



AGENDA

Carbondale Planning Commission November 3, 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: 815 6268 9257](#)

[Passcode: 791517](#)

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

1. **Call to Order and Roll Call**
2. **Approval of Minutes:** September 1, 2021 and September 15, 2021
3. **Citizen Comments and Questions**
4. **Report of Officers, Committees, Communications**
5. **Public Hearings**

PC 22-05: James Keller is requesting to rezone a parcel of property on the west side of New Era Road, directly north of Edgewood Road and west of W. Charles Road, from an AG, Agriculture District, to a PUD, Planned Unit Development, district, in order to develop a mixed-use housing development.

PC 22-03: Review of Subdivision Plat. -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.

6. **Old Business**

None
7. **New Business**

None
8. **Adjournment**



MINUTES

Carbondale Planning Commission Wednesday, September 1, 2021 6:00 p.m. Webinar Meeting

Ms. Litecky called the meeting to order at 6:03 p.m.

Members Present: Doherty, Miller, Sheffer, Henson, Love, Litecky, Hamilton, Burnside (ex-officio)

Members Absent: LeBeau, Lilly

Staff Present: Lenzini and Maxwell

1. Approval of Minutes:

Mr. Sheffer then motioned to approve the minutes.

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 #22-01 – The City of Carbondale is requesting a text amendment to Title 15 of the Carbondale Revised Code as it relates to the owner occupancy requirement of Vacation Rental Units. The notice of public hearing is attached for your information

Ms. Litecky declared Public Hearing PC 22-01 open and asked Molly Maxwell to read the legal notice.

Molly Maxwell, Community Development Planner for the City of Carbondale, read the legal notice.

Ms. Litecky asked Ms. Maxwell to read the staff report.

Ms. Maxwell 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. Mr. Lenzini is present and spoke on behalf of the City.

The applicant is present, and will answer any questions the commission has.

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

Mr. Sheffer asked to clarify the staff report with the City. Mr. Sheffer also asked if the City is receiving taxes from VRU's. Ms. Maxwell stated Airbnb and VRBO are collecting the tax dollars for the VRU's whether they are registered with the City or not. Mr. Sheffer wanted to clarify in the Staff Report that the owner will be local in case any issues arise. Ms. Maxwell confirmed that the owner would have to be local. Mr. Sheffer agrees with the text amendment.

Dr. Hamilton asked if there is a procedure for evictions. John Lenzini stated that VRU's are not subject to the eviction law. Dr. Hamilton also asked if census count will affect Home Rule status. John Lenzini stated it will be awhile before Home Rule is removed from the City. John Lenzini doesn't want to wait on Home Rule changes to make a change to the ordinance.

Councilman Jeffrey Doherty stated that if census count falls below 25,000 there has to be a referendum placed before voters in the spring of 2023 to vote on Home Rule.

Mr. Henson asked if VRU's will be inspected prior to receiving yearly renewal. Mr. Lenzini stated due to pandemic the inspections have been put on hold. Mr. Henson also asked if the platform that are not collecting taxes can be banned from the City. Mr. Lenzini stated that this is a question for the City Attorney to find out the answer.

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

Justin Zurlinden, 600 W Oak stated he is in favor of an amendment that does not include VRU'S to be owner occupied. He think it will help revitalize the City with income from VRU's.

Justin Zurlinden stated he doesn't want to exclude any of the zoning districts; but wants everything to be closely monitored.

Jim Keller, 135 West Lane in Elkhaville stated he is non resident Airbnb owner in Duquoin. He stated that Airbnb is a self policing magnesium, and hasn't encountered any problems. Terri Henry stated she has had good experiences with Airbnb's. She stated Carbondale is losing tax revenue to surrounding towns.

Molly Maxwell read a letter from the Chamber of Commerce in support of the text amendment.

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

Molly Maxwell read two letters from Jane Adams in opposition to the text amendment.

D Gorton 606 West Elm St, expressed concerns about VRU's being non owner occupied. He also was dissatisfied Airbnb owners were not contacted for input. Molly Maxwell responded that staff did not reach out to Airbnb owners but was contacted by concerned citizens. D Gorton expressed concerns about the City's knowledge of the VRU market. He also agrees with Justin Zurlinden with making all the zoning district's open to VRU's.

George Sheffer disagrees with reaching out to all the landlords and Airbnb owners, as there would be too many to contact. Mr. Sheffer asked Mr. Gorton for his opinion on the best way to enforce the taxes on VRU's. D Gorton responded that enforcing VRU's that are not in compliance with the City by ticketing and or taking legal action.

Jane Adams stated it is important to know the data of single family housing, apartments, and rentals before a decision is made. She doesn't think a study has been done to show who the targeted guests are that come here. Mrs. Adams stated the economics of opening this text amendment in all R1, R2, and R3 districts will be potentially catastrophe to people like Mr. Zurlinden and Mr. Keller. The competitive advantage is entirely for the apartment owners and will wipe out two thirds of the market if this is opened up.

Molly Maxwell read a letter from Trace Brown in opposition of the text amendment.

Mr. Deerick spoke in opposition and stated the existing ordinance has been too restrictive. The Airbnb market in town is limited which is detriment to the community.

Ms. Maxwell read Part B of the staff report for PC 22-01, with a recommendation of approval.

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

Mr. Henson asked if text amendment would be heard at next council meeting. Ms. Maxwell responded that it was not on the agenda for the upcoming meeting.

Mr. Zurlinden asked what happens when VRU has a party.

John Lenzini stated the police are called. He also stated VRU license can be suspended or rescinded according to Title Five in the Code Ordinance. Mr. Lenzini stated if there are multiple offenses after two strikes you're out.

Ms. Litecky asked if that is written in proposed Ordinance.

Mr. Lenzini stated it is in the existing VRU ordinance and doesn't change.

Ms. Litecky asked who has information for all rental and VRU's if the person does not live in town. Mr. Lenzini explained that the City has a spreadsheet with the owner names and addresses listed on it.

Jane Adams asked a question about what the law can do. She also asked if the text amendment can be written so it is restricted to single family homes that can be converted to VRU's without owner occupancy. She asked if apartment buildings can be left out.

Mr. Lenzini stated that he suppose you could.

Jane Adams stated houses built as single family homes no matter the condition would be inside, and multi-family apartment buildings would be outside. She asked is there a way to do that. Mr. Lenzini stated it would not be easy to administer.

Mr. Deerick asked if Hotel/Motel, regular B&B's, Airbnb's, and VRBO's assessed at the same rate. Mr. Lenzini stated they are assessed at the same tax rate.

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

Mr. Zerlinden asked Jane Adams if the people who are willing to stay at \$50 a night house furnished apartments the same clients that she is getting in her location or are they in two different sets of people. Jane Adams stated that they are two different sets of people. Mr. Zerlinden then asked if Jane Adams who was she worried about suffering.

Mr. Zerlinden asked if there are Section 8 limits in R1 districts in the City. Mr. Lenzini stated no that the City does not limit Section 8 housing.

Ms. Litecky asked who inspects Section 8 properties. Mr. Lenzini stated that the City does inspections on those houses.

Ms. Litecky declared PC 22-01 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A & B of the staff report for PC 22-01, the applicant was present, three spoke in favor, three spoke in opposition, and three letters/emails were read with two people in opposition, and seconded by Mr. Love.

Roll Call Vote:

Yes – 6 (Litecky, Miller, Sheffer, Hamilton, Henson, Love)

No- 0

Abstained- Burnside

Mr. Sheffer moved that the Commission recommend approval of the PC 22-01, seconded by Mr. Miller.

Mr. Sheffer stated that the item will move forward with the proposed recommendation for approval of PC 22-01 and that the item would be on the City Council agenda for discussion at their meeting on September 15, 2021. Mr. Miller seconded. Mr. Henson wanted more time to think about the proposed text amendment. He wants to change his vote and will send a letter to staff with reasons.

Ms. Litecky asked if the proposed text amendment changed PA & PAR to not needing a special use permit. Ms. Maxwell stated that you will still need a special use permit for those areas.

Roll Call Vote:

Yes – 4 (Litecky, Miller, Sheffer, Love)

No- 1 Henson

Abstained- 2 Burnside, Hamilton

Mr. Sheffer moved that the Commission recommend approval of the PC 22-01, seconded by Mr. Miller.

5. Old Business

There was none.

6. New Business

Mr. Doherty went over council items pertaining to Planning.

7. Adjournment

Ms. Litecky adjourned the meeting at 8:49 p.m., and seconded by Mr. Sheffer.



MINUTES

Carbondale Planning Commission Wednesday, September 15, 2021 6:00 p.m. Webinar Meeting

Ms. Litecky called the meeting to order at 6:02 p.m.

Members Present: LeBeau, Sheffer, Hamilton, Burnside, Love, Litecky, Miller, Lilly, Doherty (ex-officio)

Members Absent: Henson

Staff Present: Lenzini and Brightharp

1. Approval of Minutes:

No minutes this week. All past minutes will be read at the next meeting in October.

2. Citizen Comments or Questions

There were none.

3. Report of Officers, Committees, Communications

There were none.

4. 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.

Ms. Litecky declared Public Hearing PC 22-02 open and asked Megan Brightharp to read the legal notice.

Megan Brightharp, Community Development Senior Planner for the City of Carbondale, read the legal notice.

Ms. Litecky asked Ms. Brightharp to read the staff report.

Ms. Brightharp read part A of the staff report.

Ms. Litecky asked if there were any questions of staff. Mr. Sheffer stated he did.

Mr. Sheffer stated that before the analysis is read he wanted to make everyone is aware that he is against the wording in the second paragraph that states transportation organizations are being proposed in residential and rural areas as special use in AG. He is not in favor, and stated we're not proposing this in residential areas. Ms. Litecky stated that Part B has not been read yet. Mr. Sheffer wants that part stricken before it is read. Ms. Litecky agreed with Mr. Sheffer that the reading needs an explanation.

The applicant is present, and will answer any questions the commission has.

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

Megan Brightharp asked if the question is to remove it from the analysis.

Ms. Litecky stated yes, Part B. Mr. Sheffer wants to ensure that the proposal is not saying that it can go in a residential area. Ms. Brightharp stated that the proposal in terms of residential only by special use in the AG district. Mr. Sheffer wants clarity on if you can have it in a residential area by special use. Ms. Brightharp stated yes, only in AG district. Mr. Sheffer wants to be clear that it will not be in any other districts since AG can be anything. Ms. Brightharp stated that it will only be permitted in the AG district out of all the residential districts but only by special use. Ms. Litecky agreed with Mr. Sheffer that how it is written in Part B the second paragraph is not clear. Ms. Brightharp explained both residential and rural districts are written together on the Use Table. The Rural district, the AG district is the only district that has them as a district that would have been permitted by special use. Mr. Lenzini clarified the standard heading in the title is Residential and Rural Districts that is why Ms. Brightharp has that in the narrative. He stated that the only district that it is being allowed in is the AG district. Ms. Brightharp stated we are not saying that we want people to be able to grow cannabis in R-1 and R-2. She stated that it is just what the heading of the Use Table is called. Mr. Sheffer stated that it is still not clear. He wants to ensure the wording is not taken out of context when it goes before the Council.

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

There were none.

Ms. Litecky asked if anyone including the public wanted to speak in favor.

There were none.

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

There were none.

Ms. Brightharp read Part B & C of the staff report for PC 22-02, with a recommendation of approval.

Ms. Litecky invited anyone to ask anyone a question.

There were none.

Ms. Litecky declared PC 22-02 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A & B of the staff report for PC 22-02, the applicant was present, zero spoke in favor, zero spoke in opposition, and zero letters/emails were read in opposition or support, and seconded by Mr. LeBeau.

Roll Call Vote:

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

No- 0

Abstained- (Love)

Mr. Sheffer moved that the Commission recommend approval of the PC 22-02, seconded by Mr. LeBeau.

Roll Call Vote:

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

No- 0

Abstained- (Love)

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 larger parcels and sell them.

Ms. Litecky declared Public Hearing PC 22-03 open and asked Megan Brightharp to read the legal notice.

Megan Brightharp, Community Development Senior Planner for the City of Carbondale, read the legal notice.

Ms. Litecky asked Ms. Brightharp to read the staff report.

Ms. Brightharp read Part A of the staff report.

Ms. Litecky asked if there were any questions of staff. Mr. LeBeau asked Ms. Brightharp if she knew the date Exhibit A photo was taken. Ms. Brightharp stated she believed the

aerial photo came between 2018 and now. Mr. LeBeau stated in future the photos will the actual date the imagery was taken so another photo can't slip in at another time.

Ms. Litecky asked if the applicant was present and wished to speak. Mr. Scott Chapman is present and spoke on behalf of Lakeland Hills, LLC.

The applicant is present, and will answer any questions the commission has.

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

There were none.

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

There were none.

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

There were none.

Ms. Brightharp read Part C of the staff report for PC 22-03, with recommendation of approval with conditions:

Ms. Litecky asked if the Commission or public had questions for staff.

Patrick Deewyer, resident that backs up to the property in question asked if and when this change occurs what impact it will have on the development of the property behind his house, and the property value. Ms. Brightharp stated she didn't think that zoning itself would have an effect on the property value. She stated more so the land use that it shows in. Ms. Litecky asked Ms. Brightharp if rezoning required a certain size lot. Ms. Brightharp responded that the lot has to be a minimum of five acres. Mr. Lenzini stated that one advantage is that you are only allowed to build one residential structure on each agricultural lot. Agricultural lots will be more stable, the houses will be more spread out. With increase setbacks that are required in AG, you will have a less dense populated area. Low traffic and noise will be an advantage also. Mr. Deewyer asked if there are anything that claims that it won't be sold to low income, or are there any parameters to what lots will be sold as. Ms. Brightharp stated if the intention is to consolidate those lots it would not be individual lots for homes. One lot at five acres and the other at seven. Ms. Brightharp stated she didn't see anyone wanting to develop low income housing on five acres of land. Ms. Albert, resident, asked commission about regulations on AG, and what acceptable use would be. Do residents need to be concern about pesticides, chemical sprays, and livestock. Mr. Lenzini stated that there is a limited amount of livestock possibly in there. He can't see anyone farming such a small patch of ground. He stated he could see a hobby farm and maybe a few horses. There are some uses such contract construction services that could go in there but they would need a special use permit. Ms. Brightharp addressed Mr. Deewyer's previous question about low income houses. She

stated in terms of household living in AG district is very specific on single family dwellings. The concern about multi-family housing would not be permitted there by right or special use. Ms. Brightharp stated in past cases for this property concerns were raised about mobile homes. She reiterated that single wides are only permitted in mobile home parks which is not the case here. Double wides are considered single family homes whether or not the applicant get approval to rezone. Should somebody buy in this subdivision, our code allows them to consider a double wide a single family home which is called a neighborhood covenant. Ms. Litecky asked if a double wide was put there it would have to be anchored down and skirted. Ms. Brightharp stated yes. Our building code will cover that. Mr. Lenzini, also stated double wides have to have a building block around them.

Ms. Albert asked if the new map will include the AG district and the RMH district west that is wooded area. She also wanted to know will someone be able to buy and cut down all the trees. Ms. Brightharp responded yes. The applicant owns all of that property.

Ms. Litecky declared PC 22-03 closed and asked for a motion on the finding of facts.

Mr. Sheffer moved the Commission accept as findings of fact Part A, B, & C of the staff report for PC 22-03, the applicant was present, zero spoke in favor or opposition, and zero letters/emails were read in opposition or support, and seconded by Ms. Lilly.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No- 0

Mr. Sheffer moved that the Commission recommend approval of the PC 22-03, seconded by Mr. LeBeau. Mr. Love asked to add to conditions listed in the report under Part B. Ms. Brightharp stated that with those conditions PC 22-03, would not go before the Council on September 28th until after the subdivision review. Mr. Sheffer asked Mr. Love if he was suggesting that the applicant submit a plan on what he will use the lots for. Mr. Love stated yes. Mr. Sheffer stated he thought that was already in the clause that the City asked for. Mr. Love removed his friendly amendment. Mr. Sheffer stated Part D will be added so there has to be a plan put in on how the applicant plans on selling it.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No- 0

Ms. Litecky asked Mr. Lenzini when will the case go before City Council. Mr. Lenzini stated it will be depend on Ms. Brightharp's work load. Ms. Brightharp stated that the date given in the staff report for the applicant to present case is October 6th. She will find out Council dates for October and will update the applicant and Commission as it pertains to this case.

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.

Ms. Litecky declared Public Hearing PC 22-04, open and asked Megan Brightharp to read the legal notice.

Megan Brightharp, Community Development Senior Planner for the City of Carbondale, to read the legal notice.

Ms. Litecky asked Ms. Brightharp to read the staff report.

Ms. Brightharp read Part A of the staff report.

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

Mr. Hamilton asked are we voting on the whole package of rezoning plus special use, or will it be parceled as two different parcels. Mr. Sheffer stated that there are two ways in which the Commission has to handle that. He doesn't recall having to vote on both at the same time. Ms. Brightharp stated they will have to rezone, but they are asking for a special use permit that is conditional upon whether or not we grant the rezoning. Ms. Litecky asked if Mr. Hamilton and Mr. Sheffer were both asking if we can do that in one session. Mr. Hamilton stated yes. Mr. Sheffer stated meeting has to be done one way for a zoning change and a different set of questions are asked and motions if for special use form. You can't do the special use form unless you get zoning first. Ms. Litecky asked if one has to send out extra notices for special use since they both have notices. Ms. Litecky asked Mr. Lenzini is this a question for the City Attorney. Mr. Lenzini, suggested that the zoning change be taken to the Council first and come back to special use. He stated Mr. Doherty can be of assistance.

Ms. Brightharp stated in case 19-09, we rezoned and gave them a special use permit. Ms. Litecky asked about that. Ms. Brightharp answered Carbondale Self Storage rezoned from a PH to an R-3 and requested a SUP for self-storage operation. They needed a special use permit. Ms. Brightharp stated they were in the same situation in that they were buying the property from the City, and the sale was contingent upon the rezoning and special use permit. Mr. Sheffer stated he understood that part but stated to follow the rules to make a motion there are steps for one and for the other. He stated that they be done separately. Ms. Litecky asked Mr. Doherty to weigh in on the topic. Mr. Doherty stated that the property would need to be rezoned and have that approved. Then follow with a request for special use. Mr. Doherty stated you can't grant or approve special use for something that is not zoned for that special use. It adds an extra step for the applicant, but it is the logical way to go. Ms. Litecky asked Mr. Doherty if he is saying that we can't vote on both tonight. Mr. Doherty stated he was giving his opinion on the matter. Ms. Litecky asked how the other Commissioners felt. The majority agreed to do one and come back later and do the other. Mr. Lenzini stated City Attorney Jamie Snyder said if a

public notice was put out with both zoning change and special use change, then the zoning change can be voted on then the special use. Ms. Litecky asked Ms. Brightharp if that was how the notices were sent out. Ms. Brightharp responded yes. Mr. Sheffer wanted clarity on how zoning and special use permit will be done. Ms. Litecky responded yes we will do what the City Attorney advised. She stated they will do the rezoning first.

Ms. Litecky asked if the applicant was present and wished to speak. Mr. Williamson is present and wished to speak. Mr. Williamson is present and spoke on behalf of NeuroRestorative. Ms. Litecky asked Mr. Williamson if the property will be leased or bought. Mr. Williamson stated the property is leased from RD Management. Mr. Hamilton asked Mr. Williamson if the new facility is replacing other buildings in disrepair. Mr. Williamson stated yes, the facility on East Campus Drive will close and will be sold. Ms. Lilly asked if NeuroRestorative vandalized the property at the HS last year. Mr. Lenzini stated no, she may be referring to the incident with Rebound students. Ms. Lilly stated it was NeuroRestorative that came into the field house and destroyed both baseball and football. Mr. Williamson stated he's been Development Manager for a year and isn't aware of that incident happening last year. He will do some research.

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

There were none.

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

There were none.

Ms. Brightharp read Part B & C of the staff report for PC 22-04, with recommendation of approval.

Ms. Litecky asked if Commissioners had questions for staff.

Mr. Hamilton stated Part C deals with special use and not zoning change. Ms. Litecky agreed. Mr. Sheffer recommended adding Part A, B, C, D, and call the additional analysis Part E. Ms. Litecky asked the Commissioners were they in favor of that. All were in favor. Ms. Litecky stated that they will deal with Part D rezoning only. Mr. Love wanted clarity on the additional analysis.

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

There were none.

Ms. Litecky declared the PC 22-04 closed and asked for a motion on the finding of facts.

Mr. Sheffer moved that the Commission accept as findings of fact Part A & E of the staff report for PC 22-04, a representative was present, zero spoke in favor or opposition, and zero letters/emails in favor or opposition, and seconded by Mr. Love.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No- 0

Mr. Sheffer moved that the Commission recommend approval of the PC 22-04, seconded by Mr. LeBeau.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Litecky)

No- 1 (Lilly)

Ms. Brightharp read Part C of the staff report for PC 22-04, with recommendation of approval.

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

Mr. Burnside asked if the Group Home will be 800 feet apart. Ms. Brightharp responded yes. They have the capacity to be 800 feet apart. Mr. Burnside stated they have the capacity or will they be 800 feet apart. Ms. Brightharp stated that she don't have their building plans yet, only the proposed plan. Based on the measurements we've done on the existing Group Home and the subject property, they are within the limitations.

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

Mr. Hamilton asked Ms. Litecky if the City has any information from the police department that any NeuroRestorative facilities have been a problem. Ms. Litecky stated when the company was DCS they had a disturbance every once in a while. Mr. Sheffer stated he hasn't witnessed a disturbance in his neighborhood other than traffic. Mr. Hamilton asked what are the risks with the property being near the HS would be. Mr. Burnside asked if anyone knew of problems at the property near the HS. Mrs. Madison stated there were issues. She said staff may be present, but they can't handle certain issues that arise. Mr. Williamson stated that they have four buildings next to the HS which are older population. Staff work with a challenging group of people but they do their best to manage them safely by staying in communication with city partners and neighbors that may have concerns. Mr. LeBeau asked Mr. Williamson how old the residents that live near their older population properties are. Mr. Williamson responded forty to seventy years old. Mr. Burnside asked Mr. Williamson what age group of people will reside at the property in question. Mr. Williamson stated twenty-one or older.

Ms. Litecky asked if the applicant was present and wished to speak. Mr. Williamson stated if granted NeuroRestorative will move and current East Campus Drive location will be sold.

The representative is present, and will answer any questions the commission has.

Ms. Litecky asked if there were any questions for the representative.

There were none.

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

There were none.

Ms. Litecky asked if anyone wished to speak in opposition. Mrs. Madison spoke unfavorably to NeuroRestorative moving to the HS area. She does not think the move will benefit our community or taxpayers. She asked how long have NeuroRestorative been at current location.

Ms. Litecky declared PC 22-04 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept the findings of fact Part A, B C & D of the staff report for PC 22-04, the applicant and zero spoke in favor, one spoke in opposition, zero letters/emails in opposition or support, and seconded by Mr. LeBeau.

Roll Call Vote:

Yes- 6 (Miller, LeBeau, Sheffer, Hamilton, Love, Litecky)

No- 1 (Lilly)

Abstained (Burnside)

Mr. Sheffer moved that the Commission consider all seven criteria as one, and seconded by Mr. LeBeau.

Roll Call Vote:

Yes-4 (LeBeau, Sheffer, Hamilton, Litecky)

No- 4 (Miller, Burnside, Love, Lilly)

Mr. Sheffer moved that the Commissioners consider each criteria separately, and seconded by Mr. Miller.

Roll Call Vote:

Yes-6 (Miller, LeBeau, Sheffer, Burnside, Love, Litecky)

No- 2 (Hamilton, Lilly)

Mr. Sheffer made a motion that the applicant has met criteria one, that the proposed special use permit will encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood, and seconded by Mr. Miller.

Roll Call Vote:

Yes- 5 (LeBeau, Sheffer, Hamilton, Love, Litecky)

No- 3 (Miller, Burnside, Lilly)

Mr. Sheffer made a motion that the applicant has met criteria two, that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety or general welfare, and seconded by Mr. Miller.

Roll Call Vote:

Yes- 3 (Sheffer, Hamilton, Litecky)

No- 5 (Miller, LeBeau, Burnside, Love, Lilly)

Mr. Sheffer made a motion that the applicant has met criteria three, that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property value within the neighborhood, seconded by Mr. Miller.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No- 0

Mr. Sheffer made a motion that the applicant has met criteria four, that the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district, and seconded by Mr. Love.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No- 0

Mr. Sheffer made a motion that the applicant has met criteria five, adequate utilities, access roads and other necessary facilities have been or are being provided, and seconded by Mr. Love.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No- 0

Mr. Sheffer made a motion that the applicant has met criteria six, adequate measures access have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and seconded by Mr. Love.

Roll Call Vote:

Yes- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

No- 0

Mr. Sheffer made a motion that the applicant has met criteria seven, the special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Chapter, and seconded by Mr. Love.

Roll Call Vote:

Yes -8 (Miller, LeBeau, Sheffer, Hamilton, Love, Litecky)

No- 2 (Burnside, Lilly)

Mr. Sheffer moved that the Commission recommend approval of a special use permit for PC 22-04, and seconded by Mr. Love.

Roll Call Vote:

Yes- 0

No- 8 (Miller, LeBeau, Sheffer, Hamilton, Burnside, Love, Lilly, Litecky)

5. Old Business

There was none.

6. New Business

Mr. Doherty went over council items pertaining to Planning.

7. Adjournment

Ms. Litecky adjourned the meeting at 8:32 p.m., and seconded by Mr. Sheffer.



Community Development

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: Molly Maxwell, Planner

RE: PC 22-05, James Keller is requesting a rezoning from AG, Agriculture, to PUD, Planned Unit Development, for property located on the west side of New Era Road, directly north of Edgewood Road and west of West Charles Road

DATE: October 26, 2021

(Planning Commission Public Hearing on November 3rd, at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:

James Keller
135 West Lane
Elkville, IL 62932

2. Requested Action and Background: The applicant is requesting to rezone 10.57 acres of property located near the intersection of New Era Road, Edgewood Road, and West Charles Road from AG, Agriculture, to PUD, Planned Unit Development. (Please refer to Exhibit A – Applicant’s Brief). There is currently no development on the property. (Please refer to Exhibit B – Photographs of the Subject Property).

The applicant is requesting the rezoning with the plan of building a mixed-use housing development. The property is currently outside City Limits but contiguous on the north and west. Should City Council approve the applicant’s rezoning application, he plans to then annex the property into the City.

3. Number of Notices Sent to Owners within 250 feet: Notices were sent to twelve (12) property owners within 250 feet of the subject property.

4. Existing Zoning: The subject property is currently zoned AG, Agriculture, as is land to the

North, South, East, and West. The next closest zoning district is RR, Rural Residential, south of the parcel's southern neighbor. (Please refer to Exhibit C – Existing Zoning).

5. Existing Land Use: The subject property currently stands empty, and has served as farm land up to this point. Property to the immediate south is also farm land. The property to the west and north belongs to Carbondale Park District, and is mostly made up of Hickory Ridge Golf Course, its clubhouse and parking, and forest. (Please refer to Exhibit D – Existing Land Use).
6. Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Plan designates the subject property and properties to the south as 'Neighborhood Conservation'. East across New Era Road is envisioned as 'Suburban Residential', west and north (Hickory Ridge Golf Course and associated properties) are 'Parks and Preservation'. (Please refer to Exhibit E –Future Land Use).
7. Zoning History: The subject property has been zoned AG, Agriculture, since the adoption of the current zoning ordinance in 1974. The property is not in City Limits but is contiguous with the City boundary to the west and north.
8. Applicable Regulations:

Statement of Intent of Relevant Zoning Districts:

Section 15-2.9.1: AG, Agriculture

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 title 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. (Ord. 2013-20)

Section 15-2.11.1: PUD, Planned Unit Development

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.

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to an eight (8) inch City of Carbondale water line along New Era Road and a six (6) inch City line that runs along the north and east of the property.

Sanitary Sewer: The subject property has access to a six (6) inch City of Carbondale sanitary sewer line along New Era Road, and could also access a twenty (20) inch City line that runs along New Era Road, a bit more to the east.

Storm Sewer: A City of Carbondale storm sewer line runs north along New Era Road, at thirty-six (36) inches as it passes the property.

2. Public Services: The subject property is not currently located within Carbondale City limits but upon annexation, would have access to Carbondale Police, Fire, and Neighborhood Inspection services.
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>
New Era Rd.: Glenn Rd. to Charles Rd.	1950 ADT
New Era Rd.: Charles Rd. to Lake Rd.	2350 ADT
West Charles Rd.	600 ADT

4. Correspondence Received: As of the date of this report, Staff has no correspondence regarding this rezoning request.

PART C. ANALYSIS

James Keller is requesting to rezone property located near the intersection of New Era Road, Edgewood Road, and West Charles Road from AG, Agriculture, to PUD, Planned Unit Development.

The applicant plans to develop a mixed-use housing development that would appeal to, among others, the 'active retiree' audience. A primary draw to this parcel for this use is its close proximity to Hickory Ridge Golf Course. It is also surrounded by Agriculture land, which would give a 'rural' feel, while still being relatively close to amenities.

As the Agriculture district allows for single-family dwelling as its only residential use, re-zoning this property would be necessary for this development. Approval of the rezoning to PUD would allow Mr. Keller to build a housing development as code allows.

The proposed PUD zoning designation would allow for a higher residential density than is allowed in the surrounding residential property to the north, east and south. However, as opposed to high and medium density residential districts, the PUD zoning district does allow for the Planning Commission and City Council to have greater control over the design and function of the property. As is required, the applicant has submitted a preliminary PUD plan which shows a general idea of the proposed development of the property. Should the rezoning be approved, a final PUD plan must be submitted for full approval by both City staff and the City Council.

While typically a higher density than low density residential districts, the Carbondale Revised Code does limit the maximum density of a Planned Unit Development to 25 dwelling units per acre (15-2.15.13.B). The preliminary plans submitted by the applicant meet this requirement, having less than three (2.4) units per acre. The Carbondale Revised Code also requires recreational space of 200 square feet for each of the first 50 dwellings in the development (15-2.15.13.C.1). With 24 dwelling units proposed, the site will require at least 4,800 square feet of recreational area. Up to 20 percent of this can be dedicated to hard-surface recreational use such as swimming pools, which is proposed in the applicant's plan.

The 2010 Comprehensive Plan designates this property as well as the Agriculture property to the immediate south and a Rural Residential neighborhood below that as 'Neighborhood Conservation' on its Future Land Use Plan map. The plan does not directly define the term 'Neighborhood Conservation', but using the text for context, as well as texts regarding conservation zoning and conservation development, staff interprets this intent to mean that the rural, natural feel of the area should be preserved through any new development, and conservation of the surrounding open space and wildlife should be considered priority. The intended designation to the east across New Era Road, is projected as 'Suburban Residential', and to the north and west (Carbondale Park District property) would continue as 'Parks and Preservation'. The applicant's brief describes a development that highlights outdoor space and "employs modern, efficient designs with as much green technology as financially feasible."

This development plan aligns with the Comprehensive Plan's Land Use Focus Area 2.2; *Quality Sustainable Development*. The Plan identifies the City's development standards as an avenue to encourage sustainable development and prioritize conservation of its "woodland stands, rock formations, and its many creeks, wetlands, and lakes" which "was cited by many residents as the reason for making this their home". The Plan cites the US Green Building Council's LEED (Leadership in Energy and Environmental Design) standards as a thorough way to evaluate sustainable development (Focus Area 2.2, Insert 4).

Although LEED has not yet been explicitly addressed in Carbondale's development standards, the PUD intent prioritizes sustainable design.

Following are excerpts from the applicant brief that address items outlined in the intent of a PUD:

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;** *“There are 6-10 different home designs with most being small footprints of <1200 sqft. Larger units not to exceed 2000 sqft.”*
2. **Open space and recreation areas;** *“All units will have an outdoor living element... Plan includes a modest clubhouse and recreational area with pool and gym facilities.”*
3. **A pattern of development which preserves trees, outstanding natural topography and geological features and prevents soil erosion;** *“Entire space is intended to have small footprint lots there will be green spaces scattered about that are taken care of by an HOA.”*
4. **A creative approach to the use of land and related physical development;** *“Blending in is important! Nothing about this development goes bleak with the surroundings as some sort of vinyl sided, stark white setting. Of the 6-10 styles considered, the units become differentiated by textures subtle outdoor features such as partial walls and small private/gated outdoor living spaces.”*
5. **An efficient use of land resulting in more efficient use of utilities and streets;** *Location is near stable utilities and infrastructure.*
6. **An environment of stable character in harmony with surrounding development;** *“the units become differentiated by textures subtle outdoor features such as partial walls and small private/gated outdoor living spaces.”*
7. **A more desirable environment than would be possible through the strict application of other sections of this ordinance.** *“There are 6-10 different home designs with most being small footprints of <1200 square feet. Larger units not to exceed 2000 square feet.”*

Chapter 4 of the Comprehensive Plan, Housing and Neighborhoods, states that Carbondale has a “narrow range of owner occupied neighborhoods and housing types, with... 88 percent being single-family detached... there is little choice between unit types” (4.2 Purpose – Summary of Housing Needs, Conditions, and Programs). It goes on to suggest that the aging residents of the future may desire to have more housing options available, and recommends that units marketable to households that are downsizing, be both permitted and encouraged, in appropriate locations. The proposed development seems to speak to this housing need in general; but the question remains, would this property be considered an “appropriate location”? Throughout the ‘Housing and Neighborhoods’ and ‘Land Use Character and Community Growth’ chapters in the Comprehensive Plan, ‘infill’ development is encouraged, as well as ‘preserving the rural character

of the City's periphery' (Ch. 2, Focus Area 2.1, Strategy 7). Although rural in nature and aesthetics, the property in question lies within Carbondale's more developed area – sufficient City utilities serve properties all around this location. New Era Road already serves a significant amount of traffic, so the addition of a PUD would not likely impact the City's infrastructure too much.

The applicant hopes to speak to a community who is active and appreciates the outdoors with this development. The property is adjacent to Hickory Ridge Golf Course, and other Carbondale Park District natural spaces. Residents would have easy access to the City's 'Northwest Multi Use Bike Path' which will run east-west about a half-mile to the south of this property.

If done correctly, Mr. Keller's development could be considered a sort of 'buffer' between residential use and the natural and recreational land that so many people appreciate about the region.

PART C. RECOMMENDATION

Based on the above analysis, as well as the criteria for determining the appropriateness of PUD zoning under Section 15-2.15.14.3 of the Carbondale Revised Code, staff recommends approval of PC 22-05.

Exhibit A – Applicant's Brief

Any development I would plan employs modern, efficient designs with as much green technology as financially feasible (such as passive and possibly literal solar) and smart technologies. There are 6-10 different home designs with most being small footprints of <1200 square feet. Larger units not to exceed 2000 square feet. All units will have an outdoor living element. Garage units will be incorporated with covered parking being strategically placed for visitors (not shown in the rough draft .ppt).

Plan includes a modest clubhouse and recreational area with pool and gym facilities. While entire development "may be" positioned as a 55+, there will be playground area. Entire space is intended to have small footprint lots there will be green spaces scattered about that are taken care of by an HOA. Have not determined if community is gated or not, but under financial consideration.

New Era property intends to seek partnership of sorts with the Hickory Ridge GC in that it would to encourage some growth in restaurant and bar facilities and perhaps slight discounted rates on membership fees or golf round costs.

Blending in is important! Nothing about this development goes bleak with the surroundings as some sort of vinyl sided, stark white setting. Of the 6-10 styles considered, the units become differentiated by textures subtle outdoor features such as partial walls and small private/gated outdoor living spaces.

Please see following photos for preliminary ideas:









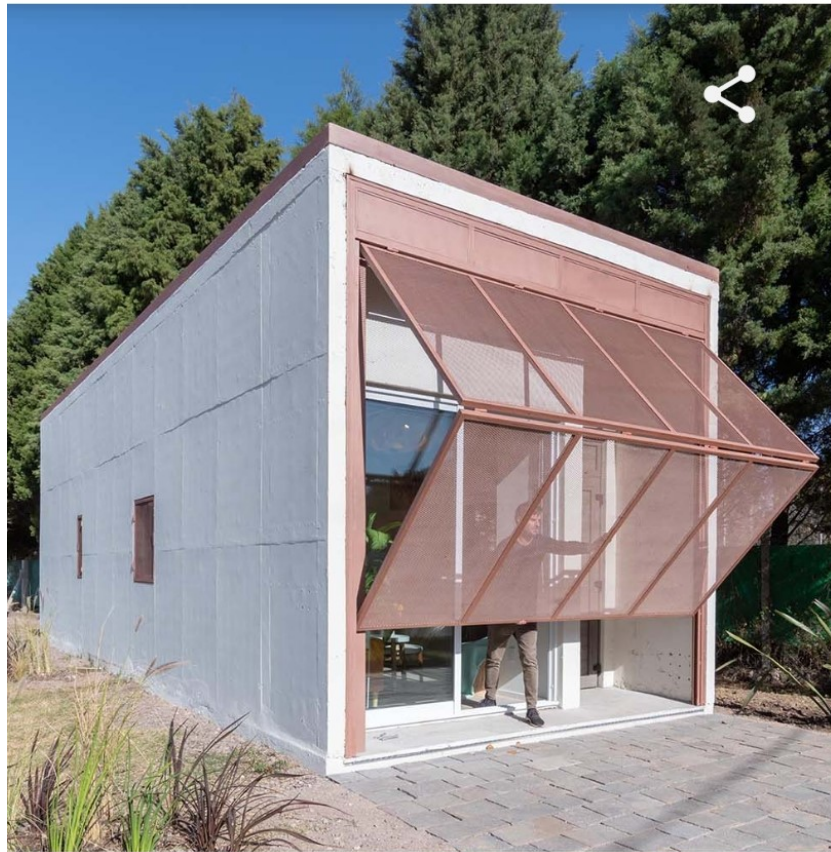






Exhibit B: Photos of Subject Property



View of Property facing west from New Era Road



View away from property facing east across New Era Road

Exhibit B: Photos of Subject Property

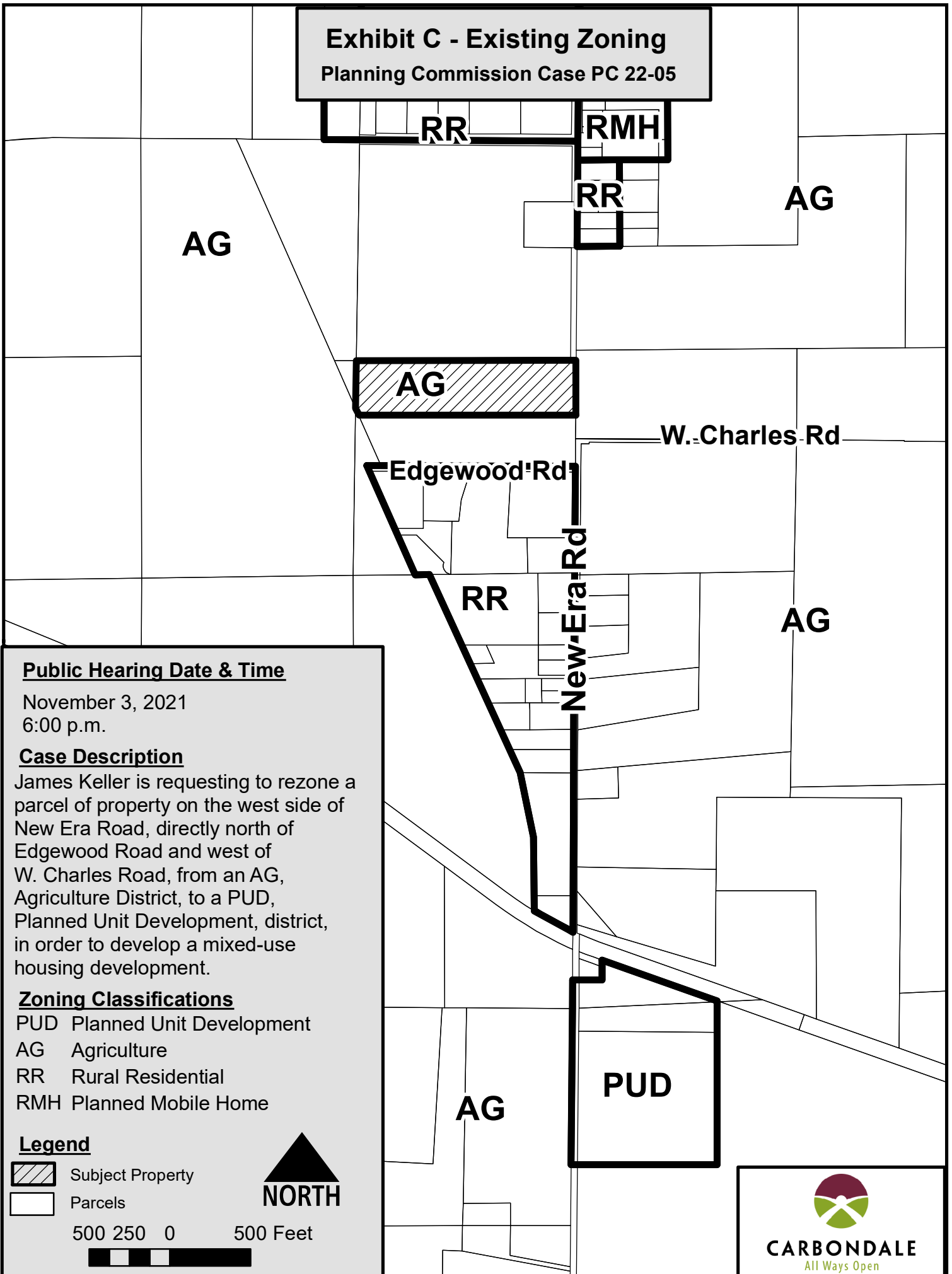


View facing south along New Era Road



View facing north along New Era Road

Exhibit C - Existing Zoning
Planning Commission Case PC 22-05



Public Hearing Date & Time

November 3, 2021
6:00 p.m.

Case Description

James Keller is requesting to rezone a parcel of property on the west side of New Era Road, directly north of Edgewood Road and west of W. Charles Road, from an AG, Agriculture District, to a PUD, Planned Unit Development, district, in order to develop a mixed-use housing development.

Zoning Classifications

PUD Planned Unit Development
AG Agriculture
RR Rural Residential
RMH Planned Mobile Home

Legend

 Subject Property

 Parcels



500 250 0 500 Feet



Exhibit D - Existing Land Use

Planning Commission Case PC 22-05

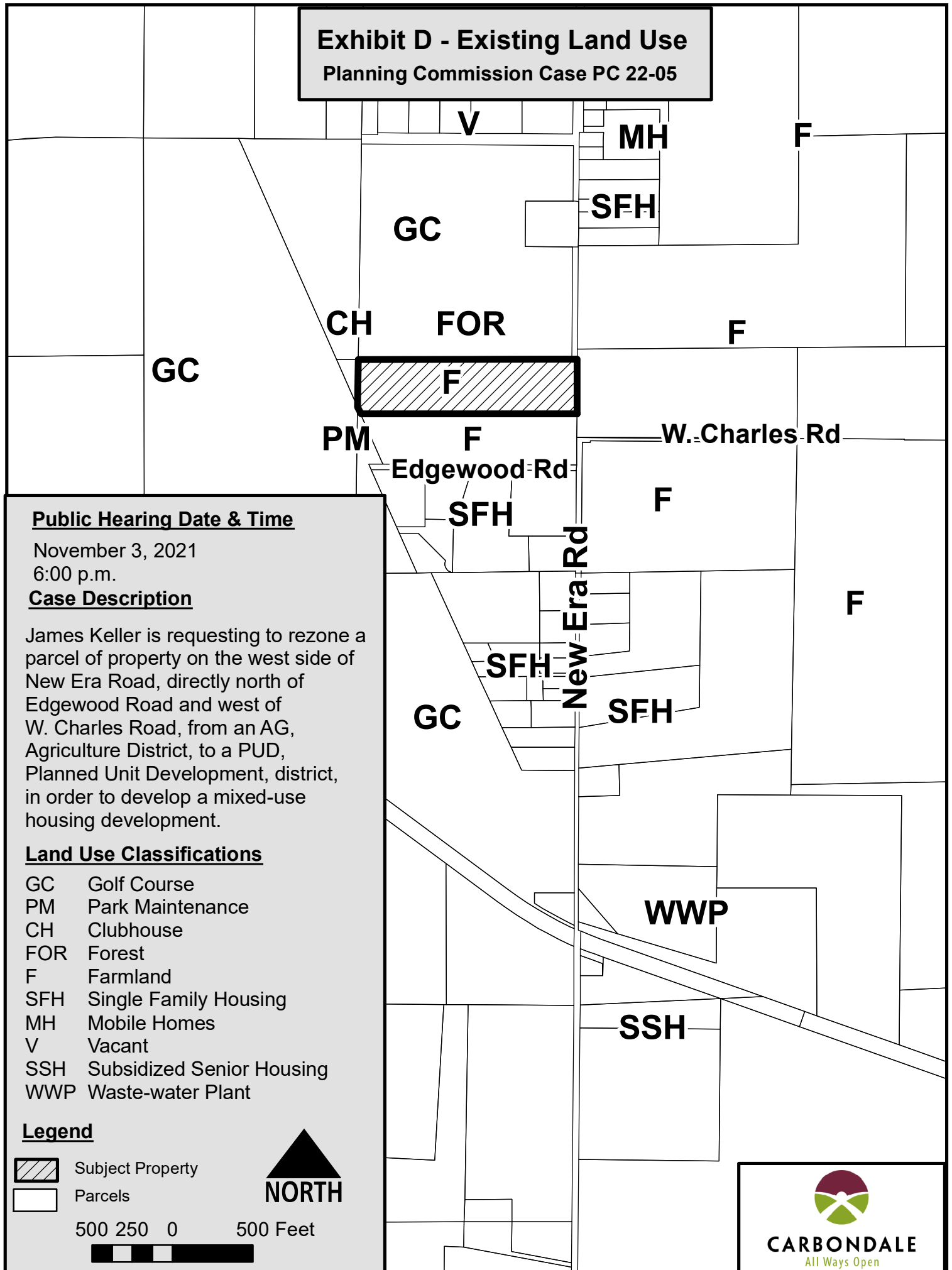
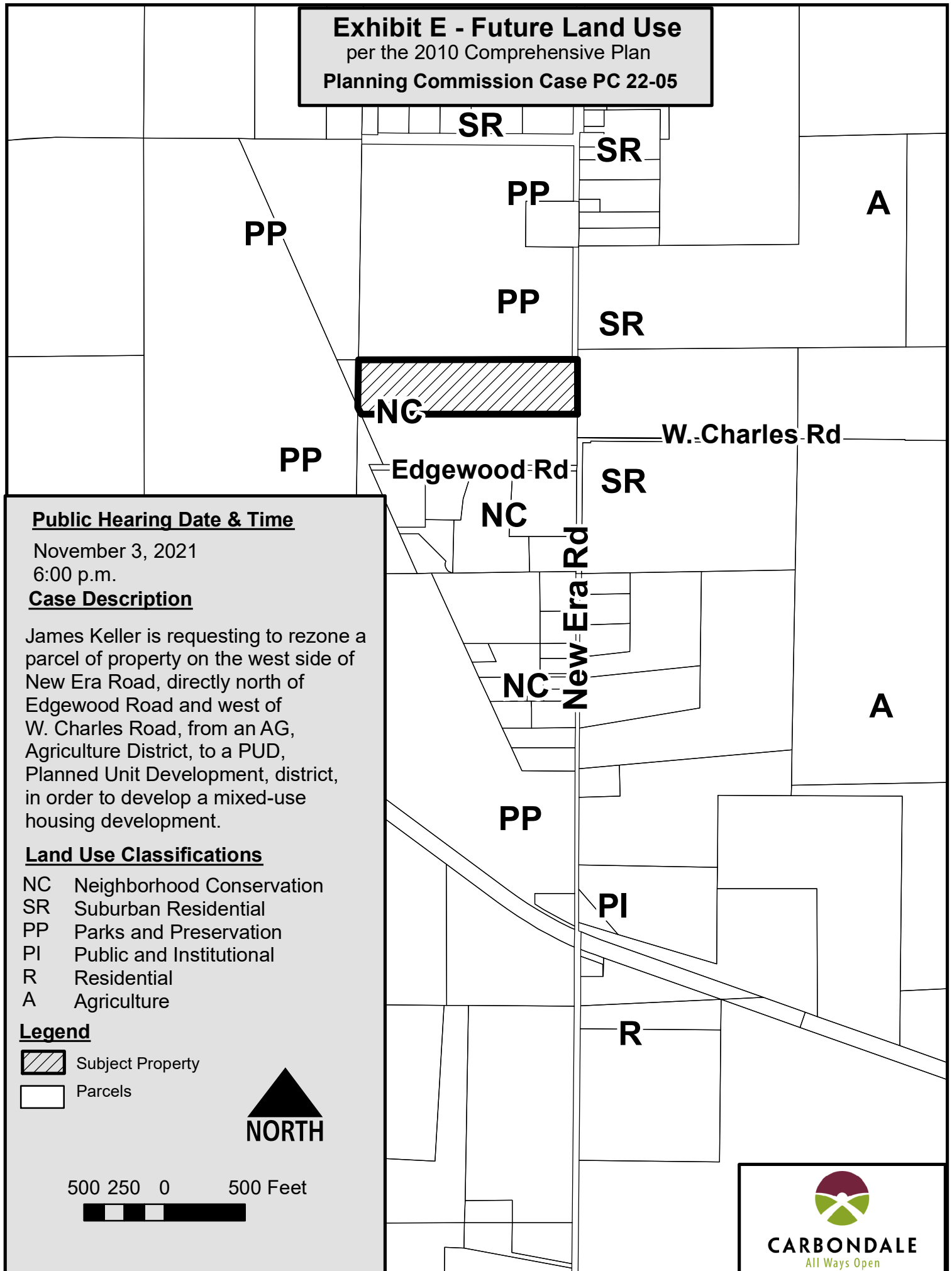


Exhibit E - Future Land Use
per the 2010 Comprehensive Plan
Planning Commission Case PC 22-05



Public Hearing Date & Time

November 3, 2021
6:00 p.m.

Case Description

James Keller is requesting to rezone a parcel of property on the west side of New Era Road, directly north of Edgewood Road and west of W. Charles Road, from an AG, Agriculture District, to a PUD, Planned Unit Development, district, in order to develop a mixed-use housing development.

Land Use Classifications

NC Neighborhood Conservation
SR Suburban Residential
PP Parks and Preservation
PI Public and Institutional
R Residential
A Agriculture

Legend

 Subject Property
 Parcels



500 250 0 500 Feet



Exhibit F – Preliminary Plan

Hickory
Ridge
Golf
Course

357'

North

East

New
Era Rd

West

1350'

Harris property – 10A

- Dimensions of lot - **(lots sizes will be 3x the size of the homes) (outdoor spaces will be designed with an "outdoor living space" concept in mind)**
- Size of each dwelling unit footprint **(home sizes will range from 800/sqft for lease units and possibly these units appearing as duplexes - 1300-2200sqft for homes)**
- Size and identification of large structure in the center **(6000+ sqft including clubhouse and pool area)**
- 20-foot setback on front, rear, and sides of property (at least 20 feet of space between each property line and buildings) **(in some cases the homes will share a common wall, but only on one side. Even though you may have a wall on all sides, homes "might" only share a wall on one side. All homes will have a wall around them)**
- at least 4800 sq feet of recreational space (200 sq ft per dwelling unit, and you have 24 dwelling units proposed) **(there will be ample green space around the entire complex. Garden spaces, dog walk, etc. are planned to be part of this. If I had to remove a home or 2 to make for the green space I have in mind, this is what I would do.)**

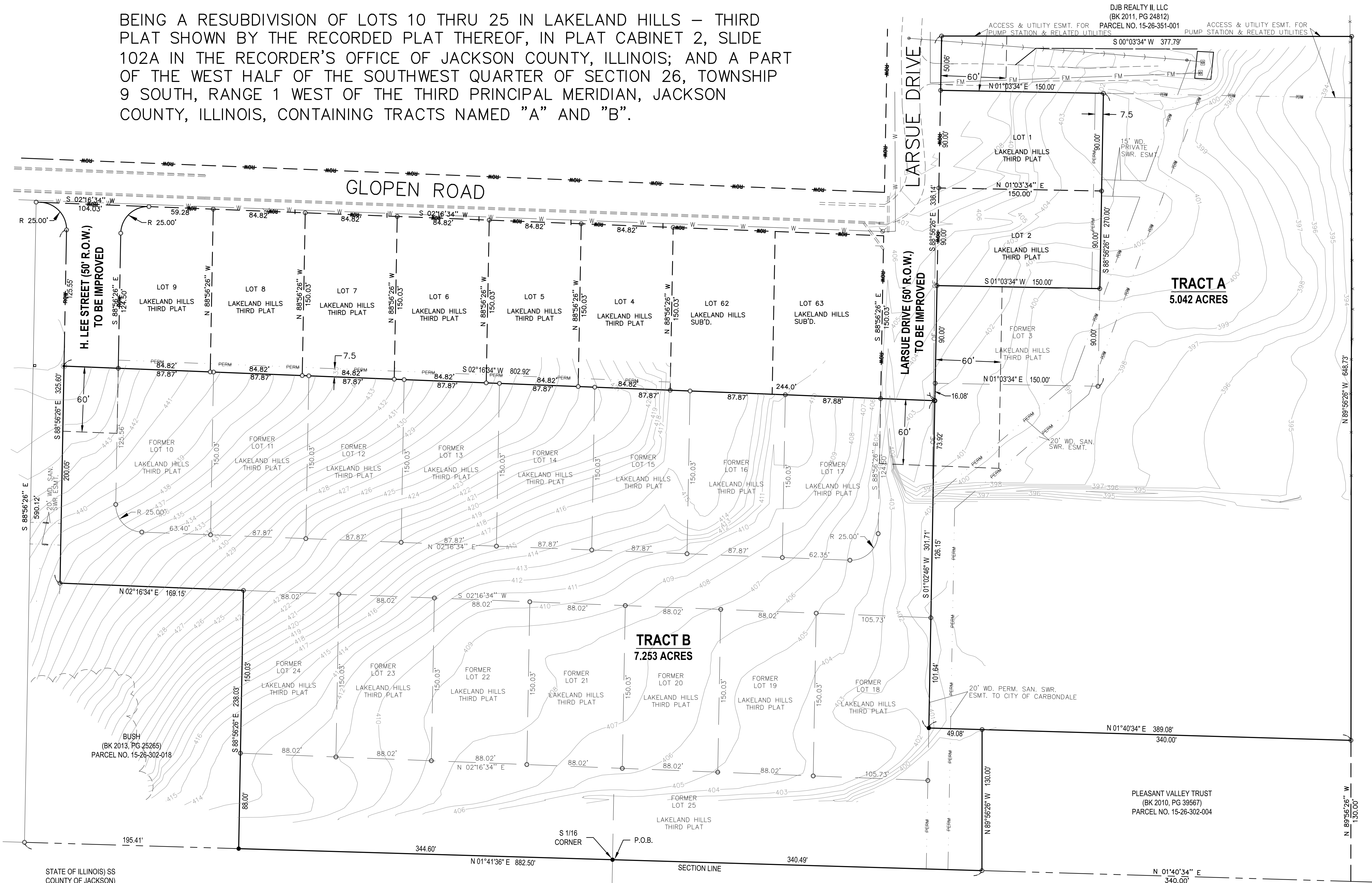
Still not certain what the roadways look like, i.e., down the middle, around the edges, etc.. This is all dependent on the land pitch and whether or not I can get an easement from the property to the south)

Edgewood Rd

South

LAKELAND HILLS - FOURTH PLAT

BEING A RESUBDIVISION OF LOTS 10 THRU 25 IN LAKELAND HILLS – THIRD PLAT SHOWN BY THE RECORDED PLAT THEREOF, IN PLAT CABINET 2, SLIDE 102A IN THE RECORDER’S OFFICE OF JACKSON COUNTY, ILLINOIS; AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN, JACKSON COUNTY, ILLINOIS, CONTAINING TRACTS NAMED ”A” AND ”B”.



STATE OF ILLINOIS) SS
COUNTY OF JACKSON)

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT SCOTT CHAPMAN PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT ON HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH, INCLUDING THE RELEASE AND WAIVER OF THE RIGHT OF HOMESTEAD.

GIVEN MY HAND AND SEAL THIS _____ DAY OF _____, 2021.

MY COMMISSION EXPIRES: _____.

NOTARY PUBLIC

I, FRANK L. BIRD, CLERK IN AND FOR THE COUNTY OF JACKSON, TIN THE STATE OF AFORESAID, AND KEEPER OF THE RECORDS AND OFFICIAL SEAL THEREOF, DO HEREBY CERTIFY THAT ON THIS DAY I HAVE MADE A SEARCH OF THE RECORDS AVAILABLE IN MY OFFICE AND HAVE FOUND ALL CURRENT TAXES ASSESSED AGAINST THAT PART OF THE WEST ONE HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN IN THE COUNTY OF JACKSON, STATE OF ILLINOIS, SHOWN HEREON SUBDIVIDED, TO HAVE BEEN PAID IN FULL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE COUNTY OF JACKSON AT MURPHYSBORO, ILLINOIS ON THIS _____ DAY OF _____, 2021.

FRANK L. BIRD, COUNTY CLERK

STATE OF ILLINOIS) SS
COUNTY OF JACKSON)

I, JENNIFER SORRELL, CLERK IN AND FOR THE CITY OF CARBONDALE, IN THE COUNTY AND STATE AFORESAID, AND KEEPER OF THE RECORDS AND OFFICIAL SEAL THEREOF, DO HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF CARBONDALE IN REGULAR SESSION ASSEMBLED ON THE _____ DAY OF _____, 2021, DID APPROVE, ACCEPT AND ADOPT THE FOREGOING PLAT OF "LAKELAND HILLS - FOURTH PLAT," BEING A SUBDIVISION LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CARBONDALE, ILLINOIS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE CITY OF CARBONDALE, ILLINOIS ON THIS _____ DAY OF _____, 2021.

JENNIFER SORRELL, CITY CLERK

DJB REALTY II, LLC
(BK 2011, PG 24812)
PARCEL NO. 15-26-351-001

ACCESS & UTILITY ESMT. FOR PUMP STATION & RELATED UTILITIES

ACCESS & UTILITY ESMT. FOR PUMP STATION & RELATED UTILITIES

LOT 1
LAKELAND HILLS
THIRD PLAT

LOT 2
LAKELAND HILLS
THIRD PLAT

FORMER LOT 3
LAKELAND HILLS
THIRD PLAT

FORMER LOT 4
LAKELAND HILLS
THIRD PLAT

FORMER LOT 5
LAKELAND HILLS
THIRD PLAT

FORMER LOT 6
LAKELAND HILLS
THIRD PLAT

FORMER LOT 7
LAKELAND HILLS
THIRD PLAT

FORMER LOT 8
LAKELAND HILLS
THIRD PLAT

FORMER LOT 9
LAKELAND HILLS
THIRD PLAT

FORMER LOT 10
LAKELAND HILLS
THIRD PLAT

FORMER LOT 11
LAKELAND HILLS
THIRD PLAT

FORMER LOT 12
LAKELAND HILLS
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FORMER LOT 13
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FORMER LOT 14
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FORMER LOT 21
LAKELAND HILLS
THIRD PLAT

FORMER LOT 22
LAKELAND HILLS
THIRD PLAT

FORMER LOT 23
LAKELAND HILLS
THIRD PLAT

FORMER LOT 24
LAKELAND HILLS
THIRD PLAT

FORMER LOT 25
LAKELAND HILLS
THIRD PLAT

LOT 62
LAKELAND HILLS
SUB'D.

LOT 63
LAKELAND HILLS
SUB'D.

TRACT A
5.042 ACRES

TRACT B
7.253 ACRES

PLEASANT VALLEY TRUST
(BK 2010, PG 39567)
PARCEL NO. 15-26-302-004

STATE OF ILLINOIS) SS
COUNTY OF JACKSON)

I, AARON M. DAUBY, PROFESSIONAL ILLINOIS LAND SURVEYOR NO. 3878, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT IS A TRUE AND CORRECT REPRESENTATION OF MY SURVEY OF "LAKELAND HILLS - FOURTH PLAT" BEING A RESUBDIVISION OF LOTS 10 THRU 25 IN LAKELAND HILLS SUBDIVISION - THIRD PLAT SHOWN BY THE RECORDED PLAT THEREOF, IN PLAT CABINET 2, SLIDE 102A IN THE RECORDER'S OFFICE OF JACKSON COUNTY, ILLINOIS; AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN, JACKSON COUNTY, ILLINOIS, CONTAINING TRACTS "A" AND "B".

I FURTHER CERTIFY THAT THIS SUBDIVISION IS SITUATED WITHIN ONE AND ONE HALF MILES OF THE CORPORATE LIMITS OF THE CITY OF CARBONDALE, ILLINOIS, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE II OF THE ILLINOIS MUNICIPAL CODE, 65 ILCS 1/11-12/1 ET SEQ.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT NO PART OF THIS SUBDIVISION IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT NO PART OF THIS SUBDIVISION IS LOCATED WITHIN 500 FEET OF A MAJOR STREAM OR WATER COURSE WITH AN UPSTREAM DRAINAGE TRIBUTARY IN EXCESS OF 640 ACRES.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY ILLINOIS LAND SURVEYOR'S SEAL AT CARBONDALE, ILLINOIS ON THIS 26TH DAY OF OCTOBER, 2021.

AARON M. DAUBY
PROFESSIONAL ILLINOIS LAND SURVEYOR NO. 3878

STATE OF ILLINOIS) SS
COUNTY OF JACKSON)

I, SCOTT CHAPMAN, HAVING BEEN DULY SWORN UPON OATH, DO DEPOSE AND SAY THAT I AM THE OWNER OF THE FOLLOWING DESCRIBED TRACT OR PARCEL OF LAND:

SITUATED IN AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE 3RD PRINCIPAL MERIDIAN, JACKSON COUNTY, ILLINOIS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 26; THENCE N 01°41'36" E 344.80 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO A POINT AT THE SOUTHWEST CORNER OF THE CARL BUSH PROPERTY (BOOK 2013, PAGE 25265); THENCE ALONG SAID BUSH PROPERTY THE FOLLOWING THREE (3) CALLS: THENCE S 88°56'26" E 238.03 FEET, PASSING AN IRON ROD FOUND AT 88.00 FEET, TO AN IRON ROD FOUND; THENCE N 02°16'34" E 169.15 FEET TO AN IRON ROD FOUND; THENCE S 88°56'26" E 200.05 FEET TO A POINT; THENCE S 02°16'34" W 802.92 FEET ALONG THE WEST LINES OF LOTS FOUR (4) THROUGH NINE (9) OF LAKELAND HILLS - THIRD PLAT AND LOTS SIXTY-TWO (62) AND SIXTY-THREE (63) OF LAKELAND HILLS SUBDIVISION AND ITS EXTENSION TO AN IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF LARSUE DRIVE; THENCE S 88°56'26" E 106.06 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE, PASSING AN IRON ROD FOUND AT 16.08 FEET, TO AN IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT TWO (2) OF LAKELAND HILLS - THIRD PLAT; THENCE S 01°03'34" W 150.00 FEET TO AN IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID LOT TWO (2); THENCE S 88°56'26" E 180.00 FEET ALONG THE SOUTH LINES OF LOTS ONE (1) AND TWO (2) OF LAKELAND HILLS - THIRD PLAT, PASSING AN IRON ROD FOUND AT 90.00 FEET, TO AN IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N 01°03'34" E 150.00 FEET ALONG THE EAST LINE OF SAID LOT ONE (1) TO AN IRON ROD FOUND IN SAID SOUTH RIGHT-OF-WAY LINE; THENCE S 88°56'26" E 50.06 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO AN IRON ROD FOUND AT THE NORTHWEST CORNER OF THE DJB REALTY II, LLC PROPERTY (BOOK 2011, PAGE 24812); THENCE S 00°03'34" W 377.79 FEET ALONG THE WEST LINE OF SAID DJB REALTY II, LLC PROPERTY TO AN IRON ROD FOUND IN THE NORTH LINE OF THE WILLIAM H. AND CARLA J. YOUNG PROPERTY (BOOK 769, PAGE 302); THENCE N 89°56'26" W 648.73 FEET ALONG THE NORTH LINE OF SAID YOUNG PROPERTY AND THE WILLIAM H. AND CARLA J. YOUNG PROPERTY DOCUMENT NUMBER 20170003792 TO THE SOUTHEAST CORNER OF THE PLEASANT VALLEY TRUST PROPERTY (BOOK 2010, PAGE 39567); THENCE ALONG SAID PLEASANT VALLEY TRUST PROPERTY THE FOLLOWING TWO (2) CALLS: THENCE N 01°40'34" E 340.00 FEET TO AN IRON ROD FOUND; THENCE N 89°56'26" W 130.00 FEET TO AN IRON ROD FOUND IN THE WEST LINE OF SAID QUARTER SECTION; THENCE N 01°41'36" E 340.49 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING.

AND THAT I HAVE CAUSED THE ABOVE DESCRIBED TRACT TO BE SUBDIVIDED INTO TRACTS AS SHOWN ON THE FOREGOING PLAT TO BE HEREAFTER KNOWN AS "LAKELAND HILLS - FOURTH PLAT," BEING A RESUBDIVISION OF LOTS 10 THROUGH 25 IN LAKELAND HILLS - THIRD PLAT SHOWN BY THE RECORDED PLAT THEREOF, IN PLAT CABINET 2, SLIDE 102A IN THE RECORDER'S OFFICE OF JACKSON COUNTY, ILLINOIS; AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN, JACKSON COUNTY, ILLINOIS, CONTAINING TRACTS "A" AND "B".

FURTHER, I DO DEDICATE FOREVER, FOR PUBLIC USE THE RIGHT-OF-WAY FOR THE STREETS AND THE UTILITY EASEMENTS AS SHOWN PLATTED HEREON, AND THAT I HAVE THE RIGHT TO DEDICATE, RELEASING AND WAIVING ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE. H. LEE STREET AND LARSUE DRIVE SHALL BE IMPROVED TO THE BOUNDARY OF TRACT B AS SHOWN HEREIN.

FURTHER, I DO HEREBY STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THE 2 TRACTS SHOWN PLATTED HEREON LIE WITHIN THE GIANT CITY CONSOLIDATED SCHOOL DISTRICT NO. 130 AND THE CARBONDALE COMMUNITY HIGH SCHOOL DISTRICT NO. 165.

SCOTT CHAPMAN

Sheet Title: SUDDIVISION PLAT

Project Title: LAKELAND HILLS - FOURTH PLAT

RESUBDIVISION OF LOTS 10-25 OF LAKELAND HILLS-THIRD PLAT, CARBONDALE, ILLINOIS

ASATURIAN
EATON
and Associates INC.
ENGINEERING and LAND SURVEYING

1440 Old West Main, P.O. Box 369, Carbondale, IL 62901

JOB NO: 3946

DRAWN BY: AD

DATE: 10/26/2021

REVISIONS:

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OF 1 SHEETS