



AGENDA

**Carbondale Planning Commission
January 18, 2017
City Hall / Civic Center
200 South Illinois Avenue, Room 108
6:00 p.m.**

1. Call to Order and Roll Call

2. Approval of Minutes – Minutes of December 7, 2016

3. Citizen Comments and Questions

4. Report of Officers, Committees, Communications

None

5. Public Hearings

PC 17-11-Kevin Wheatley is requesting a Special Use Permit to allow for a Contract Construction Service in an AG, General Agriculture, district for property located at 39 Salt Life Lane.

PC 17-12-NLB Properties, LLC, is requesting a Special Use Permit to allow for a car wash in a BPL, Planned Business, Zoning District at the following location of 750 North Giant City Road.

PC 17-13-The Carbondale Elks Lodge #1243 is requesting a text amendment to Title 15-2.28 of the Carbondale Revised Code in order to add “Civic, social and fraternal” organizations as a special use permitted in the R-1, Low Density Residential, District.

6. Old Business

A. Discuss Election of Officers

7. New Business

A. Initiation of a Text Amendment related to Accessory Dwelling Units

B. City Council Agenda from December 21, 2016 and January 10, 2017

8. Adjournment



MINUTES

Carbondale Planning Commission
Wednesday, December 7, 2016
Room 108, 6:00 p.m.
City Hall/Civic Center

Ms. Litecky called the meeting to order at 6:15 p.m.

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

Members Absent: LeBeau, Love, and Lilly

Staff Present: Taylor and Lawrence

1. Approval of Minutes:

Mr. Sheffer moved, seconded by Ms. Field, to approve the minutes for October 12, 2016.

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

2. Citizen Comments or Questions

There were none

3. Report of Officers, Committees, Communications

There were none

4. Public Hearings

PC 17-08, 6:17pm-The City of Carbondale is proposing a text amendment to Title 15 of the Carbondale Revised Code in order to revise the current approved tree list.

Ms. Litecky declared Public Hearing PC 17-08 open and asked Travis Taylor, Senior Planner for the City of Carbondale, to read the legal notice.

Mr. Taylor read the legal notice.

Ms. Litecky asked Sarah Lawrence to present the staff report.

Ms. Lawrence 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 there were any other questions from the Commissioners.

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.

There was no one.

Ms. Litecky asked Ms. Lawrence to read the analysis.

Ms. Lawrence read Parts B and C of the staff report with a recommendation to approve PC 17-08.

Ms. Litecky asked for questions for staff.

There were none.

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

There were none.

Ms. Litecky declared PC 17-08 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A of the staff report for PC 17-08, seconded by Ms. Field.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)

No – 0

Ms. Litecky ask for a motion to approve PC 17-08 and send it to City Council for review.

Mr. Sheffer moved to approve PC 17-08 and send it to City Council for review, seconded by Dr. Burnside.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)

No – 0

Mr. Taylor stated that the motion passed and that this matter will be on the City Council agenda at their meeting on December 20, 2016.

PC 17-09, 6:22pm-The Carbondale Elks Lodge #1243 is requesting to rezone the property located at 419 S. Giant City Road from the R-1-15, Low Density Residential and AG General Agriculture, zoning district to the PA, Professional Administrative Office, zoning district in order to use the facility on site for their lodge.

Ms. Litecky declared Public Hearing PC 17-09 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor read the legal notice.

Mr. Taylor also stated that he had received two letters from citizens expressing opposition to the request, which he then read and presented to the Commissioners.

Ms. Litecky asked Ms. Lawrence to present the staff report.

Ms. Lawrence, Planner for the City of Carbondale, was sworn in and read parts A and B 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.

Mike Rand, the Elks Lodge President, came forward to speak in favor of PC 17-09. Mr. Rand spoke about the Elks' current building and with the age of the building and the structure, it causes many problems and is expensive for the upkeep. Mr. Rand stated that if the lodge is able to move they will be able to focus on the community more and not on the constant upkeep of the building.

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

Dr. Hamilton asked Mr. Rand what types of donations the Elks have given back to the Carbondale community.

Mr. Rand stated that just recently donations have been given to the Women's Center, the Shop with a Cop program, the Good Samaritan Food Pantry, the Anna Veterans Home, and the Special Olympics program. Also, soon they will be donating to the Disabled Veterans program.

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

There were none.

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

Jeff Woodruff of 601 E. Campus, came forward to speak in favor. Mr. Woodruff stated that he felt these types of organizations help to hold the community together and they provide a sense of community. Mr. Woodruff also stated that he is unaware of any violations of any of the members dealing with alcohol consumption and the actual Elks Lodge. Mr. Woodruff stated that the Elks meetings really only take place on Friday evenings and should not interfere with the high school or college kids on Giant City Road.

Josi Young, the Secretary for the Elks Lodge, came forward to speak in favor. Ms. Young spoke about the fact that even though the Elks have a bar onsite, it is for members or guests of members only and the bar does not open until four o'clock in the evening so it shouldn't affect the high school traffic.

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

Aaron Heller of 213 S. Giant City Road, came forward to speak in opposition. Mr. Heller expressed concern about traffic congestion issues that might be caused and accidents that might occur. Mr. Heller felt that the Elks Lodge should not be located in a highly residential area.

Lee Hartman of 1442 E. Gary Drive, came forward to express his concerns about the increased traffic that might occur due to the Elks being located on Giant City Road. Mr. Hartman also had concerns about the safety of people riding their bicycles on Giant City Road and the traffic issues. Mr. Hartman felt that with all of the current traffic issues on Giant City Road, those problems should be worked out first before adding more businesses on that road.

Bruce Payne of 809 S. Drury Lane, spoke about a few accidents that his family and friends have been involved in on Giant City Road, due to distracted young drivers. Mr. Payne went on to speak about the dangers of Giant City Road that already exist and that putting more businesses on that road which may hold a liquor license could cause even more issues.

Donald Monty of 418 S. Giant City Road, came forward to present his letter of opposition. Mr. Monty's letter is also attached to these minutes as Exhibit A.

Anne Gaylord of 418 S. Giant City Road, came forward to restate the concerns of traffic that might occur with the Elks at that location.

Kate Baba of 1448 E. Grand Ave, came forward to express safety concerns for children and families that live along Giant City Road resulting from traffic issues along that stretch of road.

Don Priddy of 1440 E. Walnut, came forward to state that he does not feel that this is the right location for the Elks Lodge since it is located in a residential area.

James Baba of 1448 E. Grand Ave, also did not feel that a residential location was a good place for the Elks Lodge that serves alcohol and has a bar onsite. Mr. Baba felt like rezoning a neighborhood area was a bad idea for the community.

Ms. Litecky asked Ms. Lawrence to read the analysis.

Ms. Lawrence read Parts C and D of the staff report with a recommendation to deny PC 17-09.

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

Mr. Sheffer questioned if a PA District can be limited in anyway. Mr. Taylor stated that once the property is rezoned to PA no limitations can be place on the PA districts, unlike special use permits. It was then discussed between Mr. Sheffer and Mr. Taylor to what extent the PA District must conform to neighboring residential districts.

Mr. Sheffer also questioned why a special use permit was not requested for this location instead of the rezoning request. Mr. Taylor stated that was not an option for this type of establishment in that area, but they could request a text amendment instead and then, after approval of a text amendment, request a special use permit for fraternal organizations.

Ms. Litecky went on to explain and discuss some of the setback and building height regulations in R-1, AG, and PA Zoning Districts and what this means to the PC 17-09 rezoning. Ms. Lawrence clarified some of the differences and what this meant for this particular location.

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

Mike Ashner, member of the Elks, came forward to ask if the Elks could agree to a PA Zoning with limits set by the Planning Commission. Mr. Ashner stated that if the Lodge needed to request a text amendment with restrictions they would be more than willing to do so going forward in the process. Mr. Sheffer stated that if the Commission approves the PA then the restrictions needed could not be put in place, but if the Elks were to come back to the Planning Commission and request a text amendment then the regulations can be placed with a special use permit and possibly approved.

Laura Germann of 1547 E. Grand Ave, questioned if the Elks were to come back to the Commission and request a text amendment to Title 15, would that then affect all of Carbondale going forward. Mr. Taylor stated that if they were to go forward in requesting a text amendment and if it were approved for fraternal organizations to be able to be located in R-1 districts, this would in fact make all R-1 districts available for fraternal organizations to request special use permits.

Aaron Heller came forward to ask the Elks president if any of the members in attendance were actually from the Carbondale community. By show of hands many were in fact from Carbondale. Mr. Rand came forward to explain why he did not currently reside in Carbondale but was still an active member of the Elks. Mr. Heller also questioned what the Elks would do for the neighborhood if they were to relocate onto Giant City Road. Mr. Rand stated that the Elks have made many donations and are involved in the youth organizations at the Carbondale School District. Mr. Rand also stated that he understood the concerns of the community and would be more than willing to sit down and discuss and work out resolutions for these problems and concerns.

Mr. Woodruff came forward to state that the Elks would really like to work with Planning staff and the Commission to comply with regulations and quell neighbors concerns. Mr. Taylor elaborated on options presented to the applicant and those which are available going forward.

Mr. Sheffer then stated that even though he understands the concerns of the neighbors on Giant City Road and the issues they had voiced, he knows what the Elks do for the community and knows that they will not misuse the property if it were to become rezoned into a PA district. Mr. Sheffer's concerns are for any business that might move into that location after the Elks and what that could mean for the local neighborhood.

Mr. Hamilton then questioned Mr. Taylor if there were other facilities that were discussed when the Elks came to the Planning Department about the PA rezoning on Giant City Road. Mr. Taylor stated that only this property was discussed and at that time the Planning Department was unaware of any other facilities that might be available. Mr. Rand came forward and stated that the Elks had looked at other properties but this was the most fitting to their needs.

Mr. Monty came forward to ask the applicant what kinds of modifications would they have to do to the facility and if they would have to do any sort of expansion. Mr. Rand stated that currently there are no plans to change the building except for the entryway that would have to be redone.

Ms. Litecky questioned Mr. Rand about the rental of the facility. Mr. Rand stated that they currently do rent the facility, but if they move to a new location all of their policies would have to be revisited since they would be moving to a residential neighborhood.

Mr. Monty also questioned the food service that the Elks provide to the community and the advertising they do on signage. Mr. Rand stated that is for members and invited guests only.

Andrew Zieba of 601 E. Walnut and member of the planning building committee for the Elks, came forward to state that the Elks Lodge has no intention of splitting up the property and that the Elks is a very family friendly organization.

Mr. Payne questioned the Commission regarding what would happen to the property and

to the neighborhood if the Elks were to close in the future and a new business were to move into the R-1 district with a special use permit. Mr. Taylor explained what would take place if a special use permit were granted and what would happen if the Elks were to leave that location and that the permit would be null after six months of them leaving. Mr. Payne also questioned if a liquor license was allowed in an R-1 district. Mr. Taylor stated that limits could be placed with a special use permit.

Deanna Gilbert of 1450 Neal Lane, questioned Mr. Taylor to explain the exemption under the code 2.24.1. Ms. Lawrence explained that it states within the City liquor code that with class E licenses, fraternal organizations are exempted from the fact that they must be more than one hundred feet from a school. Ms. Gilbert also asked if the Elks would be required to give up their state liquor license if they were to move into the facility on Giant City Road. Mr. Rand stated that it is his understanding that if the liquor license is approved by the City of Carbondale, then the state of Illinois will also approve it.

Ms. Litecky asked Mr. Rand if the Elks had a gaming license and how many machines they currently had. Mr. Rand stated that they did have a license and had four machines.

Mr. Heller questioned Mr. Rand about the amount of special events that take place at the Elks on Friday evenings. Mr. Rand stated that the Elks maybe only hold three special events each year on Friday evenings. There was then a discussion between Mr. Heller and Mr. Sheffer about the traffic issues on Giant City Road and if they would really be affected by the Elks moving into that location.

Luanne Brown of 1440 E. Walnut, came forward to ask Mr. Rand why the Elks would buy the building and all of the land with it without plans to expand. Mr. Rand stated that first they want to focus on moving to the location and then possibly in the future make changes to the facility, but not any time soon. Mr. Rand stated that it was going to be a step by step process and the first step is the move and getting approvals needed to make the move. Ms. Brown then questioned Mr. Sheffer about if it was even a good idea to develop Giant City Road anymore because of the traffic issues that already exist. Mr. Sheffer stated that if we focused on traffic, then the community would never develop and grow. Mr. Sheffer stated that it is a goal of the community and to business and jobs in the community to drive traffic into our City to help us grow.

Ms. Litecky declared PC 17-09 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Parts A and B of the staff report for PC 17-09, seconded by Dr. Hamilton.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)

No – 0

Ms. Litecky ask for a motion on a recommendation to the City Council for PC 17-09.

Ms. Field moved to deny PC 17-09 and send it to City Council for review, seconded by Dr. Burnside.

There was then discussion between Dr. Burnside and Mr. Sheffer about previous cases brought before the Commission that were similar to PC 17-09.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)

No – 0

Mr. Taylor stated that the motion to recommend denial passed and that this matter will be on the City Council agenda at their meeting on December 20, 2016.

PC 17-10, 8:20pm-JGC Wash Investments is requesting a Special Use Permit to allow for a Car Wash and Mini-Warehouses in an SB, Secondary Business, District for the property located at 101 S. Giant City Road.

Ms. Litecky declared Public Hearing PC 17-10 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor read the legal notice.

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

Mr. Taylor, Senior Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

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

Ms. Litecky questioned if the property was already zoned as SB, why the applicant was in need of a special use permit. Mr. Taylor stated that with it being an SB district, carwashes and mini storage are not permitted by right in the SB category and require the special use permit.

Dr. Burnside questioned what types of businesses would be classified under an SB district. Mr. Taylor stated that retail, school uses, medical clinics and doctors' offices would all be permitted under SB.

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

Greg Cook came forward to speak of the operations of the lot in question and give history of his business and what they do for the community. Mr. Cook explained what will take place on the lot as far as both uses are concerned. Mr. Cook spoke about the carwash that would be located on the lot and the goals that he would have for the carwash at that location. Mr. Cook stated that he would address any concerns of the neighborhood

located next to the lot.

Mr. Sheffer questioned the use of the pods and if they will be accessible to the renters all the time. Mr. Cook stated that renters could access the pods but they were discussing making it limited to when staff is present on site.

Ms. Litecky questioned the staffing of the facility. Mr. Cook stated that there is staff onsite in an office located on the end of the carwash area. Mr. Cook stated that there would also be a car detailing shop located on the end of the carwash, as well. Ms. Litecky also questioned if the pods would be in a fenced-in area. Mr. Cook stated that it would be a secure fenced-in area.

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

There were none.

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

Aaron Heller of 213 S. Giant City Road, came forward to speak in opposition. Mr. Heller stated that he was concerned because of the location in relation to his home and backyard. Mr. Heller was also concerned about it decreasing the value of his home and he was concerned about safety with the chemicals that might be used at the carwash.

Donald Monty of 418 S. Giant City Road, came forward to speak about the history of the lot on Giant City. Mr. Monty stated that he felt that there are many other uses for that lot that would be more beneficial to that area. Mr. Monty also spoke on the seven criteria that the Commission would vote on to pass PC 17-10 and the problems that are caused to the residential areas around the lot if the carwash and mini storage were to be built. Mr. Monty's letter breaking down the seven criteria is also attached to these minutes as Exhibit B. Mr. Monty stated that two main concerns are the sidewalk that is needed on Giant City Road and the lighting that might cause issues to nearby residents.

Luanne Brown of 1440 E. Walnut, came forward to speak about the site plan that is being provided in relation to her home and her neighbor's homes and the impact that this business would have on their lives. Ms. Brown stated that she feels that the buffer zones for this type of business need to be looked at to make it friendly for the neighborhood. Ms. Brown also reiterated Mr. Monty's sidewalk issues and lighting concerns.

Donald Priddy of 1440 E. Walnut, came forward to speak about his issues with the water lines that are in that area and having a carwash in that area using lots of water. Mr. Priddy expressed that he would be fine with Mr. Cook's business but he just wants certain things looked at such as noise of the carwashes and the lighting in the mini-storage.

Anne Gaylord of 418 S. Giant City Road, stated that she was concerned about accidents if people are trying to make left hand turns into the carwash. Ms. Gaylord was also

concerned about the hours of operation of the carwash and what that means as far as noise for surrounding residents.

Lee Hartman of 1442 E. Gary Drive, stated that he is in agreement that sidewalks are a great concern and are greatly needed at this location.

Sarah Heyer of 1442 E. Gary Drive, voiced concerns about the traffic on Giant City Road and how it is projected to get worse in the near future. Ms. Heyer also feels that the City needs to take care of some safety issues in that area such as sidewalks and bike paths before adding more businesses into that area.

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

Mr. Taylor read Parts C and D of the staff report with a recommendation to approve PC 17-10.

Ms. Litecky asked for questions for staff.

Ms. Field asked Mr. Taylor about the water retention issues and if a more detailed site plan will be provided by the applicant to show run off drainage. Mr. Taylor stated that a full detailed drainage/run off plan must be submitted in a site plan to show how they plan to handle any of the storm water runoff issues. City Engineering will help with the development of suggestions for those issues.

Mr. Sheffer then asked about the lighting and making sure that the applicant tries to keep the lighting out of the neighborhood residents' homes and yards. Mr. Taylor stated those concerns will be addressed in the site plan process with the applicant by making sure that they take to steps needed to keep lighting issues to a minimum for the neighboring homes.

Ms. Field also asked if it was possible to add in a condition that the applicant put a sidewalk into the site plan. Mr. Taylor stated that a sidewalk could be added to the conditions of this special use permit.

Ms. Litecky questioned the requirement for vegetation in the area that the pod systems would be located. Mr. Taylor stated that the amount of vegetation is based on the amount of parking area onsite and with the mini storage being a part of this development, the vegetation would defiantly be something that is discussed in the final site plan process. Ms. Litecky also questioned the buffers that are to be located off of Walnut Street. Mr. Taylor stated that on the side with the carwash it would only be required to have a seven foot buffer yard which is what parking area buffers are required to be. Ms. Litecky also questioned if the egress and ingress could be moved to Walnut Street to prevent people entering and exiting on to Giant City Road. Mr. Taylor stated that many limits could be placed on this special use permit, but he was hesitant to change the setup of the site plan and possibly cause traffic congestion issue going in and out of the carwash area. This subject will be left for City Engineers to decide.

Mr. Sheffer stated that the location of the entrance and exits and the amount of vegetation should be left to the developers and planners with the site plan. Mr. Sheffer felt that the Commission should focus on putting in conditions for a sidewalk and the lighting.

Dr. Hamilton and Dr. Burnside both agreed that the site plan should be left to the City to address and the sidewalk and the lighting needs to be looked at because of the concerns of the residents surrounding the lot.

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

Mr. Priddy came forward to ask Mr. Cook about what type of signage would be used on the site. Mr. Cook stated that he was unsure of the specifics for the signage but they would follow the City's requirements and restrictions with standard signage.

Mr. Heller questioned Mr. Taylor's report about the property value of his home not being affected and that the enjoyment of his yard will not be affected with the mini storage units being located right next to his backyard area. Mr. Taylor stated that property value is always a hard question to answer, but with the type of business that is going in it should not affect the value as much as if a different type of business that might go in at that location. Mr. Taylor also stated that the enjoyment of the property should continue with the restrictions that the Planning Commission can add into the special use permit conditions.

There was then discussion between Mr. Heller and Mr. Sheffer about the type of business being built and that a normal SB district business would not have to ask for these special conditions that Mr. Cook must adhere to. Mr. Heller also questioned Mr. Cook about the time table of getting the business built and up and running. Mr. Cook stated that with all of the different things that they will be going through to get the property going it would possibly be close to late summer before it opens.

Mr. Heller also questioned the amount of sound that is allowed to come from a business and there was then discussion between Mr. Heller, Mr. Priddy, and Mr. Sheffer about acceptable noise levels within the City ordinance. Mr. Cook stated that the mini storage units should help Mr. Heller as a buffer for the sound coming from the carwash. Mr. Heller also questioned Mr. Cook about the pickup and drop off of the storage pods and what hours that is going to take place. Mr. Cook stated that it would be a daytime operation and that the trucks should not be running in the evening and night hours.

Mr. Monty questioned Mr. Taylor about the access points for entry ways on Walnut Street and placing them far away from the intersection. Mr. Taylor stated that would be something that the City engineers would look at when going over the site plans. Mr. Monty also suggested ways to stop left hand turns off of Giant City Road. Mr. Taylor stated that would also be something that the engineering department would be involved in and that Mr. Monty's suggestions would be passed on.

Ms. Brown questioned the access point on Giant City Road being moved closer to the mini storage pods and she also questioned the apartments that are located next to the lot.

Ms. Gaylord questioned the ingress and the egress of the high school and the safety on Giant City Road with another entrance near the high school. Mr. Taylor stated that would definitely be something that would be talked about in the site plan approval process.

Mr. Heller also questioned the possibility of break in and security at the mini storage units. Mr. Cook state that it would be fenced and secured with proper lighting.

Ms. Litecky declared PC 17-10 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Parts A and B of the staff report for PC 17-10, seconded by Dr. Hamilton.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)
No – 0

Mr. Sheffer made a motion to vote on the seven criteria as one, Ms. Field seconded.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)
No – 0

Mr. Sheffer made a motion that all seven criteria had been met, Dr. Hamilton seconded.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)
No – 0

Mr. Sheffer made a motion on a recommendation to approve PC 17-10 as per staff's recommendation with two additional conditions: first, that sidewalks be installed by the applicant along their property lines along E. Walnut Street and S. Giant City Road; and second, the lighting will be installed to the best of the applicant's ability to prevent light spillage onto neighboring properties. Dr. Hamilton seconded the motion.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Burnside, Litecky)
No – 0

Mr. Taylor stated that the motion with conditions passed and that this matter will be on the City Council agenda at their meeting on December 20, 2016.

5. Old Business

There were none

6. New Business

A. Adoption of the new 2017 Calendar

Mr. Sheffer made the motion to accept the 2017 Calendar, Dr. Hamilton seconded.

Motion was passed with a unanimous voice vote.

B. Discuss the Election of 2017 Commission Officers

Mr. Taylor stated that the election of 2017 Commission Officers would need to take place at a future commission meeting, those to include Chair, 1st Vice and 2nd Vice. Mr. Taylor stated that a committee would need to be formed at the next meeting with voting taking place in January.

7. Adjournment

Ms. Litecky adjourned the meeting at 9:56 p.m.

M-E-M-O-R-A-N-D-U-M

TO: The City of Carbondale Planning Commission

FROM: Mark Price Jr., AICP, Planner

RE: PC 17-11, Kevin Wheatley's request for a Special Use Permit to allow a contract construction service in an AG, General Agriculture, zoning district.

DATE: January 9, 2017

(Public Hearing Date: January 18, 2017 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant/Owner: Kevin and Debra Wheatley
2101 Old Highway 51
Makanda, IL 62958
2. Requested Action: Kevin Wheatley is requesting a Special Use Permit to allow for a contract construction service in an AG, General Agriculture, district. The applicant is requesting the Special Use Permit in order to continue operation of his business, Wheatley Construction Company, LLC, at 39 Salt Life Lane. (Please refer to Exhibit A - Applicant's Brief)
3. Background: In May 2004, the City Council adopted an Ordinance making "Contract Construction Services," a special use in the AG district. Prior to the adoption of this Ordinance, they were not allowed in the AG district.

In the summer of 2016, planning staff was made aware of a trucking company operating out of a new pole barn that had been constructed off of West Pleasant Hill Road. After investigating, it was discovered that the applicant was operating a Contract Construction Business in a building that had been recently completed without the proper permits being obtained. On August 23, 2016, Mr. Wheatley was contacted and asked to visit the

Planning Services office to describe the nature of his business on this property. Mr. Wheelley promptly came in and spoke with planning staff regarding the nature of his business. He is operating an excavation company that operates four semi-trucks a day into and out of the subject property. He also has excavation equipment that is maintained inside the shop building and stored on the gravel parking lot. Mr. Wheelley has applied for a Special Use Permit as he wishes to continue operation of his business at this location with the allotment of a potential expansion of up to two additional semi-trucks. He also wishes to potentially construct a private residence on the lot at a later time.

4. Number of Notices Sent to Property Owners within 1,000 feet: Seventeen (17) notices were sent to property owners within 1,000 feet of the subject property.
5. Location & size: The subject property is located at 39 Salt Life Lane and is approximately 20 acres in total size. Salt Life Lane is a private drive located off of West Pleasant Hill Road just east of Country Club Road. (Please refer to Exhibit B - Photographs of Subject Property)
6. Existing Zoning: The subject property is zoned AG, General Agriculture, as is land to the north, east, and west. Land to the south is located outside of the City's Zoning Jurisdiction. (Please refer to Exhibit C - Existing Zoning)
7. Existing Land Use: The subject property is currently being used as a Contract Construction Service. It contains one building that the business is operated from and a mobile home that the applicant stays in occasionally. The properties surrounding the subject property are used for agricultural and residential purposes. (Please refer to Exhibit D - Existing Land Use)
8. Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Map designates the subject property and the surrounding properties as Agriculture. (Please refer to Exhibit E – Future Land Use)
9. Zoning History: The subject property was zoned AG, General Agriculture with the adoption of the 1974 Zoning Ordinance.
10. Applicable Regulations:

15-2.9 AG General Agriculture

15-2.9.1. Statement of Intent

This district is created to provide land for purposes devoted primarily to the production of agricultural products such as field crops, livestock, fowl and other conventional agricultural pursuits. Other limited compatible uses are also permitted. This district is also created to assist in the conservation of the natural resources within the jurisdiction of this ordinance by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and floodwater damages. Utilities other than electricity and telecommunications should be

provided by the land user thereby discouraging the uneconomical extension of public water supply and sewage disposal facilities. Uses not related to agriculture are discouraged. When the public interest will be served and only when a contribution will be made to orderly growth, portions of this district may be rezoned for alternative uses.

15-6.8 Special Use Review

15-6.8.1 Intent

The special use permit is established to provide for those uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and to provide for those public and quasi-public uses affected with the public interest. Where a use exists on the effective date of this ordinance and it is classified as a special use by this ordinance, it shall be considered to be a lawful special use.

15-6.8.2. Procedures

C. Hearing

1. A special use may be permitted by the City Council only after a public hearing before the Planning Commission. The Planning Commission shall make findings of fact; and if the Planning Commission finds that:

- (a) The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood;
- (b) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare;
- (c) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood;
- (d) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (e) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (f) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- (g) The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Title 15.

3. The Planning Commission shall recommend that the City Council approve the issuance of the zoning certificate for such special use. Otherwise, the Planning Commission shall recommend that the City Council direct the administrative official to deny the application. The findings of fact and the recommendation of the Planning Commission shall be in writing. The City Council decision shall be written to the applicant by the administrative official.

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: There is no public water supply. The property is fed from a well.

Sanitary Sewer: The property operates off of a private septic tank system.

Storm Drainage: Storm drainage is handled by open ditches.

2. Public Services: The subject property is located outside the Carbondale City Limits and is served by the Jackson County Sheriff's Office and the Carbondale Township Fire Department.
3. Traffic Counts: The latest Illinois Department of Transportation Traffic Map indicates that West Pleasant Hill Road, which provides access to Salt Life Lane, has an average traffic count of 900 vehicles per day.
4. Correspondence Received: As of the date of this report, staff has received three phone calls in opposition to the special use permit request.

PART C. ANALYSIS

Kevin Wheetley is requesting a Special Use Permit to allow a contract construction service in an AG, General Agriculture, district. The applicant is requesting the Special Use Permit in order to continue the operation of his business, Wheetley Construction Company, LLC.

The following are staff's responses to the seven criteria for granting a special use (Section 15.6.8.2.C.1):

1. *The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood.*

The neighborhood is primarily agricultural in nature with farms and large lot residential. Agricultural areas can be more industrial in nature with grain trucks, tractors, and agricultural equipment being operated on a daily basis. The applicant currently uses the property in a nature that is similar to the agricultural uses of the surrounding properties. While a trucking and excavating company could be in conflict with the character with the residential nature of the neighborhood, the scale of this business will be small enough as to not be out of character with an agricultural use. In the applicants brief, Mr. Wheetley states he intends on constructing a home on the property within five years. If the applicant were to construct a home on the property, it would appear to be similar to other property in the neighborhood and would permit and encourage an environment of sustained desirability and stability and be in harmony with the character of the surrounding

neighborhood.

2. *The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.*

The establishment of the special use should not be detrimental to or endanger the public health, safety, or general welfare. The applicant is operating an excavating company from his property. He stores the tools used for his business inside the building and parks the vehicles and equipment used for his business outside the building on the parking lot.

Mr. Wheetley's employees report to the shop building in the morning, travel to their job sites, and return at the end of the day. His employees are the only traffic generated by his business as the applicant does not have customers come to his property. Any increase in traffic volume seen on West Pleasant Hill Road as part of this business should be minimal. The applicant estimates a potential of 4 to 6 trucks a day over the next 5 years.

3. *The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood.*

The proposed special use should not be injurious to the use and enjoyment of other property in the immediate vicinity. The surrounding properties could operate as an agriculture business and operate similar equipment with even greater traffic without obtaining a special use permit.

4. *The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The proposed Special Use Permit will not impede the normal and orderly development of surrounding property for uses permitted in the AG district.

5. *Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

Adequate utilities, access roads, and other facilities are in place to accommodate the existing business.

6. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Adequate ingress and egress is provided off of West Pleasant Hill Road. There would be no additional traffic on the road, as the business already exists.

7. *The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Chapter.*

The AG district allows a contract construction service as a special use with the specific requirements outlined in section 15.3.3.1.H of the Carbondale Revised Code. These requirements are included as a condition of the special use approval.

PART D. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 17-11 with the following conditions:

1. The business shall operate no more than 6 trucks operating on a daily basis. No expansion of the use shall occur without an amended Special Use Permit approved by City Council.
2. All maintenance work on equipment and vehicles shall be performed inside the shop building.
3. The Special Use Permit shall be limited to the operation of Wheetley Construction Company, LLC.
4. Any outdoor storage of construction material located on the site shall be screened from view by a six foot tall privacy fence and meet the requirements of section 15.3.3.1.H of the Carbondale Revised Code.

WHEETLEY CONSTRUCTION COMPANY LLC

2131 Old US HWY 51
(618) 713-0318 Cell

"Since 1960"

Makanda, IL 62958
(618) 457-1100 Office
kevwheet1961@gmail.com

November 7, 2017

City of Carbondale
200 S. Illinois Ave.
Carbondale, IL ~~62902-2047~~

ATTN: Mark Price Jr.
RE: Former Address: 4762 W. Pleasant Hill Road
New Address: 39 Salt Life Lane

We purchased the property located at 4762 W. Pleasant Hill Road in March of 2015.

We have since made some improvements to the property such as new utilities and have built a new shop building which is 40' X 63' with a gravel parking lot.

We own and operate an excavating business known as Wheetley Construction Co. LLC. The new building is being used as the office and shop for the construction company. We operate (4) four trucks a day and expect to grow to maybe (6) six trucks in the next 5 years.

I am requesting a special use permit, a contract construction service for this business location.

If you have any questions feel free to contact me, Kevin Wheetley, at 618 713-0318.

Thank you,

Kevin Wheetley
Wheetley Construction Co LLC

Exhibit B - Photographs of Subject Property



View from Subject Property Looking East



View from Subject Property Looking North

Exhibit B - Photographs of Subject Property (Cont.)

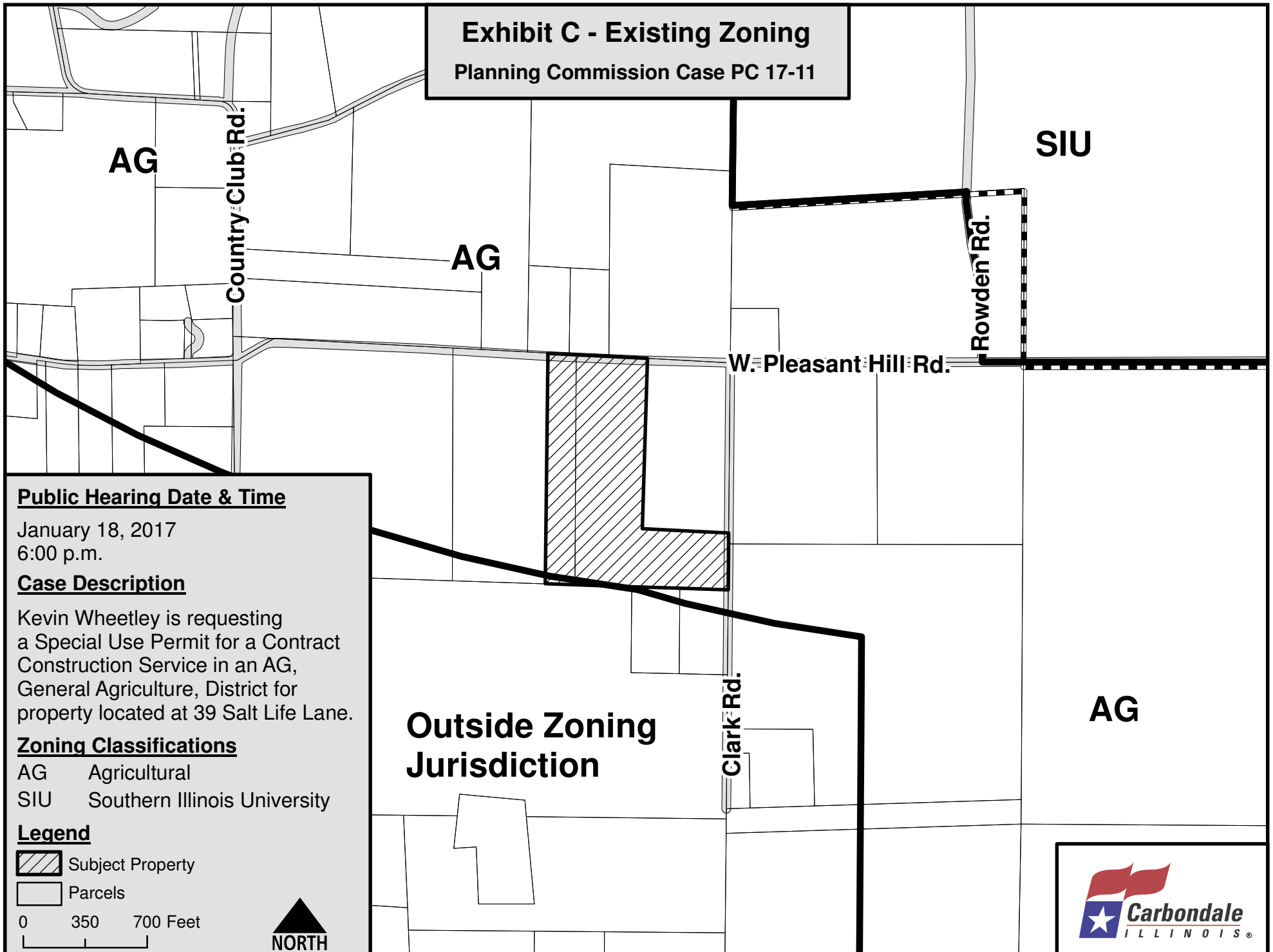


View of Subject Property Looking South



View from Subject Property Looking West

Exhibit C - Existing Zoning
Planning Commission Case PC 17-11



Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

Kevin Wheetley is requesting a Special Use Permit for a Contract Construction Service in an AG, General Agriculture, District for property located at 39 Salt Life Lane.

Zoning Classifications

AG Agricultural
SIU Southern Illinois University

Legend

 Subject Property

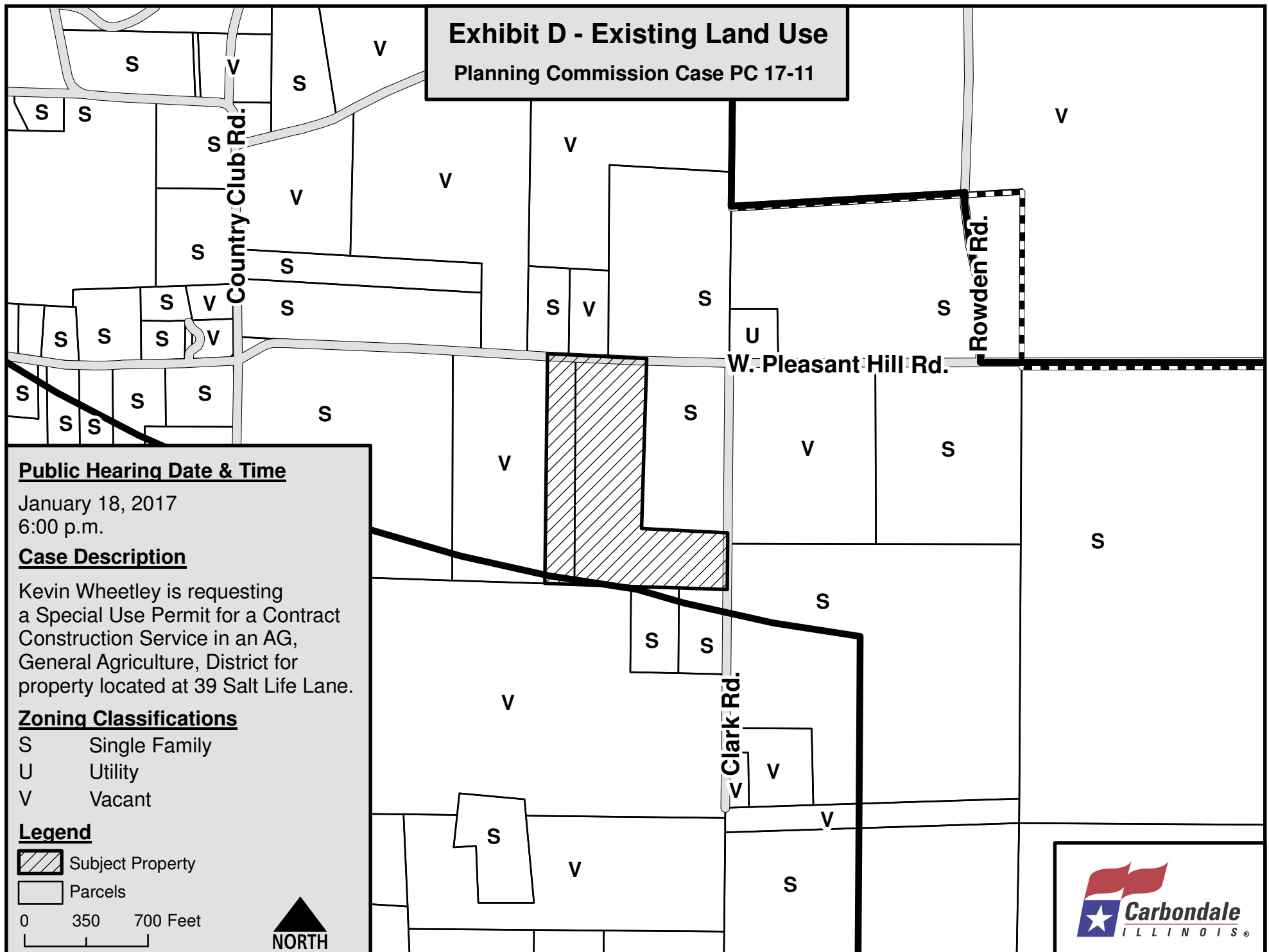
 Parcels

0 350 700 Feet



Exhibit D - Existing Land Use

Planning Commission Case PC 17-11



Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

Kevin Wheetley is requesting a Special Use Permit for a Contract Construction Service in an AG, General Agriculture, District for property located at 39 Salt Life Lane.

Zoning Classifications

S Single Family
U Utility
V Vacant

Legend

 Subject Property

 Parcels

0 350 700 Feet



Exhibit E - Future Land Use

Planning Commission Case PC 17-11

Public / Institutional

Country Club Rd.

Rowden Rd.

Agriculture

W. Pleasant Hill Rd.

Clark Rd.

Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

Kevin Wheetley is requesting a Special Use Permit for a Contract Construction Service in an AG, General Agriculture, District for property located at 39 Salt Life Lane.

Legend

 Subject Property

 Parcels

0 350 700 Feet





200 South Illinois Avenue
P.O. Box 2047
Carbondale, Illinois 62902-2047
Telephone: 618-549-5302
Fax: 618-457-3283
www.ci.carbondale.il.us

M-E-M-O-R-A-N-D-U-M

TO: City of Carbondale Planning Commission

FROM: Travis Taylor, Senior Planner

RE: PC 17-12, NLB Properties is requesting a Special Use Permit to allow for a Car Wash in a BPL, Planned Business, zoning district located at 750 North Giant City Road

DATE: January 9, 2017

(Planning Commission Public Hearing on January 18, 2017, at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant: NLB Properties, LLC
3516 Clarks River Road
Paducah, KY 42003
Owner: Dan Parrish
100 North Glenview, Suite 202
Carbondale, IL 62901
2. Requested Action and Background: The applicant is requesting a Special Use Permit to allow for the construction of a car wash at 750 North Giant City Road (Please refer to Exhibit A – Applicant’s Brief and Exhibit B – Proposed Development Plans). The subject property is located on the vacant property just south of the Burger King and the Bank of Carbondale ATM. The applicant is currently seeking approval of the Special Use Permit with the intent to purchase the property from Mr. Dan Parrish open a “Finish Line” car wash. The “Finish Line” car wash will offer an automatic car wash with twenty (20) vacuum spaces and employ approximately fourteen (14) to sixteen (16) people.
3. Number of Notices Sent to Owners within 250 feet: Eleven (11) notices were sent to property owners located within 250 feet of the subject property.
4. Location: The subject property is located on North Giant City Road just south of Burger King and the Bank of Carbondale ATM (Please refer to Exhibit C - Photos of the Subject Property).
5. Size: The subject property is approximately 1.44 acres.
6. Existing Zoning: The subject property and surrounding property along the north, west,

east, and south are zoned BPL, Planned Business (Please refer to Exhibit D - Existing Zoning).

7. Existing Land Use: The subject property, as well as the parcel immediately south is currently vacant. Property to the north, west, and east is commercial (Please refer to Exhibit E - Existing Land Use).
8. Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Plan designates the subject property and properties to the immediate north, west, east, and south as Commercial (Please refer to Exhibit F - Future Land Use).
9. Zoning History: The subject property was originally zoned BPL, Planned Business, with the adoption of the 1974 zoning ordinance.
10. Applicable Regulations:

Statement of Intent of Existing Zoning District:

Section 15-2.21.1: BPL Planned Business

Statement of Intent: This district is created to provide for planned shopping centers. It is intended to promote the grouping of commercial uses and provide areas large enough to establish harmonious relationships between structures, people, and the automobile with the use of well-planned parking and access, pedestrian walkways, courtyards, malls, and open spaces. Strip type development is discouraged. Developments which exist at the time this ordinance was adopted may be included in a BPL District because they are similar in use and character to the permitted uses of this district and this statement of intent. Also, certain areas, which lend themselves appropriately to this statement of intent but which, on the effective date hereof are not occupied by commercial uses, but have strong pressures to be used as such, have been classified BPL.

Special Uses:

Sec. 15-6.8.1: Intent

The special use permit is established to provide for those uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and to provide for those public and quasi-public uses affected with the public interest. Where a use exists on the effective date of this Chapter, it shall be considered a lawful special use.

Sec. 15-6.8.2.C: Procedures

- C.1 Hearing: A special use may be permitted by the City Council only after a public hearing before the Planning Commission. The Planning Commission shall make findings of fact; and if the Planning Commission finds that:
 - (a) The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood;
 - (b) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare;

(c) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood;

(d) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(e) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

(f) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

(g) The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Title 15.

- C.2. The Planning Commission shall recommend that the City Council approve the issuance of the zoning certificate for such special use. Otherwise, the Planning Commission shall recommend that the City Council direct the administrative official to deny the application. The findings of fact and the recommendation of the Planning Commission shall be in writing. The City Council decision shall be written to the applicant by the administrative official.
(Please refer to the Zoning Ordinance for additional zoning district regulations.)

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to a six inch (6") City of Carbondale water line running along the west side of North Giant City Road.

Sanitary Sewer: The subject property has access to an eight inch (8") City of Carbondale sanitary sewer line running west to east just north of the property.

Storm Sewer: Storm water is handled via a fifteen inch (15") storm sewer line running along the west side of North Giant City Road.

2. Public Services: The subject property is located within Carbondale City Limits and is served by the City of Carbondale Police and Fire Departments.

3. Traffic Counts: The Illinois Department of Transportation Traffic Map provides the following average daily traffic counts in the immediate area:

	<u>Average Daily Traffic</u>
North Giant City Road	11,800
Frontage Road	4,600

4. Correspondence Received: As of the writing of this report, staff has received correspondence from one property owner asking general questions regarding the proposed development.

PART C. ANALYSIS

The applicant, NLB Properties, LLC, is requesting a Special Use Permit for a car wash in a BPL, Planned Business, zoning district.

The following are staff's responses to the seven criteria for granting a special use (Section 15-6.8.2.C):

1. *The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood.*

The subject property has been zoned BPL, Planned Business, since the adoption of the 1974 zoning ordinance. Since its zoning, the surrounding area has developed with many commercial uses including restaurants, retail stores, and hotels. It is staff's opinion that a car wash at this location will be in harmony with the character of the surrounding area. Staff also notes that the development of this property will also encourage future development on the vacant parcel to south as the developers will begin to construct the access road for that property.

2. *The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.*

It is staff's opinion that the proposed use of the property would not be detrimental to or endanger the public health, safety, or general welfare. As is required for all commercial construction in the City of Carbondale, the applicant will be required to submit a complete site plan for the proposed development. This process will allow City staff to hold the development to the design and standards as approved by the site plan, especially with regards to items which would be detrimental to the public health, safety and/or general welfare.

3. *The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood.*

It is staff's opinion that the proposed special use will not impair property value within the neighborhood. The use of the property as a car wash will be similar in intensity to the uses surrounding the property. Therefore, nearby property owners will not perceive any changes in the neighborhood, nor will they experience any impairment of property values nor diminished enjoyment of their properties.

4. *The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

As the majority of the surrounding area is currently "built out," it is staff's opinion that

the proposed use will not impede future development and improvement of the surrounding property. As the site plan is proposed, the development of the property will open access to the vacant lot to the south and further promote the development and improvement of the area.

5. *Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

It is staff's opinion that adequate utilities, access roads, drainage, and other necessary facilities are currently in place for the proposed use which serve the surrounding commercial uses.

6. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

As a full site plan approval will be required prior to construction, City staff will ensure that adequate measures will be taken to provide for adequate ingress and egress to minimize traffic congestion in public streets. It should be noted that the location of the potential development will be close to the intersection of the frontage road and North Giant City Road. While this intersection has historically been highly trafficked and potential dangerous, the location of the entrance/exit for the car wash will be located just south of this intersection and should help mitigate additional traffic congestion which may occur with this commercial development.

7. *The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Chapter.*

The BPL, Planned Business, District allows for car washes as a special use. All requirements of the site and use will be met.

PART C. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 17-12.

NLB Properties, LLC

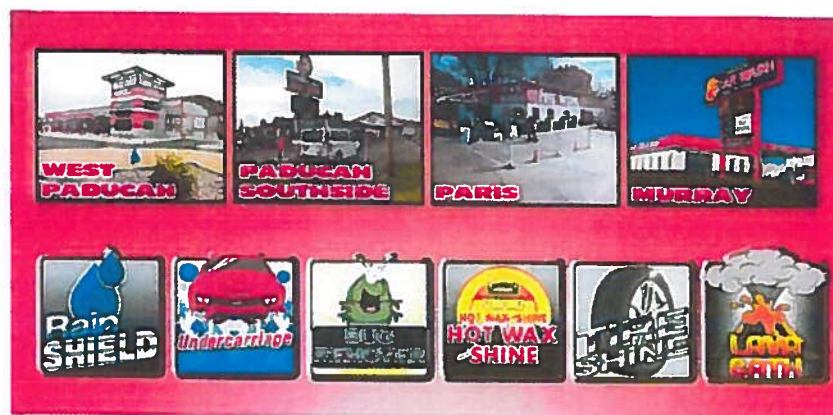
**FLCW, LLC
DBA**

**FINISH LINE
CARWASH**
Clean. Fast. Fun.

Established 1999

FINISH LINE CAR WASH

Clean. Fast. Fun.



Finish Line Car Wash was established in 1999. We started with our first location at 3516 Clarks River Road, Paducah, Kentucky. Since then we have grown into a multi-million dollar business that has five locations with plans to build two to three more locations in the next two years.

We are a partnership that is owned by Nancy Bergfield and Chris Presswood. We are proud to say that through many hours of hard work and dedication to our industry we have evolved in the marketplace to service our customers with the latest equipment and technology. We work hard to make sure we provide the service that our customers want and need, and that it is "clean, fast and fun."

We are offering an express exterior car wash with five levels of service ranging from \$6 to \$18 depending on the type of "clean" you want done to your vehicle. We also offer unlimited wash packages for the five levels of service, where you can wash your vehicle once a day every day of the month for a monthly recurring price.

Exhibit A - Applicant's Brief, Cont.

Our most recent new-build is the type of business model we want to bring to your City; it is located at 2706 Walton Way in Marion, IL. We will employ fourteen to sixteen people, including a Site Manager, three Assistant Managers, four other full-time employees and six to eight part-time employees. We run a facility all year long, seven days a week, so we are not a seasonal business. Company wide we are only scheduled to be closed three days per year- Easter, Thanksgiving and Christmas. Should you wish to know more about us, please visit our website at www.ficarwash.com.

We have studied your market in Carbondale, IL and believe that we will be a good fit for both your City and our business. We know that there are no other tunnels in your City, so we can offer a service that your City needs. We believe that it will be a win, win for both sides. We know that with our projected counts, not only will it be good for us, but it will enhance the flow to the current businesses on Giant City Road. We look forward to working with you on developing our project.

FINISH LINE CARWASH

Clean. Fast. Fun.

Mission

A customer minded company! Positioned in the marketplace to change and evolve as the needs of our customers change. Specializing in the car washing and detailing industry.

Brand Commitment Statement

CLEAN, FAST, FUN!

To create an environment where a customer feels like a genuine concern for their vehicles and time. A complete responsibility removed from their weekly activities. Jam packed with value that is translated into a feeling of happiness and even relaxation because a burden has been removed. Not just speed or quality or customer service, but all three! The ultimate experience and ease of service with easy to use facilities, clean and orderly stores and people that are quick to address customers!

Values



Team Commitment Statement

Our purpose is to make a difference through development of every Finish Line internal customer. For our customers to feel a sense of caring for them and their vehicles, our team has to feel appreciation from our leadership and management team. Our commitment is to our people, and their commitment is to each other and the customers they serve.

Exhibit A - Applicant's Brief, Cont.

FINISH LINE CAR WASH

Clean. Fast. Fun.



Exhibit A - Applicant's Brief, Cont.

FINISH LINE CARWASH

Clean. Fast. Fun.

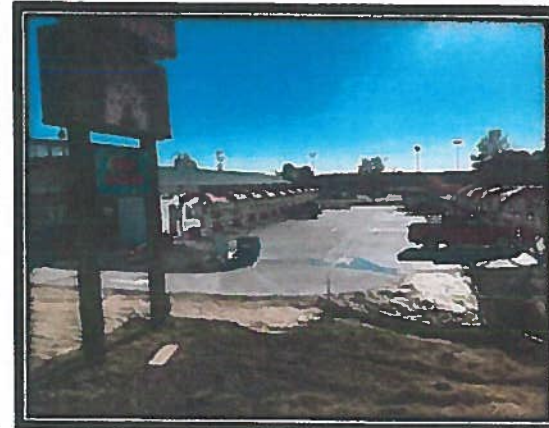
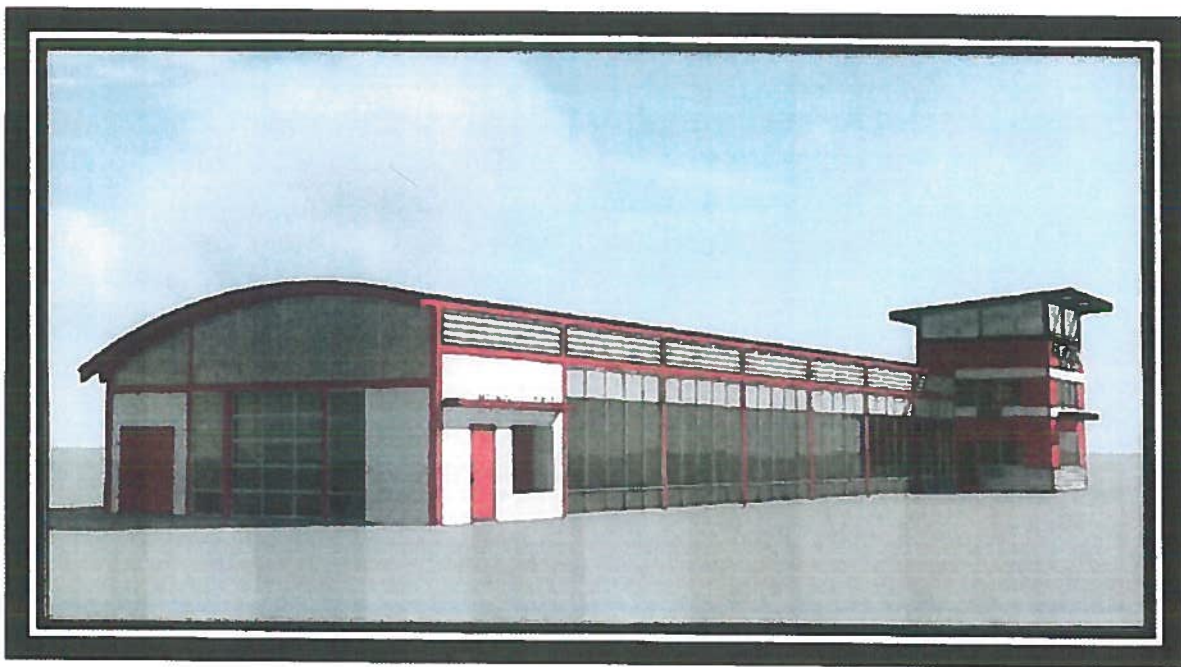


Exhibit A - Applicant's Brief, Cont.



UNLIMITED WASH CLUB

WASH ONCE A DAY ALL MONTH LONG

EXTREME **\$29.99** **BEST VALUE**

BEST \$24.99

BETTER \$19.99

GOOD \$12.99

EXTREME \$15 **BEST VALUE**

HOT WAX SHINE **RAIN SHIELD** **CLAY BAR** **PROTECTANT** **WAX**

Soft Cloth & Air Dry

BEST \$12

HOT WAX SHINE **RAIN SHIELD** **CLAY BAR** **PROTECTANT** **WAX**

Soft Cloth & Air Dry

BETTER \$9

HOT WAX SHINE **RAIN SHIELD** **CLAY BAR** **PROTECTANT** **WAX**

Soft Cloth & Air Dry

GOOD \$6

Soft Cloth & Air Dry Wheel Bright

Exhibit A - Applicant's Brief, Cont.

FINISH LINE CARWASH

Clean. Fast. Fun.



<https://www.facebook.com/flcarwash/?fref=ts>



flcarwash.com



<https://www.youtube.com/user/flcarwash>



Finish Line Car Wash

@finishlinewash

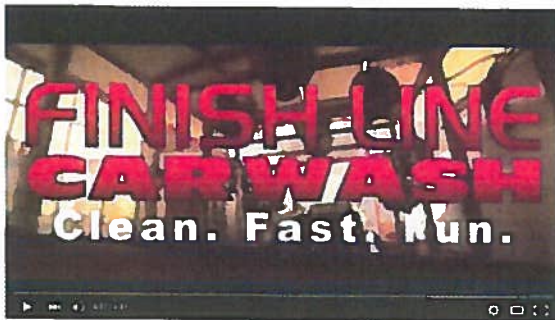
Express Exterior Wash • FullFlex
Service Wash • Express Detailing • Full
Service Detailing

<https://twitter.com/finishlinewash>

Exhibit A - Applicant's Brief, Cont.

FINISH LINE CARWASH

Clean. Fast. Fun.



<https://www.youtube.com/watch?v=aFiFLxC7mew>



https://www.youtube.com/watch?v=fNuPjO_EHJs



<https://www.youtube.com/watch?v=-5g3t2nfS9c>



<https://www.youtube.com/watch?v=0oIXXCawEil>

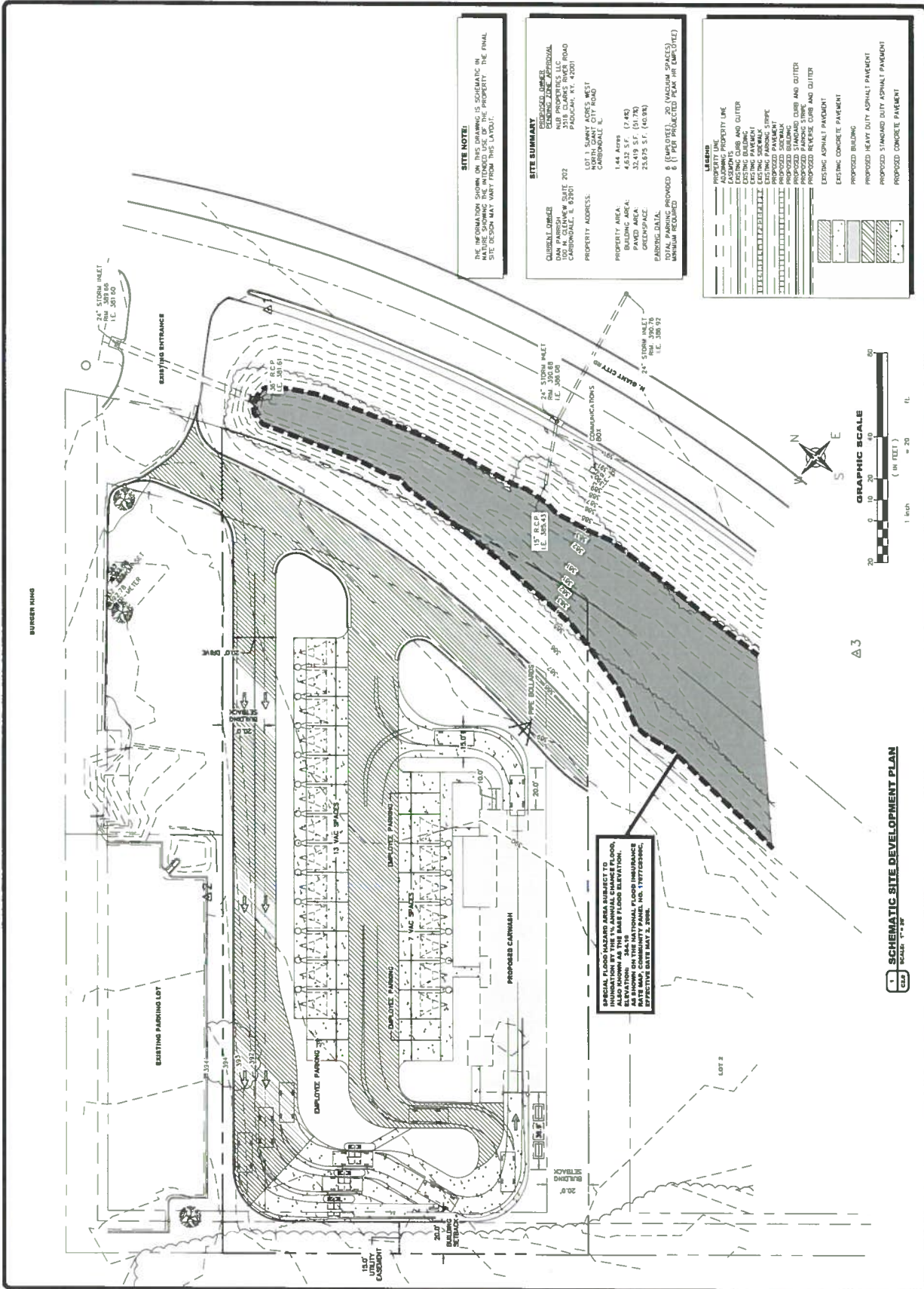
[illegible]

Exhibit C - Photographs of Subject Property



View of Subject Property



Facing East across North Giant City Road

Exhibit C - Photographs of Subject Property (Cont.)



Facing South along North Giant City Road



Facing North along North Giant City Road

Exhibit D - Existing Zoning
Planning Commission Case PC 17-12



BPL

BPL

BPL

E Main St/L Route 13

Frontage Rd

N Giant City Rd

Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

NLB Properties, LLC, is requesting a Special Use Permit for a Car Wash in a BPL, Planned Business, District for property located at 750 North Giant City Road.

Zoning Districts

BPL Planned Business

Legend

 Subject Property

 Parcels

0 100 200 Feet



Exhibit E - Current Land Use
Planning Commission Case PC 17-12

V

C

C

C

C

N Giant City Rd

Frontage Rd

E Main Still Route 13

C

C

V

V

C

V

PO

V

V

Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

NLB Properties, LLC, is requesting a Special Use Permit for a Car Wash in a BPL, Planned Business, District for property located at 750 North Giant City Road.

Current Land Uses

- C Commercial
- PO Professional Office space

Legend

 Subject Property

 Parcels

0 100 200 Feet



Exhibit F - Future Land Use
Planning Commission Case PC 17-12

Commercial

E Main Still Route 13

Frontage Rd

N Giant City Rd

Commercial

Commercial

Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

NLB Properties, LLC, is requesting a Special Use Permit for a Car Wash in a BPL, Planned Business, District for property located at 750 North Giant City Road.

Legend

 Subject Property

 Parcels

0 100 200 Feet



NLB Properties, LLC

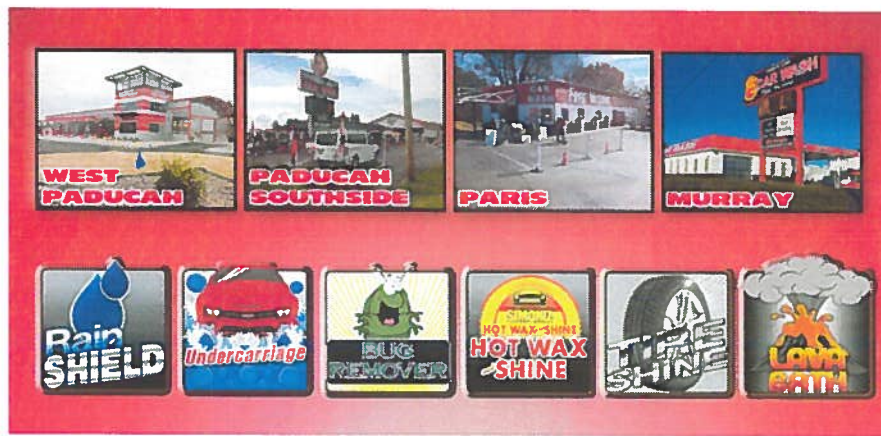
FLCW, LLC
DBA

FINISH LINE
CARWASH
Clean. Fast. Fun.

Established 1999

FINISH LINE CAR WASH

Clean. Fast. Fun.



Finish Line Car Wash was established in 1999. We started with our first location at 3516 Clarks River Road, Paducah, Kentucky. Since then we have grown into a multi-million dollar business that has five locations with plans to build two to three more locations in the next two years.

We are a partnership that is owned by Nancy Bergfield and Chris Presswood. We are proud to say that through many hours of hard work and dedication to our industry we have evolved in the marketplace to service our customers with the latest equipment and technology. We work hard to make sure we provide the service that our customers want and need, and that it is "clean, fast and fun."

We are offering an express exterior car wash with five levels of service ranging from \$6 to \$18 depending on the type of "clean" you want done to your vehicle. We also offer unlimited wash packages for the five levels of service, where you can wash your vehicle once a day every day of the month for a monthly recurring price.

Exhibit A - Applicant's Brief, Cont.

Our most recent new-build is the type of business model we want to bring to your City; it is located at 2706 Walton Way in Marion, IL. We will employ fourteen to sixteen people, including a Site Manager, three Assistant Managers, four other full-time employees and six to eight part-time employees. We run a facility all year long, seven days a week, so we are not a seasonal business. Company wide we are only scheduled to be closed three days per year- Easter, Thanksgiving and Christmas. Should you wish to know more about us, please visit our website at www.flcarwash.com.

We have studied your market in Carbondale, IL and believe that we will be a good fit for both your City and our business. We know that there are no other tunnels in your City, so we can offer a service that your City needs. We believe that it will be a win, win for both sides. We know that with our projected counts, not only will it be good for us, but it will enhance the flow to the current businesses on Giant City Road. We look forward to working with you on developing our project.

FINISH LINE CARWASH

Clean. Fast. Fun.

Mission

A customer minded company! Positioned in the marketplace to change and evolve as the needs of our customers change. Specializing in the car washing and detailing industry.

Brand Commitment Statement

CLEAN, FAST, FUN!

To create an environment where a customer feels like a genuine concern for their vehicles and time. A complete responsibility removed from their weekly activities. Jam packed with value that is translated into a feeling of happiness and even relaxation because a burden has been removed. Not just speed or quality or customer service, but all three! The ultimate experience and ease of service with easy to use facilities, clean and orderly stores and people that are quick to address customers!

Values



Team Commitment Statement

Our purpose is to make a difference through development of every Finish Line internal customer. For our customers to feel a sense of caring for them and their vehicles, our team has to feel appreciation from our leadership and management team. Our commitment is to our people, and their commitment is to each other and the customers they serve.

FINISH LINE CAR WASH

Clean. Fast. Fun.



FINISH LINE CARWASH

Clean. Fast. Fun.

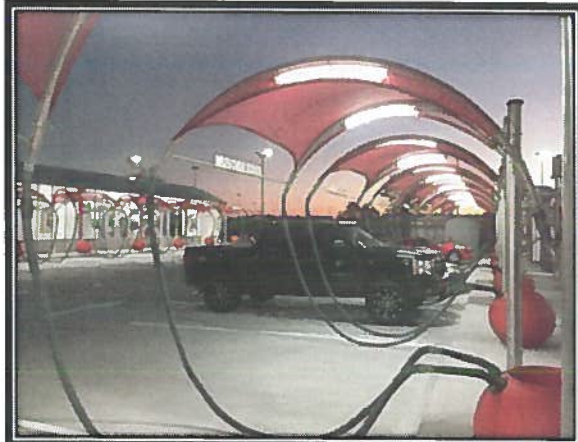


Exhibit A - Applicant's Brief, Cont.



UNLIMITED WASHER

WASH ONCE A DAY ALL MONTH LONG

EXTREME

BEST VALUE
\$29.99

BEST \$24.99

BETTER \$19.99

GOOD \$12.99

EXTREME \$15

BEST VALUE



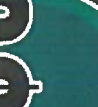
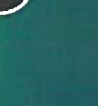
Soft Cloth & Air Dry

BEST \$12



Soft Cloth & Air Dry

BETTER \$9



Soft Cloth & Air Dry

GOOD \$6

Soft Cloth & Air Dry Wheel Bright

BEST \$12

BETTER \$9

GOOD \$6

Exhibit A - Applicant's Brief, Cont.

FINISH LINE CARWASH

Clean. Fast. Fun.



<https://www.facebook.com/flcarwash/?fref=ts>



flcarwash.com



<https://www.youtube.com/user/flcarwash>



Finish Line Car Wash

@finishlinewash

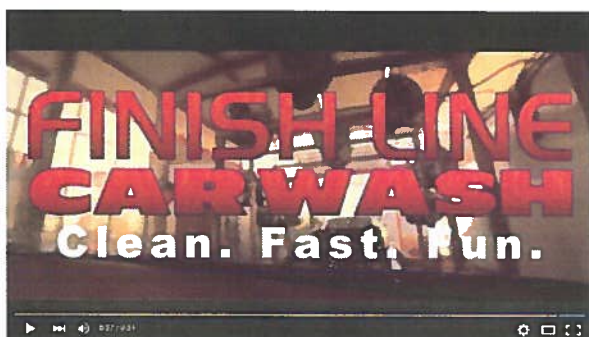
Express Exterior Wash - Full/Flex
Service Wash - Express Detailing - Full
Service Detailing

<https://twitter.com/finishlinewash>

Exhibit A - Applicant's Brief, Cont.

FINISH LINE CARWASH

Clean. Fast. Fun.



<https://www.youtube.com/watch?v=aFiFLxC7mew>



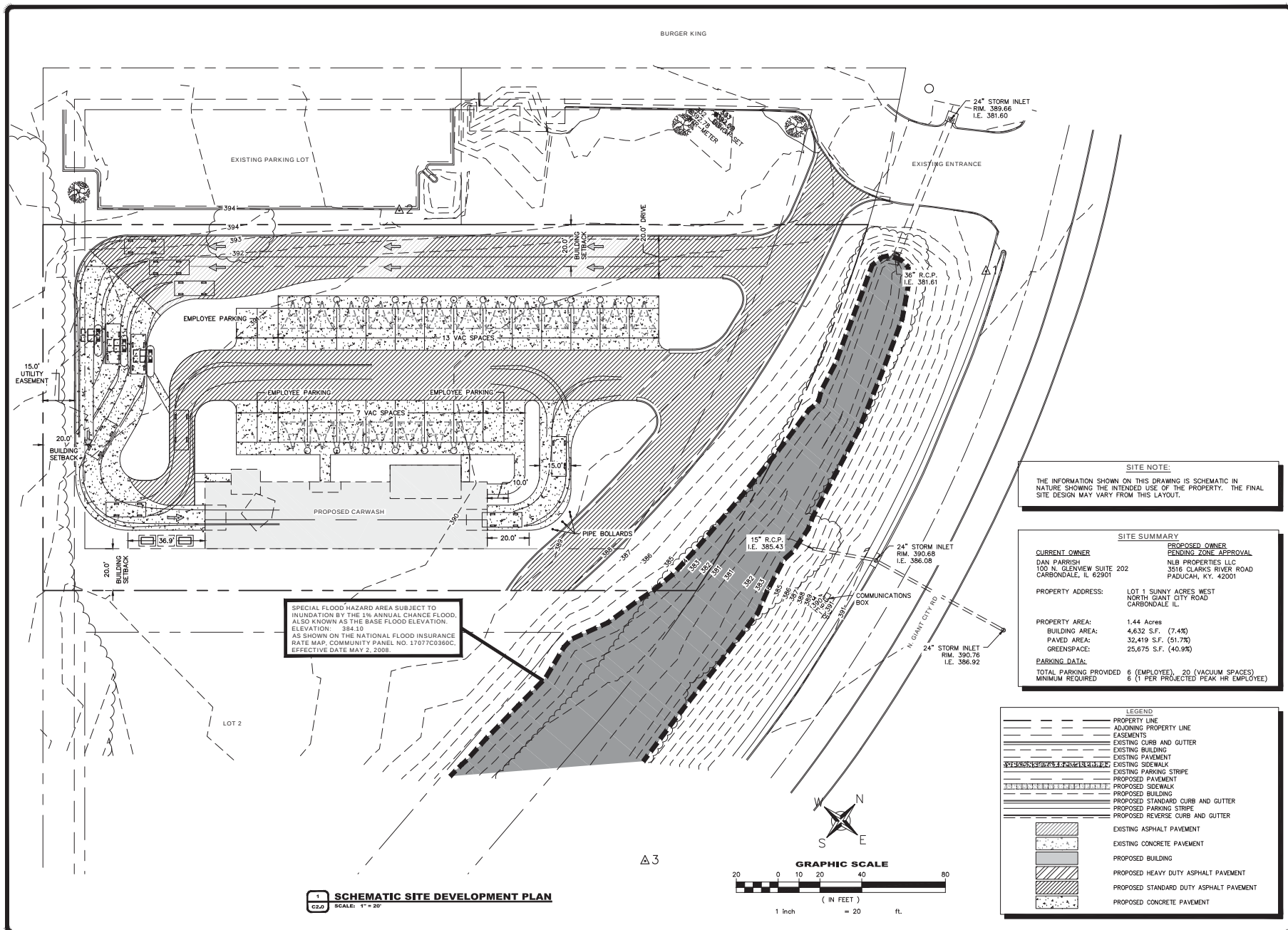
https://www.youtube.com/watch?v=fNuPjO_EHJs



<https://www.youtube.com/watch?v=-5g3t2nfS9c>



<https://www.youtube.com/watch?v=0olXXCaWEil>



SCHEMATIC
ONLY FOR
CONSTRUCTION

PROJECT NO. 16403	DATE: JAN. 03, 2012	CHECKED BY: BTR
DRAWN BY: SAK	BY: DATE	
REV. DESCRIPTION		

BACON FRANKLIN THORNTON
ENGINEERING & TESTING, INC.
PROFESSIONAL ENGINEER
400 W. GILBERT STREET
CARBONDALE, IL 62901
PHONE: 618.452.1100
FAX: 618.452.1101
WWW.BFTW.COM

BFW
BACON FRANKLIN THORNTON
ENGINEERING & TESTING, INC.
PROFESSIONAL ENGINEER
400 W. GILBERT STREET
CARBONDALE, IL 62901
PHONE: 618.452.1100
FAX: 618.452.1101
WWW.BFTW.COM

SCHEMATIC SITE DEVELOPMENT PLAN

NLB PROPERTIES, LLC
N. GIANT CITY RD.
CARBONDALE, IL

FINISH LINE CARWASH

SHEET
C2.0

§2.28 PERMITTED AND SPECIAL USES, RESIDENTIAL AND RURAL DISTRICTS TITLE 15. ARTICLE 1. DISTRICT REGULATIONS

RESIDENTIAL DISTRICTS USE TABLE											
USE CATEGORIES	SPECIFIC USE TYPES	F	AG	RR	R-I	R-I-D	R-2	R-3	PUD	RMH	USE STANDARD
Group living (See Error! Reference source not found.)	Boarding or rooming houses						P	P			
	Fraternity and sorority homes						S	P			
	Dormitories							P	P		
	Group home I in compliance with administrative occupancy permit requirements related to spacing and licensing in §6.4		P	P	P	P	P	P	P		Error! Reference source not found.
	Group home I not in compliance with administrative occupancy permit requirements related to spacing and/or licensing in §6.4		S	S	S	S	S	S	S		Error! Reference source not found.
	Group home II in compliance with administrative occupancy permit requirements related to spacing and licensing in §6.4		S	S	S	S	S	P	S		Error! Reference source not found.
	Group home II not in compliance with administrative occupancy permit requirements related to spacing and/or licensing in §6.4.		S	S	S	S	S	S	S		Error! Reference source not found.
	Nursing home		S				S	S	P		
PUBLIC AND CIVIC USES											
Community service (See Error! Reference source not found.)	Civic clubs or community centers						S	S	P		
	Fire Stations	P	P	S	S	S	S	S	S		
	Home museum				S		S	S			
	Public library and public building					S	S	P			
	Civic, social and fraternal				S						
Day care (See Error! Reference source not found.)	Day care centers, including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, playgroups, and centers or workshops for mentally or physically handicapped		S	S				S	P		Error! Reference source not found.
	Day care home I		P	S	S	S	S	S	S		Error! Reference source not found.
	Day care home II		S	S	S	S	S	S	S		Error! Reference source not found.
	Day care homes III		S	S			S	S			Error! Reference source not found.
	Family daycare home		P	P	P	P	P	P	P	P	
Educational facilities (See Error! Reference source not found.)	Grade and high schools, public or private		P	S	S	S	S	S	P		
Government facilities (See Error! Reference source not found.)	Government offices		S								§3.3.1.Y
	Township governmental services		S								Error! Reference source not found.
Parks and open space (See Error! Reference source not found.)	Cemeteries	P	P	P							
	Conservation areas	P									
	Golf courses and country clubs		P	P					P		
	Forest preserves	P	P	P							
	Parks and playgrounds	S	P	P	P	P	P	P	P	P	
	Parks and recreational buildings				S	S	S	S	P		
	Swimming clubs		P								
	Woodlands	P	P								

Exhibit D - Existing Zoning

Planning Commission Case PC 17-12

BPL

E Main St/IL Route 13

Frontage Rd

BPL

BPL

N Giant City Rd

Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

NLB Properties, LLC, is requesting a Special Use Permit for a Car Wash in a BPL, Planned Business, District for property located at 750 North Giant City Road.

Zoning Districts

BPL Planned Business

Legend

 Subject Property

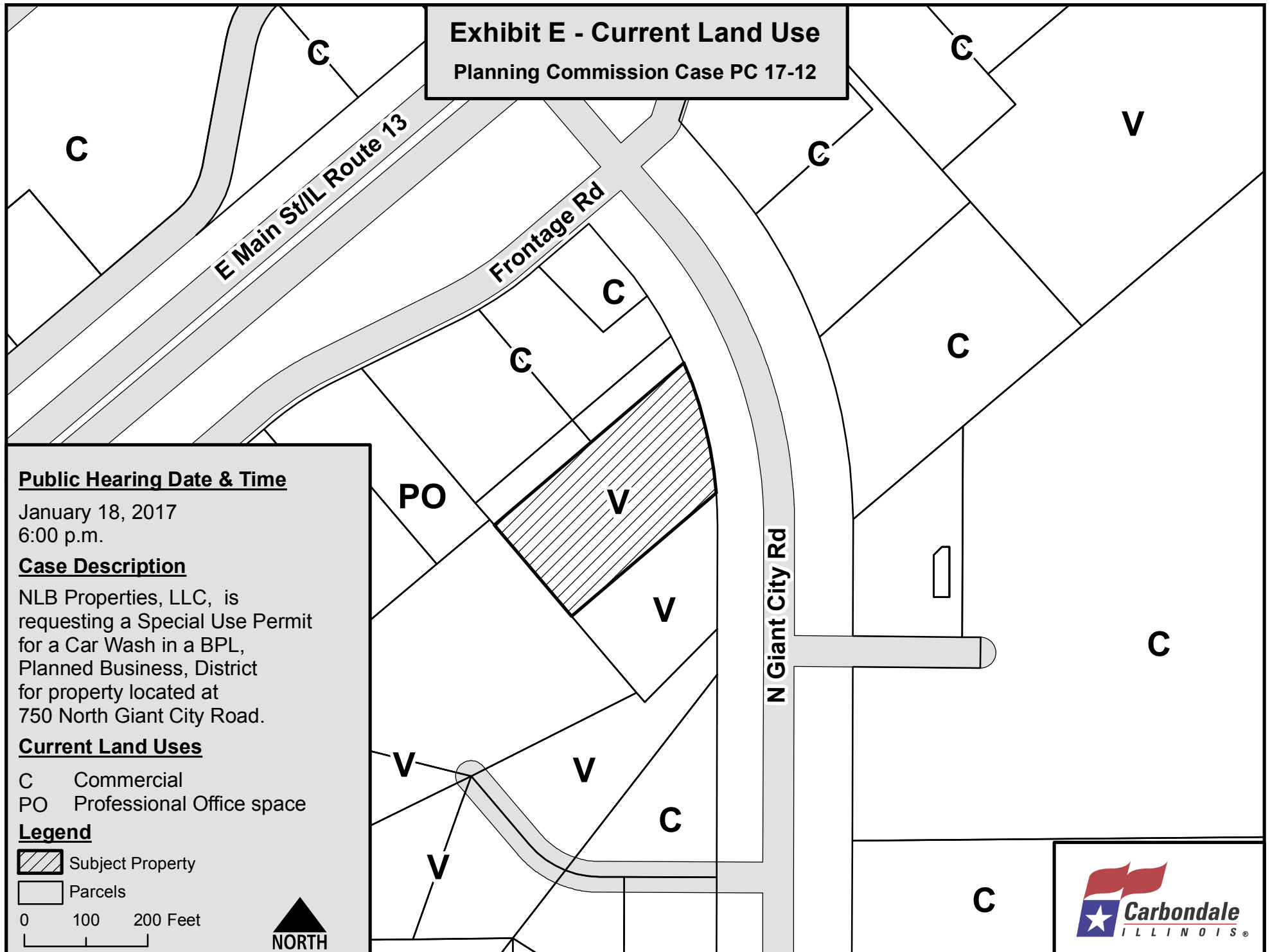
 Parcels

0 100 200 Feet



Exhibit E - Current Land Use

Planning Commission Case PC 17-12



Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

NLB Properties, LLC, is requesting a Special Use Permit for a Car Wash in a BPL, Planned Business, District for property located at 750 North Giant City Road.

Current Land Uses

C Commercial
PO Professional Office space

Legend

 Subject Property

 Parcels

0 100 200 Feet



Exhibit F - Future Land Use

Planning Commission Case PC 17-12

Commercial

E Main St/IL Route 13

Frontage Rd

N Giant City Rd

Commercial

Commercial

Public Hearing Date & Time

January 18, 2017
6:00 p.m.

Case Description

NLB Properties, LLC, is requesting a Special Use Permit for a Car Wash in a BPL, Planned Business, District for property located at 750 North Giant City Road.

Legend

 Subject Property

 Parcels

0 100 200 Feet





200 South Illinois Avenue
P.O. Box 2047
Carbondale, Illinois 62902-2047
Telephone: 618-549-5302
Fax: 618-457-3283
www.ci.carbondale.il.us

M-E-M-O-R-A-N-D-U-M

TO: City of Carbondale Planning Commission

FROM: Sarah Lawrence, Planner *SL*

RE: PC 17-13, Text Amendment Relative to Permitted Special Uses in R-1 Districts

DATE: January 9, 2017

(Planning Commission Public Hearing on Wednesday, January 18, 2017 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
Carbondale Elks Lodge #1243
220 West Jackson Street
Carbondale, IL 62901
2. Requested Action and Background: In November of 2016, the Carbondale Elks Lodge #1243 requested a rezoning for the property located at 419 South Giant City Road from R-1-15, Low Density Residential, and AG, General Agriculture, to PA, Professional Administrative Office, in order to relocate their lodge and activities to the vacant structure that is currently on the lot. The Elks' rezoning application was reviewed during the December 7, 2016, Planning Commission meeting during which many members of the Elks spoke in support of the application while several members of the public expressed their opposition to the rezoning. Much of the public's resistance to the request centered on traffic safety concerns, the immediate impact of increased activity on the surrounding neighborhood, and the long term implications that rezoning the property would have. After much discussion, the Commission ultimately recommend denial of the rezoning in a 5-0 decision that aligned with City staff's recommendation. As a result of this outcome, the Elks made the decision to withdraw their rezoning application from further consideration by City Council.

Carbondale Elks are now requesting an amendment to Title 15.2.28 of the Carbondale Revised Code in order to add "Civic, social and fraternal" organizations as a special use permitted in R-1, Low Density Residential, Districts. (Please refer to Exhibit A –

Applicant's Brief.) If the proposed text amendment is passed, the applicant intends to apply for a Special Use Permit for the property located at 419 South Giant City Road.

PART B. ANALYSIS

As proposed, this text amendment will permit civic, social and fraternal organizations in all R-1, Low Density Residential, Districts within Carbondale's zoning jurisdiction. (Please refer to Exhibit B – Map of R-1 Zoning Districts.) The Carbondale Revised Code describes R-1 zoning as intended to "...provide areas for single-unit residential purposes, and to provide maximum protection from the encroachment of other types of uses which are not appropriate to low density residential areas...to maintain a quiet atmosphere within the districts; [and] to discourage incompatible uses within the district (CCRC 15.2.11.1)." Within R-1 districts, there are also a number of additional uses allowed with the approval of a Special Use Permit. These include group homes, fire stations, museums, daycare facilities, schools, parks and recreational buildings, religious institutions, bed and breakfasts, and inns, among others.

Although the range of specially permitted uses within residential districts is quite varied, this does not necessarily mean that every special use is appropriate for every residential neighborhood. As such, the special use permitting process considers individual proposals on a case-by-case basis and allows flexibility within zoning districts in order to "provide for those uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and to provide for those public and quasi-public uses affected with the public interest (CCRC 15.6.8.1)." For each special use application, the Planning Commission, and subsequently the City Council, must consider the following:

- a. The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood;
- b. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare;
- c. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood;
- d. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- e. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- g. The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this title (CCRC 15.6.8.2.C).

Furthermore, the following Special Use Performance Standards provide additional assurance that approved Special Uses will be harmonious with its surrounding neighborhood:

1. The special use shall meet all of the minimum performance standards and requirements of the district in which the special use is located and any additional requirements established for the individual special use under the provisions of this chapter.

2. In addition, the special use shall meet any requirements established by the city council (CCRC 15.6.8.2.B).

In past cases, applicants have been required to incorporate elements such as buffer yards, sidewalks, and special site lighting in order to enhance the property or protect the surrounding neighborhood. Some approvals have also included restrictions on the length of time a permit was valid, who the permit applied to, and hours of operation, among others. These kinds of additional conditions that the Planning Commission or City Council may place on special use approvals are often facilitated by analysis and recommendations presented by City staff, as well as information garnered from community members during mandatory public hearings. Community input is a key part of the special use approval process and can help ensure compatibility with the surrounding neighborhood and residents' satisfaction. Finally, it is important to note that a Special Use Permit does not change the overarching zoning of property. In the event that the property ceases to be utilized for the purpose approved in the Special Use Permit, the permit becomes null and void.

While the Carbondale Elks Lodge #1234 has applied for this text amendment, many other community organizations could also benefit from this change in the Carbondale Revised Code. Such groups include the Kiwanis Club, the Lions Club, the Rotary Club, and the Eagles Lodge, among others. Generally speaking, the missions of these and other civic, social, and fraternal organizations, promote the public interest in some form or fashion through their endeavors. As such, it is staff's opinion that approval of this text amendment is in alignment with the Special Use Permit's statement of intent which is to "provide for those public and quasi-public uses affected with the public interest (CCRC 15.6.8.1)." Rather than permitting civic organizations to intrude upon residential districts carte blanche, this text amendment allows flexibility within the Code for community groups to locate operations within compatible residential neighborhoods only after thorough consideration by Planning Commission and City Council.

PART C. RECOMMENDATION

Based on the analysis presented in this report, Staff recommends approval of the proposed text amendment for PC 17-13 with the changes to Title 15 of the Carbondale Revised Code as shown in red in the attached Exhibit C – Proposed Text Amendment.

Exhibit A – Applicant's Brief

Carbondale Elks #1243
220 W Jackson Street
Carbondale IL 62901
November 16, 2016

City of Carbondale
Planning Services Division
200 South Illinois Avenue
Carbondale IL 62902

To Whom It May Concern:

Per our Zoning Text Amendment Application, the following brief is for the Carbondale Elks:

The Carbondale Elks Lodge #1243 is applying for a text amendment to the City Code. This amendment would add the use "Civic, Social and Fraternal" in the R-1 district. Our organization is in negotiations with Southern Illinois Healthcare to purchase 220 W. Jackson Street, our current lodge property. As these negotiations began, we examined numerous properties to find one that could meet our needs and stay within the Carbondale city limits. During the search, the only property we found that met our needs is located at 419 S. Giant City Road. This property has the price, location, adequate parking, land, building potential, and is a one-level structure, which suits our needs in relocation. We ask that the Planning Commission seriously consider this text amendment to allow for the Carbondale Elks to relocate within the city.

We recently reached our 105th anniversary as a fraternal organization. Our organization is one of the many supporters of the Carbondale community through our charitable endeavors. These include, but are not limited to youth activities, veteran organizations, and local charities.

To support these activities and the Lodge, current hours of operation are Monday – Thursday, 4 – 9 pm and Friday, 12 noon – 12 midnight. Weekends we open as needed for scheduled events.

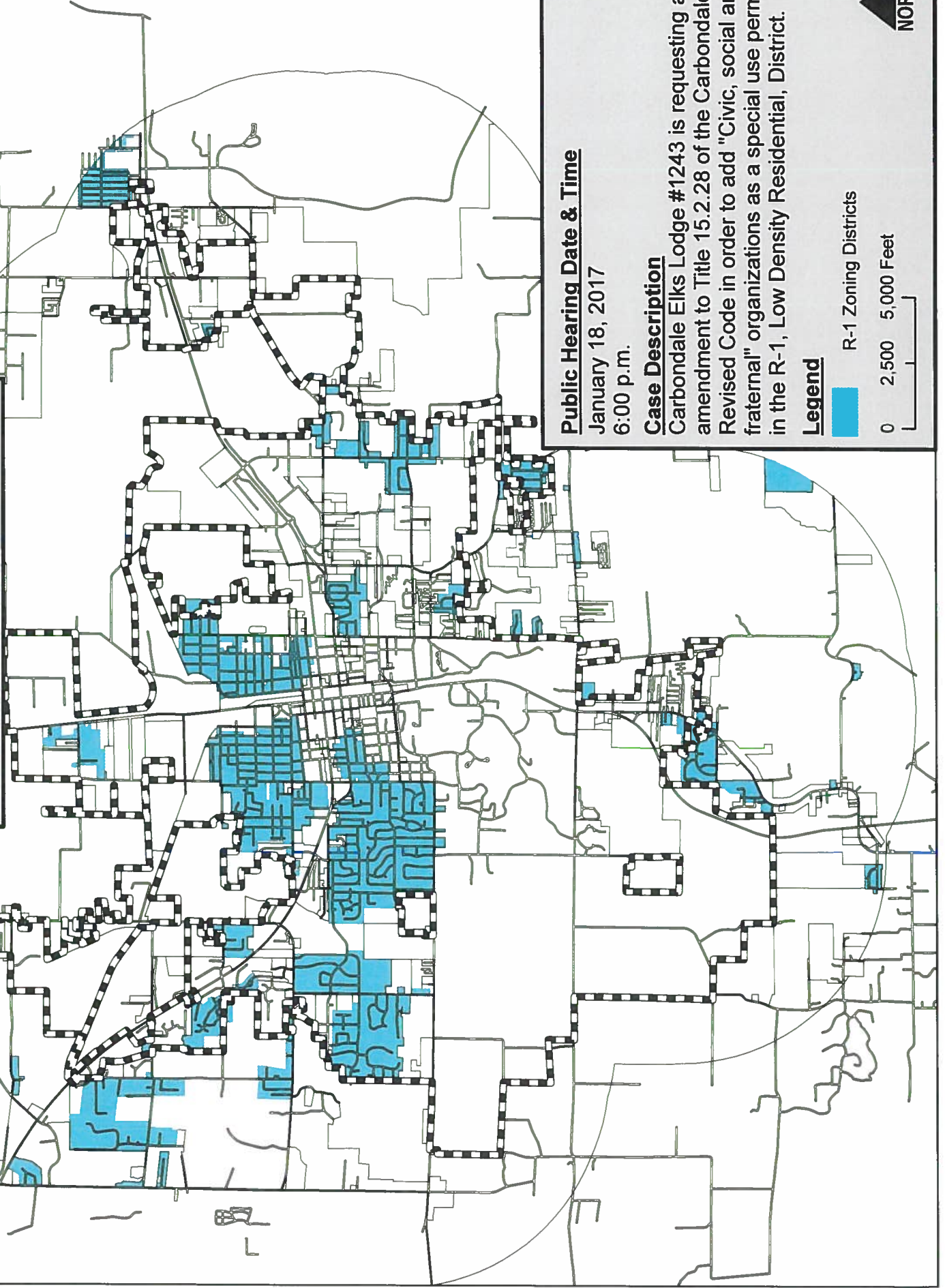
We appreciate your consideration of our zoning text amendment application. Thank you.

Sincerely,

Carbondale Elks Lodge #1243

Exhibit B - R-1 Zoning Districts

Planning Commission Case PC 17-13



Public Hearing Date & Time

January 18, 2017

6:00 p.m.

Case Description

Carbondale Elks Lodge #1243 is requesting an amendment to Title 15.2.28 of the Carbondale Revised Code in order to add "Civic, social and fraternal" organizations as a special use permitted in the R-1, Low Density Residential, District.

Legend

 R-1 Zoning Districts

0 2,500 5,000 Feet



Exhibit C – Proposed Text Amendment

§2.28 PERMITTED AND SPECIAL USES, RESIDENTIAL AND RURAL DISTRICTS TITLE 15. ARTICLE 1. DISTRICT REGULATIONS

RESIDENTIAL DISTRICTS USE TABLE											
USE CATEGORIES	SPECIFIC USE TYPES	F	AG	RR	R-I	R-I-D	R-2	R-3	PUD	RMH	USE STANDARD
Group living (See §3.1.7.B)	Boarding or rooming houses						P	P			
	Fraternity and sorority homes						S	P			
	Dormitories							P	P		
	Group home I in compliance with administrative occupancy permit requirements related to spacing and licensing in §6.4		P	P	P	P	P	P	P		§3.3.1.P
	Group home I not in compliance with administrative occupancy permit requirements related to spacing and/or licensing in §6.4		S	S	S	S	S	S	S		§3.3.1.P
	Group home II in compliance with administrative occupancy permit requirements related to spacing and licensing in §6.4		S	S	S	S	S	P	S		§3.3.1.P
	Group home II not in compliance with administrative occupancy permit requirements related to spacing and/or licensing in §6.4.		S	S	S	S	S	S	S		§3.3.1.P
	Nursing home		S				S	S	P		
PUBLIC AND CIVIC USES											
Community service (See §3.1.8.A)	Civic clubs or community centers						S	S	P		
	Fire Stations	P	P	S	S	S	S	S	S		
	Home museum				S		S	S			
	Public library and public building					S	S	P			
	Civic, social and fraternal				S						
Day care (See §3.1.8.B)	Day care centers, including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, playgroups, and centers or workshops for mentally or physically handicapped		S	S				S	P		§3.3.1.I
	Day care home I		P	S	S	S	S	S	S		§3.3.1.J
	Day care home II		S	S	S	S	S	S	S		§3.3.1.J
	Day care homes III		S	S			S	S			§3.3.1.J
	Family daycare home		P	P	P	P	P	P	P	P	
Educational facilities (See §3.1.8.C)	Grade and high schools, public or private		P	S	S	S	S	S	P		
Government facilities (See §3.1.8.D)	Government offices		S								§3.3.1.Y
	Township governmental services		S								§3.3.1.Y
Parks and open space (See §3.1.8.F)	Cemeteries	P	P	P							
	Conservation areas	P									
	Golf courses and country clubs		P	P					P		
	Forest preserves	P	P	P							
	Parks and playgrounds	S	P	P	P	P	P	P	P	P	
	Parks and recreational buildings				S	S	S	S	P		
	Swimming clubs		P								
	Woodlands	P	P								
Passenger terminals and services (See §3.1.8.G)	Airports or heliports		S								§3.3.1.O

Exhibit A – Applicant's Brief

Carbondale Elks #1243
220 W Jackson Street
Carbondale IL 62901
November 16, 2016

City of Carbondale
Planning Services Division
200 South Illinois Avenue
Carbondale IL 62902

To Whom It May Concern:

Per our Zoning Text Amendment Application, the following brief is for the Carbondale Elks:

The Carbondale Elks Lodge #1243 is applying for a text amendment to the City Code. This amendment would add the use "Civic, Social and Fraternal" in the R-1 district. Our organization is in negotiations with Southern Illinois Healthcare to purchase 220 W. Jackson Street, our current lodge property. As these negotiations began, we examined numerous properties to find one that could meet our needs and stay within the Carbondale city limits. During the search, the only property we found that met our needs is located at 419 S. Giant City Road. This property has the price, location, adequate parking, land, building potential, and is a one-level structure, which suits our needs in relocation. We ask that the Planning Commission seriously consider this text amendment to allow for the Carbondale Elks to relocate within the city.

We recently reached our 105th anniversary as a fraternal organization. Our organization is one of the many supporters of the Carbondale community through our charitable endeavors. These include, but are not limited to youth activities, veteran organizations, and local charities.

To support these activities and the Lodge, current hours of operation are Monday – Thursday, 4 – 9 pm and Friday, 12 noon – 12 midnight. Weekends we open as needed for scheduled events.

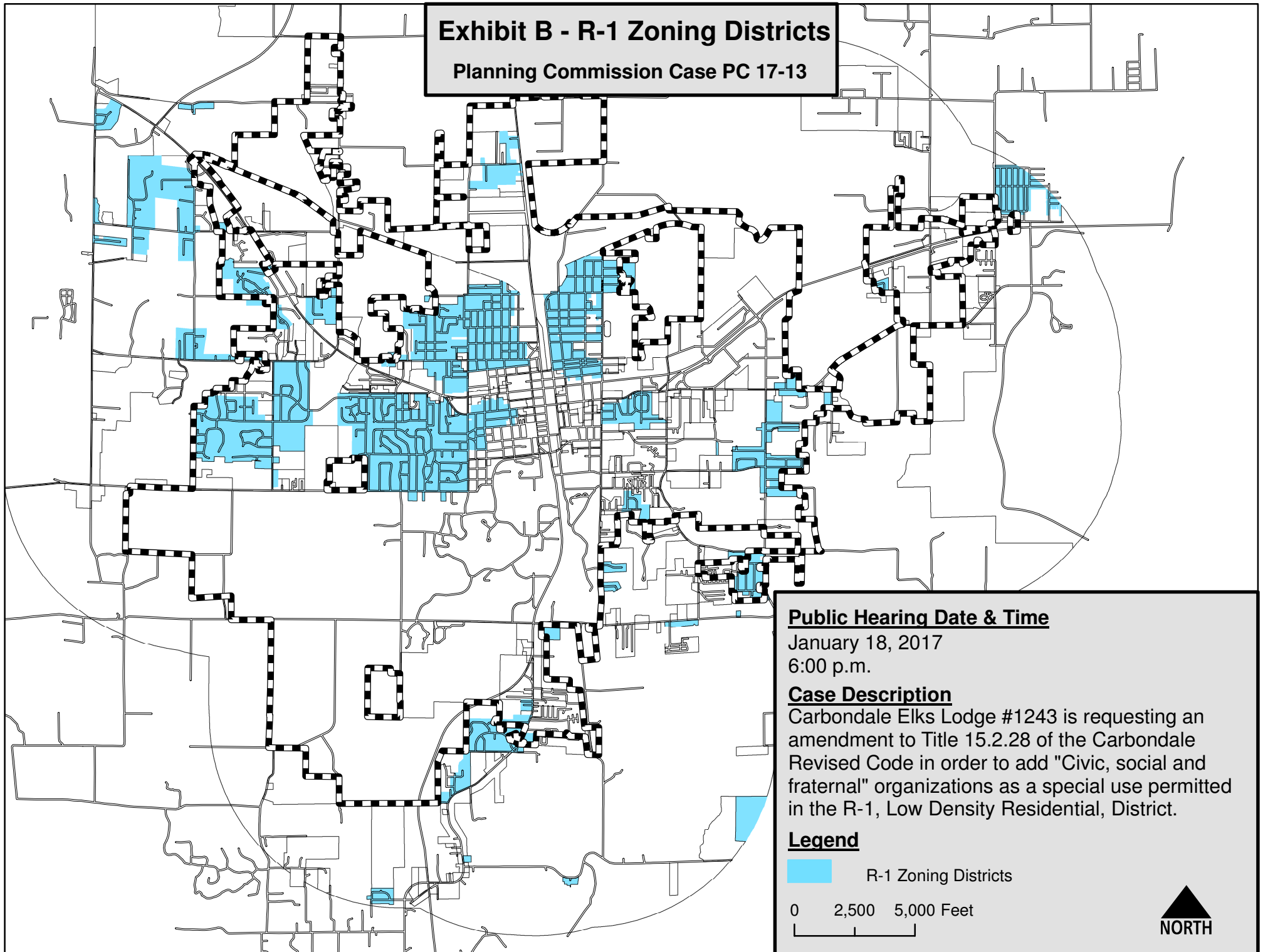
We appreciate your consideration of our zoning text amendment application. Thank you.

Sincerely,

Carbondale Elks Lodge #1243

Exhibit B - R-1 Zoning Districts

Planning Commission Case PC 17-13



Public Hearing Date & Time

January 18, 2017

6:00 p.m.

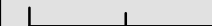
Case Description

Carbondale Elks Lodge #1243 is requesting an amendment to Title 15.2.28 of the Carbondale Revised Code in order to add "Civic, social and fraternal" organizations as a special use permitted in the R-1, Low Density Residential, District.

Legend

 R-1 Zoning Districts

0 2,500 5,000 Feet



§2.28 PERMITTED AND SPECIAL USES, RESIDENTIAL AND RURAL DISTRICTS TITLE 15. ARTICLE 1. DISTRICT REGULATIONS

RESIDENTIAL DISTRICTS USE TABLE											
USE CATEGORIES	SPECIFIC USE TYPES	F	AG	RR	R-I	R-I-D	R-2	R-3	PUD	RMH	USE STANDARD
Group living (See Error! Reference source not found.)	Boarding or rooming houses						P	P			
	Fraternity and sorority homes						S	P			
	Dormitories							P	P		
	Group home I in compliance with administrative occupancy permit requirements related to spacing and licensing in §6.4		P	P	P	P	P	P	P		Error! Reference source not found.
	Group home I not in compliance with administrative occupancy permit requirements related to spacing and/or licensing in §6.4		S	S	S	S	S	S	S		Error! Reference source not found.
	Group home II in compliance with administrative occupancy permit requirements related to spacing and licensing in §6.4		S	S	S	S	S	P	S		Error! Reference source not found.
	Group home II not in compliance with administrative occupancy permit requirements related to spacing and/or licensing in §6.4.		S	S	S	S	S	S	S		Error! Reference source not found.
	Nursing home		S				S	S	P		
PUBLIC AND CIVIC USES											
Community service (See Error! Reference source not found.)	Civic clubs or community centers						S	S	P		
	Fire Stations	P	P	S	S	S	S	S	S		
	Home museum				S		S	S			
	Public library and public building					S	S	P			
	Civic, social and fraternal				S						
Day care (See Error! Reference source not found.)	Day care centers, including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, playgroups, and centers or workshops for mentally or physically handicapped		S	S				S	P		Error! Reference source not found.
	Day care home I		P	S	S	S	S	S	S		Error! Reference source not found.
	Day care home II		S	S	S	S	S	S	S		Error! Reference source not found.
	Day care homes III		S	S			S	S			Error! Reference source not found.
	Family daycare home		P	P	P	P	P	P	P	P	
Educational facilities (See Error! Reference source not found.)	Grade and high schools, public or private		P	S	S	S	S	S	P		
Government facilities (See Error! Reference source not found.)	Government offices		S								§3.3.1.Y
	Township governmental services		S								Error! Reference source not found.
Parks and open space (See Error! Reference source not found.)	Cemeteries	P	P	P							
	Conservation areas	P									
	Golf courses and country clubs		P	P					P		
	Forest preserves	P	P	P							
	Parks and playgrounds	S	P	P	P	P	P	P	P	P	
	Parks and recreational buildings				S	S	S	S	P		
	Swimming clubs		P								
	Woodlands	P	P								

Exhibit A

418 South Giant City Road
Carbondale, IL 62902
December 5, 2016

Carbondale Planning Commission
200 South Illinois Avenue
Carbondale, IL 62901

Re: PC 17-09

Dear Planning Commission Members:

I am writing to oppose the Carbondale Elks Lodge request to rezone the property at 419 South Giant City Road from R-I-15, Low Density Residential, and AG, Agriculture, to PA, Professional Administrative Office. My opposition is both personal and professional. As a personal matter, my wife and I have owned the house and land across from the subject property since 1977-nearly 40 years. Professionally, in my early years working for the City of Carbondale I was employed as a Planner on the City staff. In that capacity, I helped draft the 1974 Zoning Ordinance, prepared staff reports for the Planning Commission cases and worked on other urban planning issues. In subsequent years, I became Community Development Director for the City. In that capacity I supervised the Planning and Code Enforcement activities of the City (among many other operations) and served as Executive Secretary to the Planning Commission. My last 10 years working for the City were as Assistant City Manager. I also have served a term on the City Council, including 15 months as Acting Mayor of Carbondale. During my time on the City Council the current Zoning Ordinance was adopted. Serving on the City Council heightened my awareness of issues facing neighborhoods and the importance of zoning protection for those neighborhoods.

Zoning policy sits in a broader framework established by the City Council. The City Council adopted a Vision 2020 Statement which says in part that the City of Carbondale is "to be recognized as a growing, distinctive, innovative, university community with an attractive city center and residential neighborhoods." The annual City budget has contained various goals and objectives which stress the importance of developing and protecting residential neighborhoods. One specific goal is to "Strengthen and promote neighborhood living." In the City's Comprehensive Plan's section entitled: "A Vision for Carbondale" (page 1.15), the following statement occurs: ". . . strong neighborhoods with active neighborhood associations will provide an ideal setting for all residents . . ." Chapter 4 of the plan, Housing and Neighborhoods, says in part that "Carbondale Residents wish to enjoy quality housing and their impact that well designed neighborhoods can have on the image and attitude of the community." In Focus Area 4.2, "Defending neighborhood integrity in existing neighborhoods," Strategy 1 is to "Protect the integrity of single family neighborhoods in regards to housing and

site conditions.” In the Future Land Use Plan map in the Comprehensive Plan the subject property and north to Walnut Street and south to Lakeland Subdivision is shown as “Estate” on the east side of Giant City Road. On the west side of Giant City Road the map shows the land adjoining the road as “Residential” except land shown as “public and Institutional (High School)”. The subject property and nearly all the adjacent properties and properties across streets are currently zoned R-1-15, Low Density Residential. A very small part of the subject property and an area to the southeast are zoned AG, Agriculture. The requested zoning district is PA, Professional Administrative Office. All of the residential properties in the vicinity of the subject property are single family homes with two exceptions. The property immediately to the north of the subject property had a second structure illegally converted to a dwelling many years ago by a prior property owner. A little further to the north, there is a small mobile home park that predates the City’s zoning of the area. To the northwest of the subject property is the campus of Carbondale Community High School. The zoning districts in the area have remained unchanged since the adoption of the 1974 zoning ordinance. The one change that occurred was some 10 years ago when a Special Use permit was approved for a church to be built on the site which historically contained two single family dwellings. There were several conditions imposed on the churches special use.

As members of the Planning Commission, you are aware of the distinction between a request for a Special Use and a request for a change in zoning district. Most of the general public is not aware of the distinction. In a Special Use, the applicant seeks approval for a specific use; and if the City Council desires, it can impose special conditions beyond those contained in the Zoning Ordinance. In a request for a change in zoning district, the applicant may indicate the purposes for which the applicant wishes to use the property after the property is rezoned. However, once the City Council approves the rezoning, the applicant and subsequent owners are able to use the property for any purpose allowed in the new zoning district. Furthermore, in approving the rezoning, the City Council is prohibited from imposing any conditions on the property as a part of the zoning change. The day after the City Council approves a rezoning, the applicant may suffer a catastrophic event, such as a heart attack for an individual or a bankruptcy for a business. As a result, the property will pass to heirs or other new owners who are free to use the property for any purpose for which it is zoned--not just the applicant’s stated intent in the rezoning application. It is for this reason that it is critical in considering a rezoning application, that there be a careful examination of the differences between how the property is currently zoned and how it will be treated once it is rezoned. Likewise, it is important to consider the impact of the rezoning on other properties.

Based on the above, it is important to carefully examine all of the provisions affecting the property as it is currently zoned and what they will be upon rezoning. In the following paragraphs I will detail the differences as set forth in the zoning ordinance as I read it.

Statements of Intent: The statements of intent for the two zoning districts are very different. For R-1 the statement is as follows: “This district is established *to provide areas for single-unit residential purposes, and to provide maximum protection from the encroachment of other types of uses which are not appropriate to low density residential areas.* Other reasons for the establishment of these districts are: to maintain a quiet atmosphere within the districts, *to discourage incompatible uses within the district. . .*” (Emphasis added.) The statement of intent for the PA district is much different: “This district is created to reserve appropriately located areas for *harmonious intermediate uses to serve as buffers between residential districts and nonresidential districts;* to create a suitable environment for professional and administrative office buildings, specially designed for each purpose and located on sites large enough to provide room for landscaping, open spaces, and off –street parking facilities; *to minimize traffic congestion,* and to avoid the overloading of utilities. (Emphasis added.) The subject property is in a low density residential neighborhood and is to be protected from encroachments from inappropriate uses. The PA district is to be a buffer area between residential districts and nonresidential districts. In fact, the proposed rezoning will not serve as a buffer. Instead, it intrudes commercial uses into the middle of a low density residential neighborhood. As such, it is a classic case of “spot zoning.”

Permitted Principal Uses and Structures: The R-1 district permits single family dwellings (except townhouses and mobile homes), certain group homes, family day care homes, and parks and playgrounds. In contrast, the PA district permits business associations; civic, social and fraternal organizations; community centers; libraries, museums; adult day care; day care centers for children; nursery education or school; a wide range of educational facilities, including primary and secondary schools and colleges; many government facilities; many medical facilities, including hospitals and nursing homes, parks and playgrounds, all religious institutions; welfare and charitable services; many types of offices and financial institutions; bed and breakfast establishments; automobile parking for uses on adjoining parcels; retail sale of apparel and accessories; art galleries; retail sales of medical appliances and supplies; retail sale of optical goods; pharmacies; art, music and photographic studios; beauty and barber services; small animal hospitals with boarding; and research, development and/or testing services. Clearly there is a major difference between the R-1 district and PA district in terms of permitted uses.

Permitted Accessory Uses and Structures: The R-1 district allows accessory structures such as storage sheds and garages. Many more accessory uses are allowed in PA. Of particular interest in this situation is the allowance of restaurants as an accessory to membership clubs and lodges. The current Elks club has a “portable” sign upon which meal specials are advertised. Clearly this is intended to be available to the general public, not just members. The current Elks Lodge location hosts meetings and special events at which meals are served to the public. Thus the ability of the Elks Lodge to operate a restaurant in conjunction with its other activities is important to note.

Special Uses: The special uses in the R-1 district include senior housing development conversion, certain group homes, fire stations, home museums, certain day care homes, parks and recreational buildings, all religious institutions and subordinate uses, wireless communications facilities, certain utility uses, railroads, bed and breakfasts, inns, private access roads or streets, and home occupations. In comparison, the PA district allows the following special uses: single family dwellings, except mobile homes; residential condominiums; two, three, four and multi-unit dwellings; boarding and rooming houses; fraternities and sorority homes; day care homes; fire stations; transient lodging or shelter; wireless communication facilities; certain public utilities; railroads; credit services; inns; and automobile and truck rental services. Once again these uses are generally more intense in the PA zone.

Minimum or Average Lot Area: In R-1 minor variations in the minimum lot area are permitted; however, in R-1-15 the average lot area must be at least 15,000 square feet. In marked contrast, in PA the minimum lot area is only 6,000 square feet. This becomes very important in considering potential future development of the subject property. It is approximately 4 acres or about 174,240 square feet. Without considering the need for internal roadways, it would be possible to divide the subject property into 11 lots with the current R-1-15 zoning. But with PA zoning, it would be possible to divide the site into 29 lots. In both instances, it would then be possible to construct a principal structure on each of the lots. This lot area provision is important. The current church and parking lot occupy only a relatively small portion of the four-acre parcel. It would be possible to subdivide the property to create many more lots which could be developed for PA purposes.

Minimum Lot Width: In the R-1-15 district, the minimum lot width is 85 feet. In PA the minimum lot width is only 50 feet. Based on the current location of the church on the lot, it would be possible to create three more lots facing Giant City Road if the property were zoned PA. If the existing building were torn down, it would be possible to create six lots facing Giant City Road under PA zoning, with additional lots behind those lots.

Minimum Front Yard Depth: In R-1-15 the minimum is 30 feet or 20% of the lot depth, whichever is less. In PA, the minimum front yard depth is only 10 feet. This would allow structures to be much closer to the road. In examining the neighborhood, it appears that all the structures have at least a 30 foot front yard depth with several having much more than that. Allowing buildings to have a 10 foot front yard depth would be totally out of character with the character of the neighborhood.

Minimum Rear Yard Depth: In R-1-15 the minimum rear yard depth is 15 feet for principal structures. In PA the minimum rear yard depth is none for structures up to 3 stories and two feet for each story over three stories unless the property abuts a residential district and is not separated from the residential district by a street or alley, in which cases the depth is the same

as the abutting residential zone. There is a considerable disparity between the two zoning districts' requirements for minimum rear yard depth.

Minimum Side Yard Width: In R-1 districts the minimum side yard is 10 percent of the lot width, but not less than five feet or more than 15 feet. In PA the side yards are calculated the same as described above for minimum rear yard depth. Thus if the subject property were divided, it is possible that buildings could be constructed with zero side yards.

Maximum Height: In R-1 districts the maximum building height is 35 feet. In PA the maximum is 125 feet. This is a huge difference. In PA it is possible to build a 125 foot tall building with only a 10 foot front yard setback. That is in marked contrast with the existing R-1-15 zoning of the subject property and those around it where the maximum height would be 35 feet and a front yard of typically 30 feet or more.

Maximum Occupancy: The R-1 district restricts occupancy in a single-unit dwelling to "one family plus one person not related to the family." In the PA district, residential uses are "Special Uses" and presumably residential occupancy levels would be established as part of the special use process. For multi-family housing, that would more likely be the same as allowed in the R-3 multi-unit districts.

Parking: In R-1 zones, parking for uses requiring four or fewer spaces is restricted in width to 24 feet at the Right-of-Way line. Driveways and parking areas can occupy no more than 40 percent of the front yard. Thus for typical single family housing areas, parking in front yard areas is quite restrictive. In contrast in areas zoned PA parking is determined as in any commercial zoning district. That means that large parking lots are permitted without restriction in front yards. For those Special Uses allowed in R-1, conditions of approval can restrict the location of the parking. That is what happened when the church located on the subject property had its Special Use Permit approved. The church was required to locate the parking in the rear yard area. If the property is zoned to PA there will be no restriction on placing parking in the front yard for new developments or for expanded parking for the existing use. This is inconsistent with the existing zoning on the subject property and properties adjoining it. Currently access to the church is restricted to a single previously existing private road on the south edge of the property. If the property were to be subdivided, it would be possible for each parcel facing Giant City Road to have its own curb cut onto Giant City Road.

Lighting and Lighting Glare from Vehicles: In R-1 areas, parking lot lighting is restricted to 15 foot mounting height. Areas zoned PA are allowed to have lights up to 30 foot mounting height unless they are within 100 feet of property zoned R-1 or R-2, in which case the 15 foot limit applies. If the subject property were subdivided, it is possible that some parcels could be created that would be more than 100 feet from property zoned R-1. When the current church was built, it was allowed to have parking lighting more than 15 feet high by virtue of a variance

that permitted the higher mounting height if the lights were of a specific type that prevented light from leaving the parking lot and if the parking was behind the church. When the church building was constructed, it had lights mounted on its side that shined onto adjoining properties. At the time that was not specifically prohibited. (For some reason, those lights have not been in use in recent years.) The current zoning ordinance does seem to have provisions that would restrict site lighting from shining onto nearby properties. The current zoning ordinance does have a requirement that requires screening of vehicle lights to curtail direct illumination of residential areas located within 300 feet of the parking area. However, this provision does not apply to the portion of a site bounded by and parallel to a street. Thus if the property is zoned PA and it has parking in the front yard, no screening will be required to prevent vehicle lights from illuminating properties across the street from the parking lot.

Landscaping and Buffer Yards: Parking lots are required to provide landscaping. If a parking lot is adjacent to a collector or arterial street (as is Giant City Road), a 7 foot landscaped buffer is required between the parking lot and Right-of-Way. The buffer has to be seeded and sodded and include at least one tree each 15 linear feet. The type of trees planted do not have to provide a barrier impervious to light shining onto other properties. Typically, trees have their lower limbs removed to facilitate landscape maintenance. As a result, they do not necessarily screen vehicle lights from shining on properties across the street. The Zoning Ordinance does require a Type B buffer yard where a PA use abuts an R-1 district. The Type B buffer must be at least 15 feet wide and provide a visual screen five feet high consisting of evergreen plantings, fences, walls or a combination thereof. This is helpful for properties immediately adjacent to a site. However, there is a specific provision which exempts the buffer yard from being required when the location to be buffered is separated by a public street of at least 50 feet of Right-of-Way width from the development. Thus if the subject property is zoned PA no buffer yard will be required along Giant City Road to buffer any new parking lot from properties across the street.

Signs: The Zoning Ordinance's sign regulations treat PA the same as R-1. But there are distinctions among uses, and many fewer land uses are permitted in the R-1 zone. For example signs for 1-, 2-, 3-, and 4-unit dwellings and for home occupations shall not be illuminated. Otherwise signs may be illuminated, but not in a manner that adversely affects surrounding or facing premises. Permanent free standing signs are not permitted for one through four unit dwellings or home occupations. Other uses may have freestanding signs. The existing church has a freestanding sign that is 8 feet tall. Freestanding signs may be up to 12 feet tall. One-through four-unit dwellings may have may have a maximum of one square foot of sign area per dwelling. Schools, government buildings, churches, public auditoriums multi-unit dwellings cannot exceed 50 square feet in sign area. All other uses are limited to one square foot of building frontage not to exceed 150 square feet. No animated signs are allowed. Only one freestanding sign is allowed unless the site exceeds 300 feet in width, in which case a second sign is permitted. (Note, the subject property may be more than 300 feet wide.) There is no

limit on the number of architectural signs, as long as the total sign area for the site is not exceeded. Various special and temporary signs and banners are allowed as limited by the Zoning Ordinance. The freestanding sign on the subject property is 35 square feet. There are no architectural signs. Under the provisions of the Zoning Ordinance, the site is allowed approximately 75 square feet of sign area based on the building's frontage.

Liquor and Gaming: Although not specifically addressed in the Zoning Ordinance, the sale of alcohol in organizations such as the Elks Lodge has been allowed as an accessory use as long as a liquor license was issued. The Elks Lodge has a Class E liquor license. If the Elks Lodge moves to the subject property, it will require approval from the Carbondale Local Liquor Control Commission (the same persons as compose the City Council) to transfer the license to the new location. The Elks Lodge also has Video Gaming terminals. Presumably, the Elks Lodge would want to move those terminals to the subject property. Video Gaming is only allowed on premises with a liquor license. It is important to note that rezoning the subject property to PA and allowing the Elks Lodge to move to the site could introduce liquor sales and video gaming into the middle of a residential neighborhood.

Traffic and Accidents: Giant City Road is very busy at this location with approximately 12,000 vehicles per day. The street is particularly busy during morning rush hour, around the noon-hour, at mid-afternoon when Carbondale Community High School classes let out, during evening rush hours, and at times of large special events at SIUC (such as football and basketball games). The street is prone to many accidents. Part of this is due to traffic backing up from the traffic signal at Grand Avenue, especially after CCHS lets out. But a large part of the accidents are due to left turn movements. The speed limit is 40 miles per hour, which I think is too high. There is no left turn lane in either direction in front of the subject property. When vehicles are trying to make left turns off of Giant City Road near the subject property, it often causes traffic to back up while the driver wanting to turn waits for a safe chance to turn. This often results in traffic backing up for several hundred feet. Unfortunately, during these backups, rear end accidents occur. The church use of the property did not aggravate the traffic or accident problem. Most of the church use was on Sunday morning when traffic on the street is very low. There were Wednesday evening services, but they were after rush hour. There were other occasional uses, but they were not at high traffic volume times. The Elks Lodge is currently open from 4:00 p.m. until 9:00 p.m. on Monday through Thursday, noon to midnight on Friday, and for special occasions on weekends. Please note that some of these times correspond with peak traffic times on Giant City Road. Furthermore, the business hours could be extended if business at the Lodge increases.

Summary and Conclusions: This rezoning request is not just to allow the Elks Lodge to move to a new location on Giant City Road. It is a request to rezone for commercial purposes a four-acre tract of land in the midst of an area zoned for low density residential purposes. The applicant's brief tells of wonderful things the Elks Lodge has done to support community organizations, but

it gives not a single reason as to why the subject property should be rezoned from R-1-15 to PA. The rezoning request is not consistent with the City Council's recently adopted 2020 Vision Statement nor with the previously adopted goal to "Strengthen and promote neighborhood living." It is not consistent with the Comprehensive Plan which calls for the "protection of neighborhood integrity." The request is not consistent with the intent of the PA statement of intent which calls for the property to be a buffer between residential and nonresidential uses. It is also not consistent with the R-1 statement of intent which calls for "maximum protection from encroachment of other types of uses." Permitted and Special uses in the R-1 and PA districts are very different, with PA allowing much more intensive uses. Of note is that the Elks Lodge may operate a restaurant as an accessory use.

The subject property is a four acre tract of land which is occupied only in small part by the church and its parking lot. There is nothing to stop the land from being subdivided in the future. As noted above the site could be divided into many different parcels, each of which could have its own structures, parking lots, access driveways, signs, etc. The PA district allows smaller lot sizes; shallower front, side and rear yard depths; and much taller buildings. Occupancy in dwellings in PA need not be restricted to one family plus one person not related to the family. There will be no restriction on placing parking in the front yard if the property is zoned PA. The buffer yard requirements do not apply along parts of the site adjacent to streets. There is no requirement for a screen to prevent vehicle lights in the parking lot from illuminating properties across a street. The mounting height for parking lot lights could be as high as 30 feet depending on the location of the parking within the site in contrast to the 15 foot limit in the R-1 district. The Elks Lodge could increase the height of the freestanding sign on the property from 8 feet to 12 feet and increase sign area from the present 35 square feet to 75 square feet. But if the land is subdivided and additional lots created, each lot could have its own signage. Giant City Road is a high-traffic street. The absence of dedicated turn lanes causes congestion and accidents, especially during peak traffic times. And, although not specifically addressed in the zoning ordinance, allowing the Elks Lodge to locate at the subject property could permit the introduction of alcohol sales and video gaming into a low-density residential neighborhood.

Rezoning is not just to allow the applicant to do what the applicants wants to do now. It "permanently" changes the zoning of the property. There is substantial case law to show that "down zoning" property from commercial to residential zoning is very difficult to do. In this case the applicant wants to place a fraternal lodge on the site. But in reality, once the rezoning is approved, the applicant and/or any subsequent owner can use the property for any permitted use in the district and apply for approval of any of the special uses.

Change of ownership after the property is rezoned must be seriously considered. Not too many years ago when I was a member of the City Council, I was invited to the Elks Club to listen to a presentation on video gaming. The message from the Elks Lodge was very specific. They needed the income from video gaming to stay open and they wanted the City Council to allow video

gaming in Carbondale. In the discussion, there was mention of declining membership as one of the reasons for needing an additional income stream from video gaming. The City Council authorized video gaming in the city; but in subsequent years has decided it went too far, and recently voted to impose a limit on the number of video gaming terminals in the city and to impose more stringent location requirements. I would not have voted to allow the placement of video gaming in low-density residential areas. Membership in fraternal organizations is down across the country. There is no assurance that the Elks Lodge in Carbondale will remain viable in future years. It would be unfortunate if the City approved the zoning change for the Elks Lodge use, only to see it close in future years and the property then be converted to other uses.

The Elks Lodge is a meeting place for members and guests. It has a bar and a commercial kitchen to serve the members and guests. Not only do the Elks have meetings there, but other groups do also and special events are held at the location. Often at these meetings and events, the bar is open and meals are served that have been prepared in the building. Based on the advertising outside the building, it appears that the facility operates as a restaurant for at least some of the time it is open. The existing church on the property proposed to be rezoned does not have a commercial kitchen. If the Elks are going to continue their current practice of serving meals as a restaurant and for meetings of organizations and for special community events, they are most likely going to have to modify the church building or add additional space which would contain the kitchen, all at considerable cost. It appears that the restaurant use and providing a meeting space and meals to organizations and for special events is an additional source of income which the Elks Lodge needs to stay open and would not want to give up if it moves to the subject property.

Based on all of the above, I urge the Planning Commission to deny the request from the Elks Lodge to rezone the property located at 419 South Giant City Road from R-1-15 to PA. There are others in our neighborhood who oppose the rezoning request. The length of this letter is unfortunate, but there are many details that affect a rezoning request that need to be fully detailed and discussed. I will appreciate your consideration of my request, and I thank you for the time you devoted to reading this letter. I ask each of you to consider if you would vote to approve placing a PA zone with all its attendant uses and circumstances across the street from your home or in the middle of your neighborhood.

Sincerely,

Donald D. Monty

M-E-M-O-R-A-N-D-U-M

TO: City of Carbondale Planning Commission
FROM: Travis Taylor, Senior Planner
RE: Accessory Dwelling Units
DATE January 11, 2017

In 2017, Carbondale Planning staff researched and initiated a text amendment related to allowing Vacation Rental Units within Carbondale's zoning jurisdiction, the result of which should be approved by City Council later this year. Throughout staff's research of best practices and discussions with City staff, residents, and City Council, it became clear that there was some interest in exploring Accessory Dwelling Units as an allowed land use the City's residential zoning districts. Currently, Accessory Dwelling Units are only allowed in higher density residential and commercial districts. This text amendment to Title 15 would allow residents to convert and possibly construct accessory structures with the intent of making them habitable dwelling units.

Staff is asking the Carbondale Planning Commission to officially initiate a text amendment relative to Accessory Dwelling Units. This will allow City Planning staff to fully research and explore the topic and present to the Planning Commission a proposed text amendment and recommendation on how the City may begin allowing this land use.

Exhibit B

Statement in Opposition to Special Use for Car Wash and Mini-warehouse

Submitted by Donald Monty, 418 South Giant City Road, Carbondale, Illinois

I am opposed to the applicants request for a Special Use for a carwash and mini-warehouse operation at 101 South Giant City Road (PC case 17-10).

The property was formerly occupied by at least two houses and a welding shop and an outdoor storage area for assorted metal materials. The property developed into those uses outside the city and before the City of Carbondale exercised zoning authority on it. At the time the former owner bought the property, it was at the intersection of Giant City Road and Illinois Route 13. When the 1974 Zoning Ordinance was being developed, staff recommended residential zoning for the property. However, the owner convinced the Zoning Commission and City Council to zone it to Secondary Business, SB, because he had bought it as an investment for his retirement income. The former owner and his wife have been deceased for many years, and their heirs have cleaned up the property. For over 40 years the possibility of commercial use of the property has existed. At issue now is whether the requested Special Use is appropriate for the site.

Staff has responded affirmatively to the seven areas where the Planning Commission must make findings of fact. I disagree with some of those findings as follows:

The proposed use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood. The neighborhood has to be looked at broadly. Yes, there is commercial use northwest of the site and some land directly across Walnut Street is zoned for commercial use. But directly across Walnut Street and to the northeast are single unit dwellings. Similarly south of the subject property there are single unit dwellings. But importantly, across Giant City Road from the subject property is the Carbondale Community High School campus. It is my opinion that the proposed special uses are not in harmony with the type of character we want across the street from the high school, which is intended to be one of the bright spots in the community. The high school was designed to be aesthetically pleasing. A car was and storage units will not be compatible aesthetically.

The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood. The staff report specifically states “that the appearance, light spillage and sound of the car wash and storage facility may impede the enjoyment of the residential property in the immediate vicinity.” Staff says that will be mitigated by a Type B buffer yard. However, it is important to note that no buffer yard is

required along Giant City Road or Walnut Street. This leaves the home on the north side of Walnut Street particularly vulnerable to the light spillage and noises from the car wash. Remember, the part of the car wash closest to Walnut Street has the noisy automated car wash machines.

Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. A significant watercourse passes through the property. At Giant City Road two reinforced concrete pipes of at least 40 inches in diameter carry the storm water under the road. The developer will not only have to provide for this water, but also water generated on the site, which will be nearly all paved. The applicants site layout drawing indicates there will be a storm sewer installed in the drainage way. Staff says that "storm water drainage and detention areas will be evaluated and considered during the site plan approval process." But the planning commission is being asked to affirmatively state that in fact the facilities "have been or will be provided." Without seeing the detailed site drawings, you cannot make that factual statement.

Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The access point on Giant City Road is right where the northbound traffic divides into three lanes only a short distance north of the intersection from Walnut Street. Often during the day, traffic backs up past this point from Walnut Street when the traffic signal turn red. Any vehicle wanting to turn left into the subject property is essentially having to cross three lanes worth of traffic. This is going to cause traffic headed southbound to back up into the Walnut Street intersection. The only way to avoid this is to impose a condition that no access will be allowed from southbound traffic, and the only way to guarantee this is to erect a barrier in the middle of Giant City Road. The drawing provided by the applicant does not seem to indicate that no access from Giant City Road will be prohibited. Furthermore, in the literature provide by the applicant, mention is made of the Cook Crates being moved by a truck towing a 30-foot trailer. That assures that there will be long vehicles turning into the facility, often crossing busy traffic lanes. Once again, staff assures the Planning Commission that this will be addressed in the full site plan. But again, the Planning Commission is being asked to state as a matter of fact that "measures have been or will be taken to provide ingress and egress on so designed as to minimize traffic congestion in the public streets." Until the Planning Commission sees the actual design, the Commission cannot make that statement of fact.

I have serious reservations about characterizing part of the special use as "mini-warehouses." In essence you are talking about a large collection of storage sheds which will not be anchored to the ground. They will not be taxed as real estate. The applicant states that the site will be used to distribute the Cook Crates for use elsewhere. That is not what one expects in a "mini-warehouse operation. Also, I have serious concerns about the potential for strong winds or tornados to scatter the Cook Crates around the neighborhood.

It is normal City practice to require developments to install sidewalks on adjoining public Rights-of-Way where no sidewalks exist. Currently there is a section of sidewalk across about one-quarter of the Walnut Street frontage. There is no sidewalk along the east side of Giant City Road. I see many pedestrians trying to walk on the grass on the east side of Giant City Road. The applicants plan does not show sidewalk construction. If the development is approved, a condition of the approval must be installation of the sidewalks. When Giant City Road was widened several years ago, it used up most of the Right-of-Way (ROW). There may not be sufficient ROW available to build sidewalks with an appropriate setback from the curb. In this case, as a condition of approving the special use, the applicant must also be required to dedicate to the City the necessary ROW.

Staff recommends that slats be installed in the fence around the mini-warehouses and that trees be planted in a buffer yard along the fence. Deciduous trees do not provide an adequate buffer. In addition to requiring trees, the applicant must be required to install and maintain bushes and shrubs that will provide a further landscape buffer. Where the carwash driving area adjoins the Giant City Road ROW, no landscaping or buffering of any kind is shown on the preliminary layout plan. Nor is any landscaping shown along Walnut Street. If the development is approved, providing landscaping, including trees, must be required.

The requested Special Uses do not meet all seven of the items required to be found in the affirmative. For the reasons enumerated above, it must be denied. But if the Planning Commission decides that it desires to recommend approval, then the conditions for sidewalks, landscaping and buffering must be included as part of the recommendation to City Council.