

## ADVISORY REPORT

**TO:** Planning Commissioners

**FROM:** Brandy Williams, Engineer and Zoning Administrator

**DATE:** December 20, 2023

**SUBJECT:** PC 23-02: Request to Rezone Property from R-1 Single Family Residence with a Special Use Permit to I-1 Light Industrial – East North Avenue, PIN 09-28-200-007 Cortland IL 60112  
Public Hearing scheduled for January 4, 2024, 7:00 PM

**APPLICANT/** Brandy Williams  
**OWNER:** Town of Cortland  
59 S. Somonauk Road, PO Box 519  
Cortland, IL 60112

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### 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 property at East North Avenue, Cortland Illinois, PIN 09-28-200-007. The applicant is requesting rezoning of the subject property from R-1 with a Special Use Permit to I-1 Light Industrial. The petitioner's application is attached as Exhibit A.

### LOCATION AND DESCRIPTION

The 25.6 acre property is between East North Avenue and the Wastewater Treatment Plant (WWTP) on the south side of East North Avenue, east of the drive to the Wastewater Treatment Plant, PIN 09-28-200-007. The subject property is unimproved and is being used for row crops.

The Town intends to relocate the existing materials yard located near the west side of the WWTP to the subject property. This move facilitates ingress/egress ease as well as allows the west buildable parcel to be available for development. The relocated materials yard would occupy about 2 acres of the 25.6 acre parcel with the remaining continuing to be used for row crop. The subject property does not have available utilities at the present time.

*Existing and Surrounding Zoning:* The subject property and the property to the east are zoned R-1 Single Family Residence with Special Use Permit for the Planned Unit Development (PUD) overlay. Property to the west and south is zoned P-1 Recreation & Open Space. Property to the north, across North Avenue, is not annexed to the Town of Cortland.

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

*Existing and Surrounding Land Uses:* The subject property and the lands to the east and north are used for agricultural purposes with row crop. The properties to the west and south comprise the Town of Cortland's wastewater treatment plant.

## BACKGROUND

The Town purchased the subject from DeKalb County in 2017. In 2020, the Town retained ownership in a settlement indicating a potential municipal need in the future.

The Town leases the property, and other town-owned tillable lands, as part of the cash farm Lease. The subject property is not served by water or sewer.

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 Single Family Residential use.

The proposed rezoning does not coincide with the Comprehensive Plan. Staff views granting rezoning as an expansion of a municipal use footprint.

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](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.

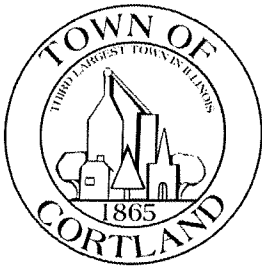
As this is a request to rezone property, the Planning Commission may recommend to either approve or deny the request (no conditions may be imposed upon the rezoning). It is important to note that any motion must be made as a positive statement. (I.E., “I make a motion to approve the request to rezone the 25.6 acre Town of Cortland property currently known as PIN 09-28-200-007 in the Town of Cortland from its present classification of R-1 with Special Use Permit to I-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: 12/13/23  
 Job Number: N/A  
 PC Number: PC 23-02

## Submittal requirements for a Zoning Map Amendment

Name of Applicant: Brandy Williams/Town of Cortland Submittal Date: 12/13/2023  
 Name of Project: Town Material Yard

### 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 ..... ☐ N/A
3. Submittal of application fees ..... ☐ N/A

### 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.*



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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)

- ☐ Annexation\*                      ☒ Rezoning from R-1 to I-1  
☐ Text Amendment (attached proposed language)  
☐ Special Use Permit for a:    ☐ Planned Unit Development                      ☐ Other \_\_\_\_\_  
☐ Planned Unit Development:  
     ☐ Concept Plan                      ☐ Preliminary Development Plan                      ☐ Final Development Plan  
☐ Subdivision Plat:                      ☐ Preliminary Subdivision Plat                      ☐ 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: Brandy Williams		
Company: Town of Cortland		
Address: 59 S. Somonauk Road, PO Box 519		
Cortland, IL 60112-0519		
E-mail: engineer@cortlandil.org		
Phone: 815-756-9041		

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:

12/13/23

PC Number:

PC 23-02

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

**ADDRESS OF PROPERTY:** East North Avenue

**PARCEL INDEX NUMBER(S):** 09-28-200-007

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

**TOTAL AREA OF SUBJECT PROPERTY(IES) (ACRES):** 25.60

**IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED:** \_\_\_\_\_

**CURRENT ZONING:** R-1 **PROPOSED ZONING:** I-1

**RECOMMENDED LAND USE:** Single Family Residence  
(Based upon the recommendations of the Cortland Town Plan)

**PROPOSED LAND USE:** Public Institution

**NAME OF PROPOSED DEVELOPMENT:** Town Material Yard

**The subject property is located in which FIRE PROTECTION DISTRICT?** Maple Park Fire Protection District

**The subject property is located in which SCHOOL DISTRICT?** CUSD #403 - Kaneland

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

I, Brandy Williams, 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.

Brandy Williams  
Signature of Applicant

12/13/23  
Date

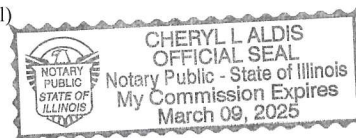
State of Illinois

County of DeKalb

Signed before me on December 13, 2023 by Brandy Williams  
Applicant

Cheryl L. Aldis  
Signature of Notary Public

(Seal)



## Exhibit A

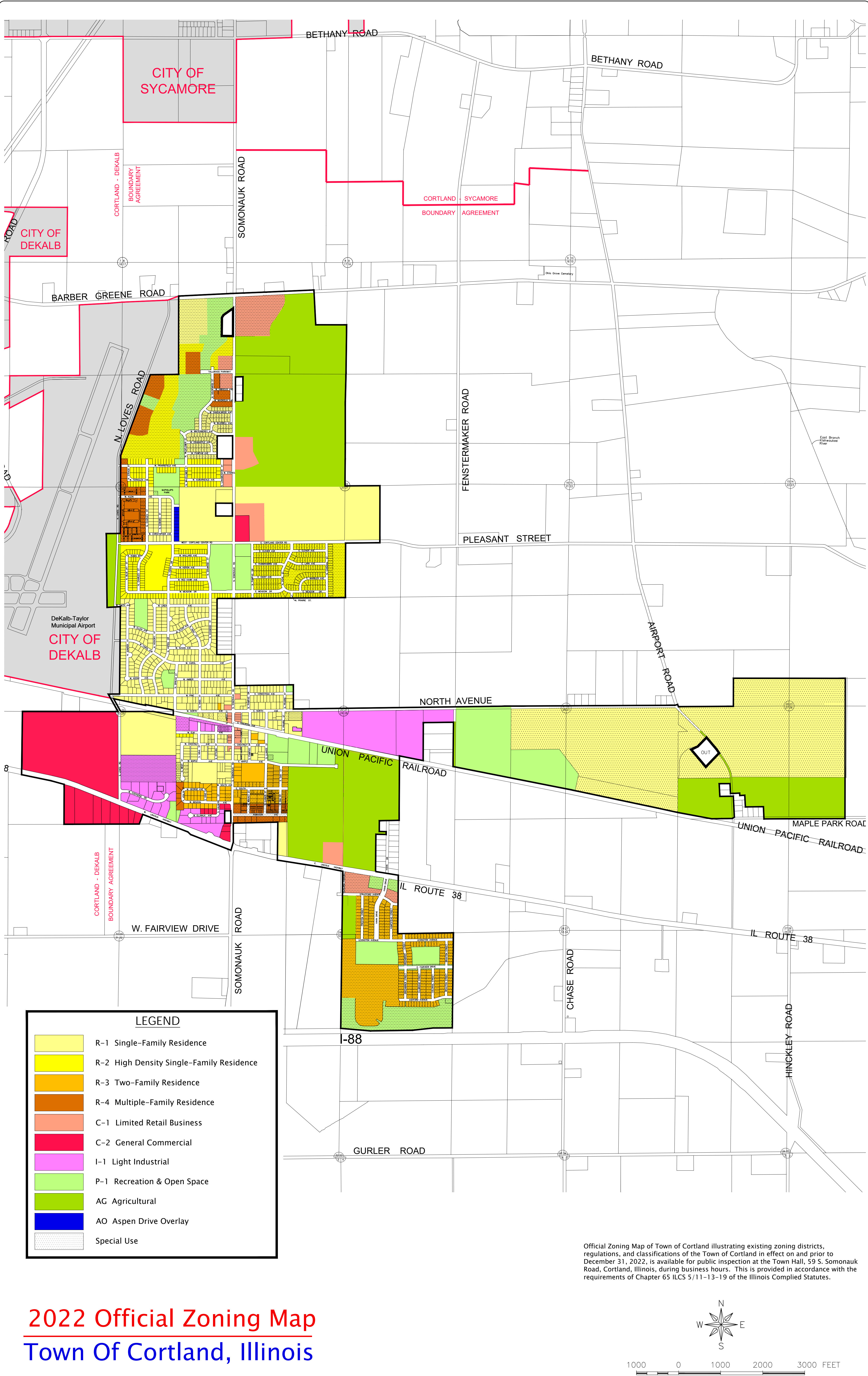
All that part of the East One Half of Northeast Quarter of Section 28 lying Northerly of the Northerly Right of Way line of the Union Pacific Rail Road (Formerly the Chicago & Northwestern Railroad),

Excepting therefrom any portion lying in the following described tract: Beginning at the North Quarter Corner of Section 28; thence East along the North Line of the Northeast Quarter of Section 28, a distance of 1300 feet; thence South perpendicular to said North Line, a distance 1075 feet; thence East parallel with the North Line of the Northeast Quarter of Section 28, to a point that is 690 feet measured perpendicularly and Southwesterly from the centerline of the Natural Gas Pipeline Easement of Guardian Pipeline LLC; thence Southeasterly parallel to said centerline, to a point that is 325 feet measured perpendicularly and Northeasterly from the Right of Way of the Union Pacific Railroad (Formerly Chicago and Northwestern Railroad); thence Southwesterly perpendicular to said Right of Way, a distance of 325 feet to said Right of Way; thence Northwesterly along said Right of Way to the West line of the Northeast Quarter of Section 28; thence North along said West Line, a distance of 1396.71 feet, to the Point of Beginning,.

Also excepting therefrom any portion lying in the following described tract: Being a part of the Northwest Quarter and the Northeast Quarter of Section 27 along with the Northeast Quarter of Section 28 all in Township 40 North, Range 5 East of the Third Principal Meridian, County of DeKalb, State of Illinois described as follows: Beginning at the Northeast corner of said Northeast Quarter of Section 28; thence South 89 degrees 14 minutes 51 seconds West (assumed bearing) on and along the North line of said Northeast Quarter of Section 28, a distance of 251.66 feet; thence South 00 degrees 44 minutes 59 seconds East a distance of 1,074.02 feet; thence South 37 degrees 23 minutes 06 seconds East a distance of 792.29 feet; thence South 78 degrees 42 minutes 15 seconds East a distance of 2431.59 feet to a point on the East line of said Northwest Quarter of Section 27; thence North 00 degrees 29 minutes 27 seconds East on and along last named line, a distance of 484.18 feet to the Northwest corner of the South 58.5 acres of said Northeast Quarter of Section 27; thence North 89 degrees 47 minutes 05 seconds East on and along the North line of said 58.5 acres, a distance of 15.46 feet to the centerline of Union Ditch; thence on and along said centerline the following courses and distances, North 23 degrees 21 minutes 47 seconds East, a distance of 69.44 feet, North 01 degrees 58 minutes 06 seconds East, a distance of 229.43 feet, North 03 degrees 38 minutes 19 seconds East, a distance of 171.18 feet, North 28 degrees 16 minutes 18 seconds East, a distance of 149.73 feet, North 48 degrees 36 minutes 09 seconds East, a distance of 133.94 feet, North 67 degrees 23 minutes 43 seconds East, a distance of 113.89, North 73 degrees 47 minutes 40 seconds East, a distance of 157.69 feet, North 45 degrees 46 minutes 08 seconds East, a distance of 281.84 feet to a point in the centerline of Airport Road; thence North 45 degrees 25 minutes 29 seconds West on and along last named centerline, a distance of 725.52 feet; thence Northwesterly on and along said centerline a curved path concaved Northeasterly with an arc length of 178.32 feet, a radius of 2,283.71 feet, a chord bearing of North 43 degrees 44 minutes 29 seconds West and a chord distance of 178.28 feet; thence South 48 degrees 07 minutes 42 seconds West, a distance of 37.64 feet to a point 10 feet normally distant to the East line of said Northwest Quarter of Section 27; thence South 00 degrees 29 minutes 27 seconds West on and along a line 10 feet normally distance and parallel to said East line of the Northwest Quarter of Section 27, a distance of 860.98 feet; thence South 89 degrees 58 minutes 09 seconds West, a distance of 585.00 feet; thence North 00 degrees 29 minutes 27 seconds East, a distance of 980.00 feet to a point on the North line of said Northwest Quarter of Section 27; thence South 89 degrees 57 minutes 36 seconds West on and along last named line, a distance of 2,071 .68 feet to the Point of Beginning.

All situated in Township 40 North, Range 5 East, of the Third Principal Meridian, the County of DeKalb and the State of Illinois.





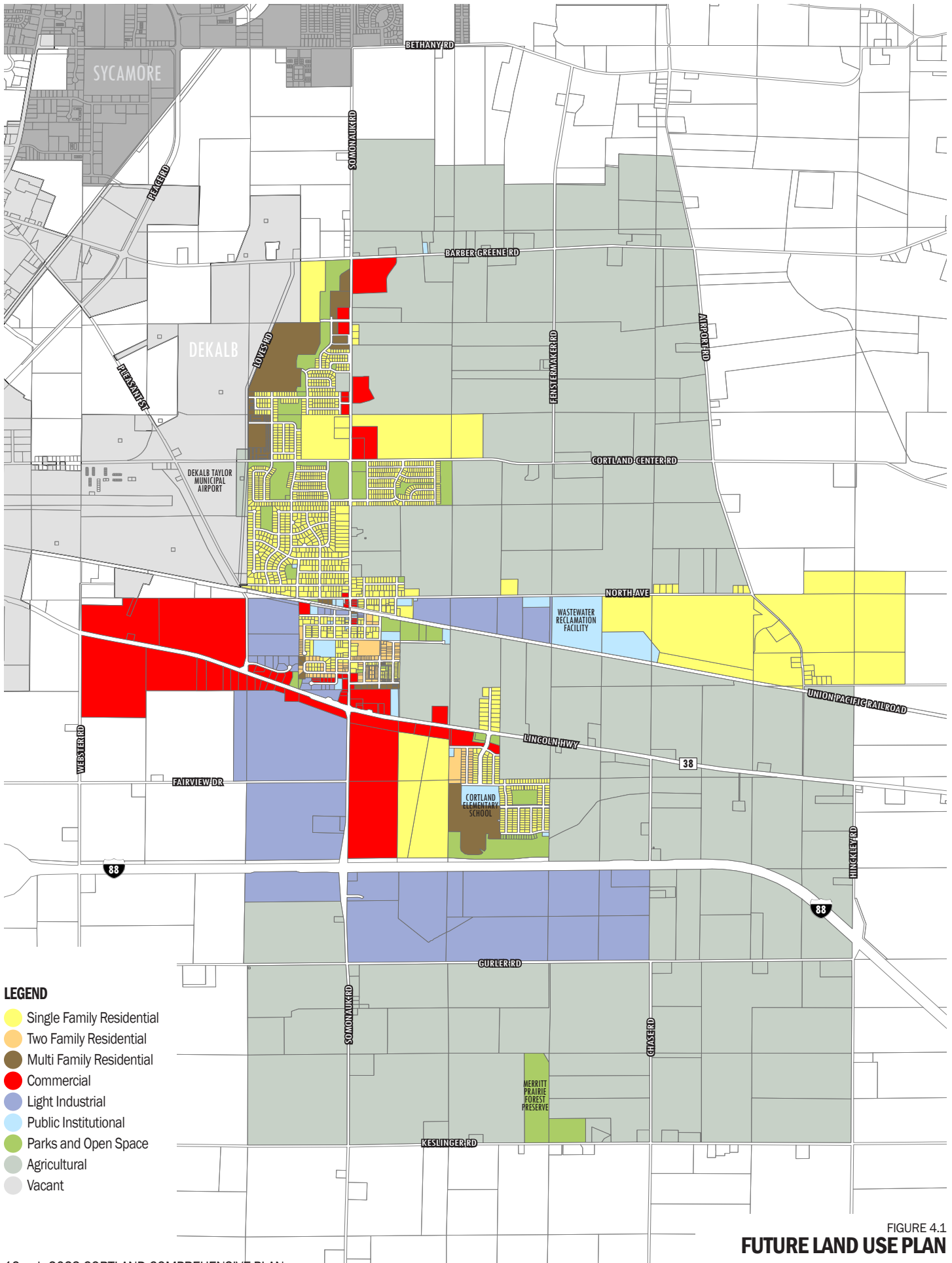


FIGURE 4.1  
FUTURE LAND USE PLAN

## Findings of Fact Example

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

The Subject Property is unimproved, used for agricultural purposes which is a legal non-conforming use in the R-1 Single Family Residence with a Special Use Permit (SUP) for the Planned Unit Development (PUD) overlay.

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

The lands to the east and north, across North Avenue, are unimproved, used for agricultural purposes. The property to the west and south consist of the Town's wastewater treatment plant with a building, equipment, and dams to facilitate operations.

The land to the east of the subject property is also zoned R-1 Single Family Residence with a Special Use Permit (SUP) for the Planned Unit Development (PUD) overlay. The property to the north, across North Avenue, is not annexed to the Town. The lands to the south and west are zoned P-1 Recreation and Open Space.

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

Developing the property for residential purposes is appropriate. No infrastructure exists to support such a purpose. An entire network of roads and utilities would need to be constructed to serve any residential development. Proximity to a wastewater treatment plant could be considered less desirable.

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

The applicant intends to use the property as a relocated materials yard. The property is suitable for the proposed use due to lack of nearby structures and the compatible adjacent uses. The existing road and driveway will provide any required infrastructure needs.

**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 has been zoned R-1 Single Family Residence with SUP since 2004. There have been no recent changes in zoning or use adjacent to the subject property.

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

Approval of the rezoning request would be a deviation from the Future Land Use Map included in the Comprehensive Plan. However, the granting of the request would permit an expanded footprint of an immediately adjacent municipal use.