

CASE# 2016-027
RESOLUTION NUMBER 2-1

**GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE AND
REMOVING A CONDITIONAL PERMITTED USE**
FOR CERTAIN PROPERTY LOCATED AT
441 N. DIRKSEN 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, a variance, and remove 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, **Jerry Stasukinas**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a tavern, and a variance to allow a tavern property line to be less than one hundred (100) feet from a residence (approximately 4 feet)**. Petitioner amended the petition at the public hearing to request that the **Conditional Permitted Use to allow the sale of packaged liquor be removed**; 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 variance and remove the Conditional Permitted Use**; and,

FILED

OCT 28 2016

Don J. Hayes
Sangamon County Clerk

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

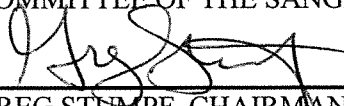
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of November, 2016 that the request to remove a Conditional Permitted Use to allow the sale of packaged liquor, for a Conditional Permitted Use for a tavern, and a variance to allow a tavern property line to be less than one hundred (100) feet from a residence (approximately 4 feet) on the above described property is hereby approved with the following conditions on the Conditional Permitted Use:

- (1) The tavern is limited to no more than 700 square feet as per the site plan, Page A1 dated July 19, 2016 attached to 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 RATTI

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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EXHIBIT A

The North 90 feet of Lot 59 of Wanless' Bergen Park Addition to the City of Springfield. Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals. Situated in Sangamon County, Illinois described as follows:

Commencing at an iron pin with IPLS #2141 cap set at the northwest corner of Lot 64 of said Wanless' Bergen Park Addition; thence North 89 degrees 50 minutes 29 seconds East on the north line of Lots 64, 63, 63, 61 and 60 of said Wanless' Bergen Park Addition, 182.723 meters [599.48 feet] to the northwest corner of said Lot 59, being the Point of Beginning.

Except

From said Point of Beginning, thence North 89 degrees 50 minutes 29 seconds East on the north line of said Lot 59, a distance of 26.064 meters [85.51 feet] to the existing west right of way line of Dirksen Parkway; thence South 1 degree 23 minutes 48 seconds West on said west right of way line, 7.631 meters [25.04 feet]; thence North 45 degrees 25 minutes 12 seconds West, 8.799 meters [28.87 feet]; thence South 89 degrees 43 minutes 30 seconds West, 19.585 meters [64.26 feet] to the west line of said Lot 59; thence North 0 degrees 58 minutes 40 seconds West on said west line, 1.475 meters [4.84 feet] to the Point of Beginning, containing 620 square feet.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 18 NAME: **Rose Ruzic**

DOCKET NUMBER: **2016-027**

ADDRESS: **441 N. Dirksen Parkway, Springfield, IL 62702**

PETITIONER: **Jerry Stasukinas**

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

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a tavern; and, a variance to allow a tavern to be located less than one hundred (100) feet from a residence (approximately 4 feet). Petitioner amended the petition at the public hearing to request that the Conditional Permitted Use, for packaged liquor be removed.**

AREA: **0.16 ac. (approx.)**

COMMENTS: **None**

OBJECTORS: **Yes**

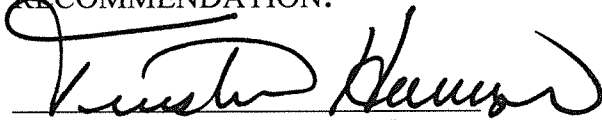
PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use with the following conditions: (1) the tavern is limited to no more than 700 square feet, as per the site plan page A1 dated July 19, 2016 attached to the petition; (2) the hours of operation are limited to the Sangamon County liquor license; and, (3) no live entertainment or outdoor seating are allowed. The structure is commercial in nature and is located along a busy commercial arterial roadway. The size restriction, as well as prohibitions on live entertainment/outdoor seating and**

limitations on the hours of operation, could help mitigate potential negative effects from the proposed tavern. A CPU for package liquor (including a drive-up window) on the subject property (Zoning Case # 1999-28) and a CPU to allow a tavern across Dirksen from the subject property (Zoning Case # 1994-10) have been granted by the County Board at this intersection.

Recommend approval of the requested variance. Conditions are suggested for the CPU for the tavern regarding hours of operation, size, live entertainment, and outdoor seating to help minimize potential negative effects on the character of the area. It is unlikely the proposed use will impair an adequate supply of light in the area. The limited size of the tavern could help minimize potential traffic congestion and property value concerns. The Standards for Variation are met.

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: 2016-027
Jerry Stasukinas))
)	PROPERTY LOCATED AT:
)	441 N. Dirksen Parkway
)	Springfield, IL 62702

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 and variance and amended by the petitioner to remove 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: **441 N. Dirksen, Springfield, IL** and more particularly described as:

See Exhibit A

- 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 **vacant commercial building.**
- 5. That the proposed land use of said property is a **tavern with video gaming.**
- 6. That the requested **Conditional Permitted Use and variance** of said property is for a **Conditional Permitted Use to allow a tavern, and a variance to allow a tavern property line to be less than one hundred (100) feet from a residence (approximately 4 feet). Petitioner amended the petition at the public hearing to request that the Conditional Permitted Use to allow the sale of packaged liquor be removed.**
- 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 request **to remove a Conditional Permitted Use to allow the sale of packaged liquor, the variance to allow a tavern property line to be less than one hundred (100) feet from a residence (approximately 4 feet), and the proposed Conditional Permitted Use to allow a tavern with the following conditions:**
 - (1) **The tavern is limited to no more than 700 square feet as per the site plan, Page A1 dated July 19, 2016 attached to 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 request **to remove a Conditional Permitted Use to allow the sale of packaged liquor, the variance to allow a tavern property line to be less than one hundred (100) feet from a residence (approximately 4 feet), and the proposed Conditional Permitted Use with the following conditions:**

- (1) **The tavern is limited to no more than 700 square feet as per the site plan, Page A1 dated July 19, 2016 attached to 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 26

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

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

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

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

Case #: 2016-027

Address: 441 N. Dirksen 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.

Conditions are proposed to limit potential adjacent effects related to the hours of operation, size, live entertainment, and outdoor seating of the proposed tavern to mitigate potential negative impacts on the character of the area. The residence immediately west of the subject property appears to be zoned B-2.

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

The subject property is zoned B-3 and is located along a busy commercial thoroughfare where a business of this nature might be expected to locate. The site plan appears to contain an adequate amount of parking.

- (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.

- (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.

A variance is requested.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
[TAVERN WITHIN 100 FEET OF A RESIDENCE]**

Case #: **2016-027**

Address: **441 N. Dirksen Parkway, Springfield**

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.

Previous zoning actions by the County Board have set a trend for taverns within the two (2) block area.

- (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 subject property is bound on all four sides by commercial or industrial zoning and is located along a busy thoroughfare.

- (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.

Conditions are suggested for the CPU for the tavern regarding hours of operation, size, live entertainment, and outdoor seating to help minimize potential negative effects on the character of the area. It is unlikely the proposed use will impair an adequate supply of light in the area. The limited size of the tavern could help minimize potential traffic congestion and property value concerns.