

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1822 ADLAI STEVENSON DRIVE, 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 and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Malibu Development Corp.**, has petitioned the Sangamon County Board for a **Conditional Permitted Use to allow a tavern limited to 1,500 square feet at address 1822 Adlai Stevenson Drive, and a variance to allow a tavern property line to be within one hundred (100) feet of a residential structure;** and

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

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

FILED

APR 28 2016

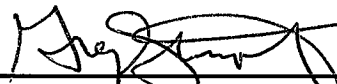
Don J. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th Day of May, 2016 that the request for a Conditional Permitted Use to allow a tavern with the following conditions: (1) that the hours of operation are restricted to the hours on the Sangamon County liquor license; (2) that the operation of the tavern is restricted to 1822 Stevenson Drive in a floor space not to exceed one thousand five hundred (1,500) square feet; and, (3) that the tavern is confined to an indoor space, and, a variance to allow a tavern property line to be within one hundred (100) feet of a residential structure on the above described property is hereby approved.

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

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Lot B of Southlawn, 5th Plat, a Subdivision of part of the Northwest Quarter of Section 14, Township 15 North, Range 5 West of the Third Principal Meridian, EXCEPTING therefrom the Northeast part of said Lot B described in detail as follows:

Beginning at the intersection of the South line of Linn Street with the West line of Stanton Street, said point being the Northeast corner of said Lot B, thence Southerly along the West line of Stanton Street for a distance of 32.85 feet to a point; thence in a Northwesterly direction along a curved line curving to the left having a radius of 57 feet for a distance of 46.66 feet to a point in the South line of Linn street that is 31.30 feet West of the point of beginning; thence Easterly along the South line of Linn street for a distance of 31.30 feet more or less, to the point of beginning.

And further EXCEPTING therefrom that part conveyed to the People of the State of Illinois, Department of Transportation, by Trustee's Deed recorded January 23, 1992 as Document No. 92002783 and Quit Claim Deed recorded January 23, 1992 as Document No. 92002784.

Except all 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.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #14 NAME: Joel Tjelmeland, Jr.

DOCKET NUMBER: 2016-011

ADDRESS: 1822 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER: Malibu Development Corp.

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a Conditional Permitted Use to allow a tavern limited to 1,500 square feet at address 1822 Adlai Stevenson Drive, and a variance to allow a tavern property line to be within one hundred (100) feet of a residential structure.

AREA: 2.35 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval. In 2015, the County Board passed Zoning Case #2015-003 to allow a tavern with conditions at a different address in the same strip mall. This established a precedent that staff believes warrants the CPU and the variance request, provided the applicant meets applicable state rules. The proposed tavern would also occupy part of a space previously occupied by a restaurant that served alcohol, i.e. Top Cat's, presumably as a legal non-conforming use. This case in effect brings the presumed former legal non-conformity in the shopping center into compliance. Staff recommends the following conditions be placed on the CPU to remain consistent with the previous case: (1) that the hours of operation are restricted to the hours on the

**Sangamon County liquor license;
(2) that the operation of the tavern
is restricted to 1822 Stevenson Drive
in a floor space not to exceed one
thousand five hundred (1,500)
square feet; and, (3) that the tavern
is confined to an indoor space. 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 PETITON OF:)	DOCKET NO: 2016-011
Malibu Development Corp.)	
)	PROPERTY LOCATED AT:
)	1822 Adlai Stevenson Drive
)	Springfield, IL 62703

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 **April 21, 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: **1822 Adlai Stevenson Drive, Springfield, IL 62703** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"B-2" Retail Business District.**
- 4. That the present land use of said property is **a former restaurant within a retail strip mall.**
- 5. That the proposed land use of said property is **a tavern within a retail strip mall.**
- 6. That the requested **Conditional Permitted Use and variance** of said property is a **Conditional Permitted Use to allow a tavern limited to 1,500 square feet at address 1822 Adlai Stevenson Drive, and a variance to allow a tavern property line to be within one hundred (100) feet of 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 **Conditional Permitted Use and variance** 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 to allow a tavern with the following conditions: (1) that the hours of operation are restricted to the hours on the Sangamon County liquor license; (2) that the operation of the tavern is restricted to 1822 Stevenson Drive in a floor space not to exceed one thousand five hundred (1,500) square feet; and, (3) that the tavern is confined to an indoor space, and, a variance to allow a tavern property line to be within one hundred (100) feet of a residential structure be approved.**


CHAIRMAN 76

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and John Lucchesi**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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

Case #: **2016-011**

Address: **1822 Stevenson, 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 tavern will be located in a strip mall with the public entrances facing away from the residences to minimize potential negative effects on the character of the area.

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

The petition indicates the owner is willing to limit the tavern to no more than 1,500 square feet at 1822 Stevenson. The business plan submitted with the petition indicates the hours of operation will be limited to those established by the local liquor license.

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

The tavern will not likely cause any more substantial injury to property values in the vicinity than the existing tavern with gaming, i.e. Daisy's.

- (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 to allow a residence within 100 feet.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-011**

Address: **1822 Stevenson, 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.

The subject property contains a retail strip mall. The nature of the structure presumes that, at maximum capacity, a variety of commercial uses will locate in the strip mall. The subject property has several residences located adjacent to the parcel that have been in existence since at least the 1960s. The public entrances to the strip mall face away from the residences. The proposed tavern would be located in part of the space formerly occupied by a restaurant that served alcohol, i.e. Top Cat's.

- (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 public entrance for the tavern will be located in excess of one hundred (100) feet from the residence.

- (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 negative impacts are anticipated.