



City of Highland Building and Zoning

Combined Planning & Zoning Board Agenda
Highland Area Senior Center – 187 Woodcrest Drive
October 2, 2024 7:00 P.M.

1. Call to Order

2. Roll Call

3. General Business:

Approval of the September 4, 2024 Regular Meeting Minutes

4. Public Comment Section

Persons who wish to address the Combined Planning and Zoning Board regarding items not on the agenda may do so at this time. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney. Any presentation is for informational purposes only. No action will be taken.

5. Public Hearings and Items Listed on the Agenda

Persons wishing to address the Combined Planning and Zoning Board regarding items on the agenda may do so after the Chairperson opens the agenda item for public hearing or for public comment. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney.

6. New Business

- a) Nic Frey of 10115 Lower Marine Rd, Marine IL is requesting to rezone 12448 Sportsman Rd. (PIN # 02-2-18-32-00-000-022.002) from I Industrial District to C-3 Highway Business District.

7. Calendar

- a. November 6, 2024 – Combined Planning and Zoning Board Meeting

8. Adjournment

Citizens may attend in person or monitor the meeting by phone. To monitor the meeting, call 618-882-4358 and use conference ID# 434162. To have a comment read into the meeting minutes, email your comment to highlandzoning@highlandil.gov or submit it through our Citizen Request portal on our website.

Anyone requiring ADA accommodations to attend this public meeting, please contact Jackie Heimbürger, ADA Coordinator, at 618-654-9891.

MEMORANDUM

Meeting Date: September 23, 2024

From: Emily Calderon, AICP, Moran Economic Development

Location: PIN# 02-2-18-32-00-000-022.002 / 12448 Sportsman Road

Zoning Request: Zoning Amendment (Rezoning)

Description: Rezone 12448 Sportsman Road from "I" Industrial District to "C-3" Highway Business District

Proposal Summary

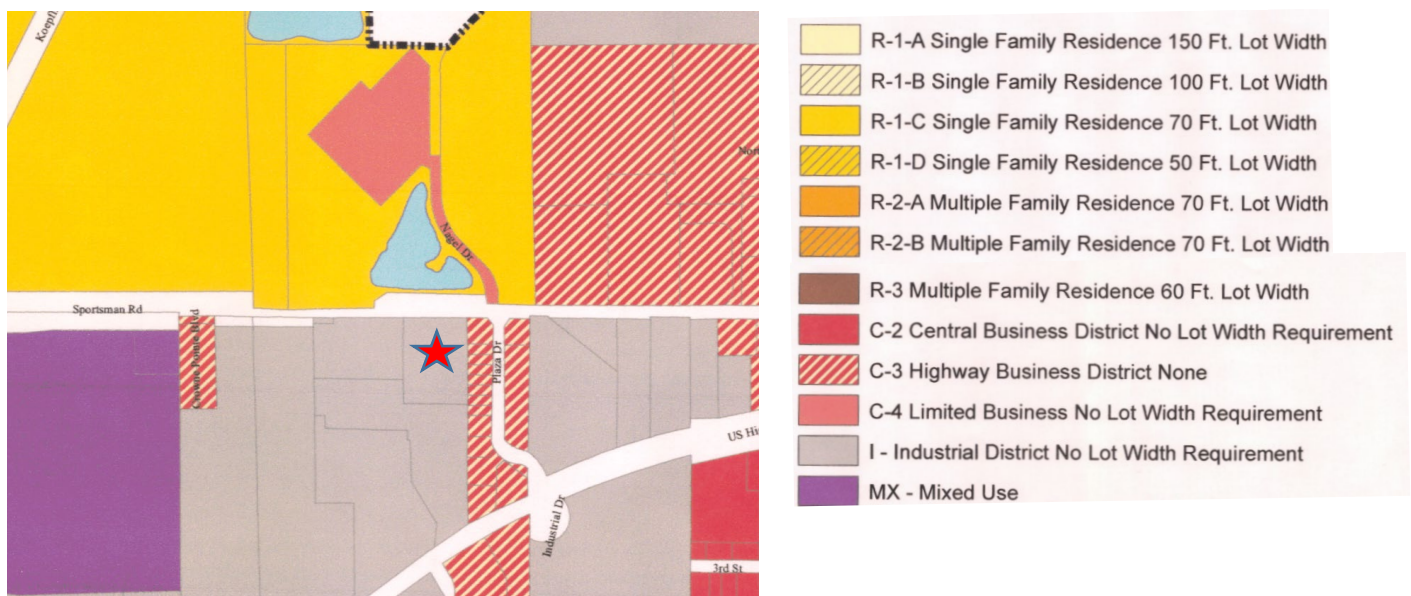
The applicant is Nic Frey (10115 Lower Marine Road, Marine, IL) and the property owner is Nic Frey Farms (12448 Sportsman Road, Highland, IL). The applicant/property owner are requesting that the subject property be rezoned from "I" (Industrial District) to C-3, Highway Business District. The applicant intends to use the property for a youth daycare, children's sports training facility, and for Mama's Rehab production and retail facility.

Comprehensive Plan Consideration

The Comprehensive Plan and Future Land Use Map are considered policy guides to current and future development. While they do not have the force of an ordinance, it is generally recommended that municipalities adhere to the findings, policies, principles, and recommendations in these documents. Changes and deviations are permissible, but they should be reasonably justified.

The subject property is denoted as Residential on the Comprehensive Plan's Future Land Use Map. The applicant's request to rezone the property is consistent with the Future Land Use Map and the goals and policies established within the Comprehensive Plan.

Zoning Map





City of Highland

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT BUILDING AND ZONING DIVISION

ZONING MAP AMENDMENT (REZONING) APPLICATION

A proposal for a change in district classification (rezoning) may be initiated by either the City Council, the Combined Planning and Zoning Board or by application of the owner of property affected.

1. **Pre-Application Conference:** A pre-application conference shall be required prior to submission of any application for rezoning pursuant to Section 90.057.
2. **Application & Fee:** A proposal for a zoning map amendment shall be filed with the Administrative Official on forms provided herein along with a \$250.00 review and processing fee as required pursuant to Section 90.067 of the City's Zoning Code. An application shall not be scheduled for public hearing until the application form has been fully completed, the filing fee paid, and all required information submitted.
3. **Public Notice - City:** The Office of the Administrative Official shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The Office of the Administrative Official shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested.
4. **Notice to Neighbors - City:** It shall be the City's responsibility to submit a notice of intent to surrounding property owners by regular mail **no less than 15 days prior to the scheduled meeting date**. The notice shall contain the time and place of the public hearing and a statement regarding the purpose of the hearing, including, but not limited to, the location of the subject property(s) being considered for rezoning, the existing and proposed zoning classifications and proposed uses for the site. (Notice must entail a minimum of 250 feet from the applicant's property lines).
5. **Public Hearing:** The Combined Planning and Zoning Board shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. The public hearings are held in City Hall located at 1115 Broadway, Highland, IL in the Council Chambers.
6. **Combined Planning and Zoning Board Recommendation:** The public hearing may be adjourned from time to time and upon its conclusion, within a reasonable time after the public hearing on a zoning amendment the Combined Planning and Zoning Board shall submit their advisory report to the Council. This recommendation shall be submitted along with an accurate record of the public hearing. The report shall state the Combined Planning and Zoning Board recommendations regarding adoption of the proposed amendment, and their reasons for said action. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Combined Planning and Zoning Board shall include in their advisory report findings of fact concerning each of the following matters:
 - a. Existing use and zoning of the property in question;
 - b. Existing use 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

requirements;

- d. Suitability of the property in question for the proposed uses;
 - e. The type, density and character 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 rezoning would have on implementation of this City's comprehensive plan;
 - g. The effect the proposed use would have on public utilities and on traffic circulation on nearby streets;
 - h. Whether the proposed amendment is consistent with the City's Comprehensive Plan and this Chapter;
 - i. Whether the proposed amendment promotes the health, safety, quality of life, comfort and general welfare of the City;
 - j. Adequacy of public utilities, traffic circulation and other needed public services;
 - k. Compatibility of the proposed amendment to the existing character of the neighborhood;
 - l. The extent to which the zoning amendment may detrimentally affect nearby property; and
 - m. Suitability of the uses to which the property has been restricted under its existing zoning.
7. Decision by Council: The Council shall act on every proposed zoning amendment at their next regularly scheduled meeting following submission of the Combined Planning and Zoning Board' advisory report. Without further public hearing, the Council may pass any proposed amendment or may refer it back to the Combined Planning and Zoning Board for further consideration, by simple majority vote of all the members then holding office.
8. Appeal: The favorable vote of at least two-thirds of all the members of the Council is required to pass an amendment to this chapter when the proposed amendment is opposed, in writing, by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley there from, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered. (See 65 ILCS 5 /11-13-14.)

EXHIBIT "A"

Zoning Map Amendment Rezoning Application

Return Form to:

Administrative
Official City of
Highland 12990
Troxler Rd
Highland, IL 62249
(618) 654-9891
(618) 654-1901 (fax)

For Office Use Only

Date Submitted: 8/30/24
Filing Fees: \$250.00
Date Paid: 8/30/24
Date Advertised: .
Date Notices Sent:
Public Hearing Date:
Zoning File #:

APPLICANT INFORMATION:

Applicant: NIC Frey Phone: 618-410-5412
Address: 12448 Sportsman Rd, Highland, IL Zip: 62249
Email Address: NFShipping22@gmail.com
Owner: NIC Frey Farms Phone: 618-410-5412
Address: 10115 Lower Marine, Marine, IL Zip: 62061
Email Address: NFShipping22@gmail.com

PROPERTY INFORMATION:

Street Address or Parcel ID of Property: 12448 Sportsman Rd, Highland, IL 62249
10 03-2-18-32-00-000 022,002
Property is Located In (Legal Description): Lot 1 of R. Frey Subdivision,
being part of the Southwest quarter of Section 32,
Township 4 North, Range 5 west of the third principal
meridian in the City of Highland, as the same is
recorded on Plat thereof recorded in the office
of Madison County Recorder in Plat book 45, Page 40
in Madison County, Illinois

Present Zoning I Requested Zoning: C-3 Acreage: 2.78

Present Use of Property: Industrial - NOT currently occupied

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	<u>GLIK PARK</u>	<u>R-1-C - C-4</u>
South	<u>Red Dirt Storage</u>	<u>Industrial</u>
East	<u>Itasca Excavating</u>	<u>Industrial</u>
West	<u>PLANNING/RECONSTRUCTION</u>	<u>C-3</u>

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would the proposed change create a small, isolated district unrelated to surrounding districts? Yes _____ No ☒ If yes, explain: _____

2. Are there substantial reasons why the property cannot be used in accordance with existing zoning? Yes _____ No ☒ If yes, explain: _____

CONFORMANCE WITH COMPREHENSIVE PLAN:


1. Is the proposed change consistent with the goals, objectives and policies set forth in the Comprehensive Plan? Yes _____ No ☒
2. Is the proposed change consistent with the Future Land Use Map? yes _____ No ☒

UNIQUE CHARACTERISTICS OF PROPERTY AND ADDITIONAL COMMENTS:

THE FOLLOWING ITEMS MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description AND warranty deed of the property proposed to be rezoned. If the applicant is not the property owner, a notarized letter from the property owner granting the applicant permission to apply for the request will be required.
2. A current plat, site plan, survey, or other professional illustration.
3. One copy of a narrative statement describing the impact of the proposed change, including the purpose of the request, the desired land use, any traffic conditions that may result, how the proposed change may affect the character of the surrounding properties, and how the proposed change will benefit the City of Highland.
4. If the proposed zoning is a Planned Use or requires a special use permit, the rezoning application shall be accompanied by a use permit application defining the specifically requested use or list of uses.
5. Application fee.
6. Any other information required by planning staff (i.e. landscaping plan, elevation plan, exterior lighting plan, etc).

I HAVE READ AND UNDERSTAND THE ABOVE CITY OF HIGHLAND PETITION TO THE COMBINED PLANNING & ZONING BOARD REQUIREMENTS


Applicant's Signature

3/20/24
Date



DocId:8933852

Tx:4630387

Madison County Title and Escrow LLC
120 North Main St., Ste. 2
Edwardsville, IL 62025

2024R22067
STATE OF ILLINOIS
MADISON COUNTY
08/09/2024 11:23 AM
LINDA A. ANDREAS
CLERK & RECORDER
REC FEE: 52.00
CO STAMP FEE: 150.00
ST STAMP FEE: 300.00
RHSFS FEE: 18.00
OF PAGES: 3

*Chg & return to:
NOTE T 46846*

INDEPENDENT EXECUTOR'S DEED

\$70 - #688

THIS INDENTURE made this 7th day of August, 2024, between **Timothy Manville, Independent Executor of the Estate of Thomas J. Manville, deceased** of the County of Madison and State of Illinois, Grantor, and **NIC FREY FARMS, LLC**, a Limited Liability Company, Grantee:

WHEREAS, Thomas J. Manville during his lifetime made and executed his Last Will and Testament bearing the date of the June 17, 2022, which Will was thereafter on the 17th day of February, 2023, duly proved and admitted to Probate in Madison County, Illinois, whereby among other things, he constituted and appointed Timothy Manville, Independent Executor of his Last Will and Testament, and did thereby empower the said Independent Executor to sell and dispose of the real estate belonging to the said Testator at the time of his death.

NOW THEREFORE, the said Grantor, by virtue of the power and authority to him given in and by said Last Will and Testament, and for and in consideration of the sum of THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Nic Fry Farms, LLC, the following described real estate:

Lot 1 of R. Frey Subdivision, being a part of the Northwest Quarter of the Southwest Quarter of Section 32, Township 4 North, Range 5 West of the Third Principal Meridian in the City of Highland, as the same is recorded on Plat thereof recorded in the Office of the Madison County Recorder in Plat Book 45 Page 40, in Madison County, Illinois.

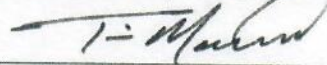
Permanent Parcel No. 02-2-18-32-00-000-022.002

Together with all and singular the hereditaments and appurtenances thereto belonging or in any wise appertaining and all the estate, right, title, interest, claim and

demand whatsoever at law or in equity which the said Thomas J. Manville, had at the time of his death in and to said premises.

TO HAVE AND TO HOLD the same unto the said Grantee in fee simple as fully and effectually to all intents and purposes as he, the Grantor, could or ought to sell and convey the same by virtue of said Last Will and Testament.

IN WITNESS WHEREOF, the Grantor, as Independent Executor of the Estate of Thomas J. Manville, deceased has executed this deed the day and year first above written.

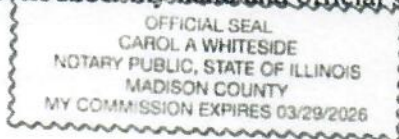


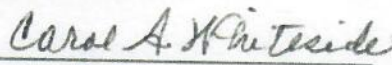
Timothy Manville, Independent
Executor of the Estate of Thomas J.
Manville, deceased

STATE OF ILLINOIS)
)
COUNTY OF MADISON)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT Timothy Manville, Independent Executor of the Estate of Thomas J. Manville, deceased, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 7th day of August, 2024.




Notary Public

TAXES TO:

Nic Frey Farms, LLC
10115 Lower Marine Rd
Marine IL 62061-1902

RETURN TO:

Nic Frey Farms, LLC
10115 Lower Marine Rd
Marine IL 62061-1902

This document prepared by:
Flanigan Law Office, Ltd.
120 North Main Street Suite 2, Edwardsville, Illinois 62025
T46846



AFFIDAVIT FOR PURPOSE OF PLAT ACT REQUIREMENTS (765 ILCS 205)
THIS IS A LEGAL DOCUMENT - CONSULT YOUR PRIVATE ATTORNEY
(County Zoning & Subdivision Ordinances May Also Apply)

ORIGINAL AFFIDAVIT REQUIRED FOR RECORDING, COPIES WILL NOT BE ACCEPTED

Affiant is the Grantor or is the Grantors authorized representative in a deed transferring interest in the real estate described in the accompanying deed. Affiant further states this transfer is exempt from the Illinois Plat Act because it is:

(Please check all that apply)

(☒) A. NOT A DIVISION OF LAND (parcel lines unchanged) () C. DIVISION FOR TAXING PURPOSES ONLY (parcel lines change)

() B. A DIVISION OF LAND THAT MEETS ONE OF THE FOLLOWING EXCEPTIONS TO THE PLAT ACT;

____ 1. A division or subdivision of land into tracts of five (5) acres or more not involving new streets or easements of access with a minimum of five (5) acres residue or Grandfathered under prior approved plat by Land Use Committee.

____ 2. A division of lots or blocks of less than one (1) acre in a recorded subdivision not involving new streets or easements of access.

____ 3. A sale or exchange of land between owners of adjoining and contiguous land.

____ 4. A conveyance of land for use as a right-of-way for public utilities and other pipelines not involving new streets or easements of access.

____ 5. A conveyance of land owned by a public utility not involving new streets or easements of access.

____ 6. A conveyance of land for highway or other public purpose or relating to a dedication of land or for vacation of land subject to a public use.

____ 7. A conveyance made to correct a description in prior conveyance.

____ 8. The sale or exchange of parcels of land following the division into no more than two (2) parts of a parcel existing on July 17, 1959, and not involving any new streets or easements of access.

____ 9. The sale of a single lot/tract less than five (5) acres from a larger tract. (Exception only applies to the 1st tract conveyed from a larger tract as it existed on October 1, 1973.) (The single tract of less than five (5) acres must have been surveyed by an Illinois Registered Land Surveyor whose survey must accompany the deed)

IF A IS MARKED ABOVE, APPROVAL BY THE MAPS & PLATS GIS DIVISION IS NOT REQUIRED.
IF B OR C IS MARKED ABOVE, APPROVAL BY THE MAPS & PLATS GIS DIVISION IS REQUIRED.

Under the penalties of perjury I swear that the statements contained here are true and correct.

NAME Trisha Thomas

(Please Print)

SIGNATURE: [Signature]

DATE: 8-8

2024

Subscribed and sworn to before me this 8th day of August, 2024

Carol A Whiteside

Notary Public

OFFICIAL SEAL
CAROL A WHITESIDE
NOTARY PUBLIC, STATE OF ILLINOIS
MADISON COUNTY
MY COMMISSION EXPIRES 03/29/2028

All divisions of less than 2 acres within the County jurisdiction must be reviewed by the
Madison County Planning and Development Department

This affidavit only ensures the Recorder's Office compliance with the State Plat Act. If the property is located within a municipality or within 1.5 miles of a municipality, local ordinances may apply. If exception 9 is used, it is required that this land division be reviewed & approved by the participating municipality. Each municipality has five (5) business days to review deed(s) and return. If the five day limit expires, Maps & Plats will process the deed upon proof of date submitted to municipality.

Date Submitted to Municipality (s) _____ (Please check one) () Municipality Jurisdiction () County Jurisdiction

Municipality (s) with Jurisdiction: _____

Municipal Planning Official's Signature

Print Name

Date

Municipal Planning Official's Signature

Print Name

Date

END OF DOCUMENT

(Revised 8/11)

I Nic Frey plan on redeveloping 12448 sportsman rd, Highland Illinois into a welcoming business center. I Plan on refacing the two building that are all ready on the property and having MA'MA's Rehab in the front building and having a youth sports training facility in the back one. I also plan on building a 10,000sqft building on the property with a full playground for a day care center for children. I have been working with an engineering company to make sure this is the safest and one of the nicest facilities in the area. We are estimating to be bring the 3 businesses 50-57 jobs to the area. I will be doing them in fazes and the front building and daycare will come first with the back building being used as storage until daycare is up and running. Then immediately start renovations on the sports training facility. I believe being right next to the park with all the sporting events.

Respectfully,

Nic Frey

Sportsman Rd

PRIVATE WATER SERVICE

304'

PROPERTY LINE

TRACT AREA = 124,000 FT.²
2.85ACRES 304 x 408'

TAX PARCEL ID 02-2-18-32-00-000-022.002

DEMOLISH EXISTING BUILDING

EXISTING WAREHOUSE

PRIVATE SEWER CONNECTION

20 PARKING SPACES WITH 2 HANDICAP

PORCH ROOF

6' WIDE SIDEWALK

30' LANDSCAPING

30' WIDE SIDEWALK

30 PARKING SPACES

100'

15'

100'

PROPOSED 100' x 100' TWO-STORY DAYCARE BUILDING

FENCED IN PLAYGROUND

12448 EXISTING WAREHOUSE

PROPOSED FRONTDAYCARE BUILDING ELEVATION

NICK FREY DAY CARE
12448 SPORTSMAN RD



May 31, 2024

GEOTECHNICAL

ENVIRONMENTAL

CONSTRUCTION
MATERIAL
TESTING

CULTURAL
RESOURCES

NATURAL
RESOURCES

Mr. Nic Frey
Nic Frey Farms
10115 Lower Marine Road
Belleville, IL 62223

RE: Limited Subsurface Exploration Report
TMC Trucking
12448 Sportsman Road
Highland, Illinois
QTE No. 24-0133-E

Dear Mr. Frey:

INTRODUCTION

Quality Testing and Engineering, Inc. (QTE) is pleased to submit this report summarizing our Limited Subsurface Exploration of the referenced site. The referenced site has an unresolved Illinois Environmental Protection Agency (IEPA) LUST incident dating to 1997 (IEMA No. 97-0759). Two 2,000-gallon diesel-fuel USTs were removed from the subject property in July 1988 and May 1997, respectively. The LUST incident was reported after evidence of a release was observed during the May 1997 UST removal activities.

The 20-Day Report submitted to the IEPA by the Delores J. Merkle Trust (UST owner and operator) in August 1997 indicated that analysis of soil samples collected during the May 1997 UST removal activities "were within the acceptable guidelines of the regulations". However, the sampling and analytical documentation was not available. An IEPA Backlog Review Memorandum dated March 14, 2022 indicated that no other documentation has been received by the IEPA, and additional investigation was required to obtain a No Further Remediation (NFR) letter for the LUST incident.

The purpose of our scope of work was to collect soil samples from the location of the former tank pit to meet IEPA requirements for Early Action.

GROUND PENETRATING RADAR SURVEY

QTE retained Ground Penetrating Radar Systems, LLC (GPRS) to perform a ground penetrating radar (GPR) survey to identify the former tank pit location. Information regarding the former tank pit location was initially provided by Mr. Virgil Straeter, former employee of Horn Trucking Inc. (former occupant) and representative of the Delores J. Merkle Trust (current UST owner/operator). The GPR survey confirmed the location of the former tank pit and soil sampling was subsequently performed.



CORPORATE OFFICE:
REGIONAL OFFICE:

803 WEST STATE STREET, O'FALLON, IL 62269
206 SOUTH LINN AVENUE, WENTZVILLE, MO 63385

PHONE: 618-632-9900
PHONE: 636-332-1153

FAX: 618-632-9922
FAX: 636-332-5781

WWW.QTEINC.COM

SOIL SAMPLING

On May 14, 2024, QTE advanced **eight (8)** shallow soil borings (Borings B-1 through B-8) on the subject property. The boring locations are shown on the attached Sampling Plan, Figure 1. The borings were placed at locations representative of the former tank pit floor (beneath the former USTs) and sidewalls. The borings were advanced with a Geoprobe drill rig to depths of 8 to 10 feet below the ground surface (bgs). Boring logs are attached.

Soil samples were retrieved at a depth of 7 feet bgs from the sidewalls and a depth of 10 feet bgs from the floor. A sample of the backfill material was also collected. The samples were screened using a photo-ionization detector (PID). The PID detects various organic trace gases such as those associated with gasoline. Elevated PID readings were not encountered in any of the collected soil samples.

Decontamination

All sampling equipment was decontaminated prior to collecting each sample. Decontamination procedures consisted of cleaning the equipment with a solution of laboratory grade detergent and tap water followed by an initial tap water rinse and a double rinse with distilled water.

ANALYTICAL TESTING

The collected soil samples were analyzed in accordance with Illinois Environmental Protection Agency (IEPA) protocol for diesel fuel. Therefore, the samples were analyzed for benzene, toluene, ethylbenzene, xylenes (BTEX) using EPA Method 8260B and polynuclear aromatics (PNAs) using EPA Method 8310.

Analytical testing of the soil samples collected from the sidewalls and floor of the former tank pit did not identify any target compounds in excess of laboratory detection limits. Analytical testing of the backfill sample did not identify any target compounds in excess of laboratory detection limits, with the exception of benzo(g,h,i)perylene, which was detected at a concentration of 0.152 parts per million (ppm). The detected benzo(g,h,i)perylene concentration was below the IEPA Tier 1 Soil Remediation Objective (SRO) for residential properties. Complete laboratory results and chain-of-custody documentation are attached.

DISCUSSION

Analytical testing of the collected soil samples did not identify any target compounds in excess of laboratory detection limits, with the exception of benzo(g,h,i)perylene in the backfill sample. The detected benzo(g,h,i)perylene concentration was below the IEPA Tier 1 Soil Remediation Objective (SROs) for residential properties.

Based on the findings of the limited subsurface exploration, an IEPA 45-Day Report could be prepared and submitted to the IEPA requesting an NFR determination. Submittal of the 45-Day Report must be completed by the owner/operator of the UST. In order for the client (Nic Frey Farms) to submit the 45-Day Report, the client would need to purchase the subject property and submit the IEPA "Election to Proceed as Owner" form.

CONCLUSIONS

Based on the information presented within this report, QTE makes the following conclusions:

- ❖ QTE completed a GPR survey to identify the former tank pit location. Information regarding the former tank pit location was initially provided by Mr. Virgil Straeter, former employee of Horn Trucking Inc. (former occupant) and representative of the Delores J. Merkle Trust (current UST owner/operator). The GPR survey confirmed the location of the former tank pit and soil sampling was subsequently performed.
- ❖ QTE advanced **eight (8)** shallow soil borings (Borings B-1 through B-8) on the subject property in order to collect soil samples from the floor and sidewalls of the former tank pit. Soil samples were retrieved at a depth of 7 feet bgs from the sidewalls and a depth of 10 feet bgs from the floor. A sample of the backfill material was also collected.
- ❖ Analytical testing of the collected soil samples did not identify any target compounds in excess of laboratory detection limits, with the exception of benzo(g,h,i)perylene in the backfill sample. The detected benzo(g,h,i)perylene concentration was below the IEPA Tier 1 Soil Remediation Objective (SROs) for residential properties.
- ❖ Based on the findings of the limited subsurface exploration, an IEPA 45-Day Report could be prepared and submitted to the IEPA requesting an NFR determination. Submittal of the 45-Day Report must be completed by the owner/operator of the UST. In order for the client (Nic Frey Farms) to submit the 45-Day Report, the client would need to purchase the subject property and submit the IEPA "Election to Proceed as Owner" form.
- ❖ Based on the findings of the limited subsurface exploration, further sampling relative to the former on-site USTs does not appear to be warranted.

LIMITATIONS

This report has been prepared for the exclusive use of Nic Frey Farms. QTE is not responsible for independent conclusions or recommendations made by others. Furthermore, written consent must be provided by QTE should anyone other than our client wishes to excerpt, or rely on, the contents of this report. The findings of this report are valid as of the present date of the assessment.

Changes in surface and subsurface conditions of a property can occur with the passage of time, whether due to natural processes or the works of man on this or adjacent properties. In addition, changes in applicable or appropriate standards may occur, whether they result from legislation, the broadening of knowledge, or other reasons. Accordingly, the findings of this report may be invalidated in whole or in part by changes outside our control.

If further development of this site indicates the presence of hazardous, toxic, or petroleum materials, or other concerns of an environmental nature, QTE should be notified to perform a re-evaluation of the environmental conditions.

Mr. Nic Frey
Nic Frey Farms

4

May 31, 2024
QTE No. 24-0133-E

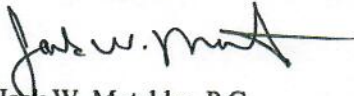
If you have any questions or require further clarification, please contact us.

Respectfully submitted,

QUALITY TESTING AND ENGINEERING, INC



Chad M. Martens
Project Manager



Jack W. Mutchler, P.G.
Environmental Services Manager

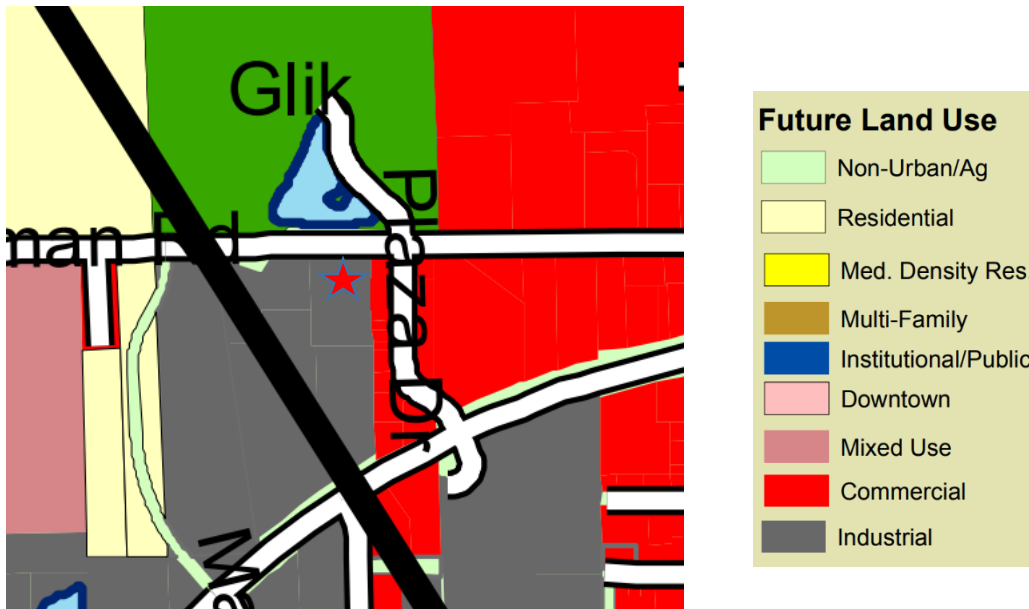
CMM/CC

Enclosure

Figure 1 – Sampling Plan
Boring Log Legend and Boring Logs
Laboratory Results and Chain-of-Custody Documentation

MEMORANDUM

Future Land Use Map



Standards of Review for Zoning Amendments

Below are the nine (9) consideration items listed in Section 90-85 of the Zoning Code which the Combined Planning and Zoning Board shall take into account while reviewing a Zoning Amendment (rezoning) request.

- Existing use and zoning of the property in question.
The subject property is currently a property that contains two vacant warehouse structures and one other vacant building.
- Existing use and zoning of other lots in the vicinity of the property in question.
The land use and zoning of properties surrounding the subject property are identified below.

Direction	Land Use	Zoning
North	Park	R-1-C
South	Mini warehouse / self-storage	I
East	Vacant	C-3
West	Hunsche Excavating	I

- The extent to which the zoning amendment may detrimentally affect nearby property.
The proposed C-3 Commercial District would allow for any of the permitted uses to occur on the property. Section 90-201 identifies permitted uses in the C-3 District as:

Public Parks & Playgrounds
Agricultural / Farming Operations
Automotive Service
Bakery
Business or Vocational School
Community Center
Construction Sale & Service

Dance Studio or Schools
Day Care Facility (Commercial)
Drug Store / Pharmacy
Dry Cleaning / Laundry Pickup
Financial Services without Drive
Through
Food Store

MEMORANDUM

Government / Public buildings	Professional services
Health Club or Fitness Center	Recreational vehicle sales, lease, rental
Institutions (charitable or philanthropic)	Repair Service
Kennel, Commercial (indoors)	Restaurant - fast food, no drive through
Lumber or Building materials Sales	Restaurant, general
Manufacture Home Sales	Retail Sales & Service
Massage facility (therapeutic) (licensed)	Studio (radio, TV, film, music)
Medical or Dental office	Theatre, Motion picture
Parking garage or Lot (public or private)	Theatre, performing arts
Personal services (barber / beauty, etc.)	Used merchandise store
Print Shop	Utilities (public)
Printing and publishing	Veterinarian

While some of these permitted uses may be acceptable in this area, some may be less desirable. Likewise, while the applicant's proposed use may be acceptable, permitted uses that may occur years later must be considered.

4. Suitability of the property in question for uses already permitted under existing requirements.

The subject property is suitable for uses already permitted in the district in which it is currently zoned. With a history of industrial uses, two underground diesel fuel storage tanks were removed in 1998 and 1997. The 1997 removal resulted in the observation of a leaking underground storage tank. A March 14, 2022 letter indicates that further investigation is required before the IEPA can provide a No Further Remediation (NFR) letter. Quality Testing & Engineering completed testing on soil samples for the site and determined that the samples meet the requirements for the owner to seek a No Further Remediation (NFR) letter.

5. Suitability of the property in question for the proposed uses.

The primary question of suitability for the proposed use as a daycare is dependent upon the ability of the applicant to obtain a NFR letter from the IEPA.

6. The type, density, and character 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.

While the character of the proposed use may be acceptable, the CPZB must consider potential future permitted uses, which may be less desirable.

7. The effect the proposed rezoning would have on the implementation of the City's comprehensive plan.

The Future Land Use Map identifies the property as Industrial, so the proposed zoning amendment is not consistent with the Comprehensive Plan.

8. The effect the proposed use would have on public utilities, other needed public services, and traffic circulation on nearby streets.

The proposed rezoning will not have a negative impact on public utilities, public services, or traffic circulation on nearby streets.

9. Whether the proposed amendment promotes the health, safety, quality of life, comfort and general welfare of the City.

MEMORANDUM

The proposed amendment does not appear to be contradictory to the health, safety, quality of life, comfort, and general welfare of the City as a whole.

Discussion

Three buildings currently exist on the property, as shown on the site plan. The northern most building will be demolished, while two warehouses will remain and be re-sided and repurposed. The northern building is proposed to be Mama's Rehab and the southern-most building will be used for a youth sports training facility.

A third building will be constructed on the east side of the property. The new building will be 10,000 square feet and will house a children's daycare. It will also include a fenced playground area immediately south of the building.

While the proposed use may be acceptable, with minimal impact on neighboring properties, the CPZB must consider future users and the long-term impact of rezoning the property to Commercial, which would allow any of the permitted uses in the C-3 District by-right.

Likewise, the impact that adjacent industrial properties could have on the subject site must also be considered. Because the Comprehensive Plan's Future Land Use Map identifies this parcel (and adjacent parcels to the south and west) as industrial, future industrial users that may potentially produce some nuisances such as dust, noise, or fumes, will continue to operate nearby.

Recommendation

Because the Comprehensive Plan's Future Land Use Map identifies the property as residential, denial of the Zoning Amendment is recommended.

Aerial Photograph

