MINUTES

Carbondale Planning Commission
Wednesday, August 17, 2016
Room 108
City Hall/Civic Center
6:00 p.m.

Mr. LeBeau called the meeting to order at 6:00 p.m.

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

Members Absent: Lilly

Staff Present: Taylor

1. **Approval of Minutes:**

   Ms. Litecky moved, seconded by Mr. Sheffer, to approve the minutes for March 23, 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 17-01, 6:02 p.m. City of Carbondale, rezoning request from BPL, Planned Business, to BPR, Primary Business, for ICG railroad property located within Carbondale's downtown.

   Mr. LeBeau declared Public Hearing PC 17-01 open and asked if commission would be in favor of forgoing a reading of the full staff report for the case. There were no objections. He asked Mr. Taylor to read the legal notice.

   Mr. Taylor read the legal notice.

Mr. LeBeau asked Mr. Taylor to present a summary of the staff report.

Mr. Taylor read the summarized staff report.

Mr. Taylor asked if there were any questions.

Mr. Sheffer asked what the difference was between going from the BPL, Planned Business to BPR, Primary Business and the benefits it had for the City.

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

There was no one.

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

There was no one.

Mr. LeBeau asked if there were any questions of staff from Commissioners.

There were none.

Mr. LeBeau asked for a motion on the Findings of Fact.

Mr. Sheffer moved, seconded by Ms. Litecky, that the Commission accepts as findings of fact parts A and B of the staff report for PC 17-01.

The motion passed on a unanimous voice vote.

Mr. LeBeau asked for a vote on the recommendation to the City Council.

Ms. Field moved, seconded by Mr. Love, that the Commission recommends approval of PC 17-01.

Roll Call Vote:

Yes - 7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, 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 August 30, 2016.

PC 17-02, 6:08 p.m. - Dan Massie is requesting a Special Use Permit for the use of an old dental office located at 1225 East Grand Avenue as a rooming house within a PA, Professional Administrative Office, district.

Mr. LeBeau declared Public Hearing PC 17-02 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor read the legal notice.

Mr. 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.

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

There were none.

Mr. LeBeau asked if the applicant was present.

The applicant was present and Ms. Field stated that she had a question for the applicant. She asked why the dental office has been vacant for the last two years. The applicant responded that it was on the market during that time.

Mr. LeBeau asked if there were any other questions for the applicant.

Mr. Love then asked if there was to be anymore work done to the dwelling. The applicant responded that there was no plan for expansions but the interior was to be constructed into a four bedroom home.

Mr. Hamilton then asked the applicant if it was to be converted into duplexes but it was stated by Mr. Taylor that was a mistake in the staff report wording and should have been rooming house.

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

Bryan Brown, Executive Director at Brehm Preparatory School came forward. He wanted to question the additional analysis of the 2012 special use permit for Haresh Thakkar and of the vote that took place at that time. Mr. Brown stated that it was his understanding that a vote never took place for the special use permit. (*Note: PC 12-14, a special use permit request for dwelling units in a PA district by Mr. Thakkar, was recommended for approval by the Planning Commission and subsequently approved by City Council on May 15, 2012, by resolution no. 2012-R-28)*

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

There was no one.

Mr. LeBeau asked if there were any questions of staff from Commissioners.

Ms. Litecky asked for Mr. Taylor to explain the nature of special use permits so everyone has an understanding of how they work. Mr. Taylor explained that by default special use permits run with the land and will continue until the use is discontinued. In the event that the land were to be sold, it is possible the permit will be valid for the new owners as long as the use continues within six months of being discontinued by the previous owner.

Mr. LeBeau asked for questions for staff.

There were none.

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

There were none.

Mr. 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 17-02.

Mr. LeBeau asked if there were questions from anyone to anyone regarding matters of fact.

Mr. Brown stepped forward again to question the case of Haresh Thakkar and if the City had granted approval of that case.

Mr. LeBeau asked for a motion on the Findings of Fact.

Mr. Sheffer moved, seconded by Ms. Litecky, that the Commission accept as findings of fact Parts A and B of the staff report for PC 17-02, that the applicant was present, and no one spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. LeBeau asked for a motion whether the 7 criteria should be taken as one or individually.

Mr. Sheffer moved to vote on the seven criteria as one, seconded by Mr. Love.

Roll Call Vote:

Yes - 7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, Litecky)
No – 0

Mr. LeBeau asked for a motion to vote on if criteria have been met.

Mr. Love moved that the seven criteria had been met for PC 17-02, seconded by Mr. Burnside.

Roll Call Vote:

Yes - 7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, Litecky)
No – 0

Mr. LeBeau asked for a vote on the recommendation to the City Council.

Mr. Love moved to approve PC 17-02, seconded by Mr. Burnside.

Roll Call Vote:

Yes - 7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, 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 August 30, 2016.

PC 17-03, 6:28 pm- Menachem Scheiman is requesting a Special Use Permit for the use of a religious institution at 1306 West Chautauqua within an R-1-12, Low Density Residential, district.

Mr. LeBeau declared Public Hearing PC 17-03 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor read the legal notice and two letters in opposition.

Mr. 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.

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

There were none.

Mr. LeBeau asked if the applicant was present.

The applicant, Menachem Scheiman, came forward to explain what the organization does and why they are wanting to expand. Mr. Scheiman explained the website and the future growth of the group. Mr. Scheiman asked if the Commission had any questions for him. Mr. Sheffer stated that it seems like any church or religious organization would want to grow or expand their congregation. Mr. Scheiman stated that as of now the group is not expanding although he would like to see that happen in their future, if possible, but if it were to expand they would work toward a new special use permit.

Ms. Field asked what it meant to install a Mikveh and what type of plumbing requirements would be involved in that. Mr. Scheiman stated that the plans were unclear at this time but it would involve digging into the ground to create the ritual tub.

Ms. Field asked if it would be located inside or outside. Mr. Scheiman stated it would be located inside of their detached garage. Mr. Taylor stated that the City had already approved the installation of the Mikveh but it could only be used by those who reside at the residence and this special use permit would be required for it to be used by anyone else.

Mr. Hamilton asked if the basement of the home is to be where the modifications are to take place for the worship space. Mr. Scheiman stated that at this time there are to be no modifications to the home but this basement is where they are currently meeting for services. Mr. Scheiman also explained that in the future they may decide to modify the detached garage for the use of a Synagogue.

Mr. Hamilton asked Mr. Taylor if there is an occupancy limit for something like this. Mr. Taylor stated that the City is limiting the occupancy to how many parking spaces are available for use.

Mr. Sheffer asked exactly what the Commission was being asked to ok that is not already being done on the property now and what they would they be voting on. Mr. Taylor explained that the neighbors have expressed concern about traffic and excessive occupancy and the special use permit would be a way for the City to monitor the amount of people. Mr. Sheffer asked for more clarification. Mr. Taylor stated that if the special use permit were to be granted, the residence would then be considered a religious institution, be able to put up signage and actively advertise that there is now a synagogue there.

Ms. Field asked Mr. Taylor about the website and wanted him to share about what he found. Mr. Taylor stated that there were examples of what was stated in the staff report and there was also information about fundraising to make modifications to the home.

Mr. Burnside asked Mr. Taylor about possible issues with fire codes within the residence. Mr. Taylor stated that there certainly is an issue, and the City's Building Inspector would need to verify the home complies with all codes.

Mr. LeBeau asked Mr. Scheiman about the property taxes and how they might be affected if the special use permit is granted. Ms. Leitcky then stated that if they passed the special use permit that the property could potentially be tax exempt because it would be a religious institution. Mr. Sheffer then showed concern with the freedom that would be given to the institution if the permit is granted.

Mr. Burnside brought up the use of signage and the amount of exits that lead out of the basement where services are currently being held. Mr. Scheiman stated that there are two exits from the basement and no signage is being planned at this time.

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

D. Gorton came forward to speak in favor of Mr. Scheiman and the institution that he is running. He spoke about how the institution was a positive for nearby residences at his previous location.

Jane Adams came forward to speak in favor of the granting of the special use permit and that they would be fine with the permit being granted.

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

Flossie Langin, neighborhood watch captain of the neighborhood, spoke in opposition because of the institution coming into the neighborhood and what it would do to their community.

Angela Kaakeviais spoke in opposition due to the traffic that would be brought into the neighborhood and the noise that it might cause. Ms. Kaakeviais also stated that by allowing this special use permit, it could cause a decrease in value to the homes located around the institution.

Russell Hinckley came forward with concerns of the permit being used by future owners or if it switched to the institution and the transfer of the special use permit. Mr. Hinckley also had concerns with the parking situation on the property and the effects it has on those around the home. He also had concerns that if the permit is allowed, what would stop Mr. Scheiman from using more of the parking spaces than just those for the fifteen people allowed.

Erin Anthony spoke of concerns with the congestion in the neighborhood for traffic as it is and by granting the special permit it would cause more issues with traffic and possibly accidents.

Mr. Burnside then asked Mr. Scheiman if he bought the home with the intent to turn it into a synagogue. Mr. Scheiman stated that when he and his family bought the home there was intent to live there and also possibly have the synagogue there one day.

Virginia Tilley came forward with concern about what is listed on the website for the synagogue and the want to grow in a residential area. Ms. Tilley was concerned about a student lounge that was listed on the website and the number of events that are listed on the website calendar. Ms. Tilley was also concerned about the fundraising that was being done for the Mikveh and if it is for the family use, why was fundraising necessary.

Mr. Sheffer then questioned Mr. Scheiman about his statements that he made to the Planning department and what the Commission is seeing on the website. Mr. Scheiman clarified that the different events attract a different amount of people and the bigger events are held at a different location.

Mary Beth Goff spoke about concerns that the institution could tear apart the neighborhood and that the special use permit might be abused if it were to be granted. Ms. Goff felt that many limits would need to be set within the permit.

Olga Widener spoke in opposition because of the zoning of property and the property taxes that the property could be exempt from if the special use permit is allowed.

Diane Nadaf spoke with concerns of the activities that are being planned according to the website and changing the zoning which is residential. Mr. Sheffer clarified that the passing of the special use permit would not change the zoning of the property.

David Anthony stated that he was confused about the garage on the property, its use and the amount of renovations that would need to be done. Mr. Scheiman came forward to state that the one that is in question is the detached garage for the Mikveh.

Craig Leech came forward in opposition and stated based on his past experiences as a building inspector there were many things wrong with allowing the special use permit to be granted.

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

Mr. Taylor read Part C of the staff report with a recommendation to approve PC 17-03.

Mr. LeBeau asked for questions for staff.

Mr. Sheffer questioned if one of the criteria does not make it through, will that keep it from passing. Mr. Taylor stated that if one criteria is not met, the Planning Commission can still recommend approval of the special use permit.

Chester Lang came forward to state that the recommendation of the Planning department was based on old facts and not the website that was now showing what is really wanting to be done on the property.

Mr. LeBeau questioned Mr. Taylor on how the maximum occupancy of fifteen people was going to be monitored if the permit were to be granted. Mr. Taylor stated that Building and Neighborhood Services would monitor the occupancy. And through complaints the City recieves from neighbors about traffic and parking.

Mr. LeBeau asked for questions from anyone to anyone.

Ms. Tilley came forward to question the real estate tax matter if the permit is granted and if someone would look into the matter. Mr. LeBeau stated that it would be looked into.

Mr. LeBeau declared PC 17-03 closed and asked for a motion on the findings of fact.

Ms. Field moved, seconded by Mr. Sheffer, that the Commission accept as findings of fact Parts A and B of the staff report for PC 17-03, that two people spoke in favor and ten people who spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. LeBeau asked for a motion to vote on the seven criteria separately or together.

Mr. Love motioned to vote on the criteria individually, Mr. Sheffer seconded.

The motion passed on a unanimous voice vote.

Mr. Taylor explained the process of the voting on the criteria to the Commission.

Mr. LeBeau asked for a motion on criteria one; 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.

Mr. Love motioned, Mr. Burnside seconded, to vote that criteria one had been met.

Roll Call Vote:

Yes - 0
No –7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, Litecky)

Mr. LeBeau asked for a motion on criteria two; the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

Mr. Love motioned, Mr. Burnside seconded, to vote that criteria two had been met.

Roll Call Vote:

Yes - 0
No –7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, Litecky)

Mr. LeBeau asked for a motion on criteria three; 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.

Mr. Love motioned, Mr. Burnside seconded, to vote that criteria three had been met.

Roll Call Vote:

Yes - 2(Sheffer, Love)
No – 4 (LeBeau, Hamilton, Field, Litecky)
Abstain-1 (Burnside)

Mr. LeBeau asked for a motion on criteria four; 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.

Mr. Love motioned, Mr. Sheffer seconded, to vote that criteria four had been met.

Roll Call Vote:

Yes - 3(Sheffer, Field, Love)
No – 3(LeBeau, Hamilton, Litecky)
Abstain-1 (Burnside)

Mr. LeBeau asked for a motion on criteria five; adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Mr. Sheffer motioned, Mr. Burnside seconded, to vote that criteria five had been met.

Roll Call Vote:

Yes - 7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, Litecky)
No –0

Mr. LeBeau asked for a motion on criteria six; adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Mr. Love motioned, Mr. Burnside seconded, to vote that criteria six had been met.

Roll Call Vote:

Yes - 2(Sheffer, Love)
No – 5 (LeBeau, Hamilton, Field, Burnside, Litecky)

Mr. LeBeau asked for a motion on criteria seven; the special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Chapter.

Mr. Love motioned, Mr. Burnside seconded, to vote that criteria seven had been met.

Roll Call Vote:

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

Mr. Taylor stated that the applicant had passed two of the seven criteria.

Mr. LeBeau asked for a vote on the recommendation to the City Council.

Mr. Sheffer moved to approve PC 17-03, seconded by Mr. Burnside, as proposed by City Staff.

Ms. Litecky made a motion to amend Mr. Sheffer's original motion to include additional conditions to the special use permit. A short discussion followed. After which, Ms. Litecky withdrew her motion.

Roll Call Vote:

Yes - 0
No –7 (LeBeau, Sheffer, Hamilton, Field, Burnside, Love, Litecky)

Mr. Taylor stated that the motion to approve failed and that this matter will be on the City Council agenda at their meeting on August 30, 2016.

PC 17-04, 8:19 p.m. - RD Management LLC is requesting a rezoning from AG, General Agriculture, to PUD, Planned Unit Development, for 169 Old Route 13.

Mr. LeBeau declared Public Hearing PC 17-04 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor read the legal notice.

Mr. 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.

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

There were none.

Mr. LeBeau asked if the applicant was present.

The applicant, David Blumenstock with RD Management, came forward to ask if the commission had any questions for him about the brief that he had provided. Ms. Litecky asked Mr. Blumenstock who would be the user of the property once it was done. Mr. Blumenstock stated that RD Management would keep control of the property. Mr. Sheffer asked about the management of the facility and the procedures that happen within the program. Mr. Blumenstock directed the commission to Teri Hogan, from NeuroRestorative to answer questions about the facility and the leasing from RD Management. Mr. Burnside asked if this facility would be like those that NeuroRestorative already operates. Ms. Hogan stated that it would run just like all of their other facilities that they operate. Mr. Hamilton asked what would be the facilitative need for the unit. Ms. Hogan said that the program would like to be able to facilitate thirty-two adolescents in all for the programs. Ms. Litecky questioned the nature of the youth's brain injuries that would be living in the facilities. Ms. Hogan stated that all of the youths in the program have some type of severe brain injury and that all of the members in the program are from within the state of Illinois and surrounding states. Ms. Field questioned if the children in the program are being rehabilitated to go back out into the communities. Ms. Hogan said the program process is based on the individual patients and their needs.

Scott Shaw, from NeuroRestorative, came forward to also speak in favor of the program and the services, jobs and benefits that the company provides the Carbondale community.

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

There was no one.

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

Sue McMeen came forward to speak on behalf of the neighborhood that surrounds where the facility would be built. Ms. McMeen brought forth a petition that was signed by members of the community. Ms. McMeen stated that the facility does not fit within the current residential community and that the property would cause utility and traffic concerns for the surrounding homes. Ms. McMeen asked for denial of PC 17-04. Mr. Taylor asked Ms. McMeen to state how many individuals signed the petition. Ms. McMeen stated there were fourteen signatures in opposition of the case.

Mr. LeBeau asked if there was anyone else in opposition.

Larry Young came forward to speak against the case due to the fact that the property is currently zoned as agricultural. He also voiced concern on the traffic accidents that take place at this location.

Joe Whitecotton came forward to discuss what the units will look like structurally and what the quality of help that NeuroRestorative hires. Mr. Whitecotton asked if the case was passed, would the facility be able to build right next to his property.

There was then a discussion between Mr. Sheffer and Mr. Whitecotton about the other NeuroRestorative facilities in Carbondale.

Ms. Hogan came up to answer Mr. Whitecotton's questions and concerns. Ms. Hogan also gave all of the requirements for any of the employees of the facilities.

Anna Whitecotton came forward to speak in opposition and questioned how many future units would be built and expressed her concerns with the traffic in that location already.

Bob Atamien questioned if the patients would be contained because of their safety issues. Mr. Atamien also questioned emergency response procedures if something were to happen and also the development of more units.

Ms. Hogan came forward to answer the concerns. Ms. Hogan stated that the children would be allowed to play in the yard and as far as emergency response; NeuroRestorative has their own response system.

Ms. Litecky spoke to say that if the property is annexed they would be within the City and Carbondale Police would be able to respond to emergencies.

Steve Miller, Facilities Operator for NeuroRestorative, spoke in favor and also answered many of the questions of those opposed. Mr. Miller stated that the choice of a residential area for the facility is very important to help with the rehabilitation of the patients. Mr. Miller then spoke on the issue of traffic and parking. Mr. Miller also stated that in the history of the company there has never been an issue with decrease in home values of surrounding neighborhoods.

Mr. Burnside questioned Mr. Miller on home many residents of the program are actually from Carbondale. Mr. Miller referred to Ms. Hogan for the answer, Ms. Hogan stated that most of the patients from Carbondale live at home and do “day” treatments.

Jacque Young spoke in opposition because of the safety of the child patients that would live at the facility, due to the traffic on the road next to the proposed land. Ms. Young is also concerned about the water flow problems that might occur on her land.

Richard Simons spoke in opposition due to the water flow that might possibly flood his home.

Mr. Taylor noted that the developer must provide the City with plans to address the drainage issues on the property. Mr. Simons was also concerned about the number of parking spaces for the facility. Mr. Taylor stated that due to the type of facility, the City requires a certain number of parking spaces and the developer originally proposed fewer parking spaces.

Phyllis Simons came forward to question where the driveway to the facility would be located; due to the traffic on the curve and the danger it could potentially cause.

Mr. LeBeau asked for questions from the Commissioners.

There were none.

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

Mr. Taylor read Part C of the staff report with a recommendation to approve PC 17-04.

Mr. LeBeau asked for questions for staff.

Mr. Simons came forward to question how far the set back off the highway would be for the buildings. Mr. Taylor stated that the minimum setbacks for the units would be twenty feet.

Mr. Burnside questioned Mr. Taylor about the requirements for annexation of the surrounding properties. Mr. Taylor stated that the other properties would not be required to be annexed, only those properties being rezoned.

Mr. LeBeau declared PC 17-04 closed and asked for a motion on the findings of fact.

Ms. Field moved, seconded by Mr. Sheffer, that the Commission accept as findings of fact Parts A and B of the staff report for PC 17-04, that people spoke in favor and eight people spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. LeBeau asked for a vote on the recommendation to the City Council.

Mr. Love moved to approve PC 17-04, seconded by Ms. Litecky.

Roll Call Vote:

Yes - 5 (Sheffer, Hamilton, Field, Love, Litecky)
No – 1 (LeBeau)
Abstain-1 (Burnside)

Mr. Taylor stated that the motion passed and that this matter will be on the City Council agenda at their meeting on August 30, 2016.

5. Old Business

There were none

6. New Business

A. Annual Report for FY2016

Mr. Taylor explained the annual report and stated that there would need to be a motion to approve the report.

Ms. Litecky motioned to approve the annual report, Mr. Love seconded.

The motion passed on a unanimous voice vote.

B. Review Rules and Procedures

Mr. Taylor explained that there was a breakdown of the rules and procedures in the included packets.

C. City Council Agenda from April 5, April 19, May 24, May 25, June 6, June 14, July 19, August 9

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

7. Adjournment

Mr. LeBeau adjourned the meeting at 9:31 p.m.