

Request For City Council Action

Date: April 19, 2011

Agenda Section: Consent Agenda No. 5	Originating Department: City Clerk's Office
Item: Acceptance of Minutes of Boards, Commissions and Committees No. 5.3	Approved:

Attached for Council review and acceptance are minutes of meetings from City boards, commissions and committees which have recently been sent to the City Clerk's Office.

Recommended Action:

The Council is requested to accept the following sets of minutes and place them on file:

Planning Commission – February 16, 2011 and March 22, 2011

Preservation Commission – February 14, 2011

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 _____



MINUTES

**Carbondale Planning Commission
Wednesday, February 16, 2011
City Hall/Civic Center
7:00 p.m.**

Mr. Barke called the meeting to order at 7:00 p.m.

Members Present: Barke, Fronabarger, Harvey, Hunsaker, Kang, Lilly, Love, Jack (7:05)
McDaniel (ex-officio)

Members Absent: Brazley

Staff Present: Wallace, Jones

Approval of Minutes:

Mr. Kang moved, seconded by Ms. Lilly, to approve the minutes of January 5, 2011. The motion to approve the minutes passed on a unanimous voice vote.

Report of Officers, Committees, Communications:

Election of 2011 Officers

Ms. Lilly moved, seconded by Mr. Kang, that the Nomination Committee's Report on recommended officers be accepted.

Ms. Lilly moved, seconded by Mr. Fronabarger, that the 2011 Officers be elected as follows:

Mr. Barke, Chair; Ms. Harvey, First Vice Chair, and Mr. Kang, Second Vice Chair.

The motion passed on a unanimous voice vote.

Public Hearings:

A. PC 11-11, 7:00 p.m. Tom Egert is requesting a Special Use Permit to allow an Inn in the AG, General Agriculture, District

Mr. Barke declared Public Hearing PC 11-11 open and asked Mr. Wallace to read the

legal notice.

Mr. Kang stated that he was recusing himself from the public hearing because Mr. Egert is his client.

Mr. Wallace read the legal notice.

Mr. Barke asked Ms. Jones to present the staff report.

Ms. Jones, Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Mr. Barke asked if there were any questions of the staff.

There were none.

Mr. Barke asked if the applicant was present and wished to speak.

The applicant stated that he was present and would make a statement.

Mr. Barke asked him to come forward, state his name, and swear to tell the truth.

Mr. Egert came forward, stated his name, and said that he is requesting approval for what he wants to do with his cabins and that it is his retirement income.

Mr. Barke asked if there were any questions for Mr. Egert.

There were none from other Commissioners, but Mr. Barke stated that he had a few inquiries.

Mr. Barke asked Mr. Egert why the Commission was just now seeing the request for a Special Use Permit when the staff report indicates that the cabins have been present on the property for approximately five years.

Mr. Egert responded that he did not believe he needed a Special Use Permit because nothing he looked at in the City code had to do with cabins. He stated that later, Mr. Wallace brought it to his attention that he needed one, and so, here we are.

Mr. Barke asked if the cabins are on individual lots, or if they are all on one parcel.

Mr. Egert responded that one cabin is on a parcel and the other two cabins are on another.

Mr. Barke asked if each structure is taxed separately.

Mr. Egert responded yes, he gets a tax bill for each unit.

Mr. Barke asked where the other three proposed cabins would be placed.

Mr. Egert responded that he had not decided, but that it would be on the larger parcel.

Mr. Barke asked if the cabins had their own septic systems.

Mr. Egert responded that each cabin has its own lagoon.

Mr. Barke asked if there were actual, physical lagoons on the properties.

Mr. Egert responded yes.

Mr. Barke asked if there was a boat in one of the lagoons.

Mr. Egert responded yes, there's a picture of it right there, referring to a visual of the property that the Planning Staff had on the screen.

Mr. Barke asked if that was a lagoon.

Mr. Egert stated no, that is a pond, and that the lagoon is north of the area.

Mr. Barke asked how many lagoons there are on the property, and whether they have been approved by the Jackson County Health Department.

Mr. Egert responded there are three lagoons, and yes, they all have been approved. He added that the boat does not have a motor in it.

Mr. Barke asked if the boat is available for rental.

Mr. Egert responded no.

Mr. Barke asked if anyone else had a question for Mr. Egert.

Ms. Harvey asked Mr. Egert where his home sits in relation to the cabins.

Mr. Egert pointed out that his residence is just to the east of the cabins.

Mr. Barke then asked if that meant there are actually four residences on these two parcels.

Mr. Egert stated yes, there are four buildings on the property, three of which are rental cabins.

Mr. Barke asked if there were any further questions for Mr. Egert.

There were none.

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

Mr. Navreet Kang came forward and stated that he lives at 613 South Terrace Drive, that he and Mr. Egert go way back, and that Mr. Egert has been very active in the community including owning a thrift store and public radio station. He said that Mr. Egert just did not know under what category the cabins fell with regards to the City, so did not inquire until staff told him he needed permits. He said that he, Mr. Wallace and Mr. Baity met to discuss this and decided that the closest definition was that of an Inn, so that is what he is now requesting. He stated that he insures the properties, that there have been no complaints or claims on it and that he supports the application.

Mr. Barke asked if there were any questions for Mr. Kang.

There were none.

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

There was no one.

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

Ms. Carol Burns came forward, was sworn in, and stated that she and her husband live at 88 Dakota Road, which borders the subject property all along the south property line. She said that Mr. Egert had led them to believe that the public hearing concerned only the existing cabins, and that they found out about the proposed additional three cabins only by calling Planning staff. She expressed concern that this was not mentioned in the certified letter they received from the City regarding the case, and they therefore did not see any point in attending this hearing. She said that they do not like the existing cabins, but since they are already there they have had to learn to live with them, so learning that Mr. Egert wants to build more cabins was alarming. She explained that it makes her feel as though she was given the right to vote, but not told what was on the ballot. She went on to say that she and her husband believed that the construction of the rental cabins was legal and that Mr. Egert had certainly gone through the necessary procedure with the City when he built them five years ago, so only now are they given an opportunity to speak on an issue that they did not approve of at all when it was happening. She said that the first two cabins were never granted the appropriate City permits when they were built, and the last one was granted a permit as a single-family home, which it clearly is not. She said that to grant this Special Use Permit would be to say that Mr. Egert has no consequences as a result of failing to obtain the proper permits for the three cabins already constructed, and also to reward him by allowing him to construct three more, which would set a very bad precedent. She said that if this is approved, why would anyone go through the proper channels and obtain any permits from the City, when it will only be rewarded if you do not.

Mr. Barke asked if there were any questions for Ms. Burns.

Mr. Jack asked why she does not like the existing cabins.

Ms. Burns responded that there is a safety issue, like living next to a motel where people come and go on a very short term basis. She said that even though their house is quite isolated, there have been times that Mr. Egert's rental customers have come onto their property and had to be told to leave, that this is not part of their cabin rental space. She added that she does not feel comfortable and also does not like the trash involved.

Mr. Jack stated that, with the amount of property that Mr. Egert has, it would be his right as a property owner to subdivide it numerous times and plop up to eight or ten houses if he wanted to. He said that this is clearly the type of development that southern Illinois needs as it pushes towards a tourism-oriented economy, and playing devil's advocate, Mr. Egert could cut down all the trees and put up a subdivision if he wanted to.

Ms. Burns stated that she doesn't think this is good for property values to have short-term rentals, which is ambiguous to begin with, and that if Mr. Egert decided to subdivide, each structure would be required to have a minimum five-acre lot, which would be six structures at most rather than eight or ten.

Mr. Barke asked Ms. Burns to think back five years ago when the cabins were being built, would she have still been opposed to them if Mr. Egert had obtained the proper permits from the City at that time. He stated that he was trying to find out if she and her husband were more upset that Mr. Egert did not obtain the permits when he built the cabins, or if they just really don't like that the cabins are there.

Ms. Burns responded that there are five living units on the property right now.

Mr. Barke stopped Ms. Burns to ask what she meant by "five" living units.

Ms. Burns stated that there is confusion regarding what cabin three is anyway.

Mr. Barke asked Ms. Jones to confirm how many living structures are on the property.

Ms. Jones responded that there are the three rental cabins, a house just east of cabin two, and a fifth residential structure farther back on the property.

Mr. Barke asked Ms. Jones to clarify that there are actually five living units on the two parcels, because that was not indicated in the staff report.

Ms. Jones stated that is correct, and that she is not sure if the fifth structure is being rented or not.

Mr. Barke asked if Ms. Burns if she does not like the fact that Mr. Egert did not get the proper permits, or that the cabins are there at all.

Ms. Burns responded that there is one cabin next to the road, there's one by the driveway, and cabin three is on the pond. She said yes, she would have opposed the cabins being built in the first place, even if he had obtained permits.

Mr. Barke stated that he is very frustrated when people come in after the fact, and have the attitude, "What are you going to make me do, tear them down?" He then asked Ms. Burns what she sees as an appropriate compromise, and if she thought the Commission should tell him to tear down his cabins.

Ms. Burns responded no, that she would never suggest such a thing, and that even though they do not like them, they tolerate them. She added that she certainly does not want to see anymore be constructed, however.

Mr. Barke thanked Ms. Burns and asked if there were any further questions for Ms. Burns.

There were none.

Mr. Barke asked if anyone else wished to speak in opposition.

Mr. Steven Kraft came forward, stated that he is the other half of Ms. Burns, swore to tell the truth, and that he wanted it to be clear that there are five living units on Mr. Egert's property. He said that it has never been addressed where the other three cabins would go, when the AG District requires a five-acre minimum lot size, which would allow six structures per five acres on the total of thirty acres, and Mr. Egert already has five structures. He added that there should only be one structure on each five acre lot, and that is not the way it is laid out. He said that the definition of an Inn is not adequate for what Mr. Egert is proposing, and great care will be needed to determine what the implications are for the neighborhood by calling separate structures an Inn, and asked how the City or the Commission would know if these short-term rentals were to become permanent rentals. He said that cabin one was constructed and given a permit as a single family dwelling, and that what is now being called cabin two was rented on a long term basis for many years. He asked who would monitor how the structures were being used, and where is the definition of timing between a short term and a long term rental. He stated that the people on both Dakota Road and Widdows Lane could end up with an unplatted, uncontrolled, unregulated development resulting in a significant land use change in our neighborhood, with negative impact on our property values. He asked if each new cabin was to be placed on its own five acre parcel, as it's supposed to be according to the ordinance, when the other cabins are not. He stated that he and his wife have made peace with the three existing cabins, knowing that they are not going to go away, but the three additional proposed cabins would mean 3.75 acres per structure, cause additional safety issues with the transient population in the neighborhood, especially in a remote area on both Dakota Road and Widdows Lane where he has only seen a squad car only a few times in his over thirty years of living there. He said it is virtually crime free, and he would like to see it kept that way. He stated that the environmental impact would be increased traffic, increased noise, possible water

contamination from sewage, and trespassers on nearby properties. He said that Dakota Road is jointly maintained by three property owners, including Mr. Egert and himself, is too narrow in places for two vehicles to pass, and is controlled by easements. He spoke about the dangerous hills creating blind areas when driving, that only residents are used to accommodating for their safety but transient renters would not realize. He added that Mr. Egert at no time shared any information with his neighbors regarding any additional cabins, but that he reluctantly supports a Special Use Permit for the existing rental units only, with no expansion whatsoever.

Mr. Barke asked if there were any questions for Mr. Kraft.

Mr. Hunsaker asked him if the people that wandered onto his property were hunters, partiers, or what.

Mr. Kraft responded that you never know what kind of people they are, but once they are on your property, you are liable for whatever happens to them.

Mr. Hunsaker asked if they have "No Trespassing" signs up.

Mr. Kraft responded that they have not put signs up on their north border, next to Mr. Egert's land, but they do have signs around the rest of their borders to keep hunters off the property.

Mr. Hunsaker suggested that the signs would help them in terms of liability.

Mr. Barke asked if there were any further questions of Mr. Kraft.

There were none.

Mr. Barke asked if anyone else wished to speak in opposition.

There was no one.

Mr. Barke asked Ms. Jones to continue with the report.

Ms. Jones read parts C and D of the staff report with a recommendation to approve PC 11-11, with conditions.

Mr. Barke asked if there were any questions of staff from Commissioners.

Mr. Jack stated that clearly there is a problem with the definition of an Inn being used for the use of the separate cabins. He said that he was hesitant to move forward on this without a specific statute to cover this situation. He asked if someone could read the definition of an Inn.

Mr. Barke did so.

Mr. Wallace stated that some things in the code are clearly defined, but in other cases the most closely defined ordinance is used. He said that, fortunately, the City Council has further authority to place conditions into the interpretations of the Code as it is used for situations that do not exactly fit into a single definition. He added that, with the upcoming rewriting of the City's Zoning Ordinance, there will be better definitions to address more specific circumstances. He said that for now the Inn, with conditions and performance standards in place, most closely fit the definition.

Mr. Jack suggested that staff's recommendation should perhaps be changed to allow Mr. Egert to continue the operation of his current cabins, but not to build the addition three. He said that he is glad staff is looking at the rewriting of the zoning ordinance, because he can see similar situations and requests in the future on Carbondale's periphery.

Mr. Barke asked if there were any further questions of staff.

Ms. Harvey asked why the additional structure on the property is not included in the staff report.

Ms. Jones responded that there is an additional structure on the property that she was not aware of when her report was written. Only upon revisiting the property after she had been told there was another cabin did she become aware of the fifth structure, and by then the packets had already gone out.

Mr. Barke asked Ms. Jones how she found out about this fifth structure.

Ms. Jones stated that she had been told about it, so she went back to look at the property again.

Mr. Hunsaker stated that the applicant, Mr. Egert, never gave it up that there was a fifth structure on the property.

Ms. Jones stated that was correct.

Mr. Barke stated that the staff's recommendation was for three plus three, and asked if now knowing that there is another structure, does that make four plus two, or four plus three.

Ms. Jones responded that the three existing cabins are being advertised, and still is the additional three that he proposes in the future.

Mr. Barke asked if the Commission is to close their eyes about the fourth one that is already built, or is the City considering that as one of his three additional.

Ms. Harvey stated no, that is not what the request says.

Mr. Wallace stated that he would be comfortable with the ratio of one structure per five acres to meet minimum lot size, so with five structures now it would be more difficult for the City to enforce the subdivision regulations.

Mr. Barke asked if there were any further questions of staff.

There were none.

Mr. Barke asked if there were questions from anyone to anyone. Seeing that he and Ms. Harvey both had questions of the applicant, Mr. Barke asked Mr. Egert to come forward.

Mr. Barke asked Mr. Egert about the fifth structure on the property that has just been revealed.

Mr. Egert responded that he built that as a guest house, and is not considered part of his rental cabins.

Ms. Harvey asked Mr. Egert for his definition of a guest house.

Mr. Egert responded that if friends or family visits and needs a place to stay, that's where they stay.

Ms. Harvey asked if they stay there for free.

Mr. Egert responded that depends on who it is, and that it is not one of his three advertised rentals.

Ms. Harvey asked if there are sleeping facilities in the guest house.

Mr. Egert responded yes, there's a couch and a separate bathroom in it.

Ms. Harvey asked if someone could sleep in it.

Mr. Egert responded well, sure.

Mr. Barke asked if anyone has ever stayed in the guest house.

Mr. Egert responded sure.

Mr. Barke asked Mr. Egert if he charged those individuals for staying there.

Mr. Egert responded no, that he stayed there for several years and when his friend, who was living in cabin three, passed away he converted everything to cabin rentals and moved back into his house.

Mr. Barke asked if anyone else has stayed in the guest house.

Mr. Egert responded yes.

Mr. Barke asked if anyone has been charged a fee for staying in the guest house.

Mr. Egert responded it's \$50.00 or \$100.00 to stay there.

Mr. Barke asked when the guest house was built.

Mr. Egert responded in two sections, about fifteen years ago.

Mr. Barke asked when cabin one was built.

Mr. Egert responded five or six years ago.

Mr. Barke asked when cabin two was built.

Mr. Egert responded fifteen years ago, and cabin three was built in 1994 or 95.

Mr. Barke asked when his residence was built.

Mr. Egert responded 1985.

Mr. Barke asked if there are five structures that meet the minimum requirements for housing.

Mr. Egert responded yes.

Mr. Barke asked if there are any further questions from anyone to anyone.

Mr. Hunsaker asked Mr. Egert why he did not think to come to the City for permits when he started all this, being that he's lived here for so long.

Mr. Egert responded that the definitions of an Inn, a Hotel/Motel, and a Bed and Breakfast, cabins were not addressed.

Mr. Hunsaker asked him why he didn't come to the City to make sure everything was in good standing when he built the structures.

Mr. Egert stated why would he do that if he didn't have to, there was no law against it.

Mr. Hunsaker responded that is why we're here now, and that he should have known to check with the City to be sure there were no problems down the road.

Mr. Egert stated that, as Mr. Jack said, there is no definition for a cabin. He said that he is sixty-five years old and is looking for retirement income. He added that renting on a

long term basis is difficult when it comes to getting paid on time and keeping up the maintenance, but short term he has the renters' credit cards and a legal document that says they are responsible for any damages.

Mr. Harvey asked Mr. Egert if he didn't realize he needed a permit for these buildings.

Mr. Egert responded that he got a permit for cabin one, and it was so long ago that he built the other structures, no he did not.

Ms. Harvey asked if the permit he obtained for cabin one was from the City of Carbondale.

Mr. Egert responded yes, because there was a "Cease All Construction" sign nailed to a tree that stated he needed to get a permit, and that this was when they were ready to pour the basement of the house.

Mr. Barke stated that Mr. Hunsaker had asked him why he didn't come to the City for permits in the first place, and that Mr. Egert had responded that he didn't find a category that his property would fall into. He then asked Mr. Egert if he had also read the part about a five acre minimum lot size per structure in the AG District, and now it has been established there are five structures on one parcel.

Mr. Egert responded that he has four structures on one parcel and another structure on a different parcel.

Mr. Barke asked Mr. Egert if he had the property subdivided into five acre tracts.

Mr. Egert responded no, he does not.

Mr. Barke asked him if that is not part of the requirements.

Mr. Egert responded that he thought it was one dwelling per five acres, so that would be a no.

Mr. Kraft came forward and stated that Mr. Egert's website, called "Cabins by the Pond" and the application for the Special Use, each have a cabin three on them. He stated that he believes part of the confusion might be caused by those two structures not being the same cabin.

Mr. Barke stepped out to Mr. Egert to show him the maps and ask about cabin three.

Mr. Egert stated that both cabin threes are in fact the same cabin, that the difference is only in the angle that the picture is taken.

Mr. Barke asked if there were any further questions from anyone to anyone.

There were none.

Mr. Barke closed the public hearing on PC 11-11 and asked stated that he has spoken to Mr. Wallace about the options in voting, and also gone over the seven criteria that each must be approved for the recommendation to pass. He said that the recommendation from staff that the three existing cabins stay, plus that Mr. Egert be allowed to construct an additional three cabins, his vote on the criteria changes. He asked that the Commission either identify recommendations that are possible and the basis for the voting, or to vote the seven criteria and then worry about the seven criteria after they are voted on. He stated that the first option seems better to him. He cited criteria number three, stating that testimony shows that the neighbors have become tolerant of the three existing cabins, but that granting the Special Use Permit for the additional three cabins to be built is a different matter that could cause that criteria to be voted down. He suggested amending the recommendation to deal with only the existing cabins.

Ms. Harvey asked if the amendment could be made for one vote on the existing property and another vote on the additional property.

Mr. Barke stated yes, if the Commission voted that they want to conduct the voting that way.

Ms. Harvey moved, seconded by Mr. Hunsaker, that the Special Use recommendation from staff be amended to vote on two separate items, one being the existing properties and the other being the existing properties plus the additional three proposed properties.

Roll Call Vote:

Yes - 7 (Barke, Fronabarger, Harvey, Hunsaker, Jack, Lilly, Love)

No - 0

Mr. Barke stated that the motion passes, and asked if the Commissioners wished to take the existing properties for the first vote, and the response was yes. He explained that the guest house would make it four cabins up for the vote, unless the Commission decides to only vote on the three, in which case Mr. Egert will not be allowed to rent out the guest house for any kind of monetary gain. It was decided to leave it as cabins one, two and three only for the vote. He then asked for a motion as to voting on the seven criteria as a whole or individually.

Mr. Fronabarger moved, seconded by Ms. Lilly, that the criteria be voted on as a group.

Roll Call Vote:

Yes - 3 (Fronabarger, Jack, Love)

No - 4 (Barke, Harvey, Hunsaker, Lilly)

Mr. Barke stated that the motion fails, and reminded everyone that this vote will be on the Special Use Permit being granted on the existing cabins only, identified by Mr. Egert as cabins one, two and three, and not including the guest house. He first asked for a motion as to the findings of fact.

Ms. Harvey moved, seconded by Mr. Fronabarger, that the Commission accept as findings of fact Parts A and B of the staff report for PC 11-11, that the applicant was present and spoke, there was one person who spoke in favor, and that two people spoke in opposition.

The motion passed on a unanimous voice vote.

Criteria #1:

Ms. Harvey moved, seconded by Mr. Fronabarger, that 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.

Roll Call Vote:

Yes - 7 (Barke, Fronabarger, Harvey, Hunsaker, Jack, Lilly, Love)
No - 0

Criteria #2:

Mr. Hunsaker moved, seconded by Mr. Fronabarger, that the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, or general welfare.

Roll Call Vote:

Yes - 4 (Barke, Fronabarger, Jack, Love)
No - 3 (Harvey, Hunsaker, Lilly)

Criteria #3:

Ms. Lilly moved, seconded by Mr. Fronabarger, that 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.

Roll Call Vote:

Yes - 5 (Barke, Fronabarger, Harvey, Jack, Lilly)
No - 2 (Hunsaker, Love)

Criteria #4:

Mr. Fronabarger moved, seconded by Ms. Lilly, that 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.

Roll Call Vote:

Yes - 7 (Barke, Fronabarger, Harvey, Hunsaker, Jack, Lilly, Love)
No - 0

Criteria #5:

Mr. Love moved, seconded by Mr. Fronabarger, that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Roll Call Vote:

Yes - 7 (Barke, Fronabarger, Harvey, Hunsaker, Jack, Lilly, Love)
No - 0

Criteria #6:

Ms. Harvey moved, seconded by Mr. Fronabarger, that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Roll Call Vote:

Yes - 6 (Barke, Fronabarger, Harvey, Jack, Lilly, Love)
No - 1 (Hunsaker)

Criteria #7:

Mr. Love moved, seconded by Mr. Fronabarger, that the Special Use will be located in a District where such use may be permitted, and shall conform of all requirements of this Article.

Roll Call Vote:

Yes - 7 (Barke, Fronabarger, Harvey, Hunsaker, Jack, Lilly, Love)
No - 0

Mr. Barke stated that all criteria have been met with regard to the existing cabins, and that he would now entertain a motion as to voting on the criteria as a whole or individually for the existing cabins plus the three additional proposed cabins.

Mr. Barke moved, seconded by Mr. Jack, that the seven criteria be voted on as one.

Roll Call Vote:

Yes – 5 (Barke, Fronabarger, Jack, Lilly, Love)

No – 2 (Harvey, Hunsaker)

Mr. Barke stated that the motion carries, so all seven criteria will be considered with one vote with regard to the Special Use being limited to the existing three cabins and the three proposed additional cabins, with the additional cabins having to be built within five years of the approval date, as recommended by staff.

Mr. Barke moved, seconded by Mr. Hunsaker, that all seven criteria have been met.

Roll Call Vote:

Yes – 1 (Fronabarger)

No – 6 (Barke, Harvey, Hunsaker, Jack, Lilly, Love)

Mr. Barke stated that the motion fails, and that two recommendations must be made to the City Council: One, in regards to the existing three cabins, and second, in regards to the existing three cabins and the three proposed additional cabins. He asked for a motion as to only the three existing cabins.

Ms. Harvey moved, seconded by Mr. Jack, that the Commission approve a Special Use Permit for the three existing cabins only, that it applies only to the operation of an Inn as specified in the current zoning district regulations, and that the cabins will not be converted into permanent rental units unless the property is first subdivided to adhere to the current minimum lot size required.

Roll Call Vote:

Yes - 7 (Barke, Fronabarger, Harvey, Hunsaker, Jack, Lilly, Love)

No – 0

Mr. Barke stated that the motion carries, and that he will now entertain a motion for the recommendation to the City Council regarding the three existing cabins with the addition of the three proposed cabins.

Ms. Harvey moved, seconded by Ms. Lilly, to approve the Special Use Permit as recommended by staff, with conditions.

Roll Call Vote:

Yes - 2 (Fronabarger, Lilly)

No – 5 (Barke, Harvey, Hunsaker, Jack, Love)

Mr. Barke stated that the recommendations will be sent to the City Council and that this matter will be on their agenda at their meeting on March 8, 2011.

5. Old Business

Comprehensive Plan Implementation

Mr. Wallace stated that a contract has been negotiated and approved by the City Council with Duncan Associates to work on the updating of the zoning ordinance. He said that there will be a meeting within the next month with them, and Commissioners will be notified of the date soon.

6. New Business

A. The Commissioner, Winter 2011 Issue

Mr. Barke stated that there are some very good articles and recommended reading the issue.

B. City Council Agendas of January 18, 2011 and February 8, 2011

Mr. Barke asked Ms. McDaniel to review this item.

Ms. McDaniel stated that the Special Use Request by NeuroRestorative was denied, and the rezoning request on Sycamore Street was approved. It was noted that this was the opposite of the way the Planning Commission had voted on these two cases.

Adjournment

Mr. Barke adjourned the meeting at 9:37 p.m.



MINUTES

Carbondale Planning Commission Special Meeting Tuesday, March 22, 2011 City Hall/Civic Center 6:00 p.m.

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

Members Present: Barke, Brazley, Fronabarger, Harvey, Kang, Love, Jack (6:04)
Lilly, (6:09), McDaniel (ex-officio)

Members Absent: Hunsaker

Staff Present: Wallace, Jones

2. New Business

Ordinance Update Overview with Duncan Associates

Mr. Barke stated that Mr. Kelly and Mr. Grice, from Duncan Associates, would be putting on a presentation tonight.

Mr. Wallace explained that the current ordinance was adopted in 1974, has been amended several times over the years, and that it is due for a complete update. He said that this meeting would kick off the process, and that the consultants would take comments and questions following their presentation.

Mr. Kelly stated that he is a planner and an attorney who teaches planning at Ball State University and that his coworker, Richard Grice, is a planner who has worked in the public sector. Mr. Kelly completed an overview of their approach, their intentions, and the important effects of public input and the new Comprehensive Plan has on the ordinance update. He spoke about the diagnostic report, the timeline of each step in the process, design standards that will be addressed, and how staff will be active in the project. He stated that he and Mr. Grice were ready to hear from the community and offered to answer any questions.

Mr. Fronabarger asked if the workshops that Mr. Kelly had mentioned would be open to the public.

Mr. Grice responded yes, they will.

Mr. Barke emphasized the very transparent method that is planned for this process.

Mr. Kang asked if public comments and feedback would go through Mr. Wallace's office.

Mr. Kelly responded yes, that the funnel of the City is necessary in order to have a point-person to communicate with.

Mr. Fronabarger asked who the consultants had met with thus far.

Mr. Kelly responded they had met with the Chamber of Commerce Board, Dan Terry, the Arbor District Neighborhood Group, and Study Circles.

Mr. Wallace added that they will also be meeting with property owners, landlords, and real estate brokers tomorrow.

Mr. Barke asked what the approximate completion date would be.

Mr. Kelly responded that they estimate it will take about a year, but that the first batch of information will come from them in about 45 days. After that, he said, they will need feedback from staff and others before moving forward with revisions, then workshops will be held after public review.

Mr. Barke then opened the floor for questions.

Ms. Sandy Litecky came forward, stated that she lives at 603 West Walnut Street and that she would like to see the inclusion of all the businesses on the "strip" whether they belong to the Chamber or not, because they all have specific needs.

Mr. Barke responded that he prefers to call it the "downtown" and that the lack of business owners at the meeting shows that even though they were invited, they haven't come to involve themselves in the process, at least not as of yet.

Ms. Litecky expressed gratitude from the Arbor District for their inclusion as stake holders.

Ms. Mary O'Hara came forward, stated that she lives at 906 West Schwartz, and that the Neighborhood Housing and Action Group is very thankful for their involvement in this process. She said that four or five neighborhoods were represented by good attendance at the earlier meeting with the consultants.

Mr. Don Monty came forward, stated that he lives at 418 South Giant City Road, and that he worked on the original ordinance that was adopted in 1974. He said that one of his concerns has to do with lighting, because right now there is a pattern of intrusive lighting from both commercial and high density residential areas into lower density residential areas. He stated that wall packs make it hard for drivers to see, and that lighting should be better controlled. Another issue that he wishes to see addressed is non-conforming rooming houses where the occupancy ordinances are not being followed, especially in the R-1 neighborhoods. He said it is

too easy to phony up documents to say that a structure is grandfathered in, and that whether or not to continue the family occupancy in R-1 needs to be examined. He added that the techniques used to notify the public of the meetings and workshops needs to be looked at, because putting the meeting notice on the City's website is not enough to get people out. He said he realizes that actively seeking participation from the public can be expensive, but it must be done to get people involved in the process. He said that from mid-May to mid-August, much of the town is not here because of the university influence, and that the decision making should not be done without everyone being given an opportunity to be active in the process and have a voice.

Mr. Kelly responded that he could already tell that lighting was going to be an issue, and that he has been through this issue before in other places. He added that the occupancy issue is not part of their charge, and enforcing it is a nightmare, but that they will look at how zoning and parking issues can help address the issue.

Ms. Jane Adams came forward, stated that she lives at 606 West Elm, and that she participated in the earlier meetings, which were very useful. She said that she recalled being told about a way to cause storm drainage to be soaked up internally rather than to runoff, and that since our current code requires concrete or asphalt surfacing for parking lots, she would like to see that issue addressed.

Mr. Grice responded that there is pervious paving that will let water run through it, but it does involve maintenance, as it fills up with gravel. He added that they will probably recommend a reduction in the overall parking requirements, particularly in our commercial areas, because it is really not used except at Thanksgiving and Christmas time.

Mr. Wallace stated that the porous paving material requires the plant to change their mix, so unless the purchase is of a large quantity, it's not worth the plant's time to produce it and that this poses a problem.

Mr. Monty added that pervious pavement can work very well, but it has to be done right and it would be very difficult to do in this area because the natural soil does not drain well at all.

Mr. Barke asked if there were any further questions.

Ms. Yolanda Kamisky came forward, stated that she lives at 1004 South Johnson Street, and that she is concerned about the drainage ditches in her neighborhood. She explained that the leaves get washed down into the ditches in the fall, clogging up the culverts, which causes the streets to flood and water to run under her house. She asked that this issue be looked into, because what is being done now is not a viable solution.

Mr. Fronabarger asked if landscape revisions would be a part of the ordinance update.

Mr. Grice responded yes.

Mr. Fronabarger stated that is one of his pet peeves, because some of the larger apartment complexes are asphalt, concrete and buildings with no landscaping whatsoever.

Mr. Grice stated that even the oldest regulations require what used to be simply called “yards” that provide green space, and that will definitely be included in the new ordinance.

Mr. Fronabarger asked if that would include trees and shrubs.

Mr. Grice responded absolutely, and that yards are necessary.

Mr. Barke stated that we need an ordinance that gives the City teeth to enforce the permanence of the required landscaping, not just that it be put in when the sites are built and then allowed to turn into mulch beds.

Mr. Kelly responded there will be maintenance standards for the landscaping requirements written into the ordinance.

Mr. Kang stated that there should be a requirement for open spaces or parks in subdivision areas, rather than having to cross busy streets to have access to one. He added that the trees should be covering the signage and the commercial sites, rather than them being right in your face as you drive through town. He said he would like to see something to effect a standard in the new ordinance regarding this.

Mr. Jack stated that he thinks light pollution needs to be looked at to preserve the rural atmosphere around Carbondale, and that he agrees that the maximum level of parking should be examined. He added that there should be more neighborhood and community garbage cans around town, which he has pushed for years but has been put off by the cost of not only the vessels, but also the additional cost of maintaining them. He suggested allowing commercial interests to advertise on the vessels, thereby absorbing the costs, and helping to keep the City less littered. He said that the off-premise sign ordinance would have to be changed to allow for this, and that he would like that to be looked into.

Mr. Barke asked if there was anyone else who wished to speak.

There was no one.

Adjournment

Mr. Barke adjourned the meeting at 7:01 p.m.



MINUTES

City of Carbondale Preservation Commission Monday, February 14, 2011 City Hall/Civic Center – 7:00 p.m.

1. **Roll Call:** Chairperson Koine called the meeting to order at 7:00 p.m.
Members Present: Deniston, Ittner, Koine, Parkinson, Sigler, VanAwken
Members Absent: Booker, Clark
Staff Present: Jones
Guests: Kathy Benedict and five CCHS students
-

Ms. Koine introduced new Commissioner Jason Sigler, and he spoke about his background.

2. **Approval of Minutes:** Ms. Deniston moved, seconded by Ms. Ittner, to approve the minutes of January 10, 2011.

The motion was approved by unanimous voice vote.

3. **Communications and Reports:**

- A. Educational and Technical Committee

Ms. Ittner reviewed a list of events that happened on March 27th over the years, in relation to the upcoming event at the Civic Center to be put on by the Commission. She gave announcement cards to the students from CCHS and asked them to pass them on to others who may be interested in attending the event. She spoke about additional participants who will have presentations, including the Jackson County Stage Company. She added that she hopes there can be some kind of refreshments at the event, at least for the children.

Ms. Koine stated that she has a conflict, but will try to work it into her schedule or try to find someone else to stand in her place.

B. Certificate of Appropriateness

- Town Square Sign

Ms. Koine stated that Mr. Herb Russell has presented an opportunity to have a plaque installed by the Illinois State Historical Society in honor of speeches that Mr. Brush made in the Town Square. She said that the Certificate of Appropriateness Committee met with Mr. Russell and agreed that his request was a good one, and that the signage will hopefully be in place in time for the Illinois State Historical Seminar in April. She said that she spoke to the Mayor following the last City Council meeting, and that he said everything is in order to proceed. She spoke about the speeches Mr. Brush gave during the opening days of the Civil War that the plaque will honor.

Mr. Van Awken stated that Mr. Brush was very brave to have made these speeches, and should be considered a hero. He expressed great joy in knowing that there will be a plaque in the Town Square to commemorate him.

There was general discussion regarding Mr. Brush, the Town Square's history, and Mr. Russell's participation in having the plaque made.

4. **Old Business:**

2011 Historic Preservation Awards

Ms. Jones stated that applications are being accepted for the Historic Preservation Awards, though none have been received as of yet. She said that there are articles in the new issue of the Communicue regarding both the award program and the upcoming "Remembering Carbondale" event to be held on March 27th.

Ms. Koine stated that the applications are due by March 11th.

Ms. Deniston stated that she and Ms. Koine had attended the Bucky Dome news release, and complimented Ms. Koine on a job well done at the event.

Ms. Koine stated that the Buckminster Fuller Dome Foundation has received a \$125,000 grant to help restore the dome and that was the reason for the media event.

5. **New Business:**

Ms. Koine asked new Commissioner Sigler if he has decided which committee he wished to serve on.

Mr. Sigler stated he has not, and would rather learn more about the responsibilities of the committees prior to making a decision.

Ms. Koine spoke about the different committees and how they functioned. She noted that Preservation Week is coming up in May and that the bus tour has been postponed until September. She asked everyone to think of ways to recognize Preservation Week, which is also when the Historic Preservation Award winners will be honored at the City Council meeting. She then asked Ms. Jones to get a list of upcoming conferences and meetings together that the Commission should be aware of.

Ms. Ittner spoke about a seminar in April that would be good to attend.

6. **Comments by the Public, Commission Members and Staff:**

Ms. Deniston stated that fellow Commissioner Ms. Booker is hospitalized and that she had brought a card for everyone to sign for her.

Mr. VanAwken spoke about the park proposal, saying that he now believes it needs both a short-term and a long-term plan.

Ms. Ittner asked Ms. Jones if there might be funding for a reception at the March 27th event, "Remembering Carbondale" and if she would make a flyer to promote the event.

Ms. Jones stated that she is still checking into possible funding, and that she had already submitted a flyer for approval. She stated that she would forward the flyer to Ms. Ittner as soon as it is approved.

Ms. Koine asked if there was a problem with the funding for the reception, since there are funds in the budget for Preservation activities.

Ms. Jones explained that the funds were approved for the bus tour expenditures and using them for something else is not a simple switch.

There was general discussion regarding Black History Month events at SIUC and the art of Polly Winkler-Mitchell.

7. **Adjournment:**

The meeting was adjourned at 7:46 p.m.