

CASE# 2016-034
RESOLUTION NUMBER 7-1

DENY A REZONING AND GRANTING A USE VARIANCE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
386 S. KOKE MILL ROAD, 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 an amendment, grant a Use Variance, and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Koke Mill Properties, LLC**, have petitioned the Sangamon County Board for a **rezoning from “A” Agricultural District to “O” Office and College District; a variance to allow two (2) uses on one (1) parcel (offices and an apartment on second floor); a variance to allow a portion of the parking (approximately eight thousand five hundred (8,500) square feet) to remain unpaved (rock); and, a variance to allow twenty seven (27) parking spaces instead of the required thirty seven (37) parking spaces; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 2016** 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, but in the alternative, grant a Use Variance and variances; and,**

FILED

OCT 28 2016

Don J. King
Sangamon County Clerk

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

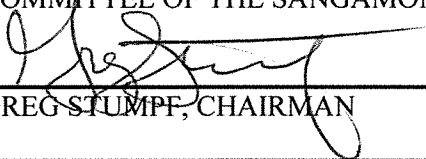
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of November, 2016 that the request for a rezoning from "A" Agricultural District to "O" Office and College District is denied, but in the alternative, grant a Use Variance in the "A" Agricultural District to allow offices and one apartment unit on the second floor; a variance to allow two (2) uses on one (1) parcel (offices and an apartment on second floor); and a variance to allow twenty seven (27) parking spaces instead of the required thirty seven (37) parking spaces is approved. A variance to allow a portion of the parking to remain unpaved (rock) approximately eight thousand five hundred (8,500) square feet is denied, but in the alternative, the following conditions are approved:

- (1) The front forty (40) feet of entrance to be paved immediately contingent on weather.
- (2) The remaining parking lot to be paved within eighteen (18) months.

Signed and passed by the Sangamon County Board in session on this 9th day of November, 2016.

Respectfully submitted,

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



GREG STUMPE, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 27 NAME: Abe Forsyth

DOCKET NUMBER: 2016-034

ADDRESS: 386 S. Koke Mill Road, Springfield, IL 62711

PETITIONER: Koke Mill Properties, LLC

PRESENT ZONING CLASSIFICATION: **A- Agricultural District with a Use Variance for a real estate and rental business, storage related to the business, and a second story apartment; and, a Use Variance for construction and business offices, a job print shop, and indoor storage of construction equipment.**

REQUESTED ZONING CLASSIFICATION: **O Office and College District. A variance to allow two (2) uses on one (1) parcel (offices and an apartment on the second floor); a variance to allow a portion of the parking to remain unpaved (rock), approximately eight thousand five hundred (8,500) square feet; and, a variance to allow twenty-seven (27) parking spaces instead of the required thirty-seven (37) parking spaces.**

AREA: 1.37 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested O zoning. The petitioner requests a rezoning to the O Office and College District to bring the existing office space and apartment unit into compliance. The LESA score of 107 indicates the property is acceptable for non-agricultural development. Staff believes the list of permitted uses in the O District is too intense for this area. Although the property is unincorporated, the Springfield Comprehensive Plan indicates the area should remain mixed density residential. In the alternative, staff recommends a Use Variance in the A district to allow offices and one apartment unit on the second floor. This would bring the property into compliance while also remaining consistent with an over twenty year trend of granting Use Variances for office uses**

on the subject property.

Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (offices and an apartment on the second floor). Given the mixed character of the area and the history of Use Variances on the subject property, no negative impacts are anticipated. The request will not likely alter the essential character of the area.

Recommend approval of the requested variance to allow twenty-seven (27) parking spaces instead of the required thirty-seven (37) parking spaces. The subject property's topography slopes down toward the residences to the east. This topography provides a natural buffer between these residences and the subject property. Requiring more spaces, especially as the lot appears to be underutilized, could have the effect of reducing this buffer, thereby creating more headlight glare for the residences to the east.

Recommend denial of the requested variance to allow a portion of the parking area to remain unpaved (rock) approximately eight thousand five hundred (8,500) square feet. Paving will help the internal vehicular circulation and could decrease the risk for accidents on the subject property. The Standards for Variation are not met.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval of staff recommendation


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-034
Koke Mill Properties, LLC)	
)	PROPERTY LOCATED AT:
)	386 S. Koke Mill Road
)	Springfield, IL 62711

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 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 **October 20, 2016** 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: **386 S. Koke Mill Road, Springfield** and more particularly described as:

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EXHIBIT A

Part of Lots Fourteen (14) and Fifteen (15) of the Lewis E. Wood Plat, a subdivision of the South Half of the East Half of the Northeast Quarter and the North Three Quarters of the East Half of the Southeast Quarter of Section 36, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Beginning at the Northwest corner of said Lot Fifteen (15); thence South 89 degrees 16 minutes 49 seconds East along the North line of said Lot 15, a distance of 375.50 feet to the Northwest corner of Woodcreek Estates, Second Addition; thence South 00 degrees 00 minutes 35 seconds West along the West line of Woodcreek Estates, Second Addition, a distance 330.00 feet to a point at the Southwest corner of Woodcreek Estates, Second Addition, said point also being on the South line of said Lot 14; thence North 89 degrees 16 minutes 48 seconds West along the South line of said Lot 14, a distance of 375.44 feet to the Southwest corner of said Lot 14; thence North 0 degrees 00 minutes 00 seconds East along the West line of Lots 14 and 15, a distance of 330.00 feet to the point of beginning, EXCEPT the North 120.00 feet thereof, ALSO EXCEPT the South 100.00 feet of the West 200.00 feet of said Lot 14.

ALSO DESCRIBED AS FOLLOWS:

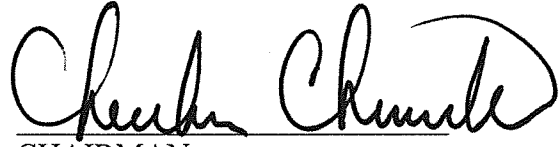
Part of Lots Fourteen (14) and Fifteen (15) in the Lewis E. Wood Plat, a subdivision of the South Half of the East Half of the Northeast Quarter and the North Three Quarters of the East Half of the Southeast Quarter of Section 36, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, being more particularly describe as follows:

Beginning at the Northwest corner of said Lot Fifteen (15); thence South 89 degrees 18 minutes 11 seconds East along the North line of said Lot 15, a distance of 375.34 feet to the Northwest corner of Lot 18 of Woodcreek Estates Second Addition, Springfield, IL; thence South 00 degrees 00 minutes 35 seconds West along the West line of said Woodcreek Estates Second Addition, a distance of 330.00 feet to a point at the Southwest corner of Lot 16 in said Woodcreek Estates Second Addition, said point being on the South line of said Lot 14; thence North 89 degrees 18 minutes 11 seconds West along the South line of said Lot 14, a distance of 375.34 feet to the Southwest corner of said Lot 14; thence North 0 degrees 00 minutes 35 seconds East along the West line of said Lots 14 and 15, a distance of 330.00 feet to the point of beginning, EXCEPT the North 120.00 feet thereof, ALSO EXCEPT the South 100.00 feet of the West 200.00 feet of said Lot 14, as depicted on the Plat of Survey recorded August 21, 1996 as Document No. 96-33737.

3. That the present zoning of said property is **A- Agricultural District with a Use Variance for a real estate and rental business, storage related to the business, and a second story apartment; and, a Use Variance for construction and business offices, a job print shop, and indoor storage of construction equipment.**
4. That the present land use of said property is **office space and one (1) apartment unit.**
5. That the proposed land use of said property is **office space and one (1) apartment unit.**
6. That the requested **rezoning and variances** of said property are **for a rezoning from "A" Agricultural District to "O" Office and College District, a variance to allow two (2) uses on one (1) parcel (offices and an apartment on second floor), a variance to allow a portion of the parking (approximately eight thousand five hundred (8,500) square feet) to remain unpaved (rock) and a variance to allow twenty seven (27) parking spaces instead of the required thirty seven (37) parking spaces.**
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** is in the public interest and is not solely in the interest of the petitioner(s), **but in the alternative, does** support the proposition that of the adoption of a **Use Variance to allow offices and one apartment unit on the second floor in the "A" Agricultural District; a variance to allow twenty seven (27) parking spaces instead of the required thirty seven (37) parking spaces; and, the variance to allow a portion of the parking (approximately eight thousand five hundred (8,500) square feet) to remain unpaved (rock) under the following conditions:**
 - (1) **The front forty (40) feet of entrance to be paved immediately contingent on weather.**
 - (2) **The remaining parking lot to be paved within eighteen (18) months.**

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **rezoning be denied, but in the alternative, a Use Variance be granted to allow offices and one apartment unit on the second floor in the "A" Agricultural District; a variance to allow twenty seven (27) parking spaces instead of the required thirty seven (37) parking spaces; and, the variance to allow a portion of the parking (approximately eight thousand five hundred (8,500) square feet) to remain unpaved (rock) under the following conditions:**

- (1) The front forty (40) feet of entrance to be paved immediately contingent on weather.
- (2) The remaining parking lot to be paved within eighteen (18) months.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission, **with the exception of the paved parking recommendation**, and recommend to the County Board that the petition be **denied, but in the alternative, grant a Use Variance to allow offices and one apartment unit on the second floor in the "A" Agricultural District; a variance to allow two (2) uses on one (1) parcel (offices and an apartment on second floor); a variance to allow twenty seven (27) parking spaces instead of the required thirty seven (37) parking spaces; and, a variance to allow a portion of the parking (approximately eight thousand five hundred (8,500) square feet) to remain unpaved (rock) with the following conditions:**

- (1) **The front forty (40) feet of entrance to be paved immediately contingent on weather.**
- (2) **The remaining parking lot to be paved within eighteen (18) months.**

which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Marilyn Herbert**

NO:

PRESENT: **Janet Dobrinsky**

ABSENT: **John Lucchesi**


 RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED - STANDARDS FOR VARIATIONS
(ALLOW PART OF THE PARKING AREA TO REMAIN
TEMPORARILY UNPAVED)
OCTOBER 20, 2016**

Case #: **2016-034**

Address: **386 S. Koke Mill Road, Springfield**

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.

Carrying out the strict letter of the law in paving the lot is limited by the owner's financing.

- (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 property was purchased with a rock parking area and the owner attempted to pave it and will pave it.

- (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.

The requested variance will eventually reduce the amount of rock tracked onto Koke Mill, enhancing the character of the area.

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**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-034**

Address: **386 S. Koke Mill Road, Springfield**

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

North, East, and South: Single-family residential. West: Church, park, and open space.

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

North and West: Agricultural. East: City R-1. South: R-1 and Agricultural.

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

The LESA score of 107 indicates the property is acceptable for non-agricultural development. The existing zoning classification does not allow office uses.

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

In five (5) cases between 1994 and 2011, requested rezonings to business zoning classifications were denied by the County Board for the subject property and other area properties. In 1994 and 2011, the subject property was granted Use Variances for construction and business offices, a job print shop, and indoor storage of construction equipment; and, for a real estate and rental business, storage related to the business, and a second story apartment. In 1996, R-1 was approved for the property south of the subject property. The trend of development for the area could support granting a Use Variance for the subject property.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL: OFFICES AND
APARTMENT ON SECOND FLOOR IN THE A DISTRICT)**

Case #: 2016-034

Address: 386 S. Koke Mill Road, Springfield

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

Since the uses for the property currently (office spaces and one apartment unit) are comparable to those uses that were previously granted Use Variances, a hardship would occur if denied the Use Variance to continue to conduct business and have one apartment unit at this location. Previous Use Variances have been granted for the subject property including one in 2011 to allow a real estate and rental business, storage related to the business, and a second story apartment. In 1994, the subject property was granted a Use Variance for construction and business offices, a job print shop, and indoor storage of construction equipment.

- (ii) that the variance is compatible with the trend of development in the area.

There is a mixed character of development in the area with large lot residential, park and open space, a church, offices, and more dense development located near the intersection of Koke Mill Road and Old Jacksonville Road.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The long history of Use Variances being granted on the subject property indicates the County Board believes office type uses are a benefit to the community at this location. To the extent this is the case, it appears there will not be a general detriment to the public's health, safety, or welfare in granting a Use Variance at the subject property, thus meeting the general purpose and intent of the Zoning Ordinance.

- (iv) that the variance will not create a negative impact on the area, 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.

Given the mixed character of the area and the history of Use Variances on the subject property, no negative impacts are anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2016-034

Address: 386 S. Koke Mill Road, Springfield

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.

Allow parking area to remain unpaved: the property contains a parking lot that is currently 13,500 square feet with 5,000 square feet paved and the rest is unpaved (rock). Paving and striping the parking lot will help with internal vehicular circulation and could decrease the risk for accidents on the subject property.

Reduce required parking spaces: the property contains several well established trees in the rear yard and located within the current parking area that would not allow the required number of parking spaces to be achieved without the removal of several of the trees.

- (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.

Allow parking area to remain unpaved: no particularly unique circumstances were mentioned in the petition.

Reduce required parking spaces: the subject property's topography slopes down toward the residences to the east. This topography provides a natural buffer between these residences and the subject property. Requiring more spaces, especially as the lot appears to be underutilized, could have the effect of reducing this buffer, thereby creating more headlight glare for the residences to the east.

- (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.

Allow parking area to remain unpaved: paving the lot could ease internal traffic circulation on the subject property.

Reduce required parking spaces: no additional negative impacts are expected.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	0
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	10
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	0
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	0
No impact	0	

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<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	10
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Sewer over 600'-1200' away	8	0
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	0
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	0
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	0
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL		20
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	

257A	Clarksdale	P2	98	
68A	Sable	P2	87	
679B	Blackberry	P	87	
705B	Buckhart	P	87	
86B	Oscos	P	87	100 87
684B	Broadwell	P	87	
50A	Viriden	P2	87	
712A	Spaulding	P2	87	
127B	Harrison	P	87	
3077A	Huntsville	P3	87	
138A	Shiloh	P2	87	
249A	Edinburg	P2	87	
242A	Kendall	P2	87	
7242A	Kendall	P2	87	
134A	Camden	P	87	
17A	Keomah	P2	87	
3451A	Lawson	P3	75	
3107A	Sawmill	P5	75	
7075B	Drury	P	75	
8396A	Vesser	P2	75	
3074A	Radford	P3	75	
3073A	Ross	P3	75	
3284A	Tice	P3	75	
279B	Rozetta	P	75	
45A	Denny	P2	75	
134B	Camden	P	75	
112A	Cowden	P2	75	
685B	Middletown	P	75	
3405A	Zook	P5	75	
131C2	Alvin	P	75	
86C2	Oscos	I	74	
36C2	Tama	I	74	
684C2	Broadwell	I	74	
119C2	Elco	I	74	
119D	Elco	I	74	
127C2	Harrison	I	74	
119D2	Elco	I	74	
567C2	Elkhart	I	74	
134C2	Camden	I	74	
259C2	Assumption	I	74	
685C2	Middletown	I	74	
280D2	Fayette	I	74	
119D3	Elco	N	74	
259D2	Assumption	I	74	
212C2	Thebes	I	74	
630C2	Navlys	I	74	
630D2	Navlys	I	74	
630D3	Navlys	I	57	
131D2	Alvin	I	57	
8D	Hickory	I	50	
8D2	Hickory	I	50	
280D3	Fayette	I	44	

8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	87
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GRAND TOTAL	107
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.