

VILLAGE OF HAMPSHIRE ZONING BOARD OF APPEALS

Tuesday, January 23, 2018

7:00 p.m.

**Hampshire Village Hall
234 South State Street**

AGENDA

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Minutes
- E. New Business:
 - 1. Deliberation and decision concerning recommendation to be made regarding Petition for Zoning Amendment concerning that part of Tuscany Woods Subdivision lying outside of Unit 1 thereof, and sometimes referred to as "Unit 2," for a change of zoning classification, in part from R-2 Single Family Residential Zoning District and in part from R-3 Two-Family Residential Zoning District, to Planned Residential Development Zoning District, filed by Hampshire Property, LLC, pursuant to §6-18-8 of the Village Code.
 - ;
 - 2. Deliberation and decision concerning recommendation to be made regarding the Preliminary Development Plan for that part of Tuscany Woods Subdivision lying outside of Unit 1 thereof, and sometimes referred to as "Unit 2," pursuant to §6-18-8 of the Village Code.
 - 3. Consideration and approval of Findings of Fact and Recommendation to the Board of Trustees regarding action to be taken on the Petition for Zoning Amendment and the Preliminary Development Plan identified in Agenda Item E(1) above, pursuant to §6-18-8 of the Village Code.
- F. Old Business:
- G. Public Comment:
- H. Announcements: Next meeting date – TBA
- I. Adjournment

**VILLAGE OF HAMPSHIRE
PLAN COMMISSION**

IN RE:

PETITION OF HAMPSHIRE PROPERTY, LLC TO ESTABLISH A PLANNED RESIDENTIAL DEVELOPMENT FOR CERTAIN PROPERTY IN THAT PART OF THE TUSCANY WOODS SUBDIVISION LYING OUTSIDE OF UNIT 1 (AND SOMETIMES REFERRED TO AS “UNIT 2”), BY RE-ZONING THE PROPERTY IN PART FROM R-2 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND IN PART FROM R-3 TWO-FAMILY RESIDENTIAL ZONING DISTRICT IN THE VILLAGE, AND FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE SUBJECT PROPERTY.

FINDINGS OF FACT

In regard to the Petition of Hampshire Property, LLC, as owner, requesting a zoning map amendment for certain property in the Village, in part from R-2 Single Family Residential Zoning District and in part from R-3 Two-Family Residential Zoning District to establish a Planned Residential Development District for the property, and for approval of the proposed Preliminary Development Plan, the Plan Commission having considered the petition, and the testimony and evidence submitted at a public hearing, the Plan Commission FINDS as follows:

1. A Petition requesting a zoning map amendment for certain property in the Tuscan Woods Subdivision, lying outside of platted Unit 1 thereof (and sometimes referred to as “Unit 2”), located in part north of IL 72 at or near Romke Road in the Village, and in part south of IL 72 at Romke Road, and legally described as attached hereto on Exhibit “A,” to establish a PRD Planned Residential Development for the following property, and requesting approval of a proposed Preliminary Development Plan, has been duly filed with the Village Clerk:

SEE ATTACHED LEGAL DESCRIPTION

PINS: 01-23-300-006; 01-23-400-007; 01-26-100-015; 01-26-100-016; 01-26-200-013; 01-26- 300-004; and 01-26-100-009.

Common Address: That part of the Tuscan Woods Subdivision lying outside of Unit 1 thereof, as platted by Doc. No. 2006K139816, in the Village of Hampshire, Kane County, Illinois, and located generally north of Jake Lane, and east of Runge Road, and also located south of IL 72, and west of Romke Road, in the Village.

2. A Public Hearing on the Petition was conducted by the Plan Commission at a its meeting held on January 9, 2018.

Village of Hampshire / Plan Commission
Tuscany Woods / Planned Residential Development

3. Notice of Public Hearing on said Petition was published in the Daily Herald newspaper on December 22, 2017.

4. Notice of the Public Hearing was also posted on the property not less than fifteen (15) days prior to the public hearing.

5. At the public hearing, Mr. Thomas Burney, attorney for Petitioner, addressed the Plan Commission regarding the request for zoning amendment. Ten (10) members of the public commented on the Petition.

6. The subject property consists of 284 ± acres, on which a total of 360 Single Family Residences and 30 duplex structures would be constructed.

7. The subject property is currently governed by a certain Development Agreement, dated September 2, 2004, and recorded in the Office of the Kane County Recorder as Doc. No. 2004K156704, between the original owner(s) and the Village.

8. The Subject Property is located within the Facilities Planning Area (“FPA”) of the Village, and will be served by Village utilities for sewer and water.

9. Access to the Subject Property is from IL 72 via Romke Road and Runge Road; and also from the west via Jake Lane and Century Drive.

10. The subject property is part of of Tuscany Woods Subdivision, and lies adjacent to Tuscany Woods, Unit #1, which has been developed with single family residences, and townhomes, in the period from 2004 – 2017.

11. The existing zoning and land use in the area of the proposed development is as follows:

North	IC&E Railroad; and in part, Village F-1 Farming; in part, R-2 Single Family Residential Zoning District, and in part, County F-Farming.
East	In part, Village R-1 Single Family Residential Zoning District; and in part, County F-Farming.
South	County F Farming,
West	In part, Village R-2 Single Family Residential Zoning District; and in part, R-3 Two-Family Residential Zoning District.

12. The trend of development in the area is residential with a mixture of housing types, including single family, duplexes, and townhouses. The most recent development has been in Tuscany Woods, Unit #1, adjacent to the Subject Property.

13. The proposed zoning is generally consistent with the 2004 Comprehensive Plan of the Village.

14. The Plan Commission has considered the extent to which the Petition and the proposed Preliminary Development Plan, and each of them, complies with the objectives and standards set out in Article XVIII: Planned Residential Development, of the Village Zoning Regulations, as follows:

6-18-5: Objectives:

A. Planned Residential Developments must meet the following objectives:

1. Aid in sustaining property values in the Village.
2. Provide appropriate access to and from adjacent arterial roadways.
3. Foster varied but harmonious architecture among all residential structures; and between residential structures and adjacent commercial structures.
4. Provide such variety of residential types as is necessary and advisable for the economic vitality of the Village.

B. Planned Residential Developments will be expected to utilize design guidelines based on smart growth, traditional neighborhood design, and/or conservation design principles, to the extent reasonably practicable.

6-18-6: General Provisions: * * *

B. Standards: The following standards shall apply to review and approval of a Planned Residential Development; provided, however, the Plan Commission may recommend, and the Village board may approve, such exceptions from these standards as are determined appropriate to achieve one of the objectives of sub-section 6-18-5(A) of this Article:

1. Unified Control: The proposed Planned Residential Development shall be under unified control.
2. Comprehensive Plan: The proposed Planned Residential Development shall strive to conform to the land uses, intent, and spirit of the Village Comprehensive Plan.
3. Compatibility: Uses proposed for a Planned Residential Development shall be compatible with surrounding land uses.
4. Subdivided: Preliminary and Final plats of subdivision shall be submitted.

5. Yards: The yards required along the periphery of a Planned Residential Development shall be at least equal in depth to those prescribed by the regulations which would otherwise apply to the type(s) of use proposed for the Planned Residential Development. The Village may approve greater setbacks from the boundary line of a Planned Residential Development when determined necessary to protect the privacy of residents in either an existing, or any other proposed, subdivision.

6. Landscaping: At a minimum, the proposed Planned Residential Development shall conform to the landscaping requirements set forth in Chapter 7: Subdivision Regulations, of this Code. The Village may approve landscaping features in excess of said standards where determined necessary to achieve the objectives set forth in this Article.

7. Trails: Paths and/or trails for hiking, biking, equestrian or other use should be constructed in residential areas, and as connections to natural features. In addition, paths and/or trails should be provided for convenient access for pedestrians between residential areas.

8. Public Streets:

- a. Except as provided in sub-section (B)(8)(b) of this section, all streets shall be publicly dedicated, and constructed in accordance with applicable standards contained in the Village's Subdivision Code, as may be amended from time to time.
- b. The Village may approve reduced rights of way or pavement width in residential areas if it is determined to be appropriate to foster the rural character of the subject area, to preserve natural features, or for other good reason.
- c. In any residential areas, cross-connections to adjacent tracts of land, and to existing road stubs, should be provided.

9. Vehicular Access: Points of vehicular ingress and egress to the Planned Residential Development site shall be designed to maintain the safety and operational efficiency of the Village's streets. Cross access (at least, by road stubs) between the Planned Residential Development and outside properties shall be provided where feasible.

10. Size of Development: The minimum size for a Planned Residential Development is fifty (50) acres.

11. Underground Utilities: All utilities (including electric, telephone, gas and cable television) shall be installed underground.

12. Tree Replacement: The Petitioner should evidence substantial compliance with the Village's tree replacement policy.

13. Preliminary Approval: Preliminary approval of a Planned Residential Development

by the Village board shall be null and void, in the event that the Petitioner has failed to submit for and diligently pursue approval of a Final Development Plan for at least one phase of the proposed development within twelve (12) months of the date of approval of the Preliminary Plan.

14. Completion: Construction of the Planned Residential Development shall be substantially completed within the period of time proposed by the Petitioner and established in the development ordinance, provided, the Petitioner may request and the Board of Trustees may approve an extension of time for good cause shown. In general, each phase of a Planned Residential Development should be completed within two (2) years of the date of approval of the final plat for such phase; the Board of Trustees may allow a longer time, when the scope or complexity of the development may require it.

15. Compliance with Zoning or other Codes and Ordinances: Where there is a conflict between the provisions of this Article and any other provision or provisions of this Code, the provisions of this Article shall prevail. Except as otherwise set forth herein, all other applicable Village Code provisions shall apply to the Planned Residential Development.

16. Exceptions: The Plan Commission may recommend, and the Village board may approve, exceptions to the standards and criteria set forth in this Article when determined by the Village to be necessary to achieve the planning objectives set forth in this Article.

* * *

A. Open Space/Greenbelt: Open space shall be provided for Village residents in the form of parks, greenbelts, open space and recreational facilities, consistent with regulatory and policy directives of the Village and the provisions of this article.

1. Unless otherwise recommended by the Plan Commission and approved by the Village board, or unless otherwise provided by annexation agreement, not less than forty percent (40%) of the land within a Planned Residential Development shall be designated as open space, greenbelt and/or recreational facilities.

* * *

10. Not less than thirty percent (30%) of the total open space of any Planned Residential Development shall be unencumbered by environmental resources such as wetlands, streams, floodplains, floodways, creeks, or the like that render such space unusable for active recreation purposes. Conversely, not more than seventy percent (70%) of the total open space of any Planned Residential Development shall consist of an area or areas encumbered by such environmental resources.

B. Density Shift: Density within designated areas of a Planned Residential Development

may be established taking into consideration open space and/or recreational facilities provided under this section, subject to the limitation that in no event shall the maximum density in the development exceed 1.75 dwelling units per acre of the total gross area of the entire development.

C. Lot Size; Density: For purposes of calculating density, and unless otherwise recommended by the Plan Commission and approved by the Board of Trustees, actual lot size shall be as provided in the ordinance approving the Planned Residential Development. Provided, notwithstanding the above, the Plan Commission may recommend and the Board of Trustees may require minimum lot sizes that are larger than the minimum otherwise specified elsewhere in the Village zoning regulations, if in the sole judgment of the Village, deemed necessary or advisable to achieve the objectives of the comprehensive plan or those of this article.

D. Design: Dwellings in all Planned Residential Developments shall be designed to blend with the landscape of which they are a part. Both visual and acoustical privacy for residents shall be provided by means of site and architectural design. The Village may establish architectural controls as guidelines and standards for Planned Residential Developments. (Ord. 05-02, 2-10-2005)

15. The proceedings at the public hearing were recorded by certified shorthand reporter, and a transcript thereof, with all comments and questions raised at the public hearing, has been or will be filed with the Village Clerk.

16. Additional Findings (if any):

- a) It was suggested that the Developer re-locate the proposed 30 duplex lots (60 duplex units) shown on the Preliminary Development Plan at a location adjacent to Ruth Park to the 40-acre parcel on the south side of IL 72; and replace those duplex units with single family residences at the location by the Park.
- b) Members of the public expressed concern about future traffic on Century Drive / Johnson Drive in the adjacent White Oak Subdivision; and it was noted that a northern extension of Runge Road to connect with the proposed roadway in Tuscany Woods Unit #2 would require removal of a large stand of old oak trees; and construction of some other connection to Jake Lane may be blocked by wetlands. It was the consensus of the Commission that the trees should not be removed.

ACTION(S)

A. On motion by T. Wetzel, seconded by W. Rossetti, to recommend to the Zoning Board of Appeals approval of the Petition for Zoning Amendment, in part from R-2 Single Family Residential Zoning District and in part from R-3 Two-Family Residential Zoning District, to establish a Planned Residential Development for the part of Tuscany Woods Subdivision lying outside of Unit #1, subject to removing the duplex units from the area north of IL 72 by Ruth Park, converting that area to single family residences, and re-locating the duplex units to the area south of IL 72, the vote of the Plan Commission was 4 aye - 0 nay, as follows:

William Robinson	<u> x </u>	<u> </u>
William Rossetti	<u> x </u>	<u> </u>
Ken Swanson	<u> x </u>	<u> </u>
Timothy Wetzel	<u> x </u>	<u> </u>

B. On motion by T. Wetzel, seconded by W. Rossetti, to recommend to the Zoning Board of Appeals approval of the Preliminary Development Plan for the part of Tuscany Woods Subdivision lying outside of platted Unit #1, subject to removing the duplex units from the area north of IL 72 by Ruth Park, converting that area to single family residences, and re-locating the duplex units to the area south of IL 72, the vote of the Plan Commission was 4 aye - 0 nay, as follows:

William Robinson	<u> x </u>	<u> </u>
William Rossetti	<u> x </u>	<u> </u>
Ken Swanson	<u> x </u>	<u> </u>
Timothy Wetzel	<u> x </u>	<u> </u>

It is accordingly the recommendation of the Plan Commission that the Petition to Establish a Planned Residential Development, for the part of the Tuscany Woods Subdivision lying outside of Unit #1 (and sometimes referred to an "Unit 2") be X approved with conditions / denied.

And, it is accordingly the recommendation of the Plan Commission that the Petition for approval of the Preliminary Development Plan for said Planned Residential Development be X approved with conditions / denied.

Dated: January 22, 2018

Respectfully submitted,

VILLAGE OF HAMPSHIRE
PLAN COMMISSION

By: William Robinson
William Robinson
Chair

LEGAL DESCRIPTION

THAT PART OF SECTIONS 26 AND 23 , TOWNSHIP 42 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 00 DEGREES 00 MINUTES 48 SECONDS WEST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 26 A DISTANCE OF 1313.02 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 00 MINUTES 48 SECONDS WEST ALONG SAID WEST LINE, 1326.74 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23, 1184.86 FEET TO THE SOUTH LINE OF THAT PROPERTY CONVEYED ACCORDING TO DOCUMENT NUMBER 2006K007545; THENCE SOUTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG SAID SOUTH LINE, 1916.50 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY CONVEYED BY SAID DOCUMENT NUMBER 2006K007545; THENCE NORTH 00 DEGREES 03 MINUTES 03 SECONDS EAST ALONG THE EAST LINE OF SAID PROPERTY CONVEYED BY SAID DOCUMENT NUMBER 2006K007545, 50.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY; THENCE SOUTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 742.05 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF

WAY LINE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 5751.33 FEET, CHORD BEARING SOUTH 83 DEGREES 20 MINUTES 37 SECONDS EAST AND ARC LENGTH OF 1326.15 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00 DEGREES 07 MINUTES 39 SECONDS EAST ALONG SAID EAST LINE, 1074.29 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 48 MINUTES 41 SECONDS EAST ALONG SAID SOUTH LINE, 660.04 FEET TO THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 00 DEGREES 16 MINUTES 58 SECONDS EAST ALONG SAID EAST LINE, 1315.21 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 89 DEGREES 48 MINUTES 16 SECONDS WEST ALONG SAID SOUTH LINE, 661.32 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 00 DEGREES 13 MINUTES 38 SECONDS EAST ALONG SAID WEST LINE, 1265.32 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, 630.25 FEET TO THE EAST LINE OF TUSCANY WOODS UNIT 1 ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 2006K139816; THENCE NORTH 04 DEGREES 30 MINUTES 20 SECONDS WEST ALONG SAID EAST LINE, 50.14 FEET; THENCE NORTH 04 DEGREES 05 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE, 1380.86 FEET TO THE NORTHEAST CORNER OF SAID TUSCANY WOODS; THENCE SOUTH 89 DEGREES 47 MINUTES 51 SECONDS WEST ALONG SAID NORTH LINE, 754.24 FEET TO THE EAST LINE OF ROMKE ROAD AS DEDICATED BY SAID DOCUMENT NUMBER 2006K139816; THENCE NORTH 00 DEGREES 12 MINUTES 09 SECONDS WEST, 141.57 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 385.00 FEET, CHORD BEARING NORTH 44 DEGREES 47 MINUTES 51 SECONDS EAST AND ARC LENGTH OF 604.76 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 47 MINUTES 51 SECONDS EAST, 409.15 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 465.00 FEET, CHORD BEARING NORTH 83 DEGREES 32 MINUTES 49 SECONDS EAST AND ARC LENGTH OF 101.46 FEET; THENCE NORTH 04 DEGREES 05 MINUTES 04 SECONDS EAST, 84.37 FEET; TO THE NORTH LINE OF SAID ROMKE ROAD; THENCE WESTERLY, ALONG SAID NORTH LINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 385.00 FEET, CHORD BEARING SOUTH 81 DEGREES 43 MINUTES 57 SECONDS EAST AND ARC LENGTH OF 108.38 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, 409.15 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG SAID NORTH LINE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 465.00 FEET, CHORD BEARING SOUTH 44 DEGREES 47 MINUTES 51 SECONDS WEST AND ARC LENGTH OF 730.42 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 12 MINUTES 09 SECONDS EAST, 141.57 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, 554.51 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE

RIGHT HAVING A RADIUS OF 310.00 FEET, CHORD BEARING NORTH 66 DEGREES 33 MINUTES 51 SECONDS WEST AND ARC LENGTH OF 255.79 FEET TO A POINT OF TANGENCY; THENCE NORTH 42 DEGREES 55 MINUTES 33 SECONDS WEST, 237.98 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 390.00 FEET, CHORD BEARING NORTH 66 DEGREES 33 MINUTES 51 SECONDS WEST AND ARC LENGTH OF 321.80 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, 263.57 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 590.00 FEET, CHORD BEARING SOUTH 64 DEGREES 01 MINUTES 34 SECONDS WEST AND ARC LENGTH OF 530.76 FEET TO A POINT OF TANGENCY; THENCE SOUTH 38 DEGREES 15 MINUTES 18 SECONDS WEST, 309.48 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 260.00 FEET, CHORD BEARING SOUTH 64 DEGREES 00 MINUTES 14 SECONDS WEST AND ARC LENGTH OF 233.69 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 45 MINUTES 10 SECONDS WEST, 246.72 TO THE POINT OF BEGINNING. IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS

AND ALSO:

THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS.

PINS: 01-23-300-006; 01-23-400-007; 01-26-100-015; 01-26-100-016; 01-26-200-013; 01-26- 300-004; and 01-26-100-009.

Common Address: That part of the Tuscany Woods Subdivision lying outside of Unit 1 thereof, as platted by Doc. No. 2006K139816, in the Village of Hampshire, Kane County, Illinois, and located generally north of Jake Lane, and east of Runge Road, and located south of IL 72, and west of Romke Road, in the Village.