



MINUTES

Carbondale Planning Commission
Wednesday, February 22, 2017
Room 108, 6:00 p.m.
City Hall/Civic Center

Dr. LeBeau called the meeting to order at 6:02 p.m.

Members Present: LeBeau, Sheffer, Hamilton, Burnside, Love, Litecky, and Bradshaw (ex-officio)

Members Absent: Lilly

Staff Present: Wallace

1. **Old Business:** Dr. LeBeau stated that they would start the meeting with the election of new officers for 2017. Mr. Love stated that a committee including himself, Ms. Litecky and Ms. Lilly recommended the appointment of Ms. Litecky as chair, Dr. LeBeau as first vice and Mr. Sheffer as second vice.

The motion to appoint the new officers passed with a unanimous voice vote.

2. **Approval of Minutes:**

Mr. Sheffer moved, seconded by Mr. Love, to approve the minutes for January 18, 2017.

The motion to approve the minutes passed with a unanimous voice vote.

3. **Citizen Comments or Questions**

There were none

4. **Report of Officers, Committees, Communications**

There were none

5. **Public Hearings**

PC 17-15, 6:06 pm- The Carbondale Chamber of Commerce and a committee of the Carbondale Planning Commission are requesting a text amendment to Carbondale Revised Code 15-4.10.3.B and 15-4.10.9 as they relate to certain prohibited signage

Ms. Litecky declared Public Hearing PC 17-05 open and asked Mr. Wallace to read the legal notice.

Chris Wallace, Development Services Director, read the legal notice.

Ms. Litecky asked Mr. Wallace to present the staff report.

Mr. Wallace, was sworn in and read part A of the staff report.

Ms. Litecky asked if there were any questions of staff.

There were none.

Ms. Litecky asked if the applicant was present and if they wished to speak.

Mr. Les O'Dell, Executive Director of the Carbondale Chamber of Commerce, came forward and stated that he was very grateful to the Commission for forming a subcommittee for this text amendment change and the ongoing time it has taken to come to certain terms with signage usage. Mr. O'Dell stated that he wished there was not as many time restrictions being placed on the text amendment change but is willing to work with the Commission.

Ms. Litecky asked if there were any questions from the Commissioners to the applicant.

There were none.

Ms. Litecky asked if anyone wished to speak in favor.

Brad Weiss, owner of the Furniture King, came forward to ask for clarification on the amount of time the inflatables were going to be allowed. Mr. Wallace stated it would be allowed two 48 hour periods or one 96 hour period for a calendar year. Mr. Weiss then questioned the possibility of putting the use of vertical signage into the text amendment. Mr. Wallace stated that this type of sign does not fall under the same section that was originally advertised, but he felt that vertical and horizontal signage would be handled the same. Mr. Weiss questioned the use of banner type signage and if they are allowed to be used. Mr. Wallace stated that they are allowed to be used under the temporary sign code and they can be displayed up to one hundred days per year.

Ms. Litecky questioned Mr. Weiss if he was in favor of the text amendment and he stated that he was in favor.

Ms. Litecky asked if any of the Commission had questions for those in favor.

Mr. Sheffer stated that he felt this text amendment was a great first step, but the City staff needed to make sure that they make the City codes to go along with agreements that they currently have with businesses, as far as signage display. Mr. Wallace stated that he was

unaware of any formal agreements with businesses that the City currently has, but the City does hang signage on light poles for the City and for Southern Illinois University.

Dr. LeBeau questioned if any of those in favor have had experience with these different types of signage and if they make a difference in the business traffic. Vic Koenig came forward and stated that businesses use these types of signs to attract customers and get people excited to come into the business. Mr. Koenig stated he is in favor, but would really like more days, if possible. Mr. Weiss also came forward to state that businesses in Carbondale are at a disadvantage compared to places in Marion or other surrounding areas that are allowed to use these types of signage to attract customers.

Ms. Litecky asked if anyone wished to speak in opposition.

Donald Monty of 418 S Giant City Road, came forward to speak in opposition about the change in the signage ordinance and the look of the signage in question. Mr. Monty expressed his concerns about the distraction that these types of signage might have on the traffic that is driving by the businesses. Mr. Monty also feels like these types of signs do not contain any information that is useful for the business to advertise. Mr. Monty also voiced concerns about the fact that the code does not put a limit on the amount of inflatables or air dancers that can be used by a business just the amount of time that they can be used. Mr. Monty suggested that the Commission deny the text amendment because of the dangers that it could cause drivers and the possible effect on the aesthetic look of Carbondale.

Ms. Litecky asked Mr. Wallace to read the analysis.

Mr. Wallace read Parts B and C of the staff report for PC 17-05.

Ms. Litecky asked if the Commissioners had questions for staff.

Dr. Burnside questioned if there was evidence that these types of signage cause more traffic accidents or if research had been done. Mr. Wallace stated that there has been research done by other industries which indicate that these types of signage can become a distraction for motorists and other research has been done showing that they do not cause more accidents. Dr. Burnside also questioned if the City revisits code from time to time to make changes that might not be working within the community. Mr. Wallace stated that on occasion codes are reviewed.

Ms. Litecky questioned when the last time the code was revised. Mr. Wallace stated that the sign code was last revised in 2013 and sign code was again revised in November 2015.

Dr. Hamilton questioned if these changes in code would affect all of the businesses in Carbondale. Mr. Wallace stated that it would impact all businesses within City limits and within the mile and a half zoning jurisdiction. Dr. Hamilton questioned if there was any

chance of having difference standards between downtown businesses and those located on the East and West sides of Carbondale. Mr. Wallace stated that there are currently different sign codes for downtown because it is geared more towards pedestrians. Mr. Wallace stated that this text amendment would make the air dancers and inflatables available to use for by downtown businesses. Dr. Hamilton asked if these would increase or decrease business. Mr. Sheffer stated that not only local businesses but national business require and supply these types of signs to attract business because it makes a big difference in customers coming into the business.

Dr. LeBeau questioned on how these types of signs would be enforced or policed by the Planning Division. Mr. Wallace stated they businesses must acquire a sign permit and when they get a permit they must state the time frame that they wish to use their signage. Mr. Wallace also stated that it is going to be harder to regulate streamers and pennants if the text amendment is approved because they will be allowed 365 days a year.

Jeff Doherty of 918 Kent Drive, came forward to state that he served as a Chamber of Commerce representative on the sign committee and to his understanding the downtown district would be excluded from using these types of signs. It was then discussed about amending the language of the text amendment to include no usage of these types of signs downtown.

Don Monty questioned why there is no limit to the number of the devices or signs that can be displayed by one business. Mr. Wallace stated that could also be addressed and amended in the text. Mr. Sheffer then expressed concerns about putting limitations on the amount of inflatables and making sure the Commission realized what certain wording in the text amendment could mean for certain business that use of inflatables for other events. There was then discussion about this topic between Mr. Sheffer and Mr. Wallace. Dr. Burnside then asked for clarification on the amount of time these signs could be used. Mr. Wallace stated two 48 hour periods of one 96 hour period per calendar year.

Ms. Litecky asked if there were any questions from anyone to anyone.

Mr. Weiss came forward to ask if the Commission could change the amount of air dancers or signage that is being used if this text amendment is put in place. Mr. Wallace stated the City Council could change the code at any time that they see fit for a change. Mr. Weiss went on to discuss the need for these types of signs to bring in business and how that would increase sales tax income for the City.

Ms. Litecky declared PC 17-05 closed and asked for a motion on the findings of fact.

Mr. Love moved that the Commission accept as findings of fact Parts A and B of the staff

report for PC 17-05, the applicant was present, one person spoke in favor, one person spoke in opposition, seconded by Dr. Burnside.

The motion was passed with a unanimous voice vote.

Mr. Sheffer moved to accept City Planning staff's recommendation to approve PC 17-05 as shown in exhibit A with the exception of the downtown BPR district and send it to City Council, seconded by Mr. Love. There was then discussion of clarification of what the downtown area could and could not use as far as signage.

Roll Call Vote:

Yes – 4 (Sheffer, Hamilton, Burnside, Love)

No – 2 (LeBeau and Litecky)

Mr. Wallace stated that the motion to recommend approval has passed and that the item would be on the City Council agenda at their meeting on March 7, 2017.

PC 17-14, 6:53 pm- The City of Carbondale is requesting the rezoning of several properties in downtown Carbondale from SB, Secondary Business, to BPR, Primary Business, east of Washington Street, south of Main Street, north of Elm Street and west of Marion Street.

Ms. Litecky declared Public Hearing PC 17-14 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Ms. Litecky asked Mr. Wallace to present the staff report.

Mr. Wallace, Development Services Director, was sworn in and read parts A and B of the staff report. Mr. Wallace stated that staff had received one phone call with general questions.

Ms. Litecky asked if there were any questions of staff.

Mr. Sheffer asked why certain businesses were being excluded from the rezoning and what affect the rezoning would have on other businesses in that area. Mr. Wallace explained why certain properties were left out of the rezoning, such as the Rock Hill Church, Coleman Lawn Care and Jackson County Housing. Mr. Sheffer asked if not including them in the rezoning could potentially hurt that property. Mr. Wallace stated that as they currently sit rezoning would not affect anything that they are doing, but if Coleman's were to be rezoned in the future it would affect them if they were to try to expand the business on that property. Mr. Wallace stated that if the rezoning were to take place it would place different regulations on those properties.

Mr. Sheffer asked for more clarification on what would exactly happen to the properties that were rezoned and what future affect would it have on them. Mr. Wallace stated that a change would happen if the current owner decided to sell the property and the new owner wanted to redevelop the property. The developer would have to abide by the new zoning standards for that property. It was then discussed what uses are allowed in the BPR districts in comparison to SB districts and what that means for the businesses currently located at those properties if they wish to make changes to the property.

Dr. Burnside questioned Mr. Wallace if there was any tax difference in the two types of districts. Mr. Wallace stated that there was not a difference.

Ms. Litecky asked if there were any questions from the Commissioners to the applicant.

There were none.

Ms. Litecky asked if anyone wished to speak in favor.

There was no one.

Ms. Litecky asked if anyone wished to speak in opposition.

Steve Payne came forward to speak in opposition. Mr. Payne spoke about positives and negatives to a BPR district and what this would mean for the land that he currently owns that the City is wanting to rezone. Mr. Payne was very concerned about the limitations that the rezoning would place on his property and what he could do there.

Mark Holt owner of Holt's Tire, came forward to speak in opposition, stating that he was planning on retirement sometime in the near future and was concerned that if he decides to sell his property what the rezoning would mean for that and what he would be able to do.

Debbie Bridges, owner of Italian Village, came forward to speak about the properties that she owns that would be rezoned and that she was in opposition because of the limitations it would place on what she could build on those properties in the future. She also stated that if she were to decide to sell them it would be a hard task with the limitations.

Ms. Litecky asked if the Commissioners had questions for those in opposition.

Mr. Sheffer asked Mr. Wallace again about the reasons that certain businesses were excluded and other were not, such as Coleman's versus Holt's Tire. Mr. Wallace explained it was due to the fact that Holt's was located next to a preexisting two story building and is located at the beginning of the downtown area, so the rezoning of that location made more sense than that of Coleman's which is located going out of the downtown area. Mr. Sheffer voiced concerns about playing favorites to certain businesses over others.

Ms. Litecky asked Mr. Wallace to read the analysis.

Mr. Wallace read Parts C and D of the staff report with a recommendation to approve PC 17-14.

Ms. Litecky asked if there were any questions for staff.

Justin Zurlinden came forward to ask if there would be any special use permits allowed for the BPR district to not have second story structures. Mr. Wallace stated that would actually require a variance and if a person would wish to go through that process they would have to fill out an application that would go through the Zoning Board of Appeals and the board would make a ruling on that regulation.

Korim Sheriaty from Rock Hill Baptist Church, questioned that if remaining an SB district was actually hurting their property or helping it. Mr. Sheriaty stated that he thought it might increase the church's property value if it were to be rezoned and they would have an easier time selling the property. Mr. Wallace stated that he would be open to suggestions of changing the Rock Hill Baptist property to BPR but at the time that they put in the request, planning staff did not see it as something that the church would want to happen.

Don Monty came forward to ask Mr. Wallace to explain the impact of nonconforming use verses a nonconforming structure and what you do if you have a nonconforming use and structure in combination. Mr. Wallace explained that when you are using land for a nonconforming use it means you are not currently using it for the use that is stated in the City code but you are still grandfathered in and allowed to use it for that purpose as long as that use does not go away. Mr. Monty questioned if there was a time limit on nonconforming use. Mr. Wallace stated that after six months the nonconforming use goes away. The same goes for nonconforming structures, they are grandfathered in and remain that way unless they are torn down and at that point the owners would have to come in under the new regulations. Mr. Monty then asked Mr. Wallace to state the seven criteria that would have to be met by someone applying for a variance for it to be granted. Mr. Wallace stated that he did not have those at this time. Mr. Monty then stated that he just wanted it to be known that variances are not supposed to be an easy thing to get.

Pat Eckert questioned that if something were to happen to her existing building, such as a fire or something else, that might cause damage to the structure, would she have to conform to the standards under the BPR district. Mr. Wallace stated that Ms. Eckert's property is considered a lawful special use and he went on to explain what Ms. Eckert would have to do if something were to happen to her property whether it is zoned as SB or BPR due to the current special use.

Jeff Doherty came forward to ask for clarification on damage to properties and if they would have to rebuilt to BPR standards even if there was not a total loss of the property. Mr. Wallace stated that if the building is damaged over 50%, it would have to be rebuilt in compliance with the standards of the district it is located in. Mr. Doherty also questioned the use of signs within the two different zoning districts and what would happen if a sign is needing to be replaced. Mr. Wallace stated that the zoning standards for the BPR district would have to be followed.

Mr. Sheffer questioned the insurance side of if a property is damage and what happens if the insurance will not insure the total structure, what does that mean for the owner having to follow the BPR standards but not being able to as far as insurance goes. Mr. Wallace stated that in his experience the insurance has paid out in relation to the zoning regulations. There was then discussion about the insurance process between Mr. Sheffer, Dr. Burnside and Mr. Wallace.

Ms. Litecky declared PC 17-14 closed and asked for a motion on the findings of fact.

Dr. LeBeau moved that the Commission accept as findings of fact Parts A and B of the staff report for PC 17-14, the applicant was present, no one spoke in favor, and three people spoke opposition, seconded by Mr. Love.

The motion was passed with a unanimous voice vote.

Mr. Love moved to approve PC 17-14 with an amendment to include the Rock Hill Baptist Church property, seconded by Dr. LeBeau.

Roll Call Vote:

Yes - 1 (LeBeau)

No – 5 (Sheffer, Hamilton, Burnside, Love, Litecky)

Mr. Wallace stated that the motion to recommend approval was denied and that the item would be on the City Council agenda at their meeting on March 7, 2017.

6. New Business

A. City Council Agenda from January 24, 2017 and February 14, 2017

Ms. Bradshaw reviewed the City Council meetings as they related to Planning.

7. Adjournment

Ms. Litecky adjourned the meeting at 7:44 p.m.

