

CASE # 2005-36
RESOLUTION NUMBER 201

**GRANTING A REZONING, CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED
IN THE 7000 BLOCK OF OLD RT. 36, RIVERTON
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 an amendment & Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Nick & Donna Fanale**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-3" General Business District with a Conditional Permitted Use to allow a tavern and a variance to allow the tavern property line within 100' of a residential structure**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 19, 2005**, 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 & Conditional Permitted Use (the variance was determined to not be necessary)**; and

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

FILED

MAY 20 2005

Joe C. [Signature]
Sangamon County Clerk

20-2

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of June, 2005 that the request to rezone the above referenced property from "A" Agricultural District to "B-3" General Business District with a Conditional Permitted Use to allow a tavern is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of June, 2005.

Respectfully submitted,

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

Dan Vaughn

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:

Dee Ault

SANGAMON COUNTY CLERK

A. VarMatr

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southwest Quarter of Section 11, Township 16 North, Range 4 West of the Third Principal Meridian, described as follows:

Commencing at a found pipe on the South line of said Southwest Quarter, said pipe bearing North 90 degrees 00 minutes West 1670.75 feet from a "PK" nail marking the Southeast corner of said Southwest Quarter, thence North 00 degrees 08 minutes 19 second West, 35.00 feet to a found pin lying on the Northerly Right-Of-Way of Old U.S. Route 36, said pin marking the point of beginning, thence North 77 degrees 16 minutes 11 seconds West 299.01 feet along the long chord of an arc to the right with a radius of 1116.00 feet to a set pin on the Northerly Right-Of-Way; thence North 68 degrees 54 minutes 41 seconds West 500.80 feet along said Northerly Right-Of-Way to a set pin on the Easterly Right-Of-Way line of existing U.S. Route 36; thence North 35 degrees 38 minutes 44 seconds East 942.03 feet along said Easterly Right-Of-Way to a found pin; thence South 87 degrees 49 minutes 00 seconds East, 207.76 feet to a found pin; thence South 00 degrees 08 minutes 19 seconds East, 1003.42 feet to the point of beginning; situated in Sangamon County, Illinois.

20-4

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

► As Recommended by the Zoning Board of Appeals ◀

Case #: **2005-36**

Address: **7000 Block of Old Rte. 36**

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.

Yes. A sketch was presented at the hearing which indicated the building will be near the middle of the property.

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

Yes, see above.

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

No.

(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:

(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.

The site meets all of the distance requirements.

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2005-36**

ADDRESS: **In the 7000 Block of Old Rt. 36, Riverton, IL. 62561**

PETITIONER: **Nick & Donna Fanale**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"B-3" General Business District with a Conditional Permitted Use to allow a tavern and a variance to allow the tavern property line within 100' of a residential structure.**

AREA: **10.9 acres**

COMMENTS: **none**

OBJECTORS: **none**

PLANNING COMMISSION RECOMMENDATION: **denial. There is a concern with rezoning an 11 acres tract to B-3 with a conditional permitted use for a tavern in such close proximity to existing residences.**

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: 2005-36
Nick & Donna Fanale)
)
) PROPERTY LOCATED AT:
) in the 7000 Bl. of Old Rt. 36
) Riverton, IL. 62561
)

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, Conditional Permitted Use 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 **May 19, 2005** 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 **in the 7000 block of Old Rt. 36, Riverton, IL. 62561** 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 **Cropland.**
- 5. That the proposed land use of said property is **an Eagle's Club.**
- 6. That the requested **rezoning, conditional permitted use and variance** of said property is: **from "A" Agricultural District to "B-3" General Business District with a CPU to allow a tavern and a variance to allow the tavern property line within 100' from a residential structure.**
- 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 & Conditional Permitted Use** 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 & Conditional Permitted Use** be approved.



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** to recommend to the County Board that the rezoning and conditional permitted use be **approved**, which was duly seconded by **John Goleman**.

The vote of the Board was as follows:

YES: **Donn Malwick, John Goleman, Patrick Somers, Barbara Braner & Don Wulf**

NO:

ABSENT: **Charles Chimento & Marvin Traylor**



 RECORDING SECRETARY

20-8

SSCRPC **Springfield Sangamon County Regional Planning Commission**

CASE #: 2005-36

INDEX #: 15-11-300-008

DATE: 5-4-05

INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Fanale, Nick A. & Donna

ADDRESS: 7000 Block of Old Rte. 36 TWP. 16N RANGE 4 W SEC. 11 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Riverton

EXISTING ZONING: A PROPOSED ZONING: B-3 with CPU and Variance*

LAND AREA: 10.9 acres ROAD FRONTAGE: 942 Lineal Ft. ROAD COND: Good
Old Decatur Rd. - 802 Fair

EXISTING LAND USE: Cropland

PROPOSED LAND USE: Eagle Club

TYPE OF STRUCTURE: NA CONDITION OF STRUCTURE: NA

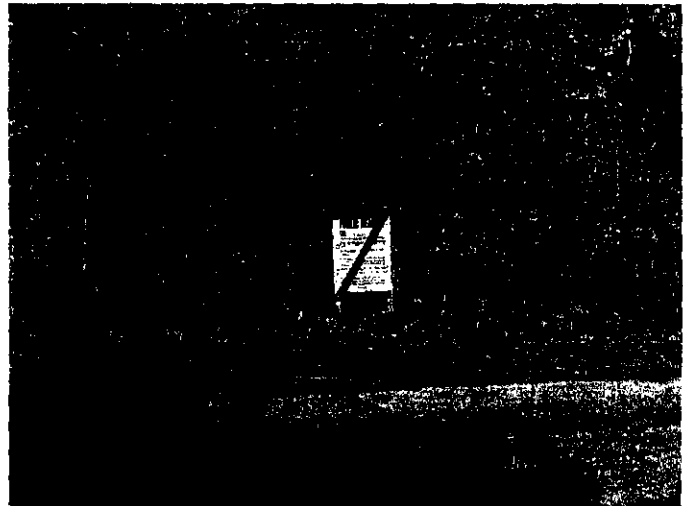
EXISTING YARDS: Front -- ft. Side -- ft. Rear -- ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North Cropland
 - b. To South Single Family Residence, Cropland
 - c. To East Single Family Residence, Vacant
 - d. To West Single Family Residence, Cropland

OTHER COMMENTS: * A Conditional Permitted Use is requested to permit a tavern with a variance to allow the tavern property line within 100' of a residential structure.

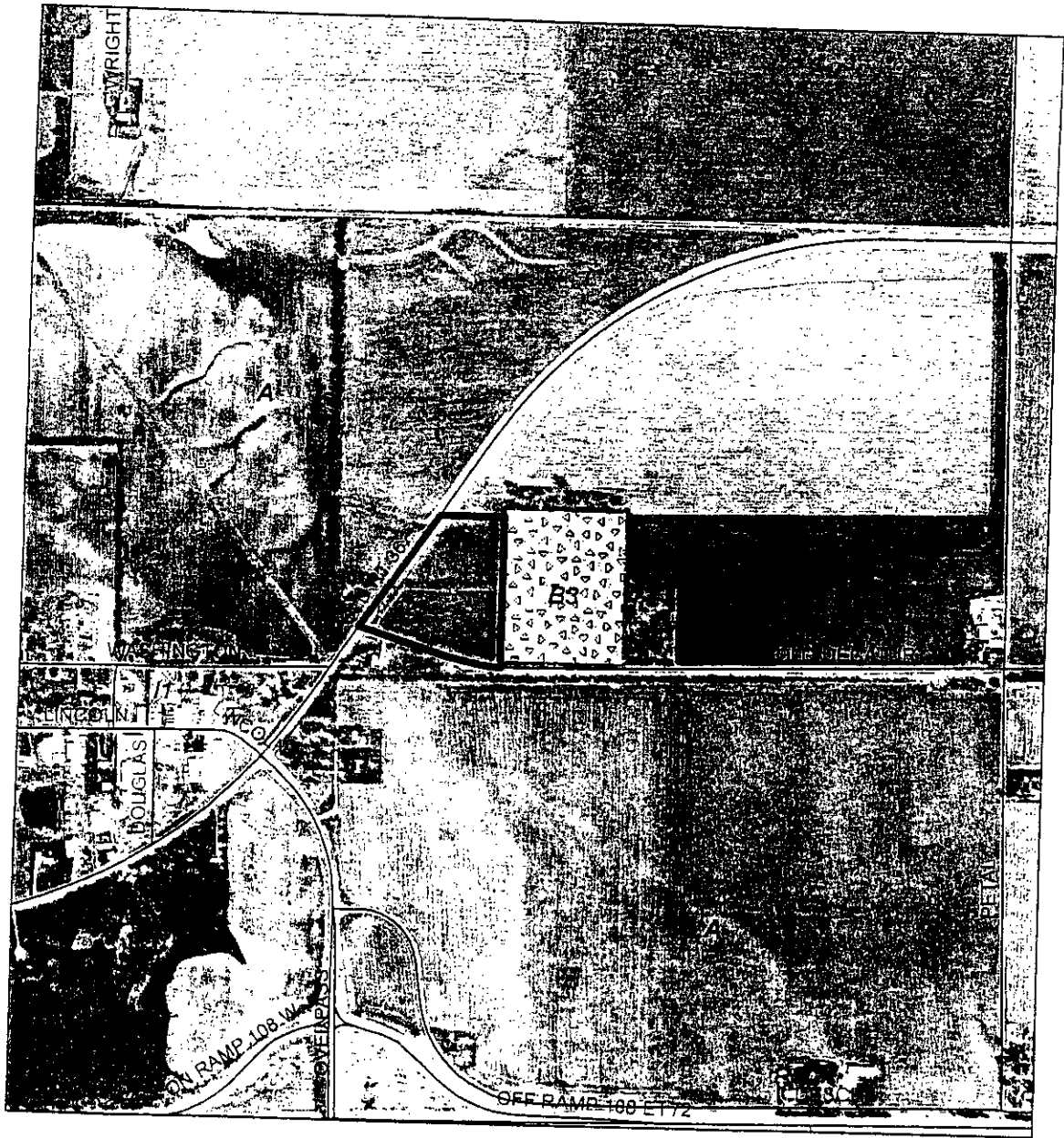
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance			X	
	height	X			
	parking spaces		X		
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwelling, density	X			
	school pop.	X			
	traffic volume	X			



RECOMMENDATIONS: **Recommend denial. There is a concern with rezoning an 11 acres tract to B-3 with a conditional permitted use for a tavern in such close proximity to existing residences.**

County Zoning

Case# 2005-036

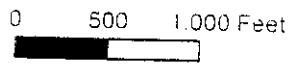


County Zoning

	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





RECOMMENDED FINDINGS OF FACT

Case #: **2005-36**

Address: **7000 Block of Old Rte. 36**

(i) Existing uses of property within the general area of the property in question.
To the north is cropland. To the east is a single family residence and vacant land. To the south is cropland and a single family residence. To the west is cropland and a single family residence.

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

To the north, south and west is A.

To the east is B-3.

(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 167 indicates the property may be suitable for non-agricultural development if mitigating factors are present.

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

Property to the east was rezoned to B-3 in 1984. A nightclub operated on that property for many years.



**RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: **2005-36**

Address: **7000 Block of Old Rte. 36**

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.

Specific details were not submitted. There is a concern with proximity to the residence to the south and the residence to the west.

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

No specific details were submitted.

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

There is a concern for the two residences noted above.

- (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.

NA

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

NA

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

NA

- (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.

A variance has been requested.

2012



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2005-36

Address: 7000 Block of Old Rte. 36

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 in conjunction with a request to rezone the property from A to B-3 with a conditional permitted use to allow a tavern.

- (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.

The petitioner owns the home which is within 100' of the property line.

- (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

20-13

Parcel # 15-11-300-008

Zoning Case # 2005-36

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	5
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	10
Incorporated area	0	

<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	10
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	0
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	0
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

20-14

Parcel # 15-11-300-008

Zoning Case # 2005-36

<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	0
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	0
More than 5 miles	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	70
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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>
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	31	95	29
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime	52	100	52
45	Denny	Prime		77	
50	Viriden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime	17	95	16
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	77
134C2	Camden	Important	72
134D3	Camden	Important	55
138	Shiloh	Prime	87
198	Elburn	Prime	100
199A	Plano	Prime	95
199B	Plano	Prime	90
208	Sexton	Prime	77
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

97

GRAND TOTAL

167

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

Between 150 and 175 points shall be considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.