

MINUTES PLANNING BOARD

MARCH 2, 2020

Chairperson, Carly Brockner called the meeting to order at 6:00 p.m. Members present were Randy Christman, Bill Fuchs, Katy Westlund (6:04 p.m.), and Shawn Reinke. Others present were Ron Mergen, Public Works Director/Acting City Administrator, Tom Opatz, Kristin Leither, Social Media Specialist; Jennifer Welling, Administrative Assistant/Zoning Administrator; and Brad Mehlhop, Building Official.

Motion was made by Reinke to approve the minutes from the January 6, 2020 Planning Board meeting. Seconded by Christman and unanimously carried.

VARIANCE REQUEST – FORTITUDE SR. LIVING OF PAYNESVILLE, LLC – TOM OPATZ

The City has received a Variance Application from Tom Opatz for Fortitude Senior Living of Paynesville, LLC. located at 405 State Hwy. 55, Paynesville, MN 56362. The property in question is currently zoned “R-2” – Multiple Family Residential District with Tax Parcel No. 70.39363.0050, and is legally described as follows:

Outlot “B”, Ridgeview 3rd Addition, according to the plat and survey thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota. LESS AND EXCEPT:

That part of Outlot “B”, Ridgeview 3rd Addition, City of Paynesville, Stearns County, Minnesota, described as follows: Beginning at the Northwest corner of Lot 1, Block 1, of said Ridgeview 3rd Addition; thence North 32 degrees 00 minutes 18 seconds East, assumed bearing, on the Northwesterly line of said Outlot “B”; a distance of 28.95 feet to an angle point on the West line of said Outlot “B”; thence South 00 degrees 00 minutes 00 seconds East on the Southerly extension of the West line of said Outlot “B” a distance of 34.63 feet to the Northeasterly line of said Lot 1; thence North 56 degrees 42 minutes 00 seconds West on said Northeasterly line 18.36 feet to the point of beginning. Containing 266 square feet, more or less.

Fortitude Senior Living of Paynesville, LLC, proposes to construct a 4-story senior housing facility, which will exceed the maximum building height allowed in an “R-2” – Multiple Family Residential District, as set forth in the zoning ordinance for the City of Paynesville, Chapter 36, Section 36-43(e)(4), of the City Code, which provides that residential structures hereafter erected shall not exceed 2 ½ stories or 35 feet in height. The proposed 4-story structure would be approximately 60 feet in total height, and require a 25-foot height Variance from the strict requirements of the City Code.

Ron Mergen, Public Works Director/Airport Manager has confirmed that this height will not conflict with the FAA zoning regulations.

Tom Opatz presented the proposal noting the following points, if the variance is approved:

- The phase 1 structure will be moved to the east along the park; therefore, leaving green space along the residential properties. If the variance is not approved the structure would be located next to the residential area.
- The parking will be underground with this option, again leaving more green space.

- The building itself will be on a smaller square footage area, also leaving additional green space.
- It was noted they own and manage their own facility.
- They are not in competition with CentraCare, but rather collaborating with them.
- A variance will be needed regardless of a 3-story or 4-story structure.
- The access to the property will be via an easement to Highway 55, the access to Spruce St. will not be constructed until phase 2 unless required by the City.

It was questioned what hardships there are:

1. Parking would be outside, residents would be looking at a parking lot and vehicles versus green space; noting the underground parking, which will include staff parking.
2. Moving the structure away from residential area.
3. Less impervious area, with no outside parking and a reduced building square footage will be a more environmentally friendly project.
4. By leaving more green space, the size of the storm water pond will be reduced.

Members read and approved the facts of findings.

Motion was made by Reinke to approve the Report & Recommendation Of The Planning Commission On Application For Variance. Seconded by Christman and passed (Fuchs, yes; Brockner, yes; Christman, yes; Reinke, yes; and Westlund, abstained).

VACANT BUILDING ORDINANCE

Members reviewed the St. Cloud vacant building ordinance identifying several points:

- Most of Paynesville's buildings are not vacant, people are living in the upstairs or the building are being utilized for storage.
- The taxes are being paid on the property.
- The City has existing ordinances for nuisance issues including mowing grass, snow removal, etc.

It was questioned how the City would enforce this ordinance. Fuchs expressed his opinion being this would be infringing on private property rights and the City does not need to go to this degree. Government control over private property must be held to a high standard. He also thanked the Council for asking for the Planning Board's input. There was general discussion of downtown businesses using the buildings for storage and to possibly changing the C-1 Central Business District to not allow storage. In conclusion, members asked to research other communities and bring it back to the next meeting.

RENTAL ORDINANCE

Mehlhop reviewed the Hutchinson Ordinance. The City has received complaints from tenants about code violations, but the City currently does not have the authority to inspect or enforce the code. Several other rental ordinances had been reviewed and this one appeared to float to the top:

- It was noted the ordinance would provide for an initial inspection and then once every three years.

- A large percentage of rentals would not meet this ordinance.
- Inspections would look for safety items i.e. health and welfare issues, smoke and CO detector, railings, egress window violations, etc.

It was stated that people (tenants) need to take personal responsibility and note the condition of the property prior to renting. It was further noted that the City needs to look out for those whom cannot look out for themselves.

Motion was made by Reinke to send this ordinance to the City Council for discussion and direction. Seconded by Christman and passed 4:1 (Brockner, yes; Christman, yes; Reinke, yes; and Westlund, yes; and Fuchs, no).

MEETING SCHEDULE

Motion was made by Reinke to set the Planning Board meetings for the 3rd Monday of each month at 6:00 p.m. Seconded by Christman and unanimously carried.

TRAINING

Members were informed of training opportunities and if they want to attend they were directed to contact Jennifer Welling or Belinda Ludwig.

There being no further business the meeting was adjourned at 7:20 p.m.