

NO MEETING DUE TO QUORUM UNAVAILABLE

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
October 28th, 2019
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

Roll Call-Members Present: Mary Beth Hansen, Seth Liefer
Absent: Susan Ostlund, Gary Wilkening, Randy Carlson
Staff: Pamela Smith **Public:** John McElfresh

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DISCUSSION NOTES:

Discussion with John McElfresh regarding the PUD process.

Smith explained that once we receive a certificate of survey we will better know what exactly we will be asking a Variance for. The certificate of survey will denote exact numbers as far as green space, impervious/pervious surface coverage, setbacks as well as whether or not there is any ROW encroachment.

John stated that after speaking with his architects and engineers in regards to this, it does not encroach on any of the ROW. We do know that we will need a variance on the parking.

Liefer questioned the setbacks, stating the side setbacks have to be ten feet and it looks like the parking spaces encroach into that.

Smith responded that she doesn't believe that parking spaces are included in setback restrictions and will clarify that with the Administrator.

John questioned the parking spaces adding that he has done .5 in the past for assisted living. That would be 70 or 80 parking spaces. He added that in phase 3 and 4 they want to add the apartments as well. John stressed the importance of providing affordable housing via the proposed apartment buildings not only for his employees but as well as other area business owner's employees; it is hard to find affordable housing in this area.

Seth stated that he does not count 163 units.

Hansen added that it states on the preliminary plat 130 units times 1.25 for parking.

John stated that is what his architects and engineers have figured after looking at the City building codes as well as what they typically do for other similar projects. He added that if that number needs to be adjusted to provide for more green space that can happen.

At this time it is clarified that it is 130 units and 163 parking spaces.

John had asked his architect about how they determine the height of the building because your code only allows for 35 feet. Where do you measure from to get the height and according to his architect; most of the time you measure to the middle of the roof line and 10 feet from the building to keep people from building dirt up next to the building to make it appear that it isn't as tall as it is. According to the City building inspector they usually go by the middle of the lot.

John requests clarification of where the measurement is taken so they know if they need to ask for a Variance on the height.

Liefer pointed out the highlighted potential variance on the height at 39 feet should change to 49 feet due to phase three.

John added that if you measure from a different point we may not need a variance on height, adding that maybe the Board will look at all of this and decide that he does not need a variance.

Smith stated that we do know that he will need to apply for a variance; there are several things varying from our Ordinance. Whether you are asking for a single variance or several variances it is the same process; one application. You combine everything that you are requesting a variance for on the single application. Smith also added that there will be more input and suggestions from our other planning commission members not in attendance.

John stated the application for a variance had specific items and they know they are going to ask for a variance on parking. He questioned if we are also talking about green space and height.

Smith stated yes.

John questioned if you do variances on the PUD or just approve them as a PUD.

Smith stated that we are speaking about the variance on the PUD Ordinance. The process is still the same for the Variance and the PUD. That is why we are doing them at the same time.

John questioned the fact they are separate; stating he thought they were both the same thing.

Liefer clarified that there are limitations for a PUD, if you go beyond that then it is a variance.

John questioned why they couldn't just include all of that in the PUD and skip the variance process, adding that you could allow for the parking and the height etc. within the PUD and skip the variance process.

Smith stated that if our PUD Ordinance was written to allow everything that he is proposing then we could, if everything on the proposed plat was for example 50 percent green space height of buildings under 35 feet we would not need a variance.

John questioned if everything was like that we would not need a PUD.

Liefer stated that Multifamily permitted uses is more restrictive than a PUD.

John added he could get a Conditional Use Permit for Assisted Living and a variance for the parking and the green space. That would a very minimum cover the basic facility. He questioned why go through the PUD process when he could just get a Conditional Use Permit and a couple variances. John stated that there are other things that he would like to do there as well such as a beauty shop, is that why I need to go through the PUD process?

Hansen reminded John that he was asking two of the newest people on the Board.

Liefer states that he likes this idea and concept and as long as he is not creating any flooding or traffic problems or hurting anyone else; he likes it.

John stated that he would like to wrap all together in the PUD, but now he has to do a Variance, a PUD and a Conditional Use permit; all three.

Hansen questioned what the benefit of going the PUD route is.

Liefer stated that he believes it would be fewer variances.

Smith added it would be less restrictive.

John stated that between the beauty shop and the transportation business he is undecided if it would only be for the residents or if it would be commercialized into allowing outside customers to utilize it as well. He added that a physical therapist may want to lease out an area of the building to do their work there as well.

Liefer stressed again that he likes the concept and where it is located relative to the location of the school as well as the community center off to the other side; there are not a lot of residential uses around the immediate area.

Hansen added that and if Tower will continue to run through to 371 that will be very convenient. Smith states if SuperOne does end up building at the end of Tower it will be very beneficial to the residents of that facility providing a safe passage to and from the grocery store not ever to actually having to go out onto 371.

Smith questioned getting the Certificate of Survey.

John stated that after speaking to his architect and unless there is some major change onsite like realigning a property line you don't typically need one. And we aren't messing with the setbacks so they don't usually have to provide one. We have surveys and what exactly do you need on a Certificate of Survey? We are just going to follow your setbacks, but maybe you need one anyway.

Smith stated that the City requires it for any additions or new buildings, but will ask the Administrator if we don't require one for a PUD.

Liefer clarified that providing the Certificate of Survey would ensure that no violations are occurring.

Smith agreed and added that it is more accurate than a plat map when providing the setback distances, etc.

John questioned if they actually have to provide the Certificate of Survey or if they can have the Surveyors come out and make sure they are not on the property line.

John stated the drainage and lighting plan have been received and he will bring them to City Hall. He will get the picture and a diagram of the actual lights and also submit that shortly.

John added that they are giving the ability for every single one of these assisted living units to be able to be converted into complete apartments. They will all have washer, dryers, stoves and dishwashers. If for whatever reason that they decide to not do assisted living they can be converted into apartments. He explained the existing building would be for dementia care. That building would not be able to be turned into apartments. John spoke of the phases stating that phase 3 and 4 may be switched.

Liefer questioned the expected time frame.

John stated that it would be about a 1 ½ years to do just phase one; due to the fact that there is a limited amount of subcontractors available.

Hansen questioned when he would like to start.

John stated that he would like to start in February or March.

Smith stated that in the meantime he should work on the application and get that submitted as soon as possible and to plan on attending the next Planning Commission meeting in November. Get the application as complete as what we can do and work with that at the next meeting.

John questioned the fee amounts.

Smith stated that she believes that we should treat them as two different applications since they are two different criteria of how they are voted or recommended approval for; one is a Variance the other a Conditional Use permit for PUD. So it would be two separate fees of \$395.00 for each as well as a recording fee.

John questioned if we needed to have two different public hearings or just one.

Smith stated that she believes that every conditional use permit and variance require one.

They question when to have the public hearing.

Smith stated that November would not work because they would be discussing this further with the rest of the board members at that meeting. It would not make sense to hold a public hearing before actually knowing the entire parameters of what is being asked. More than likely it would be a December Public Hearing at the Planning Commission and recommendation for the Council at the January meeting. Smith stated that tonight we do have some clarification on a few things like the units proposed is 130 not 163. But we need to gain clarification on setbacks and whether or not that a Certificate of Survey is required and the parking.

Liefer added that it should be 31.9 % of green space proposed not the 32%.

John questioned who decides on the parking.

Smith looks up the Parking/Loading Code while Liefer explained that the zoning code conforms and states what functions and if you go below that there may be some functional issues because then you will be short on parking.

John stated that this is so much different in the sense of what parking is needed for assisted living. It will vary greatly from what is needed for apartments.

Smith reads from the code stating it is 1.25 for Multifamily Dwelling units.

Liefer stated that it is Commercial not Multifamily and that they will not have cars and it is dementia care.

John requested if they could go with traditional parking for this phase and for the rest do less restrictive because there will not be as many people driving.

Smith stated that to his point earlier, because we do not know what the future of this building is and he is adding washing and dryers etc. because one day it could become apartments we probably should treat the parking as such.

John stated that at the public works meeting they said they would make him a parking lot across the street if they needed to.

Liefer asked what the average square footage of each unit is.

John stated that his other units are about 800-1000 sq. ft. each but found that the elderly did not want to walk that far to their bathrooms. These units are shrunk down to about 650 sq. ft.

Hansen, Liefer and John briefly discuss average rental rates in the area.

John stated that there is no way that the facility that they are building and with all of the amenities included that they could not have the rent under \$1,000. To get the apartments at under \$1,000 we would need tax help.

Hansen asked if he would have any two bedrooms available.

John stated some of the corner units would be.

Smith questioned if the Board would like John to return to the November meeting.

Hansen stated that we should see how well the information comes together prior to the November meeting.

Smith stated the likely timeline for this is December Public Hearing at the Planning Commission and January for the City Council.

John stresses that everyone here has been extremely helpful and appreciates it.