

FILED

CASE # 2006-62
RESOLUTION NUMBER 121

DEC 01 2006

Joe Aiello
Sangamon County Clerk

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2860 YOUNG ROAD, MECHANICSBURG
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 and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **John Homeier, South Fork Land Trust**, has petitioned the Sangamon County Board for a **rezoning from "A" Agriculture to "I-2" General Industrial District with a variance to allow the lot depth to exceed 2 ½ times the lot width for 1 parcel to permit the construction of a biodiesel plant; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 16, 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 variance; 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 12th day of December, 2006 that the request to rezone the above described property from "A" Agriculture to "I-2" General Industrial District with a variance to allow the lot depth to exceed 2 ½ times the lot width for 1 parcel to permit the construction of a biodiesel plant is hereby approved.

Signed and passed by the Sangamon County Board in session on this

Respectfully submitted,

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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

Tim Moore

TIM MOORE *for Tim Moore by Brandy Armstrong*

DON STEPHENS

DAVID MENDENHALL

ATTEST:

Joe Bello

SANGAMON COUNTY CLERK

A. Sam Platte

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the South half of the Southwest Quarter of Section 9, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 9; thence North 00 degrees 33 minutes, 57 seconds West on the West line of said Southwest Quarter, 806.43 feet; thence North 89 degrees 17 minutes 39 seconds East, 50.00 feet to the point of beginning.

From said point of beginning; thence continuing North 89 degrees, 17 minutes 39 seconds East 1717.62 feet; thence South 69 degrees 36 minutes 18 seconds East, 116.07 feet; thence South 10 degrees 29 minutes 47 seconds East, 206.34 feet; thence South 34 degrees 24 minutes 33 seconds East, 119.71 feet, thence South 57 degrees 47 minutes 26 seconds East, 267.03 feet; thence South 00 degrees 38 minutes 46 East, 302.76; thence South 89 degrees 30 minutes 26 seconds West, 448.37 feet; thence North 45 degrees, 28 minutes 00 seconds West, 902.62 feet; thence South 89 degrees 17 minutes 39 seconds West, 1067.68 feet; thence North 00 degrees 33 minutes 57 seconds West, 150.00 feet to the point of beginning.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: **David Mendenhall**

DOCKET NUMBER: **2006-62**

ADDRESS: **2860 Young Road, Mechanicsburg, IL 62545**

PETITIONER: **John Homeier, South Fork Land Trust**

PRESENT ZONING CLASSIFICATION: **"A" Agriculture**

REQUESTED ZONING CLASSIFICATION: **"I-2" General Industrial District with a variance to allow the lot depth to exceed 2 1/2 times the lot width for 1 parcel to permit the construction of a biodiesel plant**

AREA: **15.93 acres**


COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Staff recommends denial. A LESA score of 200 considers the property suitable for agricultural use only. Industrial zoning would not be appropriate without the support of public water and sewer and adequate emergency vehicle access. The variance to allow division of the property meets the standards of variation.**

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: **2006-62**
John Homeier, South Fork Land Trust)
)
) PROPERTY LOCATED AT:
) **2860 Young Road,**
) **Mechanicsburg, IL 62545**
)

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 variance** 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 16, 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 **2860 Young Road, Mechanicsburg, IL 62545** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"A" Agriculture.**
- 4. That the present land use of said property is **Agriculture.**
- 5. That the proposed land use of said property is **a site for biodiesel production plant.**
- 6. That the requested **rezoning and variance from "A" Agriculture to "I-2" General Industrial District with a variance to allow the lot depth to exceed 2 ½ times the lot width for 1 parcel to permit the construction of a biodiesel 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 variance** 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 variance** be **approved.**



 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 **Patrick Somers.**

The vote of the Board was as follows:

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

NO:

ABSENT:



 RECORDING SECRETARY

EXHIBIT A

Part of the South half of the Southwest Quarter of Section 9, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 9; thence North 00 degrees 33 minutes, 57 seconds West on the West line of said Southwest Quarter, 806.43 feet; thence North 89 degrees 17 minutes 39 seconds East, 50.00 feet to the point of beginning.

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CASE #: 2006-62
 INDEX #: Pt. 24-09-300-005
 DATE: 10/31/06
 INSPECTED BY: JH LW

ZONING AMENDMENT CHECK LIST

PETITIONER: John Homeier, South Fork Land Trust
 ADDRESS: 2860 Young Road TWP. 15 RANGE 3 W SEC. 9 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE ___ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Buckhart

EXISTING ZONING: A PROPOSED ZONING: I-2 with Variance
 LAND AREA: 15.93 acres ROAD FRONTAGE: 150 Lineal Ft. ROAD COND: Fair

EXISTING LAND USE: Farmland
 PROPOSED LAND USE: A biodiesel production plant

TYPE OF STRUCTURE: Agriculture Building CONDITION OF STRUCTURE: New

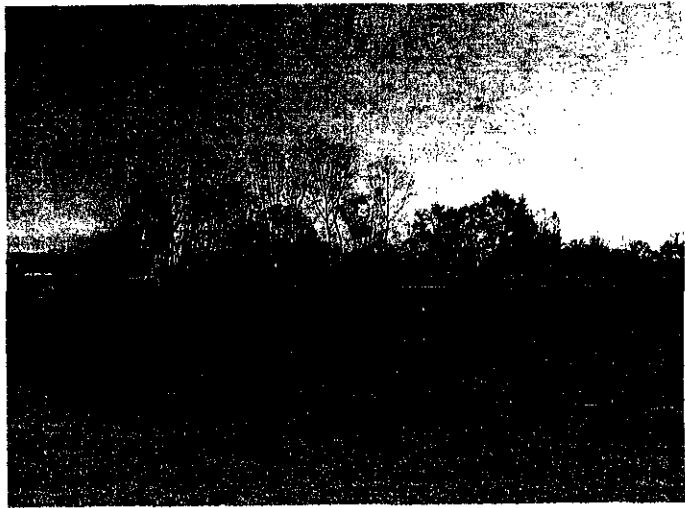
EXISTING YARDS: Front 1680 ft. Side 130/545 ft. Rear 70 ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North Farmland, timberland
 - b. To South Farmland, sand & gravel operation
 - c. To East Sand & gravel operation
 - d. To West Borrow pit lake, gravel extraction

OTHER COMMENTS: A Variance to allow the lot depth to exceed 2 ½ times the lot width for 1 parcel.

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			
	dwelling, density	X			
	school pop.	X			
	traffic volume			X	



RECOMMENDATIONS: Staff recommends denial. A LESA score of 200 considers the property suitable for agricultural use only. Industrial zoning would not be appropriate without the support of public water and sewer and adequate emergency vehicle access. The Variance to allow division of the property meets the standards of variation.



RECOMMENDED FINDINGS OF FACT

Case #: 2006-62

Address: 2860 Young Road

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

There is farmland to the north and south with timberland further north and a sand and gravel operation further south and to the east. To the west is the borrow pit lake for gravel extraction.

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

The area is zoned A-agriculture with I-2 further south for the sand and gravel operation.

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

With a LESA score of 200 the property is considered suitable for agricultural use only. The property is not suitable for other development, because the access road floods, limiting access to the site especially by emergency vehicles.

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

The trend is stable with a long existing sand and gravel business to the west and south. A CPU was granted for a separate sand and gravel operation on the property to the east in 2000.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-62

Address: 2860 Young Road

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

The request is made to facilitate division of the property.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

Because the flood plain requires the building site to be over 1000' from the road, it would be difficult to comply with the lot width to depth ratio.

- (iii) that the variation, if granted, 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.













No

12-11



















County Zoning Case# 2006-62



County Zoning

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

City Zoning

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

0 400 800 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	20
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	10
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	5
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	
18'-20' pavement, 40' ROW	10	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	5
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**125****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		95	
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime		100	
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	55	77	42
134C2	Camden	Important	15	72	11
134D3	Camden	Important		55	
138	Shiloh	Prime		87	
198	Elburn	Prime		100	
199A	Plano	Prime	12	95	11
199B	Plano	Prime	8	90	7
208	Sexton	Prime	5	77	4
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		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	75
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GRAND TOTAL	200
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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.