

**GRANTING CONDITIONAL PERMITTED USES AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2500-2600 BLOCK OF STATE RT. 104, 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 Conditional Permitted Uses and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Stetson Solar, LLC**, has petitioned the Sangamon County Board requesting for **Parcel 1: pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); for Parcel 2: 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) Commercial Solar Energy System (CSES) and (2) single-family residence; and, for Parcel 3: pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and, a Conditional Permitted Use for a Battery Energy Storage System (BESS); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 2023** 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,

FILED

MAY 04 2023


Sangamon County Clerk

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 Conditional Permitted Uses and variances**; 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 **9th Day of May, 2023** that the following request(s) on the above described property are hereby approved:

For Parcel 1:

- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES);

For Parcel 2:

- 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) Commercial Solar Energy System (CSES) and (2) single-family residence; and,

For Parcel 3:

- 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 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Battery Energy Storage System (BESS)

Signed and passed by the Sangamon County Board in session on this 9th day of May, 2023.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

STETSON SOLAR

CONDITIONAL PERMITTED USE (CPU) LEGAL DESCRIPTION

THE WEST HALF OF THE NORTHEAST QUARTER AND THE EAST 241 FEET OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 NORTH, RANGE 5 WEST, OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF THE SOUTH LINE OF A TRACT DEDICATED AS STATE BOND ISSUE ROUTE NO. 104 AND SUBJECT TO A DEDICATION OF SUCH HIGHWAY ROUTE, EXCEPT THE COAL UNDERLYING SAID PREMISES, SUBJECT TO THE RIGHT OF WAY GRANT OF RECORD TO CENTRAL ILLINOIS PUBLIC SERVICE COMPANY TO CONSTRUCT AND MAINTAIN A TRANSMISSION LINE.

EXCEPTING THEREFROM THE RIGHT OF WAY OF THE CHICAGO AND ILLINOIS MIDLAND RAILROAD COMPANY, FORMERLY KNOWN AS THE PAWNEE RAILROAD COMPANY.

ALSO EXCEPTING THE FOLLOWING DESCRIBED TRACTS, TO-WIT: THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12; THE EAST 4 ACRES OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12, AND A TRACT OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH BOUNDARY LINE OF SAID RIGHT OF WAY OF THE CHICAGO AND ILLINOIS MIDLAND RAILROAD COMPANY 140 FEET EAST OF SECTION STONE AT THE CENTER OF SAID SECTION 12, THENCE DUE NORTH 61 FEET; THENCE IN A NORTHEASTERLY DIRECTION 225 FEET; THENCE IN AN EASTERLY DIRECTION 652 FEET; THENCE SOUTH TO THE NORTH BOUNDARY OF SAID RAILROAD RIGHT OF WAY, 105 FEET; THENCE WEST ALONG SAID NORTH BOUNDARY OF SAID RAILROAD RIGHT OF WAY, 875 FEET TO THE PLACE OF BEGINNING.

ALSO, EXCEPTING A STRIP OF LAND BOUNDED AS FOLLOWS: BEGINNING 60 FEET NORTH OF A STONE AT THE SOUTHEAST COMER OF THE NORTHEAST QUARTER OF SAID SECTION 12, AND RUNNING THENCE DUE WEST 646 FEET 3 INCHES, THENCE DUE NORTH 20 FEET; THENCE DUE EAST 646 FEET 3 INCHES, THENCE SOUTH 20 FEET TO POINT OR PLACE OF BEGINNING, CONTAINING 1/3 OF AN ACRE, MORE OR LESS.

EXCEPTING ALL THAT PART OF THE NORTHEAST QUARTER OF SAID SECTION 12 WHICH LIES NORTH OF THE RIGHT OF WAY AND LAND OF THE CHICAGO AND ILLINOIS MIDLAND RAILWAY COMPANY AND SOUTH OF THE RIGHT OF WAY OF STATE BOND ISSUE HIGHWAY ROUTE NUMBER 104, EXCEPT A TRIANGULAR SHAPED TRACT OF LAND IN THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER, LYING BETWEEN THE SAID STATE HIGHWAY RIGHT OF WAY, AND THE

SAID RAILWAY LAND, WHICH TRACT IS 68.1 FEET IN LENGTH ON THE EAST SIDE AND 259 .1 FEET IN LENGTH ON THE SOUTH SIDE, THE EAST SIDE OF WHICH IS 515.6 FEET WEST OF THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION.

SUBJECT TO ALL EASEMENTS, EXCEPTIONS, CONDITIONS AND RESTRICTIONS OF RECORD.

PINs: 35-12.0-100-002; 35-12.0-200-009; and 35-12.0-200-011

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: Jeffrey A Thomas

DOCKET NUMBER: 2023-005

ADDRESS: 2500-2600 Block of State Rt. 104, Pawnee, IL 62558

PETITIONER: Stetson Solar, LLC

PRESENT ZONING CLASSIFICATION: "A" Agriculture District.

REQUESTED ZONING CLASSIFICATION: Petitioner requests for Parcel 1: pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); for Parcel 2: 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) Commercial Solar Energy System (CSES) and (2) single-family residence; and, for Parcel 3: pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and, a Conditional Permitted Use for a Battery Energy Storage System (BESS).

AREA: 90.04 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. Staff reviewed the materials submitted by the applicant and determined that the proposal complies with Public Act 102-1123, signed into law on January 27, 2023.

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: **2023-005**
Stetson Solar, LLC)
)
) PROPERTY LOCATED AT:
) **2500-2600 Block of State Rt. 104**
) **Pawnee, IL 62558**

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 **Conditional Permitted Uses and variances** 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, 2023** 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: **2500-2600 Block of State Rt. 104, Pawnee, IL 62558** 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 **Single-family residence, outbuildings, and cropland.**
5. That the proposed land use of said property is **Single-family residence, outbuildings, cropland, Commercial Solar Energy System (CSES), and Battery Energy Storage System (BESS).**
6. That the request(s) for the subject property are for **Parcel 1: pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); for Parcel 2: 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) Commercial Solar Energy System (CSES) and (2) single-family residence; and, for Parcel 3: pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES); and, a Conditional Permitted Use for a Battery Energy Storage System (BESS).**
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 Uses and variances** 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:**

For Parcel 1:


- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES);

For Parcel 2:

- 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) Commercial Solar Energy System (CSES) and (2) single-family residence; and,

For Parcel 3:

- 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 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Battery Energy Storage System (BESS).


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Richard Thompson**, which was duly seconded by **Anthony Mares**, 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:**

For Parcel 1:

- Pursuant to Chapter 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Commercial Solar Energy System (CSES);

For Parcel 2:

- 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) Commercial Solar Energy System (CSES) and (2) single-family residence; and,

For Parcel 3:

- 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 17.58 and Section 17.37.030(B), a Conditional Permitted Use for a Battery Energy Storage System (BESS).

The vote of the Board was as follows:

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

NO: **Phil Sidles**

PRESENT:

ABSENT: **Don Wulf, George Petrilli**



RECORDING SECRETARY

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

Case #: **2023-005**

Address: **2500-2600 Block of State Route 104, Pawnee**

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 proposed Commercial Solar Energy System complies with the setbacks and other provisions in Public Act 102-1123 signed into law on January 27, 2023.

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

The proposed Commercial Solar Energy System complies with the setbacks and other provisions in Public Act 102-1123 signed into law on January 27, 2023.

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

The proposed Commercial Solar Energy System complies with the setbacks and other provisions in Public Act 102-1123 signed into law on January 27, 2023.

- (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

- (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 & SINGLE-FAMILY RESIDENCE)**

Case #: **2023-005**

Address: **2500-2600 Block of State Route 104, Pawnee**

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 property owner lives in the single-family residence on one of the subject properties. Some of the Solar Energy System will be placed on that property per a lease agreement with the developer.

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

The subject property is across the road from an electrical substation which is a compatible use to the Commercial Solar Energy System.

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

The petition states “residential and commercial customers will be able to subscribe to the community solar project.” Staff agrees this could be a benefit to the community.

- (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.