



## MEMORANDUM

DATE: March 13, 2017  
TO: Chairperson Hvidsten, PC Commissioners, and Administrator Votca  
FROM: Cynthia Smith Strack, Community Development Director  
RE: Item 4.3 Public Hearing: Ordinance 17-03 Administrative Site Plan Review

**REQUEST: Hold Public Hearing and Consider Recommendation Ordinance 17-03.**

### GENERAL INFORMATION

The Planning Commission is to hold a public hearing on Ordinance 17-03, An Ordinance Repealing and Replacing Section 1107.03 of the City Code Pertaining to Site Plan Review.

At this time any new multiple family (three or more units), commercial, or industrial development and/or addition to an existing MF, commercial, or industrial structure requires submission of site and associated plans for review by the Planning Commission and City Council. Such review can easily add 60 days to the development review process.

Administrative site plan review will streamline development review of projects that are permitted uses and consistent with the code. Under the proposed language staff is able to refer the matter to the PC/Council for review.

Overview of proposed Ordinance 17-03 proposed changes, in addition to providing for administrative staff review:

- Applicability: replace "multiple-family buildings (three (3) or more units)" with residential developments.
- Exceptions: detached SF dwellings, attached SF or MF with four or fewer units, one-time alteration of existing structure totaling 20% of existing structure or less than 10,000 SF in area, and tenant fit-outs (if parking and use ok).
- Add grading, drainage, erosion control, lighting, sound, and other plans. Note: may waive requirements that are not applicable.
- Certify ownership, taxes paid, site plan amendments, applicability of building code, referral.

Building Office Scott McCarty assisted in the developing the draft as he typically conducts zoning check relative to building plan review. The draft has been circulated to department heads for vetting. The PC reviewed the draft at their February 13<sup>th</sup> meeting and authorized a hearing for the March 13<sup>th</sup> meeting (Council to follow on March 20<sup>th</sup>).

The City Council reviewed the draft ordinance at a work session on March 6<sup>th</sup>. Council Member Coop is interested in the PC's input following public hearing.

### ACTION

The PC is to hold the public hearing. Following hearing and discussion, attached Resolution 17-008 recommending action to the City Council pertaining to Ordinance 17-03 is provided for consideration.

**CITY OF BELLE PLAINE  
ORDINANCE 17-03**

**AN ORDINANCE REPEALING AND REPLACING SECTION 1103.07 OF THE CITY  
CODE PERTAINING TO SITE PLAN REVIEW**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. Section 1103.07 of the City Code is hereby repealed in its entirety and replaced with the following:

*1103.07 SITE PLAN REVIEW.*

*1103.07 SUBD. 1. REQUIREMENTS.*

*The City Council declares it necessary and appropriate to require site plan approval of development in certain zoning districts to preserve and promote attractive, well-planned stable urban conditions. This includes all proposed multiple family buildings (three (3) or more units) residential developments, commercial developments, industrial developments and all proposed developments in the Flood Plain District. Site plan approval by the City Council must be obtained before a building permit is issued. True and accurate representation of the following requirements are the responsibility of the applicant.*

1. Exceptions:

- A. Detached single family dwellings.
- B. Attached single family dwellings with four or fewer units per structure.
- C. Multiple family dwellings with four or fewer units per structure.
- D. A one-time alteration to existing multiple family, commercial, or industrial structures totaling twenty (20) percent or less of the gross floor area of the existing structure provided the enlargement is 10,000 square feet or less in gross floor area.
- E. Changes to interior spaces where the change does not intensify the use, require additional parking, or otherwise result in an inability to maintain required performance standards.

2. *Application for Site Plan Approval.*

*Applications for Site Plan Approval shall be on an official application form provided by the Zoning Administrator and shall include the fee as set by City Council resolution. Such application shall be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use. The application and copies of the site plan shall be submitted to the Zoning Administrator. In all cases, unless waived by the Zoning Administrator, the Site Plan shall contain:*

- A. *Name of project.*
- B. *Location of project, including a vicinity map.*
- C. *Name and mailing address of developer/owner.*
- D. *Name, telephone number, and mailing address of the project engineer and/or architect.*
- E. *Date of plan preparation.*
- F. *North point and graphic scale.*
- G. *Boundary line of project site with dimensions. All site plans shall be drawn at an engineering scale (e.g. 1"=40').*
- H. *A Registered Land Survey if deemed necessary by Zoning Administrator.*
- I. *Proof of Ownership or Authorization. The applicant shall supply proof of ownership (ownership and encumbrances report) and the legal description of the property for which the site plan approval is requested.*

**J.** The site plan shall also contain the following features, both existing and proposed, drawn by a Registered Engineer, Architect, Landscape Architect and/or Land Surveyor:

1. Topographic contours at a minimum interval of (2) two feet.
2. Adjacent and on-site streets and street rights-of-way. Any access onto County or State roads must be approved by such authority prior to City Council approval.
3. Location, size, and type of existing and proposed water and sewer system mains and proposed service connections. ~~utilities and~~ Utility right-of-way easements, man-hole rim elevations and pipe elevations and sizes.
4. Existing and proposed buildings, elevations, signs, and light poles.
5. Location, setback, surfacing, and curb height for all parking and loading facilities, ~~curb cuts, and driveways.~~
6. For projects involving more than five (5) acres or projects totaling one acre or more of impervious surface: grading, drainage, and storm water pollution prevention plans including:
  - i. Existing contours and proposed elevations,
  - ii. Spot elevations,
  - iii. Configuration of drainage areas and calculations,
  - iv. Storm sewer, catch basins, invert elevations, type of castings, and type of materials,
  - v. Proposed driveway grades,
  - vi. Existing and proposed surface water **ponding and treatment areas**, collection and conveyance features including arrows indicating the direction of surface water flow over the map of proposed contours.
  - vii. Erosion control measures.
7. Surface water ponds, ditches and wetlands.
8. Sidewalks and trails.
9. The location of tree cover, including the designation of trees of fifteen (15) inches in diameter or more.
10. Fences and retaining walls.
11. Shielded exterior refuse collection areas.
12. Landscaping, including species and minimum size (refer to Section 1107.03 Screening and Landscaping).
13. Traffic flow and vehicular and pedestrian circulation on- and off-site.
14. Height above mean sea level of buildings.
15. Project data including square footage of buildings and number of parking spaces.
16. A description and/or illustration of proposed exterior finish materials (type, color, and materials used in all external surfaces) and, if requested, architectural elevations for all surfaces.
17. The current zoning of the property and a listing of all required federal, state, and city permits and the status of such applications.
18. Lighting Plan, if applicable.
19. Location of recreation and service areas, if applicable.
20. Location of rooftop equipment and proposed screening.
21. Fire protection plan.
22. Typical floor plan and typical room plan drawn to scale with a summary of square footage for each use or activity.
23. Vicinity map showing the subject property in reference to nearby properties and features.
24. The Zoning Administrator may require the developer to submit the following items if ~~he or she feels that they are~~ important for adequate understanding of the project by the Planning Commission, City Council and/or public:
  - a. Aerial photograph(s) of the site.
  - b. Cross-section drawings.
  - c. Perspective sketch(es).
  - d. A professional analysis of traffic impact or other infrastructure impact (e.g., storm sewer, water, sanitary sewer).
  - e. Information sufficient to objectively determine compliance with the standards of Section 1109.00 of the Code related to Land and Water Preservation, as may be amended.
  - f. A sound source control plan.
  - g. Traffic study.

h. Other relevant information necessary for complete review of the proposed application.

3. Procedure, Review and Recommendation.

- A. Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to Statute or a time waiver is granted by the Applicant.
- B. Filing of Request. Request for site plan approval shall be filed with the Zoning Administrator in accordance with Section 1103.07, Subd. 1(1). An application shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the Zoning Administrator or designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.
- C. Technical Reports. The Zoning Administrator or designee shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in conducting an evaluation of the request.
- D. Additional Information. City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert assistance with the consent and at the expense of the applicant concerning operations factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections the Code. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- E. Meeting with Zoning Administrator And/Or Staff: The applicant and/or applicant representative(s) shall meet with the Zoning Administrator and/or staff as requested by the Zoning Administrator or designee in order to present information and answer questions concerning the proposed site plan.
- F. In considering applications for Site Plan Approval under this ~~Section Ordinance~~, the Zoning Administrator, ~~Planning and Zoning Commission~~, and, where applicable, the Design Review Committee ~~and City Council~~ shall consider the following:
1. How the site plan relates to conditions both on and off the site.
  2. Conformance with the Belle Plaine Comprehensive Plan.
  3. The impact of the site plan on the existing and anticipated traffic and parking conditions.
  4. Building location and height.
  5. Sanitary sewer, water, and drainage conditions, landscaping, lighting, open space, signage, setbacks, and related matters.
  6. The design guidelines as outlined in the Belle Plaine Design Manual.
  7. Provisions of this Section and other applicable Chapters of the City Code.
- (Ord. 08-06, Section 1103.07 Subd. 1, Adopted October 20, 2008.)
- G. Decision. The Zoning Administrator shall reach a decision on the request and provide written notification to the applicant. The Zoning Administrator may approve the site plan, deny site plan approval with specific conditions, or approve the site plan provided specific reasonable conditions are met.

4. Developer's/Builder's Agreement.

Prior to issuing a building permit, the Zoning Administrator may require the developer/builder to sign an agreement with the City which assures that particular elements of the Site Plan approval application, either proposed by the applicant or imposed by the City Council, shall be carried out. The City Council may require the applicant to provide a performance bond or irrevocable letter of credit to ensure that certain improvements are implemented.

5. Certification of Taxes Paid.

Prior to approving an application for a site plan review, the applicant shall provide evidence to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan review application relates.

6. Plan Agreements.

All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator.

7. Site Plan Modifications.

An amended site plan involving major changes as determined by the Zoning Administrator shall be applied for and administered as required for a new site plan.

8. Building Codes.

The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this Section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.

9. Plan Referral.

The Zoning Administrator or the site plan applicant shall have the authority to refer a site plan to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Zoning Administrator, Planning Commission, or Council shall be considered advisory only and shall not constitute a binding decision on the request.

Section 2. This Ordinance shall become effective upon publication in the official newspaper of the City.

Passed and duly adopted by the City Council of the City of Belle Plaine this \_\_\_ day of \_\_\_\_\_, 2017.

BY: \_\_\_\_\_  
Christopher G. Meyer, Mayor

ATTEST:

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Michael J. Votca, City Administrator

Published in the Herald on \_\_\_\_\_.

**BELLE PLAINE PLANNING COMMISSION  
RESOLUTION PZ-17-008**

**RECOMMENDING APPROVAL OF ORDINANCE 17-03 AN ORDINANCE REPEALING AND  
REPLACING SECTION 1103.07 OF THE CITY CODE PERTAINING TO SITE PLAN REVIEW**

WHEREAS, the Planning Commission from time to time reviews existing code standards to ensure consistency with current laws and to promote clarity and ease of use; and,

WHEREAS, the Planning Commission initiated discussion of repealing and replacing Section 1103.07 of the code to promote a streamlined development process by allowing administrative processing of site plans; and,

WHEREAS, the Planning Commission proposes to clarify when the site plan review is required and further define information potentially needed to accurately review site plans; and,

WHEREAS, the Planning Commission studied language from other City codes, consulted City Department Heads, and drafted a code revision; and,

WHEREAS, the Planning Commission conducted a public hearing on March 13, 2017 following duly published notice to accept public comment on proposed Ordinance 17-03, An Ordinance Repealing and Replacing Section 1103.07 of the City Code Pertaining to Site Plan Review; and,

WHEREAS, the Planning Commission following the public hearing discussed Ordinance 17-03.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends approval of Ordinance 17-03, An Ordinance Repealing and Replacing Section 1103.07 of the City Code Pertaining to Site Plan Review.

The adoption of the foregoing resolution was duly moved by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof: \_\_\_\_\_.

and the following voted against the same: \_\_\_\_\_.

Whereupon said resolution was declared duly passed and adopted. Dated this 13<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Nathaniel Hvidsten  
Chairperson

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Cynthia Smith Strack  
Community Development Director