

CASE# 2012-021 5-1
RESOLUTION NUMBER

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5611 & 5681 OLD JACKSONVILLE RD., 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 conditional permitted use and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Gale & David Myers**, have petitioned the Sangamon County Board for a **Conditional Permitted Use to allow for greenhouses with on-site retail and internet sales of trees and a variance to allow two (2) principal uses on one (1) parcel;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 17, 2012** 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 variance;** and

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

FILED

MAY 31 2012


Joe Quella
Sangamon County Cler.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of June, 2012 that the request for a conditional permitted use to allow for greenhouses with retail and internet sales of trees providing that no more than six (6) greenhouses are placed on the property and that the retail sales are by appointment only and a variance to allow two (2) principal uses on one (1) parcel on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of June, 2012.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel # 13-34-0-379-012

Part of the Southeast Quarter of the Southwest Quarter of Section 34, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the Southeast corner of the Southwest Quarter of said Section 34; thence South 89 24'36" West on the Section line, 776.05 feet; thence North 00 51'32" West, 54.00 feet to the point of beginning; thence South 89 24'36" West, 78.55 feet; thence North 00 54'12" West, 376.12 feet; thence South 88 28'26" East, 237.89 feet; thence South 00 51'32" East, 121.82 feet; thence South 89 24'36" West, 191.76 feet; thence South 00 51'32" East, 138.66 feet; thence North 89 08'28" East, 32.92 feet; thence South 00 51'32" East, 107.00 feet to the point of beginning, containing 1.027 acres, more or less.

Parcel # 13-34-0-379-007

Part of the Southeast Quarter of the Southwest Quarter of Section 34, Township 16 North, Range 6 West of the Third Principal Meridian, described as follows:

~~Beginning at a point on the South line of said Section 417.21 feet West of the Southeast corner of the Southwest Quarter of said Section, thence West on aforesaid Section line 200.00 feet; thence North parallel to the Quarter Section line 419.18 feet thence East 200.00 feet to a point 419.26 feet North of the point of beginning; thence South 419.26 feet to the point of beginning; except that part dedicated for highway right of way.~~

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase, Jr.

DOCKET NUMBER: 2012-021

ADDRESS: 5611 & 5681 Old Jacksonville Rd., Springfield, IL. 62711

PETITIONER: Gale & David Myers

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use to allow for greenhouses with retail and internet sales of trees and a variance to allow two (2) principal uses on one (1) parcel.

AREA: 2.96 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested CPU to allow for multiple greenhouses with retail and internet sales. There is a concern with the amount of delivery truck traffic that could be generated entering and exiting the subject parcel, as this could have a negative effect on the character of the surrounding area that is primarily residential in nature. Even though the greenhouses are located in a manner that is not visible from the public road, there appears to be storage of mulch and other materials related to the business that could have a negative aesthetic affect on the immediate area. Furthermore, testimony regarding the method and hours of operation, number of employees, and a**

parking plan is recommended at the hearing. Staff recommends denial of the requested variance to allow two (2) principal uses on one (1) parcel. The standards for variation are not met. There do not appear to be any unique circumstances related to this property that justifies allowing a second use.

AMENDED: Recommend approval of the two (2) principal uses on one (1) property. The standards for variation have been met. Recommend approval of the requested CPU providing as follows, the number of greenhouses on the existing parcel will remain at 6 or less and the on-site sales be limited to by appointment only.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as amended Staff report and recommends approval of the requested Conditional Permitted Use and variance restricted to the existing six (6) greenhouses or less and on-site sales be by appointment only.


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2012-021**
Gale & David Myers)
))
)) **PROPERTY LOCATED AT:**
)) **5611 & 5681 Old Jacksonville**
)) **Rd.**
)) **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 and 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 **May 17, 2012** 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: **5611 & 5681 Old Jacksonville Rd., Springfield, IL.** 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 six (6) greenhouses with retail and internet sales of Japanese maple trees.
- 5. That the proposed land use of said property is a single-family residence and six (6) greenhouses with retail and internet sales of Japanese maple trees.
- 6. That the requested Conditional Permitted Use and variance of said property are to allow for greenhouses with retail and internet sales of trees and a variance to allow two (2) principal uses on one (1) parcel.
- 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 providing that no more than six (6) greenhouses are placed on the property and that the retail sales are by appointment only and 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 requested **Conditional Permitted Use providing that no more than six (6) greenhouses are placed on the property and that the retail sales are by appointment only and variance be approved.**

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 amended 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 **Charles Chimento**.

The vote of the Board was as follows:

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

NO:

ABSENT: **Byron Deaner, Peggy Egizii, Marvin Traylor**

Cynda Knowles
RECORDING SECRETARY

SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2012-021

Address: 5611 & 5681 Old Jacksonville 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.

The greenhouses are located in an area that is not visible from the public road, however, there appears to be storage of mulch and material associated with the greenhouses towards the front of the property which could have an aesthetic affect on the character of the residential area. Additionally, there is a concern with the number of trucks delivering and picking up material.

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

There is a concern with the number of large delivery trucks entering and leaving the property as this could pose a safety issue.

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

There is a concern with the effect the greenhouse business could have on the property value in the immediate area.

- (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

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-021

Address: 5611 & 5681 Old Jacksonville Road, 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 request is made to allow a retail greenhouse on the property that contains a single family residence. Allowing a second use on that is primarily a business could yield an increased return on the property.

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- (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.

There do not appear to be any unique circumstances related to the subject property that is unlike other properties in the immediate area.

- (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.

There is a concern with the number of delivery trucks entering and leaving the subject property that could potentially have a negative effect on the character of the surrounding air and possible congestion of traffic.