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

TO: City of Carbondale Planning Commission

FROM: Sarah Lawrence, Planner *SL*

RE: PC 17-09, The Carbondale Elks Lodge # 1243, R-1-15, Low Density Residential, to PA, Professional Administrative Office, 419 South Giant City Road

DATE: November 29, 2016

(Planning Commission Public Hearing on Wednesday, December 7, 2016, 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant/Owner:
Carbondale Elks Lodge #1243
220 West Jackson Street
Carbondale, IL 62901
2. Requested Action and Background: The Carbondale Elks Lodge #1243 is requesting to rezone approximately four acres of land located at 419 South Giant City Road from R-1-15, Low Density Residential, and AG, General Agriculture, to PA, Professional Administrative Office. The applicant is requesting this action to allow for the property and on-site facilities to be used for the fraternal organization's operation and events. (Please refer to Exhibit A - Applicant's Brief.) The church, currently vacant, was originally built to house Heartland Christian Center. Because Religious Institutions require a Special Use Permit in R-1-15 districts, they were required to submit an application to the Planning Commission for review prior to construction. After much discussion with surrounding property owners and the inclusion of several special conditions, the Planning Commission unanimously approved Heartland Christian Center's Special Use Permit on February 7, 2001 (PC 01-03). This conditional Special Use Permit was subsequently approved by City Council on February 20, 2001, also with a unanimous vote.
3. Number of Notices Sent to Property Owners within 250 feet: There were fourteen (14) notices sent to property owners located within 250 feet of the subject property.

4. Size and Location: The subject property is located at 419 South Giant City Road between two private roads, Neil Lane and Mary Nell's Lane, and consists of one parcel totaling approximately four acres. (Please refer to Exhibit B - Photos of Subject Property)
5. Existing Zoning: The subject property is currently zoned R-1-15, Low Density Residential, and AG, General Agriculture. Property to the north, east, and west is also zoned R-1-15, Low Density Residential, while property to the northeast, northwest, and south is zoned AG, General Agriculture. (Please refer to Exhibit C - Existing Zoning)
6. Existing Land Use: The subject property is the site of the former Heartland Christian Center and is occupied by a principle church structure, an adjacent paved parking area, and a storage shed. The surrounding properties are primarily residential with land to the southeast supporting agricultural use and land to the northwest housing Carbondale Community High School. (Please refer to Exhibit D - Current Land Use)
7. Comprehensive Plan: The 2010 Comprehensive Plan's Future Land Use Plan designates the subject property and the property directly to the north, east, and south as Estate. Property to the west is designated as a mix of Estate and Suburban Residential while property to the northwest is designated Public & Institutional. (Please Refer to Exhibit E - Future Land Use)
8. Zoning History: The subject property was originally zoned R-1-15, Low Density Residential, and AG, General Agriculture, with the adoption of the 1974 zoning ordinance.
9. Applicable Regulations:

Statement of Intent of Existing Zoning Districts:

§15.2.12.1. R-1 Low Density Residential District

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

§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.

Statement of Intent for Proposed Zoning District:

§15.2.19.1. PA Professional Administrative Office District

Statement of Intent: This district is created to reserve appropriately located areas for harmonious intermediate uses to serve as buffers between residential districts and nonresidential districts; to create a suitable environment for professional and administrative office buildings, specially designed for such purposes and located on sites large enough to provide room for landscaping, open spaces, and off-street parking facilities; to minimize traffic congestion and to avoid the overloading of utilities.

PART B. SPECIAL INFORMATION

1. Public Utilities:

Water: There are six (6) inch City of Carbondale water lines located along South Giant City Road and Neal Lane.

Sanitary Sewer: The subject property is served by an eight (8) inch City of Carbondale sanitary sewer system that runs north to south through the center of the property just east of the current parking lot.

Storm Sewer: Storm water is handled via a City of Carbondale managed storm sewer located along South Giant City Road.

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

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

	<u>Average Daily Traffic</u>
South Giant City Road	12,300 ADT

4. Correspondence Received: As of the writing of this report, Staff has received one phone call requesting general information regarding this rezoning request. In addition, one person visited the office to express opposition.

PART C. ANALYSIS

The applicant is requesting to rezone the subject property from R-1-15, Low Density Residential, and AG, General Agriculture, to PA, Professional Administrative Office, to allow for Carbondale Elks Lodge #1243 to utilize the existing church structure and adjacent parking lot for the lodge and related activities. These facilities, currently vacant, were constructed by Heartland Christian Center in 2001 after the organization was granted a Special Use Permit (PC 01-03) for a Religious Institution in an R-1-15 district. At that time, several parties voiced concern about the impact that the church would have on the character of the neighborhood and, as a result, the approval of the Special Use Permit for the church was contingent on the following conditions:

1. The seating capacity of the church auditorium shall be limited to 200 persons. No expansion will be permitted without approval of a new special use permit.
2. The church building may be no larger than 6,000 square feet.
3. The church use shall be limited to customary operation of church activities. Approval of this request shall not be interpreted as approval of a day care center or school not operated in conjunction with regularly scheduled church services.
4. Parking shall only be located east of the structure.
5. The access point for the church and any relocation of the private access easement (Mary Nell's Lane) will be reviewed and approved through subdivision/site plan approval.

It is staff's understanding that the Carbondale Elks intend to utilize the facilities that currently exist on the site. Because of this, many of the above listed stipulations will be adhered to as a result of the built environment (i.e.: building size, parking location). However, it is important to note that if rezoned to a PA district, the subject property will no longer be required to adhere to any preexisting special conditions. For example, the Elk's stated hours of operation (listed below) indicate that the site would be utilized more frequently than it was when occupied by Heartland Christian Center.

Carbondale Elks Lodge #1243 Current Hours of Operation:

Monday – Thursday: 4 – 9 p.m.

Friday: 12 p.m. – 12 a.m.

Saturday – Sunday: As needed for events

Instead, the property will be governed by the traditional regulations that are outlined in the Carbondale Revised Code for the PA zoning district.

To a degree, the impact that this rezoning would have on surrounding properties is mediated by site standards set forth in the Code which are intended to protect neighboring residential and agricultural districts. In some instances, these requirements are the same for the PA district as they were for the former church. For example, the required parking in both cases is one (1) space for every five (5) seats. In addition, when adjacent to R-1-15 and AG zoning districts, both PA districts and Religious Institution Special Uses are required to provide Type B vegetative buffers to screen their activities from neighboring residential properties:

§15.4.1.6.B.3 Type B Buffer

A Type B buffer shall be at least fifteen feet (15') in width and shall have plant materials equal to 30 landscape credits per one hundred feet (100') with a visual screen five feet (5') high consisting of evergreen plantings, fences, walls, or a combination thereof.

Unfortunately, the vegetative buffers located along the north and south sides of the existing parking lot do not currently adhere to this code. However, were the subject property to be rezoned, the applicant would be required to bring the entire site into compliance with all applicable codes including the installation of parking lot buffers and required landscaping, re-stripping the parking lot, and addressing trash storage prior to occupancy.

Regardless of this, there is no provision in the Code that permits rezoning approvals to be conditional. Therefore, the applicant can immediately utilize the property in any way that aligns with the regulations for the PA district. In the short term, this may include incorporating any of the accessory uses that frequently accompany membership clubs and lodges including associated offices, food preparation and dining areas, and restaurants, among others. In the long term, the applicant could choose to alter or redevelop the subject property in any way that aligns with the regulations for properties zoned PA. Other uses permitted in the PA district include, but are not limited to, daycare, educational, governmental, medical, religious, office, and retail and service facilities. In addition to including more intensive uses, the lot setbacks and maximum building heights are distinctly different in the PA district than they are in the R-1 and AG districts (see Table 1).

Table 1: Setback and Building Height Regulations in R-1, AG, and PA Zoning Districts

	R-1 Low Density Residential District	AG General Agriculture	PA Professional Administrative Office
Minimum Front Yard Depth	30'-0" or 20% of lot depth, whichever is less	60'-0" along public roads	10'-0"
Minimum Rear Yard Depth	15'-0"	30'-0"	Where use abuts a residential district, and is not separated from the district by a street or alley, side and rear yard requirements shall conform to those of the abutting residential zone. Otherwise, none required for structures up through three stories, and two feet (2') required at grade for each story over three stories.**
Minimum Side Yard Depth	10% of lot width but not less than 5'-0" nor need be more than 15'-0"	10% of lot width but not less than 15'-0" nor need be more than 30'-0"	
Maximum Height	35'-0"	N/A	125'-0"

** In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following requirements: a) at least one front yard shall be provided having the full depth required generally in the district, and b) no other front yard on such lot shall have less than one-half the full depth required generally.

While it is difficult to anticipate the range of potential impacts that this rezoning could have on the subject property's neighbors, it is clear that the minimum requirements in the PA district allow for greater density and a distinctly different character than currently exists in the surrounding area.

Staff also anticipates that the applicant will seek to have their Class E Liquor License transferred to the subject property if this rezoning is approved. When transferring any liquor license to a new location, the Local Liquor Control Commission reviews the application for transfer, noting that “the proposed location must comply with all rules, regulations, city ordinances and state statutes applicable to the operation and maintenance of a licensed premises (§2.4.14.C).” At that time, the Liquor Control Commission will be asked to weigh the “probable impact of a liquor establishment upon the surrounding neighborhood” and consider a variety of factors including proximity to residential property, schools, churches or synagogues, the impact on traffic safety, and the potential adverse impact on surrounding property values, among others (§2.4.5.D). Although issuance of liquor licenses are typically prohibited within one hundred feet (100’) of a school (the Carbondale Community High School campus lies approximately seventy feet (70’) to the northwest of the subject property), it should be noted that, as a “regularly organized club,” the Elks are exempted from this provision of the Code (§2.4.21).”

Finally, in Staff’s opinion, the approval of this rezoning application will create a “spot zone.” The City’s current zoning districts, as well as future land use designations in the Comprehensive Plan, are intended to situate harmonious land uses within proximity to one another and ensure the compatibility of land uses over the long term. While the PA, Professional Administrative Office, district is often located adjacent to residential districts in order to function as a buffer between commercial and nonresidential uses, this rezoning would not accomplish that purpose. Rather than functioning as a transition between high-intensity and residential land uses, it would function as a single point of more intense land usage within the surrounding low-density residential and agriculture zones. This is not in keeping with the goals of the Comprehensive Plan nor the intent of the zoning district. Furthermore, were the Carbondale Elks to again relocate in the future, the PA zoning classification would permit a wide range of potential development that could adversely affect the surrounding neighborhood.

While spot zoning is not considered a “best practice,” it is not without precedent in Carbondale. In particular, a rezoning request from R-1-5 to PA was approved by the Carbondale City Council in 1979 for the property located at 608 North Marion Street (Ord. 79-06). At this time, the applicant, Shawnee Solar Project, requested the rezoning in order to utilize the vacant facility on the site for a “training center to teach job skills in energy conservation and solar energy to unemployed youths (PC 78-41).” Although the Planning Commission denied the rezoning in a 4-4 vote, citing lack of public support and general opposition to spot zoning, the City Council ultimately approved the request unanimously. Today, an addition constructed between this building and the Faith Temple Church located to the south has effectively mediated any possible adverse outcomes as a result of this spot zone. However, this property can be redeveloped within the limitations established in the Code for the PA district at any time in the future.

Overall, Staff finds the proposed rezoning to the PA, Professional Administrative Office, district to be incompatible with the surrounding properties and at odds with both the Comprehensive Plan and intent of the PA zoning district. This rezoning would effectively create a spot zone rather than

adhering to the long term goals for this community's development. It is Staff's opinion, that the immediate use of the subject property by the Carbondale Elks Lodge #1243 may change the character of the surrounding neighborhood due to its hours of operation and more intense use. Staff also concludes that any future development that may be permitted as a result of this rezoning has the potential to negatively impact the area.

PART D. RECOMMENDATION

Based on the analysis presented in this report, Staff recommends denial of PC 17-09.

Exhibit A - Applicant's Brief

Carbondale Elks #1243
220 W Jackson Street
Carbondale IL 62901
November 16, 2016

City of Carbondale
Planning Services Division
200 South Illinois Avenue
Carbondale IL 62902

To Whom It May Concern:

As per the Rezoning Application, the following brief is for the Carbondale Elks:

The Carbondale Elks Lodge #1243 recently reached its 105th anniversary as a Carbondale-area fraternal organization. Lodge #1243 is involved in the community through our many charitable endeavors. These include but are not limited to youth activities, veteran organizations, and local charities. A few of the organizations we have supported over the years are Carbondale High School, High School Boosters Club, Terriers Junior Football, Carbondale American Legion Baseball, Carbondale Soccer Inc., Special Olympics Southern Area 15, Boy Scout Troop #66, DeSoto Girl Scout Troop #8189, This Able Veteran, The Haven, Good Samaritan Ministries, The Women's Center, Shop With a Cop, and Hospice of Southern Illinois

To support these activities and the Lodge, current hours of operation are Monday – Thursday, 4 – 9 pm and Friday, 12 noon – 12 midnight. On weekends we open as needed for event schedules.

We appreciate your consideration of our rezoning request.

Sincerely,

Carbondale Elks Lodge #1243

Exhibit B – Photographs of Subject Property



View of Subject Property from across South Giant City Road



View from Subject Property facing west across South Giant City Road

Exhibit B – Photographs of Subject Property (continued)



View facing north along South Giant City Road



View facing south along South Giant City Road

Exhibit C - Existing Zoning
 Planning Commission Case PC 17-09

AG

R-1-15

AG

Public Hearing Date & Time

December 7, 2016
 6:00 p.m.

Case Description

Carbondale Elks Lodge #1243 is requesting a rezoning from the R-1-15, Low Density Residential and AG, General Agricultural, zoning districts to a PA, Professional Administrative Office, zoning district for the property located at 419 S. Giant City Road.

Zoning Classifications

AG Agricultural
 R-1-15 Low Density Residential

Legend

-  Subject Property
 -  Parcels
- 0 150 300 Feet



South Giant City Road

Neil Lane

Mary-Nell's Lane

AG

R-1-15

Meadowbrook Lane

AG



Exhibit D - Current Land Use
 Planning Commission Case PC 17-09



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Current Land Uses

- RI Religious Institution
- M Multi-family
- MHP Mobile Home Park
- PI Public Institution
- S Single Family
- V Vacant
- P Park

Legend

 Subject Property

 Parcels

0 150 300 Feet



Exhibit E - Future Land Use
 Planning Commission Case PC 17-09

Public Institutional

Estate

Neil Lane

Mary-Nell's Lane

Estate

Suburban Residential

Estate

Parks & Preservation

Estate

Suburban Residential

South Giant City Road



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Legend

Subject Property

Parcels

0 150 300 Feet

