



## Culver Planning Commission Meeting Minutes

March 16, 2021

**Summary of Council Actions:**

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve the January 2021 minutes.	Mr. Peterson	Mr. Gut	8 – 0 – 0 Approved
Motion to authorize Mr. DeWitt and Mr. McManaway to appear before the Town Council to seek approval begin the process of replacing the current Comprehensive Plan.	Mr. Peterson	Mr. Strati	8 – 0 – 0 Approved
Motion to Adjourn	Mr. Bean	Mr. Osborn	8 – 0 – 0 Approved

**1. Call to Order**

President Barry McManaway called to order a regularly scheduled meeting of the Culver Planning Commission at 6:35 PM on March 16, 2020, at the Culver Town Hall and via Microsoft Teams.

## **2. Roll Call**

Mr. Fox conducted roll call. The following members were present: Barry McManaway, Pete Peterson, Wayne Bean, Dan Osborn, Chester Gut, Andrew Strati, Don Fox, Joel Samuelson, and Building Commissioner Chuck DeWitt.

## **3. Pledge of Allegiance**

Led by Mr. McManaway

## **4. Approval of January 2020 Minutes (the Commission did not meet in February).**

Mr. Peterson moved to approve the minutes subject to correction of a typographical error. Mr. Gut seconded. The motion was approved 8-0-0.

## **5. Old Business**

There was no old business.

## **6. New Business**

Mr. McManaway brought up the Culver Comprehensive Plan, which is now five years old. This led into a discussion of non-conforming structures.

Mr. DeWitt said we have not dealt well with the issue of non-conforming structures (page 155 of the Zoning Ordinance.) An example that concerns him is where a single-story structure is being replaced by a two-story structure and the original footprint does not or cannot meet setback requirements.

Mr. McManaway added that the ordinance does not distinguish all the reasons a structure might be non-conforming. Mr. McManaway brought up his house as an example, which is non-conforming because it is only 22 feet from the property line. While he has no plans to re-build, would it be fair to require a variance to re-build on the same foundation?

Mr. Peterson asked for clarification on the problem being raised.

Mr. Fox also asked what the problem was with allowing the property owner to rebuild within the height limits allowed by R1 even if re-building on a non-conforming footprint?

Mr. DeWitt cited an example of 415 State Street, which does not meet setbacks and will be going before the BZA.

Mr. Russ Mason asked about the height of another new house going up on State Street and whether the height would be measured from existing grade. Mr. DeWitt said yes.

Mr. Kevin Berger gave an example of a house pushed into the corner of an acre lot that was not within setbacks.

Mr. McManaway said the circumstances might be different for an owner who held the property prior to the Zoning Ordinance.

Mr. Fox raised a point about non-conforming properties that can't be made conforming because the lots are so small. He also brought up the potential to adversely impact property values, which could be a hardship on long-time owners who may need the money for extended care or nursing home care or other expenses.

Mr. Strati asked how many non-conforming lots there might be in the Zoning boundary. Mr. DeWitt said perhaps 35% to 40%. Mr. Peterson opined that most of the lots in the Town limits might be non-conforming.

Mr. DeWitt said he would bring in some examples of properties for the Commission to consider. Mr. Berger suggested that Mr. DeWitt look to existing ordinances in other communities.

## **7. Building Commissioner Report**

The owner of the former City Tavern property on Lake Shore, Scotty Van Hawk, has filed for bankruptcy and that property as well as the residence at College and Lake Shore are tied up in those proceedings.

Regarding 709 Obispo, Mr. DeWitt will give the new property owners 30 days to clean-up the property.

The Town is still seeking to put the Hopple property in receivership.

Mr. Berger said the fence alongside his property at 412 Lake Shore does not comply and has not since it was built in 2019. Mr. Berger said the fence is too close to the street and does not meet setbacks. Mr. McManaway said the Commission should move to get this corrected. Mr. DeWitt will take action to inform the current owners of the violation and the possibility of fines if the situation is not corrected.

Mr. Osborn asked if there was any movement on hiring a new Town Manager. Mr. DeWitt said the process is underway and had been narrowed down to some outstanding candidates.

Mr. Peterson asked if the blue poll building on highway 10 across from Ace Hardware had an occupancy permit. Mr. DeWitt said yes.

Mr. Peterson also asked about the non-complying sign at 10 and 17 West. Mr. Bean agreed to meet with Mr. DeWitt later in the week to remove the sign.

## **8. Citizen Input**

Ms. Jean King, 307 West Academy Road, asked about an extension of the Beste subdivision. Ms. King reminded the Commission that Mr. Beste had been asked to come back before the Commission six months from September 2020, which would be this month (March). There was some discussion about what happens now and whether the property would be re-zoned. The PUD may still exist, and that zoning change does not go away. Whether the approval Mr. Beste received from the Commission to proceed with development is another matter.

Mr. Kevin Berger revisited the issue of the Comprehensive Plan and reminded the Commission that the issue would need to go before the Town Council. Mr. McManaway said he was just teeing up the issue and whether there should be an update or a re-write. Mr. Berger said some of the actions the Commission has taken since the last Comprehensive Plan warrant an updating or re-writing the Comprehensive Plan. For example, housing in the area of the Beste PUD is not in the Comprehensive Plan.

Mr. DeWitt said he favors writing a new plan and estimated that even moving quickly it would take 9 to 12 months.

Mr. Fox suggested that a vote by Commission on a motion to bring to the Town Council the issue of re-writing the Comprehensive Plan was appropriate and is also connected to the Council led efforts on economic development.

Mr. Osborn and Mr. Strati agreed that it's time to bring the issue to the attention of the Council.

Mr. Peterson moved that Mr. DeWitt and Mr. McManaway be authorized to appear before the Town Council to seek approval begin the process of replacing the current Comprehensive Plan. Mr. Strati seconded. The motion approved 8-0-0.

Mr. Berger asked about the Botsma property located at the corner of Highway 17 and West Jefferson and noted that the West Jefferson Gateway Stellar project is getting underway. Mr. DeWitt said a letter to Mr. Botsma was under review by the Town attorney. The letter says if Mr. Botsma cannot prove the buildings on the property are structurally sound, then they must be removed.

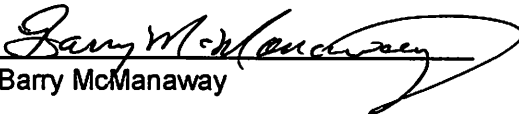
**9. Member Concerns**

None were noted

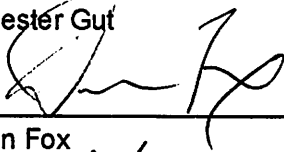
**10. Motion to adjourn**

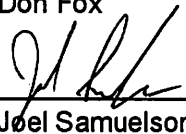
Mr. Bean moved to adjourn the meeting. Mr. Osborn seconded. The motion was approved 8-0-0, and meeting adjourned at 7:50 PM.

Minutes approved by:

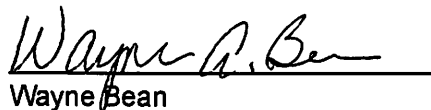
  
Barry McManaway

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Chester Gut

  
Don Fox

  
Joel Samuelson

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Pete Peterson

  
Wayne Bean

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Dan Osborn

  
Andrew Strati