



**UNAPPROVED  
PLANNING and ZONING COMMISSION  
APPROVED MINUTES  
April 10, 2012**

**1. CALL TO ORDER**

Chair Kocon called the meeting to order at 7:02 p.m.

**2. ROLL CALL**

Commissioners Kocon, Lindberg, Olson, Totman, and Edgren were present. Council representative Jillian Hendrickson filled in for Dan Wagner who was absent.

Staff members present: City Planner Al Brixius, and Zoning Administrator/Building Official Jon Sutherland.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted.

**4. APPROVAL OF MINUTES:** February 15, 2012

**Olson moved, second by Edgren to approve the February 15, 2012 minutes. Motion carried unanimously.**

**5. PUBLIC HEARINGS:**

None. City Planner Al Brixius noted the public hearings for both cases are advertised and will be conducted at the next Council meeting due to the accelerated schedule for each case.

**ZONING CASE # 12.01: LOT 2, BLOCK 1 PARKSIDE COMMERCIAL CENTER - NEW HORIZON CHURCH - ORDINANCE/PUD AMMENDMENT**

**Report From Staff:**

Chair Kocon introduced the case and City Planner Al Brixius commented on the request for a PUD/ Ordinance Amendment as requested by New Horizon Church, who currently leases space in the Parkside Commercial Center. Brixius reviewed the background and history since the original approval in 2000 and the modification that occurred in 2008.

With its approvals the City Council included the limited assembly use of the Church within the PUD for commercial uses with conditions that addressed concerns of traffic, parking, and the proposed mixed use building/development being dominated by the Church. Brixius commented the increase of floor area from 1,500 to 2,500 square feet was not a great increase and the City

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had not experienced any complaints or problems with parking to date. Brixius commented the site has shown to have ample parking. The proposed expansion was viewed as a positive step in the Parkside Centers site and Brixius determined the Church would not overwhelm the other business uses.

Pastor Glasser discussed the operation of the Church and explained the use and expansion. Councilor Hendrickson commented she has not experienced any traffic problems and is in the area frequently.

Kocon's only concern was the vehicular entrance during peak periods of traffic. The Commission concurred with the Planners report, comments and recommendation.

Brixius recommended approval based on the application, the findings and subject to the conditions listed in the staff report.

**Lindberg moved, second by Olson, to recommend approval of the Ordinance Amendment/PUD modification based on the findings and recommendation of the April 4, 2012 planning report. Kocon, Totman, Edgren, and Hendrickson voted yes. Motion carried unanimously.**

**ZONING CASE # 12.02: CONDITIONAL USE PERMIT TO ALLOW ACCESSORY OUTDOOR DINING – 5722 MAIN AVENUE – NEIGHBORS EATERY AND SALOON**

Chair Kocon introduced the case and City Planner Al Brixius commented on the request for a CUP to allow outdoor dining as contained in the application and the staff report. The Planner included comments from the City Public Works Director/Engineer (PWD) Adam Nafstad. Brixius described the site recommended approval based on the application, the findings and subject to the conditions, including the PWD's comments listed in the staff report.

Kocon commented on the vehicular entrance and was concerned with pedestrians and customers coming and going to the outdoor dining. Brixius explained the option of the fence along the sidewalk on Main Avenue and also addressed the PWD input, that the required setback for an improved parking surface is five feet from the property line. Brixius noted the existing gravel area is the same area that will be paved and that the condition of the fence is intended to provide some protection and separation for pedestrians.

Brixius reviewed the layout of the site and the screening/landscaping that is proposed to the south and to the west to separate the noise and prevent headlights shining onto the adjacent residential properties. The property to the west is also separated by the oversized garage and the existing solid wood fence. He noted the proposed landscaping appeared acceptable.

The Commission discussed the outdoor dining restrictions and compared the hours of operation for the outdoor use by other establishments in the city to seek consistency in hours of operation and regulations.

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The Commission responded to Brixius' report regarding the proposed fencing at the rear door and agreed with the Planner's comments. They were concerned with the separation and activity at the rear door adjacent to the existing residential use. They discussed and considered the condition to raise the height of the rear deck guard to be equivalent to a be a 6 foot solid fence.

Discussion regarding the seating area included curtailing food service at 9:00 P.M. but allowing the outdoor area to be occupied until later consistent with other establishments.

It was noted the bar/restaurant existed prior to the adjacent residential use and Brixius explained the CUP for an over sized garage given to the adjacent residence to provide buffering

The discussion included reviewing the exiting with a comment by Building Official Jon Sutherland regarding the required exit separation. Jon stated a minimum of two exits are required and they must be separated and the rear exit is required.

Hendrickson complemented the business for making the investment and the improvements in this highly visible corner, the Commission concurred stating improvements were needed.

Brixius discussed the parking requirements and the proposed agreement and conditions. He responded to Olson's suggestion regarding reducing the length from 20 to 18 feet incorporating an area for a vehical to overhang the curb. Brixius would review this suggestion with Engineering and include it in the discussion at the Council meeting.

Brixius commented that outdoor cooking would not be prohibited during Albertville City Days.

The consensus of the Commission was in favor of the request and that it represents an improvement to the property.

**Hendrickson moved, second by Totman, to recommend approval of the Conditional Use Permit with conditions outlined in the April 4, 2012 planning report with the following changes and additions: Condition 9: Change "northeast" to "southeast"; Condition 19: The City Council discuss the need for hours of operation and establish limits workable for the business and neighborhood. Kocon, Edgren, Lindberg, and Olson voted yes. Motion carried unanimously.**

**6. OTHER BUSINESS** Brixius reminded the Commission the Town Hall Meeting is Saturday from 8:30 to 11:00 a.m.

There was no further business.

**7. ADJOURN**

**Totman moved, second by Olson to adjourn the meeting at 8:05 p.m. Motion carried unanimously.**