

**GRANTING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3000 W. JEFFERSON, 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 a rezoning and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Green View Nursery Inc.**, has petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held via Zoom on **November 19, 2020** 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 a rezoning and a variance; and,**

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

FILED

NOV 23 2020

Don J. May
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of December, 2020** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this **8th day of December, 2020**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Part of the Southeast Quarter of the Southwest Quarter of Section Nineteen (19) and a part of the Northwest Quarter of Section Thirty (30), both in Township Sixteen (16) North, Range Five (5) West of the Third Principal Meridian, described as follows:

Beginning at a point said to be 2490.3 feet South and 384.5 feet West of the center of Section 19, Township 16 North, Range 5 West of the Third Principal Meridian, computed from a Plat shown in Deed Book 539 at Page 697 in Sangamon County Recorder's Office, running thence South 20 degrees 00 minutes West, 181 feet; thence North 70 degrees 35 minutes West, 68 feet; thence North 89 degrees 20 minutes West, 100.93 feet; thence South 23 degrees 44 minutes West, 221 feet; thence North 72 degrees 08 minutes West, 300 feet; thence North 19 degrees 22 minutes East, 452.35 feet; thence South 75 degrees 00 minutes East, 78.18 feet; thence South 68 degrees 14 minutes East, 404.74 feet to the Point of Beginning, the last two courses being along the Southerly right of way line of Illinois Highway Route 125.

EXCEPT

Part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 16 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois, described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 19, thence South 89 degrees 49 minutes 15 seconds West a distance of 419.48 feet, thence North 19 degrees 08 minutes 45 seconds East a distance of 141.99 feet to the Point of Beginning, thence North 58 degrees 41 minutes 25 seconds West a distance of 8.00 feet, thence North 68 degrees 59 minutes 01 second West, a distance of 24.70 feet, thence North 70 degrees 33 minutes 18 seconds West a distance of 174.29 feet, thence North 76 degrees 38 minutes 37 seconds West a distance of 75.43 feet, thence North 70 degrees 33 minutes 18 seconds West a distance of 75.0 feet, thence North 72 degrees 50 minutes 44 seconds West a distance of 129.83 feet, thence North 16 degrees 59 minutes 02 seconds East a distance of 10.44 feet to the existing right of way line of SBI-125, thence South 76 degrees 54 minutes 23 seconds East a distance of 78.95 feet along said right of way line, thence South 70 degrees 42 minutes 13 seconds East a distance of 408.48 feet continuing along said right of way line, thence South 19 degrees 08 minutes 45 seconds West a distance of 9.35 feet to the Point of Beginning. Situated in Sangamon County, Illinois.

PARCEL NUMBER: 14-30.0-101-006.

AND

Part of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ Section 19, Township 16 North, Range 5 West: commencing at the intersection of the East line of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 19 and the South line of Jefferson St. (State Routes 97 & 125), thence Westerly along the South line of Jefferson St. (State Routes 97 & 125) 185.45 feet more or less to the point of beginning, thence Southwesterly 230 feet, thence Easterly 154.86 feet, thence Southerly 139.2 feet, thence Easterly 81.5 feet to the East line the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 19, thence South to the South Line of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 19, thence West along the South Line of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 19 1350.36 feet to the intersection of the Eastern line of the C & NW Railroad, thence Northeasterly along the Eastern line of the C & NW Railroad to the intersection of the South line of Jefferson St. (State Routes 97 & 125).

Also: beginning at the above mentioned point of beginning: thence Westerly along the South line of Jefferson St. (State Routes 97 & 125) 80.05 feet, thence Southwesterly 300 feet, thence Westerly 220 feet, thence Northeasterly 65.91 feet, thence Westerly 53.9 feet, thence Southerly 76.45 feet, thence Southwesterly 81.14 feet, thence Southwesterly 236.52 feet, thence Westerly 50 feet, thence Northeasterly to the South line of Jefferson St. (State Routes 97 & 125), thence Southwesterly 255.33 feet, thence Westerly 136.26 feet, thence Northeasterly 253 feet to the South line of Jefferson St. (State Routes 97 & 125), thence Westerly along the South line of Jefferson St. (State Routes 97 & 125) to the Eastern line of the C & NW Railroad.

All in the County of Sangamon, in the State of Illinois.

Also described as: Part of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 19, Township 16 North, Range 5 West; lying South of the Southern line of Jefferson St. (State Routes 97 & 125) and East of the Eastern line of the C & NW Railroad, (except the following parcels described by the following Parcel Identification Numbers: 14-19-353-003 & 14-19-381-001) in the County of Sangamon, in the State of Illinois.

Commonly Known As: 13.21 acres behind 3000 W. Jefferson, Springfield, IL

Parcel Numbers: 14-19.0-353-014, 018 thru 021.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #11 NAME: James Schackmann

DOCKET NUMBER: 2020-036

ADDRESS: 3000 W. Jefferson Street, Springfield, IL 62707

PETITIONER: Green View Nursery, Inc.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.

AREA: 66.98 acres.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The LESA score of 142 indicates the property is acceptable for non-agricultural development. The garden center and landscape company have been operating on the subject property for approximately 25 years and the requested B-3 District is appropriate due to the mix of commercial and non-commercial uses along Jefferson. The customer parking is paved, but the employee and company vehicle parking are not paved on the subject property. The longstanding seasonal nature of the business provides a unique circumstance to allow the employee and company vehicle parking lots to remain unpaved. The Standards for Variation are met.

SANGAMON COUNTY ZONING 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: **2020-036**
Green View Nursery, Inc.)
))
)) PROPERTY LOCATED AT:
)) **3000 W. Jefferson Street**
)) **Springfield, IL 62707**

RECOMMENDATION OF THE ZONING 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 **rezoning and a variance** 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 19, 2020** 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:

That said Board has jurisdiction to consider the petition filed herein.

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: **3000 W. Jefferson Street, Springfield, IL 62707** and more particularly described as:

See Exhibit A

That the present zoning of said property is **“A” Agricultural District.**

That the present land use of said property is **Garden center and landscape company.**

That the proposed land use of said property is **Garden center and landscape company.**

That the request(s) for the subject property **are pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.**

That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).

The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **rezoning and a variance** 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 following request(s) **are hereby approved:**

- **Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.**

 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved**:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.


The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Phil Sidles**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2020-036**

Address: **3000 West Jefferson Street, Springfield**

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

North – Mixed residential, church, and vacant. East – Carpet store and timber. South – Residence and timber. West – Bike trail.

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

North – City R-1, City R-2, and City R-3(b). East – Agricultural, and B-2. South – City R-1 and Agricultural. West – Agricultural.

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

The LESA score of 142 indicates the property is acceptable for non-agricultural development. The garden center and landscape company have been operating on the subject property for approximately 25 years and the requested B-3 District is appropriate.

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

The trend of development along Jefferson is a mix of commercial and non-commercial. In 2011, a portion of the subject property was granted a Conditional Permitted Use for a dog grooming business and a variance for two principal uses on one parcel. In 1995, B-2 was granted east of the subject property. In 1992, B-3 was approved west of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-036**

Address: **3000 West Jefferson 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.

The customer parking is paved on the subject property and the employee and company vehicle unpaved parking surface has been on the subject property for approximately 25 years without negative effects. Similar paving variances have also been granted for businesses where the parking is for employees only.

- (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.

The customer parking is paved, but the employee and company vehicle parking are not paved on the subject property. The longstanding seasonal nature of the business provides a unique circumstance to allow the employee and company vehicle parking lots to remain unpaved.

- (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.

Negative impacts are not anticipated.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	
50-74%	5	5
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	
50-74%	5	
Under 50%	0	0
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	
Under 50%	0	10
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	10
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	20
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	5
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	0

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	0
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	20
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	0
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	0
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL		85
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2	0	98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2	13	87	11
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3	32	75	24
3107A	Sawmill	P5	14	75	11
7075B	Drury	P	8	75	6
8396A	Vesser	P2		75	
3074A	Radford	P3		75	
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	7	75	5
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Osco	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I		74	
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	

685C2	Middletown	I		74
280D2	Fayette	I		74
119D3	Elco	N		74
259D2	Assumption	I		74
212C2	Thebes	I		74
630C2	Navlys	I		74
630D2	Navlys	I		74
630D3	Navlys	I		57
131D2	Alvin	I		57
8D	Hickory	I		50
8D2	Hickory	I		50
280D3	Fayette	I		44
8D3	Hickory	I		44
8F	Hickory	N		44
549G	Marseilles	N	8	0
533	Urban Land	N		
536	Dumps	N		
830	Orthents, Land	N		
862	Pits, Sand	N		
864	Pits, Quarries	N		
801C	Orthents, Silty	N		
W	Water		14	

Prime/Important Farmlands Designations:

- P: Prime farmland
- P2: Prime where drained
- P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.
- P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.
- I: Important farmland
- N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	57
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GRAND TOTAL	142
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.