

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
Planning Commission
Regular Meeting
September 12, 2019
(Changed from September 5, 2019)
7:00 PM

Call to Order/Pledge of Allegiance/Roll Call

Chairman Lawson called the regular meeting of the Planning Commission to order at 7 p.m. Roll call showed as present Brad Lawson, Ben Haier, Julie Steadman, Chad Bergeson, Mark Hedrick. Shown as absent was Erik Stransky. Quorum was present. Also present were Clerk Cheryl Aldis, Zoning Administrator Anna Kurtzman, Attorney Kevin Buick.

Approval of the Agenda

Mr. Haier moved to approve the agenda as presented, seconded by Ms. Steadman. Unanimous voice vote carried the motion.

Approval of Minutes

Mr. Haier moved to approve the minutes of April 18, 2019, seconded by Mr. Bergeson. Unanimous voice vote carried the motion.

Public Hearing

The public hearing for consideration of rezoning seven parcels from their current zoning to Agriculture (AG) was called to order at 7:03 p.m. Clerk Aldis read the legal notice into the record. The notice was published August 28, 2019 in the *Daily Chronicle* meeting the requirements of the law.

Chairman Lawson swore in the Zoning Administrator.

PC19-03: Proposed rezoning of seven parcels from their current zoning to Agriculture (AG).

Parcels include:

- 09-17-200-015: East of N. Somonauk Rd, Northeast of Tallgrass Rd - current zoning R-1 PUD
- 09-17-200-021: South of Barber Greene Rd & East of N. Somonauk Rd – current zoning R-1 PUD
- 09-17-400-002: East of N. Somonauk Rd across from Nature's Crossing Unit 1 – current zoning R-1 PUD
- 09-17-400-010: East side of N. Somonauk Rd across from Nature's Crossing Unit 1 & Heatherfield Unit 1 – current zoning R-1 PUD
- 09-28-351-013: South of Stratford Ave in Chestnut Grove Unit 1 – current zoning R-3 PUD
- 09-29-276-011: North of Illinois State Route 38, East of Mound Rest Cemetery – current zoning R-1, R-3, R-4 & P-1
- 09-33-100-007: West of S. Preston St & North of E. Lexington Ave in Chestnut Grove Unit 1 – current zoning R-3 PUD

Approved: December 5, 2019

Attest: RJ

Zoning Administrator Anna Kurtzman reported that the Town is the applicant and then reviewed her advisory report with the Commission.

HISTORY/CURRENT CONDITIONS:

The Subject Properties were annexed into the Town of Cortland between 2004 and 2006, at which time they were granted their respective zoning classifications. Other than the four (4) properties along N. Somonauk Road no improvements have been made to the subject properties. There is a sanitary sewer line which extends across the four (4) N. Somonauk Road properties. This line runs from the Barber Greene lift station to the Town's treatment plant on North Avenue. Otherwise, all of the seven (7) properties remain either undeveloped or used agriculturally for growing crops.

The agreements associated with the development of these seven (7) properties established certain responsibilities for the owners, the developers, and the Town. Due largely to the economic downturn that occurred in the late 2000's some of these responsibilities were not fulfilled and subsequently a lawsuit was filed. One aspect of the settlement agreement includes the Town conducting a public hearing to consider the merits of assigning the AG designation to these parcels.

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

Subject Properties along N. Somonauk Rd

Direction	Zoning	Use
North	Town – C-1 PUD, Unincorporated – County Zoning A-1	Agricultural crops, Agricultural - pasture
South	Town – R-1	Agricultural crops
East	Unincorporated – County Zoning A-1	Agricultural crops
West	Town – C-1 Town - R-1 PUD, C-1 PUD Unincorporated – County Zoning A-1	Heatherfield Commercial lots (undeveloped) Partly developed Nature's Crossing, some single-family detached houses, some Agricultural crops Single-family detached houses

Subject Properties adjacent to Chestnut Grove Unit 1

Direction	Zoning	Use
North	Town – R-3 PUD, C-1 PUD	Undeveloped
South	Town – R-3 PUD	Undeveloped
East	Town – R-3 PUD	Partly developed Chestnut Grove - over 200 platted lots with

Approved: December 5, 2019
Attest: RJ

		approximately 20 single-family detached houses
West	Unincorporated – County Zoning A-1	Agricultural crops

Subject Property North of IL Rt 38

Direction	Zoning	Use
North	Town – P-1, I-1	Recreation, Town Water Tower, Cropland
South	Unincorporated – County Zoning A-1	One single-family detached house and agricultural crops
East	Town - Ag	Agricultural crops
West	Town – R-3 PUD and R-4 PUD, AG	Robinson Farm Subdivisions – mix of single-family detached and single-family attached (THs), Mound Rest Cemetery

COMPREHENSIVE PLAN:

The latest version of the Town’s Comprehensive Plan was adopted in 2007, which includes a Future Land Use Map. This map indicates that all of the parcels in question should develop with some type of residential housing (listed as Mixed Residential). The map also indicates that some of these parcels should also develop, in part, with commercial uses (parcel 09-17-200-015) or open space (parcels 09-17-200-021, 09-17-400-010 and 09-29-276-011).

While it is tempting to solely rely on the Future Land Use Map to guide development, it is important to note that the Comprehensive Plan includes many policy statements to be used in conjunction with the Future Land Use Map. One such policy, found on page 27, explains how important agriculture is to our community and that preservation of agriculturally used lands are desirable. If/when new development plans are submitted, the Town will evaluate those development plans against both the Future Land Use Map and other goals/policies established by the Comprehensive Plan. Rezoning these parcels to AG will not limit their future development in conformance with the Comprehensive Plan.

COMMENTS FROM THE PROFESSIONALS:

The Subject Properties were originally annexed between 2004 and 2006. Ideas for developing these lands reached various stages before the Great Recession hit – ranging from Concept (the northern 3 lots along N. Somonauk Road and the property north of IL RT 38) and Preliminary (the southern lot of those along N. Somonauk Road and the two associated with Chestnut Grove). In regards to the Chestnut Grove properties – a Preliminary Development Plan was approved for the overall project with Final Development approval being granted for those areas where improvements have been made (Unit 1 and Unit 2).

It is anticipated that these seven properties will continue to either be used to grow crops and/or remain undeveloped. Since development plans have not progressed in over a dozen years, it would be wise to re-assess any improvements that might be proposed in the future. Rezoning

Approved: December 5, 2019
Attest: R N

these properties to AG at this time would thus require that any future construction of these sites be afforded a fresh review.

STANDARDS UPON WHICH REVIEW SHOULD BE TAKEN:

Section 9-9-2 of the Town's Zoning Code addresses the Planning Commission's role in evaluating 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 the findings of fact used to make your recommendation.

Public Testimony

Bob Clark, after being sworn in, addressed the Planning Commission asking how the township purchases these properties. Mr. Clark was interested in one particular parcel.

Kevin Buick, town attorney addressed the question and clarified that this has no connection to the township. He stated that the lands had been acquired by other through tax sale in this instance. When real estate taxes are left unpaid for a period of time, a tax sale is scheduled by the County. A person or an entity buys those taxes. If the actual land holder wishes to redeem those taxes he must pay the tax plus interest. If this goes on for more than two tax seasons the tax buyer can own the land or the County as trustee may take possession of the land. In this instance the taxes were incredibly high because of the SSA tax and the County as trustee had the land transferred to itself and then to the Town. Because of the downturn of the economy in 2008 many developer obligations were not met. A law suit was filed in an attempt to remove the SSA obligations. As part of a multi-party agreement that would dismiss the lawsuit the ultimate owner of the property wanted to have the AG zoning put into place. What this does for Cortland is it resets the planning opportunities for the Town.

Rebuttal

There was no rebuttal.

Staff Report

Ms. Kurtzman stated the Comprehensive Plan gives guidance for actions tonight. This particular case refers instead to the agricultural importance. This proposal brings the land back officially to an AG status. She acknowledged that the town did a lot of planning for these parcels in the early 2000's. With this proposed change the land may be brought back for new planning. Be assured that the infrastructure that was planned at the time has been constructed and is in the ground or has been laid out for expansion.

Mr. Bergeson asked if any of these parcels would be disconnected from the Town. Mr. Buick responded that they would not. Mr. Bergeson reiterated his concern that the request does not comply with rules mandated be followed as obligations of the Planning Commission.

Close Of Public Hearing

Mr. Lawson moved to close the public hearing, seconded by Mr. Bergeson. Unanimous voice vote carried the motion. 7:36 p.m.

Deliberations and Findings of Fact
Read into record by Chairman Lawson.

Proposed Findings of Fact

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

The Subject Properties are designated with various zoning classifications, including: R-1 PUD, R-3 PUD, R-1, R-3, R-4, and P-1. These properties are currently either undeveloped and/or used agriculturally to grow crops.

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

The predominate uses for properties in proximity to the Subject Properties is agriculture with some residential housing.

The properties along N. Somonauk Road are all currently zoned R-1 PUD. The croplands to the east of these properties are all unincorporated with a County designation of A-1. To the south are incorporated croplands which are zoned R-1. The land to the west of the N. Somonauk Road properties have a mixture of zoning (incorporated C-1, R-1 PUD & C-1 PUD and unincorporated A-1) and uses (undeveloped, cropland, and some detached single family houses). The properties to the north include incorporated C-1 PUD used for crops and unincorporated A-1 used primarily for pasture.

The two properties adjacent to the Chestnut Grove Subdivision are zoned R-3 PUD. The land to the east is part of the Chestnut Grove Unit 1 subdivision (zoned R-3 PUD) which does have public improvements installed, however, these lots are otherwise undeveloped. The land to the south is also zoned R-3 PUD and was intended to be a future phase of the Chestnut Grove subdivision. No improvements or development has occurred on this property. To the west the land is used for crops and is unincorporated (zoned A-1). The property to the north is incorporated and is zoned C-1 PUD. It is not subdivided but is intended to be part of the overall Chestnut Grove Subdivision. This property has remained undeveloped.

Land that is east of the remaining Subject Property located to the north of IL Rt 38) is zoned AG and is used for the production of crops. Land to the south is unincorporated is zoned A-1 and is predominately farmed for crops, however, there is also one single-family detached farm house off of IL Rt 38. The property to the west is the cemetery, which is incorporated and zoned AG. North of the Subject Property and south of the railroad tracks the land is zoned P-1 and used by the Town for recreational facilities and also includes a well and water tower. Cropland to the north of the railroad tracks is incorporated and zoned I-1.

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

None of the properties have final development approval and therefore all of the subject properties would need to undergo further review/approval by the Town before they could be developed.

Approved: December 5, 2019

Attest: RJ

d. **Suitability of the property in question for the proposed use.**

The subject properties are either undeveloped or have been used agriculturally to grow crops. The only use anticipated in the foreseeable future for these properties is the continuation of their current 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.**

Development near the 4 parcels that are along N. Somonauk Road include a sanitary sewer lift station along Barber Greene Road. This lift station is taking effluent from the northwestern quadrant of the Town and pumping it back to the sewage treatment plant (located on E. North Ave). The line taking effluent from the lift station to the treatment plant extends across these 4 properties. Other development in the proximity of these 4 subject parcels includes the development of Nature's Crossing Unit 1.

Development of the two parcels that are adjacent to Chestnut Grove Unit 1 consists of platting and installing public improvements, including: roads, domestic water, sanitary sewer lines and provide for stormwater management. An elementary school and roughly 20 single-family detached houses (out of over 200 platted lots) have been built within this community.

Since the remaining subject parcel (located north of IL Rt 38) was annexed and rezoned the Town's water well #4 and water tower (off of E. Maple Rd) have been constructed. Some single-family attached (townhomes) and single-family detached houses have also been constructed within the Robinson Farm community.

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

The Town's 2007 Comprehensive Plan includes a section regarding the importance of keeping and protecting agriculturally used lands. All of the Subject Parcels are designated on the Future Land Use Map for mixed residential, with some also being designated for commercial (09-17-200-015) or open space (09-17-200-021, 09-17-400-010 and 09-29-276-011). Changing the zoning of these Subject Properties to AG furthers the intent to protect and keep agriculturally used lands. Rezoning these properties to AG at this time will not limit their future development in conformance with their future land use designations.

Mr. Haier moved and Ms. Steadman seconded a motion to accept the Findings of Fact as read. Unanimous voice vote carried the motion.

Recommendation

Mr. Lawson moved and Mr. Haier seconded a motion to approve the request to rezone the seven properties identified in the application to Agriculture (AG) District.

Approved: December 5, 2019

Attest: RW

Roll call vote:

Yeas Commissioners Haier, Steadman, and Hedrick
Nays Commissioners Lawson and Bergeson
Absent: Commissioner Stransky. Motion carried 3-yea, 2-nay, 1-absent.

Open Public Hearing #2

The public hearing for consideration of rezoning the Engstrom Property (PIN 09-29-300-004) from R-1 (Single Family Residence District) to C-2 (General Commercial District) was called to order at 7:46 p.m. Clerk Aldis read the legal notice into the record. The notice was published August 28, 2019 in the *Daily Chronicle* meeting the requirements of the law. Chairman Lawson swore in Anna Kurtzman, Zoning Administrator and Greg Schley.

Applicant's Testimony

Greg Schley stated that he is a real estate attorney from Aurora, IL, and son of the Successor Trustee. The Successor Trustee Ann Schley could not attend and with appropriate documents sent her son to represent her. Lot 1, 269 S Somonauk Rd is the parcel at interest this evening. Lot 2 is currently a commercial lot with a 20" easement through it. The zoning change is needed to make the property useful for development. The trust perspective, they have discussed the development of this property. As zoned today, the property is challenging due to the easements through both the properties. The trust has no interest in developing these lots at this time but would like the land to be ready for development.

Public Testimony

None

Rebuttal

None

Staff Report

Zoning Administrator Anna Kurtzman reviewed her advisory report with the Commission. She reported that the properties came in with different zoning classifications. Her opinion is that it would be appropriate to zone this property as C2 and have a single user combine the two lots for development as a single parcel.

PC 19-04: Proposed rezoning of Engstrom Property (PIN 09-29-300-004 West side of Somonauk Road, approximately 135 feet south of Robinson Av) from R-1 (Single Family Residence District) to C-2 (General Commercial District)

APPLICANT: Ann E Schley, as Successor Trustee to the Rodney Engstrom Trusts No 20, 21 and 22

OWNER: Rodney Engstrom Trusts No 20, 21 and 22

PROPOSAL:

The applicant is requesting to change the zoning of the subject property from the current R-1 (Single Family Residence) to C-2 (General Commercial). A copy of the application is attached

Approved: December 5, 2019

Attest: RJ

as Group Exhibit A. A location map, aerial photo, and zoning map are attached as Group Exhibit B.

SUBJECT PROPERTY:

The subject property is approximately 0.36 acres (15,681 sq ft) in size and the width of the lot at the front building setback line is 75 feet. This parcel is located on the East side of S. Somonauk Road, approximately 135 feet south of E. Robinson Avenue and is presently undeveloped.

HISTORY/CURRENT CONDITIONS:

The Subject Property was annexed in 1995. At that time the zoning code required that properties be automatically zoned as R-1 at the time of annexation. Staff found no records of any petition to rezone the property since its annexation.

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

Direction	Zoning	Use
North	Unincorporated – County Zoning A-1	Single-family detached residence with 2 outbuildings
South	C-2	Undeveloped
East	Unincorporated – County Zoning PDR	Mobile Home Park
West	I-1	Industrial

The neighborhood has seen retail development since this property was annexed. For example, the Dollar General (at the northeast corner of Somonauk Rd and Robinson Ave) was built in 2010/2011 and the Mobile gas station, at the southwest corner of Somonauk Road and Lincoln Hwy (IL Hwy 38) is a Mobile gas station which was initially built in 1995. Several improvements have been made to the Mobile property since then, including the construction of a car wash in 2005. To construct this car wash required additional land. The owners of the Mobile station acquired the southern 20 feet of Lot 2 of the Argus Subdivision (the vacant commercial lot between the Mobile station and the subject property – this vacant lot is also owned by Mr. Engstrom). This reconfiguration of Lot 2 resulted in a lot which will be difficult to develop.

COMPREHENSIVE PLAN:

The Town adopted a Comprehensive Plan on December 13, 2004, which guides development throughout the community. Subsequent to this adoption, the Plan was amended three times, the most recent was February 26, 2007. The Future Land Use Map associated with this document depicts this area as developing with commercial uses.

COMMENTS FROM THE PROFESSIONALS:

The subject parcel is currently zoned as R-1 and meets the bulk regulations standards (Section 9-3-6 of the municipal code) whereby a single family detached residence could be built. Given

Approved: December 5, 2019
Attest: RN

the size of the subject parcel (0.36 acres) the development of this parcel for commercial purposes is questionable.

The property immediately to the south of the subject property (09-29-300-013) is zoned C-2 and is owned by Mr. Engstrom. Staff has, over the years, discussed development potential for the -013 lot with Mr. Engstrom and his family. Due to existing easements and setback requirements development of this lot for commercial purposes is a challenge. By rezoning the subject property to C-2 the Engstrom family hopes to be able to sell both parcels together, thus allowing a future builder to combine the two lots into a single lot with easements re-aligned to meet the development needs of the new owner.

STANDARDS UPON WHICH REVIEW SHOULD BE TAKEN:

Section 9-9-2 of the Town's Zoning Code addresses the Planning Commission's role in evaluating 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 the findings of fact used to make your recommendation.

Close Public Hearing

Mr. Lawson moved to close the public hearing, seconded by Mr. Haier. Unanimous voice vote carried the motion. 7:56 p.m.

Deliberations and Findings of Fact

Read into the record by Ms. Steadman

Proposed Findings of Fact

- g. Existing use(s) and zoning of the property in question.**
The Subject Property is Zoned R-1 (Single Family Residence) and has been undeveloped.
- h. Existing use(s) and zoning of other lots in the vicinity of the property in question.**
The property to the north is unincorporated (County Zoning Map depicts this property as zoned A-1). The property has a single-family detached residence building with detached garages/sheds. To the East of the Subject Property is the Cortland mobile home park, which is also unincorporated with a County zoning designation of PDR. To the south is a undeveloped parcel which is zone C-2. The property to the west is zoned I-1 and currently houses a machine and tool shop.
- i. Suitability of the property in question for uses already permitted under existing regulations.**
The Town's bulk regulations for R-1 requires that the lot be at least 9,000 sq ft and have a minimum lot frontage of 75 feet. The subject parcel is over 15,000 sq ft and its width is 75 feet, thus a single family detached residence could be located on this property.
- j. Suitability of the property in question for the proposed use.**
No specific uses have been identified for this property. Given the size of the lot, development of the subject property for commercial purposes is questionable. However,

the adjacent property to the south is also owned by the Engstrom family and is already zoned C-2. Due to the configuration of this southern lot, along with the existing easements, development of the southern lot for commercial purposes is questionable. Though the combination of these two lots, a single commercially zoned lot with better potential to be developed would be created.

k. 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 R-1 in 1995 when the property was annexed. Since then the area has seen two new retail establishments – the Mobile gas station which was originally constructed in 1995/1996 and in 2010/2011 the Dollar General was constructed.

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

The 2007 Future Land Use map shows this area being developed with commercial uses.

Mr. Lawson moved to accept the Findings of Fact as read, seconded by Ms. Steadman. Unanimous voice vote carried the motion.

Recommendation

Mr. Bergeson moved to approve the request to rezone the 0.36-acre Engstrom property located on the west side of Somonauk Rd and south of Robinson Ave from its present classification of R-1 to C-2, seconded by Mr. Hedrick.

Roll call vote:

Yeas: Commissioners Lawson, Hedrick, Steadman, Bergeson and Haier
Nays: None
Absent: Commissioner Stransky Motion carried 5-yea, 0-nay, 1-absent.

New Business

Election and Swearing in of Officers

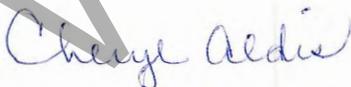
Annual Review of By-Laws

Mr. Lawson moved and Ms. Steadman seconded a motion to suspend these items to the next regular meeting.

Adjournment

Mr. Lawson moved and Mr. Hedrick seconded a motion for adjournment. Unanimous voice vote carried the motion. 8:04 p.m.

Respectfully submitted,



Cheryl Aldis, Town Clerk

Approved: December 5, 2019
Attest: RN