

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR SESSION
APRIL 9, 2008**

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Wednesday, April 9, 2008 in the Government Center at 218 North Meridian Street, Belle Plaine, MN. Chairperson Kevin Fors called the meeting to order at 6:00 p.m. with Commissioners Henry Pressley, Joe Bowman, Gary Trost, Bob Chaussee and Alternate Scott Schneider present. Also present was Community Development Director Trisha Rosenfeld. Council liaison Peter Anderly was not present.

2. APPROVAL OF AGENDA.

MOTION by Commissioner Pressley, second by Commissioner Chaussee, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of March 5, 2008.

MOTION by Commissioner Trost, second by Commissioner Chaussee, to approve the Regular Session Minutes of March 5, 2008 as presented. ALL VOTED AYE. MOTION CARRIED.

4. PUBLIC HEARINGS.

4.1. Conditional Use Permit. The Planning Commission will accept public comment on a request by Michael A. Erdmann, 300 Stonebrooke Court, Shakopee, MN, for a conditional use permit as required for the I-C, Industrial-Commercial District, to allow the retail sale of used boats, motors and trailers at 891 Diversified Drive, Suite D, Belle Plaine, MN.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding a conditional use permit at 891 Diversified Drive, Suite D.

Community Development Director Rosenfeld explained that Michael Erdmann of Shakopee is requesting the review of a Conditional Use Permit to allow for the business operation of selling used boats, motors and trailers. The zoning classification for this property is designated as I-C: Industrial-Commercial. All uses are required to have a conditional use permit. Automobile or trailer sales and service establishments are within the described conditional uses in this zoning district. There is adequate parking for all tenants of the building while complying with the zoning ordinance requirements and previous conditional use permits originally approved for the building. Staff recommends approval be based upon the following conditions: All boats, trailers and motors will be stored inside overnight, the storage area is totally fenced, fully screened and landscaped as defined according to Section 1107.03 of this Ordinance, the storage area is grassed or hard surfaced to control dust. Should a grassed surface prove to be unmaintainable, the City shall require that a hard surface be installed within three (3) months of formal written notice to the property owner, the storage area does not encroach upon parking space, loading space or snow storage area as required by this Ordinance, a separate sign permit shall be required for all signs proposed within the property and will be compliant with the zoning ordinance, a separate sign permit shall be required for all signs proposed within the property and will be compliant with the zoning ordinance.

Chair Fors opened the public hearing at 6:07 p.m. and asked for public comment.

Michael Erdmann, 300 Stonebrooke Court, Shakopee, MN, applicant, asked for approval of the conditional use permit for the retail sale of boats, motors and trailers.

MOTION by Commissioner Trost, second by Commissioner Pressley, to close the public hearing at 6:07 p.m. ALL VOTED AYE. MOTION CARRIED.

Chairman Fors asked Mr. Erdmann if he will be able to abide by the conditions imposed. Mr. Erdmann replied yes. He further explained that it is not his intent to leave any equipment or vehicles outside during the night for security reasons. Commissioner Pressley commented on the importance of abiding by the hours of operation so as not to disturb the neighboring homes.

4.1.1. Resolution PZ-08-01 Recommending Approval of a Conditional Use Permit to Allow Retail Sales at 891 Diversified Drive, Suite D.

MOTION by Commissioner Chaussee, second by Commissioner Trost, to approve Resolution PZ-08-01 Recommending Approval of a Conditional Use Permit to Allow Retail Sales at 891 Diversified Drive, Suite D. ALL VOTED AYE. MOTION CARRIED.

4.2. Conditional Use Permit. The Planning Commission will accept public comment on a request by Jacob and Gabrielle Williams, 247 South Meridian Street, Belle Plaine, MN, for a conditional use permit to allow home improvements, fence and future patio in the B-2, Highway Commercial District.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding a request for a conditional use permit by Jacob and Gabrielle Williams.

Community Development Director Rosenfeld explained that Jacob and Gabrielle Williams are requesting the review of a Conditional Use Permit in order to construct an addition to their place of residence, as well as add a fence to the property at 247 South Meridian Street. The Comprehensive Plan indicates this property is to remain zoned as it is, B-2: Highway Commercial, therefore this property will remain non-conforming. This property is currently, and will remain, non-conforming. Residential uses are not permitted in the Highway Commercial zoning district. According to the Belle Plaine City Code, a Conditional Use Permit is required for any non-conforming structure to be enlarged, extended, converted, reconstructed or structurally altered, unless the structure is changed to one permitted within the district in which such building is located. The property owner would like to construct a fence in the near future. The property owner will need to comply with all fence regulations outlined in the zoning ordinance. The property owner is requesting to construct an addition to the upper east side of their residence. The proposed addition will not increase the size of the current building envelope (footprint). Staff recommends that approval be based upon the following conditions: a fence permit is issued prior to the erection of the fence, a building permit is issued prior to the construction of the addition, the proposed addition does not increase the size of the current building envelope (footprint).

Chair Fors opened the public hearing at 6:18 p.m. and asked for public comment.

Ms. Gabrielle Williams, 247 South Meridian Street, applicant, requested approval. She explained that the purpose of the addition is to add an additional bathroom.

MOTION by Commissioner Bowman, second by Commissioner Pressley, to close the public hearing at 6:19 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Trost noted that the applicant is improving her place of residence and he recommends approval.

4.2.1. Resolution PZ-08-02 Recommending Approval of a Conditional Use Permit to Allow Home Improvements, Fence and Future Patio at 247 South Meridian Street.

MOTION by Commissioner Trost, second by Commissioner Bowman, to approve Resolution PZ-08-02 Recommending Approval of a Conditional Use Permit to Allow Home Improvements, Fence and Future Patio at 247 South Meridian Street. ALL VOTED AYE. MOTION CARRIED.

4.3. Ordinance 08-01. The Planning Commission will accept public comment on proposed Ordinance 08-01, Amending the City Code by Amending Section 1105.10 of the Zoning Ordinance Pertaining to Permitted and Conditional Uses in the B-2, Highway Commercial District.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding proposed Ordinance 08-01 pertaining to permitted and conditional uses.

Community Development Director Rosenfeld explained that the City Council discussed amending the current uses in the B-2, Highway Commercial zoning district ordinance at a recent workshop. The Council directed staff to bring the ordinance amendment forward to the Planning Commission at the upcoming meeting. She listed the permitted and conditional uses in a B-2 District. Staff is recommending the ordinance amendment reflects the following language to be incorporated into the Conditional Uses within the B-2, Highway Commercial zoning district: Any use that exceeds twenty thousand (20,000) square feet of gross floor area.

Chair Fors opened the public hearing at 6:23 p.m. and asked for public comment.

Chair Fors acknowledged receipt of a letter dated April 7, 2008 from Jon Yanta and Maren Leuer of United Properties. They were opposed to the requirement of a conditional use permit for facilities over 20,000 square feet as it may be perceived as an added risk for developers and users.

MOTION by Commissioner Chaussee, second by Commissioner Pressley, to close the public hearing at 6:25 p.m. ALL VOTED AYE. MOTION CARRIED.

Chair Fors asked LeRoy Chard, property owner, if he believes the proposed ordinance is a hindrance. Chard replied no. Scott Schmitt, Shingobee, also said that he believes it does not deter business.

Commissioner Bowman asked where the rationale came from for the proposed ordinance. Community Development Director Rosenfeld explained that legal counsel had recommended that the City regulate large-floor area facilities due to the potential of increasing the burden on traffic and infrastructure.

4.3.1. Resolution PZ 08-03 Recommending Approval of Ordinance 08-01, Amending the City Code by Amending Section 1105.10 of the Zoning Ordinance Pertaining to Permitted and Conditional Uses in the B-2, Highway Commercial District.

MOTION by Commissioner Chaussee, second by Commissioner Pressley, to approve Resolution PZ 08-03 Recommending Approval of Ordinance 08-01, Amending the City Code by Amending Section 1105.10 of the Zoning Ordinance Pertaining to Permitted and Conditional Uses in the B-2, Highway Commercial District, by requiring a conditional use permit for any use that exceeds twenty thousand (20,000) square feet of gross floor area. ALL VOTED AYE. MOTION CARRIED.

4.4. Ordinance 08-02. The Planning Commission will accept public comment on proposed Ordinance 08-02, Amending the City Code by Establishing an Interim Ordinance Requiring Large Retail Establishments within all Districts to be Regulated by Specific Size Requirements.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding proposed Ordinance 08-02, establishing an interim ordinance.

Community Development Director Rosenfeld explained that the City Council discussed the possibility of creating an interim ordinance at a recent workshop. The Council directed staff to bring the ordinance amendment forward to the Planning Commission at the upcoming meeting. The request was brought forward to the Council from a developer who is interested in developing property in Belle Plaine in the near future. A copy of the draft ordinance created by legal counsel and staff. The interim ordinance

described limits the size of large retail development to a size not greater than 75,000 square feet. In order to complete the City's Comprehensive Plan, Design Standards Manual, and Economic Development Plan, it has been requested to establish an interim ordinance to limit the size of large retail development temporarily until these plans have been conducted and implemented. It will be at this time the interim ordinance will be reviewed and further discussed for implementation. The interim ordinance indicates 12 months. This can be lessened for any duration, or extended for an additional 6 months.

Chair Fors opened the public hearing at 6:35 p.m. and asked for public comment.

Scott Schmitt, Shingobee, explained that their intention is to attract multiple tenants for a commercial complex near the TH25 and TH169 interchange. Mr. Schmitt explained that small to mid-size retailers are concerned about having a large-scale retailer in close proximity. An ordinance to limit the size of large retail development to a size not to exceed 75,000 square feet would provide a comfort zone to the smaller-scale retailers. He would prefer that reference to the ordinance as interim or temporary be removed from the language.

Community Development Director Rosenfeld read a letter dated April 7, 2008 from from Jon Yanta and Maren Leuer of United Properties. They were opposed to the proposed ordinance because it was too broad in its limitation of all retail development over 75,000 square feet. They would prefer a specific defined ordinance that prohibits additional grocers for a period of time, such as 12 to 18 months. The City could then remain open to all large non-grocery retailers. They stated that it is not in the best interest of the City to prohibit property owners from procuring opportunities.

LeRoy Chard, property owner, stated that he agreed with comments by United Properties. Mr. Chard said that he is not trying to block big box development. Mr. Chard was opposed to language referencing the proposed ordinance as "interim" or "temporary." He stated that doing nothing would be better than having reference to "interim" or "temporary" included in the ordinance.

MOTION by Commissioner Pressley, second by Commissioner Chaussee, to close the public hearing at 6:43 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Pressley asked how our neighboring cities regulate big box retailers. Community Development Director Rosenfeld responded that she is not aware of any cities that limit the size of retail facilities. Commissioner Chaussee suggested that reference to "temporary" and "interim" be removed from the proposed ordinance. He asked about the extension of Enterprise Drive. Mr. Chard replied that Enterprise Drive will be extended if the grocer signs an agreement to be a tenant here. Commissioner Chaussee supported Mr. Chard's request. Scott Schmitt explained that there is a depressed housing economy and reference to "temporary" will deter the grocer from making a commitment to open a store here.

Commissioner Trost commented that he does not want to limit it just to grocers and did not agree with comments by United Properties.

Community Development Director Rosenfeld encouraged the Commissioners to re-write the ordinance in any way they see appropriate. Commissioner Chaussee stated that he wants development to move forward and would like to see Enterprise Drive extended and therefore supported the proposed ordinance.

Commissioner Bowman commented that it appears there will be a precedent set in favoring an ordinance to protect a particular business, and he said the Commissioners should look at this logically.

Commissioner Schneider commented that the proposed ordinance may block big box development and suggested the Commissioners do not adopt this ordinance. Chair Fors also questioned whether the proposed ordinance is protecting a particular segment and that doing nothing in this case would be better

than doing something. Commissioner Chaussee would like to see development occur and that this ordinance will help spur development. Commissioner Pressley noted that there are pros and cons with big box development. He understood that the ordinance is restricting Wal-Mart type businesses and commented that a good ordinance will not favor a certain type of business.

Randy Koll, 22071 Johnson Memorial Drive, noted that this ordinance may cause the City to go down a "slippery slope." He cautioned the City on making some erroneous judgments that may have a negative impact.

Chair Fors asked if development would occur without the ordinance. Scott Schmitt encouraged the Planning Commission to proceed with the ordinance. LeRoy Chard said it is the only option until the town grows larger.

Commissioner Pressley commented that the ordinance does not allow for assurance that this issue will be resolved. Community Development Director Rosenfeld commented it would be possible to have legal counsel further review regarding the limitation of non-taxable only. She also commented on the implementation of the comp plan and design standards that may impact the ordinance language. Community Development Director Rosenfeld also noted that even though an ordinance is permanent, it can be changed, thus making it temporary. An ordinance may be reviewed periodically. Commissioner Pressley noted that an ordinance could be repealed and modified.

Commissioner Bowman stated that this ordinance makes a clear statement that the City does not want big box retail.

4.4.1. Resolution PZ 08-04 Recommending Approval of Ordinance 08-02, Amending the City Code by Adding Language Prohibiting the Establishment of Certain Large Commercial Retail Establishments in the City.

MOTION by Commissioner Trost, second by Commissioner Chaussee, to approve Resolution PZ 08-04 Recommending Approval of Ordinance 08-02, Amending the City Code by Establishing an Interim Ordinance Requiring Large Retail Establishments within all Districts to be Regulated by Specific Size Requirements, with the reference to "Interim" and "Temporary" removed from the ordinance. Commissioners Trost and Chaussee VOTED AYE. Commissioners Pressley, Bowman and Fors VOTED NAY. MOTION FAILED.

Scott Schmitt explained that it is their desire to perpetuate development. He suggested protection for the grocery category.

Community Development Director Rosenfeld suggested that the ordinance can be further defined. She suggested the language of "non-taxable" so as not to limit home improvement stores. Scott Schmitt expressed concern for specific categories.

Commissioner Bowman asked if the EDA and City Council have taken a stand on the proposed ordinance. Commissioner Chaussee suggested that the ordinance be looked at again when the design standards are adopted. Commissioner Pressley suggested that this ordinance be reviewed in one year.

MOTION by Commissioner Pressley, second by Commissioner Chaussee, to approve Resolution PZ 08-04 Recommending Approval of Ordinance 08-02, Amending the City Code by Prohibiting Certain Large Commercial Retail Establishments in the City, with reference to "Interim" and "Temporary" removed from the ordinance. Furthermore, it recommends that this ordinance be reviewed on an annual basis for compliance with the Comp Plan, Economic Plan and Design Standards. Commissioners Pressley, Bowman and Chaussee VOTED AYE. Commissioners Trost and Fors VOTED NAY. MOTION CARRIED.

Chair Fors recessed the meeting at 7:35 p.m. and reconvened at 7:45 p.m.

5. BUSINESS.

1. 2008 Comp Plan.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding changes to the 2008 Comp Plan Update.

1.1. Transportation Chapter Update.

Community Development Director Rosenfeld explained that at the December 2007 Planning Commission meeting, the Commissioners reviewed and approved a few updates to the Comprehensive Plan, as requested by the Metropolitan Council through their initial review of the document. The proposed initial changes are the following: 1) Land Use/Annexation: Maps 6-4 and 6-5 have been updated to more clearly delineate the boundaries of the orderly annexation agreements with Belle Plaine Township and Blakely Township and 2) Housing: Chapter 10, pages 2 and 3, including Table 10-1, which illustrates the densities allowed in the various residential districts. This table was updated to include a column on "Minimum Density Allowed", per Met Council's request. Chapter 4, page 15 has been updated to include affordable housing programs the City of Belle Plaine and Scott County Housing Redevelopment Agency collaborate on.

Community Development Director Rosenfeld further explained that the Planning Commission also discussed the Forecasts and the Transportation Chapter for the modeling of 2030 traffic counts. The Commission directed staff to consult with the Metropolitan Council to verify the numbers they desired the modeling to be based on, either the City's more aggressive population, household and employment forecasts, or the Metropolitan Council's System Statement. Based on the discussion with Met Council staff, Met Council staff asked that the City submit a formal ask for a System Statement Amendment. The Met Council accepted the employment forecasts and will amend the System Statement to reflect this. Employment projections increased by 48% from 2700 to 4,000 for the year 2030.

The System Statement to reflect the more aggressive population and household forecasts for the year 2030 was not amended. Met Council staff noted that they will, however, accept the Belle Plaine Comprehensive Plan with the higher forecasts for 2030, as numbers agree through 2020 and there will be two more mandatory Comprehensive Plan submittals in 2018 and 2028, with opportunities to further review actual trends. The Met Council will note the forecasts are not consistent with their System Statement, but will note that since the City has its own wastewater treatment plan, and is accepting responsibility for infrastructure planning, they will agree to disagree.

Gina Mitchell of Bolton & Menk, provided an update on the proposed changes to Chapter 7, Transportation. The revisions were a result of the City's request to evaluate a second development scenario consistent with the City's 2030 forecasts for households, population and employment. She explained that most of the revisions are located within Section IV- Future Transportation System. Ms. Mitchell noted that the Met Council had not taken into account the potential for increased traffic on the Highway 25 river crossing due to the new TH312 near the Chaska/Carver area. Further details of the proposed revisions were provided in her memo dated April 2, 2008 to the Planning Commission.

The Commissioners reviewed the documents. It was the consensus of the Commission to recommend that the City Council accept the report and revisions as presented by Gina Mitchell of Bolton and Menk.

1.2. Implementation Quote from MDG.

Chair Fors referenced a letter dated March 11, 2008 from Joanne Foust of Municipal Development Group regarding her proposal to assist with the implementation of the 2008 Comp Plan Update.

Community Development Director Rosenfeld explained the staff will need some assistance with the implementation process of the Comp Plan. She recommended that MDG be retained on a "as needed" basis.

MOTION by Commissioner Pressley, second by Commissioner Trost, to recommend MDG be contracted on a "as needed basis" for assistance with the implementation of the 2008 Comp Plan Update, not to exceed \$10,000. ALL VOTED AYE. MOTION CARRIED.

2. Discussion on Election Sign Ordinance.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding election signage.

Community Development Director Rosenfeld explained the reference to election signs in the Zoning Ordinance. With the City now conducting a primary election, she asked about allowing election signs to be posted prior to August 1.

The Commissioners reviewed the language of the Zoning Ordinance pertaining to election signage.

MOTION by Commissioner Chaussee, second by Commissioner Bowman, to recommend that the language in the Zoning Ordinance pertaining to election signage remain as is. ALL VOTED AYE. MOTION CARRIED.

3. Planning Commissioner Training.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding Planning Commission training.

Community Development Director Rosenfeld explained that during the March Planning Commission meeting the topic of training was discussed. Staff provided two possible options for the Commissioners to receive additional knowledge related to planning and zoning. The first item was a book, "The Job of the Planning Commissioner". This is put out by the American Planning Association (APA) and can be purchased for \$25.95 per book. Secondly, Community Development Director Rosenfeld included a list of possible training seminars to attend.

The Commissioners also discussed the possibility of having City Administrator David Murphy, Community Development Director Rosenfeld and the City Attorney to conduct a workshop session to instruct the Planning Commission. It was the consensus to consider this in the fall.

It was the consensus of the Commission to direct staff to proceed with the purchase of the book, "Job of the Planning Commissioner" by the American Planning Association at a cost of \$25.95 per book. ALL VOTED AYE. MOTION CARRIED.

4. Planning Commission Meeting Schedule.

Chair Fors referenced a memo dated April 9, 2008 from Community Development Director Rosenfeld regarding moving the date and time of the Planning Commission meetings.

Community Development Director Rosenfeld suggested the Planning Commission meetings move to the second Monday of the month with a start time of 7:00 p.m., which would follow the EDA meeting.

Chair Fors and Commissioner Trost commented that they prefer the start time of 6:00 p.m. They inquired as to whether the EDA could start at 5:00 p.m. The Commissioners suggested that input from the EDA about the meeting change be obtained and that staff is to report back at the next meeting.

6. ADMINISTRATIVE REPORTS.

6.1. Upcoming Meetings.

1. Planning Commission, 6:00 p.m., Wed., May 7, 2008.

Commissioner Trost requested that the City Building Official check on compliance of a debris pile at 891 Diversified Drive.

The Commissioners were reminded of the upcoming meetings as listed.

7. ADJOURNMENT.

MOTION by Commissioner Pressley, second by Commissioner Bowman, to adjourn at 8:23 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary