

Request for City Council Action

Date: October 9, 2012

Agenda Section: Consent Agenda No. 4	Originating Department: Planning Services/Legal
Item: An Ordinance approving Pam Doolittle's request to rezone property at 1580 North Reed Station Road from BPL, Planned Business, to AG, General Agriculture. No. 4.7	Approved:

Background and Summary:

Pam Doolittle is requesting to rezone property located at 1580 North Reed Station Road from BPL, Planned Business, to AG, General Agriculture. The owner does not wish to develop the property at this time and has requested the land be rezoned to AG, General Agriculture, to assist in the sale of the property.

The property owner originally proposed the construction of a commercial development on the property consisting of a coffee shop and two office buildings. The property was originally rezoned using this proposed plan as the preliminary BPL plan. Rather than develop the property, the owner has decided to sell the property and wishes to rezone the lot back to AG, General Agriculture.

Attached for City Council review are the following:

1. An Ordinance approving and a Resolution denying the rezoning request from BPL, Planned Business, to AG, General Agriculture.
2. A copy of the unapproved minutes of the Planning Commission for public hearing PC 13-04.
3. A copy of the staff report to the Planning Commission. (PC 13-04)

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on October 3, 2012 and voted (7-yes, 0-no, 1-abstain) on a motion to recommend approval of the rezoning request. A notice of public hearing was published in the *Southern Illinoisan* newspaper on September 16, 2012 and nine (9) property owners within 250 ft. of the subject property were notified of the hearing by certified mail. The applicant was present and no one spoke in favor of, or in opposition to, the request.
2. *Financial Impact:* None

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

3. *Staff Impact:* None.
4. *Community Goals:* Preserve and enhance residential property values.

Recommended Action:

It is recommended that the Council “move to adopt the Ordinance approving the request to rezone 1580 North Reed Station Road from BPL, Planned Business, to AG, General Agriculture.”

If the Council wishes to deny the rezoning request it should “move to adopt the Resolution denying the request to rezone 1580 North Reed Station Road from BPL, Planned Business, to AG General Agriculture.”



CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2012-___

AN ORDINANCE TO CLASSIFY AND ZONE CERTAIN TERRITORY WITHIN THE
ZONING JURISDICTION OF THE CITY OF CARBONDALE, ILLINOIS
(1580 North Reed Station Road)

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS

THE 9th DAY OF OCTOBER, 2012

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 10th day of October 2012.

CERTIFICATE OF PUBLICATION

I, Rachael E. Moore, the duly qualified and acting City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 10th day of October 2012.

Rachael E. Moore, City Clerk
City of Carbondale, Illinois

ORDINANCE NO. 2012-____

**AN ORDINANCE TO CLASSIFY AND ZONE CERTAIN TERRITORY WITHIN THE
ZONING JURISDICTION OF THE CITY OF CARBONDALE, ILLINOIS
(1580 North Reed Station Road)**

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, a Petition has been filed by Pam Doolittle, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from BPL, Planned Business, to AG, General Agriculture; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 16th day of September, 2012, being at least (15) days prior to said hearing; and,

WHEREAS, the administrative official posted a notice on said properties and served notice on all the property owners within 250 feet of said property according to Section 15-2J-10.B and Section 15-2J-10.C of the Revised Code of the City of Carbondale; and,

WHEREAS, a hearing of the Planning Commission of the City of Carbondale was called at 7:00 p.m. on the 3rd day of October, 2012, at City Council Chambers in said City to consider the zoning classification for said property; and,

WHEREAS, the Planning Commission conducted said hearing pursuant to the notice given, and to the laws of the State of Illinois; and,

WHEREAS, said Planning Commission thereafter filed with the City Council a report of its hearing disclosing its findings of fact and its recommendation, said recommendation being as follows: to approve PC 13-04, Pam Doolittle, BPL, Planned Business, to AG, General Agriculture.; and,

WHEREAS, the City Council of the City of Carbondale has considered the findings of fact filed by the Planning Commission, the record of the Commission's public hearing, and the provisions of the zoning ordinance, and based thereon, finds that said property should be rezoned.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

Section 1. That the real property subject to this ordinance is described as follows:

General Description

1580 North Reed Station Road

Legal Description

The East 365.00 feet of the South 400.00 feet of the following described tract or parcel of land:

All that part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 9 South, Range 1 West of the Third Principal Meridian, Jackson County, Illinois, lying south of the Illinois Central Railroad Company's right-of-way; the south boundary line of said right-of-way is the north line of the premises in question.

EXCEPT that portion of the aforesaid tract of land deeded to the City of Carbondale as recorded in Book 2005, on Page 12609, in the Recorder's Office of Jackson County, Illinois.

Section 2. That the real property described herein above and as shown in "Exhibit A" is hereby zoned AG, General Agriculture.

Section 3. That “Exhibit A”, which is attached hereto and hereby incorporated herein is a map of the real property described herein and upon adoption of this Ordinance, said map shall be part of the official zoning map of the City of Carbondale, Illinois.

Section 4. That Ordinance No. 2007-49 establishing the zoning map of the City of Carbondale is hereby amended as is set forth on “Exhibit A” incorporated herein.

Section 5. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

Section 6. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

Section 7. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 8. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

Section 9. That this Ordinance shall be known as Ordinance No. 2012-___ of the City of Carbondale, Illinois, and shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Rachael E. Moore, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Mike Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Mark Price Jr, Planner

Exhibit A

RR

AG

Villa Knoll Pase

R-1-15D

BPL

SB

N. Reed Station Rd.

Reed Station Parkway

E. Main St. / Hwy 13




SB

BPL

Zoning Classifications

- AG GENERAL AGRICULTURE
- BPL PLANNED BUSINESS
- SB SECONDARY BUSINESS
- R-1-15D LOW DENSITY RESIDENTIAL, TWO-UNIT DWELLING

Legend

-  Flood Fringe
-  Subject Property
-  Parcels

0 150 300 Feet



RESOLUTION NO. 2012-R-____

A RESOLUTION TO DENY AN APPLICATION TO REZONE CERTAIN TERRITORY
WITHIN THE ZONING JURISDICTION OF THE CITY OF CARBONDALE, ILLINOIS
(1580 North Reed Station Road)

WHEREAS, a Petition has been filed by Pam Doolittle, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from BPL, Planned Business, to AG, General Agriculture; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 16th day of September, 2012, being at least fifteen (15) days prior to said hearing; and,

WHEREAS, the administrative official caused to be posted a notice on said property and served notice on all the property owners within 250 feet of said property according to Section 15-2J-10B and Section 15-2J-10C of the Revised Code of the City of Carbondale; and,

WHEREAS, a hearing of the Planning Commission of the City of Carbondale was called at 7:00 p.m. on the 3rd day of October, 2012, at the City Council Chambers in said City to consider the zoning classification of said property; and,

WHEREAS, said Planning Commission conducted said hearing pursuant to the notice given and to the laws of the State of Illinois; and,

WHEREAS, said Planning Commission thereafter filed with the City Council a report of its hearing disclosing its findings of fact and its recommendation, said recommendation being as follows: to approve PC 13-04, Pam Doolittle, BPL, Planned Business, to AG, General Agriculture; and,

WHEREAS, the City Council of the City of Carbondale has considered the findings of fact filed by the Planning Commission with the City Council, the record of the Commission's public hearing, and the provisions of the zoning ordinance, and based thereon, finds that said property should not be rezoned.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS AS FOLLOWS:

1. That the real property subject to this resolution is described as follows:

General Description

1580 North Reed Station Road

Legal Description

The East 365.00 feet of the South 400.00 feet of the following described tract or parcel of land:

All that part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 9 South, Range 1 West of the Third Principal Meridian, Jackson County, Illinois, lying south of the Illinois Central Railroad Company's right-of-way; the south boundary line of said right-of-way is the north line of the premises in question.

EXCEPT that portion of the aforesaid tract of land deeded to the City of Carbondale as recorded in Book 2005, on Page 12609, in the Recorder's Office of Jackson County, Illinois.

2. That said petition as represented by PC 13-04 and on file in the Planning Services Office is hereby denied and that the property described herein above as shown in "Exhibit A" shall remain zoned BPL, Planned Business.

3. That the City Council of the City of Carbondale makes the following findings as their basis for denial of said petition:

- a. That the present zoning classification is consistent with the zoning classifications and uses of nearby properties;
- b. That the present zoning classification does not adversely affect the health, safety, morals and welfare of the citizens of Carbondale, Illinois;
- c. That the property is suitable for the present zoning classification; and,
- d. That the need for the proposed zoning classification has not been demonstrated to be sufficient to outweigh the harm that would be done to nearby properties if the proposed zoning classification were approved.

4. That this Resolution be spread at length upon the minute records of the City Council of the City of Carbondale, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of
Carbondale, Illinois on the 9th day of October, 2012.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Rachael E. Moore, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Mike Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Mark Price, Jr., Planner

Exhibit A

RR

AG

Villa Knoll Pase

R-1-15D

BPL

SB

N. Reed Station Rd.

Reed Station Parkway

E. Main St. / Hwy 13




SB

BPL


Zoning Classifications

AG	GENERAL AGRICULTURE
BPL	PLANNED BUSINESS
SB	SECONDARY BUSINESS
R-1-15D	LOW DENSITY RESIDENTIAL, TWO-UNIT DWELLING

Legend

	Flood Fringe
	Subject Property
	Parcels

0 150 300 Feet

 NORTH





MINUTES

**Carbondale Planning Commission
Wednesday, October 3, 2012
Room 108
City Hall/Civic Center**

Mr. Barke called the meeting to order at 7:00 p.m.

Members Present: Barke, Grant, Harvey, Kang, McClurg, Lilly, Love, Brazley(7:05)

Members Absent: Hunsaker, McDaniel (ex-officio)

Staff Present: Wallace, Price

Public Hearings:

- A. **A. PC 13-04**, 7:00 p.m. Pamela Doolittle is requesting to rezone 2.98 acres located at 1580 North Reed Station Road from BPL, Planned Business, to AG, General Agriculture.

Mr. Barke declared Public Hearing PC 13-04 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Barke asked Mr. Price to present the staff report.

Mr. Price, Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Mr. Barke asked if there were any questions of the staff.

There were none.

Mr. Barke asked if the applicant was present and wished to speak.

The applicant was present, but did not wish to speak.

Mr. Barke asked if anyone would like to speak in favor of the application.

There was no one.

Mr. Barke asked if anyone would like to speak in opposition of the application.

There was no one.

Mr. Barke asked Mr. Price to continue with the report.

Mr. Price read parts C and D of the staff report with a recommendation to approve PC 13-04.

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

Mr. Grant asked, if the land had not been rezoned to BPL, is it probable that the property would have been in the Neighborhood Restoration designation of the Comprehensive Plan's Future Land Use, or remained agriculture.

Mr. Wallace responded that the subject property could have been designated as Commercial just as well, adding that it is difficult to say what might have been had the rezoning to BPL not already have taken place.

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

There were none.

Mr. Barke closed the public hearing on PC 13-04 and asked for a motion on the findings of fact. He stated that he will abstain from voting, as the applicant has a business relationship with his law firm.

Mr. Kang moved, seconded by Ms. Lilly, that the Commission accept as findings of fact Parts A and B of the staff report for PC 13-04, that the applicant was present but did not speak, and that no one spoke in favor or in opposition.

The motion passed on a unanimous voice vote.

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

Ms. Harvey moved, seconded by Ms. Lilly, that the Commission recommend approval of PC 13-04 as presented by staff.

Roll Call Vote:

Yes - 7 (Brazley, Grant, Harvey, Kang, McClurg, Lilly, Love)

No - 0

Abstain - 1 (Barke)

Mr. Barke stated that the motion passed and that this matter will be on the City Council agenda at their meeting on October 9, 2012.

5. Old Business

None.

6. New Business

A. The Commissioner, Summer 2012 Issue

B. City Council Agenda of , 2012

Mr. Barke asked Ms. McDaniel to review this item.

Adjournment

Mr. Barke adjourned the meeting at : p.m.

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

TO: The City of Carbondale Planning Commission

FROM: Mark Price, Planner

RE: PC 13-04, Pamela Doolittle, BPL, Planned Business, to AG, General Agriculture, located at 1580 N. Reed Station Rd.

DATE: Sept 27, 2012

(Planning Commission Public Hearing on October 3, 2012 at 7:00 p.m.)

PART A. GENERAL INFORMATION

1.

<u>Applicant:</u> Pamela Doolittle 1580 N. Reed Station Rd. Carbondale, IL 62901	<u>Owner:</u> Daniel and Pamela Doolittle 1580 N. Reed Station Rd. Carbondale, IL 62901
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2. Requested Action: The owner has requested to rezone 2.98 acres located at 1580 N. Reed Station Rd from BPL, Planned Business, to the previous zoning designation of AG, General Agriculture. (Please refer to Exhibit A, Photos of the Subject Property.)

3. Number of Notices Sent to Property Owners within 250 feet: There were nine (9) notices sent to property owners within 250 feet of the subject property.

4. Location and size: The subject property is located at 1580 N. Reed Station Rd. and is approximately 2.98 acres.

5. Existing Zoning: The subject property, as well as the land to the south, is zoned BPL, Planned Business. Adjacent property to the north and west is zoned AG, General Agriculture. Land to the east is zoned R-1-15D, Low Density Residential, Two-Unit Dwelling. (Please see Exhibit B, Existing Zoning.)

6. Existing Land Use: The subject property is currently vacant and contains many trees and a pond. Commercial uses exist south of the property. The land to the north, west, and further east is residential. (Please see Exhibit C, Existing Land Use.)
7. Comprehensive Plan : The Comprehensive Plan Land Use Map designates the subject property and land to the east as Neighborhood Conservation and Restoration. Land to the north and west is designated Agriculture and land to the south is designated Commercial. (Please see Exhibit D, Comprehensive Plan.)
8. Zoning History: The subject property was zoned AG, General Agriculture, with the adoption of the current zoning ordinance in 1974. The land was rezoned to BPL, Planned Business, on June 21, 2005 with the approval of Planning Commission case PC 05-10.
9. Applicable Regulations:

Statement of Intent of Existing Zoning District:

15-2D-20: 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 chapter 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 for Proposed Zoning District:

15-2D-5: 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 Chapter by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and flood water damages. Utilities other than electricity and telephone

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: A six inch Lakeside Water District line is located along North Reed Station Road.

Sanitary Sewer: The nearest sewer line to the subject property is an eight inch sanitary sewer line at the intersection of North Reed Station Road and Reed Station Parkway.

Storm Sewer: There are no storm sewers in the area.

2. Public Services: The subject property is inside The Carbondale City limits and is served by the City of Carbondale Police and Fire Departments.

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

Average Daily Traffic

N. Reed Station Rd.

5,200 ADT

4. Correspondence Received: As of the writing of this report, staff has received no correspondence.

PART C. ANALYSIS

The property owner has requested the rezoning of 2.98 acres located at 1580 N. Reed Station Rd. The property is currently zoned BPL, Planned Business. If approved, the property will be rezoned to the previous zoning designation of AG, General Agriculture.

The property owner originally proposed the construction of a commercial development on their property consisting of a coffee shop and a potential for two office buildings. The property was originally rezoned using this proposed plan as the preliminary BPL plan. Rather than develop the property, the owner has decided to sell the property. Since the rezoning, no clearing of trees or other alterations to the property have been completed.

The property owner wishes to rezone the lot back to AG, General Agriculture, to assist in selling the property. The Comprehensive Plan calls for the area to be a Neighborhood Conservation/Restoration area. The rezoning of the property back to AG, General Agriculture, would be consistent with the future land use designation.

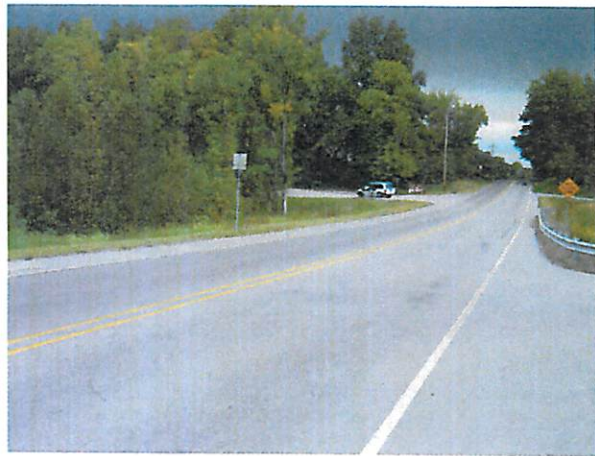
PART D. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 13-04.

Exhibit A: Photographs of Subject Property



PC-13-04, Looking west at the property from North Reed Station Road.



PC-13-04, Looking northwest at the property across North Reed Station Road.



PC-13-04, Looking southeast across North Reed Station Road.



PC-13-04, Looking east from the property across North Reed Station Road.

Exhibit B: Existing Zoning
 Planning Commission Case PC 13-04

AG

Villa Knoll Pase

R-1-15D

Holiday Inn

Houlihans

BPL

N. Reed Station Rd.

SB

Reed Station Parkway

SB

E. Main St. / Hwy 13

Public Hearing Date & Time

October 3, 2012
 7:00 p.m.




Case Description

Pam Doolittle is requesting to rezone 1580 N. Reed Station Rd. from BPL, Planned Business to AG, General Agriculture.

Zoning Classifications

- AG GENERAL AGRICULTURE
- BPL PLANNED BUSINESS
- SB SECONDARY BUSINESS
- R-1-15D LOW DENSITY RESIDENTIAL, TWO-UNIT DWELLING

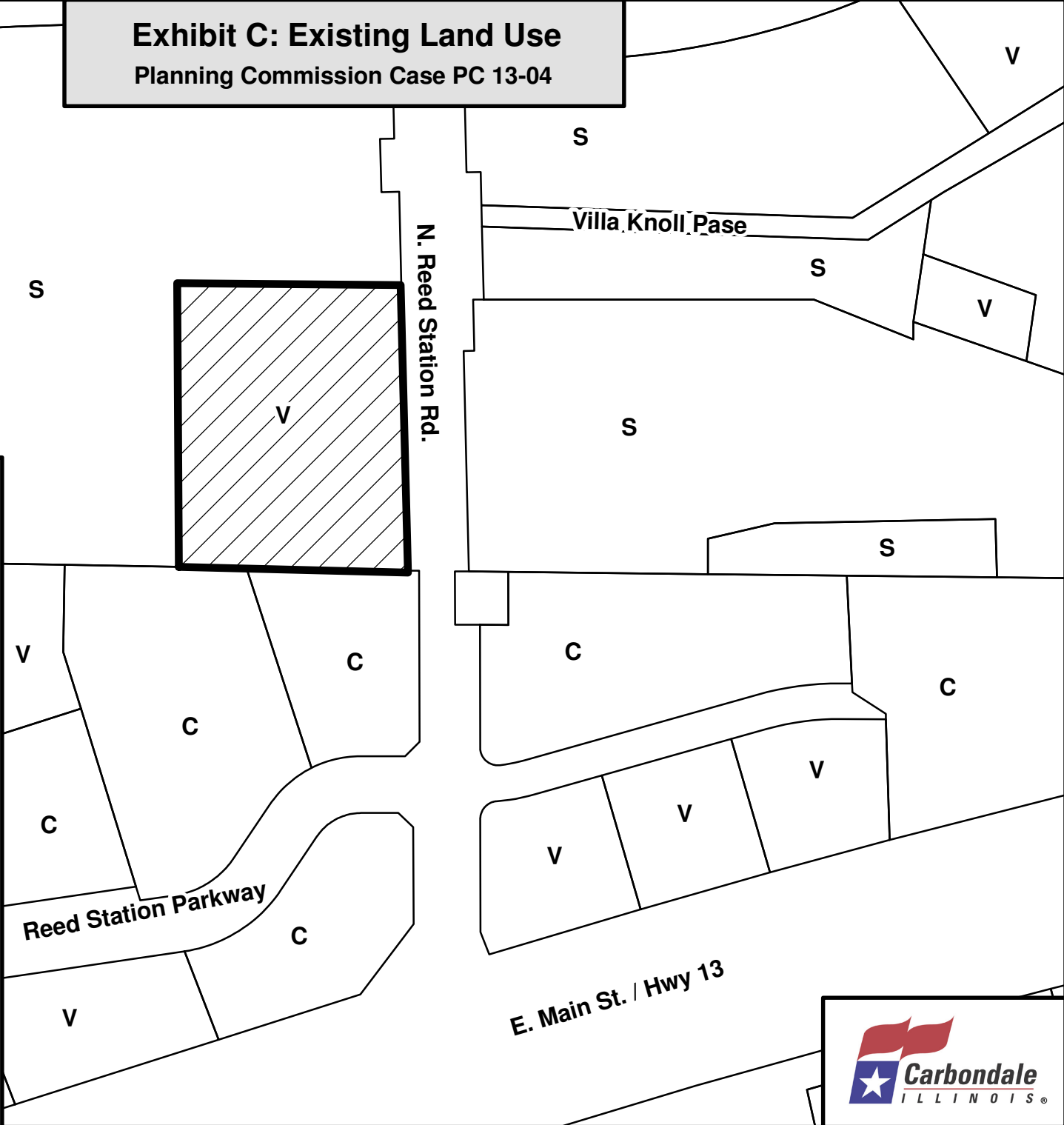
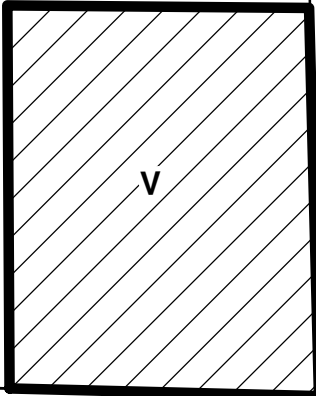
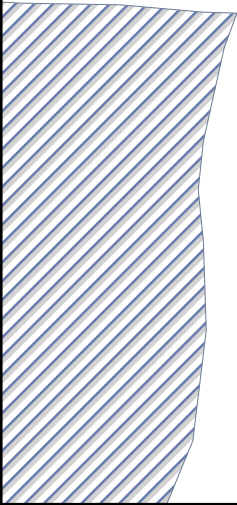
Legend

-  Flood Fringe
-  Subject Property
-  Parcels

0 100 200 Feet



Exhibit C: Existing Land Use
Planning Commission Case PC 13-04



Public Hearing Date & Time

October 3, 2012
 7:00 p.m.




Case Description

Pam Doolittle is requesting to rezone 1580 N. Reed Station Rd. from BPL, Planned Business to AG, General Agriculture.

Zoning Classifications

- V VACANT
- S SINGLE FAMILY RESIDENTIAL
- C COMMERCIAL

Legend

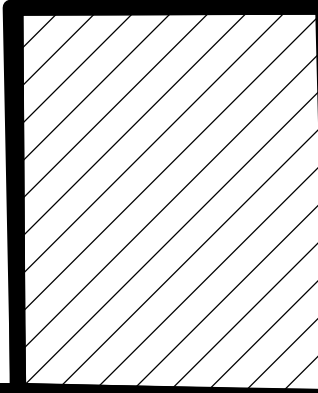
-  Flood Fringe
-  Subject Property
-  Parcels

0 100 200 Feet



Exhibit D: Comprehensive Plan
Planning Commission Case PC 13-04

Agriculture



N. Reed Station Rd.

**Neighborhood
Conservation
Restoration**



Public Hearing Date & Time

October 3, 2012
7:00 p.m.

Case Description

Pam Doolittle is requesting to rezone 1580 N. Reed Station Rd. from BPL, Planned Business to AG, General Agriculture.

Legend

-  Subject Property
-  Parcels

0 100 200 Feet



Commercial

Reed Station Parkway

E. Main St. / Hwy 13

