

CASE# 2015-024 51
RESOLUTION NUMBER

GRANTING A CONDITIONAL PERMITTED USE AND DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
17020 Old Route 54, New Berlin
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 and deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Tommy Sheppard**, has petitioned the Sangamon County Board for a **Conditional Permitted Use to allow a tavern including live entertainment and dancing, and a variance to allow the parking area to remain dirt and gravel instead of being paved; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 16, 2015** 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 deny the variance;** and

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

FILED

JUL 29 2015


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th Day of August, 2015 that the request for a Conditional Permitted Use to allow a tavern with live entertainment and dancing be approved provided that all live entertainment, including but not limited to any dancing, band, DJ music or any other noise generating music of any kind is limited to areas inside the existing structure and is not allowed in any outside area to include but not be limited to any beer garden or the public and private outdoor recreation area, and provided that the tavern closes at 1:00 AM; and, that the request for a variance to allow the parking area to remain dirt and gravel instead of being paved on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 11th day of August, 2015.

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

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The East 460 feet of the following described tract of land:

All that part of the Northeast Quarter of Section 27, Township 15 North, Range 8 West of the Third Principal Meridian lying North of the Wabash Railroad right of way, EXCEPT the North 30 feet thereof and the East 22 ½ feet thereof. Except all coal, minerals and mining rights heretofore conveyed of record. Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 7 NAME: Craig Hall

DOCKET NUMBER: 2015-024

ADDRESS: 17020 Old Route 54, New Berlin, IL 62670

PETITIONER: Tommy Sheppard

PRESENT ZONING CLASSIFICATION: "B-3" General Business District with a variance for 2 uses and a Conditional Permitted Use for a Go Kart track (outdoor public recreation area)

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District with a variance for 2 uses and a Conditional Permitted Use for a Go Kart track (outdoor public recreation area) and a Conditional Permitted Use to allow a tavern including live entertainment and dancing, and a variance to allow the parking area to remain dirt and gravel instead of being paved.

AREA: 4.2 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the requested CPU for a tavern provided all live entertainment, including but not limited to any dancing and any band or DJ music, is limited to areas inside the existing structure and is not allowed in any outside area to include but not limited to any beer garden, or the public and private outdoor recreation area. The petition indicates live entertainment could extend until 2:00 AM depending on the type of liquor license granted. Staff recommends a 1:00 AM close as a condition for the CPU. Recommend denial of the variance request. While there appears to be enough space to adequately park on the site, the nature of the uses increases the need to pave the parking area. Paving will help with internal vehicular circulation and could decrease the risk of

accidents, which could have the benefit of increasing the economic yield of the property.

AMENDED: Recommend approval of the requested CPU for a tavern provided all live entertainment, including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind is limited to areas inside the existing structure and is not allowed in any outside area to include but not limited to any beer garden, or the public and private outdoor recreation area. The petition indicates live entertainment could extend until 2:00 AM depending on the type of liquor license granted. Staff recommends a 1:00 AM close as a condition for the CPU. Recommend denial of the variance request. While there appears to be enough space to adequately park on the site, the nature of the uses increases the need to pave the parking area. Paving will help with internal vehicular circulation and could decrease the risk of accidents, which could have the benefit of increasing the economic yield of the property.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of staff's amended recommendation.


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-024
Tommy Sheppard)	
)	PROPERTY LOCATED AT:
)	17020 Old Route 54
)	New Berlin, IL 62670

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** 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 **July 16, 2015** 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: **17020 Old Route 54, New Berlin, IL 62670** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“B-3” General Business District with a variance for 2 uses and a Conditional Permitted Use for a Go Kart track (outdoor public recreation area).**
4. That the present land use of said property is **a consignment shop and Go Kart race track.**
5. That the proposed land use of said property is **sports complex (including existing Go Kart track) and sports bar.**
6. That the requested **Conditional Permitted Use and variance** of said property are a **Conditional Permitted Use to allow a tavern including live entertainment and dancing, and a variance to allow the parking area to remain dirt and gravel instead of being paved.**
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). But the evidence adduced at the hearing **does not** support the proposition that the adoption of the proposed **variance** is in the public interest as 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 provided that all live entertainment, including but not limited to any dancing, band, DJ music or any other noise generating music of any kind is limited to areas inside the existing structure and is not allowed in any outside area to include but not be limited to any beer garden or the public and private outdoor recreation area, and provided that the tavern closes at 1:00 AM; and, that the request for a variance be denied.**


 CHAIRMAN

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 amended recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved provided that all live entertainment, including but not limited to any dancing, band, DJ music or any other noise generating music of any kind is limited to areas inside the existing structure and is not allowed in any outside area to include but not be limited to any beer garden or the public and private outdoor**

recreation area, and provided that the tavern closes at 1:00 AM; and, that the request for a variance be denied, which was duly seconded by Merylyn Herbert.

The vote of the Board was as follows:

YES: Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro & Merylyn Herbert

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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

Case #: 2015-024

Address: 17020 Old Route 54, New Berlin

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 operation could decrease its noise by limiting live entertainment to inside the existing building. It is questionable whether having a tavern will change the character of the surrounding area as one sat at this corner for many years in the past.

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

The petition indicates live entertainment, including bands and dancing, will continue until 2:00 AM depending on the type of liquor license granted. Staff recommends the live entertainment, including but not limited to any dancing and any band or DJ music, be limited to areas inside the existing structure and not be allowed in any outside area to include but not limited to any beer garden, or the public and private outdoor recreation area. Staff also recommends a 1:00 AM close. This could help limit potential noise impacts on the residence to the north.

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

To the extent that live entertainment is allowed outdoors, this could be the case.

- (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

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-024**

Address: **17020 Old Route 54, New Berlin**

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 property contains a parking lot that is currently graveled. While there appears to be enough space to adequately park on the site, the nature of the uses increases the need to pave the parking area. Paving will help with internal vehicular circulation and could decrease the risk of accidents, which could have the benefit of increasing the economic yield of the property.

- (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.

No particularly unique circumstances were mentioned in the petition.

- (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.

Paving and striping the lot will help with internal vehicular circulation on the site. No negative impacts pertaining to the other factors are anticipated.