

CASE # 2009-24 12-1  
RESOLUTION NUMBER \_\_\_\_\_

**DENYING A CONDITIONAL PERMITTED USE  
FOR CERTAIN PROPERTY LOCATED AT  
938 MT. AUBURN ROAD, ILLIOPOLIS  
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:

**The West 200 feet of the North 400 feet of the Northeast Quarter of the Northwest Quarter of Section 25, Township 16 North, Range 2 West of the Third Principal Meridian**

WHEREAS, the Petitioners, **William Cowell, Chad Lavarier & Michael Krachum**, have petitioned the Sangamon County Board for a **conditional permitted use to allow for a private club which will have adult uses such as exotic dancers**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 16, 2009**, 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**

MAY 01 2009

*Joe Aiello*  
Sangamon County Clerk

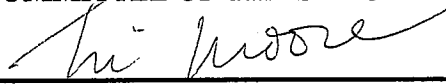
12-2

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of May, 2009 that the request for a conditional permitted use to allow for a private club which will have adult uses such as exotic dancers on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of May, 2009.

Respectfully submitted,

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



\_\_\_\_\_  
TIM MOORE, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
JOHN FULGENZI

\_\_\_\_\_  
DAVID MENDENHALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
DON STEPHENS

\_\_\_\_\_  
GREG STUMPF

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

12-3

CH 33 MECHANICSBURG-ILLIOPOLIS RD.

17-25  
100-021

MT. AUBURN RD.

		17-25 100-004	
	200		778.78
190.6		17-25 100-036	
150		17-25 100-037	
150		17-25 100-033	
200			

12-4

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: **David Mendenhall**

DOCKET NUMBER: **2009-24**

ADDRESS: **938 Mt. Auburn Road, Illiopolis**

PETITIONER: **William Cowell, Chad Lavarier & Michael Krachum**

PRESENT ZONING CLASSIFICATION: **"B3" General Business District**

REQUESTED ZONING CLASSIFICATION: **"B3" General Business District with a conditional permitted use to allow for a private club which will have adult uses such as exotic dancers.**

AREA: **1.56 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested CPU to allow for an adult nightclub. This location housed a tavern that was shut down in 2007 due to numerous problems. Even though alcohol will not be served, club members will be allowed to bring their own beer as stated in the petition. However, the petition lacked evidence to determine if the nature of any appropriate measures that will be taken to ensure that the potentially harmful secondary effects of operating an adult nightclub at this location will be minimized.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Denial**

  
RECORDING SECRETARY

12-5

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: <b>2009-24</b>
William Cowell, Chad Lavarier & Michael Krachum	)	
	)	PROPERTY LOCATED AT:
	)	<b>938 Mt. Auburn Road</b>
	)	<b>Illioopolis, IL 62539</b>
	)	

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, 2009** 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 **938 Mt. Auburn Road, Illioopolis** and more particularly described as:

**The West 200 feet of the North 400 feet of the Northeast Quarter of the Northwest Quarter of Section 25, Township 16 North, Range 2 West of the Third Principal Meridian**

- 3. That the present zoning of said property is **"B3" General Business District.**
- 4. That the present land use of said property is **vacant building formerly used as a tavern.**
- 5. That the proposed land use of said property is a **private club which will have adult uses such as exotic dancers.**
- 6. That the requested **conditional permitted use** of said property is **to allow for a private club which will have adult uses such as exotic dancers.**
- 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/cx  
CHAIRMAN

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 **denied** which was duly seconded by **Byron Deaner.**

The vote of the Board was as follows:

**YES: Charles Chimento, Byron Deaner, Marvin Traylor, John Luchessi, Don Wulf**

**NO:**

**ABSENT: Peggy Egizii, Judith Johnson**

Cynthia Knowles  
RECORDING SECRETARY

12-7

**SSCRPC** Springfield Sangamon County Regional Planning Commission

**Staff Findings and Recommendation**  
 (inspected 4/1/2009 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-24

ADDRESS 938 Mt. Auburn Road

Property Index # 17-25-100-036, -037

PETITIONER William Cowell, Chad Lavarier & Michael Krachum

REQUESTED ZONING CPU to allow for an adult nightclub under section 17.54.010

PROPOSED LAND USE Sports bar and adult nightclub

EXISTING:

ZONING B-3

LAND USE Vacant tavern

ROAD FRONTAGE Mt. Auburn Rd. - 350'      CONDITION OF PAVEMENT Good

Mechanicsburg/Illiopolis Rd. - 205'      Good

STRUCTURE DESIGNED FOR Tavern

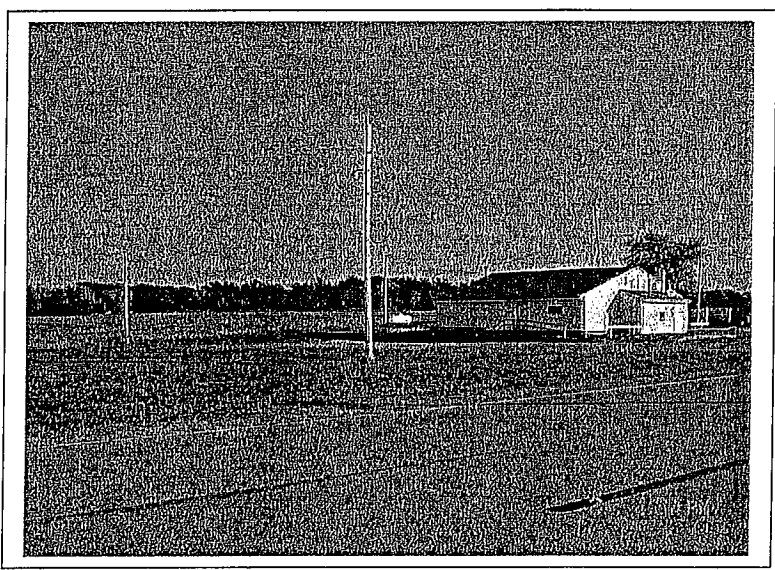
CONDITION OF STRUCTURE Good

LOT AREA 1.56 acres

FRONT YARD 85'

SIDE YARDS 20' / 67'

REAR YARD 52'

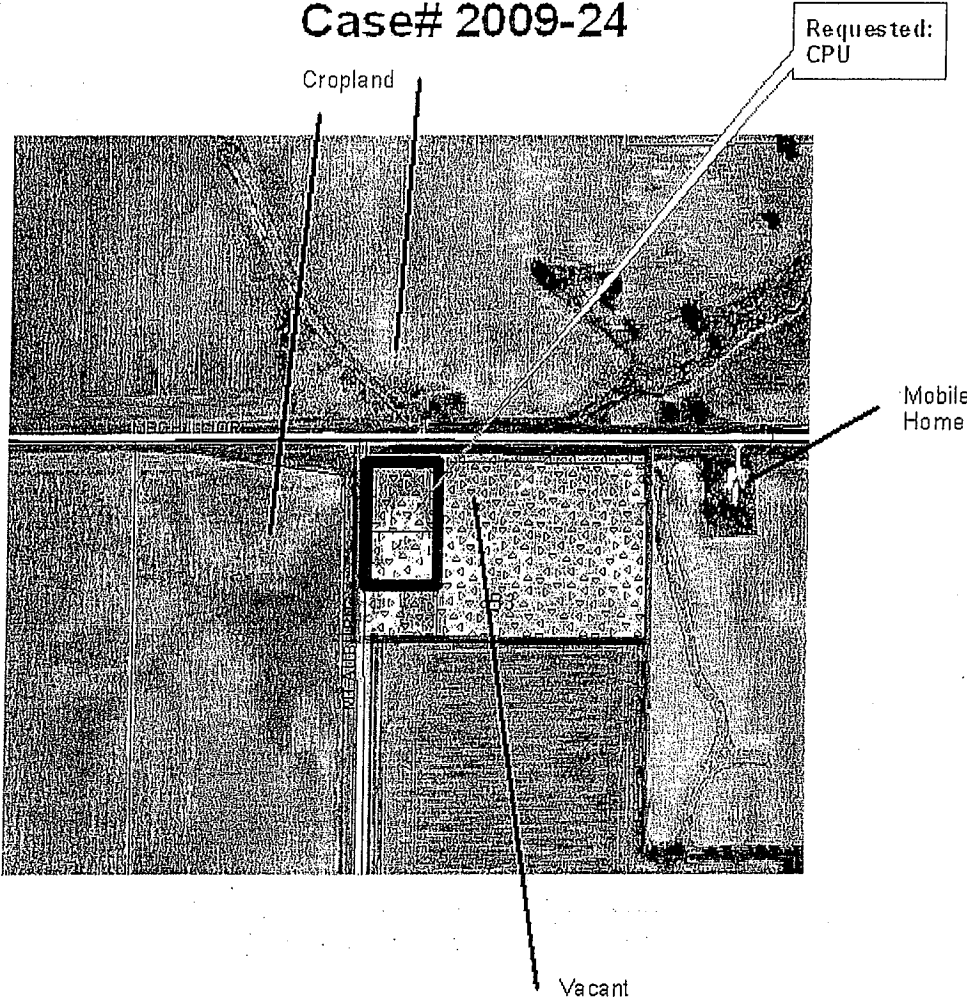


Would the proposed zoning be spot zoning? N/A

**PLANNING COMMISSION STAFF RECOMMENDATION:** Recommend denial of the requested CPU to allow for an adult nightclub. This location previously housed a tavern that was shut down in 2007 due to numerous problems. Even though alcohol will not be served, club members will be allowed to bring their own beer as stated in the petition. However, the petition lacked evidence to determine if and the nature of any appropriate measures that will be taken to ensure that the potentially harmful secondary effects of operating an adult nightclub at this location will be minimized.

# County Zoning

Case# 2009-24



## 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



**SSC RPC** South Suburban Council  
Regional Planning Commission

0 150 300 600 Feet





SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT  
FOR CONDITIONAL PERMITTED USES

Case #: 2009-24

Address: 938 Mt. Auburn Road

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 petitioner indicates that this would be a private club requiring an annual membership and cover charge per visit; however, the petition does not provide enough information to define "membership", approximate cost of membership, whether or not potential members will be screened prior to being accepted as a private member, etc. Additional information is needed prior to determining if the design and method of operation will minimize the effects on the character of the surrounding area.

- (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 of the activity associated with the proposed use would have on the nearest residences and Village of Illiopolis. This subject property once housed a tavern, with a long history of being problematic and was eventually shut down in 2007 because of this negative activity. The petition did not provide enough evidence that appropriate measures will be taken to eliminate the secondary effects that may occur from the operation of an adult nightclub at this location.

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

There is a concern with the effect on property values in the area, specifically the residence located to the east. In addition, future development in the immediate area would likely be reduced if an adult nightclub were to be located at this location.

- (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.

**Yes**