

CASE# 2013-029
RESOLUTION NUMBER 2-1

GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
1700 KNIGHTS RECREATION DRIVE, 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 the Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See EXHIBIT A

WHEREAS, the Petitioner, **Knights Action Park, Inc.**, has petitioned the Sangamon County Board for a **Conditional Permitted Use to allow the sale of alcoholic beverages**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 18, 2013** 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 to allow for the sale of alcoholic beverages in the existing tavern (formerly Tradewinds) and the two (2) existing corporate party structures providing there is no outside music after sunset and that the tavern will close no later than 1:00 am**; and

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

FILED

JUL 19 2013

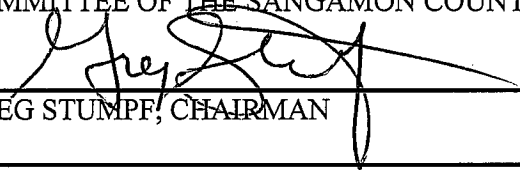
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 6th day of August, 2013 that the request for a Conditional Permitted Use to allow the sale of alcoholic beverages in the existing tavern (formerly Tradewinds) and the two (2) existing corporate party structures providing there is no outside music after sunset and that the tavern will close no later than 1:00 am on the above referenced property is hereby granted.

Signed and passed by the Sangamon County Board in session on this 6th day of August, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

Parcel II:

Part of the East Half of the Northeast quarter of Section 19, and part of the West Half of the Northwest Quarter of Section 20, Township 15 North, Range 5 West of the Third Principal Meridian, described more particularly as follow:

Commencing at the Northwest corner of the aforementioned Section 20, thence South 00 degrees 33 minutes East a distance of 1335.9 feet to a found iron pin marking the true point of beginning; thence South 89 degrees 29 minutes 19 seconds West a distance of 302.40 feet to an Iron pin on the Easterly right-of-way line of Old S.B.I. Route 4; thence North 00 degrees 33 minutes West along said right-of-way line a distance of 102.16 feet to an Iron pin; thence North 07 degrees 29 minutes 37 seconds East along the Easterly right-of-way line of the service drive of F.A. Route 196 a distance of 103.10 feet to an iron pipe marks the beginning of a 535.11 foot radius non-tangent curve to the right whose center bears North 89 degrees 10 minutes 59 seconds East; thence northerly along said right-of-way curve through a central angle of 46 degrees 59 minutes 54.9 seconds, a distance of 438.94 foot to an iron pipe; thence North 46 degrees 10 minutes 52 seconds East along said right-of-way line a distance of 425.80 feet to any iron pipe marks the beginning of a 532.96 foot radius non-tangent curve to the right whose center bears South 43 degrees 50 minutes.

East; thence Northeasterly along said right-of-way curve through a central angle of 42 degrees 54 minutes 28 seconds a distance of 899.12 feet to an iron pipe; thence South 01 degrees 06 minutes 12 seconds East a distance of 1033.83 feet to an iron pipe; thence South 89 degrees 29 minutes 19 seconds West a distance of 562.29 feet to the true point of beginning.

Parcel IV:

Part of the Northwest Quarter of Section 20, Township 15 North, Range 5 West of the third principal Meridian, described more particularly as follows:

Commencing at the Northwest corner of the aforementioned Section 20, thence South 0 degrees 33minutes East a distance of 1335.9 feet to a found iron pin, thence North 89 degrees 29 minutes 19 seconds East a distance of 562..29 feet to an iron pipe marking the true point of beginning; thence continuing North 89 degrees 29 minutes 19 seconds East a distance of 898.01 feet to an iron pipe; thence North 01 degrees 06 minutes 11 seconds West a distance of 1034.45 feet to an iron pipe on the South Right-of-Way Line of FA 196 (Springfield South By-Pass); thence South 89 degrees 27 minutes 00 seconds West along said Right-of-Way Line a distance of 894.51 feet to an iron pipe, said pipe marks the beginning of a 532.96 radius tangent curve to the left; thence Westerly along said curve through a central angle of 00 degrees 22 minutes 33 seconds a distance of 3.50 feet to an iron pipe; thence South 01 degrees 06 minutes 12 seconds East a distance of 1033.83 feet to the true point of beginning.:

Tract I:

That part of the Northwest Quarter of Section 20, Township 15 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois more particularly described as follows:

Commencing at a brass plate marking the Northeast corner of the Northwest Quarter of said Section 20, thence South 00 degrees 57 minutes 00 seconds East 337.70 feet along the East line of the Northwest Quarter of said Section 20 to the point of beginning, said point being a point on the Southerly right-of-way line of F.A. 196; thence continuing along the East Line of the Northwest Quarter of said Section 20, South 00 degrees 57 minutes 00 seconds East 11.04 feet; thence North 84 degrees 33 minutes 50 seconds West 50.26 feet; thence North 00 degrees 57 minutes 00 seconds West 9.36 feet to a point on the Southerly right-of-way line of F.A. 196; thence South 85 degrees 29 minutes 03 seconds East 50.10 feet along the Southerly right-of-way line of F.A. 196 to the point of beginning.

Bearings in the above description are based on the Illinois State Plane Coordinate System, West Zone.

Tract II:

Part of the Northeast Quarter of Section 19, Township 15 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, said land being referenced to the centerline of the survey of Chatham Road, Station 162'91.18 to 185'.50. The land is more particularly described as follows:

Commencing at an iron pin marking the Northeast corner of said Section 19, thence South 01 degrees 01 minutes 14 seconds East along the East line of the Northeast Quarter of said Section 19 a distance of 1335.90 feet; thence South 89 degrees 01 minutes 47 seconds West a distance of 286.12 feet to the point of beginning; thence continuing South 89 degrees 01 minutes 47 seconds West a distance of 15.00 feet to the existing right-of-way line of Old Route 4; thence North 00 degrees 58 minutes 18 seconds West along said right-of-way a distance of 98.43 feet; thence North 07 degrees 23 minutes 42 seconds East along said right-of-way a distance of 103.09 feet; thence South 00 degrees 58 minutes 18 seconds East a distance of 200.42 feet to the point of the beginning.

Bearings in the foregoing description are based on the State of Illinois Plan Coordinate, West Zone.

Situated in Sangamon County, Illinois

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 13 NAME: Sam Montalbano

DOCKET NUMBER: 2013-029

ADDRESS: 1700 Knights Recreation Dr., Springfield, IL. 62711

PETITIONER: Knights Action Park, Inc.

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District with a Conditional Permitted Use for outdoor recreation.**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District with a Conditional Permitted Use for outdoor recreation and sale of alcoholic beverages.**

AREA: 41.05 acres

COMMENTS: None

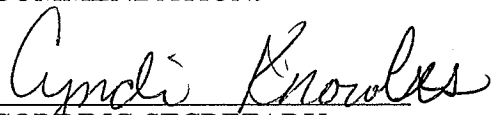
OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Denial of the requested CPU to allow the sale of alcoholic beverages. The petitioner is requesting to reopen the tavern and also a “tiki bar” within the outdoor recreation area. While it is assumed the tavern will be operated in a manner as it once was posing no negative effects on the immediate area, more testimony regarding method and hours of operation is needed at the hearing to fully evaluate the findings. There is a concern with the effect a bar with alcoholic sales will have on the water park. A bar within a location that is primarily a children’s atmosphere and heavily populated with underage children does not appear to be in the best interest for the public. The standards for variation are not met.**

AMENDED: Recommend approval

of a CPU to allow for the sale of alcoholic beverages in the existing tavern (formerly Tradewinds) and the two (2) existing corporate party structures providing there is no outside music after sunset and that the tavern will close no later than 1:00 am.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:


RECORDING SECRETARY

Approval as Staff amended.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-029
Knights Action Park, Inc.)	
)	PROPERTY LOCATED AT:
)	1700 Knights Recreation Dr.
)	Springfield, IL. 62711

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 **July 18, 2013** 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: **1700 Knights Recreation Dr., Springfield, IL.** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **"B-3" General Business District with a Conditional Permitted Use for outdoor recreation.**
- 4. That the present land use of said property is **an outdoor recreation park.**
- 5. That the proposed land use of said property is **an outdoor recreation park and restaurant/pub with alcohol sales.**
- 6. That the requested **Conditional Permitted Use** of said property is **to allow the sale of alcoholic beverages.**
- 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 limited to the existing tavern (Formerly Tradewinds) and the two (2) existing corporate party structures providing there is no outside music after sunset and that the tavern will close no later than 1:00 am.**

Charles Chimento/ck

 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 as amended by the Staff recommendation**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, John Lucchesi, Judith Johnson, Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Byron Deaner**

Cyndi Koroles

 RECORDING SECRETARY

2-10

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

FOFCPU.COZ

Case #: 2013-029

Address: 1700 Knights Recreation Drive, 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 petitioner is requesting to reopen the tavern that is on a separate parcel from the water park. The location of the tavern in proximity to the water park poses no adverse effects on the character of the surrounding area. It is assumed that the method of operation of the former tavern will remain the same; however more testimony is needed at the hearing to further evaluate this finding. The petitioner is also requesting to open a "tiki bar" within the water park to sell alcoholic beverages. While it may not affect the character of the surrounding area, a bar within the water park could have an adverse impact on the character of the water park itself.

AMENDED: Evidence was provided at the hearing related to the hours and method of operation. Staff finds that the location of the proposed tavern and the two corporate party structures are a great enough distance from the water park that there will be no negative impact on the area. There is a concern about noise that would be generated if outside music were allowed during evening hours. However, there was insufficient testimony to support allowing a tiki bar within the water park area.

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

This appears to be the case for the site of the former tavern; however, there is a concern with the effect a bar with alcoholic sales will have on the water park. A bar within a location that is primarily a children's atmosphere and heavily populated with underage children does not appear to be in the best interest for the public.

AMENDED: Evidence was provided that the health, safety and welfare will be protected related to the tavern and corporate areas. However, concerns remain about the location of the tiki bar.

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

There is no negative impact anticipated on the value of other property in the vicinity.

- (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.

Yes.