

AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF FORSYTH, ILLINOIS
6:30 P.M.
TUESDAY, MARCH 7, 2023
VILLAGE HALL, 301 SOUTH ROUTE 51, FORSYTH, ILLINOIS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

RECOGNITION OF ELIZABETH BENNETT, 2ND PLACE IN STATE-WIDE ART COMPETITION

CONSENT AGENDA: Items listed under the Consent Agenda are considered to be routine in nature and will be acted upon by one motion and one vote. If separate action on any particular item is desired, the item will be removed from the Consent Agenda and will be considered separately.

1. APPROVAL OF MINUTES OF THE REGULAR MEETING OF FEBRUARY 21, 2023
2. APPROVAL OF WARRANTS

PUBLIC COMMENT: At this time, the public has the opportunity to express views or make comments to the Mayor and Board of Trustees on agenda items or any other Village issue. Comments must be limited to not more than three (3) minutes.

ADMINISTRATION REPORTS

1. LAW ENFORCEMENT REPORT
2. VILLAGE STAFF REPORTS

OLD BUSINESS

NEW BUSINESS

1. ORDINANCE NUMBER 2023-3 AN ORDINANCE APPROVING A VARIANCE FOR POLE SIGN LESS THAN 15 FEET FROM PROPERTY LINE FOR KREKEL'S HAMBURGER RESTAURANT LOCATED AT 910 N. ROUTE 51 (ADMINISTRATOR JILL APPLEBEE)
2. ORDINANCE NUMBER 2023-4 AN ORDINANCE APPROVING A VARIANCE TO INSTALL MAXIMUM FOOTCANDLES BEYOND PROPERTY LINE AT 994 US ROUTE 51 (ADMINISTRATOR JILL APPLEBEE)
3. ORDINANCE NUMBER 2023-5 AN ORDINANCE APPROVING A VARIANCE TO ALLOW REDUCTION OF MINIMUM LOT SIZE FOR C-1 ZONED PROPERTY AT 994 US ROUTE 51 (ADMINISTRATOR JILL APPLEBEE)
4. ORDINANCE NUMBER 2023-6 AN ORDINANCE APPROVING A VARIANCE TO INCREASE MAXIMUM FREE STANDING SIGN HEIGHT AT 994 US ROUTE 51 (ADMINISTRATOR JILL APPLEBEE)
5. ORDINANCE NUMBER 2023-7 AN ORDINANCE APPROVING A VARIANCE TO ALLOW SHARED ACCESS TO PUBLIC STREET WITH ADJACENT LOTS AT 994 US ROUTE 51 (ADMINISTRATOR JILL APPLEBEE)
6. ORDINANCE NUMBER 2023-8 AN ORDINANCE APPROVING A VARIANCE TO VARY MINIMUM PARKING STALL DEPTH FOR ONSITE ANGLED PARKING AT 994 US ROUTE 51 (ADMINISTRATOR JILL APPLEBEE)
7. DISCUSSION AND POTENTIAL ACTION REGARDING TACOS EL PAISA LIQUOR LICENSE (MAYOR JIM PECK)
8. DISCUSSION AND POTENTIAL ACTION REGARDING USE OF IEPA LOAN FOR MAINTENANCE OF AERATOR, WATER TOWERS AND GROUND STORAGE TANK PROJECT (VILLAGE ENGINEER JERERY BUENING)

CLOSED SESSION: Potential topics include, but are not limited to:

5 ILCS 120/2(c)(11): Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

5 ILCS 120/2(c)(21): Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSION

ADJOURNMENT

Join Zoom Meeting

<https://us06web.zoom.us/j/83137253335>

Meeting ID: 831 3725 3335

One tap mobile

+13126266799,,83137253335# US (Chicago)

+13092053325,,83137253335# US

Annual Arts Education Week Student Poster Design Contest

home

[hohm] *noun/adverb/adjective*

1. Home is more than a structure.
2. Home is belonging, the feeling of arrival, a memory, or a moment.
3. Home is past, present, and future and means different things to different people.
4. Home is where you feel safe and where you find a haven.

As you create your art, we encourage you to consider that home is what you make it and what it means to you.

ART CONTEST

ANY ILLINOIS K-12 STUDENT IS ELIGIBLE TO ENTER

ALL ENTRIES MUST BE POSTMARKED BY THURSDAY, JANUARY 12, 2023.

FOR RULES AND INFORMATION VISIT:

bit.ly/ALPLM-ArtContest OR ISBE.net/artcontest



**Illinois
State Board of
Education**



The 41st annual Illinois Arts Education Week is March 13-17, 2023. The Abraham Lincoln Presidential Library and Museum (ALPLM) and the Illinois State Board of Education (ISBE) have collaborated to create more visibility for young Illinois artists and showcase their talent, as well as reinforcing the importance of the arts in the growth and development of our students.

The theme for the 2023 contest is:

Home Is...

The contest includes four entry levels: K-2, 3-5, 6-8, and 9-12. A panel of judges will select a winner and two runners-up in each entry level. All winners and runners-up will have their work displayed by the ALPLM beginning March 13, 2023 (commemorating Arts Education Week). The student whose work is chosen as "Best in Show" will be featured on a poster to celebrate Illinois Arts Education Week. They will also be recognized at an ISBE Board meeting, and their framed work will be displayed in the Board room.

Mail entries to:

Arts Contest
Student Care
100 North First Street, E-222
Springfield, IL 62777

Please indicate number of entries sent with return address.

Questions

ALPLM

Abigail Cline
Abigail.Cline@illinois.gov
217-685-9799

ISBE

Katrina Cunningham
arts@isbe.net
312-814-8872

Contest Rules

- Your work must reflect or interpret the theme "Home Is..." You are not required to incorporate the words of the theme into the work, just the concept.
- You must submit a brief written Artist's Statement with your entry that describes how the theme relates to your creation.
- Artwork must be no larger than 11" x 14" inches, two-dimensional, and flat (not folded). Folded entries will not be judged.
- Only Illinois students, in grades K-12 at a public, private, alternative, or home school, may enter the contest.
- All art must be your original work and not include copyrighted images.
- Do not use glitter; entries that use glitter will not be accepted for judging.
- If you choose to use chalk or pencil, please make sure your work is able to be reproduced and encase it in a sleeve to prevent smearing when mailed.
- If your artwork is abstract, please mark the TOP with an "X" on the back.
- A work that was submitted to the contest in previous years may not be resubmitted.
- There is no limit on the number of entries per school; however, each student may only submit one entry.
- You must submit a hard copy of your work to the address provided. This includes original artwork or a printed copy of a photograph or digitally created image.
- All entries must be postmarked no later than Thursday, January 12, 2023.

Don't Forget...

- ☐ Include a self-addressed envelope with the appropriate postage, if you want your original artwork to be returned.
- ☐ Fully complete and securely attach the Authorization Form on the back of your entry. If you are home schooled, please put "Home School" for your district and "N/A" for the principal.
- ☐ Artist's Statement must be attached to your entry or your work will be disqualified.

2023 Authorization Form

I hereby authorize the Illinois State Board of Education and the Abraham Lincoln Presidential Library and Museum to use the artwork of the student named below for the 2023 Art Contest. I also affirm that this artwork is original and NOT taken from another source, in part or in whole.

Student name (please print)	Student age	Student grade level
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Parent/Guardian name (please print)	Parent/Guardian signature
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Phone	Date	Student signature
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Home address	City/State/Zip/County
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School & district or organization	School phone	Principal or organization representative
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Art teacher	Email of art teacher
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CONSENT AGENDA

ITEM 1

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF FORSYTH, ILLINOIS,
HELD AT 6:30 P.M. ON TUESDAY, FEBRUARY 21, 2023
AT FORSYTH VILLAGE HALL**

CALL TO ORDER

Mayor Jim Peck called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Upon a call of the roll, the following members were physically present: Mayor Jim Peck, Trustee Lauren Young, Trustee Dave Wendt, Trustee Jeremy Shaw, Trustee Jeff London, Trustee Bob Gruenewald

Absent: Trustee Marilyn Johnson

Staff Present:

Village Administrator Jill Applebee, Village Clerk Cheryl Marty, Village Attorney Lisa Petrilli, Village Treasurer Rhonda Stewart, Library Director Steven Ward, Building Inspector Dustin Pruitt

Others Present:

Stephanie Brown, Chastain & Associates

CONSENT AGENDA

1. APPROVAL OF MINUTES OF THE REGULAR MEETING OF FEBRUARY 7, 2023
2. APPROVAL OF WARRANTS
3. APPROVAL OF TREASURER'S REPORT FOR THE MONTH OF JANUARY, 2023

MOTION

Trustee London made a Motion to approve the Consent Agenda with corrections to minutes as presented and Trustee Gruenewald seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald
Nays: 0 – None
Absent: 1 – Johnson

Motion declared carried.

PUBLIC COMMENT: At this time, the public has the opportunity to express views or make

comments to the Mayor and Board of Trustees on agenda items or any other Village issue. Comments must be limited to not more than three (3) minutes.

None present.

ADMINISTRATION REPORTS

1. Law Enforcement Report

Sheriff's Deputy Helfer had no incidents to report.

2. Village Staff Reports

Attorney Petrilli reported she is still working with Macon County and the pipeline company for photos to show neglect on the oil tanks, mowing and general appearance. Mayor Peck asked her to find out what their long-term plan is for this property. She also confirmed that the IEPA believes there are no environmental concerns about this property.

Trustee London mentioned that there is still some work yet to be done on various park issues and park equipment to which Village Building Inspector Pruitt confirmed.

Trustee Wendt commented that the Oakland pond looks really nice and looks forward to doing the same to the Veterans pond. He also asked about the status of painting the water towers and Administrator Applebee confirmed the contractor will start once the weather breaks.

Trustee Shaw attended the new middle school ribbon cutting and said the school is beautiful. He wants to follow up on possibly installing a sign at the new school. Based on the cost of the Williamsville school sign (which is quite large) the cost could be in the \$37,000 or less range. He reported that there might be two other entities interested in helping with the cost of the sign as well.

OLD BUSINESS

1. DISCUSSION AND POTENTIAL ACTION REGARDING DACVB CONTRACT (ADMINISTRATOR JILL APPLEBEE)

Village Administrator Applebee introduced the revised DACVB contract and started the discussion. She outlined the details of the old contract versus the new contract and noted there is a 30-day clause to get out of the contract at any time.

Trustee Gruenewald thinks a one-year contract is more flexible for us. His reasons include other projects the Village may want to do in the future (cost), the new opportunity that hotels now have more opportunity to voice their desires on how the hotel motel tax dollars are spent and questioned the actual value we are receiving for \$75,000 per year. He also

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has concerns that there are no events being held in the Village within the last year. He is supportive of a one-year agreement but wants the Board and staff to figure out how to have more events in the Village.

Trustee Wendt disagreed with everything he said and explained why he disagreed, citing facts and figures from his Board meetings at the DACVB. Administrator Applebee confirmed she is now working closely with the DACVB which had not happened in the past years and there are already 2-3 events scheduled for 2023 in the Village.

Trustee London agreed with many things that Trustee Gruenewald said but is now ok with the dollar amount and 3-year contract and sees value in it. He discussed some points in the contract and asked to find better ways to take advantage of the contract details. General discussion ensued regarding the pros and cons of a one or three-year contract.

Board discussion continued then agreed to review what has been accomplished with the DACVB in November and agreed to have Teri Hamel make a presentation to the Board at that time.

MOTION

Trustee Wendt made a Motion to approve Resolution 1-2023 for the execution of the 3-year contract for \$75,000 per year between the Village of Forsyth and DACVB as presented and Trustee Young seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald
Nays: 0 – None
Absent: 1 – Johnson

Motion declared carried.

2. RESOLUTION NUMBER 1-2023 A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF FORSYTH AND THE DECATUR AREA CONVENTION & VISITORS BUREAU (VILLAGE ADMINISTRATOR JILL APPLEBEE)

MOTION

The Motion and vote were held and Motion carried in Item #1 above.

NEW BUSINESS

1. DISCUSSION AND POTENTIAL ACTION REGARDING HOTEL MOTEL TAX

MONEY GRANTS (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Administrator Applebee introduced the details of the hotel motel tax grant and noted it is time to make pay outs to the requests from the Annual Shoreline Classic for \$5,000 and to the MidState Cup Soccer Tournament for \$10,081.64. Trustee Wendt suggested having these payees come in and make a presentation showing how impactful the money was to them and all others agreed.

MOTION

Trustee Gruenewald made a Motion to approve payment of the grant requests as presented and Trustee Wendt seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald
Nays: 0 – None
Absent: 1 – Johnson

Motion declared carried.

2. DISCUSSION AND POTENTIAL ACTION REGARDING LIBRARY BOOK DROP (LIBRARY DIRECTOR STEVE WARD)

Library Director Ward described the need for a new book drop box as the current one is more than 25 years old. He described the new features that would make for easier removal of the books along with an easier opening and closing mechanism. Of the three quotes received he recommends accepting the Demco quote for \$5,755.95. A brief discussion ensued.

MOTION

Trustee Wendt made a Motion to approve the purchase of a new library drop box as presented and Trustee Gruenewald seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald
Nays: 0 – None
Absent: 1 – Johnson

Motion declared carried.

3. DISCUSSION AND POTENTIAL ACTION REGARDING FORSYTH YOUTH LEAGUE CONTRACT (ADMINISTRATOR JILL APPLEBEE)

Administrator Applebee shared the details of increasing the contract to \$25 during the week and \$35 on Saturday and Sunday. This is a 2-year contract. General discussion was held.

MOTION

Trustee Wendt made a Motion to approve the contract as presented and Trustee Young seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald
Nays: 0 – None
Absent: 1 – Johnson

Motion declared carried.

4. RESOLUTION NUMBER 2-2023 A RESOLUTION TO APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE FORSYTH YOUTH LEAGUE AND THE VILLAGE OF FORSYTH (VILLAGE ADMINISTRATOR JILL APPLEBEE)

MOTION

The Motion and vote were held and Motion carried in Item #3 above.

5. DISCUSSION AND POTENTIAL ACTION REGARDING COZIAHR REQUEST FOR EVENT (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Village Administrator Applebee summarized the request from Coziahr for their 31st Blessing of the Bikes event to be held on May 7, 2023. A short discussion ensued.

MOTION

Trustee Wendt made a Motion to approve Coziahr's request as presented and Trustee Gruenewald seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald
Nays: 0 – None

Absent: 1 – Johnson

Motion declared carried.

6. DISCUSSION AND POTENTIAL ACTION REGARDING ECONOMIC DEVELOPMENT REQUEST FOR ENTERPRISE ZONE BOUNDARY AMENDMENTS (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Mayor Peck is a member of this Board and summarized the details of this topic and request and Administrator Applebee added further details to the discussion. A brief discussion ensued.

MOTION

Trustee Wendt made a Motion to approve the enterprise zone boundary amendments as presented and Trustee Gruenewald seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald

Nays: 0 – None

Absent: 1 – Johnson

Motion declared carried.

7. ORDINANCE NUMBER 2023-1 AN ORDINANCE ADDING TERRITORY TO ENTERPRISE ZONE AND APPROVING THE AMENDMENT OF THE ENACTING ORDINANCE AND INTERGOVERNMENTAL AGREEMENT (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Administrator Applebee outlined the details of this amendment request and a short discussion ensued.

MOTION

Trustee Gruenewald made a Motion to approve the adding of territory to enterprise zone and approving the amendment of the enacting ordinance and intergovernmental agreement as presented and Trustee Shaw seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Young, Wendt, Shaw, London, Gruenewald

Nays: 0 – None

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Absent: 1 – Johnson

Motion declared carried.

MOTION

There were no topics for discussion for a Closed Session thus none was held.

CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSION

ADJOURNMENT

Trustee Wendt made the Motion to adjourn and Trustee Young seconded the Motion. All Board members agreed by voice vote, and the meeting was adjourned at 7:30 P.M.

By: *Cheryl Marty*
Village Clerk

CONSENT AGENDA

ITEM 2

DATE: 03/07/23

Tuesday March 07,2023

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PAYABLE TO INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
=====				
01 AMEREN ILLINOIS			9901.28	
030323	01-11-571	JAN '23 ELECTRIC UTILITIES		129.92
030323	01-41-571	JAN '23 ELECTRIC UTILITIES		317.12
030323	01-41-572	JAN '23 ELECTRIC UTILITIES		6460.84
030323	01-41-579	JAN '23 ELECTRIC UTILITIES		239.50
030323	01-52-571	JAN '23 ELECTRIC UTILITIES		879.24
030323	01-53-571	JAN '23 ELECTRIC UTILITIES		317.53
030323	51-00-571	JAN '23 ELECTRIC UTILITIES		1166.84
030323	52-00-571	JAN '23 ELECTRIC UTILITIES		390.29
01 DECATUR AREA CONVENTION			75000.00	
030323	16-00-911-3	ANNUAL CONTRIBUTION FOR 2023		75000.00
01 ATLAS LOCK, INC.			64.00	
44925	01-41-652	OP SUPPLY		64.00
01 BABY TALK, INC.			320.00	
BT 022023 004	01-53-913	TALK TIMES 2/1,2/8,2/15,2/22		320.00
01 BARCOM SECURITY			288.00	
306917	51-00-549	CELL MONITORING SERVICE 4/1-6/30		288.00
01 BEACON ATHLETICS, LLC			2267.00	
0563422-IN	01-52-612	EQUIP SUPPLY		658.00
0563874-IN	01-52-617	GROUND MAINT SUPPLIES-BALL FIELDS		1609.00
01 BLACKSTONE AUDIO, INC			42.95	
2086989	01-53-681	AUDIO VISUAL		42.95
01 BODINE ELECTRIC			5789.14	
32620	01-41-579	51 & LUCILLE REPAIR TRAFFIC SIGNAL		2838.82
32621	01-41-579	51 & BARNETT TRAFFIC SIGNAL REPAIR		2950.32
01 RATHJE ENTERPRISES INC./BODINE			827.78	
32370	01-41-579	REPAIR TRAFFICE SIGNAL AT 51/MARION		827.78
01 BENEFIT PLANNING CONSULTANTS,			296.92	
BPCI00299092	01-11-549	ANNUAL FEES		296.92
01 CONSTELLATION NEWENERGY			3105.39	
3681945	01-11-571	JAN '23 GAS UTILITES		241.39
3681945	01-41-571	JAN '23 GAS UTILITES		751.03
3681945	01-53-571	JAN '23 GAS UTILITES		966.80
3681945	51-00-571	JAN '23 GAS UTILITES		1146.17
01 AHW LLC CLINTON			166.37	
11552522	01-52-612	EQUIP MAINT SUPPLIES		166.37
01 DCT INDUSTRIAL SUPPLY COMPANY			3075.00	
1751202	01-41-560	CPR, AED, & FIRST AID TRAINING		3075.00
01 ESTECH SYSTEMS INC.			257.08	
55895	01-11-552	MAR '23 VH PHONE SERVICE		257.08
01 FEHR GRAHM ENGINEERING & ENVIR			2145.36	
113600	01-41-514-1	HUNDLEY RD BRIDGE INSPECTION		2145.36
01 CENGAGE LEARNING INC/GALE			47.23	
80720526	01-53-671	BOOKS		47.23
01 INDUSTRIAL RUBBER, INC			237.88	
3552374	52-00-612	EQUIP MAINT-JETTER		237.88

DATE: 03/07/23

Tuesday March 07,2023

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PAYABLE TO INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
01 JONES & SULLIVAN ENTERPRISES, 30341	01-52-511	BLDG MAINT SERV-REPLACE DOOR & FRAM	12775.00	6750.00
30341	51-00-511	BLDG MAINT SERV-REPLACE DOOR & FRAM		6025.00
01 KEMPER CPA GROUP LLP 1152236	01-11-531	2022 AUDIT FEES	18000.00	18000.00
01 KATIE MYERS 030323	01-10-914	FORSYTH FEST LOGO	75.00	75.00
01 KYLE R JANVRIN 030323	51-00-547	3/30-11/14/22 PLUMBING INSPECTION	90.00	90.00
01 ILLINOIS LIQUOR 030323	01-10-914	FORSYTH FEST LIQUOR LICENSE	450.00	150.00
030323	01-10-917	FARMERS MARKET LIQUOR LICENSE		150.00
030323	01-10-917	RUDOLPHS MARKET LIQUOR LICENSE		150.00
01 MACON COUNTY RECORDER 133320	01-11-553	LIEN PLACED ON 223 HIGHLAND DRIVE	53.00	53.00
01 MENARDS 030323	01-41-653	SMALL TOOLS	797.85	141.81
030323	01-52-652	OP SUPPLIES		481.73
030323	51-00-611	BLDG MAINT SUPPLIES		11.11
030323	01-41-652	OP SUPPLIES		41.97
030323	01-52-653	SMALL TOOLS		37.48
030323	01-11-654	JANITORIAL SUPPLIES		48.52
030323	01-52-611	BLDG MAINT SUPPLIES		35.23
01 MIDSTATE SOCCER CLUB 030323	16-00-911	H/M FUND REQUEST	3897.43	3897.43
01 MISSISSIPPI LIME COMPANY 1657780	51-00-656	LIME-CHEMICALS	10601.96	5378.13
1659339	51-00-656	LIME-CHEMICALS		5223.83
01 MORGAN DISTRIBUTING, INC. 359060	01-41-655	FUEL	915.33	915.33
01 PEST OUTPOST LLC 5671	01-52-612	OIL FILTER & OIL EQUIP MAINT SUPPLI	137.00	50.27
5692	01-52-512	EQUIP MAINT SERVICE		86.73
01 POSTMASTER 030323	01-53-551	LIB ANNUAL PO BOX FEE	146.00	146.00
01 PYROTECNICO FIREWORKS, INC 030323	01-10-914	DEP FOR FIREWORKS FOR FFF	5500.00	5500.00
01 AT & T 030323	52-00-552	783 STEVENS CREEK FEB '23 PHONE	346.68	85.68
030323	52-00-552	101 HUNDLEY FEB '23 PHONE		85.68
030323	52-00-552	440 HUNDLEY FEB '23 PHONE		85.68
030323	52-00-552	815 FORSYTH PKWY FEB '23 PHONE		89.64
01 SHORELINE CLASSIC 030323	16-00-911	H/M FUND REQUEST	1500.00	1500.00
01 SORLING, NORTHROP, HANNA, CULL 212926	01-11-533	JAN '23 LEGAL SERVICES	2197.95	2197.95

SYS DATE:03/02/23

VILLAGE OF FORSYTH
A / P W A R R A N T L I S T
REGISTER # 986

SYS TIME:11:43
[NW1]

DATE: 03/07/23

Tuesday March 07,2023

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PAYABLE TO INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
01 STAPLES CREDIT PLAN			117.11	
030323	01-53-651	OFFICE SUPPLIES		117.11
01 THIRD MILLENNIUM ASSOCIATES, I			401.92	
28778	51-00-549-1	W/S BILL SERVICES FOR MARCH BILLS		200.96
28778	52-00-549-1	W/S BILL SERVICES FOR MARCH BILLS		200.96
01 UTILITY SUPPLY OF AMERICA, INC			1115.34	
268418	51-00-656	LAB CHEMICALS (DIST 10)		1115.34
01 US POSTAL SERVICE (CAPS)			657.42	
030323	51-00-549-1	W/S UTILITY BILLING POSTAGE MAR '23		328.71
030323	52-00-549-1	W/S UTILITY BILLING POSTAGE MAR '23		328.71
01 VILL OF FORSYTH			150.00	
030323	01-11-571	W/S SERVICE FOR FEB '23		150.00
01 WALLENDER-DEDMAN PRINTING INC.			40.00	
103083	01-10-554	D. PRUITT & D. FOWLER BUSINESS CARD		40.00
01 WAL-MART			120.29	
030323	01-53-681	AUDIO VISUAL		19.96
030323	01-53-654	JANITORIAL SUPPLIES		24.55
030323	01-53-913	PROGRAMMING		75.78
01 WALZ LABEL & MAILING SYSTEMS			205.27	
8561A	01-11-651	INK FOR POSTAGE MACHINE		205.27
01 WATTS COPY SYSTEM			183.06	
33516966	01-53-512	LIB COPIER RENTAL FEB '23		183.06
01 WILLIAM RUSSELL STUART			135.00	
030323	01-11-547	910 S RTE 51 ELECTRIC INSPECTION		45.00
030323-1	01-11-547	1500 KOESTER ROAD ELECTRIC INSPECT		90.00
** TOTAL CHECKS TO BE ISSUED			164439.99	

SYS DATE:03/02/23

VILLAGE OF FORSYTH
A / P W A R R A N T L I S T
REGISTER # 986
Tuesday March 07,2023

SYS TIME:11:43
[NW1]

DATE: 03/07/23

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FUND INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
=====				
GENERAL FUND			61563.95	
HOTEL/MOTEL TAX FUND			80397.43	
WATER OPERATIONS			20974.09	
SEWER OPERATIONS			1504.52	
*** GRAND TOTAL ***			164439.99	
TOTAL FOR REGULAR CHECKS:			153,838.03	
TOTAL FOR DIRECT PAY VENDORS:			10,601.96	

ADMINISTRATION REPORTS

ENGINEER'S REPORT

Forsyth; March 7, 2023 Board Meeting

Submitted by Matthew B. Foster, P.E., PLS

Project 6928 – Maroa-Forsyth Grade School Bike Path

We continue coordination with utilities on the project and will begin finalizing the design shortly. Once design is finalized, land acquisition activities will begin.

Project 7982 – Forsyth Park LWCF Grant Compliance

The Village did not receive the OSLAD grant that was applied for last fall. We have met with Village staff to discuss proceeding with bidding the project out as currently scoped and will meet at least one more time to finalize. The current scope of the project consists of the pond, a small parking lot off of Oakland, the walking trail around the pond, the walking trail south to CH 20, tree planting, and the crossing over to the Grayhawk bike trail. To comply with the LWCF grant for the acquisition, the Village must start work on this project by February 2024.

Project 8000 – Well No. 7

Work at the well 7 site continues. The drilling subcontractor has completed the well hole. The well development and testing are currently anticipated to be completed by March 17. Unfortunately, the drilling contractor has encountered a different layer of material at the bottom of the well than originally anticipated. Modifications to the design of the well screen and gravel pack were necessary which will impact the amount of water the well will produce. Although we do not currently anticipate Well 7 to be able to match the production of Well 6, it will still be able to act as a backup as intended as well as provide additional production as the Village expands.

Project 8498 – Advisory Services

Grayhawk Pavement Repairs: This work is currently on hold until the end of winter. Once winter weather subsides, the pavement and gutters will be reviewed for repairs and the project will proceed.

Veterans Pond Outfall Repairs: This project will be rebid late spring/early summer 2023 and will be scheduled to start after the DISC golf tournament.

Eastside Bike Path Maintenance: This work is currently on hold until the end of winter. Once winter weather subsides, the condition of the path will be reviewed, and the project will proceed.

US Route 51 Improvements: Chastain has provided Village staff options for the median stamping. Once an option is selected, we will begin more detailed coordination with IDOT for inclusion of this work in their project.

Chastain met with Village staff to further discuss a general service contract with the Village. We also discussed prioritizing the projects scheduled for this year at this meeting.



Library Director's Report

March 7, 2023

- I submitted the IPLAR (Illinois Public Library Annual Report) to the Illinois State Library on February 23, 2023. This report includes data related to nearly everything we do here at the library on an annual basis. It also satisfies one component of our annual Per Capita Grant requirements. Some interesting things to note when looking at our library's 2022 statistics, include:
 - The total number of patrons visiting the library increased from 25,646 in 2021 to 31,043 in 2022.
 - The total number of circulated materials decreased from 59,377 in 2021 to 56,785 in 2022.
 - Our library owns a total of 48,243 physical items.
 - The total number of in-person programs offered increased from 118 in 2021 to 164 in 2022.
 - The total attendance at in-person programs increased from 1,483 in 2021 to 3,547 in 2022.
 - Donations made to the library increased from \$441.00 in 2021 to \$4,086.00 in 2022.
- We have two fun themed in-person program offerings at the library in March. On Saturday, March 18, kids can drop-in to create edible hedgehog donut holes from 10:00 a.m. to 12:00 p.m., and on Saturday, March 25, we are offering a free adult craft class where adults can create a decorative hedgehog using pages from discarded books. The adult class will take place from 10:00 a.m. to 11:30 a.m., and registration is required. The registration link can be found on the library's website and Facebook page, and in the library's March newsletter.
- The March 1, 2023 Illinois Libraries Present Zoom Event featured New York Times best-selling science author, Mary Roach, and the April 4, 2023 event will feature actor and author Danny Trejo. As always, links to these events can be found on the library's website and Facebook page, and in the library's newsletters. Registration is free, and most of these events are recorded as long as permission is granted, allowing registrants to watch the recording at a later date.
- The new outdoor book return that was approved at the February 21 meeting has been ordered, and the expected delivery date is April 20, 2023.

Steven Ward
March 1, 2023

Public Works Report 3-1-23

Parks:

High School ball field preps for upcoming seasons. Field work and nets tightened.

Baseball field has been mowed...

All hitting cages are up and ready for the season.

Trash / limb pickup.

Replacing old soccer goal nets with new.

Community room minor repairs (fill holes in walls, repaint, etc)

On our Park to do list is:

Remove trees, limbs, and beaver dam from the creek.

Stump removal around the NE part of the main park and at Village Hall.

Village:

We maintained the Village Hall, the Library, and other property / easements throughout the Village.

We worked on permit locates, ordinances, inspections, and concerns.

Trash cleanup around the Village and Route 51.

Street sweeping

Salt Dome laydown cleanup.

Rock (dirt) added around Village roads and curves, mainly old town and Woodland areas.

"Drivers have a tough time staying on the road and making turns."

On our Village to do list is:

Storm drain repairs at Stevens Creek.

Water Treatment Plant / Sewer:

Continued with meeting monthly / annual IEPA sampling and analysis requirements.

Started entire Village mandated water service line inventory.

Chemical feed pump repair.

On our Water / Sewer to do list is:

Complete monthly IEPA sampling and other required sampling.

Decatur / Maroa ERP discussions

Thanks, Darin

OLD BUSINESS

ITEM 1

NEW BUSINESS ITEM 1

MEMORANDUM

To: The Honorable President and Board of Trustees
From: Jill Applebee, Village Administrator
Date: March 7, 2023
Subject: Krekels Memo

Krekel's is requesting to install a pole sign using the current pole that was used previously by Pizza Hut, instead of the required monument sign. The sign is also less than 15 feet from the property line of 910 N Route 51 (Steak N Shake). Staff is recommending allowing the sign, as it is a pre-existing pole.

Planning & Zoning unanimously approved.

As always, if you are in need of anything further regarding this or any other matter, please do not hesitate to contact me.

VILLAGE OF FORSYTH

301 S. Route 51
Forsyth, IL 62535

Phone: (217) 877-9445 / Fax: (217) 877-9863



VARIANCE REQUEST APPLICATION

OWNER: ☒

APPLICANT: ☐

Name: Chad Kregel

Address: 910 N Rt 51 Forsyth IL 62535

Phone Number: 217 791-1302

E-mail: _____

Property Address: 910 N Rt 51 Forsyth IL 62535

PIN #: _____

Legal Description of the Property:

PT SW 1/4 SEC 14 DESEC AS:
COM SW COR SD SEC 14 TH ERLY
ALG S LN SD SEC 14 52.26 TO / PIZZA HUT
PT ON E ROW LN

Zoning District: C-1

Requested variation(s) to the Development Ordinance (include reference to provisions of the Development Ordinance being affected):

would like to install new sign faces on the pole sign
in front of the building.

Brief description of what the proposed plan is for the property:

Kregel's Hamburger Restaurant

*Attach a dimensioned site plan or plat to depict the proposed variation(s) and plan for the property.

The questions below shall be answered completely, otherwise the Planning and Zoning Commission shall not recommend a variation and the Village Board shall not grant a variation to the provisions of this Ordinance (for multiple variance requests provide answers for each request):

1. What special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions)?

Wish to use existing pole sign. Instead of Required monument sign.
Existing sign does not meet minimum set back of 15 ft.
currently at 10 ft from property line.

2. Are the special circumstances not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation?

NONE!

3. Will the strict application of the Development Ordinance deprive the applicant of rights and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance? Please explain and give examples if available.

NA

4. Will the authorization of such variance not be of substantial detriment to adjacent property and will the granting of the variance not change the character of the district? Please explain.

Correct, this will not be a detriment or change the character of the district.

5. Is the variance the minimum variance that will make possible the reasonable use of the property, building, or structure? Please explain.

Yes the variance will allow our sign to be put in place for people to see to promote our business.

\$90.00 Application Fee: Required at time of the application. The fee will not be refunded if the request is denied by the Village Board of Trustees.

Signature: Chad A. K... Date: 1-6-23

For office use only

Date Received: 1-6-23

Application Fee Paid: \$90.00 paid

Approved (Y/N): (Y)

PZC Meeting Date: 2-23-23

Board Meeting Date: 3-7-23

Ordinance # 7.4C-2 B(1)

VARIANCE APPLICATION GENERAL INFORMATION:

- Complete the entire Variance Request Form including:

- ☒ Owner or Applicant Information (Please check appropriate box. However, if you are the applicant, contact information is needed for you and the owner.)
- ☐ Legal Description of the Property (If you do not know the property's legal description contact Macon County or access the information on the Macon County website.)
- ☐ Existing zoning of the property (if unsure please verify with Village Hall)
- ☐ List the requested variation(s) to the Development Ordinance (Example – Section 4.9: Front Yard variance of 5 feet to allow a home addition to within 25 feet of the property line in an R-1 zoning district.)
- ☐ Describe what your plans are for the property.
- ☐ Provide a dimensioned site plan or plat to depict the proposed variation(s). The site plan or plat should include the location of any current or proposed structures on the property.
- ☐ Thoroughly answer the five mandatory questions for the Variance Standards that the Planning and Zoning Commission and Village Board will be basing their recommendation and decision on for the variance request.
 1. Special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions); and
 2. The special circumstances are not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation; and
 3. Strict application of the Development Ordinance will deprive the applicant of right and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance; and
 4. The authorization of such variance will not be of substantial detriment to adjacent property and the granting of the variance will not change the character of the district; and
 5. The variance is the minimum variance that will make possible the reasonable use of the property, building, or structure.

Note: The Commission or Board may also recommend denial or deny an application for a variance if evidence is submitted and substantiated demonstrating any of the following:

 - The need for the variance was created by the applicant or another party with an interest in the property;
 - The granting of the variance will impair neighboring property values; and/or
 - The granting of the variance will cause substantial detriment to the public good.
- ☒ Pay the required \$90 application fee; make check out to Village of Forsyth
- ☐ Sign and date the form and return to Village Hall

Village Staff will then review the application to ensure completeness. Once the application is deemed complete, Village Staff will notify the applicant of the meeting dates for the Planning and Zoning Commission meeting/Public Hearing and the Board of Trustees meeting.

* Planning and Zoning Commission meetings are held every 4th Thursday of the month and Board of Trustee meetings are held every 1st and 3rd Monday of the month. Village Staff will inform you of the date your application will go before the Commission and Board.

** If a Variance Request gets approved, an applicant has **18 months from the date the ordinance is approved to apply for a building permit.** An extension may be granted by the Village Board of Trustees to the 18 month timeframe if an applicant requests an extension prior to the 18 month time limitation. Should a building permit not be issued or an extension not be granted prior to the 18 month time limitation, the variance shall be considered null and void.



ITEM B
(2) 8' TALL X 7' WIDE
CUSTOM SHAPED POLYCARBONATE SIGN FACES
INTERNALLY ILLUMINATED WHITE LED'S

OPTION 1

ITEM A
(1) 5.5' TALL X 12' WIDE X 5" DEEP
CUSTOM SHAPED CHANNEL LETTER SET
INTERNALLY ILLUMINATED WHITE LED'S



VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for Chad Krekel / Krekel's Hamburger Restaurant

Date: February 23, 2023

On February 23, 2023 at 5:30 p.m., the Planning and Zoning Commission ("Commission") held a public hearing for a variance to Development Ordinance Section 7.4 A. (1)(c) and (d) to install a pole sign less than 15 feet from the property line located at 910 N. Route 51, Forsyth, Illinois. The notice of the public hearing was published in the Herald & Review on February 7, 2023.

Applicant requests to install new sign faces on an existing pole located at the front of the building. The existing pole structure is located approximately 10 feet from the property line. The Development Ordinance Section 7.4 A. (1)(c) and (d) required monument signs placed a minimum of 15 feet from the property line. Staff recommends allowing the sign as it will be placed on a pre-existing structure.

At the request of the Commission, Applicant agreed to landscape / brick around the base of the pole structure in the spring.

Based on the public hearing, the Commission voted 6-0 to recommend approval of the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district; and
2. The plight of the owner is due to unique circumstances; and
3. If granted, the variation will not alter the essential character of the locality. The pole structure at the current location is preexisting and has been located on this property since before the approval of the Development Ordinance and the pole structure will not exceed the height allowed for signage.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.

Chairman, Planning & Zoning Commission

THE HERALD & REVIEW
601 E William St
Decatur, IL 62523-1142
Ph: 800-453-2527

STATE OF ILLINOIS
COUNTY OF MACON } SS:
CITY OF DECATUR

VILLAGE OF FORSYTH

301 S ROUTE 51
FORSYTH, IL 62535

ORDER NUMBER 144012

LEE ENTERPRISES, INC hereby certifies that it is now and has been for more than one year continuously, d/b/a Herald & Review, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that the Herald & Review is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, February 23, 2023 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request for variance to Development Ordinance Section 7.4 A. (1) (c) and (d) to install pole sign less than 15 feet from the property line located at 910 N. Route 51, Forsyth, Illinois, and legally described as PT SW1/4 SEC 14 DESC AS: COM SW COR SD SEC 14 TH ERLY ALG S LN SD SEC 14 52.26 TO /PIZZA HUT PT ON E ROW LN PIN: 07-07-14-351-009
 - Request for the following variances to Development Ordinance on the property located at 994 US Route 51, Forsyth, Illinois, and legally described as PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006:
 - Section 4.6 C. (7) (b) to install maximum footcandles beyond the property lines along the north and east property lines;
 - Section 4.9 to reduce the minimum lot size for C-1 zoned property;
 - Section 6.4 to vary minimum parking stall depth for onsite angled parking;
 - Section 7.4 C. (2) (b) to increase maximum free standing sign height; and
 - Section 11.13 D. to allow shared access to public street with adjacent lots.
- Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
2/7 144012

Section: Legals

Category: 0991 Legal Inside

PUBLISHED ON: 02/07/2023

TOTAL AD COST: 80.30

FILED ON: 2/7/2023

By

Date



2/7/23

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2023-3

**AN ORDINANCE APPROVING A VARIANCE FOR POLE SIGN LESS THAN 15 FEET
FROM PROPERTY LINE FOR KREKEL'S HAMBURGER RESTAURANT LOCATED
AT 910 N. ROUTE 51**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2023

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2023-3

AN ORDINANCE APPROVING A VARIANCE FOR POLE SIGN LESS THAN 15 FEET FROM PROPERTY LINE FOR KREKEL'S HAMBURGER RESTAURANT LOCATED AT 910 N. ROUTE 51

WHEREAS, the Village of Forsyth ("Village"), Macon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, on January 6, 2023, an application was filed by Chad Krekel / Krekel's Hamburger Restaurant for a variance to allow a pole sign less than 15 feet from the property line to be placed at 910 N. Route 51; and,

WHEREAS, the Planning and Zoning Commission ("Commission") held a duly noticed public hearing on February 23, 2023, and recommended by a 6-0 vote of the Commission that the Village Board approve the variance to Development Ordinance Section 7.4 A. (1) (c) and (d) as requested in the application and detailed in the Commission's written Findings of Fact and Recommendation; and,

WHEREAS, Section 9.10 of the Development Ordinance permits the Village Board to approve variations from the Zoning Code upon establishment of a practical difficulty and/or particular hardship; and,

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board adopts the findings of fact of the Commission as set forth in the Commission's written Findings of Fact and Recommendation, attached hereto as **Exhibit A**.

Section 3. Description of the Property. The Property is commonly known as 910 N. Route 51 and is legally described as: PT SW1/4 SEC 14 DESC AS: COM SW COR SD SEC 14 THERLY ALG S LN SD SEC 14 52.26 TO / PIZA HUT PT ON E ROW LN.

Section 4. Public Hearing. A public hearing was advertised in the Decatur Herald & Review and held by the Planning and Zoning Commission on February 7, 2023, at which time the Planning and Zoning Commission voted to recommend approval of the variance.

Section 5. Variance. The variation requested in the January 6, 2023, Variance Request Application, outlined herein, and recommended at the February 23, 2023, Planning and Zoning Commission meeting, is hereby granted to allow for the pole sign to be located less than 15 feet from the property line as requested.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from

and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of March 2023, at Forsyth, Macon County,
Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A
FINDINGS OF FACT AND RECOMMENDATION

NEW BUSINESS

ITEM 2

MEMORANDUM

To: The Honorable President and Board of Trustees
From: Jill Applebee, Village Administrator
Date: March 7, 2023
Subject: Starbucks Memo

Starbucks is requesting 5 different variations

- Install maximum footcandles beyond the property lines along the north and east property
- Reduce the minimum lot size for C-1 zoned property
- Vary minimum parking stall depth for onsite angled parking.
- Increase maximum free standing sign height
- To allow shared access to the public street with adjacent lots.

More information is provided in their application. Staff is recommending allowing the variances. Planning and Zoning unanimously approved all variances except the free standing sign height which was voted 3-3.

As always, if you are in need of anything further regarding this or any other matter, please do not hesitate to contact me.



2803 BUTTERFIELD RD.
SUITE 340
OAK BROOK, IL 60523
TEL: (312) 795-1245
FAX: (312) 795-6123

OWNER:

CORE ACQUISITIONS
200 S. WACKER DR.
SUITE 1500
CHICAGO, IL 60606

PROJECT:

COMMERCIAL
DEVELOPMENT

984 US-51
FORSYTH, IL

PROPOSED
SITE PLAN

NO.	DATE	DESCRIPTION
01.15.23		SITE PLAN UPDATE
12.22.22		SITE PLAN UPDATE
04.01.22		SITE PLAN UPDATE
03.15.22		20% RESUBMITTAL
03.04.22		BUILDING EXPANSION
02.15.22		SITE PLAN UPDATE
01.27.22		SITE PLAN UPDATE

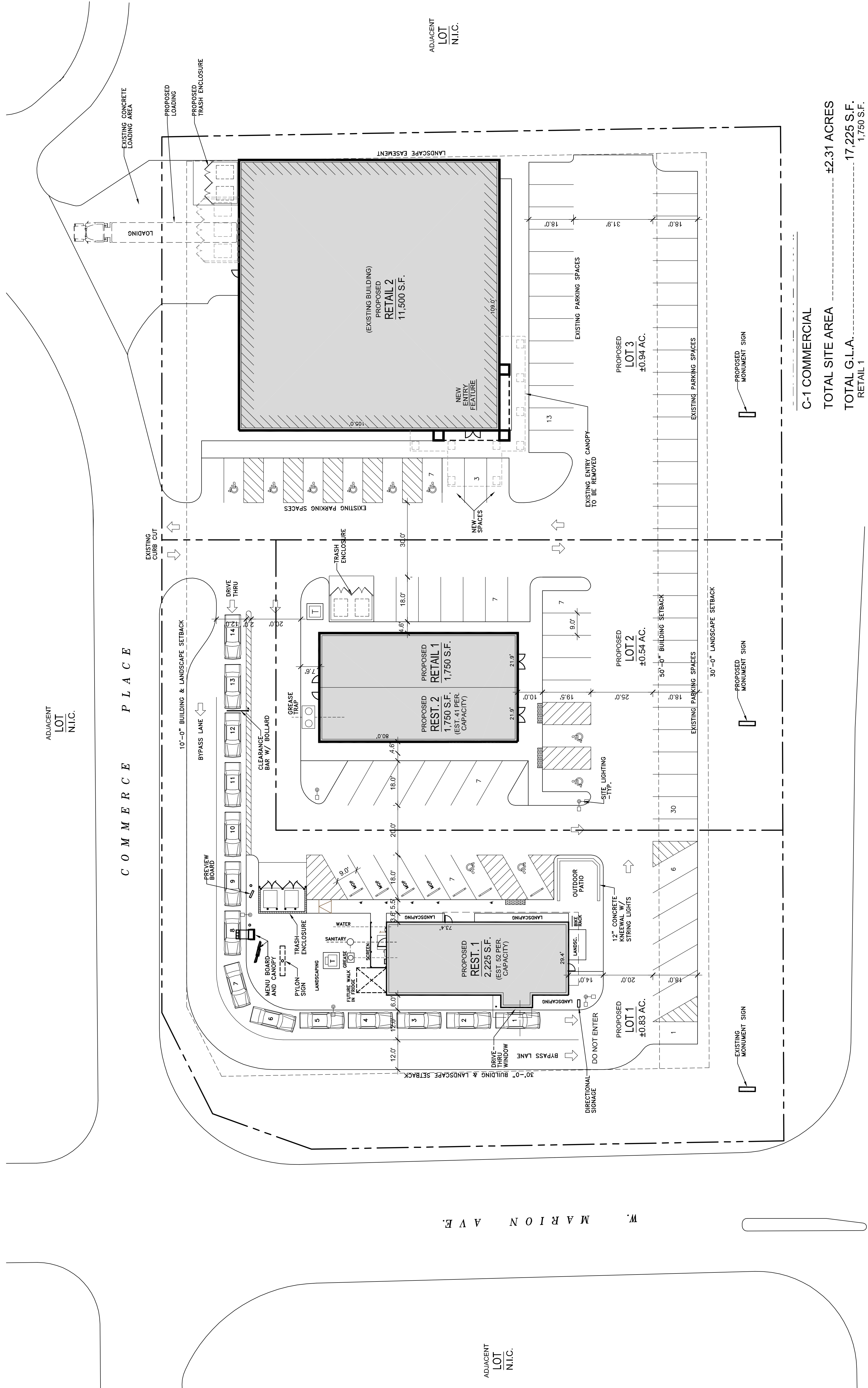
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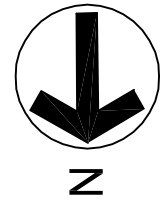
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JOB NO. XXXXX

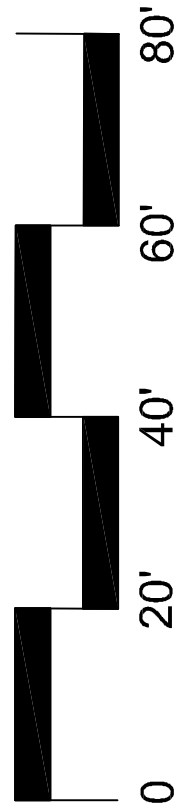


U S - 5 1

C-1 COMMERCIAL	
TOTAL SITE AREA	±2.31 ACRES
TOTAL G.L.A.	17,225 S.F.
RETAIL 1	1,750 S.F.
RETAIL 2 (EXISTING BUILDING)	11,500 S.F.
NEW RESTAURANT 1 (EST. 52 PER. CAPACITY)	2,225 S.F.
NEW RESTAURANT 2 (EST. 41 PER. CAPACITY)	1,750 S.F.
TOTAL PARKING REQUIRED	85 CARS
RETAIL 1 (4 CARS / 1,000 S.F.)	7 CARS
RETAIL 2 (4 CARS / 1,000 S.F.)	46 CARS
RESTAURANT 1 (1 CAR / 3 PERSON CAPACITY)	18 CARS
RESTAURANT 2 (1 CAR / 3 PERSON CAPACITY)	14 CARS
TOTAL PARKING PROVIDED	88 CARS
PARKING RATIO	5.11 CARS / 1,000 S.F.



SITE PLAN



VILLAGE OF FORSYTH

301 S. Route 51
Forsyth, IL 62535

Phone: (217) 877-9445 / Fax: (217) 877-9863



VARIANCE REQUEST APPLICATION

OWNER: ☒

APPLICANT: ☐

Name: SC Forsyth LLC

Address: 10 Parkway North Ste. 120, Deerfield, IL 60015

Phone Number: (312) 881-6491

E-mail: afirsel@coreacq.com

Property Address: 994 US Rte 51, Forsyth, IL

PIN #: 07-07-14-351-006

Legal Description of the Property:

PT SW SW-BEG 52.26 B SW COR
N412.64 NE192.49 SE41.33
SE42.79 S355.31 SW250.02POB
& (EX HWY ROW) & (EX RD ROW)
02BK3269/728

Zoning District: C-1: Commercial Service District



Requested variation(s) to the Development Ordinance (include reference to provisions of the Development Ordinance being affected):

Sect. 11.13D: Lot 2 will need a variance for not having access to a public street, however, there will be a cross access easement agreement providing vehicular access to the public street
Sect. 11.2(b)(1): Sect. A new easement agreement will be provided that will allow for cross access and parking between all three lots. Landlord is requesting a variance to allow for a smaller than minimum lot size of 30,000sf for Lot 2.
Sect. 6.4: Landlord is requesting a variance to reduce depth of 60 degree parking stalls to 18' stall depth, though, the depth diagonally is over 20'
Sect 7.4 (C) 2: Pylon sign: LL is requesting a variance for a 95' pylon sign to the top of the cabinet
Sect 4.6.C (7)(b)(i): Landlord is requesting a variance to meet SBUX requirements to allow for greater than 3fc average for lighting

Brief description of what the proposed plan is for the property:

Core intends to subdivide the property from one parcel into three separate parcels. Core would then construct a freestanding Starbucks, a two-tenant retail building, and retenant the former Hometown Buffet with a general retail user.

*Attach a dimensioned site plan or plat to depict the proposed variation(s) and plan for the property.

The questions below shall be answered completely, otherwise the Planning and Zoning Commission shall not recommend a variation and the Village Board shall not grant a variation to the provisions of this Ordinance (for multiple variance requests provide answers for each request):

1. What special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions)?

This development is being anchored by Starbucks who requires a special set of circumstances including a minimum stacking requirement of 15 cars, greater than 3fc lighting plans, and a 95' pylon sign. The Starbucks costs requires Landlord to construct a middle building which will need to be on its own parcel to be sold separate of the SBUX.

2. Are the special circumstances not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation?

Starbucks requires additional requirements that are not consistent with many other users within the town.

3. Will the strict application of the Development Ordinance deprive the applicant of rights and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance? Please explain and give examples if available.

Yes, for instance the McDonalds currently utilizes a 95' pylon pole sign. The Panda Express was allotted additional signage.

4. Will the authorization of such variance not be of substantial detriment to adjacent property and will the granting of the variance not change the character of the district? Please explain.

If the authorization is not granted, Landlord will not be able to move forward with the project as the SBUX lease would be void. In order to bring a great user to the community Landlord will require the aforementioned variances.

5. Is the variance the minimum variance that will make possible the reasonable use of the property, building, or structure? Please explain.

Yes, Landlord has used all ability to minimize the amount of requested variances.

\$90.00 Application Fee: Required at time of the application. The fee will not be refunded if the request is denied by the Village Board of Trustees.

Signature: _____

Date: 1/31/2023

For office use only

Date Received: 2-3-23

PZC Meeting Date: 2-23-23

Application Fee Paid: \$90.00

Board Meeting Date: 3-7-23

Approved (Y/N): yes

Ordinance # 7.4A.(1)(C) and (D) - 4.6E.(1)(B) - 4.9-6.4 - 7.4E.(2)(B) 11.13D.

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for SC Forsyth LLC

Ordinance: Section 4.6 C. (7) (b)

Date: February 23, 2023

On February 23, 2023 at 5:30 p.m., the Planning and Zoning Commission (“Commission”) held a public hearing for a variance to Development Ordinance Section 4.6 C. (7) (b) to install maximum footcandles beyond the property lines along the north and east property lines at the property located at 994 US Route 51, Forsyth, Illinois. The notice of the public hearing was published in the Herald & Review on February 7, 2023.

Applicant requests to install to install maximum footcandles beyond the property lines along the north and east property lines. Applicant requests the maximum footcandles beyond property lines to be increased from 0.5 footcandles to 0.6 footcandles at various points along the north and east property lines. The Development Ordinance Section 4.6 C. (7) (b) requires that there not be more than 0.5 footcandles beyond property lines except within 30 feet of entrances/exits.

Based on the public hearing, the Commission voted 6-0 to recommend approval of the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. To develop and properly light the property in accordance with the standards required by Starbucks, the lighting planned is required. Without approval of the lighting and additional 0.1 footcandles at various points, the development cannot proceed.
2. The plight of the owner is due to unique circumstances in that it is based on requirements of the planned tenant, Starbucks, that cannot be varied.
3. If granted, the variation will not alter the essential character of the locality. The footcandles that exceed 0.5 will not affect surrounding properties or any residential areas. The places where the maximum footcandle is exceeded by 0.1 are the street and vacant area.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.

Chairman, Planning & Zoning Commission

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STATE OF ILLINOIS
COUNTY OF MACON } SS:
CITY OF DECATUR

VILLAGE OF FORSYTH

301 S ROUTE 51
FORSYTH, IL 62535

ORDER NUMBER 144012

LEE ENTERPRISES, INC hereby certifies that it is now and has been for more than one year continuously, d/b/a Herald & Review, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that the Herald & Review is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, February 23, 2023 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request for variance to Development Ordinance Section 7.4 A. (1) (c) and (d) to install pole sign less than 15 feet from the property line located at 910 N. Route 51, Forsyth, Illinois, and legally described as PT SW1/4 SEC 14 DESC AS: COM SW COR SD SEC 14 TH ERLY ALG S LN SD SEC 14 52.26 TO /PIZZA HUT PT ON E ROW LN PIN: 07-07-14-351-009
 - Request for the following variances to Development Ordinance on the property located at 994 US Route 51, Forsyth, Illinois, and legally described as PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006:
 - Section 4.6 C. (7) (b) to install maximum footcandles beyond the property lines along the north and east property lines;
 - Section 4.9 to reduce the minimum lot size for C-1 zoned property;
 - Section 6.4 to vary minimum parking stall depth for onsite angled parking;
 - Section 7.4 C. (2) (b) to increase maximum free standing sign height; and
 - Section 11.13 D. to allow shared access to public street with adjacent lots.
- Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
2/7 144012

Section: Legals

Category: 0991 Legal Inside

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By 

Date 2/7/23

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2023-4

**AN ORDINANCE APPROVING A VARIANCE TO INSTALL MAXIMUM
FOOTCANDLES BEYOND PROPERTY LINE AT 994 US ROUTE 51**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2023

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2023-4

**AN ORDINANCE APPROVING A VARIANCE TO INSTALL MAXIMUM
FOOTCANDLES BEYOND PROPERTY LINE AT 994 US ROUTE 51**

WHEREAS, the Village of Forsyth (“Village”), Macon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, on February 3, 2023, an application was filed by SC Forsyth LLC for a variance to Development Ordinance Section 4.6 C. (7) (b) install maximum footcandles beyond the property line at 994 US Route 51; and,

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on February 23, 2023, and recommended by a 6-0 vote of the Planning and Zoning Commission that the Village Board approve the variance requested; and,

WHEREAS, Sections 9.4 and 9.10 of the Development Ordinance permit the Village Board to approve variations from the Zoning Code upon establishment of a practical difficulty and/or particular hardship; and,

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board adopts the findings of fact of the Commission as set forth in the Commission’s written Findings of Fact and Recommendation, attached hereto as **Exhibit A**.

Section 3. Description of the Property. The Property is commonly known as 994 US Route 51 and is legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006.

Section 4. Public Hearing. A public hearing was advertised in the February 7, 2023 Herald & Review and held by the Planning and Zoning Commission on February 23, 2023, at which time the Planning and Zoning Commission voted to recommend approval of the variance.

Section 5. Variance. The variation to Section 4.6 C. (7) (b) requested in the February 3, 2023, Variance Request Application, detailed in the Findings of Fact and Recommendation, and recommended at the February 23, 2023 Planning and Zoning Commission meeting, is hereby granted to allow the installation of maximum footcandles beyond the property line.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of March 2023, at Forsyth, Macon County,
Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A
FINDINGS OF FACT AND RECOMMENDATION

NEW BUSINESS

ITEM 3

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for SC Forsyth LLC

Ordinance: Section 4.9

Date: February 23, 2023

On February 23, 2023 at 5:30 p.m., the Planning and Zoning Commission (“Commission”) held a public hearing for a variance to Development Ordinance Section 4.9 with Applicant requesting minimum lot size for C-1 zoned properties to be reduced from 30,000 sq. ft. to 23,833 sq. ft. for Lot 2 at the property located at 994 US Route 51, Forsyth, Illinois. The notice of the public hearing was published in the Herald & Review on February 7, 2023.

Applicant intends to subdivide the property from a single parcel into three separate parcels. To divide as planned, the middle lot, Lot 2, will be 23,833 square feet which is less than Section 4.9 requirement that the lot size be at least 30,000 sq. ft.

Based on the public hearing, the Commission voted 6-0 to recommend approval of the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. To develop the single lot into commercial use for separate tenants and utilize existing structures on the existing lot, the property needs to be subdivided into separate lots. Based on the requirements for parking and the width of drive space, proposed Lot 2 will be smaller than 30,000 sq ft. It is not possible to divide the single lot into three separate lots and meet with 30,000 sq. ft. requirement.
2. The plight of the owner is due to unique circumstances in that it is based in part on requirements of the planned tenant for Lot 1, Starbucks, that cannot be varied. Additionally, because of the proposed development of Lot 1 and the existing structure on Lot 3, Lot 2 is unable to meet the 30,000 sq. ft. requirement.
3. If granted, the variation will not alter the essential character of the locality. The property is commercial and because it is part of a PUD with shared drives and parking, the property surrounding the development will remain unchanged.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.

Chairman, Planning & Zoning Commission

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STATE OF ILLINOIS
COUNTY OF MACON } SS:
CITY OF DECATUR

VILLAGE OF FORSYTH

301 S ROUTE 51
FORSYTH, IL 62535

ORDER NUMBER 144012

LEE ENTERPRISES, INC hereby certifies that it is now and has been for more than one year continuously, d/b/a Herald & Review, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that the Herald & Review is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, February 23, 2023 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request for variance to Development Ordinance Section 7.4 A. (1) (c) and (d) to install pole sign less than 15 feet from the property line located at 910 N. Route 51, Forsyth, Illinois, and legally described as PT SW1/4 SEC 14 DESC AS: COM SW COR SD SEC 14 TH ERLY ALG S LN SD SEC 14 52.26 TO /PIZZA HUT PT ON E ROW LN PIN: 07-07-14-351-009
 - Request for the following variances to Development Ordinance on the property located at 994 US Route 51, Forsyth, Illinois, and legally described as PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006:
 - Section 4.6 C. (7) (b) to install maximum footcandles beyond the property lines along the north and east property lines;
 - Section 4.9 to reduce the minimum lot size for C-1 zoned property;
 - Section 6.4 to vary minimum parking stall depth for onsite angled parking;
 - Section 7.4 C. (2) (b) to increase maximum free standing sign height; and
 - Section 11.13 D. to allow shared access to public street with adjacent lots.
- Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
2/7 144012

Section: Legals

Category: 0991 Legal Inside

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By

Date



2/7/23

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2023-5

**AN ORDINANCE APPROVING A VARIANCE TO ALLOW REDUCTION OF MINIMUM
LOT SIZE FOR C-1 ZONED PROPERTY AT 994 US ROUTE 51**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2023

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2023-5

AN ORDINANCE APPROVING A VARIANCE TO ALLOW REDUCTION OF MINIMUM LOT SIZE FOR C-1 ZONED PROPERTY AT 994 US ROUTE 51

WHEREAS, the Village of Forsyth (“Village”), Macon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, on February 3, 2023, an application was filed by SC Forsyth LLC for a variance to Development Ordinance Section 4.9 to reduce the minimum lot size for C-1 zoned property from 30,0000 square feet to 23,833 square feet at 994 US Route 51; and,

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on February 23, 2023, and recommended by a 6-0 vote of the Planning and Zoning Commission that the Village Board approve the variance requested; and,

WHEREAS, Sections 9.4 and 9.10 of the Development Ordinance permit the Village Board to approve variations from the Zoning Code upon establishment of a practical difficulty and/or particular hardship; and,

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board adopts the findings of fact of the Commission as set forth in the Commission’s written Findings of Fact and

Recommendation, attached hereto as **Exhibit A**.

Section 3. Description of the Property. The Property is commonly known as 994 US Route 51 and is legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006.

Section 4. Public Hearing. A public hearing was advertised in the February 7, 2023 Herald & Review and held by the Planning and Zoning Commission on February 23, 2023, at which time the Planning and Zoning Commission voted to recommend approval of the variance.

Section 5. Variance. The variation to Section 4.9 requested in the February 3, 2023, Variance Request Application, detailed in the Findings of Fact and Recommendation, and recommended at the February 23, 2023 Planning and Zoning Commission meeting, is hereby granted to allow reduction of the minimum lot size for C-1 zoned properties from 30,000 square feet to 23,833 square feet.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from

and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of March 2023, at Forsyth, Macon County,
Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A
FINDINGS OF FACT AND RECOMMENDATION

NEW BUSINESS

ITEM 4

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for SC Forsyth LLC

Ordinance: Section 7.4 C. (2) (b) (i)

Date: February 23, 2023

On February 23, 2023 at 5:30 p.m., the Planning and Zoning Commission (“Commission”) held a public hearing for a variance to Development Ordinance Section 7.4 C. (2) (b) to increase maximum free standing sign height at the property located at 994 US Route 51, Forsyth, Illinois. The notice of the public hearing was published in the Herald & Review on February 7, 2023.

Applicant requests variance to the maximum total height of a freestanding pole sign specified by Section 7.4 C. (2) (b) (i) “Free Standing Signs”. Applicant requests the maximum height of a freestanding pole sign be increased from 15 ft. to 95 ft. for the sign on Lot 1.

Based on the public hearing, the Commission voted 3-3 and the motion to recommend approval of the variance did not pass. A minimum of 4 concurring votes is required to recommend approval of the variance. The Commission did not make specific findings of fact as the Commission vote was evenly split and no recommendation was made.

Chairman, Planning & Zoning Commission

*** Proof of Publication ***

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STATE OF ILLINOIS
COUNTY OF MACON
CITY OF DECATUR

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VILLAGE OF FORSYTH

301 S ROUTE 51
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ORDER NUMBER 144012

LEE ENTERPRISES, INC hereby certifies that it is now and has been for more than one year continuously, d/b/a Herald & Review, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that the Herald & Review is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, February 23, 2023 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request for variance to Development Ordinance Section 7.4 A. (1) (c) and (d) to install pole sign less than 15 feet from the property line located at 910 N. Route 51, Forsyth, Illinois, and legally described as PT SW1/4 SEC 14 DESC AS: COM SW COR SD SEC 14 TH ERLY ALG S LN SD SEC 14 52.26 TO /PIZZA HUT PT ON E ROW LN PIN: 07-07-14-351-009
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 - Section 4.9 to reduce the minimum lot size for C-1 zoned property;
 - Section 6.4 to vary minimum parking stall depth for onsite angled parking;
 - Section 7.4 C. (2) (b) to increase maximum free standing sign height; and
 - Section 11.13 D. to allow shared access to public street with adjacent lots.
- Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
2/7 144012

Section: Legals

Category: 0991 Legal Inside

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VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for SC Forsyth LLC

Ordinance: Section 7.4 C. (2) (b) (i)

Date: February 23, 2023

On February 23, 2023 at 5:30 p.m., the Planning and Zoning Commission (“Commission”) held a public hearing for a variance to Development Ordinance Section 7.4 C. (2) (b) to increase maximum free standing sign height at the property located at 994 US Route 51, Forsyth, Illinois. The notice of the public hearing was published in the Herald & Review on February 7, 2023.

Applicant requests variance to the maximum total height of a freestanding pole sign specified by Section 7.4 C. (2) (b) (i) “Free Standing Signs”. Applicant requests the maximum height of a freestanding pole sign be increased from 15 ft. to 95 ft. for the sign on Lot 1.

Based on the public hearing, the Commission voted 3-3 and the motion to recommend approval of the variance did not pass. A minimum of 4 concurring votes is required to recommend approval of the variance. The Commission makes the following specific findings of fact related to the testimony presented at the public hearing, but because the Commission vote was evenly split, no recommendation is made.

1. Testimony by the Applicant was presented that the property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. There is a condition in the Starbucks lease that allows it to terminate the lease if the variance to install a 95-foot sign is not approved.
2. Testimony by the Applicant was presented that the plight of the owner is due to unique circumstances in that it is based on requirements of the lease with the planned tenant for Lot 1, Starbucks, that cannot be varied. This lease is needed to develop the property into three lots and attract additional retail tenants.
3. Testimony by the Applicant was presented that the variation will not alter the essential character of the locality as there are existing signs of similar height and the sign will be placed on the back of the property. There was also information provided that the variation would alter the essential character which limits signage to monument signs that do not exceed 15 feet in height.

Chairman, Planning & Zoning Commission

*** Proof of Publication ***

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Ph: 800-453-2527

STATE OF ILLINOIS
COUNTY OF MACON
CITY OF DECATUR

} SS:

VILLAGE OF FORSYTH

301 S ROUTE 51
FORSYTH, IL 62535

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 - Section 6.4 to vary minimum parking stall depth for onsite angled parking;
 - Section 7.4 C. (2) (b) to increase maximum free standing sign height; and
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- Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
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2/7/23

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2023-6

**AN ORDINANCE APPROVING A VARIANCE TO INCREASE MAXIMUM FREE
STANDING SIGN HEIGHT AT 994 US ROUTE 51**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2023

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2023-6

**AN ORDINANCE APPROVING A VARIANCE TO INCREASE MAXIMUM FREE
STANDING SIGN HEIGHT AT 994 US ROUTE 51**

WHEREAS, the Village of Forsyth (“Village”), Macon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, on February 3, 2023, an application was filed by SC Forsyth LLC for a variance to Development Ordinance Section 7.4 C. (2) (b) to allow a 95-foot free standing sign at 994 US Route 51; and,

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on February 23, 2023, and in a 3-3 vote of the Planning and Zoning Commission that the Village Board did not approve or deny the variance requested; and,

WHEREAS, Section 9.4 of the Development Ordinance states:

The Village Board of trustees is the elected legislative (corporate) authority of the Village of Forsyth, and has reserved to itself the final authority on subdivisions, special uses, planned unit developments, amendments, and variations, to be exercised pursuant to its legislative discretion.

WHEREAS, Section 9.10 of the Development Ordinance permits the Village Board to approve variations from the Zoning Code upon establishment of a practical difficulty and/or particular hardship; and,

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated

into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board accepts the findings of fact of the Commission as set forth in the Commission's written Findings of Fact and Recommendation, attached hereto as **Exhibit A**. The Village Board further finds:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. There is a condition in the Starbucks lease that allows it to terminate the lease if the variance to install a 95-foot sign is not approved. Without the variance the property will not be developed as planned.
2. The plight of the owner is due to unique circumstances in that it is based on requirements of the lease with the planned tenant for Lot 1, Starbucks, that cannot be varied. This lease is needed to develop the property into three lots and attract additional retail tenants. Without the variance and lease with Starbucks, the property will not be developed as planned.
3. The variation will not alter the essential character of the locality as there are existing signs of similar height and the sign will be placed on the back of the property.

Section 3. Description of the Property. The Property is commonly known as 994 US Route 51 and is legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006.

Section 4. Public Hearing. A public hearing was advertised in the February 7, 2023 Herald & Review and held by the Planning and Zoning Commission on February 23, 2023, at which time the Planning and Zoning Commission was unable to recommend approval or denial of the variance. The Planning and Zoning Commission made certain findings related to the testimony at the public hearing.

Section 5. Variance. The variation to Section 7.4 C. (2) (b) requested in the February 3, 2023, Variance Request Application and detailed in the Findings of Fact and

Recommendation is hereby granted to allow a 95-foot free standing sign on the property.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of March 2023, at Forsyth, Macon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A
FINDINGS OF FACT AND RECOMMENDATION

NEW BUSINESS

ITEM 5

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for SC Forsyth LLC

Ordinance: Section 11.13 D.

Date: February 23, 2023

On February 23, 2023 at 5:30 p.m., the Planning and Zoning Commission (“Commission”) held a public hearing for a variance to Development Ordinance Section 11.13 D. to allow shared access to public street with adjacent lots at the property located at 994 US Route 51, Forsyth, Illinois. The notice of the public hearing was published in the Herald & Review on February 7, 2023.

Applicant requests variance in policy for requirement that all lots to access a public street as specified in Development Ordinance Section 11.13 D. “Lots”. Applicant requests that Lot 2 be allowed to share access to Commerce Place with Lots 1 and 3.

Based on the public hearing, the Commission voted 6-0 to recommend approval of the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. To develop the single lot into three separate lots for commercial use, the property needs to maintain certain drive widths and a certain number of parking spots. To meet the required parking spots and to maintain the width of the drives, creating access to roadways for Lots 2 and 3 is not possible.
2. The plight of the owner is due to unique circumstances in that it is based in part on requirements of the planned tenant for Lot 1, Starbucks, that cannot be varied. Additionally, because this is a planned unit development and not the separate development and sale of three lots, shared access, shared parking, and shared drives is possible and planned as part of this specific planned unit development.
3. If granted, the variation will not alter the essential character of the locality. The variance requested does not change the locality, whereas requiring road access for Lots 2 and 3 would change the locality and character by creating two additional access points.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.

Chairman, Planning & Zoning Commission

*** Proof of Publication ***

THE HERALD & REVIEW
601 E William St
Decatur, IL 62523-1142
Ph: 800-453-2527

STATE OF ILLINOIS
COUNTY OF MACON
CITY OF DECATUR

} SS:

VILLAGE OF FORSYTH

301 S ROUTE 51
FORSYTH, IL 62535

ORDER NUMBER 144012

LEE ENTERPRISES, INC hereby certifies that it is now and has been for more than one year continuously, d/b/a Herald & Review, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that the Herald & Review is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, February 23, 2023 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request for variance to Development Ordinance Section 7.4 A. (1) (c) and (d) to install pole sign less than 15 feet from the property line located at 910 N. Route 51, Forsyth, Illinois, and legally described as PT SW1/4 SEC 14 DESC AS: COM SW COR SD SEC 14 TH ERLY ALG S LN SD SEC 14 52.26 TO /PIZZA HUT PT ON E ROW LN PIN: 07-07-14-351-009
 - Request for the following variances to Development Ordinance on the property located at 994 US Route 51, Forsyth, Illinois, and legally described as PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006:
 - Section 4.6 C. (7) (b) to install maximum footcandles beyond the property lines along the north and east property lines;
 - Section 4.9 to reduce the minimum lot size for C-1 zoned property;
 - Section 6.4 to vary minimum parking stall depth for onsite angled parking;
 - Section 7.4 C. (2) (b) to increase maximum free standing sign height; and
 - Section 11.13 D. to allow shared access to public street with adjacent lots.
- Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
2/7 144012

Section: Legals

Category: 0991 Legal Inside

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FILED ON: 2/7/2023

By

Date

2/7/23

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2023-7

**AN ORDINANCE APPROVING A VARIANCE TO ALLOW SHARED ACCESS TO
PUBLIC STREET WITH ADJACENT LOTS AT 994 US ROUTE 51**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2023

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2023-7

**AN ORDINANCE APPROVING A VARIANCE TO ALLOW SHARED ACCESS TO
PUBLIC STREET WITH ADJACENT LOTS AT 994 US ROUTE 51**

WHEREAS, the Village of Forsyth (“Village”), Macon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, on February 3, 2023, an application was filed by SC Forsyth LLC for a variance to Development Ordinance Section 11.13 D. to allow shared access to public street with adjacent lots at 994 US Route 51; and,

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on February 23, 2023, and recommended by a 6-0 vote of the Planning and Zoning Commission that the Village Board approve the variance requested; and,

WHEREAS, Sections 9.4 and 9.10 of the Development Ordinance permit the Village Board to approve variations from the Zoning Code upon establishment of a practical difficulty and/or particular hardship; and,

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board adopts the findings of fact of the Commission as set forth in the Commission’s written Findings of Fact and Recommendation, attached hereto as **Exhibit A**.

Section 3. Description of the Property. The Property is commonly known as 994 US Route 51 and is legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006.

Section 4. Public Hearing. A public hearing was advertised in the February 7, 2023 Herald & Review and held by the Planning and Zoning Commission on February 23, 2023, at which time the Planning and Zoning Commission voted to recommend approval of the variance.

Section 5. Variance. The variation to Section 11.13 D. requested in the February 3, 2023, Variance Request Application, detailed in the Findings of Fact and Recommendation, and recommended at the February 23, 2023 Planning and Zoning Commission meeting, is hereby granted to allow shared access to public street with adjacent lots.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of March 2023, at Forsyth, Macon County,
Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A
FINDINGS OF FACT AND RECOMMENDATION

NEW BUSINESS

ITEM 6

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for SC Forsyth LLC

Ordinance: Section 6.4

Date: February 23, 2023

On February 23, 2023 at 5:30 p.m., the Planning and Zoning Commission (“Commission”) held a public hearing for a variance to Development Ordinance Section 6.4 to vary minimum parking stall depth for onsite angled parking at the property located at 994 US Route 51, Forsyth, Illinois. The notice of the public hearing was published in the Herald & Review on February 7, 2023.

Applicant requests variance to minimum parking stall depth for 60-degree parking specified by Section 6.4 “Off-Street Parking Chart”. Applicant is requesting minimum parking stall depth for 60-degree parking to be reduced from 20 ft. to 18 ft. for all onsite angled parking.

Based on the public hearing, the Commission voted 6-0 to recommend approval of the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. To develop the single lot into three separate lots for commercial use, the property needs to maintain a certain number of parking spots. To meet the required parking spots and to maintain the width of the drives, the maximum angled parking cannot meet the minimum depth of 20 ft.
2. The plight of the owner is due to unique circumstances in that it is based in part on requirements of the planned tenant for Lot 1, Starbucks, that cannot be varied. Additionally, because planned development is for three separate lots with separate commercial tenants, a certain number of parking spots are needed. It is not possible to develop the lot and maintain the necessary steps and drive width without reducing the maximum depth from 20 ft. to 18 ft.
3. If granted, the variation will not alter the essential character of the locality. The variance requested does not change the number of spots needed or the character of the property or surrounding property in any way.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.

Chairman, Planning & Zoning Commission

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STATE OF ILLINOIS
COUNTY OF MACON } SS:
CITY OF DECATUR

VILLAGE OF FORSYTH

301 S ROUTE 51
FORSYTH, IL 62535

ORDER NUMBER 144012

LEE ENTERPRISES, INC hereby certifies that it is now and has been for more than one year continuously, d/b/a Herald & Review, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that the Herald & Review is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, February 23, 2023 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request for variance to Development Ordinance Section 7.4 A. (1) (c) and (d) to install pole sign less than 15 feet from the property line located at 910 N. Route 51, Forsyth, Illinois, and legally described as PT SW1/4 SEC 14 DESC AS: COM SW COR SD SEC 14 TH ERLY ALG S LN SD SEC 14 52.26 TO /PIZZA HUT PT ON E ROW LN PIN: 07-07-14-351-009
 - Request for the following variances to Development Ordinance on the property located at 994 US Route 51, Forsyth, Illinois, and legally described as PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006:
 - Section 4.6 C. (7) (b) to install maximum footcandles beyond the property lines along the north and east property lines;
 - Section 4.9 to reduce the minimum lot size for C-1 zoned property;
 - Section 6.4 to vary minimum parking stall depth for onsite angled parking;
 - Section 7.4 C. (2) (b) to increase maximum free standing sign height; and
 - Section 11.13 D. to allow shared access to public street with adjacent lots.
- Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
2/7 144012

Section: Legals

Category: 0991 Legal Inside

PUBLISHED ON: 02/07/2023

TOTAL AD COST: 80.30

FILED ON: 2/7/2023

By

Date



2/7/23

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2023-8

**AN ORDINANCE APPROVING A VARIANCE TO VARY MINIMUM PARKING STALL
DEPTH FOR ONSITE ANGLED PARKING AT 994 US ROUTE 51**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2023

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2023-8

AN ORDINANCE APPROVING A VARIANCE TO VARY MINIMUM PARKING STALL DEPTH FOR ONSITE ANGLED PARKING AT 994 US ROUTE 51

WHEREAS, the Village of Forsyth (“Village”), Macon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, on February 3, 2023, an application was filed by SC Forsyth LLC for a variance to Development Ordinance Section 6.4 to vary the minimum parking stall depth for on-site parking from 20 feet to 18 feet at 994 US Route 51; and,

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on February 23, 2023, and recommended by a 6-0 vote of the Planning and Zoning Commission that the Village Board approve the variance requested; and,

WHEREAS, Sections 9.4 and 9.10 of the Development Ordinance permit the Village Board to approve variations from the Zoning Code upon establishment of a practical difficulty and/or particular hardship; and,

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board adopts the findings of fact of the Commission as set forth in the Commission’s written Findings of Fact and Recommendation, attached hereto as **Exhibit A**.

Section 3. Description of the Property. The Property is commonly known as 994 US Route 51 and is legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & (EX RD ROW) PIN: 07-07-14-351-006.

Section 4. Public Hearing. A public hearing was advertised in the February 7, 2023 Herald & Review and held by the Planning and Zoning Commission on February 23, 2023, at which time the Planning and Zoning Commission voted to recommend approval of the variance.

Section 5. Variance. The variation to Section 6.4 requested in the February 3, 2023, Variance Request Application, detailed in the Findings of Fact and Recommendation, and recommended at the February 23, 2023 Planning and Zoning Commission meeting, is hereby granted to allow variation of the minimum parking stall depth for onsite angled parking from 20 feet to 18 feet.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of March 2023, at Forsyth, Macon County,
Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A
FINDINGS OF FACT AND RECOMMENDATION

NEW BUSINESS

ITEM 7

MEMORANDUM

To: The Honorable President and Board of Trustees
From: Jill Applebee, Village Administrator
Date: March 7, 2023
Subject: Tacos El Paisa

We do not have a liquor license classification that would allow Tacos El Paisa to sell packaged liquor out of the gas station side and then sell drinks such as margaritas and beer on the restaurant side.

They currently sell packaged liquor from the gas station, but not at the restaurant. They feel this would help their business tremendously. This would create one license for the establishment with one \$3,000 fee. This would be a new Class A1.

Staff is recommending approval.

Their fee for the 2023 year was waived due to them paying \$3,000 at the end of 2022. If approved they will pay \$3,000 by Jan 1, 2024.

As always, if you are in need of anything further regarding this or any other matter, please do not hesitate to contact me.

NEW BUSINESS

ITEM 8



MEMORANDUM

To: Village of Forsyth Mayor and Board of Trustees
From: Matthew B. Foster, PE, PLS
Date: March 2, 2023
cc: Ms. Jill Applebee, Village Administrator
Mr. Darin Fowler, Director of Public Works
Re: Aerator, Water Tower & Ground Storage Tank Maintenance

Honorable Mayor and Trustees,

As shown in the IEPA project plan prepared by Chastain in 2020, the next water system improvement project is maintenance of the filters, claricones, aerator and ground storage tank at the water treatment plant as well as the two elevated towers. Chastain & Village staff has already budgeted to split this work into two separate projects. The first would perform the maintenance on the two items inside the plant (filters and claricones) while the second would take care of the exterior facilities (aerator, ground storage tank, and two elevated towers). Village staff intends to primarily use American Rescue Plan Act (ARPA) funding for this work in order to avoid some of the scheduling complications associated with IEPA loan projects. Public Works Director Fowler wants to perform this work over winter 2023/2024 in order to minimize the any potential impacts to the operations of the plant.

In order to proceed with maintenance of the two towers, ground storage tank, and aerator in FY2024 as budgeted, we need direction regarding the funding for this project. This project is eligible for an IEPA loan and the schedule for this work would fit their schedule, provided we begin this spring. Funding nomination forms are due by the end of March for projects expected to proceed between July 2023 and March 2024. This work has been budgeted for \$1.7 million spread over FY23, FY24, and FY25. Due to the current inflation and cost increases impacting construction projects, we anticipate this work to be well into the \$2 million range when it is all said and done. We do not anticipate the Village being offered principal forgiveness for this project however, the IEPA loan terms are still favorable compared to other loan sources. Please note, there is additional engineering expense in preparing paperwork for an IEPA loan that is not required for a locally funded improvement. We would prefer to avoid this expense if the Village is not interested in an IEPA loan for this project.

Village staff and Chastain requests direction from the Board regarding on if an IEPA loan to fund this project should be pursued. Thank you for the opportunity to serve the Village in this matter. If you have further questions, please feel free to call me, Jeremy or Stephanie at your convenience.

A handwritten signature in blue ink that reads "Matt B. Foster".

CLOSED SESSION