



**Plan and Zoning Commission
6:00 p.m. Tuesday, August 1, 2023
Village of Mahomet - Administrative Office**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

- 3. PUBLIC COMMENT:** The Commission welcomes your input. Interested citizens are invited to provide comments either in person at the public hearing or by prior written statement. Public comments may be submitted in hard copy by placing them in the drop box outside of the Administrative Office (503 E. Main Street, Mahomet) before 2:00 pm on August 1, 2023 or by email submission to Abby Heckman, aheckman@mahomet-il.gov no later than 4:00 pm on August 1, 2023 to ensure placement of such comments in the official record of the meeting.

- 4. MINUTES:** June 6, 2023
July 10, 2023

5. RESOLUTION(S) and MOTION(S) (TO BE ACTED UPON):

VAR2023-02: PH204 LOMBARD LLC

A RESOLUTION CONCERNING VARIANCE REQUESTS RELATING TO MINIMUM SETBACKS FOR PARKING SPACES/DRIVE LANES AND MINIMUM REAR YARD SETBACK ON 0.6± ACRE OF LAND ZONED C-2 GENERAL COMMERCIAL LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF N LOMBARD STREET (IL-47) AND EASTWOOD DRIVE (204 N LOMBARD STREET)

6. COMMISSIONER / STAFF COMMENTS:

NEXT PZC MEETING – TUESDAY SEPTEMBER 5, 2023

7. ADJOURN

PLAN AND ZONING COMMISSION
MEETING MINUTES - DRAFT
June 6, 2023

CALL TO ORDER: The meeting was called to order at 6:02pm on Tuesday June 6, 2023.

ROLL CALL:

Members Present: Bob Buchanan, Mike Buzicky, Robert DeAtley, Phillip Schaefer and Mandi Simeone

Members Absent: Steve Briney

Others Present: Village Attorney Joe Chamley, Community Development Director Kelly Pfeifer and Planner Abby Heckman.

PUBLIC COMMENT: Mr. DeAtley asked if there were any public comments related to items that are not on the agenda and no one came forward. Abby Heckman stated staff received no written comments.

MINUTES: April 4, 2023
May 2, 2023

Simeone moved to approve the April 4, 2023 and May 2, 2023 minutes as presented. Schaefer seconded the motion. ROLL CALL. 5-0. Motion Passed.

PUBLIC HEARING(S):

ZA2023-04: TREY AND MARIA RASCHE

A RESOLUTION CONCERNING A REZONING FOR 6.0± ACRES OF LAND FROM R-1A SINGLE-FAMILY RESIDENTIAL TO C-2 GENERAL COMMERCIAL DISTRICT LOCATED ALONG THE WEST SIDE OF PRAIRIEVIEW ROAD (COUNTY ROAD 525E) APPROXIMATELY 1160 FEET SOUTH OF OAK STREET (US 150), COMMONLY KNOWN AS 2065 COUNTY ROAD 525E CHAMPAIGN IL

Kelly Pfeifer stated staff received an emailed request from the applicants, Trey and Maria Rasche, to withdraw the rezoning ZA2023-04 case. There was an error on the agenda. The public hearing for VAR2023-01: Unlimited Holdings LLC will not be held tonight. The case was incorrectly shown to have a public hearing tonight. The public hearing will be held at the Board of Appeals meeting on June 21, 2023, and the hearing was advertised correctly. The case is shown correctly under action items.

CU2023-02: PETER PARASKIS / KRISHNA PATEL (DUNKIN)

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ESTABLISH A COMMERCIAL DRIVE-THROUGH FACILITY ON 0.42± ACRE OF LAND ZONED C-1 NEIGHBORHOOD COMMERCIAL LOCATED ON AT THE NORTHWEST CORNER CHURCHILL ROAD AND PATTON DRIVE, SOUTH OF OAK STREET

Mr. DeAtley read through the public hearing procedure for those that wanted to speak at the public hearing.

Mr. DeAtley asked staff to provide an overview of the case.

Abby Heckman presented information from the case report.

Mr. DeAtley asked about landscape screening on the south side.

Staff provided information from the provided landscaping plan.

Mr. DeAtley stated he was concerned about the electronic menu board and the light from that affecting the residential neighbors to the south.

Abby Heckman stated the applicant would need to address the menu board.

Mr. Buzicky asked if staff was okay with the turning movements on the site.

Kelly Pfeifer stated that the site engineering was reviewed as part of the development to the west prior to requesting the conditional use.

Abby Heckman stated there was more work done in advance than most sites because of how the neighboring properties would need to work together.

Ms. Simeone asked for an explanation of the surrounding zoning.

Abby Heckman went over zoning in the area.

Peter Paraskis stated the project was unique because it is a drive-up only which cuts down on the time people are on the site and the site circulation. There is a mobile app where you can order in advance and there is a dedicated lane for mobile app orders. This concept has been used in inter-cities and the staking of cars is typically not an issue. Most of the food is already prepared so a typical time someone waits is about 90 seconds. The store has a lot of upgrades and a nice exterior. They will take any suggestions as far as the landscaping, but they are fighting with the sight-visibility triangle at the corner.

Ms. Simeone asked if the sign facing the residential area would light up.

Peter Paraskis stated yes, the signage would be internally lit.

Ms. Simeone asked if the sign would be lit 24 hours.

Peter Paraskis stated yes if the ordinance allows it.

Abby Heckman stated Village ordinances are not that specific so if that is something the Commission would like addressed it would need to be addressed as part of this permit.

The Commission discussed sign lighting.

Kelly Pfeifer asked what time a typical store opens.

Peter Paraskis stated it would open at 4:30 or 5am.

Kelly Pfeifer stated that during certain times of the year it is still dark at that time.

Staff and the Commission talked through the landscaping plan along with locations of the menu boards.

Mr. DeAtley asked if there was anyone from the public that wanted to speak.

Jack Ware, 1613A Patton Drive, stated he was concerned about traffic. He talked about the features of the site and entrances. He stated that the traffic during the school year was bad, and this would increase traffic in the area.

Ms. Simeone asked what the timeline for Dunkin opening and other road connections opening.

Kelly Pfeifer stated the lot is buildable and platted for commercial development. The applicant opted to go through a conditional use process instead of a rezoning request to C-2 where a drive-thorough would be permitted by right. The new South Mahomet Road should open before school starts but the Village is waiting for the railroad to finish their work before the road and railroad crossing can open. The second phase of South Mahomet Road is under construction now, which will connect the roundabout south of the school to Prairieview Road. There are no plans to extend Patton any farther east than the current end. There is a development agreement that enables Patton to extend east but no current plans. An area general plan for all the land to the east of the end of Patton Drive is expected in the next few months. Kelly Pfeifer explained site circulation, access drives and coordination of construction activities in the area.

Abby Heckman asked the petitioner how long once construction has started on the site will Dunkin' be operational.

Peter Paraskis stated once started, it only takes about 90 days to complete.

Abby Heckman stated the next steps if Conditional Use Permit is approved would be a site development plan review and building permits which is all staff approvals.

Mr. DeAtley stated he saw where the Village multiyear budget listed right turn lanes on Oak Street (US150) at Churchill Road.

Kelly Pfeifer stated yes, the turn lanes are in the planning process now for a turn lane on Oak Street eastbound and a turn lane on Churchill Road northbound.

Ms. Simeone asked what the sliver of land at the corner of Oak Street and Churchill Road was.

Kelly Pfeifer stated it was an outlot that has the Conway Farm Subdivision sign on it, but the sign will be managed by the Churchill Commons owner. The current sign will be converted to provide signage for the commercial development.

Abby Heckman stated the Conway Farm POA is no longer interested in maintaining the sign as a subdivision entrance sign.

Mr. DeAtley asked if there was anyone else that wanted to speak. No one else came forward.

Simeone moved to close the public hearing for CU2023-02. Schaefer seconded the motion. ROLL CALL. 5-0. Motion Passed.

CU2021-02 AMENDMENT: ADAM AND JODI KIMBALL

A RESOLUTION CONCERNING AN AMENDMENT TO CONDITIONS OF AN APPROVED CONDITIONAL USE PERMIT WHICH ESTABLISHED A SELF-STORAGE FACILITY AND MIXED USE COMMERCIAL BUILDING ON 4.6± ACRES OF

LAND ZONED C-2 GENERAL COMMERCIAL LOCATED ON THE NORTH SIDE OF CLARK STREET APPROXIMATELY 230 FEET WEST OF PRAIRIEVIEW ROAD, COMMONLY KNOWN AS 2004 CLARK STREET

Mr. DeAtley asked staff to provide an overview of the case.

Abby Heckman presented information from the case report.

Ms. Simeone asked how long the conditional use permit is good for.

Abby Heckman stated if the use was happening on the site then it would be good forever.

Ms. Simeone asked if the Commission could put an end date for the exterior parking. Her concern is that if the other buildings aren't built then they may never remove outside vehicle parking.

Abby Heckman stated that could be possible.

Joe Chamley stated a sunset date could be added but asked what the justification would be for the sunset date.

Mr. DeAtley stated it could impede the development of neighboring properties.

Mr. Buchanan asked about fencing.

Abby Heckman stated there is perimeter fencing shown on site plan and referenced language in approved resolution.

Mr. Schaefer stated concerns about abandoned vehicles.

Joe Chamley stated those reasons seemed like reasonable justification for a sunset date.

Mr. DeAtley asked about the required pavement surfaces.

Abby Heckman went over the pavement surfaces listed in the approved resolution. The current request does not change what was approved previously related to pavement surfaces.

Adam Kimball stated developing the site in phases allowed them to listen to the community. There are people that would like to get vehicles off of the streets and into a secure facility. He stated they require active license registration as part of their leases.

Abby Heckman stated that the Village also requires current license registrations but on private properties that can be challenging to enforce. Putting that as a condition of this permit would be a little misleading because of our lack of ability to enforce that.

Adam Kimball stated he sees the change as a positive for the community and would want the sunset. Parking on the west side is secluded.

Staff and the Commission discussed the site plan.

Mr. DeAtley asked what the property west of the detention basin is zoned.

Kelly Pfeifer stated the lake is zoned AC and then the next property is R-1B which is part of future Fox Run Subdivision.

Mr. DeAtley stated that storing a bunch of crap on the back side of the property would be seen.

Adam Kimball stated you don't see any house to the west.

Mr. DeAtley stated not now but in the long term it could be a hinderance for development.

Kelly Pfeifer stated a landscaping screen could be required.

Mr. Buchanan stated screening should be provided.

Kelly Pfeifer stated the property to the north is zoned C-2 right now, the owner of the north property sold the land for the conditional use to the current owner and the owner to the north can provide a screen that they control.

Abby Heckman stated that plants would be much more effective in screening RVs and other tall vehicles.

Adam Kimball stated there could be some trees planted on the east side of the basin.

Mr. DeAtley asked if this should wait a month to allow the petitioner to come back with an updated proposal.

Kelly Pfeifer stated the request should be refined before going to the Board of Trustees and allowing additional time would be okay with staff. She stated it would be hard to address the brought-up issues on the fly.

Staff, the Commission and the petitioner discussed current conditions on the site and adjacent storage sites.

Adam Kimball stated he didn't want to install fencing, but landscaping could be added.

Mr. DeAtley stated what you are requesting now conflicts with what was stated in your application. The application indicates the parking would be temporary, but you are saying it might be permanent.

Adam Kimball stated it would be temporary once the last building is built.

Abby Heckman stated that the Village does struggle with people parking vehicles where they are not supposed to and that the petitioner is probably hearing a need for parking from the community.

Mr. DeAtley asked the petitioner if he was willing to continue the case to the next meeting to work out the details before it is presented again.

Adam Kimball stated he did not want to wait until next month.

Simeone moved to close the public hearing for CU2021-02 Amendment. Buchanan seconded the motion. ROLL CALL. 5-0. Motion Passed.

RESOLUTIONS and MOTIONS (TO BE ACTED UPON):

VAR2023-01: UNLIMITED HOLDINGS LLC

A RESOLUTION CONCERNING VARIANCE REQUESTS RELATING TO MINIMUM SIDE YARD SETBACK AND MINIMUM LAND AREA PER DWELLING ON 0.50± ACRE OF LAND ZONED R-2 TWO-FAMILY RESIDENTIAL LOCATED NORTH OF OLIGER DRIVE ALONG THE WEST SIDE OF COLE LANE AND NORTH SIDE OF RAPP DRIVE (LOTS 709 AND 710 OF HUNTERS RIDGE SEVENTH SUBDIVISION)

Abby Heckman presented information from the case report.

Rob Frerichs, with Unlimited Holdings, presented information about the two (2) variances. A green space chart was provided to the PZC and discussed.

Mr. DeAtley went through the findings of fact and special circumstances and asked that commissioners speak up if they do not agree.

Staff and the Commission discussed the special circumstances.

Mr. Schaefer stated he thought this was a creative approach to a difficult situation.

Schaefer moved to grant VAR2023-01 with the findings of fact as stated below. Simeone seconded the motion. ROLL CALL. 5-0. Motion Passed.

BE IT THEREFORE RESOLVED this 6th day of June, 2023 by the Plan and Zoning Commission of the Village of Mahomet that:

- 1) The Plan and Zoning Commission sets forth the following findings of fact concerning the requested variances;
 - A. That the special circumstances or conditions applying to the land or building for which the variances are sought are:
 1. The lot geometrics make siting buildings on the lots in a consistent manner with the rest of the neighborhood challenging.
 2. Maintaining a consistent front yard setback with adjacent lots to provide sound suppression from Interstate 74 noise.
 3. Preservation of green space.
 - B. That concerning the variances requested:
 1. There **ARE** special circumstances or conditions applying to the land or building for which the variances are sought; and,
 2. The said special circumstances or conditions **ARE** peculiar to such land or buildings and do not apply generally to land or buildings in this neighborhood; and,
 3. The said special circumstances or conditions **ARE** such that the strict application of the provisions of the Zoning Ordinance could deprive the applicant of the reasonable use of such land and building; and,
 4. The granting of the requested variances **ARE** necessary for the reasonable use of the land and building; and,
 5. The variances requested **ARE** the minimum variances that will accomplish this purpose; and,

6. The granting of the requested variances **WILL** be in harmony with the general purpose and intent of the Zoning Ordinance; and,
 7. The requested variances **WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public welfare; and,
 8. The requested variances **WILL NOT** be in conflict with the Comprehensive Plan.
- 2) The granting of the variances, if approved, shall be subject to the following conditions:
 - Substantial compliance with the Variance Exhibit (4 pages) as presented to the PZC on June 6, 2023.
 - 3) The Plan and Zoning Commission does hereby recommend that the Zoning Board of Appeals of the Village of Mahomet **GRANT** the requested variance to reduce the side yard setback from the required eight (8) feet to a minimum of six (6) feet for both Hunters Ridge Seventh Subdivision lots 709 and 710 (§152.090 R-2).
 - 4) The Plan and Zoning Commission does hereby recommend that the Zoning Board of Appeals of the Village of Mahomet **GRANT** the requested variance to reduce the minimum land area per dwelling from the required 5,000 SF to a minimum of 4,673 SF for proposed future lot 802B (current lot 710) in Hunters Ridge Seventh Subdivision (§152.090 R-2).

CU2023-02: PETER PARASKIS / KRISHNA PATEL (DUNKIN)

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ESTABLISH A COMMERCIAL DRIVE-THROUGH FACILITY ON 0.42± ACRE OF LAND ZONED C-1 NEIGHBORHOOD COMMERCIAL LOCATED ON AT THE NORTHWEST CORNER CHURCHILL ROAD AND PATTON DRIVE, SOUTH OF OAK STREET

Mr. DeAtley asked if the petitioner has anything else to add.

Peter Paraskis stated he reviewed the conditions in the draft resolution and agreed with the conditions.

Mr. DeAtley stated he would like the lighting on the south side to be turned off at a certain time.

The Commission suggested the signage and menu board on the south face of the building be turned off when the store is closed. It could be on 30 minutes before and 30 minutes after closing.

Peter Paraskis stated his client would be fine with that condition.

Mr. DeAtley went through the findings of fact and asked that commissioners speak up if they do not agree.

Ms. Simeone stated they didn't know about item 3.j.

Mr. Schaefer stated without an updated traffic study there is no way to know.

Abby Heckman stated there will be other changes in this area that should have significant changes to the traffic patterns and other the next year we will learn more about the traffic patterns.

Ms. Simeone suggested striking item j.

Simeone moved to grant CU2023-02, striking item j, with the findings of fact as stated below. DeAtley seconded the motion. ROLL CALL. 4-1. Buzicky voted against the motion. Motion Passed.

BE IT THEREFORE RESOLVED this 6th day of June, 2023 by the Plan and Zoning Commission of the Village of Mahomet that:

1. The Plan and Zoning Commission does hereby recommend the Board of Trustees **GRANT** the requested Conditional Use Permit for a commercial development with a drive-through facility at the above described property.
2. The Plan and Zoning Commission does hereby further state that the conditional use shall be subject to the following conditions:
 - a) Site development and building design must substantially comply with the Site Plan and Exterior Elevations as presented to the PZC (dated June 6, 2023).
 - b) Site landscaping must substantially comply with the Landscape Plan as presented to the PZC (dated June 6, 2023).
 - c) Only exterior lighting fixtures that are full cut-off / fully shielded which minimizes skyglow, glare and light trespass shall be permitted.
 - d) Any freestanding signage must be ground mounted and shall be no more than six (6) feet in height.
 - e) The site must obtain Site Development Plan approval prior to the start of any site construction and be fully compliant prior to any new building permit application or occupancy permit application.
 - f) All activities must be carried out in accordance with the appropriate Village, State, and Federal permits and rules and regulations. Any conflicts between the permit applications and the Site Plan must be resolved with the appropriate agencies.
 - g) The site must comply with all applicable provisions of the Zoning Ordinance.
 - h) The use of signage lighting on the south side of the building and along Patton Drive is limited to 30 minutes before business hours to 30 minutes after business hours.
3. The Plan and Zoning Commission does hereby confirm the following findings of fact regarding the requested Conditional Use Permit:
 - a. The establishment, maintenance, or operation of the Conditional Use **WILL NOT** be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - b. The conditional use **WILL NOT** be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
 - c. The establishment of the conditional use **WILL NOT** impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d. Adequate utilities, access roads, drainage, and/or other necessary facilities **WILL** be provided;
 - e. The conditional use **DOES** in all other respects conform to the applicable regulations of the district in which it is located;
 - f. There **IS** a public necessity for the conditional use at this site;
 - g. The proposed conditional use **DOES** conform with the intent of the Village Comprehensive Plan.
 - h. The proposed conditional use **WILL** be compatible with the established land use pattern in the vicinity.
 - i. The site **IS** suitable for the proposed conditional use.
 - ~~j. The proposed conditional use **WILL / WILL NOT** significantly adversely impact existing traffic patterns.~~
 - k. Adequate facilities for municipal water supply and wastewater disposal **ARE** available for the site.
 - l. Adequate provisions for stormwater drainage **ARE** available for the site.
 - m. The proposed conditional use **WILL NOT** adversely impact police protection, fire protection, schools, or public facilities.
 - n. The proposed conditional use **WILL NOT** conflict with existing public commitments for planned public improvements.
 - o. The proposed conditional use **WILL** preserve the essential character of the neighborhood in which it is located.
 - p. The proposed conditional use **WILL NOT** alter the population density pattern and **WILL NOT** adversely impact public facilities.

- q. The proposed conditional use **WILL** result in private investment that will be beneficial to the proper development of the community.
4. The approval recommended above shall be subject to the fulfillment of the conditions set forth in Item 2 above. In the event that these conditions are not fulfilled, the Conditional Use Permit may become void and no occupancy permit for the project may be issued, or the occupancy permit previously issued may be revoked.

CU2021-02 AMENDMENT: ADAM AND JODI KIMBALL

A RESOLUTION CONCERNING AN AMENDMENT TO CONDITIONS OF AN APPROVED CONDITIONAL USE PERMIT WHICH ESTABLISHED A SELF-STORAGE FACILITY AND MIXED USE COMMERCIAL BUILDING ON 4.6± ACRES OF LAND ZONED C-2 GENERAL COMMERCIAL LOCATED ON THE NORTH SIDE OF CLARK STREET APPROXIMATELY 230 FEET WEST OF PRAIRIEVIEW ROAD, COMMONLY KNOWN AS 2004 CLARK STREET

Mr. DeAtley announced a two-minute recess at 7:37pm. The meeting was called back to order at 7:39pm.

Staff and the Commission went over the request.

Adam Kimball showed the tree line on the property to the west. He didn't think a row of trees would do much with existing trees on adjacent land.

Ms. Simeone asked the petitioner if he wanted permanent outdoor storage of vehicles.

Adam Kimball stated yes.

Ms. Simeone asked why he would not put parking in the middle of the buildings so the vehicles cannot be seen.

Adam Kimball answered circulation and logistics.

Mr. DeAtley pulled up the property on the GIS and stated all the existing trees are on the property to the west.

Ms. Simeone stated she did not agree the traffic circulation being an issue. She thought the storage should be between the buildings.

Adam Kimball stated he was not interested in that configuration. It wouldn't work with the phasing.

Mr. Schaefer asked if there was a limit to the type of vehicles accepted.

Adam Kimball stated he would be okay with a condition like what was put on the Hideaway property related to vehicle size.

Kelly Pfeifer stated the PZC needs to decide what they are comfortable with recommending to the BOT.

Mr. Buzicky stated he was fine with the request.

Kelly Pfeifer read through the resolution passed for the Hideaway property.

Abby Heckman stated the draft resolution page 2 item number 1 does use the word temporary so a motion would need to mention striking the word temporary if the PZC wants that removed.

Mr. Buchanan stated the outdoor parking of vehicles is typical for this type of use.

The Commission and staff discussed the conditions.

Mr. DeAtley went through the findings of fact and asked that commissioners speak up if they do not agree.

The Commission and staff discussed the water and sanitary sewer to the site and public necessity.

Buzicky moved to grant CU2021-02 Amendment with the findings of fact as stated below. Schaefer seconded the motion. ROLL CALL. 4-1. DeAtley voted against the motion. Motion Passed.

BE IT THEREFORE RESOLVED this 6th day of June, 2023 by the Plan and Zoning Commission of the Village of Mahomet that:

1. The Plan and Zoning Commission does hereby recommend the Board of Trustees **GRANT** the requested Conditional Use Permit amendment for mixed use commercial and self-service storage / mini-warehouse facility with outdoor storage at the above-described property.
2. The Plan and Zoning Commission does hereby further state that the conditional use shall be subject to the following conditions:
 - a. All conditions as approved with BOT Resolution 21-12-09, other than any conditions as amended by the terms of this Resolution.
 - b. Site development must substantially comply with the updated site plan presented to the PZC on June 6, 2023. The updated site plan replaces the site plan approved as part of BOT Resolution 21-12-09. Approved surface materials shall comply with condition 2.c. as indicated with BOT Resolution 21-12-09.
 - c. 30,000 SF of outdoor vehicle storage shall be permitted west of the existing two (2) buildings (as indicated on the Site Plan as presented to the PZC - Site Plan dated June 6, 2023). Up to 30,000 SF of outdoor vehicle storage may be located in the area of the mini-warehouse building numbered 4, 5, or 6 and the area for outdoor parking area may move to the west as construction of buildings 4 and 5 commence.
 - d. The site must comply with all applicable provisions of the Zoning Ordinance.
 - e. All activities must be carried out in accordance with the appropriate Village, State, and Federal permits and rules and regulations. Any conflicts between the permit applications and the Site Plan must be resolved with the appropriate agencies.
 - f. No storage of semi-truck or trailers over 47 feet long.
 - g. No water / electric connections permitted to any stored RV vehicles.
3. The Plan and Zoning Commission does hereby confirm the following findings of fact regarding the requested Conditional Use Permit:
 - a. The establishment, maintenance, or operation of the Conditional Use **WILL NOT** be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - b. The conditional use **WILL NOT** be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
 - c. The establishment of the conditional use **WILL NOT** impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d. Adequate utilities, access roads, drainage, and/or other necessary facilities **WILL** be provided;
 - e. The conditional use **DOES** in all other respects conform to the applicable regulations of the district in which it is located;

- f. There **IS** a public necessity for the conditional use at this site;
 - g. The proposed conditional use **DOES** conform with the intent of the Village Comprehensive Plan.
 - h. The proposed conditional use **WILL** be compatible with the established land use pattern in the vicinity.
 - i. The site **IS** suitable for the proposed conditional use.
 - j. The proposed conditional use **WILL NOT** significantly adversely impact existing traffic patterns.
 - k. Adequate facilities for municipal water supply and wastewater disposal **ARE** available for the site.
 - l. Adequate provisions for stormwater drainage **ARE** available for the site.
 - m. The proposed conditional use **WILL NOT** adversely impact police protection, fire protection, schools, or public facilities.
 - n. The proposed conditional use **WILL NOT** conflict with existing public commitments for planned public improvements.
 - o. The proposed conditional use **WILL** preserve the essential character of the neighborhood in which it is located.
 - p. The proposed conditional use **WILL NOT** alter the population density pattern and **WILL NOT** adversely impact public facilities.
 - q. The proposed conditional use **WILL** result in private investment that will be beneficial to the proper development of the community.
4. The approval recommended above shall be subject to the fulfillment of the conditions set forth in Item 2 above. In the event that these conditions are not fulfilled, the Conditional Use Permit may become void and no occupancy permit for the project may be issued, or the occupancy permit previously issued may be revoked.

COMMISSIONER / STAFF COMMENTS: NEXT PZC MEETING – JULY 10, 2023

Kelly Pfeifer stated this would be her last meeting as she has accepted a new job in Bloomington IL.

Mr. Buzicky asked if the dust-free surface issue bothered the Board.

Kelly Pfeifer stated that the Board has instructed staff to make changes to the ordinances to require either concrete or asphalt.

ADJOURN:

Schaefer moved to adjourn the meeting. Buzicky seconded the motion. ROLL CALL. 5-0. The meeting was adjourned at 8:12pm.

Respectfully,
Abby Heckman, Planner

PLAN AND ZONING COMMISSION
MEETING MINUTES - DRAFT
July 10, 2023

CALL TO ORDER: The meeting was called to order at 6:10pm on Monday July 10, 2023.

ROLL CALL:

Members Present: Bob Buchanan, Mike Buzicky, Robert DeAtley and Phillip Schaefer

Members Absent: Steve Briney and Mandi Simeone

Others Present: Village Administrator Patrick Brown and Planner Abby Heckman.

PUBLIC COMMENT: Mr. DeAtley asked if there were any public comments related to items that are not on the agenda and no one came forward. Abby Heckman stated staff received no written comments.

RESOLUTIONS and MOTIONS (TO BE ACTED UPON):

MAP2023-02: THE KNOLLS AT VISION SOUTH SUBDIVISION (FINAL PLAT)

A RESOLUTION CONCERNING A FINAL PLAT FOR THE KNOLLS AT VISION SOUTH SUBDIVISION ON 12.3± ACRES OF LAND LOCATED ON THE SOUTH FRONTAGE OF OAK STREET (US 150) AT THE SOUTHWEST CORNER OF OAK STREET AND PRAIRIEVIEW ROAD INTERSECTION

Abby Heckman presented information from the case report. The applicant and their engineer rep is present and can answer any questions.

Mr. Buchanan asked if this will connect Patton Drive.

Abby Heckman stated no it will not, Patton Drive will end short of where a future connection would be made with Purnell Drive extended south. There is a significant drainage area that this project will stop short of.

Mr. Buzicky asked for an explanation of the cul-de-sac easement.

Abby Heckman explained the cul-de-sac easement. The recording documents will address the temporary situation with the road.

Randy Huffman explained challenges with development of the site and that they are preparing an overall plan for all the land.

The Commission and the petitioner discussed the project in relationship to the South Mahomet Road project.

Mr. Buzicky asked if IDOT was good with the Patton Drive location.

Abby Heckman stated the Village Engineer has reviewed the project and it is compliant with the distances that IDOT requires.

The Commission and staff discussed intersection locations.

Mr. DeAtley asked if there was anyone who would like to provide public comment on the project.

Bob Pike asked if Purnell Drive would have a signal eventually.

Abby Heckman stated yes, that is the plan once it becomes a 4-leg intersection.

Patrick Brown stated a traffic study was done for that intersection and a signal is expected in the future.

Mr. DeAtley went through the findings of fact and asked that commissioners speak up if they do not agree.

Schaefer moved to grant MAP2023-02 with requested waivers with the findings of fact as stated below. Buzicky seconded the motion. ROLL CALL. 4-0. Motion Passed.

BE IT THEREFORE RESOLVED this 10th day of July, 2023, by the Plan and Zoning Commission of the Village of Mahomet, that:

- A. The Plan and Zoning Commission does hereby recommend APPROVAL of the Final Plat for the Prairieside LSRD Subdivision Phase 1 upon completion of modifications identified by the Village staff and does hereby authorize the Chairman to sign the said Final Plat upon completion of said modifications.
- B. The Plan and Zoning Commission does hereby recommend the following action concerning the requested waiver:
 - 1. GRANT Waiver of the requirement to submit a preliminary plat for approval prior to final plat approval.
 - 2. GRANT Waiver of the maximum cul-de-sac length to allow a cul-de-sac that exceeds 800 feet in length.
 - 3. GRANT Waiver of the dedication of full cul-de-sac right of way width and allow a partial dedication by easement to facilitate future roadway extension and reversion of land for private development.
- C. The approval of the Final Plat recommended above is further subject to the following conditions:
 - 1. Submission of all supporting documentation in proper form
 - 2. The approval of the Final Plat recommended above is further subject to the review and approval of the Final Plat and supporting documents as applicable by other relevant agencies and utility service providers.
 - 3. In the event that the modifications to the Final Plat are not completed, the outside agency reviews are not completed, all supporting documents are not submitted in final form, or the conditions set forth above are not met within sixty (60) days from the date of approval by the Board of Trustees, the approvals recommended herein shall be null and void.

COMMISSIONER / STAFF COMMENTS: NEXT PZC MEETING – AUGUST 8, 2023

Abby Heckman stated the meeting date for the next PZC meeting is on August 1, 2023 not August 8 as indicated on the agenda.

ADJOURN:

Buchanan moved to adjourn the meeting. Schaefer seconded the motion. ROLL CALL. 4-0. The meeting was adjourned at 6:28pm.

Respectfully,
Abby Heckman, Planner



Village of Mahomet

503 E. Main Street - P.O. Box 259 - Mahomet, IL 61853-0259
phone (217) 586-4456 fax (217) 586-5696

REPORT TO PLAN AND ZONING COMMISSION Meeting Date – August 1, 2023

FROM: Abby Heckman, Village Planner

CASE: VAR2023-02

PETITIONER: PH204 N LOMBARD LLC

REQUESTED ACTION: Two (2) variances are requested from the standards established by the Village of Mahomet Zoning Ordinance:

1. Reduce the required parking lot setback from 10 feet to zero for parking spaces and drive lane circulation. (§152.108 (E)(1)).
2. Reduce the minimum rear yard setback from 25 feet to zero in the C-2 district. (§152.090 C-2).

PUBLIC HEARING: Village Zoning Board of Appeals will conduct a public hearing for this variance request. At the time of the publication of this report a meeting date had not been set. Staff is working with BOA members to find a date to meet. Notice for the public hearing will be published in the News-Gazette in accordance with state law.

LOCATION and SITE DESCRIPTION:

The subject property contains 0.6± acre and is located southeast corner of the intersection of N Lombard Street and Eastwood Drive. The subject property contains three parcels zoned C-2 General Commercial. The property owner is preparing the land for commercial development by others therefore no specific development plan has been provided for the site.

HISTORY:

The subject property includes land that was part of subdivisions done in 1859 and 1957. The site was previously developed as a gas/service station. Structures have been removed in preparation for redevelopment of the site.

CASE DETAILS:

The variance requests are to facilitate in-fill redevelopment of commercial land. The applicant has provided reasons for the variance request as part of the attached application.

PROPOSED DEVELOPMENT'S CONFORMANCE TO ORDINANCES and COMPREHENSIVE PLAN:

The Village Comprehensive Plan designates the area which includes the subject property as part of the Commercial Core functional framework area and encourages the redevelopment of underutilized properties. The Comprehensive Plan Land Use Plan shows corridor commercial uses on this site that are auto-oriented. The Comprehensive Plan includes policies that urge compact, orderly, and contiguous development in areas where public facilities and infrastructure can be extended to serve the site. The Comprehensive Plan also urges development which is compatible with adjacent existing and future land uses. The redevelopment of this site will allow the opportunity to reduce one of the existing curb cuts onto Lombard Street as recommended by the Comprehensive Plan.

STANDARDS FOR VARIATIONS:

The Mahomet Zoning Ordinance sets forth the requirement that the Board of Appeals may grant a variance only when it is determined that ALL of the following conditions have been met.

www.mahomet-il.gov

1. There are special circumstances or conditions applying to the land or building for which the variance is sought; and,
2. The said special circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in this neighborhood; and,
3. The said special circumstances or conditions are such that the strict application of the provisions of the Zoning Ordinance could deprive the applicant of the reasonable use of such land and building; and,
4. The granting of the requested variance is necessary for the reasonable use of the land and building; and,
5. The variance requested is the minimum variance that will accomplish this purpose; and,
6. The granting of the requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance; and,
7. The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and,
8. The requested variance will not be in conflict with the Comprehensive Plan.

DEVELOPMENT TEAM RECOMMENDATION:

The variance request seems reasonable considering it would help to prepare the site for commercial development which includes drive-through facilities. The size and the shape of the lot along with multiple road frontages has made this lot a challenge to develop under the current zoning rules. The property is developed on two sides with limited ability to obtain additional land. Modern design standards for safe movement of vehicular traffic for commercial sites including drive-throughs makes this site a challenge to develop.

SUMMARY:

A review of the factors and issues relevant to the requested variances are set forth above. The Plan and Zoning Commission acts in an advisory role to the Zoning Board of Appeals regarding variance requests. A draft resolution is attached for consideration by the PZC.

ATTACHMENTS:

- 1) Property Aerial / Zoning Map
- 2) Draft Resolution
- 3) Variance Application

VAR2023-02: PH204 N Lombard LLC



mi

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.

Date: Thursday, July 27, 2023



RESOLUTION FOR PLAN AND ZONING COMMISSION

A Resolution Concerning a variance request from Village of Mahomet for 204 N Lombard Street

- WHEREAS,** the Board of Trustees of the Village of Mahomet, pursuant to the authority conferred by the Statutes of the State of Illinois, has established certain standards and procedures, including Comprehensive Plan designations and policies for the use of land and for zoning establishment and amendment within the corporate Limits of the Village of Mahomet, Illinois; and,
- WHEREAS,** the Petitioner, PH204 N Lombard LLC, requested variances for the properties commonly known as 204 N Lombard Street; and,
- WHEREAS,** the subject site is located at the southeast corner of the intersection of N Lombard Street and Eastwood Drive; and,
- WHEREAS,** the legal description for the proposed variance is as follows:
- Lot 40 in C.C Hawe's Addition to Middletown (now Mahomet) and Tract "C" of John B Dowell Subdivision, as part of reservation of C.C Hawe's Addition to Middletown (now Mahomet),
- Commencing at an iron pipe at the intersection of the South line of Lot 40 of said C.C Hawe's Addition and the Easterly right of way line of S .B .I Route 47 , said point begin 50 feet right at Station 20.21.19 of the recorded Surveyed Centerline of said S .B .I Route 47; thence North 22 42' 50" East, parallel with said surveyed centerline; 156.48 feet; thence North 26 52'50" East, 43.79 feet along the Easterly right of way line of said S .B .I Route 47 ;thence South 69 34' 52" East. 85.82 feet to cross cut concrete, said point being 2.00 feet West of the North-South Quarter Line of section 15; thence South 0 degrees 13 minutes 32 seconds west. 213.20 feet along a line parallel to and 2 feet west of said quarter line , to an iron pipe set in concrete which is on the South line of said Lot 40; thence 69 30'28" West , 170.63 feet along the South Line of Lot 40 to the point of beginning, all situated in Section 15, Township 20 North, Range 8 East of the Third Principle Meridian , in Champaign County, Illinois.
- WHEREAS,** the two (2) requested variances are as follows:
1. Reduce the required parking lot setback from 10 feet to zero for parking spaces and drive lane circulation. (§152.108 (E)(1)).
 2. Reduce the minimum rear yard setback from 25 feet to zero in the C-2 district. (§152.090 C-2).
- WHEREAS,** a Public Hearing regarding the proposed variances will be held before the Mahomet Board of Appeals to solicit evidence and testimony from the public; and,
- WHEREAS,** the Village staff reviewed the request and provided the technical background information to the Plan and Zoning Commission; and,
- WHEREAS,** the Plan and Zoning Commission met and reviewed the evidence and testimony submitted and considered all of the available factual evidence concerning the requested action.

BE IT THEREFORE RESOLVED this 1st day of August, 2023 by the Plan and Zoning Commission of the Village of Mahomet that:

- 1) The Plan and Zoning Commission sets forth the following findings of fact concerning the requested variances;

A. That the special circumstances or conditions applying to the land or building for which the variances are sought are:

1. _____
2. _____

B. That concerning the variances requested:

1. There **ARE / ARE NOT** special circumstances or conditions applying to the land or building for which the variances are sought; and,
2. The said special circumstances or conditions **ARE / ARE NOT** peculiar to such land or buildings and do not apply generally to land or buildings in this neighborhood; and,
3. The said special circumstances or conditions **ARE / ARE NOT** such that the strict application of the provisions of the Zoning Ordinance could deprive the applicant of the reasonable use of such land and building; and,
4. The granting of the requested variances **ARE / ARE NOT** necessary for the reasonable use of the land and building; and,
5. The variances requested **ARE / ARE NOT** the minimum variances that will accomplish this purpose; and,
6. The granting of the requested variances **WILL / WILL NOT** be in harmony with the general purpose and intent of the Zoning Ordinance; and,
7. The requested variances **WILL / WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public welfare; and,
8. The requested variances **WILL / WILL NOT** be in conflict with the Comprehensive Plan.

2) The granting of the variances, if approved, shall be subject to the following conditions:

- 3) The Plan and Zoning Commission does hereby recommend that the Zoning Board of Appeals of the Village of Mahomet **GRANT / DENY** the requested variance to reduce the required parking lot setback from 10 feet to zero for parking spaces and drive lane circulation. (§152.108 (E)(1)).
- 4) The Plan and Zoning Commission does hereby recommend that the Zoning Board of Appeals of the Village of Mahomet **GRANT / DENY** the requested variance to reduce the minimum rear yard setback from 25 feet to zero in the C-2 district. (§152.090 C-2).

Chair, Plan and Zoning Commission
Village of Mahomet, Illinois

Case Name: VAR 2023-02

**REQUEST FOR VARIANCE
VILLAGE OF MAHOMET**

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: 07-24-2023 Date of Hearing: _____

Date of Published Notice: _____ Newspaper: _____

Fee Paid – Receipt No.: ck 22207 Amount: \$300.00 Date: 07-24-2023

Comments: (indicate other actions such as continuances) _____

Action by Board on Request: _____

NOTICE TO APPLICANTS

1. A Variance is a zoning adjustment, which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of Variance is limited to the minimum change necessary to overcome the inequality inherent in the property.
2. A Variance recognizes that the same district requirements do not affect all properties equally. It was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where hardship conditions extend to other properties a Variance cannot be granted. The remedy for general hardship is a change of the map or the text of the Zoning Ordinance.
3. You must provide that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent you from making reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variance: (1) Proof that a Variance would increase the financial return from the land, (2) Personal hardship, (3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

Case Name: VAR2023-02

4. No Variance may be granted which would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purposes of the Zoning Ordinance.
5. There will be no refund of application fees for Variances not granted or withdrawn.
6. No incomplete applications will be acted upon.
7. Granting a Variance requires that the Village hold a Public Hearing regarding the request, and publication of the Public Notice 15 days in advance of the Hearing. Applicants are urged to coordinate their activities with Village Staff to assure consideration of their request in as timely manner as is reasonably possible.

DATA ON APPLICANT AND OWNER

Name of Applicant (s): Matt Pommier Phone: 217-721-5653

Address of Applicant (s): 105 S. East St. Mahomet, IL 61853

Property Interest of Applicant: Owner - PH204 Lombard LLC
(Owner/Contract Purchases/Agent, etc.)

Name of Owner: Matt Pommier Phone: 217-721-5653
PH204 Lombard, LLC

ADDRESS AND DESCRIPTION OF PROPERTY

Address: 204 N. Lombard St.

Width of Lot: ≈ 153.48 Length of Lot: ≈ 138.30

Lot Area (Square Feet): ≈ 30,000 Tax Parcel Number: 15-13-15-178-005
15-13-15-178-006
15-13-15-178-007

Legal Description: (or attach legal description) _____

attached

Case Name: VAR2023-02

LANE USE AND ZONING

Present Zoning: C-2

Present Land Use: vacant

Proposed Land Use: Commercial

	Surrounding Zoning	Surrounding Land Use
North	<u>C-2</u>	<u>commercial</u>
South	<u>C-2</u>	<u>commercial</u>
East	<u>C-2 R-3C</u>	<u>commercial-multi unit</u>
West	<u>C-2</u>	<u>commercial</u>

REASONS FOR REQUEST FOR VARIANCE

NOTE: The following questions must be answered completely. If additional space is needed, attach extra pages to application. Before answering, read the NOTICE TO APPLICANTS attached hereto.

1. Set forth specifically the nature of the variance requested, giving exact distances (e.g. to reduce the side yard requirements from 15 ft. to 10 ft. or to vary the height limitation from 35 ft. to 38 ft.)

2. What circumstances, peculiar to this site, justify the need for the requested variance? Explain in detail:

3. What characteristics of your property prevent its being used for the uses permitted in your zone? (Describe the items giving dimensions where appropriate)

see attached.

4. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance?

5. To the best of your knowledge, was the hardship described above created by an action of anyone having property interests in the land after the Zoning Ordinance was enacted? 5. To the best of your knowledge, was the hardship described above created by an action of anyone having property interests in the land after the Zoning Ordinance was enacted? Yes___No___, If "yes", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variances).

6. Does any violation of the Village of Mahomet Zoning Ordinance exist on the property at the present time? Yes___ No___ If yes, how?

7. Are the conditions on your property the result of other man-made changes (such as the relocation of a road or highway)? Yes___ No___ If yes, Describe:

8. Are the conditions of hardship for which you request a variance true only to your property?_____
If not, how many other properties are similarly affected?

9. Will the granting of a variance in the form required by in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Elaborate:

Case Name: VAR2023-02

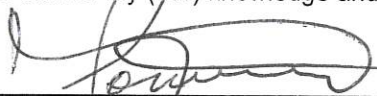
10. Additional Comments by Applicant: _____

SKETCH PLAN

A) Is a scaled plot plan indicating the location of the premises and the nature of the variance attached.
Yes ☒ No ☐ (Application will not be processed without the required drawing)

B) Additional exhibits submitted by applicants: _____

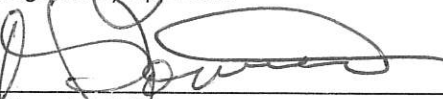
I (we) certify that all of the above statements and the statements contained in any papers or plan submitted herewith are true to the best of my (our) knowledge and belief.



(Signature) Applicant



Date



(Signature) Owner



Date

1. Variance of ZO 152.108 (E)(1) to allow a reduction of the required parking lot setback from 10 feet to zero for parking spaces and drive lane circulation.

Variance of ZO 152.090 to allow a rear yard setback of zero in the C-2 district.

2. The lot at 204 N Lombard is an infill lot. it is landlocked by developed properties on two sides which limit design/layout flexibility for traffic circulation.
3. The lot is not square and a peculiar shape, again limiting the site layout. C-2 allows for drive thru access and the reduction of setbacks allows for additional room for safer traffic circulation using a drive thru
4. The lot was created back when drive through features were not readily used nor was vehicle traffic in general not as busy, so the desire for safer circulation was not a concern. Any commercial retail business with drive thru access will have space limitations in the design footprint as well as challenges with increased foot traffic and parking to their business.
5. No, the hardship was not created by us – the current owners.
6. No
7. Yes, over the years, the state has taken additional Right of Way from the lot to widen roads (Rt 47) , utility easements, etc. making the usable space on the lot smaller.
8. Yes, the property is unique in that it is an infill property and the properties adjacent to it are already developed
9. Yes, the variances will help the Village of Mahomet and the community by allowing more flexibility in bringing in more commercial opportunities for that site, ultimately increasing the economic development for Mahomet. It will not detract nor affect other business in the surrounding area.
10. We are currently talking to commercial developers who are trying to prepare the land for development. These variances will help move this project forward quickly and/or eliminate steps for future development if need be.