

FILED

MAR 27 2019


Sangamon County Clerk

CASE# 2019-006
RESOLUTION NUMBER 7-1

**DENYING A REZONING, AND GRANTING A CONDITIONAL PERMITTED USE
AND VARIANCES AND DENYING A VARIANCE, AND GRANTING A
CONDITIONAL PERMITTED USE**
FOR CERTAIN PROPERTY LOCATED AT
12430 STATE RT. 125, PLEASANT PLAINS
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 **deny an amendment, but in the alternative, grant a Conditional Permitted Use and variances and deny a variance and 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 Petitioners, **Danny & Sherri Paul**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "B-1" Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: (1) banquet hall and (2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site; a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, for Proposed Parcel 2: a Conditional Permitted Use (CPU) for a greenhouse; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 21, 2019** 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 **deny the rezoning, but in the alternative, grant a Conditional Permitted Use and variances and deny a variance and grant a Conditional Permitted Use;**
and,

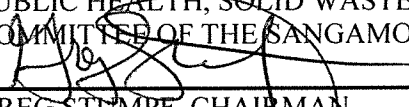
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of April, 2019** that the requests for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "B-1" Neighborhood Business District is denied, but in the alternative, grant a Conditional Permitted use to allow for a banquet hall; a variance to allow two (2) uses on one (1) parcel: (1) banquet hall and (2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site is hereby approved; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat on the above described property is denied; and, for Proposed Parcel 2: a Conditional Permitted Use (CPU) for a greenhouse is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **8th day of April, 2019.**

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

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of Section (4); and part of the Northeast Quarter of Section Nine (9) bounded and described as follows: Beginning at a stone at the Northeast corner of said Northeast Quarter of Section Nine (9), and running thence South on the Section line 3.77 $\frac{3}{4}$ chains to the North right of way line of the Baltimore and Ohio Southwestern Railroad Company, thence in a Northwesterly direction along said right of way line to a point in the west line of said Southeast Quarter of Section Four (4), thence North along the West line of said Southeast Quarter 15.87 chains to a point in the center line of Beardstown Road, 1.23 chains South of a stone at the Northwest corner of said Southeast Quarter; thence in a Southeasterly direction along the center line of said Beardstown Road to a point in the East line of said Southeast Quarter of Section Four (4), and thence South 25.03 chains to the place of beginning, (excepting therefrom a tract containing .27 of an acre, being an old graveyard, described as follows: Beginning in the middle of Beardstown Road, South 71 degrees 25 minutes East 18.72 chains from the intersection of the center line of said road, and the West line of said Southeast Quarter of Section Four (4), and running thence South 13 degrees 30 minutes West 2.18 chains, thence in a Southeasterly direction 1.31 chains, thence North 14 degrees 15 minutes East 1.97 chains to the middle of said road and thence North 71 degrees 25 minutes West 1.34 chains to beginning point).

Parcel Number: 12-04.0-400-008 & 12-09.0-200-002

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: **Craig Hall**

DOCKET NUMBER: **2019-006**

ADDRESS: **12430 State Rt. 125, Pleasant Plains, IL 62677**

PETITIONER: **Danny & Sherri Paul**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: a rezoning from “A” Agricultural District to “B-1” Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: (1) banquet hall and (2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site; a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**

Proposed Parcel 2: a Conditional Permitted Use (CPU) for a greenhouse.

AREA: **85.43 acres**

COMMENTS: **None**

OBJECTORS: **No**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-1 zoning. The petitioners are proposing to divide five (5) acres from the subject property and utilize the structure on the property as a banquet hall. The structure will also be used to house equipment used on the tree farm already located on the subject property. B-1 zoning would be too intense for the area and some of the uses permitted in the B-1 district are inconsistent with the agricultural nature of the immediate area. After the zoning petition was filed, staff determined**

that in addition to being allowed in the B-1 zoning district, banquet halls are also allowed as Conditional Permitted Uses in the Agricultural zoning district (Resolution 9, Adopted February 13, 2007). As B-1 zoning would be considered spot zoning, staff recommends that the zoning for the proposed five (5) acre parcel remain as Agricultural and a Conditional Permitted Use be granted to allow a banquet hall. In addition, staff recommends approval of the variance to allow two uses on one parcel (banquet hall and tree farm storage). The structure is large enough to accommodate both uses. In addition, the use of the banquet hall is most likely to occur on weekends while the tree farm equipment will be used on a more regular basis in support of the tree farm agricultural business.

Related to the larger approximately 85 acre parcel, staff recommends approval of a Conditional Permitted Use to allow a greenhouse. The greenhouse has been there a number of years, is consistent with the agricultural use on the parcel, and has no negative impact on the area. Staff also recommends approval of the requested variances to allow for an off-premise sign and to allow the parking to be served off-site (from the adjacent, larger parcel). Signage related to the tree farm is located on the larger parcel. Having the banquet hall signage on the same parcel limits the visual clutter that would occur from having signs at multiple locations. Given the layout of the properties, it does not appear that there will be

any negative impacts if parking is allowed to be located on what will legally become an adjacent parcel.

Recommend denial of the variance request to allow the parking to remain unpaved (rock). It appears that there is enough area proposed to be paved to meet the parking requirements for the banquet hall. As such, the variance is not needed. Parking related to non-banquet hall uses (tree farm equipment storage) are not required to be paved. If the area to be used for the banquet hall is expanded in the future, paving of additional parking areas will be required.

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: 2019-006
Danny & Sherri Paul))
)	PROPERTY LOCATED AT:
)	12430 State Rt. 125
)	Pleasant Plains, IL 62677

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, variances and 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 **March 21, 2019** 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: **12430 State Rt. 125, Pleasant Plains, IL 62677** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is a **single-family residence and tree farm.**
- 5. That the proposed land use of said property is for **Proposed Parcel 1: Banquet hall and tree farm storage; and, for Proposed Parcel 2: Single-family residence, greenhouse, and tree farm.**
- 6. That the requested **rezoning, variances and Conditional Permitted Use** of said property are for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “B-1” Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: (1) banquet hall and (2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site; a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, for Proposed Parcel 2: a Conditional Permitted Use (CPU) for a greenhouse.**
- 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 not** support the proposition that the adoption of the proposed **rezoning and variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat** is in the public interest and is not solely in the interest of the petitioner(s) but, in the alternative, **does** support the proposition that the adoption of a **Conditional Permitted Use to allow for a banquet hall, a variance to allow two (2) uses on one (1) parcel: (1) banquet hall and (2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site and a Conditional Permitted Use to allow for a greenhouse** 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 and variance** is **denied, but in the alternative, a Conditional Permitted Use, variances and a Conditional Permitted Use** 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 **denied, but in the alternative, grant a Conditional Permitted Use to allow for a banquet hall, a variance to allow two (2) uses on one (1) parcel: (1) banquet hall and (2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site and a Conditional Permitted Use to allow for a greenhouse** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-006**

Address: **12430 State Route 125, Pleasant Plains**

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

**North – Residence, cemetery, and cropland. East & South – Cropland.
West – Residence and cropland.**

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

North, East, South, & West – Agricultural.

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

B-1 zoning would be too intense for the area and some of the uses permitted in the B-1 district are inconsistent with the agricultural nature of the immediate area. After the zoning petition was filed, staff determined that in addition to being allowed in the B-1 zoning district, banquet halls are also allowed as Conditional Permitted Uses in the Agricultural zoning district (Resolution 9, Adopted February 13, 2007). B-1 zoning would be considered spot zoning.

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

The area has remained mostly agricultural with some single-family residences. The Clayville Historical Site is located northwest of the subject property and contains a banquet hall and in 1993 was granted B-3 with a CPU for a private outdoor recreation center, restaurant, and pub. A wastewater treatment plant is also west of the subject property.

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

Case #: **2019-006**

Address: **12430 State Route 125, Pleasant Plains**

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.

Yes. The location of the banquet hall and greenhouse along State Route 125 and being in the middle of the approximate 85 acre subject property minimizes the effects the banquet hall and greenhouse have on the character of the surrounding area.

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

Banquet Hall: Yes. The petitioner will supply a sufficient amount of parking and provide a commercial entrance for the venue.

Greenhouse: Yes. The greenhouse has been there a number of years, is consistent with the agricultural use on the parcel, and has no negative impact on the area.

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

Negative impacts are not anticipated due to the location along State Route 125 and being in the middle of the approximate 85 acre subject property.

- (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

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL: 1) BANQUET HALL & 2) TREE FARM
STORAGE)**

Case #: 2019-006

Address: 12430 State Route 125, Pleasant Plains

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.

The structure is large enough to accommodate both uses. In addition, the use of the banquet hall is most likely to occur on weekends while the tree farm equipment will be used on a more regular basis in support of the tree farm agricultural business.

- (ii) that the variance is compatible with the trend of development in the area.

The area has remained mostly agricultural with some single-family residences. The Clayville Historical Site is located northwest of the subject property and contains a banquet hall and in 1993 was granted B-3 with a CPU for a private outdoor recreation center, restaurant, and pub. A wastewater treatment plant is also west of 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 tree farm storage use will benefit the existing tree farm on the subject property. The proposed banquet hall should be in harmony with the Zoning Regulations as it is located along State Route 125 and will contain ample parking to serve the site.

- (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.

Negative impacts are not anticipated in granting the requested variance.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-006**

Address: **12430 State Route 125, Pleasant Plains**

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.

Sign Variance: The sign for the proposed banquet hall will be located off-premise on the same sign structure as the existing tree farm business sign, which will limit the visual clutter and provide better visibility for both businesses being located along State Route 125 thereby improving the reasonable return the owner might expect on the property.

Off-Site Parking Variance: Given the layout of the properties, there could be a potential reduction in the yield of reasonable return if parking is not allowed to be located on what will legally become an adjacent parcel.

Paving Variance: It appears that there is enough area proposed to be paved to meet the parking requirements for the banquet hall. As such, the variance is not needed. Parking related to non-banquet hall uses (tree farm equipment storage) are not required to be paved. If the area to be used for the banquet hall is expanded in the future, paving of additional parking areas will be required.

- (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.

Sign Variance: Signage related to the tree farm is located on the larger parcel. Having the banquet hall signage on the same parcel limits the visual clutter that would occur from having signs at multiple locations.

Off-Site Parking Variance: Given the layout of the properties, it does not appear that there will be any negative impacts if parking is allowed to be located on what will legally become an adjacent parcel.

Paving Variance: It appears that there is enough area proposed to be paved to meet the parking requirements for the banquet hall. As such, the variance is not needed. Parking related to non-banquet hall uses (tree farm equipment storage) are not required to be paved. If the area to be used for the banquet hall is expanded in the future, paving of additional parking areas will be required.

- (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.

Sign & Off-Site Parking Variances: Negative impacts are not anticipated.

Paving Variance: If the area to be used for the banquet hall is expanded in the future, paving of additional parking areas will be required.