

Request for City Council Action

Date: October 6, 2015

Agenda Section: General Business No. 6	Originating Department: Planning Services/Legal
Item: An Ordinance approving and a Resolution denying Robert Casper's request to rezone property located at 217 South Giant City Road from the R-1-15, Low Density Residential, zoning district to the RMH, Planned Mobile Home district. No. 6.1	Approved:

Background and Summary:

Robert Casper is requesting to rezone a 3.5 acre tract located at 217 South Giant City Road from the R-1-15, Low Density Residential, zoning district to the RMH, Planned Mobile Home District. The applicant wishes to relocate a mobile home from his personal property at 2335 New Era Road to the Country Estates Mobile Home Park. Country Estates Mobile Home Park is currently considered a legal non-conforming use as the mobile home park predates the original 1974 zoning ordinance. As it is illegal to expand a legal non-conforming use, the applicant is requesting a rezoning from R-1-15 to RMH.

The City Council first discussed this item during its September 1, 2015, meeting. At this meeting, the Council raised questions and posed several ideas to the applicant and City staff. Council then moved to table the item and tasked City staff with reviewing any viable alternatives to the rezoning. Since the meeting, staff has reviewed the suggestions posed by City Council and concluded that the only option for the applicant is the rezoning of the subject property at 217 South Giant City Road.

Attached for City Council review are the following:

1. An Ordinance approving and a Resolution denying the rezoning request.
2. A copy of the minutes of the Planning Commission for public hearing PC 16-02.
3. A copy of the staff report to the Planning Commission. (PC 16-02)

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 _____

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on August 19, 2015, and voted (6-yes, 0-no) on a motion to recommend denial of the rezoning request. A notice of public hearing was published in the *Southern Illinoisan* newspaper on August 2, 2015, and eighteen (18) property owners within 250 feet of the subject property were notified of the hearing by certified mail. The applicant was present and three (3) people spoke in opposition to the request.
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 Resolution denying the request to rezone property located at 217 South Giant City Road from the R-1-15, Low Density Residential, district to the RMH, Planned Mobile Home district.”

If the Council wishes to approve the rezoning, it should “move to adopt the Ordinance approving the request to rezone property located at 217 South Giant City Road from the R-1-15, Low Density Residential, district to the RMH, Planned Mobile Home 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 217 South Giant City Road)

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THE 6th DAY OF OCTOBER, 2015

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

Jennifer Sorrell, City Clerk
City of Carbondale, Illinois

ORDINANCE NO. 2015-____

AN ORDINANCE TO CLASSIFY AND ZONE CERTAIN TERRITORY WITHIN THE ZONING JURISDICTION OF THE CITY OF CARBONDALE, ILLINOIS
(Property located at 217 South Giant City 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 Robert Casper, with the City of Carbondale, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from R-1-15, Low Density Residential, to RMH, Planned Mobile Home; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 2nd day of August, 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 19th day of August, 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 deny PC 16-02, Robert Casper, R-1-15, Low Density Residential, to RMH, Planned Mobile Home; 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

217 South Giant City Road

Legal Description

Part of the Southeast Quarter of the Northwest Quarter of Section 23, Township 9 South, Range 1 West of the 3rd P.M., Jackson County, Illinois, described as follows:

Beginning at a point on the east right of way line of the Giant City Road 463 feet North of the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 23, Township 9 South, Range 1 West of the 3rd P.M., running thence East 300 feet to the point of beginning of the tract herein described; from said point of beginning, running North 230 feet, thence West 300 feet to the East line of Giant City Road thence North 30 feet, thence East 630 feet, thence South 455 feet, thence West 330 feet, thence North 195 feet to the point of beginning. (Parcel Number 15-23-177-003)

Section 2. That the real property described herein above and as shown in "Exhibit A" is hereby zoned RMH, Planned Mobile Home 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:

Travis Taylor, Planner

Exhibit A

BPL

R-1-15

E Walnut St

SB

R3

R-1-15

AG

RMH

AG

Giant City Rd

R-1-15

Neal Ln

Case Description

Robert Casper's request to rezone property located at 217 South Giant City Road from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District

Zoning Classifications

- AG Agriculture
- BPL Planned Business
- R-1-15 Low-Density Residential
- R3 High-Density Residential
- RMH Planned Mobile Home District
- SB Secondary Business

Legend

-  Subject Property
 -  Parcels
- 0 125 250 Feet



AG

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 217 South Giant City Road)

WHEREAS, a Petition has been filed by Robert Casper, requesting that certain property within the zoning jurisdiction of the City of Carbondale be rezoned from the R-1-15, Low Density Residential, district to the RMH, Planned Mobile Home district; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 2nd day of August, 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 19th day of August, 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 deny PC 16-02, Robert Casper, R-1-15, Low Density Residential, to RMH, Planned Mobile Home; 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

217 South Giant City Road

Legal Description

Part of the Southeast Quarter of the Northwest Quarter of Section 23, Township 9 South, Range 1 West of the 3rd P.M., Jackson County, Illinois, described as follows:

Beginning at a point on the east right of way line of the Giant City Road 463 feet North of the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 23, Township 9 South, Range 1 West of the 3rd P.M., running thence East 300 feet to the point of beginning of the tract herein described; from said point of beginning, running North 230 feet, thence West 300 feet to the East line of Giant City Road thence North 30 feet, thence East 630 feet, thence South 455 feet, thence West 330 feet, thence North 195 feet to the point of beginning. (Parcel Number 15-23-177-003)

Section 2. That said petition as represented by PC 16-02 and on file in the Planning Services Office is hereby denied and that the property described herein above as shown in “Exhibit A” shall remain zoned R-1-15, Low Density Residential.

Section 3. That the City Council of the City of Carbondale makes the following findings as their basis for denial of said petition:

- a. That the present zoning classification is consistent with the zoning classifications and uses of nearby properties;
- b. That the present zoning classification does not adversely affect the health, safety, morals and welfare of the citizens of Carbondale, Illinois;
- c. That the property is suitable for the present zoning classification; and,
- d. That the need for the proposed zoning classification has not been demonstrated to be sufficient to outweigh the harm that would be done to nearby properties if the proposed zoning classification were approved.

Section 4. That this Resolution be spread at length upon the minute records of the City Council of the City of Carbondale, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of
Carbondale, Illinois on the 6th day of October, 2015.

APPROVED: _____
John M. Henry, Mayor

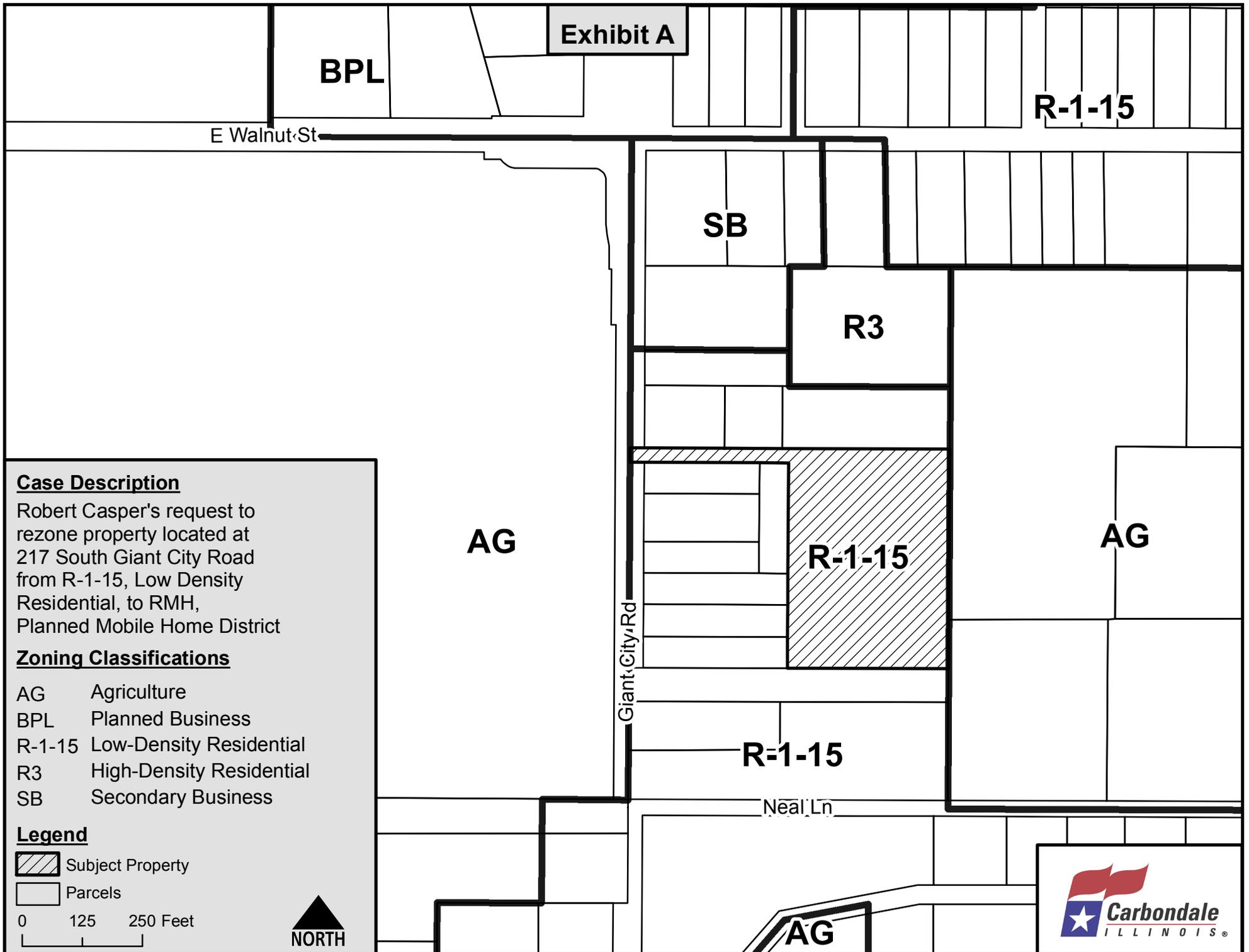
ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner



Case Description

Robert Casper's request to rezone property located at 217 South Giant City Road from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District

Zoning Classifications

- AG Agriculture
- BPL Planned Business
- R-1-15 Low-Density Residential
- R3 High-Density Residential
- SB Secondary Business

Legend

-  Subject Property
 -  Parcels
- 0 125 250 Feet





MINUTE EXCERPTS
PC 16-02
Carbondale Planning Commission
Wednesday, August 19, 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, Love, Litecky and Bradshaw (ex-officio)

Members Absent: Field, Schachel and Lilly

Staff Present: Wallace and Taylor

1. Public Hearings

PC 16-02 - Robert Casper is requesting a rezoning from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District.

Mr. Anz declared Public Hearing PC 16-02 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.

Mr. Barke asked if the applicant could stop using the storage trailer for storage and use it for a rental.

Mr. Taylor replied that the storage trailer is actually in violation and should not be on the 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. Robert Casper, owner of Country Estates Mobile Home Park, spoke in support of his application. Mr. Casper explained that he would like to move a mobile home that currently exists at his property on New Era Road to the mobile home park on Giant City Road.

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

Ms. Litecky asked Mr. Casper when he bought the park

Ms. Casper replied 2008.

Mr. Litecky asked if he checked out the zoning when he bought the park

Mr. Casper said that he did not because it was a mobile home park when he bought it and he assumed it would always be one.

Mr. LeBeau asked what the average turnover rate is.

Mr. Casper said that there is very little turnover and that most of his renters are retirees or have been there since before he bought the park.

Mr. Barke asked if he already had a tenant for the current trailer that he is trying to relocate to the park.

Mr. Casper replied yes.

Mr. Barke asked if it is the same tenant that is in the unit on New Era Road.

Mr. Casper replied yes and also stated that he was unaware that he was not allowed to have the mobile home at his current property on New Era Road. He also stated that he technically lives in Murphysboro but Carbondale has a far reach.

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.

Mr. Stephen Petrone, 215 S. Giant City Rd., came forward and stated that he would be in support of the one mobile home being moved in but he is in opposition if the rezoning would allow him to move more units into the park in the future.

Ms. Luanne Brown-Woolf, 1440 E. Walnut St., came forward and praised Mr. Casper because he has done an amazing job cleaning up the park. However she wanted to speak in opposition in fear that if the park is rezoned that more than just the one mobile home will go in and the traffic on that road will increase which concerns her.

Ms. Deanna Gilbert, 1450 Neal Ln., came forward and shared her opposition to the application for previous reasons shared by Mr. Petrone and Ms. Brown-Woolf.

Mr. Casper came forward to express that he is not looking to expand his trailer park by anymore than the one mobile home that he would like to relocate.

Mr. Barke responded that the problem with rezoning is that if the park is ever sold then the next owner would have the possibility to expand the park beyond the one trailer.

Mr. Anz asked if there were any questions from 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 deny PC 16-02.

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

Mr. Sheffer wanted to clarify with staff that the Commission can only rezone the property for a mobile home park or not that they are not able to place a restriction on it for one mobile home.

Mr. Wallace replied that was correct, you are not allowed to place conditions on a rezoning.

Ms. Litecky asked staff if there could be a variance.

Mr. Wallace replied that you cannot request a variance for a use that is not allowed within that district.

There was a discussion between Mr. Wallace and Mr. Barke to clarify whether Mr. Casper is licensed for 18 units or 20 units.

There was a short discussion among Commission regarding whether or not there were any other options that Mr. Casper could utilize to legally move one mobile home onto the property.

Mr. Wallace stated that Mr. Casper's only option is to Rezone the property.

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.

There were none.

Mr. Anz declared Public Hearing PC 16-02 closed at 6:41 p.m.

Mr. Barke moved, seconded by Ms. Litecky, that the Commission accept as findings of fact Parts A and B of the staff report for PC 16-02, the applicant was present and spoke and there were three individuals who spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. Sheffer moved, seconded by Ms. Litecky, that the Planning Commission recommend to City Council, to deny PC 16-02.

Roll Call Vote:

Yes – 6 (Barke, LeBeau, Sheffer, Anz, Love, Litecky)

No – 0

Mr. Wallace announced that the motion to deny PC 16-02 is approved and will be on the City Council Agenda for September 1, 2015.

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

TO: City of Carbondale Planning Commission

FROM: Travis Taylor, Planner

RE: PC 16-02, Robert Casper is requesting a rezoning from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District.

DATE: August 13, 2015

(Planning Commission Public Hearing on August 19, 2015 at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
Robert Casper
2355 New Era Road
Carbondale, IL 62901

2. Requested Action and Background: The applicant is requesting to rezone 217 South Giant City Road from R-1-15, Low Density Residential, to the RMH, Planned Mobile Home District. The site is the location of the Country Estates Mobile Home Park. The mobile home park predates the 1974 zoning ordinance and was grandfathered in as a legally nonconforming use since mobile home parks are not permitted in the R-1 district.

The applicant is requesting this rezoning so that he may relocate one mobile home to the site, bringing the total number of mobile homes to nineteen (19). The mobile home in question is currently located on the applicant's primary residence at 2335 New Era Road. The applicant is required to remove the mobile home from the property as a result of Ordinance 2009-53, which required the removal of mobile homes from lots in which they were accessory to a permitted principal use. (Please refer to Exhibit A – Applicant's Brief).

Without approval by City staff, the applicant began preparations to relocate the mobile home to Country Estates. City staff was first notified when the Building Inspector received a request to approve new electrical connections on the property. Upon inspection, staff discovered that the owner had laid a gravel drive and installed utilities to the east portion of the property for what appeared to be a new pad for a mobile home.

The applicant was then informed that locating another mobile home on the lot was not permitted as the Carbondale Revised Code prohibits the expansion of a legally nonconforming use (15-7.4.A). To become compliant and to allow another mobile home on site, the applicant has requested a rezoning to the RMH, Planned Mobile Home district.

3. Number of Notices Sent to Owners within 250 feet: Notices were sent to eighteen (18) property owners within 250 feet of the subject property.
4. Location: The subject property is located at 217 South Giant City Road (Please refer to Exhibit B – Photographs of the Subject Property).
5. Size: The subject property is approximately 3.5 Acres.
6. Existing Zoning: The subject property is currently zoned R-1-15, Low Density Residential, as is land to the north, south and west. Property to the east is zoned AG, General Agriculture. Properties further north are zoned SB, Secondary Business, and R-3, High Density Residential (Please refer to Exhibit C – Existing Zoning).
7. Existing Land Use: The subject property is currently considered a legally nonconforming mobile home park called Country Estates. The subject mobile home park contains eighteen (18) rented mobile homes and one (1) mobile home being utilized for storage. The units are connected to Giant City Road via a gravel access drive. Properties to the immediate north, south, and west are single family homes. West across Giant City Road is Carbondale Community High School. Adjacent to the east is a tree line buffer and vacant lot successively. (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, west, east, and south as Estate. Across Giant City Road, Carbondale Community High School is designated as Public Institutional. (Please refer to Exhibit E – 2010 Comprehensive Plan Future Land Use).
9. Zoning History: The subject property has been zoned R-1-15, Low Density Residential, since the adoption of the current zoning ordinance in 1974. Country Estates predates the ordinance and has operated as a legally nonconforming use since adoption.
10. Applicable Regulations:

Statement of Intent of Relevant Zoning Districts:

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).

Section 16-1: RMH, Planned Mobile Home District

Statement of Intent: This district is created to provide areas in which mobile home parks may be situated for residential dwelling purposes. It is the intent that this district be a desirable permanent area providing adequate open space, and essentially the same considerations be given to residents as are given to residents of R-1 and R-2 Districts. The property should not be within an area used nor planned for industrial development, nor should the occupants of the proposed parks be, in any way, adversely affected by nearby existing or planned industrial uses.

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: The subject property has access to a six (6) inch City of Carbondale water line along Giant City Road.

Sanitary Sewer: The subject property is served by an eight (8) inch City of Carbondale sanitary sewer line intersecting the northwest corner of the site.

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>
Giant City Road	12,300 ADT

4. Correspondence Received: As of the date of this report, Staff has received three phone calls and one walk-in regarding this request, one resident voicing opposition and three asking general questions. The City of Carbondale Police Department has also voiced its opposition to the request.

PART C. ANALYSIS

Robert Casper, owner of Country Estates Mobile Home Park is requesting to rezone his legally nonconforming mobile home park from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District. Mr. Casper is making this request so that he may move a mobile home currently located at 2335 New Era Road to Country Estates. The applicant has already begun to make improvements to the mobile home park in preparation for the new mobile home. Should

the rezoning request be denied, the applicant would be required to remove the newly installed gravel drive, parking area, and pad located on the east portion of the property. Approval of a rezoning to the RMH, Planned Mobile Home District would change the use of the property from legally nonconforming to a permitted use, and so would allow Country Estates Mobile Home Park to add additional rental units as code allows. Staff notes that RMH regulations regarding landscaped/open areas and setback/spacing requirements would indirectly limit the buildable area for future additional units on the east side of the property.

The existing mobile homes were classified as legally nonconforming with the adoption of the 1974 zoning ordinance. At that time, there were twenty (20) mobile homes located on the west portion of the lot with a lagoon located on the east portion. Since then, the number of mobile homes on the site has been reduced to eighteen (18), the property has tapped on to City Sewer services, and the lagoon on the east portion of the property has been filled in. Should the rezoning be approved, the owner could potentially add several more mobile homes to the site, provided that the new homes meet the regulations for the RMH zoning district, which have requirements related to setbacks, home spacing, recreational space, and parking.

Should the rezoning occur, City staff will require any new mobile home to be placed in accordance with all of the RMH standards. The applicant will be required to submit a development plan for staff review evidencing compliance with all regulations. Some of the relevant standards for the new mobile home will include paving of the driveway and parking area serving the mobile home and the designation of a deed restricted recreational area for the RMH district. This plan must be approved by Planning Services prior to construction (15-2.16.13.B). (Please refer to Exhibit F - Preliminary RMH development plan). While the rezoning will allow the property to operate under a permitted use for the district, the existing mobile homes will still be considered nonconforming as they do not meet RMH district regulations in relation to setbacks and separation.

Aside from the existing units located on the lot, the applicant is currently utilizing an old mobile home on the east side of the lot for the storage of building materials. The applicant has been notified that the mobile home is not an approved structure for that type of storage and must be removed and replaced with an approved accessory structure, regardless of the rezoning. This accessory structure will be included with the development plan submitted for the RMH district.

It should be noted that this is not the first attempt to expand the legal nonconformity for this particular parcel. On July 19, 1989, the then owner attempted to expand the legal nonconformity to locations on the property where mobile homes were not allowed and was required by City staff to remove all illegal units. The same owner was again notified on September 25, 2002, of the specific locations on the property where new mobile homes were and were not permitted under the legal nonconformity.

Recent history shows that the City of Carbondale has been discouraging the expansion of mobile home districts. In fact, rezoning property to RMH has been a relatively uncommon occurrence for the City of Carbondale. The last approval of a request to rezone property to RMH occurred in 1988. From 1974 to 1988 there were seven (7) requests to rezone to RMH, with six (6) being approved. Each of the approved requests involved a rezoning from AG, General Agriculture, or

R-3, High-Density Residential, to RMH. In no case has property originally zoned R-1 been rezoned to RMH. Of the six (6) approved, at least two (2) of these properties were eventually rezoned from RMH back to another zoning district. In fact, the rezoning of property from RMH to another zoning district has been far more common. Since 1974, there have been a total of sixteen (16) requests to rezone property from RMH to a different zoning district. Of these sixteen (16), fourteen (14) were approved. At present, there are fifteen (15) total RMH districts with the City of Carbondale's Zoning Jurisdiction. Only seven (7) of these district are located within City Limits with the majority being located on the City's periphery.

Staff also finds this type of rezoning at odds with the 2010 Comprehensive Plan. It is in conflict specifically with Focus Area 4.2 - Defending Neighborhood Integrity in Existing Neighborhoods, Strategy 1 - protect the integrity of single family neighborhoods in regards to housing and site conditions. Action Item I under this strategy asks the City to "Evaluate neighborhoods for down zoning options that will protect existing, predominantly owner-occupied neighborhoods from increased levels of multi-tenant housing." The 2010 Comprehensive Plan has further classified this property and nearby property as Estate in the Future Land Use Map. Estate is intended as a low-density residential district with an average lot size of 15,000 square feet.

Overall, the 2010 Comprehensive Plan and the recent lack of rezonings to RMH demonstrate the community's desire to phase out high density zonings in low density residential neighborhoods. Denying the rezoning would not eliminate the mobile home district, but would only prohibit further expansion of the legal nonconformity. Without a rezoning, the legally nonconforming mobile homes could remain as long as the use is not discontinued for a period of ninety (90) days (15-7.4.C). Should the use be discontinued, it will lose its legal nonconforming status and any subsequent use of the land would be required to conform to the regulations of the R-1 district. It is staff's opinion that denying the rezoning request would provide an opportunity for the property to become harmonious with the surrounding district, should the use of the mobile home park ever cease.

PART C. RECOMMENDATION

Based on the above analysis, staff recommends denial of PC 16-02.

July 6-2015

To whom it may concern,

My name is Robert Casper. I live at 2335 NEW ERA Rd. Murphysboro, ILLINOIS 62966. I was notified by code and Planning that I have a mobile home behind my house and that was not allowed, even though I live out of city limits and the home had been there for over 20 years. So I agreed to move the home in order to comply. I own Country Estates mobile home park located at 2175 Giant City Rd Carbondale. So I prepared to move my home over to my park. Then I'm notified that even though I am lic. for 20 spaces at my park and only have 18 occupied, that the mobile home park was in non compliance because of the zoning in the mobile home park area. This is why I wish to change the zoning so I am allowed to fill my spots at my mobile home park. I have already spent a lot of money to prepare to move my mobile home in. ALL I am trying to do is to comply with the city. My mobile home over →

Park is surrounded by other rental properties. My park is very well maintained and I intend to keep it that way. Code Enforcement can verify this.

Thank You

F [REDACTED]
C [REDACTED]
Country Estates MHP,

Exhibit B – Photographs of Subject Site



Facing south along Giant City Road.



Facing north along Giant City Road.



Facing west across Giant City Road, toward Carbondale Community High School.



Facing east, access drive off Giant City Road



Sign designating park entrance at north west corner of site.



Mail reception area and dumpster enclosure at northwest corner of site.



Country Estates Mobile Home park from north west corner facing south east.



Gravel access drive to new mobile home



Mobile Home currently being utilized for storage

Exhibit C - Existing Zoning

Planning Commission Case PC 16-02

BPL

R-1-15

E Walnut St

SB

R3

AG

AG

Giant City Rd

R-1-15

Neal Ln

AG

Public Hearing Date & Time

August 19, 2015

6:00 p.m.

Case Description

Robert Casper is requesting a rezoning from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District, for property located at 217 South Giant City Road

Zoning Classifications

- AG Agriculture
- BPL Planned Business
- R-1-15 Low-Density Residential
- R3 High-Density Residential
- SB Secondary Business

Legend

-  Subject Property
 -  Parcels
- 0 125 250 Feet



Exhibit D - Existing Land Use

Planning Commission Case PC 16-02

V

V

S

S

S

S

S

S

S

S

E Walnut St

V

V

S

S

S

S

S

S

V

M

S

V

S

S

Public Hearing Date & Time

August 19, 2015
6:00 p.m.

Case Description

Robert Casper is requesting a rezoning from R-1-15, Low-Density Residential to RMH, Planned Mobile Home District, for Property located at 217 South Giant City Road

Land Use Classifications

- I Institution
- M Multi-Family Residential.
- S Single Family Residential
- V Vacant

Legend

 Subject Property

 Parcels

0 125 250 Feet



Giant City Rd

Neal Ln

S

I

V

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V

S

V

V



Exhibit E - Future Land Use
Planning Commission Case PC 16-02

Commercial

**Neighborhood
Conservation**

E Walnut St

Estate

Public Institutional

Giant City Rd

Neal Ln

**Suburban
Residential**

Public Hearing Date & Time

August 19, 2015
6:00 p.m.

Case Description

Robert Casper is requesting a rezoning from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District, for property located at 217 South Giant City Road

Legend

 Subject Property

 Parcels

0 125 250 Feet



Exhibit F - Preliminary RMH Plan

Planning Commission Case PC 16-02

Existing Dumpster Enclosure

Public Hearing Date & Time

August 19, 2015
6:00 p.m.

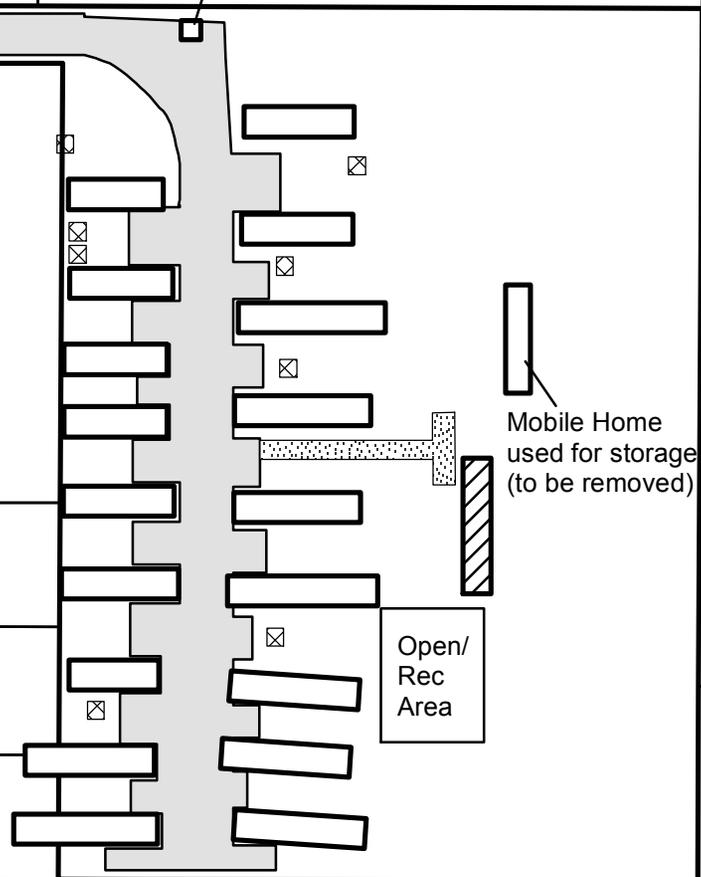
Case Description

Robert Casper is requesting a rezoning from R-1-15, Low Density Residential, to RMH, Planned Mobile Home District, for property located at 217 South Giant City Road

Legend

-  Proposed Mobile Home
-  Existing Mobile Homes
-  Accessory Storage Structures
-  Existing Gravel Drive and Parking Area
-  Proposed Paved Driveway and Parking Area

0 50 100 Feet



Mobile Home used for storage (to be removed)

Open/Rec Area