



## Culver Planning Commission Meeting Minutes

March 19, 2019

**Summary of Council Actions:**

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve February 2019 minutes.	Mr. Gut	Mr. Osborn	5 – 0 – 0 Approved
Case 2019-003P, 484 South Shore Drive. Motion to approve replat	Mr. McManaway	Ms. Dehne	2 – 1 - 2 Approved
Motion to open public hearing 2019-004P, Cord Associates Re-zoning application from S-1 to R-2 (Cass Street)	Mr. Gut	Ms. Dehne	5 – 0 – 0 Approved
Motion to close public hearing 2019-004P, Cord Associates Re-zoning application from S-1 to R-2 (Cass Street)	Mr. Gut	Mr. Fox	5 – 0 – 0 Approved
Motion to approved Cord Associates Re-zoning application from S-1 to R-2 (Cass Street)	Ms. Dehne	Mr. Gut	5 – 0 – 0 Approved
Motion to Adjourn	Mr. Gut	Mr. Osborn	5 – 0 – 0 Approved

**1. Call to Order**

President Barry McManaway called to order a regularly scheduled meeting of the Culver Planning Commission at 6:35PM on March 19, 2019 at the Culver Town Hall.

**2. Roll Call**

Mr. Fox conducted roll call. The following members were present: Barry McManaway, Margaret Dehne, Chester Gut, Dan Osborn, Don Fox, and Building Commissioner Chuck Dewitt. The following members were absent: Pete Peterson, Wayne Bean, Marty Oosterbaan,

**3. Pledge of Allegiance**

Led by Mr. McManaway

**4. Approval of February 19, 2019 Minutes**

Mr. Gut moved to approve the February, 2019 minutes. Mr. Osborn seconded. The motion was approved 5-0-0.

**5. Case 2019-003P, 484 South Shore Drive Replat**

This concerns combining three lots owned by the Dugger family on the South Shore and required no public hearing.

Greg Dugger said he wants to combine lots to clean up the lot lines. Mr. Osborn asked if any of the three parcels was buildable by itself. Mr. DeWitt said no.

Mr. Steve Schneider spoke on behalf of Fisher Trust. Mr. Dugger's proposal would have some impact on the lot owned by the Fisher Trust to the southeast. Mr. Schneider said that the setbacks from the Lake would move back considerably and make the Fisher lot less desirable for building.

Mr. McManaway noted that one point of the L1 setback requirements in the ordinance is to preserve views from other properties along the Lake. Mr. DeWitt asked if there were plans to build on the Fisher Trust lot. Mr. Schneider said no.

Ms. Jennifer Shea, who is a beneficiary of the Fisher Trust, noted that none of the surrounding homes currently conforms with the existing setbacks in the ordinance.

Mr. DeWitt said that these houses were grandfathered because they were built before the ordinance was enacted.

Mr. Dick Rocap spoke on behalf of the Adams family, whose property borders the Fisher Trust lot to the east. He argued if the Fisher Trust could build 25 feet from the Lake, then the Adams' home would have obstructed views to the west. He urged the Commission to approve combining the Dugger lots.

Mr. McManaway said the Commission had an obligation to consider the request that had been submitted. He noted if Mr. Dugger did not combine his lots, he could tear down the existing house and re-build 25 feet from the Lake. It would be better to combine the three lots, and that what Mr. Dugger is trying to accomplish is something the Commission generally favors as a matter of policy and that is to combine non-conforming lots.

Mr. DeWitt noted that if Ms. Shea wanted to build on the Fisher Trust lot and build closer to the Lake than would otherwise be allowed, she could take that up with the Board of Zoning Appeals (BZA). Mr. DeWitt also disputed that the setback would be as far back from the Lake (76 feet) as Mr. Schneider believed.

Mr. Leist, Town Manager, said he believed the setback impacts are close to what Mr. Schneider alleges.

Mr. Fox and Ms. Dehne expressed that they were not comfortable casting a yes or no vote at this meeting given the conflicting information before the Commission.

Mr. McManaway stated he believed the Commission should vote on the request.

Mr. McManaway then moved to approve combining the three lots. Ms. Dehne seconded. The vote was 2-1-2, and Mr. McManaway determined that the motion was approved.

**6. Public Hearing public hearing 2019-004P, Cord Associates Re-zoning application from S-1 to R-2 (Cass Street)**

Mr. Gut moved to open the public hearing. Ms. Dehne seconded. The motion was approved 5-0-0, and the hearing opened at 7:14.

Mr. DeWitt explained that Ms. Brandy Pohl seeks to re-zone the property from S-1 to R-2 to move her existing daycare, Max's Playhouse, to that location in a proposed fourplex or quadplex.

Mr. Gut asked what a quadplex was. Ms. Pohl explained there were essentially 4 suites, each of which would be licensed for up to 16 children. Mr. Leist explained that at some point in the future, these could be 4 apartments if Ms. Pohl got out of the daycare business. The property is just outside the town limits and on the town limits line.

Mr. McManaway noted a daycare is an authorized special use under R-2.

Ms. Pohl stated she had received a grant from the State that would authorize her to go up to 48 children, which she hopes to do.

Mr. Ralph Winters, who owns the property next door, endorsed Ms. Pohl's proposal.

Mr. Gut moved to close the public hearing. Mr. Fox seconded. The motion was approved 5-0-0.

Ms. Dehne moved to re-zone the property. Mr. Gut seconded the motion. The motion was approved 5-0-0.

## **7. Old and New Business**

Mr. DeWitt referred to several emails re: the Dugger re-plat that are attached to the minutes.

## **8. Nuisance Properties**

### **8.1 Nuisance Properties – Former City Tavern, 415 Lakeshore**

Mr. Gut asked about the status of legal proceedings involving the former City Tavern property. Mr. DeWitt and Mr. Leist indicated it may be 3 or 4 months before this property is demolished.

### **8.2 Nuisance Properties – Hopple Property**

Since the last Commission meeting, Mr. DeWitt, Mr. Leist, and Mr. Easterday met with Mr. Hopple. Mr. Hopple had several reasons why the required work to clean up his property had not been accomplished. The next meeting with Mr. Hopple is scheduled for April 17 at the Hopple property.

The County has also asked Mr. Hopple to sign over the property to put the property in receivership so that the County clean it up. The property covers about 12 acres.

### **8.3 Nuisance Properties – 709 Obispo**

A Court hearing is set for May 14 to seek permission to demolish this abandoned house.

## **9. Member Input or Concerns**

### **9.1 Skyline Building project on West Shore.**

Mr. McManaway asked about this project and observed that the lot looked narrow and asked if there had been a home on the property previously. Mr. DeWitt said yes.

### **9.2 Emergency Key Access for Proposed Paddocks Apartments.**

Mr. McManaway asked Mr. Berger about master key access for the proposed Paddocks Apartments. Mr. Berger said the ordinance does not require a master key system, and that the Garden Court apartments has a key box inside the office that is accessible to the Fire Department. Inside that box are keys to individual apartments. Mr. Berger said that regardless of what is the minimum requirement, he is willing to do whatever the Fire Department wants.

Mr. McManaway noted that we need to comply with State laws and regulations whatever the answer is.

Mr. DeWitt reads the ordinance differently than Mr. Berger re: Garden Court. He cites the International Fire Training Association. Mr. DeWitt believes there should be essentially a master key system that would allow for a single key to access any apartment. Mr. DeWitt also cited an apartment owner of 40 units in Plymouth who operates with a master key system. He noted that lives matter, and that seconds can matter in saving lives.

There was some back and forth between Mr. DeWitt and Mr. Berger over what it might cost to re-key the existing locks. Mr. Berger replied that he feels he has done what has been required.

Mr. McManaway expressed his concern about getting emergency responders in apartments in a timely matter.

Mr. Fox said that we should ask Mr. Cleavenger whether our ordinance is legally sound or is inconsistent with state law. The Commission agreed, and Mr. DeWitt said he would contact Mr. Cleavenger.

## 10. Citizen Input

10.1 Mr. Dugger asked if his plat had been approved. Mr. McManaway said it had, and Mr. McManaway and Mr. Fox signed the revised plat.

10.2 Mr. Leist said several proposed zoning ordinance changes were being formatted and printed. The main substantive change would be a "Complete Streets" ordinance.

10.3 Mr. Berger asked if there had been movement on regarding the non-conforming fence adjacent to his property on Lake Shore Drive. Mr. DeWitt said the property owners had been non-responsive. Mr. Berger requested the Mr. Cleavenger contact the property owners, and Mr. DeWitt agreed.

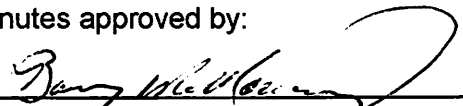
10.4 Mr. Leist asked that an ad-hoc committee look at parcels for possible addition to the TIF District. The Commission agreed this was a good idea.

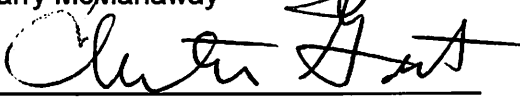
## 11. Motion to Adjourn


Mr. Gut moved to adjourn the meeting. Ms. Osborn seconded. The motion was approved 5-0-0 and the Commission adjourned at 8:06 PM.

The next regularly scheduled meeting will be Tuesday April 16, 2019 at 6:30 PM

Minutes approved by:

  
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Barry McManaway

  
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Chester Gut

  
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Pete Peterson

  
\_\_\_\_\_  
Margaret Dehne

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Wayne Bean

Marty Oosterbaan

Don Fox

Dan Osborn