



Culver Planning Commission Meeting Minutes

September 17, 2019

Summary of Council Actions:

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve August 2019 minutes.	Ms. Dehne	Mr. Gut	8 – 0 – 0 Approved
Case 2019-010P Bernero minor subdivision, 1680 East Shore Drive	Mr. Bean	Mr. McManaway	8 – 0 - 0 Approved
Motion to recommend to the Town Council that due to safety concerns for pedestrians, construction of new sidewalks and crosswalk serving businesses along 10 and 17 should be done as soon as possible.	Mr. Oosterbaan	Mr. Gut	8 – 0 – 0 Approved
Motion to Adjourn	Mr. Peterson	Mr. Gut	8 – 0 – 0 Approved

1. Call to Order

President Barry McManaway called to order a regularly scheduled meeting of the Culver Planning Commission at 6:30 PM on September 17, 2019 at the Culver Town Hall.

2. Roll Call

Mr. Fox conducted roll call. The following members were present: Barry McManaway, Pete Peterson, Wayne Bean, Margaret Dehne, Chester Gut, Marty Oosterbaan, Don Fox, Dan Osborn, and Building Commissioner Chuck Dewitt. No members were absent.

3. Pledge of Allegiance

Led by Mr. McManaway

4. Approval of August 20, 2019 Minutes

The minutes of the August 20, 2019, meeting had been sent to the Town Clerk, but the Commission Secretary noted he had failed to include the Commission members on that email. He recommended that the Commission defer consideration of the August meeting until the October meeting. Commission President, Mr. McManaway, agreed.

5. Continuation of case 2019-010P Bernero minor subdivision, 1680 East Shore Drive.

This case was carried over from the August meeting. Dr. Bernero proposed to subdivide his property at 1680 East Shore. He had previously received permission from the county to reduce the required setback from the creek on the south side of the property to 35 feet from 75 feet.

Mr. Fox asked if the subdivision were approved and the current single family home on the property were to be torn down whether the footprint of the current home would meet setback requirements. Mr. DeWitt said it would. There was no further discussion.

Mr. Bean moved to approve the minor subdivision. Mr. Osborn seconded. The motion was approved 8-0-0.

6 Old and New Business

The Paddocks. Mr. Fox spoke regarding the Paddocks project that was approved at the August meeting. He expressed his view that the Commission had approved the project when it was not consistent with the Complete Streets portion of the Zoning Ordinance. He referred back to the July meeting when Mr. Leist indicates there would be trail connectivity between the Paddocks and Slate Street. Then at the August meeting where there was no connectivity.

Mr. Fox stated that the Paddocks/Sandhill Farm project had benefitted from considerable public moneys going into infrastructure and that the community had a right to expect the property owner/developer to acquire any and all real property interests necessary to comply with all parts of the Zoning Ordinance. Mr. Fox stated that in his view, this included acquiring either a fee simple interest or easement to connect the project with Slate Street as the Commission had been led to believe

would happen. He went on to say that any similar future projects should be held to that standard, i.e. connectivity consistent with Complete Streets.

2907 Obispo. Mr. DeWitt said that on September 27, there would be another court hearing on this property. Potential buyers of the property have backed out. Mr. DeWitt anticipated the judge would authorize teardown of the property.

415 Lakeshore (old City Tavern.) Mr. DeWitt said 415 Lakeshore is still in the Courts awaiting decision. One of the issues that has been raised in Court proceedings is whether Mr. DeWitt has a “conflict of interest” by serving as the Building Commissioner on both the unsafe building committee. The “conflict” argued by the property owner appears to be that by serving in both capacities, Mr. DeWitt would be voting to approve his own recommendation. In response to a question from Mr. Oosterbaan about the ordinance in question, Mr. DeWitt said it was County Ordinance 2015-12. Unless/until the ordinance is changed, Mr. DeWitt will refrain from casting any votes on the Committee where he is presenting an unsafe building to avoid any perceived “conflict.” Mr. DeWitt also said the property on Lakeshore is being maintained by the Town, and bills are sent to the property owner

Hopple Property. Mr. DeWitt reported that we are waiting on the next inspection by members of the Commission, Mr. DeWitt, and the Town Manager.

New Business

Mr. Oosterbaan brought up the issue of crosswalks across Indiana 17 between the Town and Country parking lot and the south side of the road that leads to Dollar General. There has been considerable growth in pedestrian traffic in this area since Freida’s and the Dollar General across the highway.

Mr. Bean noted that there were two different issues/concerns in the area – speed and a crosswalk and that a crosswalk should be located at the intersection of 10 and 17.

Mr. Leist said that Stellar and State money could be used to put sidewalk along Shesky property on the north side of the highway.

Mr. DeWitt recommended a motion to the Town Council

Mr. Oosterbaan moved to asked the Town Council to approve construction of sidewalks and a crosswalk at 10 and 17 as soon as possible due to concerns about pedestrians walking to new and older businesses in that area. (Mr. Leist noted that a speed limit reduction was already being pursued with the State in that area out of concern for pedestrians and motorists.)

Mr. Gut seconded. The motion was approved 8-0-0.

7 Building Commissioner’s Report

Mr. DeWitt reported that Ms. Brandy Pohl is looking to buy properties at 450 and 454 School Street (east side of the street) to expand her daycare. There will need to be driveway access/circle for parents to move off of School Street to safe location to drop off and pick up their children. There will also need to be employee parking. Ms. Pohl explained the existing structures would be kept and re-purposed. The properties are zoned R1 and R2. No re-zoning is required, but Ms. Pohl will need to go before the Board of Zoning Appeals for a Special Use Exception for a daycare. The presentation was for information only. There is no Commission action required. There was considerable discussion about traffic patterns, but the Commission members expressed their support for this proposed re-purposing of the properties.

Mr. DeWitt mentioned a situation at the end of Davis Street. There is a new construction house, and there is a pergola as part of the project. When the permit was approved – two weeks before the new L1 ordinance was approved by the Town Council – it complied with the then existing ordinance. While the pergola would not be allowed under the current L1 ordinance, it is lawful because of when the permit was issued. Mr. DeWitt provided this information so the Commission members would be fully informed if questions arise.

Mr. Tim Rice of 550 Peru Court expressed his appreciation for Mr. DeWitt's presentation. Mr. Rice noted that he and his family have been full-time Culver residents

8. Citizen Input

Mr. Cheseldine brought up 205 Akron, and Ms. Stephanie Peric brought up 808 South Obispo, which is across the street, both of which have excessively tall grass.

9. Motion to Adjourn

Mr. Peterson moved to adjourn the meeting. Mr. Gut seconded. The motion was approved 8-0-0 and the Commission adjourned at 7:30 PM.

The next regularly scheduled meeting will be Tuesday October 15, 2019 at 6:30 PM.

Minutes approved by:

Barry McManaway

Pete Peterson

Chester Gut

Margaret Dehne

Wayne Bean

Don Fox

Marty Oosterbaan

Dan Osborn