

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
January 7, 2020**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, January 7th, 2020 in the Commission Chambers of City Hall.

ROLL CALL

Present: W. Premeau, S. Mittlefehldt, M. Larson, E. Brooks, M. Dunn, Chair J. Cardillo, Vice-Chair A. Andres

Absent: A. Ruiz, J. Koehs (both excused)

AGENDA

It was moved by A. Andres, seconded by E. Brooks, and carried 7-0 to approve the agenda with the addition of a Work Session item (A) for consideration of existing and amended standards for roof-mounted solar panels.

MINUTES

The minutes of 12-17-19 were approved as presented.

CONFLICT of INTEREST

No certain or potential conflicts of interest were expressed.

PUBLIC HEARING

A. 01-SUP-01-2020 – Duplex Request for 910 W. Bluff Street

Zoning Official A. Landers stated that staff has reviewed the Special Land Use permit for the conversion of a single-family home to a duplex dwelling located at 910 W. Bluff Street. She also stated that the Board of Zoning Appeals approved an 8-ft side yard variance from the City of Marquette Land Development Code Special Land Use required conditions for a duplex dwelling request at their December 5, 2019, regular meeting. She stated that the STAFF FILE REVIEW/ANALYSIS contains specific information regarding the Special Land Use application and survey.

Pam Laurich, of 910 W. Bluff St., stated that her application was complete and she would be glad to answer any questions about it.

M. Dunn asked if there was any contact with the neighbor on the side that the variance is on. Ms. Laurich stated that part of the neighbor's garden and deck is on her property and that they are really good neighbors and they worked out proper drainage and those types of issues. She also stated that their home is actually located on the alley.

J. Cardillo stated that if no one else has questions she has one. She asked about the parking spots and where they are located. Ms. Laurich stated that there are two in the garage that is attached to the house directly, and that the garage on the alley has at least two spots because it is oversized.

J. Cardillo opened the public hearing. Nobody wished to speak, and the public hearing was closed.

It was moved by M. Larson and seconded by A. Andres and carried 7-0 to suspend the rules for discussion.

M. Larson stated after reviewing the application he feels that he could support of granting this. He also stated the neighborhood in which it is located is mixed use and a duplex is not out of place or injurious to the neighborhood, or would it be detrimental to public health or welfare if it were granted.

A. Andres stated that he thinks that it falls within the guidelines and it meets the requirements.

W. Premeau stated that there can be eight people living there, and in the alley it is a little tight. Ms. Laurich stated that she is intending to rent only the second-floor one-bedroom unit.

S. Mittlefehldt stated it looks like the Board of Zoning Appeals went over this and had some thoughtful discussion on it and it seems to comply with everything in the Land Development Code, so she does not see any issues.

It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 6-1 that after review of the STAFF FILE REVIEW/ANALYSIS for 01-SUP-01-20, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403 and 54.613, and hereby approves 01-SUP-01-20 as presented.

Yes: S. Mittlefehldt, M. Dunn, M. Larson, J. Cardillo, A. Andres, E. Brooks.

No: W. Premeau.

B. 01-ZOA-01-2020 – Draft Amendments to the Land Development Code

A. Landers stated the Planning Commission (PC) on December 17, 2019, voted to schedule a public hearing for the consideration of draft amendments to the Land Development Code (LDC). The proposed amendments are the product of several months of effort by staff and the Planning Commission and have been developed, discussed and refined during several work sessions in late 2019. She also stated that the draft amendments to the LDC document are attached, and they will be available to the public as part of the agenda packet that is posted on the City's website, and in the Planning-Zoning division offices prior to the meeting. She also stated that one piece of correspondence was received and she and City Planner-Zoning Administrator D. Stensaas read that into the record.

J. Cardillo opened the public hearing.

Phil Toutant, Esq., of 105 Meeske Ave., stated that he appreciated the Planning Commission taking the time to listen to what he has to say. He also stated that he is working with a group of developers who are trying to develop an adult-use marijuana facility on Third Street. He stated that they were pleased to see that the Planning Commission initially thought that the Third Street Corridor would be an area that would be a fit for the use of marijuana establishments and T4 and T5 [subdistricts] was in fact going to be included. He also stated unfortunately it seems that the Planning Commission has taken a different direction on the Third Street Corridor. He stated he cannot see in the City of Marquette a corridor that is better suited for retail marijuana sales. He also stated that the Third Street Corridor is a vibrant mixed-use area that hosts a number of different land uses and different retail establishments and multiple places where alcohol is sold for off-premise use and for on-premise use. He stated in a way the sale of retail marijuana is consistent with the general characteristic of the Third Street Corridor and the existing land uses, and also it is consistent with the mixed-use vision that is in the Land Development Code. He also stated he asks that the Planning Commission consider including the Third Street Corridor for uses under the recreational marijuana act to include retail establishments, and if the Planning Commission is not wanting to include the entire Third Street Corridor, at least consider the southern T5 district which is really a more intensive core urban area that is more retail-focused than elsewhere in the Third Street District.

Brian Bloch, 908 N. Third Street, stated that he has run his law office out of this site for 15-years, and has been closely watching and attending the development and changes on Third Street. He stated that the design charrette that the City and the University held a couple of years ago, which as the last time that major zoning changes were made to Third Street, envisioned a corridor to connect the University to the downtown area in an increasing commercial presence. He also stated that the north end of Third Street, the last zoning change raised the height minimums to allow for three-story development. He stated that decades of effort have been put into redeveloping Third Street. He also stated that the crowd that wonders into the Blue Link at 8 AM on a Monday morning is far more disruptive than any studies show marijuana usage are. He stated that in Mr. Toutant's research you will see that there are some very simple reasons that marijuana establishments contribute to less nuisance and less trouble. He also stated that they are high profit, high security, with lighting, they improve quickly and the development plan for this property is to redevelop the tattoo parlor and the white two-bedroom apartment next door, within 36-months to 60-months, to a new retail center, in cooperation with Blackrocks. He stated this is the direction that he thinks Third Street is intended to go. He also stated that the proposed section backs up to Blackrocks' parking lot and a rental home and he does not think that anybody who has been living next to the Blue Link for any amount of time is going to see any change in the character of the neighborhood, because a well-run,

professional, highly-regulated industry like a marijuana retail shop opens next door.

Sarah Reynolds, 426 W. Crescent Street, stated that she wants to support Mr. Toutant and Mr. Bloch. She also stated when she was serving that was her intention as a City Commissioner to include Third Street. She stated that as she went through the minutes, she did not understand why Third Street was taken out and she is curious about why that was.

Nobody else wished to speak, and the public hearing was closed.

It was moved by S. Mittlefehldt and seconded by E. Brooks and carried 7-0 to suspend the rules for discussion.

S. Mittlefehldt stated that when the City Commission passed the resolution to come up with zoning for marijuana and the different categories of use, the Planning Commission went out and looked for research on best practices for zoning and they found very few resources of best practices on this and what it should look like. She also stated they did what they could to find what other communities have done and initial instincts were to start smaller and then expand as they see how this affects property values and economic development of the City. She stated they erred on the side of protecting the integrity of residential areas first and then allowing it to grow after they see how it affects property values and economic development. She also stated that they took it out of the Third Street Corridor thinking about protecting the residential areas that are adjacent to and within that corridor and really focusing it on the main artery of the downtown area.

E. Brooks stated that he disagrees with S. Mittlefehldt on that, and it was sort of a give and take situation from the get-go. He also stated that he believes that Third Street should be open to the retail. He also stated that he was born and raised in Marquette and has seen how Third Street has transitioned over the years and he believes that it would be very well suited for retail business on Third Street. He stated that it was kind of a give and take session when they were trying to figure out the zoning, and S. Mittlefehldt felt very strongly because a few of her friends have residential areas on Third Street, and it was kind of a bargaining unit. He also stated that he still disagrees with her 100% and he still thinks that they should move ahead and include the Third Street district. He stated that he agrees with the people who have spoken in favor of it tonight.

S. Mittlefehldt stated that it was not a conversation with one or two friends, and she thinks that there are a lot of people in the community, and maybe a lot of parents, that are concerned. She also stated that first and foremost most of the members on the Planning Commission are glad that this has become a legal, regulated part of the community, and all supported that and now the devil is in the details trying to figure out where the geography of it makes sense. She stated that they have been really wrestling with this and a lot of members have done research, and that is why the buffers around the schools are really important. She also stated she favors starting small and keeping it confined to begin with and then seeing how it evolves over time. She stated this is not something that they have a lot of experiences, in terms of the zoning from other places, to learn from.

E. Brooks stated that the Third Street Corridor is a main artery between the University and Downtown Marquette, and it is very much mixed-use. He also stated they have a few breweries, several bars, restaurants, liquor stores, rental properties, and they also have one tattoo parlor. He stated that he cannot see any reason to disallow and he thinks that it definitely falls into what the Third Street Corridor is and to have these breweries and bars he does not know why this would not fit in.

M. Dunn stated on the one side it does not make a lot of sense to talk about a specific business when they are looking at code changes. He also stated that obviously they need to consider everyone's input, but the fact that someone is working on a business already should really not be impacting the Planning Commission's decision-making. He also stated that his experience in Colorado leads him to as a general philosophy want to move slowly and handle this step by step. He also stated the town that he was in kind of jumped full speed ahead into retail marijuana and a year down the line was trying to keep up and adjust to all of the changes that were happening. He stated the amount of applications and licenses that came in for retail establishments was way more than what the city expected. He also stated since that time the trend has reversed and now there are a lot of vacant businesses. He stated that this leads him to the idea of

taking it slowly and starting small. He also stated that it is easier to expand later than it would be to do a moratorium on retail licenses or something of that nature. He stated that he would rather err on the side of caution to start with and they can always expand outward later.

M. Larson stated that looking at the buffer zones that do currently exist out there for schools and religious facilities, and then how Third Street is broken out into T4 and T5, the property that they are pointing out is the only property on their maps in T5 that is not covered by one of the buffer zones. He also stated looking at the buffer zones that exist there is a small intersection near the Crescent Street area where it is not zoned out. He stated that it is an observation that with the buffer zones currently in place in the T5, there is only one property that appears to be actually open.

M. Dunn asked if there are any other caps in place on total licenses that are going to be issued or anything of that nature. J. Cardillo stated that there are no caps. M. Dunn asked about state law for security of the retail establishments. D. Stensaas stated that there are stringent requirements for security. Management Analyst S. Hobbins stated the ordinance that the City Commission passed gave fire and police a lot of authority to go onto the properties and inspect them and make sure that everything was going well and handled safely. He also stated their local public safety departments do have a lot of authority. M. Dunn stated if there was some kind of cap on the total number of establishments, he would be inclined to allow a broader area to be included. J. Cardillo stated that would be something that would come from the City Commission and is not in the Planning Commission's jurisdiction to put caps on it, so they are working with the knowledge that there will be no caps and it is not on the table.

S. Hobbins stated one thing to add is that all applications for any of these facilities are required to submit a proposed security plan that demonstrates the proposed marijuana establishment meets the security requirements that are specified in rule 35. He also stated each facility has to submit a security plan to the state as part of their state application as well.

E. Brooks stated that it would be very difficult to have the wild-west mentality here, just because there are very few places in these corridors that they are looking at that are for sale or rent, so that is definitely going to cap it. He also stated that just the application for retail business alone is \$6,000, so not everyone will have the ability to pay this just for the preliminary application.

M. Larson stated that he does agree that they are looking to take things slow, but he is torn on having one property in the T5 side of things that is the only property that is not within the buffer zones in this particular area. He also stated that he can see the issue that there is one property within the T5 that meets all of the qualifications that is not in a buffer zone, and he feels a little bit torn on that piece. He stated that it is not because of a specific business, but mostly it is just because eliminating an entire district when there is only one building that is possible within that T5 area.

S. Mittlefehldt asked where the buffers came from. J. Cardillo stated that they came from the City Commission. S. Hobbins stated that the state says that you cannot have it in a purely residential area and then they put a 1,000-foot buffer around schools, but it gave municipalities the ability to reduce that down to 500-feet, so the City Commission chose to reduce it to 500-feet and also added religious intuition buffers and substance abuse and disorder facility buffers. S. Mittlefehldt asked why the buffer is on the religious intuitions. Ms. Reynolds stated that there was not a particular reason necessarily, that it was a compromise because the City Commission wanted to have every single buffer zone that is possible, and they came to a compromise and it was either six buffer zones or three. She also stated in order for them to come together and have this happen and allow marijuana in the City they had to come up with a compromise and that was a compromise for a couple of commissioners. S. Hobbins stated as staff they looked a lot different ordinances from around the state and they ended up using Grand Rapids as a model and that is one of the ones that included and that some City Commissioner's found appropriate.

W. Premeau asked if anyone realized that they zoned out most of the places that they could actually do processing with the flammable chemicals, so there are about one or two spots in the City of Marquette that you could actually do that. S. Hobbins stated that they put a lot of thought into this and had a subcommittee that worked for about a year making these recommendations to the City Commission, and the districts that allow for the chemical processing are industrial, and those are almost all up north.

A. Andres stated that his thought process about this is start out small and controlled and then enlarge it if they need to. He also stated that he operates on the side of caution and would prefer not to allow it in the Third Street Corridor.

J. Cardillo stated that they had the ballot initiative that legalized cannabis, and then it went through the City Commission process and they approved it with the buffer zones, and then it came to the Planning Commission. She also stated that it became legal like any other use, so they have been trying to treat it like any other use. She stated one of the things that is a priority for the Planning Commission for most of these types is there is multiple places that they could go, so they are not confining or pushing these things into one area. She also stated that by definition heavy manufacturing does have to be pushed into a certain area, but as far as the retail is concerned it was important for them that it was not shoved into a back alley and there were multiple places for it to go. She stated balancing residential and commercial interest on Third Street is one of the sources of the most conflicts that come up. She also stated that one of the components of the ballot initiative is that marijuana should not be in residential areas. She stated that they took this very clear point from the ballot initiative as a guide point. She also stated that there are different restrictions that are put in place that are not the same as a liquor store, and even if a retailer is analogous to a liquor store they are not identical. She stated that they just redid zoning in the Land Development Code so that there is not as much grandfathered in, and what they are trying to do by being conservative is seeing how this plays out so they know what all of the elements that go into it are, because they do not have experience with it. She also stated another piece of it was that the City Commission made a commitment to revisit this in a year. She stated that they were not set on this from the get go, and they really struggled with this and tried to find logic behind making these recommendations and considerations and not to be cavalier about it, and that is why the residential component was the thing that sort of became their guide. She also stated that she still stands behind the logic that they used and she is also not opposed to compromising on only the T5 area of Third Street because she does not think it is not that much of a compromise. She stated that she does still stand by the Mixed Use district restriction and the T4, LDC restriction. She also stated that the marijuana is a large component of this, but they also do need to consider the fact that this Land Development Code amendment incorporates a lot of other things as well so those should be included in their discussion.

D. Stensaas stated that when they propose to update a code and make amendments at the Planning Commission they send recommendations to the City Commission, and usually there is a full review of the text at the hearing, so this process should involve that as well. D. Stensaas stated that he could provide a brief review of that text since it has been reviewed in painstaking detail at previous meetings, and then reviewed the other draft amendments that the Planning Commission is planning on adding to the Land Development Code and asked if there were any questions about the draft amendments.

M. Dunn asked if there are a lot of issues with odor from marijuana retail establishments that do not have allowed usage on site. A. Landers stated that storing marijuana does have a smell to it, and the whole idea for odor control is not to allow that smell to leave the premises. M. Dunn asked about the maps for the class B and C and Excess growers, that the parcel closest to Presque Isle Park is designated as allowing class B and C and Excess and he is wondering if there was discussion about that. A. Landers stated that that land is zoned Industrial-Manufacturing. D. Stensaas stated for that there is discussion of that property in the latest update to the Community Master Plan, as the power plant shutting down leaves a large parcel of land that will be vacant, and that the recommendation of the Planning Commission is to keep it in Industrial zoning for a variety of reasons including the heavy contamination of the property making it most suitable for those kind of uses and the continuing use of the railroad for the ore dock. S. Mittlefehldt stated in terms of the diversity in land use in Marquette they really do not have a lot of industrial land, so it is good to have some diversity in terms of land use type.

J. Cardillo stated that she has reviewed everything and it is all consistent with that the Planning Commission had talked about previously. She also stated regarding the previous discussion the options are either to approve it as it is or to have somebody to make a motion where T5 is added in.

E. Brooks stated that he agrees with what J. Cardillo said and that as they talk about compromise the T5 subdistrict would be a wise compromise, especially being next door to a brewery and one of the former buildings being a tattoo parlor, and they are talking about cleaning up both of those properties and bringing them up to code. J. Cardillo stated that they should not be doing it based on a specific business that they

think is coming in. E. Brooks stated that he does think that it is appropriate because 90% of it is covered by a buffer zone anyways and there are only a couple of places where that would be allowable. He also stated if they are talking about taking things slow maybe allow the T5 district and see how it goes, and then revisit in a year and if it is fitting into where they are headed then maybe the T4 would be a good one to revisit to see if it should be included as well.

A. Andres stated that they are recommending to the City Commission and they are not acting on anything and the City Commission does that. He also stated whatever is decided on there tonight could change when it gets to the City Commission. J. Cardillo stated that it is also important to recognize that their role here is that they are not concerned about economic development necessarily; they are concerned with the public health, safety and welfare of the community. She also stated it is important for them to consider if this makes sense based on the public health, safety and welfare of the community.

S. Mittlefehldt stated that they have spent a lot of time talking about this and taking a precautionary approach.

M. Larson stated that regarding T4 and T5, they did take a lot of time thinking through this and with additional thought the differences between T4 and T5, higher intensity mixed-use there is certainly an argument that it would be a district or designation that they would put in prior to lower intensity use. He stated that he feels that it is not much of a stretch to come to that idea of compromise to allow it in that district.

D. Stensaas stated that as Mr. Bloch mentioned, back in 2013 the City got a planning grant for a corridor plan for N. Third St. and hired a consulting team and they started with an extensive process of community engagement that went through a week-long charrette process among other things, and that is how they came up with the T4 and T5 subdistrict designation. He also stated that corridor plan was incorporated into recommendations of the Master Plan, and then that was incorporated into and adopted in the Land Development Code as a form-based code for T4 and T5 based on density targets.

J. Cardillo stated that she thinks that Third Street Corridor is developing beautifully, but it is important to acknowledge that it has been a transition, and it is something that has to constantly be negotiated, and they want to constantly be respectful of that fact that this particular stretch is very much embedded into the community that was previously residential and that transition takes time and it requires respect for the neighbors. She also stated that she would be willing to go along with a compromise for T5 only, but it is really important to go slow and be respectful of the community that is transitioning.

Brian Bloch, 908 N. Third Street, stated the homes that would be within a sightline of the back of the proposed tattoo parlor would be pretty run down old rentals and they are the type of building that they are hoping get redeveloped, cleaned up and reused. He also stated he understands the limited nature of his angle on this, but you fix things block by block.

M. Dunn stated as he was looking through the Class B and C grower licenses, those being in the General Commercial struck him as being pretty close to Harlow Park, and that does not seem to fit in his mind. He also stated that he sees the other side of it too and without a lot of industrial zoning it is hard to find a place where those are going to fit. J. Cardillo stated that they have been trying to balance and not saddling it to just one district in as many cases as they can to provide the access because it is legal, while also trying to balance the priorities of the different neighborhoods.

M. Larson stated that he is interested in knowing where everyone stands with the T5 issue and after more consideration he is leaning more towards allowing T5 now.

A. Andres stated that he would like to let the City Commission deal with it, and to send it to them as is, and if they want to change it they will.

E. Brooks stated that he is for the compromise and allowing the T5 to allow retail.

M. Dunn stated that he is fine with it. He also stated that he has concerns about not having a cap on the total amount of licenses, but he is fine with including T5.

S. Mittlefehldt stated that she is conflicted. She also stated that there is a principled approach and a pragmatic approach, and the principled approach includes what is consistent for the zoning district and considering their task to protect the public, health, safety and welfare of the community, and erring on the side of the intention of the statute that emphasizes protecting residential use, which is the discussion we have had. She stated that the pragmatic approach is to consider this one property, and that property is in an area that is actually close to the downtown, and that they all agree this is the most appropriate downtown, and the southern T5 is more appropriate than the other areas to the north.

M. Larson stated if the northern section was not buffered out he might consider that as well. A. Landers stated that there is more than one other parcel that is outside the buffers in the northern T5, so there isn't just one parcel in the T5 that is outside the buffers.

S. Mittlefehldt stated that we could just designate the southern T5 for retail. D. Stensaas stated that the T5 is codified as one subdistrict, it can't be separated for zoning purposes.

J. Cardillo stated that she understands where S. Mittlefehldt is coming from, because if it were not for the buffer zones that are canceling out so much, she does not think that T5 would be a compromise. S. Mittlefehldt asked what are the chances that the buffers will be changed. A. Andres stated this will be revisited in a year, so let's have a vote because it is going to be reexamined anyway.

It was moved by M. Larson, seconded by E. Brooks and approved on a 4-3 vote, that after review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-01-2020, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments are justified and appropriate, and therefore should be approved by the City Commission with the revision to allow retail marijuana establishments in the T5 subdistrict of the Third Street Corridor form-based code district.

Yes: M. Larson, M. Dunn, J. Cardillo, E. Brooks.

No: W. Premeau, S. Mittlefehldt, A. Andres

WORK SESSION

A. Consideration of Existing and Amended Standards for Roof-mounted Solar Panels

City Planner and Zoning Administrator D. Stensaas stated that this is about the requirements of Article 7 for the placement and permit for rooftop solar panels. He stated that staff has reviewed one commercial application for attachment of panels on a flat roof, and this discussion is being triggered by a case where a contractor placed solar panels on a steep roof of a home and the neighbors complained about snow shedding onto their driveway. He also stated that it turns out that this case reinforces why we would require a permit, as the solar panels can be installed in a non-conforming place, which these were due to the extension of them into the side yard setback. He stated that is the basic issue, that the LDC requires a permit, and the contractor provided correspondence that we placed in the agenda packet.

Ian Olmstead, of 118 W. Arch St., stated that the big deal with this is that it's a new code and that he has done work all over the state, in all parts of the state, and that he signed a contract with his client long before the code went into effect. He stated that in most of the state, solar panels are not subject to zoning, and if we know there is a law about panels in a community we will contact zoning, but we didn't know there was a law here, and we usually have to file a building permit and it usually just can't extend beyond the edge of the roof or more than three feet above the roof, stuff like that. He stated that if it's flush-mounted it can't have an impact, and are new rooves required to have a zoning application, does a metal roof have to have a zoning application, does a window, or skylight, or vent pipe required to have an application? He stated that they went ahead and installed this, and it's all within the confines of the roof, and the issue is that instead of being required to not protrude beyond the edge of the roof, but your code says it shall not be located in a required setback and that is a 5-foot setback for accessory structures. He stated that yes, the system is shedding snow, and usually you install snow guards, but we can't access the property to install a roof snow-retention system because they are in a battle over this. He also stated that most townships don't require a permit for this, and there are already a lot of permits required and it adds complexity and cost. He

asked if he could hand out more information and gave the members handouts. He stated the image shows that on one street in Marquette, out of hundreds maybe, where most of the homes can't fill their rooves with solar panels install solar panels because of the 15-foot front-yard setback. He stated that the zoning severely limits the access for rooftop solar.

J. Cardillo stated to clarify this is strictly about flush-mounted solar panels. Mr. Olmstead stated yes. J. Cardillo stated so if my roof was built so that its non-conforming and the footprint of my house and my roof was in the setback area that I couldn't put solar panels on it because the footprint of the roof goes into the setback, is that correct. Mr. Olmstead said yes.

D. Stensaas stated that the LDC allows the eaves or gable of a roof to encroach to within 2.5 feet of the property line, and that accessory structures may encroach to within 3 feet of the property line. He also stated that there is a 5-foot side yard setback, which is for the main structure. He stated that the location requirements in the LDC state that a roof or wall mounted solar system is an accessory structure and must not protrude more than 3 feet above the roof or above the height of a wall and may be located anywhere on the roof, but must not in a required setback or protrude beyond the edge of the roof. He stated that the main conflict in the LDC is that the edge of the roof can encroach farther than the setback for an accessory structure. He stated that there is a half-foot difference in what is allowed for the panels and the roof itself, and otherwise the panels can't be built out to the full extent of the roof.

The Planning Commission, staff, and Mr. Olmstead discussed the issue at length and the Planning Commission requested that the issue be discussed further at future meetings to seek a possible amendment to the LDC that would allow solar panels to be installed to the full extent of an existing roof, and possible to address the maximum kilowatt output for a residential solar system, and possibly other aspects of the solar portion of Article 7. D. Stensaas stated that staff could suspend enforcement on this case until the PC has come to a conclusion on revising the LDC, and that in addition Mr. Olmstead could apply for a text amendment to the LDC. He also stated that staff cannot suspend the requirements of the LDC for a permit or to for compliance with existing standards of the LDC – which would encourage the code to be violated – they can only withhold action on an existing code violation. A. Landers stated that the City Commission would need to approve any changes the Planning Commission recommends.

W. Premeau stated that the panels require an electrical permit and asked if Building Codes inspected and asked how much the panels weigh. Mr. Olmstead stated that in this case the panels have a distributed weight of 2 pounds per square foot. Mr. Olmstead stated they did an electrical inspection and it was approved by the utility. He also stated that they have an engineer stamp the plans for an installation project.

Mr. Larson stated that there is also the permit cost, and he is wondering if the Planning Commission should look into that. D. Stensaas stated that if the reason to waive the fee is to emphasize that carbon pollution of the atmosphere should be a top priority then maybe the Planning Commission could recommend in their annual report to the City Commission that the fees be waived for solar installation permits. Mr. Olmstead stated that it might be better to not waive fees because it is a clean energy concept, which he stated would get some people riled up. He also stated that over time people are saving money with solar systems.

W. Premeau also stated that he is not against solar panels but is concerned about allowing them to go past the encroachment line because they do shed snow like a metal roof. D. Stensaas stated that the 2.5 ft. encroachment limit could be kept in place for solar panels, if that makes sense, and that is another thing that might need some research to find out if there could be pros or cons to having a short gap between the end of a solar panel and the edge of a roof.

J. Cardillo thanked Mr. Olmstead for coming and stated that it would be good if he could participate in a future work session and provide input on the subject.


COMMISSION AND STAFF COMMENTS

M. Dunn stated that it was good to meet everyone tonight.

M. Dunn was roundly welcomed to the Planning Commission by the other members.

ADJOURNMENT

The meeting was adjourned by Chair J. Cardillo at 8:18.


Prepared by:
David Stensaas, City Planner and Zoning Administrator
Planning Commission Secretary
Imedat/smc