

RECAP

DOCKET NO:

2012-005

Ward # 7

ADDRESS:

3526 South Park Avenue

PETITIONER:

Donald Eddings, owner and
Windsor Development Group, Inc., contract purchaser
By Mike Southworth, attorney for the petitioners

PRESENT ZONING
CLASSIFICATION:

R-1, Single-Family Residence District, upon annexation.

REQUESTED
ZONING RELIEF:

Reclassification to R-3(b), General Residence District.

COMMENTS:

To allow three 1 story buildings, each building being approximately 4,800 square feet containing 8 single residence occupancy apartments.

OBJECTORS:

Tom Shafer

STAFF
RECOMMENDATION:

Recommend approval. The area to the north, south and west is a mix of single-family and multi-family residential. The property immediately to the north was developed with a multi-family apartment building. Properties to the east are commercial. The City Plan indicates that this area is appropriate for mixed density residential.

PLANNING AND ZONING
COMMISSION
RECOMMENDATION:

Recommend denial of the petition

DATE:

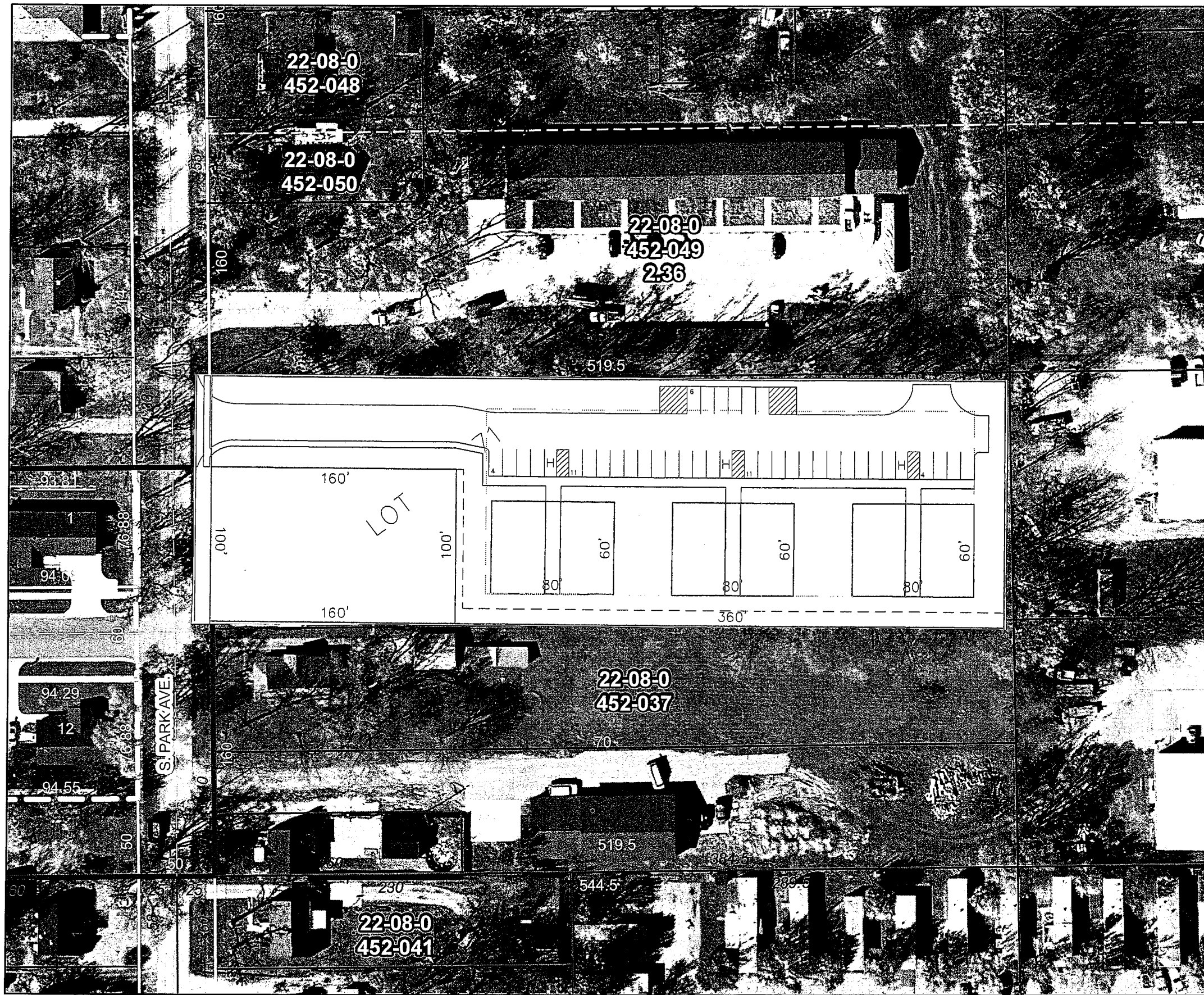
January 18, 2012

CITY COUNCIL ACTION:

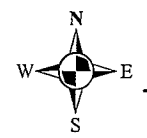
DATE:

February 21, 2012

2012-005



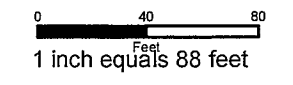
- Legend**
Tax Parcel Lines
- Corp
 - County
 - Geo Twp
 - Lot Line
 - Min Rights
 - Misc
 - Parcel
 - Pol Twp
 - RR
 - RR ROW
 - Road
 - Road ROW
 - Section Line
 - Sub Line 100
 - Sub Line 400
 - Water
 - Townships



Office Of
Supervisor of Assessments
Sangamon County GIS

Sangamon County, Illinois

Although strict accuracy standards have been employed in the compilation of this map, Sangamon County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.



Flight Date: April, 2007

1/18/2012

RECEIVED

CITY COUNCIL
Springfield, Illinois

JAN 19 2012

IN THE MATTER OF THE PETITION OF)
Don Eddings & Windsor Dev.)
TO RECLASSIFY PROPERTY COMMONLY)
KNOWN AS 3526 S Park)

City Clerk's Office
Docket # 2012-005

Springfield, Illinois

PROTEST PETITION

A petition protesting against a proposed change in the boundaries of a district, pursuant to Section 155.224 of the Code of the City of Springfield, Illinois.

We, the undersigned, property owners of 20 percent or more of either the frontage to be altered to the frontage immediately adjoining or across an alley therefrom, or directly opposite the frontage of the proposed change, do respectfully request denial of the petition to reclassify the property commonly known as 3526 S Park Springfield, Illinois from R-1 classification to R-3 classification, which would allow use of the property as 24 Apartments

and/or any other zoning classification and/or use variance which may allow said use as requested by the petition.

<u>Names of Property Owners</u>	<u>Addresses</u>
<u>STEVEN R. BIVIN</u>	<u>3513 S PARK</u>
<u>STEVEN R. BIVIN</u>	<u>3521 S PARK</u>
<u>[Signature]</u>	<u>3508 S Park</u>
<u>Jessie Ardubier</u>	<u>3504 S. Park Ave.</u>
<u>Rick Crowell</u>	<u>3444 S. PARK</u>
<u>James Mansfield</u>	<u>2116 S PARK</u>
<u>Amy Devo</u>	<u>3400 S Park Ave.</u>

I, Tom Shaffer do hereby certify that I reside at 3513 S Park in the City of Springfield, County of Sangamon in the State of Illinois, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition property owners, residing in said residence, and/or their respective residences are correctly stated as above set forth.

Thomas A. Shaffer
Signature (Person circulating petition and making this affidavit)

Subscribed and sworn (or affirmed) to before me, this 10th day of July A.D. 2012

[Signature]
Notary Public

My commission expires on 7/15/2012



7010 3090 0001 8635 0913

US Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only/No Insurance coverage Provided)

FOR DELIVERY INFORMATION VISIT OUR WEBSITE AT WWW.USPS.COM
OFFICIAL USE

Postage	\$ 46.44
Certified Fee	42.85
Return Receipt Fee (Endorsement Required)	42.30
Restricted Delivery Fee (Endorsement Required)	40.00
Total Postage & Fees	\$ 45.59

0603
SPFLD 62704
Postmark Here
JAN 13 2012

Sent to Mike Southworth
Street, Apt. No.: Suite 501 One North Old Capital
or PO Box No. Springfield IL 62701
City, State, ZIP+4

7010 3090 0001 8635 0520

US Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only/No Insurance coverage Provided)

FOR DELIVERY INFORMATION VISIT OUR WEBSITE AT WWW.USPS.COM
OFFICIAL USE

Postage	\$ 40.44
Certified Fee	42.85
Return Receipt Fee (Endorsement Required)	42.30
Restricted Delivery Fee (Endorsement Required)	40.00
Total Postage & Fees	\$ 45.59

0603
SPFLD 62704
Postmark Here
JAN 13 2012

Sent to Donald E. Eddings
Street, Apt. No.: 3526 S. Park Ave.
or PO Box No. Springfield IL 62704
City, State, ZIP+4

2012-025

SPRINGFIELD PLANNING AND ZONING COMMISSION
SPRINGFIELD, ILLINOIS

IN THE MATTER OF THE PETITION
Donald Eddings, owner, and
Windsor Development Group, Inc., contract purchaser,
By Mike Southorth, attorney for petitioners

) DOCKET NO. 2012-005
) PROPERTY LOCATED AT:
) 3526 South Park Avenue

RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION

THIS MATTER, coming on for a hearing before the Springfield Planning and Zoning Commission of the City of Springfield, Illinois, and it appearing to said Commission that a petition for a **Reclassification to R-3(b), General Residence District**, of the zoning regulations of said City has been filed herein by the above-captioned Petitioner; that legal publication has been made pursuant to law; and that a public hearing was held on **January 18, 2012**, pursuant to law, and that said Commission took testimony of witnesses, examined the evidence, otherwise being fully advised in the premises, therefore finds as follows:

1. That said Commission has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner is the owner and/or has a beneficial interest in the property more particularly described as:

Lot 71 in Pierik Place, situation in the County of Sangamon and State of Illinois, parcel number 22-08-0-452-036.
3. That the present zoning of said property is **R-1, Single-Family Residence District, upon annexation.**
4. That the present land use of said property is a **single family residence and partially vacant.**
5. That the proposed land use of said property is **to allow three 1 story buildings, each with 8 apartments on the vacant portion of the property.**
6. That the changes requested for said property is a **Reclassification to R-3(b), General Residence District.**
7. That the required findings and standards of the Planning and Zoning Commission are accurately stated on the attached exhibits.
8. That the evidence adduced at the hearing **did not** support the proposition that the adoption of the proposed request is in the public interest.

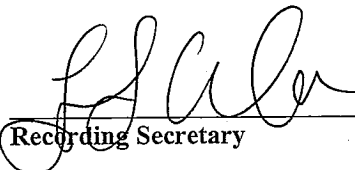
BELOW is the RECOMMENDATION of the Springfield Planning and Zoning Commission:

Motion made by: **Commissioner Moss**
Motion seconded by: **Commissioner Mason**

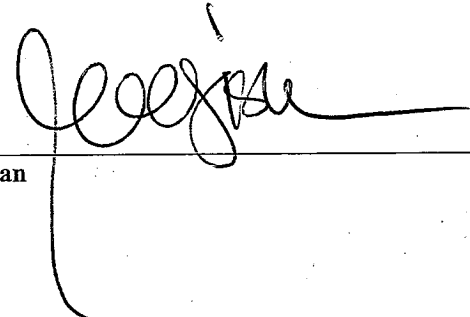
RECOMMENDATION OF THE PLANNING & ZONING COMMISSION:

Recommend denial of the petition.

The vote of the Commission was as follows:
Yes: 10 No: 00 Absent: 00



Recording Secretary



Chairman

FINDINGS OF FACT

Case #: 2012-005

Address: 3526 S. Park Avenue

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

North: Multi-family and single-family residential. South: Single-family and mobile home park. East: Lawn care business, building contractor, and plumbing business. West: Single-family and multi-family residential.

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

North: County R-1. South: County R-1 and R-3. East: County R-1 and B-3. West: City R-2 and R3b and County R-1.

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

The property contains a single-family residence. The area to be developed is vacant and can be developed uses under the R-1 zoning classification.

- (iv) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

The immediate area to the north, south and west have maintained a residential nature. The properties immediately to the east have redeveloped with commercial uses. The property immediately to the north was developed with multi-family residential apartments.

- (v) The relationship of the uses allowed under the proposed zoning classification to the Official City Plan.

The City Plan indicates that this immediate area is projected to be mixed density residential.

- (vi) If the Commission finds that both existing zoning classification and the zoning classification requested in the proposed amendment are inappropriate, the Commission shall make a finding on the appropriate zoning classification for the property.

24 unit apartments on this parcel is too intense for the neighborhood.
Property should stay R-1, Single-Family Residence District.


Chairman

Case # 2012-005.

RECEIVED

DEC 02 2011

CITY OF SPRINGFIELD, ILLINOIS

DEPARTMENT OF PLANNING AND ZONING
SPRINGFIELD, IL

**PETITION FOR AMENDMENT
TO SPRINGFIELD ZONING ORDINANCE**

STATE OF ILLINOIS)
) SS. 2012 - 005
COUNTY OF SANGAMON)

IN THE MATTER OF THE PETITION OF DONALD E. EDDINGS AND THE WINDSOR DEVELOPMENT GROUP, INC. AN ILLINOIS CORPORATION RESPECTFULLY PETITIONING FOR AN AMENDMENT OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, ILLINOIS (THE "ZONING ORDINANCE") TO CHANGE THE ZONING CLASSIFICATION OF THE PROPERTY COMMONLY KNOWN AS 3526 SOUTH PARK AVENUE, SPRINGFIELD, ILLINOIS (THE "PROPERTY") FROM "R-1" TO "R-3(b)" UPON ANNEXATION OF THE PROPERTY TO THE CITY OF SPRINGFIELD;

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS, AND TO THE SPRINGFIELD PLANNING AND ZONING COMMISSION OF THE CITY OF SPRINGFIELD, ILLINOIS:

Co-Petitioner, THE WINDSOR DEVELOPMENT GROUP, INC., an Illinois corporation ("Windsor"), is the contract purchaser from Co-Petitioner DONALD E. EDDINGS, ("Owner") of the Property located at 3526 South Park Avenue, Springfield, Illinois, that is not within the corporate limits of the City of Springfield, Illinois (the "City") and is legally described as follows (the "Property"):

Lot 71 in Pierik Place.
Situating in Sangamon County, Illinois.
Parcel ID Number: 22-08-452-036
Common Address: 3526 South Park Avenue, Springfield, Illinois

With respect to the Property, Owner has filed a petition for annexation of the Property to the City and in connection therewith, Petitioners respectfully petition the City Council of the City to amend the Zoning Ordinance by placing the Property in the "R-3(b)" General Residence District as defined in Section 155.018 of the Zoning Ordinance.

In support hereof, Petitioners state as follows:

1. The Property contains approximately 83,254 total square feet in area. A plat of the Property is attached hereto and made a part hereof as Exhibit A.
2. The Property is currently located in unincorporated Sangamon County and is not within the corporate limits of the City. Owner has filed an annexation petition for the Property

with the City, a copy of which has been filed with the office of the zoning administrator of the City.

3. The Property has a single family residence located thereon and the Property will be placed in the "R-1" district upon annexation.

4. Windsor intends to purchase the Property from Owner and to thereafter construct on the vacant portion of the Property three (1) story buildings (the "Buildings"), each Building being approximately 4,800 square feet containing eight (8) single residence occupancy apartments.

5. The multifamily residential use of the Property by Windsor is inconsistent with the uses permitted under the present "R-1" zoning classification, but are consistent with the uses permitted under the "R-3(b)" zoning classification.

6. Petitioners desire that the Property be reclassified in the "R-3(b)" General Residence District classification.

7. In support of Petitioners' request, Petitioners state as follows:

(a) The proposed use of the Property is compatible with existing uses of property within the general area of the Property. The Property is surrounded by other properties improved with multi-family residential buildings and other commercial uses.

(b) The R-1 single-family residence district classification does not allow the Property to be used for the multi-family residential purposes proposed by Petitioners.

(c) The relief sought by the Petitioners herein is in the public interest and not solely for the interest of Petitioners. The proposed improvement will provide affordable housing to individuals.

Zoning Request Contingent

8. Owner has filed with the City a Petition for Annexation requesting that the Property be annexed into the City.

9. Petitioners request that the zoning relief requested herein be contingent upon the City's approval of the annexation of the Property and that the zoning relief requested herein be adopted and become effective automatically only upon annexation of the Property to the City.

WHEREFORE, Petitioners request that the Springfield Planning and Zoning Commission of the City of Springfield, after proper publication and hearing on this Petition, recommend to the City Council of the City of Springfield, Illinois approval of the requested amendment of the zoning classification to "R-3(b)" General Residence District classification, as defined in Section 155.018 of the Zoning Ordinance.

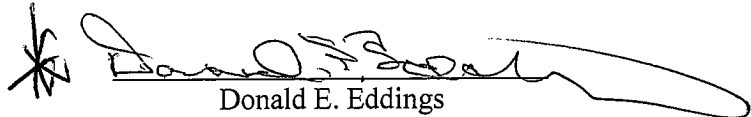
WHEREFORE, Petitioners further pray that the City Council of the City of Springfield, Illinois, after proper notice and hearing on the Petition and recommendation by the Springfield Planning and Zoning Commission of the City of Springfield, amend the zoning classification to "R-3(b)" General Residence District classification, as defined in Section 155.018 of the Zoning Ordinance.

WHEREFORE, Petitioners further pray that, if approved by the City Council of the City of Springfield, Illinois, the foregoing zoning relief shall become effective automatically only upon the City of Springfield's approval of the Petition for Annexation of the Property and annexation of the Property to the City.

Respectfully submitted,

PETITIONERS

DONALD E. EDDINGS


Donald E. Eddings

THE WINDSOR DEVELOPMENT GROUP, INC.
an Illinois corporation

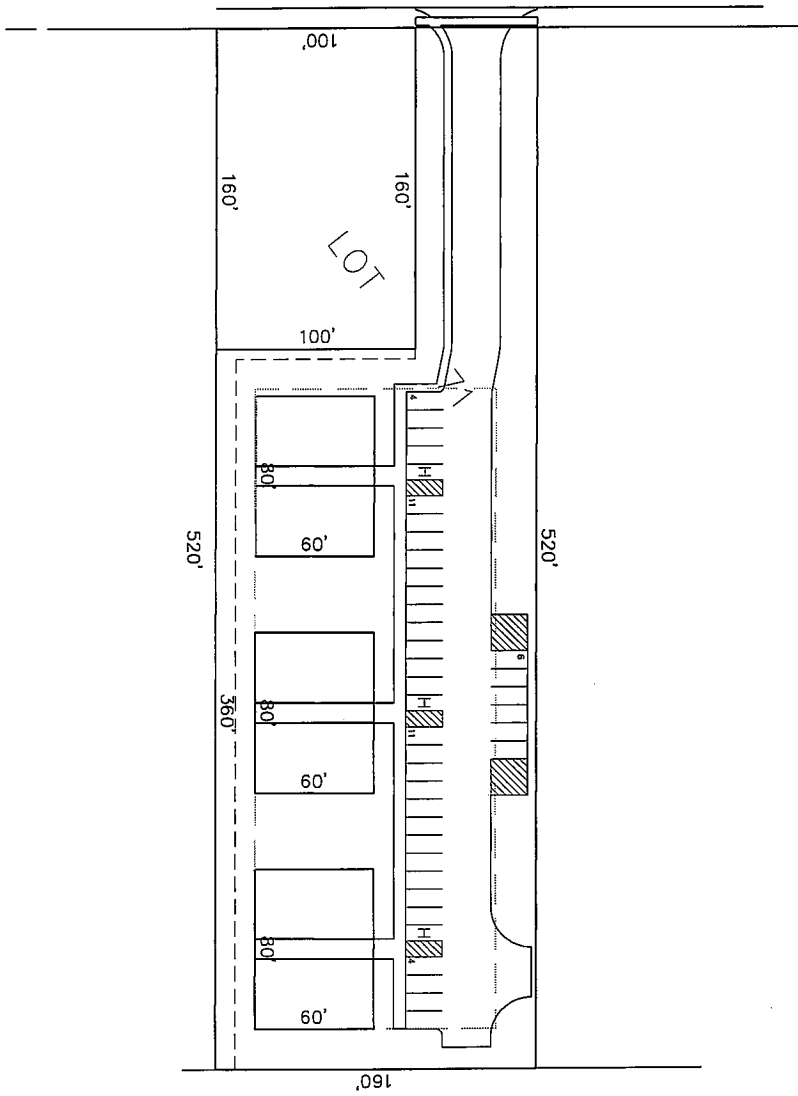
By: 
Michael W. Niehaus, President

Mike Southworth
Hart, Southworth & Witsman
Attorneys for Petitioners
Suite 501
One North Old State Capitol Plaza
Springfield, Illinois 62701
Telephone: (217) 753-0055

2012-005

EXHIBIT A

PARK AVENUE



SCALE: 1" = 60'

Site: 1118 W. 11th St., Chicago, IL 60607
Date: 11/11/11

MTEG
 MARTIN ENGINEERING COMPANY
 CONSULTING ENGINEERS AND SURVEYORS
 OF ILLINOIS
 ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-002843
 3223 S. MEADOWBROOK RD., SPRINGFIELD, ILLINOIS 62711
 Phone: (217) 698-8900, Fax: (217) 698-8922, E-Mail: mtecorp@martinengineeringco.com
 REVISED 7/26/11
 11/16/connep1

Legal Notice

State Journal Register

January 3, 2012

A.M. One Run

The Springfield Planning and Zoning Commission will meet on Wednesday, January 18, 2012, at 6:00 p.m. in the City Council Chamber of the Municipal Center West to hear the following petition.

A petition to reclassify property from R-1, Single-family Residence District, Section 155.016 to R-3 (B), General Residence District, Section 155.018, of the Springfield Zoning ordinance. The property is currently located in unincorporated Sangamon County and is not within the corporate limits of the City. The owner has filed an annexation petition for the property and this property will come into the city as R-1, single family. The property has a single family residence on it and the petitioner desires to construct three (1) story buildings, each with (8) apartments on the vacant portion of the property and needs the R-3, General Residence classification.

Legally described as: Lot 71 in Pierik Place, situated in the County of Sangamon and State of Illinois, parcel number 22-08-0-452-036

The property is located at 3526 South Park Avenue.

The petitioners are Donald E. Eddings, owner and Windsor Development Group, INC, contract purchaser, By Mike Southworth, attorney for petitioners.

Docket 2012-005

Matthew McLaughlin

Assistant Zoning Administrator



BUILDING AND ZONING DEPARTMENT
CITY OF SPRINGFIELD, ILLINOIS

3526 South Park

The Springfield Planning and Zoning Commission will meet on Wednesday, January 18, 2012, at 6:00 p.m. in the City Council Chamber of the Municipal Center West to hear the following petition.

A petition to reclassify property from R-1, Single-family Residence District, Section 155.016 to R-3 (B), General Residence District, Section 155.018, of the Springfield Zoning ordinance. The property is currently located in unincorporated Sangamon County and is not within the corporate limits of the City. The owner has filed an annexation petition for the property and this property will come into the city as R-1, single family. The property has a single family residence on it and the petitioner desires to construct three (1) story buildings, each with (8) apartments on the vacant portion of the property and needs the R-3, General Residence classification.

The petitioners are Donald E. Eddings, owner and Windsor Development Group, INC, contract purchaser, By Mike Southworth, attorney for petitioners.

The Springfield City Council will meet on Tuesday, February 21, 2012 at 5:30 p.m. in the City Council Chamber of the Municipal Center West to consider the recommendation of the Springfield Planning and Zoning Commission.

All interested citizens are invited to attend both meetings to express their view. If you have any questions concerning this matter, please feel free to contact the Building and Zoning Department at 789-2171.

Docket 2012-005



Springfield-Sangamon County
Regional Planning Commission

Staff Findings and Recommendation

(inspected 01/04/12 by MB & AB)

SPRINGFIELD ZONING CASE # 2012-005

ADDRESS 3526 S. Park Avenue

Property Index # 22-08-452-036

REQUESTED ZONING R-3(B), General Residence District.

PROPOSED LAND USE Construct three (3) one (1) story buildings, each with eight (8) apartments on the vacant portion of the property.

EXISTING:
ZONING R-1, Single-family Residence District under County regulations. Property will be classified as R-1 when annexed into the City.

LAND USE Single-family residence.

ROAD FRONTAGE South Park Avenue – 160' Good

STRUCTURE DESIGNED FOR Residential.

CONDITION OF STRUCTURE Good

LOT AREA 1.91 acres

FRONT YARD N/A

SIDE YARDS N/A

REAR YARD N/A



Would the proposed zoning be spot zoning? No

Is the proposed zoning in accord with the City Plan? Yes

If not in accord, is the request an acceptable variation? N/A

PLANNING COMMISSION STAFF RECOMMENDATION:
Recommend approval. The area to the north, south and west is a mix of single-family and multi-family residential. The property immediately to the north was developed with a multi-family apartment building. Properties to the east are commercial. The City Plan indicates that this area is appropriate for mixed density residential.

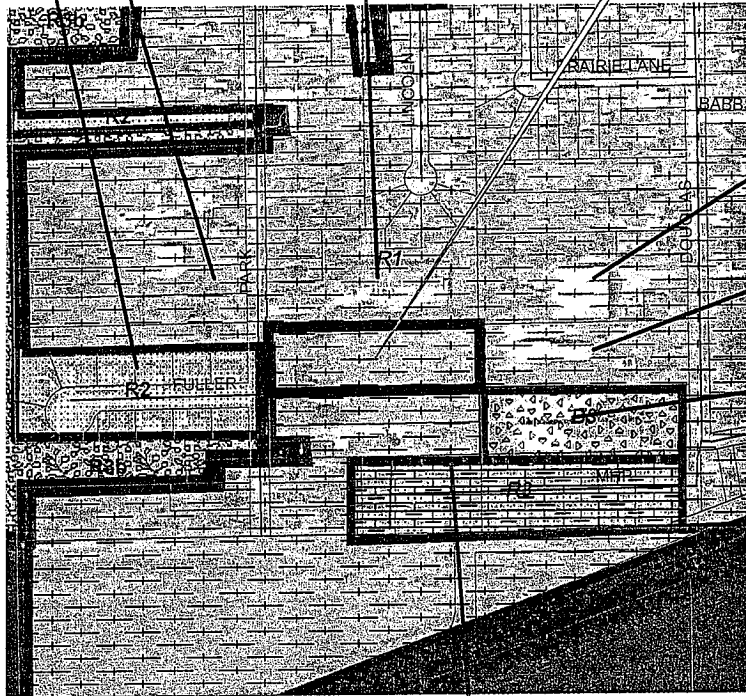
City Zoning

Case# 2012-005

Requested:
R-3

Single Family
Residences

Apartment
Building



Lawn Care
Business

Building
Contractor

Plumbing Supply
Business

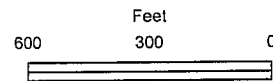
Mobile Home
Park

County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



SSC
RPC
Springfield-Saugamon County
Regional Planning Commission

SPRINGFIELD PLANNING AND ZONING COMMISSION

RE: Docket No. 2012-005

Date: January 18, 2012

Address: 3526 South Park Avenue

Motion Made by: Commissioner Moss

Seconded by: Commissioner Mason

MOTION: Recommend denial of the petition

FIRST VOTE	Y	N	SECOND VOTE	Y	N
KOLKMEIER	X				
OBLINGER	X				
MILLS	X				
YAZELL	X				
STROM	X				
MASON	X				
ALEXANDER	X				
MOSS	X				
HERRINGTON	X				
STRATTON	X				
CHAIRMAN SISK					