

CASE # 2004-82
RESOLUTION NUMBER 111

GRANTING A REZONING AND CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED
IN THE 4500 BLOCK OF CAMP BUTLER ROAD
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 conditional permitted use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Richard Wieland**, has petitioned the Sangamon County Board for a rezoning from "A" Agricultural District to "B-3" General Business District on the entire property with a conditional permitted use to allow a towing business on the East 300' of the above described property; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 16, 2004**, 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 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 30 2004

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of January, 2005 that the request to rezone the above described property from "A" Agricultural District to "B-3" General Business District with a conditional permitted use to allow a towing business on the East 300' of the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 2005.

Respectfully submitted,

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

Dan Vaughn

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:

Joe Riello

SANGAMON COUNTY CLERK

A. Va Meter

COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel 1:

Part of the Southwest Quarter of the Southeast Quarter of Section 17, Township 16 North, Range 4 West of the Third Principal Meridian; being all that portion of Lot 6 of the Plat of the Estate of Uriah Mann, deceased, as recorded in Plat Book 3 on Page 28 in the Office of the Sangamon County Recorder of Deeds, that lies South and East of the Southeasterly Right-of-Way line of the former I.T. Railroad; described more particularly as follows:

Beginning at the South One Quarter corner of the aforementioned Section 17, (Southwest corner of Lot 6), thence North 00 degrees 02 minutes 27 seconds East along the Quarter Section line a distance of 742.07 feet to an iron pipe on the Southeasterly Right-of-Way line of the former I.T. Railroad, thence North 71 degrees 44 minutes 43 seconds East along said Right-of-Way line a distance of 91.75 feet to an iron pipe on the East line of Lot 6, thence South 00 degrees 02 minutes 18 seconds West along said East line a distance of 770.95 feet to the Southeast corner of Lot 6, thence North 89 degrees 54 minutes 15 seconds West along the Section line a distance of 87.14 feet to the point of beginning. Said tract contains 1.513 acres, more of less, of which 0.064 acre is within the Right-of-Way line of Camp Butler Road, all in the County of Sangamon, State of Illinois. Basis of bearing is North 00 degrees 02 minutes 27 seconds East along the Quarter Section line.

Parcel 2:

Part of the Southwest Quarter of the Southeast Quarter of Section 17, Township 16 North, Range 4 West of the Third Principal Meridian; being a part of Lot 7 of the Estate of Uriah Mann, deceased as recorded in Plat Book 3 on Page 28 in the Office of the Sangamon County Recorder of Deeds, that lies South and East of the Southeasterly Right-of-Way line of the former I.T. Railroad; described more particularly as follows:

Commencing at the South One Quarter corner of the aforementioned Section 17, thence South 89 degrees 54 minutes 15 seconds East along the Section line a distance of 87.14 feet to the Southwest corner of Lot 7, said point being the true point of beginning; thence North 00 degrees 02 minutes 18 seconds East along the West line of Lot 7 a distance of 770.95 feet to an iron pipe on the Southeasterly Right-of-Way line of the former I.T. Railroad, thence North 71 degrees 44 minutes 43 seconds East along said Right-of-Way line a distance of 871.90 feet to an iron pipe, thence South 02 degrees 19 minutes 33 seconds West a distance of 1046.24 feet to a point on the Section line, thence North 89 degrees 54 minutes 15 seconds West along the Section line a distance of 786.08 feet to the true point of beginning. Said tract contains 16,759 acres, more or less, of which 0.568 acre is within the Right-of-Way line of Camp Butler Road, all in the County of Sangamon, State of Illinois. Basis of bearing is South 89 degrees 54 minutes 15 seconds East along the Quarter Section line

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

Situated in Sangamon County, Illinois.

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

► As Recommended by the Zoning Board of Appeals ◀

Case #: 2004-82

Address: 4500 Block of Camp Butler 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.

The business will be 500' north of Camp Butler Road and will be shielded from adjacent properties by a privacy fence and landscaping.

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

Yes, see above.

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

No. There is a commercial trend in the area and the building will be properly screened.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: Dennis Wieland

DOCKET NUMBER: 2004-82

ADDRESS: In the 4500 Block of Camp Butler Road, Springfield, IL. 62707

PETITIONER: Richard Wieland

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District with a conditional permitted use to allow a towing business on the East 300' of the above described property.

AREA: 17.09 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the rezoning to B-3 due to similar zoning and use to the west. Recommend denial of the conditional permitted use due to proximity of residence directly east.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2004-82**
 Richard Wieland)
)
) PROPERTY LOCATED AT:
) **In the 4500 Block of Camp Butler Road**
) **Springfield, IL. 62707**
)

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 and conditional permitted use** 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 **December 16, 2004** 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 or contract to purchase the property commonly known as **In the 4500 Block of Camp Butler Road, Springfield, IL. 62707** and more particularly described as:

See **EXHIBIT A**

11-7

Page 2

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 **unstated commercial use and towing service with temporary storage of vehicles limited to 6 months.**
6. That the requested **rezoning and conditional permitted use** of said property is: **from "A" to "B-3" with a conditional permitted use to allow a towing business on the East 300' of the above described property.**
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 **rezoning and conditional permitted use** 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 and conditional permitted use** be granted.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the **rezoning be approved and based upon the revised findings for conditional permitted uses also recommend that the conditional permitted use be approved** which was duly seconded by **John Goleman**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

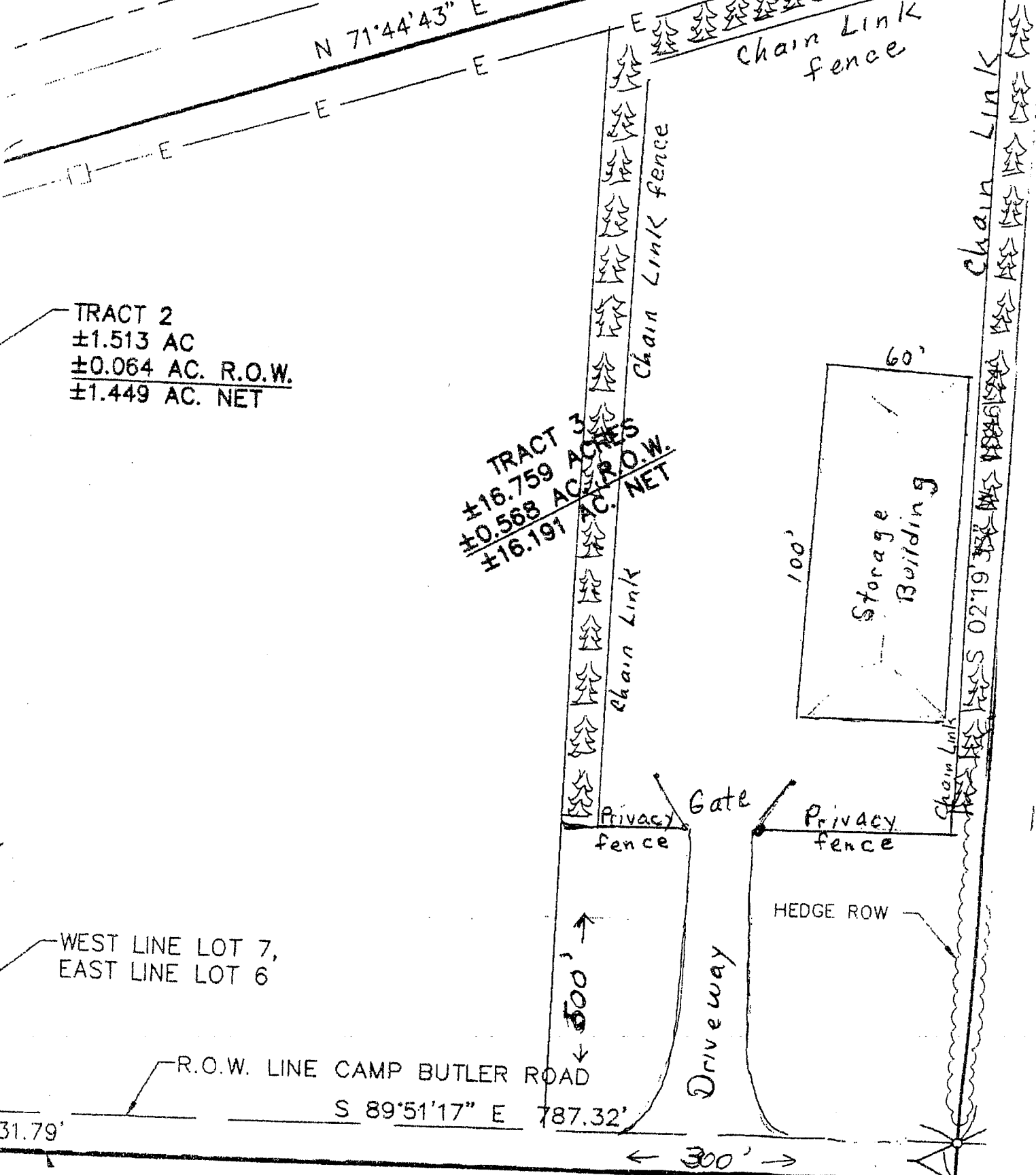
NO:

ABSENT:


RECORDING SECRETARY

Rail Road Tracks

N 71°44'43" E 871.90'



TRACT 2
 ±1.513 AC
 ±0.064 AC. R.O.W.
 ±1.449 AC. NET

TRACT 3
 ±16.759 AC
 ±0.568 AC. R.O.W.
 ±16.191 AC. NET

WEST LINE LOT 7,
 EAST LINE LOT 6

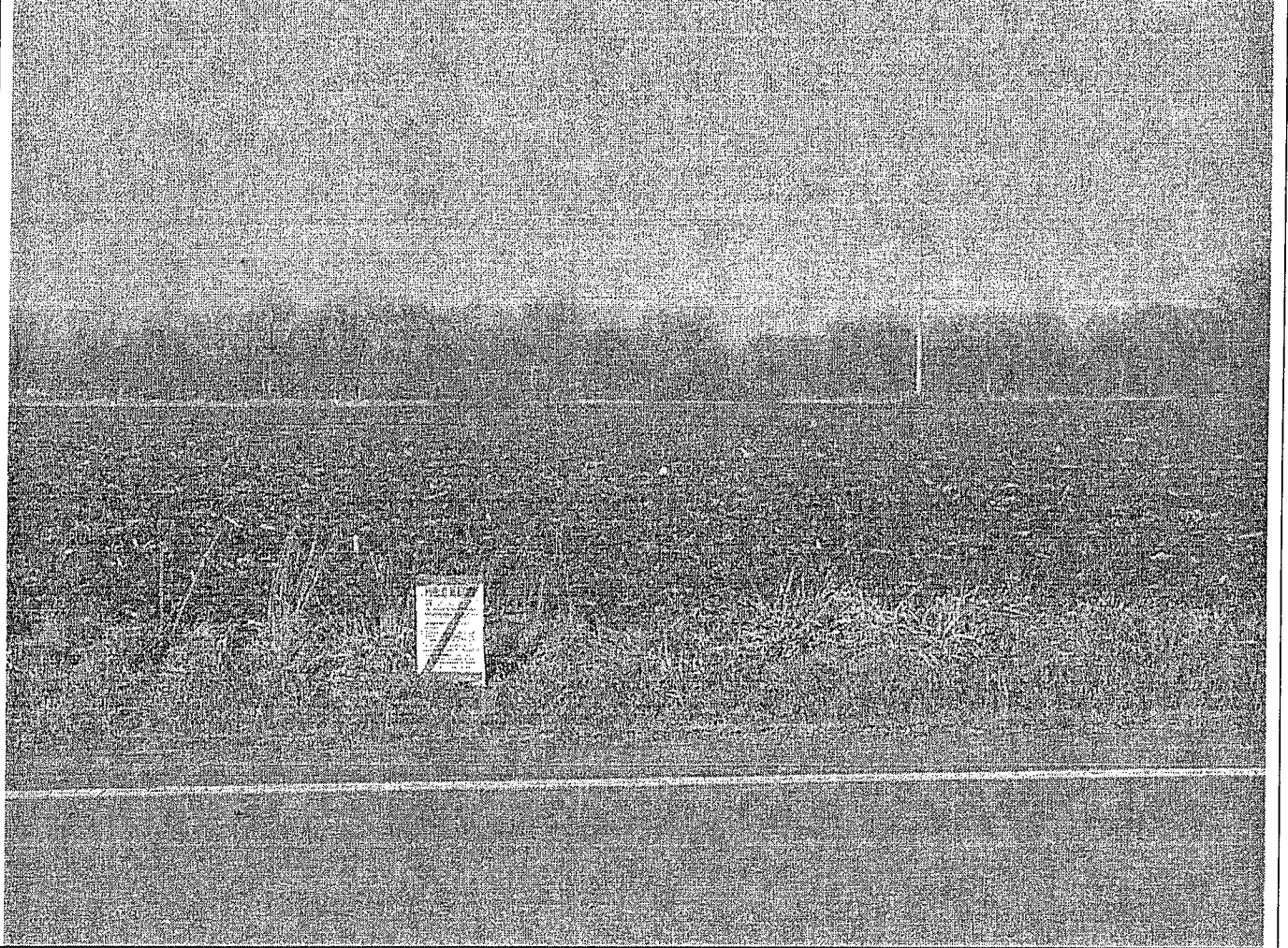
R.O.W. LINE CAMP BUTLER ROAD
 S 89°51'17" E 787.32'

31.79'

300'

11-9

PHOTO DATE: 2004 12 1 2:39:28 PM	PHOTO TIME:
SITE NAME: Richard Wieland	CASE #: 2004-82
ADDRESS: 4500 Block of Camp Butler Road, Springfield	INDEX #: 15-17-0-400-030



COMMENTS: From Camp Butler Road, Springfield looking north.

LAND AREA:	EXISTING ZONING:	PROPOSED ZONING:
OTHER COMMENTS:		

11-10



CASE #: 2004-82
 INDEX #: 15-17-400-030
 DATE: 12-1-04
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Wieland, Richard
 ADDRESS: 4500 Block of Camp Butler Road TWP. 16N RANGE 4 W SEC. 17 ¼ SEC. SE
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Springfield

EXISTING ZONING: A PROPOSED ZONING: B-3 with CPU*

LAND AREA: 17.09 acres ROAD FRONTAGE: 933' Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Cropland
 PROPOSED LAND USE: Unstated Commercial uses and a Towing Service with Temporary Storage of Vehicles Limited to 6 Months.

TYPE OF STRUCTURE: NA CONDITION OF STRUCTURE: NA

EXISTING YARDS: Front -- ft. Side -- ft. Rear -- ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North Cropland
 - b. To South Single Family Residence, Cropland
 - c. To East Mobile Home, Cropland, Single Family Residences
 - d. To West Earthmoving Equipment Sales, Trailer Sales

OTHER COMMENTS: * A Conditional Permitted Use is requested to allow a towing business on the east 300' of the property.

Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use		X		
	appearance		X		
	height	X			
	parking spaces		X		
PROBLEMS FORESEEN	drainage		X		
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume	X			

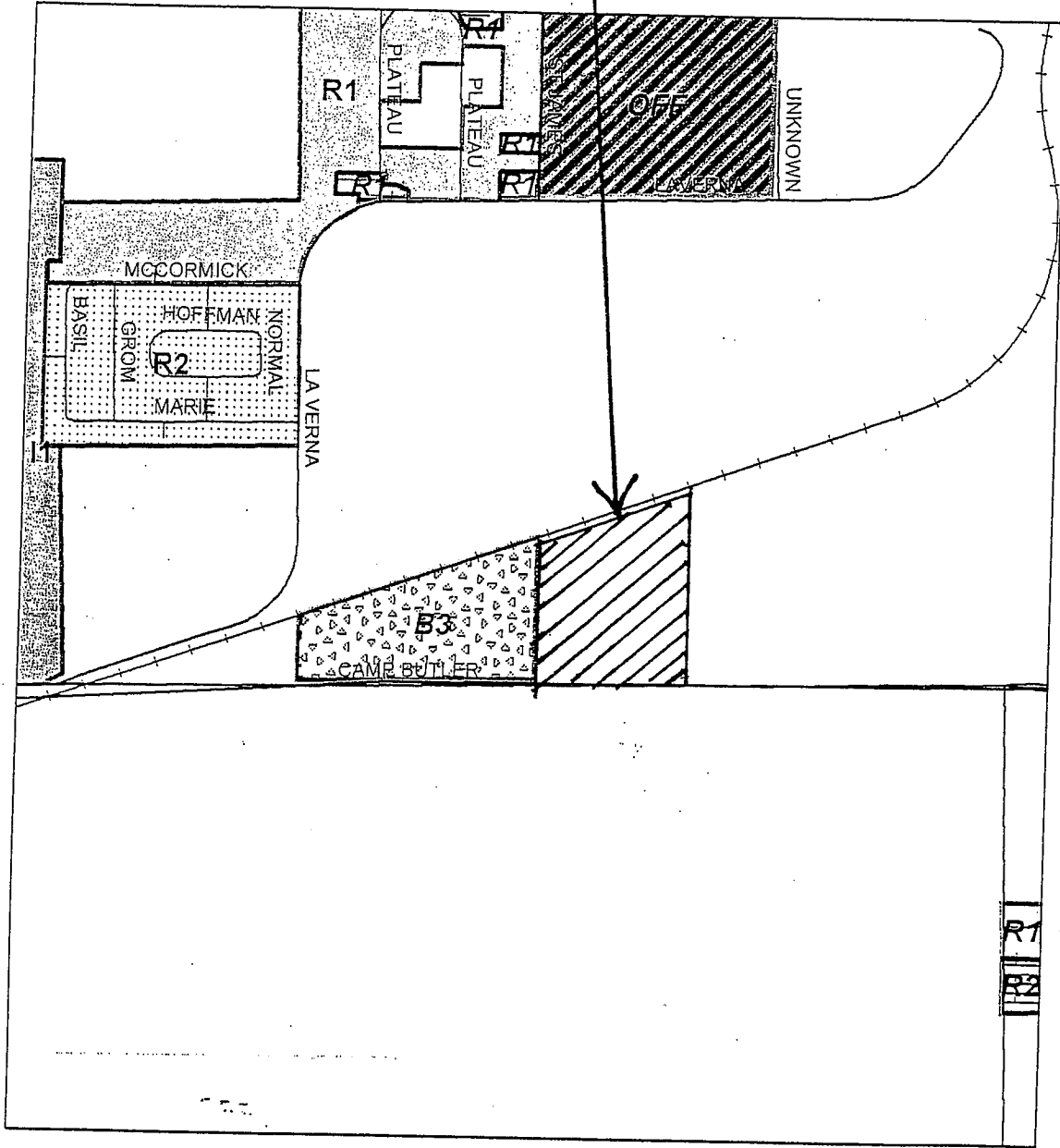


RECOMMENDATIONS: Recommend approval of the rezoning to B-3 due to similar zoning and use to the west. Recommend denial of the conditional permitted use due to proximity of residence directly east.

11-11

County Zoning

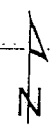
Case# 2004-082



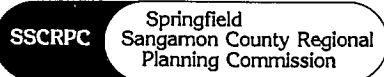
County Zoning

City Zoning

	RM-4		I1		R5		H1		OFF
	R3		I2		R1		H2		PUD
	R2		B3		R2		H3		B1
	R1a		B2		R3a		S1		B2
	R1		B1		R3b		S2		I1
	OFF				R4		S3		I2



0 500 1,000 Feet



RECOMMENDED FINDINGS OF FACT

Case #: 2004-82
Address: 4500 Block of Camp Butler Road

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

To the north is cropland. To the east is a mobile home, cropland, and single family residences. To the south is a single family residence and cropland. To the west is earthmoving equipment sales and trailer sales.

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

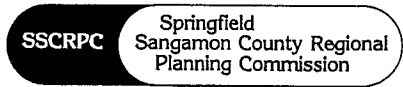
To the north, east and south is A.
To the west is B-3.

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

The Land Evaluation and Site Assessment score of 155 indicates the property may be suitable for non-agricultural development if mitigating factors are present. The recent rezoning and commercial development of similar property to the west would support the rezoning request.

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

Property to the west was rezoned to B-3 in 2002 and has developed commercially. The area has otherwise remained stable.



**RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: 2004-82

Address: 4500 Block of Camp Butler 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.

There is a concern with a towing business being located adjacent to a residence.

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

This would appear to be the case.

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

There is a concern for the residence to the east.

- (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.

NA

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

NA

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

NA

- (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.

NA

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

Available
Points PointsAGRICULTURAL/RURAL LAND WITHIN .5 MILE

90% or more	20	
75-89%	10	
50-74%	5	5
Under 50%	0	

CONTIGUOUS AGRICULTURAL/RURAL LAND

90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	

PERCENTAGE OF SITE AGRICULTURAL/RURAL

75-100%	10	
50-74%	5	10
Under 50%	0	

COUNTY SECTOR

Rural	20	
0.5 mile from incorporated area	10	10
Incorporated area	0	

SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL

75% or more	20	
50-74%	10	
25-49%	5	5
Less than 25% or sewer available	0	

ENVIRONMENTAL IMPACT OF PROPOSED USE

Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	

IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES

Negative impact	10	
No impact	0	0

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	0

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	20
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	0
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	75
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
8D3	Hickory	Important		55	
8E	Hickory	Important		55	
8E3	Hickory	Non-prime		52	
8F	Hickory	Non-prime		0	
17	Keomah	Prime	36	77	28
19C2	Sylvan	Important		72	
19D	Sylvan	Important		72	
19D3	Sylvan	Important		55	
19E3	Sylvan	Non-prime		52	
36A	Tama	Prime		100	
36B	Tama	Prime	12	95	11
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime	12	100	12
45	Denny	Prime		77	
50	Viriden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

74	Radford	Prime*		87	
77	Huntsville	Prime*		95	
107	Sawmill	Prime*		87	
112	Cowden	Prime		77	
119D	Elco	Important		72	
119D3	Elco	Important		55	
119E3	Elco	Non-prime		52	
131C	Alvin	Prime		77	
131D	Alvin	Prime		77	
131E2	Alvin	Important		55	
134A	Camden	Prime		90	
134B	Camden	Prime		77	
134C2	Camden	Important		72	
134D3	Camden	Important		55	
138	Shiloh	Prime		87	
198	Elburn	Prime		100	
199A	Plano	Prime		95	
199B	Plano	Prime		90	
208	Sexton	Prime		77	
212D3	Thebes	Important		55	
242	Kendall	Prime		77	
244	Hartsburg	Prime		87	
249	Edinburg	Prime		77	
259C	Assumption	Prime		77	
259D2	Assumption	Important		72	
280B	Fayette	Prime	8	77	6
280C2	Fayette	Important	32	72	23
280D2	Fayette	Important		72	
280D3	Fayette	Important		55	
284	Tice	Prime*		90	
451	Lawson	Prime*		95	
551F	Gosport	Non-prime		0	
567C	Elkhart	Prime		77	
567D2	Elkhart	Important		72	
684B	Broadwell	Prime		87	
684C2	Broadwell	Prime		77	
685B	Middletown	Prime		77	
685C2	Middletown	Important		72	
801	Orthents	Non-prime		0	

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL

80

GRAND TOTAL

155

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.