

CASE# 2016-032 5-1
RESOLUTION NUMBER _____

GRANTING CONDITIONAL PERMITTED USES AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
321 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 Conditional Permitted Uses and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Discount Smoke Shop**, has petitioned the Sangamon County Board for a **Conditional Permitted Use to allow the sale of packaged liquor in a tavern, a Conditional Permitted Use to allow the sale of packaged liquor in a smoke shop, a variance to allow a package liquor store property line within one hundred (100) feet of a residence;** 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 Uses and variance;** and,

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

FILED

OCT 28 2016

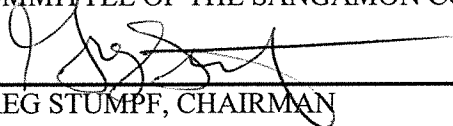
Don J. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of November, 2016 that the request for a Conditional Permitted Use to allow the sale of packaged liquor in a tavern (Lots 66, 67, 68 & 69); a Conditional Permitted Use to allow the sale of packaged liquor in a smoke shop (Lots 70, 71 & 72) providing that the hours of operation for the package liquor sales are governed by the Sangamon County liquor license; and, a variance to allow a package liquor store property line within one hundred (100) feet of a residence on the above described property is hereby approved.

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 RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Lots 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72

Except that

Part of Lot 63 in Pine Crest Subdivision in the City of Springfield, Sangamon County, Illinois, further described as follows:

Commencing at an axle on the southerly line of Linden Avenue, said point being the northeast corner of Lot 103 of said Pine Crest Subdivision; thence North 89 degrees 44 minutes 10 seconds East a distance of 176.20 feet along the south line of Linden Avenue to a point on the westerly right-of-way line of FAP 668 (Dirksen Parkway); thence North 01 degrees 28 minutes, 12 seconds East a distance of 50.02 feet along said westerly right-of-way to a point on the north line of Linden Avenue, said point being the Point of Beginning; thence South 89 degrees 44 minutes 10 seconds West a distance of 13.00 feet along said north right-of-way line, thence North 58 degrees 36 minutes 36 seconds East a distance of 15.47 feet to a point on the westerly right-of-way line FAP 668 (Dirksen Parkway), thence South 01 degrees 28 minutes 12 seconds West a distance of 8.00 feet along said westerly right-of-way line to the Point of Beginning, containing 52 square feet, or 0.001 acres, more or less.

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2016-032**

ADDRESS: **321 N. Dirksen Parkway, Springfield, IL 62702**

PETITIONER: **Discount Smoke Shop**

PRESENT ZONING CLASSIFICATION: **B-2 Retail Business District with CPU for a tavern.**

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for the sale of packaged liquor in a tavern; CPU for the sale of packaged liquor in a smoke shop; and, a variance to allow a package liquor store property line within one hundred (100) feet of a residence.**

AREA: **0.91 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the Conditional Permitted Use (CPU) for Lots 66, 67, 68, and 69 to allow package liquor sales in a tavern, and Lots 70, 71, and 72 to allow package liquor sales within a retail tobacco store providing that the hours of operation for the package liquor sales are governed by the Sangamon County liquor license. The existing tavern (Parkway Pub) was granted a liquor license to allow package liquor sales within a tavern a number of years ago. Granting the requested CPU will bring the property into compliance with the zoning ordinance. Allowing package liquor sales within a retail tobacco store should not create an additional adverse impact on the area as the entrances to the uses on the subject**

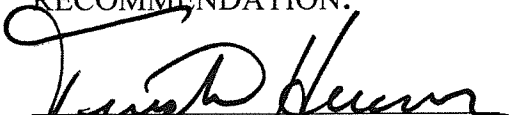
properties front on Dirksen Parkway, a commercial arterial roadway where more intense commercial uses are to be expected and for which the existing zoning classifications are consistent with allowing such uses. In addition, a street (Colby) separates the residences to the west from the businesses located on the subject property. A CPU was granted for a package liquor sales with a drive-up window in Zoning Case # 1999-28 for property located at 441 N. Dirksen Parkway which is located approximately two (2) blocks to the north. As such, this action set a trend in the area to allow the use. Zoning Case # 2014-22 denied package liquor sales at 501 Dirksen Parkway.

Recommend approval of the requested variance to allow package liquor sales within 100 feet of a residence. The street (Colby) acts as a buffer between the residential area to the west and the proposed package liquor establishments. In addition, Zoning Case # 1995-2 which granted the Conditional Permitted Use for a tavern required that a privacy fence with no opening be constructed to the rear of the building. The fence remains in place. 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: **2016-032**
Discount Smoke Shop)
)
) PROPERTY LOCATED AT:
) **321 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 **Conditional Permitted Uses and a 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 **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: **321 N. Dirksen Parkway, Springfield, IL** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is **B-2 Retail Business District with CPU for a tavern.**
- 4. That the present land use of said property is a **tavern with package liquor sales and a retail tobacco store.**
- 5. That the proposed land use of said property is a **tavern with package liquor sales, and a retail tobacco store with package liquor sales.**
- 6. That the requested **Conditional Permitted Uses and variance** of said property is **to allow the sale of packaged liquor in a tavern (Lots 66, 67, 68, & 69); a Conditional Permitted Use to allow the sale of packaged liquor in a smoke shop (Lots 70, 71 & 72); and a variance to allow a package liquor store property line within one hundred (100) feet of a residence.**
- 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 Uses and variance** are 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 Uses and variance** be **approved.**


 CHAIRMAN

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 **Merilyn Herbert**.

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

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

Case #: 2016-032

Address: 321 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.

The business plan submitted with the petition indicates the smoke shop would have hours of operation from 7:00 AM to 9:00 PM from Monday through Sunday. A restriction is proposed limiting liquor sales to the hours of the liquor license. The number of parking spaces on the subject property appears to meet requirements.

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

A condition is suggested limiting the hours of operation. Also, there is a fence and a road between the subject property and the residences to the west.

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

The existing tavern (Parkway Pub) was granted a liquor license to allow package liquor sales within a tavern a number of years ago. Granting the requested CPU will bring the property into compliance with the zoning ordinance. Allowing package liquor sales within a retail tobacco store should not create an additional adverse impact on the area as the entrances to the uses on the subject properties front on Dirksen Parkway, a commercial thoroughfare where more intense commercial uses are to be expected and for which the existing zoning classifications are consistent with allowing such uses.

- (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.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-032**

Address: **321 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 package liquor sales 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 presence of a street (Colby) and a fence act as a buffer between the residential area to the west and proposed package liquor establishments.

- (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.

Negative impacts might not increase over the current mix of businesses on the subject property with the requested variance.