



## **AGENDA**

**Carbondale Planning Commission**  
**October 18, 2017**  
**City Hall / Civic Center**  
**200 South Illinois Avenue, Room 108**  
**6:00 p.m.**

- 1. Call to Order and Roll Call**
- 2. Approval of Minutes:** Minutes of August 2, 2017
- 3. Citizen Comments and Questions**
- 4. Report of Officers, Committees, Communications**  
None
- 5. Public Hearings**  
None
- 6. Old Business**  
None
- 7. New Business**
  - A. Planning Commissioner training-See attached Hearing and Voting Procedures
  - B. Discussion regarding Neighborhood Outreach Committee
  - C. City Council Agenda from August 29, September 19, October 3, and October 17, 2017
- 8. Adjournment**



## MINUTES

**Carbondale Planning Commission**  
**Wednesday, August 2, 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, Love, Lilly, Litecky, and Bradshaw (ex-officio)

**Members Absent:** Henson and Burnside

**Staff Present:** Taylor

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**1. Approval of Minutes:**

Mr. Love moved, seconded by Ms. Lilly, to approve the minutes for July 19, 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 18-07, 6:01 pm-** Michelle Roberts is requesting the rezoning of property from AG, General Agriculture, to RR, Rural Residential, for 1655 North Reed Station Road.

Ms. Litecky declared Public Hearing PC 18-07 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.

Mr. Taylor 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.

Michelle Roberts came forward and stated that she wrote a letter with her request for the rezoning that was included in the staff report.

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

There were none.

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

There was no one.

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

Leon Bagley of 1 Chauceys Lane, came forward to express his concerns about the water lines near the property and the easement on his property next to Ms. Roberts. Mr. Bagley was concerned about being able to access the waterline if there were any problems. Mr. Taylor stated that the access to the waterline property should not be an issue and the easement should not be affected.

Ms. Roberts stated that the only easement that she was made aware was a roadway access on the north side of the property to get the property located behind hers. There was then discussion about the waterline being located on the property next to Ms. Roberts.

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

Mr. Taylor read Parts C and D of the staff report for PC 18-07, with a recommendation of approval.

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

There were none.

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

There were none.

Ms. Litecky declared PC 18-07 closed and asked for a motion on the findings of fact.

Mr. Sheffer moved that the Commission accept as findings of fact Part A and B of the staff report for PC 18-07, 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 that the Commission recommend approval of the rezoning and send PC 18-07 to City Council, seconded by Ms. Lilly.

Roll Call Vote:

Yes – 6 (Le Beau, Sheffer, Hamilton, Litecky, Love, Lilly)

No – 0

Mr. Taylor stated that the item would move forward with recommendation for approval and that the item would be on the City Council agenda for discussion at their meeting on August 29, 2017.

## **5. Old Business**

There was none.

## **6. New Business**

**A.** City Council Agenda from August 1, 2017.

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

## **7. Adjournment**

Ms. Litecky adjourned the meeting at 6:18 p.m.

## Hearing Procedures

### PLANNING COMMISSION

Rezoning, Text Amendment

#### PLEASE NOTE:

**All motions are made in the affirmative to avoid confusion. When a motion is made in the affirmative, a “yes” vote is a vote to approve and a “no” vote is a vote to deny.**

#### **PART I - Opening**

- Chair opens hearing on PC# \_\_\_\_.
- Executive Secretary reads legal notice.
- Planner who prepared the staff report is sworn in and reads facts portion of case.

#### **PART II - Question & Answer**

- Chair asks Commissioners if they have questions of Staff.
- Chair asks if applicant is present and wishes to speak. If so, they are sworn in and speak.
- Chair asks Commissioners if they have questions of applicant.
- Chair asks if anyone wishes to speak in favor of the application. If so, they are sworn in and speak.
- Chair asks if Commissioners have questions for those in favor of the application.
- Chair asks if anyone wishes to speak in opposition to the application. If so, they are sworn in and speak.
- Chair asks if Commissioners have questions for those in opposition to the application.
- Planner finishes report relative to analysis and recommendation.
- Chair asks if there are questions for Staff.
- Chair invites questions from anyone to anyone. (Only questions to matters of fact are in order at this time. All statements and argumentation will be declared out of order by the Chairperson.)

#### **PART III - Closing**

- Chair declares public hearing closed and asks for motion on findings of fact.
  - EXAMPLE MOTION: *I move that Parts A and B of the Staff Report, that the applicant and # persons spoke in favor of the application, that # persons spoke in opposition to the application, and a petition/letters in opposition/support to the application was submitted be accepted as findings of fact.*
  - TYPE of VOTE: Voice Vote
- Chair asks for motion on recommendation to City Council.
  - EXAMPLE MOTION: *I move to recommend to the City Council approval of PC (#####), (Name of applicant, description of the request, and location of request).*
  - TYPE of VOTE: Roll Call Vote
- Executive Secretary states the result of the vote and what date the recommendation will be presented to City Council.

## Hearing Procedures

### PLANNING COMMISSION

#### Special Use Permit

#### **PART I - Opening**

- Chair opens hearing on PC#\_\_\_\_\_.
- Executive Secretary reads legal notice.
- Planner who prepared the staff report is sworn in and reads facts portion of case.

#### **PART II - Question & Answer**

- Chair asks Commissioners if they have questions of Staff.
- Chair asks if applicant is present and wishes to speak. If so, they are sworn in and speak.
- Chair asks Commissioners if they have questions of applicant.
- Chair asks if anyone wishes to speak in favor of the application. If so, they are sworn in and speak.
- Chair asks if Commissioners have questions for those in favor of the application.
- Chair asks if anyone wishes to speak in opposition to the application. If so, they are sworn in and speak.
- Chair asks if Commissioners have questions for those in opposition to the application.
- Planner finishes report relative to analysis and recommendation.
- Chair asks if there are questions for Staff.
- Chair invites questions from anyone to anyone. (Only questions to matters of fact are in order at this time. All statements and argumentation will be declared out of order by the Chairperson.)

#### **PART III - Closing**

- Chair declares public hearing closed and asks for motion on findings of fact.
  - EXAMPLE MOTION: *I move that Parts A and B of the Staff Report, that the applicant and # persons spoke in favor of the application, that # persons spoke in opposition to the application, and a petition/letters in opposition/support to the application was submitted be accepted as findings of fact.*
  - TYPE of VOTE: Voice Vote
- Chair asks for motion on whether the Commission desires to vote on the five criteria as one or separately.
  - EXAMPLE MOTION: *I move that the Commission consider all seven criteria as one*  
or  
EXAMPLE MOTION: *I move that the Commission consider each criterion separately.*
  - TYPE of VOTE: Roll Call
- Chair asks for a motion on whether the criteria have been met. (If voted on separately, there must be a separate motion and vote on each of the seven criterion)
  - EXAMPLE MOTION: *I move that the applicant has met all of the seven criteria.*  
or  
EXAMPLE MOTION: *I move that the application has met Criterion (#) that... (insert criteria wording)*
  - TYPE of VOTE: Roll Call

## Hearing Procedures

- Chair asks for a motion on the granting of the Special Use Permit
  - EXAMPLE MOTION: *I move that the Planning Commission recommend approval of the Special Use Permit for PC (####) (Include any possible conditions with this motion).*
  - TYPE of VOTE: Roll Call
- Executive Secretary states the result of the vote and what date the recommendation will be presented to City Council.

## Hearing Procedures

### ZONING BOARD OF APPEALS

#### Variance

#### **PART I - Opening**

- Chair opens hearing on ZBA#\_\_\_\_.
- Executive Secretary reads legal notice.
- Planner whom prepared the staff report is sworn in and reads facts portion of case.

#### **PART II - Question & Answer**

- Chair asks Commissioners if they have questions of Staff.
- Chair asks if applicant is present and wishes to speak. If so, they are sworn in and speak.
- Chair asks Commissioners if they have questions of applicant.
- Chair asks if anyone wishes to speak in favor of the application. If so, they are sworn in and speak.
- Chair asks if Commissioners have questions for those in favor of the application.
- Chair asks if anyone wishes to speak in opposition to the application. If so, they are sworn in and speak.
- Chair asks if Commissioners have questions for those in opposition to the application.
- Planner finishes report relative to analysis and recommendation.
- Chair asks if there are questions for Staff.
- Chair invites questions from anyone to anyone. (Only questions to matters of fact are in order at this time. All statements and argumentation will be declared out of order by the Chairperson.)

#### **PART III - Closing**

- Chair declares public hearing closed and asks for motion on the finding of Jurisdiction.
  - EXAMPLE MOTION: *I move that the Zoning Board of Appeals has jurisdiction over the matter being requested.*
  - TYPE of VOTE: Voice Vote
- Chair asks for a motion on the finding with respect to the standing of the applicant.
  - EXAMPLE MOTION: *I move that the applicant has the standing to make this application.*
  - TYPE of VOTE: Voice Vote
- Chair asks for a motion on the findings of fact.
  - EXAMPLE MOTION: *I move that Parts A and B of the Staff Report, that the applicant and # persons spoke in favor of the application, that # persons spoke in opposition to the application, and a petition/letters in opposition/support to the application was submitted be accepted as findings of fact.*
  - TYPE of VOTE: Voice Vote
- Chair asks for motion on whether the Board desires to vote on the five criteria as one or separately.
  - EXAMPLE MOTION: *I move that the Board consider all five criteria as one*  
or  
*EXAMPLE MOTION: I move that the Board consider each criterion separately.*
  - TYPE of VOTE: Roll Call

## Hearing Procedures

- Chair asks for a motion on whether the criteria have been met. (If voted on separately, there must be a separate motion and vote on each of the five criterion)
  - EXAMPLE MOTION: *I move that the applicant has met all of the five criteria.*  
or  
EXAMPLE MOTION: *I move that the application has met Criterion (#) that...*  
(insert criteria wording)
  - TYPE of VOTE: Roll Call
- Chair asks for a motion on the granting of the variance.
  - EXAMPLE MOTION: *I move that the Zoning Board of Appeals grant the Variance for ZBA (#####) (Include any possible conditions with this motion).*
  - TYPE of VOTE: Roll Call
- Executive Secretary states the result of the vote and that the applicant will receive written notification of the results of the hearing within 15 days.

# VOTING PROCEDURES

## for Planning Commission

Title 15, Chapters 1 and 2, of the Revised City Code for the City of Carbondale set forth the powers and duties of the Planning Commission. One of the more significant responsibilities of the Commission is to conduct public hearings and make recommendations to the City Council on requests to amend the zoning district boundaries, amend the zoning ordinance text and granting special use applications. It is important that the Commission make the appropriate findings of fact and recommendations to the City Council on these matters. The following are suggested motions that should be made and approved by the Commission in forwarding cases to the City Council.

### ***Rezoning Applications:***

Findings of Fact: The findings of fact for rezoning applications involve determining which portions of the staff report are factual, listing persons who spoke at the public hearing and itemizing information presented. In rezoning cases the Planning Services Division staff usually organizes its report with Part A, General Information, and Part B, Special Information, containing only factual information. Staff's opinions and recommendation are normally limited to Part C, Analysis, and Part D, Recommendation. Most public hearings will include testimony from the applicant and persons speaking in favor of the request or opposed to the application. At times there may be other persons who do not necessarily speak for or against but rather have questions or raise concerns. The Commission should include in its findings the number of people speaking under each category. There may also be letters or petitions submitted that may be either for or against the application and other evidence, such as pictures, that is presented to the Commission during the public hearing. It is important to remember that the findings of fact should be limited to factual information presented or entered into the record of the public hearing and not hearsay or information received outside of the public hearing that has not been entered into the record during the hearing.

A typical motion would be as follows: “ *I move that Parts A and B of the Staff report, that the applicant and 3 persons spoke in favor of the application, that 2 persons spoke in opposition to the application, that 1 person had questions of the applicant, that a petition in opposition to the application was submitted and that pictures of the subject property were submitted by the applicant as findings of fact*”.

Recommendation: The recommendation for a rezoning application should be made in the affirmative, regardless of whether the person making the motion supports the request. This is done to avoid confusion in voting on a negative motion. The motion for a rezoning application must be for the exact request and parcel of land included in the application. The motion can not include any conditions of approval.

A possible motion would be as follows: “ *I move to recommend to the City Council approval of PC 01-00, Smith, AG to SB, for property located at 1234 Main Street*”.

### ***Text Amendment Applications:***

Findings of Fact: The findings of fact for an amendment to the zoning ordinance text are similar to the findings for a rezoning application in that the motion should include the factual portions of the staff report, persons speaking at the hearing and any evidence presented during the hearing. The sections of the staff report that should be included in the findings will vary depending on how the report is structured. The Commission should determine which sections they feel contain only factual information and include those sections in the motion.

A possible motion would be as follows: *“I move that Parts A ,B and C of the Staff report and that no one spoke in favor or opposition to the proposed text amendment as findings of fact.”*

Recommendation: The recommendation on a text amendment will depend on whether the Commission wishes to support the Staff recommendation or recommend an alternative to what is being recommended by Staff. Unlike a rezoning application, the notice of the public hearing is worded in a more general manner that allows for the Commission to amend the recommendation from Staff without having to go through a new public hearing. Therefore the Commission might recommend different wording of a text amendment being proposed by Staff or possible an entirely different way of amending the zoning ordinance text that addresses the text issue that was advertised in the public hearing.

Typical motions would be as follows: *“I move to recommend to the City Council approval of the text amendment contained in PC 00-01 as recommended by staff”*.

*“I move to recommend to the City Council the following text amendment .....*

### ***Special Use Applications:***

Findings of Fact: With special use cases there are usually two separate findings of fact motions. The first is similar to a rezoning application and would contain the factual portions of the Staff report, a listing of persons speaking both for and against the request and itemizing any information presented during the hearing. The second motion involves the Commission’s findings on the seven criteria contained in Section 15-2H-2C of the Revised City Code. If the Commission desires to find in the affirmative on all seven criteria with one motion it can do so. If the Commission desires to take a roll call vote on each condition separately than a motion to that effect should be made.

A typical motion on the first findings would be as follows: *“I move that Parts A and B of the Staff report, that the applicant spoke in favor and that there was no one speaking in opposition as findings of fact”*.

On the second findings, if the Commission wanted to vote on all 7 criteria in the affirmative at once it should move as follows: *“I recommend that the Commission find in the affirmative on all seven criteria as findings of fact”*.

If the Commission desired to vote on each of the criteria separately the motion should be as follows: *“I recommend that the Commission make its findings on the seven criteria by voting on each of the individual criteria separately and that each vote be considered part of the findings of fact”*.

Recommendation: Prior to making a recommendation on a special use to the City Council the Commission must determine if there was a majority affirmative vote on each of the seven criteria. If the Commission finds in the affirmative on all of the criteria it must, according to the City Code, recommend approval of the special use. Conversely if the Commission does not find in the affirmative on one or more of the seven criteria it must deny a recommendation to approve. When considering a special use application the Commission should also determine if it wishes to recommend any conditions on the approval. Unlike a rezoning application the Commission can place conditions on approval and these conditions may or may not agree with conditions being recommended in the Staff report. Similar to other recommendations the motion should be made in the affirmative, even if the Commission is required to deny the request because of its vote on the seven criteria.

A possible motion would be as follows: *“I move to recommend to the City Council approval of PC 00-01, a special use for a \_\_\_\_\_ in a \_\_\_\_\_ District for the property located at 1234 Main Street with the following conditions.....”*