

CASE # 2009-1351
RESOLUTION NUMBER 51

DENIAL OF REZONING
GRANTING OF USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
12,790 FISHBURN 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 **grant a use variance to the Sangamon County Zoning Ordinance** with respect to the following described property, to-wit:

The West ½ of the West ½ of the Northeast Quarter of the Southeast Quarter of Section 15, Township 15 North, Range 3 West, of the Third Principal Meridian.

WHEREAS, the Petitioner, **Bi - Petro**, has petitioned the Sangamon County Board for a rezoning from **“A” Agricultural District to “I-1” Restricted Industrial District to allow for an oil drilling company (field storage);** and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 19, 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 **deny the rezoning and approve the use variance;** and

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

FILED

APR 02 2009

Jae Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 15th day of April, 2009 that the request for rezoning the above described property from "A" Agricultural District to "I-1" Restricted Industrial District to allow for an oil drilling company (field storage) is hereby denied but in the alternative to approve a use variance.

Signed and passed by the Sangamon County Board in session on this 15th day of April, 2009.

Respectfully submitted,

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

TIM MOORE, CHAIRMAN

Abe Forsyth

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

Joe Diello

SANGAMON COUNTY CLERK

A. Sam Steuber

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2009-13

ADDRESS: 12,790 Fishburn Road, Mechanicsburg, IL 62515

PETITIONER: Bi - Petro

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District

AREA: 10 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the I-1 zoning. Even though the LESA score of 177 indicates the property shall be considered suitable for agricultural use only, there is no tillable acreage on the subject property and it has been used as an oil company for over 30 years. Returning the property to productive farmland is likely to require extensive site remediation. Agricultural zoning does not appear to be appropriate on this parcel.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial of I-1 zoning and approval of a use variance.

Cyndi Krozales
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2009-13
Bi - Petro)	
)	PROPERTY LOCATED AT:
)	12,790 Fishburn Road
)	Mechanicsburg, IL 62515
)	

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 **March 19, 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 **12,790 Fishburn Road, Mechanicsburg, IL 62515** and more particularly described as:

The West ½ of the West ½ of the Northeast Quarter of the Southeast Quarter of Section 15, Township 15 North, Range 3 West, of the Third Principal Meridian.

- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **Storage for oil company (field supply).**
- 5. That the proposed land use of said property is **Existing use continued.**
- 6. That the requested **rezoning** of said property is **from "A" Agricultural District to "I-1" Restricted Industrial District to allow for an oil drilling company (field storage).**
- 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 not** support the proposition that the adoption of the proposed **amendment** 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 denied but in the alternative grant a use variance.**

Charles Chimento /cc
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied of the rezoning but approved for a use variance** which was duly seconded by **Peggy Egizii.**

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor

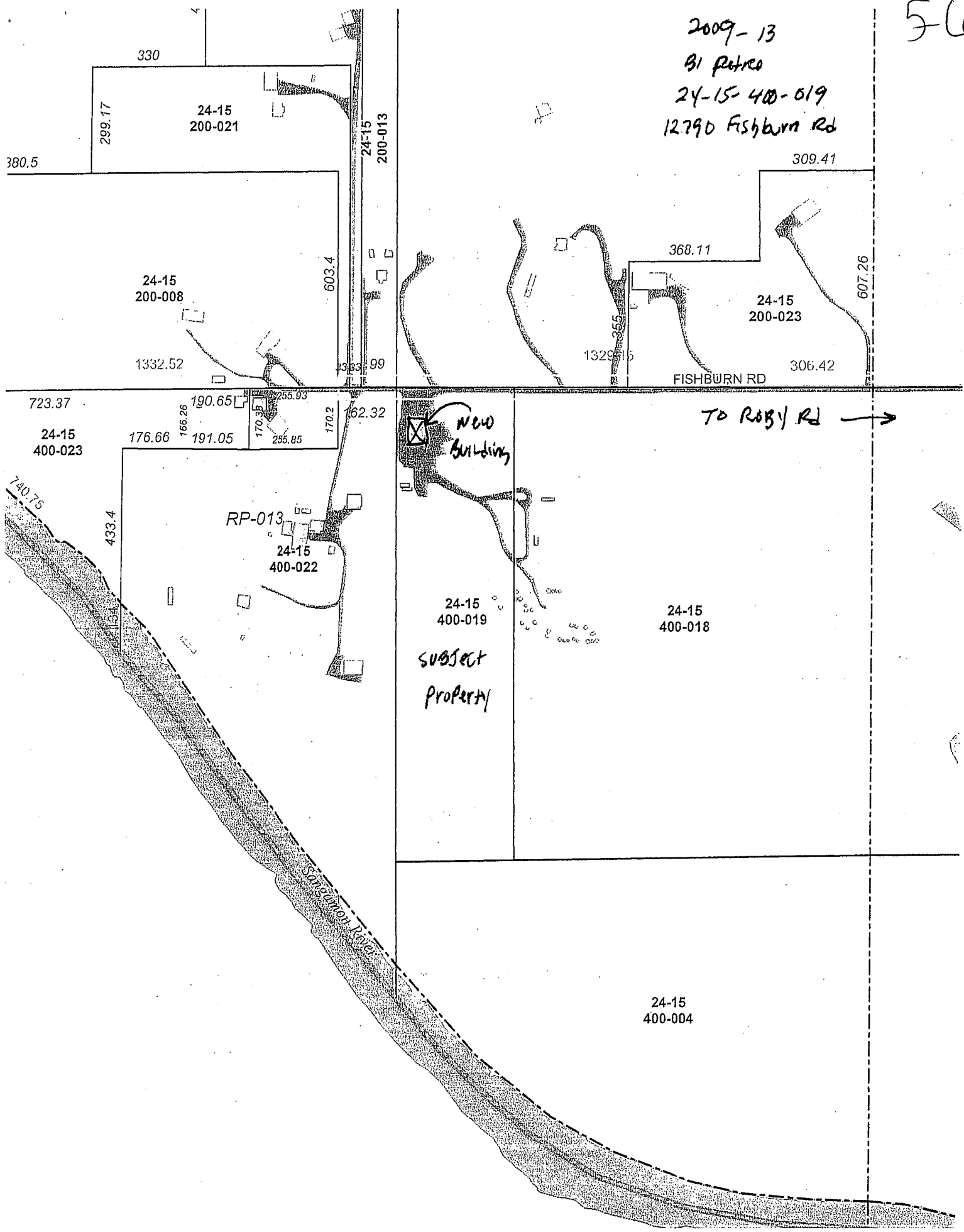
NO:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

56

2009-13
91 Petrol
24-15-400-019
12790 Fishburn Rd



NEW BUILDING

SUBJECT PROPERTY

TO ROBY RD →

RP-013

24-15
400-004

24-15
200-021

24-15
200-008

24-15
200-023

24-15
400-023

24-15
400-022

24-15
400-019

24-15
400-018

330

299.17

380.5

24-15
200-013

309.41

603.4

368.11

1332.52

1329.15

306.42

607.26

FISHBURN RD

723.37

190.65

255.93

162.32

176.66

166.26

170.35

255.85

433.4

740.75

134.1

0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00

Sagehen River

57

SSCRPC Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation
(inspected 3/2/09 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-13
ADDRESS 12,790 Fishburn Road
Property Index # 24-15-400-019

PETITIONER Bi-Petro

REQUESTED ZONING I-1

PROPOSED LAND USE Storage for oil company

EXISTING:

ZONING A

LAND USE Storage for oil company

ROAD FRONTAGE Fishburn Road – 330' CONDITION OF PAVEMENT Poor

STRUCTURE DESIGNED FOR Quonset Hut (Under Construction)

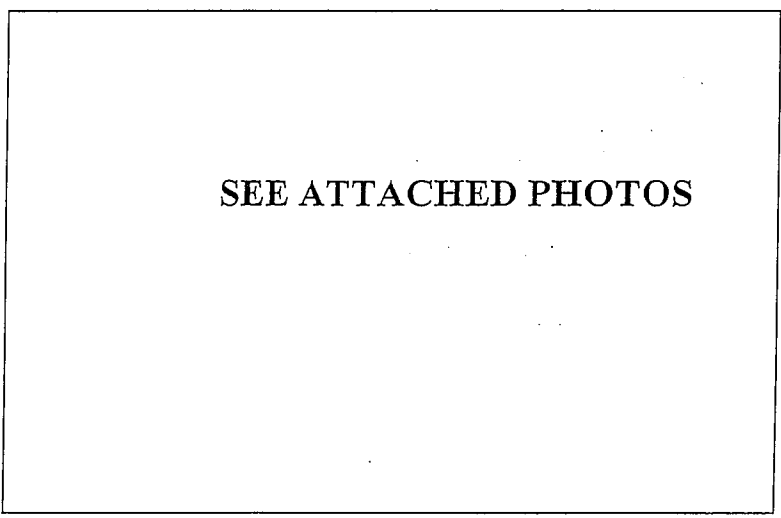
CONDITION OF STRUCTURE N/A

LOT AREA 10 acres

FRONT YARD Varied

SIDE YARDS Varied

REAR YARD Varied

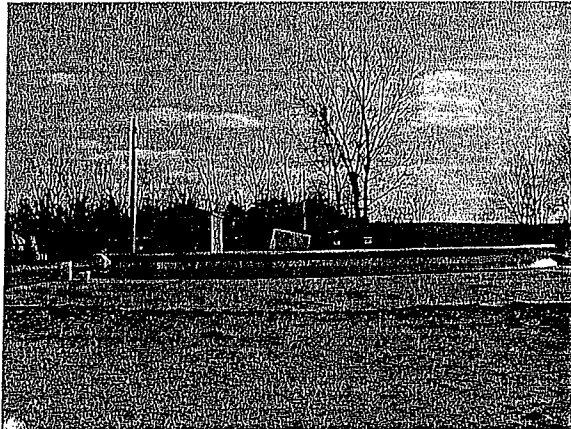


Would the proposed zoning be spot zoning? Yes

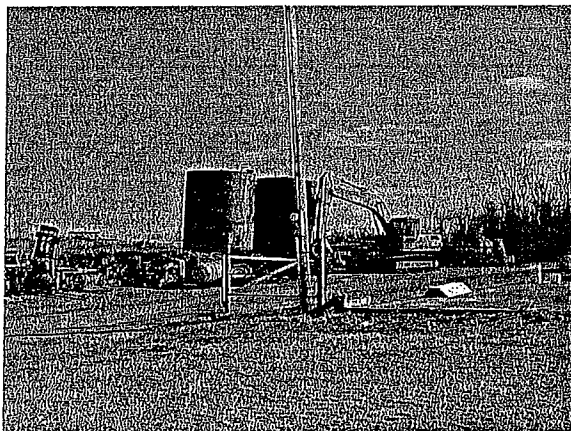
PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the I-1 zoning. Even though the LESA score of 177 indicates the property shall be considered suitable for agricultural use only, there is no tillable acreage on the subject property and it has been used as an oil company for over 30 years. Returning the property to productive farmland is likely to require extensive site remediation. Agricultural zoning does not appear to be appropriate on this parcel.

Case #: 2009-13

Address: 12,790 Fishburn Road



2009-13



2009-13

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2009-13

Address: 12,790 Fishburn Road

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

To the west is a single family residence. To the north is a single family residence, mobile home and shed. To the east is cropland. To the south is timber.

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

The property is completely surrounded by agricultural zoning. Further northeast is I-1 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 177 indicates the property shall be considered suitable for agricultural use only; however, the land has been the location of an oil company for over 30 years. Returning the land to productive farmland is likely to require extensive site remediation.

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

The area has remained stable with some residences constructed in the area. Further north in 1987 a use variance for an automobile restoration company.

County Zoning

Case# 2009-13

Requested:
I-1

Single Family Residence

Mobile Home and Shed

Cropland

Single Family Residence

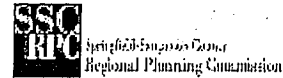


County Zoning

	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



0 150 300 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	10
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	5
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	
25-49%	5	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	15
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	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	5
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	110
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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	Viriden	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		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	55	75	41
86C2	Oscos	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	45	57	26
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				

5-14

Parcel # 24-15-400-019

Zoning Case # 2009-13

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	67
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GRAND TOTAL	177
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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.