

AUG 26 2019

CASE# 2019-029
RESOLUTION NUMBER 5-1

Don J. Hays
Sangamon County Clerk

GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
8100 BLOCK OF SHERMAN ROAD, RIVERTON
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 a Conditional Permitted Use and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **RCM Co-op**, has petitioned the Sangamon County Board for **a Conditional Permitted Use of Section 17.10.020 for a grain elevator; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 15, 2019** 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 Conditional Permitted Use and a variance; 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 **10th Day of September, 2019** that the following requests on the above described property are hereby approved:

- A Conditional Permitted Use of Section 17.10.020 for a grain elevator; and,
- A variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this 10th day of September, 2019.

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

EXHIBIT A

The East Half of the Southwest Quarter of the Northwest Quarter of Section 25, Township 17 North, Range 4 West of the Third Principal Meridian.

Together with all easements and appurtenances in favor of said above described property.

Except coal, minerals and mining rights heretofore conveyed of record.

Subject to taxes for the year 1976 and subsequent years.

Subject to easements, restrictions and reservations of record, if any.

Parcel Number: 07-25.0-100-005

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Todd Smith

DOCKET NUMBER: 2019-029

ADDRESS: 8100 Block of Sherman Road, Riverton, IL 62561

PETITIONER: RCM Co-op

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: A Conditional Permitted Use (CPU) of Section 17.10.020 for a grain elevator, and a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 20 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. Negative impacts are not anticipated due to the location of the proposed grain elevator being surrounded by cropland and the nearest residence being approximately 0.3 miles away. The petition states, "paving the amount required by the ordinance would deem the project too expensive and not yield a reasonable rate of return. Traffic will consist of semi-truck loading and unloading. The weight would cause continuous repair costs, maintaining a rock drive is more practical." Staff agrees the weight from the semi-trucks would cause continuous repairs to a paved surface so allowing rock would allow the petitioner to yield a reasonable rate of return. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2019-029
RCM Co-op))
)	PROPERTY LOCATED AT:
)	8100 Block of Sherman Road
)	Riverton, IL 62561

RECOMMENDATION OF THE ZONING 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 a **Conditional Permitted Use and a variance** 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 **August 15, 2019** 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: **8100 Block of Sherman Road, Riverton, IL 62561** and more particularly described as:

See Exhibit A

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 **grain elevator**.
6. That the requested **Conditional Permitted Use and variance** of said property is a **Conditional Permitted Use of Section 17.10.020 for a grain elevator; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat**.
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 **Conditional Permitted Use and variance** are 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 requests are hereby **approved** for:

- **Conditional Permitted Use of Section 17.10.020 for a grain elevator; and,**
- **Variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat**



 CHAIRMAN 466

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition for

- **A Conditional Permitted Use of Section 17.10.020 for a grain elevator; and,**
 - **A variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat**
- are hereby approved** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

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

Case #: 2019-029

Address: 8100 Block of Sherman Road, Riverton

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.

Yes. The proposed grain elevator supports the agricultural community and will be surrounded by cropland to minimize potential negative effects on the surrounding area.

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

Yes. The subject property is 20 acres and will have adequate space to operate the proposed grain elevator on the site.

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

Negative impacts are not anticipated due to the location of the proposed grain elevator being surrounded by cropland and the nearest residence being approximately 0.3 miles away.

- (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

- (c) 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

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-029**

Address: **8100 Block of Sherman Road, Riverton**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

The petition states, "paving the amount required by the ordinance would deem the project too expensive and not yield a reasonable rate of return. Traffic will consist of semi-truck loading and unloading. The weight would cause continuous repair costs, maintaining a rock drive is more practical." Staff agrees the weight from the semi-trucks would cause continuous repairs to a paved surface so allowing rock would allow the petitioner to yield a reasonable rate of return.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

The proposed grain elevator will have heavy semi-trucks on the subject property that would cause significant damage to a paved surface.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

Negative impacts are not anticipated.