

CASE # 2006-19 6-1
RESOLUTION NUMBER 6-1

APPROVING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
10016 PRAIRIE CREEK ROAD, NEW BERLIN
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 **approve an amendment** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The North 308' of the East 691.73' of the Northeast quarter of Section 26, Township 16 North, Range 7 West of the Third Principal Meridian.

WHEREAS, the Petitioners, **Harry & Judith Buckman**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R1" Single Family Residence District to allow the division of the parcel**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 2006**, 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 **approve the rezoning**; and

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

FILED

APR 27 2006

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of May 2006 that the request to rezone the above named property from "A" Agricultural District to "R1" Single Family Residence District to allow the division of the parcel is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of May, 2006.

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

DAVID MENDENHALL

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT
► As Amended by the Board of Appeals ◀**

Case #: 2006-19
Address: 10016 Prairie Creek Road

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

There are four single family residences to the north and two single family residences to the west. To the south and east is cropland.

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

The property is surrounded by A zoning but there is R-1 1 3/4 miles away. There are several lots that would require R-1 under current regulations.

- (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 180 calculated by the Planning Commission included 15 points for environmental impact. Testimony at the hearing indicated the drainage way could be protected bringing the LESA score down to 165 points.

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

There has been scattered residential development in the area.

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12-23
400-009

12-24
300-003

12-24
300-004

12-23
400-008

12-23
400-004

12-26
200-008

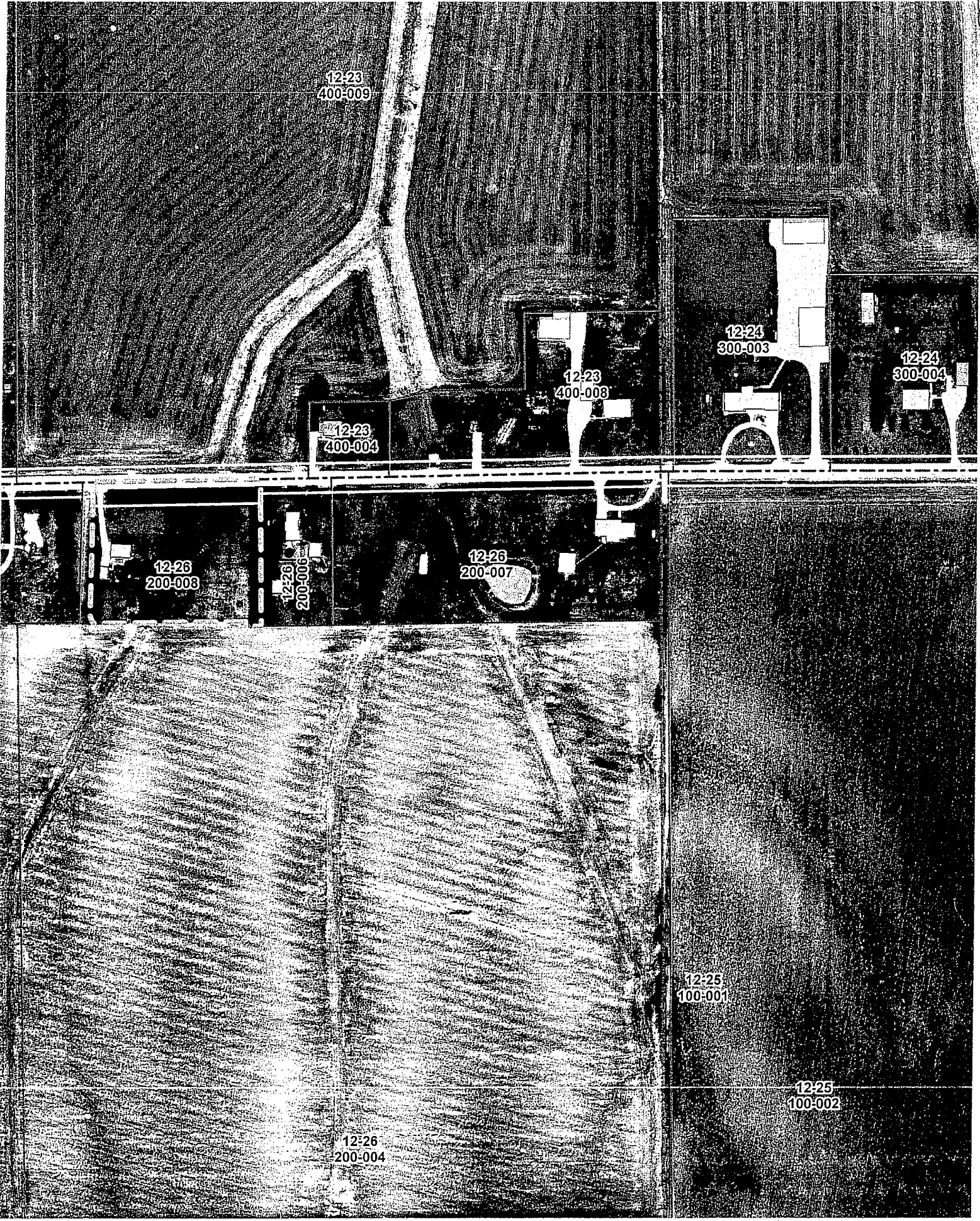
12-26
200-006

12-26
200-007

12-25
100-001

12-25
100-002

12-26
200-004



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: **Craig Hall**

DOCKET NUMBER: 2006-19

ADDRESS: 10016 Prairie Creek Road, New Berlin, IL 62670

PETITIONERS: **Harry & Judith Buckman**

PRESENT ZONING CLASSIFICATION: "A" Agriculture

REQUESTED ZONING CLASSIFICATION: **R1" Single Family Residence**

AREA: 4.78 Ac.

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommended denial due potential impact to natural drainage way.**

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: 2006-19
Harry & Judith Buckman))
)	PROPERTY LOCATED AT:
)	10016 Prairie Creek Road
)	New Berlin, IL 62670
))

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 **April 20, 2006** 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 **10016 Prairie Creek Road, New Berlin, IL 62670** and more particularly described as:

The North 308' of the East 691.73' of the Northeast quarter of Section 26, Township 16 North, Range 7 West of the Third Principal Meridian.

- 3. That the present zoning of said property is "A" Agriculture.
- 4. That the present land use of said property is a Single Family Residence.
- 5. That the proposed land use of said property is 2 Single Family Residences.
- 6. That the requested rezoning of said property is: "A" Agricultural District to "R1" Single Family Residence District
- 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** 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** be **approved**.

Charles Chimento RDA
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** in accordance with the amended findings of fact, to recommend to the County Board that the petition be **approved**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

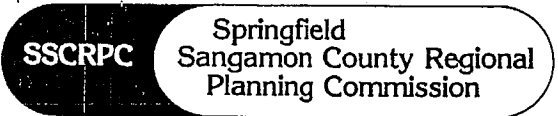
YES: Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor

NO:

ABSENT:

JD Amstrong
RECORDING SECRETARY

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INDEX #: 12-26-200-007

ZONING AMENDMENT CHECK LIST

DATE: 4/3/06

INSPECTED BY: DK JH LW

PETITIONER: Buckman, Harry & Judith

ADDRESS: 10016 Prairie Creek Road TWP. 16N RANGE 7 W SEC. 26 ¼ SEC. NE
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: _____

EXISTING ZONING: A PROPOSED ZONING: R-1

LAND AREA: 4.78 Ac ROAD FRONTAGE: 600 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Single family residence

PROPOSED LAND USE: Two single family residences

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 75 ft. Side 440/60 ft. Rear 160 ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North 4 - single family residences cropland
 - b. To South Cropland
 - c. To East Cropland
 - d. To West 2 single family residences

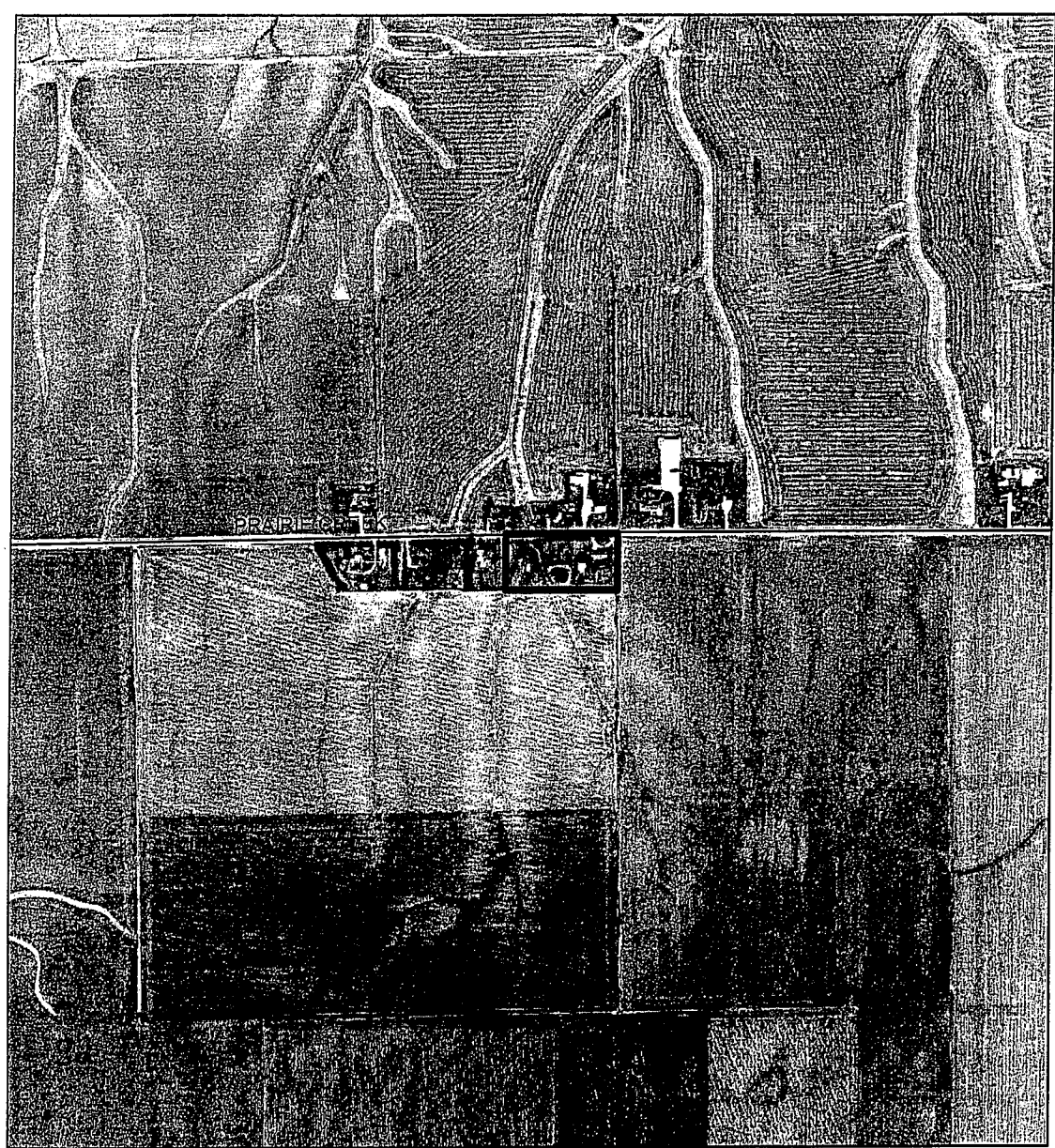
OTHER COMMENTS:

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 denial due to potential impact to natural drainage way.**

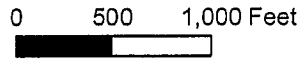
County Zoning Case# 2006-19



County Zoning

City Zoning

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





RECOMMENDED FINDINGS OF FACT

Case #: 2006-19

Address: 10016 Prairie Creek Road

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

There are four single family residences and cropland to the north. There is cropland to the south and east. There are two single family residences to the west.

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

The property is surrounded by A zoning. The nearest R-1 zoning is 1 3/4 miles away.

- (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 180 indicates the property is suitable for agricultural use only. There is a particular concern with the environmental impact due to a natural drainage way that goes through the west side of the property where the new building site would be located. It is unclear if a home could be placed on the site without causing an impact to the drainage.

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

There are not many homes in the area; however the parcel being reviewed would allow for a residence to be built between two existing homes on a small parcel.

LAND EVALUATION AND SITE ASSESSMENT**Part 1: Site Assessment**

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	0
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	0
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	15
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	0
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	0
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

AVAILABILITY OF PUBLIC SEWER

Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

AVAILABILITY OF PUBLIC WATER

Not available	20	20
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	10
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL**110****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		77	
19C2	Sylvan	Important		72	
19D	Sylvan	Important		72	
19D3	Sylvan	Important		55	
19E3	Sylvan	Non-prime		52	
36A	Tama	Prime		100	
36B	Tama	Prime	23	95	22
36C2	Tama	Prime	3	90	3
36D2	Tama	Important		72	
43	Ipava	Prime	10	100	10
45	Denny	Prime		77	
50	Virden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

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Parcel # 12-26-200-007

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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	77		
280C2	Fayette	Important	72		
280D2	Fayette	Important	72		
280D3	Fayette	Important	55		
284	Tice	Prime*	90		
451	Lawson	Prime*	95		
551F	Gosport	Non-prime	0		
567C	Elkhart	Prime	45	77	35
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 70

GRAND TOTAL 180

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.