



**Plan and Zoning Commission
7:00 p.m. Tuesday, November 10, 2020
Village of Mahomet - Administrative Office
Virtual Meeting Via Zoom or Skype for Business**

Join Zoom Meeting

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Meeting ID: 217 586 4456

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AGENDA

1. CALL TO ORDER

2. ROLL CALL

- 3. PUBLIC COMMENT:** The Commission welcomes your input. Due to the current COVID-19 emergency and the Governor's executive orders, the meeting will have an online live participation option. We encourage all interested citizens that can, to participate online (login in information provided above). Interested citizens are invited to provide comments either at the public hearing (online preferred) 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 10, 2020. Other written comments may be submitted by emailing Abby Heckman, aheckman@mahomet-il.gov no later than the start of the meeting on November 10, 2020 to ensure placement of such comments in the official record of the meeting.

- 4. REVIEW/APPROVE MINUTES:** August 4, 2020, and
September 1, 2020

5. PUBLIC HEARINGS:

LSRD2020-01: HUNTERS RIDGE LSRD SUBDIVISION

A RESOLUTION CONCERNING ESTABLISHMENT OF A LARGE SCALE RESIDENTIAL DEVELOPMENT ON 14.5± ACRES OF LAND LOCATED IMMEDIATELY NORTH OF OLIGER DRIVE AT CATES DRIVE, EAST OF SANDY RIDGE SUBDIVISION AND SOUTH OF INTERSTATE 74

ZONING ORDINANCE TEXT AMENDMENT

A RESOLUTION CONCERNING A TEXT AMENDMENT TO ADD ADDITIONAL MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, ADD AND AMEND RELATED REQUIREMENTS AND OTHER SECTIONS RELATED TO BUT NOT LIMITED TO DEFINITIONS, PERMITTED USES, CONDITIONAL USES, ACCESSORY USES, DENSITY

CRITERIA, LOT SIZES, SETBACKS AND OTHER NON-SUBSTANTIVE CHANGES AND REORGANIZATION OF RELATED TEXT.

6. RESOLUTIONS and MOTIONS (TO BE ACTED UPON)

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7. DISCUSSION ONLY (NO ACTION)

ZONING ORDINANCE TEXT AMENDMENT

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8. COMMISSIONER / STAFF COMMENTS

NEXT PZC MEETING – DECEMBER 1, 2020

9. ADJOURN

PLAN AND ZONING COMMISSION
MEETING MINUTES - DRAFT
August 4, 2020

CALL TO ORDER: The meeting was called to order at 7:00pm on Tuesday August 4, 2020.

ROLL CALL:

Members Present: Jay Roloff, Steve Briney, Mike Buzicky, Bob Buchanan, Robert DeAtley and Damian Spencer.

Members Absent: Earl Seamands.

Others Present: Village Attorney Joe Chamley, Village President Sean Widener, Village Administrator Patrick Brown, Village Planner Kelly Pfeifer, and Planner Abby Heckman.

PUBLIC COMMENT: No one came forward.

Mr. Roloff asked if there was anyone present at the Village Hall.

Kelly Pfeifer stated that she and Patrick Brown were sitting in the board room at the Village Hall and that there weren't any other members of the public present.

REVIEW/APPROVE MINUTES: July 7, 2020

Mr. Roloff asked if the Commission had any changes to the minutes.

Buchanan moved to approve the July 7, 2020 minutes as presented. Briney seconded the motion. ROLL CALL. 4-0-2. Spencer and DeAtley abstained. Motion Passed.

PUBLIC HEARINGS:

ETHOS DESIGN BUILD, LLC

A RESOLUTION CONCERNING THE PETITION FOR RELIEF FROM MORATORIUM ORDINANCE #20-5-02 BY ETHOS DESIGN BUILD, LLC

Mr. Roloff read through the public hearing script which was included in the PZC meeting packet. He stated the case information was included in the PZC meeting packet and is displayed on the screen.

Joe Chamley stated that anyone that testifies must be sworn in.

Mr. Roloff asked Christopher Oswald (attorney for Ethos Design Build LLC), Steve Lehman (representative for Ethos Design Build LLC), and Steve Kerr if they swore to tell the truth and all three responded yes.

Christopher Oswald stated he is an attorney with Miller Hall & Triggs, LLC out of Peoria, IL representing the petitioner and that he submitted an application on July 3, 2020 that started this hearing process. He stated that in the application was a reservation of rights and the petitioner believes it has vested rights in the development irrespective of the moratorium that was imposed. He stated that by appearing here tonight they were just looking to cooperate with your process and go through the administrative channels before they take any further steps. He stated they respect the Village's right to evaluate ordinances from time to time, but in a situation like this where a petitioner has expended significant

resources in furtherance of an allowed use and then those rights are taken from them late in the game. He stated they have a problem with that and fortunately your ordinance for a moratorium on multifamily development provides a mechanism for relief. He stated that is why they were here tonight. He stated that he thinks after you hear our testimony, you will agree with us that not only has our developer incurred significant economic hardship as a result of this moratorium because he has no other reasonable use of the property, he's made substantial irrevocable investment with reasonable reliance on the current ordinance, and that the development would otherwise comply with your other ordinances. He stated that you're going to find that we're pretty far along in the game here. He stated this is a significant project for our client, he wants to be a part of the Mahomet community, and he's looking for your support. He stated he wanted to call his first witness, Steve Layman, who is the person behind the entity that is Ethos Design Build LLC.

Mr. Roloff stated for the record I'll just affirm that Steve did provide that oath that he would be telling the truth.

Steve Lehman stated that is correct. He stated that he has meet with Abby, Kelly, Patrick and many others. He stated for several months have been working many hours on this project and have been part of the community for many years and our family has a lot of a vested interest in Mahomet doing well.

Christopher Oswald asked Steve what this project means for his company.

Steve Lehman stated his company is medium size and they try to identify a good opportunity to enhance a community so we do one or two projects per year and this is one that was identified as being a good opportunity for the community and for our business.

Christopher Oswald asked Steve how much of your staff time do you think would be committed to this project over the next 18 months if it were to go forward.

Steve Lehman stated that it was our primary project for the next 18 months.

Christopher Oswald asked Steve what would the failure of the project look like to the company if you already expended efforts to set it up and you thought you were close to the permanent.

Steve Lehman stated that it's devastating because we had already expended quite a bit of time, effort and money into it and up to this point, we had staffed up with the ongoing expectation of building based on the current rules. He stated that suddenly not being able to proceed entirely cuts off the blood flow and the revenue stream for our company for the next 18 months, which means people lose their jobs and our company may not exist going forward. He stated it's a crippling effect to us and if we can sustain it will take a big toll.

Christopher Oswald asked Steve if it is fair to say there would be a significant economic hardship.

Steve Lehman stated yes.

Christopher Oswald stated he sent a letter July 3rd, 2020 with attachment. He wanted to skip to exhibit C where you'll see we've itemized expenses and comes to \$314,000. He stated it represents both internal and external costs associated with putting together a project of this size and total estimated

project hard costs at 2.9 million. He asked Steve if the information was a reasonable estimation of what the project would cost to construct.

Steve Lehman stated the raw cost of construction is in that ballpark of the \$2.9 million and the cost already expended is at \$314,000.

Christopher Oswald stated Ethos planned to own and operate this facility in addition to building it.

Steve Lehman stated there are three line items, the \$319,000 is lost revenue during the construction activities throughout the next 12 months, if we weren't able to construct. He stated \$379,000 is the estimate of lost revenue from operation year after year if they are unable to construct. He stated there is the \$314,000 that is already spent, the \$319,000 of lost revenue during construction activities, and the \$379,000 of lost ongoing revenue.

Christopher Oswald asked Steve if they knew the project wasn't viable then would they have found another project.

Steven Lehman stated if he had known this was not viable they wouldn't have invested the \$314,000 into it and would have diverted our attention and efforts into something else.

Christopher Oswald asked Steve if he had looked at this property for multifamily residential development and asked if they would be able to do anything else with this property.

Steve Lehman stated the property is currently zoned for multi-family and there's nothing else viable for this property that were aware of.

Christopher Oswald asked Steve if the property is under contract with Mr. Tabeling and if you're unable to pursue the project, would you acquire the land.

Steve Lehman stated yes they are under contract and no they wouldn't acquire it because the value of the land is limited.

Christopher Oswald stated he wanted to go over the process before May 26 when the moratorium was passed. He asked Steve when he first approached the Village about this project.

Steve Lehman stated it was this last winter.

Christopher Oswald stated he wanted to shift everybody's attention to the very first email from exhibit B. He went through the emails included with exhibit B.

Steve Lehman stated they met with Village staff back in January of 2020 and we talked with Kelly Pfeiffer, Abby, as well as Patrick to discuss goals and interests of the Village. He stated they care about Mahomet and wanted to find a way that would work well for everyone and explore different ideas. He stated the Village had a downtown master plan which includes multifamily developments which they went over with Village staff.

Christopher Oswald asked Steve if that was the last communication.

Steve Lehman stated no, they also looked at other properties that were currently zoned for multifamily and found a property on Patten Drive already zoned for multi-family. He stated they pursued the property because the property didn't have any hinderances in terms of needing support from TIF money or enterprise funds and the property was the most buildable with our current funding. He stated they wanted to invest in the Village without asking for any financial support from the public or from the Village.

Christopher Oswald asked Steve if he meet with the Village in person.

Steve Lehman stated yes, we met in person a few times and then our communication was over phone, email and text since the limitations with Covid-19.

Christopher Oswald asked Steve if there was dialog from January to March and asked if anyone raised the moratorium issue during that time.

Steve Lehman stated yes their was dialog and no there was not mention of a moratorium.

Christopher Oswald asked Steve in April, I assume you still had some communications ongoing.

Steve Lehman stated yes. He stated they were working hard and spent a lot of hours on this, so whether it's in person, over email, text, phone calls, we were communicating with multiple methods and media throughout those multiple months.

Christopher Oswald asked Steve if in April did anybody say anything to you about a potential for a moratorium that would affect this project.

Steve Lehman stated no.

Christopher Oswald asked Steve when the first time he learned about the moratorium.

Steve Lehman stated it was May 22, 2020 when Kelly emailed him asking him to call her. He stated he called Kelly to chat which confused me to find out there would be resistance building up. He stated Patrick called him later the same day insinuating they were going to do all they could to stop development. He stated he told Patrick they had spent \$300,000 already.

Christopher Oswald stated that the hearing was set for May 26 so Ethos put together an application for site development which is exhibit A.

Steve Lehman stated they submitted for a permit. He stated they have a full set of building plans that were designed with our collective team. He stated they do an integrated delivery model which involves some consultants, some in-house between civil engineering and architectural design. He stated they use both our staff and outsourced consultants.

Christopher Oswald asked Steve if their design professionals had been working with the Village on preparing those.

Steve Lehman stated yes for several months.

Christopher Oswald asked Steve if they filed on May 26 and if the plans were prepared in compliance with the rules and regulations and zoning requirements in the Village.

Steve Lehman stated yes.

Christopher Oswald stated he was finished with his questions for Steve.

Mr. Roloff asked if anybody on the Commission has questions or clarifications for Steve. He asked if anybody from public has questions and as a reminder, if you speak, you'll be subject to questions too. He stated someone can raise their hand in zoom or in the chat, or somehow indicate that you're that you you've got a question. No one responded. He asked Christopher Oswald if he had anyone else to speak.

Christopher Oswald stated he would like to call Steve Kerr on behalf of the petitioner.

Steve Kerr stated he resides in Peoria Illinois and is owner of Mohr & Kerr Engineering and Land Surveying. He stated they worked with Steve to prepare a site plan for this development which is included in exhibit A.

Christopher Oswald asked Steve when he was first involved with work on this project.

Steve Kerr stated his first involvement was the end of February with some zoning review, but they didn't take off until March 20th when they did the field survey of the property. He stated they worked on it through May to make sure we had a site plan that met all the zoning requirements and the detention requirements for the Village.

Christopher Oswald asked Steve if he worked with village staff during that period.

Steve Kerr stated they had some early conversations with the Village regarding setbacks and regarding a piece of the property on the West side that was going to have to be conveyed to an adjacent parcel. He stated that they moved some things around based on that conversation. He stated they also had some conversation with the Village engineer regarding detention requirements and believes they submitted plans and calculations to the Village engineer.

Christopher Oswald asked Steve if that continued through April and into May.

Steve Kerr stated yes.

Christopher Oswald asked Steve if the site plan in exhibit A was a culmination of your efforts. Steve Kerr stated it was a culmination of an overall an overall view of what the final development would be.

Christopher Oswald asked Steve if he believed the site plan was prepared in accordance with all ordinances and regulations of the Village.

Steve Kerr stated that as far as he knew, it meets all zoning requirements and detention requirements.

Christopher Oswald asked Steve if he believed it would be reasonable that if there were minor issues, it could be slightly modified.

Steve Kerr stated he wouldn't expect we submit something and not get a comment back.

Christopher Oswald asked Steve if he ever received any comments.

Steve Kerr stated no not since we submitted for the permit but they received some comments back regarding the detention and how to interpret the detention ordinance because we were struggling with that a little. He stated his employee Josh Moore submitted detention calculations with this plan with building permit but prior to that we had submitted detention calculations to the Village engineer to review and make sure that we were heading in the right direction.

Christopher Oswald stated he had no further questions for Steve Kerr.

Mr. Roloff asked the Commissioners if there were any clarifications needed on any of the answers that Mr Kerr gave.

Mr. Buzicky asked the applicant to go over the site plan for clarification of the size and scope of the project. He asked for the overall property size, number of units and buildings.

Steve Kerr went over the site plan. He stated there is a portion of the property that is zoned C2 that they would not be developing and the part of the property zoned R3 is 4.66 acres. He stated that the zoning ordinance allows one unit for 3000 square feet which would allow us to have 67 units in three buildings with a community center and a pool. He stated they were meeting or exceeding the setbacks required. He stated that two parking spaces are required per housing unit plus additional parking for the community center, so we have a total of 144 parking spaces. He stated it meets ADA requirements. He stated detention takes up a big part of the property and drainage generally flows from the northwest to the northeast.

Mr. Buzicky asked who owns the property and will the project be phased.

Steve Lehman stated the plans show the complete project and it is under contract with the property owner.

Christopher Oswald stated it's under contract and he has site control. He stated the property owner Shawn Tabeling would speak next.

Mr. DeAtley asked how many bedrooms the units would have and the total bedrooms for the site.

Steve Lehman stated they are close to an average of 2 bedrooms per apartment, so we're at 134 bedrooms total. He stated they wanted to leave some green space for common area so that people who live here could enjoy some greenery and common space to socialize

Mr. Roloff asked if there were any other questions from commissioners and if not, are there any questions from the public or anyone else. He stated that no one spoke up so we would move on to the next witness.

Christopher Oswald stated he would like to ask Shawn Tabelaing to speak.

Mr. Roloff asked Shawn Tabelaing if he swore to tell the truth.

Shawn Tabelaing stated yes. He stated he lived in Mahomet and is a developer and builder in Mahomet for the past decade. He stated the property was farmland which he rezoned the property prior to purchasing it.

Christopher Oswald asked Shawn if he was the owner of the property and was under contract to sell the property to Steve's development group. He asked Shawn if he supported this relief petition before the Plan and Zoning Commission.

Shawn Tabelaing answered yes.

Christopher Oswald asked Shawn if there was any objection at that time to your rezoning to R3

Shawn Tabelaing stated not that I recall.

Christopher Oswald asked Shawn if the property wasn't going to be used for multi-family residential, would it have any other reasonable economic use for you or Steve.

Shawn Tabelaing stated no, not for me. He stated their intent going in was to build apartments.

Christopher Oswald asked Shawn if he were going to develop it as something else would that significantly alter the infrastructure that would be required.

Shawn Tabelaing stated yes, you'd have to add a quite a bit of expense to do any kind of other single-family or duplexes or anything like that.

Christopher Oswald asked Shawn what types of additional expenses would be involved.

Shawn Tabelaing stated municipal roads, and extension of utilities, water, sanitary, and storm. He stated he would not be interested in developing duplexes.

Christopher Oswald asked Shawn if anybody approached him to do any other kind of development on that site.

Shawn Tabeing stated no, not outside of Steve and another group that was also interested in doing apartments

Christopher Oswald asked Shawn if he was not able to sell this property to Steve for multi-family apartments would he have some difficulty selling it.

Shawn Tabeing stated yes, I believe I would.

Christopher Oswald ask what expenses were incurred to date to put in infrastructure and he has done with the property so far pursuant to your original development agreement.

Shawn Tabeing stated 600 feet or so of Patton Drive was put in along with sidewalks along Patton and along US150 and all the utilities, water, sanitary and extensive storm lines.

Christopher Oswald asked Shawn if that work has been completed and approved by the Village

Shawn Tabeing answered yes.

Christopher Oswald asked Shawn what it cost to put that in.

Shawn Tabeing stated hundreds of thousands.

Christopher Oswald asked Shawn if he weren't able to sell this for multi-family would you would incur some significant economic hardship

Shawn Tabeing stated yes he would.

Christopher Oswald stated he had no further questions for Shawn.

Mr. Roloff asked if any of the commissioners, the public or anyone else have any questions for Shawn about the answers he gave. He stated that no one spoke up so we can move on to the next witness. Christopher Oswald stated he would wrap up by saying, he thinks they've submitted evidence this evening that meets the burden, which is that we've incurred significant economic hardship, no other reasonable use of this property other than as multi-family based on the current ordinances and we've suffered and expended significant or substantial irrevocable investment. He stated that the development would, in all other respects, comply with the ordinances of the Village and therefore we respectfully request that the commission recommended approval of our request to seek relief from the moratorium on multi-family development and allow this project to go forward.

Mr. Roloff stated the petitioner has made their case, called some witnesses, and had some good discussion here. He stated that now is a time for anybody else that might want to say something, either in support or against this petition, or just a general statement.

Abby Heckman stated that she just checked email to make sure that we didn't receive anything in writing and at this point nothing had been submitted by email.

Mr. Briney asked when the moratorium is supposed to end.

Joe Chamley stated the terms of the ordinance says it will expire December 31, 2020, unless prior to that time, the Village Board has terminated it. He stated the moratorium ordinance was included in the meeting packet and referred to section 2B

Mr. Briney asked how significant it is to the applicant or the property owner to wait until the moratorium expires.

Mr. Roloff stated it would expire approximately 4.5 months from now.

Christopher Oswald stated his understanding is that the Village is looking to make changes to the ordinances that could significantly impact this project. He stated that is why we are seeking relief at this time. He stated they believe we've expanded. My client is extended the funds and the efforts to develop this project under the current ordinance, and if we wait until the moratorium is lifted, there may be aspects of this project that are not allowed to go forward. He stated he would let Steve speak to what the economic consequences that would be to make this project wait until the end of the year. Steve Lehman stated there are several aspects that would still inflict financial damages to us, which is pushing us out of the leasing season, difference in interest rates 6 or months from now, and we don't know if there will be new rules with any ordinance revisions. He stated this puts the whole project in flux and it could make it not feasible or financially viable.

Christopher Oswald stated he couldn't speak to what your Village board will do in terms of the new ordinance but if it significantly reduces the number of buildings or the number of units that were able to be constructed on this project that could completely change the financial pro forma this this project and makes it less attractive to investors and lenders.

Mr. DeAtley asked the petitioner to speak to the market considering the Village has seen a large flood of similar units come available in the last year and a half. He asked when your market analysis was done and whether it has taken into account the market as is as it exists today.

Steve Lehman stated he has first hand experience with multiple properties in Mahomet and Champaign and we saw that the Village had just signed a redevelopment agreement supporting a multifamily property which shows that there would be normally a support for it as well as a master plan for downtown redevelopment, which includes some multifamily there. He stated they have financial institutions who are ready to loan us the funds for the property.

Mr. Roloff asked for and questions from commissioners or the public.

Mr. Buzicky asked if the north part of this property is still zoned commercial.

Steve Lehman stated yes but they will only utilize the area already zoned multi-family.

Christopher Oswald stated that if that were ever going to be used as commercial at some point in the future, they'd have to come through and try to subdivide that to make that work but otherwise it just be greenspace as part of the development.

Mr. Roloff stated he would entertain a motion to close the public participation portion, suspend the rules, and have a discussion amongst the members of the Planning and Zoning Commission. He stated the discussion would be open and on public record, so I'd entertain a motion to do that.

DeAtley moved to close the public participation portion and suspend the rules. Buchanan seconded the motion. ROLL CALL. 6-0. Motion Passed.

Mr. Roloff stated we've now heard some input, had a nice presentation, several questions and answers. He stated there is a resolution that has been provided for us and the next step of this process is going to be that we're going to need to go through those four findings of fact. He asked if everybody had enough information at this time to be able to make those determinations of finding a fact or is there some additional information that we think we need or do we think we're ready to move forward.

Mr. Buzicky stated it's a lot to take in. He stated we're trying to speak for the Village and the feelings that the Village residents had. He stated we as a Commission put in the moratorium and then the Board of Trustees approved it for a reason and this is only a few months later. He stated we're taking in a lot of information here and trying to digest it so I probably need more information, I just don't have the questions right now, but I'm just taking it all in.

Mr. Roloff asked Abby to scroll to the last two pages of the packet which shows the findings of fact question which are the questions we need to answer.

Mr. Roloff asked Joe Chamley if it was appropriate to continue this public hearing until next month so that we can digest the information and potentially formulate some questions.

Joe Chamley answered yes. He stated this is quasi judicial and you're supposed to deliberate and take this very seriously which you certainly are by your questions and concerns. He stated you have that right to say you may need some more time to figure out what our responses for these things will be.

Mr. Roloff stated on the screen are the four questions we need answer to make a determination whether there was a significant economic hardship on the applicant, whether there is some other reasonable use of the property in question, whether or not the petitioner has made substantial irrevocable investment in the development, whether or not there is reasonable reliance on the regulations as they stood at the time and whether or not the proposed development complied with Village ordinance regulations and rules. He stated he would poll the commissioners to see where everyone is, if everyone is ready or if there are other questions.

Mr. Buchanan stated items 1, 3 and 4 have clearly been met but item 2 is unclear whether it has been met. He stated he has talked to others in the community with concerns about multi-family development.

Mr. Roloff stated that it is good that you are talking to the community but that isn't directly relevant since the request is asking for relief from the moratorium.

Joe Chamley stated the focus here is on this project and the particulars of this project, this development, this location, it's this project, their situation that they have right here.

Mr. Roloff stated we're probably not going to get a good answer for number 2 even in a month or two because there could be other reasonable uses, we probably all have our opinions, but we're not going to be doing market studies in the short term.

Mr. DeAtley stated he is disappointed in the community because the testimony that was provided in my opinion does answer the four questions. He stated that he tends to agree with Bob that the second question is less certain, but based on the testimony provided, it appears that those four questions have been answered. He stated he's been contacted by people not with regard to this case, but who have concerns with additional development so I'm just disappointed that in light of the testimony presented and in light of the ordinance, I feel like our hands are tied. He stated I'm not sure that the community wants it, but I'm not sure that we have a choice.

Mr. Roloff stated that more time may not help.

Mr. Briney stated he had questions about the process. He stated there are the four questions and underneath that there is a place for reasons. He asked if the reasons are required to go with each statement. He asked if the overall grant or deny decision is based on how of the individual questions are answered one way as opposed to the other.

Mr. Roloff stated this is a draft resolution and we have the ability to change this draft resolution in whatever way that we see fit. He stated they will have to weigh all of the answers to those four questions and then make that decision on the grant or deny. He stated that this is just a recommendation to the board.

Joe Chamley stated these are the factors that the ordinance calls for the Plan Commission to consider as recommendations, just as you said Jay, that will eventually go to the full board of Trustees. He stated it's contemplated that to get relief they are to satisfy all four of the factors. He stated a party would be entitled to relief if they can satisfy these four conditions.

Mr. Buchanan stated he thought it would be appropriate to give a reason for each one of these questions.

Mr. Roloff asked Joe Chamley for advice on process.

Joe Chamley stated if it is the desire of the Commission to get more input from the public, either the petitioners or the public you certainly could go back to the public participation portion to see if there's more input or questions from the public, the petitioner, etc.

Mr. DeAtley stated the petitioner has stated they believe they meet Village Ordinances. He asked staff if it has been reviewed and a permit issued for the project.

Mr. Roloff stated it seems like we need to reopen the public participation portion to address those questions. He stated he would entertain a motion to reopen public participation.

DeAtley moved to reopen the public participation portion. Buzicky seconded the motion. ROLL CALL. 6-0. Motion Passed.

Mr. Roloff called Kelly Pfeifer to testify for Village staff. He asked Kelly if she swore to tell the

Kelly Pfeifer answered yes.

Mr. DeAtley asked Kelly if staff has completed a review of the submitted documents and if a permit is able to be issued based on the documents submitted in and then as a follow up question for the petitioner, what their started construction is based on everything.

Kelly Pfeifer stated the process where we are is that they submitted an application package as you heard, Steve Lehman explain, the week before the moratorium was heard and acted on.

Kelly Pfeifer stated the application has not been reviewed because the moratorium gave us instruction to not review any site plan development for multifamily. She stated she could say that it contains the components that are generally what we receive with the first application for a site plan review and its contents. She stated they had an application form, civil plans, architectural plans and a check for the filing fee because they provided me with the estimated cost of the site construction, which is how we base the fee. She stated so whether those components, are ready to be built, in my experience, no, we usually go about two rounds of review comments to get a full complete site plan set that we can then say is it is approved. She stated there are components that were not included that we would normally need before we approve a site plan such as landscaping and other design features. She stated she only briefly looked at it because our instruction from the board is to not review because of the moratorium. She stated the particular piece of property that the site plan covers is actually a part of a lot and not the entire lot. She stated that as a point of information, the infrastructure was just last month accepted by the Board along Patton Drive and put into a one year warranty period. She stated the property on the South side of Patton Drive is currently one lot. She stated that Steven testified there is a portion of that lot that is already encumbered because it needs to be transferred and combined with what's currently Middletown Place apartment complex property. She stated there are two buildings that, without this strip of land transfer, do not meet setback requirements. She stated she sent the developer and Shawn Tabeling, the owner of lot 102, an email stating the developer was planning on developing the portion of the property that isn't available and that the developer needed to talk to the landowner before they went any further. She stated a Certificate of Exemption process was going to be used to transfer that piece to the adjoining Middletown Place property. She stated that she informed the property owner that no building permit could be issued on Lot 102 until that land transfer happened. She stated in talking with Shawn it appeared that Ethos wasn't designing for the entire lot, nor all the property. She stated that it wasn't just that little exemption that needed to be transferred, but that Shawn was looking to divide and make a lot out of the commercially zoned area and a lot out of the multi-family zoned area and also transfer the adjoining piece to the neighboring property door, so that's three pieces. She stated lot 102 needed to go through a subdivision process to be made into pieces before anything can happen with respect to a permit. She stated it is not uncommon for us to be working through a development plan site plan review process at the same time that a subdivision process is going on, which is why we require a pre development meeting between all parties, engineers, attorneys, owners, land owners, renters and anybody else we think needs to be in meeting. She stated that meeting

requirement is in our subdivision ordinance. She stated we have not yet held that meeting with them. She stated yes, we met with Steve and his group informally, this past winter, who were really eager to get some apartments into Mahomet and they were looking at downtown when we started. She stated that anything downtown would need subdivision, potentially rezoning, potentially development agreement, they pursued this other parcel, I think in that February, March, April timeframe. She stated we never had another meeting where we all got back together and figure out what was going on. She stated that while discussions were being had with our engineer where she was answering all the proper questions about our ordinances and Abby was being asked questions as well about what our ordinances are. She stated that we were unaware of the actual piece of property, what was going to be built on the property and how far they went into design. She stated that is a very unusual situation for us. She stated they had submitted some information for a cursory review and have included statements on the site plan that they comply with the zoning ordinance. She stated I cannot say that it complies with the subdivision ordinance because right now that lot is not buildable and needs to be subdivided. She stated the process could be what we call a minor subdivision and the PZC wouldn't see it because it is a staff approval. She stated if you're asking staff whether or not they can have a permit, the answer is, even if their plans were complete today, the parcel doesn't exist and until it's subdivided. She stated that the subdivision would take a couple of months. She stated I cannot tell you whether it does or does not comply because the moratorium told us to cease review.

Mr. Roloff asked if anyone had questions on the responses that Kelly gave.

Christopher Oswald asked Kelly if the boundary line in question is the western boundary line that would need to be adjusted.

Kelly Pfeifer stated that the western boundary line where that strip of land is your engineers did appropriately remove that land from what was originally submitted. She stated appropriately now the stormwater management doesn't have that portion in it and it looks like it could be transferred. She stated that her impression is that you're not designing stormwater for the rest of the parcel of lot 102. She stated you're only planning on and designing for the R3 portion. She asked if it was correct that you're not buying all the rest of 102.

Steve Kerr stated you are correct in the stormwater detention is only designed for the R4. He stated the C2 portion of the parcel it would all be grass and if it develops it would have to have its own detention. He stated he didn't know if it's a simple subdivision that would go through the subdivision process. He stated he talked to Shawn about having to split that off and we assumed that was a simple subdivision that wouldn't require planning and zoning and village board approval included. He asked Kelly if that was correct.

Kelly Pfeifer stated correct. She stated parts are corrected and parts aren't so we're caught in the middle. She stated originally it was simply that he had lot 102 and a strip of land needed to go over to the Middletown place, so the remainder of lot 102 was going to be for one buyer.

Steve Kerr answered correct.

Kelly Pfeifer stated that a certificate of exemption process is very easy, it is a subdivision process but it is fast. She stated that is what we were going to do for the last year at various times. She stated it

became evident to her that you weren't designing for the rest of 102 and you were only going to buy part. She stated that means Shawn has to go through a minor subdivision and he can't go through a minor subdivision within 12 months of having gone through another subdivision so when Ethos wasn't going to design for the rest of it he couldn't do the quick and easy certificate of exemption process and he needed to do a replat subdivision of all of lot 102 so he only did a subdivision once. She stated he would make the R3 or whatever your client was going to buy one piece and a commercial piece, which he says your client isn't going to buy, and then the transfer strip would just be an outlot and be transferred. She stated so if he had executed the easy, then what would have to be sold to your client to be buildable is the entirety of what's left. She asked if that was what was going on because she is not privy to the contract.

Christopher Oswald asked Kelly if it's correct then that if they were acquire the whole site, that a simple subdivision to move that boundary line between property owners could be accomplished administratively and would not be a significant issue.

Kelly Pfeifer stated that is correct, if they only needed to transfer the strip of land which is like 13 feet and the remainder was one property, then there is no other subdivision that has to occur and if the site plan reflects the entire boundary of the remainder and the ordinance is applied to that, then we're fine.

Christopher Oswald asked Kelly if there was anything that requires them to subdivide that commercial out if Ethos acquired the whole site.

Kelly Pfeifer answered yes. She stated this is why our subdivision ordinance requires a pre development meeting because we would figure out to make sure that all the coordination is happening so something is buildable. She stated we would talk about if it was part of a parcel and about whether easements are necessary. She stated at a glance it looked like the boundaries that they're buying and that they're designing for and they want a permit on is not the entire property even without the little strip. She stated our next step with Steve and the team would have been to schedule a pre development meeting and conference so we can see where they are, what property they are using and what steps have to be done.

Christopher Oswald stated we know that that's the initial process when you submit for a permit like this, you sit down and talk about the finer details.

Kelly Pfeifer stated we usually do not have anyone this far into a design in the site plan before we have that kind of meeting.

Christopher Oswald asked if this was something that would prevent a permit application from going forward.

Kelly Pfeifer answered no. She stated we try to be flexible here versus extremely rigid. She stated this is a first submittal, it gets it in the door and then we need to now mobilize and talk about who has to do what and when. She stated that until I have an owner and a developer in the same room, I don't really have a project. She stated we've had a lot of people that have designed and done things on land that they don't even have a legal interest in. She stated I'm not privy to the contract. She stated I was working with Shawn on what he had to do for his land and his needs and he asked about dividing the

commercial and the multifamily land and that made us cease doing the certificate of exemption, which we would really like to do so we can clear out Middletown Place because that project needs it. She stated the moratorium popped in during this time said timeout so that's what we've done. She stated that's all I know from my standpoint of where we are in the process. She stated that right now, even if relief is granted I can't say they get a permit tomorrow because the land needs to go through a subdivision. She stated that it doesn't mean it can't happen, but it takes a couple of months usually.

Christopher Oswald asked Kelly if the subdivision can be administratively approved.

Kelly Pfeifer answered yes it requires a lot of deeds for approval, but it's a pretty easy process.

Christopher Oswald asked Kelly if it's typical on this initial permit phase that there would be some other details that would be worked out between the landowner and the Village as it moves through the process.

Kelly Pfeifer answered yes.

Christopher Oswald asked Kelly if it was unusual.

Kelly Pfeifer answered it is not unusual except for the fact that Mahomet has not had very much multi-family developments. She stated she worked with the Solace Apartments for probably a year but it was a different piece of land that needed a development agreement. She stated I don't have a lot of other experiences but when I did talk to Steve and I called him to let him know about this moratorium and he said what had been done, I was extremely surprised that he had gone that far in that process without us sitting down with him and Shawn Tabeling. She stated it caught me off guard. She stated she agreed to what was testified earlier that I suggested to Steve that he talked to Patrick or to the Mayor because I had nothing else to tell him other than I was giving him a heads up but that I expected it to be a short just through the end of the year.

Christopher Oswald asked Kelly that assuming that Shawn and him were to workout that administrative subdivision of that strip, so long as that site plan meets setback requirements and bulk requirements, it is essentially approvable.

Kelly Pfeifer answered if that strip is transferred through the certificate exemption process, which was nearly done and the balance of it was submitted with the rest of the lot, then yes, I think the answer your question would be yes.

Christopher Oswald asked Kelly but for the moratorium, you would have probably had that meeting with them to sit down and go through the site plan and correct any deficiencies.

Kelly Pfeifer answered yes we would have scheduled it but for the moratorium.

Christopher Oswald stated he had no further questions for Kelly. He stated that you guys may have some others for follow up but I will probably want to call a couple of other witnesses to speak to that.

Mr. Roloff asked if the commissioners and the public had any other clarifications you need from Kelly on the answers that she gave. No one spoke up. Mr. Roloff stated there was a comment typed in the chat from someone identified as iPhone. He stated the person needs to identify who they are and their address.

Matthew Dallas, by typing in the chat, asked how about we see what Ethos' answers are to these four questions.

Mr. Roloff stated that in their presentation Ethos indicated that they believe the answers to those four questions are the moratorium has caused significant economic hardships, the applicant has no other reasonable use of the property, the applicant has made substantial, irrevocable investment which the investment was made in reasonable reliance on the regulations, and the development does comply with all ordinances. He asked Chris or Steve to correct him if he is wrong. He stated that was in your original presentation.

Christopher Oswald answered he thought that was correct and that they have some additional evidence to follow up on Kelly's comments.

Mr. Roloff stated to Chris that if you've got additional witnesses that you'd like to call, now would be the time.

Christopher Oswald stated he would like to recall Steve Kerr.

Mr. Roloff reminded Steve that he is still under oath.

Christopher Oswald stated Kelly had raised the issue of this administrative subdivision. He asked Steve to tell where we're at in the process to make that boundary adjustment.

Steve Kerr stated he talked to Kelly and Steve about the 17 and a half foot strip and then I subsequently called Shawn to say we're not working with the right property. He stated they needed to transfer that property but I don't know where that is in the whole process. He stated the property owner's engineer was supposed to draw up because they had already done all the platting and everything for the original submission. He stated that he shows that strip as an exception on our site plan.

Christopher Oswald stated he is not going to ask Steve anymore questions on that. He stated he mistakenly thought he knew about that. He stated he would call Steve Lehman.

Mr. Roloff asked the commissioners and the public if there were any questions or clarifications they need on that response. No one responded.

Christopher Oswald stated he would also like to call Shawn Tabeling back but they were having a little bit of technical difficulty because he had dropped off the meeting. He stated Shawn was trying to get back on so he would call Steve Lehman back.

Mr. Roloff reminded Steve that he was still under oath.

Christopher Oswald asked Steve to tell more about where you and Shawn are in that subdivision process.

Steve Lehman stated that as Kelly mentioned it is one parcel right now. He stated our agreement with the property owner is flexible where they can buy the whole parcel. He stated they don't have to subdivide it because we will take on the commercial the entire R3 portions and the boundary with Middletown Place is adjustable because we have a dollars per acre that we've already agreed to with Shawn. He stated the whole thing has been a design process trying to coordinate design with the neighbor, engineer, you. He stated if it wasn't for moratorium, what we would have already done months ago is Shawn Tabeling, Steve Kerr, Chris Hartman would have come to the table together discuss all this, figured out all the nuances of how the property interacts with neighboring properties and satisfied Village requirements. He stated that but for the moratorium we would have been able to continue on this path and done it well for the community in collaboration with Kelly and the whole village of Mahomet. He stated our agreement with Shawn is written so it's the entire property with a plus or minus, based on the adjustments that the Village needs to be satisfied.

Christopher Oswald asked Steve if in order to satisfy the plat approval, you would purchase the commercial site not subdivided.

Steve Lehman answered yes. He stated dividing a lot could be more cost prohibitive rather than just taking it and utilizing it as lawn area or whatever.

Christopher Oswald stated he was done questioning Steve.

Mr. Roloff asked if there were any questions from the Commission or the public for Steve.

Mr. Buzicky asked if the discussion between the property owner, Ethos and the Village just was about the strip of land and how to deal with that or was the development of the apartments ever discussed. He asked when dealing with this strip of land was it just strictly trying to get the land and zoning and property dealt with.

Christopher Oswald stated they needed clarification on that you're saying.

Mr. Buzicky stated there's been a lot of discussion these properties, but we're talking about strips and how to transfer. He asked if there was discussion about what the actual apartment development was.

Steve Lehman answered they had talked early on about multi-family and how it relates to Downtown development and the Downtown master plan. He stated we discussed how that works and then also discussed other areas zoned for multi-family and that's when we found the existing R3. He stated through that whole process, our interactions with our civil engineering partner and ourselves and emails back and forth has always been the fact that it's multifamily.

Steve Kerr stated that he wasn't 100% sure, but believed he sent a preliminary site plan. He stated he believed that Kelly responded saying she thought we were working with the wrong property lines. He stated they had thrown some plans back and forth but I wouldn't say we've over communicated by any means. He stated the plan has been out there and then once we knew about the strip of land and we

took that out of our property, moved apartments around and redesign with things based on based on the advice from Kelly and then talking to Shawn.

Kelly Pfeifer stated she did see an aerial site plan that showed multiple buildings, a detention basin, a parking lot and that's when I told them that they didn't appear to be designing for the right property. She stated we assumed those are multi-family buildings, but we didn't know number of floors or units. She stated none of that was discussed at that time. She stated we had no architectural drawings until they submitted the application, but we had looked at a piece of the property and were able to tell them they were using the wrong side yard setback for what looks to be a building that you want to build because 17 and a half feet needed to go to the adjacent property. She asked Steve Kerr if that was what he recalled.

Steve Kerr stated we didn't give you any building plans or anything but I don't think there was any question it was multi-family because losing the strip of ground reduced to the number of units that we could have on the on the parcel that remained which was brought up over email.

Mr. Buzicky stated thank you.

Mr. Roloff asked if there were other clarifying questions for Steve.

Steve Kerr stated that until the moratorium happened we thought we were heading the right direction. He stated once the moratorium happened we stopped working on it and there's been no other coordination with others. He stated he was sure things would have been taken care of in review of the plans. He stated the moratorium makes it a little more adversarial when up until that point I don't think it was adversarial at all. He stated everybody was working towards having a development here.

Mr. Buzicky stated he would like to add that from our point the Commission and the board kind of sets those tones for the moratorium and development, general visions for the Village. He stated there are lots of layers here and we're just trying to learn a little bit more. He stated we took action on the moratorium as a Commission and a Board based on lots of comments from residents, so now we're just trying to react but thank you.

Mr. Roloff asked if there were other clarifying questions for Steve. He stated now that Shawn Tabeling is back on where you going to call him.

Christopher Oswald stated he see where Sean Weidner still has a question for Steve that just came up on the chat.

Sean Widener stated he would tell the truth. He stated he had a public question based on the petitioner's earlier testimony as far as the timeline. He stated Steve mentioned that from January to March there was dialogue with the Village and meeting with staff to discuss R3 development downtown and then it went from downtown to this location as the new development project. He asked Steve Lehman if at any point did staff make a point to give you any indication as far as the difficulty of R3 development within the Village of Mahomet. He asked Steve Lehman if the seller Shawn Tabeling make any mention of the current climate of R3 development in the Village of Mahomet because as you know he just went through that with Middletown Place. So just that question to Steve Lehman please just for clarification.

Steve Lehman stated the seller and Fairlawn did give him information on that which I appreciated. He stated staff told him there would be resistance but that was after we invested into the property.

Sean Widener asked if it was a factual statement that he had no knowledge of the political climate for R3 development within the village Mahomet prior to the moratorium being implemented. He asked Steve if he believed R3 was a doable development in the Village of Mahomet.

Steve Lehman stated he looks at the existing zoning of a property and a Village that's reputable, and I've worked with the Village staff to try to design and make an improvement to that property based on everything that's in place at that point in time. He stated he thought that multi family or R3 was doable in a place that's approved for R3.

Sean Widener stated he would clarify his question. He stated in previous testimony you mentioned or somebody stated the moratorium was a surprise to your team. He asked in your prior dialogs with Village staff looking at the Downtown Master Plan, another places in the Village did Staff indicate the political concerns of the Board of Trustees with further R3 Development based on existing developments that are currently underway. He asked in working with the owner Shawn Tabeling which has gone through an apartment development himself, was there anything expressed from him to you and your team as far as the difficulty or potential difficulty of further development of R3 within the Village.

Steve Lehman stated he usually takes it at face value and if something is approved then I want to proceed with something that makes sense and that's approved. He stated in terms of feedback that I got from the Village I had discussions with Kelly, Patrick and Abby where we looked at the Downtown master plan. He stated the master plan had been created for a grand plan of improving in the downtown area, which makes sense. He stated he like to improve downtown areas for a thriving community. He stated no mention of a moratorium had occurred over several months, January through May. He stated for five months or so we had been making progress in understanding what's a good way to enhance Mahomet and be financially viable. He stated when I had talked with Patrick and the others about the downtown development, we were told it was a TIF district where there's some incentives and that type of thing to help out and encourage people to follow the master plan. He stated they thought there might be some great incentives that make sense to really help out that area. He stated the vibe I got at that point was the incentives are probably not going to be as strong as you think for this downtown area. He stated he did get that vibe about the downtown TIF district but it was confusing to me because it was following the Master Plan but since we caught that vibe we decided to go look for something that's outside that was already approved and does not require any special incentives, so to speak.

Christopher Oswald asked Steve if it is fair to assume that even if you felt that the climate was difficult for R3 development or that there was a poor political environment that so long as you met the requirements, it would still be allowed under existing zoning.

Steve Lehman answered yes.

Mr. Roloff asked if there were any clarifications from the commissioners or the public. No one spoke up.

Christopher Oswald stated he wanted to question Shawn Tabeling.

Mr. Roloff reminded Shawn Tabeling he was still under oath.

Christopher Oswald asked Shawn that if Steve wanted to buy the entirety of lot 102, including that additional 17 foot strip and the C2 property, he'd be able to do that under your agreement.

Shawn Tabeling answered yes.

Christopher Oswald asked Shawn if the site plan required that land then Steve could buy it from you, and that wouldn't be a problem.

Shawn Tabeling answered correct.

Christopher Oswald asked if there was an agreement about the 17 foot strip as to you having that drawn out so that you could submit that to the Village without too much trouble.

Shawn Tabeling answered yes.

Christopher Oswald stated he had no further questions for Shawn.

Mr. Roloff asked if there were any clarifying questions from the commission or the public. No one spoke up. He asked Chris if he had other witness he wanted to call.

Christopher Oswald stated that was all of the witnesses he would call but he did have a couple of points he wanted to make before you closed the public session again. He stated that as to point #2, which is the reasonable alternative developments of the property he wanted to clarify that that Shawn previously testified that that he laid out his subdivision and rezoned it with the intention of this being multi-family. He stated that Shawn acquired the property to be R3 in this area and Shawn and the petitioner prepared all of this for a multifamily development. He stated there hasn't been any other evidence presented as to other alternative uses for this property either being proposed or economically feasible. He stated since the petitioner has been the one that's presented the lion share of the evidence here this evening, we believe we've satisfied the four requirements for development, and we would object to the hearing being tabled given that there's not any substantial alternative testimony that's been given.

Mr. DeAtley asked, in light of their testimony, what is the timing to develop the parcel.

Christopher Oswald stated guys are just giving a recommendation on approving lifting the moratorium and the village would still have to approve that.

Mr. DeAtley stated he believe it gets to the point of whether or not tabling the issue for a month to gather additional data is pertinent.

Christopher Oswald stated he was just talking about the legal standpoint so if the moratorium was lifted, the petitioner would have to answer from the development standpoint

Steve Lehman stated the construction process takes about 12 months from start to finish with their ideal timing they would start in the leasing season and end in the leasing season.

Christopher Oswald stated he thinks the question to Steve is if you were to get relief by September 1 what is the construction timeline.

Mr. DeAtley stated yes that is what he is asking.

Steve Lehman stated it would be a 12 to 18 month construction timeline.

Mr. Roloff stated that assuming you got the relief by September 1 when would you start construction, would you have people out there on September 2.

Steve Lehman stated there would be collaboration with the Village and our engineering to make sure things coordinated tightly in a reasonable way. He stated possibly starting in October and then 18 months from them to complete.

Mr. Roloff asked if there were any clarifications on that answer.

Steve Kerr stated they would probably have a couple of EPA permits that we have not apply for yet. He stated those permits would probably have a 30 day timeline for approval. He stated they had stopped working on them.

Steve Lehman stated the moratorium push them out of the ideal construction window.

Kelly Pfeifer stated we have an application and knowing how quickly that they have been responsive, and how competent their consultants and designers have been compared to others that we have dealt with, I would anticipate that it would probably take about two months before we would have a completely approved site plan and be able to sign off on EPA permit application that they'd be putting together. She stated that 60 days is doable from our standpoint even though 60 days is tight because they have a very professional set of consultants.

Christopher Oswald stated he thought it would be possible to have some of that discussion in the interim while we're waiting on village board approval. He stated they wouldn't want to get too far down in preparation of additional documents, but I could certainly see them meeting with you in the next 30 days to talk about what needs to happen now, whether you'd be released to actually review those is another question.

Kelly Pfeifer stated right now I'm on pause because of the moratorium but when we are off of pause I would say 60 days is a reasonable time period of for us to do all that would then need to be done for us to say yes on a site plan review. She stated this is assuming they're buying the entire parcel.

Steve Lehman stated he thought Kelly was correct that it will probably take a couple of months from now before we can have it 100% ready to go and start moving dirt. He stated if the public concern is too much apartments coming on board this year, then I guess that solves the problem. He stated the moratorium has already inflicted financial damages to us because of the delay, the delay from leasing

season etc and they don't know what new rules are going to be put in place between now and then. He stated they have a variety of concerns with the moratorium, but I think Kelly's timeline is probably pretty accurate about it being a month or two for us to coordinate.

Mr. Roloff asked Steve given that it would be November at best before you actually start construction and that close to winter, would you wait until next spring before you started.

Steve Lehman stated it is definitely possible to start in November to get underway, but it's probably still an 18-month process to get completed.

Mr. Roloff asked if there were any more questions before we go into public comments. No one spoke up. He stated he would read a public comment from the chat. Mr. Roloff read the following comment into the record.

Josh Dallas typed the following: This is Josh Dallas currently living in Mahomet and I've been listening to this from the beginning and have been involved with Ethos for years and with communication of this building/lot for months. I was even involved in the Downtown Mahomet property meetings with Kelly and Patrick as they were basically approving everything that Steve had sent them with a few minor changes, that he adjusted only to be side swiped with them saying the Downtown property is a no go as well. What I'm basically seeing is that Mahomet approved construction of Chris' property on 150 that became an eyesore and the town started to complain about what was taking place with that construction. Therefore, leaving the Village to make changes based on that construction and not this particular property.

Mr. Roloff asked if there were any other comments from the public. No one spoke up. He stated it is late and sensitive to Zoom fatigue. No one spoke up. He stated they would go on for ten more minutes and work through the findings of fact. He stated he would suggest what he thinks that answer might be and then we can vote on each one.

Mr. Buchanan stated he thought the commission needed to specify the reasons for each.

Mr. Roloff stated that could be a longer process. He asked if they wanted to continue so they could be deliberate not rush. Mr. Roloff stated they could start and if it takes too long, we can consider continuing.

Mr. Roloff read the first finding of fact including has caused or will caused. He asked for a straw poll on the questions. He asked if anyone disagreed. No one spoke up. Mr. Roloff read the second finding of fact including has some other reasonable use of the property, assuming they could rezone the property. He asked if anyone disagreed.

Mr. DeAtley stated since it is specific to the applicant, he didn't think they had another reasonable use of the property.

Mr. Roloff read the second finding of fact including has no other reasonable use of the property.

Mr. Buzicky stated he understands but he could look at it both ways because there are always other zoning options.

Mr. Roloff stated that it sounded like everyone, but one agreed on the second finding of fact.

Mr. Roloff read the third finding of fact including has and was. He asked if anyone disagreed. No one spoke up. Mr. Roloff read the fourth findings of fact including does not.

Mr. Buchanan stated he agreed because as Kelly mentioned, the subdivision ordinance requires that pre-meeting to take place.

Mr. DeAtley asked Joe Chamley to explain if all of the answers had to be either for or all had to be against to forward to the BOT.

Joe Chamley stated the ordinance is written so the four factors have to be met to recommend relief.

The Commission discussed the findings of fact.

Mr. Roloff stated if the answer to number 4 is does not then we would have to recommend denial. Mr. Roloff stated the petitioner may prefer a continuance to provide more information.

Mr. Buchanan stated the petitioner may want to go ahead even with the denial recommendation because it is the board that will make the final decision.
The Commission discussed the process with a continuance.

Mr. Briney stated isn't it possible between now and the board meeting the petitioner could provide more information. He stated it wouldn't change our recommendation it could clear things up for the board.

Mr. Roloff agreed with Mr. Briney.

Joe Chamley stated that is correct because this is just a recommendation.

Mr. Roloff stated he wanted to move forward and take votes.

Christopher Oswald stated they have presented evidence that they believe it is code compliant and the Village has stated they cannot review it to say it is code compliant until the moratorium is lifted which is a tough position to be in. He stated if staff doesn't review then we have a catch-22 situation.

Mr. Roloff asked Joe Chamley if waiting would help.

Joe Chamley stated he understands their point, but staff was obligated to follow the ordinance.

Mr. Briney stated it wasn't compliant because of the 17 foot strip.

Christopher Oswald stated they have testified has the plans in place to get that done.

Steve Kerr stated the plans excluded the 17 foot strip so they just need to follow through with the subdivision. He stated they know they won't get a building permit until it complies.

Mr. Roloff stated we don't know what we don't know at this point because staff hasn't reviewed. He stated the next regular Board of Trustees meeting is August 25, 2020.
The Commission discussed what they don't know.

Mr. Roloff stated they needed to use their best judgement. Mr. Roloff asked Joe if they could alter the wording of number 4.

Joe Chamley answered yes.

Mr. Roloff stated he proposed for number 4 finding of fact to change the wording from does to may and add a reason stating that the petitioner's engineer believes it is in compliance but the Village has not completed their review so it is not clear if it does comply.

Mr. Buzicky agreed.

RESOLUTIONS and MOTIONS (TO BE ACTED UPON)

ETHOS DESIGN BUILD, LLC

A RESOLUTION CONCERNING THE PETITION FOR RELIEF FROM MORATORIUM ORDINANCE #20-5-02 BY ETHOS DESIGN BUILD, LLC

Mr. Roloff proposed finding of fact 1 with an answer of has caused or will cause.

Buzicky moved to answer finding of fact number 1 with has caused or will cause. Spencer seconded the motion. ROLL CALL. 6-0. Motion Passed.

Mr. Roloff proposed finding of fact 2 with an answer of has no other. He stated the reason would be because the applicant testified they are only interested in developing multiple-family.

DeAtley moved to answer finding of fact number 2 with has caused or will cause and the reason is the applicant's testimony. Roloff seconded the motion. ROLL CALL. 6-0. Motion Passed.

Mr. Roloff proposed finding of fact 3 with an answer of has and was.

Mr. DeAtley stated they have certainly outlined a number of costs. He stated whether or not some of these costs could be utilized with this project on another site is questionable, but it is evident that there are costs.

Buchanan moved to answer finding of fact number 3 with has and was. Roloff seconded the motion. ROLL CALL. 6-0. Motion Passed.

Mr. Roloff proposed finding of fact 4 with an answer of may comply instead of the wording of does comply as written in the draft presented. He stated the reason would be that the petitioner's engineer testified that it does comply, but Village staff has not made an assessment as of this date.

Briney moved to answer finding of fact number 4 with may instead of does with the reason as stated by the chair. Spencer seconded the motion. ROLL CALL. 6-0. Motion Passed.

Mr. DeAtley asked if everyone would be comfortable adding a statement that the development construction as proposed may comply with all Village rules and that the petitioner has reiterated their intent to comply with ordinance and requirements.

DeAtley moved to amend the previous motion to add his statement to the previously stated reason for finding of fact number 4. Buzicky seconded the motion. ROLL CALL. 5-1. Buchanan voted no. Motion Passed.

Mr. Roloff stated the motion has been amended so now we need a vote on the amended motion.

Briney moved to answer finding of fact number 4 with may instead of does with and with the reason as stated by the chair and with the additional language from Mr. DeAtley. Spencer seconded the motion. ROLL CALL. 5-1. Buchanan vote no. Motion Passed.

Mr. Roloff stated they needed to vote to grant or deny the relief petition.

Roloff moved to grant relief. DeAtley seconded the motion. ROLL CALL. 5-1. Buchanan vote no. Motion Passed.

BE IT THEREFORE RESOLVED this 4th day of August, 2020, by the Plan and Zoning Commission of the Village of Mahomet that:

- A. The Plan and Zoning Commission does hereby set forth the following recommended findings of fact concerning the requested relief:
1. That the effect of the Temporary Moratorium **HAS CAUSED OR WILL CAUSE** a significant economic hardship on the applicant.
Reasons:

 2. That the applicant **HAS NO OTHER** reasonable use of the property in question other than the proposed use.
Reasons:
The applicant stated in testimony that he is interested in only developing R3 property.

 3. That the applicant **HAS** made substantial, irrevocable investment in the development that is affected by the Temporary Moratorium, which investment **WAS** made in reasonable reliance on the regulations in effect prior to the Temporary Moratorium and without

knowledge of pending changes in such regulations (including this Temporary Moratorium), and based on a probability of zoning approval by the Village; and;
Reasons:

4. That the development or construction as proposed **MAY** comply with all other Village ordinances, regulations, and rules.

Reasons:

Testimony from the applicant's engineer that they have done a compliance review and in their judgement the project complies. Village staff has not done a compliance assessment as of the date of this meeting. The petitioner reiterated their intent to comply with Village Ordinances.

- B. The Plan and Zoning Commission does hereby recommend that the Board of Trustees of the Village of Mahomet **GRANT** the Petition for Relief from Moratorium Ordinance # 20-5-02 by Ethos Design Build, LLC.

Mr. Buzicky stated he hoped there was better communication next time. He stated it was too bad it got to this point.

Mr. Roloff stated part of this was to get information out for the Board of Trustees.

Roloff moved to close the public hearing. Briney seconded the motion. ROLL CALL. 6-0. Motion Passed.

COMMISSIONER / STAFF COMMENTS: NEXT PZC MEETING – SEPTEMBER 1, 2020

ADJOURN:

Buchanan moved to adjourn the meeting. Briney seconded the motion. ROLL CALL. 6-0. The meeting was adjourned at 9:50pm.

Respectfully,

Abby Heckman, Planner

PLAN AND ZONING COMMISSION
MEETING MINUTES - DRAFT
September 1, 2020

Back to Agenda

CALL TO ORDER: The meeting was called to order at 7:08pm on Tuesday September 1, 2020.

ROLL CALL:

Members Present: Jay Roloff, Steve Briney, Robert DeAtley, Bob Buchanan, and Earl Seamands.

Members Absent: Mike Buzicky and Damian Spencer.

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

PUBLIC COMMENT: No one came forward.

REVIEW/APPROVE MINUTES: No minutes were presented for review.

PUBLIC HEARINGS:

ZONING ORDINANCE TEXT AMENDMENT

A RESOLUTION CONCERNING A TEXT AMENDMENT TO ALLOW THE RAISING OF CHICKENS (HENS ONLY) AS AN ACCESSORY USE IN SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONING CLASSIFICATIONS.

Abby Heckman introduced the proposed zoning ordinance text amendment that would allow the raising of hens only as an accessory use for single-family and two-family zoned properties. She stated the Village Board has been approached a number of times about this issue. She stated as you know, last year we annexed a number of properties from the County to the Village. She stated County properties can raise chickens and assume there are a number of those properties already with this accessory use on their property and there is more of a desire for folks to be able to support themselves on their own property. She stated staff looked at what surrounding communities have done, mainly pulling information from the City of Champaign and Mansfield's ordinances. She stated most of the wording comes directly from those two ordinances. She stated staff evaluated the accessory uses allowed in the existing zoning ordinance and the new text references chickens as an accessory use within the R1A, R1B and R1C single family districts as well as R2. She stated staff created a new section that addresses licensing and permitting requirements, total number of chickens allowed, care requirements, housing requirements, and penalties for noncompliance. She stated the public hearing was advertised in the paper on the 16th and she received no comments either written, in person, or over the phone related to this ordinance text amendment. She stated that if this passes, it does not mean that every single-family or two-family property would be able to establish chickens as an accessory use. She stated because up to this point, most of the subdivisions that have been created, at least within the last 30 years, probably have some sort of statement relating to prohibiting the raising of poultry, my own subdivision included. She stated subdivision homeowner's associations would possibly be able to make amendments to existing covenants but that requires work on their part and then would need to be reviewed and approved by the Village Board in most cases. She stated this is the first step that would allow some folks to either keep what they've got going, if they were annexed from the County to the Village recently, or if their property doesn't have those restrictions, they would be able to establish them under these rules. She stated a draft resolution was included in the packet for consideration.

Mr. Roloff asked if the folks that were annexed would have to go through the license or permitting process to become legal.

Abby Heckman answered yes.

Mr. Briney asked if this isn't passed would they have to get rid of their chickens.

Abby Heckman stated if they were established legally prior to annexation, we would have an internal discussion on how to handle that. She stated it may be a matter of once they're gone, they're gone but we haven't gotten that far yet. She stated no, I don't think we're going to go out and make people remove chickens immediately, but it would be something we would have to address.

Mr. Briney asked where someone would find the information if your subdivision doesn't allow chickens.

Abby Heckman stated the recording documents for subdivisions are on file at the County Recorder's office. She stated that anyone can go there for a copy of any subdivision recording documents. She stated staff has access to those documents too and a lot of times people will contact us directly to get that information, but everyone should get a copy whenever they purchase property in a subdivision.

Mr. Roloff stated this is the public hearing portion and we will have an opportunity to discuss it later during the discussion of the resolution. He stated now would be the opportunity for anybody from the public to comment. He stated there was no one from the public present at the meeting.

Briney moved to close the public hearing. Roloff seconded the motion. ROLL CALL. 5-0. Motion Passed.

RESOLUTIONS and MOTIONS (TO BE ACTED UPON):

ZONING ORDINANCE TEXT AMENDMENT

A RESOLUTION CONCERNING A TEXT AMENDMENT TO ALLOW THE RAISING OF CHICKENS (HENS ONLY) AS AN ACCESSORY USE IN SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONING CLASSIFICATIONS.

Mr. Roloff stated now they have three resolutions to discuss. She stated the first one is the zoning ordinance text amendment that we just discussed and in the packet there is a draft resolution where we are going to make a recommendation to the Board. He asked if there were any other questions. No one spoke up.

Mr. Roloff stated he would entertain a motion that we do or don't recommend to the Board to amend the zoning code.

Briney moved to recommend denial of the Zoning Ordinance Text Amendment. No second was made. Motion died for lack of a second.

Mr. Roloff stated he would entertain an alternate motion.

Seamands moved to recommend approval of the Zoning Ordinance Text Amendment with the findings of fact as stated below. Roloff seconded the motion. ROLL CALL. 4-1. Briney voted no. Motion Passed.

BE IT THEREFORE RESOLVED this 1st day of September 2020 by the Plan and Zoning Commission of the Village of Mahomet, Illinois, that:

- A. The Plan and Zoning Commission **DOES** hereby recommend that the Board of Trustees of the Village of Mahomet amend Chapter 152 (Zoning Code) of Title XV (Land Usage) of the Village Code of Mahomet, Illinois, as stated in the Zoning Ordinance Omnibus Text Amendment dated September 1, 2020.
- B. The Plan and Zoning Commission **DOES** hereby further set forth the following findings of fact concerning the proposed Text Amendment:
 - 1. The proposed Text Amendment will establish new rules related to chickens which will allow citizens the ability to raise chickens for their own personal use.
 - 2. The proposed Text Amendment promotes the public safety, health, convenience, comfort, morals, prosperity, and general welfare of the community.
 - 3. The proposed Text Amendment is consistent with the intent of the Village Zoning Ordinance and its various provisions.
 - 4. The procedural requirements for amendments set forth in the current Ordinance have been met.

RIDGE CREEK FIFTH SUBDIVISION (FINAL PLAT)

A RESOLUTION CONCERNING A FINAL PLAT FOR RIDGE CREEK FIFTH SUBDIVISION ON 11.287± ACRES OF LAND LOCATED NORTH AND WEST OF GOLDEN ROD DRIVE

Abby Heckman introduced information from the staff report for the final plat for Ridge Creek subdivision. She stated they will create 27 single family lots with this subdivision and four common lots. She stated the construction plans were approved on June 23rd of this year and it is well under construction. She stated they were close to wanting to record the plat. She stated there is a prepared resolution in the packet. She stated she could answer any questions.

Mr. DeAtley asked if this was consistent with the approved preliminary plat. have any questions or comments?

Abby Heckman answered yes.

Mr. DeAtley stated it looks pretty straightforward then.

Abby Heckman stated they haven't requested any waiver as part of this subdivision request.

Mr. Roloff stated there are standard conditions on the resolution and no waivers requested.

DeAtley moved to recommend approval of the final plat with the findings of fact as stated below. Seamands seconded the motion. ROLL CALL. 5-0. Motion Passed.

BE IT THEREFORE RESOLVED this 1st day of September, 2020 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 Ridge Creek Fifth Subdivision upon completion of modifications identified by the Village staff and does hereby authorize the Chairman to sign the Certificate of Approval of said Plat upon completion of said modifications.

B. 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 one hundred twenty (120) days from the date of approval by the Board of Trustees, the approvals recommended herein shall be null and void.

CONWAY FARMS SUBDIVISION PHASE 4 (REPLAT)

A RESOLUTION CONCERNING A REPLAT SUBDIVISION FOR CONWAY FARMS SUBDIVISION PHASE 4 ON 74.74± ACRES OF LAND LOCATED SOUTH OF THE CHURCHILL ROAD ROUNDABOUT

Kelly Pfeifer presented information in the staff report. She stated this one will require quite a few waivers, but don't let that make you nervous. She stated this is the school district's land. She stated when they put their first school on it, you'll recall they dedicated right of ways for Churchill, Country Ridge Drive and Secretariat Drive per the intergovernmental agreement agreed to at that time. She stated there is currently an Intergovernmental Agreement replacement being considered. She stated that next month, the school district board should take action to vote on whether to approve the new intergovernmental agreement which would change the alignment of these roads. She stated it will vacate rights of way that don't currently have streets built, secure easements for water mains and storm sewers that are currently on the property. She stated a replat subdivision is the simplest way to handle a lot of the land transfers. She stated the new Intergovernmental Agreement has not yet been approved but because of the timing to secure the rights of way for the purposes of pursuing the railroad crossing petition. She stated our Board will not act on your recommendation until after the Intergovernmental Agreement is signed. She stated they will hear that in September so we can meet those deadlines. She stated the plat shows new right-of-way for South Mahomet Rd which will bisect the campus and the plat will vacate the former Country Ridge Drive and Secretariat Street rights-of-way. She stated it will also secure easements on the north part of the property for existing storm water and water main.

Mr. DeAtley stated it seems like the definite desire of the board and the school district and I certainly don't want to stand in the way of good progress for the community.

Mr. Roloff stated there is a prepared resolution in the packet which needs a recommendation for approval or denial and then granting or denying the 10 requested waivers.

Kelly Pfeifer stated that unlike a regular developer situation, in this circumstance the waivers are what is conceptually necessary to support the plat and the fulfillment of the Intergovernmental Agreement.

Mr. Roloff stated if there are no more questions, he would entertain a motion.

Buchanan moved to recommend approval of the final plat and the ten requested waivers with the findings of fact as stated below. DeAtley seconded the motion. ROLL CALL. 5-0. Motion Passed.

BE IT THEREFORE RESOLVED this 1st day of September, 2020, by the Plan and Zoning Commission of the Village of Mahomet, that:

- A. The Plan and Zoning Commission does hereby recommend **APPROVAL** of the Replat of Conway Farms Subdivision Phase 4 upon completion of modifications identified by the Village staff and does hereby authorize the Chairman to sign the said Replat upon completion of said modifications.
- B. The Plan and Zoning Commission does hereby recommend the following concerning the requested waivers:
 - 1. **GRANT** Waiver to defer the construction of stormwater management facilities within Outlot 1 until such time as required due to site development activities on Lot 1001 or Lot 1002
 - 2. **GRANT** Waiver to defer the construction of the south 720 feet of Churchill Road until such time as site development upon Lot 1002 necessitates its construction
 - 3. **GRANT** Waiver of the requirement to submit a Preliminary Plat
 - 4. **GRANT** Waiver of the requirement to submit a Subsidiary Drainage Plat
 - 5. **GRANT** Waiver to defer the requirement to construct public infrastructure improvements for water mains, sanitary sewers, and storm drainage lines until such times as lot development on Lot 1001 or Lot 1002 necessitates the construction of these public utilities
 - 6. **GRANT** Waiver of this developer's requirement to construct South Mahomet Road to the extent that the Village of Mahomet is contractually obligated to construct those improvements on behalf of the School District.
 - 7. **GRANT** Waiver of this developer's requirement to construct an additional 950 feet of Churchill Road to the extent that the Village of Mahomet is contractually obligated to construct those improvements on behalf of the School District.
 - 8. **GRANT** Waiver of this developer's requirement to construct bike paths along 950 feet of Churchill Road and along South Mahomet Road to the extent that the Village of Mahomet is contractually obligated to construct those improvements on behalf of the School District.
 - 9. **GRANT** Waiver to defer the submission of a Stormwater Management Plan until such time as Lot 1001 or Lot 1002 undergo site development
 - 10. **GRANT** Waiver of the requirement to submit to the Village of Mahomet a Subdivision Performance Bond and its accompanying Surety
- C. The approval of the Replat recommended above is further subject to the following conditions:
 - 1. Approval, execution and recording of the replacement Intergovernmental Agreement by the Village Board and the School District regarding the subject real estate.
 - 2. Submission of all supporting documentation in proper form

3. The approval of the Replat 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.
4. 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.

PRELIMINARY DISCUSSION: THORNEWOOD SUBDIVISION - FUTURE PHASES

Kelly Pfeifer stated the developers engineer is here, Pat Moone with Farnsworth Group. She stated there is an annexation agreement for all of this land and has an approved prelim plat. She stated since the prelim plat and annexation agreement were approved, some changes have occurred at the Board level that requires and supports rethinking this area. She stated that in April 2019, the Board of Trustees with the developer of Thornwood agreed to a memorandum of understanding that said a street pavement for Briarwood Lane would not be extended to East Briar Cliff Drive though the right of way that had been planted some 30 years ago. She stated the Board vacated half of that right of way retaining 30 feet on the east side of the former right-of-way for the construction of a bike path and an emergency vehicle access. She stated this gave the opportunity and requirement to rethink the layout. She stated the market had significantly changed since 2014 when the first layout was considered. She stated this is a unique piece of land with a lot of trees and drainage through it. She stated there is an Ameren easement running through the middle and now that the road isn't going through, it was time to rethink the layout. She stated the land is zoned R1B which requires lots at 10,000 square feet or more. She stated some of these lots are 65 feet wide but they're also very long. She stated the variability of lot sizes is a benefit to the developer. She stated they were out of the narrower lots that are in the front, and those are highly desirable but they want to make sure people have enough yard. She stated she expects this will be processed like a large scale residential development, like we did with Sangamon Fields, to allow some lots that are less than the 80 feet wide. She stated there is an annexation agreement that will either be amended or terminated with a new development agreement. She stated she wanted the Commission's reactions and feel for what this means. She stated there is a lack of connectivity between Thornwood and the rest of Mahomet with respect to bike paths. She stated a bike path connection outside the bounds of this prelim plat will connect to the pavement in Briarcliff which will be done in the first phase. She stated Cornbelt Fire may need a 20-foot path for their large equipment if it ever needs to go through there but no regular road traffic. She stated dedication of the lakes are not affected by these changes. She stated Pat Moon could explain if you have any kind of questions.

Mr. Seamands asked if the Briarcliff people were aware of what's going on.

Kelly Pfeifer stated that they should be because they wanted to make sure that the road did not go through. She stated they are aware that the bike path will be constructed and that the village wants it constructed sooner rather than later. She stated the HOA accepted the ownership of the other half of the right of way and we alerted them that the desire was it was constructed within the next phase of Thornwood, next year.

Mr. DeAtley asked what are the widths of the sidewalks.

Kelly Pfeifer stated the sidewalks are five feet, but where we oversized to a bike path, it's 8 feet. She stated the rest of the bike path is actually over on Willow Grove Lane because there are lots of lots that front onto

Briarwood Lane. She stated for a short distance people can take the sidewalks or be in the road but will bend through the outlines area where the Ameren easement and utility poles are. She stated it would be a pathway the HOA will construct. She stated it may not be made of concrete, it will likely be an aggregate material like you see at Lake of the Woods, which is lower impact, less urban looking and more natural.

Mr. DeAtley stated that's disappointing from my perspective that it wouldn't be a paved walk.

Mr. Roloff asked if it's up to Thornwood Homeowners Association to build that.

Kelly Pfeifer stated the developers would build it but it will not be public so the Village will not maintain it.

Mr. Roloff stated there have been issues with non-village built sidewalks in the past, I'm thinking of the Oak Creek one along Sunny Acres Rd. He asked if there is a risk here by delaying that or not having control over going to happen here.

Kelly Pfeifer stated sidewalks will be provided on both sides of the street all throughout this phase, this is considered a midblock crosswalk and it will be oversized. She stated the HOA is already managing and maintaining concrete pathways. She stated this one is underneath the Ameren utility easements and Ameren uses big heavy equipment when it has to service things. She stated they'd be driving over concrete and may not replace it that way anyway, whereas if it's a more aggregate surface that is easier to maintain and replace if they damage it. She stated it cut costs and because of that the developer will be picking up the costs of extending the bike path all the way to Briar Cliff instead of the Village spending that money to do that.

Mr. Roloff asked what an aggregate surface means.

Kelly Pfeifer stated she would get more information from the Village Engineer for the meeting when you actually look at this. She stated they wanted to do concrete but concrete maintenance underneath these power lines would be challenging. She stated they were hoping the path through there could meander and the use of concrete limits meandering so it would look more urban with concrete.

The Commission discussed different paths in the Village and material types.

Mr. DeAtley stated if there is no loose gravel for bikes to fall then he is ok with what is proposed but wanted more information from the Village Engineer when it is presented next.

Mr. Roloff asked if the general public would have access to the mid-block crossing path.

Kelly Pfeifer stated it is private land with a walkway.

Mr. Roloff stated he could see families out for a bike ride that are on the Mahomet paths that this connects to and they find themselves on this section. He asked if people could run them off because I know how touchy that gets sometimes in subdivisions.

Kelly Pfeifer stated it can't be blocked because it is a midblock cross, but it's on private land for them and if they wanted to put a sign right now that says members only, they could do that. She stated it a lot to maintain and it's behind houses and it is part of the HOA. She stated it's no longer a bike path in a public right of way.

The Commission discussed the bike trail system and connections.

Kelly Pfeifer stated there will be no changes or widening of Briarcliff Drive it will simply butt into the existing pavement and the path will be blocked by collapsible bollards and bikes will get on the road and then go out to IL-47 and hop on the existing bike trail.

Mr. Roloff asked about post office delivery issues.

Kelly Pfeifer stated USPS likes clustering and there is room on the both ends of that outlot that we've been talking about between Briarwood Lane and Willow Grove which will have cluster mailboxes to be maintained by the HOA and a pull off for vehicles. She explained temporary turn arounds between phases and the process for approval of the LSRD designation, plat, and development agreement. She stated this process will allow for a variety of lots with different shapes and sizes. She stated they are well under the density that would otherwise be allowed. She stated 250-foot-long, 65-foot-wide lot, very different than what we normally see.

The Commission discussed the Ameren utility easement.

Kelly Pfeifer stated they plan to start construction on this sixth phase next spring.

Mr. Roloff asked if there were any more questions because there is no action for this tonight. No one spoke up.

COMMISSIONER / STAFF COMMENTS: NEXT PZC MEETING – OCTOBER 6, 2020

Mr. Buchanan asked how the Board acted on the moratorium relief request.

Joe Chamley stated the Board of Trustees voted unanimously to reject the petition for relief requested by Ethos.

Kelly Pfeifer stated staff was working on the minutes and they would be presented for approval soon. She stated the PZC did a good job and we appreciate that.

Mr. DeAtley stated the board packet was interesting and recommended others take a look.

Kelly Pfeifer stated monthly report information is included in the BOT packet and she gave an update on the South Mahomet Road railroad crossing project. She asked if anyone knows they will be gone for the next meeting. She stated we do expect to use Zoom again next month.

ADJOURN:

Mr. Roloff stated that is the end of the agenda and would entertain a motion to close the meeting.

Seamands moved to adjourn the meeting. Buchanan seconded the motion. ROLL CALL. 5-0. The meeting was adjourned at 8:02pm.

Respectfully,

Abby Heckman, Planner



**Plan and Zoning Commission
Staff Report
Meeting November 10, 2020**

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

PROJECT: LSRD2020-01: HUNTERS RIDGE LSRD SUBDIVISION

PETITIONER: UNLIMITED HOLDINGS, LLC

ENGINEER: BKB ENGINEERING, INC

RE: LARGE SCALE RESIDENTIAL DEVELOPMENT

PUBLIC HEARING: The Plan and Zoning Commission (PZC) may hold one or more public hearings upon request for approval of a Large Scale Residential Development (LSRD). A public hearing is not required for LSRD requests, though as a courtesy, a public hearing is scheduled for November 10, 2020 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 25, 2020. The PZC acts in an advisory role to the Board of Trustees (BOT) regarding LSRD requests. The PZC is asked to make a recommendation to the BOT concerning LSRD requests. The BOT will approve or deny the proposed LSRD.

REQUESTED ACTION: PUBLIC HEARING - LARGE SCALE RESIDENTIAL DEVELOPMENT
RECOMMENDATION TO BOT - LARGE SCALE RESIDENTIAL DEVELOPMENT

PROCEDURAL ISSUES: The Developer has prepared all documentation relating to the LSRD in accordance with the Zoning Ordinance and requests consideration of the proposed LSRD. A draft resolution is attached for consideration by the PZC. The PZC may recommend conditions regarding the layout, circulation and performance of the proposed LSRD.

SITE DESCRIPTION / LOCATION: The site is located immediately north of Olinger Drive at Cates Drive, east of Sandy Ridge Subdivision and south of Interstate 74. The subject development consists of 14.5± acres and is the remaining undeveloped land within Hunters Ridge Subdivision.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan designates this site as part of the East Mahomet Functional Framework Area which encourages housing in this area continue to consist of single-family, two-family and senior housing types. The Comprehensive Plan Future Land Use Plan designates this area for single-family residential uses. The Residential Areas Policy suggests encouraging the following: development of a range of housing types to accommodate residents in all stages of life, development of higher density attached housing as an intensity buffer along major corridors (Interstate 74), and provision of providing common open space in exchange for smaller lot sizes. The Comprehensive Plan includes policies that urge compact, orderly, and contiguous development in areas where public facilities and infrastructure can be extended to serve the site. The Comprehensive Plan also urges development which is compatible with adjacent existing and future land uses. The site appears to comply with recommendations in Comprehensive Plan.

CURRENT LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Current Zoning</u>
On-Site	Undeveloped	R-1C Single- Family Residential
North	Interstate 74 Single-Family Residential Uses	NA R-1A Single- Family Residential
South	Single-Family Residential Uses	R-1B Single- Family Residential R-1C Single-Family Residential
East	Single-Family Residential Uses	R-1A Single- Family Residential
West	Single-Family Residential Uses	R-1B Single- Family Residential

CONFORMANCE WITH ZONING ORDINANCE: The lands included in this LSRD request are currently zoned R-1C Single-Family Residential. LSRDs are a permitted use within both existing zoning districts. The proposed subdivision development appears to be compliant with the LSRD requirements set forth in the zoning ordinance (ZO 152.045). Current zoning and LSRD requirements allow 63 units. The developer is proposing 55 units. No rezoning is required to meet LSRD requirements. See calculations below.

- Gross development (R-1C zoning) area = $14.5\pm$ AC – 20% ($2.9\pm$ AC) = $11.6\pm$ AC Net development area R-1C
- Net development area = $11.6\pm$ AC (505,296 SF) / 8,000 SF minimum per family in R-1C = 63.162 dwelling units
- Total allowed dwelling units = 63 units
- Proposed dwelling units = 55 units
- Total common open space provided = $1.17\pm$ AC (Lot 719, Lot 733 and Lot 749)

Part of this land area ($3.814\pm$ AC) was rezoned in July 2020 from R-1B Single-Family Residential to R-1C Single-Family Residential. Under the prior zoning the LSRD regulations would have allowed up to 59 dwelling units which is still lower than the 55 units proposed by the developer with this request.

A preliminary plat that covers this area was approved August 2017 and is still in effect. The proposed changes do not change the roadway layout, utilities or the expected drainage for the site. The addition of park space and eight (8) dwelling units along the interstate will not require an amended preliminary plat. If the LSRD designation is approved, the next step will be a development agreement between the developer and the Village and then approval of the construction plans and final plat(s) for the remaining undeveloped land in Hunters Ridge Subdivision.

As part of this LSRD request the developer has indicated the following zoning requirement variations that are needed to support the attached LSRD plan:

1. Lot widths (as measured along the front yard setback line) of not less than 50.6 feet (lots 706 to 718).
2. Lot areas of not less than 6,353 (lots 708 to 715).
3. A minimum side yard setback requirement of 5 feet (except as required along the perimeter boundaries of the LSRD development).

POLICE / FIRE PROTECTION: The Village Police Department currently provides police protection for this site. The property is within the Cornbelt Fire Protection District. The site is approximately 1.4 miles from both the police station and the fire station.

PUBLIC WATER AND SANITARY SEWER FACILITIES: The site is in the Village of Mahomet service area and public sanitary sewer and water services are available for expansion to this site.

AVAILABILITY OF PUBLIC UTILITIES: This site is in the general vicinity of standard public utilities. Extension of public utilities to serve the subdivision is feasible.

STORMWATER MANAGEMENT: Onsite stormwater management is planned for this development. Compliance with Village stormwater requirements will be required. Analysis done with the approved Preliminary Plat for this site indicates compliance with requirements is achievable.

STREET ACCESS / SIDEWALKS: The site is currently accessible from three (3) stub streets platted as part of Hunters Ridge 5th and 6th Subdivision: Cole Lane, Cates Drive, and Rapp Drive. The proposed roadway connections appear adequate for residential use of this site.

The developer is proposing three (3) common area lots as part of this LSRD. One lot (lot 749) is provided for a park area and mid-block sidewalk connection between Rapp Drive and Cates Drive, one lot (lot 733) is provided for a mid-block sidewalk connection between Cates Drive and Cole Lane, and one lot (lot 719) will contain a dry detention basin.

STAFF RECOMMENDATION: Staff recommends the Large Scale Residential Development be forwarded to the BOT with a recommendation for approval subject to a development agreement with the Village.

ATTACHMENTS

1. Aerial Location / Zoning Map
2. Large Scale Residential Development Plan - dated October 14, 2020
3. Draft Resolution
4. Application

LSRD2020-01 Hunters Ridge Subdivision



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

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Date: Friday, October 30, 2020



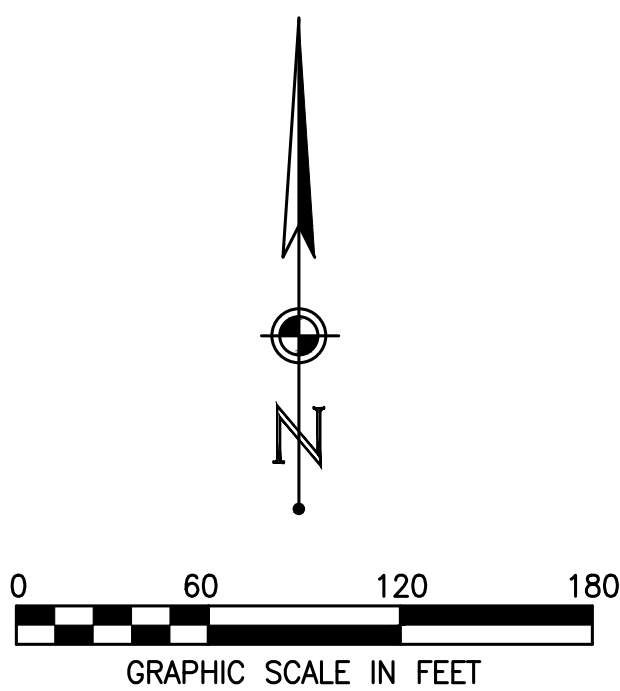
HUNTERS RIDGE SEVENTH SUBDIVISION

AN ADDITION TO THE VILLAGE OF MAHOMET,
CHAMPAIGN COUNTY, ILLINOIS
PART OF S 1/2, SEC. 14, T. 20 N., R. 7 E., 3rd. P.M.

CURVE TABLE				
NO.	RADIUS	ARC LEN.	CH. LEN.	CH. BEARING
C1	(16220.23')	(540.55')	(540.53')	(S 72°42'14" E)
C5	(1030.00')	(5.44')	(5.44')	(S 5°34'48" E)
C8	(830.00')	(17.17')	(17.17')	(N 06°38'02" W)

LEGAL DESCRIPTION:

OUTLOT 613 OF HUNTERS RIDGE SIXTH SUBDIVISION AS
RECORDED AS DOCUMENT NUMBER 2020R11308 IN
THE CHAMPAIGN COUNTY, ILLINOIS RECORDER'S OFFICE.



SEE SHEET 2 FOR NOTES AND
SHEET 3 FOR LEGEND

- (D.1) 4' DIA. STORM MANHOLE
RIM = 756.41
18" N INV. = 749.96
18" W INV. = 749.83
- (D.2) 4' DIA. STORM MANHOLE
RIM = 756.36
6" N INV. = 751.04
18" S INV. = 750.12
- (85) 4' DIA. SAN. MANHOLE, TYPE A
RIM = 761.30
8" INV. (N) = 751.80
8" INV. (S) = 751.70
- (86) 4' DIA. SAN. MANHOLE, TYPE A
RIM = 772.95
8" INV. (N) = 762.20
8" INV. (S) = 762.10
- (108) STORM INLET, TYPE A
W/ TYPE 8 G
RIM = 755.25
12" INV. (S) = 752.80
- (110) 4' DIA. STORM MANHOLE, TYPE A
W/ TYPE 3 F&G
EOP = 760.87
6" INV. (W) = 758.09
12" INV. (E) = 757.59
18" INV. (N) = 756.09
18" INV. (S) = 755.99
- (223) STORM INLET, TYPE A
W/ TYPE 8 G STOOL
RIM = 771.60
6" INV. (N) = 768.51
15" INV. (S) = 767.91
- (92) 4' DIA. SAN. MANHOLE, TYPE A
RIM = 771.72
8" INV. (N) = 763.88
8" INV. (S) = 763.78

ENGINEER/SURVEYOR:

BKB ENGINEERING, INC.
301 N. NEIL ST., SUITE 400
CHAMPAIGN, IL 61820
(217) 531-2971 OFFICE
(217) 531-2211 FAX
PROFESSIONAL DESIGN FIRM
NO. 184.005483

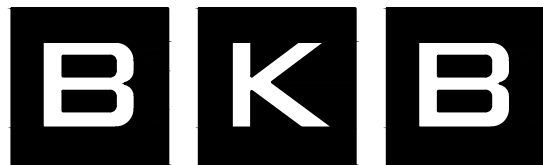
OWNER / SUBDIVIDER:

ROB FRERICH
UNLIMITED HOLDINGS, LLC-LAND
799 COUNTY ROAD 3200 NORTH
FISHER, IL 61843
(217) 897-1000

DATE OF PREPARATION: OCTOBER 15, 2020

REVISIONS

NO.	DATE	DESCRIPTION



ENGINEERING
301 N. NEIL STREET, SUITE 400 | CHAMPAIGN, IL 61820
CELL 217.840.3546 | OFFICE 217.531.2971 | FAX 217.531.2211

EXISTING CONDITIONS

HUNTERS RIDGE SEVENTH SUBDIVISION
MAHOMET, ILLINOIS

PROJECT: 26-1901

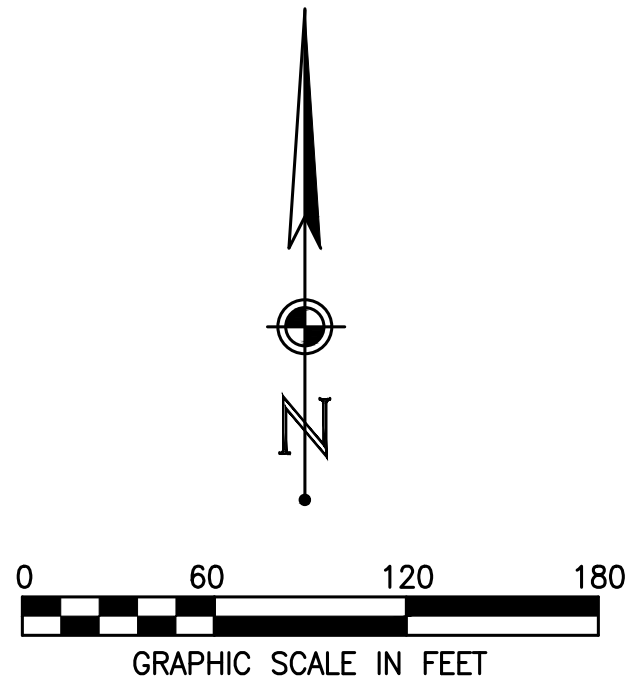
DESIGN BY: BKB

DRAWN BY: BKB

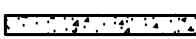
DATE: 10/14/20

SHEET:

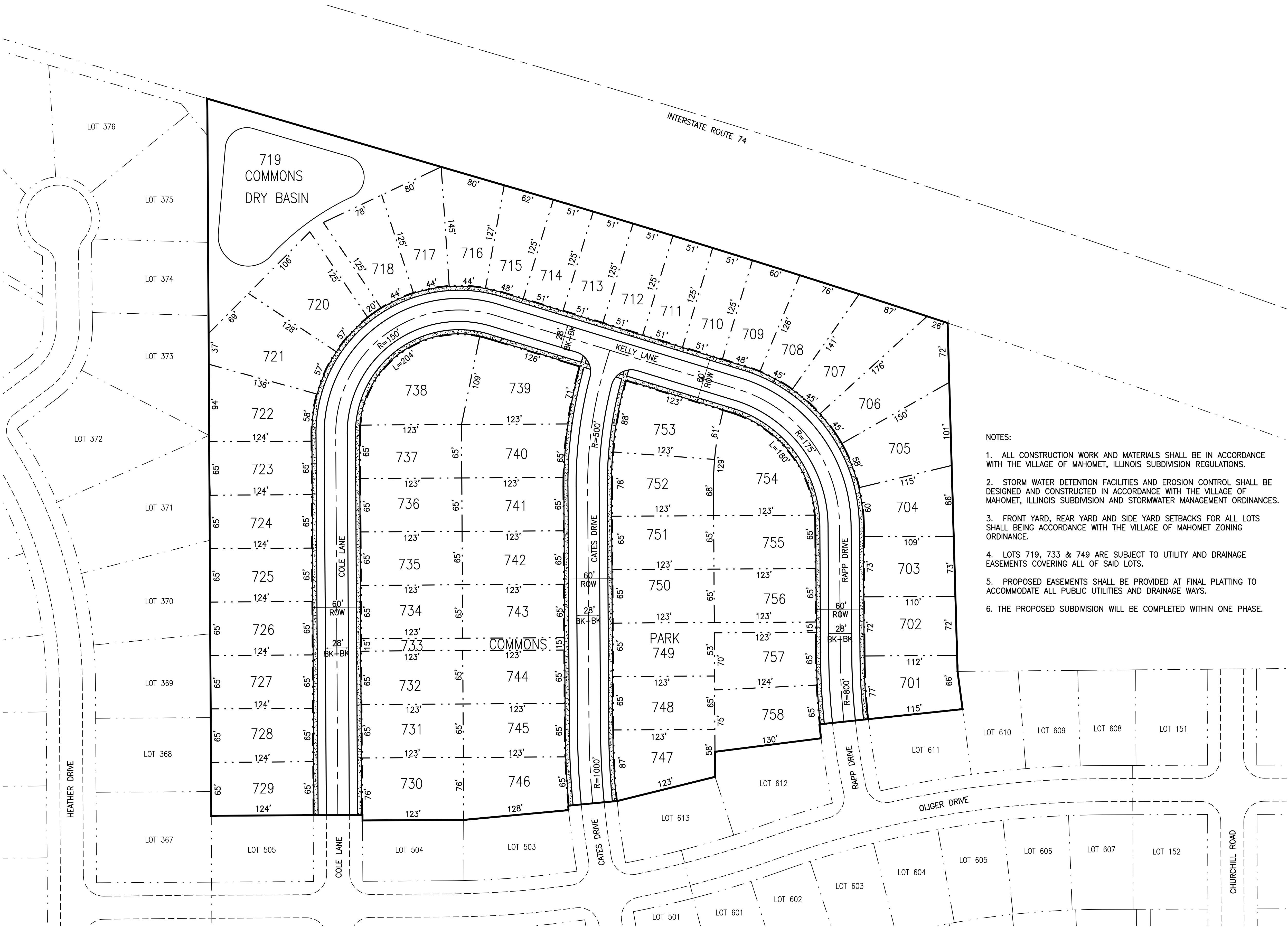
1 OF 3



SHEET LEGEND

 P.C.C. SIDEWALK, 5' WIDE

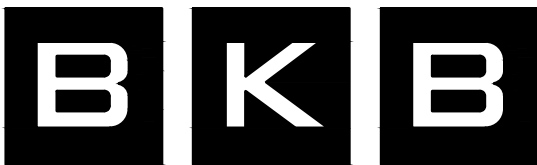
LOT NO.	AREA (SF)	LOT NO.	AREA (SF)
701	8091	730	9356
702	8007	731	8002
703	8007	732	8002
704	8043	733	3693
705	9912	734	8002
706	11022	735	8002
707	9757	736	8002
708	7889	737	8000
709	6802	738	11622
710	6353	739	11300
711	6365	740	8139
712	6369	741	8002
713	6365	742	8002
714	6353	743	8002
715	6892	744	8002
716	8177	745	8007
717	8103	746	8838
718	7503	747	8820
719	37813	748	8002
720	9992	749	9540
721	10917	750	8002
722	9649	751	8002
723	8060	752	9030
724	8060	753	9122
725	8060	754	11325
726	8060	755	8000
727	8060	756	8002
728	8060	757	8245
729	8060	758	8852



- NOTES:
1. ALL CONSTRUCTION WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE VILLAGE OF MAHOMET, ILLINOIS SUBDIVISION REGULATIONS.
 2. STORM WATER DETENTION FACILITIES AND EROSION CONTROL SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE VILLAGE OF MAHOMET, ILLINOIS SUBDIVISION AND STORMWATER MANAGEMENT ORDINANCES.
 3. FRONT YARD, REAR YARD AND SIDE YARD SETBACKS FOR ALL LOTS SHALL BEING ACCORDANCE WITH THE VILLAGE OF MAHOMET ZONING ORDINANCE.
 4. LOTS 719, 733 & 749 ARE SUBJECT TO UTILITY AND DRAINAGE EASEMENTS COVERING ALL OF SAID LOTS.
 5. PROPOSED EASEMENTS SHALL BE PROVIDED AT FINAL PLATTING TO ACCOMMODATE ALL PUBLIC UTILITIES AND DRAINAGE WAYS.
 6. THE PROPOSED SUBDIVISION WILL BE COMPLETED WITHIN ONE PHASE.

REVISIONS

NO.	DATE	DESCRIPTION



301 N. NEIL STREET, SUITE 400 | CHAMPAIGN, IL 61820
CELL 217.840.3546 | OFFICE 217.531.2971 | FAX 217.531.2211

PROPOSED LAYOUT PLAN

HUNTERS RIDGE SEVENTH SUBDIVISION
MAHOMET, ILLINOIS

PROJECT: 26-1901

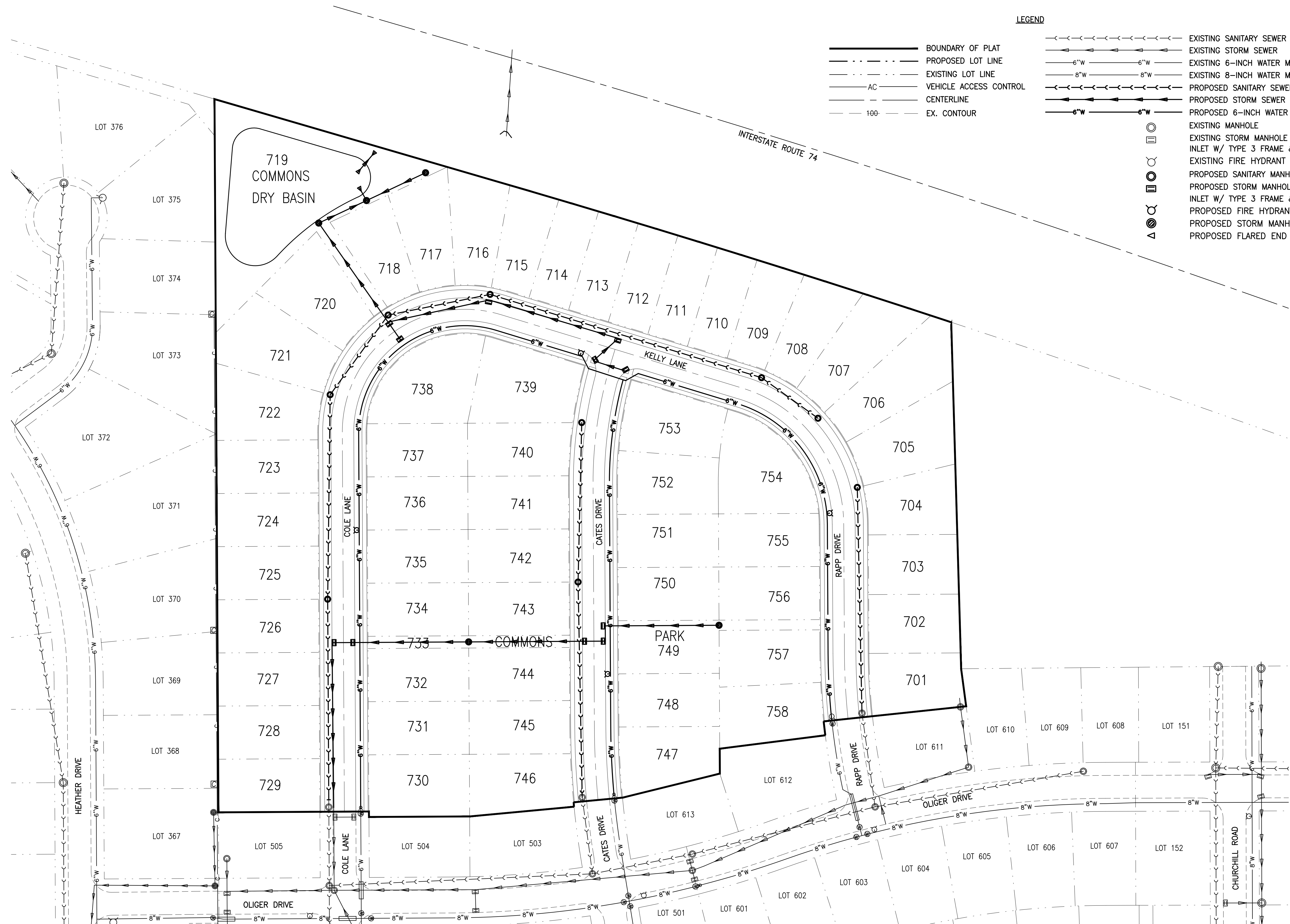
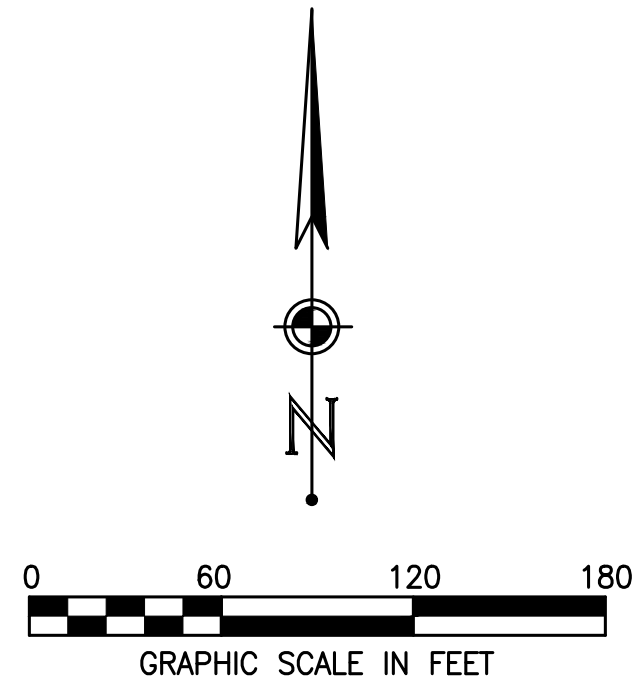
DESIGN BY: BKB

DRAWN BY: BKB

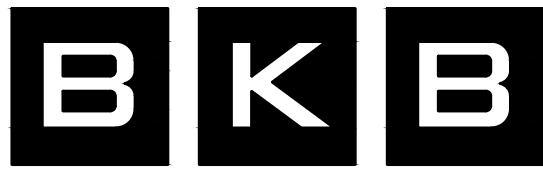
DATE: 10/14/20

SHEET:

2 OF 3



REVISIONS		
NO.	DATE	DESCRIPTION



ENGINEERING
301 N. NEIL STREET, SUITE 400 | CHAMPAIGN, IL 61820
CELL 217.840.3546 | OFFICE 217.531.2971 | FAX 217.531.2211

PROPOSED UTILITY PLAN

HUNTERS RIDGE SEVENTH SUBDIVISION
MAHOMET, ILLINOIS

PROJECT: 26-1901

DESIGN BY: BKB

DRAWN BY: BKB

DATE: 10/14/20

SHEET:

3 OF 3

**RESOLUTION FOR PLAN AND ZONING COMMISSION -
A RESOLUTION CONCERNING A DEVELOPMENT PLAN FOR A LARGE SCALE RESIDENTIAL DEVELOPMENT
HUNTERS RIDGE LSRD**

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 review and approval of Large Scale Residential Developments within the Corporate Limits of the Village of Mahomet, Illinois; and,

WHEREAS, Unlimited Holdings, LLC as property owner and developer of land described herein has requested that approval be granted under the terms of the Village of Mahomet Zoning Ordinance to allow the establishment of **Hunters Ridge LSRD**; a Large Scale Residential Development on land located immediately north of Olinger Drive at Cates Drive and east of Sandy Ridge Subdivision; and

WHEREAS, the property is described legally as follows:

OUTLOT 613 OF HUNTERS RIDGE SIXTH SUBDIVISION AS RECORDED AS DOCUMENT NUMBER
2020R11308 IN THE CHAMPAIGN COUNTY, ILLINOIS RECORDER'S OFFICE.

WHEREAS, the developer of the proposed **Hunters Ridge LSRD**, a Large Scale Residential Development has submitted certain documents, including a Development Plan, for review and approval by the Village of Mahomet; and,

WHEREAS, the Village Engineer and Village Planner reviewed the various documents submitted and made recommendations concerning approval of said Development Plan subject to certain conditions; and,

WHEREAS, a Public Hearing concerning the requested Large Scale Residential Development was held on November 10, 2020, and comment from the public was solicited; and,

WHEREAS, the Plan and Zoning Commission has met and reviewed the Development Plan and has found that it is, with minor modifications, generally satisfactory and in the prescribed form; and,

WHEREAS, a preliminary plat which covers the subject property was approved on August 22, 2017 by the Village Board of Trustees.

BE IT THEREFORE RESOLVED this 10th day of November, 2020, by the Plan and Zoning Commission of the Village of Mahomet, that:

- A. The Plan and Zoning Commission does hereby recommend that the Village of Mahomet Board of Trustees **APPROVE / NOT APPROVE** the establishment of a Large Scale Residential Development to be known as **Hunters Ridge LSRD**.
- B. The Plan and Zoning Commission does hereby recommend that the Village of Mahomet Board of Trustees **APPROVE / NOT APPROVE** the Development Plan (Hunters Ridge Seventh Subdivision – 3 pages dated October 14, 2020) for the **Hunters Ridge LSRD** upon completion of minor modifications identified by the Village staff and does hereby authorize the Chairman to sign the Certificate of Approval of said Plan upon completion of said minor modifications.

- C. The Plan and Zoning Commission does hereby recommend the following to the Village of Mahomet Board of Trustees related to requested zoning requirement variations for the **Hunters Ridge LSRD**:
1. **APPROVE / NOT APPROVE** Allow lot widths, as measured along the front yard setback line, of not less than 50.6 feet (lots 706 to 718).
 2. **APPROVE / NOT APPROVE** Allow lot areas of not less than 6,353 (lots 708 to 715).
 3. **APPROVE / NOT APPROVE** Allow a minimum side yard setback requirement of 5 feet, except as required along the perimeter boundaries of the LSRD development.
- D. The Plan and Zoning Commission does further recommend the following actions concerning the **Hunters Ridge LSRD**:
1. A Final Plat(s) covering the site shall be prepared, reviewed, approved, and recorded, consistent with the standards and procedures of the Subdivision Ordinance.
 2. Submission of all supporting documentation in proper form.
 3. All site development shall be in compliance with the approved Development Plan.
 4. Revision of the Development Plan to incorporate any staff technical review comments.
 5. Compliance with the Building Permit requirements of the Village.
 6. An executed development agreement between the Village of Mahomet and the developer which reflects the development plans and commitments presented to the PZC at the November 10, 2020 meeting and other requirements of the Village as approved by the Board of Trustees.
 7. _____

- E. Approval of the Development Plan shall be further granted with the understanding that future minor modifications to the Development Plan shall be allowable, so long as those changes comply with applicable Village Ordinance requirements, do not change the use and character of the site, do not change the intent of the Development Plan, and are reviewed and approved by Village Staff.
- F. In the event that the minor modifications to the Development Plan is not completed and all supporting documents are not submitted in final form within 60 days from the date of approval by the Board of Trustees, the approvals recommended herein shall be null and void.
- G. The approval recommended above shall be subject to the fulfillment of the conditions set forth in Item D above. In the event that these conditions are not fulfilled, the Development Plan may become void.

Chair, Plan and Zoning Commission
Village of Mahomet

Case Name: LSRD 2020-01

VILLAGE OF MAHOMET

APPLICATION FOR: PLANNED UNIT DEVELOPMENT /
LARGE SCALE RESIDENTIAL DEVELOPMENT

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Date Filed: 10-13-2020

Fee Paid: - ^{CR} Receipt No.: 1136 Amount: \$300.00 Date: 9-28-2020
Legal Ad Fee: CR#1138 \$116.00 10-27-2020

Comments: _____

Action by Plan and Zoning Commission: _____

Action by Board of Trustees: _____

NOTICE TO APPLICANTS:

1. There will be no refund of any application fee for approvals not granted or withdrawn.
2. No incomplete applications will be acted upon.
3. Complete applications must be received no less than 14 days prior to the next regular meeting of the Plan and Zoning Commission to be placed on the agenda for the meeting. Late submittals will not be acted upon without prior approval by the Village.
4. The applicant is advised to include all attachments required as part of the application, including all approvals by outside agencies.
5. Approval of the Planned Unit Development by the Village shall be in effect for a period of two years, and thereafter shall be void.
6. Applicants are urged to coordinate their activities with Village Staff in advance of application deadlines.
7. The Village may grant approval of the Planned Unit Development subject to completion of minor modifications to the Plan or documents. In that case, the applicant shall have 45 days to complete the required modifications; otherwise the approval granted shall be null and void. The Village President and Village Clerk will not sign the Certificate of Approval until all required modifications are completed.
8. Submission of incomplete, altered documents on more than 2 separate occasions will result in payment of an additional review fee, as determined by the Plan and Zoning Commission.
9. Applicants must also complete a Final Plat of Subdivision as a part of the development process. See the separate application.

**APPLICATION FOR PLANNED UNIT DEVELOPMENT
(LARGE SCALE RESIDENTIAL DEVELOPMENT)**

1. Name of Development: Hunters Ridge Seventh Subdivision
2. Name of Developer: Unlimited Holdings, LLC-Land Phone: 217-897-1000
Address: 799 County Road 3200 North Fax: _____
Fisher, IL 61843
3. Property Interest of Applicant: Owner
(Owner, Contract Purchaser, etc.)
4. Name of Local Agent: _____ Phone: _____
Address: _____ Fax: _____

5. Owner of Record: Unlimited Holdings, LLC-Land - Rob Frerichs Phone: 217-897-1000
Address: 799 County Road 3200 North Fax: _____
Fisher, IL 61843
6. Engineer: BKB Engineering, Inc. - Bryan Bradshaw Phone: 217-840-3546
Address: 301 N. Neil St., Suite 400 Fax: _____
Champaign, IL 61820
7. Land Surveyor: BKB Engineering, Inc. - Bryan Bradshaw Phone: 217-840-3546
Address: 301 N. Neil St., Suite 400 Fax: _____
Champaign, IL 61820
8. Attorney: Meyer Capel - Matt Deering Phone: 217-352-1800
Address: P.O. Box 6750 Fax: _____
Champaign, IL 61826
9. Development Location: Part of the South 1/2 OF SEC. 14, T.20N., R.7E., 3rd. P.M

10. Tax Parcel Number: 15-13-14-314-006
11. Legal Description (attach legal description if needed). _____
OUTLOT 613 OF HUNTERS RIDGE SIXTH SUBDIVISION AS RECORDED AS DOCUMENT NUMBER
2020R11308 IN THE CHAMPAIGN COUNTY, ILLINOIS RECORDER'S OFFICE.
12. Property Address: None Assigned

**APPLICATION FOR PLANNED UNIT DEVELOPMENT
(LARGE SCALE RESIDENTIAL DEVELOPMENT**

13. Present Land Use: Vacant
Proposed Land Use: Single Family Residential Subdivision

14. Present Zoning: R-1C

15. Proposed Zoning: R-1C

16. Is this development located within the Village Corporate Limits? Yes

17. Does the development involve an annexation to the Village? No

18. Is any open space being offered as part of this development application? Yes

If so, what amount? Lot 719 - 37,813 sf, Lot 733 - 3,693 sf and Lot 749 - 9,540 sf

19. Has the Zoning Board of Appeals granted any variance, exception, or special permit concerning this property? No

20. Are any waivers from the Subdivision Regulations requested? Yes

If so, attach list of waivers requested and your justification for each. (Be sure your list of waivers requested is complete. The Village will make only a minimal effort to identify any waivers needed beyond those requested. Only a waiver requested can be granted.)

21. Attach five (5) full size and one (1) half size copies of the Site Plan.

22. Attach a listing and legal description of all contiguous holdings in the same ownership, if any.

23. Provide the following qualitative information:

Total number of dwelling units	<u>55 single family homes</u>	Net development area = (632,987 sf gross development area - 0 sf nonresidential uses) x 80% (deducting 20% of the remainder for streets) = 506,390 sf
Proposed Lot Coverage (Percentage)	<u>72.6%</u>	
Net Residential Density	<u>9,207 sf / home</u>	
Proposed Traffic Projections	ADT = 55 <u>S.F. homes</u> x 9.57 = 526	Number of dwelling units permitted = 506,390 sf net development area / 8,000 sf minimum lot area per family in R-1C district = 63 units
Proposed Development Schedule	Begin <u>construction</u> spring 2021	
Area of Common / Open Space	<u>1.17 acres</u>	Net Residential Density = 506,390 sf / 55 single family homes = 9207 sf / home

24. Surrounding Land Use and Zoning

	<u>Surrounding Zoning</u>	<u>Surrounding Land Use</u>
North	<u>R-1A: Single Family Residential</u>	<u>Single Family Homes</u>
South	<u>R-1C: Single Family Residential</u>	<u>Single Family Homes</u>
East	<u>R-1A: Single Family Residential</u>	<u>Single Family Homes</u>
West	<u>R-1B: Single Family Residential</u>	<u>Single Family Homes</u>

**APPLICATION FOR PLANNED UNIT DEVELOPMENT
(LARGE SCALE RESIDENTIAL DEVELOPMENT**

25. Does Site Plan show all of the following?

Owners Name / Address	<u>Y</u>	Location of Quarter Corners	<u>N/A</u>
Engineers Name / Address	<u>Y</u>	Date of Preparation	<u>Y</u>
Location by Twp. & Range	<u>Y</u>	Existing Easements	<u>None</u>
Scale & North Arrow	<u>Y</u>	Existing Storm Drainage	<u>Y</u>
Existing Streets	<u>Y</u>	Existing Land Characteristics	<u>Y</u>
Existing Utilities	<u>Y</u>	Upstream Drainage Area	<u>Y</u>
Existing Topography (within 200 ft)	<u>Y</u>	Flood Prone Areas	<u>N/A</u>
Boundary of Development	<u>Y</u>	Existing man made features	<u>None</u>
Existing Topographic Features	<u>Y</u>	Location of Proposed Streets	<u>Y</u>
General Dimensions	<u>Y</u>	Location of Proposed Storm Drainage	<u>Y</u>
Adjacent Land Use / Zoning	<u>Y</u>	Proposed Lots	<u>Y</u>
Location of Proposed Water Mains	<u>Y</u>	Percolation Test Data	<u>N/A</u>
Proposed Erosion Control	<u>Y</u>	Location of Proposed Sanitary Sewers	<u>Y</u>
Proposed Phases	<u>One Phase</u>	Proposed Buildings	<u>N/A</u>
Proposed Parking Areas	<u>N/A</u>	Proposed Dimensions	<u>Y</u>
Proposed Buffers	<u>N/A</u>	Proposed Sidewalks	<u>Y</u>
Development Name	<u>Y</u>	Proposed site illumination	<u>N/A</u>
Surveyors Name / Address	<u>Y</u>	Proposed Driveways	<u>N/A</u>

26. Describe in detail the proposed Planned Unit Development being requested.

The proposed single-family residential subdivision contains 55 single family lots along with three commons lots. One of the commons lot will be reserved for a neighborhood park. 42 lots meet or exceed the zoning requirements of the R-1C zoning district. The 13 lots (lots 706-718) along or near the I-74 right-of-way are proposed to have lot widths of not less than 50.6' (as measured along the front yard setback line) and lot areas not less than 6353 sf. The side yard setback is requested to be 5-feet for these lots.

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

Elaborate: The lots along I-74 have a lower desirability due to excessive traffic noise. Creating a transitional buffer district between the conforming R-1C lots to the south and I-74 to the north will allow this area to be sold at an appropriate price point. Although R-2 zoning (duplexes) would be one viable option, smaller-sized single-family lots are preferable as they are typically owned-occupied while the duplex lots trend into becoming rental properties.

**APPLICATION FOR PLANNED UNIT DEVELOPMENT
(LARGE SCALE RESIDENTIAL DEVELOPMENT**

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

29. SITE PLAN

Is a scaled site plan indicating the location of the premises and the nature of the site development attached. Yes X No _____ (Application will not be processed without the required drawings.)

30. Have prints been sent to utility companies and Mahomet Post Office? Y

Attach utility company comments.

31. Attach Soil and Water Conservation District Review.

32. If development is located outside of Village, attach approvals by (as needed)

Township Road District Commissioner: N/A

County Engineer: _____

County Zoning Administrator: _____

Corn Belt Fire Protection District: _____

Sangamon Valley Public Water District: _____

Other (Identify): _____

33. Applicants Comments (if any): _____

34. Additional exhibits submitted by Applicant: _____

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

(Signature) Applicant

Date

(Signature) Owner

Date

Hunters Ridge Seventh Subdivision
Waiver List

1. Waive the minimum lot width requirement of 65 feet in the R-1C district to allow a lot width (as measured along the front yard setback line) of not less than 50.6 feet (lots 706 to 718).
2. Waive the minimum lot area requirement of 8,000 square feet in the R-1C district to allow a lot area of not less than 6,353 (lots 708 to 715).
3. Waive the minimum side yard setback requirement of 7 feet in the R-1C district to allow a setback of 5 feet.



**Plan and Zoning Commission
Staff Report
Meeting November 10, 2020**

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

PROJECT: TEXT AMENDMENT – ZONING REGULATIONS – ADD MULTIPLE-FAMILY
RESIDENTIAL DISTRICTS AND AMEND RELATED REQUIREMENTS

REQUESTED ACTION: Public Hearing – Adjourn and Continue to December PZC meeting

PUBLIC HEARING / PROCEDURAL ISSUES: The Zoning Ordinance requires the Plan and Zoning Commission (PZC) hold a public hearing upon request for a Zoning Ordinance text amendment. The public hearing is scheduled for the November 10, 2020 PZC meeting. Public notice was published in the News-Gazette on October 25, 2020. The PZC acts in an advisory role to the Board of Trustees regarding text amendments.

The PZC is asked to open the public hearing to gain feedback from the community on the proposed text amendment and then is asked to adjourn (not close) and continue the public hearing until the December PZC meeting to allow for additional input.

OVERVIEW: Village staff has prepared a draft Zoning Ordinance text amendment to add additional multiple-family residential zoning districts, add and amend related multiple-family residential requirements and other sections related to but not limited to definitions, permitted uses, conditional uses, accessory uses, density criteria, lot sizes, setbacks and other non-substantive changes and reorganization of related text. Village staff is continuing to work through changes to the Zoning Ordinance that are in line with community desires.

SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENT DATED NOVEMBER 5, 2020:

- Staff believes the establishment of new/more multi-family residential districts will provide opportunities for various densities of dwelling units to enable more transitional opportunities between residential and commercial uses.
- Staff has proposed the addition of three (3) new multiple-family residential zoning districts: R-3A, R-3B and R-3G. The existing R-3 zoning district would convert to what is proposed as R-3C.
- Staff evaluated the permitted, conditional and accessory uses allowed for existing and proposed multiple-family residential districts. Each multiple-family residential zoning district is now proposed to include permitted and conditional uses (as usual) and accessory uses. Accessory uses are currently located in a separate section (152.046) from district permitted and conditional uses. Staff would like to have accessory uses included with each district to provide clarity and reduce the number of places someone needs to look in the ordinance to see the full picture of uses allowed in each district. This amendment would start to move those accessory uses to the district regulations and staff plans to continue to update the Zoning Ordinance to make additional moves to accessory uses.
- Staff reviewed the existing Row House standards (152.048) and has proposed changes to the regulations to better accommodate row house development. The definition of row house (152.002) would change to

eliminate the restriction which only allows up to three (3) attached row houses. Staff has noticed the regulations do not work well with development desires and are a hinderance to the establishment of row houses and quads.

- Staff is proposing minor wording changes to the existing multiple-family residential development standards (152.055) that were adopted in July 2020 to provide additional clarity to the regulations.
- Staff has made modifications to the existing Development Standards Chart (152.090) to add each new zoning district and to update and restructure the existing information in the chart.

STAFF RECOMMENDATION

Staff is requesting discussion and consultation with the PZC on the proposed additions of districts, but NO ACTION. There is no resolution or ordinance to act on. Staff will present the changes in more detail along with the intent behind the changes.

ATTACHMENTS: Draft ZO Text Amendment 11/05/2020 (with text changes and additions shown)
Draft 152.090 Requirements Chart 11/05/2020 – Large View (existing chart with strikeouts)
Draft 152.090 Requirements Chart 11/05/2020 – Large View (proposed chart - clean)

Zoning Ordinance Text Amendment – Multiple-Family Residential and accessory uses 11/05/2020

DRAFT

Change/remove the following text under §152.002 DEFINITIONS (add underlined text, remove stricken text):

§152.002 DEFINITIONS

BUILDING, ROW HOUSE. A building which contains a row of ~~three~~ single-family attached dwelling units, each unit being separated from the adjoining units in each story by a party wall or walls without openings, and each unit having independent access to the exterior of the building in the ground story and each unit being located on a separate lot.

Rename/Add the following in §152.005 DISTRICTS (add underlined text, remove stricken text):

§ 152.005 DISTRICTS.

(A) The districts into which the village and its one and one-half-mile planning area are divided by the Zoning Ordinance shall be designated as follows:

- (1) AG Agricultural District;
- (2) AC Conservation District;
- (3) R-1A Single-Family Residential District;
- (4) R-1B Single-Family Residential District;
- (5) R-1C Single-Family Residential District;
- (6) R-2 Two-Family Residential District;
- (7) R-3A Multiple-Family Residential District;
- (8) R-3B Multiple-Family Residential District;
- ~~(7)~~ (9) R-3C Multiple-Family Residential District;
- (10) R-3G Multiple-Family Residential District;
- ~~(8)~~ (11) C-1 Neighborhood Commercial District;
- ~~(9)~~ (12) C-2 General Commercial District;
- ~~(10)~~ (13) C-3 Planned Commercial District;
- ~~(11)~~ (14) C-4 Planned Mixed Use District
- ~~(12)~~ (15) I-1 Planned Industrial District;
- ~~(13)~~ (16) I-2 Industrial District; and
- ~~(14)~~ (17) FP Forest Preserve District.

(B) The boundaries of these districts are shown on the “Zoning District Official Map” dated November, 1971, Revised March, 1973, which accompanies and is made a part of this chapter. The original of this

map is properly attested and on file with the Village Clerk, and the map and all information shown thereon shall have the same force and effect as if fully set forth or described herein.

(C) The zoning district map shall be corrected and brought up to date on March 31 of each year.

(D) All land which may hereafter be incorporated into the zoning jurisdictional area of the village, whether through annexation or otherwise, shall, unless a valid pre-annexation agreement in effect at the time of annexation provides otherwise; or unless, after a public hearing, specific action by the Board of Trustees of the village provides otherwise, automatically be classified from its present or most recent classification under the County Zoning Ordinance, to a classification under the Village Zoning Ordinance (this chapter), as determined by the Village Administrator and which use of the land most generally conforms to the intent of the following table.

<i>Former Zoning District Champaign County</i>	<i>New Zoning District Village of Mahomet</i>
AG-1, Agricultural	AG Agriculture
AG-2, Agricultural	R-1A Single-Family Residential
CR, Conservation-Recreation	AC, Conservation
CR, Conservation-Recreation	F, Forest Preserve
R-1 Single Family Residence	R-1B Single-Family Residential
R-2 Single Family Residence	R-1C Single-Family Residential
R-3 Two-Family Residence	R-2 Two-Family Residential
R-4 Multiple Family Residence	R-3 <u>A</u> Multiple- Family Residential
B-2 Neighborhood Business	C-1 Neighborhood Business
B-3 Highway Business	C-2 General Commercial
B-4 General Business	C-2 General Commercial
B-5 Central Business	C-2 General Commercial
I-1 Light Industry	I-2 General Industrial
I-2 Heavy Industry	I-2 Industrial

Add the following new text as §152.026 R-3A MULTIPLE-FAMILY RESIDENTIAL DISTRICT (add underlined text):

§ 152.026 R-3A MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

The purpose of the R-3A Multiple-Family Residential District is to provide for low density multiple-family dwellings along with related residential uses. The R-3A District may serve as transitional uses between commercial and less intensive residential uses.

A. Permissive uses:

- (1) Duplex;
- (2) Common lot line dwelling;
- (3) Multiple-family dwelling, meeting the standards set forth in §152.055;
- (4) Townhouse, meeting the standards set forth in §152.055;
- (5) Row house dwelling;
- (6) Public park or playground; and
- (7) Church.

B. Conditional uses:

- (1) Multiple-family dwelling, which does not meet standards set forth in §152.055;
- (2) Townhouse, which does not meet standards set forth in §152.055;
- (3) Public utility substations; and
- (4) Community Living Facility Dwelling, Category I;

C. Accessory uses, see §152.046 for additional regulations related to accessory uses:

- (1) A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building;
- (2) A private garage or carport with a floor area of no more than 300 square feet per dwelling unit with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which the lot exceeds 6,000 square feet, provided that no garage shall exceed 2,000 square feet nor house more than ten automobiles;
- (3) Home occupation;
- (4) Stormwater detention basins or rain gardens;
- (5) Vegetable or flower garden;
- (6) Private driveways;

- (7) Shared use or common use club house, tennis court, swimming pool, garden house, gazebo, pergola, ornamental gate, flagpole, barbecue oven, playground, dog run, fireplace, storage shed and similar shared uses customarily accessory to multiple-family residential uses;
- (8) Any single accessory building shall not exceed a floor area of 2,000 square feet or have a ground floor square foot area of more than 75% of the GSF of the smallest main structure, whichever is less;
- (9) Any single accessory building shall not exceed a height of 20 feet or 75% of the shortest main structure, whichever is less;
- (10) Off-street parking spaces when in conformance with the provisions of this chapter; and
- (11) Shared or common use solid waste containers when located outside of an established front yard setback and when located not less than five (5) feet away from a side or rear lot line and when fenced from visibility from property lines and right-of-way lines. Individual use solid waste containers of less than 100 gallons are exempt from screening requirements.

Add the following new text under §152.027 R-3B MULTIPLE-FAMILY RESIDENTIAL DISTRICT (add underlined text):

§ 152.027 R-3B MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

The purpose of the R-3B Multiple-Family Residential District is to provide for low density multiple-family dwellings along with related residential uses. The R-3B District may serve as transitional uses between commercial and less intensive residential uses.

A. Permissive uses:

- (1) Multiple-family dwelling, meeting the standards set forth in §152.055;
- (2) Townhouse, meeting the standards set forth in §152.055;
- (3) Row house dwelling;
- (4) Community Living Facility Dwelling, Category I;
- (5) Public park or playground; and
- (6) Church.

B. Conditional uses:

- (1) Multiple-family dwelling, which does not meet standards set forth in §152.055;
- (2) Townhouse, which does not meet standards set forth in §152.055;
- (3) Public building erected by any governmental agency;
- (4) Community Living Facility Dwelling, Category II;

- (5) Community Living Facility Dwelling, Category III;
- (6) Public utility substations
- (7) Large Scale Residential Development

C. Accessory uses, see §152.046 for additional regulations related to accessory uses:

- (1) A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building;
- (2) A private garage or carport with a floor area of no more than 300 square feet per dwelling unit with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which the lot exceeds 6,000 square feet, provided that no garage shall exceed 2,000 square feet nor house more than ten automobiles;
- (3) Home occupation;
- (4) Stormwater detention basins or rain gardens;
- (5) Vegetable or flower garden;
- (6) Private driveways;
- (7) Shared use or common use club house, tennis court, swimming pool, garden house, gazebo, pergola, ornamental gate, flagpole, barbecue oven, playground, dog run, fireplace, storage shed and similar shared uses customarily accessory to multiple-family residential uses;
- (8) Any single accessory building shall not exceed a floor area of 2,000 square feet or have a ground floor square foot area of more than 75% of the GSF of the smallest main structure, whichever is less;
- (9) Any single accessory building shall not exceed a height of 20 feet or 75% of the shortest main structure, whichever is less;
- (10) Off-street parking spaces when in conformance with the provisions of this chapter; and
- (11) Shared solid waste containers when located outside of an established front yard setback and when located not less than five (5) feet away from a side or rear lot line and when fenced from visibility from property lines and right-of-way lines. Individual use solid waste containers of less than 100 gallons are exempt from screening requirements.

Change/remove the following text under §152.026 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (add underlined text, remove stricken text):

~~§ 152.026~~ **§ 152.028 R-3C MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

The purpose of the R-3C Multiple-Family Residential District is to provide for ~~low-density~~ multiple-family dwellings along with related residential uses. The R-3C District may serve as transitional uses between commercial or industrial uses and other lower density multi-family uses.

A. Permissive uses:

- ~~(1) — Duplex;~~
- ~~(2) — Common lot line dwelling;~~
- (1) ~~(3)~~ Multiple-family dwelling, meeting the standards set forth in §152.055;
- (2) ~~(4)~~ Townhouse, meeting the standards set forth in §152.055;
- (3) ~~(5)~~ Row house dwelling;
- (4) ~~(6)~~ Community Living Facility Dwelling, Category I;
- (5) ~~(7)~~ Community Living Facility Dwelling, Category II;
- (6) ~~(8)~~ Community Living Facility Dwelling, Category III;
- ~~(9) — Assisted living retirement community~~
- (7) ~~(10)~~ Public park or playground;
- (8) ~~(11)~~ Church;
- ~~(12) — 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;~~
- ~~(13) — Golf course; and~~
- (9) ~~(14)~~ Large Scale Residential Development.

B. Conditional uses:

- (1) Multiple-family dwelling, which does not meet standards set forth in §152.055;
- (2) Townhouse, which does not meet standards set forth in §152.055;
- (3) Nursing, rest or convalescent home;
- (4) Public building erected by any governmental agency;
- (5) Religious, educational and eleemosynary institution of a philanthropic nature;

- (6) Private club or lodge, excepting when the chief activity of which is service customarily carried on as a business;
- (7) Mobile home or trailer court;
- (8) Nursery, pre-kindergarten, kindergarten, play, special and other private school or day care center; ~~and~~
- (9) Public utility substations;
- (10) Assisted living retirement community; and
- (11) 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.

C. Accessory uses, see §152.046 for additional regulations related to accessory uses:

- (1) A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building;
- (2) A private garage or carport with a floor area of no more than 300 square feet per dwelling unit; with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which the lot exceeds 6,000 square feet, provided that no garage shall exceed 2,000 square feet nor house more than ten automobiles;
- (3) Home occupation;
- (4) Stormwater detention basins;
- (5) Vegetable or flower garden;
- (6) Private driveways;
- (7) Shared use or common use club house, tennis court, swimming pool, garden house, gazebo, pergola, ornamental gate, flagpole, barbecue oven, playground, dog run, fireplace, storage shed and similar shared uses customarily accessory to multiple-family residential uses;
- (8) Any single accessory building shall not exceed 50 percent of the gross square footage of any primary structure on the same lot a floor area of 2,000 square feet; and
- (9) Off-street parking spaces when in conformance with the provisions of this chapter.
- (10) Shared solid waste containers when located outside of an established front yard setback and when located not less than five (5) feet away from a side or rear lot line and when fenced from visibility from property lines and right-of-way lines. Individual use solid waste containers of less than 100 gallons are exempt from screening requirements.

Add the following new text as §152.029 R-3G MULTIPLE-FAMILY RESIDENTIAL DISTRICT (add underlined text):

§ 152.029 R-3G MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

The purpose of the R-3G Multiple-Family Residential District is to provide for multiple-family dwellings and buildings where all units have some ground floor living space and individual ground floor access with the perceptive “private” yet limited adjacent outdoor space and mostly common outdoor area and shared amenities. The R-3G District may serve as transitional uses between single-family residential uses and neighborhood or light commercial use areas. Units could be platted for individual ownership.

A. Permissive uses:

- (1) Duplex;
- (2) Common lot line dwelling;
- (3) Multiple-family dwelling, meeting the standards set forth in §152.055;
- (4) Townhouse, meeting the standards set forth in §152.055;
- (5) Row house dwelling;
- (6) Large Scale Residential Development.

B. Conditional uses:

- (1) Multiple-family dwelling, which does not meet standards set forth in §152.055;
- (2) Townhouse, which does not meet standards set forth in §152.055;
- (3) Nursing, rest or convalescent home;
- (4) Public building erected by any governmental agency;
- (5) Religious, educational and eleemosynary institution of a philanthropic nature;
- (6) Private club or lodge, excepting when the chief activity of which is service customarily carried on as a business;
- (7) Mobile home or trailer court;
- (8) Nursery, pre-kindergarten, kindergarten, play, special and other private school or day care center;
- (9) Public utility substations; and
- (10) Assisted living retirement community.

C. Accessory uses, see §152.046 for additional regulations related to accessory uses:

- (1) A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building;
- (2) A private garage or carport with a floor area of no more than 300 square feet per dwelling unit with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which the lot exceeds 6,000 square feet, provided that no garage shall exceed 2,000 square feet nor house more than ten automobiles;
- (3) Home occupation;
- (4) Stormwater detention basins or rain gardens;
- (5) Vegetable or flower garden;
- (6) Private driveways;
- (7) Shared use or common use club house, tennis court, swimming pool, garden house, gazebo, pergola, ornamental gate, flagpole, barbecue oven, playground, dog run, fireplace, storage shed and similar shared uses customarily accessory to multiple-family residential uses;
- (8) Any single accessory building shall not exceed a height of 20 feet or 75% of the shortest main structure, whichever is less;
- (9) Off-street parking spaces when in conformance with the provisions of this chapter; and
- (10) Solid waste containers when located outside of an established front yard setback and when located not less than five (5) feet away from a side or rear lot line and when fenced from visibility from property lines and right-of-way lines.

Renumber the following sections (add underlined text, remove stricken text):

§ 152.030 ~~§ 152.027~~ C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

§ 152.031 ~~§ 152.028~~ C-2 GENERAL COMMERCIAL DISTRICT.

§ 152.032 ~~§ 152.029~~ C-3 PLANNED COMMERCIAL DISTRICT

§ 152.033 ~~§ 152.030~~ C-4 PLANNED MIXED USE DISTRICT.

§ 152.034 ~~§ 152.031~~ I-1 PLANNED INDUSTRIAL DISTRICT.

§ 152.035 ~~§ 152.032~~ I-2 INDUSTRIAL DISTRICT.

§ 152.036 ~~§ 152.033~~ FP FOREST PRESERVE DISTRICT.

Change / add the following text in §152.046 ACCESSORY BUILDINGS AND USES (add underlined text, remove stricken text):

§ 152.046 ACCESSORY BUILDINGS AND USES.

(C) Accessory uses allowed in multiple-family residential zoning districts: R-3A: See § 152.026 (C), R-3B: See § 152.027 (C), R-3C: See § 152.028 (C), R-3G: See § 152.026 (C).

~~(C) In the R-3 Zoning District, accessory buildings and uses are limited to:~~

~~—(1) A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building;~~

~~—(2) A private garage or carport with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which the lot exceeds 6,000 square feet, provided that no garage shall exceed 2,000 square feet nor house more than ten automobiles;~~

~~—(3) Home occupation;~~

~~—(4) Stormwater detention basins;~~

~~—(5) Vegetable or flower garden;~~

~~—(6) Private driveways;~~

~~—(7) Tennis court, swimming pool, garden house, gazebo, pergola, ornamental gate, flagpole, barbecue oven, children's playhouse, dog house, fireplace, storage shed and similar uses customarily accessory to residential uses;~~

~~—(8) Any single accessory building shall not exceed a floor area of 2,000 square feet; and~~

~~—(9) Off street parking spaces when in conformance with the provisions of this chapter.~~

(E) There shall be the following additional regulations.

(6) Solid waste containers in the R-3, Commercial and Industrial Districts shall not be located within an established front yard setback and shall be located not less than five feet away from a side or rear lot line and shall be fenced from visibility from property lines and right-of-way lines.

Change / add the following text in §152.048 ROW HOUSES (add underlined text, remove stricken text):

§152.048 ROW HOUSES.

Special regulations regarding row houses shall be as follows.

(A) In districts where row house buildings are permitted and row houses are to be constructed ~~for sale, each on its own lot, to individual owners, the row houses shall not be subject to the minimum lot requirements of § 152.090, but instead~~ and shall be subject to the minimum requirements specified in this section.

(B) Minimum lot area for a row house lot shall be not less than 3,000 ~~5,000~~ square feet.

(C) Minimum frontage of a row house lot on a public street shall be not less than 20 ~~30~~ feet on a standard lot and not less than 45 ~~50~~ feet on each frontage of a corner lot.

(D) No side yard shall be required along any side lot line which is common to two attached row houses, whether they be on interior or exterior row house lots. ~~On side yard, conforming to the least width required by § 152.090 shall be required along the side lot lines of an exterior row house lot where the lot line is~~ Side yards not common to that of any other attached row house must conform to setbacks as required by §152.090.

(E) Front yard and rear yard requirements as established in § 152.090 shall be provided for all row house dwellings.

(F) A minimum lot width of 20-40 feet shall be provided for all interior and exterior row house lots.

(G) Row houses shall be developed on subdivided lots with no more than six (6) ~~three~~ units per building; nor shall the building exceed 120 feet in width ~~length~~.

(H) The maximum lot coverage for row house lot including driveways shall be 50% ~~40% and not less than 1,800 square feet of open space shall be provided on each row house lot.~~

(I) Exterior treatment of attached row houses shall be integrated. Exterior of buildings shall be maintained in a uniform similar exterior treatment and finish ~~their original color and treatment unless otherwise agreed to in writing by the affected lot owners.~~

(J) An unobstructed easement shall be provided across the side and rear eight feet of each exterior row house lot (triplex), when adjacent to an interior row house lot, for ingress and egress of adjacent interior row house lot owners for maintenance purposes. The access easement shall be unobstructed and physically passable at all times. This easement shall be incorporated into each deed transferring title to the property.

(K) A party wall agreement shall be included in the subdivision covenants for each row house lot setting forth provisions for repair of common walls, repair of common utility service connections, reconstruction of the common building in the event of damage or destruction of one or all of the dwelling units and common maintenance and repair of joint facilities.

(L) ~~The coincident property walls (party wall) of each row house shall be constructed in a manner which complies with the standards for common walls established by the BOCA Building Code of 1990, in that each common wall shall have a minimum fire resistance rating of two hours.~~ Common walls and floor

ceiling assemblies shall conform to Section 302 FIRE-RESISTANT CONSTRUCTION of the 2015 International Residential Code and amendments as outlined in Sec 16 of these municipal codes.

Change / add the following text in §152.055 STANDARDS FOR MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT (add underlined text, remove stricken text):

§152.055 STANDARDS FOR MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT

Any multiple-family residential dwelling development on a property of 20,000 square feet or larger and/or which contains any principle building with more than 4 dwelling units must comply with the following standards and all other applicable standards in this chapter, unless the use is approved by issuance of a Conditional Use permit in which alternative standards are determined. Multiple-family residential dwelling developments that exceeds 16 dwelling units must obtain a Conditional Use Permit to establish the use.

(A) Development Standards:

- (1) Maximum Building Height: 2 stories and 30 feet
- (2) Minimum Building Setback: Front 25 feet, Side 25 feet, and Rear 25 feet
- (3) HVAC Equipment: No HVAC equipment shall be visible from adjacent property lines including surrounding rights-of-way. Landscaping or fence screening may be provided but only when approved by the Village Planner.
- (4) Dumpsters shall be screened via a privacy fence.

(B) Perimeter Landscaping Requirements:

- (1) Minimum Landscaping: One (1) Shade Tree and three (3) shrubs must be planted and maintained within the building setback for every 40 linear feet along the length of the property lines.

(C) Conditional Use Permit.

- (1) Guidelines. In making a legislative determination to issue a Conditional Use Permit for a multiple-family residential dwelling development, the following guidelines may be considered:
 - (a) The availability of permanent open spaces, including public parks, golf courses, schools and similar such uses in proximity to the subject property.
 - (b) The availability of permanent open spaces and recreational facilities located on the site.
 - (c) The relationship of the site to all aspects of the Village transportation system, including sidewalks, bike paths and streets.
 - (d) The extent to which the multiple-family residential use of the site will promote balanced growth in the community, provide an opportunity for equal housing

opportunities, provide a variety of housing types and meet a need for the type(s) of housing proposed.

(e) The suitability of the site plan presented for the proposed multiple-family residential use.

(2) Site Plan. An application for a Conditional Use Permit to establish a multiple-family residential use shall be accompanied by a site plan which shall be review and approved by the Board of Trustees.

Change/remove the following text under §152.090 REQUIREMENTS (add underlined text, remove stricken text):

§ 152.090 REQUIREMENTS.

District	Maximum Height (f)		Minimum Yard Depth/Width in Feet			Minimum Lot Width in Feet (d)	Minimum Land Lot Area per Dwelling Family (d) in Square Feet			Minimum Lot Area (d)
	Stories	Feet	Front	Side (i)	Rear		Single	Two	Multiple	
AG	2.5	35	50	25	50	150	43,560	NA	NA	43,560
AC	2.5	35	50	25	50	150	(c)	(e)	(e)	43,560
R-1A	2.5	35	30	10	30	100	20,000	NA	NA	20,000
R-1B	2.5	35	25	10	25	80	10,000	NA	NA	10,000
R-1C	2	30	25	7	25	65	8,000	NA	NA	8,000
R-2	2.5	35	25	8	25	65 (b)	5,000 10,000	5,000	5,000	10,000
R-3A	2.5 (h)	35 (h)	25	8 (h)(b)	25 (b)	20	4,000			4,000
R-3B	3 (h)	45 (h)	25	8 (h)(b)	25 (b)	20	3,500			3,500
R-3C	3 (h)	45 (h)	25	8 (h)(b)	25 (b)	20 (b)	3,000 NA	5,000	3,000 (h)	3,000 10,000
R-3G	3 (h)	45 (h)	25	5 (h)(b)	25 (b)	20	3,000			3,000
C-1	2.5	35	25	(a)	25	None	NA (e)	NA	NA	6,000
C-2	3	45	15	(a)	25	None	(e)	(e)	(e)	6,000
C-3	3	45	25	25	25	None	NA (e)	NA	NA	7,000
I-1	3	45	40	25	25	200	(c)	(e)	(e)	7,000
I-2	3	45	25	(a)	25	None	(c)	(e)	(e)	7,000
FP	NA	NA	NA	NA	NA	NA	NA	NA	NA	43,560

(a) None unless adjacent to a residential district in which case a minimum side yard of ten feet is required.

(b) See §152.048 for additional Row House development standards ~~80 feet for single-family use, and 65 feet for two-family and multiple-family uses. 40 feet for interior and exterior rowhouse lots.~~

(c) Dwellings prohibited.

(d) See §152.091(A) for lot area and width exceptions.

(e) Dwellings prohibited except by conditional use.

(f) See §152.091(F) for height exceptions.

(g) NA means the appropriate requirement is "not applicable".

(h) See §152.055 for additional multiple-family residential development standards.

(i) Side yard setback requirements do not apply to Common Lot Line Dwellings on a side yard that adjoins another adjacent dwelling.

DRAFT - 152.090 Requirements Chart 11/05/2020 – existing chart with strikeouts

District	Maximum Height (f)		Minimum Yard Depth/Width in Feet			Minimum Lot Width in Feet (d)	Minimum Land Lot Area per Dwelling Family (d) in Square Feet			Minimum Lot Area (d)
	Stories	Feet	Front	Side (i)	Rear		Single	Two	Multiple	
AG	2.5	35	50	25	50	150	43,560	NA	NA	43,560
AC	2.5	35	50	25	50	150	(c)	(e)	(e)	43,560
R-1A	2.5	35	30	10	30	100	20,000	NA	NA	20,000
R-1B	2.5	35	25	10	25	80	10,000	NA	NA	10,000
R-1C	2	30	25	7	25	65	8,000	NA	NA	8,000
R-2	2.5	35	25	8	25	65 (b)	5,000 10,000	5,000	5,000	10,000
R-3A	2.5 (h)	35 (h)	25	8 (h)(b)	25 (b)	20	4,000			4,000
R-3B	3 (h)	45 (h)	25	8 (h)(b)	25 (b)	20	3,500			3,500
R-3C	3 (h)	45 (h)	25	8 (h)(b)	25 (b)	20 (b)	3,000 NA	5,000	3,000 (h)	3,000 10,000
R-3G	3 (h)	45 (h)	25	5 (h)(b)	25 (b)	20	3,000			3,000
C-1	2.5	35	25	(a)	25	None	NA (e)	NA	NA	6,000
C-2	3	45	15	(a)	25	None	(e)	(e)	(e)	6,000
C-3	3	45	25	25	25	None	NA (e)	NA	NA	7,000
I-1	3	45	40	25	25	200	(c)	(e)	(e)	7,000
I-2	3	45	25	(a)	25	None	(c)	(e)	(e)	7,000
FP	NA	NA	NA	NA	NA	NA	NA	NA	NA	43,560

(a) None unless adjacent to a residential district in which case a minimum side yard of ten feet is required.

(b) See §152.048 for additional Row House development standards ~~80 feet for single-family use, and 65 feet for two-family and multiple-family uses. 40 feet for interior and exterior rowhouse lots.~~

(c) Dwellings prohibited.

(d) See §152.091(A) for lot area and width exceptions.

(e) Dwellings prohibited except by conditional use.

(f) See §152.091(F) for height exceptions.

(g) NA means the appropriate requirement is “not applicable”.

(h) See §152.055 for additional multiple-family residential development standards.

(i) Side yard setback requirements do not apply to Common Lot Line Dwellings on a side yard that adjoins another adjacent dwelling.

DRAFT - 152.090 Requirements Chart 11/05/2020 – proposed chart - clean

District	Maximum Height (f)		Minimum Yard Depth/Width in Feet			Minimum Lot Width in Feet (d)	Minimum Land Area per Dwelling (d) in Square Feet	Minimum Lot Area (d)
	Stories	Feet	Front	Side (i)	Rear			
AG	2.5	35	50	25	50	150	43,560	43,560
AC	2.5	35	50	25	50	150	(c)	43,560
R-1A	2.5	35	30	10	30	100	20,000	20,000
R-1B	2.5	35	25	10	25	80	10,000	10,000
R-1C	2	30	25	7	25	65	8,000	8,000
R-2	2.5	35	25	8	25	65	5,000	10,000
R-3A	2.5 (h)	35 (h)	25	8 (h)(b)	25 (b)	20	4,000	4,000
R-3B	3 (h)	45 (h)	25	8 (h)(b)	25 (b)	20	3,500	3,500
R-3C	3 (h)	45 (h)	25	8 (h)(b)	25 (b)	20	3,000	3,000
R-3G	3 (h)	45 (h)	25	5 (h)(b)	25 (b)	20	3,000	3,000
C-1	2.5	35	25	(a)	25	None	(e)	6,000
C-2	3	45	15	(a)	25	None	(e)	6,000
C-3	3	45	25	25	25	None	(e)	7,000
I-1	3	45	40	25	25	200	(c)	7,000
I-2	3	45	25	(a)	25	None	(c)	7,000
FP	NA	NA	NA	NA	NA	NA	NA	43,560

(a) None unless adjacent to a residential district in which case a minimum side yard of ten feet is required.

(b) See §152.048 for additional Row House development standards-

(c) Dwellings prohibited.

(d) See §152.091(A) for lot area and width exceptions.

(e) Dwellings prohibited except by conditional use.

(f) See §152.091(F) for height exceptions.

(g) NA means the appropriate requirement is “not applicable”.

(h) See §152.055 for additional multiple-family residential development standards.

(i) Side yard setback requirements do not apply to Common Lot Line Dwellings on a side yard that adjoins another adjacent dwelling.