

CASE # 2008-52 5-1
RESOLUTION NUMBER

**GRANTING AN AMENDMENT AND A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
12500 ST. RT. 104, WAVERLY
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 **grant an amendment and conditional permitted use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Craig Hall, County Board Member**, has petitioned the Sangamon County Board for a rezoning from **"I-2" General Industrial District to "A" Agricultural District with a conditional permitted use to allow a grain elevator**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 18, 2008**, 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 **grant the amendment and conditional permitted use**; and

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

FILED

OCT 01 2008

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of October, 2008 that the request to rezone the above described property from "I-2" General Industrial District to "A" Agricultural District with a conditional permitted use to allow a grain elevator is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of October, 2008.

Respectfully submitted,

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


TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:


SANGAMON COUNTY CLERK


COUNTY BOARD CHAIRMAN

EXHIBIT A

PART OF THE SOUTH HALF OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE AFOREMENTIONED SECTION 16, THENCE SOUTH 89 DEGREES 22 MINUTES 57 SECONDS EAST ALONG THE QUARTER SECTION LINE A DISTANCE OF 430.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 89 DEGREES 22 MINUTES 57 SECONDS EAST ALONG THE QUARTER SECTION LINE A DISTANCE OF 1454.79 FEET, THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 82.27 FEET, THENCE SOUTH 89 DEGREES 22 MINUTES 57 SECONDS EAST A DISTANCE OF 990.00 FEET TO A POINT MARKING THE BEGINNING OF A 714.49 FOOT RADIUS TANGENT CURVE TO THE RIGHT, THENCE SOUTHEASTERLY 1114.62 FEET ALONG SAID CURVE HAVING A LONG CHORD THAT BEARS SOUTH 44 DEGREES 41 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 1004.98 FEET, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 248.14 FEET TO A POINT MARKING THE BEGINNING OF A 992.14 FOOT RADIUS TANGENT CURVE TO THE RIGHT, THENCE SOUTHWESTERLY 2138.54 FEET ALONG SAID CURVE HAVING A LONG CHORD THAT BEARS SOUTH 61 DEGREES 45 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 1747.93 FEET, THENCE NORTH 56 DEGREES 30 MINUTES 00 SECONDS WEST A DISTANCE OF 707.21 FEET TO A POINT MARKING THE BEGINNING OF A 769.02 FOOT RADIUS TANGENT CURVE TO THE RIGHT, THENCE NORTHWESTERLY 1248.92 FEET ALONG SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 09 DEGREES 58 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 1116.12 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 57 SECONDS WEST A DISTANCE OF 832.11 FEET, THENCE NORTH 00 DEGREES 37 MINUTES 03 SECONDS EAST A DISTANCE OF 400.00 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 99.80 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

10 2-4

8

GREEN RD

9

2008-52
HALL
12500 St. Rt. 104
Pt 33-16-360-005

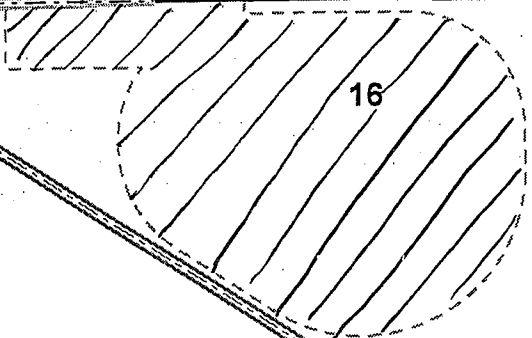
15

JASMINE RD

HANDY HORSE RD. HANDY HORSE RD.

17

33



16

CARUTHERS RD

CLARK RD

20

21

22

ACKERMAN RD

ELEVATOR RD



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: **Craig Hall**

DOCKET NUMBER: **2008-52**

ADDRESS: **12500 St. Rt. 104, Waverly, IL 62692**

PETITIONER: **Craig Hall, County Board Member**

PRESENT ZONING CLASSIFICATION: **"I-2" General Industrial District**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a conditional permitted use to allow a grain elevator.**

AREA: **99.80 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of requested zoning and CPU to allow for a grain elevator with a loop track and fertilizer sales. The down-zoning of this property from I-2 to A was an agreement from county zoning case 2006-36 to revert the property to A zoning if an ethanol plant was not built within two years. The requested CPU has been in use on the property since 2003, however, since the subject property was rezoned to I-2, the request for a CPU under Agricultural Zoning is necessary.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO:
Craig Hall, County Board Member)
)
) PROPERTY LOCATED AT:
) **12500 St. Rt. 104**
) **Waverly, IL 62692**
)

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 and conditional permitted use** 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 **September 18, 2008** 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, contract to purchase, or is the County Board Member representing the property commonly known as **12500 St. Rt. 104, Waverly, IL 62692** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"I-2" General Industrial District.**
- 4. That the present land use of said property is a **grain elevator with loop track and fertilizer sales.**
- 5. That the proposed land use of said property is **existing use continued.**
- 6. That the requested **rezoning and conditional permitted use** of said property is from **"I-2" General Industrial District to "A" Agricultural District with a conditional permitted use to allow a grain elevator.**
- 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** support the proposition that the adoption of the proposed **rezoning and conditional permitted use** 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 and conditional permitted use** be approved.

Charles Chimento

 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Peggy Egizii** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, John Luchessi**

NO:

ABSENT: **Marvin Traylor, Don Wulf**

BD Armstrong

 RECORDING SECRETARY

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 9/5/08 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2008-52

ADDRESS 12500 St. Rt. 104

Property Index # Pt. 33-16-300-005

PETITIONER Hall, Craig

REQUESTED ZONING A with Conditional Permitted Use

PROPOSED LAND USE Grain elevator with loop track and fertilizer sales.

EXISTING:

ZONING I-2, A and Conditional Permitted Use

LAND USE Grain elevator with loop track and fertilizer sales

ROAD FRONTAGE St. Rt.104 - 0' CONDITION OF PAVEMENT Fair

STRUCTURE DESIGNED FOR Grain elevator

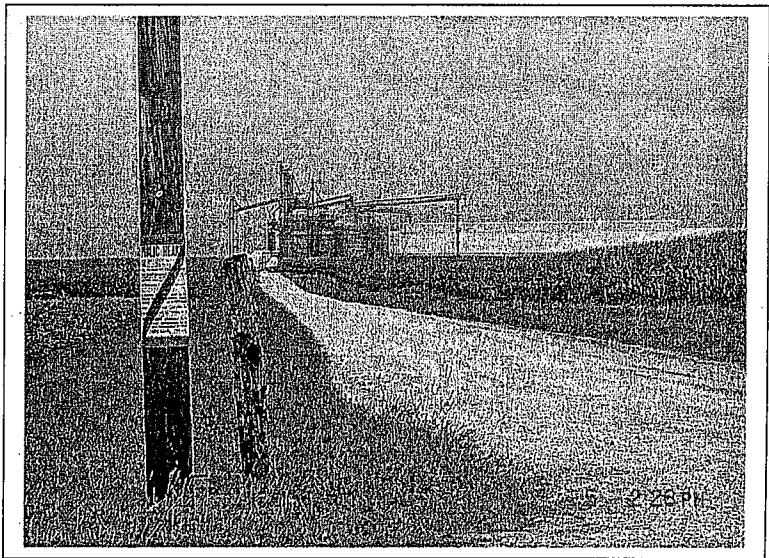
CONDITION OF STRUCTURE Good

LOT AREA 99.80 acres

FRONT YARD Varied

SIDE YARDS Varied

REAR YARD Varied



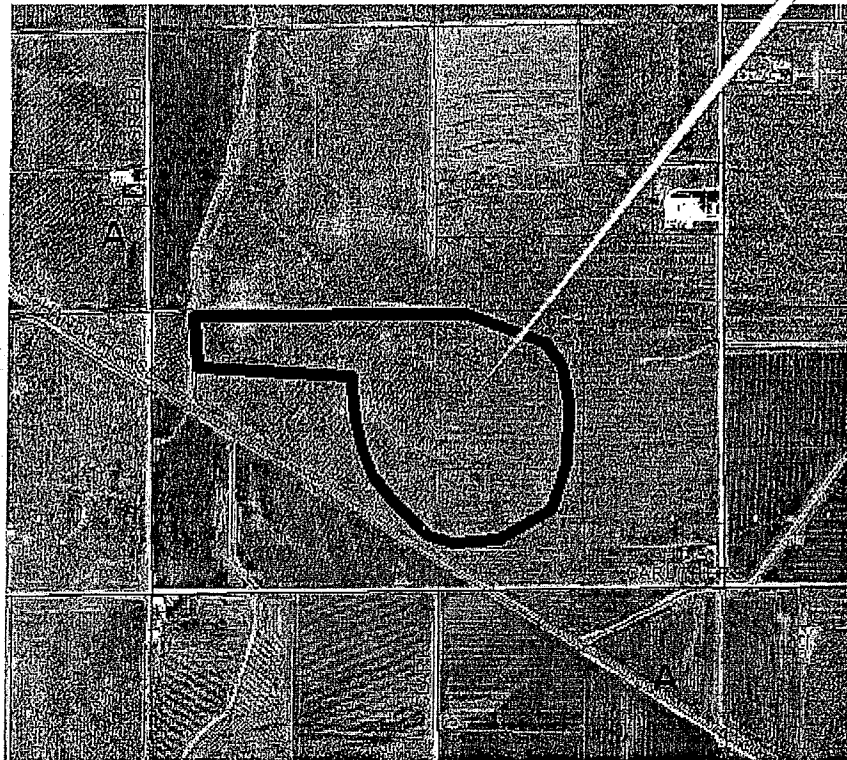
Would the proposed zoning be spot zoning? No

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of requested zoning and CPU to allow for a grain elevator with a loop track and fertilizer sales. The down-zoning of this property from I-2 to A was an agreement from county zoning case 2006-36 to revert the property to A zoning if an ethanol plant was not built within two years. The requested CPU has been in use on the property since 2003, however, since the subject property was rezoned to I-2, the request for a CPU under Agricultural Zoning is necessary.

County Zoning

Case# 2008-52

Requested:
A with a
CPU

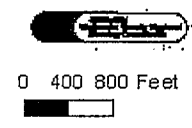


County Zoning

City Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2008-52

Address: 12500 St. Rt. 104

(i) Existing uses of property within the general area of the property in question.
The subject property is surrounded by cropland and a few single family residences.

(ii) The zoning classification of property within the general area of the property in question.
The subject property is completely surrounded by agricultural zoning.

(iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
The down-zoning of this property from I-2 to A was an agreement in county zoning case 2006-36 to revert the property to A zoning if an ethanol plant was not built. The subject property is suited to agricultural zoning.

(iv) The trend of development, within the vicinity since the property was originally classified.
The area has remained stable except for the CPU to allow a grain elevator facility and railroad loop track and rezoning to I-2 on the subject property.

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: 2008-52

Address: 12500 St. Rt. 104

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

No negative effects are anticipated.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

The proposed CPU has been in operation since 2003 and it appears public health, safety and welfare is protected.

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

No negative impact is anticipated.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers – that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

N/A

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

N/A

- © Tourist home, motels, hotels – that the proposed use must be located on or within 400 feet of a major thoroughfare.

N/A

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

N/A