

CASE # 2006-45 5-1
RESOLUTION NUMBER _____

DENYING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
6500-6900 BLOCKS OF PEC ROAD
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **deny an amendment** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Edwin F. Pearson**, has petitioned the Sangamon County Board for a **rezoning from "A" Agriculture to "R1" Single Family Residence**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 19, 2006**, after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **deny the rezoning**; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of November, 2006 that the request to rezone the above described property from "A" Agriculture to "R1" Single Family Residence is hereby denied.

Signed and passed by the Sangamon County Board in session on this

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

Tract 1

A tract of land lying in and being a part of the South half of the Northwest Quarter of Section 28, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at a found stone marking the Southwest corner of the Northwest Quarter of said Section 28; thence North 00 degrees 48 minutes 52 seconds West on the West line of said Northwest Quarter, 630.42 feet to the point of beginning.

From said point of beginning thence continuing North 00 degrees 48 minutes 52 seconds West, 408.26 feet; thence North 89 degrees 12 minutes 02 seconds East 612.00 feet to a set iron pin; thence South 01 degrees 18 minutes 15 seconds East 372.21 feet to a set pin; thence South 85 degrees 50 minutes 44 seconds West, 616.22 feet to the point of beginning.

Tract 2

A tract of land lying in and being a part of the South half of the Northwest Quarter of Section 28, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at a found stone marking the Southwest corner of the Northwest Quarter of said Section 28; thence North 00 degrees 48 minutes 52 seconds West on the West line of said Northwest Quarter, 1038.68 feet; thence North 89 degrees 12 minutes 02 seconds East 1706.23 feet to the point of beginning..

From said point of beginning thence continuing North 89 degrees 12 minutes 02 seconds East, 944.00 feet to an iron pin on the East line of said Northwest Quarter; thence South 00 degrees 50 minutes 17 seconds East on said East line, 247.97 feet; thence South 85 degrees 42 minutes 09 seconds West 939.31 feet to a set iron pin; thence North 02 degrees 02 minutes 26 West, 305.35 feet to the point of beginning.

TRACT / EXHIBIT A

PLAT OF SURVEY

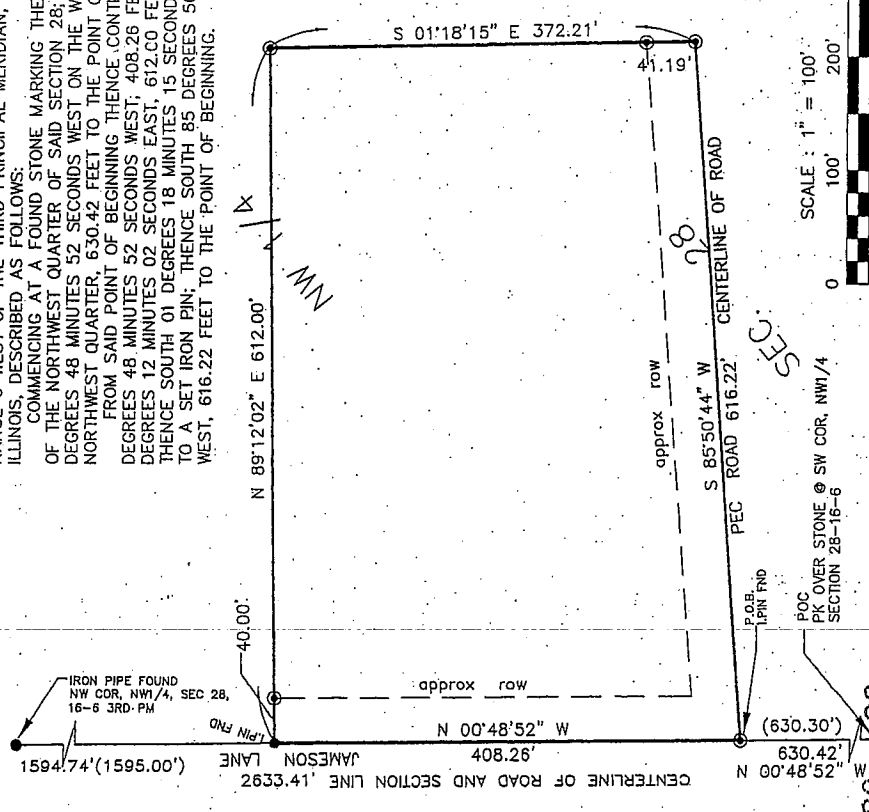
PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 16 NORTH, RANGE 6 WEST, THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS.

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN AND BEING A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 16 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
 COMMENCING AT A FOUND STONE MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE NORTH 00 DEGREES 48 MINUTES 52 SECONDS WEST ON THE WEST LINE OF SAID NORTHWEST QUARTER, 630.42 FEET TO THE POINT OF BEGINNING.
 FROM SAID POINT OF BEGINNING THENCE CONTINUING NORTH 00 DEGREES 48 MINUTES 52 SECONDS WEST; 408.26 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 02 SECONDS EAST; 612.00 FEET TO A SET IRON PIN; THENCE SOUTH 01 DEGREES 18 MINUTES 15 SECONDS EAST, 372.21 FEET TO A SET IRON PIN; THENCE SOUTH 85 DEGREES 50 MINUTES 44 SECONDS WEST, 616.22 FEET TO THE POINT OF BEGINNING.

PREPARED FOR:
 OWNER:
 Edward F. Pearson, Ph.D.
 18 Fort Pond Road
 Acton, MA 01720
 THOMAS Y. PEARSON - CONTACT
 217-544-2630
 401 WEST MONROE STREET SPRINGFIELD IL
 LAND SURVEYOR - HANS DISTLEHORST

SURVEY PLAT
 GARDNER TWP.



NOTES:
 FIELD WORK COMPLETED JUNE 2006.

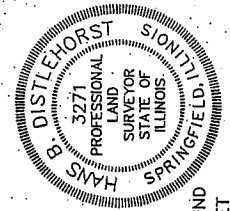
NO TITLE SEARCH WAS PROVIDED OR PREFORMED BY THE SURVEYOR FOR THIS SURVEY WHICH MAY DISCLOSE ANY RECORDS OF EASEMENTS, RIGHT OF WAYS, ENCUMBRANCES, OR OTHER FACTS RELATED TO THIS PROPERTY.

BASIS OF BEARINGS IS NORTH 00 DEGREES 48 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 28.

NO PART OF THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

TAX ID# 13-28-100-014

I HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEY"



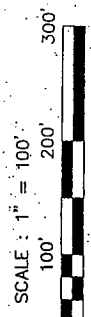
DATE SIGNED: July 10-2006
 LICENSE EXPIRES: NOVEMBER 30, 2008

Sangamon Valley Surveying & Consulting, P.C.
 P.O. Box 9245 Springfield, IL 62791
 PH./FAX (217)629-7775 or (217)476-8219
 Professional Design Firm No. 184-004490

Drawn by: HED
 Job No.: 2005-032
 Date: JULY-2006
 Sheet 1 of 1

LEGEND

- ▲ STONE FOUND
- △ PK NAIL SET
- IRON PIN SET
- (630.30') PREV. PLAT
- SURVEYED BOUNDARY



Richard Pearson
 2
 EXHIBIT B

PREPARED FOR:
 OWNER: Edward F. Pearson, Ph.D.
 18 Fort Pond Road
 Acton, MA 01720

THOMAS Y. PEARSON - CONTACT
 217-544-2630
 401 WEST MONROE STREET SPRINGFIELD IL
 LAND SURVEYOR - HANS DISTLEHORST

SURVEY PLAT
 GARDNER TWP.

PLAT OF SURVEY

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 FROM SAID POINT OF BEGINNING THENCE CONTINUING NORTH 89 DEGREES 12 MINUTES 02 SECONDS EAST, 944.00 FEET TO AN IRON PIN ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 50 MINUTES 17 SECONDS EAST ON SAID EAST LINE, 247.97 FEET; THENCE SOUTH 85 DEGREES 42 MINUTES 09 SECONDS WEST, 939.31 FEET TO A SET IRON PIN; THENCE NORTH 02 DEGREES 02 MINUTES 26 SECONDS WEST, 305.35 FEET TO THE POINT OF BEGINNING.

NOTES:
 FIELD WORK COMPLETED JUNE 2006.

NO TITLE SEARCH WAS PROVIDED OR PERFORMED BY THE SURVEYOR FOR THIS SURVEY WHICH MAY DISCLOSE ANY RECORDS OF EASEMENTS, RIGHT OF WAYS, ENCUMBRANCES, OR OTHER FACTS RELATED TO THIS PROPERTY.

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TAX ID# 13-28-100-014

I HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

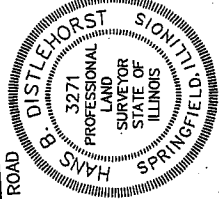
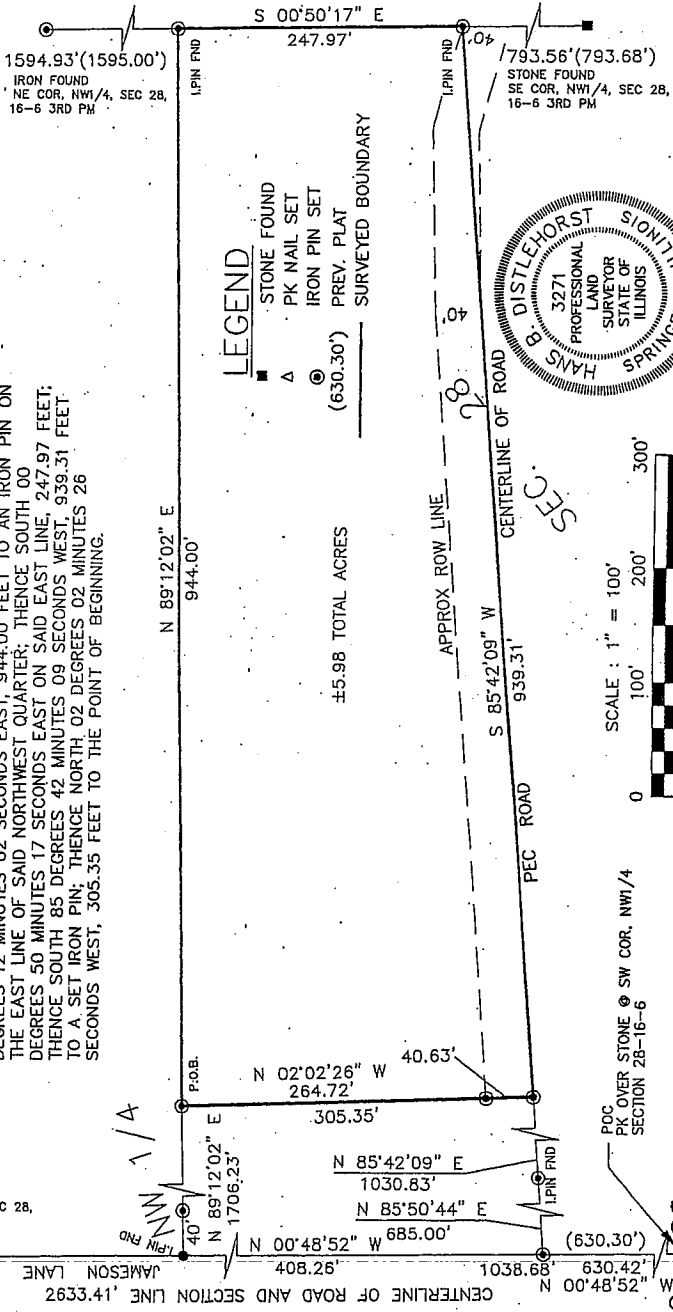
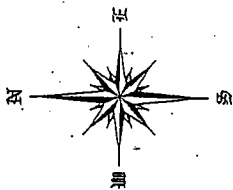
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3271

DATE SIGNED: July 11, 2006

LICENSE EXPIRES: NOVEMBER 30, 2006

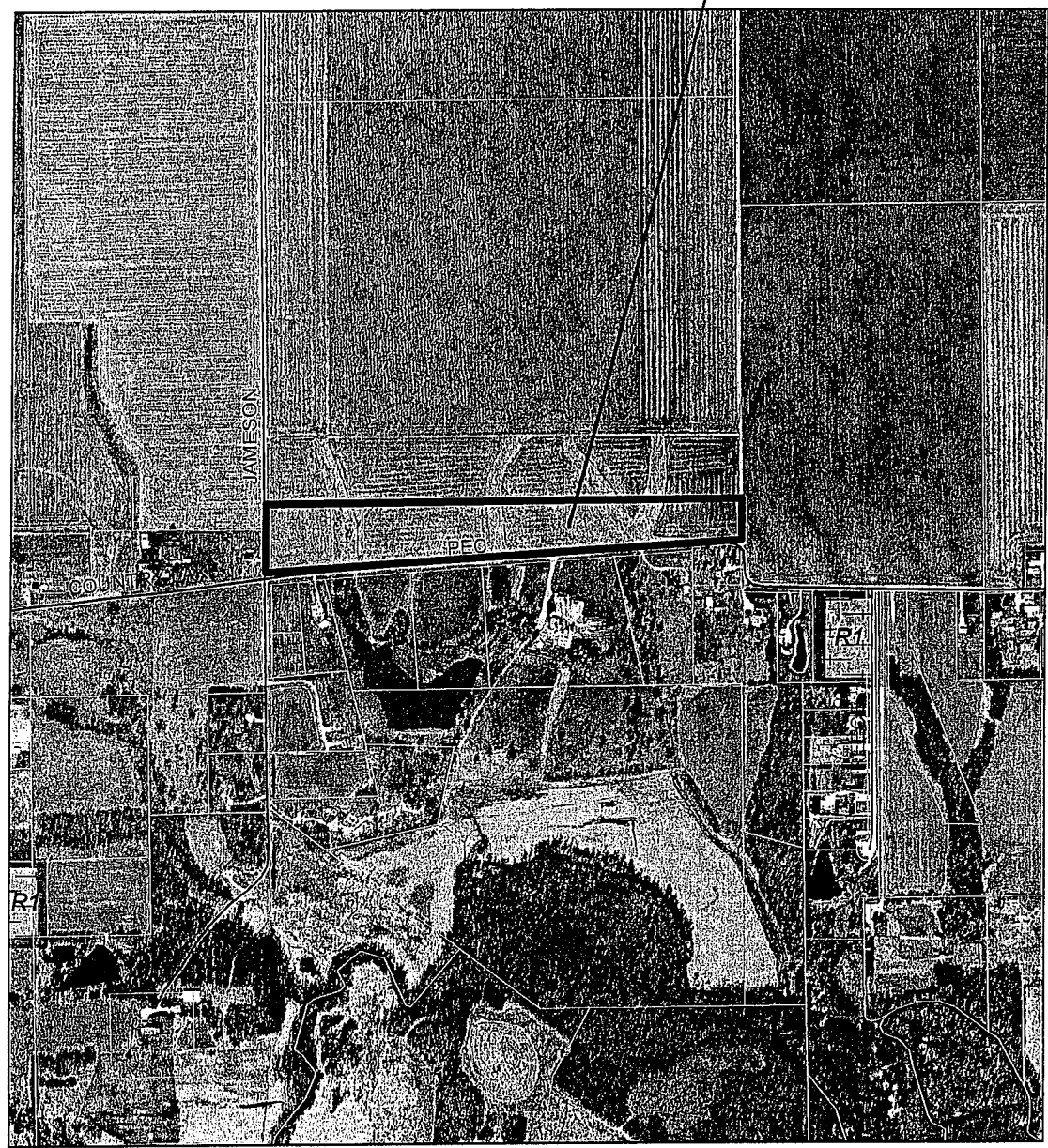
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 Ph./fax (217)629-7773 or (217)476-8219
 Professional Design Firm No. 184-004490
 Drawn by: HED Date: JULY-2006
 Job No.: 2005-033 Sheet 1 of 1



LINDA
 657-6772
 544-2650
 Know & Tom will bring in originals + HANDS
 IF OK Let me & TOM Pearson

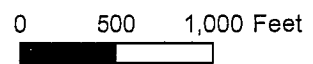
County Zoning Case# 2006-45



County Zoning

City Zoning

	R1		B1		R1		H1		OFF
	R1a		B2		R2		H2		PUD
	R2		B3		R3a		H3		B1
	R3		I1		R3b		S1		B2
	RM-4		I2		R4		S2		I1
	OFF		A		R5		S3		I2



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Tom Fraase

DOCKET NUMBER: 2006-45

ADDRESS: 6500-6900 BLOCKS OF PEC ROAD

PETITIONER: Edwin F. Pearson

PRESENT ZONING CLASSIFICATION: "A" Agriculture

REQUESTED ZONING CLASSIFICATION: "R1" Single Family Residence

AREA: 20 Acres

COMMENTS: Yes

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend Denial. The LESA score is 186 and is considered suitable for agricultural use only.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Denial**


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2006-45
Edwin F. Pearson))
)	PROPERTY LOCATED AT:
)	6500-6900 BLOCKS OF PEC ROAD
)	Springfield, IL
))

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **October 19, 2006** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in or contract to purchase the property commonly known as **6500-6900 BLOCKS OF PEC ROAD, Springfield, IL** and more particularly described as:

See Exhibit A

Page 2

- 3. That the present zoning of said property is **"A" Agriculture.**
- 4. That the present land use of said property is **Agriculture.**
- 5. That the proposed land use of said property is **Single Family Residences.**
- 6. That the requested **rezoning** of said property is: **from "A" Agriculture to "R1" Single Family Residential.**
- 7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
- 8. The evidence adduced at the hearing **does not** support the proposition that the adoption of the proposed **rezoning** is in the public interest and is not solely in the interest of the petitioner (s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **rezoning** be **denied.**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Donn Malwick** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, and Don Wulf**

NO:

ABSENT: **Marvin Traylor**

RD Armstrong
RECORDING SECRETARY

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Tract 1

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CASE #: 2006-45

INDEX #: 13-28-100-023, 024

DATE: 07/28/06

INSPECTED BY: JH LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Pearson, Edwin F.

ADDRESS: 6500-6900 blocks of PEC Road TWP. 16 RANGE 6 W SEC. 28 ¼ SEC. NW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE ____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Springfield

EXISTING ZONING: A PROPOSED ZONING: R-1

LAND AREA: 20 acres ROAD FRONTAGE: ½ mile Lineal Ft. _____ ROAD COND: Fair

EXISTING LAND USE: Cropland

PROPOSED LAND USE: Six Single family residences

TYPE OF STRUCTURE: NA CONDITION OF STRUCTURE: NA

EXISTING YARDS: Front NA ft. Side _____ ft. Rear _____ ft.

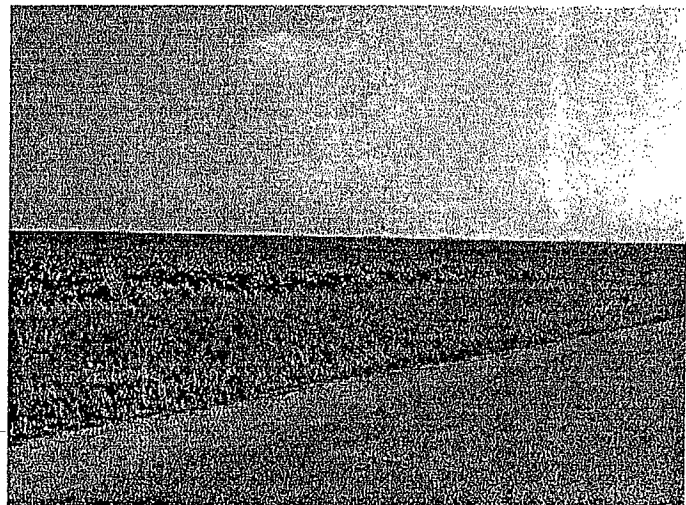
SPOT ZONING: _____ X
 Yes No

NEARBY LAND USE:

- a. To North Cropland
- b. To South Single family residences
- c. To East Cropland
- d. To West A single family residence and cropland

OTHER COMMENTS:

Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use		X		
	appearance		X		
	height		X		
	parking spaces		X		
PROBLEMS FORESEEN	drainage		X		
	sewer		X		
	traffic flow		X		
WILL USE INCREASE	pop. density		X		
	dwellings, density		X		
	school pop.		X		
	traffic volume		X		



RECOMMENDATIONS: Recommend denial. The LESA score is 186 and is considered suitable for agricultural use only.

RECOMMENDED FINDINGS OF FACT

Case #: 2006-45

Address: 6500-6900 blocks of PEC Road

- (i) Existing uses of property within the general area of the property in question.

There is cropland to the north and east. There are single family residences to the south. There is a single family residence and cropland to the west.

- (ii) The zoning classification of property within the general area of the property in question.

Except for a parcel of R-1 to the southeast, it is Agriculture.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The LESA score is 186, and shall be suitable for agriculture use only.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The trend has been for some rural residential development to the south and southeast.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

	Available Points	Points
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AGRICULTURAL/RURAL LAND WITHIN .5 MILE

90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	

CONTIGUOUS AGRICULTURAL/RURAL LAND

90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	

PERCENTAGE OF SITE AGRICULTURAL/RURAL

75-100%	10	
50-74%	5	10
Under 50%	0	

COUNTY SECTOR

Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	

SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL

75% or more	20	
50-74%	10	5
25-49%	5	
Less than 25% or sewer available	0	

ENVIRONMENTAL IMPACT OF PROPOSED USE

Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	

IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES

Negative impact	10	
No impact	0	0

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	10
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

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<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	0
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	10
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	0
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	110
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
8D3	Hickory	Important		55	
8E	Hickory	Important		55	
8E3	Hickory	Non-prime		52	
8F	Hickory	Non-prime		0	
17	Keomah	Prime	10	77	8
19C2	Sylvan	Important		72	
19D	Sylvan	Important		72	
19D3	Sylvan	Important		55	
19E3	Sylvan	Non-prime		52	
36A	Tama	Prime		100	
36B	Tama	Prime		95	
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime	4	100	4
45	Denny	Prime		77	
50	Virden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

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Parcel # 3-28-100-023,024

Zoning Case # 2006-45

74	Radford	Prime*		87	
77	Huntsville	Prime*		95	
107	Sawmill	Prime*		87	
112	Cowden	Prime		77	
119D	Elco	Important	34	72	24
119D3	Elco	Important		55	
119E3	Elco	Non-prime		52	
131C	Alvin	Prime		77	
131D	Alvin	Prime		77	
131E2	Alvin	Important		55	
134A	Camden	Prime		90	
134B	Camden	Prime		77	
134C2	Camden	Important		72	
134D3	Camden	Important		55	
138	Shiloh	Prime		87	
198	Elburn	Prime		100	
199A	Plano	Prime		95	
199B	Plano	Prime		90	
208	Sexton	Prime		77	
212D3	Thebes	Important		55	
242	Kendall	Prime		77	
244	Hartsburg	Prime		87	
249	Edinburg	Prime		77	
259C	Assumption	Prime		77	
259D2	Assumption	Important		72	
280B	Fayette	Prime	52	77	40
280C2	Fayette	Important		72	
280D2	Fayette	Important		72	
280D3	Fayette	Important		55	
284	Tice	Prime*		90	
451	Lawson	Prime*		95	
551F	Gosport	Non-prime		0	
567C	Elkhart	Prime		77	
567D2	Elkhart	Important		72	
684B	Broadwell	Prime		87	
684C2	Broadwell	Prime		77	
685B	Middletown	Prime		77	
685C2	Middletown	Important		72	
801	Orthents	Non-prime		0	

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL 76

GRAND TOTAL 186

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.