



## MINUTES

**Carbondale Planning Commission**  
**Wednesday, July 19, 2017**  
**Room 108, 6:00 p.m.**  
**City Hall/Civic Center**

Ms. Litecky called the meeting to order at 6:00 p.m.

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**Members Present:** LeBeau, Sheffer, Hamilton, Henson, Love, Lilly, Litecky, and Bradshaw (ex-officio)

**Members Absent:** Burnside

**Staff Present:** Taylor

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**1. Approval of Minutes:**

Mr. Sheffer moved, seconded by Mr. Love, to approve the minutes for June 28, 2017.

The motion to approve the minutes passed with a unanimous voice vote.

**2. Citizen Comments or Questions**

There were none

**3. Report of Officers, Committees, Communications**

There were none

**4. Public Hearings**

**PC 18-02, 6:02 pm-** The City of Carbondale has proposed a text amendment to Title 15 of the Carbondale Revised Code relative to accessory dwelling units.

Ms. Litecky declared Public Hearing PC 18-02 open and asked Mr. Taylor to read the legal notice.

Travis Taylor, Senior Planner for the City of Carbondale, read the legal notice.

Ms. Litecky asked Mr. Taylor to present the staff report.

Travis Taylor was sworn in and read part A of the staff report.

Ms. Litecky asked if there were any questions of staff.

Dr. LeBeau asked if the ADU's are legally non-conforming what happens now. Mr. Taylor stated that if the text amendment were approved, and that if the current ADU's meet all of the requirements of the text amendment then they would be considered legal and would be considered a lawful special use without having to go through the special use process.

Mr. Henson questioned if ADU's would be restricted to owner occupied units. Mr. Taylor stated that as it reads in the text amendment that it would be restricted to owner occupied properties only. Mr. Henson also asked if it was known how much current rental units within in Carbondale bring in on an annual basis. Mr. Taylor stated that he was unsure if that is data that the City holds. Mr. Henson asked if rental inspections were public information. Mr. Taylor stated that rental inspections are public record and can be pulled on any property within the city.

Dr. Hamilton questioned what would be required for these types of units for yearly inspections. Mr. Taylor stated that the properties would be required to be inspection upon initial proposal of the use once approved but an annual inspection is dependent upon their rental property registration. Mr. Taylor also explained how rental property inspections work based on the different registrations.

Mr. Sheffer questioned how much of the current rental properties within Carbondale are currently vacant. Mr. Taylor stated that he was unsure on a number at this time and did not think that the City keeps information on current rental vacancies. Mr. Sheffer asked if all rental units get inspected whether they are being rented out or not. Mr. Taylor stated that any property that is registered as a rental is inspected, even if it's not being used at that time. It was then discussed that even if a property is vacant, the owner must be registered if they are actively trying to seek renters for the units.

Ms. Bradshaw questioned if the City was aware of how many legal non-conforming ADU's were currently located within Carbondale. Mr. Taylor stated that as of this date he was aware of at least three ADU's in the city but the City has been trying to phase those types of units out as the use changes and making sure they do not get used as a dwelling unit.

Mr. Henson questioned if these units were restricted so that vacation rental units would not be allowed. Mr. Taylor stated that vacation rental units would be allowed in these structures and that to qualify as a vacation rental unit it would have to be rented for less than thirty days. It was then discussed the difference between rental unit inspections and vacation rental unit inspections and how they work.

It was then discussed between Mr. Sheffer and Mr. Taylor about the vacant rental units within Carbondale and the different programs that have been put in place to transfer some of those units from rentals to owner occupied homes. Mr. Taylor stated that there have been several people take advantage of this program. He stated that they allow up to four of these types of grants a year. Mr. Taylor spoke about how the program has recently been updated

to make it more marketable for potential home buyers.

Dr. Hamilton questioned how long the process would be from an owner to change an ADU to a vacation rental unit or an Airbnb unit. Mr. Taylor stated that as long as everything was in line for the unit, a license could be turned around within the matter of a few weeks for the unit.

Ms. Litecky asked if anyone wished to speak in favor.

Jane Adams of 606 West Elm Street, came forward to speak in favor and to read the letter that she had given to the Commission about ADU's. See attached letter as Exhibit A.

Ms. Litecky asked if anyone wished to speak in opposition.

There was no one.

Ms. Litecky asked Mr. Taylor to read the analysis.

Mr. Taylor read Parts B and C of the staff report for PC 18-02, with a recommendation of denial.

Ms. Litecky asked if the Commissioners had questions for staff.

Dr. Hamilton questioned if the structure would be separate or one that would be attached to a current dwelling allowing. Mr. Taylor stated that ADU's would only be allowed as detached dwelling units, the City already has a regulations in place for attached two unit dwellings.

Ms. Litecky questioned what would happen if a property is sold and the dwelling is no longer owner occupied. Mr. Taylor stated that at that time the special use permit would be revoked and the accessory unit could no longer be used as a dwelling unit.

Jennifer Fertaly of 213 North Washington came forward to state that the organization that she currently works for, The Center for Empowerment and Justice, was very excited about the possibility of ADU's in the City of Carbondale and it would be helpful to her clients.

D. Gorton of 606 West Elm Street, came forward to ask again about the record keeping of rental units that are occupied and exactly how many ADU's are currently within Carbondale. Mr. Taylor stated that he was unsure at this time of those numbers. Mr. Gorton questioned how the Planning Department could decide to deny something without having all of the proper information about the units in question. Mr. Taylor stated that he based his decision on previous Commission cases that have been heard in the past years. Mr. Gorton stated that something like this would be a benefit to the City and should be

something that the Commission consider approving. Mr. Gorton shared personal experiences with rental units and ADU's.

Patrick Kelly of 414 West Sycamore, came forward to ask about ADU's in relation to having one exterior ADU and what he has seen with up to four exterior units to qualify for state and federal grants. Mr. Taylor stated that he is unaware of the federal grant that Mr. Kelly was speaking of and there was then discussion about how that grant works within Carbondale.

Dr. LeBeau stated that he was concerned that the City was unsure of how many ADU's are actually in Carbondale currently and the issues with not allowing ADU's. It was then discussed the possibility about finding out how many current rental units are vacant within the City of Carbondale and what issues there would be in finding that type of information because of the amount of rentals within the city.

Ms. Bradshaw spoke about the types of ADU's and the types of vacancy in current rental properties. The people who use ADU's are not the same type of market. College kids and elderly residents are not looking for the same types of rentals or in the same locations. Ms. Bradshaw spoke about her own experiences with rental units and the market within Carbondale.

Dr. Hamilton spoke about the interest rate market and how that would effect this type of market. Mr. Henson added to what Ms. Bradshaw and Dr. Hamilton spoke about with his own past experiences.

Ms. Bradshaw questioned what would happen with current ADU's if they were to want to make changes to the properties based on the new standards. Mr. Taylor stated that they would be legally non-conforming units and certain things would not apply.

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

There were none.

Ms. Litecky declared PC 18-02 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A of the staff report for PC 18-02, the applicant was present, and two people spoke in favor and no one opposition, seconded by Ms. Lilly.

The motion was passed with a unanimous voice vote.

Mr. Sheffer moved that the Commission recommend approval of staff's recommendation

to deny. After discussion Mr. Sheffer withdrew his motion and Mr. Love made a motion to approve the text amendment as proposed in exhibit A of the staff report and send PC 18-02 to City Council, seconded by Mr. Henson.

Roll Call Vote:

Yes – 3 (Henson, Love, Lilly)

No – 3 (Sheffer, Hamilton, Litecky)

Abstain-1 (LeBeau)

Mr. Taylor stated that the item would move forward without recommendation and that the item would tentatively be on the City Council agenda for discussion at their meeting on August 1, 2017.

**PC 18-06, 7:08 pm-** Jeff Williams is requesting a Special Use Permit to allow for a two-unit dwelling in a PAR, Professional Administrative Office, Residential, Zoning District at 806 West Main Street.

Ms. Litecky declared Public Hearing PC 18-06 open and asked Mr. Taylor to read the legal notice.

Travis Taylor, Senior Planner for the City of Carbondale, read the legal notice.

Ms. Litecky asked Mr. Taylor to present the staff report.

Travis Taylor, Senior Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Ms. Litecky asked if there were any questions of staff.

There were none.

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

Jeff Williams came forward to speak about his previous request and to state what he was requesting at this time. Mr. Williams stated that he would be very conscious about who he would rent the property to since that was a major concern at the last meeting.

Ms. Litecky asked if there were any questions of the applicant.

Mr. Henson asked Mr. Williams what his next plan might be if his request is denied again. Mr. Williams stated that at this time he does not have another plan because the property has already been on the market for so long. He stated that his plans for the property would be something that could be used as two offices or two rental units.

Dr. Hamilton questioned if the property would be made into two, two bedroom units. Mr.

Williams stated that is what the plan would be.

Ms. Litecky asked if anyone wished to speak in favor.

There was no one.

Ms. Litecky asked if anyone wished to speak in opposition.

There was no one.

Ms. Litecky asked Mr. Taylor to read the analysis.

Mr. Taylor summarized Parts C and D of the staff report for PC 18-06, with a recommendation of approval.

Ms. Litecky asked if the Commissioners had questions for staff.

Ms. Litecky questioned if there were any landscaping requirements. Mr. Taylor stated that as part of the parking lot, there would be landscaping required. Mr. Litecky also questioned who would be able to occupy these two units. Mr. Taylor stated that it would be single family occupancy plus one unrelated per unit.

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

Navreet Kang of 613 South Terrace Drive, came forward to ask if the current gravel lot would be required to be paved because the gravel comes over to his property. Mr. Taylor stated that the applicant would be required to pave and stripe the parking lot as part of the special use permit. Mr. Kang also questioned what would happen to the extra unit that is located at the back of the property. Mr. Taylor stated that it could be used as an accessory dwelling unit.

Ms. Litecky declared PC 18-06 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Parts A and B of the staff report for PC 18-06, the applicant was present, and no one spoke in favor or opposition, seconded by Mr. Love.

The motion was passed with a unanimous voice vote.

Mr. Sheffer moved to vote on the seven criteria as one, seconded by Mr. Love.  
The motion was passed with a unanimous voice vote.

Mr. Sheffer moved that the applicant has met all seven criteria, seconded by Mr. Love.

Roll Call Vote:

Yes – 7 (LeBeau, Sheffer, Hamilton, Henson, Love, Lilly, Litecky)  
No – 0

Mr. Sheffer moved that the Commission recommend approval and send PC 18-06 to City Council, seconded by Dr. Hamilton.

Roll Call Vote:

Yes – 7 (LeBeau, Sheffer, Hamilton, Henson, Love, Lilly, Litecky)  
No – 0

Mr. Taylor stated that the motion to recommend approve has passed and that the item would be on the City Council agenda for discussion at their meeting on August 1, 2017.

**5. Old Business**

There was none.

**6. New Business**

**A.** City Council Agenda from July 18, 2017.

Ms. Bradshaw reviewed the City Council meetings as they related to Planning.

**7. Adjournment**

Ms. Litecky adjourned the meeting at 7:35 p.m.