



MINUTES

Carbondale Planning Commission
Wednesday, August 2nd 2023
Room 108, 6:00 p.m.
City Hall/Civic Center

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

Members Present: Litecky, Sheffer, Hamilton, Lilly, Carrier, Weiss, Doherty (ex-officio)

Members Absent: Allee, Love

Staff Present: Lenzini, Maxwell

1. Approval of Minutes:

Ms. Litecky asked for a motion to approve the June 7th, 2023 minutes. Ms. Lilly moved to approve the minutes of June 7th, 2023, seconded by Mr. Weiss. There was a unanimous voice vote to approve the minutes.

2. Citizen Comments or Questions

There were none.

3. Report of Officers, Committees, Communications

There were none.

4. Public Hearings

PC 24-03: The City of Carbondale has proposed a text amendment to Title 15 of the Carbondale Revised Code relative to public art and the size, placement, and lighting of signs.

Ms. Litecky declared Public Hearing PC 24-03 open and asked for Ms. Maxwell to review PC 24-03.

Ms. Litecky asked Ms. Maxwell to read the staff report. Ms. Maxwell read Part A and Section 1 of the staff report.

Ms. Litecky asked if the Commissioners had questions for staff

Mr. Carrier asked to expand the definition of a mural to include works of art created by more means than just painting. Ms. Maxwell stated that the definition could be expanded to include other means of creating a mural and asked Mr. Carrier if he could provide an example. Mr. Carrier spoke about bringing 3D aspects into murals by means of layering or using three dimensional materials to create depth and detail. Mr. Carrier stated he believes that a mural should be defined more so on artistic intent than the material used to create the mural.

Mr. Weiss asked Mr. Carrier who he thinks would be excluded under the current proposed definition of a mural. Mr. Carrier stated that he himself has considered applying for grants to create a mural but under the current proposed definition, his ideas would not be permitted.

Ms. Litecky asked if a ceramic mosaic mural is what Mr. Carrier is concerned about not being expressly permitted under the proposed definition. Mr. Carrier stated that a ceramic mosaic is the perfect example of what he is concerned of not being permitted under the proposed definition.

Mr. Carrier asked how other public art was defined in the Carbondale Revised Code. Ms. Maxwell stated that currently there are no definitions for public art in the code.

Mr. Carrier asked how a metal sculpture such as those on the grounds of SIU would be considered by the code if erected on the side of a building. Mr. Doherty answered, stating that he believed it would be considered part of the architectural structure of the building. There was a discussion about whether the sculpture would be considered part of the building or art.

Mr. Weiss asked why the City would care about artwork under the proposed ordinance. Ms. Maxwell explained that as the sign code is currently written, murals would be considered a sign and are greatly restricted in their size and placement.

Mr. Lenzini asked if this could be settled by replacing the word “painting” with “affixed”, “created”, or “attached” to address the varying types of media that could be used on the side of a building to create a mural. Mr. Carrier stated that yes, expanding the definition to include murals created by means other than painting would be agreeable.

Mr. Sheffer stated he would like to avoid the City trying to differentiate between an artistic sign and an advertisement sign.

Mr. Weiss asked if business owners could request a variance for murals. Mr. Lenzini explained that part of a variance request is the ability to show hardship and he doesn't believe that it would be viable to ask business owners to request a variance.

Dr. Hamilton asked what the approval process for a mural would be at the City level. Ms. Maxwell stated that the business would apply for a sign permit, the mural would not be regulated by content. Ms. Maxwell explained that under the current City Code, a mural is

considered an architectural sign and are limited greatly in their size. Ms. Maxwell used the new mural at the Erma Hayes Center as an example of a mural that is technically not permitted under the current Code's standards.

There was a discussion about businesses abusing the amended sign code and using their exterior walls for advertisement or billboard purposes.

Ms. Litecky asked if there could be stipulations added that disallow business names being included in a mural. Ms. Maxwell stated that then the mural would be regulated on content, which could allow legal issues to arise.

Mr. Carrier asked if there were any examples of code that address public art. Ms. Maxwell stated that the Title 15 of the Carbondale Revised Code does not. Ms. Maxwell stated that some of the examples she found do have an exception for public art. Ms. Maxwell explained that according to the recent Supreme Court cases she provided as examples, that would be considered regulating based on content, which is not legal according to the outcome of the cases.

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

City staff was present and willing to answer any questions.

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. Litecky asked Ms. Maxwell to read the analysis.

Ms. Maxwell read the analysis for Section 1 of the staff report for PC 24-03

Ms. Litecky asked Ms. Maxwell to read Section 2 of the staff report.

Ms. Maxwell read Section 2 of the staff report for PC 24-03.

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

Mr. Doherty asked what the height limitations would be for a sign attached to the roof or façade of a building. Ms. Maxwell stated that currently there were none suggested aside

from the current height restrictions outlined in the architectural sign code.

Mr. Doherty asked if a business could make a supporting structure to affix the sign to well above the building. Ms. Maxwell stated that she supposes they could, but it would be limited to 25' in height in the Downtown District, and 32' in height in all other districts, as written in the architectural sign code.

Mr. Doherty asked if there would be any limitations as to how high a structure can be and still affix their sign to the roof, using two-story buildings as an example. Ms. Maxwell stated that how the amendment is currently proposed, no, but it could be considered.

Ms. Litecky asked if the applicant would like to make a statement.

City staff was present and did not wish to make a statement.

Ms. Litecky asked if anyone would like to speak in favor.

There were none.

Ms. Litecky asked if anyone would like to speak in opposition.

There were none.

Ms. Litecky asked Ms. Maxwell to read the analysis of Section 2.

Ms. Maxwell read the analysis for Section 2 of PC 24-03.

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

There were none.

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

Mr. Carrier asked if Wazo's Big Chill, formerly a Dairy Queen franchisee, could erect a new sign as was previously there under the proposed code amendment. Ms. Maxwell confirmed. Mr. Lenzini stated that through conversations with the business owner, the replacement sign will adhere to size restrictions.

Ms. Marjorie Sawicki stepped forward and asked if a neon sign is considered a flashing sign. Ms. Maxwell stated that neon would not be considered a flashing sign unless it was actually flashing.

Mr. Carrier asked how the City determines the lumens and wattage of flashing lights in signs and how it applies to electronic message boards. Ms. Maxwell stated that in an ideal world, businesses come to the City for their sign permit with this information included in their spec sheets. Ms. Maxwell stated that currently lumens and wattage are not restricted

on electronic message boards.

Mr. Carrier asked if there had been any requests for flashing signs. Ms. Maxwell replied that Wazo's Big Chill has proposed a sign that flashes.

Ms. Litecky asked Ms. Maxwell to read Part C of PC 24-03.

Ms. Maxwell read Part C of the staff report for PC 24-03, with a recommendation of approval.

Ms. Litecky declared PC 24-03 closed and asked for a motion on the findings of facts.

Mr. Sheffer moved that the Commission accept as findings of fact Section 1 and 2 of the staff report for PC 24-03, the applicant was present, none spoke in favor, none spoke in opposition, and there were no letters of opposition or support read, seconded by Ms. Lilly.

The motion was passed with a unanimous voice vote.

Ms. Litecky asked for a motion on the recommendation to City Council.

Mr. Sheffer moved to recommend City Council to approve PC 24-03, seconded by Mr. Weiss.

Mr. Carrier requested that the motion be altered to include a stipulation that the definition of a mural be expanded upon in the text amendment.

Mr. Sheffer withdrew the motion and Mr. Weiss withdrew his second.

Ms. Litecky asked for a motion on the recommendation to City Council.

Mr. Sheffer moved to recommend City Council to approve PC 24-03 with the stipulation that the definition of mural be expanded upon by City Staff, seconded by Mr. Carrier.

Roll Call Vote:

Yes – 6 (Weiss, Carrier, Lilly, Hamilton, Sheffer, Litecky)

No – 0

The vote was unanimous.

Ms. Maxwell stated that the item will move forward with recommendation for approval of PC 24-03 for the August 8th City Council meeting.

PC 24-04: The City of Carbondale has proposed a map amendment to designate certain Planned Business, BPL, District, and Secondary Business, SB, District properties in the Retail Revitalization Overlay District.

Ms. Litecky declared Public Hearing PC 24-04 open and asked for Ms. Maxwell to read the staff report for PC 24-04. Ms. Maxwell read Parts A & B of the staff report for PC 24-04.

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

There were none.

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

City staff was present and willing to answer any questions.

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. Litecky asked Ms. Maxwell to read Part C of the staff report.

Ms. Maxwell read Part C of the staff report with a recommendation of approval.

Ms. Litecky asked the Commissioners if they had questions of staff.

There were none.

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

Pheral Lamb stepped forward and asked if it were possible for other incentives to be added to the proposal after the commission has voted on it. Ms. Maxwell confirmed that it was possible.

Mr. Doherty asked if property owners could request an overlay for their property. Ms. Maxwell confirmed and stated that it would be the same process as a traditional rezoning application.

Ms. Sawicki stepped forward and asked what the intent of the overlay district was. Ms. Maxwell explained that the intent is to take away some restrictions that currently exist for what businesses are viable under the area's current zoning.

Ms. Litecky declared PC 24-04 closed and asked for a motion of the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A & B of the staff

report for PC 24-04, the applicant was present, none spoke in favor, none spoke in opposition, and there were no letters of opposition or support read, seconded by Mr. Weiss.

The motion was passed with a unanimous voice vote.

Ms. Litecky asked for a motion on the recommendation to City Council.

Mr. Sheffer moved to recommend that City Council approve PC 24-04, seconded by Mr. Weiss.

Roll Call Vote:

Yes – 6 (Weiss, Carrier, Lilly, Hamilton, Sheffer, Litecky)

No – 0

The motion was unanimous.

Mr. Lenzini stated that the item will move forward with recommendation for approval of PC 24-04 for the August 22nd City Council meeting.

5. Old Business

There was none.

6. New Business

There was none.

7. Adjournment

Ms. Lilly moved to adjourn the meeting, seconded by Mr. Weiss.