



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

PLANNING COMMISSION AGENDA  
WEDNESDAY, SEPTEMBER 6, 2023  
7:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. Approve the Planning Commission Minutes August 1, 2023
6. Public Hearing – Map Amendment: Rezoning of 412 N. Main Street - Parcels (11-06-228-005 & 08-31-400-015) from R-2 Residential to B-3 Office/Service District.
7. Discuss and Recommend Approval of Map Amendment: Rezoning of 412 N. Main Street - Parcels (11-06-228-005 & 08-31-400-015) from R-2 Residential to B-3 Office/Service District.
8. Other Business
9. Adjourn

MEETING MINUTES  
VILLAGE OF ELBURN  
PLANNING COMMISSION/ZONING BOARD OF APPEALS  
AUGUST 1, 2023  
AT ELBURN VILLAGE HALL

Members Present: Dave Anderson, Chet Cybulski, Rob Houtz, Chairman Chris Mulvihill, Drew Peters, Brian Techter

Members Absent: Ryan Anderson

Staff Members Present: Village Administrator John Nevenhoven, Building Commissioner Tom Brennan,

Others Present: Brandon Harris (Obscurity), Susan O'Neill (Kane County Chronicle), Residents: Amy King, Bob King, Karen Howard, Jennifer Strayve, and Erik Oswald.

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 June 6, 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 – 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:

Open Public Hearing: A motion to open the Public Hearing at 6:02 PM was made by Commissioner Cybulski and seconded by Commissioner Dave Anderson. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

Village Administrator Nevenhoven began by stating that the owners of the 4 parcels in question have asked to have the properties rezoned to B-1. The brewery to the east of those properties is B-1, thus making sense that the B-1 district continues down that into that area. Nevenhoven referenced the 2020 Comprehensive Land Plan. As of now the Co-Op (CHS) is staying where it is. Nevenhoven asked that anyone speaking in the hearing raise their right hand and swear to tell the truth prior to beginning.

Petitioner Brandon Harris (Obscurity) stated that they want to change the zoning for a business operation. They want the event space to be within the zoning requirement so that they do not have to keep asking for a variance from the Village. Currently, they are doing weddings and events at one of the properties. The concern of more parking lots was addressed. As of now, there is ample parking in a lot behind Obscurity. If they decide to build more on the property, any changes will come in as a planned unit development and another public hearing would happen then.

Resident Amy King asked if there would be more events in the second building. Harris said right now that is not the case; the building is being used for storage. Currently, they are putting permanent bathrooms in the old fertilizer building. When they decide to move further with the use of the Fertilizer building, there may or may not be another public hearing depending on the intended use of the

building. Resident Bob King's concern is what the building will be used for in the future since chemicals have occupied the Fertilizer building for decades. Harris said that they pride themselves on doing things right and would follow EPA guidelines. Commissioner Dave Anderson stated that there have not always been chemicals in the building.

Resident Karen Howard asked about parcel 11-06-276-003 and why Obscurity bought it. Harris said it just made sense to buy it in order to give them more options. Her concern was water flow if it became a parking lot.

Resident Erik Oswald recommended that prior to any construction, an environmental survey should be done. Nevenhoven said they would work with Obscurity before they get a certificate of occupancy to make sure it is safe to occupy.

There was a discussion of Obscurity's property line. Their property ends at the west side of their building. The Village right-of-way goes up to their foundation. There is talk of the Village vacating a portion of Gates Street; however, that will be discussed at another time.

Mr. Harris thanked everyone at the hearing and encouraged anyone with questions to reach out to him.

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 7:25 PM. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters and Techter. Nays: None. Motion carried.

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:

Chairman Mulvihill asked the Commission if they had read the Findings of Fact.

A motion to adopt the Findings of Fact was made by Commissioner Dave Anderson and seconded by Commissioner Peters. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

A motion to approve and recommend to the Village Board the requested changes from C-M or un-zoned to B-1 was made by Commissioner Dave Anderson and seconded by Commissioner Peters. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

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:

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

Village Administrator Nevenhoven explained that Obscurity is requesting to add Commercial Event Center to the list of permitted uses in the B-1 Central Business District. They are also requesting to delete Game Rooms from a special use to a permitted use. Slot machines and video gaming do not figure into this. This is for pinball machines, video games, dart boards, etc. These changes would apply to all B-1 properties.

There was a question regarding liquor being served in the commercial event center. If they wanted to serve liquor, they would need to obtain a license.

Resident Amy King asked about a future parking lot and if water flow would be considered. Nevenhoven confirmed that it would most definitely be considered.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Cybulski and seconded by Commissioner Peters to close the public hearing at 7:33 PM. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

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:

Chairman Mulvihill asked the Commission if they had read the Findings of Fact.

A motion to approve the Findings of Fact and recommend and approve to the Village Board the Text Amendments to the List of Permitted and Special Uses in the B-1 Central Business District was made by Commissioner Dave Anderson and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Motion carried.

10. Other Business:

Commissioner Dave Anderson asked about a moratorium on storage facilities in the Village. Nevenhoven spoke with the Village Attorney and is waiting on information back from him. A brief update of previous discussions that the Commission has had at prior meetings was given to the public.

11. Adjourn: Commissioner Dave Anderson motioned to adjourn the meeting at 7:39 PM with Commissioner Techter seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Katie Johnston  
Deputy Village Clerk



## MEMO

To: Planning Commission  
 From: John Nevenhoven, Village Administrator  
 Subject: 412 N. Main Street – Rezoning from R-2 to B-3  
 Date: Strategic Action Plan: Routine

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Mark and Molly Jo Nyman have purchased the property at 412 N. Main Street (11-06-228-005 & 08-31-400-015). The property contains a single-family that was previously converted into 2 apartments.

The property lies within the B-3 overlay District.

### 8.1 B-3, OFFICE/SERVICE:

#### A. Purpose:

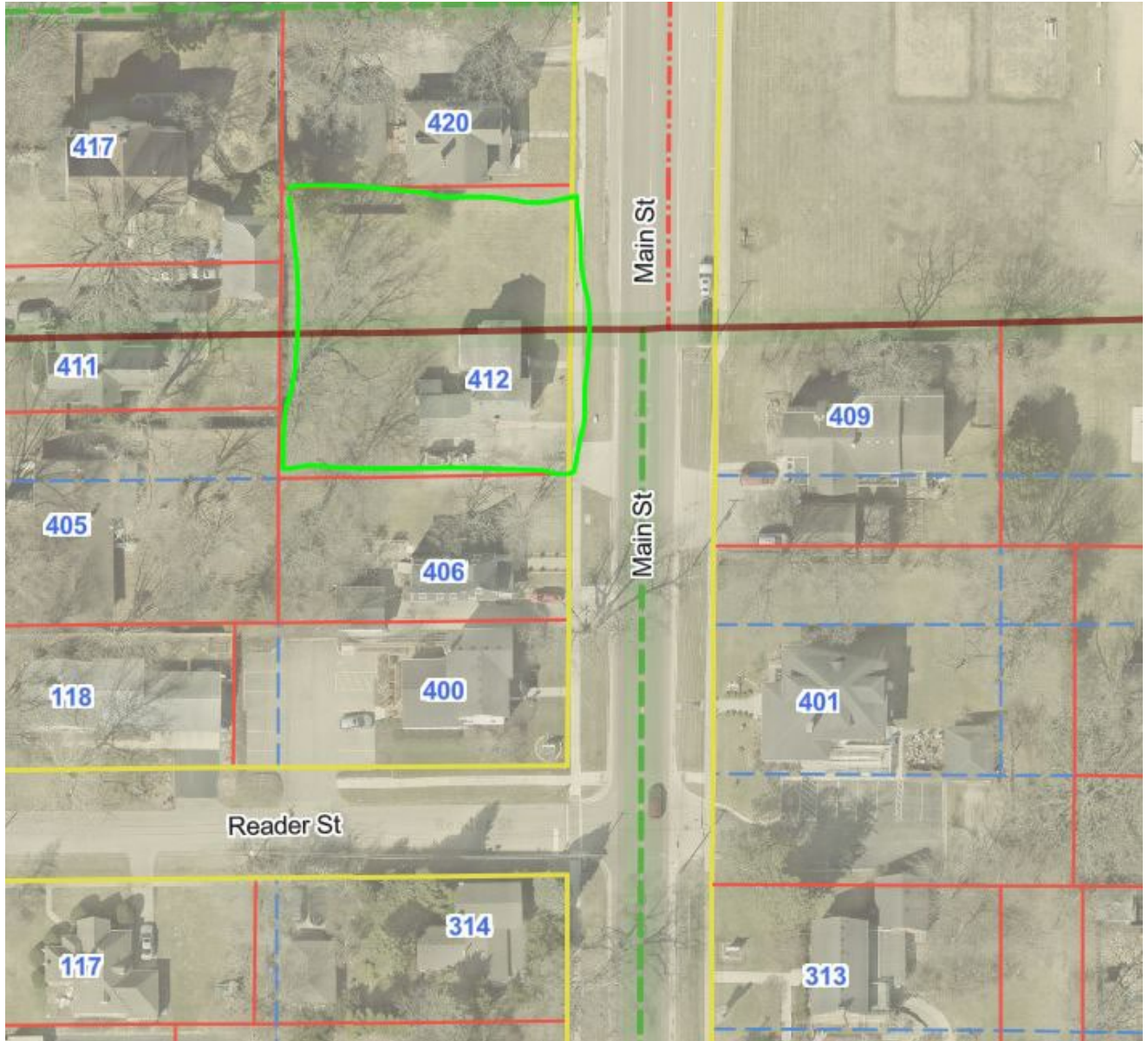
- (1) This District provides for the conversion of dwellings and the construction of new buildings along Illinois Route 47 to office and business service uses, consistent with Elburn's adopted Land Use Plan. The reclassification of properties to B-3, Office/Service is **intended to stabilize and enhance property values by encouraging restoration, renovation, and rehabilitation of existing buildings in the vicinity of the downtown, without the loss of landmark buildings and residential character, typical of Elburn.**
- (2) For the purpose of this Ordinance, the B-3, Office/Service District shall be limited to land outside the existing B-1 District that abuts Illinois Route 47 as follows:
  - (a) Properties south of the Campton township line, east of Illinois Route 47.
  - (b) Properties south of the Deaconry property, west of Illinois Route 47.
  - (c) Properties north of Stetzer Street, along both sides of Illinois Route

#### B. Permitted Uses:

- (4) Residential Apartments – Dwellings shall be permitted on any floor.

### Recommendation:

Staff recommends rezoning of the property located at 412. N Main Street from R-2 to B-3.







**Village of Elburn**

301 E. North Street  
Elburn, IL 60119  
www.elburn.il.us  
630-365-5060

**APPLICATION FOR A MAP AMENDMENT TO THE  
VILLAGE OF ELBURN PLANNING COMMISSION**

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

Name(s): Molly Jo Nyman 630-209-0148 (cell)  
Mark Nyman 630-417-7173 (cell)

Address: 42 W 417 Red Bud Court  
St. Charles, IL 60175

Telephone Number: See above

Email Address: mollyjnyman@sbcglobal.net

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

Legal Description: See attachment A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



LOT 1 IN BLOCK 2 IN GATE'S ADDITION TO THE VILLAGE OF BLACKBERRY (NOW ELBURN), BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS.

PARCEL II: 08-31-400-015

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK 2 IN GATE'S ADDITION TO THE VILLAGE OF BLACKBERRY (NOW ELBURN); THENCE NORTH 66.00 FEET ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1, SAID LINE ALSO BEING THE WEST LINE OF MAIN STREET (FORMERLY SUGAR GROVE AND CHICKEN GROVE ROAD); THENCE WEST 133.00 FEET PARALLEL WITH THE NORTH LINE OF SAID LOT 1; TO THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1 THENCE SOUTH 66.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EAST 132.96 FEET ALONG THE NORTH LINE OF SAID LOT 1; TO THE POINT OF BEGINNING, IN THE VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS.

Legal Description -> Attachment A

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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AMERICAN  
LAND TITLE  
ASSOCIATION



Common Address: 412 N. Main St  
Elburn, IL 60119

Parcel IDs  
 PIN(s): 08-31-400-015-0000 , 11-06-228-005-0000

Existing Zoning R1

Proposed Zoning B3

3. Existing use of the property

Residential - 2 unit apartment

4. Proposed use of the property

In the short term, interior and exterior renovations will improve the look of this home which will continue to be used as a 2-unit apartment. Future plan... working with the Village to develop a concept of what could be a good use of this location. We are open to building mixed use property which could include professional offices, retail and/or residential.

5. Provide a location map showing property lines and streets

6. A written statement of how the proposed amendment relates to the Comprehensive Lane Use Plan.

As new owners of this property, we align with the vision set forth for the Village of Elburn in the comprehensive plan. This proposal supports the creation of housing opportunities (in a walkable neighborhood) as well as promoting mixed ~~use~~ land uses.

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

The proposed use of the property will lead to visual improvements of the existing structure, as well as enable potential future plans to build on the adjacent lot. This would improve the impression people receive of the community as they enter the downtown area from the north. A potential future offering of professional offices mixed with housing would also promote public health and welfare.

## STANDARDS

1. Provide an explanation of how the requested Map Amendment meets the standards below:

- (a) How does the proposed amendment promote the public health, safety, comfort, convenience, and general welfare of the Village, and does it comply with the policies and Comprehensive Lane Use Plan and other official plans of the Village of Elburn? *This proposed amendment*

*complies with Village plans and aligns with Village vision for the future. The proposed amendment will lead to exterior improvements of the existing structure, as well as enable future plans to build on the adjacent lot. This would improve the impression of the Village. Future development may offer professional offices mixed with housing to improve convenient access for the community.*

- (b) Is the development trend in the area of the subject property consistent with the requested amendment?

*Yes, a professional office is within close proximity. The community center (old school and playground) are directly across the street, along with some retail.*

- (c) Does the requested zoning amendment permit uses that are more suitable than the uses currently permitted under the existing zoning classification?

*It would not eliminate the current use (residential). It would only enhance the residential offering, increase the residential offerings and add professional offices and/or retail.*

- (d) Will the amendment, if granted, alter the neighborhood's essential character and not be a substantial detriment to the adjacent properties?

*It would only improve/enhance the neighborhood's character and would not create any detriment to adjacent properties. As it sits on Rte 47, it would not alter or increase existing traffic flow.*

Note: In the last few months, recent online searches for apartment rentals in Elburn have turned up zero results. Providing updated, clean, attractive rentals will benefit the community, especially as this location is walkable to downtown amenities.

DATED: 7-14-23

SIGNATURES OF APPLICANTS:

Mark Nyma  
Molly G. Nyma  
\_\_\_\_\_  
\_\_\_\_\_

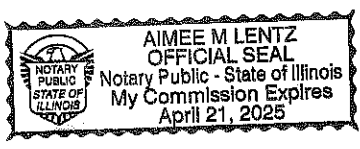
STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF KANE        )

Mark Nyma, being first duly sworn on oath,  
deposes and states that (s)he is the applicant in the above and foregoing Application for  
Map Amendment to the Village of Elburn Planning Commission by (her)him subscribed,  
that (s)he knows the contents therein, and that the same are true in substance and in fact.

Molly G. Nyma

Subscribed and sworn to  
before me this 14<sup>th</sup> day  
of July, 2023.

Aimee M. Lentz  
Notary Public



**NOTICE OF PUBLIC HEARING  
A MAP AMENDMENT TO  
THE ELBURN ZONING ORDINANCE** **13**

Notice is hereby given of a public hearing to be held before the Village of Elburn Planning Commission on September 6, 2023, at 7:00 p.m., at the Village Hall of the Village of Elburn located at 301 E. North St., Elburn, IL.

The purpose of the public hearing is to hear comments for and against the application for a map of the Village of Elburn Zoning Ordinance to allow "B3" zoning at 412 N. Main Street, Elburn, Illinois, legally described as: SEE LEGAL DESCRIPTION OF BOTH PIN'S BELOW

PARCEL ID # - 11-06-228-005

LOT 1 IN BLOCK 2 IN GATE'S ADDITION TO THE VILLAGE OF BLACKBERRY (NOW ELBURN), BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS.

PARCEL ID # - 08-31-400-015

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Published in Daily Herald August 15, 2023 (4603878)

## 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.