

CASE# 2017-016
RESOLUTION NUMBER 10-1

GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
BLACK DIAMOND & AMEREN ROAD, PAWNEE
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The North Half of the Northeast Quarter of Section Eighteen (18), Township Thirteen (13) North, Range Four (4) West of the Third Principal Meridian. Situated in Sangamon County, Illinois.

WHEREAS, the Petitioner, **Ember Clear d/b/a Lincoln Land Energy Center LLC**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "I-2" General Industrial District**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 2017** 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 rezoning**; and,

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

FILED

APR 27 2017

Don J. May
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of May, 2017** that the request for a rezoning from **“A” Agricultural District to “I-2” General Industrial District** on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **9th day of May, 2017**.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

10-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: Jeff Thomas

DOCKET NUMBER: 2017-016

ADDRESS: Black Diamond & Ameren Road, Pawnee, IL 62558

PETITIONER: Ember Clear d/b/a Lincoln Land Energy Center LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "I-2" General Industrial District.

AREA: 160 acres

COMMENTS: None

OBJECTORS: Yes

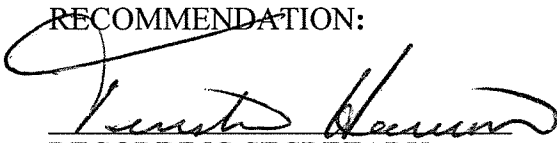
PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The property is zoned Agricultural. The LESA score of 181 indicates the property is suitable for only agricultural uses. However, this score presumes that no water or sewer is available at the site. The petition indicates that the Otter Lake Water Commission will provide water and the Village of Pawnee will provide sewer service. Obtaining those services for the development reduces the LESA score to 146 making the site suitable for non-agricultural development. The property adjacent to the subject property contains a sizeable electric substation which is a permitted use in the Agricultural zoning district even though it is considered to be an industrial use. The construction of the substation had the effect of developing a trend of industrial uses in the immediate area. Rezoning the subject property to I-2 would not be considered to be spot zoning as the proposed use of the property is compatible with the electric**

substation. Furthermore, locating the highly intense industrial uses close together is seen as good planning principles. The east side of the property also contains a dense tree line along Horse Creek which will help screen the proposed power plant from the residences located along Black Diamond Road.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

10-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2017-016
Ember Clear d/b/a Lincoln Land)
Energy Center LLC)
)	PROPERTY LOCATED AT:
)	Black Diamond & Ameren Road
)	Pawnee, IL 62558

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 **April 20, 2017** 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:

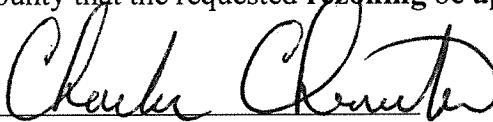
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **Black Diamond & Ameren Road, Pawnee, IL 62558** and more particularly described as:

The North Half of the Northeast Quarter of Section Eighteen (18), Township Thirteen (13) North, Range Four (4) West of the Third Principal Meridian. Situated in Sangamon County, Illinois.

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- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is **cropland.**
- 5. That the proposed land use of said property is a **natural gas power plant.**
- 6. That the requested **rezoning** of said property is **for a rezoning from “A” Agricultural District to “I-2” General Industrial District.**
- 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** 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 **approved.**


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 **Tony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-016**

Address: **Black Diamond & Ameren Rd., Pawnee**

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

North – Cropland and Village of Pawnee. East – Single-family residences and cropland. South – Cropland. West – Ameren Power Station.

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

North, East, South, West – Agricultural.

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

The LESA score of 181 indicates the property is suitable for agricultural uses only. However, this score presumes that no water or sewer is available at the site. The petition indicates that water will be obtained from the Otter Lake Water Commission and sewer service will be provided by the Village of Pawnee. Obtaining those services for the development reduces the LESA score to 146 making it suitable for non-agricultural development.

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

The area has remained agricultural with Pawnee located to the north. Ameren built an electric substation west of the subject property, which is a permitted use in the Agricultural District. The electric substation has an industrial appearance.

1041

No impact	0	
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<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	0
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<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	20
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	0
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	100
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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>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P	18	100	18
7037A	Worthen	P		100	

705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P	19	87	17
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	36	75	27
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P		75	
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Osco	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I	9	74	7
119D2	Elco	I	7	74	5
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I	10	74	7
685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I		74	

630D2	Navlys	I	74
630D3	Navlys	I	57
131D2	Alvin	I	57
8D	Hickory	I	50
8D2	Hickory	I	50
280D3	Fayette	I	44
8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	81
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GRAND TOTAL	181
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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.