

PLANNING & ZONING BOARD DRAFT MINUTES  
June 12, 2017

**Planning and Zoning Board Members:**

Regina Dunay, Chairperson (Quorum)  
Chris Rader, Board Member  
Marion Rayburn, Board Member  
Ben Pierce, Board Member (absent)  
Wade Fischer, Board Member

**Staff:**

Drew Smith, City Attorney  
Ellen Hardgrove, City Planner  
Ray Bagshaw, Mayor  
John Freeburg, Police Captain  
Sandy Repp, Administrative Assistant

**Applicants:**

Mark and Melissa Gibson  
Marlyn and Carol Felsing

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**CALL TO ORDER**

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum with Board Member Pierce absent.

**APPROVAL OF MINUTES**

- **May 8, 2017**

Chairwoman Dunay asked for a motion to approve minutes

*Board Member Rayburn made the Motion to approve the May 8, 2017 minutes as presented; seconded by Board Member Dunay. The motion was unanimously approved (4/0).*

**NEW BUSINESS**

**1. 2017-VAR-03 covered patio within rear setback**

City Planner Hardgrove introduced the application for the variance on behalf of Marlyn and Carol Felsing who wish to build a covered patio within the rear setback of the NHWE. Planner Hardgrove stated that the property was platted in 1977 when code did not give NHWE setbacks. They are requesting to build 34.9 feet from the Normal High Water Elevation (NHWE) instead of the 50 foot setback required in Code.



Per Planner Hardgrove, staff has reviewed the application and has found that the six (6) criteria are true and recommends approval with the condition that there be a creation of a shallow swale parallel to the seawall landward to infiltrate and/or reduce additional runoff before entering the lake. The seawall is nearly level with the ground landward. The reason there is an NHWE is to ensure drainage before it gets to the lake. A covered porch creates more ISR and less drainage before the lake.

Discussion ensued amongst the Planning and Zoning Board members regarding the swale and drainage. Board Member Rader recommended that a gutter system be added as a condition of the variance due to the pitched roof to capture the water onsite.

Chairwoman Dunay asked if the applicant had any comments and Marlyn Felsing came to the podium.

Chairwoman Dunay asked for a motion.

**Board Member Rader moved that the Planning and Zoning Board recommend approval to City Council to allow construction of a covered patio within the Normal High Water Elevation (NHWE) setback with conditions; seconded by Board Member Rayburn. Motion passed (4/0).**

**Condition #1 Creation of a shallow swale parallel to the seawall landward to infiltrate and/or reduce additional runoff before entering the lake;**

**Condition #2 Building permits to enclose the covered patio to incorporate the area into the formal/air conditioned living area of the dwelling shall not be permitted; and,**

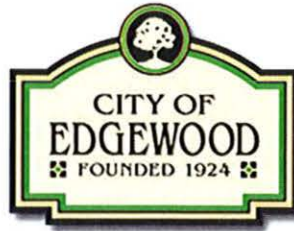
**Condition #3 Drainage from the proposed roof structure shall be captured and directed onsite.**

This variance request will be brought before City Council on Tuesday, July 18, 2017.

## ***2. 2017-VAR-02 10 foot fence surrounding pickleball court***

City Planner Ellen Hardgrove introduced the variance application for Mark and Melissa Gibson who wish to build a ten (10) foot fence surrounding a pickleball court in the front of an existing house, on a 2.4 acre lot in R-1-AA, which is located close to the lake. In May 2017, the Planning and Zoning Board recommended approval of a variance request for a pickleball court in front of the existing house. There was also discussion about the surrounding fence. A standard pickleball court fence is ten (10) feet high. The city's code does not differentiate between this and a barrier fence and the Gibsons have applied to get a variance for a ten (10) foot high fence. The six (6) criteria have been met and staff recommends approval with the condition that the fence is limited to, and is specifically associated with, the pickleball court and nowhere else on the site.

Chairwoman Dunay invited the Gibsons to the podium. The applicants discussed the property's boundary fence which is a standard six (6) foot fence. Per Ms. Gibson, a ten (10) foot high fence makes more sense to keep balls out of the neighbor's yard. They have had approval from two of their adjoining neighbors.



Further discussion amongst the Board included making it a condition that the fence be coated with black vinyl.

Chairwoman Dunay asked for a motion.

**Board Member Rader moved that the Planning and Zoning Board recommend approval of the ten foot high fence with conditions; seconded by Board Member Fischer. Motion passed (4/0).**

**Condition #1: The ten foot high fence is limited to the perimeter of the pickleball court and does not apply to a barrier/lot line fence.**

**Condition #2: The fence is to be covered with black vinyl.**

### **3. Sign ordinance Discussion**

City Attorney Smith said there is a draft of the sign ordinance and an electronic version will go out to the Planning and Zoning Board in the next couple of days. More information is being put together and the Mayor is compiling information. Planner Hardgrove will update her book and the Mayor is getting a survey so that we will know what signs we will keep and what signs will go away.

Mayor Bagshaw provided information that the City has employed a sign company that is conducting a survey with the conditions of all the signs. Per Mayor Bagshaw this will help with the decisions and how rapidly the City moves forward with the amortization of signs.

Discussion ensued amongst the Board regarding amortization, pole signs versus pylon signs, and sign restrictions including proximity and excessive signage. Signs out of repair will be brought up to code.

Further discussion from Mayor Bagshaw encouraged the Board to attend the City Council meeting for a presentation with the Little firm. They will present the visioning and discuss best uses as well as the process that the City will undergo.

Discussion included reintroducing the moratorium on uses in C-1, C-2 and C-3 zoning districts.

**Chairwoman Dunay asked for a motion.**

***Board Member Rader moved that City Council reconsider the moratorium for uses, brought before them previously and have it enacted post haste; seconded by Chairwoman Dunay. Motion passed (4/0).***

Board Member Rayburn requested to be copied on presentations for City Council. Administrative Assistant Repp said that she would consult with the City Clerk.

### **COMMENTS/ANNOUNCEMENTS**

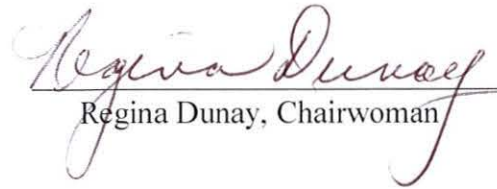
Chairwoman Dunay asked Administrative Assistant, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be July 10, 2017 and August 14, 2017.



**ADJOURNMENT:**

With no further business or discussion, Chairwoman Dunay asked for a motion to adjourn the meeting.

*Board Member Fischer made the Motion to adjourn the Planning and Zoning Board meeting, seconded by Board Member Rayburn; motion unanimously approved (4/0). The meeting adjourned at 7:32 p.m.*

  
Regina Dunay, Chairwoman

ATTEST

  
Sandra Repp, Administrative Assistant