

**BIG LAKE PLANNING COMMISSION
REGULAR MEETING MINUTES**

AUGUST 7, 2013

1. CALL TO ORDER

Chair Marotz called the meeting to order at 6:35 p.m.

2. ROLL CALL

Commissioners present: Ketti Green, Scott Marotz, Patricia May, David Schreiber, and Clay Wilfahrt. Commissioners absent: Seth Hansen and Doug Hayes. Also present: Planning Consultant Ben Wikstrom and Administrative Assistant Sandy Petrowski.

3. ADOPT AGENDA

Commissioner Green moved to adopt the agenda. Seconded by Commissioner Wilfahrt, unanimous ayes, agenda adopted.

4. OPEN FORUM

Chair Marotz opened the Open Forum at 6:35 p.m. No one came forward for comment. Chair Marotz closed the Open Forum at 6:35 p.m.

5. APPROVE PLANNING COMMISSION MEETING MINUTES OF JULY 17, 2013

Commissioner Wilfahrt motioned to approve the July 17, 2013 Meeting Minutes. Seconded by Commissioner May, unanimous ayes, Minutes approved.

Chair Marotz moved Agenda Item 6B, "Discussion: Collector/Arterial Streets Setback Requirements", to the first item of business (#6A) to accommodate two (2) residents attending the meeting to have their concerns heard.

6. BUSINESS

6A. DISCUSSION: COLLECTOR/ARTERIAL STREETS SETBACK REQUIREMENTS

Planning Consultant Wikstrom reported that this item is before the Commission due to inquiries received by staff from two (2) residents living along certain arterial or collector streets which requires them to have a larger setback from these right-of-ways than a typical local street. One of the affected residents submitted a letter that was provided for the Commissions' review. He noted that these two inquiries pertain to potential decks and not to the setback of their houses on Highline Drive but that there are a total of six (6) roads that could be potentially affected by the collector/arterial streets setback requirements. Wikstrom further reported that it was the recommendation of the City Attorney to have the Planning Commission to discuss this issue to determine if this issue should move forward through an ordinance amendment process.

Wikstrom noted that the questions/issues for the Commission to discuss would be:

- Should the City allow for an encroachment for decks, no matter where they are?
- Should the City allow specifically for larger setbacks and revise the ordinance to apply to all decks regardless of where they are?
- How to insure that these decks aren't someday enclosed for porches or living spaces? Is it enough to make notes on plans that it could be only a deck?

Chair Marotz stated that a few years ago there was an issue with a property with a bike path in the backyard and there was a setback issue off of that trail and, at that time, concessions were made to allow something in the back yard. He stated that he is in favor of making some sort of encroachment allowance for a deck to allow but added that the City needs to have a process in place (i.e. checklist for developers) to address similar issues in the future during the planning/permit stages. Commissioner Schreiber asked if this checklist for the location/size of the deck would be part of an amendment. Wikstrom stated that staff would contact the Building Official and City Attorney to determine if the in-house documents can simply be changed or if the checklist wording needs to be included in an amendment.

Wikstrom stated that the best way to resolve the issue would be to follow the ordinance amendment process. Chair Marotz noted that there needs to be an allowance for flexibility but not enough to allow too many deviations.

Mr. David Selbitschka, 18906 Earl Road, stated that he is not considering building a deck at this time but anticipates that he will in the future. He asked whether or not the potential ordinance language would pertain to only decks or would it also include screened porches/glazed porches, etc. He stated that he would prefer if there was language that would allow for a deck or porch area.

Commissioner Schreiber stated that it would be important to have the correct language which would specify and define what is allowed (i.e., what constitutes a deck, a four-season porch and/or enclosed screened porch).

Commissioner Green asked if this amendment would only affect structures that are attached to the house or if it would also include accessory structures and sheds. Wikstrom stated that typically sheds would only be required to be placed outside of easement.

Mr. Travis Brown, 18902 Earl Road, was in attendance to discuss the letter which he submitted to the City regarding the restrictions associated with his approved deck permit pertaining to an encroachment on the 45' setback line which would allow for a deck size that would be very difficult to utilize. In his letter, he requested an exception to the City's setback ordinance established for Highline Drive to allow decks that are attached to the rear of a home to be within 40' of the established setback line.

Chair Marotz noted that if a property owner applied for a variance to allow for a deck with this type of issued, it would be fairly costly; however, if an ordinance amendment were to be done, although it may be a month or two for the process to be complete, the property owner would not be required to incur the fee for a variance. He asked Mr. Selbitschka and Mr. Brown if they would be able to postpone their projects in order for the ordinance amendment process to take place. Both Mr. Brown and Mr. Selbitschka stated that they would be able to put their projects on hold.

Mr. Brown asked how the recently issued permit for his deck would be affected by this amendment process. Wikstrom stated that the City would place a hold his permit application during this time.

Commissioner Schreiber motioned to recommend that the City and Council look at the issue with encroachment of decks in order to resolve the current problem, and to call for a public hearing at the Planning Commission or City Council level, dependent on the advice of the City Attorney, to consider an ordinance amendment to address the issues as discussed. Seconded by Commissioner Wilfahrt, unanimous ayes, motion carried.

6B. RAIL ZONING UPDATE

Planning Consultant Ben Wikstrom reported that, based on the Commission's direction at the last two regular meetings, a list of potential rail uses/users to be ultimately referenced in a new I-4 Ordinance as conditional uses (or in some cases, prohibited uses) has been drafted and was before the Commission for discussion. He stated that the list was developed from research from several sources including other cities' ordinances, the 2009 Economic Development Services feasibility report, the Big Lake Regional Rail Park Overview and Information Packet, and the BNSF website.

Wikstrom reviewed the list which was categorized into the following uses: Automotive Products; Chemicals, Fertilizers, and Plastics; Coal; Construction and Forest Projects; Consumer Goods; Energy Products and Fuels; Food and Beverages; Grains and Feed; Intermodal; Machinery and Oversized; Metals and Minerals; and Solid Waste, Refuse, and Byproducts. He stated that additional categories such as Technology and General Warehousing and possibly others may be included in the list following further research and the Commission's discussion.

Wikstrom asked for the Commission's comments on the listed uses. Commissioner Schreiber stated that, under the "Machinery and Oversized" category, a possible use to consider could be the military (i.e., an armory to store larger equipment such as personnel carriers, etc.) as it could be an asset to the tax base. He suggested that staff contact the military to inquire if there is potential expansion to the area and that there would be rail available.

Chair Marotz noted that all of the suggested uses would be required to obtain a conditional use permit which would allow the City to consider each proposed use prior to making a determination.

Wikstrom stated that there can also be special design requirements can be specifically modified to include desired requirements (i.e. requiring a certain size buffer to anything adjacent to residential properties, etc.). Commissioner Green stated that careful consideration needs to be given to how many restrictions are imposed as too many may make it unattractive to potential users.

It was the consensus of the Planning Commission for staff to revise the draft I-4 Ordinance Amendment language to include the issues discussed and to present the final draft to both the Planning Commission and City Council for consideration.

7. PLANNER'S REPORT

Wikstrom briefly reviewed additions to the Project report and answered questions of the Commission. No action required or taken by the Commission.

8. COMMISSIONERS' REPORTS

Commissioner Green asked for clarification on the current ordinance requirements for yards pertaining to front yards, etc. and how issues/complaints are handled. Wikstrom reported that complaint forms to be filed with City Hall.

9. OTHER – None.

10. ADJOURN

Commissioner Green motioned to adjourn at 7:17 p.m. Seconded by Commissioner May, unanimous ayes, motion carried.