

**ORDINANCE NO. 23-09**

**AN ORDINANCE ZONING APPROXIMATELY 112 ACRES OF REAL  
PROPERTY COMMONLY KNOWN AS 333 SOUTH SPRUCE STREET,  
MANTENO, ILLINOIS AS I-2 HEAVY INDUSTRIAL**

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**ORDINANCE NO. 23-09**

**AN ORDINANCE ZONING APPROXIMATELY 112 ACRES OF REAL PROPERTY COMMONLY KNOWN AS 333 SOUTH SPRUCE STREET, MANTENO, ILLINOIS AS I-2 HEAVY INDUSTRIAL**

WHEREAS, the Village of Manteno ("Village") is a non-home rule municipality duly created and existing under the laws and Constitution of the State of Illinois;

WHEREAS, Transform Manteno IL LLC ("Owner"), a Delaware limited liability company, is the owner of approximately 112 acres of land commonly known as 333 South Spruce Street, Manteno, Illinois (the "Subject Property");

WHEREAS, Gotion, Inc. ("Petitioner"), a California corporation, is a party to a certain purchase and sale agreement with Owner whereby Owner is to convey title to the Subject Property to the Petitioner (or an affiliate thereof);

WHEREAS, the Petitioner filed a petition with the Village requesting that the Subject Property be rezoned from I-1 Light Industrial to I-2 Heavy Industrial to use the Subject Property for lithium battery manufacturing, lithium battery pack manufacturing, production of energy storage systems and other uses necessary to achieve the foregoing;

WHEREAS, the Plan Commission of the Village of Manteno ("Plan Commission") did hold a special meeting at the Manteno Elementary School Gymnasium, 555 West Cook Street, Manteno, Illinois on November 21, 2023, which was recessed to and reconvened on November 27, 2023;

WHEREAS, at the November 21, 2023 portion of the Plan Commission meeting, a public hearing was held pursuant to duly published notice and the Petitioner, interested parties, and the public were given the opportunity to testify, provide comment, ask questions, submit documents, and thereafter provide draft recommendations with respect to the petition to rezone the Subject Property;

WHEREAS, at the November 27, 2023 portion of the Plan Commission meeting, the Plan Commission did approve Recommendation 23-03, recommending that the Corporate Authorities of the Village rezone the Subject Property to I-2 Heavy Industrial; and,

WHEREAS, the Corporate Authorities of the Village have considered the petition, the record of the of the Plan Commission meeting and hearing on the petition, and Plan Commission Recommendation 23-03, and find that the rezoning of the Subject Property to I-2 Heavy Industrial is reasonable, appropriate, and in furtherance of the public welfare.

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]*

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Manteno, as follows:

### **Section 1**

The recitals set forth in the above prefatory clauses are hereby adopted as the findings of the Village of Manteno and are expressly incorporated herein as a part of this ordinance.

### **Section 2**

That the approximately 112 acres of real property commonly known as 333 South Spruce Street, Manteno, Illinois, being otherwise identified by P.I.N.: 03-02-20-200-008, and being legally described as follows, be zoned I-2 Heavy Industrial:

The Northeast 1/4 of Section 20, Township 32 North, Range 12 East of the Third Principal Meridian, in Kankakee County, Illinois

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Further excepting the North 800.00 feet thereof, and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 20; thence South 00 degrees 26 minutes 00 seconds East along the West line of the Northeast 1/4 of said Section 20 a distance of 800.00 feet to a point said point to be known as the point of beginning. From said point of beginning thence North 89 degrees 30 minutes 30 seconds East along the South line of the North 800 feet of the Northeast 1/4 of said Section 20 a distance of 2,665.52 feet to a point on the East line of the Northeast 1/4 of said Section 20; thence South 00 degrees 20 minutes 35 seconds East along the East line of the Northeast 1/4 of said Section 20 a distance of 1,852.63 feet to the Southeast corner of the Northeast 1/4 of said Section 20; thence South 89 degrees 33 minutes 35 seconds West a distance of 2,662.61 feet to the Southwest corner of the Northeast 1/4 of said Section 20; thence North 00 degrees 26 minutes 00 seconds West along the West line of the Northeast 1/4 of said Section 20 a distance of 1,850.25 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to the Village of Manteno, Illinois by instrument dated July 13, 1992 recorded July 16, 1992 as Document No. 92-12195 and more particularly described as follows:

Commencing at the Northeast corner of the Northeast 1/4 of Section 20, Township 32 North, Range 12 East of the Third Principal Meridian, in Kankakee County, Illinois; thence South 00 degrees 20 minutes 35 seconds East on the East line of said Northeast 1/4 of Section 20, 1,345.00 feet to a point; thence South 89 degrees 39 minutes 25 seconds West, 40.00 feet to a point on the West right of way line of South Spruce Street, said point to be known as the point of beginning for this land description; thence South 00 degrees 20 minutes 35 seconds East, on said West right of way line of South Spruce Street, 110.00 feet to a point; thence South 89 degrees 39 minutes 25 seconds West, 150.00 feet to a point; thence North 00 degrees 20 minutes 35 seconds West, 110.00 feet to a point; thence North 89 degrees 39 minutes 25 seconds East, 150.00 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to the Village of Manteno, Illinois by Right of Way Deed dated July 10, 1992 recorded July 16, 1992 as Document No. 92-12196 and rerecorded October 20, 1992 as Document No. 92-17969, and more particularly described as follows:

Commencing at a point on the East line of the Northeast 1/4 of Section 20, Township 32 North, Range 12 East of the Third Principal Meridian, in Kankakee County, Illinois, being 800.00 feet South of the Northeast corner of said Northeast 1/4 of Section 20; thence continuing South, on said East line of the Northeast 1/4, 1,852.63 feet to the Southeast corner of said Northeast 1/4 of Section 20; thence West, on the South line of said Northeast 1/4 of Section 20, 40.00 feet to a point, thence North on a line being 40.00 feet West of and parallel with the East line of Section 20, 1,852.60 feet more or less to a point on a line being 800.00 feet South of and parallel with the North line of said Section 20; thence East, on said line being 800.00 feet South of and parallel with. 40.00 feet to the point of beginning;

EXCEPTING therefrom any land which has previously been dedicated for public highway. Situated in Kankakee County, Illinois.

### **Section 3**

The Plan Commission's Recommendation 23-03 is hereby incorporated into this ordinance by reference.

### **Section 4**

That the Official Zoning Map of the Village of Manteno be amended to reflect the zoning of the property identified in Section 2 as I-2 Heavy Industrial.

### Section 5

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

### Section 6

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

### Section 7

This ordinance shall be in full force and effect after its passage and approval as provided by law, but in no event earlier than the date when ownership of the Subject Property is transferred from the Owner to the Petitioner (or an affiliate thereof).

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Manteno this 4<sup>th</sup> day of December, 2023.

AYES: 5

NAYS: 1

ABSTAIN: 0

DEPOSITED with the Village Clerk  
this 4<sup>th</sup> day of December, 2023.

Robin Batka  
ROBIN BATKA, Village Clerk

APPROVED by me this 4th day  
of December, 2023.

Timothy O. Nugent  
TIMOTHY O. NUGENT, Village President

PLAN COMMISSION RECOMMENDATION NO. 23-03

**FINDINGS OF FACT AND RECOMMENDATION OF THE PLAN COMMISSION OF THE VILLAGE OF MANTENO ON THE PETITION FOR REZONING OF THE PROPERTY LOCATED AT 333 SOUTH SPRUCE STREET, MANTENO, ILLINOIS CONSISTING OF APPROXIMATELY 112 ACRES OF LAND, FROM I-1 LIGHT INDUSTRIAL TO I-2 HEAVY INDUSTRIAL**

Upon the petition of Gotion, Inc. (the "Petitioner"), joined by Transform Manteno IL LLC (the "Owner"), the owner of approximately 112 acres of land located at 333 South Spruce Street, Manteno, Illinois (the "Subject Property"), for rezoning the Subject Property from I-1 Light Industrial to I-2 Heavy Industrial, and after a public hearing on said petition held before the Plan Commission of the Village of Manteno on November 21, 2023, pursuant to duly published notice, all interested persons having testified or otherwise participated therein, the said Plan Commission of the Village of Manteno hereby finds:

*Findings of Fact*

The Plan Commission of the Village of Manteno does hereby find that:

1. The Owner is the owner of the Subject Property currently located in Manteno, Illinois and legally described as follows:

*The Northeast 1/4 of Section 20, Township 32 North, Range 12 East of the Third Principal Meridian, in Kankakee County, Illinois*

*Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.*

*Further excepting the North 800.00 feet thereof, and being more particularly described as follows:*

*Commencing at the Northwest corner of the Northeast 1/4 of said Section 20; thence South 00 degrees 26 minutes 00 seconds East along the West line of the Northeast 1/4 of said Section 20 a distance of 800.00 feet to a point said point to be known as the point of beginning. From said point of beginning thence North 89 degrees 30 minutes 30 seconds east along the South line of the North 800 feet of the Northeast 1/4 of said Section 20 a distance of 2,665.52 feet to a point on the East line of the Northeast 1/4 of said Section 20; thence South 00 degrees 20 minutes 35 seconds East along the East line of the Northeast 1/4 of said Section 20 a distance of 1,852.63 feet to the Southeast corner of the Northeast 1/4 of said Section 20; thence South 89 degrees 33 minutes 35 seconds West a distance of 2,662.61 feet to the Southwest corner of the Northeast 1/4 of said Section 20; thence North 00 degrees 26 minutes 00 seconds West along the West line of the*

*Northeast 1/4 of said Section 20 a distance of 1,850.25 feet to the point of beginning.*

*ALSO EXCEPTING THEREFROM that portion thereof conveyed to the Village of Manteno, Illinois by instrument dated July 13, 1992 recorded July 16, 1992 as Document No. 92-12195 and more particularly described as follows:*

*Commencing at the Northeast corner of the Northeast 1/4 of Section 20, Township 32 North, Range 12 East of the Third Principal Meridian, in Kankakee County, Illinois; thence South 00 degrees 20 minutes 35 seconds East on the East line of said Northeast 1/4 of Section 20, 1,345.00 feet to a point; thence South 89 degrees 39 minutes 25 seconds West, 40.00 feet to a point on the West right of way line of South Spruce Street, said point to be known as the point of beginning for this land description; thence South 00 degrees 20 minutes 35 seconds East, on said West right of way line of South Spruce Street, 110.00 feet to a point; thence South 89 degrees 39 minutes 25 seconds West, 150.00 feet to a point; thence North 00 degrees 20 minutes 35 seconds West, 110.00 feet to a point; thence North 89 degrees 39 minutes 25 seconds East, 150.00 feet to the point of beginning.*

*ALSO EXCEPTING THEREFROM that portion thereof conveyed to the Village of Manteno, Illinois by Right of Way Deed dated July 10, 1992 recorded July 16, 1992 as Document No. 92-12196 and rerecorded October 20, 1992 as Document No. 92-17969, and more particularly described as follows:*

*Commencing at a point on the East line of the Northeast 1/4 of Section 20, Township 32 North, Range 12 East of the Third Principal Meridian, in Kankakee County, Illinois, being 800.00 feet South of the Northeast corner of said Northeast 1/4 of Section 20; thence continuing South, on said East line of the Northeast 1/4, 1,852.63 feet to the Southeast corner of said Northeast 1/4 of Section 20; thence West, on the South line of said Northeast 1/4 of Section 20, 40.00 feet to a point, thence North on a line being 40.00 feet West of and parallel with the East line of Section 20, 1,852.60 feet more or less to a point on a line being 800.00 feet South of and parallel with the North line of said Section 20; thence East, on said line being 800.00 feet South of and parallel with. 40.00 feet to the point of beginning;*

*EXCEPTING therefrom any land which has previously been dedicated for public highway. Situated in Kankakee County, Illinois.*

*P.I.N.: 03-02-20-200-008.*

2. The Petitioner and the Owner are parties to that certain purchase and sale agreement whereby the Petitioner shall take title to the Subject Property.

3. The Petitioner has duly filed its petition with the Village Clerk requesting that the Subject Property be rezoned to I-2 Heavy Industrial.

4. The use of the Subject Property as a high-tech electric vehicle battery manufacturing gigafactory is consistent with the uses of other property in the general area as follows:

- The Company's intended use of the Subject Property would align with the Village's vision and history of utilizing land on the perimeter of the Village limits for job-creating industrial and manufacturing sites, such as North Central Quarry (Prairie Material) (the "Quarry") and the Diversatech Campus.

5. The zoning of the Subject Property as I-2, Heavy Industrial is consistent with the zoning classifications of property within the general area as follows:

- The parcel adjacent to the Subject Property to the west, and two parcels adjacent to the Subject Property to the east and southeast are zoned as Light Industrial, I-1.
- As stated at the public hearing by Ryan Marion, the Director of Building & Zoning, the Quarry, which lies to the south and southwest of the Subject Property but is currently outside of the Village limits, would be classified as Heavy Industrial, I-2, with a special use permit, if it were inside Village limits.
- No parcels zoned as residential are directly adjacent to the Subject Property.
- Light Industrial zoned property and the Quarry are compatible with the proposed rezoning.

6. The Subject Property, including its physical characteristics and locations, is suitable for the use proposed as follows:

- The size and location of the Subject Property allows for Petitioner to effectively conduct its operations while converting a retired Kmart distribution center, bringing the facility back to life.

7. The zoning of the Subject Property as I-2, Heavy Industrial is in conformance with the Village's comprehensive plan of 2006, which proposes an industrial classification for the Subject Property and adjoining and nearby properties to its north, south, southeast and southwest.

8. The zoning of the Subject Property as I-2, Heavy Industrial, is in the public interest and not solely for the interest of the applicant, as follows:

- Petitioner will invest nearly \$2 billion to build the largest electric vehicle battery production investment in Illinois and create 2,600 jobs, making it the most significant new manufacturing investment in Illinois in decades.
- The project will create a significant ripple effect for job creation and economic growth.



- The project will create 2,600 prevailing wage jobs in Manteno, meaning they will be paid at least 120% of the average wage for similar jobs in Kankakee County.

9. The rezoning of the Subject Property and its use will not be injurious to the public health, welfare, safety or morals on account of:

- Petitioner will adhere to rigorous federal, state and local safety standards and protocols to ensure safe production.
- Petitioner will prioritize sustainable practices, employing advanced technologies to minimize its environmental footprint, including energy-efficient manufacturing processes and waste reduction strategies.
- The building located on the Subject Property will be LEED certified by the U.S. Green Building Council. LEED-certified buildings are shown to save money, improve efficiency, lower carbon emissions and create healthier places for people.
- Once up and running, Petitioner will have no more than 200 trucks per day entering and exiting the Subject Property. The Owner averaged 600 trucks per day in 2014 according to IDOT.

10. The rezoning of the Subject Property will not have an adverse impact on property values in its vicinity.

11. The rezoning of the Subject Property will not interfere with or impede the orderly development of other properties in its vicinity.

12. The Subject Property, as rezoned, will be served adequately by public facilities and services.

13. The rezoning of the Subject Property is necessary and useful at the location.

#### Recommendation

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the Village of Manteno, Kankakee County, Illinois, as follows:

#### **Section 1**

That the approximately 112 acres of land located at 333 South Spruce Street, Manteno, Illinois and legally described as follows:

*The Northeast 1/4 of Section 20, Township 32 North, Range 12 East of the Third Principal Meridian, in Kankakee County, Illinois*

*Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.*

*Further excepting the North 800.00 feet thereof, and being more particularly described as follows:*

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*EXCEPTING therefrom any land which has previously been dedicated for public highway. Situated in Kankakee County, Illinois.*

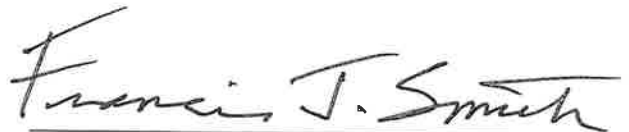
*P.I.N.: 03-02-20-200-008.*

be recommended to be rezoned I-2 Heavy Industrial.

## **Section 2**

The Official Zoning Map of the Village of Manteno shall be recommended to be amended in accordance herewith, with such amendment to be effective upon approval by the corporate authorities of the Village of Manteno but no sooner than the date when ownership of the Subject Property is transferred from Owner to Petitioner.

Passed by the Plan Commission of the Village of Manteno at a Special Meeting thereof held on November 21, 2023 and recessed and reconvened to November 27, 2023, and approved by me as Chairman on the latter day.



Francis Smith  
Plan Commission Chairman

ATTEST:



Darla Hurley  
Plan Commission Secretary