

ORDINANCE NO. 13-32

AN ORDINANCE GRANTING VARIANCES FROM TITLE 9, ZONING, CONCERNING THE C-2 COMMERCIAL DISTRICT, FOR THE PROPERTY LOCATED AT 111 SOUTH MARQUETTE PLACE, MANTENO, ILLINOIS

WHEREAS, an application has been filed by Casey's Retail Company, owner of real property commonly known as 111 South Marquette Place, Manteno, Illinois with the Plan Commission of the Village of Manteno, Kankakee County, Illinois, seeking numerous variances from Manteno Zoning Ordinance, 9-12-5(C)3(a), regarding commercial entrances; 9-8(B)-9(F), regarding screening; 9-8B-8(D), regarding height of accessory structure; 9-8B-8(C)3, regarding rear yard setbacks; 9-8B-8(F), regarding total lot coverage of all accessory buildings; and 9-13-14(B)1 & 2, 9-13-14 (D) 1 & 2, regarding signage; and,

WHEREAS, the Plan Commission held a public hearing, on the question of said variances at the Village Board Room of this Village, on February 11, 2014, at which time all persons desiring to be heard were given the opportunity to be heard; and,

WHEREAS, legal notice of said public hearing was published in the manner and form as required by law; and,

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Manteno, Kankakee County, Illinois, as follows:

Section 1

That the Village of Manteno Plan Commission has made its recommendation and findings to approve the variances requested as listed below:

- A ten (10') foot increase in the allowable commercial entrance width as provided in Section 9-12-5(C)-3(a)
- An elimination of the screening requirement between commercial and residential zoning as provided in Section 9-8B-9(F)
- A four (4') foot increase of the accessory structure height as provided in Section 9-8B-8(D)
- A twelve and one-half (12 ½') foot decrease in the back yard requirement
- A one thousand four (1,004) square foot increase in the maximum allowable lot coverage for accessory buildings as provided in Section 9-8B-8(F)
- An 83.39 square foot increase in the allowable ground sign surface area as provided in Section 9-13-14(B)1; a one (1) foot increase in height as provided in Section 9-13-14(B)2; an increase by five for the number of premises signs allowed as provided in Section 9-13-14(D)1 and a 53.91 square foot increase to the allowable premises sign area as provided in Section 9-13-14(D)2

Section 2

That this Board of Trustees has reviewed said recommendation and findings and hereby concurs with Plan Commission Recommendation 13-13 to approve said variances listed in Section 1 herein, to Section 9-12-5(C)3(a), Section 9-8B-9(F), Section 9-8B-(D), Section 9-8B-8(C)3, Section 9-8B-8(F), Section 9-13-14 (B) 1 & 2 and Section 9-13-14(D)1 & 2 of the Manteno Zoning Ordinance on property legally described as follows:

LOT 5 SOUTH CREEK, 1ST ADDITION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP THIRTY-TWO (32) NORTH, RANGE TWELVE (12) EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS

P.I.N: (03)-02-21-217-005

Section 3

That said approval of the aforementioned variances is based upon the following findings of fact as provided in the attached document supplied by the applicant.

Section 4

This ordinance shall be immediately in full force and effect after passage and approval.

RECORD OF THE VOTE	Yes	No	Abstain	Absent
President Timothy Nugent				
Trustee Timothy Boyce	✓			
Trustee Samuel Martin	✓			
Trustee Diane Dole	✓			
Trustee Todd Crockett				✓
Trustee Joel Gesky	✓			
Trustee Wendell O. Phillips	✓			
TOTAL VOTES or BY OMNIBUS VOTE	5			

THIS ORDINANCE was passed by the Village President and Board of Trustees and filed in the office of the Village Clerk of the Village of Manteno this 18th day of February 2014.


 Alisa Blanchette, Village Clerk

APPROVED by me this 18th day
 of February 2014.


 Timothy O. Nugent, Village President

Variance Request
Casey's Retail Company
Manteno, IL

Casey's Marketing Company is proposing the construction of a new convenience store with gasoline pumps in Manteno, IL. As part of this proposal, Casey's is requesting the Board will recommend approval of this Variance request. The granting of this variance would allow Casey's to construct 35' entrance/exits' to the store. Please see the attached site plan for reference.

10.)

- a. The need for an access width variance is due to the unique circumstances of the convenience store business. Because Casey's business requires a convenience store building and a canopy, Casey's is unable to construct a smaller entrance off of the street. There needs to be adequate room for maneuverability for transport vehicles to turn into our parking lot to deliver gas and groceries. .
- b. Other businesses in the same zoning district generally do not share this type of request as they do not have multiple structures on the property.
- c. A gasoline transport and grocery transport require a minimum 30' radius in order to safely turn onto the property without jackknifing or creating other traffic hazards.
- d. See b.
- e. This request is not self-inflicted due to the fact that there needs to be adequate room for maneuverability between the building and the pumps to maintain safe traffic flow of the site.
- f. The granting of this variance will not indicate special circumstance to other property in this district because it is inconsistent with surrounding businesses
- g. N/A
- h. Casey's gas & grocery transporters require a minimum 30' radius in order to safely turn onto the property without jackknifing or creating other traffic hazards. Also, the 35' width entrance allows customers to enter and exit the property at the same time, thus eliminating "stacking" on the roadway.
- i. The proposed construction will make the highest and best use of this commercial property and will not have a negative effect on surrounding properties. This business will provide a service to the surrounding neighborhood in the form of quality food, service products, convenience items and automotive fueling services.

Thank you for the consideration for this Variance request. If you have any questions, please feel free to contact me at 515/965-6239 or email me at: Natalie.stjohn@caseys.com.

Sincerely,



Natalie St. John
Casey's Retail Company
Real Estate/ Store Development

Variance Request
Casey's Retail Company
Manteno, IL

Casey's Marketing Company is proposing the construction of a new convenience store with gasoline pumps in Manteno, IL. As part of this proposal, Casey's is requesting the Board will recommend approval of this Variance request. The granting of this variance would allow no screening along the front of the property (which is across from a residential district). Please see the attached site plan for reference.

- 10.)
- a. The need for this variance is not peculiar to the site/structure as the other commercial zoned business along Hwy 9 do not have screening along their storefronts.
 - b. This request is shared by other properties nearby as there are residential properties along the other side of Hwy 9.
 - c. Typically, there isn't residential across from a property and this type of screening is usually for behind a structure along the back, which isn't usually an issue.
 - d. N/A
 - e. This request is not self-inflicted or a personal hardship, any commercial building along Hwy 9 would also request not having their business screened and out of visibility from the busy roadway.
 - f. The granting of this variance will not indicate special circumstance to other property in this district because there are no other screening along this area.
 - g. Denial of this variance would create unnecessary hardship on Casey's General Stores and the business would not be able to compete with similar type businesses that have visibility from the roadway.
 - h. N/A
 - i. The proposed construction will make the highest and best use of this commercial property and will not have a negative effect on surrounding properties. This business will provide a service to the surrounding neighborhood in the form of quality food, service products, convenience items and automotive fueling services.

Thank you for the consideration for this Variance request. If you have any questions, please feel free to contact me at 515/965-6239 or email me at: Natalie.stjohn@caseys.com.

Sincerely,



Natalie St. John
Casey's Retail Company
Real Estate/ Store Development

Variance Request
Casey's Retail Company
Manteno, IL

Casey's Marketing Company is proposing the construction of a new convenience store with gasoline pumps in Manteno, IL. As part of this proposal, Casey's is requesting the Board will recommend approval of this Variance request. The granting of this variance would allow Casey's canopy to be constructed at 19'. Casey's is requesting a variance for 4', as the current zoning allows no taller than 15' for accessory structures. Please see Casey's building plans for reference.

10.)

- a. Casey's request is unique due to the customers that Casey's serves and the particular to the c-store business. The height of the canopy structure is determined to accommodate most types of vehicles and will not compromise safety.
- b. Other businesses in the same zoning district generally do not share this type of request as they do not have structures that the customer parks under.
- c. Again, most businesses do not have secondary structures or structures that their customer's park under as most businesses product or service is indoors. For this purpose, there are not enough reasons to make this a general regulation.
- d. N/A
- e. This request is not self-inflicted due to the fact that there needs to be adequate room for the any type of vehicle that needs fuel. This is to provide safety to the customer and any others pumping fuel under the canopy.
- f. The granting of this variance will not indicate special circumstance to other property in this district because it is inconsistent with surrounding businesses.
- g. Denial of this variance would create unnecessary hardship on Casey's General Stores and the business would not be able to compete with similar type businesses that provide a canopy to their customers. A canopy provides another form of convenience & without a canopy it would turn away the potential customer.
- h. This variance request is minimal due to the requirements set forth for this zoning district. The requirement for height on accessory buildings is 15'. Casey's proposed structure is 19'.
- i. The proposed construction will make the highest and best use of this commercial property and will not have a negative effect on surrounding properties. This business will provide a service to the surrounding neighborhood in the form of quality food, service products, convenience items and automotive fueling services.

Thank you for the consideration for this Variance request. If you have any questions, please feel free to contact me at 515/965-6239 or email me at: Natalie.stjohn@caseys.com.

Sincerely,



Natalie St. John

Casey's Retail Company

Real Estate/ Store Development

Variance Request
Casey's Retail Company
Manteno, IL

Casey's Marketing Company is proposing the construction of a new convenience store with gasoline pumps in Manteno, IL. As part of this proposal, Casey's is requesting the Board will recommend approval of this Variance request. The granting of this variance would allow Casey's building to be constructed within the 50ft rear yard setback. Casey's is requesting a variance for 12.5' encroachment into the setback. Please see the attached site plan for reference.

10.)

- a. The need for a rear yard variance is due to the unique circumstances of the convenience store business and the size of the lot. Unlike other businesses, Casey's business requires both a convenience store building and a canopy.
- b. Other businesses in the same zoning district generally do not share this type of request as they do not have multiple structures on the property.
- c. Typically, it is more difficult for a convenience store to meet setback requirements because there are two structures involved and, therefore, more difficult to meet the setback requirements than other similarly situated commercial development. For this purpose, there are not enough reasons to make this a general regulation.
- d. Special circumstances exist which are peculiar to the nature of a convenience store development. These include particular SF between the structures.
- e. This request is not self-inflicted due to the fact that there needs to be adequate room for maneuverability between the building and the pumps to maintain safe traffic flow of the site.
- f. The granting of this variance will not indicate special circumstance to other property in this district because it is inconsistent with surrounding businesses.
- g. Denial of this variance would create unnecessary hardship on Casey's General Stores and the business would not be able to compete with similar type businesses that provide a canopy to their customers. A canopy provides another form of convenience & without a canopy it would turn away the potential customer.
- h. This variance request is the minimal due to the requirements set forth for this zoning district. The requirement for a rear setback in this zoning district is 50ft. Casey's proposed building structure is 37.5ft from the property line or 12.5ft over the setback line.
- i. The proposed construction will make the highest and best use of this commercial property and will not have a negative effect on surrounding properties. This business will provide a service to the surrounding neighborhood in the form of quality food, service products, convenience items and automotive fueling services.

Thank you for the consideration for this Variance request. If you have any questions, please feel free to contact me at 515/965-6239 or email me at: Natalie.stjohn@caseys.com.

Sincerely,



Natalie St. John

Casey's Retail Company

Variance Request
Casey's Retail Company
Manteno, IL

Casey's Marketing Company is proposing the construction of a new convenience store with gasoline pumps in Manteno, IL. As part of this proposal, Casey's is requesting the Board will recommend approval of this Variance request. The granting of this variance would allow Casey's to construct both canopy & can shed on 11% of the site. Casey's is requesting a variance for 1% as the current zoning allows no more than 10% of total SF for accessory structures. Please see Casey's site plans for reference.

- 10.)
- a. Casey's request is unique due to the c-store business as these types of businesses require a canopy. A can shed helps contain refuse and keeps up the appearance of the property.
 - b. Other businesses in the same zoning district generally do not share this type of request as they do not have structures that the customer parks under & do not produce as much trash/recycling.
 - c. Again, most businesses do not have secondary structures or structures that their customer's park under as most businesses product or service is indoors. For this purpose, there are not enough reasons to make this a general regulation.
 - d. N/A
 - e. This request is not self-inflicted as these accessory buildings provide the customer the best experience when visiting our stores.
 - f. The granting of this variance will not indicate special circumstance to other property in this district because it is inconsistent with surrounding businesses.
 - g. Denial of this variance would create unnecessary hardship on Casey's General Stores and the business would not be able to compete with similar type businesses that provide a canopy to their customers. A canopy provides another form of convenience & without a canopy it would turn away the potential customer.
 - h. This variance request is minimal due to the requirements set forth for this zoning district. The requirement is 10% of property for these type of structures & Casey's proposed structures are 11%.
 - i. The proposed construction will make the highest and best use of this commercial property and will not have a negative effect on surrounding properties. This business will provide a service to the surrounding neighborhood in the form of quality food, service products, convenience items and automotive fueling services.

Thank you for the consideration for this Variance request. If you have any questions, please feel free to contact me at 515/965-6239 or email me at: Natalie.stjohn@caseys.com.

Sincerely,

Natalie St. John
Casey's Retail Company
Real Estate/ Store Development

Variance Request
Casey's Retail Company
Manteno, IL

Casey's Marketing Company is proposing the construction of a new convenience store with gasoline pumps in Manteno, IL. As part of this proposal, Casey's is requesting the Village will recommend approval of this Variance request. The granting of this variance would allow more than one premises sign to identify the nature of Casey's business & allow more than than the total s/f requirement of 64s/f. Please see the attached signage packet.

- a. This variance request is particular to Casey's building/structure as Casey's General Stores are larger than other c-store/gas stations in this same zoning district. The larger structure is attributed to our prepared food program which requires additional signage/advertisement.
- b. Casey's offers several services to our customers and is not only a convenience store selling gasoline. Casey's General Stores offers a unique prepared food program which offers numerous homemade products. The request for more than one premises sign is to identify the unique nature of our business.
- c. The variety of services that Casey's offer to the customer provides a special situation that is not usually shared by other businesses that offer a single service. For this purpose, there are not enough reasons to make this a general regulation.
- d. The proposed construction will make the highest and best use of this commercial property and will not have a negative effect on surrounding properties.
- e. Casey's General Stores wishes to continue the use of our standard signage at our replacement store as we have on our existing store and most of our new stores. We utilize our signage as an advertisement of our services for the customer.
- f. The granting of this variance will not indicate special circumstance to other property in this district because it is inconsistent with surrounding businesses.
- g. Denial of this variance would create unnecessary hardship on Casey's General Stores and the business would not be able to achieve the maximum profitability seen from similar locations.
- h. This variance request is the minimal due to the requirements set forth for this zoning district. The requirement for premises signage indicates that no sign may exceed 64sf in area. Casey's proposed premises signage is 220.65 & monument signage is 115.39sf.
- i. Granting of this variance will provide a service to the surrounding neighborhood in the form of quality food service products, convenience items and automotive fueling services, while providing significant tax revenue and employment opportunities.

Thank you for the consideration for this variance request. If you have any questions, please feel free to contact me at 515/965-6239 or email me at: Natalie.stjohn@caseys.com.
Sincerely,

Natalie St. John
Casey's Retail Company

PLAN COMMISSION RECOMMENDATION NO. 13-13

A RECOMMENDATION APPROVING SIX VARIANCES FROM TITLE 9, ZONING, CHAPTER 8, ARTICLE B. C-2 COMMERCIAL DISTRICT, FOR THE PROPERTY LOCATED AT 111 SOUTH MARQUETTE PLACE, MANTENO, ILLINOIS

WHEREAS, Casey's Retail Company, ("Petitioner"), is the contract purchaser of real property commonly known as 111 South Marquette Place, Manteno, Illinois, and legally described as follows (hereinafter "Subject Property"):

LEGAL DESCRIPTION: Lot 5 South Creek, 1st Addition, being a subdivision of part of the West half of the Northeast Quarter of Section 21, Township 32 North, Range 12 East of the Third Principal Meridian in Kankakee County, Illinois.

PIN NUMBER: 03-02-21-217-005

WHEREAS, the subject property is located in the C-2 Commercial Zoning District; and

WHEREAS, Section 9-12-5(C)3(a) of the Municipal Code of the Village of Manteno requires commercial entrances be no more than seventeen and one-half feet (17-1/2') in width for each direction of traffic, and an overall ten foot (10') increase in width is necessary to allow a proper turning radius for truck deliveries; and

WHEREAS, Section 9-8B-9(F) of the Municipal Code of the Village of Manteno requires screening between commercial and residential zoning and the elimination of the screening requirement is necessary to allow visibility to the front of the business; and

WHEREAS, Section 9-8B-8(D) of the Municipal Code of the Village of Manteno requires that no accessory structure shall exceed fifteen feet (15') in height, and a four foot (4') increase is necessary to allow construction of the pump canopy at a safe height; and

WHEREAS, Section 9-8B-8(C)3 of the Municipal Code of the Village of Manteno requires that all structures shall be set in from the rear lot line a distance of not less than fifty feet (50') and a twelve and one-half foot (12.5') decrease is necessary to allow placement of the building and pump canopy behind the required fifty foot (50') front yard setback implemented along County Highway 9; and

WHEREAS, Section 9-8B-8(F) of the Municipal Code of the Village of Manteno requires that the total lot coverage of all accessory buildings shall not exceed ten percent (10%), and a one thousand four (1,004) square foot increase is necessary to allow construction of the pump canopy and a storage shed; and

WHEREAS, Section 9-13-14(B)1 of the Municipal Code of the Village of Manteno requires that ground signs in commercial districts shall have a maximum surface area of thirty-two (32) square feet per face; Section 9-13-14(B)2 requires ground signs not exceed a height of eight feet (8'); Section 9-13-14(D)1 requires a maximum of one premises sign; Section 9-13-14(D)2 requires the maximum premises sign area to be sixty-four (64) square feet; and the signage numbers and sizes as described in the "Casey's General Store Sign Packet", attached hereto as Exhibit "A", are required to provide adequate signage for the promotion of the gas and food facility; and

WHEREAS, on February 11th, 2014, pursuant to notice, a public hearing was held before the Plan Commission of the Village of Manteno on the above-referenced variances; and

WHEREAS, at the hearing, the Plan Commission did consider the testimony and exhibits entered into evidence.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the Village of Manteno, Kankakee County, Illinois, as follows:

Section 1

The recitals set forth in the above prefatory clauses are hereby adopted as the findings of the Plan Commission of the Village of Manteno and are expressly incorporated herein as a part of this Recommendation.

Section 2

That the application of the Petitioner seeking variances from the requirements set forth in Title 9, Chapter 8, Article B in the C-2 Zoning District of the Village of Manteno, are recommended to be granted as described above and shall be applicable to the Subject Property.

Section 3

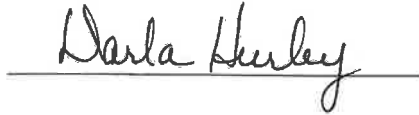
That the Director of Building and Zoning shall incorporate the additional requirements provided for in Section One and Two of the Recommendation from and after its approval by the Village President and Board of Trustees of the Village of Manteno.

PASSED by the Plan Commission of the Village of Manteno at a Regular Meeting thereof held on the 11th day of February, 2014 and approved by me as Chairman on the same day.

A handwritten signature in cursive script, appearing to read "Francis Smith", written over a horizontal line.

Francis Smith
Plan Commission Chairman

ATTEST:

A handwritten signature in cursive script, appearing to read "Darla Herby", written over a horizontal line.