

CASE# 2018-028
RESOLUTION NUMBER C-1

GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
660 N. 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:

See Exhibit F

WHEREAS, the Petitioner, **Solar Provider Group IL LLC (SPG)**, has petitioned the Sangamon County Board for **a Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow two (2) uses on one (1) parcel: (1) single family residence and (2) Solar Farm Energy System**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 2018** 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.

FILED

JUN 27 2018

Don P. King
Sangamon County Board

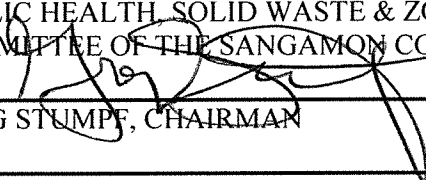
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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **10th Day of July, 2018** that the requests for a **Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow two (2) uses on one (1) parcel: (1) single family residence and (2) Solar Farm Energy System on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **10th day of July, 2018.**

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

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EXHIBIT F

The Southwest Quarter of the Southeast Quarter of Section Ten (10), Township Fifteen (15) North, Range Four (4) West of the Third Principal Meridian;

EXCEPT

That part of the Southwest Quarter of the Southeast Quarter of Section 10, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County Illinois, more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of Section 10 at a found iron pin per Monument Record recorded as Document No. 2003R09821 recorded in the Sangamon County Recorder's Office proceed on a bearing based on the Illinois Coordinate System West Zone North 00 degrees 57 minutes 58 seconds West, 295.16 feet on the West line of the said Southeast Quarter to an iron pin set with cap stamped HLC PLS 3504; thence South 89 degrees 21 minutes 06 seconds East, 325.17 feet on a line parallel with the South line of the said Southeast Quarter to an iron pin set with cap stamped HLC PLS 3504; thence South 00 degrees 57 minutes 58 seconds East, 295.16 feet on a line parallel with the said West line of the Southeast Quarter to an iron pin set with cap stamped HLC PLS 3504 on the South line of the said Southeast Quarter; thence North 89 degrees 21 minutes 06 seconds West, 325.17 feet on the said South line to the Point of Beginning, encompassing 2.203 acres more or less of which .203 acres is in the public road right of way.

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RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Tom Madonia, Jr.

DOCKET NUMBER: 2018-028

ADDRESS: 660 N. Oak Road, Rochester, IL 62563

PETITIONER: Solar Provider Group IL LLC (SPG)

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a Solar Farm Energy System (SFES) and a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) Solar Farm Energy System (SFES).**

AREA: 37.8 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners. The petitioner states that "At the end of its lifespan, the system will be decommissioned, and the land will be returned to its prior state – fully guaranteed through a decommissioning plan...", so after the approximate 15 year lifespan the SFES could be converted back to cropland, reverting the property back to one principal use.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.

Justin Harrison

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RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2018-028
Solar Provider Group IL LLC (SPG))	
)	PROPERTY LOCATED AT:
)	660 N. Oak Road
)	Rochester, IL 62563

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 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 **June 21, 2018** 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: **660 N. Oak Road, Rochester, IL 62563** and more particularly described as:

See Exhibit F

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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 a **single-family residence with outbuildings and cropland.**
5. That the proposed land use of said property is a **solar farm energy system and single-family residence with outbuildings.**
6. That the requested **Conditional Permitted Use and variance** of said property is **for a Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow two (2) uses on one (1) parcel: (1) single family residence and (2) Solar Farm Energy System.**
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** 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 **Conditional Permitted Use and variance** be approved.


CHAIRMAN

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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 **Charlie Chimento**.

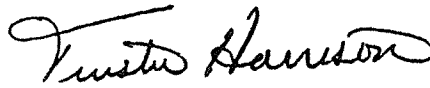
The vote of the Board was as follows:

YES: **Charlie Chimento, Andrew Spiro, Gina Lathan**

NO: **Tony Mares, JD Sudeth**

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

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

Case #: 2018-028

Address: 660 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 comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners.

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

The petitioner is proposing to comply with all the specific setback requirements of the Solar Energy Systems Ordinance and will use the type of solar panel that is designed to help protect the health, safety, and welfare of the public.

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

As stated in the petition, "The Oak Mill Estates subdivision is within 500 feet of the site, but view of the array will be largely blocked by the existing electrical substation." Staff concurs with this statement.

- (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

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL: SOLAR FARM ENERGY SYSTEM (SFES) AND
SINGLE-FAMILY RESIDENCE)**

Case #: 2018-028

Address: 660 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 states that “At the end of its lifespan, the system will be decommissioned, and the land will be returned to its prior state – fully guaranteed through a decommissioning plan...”, so after the approximate 15 year lifespan the SFES 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.

The subject property is adjacent to an electrical substation which is a compatible use to the SFES and the entire perimeter of the SFES will be fenced in to maintain separation between the residence and the SFES.

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

The petitioner is proposing to comply with all the specific requirements of the Solar Energy Systems Ordinance including the decommissioning plan in which after the approximate 15 year lifespan the SFES would be removed leaving the single-family residence as the primary use on the parcel.

- (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.

The petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site in order to not create a negative impact on the area.