



Culver Planning Commission Meeting Minutes

May 21, 2019

Summary of Council Actions:

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve May 2019 minutes.	Mr. Peterson	Mr. Gut	7 – 0 – 0 Approved
Motion to open Public Hearing 2019-007P, Proposed changes to the Culver Zoning Ordinance, Local Ordinance #2017-008 and the Subdivision Control Ordinance, Local Ordinance # 1983-003.	Mr. Fox	Mr. Peterson	7 – 0 - 0 Approved
Motion to close Public Hearing 2019-007P	Mr. Peterson	Mr. Gut	7 – 0 – 0 Approved
Motion to approve proposed changes to the Culver Zoning Ordinance, Local Ordinance #2017-008 and the Subdivision Control Ordinance, Local Ordinance # 1983-003.	Mr. Peterson	Mr. Osborn	7 – 0 – 0 Approved
Motion to Adjourn	Mr. Peterson	Mr. Gut	7 – 0 – 0 Approved

1. Call to Order

President Barry McManaway called to order a regularly scheduled meeting of the Culver Planning Commission at 6:30PM on May 21, 2019 at the Culver Town Hall.

2. Roll Call

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

3. Pledge of Allegiance

Led by Mr. McManaway

4. Approval of April 16, 2019 Minutes

Mr. Peterson moved to approve the April 16, 2019 minutes. Mr. Osborn seconded. The motion was approved 7-0-0.

5. Public Hearing 20019 – 007P, Proposed changes to the Culver Zoning Ordinance, Local Ordinance #2017-008 and the Subdivision Control Ordinance, Local Ordinance # 1983-003.

Mr. Fox moved to open the hearing. Mr. Peterson seconded. The motion was approved 7-0-0. The hearing was opened at 6:32 PM.

The proposed changes to the Zoning Ordinance would update the Subdivision Control Ordinance Section 4 and Zoning Ordinance Article 6 (and additional references) to reflect the adoption of a "Complete Streets" policy in accordance with a previous recommendation of the Pan Commission that was adopted by Town Council resolution.

Mr. Oosterbaan summarized the proposed changes as follows. New subdivisions would have to include plans for vehicles, bikes, golf carts, pedestrians - essentially all forms of mobility. These standards would also be followed to any re-working of existing streets to the extent possible.

Mr. Fox asked whether the proposed changes addressed connectivity of proposed subdivisions with downtown. Mr. Oosterbaan said the proposed changes encourages connectivity but does not require it.

The Commission then moved on to proposed updates to Culver Zoning Ordinance Article 6 that addresses catch basin specifications and flood control standards as previously adopted in local ordinance 1995-003. These changes would protect the Lake by not allowing direct storm runoff from properties into Lake.

The Commission also considered several other proposed changes to the Zoning Ordinance. These proposed changes include updates to Culver Zoning Ordinance Article 6 to include additional information on height restrictions and establishing of

grade for clarification, as previously adopted by the Culver Plan Commission and building commissioner as policy.

To clarify existing policy on determining grade and height of structures, it was recommended that Article 8 Section 050 (Non-Conforming Structures), paragraph 2 be amended to read, "Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it may be rebuilt upon existing foundation lines." This change reflects a recommendation of Plan Commission made at a previous meeting.

It was recommended that Article 8 Section 090 (Repairs and Maintenance) be changed to read: "The following applies to legal nonconforming structures and legal nonconforming uses of structures, or structures and land in combination: Work may be done for ordinary repairs or replacement of bearing or non-bearing walls, heating, fixtures, wiring, or plumbing; so long as the foundation lines of the existing non-conforming structure are not expanded upon or altered. The footprint of the structure is not to be increased as part of repair, maintenance, or replacement," to reflect the recommendation of the Plan Commission at a previous meeting.

It was recommended that Article 13 definitions of public and private sewers be changed to read: "Sewer, private – system of treating wastewater that is limited in scope (typically one household capacity) and relies on onsite system (OSS) treatment."

An additional change would read: "Sewer, public – system of treating wastewater that lawfully accepts effluent from multiple households or residences, with appropriate capacity for multiple dwellings to be treated at the same offsite location and is a system that qualifies for a compulsory connection for developments within 300 feet of existing infrastructure as per Indiana code and Marshall County Ordinance #2013-03; operated by a municipality, conservancy, or corporation. This includes sanitary sewers and cluster systems."

There were also some recommended non-substantive formatting, spelling, and spacing corrections to the Culver Zoning Ordinance.

No public input offered.

Mr. Peterson moved to close the public hearing. Mr. Gut seconded. The motion was approved 7-0-0. The Hearing was closed at 6:55 PM.

Mr. Peterson moved to approve the amendments as presented. Mr. Osborn seconded. The motion was approved 7-0-0.

6 Old and New Business

6.1 Mr. DeWitt introduced Ms. Maryann Sherman who wanted to discuss the issue parcels separated by a public road. Ms. Sherman said she has a property at 1042

West Shore that is separated by West Shore Drive. The Lake side parcel is not buildable. The parcel across West Shore not on the Lake is buildable. She would like to combine these. This would help with her taxes as she would qualify for the homestead exemption on a single combined parcel. Ms. Sherman added that the property in back of her garage is generally too wet to even mow.

Member of the public, Mr. Kevin Berger, asked how the Commission would word any policy to avoid unintended consequences? He also brought up the issue of a "right of way," where the homeowner still owns the property under the public right of way versus a "dedicated right of way."

Mr. Fox suggested that a subcommittee be formed to consider the various possibilities of combining parcels, so that the Commission avoids adopting a policy that triggers unintended consequences suggested by Mr. Berger. The Commission agreed, and Mr. Gut, Mr. Fox, Mr. McManaway, and Mr. Leist volunteered. (Mr. Oosterbaan volunteered after the Commission meeting.)

7 Building Commissioner's Report

7.1 Mr. DeWitt reported on the court cases pertaining to the Obispo Street and at 415 Lake Shore Drive properties. Re: Obispo, it appears there may now be a certified owner (the property was part of an estate), who wants to sell the property. Re: Lake Shore, the property owner has questioned whether Mr. DeWitt can sit on the unsafe building committee and also declare it unsafe as the Building Commissioner. This case is now on appeal to the ~~Indiana Court of Appeals~~ *OF MARSHALL County Court.*

7.2 Mr. DeWitt also addressed Hopple property. The Town attorney is looking to get a Court date in September as there has been little if any progress on the property.

8. Citizen Input

8.1 Mr. Berger said he had intended to have a PUD to present to the Commission at the May meeting, but his architect is running behind. He is still shooting for a July ground breaking for the Paddocks project. To expedite this groundbreaking, he needs to subdivide the property to move ahead with building permits and asked whether the Commission would agree to a minor subdivision as a temporary measure. He would still come back for a PUD when his architect is able to produce the necessary drawings.

Mr. Leist noted that even a minor subdivision requires a public hearing, and that notice could be gotten out in time for a hearing at the June Plan Commission meeting.

9. Member Concerns

9.1 Mr. Peterson noted the retention pond near the Riggings is doing a good job handling the excessive rain this Spring.

9.2 Mr. Peterson asked about the speed limit on State Road 10 in the area along Ace Hardware and the Dollar Store. Mr. Leist said he understood the request to lower the limit was progressing as planned.

10. Motion to Adjourn

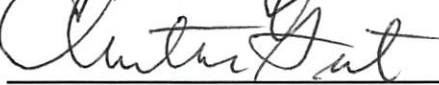
Mr. Peterson moved to adjourn the meeting. Mr. Gut seconded. The motion was approved 7-0-0 and the Commission adjourned at 7:28 PM.

The next regularly scheduled meeting will be Tuesday June 18, 2019 at 6:30 PM.
(The meeting was subsequently moved to Thursday June 20, 2019 at 6:30 PM.)


Minutes approved by:




Barry McManaway



Chester Gut




Wayne Bean




Marty Oosterbaan



Pete Peterson



Margaret Dehne



Don Fox



Dan Osborn