

# CASE NO. 717-AM-12

## SUPPLEMENTAL MEMORANDUM B

October 11, 2012

Petitioners: Sangamon Valley Public  
Water District and Parkhill  
Enterprises, LLC

Site Area: 2.9 acres

Time Schedule for Development:  
March 2013 – March 2014

Prepared by: Andy Kass  
Associate Planner

John Hall  
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District on approximately 2.9 acres of the subject property described below and subject to the proposed Special Use Permit in related Case 718-S-12 and with the variance requested in related Case 719-V-12.

Location: An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

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### *STATUS*

New evidence is proposed regarding testimony by the Village of Mahomet planner and the requirements of the Village of Mahomet Zoning Ordinance.

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### **PROPOSED EVIDENCE**

The following evidence is proposed to be added to item 3. of the Finding of Fact:

Regarding the Village of Mahomet:

- A. Robert Mahrt, Village Planner for the Village of Mahomet, testified at the September 27, 2012, public hearing as follows:
  - (1) He stated the Village of Mahomet is supportive of the quality services that the Sangamon Valley Public Water District does provide to the citizens of the Mahomet community.
  - (2) He stated the Village of Mahomet's Board and the Village of Mahomet's staff does have concerns regarding the proposed rezoning, special use, and variances.
  - (3) He stated the proposed rezoning in Case 717-AM-12 would create a spot zone because an agricultural district would be placed in the heart of what is essentially surrounded by residential zoning.
  - (4) He stated the proposed special use permit in Case 718-S-12 is counter to the Village of Mahomet's established land use policy and inconsistent with the Area General Plan for the Woods Subdivision because the proposal would eliminate the extension of Middleton Drive without providing for emergency services to move through that area.

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- (5) He stated that in March the Village of Mahomet was approached with a request to expand the plant, primarily on the south which is within the Village's jurisdiction. He said the Village provided correspondence in March to the Sangamon Valley Public Water District that (a) the expansion could proceed under the Village of Mahomet's developmental regulations which would include a rezoning to the R-1 District and a condition use permit for a "public building erected by a governmental agency" and (b) the Sangamon Valley Public Water District would have to submit a subdivision plat to consolidate their existing tracts and sign an annexation agreement and (c) a complete building permit application and site plan with detention would also be required and (d) the Village of Mahomet could turn around the process in as little as 60 days and (d) the Sangamon Valley Public Water District plant would be rezoned upon annexation and subsequent subdivision.
- (6) He stated that the Village of Mahomet has appropriately offered alternatives for the Sangamon Valley Public Water District to move forward on the plant expansion in compliance with the standards of the Village of Mahomet without having to go through the County Board approval process and it could have done in short order.
- (7) He stated that the Village of Mahomet does not make it a practice to have an annexation agreement with property that is not directly adjacent to the Village boundary and the Village has always been consistent in rezoning upon annexation when the property is directly adjacent to the Village boundary.
- B. The Village of Mahomet Zoning Ordinance authorizes "public building erected by any governmental agency" as a "conditional use" in the R-1 and RS Zoning Districts. There are no specific standards for a "public building erected by any governmental agency" as a "conditional use" but the Village of Mahomet Zoning Ordinance requires a public hearing for all conditional uses and authorizes special conditions to be imposed to insure that the following shall be met:
- (a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values in the neighborhood.
- (c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (d) Adequate utilities, access roads, drainage, and/ or other necessary facilities will be provided.
- (e) Adequate measures will be taken to provide ingress and egress and egress so designed as to minimize traffic congestion in the public streets.
- (f) The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity.

## ATTACHMENTS

- A Sec. 9.1 from the Village of Mahomet Zoning Ordinance received October 25, 2001

ARTICLE NINE: CONDITIONAL USES  
(Amended April 9, 1973)

SECTION 9.1 CONDITIONAL USES

The President and Board of Trustees of the Village of Mahomet shall decide upon applications for conditional use permits specifically listed in the district regulations of this ordinance. Before authorizing the issuance of such a conditional use permit, a public hearing shall be held before the Plan and Zoning Commission, after which a report and recommendation shall be submitted in writing by the Commission to the Board of Trustees. The Commission may recommend and the Board, in turn, may impose such conditions as will, in the Board's judgment, insure that:

- (a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values with the neighborhood.
- (c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (d) Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
- (e) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity.