

Town of Clear Lake - Plan Commission Meeting Minutes – November 5, 2014

Plan Commission President Mike Long called the meeting to order at 7:00 PM. The following members of the Plan Commission were present.

Bonnie Brown
Emma Brown
Roger Dammeier
Chris Folland
Bob Lewis
Mike Long

Plan Commission member Alan Korte was absent. Zoning Administrator Amy Schweitzer was present for the meeting. President Long announced that a quorum was present. There were no members of the public present for the meeting.

President Long asked the Commission to review the minutes from the August 4, 2014 meeting. Mr. Dammeier made a motion to approve the minutes as presented. Ms. Brown seconded the motion. Motion carried with six votes in favor and zero against.

President Long asked the Commission to review the minutes from the September 8, 2014 Special Meeting. Mr. Folland made a motion to approve the minutes as presented. Mr. Dammeier seconded the motion. Motion carried with six votes in favor and zero against.

In Old Business, President Long stated the Plan Commission would have a debriefing on the 2014 Amendment to the Unified Development Ordinance. He told the Plan Commission that the Executive Committee reviewed the ideas that were presented to the Plan Commission and came up with options for discussion before the entire Plan Commission.

The Plan Commission discussed three options with regard to the driveway surfacing requirements:

1. Revert back to how it was before the recent UDO Amendment;
2. Remove SR (Single-family Residential) District from the concrete/asphalt requirement;
3. Require only a 10-foot concrete/asphalt buffer along the street.

The Plan Commission spent some time discussing the current UDO requirements; the three options; the advantages and disadvantages of each; and comments they have received from the public. The Plan Commission agreed to continue researching and discussing this issue.

The Plan Commission discussed five options with regard to the minimum lot width for the LR (Lake Residential) District.

1. Curb growth and redevelopment by not allowing sewer hook-up. Mr. Folland stated that State Law requires the Town to allow connection to the Town's sewer system if capacity exists, and the Town has plenty of capacity for growth. Not allowing sewer hook-up would be against State Law.
2. Change minimum lot width to 100-feet. This was presented as an option to alleviate the "two-classes" of lots – nonconforming lots and conforming lots. Mr. Folland stated that he had asked Schweitzer to conduct some additional research on lot widths, and a 100-foot minimum lot width would make nearly every single platted lot legal-nonconforming. Schweitzer stated she was not comfortable with a 100-foot minimum lot width because it was not a "practical" requirement – that lots smaller than 100-feet could easily accommodate a year-round residence, garage, etc. The Plan Commission discussed that this was a trust issue about whether legal nonconforming lots would have the same regulations as conforming lots.

3. Require a variance for ALL redevelopment (tear down one, build two scenario). The Plan Commission discussed how an applicant would show “practical difficulty” in a case like this. Ms. Bonnie Brown stated this could really put the Board of Zoning Appeals in a difficult situation.
4. Adjust structure height and side yard setbacks so they are proportional to lot width or lot area. This proposal was submitted by Gregg Richhart and made available to the Plan Commission. For example, a home on a 30-foot wide lot would be permitted to be 65% of the Maximum Structure Height. Side yards could also be adjusted proportionally. The Plan Commission agreed that this was exactly what folks feared – a different, and more restrictive, set of standards for smaller lots.
5. Change nonconforming terminology. President Long stated that Mike Hawk addressed this during the meeting. “Nonconforming” is the appropriate and accepted legal terminology and recommended it should be used in legal documents.

The Plan Commission discussed Communication and Transparency issues that were brought up at various public meetings. Including a list of page numbers that have the “changed pages” for future UDO Amendments is one item the Plan Commission intends to implement in the future. Mrs. Emma Brown asked about the agenda being attached to the meeting notice. Mr. Folland stated that the agenda is always on the Town’s Website. There was discussion about using the Clear Lake News as a forum for communicating the Plan Commission’s agendas. It was also suggested the UDO Amendments always be at the top of the Town’s homepage. Folland told the Plan Commission that the “newest” item of business is always at the top of the Town’s homepage.

Ms. Bonnie Brown brought up some of the comments Mr. Mark Jones, a judge in Indianapolis, made about the definition of Abandoned Use being weak and about estates/contested estates. The Plan Commission asked Staff Schweitzer to ask the Plan Commission Attorney about these issues.

Moving on, President Long stated the Executive Committee had met once and discussed the UDO options the Plan Commission had just talked about.

Long asked for the Zoning Administrator’s Report. Staff Schweitzer stated that she expected an Administrative Subdivision for Lange’s at 832 South Clear Lake Drive to be filed in the near future. These folks tore down a house and have sold half of the lot to the adjacent neighbor and intend to use their half of the lot to expand their existing house. There was some discussion about this issue, as the Steuben County GIS indicates the lot has already been split. Several members of the Plan Commission believe the Administrative Subdivision should have been completed prior to Steuben County recording the split. Staff will follow up on this issue.

Schweitzer presented a “Request for Waiver – Minor Subdivision of Land” for Clifford Hewes. Hewes, along with the other owners of a 2+ acre tract of land, are planning to subdivide three lots and have them rezoned from AG to LA. The subdivision will not include any new utilities or streets, but the Minor Subdivision of Land only allows two new lots, hence the waiver request. If granted, the waiver will allow Hewes to utilize the Minor Subdivision of Land process, as opposed to the Subdivision of Land. Mr. Folland made a motion to approve the Request for Waiver with the condition that the petitioner be required to obtain a wetland delineation survey as part of the subdivision process. Mr. Lewis seconded the motion. Motion carried with six votes in favor and zero against.

With no further business to come before the Plan Commission, Mr. Dammeier made a motion to adjourn. Mr. Folland seconded the motion. Motion carried; meeting adjourned at 8:30 PM.

Amy Schweitzer, Secretary