

Request for City Council Action

Date: January 6, 2015

Agenda Section: General Business No.	Originating Department: Planning Services/Legal			
Item: An Ordinance approving Andy Wallace’s request to rezone property located at 500 North Oakland Avenue from R-1-8, Low Density Residential, to NB, Neighborhood Business, and a Resolution approving 35 Special Use Permits. No. 6.2	Approved:			
<p>Background and Summary:</p> <p>Andy Wallace is requesting to rezone 2.17 acres located at 500 North Oakland Avenue. The applicant is requesting this action to allow for the commercial use of the property. In conjunction with this request, the applicant is further requesting special use permits for 45 land uses within the NB, Neighborhood Business, district.</p> <p>A public hearing regarding both the rezoning and special use requests was held on December 17, 2014, by the Carbondale Planning Commission. During this meeting, the Planning Commission moved to recommend the property’s rezoning along with the approval of 35 Special Use Permits and the denial of the remaining 10 Special Use Permits. The Commission chose to deny these permits due to the potential negative effects the use may have on the surrounding area. Without further knowledge regarding the specifics of how the Permits may be utilized, the Planning Commission could not recommend their approval.</p> <p>Attached for City Council review are the following:</p> <ol style="list-style-type: none"> 1. An Ordinance approving and a Resolution denying the rezoning request from R-1-8, Low Density Residential, to NB, Neighborhood Business. 2. A Resolution approving 35 Special Uses Permits and denying 10 Special Use Permits as recommended by the Planning Commission. 3. A copy of the unapproved minutes of the Planning Commission for public hearing PC 15-05. 4. A copy of the staff report to the Planning Commission. (PC 15-05) 5. A petition with 64 signatures in support of the request. 				
Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager’s Approval Obtained
Council Action: Motion by _____ 2 nd by _____ to _____				

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on December 17, 2014 and voted (6-yes, 0-no) on a motion to recommend approval of the rezoning request. The Planning Commission further voted (6-yes, 0-no) to recommend approval of 35 special use permits for the subject property. A notice of public hearing was published in the *Southern Illinoisan* newspaper on November 30, 2014, and thirty seven (37) property owners within 250ft. of the subject property were notified of the hearing by certified mail. The applicant was present and no one spoke in favor of, or opposition to, the request. However, a petition was submitted by the applicant in which 64 signatures were gathered in support of the applicant's requests.
2. *Financial Impact:* None.
3. *Staff Impact:* Staff will be responsible for all applicable zoning permits.

Recommended Action:

It is recommended that the Council "move to adopt the Ordinance approving the request to rezone a 2.17 acre tract of land located at 500 North Oakland Avenue from R-1-8, Low Density Residential, to NB, Neighborhood Business."

Furthermore, it is recommended that the Council "move to adopt the Resolution approving 35 special use permits and denying 10 special use permits for property zoned NB, Neighborhood Business, located at 500 North Oakland Avenue."



CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2015-___

AN ORDINANCE TO CLASSIFY AND ZONE CERTAIN TERRITORY WITHIN THE
ZONING JURISDICTION OF THE CITY OF CARBONDALE, ILLINOIS
(Property located at 500 North Oakland Avenue)

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

THE 6th DAY OF JANUARY, 2015

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 7th day of January 2015.

CERTIFICATE OF PUBLICATION

I, Jennifer Sorrell, the duly qualified 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 7th day of January 2015.

Jennifer Sorrell, City Clerk
City of Carbondale, Illinois

ORDINANCE NO. 2015-____

**AN ORDINANCE TO CLASSIFY AND ZONE CERTAIN TERRITORY WITHIN THE
ZONING JURISDICTION OF THE CITY OF CARBONDALE, ILLINOIS**
(Property located at 500 North Oakland Avenue)

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 Andy Wallace, with the City of Carbondale, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from R-1-8, Low Density Residential, to NB, Neighborhood Business; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 30th day of November, 2014, 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 250 feet of said property according to Section 15-6.7.1.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 6:00 p.m. on the 17th day of December, 2014, 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 15-05, Andy Wallace, R-1-8, Low Density Residential, to NB, Neighborhood Business; 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

Property located at 500 North Oakland Avenue

Legal Description

(Part of Parcel Number 15-17-481-024)

Beginning at a point 33 feet West of the North and South Section line between Sections 17 and 16, said point being a distance of 30 feet North of the line between the Southeast quarter of the Southeast Quarter of Section 17, Township 9 South, Range 1 West of the Third Principal Meridian, and the Northeast Quarter of the Northeast Quarter of Section 20, Township 9 South, Range 1 West of the Third Principal Meridian thence running North parallel with said Section line a distance of 300 feet; thence West at right angles to said Section line 220 feet; thence South a distance of 300 feet to the North line of the right of way of West Sycamore Street, parallel to said Section line; thence East 220 feet along a line which is 30 feet North of the Section line between the Southeast Quarter of the Southeast Quarter of Section 17, Township 9 South, Range 1 West of the Third Principal Meridian and Northeast Quarter of the Northeast Quarter of Section 20, Township 9 South, Range 1 West of the Third Principal Meridian to point of beginning, same being a part of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 9 South, Range 1 West of the Third Principal Meridian, situated in Jackson County, Illinois.

ALSO:

Lots 16, 17 and 18 in William C. Etherton's Subdivision, being a subdivision of a part of the South one half of the Southeast Quarter of the Southeast Quarter of Section 17, Township 9 South, Range 1 West of the Third Principal Meridian, Jackson County, Illinois, as shown by the recorded Plat thereof in plat Book 7 on page 20 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 NB, Neighborhood Business.

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 the size of the district, maximum signage allowed, minimum setback requirements, and off-street parking requirements shall be controlled by the existing site layout as is set forth in "Exhibit B."

Section 6. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

Section 7. 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 8. 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 9. 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 10. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Donald D. Monty, Acting Mayor

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, Assistant City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner

Exhibit A

R-1-8D

W Gher St

R-1-8

W McDaniel St

N Oakland Ave

W Chestnut St

N Allyn St

N Springer St

N Almond St

N Helen St

NB

R-1-5

W Sycamore St

R-3

R-1-5

W Pecan St

R-2

W Linden St

R-1-8

Case Description

Andy Wallace is requesting a rezoning from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is further requesting Special Use Permits for all land uses which require Special Use Permits in the NB District for the property located at 500 N Oakland Ave

Zoning Classifications

- R-1-5 Low Density Residential
- R-1-8 Low Density Residential
- R-1-8D Low Density Residential (2 unit)
- R-2 Medium Density Residential
- R-3 High Density Residential
- NB Neighborhood Business

Legend

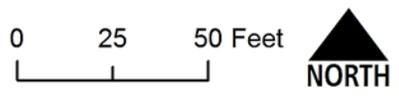
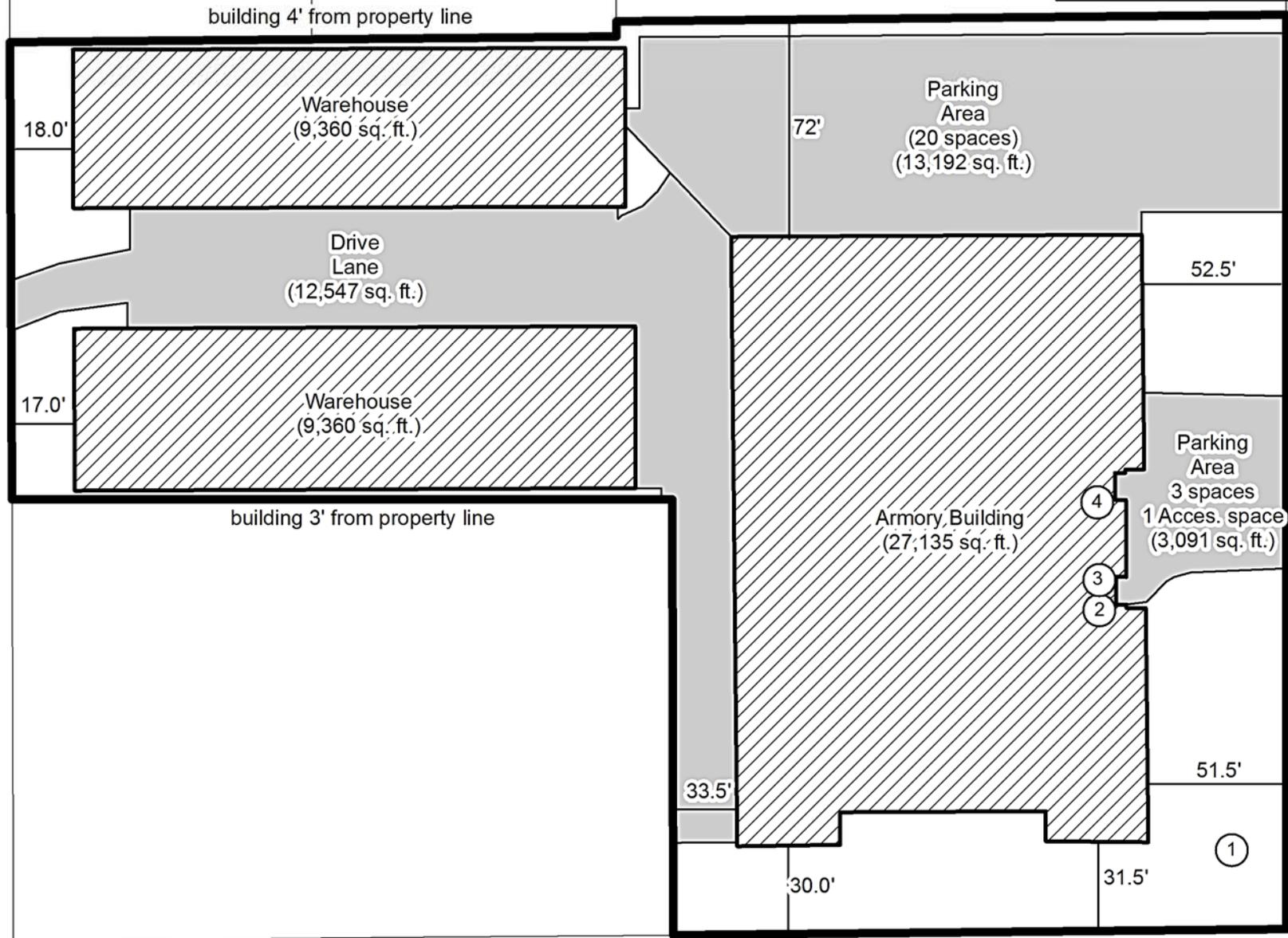
 Subject Property

 Parcels

0 150 300 Feet



Exhibit B
Neighborhood Business District
500 North Oakland
(2.17 Acres; 94,900 sq. ft.)



- Paved area
- Structures
- Existing Signs

Exhibit B – Neighborhood Business District Signage



1
Illinois National Guard Sign
(4'9" x 10'1")



2
Five Rings Armory door sign
(1' x 2')



3
Five Rings Armory
(4" x 3'4")



4
Alpha Rental
(2' x 4')

RESOLUTION NO. 2015-R-____

A RESOLUTION TO DENY AN APPLICATION TO REZONE CERTAIN TERRITORY
WITHIN THE ZONING JURISDICTION OF THE CITY OF CARBONDALE, ILLINOIS
(Property located at 500 North Oakland Avenue)

WHEREAS, a Petition has been filed by Andy Wallace, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from R-1-8, Low Density Residential, to NB, Neighborhood Business; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 30th day of November, 2014, 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 15-6.7.1.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 6:00 p.m. on the 17th day of December, 2014, 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 recommendations, said recommendation being as follows: to approve PC 15-05, Andy Wallace, R-1-8, Low Density Residential, to NB, Neighborhood Business; 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:

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

General Description

Property located at 500 North Oakland Avenue

Legal Description

Beginning at a point 33 feet West of the North and South Section line between Sections 17 and 16, said point being a distance of 30 feet North of the line between the Southeast quarter of the Southeast Quarter of Section 17, Township 9 South, Range 1 West of the Third Principal Meridian, and the Northeast Quarter of the Northeast Quarter of Section 20, Township 9 South, Range 1 West of the Third Principal Meridian thence running North parallel with said Section line a distance of 300 feet; thence West at right angles to said Section line 220 feet; thence South a distance of 300 feet to the North line of the right of way of West Sycamore Street, parallel to said Section line; thence East 220 feet along a line which is 30 feet North of the Section line between the Southeast Quarter of the Southeast Quarter of Section 17, Township 9 South, Range 1 West of the Third Principal Meridian and Northeast Quarter of the Northeast Quarter of Section 20, Township 9 South, Range 1 West of the Third Principal Meridian to point of beginning, same being a part of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 9 South, Range 1 West of the Third Principal Meridian, situated in Jackson County, Illinois.

ALSO:

Lots 16, 17 and 18 in William C. Etherton's Subdivision, being a subdivision of a part of the South one half of the Southeast Quarter of the Southeast Quarter of Section 17, Township 9

South, Range 1 West of the Third Principal Meridian, Jackson County, Illinois, as shown by the recorded Plat thereof in plat Book 7 on page 20 in the Recorder's Office of Jackson County, Illinois.

(Part of Parcel Number 15-17-481-024)

Section 2. That said petition as represented by PC 15-05 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 R-1-8, Low Density Residential.

Section 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.

Section 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 6th day of January, 2015.

APPROVED: _____
Donald D. Monty, Acting Mayor

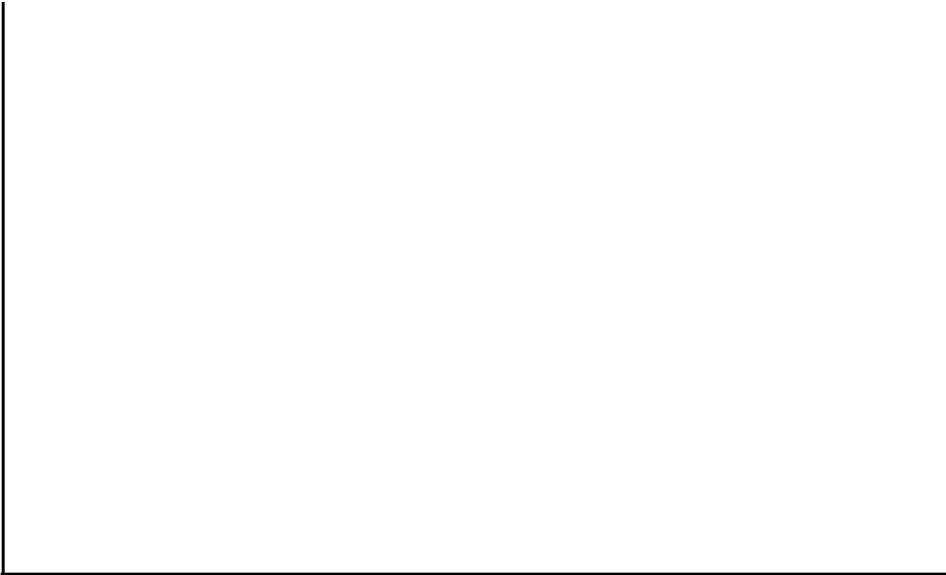
ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, Assistant City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner



RESOLUTION NO. 2015-R-___

A RESOLUTION APPROVING SPECIAL USE PERMITS FOR 35 USES AND DENYING
SPECIAL USE PERMITS FOR 10 USES IN AN NB, NEIGHBORHOOD BUSINESS,
DISTRICT
(500 North Oakland Avenue)

WHEREAS, a Petition has been filed with the City of Carbondale by Andy Wallace requesting that certain property within the zoning jurisdiction of the City of Carbondale be granted Special Use Permits for 45 uses in an NB, Neighborhood Business, district at the location described hereafter; and,

WHEREAS, a notice of the hearing before the Planning Commission of the City of Carbondale, stating its purpose was published in the *Southern Illinoisan* on the 30th day of November, 2014, being at least fifteen (15) days prior to said hearing; and,

WHEREAS, the administrative official posted a notice on said property and served notice on all the property owners within 250 feet of said property according to Section 15-6.7.1.C of the Revised Code of the City of Carbondale; and

WHEREAS, the hearing of the Planning Commission of the City of Carbondale was

called at 6:00 p.m. on the 17th day of December, 2014, at the City Council Chambers in said City to consider the special use request for 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 this hearing disclosing its findings of fact and its recommendation being as follows: to approve Special Use Permits for 35 of the uses requested and deny Special Use Permits for 10 of the uses requested with PC 15-05, Andy Wallace's request for 45 Special Use Permits in an NB, Neighborhood Business, district; 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, the provisions of the zoning ordinance and additional information provided to the City Council, and based thereon finds that the special use should be granted with certain conditions.

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

1. That the City Council adopt the findings of fact as filed by the Planning Commission.

2. That the request for those Special Use Permits listed in "Exhibit A" attached hereto are approved and those Special Use Permits listed in "Exhibit B" attached hereto are denied in an NB, Neighborhood Business, district at the property shown in "Exhibit C" attached hereto:

GENERAL DESCRIPTION

500 North Oakland Avenue

3. That the Special Use granted for “automobile repair and service” establishments shall be subject to the following condition:

1. The maximum number of service bays is limited to no more than the two which are existing on the site at the time of the property’s rezoning.

4. That the Special Use granted for “dwelling units other than those permitted in the preceding row” shall be subject to the following conditions:

1. No more than one dwelling unit is permitted per building for a total of no more than three units for the property.

2. Each unit shall be subject to the R-1 zoning district maximum occupancy restrictions (15-2.11.14)

5. 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 6th day of January, 2015.

APPROVED: _____
Donald D. Monty, Acting Mayor

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, Assistant City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner

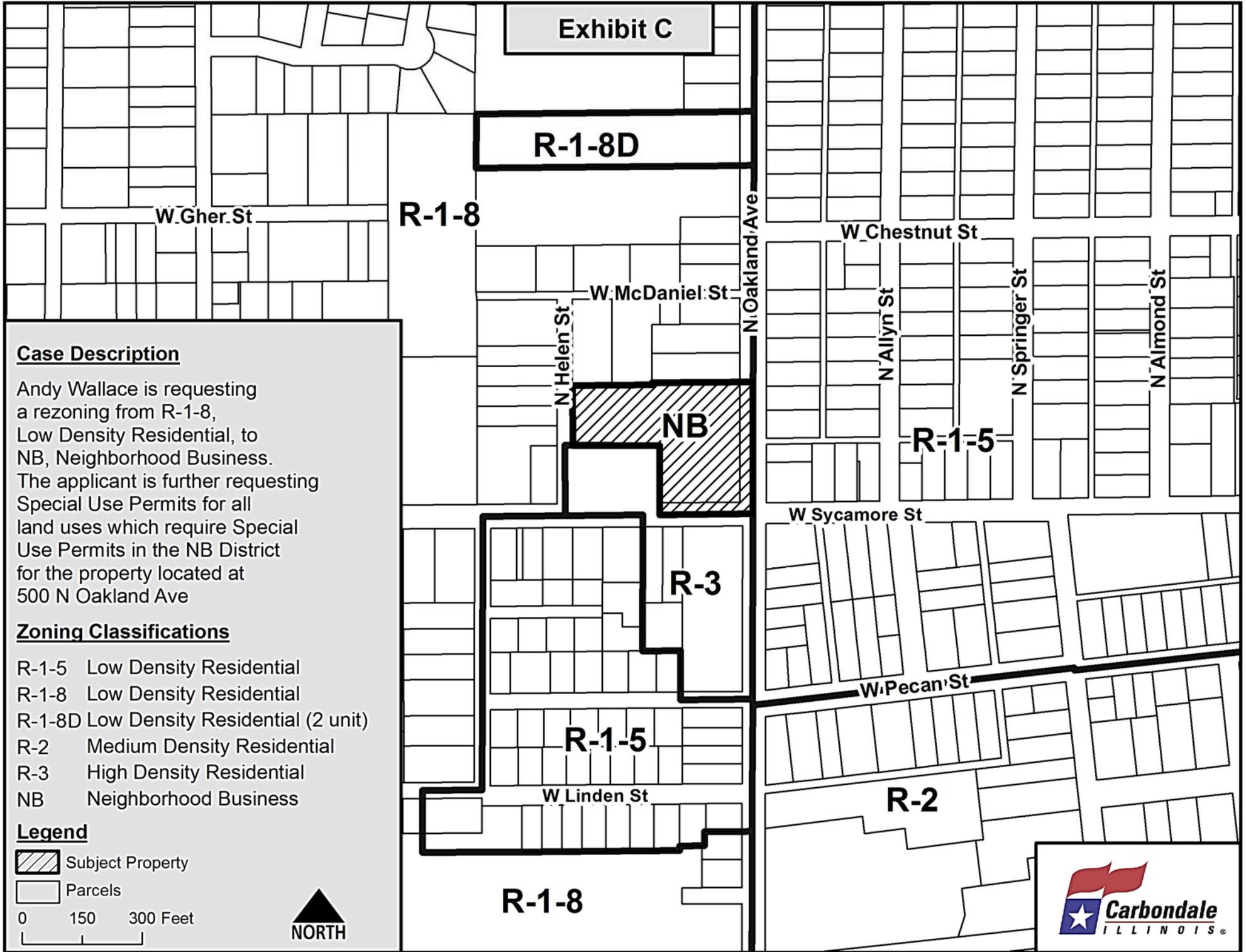
Exhibit A - Special Uses Approved

#	Use Category	Land Use
1	Household living	Dwelling Units other than those permitted in the preceding row
2	Community service	Business Associations
3	Community service	Civic, Social, and Fraternal
4	Community service	Community Centers
5	Community service	Libraries
6	Community service	Museums
7	Day care	Day Care Centers for children
8	Day care	Day Care Centers including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, play groups, and centers or workshops for mentally or physically handicapped
9	Day care	Nursery education or school
10	Educational facilities	Primary Elementary schools
11	Educational facilities	Barber and beauty schools
12	Educational facilities	Driving schools
13	Educational facilities	Other special training and schools, NEC
14	Educational facilities	University, college, junior college and professional school education
15	Educational facilities	Junior colleges
16	Educational facilities	University and colleges
17	Government facilities and services	Police protection and related activities
18	Religious institution	All religious institutions
19	Entertainment, indoor	Health club
20	Entertainment, Outdoor	Miniature golf, batting cages, driving ranges
21	Offices	Business, administrative, and professional offices except those listed separately
22	Offices	Educational and scientific research
23	Offices	Dental offices and dental labs
24	Offices	Medical offices without surgical facilities
25	Offices	Studios, television and radio
26	Offices	Studios, recording
27	Vehicle and similar sales and service	Automobile repair and service
28	Vehicle and similar sales and service	Automobile wash
29	Warehouse and freight movement	Farm products warehousing
30	Warehouse and freight movement	General warehousing and storage
31	Light industrial service	Linen supply and industrial laundry services
32	Light industrial service	Research, development and/or testing services
33	Vehicles and access	Private access roads or streets to or from a permitted use in an adjoining zoning district
34	Agriculture	Plant nursery or greenhouse
35	Retail sales and services, sales oriented	Sporting goods, including firearms and ammunitions sales

Exhibit B - Special Uses Denied

#	Use Category	Land Use
1	Telecommunications facilities	Wireless communications facilities
2	Eating and drinking establishments	Drinking places (alcoholic beverages)
3	Eating and drinking establishments	Restaurants
4	Eating and drinking establishments	Micro-brewery
5	Eating and drinking establishments	Winery
6	Eating and drinking establishments	Micro-distillery
7	Overnight accommodations	Bed and breakfast establishment
8	Overnight accommodations	Inn
9	Retail sales and services, sales oriented	Railroad and motor freight salvage
10	Retail sales and services, sales oriented	Welding equipment and supplies

Exhibit C



Case Description

Andy Wallace is requesting a rezoning from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is further requesting Special Use Permits for all land uses which require Special Use Permits in the NB District for the property located at 500 N Oakland Ave

Zoning Classifications

- R-1-5 Low Density Residential
- R-1-8 Low Density Residential
- R-1-8D Low Density Residential (2 unit)
- R-2 Medium Density Residential
- R-3 High Density Residential
- NB Neighborhood Business

Legend

-  Subject Property
 -  Parcels
- 0 150 300 Feet





MINUTES

Carbondale Planning Commission
Wednesday, December 17, 2014
Room 108, 6:00 p.m.
City Hall/Civic Center

Mr. Grant called the meeting to order at 6:00 p.m.

Members Present: Grant, Loos, Anz, Field, Schachel, Lilly and Bradshaw (ex-officio)

Members Absent: Barke, Kang and Love

Staff Present: Wallace, Taylor

1. Public Hearings

- A. PC 15-05** Andy Wallace is requesting a rezoning from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is further requesting Special Use Permits for all land uses which require a permit in a NB, Neighborhood Business, district for the following described property: 500 North Oakland Avenue.

Mr. Grant declared Public Hearing PC 15-05 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Grant asked Mr. Taylor to present the staff report.

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

Mr. Grant asked if there were any questions of staff.

Mr. Grant asked for clarification of the reference to Public Institutional in the Comprehensive Plan of the Staff Report Part A, also referenced in Exhibit E.

Mr. Taylor answered that the Armory and water tower to the West are designated as Public Institution.

Mr. Grant asked what the purpose was to have it Public institutional

Mr. Chris Wallace explained that most of the properties that are designated as a Public Institution are or were owned by a public entity.

Mr. Loos asked if there have been any correspondence.

Mr. Taylor responded that there have been no correspondence.

Mr. Andy Wallace presented a petition with 67 signatures, in favor of Mr. Andy Wallace's request, to Mr. Taylor.

Mr. Taylor presented the petition from Mr. Andy Wallace into the record.

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

Mr. Andy Wallace, owner of the Old Armory, said that he is following Council's suggestion of requesting approval for all special uses, some of them are very important to them and some are just looking into the future and what the Old Armory could provide.

Mr. Grant asked if anyone had any questions for the applicant.

There were none

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

No one spoke in favor.

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

No one spoke in opposition.

Mr. Grant asked Mr. Taylor to complete the staff report.

Mr. Taylor read parts C and D of the staff report, with a recommendation to approve the Armory's rezoning to NB, Neighborhood Business. Furthermore, staff recommends approval of those Special Use Permits as listed in Exhibit I and denial of those Special Use Permits as listed in Exhibit J found in PC 15-05 Staff Report.

Mr. Grant asked if there were any questions for staff.

Mr. Grant asked if the applicant could return at a later date to request a Special Use Permit for any Special Use Category that is denied for this request.

Mr. Taylor responded that the applicant would be able to return at a later date to request a Special Use Permit for any denied Special Use once they have a complete proposal for that use.

Mr. Grant asked if there were any more questions for staff.

There were none.

Mr. Grant asked if there were any questions from anyone to anyone.

Mr. Grant asked, Mr. Andy Wallace, to elaborate his references to the possibility of a bonded warehouse in the basement of the Armory.

There was a discussion about micro-breweries regarding the production and storage.

Mr. Grant asked Staff what Category a Bonded Warehouse would fall under.

Mr. Chris Wallace answered that if there is no production or sales happening onsite and the barrels were just being stored then it would fall under Warehouse and Freight movement, which is recommended for Approval by Staff. Mr. Chris Wallace also explained that Special Use Micro-brewery, Winery and Micro-distillery have been recommended for denial due to the lack of information. He stated that the process to obtain all the proper Federal and State licenses would most likely take longer than obtaining a Special Use Permit from the City, which would allow the City time to review a request for those uses later.

Mr. Grant asked if there were any more questions to anyone from anyone.

Mr. Andy Wallace asked that the Commission take a look at Special Use Category - Household Living. He stated that they are requesting to have the ability to allow one dwelling unit per building, on the property, for a caregiver to occupy. Mr. Andy Wallace stated that his insurance requests that there be a person present during all scheduled events on the property.

There was a discussion about R-1 residential and the Household Living Use category.

Mr. Chris Wallace stated that when the Staff Report was being prepared it was not exactly clear what the applicant was asking for, if staff would have understood the request was for one unit per building then Staff would have recommended the Special Use for "Dwelling Units other than those permitted in the preceding Row"

Mr. Grant asked Mr. Andy Wallace a few questions in regards to the layout of the armory and the garage on the property.

There was a small discussion about the buildings on the property and their structural layout.

Mr. Grant asked if there were any more questions to anyone from anyone.

There were none.

Mr. Grant declared the Public Hearing closed at 7:04pm.

Mr. Loos moved, seconded by Ms. Lilly, that the Commission accept as findings of fact Parts A and B of the staff report for PC 15-05, the applicant was present and had

a petition with 67 signatures in his support submitted to the record, no person spoke in opposition and no person spoke in favor.

The motion passed on a unanimous voice vote.

Mr. Loos moved, seconded by Ms. Schachel, that the Planning Commission recommend to City Council that they approve the rezoning of the Old Armory to the NB district.

Roll Call Vote:

Yes – 6 (Grant, Loos, Anz, Field, Schachel, Lilly)

No – 0

Mr. Loos moved, seconded by Ms. Lilly, that the Commission consider the seven criteria as one.

Roll Call Vote:

Yes – 6 (Grant, Loos, Anz, Field, Schachel, Lilly)

No – 0

Mr. Loos moved, seconded by Ms. Lilly, that the 34 Special Uses recommended by staff (Exhibit I of the Staff Report) meet the seven criteria, with the recommendation to also include Category – Household Living, Dwelling Units other than those permitted in the preceding row (Exhibit J, first row), with the condition that there be no more than one unit per building and that those units meet R-1 occupancy requirements, with a maximum of 3 units, for a total of 35 Special Uses that meet the seven criteria.

Roll Call Vote:

Yes – 6 (Grant, Loos, Anz, Field, Schachel, Lilly)

No – 0

Mr. Loos moved, seconded by Ms. Lilly, to approve the 35 Special Use requests, items 1-34 on Exhibit I of Staff Report and item 1 on Exhibit J of Staff Report, with the recommended conditions, for approval.

Roll Call Vote:

Yes – 6 (Grant, Loos, Anz, Field, Schachel, Lilly)

No – 0

Mr. Wallace stated that the motion was approved and would be on the City Council agenda for January 06, 2015.



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

TO: City of Carbondale Planning Commission

FROM: Travis Taylor, Planner

RE: PC 15-05; Andy Wallace, R-1-8, Low Density Residential, to NB, Neighborhood Business, Special Use Permits for 45 uses; 500 North Oakland Avenue.

DATE: December 10, 2014

(Planning Commission Public Hearing on Wednesday, December 17, 2014, 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant/Owner:
Andy Wallace
2610 West Murphysboro Road
Carbondale, IL 62901
2. Requested Action: The applicant is requesting to rezone approximately 2.17 acres of land located at 500 North Oakland Avenue from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is requesting this action to allow for the commercial use of the property. In conjunction with this rezoning request, the applicant is requesting Special Use Permits for 45 uses within the NB district. (Please refer to Exhibit A-Applicant's Brief)
3. Number of Notices Sent to Property Owners within 250 feet: There were 37 notices sent to property owners located within 250 feet of the subject property.
4. Size and Location: The subject property consists of a portion of one parcel, totaling approximately 2.17 acres. The subject property is located at 500 North Oakland Avenue and is commonly referred to as the old National Guard Armory. (Please refer to Exhibit B-Photos of Subject Property)
5. Existing Zoning: The subject property is currently zoned R-1-8, Low Density Residential, as is property to the north and west. The property to the east is zoned R-1-5, Low Density Residential. Property to the south is zoned R-3, High Density Residential. (Please refer to Exhibit C-Existing Zoning)

6. Existing Land Use: The subject property currently contains a 32,400 square foot structure referred to as the old National Guard Armory and two 9,360 square foot warehouses. The applicant is currently utilizing the structure for tenant space for a several small businesses mentioned in the applicant's brief. There are single family residences to the north, west, and east and an apartment complex south across West Sycamore Street. A City of Carbondale water tower is located west of the site across Helen Street. (Please refer to Exhibit D-Existing Land Use)
7. Comprehensive Plan: The 2010 Comprehensive Plan's Future Land Use Plan designates the subject property as Public Institutional and the property to the north, south, east, and west as Neighborhood Conservation/Restoration. (Please Refer to Exhibit E-Future Land Use)
8. Zoning History: The subject property was zoned R-1-8, Low Density Residential, with the adoption of the original 1974 zoning ordinance. The National Guard Armory pre-exists the 1974 zoning ordinance, having been constructed in 1937.
9. Applicable Regulations:

Statement of Intent of Existing Zoning District:

§15.2.11.1 R-1 Low Density Residential District

Statement of Intent: This district is established to provide areas for single-unit residential purposes, and to provide maximum protection from the encroachment of other types of uses which are not appropriate to low density residential areas. Other reasons for the establishment of these districts are: to maintain a quiet atmosphere within the districts; to discourage incompatible uses within the district. Care has been taken and shall be taken in the delineation and expansion of these districts to assure that adequate public water is available and that individual sewage disposal systems will not be required. Four such districts are established with varying lot sizes and densities (R-1-15, R-1-12, R-1-8, R-1-5).

Statement of Intent for Proposed Zoning District:

§15.2.17.1 NB Neighborhood Business District

Statement of Intent: This district is created to encourage the adaptive reuse of non-residential buildings constructed in residentially zoned neighborhoods. The application of this district should increase the quality of life within neighborhoods by allowing non-residential buildings to be used in a manner that has a positive impact rather than serve as a blighting force. Proposed uses should cater to the surrounding neighborhoods but may also need to have a broad community appeal in order to be economically viable. There should be a focus on providing pedestrian-friendly options that encourage walking and biking, and eliminates the need for large parking areas.

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to a six (6) inch City of Carbondale water line located along North Oakland Avenue and a ten (10) inch City of Carbondale water line along West Sycamore Street.

Sanitary Sewer: The subject property has access to a twelve (12) inch City of Carbondale sanitary sewer line along North Oakland Avenue and an eight (8) inch sanitary sewer line along West Sycamore Street.

Storm Sewer: The subject property has access to a twenty four (24) inch storm sewer located along West Sycamore Street.

2. Public Services: The parcel is located within the Carbondale City limits and is served by the City of Carbondale Police and Fire Departments.

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

	<u>Average Daily Traffic</u>
West Sycamore Street	4,300 ADT
North Oakland Avenue	2,550 ADT

4. Correspondence Received: As of the writing of this report, Staff has received no correspondence regarding this rezoning and Special Use request.

PART C. ANALYSIS

The applicant is requesting to rezone the old National Guard Armory building and its two warehouses from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is requesting this rezoning to allow for the adaptive reuse of the old Armory property. In conjunction with this request, the applicant is also requesting Special Use Permits for 45 land uses which require Special Uses within the NB district.

The applicant is requesting that only a portion of the parcel be rezoned, that is that property which is zoned R-1-8 and contains the main Armory building and its two warehouses. The parking area located on the southwest corner of the property will remain zoned R-3, High Density Residential. This property was previously under separate ownership than the Armory and was rezoned from R-1-8 to R-3 in 1978 (Ordinance 78-106). This rezoning was completed to allow the owner to build two, two-story townhouses on the property. The buildings were never erected and the property soon changed ownership to the State of Illinois when a proper parking lot was constructed around 1983. The applicant wishes to retain this property's zoning for any future development possibilities.

The old National Guard Armory predates the 1974 zoning ordinance. The main 32,400 square foot building was constructed in 1937 and the two 9,360 square foot detached warehouses were constructed in the 1950s. The property, like the residential neighborhood to the north and west was zoned R-1-8 with the 1974 zoning ordinance. However, as the property was owned by the State of Illinois and operated by the National Guard, an entity of the Federal Government, the

property was exempt from local zoning regulations. In designating this property as R-1-8, its use as a National Guard armory was established as a legal non-conforming use. The National Guard maintained this non-conforming use until 2011 when the National Guard relocated their local headquarters to a new facility on New Era Road.

As a result of the National Guard's relocation, the Armory was put up for bid by the State of Illinois and was eventually purchased by the applicant in 2012. Since its purchase, the Applicant has worked with City Staff to determine what zoning would best fit the future plans for the Armory. As it is currently zoned, the property would only be permitted for use as low-density residential housing. When the property was sold and in the possession of a private party, the non-conforming structure was then held to the regulations of the R-1-8, Low Density Residential zoning district. Unfortunately, the 32,400 square foot, concrete building is impractical for most approved uses within the R-1-8 zoning district (Please see Exhibit F– Armory Floor plan). The Neighborhood Business district provides an avenue for non-residential buildings like the Armory which do not necessarily fit the intent of the residential district in which they are located. With the recent amendment adopted on November 18, 2014 (Ordinance 2014-48), the Neighborhood Business district now directly provides for the adaptive reuse of these large buildings, while still allowing the City Council and the neighborhood to provide input on the uses and the possible impact of the property on the surrounding neighborhood.

Of those properties eligible for the Neighborhood Business zoning, the old National Guard Armory stands out on its own. Having been located in the City of Carbondale since 1937, the Armory is a structure with unique history and architecture. The 2002 Carbondale Historic Preservation Plan identified the Armory as a potential property to be designated as a Local Landmark and be listed on the National Register of Historic Places. While the Armory is not yet listed on the National Register, covenants placed on the property's deed by the State of Illinois require the owner and any future owners to "preserve the qualities" which make the property eligible for listing on the National Register of Historic Places.

This covenant runs with the land and requires the approval from the Illinois Historic Preservation Agency for any "construction, alteration, or rehabilitation" of the building which would affect its historic features. In addition, the Neighborhood Business zoning would require approval by City Council for any alterations to the property which:

- 1) Expand the building footprint,
- 2) Increase the size or amount of accessory structures,
- 3) Increase the amount of parking stalls,
- 4) Increase the size, location, or amount of signs, and/or
- 5) Modify the exterior of the building

By requiring City Council approval for these modifications, the neighborhood and the community will be allowed to participate in the process and provide input on what modifications could adversely affect the character of the neighborhood. (The as-built layout for the site is attached as Exhibit G).

The Neighborhood Business district allows for multiple uses by right, such as dwelling units as permitted by the lowest density adjoining district, professional offices, and many retail uses. These uses are generally considered low-intensity and would fit the character of the surrounding neighborhood. Other, more intensive uses, such as automobile repair shops and restaurants require special uses in an attempt to give the neighborhood and the City Council greater oversight and input on the use's potential impact on the surrounding area. In the case of the Armory, there are many viable uses that could take place at the structure, therefore, the applicant is requesting Special Use Permits for each land use which requires a Special Use in the NB district. The Special Use process will allow for neighborhood and City Council input in which additional restrictions and specific criteria may be placed on a certain land use in an attempt to protect the surrounding neighborhood. Acquiring Special Use Permits now will afford the applicant the ability to appropriately market the building to prospective tenants and allow the applicant to manage lease agreements within an expedited time frame.

The applicant is requesting Special Use Permits for a total of 45 land uses. These uses are listed in Exhibit H. Staff reviewed these uses utilizing the seven criteria for granting a special use (Section 15-6.8.2.C.1) and the six additional criteria for granting a special use in the NB, Neighborhood Business, District (Section 15-6.8.2.C.2), which are listed below:

- 1) Projected traffic volumes and type of traffic (vehicle type)
- 2) Typical hours of operation
- 3) The presence of harmful toxins, emissions, or odors
- 4) The impact of outdoor lighting on adjacent properties
- 5) Expected crowd levels and crowd control
- 6) The presence of elevated, excessive and/or continuous noise

After reviewing each land use, Staff recommends approval of 34 land uses which are listed in Exhibit I. Staff recommends denial of the remaining 11 uses which are listed in Exhibit J.

The uses staff is recommending approval, in staff's opinion, meet the criteria listed above. It is staff's opinion that these uses are a practical and appropriate use for the armory and will not have any impacts on the surrounding neighborhood with regards to traffic, hours of operation, noise, crowds, or toxins, emissions, and odors. These uses will fit with the character of the area, and given the Armory's available facilities and construction should not adversely impact neighboring residences.

The uses which staff recommends denial, in staff's opinion, have the potential to negatively affect the surrounding area. Staff's recommendation is not meant to indicate that the use as a whole is unacceptable for the property; however certain utilizations of that use may be inappropriate for the area. Without knowledge of the specifics of how these uses might be utilized, staff cannot recommend their approval. For example, the "restaurants" use can cover a multitude of businesses which may vary greatly in size. The impact of a small neighborhood restaurant with ten tables is very different from that of a fifty table restaurant. Without further information regarding the size and scope of these uses, staff must consider all possible operations under the use categories. Granting the use without these considerations may provide for

unintended consequences in the future. More information justifying staff's recommendation for each use is included in Exhibit J.

With regards to those uses which staff recommends approval, the following are staff's responses to the seven criteria for granting a special use (Section 15-6.8.2.C.1):

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

The surrounding neighborhood is a mix of traditional single family housing and multi-family housing. As previously stated, the old National Guard Armory predates the 1974 zoning code and has been a neighborhood fixture since its construction in 1937. Those land uses which staff recommends approval will be harmony with the character of the surrounding neighborhood.

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

Those uses which staff recommends approval will not have any perceivable impact on the health, safety, or general welfare of the surrounding neighborhood. Staff weighed each use against the six criteria for granting a special use in a Neighborhood Business district to determine if the use would endanger the surrounding area. Those uses of which staff recommends approval will not endanger the public health, safety or general welfare.

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

As the Armory is located within the NB, Neighborhood Business, district, it is located within an established residential neighborhood. Therefore, staff weighed this criterion heavily as only those uses which are not injurious to surrounding properties should be allowed. Those uses which staff recommends approval are only those which staff believes will not be injurious to the surrounding property.

4. *The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The surrounding neighborhood was developed decades ago and there is limited space for new development. There is little evidence that the operation of the Armory would discourage new development on the few available parcels/properties in the area.

5. *Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

Adequate utilities, access roads and other facilities are in place to accommodate the proposed uses.

6. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

There are four entrances to the property. There are two entrances located off of North Oakland Avenue, one entrance off of West Sycamore Street, and one entrance off of North Helen Street. Ingress and egress into the main building is provided off of North Oakland Avenue and West Sycamore Street.

7. *The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Chapter.*

The NB district allows the listed uses as Special Uses.

With regards to those uses which staff recommends denial, the following are staff's responses to the seven criteria for granting a special use (Section 15-6.8.2.C.1):

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

The surrounding neighborhood is a mix of traditional single family housing and multi-family housing. As previously stated, the old National Guard Armory predates the 1974 zoning code and has been a neighborhood fixture since its construction in 1937. The land uses which staff recommends denial may not be in harmony with the character of the surrounding neighborhood.

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

Those uses which staff recommends denial may endanger the public health, safety, or general welfare. As is the case with all commercial properties in Carbondale, any commercial operation located within the building will be monitored by the Building and Neighborhood Services Division for compliance with all codes.

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

As the Armory is located within the NB, Neighborhood Business, district, it is located within an established residential neighborhood. Therefore, staff weighed this criterion heavily as only those uses which do not adversely affect the surrounding residential area should be allowed. Those uses which staff recommends denial have the potential to exhibit characteristics that would be undesirable in an established residential area. These

uses may exhibit high levels of traffic, excessive noise, hours of operation during the late evening or early morning, the presence of harmful toxins or odors, and possible large crowd levels. It is possible that such uses could be injurious to the use and enjoyment of surrounding property and/or diminish and impair property values.

4. *The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The surrounding neighborhood was developed decades ago and there is limited space for new development. There is little evidence that any operation of the Armory would discourage new development on the few available parcels/properties in the area.

5. *Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

Adequate utilities, access roads and other facilities are in place to accommodate the proposed special uses.

6. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

There are four entrances to the property. There are two entrances located off of North Oakland Avenue, one entrance off of West Sycamore Street, and one entrance off of North Helen Street. Ingress and egress into the building is provided off of North Oakland Avenue and West Sycamore Street.

7. *The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Chapter.*

The NB district allows the listed uses as Special Uses.

Throughout the recent NB district amendment process, staff, the applicant, and the Neighborhood Business Advisory Committee spent a considerable amount of time establishing the permissibility of land uses. It was discussed and decided that those which require special use permits have the potential to adversely impact the immediate area. Importance was placed on the designation of these as special uses to allow for the notification of and input from the neighboring property owners. Staff recommends caution when dealing with the requested uses. The granting of a special use now, especially without any conditions, would essentially make it a permitted use for the district and would not require any further public notification or public hearing in the future. It was not the intent of the City Council or Planning Commission to allow for the granting of every special use for a Neighborhood Business district. It is staff's opinion that granting permits for all special uses would set a risky precedence for future Neighborhood Business districts. It is for this reason that staff recommends denial of several of the requested special uses.

Overall, it is staff's opinion that the proposed rezoning and its potential use is compatible with the surrounding property and necessary for the preservation of the historic Armory building. The rezoning and the recommended special use permits will allow for the adaptive reuse of the Armory while protecting the character of the surrounding neighborhood.

PART D. RECOMMENDATION

Based on the above analysis, staff recommends approval of the Armory's rezoning to NB, Neighborhood Business.

Furthermore, staff recommends approval of those special use permits as listed in Exhibit I and denial of those Special Use Permits as listed in Exhibit J.

As part of the approval process, Title 15 of the Carbondale Revised Code requires that a condition be placed on the Automobile Repair and Service land use which establishes the maximum number of service bays. Therefore, staff recommends the following condition be placed on the Automobile Repair and Service land use:

- 1) The maximum number of service bays is limited to no more than the two which are existing on the site at the time of the property's rezoning.

Exhibit A – Applicant’s Brief

THE USE OF THE ARMORY

1974 - I was still typing letters on a top of the line Royal Selectric typewriter - too early to even get excited about getting a Radio Shack computer that could print dot matrix with Q and A - my original word processing program. Next year a pong game would be the one big present that was on everyone's Christmas list. This is the time that the armory was originally zoned. I'm sure the framers of the Code had no idea that a 3D printer hooked up to a computer could mass produce an item that would take a machinest several hours and great skill to produce and that item will be the same every time, which may or may not have been the case with the machinest. These special uses are being requested with the knowledge that we can't know what will be common in the future - not just 40 years from now but even 5 years from now. The odds are that most of these uses will not be used - due to the fact that they will not be economically feasible at the armory. Because we cannot know what changes in technology await us in the future, it is not possible to know which special uses might become feasible.

The zoning of a building is the first factor that must be checked before a possible use for a business in that building is determined. Until the zoning is known, it's not sensible to proceed with the process of developing a business' site. Until an entrepreneur knows that a location is a possibility, that person will not begin the process of opening the business at that location. All of the activities necessary to open a business start with a location - the inspections, permits and licenses all start with a selected location. Without an address to use, no further steps can be done in moving a business into a location - none of the necessary paperwork can be started without the address.

NB zoning is only for a specific site. NB permitted uses are dependent on that site's particular unique character. We have demonstrated that the particular physical characteristics of the armory buildings make it possible to not disturb the neighborhood while doing activities that are not currently permitted uses. The buildings and site were designed for military use - including storage of arms and ammunition, maintenance of vehicles, billeting troops, defensibility and also for planned public social use. This preexisting use required an adaptable design that allows for such a wide range of possible uses now and in the future. By giving the armory all possible special uses, with restrictions as needed, now, the future uses that we cannot envision will be possible in a timely manner. Zoning approvals can be given at the speed of business - necessary if Carbondale is to be competitive with our neighboring towns - as we have seen with probable clients for the armory - Herrin and Marion are happy to confirm zoning within a day. Zoning is not the only factor that determines suitability of a particular location and follows is the summary of armory factors.

The Factors That Affect The Use Of The Armory

- 1) The physical limitations of the building itself. Due to the construction of the building as a defensible structure, including concrete walls with 3/4" rebar in a 4"x4" pattern in all three planes, the interior cannot be easily configured for multiple uses. Moving walls is not realistic for most uses.
- 2) The limitations of the site - size and grade and previous uses.
- 3) The location - that old realtor saying is true - location, location, location. The traffic count will determine the realistic retail use and for our location at Oakland and Sycamore there won't be much of a traffic count in comparison to streets just a few blocks away. Any business at our building will have few customers in comparison to our neighbors on Main Street and will need to be able to survive with those few customers - which means another method of sales, such as internet sales will be necessary for them to survive, or they will need to be specialty retailers offering goods and or services that customers will seek out.

Exhibit A – Applicant’s Brief (Cont.)

- 4) Various federal and state regulations and laws (EPA, OSHA, ATF etc), County Health Department, City laws, permit rules and Code requirements, various programs and grants available to the business owner all will effect usage.
- 5) Insurance company requirements and premiums for property and liability insurances. These costs impact the uses to a great degree at the armory. Unless a possible tenant or user can bring their own liability insurance, there is little chance that the possible tenant will rent at the armory or that the activity will occur.
- 6) Parking available for visitors and employees is plentiful at the armory
- 7) Deed restrictions - we must maintain the exterior in its historic condition
- 8) The availability of other suitable structures - here or in neighboring towns. As we have seen, Herrin and Marion now have as tenants the clients that were interested in renting the armory until we could not guarantee that the City would not require them to move their businesses as the garage across the street from the armory was required to move. Over \$7000 a month in possible rent - \$84,000 per year is now in Williamson county - enough rent that the armory would be on a stable footing not to mention the 20+ good paying jobs. Our neighboring communities are very good at making Carbondale appear very very business unfriendly - they have the scrapbook of clippings to back up their slanted view. Without permitted uses, we cannot even begin to discuss a lease with someone. The special use process takes too long - zoning is the first item on the checklist - If someone has to wait 74 days, as would have happened had the special use been applied for on July 18 2014 and all had gone well, they will move on to another location. In 74 days they will be at another location and in business or soon to open. The other processes necessary to open a business are much more streamlined than the special use process - setting up the various inspections, permits, licenses etc are dependent upon the location ie, none of these can be scheduled until the location is determined. For example, if someone wished to set up a microbrewery in the armory coal bin, until the location is set there can be no progress on getting all of required paperwork done by federal, state and local regulators.

Exhibit A – Applicant’s Brief (Cont.)

ARMORY ACTIVITIES

We have demonstrated that the particular physical characteristics of the armory buildings make it possible to not disturb the neighborhood while doing activities that are not permitted uses. No other building was built for military use - including storage of arms and ammunition, maintenance of vehicles, billeting troops, defensibility and planned public social use. This preexisting use required an adaptable design that allows for such a varied catalogue of possible uses now.

Activities that have occurred in the armory since we have taken possession in 2012

Construction of 100+ small buildings as a subcontractor for the Dept of Defense
Built wall sections for building projects in Southern Illinois and Southeast Missouri
Grinding of telescope lenses
Retail sales (Swap meets, 5 Rings)
Alpha's wholesale sales and storage
Use of the stage by theatrical and musical groups
Classes taught for further professional education - state plumbing inspectors, electrical inspectors, the classroom part of concealed carry classes, Electricians Union seminar on solar energy.
Social uses - the old car club meetings, neighborhood assn meetings, Alpha's parties
Vehicle restorations, window tinting, car detailing, remote starter installs, headlamp restoration, alarm system, radio and stereo installation
Maintenance of Alpha and Alpha employee vehicles
Race car prep
Restoration of a gypsy Vardo wagon by an SIU student
Alpha's rental office
Alpha's maintenance area and storage of rental unit repair supplies
RC car guys race tracks - including 3 day national competitions with out of town competitors
Girls and boys soccer practice
Storage of four furniture stores inventory
Theatrical and musical rehearsals
Professional lighting set up pretest by traveling show for SEMO production
Office space rental
Storage space rental, including boats and motor homes.

Exhibit A - Applicant's Brief (Cont.)

Special Use Justifications

#	Use Category	Land Use
1	Household living	Dwelling Units other than those permitted in the preceding row
	It is realistic to assume that at some point there may be a care taker apartment in all 3 of the armory site's existing buildings. With the large amount of parking available at the armory, there should be no parking issues for a residential use.	
2	Community service	Business Associations
3	Community service	Civic, Social, and Fraternal
4	Community service	Community Centers
5	Community service	Libraries
6	Community service	Museums
	The armory was built with the intention of it being a community center and was used as such for the entire time the Guard was there. All of the above uses have enough parking available and would not impact the neighbors.	
7	Day care	Day Care Centers for children
8	Day care	Day Care Centers including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, play groups, and centers or workshops for mentally or physically handicapped
9	Day care	Nursery education or school
	While we have no plans to open a day care facility, it seems that day care is a very family, very neighborhood related activity. Plenty of parking and floor space is available.	
10	Educational facilities	Primary Elementary schools
11	Educational facilities	Barber and beauty schools
12	Educational facilities	Driving schools
13	Educational facilities	Other special training and schools, NEC
14	Educational facilities	University, college, junior college and professional school education
15	Educational facilities	Junior colleges

Exhibit A - Applicant's Brief (Cont.)

#	Use Category	Land Use
16	Educational facilities	University and colleges
	The armory is uniquely set up for small classes and training. While the expense of the joining rooms together would be currently prohibitive for any large scale combination of rooms, we can see where small classes could be held on a regular basis. The use of the gym for classes by John A Logan for classes such as ballroom dancing also seems feasible. Use of the stage area for theatre students to practice technical theatre also is feasible.	
17	Government facilities and services	Police protection and related activities
	Currently this is not a likely use. However if policing ideas change in the next 40 years and small local stations were desired, the armory would be a perfect location and structure.	
18	Religious institution	All religious institutions
	The gym area could easily be converted into a sanctuary, lots of parking available for services	
19	Telecommunications facilities	Wireless communications facilities
	While this would not be a use now, with the advances in technology, this might be a very viable alternative during the next 40 years.	
20	Eating and drinking establishments	Drinking places (alcoholic beverages)
21	Eating and drinking establishments	Restaurants
22	Eating and drinking establishments	Micro-brewery
23	Eating and drinking establishments	Winery
24	Eating and drinking establishments	Micro-distillery
	The armory basement provides an excellent environment for aging in barrels, distilling, and brewing. With a restriction that limits a tasting room to no more than 250 sq ft (approx. 12x20), there would not be much traffic but there would be the ability to have a very exclusive tasting area for local products as well as a secure bond room. Anything involving food and/or alcohol will have various controls that will have to be met before any business could begin operating.	
25	Entertainment, indoor	Health club
	Permitted use would allow sports related activities. A full service spa with soaker tubs, steam rooms, etc would require this zoning. Any possible concern about hours open can be controlled by adding hours of operation restrictions.	

Exhibit A - Applicant's Brief (Cont.)

#	Use Category	Land Use
26	Entertainment, Outdoor There is enough space for batting cages and a small driving range to be set up -- inside or outside	Miniature golf, batting cages, driving ranges
27	Offices	Business, administrative, and professional offices except those listed seperately
28	Offices One of the main uses we see for the armory. Inventors can invent without disturbing the neighbors and with a secure location. Some local faculty have expressed an interest in possible use of the armory. As we cannot know what professional offices will be in the future, the broad category approval will allow professional offices we can't even dream of now - ie a website designer was unknown in the 1974 code.	Educational and scientific research
29	Offices	Dental offices and dental labs
30	Offices The cost to set up these offices would be very expensive due to the armory construction but it could be a reasonable use of the armory at some future date.	Medical offices without surgical facilities
31	Offices	Studios, television and radio
32	Offices As one of the bidders for the armory was Arthur Agency and they were looking at this use, it seems a good future possible use.	Studios, recording
33	Overnight accomodations	Bed and breakfast establishment
34	Overnight accomodations As the armory has several rooms and lots of bathrooms and more than enough parking, if someone wanted to create either of the above it would be possible but rather expensive. It would be unlikely that there would be any commercial use at that point, so in our view this is one for the long range future.	Inn
35	Vehicle and similar sales and service Several of the activities that have occurred at the armory have been in the garage area, vehicle restorations, window tinting, car detailing, remote starter installs, headlamp restoration, alarm system, radio and stereo installation, maintenance of Alpha and Alpha employee vehicles, repair of Alpha and Alpha employee vehicles.	Automobile repair and service

Exhibit A - Applicant's Brief (Cont.)

#	Use Category	Land Use
36	Vehicle and similar sales and service As the armory has sufficient water and power for such a use, it is possible. We do not see it as economically feasible for a car wash to be set up in the near future due to location and cost of construction. A detailing business is possible as it does not require any changes.	Automobile wash
37	Light industrial service This use has been thoroughly researched for a potential client and is feasible with no disturbance to the neighborhood. Unfortunately, the client has leased elsewhere. Hopefully, in the future, his business will expand enough that he will consider expanding to a Carbondale location.	Linen supply and industrial laundry services
38	Light industrial service Another one of the main uses we see for the armory - a 3E company will look at this location if their funding works out.	Research, development and/or testing services
39	Warehouse and freight movement If the armory roof can produce cash crops, then they will need to possibly be stored or dried and various spaces at the armory would be suitable. If the commercial kitchen becomes a reality, specialty producers might need to store some farm products.	Farm products warehousing
40	Warehouse and freight movement One of the uses of the armory that we need for Alpha's wholesale activities as we do store materials at the armory for occasionally long periods of time. One of the armory's first tenants stored 4 furniture stores' inventory for several months.	General warehousing and storage
41	Agriculture The armory roof is the perfect place to have a rooftop garden for high value cash crops such as organic micro greens and	Plant nursery or greenhouse

Exhibit A - Applicant's Brief (Cont.)

#	Use Category	Land Use
42	Vehicles and access	Private access roads or streets to or from a permitted use in an adjoining zoning district
43	While it is possible to go across the armory grounds on concrete from Oakland to Helen Street, we do not see a current use for Retail sales and services, sales oriented	Railroad and motor freight salvage
44	Retail sales and services, sales oriented Currently 5 Rings is operating in the armory and has been there since 2013. Security measures exceed other Carbondale address FFL's. Absolutely no disturbance to the neighborhood. Small locally owned shop. Previous occupant had much more	While it would not be economically feasible for a facility that is open to the public in this location, it is possible that one of the warehouses could be used as overflow storage for another business of this type in the county. Sporting goods, including firearms and ammunition sales
45	Retail sales and services, sales oriented While we see no immediate use for a shop selling welding equipment in our area, the armory will most probably thrive as a specialty marketer's location for any retail that is in operation there. Welding supplies seem to be very specialized.	Welding equipment and supplies

Exhibit A – Applicant’s Brief (Cont.)

JUSTIFICATION FOR SPORTING GOODS USE OF THE ARMORY

There is only 1 building in Carbondale, in all of Jackson County for that matter, with the exception of the new National Guard armory, that was purposefully designed for the storage of weapons - the armory on the corner of Oakland and Sycamore. This is one reason David Myers wanted to locate his business, Five Rings, there when he moved back home to Carbondale after working and saving in the Chicago area to be able to set up a small business here. Five Rings is an issue with some members of the community - while personal opinions about guns are important, they do not have any bearing on 5 Rings operation. 5 Rings has been granted a license by the ATF and is operating in compliance with federal law. If the community does not wish to have gun sales in Carbondale, then pass an ordinance forbidding gun sales - this will include Dick's, Rural King, Walmart and the FFL's that have Carbondale addresses. Attempting to control gun sales through the use of zoning potentially opens the City up to legal action. Singling out this business has a strong potential of involving the City in a lawsuit. Other FFL's are allowed in the City. It can be easily argued that banning the continuation of 5 Rings via zoning would be discriminatory. The security is excellent - exceeding other FFL license holders with Carbondale addresses. Details of the security measures are not made part of this document - for security reasons, the exact details need to remain confidential. However, all members of the Planning Commission and City Council have had the opportunity to see those measures and can attest to their existence. As the ATF agent who did the extensive review and vetting process said - this is one of the most secure sites he has ever seen. David's insurance agent told him this was the lowest premium she'd ever seen for a gun shop. Our insurance carrier had no issues with a gun shop being in the armory after seeing the security at the gun shop. They have more issues with the social uses of the armory such as the soccer kids practicing than with the gun shop.

Not to be snarky but what do some community members think was in the armory while it was the national guard armory? Much more serious armaments than are available for purchase - many of which would not be legal to sell. Weapons including but not limited to, fully automatic rifles, ammunitions of all types, RPG's, handguns, tear gas, machine guns, flash bangs and vests. In the past, mortars, tear gas, and a tank with its large round ammunition were there.

The security was less than is currently in use at 5 Rings. During Guard weekends, there were over 100 people in and out of the armory - arms were out as needed for training and accounted for - but not accounted for every minute of every day by a nonblinking eye - as they are accounted for at 5 Rings with the 24/7 video surveillance from several cameras.

I think it needs to be pointed out that many of David's sales are internet based. The customers are coming to pick up already purchased items. Internet sales do require that the weapon be picked up in person from an FFL. Customers are coming from all of Southern Illinois - hopefully spending additional money here.

Exhibit A – Applicant’s Brief (Cont.)

Five Rings has been in operation since 2013 with no disturbance to the neighborhood. If you look at the interview done by Channel 3 on April 24, 2014, broadcast the morning of April 25, 2014, you can see the neighbors telling the reporter that they were not even aware that 5 Rings was there or that they were aware of 5 Rings and had no issue with it - they had never been disturbed in any way. There was not a single negative comment from any of the neighbors.

5 Rings is a small local business serving the needs of police and sheriff depts, SIU sports, local competition shooters, hunters, and the general public by teaching gun safety and concealed carry classes. We all talk about "shop local" - it's time for you to show your support for the small local businessman who is a specialist and offers so much more than our local chain stores that sell some of the same items. 5 Rings offers safety instruction, tailors services to the needs of their clients and whose profits stay in Jackson County. In the large chains where these sales are just one more sale from one of their many stores, the profits leave the community.

Exhibit B: Photographs of Subject Property



Facing Subject Property from West Sycamore Street



Facing Subject Property from Oakland/Sycamore Intersection

Exhibit B: Photographs of Subject Property (Cont.)



Facing East Across North Oakland Avenue from Subject Property



Facing South Across West Sycamore Street from Subject Property

Exhibit B: Photographs of Subject Property (Cont.)



North Side of Property Facing West



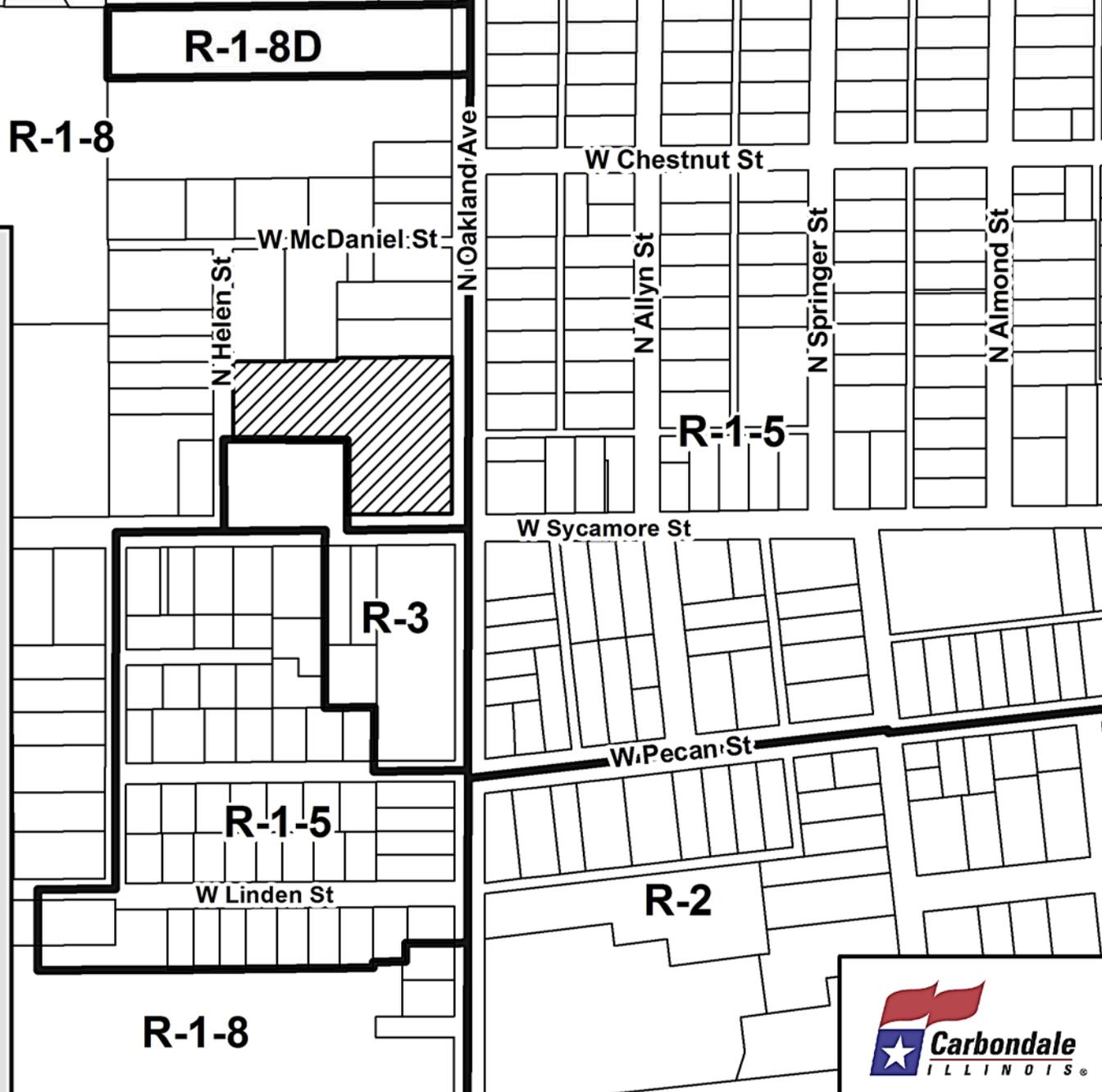
Facing Warehouses from West Sycamore Street

Exhibit B: Photographs of Subject Property (Cont.)



Facing Warehouses from North Helen Street

Exhibit C - Existing Zoning
 Planning Commission Case PC 15-05



Public Hearing Date & Time

December 17, 2014
 6:00 p.m.

Case Description

Andy Wallace is requesting a rezoning from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is further requesting Special Use Permits for all land uses which require Special Use Permits in the NB District for the property located at 500 N Oakland Ave

Zoning Classifications

- R-1-5 Low Density Residential
- R-1-8 Low Density Residential
- R-1-8D Low Density Residential (2 unit)
- R-2 Medium Density Residential
- R-3 High Density Residential

Legend

 Subject Property

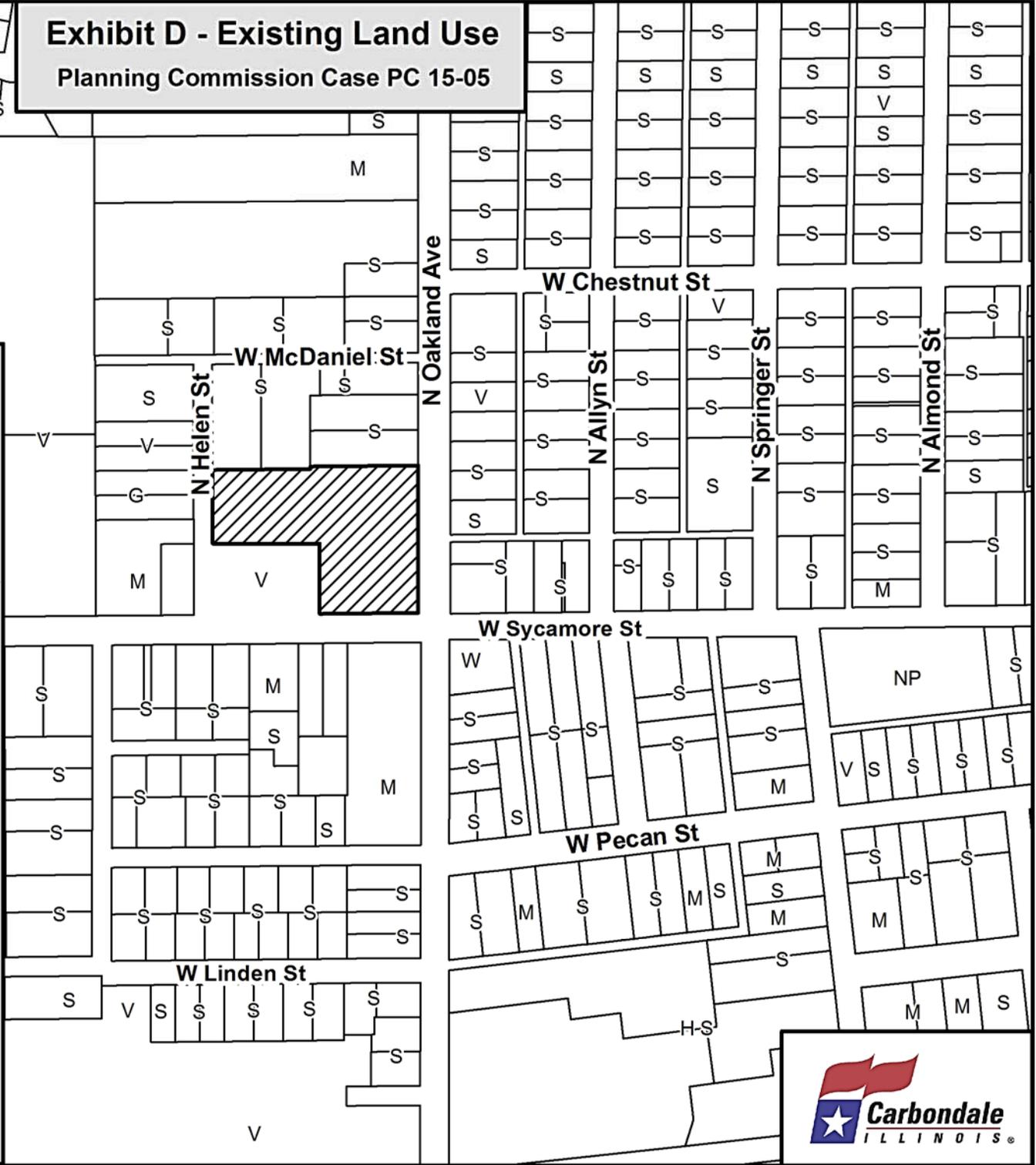
 Parcels

0 150 300 Feet



Exhibit D - Existing Land Use

Planning Commission Case PC 15-05



Public Hearing Date & Time

December 17, 2014
6:00 p.m.

Case Description

Andy Wallace is requesting a rezoning from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is further requesting Special Use Permits for all land uses which require Special Use Permits in the NB District for the property located at 500 N Oakland Ave

Existing Land Uses

- S- Single Family Residential
- M- Multi- Family Residential
- V- Vacant
- W- Warehouse
- G- Government
- NP- Non- Profit
- HS- Former High School
- I- Institution

Legend

 Subject Property

 Parcels

0 150 300 Feet

 NORTH



Exhibit E - Future Land Use

Planning Commission Case PC 15-05

Neighborhood Conservation/Restoration

Neighborhood Conservation/Restoration

Public Hearing Date & Time

December 17, 2014
6:00 p.m.

Case Description

Andy Wallace is requesting a rezoning from R-1-8, Low Density Residential, to NB, Neighborhood Business. The applicant is further requesting Special Use Permits for all land uses which require Special Use Permits in the NB District for the property located at 500 N Oakland Ave

Legend

 Subject Property

 Parcels

0 150 300 Feet



Public Institutional

Suburban residential

Mixed Use



W.Gher.St

W.Jefferson.St

W.McDaniel.St

N.Helen.St

N.Oakland.Ave

W.Chestnut.St

N.Ailyn.St

N.Springer.St

N.Almond.St

W.Sycamore.St

W.Pecan.St

W.Linden.St

Exhibit G – Neighborhood Business District Signage



Illinois National Guard Sign
(4'9" x 10'1")



Five Rings Armory door sign
(1' x 2')



Five Rings Armory
(4" x 3'4")



Alpha Rental
(2' x 4')

Exhibit H - Requested Special Uses

#	Use Category	Land Use
1	Household living	Dwelling Units other than those permitted in the preceding row
2	Community service	Business Associations
3	Community service	Civic, Social, and Fraternal
4	Community service	Community Centers
5	Community service	Libraries
6	Community service	Museums
7	Day care	Day Care Centers for children
8	Day care	Day Care Centers including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, play groups, and centers or workshops for mentally or physically handicapped
9	Day care	Nursery education or school
10	Educational facilities	Primary Elementary schools
11	Educational facilities	Barber and beauty schools
12	Educational facilities	Driving schools
13	Educational facilities	Other special training and schools, NEC
14	Educational facilities	University, college, junior college and professional school education
15	Educational facilities	Junior colleges
16	Educational facilities	University and colleges
17	Government facilities and services	Police protection and related activities
18	Religious institution	All religious institutions
19	Telecommunications facilities	Wireless communications facilities
20	Eating and drinking establishments	Drinking places (alcoholic beverages)
21	Eating and drinking establishments	Restaurants
22	Eating and drinking establishments	Micro-brewery
23	Eating and drinking establishments	Winery
24	Eating and drinking establishments	Micro-distillery
25	Entertainment, indoor	Health club
26	Entertainment, Outdoor	Miniature golf, batting cages, driving ranges
27	Offices	Business, administrative, and professional offices except those listed separately
28	Offices	Educational and scientific research
29	Offices	Dental offices and dental labs
30	Offices	Medical offices without surgical facilities
31	Offices	Studios, television and radio
32	Offices	Studios, recording
33	Overnight accommodations	Bed and breakfast establishment
34	Overnight accommodations	Inn
35	Vehicle and similar sales and service	Automobile repair and service
36	Vehicle and similar sales and service	Automobile wash
37	Light industrial service	Linen supply and industrial laundry services
38	Light industrial service	Research, development and/or testing services
39	Warehouse and freight movement	Farm products warehousing
40	Warehouse and freight movement	General warehousing and storage
41	Agriculture	Plant nursery or greenhouse
42	Vehicles and access	Private access roads or streets to or from a permitted use in an adjoining zoning district
43	Retail sales and services, sales oriented	Railroad and motor freight salvage
44	Retail sales and services, sales oriented	Sporting goods, including firearms and ammunitions sales
45	Retail sales and services, sales oriented	Welding equipment and supplies

Exhibit I - Special Uses Recommended for Approval

#	Use Category	Land Use
1	Community service	Business Associations
2	Community service	Civic, Social, and Fraternal
3	Community service	Community Centers
4	Community service	Libraries
5	Community service	Museums
6	Day care	Day Care Centers for children
7	Day care	Day Care Centers including child care centers, adult day care centers, day nurseries, nursery schools, kindergartens, play groups, and centers or workshops for mentally or physically handicapped
8	Day care	Nursery education or school
9	Educational facilities	Primary Elementary schools
10	Educational facilities	Barber and beauty schools
11	Educational facilities	Driving schools
12	Educational facilities	Other special training and schools, NEC
13	Educational facilities	University, college, junior college and professional school education
14	Educational facilities	Junior colleges
15	Educational facilities	University and colleges
16	Government facilities and services	Police protection and related activities
17	Religious institution	All religious institutions
18	Entertainment, indoor	Health club
19	Entertainment, Outdoor	Miniature golf, batting cages, driving ranges
20	Offices	Business, administrative, and professional offices except those listed separately
21	Offices	Educational and scientific research
22	Offices	Dental offices and dental labs
23	Offices	Medical offices without surgical facilities
24	Offices	Studios, television and radio
25	Offices	Studios, recording
26	Vehicle and similar sales and service	Automobile repair and service
27	Vehicle and similar sales and service	Automobile wash
28	Warehouse and freight movement	Farm products warehousing
29	Warehouse and freight movement	General warehousing and storage
30	Light industrial service	Linen supply and industrial laundry services
31	Light industrial service	Research, development and/or testing services
32	Vehicles and access	Private access roads or streets to or from a permitted use in an adjoining zoning district
33	Agriculture	Plant nursery or greenhouse
34	Retail sales and services, sales oriented	Sporting goods, including firearms and ammunitions sales

Exhibit J - Special Uses Recommended for Denial

#	Use Category	Land Use	Justification
1	Household living	Dwelling Units other than those permitted in the preceding row	This land use encompasses multiple dwelling unit classifications. Land uses covered under this land use include senior housing, rooming houses, fraternity or sorority homes, group homes (I, II, & III), and nursing homes. Due to the varying intensity of these uses with regards to traffic and parking, staff recommends denial of this special use.
2	Telecommunications facilities	Wireless communications facilities	Title 15 of the Carbondale Revised Code states that new wireless communication facilities are preferred to locate in areas zoned AG, GI, or PAD, and be located at least 500 feet from residentially zoned property. As a wireless communication tower would not meet these criteria in this district, staff recommends denial of this use.
3	Eating and drinking establishments	Drinking places (alcoholic beverages)	Title 15 of the Carbondale Revised Code specifically requires that restaurants in the NB district not include drive throughs or be allowed the sale of package alcohol. The Revised Code further requires that City Council establish the maximum amount of patron seating allowed for restaurant uses as a condition on the special use permit. Due to the similarity in use, it is staff's opinion that these regulations apply to both drinking places and restaurants. Without further information regarding the size and scope of the use, the maximum number of patron seating cannot be established and therefore staff recommends denial of both uses.
4	Eating and drinking establishments	Restaurants	
5	Eating and drinking establishments	Micro-brewery	Staff has general concerns regarding the possible hours of operation, noise, and crowd levels possibly associated with these uses. To remain consistent with the regulations for drinking places and restaurants, the maximum number of patron seating should be established for possible restaurants or tasting rooms associated with the use. Without further information regarding the size and scope of the use, staff recommends denial of each use.
6	Eating and drinking establishments	Winery	
7	Eating and drinking establishments	Micro-distillery	

Exhibit J - Special Uses Recommended for Denial

#	Use Category	Land Use	Justification
8	Overnight accommodations	Bed and breakfast establishment	Title 15 of the Carbondale Revised Code requires that the maximum number of guestrooms be established at the time the special use is granted. Without further information regarding the size of the bed and breakfast, this condition cannot be established.
9	Overnight accommodations	Inn	Due to the similarities between the Inn and Bed and Breakfast land uses, staff would anticipate similar conditions regarding the maximum number of rooms allowed in the district. Without further information regarding the size of the Inn, the permissibility of this use cannot be determined.
10	Retail sales and services, sales oriented	Railroad and motor freight salvage	These uses have the potential to require heavy truck traffic and/or the storage of hazardous materials. Due to the concerns expressed by the City Council with both of these uses, Staff recommends their denial until further information is available regarding the potential use.
11	Retail sales and services, sales oriented	Welding equipment and supplies	