

ADVISORY REPORT

TO: Planning Commissioners

FROM: Brandy Williams, Engineer and Zoning Administrator

DATE: December 4, 2023

SUBJECT: PC 23-01: Request to Rezone Property from R-1 Single Family Residence with a Special Use Permit to C-1 Limited Retail Business – 45 West Chestnut Avenue, Cortland IL 60112
Public Hearing scheduled for December 7, 2023, 7:00 PM

**APPLICANT/
OWNER:** Brian Blazyk
Transcend Properties
1715 West Cortland Court, Suite 3
Addison, IL 60101

PROPOSAL

The applicant has filed with the Town of Cortland a request for a map amendment of district boundaries in accordance with Title 9, Chapter 3 of the Cortland Town Code regarding his property at 45 West Chestnut Avenue, Cortland Illinois, PIN 09-29-130-008. The applicant is requesting rezoning of the subject property from R-1 with a Special Use Permit to C-1 Limited Retail Business. The petitioner's application is attached as Exhibit A.

LOCATION AND DESCRIPTION

The subject property is located at 45 West Chestnut Avenue, at the northwest corner of West Chestnut Avenue and South Ottawa Street. This property includes Lots 9, 10, 11, and 12 together with the south half of the vacated alley lying northerly of the above-described property all in Block 5 in the Original Village of Cortland, platted in 1855. The total area is 15,246 sq ft. The subject property is improved with a one-story frame structure and asphalt parking lot. The current use of the structure is not confirmed. A Change of Use or Certificate of Occupancy has not been requested by the owner since the transfer of the property from the Methodist Church to Transcend Properties.

Existing and Surrounding Zoning: The subject property is zoned R-1, Single Family Residence with Special Use Permit. All adjacent properties including across road right of way are zoned R-1 Single Family Residence. An excerpt of the zoning map has been included as Exhibit B.

The 2022 Official Zoning Map can be found on the Town of Cortland website and at:

https://www.cortlandil.org/vertical/sites/%7B869DC155-25BA-43FB-B05D-BD63FEA0657C%7D/uploads/Cortland_Zoning_Map_2022.pdf

Existing and Surrounding Land Uses: With the exception of a vacant lot owned by the petitioner to the northwest of the subject property, all adjacent land uses are single family residences located within an established neighborhood.

BACKGROUND

The basis of the subject property was created in 1855 via platting in the Original Village of Cortland. The subject property was recently modified when the petitioner joined two parcels to create the boundary as it exists today.

Until June 2022, the structure was used as a church. Religious institutions are a permitted use in R-1 Single Family Residence districts per Cortland Zoning Code. In 2007, the Cortland United Methodist Church received a Special Use Permit to establish and operate a carillon on the property.

Due to the age of the structure, records are limited. From all indications received, the structure has been used as a church since its construction which roughly coincides with the founding of the Original Village of Cortland. Prior to the town's re-addressing system, the address of this property was 4409 Chestnut Street.

Staff has not located any variances that were granted for this property.

COMPREHENSIVE PLAN

The Town adopted a Comprehensive Plan in September 2023, which guides development throughout the community. The Future Land Use Map associated with this document depicts this property as Public Institutional uses.

The site was constructed and operating as a church prior to the development of the adjacent neighborhood. The Town's Comprehensive Plan was created after this property was developed. The proposed rezoning does not coincide with the Comprehensive Plan. Staff views granting rezoning as a deviation from the vision plan.

Note: An excerpt of the Comprehensive Plan is attached as Exhibit C. The full Comprehensive Plan can be found on the Town of Cortland's website and at:

https://www.cortlandil.org/vertical/sites/%7B869DC155-25BA-43FB-B05D-BD63FEA0657C%7D/uploads/Cortland_2023_Comprehensive_Plan_v05_Final.pdf

STANDARDS UPON WHICH REVIEW SHOULD BE TAKEN

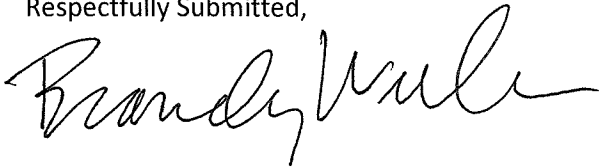
Section 9-9-2 of the Town's Zoning Code addresses the Planning Commission's role in evaluating amendments to the Code, including Map Amendments. Subsection B4 states that the Commission is to provide the Town Board with a written report, that includes your recommendation, and reasons therefore including the findings of fact used to make your recommendation. A copy of the standards to be used and some examples of how the Findings of Fact may be crafted are included in Exhibit D. 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 15,246 sq ft Transcend Properties property known as Lots 9, 10, 11, and 12 and adjacent half of vacated alley in Block 5 of the Original Village of Cortland from its present classification of R-1 with Special Use Permit to C-1.”)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brandy Williams", written in a cursive style.

Brandy Williams
Engineer and Zoning Administrator

Exhibit A – Application for Rezoning Petition
Exhibit B – Town of Cortland 2022 Official Zoning Map (Excerpt)
Exhibit C – Town of Cortland Comprehensive Map (Excerpt)
Exhibit D – Findings of Facts Example



Date Filed: 11-1-23

Job Number: J23-3

PC Number:

Submittal requirements for a Zoning Map Amendment

Name of Applicant: Brian Blazyk of Transcend Properties
 Name of Project: 45 W Chestnut

Submittal Date: 10/31/2023

Applicant

1. Completed Land Development Application, including ☐
 - a. All of Part I of the application is complete, including, but not limited to: ☐
 - i. Applicant/Contact information is provided
 - ii. Trust information, if appropriate, has been provided
 - iii. If Land Owner isn't the applicant, a notarized letter from the property owner granting the applicant permission to pursue the amendment
 - b. All of Part II of the application is complete, including, but not limited to: ☐
 - i. Complete (not short) Legal Description of the property(ies) involved has been provided
 - ii. Parcel Identification Numbers have been provided
 - iii. Total acreage involved in the rezoning
 - iv. Current and proposed zoning has been noted
 - v. Proposed Land Use
 - vi. Identification of which Fire Protection and School District property is located within
 - c. Application has been signed, notarized and dated ☐
2. Completion of financial obligation document provided by the Zoning Administrator ☐
3. Submittal of application fees ☐

Number of documents to be provided

1 Original – paper

3 Copies - paper

All documents must also be provided in a pdf format

*This document is being provided as a tool to help ensure that your application is complete.
 No application will be processed unless it is deemed to be complete by the Zoning Administrator.
 No application will be deemed to be complete until, at a minimum, all the items listed above have been provided.*



Date Filed:	11/1/2023
Job Number:	J23-3
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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)

<input type="checkbox"/> Annexation*	<input checked="" type="checkbox"/> Rezoning from R-1	<input checked="" type="checkbox"/> to C-1
<input type="checkbox"/> Text Amendment (attached proposed language)		
<input type="checkbox"/> Special Use Permit for a:	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Other _____
<input type="checkbox"/> Planned Unit Development:	<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Preliminary Development Plan
		<input type="checkbox"/> Final Development Plan
<input type="checkbox"/> Subdivision Plat:	<input type="checkbox"/> Preliminary Subdivision Plat	<input type="checkbox"/> Final Subdivision Plat

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

PLEASE PRINT OR TYPE IN BLUE OR BLACK INK

PART I. APPLICANT INFORMATION

APPLICANT	LAND OWNER (If not the Applicant)	CONTACT PERSON (If not the Applicant)
Name: BRIAN BLAZYK		
Company: TRANSCEND PROPERTIES		
Address: 1715 W CORTLAND CT, STE 3		
ADDISON IL 60101		
E-mail: BBLAZYK1@GMAIL.COM		
Phone: 847-343-8033		

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY? ☒ YES ☐ NO
(If the Applicant is not the owner of the subject property, a notarized 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
(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.)

Date Filed:

11/ /2023

PC Number:

Cortland Land Development Application**PART II. PROPERTY INFORMATION**

ADDRESS OF PROPERTY: 45 W. CHESTNUT AVE, CORTLAND IL 60112

PARCEL INDEX NUMBER(S): 09-29-130-008

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

TOTAL AREA OF SUBJECT PROPERTY(IES) (ACRES): 0.35

IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED: _____

CURRENT ZONING: R-1 special use **PROPOSED ZONING:** C-1

RECOMMENDED LAND USE: PUBLIC INSTUTION
(Based upon the recommendations of the Cortland Town Plan)

PROPOSED LAND USE: A UNIQUE PLACE TO GATHER = RESTAURANT/BAR

NAME OF PROPOSED DEVELOPMENT: 45 W CHESTNUT

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

The subject property is located in which SCHOOL DISTRICT? Cortland - DeKalb

Attach relevant checklist(s) and associated information as outlined during the pre-application meeting. ☒

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

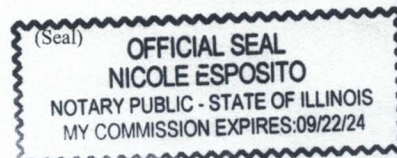
Signature of Applicant

Date

State of Illinois

County of DuPageSigned before me on November 4th, 20 23 by Brian Blazyk
Applicant

Signature of Notary Public



SOUTH PARCEL:

LOTS 9, 10, 11 AND 12 IN BLOCK 5 TOGETHER WITH THE SOUTH HALF OF THE VACATED ALLEY LYING NORTHERLY OF THE ABOVE DESCRIBED PROPERTY, ALL IN THE ORIGINAL TOWN OF CORTLAND ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "A" OF PLATS, PAGE 6 ON JANUARY 22, 1855 IN DEKALB COUNTY, ILLINOIS.



COMPASS

Community Online Map Property And Search Site



Address and Owner

Site Address
45 W CHESTNUT AV CORTLAND

Mailing Address (On Most Recent Tax Bill)
No address on file

Current Owner
TRANSCEND PROPERTIES LLC

Parcel Number
0929130008

Property Description [Questions](#)

Acreage
0

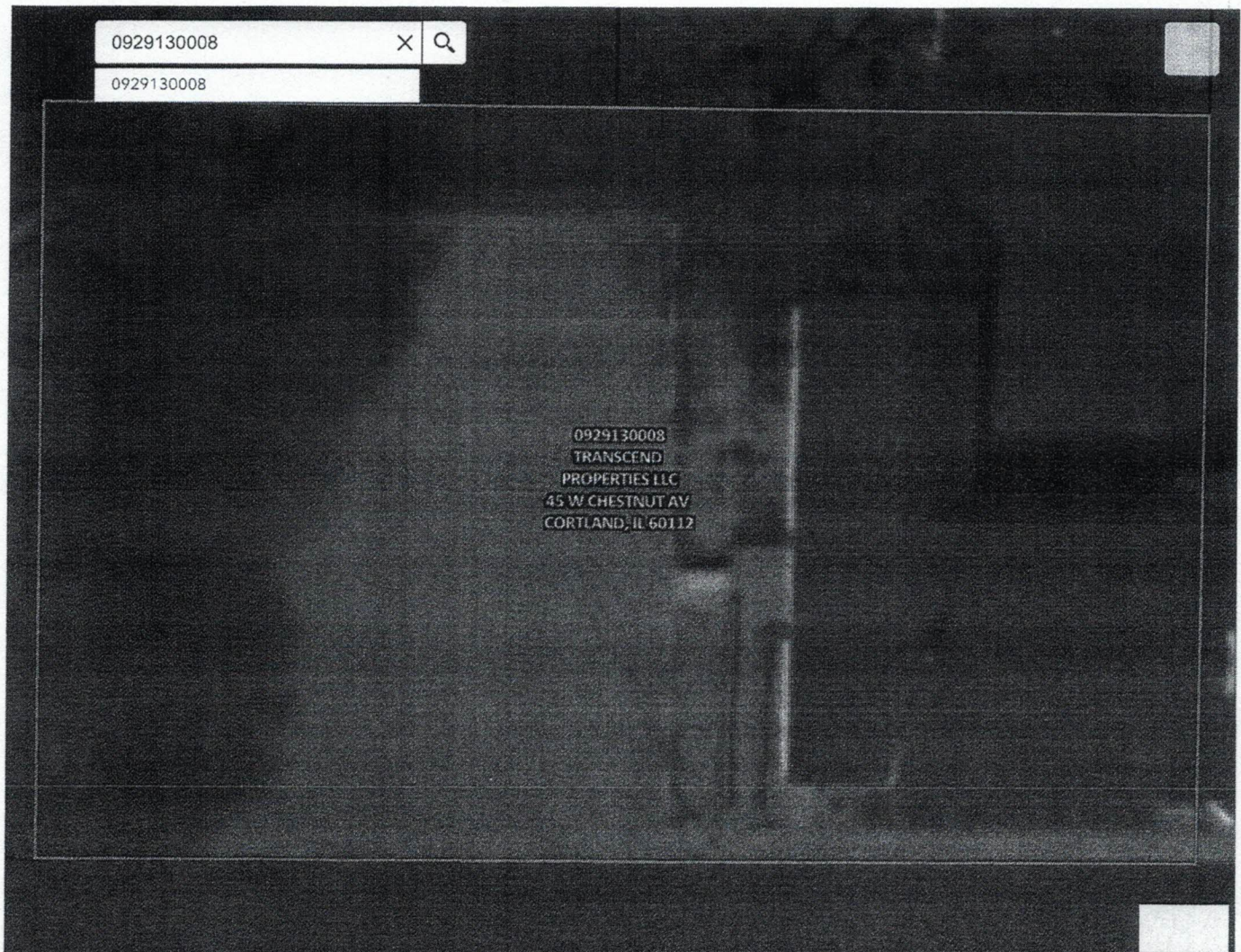
Lot Dimensions
154 X 99

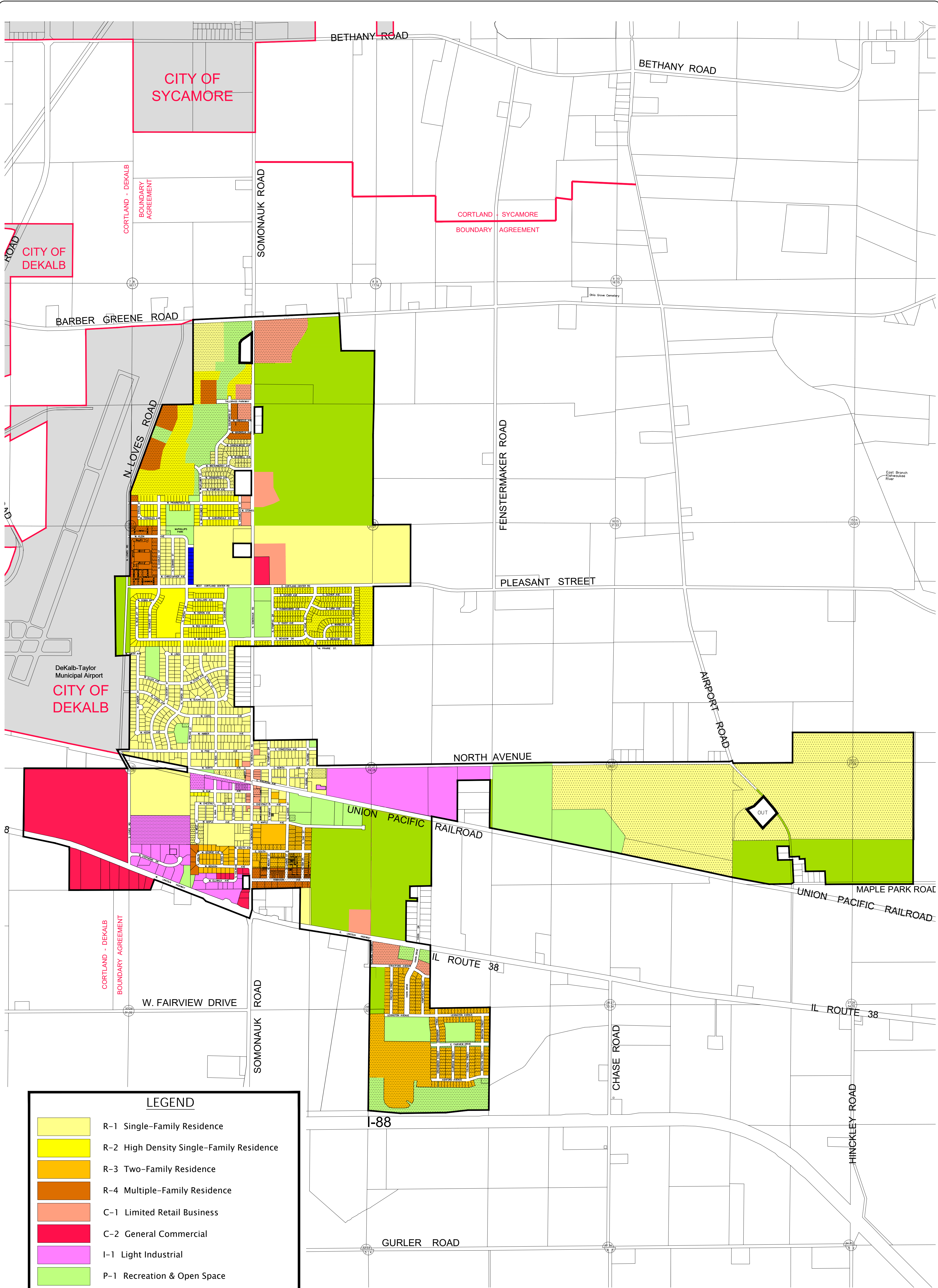
Brief Property Description
LOTS 9, 10, 11, 12 & ADJ VAC ALLEY - BLK 5 - CORTLAND (ORINGAL TOWN)

Land Use Information

Land Use Description
-

Property Class Description
0060 Improved Commercial



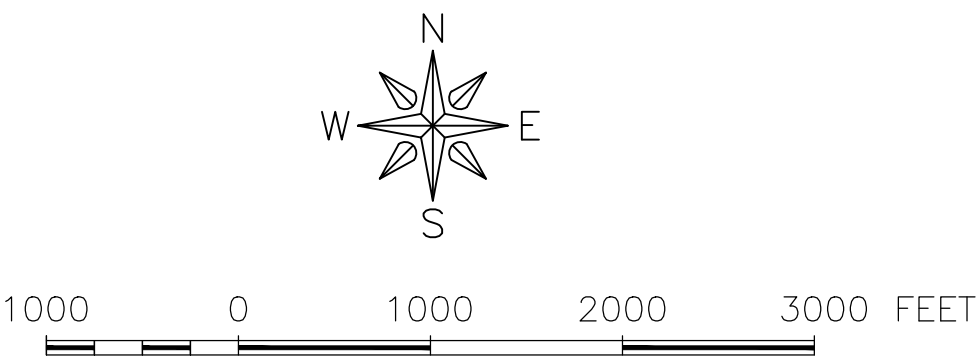


LEGEND

[Light Yellow Box]	R-1 Single-Family Residence
[Yellow Box]	R-2 High Density Single-Family Residence
[Orange Box]	R-3 Two-Family Residence
[Dark Orange Box]	R-4 Multiple-Family Residence
[Light Orange Box]	C-1 Limited Retail Business
[Red Box]	C-2 General Commercial
[Pink Box]	I-1 Light Industrial
[Light Green Box]	P-1 Recreation & Open Space
[Green Box]	AG Agricultural
[Blue Box]	AO Aspen Drive Overlay
[Patterned Box]	Special Use

Official Zoning Map of Town of Cortland illustrating existing zoning districts, regulations, and classifications of the Town of Cortland in effect on and prior to December 31, 2022, is available for public inspection at the Town Hall, 59 S. Somonauk Road, Cortland, Illinois, during business hours. This is provided in accordance with the requirements of Chapter 65 ILCS 5/11-13-19 of the Illinois Compiled Statutes.

2022 Official Zoning Map
Town Of Cortland, Illinois



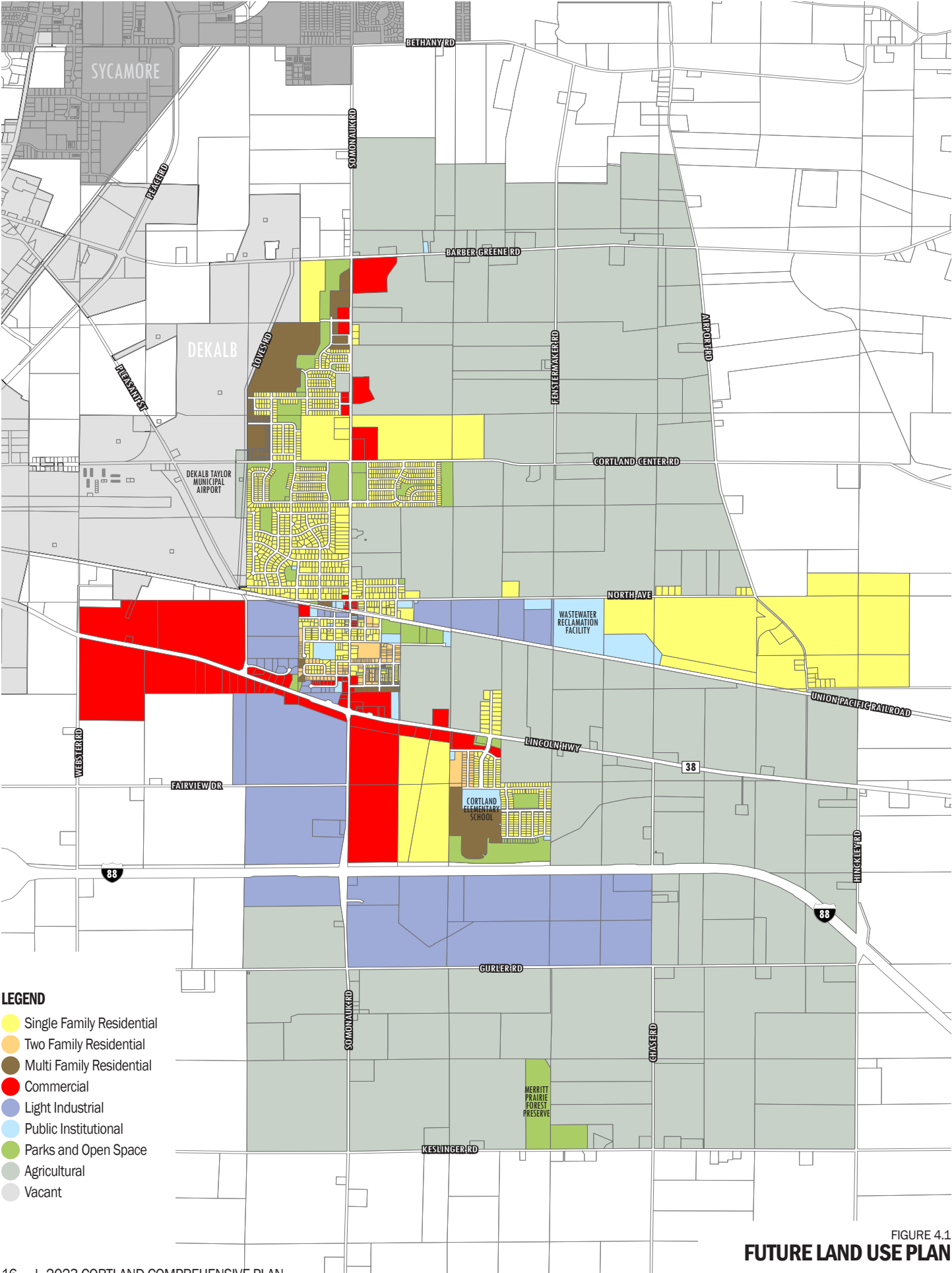


FIGURE 4.1
FUTURE LAND USE PLAN

Findings of Fact Standards

- a. Existing use(s) and zoning of the property in question.**
- b. Existing use(s) and zoning of other lots in the vicinity of the property in question.**
- c. Suitability of the property in question for uses already permitted under existing regulations.**
- d. Suitability of the property in question for the proposed use.**
- 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.**
- f. The effect the proposed amendment would have on implementation of this Municipality's Comprehensive Plan.**