

CASE# 2016-043 7-1
RESOLUTION NUMBER _____

GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
4136 N. PEORIA ROAD, SPRINGFIELD, IL 62702
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Drink-Em Up Inc.**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for the sale of alcoholic beverages for a tavern and sale of alcoholic beverages and live entertainment within a beer garden with restrictions to be consistent with the Sangamon County Liquor License**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **November 17, 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,

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

FILED

DEC 01 2016

Don J. Hays
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of December, 2016** that the request for a **Conditional Permitted Use for the sale of alcoholic beverages for a tavern and sale of alcoholic beverages and live entertainment within a beer garden with restrictions to be consistent with the Sangamon County Liquor License on the above described property is hereby approved.**

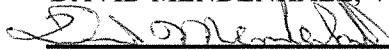
Signed and passed by the Sangamon County Board in session on this **13th day of December, 2016.**

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

PARCEL 1:

PART OF LOT 13 OF MICHAEL BURKE'S SUBDIVISION SITUATED IN THE SOUTH PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 11 AND THE SOUTHWEST PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOW: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 13, RUNNING THENCE SOUTH 84 FEET, THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT TO A POINT IN THE WEST LINE OF SAID LOT, THENCE RUNNING NORTHEASTERLY ALONG THE WEST LINE OF SAID LOT TO THE NORTHWEST CORNER THEREOF, THENCE EAST ON THE NORTH LINE OF SAID LOT TO THE PLACE OF BEGINNING.

EXCEPT: PART OF LOT 13 OF MICHAEL BURKE'S SUBDIVISION, SPRINGFIELD, SANGAMON COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN SET AT THE NORTHEAST CORNER OF SAID LOT 13; THENCE SOUTH 89 DEGREES 52 MINUTES 48 SECONDS WEST ON THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 68.11 FEET TO AN IRON PIN SET ON THE SOUTH RIGHT OF WAY LINE OF PEORIA ROAD; THENCE SOUTH 49 DEGREES 40 MINUTES 00 SECONDS WEST ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 34.21 FEET TO AN IRON PIN SET AT THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE SOUTH 39 DEGREES 19 MINUTES 08 SECONDS EAST, A DISTANCE OF 80.03 FEET TO A POINT; THENCE NORTH 89 DEGREES 52 MINUTES 48 SECONDS WEST, A DISTANCE OF 123.32 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 49 DEGREES 40 MINUTES 00 SECONDS EAST ON SAID RIGHT OF WAY LINE, A DISTANCE OF 95.26 FEET TO THE POINT OF BEGINNING. CONTAINING 0.09 ACRES, MORE OR LESS.

AND

PARCEL 2:

PART OF LOT 13 OF MICHAEL BURKE'S SUBDIVISION, SPRINGFIELD, SANGAMON COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN SET AT THE NORTHEAST CORNER OF SAID LOT 13; THENCE SOUTH 00 DEGREES 03 MINUTES 47 SECONDS EAST, A DISTANCE OF 84.00 FEET TO THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 03 MINUTES 47 SECONDS EAST, A DISTANCE OF 41.99 FEET TO A PIPE FOUND; THENCE SOUTH 89 DEGREES 21 MINUTES 32 SECONDS WEST, A DISTANCE OF 9.07 FEET TO AN IRON PIN SET; THENCE NORTH 39 DEGREES 19 MINUTES 08 SECONDS WEST, A DISTANCE OF 54.53 FEET TO A POINT; THENCE SOUTH 89 DEGREES 52

7-4

MINUTES 48 SECONDS EAST, A DISTANCE OF 43.58 FEET TO THE POINT OF BEGINNING. CONTAINING 0.03 ACRES, MORE OR LESS.

PARCEL 3:
LOT 10 IN MICHAEL BURKE'S SUBDIVISION, EXCEPT THE EAST 65.15 FEET THEREOF, SITUATED IN THE SOUTH PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 11 AND THE SOUTHWEST PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #16 NAME: **Greg Stumpf**

DOCKET NUMBER: **2016-043**

ADDRESS: **4136 N. Peoria Road, Springfield, IL 62702**

PETITIONER: **Drink-Em Up Inc.**

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District.**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District with a Conditional Permitted Use (CPU) for the sale of alcoholic beverages for a tavern and sale of alcoholic beverages and live entertainment within a beer garden with restrictions to be consistent with the Sangamon County Liquor License.**

AREA: **0.83 acres**

COMMENTS: **None**

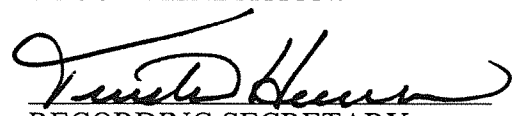
OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use (CPU) to allow the sale of alcoholic beverages for a tavern and sale of alcoholic beverages and live entertainment within a beer garden to be consistent with the Sangamon County Liquor License. The purpose of the request is to amend the hours of operation for the live entertainment to be consistent with the Sangamon County Liquor License held by the petitioner, which are 9:00 PM on weeknights and 10:30 PM on weekends.**

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: 2016-043
Drink-Em Up Inc.)	
)	PROPERTY LOCATED AT:
)	4136 N. Peoria Road
)	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** 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 **November 17, 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: **4136 N. Peoria Road, Springfield, IL 62702** and more particularly described as:

See Exhibit A

Page 2

- 3. That the present zoning of said property is **“B-3” General Business District.**
- 4. That the present land use of said property is **tavern with a beer garden.**
- 5. That the proposed land use of said property is **tavern with a beer garden.**
- 6. That the requested **Conditional Permitted Use** of said property is a **Conditional Permitted Use (CPU) for the sale of alcoholic beverages for a tavern and sale of alcoholic beverages and live entertainment within a beer garden to be consistent with the Sangamon County Liquor License.**
- 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).

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.**



 CHAIRMAN 76

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 petition be **approved** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

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

NO:

PRESENT: **John Lucchesi, Janet Dobrinsky**

ABSENT:


RECORDING SECRETARY

7-9

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

Case #: 2016-043

Address: 4136 N. Peoria Road, 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.

Allowing the hours of operation for the tavern with live entertainment to be consistent with the Sangamon County Liquor License might not greatly affect the character of the surrounding area. The hours of operation for live entertainment are limited to 9:00 PM on weeknights and 10:30 PM on weekends according to the type of liquor license held by the petitioner. The current restrictions on hours for live entertainment are 9:00 PM on weeknights and 10:00 PM on weekends according to the resolution for Zoning Case # 2015-030.

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

The hours of operation for live entertainment are limited to 9:00 PM on weeknights and 10:30 PM on weekends according to the type of liquor license held by the petitioner.

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

The tavern has been in existence for many years, so no other negative impacts are anticipated.

- (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 was previously approved for a tavern within 12 feet of a residence (Zoning Case #2015-030).