

FILED

CASE#2022-017
RESOLUTION NUMBER 6-1

NOV 01 2022



Sangamon County Clerk

**GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1020 NORTH OAK ROAD, ROCHESTER
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:

N ½ of the SE ¼ of Section 10, Township 15 North, Range 4 West Situated in Sangamon County. PIN # 23-10.0-400-010 & 23-10.0-400-011

WHEREAS, the Petitioner, **Land of Lincoln Solar LLC c/o Saturn Power Corp**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) Commercial Solar Energy System (CSES); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 2022** 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 a 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.

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **15th Day of November, 2022** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) Commercial Solar Energy System (CSES).

Signed and passed by the Sangamon County Board in session on this **15th day of November, 2022.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Tom Madonia Jr

DOCKET NUMBER: 2022-017

ADDRESS: 1020 North Oak Road, Rochester, IL 62563

PETITIONER: Land of Lincoln Solar LLC c/o Saturn Power Corp

PRESENT ZONING CLASSIFICATION: A Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) Commercial Solar Energy System (CSES).

AREA: 80.03 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use for the Commercial Solar Energy System. The petitioner is proposing to meet or exceed all the specific setback, screening, and other requirements of the Solar Energy System Ordinance. While the Commercial Solar Energy System is within Rochester’s 1.5 mile extraterritorial jurisdiction, the Commercial Solar Energy System is not in conflict with the 2011 Village of Rochester Comprehensive Plan and will have minimal impact on the character of the surrounding area, particularly as compared to several other uses permitted in the Agricultural Zoning District. Recommend approval of the variance for two principal uses on one parcel. The petitioner lives in the single-family residence and is requesting to additionally have a Commercial Solar Energy System on the subject property. After the Commercial Solar Energy System’s lifespan, the property could be converted back to cropland, reverting the property back to one principal use. A similar variance was granted in Zoning Case #2018-028 south of the subject property to allow a single-family residence and Commercial Solar Energy System to be on one parcel.

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


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2022-017
Land of Lincoln Solar LLC)	
c/o Saturn Power Corp)	PROPERTY LOCATED AT:
)	1020 North Oak Road
)	Rochester, IL 62563

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 **October 20, 2022** 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: **1020 North Oak Road, Rochester, IL 62563** and more particularly described as:

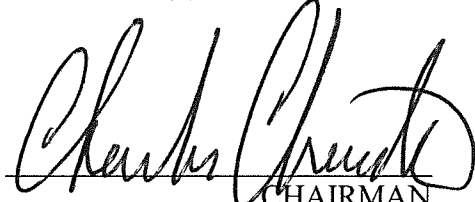
See Exhibit A

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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 **Single-family residence and cropland**.
5. That the proposed land use of said property is **Single-family residence and Commercial Solar Energy System (CSES)**.
6. That the request(s) for the subject property are **pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) Commercial Solar Energy System (CSES)**.
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 a variance** 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 following request(s) are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) Commercial Solar Energy System (CSES).


CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, which was duly seconded by **JD Sudeth**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) Commercial Solar Energy System (CSES).

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Richard Thompson, George Petrilli
JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**


RECORDING SECRETARY

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

Case #: **2022-017**

Address: **1020 North Oak Road, Rochester**

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.

The petitioner is proposing to meet or exceed all the specific setback, screening, and other requirements of the Solar Energy System Ordinance. While the Commercial Solar Energy System is within Rochester's 1.5 mile extraterritorial jurisdiction, the Commercial Solar Energy System is not in conflict with the 2011 Village of Rochester Comprehensive Plan and will have minimal impact on the character of the surrounding area, particularly as compared to several other uses permitted in the Agricultural Zoning District.

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

Based on the information submitted as evidence with the petition, staff believes that this finding is met.

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

Negative impacts regarding this standard are not 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) Manufactured home parks - must meet the requirements of Chapter 17.48 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

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- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:
 - 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL: CSES AND SINGLE-FAMILY RESIDENCE)**

Case #: **2022-017**

Address: **1020 North Oak Road, Rochester**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

The petitioner lives in the single-family residence and is requesting to additionally have a Commercial Solar Energy System on the subject property. After the Commercial Solar Energy System’s lifespan, the property could be converted back to cropland, reverting the property back to one principal use.

- (ii) that the variance is compatible with the trend of development in the area.

A similar variance was granted in Zoning Case #2018-028 south of the subject property to allow a single-family residence and Commercial Solar Energy System to be on one parcel.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

There is a benefit to the community as the petition states the Commercial Solar Energy System will “generate clean, renewable solar energy to sell to the local community at a discounted rate under the Illinois Traditional Community Solar Block Program.”

- (iv) that the variance will not create a negative impact on the area, 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.