

Town of Clear Lake - Plan Commission Meeting Minutes – September 25, 2017

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

Roger Dammeier
Chris Folland
Jackie Howarth
Don Luepke
Mike Long
Jill Powers

President Long announced that a quorum was present.

Mr. Luepke moved to approve the May 1, 2017 minutes as written. Mr. Dammeier seconded the motion. Motion carried with all voting in favor.

Mr. Dammeier moved to approve the June 22, 2017 minutes as written. Mr. Folland seconded the motion. Motion carried with all voting in favor, save Mr. Luepke who abstained.

President Long introduced the 2017 UDO Amendments. Mr. Hughes discussed the proposed UDO amendments as submitted to the Plan Commission and as advertised in the Herald Republican. The Plan Commission then discussed the proposed amendments in order to gain clarity on the language.

The Plan Commission came to a consensus to drop the amendments to the height definition. The board also discussed the duration of Improvement Location Permits. It was further decided by consent to drop the deletion of the reference of parking in Article 08: Nonconformances. The Plan Commission discussed the decorative fencing standard.

Mr. Folland moved to consent to the amendments proposed as prepared by the Executive Committee and as modified during the previous discussion. Mr. Dammeier seconded the motion. Motion carried with all voting in favor.

Mr. Dammeier moved to close the regular meeting and move into the Public Hearing. Ms. Powers seconded the motion. Motion carried with all voting in favor.

Ms. Brandy Jo Brown of 10 Penny Court spoke before the Plan Commission. She stated that she intended to be very polite at the meeting but was offended that the Plan Commission consented to the changes before the public hearing. She then asked who prepared the proposed UDO changes.

President Long indicated that the Executive Committee proposed changes and that the Plan Commission had a copy of the proposed changes two-and-a-half weeks prior to the meeting.

Ms. Brown found it displeasureable that the person conveying the proposed changes to the board could not, in her opinion, articulate the changes.

President Long indicated that it the meeting was being held for the purpose of working through the proposed changes and providing commentary.

Ms. Brown then discussed the decorative fence standards and indicated that she could not understand the language. She also said that there are a lot of “gotchas in there.”

Ms. Powers asked if Ms. Brown thought the language was too specific. Ms. Brown indicated that it was. Ms. Powers said that she did not feel it was her position to directly state what the fencing standards are and that it is the job of the Zoning Administrator to do so.

Ms. Brown asked the Zoning Administrator to explain the standards.

Mr. Folland stated that the session was a public hearing and not a question and answer period and that those present should speak in statements.

Ms. Brown said that as a public member, she would like a log of all changes to the UDO.

Mr. Folland indicated that it was in the back of the UDO with dates adopted included.

Ms. Bonnie Brown of 40 Powhattan Court said that the board had spent a great amount of time discussing clarity of the language proposed. She also said that she was concerned with the decorative fence standards. She said that there was a lot of effort being put into regulating a three-foot fence. She said that “big brother’s foot just got a little bit bigger.” She asked that the proposed change to the decorative fence standard be repealed.

Mr. Don Crapo of 40 Powhattan Court said that he felt the rules were so complicated that he would just apply for a permit, whether or not he knew if he need a permit.

Ms. Brandy Jo Brown asked for what was the cause for the change in the decorative fence standard. Mr. Folland said that there was a call for a clarification of the definition. President Long said that in the current UDO there is not a clear definition.

Ms. Brown then said it felt that the board was imposing their view of a decorative fence.

Mr. Folland asked who drafted the standard. President Long indicated that the consultant drafted the changes given parameters from the Executive Committee.

There was then discussion back and forth about the need for clarity and the proposed fence standard changes.

Mr. Luepke indicated that the board had not acted on the proposed changes but rather consented to the language used and that the matter was still up for debate.

Mr. Luepke moved to close the public hearing and reopen the regular meeting. Mr. Dammeier seconded the motion. Motion carried with all voting in favor.

Mr. Folland asked Mr. Hughes if the decorative fence standard could be changed. Mr. Hughes said that the Executive Committee set the parameter for using opacity and that Ground Rules drafted the language.

There was a discussion about the merits of defining the standard to something that some felt there was no problem. It was also discussed that the fence at 10 Penny Court was the root of the need for a better standard as the Zoning Administrator did not feel he could adequately determine the matter objectively.

There was then a lengthy discussion about what to do with the proposed decorative fence standard.

Mr. Lupke moved to remove the modification to article 5 concerning decorative fences but leave the modification under article 11. Mr. Folland seconded the motion. The motion carried 4-2 with Mr. Dammeier and Ms. Powers dissenting.

President Long moved along to old business. He stated that the Executive Committee prepared the UDO changes but had been inactive otherwise.

Mr. Hughes passed along his report which is incorporated into the record.

The Plan Commission then discussed the Thomson variance hearing from Stueben County and Confined Feeding Operation standards for the state.

President Long asked for any other new business. Hearing none, Mr. Luepke made a motion to adjourn. Mr. Folland seconded the motion. Motion carried with all voting in favor. Meeting adjourned at 8:40 PM.

Kenneth J. Hughes, Secretary