

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JULY 11, 2007**

**1. CALL TO ORDER. 1.1. Roll Call.**

The Planning and Zoning Commission met in Regular Session on Wednesday, July 11, 2007 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 Joe Bowman, Gary Trost, Bob Chaussee and Alternate Scott Schneider present. Commissioner Henry Pressley arrived at 6:02 p.m. Also present was Community Development Director Trisha Rosenfeld. Council liaison Peter Anderly was not present.

**2. OATH OF OFFICE – Scott Schneider, Alternate.**

Community Development Director Rosenfeld administered the Oath of Office to Alternate Scott Schneider. The Commissioners welcomed Commissioner Schneider.

**3. APPROVAL OF AGENDA.**

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

**4. APPROVAL OF MINUTES. 4.1. Regular Session Minutes of June 6, 2007.**

MOTION by Commissioner Trost, second by Commissioner Chaussee, to approve the Regular Session Minutes of June 6, 2007 as presented. ALL VOTED AYE. MOTION CARRIED.

**5. PUBLIC HEARINGS.**

**5.1. Continued - Variance from the Bluff Ordinance and Conditional Use/ Moving Permit. The Planning Commission will accept public comment on a request by Bluff Enterprises, LLC, 310 West Main Street, Arlington, MN, for a variance from Section 1109 Land and Water Preservation to allow the construction of a multi-family dwelling to encroach the bluff line at 620 West State Street, Belle Plaine, MN, in the R-7, Mixed Housing District. Also considered will be a Conditional Use Permit to Allow a House to be Moved to 620 West State Street.**

Chair Fors referenced a memo dated July 11, 2007 from Community Development Director Rosenfeld regarding the variance and conditional use/moving permit request by Bluff Enterprises.

Community Development Director Rosenfeld explained that Bluff Enterprises, LLC has requested the review of a variance from Section 1109 Land and Water Preservation to allow the construction of a multi-family dwelling to encroach the bluff line at 620 West State Street. The applicant is also requesting review of a conditional use permit/moving permit to allow a multi-family dwelling to be moved to this location. Since the June Planning Commission meeting and the June 18<sup>th</sup> City Council meeting, the applicant was given a deadline to submit the associated materials needed with all applications in order to review the requests at the July Planning Commission meeting. No additional materials have been received at the staff level in order to review the requests further. Staff is recommending denial on all requests due to a lack of application materials.

Chair Fors announced continuation of the public hearing at 6:05 p.m. and asked for public comment. There was no response.

MOTION by Commissioner Bowman, second by Commissioner Chaussee, to close the public hearing at 6:06 p.m. ALL VOTED AYE. MOTION CARRIED.

**1. Resolution PZ-07-016 B Recommending Denial of a Variance from the Bluff Ordinance and Conditional Use/Moving Permit to Allow the Construction of a Multi-Family Home at 620 West State Street.**

MOTION by Commissioner Trost, second by Commissioner Pressley, to adopt Resolution PZ-07-016 B Recommending Denial of a Variance from the Bluff Ordinance and Conditional Use/Moving Permit to Allow the Construction of a Multi-Family Home at 620 West State Street due to lack of submittal of required information. ALL VOTED AYE. MOTION CARRIED.

**5.2. Conditional Use Permit/Home Occupation Permit. The Planning Commission will accept public comment on a request by Neil Gruenhagen for a conditional use permit and home occupation permit to allow the administrative operation of a plumbing repair company in the R-1, Single Family District, at 924 Sunrise Lane.**

Chair Fors referenced a memo dated July 11, 2007 from Community Development Director Rosenfeld regarding a conditional use permit and home occupation permit for 924 Sunrise Lane.

Community Development Director Rosenfeld explained that Neil Gruenhagen, applicant, 924 Sunrise Lane, has requested the review of a special home occupation permit/CUP in order to operate a plumbing repair business from his residence. This type of home occupation is not a permitted use and therefore needs a CUP. The applicant has indicated he will have no employees, no outside storage and he will be utilizing his personal truck for the business. All of his work will be done outside of the home between the hours of 8:00 a.m. and 5:00 p.m. Staff recommends approval of the CUP/Special home occupation permit with the conditions noted in the proposed Resolution 07-025.

Chair Fors opened the public hearing at 6:08 p.m. and asked for public comment. There was no response.

MOTION by Commissioner Bowman, second by Commissioner Chaussee, to close the public hearing at 6:09 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Trost inquired about trucks and trailers parked at the residence. Mr. Gruenhagen responded that all vehicles will be locked in his garage at night. He further explained that he will be using his home as an office for the business and that the construction materials will be stored at his plumbing business that is located out of town.

**1. Resolution PZ-07-025 Recommending Approval of a Conditional Use/Home Occupation Permit to Allow a Plumbing Operation at 924 Sunrise Lane.**

MOTION by Commissioner Pressley, second by Commissioner Bowman, to approve Resolution PZ-07-025 Recommending Approval of a Conditional Use/Home Occupation Permit to Allow a Plumbing Operation at 924 Sunrise Lane. ALL VOTED AYE. MOTION CARRIED.

**5.3. Conditional Use Permit. The Planning Commission will accept public comment on a request by Independent School District 716, 130 South Willow Street, for a conditional use permit to allow the construction of a 20' x 18' concession stand facility at 1100 West Commerce Drive, in the A-2, Rural-Residential Zoning District.**

Chair Fors referenced a memo dated July 11, 2007 from Community Development Director Rosenfeld regarding a request by Independent School District 716, 130 South Willow Street, for a conditional use permit to allow the construction of a concession stand at 1100 West Commerce Drive.

Community Development Director Rosenfeld explained that the Belle Plaine School District, ISD 716, has applied for a CUP to construct a concession stand/ticket booth at the new athletic complex located at 1100 West Commerce Drive. The size of the structure will be approximately 360 square feet and 14 feet high. The structure will be placed on the southwest area of the athletic complex, just south of the bleachers. There will be no utilities plumbed to this structure, just electrical service. Staff recommends approval of the CUP with the noted conditions in proposed Resolution 07-024.

Chair Fors opened the public hearing at 6:12 p.m. and asked for public comment.

Dr. Kelly Smith, Superintendent of Schools, requested approval of the conditional use permit to allow the construction of the concession stand/ticket booth.

MOTION by Commissioner Pressley, second by Commissioner Chaussee, to close the public hearing at 6:12 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Bowman inquired about restroom facilities. Dr. Smith explained that there are no immediate plans for permanent restrooms, only portable restrooms. When the new high school is built, the School District may consider the construction of restrooms at that time.

**1. Resolution PZ-07-024 Recommending Approval of a Conditional Use Permit to Allow the Construction of a Concession Stand at 1100 West Commerce Drive.**

MOTION by Commissioner Chaussee, second by Commissioner Bowman, to approve Resolution PZ-07-024 Recommending Approval of a Conditional Use Permit to Allow the Construction of a Concession Stand at 1100 West Commerce Drive. ALL VOTED AYE. MOTION CARRIED.

**5.4. Sign Variances. The Planning Commission will accept public comment on a request by joint applicants Belle Plaine Chevrolet-Buick, Valley View Golf Course and BP Commons for variances from Section 1107, Signs, to allow the installation of eight (8) off-premise advertising signs.**

Chair Fors referenced a memo dated July 11, 2007 from Community Development Director Rosenfeld regarding sign variances.

Community Development Director Rosenfeld explained that the applicants, BP Chevrolet, BP Commons and Valley View Golf Course have made a joint application to apply for a variance to construct 8 off-premise directional signs. As the ordinance prohibits all off-premise signs in all districts a variance request is necessary. Staff has indicated in the planning report the reasons for granting and denying a variance, by City Code requirements. Staff has concerns about setting a precedent for granting a variance for this use. Staff realizes the need for signage along this corridor to direct motorists to establishments within the BP community. Staff has received multiple requests for signs along this corridor. Staff has also realized there are many signs erected currently that do not have permits. Staff had a meeting with MNDOT's Traffic Control Engineer within the last two weeks. They have completed their sign assessment and will be presenting staff with a final map and layout for additional signage for businesses. MNDOT has indicated there will be space along the corridor for more signage, such as specific service signs for business (small blue logo signs), general motorist signs (large blue generic to gas, food, lodging sign) that will trailblaze from the interchange to the last turn before the specific establishment. Also the brown recreational signs that the golf course may be eligible for. MNDOT has also indicated there may be room for more general business district signage and frontage road indications. More exact details will be known in the next week on this type of signage. Staff strongly believes this signage will alleviate a lot of these types of sign requests. The City Council passed a resolution in March 2006 granting temporary signage due to the road construction of the interchange and river bridge. There were 4 conditions to this resolution 1) the signage be directional and not advertising 2) the signage be placed on private property 3) the signage is limited to 32 square feet 4) the signage be

removed 90 days after the completion of the interchange (which would be Sept 15, as the interchange was done on June 15.

Staff recommends denial on this specific variance request since the hardship is almost solely economic in nature and granting the variance would confer special privileges that are denied to other property owners in the same districts. The temporary sign policy that will be addressed as a business item on tonight's agenda will address this request in an improved policy statement rather than granting such variance.

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

Mr. Joe Itman of Belle Plaine Chevrolet/Buick, requested approval of the sign variances. He explained that his customers are having great difficulty trying to reach his facility due to lack of signage and an incomplete road system. He explained the plight of motorists exiting Highway 169 onto the interchange, but unable to maneuver the road system to reach his facility. Mr. Itman commented that MnDOT allows signage for gas, food and lodging, but not for car dealerships. He spoke on behalf of joint applicants BP Commons and Valley View Golf Course, which are experiencing the same difficulties with traffic flow to their businesses. Mr. Itman stated that his customers have expressed concern for the dangerous situation of trying to reach the dealership due to the lack of directional signs.

Commissioner Pressley stated that his relatives have also expressed difficult in trying to navigate their vehicles through Belle Plaine. Commissioner Chaussee commented that the City needs to address CSAH 3 intersection as well for safety reasons.

Randy Kubes, Shakopee, MN, representing BP Commons, explained that he had met with Community Development Director Rosenfeld and City Administrator Murphy regarding signage. He stated that he is willing to work with staff to meet their concerns about signage. He noted that the signs would only be temporary until the MnDOT directional signage is erected. Mr. Kubes explained that the route to BP Commons, Valley View Golf Course and the Belle Plaine Chevrolet/Buick dealership is difficult to maneuver and requested approval of the signage to help alleviate motorist confusion in trying to arrive at these destinations.

Mr. Leroy Chard, Valley View Golf Course and Eagle Ridge restaurant, requested approval of the sign variances. He explained that he is flexible in his signage request regarding the size, location and length of time allowed. The need is now for signage. Motorists get lost trying to get to the golf course due to lack of signage. He asked for signage until MnDOT installs the directional signage.

Ms. Amy Tolzman, 1165 Farmers Lane, asked whether the signs would be lighted. Ms. Tolzman commented that she supports the local businesses in their efforts to add signage and asked that the signs be aesthetically pleasing for the neighborhood. Community Development Director Rosenfeld responded no, the signs would not be lit.

MOTION by Commissioner Trost, second by Commissioner Pressley, to close the public hearing at 6:33 p.m. ALL VOTED AYE. MOTION CARRIED.

### **1. Resolution PZ-07-026 C Recommending Conditional Approval of Sign Variances for Off Premise Signs for Belle Plaine Chevrolet-Buick, Valley View Golf Course and BP Commons.**

Commissioner Chaussee suggested that the Commissioners discuss each of the businesses separately. Councilmember Trost disagreed and suggested that the businesses be considered as one application. Commissioner Trost commented that he is aware of the difficulty of motorists to locate these businesses. Chairman Fors commented that his friends from out of town have difficulty maneuvering through Belle Plaine as well. Commissioner Pressley commented that perhaps permanent signage should be addressed for the corridor area. Commissioner Chaussee suggested a one-year time frame for the temporary signage as he believed 90 days is not adequate to address the sign issues. Commissioner

Bowman noted that the Design Committee will also be reviewing these signage issues and supports the help that the signage would offer to the local businesses. He also commented that he would like all businesses to be considered in the regulation of temporary signage, not just the applicants. Commissioner Trost would like to extend the time frame for the temporary signage for one year. Chair Fors concurred. Commissioner Trost stated that the applicants should present a sketch of the exact design of the signs for the Council to review and approve.

Chair Fors asked Mr. Itman if it was necessary to have eight signs. Mr. Itman explained that yes, eight are needed for motorists due to the amount of turns and number of roads to get to the car dealership. Mr. Itman stated that once Enterprise Drive is extended, there wouldn't be the need for that many signs.

Community Development Director Rosenfeld commented that the length of time, the height regulation and the maximum size of the sign should be noted by the Commissioners on the proposed resolution.

MOTION by Commissioner Chaussee, second by Commissioner Trost, to approve Resolution 07-026 C, Recommending Approval of Eight (8) Off-Premise Temporary Advertising Signs as Requested by Belle Plaine Chevrolet, Bp Commons and Valley View Golf Course, with language stating that: 1) the signage be directional, not advertising, in nature, 2) the signage be placed on private property, after approval of the property owner, 3) the signage shall not exceed 32 square feet, 4) The signage is aesthetically pleasing, 5) No external lighting of the signs and 6) the signage shall be removed on or before June 1, 2008. ALL VOTED AYE. MOTION CARRIED.

Commissioner Trost reiterated that the applicants should submit the size, colors and design sketch to the Council for their review and approval.

**5.5. Conditional Use Permit. The Planning Commission will accept public comment on a request by Tom Meger for a conditional use permit to allow the construction of a 4-plex residential apartment building in the B-3, Central Business District, at 121 East Church Street.**

Chair Fors referenced a memo dated July 11, 2007 from Community Development Director Rosenfeld regarding a request for a conditional use permit by Tom Meger.

Community Development Director Rosenfeld explained that applicant Tom Meger, owner of the lot located at the 100 block of east Church street is requesting the review of a CUP to construct a 4-plex apartment until within the Central Business District. The lot is 50x142, totaling 7100 square feet, which puts the coverage from the structure and bituminous surface from the parking are at 55%. The size of the structure will be 36x64 by 24' feet in height. The structure will have 2 units on each floor with a storage space located behind the stairwell. The units will be approximately 1000 square feet with 2 bedrooms, bath, living and kitchen area. The applicant is requesting the front entrance to face the west side yard. City code indicates the front entrance should face the shortest width of the lot, that being to the north facing Church Street. The applicant would need to apply for a variance in order to do this prior to issuing a building permit. The parking units will be located on the south side of the lot with access from the alleyway. Each apartment unit will have 2 units that are 10x20 feet in size. There will be curb and gutter surrounding the perimeter of the parking area with striping in between each stall. Utilities will be accessed from Church Street and the alley. Grading will be reviewed at time of building permit issuance. Staff recommends approval with the conditions listed in the proposed resolution.

Chair Fors opened the public hearing at 7:01 p.m. and asked for public comment.

Tom Meger, applicant, 520 West Main Street, stated he was available for any questions the Commissioners may have.

MOTION by Commissioner Trost, second by Commissioner Bowman, to close the public hearing at 7:02 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Chaussee inquired about parking. Staff indicated that there will be two cars for each 10 foot x 40 foot stall. The parking would be stacked. The stalls would be identified as to the corresponding units. Access would be from the alley. The revised site plan shows the proposed building is 7 feet on each side property line and the building is 8 feet longer than originally shown. There will be a sidewalk in front of the building. Mr. Meger explained that the proposed building will be 24 feet in height.

**1. Resolution PZ-07-027 Recommending Approval of a Conditional Use Permit to Allow the Construction of a 4-Plex Residential Apartment Building at 121 East Church Street.**

MOTION by Commissioner Trost, second by Commissioner Bowman, to approve Resolution PZ-07-027 Recommending Approval of a Conditional Use Permit to Allow the Construction of a 4-Plex Residential Apartment Building at 121 East Church Street. ALL VOTED AYE. MOTION CARRIED.

**6. BUSINESS.**

Chair Fors announced that there were no other business items to address.

**7. ADMINISTRATIVE REPORTS.**

**7.1. Upcoming Meetings.**

**1. Planning Commission, 6:00 p.m., Wed., August 8, 2007.**

The Commissioners were reminded of the upcoming meeting as listed.

**8. ADJOURNMENT.**

MOTION by Commissioner Trost, second by Commissioner Bowman, to adjourn at 7:10 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary