

May 12, 2003

Chair Bauer called a meeting of the Zoning Commission to order at 7:03 p.m.

Present: Chair Bauer, Zoning Commission Members Dudler, Heitman, Richard, Witala; Attorney Ballard; Clerk Birk.

Others Present: Jeff Hendrickson; Hendrickson Enterprises; Dell Richard; David Wood; Stan Laverman; Jerry Musser.

Jeff Hendrickson proposes to develop the five lots in the University Athletic Club subdivision. The proposed development would include two single family dwellings and two two-family, or zero-lot line dwellings. Such development would require amending the Zoning Ordinance to provide for two-family dwellings. Changes are also requested for minimum yard depth and parking.

Chair Bauer asked the Commission members for their questions, comments, and concerns about the proposal, which included the following. The City currently has only R-1 (single family) and R-3 (multiple-family residential) zones. An R-3 district would permit this type of dwelling, but (in the event of the sale of the property to someone else) would also allow the construction of apartments, which the commission does not desire. If the owners were gone for part of the year, how would renting be addressed. Attorney Ballard said that all dwellings would be required to be occupied only by the owner and could not be rented. If this is stipulated as part of the City-Subdivider agreement, the City could enforce it. This could also be addressed in covenants. Mr. Hendrickson said that none of the properties were pre-sold. He said that the layout presented would be adjusted as final plans were developed. He plans to ask for a variance on the setbacks so that the garages can be set further back. Current City ordinance requires a front yard depth of 25 feet and a back yard depth of 30 feet. Mr. Hendrickson will request minimum front and back yard depths of 15 feet. He will also ask for approval to replat the site.

Mr. Hendrickson said that each unit would be about 1800 square feet and sell in the \$275,000 to \$300,000 range.

There was discussion about Outlot A. Attorney Ballard said that as part of the Subdivider agreement, no building could be done on Outlot A without Council approval. As to the street, there are minor matters that need to be taken care of before the street is turned over to the City. Sidewalks will be installed. Snow removal was discussed; there isn't much room for storing snow; Attorney Ballard will discuss this with Steve Smith, who does snow removal for the City.

Due to the lack of depth on the west side of the property, the berms will be removed. Mr. Hendrickson wishes to install a brick wall. He also wants to replat the property to make better use of the land.

Mr. Hendrickson told Commission members about his work experience. Most recently he has purchased and remodeled residential properties.

Dell Richard said that if the area was developed as condominiums, then individual lots would not be needed as owners would have an undivided interest in the whole property.

Mr. Hendrickson said that he preferred to keep the lot lines because he might allow someone to hire their own builder for a custom unit and he would oversee it.

Mr. Richards said that if the property was developed as single lot houses ~~built as condominiums~~, the lot lines would be kept. If developed as condominiums or a PUD, lot lines were unnecessary.

Mary Richard said that there would be more uniformity if it was developed as a whole. She would like to have the wall, both for privacy and to separate the property from the Athletic Club.

Attorney Ballard said that at this time City ordinance had no provisions for either condos or zero lot line developments. He said that a new district could be created that was specific to this site. The zoning ordinance can be amended to include condos, or a new ordinance can be drafted for a PUD. The commission needs to decide which to recommend.

Chair Bauer said that fence and platting issues were Council decisions.

Attorney Ballard said that the City would have more control over development if it were approved as a single lot condominium development or a PUD, as opposed to having individual lots. He explained the legal requirements for adopting a new ordinance and amending a current ordinance, and the differences and similarities between a condominium development and a planned unit development. A PUD would give the City more control over the development.

Chair Bauer said that if there was consensus that a PUD was the way to go, then Attorney Ballard should be directed to draft an ordinance pertaining to this. The commission must decide whether the ordinance should encompass only this area, or be more general so as to apply to other property in the City. Mr. Hendrickson said that his purchase agreement would expire on July 1, 2003, but could probably be extended. He would plan to build one unit at a time and would to have construction completed in a year.

Mr. Bauer asked about existing legal relationships between the Athletic Club and the subdivision. Attorney Ballard said that the principal relationship concerned the forced main sanitary sewer, which is required to be maintained in perpetuity by the owner of Lot 1, the Athletic Club. He talked with the City engineer and they agreed that it would be better to turn the ownership and maintenance responsibility over to the homeowner's association.

Mr. Hendrickson said that he envisions a unified look for the area. He is concerned about micromanagement once plans are drawn up. He was assured that a traditional development of one-story residences that didn't offend the neighbors would not be micromanaged.

Attorney Ballard will draft an ordinance. The commission wants it to address design, the footprint and elevations. This will tell Council exactly where the buildings will be located on the site, the visual impact, and the elevations.

Chair Bauer suggested that the commission meet again to consider the draft ordinance.

May 25 is the last day for legal publication for consideration of an ordinance in June.

The commission will meet May 19 at 7:00 p.m.

Upon motion, the commission meeting was adjourned at 8:26 p.m.

Approved _____

Patrick B. Bauer
Chair, Zoning Commission

Attest _____

Patricia Birk, Clerk