



MEMORANDUM

DATE: January 11, 2016
TO: Members of the Planning Commission, Administrator Kreft
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.2 Conditional Use Permit: Rental in CBD – Ashton Pankonin 106 Main Street East

REQUEST SUMMARY

PZ Task: Review request for conditional use permit. Recommend action to City Council.

Overview: The Applicant requests a CUP to establish a one bedroom apartment to the rear of the storefront at 106 Main Street East. The majority of the building will be used for commercial office space. Two parking stalls are available immediately south of the proposed apartment on the Applicant's property.

History/Locale: Locale is a mix of downtown commercial and single family residential in the original townsite. The structure has been used for commercial purposes.

Applicant: Ashton Pankonin

Planned Use & Zoning Classification: Planned (2008 Comprehensive Plan): Central Business Zoning, current: B-3 Central Business

Attachments to Report: (a) Staff analysis of request dated January 7, 2016;
(b) CUP application and material submittal;
(c) Draft Resolution No. 16-001.

Legal Description: West 22' Lot 13 and East 10' Lot 12, Block 103 City of Belle Plaine.

Action Options: Action on Resolution 16-001 recommending approval or denial (specify) of concept plan to City Council. Alternatively the PZ may postpone action pending receipt of additional information.

Staff Recommendation: Approval, with conditions specified in Resolution 16-001.

Notes: Mr. Pankonin will be in attendance and recuse himself at the appropriate time.



January 7, 2016

TO: Planning Commission Members
FROM: Cynthia Smith Strack, Community Development Director
SUBJECT: Resolution 16 – 001: Conditional Use Permit (CUP): Central Business Residential

The purpose of this memo is to provide the Commission with information regarding a request for a CUP to allow a residential use as an accessory use located behind the main street entrance commercial space where the location is incidental to the conduct of the primary use of the main building.

LAND USE REVIEW

Consistency with Comprehensive Plan

The subject property is guided toward continued central business use in the 2008 Comprehensive Plan.

Applicable Use Standards

Chapter 1105.11 of the Code allows residential as an accessory use under a CUP in the Central Business District provided: it is located above the street level, or behind the main street entrance commercial space, where the location is incidental to the conduct of the primary use of such main building.

The proposed rental unit is intended to be located behind existing commercial space. The residential rental unit will comprise 27% of the total area of the building qualifying it as accessory or subordinate to the principal commercial use.

Performance Standards

The structure is existing, no changes to the building footprint are proposed.

Section 1107.12, Subd. 10(26)(b) requires two parking spaces be provided off-street for each residential unit. The Applicant's plan illustrates required parking stalls.

Conditional Use Standards

1. The use must be consistent with the Comprehensive Plan.
2. The use must be consistent with the intent of the B-3 District (provide for uses within the Downtown).
3. The use may not adversely impact government facilities, utilities, or service provisions.
4. The use may not adversely impact the public health, safety, or welfare.
5. The use may not be injurious to the use and enjoyment of property in the immediate vicinity or substantially diminish and impair adjacent property values.
6. The use may not impede the normal, orderly development and improvement of adjacent properties for uses permitted in the subject zoning class.
7. Adequate utilities, access roads, drainage, and necessary facilities must be or will be provided.
8. Adequate measures have been/will be taken to provide for vehicular and pedestrian safety and convenience to, from, and within the site.
9. The use in all other respects conforms to the applicable regulations of the district within which it is located.

Public Hearing

Notice of required public hearing has been posted, published, and mailed as prescribed by state law. No comments have been received as of the date of this memo.

DEPARTMENTAL REVIEWBuilding Official/Fire

Building Official McCarty has examined the use in concept and notes a rental license is needed.

Community Development

The proposed apartment will occupy just over one-fourth of an existing building. Two parking spots on the subject property will be provided for use by residential renters. No changes to the exterior of the structure are proposed.

As such the overall intensity/density of the existing use and structure appears to be minimal. Therefore, no adverse impacts to the public's health, safety, or welfare are anticipated. In addition impacts to local systems (transportation, sanitary sewer, drinking water, parks, stormwater) appear to be minimal. The use is consistent with the Comprehensive Plan and applicable land use standards.

STAFF RECOMMENDATION

Approval subject to the following conditions:

1. The "Use" is defined as a 700 square foot one bedroom apartment at 106 Main Street East. The conditional use permit shall be valid only for the Use defined herein.
2. Establishment of the Use as defined within the application for CUP approval and as defined within a staff memo dated January 7, 2016 submitted by the Community Development Director.
3. Issuance of a rental license and maintaining of said license.
4. The CUP shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site, or a petition for an extension of time has been granted by the City Council.
5. The CUP shall be subject to all applicable codes, regulations and ordinances, and the conditions of approval contained herein. A violation of any applicable codes, regulations and ordinances, and the conditions of approval herein shall be grounds for revocation.
6. The CUP shall be subject to annual inspection and audit by the City.
7. The CUP shall expire if the Use ceases for more than twelve (12) consecutive months, in the event the structure is destroyed and a building permit is not issued within 180 days, or if the Use is changed to a different Use.
8. The Conditional Use permitted under this Resolution may not change to another Conditional Use or further intensified without a new application and approval by the City Council.
9. The Use permitted under this Resolution shall remain in effect as long as the conditions of the Resolution are observed.



City of Belle Plaine
218 N. Meridian Street
P.O. Box 129
Belle Plaine, MN 56011

Community Development Department
Phone: 952-873-5553
Fax: 952-873-5509
www.belleplainemn.com

Fee:
\$300.00

CONDITIONAL USE PERMIT APPLICATION

Permit Number: _____

PROPERTY	Address: 106 E Main St		Belle Plaine, MN	P.I.N:20015370
Lot #:014	Block #:103	Subdivision:CD 20001		
Zoning District: Downtown Business District (B-3)				
APPLICANT	<input checked="" type="checkbox"/> Owner	Name:Pankonin Enterprises LLC		Phone:
Mailing Address: 320 S Walnut St Belle Plaine MN 56011				Cell:507-221-0425
E-mail: apankonin@wradvisors.com				Fax:952-873-6050
OWNER	Name:Ashton Pankonin			Phone:
Mailing Address: 320 S Walnut St				Cell:507-221-0425
E-mail: apankonin@wradvisors.com				Fax:952-873-2703

Conditional Use Permit is requested to: Put a one bedroom studio apartment with its own alley access in the rear area of the building at 106 E Main St. The apartment will be approximately 700 Sq. ft.

SUBMISSION OF APPLICATION MUST INCLUDE:

- Attached site plan (to scale) depicting present and proposed improvements

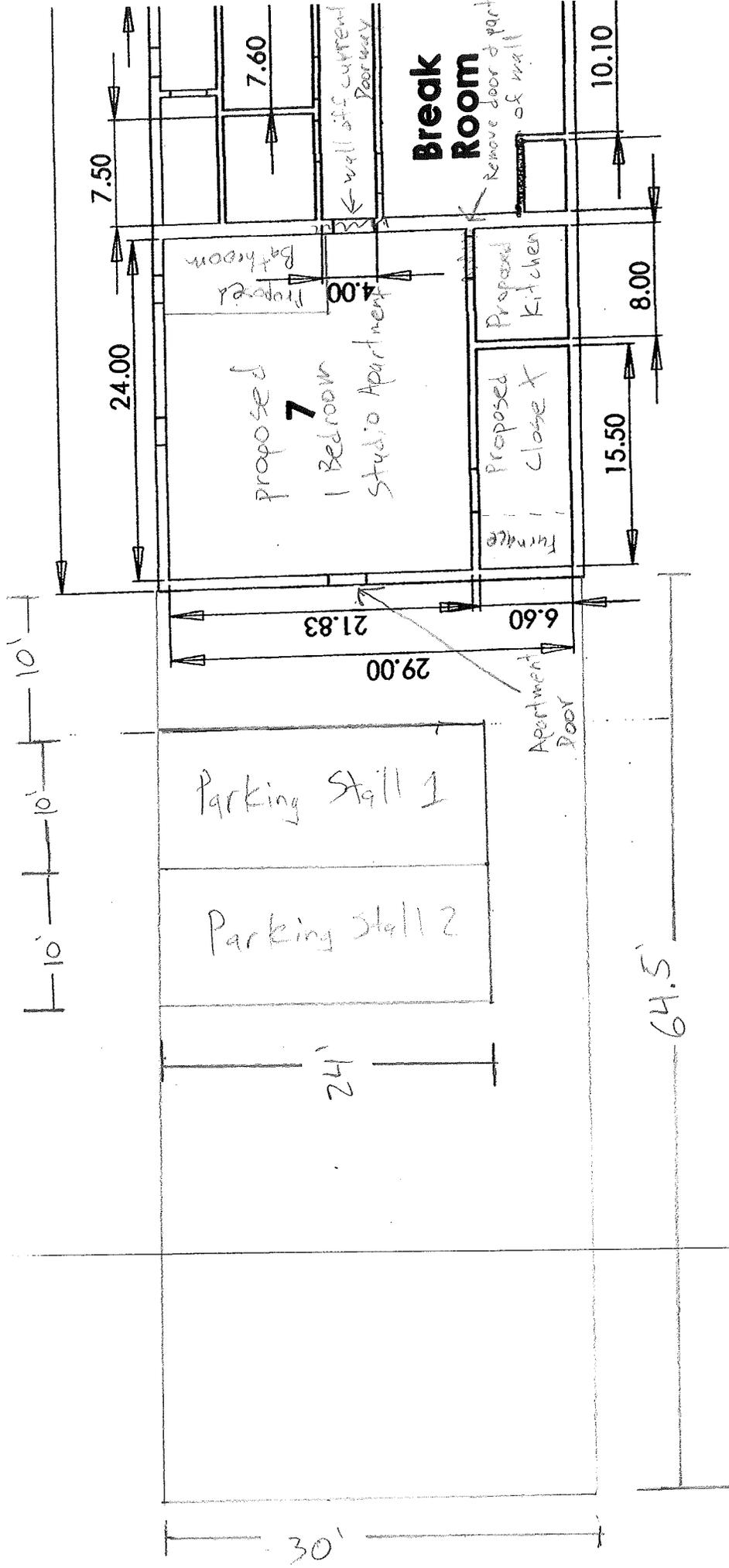
I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application that the foregoing statements and answers herein contained and the information on the attached maps or site plans and any other documents submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

APPLICANT SIGNATURE: _____

DATE: 12/21/15

OFFICE USE ONLY

Zoning:	Application Fee: \$ 300.00	Form of Payment: Check 5023
<input checked="" type="checkbox"/> Site Plan Attached	Other Fee: \$	Date: 12-22-15
	Total: \$ 300.00	Transaction Number: 1213331287
		Collected By: CCS
Reviewed by Community Development Director	<input checked="" type="checkbox"/> Application Complete	Date: 12-22-15
Reviewed by Planning Commission	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:
Reviewed by City Council	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:



7.50

24.00

7.60

Proposed Bathroom

4.00

Proposed
7
Bedroom
Studio Apartment

Proposed Kitchen

Proposed
Close X
Furniture

8.00

15.50

10.10

Break Room

Remove door & part of wall

wall still current
Porchway

10'

10'

10'

Parking Stall 1

Parking Stall 2

24'

21.83

6.60

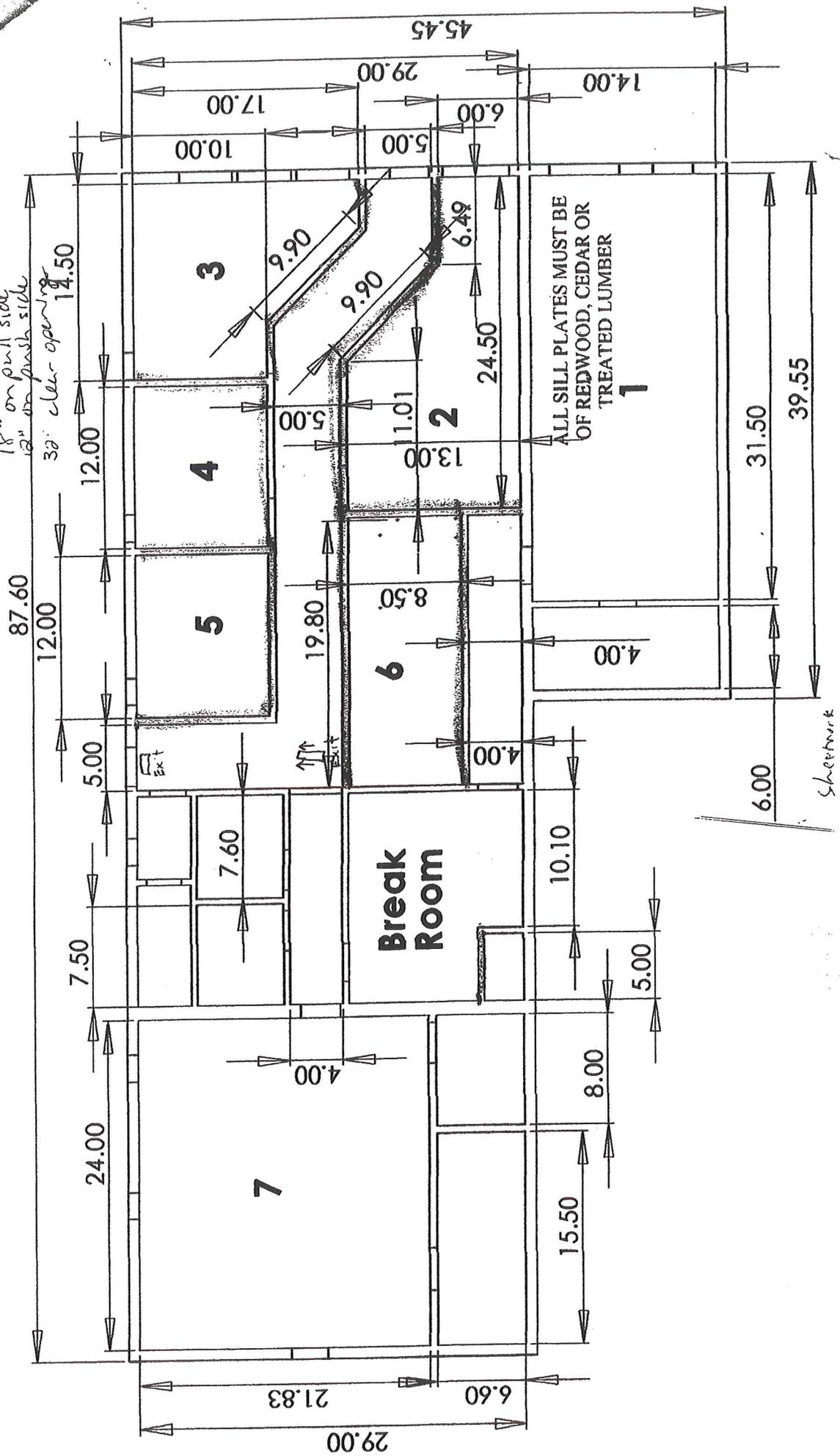
29.00

Apartment Door

64.5'

30'

Clearances at doors:
 18" on pull side
 12" on push side
 30" clear opening



Building Dimensions

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ 16-001**

**A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A
RESIDENTIAL APARTMENT AT 106 MAIN STREET EAST IN THE CENTRAL BUSINESS DISTRICT**

PID: 20015370

Legal: West 22' Lot 13 and East 10' Lot 12, Block 103 City of Belle Plaine

WHEREAS, Ashton Pankonin, the owner of property at 106 Main Street East, has submitted an application for a Conditional Use Permit to allow for a 700 square foot, one bedroom apartment on the northernmost portion of the property at 106 Main Street East; and,

WHEREAS, the property in question is zoned B-3, Central Business District; and,

WHEREAS, the Planning Commission conducted a public hearing on the proposed Conditional Use Permit request on January 11, 2016, following mailed and published notice; and,

WHEREAS, the Planning Commission has reviewed applicable land use standards and a site plan submitted in conjunction with the proposed structure; and,

WHEREAS, The Planning Commission has reviewed the following criteria for granting a Conditional Use Permit and has found:

1. The proposed use is consistent with goals, policies and objectives of the Comprehensive Plan.
2. The proposed use is consistent with the intent of the Central Business District.
3. The proposed use is currently within the urban service area, features a full complement of services, and will not have a negative impact on existing governmental facilities, utilities, services or existing improvements.
4. The proposed use will be contained within a structure and will not adversely impact on the public health, safety or welfare.
5. The proposed use will be subordinate to the principal use of the property and, as such, will not be injurious to the public or substantially diminish property values within the neighborhood.
6. The use is consistent with the future land use map and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the B-3 District.
7. No structural alterations are proposed, the accessory use will have minimal impact on existing systems, as such adequate utilities, access roads, drainage and necessary facilities are provided.
8. Adequate off-street parking is proposed for an area abutting the proposed dwelling unit.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE THAT: It hereby recommends the City Council approve a Conditional Use Permit as requested by Ashton Pankonin for a 700 square foot, one bedroom apartment at 106 Main Street East, contingent upon the following:

1. The "Use" is defined as a 700 square foot one bedroom apartment at 106 Main Street East. The conditional use permit shall be valid only for the Use defined herein.
2. Establishment of the Use as defined within the application for CUP approval and as defined within a staff memo dated January 7, 2016 submitted by the Community Development Director.
3. Issuance of a rental license and maintaining of said license.
4. The CUP shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site, or a petition for an extension of time has been granted by the City Council.
5. The CUP shall be subject to all applicable codes, regulations and ordinances, and the conditions of approval contained herein. A violation of any applicable codes, regulations and ordinances, and the conditions of approval herein shall be grounds for revocation.
6. The CUP shall be subject to annual inspection and audit by the City.

7. The CUP shall expire if the Use ceases for more than twelve (12) consecutive months, in the event the structure is destroyed and a building permit is not issued within 180 days, or if the Use is changed to a different Use.
8. The Conditional Use permitted under this Resolution may not change to another Conditional Use or further intensified without a new application and approval by the City Council.
9. The Use permitted under this Resolution shall remain in effect as long as the conditions of the Resolution are observed.

The adoption of the foregoing resolution was duly moved by Commissioner _____ and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof: _____.

and the following voted against the same: _____.

Whereupon said resolution was declared duly passed and adopted. Dated this 11th day of January, 2016.

Planning Commission Chairperson

Cynthia Smith Strack
Community Development Director