



## MINUTES

**Carbondale Planning Commission**  
**Wednesday, January 11th, 2023**  
**Room 108, 6:00 p.m.**  
**City Hall/Civic Center**

Ms. Litecky called the meeting to order at 6:05 p.m.

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**Members Present:** Litecky, Sheffer, Hamilton, Lilly, Burnside, Carrier, and Doherty (ex-officio)

**Members Absent:** Love

**Staff Present:** Lenzini, Maxwell, Becker

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### 1. Approval of Minutes:

Ms. Lilly moved, seconded by Dr. Hamilton, to approve the minutes for November 2nd, 2022.

### 2. Citizen Comments or Questions

There were none.

### 3. Report of Officers, Committees, Communications

There were none.

### 4. Public Hearings

**PC 23-05:** Terry C Haynes, on behalf of the Board of The Door Christian Fellowship Church is requesting to rezone two parcels located at the southeast corner of Murphysboro Rd. and N. Parrish Ln. from AG, General Agriculture District and R-1-8 Low Density Residential District to PA, Professional Administrative Office District, in order to build a new house of worship.

Ms. Litecky declared Public Hearing PC 23-05 open and for Ms. Becker to review PC 23-05.

Ms. Litecky asked Ms. Becker to read the staff report. Ms. Becker read Parts A and B of

the staff report.

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

Mr. Sheffer wanted clarification that the church could still build on the 3.31 acres no matter the outcome of the Planning Commission Meeting. Ms. Becker confirmed Mr. Sheffer's statement.

Mr. Carrier wanted to confirm that the church has not yet purchased the parcels in question. Ms. Becker confirmed that as of the date of the meeting, the parcels had not been purchased. Mr. Carrier wanted to confirm that if the commission approved the zoning change and then the church did not purchase the parcel, that the zoning would still be changed. Ms. Becker confirmed.

Dr. Hamilton noted that the traffic count dates were outdated and questioned if they would higher if the counts were more current. Ms. Becker stated that the traffic counts presented were the most recent available from the Illinois Roadway Analysis Database.

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

Board members from the church were present but did not wish to speak.

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

There were no questions of the applicant.

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

There were none.

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

Ms. Mary O'Hara stepped forward to speak. Ms. O'Hara stated she is a resident at 104 N Parrish Ln. and opposes the rezoning proposal. Ms. O'Hara handed staff additional petition papers signed by residents of the neighborhood who are opposed to the rezoning proposal.

Mr. Tom Redmond stepped forward to speak. Mr. Redmond is also a resident at 104 N Parrish. Mr. Redmond read a letter he had sent staff regarding his opposition to the rezoning proposal. Mr. Redmond stated that he would like to see the development of existing vacant properties in town rather than the rezoning and new development taking place on the lot in question.

Ms. Beth Fisher of 106 N Parrish Ln. stepped forward to speak. Ms. Fisher stated she is opposed to the proposed rezoning. Ms. Fisher fears that if the rezoning is completed and the church chooses not to buy the property or later sells it, the property could be developed in a way that interferes with the neighborhood's property value, traffic, and noise levels.

Ms. Fisher stated that she would like to see the development of existing vacant properties in town rather than the rezoning and new development taking place on the lot in question.

Ms. Beatrice Geraci, owner of 200 N Parrish, stepped forward to speak. Ms. Geraci stated that the area in which the rezoning is proposed is highly congested with traffic and she feels that the rezoning and development of the property would add to this issue.

Ms. Catherine Field of 610 S Tower Rd. stepped forward to speak. Ms. Field stated she is the president of the board of Carbondale Elementary District 95, but is not speaking on behalf of the board as she was not able to bring this issue before them. Ms. Field is concerned that the proposed rezoning and development would increase traffic and congestion near Parrish School. Ms. Field provided numbers of the amount of Pre-K, Kindergarten, and First Grade students at Parrish School. Ms. Field does not want the rezoning to interfere or disrupt the traffic to and from Parrish School.

Ms. Katie Hnetkovsky, the daughter and representative of Steve Hnetkovsky of 204 N Parrish Ln, stepped forward to speak. Ms. Hnetkovsky read an email that Steve Hnetkovsky had sent to city staff voicing his opposition.

Ms. Maxwell, Senior Planner for the City of Carbondale, stepped forward to read emails of opposition from community members that were not present.

Ms. Litecky asked if the Commissioners had questions for those that spoke in opposition.

Mr. Carrier asked the neighborhood members present if there were no entrances to the property on Parrish Lane, would they change their opposition to the zoning change. Ms. O'Hara stepped forward and stated she did not believe that is the solution to the oppositions raised. Ms. Geraci stepped forward again and stated she believes this correlates directly with her reason for opposition. Ms. Geraci stated any entrance/exit added would add more danger due to traffic.

Mr. Sheffer asked Ms. Geraci and those in opposition if they realized that as the property is currently zoned, a developer could still add entrances to the larger parcel in question.

Ms. Becker read Parts C and D of the staff report for PC 23-05, with a recommendation of approval.

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

Mr. Sheffer asked staff if the Commission could put a special use permit on the rezoned property, and if it would only take effect if the property was developed. Mr. Lenzini confirmed. Mr. Lenzini also stated that as one of the parcels is currently zoned as AG, it already allows for development that the neighboring property owners might disapprove of.

Mr. Carrier asked staff if they had any response to the reasons for opposition raised. Ms. Becker responded with a discussion of current zoning and automobile usage.

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

Dr. Burnside questioned why the church organization was attempting to rezone when a church could already be constructed as the larger parcel is currently zoned. Mr. Matt Jones, a member of The Door Christian Church, stepped forward to speak. Mr. Jones stated it was his understanding that the church requested a zoning change at the suggestion of the City..

Mr. Sheffer asked Mr. Jones if the smaller parcel was needed for their building plans at all. Mr. Jones stated he doesn't believe the section would be needed for construction purposes but it is his understanding that it would make the site plans and building codes easier to follow. Mr. Jones stated that the church intends to purchase the parcels in question regardless of the outcome of this case.

Mr. Sheffer asked to clarify that the church still intended to develop the larger parcel once purchased. Mr. Jones confirmed that this was his understanding.

Mr. Carrier asked city staff if the church could apply for a special use permit for the use of the smaller parcel if the rezoning was not granted. Mr. Lenzini explained the options that were presented to the church regarding rezoning.

Mr. Carrier asked if larger setbacks would be more appropriate for the neighborhood. Mr. Lenzini responded and a discussion about zoning ensued.

Dr. Burnside asked if the church had purchased the property in question yet. It was confirmed that had not. Dr. Burnside questioned if a zoning change can be requested for property that is not owned by the person making the request. Ms. Litecky stated that her understanding was yes due to a previous case. Dr. Burnside wanted to confirm that the previous case was under special use and a contingency offer, which is not the circumstances of this case. Mr. Lenzini confirmed.

Ms. Litecky clarified Dr. Burnside's question whether or not there had been cases in the past where rezoning was proposed before the property was purchased. Mr. Lenzini could not confirm.

Mr. Doherty asked city staff if they had documentation of the interest The Door had in purchasing the property, such as a purchase agreement contingent on the rezoning. Ms. Becker confirmed that a sales contract was given to staff.

Mr. Doherty asked city staff if the city attorney had found that to be adequate in showing interest in purchasing to allow for a special use permit or rezoning. Mr. Lenzini confirmed. Ms. Becker noted that there was no contingency written in the sales contract.

Mr. Redmond stepped forward and asked if the applicant had legal standing in their request for rezoning since they have yet to purchase the property and do not have a contingency offer in place. Mr. Redmond also questioned whether or not staff had suggested a special use permit instead of rezoning. Mr. Redmond also questioned of the legality of the

neighborhood notification not being given with enough notice and the meeting not being rescheduled. Mr. Lenzini confirmed that the city attorney had confirmed verbally the legality of the notification. Ms. Maxwell presented a letter she had sent to the applicant regarding the special use permit process. She confirmed that after discussion, the recommendation for rezoning was made.

Mr. Jamie Sin, a councilman at the church, stepped forward and wished to confirm that the rezoning would only take place after the purchase of the property. Mr. Lenzini replied that this was not the case. A discussion took place about zoning and land use.

Ms. Litecky asked Mr. Sin if the church had made contact with any of the neighboring property owners. Mr. Sin confirmed that they had not.

Mr. Sheffer asked staff if the committee could recommend the case to city council with certain requirements. Mr. Lenzini believes that this could be done but doubts the helpfulness of doing such. Mr. Doherty raised the concern of contract zoning taking place.

Mr. Lenzini asked if the neighborhood would be more comfortable with a special use of the R-1 parcel instead of rezoning. Ms. O'Hara stated she believed more information and time would be needed before the neighborhood would be able to make that decision.

Dr. Hamilton asked if the discussion could be tabled until the next meeting so the neighborhood could have more time to discuss. Mr. Lenzini discussed the issues involved with this option.

Dr. Burnside questioned the content of the sale contract. Ms. Becker confirmed that the contract states the closing date for the sale is on January 18<sup>th</sup>, 2023. Mr. Burnside wanted to confirm that after that date, the church would be able to legally apply for a special use or rezoning if the property was under their ownership. Ms. Becker confirmed.

Ms. Litecky declared PC 23-05 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission table PC 23-05, seconded by Dr. Burnside.

Roll Call Vote:

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

No – 0

Mr. Jones stepped forward and confirmed the applicant would like to withdraw the application.

## **5. Old Business**

There was none.

**6. New Business**

There was none discussed.

**7. Adjournment**

Ms. Litecky adjourned the meeting at 8:28 p.m.