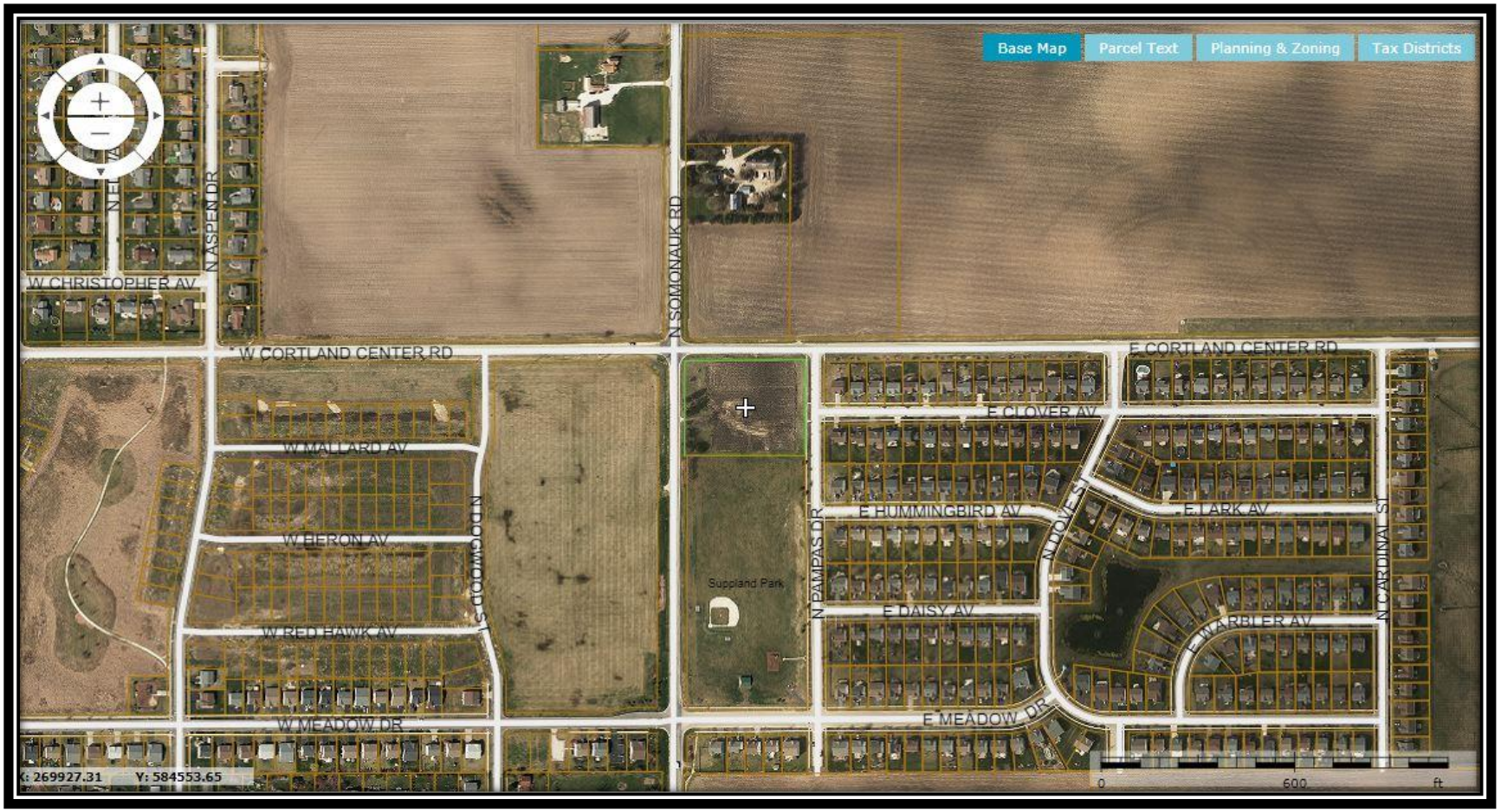
received
1/22/19 ja

Group Exhibit B

Subject Property Location Map



Aerial Map of Subject Property and Area



Zoning Map of Subject Property and Area

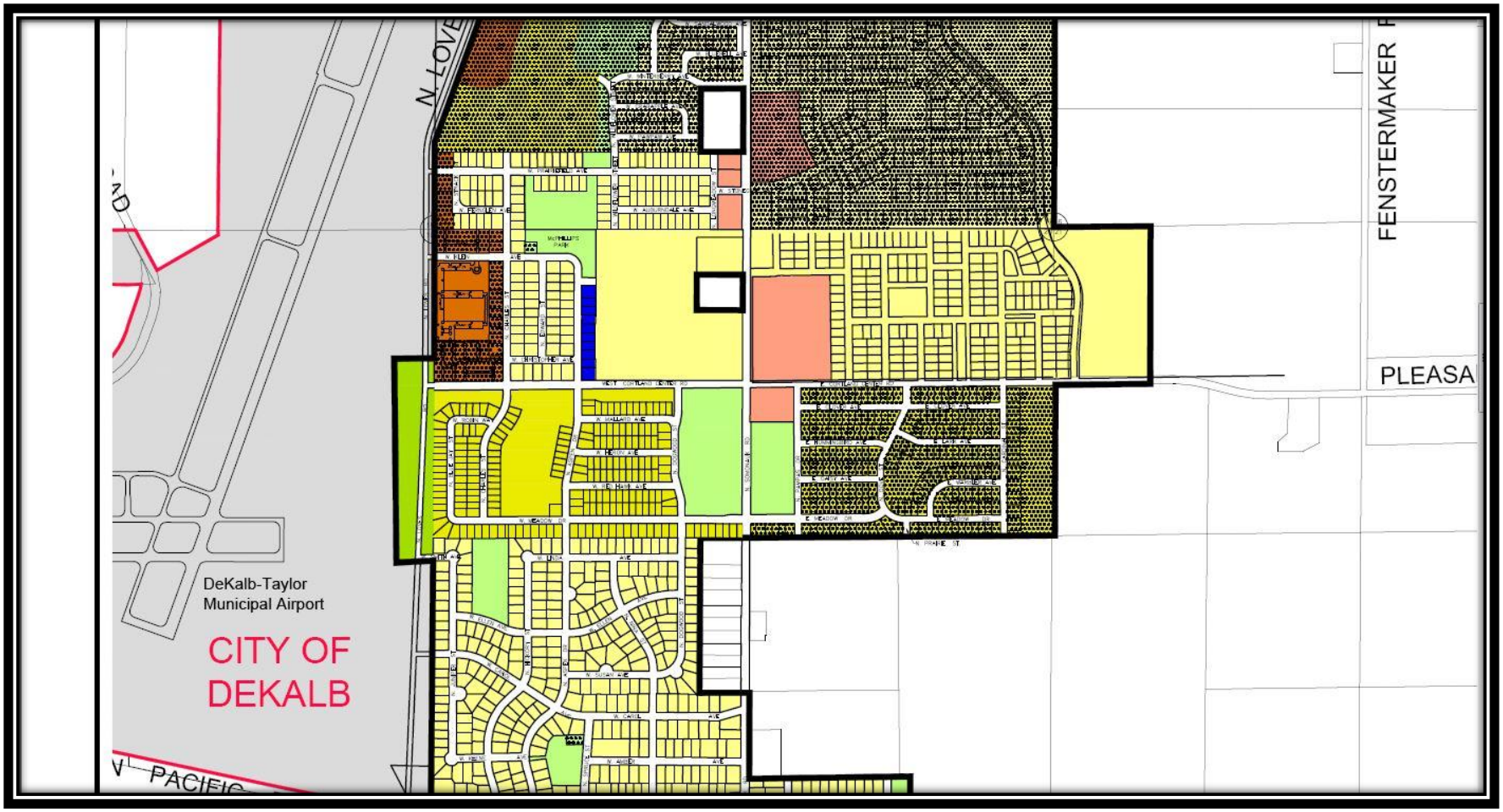


Exhibit C

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.