CALL TO ORDER: Chairman Carlson called the meeting to order at 6:00 p.m.

PRESENT: Chairman Kent Carlson Commissioners Barbarajean Brandt, Walter Linder, John McGary (6:20) and Pete Onstad

Mayor Paul Skrede, Councilmembers Steve Erickson, Darel Gustafson, Josh Hackney and Keith Kask

ABSENT: Chairman Bob Werneiwski and Commissioner Scott Hemink

OTHERS PRESENT: City Administrator Dana Young and Zoning Coordinator Gus Karpas

Zoning Coordinator Karpas summarized his memo outlining the Commission's understanding of the massing issue and the steps it has suggested in addressing it. He noted the Commission has focused its attention on applying regulations to only non-conforming lots in the R-3 district.

Chairman Carlson said the first order of business should be a consensus of the two bodies that there is in fact an issue that needs to be addressed. Councilmember Kask said this issue has been addressed a number of times in the pass. He said ordinance have been tweaked including relaxing side yard setbacks and altering the method for measuring height. He said the changes to the ordinance had merit at the times their were made noting the amendment of the side yard setback provision was done to lessen the number of variance requests on narrow lots coming before the city, while the changes in height measurements were due to a change construction standards. He doesn't recall the city ever granting a variance to exceed the maximum permitted height. He said if the city has a problem with massing it's been an ongoing problem that re-emerges with every new building cycle.

Commissioner Brandt asked about the changes in height and when those changes took place. Councilmember Kask said changes went from measuring from the lowest structural feature to allowing for a credit to permit walk out structures. He believes this change took place in the 1980s. Mayor Skrede commented the changes may be even older than that. Skrede views the problem as an issue of proportionality. He said home designs have changed over the years, especially roof lines and said it looks as though the Planning Commission wants to limit current design options on smaller lots.

Councilmember Kask noted that not only have roof pitched changed, but also ceiling heights and construction materials. Taken as a whole, all these new housing features have led to a big change in the type of houses we're now seeing. He feels much of the change has come independent from the city's ordinances.

Councilmember Erickson said it may be a combination of the new housing features and the ordinances. He said the cost of land plays a large role on what someone constructs on a lot. Nobody's going to build a cottage in Cottagewood anymore and will build to the maximum extent allowed by the ordinance.

Councilmember Gustafson believes massing is an issue going into the future and we need to do our best solve tomorrow's problem today. Chairman Carlson agrees, but feels there needs to be a balance by still encouraging people to invest in the community. The city's job is to provide guidance through the ordinance.

Councilmember Kask discussed property rights and said homes are being built so large that it's causing culture shock in some areas, though those who are most concerned do receive a degree of economic benefit through increased property values. Councilmember Hackney stated it cuts both ways and some properties have been negatively impacted by having such a large structure constructed next to them. He said he spoke with Councilmember Fletcher of the City of Greenwood regarding their massing ordinance and about what Deephaven is looking at doing. He was of the opinion that what Deephaven was

attempting to do is better than what Greenwood adopted because it looked at height as a function of the distance from the property line.

Commissioner Brandt said the concept of height gets confusing and the city should just set an overall maximum height requirement. Councilmember Erickson said that would be less complicated and noted his house, which is not massive by any means, would not fit into the envelope criteria proposed by the Commission. Mayor Skrede noted homes with lookout basements would also be impacted by the envelope measurement.

Councilmember Kask said there's always a way around the ordinance by following the letter of the law. Commissioner Carlson said that is why the Commission would like to discuss the proposed ordinance with builders and architects to find the potential loopholes before a final draft is put forward.

Mayor Skrede noted that the ordinance could be restrictive since the availability of the variance process is always there. Councilmember Gustafson said any ordinance is only as strong as a Council is willing to deny variances. He said it seems as though the city applies the practical difficulty standard pretty liberally.

Commissioner Brandt said she knows a number of people in Cottagewood feel it is the current ordinance which has created the issues and the city should go back to the original intent of the ordinance which is to protect the residents.

Zoning Coordinator Karpas discussed some of the consequences of making an ordinance that is too restrictive. He said he still favored the ordinance used by the City of Greenwood to regulated massing which tied the massing of a structure directly to the size of the lot and measured it by structure volume. If a property owner wanted to build a structure with a higher roof pitch, the structure naturally would have to pull away from the property lines to decrease the footprint to comply with the volume requirements. A question was asked how this impacted construction in the city. Karpas said there has been no noticeable impact and there has been only one variance requested of the maximum volume and that was on an extremely small lot on Greenwood Circle. Karpas was asked to provide a copy of the ordinance along with a list of recent construction projects in Greenwood that had to comply with the standards.

Councilmember Gustafson suggested the Councilmembers also take a look at the new home under construction on Rutledge Road, noting it did not require any variances, is out of character with the homes around it, but did not look massive.

The Planning Commission will continue to work on drafting ordinance language and arrange a meeting with contractors for their feedback.

Other items discussed involved a potential increase in the impervious surface percentage for non-conforming R-3 lots, amending the ordinance to remove the reference to special use permits since they are not defined in the State Statute and looking to reconfigure the term structure of the Planning Commission.

ADJOURNMENT

Motion by Onstad to adjourn the meeting. Commissioner Carlson seconded. The meeting adjourned at 7:00 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator