

Laketon Township Planning Commission
December 14, 2022 Regular Meeting Minutes – APPROVED 01/11/2023

CALL TO ORDER: Chairperson Bob Marine called the meeting to order at 6:01 pm

ROLL CALL:

- Present: Eric Anderson, June Earhart, Suzanne Hayes, Paul Hoppa, Dave Mieras and Bob Marine.
- Absent: DJ Hilson with notice.
- Also present: Zoning Administrator Heidi Tice, Recording Secretary Veronica West, and a couple of local citizens.

APPROVAL OF AGENDA: June Earhart moved to approve the agenda as presented. Dave Mieras supported the motion and the motion carried by voice vote.

APPROVAL OF MINUTES: Eric Anderson commented on the Mixed-Use District portion of the notes regarding the R3 residential versus the R4 Residential discussion, but ultimately stated he was ok with them as written, apart from a small typo in the 2nd sentence (the word that should be the word than). Suzanne Hayes moved to approve the regular monthly meeting minutes with the typographically error correction discussed. Eric Anderson supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: NONE

CORRESPONDENCE:

- **Zoning Permits Report (November 2022):** Summary report of numbers of different permits issued covering the month of November, no discussion, informational only.
- **Civil Infraction Citations:** ZA H. Tice informed the members there were 2 municipal civil infraction citations (aka tickets) written for two different addresses in the township for zoning ordinance violations. One regarding temporary structures and one regarding an illegal home-based business that the property owner had engaged in previously and then signed a document agreeing to cease & desist but has taken up the activity again. Brief discussion of the process took place noting both property owners have been sent numerous letters from the township and the township attorney and they have not been responsive so the tickets were issued. Next will be a formal court hearing and the township will request an order of enforcement and fines can also be imposed. ZA H. Tice did note that if the property owners become responsive and comply with the ordinance requirements before the court hearing, the tickets can be dismissed.

UNFINISHED BUSINESS:

- **Mixed Use District - Witham Rd Corridor – Schedule public hearing and decide on a name for the district:** ZA H. Tice noted the consultant has provided the language with both versions – one using the R3 residential and one using the R4 residential for comparison so the PC can decide which is most appropriate to include in the mixed-use district. ZA H. Tice also noted they can choose which one now, or at the public hearing after taking public comment. Eric Anderson commented on the topic noting he feels that the R4 residential district allows the most flexibility to allow whatever uses could potentially bring in people to invest in the area and upgrade it. There was some discussion of potential non-conformities being created and some that already exist. Eric agreed that the mixed use with either of the residential district uses would be an improvement. Bob Marine commented that future combining of some of the smaller parcels could occur and then allow for redevelopment with duplexes or multi-family dwellings in the area if the R4 residential district regulations are chosen. ZA H. Tice noted there is also the need to give the district a name and she gave several examples of possible district names/abbreviations. She also apologized, but missed the publication window for the public hearing to be held in December, so it must now be moved out to January 11th, 2023 at 6:00 pm and a new motion needs to be made to accept that date/time. at Eric Anderson moved to accept the language from the consultant for the mixed-use district that combines the C2 and R4 district uses and to also name the district “R4 Residential/C2 Service Commercial District” and to hold the public hearing on Wednesday January 11, 2023 at 6:00 pm. Suzanne Hayes supported the motion. A roll call vote was taken.

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Voting in favor of the motion: June Earhart, Eric Anderson, Suzanne Hayes, Dave Mieras, Paul Hoppa and Bob Marine.

Voting in opposition of the motion: None.

Motion Carried.

- **Submitted language rejected by Township Board for a change to Section 3.32.C:** ZA H. Tice informed the PC that the Township Board rejected the proposed amendment language to this section. She reminded them the language was to require a pool barrier (aka fence) around a pool even if it has the type of pool cover that the State Uniform Building Code exempts from needing a barrier. She further explained this is upon legal counsel advice because townships cannot make regulations stricter than the Uniform Building Code if they have adopted the Uniform Building Code, which Laketon Township has. In addition, the ordinance as it currently reads is not in compliance and if challenged in a court, it would not be defensible. ZA H. Tice noted she was asked by the Board of Trustees to have the PC look at this language again and come up with something compliant with the Uniform Building Code per the Township Attorney's opinion. Displeasure was expressed by many on the PC, with Paul Hoppa commenting it troublesome to not be able to make pools safer by requiring fences with Bob Marine agreeing. Eric Anderson stated he could not in good conscience vote for anything that would remove the requirement for a fence around a pool. After much discussion the PC members expressed a reluctance to change the ordinance language because they want to ensure the safety of the community by requiring barriers. Dave Mieras moved to make no changes to Section 3.32.C and leave it in the ordinance as it currently exists. June Earhart supported the motion. The motion carried by a unanimous voice vote.

NEW BUSINESS:

- **2023 Planning Commission Dates/Schedule:** ZA H. Tice stated she left the schedule the same as it has been – on the 2nd Wednesday of every month at 6:00 pm. Paul Hoppa moved to accept the 2023 meeting schedule as presented. June Earhart supported the motion. The motion carried by voice vote.
- **Capital Improvement Plan Update – Meeting Date Change:** ZA H. Tice was asked by Twp. Supervisor Kim Arter to request the meeting date be changed due to a conflict. It was noted this annual meeting usually takes place in February, but the Supervisor is requesting it be moved to January. June Earhart moved to hold the Capital Improvement Plan update meeting to January 19th, 2023 at 5:00 pm. Eric Anderson supported the motion and the motion carried by voice vote.

PUBLIC COMMENTS:

- **ZA H. Tice** – passed along a message from the Township Supervisor Kim Arter to remind the PC Members of the Annual Township Christmas Luncheon party which is on Monday 12/19/2022 at noon and members are invited to attend.

BOARD REPORTS:

- **Board of Trustees:** Eric Anderson talked about the meeting “cycle;” where the Township Board is the 3rd Thursday each month which is after the monthly PC meeting and then the Board minutes are not approved until the next monthly meeting – so he feels he needs to follow that cycle and report to the PC once the minutes are approved. This month he has nothing to report that affects the PC.
- **Zoning Board of Appeals** – NONE/No activity to report.

ADJOURNMENT:

- Eric Anderson moved to adjourn. Dave Mieras supported the motion. The motion carried and the adjournment occurred at 6:45 pm.

Respectfully Submitted:

Veronica West
Recording Secretary