

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR SESSION
OCTOBER 3, 2007**

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Wednesday, October 3, 2007 in the Government Center at 218 North Meridian Street, Belle Plaine, MN. Vice Chairperson Henry Pressley called the meeting to order at 6:00 p.m. with Commissioners Gary Trost and Bob Chaussee present. Commissioners Kevin Fors, Joe Bowman and Alternate Scott Schneider were not present. Also present was Community Development Director Trisha Rosenfeld. Council liaison Peter Anderly arrived at 6:10 p.m.

2. APPROVAL OF AGENDA.

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

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of September 5, 2007.

MOTION by Commissioner Trost, second by Commissioner Chaussee, to approve the Regular Session Minutes of September 5, 2007 as presented. ALL VOTED AYE. MOTION CARRIED.

4. PUBLIC HEARINGS.

4.1. Ordinance 07-10, Amending the Zoning Ordinance by Amending Section 1105.11, B- 3, Central Business District, to add language to conditional uses to allow other uses as determine by the Planning Commission and City Council.

Vice Chair Pressley referenced a memo dated October 3, 2007 from Community Development Director Rosenfeld regarding proposed Ordinance 07-10.

Community Development Director Rosenfeld explained that it is important to have a viable, occupied and thriving downtown in Belle Plaine. With the upcoming commercial development on the highway, as well as the existing vacant buildings in the downtown, staff would like to see the following language added to Chapter 11, Section 1105.11, B-3: Central Business District as a Conditional Use: "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."

Vice Chair Pressley opened the public hearing at 6:05 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 6:06 p.m. ALL VOTED AYE. MOTION CARRIED.

4.1.1. Resolution PZ 07-034 Recommendation on Ordinance 07-10.

MOTION by Commissioner Chaussee, second by Commissioner Trost, to approve Resolution PZ 07-034 Recommending Approval of Ordinance 07-10. ALL VOTED AYE. MOTION CARRIED.

4.2. Conditional Use Permit. The Planning Commission will accept public comment on a request by Health Postures, LLC, Glencoe, MN, for a conditional use permit to allow light industrial uses at 139 East Main Street in the B-3, Central Business District.

Vice Chair Pressley referenced a memo dated October 3, 2007 from Community Development Director Rosenfeld regarding a conditional use permit for Health Postures, LLC.

Community Development Director Rosenfeld explained that the applicant is requesting the review of a Conditional Use Permit to allow for the office and light manufacturing in the B-3: Central Business District. Health Postures will have office and light manufacturing space. The manufacturing will consist primarily of drilling, milling, cutting, welding steel, cutting wood and sewing fabric and will be done during normal business hours. In May 2002 Health Postures was approved for a Conditional Use Permit in the B-3 Downtown Business District to be operable in the facility located at 100 East Main Street. Health Postures was located in Belle Plaine for a couple years before moving their operations to Glencoe, Minnesota. With the purchase of the former Keup building, the owner would like to relocate back in Belle Plaine. The existing permitted and conditional uses in the B-3, Central Business District, currently do not depict this type of use. Upon approval by the Planning Commission and City Council to amend the City Code to reflect the following language, the Planning Commission and City Council can determine if this type of use is appropriate in the Central Business District. The proposed language: "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." If the proposed language is not amended to the City Code, this type of use will not be allowed and therefore is not applicable. Staff recommends approval of the Conditional Use Permit with the conditions listed in the resolution.

Vice Chair Pressley opened the public hearing at 6:07 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 6:07 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Trost noted that the Design Committee has not yet reviewed the remodeling plans. Also, Commissioner Trost requested that staff investigate whether there should be handicap parking stalls designated for the facility.

4.2.1. Resolution PZ-07-035 Recommending Approval of a Conditional Use Permit to Allow Light Industrial Uses at 139 East Main Street.

MOTION by Commissioner Trost, second by Commissioner Chaussee, approving Resolution PZ-07-035 Recommending Approval of a Conditional Use Permit to Allow Light Industrial Uses at 139 East Main Street.

4.3. Variance Request. The Planning Commission will accept public comment on a request by Ronald Scheuble for a variance from Section 1105.11 to allow the expansion of a building to encroach the rear yard setback at 117 North Meridian Street in the B-3, Central Business District.

Vice Chair Pressley referenced a memo dated October 3, 2007 from Community Development Director Rosenfeld regarding a variance request by Johan's Sports Bar.

Community Development Director Rosenfeld explained that the applicant is requesting the review of a variance request to encroach the rear yard setback in the B-3: Central Business District. The property conforms to the requirements set forth in Chapter 1105.11, of the Belle Plaine City Code for the B-3: Central Business District, with the exception of the rear setback requirements and the lot coverage, thus

the reason for the variance request. The lot coverage requirement and the existing fence will need to be addressed by the Commission.

Vice Chair Pressley opened the public hearing at 6:13 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 6:14 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Chaussee inquired about the existing fence. Applicant Ron Scheuble explained that the fence will be removed as a result of the expansion project. He explained that he had visited liquor establishments in other cities and observed that many have screened patios that meet the requirements of the newly enacted Freedom to Breathe Act that was implemented by the State on October 1, 2007. Commissioner Pressley questioned the statement of hardship for the variance request.

4.3.1. Resolution PZ-07-036 Approving a Variance to Allow the Expansion of a Building to Encroach Rear Yard Setback at 117 North Meridian Street.

MOTION by Commissioner Chaussee, second by Commissioner Trost, to approve Resolution PZ-07-036 Approving a Variance to Allow the Expansion of a Building to Encroach Rear Yard Setback at 117 North Meridian Street. Commissioners Chaussee and Trost VOTED AYE. Commissioner Pressley VOTED NAY. MOTION CARRIED.

4.4. Preliminary Plat for Firehall Subdivision. The Planning Commission will accept public comment on a request by the City of Belle Plaine for approval of a preliminary plat for Firehall Subdivision, located at 700 East Main Street, in the I/C Industrial-Commercial District. Also considered will be the final plat.

Vice Chair Pressley referenced a memo dated October 3, 2007 from Community Development Director Rosenfeld regarding the preliminary and final plat approval for the Firehall Subdivision.

Community Development Director Rosenfeld explained that the City of Belle Plaine is requesting the review of a Preliminary and Final Plat in order to combine the two (2) parcels to create additional parking on site. The combined parcel is greater than 30,000 square feet and therefore requires platting. The existing fire hall is located on the southern parcel. The parcel located to the north is currently vacant. The City intends to combine the parcels in order to improve a portion of the northern lot to have more parking for the fire department. All setbacks, site coverage and zoning requirements within the I-C zoning district have been met.

Vice Chair Pressley opened the public hearing at 6:25 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 6:26 p.m. ALL VOTED AYE. MOTION CARRIED.

4.4.1. Resolution PZ-07-037 Recommending Approval of the Preliminary Plat for the Firehall Subdivision.

MOTION by Commissioner Trost, second by Commissioner Chaussee, to approve Resolution PZ-07-037 Recommending Approval of the Preliminary Plat for the Firehall Subdivision. ALL VOTED AYE. MOTION CARRIED.

4.4.2. Resolution PZ-07-038 Recommending Approval of the Final Plat for the Firehall Subdivision.

MOTION by Commissioner Trost, second by Commissioner Chaussee, to approve Resolution PZ-07-038 Recommending Approval of the Final Plat for the Firehall Subdivision. ALL VOTED AYE. MOTION CARRIED.

5. BUSINESS.

5.1. Resolution PZ-07-040 Recommending Approval of a Site Plan for Laser Guide at 850 East Commerce Drive.

Vice Chair Pressley referenced a memo dated October 3, 2007 from Community Development Director Rosenfeld regarding a site plan for LaserGuide.

Community Development Director Rosenfeld explained that the applicant is requesting the review of a Site Plan for a proposed addition to the existing structure in the I-C: Industrial Commercial zoning district. The proposed 3,280 square foot addition will be attached to the existing 2,400 primary structure. The total building footprint will encompass a combined area of 5,680 square feet. The total existing bituminous surface consists of approximately 5,553 square feet. Parking, site coverage and setback requirements have been met. Staff recommends approval.

MOTION by Commissioner Chaussee, second by Commissioner Pressley, to approve Resolution PZ-07-040 Recommending Approval of a Site Plan for Laser Guide at 850 East Commerce Drive. ALL VOTED AYE. MOTION CARRIED.

6.1. Upcoming Meetings.

1. Planning Commission, 6:00 p.m., Wed., November 7, 2007.

The Commissioners were reminded of the upcoming meeting as listed.

7. ADJOURN.

MOTION by Commissioner Chaussee, second by Commissioner Trost, to adjourn at 6:30 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary