

CASE# 2015-007 M-1
RESOLUTION NUMBER _____

DENYING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
2712 OLD ROCHESTER RD, 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 **deny a Conditional Permitted Use** 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 to allow a tavern;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 16, 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 **deny the Conditional Permitted Use;** and

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

FILED

APR 29 2015

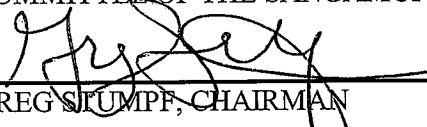
Don J. Hays
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **12th Day of May, 2015** that the request for a **Conditional Permitted Use to allow a tavern on the above described property is hereby denied.**

Signed and passed by the Sangamon County Board in session on this **12th day of May, 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 RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

That part of the Northeast Quarter of Section 2, Township 15 North, Range 5 West of the Third Principal Meridian, described as follows:

Beginning at a point 573.61 feet South and 165 feet North 88 degrees 25 minutes East of the Southeast corner of Section 35, Township 16 North, Range 5 West of the Third Principal Meridian; thence North 88 degrees 25 minutes East 334.62 feet; thence North 220 feet; thence North 58 degrees 15 minutes 45 seconds West on the South right of way line of a highway known as Rochester Road 253.19 feet to a curve to the left; thence Northwesterly on said curve to a point in the right of way line 424.58 feet North of the point of beginning; thence South 424.58 feet to the point of beginning.

Except the 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.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 19 NAME: Vera Small

DOCKET NUMBER: 2015-007

ADDRESS: 2712 Old Rochester Rd, Springfield, IL 62703

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

PRESENT ZONING CLASSIFICATION: "I-1" Restricted Industrial District

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District with a Conditional Permitted Use to allow a tavern.

AREA: 3 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial of the CPU. The proposed tavern would be located on a parcel that contains several uses already, e.g. trucking, storage, and business offices. There is a question whether the public health, safety, and welfare will be protected with the request for a tavern at this location. The petitioner is requesting that a portion of a quasi-warehouse be used as a tavern so the proprietor can benefit from video gaming. Multiple industrial and other uses are located on this site because they are legal non-conforming. Adding yet another incompatible use, i.e. a tavern in an industrial area, is poor planning. There is also a concern that adding an extra use to an already overloaded site will cause impacts to the subject property such as poor internal vehicular access and circulation to the existing storage facilities.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial as staff recommended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-007
MMC Entertainment LLC;)	
DBA Daisy's Lucky Slots)	PROPERTY LOCATED AT:
)	2712 Old Rochester Rd,
)	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** 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 **April 16, 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: **2712 Old Rochester Rd, Springfield, IL 62703** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"I-1" Restricted Industrial District.**
- 4. That the present land use of said property is **Springfield Police East-side Substation, Casey's Truck Rental, Central Illinois Motors, Crossfit Office, and Casey's Truck Rental Storage Facility.**
- 5. That the proposed land use of said property is **Springfield Police East-side Substation, Casey's Truck Rental, Central Illinois Motors, Crossfit Office, Casey's Truck Rental Storage Facility and Daisy's Lucky Slots.**
- 6. That the requested **Conditional Permitted Use** of said property is **to allow a tavern.**
- 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 not** support the proposition that the adoption of the proposed **Conditional Permitted Use** 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** be **denied**.

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 **denied**, which was duly seconded by **Don Wulf**.

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

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

Case #: 2015-007

Address: 2712 Old Rochester Rd., Springfield

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

The addendum to the zoning petition indicates the hours of operation for the tavern will be 8:00 AM to 1:00 AM. There are no days specified. An exhibit to the petition indicates the tavern would be restricted to the northernmost portion of the easternmost building on the site, adjacent to the Casey's Rental Truck storage facility in an approximately one thousand six hundred (1,600) square foot space.

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

There is a question whether the public health, safety, and welfare will be protected with the request for a tavern at this location. The petitioner is requesting that a portion of a quasi-warehouse be used as a tavern so the proprietor can benefit from video gaming. Multiple industrial and other uses are located on this site because they are legal non-conforming. Adding yet another incompatible use, i.e. a tavern in an industrial area, is poor planning. There is also a concern that adding an extra use to an already overloaded site will cause impacts to the subject property such as poor internal vehicular access and circulation to the existing storage facilities.

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

Granting the conditional permitted use could create a negative impact on the area pertaining to poor internal vehicular access and circulation to the existing storage facilities.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

N/A

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

N/A

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

N/A

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

N/A