

Request for City Council Action

Date: September 20, 2011

Agenda Section: Consent Agenda No. 4	Originating Department: City Clerk's Office
Item: Acceptance of Minutes of Boards, Commissions and Committees No. 4.3	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:

Carbondale Planning Commission for August 17, 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, August 17, 2011 Room 108 City Hall/Civic Center

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

Members Present: Barke, Harvey, Hunsaker, Kang, Lilly, Love, McClurg, McDaniel (ex-officio), Grant (7:03)

Members Absent: Brazley

Staff Present: Wallace

Approval of Minutes:

Mr. Kang moved, seconded by Mr. Hunsaker, to approve the minutes of August 3, 2011. The motion to approve the minutes passed on a unanimous voice vote.

Report of Officers, Committees, Communications:

Mr. Barke stated there were no reports.

Public Hearings:

A. PC 12-04, 7:00 p.m. John Mills is requesting to rezone a parcel of land from RR, Rural Residential, to R-1-15, Low Density Residential, for the property located at 1121 West Lake Road.

Mr. Barke declared Public Hearing PC 12-04 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Barke asked Mr. Wallace to present the staff report.

Mr. Wallace, Senior 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.

Mr. Grant asked what the acreage of the property is that makes up Rolling Meadows Subdivision, in which the subject property is located.

Mr. Wallace responded that he was not sure, but that the minimum lot size is one acre, and there are sixteen lots, so the subdivision is at least sixteen acres.

Mr. Grant asked if the rezoning is approved, will the minimum still be met for Rural Residential.

Mr. Wallace responded yes, it would.

Mr. Grant asked if the City has any plans to bring City sewer service there.

Mr. Wallace responded there are currently sewers that serve the Bonnie Brae Subdivision, and although the sewer is owned by the Bonnie Brae Homeowners Association, the City provides maintenance on it. Potentially, at some point in the future, it could be extended to serve Rolling Meadows Subdivision.

Mr. Grant asked if the applicant would be better off requesting a setback variance as opposed to the rezoning, since it is on a private septic tank.

Mr. Wallace responded that the problem with a variance is that the hardship cannot be created by the owner, and in this case, that cannot be shown and would probably be denied. He noted that there was a similar case recently that asked for a variance, which was denied.

Mr. Barke asked what could be done to prevent other cases like these, and what was meant by the "clerical error" mentioned in the staff report as being the cause of this one.

Mr. Wallace responded that the contractor in this case is E. A. Knight Construction and according to them, the person who takes care of the permits for the business contacted the City's Building Inspector, John Lenzini, who told her a building permit was not necessary outside of City limits, but a Zoning Certificate was. There was confusion regarding the permit being unnecessary, and no paperwork was subsequently requested from the City. He said that luckily in this case, the garage was built far enough off the property line that a rezoning will bring it into compliance, whereas in the other case the garage was only five feet off the property line, leaving no other options for the owner.

Mr. Barke asked for clarification that the City had been contacted, and not the county or some other entity.

Mr. Wallace responded yes.

Mr. Grant asked if the call had been transferred to the Planning Services Division to ask about the Zoning Certificate.

Mr. Wallace stated that it was not, but that Mr. Lenzini had given her the correct information and that she apparently only heard that no permit was necessary.

Mr. Barke stated that he would like to prevent this from happening in the future, and is open to any ideas or suggestions other commissioners may have, because the same issue has arisen twice in two months where a detached garage has been built outside of City limits, but within the City's zoning jurisdiction, that did not meet the required setbacks. He said that something needs to be done to get the word out so this does not happen. He asked if there were any further questions for staff.

There were none.

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

Mr. Mills came forward and stated that he feels as though he is in the middle, as he was not party to the conversation between staff and the contractor, but that since the problem was discovered, Mr. Wallace, Mr. Lenzini, and Mr. Baity have been very helpful.

Mr. Hunsaker asked Mr. Mills why no one from Knight Construction was present at the hearing tonight.

Mr. Mills responded that he has taken the responsibility for handling the case, but still thought that was a pretty good question.

Mr. McClurg asked how much of the garage is complete.

Mr. Mills responded it is about 65% finished.

Mr. Grant asked if there was an option for a different location on this lot.

Mr. Mills responded no, not without moving trees, and that he's already been told that he cannot move the concrete pad.

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

There were none.

Mr. Barke asked if anyone 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.

There was no one.

Mr. Barke asked Mr. Wallace to continue with the report.

Mr. Wallace read parts C and D of the staff report with a recommendation to approve PC 12-04.

Mr. Barke asked Mr. Wallace about the side yard setback requirements in the Rural Residential district.

Mr. Wallace responded it is thirty feet.

Mr. Barke asked about the orientation of some of the nearby properties, saying that he was looking to assure uniformity in the area.

Mr. Wallace responded that he had checked for that when he was on site, and that the garage is no closer than what would be allowed.

Mr. Grant asked if there is a limit to the number of accessory structures a person can have.

Mr. Wallace responded that currently, the City does not regulate the number of accessory structures, but that will probably be addressed in the zoning ordinance update. He added that subdivision covenants could possibly limit the number of structures.

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

There were none.

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

Mr. Grant asked Mr. Mills if he was aware of any covenant restrictions as to the number of accessory structures.

Mr. Mills responded no, not that he recalls.

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

There were none.

Mr. Barke closed the public hearing on PC 12-04 and asked for a motion on the findings of fact.

Mr. Kang moved, seconded by Mr. McClurg, that the Commission accept as findings of fact Parts A and B of the staff report for PC 12-04, that the applicant was present and spoke, and that no one spoke in favor or in opposition.

The motion passed on a unanimous voice vote.

Mr. Barke asked for a vote on the recommendation to the City Council.

Mr. Kang moved, seconded by Mr. Hunsaker, that the Commission recommend approval of PC 12-04 as presented by staff.

Roll Call Vote:

Yes - 8 (Barke, Grant, Harvey, Hunsaker, McClurg, Kang, Lilly, Love)

No - 0

Mr. Barke stated that the motion passed and that this matter will be on the City Council agenda at their meeting on September 6, 2011.

5. Old Business

A. Zoning Ordinance Update

Mr. Barke asked Mr. Wallace to speak on this item.

Mr. Wallace stated that he wanted to update the Commission as to the progress of the update. He reviewed the work that the consultants have provided thus far, and the input that staff has given them on changes to be made.

Mr. Barke asked if the Planning Commission will be handling the public hearing on the diagnostic report.

Mr. Wallace responded that he believes so, and that it will be widely publicized prior to the meeting.

Mr. Grant asked if the commission will receive a copy of the diagnostic report and have the ability to review it prior to the meeting and talk with people about their input.

Mr. Wallace responded yes, that is the plan at this time.

6. New Business

A. The Commissioner, Summer 2011

Mr. Barke encouraged reading over the issue.

B. City Council Agenda of August 16, 2011

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

Ms. McDaniel stated that it had been a very long meeting, and there was a denial of Home Rentals request for a Special Use Permit on their Monroe Street project. She said the discussion on that item was lengthy, and that the Arbor District, who spoke in favor of the permit at the Planning Commission meeting, came out in opposition to it at the City Council meeting. She added that the council voted 4-3 to deny the application, and that an anonymous donor is apparently giving the library \$20,000 to purchase the property, but that the first bid to purchase the property is with Home Rentals so she is not sure how that will turn out.

Mr. Barke stated that he was frustrated to hear the news of the denial after the library was the only one who spoke in opposition at the Planning Commission meeting and all other entities were on board with the project. He added that the extensive input and conditions that were placed on the recommendation to approve the project were well thought out, and that the denial seems as though the project was sandbagged at the Council meeting. He said that the recommendation to approve was not made lightly, and that he hopes the Council members are aware of the work that was put into this case to make the recommendation to approve with the specific conditions.

Ms. McDaniel stated that many things factored into the Council's decision to deny, some of which were the lack of upkeep on properties that Home Rentals already owns, and the location of the project.

Mr. Barke asked Mr. Wallace to obtain the minutes from that part of the Council meeting that concerns this case, because the denial is very frustrating after all the work that went into it.

Ms. McDaniel added that DVD's of the meeting will be available and that there will be a rebroadcast on Sunday, if commissioners wished to actually watch the discussion and voting on this case.

Mr. Hunsaker also expressed his frustration at the denial of this application.

Mr. Barke stated that he too understands that the Council makes the decisions, but he is looking for guidance so that everyone's time and effort is not wasted, especially when this case involved two public hearings, the recommendation to approve was unanimous among the Planning Commissioners, and great detail had been taken.

Mr. Grant added that he believes this is a missed opportunity to work with the new faces that make up Home Rentals, who went the extra mile to do things right and let people know that they are trying to better their reputation.

Adjournment

Mr. Barke adjourned the meeting at 7:38 p.m.

