

Town of Clear Lake Plan Commission Meeting minutes-November 1, 2021

Vice President Scott Lazur called the meeting to order at 7:00 P.M. Members introduced themselves:

Larry Lillmars, Zoning Administrator
Brenda Eby, Town Clerk
Jim McClain, 1226 Quiet Harbor
Scott Lazur, 1108 South Clear Lake Dr.
Bill Hanna, 208 West Clear Lake Dr.
John Wilhelm, 206 West Clear Lake Dr.
Dan Rippe, 124 Lakeside Ct.
Michael Hawk, Attorney to the Plan Commission

Vice President S. Lazur entertained a motion to remove the Joe/Melanie Moore Hearing from tonight's meeting as it has been postponed.

Motion by: J. McClain

To remove the Joe/Melanie Moore Hearing from tonight's meeting.

Subsidiary Motion made by D. Rippe:

To amend the agenda, replacing Item 4 as it is written to have a public meeting on PC 2021-03 and replace it with a meeting to review drainage options and to provide guidance to the Zoning Administrator on how to proceed.

2nd by: J. Wilhelm

All in favor, motion carried.

Vice President S. Lazur entertained a motion to approve the minutes from the August 2, 2021, regular P.C. meeting and the August 16, 2021 special P.C. meetings.

Motion by: D. Rippe

To approve the minutes from the August 2, 2021, minutes.

2nd by: B. Hanna

All in favor, motion carried.

Motion by: D. Rippe

To approve the August 16, 2021, minutes, with the identified changes.

2nd by: J. McClain

All in favor, motion carried.

Vice President S. Lazur opened discussion by the Board concerning the Joe/Melanie Moore case #PC 2021-03. P.C. Board member, D. Rippe, shared his findings from reviewing this case. There are possible issues with drainage if confined to each lot owner and he suggested that the plat include provisions for drains or a swale. He also suggested that it would be beneficial to the Plan Commission, for the Moores to reveal their total plan for future lots to be sold off from their property. L. Lillmars, Zoning Administrator, suggested getting Joe Moore's input.

Joe Moore explained the actions that he had taken against the drainage issue. He explained that they have no master plan, they're simply selling lots to be used as Lake Accessory lots. More discussion followed, including how to attach lot numbers and legal descriptions.

Motion by: D. Rippe

To close the public portion of the meeting.

2nd by: John Wilhelm

All in favor, motion carried.

More discussion by the Board as to how to insure that potential owners of these lots put in adequate drainage. Member D. Rippe explained that the Board needs to make a decision as to how to proceed so that the Zoning Administrator can convey this to Joe and Melanie Moore.

Motion by: D. Rippe

To instruct the Zoning Administrator to convey our desire for a note to be added to the re-plat, requiring preservation of a drainage swale along South Clear Lake Drive.

There was discussion that this would be at no effort/cost to the owner. The homeowner will be bringing in another drawing (re-plat) and this is a request that the text be added concerning a drainage swale requirement.

2nd by: John Wilhelm

All in favor, motion carried.

D. Rippe explains the process of changing lot numbers. The Board is asking for the proposed seven lots to be assigned a lot number and be shown inclusive of the remaining tract. The original tract needs to be assigned a number with the subdivided lots having sequential numbers. This will give the Zoning Administrator clear direction on how to proceed with this case. Discussion followed.

Motion by: B. Hanna

To open for public discussion.

2nd by: D. Rippe

All in favor, motion carried.

Property owner, Joe Moore, explained the numbering system on his deed. Plan Commission Attorney, Mike Hawk, explained how the description should read with the subdivision of lots included and explained to Mr. Moore how to go about making these changes. As a platted subdivision, it would work the same as a neighborhood association. Mr. Moore stated that he was not happy that he told his potential buyers that the meeting tonight had been postponed and yet, the Board is discussing his plans to subdivide. D. Rippe explained that the Board is trying to provide guidance to Mr. Moore on how to proceed with his plans to sell off lots. S. Lazur explained that there is no voting tonight, only guidance. Discussion followed.

Motion by: D. Rippe

To close the public portion of this segment of the meeting.

2nd by: J. Wilhelm

All in favor, motion carried.

OLD BUSINESS

Discussion of Home Business

2018-6 Home Business Standards: A discussion followed concerning home business signs. No permanent signs will be allowed per the UDO for Sign Standards.

Motion by: D. Rippe

To accept 2018-6, as written

2nd by: J. McClain

All in favor, motion carried.

Motion by: D. Rippe

To modify 2018-38, Sign Standards, to read in the two sections, Signs associated with Home Businesses shall be exempt from the Sign Standards section but shall comply with the standards in Section 5.31, Home Business Standards.

2nd by: B. Hanna

All in favor, motion carried.

Meeting will open for public comment at the end of the proposed changes.

Moving on with proposed Home Business changes, #2018-37, Improvement Location Permit. The proposal is to strike Item B-6, Type 1 home business may commence without obtaining an ILP, then add that an ILP is required for a Home Business. Discussion followed with the majority feeling that a Home Business should **not** require an ILP. It was determined that Item B-6, *Type 1 Home Business*, will be stricken from 2018-37.

Moving on to the proposed SR Accessory Structure height change, the change is to go from 18' to 25' and from one story to 1½ story, to match SR lots with the proposed change for LA and LR district. Discussion followed.

Motion by: D. Rippe

To open for public discussion of Items 2018-6, 2018-36, 2018-37 and 2018-38.

2nd by: B. Hanna

All in favor, motion carried.

Resident Brent Schlosser, 95 Penner Drive, spoke against the increase of garage height.

Resident John (Trey) McArdle, 20 Penny Court, feels that the proposal is fair and favorable.

Resident Joe Moore, 7610 E. St. Rd. 120, feels that the change is not favorable to his view.

Resident Devon McArdle, 20 Penny Court, felt that the height increase could affect people's view. She reiterated what resident Don Luepke had stated at the prior P.C. meeting, concerning increased garage height for SR lots.

Resident Kenny Walter, 1224 Quiet Harbor, via phone, shared his opinion.

D. Rippe stated that the Plan Commission did take Mr. Luepke's concerns seriously and that SR lot viewsheds will not be impacted by the LA and LR district proposed change.

Motion by: D. Rippe

To close the public portion of this segment of the meeting.

2nd by: J. Wilhelm

All in favor, motion carried.

Discussion followed pertaining to how to proceed with forwarding the changes on to the Council for their approval.

Motion by: J. McClain

To forward the changes discussed tonight to the Town Council with a positive recommendation.

Amended Motion by: D. Rippe

To split our approval into two parts. First, all of the changes that received concurrence in the previous public meeting, basically all but those discussed at tonight's meeting, be forwarded to the Town Council as favorable.

2nd by: B. Hanna

All in favor, motion carried.

Motion by: D. Rippe

For the Zoning Administrator to verbalize the changes/modifications that were made at tonight's meeting.

2nd by: B. Hanna

All in favor, motion carried.

Larry Lillmars, Clear Lake Zoning Administrator read the following changes/modifications discussed at tonight's meeting.

2018-36, Single Family Resident district development height change, go through as is.

2018-6, Home Business Standards, go through as is.

2018-37, Improvement Location Permit, a change eliminating "Home Business" from 9.05-A, and keep the change previously made to delete #6 from 9.05-B. This would include eliminating "Permits for Home Businesses" from the entire UDO. D. Rippe suggested that this be done at a later date, to avoid possible errors.

2018-38, Sign Standards, read by D. Rippe, modifying two statements to read in its entirety. A. cross reference:

1. Home Business: Signs associated with Home Business shall be exempt from the Sign Standards Section, but shall comply with the Standards in Section 5.31: Home Business Standards.

Motion by: D. Rippe

To move to a favorable position, the changes identified as #2018-36, 2018-6, 2018-37 and 2018-38 as amended tonight.

2nd by: B. Hanna

All in favor, motion carried.

NEW BUSINESS

Homeowner complaints concerning rocks placed too close to the road. All landscaping should be 5' from the road. Due to our narrow roads, residents are using rocks to keep people off their lawns, but these rocks can cause problems for the snowplow and damage to vehicles if you have to get over after dark. There are no police reports on file concerning these rocks.

Motion by: B. Hanna

To open for public comment.

2nd by: D. Rippe

All in favor, motion carried.

Discussion followed concerning the large rocks and the narrow roads and the lack of right-of-way. It was also suggested that the speed limit be reduced around the lake. D. Rippe stated that the speed limit would be a council issue.

Motion by: D. Rippe

To close the public portion of the meeting

2nd by: J. Wilhelm

All in favor, motion carried.

D. Rippe asked the Zoning Administrator if all appointed members of the Plan Commission had signed and turned in their Code of Conduct sheets. Clerk/Treasurer, Jessica Swander stated that all Plan Commission members have turned their forms in.

D. Rippe also addressed the Joe Moore deferred hearing. The Plan Commission requested additional information that was not available in time for tonight's meeting. The Moores do not wish to wait until the next regularly scheduled Plan Commission meeting, which is in February, 2022.

Motion by: D. Rippe

To schedule a special Plan Commission meeting for the Moore hearing, prior to the regular meeting in February 2022.

2nd by: J. McClain

All in favor, motion carried.

Motion by: D. Rippe

The Plan Commission members will not receive payment for a special meeting if requested to hear PC 2021-03, prior to the regular meeting in February 2022.

2nd by: J. McClain

All in favor, motion carried.

The special meeting will take place as soon as all information is in place.

Motion by: B. Hanna

To adjourn the meeting.

2nd by: D. Rippe

All in favor, motion carried.

Meeting adjourned at 9:05 pm.

Scott Lazur, Plan Commission Vice President

Attest: Brenda L. Eby, Town Clerk

