

Planning Commission
June 27, 2005

Co-Chairperson Ramsey called the regularly scheduled meeting to order at 7:04 PM

The following members were present: James Montgomery, Lisa Cramer, Cindy Maas and Cristi Boyle-Barrett. Wolfe Schneider and Ken Smith were absent. Also in attendance was Planning Director Dan Staley.

Eric Skogen, 121 So. Sergeant St., he is here tonight because it was brought to their attention after the last public hearing regarding Nielson Meadows. With their dealings with Mike Hargreaves the developer, it was suggested to him that in order to alleviate the problem with the property line dispute that the 30 foot flag lot road be removed on So. Sergeant Street. It was his understanding that if the Planning Commission were to approve that by eliminating that road it would not impact their property. They had a meeting with the developer who readjusted the preliminary plat and came out to their house on June 24th. They did eliminate the flag lot and are still asking for the easement, they just increased the size of the lots, so they are still asking for the 16' x 35' of their yard. Staley stated the testimony portion of the hearing has been closed and this particular issue is a civil matter. We are unable to adjudicate anything here because this is a civil matter. Mr. Skogen stated with the size of the lots, just about all of them have changed. He just wanted the commission to know that the developer has worked with him; however, they feel they have been shafted and the developer should not be trusted. Discussion ensued. There is really nothing further that the Planning Commission can do about this, however, Mr. Skogen want the commission to know what is taking place.

Deliberations on the Zoning Code:

Staley asked what will be done about the line on the R-8000 or R-20000. The fact remains that he has to be able to justify why wetlands are included in a less developed area when we have critical areas to cover that development constraint so his presentation to CTED for the zoning like this would probable come under greater scrutiny for the R-20000. The other argument is CTED has language that states not being able to provide services is not justification for not zoning at an urban density. Cramer stated what she likes about the way we have it proposed right now is all based on slopes which should be justifiable. Discussion ensued. Boyle-Barrett stated she stands by her decision to change the east side of Sheets road back to R-8000 because there are no slopes on that side. Staley stated if the properties has more than 50% of slopes, they were designated R-20000. Cramer stated one of her other concerns is getting it through the Council. She has heard a lot about having more R-20000 and less R-8000. Boyle-Barrett stated she doesn't know if the Council knows the reasoning for zoning the property the way it is zoned. We don't have the justification to zone this R-20000 because there are no critical areas on the east side of Sheets Road. Montgomery stated this property is wet and that is why we have the critical areas ordinance to decide what is build able and what is not so even if we zoned it at R-8000, it will most likely not be built out at that. Maas stated you can never determine that something is wet; you are taking on a lot of responsibility saying it is wet because you are not a biologist. Montgomery stated he is not saying they

can't do anything with it, he knows there is a lot of run off on this property, he is just saying he seriously doubts the entire area will be able to be built out at R-8000. Boyle-Barrett stated the critical areas ordinance is what will determine what it can be built at, but we don't have justification to down zone it. Maas stated she agrees but we have been doing this every Monday for months and every time a person comes in, we change it to their wishes. When does this stop, when do we say we are done. Boyle-Barrett stated she agrees, however on this particular area, she was originally zoned R-8000 and then someone came in on the opposite side of the road and wanted it changed to R-20000, so she has a valid argument that her property does not have slopes, therefore it shouldn't have been changed. Discussion ensued. Boyle-Barrett stated she feels the planning commission made a mistake when we changed the larger area from R-8000 to R-20000 when Mr. Sundstrom came to talk to us. She was on the zoning committee and they geared the zoning to meet the GMA regulations and the Brite Line Rule at a minimum of 4 units per acre unless there were sensitive areas. We have done a good job, this is a very good map, however she feels we need to change this one area back. Boyle-Barrett then went to the map and showed the area that she felt should be changed back to R-8000.

Boyle-Barrett moved to change the property on Ryan Road to the City limits and between Sheets and Klink to R-8000. Montgomery seconded the motion and the motion carried. Ramsey stated she still has reservations about the west side of Sheets because they have such a small portion of slopes she feels it should be R-8000 also. Boyle-Barrett stated she felt at the previous meeting the property owner to the west side had a valid argument to change to R-20000 and therefore should leave it that way.

Staley stated we wanted to get everything done by the end of this meeting which consists of the zoning map, performance standards and permitted uses. Montgomery asked about the R-6000 setbacks. He knows there are a lot of people that were concerned about the setbacks and still would like to see the 8 and 12 foot side yard setbacks. Staley stated you can't get those setbacks. Maas asked about the garages, can they not be in front of the houses. Staley stated no they cannot. Maas stated don't you think that would be boring to have all the garages recessed. Boyle-Barrett stated the reason was for walk ability and visibility. Discussion ensued. Maas stated she didn't realize we were going to be passing the performance standards tonight because there are some things she doesn't like with the performance standards. Maas asked if the MDR8 regulations are the same as the R-6000 or if there were changes made when we came up with the R-6000. Staley stated there were changes made because the lot sizes changed. Maas stated she feels we need more time to review these if we just received them tonight. There was discussion about the setbacks and the lot coverage in the R-6000 zone. Maas stated the biggest rambler you can build on a 6,000 square foot lot is a 2,000 square foot home. Staley stated yes it is, remember we want these lots to have smaller houses on them for affordable housing.

There was discussion by the commission as to what we have to get done still and when they want to meet. Staley stated the final information we need to get done is the correction of the critical areas ordinance which are the size and the classification of the wetlands and the buffers.

Boyle-Barrett moved to recommend approval of the Zoning Proposal, Permitted Uses and Development Standards to the City Council. Montgomery seconded the motion. Cramer asked when this will go forward to the City Council. Staley stated it will go forward on July 12. He will be meeting with Council zoning committee on Thursday at 7:00 PM at City Hall. **The motion then carried.**

With nothing further the meeting was adjourned at 9:05 PM.

Wolfe Schneider, Chairperson