

PLAN AND ZONING COMMISSION
MEETING MINUTES - DRAFT
March 3, 2020

CALL TO ORDER: Abby Heckman called the meeting to order at 7:00pm on Tuesday March 3, 2020. She stated the chair would not be at the meeting and requested someone nominate an acting chair.

Buchanan moved to make Mike Buzicky the acting chair for the meeting. DeAtley seconded the motion. ROLL CALL. 5-0. Motion Passed.

ROLL CALL:

Members Present: Steve Briney, Mike Buzicky, Bob Buchanan, Robert DeAtley, and Earl Seamands.

Members Absent: Jay Roloff and Damian Spencer.

Others Present: Village Attorney Joe Chamley and Planner Abby Heckman.

PUBLIC COMMENT: No one came forward.

REVIEW/APPROVE MINUTES: December 3, 2019
January 7, 2020

Mr. Buzicky stated there are two (2) sets of minutes to approve.

Abby Heckman stated the December 2019 minutes were included in the PZC packet posted online and the January 2020 minutes were emailed to Commission members yesterday.

Mr. Buzicky asked for any comments about the provided minutes.

Buchanan moved to approve the December 3, 2019 and January 7, 2020 minutes as submitted. DeAtley seconded the motion. ROLL CALL. 5-0. Motion Passed.

Abby Heckman stated that the 2020 Zoning Map was shown on the agenda as a public hearing in error. She stated there is no public hearing required nor was it advertised.

Joe Chamley stated that the Commission can offer an opportunity for public comment about the 2020 Zoning Map when the resolution is discussed later on the agenda.

PUBLIC HEARINGS:

ZA2020-02: 408 SOUTH DIVISION LLC

A RESOLUTION CONCERNING A REZONING FROM R2 TWO-FAMILY RESIDENTIAL DISTRICT TO C2 GENERAL COMMERCIAL AND R1C SINGLE-FAMILY DISTRICTS ON 0.253± ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF UNION AND DIVISION STREETS, COMMONLY KNOWN AS 101 E UNION STREET

Abby Heckman presented information in the staff memo. Village staff and the Commission discussed the existing and proposed uses on the property, the functionality of the alley, and the Certificate of Exemption subdivision process.

Jim Smith, petitioner, stated that on the one (1) day that the orthodontist is in the office they needed some additional parking. He stated if they wanted to sell the residential property in the future, they wanted to separate the uses.

Mr. Buzicky stated his issues were maintaining the use of the alley and how the property would be subdivided.

Abby Heckman stated that staff would make sure the use of the alley for others is maintained and will continue with the Certificate of Exemption subdivision process.

Mr. Buzicky asked if there were any other comments.

Eric Lewis, 401 S. Division Street, stated he didn't have a problem with the parking that is on the north side of the alley. He stated he and his neighbor were concerned that the entire residential lot would be converted to commercial. He stated seeing it is just for the parking spaces and not the entire lot that he was no longer concerned. He stated he didn't think the neighbor that he spoke with would be concerned either. He stated he would be concerned if the alley was disappearing. He stated he didn't have a problem as it was presented.

Jim Smith, petitioner, stated they would like the house to stay a house and have the option to sell the house separately later.

Briney moved to close the public hearing for ZA2020-02. Seamands seconded the motion. ROLL CALL. 5-0. Motion Passed.

ORDINANCES, RESOLUTIONS and MOTIONS (TO BE ACTED UPON):

ZA2020-02: 408 SOUTH DIVISION LLC

A RESOLUTION CONCERNING A REZONING FROM R2 TWO-FAMILY RESIDENTIAL DISTRICT TO C2 GENERAL COMMERCIAL AND R1C SINGLE-FAMILY DISTRICTS ON 0.253± ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF UNION AND DIVISION STREETS, COMMONLY KNOWN AS 101 E UNION STREET

Mr. Buzicky asked if staff had anything else to add.

Abby Heckman stated no but could answer any questions.

Mr. DeAtley stated he had concerns which were somewhat alleviated after hearing from the petitioner and the neighboring property owner. He asked why the parking lot use wasn't processed as a Special Use to limit imposing on the residential use on the lot.

Abby Heckman stated the Zoning Ordinance does not have a commercial parking lot as a special use in the R2 zoning district and therefore a special use wasn't an option. She stated that Village staff talked with the petitioner about their options. She stated that because it is a commercial business, having all of the commercial assets on the same lot makes sense for them to be able to sell the properties in the future. She stated that staff suggested the proposed zoning scenario in order to gain a permanent easement for the alley. She stated that the special use option would have been nice because we could have then put stipulations on the use relating to landscape buffering or other issues.

Mr. DeAtley stated that instead of the C2 district that maybe another district such as C1 could have been used.

Abby Heckman stated that could have been an option.

Mr. DeAtley stated that the Commission often hears intentions by developers that don't always turn out the way they are presented.

Abby Heckman stated she did not see this property redeveloping in its current configuration. She stated that other adjacent property could be purchased to combine with this property which could facilitate redevelopment of the whole block or part of a block. She stated the alley served as sort of a barrier because they would not be allowed to build into the alley so the limited land area north of the alley used for parking could only be used for an accessory use to the commercial principle use. She stated that she understood the concerns and that Village staff suggested to the petitioner that some sort of screening be installed north of the parking because it could be a potential conflict between neighbors. She stated that unfortunately our Zoning Ordinance does not require perimeter landscape screen for parking lots.

Mr. Buzicky asked for any other comments.

Abby Heckman stated there was a draft resolution in the packet and the commission can make changes as they see fit. She stated it includes the same typical findings of fact questions.

Mr. Buzicky stated he wanted to make sure the easement for the alley is provided.

Mr. Buchanan asked if a condition could be added.

Joe Chamley stated the Commission can express concern in their recommendation to the Board of Trustees.

Abby Heckman stated that the petitioner had filed for the Certificate of Exemption subdivision procure but there is nothing requiring them to do the subdivision. She stated that Village staff would not administratively approve a plat that does not have accommodations for the alley.

Mr. Buzicky stated the Commission's intent is to provide the alley easement and for the property to go through the subdivision procedure.

Joe Chamley stated the language addressing those concerns could be added but it wouldn't be a requirement.

Abby Heckman stated that the draft minutes of the meeting could be completed and presented to the BOT with the staff memo which will include your concerns.

Joe Chamley stated its entirely appropriate that a finding of fact be added which states that the alley easement be preserved and that the property owner follow through with the subdivision. He stated it wouldn't be binding by the BOT but it would be consistent with your other findings of fact.

Mr. Buzicky went through the findings of fact.

Mr. Buchanan stated he thought the findings of fact number 15 should be ARE NOT. No objections were voiced by the rest of the Commissioners.

Briney moved to recommend granting ZA2020-02 with the findings of fact as stated below. Seamands seconded the motion. ROLL CALL. 5-0. Motion Passed.

BE IT THEREFORE RESOLVED this 3rd day of March, 2020 by the Plan and Zoning Commission of the Village of Mahomet that:

- A. The Plan and Zoning Commission does hereby further set forth the following findings of fact concerning the requested zoning amendment:
1. The procedural requirements for zoning establishment or amendment **HAVE** been met.
 2. The proposed zoning **DOES** conform with the intent of the Village Comprehensive Plan.
 3. The proposed zoning **IS** consistent with the proposed use of the site.
 4. The proposed zoning **WILL** be compatible with the established land use pattern in the vicinity.
 5. The proposed zoning **DOES NOT** create an isolated, unrelated zoning district.
 6. The site **IS** suitable for the uses allowed in the proposed zoning district.
 7. The proposed zoning **WILL** be consistent with the health, safety and general welfare of the public.
 8. Major land uses in the neighborhood **HAVE NOT** changed since zoning was applied to this site.
 9. The proposed zoning **IS** consistent with the existing zoning designations in the surrounding area.
 10. The proposed zoning **WILL NOT** be contrary to the original purpose and intent of the Zoning Ordinance.
 11. The proposed zoning **WILL NOT** be injurious to the use and enjoyment of adjacent properties.
 12. The proposed zoning **WILL** promote the orderly development of the site and surrounding properties.
 13. The proposed zoning **WILL NOT** significantly adversely impact existing traffic patterns.
 14. Adequate facilities for municipal sanitary sewage disposal and water supply **ARE** available for the site.
 15. Adequate provisions for stormwater drainage **ARE NOT** 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 NOT** been considered in the context of land development in the area and in the vicinity of the subject property.
 28. The proposed change in zoning **WILL NOT** result in private investment that would be beneficial to the development or redevelopment of a vacant property or deteriorated neighborhood.
 29. There **IS** a need in the community for additional land within the requested zoning district.
 30. The proposed zoning **WILL NOT** adversely impact agricultural farming operations in the vicinity of this site.
 31. The proposed rezoning **IS** consistent with Village Comprehensive Plan policies concerning the protection of prime farmland when appropriate.
 32. The proposed rezoning **WILL NOT** result in long term adverse environmental consequences to natural areas and wildlife habitat.

33. The LaSalle Factors for evaluation of zoning decisions **HAVE** been considered during the review of this proposed rezoning request.
 34. PZC concerns / notes – Preservation of the alley easement and follow through by the property owner of the Certificate of Exemption subdivision procedure
- B. The Plan and Zoning Commission does hereby recommend that the Board of Trustees of the Village of Mahomet **GRANT** the requested zoning map amendment for the subject property from R-2 Two-Family Residential to C-2 General Commercial and R-1C Single-Family Residential districts.

2020 OFFICIAL ZONING MAP

A RESOLUTION CONCERNING APPROVAL AND PUBLICATION OF THE 2020 OFFICIAL ZONING

Abby Heckman stated we have until March 31 of every year to adopt an official zoning map. She stated the map is updated as of December 31, 2019. The zoning map on the online GIS is updated every time we have a zoning change and the public has access to the map.

Mr. DeAtley asked about property north of Briarcliff.

Abby Heckman stated the property is still zoned ag because a subdivision proposed there at one time never happened.

Mr. DeAtley stated he appreciated the road labels on the map.

Buchanan moved to recommend approval and adoption of the 2020 Official Zoning Map as presented. DeAtley seconded the motion. ROLL CALL. 5-0. Motion Passed.

COMMISSIONER / STAFF COMMENTS:

Abby Heckman stated the next PZC meeting is scheduled for April 7, 2020. She stated the filing deadline is this week but there hasn't been anything filed so far. She stated that the Certificate of Exemption subdivision is a staff approval so it shouldn't be on a future agenda.

ADJOURN:

Briney moved to adjourn the meeting. Buchanan seconded the motion. ROLL CALL. 5-0. The meeting was adjourned at 7:41pm.

Respectfully,

Abby Heckman, Planner