

CASE # 2009-17
RESOLUTION NUMBER 6-1

GRANTING A REZONING AND
GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
4600 BLOCK OF STATE ROUTE 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 an amendment and conditional permitted use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

That part of the Southwest quarter of the Northeast Quarter of Section 8 in township 13 North, Range 4 West of the Third Principal Meridian lying north of the right of way of State Route 104

WHEREAS, the Petitioner, **Langheim Concrete Service**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "I1" Restricted Industrial District with a Conditional Permitted Use to allow for a concrete batch plant**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 16, 2009**, 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

MAY 01 2009

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of May, 2009 that the request for a rezoning from "A" Agricultural District to "I1" Restricted Industrial District with a Conditional Permitted Use to allow for a concrete batch plant on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of May, 2009.

Respectfully submitted,

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


TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

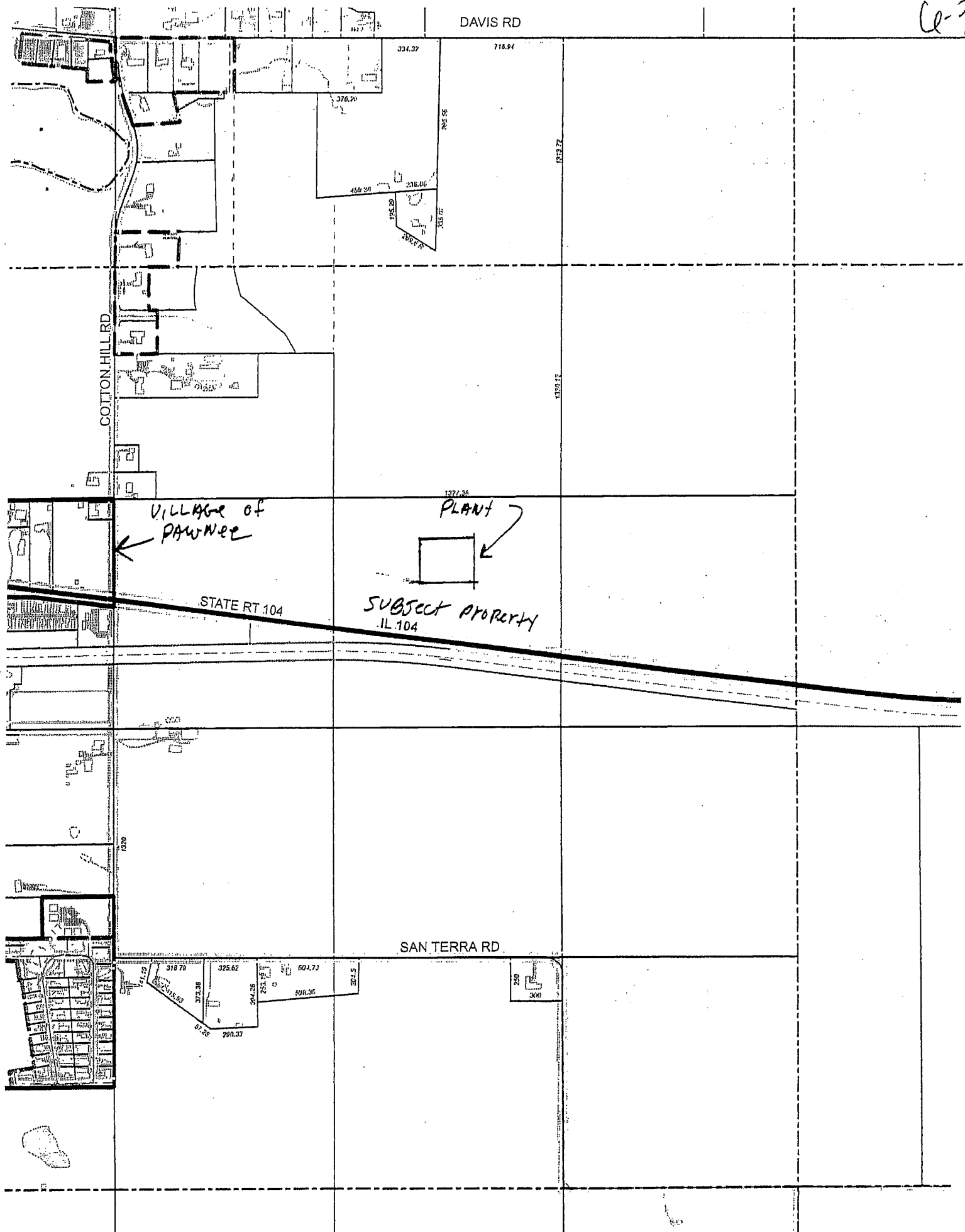

SANGAMON COUNTY CLERK


COUNTY BOARD CHAIRMAN

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DAVIS RD

COTTON HILL RD



334.37

718.94

376.29

459.58

195.29

238.86

238.86

315.95

1327.36

VILLAGE of PAWNEE

PLANT

STATE RT 104

SUBJECT PROPERTY .IL.104

SAN TERRA RD

1370

71.22

318.78

325.62

604.73

304.5

375.08

294.26

255.15

498.36

97.28

290.33

250

100

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: **Andy Goleman**

DOCKET NUMBER: **2009-17**

ADDRESS: **4600 Block of State Route 104, Pawnee, IL 62558**

PETITIONER: **Langheim Concrete Service**

PRESENT ZONING CLASSIFICATION "A" **Agricultural District**

REQUESTED ZONING CLASSIFICATION: "I1" **Restricted Industrial District with a
Conditional Permitted Use to allow for a concrete batch plant**

AREA: **Approximately 21 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the I-1 zoning and CPU to allow for a concrete batch plant. While the property is located over 1,000 feet from the nearest residential structure, there is no other industrial development east of Pawnee and approving an industrial use at this location would start a trend to convert viable agricultural land to industrial uses.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


Cyndi Knowled
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2009-17
Langheim Concrete Service)	
)	PROPERTY LOCATED AT:
)	4600 Block of State Route 104
)	Pawnee, IL 62558
)	

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 **April 16, 2009** 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 **4600 Block of State Route 104, Pawnee, IL 62558** and more particularly described as:

That part of the Southwest quarter of the Northeast Quarter of Section 8 in township 13 North, Range 4 West of the Third Principal Meridian lying north of the right of way of State Route 104

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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 Agriculture.
5. That the proposed land use of said property is Concrete Plant.
6. That the requested rezoning of said property is from "A" Agricultural District to "I1" Restricted Industrial District with a Conditional Permitted Use to allow for a concrete batch plant.
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 approved. .

Charlie Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** to concur with the amended findings of fact and recommend to the County Board that the petition be **approved** which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

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

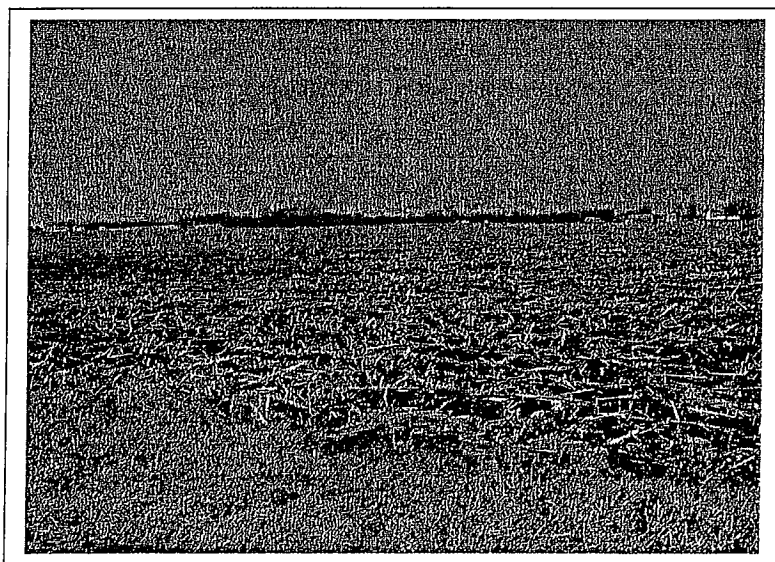
NO:

ABSENT: **Peggy Egizii, Judith Johnson**

Cyndi Knowles
RECORDING SECRETARY

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SSCRPC

Springfield
Sangamon County Regional
Planning Commission**Staff Findings and Recommendation**(inspected 4/1/2009 by MB & AJ)SANGAMON COUNTY ZONING CASE # 2009-17ADDRESS 4600 Block of State Route 104Property Index # Pt. 36-08-200-002PETITIONER Langheim Concrete ServiceREQUESTED ZONING I-1 with a CPU to allow for a concrete batch plant.PROPOSED LAND USE Concrete PlantEXISTING:ZONING ALAND USE CroplandROAD FRONTAGE State Route 104 – 1,340' CONDITION OF PAVEMENT GoodSTRUCTURE DESIGNED FOR N/ACONDITION OF STRUCTURE N/ALOT AREA Approximately 21 acresFRONT YARD N/ASIDE YARDS N/AREAR YARD N/AWould the proposed zoning be spot zoning? Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of I-1 zoning and CPU to allow for a concrete batch plant. While the property is located over 1,000 feet from the nearest residential structure, there is no other industrial development east of Pawnee and approving an industrial use at this location would start a trend to convert viable agricultural land to industrial uses.

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2009-17

Address: 4600 Block of State Route 104

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

There is cropland completely surrounding the property.

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

The property is completely surrounded by agricultural zoning.

- (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 159 indicates the property is considered marginal requiring mitigating factors for non-agricultural development.

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

The subject property sits just east of the Village of Pawnee. Adjacent to the west of the Village of Pawnee on State Route 104 is 15 acres of I-1 zoning. West of Pawnee, the Regional Planning Commission, Zoning Board of Appeals and the County Board approved a 135 acre parcel for I-1 zoning in 1995 and property to the southwest of Pawnee was rezoned to I-1 in 1990. Approving I-1 zoning would begin a trend of development east of Pawnee for land that is agricultural.

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

Case #: 2009-17

Address: 4600 Block of State Route 104

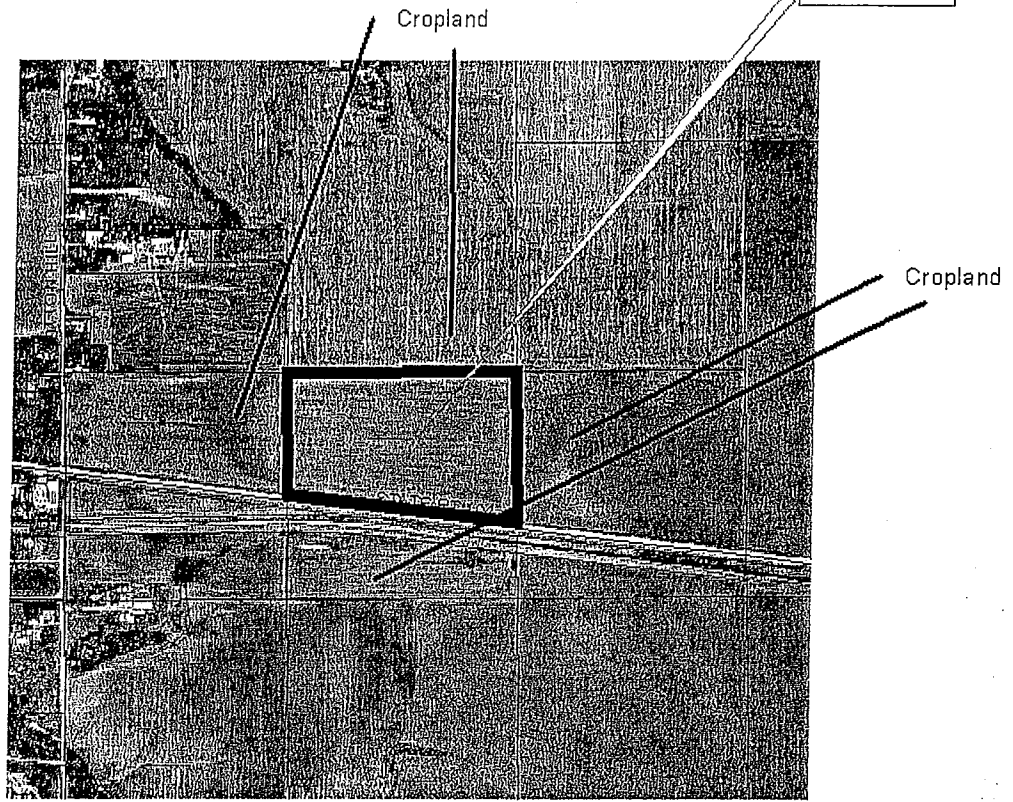
No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (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.
Yes, the subject property sits over 1,000 feet from the nearest residential structure. However, there is no trend of industrial development in the area. Therefore, an industrial use would have a negative effect on the agricultural character of the area.
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.
This appears 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 no foreseen impact.
- (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

County Zoning

Case# 2009-17

Requested:
I-1 & CPU



County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



SSC RUC Springfield Regional Planning Commission
 0 250 500 1,000 Feet

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	5
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	10
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	10
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	10
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	0
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	

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<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	0
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	60
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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>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	85	100	85
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P	5	98	5
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P	10	87	9
86B	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	

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Parcel # Pt. 36-08-200-002

Zoning Case # 2009-17

3077A	Huntsville	P3	87
138A	Shiloh	P2	87
249A	Edinburg	P2	87
242A	Kendall	P2	87
7242A	Kendall	P2	87
134A	Camden	P	87
17A	Keomah	P2	87
3451A	Lawson	P3	75
3107A	Sawmill	P5	75
7075B	Drury	P	75
8396A	Vesser	P2	75
3074A	Radford	P3	75
3073A	Ross	P3	75
3284A	Tice	P3	75
279B	Rozetta	P	75
45A	Denny	P2	75
134B	Camden	P	75
112A	Cowden	P2	75
685B	Middletown	P	75
3405A	Zook	P5	75
131C2	Alvin	P	75
86C2	Osco	I	74
36C2	Tama	I	74
684C2	Broadwell	I	74
119C2	Elco	I	74
119D	Elco	I	74
127C2	Harrison	I	74
119D2	Elco	I	74
567C2	Elkhart	I	74
134C2	Camden	I	74
259C2	Assumption	I	74
685C2	Middletown	I	74
280D2	Fayette	I	74
119D3	Elco	N	74
259D2	Assumption	I	74
212C2	Thebes	I	74
630C2	Navlys	I	74
630D2	Navlys	I	74
630D3	Navlys	I	57
131D2	Alvin	I	57
8D	Hickory	I	50
8D2	Hickory	I	50
280D3	Fayette	I	44
8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

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Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	99
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GRAND TOTAL	159
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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.