

**GRANTING A CONDITONAL PERMITTED USE WITH CONDITIONS AND
VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1405 & 1409 ADLAI STEVENSON 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 a Conditional Permitted Use with conditions and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

THE SOUTH HALF OF LOT 1 AND ALL OF LOTS 9 AND 10 IN BLOCK 9 OF BELMONT PARK GARDENS, A SUBDIVISION OF SECTIONS 10 & 11, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN. SITUATED IN SANGAMON COUNTY, ILLINOIS. PARCEL NUMBERS: 22-10.0-479-008, 009 & 010.

WHEREAS, the Petitioners, **Alexander Chen & Chun Hu**, have petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 958 sq. ft.); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.020 to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces; and,**

WHEREAS, a public hearing was held at the Bank of Springfield Center on **September 17, 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

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Sangamon County Board **grant a Conditional Permitted Use with conditions and variances;**
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 **13th Day of October, 2020** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 958 sq. ft.) with the following conditions:
 1. The tavern is limited to approximately 958 square feet in Suite 1 as shown on the site plan (Exhibits F & G) in the petition;
 2. No live entertainment and dancing are allowed; and,
 3. The hours of operation are limited to the Sangamon County Liquor Ordinance.
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.020 to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces.

Signed and passed by the Sangamon County Board in session on this **13th day of October, 2020.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

6-3

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #14 NAME: Joel Tjelmeland, Jr.

DOCKET NUMBER: 2020-026

ADDRESS: 1405 & 1409 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER: Alexander Chen & Chun Hu

PRESENT ZONING CLASSIFICATION: "B-3" General Business District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 958 sq. ft.); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.020 to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces.

AREA: 1 acre.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use for a tavern with the following conditions: 1) the tavern is limited to approximately 958 square feet in Suite 1 as shown on the site plan (Exhibits F & G) in the petition, 2) no live entertainment and dancing are allowed, and 3) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the requested variances. There is a unique circumstance in that the customer entrance to the proposed tavern will be over 100 feet away from a residence. The subject property contains a business strip mall that has been operating for over 30 years with varying uses and there have been no known parking problems in that time, so requiring additional parking spaces could reduce the yield of reasonable return expected for the subject property. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.



RECORDING SECRETARY

6-4

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2020-026
Alexander Chen & Chun Hu)	
)	PROPERTY LOCATED AT:
)	1405 & 1409 Adlai Stevenson Drive
)	Springfield, IL 62703

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 **Conditional Permitted Use and variances** 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 **September 17, 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:

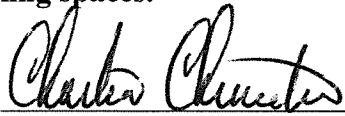
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **1405 & 1409 Adlai Stevenson Drive, Springfield, IL 62703** and more particularly described as:

THE SOUTH HALF OF LOT 1 AND ALL OF LOTS 9 AND 10 IN BLOCK 9 OF BELMONT PARK GARDENS, A SUBDIVISION OF SECTIONS 10 & 11, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN. SITUATED IN SANGAMON COUNTY, ILLINOIS. PARCEL NUMBERS: 22-10.0-479-008, 009 & 010.

- 3. That the present zoning of said property is **“B-3” General Business District.**
- 4. That the present land use of said property is **Strip commercial.**
- 5. That the proposed land use of said property is **Strip commercial with a tavern with video gaming parlor.**
- 6. That the request(s) for the subject property are **pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 958 sq. ft.); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.020 to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces.**
- 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 with conditions and variances** 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 Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 958 sq. ft.) with the following conditions:**
 - 1. **The tavern is limited to approximately 958 square feet in Suite 1 as shown on the site plan (Exhibits F & G) in the petition;**
 - 2. **No live entertainment and dancing are allowed; and,**
 - 3. **The hours of operation are limited to the Sangamon County Liquor Ordinance.**
- **Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.020 to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces.**



 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 Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 958 sq. ft.) with the following conditions:
 1. The tavern is limited to approximately 958 square feet in Suite 1 as shown on the site plan (Exhibits F & G) in the petition,
 2. No live entertainment and dancing are allowed; and,
 3. The hours of operation are limited to the Sangamon County Liquor Ordinance.
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.020 to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT:



 RECORDING SECRETARY

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

Case #: **2020-026**

Address: **1405 & 1409 Adlai Stevenson 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.

Conditions are suggested regarding size, prohibiting live entertainment and dancing, and hours of operation to minimize potential impacts.

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

Conditions regarding size, prohibiting live entertainment and dancing, and hours of operation should help minimize effects to the public health, safety, and welfare.

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

The tavern, with the proposed conditions, will not likely cause substantial injury to property values 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) Manufactured home parks - must meet the requirements of Chapter 17.48 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.

A variance is requested to allow a tavern property line to be approximately six (6) feet from a residence.

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:
 - 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-026**

Address: **1405 & 1409 Adlai Stevenson Drive, 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.

Tavern Property Line Variance: Given the subject property's location along a commercial corridor zoned for commercial usage, a business of this nature could be expected to contribute to the economic yield of the property. Similar variance requests were granted for two taverns located in a strip development west of the subject property where the customer entrances were also greater than 100 feet from the residence, so not allowing a similar request could affect the reasonable return on the subject property.

Parking Spaces Variance: The subject property contains a business strip mall that has been operating for over 30 years with varying uses and there have been no known parking problems in that time, so requiring additional parking spaces could reduce the yield of reasonable return expected for the subject property.

- (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.

Tavern Property Line Variance: There is a unique circumstance in that the customer entrance to the proposed tavern will be over 100 feet away from a residence.

Parking Spaces Variance: The subject property contains a business strip mall that has been operating for over 30 years with varying uses and there have been no known parking problems in that time.

- (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.