



Village of Elburn
301 E. North Street
Elburn, IL 60119

PLANNING COMMISSION AGENDA
WEDNESDAY, AUGUST 1, 2023
7:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. Approve the Planning Commission Minutes June 6, 2023
6. Public Hearing – Map Amendment: Rezoning of 217 and 225 W. North Street and Associated Parcels (11-06-277-011, 11-06-277-012, 11-06-277-008, & 11-06-276-003) to B-1 Central Business District.
7. Discuss and Recommend Approval of Map Amendment for 217 and 225 W. North Street and Associated Parcels (11-06-277-011, 11-06-277-012, 11-06-277-008, & 11-06-276-003) to B-1 Central Business District.
8. Public Hearing – Text Amendments to the List of Permitted and Special Uses in the B-1 Central Business District – Commercial Event Center and Game Rooms
9. Discuss and Recommend Approval of Text Amendments to the List of Permitted and Special Uses in the B-1 Central Business District – Commercial Event Center and Game Rooms
10. Other Business
11. Adjourn

MEETING MINUTES
VILLAGE OF ELBURN
PLANNING COMMISSION/ZONING BOARD OF APPEALS
JUNE 6, 2023
AT ELBURN VILLAGE HALL

Members Present: Commissioners Dave Anderson, Ryan Anderson, Chet Cybulski, Rob Houtz, Chairman Chris Mulvihill, Drew Peters

Members Absent: Brian Techter

Staff Members Present: Village Administrator John Nevenhoven, Building Commissioner Tom Brennan, Village Engineer John Whitehouse, Village Engineer Julie Morrison

Others Present: Bill McGhinnis, Robert McGhinnis (Open City Self Storage), Tom McGhinnis (Open City Self Storage), Chris Cannell (First Midwest Group), Joe Gorenz (Prestige Worldwide), Residents: Flornie Munson, Charles Munson, Karen Morrison, Mark McMahon, and Jim Brennan.

1. Call to Order: Chairman Mulvihill called the meeting to order at 7:00 PM
2. Pledge of Allegiance: Commissioner Mulvihill led the assembly in the Pledge of Allegiance.
3. Roll Call: A roll call ensued.
4. Public Comment: None
5. Approve Minutes:

A motion to approve the May 2, 2023 Planning Commission minutes was made by Commissioner Dave Anderson and seconded by Commissioner Houtz. The motion was unanimously carried by voice vote.

6. Public Hearing – Special Use to Allow a Short-Term Rental at 309 Shannon Street:

Open Public Hearing: A motion to open the Public Hearing at 7:02 PM was made by Commissioner Cybulski and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

Chairman Mulvihill performed the swearing of oath to all that were planning on speaking in the hearing. Resident Charles Munson has been a resident of Elburn for over 40 years. He asked why the AirBnB company chose Elburn. Mr. Gorenz of Prestige Worldwide answered that they thought it would be a great opportunity with all that is happening in Elburn. Mr. Munson also questioned if there are occupancy limits. Every tenant is vetted, and they must have good ratings. The occupancy limit for the Shannon home is 6 people, and the limit for the Babcock home is 8-10 people.

There was a concern about how these properties will affect the neighborhood as well as real estate values. Mr. Gorenz stated that they have construction come through from time to time for the upkeep of the property, which will help the whole neighborhood. If there are any complaints/problems, the police should be called. If the short-term rental becomes problematic, the special use permit can be revoked. It was clarified that the special use permit is only for the owner, not the property. The Commission suggested to Prestige Worldwide that they keep good faith with the neighbors.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Dave Anderson and seconded by Commissioner Peters to close the

public hearing at 7:17 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

7. Discuss and Recommend to the Village Board to Allow a Special Use – Short-Term Rental at 309 Shannon Street:

It was noted that the commission wants to make Elburn a positive community to live in and visit.

Chairman Mulvihill read the Findings of Fact:

Standards:

- (1) The Planning Commission shall not recommend, nor the Village Board approve a special use, unless it shall find, based upon the evidence presented to the Planning Commission in each specific case, that the special use:
 - (a) Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Zoning Ordinance.
 - (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.
 - (c) Will not be hazardous or disturbing to existing or future neighborhood uses.
 - (d) Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - (e) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village of Elburn.
 - (f) Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (g) Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
 - (h) Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.
 - (i) Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village of Elburn.

A motion to approve the Findings of Fact and recommend to the Village Board to approve a special use – Short-Term Rental at 309 Shannon Street was made by Commissioner Peters and seconded by Commissioner Ryan Anderson. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

8. Public Hearing – Special Use to Allow a Short-Term Rental at 113 Babcock Street:

Open Public Hearing: A motion to open the Public Hearing at 7:23 PM was made by Commissioner Peters and seconded by Commissioner Ryan Anderson. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

Resident Mark McMahon asked that if the short-term rentals have been going on for some time, then why a change of ordinance now. Village Administrator Nevenhoven explained the process that the Village Board and Planning Commission have been going through in reviewing and amending the current zoning ordinance. There was no grace period given. Once the Village was made aware of the

properties that were operating as short-term rentals, they were sent a cease-and-desist letter until the ordinance was approved.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Ryan Anderson and seconded by Commissioner Dave Anderson to close the public hearing at 7:27 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

9. Discuss and Recommend to the Village Board to Allow a Special Use – Short-Term Rental at 113 Babcock Street:

A motion to approve the Findings of Fact (see above in #7) and recommend to the Village Board to approve a special use – Short-Term Rental at 113 Babcock Street was made by Commissioner Peters and seconded by Commissioner Cybulski. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

10. Public Hearing Continued from May 2, 2023 – Approve the Final Engineering Plans for Lot 6 of the South Street Business Park – Open City Self Storage, 700 W. South Street:

Open Public Hearing: A motion to open the Public Hearing at 7:28 PM was made by Commissioner Dave Anderson and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

Chairman Mulvihill performed the swearing of oath to all that were planning on speaking in the hearing. Whitehouse stated that the petitioner has now submitted all the required documentation for the public hearing to be held. The revised plans have been received and all comments from the engineers have been addressed. The landscaping plan comments still need to be addressed by the petitioner. McGhinnis (Open City Self Storage) said he had not yet received those comments. Any conditional recommendation from the Planning Commission would require a complete resolution prior to it appearing before the Village Board. Before a building permit is issued, a letter of credit would need to be posted as well as plans be reviewed by the Building Commissioner. All plans have been submitted to the Fire Department for review and have been approved.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Dave Anderson and seconded by Commissioner Houtz to close the public hearing at 7:36 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

11. Discuss and Recommend to the Village Board Approval of the Final Engineering Plans for Lot 6 of the South Street Business Park – Open City Self Storage, 700 W. South Street:

A motion to approve and recommend to the Village Board the Final Engineering Plans for Lot 6 of the South Street Business Park conditional on the final landscaping plans being approved was made by Commissioner Cybulski and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

12. Discuss and Recommend Final Engineering for Boxed-Up Storage (Keslinger Road):

Whitehouse discussed the final engineering plans. They have been revised and engineers have reviewed them. The petitioner does not yet have an executed agreement with the St. Charles Sportsmen Club, the downstream property owner. The board of the Sportsmen Club has specific items that they would require to be in the agreement. If the developer agrees to all their terms, then there will be a written agreement. According to Cannell (developer), the requirements are reasonable. The site design will not change if the agreement is signed by both parties. Additionally, the backup stormwater SSA criteria will need to be reviewed. A Letter of Credit (LOC) also needs to be received by the Village of Elburn.

The initial fencing plan has been altered due to a water main easement and not being able to build on it.

Resident Jim Brennan asked about the interim upkeep of the property. Cannell said he would be glad to have it mowed and will get the name of a local company to mow it.

A motion to approve and recommend to the Village Board the Final Engineering Plans for Boxed-Up Storage (Keslinger Road) conditional on 1) the agreement occurring between the developer and St. Charles Sportsmen Club, 2) receiving the Letter of Credit, and 3) backup SSA plan review was made by Commissioner Cybulski and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

13. Discuss a Moratorium on Self-Storage Units:

Commissioner Ryan Anderson stated that the number of self-storage units in Elburn is getting excessive and would like the Village Board to make a moratorium on further storage units being built. Whitehouse reminded the Commission that storage units are a permitted use within the zoning district. The suggestion was made to have warehouses/self-storage units move from a permitted use to a special use. The other option suggested was to remove warehouses from the zoning ordinance altogether.

Later this month, the Village Board will be awarding a contract to a company for the rewriting of the Village's zoning code. There was discussion on the urgency of this self-storage change and if it can wait until the zoning code is rewritten and finished sometime next year. Nevenhoven said there are no other developers as of now wanting to build storage units in the Village.

The Commission agreed that the next step would be to discuss with the Village Attorney which option is best. This will then be a discussion point at the next Commission meeting.

14. Other Business: None

15. Adjourn: Commissioner Dave Anderson motioned to adjourn the meeting at 8:20 PM with Commissioner Peters seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Katie Johnston
Deputy Village Clerk



MEMO

To: Planning and Zoning Commission
 From: John Nevenhoven, Village Administrator
 Subject: Obscurity Rezoning and B-1 Text Amendments
 Date: April 27, 2023
 Strategic Action Plan: Routine

The owners of Obscurity Brewing have requested to rezone four parcels of land west of the brewery. See attached map.

Two of the parcels are currently zoned CM (11-06-277-008 and -012). These parcels were previously owned by Elburn CO-OP/CHS. The other two parcels (11-06-276-003 & 11-06-277-011) were previously owned by the C&NW Railroad/Union Pacific Railroad and were never assigned a zoning classification.

The 2020 Comprehensive Land Plan encourages the creation of “Activity Generators, Parcel Consolidation, and Relocation of Incompatible Uses”.

ACTIVITY GENERATORS

Activity generators, such as restaurants and entertainment uses, will have significant influence on the Downtown Business District, because they are active during the day and night. They also offer opportunities to enhance the streetscape by providing outdoor seating and gathering areas. Promoting these types of uses in the Downtown Business District could help create a destination for nearby residents as well as attract visitors to the area. Additionally, adequate and accessible parking will be necessary for the continued and future vitality of Elburn’s core.

PARCEL CONSOLIDATION

The Village of Elburn should promote the consolidation of parcels within the Downtown/Metra Station area to create larger, more desirable redevelopment/development sites.

RELOCATION OF INCOMPATIBLE USES

As revitalization occurs near the Village’s core, and development occurs on the periphery, it may be appropriate to encourage relocation of some industrial businesses to other locations in the Village to encourage redevelopment and renewal in the Downtown. The Village recognizes that its existing businesses are valuable assets in the community, but that some may be located on properties or within districts that are not well suited for the use long-term. To successfully relocate a business, the Village should work with property/business owners to find an alternative site that can improve conditions for the business. The Village should remain sensitive to the needs and desires of existing uses and not force them to relocate unless a mutually beneficial arrangement can be achieved.

Recommendation: Recommend to the Village Board the rezoning of all four parcels to B-1 Central Business District to better align with current and anticipated uses.

Obscurity is requesting two zoning text amendments to the list of permitted uses in the B-1 Central Business District:

- *Add* “Commercial Event Center: A building used for commercial events such as meetings, parties, weddings, receptions, live entertainment, and temporary indoor and/or outdoor retail operations/special”
- *Delete* “Game Rooms” from the list of Special Uses in the B-1 Central Business District.
- *Add* “Game Rooms” to the list of Permitted Uses in the B-1 Central Business District.

Recommendation: Recommend to the Village Board the Text Amendments to the B-1 Central Business District list of Permitted and Special Uses.

APPLICATION FOR MAP & TEXT AMENDMENT TO THE VILLAGE OF ELBURN PLANNING COMMISSION

1. Name, address, and telephone number of applicant(s):

*Name: Railsplitter, LLC
PO Box 100
Maple Park, IL 60151
Manager: Lucas Goucher (815) 508-6732*

*Hive Holdings, LLC
PO Box 100
Maple Park, IL 60151
Manager: Lucas Goucher (815) 508-6732*

2. Legal descriptions, common address, and permanent index number of the property to be benefited by the amendment.

Parcel One

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 39 North, Range 7 East of the Third Principal Meridian, bounded and described as follows: Beginning at a point on the Southerly extension of the West line of Harrison Street, as said street exists North of North Street, distant 150 feet Northerly, measured at right angles, from the center line of the main track of the Galena and Chicago Union Railroad Company (now the Chicago and Northwestern Transportation Company), as said main track center line was originally located and established across said Section 6 (being now the general location of the most Northerly or Eastbound main track of the Chicago Northwestern Transportation Company); thence Easterly, parallel with said original main track center line, a distance of 650 feet, more or less, to a point distant 9 feet Northeasterly, measured radially from the center line of Chicago and Northwestern Transportation Company, Spur Track ICC No. 43, being also the most Northerly spur track Westerly of Main Street, as said spur track is now located, and said point being 315 feet, more or less, Westerly, as measured along the Southerly line of Block 13 in Willis Addition to Blackberry (now Elburn), from the Southeasterly corner thereof; thence Southeasterly parallel with said spur track center line, and the Southeasterly extension thereof, to a point on the West line of Main Street; thence Southerly along said West line of Main Street, a distance of 65 feet, more or less, to a point distant 25 feet Northerly, measured at right angles, from the center line of the most Northerly or Eastbound main track of the

Chicago and Northwestern Transportation Company, as said main track is now located; thence Westerly parallel with the last said main track center line, a distance of 910 feet, more or less, to a point of intersection with the Southerly extension of the West line of aforesaid Harrison Street; thence Northerly along said West line, extended, of Harrison Street, a distance of 130 feet, more or less, to the point of beginning, in Kane County, Illinois.

EXCEPTING THEREFROM that portion of said land conveyed to American Bank and Trust Company, N.A. by Corporate Warranty Deed recorded March 9, 2012 as document 2012K014687, described as follows: That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 39 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at a point on the Southerly extension of the West line of Harrison Street, as said street exists North of North Street, distant 150 feet Northerly, measured at right angles from the center line of the main track of the Galena and Chicago Union Railroad Company (now the Chicago and Northwestern Transportation Company), as said main track center line was originally located and established across said Section 6 (being now the general location of the most Northerly or Eastbound main track of the Chicago and Northwestern Transportation Company); thence Easterly, parallel with said original main track center line, a distance of 605.81 feet to the Southwest corner of Gates Street for a point of beginning; thence continuing Easterly along said parallel line 3.41 feet to a point being distant 9 feet Northeasterly, measured radially from the center line of Chicago and Northwestern Transportation Company, Spur Tract I.C.C. No. 43, as said spur track is now located, and said point being 315 feet, more or less, Westerly as measured along the Southerly line of Block 13 in Willis Addition to Blackberry (now Elburn), from the Southeasterly corner thereof; thence Southeasterly parallel with said spur track center line, and the Southeasterly extension thereof, to a point on the West line of Main Street 60.03 feet North of the North line of the Chicago and Northwestern Transportation Company right-of-way, as measured along the West line of said Main Street; thence Southerly along said West line of Main Street, a distance of 60.03 feet, more or less, to a point distant 25 feet Northerly, measured at right angles from the center line of the most Northerly or Eastbound main track of the Chicago and Northwestern Transportation Company, as said main track is now located; thence Westerly parallel with said main tract center line, 318.44 feet, to the intersection of the Westerly right-of-way line of Gates Street extended Southerly; thence Northerly along said Westerly line extended Southerly, 118.46 feet to the point of beginning, in the Village of Elburn, Kane County, Illinois.

PIN: 11-06-277-011 & 11-06-277-012

Commonly known as: West North Street, Elburn, Illinois

Parcel Two

All of Blocks 14 and 15 in Blackberry, Kane County, Illinois, as shown by plat made by J.C. Gates, Horace Willis and Andrew Anderson, and recorded in the Recorder's office of Kane County, Illinois, March 25, 1856, in Book 1 of Plats, on page 34; ALSO all that part of Polk Street lying between said Blocks 14 and 15, all situated in the Village of Elburn, in the County of Kane in the State of Illinois.

PIN: 11-06-277-008

Commonly known as: 217 and 225 West North Street, Elburn, Illinois

Parcel Three

That part of the South Half of the Northeast Quarter of Section 6, Township 39 North, Range 7 East of the Third Principal Meridian, bounded and described as follows: Beginning at a point on the Southerly extension of the West line of Harrison Street, as said Street exists North of North Street, distant 150 feet Northerly, measured at right angles from the center line of the main track of the Galena and Chicago Union Railroad Company, (now the Chicago and Northwestern Transportation Company), as said main tract center line was originally located and established across said Section 6 (being now the general location of the most Northerly or east bound main tract of said Chicago and Northwestern Transportation Company), thence Westerly parallel with said original main track centerline to a point distance 1000 feet Westerly, as measured along said parallel line, from its intersection with the East line of said Section 6, thence Southerly parallel with the East line of Harrison Street, and the Northerly extension thereof, as said Street is platted South of the Southerly line of North Street, to a point distance 100 feet Northerly, measured at right angles, from said original main tract center line; thence Westerly parallel with said original main track center line a distance of 400 feet, more or less to a point on a line drawn at right angles to said original main track center line at a point thereof distant 1400 feet Westerly from its intersection with the east line of said Section 6; thence Southerly at right angles to the last described course to a point distant 50 feet Northerly, measured at right angles from the center line of the main track of the Chicago and Northwestern Transportation Company as said main track is now located, thence Easterly parallel with said last described main tract center line to a point distant 9 feet northerly, measured radially, from the center line of the most northerly spur track of the Chicago and Northwestern Transportation Company, now ICC track no. 43, as said spur track is now located; thence easterly, parallel with said spur track centerline to a point on the Southerly Extension of the West line of said Harrison Street as located North of North Street, thence Northerly along said West line extended of Harrison Street to the point of beginning,

subject to easements of right of way of record. Township of Blackberry, County of Kane, State of Illinois.

PIN: 11-06-276-003

Commonly known as: Off North Street, Elburn, Illinois

3. The proposed text amendment.

Section 8.2(B)(1) of the Village of Elburn's Zoning Ordinance be amended by inserting the following subparagraph into Section 8.2(B)(1) Permitted Uses:

Commercial Event Center: A building used for commercial events such as meetings, parties, weddings, receptions, live entertainment, and temporary indoor and/or outdoor retail operations/special

Section 8.2(C)(3) of the Village of Elburn's Zoning Ordinance be amended by deleting the following subparagraph into Section 8.2(C)(3) Special Uses:

Game Room

Section 8.2(B)(1) of the Village of Elburn's Zoning Ordinance be amended by inserting the following subparagraph into Section 8.2(B)(1) Permitted Uses:

Game Room

4. Identification of the provisions of the existing Zoning

*Parcels 1 & 2 – CM
Parcel 3 – Not Zoned*

5. Identification of proposed Zoning

B1 with a Permitted Use for Commercial Event Center - consistent with the proposed text amendment included in Paragraph 3 of this Application.

6. Existing use of the property

The property is used by Obscurity Brewing to host banquets and special events.

7. Proposed use of the property

The property would be continued to be used by Obscurity Brewing to host banquets and special events.

8. A written statement of how the proposed amendment relates to the Comprehensive Land Use Plan.

The proposed amendment to rezone the property from CM to B1 is consistent with the Village of Elburn's 2020 Comprehensive Land Use Plan "to promote more entertainment-oriented uses"; "to redefine the Downtown Business District"; and the Vision Statement of the Village of Elburn's 2020 Comprehensive Land Use Plan "to be known for unique destination businesses and events, and providing opportunities for local, independent businesses".

9. A written statement of how the proposed amendment promotes the public health, safety and general welfare.

The proposed amendment to rezone the property from CM to B1 with the proposed text amendment to allow the operation of a Commercial Event Center promotes the public health, safety, and general welfare of the residents of Elburn by providing an in-village option for residents to host wedding receptions, anniversary celebrations, and other events in a non-private club/non-restaurant setting without having to leave the Village of Elburn.

10. A written statement of how the proposed amendments fulfill the below standards.

The proposed amendments fulfill the below standards as follows:

- (i) *The proposed amendment to rezone the property from CM to B1 with the proposed text amendments to allow the property to be used for a Commercial Event Center promotes the public health, safety, and general welfare of the residents of by providing an in-village option for residents to host wedding receptions, anniversary celebrations, and other events in a non-private club/non-restaurant setting without having to leave the Village of Elburn. Further, the proposed amendment to rezone the property from CM to B-1 is consistent with the Village of Elburn's 2020 Comprehensive Land Use Plan "to promote more entertainment-oriented uses"; "to redefine the Downtown Business District"; and the Vision Statement of the Village of Elburn's 2020 Comprehensive Land Use Plan "to be known for unique destination businesses and events, and providing opportunities for local, independent businesses".*
- (ii) *The parcel immediately to the east (across Gates Street) is zoned "B1" and currently used as a gastro brewpub by Obscurity Brewing. Pursuant to the Village's Downtown Business District Plan, the uses of buildings near and/or adjacent to the subject property have been trending away from uses consistent with "CM" zoning and towards uses consistent with "B1" zoning.*

- (iii) *As discussed above, the requested zoning permits uses are consistent with the Vision Statement of the Village of Elburn's 2020 Comprehensive Land Use Plan "to be known for unique destination businesses and events, and providing opportunities for local, independent businesses" and, therefore, is more suitable than the uses currently permitted under the current zoning. For example, the current "CM" zoning allowing such uses as cabinet fabrication, furniture warehousing, mini-warehouse facilities, sheet metal fabrication, sign manufacturing and trailer service which is not consistent with the Vision Statement of the Village of Elburn's 2020 Comprehensive Land Use Plan "to be known for unique destination businesses and events, and providing opportunities for local, independent businesses". The current "CM" zoning also is not consistent with the promotion and creation of economic growth for the benefits of the residents of the Village of Elburn.*
- (iv) *The amendment, if granted, will not alter the essential character of the neighborhood nor will it be a substantial detriment to adjacent property as it will, in fact, make the subject property's zoning more consistent with the developed properties located immediately adjacent to the east of the subject property. The amendment also will not be a substantial detriment to the vacant property (zoned "CM") located to the north and west of the subject property.*

STANDARDS

1. The PC shall not recommend, and the Village Board shall not vary, the provisions of this Zoning, unless it shall find that the:
 - (i) The amendment promotes the public health, safety, comfort, convenience and general welfare of the Village, and complies with the policies and Comprehensive Land Use Plan and other official plans of the Village of Elburn.
 - (ii) The trend of development in the area of the subject property is consistent with the requested amendment.
 - (iii) The requested zoning permits uses which are more suitable than the uses permitted under the existing zoning classification.
 - (iv) The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.

DATED: _____, 2023

SIGNATURES OF APPLICANTS:

RAILSPLITTER, LLC

By: _____
Lucas Goucher, as Manager

HIVE HOLDINGS, LLC

By: _____
Lucas Goucher, as Manager

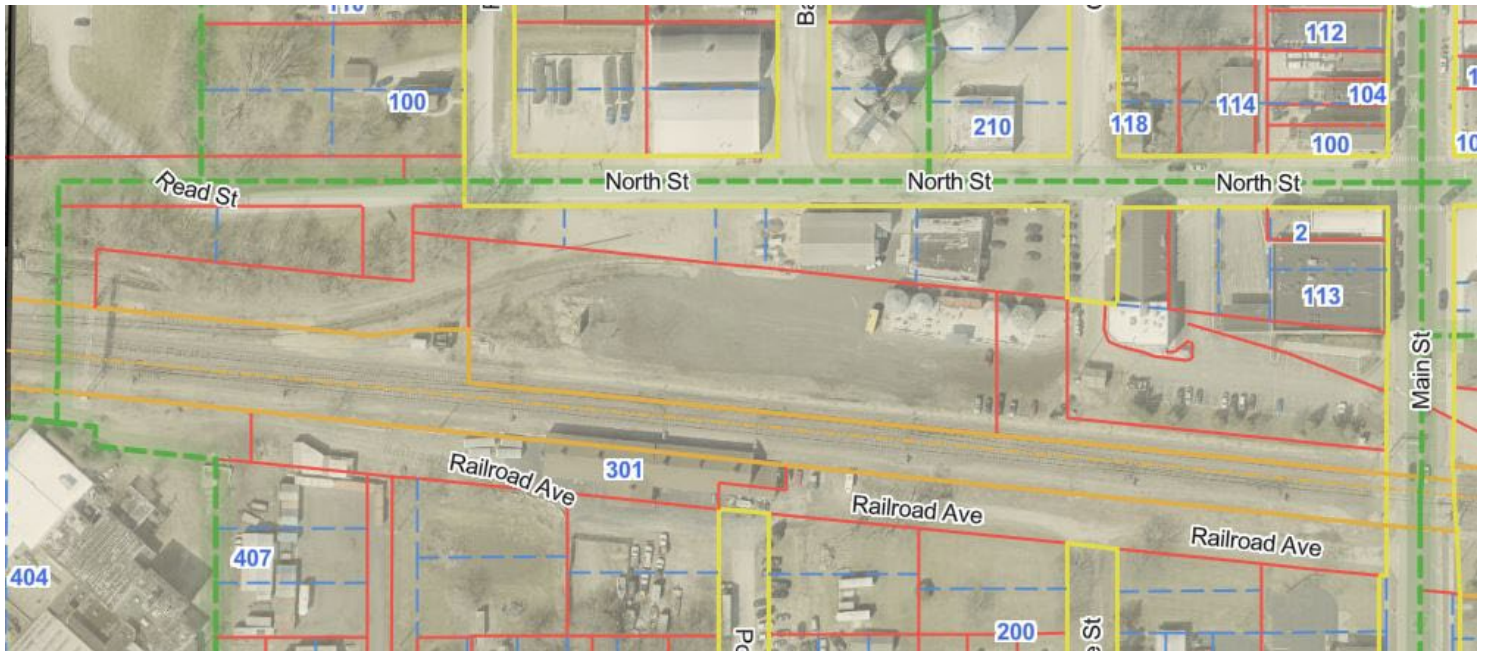
STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

LUCAS GOUCHER, being first duly sworn on oath, deposes and states that he is the Manager of RAILSPLITTER, LLC and HIVE HOLDINGS, LLC. which are the applicants in the above and foregoing Application for Special Use to the Village of Elburn Planning Commission, that he knows the contents therein, and that the same are true in substance and in fact.

Lucas Goucher

Subscribed and sworn to
before me this _____ day
of _____, 2023.

Notary Public



Current Zoning

- 11-06-276-003 & 11-06-277-011 Unzoned. Previously owned by C&NW Railroad
- 11-06-277-008 & 11-06-277-012 Zoned CM

July 11, 2023

Via First Class Certified Mail Return Receipt Requested

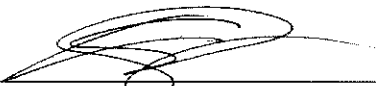
Re: Notice of Public Hearing on Application for Text & Map Amendment

Dear Property Owner:

You are hereby notified that a Public Hearing will be held on an Application for Text & Map Amendment which were filed with the Village of Elburn. A Public Hearing on said Petitions will be held before the Village of Elburn Planning Commission on August 1, 2023, at 7:00 p.m. at the Village Hall of the Village of Elburn located at 301 East North Street, Elburn, Illinois. Copies of the Public Hearing Notices which will be published in the Elburn Herald are enclosed. Additionally, signs will be posted at the properties.

The purpose of the Public Hearing is to hear comments for or against the Application for Text & Map Amendment to allow allow "B1" zoning with a Permitted Use for Commercial Event Center at the properties located at 217 and 225 West North Street, Elburn, Illinois.

Very truly yours,



Lucas Goucher, Managing Member
PRESTIGE WORLDWIDE
ENTERPRISES, LLC

PUBLIC HEARING NOTICE FOR MAP & TEXT AMENDMENT

NOTICE IS HEREBY GIVEN of a public hearing to be held before the Village of Elburn Planning Commission on August 1, 2023, at 7:00 p.m. at the Village Hall of the Village of Elburn located at 301 E. North Street, Elburn, Illinois. The purpose of the public hearing is to hear comments for and against the application for a map and text amendment of the Village of Elburn Zoning Ordinance to allow "BI" zoning with a Permitted Use for Commercial Event Center for the property located at 217 and 225 West North Street, Elburn, Illinois, legally described as follows:

Parcel One

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 39 North, Range 7 East of the Third Principal Meridian, bounded and described as follows: Beginning at a point on the Southerly extension of the West line of Harrison Street, as said street exists North of North Street, distant 150 feet Northerly, measured at right angles, from the center line of the main track of the Galena and Chicago Union Railroad Company (now the Chicago and Northwestern Transportation Company), as said main track center line was originally located and established across said Section 6 (being now the general location of the most Northerly or Eastbound main track of the Chicago Northwestern Transportation Company); thence Easterly, parallel with said original main track center line, a distance of 650 feet, more or less, to a point distant 9 feet Northeasterly, measured radially from the center line of Chicago and Northwestern Transportation Company, Spur Track ICC No. 43, being also the most Northerly spur track Westerly of Main Street, as said spur track is now located, and said point being 315 feet, more or less, Westerly, as measured along the Southerly line of Block 13 in Willis Addition to Blackberry (now Elburn), from the Southeasterly corner thereof; thence Southeasterly parallel with said spur track center line, and the Southeasterly extension thereof, to a point on the West line of Main Street; thence Southerly along said West line of Main Street, a distance of 65 feet, more or less, to a point distant 25 feet Northerly, measured at right angles, from the center line of the most Northerly or Eastbound main track of the Chicago and Northwestern Transportation Company, as said main track is now located; thence Westerly parallel with the last said main track center line, a distance of 910 feet, more or less, to a point of intersection with the Southerly extension of the West line of aforesaid Harrison Street; thence Northerly along said West line, extended, of Harrison Street, a distance of 130 feet, more or less, to the point of beginning, in Kane County, Illinois.

EXCEPTING THEREFROM that portion of said land conveyed to American Bank and Trust Company, N.A. by Corporate Warranty Deed recorded March 9, 2012 as document 2012K014687, described as follows: That part of the Southeast Quarter of the Northeast Quarter of Section 6,

Township 39 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at a point on the Southerly extension of the West line of Harrison Street, as said street exists North of North Street, distant 150 feet Northerly, measured at right angles from the center line of the main track of the Galena and Chicago Union Railroad Company (now the Chicago and Northwestern Transportation Company), as said main track center line was originally located and established across said Section 6 (being now the general location of the most Northerly or Eastbound main track of the Chicago and Northwestern Transportation Company); thence Easterly, parallel with said original main track center line, a distance of 605.81 feet to the Southwest corner of Gates Street for a point of beginning; thence continuing Easterly along said parallel line 3.41 feet to a point being distant 9 feet Northeasterly, measured radially from the center line of Chicago and Northwestern Transportation Company, Spur Tract I.C.C. No. 43, as said spur track is now located, and said point being 315 feet, more or less, Westerly as measured along the Southerly line of Block 13 in Willis Addition to Blackberry (now Elburn), from the Southeasterly corner thereof; thence Southeasterly parallel with said spur track center line, and the Southeasterly extension thereof, to a point on the West line of Main Street 60.03 feet North of the North line of the Chicago and Northwestern Transportation Company right-of-way, as measured along the West line of said Main Street; thence Southerly along said West line of Main Street, a distance of 60.03 feet, more or less, to a point distant 25 feet Northerly, measured at right angles from the center line of the most Northerly or Eastbound main track of the Chicago and Northwestern Transportation Company, as said main track is now located; thence Westerly parallel with said main tract center line, 318.44 feet, to the intersection of the Westerly right-of-way line of Gates Street extended Southerly; thence Northerly along said Westerly line extended Southerly, 118.46 feet to the point of beginning, in the Village of Elburn, Kane County, Illinois.

PIN: 11-06-277-011 & 11-06-277-012

Commonly known as: West North Street, Elburn, Illinois

Parcel Two

All of Blocks 14 and 15 in Blackberry, Kane County, Illinois, as shown by plat made by J.C. Gates, Horace Willis and Andrew Anderson, and recorded in the Recorder's office of Kane County, Illinois, March 25, 1856, in Book 1 of Plats, on page 34; ALSO all that part of Polk Street lying between said Blocks 14 and 15, all situated in the Village of Elburn, in the County of Kane in the State of Illinois.

PIN: 11-06-277-008

Commonly known as: 217 and 225 West North Street, Elburn, Illinois

Parcel Three

That part of the South Half of the Northeast Quarter of Section 6, Township 39 North, Range 7 East of the Third Principal Meridian, bounded and described as follows: Beginning at a point on the Southerly extension of the West line of Harrison Street, as said Street exists North of North Street, distant 150 feet Northerly, measured at right angles from the center line of the main track of the Galena and Chicago Union Railroad Company, (now the Chicago and Northwestern Transportation Company), as said main tract center line was originally located and established across said Section 6 (being now the general location of the most Northerly or east bound main tract of said Chicago and Northwestern Transportation Company), thence Westerly parallel with said original main track centerline to a point distance 1000 feet Westerly, as measured along said parallel line, from its intersection with the East line of said Section 6, thence Southerly parallel with the East line of Harrison Street, and the Northerly extension thereof, as said Street is platted South of the Southerly line of North Street, to a point distance 100 feet Northerly, measured at right angles, from said original main tract center line; thence Westerly parallel with said original main track center line a distance of 400 feet, more or less to a point on a line drawn at right angles to said original main track center line at a point thereof distant 1400 feet Westerly from its intersection with the east line of said Section 6; thence Southerly at right angles to the last described course to a point distant 50 feet Northerly, measured at right angles from the center line of the main track of the Chicago and Northwestern Transportation Company as said main track is now located, thence Easterly parallel with said last described main tract center line to a point distant 9 feet northerly, measured radially, from the center line of the most northerly spur track of the Chicago and Northwestern Transportation Company, now ICC track no. 43, as said spur track is now located; thence easterly, parallel with said spur track centerline to a point on the Southerly Extension of the West line of said Harrison Street as located North of North Street, thence Northerly along said West line extended of Harrison Street to the point of beginning, subject to easements of right of way of record. Township of Blackberry, County of Kane, State of Illinois.

PIN: 11-06-276-003

The existing zoning classifications of the property are:

Parcel 1. PIN 11-06-277-011 - not zoned. PIN 11-06-277-012 - CM.

Parcel 2 - CM.

Parcel 3 - not zoned.

The names and addresses of the legal and beneficial owners of the properties for which the text and map amendment is requested are:

Railsplitter, LLC
PO Box 100
Maple Park, IL 60151

Hive Holdings, LLC
PO Box 100
Maple Park, IL 60151

DATED: July 11, 2023

VILLAGE OF ELBURN

FINDING OF FACT**Zoning Code 15.12 Map and Text Amendments**

- F. Standards – The Planning Commission shall not recommend, nor the Village Board grant an amendment to alter the zoning district boundary lines, unless it shall determine, based upon the evidence presented to the Planning Commission in each specific case, that:
- (1) The amendment promotes the public health, safety, comfort, convenience and general welfare of the Village, and complies with the policies and Comprehensive Land Use Plan and other official plans of the Village of Elburn.
 - (2) The trend of development in the area of the subject property is consistent with the requested amendment.
 - (3) The requested zoning permits uses which are more suitable than the uses permitted under the existing zoning classification.
 - (4) The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.

ARTICLE VIII
BUSINESS DISTRICTS

8.1 GENERAL PROVISIONS

B. Special Uses:

- (1) It is recognized that there are certain uses which, because of their unique characteristics, cannot be properly classified without consideration of the impact, in each case, of these uses upon neighboring land and the public need for the particular use at the particular location. These uses include:
 - (a) Uses publicly operated or traditionally affected with a public interest.
 - (b) Private uses of such an unusual nature that their operation may give rise to unique problems with respect to their impact on neighboring property.
- (2) The special uses listed in each district may be permitted by the adoption of a Special Use Ordinance by the Village Board of Trustees, upon recommendation of the Planning Commission. Procedures for requesting a special use permit are set forth in Article XV, ADMINISTRATION AND ENFORCEMENT, Section 15.13 of this Ordinance.

8.2 B-1, CENTRAL BUSINESS DISTRICT:

A. Purpose – This district is intended to function exclusively as the Village’s Central Business District. The district accommodates a mix of uses, designed to attract consumers, and to mutually support one another.

B. Permitted Uses:

- (1) Retail:
 - (a) Antique shops.
 - (b) Art galleries.
 - (c) Art and school supplies.
 - (d) Automobile parts stores.
 - (e) Bakeries, in which the manufacture of goods is limited to goods retailed on the premises only.
 - (f) Bicycle sales and repairs.
 - (g) Book stores.
 - (h) Bridal shops.
 - (i) Business machine sales and service.
 - (j) Butcher shops.
 - (k) Camera stores.
 - (l) Camping equipment sales and rental (excluding trailers and similar campers).
 - (m) Candle shops.
 - (n) Candy and confectionery stores.
 - (o) Card shops.
 - (p) Carpet stores.
 - (q) Children’s apparel shops.
 - (r) China and glassware stores.
 - (s) Christmas shops.

- (t) Compact disc, cassette tape and phonograph record stores.
- (u) Computers, sales and service.
- (v) Department stores.
- (w) Drug stores and pharmacies.
- (x) Farm supplies (except implements).
- (y) Florist shops.
- (z) Floor covering and tile stores.
- (aa) Food stores, including grocery, convenience and specialty (coffee, fudge, etc).
- (bb) Furniture stores.
- (cc) Gift shops.
- (dd) Handmade crafts.
- (ee) Hardware stores.
- (ff) Hearing aid stores.
- (gg) Herbs, spices and kitchen specialties.
- (hh) Hobby shops.
- (ii) Ice cream stores or stands.
- (jj) Jewelry stores.
- (kk) Ladies apparel stores.
- (ll) Leather goods and luggage stores.
- (mm) Linen and bath shops.
- (nn) Liquor stores.
- (oo) Men's apparel stores.
- (pp) Millinery and haberdasheries.
- (qq) Musical instrument sales and repairs.
- (rr) Office supply stores
- (ss) Orthopedic and medical appliance stores.
- (tt) Paint and wallpaper sales.
- (uu) Pewter and silver stores.
- (vv) Physical culture and health services.
- (ww) Pottery shops.
- (xx) Retail, mail-order stores.
- (yy) Sewing machine sales and services.
- (zz) Shoe stores.
- (aaa) Special import stores.
- (bbb) Sporting goods.
- (ccc) Sports card stores.
- (ddd) Tack shops.
- (eee) Tobacco shops.
- (fff) Toy stores.
- (ggg) Variety and notion stores (dime stores).
- (hhh) Woodcraft shops.
- (iii) Yarn and needlework shops.
- (hhh) Commercial Event Center
- (ggg) Game rooms

(2) Business Services:

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- (a) Artists and design studios.
- (b) Banks and financial institutions (excluding drive-up).
- (c) Beauty and barber shops.
- (d) Brokerage houses.
- (e) Business schools.
- (f) Catering services.
- (g) Chambers of commerce.
- (h) Charitable organization.
- (i) Civic associations.
- (j) Clothing and costume rental stores.
- (k) Clubs and lodges, private, fraternal or religious.
- (l) Coin and philatelic sales.
- (m) Commercial or trade schools (dance studios, music schools or martial arts).
- (n) Credit agencies.
- (o) Currency exchanges.
- (p) Data processing centers.
- (q) Delicatessens.
- (r) Dry cleaning shops.
- (s) Employment agencies.
- (t) Electrical and household appliance sales and repair.
- (u) Exterminating shops.
- (v) Frozen food locker.
- (w) Furnace sales and repair.
- (x) Furniture repair.
- (y) Furrier shops, storage and conditioning.
- (z) General repair shops.
- (aa) Gift wrapping and mailing services.
- (bb) Interior decorating shops.
- (cc) Laundries.
- (dd) Lawn mower repair.
- (ee) Libraries.
- (ff) Locksmiths.
- (gg) Merchants' associations.
- (hh) Newspaper offices.
- (ii) Package liquor stores, provided beverages are not consumed on the premises.
- (jj) Pawn shops.
- (kk) Photocopying and printing.
- (ll) Photographic and art studio.
- (mm) Plumbing, heating and showroom shops.
- (nn) Picture framing.
- (oo) Radio and television: service, repair and studios.
- (pp) Real estate offices.
- (qq) Restaurant and eating places (without drive-through, entertainment or dancing).

- (rr) Security and commodity brokers.
- (ss) Shoe repair shops.
- (tt) Store selling liquor, beer or soft drinks (not for consumption on premises).
- (uu) Tailor or dressmaker shop.
- (vv) Taxidermists.
- (ww) Travel agency.
- (xx) Upholstery stores.
- (yy) Video rentals.
- (3) Professional Offices:
 - (a) Accounting, auditing, and bookkeeping offices.
 - (b) Attorney and law offices.
 - (c) Business and management consultants.
 - (d) Engineering and architectural services.
 - (e) Insurance agencies.
 - (f) Investment companies.
 - (g) Land surveyors.
 - (h) Landscape architects.
 - (i) Professional consultants.
- (4) Medical Offices:
 - (a) Chiropractor's offices.
 - (b) Dentist's offices.
 - (c) Doctor's, surgeon's and/or physician's offices.
 - (d) Opticians.
 - (e) Opthomlogists.
 - (f) Osteopath's offices.
 - (g) Podiatrist's offices.
- (5) Residential Apartments:
 - (a) Apartments above the ground floor.
 - (b) Apartments below the ground floor.
- (6) Short-Term Rentals (Ordinance 2023-01)
- C. Special Uses:
 - (1) Highway Oriented:
 - (a) Automobile repair shops.
 - (b) Automobile service stations.
 - (2) Retail – Pet Shops.
 - (3) Business Services:
 - (a) Animal clinics (veterinarians).
 - (b) Banks and financial institutions, drive-up.
 - (c) Bed and breakfast guest houses.
 - (d) Blueprint and processing shops.
 - (e) Day care centers and nursery schools.
 - (f) **Game rooms.**
 - (g) Hotels/motels.
 - (h) Pet grooming facilities.
 - (i) Restaurants, with live entertainment and dancing.

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- (j) Service of alcoholic beverages in conjunction with an eating or drinking establishment.
 - (k) Taverns.
 - (l) Theaters and auditoriums, indoor or outdoor.
 - (m) Tire and battery sales and service.
 - (n) Undertaking establishments, funeral parlors and mortuaries.
- (4) Institutional:
- (a) Police and fire stations.
 - (b) Post office and post office sub-stations.
 - (c) Public service or municipal garages.
 - (d) Public utilities as defined in Section 8.1 H, above.
 - (e) Railroad passenger stations or yard.

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