

Request for City Council Action

Date: August 11, 2015

Agenda Section: General Business No. 6	Originating Department: Planning Services/Legal
Item: A Resolution approving Southern Sisters Spirits, LLC’s request for an amendment to an existing Special Use Permit which allows the operation of a micro-distillery within an AG, General Agriculture, district No. 6.1	Approved:

Background and Summary:

Southern Sisters Spirits, LLC, is requesting an amendment to an existing Special Use Permit which allows the operation of a micro-distillery within an AG, General Agriculture, zoning district. The property located at 428 Wood Road currently houses a 2,400 square foot micro-distillery which was permitted by Resolution 2011-R-62. The applicant is seeking to amend that Special Use Permit in the following ways:

1. Change the address listed on the permit to 428 Wood Road;
2. Remove the restriction from the permit which prevents the micro-distillery from being open to the public and allowing on-site retail sales;
3. Add the business name “Grand River Spirits” to the permit;
4. Extend the effective period of the Special Use Permit through 2020; and
5. Remove the restriction on the permit which prevents the use of more than one 250 Liter (62 gallon) pot still

The Planning Commission met on July 22, 2015, and heard remarks from ten neighboring residents who spoke in opposition to the application. In light of their concerns, the Planning Commission moved to recommend approval of the applicant’s request, with the restriction that the business could not be open to the public and no retail sales be allowed on the site.

After careful consideration staff is recommending that the Council approve the applicant’s request, with the provision that tastings be allowed in accordance with Illinois State Law which allows three, one-quarter ounce tasting per person per day, equivalent to ¾ ounce. In addition, retail sales would only be allowed for consumption off-premises. No on-site consumption would be allowed, except for the tastings.

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 _____

Attached for City Council review are the following:

1. A Resolution approving and a Resolution denying the Special Use Request. The Resolution to approve includes the following conditions:
 - a. Parking shall be provided for a minimum of four vehicles.
 - b. The site shall be constructed as shown in Exhibit A.
 - c. A gate shall be provided at the entrance off of Wood Road.
 - d. The site shall be limited to retail sales for off-site consumption and tastings only as permitted by Illinois State Statute.
 - e. The Special Use permit shall be specific to Southern Sisters Spirits, LLC, d/b/a Grand River Spirits as controlled by the Illinois Secretary of State.
 - f. The operation of the micro-distillery shall not surpass year 2020.
 - g. That planning staff be notified whenever there is any ownership change in the LLC.
 - h. That the Special Use Permit become void if any state or federal permits or licenses held by the LLC are revoked.
2. A copy of the unapproved minutes of the Planning Commission for public hearing PC 16-01
3. A copy of the staff report to the Planning Commission. (PC 16-01)

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on July 22, 2015 and voted (4-yes, 3-no) on a motion to recommend approval of the Special Use Permit request without allowing the site to open to the public or allowing retail sales. A notice of public hearing was published in the *Southern Illinoisan* newspaper on July 5, 2015, and forty one (41) property owners within 1,000 feet of the subject property were notified of the hearing by certified mail. The applicant was present; two people spoke in favor, ten people spoke in opposition, and three letters were submitted in opposition to the request.
2. *Financial Impact:* No financial impact is expected.
3. *Community Goals:* Bolster entrepreneurial activity in the City and encourage the private sector to become more engaged in leading economic development efforts.

Recommended Action:

It is recommended that the City Council “move to adopt the Resolution amending the current Special Use Permit for Southern Sisters Spirits, LLC, subject to the conditions as outlined in the Resolution.”

If the Council wishes to deny the Special Use Permit request, it should “move to adopt the Resolution denying the request to amend the Special Use Permit for Southern Sisters Spirits, LLC.”

RESOLUTION NO. 2015-R-___

A RESOLUTION APPROVING AN AMENDMENT TO AN EXISTING SPECIAL USE
PERMIT ALLOWING A MICRO-DISTILLERY IN AN AG DISTRICT
(428 Wood Road)

WHEREAS, a Petition has been filed with the City of Carbondale by Southern Sisters Spirits, LLC, requesting that an existing Special Use Permit permitting a micro-distillery in an AG, General Agriculture, district, for certain property within the zoning jurisdiction of the City of Carbondale be amended; 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 5th day of July, 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 1,000 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 22nd day of July, 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 16-01, Southern Sisters Spirits, LLC's request to amend their current Special Use Permit; 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 an amended Special Use Permit to allow a micro-distillery in the AG, General Agriculture, zoning district at the property shown in Exhibit A attached hereto is approved for the property described below as:

GENERAL DESCRIPTION

428 Wood Road
Parcel Number: 15-18-301-008 and -014

3. That the Special Use granted shall be subject to the following conditions:
 - a. Parking shall be provided for a minimum of four vehicles.
 - b. The site shall be constructed as shown in Exhibit A.
 - c. A gate shall be provided at the entrance off of Wood Road.

- d. The site shall be limited to retail sales for off-site consumption and tastings only as permitted by Illinois State Statute.
- e. The Special Use permit shall be specific to Southern Sisters Spirits, LLC, d/b/a Grand River Spirits as controlled by the Illinois Secretary of State.
- f. The operation of the micro-distillery shall not surpass year 2020.
- g. That planning staff be notified whenever there is any ownership change in the LLC.
- h. That the Special Use Permit become void if any state or federal permits or licenses held by the LLC are revoked.

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 11th day of August, 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

RESOLUTION NO. 2015-R-____

A RESOLUTION DENYING AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT
ALLOWING A MICRO-DISTILLERY IN AN AG DISTRICT
(428 Wood Road)

WHEREAS, a Petition has been filed by Southern Sisters Spirits, LLC, requesting that an existing Special Use Permit allowing a micro-distillery for certain property within the zoning jurisdiction of the City of Carbondale be amended ;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 5th day of July, 2015, 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 1,000 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 22nd day of July, 2015, at the City Council Chambers in said City to consider the zoning 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 its hearing disclosing its findings of fact and its recommendations, said recommendation being as follows: to approve PC 16-01, Southern Sisters Spirits, LLC's request to amend their current Special Use Permit; 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 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 allowing a micro-distillery in the AG, General Agriculture, zoning district is denied for the property shown in Exhibit A, attached hereto, and described below as:

GENERAL DESCRIPTION

428 Wood Road
Parcel Number: 15-18-301-008 and -014

2. That the City Council of the City of Carbondale makes the following findings as their 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 11th day of August, 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



MINUTE EXCERPTS
PC 16-01
Carbondale Planning Commission
Wednesday, July 22, 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: Barke, LeBeau, Sheffer, Anz, Field, Love, Litecky and Bradshaw (ex-officio)

Members Absent: Schachel and Lilly

Staff Present: Taylor

1. Public Hearings

PC 16-01 – Southern Sisters Spirits, LLC, d/b/a Grand River Spirits has requested an amendment to their current Special Use Permit allowing the operation of a micro-distillery in an AG, General Agriculture, zoning district.

Mr. Anz declared Public Hearing PC 16-01 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor, Planner for the City of Carbondale, read the legal notice.

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

Mr. Taylor 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.

Mr. Sheffer Asked what the traffic counts are for Saturdays and Sundays.

Mr. Taylor said that he was unaware.

Mr. Sheffer asked how he obtained the current traffic counts.

Mr. Taylor stated that it was provided by a study conducted by the State and that he does not know how they concluded the average.

Ms. Litecky asked if it was a stipulation to their original agreement to relocate in five years.

Mr. Taylor answered that it was a stipulation in the original Special Use Permit. Mr. Taylor also stated that within speaking to the applicants they have expressed the desire to relocate to a bigger facility and are hoping to do so by 2020.

Mr. Barke had shared his recollection of the Planning Commission meeting for the original Special Use Permit and why certain regulations were set in place.

Ms. Field asked for clarification and if they would be providing tastings on site.

Mr. Taylor responded that they would be providing tastings.

Ms. Field asked how that is different than drinking the product on-site.

Mr. Taylor responded that no retail sales and drinking of product on site is referring to the purchase and drinking of cocktails at the micro-distillery.

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.

Mr. Curtis Baird, owner of Southern Sister Spirits, LLC, d/b/a Grand River Spirits, came forward to present evidence in support of the application of why they desire multiple stills, why they are not in the position to move locations, what tastings are and their intentions for resale, why they need to correct the address on the Special Use Permit and their intentions for the future of their business.

Mr. Anz asked if any members of the commission had any questions for the applicant.

Mr. Barke asked why they want to change their on site retail sales.

Mr. Baird responded that they would like to sell bottled product and that they have no interest in selling drinks.

Mr. Anz asked if Mr. Baird has considered a compromise to item 2.

Mr. Baird answered that he has considered other alternatives.

Mr. Sheffer asked what protection Mr. Baird would offer as insurance that there will be no more consumption on site than the 3 quarters of an ounce that the State allows to be given as a sample.

Mr. Baird answered that they have no space or intention to have an onsite bar.

Mr. Barke asked for clarification if the 3 quarters of an ounce is per product or 3 quarters of an ounce total.

Mr. Baird answered that it is a total of 3 quarters of an ounce.

Ms. Field asked Mr. Baird what kind of waste is generated during the distilling process and what do you do with it.

Mr. Baird answered that there is spit mash which is sold to farmers to feed to their livestock.

Mr. Anz asked if there is there any alcohol smell in the air.

Mr. Baird answered no.

Mr. Anz asked if there is any noise that disturbs the neighbors.

Mr. Baird answered no.

Mr. Anz asked if any members of the commission had any more questions for the applicant.

There were none.

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

Mr. Trace Brown, 3125 W. Striegel, came forward and expressed his support of the application.

Mr. Tim Holcomb, 5093 Country Club Road, came forward and expressed his support of the application.

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

Ms. Sharon Brewer, 572 Wood Road, came forward to express her opposition of the application with concerns to the dangers of extra road traffic and her evidence supporting her belief that regulations of the original Special Use Permit have been violated.

Ms. Trudy Reynolds, 1131 Cedar Ridge, came forward to express her opposition of the application with concerns to the potential of whiskey fungus.

Ms. Michelle Greene, 1101 Deer Ridge Place, came forward to express her opposition of the application with concerns to the potential of whiskey fungus.

Mr. Jason Greene, 1101 Deer Ridge Place, came forward to express his opposition of the application with concerns to the Special Use Permit and the cohesion of the neighborhood.

Ms. Sumara Makhdoom, 1220 Da-Cla-Mar Court, came forward to express her opposition of the application with concerns to the possibility of the business expanding and causing problems in the neighborhood pertaining to patrons drinking and driving.

Mr. Joe Hudgins, 1260 West Lake Road, came forward to express his opposition of the application with concerns to the impact on the neighborhood in the future.

Mr. Joe Lenzini, 205 Bonnie Brae Road, came forward to express his opposition of the application with concerns for the impact of the excess traffic on Wood Road, the impact to the cohesion of the neighborhood and how their liquor license would be monitored. Mr. Joe Lenzini also had several questions as follows:

1. Mr. Lenzini asked if there had been any inspections to the property and if they were in compliance to the Special Use Permit.

Mr. Taylor answered that they have been in violation as to restriction d to the Special Use Permit.

2. Mr. Lenzini asked if the owners have signed an annexation agreement with the City.

Mr. Taylor answered that he did not know.

3. Mr. Lenzini asked how many jobs have been created by this business.

Mr. Taylor answered that according to the restrictions of the Special Use Permit they are allowed 4 full time employees.

4. Mr. Lenzini asked if it was common to extend a Special Use Permit past expiration.

Mr. Taylor answered that it is not common to have an expiration on a Special Use Permit.

Mr. Rick Steuder, 1190 Grand Oak Drive, came forward to express his opposition of the application with concerns to the damage and danger of the road due to excess traffic.

Mr. Jim Sheffer, 1552 Cedar Ridge Road, forward to express his opposition of the application with concerns to the cohesion of the neighborhood and that the Commission take in consideration the neighborhood concerns and to make limitations to the Special Use Permit to protect the neighborhood.

Ms. Lane Hudgins, 1260 West Lake Rd, came forward to express her opposition of the application with concerns to the neighborhood cohesion and possible violations of the current regulations of the Special Use Permit.

Mr. Anz asked if there were any questions from commission to those in opposition.

Mr. LeBeau asked Ms. Reynolds what the source was for the photos in her letter.

Ms. Reynolds answered that she retained them from a public internet domain.

Ms. Litecky asked those who spoke in opposition if the commission did not allow retail sales would that alleviate most of the concern.

Mr. Lenzini said maybe to a minor degree but he would still be in opposition.

Mr. George Sheffer asked Mr. Lenzini to explain his answer. Mr. Sheffer stated that two of the items the applicant is requesting are clerical and the other two are being asked for so the business can have the opportunity to become profitable so they can move to a better location.

Mr. Lenzini stated that the change of name and address should have been corrected in 2011. He believes that the other promises that were made in 2011 have not been lived up to.

Mr. Green stated that if the commission did approve the Special Use Permit without item 2 that it would reduce the concern but would not eliminate the concern. The concern of diminished property taxes would still be a concern for the neighborhood.

Mr. Barke asked if anyone's property value has gone down in the last four years since the current Special Use Permit has been issued.

Ms. Reynolds answered that it has not yet affected the property value but they are concerned about the effect in the future.

Mr. Anz asked if there were any more questions from the Commission to those in opposition.

There were none.

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

Mr. Taylor read part C of the staff report, with a recommendation to approve PC 16-01.

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

Mr. Barke asked if this request is denied would the current permit would still exist until the expiration date.

Mr. Taylor answered that is correct, the current permit would expire in November 2016.

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

There were none.

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

Mr. Barke asked Mr. Baird if he would like to come forward and respond to concerns from people who are in opposition.

Mr. Baird stepped forward and addressed issues pertaining to ethanol, neighborhood cohesion and whiskey fungus.

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

There were none.

Mr. Anz declared the Public Hearing PC 16-01 closed at 8:07 p.m.

Mr. Barke moved, seconded by Mr. Love, that the Commission accept as findings of fact Parts A and B of the staff report for PC 16-01, the applicant was present and spoke, two people spoke in favor and ten people spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. Barke suggested that the Commission discuss the five different items the applicant is requesting.

There was a short discussion about the different items being discussed and voting procedures.

Mr. Barke moved, seconded by Ms. Litecky, that the commission remove item 2, which grants Grand River Spirits to be open to the public and allow retail sales, from the Special Use Permit application.

The motion passed on a unanimous voice vote.

Mr. Barke moved, seconded by Ms. Litecky, that all 7 criteria have been met with the understanding that item 2 will be omitted from the list of items.

Roll Call Vote:

Yes – 4 (Barke, Sheffer, Love, Litecky)

No – 3 (LeBeau, Anz, Field)

Mr. Barke moved, seconded by Mr. Sheffer, that the Planning Commission recommend to City Council, they approve PC 16-01 with recommendation that the conditions for the Special Use Permit be as follows.

- a) Parking shall be provided for a minimum of four vehicles.
- b) The site shall be constructed as shown in Exhibit A, as it currently stands.
- c) A gate shall be provided at the entrance off of Wood Road, as it currently stands.
- d) The Special Use Permit shall be specific to Southern Sisters Spirits, LLC, d/b/a Grand River Spirits as controlled by the Illinois Secretary of State.
- e) The operation of the micro-distillery shall not surpass 2020.
- f) That planning staff shall be notified whenever there is any ownership change in the LLC.
- g) That the Special Use Permit become void if any state or federal permits or licenses held by the LLC are revoked.
- h) The site shall not be open to the public and no retail sales will be conducted, as it currently stands.

Roll Call Vote:

Yes – 4 (Barke, Sheffer, Love, Litecky)

No – 3 (LeBeau, Anz, Field)

Mr. Taylor announced that PC 16-01 passed and will be on the City Council Agenda August 11, 2015.



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

TO: City of Carbondale Planning Commission

FROM: Travis Taylor, Planner

RE: PC 16-01, Southern Sisters Spirits, Amendment to an existing Special Use Permit which allows a micro-distillery in the AG District at 444 Wood Road.

DATE: July 16, 2015

(Planning Commission Public Hearing on July 22, 2015 at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
Southern Sisters Spirits, LLC d/b/a Grand River Spirits
428 Wood Road
Carbondale, IL 62901
2. Requested Action and Background: The applicant is requesting to amend their current Special Use Permit which allows the operation of a micro-distillery in an AG, General Agriculture, district for property located on Wood Road. (Please refer to Exhibit A – Applicant’s Brief). Specifically, the applicant is requesting the following revisions to the Special Use Permit: 1) change the address listed on the permit to 428 Wood Road; 2) remove the restriction from the permit which prevents the micro-distillery from being open to the public and allowing on-site retail sales; 3) add the business name “Grand River Spirits” to the permit; 4) extend the effective period of the Special Use Permit through 2020; and 5) remove the restriction on the permit which prevents the use of more than one 250 Liter (62 gallon) pot still.

The Special Use Permit was originally granted to Southern Sister Spirits in 2011 via Resolution 2011-R-62 (Please refer to Exhibit B – Resolution approving current Special Use Permit). As a result of this permit, the property owners constructed a 2,400 square foot post frame building with an access drive off of Wood Road. The building currently houses the operations of the Grand River Spirits micro-distillery.

3. Number of Notices Sent to Owners within 1,000 feet: Forty-one (41) notices were sent to property owners located within 1,000 feet of the subject property.

4. Location: The subject property is located at 428 Wood Road (Please refer to Exhibit C - Photos of the Subject Property).
5. Size: The subject property is approximately 15.37 Acres.
6. Existing Zoning: The subject property is currently zoned AG, General Agriculture, as is land to the north, south, east, and west. Property further south is zoned R-1-15, Low Density Residential (Please refer to Exhibit D- Current Zoning).
7. Existing Land Use: The subject property currently has a home and the structure housing the micro-distillery on the east parcel, with the west parcel containing only the access drive off of Wood Road. Property to the immediate west is an Egyptian Electric substation and a single family home. Further west, across Wood Road, is H & H Drilling Company. Single family residences are located north, south, and east of the subject property (Please refer to Exhibit E- Existing Land Use).
8. Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Plan designates the subject property and property to the immediate north, east, west, and south as Estate. Land further south is designated as Suburban Residential and Neighborhood Conservation (Please refer to Exhibit F- 2010 Comprehensive Plan Future Land Use).

The 2010 Comprehensive Plan provides an action item that applies to this Special Use request. Focus Area 5.6 applies- Bolster entrepreneurial activity in the City and encourage the private sector to become more engaged in leading economic development efforts.

9. Zoning History: The subject property has been zoned AG, General Agriculture, since the adoption of the current zoning ordinance in 1974.
10. Applicable Regulations:

Statement of Intent of Existing Zoning District:

Section 15-2D-17: AG, General Agriculture.

Statement of Intent: This district is created to provide land for purposes devoted primarily to the production of agricultural products such as field crops, livestock, fowl and other conventional agricultural pursuits. Other limited compatible uses are also permitted. This district is also created to assist in the conservation of the natural resources within the jurisdiction of this chapter by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and floodwater damages. Utilities other than electricity and telephone should be provided by the land user thereby discouraging the uneconomical extension of public water supply and sewage disposal facilities. Uses not related to agriculture are discouraged. When the public interest will be served and only when a contribution will be made to orderly growth, portions of this district may be rezoned for alternative uses.

Special Uses:

Sec. 15-2H-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 Chapter, it shall be considered a lawful special use.

Sec. 15-2H-2: Procedures

- C. Hearing: 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:
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.
 2. The establishment, maintenance, or operation of the special use will not be detrimental to or 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.
 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.
 5. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 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.
 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 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.

(Please refer to the Zoning Ordinance for additional zoning district regulations.)

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: There is a six inch Murdale Water District line running along Wood Road.

Sanitary Sewer: The subject property is served by an on-site septic system. There is also a force main located on Striegel Road that ties into the City's sewer system.

Storm Sewer: The subject property has no storm sewer. Runoff follows natural ditches and drainage ways.

2. Public Services: The subject property is located outside of the Carbondale City limits and is served by the Jackson County Sheriff's Department and Carbondale Township Fire Department.
3. Traffic Counts: The Illinois Department of Transportation Traffic Map provides the following average daily traffic counts in the immediate area:

	<u>Average Daily Traffic</u>
Wood Road	275 ADT
W. Striegel Road	325 ADT

4. Correspondence Received: As of the writing of this report, staff has been contacted by two residents that had general questions regarding the request.

PART C. ANALYSIS

The applicant, Southern Sisters Spirits, is requesting an amendment to an existing Special Use Permit which allows a micro-distillery in an AG District.

The following are staff's responses to the seven criteria for granting a special use (Section 15-6.8.2.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.*

The proposed special use will continue to provide an opportunity for economic development for the area. Grand River Spirits has proven its success and by selling product outside of southern Illinois, continues to be an economic driver by bringing money into the region. The building for the micro-distillery is set back off of the roadway and surrounded with enough vegetation that there is no detrimental effect of the business on the character of the surrounding neighborhood. It is staff's opinion that the desirability and stability of the area would be maintained.

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

It is staff's opinion that the establishment of the micro-distillery is not detrimental to or endangers the public health, safety or general welfare. Access to the site is currently prevented by a security gate, which is open only during hours of operation and for shipments.

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.*

The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity. Since this site is only open to the public two days a week, there will be minimal traffic coming in and out of the property and little increase in vehicle traffic on the adjacent roads. The increase in production at the facility is not expected to increase shipments to the facility. In fact, the applicant anticipates that the ability to make larger batches will result in the transportation of a larger amount of product/materials per shipment. Therefore, the applicant expects to maintain or decrease the amount of shipments to and from the facility.

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 continued operation of the micro-distillery will not impede future development in the area, nor should it inhibit the improvement of the area for other permitted uses in the district.

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

Adequate utilities, access roads and drainage are in place for the use of the micro-distillery and the proposed amendments to the Special Use Permit.

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.*

As built, the micro-distillery has one gravel drive access road from Wood Road. Ingress and egress to the facility is provided from this road. The proposed amendments which will open the facility up for public two days a week and increase production are not expected to have an adverse effect on traffic congestion.

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 AG District allows micro-distilleries as a special use. The allowance of the special use would conform to all requirements of this section.

ADDITIONAL ANALYSIS

Southern Sisters Spirits is requesting an amendment to their current Special Use Permit which allows a micro-distillery in the AG, General Agriculture, District located on Wood Road. In September of 2011, the Carbondale City Council approved a text amendment which allowed

wineries, microbreweries, and micro-distilleries as a Special Use in the AG District. At that time, it was emphasized that the City should nurture the expansion of these growing fields in the region and take advantage of their potential economic development benefits. Southern Sisters Spirits subsequently applied for and received a Special Use Permit via City Council Resolution 2011-R-62 on November 15, 2011.

At that time, the Special Use Permit was approved with the following conditions:

- a) Parking shall be provided for a minimum of four vehicles
- b) The site shall be constructed as shown in Exhibit A.
- c) A gate shall be provided at the entrance off of Wood Road
- d) The site shall not be open to the public and no retail sales will be conducted.
- e) The Special User Permit shall be specific to Southern Sisters Spirits, LLC, as controlled by the Illinois Secretary of State.
- f) The operation of the micro-distillery shall be limited to five years.
- g) The microdistillery shall be limited to the use of one 250 Liter (approx.. 62 gallon) pot still.
- h) That planning staff shall be notified whenever there is any ownership change in the LLC.
- i) That the Special User Permit become void if any state or federal permits or licenses held by the LLC are revoked.

The applicant is requesting that conditions “d” and “g” be omitted, therefore allowing the distillery to use a larger pot still and be open to the public for retail sales. The applicant is also requesting that the effective address of the permit be changed to 428 Wood Road, “d/b/a Grand River Spirits” be added to condition “e,” and condition “f” be revised to allow the operation of the micro-distillery through year 2020.

The placement of a micro-distillery has been appropriate in the General Agriculture district since the distillation process uses locally grown agricultural products such as grains and fruits. In fact, through conversations with the owners of the micro-distillery, it is clear that the primary goal of Grand River Spirits is to use as many local products as possible. From locally bought grains (from Effingham, Illinois) to partnering with local wineries, the micro-distiller goes out of their way to work with products and materials from the region. The small operation of Grand River Spirits has seen success these past few years and has expanded their sales throughout Illinois. As a result of this growth, the applicant is looking to expand the effective time period of the Special Use Permit and allow the distillery to utilize a larger pot still. The current set up for the micro-distillery involves a large mash tun which produces enough mash to run the current still approximately six times. The applicant is asking for this condition to be removed as to allow for a more efficient process where the volume of the still will be comparable to the amount of mash that may be produced.

While Grand River Spirits has seen success and anticipates a greater output in the future, the owners say there is no need to hire more than the four full-time equivalent employees as was proposed with the original Special Use Permit. The applicant is also not proposing to be open to the public more than two days a week. The distillery will be open to the public on Friday from 4 PM to 7 PM and Saturday from 10 AM to 3 PM. During these times, Grand River Spirits will

offer tours of the facility. The applicant is seeking an amendment to the Special Use Permit to allow the micro-distillery to be open for patrons during this time and allow the purchase of their products on-site. The applicant has no intention of expanding these hours or modifying its building layout to cater directly towards public tours or retail sales. Patrons will only be able to purchase spirits by the bottle and will not be allowed to drink the product on site. As built, the facility is very limited in size and would therefore only be able to handle small groups for tours at any one time. It is staff's opinion that these changes will have no perceivable effect on the amount of traffic the micro-distillery currently receives. The amount of parking required by the Special Use Permit and provided by the micro-distillery, four spaces, should be sufficient for the business. Maintaining these spaces will meet City Code Requirements.

Per Illinois law, if a micro-distillery sells its product on-premises, it is limited to producing 5,000 gallons per year. While Grand River Spirits is hoping to purchase a larger pot still, they will not exceed this limit. As the property is not located within City limits, the business does not require a liquor license from the Liquor Control Commission.

It should be noted that the City has received no complaints regarding the operation of the micro-distillery since its inception.

PART C. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 16-01. The conditions of the current Special Use Permit as amended by this application will read:

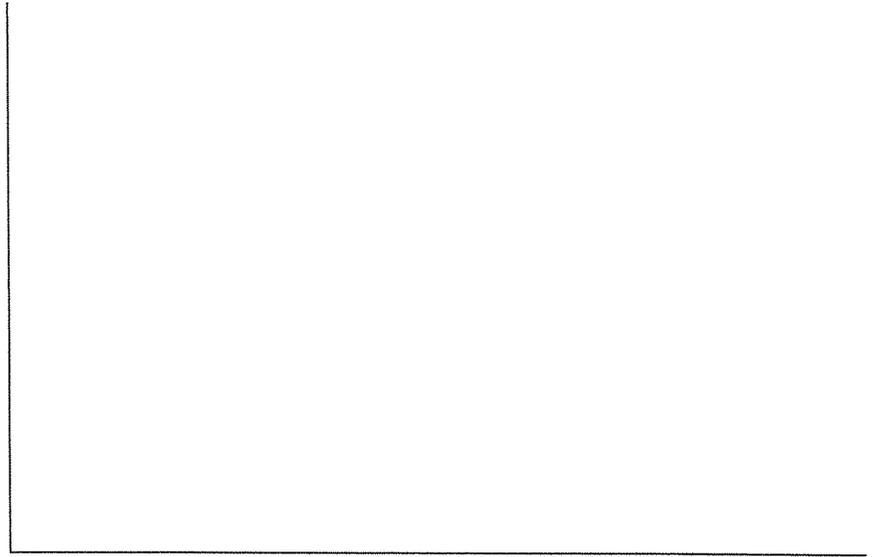
- a) Parking shall be provided for a minimum of four vehicles
- b) The site shall be constructed as shown in Exhibit A.
- c) A gate shall be provided at the entrance off of Wood Road
- d) The Special User Permit shall be specific to Southern Sisters Spirits, LLC, d/b/a Grand River Spirits as controlled by the Illinois Secretary of State.
- e) The operation of the micro-distillery shall not surpass 2020.
- f) That planning staff shall be notified whenever there is any ownership change in the LLC.
- g) That the Special User Permit become void if any state or federal permits or licenses held by the LLC are revoked.

Addendum 1—Carbondale Zoning Application

In reference to Resolution No. 2011-R62 approved on 11/17/2011 A RESOLUTION APPROVING A SPECIAL USE PERMIT ALLOWING A MICRO-DISTILLERY IN AN AG DISTRICT we would like to make the following changes to your special use permit as follows

1. Change the address listed to 428 Wood Rd.
2. Omit line item d
3. Line item e add dba Grand River Spirits after the Southern Sisters Spirits, LLC
4. Line Item f change five years to the year 2020
5. Omit line item g

We believe this will allow the company to continue to grow without any impact to the surrounding property owners. It is our intention to move to a new location near or in Carbondale by 2020.



RESOLUTION NO. 2011-R-62

A RESOLUTION APPROVING A SPECIAL USE PERMIT ALLOWING A
MICRO-DISTILLERY IN AN AG DISTRICT
(444 Wood Road)

WHEREAS, a Petition has been filed with the City of Carbondale by Southern Sisters Spirits, LLC, requesting that certain property within the zoning jurisdiction of the City of Carbondale be granted a Special Use Permit to allow a micro-distillery in an AG, General Agriculture, zoning 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 16th day of October, 2011, 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 15-2H-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 7:00 p.m. on the 2nd day of November, 2011, 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 12-06, Southern Sisters Spirits, LLC's request for a Special Use Permit to allow a micro-distillery in an AG, General Agriculture, zoning 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 a Special Use Permit to allow a micro-distillery in the AG, General Agriculture, zoning district at the property shown in Exhibit A attached hereto is approved for the property described below as:

GENERAL DESCRIPTION

444 Wood Road
Parcel Number: 15-18-301-008 and -014

3. That the Special Use granted shall be subject to the following conditions:
 - a. Parking shall be provided for a minimum of four vehicles.
 - b. The site shall be constructed as shown in Exhibit A.
 - c. A gate shall be provided at the entrance off of Wood Road.
 - d. The site shall not be open to the public and no retail sales will be conducted.
 - e. The Special Use permit shall be specific to Southern Sisters Spirits, LLC, as controlled by the Illinois Secretary of State.
 - f. The operation of the micro-distillery shall be limited to five years.
 - g. The micro-distillery shall be limited to the use of one 250 Liter (approx. 62 gallon) pot still.
 - h. That planning staff be notified whenever there is any ownership change in the LLC.
 - i. That the Special Use Permit become void if any state or federal permits or licenses held by the LLC are revoked.
4. That this Resolution be spread at length upon the minute records of the City

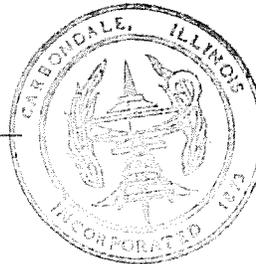
Council of the City of Carbondale, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of Carbondale, Illinois on the 6th day of December, 2011.

APPROVED: _____
/ Joel Fritzler, Mayor

FOR: Jack, Fronabarger, McDaniel,
Wissmann, Monty, Adams, Fritzler
AGAINST: None
PASSED: 11/15/2011
APPROVED: 11/17/2011
RECORDED: 11/17/2011
PUBLISHED: 11/17/2011

ATTEST: _____
Rachael E. Moore, City Clerk



APPROVED AS TO LEGALITY AND FORM:

/ P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

/ Meagan Jones, Planner

Exhibit C - Photographs of Subject Property



Facing the access drive off of Wood Road



Facing west across Wood Road



Facing south along Wood Road



Facing north along Wood Road



Facing the Southern Sisters Spirits facility



View of Southern Spirits from the Southeast corner of the building

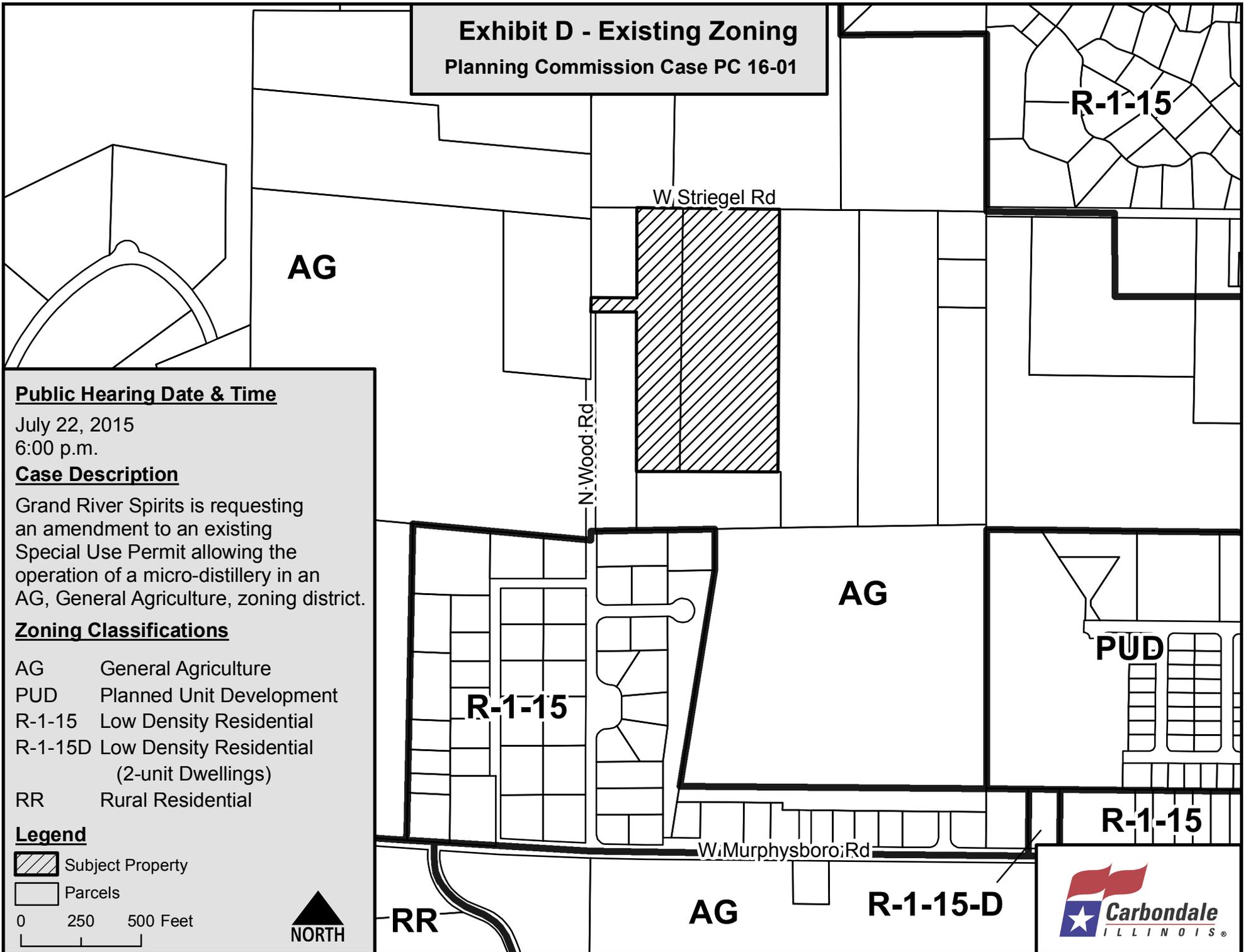


Aging spirits and storage with the mash tun and still on the right.



Mash tun on left with the still on the right.

Exhibit D - Existing Zoning
 Planning Commission Case PC 16-01



Public Hearing Date & Time

July 22, 2015
 6:00 p.m.

Case Description

Grand River Spirits is requesting an amendment to an existing Special Use Permit allowing the operation of a micro-distillery in an AG, General Agriculture, zoning district.

Zoning Classifications

- AG General Agriculture
- PUD Planned Unit Development
- R-1-15 Low Density Residential
- R-1-15D Low Density Residential (2-unit Dwellings)
- RR Rural Residential

Legend

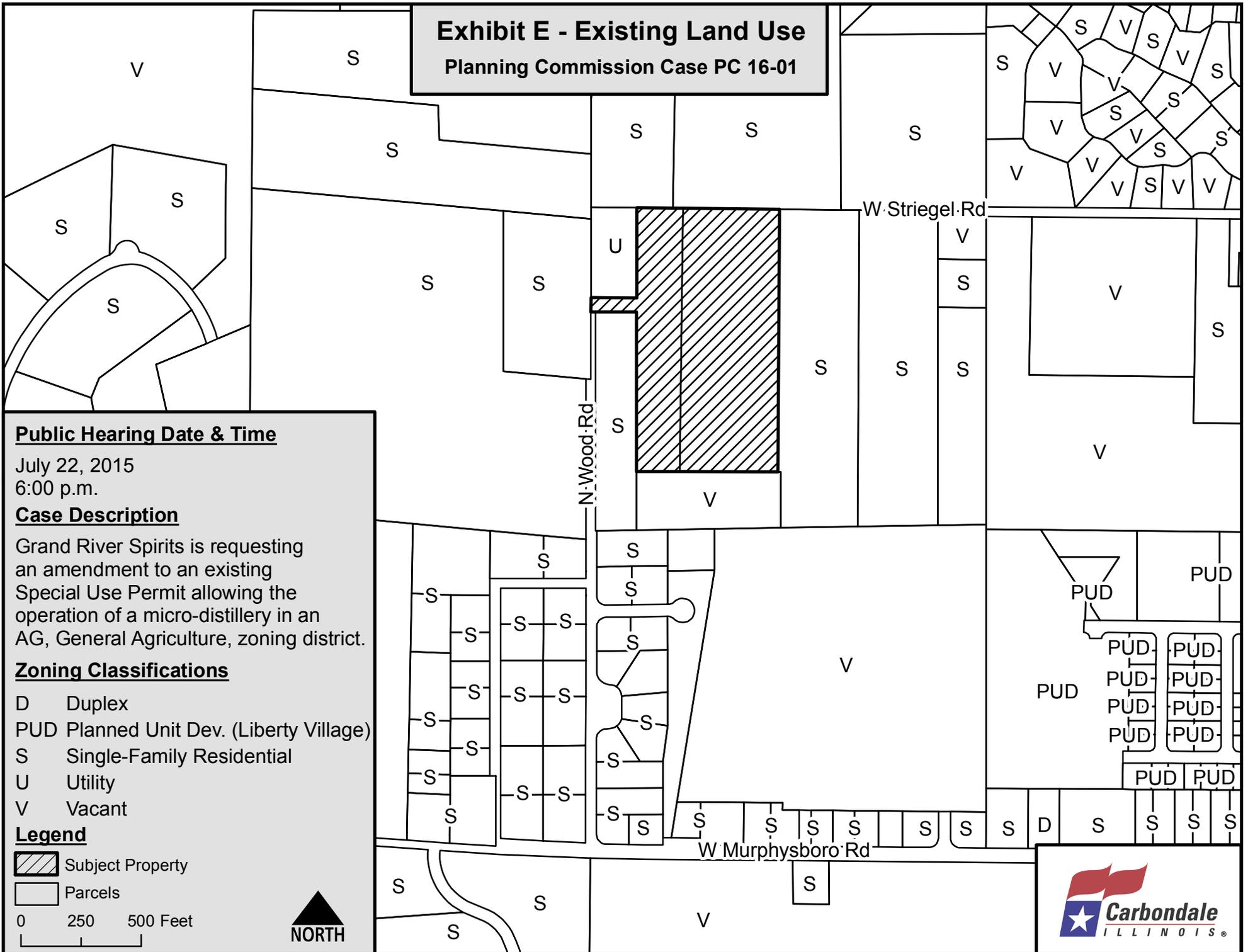
 Subject Property

 Parcels

0 250 500 Feet



Exhibit E - Existing Land Use
Planning Commission Case PC 16-01



Public Hearing Date & Time

July 22, 2015
 6:00 p.m.

Case Description

Grand River Spirits is requesting an amendment to an existing Special Use Permit allowing the operation of a micro-distillery in an AG, General Agriculture, zoning district.

Zoning Classifications

- D Duplex
- PUD Planned Unit Dev. (Liberty Village)
- S Single-Family Residential
- U Utility
- V Vacant

Legend

 Subject Property

 Parcels

0 250 500 Feet



Exhibit F - Future Land Use
Planning Commission Case PC 16-01

**Neighborhood
Preservation**

Estate

W Striegel Rd

Estate

N Wood Rd

Public Hearing Date & Time

July 22, 2015
6:00 p.m.

Case Description

Grand River Spirits is requesting an amendment to an existing Special Use Permit allowing the operation of a micro-distillery in an AG, General Agriculture, zoning district.

Legend

 Subject Property

 Parcels

0 250 500 Feet



Estate

**Neighborhood
Preservation**

**Suburban
Residential**

**Neighborhood
Preservation**

W Murphysboro Rd

Suburban Residential

