

Neighbors of Belknap Lookout  
Development Committee Meeting Notes  
Tuesday August 22, 2017

Committee Members Present: Elianna Bootzin                 Brian Bremer                 Loren Sturuss  
Gretchen Warnimont

Committee Members Absent: Kristi DeKraker                 Steve Faber                 Angel Gonzalez  
Todd Leinberger                 Don Rietema                 Dean Rosendall

Guests:                                 Landon Bartley

1. General discussion – Those present speculated that it might be a good idea to define an internal code of conduct for committee members (defining who can attend and behavioral expectations). We wondered if it was possible to set affordable housing as a goal for projects in the neighborhood; Landon pointed out that the City is not allowed to require affordable housing as it would violate the State prohibition on rent control. Loren noted that property ownership is an area that has the most legal protections. Still, the neighborhood could try, by stating that it would not support projections unless it met certain conditions. Similar public pressure helped create the expectation for LEED buildings in the past.
2. ASP and zoning – Our ASP is part of the Master Plan, but construction has to follow zoning ordinance. Only some ASPs are adopted as part of the Master Plan. Even that does not automatically amend the zoning; a neighborhood would have to bring its plan forward to change the zoning to match the plan. Doing so would allow development in accordance with an ASP to happen faster; leaving the existing zoning in place would keep development on a slower pace, implemented piecemeal. Parcels are governed by how they are zoned; it is zoning that is the actual law that construction has to follow. Liquor is governed by both the state and the city. Grandfathering describes something that is legally illegal; say something was built within the law but then the government changes the requirements. It is considered non-conforming and could not be built under the new regulations, but because it was created prior to their being put in place it is okay.
3. Planned redevelopment districts – also known as PRDs or PUDs. Developers tend to like these tools initially while neighbors don't. Over time, the preference tends to shift. The designation is meant to allow flexibility because development is not really covered by zoning, for instance a mixed use in a commercial area. The city can also add conditions to these types of agreements. It is often used as a loophole, and often planners will recommend a normal zone instead. Developers have to come back with any change, usually through a public process (hence over time they like it less and neighbors like it more). Overall it makes it harder for redevelopment to happen, so it is better to think about other possibilities based on a change in zone district.
4. Regulations and Processes – It is not possible to rezone a single property (such a change would be illegal, and is known as spot zoning). A developer would therefore use a variance instead (or on the edge of a PRD, they could have it added to said PRD). They could go to the zoning appeals board for an exception (saying it is impossible for them to use the parcel as zoned); this board is very strict as it is required to apply its standards even if neighbors and board members would actually like the project to go forward. More likely, developers will go to the planning commission for a (multi-parcel) zone change or Special Land Use. A use like a laundromat or a café is probably okay, but anything with 24 hour access, live music or alcohol has more impact and would be a special land use. Use is a negotiation. It is defined extensively in the zoning

code, such that anything not expressly listed is prohibited. Belknap's building stock is 93% single family detached, yet there is roughly the same level of demand for anything/everything else. Splitting houses is not allowed.

5. Zoning Standards – Developments are required to meet the zoning ordinance. The planning department does what it can to encourage developers to talk to neighbors. It's always "better to hear from you first". However, under state law they cannot require a neighborhood meeting. If we are not invited to have one, we can send the planning commission a letter requesting the hearing be tabled. Referencing current events, it is possible the Lafayette/Bradford development will not need a Special Land Use after the zone change is confirmed by the City Commission. The overall building size may still come out to dimensions that we like because of parking requirements. The way the zoning and administration is set up, the planning staff are allowed to waive up to half of the parking by allocating points for amenities like transit (bus), bike parking, and sharing parking elsewhere. However, if they want to have less than 50% of the required parking, they will still need a special land use. Other things that trigger special land use include outdoor seating or restaurants being open beyond certain hours. ADA accessibility would be required on both levels at a certain number of units for a commercial space.
6. Our influence – We can have the most influence through our ASP, by submitting complaints, and bringing neighbors out to share their views at public hearings. Our current intention of documenting instructions for developers would also be considered a best practice, especially if we can provide a sense of what kinds of development we want to see and where. For example, in the Wealthy business district, a ground floor office is a special land use. If a company builds one, and moves, it creates a legacy of more office space. With some areas more suited to adding offices than others, the community let developers know ahead of time which were which. Developers can choose to aim at more appropriate areas for a smoother process. Some things we could say is that we want to support the ASP and that we will support multifamily developments in (define which) areas under certain (defined) conditions. We are welcome to inquire about any permit and the City will recommend the developer talk to us, though no conversation is guaranteed. We can review our ASP values to get a potential list of conditions. We can include affordability for low income individuals and families.
7. Additional information – Landon also brought a 3 page handout which contains additional details on many of the topics discussed.