

CASE # 2005-28
RESOLUTION NUMBER 15-1

GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
661 W. STANFORD
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 Petitioners, **Robert G. Merriman & Hallie N. Pierceall (D'Arcy's Pint)**, have petitioned the Sangamon County Board for a **conditional permitted use to allow a restaurant with the service of alcoholic beverages (Tavern)**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 21, 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 **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

APR 29 2005

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of May, 2005 that the request for a conditional permitted use to allow a restaurant with the service of alcoholic beverages (Tavern) on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of May, 2005.

Respectfully submitted,

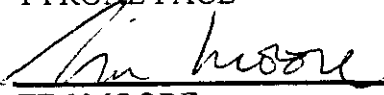
PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE



TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 15 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, being more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter of Section 9; thence North 88 degrees 04 minutes 07 seconds East along the South line of said Northwest Quarter, a distance of 1,387.47 feet; thence North 01 degrees 55 minutes 53 seconds West, a distance of 189.98 feet to a point on the North Right of Way line of Stanford Avenue, said point also being the point of beginning.

From said point of beginning; thence North 12 degrees 15 minutes 58 seconds West, a distance of 295.86 feet to a point on the Northerly Right of Way line of the former Illinois Terminal Railroad; thence North 76 degrees 49 minutes 32 seconds East along said Right of Way line, a distance of 287.72 feet; thence South 12 degrees 15 minutes 58 seconds East, a distance of 300.42 feet to a point on said North Right of Way line of Stanford Avenue; thence South 77 degrees 44 minutes 02 seconds West along said North Right of Way line a distance of 287.68 feet to the point of beginning, containing 85,769 square feet (1.969 acres), more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: **Clyde E. Bunch**

DOCKET NUMBER: **2005-28**

ADDRESS: **661 W. Stanford, Springfield, IL. 62704**

PETITIONER: **Robert G. Merriman & Hallie N Pierceall (D'Arcy's Pint)**

PRESENT ZONING CLASSIFICATION: **"I-1" Restricted Industrial District**

REQUESTED ZONING CLASSIFICATION: **"I-1" Restricted Industrial District with a conditional permitted use to allow a restaurant with the service of alcoholic beverages (Tavern).**

AREA: **1.969 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval**

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: 2005-28
Robert G. Merriman & Hallie N. Pierceall)	
(D'Arcy's Pint))	PROPERTY LOCATED AT:
)	661 W. Stanford
)	Springfield, IL. 62704
)	

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 **April 21, 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 **661 W. Stanford, Springfield, IL. 62704** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **"I-1" Restricted Industrial District.**
- 4. That the present land use of said property is **Restaurant under construction.**
- 5. That the proposed land use of said property is **Restaurant with the service of alcoholic beverages.**
- 6. That the requested **conditional permitted use** of said property is: **to allow a restaurant with the service of alcoholic beverages (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** 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 **conditional permitted use** be **approved.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Goleman** 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**, which was duly seconded by **Marvin Traylor.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:


RECORDING SECRETARY

15-7



CASE #: 2005-28

INDEX #: 22-09-180-013

DATE: 4-7-05

INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Merriman, Robert G. & Pierceall, Hallie N.

ADDRESS: 661 West Stanford TWP. 15N RANGE 5 W SEC. 9 ¼ SEC. NW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Springfield

EXISTING ZONING: I-1 PROPOSED ZONING: I-1 with CPU*

LAND AREA: 1.969 acres ROAD FRONTAGE: 287 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Restaurant Under Construction

PROPOSED LAND USE: Restaurant with the Service of Alcoholic Beverages

TYPE OF STRUCTURE: Commercial CONDITION OF STRUCTURE: Under Construction

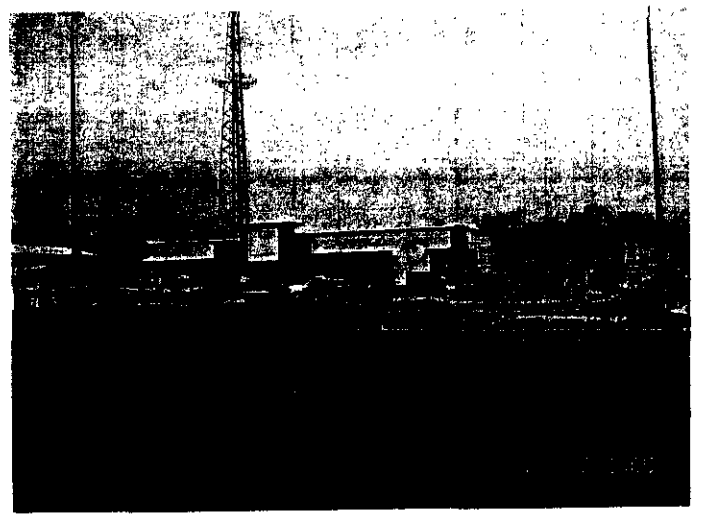
EXISTING YARDS: Front -- ft. Side -- ft. Rear -- ft.

SPOT ZONING: NA
 Yes No

- NEARBY LAND USE:
- a. To North Warehouses, Various Commercial Businesses
 - b. To South Cropland
 - c. To East Vacant
 - d. To West Auto Parts Store Under Construction

OTHER COMMENTS: * A Conditional Permitted Use is requested to allow a restaurant with the service of alcoholic beverages.

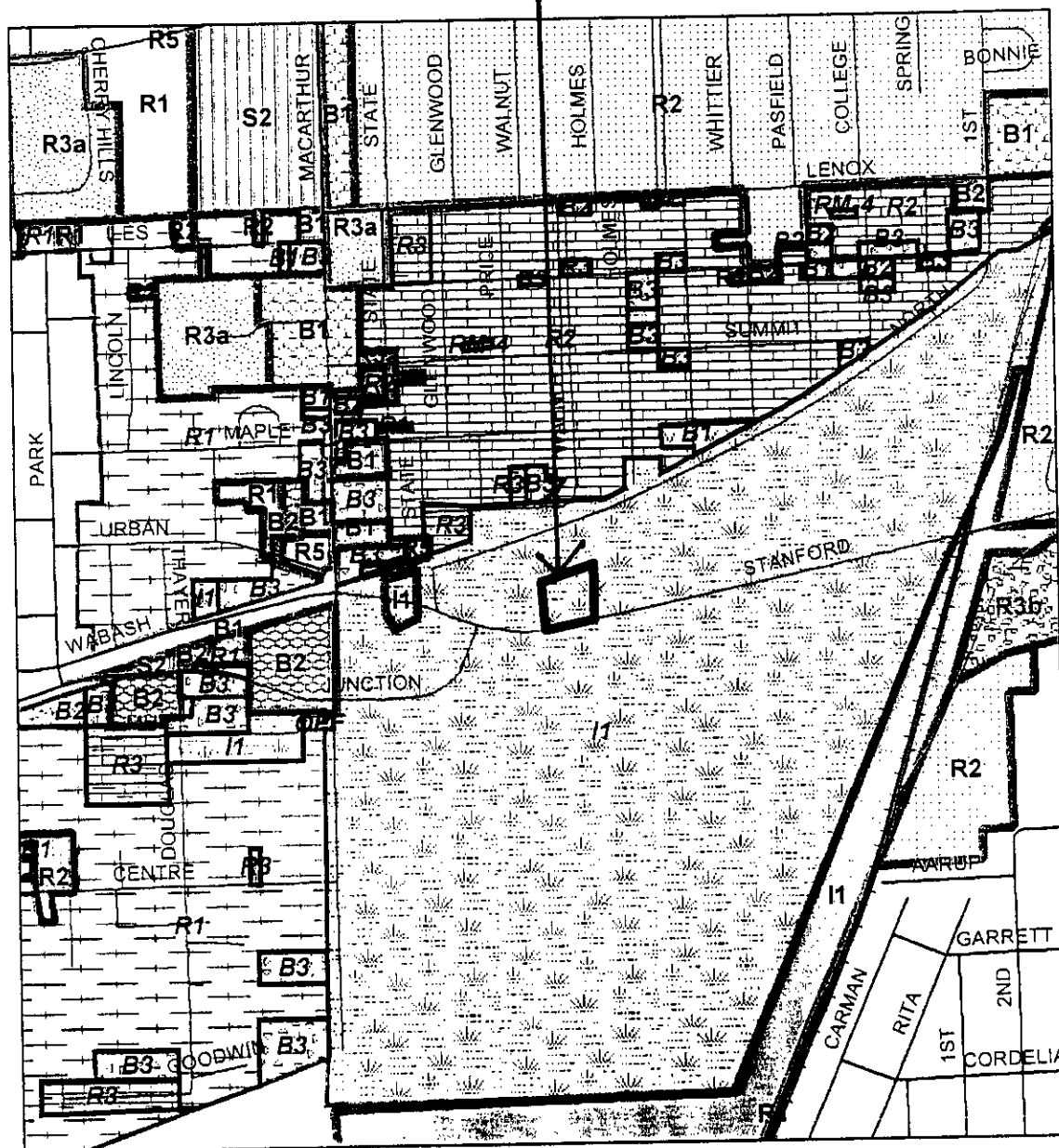
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X	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



RECOMMENDATIONS: **Recommend approval.**

County Zoning

Case# 2005-028

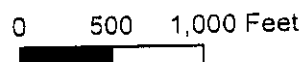


County Zoning

City Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2





RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: **2005-28**

Address: **661 West Stanford**

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. The developed part of the area is commercial. There are no residences in close proximity.

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

Yes

- (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:

- (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.

Yes