

CITY OF CHATFIELD
PLANNING & ZONING COMMISSION MEETING MINUTES
Tuesday, September 03, 2013

Members Present: Jerry Barry, Terry Bradt, Dave Frank, Mary Peterson, and Dan Tuohy

Members Absent: Lee Amundson, and Aaron Armstrong,

Others Present: Kristi Clarke, Kay Coe, Nancy Giehtbrock, and Geoffrey G. Griffin

Bradt opened the public hearing at 7:00 p.m.

I. Public Hearing – Mary Peterson – Conditional Use Permit.

Clarke summarized the request stating that a Conditional Use Permit has been requested by Mary Peterson to use the basement located at 205 Main Street South as an apartment.

The property is currently zoned B-1 (General Commercial District) and has a land use designation of Historic Downtown Commercial which is intended primarily for commercial businesses or limited residential uses that need fewer parking stalls and have smaller facilities. The conditional use applied for is located in Section 113-184 (d) (12) - Residential uses located above or below street-level commercial establishments.

Details of the request:

Building Uses: *The building located at 205 Main Street South has three floors. The upper level has two apartments addressed as 205 1/2 A and 205 1/2 B as shown on the Apartment Access Plan. The main level is used as a retail photography business (Silver Frame Photography). The lower level is proposed to be used as a residential apartment. (See the Lower Level Site Plan)*

Apartment Access: *The two upstairs apartments have a separate entrance to the apartments through an exterior door located on Main Street. The lower level apartment is proposed to use the main entrance/exit in the alley. This entrance/exit would be shared with the business. A secondary emergency entrance/exit is located at the front corner of the building near Main Street.*

Parking: *Three parking stalls are shown on the Lower Level Site Plan adjacent to the building near the alley.*

Surrounding Property Uses: *The surrounding property uses adjacent to 205 Main Street South include a mix of commercial uses on the street level and apartments upstairs as permitted within the B-1 zoning district.*

Neighborhood Notification: *All property owners within 350' feet of this property have been notified and the Chatfield News published the legal notice on August 21, 2013 stating that a public hearing would be held on September 3, 2013 for this conditional use permit request. One property owner came into City Hall to question if the basement would be able to meet the minimum safety standards for emergencies. The owner was informed that Minnesota State Building Codes need to be followed and that the proposed apartment does have two exits from the building.*

*Bradt asked if there were any other comments from the public. Hearing no further questions from the public, **Tuohy entered a motion, with a second by Frank,** to close the public hearing at 7:02 p.m. **All eyes, motion carried.***

Bradt called the regular meeting to order at 7:03 p.m.

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II. Consider and Approve the Meeting Agenda

Tuohy entered a motion, with a second by Barry, to approve the agenda as presented. All ayes, motion carried.

III. Approve Prior Meeting Minutes

Tuohy entered a motion, with a second by Peterson, to approve the August 5, 2013 Meeting Minutes as presented. All ayes, motion carried.

IV. Mary Peterson – Conditional Use Permit – Discussion & Recommendation

Clarke summarized the request stating - the proposed lower level building use as an apartment will not impact the surrounding area as mixed commercial and residential uses currently exist along Main Street. The site plan notes that three parking stalls will be provided to residents at the rear of the building. Access to the lower level apartment is located on the main level but should have a minimal impact to the business as the stairs and door are located in the corner of the back of the building and would not interrupt the business or have direct view to the business.

The Commission reviewed the Findings of Fact –

1. The use will not create an excessive burden on existing parks, schools, streets or other public facilities which service or are proposed to serve the area.

The proposed use will not create an excessive burden on existing parks, schools, streets or other public facilities.

2. The use will be sufficiently compatible or separated by distance from adjacent single family homes so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

The use is compatible with adjacent uses in the area and due to it's location in the basement, will provide adequate separation and will not depreciate the value of the existing commercial and residential uses in the area.

3. The structure and site shall have the appearance that will not have an adverse effect upon adjacent residential properties.

The use will not have an adverse effect on the surrounding neighborhood as the use will not be directly visible from the street and it is the intent of the owner to continue to improve the maintain the building.

4. The use is reasonably related to the overall needs of the city and to the existing land use.

Utilizing all three floors of this building will allow the owner to improve and maintain the building while living on-site. Maintaining and improving the buildings in the downtown business core is directly positively related to the overall needs of the city.

5. The use is consistent with the purposes of this Article and the purposes of the zoning district in which the applicant intends to locate the proposed use.

This Conditional Use Permit is consistent with the B-1 Zoning District within the Chatfield Zoning Ordinance.

6. The use is not in conflict with the comprehensive plan of the city.

Using the lower level as an apartment at this location is consistent with the Comprehensive Plan Map and the goals and policies.

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7. The use is not cause traffic hazard or congestion.

The lower level apartment use of this building will not cause traffic hazards or congestion. Three parking stalls will be maintained adjacent to the building near the alley to reduce potential parking congestion along Main Street.

8. Adequate utilities, access roads, drainage and other necessary facilities have been or will be provided.

The proposed use does not require additional utility connections.

Tuohy entered a motion with a second by Barry to recommend approval of the Conditional Use Permit based on the Findings of Fact presented. With 4 Conditions -

Recommended Conditions:

1. One parking stall per apartment (three total stalls) must be maintained and available for residents adjacent to the rear of the building.

2. The street level portion of the building must be maintained as a commercial use.

3. Access to the lower level apartment must utilize the rear entrance adjacent to the alley so that lower level residents do not conflict with the commercial use.

4. Upon the issuance of a CUP, the City shall require an annual inspection of the building for compliance of the CUP.

Ayes - Barry, Bradt, Frank, and Tuohy. **Abstain** – Peterson. **Absent** – Armstrong, and Amundson. **Motion carried.**

V. Geoff Griffin – Request to review B-1 Uses

Clarke explained Geoff Griffin contacted the City to determine if he could remodel his property at 15 Third Street (Old Jackie's Health and Fitness) into four apartments a week or so ago. We talked about the recent changes to the B-1 Zoning Ordinance and reviewed the potential processes to either request an amendment to the B-1 zone or request a zone change.

The only zoning district that allows multi-family uses is the R-2 Multifamily Residential District. However, the R-2 zoning district's performance standards are based on a more traditional single family and multi-family lot structure where setbacks are traditionally set at 25' front and rear and building lot coverage is 30%. These standards will not work for properties in our downtown core area as the lot coverage in the B-1 Zoning District is 100% with no setbacks.

During our discussions and recommended changes to the B-1 Zone, the primary focus was towards the downtown businesses that face Main Street. The Commissioners determined that a business front was important at the street level and that we needed to control, if possible, the parking issues along Main Street. Our recommended changes to the B-1 district reflect this core focus. Mr. Griffin's request speaks to properties that don't face Main Street.

Clarke further explained the various thoughts / options that were reviewed during the discussion between Joel, Kristi and Geoff.

- Use variances are not allowed, only performance standard variances, so a variance is not a viable option.
- The setbacks in the R-2 zone do not fit the surrounding properties, so re-zoning is not a viable option.
- Revising the language of the B-1 Zone allowing residential uses on street level for properties not facing Main Street would be an option, but does not fit the spirit of the intentions of the recent language revisions.

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Clarke also mentioned an additional thought that has been raised is that the property at 15 Third Street is unique in that it is a split level with no street level store front as is typical elsewhere in the B-1 Zone. With that in mind, there really is only an upper level and a lower level, so she asked the Commission for their thoughts if this property meets the existing Conditional Use criteria. If so and this request goes forward under the Conditional Use Permit process, it would allow for the input of the surrounding property owners through the notification and public hearing process. Even to have apartments on the lower level only of the structure, Griffin would be required to proceed with the Conditional Use Process.

Griffin noted that it didn't occur to him that he was asking to do something that was not allowed, as he only wants to convert this structure into a residential structure which is how the other properties on this block that face Fillmore Street are being used. He also confirmed that he was planning on four apartments in the existing structure without growing the existing building as 4 separate entrances exist for the building. The apartments would be approximately 800 square feet. Four off street parking spaces exist.

Bradt noted that after the recent revisions to the B-1 language and the intentions of those changes he would be concerned about further revisions to the language that would possibly allow 28 additional properties in the zone that don't face Main Street to allow more residential uses without going through the Conditional Use / public hearing process. Bradt inquired if Griffin had considered maintaining a commercial use in some portion of the building. Griffin replied that this property does not provide good commercial exposure to Main Street and also is not handicap accessible.

The Commission concluded that due to the unique split level layout of this property in the B-1 Zone - with no street level floor of this structure they requested Clarke to proceed with the Conditional Use / Public Hearing process for this request as it fit with the newly revised language of the B-1 Zone for residential uses on the upper and lower levels.

VI. Adjourn

Tuohy entered a motion with a second by Frank to adjourn at 7:20 pm. All ayes, motion carried.

Terry Bradt, Chair

Kay Coe, Finance Director