

Request for City Council Action

Date: April 2, 2013

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:

Background:

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:

Preservation Commission – February 11, 2013

Planning Commission – March 6, 2013

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

City of Carbondale Preservation Commission Monday, February 11, 2013 City Hall/Civic Center – 7:00 p.m.

1. **Roll Call:** Chair Parkinson called the meeting to order at 7:00 p.m.

Members Present: Benedict, Comparato, Doherty, Ittner, Parkinson, Sigler, VanAwken

Members Absent: Booker, Clark

Staff Present: Price

Guests: Brent Ritzel

2. **Approval of Minutes:** With minor corrections to both, Ms. Ittner moved, seconded by Mr. Sigler, to approve the minutes of October 15, 2012, and Mr. Sigler moved, seconded by Mr. Comparato, to approve the minutes of November 19, 2012.

3. **Communications and Reports:**

- A. Educational and Technical Committee

Ms. Ittner reviewed her report for November 2012 to February 11, 2013, which will become a part of the permanent record. She provided the website address for the completed oral history records available now online through SIU's Morris Library.

4. **Old Business:**

- A. Member Resumes to be Completed

Mr. Price stated that the Commission Member Resume Form was included in the packets this month. He explained that it is a requirement of the state, for the Certified Local Government Program, that every member have a resume on file. He asked that everyone submit these completed forms as soon as possible.

5. **New Business:**

A. Preservation Commission Objectives for the Future

Mr. Parkinson stated that the Commission needs to develop a realistic Work Plan by April. He asked the members to have ideas to explore at the next meeting as to what they would like to see accomplished in one, two, and three years to submit to the Work Plan Committee, which is made of Mr. Clark and Ms. Doherty with Ms. Ittner as a consultant.

**B. Review of a Special Use Request for 310 and 312 West Monroe Street
(Previous letter of support attached)**

Mr. Parkinson stated that the first letter regarding this potential project was written on July 21, 2011, and the preliminary plans were reviewed by the Commission. He said that the parcel of land sets inside the Designated Potential Historic Zone, and is again up for review with some modifications. He reminded everyone that the Commission is an advisory body only, and asked Mr. Price to go over the proposed plan.

Mr. Price stated that the Commission recommended approval upon their first review and if the final plan is also supported, they have been asked to submit a letter signed by Mr. Parkinson to the Planning Commission and the City Council.

There was lengthy discussion regarding the proposed project to determine whether the Commission wished to support it or not, in terms of the way the structure will fit into the existing neighborhood.

Mr. Parkinson expressed a desire to see actual building material plans, such as what the siding would be made of, and the utilization of oak trees when fulfilling their landscaping requirements. He said that the letter may need to state that the Commission will need to withhold judgement on the project until materials and renderings by an architect have been seen, showing how the development fits into the neighborhood.

Mr. Comparato moved, seconded by Mr. Sigler, that the letter ask Home Rentals to attend a meeting of the Commission where they present more detail as to the project materials and renderings.

Roll Call Vote:

Yes - 7 (Comparato, Doherty, Ittner, Parkinson, Sigler, VanAwken, Benedict)
No - 0

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

Mr. VanAwken read a prepared statement.

Mr. Parkinson asked for focus to be put upon the future, and what the Commission can do to move forward. He asked Mr. VanAwken to propose what wording should be on the plaque, but to remember that it will be costly.

Mr. Brent Ritzel, a guest at the meeting, distributed flyers for the “Fuller Future Festival” to be held April 4-6, 2013, and spoke about the event.

7. **Adjournment:**

Mr. Parkinson adjourned the meeting at 8:25 p.m.



MINUTES

**Carbondale Planning Commission
Wednesday, March 6, 2013
Room 108
City Hall/Civic Center**

Ms. Harvey called the meeting to order at 7:00 p.m.

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

Members Absent: Barke, Brazley

Staff Present: Wallace, Henry, Price

Approval of Minutes:

Mr. Kang moved, seconded by Ms. Lilly, to approve the minutes of February 20, 2013.
The motion to approve the minutes passed on a unanimous voice vote.

Report of Officers, Committees, Communications:

Ms. Harvey stated there were no reports.

Public Hearings:

- A. **A. PC 13-10**, Timberline Landscape Design and Construction is requesting to rezone properties located in the 400 – 600 block of North Washington Street from R-1-8, Low Density Residential, to LI, Light Industrial.

Ms. Harvey declared Public Hearing PC 13-10 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Ms. Harvey asked Mr. Price to present the staff report.

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

Ms. Harvey asked if there were any questions of the staff.

There were none.

Ms. Harvey asked if the applicant was present and wished to speak.

Mr. Geoffrey King of 1804 West Freeman Street came forward, was sworn in, and stated that he appreciated the efforts of staff and Commissioners. He said that he is open to any questions.

Ms. Harvey asked if there were questions for Mr. King from Commissioners.

Mr. Grant asked Mr. King if he represented Habitat for Humanity in any way.

Mr. King responded no.

Mr. Grant asked if there was a contract on the property.

Mr. King responded yes, and that it is contingent on the rezoning.

Mr. Kang asked Mr. King what his interest in the land is.

Mr. King responded the interest is for development purposes so that Timberline, who owns adjacent land, can expand in a commercial capacity. He said that the elevation change in the parcels could accommodate a loading dock and warehouse for the company.

Ms. Harvey asked if anyone would like to speak in favor of the application.

There was no one.

Ms. Harvey asked if anyone would like to speak in opposition of the application.

Mr. Wallace read a letter in opposition. No one spoke in opposition.

Ms. Harvey asked Mr. Price to continue with the report.

Mr. Price read parts C and D of the staff report with a recommendation to approve PC 13-10.

Ms. Harvey asked if there were any questions of staff from Commissioners.

Mr. Kang asked why staff is recommending approval when that goes against the Comprehensive Plan.

Mr. Price responded that it is impossible for staff to say what will happen to the neighborhood when we do not know exactly what the subject property will be used for after it is rezoned, but something like a business office would have very little impact.

Mr. Kang stated that the applicant could put some chemicals in that would pollute the adjoining residential area to the south after the property is rezoned.

Mr. Wallace stated that the property has sat vacant for the past 35 years, and that its location makes it undesirable for heavy industrial use. He stated that Mr. King has taken very good care of his property and very conscious of the neighborhood. He added that there may be remnants on the land associated with the Heinz Oil ownership, so it may not be ideal for residential use in any case.

Ms. Harvey asked if there were questions from anyone to anyone.

Mr. McClurg asked Mr. King if he knew why the current owner, Habitat for Humanity, didn't build on the lot already.

Mr. King responded that they have current projects elsewhere that are much more suitable for residential uses, and that the subject property was just too close to the railroad tracks.

Ms. Harvey asked Mr. King if he would explain a little more about his intention on the land as far as the trucks coming in and out to the proposed loading dock.

Mr. King responded that hazardous materials are currently prohibited in Light Industrial Districts, so what was done before with the Shell station could not be done now. He said that a UPS truck may come once per day on the property to the north of the nine lots that are in question, as well as a central depository for people to bring things that need to be freighted out.

Ms. Harvey asked Mr. King if he has a specific business plan or model that he plans to use this property for.

Mr. King stated that the purchase is contingent on the rezoning, and because the land is so long it could accommodate a series of business which he would seek to be certain fit into the neighborhood. He said that, apart from the expansion of his own business, he has no business plan at this time.

Mr. McClurg asked Mr. Wallace if Exhibit D shows vacancies represented by "V."

Mr. Wallace responded yes, it would be a vacant lot.

Mr. Kang asked Mr. Wallace if the restrictions mentioned by Mr. King earlier as to chemical type businesses not being allowed were in fact true.

Mr. Wallace stated that there are performance standards that would regulate noise, odors and such that are specific to certain uses within the LI District.

Mr. Kang asked about leeching chemicals into the ground.

Mr. Wallace stated that would be regulated not only by the City, but also by the EPA. He added that there will be oversight by staff for any proposed use.

Ms. Lilly asked Mr. Wallace where Habitat for Humanity acquired the land.

Mr. Wallace added that he believes Heinz Oil donated it to Habitat for Humanity, who then applied for the rezoning to residential.

Mr. King explained that there were three tanks with fuel in them on the adjacent property, that they were removed years ago and the area has been tested and found to be clean.

Ms. Harvey closed the public hearing on PC 13-10 and asked for a motion on the findings of fact.

Mr. Kang moved, seconded by Mr. Hunsaker, that the Commission accept as findings of fact Parts A and B of the staff report for PC 13-10, that the applicant was present and spoke, and that no one spoke in favor and one letter of opposition was read.

The motion passed on a unanimous voice vote.

Ms. Harvey asked for a vote on the recommendation to the City Council.

Mr. Kang moved, seconded by Ms. Lilly, that the Commission recommend approval of PC 13-10 as presented by staff. Mr. Grant asked that Mr. King provide staff with a copy of the contract with Habitat for Humanity for the purchase of the property.

Roll Call Vote:

Yes - 7 (Grant, Harvey, Hunsaker, Kang, McClurg, Lilly, Love)

No - 0

Ms. Harvey stated that the motion passed and that this matter will be on the City Council agenda at their meeting on March 19, 2013.

B. PC 13-11, Lindsey Fisher is requesting a Special Use Permit to allow dwelling units, as permitted in the R-3 Zoning District, in the PA, Professional Administrative Office District, at 310 & 312 West Monroe Street.

Ms. Harvey declared Public Hearing PC 13-11 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Ms. Harvey asked Ms. Henry to present the staff report.

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

the staff report.

Ms. Harvey asked if there were any questions of the staff.

Mr. Kang asked if a Special Use Permit would expire in six months if the use ceased to exist for that period.

Ms. Henry responded yes.

Mr. Kang asked why, since this is a permanent structure with permanent uses, is the consideration for a special use.

Ms. Henry responded that the City Council wished to have greater oversight to allow some design standards to be implemented for this project, which a Special Use Permit gives them.

Ms. Harvey asked if there were further questions from Commissioners.

There were none.

Ms. Harvey asked if the applicant was present and wished to speak.

Mr. Sonny Frederich of 336 Church Camp Road in Makanda came forward and stated that he is the Construction Supervisor for Home Rentals. He said that this project was brought before the City about a year and a half ago, with almost the same design and with input from many entities. The project was voted down by the City Council by a 4-3 vote, has since gone to court and has not yet been decided, but the project has received additional input that he hopes would lead to approval this time. He said the design has been changed in that the building size is smaller, the parking spaces are fewer, and the detailing on the building has been increased to increase its acceptability. He then offered to answer any questions.

Ms. Harvey asked about the case going to court.

Mr. Frederich stated that the case is in court, but that continued negotiations between Home Rentals, staff and the City Manager have pushed back any decision being made. He said that the City Manager asked him to go through the process again with the City to seek approval with the changes in the plan, prior to the case going to court.

Mr. Wallace stated that the size of the building, the orientation of the building and the desire for more green space on the lot have all been addressed in the new site plan. He said that the conditions in the original proposal remain the same, and that there is more control over this project than with any other.

Ms. Harvey asked if anyone would like to speak in favor of the application.

There was no one.

Ms. Harvey asked if anyone would like to speak in opposition of the application.

Mr. Brian Swoboda of 409 West Monroe Street came forward and stated that he likes the concessions that have been made, but his concern is that it is still a four unit building in a neighborhood that is already overcrowded and will cause a negative impact. He said he would much rather see two duplexes or something that better represents a single family neighborhood, but that he applauds Home Rentals for trying to make the design more attractive.

Ms. Diana Sesman, Director of the Carbondale Public Library, came forward and stated that she appreciates the concessions that Home Rentals has made, but that the Library Board has not been able to review the project because they've not had a meeting since receiving notification of the application. She stated that the opinion of the Board has not changed, and objects to additional rental units in the neighborhood. She said there is an anonymous donor who has offered to purchase the property and donate it to the library, where it would be maintained and kept as green space for the benefit of the neighborhood, and could be used for expansion of the library in the future if needed.

Mr. Love asked if the library has approached Home Rentals to purchase the property.

Ms. Sesman responded no.

Ms. Harvey asked if anyone else wished to speak in opposition.

There was no one.

Ms. Harvey asked Ms. Henry to continue with the report.

Ms. Henry read parts C and D of the staff report with a recommendation to approve PC 13-11.

Ms. Harvey asked if there were any questions of staff from Commissioners.

Mr. Kang asked Mr. Wallace how the Commission can act on a case that is still in litigation.

Mr. Wallace responded that the case can move forward as any other case would.

Mr. Kang asked Ms. McDaniel if the City Manager has the blessing of the City Council to move forward on this case while it is in litigation.

Ms. McDaniel responded yes, absolutely. She explained that the Planning Commission is only an advisory committee to the City Council and is not the final say, and that the City Council will vote on it to determine the outcome of the case.

Ms. Harvey asked about the Preservation Commission having final approval for all colors used on the building, and whether that is only for the original construction.

Ms. Henry stated that any major modifications would require a zoning certificate and that the case would be consulted at that time.

Mr. Wallace stated that the conditions are binding and run with the life of the property.

Mr. Grant asked if parking is allowed on Monroe Street.

Mr. Wallace responded no.

Mr. Grant stated that the project will have seven bedrooms with seven parking spaces, and asked where visitors would be able to park.

Mr. Wallace stated that there was objection to the extra parking on the original plans, so it has been omitted on the new plan.

Ms. Harvey asked if there were questions from anyone to anyone.

Ms. Sandy Litecky of 603 West Walnut Street came forward and asked how many legal occupants can live in the building.

Mr. Wallace reviewed the formula used for occupancy, based on square footage.

Ms. Litecky stated that there should be more parking for the project, not less.

Mr. Wallace stated that if the City Council wishes to add a condition for more parking, the applicant is amenable to providing it.

Ms. Litecky asked Mr. Frederich if he could provide the square footage calculation.

Mr. Frederich responded that he believes each of the two bedroom units is about 1000 square feet. He added that they are hoping to rent to an upscale clientele, not young kids who may tear up a project they've worked hard for and put a lot of money into.

Ms. Barb Eidlin of 204 South Maple came forward and stated that this is the kind of project that would be nice for the public to know all the information involved, such as the fact that the Preservation Commission is helping to provide design standards.

Ms. Harvey asked if there were any further questions from anyone to anyone.

There were none.

Ms. Harvey closed the public hearing on PC 13-11 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 13-11, that the applicant's representative was present and spoke, no one spoke in favor and two people spoke in opposition.

The motion passed on a unanimous voice vote.

Ms. Harvey asked if the criteria shall be taken individually or collectively.

Mr. Hunsaker moved, seconded by Mr. Grant, that they be taken collectively.

The motion passed on a unanimous voice vote.

Mr. Grant moved, seconded by Mr. Hunsaker, that the Commission approve the seven criteria with the seven conditions as outlined in the staff report.

Roll Call Vote:

Yes - 6 (Grant, Harvey, Hunsaker, McClurg, Lilly, Love)

No -1 (Kang)

Ms. Harvey asked for a vote on the recommendation to the City Council.

Mr. Hunsaker moved, seconded by Mr. Grant, that the Commission recommend approval of PC 13-11 with conditions, as presented by staff.

Roll Call Vote:

Yes - 6 (Grant, Harvey, Hunsaker, McClurg, Lilly, Love)

No -1 (Kang)

Ms. Harvey stated that the motion passed and that this matter will be on the City Council agenda at their meeting on March 19, 2013.

C. PC 13-12, A text amendment relative to the NB, Neighborhood Business District.

Ms. Harvey declared Public Hearing PC 13-12 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Ms. Harvey asked Ms. Henry to present the staff report.

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

the staff report, with a recommendation to approve.

Ms. Harvey asked if there were any questions of the staff.

Mr. Grant asked if there were any NB districts currently in the City.

Mr. Wallace responded no, there are none. There was one case that was approved on Park Street, but it was rezoned in the mid 1980's.

Mr. Grant asked if it would be better to put the NB language in the R-1 regulations and eliminate the NB district.

Mr. Wallace responded that was the original thought, however during the course of the review it was found to be important as a separate designation as it may not always apply only to R-1.

Mr. Wallace reviewed some of the current "as-is" permitted uses, adding that some of them need to be considered for omission later on.

Ms. Harvey asked if there were any questions from the audience.

Ms. Mary O'Hara of 104 N. Parrish came forward and asked if the notification process is to neighbors or to neighborhoods.

Mr. Wallace explained that notifications go out to adjoining properties within 250 feet, but that more effort will be made to notify community and neighborhood groups in the future via emails.

Ms. O'Hara stated that she would like to see this put into the code, so that neighbors are notified and involved in decisions before the projects are begun.

Mr. Wallace responded that the code currently requires the City to send certified letters to the adjoining owners, which cost over \$6.00 each. He said this is not state statute, but rather City regulations, and that he would like to consider sending letters by regular mail to notify more people in a greater area.

Ms. O'Hara stated that the mechanisms for getting neighborhoods involved have not been formalized and that they need to be.

Mr. Grant reviewed how the NB district would be accomplished, by coming to the Planning Commission for a Special Use Permit. He said he would like to see publication of these notifications in the community newspapers.

Mr. Adam Loos of 724 North Carico came forward and stated that he received an email from a Councilwoman stating that a gas station could be permitted in an NB District.

Mr. Wallace responded that he had also received the email, and that the information regarding gas stations is incorrect, and they would not be allowed. He explained further details about the NB and the design standards that would be under review during the planning stages.

Mr. McClurg asked Mr. Wallace if he would be agreeable to a postponement of a vote on the NB so that the proposed text can be reviewed by the public in the mean time.

Mr. Wallace responded that it will be on the City's website prior to going to City Council.

Ms. Liz Gersbacher of 1507 West Taylor Drive came forward and stated that she is very concerned about Carbondale becoming more flexible and getting away from neighborhood concepts. She also asked for more notifications to neighborhoods, and that they are sent out sooner.

Mr. Grant stated that he would like to see notifications be sent out to a four block radius of the effected property via regular mail.

Mr. Wallace stated that he would put this up for discussion at an upcoming meeting.

Ms. Harvey asked if there was any further discussion.

There was none.

Ms. Harvey closed the public hearing on PC 13-12 and asked for a motion on the recommendation to the City Council.

Mr. Kang moved, seconded by Mr. Love, that the Commission recommend approval of PC 13-12 as presented by staff.

Roll Call Vote:

Yes - 7 (Grant, Harvey, Hunsaker, Kang, McClurg, Lilly, Love)
No - 0

Ms. Harvey stated that the motion passed and that this matter will be on the City Council agenda at their meeting on, 2013.

5. Old Business

A. Zoning Ordinance Update

Mr. Wallace stated that there will be further discussion and items up for vote at the next Commission meeting on March 20th so they can move forward to City Council.

6. New Business

A. City Council Agenda of March 5, 2013

Ms. Harvey asked Ms. McDaniel to review this item.

Ms. McDaniel stated there were no Planning items on the agenda.

Adjournment

Ms. Harvey adjourned the meeting at 8:43 p.m.