

PLAN AND ZONING COMMISSION
MEETING MINUTES
April 4, 2023

CALL TO ORDER: The meeting was called to order at 6:00pm on Tuesday April 4, 2023.

ROLL CALL:

Members Present: Steve Briney, Robert DeAtley, Phillip Schaefer and Mandi Simeone

Members Absent: Bob Buchanan and Mike Buzicky

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

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

MINUTES: March 7, 2023

Briney moved to approve March 7, 2023 minutes as presented. Schaefer seconded the motion. ROLL CALL. 3-0-1. Simeone Abstained. Motion Passed.

PUBLIC HEARING(S):

ZA2023-03: UNLIMITED HOLDINGS LLC

A RESOLUTION CONCERNING A REZONING FOR 1.48± ACRES OF LAND WITHIN HUNTERS RIDGE SEVENTH SUBDIVISION FROM R-1C SINGLE-FAMILY RESIDENTIAL TO R-2 TWO-FAMILY RESIDENTIAL DISTRICT LOCATED NORTH OF OLIGER DRIVE ALONG THE WEST SIDE OF COLE LANE AND NORTH SIDE OF RAPP DRIVE

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

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

Abby Heckman presented information from the case report. Abby Heckman stated that she did speak to one neighbor that asked clarifying questions and no one had submitted any comments in writing related to the case.

Jake Frerichs, with Unlimited Holdings, stated a rezoning would provide a benefit to current and future single-family homes in the area due to proximity to Interstate 74 and topography of the land. The current attached homes are the best fit for the neighborhood because they help reduce the intensity of the interstate noise and block traffic lights at night. The northwestern portion of Hunters Ridge is nearly level with the interstate which allows direct exposure to the traffic and noise for this portion of the subdivision. By allowing two additional homes, it will complete the gap in this quarter for the greater benefit of Hunters Ridge Subdivision. Lots 709 and 710 have rear sloping yards which require daylight basements. Daylight basements are a significant cost increase over traditional basements or slab foundations, they require decks instead of concrete patios and a conditioned basement due to their rear elevations. Those features are cost prohibitive given the lots would be in the least desirable portion of the neighborhood. The market shows a strong preference to be farther away from the noisy interstate. The addition of two additional homes would help offset the loss from the location and allow them to construct the same high quality attached home as is currently adjacent. The current attached homes have a 100 percent occupancy and there is demand for more. There is no evidence of a negative impact to the land value of the homes adjacent given the value of the attached homes is equal or greater than the adjacent homes. The additional driveways for these lots are directly across from a single corner lot and the attached homes have designated storage areas in the basements so cars can be parked in the garage rather than garage spaced used as storage. Mailboxes in this area are located in a single cluster mailbox location on Cates

Drive and therefore parking would not interfere with mailboxes. R1 and R2 classifications are meant to transition and don't require a buffer. Jake Frerichs presented photo exhibits showing the land topography, other features of the lots and the area, and examples of other areas in Mahomet where R1 and R2 zoning is adjacent.

Mr. Briney asked how whether there is negative impact to surrounding properties is determined.

Jake Frerichs explained how they determine costs on new construction and then they compare it to neighboring home values. Recent sales or County estimates could be used to determine value of existing homes.

Mr. Briney asked if that was their opinion or if there were studies done.

Jake Frerichs stated they use public data from the County or Zillow which has past listings.

Mr. DeAtley stated that the neighbors were very concerned when this development came in the first time around and it took a couple attempts before everyone was satisfied with what got approved. The one lot which abuts an existing single-family lot he considered more of a challenge. He asked if the three lots adjacent to the south had been sold and built on.

Jake Frerichs stated no, those lots have not sold.

Ms. Simeone asked why the detention basin lot was being rezoned.

Jake Frerichs stated that was just for continuity.

Kelly Pfeifer stated they could have chosen to just rezone the two buildable lots but it could look like spot zoning. Detention basins can be in any zoning district.

Abby Heckman stated the subdivision documents indicate the use of the common lot as detention.

Jake Frerichs stated that the land area of the two buildable lots would allow them to meet the minimum lot size for attached homes.

Mr. Schaefer asked if the homes would be sold or rented.

Jake Frerichs stated that was a popular question but wasn't relevant. He asked if the answer was pertinent to the decision.

Mr. Schaefer stated yes it was for him.

Jake Frerichs stated it would be up to the market to decide that. He stated someone else could buy them and rent them out just as easily.

Kelly Pfeifer asked if the lots would be replatted in a similar way to the other attached homes to the north.

Jake Frerichs stated they intend to replat the lots to make them individual homes on individual lots. He stated they plan to build more of the same design of the existing.

Patrick Brown asked what the attached homes rent for.

Jake Frerichs stated about 2500 dollars per month. It is a good price for those.

Rob Frerichs, with Unlimited Homes, stated he wanted to clarify that they are real estate professionals, and it is their professional option that there is no negative impact to home values. He stated that he wished rezoning could be conditional because they fully intend to build the same product that exists along the interstate. The attached homes have been well received and have knocked down the interstate noise.

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

Rob Frerichs asked if there were reservations from the Commission, he would like to know what they were.

Mr. DeAtley stated his assumption was that many of the people in the audience were here to speak to this issue but they are not here for this case.

Rob Frerichs stated the people that would be most affected would be buying lots from them and the attached home will already be there when they buy.

Mr. Briney stated it appears there could be parking congestion because it is on a curve.

Rob Frerichs stated they provide storage areas in their homes to help eliminate the need to use garage space for storage. He explained the driveway locations of the attached homes and the single lot across the street.

Mr. DeAtley asked how many bedrooms are in each unit.

Rob Frerichs answered three bedrooms up and finished basements.

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

Briney moved to close the public hearing for ZA2023-03. Someone seconded the motion. ROLL CALL. 4-0. Motion Passed.

RESOLUTIONS and MOTIONS (TO BE ACTED UPON):

ZA2023-03: UNLIMITED HOLDINGS LLC

A RESOLUTION CONCERNING A REZONING FOR 1.48± ACRES OF LAND WITHIN HUNTERS RIDGE SEVENTH SUBDIVISION FROM R-1C SINGLE-FAMILY RESIDENTIAL TO R-2 TWO-FAMILY RESIDENTIAL DISTRICT LOCATED NORTH OF OLIGER DRIVE ALONG THE WEST SIDE OF COLE LANE AND NORTH SIDE OF RAPP DRIVE

Abby Heckman stated there is a draft resolution included in the meeting packet.

Mr. Briney asked what staff's reservations were.

Kelly Pfeifer stated staff's analysis was done before the public hearing. She stated topography and noise level is compelling. Staff is more supportive of the rezoning with the given testimony.

The Commission discussed some of the findings of fact components.

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

Simeone moved to strike number 29 from the findings of fact for ZA2023-03. Schaefer seconded the motion. ROLL CALL. 3-1. DeAtley voted no. Motion Passed.

Simeone moved to grant ZA2023-03 with the findings of fact as stated below. Schaefer seconded the motion. ROLL CALL. 4-0. Motion Passed.

BE IT THEREFORE RESOLVED this 4th day of April, 2023 by the Plan and Zoning Commission of the Village of Mahomet that:

A. The Plan and Zoning Commission does hereby further set forth the following findings of fact concerning the requested zoning amendment:

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

30. The proposed zoning WILL NOT adversely impact agricultural farming operations in the vicinity of this site.
31. The proposed rezoning IS consistent with Village Comprehensive Plan policies concerning the protection of prime farmland when appropriate.
32. The proposed rezoning WILL NOT result in long term adverse environmental consequences to natural areas and wildlife habitat.
33. The LaSalle Factors for evaluation of zoning decisions HAVE been considered during the review of this proposed rezoning request.

- B. The Plan and Zoning Commission does hereby recommend that the Board of Trustees of the Village of Mahomet GRANT the requested zoning map amendment for the subject property from R-1C Single-Family Residential to R-2 Two-Family Residential district.

PUBLIC HEARING(S):

CU2023-01: HARTMAN FAMILY DEVELOPMENT LLC

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ESTABLISH A MIXED-USE COMMERCIAL DEVELOPMENT WITH DRIVE-THROUGH FACILITIES ON 2.28± ACRES OF LAND ZONED C-1 NEIGHBORHOOD COMMERCIAL LOCATED ON THE NORTH SIDE OF PATTON DRIVE, SOUTH OF OAK STREET, APPROXIMATELY 100 FEET WEST OF CHURCHILL ROAD

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

Abby Heckman presented information from the case report.

Neil Finland, with Farnsworth Group representative for the property owner, stated they request the requirement to interconnect be removed from the conditions. He stated they would provide a landscaping plan prior to the BOT meeting.

The Commission, staff and the petitioner representative discussed the site circulation.

Abby Heckman stated that she did speak to someone from Sunset Funeral Home about this case. They asked clarifying questions, and no one had submitted any comments in writing related to the case.

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

Jack Ware, 1613A Patton Drive, stated he had concerns about traffic increases in the area. He stated his dining room looks out to Patton Drive and was interested in the landscaping plan and hoped it would help with vehicle lights shining in their home.

Carol Ware, 1613A Patton Drive, stated everyone here tonight lives on Patton Drive. She pointed out traffic issues in the area.

Neil Finland stated he understands their concerns. He stated they are trying to manage the traffic by only having two entrances on Patton Drive. He stated they would prepare a more detailed landscaping plan to provide some screening. He stated he would communicate with the neighbors on the landscaping plan.

The Commission discussed landscaping and screening for vehicle headlights.

Mr. Schaefer asked if there was any requirement for traffic study in this area.

Kelly Pfeifer stated one wouldn't be required because a significant traffic study was done for this entire area related to the traffic light at Churchill and Oak Street. All of this land was projected to be built out as part of that study. The current infrastructure was built to support the expected uses in the area.

Patrick Brown stated before and after school traffic has increased in that area. When South Mahomet Road opens with the railroad crossing there will be relief for traffic cutting through this area. A turn lane to turn south onto Churchill Road from Oak Street is planned and a turn lane from the south turning east on Oak Street from Churchill is planned. Those are planned in the next couple years unless a new traffic study stated they are not warranted.

Ms. Simeone asked for more information about the previous traffic study.

Kelly Pfeifer provided background for the traffic study.

Staff and the Commission discussed future South Mahomet Road connections and traffic patterns.

Mr. DeAtley asked if there was any additional public comment. No one came forward.

Simeone moved to close the public hearing for CU2023-01. Briney seconded the motion. ROLL CALL. 4-0. Motion Passed.

RESOLUTIONS and MOTIONS (TO BE ACTED UPON):

CU2023-01: HARTMAN FAMILY DEVELOPMENT LLC

A RESOLUTION CONCERNING A CONDITIONAL USE PERMIT TO ESTABLISH A MIXED-USE COMMERCIAL DEVELOPMENT WITH DRIVE-THROUGH FACILITIES ON 2.28± ACRES OF LAND ZONED C-1 NEIGHBORHOOD COMMERCIAL LOCATED ON THE NORTH SIDE OF PATTON DRIVE, SOUTH OF OAK STREET, APPROXIMATELY 100 FEET WEST OF CHURCHILL ROAD

Kelly Pfeifer stated there is a draft resolution attached and the petitioner has requested that item E be stricken. Staff supports the change based on testimony.

Staff updated the Commission on timing of the South Mahomet Road project.

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

Schaefer moved to grant ZA2023-01 removing condition e with findings of fact as stated below. DeAtley seconded the motion. ROLL CALL. 4-0. Motion Passed.

BE IT THEREFORE RESOLVED this 4th day of April, 2023 by the Plan and Zoning Commission of the Village of Mahomet that:

1. The Plan and Zoning Commission does hereby recommend the Board of Trustees GRANT the requested Conditional Use Permit for mixed-use commercial development with drive-through facilities at the above described property.
2. The Plan and Zoning Commission does hereby further state that the conditional use shall be subject to the following conditions:

- a) Site development and building design must substantially comply with the Site Plan and Building Renderings as presented to the PZC (dated April 4, 2023).
 - b) Landscaping plan must be submitted which provides a perimeter parking lot buffering.
 - c) Only exterior lighting fixtures that are full cut-off / fully shielded which minimizes skyglow, glare and light trespass shall be permitted.
 - d) A shared use monument style freestanding sign of up to 75 sq ft in area and a maximum of six (6) feet in height will be permitted along the frontage of Oak Street. No other freestanding signage allowed along the frontage of Oak Street.
 - e) ~~The six (6) parking spaces at the southwest corner of the parking lot must be designated as a future cross-access connection to future development on adjacent property to the west. A cross-access connection would only be required when the Village identifies a need for the connection to accommodate access to the adjacent lot. Proper access easements must be provided upon request by the Village.~~
 - f) The site must obtain Site Development Plan approval prior to the start of any site construction and be fully compliant prior to any new building permit application or occupancy permit application.
 - g) 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.
 - h) The site must comply with all applicable provisions of the Zoning Ordinance.
 - i) The lots must be assembled by replat subdivision, zoning lot formation or other mechanism assuring the land functions, operates and is owned by one entity.
3. The Plan and Zoning Commission does hereby confirm the following findings of fact regarding the requested Conditional Use Permit:
- a) The establishment, maintenance, or operation of the Conditional Use WILL NOT be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - b) The conditional use WILL NOT be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
 - c) The establishment of the conditional use WILL NOT impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d) Adequate utilities, access roads, drainage, and/or other necessary facilities WILL be provided;
 - e) The conditional use DOES in all other respects conform to the applicable regulations of the district in which it is located;
 - f) There IS a public necessity for the conditional use at this site;
 - g) The proposed conditional use DOES conform with the intent of the Village Comprehensive Plan.
 - h) The proposed conditional use WILL be compatible with the established land use pattern in the vicinity.
 - i) The site IS suitable for the proposed conditional use.
 - j) The proposed conditional use WILL NOT significantly adversely impact existing traffic patterns.
 - k) Adequate facilities for municipal water supply and wastewater disposal ARE available for the site.
 - l) Adequate provisions for stormwater drainage ARE available for the site.
 - m) The proposed conditional use WILL NOT adversely impact police protection, fire protection, schools, or public facilities.
 - n) The proposed conditional use WILL NOT conflict with existing public commitments for planned public improvements.
 - o) The proposed conditional use WILL preserve the essential character of the neighborhood in which it is located.

- p) The proposed conditional use WILL 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.

MAP2023-01(LSRD2021-02): PRAIRIESIDE LSRD SUBDIVISION PHASE 1 (FINAL PLAT)
A RESOLUTION CONCERNING A FINAL PLAT FOR PRAIRIESIDE LSRD SUBDIVISION PHASE 1 ON 6.54± ACRES OF LAND LOCATED ON THE NORTH SIDE OF FUTURE SOUTH MAHOMET ROAD (CURRENTLY UNDER CONSTRUCTION) APPROXIMATELY 1900 FEET WEST OF THE SOUTH MAHOMET ROAD / CHURCHILL ROAD ROUNDABOUT

Abby Heckman presented information from the case report.

Kelly Pfeifer explained phasing for the subdivision.

Ms. Simeone asked what the reasoning was for requesting a waiver of the preliminary plat.

Kelly Pfeifer stated the waiver is standard when the developer is willing to go to the expense to submit a final plat with the construction plans.

Staff pointed out there is an outlot for the location of a neighborhood cluster mailbox.

Neil Finland stated the complexity of the drainage through the subdivision would not have been figured out with a preliminary plat.

Mr. DeAtley stated he wanted to make his objection known about allowing sidewalks only on one side of the street. He finds it frustrating that the Board approved that waiver.

Briney moved to grant three requested waivers and approve MAP2023-01 final plat with findings of fact as stated below. DeAtley seconded the motion. ROLL CALL. 4-0. Motion Passed.

BE IT THEREFORE RESOLVED this 4th day of April, 2023, by the Plan and Zoning Commission of the Village of Mahomet, that:

- A. The Plan and Zoning Commission does hereby recommend APPROVAL of the Final Plat for the Prairieside LSRD Subdivision Phase 1 upon completion of modifications identified by the Village staff and does hereby authorize the Chairman to sign the said Final Plat upon completion of said modifications.
- B. The Plan and Zoning Commission does hereby recommend the following action concerning the requested waiver:
 - 1. GRANT Waiver of the requirement to submit a preliminary plat for approval prior to final plat approval.
 - 2. GRANT Waiver of the maximum cul-de-sac length to allow a cul-de-sac that exceeds 800 feet in length.
 - 3. GRANT Waiver cul-de-sac right of way dedication and full radius from 110' diameter to a 60' easement to be vacated later with future extension and platting.
- C. The approval of the Final Plat recommended above is further subject to the following conditions:
 - 1. Submission of all supporting documentation in proper form

2. The approval of the Final Plat recommended above is further subject to the review and approval of the Final Plat and supporting documents as applicable by other relevant agencies and utility service providers.
3. In the event that the modifications to the Final Plat are not completed, the outside agency reviews are not completed, all supporting documents are not submitted in final form, or the conditions set forth above are not met within sixty (60) days from the date of approval by the Board of Trustees, the approvals recommended herein shall be null and void.

COMMISSIONER / STAFF COMMENTS: NEXT PZC MEETING – MAY 2, 2023

Mr. DeAtley asked if waivers that are customary should be changed to automatically be allowed.

Kelly Pfeifer stated many waivers are related to conditions between phasing and staff isn't prepared to allow certain waivers without review.

Neil Finland stated he thinks the town is trendy but traditional and it is a special place.

ADJOURN:

Schaefer moved to adjourn the meeting. Someone seconded the motion. ROLL CALL. 4-0. The meeting was adjourned at 8:11pm.

Respectfully,
Abby Heckman, Planner