

# Request for City Council Action

**Date:** October 6, 2015

<b>Agenda Section:</b> Consent  <b>No. 5</b>	<b>Originating Department:</b>  Planning Services/Legal
<b>Item:</b> An Ordinance approving and a Resolution denying Rolf Schilling’s request to rezone a 2.06 acre portion of property located at 701 South Tower Road from the AG, General Agriculture, zoning district to the R-1-15, Low Density Residential district.	<b>Approved:</b>
<b>No. 5.10</b>	

**Background and Summary:**

Rolf Schilling is requesting to rezone a 2.06 acre tract located at 701 South Tower Road from the AG, General Agriculture, zoning district to the R-1-15, Low Density Residential District. The applicant is requesting this rezoning so that he may subdivide the property into two parcels. One parcel would contain the single family residence and the second parcel will contain the pond. The applicant intends to sell the parcel with the residence and retain the parcel with the pond. The applicant could not legally subdivide the property as the parcel created with the residence would not meet the minimum lot size requirements of 5 acres for the AG, General Agriculture, district.

Attached for City Council review are the following:

1. An Ordinance approving and a Resolution denying the rezoning request.
2. A copy of the unapproved minutes of the Planning Commission for public hearing PC 16-03.
3. A copy of the staff report to the Planning Commission. (PC 16-03)

**Additional Information:**

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on September 23, 2015, and voted (7-yes, 0-no) on a motion to recommend approval of the rezoning request. A notice of public hearing was published in the *Southern Illinoisan* newspaper on September 6, 2015, and eighteen (9) property owners within 250 feet 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.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager’s Approval Obtained
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Council Action: Motion by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ to \_\_\_\_\_

2. *Financial Impact:* No financial impact is expected.
3. *Staff Impact:* Staff will be responsible for issuing all applicable zoning and building permits.

**Recommended Action:**

It is recommended that the City Council “move to adopt the Ordinance approving the request to rezone property located at 701 South Tower Road from the AG, General Agriculture, district to the R-1-15, Low Density Residential, district..”

If the Council wishes to deny the rezoning, it should “move to adopt the Resolution denying the request to rezone property located at 701 South Tower Road from the AG, General Agriculture, district to the R-1-15, Low Density Residential, district.”



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 701 South Tower Road)

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

THE 6<sup>th</sup> DAY OF OCTOBER, 2015

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 7<sup>th</sup> day of October, 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 7<sup>th</sup> day of October, 2015.

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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 701 South Tower Road)

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

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

WHEREAS, a Petition has been filed by Rolf Schilling, with the City of Carbondale, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from AG, General Agriculture, to R-1-15, Low Density Residential; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 6<sup>th</sup> day of September, 2015, being at least (15) days prior to said hearing; and,

WHEREAS, the administrative official posted a notice on said properties and served notice on all the property owners within 250 feet of said property according to Section 15-6.7.1.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 23<sup>rd</sup> day of September, 2015, 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 16-03, Rolf Schilling, AG, General Agriculture, to R-1-15, Low Density Residential; 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**

701 South Tower Road

**Legal Description**

A Part of the West half of the Southeast Quarter of Section 19, Township 9 South, Range 1 West of the Third Principal Meridian in the City of Carbondale, Jackson County, Illinois.

Commencing at the Southwest corner of the West half of the Southeast Quarter of said Section 19; thence North along the West line of said West half and centerline of Tower Road in the city of Carbondale, with a bearing of N00°00'00"E, a distance of 1140.99 feet; thence East with a bearing of N89°36'00"E a distance of 25.00 feet to the East Right of Way line of Tower Road and the POINT OF BEGINNING of the land herein described; thence North along said Right of Way line with a bearing of 00°00'00" a distance of 257.79 feet; thence East with a bearing of N89°36'00"E a distance of 347.89 feet; thence South parallel with the East Right of Way line of Tower Road, with a bearing of S00°00'00"W a distance of 257.79 feet; thence West with a bearing of S89°36'00"W a distance of 347.89 feet to the point of beginning of the land herein described, containing 2.06 acres more or less. (Parcel Number 15-14-451-015)

Section 2. That the real property described herein above and as shown in "Exhibit A" is hereby zoned R-1-15, Low Density Residential District.

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

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

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

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

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

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

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

APPROVED: \_\_\_\_\_  
John M. Henry, Mayor

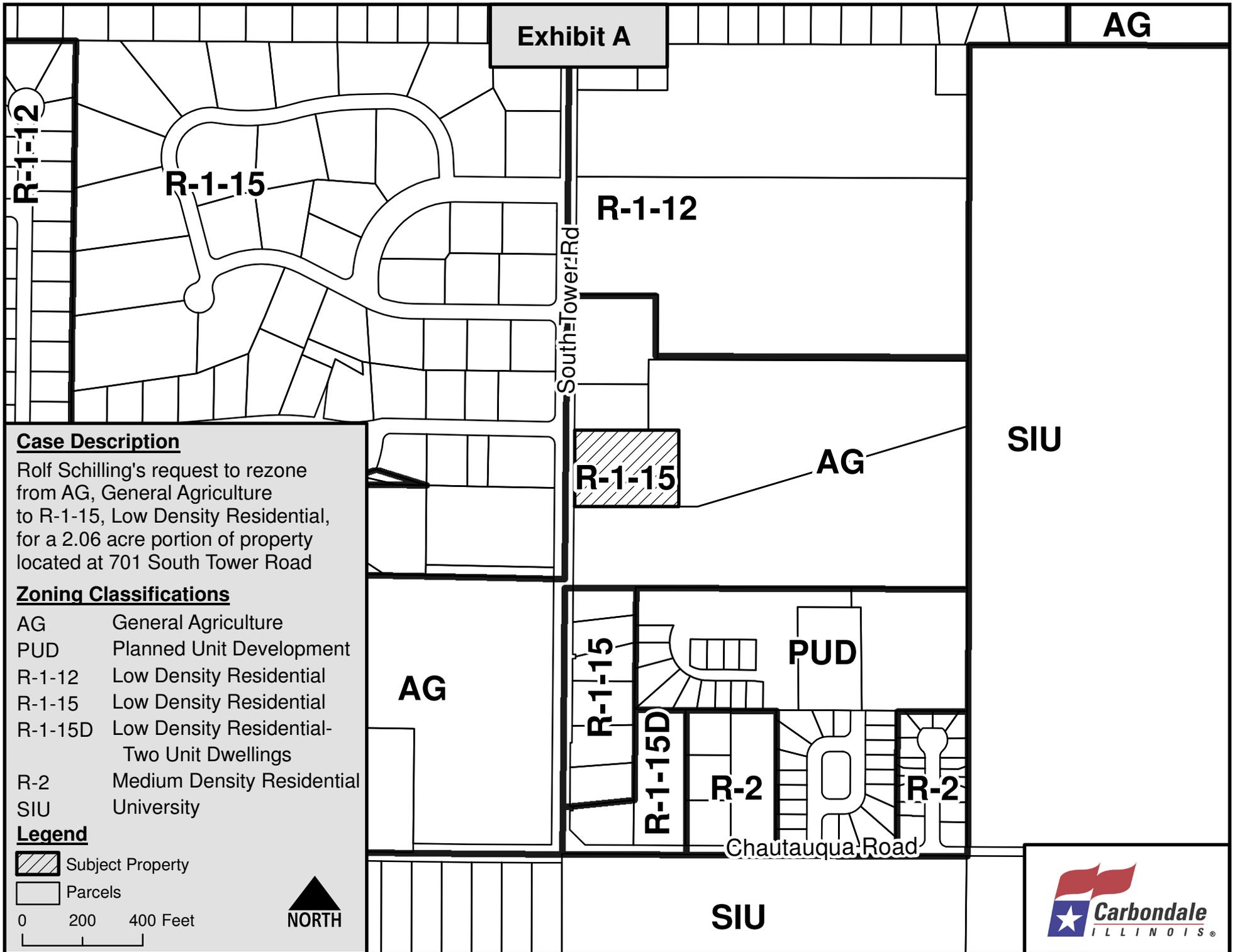
ATTEST: \_\_\_\_\_  
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

\_\_\_\_\_  
Jessica Sergeev, Planner



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 701 South Tower Road)

WHEREAS, a Petition has been filed by Rolf Schilling, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from the AG, General Agriculture, district to the R-1-15, Low Density Residential, district; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 6<sup>th</sup> day of September, 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 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 23<sup>rd</sup> day of September, 2015, 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 16-03, Rolf Schilling, AG, General Agriculture, to R-1-15, Low Density Residential; 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**

701 South Tower Road

**Legal Description**

A Part of the West half of the Southeast Quarter of Section 19, Township 9 South, Range 1 West of the Third Principal Meridian in the City of Carbondale, Jackson County, Illinois.

Commencing at the Southwest corner of the West half of the Southeast Quarter of said Section 19; thence North along the West line of said West half and centerline of Tower Road in the city of Carbondale, with a bearing of N00°00'00"E, a distance of 1140.99 feet; thence East with a bearing of N89°36'00"E a distance of 25.00 feet to the East Right of Way line of Tower Road and the POINT OF BEGINNING of the land herein described; thence North along said Right of Way line with a bearing of N00°00'00"E a distance of 257.79 feet; thence East with a bearing of N89°36'00"E a distance of 347.89 feet; thence South parallel with the East Right of Way line of Tower Road, with a bearing of S00°00'00"W a distance of 257.79 feet; thence West with a bearing of S89°36'00"W a distance of 347.89 feet to the point of beginning of the land herein described, containing 2.06 acres more or less. (Parcel Number 15-14-451-015)

Section 2. That said petition as represented by PC 16-03 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 AG, General Agriculture.

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 6<sup>th</sup> day of October, 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:

\_\_\_\_\_  
Jessica Sergeev, Planner

**Exhibit A**

**AG**

**R-1-12**

**R-1-15**

**R-1-12**

South Tower Rd

**AG**

**AG**

**SIU**

**Case Description**

Rolf Schilling's request to rezone from AG, General Agriculture to R-1-15, Low Density Residential, for a 2.06 acre portion of property located at 701 South Tower Road

**Zoning Classifications**

- AG General Agriculture
- PUD Planned Unit Development
- R-1-12 Low Density Residential
- R-1-15 Low Density Residential
- R-1-15D Low Density Residential-  
Two Unit Dwellings
- R-2 Medium Density Residential
- SIU University

**Legend**

 Subject Property

 Parcels

0 200 400 Feet



**AG**

**R-1-15**

**R-1-15D**

**R-2**

**PUD**

**R-2**

Chautauqua Road

**SIU**



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

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TO: City of Carbondale Planning Commission

FROM: Jessica Sergeev, Planner

RE: PC 16-03, Rolf Schilling of the 3880 Land Trust is requesting a rezoning from AG, General Agriculture, to R-1-15, Low Density Residential

DATE: August 15, 2015

**(Planning Commission Public Hearing on September 23, 2015 at 6:00 p.m.)**

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PART A. GENERAL INFORMATION

1. Applicant:  
Rolf Schilling (3880 Land Trust)  
703 South Tower Road  
Carbondale, IL 62901
2. Requested Action and Background: The applicant is requesting to rezone 701 South Tower Road from AG, General Agriculture, to R-1-15, Low Density Residential. The applicant resides at 703 South Tower Road and recently purchased the adjacent property to the north at 701 South Tower Road. The applicant is requesting this rezoning so that he may subdivide the purchased property into two parcels. One parcel would contain the single family residence and the second parcel will contain the pond. The applicant intends to sell the parcel with the residence and retain the parcel with the pond. The applicant could not legally subdivide the property as the parcel created with the residence would not meet the minimum lot size requirements of 5 acres for the AG, General Agriculture, district. (Please refer to Exhibit A – Applicant’s Brief).
3. Number of Notices Sent to Owners within 250 feet: Notices were sent to nine (9) property owners within 250 feet of the subject property.
4. Location: The subject property is located at 701 South Tower Road (Please refer to Exhibit B – Photographs of the Subject Property).
5. Size: The subject property is approximately 2.06 acres.

6. Existing Zoning: The subject property is currently zoned AG, General Agriculture, as is property to the south. Property to the north is zoned AG, General Agriculture, and R-1-12, Low Density Residential. Property to the west is R-1-15, Low Density Residential. Property to the east is zoned SIU, University District (Please refer to Exhibit C – Existing Zoning).
7. Existing Land Use: The subject property currently contains a single family residence. Properties to the immediate north, south, and west are single family homes. East is property owned by SIU and is used for agricultural purposes. (Please refer to Exhibit D – Existing Land Use).
8. Comprehensive Plan: The 2010 Comprehensive Plan Future Land Use Plan designates the subject property and properties to the immediate north and south as Estate. The property to the east is designated Public Institution. Across Tower Road, to the west, is designated Neighborhood Conservation. (Please refer to Exhibit E – 2010 Comprehensive Plan Future Land Use).
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 Relevant Zoning Districts:**

§15.2.9.1 AG General Agriculture District

Statement of Intent: This district is created to provide land for purposes devoted primarily to the production of agricultural products such as field crops, livestock, fowl and other conventional agricultural pursuits. Other limited compatible uses are also permitted. This district is also created to assist in the conservation of the natural resources within the jurisdiction of this ordinance by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and floodwater damages. Utilities other than electricity and telecommunications 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.

Section 11-1: R-1-15, Low Density Residential

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).

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to a twelve (12) inch City of Carbondale water line along South Tower Road.

Sanitary Sewer: The subject property is not served by the City of Carbondale sanitary sewer system. The property is served by a private aeration 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 within of the Carbondale City limits and is served by the City of Carbondale’s Police and 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>
South Tower Road	2200 ADT

4. Correspondence Received: As of the date of this report, Staff has received one phone call regarding this request asking general questions.

PART C. ANALYSIS

The applicant is requesting to rezone the northwest 2.06 acres of a 10.72 acre parcel of land at 701 Tower Road from AG, General Agriculture, to R-1-15, Low Density Residential. The applicant is requesting this rezoning so that he may subdivide the purchased property into two parcels. One 2.06 acre parcel would contain the single family residence and the 8.66 acre parcel will contain the pond. The applicant intends to sell the parcel with the residence and retain the parcel with the pond. The rezoning is necessary as the AG district does not allow for a lot to be less than 5 acres and the subdivision would create a zoning violation.

The subject property is located on South Tower Road between Chautauqua Road and West Kent Drive and directly west of West Alveria Drive. The surrounding land uses consist of low density residential uses with an average lot size of less than one (1) acre. The rezoning to the R-1-15, Low Density Residential, district would allow for permitted uses harmonious with the abutting residential neighborhood. The residence was built in the 1986 and would remain residential with rezoning approval.

The subject property abuts an R-1-15, Low Density Residential, district on the west side of the property, making the transition from AG, General Agriculture, to R-1-15, Low Density Residential, a reasonable request. Upon rezoning, the property would seamlessly become a part of this already established zoning district. The rezoning of the subject property is permitted

within the Carbondale Revised Code as the resulting property will meet minimum lot size and land use requirements of the R-1-15, Low Density Residential, district.

The rezoning would make the property more in line with the neighboring properties which are residential in nature. The property is currently used for residential and personal recreation, not agriculture purposes. The rezoning and subdivision would allow for the sale of the residence to someone who does not wish to maintain the entire property for recreation. The subdivision would also allow for the applicant to own the pond in its entirety whereas currently it is divided between two owners. The properties to the north and south of the subject property are single family residences, which would not be affected by the rezoning. The property to the east is owned by SIU and used for agricultural purposes. However, Southern Illinois University's property abuts residential districts on three separate boundaries and the rezoning of the property to R-1-15 would not affect the property to continue to be used for agriculture.

Given the current state of the neighborhood and the planned use of the property, the proposed rezoning should not have any negative impact.

#### PART C. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 16-03.

## Exhibit A: Applicant's Brief

I am requesting a rezoning for 701 S Tower Rd from AG to R-1. The property is being sold to our land trust by the existing owner with 2.06 acres and does not comply with the current zoning of AG.

Rolf Schilling

Exhibit B – Photographs of Subject Site



Subject Property facing east from South Tower Road



Facing west across South Tower Road



Facing south on South Tower Road



Facing north on South Tower Road

**Exhibit C- Existing Zoning**  
 Planning Commission Case PC 16-03

**AG**

**R-1-12**

**R-1-15**

**R-1-12**

South Tower Rd

**Public Hearing Date & Time**

September 23, 2015  
 6:00 p.m.

**Case Description**

Rolf Schilling is requesting a rezoning from AG, General Agriculture to R-1-15, Low Density Residential, for a 2.06 acre portion of property located at 701 South Tower Road

**Zoning Classifications**

- AG General Agriculture
- PUD Planned Unit Development
- R-1-12 Low Density Residential
- R-1-15 Low Density Residential
- R-1-15D Low Density Residential-  
Two Unit Dwellings
- R-2 Medium Density Residential
- SIU University

**Legend**

-  Subject Property
  -  Parcels
- 0 200 400 Feet



**AG**

**SIU**

**AG**

**R-1-15**

**PUD**

**R-1-15D**

**R-2**

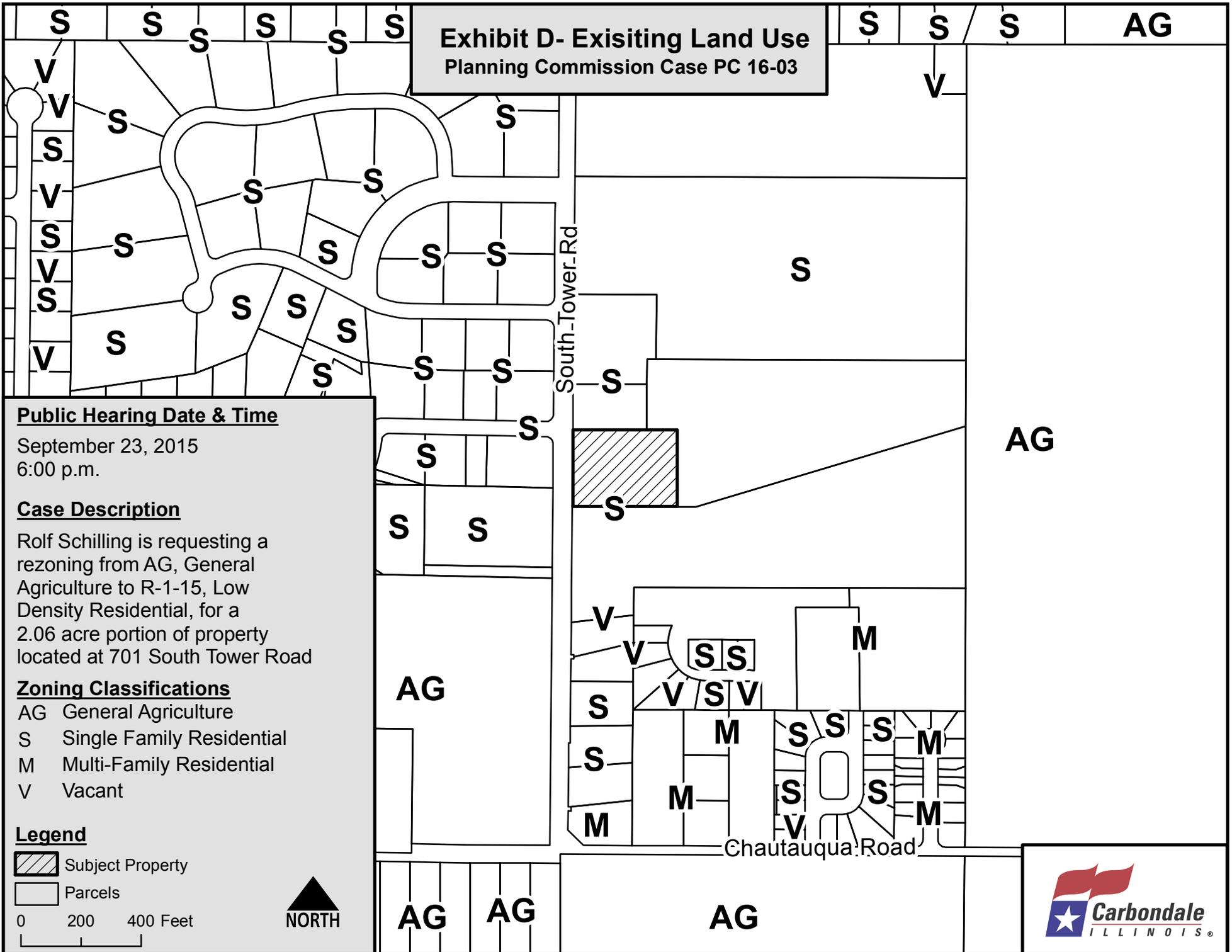
**R-2**

Chautauqua Road

**SIU**



**Exhibit D- Existing Land Use**  
 Planning Commission Case PC 16-03



**Public Hearing Date & Time**

September 23, 2015  
 6:00 p.m.

**Case Description**

Rolf Schilling is requesting a rezoning from AG, General Agriculture to R-1-15, Low Density Residential, for a 2.06 acre portion of property located at 701 South Tower Road

**Zoning Classifications**

- AG General Agriculture
- S Single Family Residential
- M Multi-Family Residential
- V Vacant

**Legend**

 Subject Property

 Parcels

0 200 400 Feet



**Exhibit E- Existing Land Use**  
Planning Commission Case PC 16-03

**Neighborhood  
Conservation**

South Tower Rd

**Estate**

**Public Institution**

**Public Hearing Date & Time**

September 23, 2015  
6:00 p.m.

**Case Description**

Rolf Schilling is requesting a rezoning from AG, General Agriculture to R-1-15, Low Density Residential, for a 2.06 acre portion of property located at 701 South Tower Road

**Legend**

 Subject Property

 Parcels

0 200 400 Feet



**Suburban  
Residential**

**Public Institution**

Chautauqua Road





## MINUTES

**Carbondale Planning Commission**  
**Wednesday, September 23, 2015**  
**Room 108, 6:00 p.m.**  
**City Hall/Civic Center**

Mr. Anz called the meeting to order at 7:20 p.m.

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**Members Present:** LeBeau, Sheffer, Anz, Field, Love, Lilly, Litecky and Bradshaw (ex-officio)

**Members Absent:** Barke and Schachel

**Staff Present:** Wallace and Taylor

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### **1. Approval of Minutes:**

Ms. Litecky moved, seconded by Mr. Sheffer, to approve the minutes for August 19, 2015.

The motion to approve the minutes passed with a unanimous voice vote.

### **2. Report of Officers, Committees, Communications**

There were none

### **3. Citizen Comments or Questions**

There were none

### **4. Public Hearings**

**PC 16-03** - Rolf Schilling of the 3880 Land Trust has requested a rezoning from AG, General Agriculture, to R-1-15, Low Density Residential, for property located at 701 South Tower Road.

Mr. Anz declared Public Hearing PC 16-03 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace, Director of Development Services, 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. Litecky asked how the parcel was going to be subdivided.

Mr. Taylor stated that the parcel will be divided into two lots east and west.

Mr. Wallace added that the applicant lives just to the south of the parcel and that his intent is to combine the land with the pond and his current property.

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. Rolf Schilling, 703 South Tower Road, explained how he came about purchasing the property at 701 South Tower Road and his intentions for the property.

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

There were none.

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.

There were none.

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

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 16-03.

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

There were none.

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

There were none.

Mr. Anz declared Public Hearing PC 16-03 closed at 7:36 p.m.

Mr. Sheffer moved, seconded by Ms. Litecky, that the Commission accept as findings of fact Parts A and B of the staff report for PC 16-03, the applicant was present and spoke.

The motion passed on a unanimous voice vote.

Mr. Sheffer moved, seconded by Ms. Lilly, that the Planning Commission recommend to City Council, to approve PC 16-03.

Roll Call Vote:

Yes – 7 (LeBeau, Sheffer, Anz, Field, Love, Lilly, Litecky)

No – 0

Mr. Wallace announced that the motion to approve PC 16-03 passed and will be on the City Council Agenda for October 6, 2015.

**5. Old Business**

None

**6. New Business**

**A. City Council Agendas of September 01, 2015, and September 15, 2015**

Ms. Bradshaw and Mr. Wallace reviewed the City Council meeting agendas as they related to Planning.

**7. Adjournment**

Mr. Anz adjourned the meeting at 7:47 p.m.