



## MINUTES

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

Dr. LeBeau called the meeting to order at 6:03 p.m.

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

**Members Absent:** None

**Staff Present:** Price, Taylor, and Lawrence

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### **1. Approval of Minutes:**

Ms. Litecky moved, seconded by Mr. Hamilton, to approve the minutes for December 7, 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 17-11, 6:06 pm-** 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.

Dr. LeBeau declared Public Hearing PC 17-11 open and asked Mr. Taylor to read the legal notice.

Travis Taylor, Senior Planner, read the legal notice.

Mr. Taylor also stated that staff had received nine phone calls in opposition and one

letter, which contained a signed petition, which Mr. Taylor then read into the record. See attached letter as Exhibit A.

Dr. LeBeau asked Mr. Price to present the staff report.

Mark Price, Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Dr. LeBeau asked if there were any questions of staff.

Mr. Sheffer questioned that if the property were just south of its current location would the City have any control on the property at all. Mr. Taylor stated that the property is located right on the edge of Carbondale jurisdiction. Mr. Sheffer and Mr. Price then discussed that part of the property is located outside of City jurisdiction.

Dr. LeBeau asked if the applicant was present and if they wished to speak.

Kevin Wheatley and his Attorney Angela Povolish came forward to speak. Ms. Povolish spoke about the property. She stated that it was purchased by Mr. Wheatley and that he had been making improvements to it since the time of purchase. Ms. Povolish stated that Mr. Wheatley is currently working on clearing out the remaining debris that is located on the site which was left by the previous owners. Ms. Povolish also stated that Mr. and Mrs. Wheatley plan to build a home on the property and make it their permanent residence within the next couple of years. They are not residing on the site in the mobile home that is currently located on the property. Ms. Povolish also stated that the type of trucks that would be stored on that site would not be as the staff report alluded to, the trucks consist of one semi, one dump truck, with the remaining being pickup style trucks. Ms. Povolish went on to speak about some of the concerns that were stated in the letter presented by Mr. Taylor.

Dr. LeBeau asked if there were any questions from the Commissioners to the applicant.

Ms. Litecky questioned Mr. Wheatley about the growing of the business and what types of new trucks he wishes to get within the next five years. Mr. Wheatley stated that if he were to add anymore trucks it's possible that he might add one more semi and one more dump truck. He stated he is not looking to grow his company a great deal more than it already has.

Mr. Sheffer then stated to Mr. Wheatley that if the special use permit were to be granted, the Planning Commission would be able to place any type of limitation on it they see fit. Mr. Wheatley stated that he was aware of that possibility. Mr. Sheffer also asked Mr. Wheatley how long he has currently been operating at the location on Pleasant Hill Road without the proper permits in place. Mr. Wheatley stated that the building has been there since fall of 2015.

Dr. LeBeau asked if anyone wished to speak in favor.

James Temple of 5067 West Pleasant Hill Road, came forward to speak in favor. Mr. Temple stated that Mr. Wheatley's trucks did not cause any of the damage to Pleasant Hill Road like the letter stated and the damage was caused by trucks going back and forth from Campus Lake. Mr. Temple also stated that Mr. Wheatley has made many improvements to the property since he bought it and Mr. Wheatley wants to bring improvements to the community and the property. Mr. Temple also stated that there really is not any safety concern with the driveway on the property because any vehicle leaving can see for over a half a mile down the road and can see oncoming traffic.

Dr. LeBeau asked if anyone wished to speak in opposition.

Greg Rose of 272 Clark Road, came forward to speak in opposition. He stated that Mr. Wheatley's business would not be in harmony with the neighborhood around his property. Mr. Rose also spoke about the safety with the traffic on Pleasant Hill Road and the issues that large trucks can cause on such a narrow road. Mr. Rose also spoke about the noise that comes from the property.

Wayne Kessinger of 1644 Country Club Road, came forward and spoke about the current mess that is on Mr. Wheatley's property and also spoke about the traffic dangers on Pleasant Hill Road. Mr. Kessinger also stated that he is concerned with the increase in noise the business will cause.

Richard Borts of 2723 Country Club Road, came forward to voice his concerns about the traffic issues on both Pleasant Hill Road and Country Club Road and how having big trucks driving it on a daily basis would be a danger to not only other vehicles but also the bicyclist and runners on that road.

Kathleen Frye of 272 Clark Road, voiced her concerns about the traffic problems and she also spoke about the waste from the excavating business. Ms. Frye also voiced concerns about the possibility of a drop in property values around the business.

Michelle Sullivan of 113 Clark Road, came forward to ask the Commission what a special use permit means for the property in the future. Mr. Taylor stated that if the applicant is granted the special use permit it would be valid until the business is no longer in operation. Mr. Taylor also stated that the special use permit would be null and void after six months and the special use permit does not open up possible changes for properties nearby, only for Mr. Wheatley's property. Ms. Sullivan also spoke about her community and not wanting her tight knit community to change with a business coming into it.

Jack Long of 207 Clark Road, came forward to speak about the land that is surrounding Mr. Wheatley's property and what had been located on the land before Mr. Wheatley purchased it.

Katelyn Wittenborn of 220 McLafferty, came forward to speak about her land that is located next to Mr. Wheatley's business where her livestock is located. Ms. Wittenborn spoke about the issues with having such loud trucks and machines next to her livestock and scaring them. Ms. Wittenborn also spoke about her concerns with the safety of the road.

Phillip Linburg of 2421 Country Club Road, came forward to speak about the issues with the road and the fact that there is going to be issues with the road no matter what is located on Pleasant Hill. Mr. Linburg also spoke about the improvements that Mr. Wheatley is making to the property and that he can see positive changes being done. Mr. Linburg also brought up the dangers that take place on Pleasant Hill Road that have nothing to do with Mr. Wheatley's trucks.

Dwight Sanders of 1800 Country Club Road, came forward to reiterate the concerns about having a business in a rural neighborhood and how many of the neighbors around Mr. Wheatley are very much against this change.

Teresa Kessinger of 1644 Country Club Road, came forward to voice concerns about the possibility of an expansion of business if the special use permit is granted and how that would impact her rural community. Ms. Kessinger also reiterated the concerns of safety and the depreciation in value to surrounding properties with having a commercial business nearby.

Wayne McCray of 1762 Country Club Road, came forward with concerns about the fact that Mr. Wheatley built his business on the land without the proper permits in the first place.

Dr. LeBeau asked Mr. Price to read the analysis.

Mr. Price read Parts C and D of the staff report with a recommendation to approve PC 17-11.

Dr. LeBeau asked if the Commissioners had questions for staff.

Mr. Sheffer asked if there were any known weight limits on Pleasant Hill Road. Both Mr. Taylor and Mr. Price stated that they were not aware of any posting on the road. Mr. Sheffer also asked again if the property were located just a half a mile south of its location would the City be able to place any restrictions. Mr. Taylor stated that it would be outside the jurisdiction and therefore no limitations could be placed.

Dr. Burnside stated the fact that this property was zoned as AG, then any sort of agriculture could be placed on that land, including tractors and other farming equipment. Mr. Price stated that would be allowed with the current type of zoning for the property.

Dr. LeBeau asked if there were any questions from anyone to anyone.

Kathleen Frye came forward to ask again if it is an excavating business where will any waste that has been excavated be dumped. Mr. Wheatley stated that all of the waste that his business has on projects either goes to the landfill or to a hazmat landfill and all of the equipment is cleaned before it is taken off of a hazardous site. Mr. Wheatley stated that nothing will be dumped on this property. Mr. Wheatley also stated that there is another contracting company a few miles to the south of his property that has many more large trucks and equipment that use Pleasant Hill Road daily.

Ms. Frye also questioned if the applicant could put up more buildings than just the current pole barn. Mr. Taylor stated that unless conditions are put in place with the special use permit, the applicant would be able to expand the business and the amount of buildings on the property. Ms. Frye also questioned Mr. Taylor on the process of the applicant requesting a special use permit and the time frame involved. Mr. Taylor explained the normal procedures in planning cases and the timelines involved.

Robert Borts came forward to speak about the weight limit signs that were once posted on Pleasant Hill Road for the winter months. Mr. Borts wanted to know who would be to enforce those limits and why it's not being policed.

Ms. Litecky asked Mr. Wheatley if his semi-truck and trailer were wide load. Mr. Wheatley stated that the truck is not wide load but the excavating machine that is used is considered wide load so he must have a permit and banner stated oversized load.

Dr. M Stalls came forward to ask the Commission if there were any plans to make any safety improvements to Pleasant Hill Road and any of the other dangerous roads located in Carbondale. Ms. Litecky and Dr. Stalls then had a discussion about road jurisdictions and who make improvements to certain roads.

Greg Rose came forward to ask the Commission how they actually make their decisions during Planning Commission cases, do they base most of their decision on the City Planner's recommendation or do they look at the community's views and opinions when making a final decision. Ms. Litecky stated that she in fact does look at and consider everything when making her final decision on any case.

Dr. LeBeau declared PC 17-11 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A and B of the staff report for PC 17-11, the applicant was present, one person spoke in favor, ten people spoke in opposition, and a signed petition was submitted in opposition, seconded by Ms. Litecky.

The motion was passed with a unanimous voice vote.

Mr. Sheffer moved to consider all seven criteria of Part C as one, seconded by Mr. Love.

Roll Call Vote:

Yes – 2 (Sheffer, Love)

No – 5 (LeBeau, Hamilton, Burnside, Lilly, Litecky)

Ms. Litecky moved to consider all seven criteria of Part C as separately, seconded by Dr. Hamilton.

Roll Call Vote:

Yes – 4 (LeBeau, Hamilton, Burnside, Litecky)

No – 3 (Sheffer, Love, Lilly)

Mr. Sheffer moved that 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, seconded by Mr. Love.

Roll Call Vote:

Yes – 3 (Sheffer, Burnside, Love)

No – 4 (LeBeau, Hamilton, Lilly, Litecky)

Mr. Sheffer moved that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare, seconded by Mr. Burnside.

Roll Call Vote:

Yes – 3 (Sheffer, Burnside, Love)

No – 4 (LeBeau, Hamilton, Lilly, Litecky)

Mr. Sheffer moved that 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, seconded by Mr. Love.

Roll Call Vote:

Yes – 5 (LeBeau, Sheffer, Burnside, Lilly, Love)

No – 2 (Hamilton, Litecky)

Mr. Sheffer moved that 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, seconded by Mr. Love.

Roll Call Vote:

Yes – 5 (Sheffer, Hamilton, Burnside, Love, Lilly)

No – 2 (LeBeau, Litecky)

Mr. Sheffer moved that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided, seconded by Mr. Love.

Roll Call Vote:

Yes – 3 (Sheffer, Love, Lilly)

No – 4 (LeBeau, Hamilton, Burnside, Litecky)

Mr. Sheffer moved that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, seconded by Mr. Love.

Roll Call Vote:

Yes – 5 (Sheffer, Hamilton, Burnside, Love, Lilly)

No – 2 (LeBeau, Litecky)

Mr. Sheffer moved that 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, seconded by Mr. Love.

Roll Call Vote:

Yes – 5 (Sheffer, Hamilton, Burnside, Love, Lilly)

No – 2 (LeBeau, Litecky)

Mr. Sheffer moved to accept City Planning staff's recommendation to approve PC 17-11 with a condition that they be limited to no more than two semis, that no business signage can be displayed onsite, that the full property be annexed into the City, and that a development plan be presented by the owner, seconded by Ms. Litecky.

Roll Call Vote:

Yes – 6 (Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)  
No – 1 (LeBeau)

Mr. Taylor stated that the motion to recommend approval has passed and that the item would be on the City Council agenda at their meeting on February 14, 2017.

**PC 17-12, 8:10 pm-** NLB Investments, 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.

Dr. LeBeau declared Public Hearing PC 17-12 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor read the legal notice.

Mr. Taylor also stated that staff had received one email asking some general questions.

Dr. LeBeau 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.

Dr. LeBeau asked if there were any questions of staff.

There were none.

Dr. LeBeau asked if the applicant was present and if they wished to speak.

Chris Presswood and Nancy Burkfield came forward and gave the Commission information about the Finish Line carwash business and their plans for the Carbondale location.

Dr. LeBeau asked if there were any questions from the Commissioners to the applicant.

Ms. Litecky stated to the applicant and to the Commission that this would be the third car wash located on Giant City Road within three blocks of each other. Mr. Presswood stated that they were aware of that situation but they were offering a different type and quality of services compared to the other car washes.

Dr. LeBeau asked how many employees they would plan to hire. Mr. Presswood stated that they currently staff fourteen to sixteen employees at each of their locations, which include four management positions, a maintenance position, and the rest are split between full-time and part-time positions. Dr. LeBeau asked if they would come from the local labor pool. Mr. Presswood stated that they definitely would and he spoke about the company benefits that are offered to their staff. Mr. Presswood also went on to speak about all of the services that are offered at their locations.

Dr. Hamilton asked what the noise levels might be like. Mr. Presswood stated that their blowers have sound dampeners on them to reduce sound levels and that the bays have doors that open and close to reduce noise. Mr. Presswood also explained the benefits of using their facilities and the amounts of water that are saved versus other options and their benefits to the environment. Dr. Hamilton also asked how the wax and other chemicals are treated prior to exiting the site. Mr. Presswood stated that the water exiting the site would need to meet code and would have backflow preventers and other prevention measures to prevent pollution of the environment.

Dr. LeBeau asked if anyone wished to speak in favor.

There was no one.

Dr. LeBeau asked if anyone wished to speak in opposition.

There was no one.

Dr. LeBeau asked Mr. Taylor to read the analysis.

Mr. Taylor read Parts C and D of the staff report with a recommendation to approve PC 17-12.

Dr. LeBeau asked if the Commissioners had questions for staff.

Mr. Sheffer asked what the accessibility from one business to another would be in this location. Mr. Taylor stated that this property would open access to the southern property located adjacent to the property. Mr. Sheffer and Mr. Taylor then had a discussion regarding the entrance and exit to the subject property.

Ms. Litecky then asked Ms. Bradshaw if the Special Use Permit for the car wash proposed with Mr. Cook's previous PC case was passed by the City Council. Ms. Bradshaw confirmed that it was approved.

Sarah Heyer of 1442 E. Gary Drive, asked what the property taxes for the property were currently and what they will be once developed. Dr. Hamilton answered that the 1.44 acre parcel was taxed \$7,664.30, undeveloped. The applicant then stated that while they had not calculated the future taxes for this particular property, their tax bill for a similar development in the City of Marion will be around \$100,000, but it is their understanding that they will be located in the Jackson County Enterprise Zone and that may affect their taxes.

Dr. LeBeau declared PC 17-12 closed and asked for a motion on the findings of fact.

Ms. Litecky moved that the Commission accept as findings of fact Part A and B of the staff report for PC 17-12, the applicant was present and no one spoke in favor or in opposition, seconded by Ms. Lilly.

The motion was passed with a unanimous voice vote.

Mr. Love moved to consider all seven criteria of Part C as one, seconded by Ms. Litecky.

Roll Call Vote:

Yes – 7 (LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No – 0

Mr. Love moved that the applicant has met all seven criteria required for granting a Special Use Permit, seconded by Dr. Burnside.

Roll Call Vote:

Yes – 7 (LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No – 0

Mr. Love moved to accept City Planning staff's recommendation to approve PC 17-12, seconded by Ms. Lilly.

Roll Call Vote:

Yes – 7 (LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No – 0

Mr. Taylor stated that the motion to recommend approval has passed and that the item would be on the City Council agenda at their meeting on January 24, 2017.

**PC 17-13, 8:35 pm-** 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.

Dr. LeBeau declared Public Hearing PC 17-13 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor read the legal notice.

Mr. Taylor also stated that he had received four phone calls for general questions, one phone call and one email in opposition and one letter from a citizen expressing opposition to the request, which he then read and presented to the Commissioners. See attached letter as Exhibit B.

Dr. LeBeau asked Ms. Lawrence to present the staff report.

Ms. Lawrence, Planner for the City of Carbondale, was sworn in and read part A of the staff report.

Dr. LeBeau asked if there were any questions of staff.

There were none.

Dr. LeBeau 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 17-13. Mr. Rand spoke about the Elks' dedication to staying within the City of Carbondale and showed how many of the Elks members were in attendance and in favor of PC 17-13, by asking all of the members present to stand up. Mr. Rand stated that focus of the Elks Lodge is its involvement with the community and the charities that it supports. Mr. Rand also went on to speak about the way that the current Lodge is ran and the state of the current building in which they are located. Mr. Rand stated that the focus that the Lodge currently has is on finding a new location that works for the members, including a space that is handicap accessible, the focus is not on finding a location that they can add in a restaurant or be open longer hours, which are conversations that are currently going around the Carbondale Community.

Dr. LeBeau asked if there were any questions from the Commissioners to the applicant.

There were none.

Dr. LeBeau asked if anyone wished to speak in favor.

Charles Campbell of 1010 Ivy Lane, came forward to speak in favor. Mr. Campbell spoke about the history of his time with the Elks organization, both in Carbondale and on a State level. Mr. Campbell stated that the story that the news station had done the previous evening, reported about the Lodge's interests and reasons to move was inaccurate and gave misinformation. Mr. Campbell went on to explain what the Lodge would really be doing with the space if they are to move and he spoke about the many different donations the Elks has provided to the Carbondale Community.

Dr. M. Stalls came forward to speak in support of the Elks as a Carbondale Citizen. Dr. Stalls stated that Commission should consider the accidents that take place in other locations of the City and that Giant City Road is not the only location that is high traffic. Dr. Stalls also stated that the focus on having liquor sales close to a youth establishment or a residential area should not be a high concern, considering the other liquor sale locations in Carbondale and the proximity to residential areas. Dr. Stalls also stated that it could make the proposed area more inviting for potential buyers. Dr. Stalls spoke about the impact that the Elks organization has had on the community and on her own personal

life with its cultural and racial diversity it shows in the organization.

Jake Rendleman of 1007 Ivy Lane, spoke about the negative image the media has tried to put on the Elks Lodge. Mr. Rendleman reiterated the charitable things that the Elks and other fraternal organizations do for the community.

Andrew Zieba of 601 East Walnut, came forward to speak about looking at the positives that the Elks could do to the neighboring communities on Giant City Road.

Nicole Byrley of 6896 Hayton School Road, spoke in favor of the Elks and the fact that they are giving not only to charities and the community but the members are also very good about donating their time to help those in need.

Dr. LeBeau asked if anyone wished to speak in opposition.

Lee Hartman of 1442 E. Gary Drive, came forward to express his concerns about the revision of the zoning codes and what that means for the Carbondale Community as a whole.

Lisa Cherry of 229 Joshua Road, came forward with concerns of rezoning to allow alcohol sales within one hundred feet of a school and the influence that might have on the youth. Ms. Cherry also has concerns about the traffic on Giant City Road, especially near the High School that her children attend, that is already a concern because of the high traffic. Ms. Cherry also brought up what concerns the High School might have about having this type of establishment in such close proximity and the impact it might have on the students.

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 C.

Deanna Gilbert of 1450 Neal Lane, came forward in opposition and presented a petition with over one hundred and thirty residents of Carbondale signatures that are in opposition to the change in the text amendment that the Elks is requesting.

Anne Gaylord of 418 S. Giant City Road, spoke about if the text change were to take place it would affect more than just the Giant City Road area, it would greatly affect the R-1 districts throughout all of the City of Carbondale. Ms. Gaylord voiced her concerns about allowing alcohol sales and video gaming machines in residential areas.

Luanne Brown of 1440 E. Walnut, voiced concerns about allowing the text amendment change to take place and the affects that would have on the already low R-1 residential areas in Carbondale, since many of the residential areas are not owner occupied homes.

David Gilbert of 1450 Neal Lane, came forward to speak about the special use permit that was presented to the church at that location and how that did not work out. Mr. Gilbert

voiced concerns about having alcohol and gambling in a residential area and so near to the school.

Amma Demmin of 108 South Poplar, came forward to voice her concerns with having alcohol served so near to the High School and the message it would send to the students. Ms. Demmin questioned the possibility of the Elks moving into that location but without the use of a liquor license.

Dr. LeBeau asked Ms. Lawrence to read the analysis.

Ms. Lawrence read Parts B and C of the staff report with a recommendation to approve PC 17-13.

Dr. LeBeau asked if the Commissioners had questions for staff.

Ms. Litecky questioned Ms. Lawrence about considering Sororities and Fraternities as social organization and what that might mean to the R-1 districts if the text amendment change is approved. Mr. Taylor stated that there is a separate text amendment for Sororities and Fraternities within the Carbondale Code. Mr. Taylor stated that if one of those organizations tried to purchase a facility to just hold meeting that might fall under this special use.

Mr. Sheffer questioned Mr. Taylor, by the Commission denying this change to the Text Amendment they are in fact saying no to any of these types of special use permits in any R-1 District in the future. Mr. Taylor stated by voting against this text amendment that would not allow "civic, social and fraternal" organizations to get special use permits in R-1, Low Density Residential Districts. Mr. Sheffer also questioned what the difference between allowing a church to go into a residential area and hold other events besides church services and allowing a fraternal organization like the Elks to do the same thing in a residential area.

Dr. LeBeau asked if there were questions from anyone to anyone.

Sarah Heyer of 1442 East Gary Drive, questioned the City if anyone had looked into if other University and College cities within the state of Illinois allow fraternal organizations within R-1 residential areas and the impact that has on those areas. Ms. Lawrence stated that the City had not looked into that. Ms. Heyer stated that is something that the City might want to look into first to see how it might impact the Carbondale Community.

Bruce Payne of 809 South Drury Avenue, came forward to ask how many of the people in attendance were actually within City limits and how allowing the text amendment to change it would case all R-1 residential districts to be at risk for organizations to move into them.

Ms. Brown came forward to question if allowing this text amendment could that open up the possibility for any organization to move into an R-1 district and even without a liquor license open up a social club house for its members. Mr. Taylor stated that limits can be placed at the time that the special use permit is issued. Ms. Brown also questioned parking at these types of organizations if the text amendment change is allowed. Mr. Taylor stated that there would be parking requirements based on occupancy. Ms. Lawrence stated that is the special use requirements the applicants are required to specify their intended use in operations of the facility in question. There was then discussion between Ms. Brown and Ms. Lawrence about the process an applicant would have to take to be granted a special use permit in an R-1 district.

Mr. Zieba came forward to question the location of the Masonic lodge on Sycamore and how it can be located in a residential area. Ms. Litecky stated that location was grandfathered in to that zoning.

Ms. Cherry came forward to question the Commission on the first request the Elks brought to the Commission and why it was not approved. Mr. Taylor stated that the first request was to rezone that location to a PA district. There was then discussion between Ms. Cherry and Mr. Sheffer about the previous request and the current request that the Elks was presenting and Mr. Sheffer stated that he wanted to make sure that everyone understands what the Commission is voting on.

Ms. Gilbert came forward to present the question to the Elks, if they were willing to give up their liquor license and the video gambling machines in order to be able to move into the location on Giant City Road. Mr. Rand stated that he could not speak on that at this time until the Elks as a whole voted on it and he would have to have consent of the membership. Mr. Sheffer reiterated that was not the issue that the Commission was currently voting on.

Ms. Bradshaw present the question to the Elks that if this text amendment did not go through were there other properties or options that they are considering. Mr. Rand stated that they had looked at multiple properties but they have to take many things into consideration when they are looking at different locations. Mr. Rand stated that based off the locations that they had looked at the one on Giant City Road was best to meet their needs.

Mr. Payne questioned if the hospital had purchased or is purchasing the Elks current facility. Mr. Rand answered that the hospital was not at this time.

Dr. LeBeau declared PC 17-13 closed and asked for a motion on the findings of fact.

Ms. Litecky moved that the Commission accept as findings of fact Part A of the staff report for PC 17-13, the applicant was present and five people spoke in favor and seven spoke in opposition, seconded by Mr. Sheffer.

The motion was passed with a unanimous voice vote.

Mr. Sheffer moved to accept City Planning staff's recommendation to approve PC 17-13, seconded by Ms. Litecky

Roll Call Vote:

Yes - 0

No – 5 (LeBeau, Sheffer, Love, Lilly, Litecky)

Abstain-2 (Hamilton and Burnside)

Mr. Taylor stated that the motion did not pass and that the Planning Commission would be recommending denial. This would be on the City Council agenda at their meeting on January 24, 2017.

## **5. Old Business**

A. Mr. Taylor stated that at this time of year the Commission elects a new chair, a vice chair and a second vice chair. Mr. Taylor stated that a committee of Planning Commissioners would need to be formed and that committee would meet and discuss which members of the Commission could be nominated to fill those positions. Mr. Love, Ms. Lilly and Ms. Litecky volunteered to serve on the selection committee. Mr. Taylor stated that the committee needed to decide on nominations before the next Commission meeting.

## **6. New Business**

A. Mr. Taylor stated the City Council had brought up the initiation of a Text Amendment related to Accessory Dwelling Units. The Commission's initiation would allow City staff to begin research on the topic and begin a planning staff report to be present to the Commission.

Ms. Litecky moved that the Planning Commission Initiate a Text Amendment related to Accessory Dwelling Units, seconded by Mr. Love.

Roll Call Vote:

Yes - 7 (LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No – 0

Mr. Taylor stated that the motion passed and would be brought forth at a future Planning Commission.

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

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

**7. Adjournment**

Dr. LeBeau adjourned the meeting at 10:10 p.m.

January 11, 2017

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

Planning Commission Members:

This letter is in regards to PC 17-11 a Public Hearing originally scheduled for December 21, 2016 at 6:00 p.m. and then rescheduled for January 11, 2017 at 6:00 p.m.

The applicant/owner (Kevin Wheetley, 39 Salt Life Lane, Carbondale, IL 62901) is requesting a Special Use Permit to allow Contract Construction Services in an AG, General Agriculture, district. The property is located at 39 Salt Life Lane.

It is in the best interest of the local community in general and the surrounding neighbors in particular to deny this application. The application does not meet the intent of Special Uses as it neither enhances the "enjoyment of neighboring property" nor is it a "public or quasi-public use."

All of signees to this letter are in strong opposition to this application for the following reasons.

**1. Heavy truck and equipment traffic creates a danger on Pleasant Hill Road which is not well-maintained for industrial use.** The common address for this location is approximately 4800 West Pleasant Hill Road (Salt Life Lane is a short access drive directly onto West Pleasant Hill Road). West Pleasant Hill Road is not a curbed street, it does not have sidewalks, and does not have shoulders. The road has numerous blind hills and the center stripes are frequently faded or not visible. This particular section of Pleasant Hill Road does not receive city maintenance and is frequently in poor condition with crumbling and eroded pavement edges. The increased heavy truck and trailer traffic associated with Contract Construction Services is detrimental to the condition of the road and poses a hazard to bicyclists, joggers, school buses and normal commuter traffic. It is the opinion of the signees to this letter that allowing the heavy industrial traffic associated with Contract Construction Services will create a real and elevated danger on West Pleasant Hill Road.

**2. Construction services are not consistent with the existing land uses and will lower property values.** All surrounding properties are either residential and/or agricultural. While agricultural activities do involve occasional tractor or truck traffic, these activities are intermittent and seasonal. Moreover, the bulk of the agricultural activities in this area are either pasture/haying operations or small-sized livestock production. They do not involve the use of industrial-sized equipment such as semi-trucks/trailers, backhoes, and bulldozers. A Contract Construction Services operation in this area is sorely out-of-place and does not fit into the agricultural/residential neighborhood that currently exists. The operation of these services will lower property values as they make the area unappealing to potential residents.

**3. Contract Construction Services will increase the noise, air, and visual pollution in the area.** Heavy equipment engines and work activities can easily be heard for miles. The operation of this equipment will create undo and continuous noise in the area that will be disruptive to normal residential activities. Likewise, the operation of heavy equipment is associated with higher outputs of air pollutants. As shown in the attached pictures, the current property is already visually unappealing with discarded construction waste and material. The drainage from this property ultimately flows into Little Crab Orchard Creek which would be the unfortunate recipient of increased sedimentation, runoff from construction-related waste, and any accidental spills of diesel fuel that may be stored at such a site. Importantly, if the Special Use Permit is granted, then the actions of future owners cannot be predicted. Likewise, it may set the stage for adjacent property owners in the future to develop similar such sites. This is not in the best interest of neighboring property owners.

Finally, it is worth mentioning that Carbondale and Southern Illinois University Carbondale (SIUC) already suffer from an image problem. Indeed, SIUC students have nicknamed Carbondale as "Dirtydale" partially due to the depressing hodgepodge of residential, multi-family, and agricultural properties that are littered with out-of-place industrial-type of operations (see East Pleasant Hill Road for an example of a very unsightly construction services location).

The proposed location on West Pleasant Hill Road is less than 1/2 mile from the University Farms. Do we really want our students and campus visitors to be crowded off of West Pleasant Hill Road by heavy equipment traffic? Do we want potential students and residents to drive by what looks like a construction dump when they are considering our city and campus? Approving this application simply contributes to the "Dirtydale" image while simultaneously harming the neighbors and adjacent property owners.

The signees of this letter are strongly opposed to this application. We would ask that the City of Carbondale deny this application. There are places where this type of operation are appropriate and already approved (e.g., Industrial Park on N. U.S. 51). To allow this type of industrial activity to infiltrate the residential and agricultural neighborhoods of Carbondale is detrimental to the existing property owners, the environment, and the future of the City. It does not contribute to "orderly growth" and certainly does not serve the public interest.

The "intent" of Special Use Permits is to "provide for those uses which may have a unique, special, or unusual impact upon the use or *enjoyment* of the neighboring property, and to provide for those public and quasi-public uses affected with the public interest." The current application clearly fails on both of these fronts and should be denied.

Thank you for your consideration.

All signees to this letter reside within approximately one-half mile of the location being considered.

Signees

Printed Name

Signature

|                   |                                                                                     |
|-------------------|-------------------------------------------------------------------------------------|
| Dwight R. Sanders |  |
| Elsbeth K Sanders |                                                                                     |
| Suzanne Sanders   |                                                                                     |
| Lisa Kissinger    |                                                                                     |
| Teresa Topcik     |                                                                                     |
| ROLAND Topcik     |                                                                                     |
| THOMAS GORDIN     |                                                                                     |
| Janet Johnson     |                                                                                     |
| LARRY JOHNSON     |                                                                                     |
| Anita Powers      |                                                                                     |
| Stephen Powers    |                                                                                     |
| Richard Steger    |                                                                                     |
|                   |                                                                                     |
|                   |                                                                                     |
|                   |                                                                                     |
|                   |                                                                                     |

Signees

Printed Name

Signature

|                    |  |
|--------------------|--|
| Sheila Puckett     |  |
| Michelle Sullivan  |  |
| Kathleen Frye      |  |
| GREGORY M. ROSO    |  |
| ELLINE LONG        |  |
| Anna Sunderlage    |  |
| Brent Sunderlage   |  |
| Kathryn Wittenborn |  |
| Jack Long          |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |

**Existing Location, 39 Salt Life Lane (as seen from West Pleasant Hill Road)**



**Existing Location, 39 Salt Life Lane (as seen from West Pleasant Hill Road)**



**Existing Location, 39 Salt Life Lane (as seen from West Pleasant Hill Road)**



January 17, 2018

To: LaRue Love

From: Bruce and Sandy Payne  
809 S. Drury Ave.  
Carbondale, IL 62902

Please note the attached letter of concerns regarding the Carbondale Elks Lodge #1243 request for a text amendment to Title 15-2.28 of the Carbondale Revised Code to be discussed at the Planning Commission Meeting on Wednesday, January 18, 2017. Thank you!

January 17, 2017

My name is Bruce Payne and my wife Sandy and I have lived in the Carbondale area for 33 years. We have enjoyed raising our three sons in Southern Illinois and have called Carbondale "home" for most of those 33 years. For the last 12 years we have lived on Drury Ave., a small street at the end of Gary Dr. off Giant City Rd. The entrance to our subdivision is two-tenths of a mile from the Heartland Church property (419 Giant City Rd.).

We have two primary concerns involving the proposed text amendment being considered at the Planning Commission/Zoning Board of Appeals meeting on January 18, 2017. Our first concern has to do with the integrity of residential areas in general within Carbondale. Our second concern has to do with our particular neighborhood where a fraternal organization is wanting to relocate and operate with a liquor license.

Concern #1:

This text amendment affects every neighborhood in Carbondale and destroys the integrity of what it means to be zoned "residential". The City of Carbondale statement of intent for R-1 residential zoning districts is 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." **Civic, social and fraternal organizations using liquor and/or gaming licenses are NOT in harmony with residential zoning intents.**

Concern #2:

The present city code does not allow any organization (except fraternal organizations) to operate with a liquor license within 100 feet of a school. What's the reasoning behind this? **Is it not the fact that it is well known that alcohol in no way increases a driver's alertness but instead impairs it?** The "fraternal organizations" were probably exempted from this because there were those in existence that were already located close to a school and were "grandfathered in" when the restrictions were instituted. That is NOT the case with the present situation of the property being considered for special use of a liquor license in a residential area of Carbondale, a property that is 70 feet from the high school.

The stretch of Giant City Rd. from Walnut St. (Old Hwy. 13) to Grand Ave. is six-tenths of a mile long. From Jan. 1, 2012 to Nov. 30, 2016 there have been **99 automobile accidents** reported to the Carbondale Police Department along that **six-tenth of a mile of roadway** (please see the attached report from the Carbondale Police Dept.). That's an average of **one automobile accident every two and a half weeks** over the last five years! Is there any other residential area in Carbondale that has such a high incidence of automobile accidents? **Does the Planning Commission/Zoning Board of Appeals want to make a recommendation to the City Council that would in any way increase the potential for accidents along this short stretch of roadway by recommending liquor licenses be obtainable in this residential area?**

This six-tenth of a mile stretch on Giant City Road **along the east border of Carbondale High School** is already filled with young, inexperienced, and often distracted drivers (one of our family members was rear-ended **TWICE** in 6 months by young, distracted drivers on Giant City Road). These young drivers commute to school and back during the day **AND** come back to school for football games, basketball games, and a host of other extracurricular activities that are held in the evening hours and on weekends. **If a liquor license is granted to the potential owners of the property at 419 Giant City Road, how will that improve the safety for these young drivers or any driver along an already dangerous stretch of road?**

What if just one driver, on one night, after one event, having had one too many drinks entered that stretch of roadway and endangered the young drivers and other drivers from the neighborhood? What if the owners rented their facility (which fraternal organizations often do) to others who hosted an event where someone left the property impaired in their driving after drinking alcohol?

In the best interest of all the neighborhoods of Carbondale and in the neighborhood near 419 Giant City Rd., we trust that you will oppose the proposed amendment to Title 15.2.28 of the Carbondale Revised Code.

Thank you for your consideration in this matter and for your service to our community and to Carbondale's neighborhoods!

Sincerely,



Bruce Payne



Sandy Payne



December 14, 2016

Bruce Payne  
809 S Drury Ave  
Carbondale, IL 62901

*Sent via email to bdpsdp@sol.com*

Dear Mr. Payne,

Thank you for writing to the City of Carbondale with your request for information pursuant to the Illinois Freedom of Information Act, 5 ICS 140/1 et seq.

On December 7, 2016 we received your request for the following information:

1. Statistics about traffic accidents along Giant City Rd between Walnut St (Old Route 13) and Grand Ave for the past five years.

Your request is granted and the documents are attached. There is no fee.

Sincerely,

Marcia Toliver  
Records Supervisor  
City of Carbondale Police Department



501 South Washington Street, Carbondale, Illinois 62901

Carbondale Police Department  
Traffic Accidents from 100 to 800 S Giant City Rd  
01/01/2012 through 12/14/2016

| <u>Accident Date</u> | <u>Address of Accident</u>   | <u>Nearest Intersection?</u> | <u>Intersection Related</u> | <u>Private Property</u> | <u>Hit &amp; Run</u> | <u>Number of Vehicles</u> | <u>Injuries?</u> |
|----------------------|------------------------------|------------------------------|-----------------------------|-------------------------|----------------------|---------------------------|------------------|
| 01/31/12             | 700 BLOCK OF S GIANT CITY RD |                              | Y                           | N                       | N                    | 2                         | NO               |
| 02/07/12             | 700 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 02/10/12             | 400 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 02/14/12             | 400 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 4                         | NO               |
| 02/29/12             | 300 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | Y                    | 2                         | YES              |
| 03/02/12             | E WALNUT ST                  | S GIANT CITY RD              | Y                           | N                       | N                    | 2                         | YES              |
| 03/02/12             | 400 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 3                         | NO               |
| 03/02/12             | 400 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 3                         | NO               |
| 03/14/12             | S GIANT CITY RD              | E WALNUT ST                  | Y                           | N                       | N                    | 2                         | YES              |
| 03/29/12             | 700 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 04/09/12             | 700 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 5                         | NO               |
| 04/13/12             | 400 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 04/26/12             | E WALNUT ST                  | S GIANT CITY RD              | Y                           | N                       | N                    | 2                         | YES              |
| 05/07/12             | 400 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 05/07/12             | 600 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 05/09/12             | S GIANT CITY RD              |                              | Y                           | Y                       | N                    | 3                         | NO               |
| 05/28/12             | S GIANT CITY RD              | MEADOWBROOK LN               | Y                           | N                       | N                    | 2                         | YES              |
| 05/31/12             | 200 BLOCK OF S GIANT CITY RD | E GRAND AVE                  | N                           | N                       | N                    | 2                         | NO               |
| 07/13/12             | E WALNUT ST                  | S GIANT CITY RD              | Y                           | N                       | N                    | 2                         | YES              |
| 07/25/12             | S GIANT CITY RD              | E WALNUT ST                  | Y                           | N                       | N                    | 3                         | YES              |
| 08/15/12             | 300 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 08/29/12             | 800 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | YES              |
| 10/01/12             | 504 S GIANT CITY RD          |                              | N                           | Y                       | N                    | 1                         | NO               |
| 10/24/12             | S GIANT CITY RD              |                              | Y                           | N                       | N                    | 2                         | YES              |
| 11/06/12             | 100 S GIANT CITY RD          | E GRAND AVE                  | N                           | N                       | N                    | 3                         | NO               |
| 11/26/12             | 700 S GIANT CITY Road        |                              | N                           | N                       | N                    | 2                         | NO               |
| 12/03/12             | S GIANT CITY RD              | E WALNUT ST                  | Y                           | N                       | N                    | 2                         | NO               |
| 01/07/13             | 700 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 3                         | NO               |
| 01/10/13             | 300 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |
| 02/25/13             | S GIANT CITY RD              | E WALNUT ST                  | N                           | N                       | N                    | 2                         | NO               |
| 03/01/13             | S GIANT CITY RD              | E GRAND AVE                  | Y                           | N                       | N                    | 2                         | NO               |
| 03/20/13             | S GIANT CITY RD              | E GRAND AVE                  | Y                           | N                       | N                    | 2                         | NO               |
| 03/26/13             | S GIANT CITY RD              | E GRAND AVE                  | Y                           | N                       | N                    | 2                         | NO               |
| 04/03/13             | 300 BLOCK OF S GIANT CITY RD |                              | N                           | N                       | N                    | 2                         | NO               |

Carbondale Police Department  
Traffic Accidents from 100 to 800 S Giant City Rd  
01/01/2012 through 12/14/2016

|          |                              |                 |   |   |   |                  |     |
|----------|------------------------------|-----------------|---|---|---|------------------|-----|
| 05/03/13 | S GIANT CITY RD              | E WALNUT ST     | Y | N | N | 2                | NO  |
| 05/05/13 | E GRAND AVE                  | S GIANT CITY RD | Y | N | N | 2                | NO  |
| 05/05/13 | E GRAND AVE                  | S GIANT CITY RD | Y | N | N | 2                | NO  |
| 05/10/13 | S GIANT CITY RD              | E GRAND AVE     | Y | N | N | 2                | NO  |
| 08/10/13 | E WALNUT ST                  | S GIANT CITY RD | Y | N | Y | 2                | NO  |
| 08/10/13 | E WALNUT ST                  | S GIANT CITY RD | Y | N | Y | 2                | NO  |
| 09/07/13 | 300 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 3                | NO  |
| 09/16/13 | E GRAND AVE                  | S GIANT CITY RD | Y | N | N | 3                | NO  |
| 09/20/13 | 700 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 2                | NO  |
| 10/21/13 | 300 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 4                | NO  |
| 11/06/13 | 600 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 2                | NO  |
| 11/06/13 | S GIANT CITY RD              | MEADOWBROOK LN  | N | N | N | 3                | NO  |
| 11/10/13 | S GIANT CITY RD              | E GRAND AVE     | Y | N | N | 2                | NO  |
| 11/12/13 | S GIANT CITY RD              | E WALNUT ST     | Y | N | N | 2                | NO  |
| 11/27/13 | S GIANT CITY RD              | NEAL LN         | N | N | N | 1 (VS DEER)      | NO  |
| 12/03/13 | 700 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 4                | NO  |
| 12/04/13 | 600 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 3                | NO  |
| 02/02/14 | 600 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 1 (VS DEER)      | NO  |
| 02/04/14 | S GIANT CITY RD              | E WALNUT ST     | Y | N | N | 2                | NO  |
| 02/13/14 | S GIANT CITY RD              | MEADOWBROOK LN  | Y | N | Y | 3                | NO  |
| 03/05/14 | 300 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 2                | YES |
| 04/25/14 | 400 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 3                | NO  |
| 04/30/14 | E WALNUT ST                  | S GIANT CITY RD | Y | N | N | 2                | NO  |
| 06/11/14 | 300 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 1 (VS BICYCLIST) | YES |
| 07/02/14 | S GIANT CITY RD              | E WALNUT ST     | Y | N | N | 2                | NO  |
| 07/27/14 | 400 BLOCK OF S GIANT CITY RD | NEAL LN         | Y | N | N | 1                | NO  |
| 09/29/14 | S GIANT CITY RD              | NEAL LN         | Y | N | N | 2                | NO  |
| 10/13/14 | 300 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 2                | NO  |
| 10/20/14 | 300 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 2                | NO  |
| 11/10/14 | S GIANT CITY RD              | E GRAND AVE     | Y | N | N | 2                | NO  |
| 11/21/14 | 300 BLOCK OF S GIANT CITY RD | E GRAND AVE     | N | N | N | 2                | NO  |
| 12/11/14 | S GIANT CITY RD              | E GRAND AVE     | Y | N | N | 3                | NO  |
| 12/15/14 | 700 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 2                | NO  |
| 01/15/15 | E GRAND AVE                  | S GIANT CITY RD | Y | N | N | 1                | NO  |
| 01/18/15 | 800 BLOCK OF S GIANT CITY RD | S GIANT CITY RD | N | N | N | 2                | NO  |

Carbondale Police Department  
Traffic Accidents from 100 to 800 S Giant City Rd  
01/01/2012 through 12/14/2016

|          |                              |                  |   |   |   |             |     |
|----------|------------------------------|------------------|---|---|---|-------------|-----|
| 01/23/15 | S GIANT CITY RD              | MARY NELL'S LN   | N | N | N | 1 (VS DEER) | NO  |
| 01/30/15 | 500 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 03/16/15 | 600 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 03/16/15 | S GIANT CITY RD              | E GRAND AVE      | Y | N | N | 2           | YES |
| 03/27/15 | 700 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 04/02/15 | 800 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 04/17/15 | 600 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 05/04/15 | 100 BLOCK OF S GIANT CITY RD |                  | N | N | N | 3           | NO  |
| 05/05/15 | MEADOWBROOK LN               | S GIANT CITY RD  | Y | N | N | 2           | NO  |
| 05/19/15 | 700 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 07/10/15 | S GIANT CITY RD              | E WALNUT ST      | Y | N | N | 1           | NO  |
| 08/03/15 | S GIANT CITY RD              | E WALNUT ST      | Y | N | N | 2           | YES |
| 08/16/15 | 700 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 08/28/15 | S GIANT CITY RD              | E WALNUT ST      | Y | N | N | 1           | NO  |
| 10/04/15 | S GIANT CITY RD              | E GRAND AVE      | Y | N | N | 2           | YES |
| 10/24/15 | S GIANT CITY RD              | E GRAND AVE      | Y | N | N | 2           | NO  |
| 10/24/15 | S GIANT CITY RD              | E GRAND AVE      | Y | N | N | 2           | NO  |
| 11/12/15 | 500 BLOCK OF S GIANT CITY RD |                  | N | N | N | 1 (VS DEER) | NO  |
| 11/24/15 | S GIANT CITY RD              | E WALNUT ST      | Y | N | N | 2           | NO  |
| 12/22/15 | 300 BLOCK OF S GIANT CITY RD |                  | N | N | N | 3           | NO  |
| 01/18/16 | 227 S GIANT CITY RD          |                  | N | N | N | 2           | NO  |
| 01/28/16 | 100 BLOCK OF S GIANT CITY RD | MEADOWBROOK LN   | N | N | N | 2           | NO  |
| 01/28/16 | S GIANT CITY RD              |                  | N | N | N | 2           | NO  |
| 02/11/16 | 100 BLOCK OF S GIANT CITY RD |                  | N | N | N | 3           | NO  |
| 02/11/16 | 400 BLOCK OF S GIANT CITY RD |                  | N | N | N | 3           | NO  |
| 04/29/16 | 100 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | NO  |
| 05/20/16 | 400 BLOCK OF S GIANT CITY RD |                  | N | N | N | 2           | YES |
| 09/26/16 | S GIANT CITY RD              | E MEADOWBROOK LN | Y | N | N | 2           | NO  |
| 10/17/16 | E MEADOWBROOK LN             | S GIANT CITY RD  | Y | N | N | 2           | NO  |
| 11/07/16 | E GRAND AVE                  | S GIANT CITY RD  | Y | N | N | 2           | NO  |

## Statement in Opposition to PC 17-13, Elks Lodge Text Change Request

Submitted by Donald Monty, 418 S. Giant City Road

The applicant for PC 17-13 is the Carbondale Elks Lodge which makes it clear in its Applicant's Brief that the sole reason for the proposed text change is to find a way to allow it to relocate to 419 South Giant City Road. The proposed text change would insert the category of "civic, social, and fraternal" organizations as a Special Use in the R-1, Low Density Residential Districts. As noted in the staff report for PC 17-13 the applicant previously attempted to have the location at Giant City Road rezoned to PA, Professional Administrative, but withdrew that application after the Planning Commission recommended denial of the rezoning request. It should be noted that at the public hearing on the PA request, there was considerable public opposition.

The statement of intent for the R-1 district contains critical language which must be considered in determining whether to approve the applicant's request for the text change. Specifically, the statement of intent says "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 R-1 district already provides for several special uses. It is important to examine them in the context of the applicant's proposal. Certain Group Homes are special uses. (These are included primarily to comply with federal law.) Fire stations are special uses in every residential zoning district due to the need to place them strategically where needed. Home museums are a special use to accommodate future use of the Bucky Dome or similar uses. Certain day care homes are included as special uses due to the desire to provide for the possibility of persons providing small-scale day care in their homes. Grade and high schools have a long tradition of being located in low-density residential areas, as do religious institutions, and they are listed as special uses in R-1. Parks and recreation buildings are special uses, and have been historically located in low-density residential areas. Certain utilities are listed as special uses due to the need to locate such facilities in residential areas on occasions. Bed and breakfasts and inns are special uses in all residential districts due to their residential nature. Home occupations are also listed as special uses in all residential districts since they are commonly associated with residential uses.

It is worth noting that not only is the proposed category of "civic, social and fraternal organizations" not listed as a special use in any zoning district, but there is a category of "private clubs and lodges restricted to members and/or bona fide guests or members and not operated as a public entity" listed in the Residential Districts Use Table. However, even that use

is not shown as a special use or permitted use in R-1. In the Nonresidential Districts Use Table, one does find "Civic, social and fraternal" organizations listed as a permitted use in several of the nonresidential districts and as a special use in the neighborhood business district.

My reason for discussing the various special uses in R-1 is that when you look at them, they are items that are directly housing-related or have historically been associated with low-density residential districts. The applicant's proposal is not in keeping with that character. The fact that the Residential District Use Table includes "private clubs and lodges . . ." but does not allow them as special uses in R-1, and the fact that "civic, social and fraternal" organizations are permitted in certain commercial zoning districts, but not listed in the "Residential Districts Use Table, indicates that when the zoning ordinance was approved, there was a clear intent that "civic, social, and fraternal organizations were not appropriate uses in the R-1 zoning district.

The map attached to the staff report for PC 17-13 shows that much of the residential area of Carbondale would be opened up for "civic, social, and fraternal" organizations if the text change is approved. It appears from this map that these areas would be inappropriate locations for such uses due to their low-density residential character.

The staff report gives examples of other community organizations that might benefit from including "civic, social" and fraternal" organizations as special uses in R-1. The Kiwanis Club, Lions Club and Rotary Clubs all meet at locations owned and operated by other organizations. The Eagles Lodge is the other organization listed that is most like the Elks Lodge and could benefit from the text change.

The Elks Lodge and Eagles Lodge share a variety of commonalities, but of most concern for their possible placement in R-1 Districts is the fact that they both have liquor licenses and video gaming machines. This introduces a commercial use into the R-1 districts. The Elks Lodge serves meals to its members and guests, hosts meetings of organizations where meals are served, and rents out its space to organizations to have banquets and dances. These are typical commercial uses.

The staff report notes that placing "civic, social and fraternal" organizations as special uses in R-1 districts would allow for them to be considered individually after public hearings to see if they fit into a neighborhood. That is how the special use process works. But before getting to that stage one must first consider whether the category of "civic, social and fraternal" organization is appropriate for the R-1 zoning district. That gets back to the Statement of Intent for the R-1 district. Please consider these items from the Statement of Intent: "provide maximum protection from the encroachment of other types of uses which are not appropriate to low density residential areas" and "maintain a quiet atmosphere within the districts; to discourage incompatible uses within the district." Based on the characteristics of present uses of the Elks Club I believe it is not appropriate to open the door for this category of "civic, social, and

fraternal" organization uses in R-1. The issues of liquor sales and gaming in an R-1 district are most troubling to me. If those two items were prohibited for "civic, social and fraternal" organizations in R-1 special uses, that would alleviate some of my concern. Section 3.3.1 of the Zoning Code sets forth Standards for Special Uses. That would be an appropriate place to specify that for "Civic, Social and Fraternal Organizations" in R-1 districts, "No alcohol sales shall be permitted and no video gaming or other gambling shall be permitted." This restriction could be flagged by a footnote in the Residential Districts Use Table.

I request that the Planning Commission deny the Elks Lodge's request for a text change to allow "civic, social and fraternal" organizations as a special use in the R-1 district.

If the text change request is approved, and if the Elks Club submits an application for a special use permit for 419 South Giant City Road, I am certain that I and others will appear in opposition at the public hearing for the special use.