

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR SESSION
JUNE 8, 2009**

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, June 8, 2009 in the Government Center at 218 North Meridian Street, Belle Plaine, MN. Chair Henry Pressley called the meeting to order at 7:00 p.m. with Commissioners Bob Chaussee, Scott Schneider, Daniel Tix and Chris Potter present. Also present were Community Development Director Trisha Rosenfeld and Council Liaison Gary Trost.

2. APPROVAL OF AGENDA.

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

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of May 11, 2009.

Community Development Director Rosenfeld summarized the City Council action on items from last month's meeting.

MOTION by Commissioner Schneider, second by Commissioner Potter, to approve the Regular Session Minutes of May 11, 2009 as presented. ALL VOTED AYE. MOTION CARRIED.

4. PUBLIC HEARINGS.

4.1. Conditional Use Permit – Tattoo Establishment. The Planning Commission will accept public comment on a request for conditional use permit by Candice Sander to allow a tattoo establishment at 133 North Meridian Street, in the I/C District.

Chair Pressley referenced a memo dated June 8, 2009 from Community Development Director Rosenfeld regarding a request for a conditional use permit for a tattoo establishment. A layout of the building as submitted by the applicant was included with Community Development Director Rosenfeld's memo.

Community Development Director Rosenfeld explained that applicant, Candice Sander of Devine Darkness Tattoo, has requested the review of a Conditional Use Permit for a tattoo establishment at the location of 133 North Meridian Street. The current property owners are Daniel and Lori Neisen of Belle Plaine and the property is currently zoned B-3, Central Business District. A conditional use permit is required, per Section 1105.11, Subd. 4., "Other uses determined by the Planning Commission and City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and to the general public health, safety, and welfare." There are no parking requirements for commercial business in the downtown. A separate sign permit would need to be reviewed by staff and the Design Committee. Staff recommends approval of the conditional use permit with the following conditions: 1) A separate sign permit shall be required for all signs proposed within the development; 2) Application for a Tattoo Establishment license will need to be made and approved prior to occupancy of the building. All requirements of the license shall be met; and 3) The City's Building Official will need to make sure the property is compliance with the Building Code.

Chair Pressley opened the public hearing at 7:05 p.m. and asked for public comment.

Kevin Harris, 401 East Forest Street, commended the Planning Commission and City Council on the revitalization of the downtown business district. Mr. Harris stated that a tattoo studio is a great opportunity for the downtown business community and for the applicant, Candice Sander. He explained

that a tattoo studio is more acceptable to the general public than it was years ago. Mr. Harris believes that body tattooing is an art and that the tattoo studio will bring more vitality to the downtown area.

MOTION by Commissioner Potter, second by Commissioner Chaussee, to close the public hearing at 7:07 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Chaussee asked what the age requirement is to receive a tattoo. Candice Sanders replied a person must be at least 18 years of age. A person between the ages of 16 and 18 may receive a tattoo if written parental consent is provided. Ms. Sanders stated that she will not allow anyone under the age of 18 to receive a tattoo as she believes it is not in the best interest of the client nor is it good for her business. Ms. Sanders stated that she will obtain a copy of each client's driver's license and all records, electronic and paper, will be available.

Commissioner Potter inquired about having clients ask for a tattoo upon immediately leaving a downtown liquor establishment in which the person may be intoxicated. Ms. Sanders explained that tattoos are by appointment only and that no intoxicated person would be allowed a tattoo. Chair Pressley asked for clarification on the hours of operation. Ms. Sanders replied that the hours planned are from noon to 10:00 p.m. Monday through Saturday. Commissioner Schneider suggested removal of language "All requirements of the license shall be met" under the contingencies listed on the resolution. This would allow more flexibility and efficiency between the Planning Commission and City Council.

4.1.1. Resolution PZ-09-008 Conditional Use Permit for a Tattoo Establishment at 133 North Meridian Street.

MOTION by Commissioner Schneider, second by Commissioner Chaussee, to approve Resolution PZ-09-008 Conditional Use Permit for a Tattoo Establishment at 133 North Meridian Street, with the removal of the following language: "All requirements of the license shall be met." ALL VOTED AYE. MOTION CARRIED.

5. BUSINESS.

5.1. Resolution PZ- 09-009 Recommending Approval of Belle Plaine Road Right-of-Way Plat #3.

Chair Pressley referenced a memo dated June 8, 2009 from Community Development Director Rosenfeld regarding approval of Belle Plaine Road Right-of-Way Plat #3.

Community Development Director Rosenfeld explained that if the City is successful in receiving Federal ARRA (Stimulus) Funds, the City is proposing to construct a frontage road on the south side of TH 169. The south frontage road will connect CSAH 5 on the northeast, to CSAH 3 on the southwest and will be located parallel to TH 169, similar to the location of East Commerce Drive on the north. The Right-of-Way Platting is different from the subdivision platting requirements. The plat drawing, including the legal description of the property, was attached with Community Development Director Rosenfeld's memo. Also attached was an illustration of where the proposed sidewalk and trail will be located. The areas affected by the south frontage road connection are comprised of A-2 Rural Residential to the southwest, B-2 Highway Commercial, I-2 General Industrial, I-C Industrial Commercial, and A-2 Rural Residential to the northeast. Driveway access points to existing properties will be discussed with the individual property owners. The right-in and right-out access to South Street from TH 169 will be closed as a result of constructing the south frontage road. Grading will be similar to the frontage road (East Commerce Drive) on the north side of TH 169. Temporary utility easements will be utilized during construction. Storm water ponds will be located on the BP Commons and CLC Development properties. Staff recommends approval with the following condition: 1) Upon completion of title work, ownership table is finished.

Commissioner Tix asked about the status of the plans and specifications. Community Development Director Rosenfeld explained that to receive the ARRA funds, the plans must be complete by November,

2009. Commissioner Chaussee noted the limited access and expressed concern for the closing of South Street. Community Development Director Rosenfeld explained that MnDOT requires that the South Street access be closed for safety reasons. Commissioner Chaussee inquired about business signage. Community Development Director Rosenfeld explained that staff will be discussing signage with MnDOT. Commissioner Tix expressed concern for the pedestrian trail crossing near the Highway 169 underpass. Community Development Director Rosenfeld stated that the pedestrian crossing will remain open according to her knowledge. Council Liaison Trost commented that the existing roadway near the Emma Krumbes General Store will remain at its current width. Chair Pressley asked if the road will be widened in other portions of the frontage road. Council Liaison Trost said that the south frontage road will be narrower than the north frontage road. The Commissioners expressed concern for large trucks to maneuver on a narrow frontage road.

MOTION by Commissioner Chaussee, second by Commissioner Schneider, to approve Resolution PZ-09-009 Recommending Approval of Belle Plaine Road Right-of-Way Plat #3. ALL VOTED AYE.
MOTION CARRIED.

6. ADMINISTRATIVE REPORTS.

6.1. Upcoming Meetings.

1. Next Regular Session, 7:00 p.m., Monday, July 13, 2009.

The Commissioners were reminded of the next regular session meeting as scheduled.

7. ADJOURNMENT.

MOTION by Commissioner Schneider, second by Commissioner Chaussee, to adjourn at 7:37 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary