

**Planning Commission Minutes
March 14, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof, Chair George Fantauzza called the Planning Commission Meeting to order on the 14th day of March 2022 at 7:00 p.m. in the Council Chambers of the City Center at 212 Central Avenue. Present were Planning Commission Members Derek Hudyma, Lisa Marie Smith, Jameson Wakefield (Council Liaison), George Fantauzza, Paul Olson, and Jeremy Welter. Also present were Planner Steve Grittmann, Community Planning & Economic Development Director David Kelly, and Videographer Matthew Scherber. Absent was Ann Vars.

OPEN FORUM

No one spoke during the open forum opportunity.

APPROVAL OF February 14 PLANNING COMMISSION MINUTES

Hudyma had one correction for the minutes and stated that he voted for his nomination as Vice-Chair rather than abstaining.

Wakefield made a motion to approve, Welter seconded.

VOTE	Hudyma	Smith	Fantauzza	Wakefield	Olson	Welter	Vars
Aye	X	X	X	X	X	X	
Nay							
Abstain							
Absent							X

Vote was 6 to 0. All in favor. Motion passed.

AGENDA DELETIONS – APPLICANT’S REQUEST - PUBLIC HEARING – Buffalo Point Preliminary Plat & Development Stage PUD, (County Road 12 and 7th Ave NW) XXXX Lori Lane PID 103-147-000020 and PID 103-500-251121 Tabled until April 11, 2022.

COUNCIL REVIEW

Wakefield updated the Planning Commission on the rescinded application for CUP from Charter School Capital, Council action. Wakefield also discussed a proposal for a splash pad in West Pulaski Park, and potential funding options for this proposal.

PUBLIC HEARING – Rebecca Sanda, Zoning Amendment for 501 1st St NE

PID 103-056-002020 Applicant is under contract to purchase the property at 502 1st St. NE. which is currently zoned R-3 (Single- and Two-Family District). Applicant is asking for a zoning amendment change from R-3 to an R-4 Low Density Multi-family District. Her original intent is to utilize an existing apartment w/separate entrance inside the home.

Planner Gritman provided an overview of this item and his recommendation.

Chairman Fantauzza inquired about the parking implications of rezoning this parcel. Gritman stated that with the parking requirement of 2 spaces per unit, the rezoning of this site for more units would require more parking to be created, and that the impervious surface calculation would be changed. Commissioner Wakefield asked if the property would be served by an alley. Gritman confirmed this.

Commissioner Hudyma inquired how many existing parking spaces are available. Gritman said it appears that although the satellite image of the parking doesn't show it, he can assume that it meets the existing requirement. Hudyma also inquired about the definition of a zoning edge and boundary. Planner Gritman stated that the property is located at least 1 lot away from the boundary on each side of the parcel.

Chairman Fantauzza asked the applicant to come before the podium. Rebecca Sanda, applicant, stated that the existing parking consists of 1 garage and the remainder is gravel but does believe more parking could be created than what currently exists. Sanda believes a 3rd unit is already in existence and would like to avoid removing any existing tenants and would like to live in the new unit that would be created. While she is aware of the concerns with the character of the neighborhood, she believes her proposal would not change the character of the neighborhood as the exterior would remain and the entrance would be inside.

Chairman Fantauzza discussed a letter submitted in response to the applicant by Michelle Hansen of 501 1st Street NE that opposes this proposal. In this letter, Hansen stated her belief that a multi-housing complex would adversely affect the existing neighborhood through increased traffic and parking issues- especially during the morning and evening commutes. She also stated concerns that it would create unsafe conditions for students and children. Applicant Sanda responded that she understands the concerns but believes that converting the property to a triplex would allow for a new member to join the Buffalo community.

Chairman Fantauzza asked for the public to speak and reiterated the importance of relying on zoning to ensure continuity of the neighborhood. Kelly of 602 2nd St spoke of concerns about setting a standard if the parcel were to be rezoned and is concerned about the number of apartments and existing rental housing in the city. Jennifer Brady of 409 1st Street inquired how this proposal would help the existing neighborhood and raised concerns about traffic and parking. Fantauzza reiterated the importance of parking in the broader development that is being created. Fantauzza closed the public hearing.

Commissioner Welter spoke about the back alleyway on the property and stated that he has lived there in the past, and from his experience with the parcel, the maximum parking reasonable is four vehicles if parked on the grass but this many would not be

feasible on the designated parking pad. He does not believe this parking would disrupt the neighbors and believes you could feasibly park in the alley but that would not be a designated parking area. Welter stated that he understood the intent for the proposal and believes this proposal has merit but has concerns around spot zoning along with the future implications of the property and does not believe this proposal would fit the criteria for a variance.

Commissioner Wakefield discussed a similar proposal in the past that was discussed, and that the application was denied due to spot zoning as well.

Commissioner Smith appreciated the applicant following due process and is inspired by the applicant bringing something new and being entrepreneurial with their asset but concurs with the belief that they must avoid spot zoning and this proposal does not warrant losing the integrity of the zone as it is. Smith reiterated the question of what the benefit of the community would be.

Chairman Fantauzza discussed the "hardship" requirement for a variance, and that he appreciates the applicant following through with due process. Fantauzza also discussed his concern between homeownership and apartment-ownership and its impact on neighbor's property values. Therefore, spot zoning would create concerns if the existing zoning structure is not followed.

Commissioner Olson stated that the idea is a good one and appreciates the applicant speaking before the Commission and their enthusiasm, but the review of the Zoning Code in the past by the Commission was meant to create some consistency across the city and this proposal speaks to this effort. Olsen stated that the "hardship" requirement for a variance appears to be more for a vision, and not necessarily a hardship. Olson stated that the applicant can choose to go before the Council for the final decision if they would like, as the Commission just provides a recommendation.

Commissioner Wakefield motioned to recommend denial of the proposal stated in NAC Report File 137.03 - 22.03, dated March 8, 2022. Commissioner Smith seconded.

VOTE	Hudyma	Smith	Wakefield	Fantauzz a	Olson	Welter	Vars
Aye	X	X	X	X	X	X	
Nay							
Abstain							
Absent							X

Vote was 6-0. All in favor. Motion recommended to deny.

CONCEPT REVIEW –Tamarack-Bjorklund Residential Subdivision
PID 103-245-000040

Applicant submitted plans for Residential Subdivision consisting of 103 single family lots and a 68-unit apartment site, located east of Settler's Point 2nd Addn.

Planner Grittmann provided overview of the proposal but did not provide a recommendation as it is a concept review.

Commissioner Hudyma inquired about the proximity of the creek bed to a senior housing development on another proposal in an adjacent property to the north. Planner Grittmann verified that the creek runs just adjacent to the 300-foot shoreland zone for that development, and that there is intent for construction of that property to remain outside of the creek bed. Hudyma stated that he believes there is a lack of housing and that the market is slim, but that he appreciates the open space in the city and believes there are a substantial number of houses in a relatively small area and is concerned about a lack of greenspace- and that a path along the creek does not appear to be a place for recreation but rather is just meeting a requirement. Hudyma raised concerns about the amount of impervious area and locating houses near the train tracks that could create noise concerns.

Commissioner Olson stated that he is always looking for creativity and does not believe the project is particularly creative. He believes the site is unique and would like the applicant to make better use of it and believes the rationale for putting smaller lots and homes near train tracks for lower pricing may be insufficient. Olson is not opposed to the development of the parcel and believes a need exists for homes on smaller lots that are more affordable, but would like to see more creativity and is not in favor of slab-on-grade homes on 55-foot lots if not blended-in. Olson stated his preference for something that would give the neighborhood a greater sense of character and suggested a curvature of the road. He stated traffic concerns given the number of houses and trips per day by residents and has concerns about the 2 apartments that would be created on both sides Settlers Parkway in prime periods of the day. Olson stated concerns about intrusion into wetland and that there is a calculation for density by the DNR, but the Commission cannot assume that what this concept meets these density requirements. He reiterated the importance of green space and questions the purpose of the trail as proposed and suggested a central trail that people can utilize if they would like to go to Target or Speedway. Olson stated concerns about the trail being considered greenspace and does not know of a playground in the area surrounding the Settlers parkway, and that this parcel is one of the last opportunities to create functional greenspaces like the Rodeo Hills development- which has a park and playground paid for by the developer of the property that is heavily used. Therefore, Olson believes constructing a park on this parcel would satisfy the need both for this development and the surrounding area for a park- potentially on Harvest Trail – that could ultimately make the development more desirable rather than creating a

development that just tolerates the train tracks. Olson stated his hope for sidewalks to be constructed on both sides of this development, to which Planner Gritman confirmed is a requirement of the code. Olson stated his hope for exploring the size of the roads, as the current approach for width of roads may be too difficult to drive for busses and other larger vehicles if a street is busy. Olson stated that he struggles with PUD's because the zoning code that was developed after much effort is not being used, and while PUD's have often been used quite freely, he would like the applicant to explore creating a standard development in existing zoning.

Chairman Fantauzza concurred with Commissioner Olson on many of the points made.

Commissioner Wakefield stated that he recognizes the difficulty for developers between land prices and trying to profit of a development, and applauds the applicant for creating entry-level pricing, but feels there may need to be more creativity with this unique piece of land in respect to the wetland/greenspace. Wakefield stated that the reason PUDs are becoming more popular is because the remaining developable land left in the city is rather difficult to develop, and believes this proposal is a good start and is in favor of utilizing some of the smaller space on the northern side for a multi-family structure, as he believes there is not enough rental opportunities in the city- especially for affordable housing in today's housing market. Wakefield stated that he also agrees with what Commissioner Olson had said regarding this proposal.

Commissioner Welter stated that he is always in favor of affordable housing and would like to see more of it, and wants to create opportunities to bring ambitious, young residents to the community to grow the city. Welter has concerns with the amount of housing for the size of the lot in one area, especially when it comes to meeting minimum square foot requirements for existing zoning. Welter understands the desire for having the proposal be a PUD and would also like the applicant to explore a playground per Commissioner Olson's suggestion given the impact on young families. He does not believe the sidewalk/bike path will be used often and would like there to be something more creative and interactive for the neighborhood to enjoy the creek. Welter stated concerns about the traffic implications of this proposal, especially during peak commuting times when a train comes by and if each proposed home has 1 or 2 vehicles. He stated that as this development would be seen from Hwy 55 coming into town, he would like to see a natural screening as a sound barrier from the train for residents and create a privacy barrier so that the housing is not the main focus for those coming in to buffalo. Welter also stated concerns relating to street width where cars could be parked on the street.

Chairman Fantauzza stated that the apartment may need to have fire department access around the ring of the building and believes the development is too dense, especially compared to the housing to the west. He stated his belief that a PUD may not be ideal, and while he understands the desire to having smaller yards, this would not be the best route for this. Fantauzza stated that an important consideration in creating

affordable housing is the cost a developer pays for the land to build upon and does not believe that he would vote for a 55-foot lot for this development as it currently stands due to density concerns.

Commissioner Hudyma stated that he is generally leaning more towards utilizing a PUD option in some cases and believes that the City is in a difficult spot for what is developable land under existing zoning. However, he is also concerned about the need to use a PUD so often given the precedent that is created. Chairman Fantauzza stated that a PUD is an option to consider but wants to be careful about when a PUD is granted by the Commission.

Commissioner Smith is concerned with the higher density, traffic, and congestion of this proposal. She believes that the sound and aesthetic barrier relative to the train tracks is worthwhile, but also would like the applicant to consider safety with moving homes closer to Hwy 55 and between the railroad and the highway- especially for children who may want to run across the highway to visit Target.

Applicant Brian Theis with Tamarack Land Development stated that the 55-foot lots are narrow due to the intention to create a transition from density on the west side of the site to the railroad tracks. He stated that the 55-foot lots would still give a builder the ability to create 3-car garage on the lot, and that these lots would be priced more competitively while still having a home that could be found on a larger lot. He is certainly open to revisiting this lot size and could be open to creating a combination of different lot sizes. Chairman Fantauzza suggested that creating a park could assist with the lot size discussion if the yards are smaller, as the children would play in the park rather than the yard generally.

Applicant Theis said that he is happy to hear that the apartment building is not entirely out of the question and would be open to exploring the engineering of the apartment building. Chairman Fantauzza agreed that the apartment was not a proposal would be denied outright, and that the Commission appears open to the idea.

Commissioner Welter reiterated that the vision itself is great as well as the use, but still has concerns with the density.

Applicant Theis said that the renderings provided is not the exact home model but would explore this further with a builder when one is chosen. He stated that the most of what is presented was a slab-on-grade home, citing water table concerns regarding the basement, but generally lets the site speak to what can be built regarding this.

Commissioner Wakefield asked about concerns with the DNR and density site. Theis confirmed conversations have been had with City staff and that there are concerns relating to the creek, but work continues this.

Chairman Fantauzza said he sees a lot of good in the proposal, but suggests applicant investigate how the residents will use the space and focus on neighbors that are already there. Focusing on park space is important- especially for neighbors who may like the parcel as it currently exists.

Commissioner Olson inquired about the apartment and the potential for underground parking, and if the proximity to the wetland would make underground parking unrealistic. This said this would have to be reviewed and while this works in concept, there is some concern about this and its proximity to the creek. Olson stated that if underground parking is not realistic, they will have to explore above-ground parking which could present concerns about impervious surface percentages.

Chairman Fantauzza stated that an apartment at this parcel could be vibrant and inquired at how many stories would be needed. This stated that this apartment would likely be 3 stories.

OTHER – None

ADJOURN

Commissioner Wakefield motioned to adjourn. Commissioner Hudyma seconded. Meeting ended at **8:16 P.M.**

VOTE	Hudyma	Smith	Wakefield	Fantauzza	Olson	Welter	Vars
Aye	X	X	X	X	X	X	
Nay							
Abstain							
Absent							X

Vote was 6 to 0. All in favor. Motion passed.

Chairperson

Community and Economic Development Director