



AGENDA

Carbondale Planning Commission September 15, 2021- 6:00 p.m.

Due to an increase in COVID-19 cases, this meeting will be held in a virtual format via Zoom:

Meeting login information:

[Meeting ID: 816 2305 0001](#)

[Passcode: 237084](#)

Audio Only Dial-in: 1 (312) 626-6799

1. Call to Order and Roll Call

- 2. Approval of Minutes:** The minutes from the July 1, 2021 meeting will be made available at the next regular scheduled Planning Commission Meeting

3. Citizen Comments and Questions

4. Report of Officers, Committees, Communications

5. Public Hearings

PC #22-02 – The City of Carbondale has proposed a text amendment to Title 15 of the Carbondale Revised Code relative to cannabis infuser organization, cannabis processing organizations, and cannabis transporting organizations.

PC #22-03 – Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

PC #22-04 – RD MGMT, LLC is requesting to rezone 1300 East Walnut Street from a BPL, Planned Business, district to a PUD, Planned Unit Development, district and are requesting a Special Use Permit in order to develop a Group Home II on behalf of NeuroRestorative.

6. Old Business

None

7. New Business

None

8. Adjournment



Community Development

200 South Illinois Avenue

Carbondale, Illinois 62901

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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, Senior Planner ^{MB}

RE: PC 22-02, Text Amendment Relative to Cannabis Cultivation, Processing, and Sales

DATE: August 9, 2021

(Planning Commission Public Hearing on August 18, 2021 at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
City of Carbondale
200 South Illinois Avenue
Carbondale IL, 62901
2. Requested Action and Background:

On June 25, 2019, Governor J.B. Pritzker signed the Illinois Cannabis Regulation and Tax Act Bill, legalizing the use of recreational cannabis beginning January 1, 2020, in the state of Illinois. The City of Carbondale, as a home-rule community, may regulate cannabis in a manner consistent with the Act. The Act outlines options for carrying out this regulation, and one is through the municipality's zoning ordinances.

On November 26, 2019 The City of Carbondale's City Council approved an ordinance amending Title 15 of the City of Carbondale's Revised Code to modify the Zoning District Use Tables and to expressly permit cannabis businesses within the appropriate districts. This ordinance included an exhibit that presented the updated use tables for residential and nonresidential districts and included new definitions for the proposed use categories in the General Definitions section for the terms cannabis business establishment, cannabis craft grower, cannabis cultivation center, and cannabis dispensing organization.

The City is requesting to update the Title 15 Zoning District Use Tables and General Definition sections to also include the uses 'processing organization', 'infuser organization', and 'transporting

organization’.

PART B. ANALYSIS

In the City’s recent adoption of Ordinance 2019-33, Title 15 was updated to include the uses ‘cannabis business establishment’, ‘cannabis craft grower’, ‘cannabis cultivation center’, and ‘cannabis dispensing organization’ within the Use Tables in sections 2.28 and 2.29 and in the General Definitions in section 11.4. These terms and their definitions are all considered cannabis business establishments, but are not exclusively the only businesses of this nature permitted within the State of Illinois. In order to ensure that the City of Carbondale’s Revised Code continues to reflect the State of Illinois’ Cannabis Regulations and Tax Act, staff proposes adding the following additional uses to the Use Tables (Exhibit A) and General Definitions section (Exhibit B) of the Carbondale Revised Code; ‘Cannabis Processing Organization’, ‘Cannabis Infuser Organization’, and ‘Cannabis Transporting Organization’.

Title 15 of Carbondale’s Revised Code currently allows for the cultivation and distribution of recreational cannabis, explicitly allowing for them to occur by right or by special use in the appropriate zones. In this proposal, ‘Cannabis Infusion Organization’, ‘Cannabis Processor Organization’, and ‘Cannabis Transporting Organization’ are being proposed in residential and rural districts as special uses in the AG, General Agriculture, district as outlined in Table 2.28. In the nonresidential districts, as outlined in table 2.29, ‘Cannabis Infusion Organization’ and ‘Cannabis Processor Organization’ are being proposed as permitted uses in the Light Industrial Service use category under the LI, Light Industrial, and GI, General Industrial, districts and as a special use in the SB, Secondary Business, district. ‘Cannabis Transporting Organization’ is considered to fall into the Warehouse and Freight Movement use category and is being proposed as a permitted nonresidential use in LI, Light Industrial; and GI, General Industrial, districts and the SB, Secondary Business, district. These districts already allow for similar uses by other businesses. Therefore, allowing cannabis business establishments here should not have a major impact to the nature of the districts.

The designations of ‘Cannabis Processing Organization’, ‘Cannabis Infuser Organization’, and ‘Cannabis Transporting Organization’ as specific uses recognize their legitimacy within state law and City Code. Allowing for these uses in their distinct zones and use categories will make explicitly clear that those uses are permitted for both those seeking to establish these businesses and for City staff as they work to uphold the intent of the Carbondale Revised Code. It is then also important to define these terms within the *General Definitions* section, as shown in Exhibit B.

The Illinois Cannabis Regulation and Tax Act Bill is the primary source of the regulation of recreational cannabis cultivation and distribution. Issues such as cultivation enclosure, public view of plants, etc., are covered by the state’s bill and need no mention in the City’s Revised Code. Carbondale’s Planning Department and Planning Commission’s sole responsibility here is to expressly permit these uses in the districts they deem appropriate. The proposed zoning regulation is intended to be carried out alongside the state law.

PART C. RECOMMENDATION

Due to the analysis presented above, staff recommends approval of the proposed text amendment for PC 22-02.

Exhibit A

§2.28 PERMITTED AND SPECIAL USES, RESIDENTIAL AND RURAL DISTRICTS TITLE 15. ARTICLE 2. DISTRICT REGULATIONS

RESIDENTIAL DISTRICTS USE TABLE											
USE CATEGORIES	SPECIFIC USE TYPES	F	AG	RR	R-1	R-1-D	R-2	R-3	PUD	RMH	USE STANDARD
Retail sales and service, personal service-oriented (See §3.1.9.F)	Kennel		P	S							
	Funeral homes without crematorium						S	S			
	Funeral homes with crematorium						S	S			
	Veterinary clinics		P								
	Laundromat									P	
Retail sales and service, repair-oriented (See §3.1.9.F)	All retail sales and service, repair-oriented		S								§3.3.1.O
Self-service storage (See §3.1.9.G)	Mini-warehouse							S			§3.3.1.S
INDUSTRIAL USES											
Light industrial service (See §3.1.10.A)	Contract construction services		S								§3.3.1.H
	<u>Cannabis Infusion Organization</u>		S								
	<u>Cannabis Cultivation Center</u>		S								
Warehouse and freight movement (See §3.1.10.B)	Commercial agricultural storage operation		S								
	<u>Cannabis Transporting Organization</u>		S								
Waste-related service (See §3.1.10.C)	Sanitary landfill or other qualified solid waste disposal system		S								
	Junk yard or auto wrecking yard, or storage										
Wholesale trade (See §3.1.10.D)	All wholesale trade		S								§3.3.1.O
RURAL USES											
Agriculture (See §3.1.11.A)	Cannabis craft grower		P								
	Cannabis cultivation center		P								
	Raising, breeding, training, and boarding of animals		P								
	Raising, breeding, training, and boarding of animals for personal use		P	P							
	Agricultural Production		P	P							
	All other agriculture		P								
Resource extraction (See §3.1.11.B)	Mining operation, including, but not limited to: coal, oil, gas, rock, gravel, sand and the storing and sale of such materials with the exception of hydraulic fracturing		S ⁶								
OTHER USES											
Vehicles and access	Motorized recreational vehicle uses; for commercial purposes		S								
	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
Accessory uses	Home occupations		P	S	S	S	S	S	S	S	§3.4.2.B
	Vacation Rental Units		P	P	P	P	P	P	P	P	§3.4.2.C

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		
	<u>Cannabis Infusion Organization</u>				S				P	P			
	<u>Cannabis Processor Organization</u>				S				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		
<u>Cannabis Transporting Organization</u>					S				P	P			
Waste-related service (See §3.1.10.C)	Junkyard or auto wrecking yard, or storage								S	S		§3.3.1.R	

Exhibit B

§11.4 GENERAL DEFINITIONS TITLE 15. ARTICLE 11. DEFINITIONS AND INTERPRETATIONS

regulations a business development must include lots that do not have frontage on a state or federal highway and the business development shall be limited to one freestanding sign.

CABIN: A facility that is leased on a temporary basis for recreational purposes which may be fully plumbed, served with electrical power, and/or contain a kitchen and bathroom. This may also include a lodge or similar type of facility.

CANNABIS BUSINESS ESTABLISHMENT: A cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.

CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CANNABIS INFUSER ORGANIZATION: a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CANNABIS PROCESSING ORGANIZATION: a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CANNABIS TRANSPORTING ORGANIZATION: an organization or business that is licensed by the Department of Agriculture to transport cannabis or cannabis-infused product on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CAREGIVER: A person, whether paid or unpaid, who provides a senior citizen with live-in assistance in meeting daily living needs.

CELLAR: That portion of a building partially underground, but having half or more of its clear floor-to-ceiling height below grade (see definition of Basement).



Community Development

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

TO: City of Carbondale Planning Commission

FROM: Megan Brightharp, Senior Planner ^{MB}

RE: PC 22-03; Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

DATE: September 9, 2021

(Planning Commission Public Hearing on Wednesday, September 15, 2021, 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant/Owner:
Scott Chapman
Lakeland Hills, LLC.
1612 Marion Street
Carterville, IL 62918
2. Requested Action/Background: Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, District to an AG, General Agriculture, District with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them. (Please refer to Exhibit A: Applicant's Brief)
3. Number of Notices Sent to Property Owners within 250 feet: There were 23 notices sent to property owners located within 250 feet of the subject property.
4. Size and Location: The subject property is approximately 6.3 acres and represents 16 parcels. (Please refer to Exhibit B: Photos of Subject Property)
5. Existing Zoning: The subject property is currently zoned R-1-12, Low Density Residential, as is property to the immediate east. Property to the north is zoned R-1-12

and AG, General Agriculture. Property to the west is zoned AG and RMH, Planned Mobile Home. Property to the south is zoned AG. (Please refer to Exhibit C: Existing Zoning)

6. Existing Land Use: The subject property is vacant, undeveloped land. Properties to the north are vacant and contain the maintenance and repair equipment for the adjacent mobile home park. Properties to the south is vacant and contains single family homes. The property to the west is vacant undeveloped land and adjacent mobile home parks. (Please refer to Exhibit D: Existing Land Use.)
7. Comprehensive Plan: The 2010 Comprehensive Plan's Future Land Use Plan designates the subject property as Neighborhood Conservation. (Please Refer to Exhibit E: Comprehensive Plan Future Land Use)
8. Zoning History: The subject property was zoned AG, General Agriculture, with the adoption of the 1974 zoning ordinance. In 2000, the Subject property was rezoned R-1-12 with PC 00-05.
9. Applicable Regulations:

Statement of Intent of Existing Zoning District:
§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. Four such districts are established with varying lot sizes and densities (R-1-15, R-1-12, R-1-8, R-1-5).

Statement of Intent for Proposed Zoning District:
§15.2.9.1. AG General Agriculture District

Statement of Intent:

This district is created to provide land for purposes devoted primarily to the production of agricultural products such as field crops, livestock, fowl and other conventional agricultural pursuits. Other limited compatible uses are also permitted. This district is also created to assist in the conservation of the natural resources within the jurisdiction of this ordinance by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and floodwater damages. Utilities other than electricity and telecommunications should be provided by the land user thereby discouraging the uneconomical extension of public water supply and sewage disposal facilities. Uses not related to agriculture are discouraged. When the public interest will be served and only when a contribution will be made to orderly growth, portions of this district may be rezoned for alternative uses.

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property is not connected to the City of Carbondale waterlines.

Sanitary Sewer: The subject property is served by an eight (8) inch City of Carbondale sanitary sewer system that connects to a six (6) inch forced main along South Giant City Road.

Storm Sewer: The subject property is not connected to a storm sewer system.

2. Public Services: The subject property is located within the City of Carbondale and is served by the City of Carbondale's Police and Fire Departments.
3. Traffic Counts: The current 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	7000 ADT

4. Correspondence Received: As of the writing of this report, staff has not received any correspondence regarding this rezoning request.

PART C. ANALYSIS

Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

The parcels that comprise the subject property were intended to be developed as individual residential lots in the Lakeland Hills Subdivision. The applicant rezoned these parcels from AG to R-1-12 in PC case 00-05. It was their intention, after this rezoning, to spend the next 5-10 years building homes in the price range of \$80,000- \$100,000. At the time of the case, the applicant felt that the building of the new local high school increased the need for additional single family housing in the area. Staff recommended approval of the case and the Planning Commission voted unanimously to approve PC 00-05.

In subsequent years, the applicant has found it financially unfeasible to develop the subject property as intended. The cost of building the road and providing access to water, sewer, and electricity, in comparison to the price range in which they felt the homes would sell, would not give the applicant the return in their investment that they'd anticipated. Therefore, the applicant has decided to sell the land that they continue to own in the Lakeland Hills Subdivision, including the subject property for this case. In order to increase their chances in selling their property, the applicant wishes to revert the subject property's zoning back to AG and consolidate it and the other parcels they own within the subdivision into two parcels.

Prior to the filing of their application, the applicant spoke with the Community Development Department and expressed their intentions of rezoning the subject property to AG or RR, Rural Residential. It was explained at that time that whatever zoning the applicant chose, the parcels would need to be consolidated to meet the minimum lot size requirements prior to rezoning. However, the applicant insisted on moving forward with their application for rezoning,

expressing their desire to avoid acquiring the costs of consolidating the parcels before knowing if the City would approve the rezoning the subject property.

It is of Staff's opinion that rezoning the subject property to AG is appropriate and harmonious to the surrounding community. However, in order for the applicant to consolidate the subject property and other parcels of land that they own within the Lakeland Hills Subdivision, they are required to submit subdivision plans for review and approval by the Planning Commission and City Council.

PART D. RECOMMENDATION

Staff recommends the Planning Commission recommend approval of PC 22-03 with the following conditions:

1. The applicant submit subdivision plans for Planning Commission Review (Title 15.8.3.1) reflecting the consolidation of the subject property and the surrounding parcels to reflect the minimum lot size of the AG, General Agriculture, District (Title 15.2.9.5) of five (5) acres in time for the next Planning Commission Meeting on October 6, 2021.

Exhibit A: Applicant's Brief

From: [Jana Bebout](#)
To: mbrighttharp@explorecarbondale.com
Cc: [REDACTED]
Subject: Re-zoning
Date: Tuesday, July 27, 2021 5:41:01 PM

July 27, 2021

Dear City of Carbondale Planning and Development:

I am requesting a zoning change on property that I developed in the early 2000s, called Lakeland Hills-Third Plat. I was able to build eight houses out of a total of twenty-four building lots. I was not able to finish the remainder of the lots due to inadequate water pressure from the water main. The EPA would not approve the permit. Current bids on required roads, gutters, water mains and electric service outweigh the value of the lots. Currently the lots are R112. There are a total of 12.33 acres which I am asking to be rezoned to two, 5-acre agricultural lots and the remainder as rural residential.

If further information is needed, please contact me at (618) 924-3402.

Sincerely,
Lakeland Hills LLC
Scott Chapman, Manager

Conversion of a Portion of Lakeland Hills Subdivision- Third Plat into Two Parcels

Exhibit A: Applicant's Brief

Public Hearing Date & Time

September 15, 2021
6:00 p.m.

Case Description

Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

Legend

 Subject Property

 Parcels

0 75 150 Feet

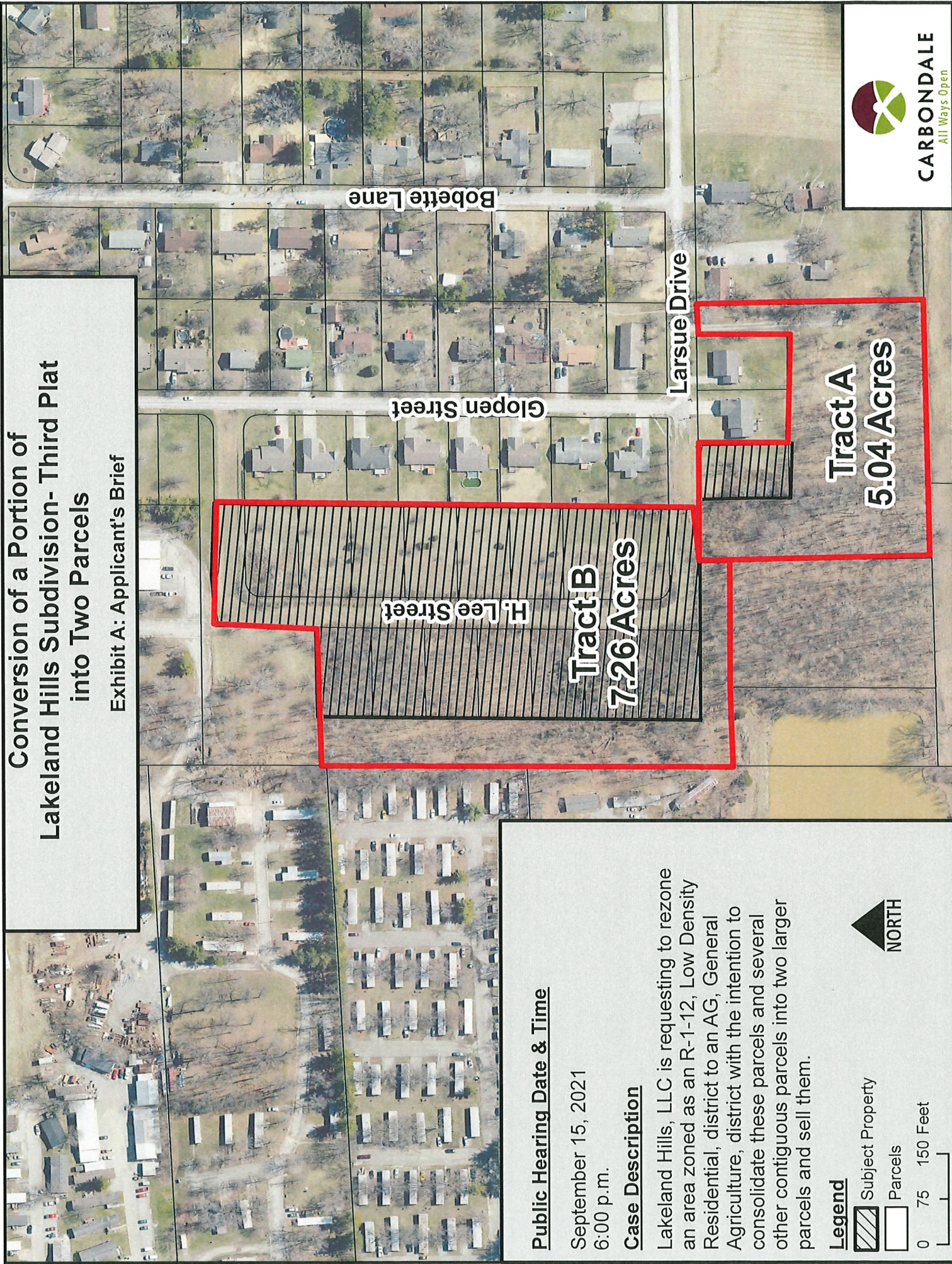


Exhibit B: Photos of Subject Property



View of Property facing west across H.Lee Street



View of property facing west across H. Lee Street

Exhibit B: Photos of Subject Property



View facing away from property along Larsue Drive



View facing away from property along Glopen Street

Exhibit C: Existing Zoning
Planning Commission Case PC 22-03

RMH

AG

AG

R-1-12

R-1-15

R-1-12

AG

Bobette Lane

Glopen Street

Larsue Drive

Public Hearing Date & Time

September 15, 2021
6:00 p.m.

Case Description

Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

Zoning Classifications

- AG General Agriculture
- RMH Planned Mobile Home
- R-1-12 Low Density Residential
- R-1-15 Low Density Residential

Legend

-  Subject Property
-  Parcels

0 75 150 Feet



CARBONDALE
All Ways Open

Exhibit D: Existing Land Use Planning Commission Case PC 22-03

RMH

Public Hearing Date & Time

September 15, 2021
6:00 p.m.

Case Description

Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

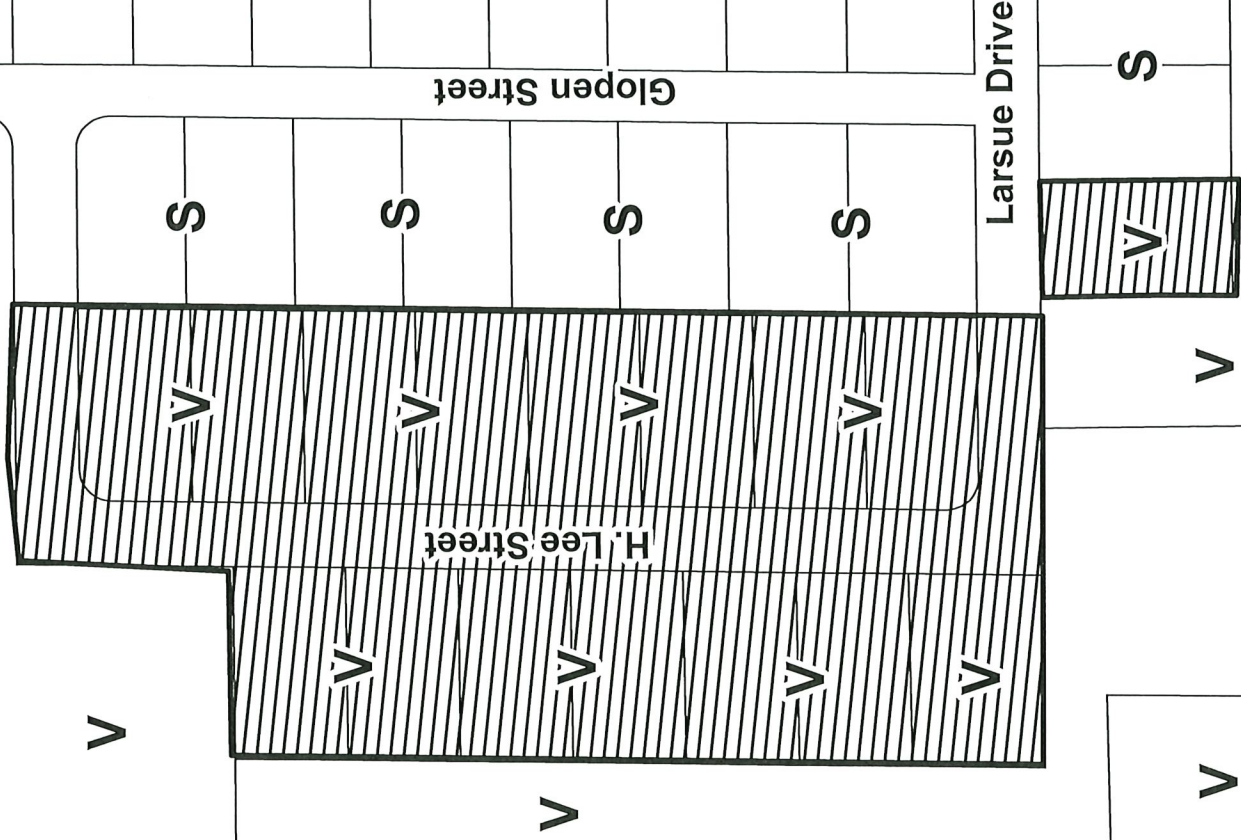
Land Use Classifications

RMH Planned Mobile Home
S Single Family Home
V Vacant

Legend

 Subject Property
 Parcels

0 75 150 Feet



CARBONDALE
All Ways Open

Exhibit E: Future Land Use
Planning Commission Case PC 22-03

NCR

Public Hearing Date & Time

September 15, 2021
6:00 p.m.

Case Description

Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

Land Use Classifications

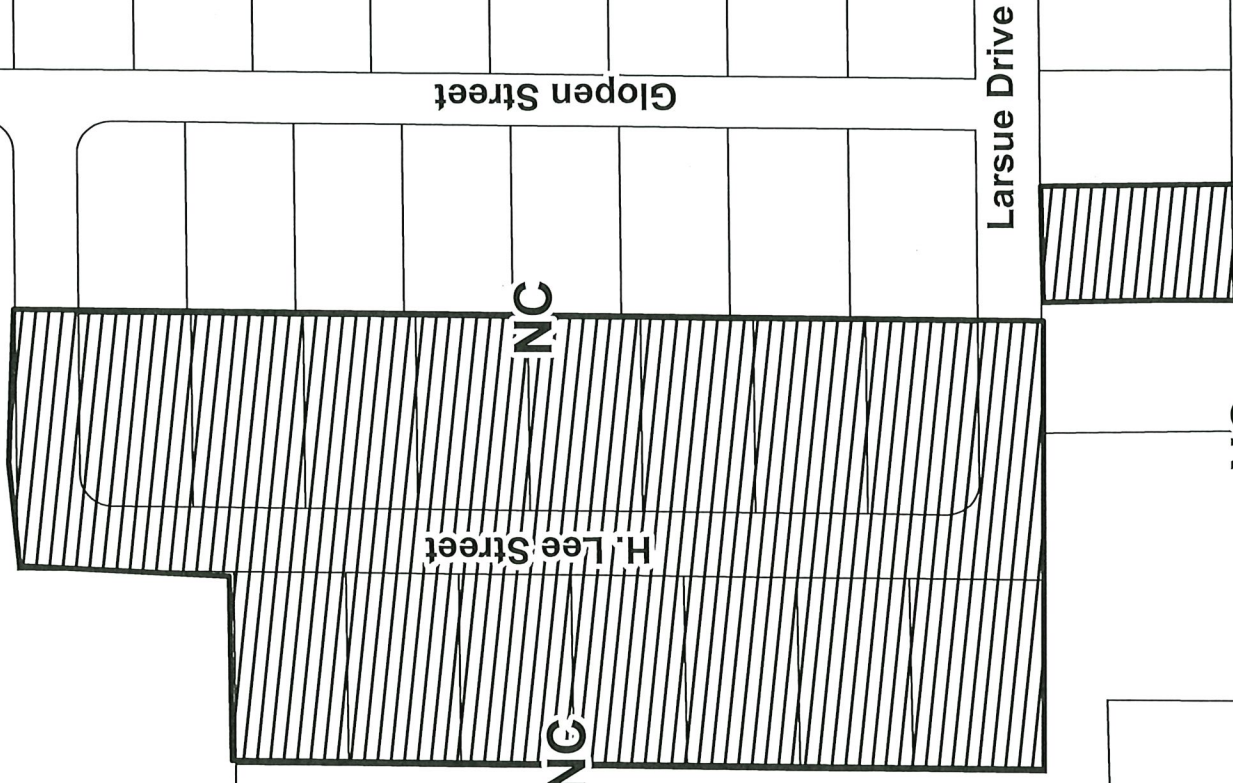
NC Neighborhood Conservation
NCR Neighborhood Conservation/ Restoration

Legend

 Subject Property

 Parcels

0 75 150 Feet





Community Development

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Carbondale, Illinois 62901

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

TO: City of Carbondale Planning Commission

FROM: Megan Brightharp, Senior Planner ^{MB}

RE: PC 22-04: RD MGMT, LLC is requesting to rezone 1300 East Walnut Street from a BPL, Planned Business, District to a PUD, Planned Unit Development, District and are requesting a Special Use Permit in order to develop a Group Home II on behalf of NeuroRestorative Rehabilitation Institute.

DATE: September 9, 2021

(Planning Commission Public Hearing on September 15, 2021, at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
RD MGMT, LLC.
P.O. Box 563
Marion, IL 62959
- Owner:
3880 Land Trust
P.O. Box 3097
Carbondale, IL 62902

2. Requested Action and Background: RD MGMT, LLC is requesting to rezone 1300 East Walnut Street from a BPL, Planned Business, District to a PUD, Planned Unit Development, District and are requesting a Special Use Permit in order to develop a Group Home II on behalf of NeuroRestorative Rehabilitation Institute. (Please refer to Exhibit A: Applicant's Brief)

The applicant has been in communication with the owner of the subject property about purchasing the land for this development. However, Group Home II is not a permitted use within the BPL District. The applicant would need to successfully rezone the subject property and obtain a special use permit before moving forward in this process.

3. Number of Notices Sent to Owners within 250 feet: Nine (9) notices were sent to property owners located within 250 feet of the subject property.
4. Size and Location: The subject property is located at 1300 East Walnut Street, totals approximately 5.7 acres, and consists of two parcels. (Please refer to Exhibit B: Photos of the Subject Property).
5. Existing Zoning: The subject property is currently zoned BPL, Planned Business, as is the property to the immediate north and east. Property to the south and west are zoned AG, General Agriculture. (Please refer to Exhibit C: Existing Zoning).
6. Existing Land Use: The subject property is currently undeveloped land. Property to the immediate east includes retail sales and service (Dollar General), vehicle sales and service (Casey's General Store and Woolley Wash), and Medical Facilities (Artistic Dentistry and Massie Dental). Property to the south is an educational facility (Carbondale Community High School). Property to the north and west are undeveloped land. Property to the northwest are retail sales and services and offices (University Mall and Southern Illinois Healthcare Enterprises). (Please refer to Exhibit D: Existing Land Use).
7. Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Plan designates the subject property as Commercial. (Please refer to Exhibit E: 2010 Comprehensive Plan Future Land Use).
8. Zoning History: The subject property was originally zoned AG, General Agriculture, with the adoption of the 1974 zoning ordinance and was rezoned BPL, Planned Business in 1999.
9. Applicable Regulations:

Statement of Intent of Existing Zoning District:

Section 15.2.21.1 BPL Planned Business District

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

Statement of Intent of Proposed Zoning District:

Section 15.2.15.1 PUD Planned Unit Development District

Statement of Intent: This District is established to permit such flexibility and provide performance criteria which can result in planned residential developments which produce:

1. A greater choice in the type of environment and living units available to the public;
2. Open space and recreation areas;
3. A pattern of development which preserves trees, outstanding natural topography and geological features and prevents soil erosion;
4. A creative approach to the use of land and related physical development;
5. An efficient use of land resulting in more efficient use of utilities and streets;
6. An environment of stable character in harmony with surrounding development;
7. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

The planned unit development section is designed to provide for small and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may group buildings on combinations of lots or tracts of land. Open space for common use must be a major element of the plan.

Special Uses:

Sec. 15-6.8.1: Intent

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

Sec. 15-6.8.2.C: Procedures

- C.1 Hearing: A special use may be permitted by the City Council only after a public hearing before the Planning Commission. The Planning Commission shall make findings of fact; and if the Planning Commission finds that:
- (a) The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood;
 - (b) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare;
 - (c) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood;
 - (d) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - (e) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - (f) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - (g) The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Title 15.
- C.2. The Planning Commission shall recommend that the City Council approve the issuance of the zoning certificate for such special use. Otherwise, the Planning Commission shall recommend that

the City Council direct the administrative official to deny the application. The findings of fact and the recommendation of the Planning Commission shall be in writing. The City Council decision shall be written to the applicant by the administrative official.
(Please refer to the Zoning Ordinance for additional zoning district regulations.)

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to a six inch (6") City of Carbondale water line running along East Walnut Street.

Sanitary Sewer: The subject property has access to an eighteen inch (18") Carbondale sanitary sewer line that travels through the site, along the easternmost property line.

Storm Sewer: The subject property has access to a fifteen inch (15") storm sewer line that travels through the property, connecting to a fifteen inch (15") line along East Walnut Street.

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>	
East Walnut Street	5,900 ADT
North Giant City Road	11,300 ADT

4. Correspondence Received: As of the writing of this report, staff has not received any correspondence in relation to this case.

PART C. ANALYSIS

The applicant, RD MGMT, LLC is requesting to rezone 1300 East Walnut Street from a BPL, Planned Business, District to a PUD, Planned Unit Development, District and are requesting a Special Use Permit in order to develop a Group Home II on behalf of NeuroRestorative.

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

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

The subject property is a part of the BPL District that abuts residential districts. A Special

Use Permit for a Group Home II, a use only permitted in residential districts by right or special use, will be in harmony with the character of the surrounding neighborhood.

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

It is staff's opinion that the proposed use will not be detrimental to or endanger the public health, safety or general welfare.

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

The subject property is a part of the BPL District that includes the mall and the commercial corridors along North Giant City Road and East Main Street. While residential uses do exist within the vicinity, Staff does not foresee the operation of a Group Home II, at the subject property, to be injurious to the use and enjoyment of other property in the neighborhood or substantially diminish neighborhood property values.

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.*

Establishing a special use that will allow for the development of a Group Home II 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.*

It is Staff's opinion that adequate measures will be taken to ensure that the ingress and egress onto East Walnut Street will be designed to minimize traffic congestion in the public streets. The applicant has submitted development plans for review by the City of Carbondale's Development Assistance committee before in which it is understood that the site circulation, ingress, and egress all must be taken into consideration and be in alignment with the City of Carbondale's Revised Code in order to be approved. Also, the proposed use, a Group Home II, is not one in which a significant influx in traffic congestion is expected as a significant portion of the anticipated population would be the patients.

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.*

Should the Planning Commission recommend approval to rezone the subject property from a BPL, Planned Business, District to a PUD, Planned Unit Development, District; then the proposed use will be permitted by special use.

ADDITIONAL ANALYSIS

The applicant, RD MGMT, LLC is requesting to rezone 1300 East Walnut Street from a BPL, Planned Business, District to a PUD, Planned Unit Development, District and is requesting a Special Use Permit in order to develop a Group Home II on behalf of NeuroRestorative. As NeuroRestorative continues to provide their services to the community, some of their existing facilities are reaching an age in which a new campus is more practical than the care and maintenance of an aging one. The proposed plan of development will occur in two phases, the first phase will include an initial three buildings that will facilitate 17 patients. The second phase will include a fourth building that will facilitate an addition 16 patients, allowing the campus to house 33 patients total.

There have been attempts to rezone and develop the larger parcel of the subject property separately. In PC 95-20, the applicant requested to rezone the parcel from AG to BPL. This request was approved by the Planning Commission. In PC 95-21, Casey's General Store applied for a Special Use Permit to build a new location at this site. Staff and the Planning Commission recommended denial of this request. When the case reached City Council, there was a lengthy discussion about how they supported the rezoning to BPL, but were weary of a gas station being built within 250 from a school. This led to the applicant withdrawing their request and the zoning being reverted back to AG.

In the past, there has also been an attempt to rezone both parcels of the subject property simultaneously. In PC 96-30, applicant requested to rezone the larger parcel from AG to PUD. The applicant had entered into an agreement to sell the property to a development company that had the intentions of developing an 88 unit apartment complex. The request was recommended for approval by Staff and the Planning Commission, but was denied by City Council. In PC 96-31, the applicant requested to rezone the smaller of the two parcels from AG to SB, Secondary Business, for future retail use. Staff and the Planning Commission recommended denial of the request and it was subsequently denied by City council. Both cases were heard at City Council on February 2, 1997 in which Councilmembers noted they'd received calls at home in opposition of both PC cases. Some of the Councilmembers clarified that they were not in opposition of the development project that was being proposed, but the location that had been selected. In PC 99-21. The applicant requested the rezoning of the subject property to a BPL, Planned Business, District with the intention of developing an apartment complex. This request was approved by council. However, the applicant continued to request extensions to submit the development plan as required for new developments in the BPL District, but one was never submitted and the zoning was never reverted back to AG.

The City of Carbondale's 2010 Comprehensive Plan, Chapter 2: Land Use Character and Community Growth should be considered with regards to this request. The chapter lists the following as a few of the chapter's goals: effectively manage future growth to achieve a compact

and fiscally responsible pattern of development, preserve the community's rich and valued open spaces and environmental resources while forging more sustainable development practices, and strengthen the integrity and livability of existing neighborhoods through approaching infill development and reinvestment. Between the time in which PC case 95-20 was approved by City Council and now, both parcels of the subject property have remained undeveloped. It is of Staff's opinion that the request from the applicant of this case to rezone the subject property to a PUD aligns with the Comprehensive Plan and the aforementioned goals by both taking advantage of an infill development opportunity and taking part in a compact and fiscally responsible development pattern. NeuroRestorative already owns a group home within the same block on parcels that are zoned R-3, High Density Residential. The City of Carbondale Revised Code requires that in order for group homes to receive their building permits, they be 800 feet away from any other building containing a group home. With the approval of this special use permit, the facilities will be in close proximity of one another. However, Staff does not believe that an additional group home in this community will disrupt the use and enjoyment of other property within this community.

Therefore, it is Staff's opinion that rezoning the subject property from a BPL, Planned Business, District to a PUD, Planned Unit Development, District and granting the request of a Special Use Permit for a Group Home II is an appropriate and efficient use of the property.

PART D. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 22-04.

Exhibit A: Applicants Brief

RD MGMT LLC

P. O. Box 563
Marion, Illinois 62959
Phone 618-964-9494
Fax 618-964-1234
Email: rdmgmtllc@yahoo.com

To: City of Carbondale Planning/ Zoning/ Megan

From: David Blumenstock

August 10, 2021

To Whom It May Concern:

It is our intent to develop the property listed in the application for and on behalf of NeuroRestorative. The project and proposed use of the property is to construct three assisted living facilities for Neuro's participants.

These participants are existing beds in other facilities in Carbondale. Neuro's desire is to upgrade their facilities.

These are to be wood framed structures per all applicable codes and standards with concrete paving and parking as required.

If you have any further questions, or require additional information, please don't hesitate to contact us using the information listed below.

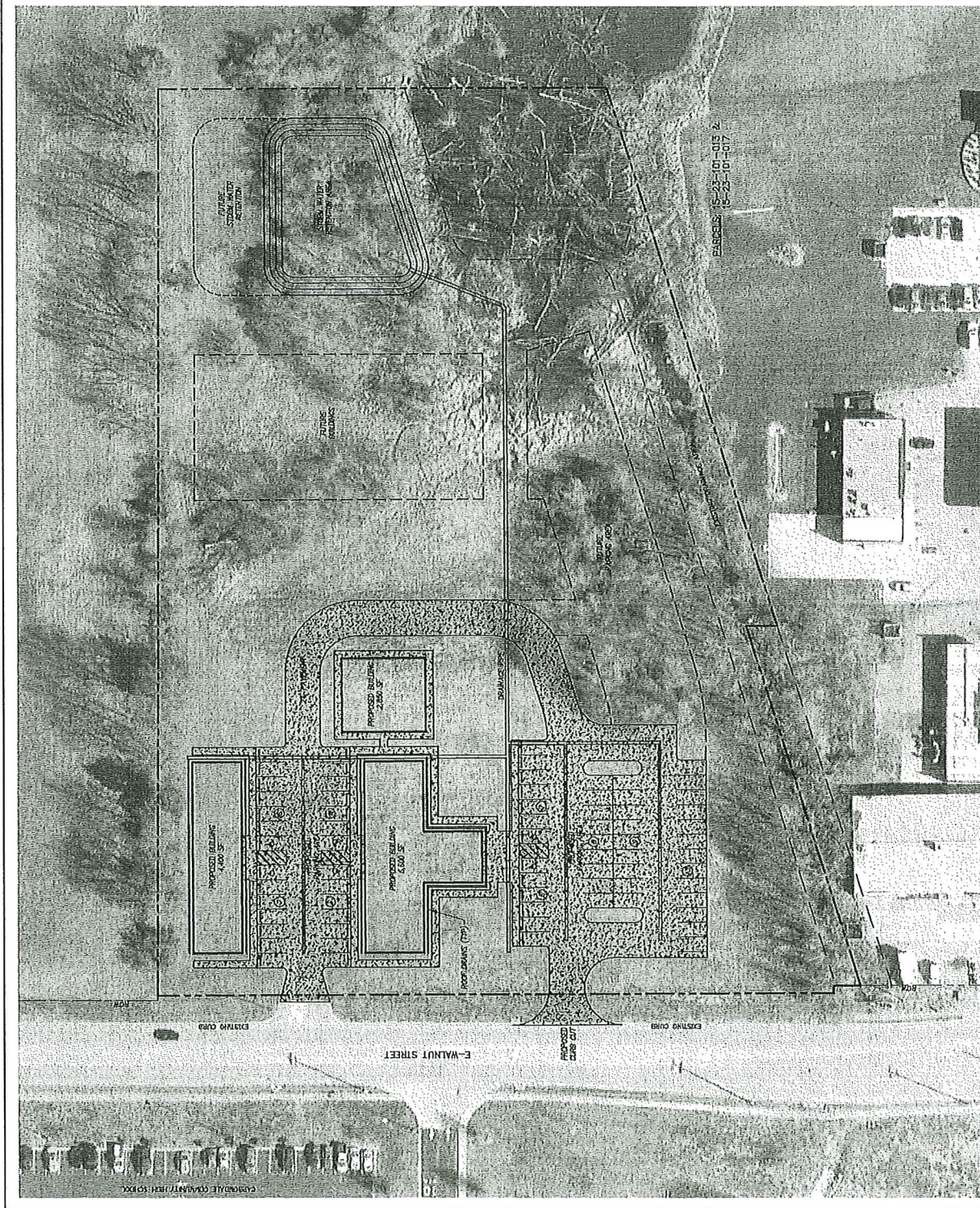
Sincerely,



David Blumenstock
President

DB: cam

64 EA.
10'x20' STALLS
10'x20' ACCESSIBLE-
TOTAL STALLS: 70 EA.



10455 Decatur Road
Marion, Illinois 62959
618.889.3437

The drawing is the property of Taylor Corporation and is to be used only for the product and other subject matter identified herein. The drawing is not to be used on any other product, whether or not it is a product of Taylor Corporation, without the written consent of Taylor Corporation. It is made to be used in the product and is not to be used in any other product without the written consent of Taylor Corporation.

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**DAVE
BLUMENSTOCK
DEVELOPMENT**

MARION, ILLINOIS
WILLIAMSON COUNTY

No.	Swelling Issues Description	Date
1	Compensation Drawings	2021-04-09

**CONSTRUCTION
DOCUMENTS**

Report No.	21031
Date	2021-05-10
No. Items	20131 Dow Lumitack Tels
Item No.	WDR
Report By	RS

CONCEPT
PLAN

5

Exhibit B: Photos of Subject Property



View of Property facing north across East Walnut Street



View away from property facing south across East Walnut Street

Exhibit B: Photos of Subject Property



View facing west along East Walnut Street



View facing east along East Walnut Street

Exhibit C: Existing Zoning

Planning Commission Case PC 22-04

BPL

University Mall

University Mall

AG

BPL

North Giant City Road

Sunny Acres Road

BPL

Financial Park Drive

R-1-15

East Walnut Street

SB

AG

R-3

AG

R-1-15



CARBONDALE

All Ways Open

Public Hearing Date & Time

September 15, 2021
6:00 p.m.

Case Description

RD MGMT, LLC is requesting to rezone 1300 East Walnut Street from a BPL, Planned Business, district to a PUD, Planned Unit Development, district and are requesting a Special Use Permit in order to develop a Group Home II on behalf of NeuroRestorative.

Zoning Classifications

- AG General Agriculture
- BPL Planned Business
- R-1-15 Low Density Residential
- R-1-3 High Density Residential
- SB Secondary Business

Legend

 Subject Property

 Parcels

0 75 150 Feet



Exhibit D: Existing Land Use

Planning Commission Case PC 22-04

Public Hearing Date & Time

September 15, 2021
6:00 p.m.

Case Description

RD MGMT, LLC is requesting to rezone 1300 East Walnut Street from a BPL, Planned Business, district to a PUD, Planned Unit Development, district and are requesting a Special Use Permit in order to develop a Group Home II on behalf of NeuroRestorative.

Land Use Classifications

B	Bank
CW	Car Wash
GS	Gas Station
HS	High School
MF	Medical Facility
MFH	Multi-Family Housing
R	Restaurant
RS	Retail Services
S	Single Family Housing
V	Vacant

Legend

-  Subject Property
-  Parcels

0 75 150 Feet

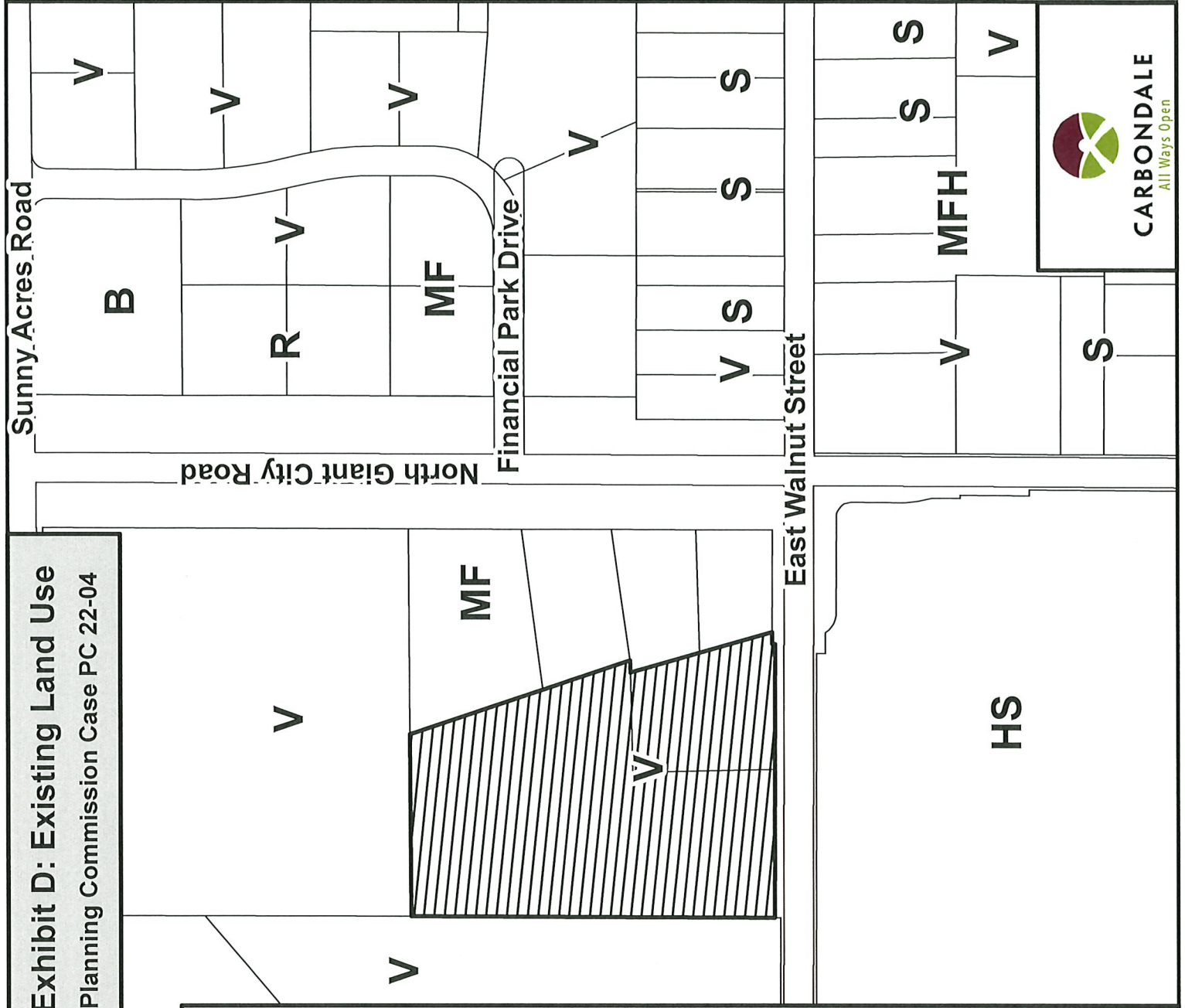


Exhibit E: Future Land Use
Planning Commission Case PC 22-03

NCR

Public Hearing Date & Time

September 15, 2021
6:00 p.m.

Case Description

Lakeland Hills, LLC is requesting to rezone an area zoned as an R-1-12, Low Density Residential, district to an AG, General Agriculture, district with the intention to consolidate these parcels and several other contiguous parcels into two larger parcels and sell them.

Land Use Classifications

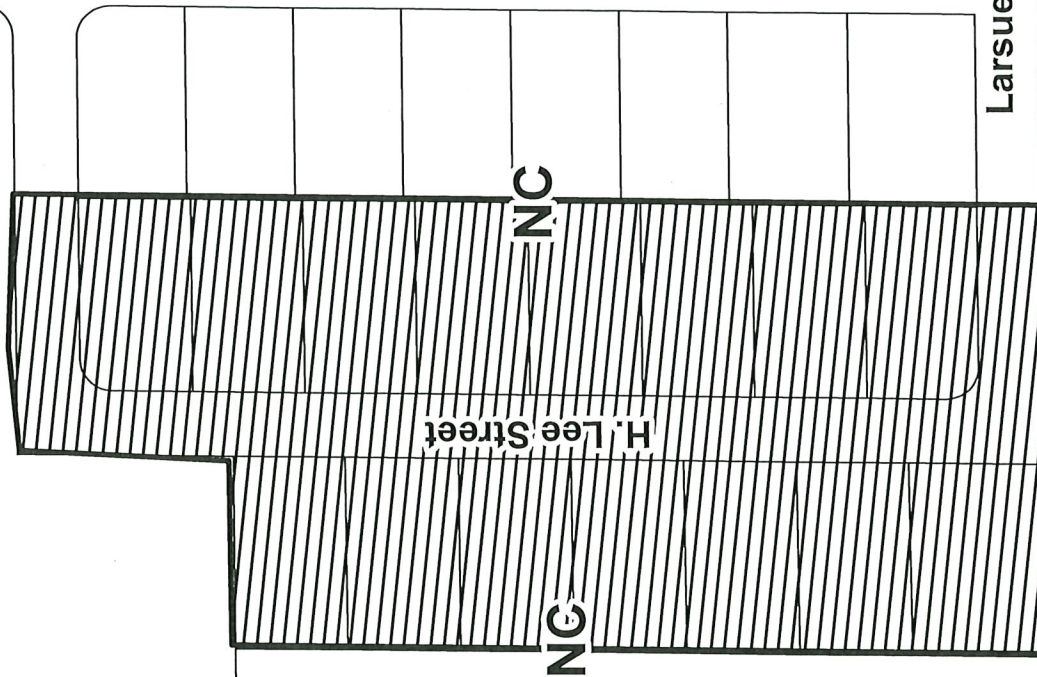
NC Neighborhood Conservation
NCR Neighborhood Conservation/ Restoration

Legend

 Subject Property

 Parcels

0 75 150 Feet



Glopen Street

Bobette Lane

Larsue Drive

NC

NC

NC

NC

NC



CARBONDALE
All Ways Open