

Request for City Council Action

Date: May 19, 2015

Agenda Section: Consent No. 5	Originating Department: Planning Services/Legal
Item: A Resolution approving Shelton’s Towing and Recovery’s request for a Special Use Permit to operate an Auto Storage Yard within a GI, General Industrial, district No. 5.9	Approved:

Background and Summary:

Shelton’s Towing and Recovery, LLC, is requesting a Special Use Permit to operate an auto storage yard within a GI, General Industrial, zoning district. The property located at 325 West Industrial Park Road is currently owned by Todd Mayberry who currently operates Mayberry Moving and Storage at the site. Mr. Mayberry is leasing a small, screened section of his property to Shelton’s Towing for the storage of towed automobiles.

Shelton’s Towing currently operates a one truck, twenty-four hour towing service which also offers various road side services such as unlocks, jump starts, and tire changes. The applicant will utilize the screened-in portion of the site for temporary automobile storage.

Attached for City Council review are the following:

1. A Resolution approving and a Resolution denying the Special Use Request.
2. A copy of the unapproved minutes of the Planning Commission for public hearing PC 15-11
3. A copy of the staff report to the Planning Commission. (PC 15-11)

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on May 6, 2015 and voted (5-yes, 0-no) on a motion to recommend approval of the Special Use Permit request. A notice of public hearing was published in the *Southern Illinoisan* newspaper on April 19, 2015, and Ten (10) property owners within 500 feet of the subject property were notified of the hearing by certified mail. The applicant was not present; no one spoke in favor or in opposition to the request.

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

2. *Financial Impact:* No financial impact is expected.
3. *Staff Impact:* Staff will be responsible for issuing all applicable zoning permits.
4. *Community Goals:* Promote the City as an ideal location for new development of residential, commercial, and industrial uses.

Recommended Action:

It is recommended that the City Council “move to adopt the Resolution approving the Special Use Permit for an Auto Storage Yard within a GI, General Industrial, district.”

If the Council wishes to deny the Special Use Permit request, it should move to adopt the Resolution denying the Special Use Permit for an Auto Storage Yard within a GI, General Industrial, district.”

RESOLUTION NO. 2015-R-____

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW AN AUTO STORAGE YARD WITHIN A GI, GENERAL INDUSTRIAL, DISTRICT.
(325 West Industrial Park Road)

WHEREAS, a Petition has been filed with the City of Carbondale by Shelton's Towing and Recovery LLC requesting that certain property within the zoning jurisdiction of the City of Carbondale be granted a Special Use Permit to allow for an auto storage yard within a GI, General Industrial, 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 19th day of April, 2015, 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 500 feet from said property according to Section 15-6.8.2.D 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 6th day of May, 2015, 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 PC 15-11, Shelton's Towing and Recovery LLC's request for a Special Use Permit to allow an auto storage yard within a GI, General Industrial, 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 adopts the findings of fact as filed by the Planning Commission.
2. That the request for a Special Use Permit to allow an auto storage yard within a GI, General Industrial, districts, at the property shown in Exhibit A attached hereto is approved for the property described below as:

GENERAL DESCRIPTION

325 West Industrial Park Road

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 19th day of May, 2015.

APPROVED: _____
John M. Henry, Mayor

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner

Exhibit A

GI

W Industrial Park Rd

N Illinois Ave/US Route 51

AG

RMH

SB

Case Description

Shelton's Towing is requesting a Special Use Permit for an auto wrecking yard within a GI, General Industrial, zoning district for the property located at 325 W Industrial Park Rd

Zoning Classifications

- AG General Agriculture
- GI General Industrial
- RMH Mobile Home District
- SB Secondary Business

Legend

 Subject Property

 Parcels

0 100 200 Feet



RESOLUTION NO. 2015-R-___

A RESOLUTION DENYING A SPECIAL USE PERMIT TO ALLOW AN AUTO STORAGE
YARD WITHIN A GI, GENERAL INDUSTRIAL, DISTRICT.
(325 West Industrial Park Road)

WHEREAS, a Petition has been filed with the City of Carbondale by Shelton's Towing and Recovery LLC requesting that certain property within the zoning jurisdiction of the City of Carbondale be granted a Special Use Permit to allow an auto storage yard within a GI, General Industrial, districts, 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 19th day of April, 2015, 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 500 feet from said property according to Section 15-6.8.2.D 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 6th day of May, 2015, 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 PC 15-11, Shelton's Towing and Recovery LLC's request for a Special Use Permit to allow an auto wrecking yard within a GI, General Industrial, 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 denied.

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

1. That said petition for a Special Use Permit to allow an auto storage yard within a GI, General Industrial, district is denied for the property shown in Exhibit A, attached hereto, and described below as:

GENERAL DESCRIPTION

325 West Industrial Park

2. That the City Council of the City of Carbondale makes the following findings as the basis for denial of said petition:
 - a. The proposed Special Use will not permit and encourage an environment of sustained desirability and stability, and that it will not be in harmony with the character of the surrounding neighborhood;
 - b. The Special Use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property

value within the neighborhood, and;

- c. The establishment of the Special Use will impede the normal and orderly development and improvement of surrounding property for uses permitted in the District.

3. 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 19th day of May, 2015.

APPROVED: _____
John M. Henry, Mayor

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner

Exhibit A

GI

W Industrial Park Rd

N Illinois Ave/US Route 51

AG

RMH

SB

Case Description

Shelton's Towing is requesting a Special Use Permit for an auto wrecking yard within a GI, General Industrial, zoning district for the property located at 325 W Industrial Park Rd

Zoning Classifications

- AG General Agriculture
- GI General Industrial
- RMH Mobile Home District
- SB Secondary Business

Legend

 Subject Property

 Parcels

0 100 200 Feet





MINUTE EXCERPTS
PC 15-11
Carbondale Planning Commission
Wednesday, May 06, 2015
Room 108, 6:00 p.m.
City Hall/Civic Center

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

Members Present: LeBeau, Sheffer, Anz, Field and Lilly

Members Absent: Barke, Schachel, Love and Bradshaw (ex-officio)

Staff Present: Wallace, Taylor

1. Public Hearings

PC 15-11 – Shelton’s Towing & Recovery, LLC has requested a Special Use Permit for an auto storage yard within a GI, General Industrial, zoning district.

Mr. Anz declared Public Hearing PC 15-11 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Anz 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. Anz asked if there were any questions from Commission to staff.

Ms. Field asked why this would need a special use.

Mr. Wallace answered that this type of use, if unregulated, can become detrimental to the surrounding area.

Mr. Anz asked if there were any more questions from Commission to staff.

There were none.

Mr. Anz asked if the applicant was present and would like to speak.

Applicant was not present.

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

No one spoke in favor.

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

No one spoke in opposition.

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

Mr. Taylor read parts C and D of the staff report, with a recommendation to approve PC 15-11.

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

Mr. Sheffer asked what the definition was for temporary, how long would that be.

Mr. Taylor replied that the temporary storage of wrecked vehicles would only be for a short time, usually waiting for the insurance to come through at which time they would be moved to a repair shop.

Mr. Sheffer asked if there was any danger of them becoming long term.

Mr. Taylor replied that from the information he received from the applicant, there would be no long term vehicle storage.

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

There were none.

Mr. Anz declared the Public Hearing closed at 6:11 p.m.

Mr. Sheffer moved, seconded by Ms. Lilly, that the Commission accept as findings of fact Parts A and B of the staff report for PC 15-11, the applicant was not present and no one spoke in favor or opposition.

The motion passed on a unanimous voice vote.

Ms. Lilly moved, seconded by Mr. LeBeau, that all 7 criteria be accepted as one.

The motion passed on a unanimous voice vote.

Ms. Lilly moved, seconded by Mr. Sheffer, that all 7 criteria have been met.

Roll Call Vote:

Yes – 5 (LeBeau, Sheffer, Anz, Field, Lilly)

No – 0

Mr. Sheffer moved, seconded by Ms. Lilly, that the Planning Commission recommend to City Council, they approve PC 15-11.

Roll Call Vote:

Yes – 5 (LeBeau, Sheffer, Anz, Field, Lilly)

No – 0

Mr. Wallace announced that PC 15-11 will go to Council on May 19, 2015.

Unapproved



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

TO: The City of Carbondale Planning Commission

FROM: Travis Taylor, Planner

RE: PC 15-11 Shelton's Towing is requesting a Special Use Permit for an auto storage yard located at 325 West Industrial Park Road

DATE: April 29, 2015

(Planning Commission Public Hearing on Wednesday, May 6, 2015 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
Shelton's Towing and Recovery LLC
325 West Industrial Park Road
Carbondale, IL 62901
2. Requested Action: Shelton's Towing and Recovery LLC is requesting a Special Use Permit for a an auto storage yard in a GI, General Industrial, district for property located at 325 West Industrial Park Road. (Please refer to Exhibit A - Applicant's Brief)
3. Background: The property is currently owned by Todd Mayberry of Mayberry Moving and Storage. Mr. Mayberry currently operates a moving and storage company at the location and has submitted a letter authorizing and supporting the special use permit request by Shelton's Towing (Please refer to Exhibit B – Letter of Authorization).
4. Number of Notices Sent to Property Owners within 500 feet: Ten (10) notices were sent to property owners within 500 feet of the subject property.
5. Location & size: The subject property is located at 325 West Industrial Park Road and is

approximately 2 acres in total size. (Please refer to Exhibit C - Photographs of Subject Property)

6. Existing Zoning: The subject property is zoned GI, General Industrial, as is property to the west, east, and north. Properties to the south of the subject property are zoned RMH, Planned Mobile Home District (Please refer to Exhibit D – Existing Zoning).
7. Existing Land Use: A moving and storage company currently operates on the property along with the auto storage yard. The current land use for the adjacent properties to the north, west, and east is industrial, while there is a mobile home park on the property to the south (Please refer to Exhibit E - Existing Land Use).
8. Comprehensive Plan: The 2010 Comprehensive Plan Land Use Map designates the subject property and the surrounding properties to the north, west, and east as industrial. The property to the south is designated as a business park. (Please refer to Exhibit F – Future Land Use)
9. Zoning History: The subject property was zoned GI, General Industrial, with the adoption of the 1974 Zoning Ordinance.
10. Applicable Regulations:

15-2.25 GI General Industrial

15-2.25.1. Statement of Intent

This district is established to provide areas for industrial and/or manufacturing and/or warehouse or storage operations which may require buildings and/or open area for fabricating, processing, repairing, dismantling or disposal of equipment, raw materials, manufactured products or wastes. Land designated for this district should be located in relation to the thoroughfare network of the community, as well as rail and air if required, so as to not disrupt normal traffic flow.

15-6.8 Special Use Review

15-6.8.1 Intent

The special use permit is established to provide for those uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and to provide for those public and quasi-public uses affected with the public interest. Where a use exists on the effective date of this ordinance and it is classified as a special use by this ordinance, it shall be considered to be a lawful special use.

15-6.8.2. Procedures

C. Hearing

1. A special use may be permitted by the City Council only after a public hearing before the Planning Commission. The Planning Commission shall make findings of fact; and if the Planning Commission finds that:

- (a) 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;
- (b) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare;
- (c) 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;
- (d) 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;
- (e) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (f) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- (g) The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Title 15.

2. The Planning Commission shall recommend that the City Council approve the issuance of the zoning certificate for such special use. Otherwise, the Planning Commission shall recommend that the City Council direct the administrative official to deny the application. The findings of fact and the recommendation of the Planning Commission shall be in writing. The City Council decision shall be written to the applicant by the administrative official.

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to a ten inch (10") City of Carbondale water line along West Industrial Park Road.

Sanitary Sewer: The subject property has access to an eight inch (8") City of Carbondale sanitary sewer line that runs along the south side of West Industrial Park Road.

Storm Sewer: Storm water runoff is contained via an open gutter system along Industrial Park Road which drains into an existing storm sewer along US Highway 51

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

3. Traffic Counts: The latest Illinois Department of Transportation Traffic Map indicates that West Industrial Park Road has an average traffic count of 1100 vehicles per day.

4. Correspondence Received: As of the date of this report the staff has received no

correspondence regarding this request.

PART C. ANALYSIS

Shelton's Towing & Recovery, LLC, is requesting a Special Use Permit to allow an auto storage yard within a GI, General Industrial, zoning district located at 325 West Industrial Park Road.

The current property owner operates a moving and storage company on site and has leased a portion of the property to Shelton's Towing. Shelton's Towing operates a one (1) truck, twenty-four (24) hour towing service which also offers various road side services such as unlocks, jump starts, and tire changes. The applicant will utilize a screened-in portion of the site for temporary automobile storage.

The following are staff's responses to the seven criteria for granting a special use (Section 15-2H-2:C):

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.*

It is staff's opinion that the proposed special use will be in harmony with the character of the property and the surrounding neighborhood. Currently, the subject property houses a moving and storage company with only a small portion of the property being leased for Shelton's Towing. All auto storage associated with Shelton's Towing will be maintained within a screened portion of the property. As many land uses around the area maintain outdoor storage in a similar manner, it is staff's opinion that this will not be injurious to 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.*

The establishment of the special use should not be detrimental to or endanger the public health, safety, or general welfare. All automobiles towed will be contained within the fenced and screened portion of the property. Shelton's Towing intends for all storage to be temporary and does intend to maintain any wreckage on site for an extended period of time.

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.*

It is staff's opinion that the use of the land will not be injurious to the use, enjoyment, or property value of the surrounding area. Staff's research finds that many similar and more intense uses are operating along West Industrial Park Road.

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.*

It is Staff's opinion that the proposed Special Use Permit will not impede the normal and orderly development of surrounding property for uses permitted in the GI district.

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 use.

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.*

Adequate ingress and egress is provided by two entrances off of West Industrial Park Road. One of the entrances will serve Mayberry Moving and Storage while the other will directly serve Shelton's Towing.

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 GI, General Industrial, district allows for auto storage yards as a special use. The storage area will conform to the required height and setback requirements.

PART D. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 15-11.

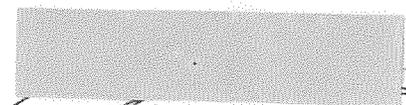
Shelton's Towing & Recovery

P. O. Box 353
325 W. Industrial Park Rd.
Carbondale, IL 62903
Ph: 618-534-3973
Fax: 618-684-5055

Exhibit A

I have rented a portion of property that is owned by Todd Mayberry (see lease agreement). I am requesting special use for this site for the purpose of a towing/storage yard. I plan to use the site for storage of towed vehicles.

The area where this site is located is zoned as General Industrial (GI). It is my opinion that the plan for this site is consistent with current usage of the surrounding properties.

A rectangular area of the document is redacted with a grey stippled pattern, obscuring the signature of Matt Shelton.

Matt Shelton

Exhibit B – Letter of Authorization



MAYBERRY MOVING & STORAGE
325 Industrial Park Road
Carbondale, IL 62901
618-457-5707

April 9, 2015

To: City of Carbondale,

Shelton's Towing & Recovery has entered into a lease agreement for a portion of the property located at 325 W. Industrial Park Road, Carbondale, IL (see rough diagram below). This portion of property is fenced in which provides for a clear separation of said property. It is well known that Shelton's Towing & Recovery intends to utilize this property as a storage location for vehicles of various age and condition. In no way does this impede or inhibit the current use of the remainder of said property. AMS International Moving, LLC dba: Mayberry Moving & Storage consents to this use of the portion of said property.

The remainder of the above mentioned property which includes four buildings is currently used to operate a moving and storage company of household goods.

Sincerely,



Todd Mayberry
Owner
Mayberry Moving & Storage
Interstate Agent for Atlas Van Lines

W. Industrial Park Road

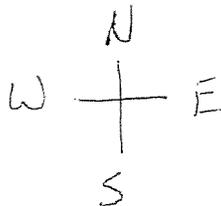
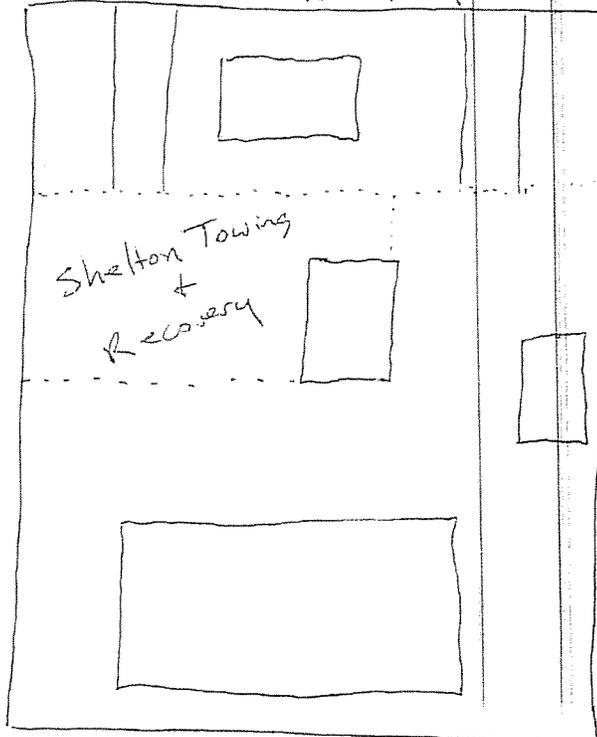


Exhibit B – Letter of Authorization



MAYBERRY MOVING & STORAGE
325 Industrial Park Road
Carbondale, IL 62901
618-457-5707

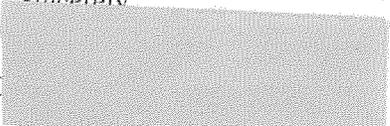
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The remainder of the above mentioned property which includes four buildings is currently used to operate a moving and storage company of household goods.

Sincerely,



Todd Mayberry
Owner
Mayberry Moving & Storage
Interstate Agent for Atlas Van Lines

W. Industrial Park Road

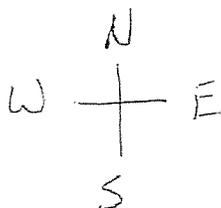
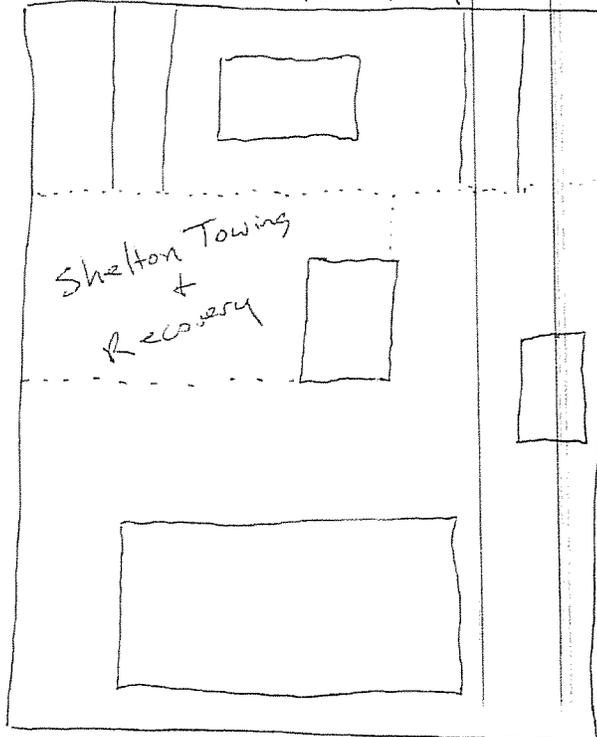


Exhibit C - Photographs of Subject Property



Facing Subject Property



Facing North Across Industrial Park Drive



Facing East Along Industrial Park Road



Facing West Along Industrial Park Road

Exhibit D - Existing Zoning
Planning Commission Case PC 15-11

GI

W Industrial Park Rd

N Illinois Ave/US Route 51

AG

Public Hearing Date & Time

May 6, 2015
6:00 p.m.

Case Description

Shelton's Towing is requesting a Special Use Permit for an auto storage yard within a GI, General Industrial, zoning district for the property located at 325 W Industrial Park Rd

Zoning Classifications

AG General Agriculture
GI General Industrial
RMH Mobile Home District
SB Secondary Business

Legend

 Subject Property

 Parcels

0 100 200 Feet

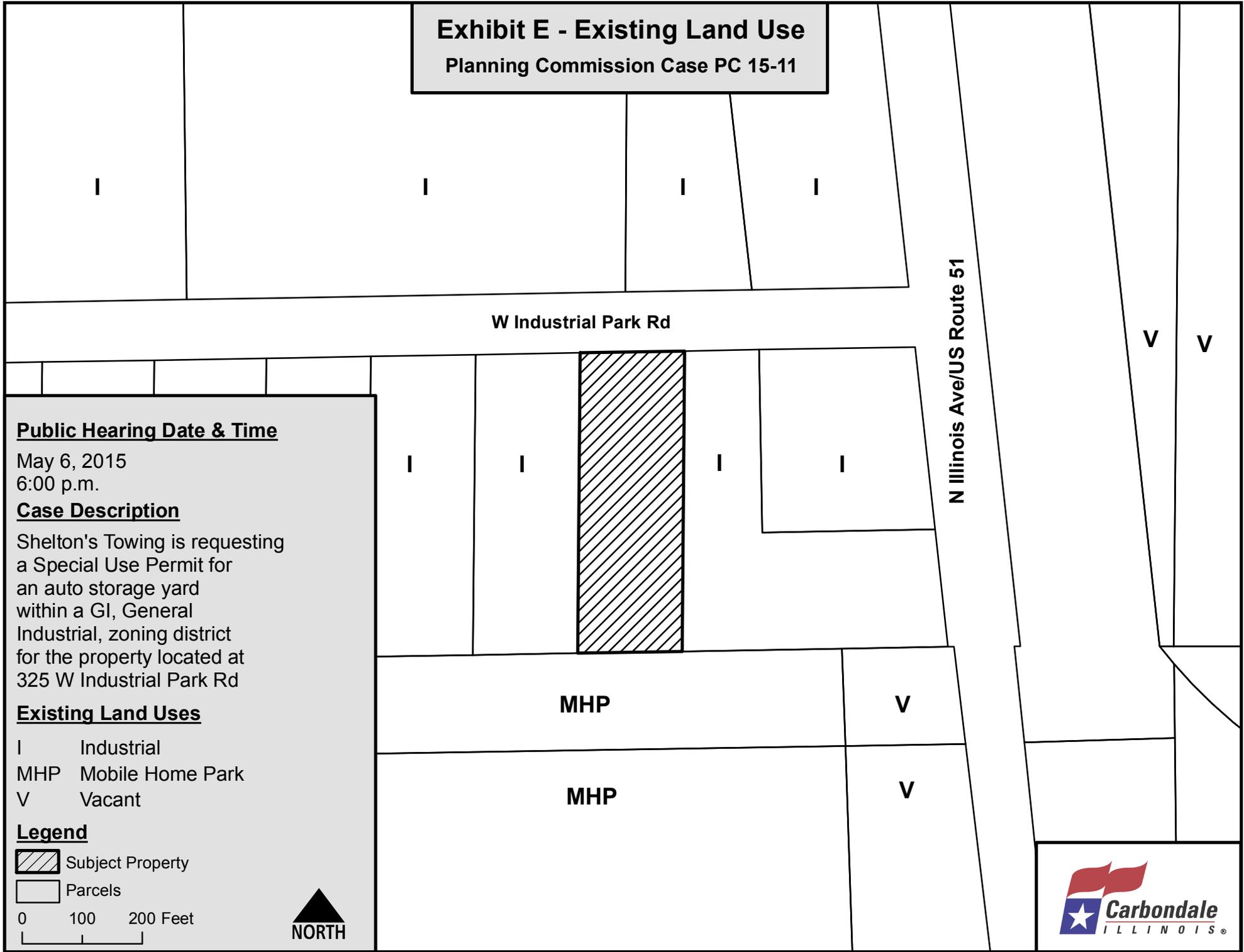


RMH

SB



Exhibit E - Existing Land Use
Planning Commission Case PC 15-11



Public Hearing Date & Time

May 6, 2015
 6:00 p.m.

Case Description

Shelton's Towing is requesting a Special Use Permit for an auto storage yard within a GI, General Industrial, zoning district for the property located at 325 W Industrial Park Rd

Existing Land Uses

- I Industrial
- MHP Mobile Home Park
- V Vacant

Legend

 Subject Property

 Parcels

0 100 200 Feet




Exhibit F - Future Land Use
Planning Commission Case PC 15-11

Industrial

W Industrial Park Rd

N Illinois Ave/US Route 51

AG

Business Park

Mixed Use

Public Hearing Date & Time

May 6, 2015
6:00 p.m.

Case Description

Shelton's Towing is requesting a Special Use Permit for an auto storage yard within a GI, General Industrial, zoning district for the property located at 325 W Industrial Park Rd

Legend

-  Subject Property
 -  Parcels
- 0 100 200 Feet

