

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
DISCUSSION NOTES
October 29th, 2018
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room
NO MEETING DUE TO QUORUM UNAVAILABLE**

Members Present: Randy Carlson, Annie McMurrin

Members Absent: Rich Hansen, Gary Wilkening, Susan Ostlund

Public: Seth Liefer, Justin Burslie

Staff: Pamela Smith

Discussion with Justin Burslie from Sourcewell regarding the overlay district ordinance.

Justin reviewed our current PUD Ordinance, stating that it was a standard PUD Ordinance and in his opinion the best approach to permit them as Conditional Use Permits. He explained that with an overlay district it would essentially be a new section in our zoning ordinance. With our current approach or the CUP approach, each development is its own separate permit. He gives the following example:

A developer comes in and applies for a CUP and a corresponding plat. The CUP would not be identified on the zoning map. It would be its own separate document that is recorded. In our current PUD Ordinance you have certain standards such as density standards; the density of the property has to meet the underlying zoning density. If someone comes in and develops a multi-family residential parcel and the density is one unit per half acre and they decide they are going to cluster all the homes in the northeast corner, they meet that density standard. For example if the parcel is 25 acres and they come in with 50 units that meet the minimum density requirements of the Ordinance. You would then work with the developer on things like the layout, how the roads are going to be built, whom is going to maintain the roads, what the private covenants say, who is going to maintain the lawns and keep at least 50% of the property as open space. As long as they can meet all the requirements you more or less have to approve it. There is some flexibility in there that allows you to work with them.

Justin further explains that some of the City is in the Shoreland area. The Shoreland area is all land which is within 1000 feet of any lake or 300 feet of any creek or river is regulated by the State Shoreland rules and they are already incorporated within our existing PUD Ordinance. The DNR and State set the certain densities for Shoreland properties. Justin stressed that he recommends we keep this Ordinance.

He reviewed the City of Osakis Ordinance that uses a Planned Residential Development Overlay District or (PRDO). He clarified that essentially you are creating a new zone. For each new development that came in and as long as they met the standards you would create a new Ordinance. The City would have more say because you could dictate the standards of your own overlay district. In Osakis they do not have any minimum lot size for PUD's; you can develop for example 2 acres as a PUD.

Justin reads from our current Ordinance Sec. 109-118 The city desires to encourage the development of residential planned unit developments in non-shoreland areas. The following standards shall apply:

(1) A non-shoreland residential planned unit development shall be considered as a conditional use permit and all applicable information shall be submitted as outlined in [section 109-273](#).

(2) Base densities shall be determined by the underlying zoning district (non-riparian residential lot sizes).

(3) Density increases for non-shoreland planned unit developments shall be allowed if all of the following design standards are met or exceeded:

a. Impervious coverage shall not exceed 35 percent for the total project area.

b. A minimum of 35 percent of the project area is dedicated to permanent open space.

Open space should include all areas not suitable for development, including bluffs, steep slopes, and wetlands.

c. All owners shall maintain ownership in common lands within the PUD, unless common land is dedicated to the public.

d. Stormwater is managed according to the applicable standards within this chapter.

(4) Density increases shall not exceed the following:

Zoning District	Maximum Density Increase
R	100%
LDR	50%
MFR	100%

Justin explained that if you meet the criteria in section 3 (a) through (d), you are allowed in the Residential Zone you are allowed 100% density increase which means you are allowed double. Justin again stated that he thinks that it is a good Ordinance and that would allow you to increase densities.

Justin stated that the City of Osakis uses their base density as their guide but they do have a provision in there that allows increased density; they have no limit, although it does have to be reasonable; it has to fit in with their comp plan, neighborhood, etc. But it leaves it open-ended. McMurrin questioned if Justin believed our PUD Ordinance is okay as it is. Justin stated that he wanted to get a better grasp of what we want because he thought it sounded like the City Council wanted to move to an overlay district direction. I have not seen a City that has two separate PUD mechanisms; it is usually one or the other.

The City does have a bit more control with the overlay district because you are creating a new Ordinance. With the PUD Ordinance that we have now it is conditional use permit, as long as the developer meets the minimum standards you essentially have to approve it.

Justin reviews the City of Big Lake stating it was similar to the overlay district but it would have its own zoning classification. Justin stated that on page 21 of the City of Big Lake Ordinance he refers to section 1011.02 Benefit and reads the following:

1011.02: BENEFIT: The proposed PUD shall accomplish a majority of the purposes and the design criteria set forth herein and shall not simply be for the enhanced economic gain of the

application. It shall be the applicant's responsibility to demonstrate compliance with this requirement and provide specific written documentation addressing this matter as part of the PUD zoning application. Based on this documentation, the City shall determine that some benefit will be realized by the City if a PUD is permitted.

Justin reads from **1011.04 DENSITY BONUS**: As a consequence of a PUD's planned and integrated character, the number of dwelling units allowed within the respective base zoning district may be increased based upon a finding by the City Council that such an increase is consistent with the goals of the Comprehensive Plan and that the PUD provides for the stated objectives of this Section. The building, parking and similar requires for these extra units shall be observed in compliance with this Ordinance.

He explained that what that is saying is again they are using the base density as a guide, but there is room to increase the density as long as it is consistent with the comp plan.

Smith questioned Burslie if the overlay would complicate what that they are trying to do. He stated that he thought so, but had a couple other points to cover. Justin added that he believes we could do this with some simple changes to our existing Ordinance. Justin asked if we wanted to draft a PUD Ordinance that also includes adding a section that would allow the increase of housing density. He said that is fairly simple, we just read three different Ordinances that would allow us to do that. You already have the density bonus; he added that the density bonus is not allowed in the Shoreland unless you get it approved by the DNR.

Smith questioned the ability to decrease the lot size. Justin stated that lot sizes are completely up to the developer in a PUD. There is no minimum lot size for PUD's. It is all based on density. That is the whole purpose of a PUD is to set the density of a property, let them cluster and arrange the property however they like. Justin adds that in most PUD's that he has seen that the lot size is essentially the house. There are no set-back requirements because the lot itself already meets the setback requirements of the underlying zone. Then you work with the contours of the land for the layout of the houses. Minimum building size is a different thing. You may have a minimum dwelling width of 20 or 24 foot.

Smith and McMurrin question on how they were interpreting the PUD. Justin stated that there are two ways to plat. In a traditional plat you have lots that all need to meet your minimum lot size in width, depth and area and then you have a public or private road going through. If it is not a PUD it might have covenants that the City reviewed but you don't enforce private covenants, you would record that as a final plat there usually is not open space required for plats but there is park dedication fees. It is usually 'x' dollars per new resident. Smith stated that she believes that the City does not have Park dedication fees. Justin stated that is something to consider. The City could put that into their Park fund. The idea is that if you develop a property, you are going to bring more people here, there is going to be more demand on Parks. That can only be used for capital costs; it can't be used for staff or maintenance, etc. That is a Plat. With a PUD you would still plat the property, platting just means dividing; but the lots would be much smaller.

McMurrin questioned if the lot size within the PUD is required to be a certain smaller size. Justin stated that no, it would be developer driven. Justin added that as long as the developer comes in and meets your minimum requirements you more or less have to approve it. With an overlay it allows the City to make the standards individual to each PUD. McMurrin added that we could keep our current PUD and change the density size.

Justin stated that it looked like you are trying to set up the property to be developed when usually it should be the developer coming in and saying, 'here is what we want to do; what do you

think?’ Justin added that he thinks that it is good to have base standards but the narrower you get you are in a sense almost deterring developers to come in.

Smith questioned with our current PUD prevented tiny homes from being built within a PUD and maybe we were reading it wrong? Justin stated that maybe we were looking at the minimum building width which still would apply to the PUD, unless we can figure out a way to write it in. Justin reiterates that there are so many possibilities and thinks that we have a good base ordinance. The biggest thing is determining the density. The density is not the size of the lot; it is the number of dwelling units on it. Justin gives an example looking at one of the parcels that is approximately 27 acres and using the minimum lot size of 15,000 square feet, he stated that 78 single family homes would be allowed there; this doesn’t include apartments. If you figured half the parcel you still could get about 30 single family homes in there.

Smith questioned if the homes would have to follow setbacks. Justin stated that once the entire lot met the setback you can cluster the homes inside the however you want. Justin added that we should make sure that we don’t have a minimum dwelling width in our ordinance, if tiny homes are something we want to pursue.

Smith questioned when or if a developer approached the City with a proposed PUD would Sourcewell be able to review the proposal to make sure it meets our PUD standards. Justin stated; absolutely.