

CASE # 2007-17
RESOLUTION NUMBER 4-1

DENYING A REZONING AND CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED IN THE
2700 BLOCK OF LOWELL AVENUE, 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 rezoning and conditional permitted use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 239 and 240 of the Highlands

WHEREAS, the Petitioner, **FCA Holdings**, has petitioned the Sangamon County Board for a **rezoning from "R-2" Single Family and Two Family Residence District to "I-1" Restricted Industrial District with a conditional permitted use to allow an auto body shop including spray painting; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 19, 2007**, 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 rezoning and conditional permitted use; and**

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

FILED

APR 27 2007

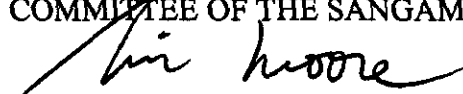
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of May, 2007 that the requested rezoning from "R-2" Single Family and Two Family Residence District to "I-1" Restricted Industrial District with a conditional permitted use to allow an auto body shop including spray painting on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 8th day of May, 2007.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

CATHY SCAIFE

TYRONE PACE

SAM SNELL

DON STEPHENS

DAVID MENDENHALL

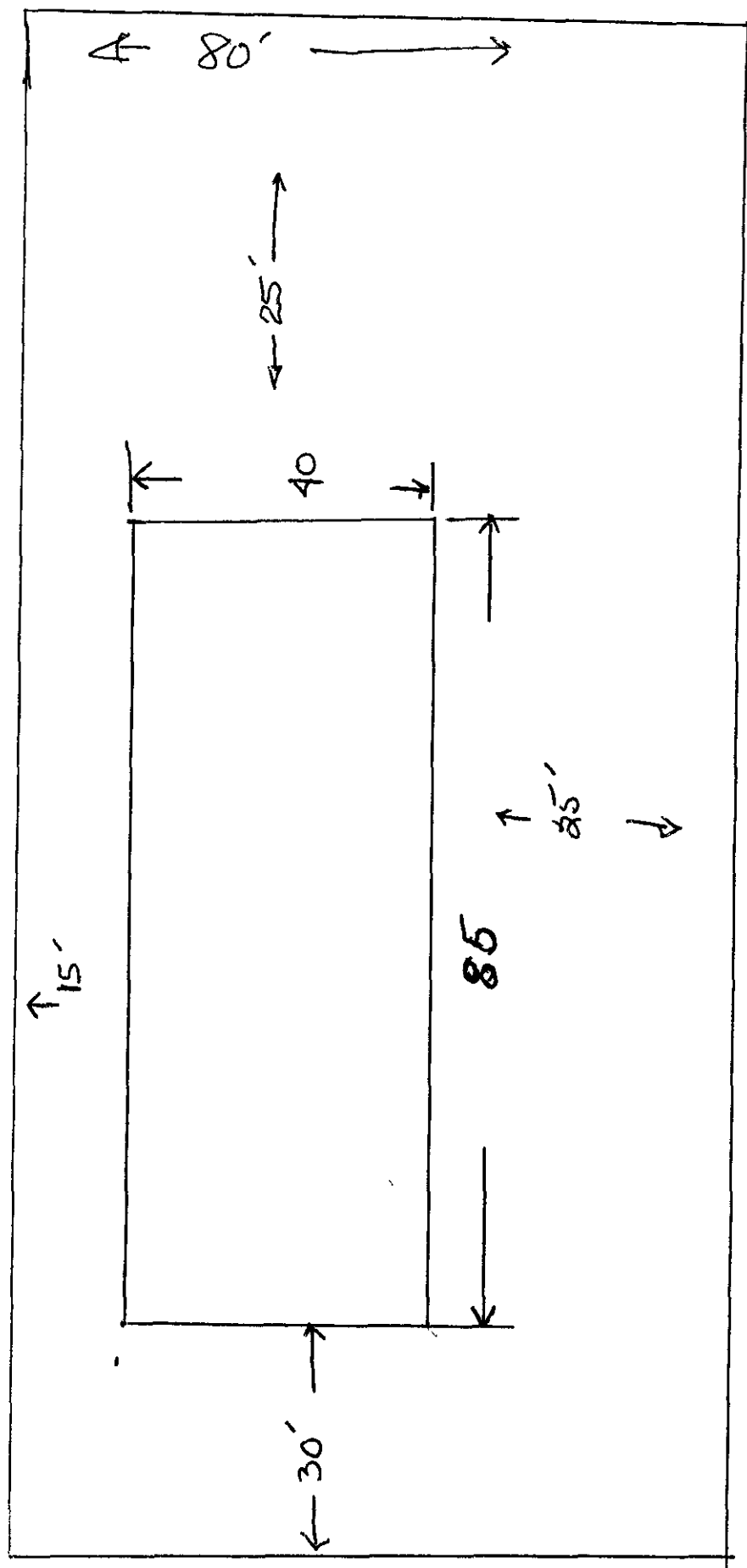
ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

LOWELL STREET, 98

43



SPFLD
 WELDING
 Autobody
 544-9889

22-09
127-016

22-09
127-017

22-09
127-018

22-09
127-019

22-09
127-020

22-09
128-008

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128-009

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128-010

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128-011

22-09
128-024

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128-019

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128-020

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128-021

22-09
129-007

22-09
129-008

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129-009

22-09
129-010

22-09
129-020

44

HIGHLAND AVE.

22-09
132-011

22-09
132-012

22-09
132-013

22-09
132-014

22-09
132-015

22-09
132-021

22-09
132-018

22-09
132-019

22-09
132-020

HOLMES AVE.

22-09
133-001

22-09
133-002

22-09
133-003

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133-004

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133-005

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133-006

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133-012

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133-013

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133-014

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133-018

22-09
133-017

LOWELL AVE.

22-09
134-001

22-09
134-002

22-09
134-003

22-09
134-004

22-09
134-005

22-09
134-006

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134-007

22-09
134-008

22-09
134-010

22-09
134-011

22-09
134-012

SUMMIT AVE.

22-09
137-011

22-09
137-021

22-09
137-014

22-09
137-015

22-09
138-001

22-09
138-002

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138-003

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138-004

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138-016

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139-001

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139-002

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139-003

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139-004

22-09
139-005

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: **Clyde Bunch**

DOCKET NUMBER: **2007-17**

ADDRESS: **2700 Block Of Lowell Avenue, Springfield, IL 62704-5110**

PETITIONER: **FCA Holdings**

PRESENT ZONING CLASSIFICATION: **"R-2" Single Family and Two Family Residence**

REQUESTED ZONING CLASSIFICATION: **"I-1" Restricted Industrial District**

AREA: **.26 acre**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION:

Recommend denial of requested zoning and CPU. The CPU to allow an autobody shop to include spray painting raises a concern for nearby residences. Although there is I-1 zoning adjacent to the west along Holmes Avenue, this block along Lowell Avenue is zoned R-2, and consists of only residential uses. Encroachment of industrial uses would not be appropriate.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2007-17
FCA Holdings)	
)	PROPERTY LOCATED AT:
)	2700 Block Of Lowell Avenue
)	Springfield, IL 62704-5110
)	

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 an **amendment and 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 19, 2007** 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 or contract to purchase the property commonly known as **2700 Block Of Lowell Avenue, Springfield, IL 62704-5110** and more particularly described as:

Lots 239 and 240 of the Highlands

- 3. That the present zoning of said property is **“R-2” Single Family and Two Family Residence.**
- 4. That the present land use of said property is **Vacant.**
- 5. That the proposed land use of said property is **Office and paint booth for nearby auto body shop.**
- 6. That the requested **rezoning** of said property is: to **“I-1” Restricted Industrial District with a conditional permitted use to allow an auto body shop including spray painting.**
- 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 **rezoning and 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 **rezoning and conditional permitted use** be **denied.**

Charlie Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Judith Johnson** 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 **Marvin Traylor**.

The vote of the Board was as follows:

YES: Charles Chimento, Peggy Egizii, Judith Johnson, Patrick Somers, Marvin Traylor

NO:

ABSENT:

AD Armstrong
RECORDING SECRETARY

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 4/4/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-17
 ADDRESS 2700 block of Lowell Avenue
 Property Index # 22-09-133-011, 012

PETITIONER FCA Holdings

REQUESTED ZONING I-1 with a CPU for an autobody shop including spray painting

PROPOSED LAND USE Office and paint booth for nearby auto body shop.

EXISTING:

ZONING R-2

LAND USE Parking

ROAD FRONTAGE Lowell Avenue 80' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR NA

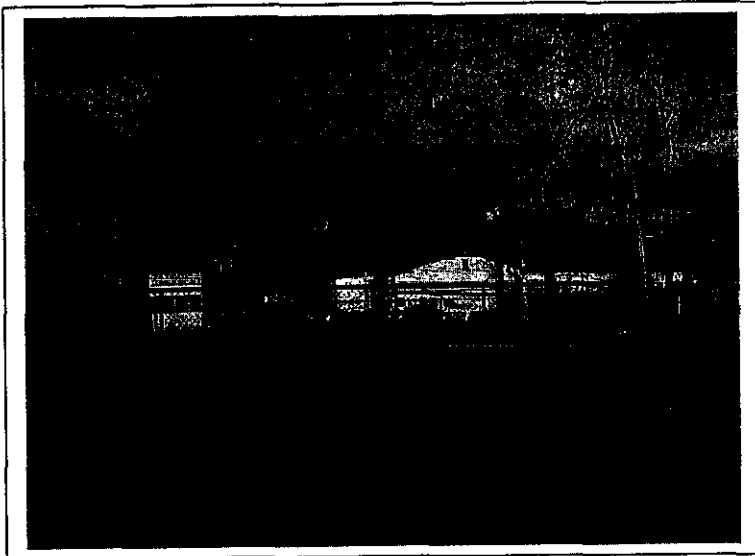
CONDITION OF STRUCTURE NA

LOT AREA .26 acre

FRONT YARD NA

SIDE YARDS NA

REAR YARD NA



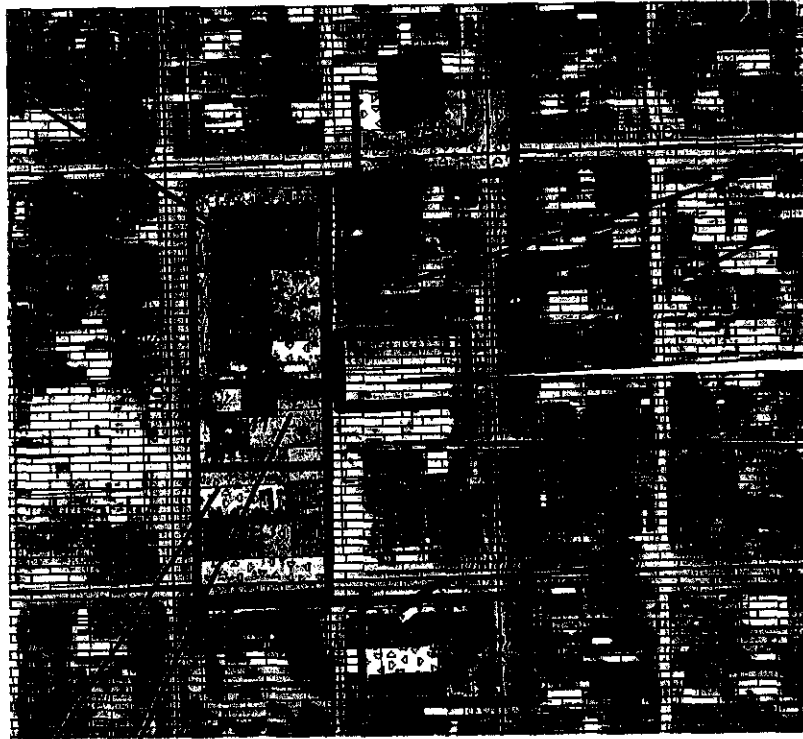
Would the proposed zoning be spot zoning? No

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of requested zoning and CPU. The CPU to allow an autobody shop to include spray painting raises a concern for nearby residences. Although there is I-1 zoning adjacent to the west along Holmes Avenue, this block along Lowell Avenue is zoned R-2, and consists of only residential uses. Encroachment of industrial uses would not be appropriate.

County Zoning

Case# 2007-17

Commercial Strip



Single Family Residences

Requested: I-1

Single Family Residences

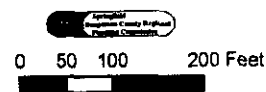
Auto Body/
Welding Shop

County Zoning

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

City Zoning

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



**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2007-17

Address: 2700 block of Lowell Avenue

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

The area consists of single family residences to the north, east and south. The properties directly west include a commercial strip and a welding/autobody repair shop.

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

The property is surrounded by R-2 zoning to the north, east and south. Directly west is zoned B-3 and I-1.

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

Although property to the west is zoned B-3 and I-1 and is developed under those zoning classifications, the subject property is located in a block that is a residential neighborhood and is appropriately zoned R-2.

(iv) The trend of development, within the vicinity since the property was originally classified.

The general area has remained stable with an R-2 zoning classification except for property adjacent to the west that is zoned B-3. In 1990, part of the B-3 was rezoned to I-1 with a CPU to allow for autobody repair including spray painting.

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

Case #: 2007-17

Address: 2700 block of Lowell Avenue

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.

There are single family residences to the north, east and south which would be impacted by the proposed autobody shop.

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

There is a concern with the impact on nearby residences of the activity and noise of the autobody repair shop and the fumes from spray painting.

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

There is a concern that the proposed use will lower property values of the residences on the block.

- (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.

NA

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

NA

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

NA

- (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.

NA