

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

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