

FILED

CASE# 2016-019
RESOLUTION NUMBER 6-1

JUN 29 2016


Sangamon County Clerk

GRANTING A REZONING AND DENYING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2900 SOUTH 11TH STREET, 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 an amendment and deny variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 18 and 19 in Miller's Bunn Park Addition to the City of Springfield; EXCEPT that part conveyed to the State of Illinois by Deed recorded December 12, 1979 as Document Number 843861. Except all coal, minerals and mining rights heretofore conveyed or reserved of record; and subject to easements, covenants, and restrictions of record, if any.

WHEREAS, the Petitioner, **Randy Pickett**, has petitioned the Sangamon County Board for a **rezoning from "B-1" Neighborhood Business District to "B-2" Retail Business District, a variance to allow two (2) uses on one (1) parcel (transportation company and the sale of vehicles previously used by the transportation company), and a variance to allow one (1) year to pave the required parking area; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 16, 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 rezoning and deny the variances; and**


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 **12th Day of July, 2016** that the request for a rezoning from **“B-1” Neighborhood Business District to “B-2” Retail Business District on the above described property is hereby approved, but the request for a variance to allow two (2) uses on one (1) parcel (transportation company and the sale of vehicles previously used by the transportation company), and a variance to allow one (1) year to pave the required parking area on the above described property is hereby denied.**

Signed and passed by the Sangamon County Board in session on this **12th day of July, 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

6-4

RECAP

(For County Board Use)

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

DOCKET NUMBER: 2016-019

ADDRESS: 2900 South 11th Street, Springfield, IL 62703

PETITIONER: **Randy Pickett**

PRESENT ZONING CLASSIFICATION: **“B-1” Neighborhood Business District**

REQUESTED ZONING CLASSIFICATION: **“B-2” Retail Business District, with a variance to allow two (2) uses on one (1) parcel (transportation company and the sale of vehicles previously used by the transportation company), and a variance to allow one (1) year to pave the required parking area**

AREA: **Approximately 0.28 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested B-2 zoning. The block in which the subject property is located is mixed zoning and uses. The subject property is zoned B-1. To the south and on the corner to 11th Street and Bruce, the County Board granted B-2 zoning (Zoning Case 1999-18) with a reduction of the required transitional yard requirements. Granting the more intense business zoning has resulted in creating a trend toward more intense business zoning and uses in this block face.**

Recommend denial of the two principal uses (a transportation company and the sales of vehicles previously used by the transportation company) on the subject property. While the B-2 zoning is consistent

with the trend of development in that block face, the intensity of the two (2) proposed uses is likely to have a negative impact on the residences to the east and south. The Springfield Comprehensive Plan calls for the area to be a redevelopment area that includes: "mixed uses (residential, office/service, commercial) meeting stringent design guidelines to replace blighted or obsolete uses along major arterials." One of the issues to consider related to "design guidelines" would be the intensity of the use and the impact on the surrounding area. Staff finds that the two (2) proposed uses would be too intense for the immediate area given the small size of the subject property. The Standards for Variation are not met.

Recommend denial of the requested variance to not meet the paving requirements of Chapter 17.50.060(A) for a period of one (1) year. No particular hardship or circumstances unique to the property were presented in the petition to warrant granting the requested variance. The Standards for Variation are not met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of staff recommendation.


RECORDING SECRETARY

6-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-019
Randy Pickett)	
)	PROPERTY LOCATED AT:
)	2900 South 11th Street
)	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 an **amendment and variances** 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 **June 16, 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: **2900 South 11th Street, Springfield, IL 62703** and more particularly described as:

Lots 18 and 19 in Miller's Bunn Park Addition to the City of Springfield; EXCEPT that part conveyed to the State of Illinois by Deed recorded December 12, 1979 as Document Number 843861.

Except all coal, minerals and mining rights heretofore conveyed or reserved of record; and subject to easements, covenants, and restrictions of record, if any.

- 3. That the present zoning of said property is **“B-1” Neighborhood Business District.**
- 4. That the present land use of said property is **office space, transportation company and use vehicle sales.**
- 5. That the proposed land use of said property is **office space, transportation company, and used car sales.**
- 6. That the requested **rezoning and variances** of said property is **a rezoning from “B-1” Neighborhood Business District to “B-2” Retail Business District, a variance to allow two (2) uses on one (1) parcel (transportation company and the sale of vehicles previously used by the transportation company), and a variance to allow one (1) year to pave the required parking area.**
- 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 **rezoning** is in the public interest and is not solely in the interest of the petitioner(s) but, **does not** support the proposition that the adoption of the proposed **variances** 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 **rezoning** be **approved** and the requested **variances** be **denied**.


 CHAIRMAN 

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the **amendment** be **approved** and the **variances** be **denied** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Merilyn Herbert**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-019**

Address: **2900 S. 11th Street, Springfield**

- (i) Existing uses of property within the general area of the property in question.

To the north is an office. To the east and south are residences. Further south there is commercial with a construction trailer. To the west is vacant commercial.

- (ii) The zoning classification of property within the general area of the property in question.

To the north is B-1. To the east and south are R-2. Further south there is B-2. To the west is Springfield B-1.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The existing classification does not allow all the uses that the petitioner has requested. However, it is felt that the subject property is too small to grant the requested relief regarding the two (2) principal uses.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The block in which the subject property is located is mixed zoning and uses. The subject property is zoned B-1. To the south and on the corner of 11th Street and Bruce, the County Board granted B-2 zoning (Zoning Case 1999-18) with a reduction of the required transitional yard requirements. Granting the more intense business zoning has resulted in the block face of this block trending toward more intense business zoning and uses.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
[VARIANCE TO ALLOW TWO (2) PRINCIPAL USES
(TRANSPORTATION COMPANY AND THE SALE OF
VEHICLES) ON ONE (1) PARCEL]**

Case #: **2016-019**

Address: **2900 S. 11th Street, Springfield**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

No particular hardship was mentioned in the petition that would justify a second use for the subject property. Also, the zoning lot is small for another B-2 commercial use.

- (ii) that the variance is compatible with the trend of development in the area.
There has been a precedent set, via Zoning Case # 1999-18, to allow a more intensive zoning classification in the area. However, staff has concerns about allowing multiple uses with an intensity that could change the character of the area surrounding the subject property.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The Springfield Comprehensive Plan calls for the area to be a redevelopment area that includes: "mixed uses (residential, office/service, commercial) meeting stringent design guidelines to replace blighted or obsolete uses along major arterials. While the Plan calls for commercial uses in this area, staff has some concerns as to whether the two proposed uses would be appropriate given the intensity of the proposed uses which could potentially change the character of the area around the subject property given its small size.

- (iv) that the variance will not create a negative impact on the area, 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.

As noted above, staff has some concerns that the character of the area might be changed by allowing a second principal use of the intensity proposed on the small subject property.

611

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
[WAIVE REQUIREMENT TO PAVE THE REQUIRED
PARKING AREA FOR ONE (1) YEAR]**

Case #: **2016-019**

Address: **2900 S. 11th Street, 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.

No particular hardship was mentioned in the petition.

- (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 circumstances unique to the property 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.

Given the close proximity of the residences to the proposed use, there could be negative impacts on the area if the requested variance were granted.