

PLANNING & ZONING COMMISSION

The Planning & Zoning meeting was called to order at 5:33 p.m., by Chairman Fitzgerald.

Present: Angle, Fitzgerald, Penfold, Wicker (by phone)

Absent: Bruns, Duea, Prohaska

Motion by Penfold to approve the agenda, second by Angle. All ayes.

Motion by Penfold, second by Angle, to approve the minutes of the 11/24/09 meeting. All ayes.

Fitzgerald stated this was the time and place for the citizen's forum. No citizen comment.

Communications: None

**New Business: Amendment to Plat Dedication – Kluever's 1<sup>st</sup> Addition**

Marino reported that the City is currently holding approximately \$20,000 of Kluever's money as retainage, pending the acceptance of improvements to their subdivision located in the Fieldstone area. At a meeting attended by Mr. Kluever, the City Administrator, and Public Works and Zoning officials, the City was presented with an estimate for necessary sanitary sewer improvements in the amount of \$5,000. It was agreed at this meeting that the City should continue to hold that dollar amount until the upgrades are completed. Since there are currently no sidewalks in any of the Fieldstone subdivisions, meeting participants also worked out an agreement which would amend the Plat and Dedication of Kluever's 1<sup>st</sup> Subdivision by requiring property owners to construct sidewalks, at their expense, when deemed appropriate by the City of Clear Lake. Adoption of this amendment will allow the City to return retainage, in excess of the amount held for sanitary sewer improvements, to the developer.

Motion by Angle, second by Penfold, to recommend that the Clear Lake City Council accept the amendment to the Plat and Dedication of Kluever's 1<sup>st</sup> Subdivision. All ayes.

**Unfinished Business: Zoning Sign Ordinances regulating electronic/animated signs**

Terry Johnson, representative from Signtronics, appeared before the Commission to answer questions regarding electronic signs. He was of the opinion that the Clear Lake Ordinances should only be clarified regarding electronic and animated signs, while keeping them within the scope of the existing sign regulations. Marino echoed Mr. John's recommendation, stating that electronic signs could be incorporated into a particular type of sign (ie. monument signs, pole signs, etc.), the size of which is already governed by existing Codes. Discussion turned to electronic billboards, with Marino suggesting these could be regulated by requiring a review and the issuance of a Conditional Use Permit by the Board of Adjustment, on a case-by-case basis.

Fitzgerald read the descriptions of "animated" and "electronic" signs from Chapter 165.35, Section 2-Definitions-B & Q. Item Q states "an electronic sign is considered to be an animated sign." Per Chapter 165.35, Section 5-Prohibited Signs-A, "Animated signs, excluding barber poles....and excluding the time and temperature signs" are prohibited. He stated that in his opinion, the City should not stand in the way of technology with antiquated ordinances.

Motion by Penfold, second by Wicker, to recommend that the City Council modify the last sentence of the Clear Lake City Code, 2003, Chapter 165.35, Section 2-Definitions-Q, to read, "An electronic sign is considered not to be an animated sign." All ayes. Motion carried.

Reports/Recommendations of Zoning Official: None.

Reports/Recommendations of Engineering Department: Marino noted that Joe Weigel, Public Works Director, had been in attendance at the meeting with Kluevers and was satisfied with both the amount to be held as retainage for sewer improvements and the sidewalk agreement.

Fitzgerald declared the meeting adjourned at 6:35 p.m.

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Dennis Fitzgerald, Chairman

ATTEST:

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Sharon Springer, Secretary