

PUBLIC HEARING LEGAL NOTICE

The Charleston Board of Zoning Appeals and Planning will conduct a Public Hearing on Thursday, February 15, 2024 at 7:00 P.M. in the City Council Chambers of City Hall, 520 Jackson Avenue, Charleston, Illinois, to consider the petition of the City of Charleston for:

Zoning Map Amendment (from the RE Residential Estates Zoning District, A Agricultural Zoning District and I-1 Light Industrial Zoning District to GOVT - Government Zoning District).

All on a tract of land described as:

1.) A part of the Southeast Quarter (SE. $\frac{1}{4}$) of Section Nine (9), Township Twelve (12) North, Range Nine (9) East of the Third Principal Meridian, described as follows: Beginning at an iron pipe in the West line of the Southeast Quarter (SE. $\frac{1}{4}$) of said Section Nine (9), 851' Northerly of the Southwest Corner of the Southeast Quarter (SE. $\frac{1}{4}$) of said section Nine; thence continuing Northerly along the said West line of Section Nine (9), 1200.0'; thence Easterly making an interior angel of 90° 00' with the last described course, 1800.0' to an iron pipe; thence Southerly making an interior angle of 90° 00' with the last described course, 1881.9' to an iron pipe in the approximate Northerly ROW Line of the Norfolk and Western Railroad; thence in a Southwesterly direction along the said Northerly ROW line, 264.25' to an iron pipe at the approximate intersection of the said Northerly ROW line of the Norfolk and Western Railroad and the Northerly ROW line of the Central Illinois Public Service Property (formerly the Central Illinois Traction Company); thence in a Northwesterly direction, along the Northerly line of said Central Illinois Public Service Property, to the place of beginning, all situated in Charleston Township, Coles County, Illinois, and containing 67.153 acres, more or less.

Also known as P.I.N. 02-1-00279-000 (1200 W Madison Avenue); and

2.) All that part of the Southwest Quarter (SW. $\frac{1}{4}$) of the Southwest Quarter (SW. $\frac{1}{4}$) of Section Ten (10), Township Twelve (12) North, Range Nine (9) East of the Third Principal Meridian, that lies North and West of the right of way of the Toledo, St. Louis and Western Railroad Company;

And, Lot Eight (8) of Assessor's Subdivision of the Southwest Quarter (SW. $\frac{1}{4}$) of Section Ten (10), Township Twelve (12) North, Range Nine (9) East of the Third Principal Meridian, except beginning at a point on the North line of Lot Eight (8), 400 feet slightly Northwest of the Northeast corner of Lot Eight (8), thence South 272 feet, thence West 102 feet, thence North 306 feet, thence slightly in a slightly in a southeasterly direction 108 feet to the place of beginning; and also excepting a part of said Lot Eight (8) described as commencing at the Northeast corner of said Lot Eight (8), thence North 70 degrees 8 minutes 51 seconds West of a distance of 42.433 feet to the place of beginning, being the intersection of the West right of way of Reynolds Drive and the South right of way of Madison Avenue, thence North 70 degrees 8

minutes 51 seconds West along the North line of said Lot Eight (8) and the South right of way line of Madison Avenue a distance of 377.13 feet, thence South 0 degrees 21 minutes 16 seconds West a distance of 345.88 feet, thence South 89 degrees 38 minutes 44 seconds East a distance of 355.50 feet, thence North 0 degrees 21 minutes 16 seconds East along the West right of way line of Reynolds Drive a distance of 220.0 feet to the place of beginning.

And except the following described tracts of land: Part of the Southwest Quarter (SW. $\frac{1}{4}$) of Section Ten (10), Township Twelve (12) North, Range Nine (9) East of the Third Principal Meridian, described as beginning at the intersection of the North line of the Toledo, St. Louis and Western Railroad and the West line of "H" Street, thence North along said West line 532 feet, thence deflecting to the left 90 degrees 0 minutes a distance of 650 feet, thence deflecting to the left 90 degrees 0 minutes a distance of 812 feet to the North line of said railroad, thence Northeasterly along said North line of said railroad, a distance of 724.5 feet to the place of beginning; and except beginning at the intersection of the North line of the Toledo, St. Louis and Western Railroad and the West line of Reynolds Drive (Formerly "H" Street), thence North along said; West side 532 feet, thence deflecting to the left 90 degrees a distance of 385.5, thence deflecting to the right 20 degrees 0 minutes, 713.23 feet, thence deflecting 70 degrees 0 minutes, left to the South 1,159.5 feet, thence deflecting East, North, East, 17 degrees 0 minutes, 424 feet; thence Northeastward to the given North line of said railroad, to the starting point.

Also, all that part of the Southeast Quarter (SE. $\frac{1}{4}$) of Section Nine (9), Township Twelve (12) North, Range Nine (9) East of the Third Principal Meridian, lying South of the Cleveland, Cincinnati, Chicago and St. Louis Railroad, and North of the right of way of Central Illinois Public Service Company, known as Mattoon City Railroad, except the right of way of Toledo, St. Louis and Western Railroad; and except all that part of the Southeast Quarter (SE. $\frac{1}{4}$) of the Southeast Quarter (SE. $\frac{1}{4}$) of Section Nine (9), lying South of the Toledo, St. Louis and Kansas City Railroad Company, right of way, and North of the Central Illinois Traction Company right of way, and except:

A part of the Southeast Quarter (SE. $\frac{1}{4}$) of said Section Nine (9), described as follows: Beginning at an iron pipe in the West line of the Southeast Quarter (SE. $\frac{1}{4}$) of said Section Nine (9), 851 feet Northerly of the Southwest corner of the Southeast Quarter (SE. $\frac{1}{4}$) of said section, thence continuing Northerly along the said West line of said section, 1200.00 feet, thence Easterly making an interior angle of 90 degrees 00 minutes with the last described course, 1800 feet to an iron pipe, thence Southerly making an interior angle of 90 degrees 00 minutes with the last described course, 1881.9 feet to an iron pipe in the approximate northerly right of way line of the Norfolk and Western Railroad, thence in a Southwesterly direction along the said Northerly right of way line, 264.25 to an iron pipe at the approximate intersection of the said Northerly right of way line of the Norfolk and Western Railroad, and the Northerly right of way line of the Central Illinois Public Service Property (formerly the Central Illinois Traction Company), thence in a Northwesterly direction, along the Northerly line of said Central Illinois Public Service Property, to the place of beginning; and,

Except the North 40 feet of the East 865 feet of that part of the Northeast Quarter (NE. $\frac{1}{4}$) of the Southeast Quarter (SE. $\frac{1}{4}$) of Section (9), Township Twelve (12) North, Range Nine (9) East of the Third Principal Meridian, lying South of the Penn-Central Railroad (formerly the Cleveland, Cincinnati and St. Louis Railroad), except that part of the above-described tract now dedicated for road way purposes, all situated in the County of Coles and State of Illinois; and

Except part of the Northeast Quarter (NE. $\frac{1}{2}$) of the Southeast Quarter (SE. $\frac{1}{4}$) of Section Nine (9), Township Twelve (12) North, Range Nine (9) East of the Third Principal Meridian, described as follows:

Commencing at the point of intersection of the South right-of-way line of the Penn Central Railroad and the West right-of-way line of the public road known as Decker Springs Road, thence azimuth 179 degrees 48 minutes 35 seconds a distance of 40.00 feet to an iron survey marker set being the point of beginning; thence continue azimuth 179 degrees 48 minutes 35 seconds a distance of 320.00 feet to an iron survey marker set, thence azimuth 267 degrees 48 minutes 19 seconds a distance of 805.00 feet to an iron survey marker set, thence azimuth 359 degrees 48 minutes 35 seconds a distance of 320.00 feet to an iron survey marker set, thence azimuth 87 degrees 48 minutes 19 seconds a distance of 805.00 feet to the point of beginning, situated in Coles County, State of Illinois.

Also known as P.I.N. 02-1-00286-000 and P.I.N. 02-1-03922-000 (1231 W Madison Avenue).

The public hearing will also be broadcast at the following link: **charlestonillinois.org** (agendas, packets and videos for City Council and BZAP)

Interested parties can participate in any of the following 3 ways:

1. Submission of written comments before the public hearing:

- Written comments may be emailed to **City Clerk Deborah Muller at cityclerk@co.coles.il.us**
- Written comments received by 5:00 p.m. on Friday, February 9, 2024 will be included in the meeting packet sent to the Board of Zoning Appeals and Planning. This meeting packet is also posted on the City's website: **www.charlestonillinois.org**
- Written comments received after 5:00 p.m. on February 9, 2024 through 5:00 p.m. on February 14, 2024 will be emailed directly to the Board of Zoning Appeals and Planning but will not be included in the meeting packet or posted on the City's website.
- Written comments received after 5:00 p.m. on February 14, 2024 will be added to the case file.

2. Participation during the public hearing:

- If you wish to provide comment, testimony, questions, or cross examination on a petition, or otherwise address the BZAP on any public hearing matter before it, please email Deborah Muller, City Clerk at the following email addresses to register your participation before 5:00 p.m. on the day of the hearing: cityclerk@co.coles.il.us Alternatively, you may obtain a registration form outside the public hearing room, fill the form out, and place it in the registration form box, which will be brought to the dais prior to the meeting.
- Individuals who do not wish to speak during the public hearing may simply indicate whether they support or are opposed to the application. The individual's name and their position on the application will be read aloud into the record at the hearing. Any written comments submitted by an individual in conjunction with their position will also be read into the record, subject to compliance with the City's public comment and public hearing rules and procedures.
- Individuals who register to speak in advance will receive an email from City staff with information about how to join the meeting.
- Individuals who fail to register in advance may participate in the hearing by following the instructions provided on the meeting agenda.

3. Other methods of participation: Any individual who would like to listen to the meeting by telephone or who may require an accommodation to listen to or participate in the meeting, should contact the **City Clerk Deborah Muller at 217-345-5650 and/or email cityclerk@co.coles.il.us** as soon as possible.

To request a copy of the proposed zoning map amendment and/or conditional use permit or questions regarding the proposed zoning map amendment and/or conditional use permit, please contact the City of Charleston City Planner at 217-345-5650. Members of the public may be heard at the public hearing.


/s/ Deborah Muller
City Clerk

City of Charleston

Section 1-2

APPLICATION TO APPEAR BEFORE THE CHARLESTON BOARD OF ZONING APPEALS AND PLANNING

1. APPLICANT INFORMATION:

APPLICANT: City of Charleston  DATE: 1/6/2024
(print name) (signed)
ADDRESS: 520 Jackson Avenue PHONE No.: 217-345-5650
CITY / STATE / ZIP: Charleston, IL 61920

2. TYPE OF APPLICATION:

(Check applicable box(es) and provide responses to corresponding exhibits attached herein. Please refer to the Charleston City Code for required information for sections that do not have specific exhibits included in this packet.)

Zoning Variance (exhibit 1)	<input type="checkbox"/>	Planned Unit Development	<input type="checkbox"/>
Conditional Use Permit (exhibit 2)	<input type="checkbox"/>	Major Subdivision	<input type="checkbox"/>
Zoning Map Amendment (exhibit 3)	<input checked="" type="checkbox"/>	Appeal of Code Official's Decision	<input type="checkbox"/>
Zoning Text Amendment (exhibit 3)	<input type="checkbox"/>		
Other (Please Describe):	<hr/>		

Brief Project Description:

Zoning map amendment from A, RE and I-1 to GOVT

Zoning Classification: A, RE and I-1

3. REQUIRED DOCUMENTS (TO BE PROVIDED BY THE APPLICANT):

- A. Street Address of the Subject Property: 1200 W Madison Avenue and 1231 W Madison Avenue
- B. Subject Property Legal Description (to be provided to the City in electronic format as a Microsoft Word Document / email the subject property's legal description to: cityplanner@co.coles.il.us)
- C. Letter of Intent (a one page description of the project and the why the request is necessary)
- D. Plans ("blueprints" or similar plan sheets showing as applicable: site plan, elevations, floor plan)
- E. Provide any additional information as required and detailed in the Charleston City Code or as requested by the Charleston Code Official

FOR OFFICE USE ONLY			Application Number: _____		
Submitted Date:	Sent to Publish:	Published Date:	Hearing Date:	To Council Date:	Affected Zoning:

January 2015

4. OWNER INFORMATION:

A. Do you own this property fee simple (if yes, check yes and skip to #5)?

YES: ☒NO: ☐

B. If the applicant is not the owner of this property please provide the following:

OWNER *: City of Charleston 
(print name) (signed)

DATE: _____

ADDRESS: 520 Jackson AvenuePHONE No.: 217-345-5650CITY / STATE / ZIP: Charleston, IL 61920

C. If the property is owned by a land trust, who has beneficial interest in this property?

TRUST NAME *: _____

DATE: _____

ADDRESS: _____

PHONE No.: _____

CITY / STATE / ZIP: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

** If Owner(s) is different than the Applicant, please attach a letter from the Owner(s) authorizing submittal of this Application to the Charleston Board of Zoning Appeals and Planning.*

5. APPLICANT'S REPRESENTATIVE:

If the applicant is planning to be represented by a third party for purposes of this application and to appear on behalf of the applicant at the Charleston Board of Zoning Appeals and Planning meetings, please provide the Representative's contact information below:

REPRESENTATIVE: Steve Pamperin 
(print name) (signed)DATE: 1/6/2024REPRESENTATIVE'S FIRM NAME (IF APPLICABLE) City of CharlestonADDRESS: 520 Jackson AvenuePHONE No.: 217-345-5650CITY / STATE / ZIP: Charleston, IL 61920



Date: January 20, 2024

Charleston Board of Zoning Appeals and Planning

Re: Letter of Intent Zoning Map Amendment 1200 and 1231 W Madison Avenue
Parcel 02-1-00279-000, 02-1-00286-000 and 02-1-03922-000

The City of Charleston is requesting a zoning map amendment to “re-zone” the aforementioned properties to GOVT – Government Zoning District on the official zoning map. This request will update the official zoning map to be consistent with uses located on these city owned properties.

The Unified Development Code states: “The purpose of the GOVT government district is to ensure that the development and use of land is consistent with governmental purposes. All uses authorized by the governmental unit shall be allowed except as limited by federal aviation administration regulations. All governmental owned property shall be classified as being in the government district.”

The current zoning for the properties includes a combination of: A – Agricultural, RE – Residential Estates and I-1 Light Industrial.

The current use of the properties includes the city’s Waste Water Treatment Plant / Leaf and Limb drop off site / Pump House (02-1-00279-000) and the city’s Police and Fire Training Facility and vehicle impound storage (02-1-0026-000). The city is also using some of the property for agricultural activities (02-1-0026-000 and 02-1-03922-000).

The city is proposing to install an approximately 3-acre solar array (solar garden) system to serve the Waste Water Treatment Plant and the WWTP “Pump Round House”. Solar Gardens under 10 acres in size are a permitted use in the GOVT Zoning District.

Some of the uses near these city owned properties include: agricultural use, mobile home park, single family homes, industrial / commercial uses, railroad tracks and the Coles County Fairgrounds.

Thank you for your consideration of this request.

Sincerely,

Steve Pamperin
City Planner

EXHIBIT 3 – Text and Zoning Map Amendments *(Refer to 10-4-3 (B) of the Charleston City Code)*

Text And Zoning Map Amendments: All amendments to the text of this title and zoning map amendments follow the type 3 review process as described in subsection 10-4-1(C) of the City Code.

1. **Purpose:** The council may, from time to time, on its own motion or on petition, amend, supplement, or change, by ordinance, the zoning map or development regulations in this title to better provide for the public health, safety and welfare of the city.
2. **Applicability:** An owner of real property within the city, or that owner's authorized representative, may apply for a change in zoning district boundaries (rezoning) for that landowner's property, or an amendment to the text of this title. The board of zoning appeals and planning, city manager or the city council also may initiate such amendments.
3. **Application and Procedures:** The applicant shall file an application with the required information listed in the City Code.
4. **Review Criteria:** Changes to the text of this title or the zoning map shall not become effective until after review and study by the board of zoning appeals and planning and the city council who shall consider the following review criteria, as applicable, to determine whether the change should be approved:

These items (a-i) should be addressed in the application:

- a. The existing zoning was in error at the time of adoption; or

The existing zoning was not in error, but the use of the property is suited for the GOVT zoning district e.g. WWTP and Police and Fire Training Facility / Solar Arrays and other GOVT uses. Solar Array Systems are a permitted use in the GOVT zoning district.

- b. The proposed change is consistent with, and in furtherance of, the implementation of the goals and objectives of the comprehensive plan, other adopted plans, and the policies, intents and requirements of this title and other city regulations and guidelines; or

A goal of the 2020 Comprehensive Plan is to: "Promote environmentally conscience alternatives for water water management processes, recycling and renewable resources strategies". More specifically, the plan recommends to "consider renewable energy solutions for city facilities." In order to meet this goal and recommendation, the zoning map amendment is necessary to permit existing infrastructure uses and the proposed solar arrays at this location.

- c. There is a community need for and benefit from the proposed change; or

As detailed in the comprehensive plan, there is a community benefit for the installation of innovative processes like solar array systems to compliment the existing power needs at the WWTP facility.

d. The proposed change is consistent with the character of the affected area; or

The WWTP has been in operation at this location for many decades and is an existing use. The proposed GOVT district is consistent with the character of the area and existing uses.

e. The proposed zoning is compatible with the zoning and uses of property nearby; or

The zoning districts nearby include Agricultural, Manufactured Home, Residential Estates, Heavy Industrial and Light Industrial and local railroad tracks. Nearby uses include, agriculture, mobile home park, industrial uses, and residential uses. The GOVT district is compatible with the zoning and uses nearby.

f. The existing zoning is suitable for the development of the uses authorized under the existing zoning classification, will be conducive to proper community planning, and is a logical extension of an existing urban area or growth center; and

Solar arrays are not a permitted use in the RE and the I-1 Zoning district. The proposed GOVT district permits solar gardens (less than 10 acres) and other uses already at the properties (i.e WWTP, Police and Fire Training Facility and city owned farm ground.) All properties that are considered in this request are owned by the City of Charleston and currently used for GOVT purposes.

g. Public and community facilities, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal, are available and adequate to serve uses authorized under the proposed zoning; and

All community facilities are currently present at this location. A new solar garden system and related infrastructure will need to be installed. The area has fire and police coverage, roads, access and other community facilities are present.

h. Authorized uses will not adversely affect the capacity or safety of the street network in the vicinity of the property; and

GOVT related uses will not adversely effect the capacity of safety of the street network. Madison Avenue currently serves these properties.

i. Potential environmental impacts (e.g., excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

As it relates to the installation of the proposed solar garden system, all potential environmental impacts will be studied and mitigated as necessary.

