



AGENDA

Carbondale Planning Commission
August 15, 2018
City Hall / Civic Center
200 South Illinois Avenue, Room 108
6:00 p.m.

- 1. Call to Order and Roll Call**
- 2. Approval of Minutes:** Minutes of June 20, 2018
- 3. Citizen Comments and Questions**
- 4. Report of Officers, Committees, Communications**
- 5. Public Hearings**

PC 19-02- Olivia Jones-Martin is requesting a Special Use Permit for a Day Care Home I, located within an R-1-15, Low Density Residential, District at 1545 East Gary Drive.

PC 19-03- Sailiata, LLC has proposed a text amendment to Title 15-2.29 of the Carbondale Revised Code, commonly referred to as the Nonresidential Districts Use Table, relative to allowing Retail, general, in the PAR, Professional Administrative Office, Residential, zoning district.

- 6. Old Business**

None

- 7. New Business**

A. City Council Agenda from June 26, 2018, July 24, 2018 and August 14, 2018.

- 8. Adjournment**



MINUTES

Carbondale Planning Commission
Wednesday, June 20, 2018
Room 108, 6:00 p.m.
City Hall/Civic Center

Ms. Litecky called the meeting to order at 6:00 p.m.

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

Members Absent: Miller, Le Beau, Henson, and Burnside

Staff Present: Taylor

1. Approval of Minutes:

Mr. Sheffer moved, seconded by Mr. Love, to approve the minutes for May 2, 2018.

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 19-01, 6:02 pm- Steven Batchelder has proposed a text amendment to Title 15-2.29 of the Carbondale Revised Code, commonly referred to as the Nonresidential Districts Use Table, relative to Fraternities and Sororities in the BPR, Primary business, zoning district.

Ms. Litecky declared Public Hearing PC 19-01 open and asked Mr. Taylor to read the legal notice.

Travis Taylor, Senior Planner for the City of Carbondale, read the legal notice.

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

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

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

There were none.

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

Steven Batchelder, of 1304 Gartside Street, Murphysboro, came forward to speak about the Fraternities request and the importance of displaying the Greek letters and crest on the front of the fraternity buildings. Mr. Batchelder went on to speak about the pride, gatherings and possible investments from alumni of the fraternity with having the display of the Greek letters and crest for the Delta Chi. He felt that this creates a stronger core for the fraternity and those alumni that have ties to Delta Chi. Mr. Batchelder also spoke about the future plans to improve the house and how they hope to improve the property values with the changes, including landscaping, roofing, interior and exterior painting, sealing and finishing off the basement, and overall improving the safety of the building with fire code upgrades. He also hopes that displaying the Greek letters would help to the community of Carbondale/SIU/student life.

Ms. Litecky asked if there were any questions of the applicant.

Mr. Sheffer asked what the budget is for the property's upgrades and improvements. Mr. Batchelder stated that over the next two years they are looking to invest \$100,000 to \$150,000 into the property. Mr. Sheffer also asked how parking would be handled at that location. Mr. Taylor stated that in the downtown district the parking requirements are waived, what is currently located at the property is all that would be provided and the City is not required to provide any more parking. Mr. Sheffer then asked the applicant why they decided to make it a permitted use instead of a special use permit. Mr. Batchelder stated that with all of the improvements they are planning on doing to the property are tailored specifically to a Fraternity or Sorority and in the future if they decided to grow or sell they will not have to worry about changes if it is a permanent use. Mr. Sheffer asked if Mr. Batchelder understands by going this route he is asking to change City code and will make this impact the City moving forward. Mr. Batchelder stated that he understood that and thought it would be a good step for Delta Chi to take for the future of the fraternity. Mr. Taylor then stated that it was a long discussion between the applicant and staff about the timeline for the property purchase, the special use process would have taken longer for them to do.

Dr. Hamilton asked of the 27 other properties in that district how many might be possibly adapted into a fraternity or sorority. Mr. Taylor stated that at this time he is unsure because he is not sure what a fraternity or sorority looks for when purchasing a property, but, with many of those properties being multi-unit, they would be easily adaptable. Mr. Hamilton asked Mr. Batchelder what Delta Chi stands for as an organization and what they do for the student population. Mr. Batchelder stated that Delta Chi wants to give the students a positive college experience and be a support system for them in their time at the university.

He stated that they require a certain GPA to be active in the chapter and to be an officer they must have a higher GPA, if not met they cannot be part of the chapter. The chapter recently went through a new selection process of their members to make sure they have good representation. He also feels like having the fraternity in a downtown location will help to hold them accountable within the community and make sure they act correctly. Dr. Hamilton asked who the current advisor is for Delta Chi. Mr. Batchelder stated that Dr. Wood is the current advisor and there is also an advisor committee that is called the ABT through SIU. Dr. Hamilton asked how many members would be living at the house and would there be organized meals served. Mr. Batchelder stated that they do not have organized meals at the fraternity nor is it a plan in the future unless it is a special event. As far as residents, he stated that they are looking to have 15-16 living at the residence.

Ms. Litecky asked about the layout of the house. Mr. Batchelder stated that there are four units with two bedrooms each, therefore there would be four residents per unit. Ms. Litecky also asked about the monthly meetings that would be taking place and where the members would park for the meetings with such limited parking around the residence. Mr. Batchelder stated that the students would have to purchase permits from the City for lot parking and, as far as meetings, they are hoping to finish off the basement of the property to use as a meeting room. There was then a brief discussion about parking among the Commissioners. Ms. Litecky then asked how many members the fraternity has currently. Mr. Batchelder stated that they currently have about 26 members after graduation. Ms. Litecky asked what the policy for the Delta Chi is for partying and alcohol, both nationally and locally. Mr. Batchelder stated that locally they are pushing for a no alcohol facility and nationally the Greek Council has many rules and regulations for alcohol and parties. Ms. Litecky also asked who will own the property. Mr. Batchelder stated that it would be owned by Barrister Properties. There was then discussion about property taxes and if Delta Chi would be paying the taxes. Mr. Batchelder stated that would be something he would have to look into.

Andrew Jordan of 210 West Hospital Drive, the Chapter President for Delta Chi, came forward to speak about the alcohol and partying question that was earlier asked. Mr. Jordan explained the guidelines for the different types of events within the Delta Chi and how they make sure it is safe, with no underage consumption.

Dr. Hamilton asked if this property would be subject to annual rental inspections. Mr. Taylor stated that they would be and they would have to pay the \$35 rental fee per unit.

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

There was no one.

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

There was no one.

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

Mr. Taylor read Parts B and C of the staff report for PC 19-01, with a recommendation of approval.

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

There were none.

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

Ms. Litecky asked if the Delta Chi Chapter had ever been brought up for disciplinary actions for alcohol problems. Mr. Jordan came forward and stated that there was one incident back in 2016 because of one of their members. The chapter was put on corrective action by the national charter and they went through the process and passed. There was then a brief discussion about the incident. Ms. Litecky also asked if the current location on Hester was a chapter house. Mr. Batchelder stated that the chapter was renting the house on Hester and there is signage at that house. Ms. Litecky and Mr. Taylor then discussed the signage restrictions that the applicant would have because of the district the property is located in and what types of signage they could use.

Ms. Litecky declared PC 19-01 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A of the staff report for PC 19-01, the applicant was present, and one spoke in favor and none in opposition, seconded by Ms. Lilly.

The motion was passed with a unanimous voice vote.

Mr. Sheffer moved that the Commission recommend approval of a text amendment allowing a fraternity and sorority house as a permitted use in the BPR, Primary Business, zoning district and send PC 19-01 to City Council, seconded by Mr. Love.

Roll Call Vote:

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

No – 0

Mr. Taylor stated that the item would move forward with recommendation for approval of PC 19-01 and that the item would be on the City Council agenda for discussion at their meeting on July 24, 2018.

5. Old Business

There was none.

6. New Business

- A.** FY 2018 Annual Report-Mr. Taylor gave a brief review of the annual report for the Planning Commission that was presented to the Commissioner. Ms. Litecky stated that she would like to see a more attendance from some of the Commissioners moving forward. Mr. Sheffer then discussed the lack of quorum at some of the meetings with low attendance.

Mr. Love moved to approve the FY 2018 Annual Report and send it to City Council, seconded by Ms. Lilly.

The motion was passed with a unanimous voice vote.

- B.** City Council Agenda from May 8, 2018, May 22, and June 12, 2018.

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

7. Adjournment

Ms. Litecky adjourned the meeting at 6:52 p.m.



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200 South Illinois Avenue

Carbondale, Illinois 62901

Telephone 618-457-3248

Fax 618-457-3289

www.explorecarbndale.com

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

TO: City of Carbondale Planning Commission

FROM: Megan Brightharp, Planner ^{MB}

RE: PC 19-02, Olivia Jones-Martin is requesting a Special Use Permit for a Day Care Home I, located at 1545 East Gary Drive within an R-1-15, Low Density Residential, District.

DATE: August 6, 2018

(Planning Commission Public Hearing on August 15, 2018, at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:

Olivia Jones-Martin
1545 East Gary Drive
Carbondale, IL 62901

2. Requested Action and Background: The applicant is requesting a Special Use Permit to allow a Day Care Home I at 1545 East Gary Drive (Please Refer to Exhibit A: Applicant's Brief). The property is currently zoned R-1-15, Low Density Residential, and allows Day Care Home I use by Special Use Permit. A Day Care Home I is a residential structure occupied by the care provider's family and licensed by the State; which provides care for more than three, up to a maximum of six, children for less than 24 hours per day. The maximum number of six children includes the family's natural, foster, or adopted children 12 years of age or under. (Title 15.11.4).

3. Number of Notices Sent to Owners within 250 feet: Twenty-eight (28) notices were sent to property owners located within 250 feet of the subject property.

4. Size and Location: The subject property is located at 1545 East Gary Drive, totals approximately .3 acres, and consists of one parcel. (Please refer to Exhibit B: Photos of the Subject Property).

5. Existing Zoning: The subject property is currently zoned R-1-15, Low Density Residential,

as is land to the immediate north, east, south and west. (Please refer to Exhibit C: Existing Zoning).

6. Existing Land Use: The subject property currently houses a single-family residence. Properties to the east, south, and west contain single-family residences. Properties to the north consist of single family homes and a multifamily housing unit. (Please refer to Exhibit D: Existing Land Use).
7. Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Plan designates the subject property as neighborhood conservation. (Please refer to Exhibit E: 2010 Comprehensive Plan Future Land Use).
8. Zoning History: The subject property was originally zoned R-1-15, Low Density Residential, with the adoption of the 1974 zoning ordinance.
9. Applicable Regulations:

Statement of Intent of Existing Zoning District:

Section 15.2.11.1. R-1 Low Density Residential.

Statement of Intent: 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. Care has been taken and shall be taken in the delineation and expansion of these districts to assure that adequate public water is available and that individual sewage disposal systems will not be required. Five (5) such districts are established with varying lot sizes and densities (R-1-15, R-1-12, R-1-8, R-1-8A, R-1-5).

Special Uses:

Sec. 15-6.8.1: Intent

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

Sec. 15-6.8.2.C: Procedures

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

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

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

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

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

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

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

(Please refer to the Zoning Ordinance for additional zoning district regulations.)

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to a four inch (4") City of Carbondale water line running along East Gary Drive.

Sanitary Sewer: The subject property has access to an eight inch (8") Carbondale sanitary sewer line running along East Gary Drive and South Drury Avenue.

Storm Sewer: Storm water is handled via an open ditch system that routes water to storm water inlets located along South Giant City Road.

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

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

	<u>Average Daily Traffic</u>
South Giant City Road	12,300 ADT

4. Correspondence Received: As of the writing of this report, staff has received one phone call and two letters in opposition of this request.

PART C. ANALYSIS

The applicant, Olivia Jones-Martin, is requesting a Special Use Permit to allow for a Day Care Home I in an R-1-15, Low Density Residential, zoning district.

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

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

As there will be no physical changes to the appearance of the home, the physical character of the surrounding area will be maintained. However, care will need to be taken to ensure that outdoor playtime causes as little disturbance as possible. Should this be achieved the desirability and stability of the area would very likely continue.

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

It is staff's opinion that the proposed use will not be detrimental to or endanger the public health, safety or general welfare. A Day Care Home I is permitted within R-1, Low Density Residential, district with the issuance of a Special Use Permit, and generally have little impact on the surrounding area.

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

The operation of a Day Care Home I, at the subject property, will not be injurious to the use and enjoyment of other property in the neighborhood or substantially diminish neighborhood property values. Because a Day Care Home I is limited to a maximum of six children, the noise and traffic generated by the use will be minimal. Also, the appearance of the home will not be altered by the operation of the special use and therefore will not change the character of the neighborhood.

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

The principal use of the subject property will continue to be a single family residence. Establishment of a home day care as a secondary use should not impede the development of the surrounding area nor should it inhibit the improvement of the area for other permitted uses in the district.

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

Adequate utilities, access roads and drainage are currently in place serving the site and the surrounding area. It is staff's opinion that these will be adequate for the proposed use.

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

The subject property and the surrounding area are designed to provide safe ingress and egress and minimize traffic congestion. The applicant plans to provide parking in the driveway of the subject property. Being that six is the maximum number of children that can be cared for at this day care, congestion and the potential lack of parking does not pose a concern for staff.

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

The R-1-15 District allows Day Care Home I as a special use. Granting the special use would conform to all requirements of this section.

ADDITIONAL ANALYSIS

The applicant is requesting a Special Use Permit for a Day Care Home I in an R-1-15, Low Density Residential, District. The subject property serves as the applicant's family residence. The applicant is in the process of acquiring a state license, from the Illinois Department of Children and Family Services, to operate a day care home.

The City of Carbondale defines a Day Care Home I as a residential structure occupied by the care provider's family and licensed by the state which provides care for more than three, up to a maximum of six, children for less than twenty four hours per day. The maximum number of six children includes the family's natural, foster or adopted children twelve years of age or under. (Title 15 11.4).

Staff was made aware, in late March, that the applicant had installed children's recreational play equipment in her yard and may be operating a day care. A letter was sent to the applicant to inform her that if the recreational play equipment was installed to be used as a part of a day care, operating out of the home, she would be required to obtain the proper permits. On April 4th, the applicant visited the Planning and Development Management Division to explain that the equipment was installed because she was in the process of preparing her home to take in foster children and presented paperwork pertaining to her being approved to be a foster parent. During this meeting, the applicant inquired about the requirements for opening a day care. Staff explained the process of obtaining a Special Use Permit for a Day Care Home. The applicant explained that if she chose to do so, that it would be addressed in the future.

The recreational play equipment in Ms. Jones-Martin's yard is positioned within a preexisting fenced in area, located in the side yard of the home. The City of Carbondale does not require residents to fence in children's recreational play equipment. However, the City does require that

recreational play equipment not be located within any minimum front yard depth in any residential district (Title 15 3.4.4). Because the subject property is located on a corner lot, the side yard to the east of the home counts as a secondary front yard. Secondary front yards are required to be half the minimum yard depth as defined per residential zoning district (Title 15 11.4). In an R-1-15, Low Density Residential, District, the City of Carbondale requires that the front yard depth be 30 feet or 20% of the lot depth, whichever is less (Title 15 2.11.9). The lot depth of the subject property is 100 feet, making the minimum front yard depth 20 feet and 10 feet for the minimum secondary front yard depth. The edge of the enclosed play area is located approximately 11 feet from the property line, putting the equipment in compliance with the Carbondale Revised Code.

Due to insurance purposes, the applicant plans to facilitate no more than four children within the day care home. Ms. Jones-Martin proposes for the day care home to operate during after school hours, 4:30 p.m. to 11 p.m., Monday through Friday. For the summer, June through mid-August, the applicant proposes to provide service from 7 a.m. to 6 p.m. For prearranged circumstances, the applicant plans to operate on Saturdays and Sundays from 8:00 a.m. to 10:00 p.m.

In the past, other cases have been brought to the Commission where applicants applied for a special use permit in order to establish a day care home within a residential district. In PC 12-08, the applicant applied for an SUP in order to open a Day Care Home II in an R-1-12, Low Density Residential, District located on New Era Road. The maximum number of children that can be cared for in a Day Care Home II is 12, creating the concern for possible traffic congestion. The applicant proposed to use their driveway for parking during daily pick up and drop off times. Staff and the Planning Commission felt that the use of the driveway for parking would be insufficient as New Era Road has an average daily traffic count of 2000 and lacks on street parking. This case was subsequently denied by City Council. In PC 07-09, the applicant applied for an SUP to establish a Day Care Home I in an R-1-8, Low Density Residential, District on West Laurel Street. The applicant had two children of their own, limiting the additional number of children in the day care home to four. West Laurel Street has an average daily traffic count of 400, creating concerns for safety during pick up and drops off times. The applicant agreed to add an additional parking space to their property in order to provide a total of three off street parking spaces. In addition to the off street parking spaces, West Laurel Street allows on street parking, providing ample parking for the day care home. This case was approved by City Council. For the current PC Case, the applicant plans to provide parking in the driveway of the subject property as it is able to stack an additional two cars in the driveway along with those owned by the applicant. Should Ms. Jones-Martin require more than two parking spaces, East Gary Street permits on street parking.

It is Staff's opinion that a Day Care Home I is an appropriate and efficient use of the property. The applicant is requesting to care for less than the maximum number of children for a Day Care Home I. The exterior of the home will not be altered and the recreational play equipment has been installed on the subject property in compliance with the City of Carbondale's Revised Code. The applicant has also provided an appropriate number of parking spaces necessary for picking up and dropping off the children.

PART C. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 19-02.

Exhibit A: Applicant's Brief

July 24, 2018

Planning Commission
City of Carbondale
200 South Illinois Ave.
P.O. Box 2047
Carbondale, IL 61902

Dear Planning Commission members:

My name is Olivia Jones-Martin and I'm planning to open an in-home child care center at my residence, 1545 East Gary Drive in Carbondale.

When I open the center, I will be in operation after school hours, 4:30 p.m.-11 p.m., Monday through Friday. During summer vacation, June through mid-August, I will be open from 7 a.m. to 6 p.m. For prearranged occasions I will be open on Saturday and Sunday from 8 a.m. to 10 p.m.

I will keep three to four children at a time during the hours of operation. I plan to open the center as soon as all the paperwork is completed with the City of Carbondale and DCFS and I have received the license.

If you have any questions or need more information, please contact me at 618-319-1009. Thanks. Have a nice day.

Sincerely,



Olivia Jones-Martin

Olivia Jones-Martin
Appeared before me on this date, July 24, 2018
Olivia Jones-Martin

Lori Hill, notary.



Exhibit B: Photos of Subject Property



View of Property facing south across East Gary Drive



View away from property facing north across East Gary Drive

Exhibit B: Photos of Subject Property



View facing west along East Gary Drive



View facing east along East Gary Drive

Exhibit B: Photos of Subject Property



View of Property facing west across South Drury Avenue



View away from Property facing east across South Drury Avenue

Exhibit B: Photos of Subject Property



View facing south along South Drury Avenue



View facing north along South Drury Avenue

Exhibit C: Existing Zoning
Planning Commission Case PC 19-02

South Liberty Lane

East Gary Drive

South Drury Avenue

East Grand Avenue

Public Hearing Date & Time

August 15, 2018
6:00 p.m.

Case Description

Olivia Jones-Martin is requesting a special use permit for property located in an R-1-15, Low Density Residential, District, located at 1545 East Gary Drive.

Zoning Classifications

R-1-15 Low Density Residential

Legend

 Subject Property

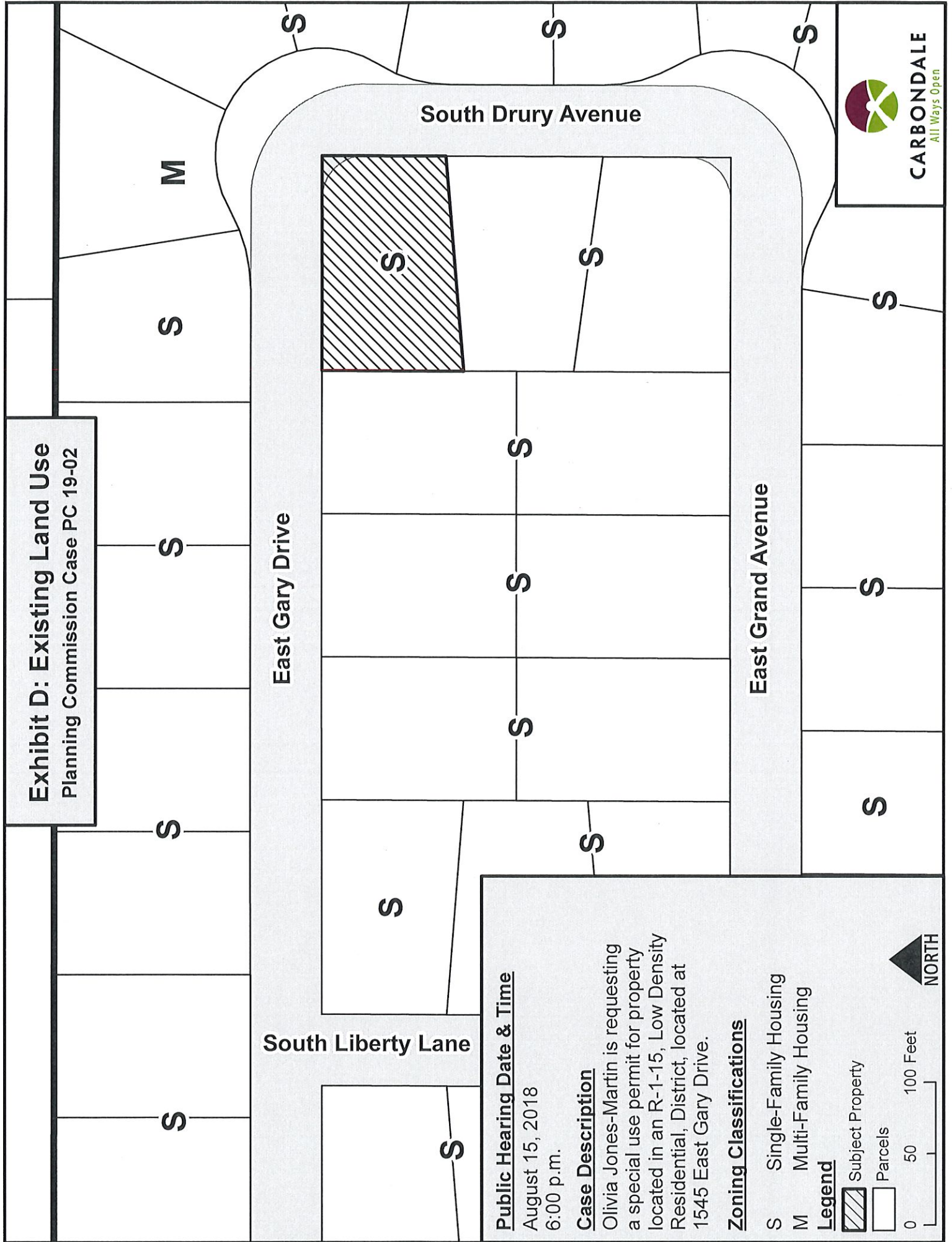
 Parcels

0 50 100 Feet



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Exhibit D: Existing Land Use
Planning Commission Case PC 19-02



Public Hearing Date & Time

August 15, 2018
6:00 p.m.

Case Description

Olivia Jones-Martin is requesting a special use permit for property located in an R-1-15, Low Density Residential, District, located at 1545 East Gary Drive.

Zoning Classifications

- S Single-Family Housing
- M Multi-Family Housing

Legend

-  Subject Property
-  Parcels

0 50 100 Feet



Exhibit E: Future Land Use

Planning Commission Case PC 19-02

South Liberty Lane

East Gary Drive

South Drury Avenue

NC

East Grand Avenue

Public Hearing Date & Time

August 15, 2018
6:00 p.m.

Case Description

Olivia Jones-Martin is requesting a special use permit for property located in an R-1-15, Low Density Residential, District, located at 1545 East Gary Drive.

Zoning Classifications

NC Neighborhood Conservation

Legend

 Subject Property

 Parcels

0 50 100 Feet



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200 South Illinois Avenue

Carbondale, Illinois 62901

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Fax 618-457-3289

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

TO: City of Carbondale Planning Commission

FROM: Travis Taylor, ^{PT}AICP, Senior Planner

RE: PC 19-03, Text Amendment relative to allowing general retail uses in the PAR, Professional Administrative Office, Residential, zoning district

DATE: August 8, 2018

(Planning Commission Public Hearing on August 15, 2018 at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
Sailiata, LLC
705 Main Street
Carbondale Il, 62901
2. Requested Action and Background:

Sailiata, LLC, is requesting a text amendment to allow for the land use titled "Retail, general, except as otherwise listed" within the PAR, Professional Administrative Office, Residential, zoning district. The applicant is making this request with the intent to open a small bookstore at 705 West Main Street.

Earlier this year, during its meeting on May 2, 2018, the Carbondale Planning Commission discussed possibly initiating a very similar text amendment which would explore allowing retail uses within the PAR district. After a discussion regarding the request, which included topics such as: the need, or lack thereof, for additional retail space within Carbondale; the desire to bring retail space closer to residential areas to make the community more walkable; and the function of the PAR district to serve as a buffer for residential districts, the Carbondale Planning Commission voted on a motion to approve the initiation request. This motion failed in a 1-yes, 5-no vote.

If approved as requested, the land use titled "Retail, general, except as otherwise listed" will be allowed within any PAR district located in Carbondale's zoning jurisdiction. Please refer to both Exhibit A: Applicant's Brief, and Exhibit B: Existing PAR Zoning District.

PART B. ANALYSIS

As proposed, the revisions to Title 15 of the Carbondale Revised Code would allow the use “Retail, general, except as otherwise listed” as a permitted use in the PAR, Professional Administrative Office, Residential, zoning district.

It is important that the Planning Commission note the intent of the PAR zoning district outlined below:

§15.2.18.1 PAR Professional Administrative Office, Residential District

Statement of Intent: This residential district is created to provide appropriately located areas for harmonious intermediate uses to serve as buffers between residential districts and nonresidential districts; to create a suitable environment for professional and administrative office buildings compatible with surrounding residential uses; specially designed for such purposes and located on sites large enough to provide room for landscaping, open spaces, and off-street parking facilities; to minimize traffic congestion and to avoid the overloading of utilities. It is intended that this district preserve the residential appearance and character of a neighborhood.

Specifically, attention should be paid towards the PAR district’s intent on allowing “harmonious intermediate uses” so that the district serves as a buffer between residential districts and nonresidential districts. The PAR also stipulates that all structures within the district maintain a residential appearance so that the character of the surrounding neighborhood is maintained. While the amendment will not alter the appearance of such structures, staff does believe it is important to consider what qualifies as a “harmonious intermediate use.”

Prior to the code revision in 2013, (PC 13-07, Ordinance 2013-20), the use table matrix went into more detail, identifying as many specific land uses as possible. With the revision in 2013, the City sought to simplify this list by providing broader, more inclusive categories. Within the retail category, this resulted in itemizing out only those land uses related to the sale of large items or other items which could affect the impact of the retail use (such as appliances, car sales, etc). All retail not captured by these specific categories fall under the category “Retail, general, except as otherwise listed.” Currently, the only retail sales allowed in the district are those sales associated with art galleries. Other, large item sales, which could have a bigger impact, such as furniture, hardware, and appliances, are all prohibited. As such, the category titled “retail, general, except as otherwise listed” will be limited to small-scale retail not identified within the other broad, more intense retail uses. The extent to which these uses are considered “harmonious intermediate uses” should be further explored by the Planning Commission.

Allowing appropriate retail uses within the PAR district could entice more small-scale retail uses within these residential structures and allow for retail closer to residents, promoting a more walkable community (2010 Comprehensive Plan, Focus Area 3.3). At the risk of overstating the impact an amendment such as this may have, it is important to note that the 2010 Comprehensive Plan directs the City to “Manage Future Growth” (Focus Area 2.1) by utilizing the principles of “Smart Growth.” Smart Growth is a tool of guiding principles specifically designed to combat sprawl, or the tendency for developments to move outward from the community. This was the general mindset when establishing the NB, Neighborhood Business, district. This district, designed to be located within residential neighborhoods, allows the use “Retail,

general, except as otherwise listed,” along with multiple other retail uses, but limits the hours of operation, outdoor storage and number of employees. During the process of amending the Neighborhood Business district in 2014, the focus was on allowing uses which were small in scale, low impact, and possibly pedestrian in nature. Overall, it is staff’s opinion that the same thought process can be applied here with the PAR district. Allowing limited retail uses both close to the City’s core and residential neighborhoods, is in keeping with the goal of the Comprehensive Plan and previous amendments to the Carbondale Revised Code.

While there are positives for allowing such a land use by right in this district, staff does recognize that the category may be perceived as potentially too broad. One resident visited the office to voice this concern and, thus, their opposition to this request. Therefore, staff would also see the benefit of allowing such a land use via Special Use Permit. The Special Use Permit process should curb any adverse impacts the broad category may have on the surrounding neighborhood. Through this process, the Planning Commission and City Council may consider requests on a case-by-case basis and add restrictions to the permit should there be potential adverse impacts. Should the Planning Commission wish to act on the text amendment and make a recommendation that it be approved as a Special Use rather than a Permitted use, the applicant will need to verify at the meeting that they wish to amend their request in that way.

PART C. RECOMMENDATION

Based on the analysis presented in this report, staff recommends the Planning Commission recommend approval of the proposed text amendment for PC 19-03 as proposed in Exhibit B.

Should the Planning Commission desire approve the text amendment as a special use, staff recommends the Planning Commission have the applicant verify that such an amendment to the request is acceptable and, thus, recommend approval of the text amendment for PC 19-03 as proposed in Exhibit C.

Exhibit A: Applicant's Brief

Sailiata, LLC
705 W. Main St.
Carbondale, IL 62901

STATEMENT TO PLANNING COMMISSION

Sailiata LLC requests a change to zoning for PAR to include Retail General as an allowed category. Our goal is to open a bookstore at 705 West Main Street: to sell books and other items. The majority of the retail business will be done on line: our entire inventory will be visible on line; customers can email us to order a book and then either pick it up or have it delivered.

There are several secondary goals: to create a space where people in the neighborhood, and beyond, can come to be around books and to discuss books with others; to have a space for local artists to display and sell their work; to be an outlet for local authors to meet the public and each other; and to renew an old house to be a central point in the neighborhood.

We expect several positive impacts on the property: structural improvements and new landscaping will increase attractiveness and value; more activity around the property will make it safer (there was evidence of tampering with windows, sleeping in the bushes, and leaving trash). Both of these impacts will have positive spillover effects on nearby properties. We are walking distance from the Carbondale Public Library and Memorial Hospital. Both could be sources of synergy. The biggest positive impact will be broader: Carbondale needs a functioning bookstore, especially as a university community. And we aim to serve all of southernmost Illinois. The local economy will also benefit from another viable retail business.

Negative impacts which might be of concern from a retail establishment are usually related to noise and commotion, especially during times when families want a quiet and peaceful environment. The main source of noise from 705 will be the TESSI music school, which we will continue to host. We will host book clubs and other trainings or discussion groups, which may meet in the evenings. Those fit in well with a residential neighborhood.

Parking is often an issue and the City currently recognizes eight spaces available on the property. Since it is centrally located, many visitors come on foot or by bicycle. We are glad to have received permission from Regents Bank to direct visitors to their parking lot if needed for events on weekends or after hours.

Other businesses might be hurt by competition. Since Bookworm closed, there are no other bookstores that we would be in competition with. Since Kaleidoscope and Nest closed, there is room for a gift shop run by artists.

Exhibit B: Existing PAR Zoning District

Planning Commission Case PC 19-03

N. ALMOND ST

W. JACKSON

W. HIGH ST

N. OAKLAND AVE

W. MAIN ST

S. MAPLE ST

S. SPRINGER ST

S. OAKLAND AVE

W. WALNUT ST

ST (IL RTE 13 EB)

Public Hearing Date & Time

August 15, 2018
6:00 p.m.

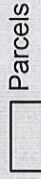
Case Description

Sailiata, LLC is requesting a text amendment to the PAR district to allow "Retail, General, except as otherwise listed"

Legend



PAR, Professional Administrative Office



Parcels

0 100 200 Feet



Exhibit C: Text Amendment to Title 15 as a Permitted Use

§2.29 PERMITTED AND SPECIAL USES, NONRESIDENTIAL DISTRICTS
REGULATIONS

TITLE 15. ARTICLE 2. DISTRICT

§2.29. PERMITTED AND SPECIAL USES, NONRESIDENTIAL DISTRICTS

	NONRESIDENTIAL DISTRICTS USE TABLE											
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
	Residential Uses											
Household Living (See §3.1.7.A)	Single-family dwellings					P					P ⁷	
	Single family dwellings, except mobile homes		P	S	S	P					P ⁷	§3.3.1.N
	Two-family houses (duplex)					P					P ⁷	
	Corner lot duplexes					P					P ⁷	
	Condominiums residential			S	S	P						§3.3.1.N
	Condominium buildings (residential) with four or fewer units		P	S	S	P					P ⁷	§3.3.1.N
	Dwelling units above the main floor							P				
	Dwelling units on the main floor of residential structures existing on September 16, 2003, including rooming houses, excepting dormitories, group homes, and mobile homes							S				
	Two-unit dwellings, except mobile homes		S	S	S	P					P ⁷	§3.3.1.N
	Three-unit dwellings, except mobile homes		S	S	S	P					P ⁷	§3.3.1.N
	Four-unit dwellings, except mobile homes		S	S	S	P					P ⁷	§3.3.1.N
	Single-unit dwellings, including townhouses, but except mobile homes		P	S	S	P						§3.3.1.N
	Multi-Unit Dwellings			S	S	P						§3.3.1.N
	Dormitories or apartments for students residing on site										P ⁷	
	Dwelling units as permitted in the lowest density adjoining residential district and subject to the same occupancy restrictions as said residential district	P										
	Dwelling units other than those permitted in the preceding row	S										§3.3.1.N
Group living (See §3.1.7.B)	Boarding or rooming houses			S	S							§3.3.1.N
	Fraternities and sorority homes			S				P ⁹				§3.3.1.N
	Public and Civic Uses											
Community service (See §3.1.8.A)	Business associations	S		P	P						P	
	Civic, social and fraternal	S		P	P		P	P			P	
	Community centers	S		P	P		P					
	Libraries	S		P	P			P				
	Museums	S		P	P	P		P				
Day care (See §3.1.8.B)	Adult day care		S	P	S		S		S	S	P	§3.3.1.I
	Day care centers for children	S	P	P	S	S ¹	S		S	S	P	§3.3.1.I
	Day care homes I		P	S								§3.3.1.J
	Day care homes II		S	S								§3.3.1.J
	Day care homes III		S	S								§3.3.1.J

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
	Day care centers including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, play groups, and centers or workshops for mentally or physically handicapped.	S										§3.3.1.I
	Family day care homes		P	P								
	Nursery education or school	S		P	S		S		S	S		
Educational facilities (See §3.1.8.C)	Primary (elementary) schools	S		P							S	
	Secondary schools	S		P							S	
	Art and music schools	P		P	P			P			S	
	Barber and beauty schools	S		P	P		P	P			S	
	Dancing schools	P		P	P			P			S	
	Driving schools	S		P	P						S	§3.3.1.M
	Vocational or trade schools			P	P		P				P	
	Other special training and schools, NEC	S		P	P			P			S	
	University, college, junior college and professional school education	S		P							P	
	Junior colleges	S		P							P	
	University and colleges	S		P							P	
Government facilities and services (See §3.1.8.D)	Executive, legislative, and judicial functions			P	P	P	P	P			P	
	Postal services			P	P	P	P	P			P	
	Civil defense and related activities			P	P		P				P	
	Fire stations and related activities		S	S	P	P	P				P	
	Governmental maintenance facilities and services						P		P	P	P	
	Police protection and related activities	S		P	P		P	P			P	
	Other protective functions and related activities, NEC			P	P		P				P	
Medical facilities (See §3.1.8.E)	Hospital			P		P					P	
	Emergency and walk-in medical clinics			P	P	P		P			P	
	Medical laboratory services			P	P	P		P			P	
	Nursing, convalescent and rest homes			P	P	P					P	
	Outpatient surgical centers			P	P	P						
	Blood/Plasma Donation Center			P	P	P		P				
	<i>Note: medical and dental offices without surgical facilities are listed under "office" uses</i>											
Parks and open space (See §3.1.8.F)	Parks and playgrounds		P	P	P	P		P			P	
Passenger terminals and services (See §3.1.8.G)	Transportation terminals, passenger and freight						P		P	P	P	
	Transportation terminals, passenger				P	P		P				
	Airport or heliport										P	
Religious Institution (See §3.1.8.H)	All religious institutions	S		P	P			S			P	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
Social service institutions (See §3.1.8.I)	Welfare and charitable services			P	P			S			P	
	Transient lodging or shelter			S	S			S				
Telecommunications facilities	Wireless communications facilities	S	S	S	S	S	S	S	S	P	P	§3.6.1.I
Utilities, major (See §3.1.8.J)	Electrical public utility substation with eight foot minimum screen or fence.		S	S	S	S	S		S	S	S	
	Electrical transmission lines of 30 kilovolts or larger		S	S	S		S		S	S	P	
	Public utility substation with eight foot screen or fence, except electrical public utility substation.				P		P		P	P	P	
	Railroads		S	S	S	S	S		P	P	P	
	Sewage treatment plant											
	Wastewater treatment facilities											
	Renewable energy production (solar, wind, etc)								S	S		
Commercial Uses												
Eating and drinking establishments (See §3.1.9.A)	Drinking places (alcoholic beverages)	S			P ²	P ²	S	P ²			S	
	Restaurants	S			P	P	P	P	P	P	P	§3.3.1.W
	Restaurants with drive-through				P	P	P	S	P	P		§3.3.1.K
	Micro-brewery	S			P ²	P ²		P ²	P ²	P ²		
	Winery	S			S	S		S	P ²	P ²		
	Micro-distillery	S			S	S		S	P ²	P ²		
Entertainment, indoor (See §3.1.9.B)	Commercial Kitchen/Catering	P			P	P	P	P	P	P		
	Adult uses											
	Bars or nightclubs				P ²	P ²		P ²			S	
	Bowling alleys and other similar recreational activities				P	S					P	
	Pool Halls				P	S	P	P				
	Dance halls				P ²	S	P ²	P ²				
	Gambling facilities				S	S		S				
	Health clubs	S			P	P		P			P	
	Indoor sports facilities, including, but not limited to, racquetball, handball, tennis, basketball and other court games, gymnasiums; soccer; hockey;	P			P	P			P	P	P	
	Roller and ice skating				P	S	P		P	P		
Entertainment, outdoor (See §3.1.9.B)	Theaters and auditoriums				P	P		P			P	
	Country clubs, golf courses, swimming clubs and similar recreational uses										P	
	Miniature golf, batting cages, driving ranges	S			P	S						3.3.1.T
Offices (See §3.1.9.C)	Banking and financial institutions, without drive-through		P	P	P	P		P			P	
	Banking and financial institutions, with drive-through			P	P	P		S			P	§3.3.1.K
	Business, administrative, and professional offices except those listed separately	S	P	P	P	P	P	P	P	P	P	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
	Credit services (other than banks), including pay-day loan and check cashing services			S	S	P		P				
	Educational and scientific research	S	P	P	P	P			P	P	P	
	Employment services		P	P	P	P		P				
	Dental offices and dental labs	S	P	P	P	P		P			P	
	Medical offices without surgical facilities	S	P	P	P	P		P			P	
	Printing services				P	P	P	P				
	Professional offices	P										
	Professional schools				P				P	P		
	Studios, television and radio	S			P		P	P			P	
	Studios, recording	S			P	P		P			P	
	Telecommunications offices and exchanges				P			P				
Overnight accommodations (See §3.1.9.D)	Bed and breakfast establishment.	S	P ³	P ³	P			P				§3.3.1.F
	Inn	S	S	S	P		P	P			P	§3.3.1.Q
	Hotels and motels				P	P		P			P	
	Travel trailer parks or campground											
Parking, commercial (See §3.1.9.E)	Automobile parking public and commercial, for uses on adjoining parcels or in adjacent districts		S	P	P	P	P	P			P	
	Public or commercial parking						P		P	P		
	All other commercial parking				P		P					
Retail sales and service, sales-oriented (See §3.1.9.F)	Retail, general, except as otherwise listed	P ⁸	P		P	P	S	P			P	
	Retail, groceries, except as otherwise listed	P ⁸			P	P		P			P	
	Apparel and accessories	P ⁸		P	P	P		P				
	Art galleries	P ⁸	P	P	P	P		P			P	
	Auto parts and accessories				P		P				P	
	Building supplies and lumber, including electrical, plumbing, HVAC and other	P ⁸			P ⁴	P ⁴	P		P	P	P	
	Antiques and secondhand merchandise	P ⁸			P			P			P	
	Computers and accessories	P ⁸			P	P		P			P	
	Convenience stores with gasoline service /gasoline service station				P	P	P				P	
	Convenience store without gasoline service	P ⁸			P	P		P				
	Electronics, including audio, video and other				P	P		P			P	
	Fuel and ice dealers, including coal, bottled gas						P		P			
	Furniture, home furnishings and equipment				P	P		P			P	
	Hardware without lumber and building supplies				P ⁴	P ⁴	P	P ⁴	P	P	P	
	Hay, grain and feeds						P					
	Household appliances				P	P	P				P	
	Liquor				P ²	P ²		P ²			P ²	
	Medical appliances and supplies			P ⁴	P	P		P			P	
	Garden supplies				P	P		P			P	
	Office supplies and equipment				P	P		P			P	
	Optical goods	P ⁸		P ⁴	P	P		P			P	
	Outdoor recreation equipment and vehicles				P	P	P		P	P	P	
	Pets				P	P		P			P	
	Pharmacy			P ⁴	P	P		P			P	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
Retail sales and service, personal service- oriented (See §3.1.9.F)	Schools, trade and business				P	P			P	P	P	
	Art, music, and dancing schools	P ⁸			P	P	P	P				
	Art, music, and photographic studios	P ⁸	P	P	P	P		P				
	Beauty and barber services	P ⁸	P	P	P	P		P				
	Funeral services without crematorium				P							
	Funeral services with crematorium				S							
	Laundering and dry cleaning (self-service)	P ⁸			P			P				
	Pressing, alteration and garment repairs	P ⁸			P			P				
	Radio and television repair	P ⁸			P		P					
	Shoe repair	P ⁸			P			P				
	Small animal hospital or clinic with boarding			P	P	P		P			P	
Retail sales and service, repair- oriented (See §3.1.9.F)	Tattoo Parlor				P			P				
	Armature rewinding						P		P	P	P	
	Apparel repair, alteration and cleaning pickup; shoe repair services	P ⁸			P		P	P	P	P	P	
	Electrical repair (except radios and TV)	P ⁸			P		P		P	P	P	
	Fur repair and storage services	P ⁸					P		P	P	P	
	Pressing, alteration, and garment repair; laundry and dry cleaning pickup only	P ⁸			P			P	P	P	P	
	Shoe repair, shoe shining, and hat cleaning services	P ⁸			P			P	P	P	P	
	Radio and television repair	P ⁸			P		P		P	P	P	
	Re-upholstery and furniture repair	P ⁸			P		P		P	P	P	
Self-service storage (See §3.1.9.G)	Watch, clock and jewelry repair	P ⁸			P		P		P	P	P	
	Other repair services, NEC	S					P		P	P	P	
Vehicle and similar sales and service (See §3.1.9.H)	Commercial storage of recreational vehicles	P ⁴							P	P	P	
	Mini-warehouses				S ⁴		P		P	P	P	§3.3.1.S
	Aircraft and accessories						P		P	P	P	
	Automobile repair and service	S			S ⁴	P ⁵	P		P	P	P	§3.3.1.E
	Auto service, including quick and minute lube drive through (except repair/wash), NEC				P ⁴	S ⁴	P				P	
	Automobile wash	S			S	S	P					
	Automobile and truck rental services			S	S		P		P	P	P	
	Farm and industrial equipment and supplies								P	P		
	Marine craft and accessories				P	P	P				P	
	Mobile homes and accessories				S		P		P	P		
	Motorcycle and all-terrain vehicle (ATV) sales				P	P	P	S				§3.3.1.C
	Motor vehicles (new and used cars)				P	P	P					
	Motor vehicles (used cars only)				P	S	P					
	Tires, batteries and accessories				P ⁴	P ⁴	P				P	
	Truck stops						P		P	P		

	NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD	
	Industrial Uses												
Light industrial service (See §3.1.10.E)	Building services, including janitorial, exterminating, general maintenance						P		P	P	P		
	Contractors, general and specialty, without outdoor storage	P ⁸					P		P	P	P		
	Contractors, general and specialty, with outdoor storage						P		P	P	P		
	Concrete services						P		P	P	P		
	Coating engraving and allied services						P		P	P	P		
	Drugs, chemicals and allied products								P	P	P		
	Laboratories, including film processing								P	P	P		
	Laundering, dry cleaning and dyeing plants						P		P	P	P		
	Linen supply and industrial laundry services	S					P		P	P	P		
	Manufacturing, fabricating, processing, or assembling of products or materials								P	P	P		
	Low-Impact Manufacturing	P					P		P	P	P		
	Newspaper distribution services				P		P				P		
	Research, development and/or testing services	S		P ⁴	P ⁴		P		P	P	P		
	Transportation equipment								P	P	P		
	Other special construction trade, NEC						P		P	P	P		
Heavy industrial (See §3.1.10.F)	Acid manufacturing									S			
	Ammunition manufacturing									S			
	Blast furnace, steelworks, or the rolling and finishing of ferrous metals									S			
	Glue manufacturing									P			
	Iron and steel foundry									S			
	Meatpacking plant or slaughterhouse									S			
	Nonferrous metal foundry									S			
	Smelting and refining of nonferrous metals									S			
	Stockyards or livestock sales barns									S			
	Tannery									S			
	Wood preserving operation								S	S			
Warehouse and freight movement (See §3.1.10.B)	Equipment rental and leasing services				S		P		P	P	P		
	Farm products warehousing	S			S ⁴		P		P	P	P		
	Food lockers (with or without food preparation facilities)						P		P	P	P		
	Freight forwarding service						P		P	P	P		
	General warehousing and storage	S			S ⁴		P		P	P	P		
	Parcel services				P						P		
	Railroad and motor freight salvage						P		P	P			
						P		P	P	P			
Waste-related service (See§3.1.10.C)	Junkyard or auto wrecking yard, or storage								S	S		§3.3.1.R	
Wholesale trade (See §3.1.10.D)	Beer, wine, and distilled alcoholic beverages						P		P	P	P		
	Commercial and industrial machinery and equipment									P	P		

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
	Construction equipment								P	P		
	Drugs, chemicals and allied products						P		P	P	P	
	Dry goods and apparel						P		P	P	P	
	Electrical and electronic goods						P		P	P	P	
	Farm equipment						P		P	P		
	Farm and grain mill products								P	P		
	Furniture and home furnishings						P		P	P	P	
	Groceries and related products						P		P	P	P	
	Hardware, plumbing, and heating equipment and supplies				P ⁴		P		P	P	P	
	Lumber and other building materials				S		P		P	P	P	
	Machinery, equipment and supplies						P		P	P	P	
	Mail-order house				S		P		P	P		
	Merchandise vending machine operators				S		P		P	P		
	Motor vehicles, equipment, parts and accessories						P		P	P	P	
	Paint, glass and wallpaper				P ⁴		P ⁴		P	P		
	Paper and paper products						P		P	P	P	
	Professional equipment, instruments and supplies						P		P	P	P	
	Transportation equipment									P		
	Welding equipment and supplies						P		P	P		
	Wholesale trade of products produced on the premises						P		P	P		
Other Uses												
Agriculture (See §3.1.11.A)	Plant nursery or greenhouse	S			S		P		P	P	P	
	All agricultural uses										P	
Resource Extraction (See §3.1.11.B)	All resource extraction except hydraulic fracturing ⁶								S	S		
Vehicles and access	Private access roads or streets to or from a permitted use in an adjoining zoning district	S	S	S	S		S		S	S	S	§3.3.1.V
	Motorized recreational vehicle use				S		S		S	S		
Accessory Uses	Vacation Rental Units							P				§3.4.2.C

¹ In BPL, day care centers for children including child care centers, day nurseries, nursery schools, kindergartens, play group and centers or workshops for mentally or physically handicapped children shall be permitted as a permitted use only when they are approved as part of the development plan.

² Within 250 feet of property owned by a public school agency and used for elementary or secondary school educational purposes, uses identified with this footnote shall be considered as special uses in the respective districts.

³ In PAR and PA, Bed and Breakfasts are subject to the Special Use Standard detailed in §3.3.1.F.

⁴ Only if within completely closed buildings.

⁵ In BPL, automotive repair services are permitted only as accessory uses to: a) the retail sale of motor vehicles, or b) the retail sale of automotive accessories.

⁶ Hydraulic fracturing (fracking) shall not enter or infringe upon the City of Carbondale's zoning jurisdiction from a location outside of the zoning jurisdiction.

⁷ Airport related residential uses with maximum FAR of .566 for the land designated for residential uses.

⁸ No outdoor storage allowed. No more than 4 employees on the premises at any one time on a regular basis. Hours of operation shall not exceed 7 AM to 10 PM. The following uses shall require a Special Use Permit: Railroad and Motor Freight Salvage; Sporting Goods, including firearms and ammunitions sales; and Welding Equipment and Supplies.

⁹ Shall only apply to residential structures existing on September 16, 2003.

Exhibit D: Text Amendment to Title 15 as a Special Use

§2.29 PERMITTED AND SPECIAL USES, NONRESIDENTIAL DISTRICTS
REGULATIONS

TITLE 15. ARTICLE 2. DISTRICT

§2.29. PERMITTED AND SPECIAL USES, NONRESIDENTIAL DISTRICTS

	NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD	
	Residential Uses												
Household Living (See §3.1.7.A)	Single-family dwellings					P					P ⁷		
	Single family dwellings, except mobile homes		P	S	S	P					P ⁷	§3.3.1.N	
	Two-family houses (duplex)					P					P ⁷		
	Corner lot duplexes					P					P ⁷		
	Condominiums residential			S	S	P						§3.3.1.N	
	Condominium buildings (residential) with four or fewer units		P	S	S	P					P ⁷	§3.3.1.N	
	Dwelling units above the main floor							P					
	Dwelling units on the main floor of residential structures existing on September 16, 2003, including rooming houses, excepting dormitories, group homes, and mobile homes							S					
	Two-unit dwellings, except mobile homes		S	S	S	P					P ⁷	§3.3.1.N	
	Three-unit dwellings, except mobile homes		S	S	S	P					P ⁷	§3.3.1.N	
	Four-unit dwellings, except mobile homes		S	S	S	P					P ⁷	§3.3.1.N	
	Single-unit dwellings, including townhouses, but except mobile homes		P	S	S	P						§3.3.1.N	
	Multi-Unit Dwellings			S	S	P						§3.3.1.N	
	Dormitories or apartments for students residing on site											P ⁷	
	Dwelling units as permitted in the lowest density adjoining residential district and subject to the same occupancy restrictions as said residential district	P											
	Dwelling units other than those permitted in the preceding row	S											§3.3.1.N
Group living (See §3.1.7.B)	Boarding or rooming houses			S	S							§3.3.1.N	
	Fraternities and sorority homes			S				P ⁹				§3.3.1.N	
	Public and Civic Uses												
Community service (See §3.1.8.A)	Business associations	S		P	P						P		
	Civic, social and fraternal	S		P	P		P	P			P		
	Community centers	S		P	P		P						
	Libraries	S		P	P			P					
	Museums	S		P	P	P		P					
Day care (See §3.1.8.B)	Adult day care		S	P	S		S		S	S	P	§3.3.1.I	
	Day care centers for children	S	P	P	S	S ¹	S		S	S	P	§3.3.1.I	
	Day care homes I		P	S								§3.3.1.J	
	Day care homes II		S	S								§3.3.1.J	
	Day care homes III		S	S								§3.3.1.J	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
Educational facilities (See §3.1.8.C)	Day care centers including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, play groups, and centers or workshops for mentally or physically handicapped.	S										§3.3.1.I
	Family day care homes		P	P								
	Nursery education or school	S		P	S		S		S	S		
	Primary (elementary) schools	S		P							S	
	Secondary schools	S		P							S	
	Art and music schools	P		P	P			P			S	
	Barber and beauty schools	S		P	P		P	P			S	
	Dancing schools	P		P	P			P			S	
	Driving schools	S		P	P						S	§3.3.1.M
	Vocational or trade schools			P	P		P				P	
	Other special training and schools, NEC	S		P	P			P			S	
	University, college, junior college and professional school education	S		P							P	
Government facilities and services (See §3.1.8.D)	Executive, legislative, and judicial functions			P	P	P	P	P			P	
	Postal services			P	P	P	P	P			P	
	Civil defense and related activities			P	P		P				P	
	Fire stations and related activities		S	S	P	P	P				P	
	Governmental maintenance facilities and services						P		P	P	P	
	Police protection and related activities	S		P	P		P	P			P	
	Other protective functions and related activities, NEC			P	P		P				P	
Medical facilities (See §3.1.8.E)	Hospital			P		P					P	
	Emergency and walk-in medical clinics			P	P	P		P			P	
	Medical laboratory services			P	P	P		P			P	
	Nursing, convalescent and rest homes			P	P	P					P	
	Outpatient surgical centers			P	P	P						
	Blood/Plasma Donation Center			P	P	P		P				
	<i>Note: medical and dental offices without surgical facilities are listed under "office" uses</i>											
Parks and open space (See §3.1.8.F)	Parks and playgrounds		P	P	P	P		P			P	
Passenger terminals and services (See §3.1.8.G)	Transportation terminals, passenger and freight						P		P	P	P	
	Transportation terminals, passenger				P	P		P				
	Airport or heliport										P	
Religious Institution (See §3.1.8.H)	All religious institutions	S		P	P			S			P	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
Social service institutions (See §3.1.8.I)	Welfare and charitable services			P	P			S			P	
	Transient lodging or shelter			S	S			S				
Telecommunications facilities	Wireless communications facilities	S	S	S	S	S	S	S	S	P	P	§3.6.1.I
Utilities, major (See §3.1.8.J)	Electrical public utility substation with eight foot minimum screen or fence.		S	S	S	S	S		S	S	S	
	Electrical transmission lines of 30 kilovolts or larger		S	S	S		S		S	S	P	
	Public utility substation with eight foot screen or fence, except electrical public utility substation.				P		P		P	P	P	
	Railroads		S	S	S	S	S		P	P	P	
	Sewage treatment plant											
	Wastewater treatment facilities											
	Renewable energy production (solar, wind, etc)								S	S		
Commercial Uses												
Eating and drinking establishments (See §3.1.9.A)	Drinking places (alcoholic beverages)	S			P ²	P ²	S	P ²			S	
	Restaurants	S			P	P	P	P	P	P	P	§3.3.1.W
	Restaurants with drive-through				P	P	P	S	P	P		§3.3.1.K
	Micro-brewery	S			P ²	P ²		P ²	P ²	P ²		
	Winery	S			S	S		S	P ²	P ²		
	Micro-distillery	S			S	S		S	P ²	P ²		
	Commercial Kitchen/Catering	P			P	P	P	P	P	P		
Entertainment, indoor (See §3.1.9.B)	Adult uses											
	Bars or nightclubs				P ²	P ²		P ²			S	
	Bowling alleys and other similar recreational activities				P	S					P	
	Pool Halls				P	S	P	P				
	Dance halls				P ²	S	P ²	P ²				
	Gambling facilities				S	S		S				
	Health clubs	S			P	P		P			P	
	Indoor sports facilities, including, but not limited to, racquetball, handball, tennis, basketball and other court games, gymnasiums; soccer; hockey;	P			P	P			P	P	P	
	Roller and ice skating				P	S	P		P	P		
Entertainment, outdoor (See §3.1.9.B)	Theaters and auditoriums				P	P		P			P	
	Country clubs, golf courses, swimming clubs and similar recreational uses										P	
	Miniature golf, batting cages, driving ranges	S			P	S						3.3.1.T
Offices (See §3.1.9.C)	Banking and financial institutions, without drive-through		P	P	P	P		P			P	
	Banking and financial institutions, with drive-through			P	P	P		S			P	§3.3.1.K
	Business, administrative, and professional offices except those listed separately	S	P	P	P	P	P	P	P	P	P	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
	Credit services (other than banks), including pay-day loan and check cashing services			S	S	P		P				
	Educational and scientific research	S	P	P	P	P			P	P	P	
	Employment services		P	P	P	P		P				
	Dental offices and dental labs	S	P	P	P	P		P			P	
	Medical offices without surgical facilities	S	P	P	P	P		P			P	
	Printing services				P	P	P	P				
	Professional offices	P										
	Professional schools				P				P	P		
	Studios, television and radio	S			P		P	P			P	
	Studios, recording	S			P	P		P			P	
	Telecommunications offices and exchanges				P			P				
Overnight accommodations (See §3.1.9.D)	Bed and breakfast establishment.	S	P ³	P ³	P			P				§3.3.1.F
	Inn	S	S	S	P		P	P			P	§3.3.1.Q
	Hotels and motels				P	P		P			P	
	Travel trailer parks or campground											
Parking, commercial (See §3.1.9.E)	Automobile parking public and commercial, for uses on adjoining parcels or in adjacent districts		S	P	P	P	P	P			P	
	Public or commercial parking						P		P	P		
	All other commercial parking				P		P					
Retail sales and service, sales-oriented (See §3.1.9.F)	Retail, general, except as otherwise listed	P ⁸	S		P	P	S	P			P	
	Retail, groceries, except as otherwise listed	P ⁸			P	P		P			P	
	Apparel and accessories	P ⁸		P	P	P		P				
	Art galleries	P ⁸	P	P	P	P		P			P	
	Auto parts and accessories				P		P				P	
	Building supplies and lumber, including electrical, plumbing, HVAC and other	P ⁸			P ⁴	P ⁴	P		P	P	P	
	Antiques and secondhand merchandise	P ⁸			P			P			P	
	Computers and accessories	P ⁸			P	P		P			P	
	Convenience stores with gasoline service /gasoline service station				P	P	P				P	
	Convenience store without gasoline service	P ⁸			P	P		P				
	Electronics, including audio, video and other				P	P		P			P	
	Fuel and ice dealers, including coal, bottled gas						P		P			
	Furniture, home furnishings and equipment				P	P		P			P	
	Hardware without lumber and building supplies				P ⁴	P ⁴	P	P ⁴	P	P	P	
	Hay, grain and feeds						P					
	Household appliances				P	P	P				P	
	Liquor				P ²	P ²		P ²			P ²	
	Medical appliances and supplies			P ⁴	P	P		P			P	
	Garden supplies				P	P		P			P	
	Office supplies and equipment				P	P		P			P	
	Optical goods	P ⁸		P ⁴	P	P		P			P	
	Outdoor recreation equipment and vehicles				P	P	P		P	P	P	
	Pets				P	P		P			P	
	Pharmacy			P ⁴	P	P		P			P	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
Retail sales and service, personal service- oriented (See §3.1.9.F)	Schools, trade and business				P	P			P	P	P	
	Art, music, and dancing schools	P ⁸			P	P	P	P				
	Art, music, and photographic studios	P ⁸	P	P	P	P		P				
	Beauty and barber services	P ⁸	P	P	P	P		P				
	Funeral services without crematorium				P							
	Funeral services with crematorium				S							
	Laundering and dry cleaning (self-service)	P ⁸			P			P				
	Pressing, alteration and garment repairs	P ⁸			P			P				
	Radio and television repair	P ⁸			P		P					
	Shoe repair	P ⁸			P			P				
Retail sales and service, repair- oriented (See §3.1.9.F)	Small animal hospital or clinic with boarding			P	P	P		P			P	
	Tattoo Parlor				P			P				
	Armature rewinding						P		P	P	P	
	Apparel repair, alteration and cleaning pickup; shoe repair services	P ⁸			P		P	P	P	P	P	
	Electrical repair (except radios and TV)	P ⁸			P		P		P	P	P	
	Fur repair and storage services	P ⁸					P		P	P	P	
	Pressing, alteration, and garment repair; laundry and dry cleaning pickup only	P ⁸			P			P	P	P	P	
	Shoe repair, shoe shining, and hat cleaning services	P ⁸			P			P	P	P	P	
	Radio and television repair	P ⁸			P		P		P	P	P	
	Re-upholstery and furniture repair	P ⁸			P		P		P	P	P	
Self-service storage (See §3.1.9.G)	Watch, clock and jewelry repair	P ⁸			P		P		P	P	P	
	Other repair services, NEC	S					P		P	P	P	
Vehicle and similar sales and service (See §3.1.9.H)	Commercial storage of recreational vehicles	P ⁴							P	P	P	
	Mini-warehouses				S ⁴		P		P	P	P	§3.3.1.S
	Aircraft and accessories						P		P	P	P	
	Automobile repair and service	S			S ⁴	P ⁵	P		P	P	P	§3.3.1.E
	Auto service, including quick and minute lube drive through (except repair/wash), NEC				P ⁴	S ⁴	P				P	
	Automobile wash	S			S	S	P					
	Automobile and truck rental services			S	S		P		P	P	P	
	Farm and industrial equipment and supplies								P	P		
	Marine craft and accessories				P	P	P				P	
	Mobile homes and accessories				S		P		P	P		
	Motorcycle and all-terrain vehicle (ATV) sales				P	P	P	S				§3.3.1.C
	Motor vehicles (new and used cars)				P	P	P					
	Motor vehicles (used cars only)				P	S	P					
	Tires, batteries and accessories				P ⁴	P ⁴	P				P	
	Truck stops						P		P	P		

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
Industrial Uses												
Light industrial service (See §3.1.10.E)	Building services, including janitorial, exterminating, general maintenance						P		P	P	P	
	Contractors, general and specialty, without outdoor storage	P ⁸					P		P	P	P	
	Contractors, general and specialty, with outdoor storage						P		P	P	P	
	Concrete services						P		P	P	P	
	Coating engraving and allied services						P		P	P	P	
	Drugs, chemicals and allied products								P	P	P	
	Laboratories, including film processing								P	P	P	
	Laundering, dry cleaning and dyeing plants						P		P	P	P	
	Linen supply and industrial laundry services	S					P		P	P	P	
	Manufacturing, fabricating, processing, or assembling of products or materials								P	P	P	
	Low-Impact Manufacturing	P					P		P	P	P	
	Newspaper distribution services				P		P				P	
	Research, development and/or testing services	S		P ⁴	P ⁴		P		P	P	P	
	Transportation equipment								P	P	P	
	Other special construction trade, NEC						P		P	P	P	
Heavy industrial (See §3.1.10.F)	Acid manufacturing									S		
	Ammunition manufacturing									S		
	Blast furnace, steelworks, or the rolling and finishing of ferrous metals									S		
	Glue manufacturing									P		
	Iron and steel foundry									S		
	Meatpacking plant or slaughterhouse									S		
	Nonferrous metal foundry									S		
	Smelting and refining of nonferrous metals									S		
	Stockyards or livestock sales barns									S		
	Tannery									S		
	Wood preserving operation								S	S		
Warehouse and freight movement (See §3.1.10.B)	Equipment rental and leasing services				S		P		P	P	P	
	Farm products warehousing	S			S ⁴		P		P	P	P	
	Food lockers (with or without food preparation facilities)						P		P	P	P	
	Freight forwarding service						P		P	P	P	
	General warehousing and storage	S			S ⁴		P		P	P	P	
	Parcel services				P						P	
	Railroad and motor freight salvage						P		P	P		
	Refrigerated warehousing (except food lockers)						P		P	P	P	
Waste-related service (See §3.1.10.C)	Junkyard or auto wrecking yard, or storage								S	S		§3.3.1.R
Wholesale trade (See §3.1.10.D)	Beer, wine, and distilled alcoholic beverages						P		P	P	P	
	Commercial and industrial machinery and equipment									P	P	

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
	Construction equipment								P	P		
	Drugs, chemicals and allied products						P		P	P	P	
	Dry goods and apparel						P		P	P	P	
	Electrical and electronic goods						P		P	P	P	
	Farm equipment						P		P	P		
	Farm and grain mill products								P	P		
	Furniture and home furnishings						P		P	P	P	
	Groceries and related products						P		P	P	P	
	Hardware, plumbing, and heating equipment and supplies				P ⁴		P		P	P	P	
	Lumber and other building materials				S		P		P	P	P	
	Machinery, equipment and supplies						P		P	P	P	
	Mail-order house				S		P		P	P		
	Merchandise vending machine operators				S		P		P	P		
	Motor vehicles, equipment, parts and accessories						P		P	P	P	
	Paint, glass and wallpaper				P ⁴		P ⁴		P	P		
	Paper and paper products						P		P	P	P	
	Professional equipment, instruments and supplies						P		P	P	P	
	Transportation equipment									P		
	Welding equipment and supplies						P		P	P		
	Wholesale trade of products produced on the premises						P		P	P		
Other Uses												
Agriculture (See §3.1.11.A)	Plant nursery or greenhouse	S			S		P		P	P	P	
	All agricultural uses										P	
Resource Extraction (See §3.1.11.B)	All resource extraction except hydraulic fracturing ⁶								S	S		
Vehicles and access	Private access roads or streets to or from a permitted use in an adjoining zoning district	S	S	S	S		S		S	S	S	§3.3.1.V
	Motorized recreational vehicle use				S		S		S	S		
Accessory Uses	Vacation Rental Units							P				§3.4.2.C

¹ In BPL, day care centers for children including child care centers, day nurseries, nursery schools, kindergartens, play group and centers or workshops for mentally or physically handicapped children shall be permitted as a permitted use only when they are approved as part of the development plan.

² Within 250 feet of property owned by a public school agency and used for elementary or secondary school educational purposes, uses identified with this footnote shall be considered as special uses in the respective districts.

³ In PAR and PA, Bed and Breakfasts are subject to the Special Use Standard detailed in §3.3.1.F.

⁴ Only if within completely closed buildings.

⁵ In BPL, automotive repair services are permitted only as accessory uses to: a) the retail sale of motor vehicles, or b) the retail sale of automotive accessories.

⁶ Hydraulic fracturing (fracking) shall not enter or infringe upon the City of Carbondale's zoning jurisdiction from a location outside of the zoning jurisdiction.

⁷ Airport related residential uses with maximum FAR of .566 for the land designated for residential uses.

⁸ No outdoor storage allowed. No more than 4 employees on the premises at any one time on a regular basis. Hours of operation shall not exceed 7 AM to 10 PM. The following uses shall require a Special Use Permit: Railroad and Motor Freight Salvage; Sporting Goods, including firearms and ammunitions sales; and Welding Equipment and Supplies.

⁹ Shall only apply to residential structures existing on September 16, 2003.