

CASE# 2016-031 4-1
RESOLUTION NUMBER _____

GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
3300 J DAVID JONES PARKWAY, SPRINGFIELD
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 Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Illico Incorporated**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a tavern**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 2016** 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 Conditional Permitted Use**; and,

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

FILED

OCT 28 2016

Don J. May
Sangamon County Clerk

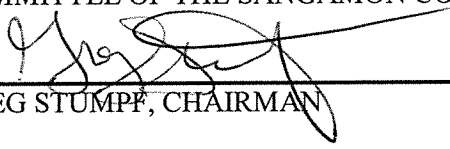
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of November, 2016** that the request for a **Conditional Permitted Use** for a tavern on the above described property is hereby approved with the following conditions:

- (1) The tavern is limited to no more than 700 square feet as per the Building's Existing Floor Plan submitted with the petition;
- (2) The hours of operation are limited to the Sangamon County liquor license; and,
- (3) No live entertainment or outdoor seating are allowed.

Signed and passed by the Sangamon County Board in session on this **9th day of November, 2016.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

4-3

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the West Half of the Southeast Quarter of Section 9, Township 16 North, Range 5 West of the Third Principal Meridian, in Sangamon County, Illinois, being described as follows:

Commencing at an iron pin in the concrete pavement at the Northwest corner of the Southeast Quarter of Section 9; thence South 00 degrees 02 minutes 14 seconds West 846.56 feet along the Quarter Quarter Section line; thence South 89 degrees 15 minutes 36 seconds East 35.21 feet to the true Point of Beginning; thence South 89 degrees 15 minutes 36 seconds East 278.81 feet to an iron pin; thence South 00 degrees 02 minutes 14 seconds West 317.65 feet to an iron pin; thence North 89 degrees 55 minutes 00 seconds West 207.83 feet to an iron pin; thence North 53 degrees 10 minutes 34 seconds West 88.60 feet to an iron pin; thence North 00 degrees 02 minutes 14 seconds East 267.84 feet to the point of beginning.

EXCEPT THEREFROM a tract conveyed by Deed recorded June 29, 2016 as Document 2016R16729 and described as follows:

Beginning at a set iron pin marking the Southwest corner of Lot 2 in Hinds Minor Subdivision, recorded as Document Number 91017868; thence North 89 degrees 22 minutes 06 seconds East on the South line of said Lot 2, a distance of 163.84; thence South 01 degrees 08 minutes 23 seconds East, 29.38 feet to a set iron pin; thence South 89 degrees 22 minutes 06 seconds West, 121.66 feet to a set iron pin; thence North 55 degrees 56 minutes 35 seconds West, 51.62 feet to the point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in SANGAMON COUNTY, ILLINOIS.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 17 NAME: **Annette Fulgenzi**

DOCKET NUMBER: **2016-031**

ADDRESS: **3300 J David Jones Parkway, Springfield, IL 62707**

PETITIONER: **Illico Incorporated**

PRESENT ZONING CLASSIFICATION: **B-3 General Business District with a CPU for package liquor.**

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a tavern.**

AREA: **1.9 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use with the following conditions: (1) the tavern is limited to no more than 700 square feet, as per the Building Existing Floor Plan submitted with the petition; (2) the hours of operation are limited to the Sangamon County liquor license; and, (3) no live entertainment or outdoor seating are allowed. The petitioner is requesting the Conditional Permitted Use for a tavern to be located in the restaurant area of the existing building.**

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval of staff recommendation



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-031
Illico Incorporated))
)	PROPERTY LOCATED AT:
)	3300 J David Jones Parkway
)	Springfield, IL 62707

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 a **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 **October 20, 2016** 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: **3300 J David Jones Parkway, Springfield, IL** and more particularly described as:

See Exhibit A

4-7

Page 2

- 3. That the present zoning of said property is **B-3 General Business District with a CPU for package liquor.**
- 4. That the present land use of said property is a **convenience store, a gas station and restaurant with package liquor, and a residence.**
- 5. That the proposed land use of said property is a **convenience store, a gas station with package liquor, a restaurant with the service of alcohol, and a residence.**
- 6. That the requested **Conditional Permitted Use** of said property is for a **tavern.**
- 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 **Conditional Permitted Use** with the following conditions:
 - (1) **The tavern is limited to no more than 700 square feet as per the Building Existing Floor Plan submitted with the petition;**
 - (2) **The hours of operation are limited to the Sangamon County liquor license; and,**
 - (3) **No live entertainment or outdoor seating are allowed;**

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **Conditional Permitted Use with the following conditions:**

- (1) **The tavern is limited to no more than 700 square feet as per the Building Existing Floor Plan submitted with the petition;**
 - (2) **The hours of operation are limited to the Sangamon County liquor license; and,**
 - (3) **No live entertainment or outdoor seating are allowed;**
- be approved.



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved, with the above noted conditions**, which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Merilyn Herbert**

NO:

PRESENT: **Janet Dobrinsky**

ABSENT: **John Lucchesi**


RECORDING SECRETARY

4-9

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

Case #: 2016-031

Address: 3300 J. David Jones Parkway, Springfield

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.

The method of operation for the tavern is proposed to be governed by the recommended conditions of limiting the tavern to 700 square feet; the hours of operation limited to the Sangamon County liquor license; and, there is a prohibition proposed on live entertainment and outdoor seating.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

Parking is adequately available for all uses within the building with seventeen (17) parking spaces required and forty-two (42) parking spaces available. The recommended conditions to the CPU of limiting the tavern area; the hours of operation; and, prohibiting live entertainment and outdoor seating, also protect the health, safety, and welfare.

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

The size restriction, as well as prohibitions on live entertainment/outdoor seating and restrictions on the hours of operation, could help mitigate potential negative effects from the proposed tavern. The site plan submitted with the petition clearly indicates the location of the proposed tavern and will be situated away from the residences.

- (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