

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR SESSION  
SEPTEMBER 8, 2008**

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

The Planning and Zoning Commission met in Regular Session on Monday, September 8, 2008 in the Government Center at 218 North Meridian Street, Belle Plaine, MN. Chair Kevin Fors called the meeting to order at 7:00 p.m. with Commissioners Gary Trost, Bob Chaussee, Joe Bowman and Alternate Scott Schneider present. Also present was Community Development Director Trisha Rosenfeld. Commissioner Henry Pressley and Council liaison Peter Anderly were not present. Alternate Schneider was upgraded as a voting member.

**2. APPROVAL OF AGENDA.**

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

**3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of August 11, 2008.**

MOTION by Commissioner Bowman, second by Commissioner Schneider, to approve the Regular Session Minutes of August 11, 2008 as presented. ALL VOTED AYE. MOTION CARRIED.

**4. PUBLIC HEARING.**

**4.1. Review of Conditional Use Permit and Home Occupation Permit. The Planning Commission will accept public comment for the review of the conditional use permit and home occupation permit that was issued in 2007 for Neil Gruenhagen to allow the continuation of 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 September 8, 2008 from Community Development Director Rosenfeld regarding review of the conditional use permit and home occupation permit as requested by Nei Gruenhagen, 924 Sunrise Lane.

Community Development Director Rosenfeld explained that Neil Gruenhagen with NRG Plumbing applied and received a Conditional Use Permit for a Home Occupation Permit in July 2007. As part of the conditioned approval, the permit was to be reviewed in one year with a public hearing. One year has lapsed and review of the permit is in order. The zoning classification for this property is R-1: Residential, Single Family. The CUP was approved in July 2007 for the use of a plumbing business out of the applicant's place of residence. At that time the applicant indicated he will have no employees, no outside storage of equipment and will be utilizing his personal truck for the business. All of the applicant's work was to be done outside of the home, with the hours of operation being 8am-5pm, Monday through Friday. Mr. Gruenhagen has indicated nothing has changed since original approval of the application and is currently is maintaining all conditions as outlined in the approval. Staff recommends approval of the review for the CUP/Special Home Occupation permit time with the following conditions : 1) No employees are allowed, 2) All parking shall be off-street, 3) There shall be no outside storage of materials, 4) Hours of operation shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., unless contained entirely in the principle building, 5) Any waste generated shall be disposed of per County and State regulations, 6) No signage allowed, 7) Renewal of home occupation license in three (3) years, as noted in City Code, and 8) Applicant shall provide proof of being a licensed master plumber.

Chair Fors opened the public hearing at 7:05 p.m. and asked for public comment. There was no response.

MOTION by Commissioner Trost, second by Commissioner Chaussee, to close the public hearing at 7:06 p.m. ALL VOTED AYE. MOTION CARRIED.

Chair Fors noted that there were no complaints regarding the renewal of the CUP and that it appears that Mr. Gruenhagen is compliant with the regulations.

**4.1.1. Resolution PZ-08-10 Recommending Renewal of the Conditional Use Permit and Home Occupation Permit at 924 Sunrise Lane.**

MOTION by Commissioner Chaussee, second by Commissioner Trost, to approve Resolution PZ-08-10 Recommending Renewal of the Conditional Use Permit and Home Occupation Permit at 924 Sunrise Lane. ALL VOTED AYE. MOTION CARRIED.

**4.2. Conditional Use Permit. The Planning Commission will accept public comment on a request by Charles Hartman, New Prague, MN, for the conditional use permit to allow the operation of Huck's Shipwreck Saloon, an on-sale and off-sale liquor establishment, at 110 North Meridian Street, in the B-3, Central Business District.**

Chair Fors referenced a memo dated September 8, 2008 from Community Development Director Rosenfeld regarding a conditional use permit for Huck's Shipwreck Saloon.

Community Development Director Rosenfeld explained that Charles Hartman of Huck's Shipwreck Saloon has requested the review of a Conditional Use Permit for the continued use of a liquor establishment in the Central Business District. The zoning classification for this property is designated as B-3, Central Business District. Liquor establishments are currently classified as a conditional use in this zoning district, therefore the property is required to have a conditional use permit. Liquor establishments were permitted uses in the 1998 zoning ordinance, which allowed this use to be established. In 2002 the zoning ordinance was altered to require all liquor establishments to be conditional uses, thus requiring a conditional use permit. This establishment has been operating as a "legal non-conforming" use until the present. When the State Department of Health seized operations at this establishment in early August of this year, Huck's Shipwreck Saloon was not considered a lawful establishment and has created the need for a Conditional Use Permit. Staff recommends approval of the Conditional Use Permit contingent upon a liquor license being maintained and obtained as required from the City. Staff also recommended that the Planning Commission consider looking at revising the zoning ordinance to reflect liquor establishments to revert to being permitted uses in the Central Business District, as it was in the 1998 zoning code. Staff is recommending this option due to the fact that the City is able to regulate liquor establishments currently through City Code, Chapter 3, Section 307: Alcoholic Beverages.

Chair Fors opened the public hearing at 7:10 p.m. and asked for public comment.

Charles Hartman, applicant and owner, requested approval of the conditional use permit.

Motion by Commissioner Trost, second by Commissioner Schneider, to close the public hearing at 7:11 p.m. ALL VOTED AYE. MOTION CARRIED.

Community Development Director Rosenfeld explained that the conditional use permit process has not delayed the opening the Huck's Shipwreck Saloon. The City-issued CUP is required by the State Department of Health. Commissioner Bowman inquired as to when a conditional use permit is required for liquor establishments. Community Development Director Rosenfeld explained that renovations requiring a building permit would trigger the need for a conditional use permit.

**4.2.1. Resolution PZ-08-11 Recommending Approval of a Conditional Use Permit to Allow the Operation of a Liquor Establishment for Huck's Shipwreck Saloon at 110 North Meridian Street.**

Motion by Commissioner Trost, second by Commissioner Schneider, to approve Resolution PZ-08-11 Recommending Approval of a Conditional Use Permit to Allow the Operation of a Liquor Establishment for Huck's Shipwreck Saloon at 110 North Meridian Street. ALL VOTED AYE. MOTION CARRIED.

Commissioner Chaussee indicated that he would like to recommend an ordinance amendment that would revert back to allowing liquor establishments to being a permitted use in the Central Business District. Commissioner Trost suggested that the Council determine whether to proceed with a proposed ordinance amendment.

MOTION by Commissioner Chaussee, second by Commissioner Trost, to recommend that the Council proceed with a proposed ordinance to consider liquor establishments as a permitted use in the Central Business District. ALL VOTED AYE. MOTION CARRIED.

## **5. BUSINESS.**

### **5.1. Belle Plaine Design Manual.**

Chair Fors referenced a memo dated September 8, 2008 from Community Development Director Rosenfeld regarding the Belle Plaine Design Manual.

Community Development Director Rosenfeld explained that the Design Committee has completed their review of the final draft of the proposed Belle Plaine Design Manual. The committee provided a recommendation of approval for the Design Manual at the August 18 City Council meeting. A presentation was made by the University of MN-Center for Rural Design to the Council that evening. Included with Community Development Director Rosenfeld was a copy of the presentation by the University of MN. The Council directed the Planning Commission to review and make a recommendation regarding the Design Manual.

Commissioner Chaussee, a member of the steering committee, explained that the Design Manual will serve as a guideline. Language will be incorporated into the City Code upon a recommendation from the Design Committee. Commissioner Trost commented that the charts are small and recommended enlargement in future re-prints of the Design Manual.

The Commissioners discussed the appointment of members to the Design Committee. Community Development Director Rosenfeld asked whether the Planning Commission should serve as the Design Committee. Chair Fors commented that he would like to see diversity so as to involve more community members. Commissioner Chaussee commented that he would like to see Design Committee members receive compensation, similar to those on the EDA and Park Board. Commissioner Bowman explained that the Design Manual helps create Belle Plaine as a destination place. It is an effective economic tool to help Belle Plaine move forward.

MOTION by Commissioner Chaussee, second by Commissioner Bowman, to approve the Belle Plaine Commercial Design Manual and to recommend adoption by the City Council. ALL VOTED AYE. MOTION CARRIED.

MOTION by Commissioner Chaussee, second by Commissioner Schneider, to amend the Zoning Ordinance by adding language to incorporate the guidelines of the Belle Plaine Design Manual. ALL VOTED AYE. MOTION CARRIED.

Commissioner Trost commented that he is opposed to having non-residents appointed to city committees, including the Design Committee, EDA and Park Board. Chair Fors and Commissioner Chaussee concurred. Commissioner Chaussee would like to see the Planning Commission involved in the interviewing process with candidates for the Design Committee.

MOTION by Commissioner Bowman, second by Commissioner Schneider, to recommend the formulation of the Design Committee as follows: 1) six member board consisting of four members at large, one planning commissioner and one city councilmember, 2) members must be a resident of Belle Plaine, and 3) members shall receive compensation for meetings. ALL VOTED AYE. MOTION CARRIED.

## **5.2. Comprehensive Plan Update**

Chair Fors referenced a memo dated September 8, 2008 from Community Development Director Rosenfeld regarding the Comprehensive Plan Update.

Community Development Director Rosenfeld explained that the City staff and consultants from Municipal Development Group and Bolton & Menk have been working with representatives from the Metropolitan Council in order for them to conclude that the City's Comprehensive Plan is complete. The Met Council has notified the City that the Plan is complete. The Metropolitan Council has until December 19, 2008 for formal review.

## **6. ADMINISTRATIVE REPORTS.**

### **6.1. Upcoming Meetings.**

**1. City Council Meeting, 6:00 p.m., Monday, September 15, 2008, Scott County Presentation of the proposed Scott County Comp Plan.**

**2. SCALE Transportation Initiative, 6:00 p.m., Monday, September 29, 2008. (Council Chambers, 218 North Meridian Street, Belle Plaine.)**

**3. Next Regular Session, 7:00 p.m., Monday, October 13, 2008.**

Community Development Director Rosenfeld invited the Commissioners to attend the upcoming SCALE Transportation Initiative meeting on September 29, 2008.

Commissioner Bowman encouraged staff to consider attendance at an upcoming Walkable Communities workshop.

## **7. ADJOURNMENT.**

MOTION by Commissioner Chaussee, second by Chair Fors, to adjourn at 7:59 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary