BUFFALO PLANNING COMMISSION
AGENDA

Meeting: Monday, March 11, 2019
Place: Buffalo City Center
Time: 7:00 p.m.

1. OPEN FORUM
This is the time that residents or developers can bring items before the Planning Commission not yet scheduled for hearing or formal review by the Commission and not on the regular agenda.

2. APPROVAL OF FEBRUARY 11 PLANNING COMMISSION MINUTES
Click here for minutes.

3. AGENDA ADDITIONS OR DELETIONS

4. COUNCIL REVIEW
The Planning Commission reviews what actions were taken by City Council at the previous meeting regarding the items from the agenda of the last meeting.
   - Greenbriar Hills 2nd Addition Final Plat & PUD, 3571 Dague Ave NE, PID 103-255-000120 and 103-500-164400

Click Here for Excerpt from Council Minutes
5. **PUBLIC HEARING – ROBERT & AMANDA RYAN, CONDITIONAL USE PERMIT, 2019 PULASKI ROAD, PID 103-500-162410**

Robert and Amanda Ryan have applied for a Conditional Use Permit to build accessory structure space on the above property in excess of 1200 square feet. The request is for consideration of two-levels of attached accessory structure space with the main level totaling 1184 square feet and 1041 square feet accessing below. The proposal is part of a redevelopment home with plans showing attached principal living space exceeding accessory space on each floor. The property is in R-1 Single Family Suburban and Shoreland Overland districts.

Click Here for Reports  
Click Here for Location Map

6. **OTHER**
The Planning Commission of the City of Buffalo held a regular meeting in the City Center on the 11th day of February 2019 at 7:00 p.m., with the following members present: Jameson Wakefield, Diane Bjorgum, Paul Olson and Linnea LeBaron. Also in attendance were Planner Stephen Grittman, Planning and Development Coordinator Jennifer Nash and Videographer Quincy Kabe. Absent were Tom Salkowski, Steve Cullinan and Steve Downer.

INTRODUCTION OF NEW MEMBER LINNEA LEBARON
Acting Chair Wakefield introduced newly appointed Planning Commission member Linnea LeBaron. LeBaron said she is a CPA and applied to the Planning Commission to be involved in her community.

OPEN FORUM
No comments were received during this opportunity.

APPROVAL OF JANUARY 14 PLANNING COMMISSION MINUTES
Bjorgum suggested changes on the second page including corrections to two sentences within the second paragraph. A motion was made by Bjorgum and seconded to approve the minutes as amended. All in favor; motion carried.

AGENDA ADDITIONS OR DELETIONS
None

COUNCIL REVIEW
Council representative Downer was not present, so this portion of the meeting was passed over.

PUBLIC HEARING – GREENBRIAR HILLS 2nd – PUD AND FINAL PLAT, XXXX DAGUE AVE NE, PID 103-255-000120
Planner Grittman introduced this item. TSM Greenbrier LLC has applied for final plat and PUD review for a proposed new residential subdivision to be called Greenbriar Hills 2nd Addition. Prior approvals occurred in 2018 for the first phase including 37 lots of the proposed 213 lots in the full Greenbriar Hills plan. The current application is for consideration of final plat and PUD approvals for the second phase of 18 lots including 16 fronting on a new Coneflower Point and 2 fronting on a segment of Buffalo Ridge Drive from Dague Ave.
Grittman noted that the criteria for final plat review includes whether the application substantially meets the preliminary plat approvals. Staff’s finding is that the final plat meets expectations from preliminary plat.

Olson asked if planning for Dague Ave. improvements is occurring and Planner Grittman noted that the engineers are designing improvements for Dague Ave. Olson also asked about ownership of outlots. Nash noted that staff has a map of public and private ownership of outlots. Olson asked about street width and Grittman noted the streets are planned at 28 feet wide.

Olson asked about the landscaping and grading plans. Grittman noted plans have been submitted that are consistent with the first phase of development. He showed illustrations of the landscape plan and spoke about ponding features.

Developer’s representative Don Jensen spoke about the design of roadways and cul-de-sacs to meet fire truck turning radius and plowing needs. Jensen also spoke about trail design and outlots within the plan.

A motion was made by Olson and seconded to recommend approval of the final plat and PUD with conditions as noted in NAC Memorandum, File No: 137.03-19.01 dated February 6, 2019 and the BMI Memorandum, Project No: W13.116296 dated February 6, 2019. All in favor; motion carried.

**ADJOURN**
A motion was made by Olson and seconded to adjourn the meeting at 7:49 pm. All in favor; motion carried.

__________________________
Chairperson

__________________________
Planning and Development Coordinator
EXEMPLARY FROM MARCH 4, 2019 COUNCIL MINUTES

PLANNING COMMISSION MATTERS

Greenbriar Hills 2nd Addition Final Plat & PUD
Planning & Development Coordinator Nash reported on the 18-lot final plat of Greenbriar Hills 2nd.

Upon motion by Council Member Downer, motion seconded by Council Member Anderson to approve of the final plat and PUD with conditions as noted in NAC Memorandum, File No: 137.03-19.01 dated February 6, 2019 and the BMI Memorandum, Project No: W13.116296 dated February 6, 2019, all members voted in favor.
MEMORANDUM

TO: Buffalo Mayor and City Council
   Buffalo Planning Commission

FROM: Stephen Grittman

DATE: March 6, 2019

RE: Buffalo – Ryan Single Family CUP

FILE NO: 137.15 – 19.01

PROPERTY ADDRESS: 2019 Pulaski Road

PROPERTY PID#: 103-500-162410

Background and Analysis

The owners of 2019 Pulaski Road are seeking a Conditional Use Permit for an oversized garage as a part of their new home construction on the subject property. The new home will replace an existing structure which extends into the 30 foot bluff setback area, and with a deck space that is nearly at the defined bluff line.

Non-conformity Regulations.

For existing non-conformities, the regulations, based on state law, allow the remodeling and replacement of such nonconformities provided the replacement does not expand the nonconformity. There are two existing nonconforming conditions on the site created by the current structure.

First is the total area encroaching into the required 30 foot bluff setback. The applicants have indicated that a total encroachment area of approximately 1,000 square feet is covered by the current building. Second is the linear extent of encroachment. The current house is approximately 10 feet from the bluff, and the existing deck is
constructed right to the bluff line itself, creating encroachments of 20 feet and 30 feet, respectively. The City accommodates replacement structures that do not expand these nonconformities.

The new home, while significantly larger in square footage, is designed to encroach into the bluff setback with a total square footage no greater than the existing encroachment. Under this arrangement, the applicants will maintain a situation in which no expansion of non-conformity is proposed with the new construction.

Similarly, the proposed setback from the bluff is shown to be 9.1 feet at the closest point – a corner of a proposed “three season porch” on the south end of the home. This should be no closer to the closest point setback of the existing home. Finally, the proposed deck spaces for the new structure maintain a minimum 10.7 foot setback from the bluff edge. As noted above, the existing deck space encroaches fully into the required setback to a point equal to the bluff edge. In this way, the new structure improves significantly on the existing condition.

In summary, the proposed home maintains the total square footage and extent of setback encroachment into the required 30 foot bluff setback area. In addition, the deck spaces are setback from the existing edge of the bluff to a point at 10.7 feet or greater. The proposed structure complies with the non-conformity rules by replacing, or reducing, existing non-conformities. No variances are necessary for the proposed structure.

**Garage CUP**

The garage square footage is shown at 1,184 square feet on the upper level, over a lower level of 1,041 square feet. Because the lower level will have a garage door and driveway access, staff considers this area a potential “garage” space, despite the applicant’s intent to use the area for storage. This results in a total “garage” area of 2,225 square feet. Because the proposed total garage area is more than 1,200 square feet, a Conditional Use Permit is required.

The City has approved such Conditional Use Permits where the size of the structure does not negatively impact the parcel or the existing neighborhood, and where the applicant can show that even with an over-sized garage, the structure is still “accessory” to the principal building in that the square footage is no greater than the living area.

The main level of the proposed home is shown at 3,802 square feet, significantly exceeding the total area of garage and storage. Moreover, the property itself is oversized according to R-1 Shoreland standards, and is significantly wooded, minimizing the impact of the larger structure. The City’s requirements for oversized garages appears to be met with the proposed plan.

Finally, it is noted that the new home, oversized garage, and additional driveway – while increasing impervious surface area, continues to be well under the Shoreland maximum
impervious surface standard of 25%. The proposed impervious is calculated by the applicant to be 17.5%, increased from 5.3%.

Summary and Recommendation

The proposed Conditional Use Permit for oversized garage appears to meet the requirements applied by the City for such permits, based on lot size and house to garage ratio. Moreover, the non-conformities are not expanded, and in one case, reduced, consistent with the requirement for nonconforming conditions. As such, planning staff recommends approval of the proposed CUP based on the plans submitted, and final verification of the encroachment dimensions as required and noted in this report.

pc: Merton Auger
    Laureen Bodin
    Justin Kannas
    Metro West Inspections