

CASE# 2018-018 5-1
RESOLUTION NUMBER _____

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
160 KENDER LANE, DAWSON
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Midstate Kart Club (Jon Clem)**, has petitioned the Sangamon County Board for a **Conditional Permitted Use (CPU) for a private outdoor recreation center, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres);** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **May 17, 2018** 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 variances;** and,

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

FILED

MAY 23 2018

Don J. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **12th Day of June, 2018** that the requests for a **Conditional Permitted Use (CPU)** for a private outdoor recreation center with the following condition that the hours of operation are limited to **9:30 A.M. until 10:00 P.M.** as stated in the petition, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres) on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this **12th day of June, 2018.**

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

PART OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 16 NORTH, RANGE 3 WEST, OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN 726 FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 1188 FEET, THENCE EAST 336 FEET, THENCE SOUTH 1188 FEET, THENCE WEST 336 FEET TO THE POINT OF BEGINNING, CONTAINING 9.16 ACRES, MORE OR LESS.

AND

PART OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 16 NORTH, RANGE 3 WEST, OF THE THIRD PRINCIPAL MERIDIAN, ALSO BEING A PART OF LOT 1 IN BUMGARDNER SUBDIVISION, FINAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 726 FEET NORTH AND 336 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 788 FEET, THENCE EAST 165.84 FEET, THENCE SOUTH 788 FEET, THENCE WEST 165.84 FEET TO THE POINT OF BEGINNING, CONTAINING 3.0 ACRES, MORE OR LESS.

AND

TRACT A

PART OF LOT 1 IN BUMGARDNER SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 16 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 788 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 1, THENCE EAST 50 FEET, THENCE NORTHWEST TO A POINT ON THE WEST LINE OF LOT 1 THAT IS 200 FEET NORTH OF THE POINT OF BEGINNING, THENCE SOUTH TO THE POINT OF BEGINNING; CONTAINING 0.10 ACRES, MORE OR LESS.

AND

TRACT B

PART OF LOT 1 IN BUMGARDNER SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 16 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 165.84 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH 788 FEET, THENCE EAST 104.21 FEET, THENCE SOUTH 788 FEET TO THE SOUTH LINE OF SAID LOT 1, THENCE WEST 104.21 FEET TO THE POINT OF BEGINNING; CONTAINING 1.90 ACRES MORE OR LESS.

ALL SITUATED IN SANGAMON COUNTY, ILLINOIS

PARCEL NUMBER: 16-31.0-200-077

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RECAP
(For County Board Use)

COUNTY BOARD
MEMBER:

#3

NAME: **David Mendenhall**

DOCKET NUMBER: **2018-018**

ADDRESS: **160 Kender Lane, Dawson, IL 62520**

PETITIONER: **Midstate Kart Club (Jon Clem)**

PRESENT ZONING
CLASSIFICATION:

“A” Agricultural District.

REQUESTED ZONING
CLASSIFICATION:

Conditional Permitted Use (CPU) for a private outdoor recreation center, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres).

AREA: **14.16 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

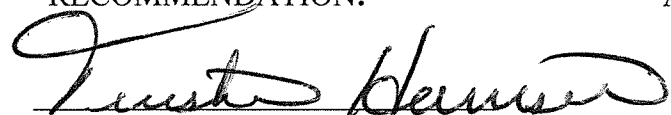
Recommend approval of the Conditional Permitted Use provided the hours of operation are limited to 9:30 A.M. until 10:00 P.M. as stated in the petition. Recommend approval of the variances. The go-kart track and presumably the rocked parking area have been located on the subject property since 1960, prior to the adoption of the Zoning Ordinance. The unique circumstances related to the operational need of the business would have a negative impact on the yield of return if required to pave. Granting the variance to allow the subject property to be less than forty acres will bring it into compliance with the Zoning

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**Ordinance. The Standards for
Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2018-018
Midstate Kart Club (Jon Clem))	
)	PROPERTY LOCATED AT:
)	160 Kender Lane
)	Dawson, IL 62520

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 variances** 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 **May 17, 2018** 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: **160 Kender Lane, Dawson, IL 62520** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is a **paved go-kart track.**
- 5. That the proposed land use of said property is a **paved go-kart track.**
- 6. That the requested **Conditional Permitted Use and variances** of said property are a **Conditional Permitted Use (CPU) for a private outdoor recreation center, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres).**
- 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 with the condition that the hours of operation are limited to 9:30 A.M. until 10:00 P.M. as stated in the petition and variances** are 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, with the above noted condition, and variances** be approved.


 CHAIRMAN 70

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved with the condition on the Conditional Permitted Use that the hours of operation are limited to 9:30 A.M. until 10:00 P.M. as stated in the petition** which was duly seconded by **Charlie Chimento**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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

Case #: 2018-018

Address: 160 Kender Lane, Dawson

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 effects on the character of the surrounding area will be limited because the go-kart track hours of operation are limited to 9:30 A.M. until 10:00 P.M. as stated in the petition.

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

Yes, the go-kart track has been in operation since 1960.

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

Negative impacts over existing conditions are not anticipated.

- (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.

Yes

- (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

RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: **2018-018**

Address: **160 Kender Lane, Dawson**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

The go-kart track and presumably the rocked parking area have been located on the subject property since 1960, prior to the adoption of the Zoning Ordinance. The unique circumstances related to the operational need of the business would have a negative impact on the yield of return if required to pave.

Granting the variance to allow the subject property to be less than forty acres will bring it into compliance with the Zoning Ordinance.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

The petitioner states "The white rock parking lot allows us to secure canopies with stakes. This prevents spectators from being injured by canopies blowing around." The petitioner also notes "The white rock parking lot allows us to use orange marking paint to adjust parking spaces. We have many variables for parking, motorhomes with slide outs, small trailers, big trailers, etc. We need to be able to layout the lot based upon the event." Staff concurs with the petitioner that these are unique circumstances.

Granting the variance to allow the subject property to be less than forty acres will bring it into compliance with the Zoning Ordinance.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

Negative impacts are not anticipated in granting the requested variances.