



**Plan and Zoning Commission
7:00 p.m. Tuesday, November 1, 2022
Village of Mahomet - Administrative Office
Meeting Viewing Available Via Zoom**

Join Zoom Meeting
<https://us02web.zoom.us/j/87434853070?pwd=VTNEaWlrRGRXcGt3WkRoeGxXOHJWUT09>
Meeting ID: 874 3485 3070
Passcode: 61853

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 November 1, 2022 or by email submission to Abby Heckman, ahheckman@mahomet-il.gov no later than 4:30 pm on November 1, 2022 to ensure placement of such comments in the official record of the meeting. PUBLIC COMMENT NOT PERMITTED VIA VIDEO OR AUDIO.

4. MINUTES: AUGUST 2, 2022

5. 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

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

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

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.

6. 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

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

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

ZONING ORDINANCE TEXT AMENDMENT – AC CONSERVATION DISTRICT

A RESOLUTION CONCERNING TEXT AMENDMENTS RELATED TO AC CONSERVATION DISTRICT
PERMITTED AND CONDITIONAL USES.

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.

7. COMMISSIONER / STAFF COMMENTS:

NEXT PZC MEETING – DECEMBER 6, 2022

8. ADJOURN

PLAN AND ZONING COMMISSION
MEETING MINUTES - DRAFT
August 2, 2022

CALL TO ORDER: The meeting was called to order at 7:00pm on Tuesday August 2, 2022.

ROLL CALL:

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

Members Absent: Steve Briney and 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.

MINUTES: June 7, 2022

Mr. DeAtley stated he had a correction to the minutes; on page 4 the word option should be opinion.

Abby Heckman stated she also found a correction on page 2, halfway down the paragraph it says are but should be our. The correction was made in the version shown on the screen.

Mr. DeAtley stated if there were no other corrections or clarifications to the draft minutes, he would entertain a motion.

Schaefer moved to approve June 7, 2022 minutes with the corrections as mentioned. Simeone seconded the motion. ROLL CALL. 4-0-1. Buchanan abstained. Motion Passed.

PUBLIC HEARING(S):

CU2022-03: JODI AND ADAM KIMBALL

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ALLOW AN INDOOR / OUTDOOR SELF-STORAGE FACILITY WITH SUPPLEMENTAL ACCESSORY COMMERCIAL USES ON 0.97± ACRES OF LAND ZONED C-2 GENERAL COMMERCIAL LOCATED ON THE SOUTH SIDE OF CLARK STREET AT THE INTERSECTION WITH PRAIRIEVIEW ROAD, COMMONLY KNOWN AS 809 S PRAIRIEVIEW ROAD, FORMERLY THE HIDEAWAY RESTAURANT

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

Mr. DeAtley asked Abby Heckman to provide an overview of the case.

Abby Heckman presented information provided in the staff memo.

Mr. DeAtley asked what staff meant by faux garage doors in the conditions.

Abby Heckman stated that sometimes indoor storage facilities will paint fake garage doors on the outside even though there is no direct access to the storage units from the exterior of the building.

Mr. Schaefer asked what prompted the neighbor to complain.

Abby Heckman stated the neighboring property to the south is residential and that they were concerned about new concrete being poured close to their property.

Adam Kimball stated he spoke with the neighbor and they have agreed to put up a privacy fence.

Dennis Krutsinger stated he lives next door with his father. He stated they are already seeing people in our yard from this business. Trespassing of kids and construction materials have been in our yard. He stated he thinks the fence should run the entire south property line. Last week there were people there almost every night. He is concerned about the garbage. He is concerned about the mixed use on the east parking lot because traffic will turn down the frontage road and park along the frontage road then drive into our driveway to turn around to get back out. He stated he was concerned about the condition of the Clark Street-frontage road intersection. He thinks the privacy fence will help. He thinks people aren't necessarily trespassing on purpose, they just don't know where the line is.

Mr. Schaefer asked if the petitioner agreed to the conditions presented by staff.

Abby Heckman stated no, staff prepares recommended conditions for presentation to the PZC then the PZC decides what conditions are appropriate.

Joe Chamley stated there is no agreement. Staff makes recommendations to the PZC and the PZC can add or remove any conditions prior to sending their recommendation to the Board of Trustees.

Abby Heckman stated the PZC can direct staff to make any changes to the draft resolution which was prepared with the staff recommended language. The fencing was addressed in the draft conditions, but the language does not address fencing along the entire property line so if that is important then the language would need to be altered. The draft conditions include language that requires a landscape bed along the east property line to deter people from being able to parking along frontage road and walk directly to the parking lot.

Mr. DeAtley asked if it would be appropriate to add to the language about the privacy fence that it has to be maintained while the south property remains in residential use.

Abby Heckman stated that seemed like a reasonable stipulation.

Mr. DeAtley asked the petitioner if he had anything else to add.

Adam Kimball stated staff did a good job presenting the information. He explained other development happening in the area and the condition of the former Hideaway restaurant building. He would like to do climate-controlled storage in the building which would supplement the non-climate-controlled storage under construction west of the site north of Clark Street. He stated they did try to rekindle the restaurant idea but did not have any luck. It is a very large building, 7600 square feet. He said they have a waiting list for self-storage.

Jodi Kimball stated they wanted another restaurant and people in the area know the Hideaway name, so they decided to keep the name and want to make that corner attractive. They have removed dead trees and plan to install new landscaping and improved lighting. The building has already been painted. They would be open to in the future converting it back to a restaurant.

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

Someone moved to close the public hearing for CU2022-03. Buchanan seconded the motion. ROLL CALL. 5-0. Motion Passed.

ZA2022-04: TIN CUP MANAGEMENT LLC (QUENTIN MCNEW)

A RESOLUTION CONCERNING A REZONING FOR 7.35± ACRES OF LAND FROM C-1 NEIGHBORHOOD COMMERCIAL AND C-2 GENERAL COMMERCIAL DISTRICTS TO R-1B SINGLE-FAMILY RESIDENTIAL AND R-1C SINGLE-FAMILY RESIDENTIAL DISTRICTS LOCATED ON THE SOUTH SIDE OF TIN CUP ROAD APPROXIMATELY 1,300 FEET EAST OF THE TIN CUP ROAD AND LAKE OF THE WOODS ROAD INTERSECTION, COMMONLY KNOWN AS 1715 TIN CUP ROAD

Mr. DeAtley asked Abby Heckman to provide an overview of the case.

Abby Heckman presented information provided in the staff memo.

Quentin McNew addressed feedback from previous rezoning request. He stated that he should have communicated with the Fox Run neighborhood earlier to address their complaints prior to the previous rezoning. He has communicated with Fox Run residents and stated this rezoning would be all single-family residential. He will provide a strip of green space buffer with the existing tree line. He stated the new neighborhood would have its own entrance.

Erin Kessler stated she wanted to publicly thank Quentin for reworking his plan, he really went out of his way to work with the Fox Run residents. She lives at 101 Fox Run Drive and the changes he made really impacted her property.

Danny Stites stated he appreciated the rework of the project. He stated the project serves the community and our neighborhood in a thoughtful way. He said heat was put on Quentin unfairly due to issues with the school district. He stated he appreciated Quentin's vision for the rest of the property.

Mr. DeAtley asked if there was anyone else that wanted to speak.

Dianne Curry stated she lives on the lot south of the Fox Run pool. She asked what she should expect on the lot that will be adjacent to her property.

Abby Heckman explained the zoning and setbacks for the lot that would be adjacent.

Quentin McNew stated the rezoning area was reduced from the previous request and explained the configuration.

Abby Heckman stated there will be a cul-de-sac that would be seen from the rear of your property.

Amanda Wallace, 1715 Tin Cup Road, stated she wanted to thank the commission and others. She stated concerns from the previous meeting. She stated that Quentin's current project addressed concerns of the community. She stated the Tin Cup Campground was a good place for the community to connect with events that bring artisans and members of the public together. She thanked the commission for their openness, consideration, and time.

Mr. DeAtley asked if there was anyone else that wanted to speak.

Buchanan moved to close the public hearing for ZA2022-04. Buzicky seconded the motion. ROLL CALL. 5-0.
Motion Passed.

RESOLUTIONS and MOTIONS (TO BE ACTED UPON):

CU2022-03: JODI AND ADAM KIMBALL

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ALLOW AN INDOOR / OUTDOOR SELF-STORAGE FACILITY WITH SUPPLEMENTAL ACCESSORY COMMERCIAL USES ON 0.97± ACRES OF LAND ZONED C-2 GENERAL COMMERCIAL LOCATED ON THE SOUTH SIDE OF CLARK STREET AT THE INTERSECTION WITH PRAIRIEVIEW ROAD, COMMONLY KNOWN AS 809 S PRAIRIEVIEW ROAD, FORMERLY THE HIDEAWAY RESTAURANT

Abby Heckman stated there is a prepared resolution with staff suggested language which can be change by the PZC.

Mr. DeAtley asked if the current building was compliant with zoning setbacks.

Abby Heckman stated the site was developed when it was in the County and approvals would have run through their office. The building itself would be considered legally non-conforming if it was approved by the County and now didn't comply with Village requirements. They would only need to comply if they were making exterior changes to the building location.

Mr. DeAtley stated the exterior concrete and interior work has already been done without a permit, so this puts the commission in an awkward position.

Adam Kimball apologized and stated there was confusion on his part on when a conditional use was needed.

Mr. DeAtley asked if the parking situation would be evaluated if other uses are established in the east parking lot.

Abby Heckman stated yes, as uses are added parking will be evaluated to make sure the minimum required spaces are maintained. Food trucks would follow our current guidelines for food trucks.

Mr. Schaefer stated the vehicles stored on-site needed to be licensed and asked who oversees that.

Abby Heckman stated checking licensing and registration of vehicles is overseen by the police department.

Mr. Schaefer asked the petitioner about plans for disposal of hazardous materials, vehicles and other dangerous items that are left or abandoned. He stated he has seen many storage sites with trash and other items piled outside and looked bad.

Adam Kimball stated they addressed that in the leasing and would have to enforce it.

Jodi Kimball stated they already have a dumpster and trash service on the site.

Mr. Schaefer asked if visibility of trash can be addressed by the commission.

Abby Heckman stated that current zoning ordinance language requires trash receptacles to be fully screened and not be visible from roadways.

Jodi Kimball stated they were committed to cleaning up any trash left behind on their property.

Abby Heckman stated there are current ordinance requirements which prohibit visible trash storage and would allow the Village to enforce.

Mr. Buzicky asked the petitioner to explain where they plan to install fencing on the south property line.

Adam Kimball stated he met with Dennis the neighbor a couple times and wants to be a good neighbor. He stated he has had a fencing company out and is waiting on pricing. He stated the exact location had not been worked out.

Abby Heckman went over the staff suggested language related to the fencing.

Mr. Buchanan stated he thinks the language should require fencing along the entire south property line.

Mr. DeAltey asked if the ordinance would require this to be screened.

Abby Heckman answered no there are no screening requirements that would require fencing to be installed on the south property line.

The commission and staff discussed the fencing and dumpster.

Mr. Buzicky asked about the stormwater in the area.

Abby Heckman stated the stormwater from the site goes into the public storm sewer along Clark Street then goes west.

Mr. Buzicky stated the intersection of Clark Street and the frontage road was in very bad shape.

Patrick Brown stated the intersection has been looked at and there does need to be better access to properties to the south, but it is unlikely to change from the frontage road until all of the properties in the area are commercial and better access can be established.

Mr. Buchanan asked if there were plans to add additional exterior lighting for security.

Abby Heckman stated they needed a building permit and as part of that review any non-compliant lighting would need changed over to comply with Village requirements.

Mr. DeAtley stated he thought the only outstanding item is number 12.

Abby Heckman suggested replacement language for number 12 as follows, A privacy fence of at least six (6) feet in height must be installed along the southern property line of lot 1 of Borchers Subdivision from the southeast corner of the front/east parking lot to the southwest corner of the property, a distance of approximately 307 feet. A building permit must be obtained prior to installation of fencing. The fence must be maintained as long as the property to the south remains in residential use.

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

Buchanan moved to approve CU2022-03 with the conditions and findings of fact as stated below. Schaefer seconded the motion. ROLL CALL. 5-0. Motion Passed.

BE IT THEREFORE RESOLVED this 2nd day of August, 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 indoor self-storage, outdoor self-storage, and supplemental accessory commercial uses 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. Storage must be limited to the inside of the existing building and exterior storage limited to licensed/registered vehicles or licensed/registered towable vehicles located on the west lot land area (Borchers Subdivision Replat lot 101).
 - b. No storage of semi-truck or trailers over 47 feet long.
 - c. No water/electric connections permitted to any stored RV units.
 - d. Rear/west parking lot (Borchers Subdivision Replat lot 101) must be fully publicly accessible from Clark Street with no entry gates or barriers to assure Clark street remains unencumbered by stalled, entering and exiting traffic unless the fence system is configured so there is an on-site holding lane of at least 60 feet from the right of way line. Any fencing/gate installation must obtain a building permit prior to installation.
 - e. Building must have appropriate ADA access and routing from parking lots. Plans must be sealed by an architect and/or engineer and submitted for review with the building permit application for the interior building changes.
 - f. The outside of the facility cannot be painted with false storage doors. Exterior walls and trim work will remain in neutral and earthy colors. Each wall/facade must be one color and trim the same or a second color. The four facades do not need to be the same.
 - g. Wall signs must comply with Village ordinances, but no signage is permitted on the southern side of the building facing the existing residentially used property.
 - h. The existing freestanding, ground mounted sign structure must be removed/moved from the site visibility triangle.
 - i. One freestanding sign is permitted along the east side frontage provided it complies with the standard freestanding sign requirements and no interstate-oriented sign is permitted. No structure other than a support post is permitted within the visibility triangle.
 - j. Lighting must be fully shielded or dark sky compliant and comply with any other related Village ordinances.
 - k. One way arrows must be painted on the southern access route with a supplemental "one way" or "do not enter" sign. A site circulation plan must be submitted for review and approval by Village staff. Parking lot marking and signage must be installed prior to a building Occupancy permit being issued for the interior fit out.
 - l. A privacy fence of at least six (6) feet in height must be installed along the southern property line of lot 1 of Borchers Subdivision from the southeast corner of the front/east parking lot to the southwest corner of the property, a distance of approximately 307 feet. A building permit must be obtained prior to installation of fencing. The fence must be maintained as long as the property to the south remains in residential use.

- m. 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.
 - n. 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 Sangamon Valley Public Water District.
 - 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.

ZA2022-04: TIN CUP MANAGEMENT LLC (QUENTIN MCNEW)

A RESOLUTION CONCERNING A REZONING FOR 7.35± ACRES OF LAND FROM C-1 NEIGHBORHOOD COMMERCIAL AND C-2 GENERAL COMMERCIAL DISTRICTS TO R-1B SINGLE-FAMILY RESIDENTIAL AND R-1C SINGLE-FAMILY RESIDENTIAL DISTRICTS LOCATED ON THE SOUTH SIDE OF TIN CUP ROAD APPROXIMATELY 1,300 FEET EAST OF THE TIN CUP ROAD AND LAKE OF THE WOODS ROAD INTERSECTION, COMMONLY KNOWN AS 1715 TIN CUP ROAD

Mr. Buzicky asked about the roadway connections with Fox Run Subdivision.

Bryan Bradshaw stated the north south street in the development would connect with Huntleigh Drive, Hillcrest will not be connected. Any future connection to Katelyn Lane would require approval from the Village.

Abby Heckman any future connection would require an Area General Plan approval.

Bryan Bradshaw went over the street connections.

Mr. Buzicky asked if staff agreed with Hillcrest Court just ending.

Abby Heckman stated that normally we would like to see a cul-de-sac or a turnaround of some sort, but right Hillcrest Court provides access to one home and one of the accesses for the neighborhood pool. The neighborhood has a basketball goal at the end of the street and uses it recreationally and for parking for pool use. My understanding is that the neighborhood likes it the way it is, and the use is very limited to only the one home or the pool. There is no intention to vacate the right-of-way because it can serve as a snow hold which helps the Village with maintenance activities.

Mr. DeAtley asked for explanation of the requested intersection waiver.

Bryan Bradshaw stated the request was to reduce development costs since the developer has gone over and above what is required. The request is also to allow flexibility for future connections going west.

Abby Heckman stated the right-of-way reserve would be addressed in the recorded covenants for the subdivision.

Ms. Simeone asked how many lots would be created.

Quentin McNew answered 22 home lots.

Ms. Simeone asked the difference between R1A and R1B zoning.

Abby Heckman went over the lot standards for both zoning districts.

Mr. Buzicky asked what the stormwater management plans would be.

Bryan Bradshaw stated the detention basin would be located to the west on the Tin Cup Campground property. There will be an easement on the plat for the dry detention basin.

Mr. Buzicky asked if staff had any other comments from the public.

Abby Heckman stated she spoke informally with a couple people, but no comments or concerns were provided.

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

Schaefer moved to approve ZA2022-04 with the findings of fact as stated below. Buzicky seconded the motion. ROLL CALL. 5-0. Motion Passed.

BE IT THEREFORE RESOLVED this 2nd day of August, 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 from Sangamon Valley Public Water District, subject to its construction standards.
 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. If the property is currently vacant, the length of time the property has remained vacant as zoned HAS 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 C-1 Neighborhood Commercial and C-2 General Commercial districts to R-1B Single-Family Residential and R-1C Single-Family Residential districts.

Abby Heckman stated for clarification to those in attendance, the PZC makes a recommendation to the BOT. The BOT makes the final decision on the cases heard tonight. They will hear the cases at their study session in two weeks and then a final decision could be made at the regular board meeting in three weeks.

MAP2022-01: TIN CUP EAST FIRST SUBDIVISION (PRELIMINARY PLAT)
A RESOLUTION CONCERNING A PRELIMINARY PLAT ON 6.94± ACRES OF LAND LOCATED ON THE SOUTH SIDE OF TIN CUP ROAD APPROXIMATELY 1,300 FEET EAST OF THE TIN CUP ROAD AND LAKE OF THE WOODS ROAD INTERSECTION, COMMONLY KNOWN AS 1715 TIN CUP ROAD

Mr. DeAtley asked Abby Heckman to provide an overview of the case.

Abby Heckman presented information provided in the staff memo but many of the issues were discussed with the previous rezoning case. This plat is dependent on approval of the rezoning request because it has only been evaluated based on the proposed zoning. Eight waivers have been requested to support the plat as presented.

Mr. Schaefer asked if staff supported the waivers requested.

Abby Heckman stated staff supported the requested waivers.

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

Schaefer moved to approve MAP2022-01 preliminary plat and grant all of the requested waivers with the findings of fact as stated below. Someone seconded the motion. ROLL CALL. 5-0. Motion Passed.

BE IT THEREFORE RESOLVED this 2nd day of August, 2022 by the Plan and Zoning Commission of the Village of Mahomet, Illinois, that:

- A. The Plan and Zoning Commission does hereby recommend APPROVAL by the Board of Trustees of the Preliminary Plat of Tin Cup East First Subdivision, and hereby authorizes the Chairman to sign the Certificate of said Plat indicating said action upon completion of modifications identified by Village staff.
- B. The Plan and Zoning Commission does hereby further recommend the following actions concerning waivers from the standards and procedures of the Subdivision Ordinance requested for the Preliminary Plat of Tin Cup East First Subdivision:
1. GRANT Waiver of requirement to continue/extend the existing right of way and street pavement of Hillcrest Court and allow Hillcrest to remain and end as a stub street.
 2. GRANT Waiver of the requirement for a permanent cul-de-sac right of way width dedication and associated pavement construction standards at the southern end of the subdivision and allow the construction of a concrete cul-de-sac pavement via an off-site recorded easement.
 3. GRANT Waiver of half street roadway improvements for Tin Cup Rd because the road is a County Highway.
 4. GRANT Waiver for the west extension (west of Dream Drive) of right of way and street pavement for Huntleigh Drive and allow a future right-of-way reservation in a commons area.

5. GRANT Waiver to allow the construction of a four-leg at the Dream Drive and Huntleigh Drive intersection in lieu of a three-leg to facilitate easier future street extension westerly.
 6. GRANT Waiver to allow water and sanitary sewer service to be provided by Sangamon Valley Public Water District.
 7. GRANT Waiver to allow overland flow length to exceed 600ft along the rear of lots 111 to 119.
 8. GRANT Waiver to allow the delayed submission of an Area General Plan until a second phase of the subdivision is submitted.
- C. The approval of the Preliminary Plat recommended above is further subject to the following conditions:
1. Submission of all supporting documentation in proper form.
 2. Revision of the Preliminary Plat to incorporate the Village staff technical review comments.
 3. The related rezoning request (ZA2022-04) is approved to assure all presented lots are compliant.
- D. In the event that the modifications to the Preliminary Plat are not completed, the outside agency review is not completed, all required supporting documents are not submitted in final form, the zoning is not approved, or the conditions set forth above are not met within 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 – SEPTEMBER 6, 2022

Abby Heckman asked for the PZC to let staff know if they cannot make the September meeting.

Mr. Buchanan stated there is a light at Mahomet Car Connection that shines down Oak Street.

Abby Heckman stated she would let the Code Compliance office know and staff will look into it.

Mr. Buzicky stated he was glad to see the developer and neighbors could work things out.

ADJOURN:

Simeone moved to adjourn the meeting. Buchanan seconded the motion. ROLL CALL. 5-0. The meeting was adjourned at 8:59 pm.

Respectfully,
Abby Heckman, Planner



**Plan and Zoning Commission
Staff Report
Meeting November 1, 2022**

FROM: Abby Heckman, Planner
Community Development Department

PROJECT: Rezoning – ZA2022-05: 702 Colony Grove

PETITIONER: Todd and Connie Lafond (owner)

PUBLIC HEARING / PROCEDURAL ISSUES:

The Plan and Zoning Commission (PZC) is required to hold a public hearing upon request for a Zoning Map Amendment. The public hearing is scheduled for November 1, 2022 at 7:00pm. Public hearings can be closed or continued to another meeting without any action on the case. Public notice was published in the News-Gazette on October 16, 2022. Courtesy notice letters were sent via USPS to property owners within 250 feet of the rezoning boundary. The PZC acts in an advisory role to the Board of Trustees (BOT) regarding zoning map amendments. The PZC is asked to make a recommendation to the BOT concerning rezoning requests. A draft resolution is attached for consideration by the PZC. The BOT will approve or deny the proposed zoning map amendment.

**REQUESTED ACTION: PUBLIC HEARING
RECOMMENDATION TO BOARD OF TRUSTEES (BOT)**

The petitioner has applied for and submitted all documentation in accordance with the Zoning Ordinance and requests consideration of the proposed zoning map amendment. The PZC is asked to consider all documents concerning the proposed zoning map amendment. The rezoning request includes 0.49± acre of land. Current zoning on the subject property is R-1A Single-Family Residential district. The proposed zoning is R-1B Single Family Residential district. The property owner would like to rezone the subject property to match the zoning of adjacent properties with the intention of exchanging land area with an adjoining lot owner.

SITE LOCATION / DETAILS: The subject property is located on the east side of Colony Grove approximately 410 feet south of W State Street, commonly known at 702 Colony Grove. It is an existing developed lot with a single-family dwelling and associated accessory uses.

BACKGROUND: The subject property was created in 1960 as Lot 8 of Colony Grove Subdivision. The subject property was annexed into the Village in 1985. At the time of this annexation, all properties annexed into the Village came in as the default RS (currently R-1A) zoning.

CONFORMANCE TO COMPREHENSIVE PLAN: The Village of Mahomet Comprehensive Plan currently designates this site as part of the West Mahomet functional framework area which is characterized by traditional single-family residential development both within the Village limits and outside of the Village limits. The Comprehensive Plan Land Use Plan shows Single-Family Detached Residential uses on this

site and adjacent lands. The Comprehensive Plan urges development which is compatible with adjacent existing and future land uses. The rezoning request is consistent with this principle.

LAND USE AND ZONING:

Direction	Current Land Use	Current Zoning
On-Site	Single-Family Residential	R-1A Single-Family Residential
North	Single-Family Residential	R-1A Single-Family Residential
South	Single-Family Residential	R-1A Single-Family Residential
East	Single-Family Residential	R-1B Single-Family Residential
West	Single-Family Residential	R-1A Single-Family Residential

CONFORMANCE TO ZONING ORDINANCE: The intent of the R-1B zoning district is to provide for detached single-family dwellings with related uses on standard sized lots and is intended to be the primary district customarily used for single-family residential uses under most situations. The permitted uses in R-1A and R-1B zoning districts are the same. The R-1B district allows a minimum lot size of 10,000 sq ft compared to a 20,000 sq ft minimum lot size in the R-1A. Of the 20 residential lots in Colony Grove Subdivision, 12 lots are below the 20,000SF minimum. The request is consistent with the intent of the proposed R-1B Single-Family Residential zoning classification. Village staff anticipates the need to rezone other properties within Colony Grove in the future to accurately reflect the use and sizes of the lots as they currently exist.

POLICE / FIRE PROTECTION: The Village of Mahomet Police Department currently provides police protection to this site and is approximately 1.3 miles from the police station. This property is within the Cornbelt Fire Protection District and is approximately 1.2 miles from the fire station.

SANITARY SEWER AND WATER FACILITIES: Public sanitary sewer and water services in this area are provided by the Village of Mahomet and currently serve this site. No change to existing services will result from this rezoning.

STREETS AND SIDEWALKS: The property fronts along Colony Grove. No sidewalks exist along Colony Grove. No change to the existing access to this site is proposed.

LASALLE FACTORS:

The Illinois Supreme Court has established a set of factors for evaluation of the constitutionality of zoning decisions. No single factor is controlling, and each case must be decided on its own facts although Illinois courts place substantial importance on the first factor.

1. The existing uses and zoning of nearby property.
2. The extent to which property values are diminished.
3. The extent to which the destruction of property value of the plaintiff promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner.
5. The suitability of the subject property for the zoned purposes

6. The length of time the property has been vacant as zoned considered in the context of land development in the area.
7. The care with which a community has undertaken to plan its land-use development.

These factors should be considered during the Commission's deliberations. The attached prepared resolution will address these factors for consideration by the Commission.

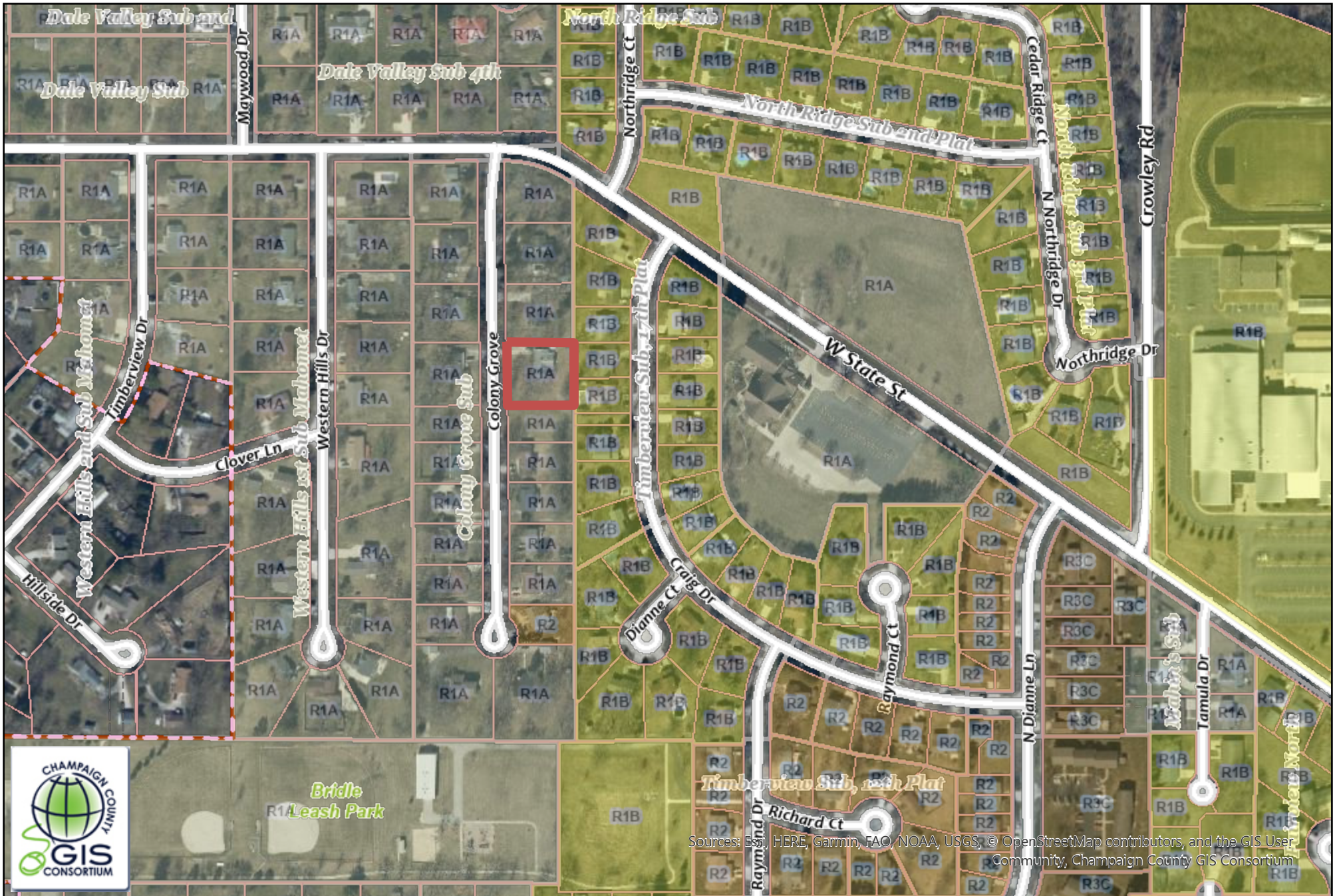
STAFF RECOMMENDATION

Village staff supports approval of the rezoning request. The proposed rezoning is consistent with existing and future expected uses in the area. The request is consistent with recommendations in the Comprehensive Plan and the intent of the proposed zoning district.

ATTACHMENTS:

- A) Aerial Location / Zoning Map
- B) Land Transfer Map
- C) Draft Resolution
- D) Application

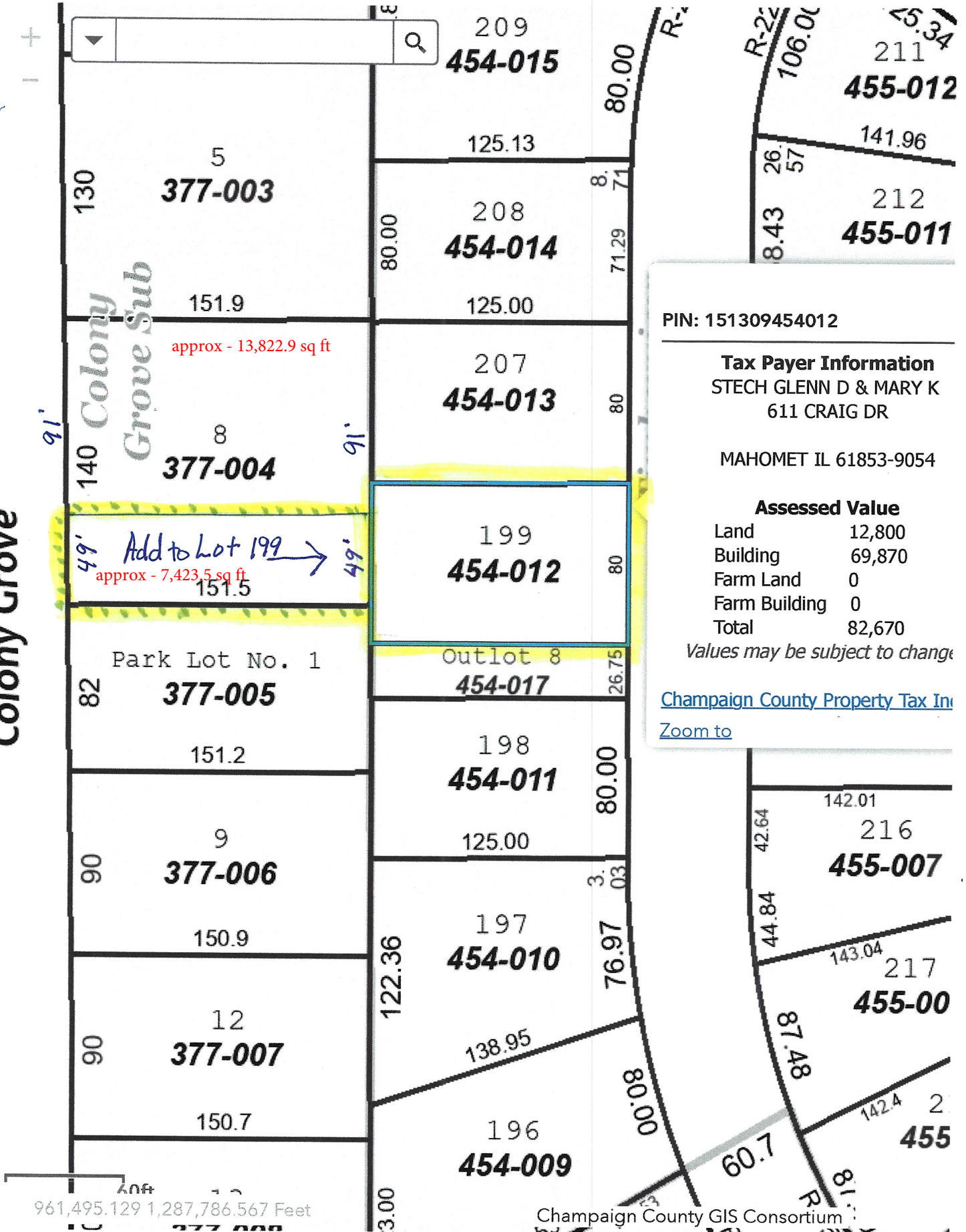
ZA2022-05 702 Colony Grove R1A to R1B



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium

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Colony Grove



PIN: 151309454012

Tax Payer Information
 STECH GLENN D & MARY K
 611 CRAIG DR

MAHOMET IL 61853-9054

Assessed Value

Land	12,800
Building	69,870
Farm Land	0
Farm Building	0
Total	82,670

Values may be subject to change

[Champaign County Property Tax In](#)

[Zoom to](#)

961,495.129 1,287,786.567 Feet

RESOLUTION FOR PLAN AND ZONING COMMISSION

Concerning Amending the Zoning Classification for 0.49± acres of land located on the east side of Colony Grove approximately 410 feet south of W State Street, commonly known at 702 Colony Grove from R-1A Single-Family Residential to R-1B Single-Family Residential district

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, Todd and Connie Lafond, has requested a zoning map amendment for the subject property from R-1A Single-Family Residential to R-1B Single-Family Residential; and,

WHEREAS, the subject property is located on the east side of Colony Grove approximately 410 feet south of W State Street, commonly known at 702 Colony Grove; and,

WHEREAS, the legal description for the property to be rezoned is as follows:

Lot 8 of Colony Grove Subdivision, as per plat recorded in Plat Book “M” at page 180, situated in Champaign County, Illinois.

WHEREAS, a Public Hearing concerning the proposed rezoning was held on November 1, 2022 by the Plan and Zoning Commission to solicit evidence and testimony from the public; and,

WHEREAS, the Village Planner, and Village Attorney provided the Village with technical and background information regarding the proposed rezoning; and,

WHEREAS, the Plan and Zoning Commission met and reviewed the evidence and testimony submitted and has considered all the available factual evidence concerning the requested action.

BE IT THEREFORE RESOLVED this 1st 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 / HAVE NOT** been met.
 2. The proposed zoning **DOES / DOES NOT** conform with the intent of the Village Comprehensive Plan.
 3. The proposed zoning **IS / IS NOT** consistent with the proposed use of the site.

4. The proposed zoning **WILL / WILL NOT** be compatible with the established land use pattern in the vicinity.
5. The proposed zoning **DOES / DOES NOT** create an isolated, unrelated zoning district.
6. The site **IS / IS NOT** suitable for the uses allowed in the proposed zoning district.
7. The proposed zoning **WILL / WILL NOT** be consistent with the health, safety and general welfare of the public.
8. Major land uses in the neighborhood **HAVE / HAVE NOT** changed since zoning was applied to this site.
9. The proposed zoning **IS / IS NOT** consistent with the existing zoning designations in the surrounding area.
10. The proposed zoning **WILL / WILL NOT** be contrary to the original purpose and intent of the Zoning Ordinance.
11. The proposed zoning **WILL / WILL NOT** be injurious to the use and enjoyment of adjacent properties.
12. The proposed zoning **WILL / WILL NOT** promote the orderly development of the site and surrounding properties.
13. The proposed zoning **WILL / WILL NOT** significantly adversely impact existing traffic patterns.
14. Adequate facilities for municipal sanitary sewage disposal and water supply **ARE / ARE NOT** available for the site.
15. Adequate provisions for stormwater drainage **ARE / ARE NOT** available for this site.
16. The proposed zoning **WILL / WILL NOT** adversely impact police protection or fire protection.
17. The proposed zoning **WILL / WILL NOT** significantly adversely impact schools or other public facilities.
18. The proposed zoning **WILL / WILL NOT** conflict with existing public commitments for planned public improvements.
19. The proposed zoning **WILL / WILL NOT** adversely influence living conditions in the immediate vicinity.
20. The proposed zoning **WILL / WILL NOT** preserve the essential character of the neighborhood in which it is located.

21. The proposed change **WILL / WILL NOT** significantly alter the population density pattern.
22. The value of adjacent property **WILL / WILL NOT** be diminished by the proposed zoning.
23. The proposed zoning **WILL / WILL NOT** enhance the value of the petitioner's property.
24. The proposed zoning **WILL / WILL NOT** constitute an entering wedge affecting the use or development of adjacent property.
25. If denied, the petitioner **WILL / WILL NOT** suffer deterioration to his or her property value.
26. The proposed zoning **DOES / DOES NOT** correct an error in the original zoning of this site.
27. 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 / 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 / IS NOT** a need in the community for additional land within the requested zoning district.
30. The proposed zoning **WILL / WILL NOT** adversely impact agricultural farming operations in the vicinity of this site.
31. The proposed rezoning **IS / IS NOT** consistent with Village Comprehensive Plan policies concerning the protection of prime farmland when appropriate.
32. The proposed rezoning **WILL / 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 / HAVE NOT** been considered during the review of this proposed rezoning request.
34. _____

B. The Plan and Zoning Commission does hereby recommend that the Board of Trustees of the Village of Mahomet **GRANT / DENY** the requested zoning map amendment for the

subject property from R-1A Single-Family Residential to R-1B Single-Family Residential district.

Chair, Plan and Zoning Commission
Village of Mahomet, Illinois

Case Name: ZA2022-05

**REQUEST FOR ZONING AMENDMENT
VILLAGE OF MAHOMET**

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: 09/30/2022 Date of Hearing: 11/01/2022

Date of Published Notice: 10/16/2022 Newspaper News-Gazette

Fee Paid – Receipt No.: Ck#: 4232 (Stech) Amount: \$300.00 Date: 10/11/2022

Legal Ad Cost: ck#100053 \$194.00 10/17/2022
Comments: (indicate other actions such as continuances) _____

Action by Board on Request: _____

NOTICE TO APPLICANTS

1. A Zoning Amendment is a zoning adjustment, which permits a change of district requirements where an individual or group of properties are both harshly and uniquely burdened by the strict application of the law. The power to alter zoning districts is limited. No Zoning Amendment will be granted which would adversely affect surrounding property or the general neighborhood. All zoning amendments must be in harmony with the intent and purposes of the Zoning Ordinance. The applicant must show that there is need and justification for the proposed amendment.
2. There will be no refund of application fee for any Zoning Amendment not granted or withdrawn.
3. No incomplete applications will be acted upon.
4. Granting a Zoning Amendment requires that the Village hold a Public Hearing regarding the request, and publication of a 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 is as timely a manner as is reasonably possible.

Case Name: ZA2022-05

ZONING AMENDMENT

DATA ON APPLICANT AND OWNER

Name of Applicant (s): Todd & Connie Lafond Phone: 217-841-2215

Address of Applicant (s): 702 Colony Grove, Mahomet IL 61853

Property Interest of Applicant: Owner
(Owner/Contract Purchases/Agent, etc.)

Name of Owner: Todd & Connie Lafond Phone: 217-841-2215

ADDRESS AND DESCRIPTION OF PROPERTY

Address: 702 Colony Grove, Mahomet IL 61853

Width of Lot: 140' Length of Lot: 151.5/151.9

Lot Area (Square Feet): 21,431.84 0.49AC Tax Parcel Number: 15-13-09-377-004

Legal Description: (or attach legal description) Lot 8 Colony Grove Subdivision

LAND USE AND ZONING

Present Zoning: R, A

Proposed Zoning: R, B

Present Land Use: Single family home

Proposed Land Use: Single family home

	Surrounding Zoning	Surrounding Land Use
North	<u>R, A</u>	<u>single family home</u>
South	<u>R, A</u>	<u>single family home</u>
East	<u>R, B</u>	<u>single family home</u>
West	<u>R, A</u>	<u>single family home</u>

Case Name: ZA2022-05

REASONS FOR REQUEST FOR ZONING AMENDMENT

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. Error in the present Ordinance to be corrected by the proposed change in the Ordinance (Explain fully):

No

2. Other circumstances which justify the Amendment (Explain Fully: Use of this property will not change.

(single family home & green space) Currently there are inconsistencies in Colony Grove Sub. Properties to the South are smaller than required. Properties to the South include several duplexes.

3. Does any violation of the Village of Mahomet Zoning Ordinance exist on the property at this time? YES _____ NO X If yes, how? _____

4. Is the subject property planned to be improved? No

When? DNA

What improvements are planned? DNA

What will be the actual use of the improvements _____

5. Will the grant of an Amendment in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Yes X No _____ Elaborate: _____

Property will remain green space and an existing single family home.

6. Have there been major land changes since zoning was applied in 1963 (i.e. new expressway, new development, etc.)? Yes _____ No X Elaborate: _____

Case Name: ZA2022-05

ZONING AMENDMENT

7. Would the proposed change create an isolated district unrelated to adjacent land use or zoning?
Yes _____ No X Elaborate: _____

8. Can the owner of the property realize an economic benefit from uses in accordance with existing zoning? Yes _____ No X Elaborate: Owners of this property (once this application is approved) plan to sever a portion of their lot and sell that portion to the owners of 611 Craig Dr. Those owners will absorb the section as part of their lot and use it as an extension of their yard for garden and green space.

9. Are there other sites available already zoned for the proposed use? Yes _____ No _____ Elaborate: _____

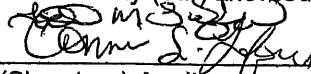
10. Additional comments by applicant: _____

SKETCH PLAN

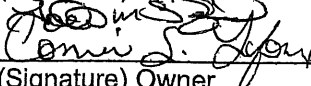
A) Is a scaled plot plan indicating the location of the premises and the nature of the variance attached.
Yes _____ No _____ (Application will not be processed without the required drawing)

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

9/3/2022
Date


(Signature) Owner

9/3/2022
Date



**Plan and Zoning Commission
Staff Report
Meeting November 1, 2022**

FROM: Abby Heckman, Planner
Community Development Department

PROJECT: Rezoning – ZA2022-06 and Conditional Use – CU2022-04
609 S Division Street

PETITIONER: Kyle Mitchem (owner)

PUBLIC HEARING / PROCEDURAL ISSUES:

The Plan and Zoning Commission (PZC) is required to hold a public hearing upon request for a Zoning Map Amendment and a Conditional Use permit. The public hearing is scheduled for November 1, 2022 at 7:00pm. Public hearings can be closed or continued to another meeting without any action on the case. Public notice was published in the News-Gazette on October 16, 2022. Courtesy notice letters were sent via USPS to property owners within 250 feet of the rezoning/conditional use boundary. The PZC acts in an advisory role to the Board of Trustees (BOT) regarding zoning map amendments and conditional uses. The PZC is asked to make a recommendation to the BOT concerning rezoning and conditional use requests. A draft resolution is attached for consideration by the PZC. The BOT will approve or deny the proposed zoning map amendment and conditional use.

**REQUESTED ACTION: PUBLIC HEARING
RECOMMENDATION TO BOARD OF TRUSTEES (BOT) – ZA2022-06
RECOMMENDATION TO BOARD OF TRUSTEES (BOT) – CU2022-04**

The petitioner has applied for and submitted all documentation in accordance with the Zoning Ordinance and requests consideration of the proposed zoning map amendment and conditional use. The PZC is asked to consider all documents concerning the proposed zoning map amendment and conditional use. The rezoning and conditional use request includes 0.73± acre of land. Current zoning on the subject property is I-2 Industrial district. The proposed zoning is C-2 General Commercial district. The property owner would like to rezone the subject property to be able to request a conditional use permit to reestablish a dwelling along with the animal clinic / hospital use currently operating on the site. The I-2 zoning district does not allow a dwelling as a permitted or conditional use.

SITE LOCATION / DETAILS: The subject property is located on the west side of S Division Street at the northwest corner of the Division and Washington Street intersection, commonly known at 609 S Division Street. It is an existing developed lot with a commercial building and associated accessory uses and structures.

BACKGROUND: The subject property was created in 1870 as Lot 1 of T.M. Brown's Addition Subdivision with additional land added after a reconfiguration of Hickory Street. The subject property was annexed

into the Village in 1910. Hill Animal Clinic operated for many years on this site and the property recently sold to the current owner who continues to operate a veterinary clinic.

CONFORMANCE TO COMPREHENSIVE PLAN: The Village of Mahomet Comprehensive Plan currently designates this site as part of the Middletown functional framework area which is characterized as the historic core of the community with a wide range of uses that contribute to the character of the neighborhoods. The Comprehensive Plan Land Use Plan shows Corridor Commercial uses on this site and Light Industrial uses on adjacent lands to the north and east. The Comprehensive Plan urges development which is compatible with adjacent existing and future land uses. The rezoning request is consistent with this principle.

LAND USE AND ZONING:

Direction	Current Land Use	Current Zoning
On-Site	Animal Clinic / Hospital	I-2 Industrial
North	Railroad ROW / Grain elevator	I-2 Industrial
South	Duplex – Two-Family Residential	R-2 Two-Family Residential
East	Corner FS – Auto Repair	I-2 Industrial
West	Single-Family Residential	R-2 Two-Family Residential

CONFORMANCE TO ZONING ORDINANCE: The intent of the C-2 zoning district is to provide for a wide range of retail, service, mixed, office and commercial uses and is intended as a moderate intensity commercial district for uses serving a community wide trade area. The C-2 and I-2 districts have many uses that are permitted in both districts. The animal clinic or animal hospital use is permitted in both districts but a dwelling is only allowed as a conditional use in the C-2 district.

SUITABILITY OF PROPOSED CONDITIONAL USE: The site is in a zoning transition area with industrial zoning adjacent to the north and east and residential zoning to the south and west. Down zoning the property to commercial with a dwelling conditional use appears to fit in a transition area. This site has operated as an animal care facility and has an existing apartment which was likely used by those caring for animals on the site overnight. Staff was unable to find any information on how or when the apartment was originally established. The current owner would like to live on-site for ease of caring for animals and obtain formal approval for the apartment dwelling. The apartment dwelling use along with an animal care facility seems appropriate given the need for overnight care of animals and should have minimal impact to the neighborhood considering the apartment has likely existed for many years without much notice. Village staff is unaware of any complaints regarding the apartment dwelling.

POLICE / FIRE PROTECTION: The Village of Mahomet Police Department currently provides police protection to this site and is approximately 0.3 miles from the police station. This property is within the Cornbelt Fire Protection District and is approximately 0.8 miles from the fire station.

SANITARY SEWER AND WATER FACILITIES: Public sanitary sewer and water services in this area are provided by the Village of Mahomet and currently serve this site. No change to existing services is expected as result from this rezoning/conditional use.

STREETS AND SIDEWALKS: The property fronts along Division, Hickory and Washington Streets. The property has existing driveway approach access from Hickory Street. No sidewalks exist along the frontages of this site. Existing sidewalk is along the east side of S Division Street, across Division Street from this property. No change to site access is proposed.

REZONING - LASALLE FACTORS:

The Illinois Supreme Court has established a set of factors for evaluation of the constitutionality of zoning decisions. No single factor is controlling, and each case must be decided on its own facts although Illinois courts place substantial importance on the first factor.

1. The existing uses and zoning of nearby property.
2. The extent to which property values are diminished.
3. The extent to which the destruction of property value of the plaintiff promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner.
5. The suitability of the subject property for the zoned purposes
6. The length of time the property has been vacant as zoned considered in the context of land development in the area.
7. The care with which a community has undertaken to plan its land-use development.

These factors should be considered during the Commission's deliberations. The attached prepared resolution will address these factors for consideration by the Commission.

CONDITIONAL USE STANDARDS: The standards set forth below may be assured through the imposition of specific conditions for the Conditional Use Permit. The Mahomet Zoning ordinance states in §152.120 C that Conditional uses must be planned in such a manner to assure that:

1. 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.
2. 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 with the neighborhood.
3. 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.
4. Adequate utilities access roads, drainage and/or other necessary facilities will be provided.
5. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The conditional use shall, in all respects, conform to the applicable regulations of the district in which it is located and the Board shall find that this is a public necessity.

VILLAGE STAFF RECOMMENDATION

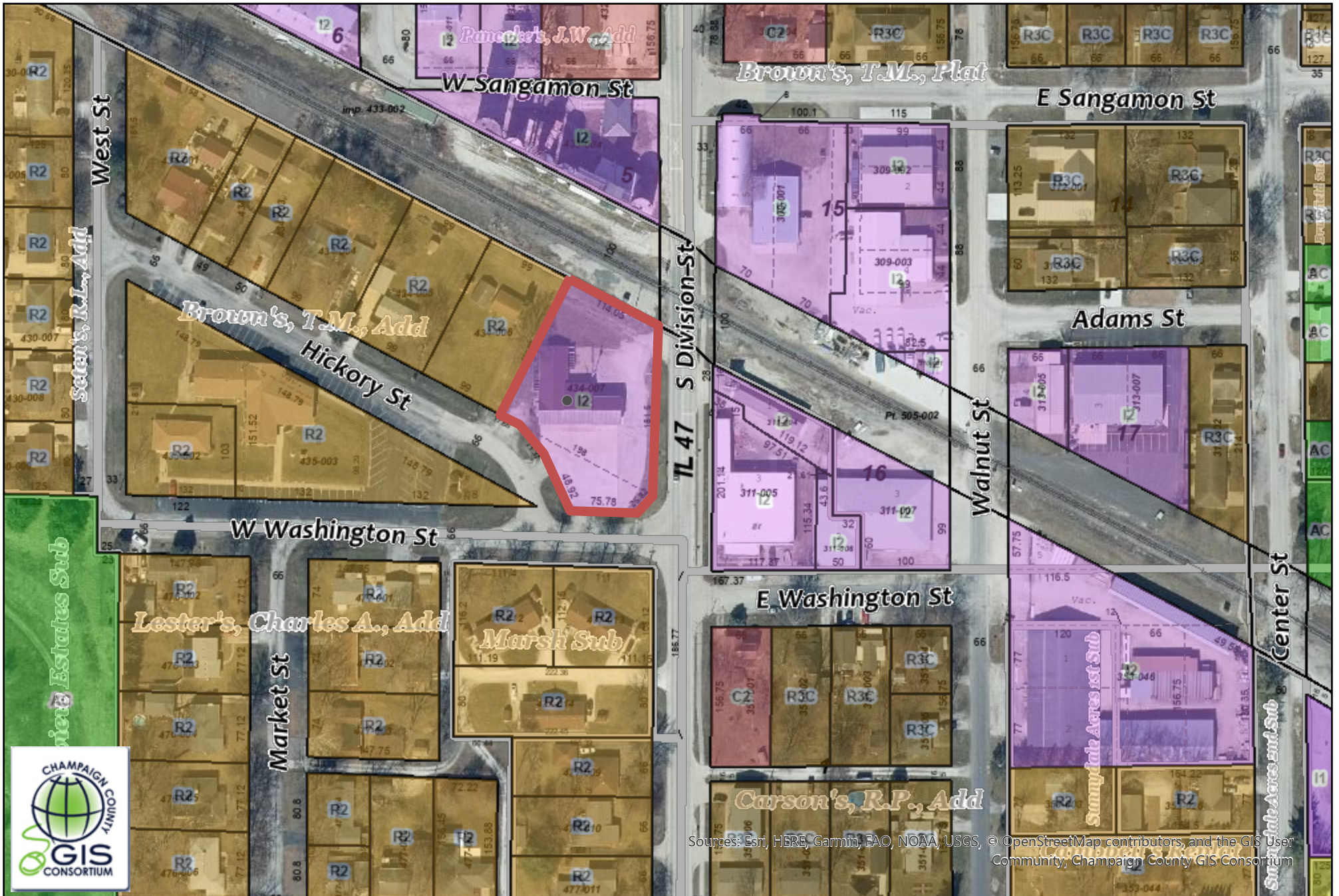
Village staff supports approval of the rezoning request. The proposed rezoning is consistent with existing and future expected uses in the area. The request is consistent with recommendations in the Comprehensive Plan and the intent of the proposed zoning district. A draft resolution is attached.

Village staff supports approval of the conditional use permit request. The proposed conditional use, a dwelling when located with any use of the C-2 district, is consistent with the conditional use standards as set forth in the Zoning Ordinance. As part of the attached draft resolution, staff has included conditions limiting approval to one dwelling unit and approval of the C-2 rezoning request along with standard conditions. The PZC would need to direct staff to alter the resolution to add any additional conditions.

ATTACHMENTS:

- A) Aerial Location / Zoning Map
- B) Zoning Ordinance text - C2 and I2 uses
- C) Draft Resolution – Rezoning
- D) Draft Resolution – Conditional Use
- E) Application – Rezoning
- F) Application – Conditional Use

ZA2022-06/CU2022-04 - 609 S Division St



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium

0.03

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§ 152.031 C-2 GENERAL COMMERCIAL DISTRICT.

The purpose of the C-2 General Commercial District is to provide for a wide range of retail, service, mixed, office and commercial uses. The C-2 District is intended as a moderate intensity commercial district for uses serving a community wide trade area.

(A) Permissive uses:

- (1) Assisted living retirement community;
- (2) Public park or playground;
- (3) Church;
- (4) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;
- (5) Golf course;
- (6) Bank or financial institution;
- (7) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, and other uses of a similar character;
- (8) Mortuary or funeral home;
- (9) Office or office buildings;
- (10) Personal service uses including barber shop, beauty parlor, photographic or art studio, newspaper, florist, laundry service, animal grooming and other uses of a similar character;
- (11) Nursery, pre-kindergarten, kindergarten, play, special and other private school or day care center;
- (12) General merchandise retail store, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning and processing on the premises;
- (13) Restaurants, cafeterias, bars and taverns, donut/bakery shop and other uses of a similar character;
- (14) Computer and personal electronics sales and repair;
- (15) Private indoor recreational or fitness facility;
- (16) Specialty retail store, such as apparel, jewelry, book, shoe, stationary, antique and other similar stores;
- (17) Automobile service station or gas station;
- (18) Bowling alley or billiard parlor;
- (19) Business, commercial or trade school;
- (20) Dancing or music academy;
- (21) Display and salesroom;
- (22) Hotel or motel;
- (23) Laboratory, research, experimental or testing;
- (24) Automobile repair shop;
- (25) Radio or television broadcasting station or studio;

- (26) Property rental or real estate agency;
- (27) Animal clinic or animal hospital;
- (28) Used or new car, trailer or boat sales or storage lot;

(29) Dyeing, cleaning, laundry, printing, painting, plumbing, tin-smithing, tire sales and service, upholstering and other general service or repair establishment of similar character. Not more than 10% of the lot or tract occupied by the establishment shall be used for the open and unenclosed storage of materials or equipment;

- (30) Grocery store;
- (31) Packaged food storage and/or distribution center;
- (32) Drive-through or drive-in facility, see standards in § 152.053;
- (33) Animal boarding;
- (34) Automobile/vehicle sales building/lot;
- (35) Medical, chiropractic, eye, or dental clinic;
- (36) Check-cashing or short term loan service;
- (37) Heating and air conditioning sales and service;
- (38) Theater, not including drive-in theater;
- (39) Private club or lodge;
- (40) Car wash;
- (41) Convenience store with or without gasoline sales;
- (42) Automobile parking lot, storage lot or parking garage;

(B) Conditional uses:

- (1) Farm implements, sale and repair;
- (2) Farm store or feed store, including accessory storage of liquid or solid fertilizer;
- (3) Drive-in theater;
- (4) Lumberyard and building materials storage or sales;
- (5) Bakery for off-site sales;
- (6) Bottling works;
- (7) Wholesale equipment or warehouse in a completely enclosed building;
- (8) Taxi or bus terminal;
- (9) Greenhouse incidental to retail sale;
- (10) Public utility substation;
- (11) Shopping center;
- (12) Mixed-use;
- (13) Self-service storage or mini-warehouse facility;
- (14) Towing service;

- (15) Woodworking shop;
- (16) Animal daycare;
- (17) Hospital;
- (18) Travel plaza or truck stop;
- (19) Mobile or modular home sales lot;
- (20) Landscaping contractor/business;
- (21) Commercial outdoor recreation;
- (22) Micro-brewery;
- (23) Dwelling, when located with any use of the C-2 District.

(Ord. passed 7-23-2002; Ord. 12-01-01, passed 1-24-2012; Ord. 17-09-02, passed 9-26-2017; Ord. 17-11-06, passed 11-28-2017)

§ 152.035 I-2 INDUSTRIAL DISTRICT.

The purpose of the I-2 Industrial District is to provide for the development of a mix of higher intensity commercial and moderate intensity industrial uses. These uses may produce significant off-site impacts. It is intended that other districts serve as transitional areas between this district and residential uses.

(A) Permissive uses:

- (1) Assisted living retirement community;
- (2) Public park or playground;
- (3) Church;
- (4) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;
- (5) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, and other uses of a similar character;
- (6) Mortuary or funeral home;
- (7) Office or office buildings;
- (8) Private school;
- (9) General merchandise retail store;
- (10) Private indoor recreational or fitness facility;
- (11) Automobile service station or gas station;
- (12) Bowling alley or billiard parlor;
- (13) Business, commercial or trade school;
- (14) Dancing or music academy;
- (15) Display and salesroom;
- (16) Frozen food locker;
- (17) Hotel or motel;

- (18) Laboratory, research, experimental or testing;
 - (19) Distribution or warehousing operations;
 - (20) Automobile repair shop;
 - (21) Radio or television broadcasting station or studio;
 - (22) Animal clinic or animal hospital;
 - (23) Animal boarding or animal daycare;
 - (24) Used or new vehicle, trailer or boat sales or storage;
 - (25) Packaged food storage and/or distribution center;
 - (26) Heating and air conditioning sales and service;
 - (27) Theater;
 - (28) Car wash;
 - (29) Convenience store with or without gasoline sales;
 - (30) Automobile parking lot, storage lot or parking garage;
 - (31) Automobile repair garages, but no auto junk yards;
 - (32) Farm machinery and equipment sales and repair;
 - (33) General service and repair establishments including dyeing and cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tinsmithing or appliance repair shop;
 - (34) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus;
 - (35) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dyes, machinery and hardware products;
 - (36) Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not slaughtering of poultry or animals;
 - (37) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics and printing and finishing of textiles and fibers into fabric goods;
 - (38) Manufacture of boxes, crates, furniture, baskets, veneer and other wood products of a similar nature;
 - (39) Generally those manufacturing uses similar to those listed in § 152.035(A) which do not create any more danger to health and safety in surrounding areas, and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with the industries of the type specifically permitted;
 - (40) Commercial outdoor recreation, general;
 - (41) Communication tower;
 - (42) Travel plaza or truck stop.
- (B) Conditional uses:
- (1) Automobile wrecking and storage;
 - (2) Salvage or junk yard;

- (3) Fertilizer manufacture (from organic matter);
- (4) Petroleum products terminal;
- (5) Wholesale storage of gasoline;
- (6) Public utilities substation;
- (7) Commercial outdoor recreation, concentrated;
- (8) Self-service storage or mini-warehouse facility;
- (9) Mixed use;
- (10) Kennel.

(Ord. passed 7-23-2002; Ord. 12-01-01, passed 1-24-2012; Ord. 17-09-02, passed 9-26-2017; Ord. 17-11-06, passed 11-28-2017; Ord. 20-12-01, passed 12-15-2020)

RESOLUTION FOR PLAN AND ZONING COMMISSION

Concerning Amending the Zoning Classification for 0.73± acres of land located on the west side of S Division Street at the northwest corner of the Division and Washington Street intersection, commonly known at 609 S Division Street from I-2 Industrial District to C-2 General Commercial district

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, Kyle Mitchem, has requested a zoning map amendment for the subject property from I-2 Industrial to C-2 General Commercial; and,

WHEREAS, the subject property is 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; and,

WHEREAS, the legal description for the property to be rezoned is as follows:

Lot 1 of T.M. Brown's First Addition to Mahomet, according to the Plat recorded in Deed Record 22 at Page 37, situated in the Village of Mahomet, in Champaign County, Illinois.

Also that portion of the public road vacated by Ordinance No. 01-7-1, recorded December 12, 2001 as Document No. 2001R36415, further described as follows:

A part of the Southeast Quarter of Section 16, Township 20 North, Range 7 East of the Third Principal Meridian, Village of Mahomet, Champaign County, Illinois, being more particularly described as follows:

Beginning at an iron pipe survey monument found at the Southeast Corner of Lot 1 of T.M. Brown's First Addition to Mahomet as filed for record in Deed Record 22 at Page 37 in the Office of the Recorder of Champaign County, Illinois, said survey monument found being at the intersection of the Northerly right-of-way line of Hickory Street and the West right-of-way line of Division Street (Illinois Route 47); Thence South 45 Degrees 58 minutes 36 seconds West, a distance of 26.82 feet to an iron pipe survey monument set; thence North 87 degrees 38 minutes 07 seconds West, a distance of 75.78 feet to an iron pipe survey monument set; thence North 87 degrees 38 minutes 07 seconds West, 48.92 feet to an iron pipe survey monument set; thence along a tangential circular curve concave to the Southwest having a radius of 131.40 feet, an arc distance of 71.37 feet, a chord length of 70.49 feet and a chord bearing of North 39 degrees 35 minutes 28 seconds West to an iron pipe survey monument set on the Southerly line of said Lot 1, said line also being the Northerly right-of-way line of said Hickory Street; thence South 62 degrees 25 minutes 20 seconds East along the Southerly line of said Lot 1, said line also being the Northerly right-of-way line of said Hickory Street, a distance of 180.34 feet to the point of

beginning, containing 5,250 square feet, more or less, all situated in the Village of Mahomet, Champaign County, Illinois.

WHEREAS, a Public Hearing concerning the proposed rezoning was held on November 1, 2022 by the Plan and Zoning Commission to solicit evidence and testimony from the public; and,

WHEREAS, the Village Planner, and Village Attorney provided the Village with technical and background information regarding the proposed rezoning; and,

WHEREAS, the Plan and Zoning Commission met and reviewed the evidence and testimony submitted and has considered all the available factual evidence concerning the requested action.

BE IT THEREFORE RESOLVED this 1st 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 / HAVE NOT** been met.
2. The proposed zoning **DOES / DOES NOT** conform with the intent of the Village Comprehensive Plan.
3. The proposed zoning **IS / IS NOT** consistent with the proposed use of the site.
4. The proposed zoning **WILL / WILL NOT** be compatible with the established land use pattern in the vicinity.
5. The proposed zoning **DOES / DOES NOT** create an isolated, unrelated zoning district.
6. The site **IS / IS NOT** suitable for the uses allowed in the proposed zoning district.
7. The proposed zoning **WILL / WILL NOT** be consistent with the health, safety and general welfare of the public.
8. Major land uses in the neighborhood **HAVE / HAVE NOT** changed since zoning was applied to this site.
9. The proposed zoning **IS / IS NOT** consistent with the existing zoning designations in the surrounding area.
10. The proposed zoning **WILL / WILL NOT** be contrary to the original purpose and intent of the Zoning Ordinance.

11. The proposed zoning **WILL / WILL NOT** be injurious to the use and enjoyment of adjacent properties.
12. The proposed zoning **WILL / WILL NOT** promote the orderly development of the site and surrounding properties.
13. The proposed zoning **WILL / WILL NOT** significantly adversely impact existing traffic patterns.
14. Adequate facilities for municipal sanitary sewage disposal and water supply **ARE / ARE NOT** available for the site.
15. Adequate provisions for stormwater drainage **ARE / ARE NOT** available for this site.
16. The proposed zoning **WILL / WILL NOT** adversely impact police protection or fire protection.
17. The proposed zoning **WILL / WILL NOT** significantly adversely impact schools or other public facilities.
18. The proposed zoning **WILL / WILL NOT** conflict with existing public commitments for planned public improvements.
19. The proposed zoning **WILL / WILL NOT** adversely influence living conditions in the immediate vicinity.
20. The proposed zoning **WILL / WILL NOT** preserve the essential character of the neighborhood in which it is located.
21. The proposed change **WILL / WILL NOT** significantly alter the population density pattern.
22. The value of adjacent property **WILL / WILL NOT** be diminished by the proposed zoning.
23. The proposed zoning **WILL / WILL NOT** enhance the value of the petitioner's property.
24. The proposed zoning **WILL / WILL NOT** constitute an entering wedge affecting the use or development of adjacent property.
25. If denied, the petitioner **WILL / WILL NOT** suffer deterioration to his or her property value.
26. The proposed zoning **DOES / DOES NOT** correct an error in the original zoning of this site.

27. 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 / 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 / IS NOT** a need in the community for additional land within the requested zoning district.
30. The proposed zoning **WILL / WILL NOT** adversely impact agricultural farming operations in the vicinity of this site.
31. The proposed rezoning **IS / IS NOT** consistent with Village Comprehensive Plan policies concerning the protection of prime farmland when appropriate.
32. The proposed rezoning **WILL / 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 / HAVE NOT** been considered during the review of this proposed rezoning request.
34. _____

B. The Plan and Zoning Commission does hereby recommend that the Board of Trustees of the Village of Mahomet **GRANT / DENY** the requested zoning map amendment for the subject property from I-2 Industrial to C-2 General Commercial district.

Chair, Plan and Zoning Commission
Village of Mahomet, Illinois

RESOLUTION FOR PLAN & ZONING COMMISSION

A Resolution Concerning a Conditional Use Permit for residential dwelling when located with any use of the 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 at 609 S Division 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, Kyle Mitchem, requested a conditional use permit be granted under the terms of the Village Zoning Ordinance to allow a residential dwelling when located with any use of the C-2 district on land located within the C-2 General Commercial District; and,

WHEREAS, the subject property is located on the west side of S Division Street at the northwest corner of the Division and Washington Street intersection and the legal description for the proposed Conditional Use Permit is as follows:

Lot 1 of T.M. Brown's First Addition to Mahomet, according to the Plat recorded in Deed Record 22 at Page 37, situated in the Village of Mahomet, in Champaign County, Illinois.

Also that portion of the public road vacated by Ordinance No. 01-7-1, recorded December 12, 2001 as Document No. 2001R36415, further described as follows:

A part of the Southeast Quarter of Section 16, Township 20 North, Range 7 East of the Third Principal Meridian, Village of Mahomet, Champaign County, Illinois, being more particularly described as follows:

Beginning at an iron pipe survey monument found at the Southeast Corner of Lot 1 of T.M. Brown's First Addition to Mahomet as filed for record in Deed Record 22 at Page 37 in the Office of the Recorder of Champaign County, Illinois, said survey monument found being at the intersection of the Northerly right-of-way line of Hickory Street and the West right-of-way line of Division Street (Illinois Route 47); Thence South 45 Degrees 58 minutes 36 seconds West, a distance of 26.82 feet to an iron pipe survey monument set; thence North 87 degrees 38 minutes 07 seconds West, a distance of 75.78 feet to an iron pipe survey monument set; thence North 87 degrees 38 minutes 07 seconds West, 48.92 feet to an iron pipe survey monument set; thence along a tangential circular curve concave to the Southwest having a radius of 131.40 feet, an arc distance of 71.37 feet, a chord length of 70.49 feet and a chord bearing of North 39 degrees 35 minutes 28 seconds West to an iron pipe survey monument set on the Southerly line of said Lot 1, said line also being the Northerly right-of-way line of said Hickory Street; thence South 62 degrees

25 minutes 20 seconds East along the Southerly line of said Lot 1, said line also being the Northerly right-of-way line of said Hickory Street, a distance of 180.34 feet to the point of beginning, containing 5,250 square feet, more or less, all situated in the Village of Mahomet, Champaign County, Illinois.

WHEREAS, the Petitioner has submitted certain documents for review and approval by the Village; and,

WHEREAS, a Public Hearing concerning the proposed Conditional Use Permit was held on November 1, 2022 by the Plan and Zoning Commission to solicit evidence and testimony from the public; and,

WHEREAS, the Village Planner, Village Engineer, and Village Attorney provided staff with technical background, review and analysis regarding the requested conditional use; 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; and,

WHEREAS, the Plan and Zoning Commission adopted findings of fact and further provided a recommendation to the Board of Trustees to approve the requested action.

BE IT THEREFORE RESOLVED this 1st 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 / DENY** 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.
 - e. _____
 - f. _____

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 / WILL NOT** be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - b. The conditional use **WILL / 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 / 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 / WILL NOT** be provided;
 - e. The conditional use **DOES / DOES NOT** in all other respects conform to the applicable regulations of the district in which it is located;
 - f. There **IS / IS NOT** a public necessity for the conditional use at this site;
 - g. The proposed conditional use **DOES / DOES NOT** conform with the intent of the Village Comprehensive Plan.
 - h. The proposed conditional use **WILL / WILL NOT** be compatible with the established land use pattern in the vicinity.
 - i. The site **IS / IS NOT** 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 / ARE NOT** available for the site from Sangamon Valley Public Water District.
 - l. Adequate provisions for stormwater drainage **ARE / ARE NOT** available for the site.
 - m. The proposed conditional use **WILL / WILL NOT** adversely impact police protection, fire protection, schools, or public facilities.
 - n. The proposed conditional use **WILL / WILL NOT** conflict with existing public commitments for planned public improvements.
 - o. The proposed conditional use **WILL / WILL NOT** preserve the essential character of the neighborhood in which it is located.

- p. The proposed conditional use **WILL / WILL NOT** alter the population density pattern and **WILL / WILL NOT** adversely impact public facilities.
 - q. The proposed conditional use **WILL / WILL NOT** result in private investment that will be beneficial to the proper development of the community.
 - r. _____

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.

Chair, Plan and Zoning Commission

Case Name: ZA2022-06

**REQUEST FOR ZONING AMENDMENT
VILLAGE OF MAHOMET**

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: 10-10-2022 Date of Hearing: 11/01/2022

Date of Published Notice: 10-16-2022 Newspaper News-Gazette

Fee Paid – ^{OK} Receipt No.: 017404 Amount: \$300.00 Date: 10-7-2022

Comments: (indicate other actions such as continuances) _____

Action by Board on Request: _____

NOTICE TO APPLICANTS

1. A Zoning Amendment is a zoning adjustment, which permits a change of district requirements where an individual or group of properties are both harshly and uniquely burdened by the strict application of the law. The power to alter zoning districts is limited. No Zoning Amendment will be granted which would adversely affect surrounding property or the general neighborhood. All zoning amendments must be in harmony with the intent and purposes of the Zoning Ordinance. The applicant must show that there is need and justification for the proposed amendment.
2. There will be no refund of application fee for any Zoning Amendment not granted or withdrawn.
3. No incomplete applications will be acted upon.
4. Granting a Zoning Amendment requires that the Village hold a Public Hearing regarding the request, and publication of a 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 is as timely a manner as is reasonably possible.

Case Name: 2A2022-06

ZONING AMENDMENT

DATA ON APPLICANT AND OWNER

Name of Applicant (s): KYLE MITCHEM Phone: (217) 493-3420

Address of Applicant (s): 2940 N 1500 EAST RD, MAHOMET, IL 61853

Property Interest of Applicant: OWNER
(Owner/Contract Purchases/Agent, etc.)

Name of Owner: KYLE MITCHEM Phone: (217) 493-3420

ADDRESS AND DESCRIPTION OF PROPERTY

Address: 609 S DIVISION ST MAHOMET, IL 61853

Width of Lot: _____ Length of Lot: _____

Lot Area (Square Feet): _____ Tax Parcel Number: _____

Legal Description: (or attach legal description)
SEE DEED

LAND USE AND ZONING

Present Zoning: INDUSTRIAL

Proposed Zoning: COMMERCIAL 2

Present Land Use: ANIMAL HOSPITAL

Proposed Land Use: ANIMAL HOSPITAL

	Surrounding Zoning	Surrounding Land Use
North	<u>INDUSTRIAL</u>	<u>RR / GRAIN ELEV</u>
South	<u>MULTI-FAM RESI</u>	<u>DUPLEXES</u>
East	<u>COMMERCIAL</u>	<u>AUTO REPAIR</u>
West	<u>RESIDENTIAL</u>	<u>CHAPEL / HOMES</u>

Case Name: ZA2022-06

REASONS FOR REQUEST FOR ZONING AMENDMENT

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. Error in the present Ordinance to be corrected by the proposed change in the Ordinance (Explain fully):

NONE

2. Other circumstances which justify the Amendment (Explain Fully): PROPERTY HAS NOT BEEN USED AS INDUSTRIAL PROPERTY IN YEARS. BUILDING HAS BEEN USED AS VET HOSPITAL FOR 30+ YEARS

3. Does any violation of the Village of Mahomet Zoning Ordinance exist on the property at this time? YES NO If yes, how? _____

4. Is the subject property planned to be improved? NONE
When? _____

What improvements are planned? FORGALIZE THE APT AS A DWELLING

What will be the actual use of the improvements SAME AS EXISTING

5. Will the grant of an Amendment in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

Yes No Elaborate: THREE IS COMMERCIAL

AND RESIDENTIAL IN THE AREA - ON STATE HWY

6. Have there been major land changes since zoning was applied in 1963 (i.e. new expressway, new development, etc.)? Yes No Elaborate: _____

INDUSTRIAL USE OF THE PROPERTY CEASED IN THE 80'S

Case Name: ZA2022-04

ZONING AMENDMENT

7. Would the proposed change create an isolated district unrelated to adjacent land use or zoning? Yes _____ No X Elaborate: THERE IS COMMERCIAL ACCESS
THE STREET

8. Can the owner of the property realize an economic benefit from uses in accordance with existing zoning? Yes _____ No X Elaborate: PROPERTY IS NOT LARGE
ENOUGH FOR MODERN INDUSTRIAL USES.
ADJACENT TO RESIDENTIAL

9. Are there other sites available already zoned for the proposed use? Yes _____ No Elaborate: _____
BUILDING IS ALREADY USED AS AN ANIMAL
HOSPITAL

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 X (Application will not be processed without the required drawing)

B) Additional exhibits submitted by applicants: NONE

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.

Kyli Mitchell
(Signature) Applicant

10/10/22
Date

Kyli Mitchell
(Signature) Owner

10/10/22
Date

Case Name: CU2022-04

**REQUEST FOR CONDITIONAL USE
VILLAGE OF MAHOMET**

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: 10-10-2022 Date of Hearing: 11/01/2022

Date of Published Notice: 10-16-2022 Newspaper: News-Gazette

Fee Paid – ^{CK}Receipt No.: 017404 Amount: \$500.00 Date: 10-7-2022

Comments (indicate other actions such as continuances): _____

Action by Board on Request: _____

NOTICE TO APPLICANTS

1. A Conditional Use Permit is a Zoning adjustment which permits a change in district requirements and which permits uses not normally allowed by strict application of the ordinance. The Village of Mahomet may impose any conditions of acceptance which it deems to be in the best interests of the community, to which the applicant must abide. Those conditions may include compliance to a site development plan.
2. No Conditional Use Permit will be granted which would adversely affect surrounding property or the general neighborhood. All Conditional Uses must be in harmony with the intent and purpose of the Zoning Ordinance.
3. There will be no refund of application fee for any Conditional Use Permit not granted or withdrawn.
4. No incomplete applications will be acted upon.
5. Granting a Conditional Use Permit requires that the Village hold a Public Hearing regarding the request and publication of a 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 a manner as is reasonably possible.

DATE ON APPLICANT AND OWNERS

Name of Applicant(s): KYLE MITCHEM Phone: 217 493-3420

Address of Applicant(s): 2940 N 1500 EAST RD MAHOMET, IL 61853

Property Interest of Applicant(s): OWNER
(Owner, Contract Purchaser/Agent, etc.)

Name of Owner: KYLE MITCHEM

Address of Owner: 2940 N 1500 E RD MAHOMET, IL 61853

ADDRESS, AND DESCRIPTION OF PROPERTY

Address: 609 S DIVISION ST MAHOMET, IL 61853

Width of Lot: _____ Length of Lot: _____ Lot Area (Square feet): _____

Tax Parcel Number: _____

Legal Description (or attach legal description): SEE DEED

LAND USE AND ZONING

Present Zoning: INDUSTRIAL

Present Land Use: ANIMAL HOSPITAL

Proposed Land Use: ANIMAL HOSPITAL

	Surrounding Zoning	Surrounding Land Use
North	<u>INDUSTRIAL</u>	<u>RR/GRAIN ELEV</u>
South	<u>MULTI-FAM RES</u>	<u>DUPLEXES</u>
East	<u>COMMERCIAL R</u>	<u>AUTO REPAIR</u>
West	<u>RESIDENTIAL</u>	<u>CHURCH/HOMES</u>

REASONS FOR REQUEST FOR CONDITIONAL USE PERMIT

NOTE: The Following questions must be answered completely. If additional space is needed, attach extra pages to the application. Before answering, read the **Notice to Applicants** attached.

1. Describe in detail the proposed conditional use being requested.

TO ESTABLISH A FULL TIME DWELLING
AS A PRIMARY USE WITH A PRIMARY
COMMERCIAL USE

2. Are there other sites available for the proposed use? Explain.

NO - ALL COMMERCIAL PROPERTIES REQUIRE
CONDITIONAL USES FOR RESIDENCES

3. What circumstances justify the need for the proposed use at this location? Elaborate.

THE NATURE OF AN ANIMAL HOSPITAL
IS 24 HOUR CARE, AS OWNER-OPERATORS
WILL LIVE ON PROPERTY.

4. Does any violation of the Village of Mahomet Zoning Ordinance exist on the property at the present time? Yes _____ No X If yes, how?

5. Is the subject property planned to be improved? Yes _____ No X

When? _____

What improvements are planned? FORMALIZE THE APARTMENT
AS A DWELLING

6. Will the grant of conditional use in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Elaborate.

YES IT HAS WORKED WITH A FULL TIME
OPERATOR FOR YEARS

7. Have there been major land use changes since zoning was applied in 1963 i.e. new expressway, new dam, etc? Elaborate.

INDUSTRIAL USE OF THE PROPERTY
CONSID IN THE 80'S

8. Would the proposed change create an isolated use unrelated to adjacent land use or zoning? Explain.

NO, THERE IS COMMERCIAL ACROSS THE
STREET AND RESIDENTIAL ADJACENT

9. Can the owner of the property realize an economic benefit from permitted uses in accordance with existing zoning? Elaborate.

NO - THIS BUILDING AND PROPERTY IS
DESIGNED FOR AN ANIMAL HOSPITAL WITH
ON SITE DOCTORS

10. Are there other sites available already zoned for the proposed use? Elaborate.

NO - ALL VET CLINICS THAT REQUIRE
RESIDENCES NEED A CONDITIONAL USE

11. Additional comments by the Applicant:

SKETCH PLAN

1. Is there a scaled plot plan attached that indicates the location of the premises and the nature of the site? Yes _____ No X (Application will not be processed without the required drawing)

2. Additional exhibits submitted by Applicant:

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.

Kyle Peterson
(Signature) Applicant

10/10/22
Date

Kyle Peterson
(Signature) Owner

10/10/22
Date



Village of Mahomet

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REPORT TO PLAN AND ZONING COMMISSION Meeting November 1, 2022

FROM: Abby Heckman, Planner
Kelly Pfeifer, Community Development Director and Village Planner

PROJECT: TEXT AMENDMENT – ZONING REGULATIONS – AC DISTRICT AND SIGNS

REQUESTED ACTION: **Public Hearing**
Recommendation to the Board of Trustees

PUBLIC HEARING / PROCEDURAL ISSUES: The Zoning Ordinance requires the Plan and Zoning Commission (PZC) hold a public hearing upon request for a text amendment. The public hearing is scheduled for the November 1, 2022 PZC meeting. Public notice was published in The News-Gazette on October 16, 2022. The PZC acts in an advisory role to the Board of Trustees regarding text amendments.

OVERVIEW: Based on community member requests and staff review of zoning ordinance regulations, Village staff has prepared a draft Zoning Ordinance text amendment related to permitted and conditional uses allowed in the AC Conservation district and signage rules related to definitions, temporary signs and signs allowed in all districts.

SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENT DATED NOVEMBER 1, 2022:

AC Conservation district (152.021): Staff evaluated the permitted and conditional uses allowed within the AC Conservation zoning district.

- Agricultural activity is currently a permitted use, but typical agricultural activity as defined by the Zoning Ordinance is not considered conservation activity and therefore the use is not in line with the intent statement for the AC district. Staff recommends removal of the agricultural activity use in the AC district to limit the establishment of any new agricultural activity to the AG Agriculture district.
- Transient or travel trailer camp sites for periods not exceeding two weeks is currently listed as a conditional use in the AC district. Staff recommends altering the conditional use to remove the two-week limitation. This use is already a conditional use which requires site specific review by the PZC and BOT. The two-week limitation is very restrictive and effects the Village's ability to impose site specific requirements.

Sign regulations – Definitions, Signs Allowed In All Districts and Temporary Signs (152.066, 152.068 and 152.069): After requests from the public, local realtors and business owners staff evaluated existing ordinance language relating to real estate signs, political signs and temporary signs.

- Adjustments to the language related to political campaign signs simplify the rules. The change would allow every property, no matter the zoning, the same sign area allowance.
- Adjustments to the language related to real estate signs provide clarity for proper placement of signs, increase the number of open house signs allowed and clarify the time frame for placement of open house signs.

- Adjustments to the language related to temporary signs provides clarifying language and updates the section to align with current practices and temporary signage activities. This section has been an ongoing issue for Village staff and permitting activities. The current language is contradictory in some areas and doesn't provide enough clarity for ease of public understanding of the rules.

Attachment :

1. PZC Resolution – AC Conservation District
ZO Text Amendment – AC Conservation District 11/01/2022 (with text changes and additions shown)
2. PZC Resolution – Signs
ZO Text Amendment – Signs - 11/01/2022 (with text changes and additions shown)

RESOLUTION FOR PLAN AND ZONING COMMISSION

A Resolution to Amend Chapter 152 (Zoning Code) of Title XV (Land Usage) of the Village Code of Mahomet, Illinois

(ZO Text Amendment - AC Conservation)

- 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 for the use of land and zoning within the jurisdiction of the Village of Mahomet, Illinois; and,
- WHEREAS,** Village staff identified permitted and conditional use language alterations within the AC Conservation zoning district within the Village; and
- WHEREAS,** the Village staff prepared a Text Amendment to amend the current Zoning Ordinance (Chapter 152 of Title XV) in order to amend established uses within the AC Conservation zoning district; and
- WHEREAS,** A Public Hearing concerning the proposed Text Amendment was held by the Village Plan and Zoning Commission on November 1, 2022 to solicit evidence and testimony from the public; and
- WHEREAS,** the Village Planner, Village Administrator, and Village Attorney provided the Village with technical and background information regarding the proposed Text Amendment; and
- WHEREAS,** the Plan and Zoning Commission met and reviewed the evidence and testimony submitted thus far and has considered all of the available factual evidence concerning the proposed Text Amendment.

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

- A. The Plan and Zoning Commission **DOES / DOES NOT** 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 / DOES NOT** 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.

Resolution for Plan and Zoning Commission
Amend Chapter 152 (Zoning Code) of Title XV (Land Usage)
Of the Village Code of Mahomet, Illinois
AC District - November 1, 2022
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4. The procedural requirements for amendments set forth in the current Ordinance have been met.

Chair, Plan and Zoning Commission
Village of Mahomet, Illinois

Zoning Ordinance Text Amendment – AC Conservation District

Amend the following text under **§152.021 AC CONSERVATION DISTRICT** (add underlined text, remove strikethrough text):

§ 152.021 AC CONSERVATION DISTRICT.

The purpose of the AC Conservation District is to provide for recreational and conservation uses. Some commercial recreational uses are also allowed. This AC District is intended to be utilized primarily for parks or other similar facilities. This AC District is also intended to be established within floodplain areas along rivers and streams.

(A) Permissive uses:

- ~~(1) Agricultural activity, but not including a dwelling unit;~~
- (1)(2) Park or forest preserve;
- (2)(3) Cemetery;
- (3)(4) Woodland preservation; and
- (4)(5) Wildlife habitat or fish hatchery.

(B) Conditional uses:

- (1) Extraction of coal, sand or gravel;
- (2) Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court and golf course on site of not less than five acres;
- (3) Motel, resort and incidental retail sales and services on site of not less than five acres, provided they are protected from flooding;
- (4) Guest ranch, hunting and fishing resort, ski resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services and personal services, on site of not less than 20 acres provided they are protected from flooding;
- (5) Marina, yacht club, boat house or bait shop;
- (6) 4-H clubs and related educational programs; and
- (7) Transient or travel trailer camp sites ~~for periods not exceeding two weeks.~~

RESOLUTION FOR PLAN AND ZONING COMMISSION

A Resolution to Amend Chapter 152 (Zoning Code) of Title XV (Land Usage) of the Village Code of Mahomet, Illinois

(ZO Text Amendment - Signs)

- 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 for the use of land and zoning within the jurisdiction of the Village of Mahomet, Illinois; and,
- WHEREAS,** Village staff identified definition and zoning language alterations related to temporary signs and signs allowed without a permit within the Village; and
- WHEREAS,** the Village staff prepared a Text Amendment to amend the current Zoning Ordinance (Chapter 152 of Title XV) in order to amend definitions and establish altered language related to temporary signs and signs allowed without a permit; and
- WHEREAS,** A Public Hearing concerning the proposed Text Amendment was held by the Village Plan and Zoning Commission on November 1, 2022 to solicit evidence and testimony from the public; and
- WHEREAS,** the Village Planner, Village Administrator, and Village Attorney provided the Village with technical and background information regarding the proposed Text Amendment; and
- WHEREAS,** the Plan and Zoning Commission met and reviewed the evidence and testimony submitted thus far and has considered all of the available factual evidence concerning the proposed Text Amendment.

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

- A. The Plan and Zoning Commission **DOES / DOES NOT** 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 / DOES NOT** 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.

Resolution for Plan and Zoning Commission
Amend Chapter 152 (Zoning Code) of Title XV (Land Usage)
Of the Village Code of Mahomet, Illinois
Signs - November 1, 2022
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4. The procedural requirements for amendments set forth in the current Ordinance have been met.

Chair, Plan and Zoning Commission
Village of Mahomet, Illinois

Zoning Ordinance Text Amendment – Signs

Amend the following text under **§152.066 MEASUREMENT STANDARDS AND DEFINITIONS** (add underlined text, remove strikethrough text):

§ 152.066 MEASUREMENT STANDARDS AND DEFINITIONS.

PENNANT. Any lightweight plastic, fabric or other material, ~~whether or not containing a message of any kind,~~ suspended from a rope, wire or string, usually in series, designed to move in the wind.

PORTABLE SIGN. Any sign not ~~permanently~~ attached to the ground or other permanent structure, ~~or a sign~~ designed to be transported, including, but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; ~~menu and sandwich board signs; balloons used as signs; and umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless the vehicle is used in the normal day to day operations of the business.~~

VEHICLE SIGN: Signs attached to or painted on vehicles parked and visible from the public right-of-way.

Amend the following text under **§152.068 SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A PERMIT** (add underlined text, remove strikethrough text):

§ 152.068 SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A PERMIT.

(G) Political campaign signs. Signs or posters announcing the candidates seeking public political office and/or political issues, and data pertinent thereto, up to an area of ~~ten~~ 16 square feet. ~~These~~ All signs shall be confined to private property, ~~and shall be removed within seven days after the election for which they were erected.~~ Larger signs must follow the permit provisions contained in §§ 152.072 and 152.073; Signs or posters that interfere with other permitted signage or that create a traffic or safety hazard are not allowed.

(H) Real estate sale/auction, rental, or construction signs.

(1) Signs may be freestanding or wall-mounted only.

(2) Signs may not emit direct illumination.

(3) Location of signs:

(a) Signs shall not be attached to or otherwise placed or affixed on public property, utility boxes and poles, traffic control poles, or in the public right-of-way.

(b) Signs shall not be placed, or within the site visibility triangle, unless the sign placed is two (2) feet or less in height. All improperly placed signage is subject to immediate removal by village staff;

~~(c)(b)~~ Signs must be located on the property to which it pertains;

~~(d)(c)~~ Signs must maintain a ten foot minimum set back from curb line.

(4) Time limit:

(a) Signs stating ~~that the a~~ property has been sold or rented must be removed within ~~seven (7)~~ two days upon the closing of the sale or initiation of the lease. No directional signs indicating a property has been sold shall be allowed at any time;

(b) Signs pertaining to site construction, alteration or repair shall be removed within seven days after completion of the work;

(c) Signs pertaining to subdivision of property shall be permitted for up to two years from the date of recording of the final plat;

(d) Signs pertaining to a real estate auction must be removed within 24 hours after the event. One off-site directional sign is allowed which indicates the location of the auction. Signs may be placed up to two weeks prior to the auction event. Signs may not be located in public right of way or on public property, and must have permission from any private property owner for which the off-site sign is located.

(5) Maximum number of signs: one sign shall be permitted per frontage.

(6) Maximum area of signs:

- (a) R-1A, R-1B, R-1C, and R-2: six square feet;
 - (b) R-3: ten square feet;
 - (c) AG, AC, FP, C-1: 32 square feet;
 - (d) C-2, C-3, I-2: 50 square feet.
- (7) Maximum height of signs:
- (a) RS, R-1, RU and R-2: three feet;
 - (b) R-3: five feet;
 - (c) C-1: eight feet;
 - (d) C-2, C-3, I-1 and I-2: ten feet.
- (8) Open house signs:
- (a) Allowed only on the property for which it pertains;
 - (b) May be displayed up to two days in advance of the event;
 - (c) Must be removed immediately after open house hours;
 - (d) Feather flags are allowed on the property for which the open house is located and may be displayed only during the hours of the open house;
 - (e) ~~Two~~One off-site directional signs ~~are~~is allowed which indicates the location of the open house. ~~The~~Directional signs are permitted to be placed on private property from 12 noon Friday through 6 p.m. Sunday. Whoever is placing an off-site directional sign must have permission from the private property owner where the off-site sign is placed. must only be displayed during the hours of the open house and may not be located in public right of way or on public property, and must have permission from any private property owner for which the off-site sign is located.

Amend the following text under **§152.069 TEMPORARY SIGNS ALLOWED WITH A SPECIAL (TEMPORARY) PERMIT** (add underlined text, remove strikethrough text):

§ 152.069 TEMPORARY SIGNS ALLOWED WITH A SPECIAL (TEMPORARY) PERMIT.

(A) Eligibility. Temporary signs may only be utilized for established on-premises commercial and other business activities compliant with zoning and special events.

(B) Number of temporary signs permitted. One sign per business

~~(A)(C)~~ Banner Temporary signs. Banner Temporary signs shall be permitted under the following terms and conditions:

~~—(1) Maximum number permitted: one sign per business;~~

~~(1)(2)~~ Maximum area of sign: 3026 square feet;

~~(2)(3)~~ Maximum height of a banner sign:

(a) Freestanding sign: five feet;

(b) Wall sign: must be contained to the area of the wall for which the sign is placed;

(c) Feather Flags: eight feet.

~~(3)(4)~~ Location of signs: a sign shall be placed on private property and not extend over any public right-of-way or be placed permitted to be located within the visibility triangle area of a corner lot;

~~—(5) Daily duration shall only be displayed during daylight hours when the business to which the sign relates is open for business, after which time the sign shall be removed to either an area immediately adjacent to the main building on the lot or an enclosed area inaccessible to the public; and~~

~~(4)(6)~~ Time limit: Banner temporary sign permits shall be allowed for up to 90 days one year per calendar year. The Village has discretion to extend the permit up to an additional 90 days when the banner serves as the primary signage for the business after which the permit may be renewed for an additional year.

~~(B)(D)~~ Portable signs. Portable signs shall be permitted under the following terms and conditions:

~~—(1) Maximum number permitted: one sign per business;~~

~~(1)(2)~~ Maximum area of sign: 1236 square feet;

~~(2)(3)~~ Maximum height of sign: four-six feet;

~~(3)(4)~~ Signs shall not extend over any public right-of-way or be permitted to be located within the visibility triangle area of a corner lot;

~~(4)(5)~~ Shall only be displayed during daylight hours when the business to which the sign relates is open for business, after which time the sign shall be removed to a location not visible to the public either an area immediately adjacent to the main building on the lot or an enclosed area inaccessible to the public;

~~—(6) May be used up to four weeks in each calendar year; and~~

~~(E) — (7) Lighting. Exterior illumination, interior illumination, flashing lights or other animation are not permitted on temporary portable signs unless specifically allowed elsewhere in these regulations. The sign may be placed to utilize existing compliant site lighting for sign visibility.~~

~~—(C)(F) Beacon lights. Beacon lights used in connection with a sign or to draw attention to a community property or event may be permitted on a limited basis when associated an approved special event permit with a special (temporary) permit. Beacon lights may only be used during the hours of the community event. The Village Administrator has sole discretion on use of beacon lights.~~

~~—(D)(G) Vehicle signs. The use of vehicles or equipment for signs, except where the primary purpose of the vehicle or equipment is not the display of signs, may be permitted on a limited basis when approved as part of a special event with a special (temporary) permit. Vehicle signs shall remain in place for no more than 30 days before, and seven days after the event, and may not exceed 60 square feet in area. The Village Administrator has sole discretion on use of vehicle signs.~~

~~—(E)(H) Special Community event sign. Signs advertising a public entertainment or event of public interest, provided the placement of the signs shall be approved and the locations designated by the Village Administrator or representative. These signs shall remain in place for no more than 30 days before, and seven days after the event, and may not exceed 60 square feet in area. Special event signs are exempt from eligibility and number of sign restrictions.~~

~~(F)(I) Pennants, feather and flags and other temporary signs banners. Any temporary sign not specifically addressed must follow the rules associated with banner signs, see § 152.069(C). Require a special (temporary) permit.~~

~~(J) Removal of temporary signs. The Village reserves the right to immediately remove any temporary sign which does not comply with this chapter.~~