

PLAN AND ZONING COMMISSION  
MEETING MINUTES  
November 1, 2022

**CALL TO ORDER:** The meeting was called to order at 7:00pm on Tuesday November 1, 2022.

**ROLL CALL:**

Members Present: Steve Briney, Robert DeAtley, Phillip Schaefer (arrived at 7:02pm), Bob Buchanan, Mike Buzicky, and Mandi Simeone

Members Absent: Earl Seamands

Others Present: Village Administrator Patrick Brown, Village Attorney Joe Chamley 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 no written comments were submitted.

**MINUTES:** August 2, 2022

Mr. DeAtley stated a revised set of minutes was provided to the Commission. Revisions were to correct minor typos.

Abby Heckman stated the online packet was updated with the revised minutes.

Simeone moved to approve August 2, 2022 as presented. Buzicky seconded the motion. ROLL CALL. 5-0-1. Briney abstained. Motion Passed.

Mr. Schaefer arrived at 7:02pm.

**PUBLIC HEARING(S):**

ZA2022-05: TODD AND CONNIE LAFOND

A RESOLUTION CONCERNING A REZONING FOR 0.49± ACRE OF LAND FROM R-1A SINGLE-FAMILY RESIDENTIAL TO R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT LOCATED ON THE EAST SIDE OF COLONY GROVE APPROXIMATELY 410 FEET SOUTH OF W STATE STREET, COMMONLY KNOWN AS 702 COLONY GROVE

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

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

Abby Heckman presented information provided in the staff memo.

Mr. DeAtley asked if the petitioner wanted to speak, and no one came forward.

Mr. Schaefer asked Abby Heckman is there was any opposition.

Abby Heckman stated that she received a couple phone calls wanting clarifying information about the requested classification but no one stated or submitted anything in opposition. She stated that the allowed uses in both districts are essentially the same.

Mr. DeAtley asked if the petitioner or anyone else from the public would like to speak to the public hearing. No one came forward.

Buchanan moved to close the public hearing for ZA2022-05. Someone seconded the motion. ROLL CALL. 6-0. Motion Passed.

ZA2022-06: KYLE MITCHEM

A RESOLUTION CONCERNING A REZONING FOR 0.73± ACRE OF LAND FROM I-2 INDUSTRIAL TO C-2 GENERAL COMMERCIAL DISTRICT LOCATED ON THE WEST SIDE OF S DIVISION STREET AT THE NORTHWEST CORNER OF THE DIVISION AND WASHINGTON STREET INTERSECTION, COMMONLY KNOWN AS 609 S DIVISION STREET

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

Abby Heckman presented information provided in the staff memo.

Mr. DeAtley asked staff if any feedback was received from neighbors.

Abby Heckman stated surrounding properties within 250 feet were sent a courtesy notice as usual for rezonings. No calls or comments were received related to the rezoning.

Mr. Buchanan stated he has lived in the same subdivision since 1980. The property was the Mahomet Feed Store when he moved there, and the operator/owner lived on site. He stated it has been a residence for at least 40 years and there has never been any sort of problem with the residence for the neighborhood.

Mr. Schaefer stated he supported a business owner trying to live on the same site as their business.

Mr. Buzicky asked if the dwelling would be new.

Abby Heckman stated they plan to use the same dwelling that is already within the building. No new separate dwelling structure would be built.

Mr. DeAtley asked if the applicant would like to add anything, and no one came forward.

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

Schaefer moved to close the public hearing for ZA2022-06. Someone seconded the motion. ROLL CALL. 6-0. Motion Passed.

CU2022-04: KYLE MITCHEM

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ESTABLISH A RESIDENTIAL DWELLING ALONG WITH AN ANIMAL CLINIC / HOSPITAL FACILITY ON 0.73± ACRE OF LAND WITH PROPOSED C-2 GENERAL COMMERCIAL ZONING LOCATED ON THE WEST SIDE OF S DIVISION STREET AT THE NORTHWEST CORNER OF THE DIVISION AND WASHINGTON STREET INTERSECTION, COMMONLY KNOWN AS 609 S DIVISION STREET

Mr. DeAtley asked staff if there was anything else to add since the topic was also discussed with the previous public hearing.

Abby Heckman stated conditions can be added to a Conditional Use permit. Staff has prepared standard conditions and also added the Conditional Use is subject to approval of the rezoning request and only one dwelling is permitted in the resolution language staff has prepared.

Mr. DeAtley asked if the petitioner or anyone from the public that wanted to speak to the conditional use request.

Briney moved to close the public hearing for CU2022-04. Someone seconded the motion. ROLL CALL. 6-0. Motion Passed.

ZONING ORDINANCE TEXT AMENDMENT  
RESOLUTIONS CONCERNING TEXT AMENDMENTS RELATED TO AC CONSERVATION DISTRICT PERMITTED AND CONDITIONAL USES, SIGN DEFINITIONS, SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A PERMIT, AND TEMPORARY SIGNS.

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

Abby Heckman presented information provided in the staff memo. The text amendment was broken into two resolutions, one related to the AC district and one related to signs.

Mr. DeAtley asked if anyone from the public that wanted to speak to the text amendment. No one came forward.

Mr. Buzicky asked the reasoning behind the 16 square foot political sign.

Patrick Brown stated that staff felt like political candidates would not spend money for larger signs in residential areas and therefore it is somewhat self-regulating. You will likely see larger signs on properties that have frontage on higher traffic roads.

Abby Heckman stated the change would hopefully eliminate questions we have now about why certain properties get larger signs. This would make the rules even for all properties.

Buchanan moved to close the public hearing for the ZO text amendment. Someone seconded the motion. ROLL CALL. 6-0. Motion Passed.

**RESOLUTIONS and MOTIONS (TO BE ACTED UPON):**

ZA2022-05: TODD AND CONNIE LAFOND

A RESOLUTION CONCERNING A REZONING FOR 0.49± ACRE OF LAND FROM R-1A SINGLE-FAMILY RESIDENTIAL TO R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT LOCATED ON THE EAST SIDE OF COLONY GROVE APPROXIMATELY 410 FEET SOUTH OF W STATE STREET, COMMONLY KNOWN AS 702 COLONY GROVE

Mr. Buzicky asked what the intension of the land exchange was.

Abby Heckman stated that the intension, if the rezoning is approved, it for the effected properties to file for a Certificate of Exemption Subdivision. The intention of the Certificate of Exemption Subdivision is to exchange property between adjoining land that has already been subdivided.

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

Buchanan moved to grant ZA2022-05 with findings of fact as stated below. Someone seconded the motion. ROLL CALL. 6-0. Motion Passed.

**BE IT THEREFORE RESOLVED** this 1<sup>st</sup> day of November, 2022 by the Plan and Zoning Commission of the Village of Mahomet that:

- A. The Plan and Zoning Commission does hereby further set forth the following findings of fact concerning the requested zoning amendment:
1. The procedural requirements for zoning establishment or amendment **HAVE** been met.
  2. The proposed zoning **DOES** conform with the intent of the Village Comprehensive Plan.
  3. The proposed zoning **IS** consistent with the proposed use of the site.
  4. The proposed zoning **WILL** be compatible with the established land use pattern in the vicinity.
  5. The proposed zoning **DOES NOT** create an isolated, unrelated zoning district.
  6. The site **IS** suitable for the uses allowed in the proposed zoning district.
  7. The proposed zoning **WILL** be consistent with the health, safety and general welfare of the public.
  8. Major land uses in the neighborhood **HAVE NOT** changed since zoning was applied to this site.
  9. The proposed zoning **IS** consistent with the existing zoning designations in the surrounding area.
  10. The proposed zoning **WILL NOT** be contrary to the original purpose and intent of the Zoning Ordinance.
  11. The proposed zoning **WILL NOT** be injurious to the use and enjoyment of adjacent properties.
  12. The proposed zoning **WILL** promote the orderly development of the site and surrounding properties.
  13. The proposed zoning **WILL NOT** significantly adversely impact existing traffic patterns.
  14. Adequate facilities for municipal sanitary sewage disposal and water supply **ARE** available for the site.
  15. Adequate provisions for stormwater drainage **ARE** available for this site.
  16. The proposed zoning **WILL NOT** adversely impact police protection or fire protection.
  17. The proposed zoning **WILL NOT** significantly adversely impact schools or other public facilities.
  18. The proposed zoning **WILL NOT** conflict with existing public commitments for planned public improvements.
  19. The proposed zoning **WILL NOT** adversely influence living conditions in the immediate vicinity.
  20. The proposed zoning **WILL** preserve the essential character of the neighborhood in which it is located.
  21. The proposed change **WILL NOT** significantly alter the population density pattern.
  22. The value of adjacent property **WILL NOT** be diminished by the proposed zoning.
  23. The proposed zoning **WILL** enhance the value of the petitioner's property.
  24. The proposed zoning **WILL NOT** constitute an entering wedge affecting the use or development of adjacent property.
  25. If denied, the petitioner **WILL** suffer deterioration to his or her property value.
  26. The proposed zoning **DOES NOT** correct an error in the original zoning of this site.
  27. **NOT APPLICABLE** If the property is currently vacant, the length of time the property has remained vacant as zoned **HAS / HAS NOT** been considered in the context of land development in the area and in the vicinity of the subject property.
  28. The proposed change in zoning **WILL NOT** result in private investment that would be beneficial to the development or redevelopment of a vacant property or deteriorated neighborhood.
  29. There **IS** a need in the community for additional land within the requested zoning district.
  30. The proposed zoning **WILL NOT** adversely impact agricultural farming operations in the vicinity of this site.
  31. The proposed rezoning **IS** consistent with Village Comprehensive Plan policies concerning the protection of prime farmland when appropriate.
  32. The proposed rezoning **WILL NOT** result in long term adverse environmental consequences to natural areas and wildlife habitat.
  33. The LaSalle Factors for evaluation of zoning decisions **HAVE** been considered during the review of this proposed rezoning request.

- B. The Plan and Zoning Commission does hereby recommend that the Board of Trustees of the Village of Mahomet **GRANT** the requested zoning map amendment for the subject property from R-1A Single-Family Residential to R-1B Single-Family Residential district.

Abby Heckman stated for clarification that the cases tonight receive a recommendation to the Board of Trustees. The BOT will discuss at their study session in two (2) weeks. The first opportunity for final action will be at their regular meeting in three (3) weeks.

ZA2022-06: KYLE MITCHEM

A RESOLUTION CONCERNING A REZONING FOR 0.73± ACRE OF LAND FROM I-2 INDUSTRIAL TO C-2 GENERAL COMMERCIAL DISTRICT LOCATED ON THE WEST SIDE OF S DIVISION STREET AT THE NORTHWEST CORNER OF THE DIVISION AND WASHINGTON STREET INTERSECTION, COMMONLY KNOWN AS 609 S DIVISION STREET

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

Briney moved to grant ZA2022-06 with the findings of fact as stated below. Schaefer seconded the motion. ROLL CALL. 6-0. Motion Passed.

**BE IT THEREFORE RESOLVED** this 1<sup>st</sup> day of November, 2022 by the Plan and Zoning Commission of the Village of Mahomet that:

- A. The Plan and Zoning Commission does hereby further set forth the following findings of fact concerning the requested zoning amendment:
1. The procedural requirements for zoning establishment or amendment **HAVE** been met.
  2. The proposed zoning **DOES** conform with the intent of the Village Comprehensive Plan.
  3. The proposed zoning **IS** consistent with the proposed use of the site.
  4. The proposed zoning **WILL** be compatible with the established land use pattern in the vicinity.
  5. The proposed zoning **DOES NOT** create an isolated, unrelated zoning district.
  6. The site **IS** suitable for the uses allowed in the proposed zoning district.
  7. The proposed zoning **WILL** be consistent with the health, safety and general welfare of the public.
  8. Major land uses in the neighborhood **HAVE NOT** changed since zoning was applied to this site.
  9. The proposed zoning **IS** consistent with the existing zoning designations in the surrounding area.
  10. The proposed zoning **WILL NOT** be contrary to the original purpose and intent of the Zoning Ordinance.
  11. The proposed zoning **WILL NOT** be injurious to the use and enjoyment of adjacent properties.
  12. The proposed zoning **WILL** promote the orderly development of the site and surrounding properties.
  13. The proposed zoning **WILL NOT** significantly adversely impact existing traffic patterns.
  14. Adequate facilities for municipal sanitary sewage disposal and water supply **ARE** available for the site.
  15. Adequate provisions for stormwater drainage **ARE** available for this site.
  16. The proposed zoning **WILL NOT** adversely impact police protection or fire protection.
  17. The proposed zoning **WILL NOT** significantly adversely impact schools or other public facilities.
  18. The proposed zoning **WILL NOT** conflict with existing public commitments for planned public improvements.
  19. The proposed zoning **WILL NOT** adversely influence living conditions in the immediate vicinity.
  20. The proposed zoning **WILL** preserve the essential character of the neighborhood in which it is located.
  21. The proposed change **WILL NOT** significantly alter the population density pattern.
  22. The value of adjacent property **WILL NOT** be diminished by the proposed zoning.
  23. The proposed zoning **WILL** enhance the value of the petitioner's property.
  24. The proposed zoning **WILL NOT** constitute an entering wedge affecting the use or development of adjacent property.

25. If denied, the petitioner **WILL** suffer deterioration to his or her property value.
  26. The proposed zoning **DOES NOT** correct an error in the original zoning of this site.
  27. **NOT APPLICABLE** If the property is currently vacant, the length of time the property has remained vacant as zoned **HAS / HAS NOT** been considered in the context of land development in the area and in the vicinity of the subject property.
  28. The proposed change in zoning **WILL** result in private investment that would be beneficial to the development or redevelopment of a vacant property or deteriorated neighborhood.
  29. There **IS** a need in the community for additional land within the requested zoning district.
  30. The proposed zoning **WILL NOT** adversely impact agricultural farming operations in the vicinity of this site.
  31. The proposed rezoning **IS** consistent with Village Comprehensive Plan policies concerning the protection of prime farmland when appropriate.
  32. The proposed rezoning **WILL NOT** result in long term adverse environmental consequences to natural areas and wildlife habitat.
  33. The LaSalle Factors for evaluation of zoning decisions **HAVE** been considered during the review of this proposed rezoning request.
- B. The Plan and Zoning Commission does hereby recommend that the Board of Trustees of the Village of Mahomet **GRANT** the requested zoning map amendment for the subject property from I-2 Industrial to C-2 General Commercial district.

CU2022-04: KYLE MITCHEM

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ESTABLISH A RESIDENTIAL DWELLING ALONG WITH AN ANIMAL CLINIC / HOSPITAL FACILITY ON 0.73± ACRE OF LAND WITH PROPOSED C-2 GENERAL COMMERCIAL ZONING LOCATED ON THE WEST SIDE OF S DIVISION STREET AT THE NORTHWEST CORNER OF THE DIVISION AND WASHINGTON STREET INTERSECTION, COMMONLY KNOWN AS 609 S DIVISION STREET

Abby Heckman read through the conditions in the draft resolution prepared by staff.

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

Mr. Schaefer asked the Village Attorney to explain “public necessity”, referring to item f in the resolution.

Joe Chamley stated that it is a very broad term and could be that the needs of the few outweigh the detriment to the many so therefore the public benefit the petitioner receives outweighs any of the negative impacts of what they are trying to do. It could be in the public’s best interest to allow because there is no real downside to the public.

Mr. Schaefer stated that if it was good for the applicant and there is no negative impact to the community then we are all good.

Mr. DeAtley stated putting the owner/operator of the business in their business in the evening hours is a benefit to the neighborhood.

Mr. Buchanan asked the petitioner is they were planning to resume boarding of animals.

Kyle Mitchem stated they do not plan to board animals because there are other options here in town. He stated having 24-hour emergency services was a priority because those services are limited in this area.

Someone moved to grant CU2022-04 with the findings of fact as stated below. Buchanan seconded the motion. ROLL CALL. 6-0. Motion Passed.

**BE IT THEREFORE RESOLVED** this 1<sup>st</sup> day of November, 2022 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 residential dwelling when located with any use of the C-2 district 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. Approval of the requested zoning map amendment to change the property zoning from I-2 Industrial to C-2 General Commercial.
  - b. The establishment of one dwelling unit along with a permitted commercial use.
  - c. 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.
  - d. The site must comply with all applicable provisions of the Zoning Ordinance.
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 from the Village of Mahomet.
  - l. Adequate provisions for stormwater drainage **ARE NOT** 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** 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.

ZONING ORDINANCE TEXT AMENDMENT – AC CONSERVATION DISTRICT  
A RESOLUTION CONCERNING TEXT AMENDMENTS RELATED TO AC CONSERVATION DISTRICT PERMITTED AND CONDITIONAL USES.

The Commission and staff discussed properties in the Village currently zoned AC and AG.

Shaefer moved to recommend approval of the ZO text amendment related to AC with the findings of fact as stated below. Buzicky seconded the motion. ROLL CALL. 6-0. Motion Passed.

**BE IT THEREFORE RESOLVED** this 1<sup>st</sup> day of November 2022 by the Plan and Zoning Commission of the Village of Mahomet, Illinois, that:

- A. The Plan and Zoning Commission **DOES** hereby recommend that the Board of Trustees of the Village of Mahomet amend Chapter 152 (Zoning Code) of Title XV (Land Usage) of the Village Code of Mahomet, Illinois, as stated in the Zoning Ordinance Text Amendment - AC Conservation District dated November 1, 2022, which is attached as an exhibit and incorporated herein.
- B. The Plan and Zoning Commission **DOES** hereby further set forth the following findings of fact concerning the proposed Text Amendment:
  1. The proposed Text Amendment will amend permitted and conditional uses within the AC Conservation zoning district.
  2. The proposed Text Amendment promotes the public safety, health, convenience, comfort, morals, prosperity, and general welfare of the community.
  3. The proposed Text Amendment is consistent with the intent of the Village Zoning Ordinance and its various provisions.
  4. The procedural requirements for amendments set forth in the current Ordinance have been met.

ZONING ORDINANCE TEXT AMENDMENT - SIGNS  
A RESOLUTION CONCERNING TEXT AMENDMENTS RELATED TO SIGN DEFINITIONS, SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A PERMIT, AND TEMPORARY SIGNS.

The Commission and staff discussed details of temporary signs and when Beacon lights could be used.

Buzicky moved to recommend approval of the ZO text amendment related to signs with the findings of fact as stated below. DeAtley seconded the motion. ROLL CALL. 6-0. Motion Passed.

**BE IT THEREFORE RESOLVED** this 1<sup>st</sup> day of November 2022 by the Plan and Zoning Commission of the Village of Mahomet, Illinois, that:

- A. The Plan and Zoning Commission **DOES** hereby recommend that the Board of Trustees of the Village of Mahomet amend Chapter 152 (Zoning Code) of Title XV (Land Usage) of the Village Code of Mahomet, Illinois, as stated in the Zoning Ordinance Text Amendment - Signs dated November 1, 2022, which is attached as an exhibit and incorporated herein.
- B. The Plan and Zoning Commission **DOES** hereby further set forth the following findings of fact concerning the proposed Text Amendment:

1. The proposed Text Amendment will establish new and altered zoning language related to sign definitions, temporary signs and signs allowed without a permit.
2. The proposed Text Amendment promotes the public safety, health, convenience, comfort, morals, prosperity, and general welfare of the community.
3. The proposed Text Amendment is consistent with the intent of the Village Zoning Ordinance and its various provisions.
4. The procedural requirements for amendments set forth in the current Ordinance have been met.

**COMMISSIONER / STAFF COMMENTS: NEXT PZC MEETING – DECEMBER 6, 2022**

Mr. DeAtley stated there are very bright signs that scrolls at the Hatcher's location or just south of Hatcher's. He stated that he thought the State has regulations that prevent scrolling and flashing.

Mr. Buchanan stated the lettering shines red which blends with the red stop light at US150.

Abby Heckman stated she would check with the Code Compliance officer.

Ms. Simeone asked about moving the PZC meeting time to 6pm.

Patrick Brown asked if the Commission was in favor of moving the time from 7pm to 6pm.

No one stated they were against the time change.

Abby Heckman stated that staff would propose it to the Board of Trustees who would vote to make the change in December for the following year.

**ADJOURN:**

Someone moved to adjourn the meeting. Schaefer seconded the motion. ROLL CALL. 6-0. The meeting was adjourned at 8:11 pm.

Respectfully,  
Abby Heckman, Planner