

CASE# 2012-016
RESOLUTION NUMBER 3-1

GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
6800 BAHR RD., SHERMAN
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, a recommendation of neither approval nor denial by virtue of a 2-2 vote, regarding **an amendment** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See EXHIBIT A

WHEREAS, the Petitioner, **Heartland Worship Center**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-1" Neighborhood Business District**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 17, 2012** 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, by virtue of a 2-2 vote of the Sangamon County Zoning Board of Appeals the resolution comes before the Sangamon County Board with a recommendation of neither approval nor denial;

FILED
JUN 01 2012
Jae Diello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of June, 2012 that the request to rezone the above described property from "A" Agricultural District to "B-1" Neighborhood Business District is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of June, 2012.

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

GREG STUMPF

JASON RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the North half of the Northwest Quarter of Section 30, Township 17 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Beginning at the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 30 thence West on the Quarter Quarter Section line 332.76 feet to the East right of way line of F.A.I. Route 55; thence deflecting to the right 97 45' 46", 155.78 feet; thence deflecting to the left 6 15' 06", 225.29 feet; thence deflecting to the right 98 31' 34", 198.59 feet; thence deflecting to the left 24 10' 33", 128.16 feet; thence deflecting to the left 28 54' 44", 133.78 feet; thence deflecting to the left 11 10' 29", 64.53 feet; thence deflecting to the right 86 14' 56", 330.36 feet; thence deflecting to the right 90 00' 00", 406.63 feet; thence deflecting to the right 57 58' 36", 214.00 feet to the point of beginning, containing 6.03 acres, more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: **Todd Smith**

DOCKET NUMBER: **2012-016**

ADDRESS: **6800 Bahr Rd., Sherman, IL. 62684**

PETITIONER: **Heartland Worship Center**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District –
AMENDED ON RECORD: to change
request to “B-1” Neighborhood Business
District.**

AREA: **6.03 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Approval of the requested B-3 zoning as there is an existing commercial structure on the property and the likelihood of the property ever being farmed under the current Agricultural zoning is highly unlikely. The portion of the property that contains the existing structure is elevated from the majority of the property, which sits in the floodplain. Also, the Land Evaluation and Site Assessment score of 115 indicates the property is acceptable for non-agricultural development. Staff recognizes that technically this would be considered spot zoning, however there is I-1 zoning adjacent to the southeast of the subject parcel. Given the close proximity of the two parcels, there appears to be a trend for more intense zoning.**

Additionally, the Sherman Comprehensive Plan does not identify the existing or future uses of the subject property.

NOTE: The staff recommendation remains unchanged following the Petitioner's action to amend the petition to request B-1 zoning. The Findings of Fact were met for the originally requested B-3 zoning. As such, the Findings of Fact continue to be met for B-1 zoning.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Neither approval nor denial due to a 2-2 vote.



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-016
Heartland Worship Center)	
)	PROPERTY LOCATED AT:
)	6800 Bahr Rd.
)	Sherman, IL. 62684

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 **May 17, 2012** 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: **6800 Bahr Rd., Sherman, IL.** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **a vacant building previously used as a church.**
- 5. That the proposed land use of said property is **a possible commercial business.**
- 6. That the requested **rezoning** of said property is **from "A" Agricultural District to "B-1" Neighborhood Business District.**
- 7. That the findings and standards of the Springfield-Sangamon County Regional Planning Commission Staff which were presented to the Sangamon County Zoning Board of Appeals are accurately stated on the attached exhibit(s).
- 8. By virtue of a 2-2 vote, this matter comes before the County Board with a recommendation neither to approve nor to deny.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to recommend **approval** of this petition, which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Don Wulf, Charles Chimento**

NO: **Judith Johnson, John Lucchesi**

ABSENT: **Byron Deaner, Peggy Egizii, Maryin Traylor**

Cyndi Knorolch
RECORDING SECRETARY

SPRINGFIELD- SANGAMON COUNTY REGIONAL
PLANNING COMMISSION STAFF'S
RECOMMENDED - FINDINGS OF FACT

Case #: 2012-016

Address: 6800 Bahr Road, Sherman

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

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

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

To the southeast is I-1 and R-1. To the southwest is R-1, R-2 and B-3. To the west, north and east is 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 115 indicates the property is deemed acceptable for non-agricultural development.

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

The area has remained residential in character. Property to the southwest was rezoned to B-3 in 1971. Property to the southeast was rezoned to R-1 in 2003.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

Available
Points PointsAGRICULTURAL/RURAL LAND WITHIN .5 MILE

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

CONTIGUOUS AGRICULTURAL/RURAL LAND

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

PERCENTAGE OF SITE AGRICULTURAL/RURAL

75-100%	10	
50-74%	5	5
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	10
25-49%	5	
Less than 25% or sewer available	0	

ENVIRONMENTAL IMPACT OF PROPOSED USE

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

IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES

Negative impact	10	0
No impact	0	

CONDITION OF ROAD

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

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

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

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

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

SITE ASSESSMENT TOTAL		55
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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		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
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		87	
86B	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	

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	45	75	34
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	5	75	4
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	
280C2	Fayette	I	10	72	7
119D3	Elco	N	20	74	15
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				

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	60
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GRAND TOTAL	115
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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.