

CASE# 2015-003
RESOLUTION NUMBER 4-1

GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1826 ADLAI STEVENSON DRIVE, SPRINGFIELD
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a Conditional Permitted Use and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **MMC Entertainment, LLC DBA Daisy's Lucky Slots**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be within five (5) feet of a residential structure;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 19, 2015** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the Conditional Permitted Use and variance;** and

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

FILED

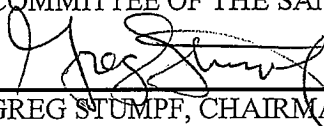
MAR 25 2015

Don J. Hays
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th Day of April, 2015 that the request for a Conditional Permitted Use for a tavern providing that the hours of operation are limited to 8:00 a.m. to 1:00 a.m., Sunday through Saturday, the floor space is limited to 1,000 square feet, and that the tavern is confined to indoor space; and, a variance to allow a tavern property line to be within five (5) feet of a residential structure on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of April, 2015.

Respectfully submitted,
PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

Lot B of Southlawn, 5th Plat, a Subdivision of part of the Northwest Quarter of Section 14, Township 15 North, Range 5 West of the Third Principal Meridian, EXCEPTING therefrom the Northeast part of said Lot B described in detail as follows:

Beginning at the intersection of the South line of Linn Street with the West line of Stanton Street, said point being the Northeast corner of said Lot B, thence Southerly along the West line of Stanton Street for a distance of 32.85 feet to a point; thence in a Northwesterly direction along a curved line curving to the left having a radius of 57 feet for a distance of 46.66 feet to a point in the South line of Linn street that is 31.30 feet West of the point of beginning; thence Easterly along the South line of Linn street for a distance of 31.30 feet more or less, to the point of beginning.

And further EXCEPTING therefrom that part conveyed to the People of the State of Illinois, Department of Transportation, by Trustee's Deed recorded January 23, 1992 as Document No. 92002783 and Quit Claim Deed recorded January 23, 1992 as Document No. 92002784.

Except all coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 14 NAME: Joel Tjelmeland

DOCKET NUMBER: 2015-003

ADDRESS: 1826 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER: MMC Entertainment, LLC DBA Daisy's Lucky Slots

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be within five (5) feet of a residential structure.

AREA: 2.35 Acres

COMMENTS: None

OBJECTORS: None

PLANNING
COMMISSION
RECOMMENDATION:

Recommend approval of the CPU to allow a tavern provided the suggested conditions regarding the hours of operation from 8:00 AM to 1:00PM on Sunday through Saturday; the floor space maximum of one thousand (1,000) square feet; the tavern operating only at 1826 Stevenson Drive; and the tavern is confined to indoor spaces, are acceptable. The subject property is located along a commercial thoroughfare in a retail strip mall that has been in existence for many years. Recommend approval of the requested variance. The nature of the structure presumes that, at maximum capacity, a variety of commercial uses will locate in the strip mall. The subject property has several residences located adjacent to the parcel that have been in existence since at least the 1960's, The public entrances to the strip mall face away from the residences. There is also a business, i.e. Top Cat's, which serves alcohol on the site presumably as a legal non-conforming use within a short distance of the adjacent residences.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approve staff recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2015-003**
MMC Entertainment, LLC)
DBA Daisy's Lucky Slots) PROPERTY LOCATED AT:
) **1826 Adlai Stevenson Drive**
) **Springfield, IL 62703**

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **Conditional Permitted Use and a variance** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **March 19, 2015** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **1826 Adlai Stevenson Drive, Springfield, IL 62703** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"B-2" Retail Business District.**
- 4. That the present land use of said property is **a strip mall.**
- 5. That the proposed land use of said property is **a tavern in the strip mall.**
- 6. That the requested **Conditional Permitted Use and variance** of said property are a **Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be within five (5) feet of a residential structure.**
- 7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
- 8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **Conditional Permitted Use and variance** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **Conditional Permitted Use providing that the hours of operation are limited to 8:00 a.m. to 1:00 a.m., Sunday through Saturday, the floor space is limited to 1,000 square feet, and that the tavern is confined to indoor space; and, the requested variance be approved.**

Charles Chimento/ck
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **for a Conditional Permitted Use, be approved providing that the hours of operation are limited to 8:00 a.m. to 1:00 a.m., Sunday through Saturday, the floor space is limited to 1,000 square feet, and that the tavern is confined to indoor space; and, approval of the requested variance,** which was duly seconded by **Anthony Mares**.
 The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, & Merilyn Herbert**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
 RECORDING SECRETARY