

CASE# 2017-015
RESOLUTION NUMBER 9-1

GRANTING A REZONING AND CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
600 TORONTO ROAD, 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 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, **Ron Metzger**, has petitioned the Sangamon County Board for a **rezoning from "I-1" Restricted Industrial District to "B-3" General Business District and a Conditional Permitted Use for a tavern with a beer garden and live entertainment;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 2017** 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 Conditional Permitted Use with the following conditions:**

- a. the tavern with live entertainment is limited to the footprint of the building and beer garden as per the site plan submitted with the petition; and,**

FILED

APR 27 2017

Don Metzger
Sangamon County Clerk

- b. **the hours of operation of the tavern with a beer garden and all live entertainment including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind, are governed by the Sangamon County Liquor Ordinance; 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 **9th Day of May, 2017 that the following requests:**

- 1. A rezoning from “I-1” Restricted Industrial District to “B-3” General Business District.**
- 2. A Conditional Permitted Use (CPU) for a tavern with a beer garden and live entertainment with the following conditions:**
 - a. the tavern with live entertainment is limited to the footprint of the building and beer garden as per the site plan submitted with the petition; and,**
 - b. the hours of operation of the tavern with a beer garden and all live entertainment including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind, are governed by the Sangamon County Liquor Ordinance.**

Signed and passed by the Sangamon County Board in session on this **9th day of May, 2017.**

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 WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, BEING REFERENCED TO THE CENTERLINE OF SURVEY AND PLANS OF FEDERAL AID INTERSTATE ROUTE 55 BETWEEN SPRINGFIELD AND LITCHFIELD, ILLINOIS, ON FILE IN THE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS AND BUILDINGS OF THE STATE OF ILLINOIS IN SPRINGFIELD, ILLINOIS AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE AT THE NORTHEAST CORNER OF THE WEST HALF, WEST HALF, NORTHWEST QUARTER OF SECTION 34; THENCE SOUTH 1 DEGREE 32 MINUTES 39 SECONDS EAST 487.15 FEET ALONG THE EAST LINE OF SAID WEST HALF, WEST HALF; THENCE ALONG A NON-TANGENT CURVE HAVING A RADIUS OF 411.00 FEET AND ITS CENTER BEARING NORTH 44 DEGREES 34 MINUTES 25 SECONDS EAST, MEASURE NORTHWESTERLY THROUGH A CENTRAL ANGLE OF 9 DEGREES 01 MINUTES 31 SECONDS, 64.74 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE, MEASURE 252.50 FEET; THENCE NORTH 1 DEGREE 12 MINUTES 07 SECONDS WEST, 108.90 FEET; THENCE NORTH 88 DEGREES 01 MINUTES 20 SECONDS WEST 306.47 FEET; THENCE SOUTH 88 DEGREES 47 MINUTES 53 SECONDS WEST, 40.00 FEET; THENCE SOUTH 58 DEGREES 19 MINUTES 04 SECONDS WEST 50.14 FEET; THENCE SOUTH 10 DEGREES 12 MINUTES 07 SECONDS EAST, 84.00 FEET TO A TANGENT CURVE, HAVING A RADIUS OF 758.81 FEET, AND ITS CENTER BEARING NORTH 88 DEGREES 47 MINUTES 53 SECONDS EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19 DEGREES 21 MINUTES 18 SECONDS MEASURE 256.23 FEET; THENCE NORTH 88 DEGREES 27 MINUTES 21 SECONDS 429.25 FEET TO THE POINT OF BEGINNING.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #13 NAME: **Brad Miller**

DOCKET NUMBER: **2017-015**

ADDRESS: **600 Toronto Road, Springfield, IL 62707**

PETITIONER: **Ron Metzger**

PRESENT ZONING CLASSIFICATION: **“I-1” Restricted Industrial District.**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District and a Conditional Permitted Use (CPU) for a tavern with a beer garden and live entertainment.**

AREA: **3.65 acres**

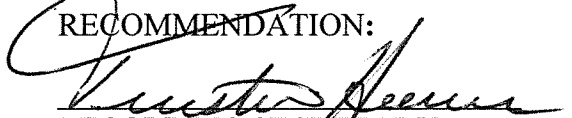
COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested B-3 zoning due to the trend of development in the area. Recommend approval of a Conditional Permitted Use (CPU) for a tavern with a beer garden and live entertainment with the following conditions: (1) the tavern with live entertainment is limited to the footprint of the building and beer garden as per the site plan submitted with the petition; and, (2) the hours of operation of the tavern with a beer garden and all live entertainment including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind, are governed by the Sangamon County Liquor Ordinance.**

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: 2017-015
Ron Metzger)	
)	PROPERTY LOCATED AT:
)	600 Toronto Road
)	Springfield, IL 62707

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 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 **April 20, 2017** 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: **600 Toronto Road, Springfield, IL 62707** and more particularly described as:

See Exhibit A

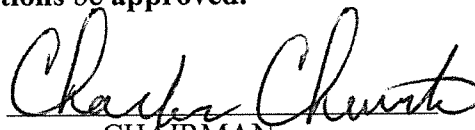
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- 3. That the present zoning of said property is **“I-1” Restricted Industrial District.**
- 4. That the present land use of said property is **a vacant building.**
- 5. That the proposed land use of said property is **a restaurant with the service of alcohol, museum, and gift shop.**
- 6. That the requested **rezoning and Conditional Permitted Use** of said property are for **a rezoning from “I-1” Restricted Industrial District to “B-3” General Business District and a Conditional Permitted Use for a tavern with a beer garden and live entertainment.**
- 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 and Conditional Permitted Use with the following conditions:**

- a. **the tavern with live entertainment is limited to the footprint of the building and beer garden as per the site plan submitted with the petition; and,**
- b. **the hours of operation of the tavern with a beer garden and all live entertainment including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind, are governed by the Sangamon County Liquor Ordinance;**

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 Conditional Permitted Use with the above noted conditions** be approved.


 CHAIRMAN
 476

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 with the following conditions to the Conditional Permitted Use:**

- a. the tavern with live entertainment is limited to the footprint of the building and beer garden as per the site plan submitted with the petition; and,**
- b. the hours of operation of the tavern with a beer garden and all live entertainment including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind, are governed by the Sangamon County Liquor Ordinance.**

which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:


 RECORDING SECRETARY

07-9

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2017-015

Address: 600 Toronto Road, Springfield

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

North – Vacant and off-ramp. East – On-ramp and I-55. South – Propane supplier and self-storage facility. West – Truck stop.

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

North & West – City B-1. South – I-1.

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

The proposed tavern with a beer garden and live entertainment is not permitted in the current I-1 District but is allowed with a CPU under the B-3 District.

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

The subject property has been sitting vacant for several years, and the proposed uses will coincide with the trend of development in the area. In 1995, a parcel south of the subject property was rezoned to B-3. Other parcels in the area have been annexed into the City of Springfield and have been rezoned to City B-1, including the large truck stop located directly west of the subject property. The petition notes the site is connected to a well rather than a public water supply.

SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2017-015

Address: 600 Toronto 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.

Yes, if the suggested conditions are imposed that the method of operation for the tavern be governed by the Sangamon County Liquor Ordinance and limited to the building and proposed beer garden area per the floor plan submitted with the petition.

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

The suggested conditions limit the hours of operation for the tavern to be governed by the Sangamon County Liquor Ordinance provided that the tavern and live entertainment are restricted to the building and the proposed beer garden as per the site plan submitted with the petition.

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

Interstate 55 acts as a buffer from any residences located further east. Toronto Road also provides a buffer from any future development that may occur to the north. The other businesses to the west and south of the subject property coincide with the proposed tavern use so no substantial injury to other property values is anticipated. The Springfield Comprehensive Plan also calls for this area to be commercial.

- (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.

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N/A