

GRANTING A REZONING AND CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
14273 BAB ROAD, AUBURN
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 and a conditional permitted use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Boesdorfer & Boesdorfer, Inc.**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District and "B-3" General Business District to "I-1" Restricted Industrial District;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **November 18, 2010** 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 rezoning and conditional permitted use;** and

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

FILED

DEC 02 2010

Joe Aiello
Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of December, 2010 that the request for a rezoning from "A" Agricultural District and "B-3" General Business District to "I-1" Restricted Industrial District is denied. However, rezoning from "A" Agricultural District and "B-3" General Business District to "A" Agricultural District with a Conditional Permitted Use to allow for the expansion of the existing grain elevator on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of December, 2010.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD

Tim Moore /ck
TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

Part of Lot 20 and Part of Lot 21 of the Lands of Noah Mason as Recorded in Sangamon County Circuit Court Records, Book 13 of Chancery Records Page 14 Being Part of the East Half of the Northwest Quarter of Section 12, Township 13 North, Range 6 West of the Third Principal Meridian; Being Further Described as Follows:

Commencing at an Iron Pin Marking the Northeast Corner of said Lot 20; Thence South 00 Degrees 49 Minutes 10 Seconds East, Along the East Line of said Lot 20, a Distance of 113.24 Feet to a Set Iron Pin Marking the Point of Beginning; Thence Continuing South 00 Degrees 49 Minutes 10 Seconds East, Along the East Line of said Lot 20 and Lot 21, a Distance of 486.66 Feet to a Found Iron Pin at the Southeast Corner of said Lot 21; Thence South 88 Degrees 23 Minutes 02 Seconds West, a Distance 729.67 Feet to a Found Iron Pin at the Southwest Corner of said Lot 21; Thence North 00 Degrees 44 Minutes 05 Seconds West, Along the West Line of said Lot 21 and the West Line of said East Half of the Northwest Quarter of Section 12, a Distance of 200.29 Feet to a Set Iron Pin; Thence North 87 Degrees 34 Minutes 43 seconds East, a Distance of 227.51 Feet to a Set Iron Pin; Thence North 00 Degrees 11 Minutes 44 Seconds east, a Distance of 283.49 Feet to a Set Iron Pin ; Thence North 88 Degrees 24 Minutes 19 Seconds East, Parallel With the North Line of said Lot 20, a Distance of 496.90 Feet to the Point of Beginning.

Basis of Baring is Illinois State Plane Coordinate System, West Zone, NAD 83.

Except All Coal and Other Minerals Underlying said Lands, Together with the Right to Mine and Remove Same.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #6 NAME: Sam Snell

DOCKET NUMBER: 2010-46

ADDRESS: 14273 Bab Road, Auburn, IL. 62615

PETITIONER: Boesdorfer & Boesdorfer, Inc.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District and "B-3" General Business District.

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District to allow for the expansion of the existing grain elevator.

AREA: 15.9 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the spot I-1 zoning as it is too intense in this area. A portion of the subject property was rezoned to B-3 in 1976 and is currently being used as a large grain elevator operation. It is unlikely that this property would be redeveloped with heavy commercial uses. Staff feels that a down zone of the B-3 zoning to Agricultural zoning with a Conditional Permitted Use to allow for a grain elevator may be more appropriate zoning for this property. However, further testimony at the hearing detailing the operational activities of the current use, e.g. retail sales, will be necessary.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Cyndi Knowles

RECORDING SECRETARY

Approval as staff recommended.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2010-046**
Boesdorfer & Boesdorfer, Inc.

)
) PROPERTY LOCATED AT:
) **14273 Bab Road**
) **Auburn, IL. 62615**

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 **November 18, 2010** 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: **14273 Bab Road, Auburn, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“A” Agricultural District and “B-3” General Business District.**
- 4. That the present land use of said property is **a grain elevator.**
- 5. That the proposed land use of said property is **the expansion of the existing grain elevator.**
- 6. That the requested **rezoning** of said property is **“I-1” Restricted Industrial District to allow for the expansion of the existing grain elevator.**
- 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 not** 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 to “I-1” Restricted Industrial District be denied, but in the alternative, a rezoning to “A” Agricultural District with a Conditional Permitted Use be approved as staff has recommended.**

Charles Chimento/ex
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied, but that the recommendation of the Regional Planning Commission be approved to rezone the property to “A” Agricultural District with a Conditional Permitted Use for a grain elevator** which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, John Luchessi.**

NO: **Judith Johnson**

ABSENT: **Peggy Egizii, Marvin Traylor**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2010-040

Address: 14273 Bab Road

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

To the north is a single family residence and cropland. To the east are single family residences and cropland. To the south is timber and single family residences. To the west is timber.

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

The property is surrounded by agricultural zoning.

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

The property is currently being used as a grain elevator in a B-3 district.

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

The subject property was rezoned to B-3 in 1976. In 1992, property to the south was granted a use variance for a cabinet and countertop shop. In 2000, property to the south across State Route 104 was granted a use variance for a beauty salon.

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

Case #: 2010-046

Address: 14273 Bab Road

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.

This appears to be the case. The grain elevator has been in operation for some time, the petitioner is seeking to build two new grain bins.

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

Yes, the grain elevator is well established and it appears that public health, safety and welfare have been protected.

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

No negative impact to the value of other property in the vicinity is anticipated with the construction of two new grain bins.

- (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