

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JANUARY 9, 2017**

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

The Planning and Zoning Commission met in Regular Session on Monday, January 9, 2017 at City Hall, 218 North Meridian Street, Belle Plaine, MN. Chair Nate Hvidsten called the meeting to order at 6:30 p.m. with Commissioners Anthony Hetzel, Ashby Carter, Ashton Pankonin and Brittney Cotner present.

Alternate Catherine Tarbell was a member of the audience. Also present were Community Development Director Cynthia Smith Strack and Council Liaison Paul Chard.

**2. APPROVAL OF AGENDA.**

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

**3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of December 12, 2016.**

MOTION by Commissioner Carter, second by Commissioner Pankonin, to approve the Regular Session Minutes of December 12, 2016. ALL VOTED AYE. MOTION CARRIED.

**4. RECOGNITION OF INVOLVED CITIZENS.**

No one spoke during the public forum.

**5. BUSINESS.**

**5.1. Planning and Zoning Commission Annual Report.**

Community Development Director Smith Strack explained the Commissioners reviewed a draft annual report of Planning Commission activities at their meeting in December. The report is intended to reflect on business conducted over the past year and consider goals for 2017. After being accepted by the Commission the report will be offered to the City Council for consideration of acceptance.

Community Development Director Smith Strack led the Commissioners in review of the final draft of the Annual Report. Commissioner Hetzel volunteered to attend the City Council meeting on January 17, 2017 when the Annual Report is presented.

MOTION by Commissioner Pankonin, second by Commissioner Cotner, to approve the 2016 Annual Planning Report and recommend adoption by the City Council. ALL VOTED AYE. MOTION CARRIED.

**5.2. Discussion: Signs for Home Occupations.**

Community Development Director Smith Strack explained that at the December meeting Commissioners had general discussion regarding an inquiry from an entrepreneur starting a home-based bakery business. The entrepreneur would like to provide signage to alert customers of where the establishment is located and would ultimately like to expand into a local commercial space. At this time the City Code allows a home occupation to have one nameplate type sign not exceeding one square foot. No other signage is allowed. The entrepreneur had indicated to Staff that such a sign is difficult to find online without requiring a custom order and is requesting to have an 18" X 21.5" sign in her yard relating to the business.

At the December meeting, the Planning Commission requested additional information for the January meeting. One specific request was to verify language used in Orono. The Orono City Code as of the date

of this letter requires: *"There shall be no exterior signage or display, or interior signs or display which are visible from outside the dwelling, except that a single nameplate sign of not more than two square feet in area per surface, nor more than two surfaces, may be placed on the property. Such sign, if displayed, shall include only the name of property owner and the site address, and shall not identify the type of business."*

Community Development Director Smith Strack believes the existing standard is quite restrictive when compared to allowances in other communities. The regulations from other Scott County cities were listed as follows:

From Kyle Sobota at Shakopee: *"We don't allow signs for businesses in residential districts. Our interpretation is that a nameplate sign would be if I had a "The Sobota's" sign at my house. We don't specify that a nameplate is on a wall or freestanding, so either is permitted."*

From Laura Holey in Jordan: *"We allow a 4 sq.ft sign in our residential districts and it is described as one nameplate sign for each dwelling which shall not exceed two surfaces. Such sign may indicate the name of the occupant, address, and type of home occupation." I asked about definition of nameplate sign and if it would be interpreted as needing to be attached to the house. Laura responded "I would think it would need to be fixed to the building but I would allow a projecting sign as well, I don't think a free standing sign fits the code's intent or description."*

From Casey McCabe in Prior Lake: *"Prior Lake's home occupation signage requirements are similar to BP's. Here is what our ordinance says: Home Occupation Signs: Signs shall be permitted for the purpose of identifying a home occupation business. Said sign shall be non-illuminated, shall be limited to one sign per residential property, shall be attached to the wall of a dwelling and shall not exceed two (2) square feet." I asked about any issues with requiring sign to be attached to the building wall. Casey responded: "I am not aware of any issues with attaching to a dwelling but we also don't aggressively enforce this particular ordinance so maybe there are some freestanding signs or signs larger than allowed out there. We do not require a permit for a home occupation sign so we don't really track them. One of our goals for 2017 is to revise the home occupation section of our ordinance. It is very restrictive the way it is currently written and most home occupations probably don't comply with the current language. The main concern is that the home occupation isn't visible from the street or disrupting the neighbors but trying to write that into an ordinance can eliminate a lot of home occupations. It is a tough ordinance to write to cover all situations but what we have now isn't working well."*

From Terri Dill in Savage: *"Our sign regulations for home occupations are very similar – one non-illuminated sign not exceeding two square feet is allowed and the sign must be mounted flat against the wall of the primary structure. We also do not require a sign permit for this type of signage."*

Commissioner Hetzel suggested an allowable size of two square feet and expressed concern that a home-business would require a larger sign, thus depending on drive-by clients. Commissioner Pankonin supported a maximum size of four square feet, non-illuminated and must be attached to the residence. Commissioner Carter expressed concern for the aesthetics of the sign and suggested regulations to help monitor it. He supported a four square feet sign, non-illuminated, and attached to the residence and should be professionally printed, no hand-painted signs. Chair Hvidsten requested input from the Design Committee. Council Liaison Chard wants to prevent large, nuisance signs and referenced a home-occupation sign in the City of New Prague that he believes is unacceptable. Alternate Commissioner Tarbell suggested that reflective tape on signs be prohibited.

The Commissioners directed Community Development Director Smith Strack to proceed with the preparation of draft ordinance language that would allow a home occupation sign up to a maximum of four square feet, non-illuminated, professionally printed and attached to residence.

### **5.3. Discussion: Indoor Firing Ranges.**

Community Development Director Smith Strack explained that at the December meeting Commissioners had brief discussion regarding the possibility of allowing indoor firing ranges in certain areas under certain conditions. The Commission requested the item be placed on the January agenda for additional discussion. Indoor firing ranges and associated enabling code language are quite common in Minnesota metropolitan areas. Included with Community Development Director Smith Strack's memo were regulations from the cities of Chanhassen, Burnsville, and Robbinsdale all which have gun shops/indoor range. She explained that she helped develop language for St. Joseph City Code. The current language was streamlined from what was originally placed into effect and was developed with participation from the owner of a gun shop/range. Indoor firing ranges are allowed in the light industrial district under a conditional use permit. Also attached with Community Development Director Smith Strack's memo were language from the Jordan City Code and news media reports from various outlets regarding ranges and gun shops. Also, Community Development Director Smith Strack explained that Chief Stolee notes that indoor firing ranges and gun shops are quite common as conceal and carry permits are commonplace. He opined ranges may be more appropriate in industrial or highway commercial areas as opposed to the downtown business district.

The Commissioners reviewed the regulations and information. Chair Hvidsten questioned the regulations of minimum 1,000-foot distance requirement from a liquor establishment and requested that it be removed from the City's proposed regulations. He also said the owner of the firing range would be responsible and not allow the use of alcohol by clients. Commissioners Cotner and Hvidsten understood the need to regulate the distance from residential, education, ecclesiastical or public district. Commissioner Carter requested that this regulation be omitted. The Commissioners spoke of the commonality of indoor firing ranges, such as those at retail stores like Gander Mountain. Commissioners Carter and Pankonin commented that indoor ranges are a business, regardless of personal feelings about guns. Commissioner Pankonin was amenable to ranges in the industrial district as a permitted use and downtown as a conditional use. Community Development Director Smith Strack suggested a workshop with the City Council. Council Liaison Chard did not believe it was necessary. Chair Hvidsten concurred. Commissioner Pankonin suggested draft language be presented to the City Council at a workshop, but no joint workshop is necessary. Community Development Director Smith Strack explained that incorporation of requirements pertaining to distances between liquor establishment and educational facilities is a matter of public perception. Commissioner Pankonin recommended these regulations remain to allow for further discussion at the next meeting.

### **5.4. Discussion: 2017 Goals.**

Community Development Director Smith Strack explained that potential goals for 2017 were discussed at the December 2016 Planning Commission meeting. Discussion will continue.

#### **1. Goals Continuing from 2016:**

- a. Continue update of *Destination 2040 Belle Plaine*.
- b. Consider update of sign code to reference commercial and non-commercial speech and to remove references to specific classes of signs.
- c. Review code for housekeeping issues as they become apparent.
- d. As time allows, review code standards to determine compliance with state/federal rules.
- e. Review requests for platting, variances, rezoning, text amendment, conditional use permits, and interim use permits in a timely, consistent, and professional manner with the process prescribed by the zoning and/or subdivision code.
- f. Implement/administer the 2008 Comprehensive Plan.

#### **2. New efforts (examples only):.**

- a. *Conduct small-group interview with RMC and TLHA (at their place) to debrief on City regulatory and review process related to their project. Perhaps one EDA Member, on PC Member, and one Council Member.*
- b. *Consider allowing site plan review (especially for additions) under administrative review process versus recommendation by the PC and approval by the CC.*
- c. *Pursue policies which provide homes in Belle Plaine for workers in Shakopee.*
- d. *Consider policies encouraging industrial development and job creation: e.g. guide more areas closer to Hwy 169 to industrial planned land use, consider methods of reducing construction cost (i.e. less expensive building standards), allow for clear ceiling heights 32+ feet, review parking/loading standards, etc.*

The Commissioners reviewed the goals. Commissioners Pankonin and Hvidsten were in support of allowing site plan review under administrative review. Chair Hvidsten further commented that review of housekeeping issues can be added to the months when there is a light agenda. Commissioner Hetzel suggested there be housing tax incentives to encourage residential growth and provide housing in Belle Plaine for workers in Shakopee. Review of goals will continue at a future meeting.

#### **5.5. Discussion: Future Land Use – Commerce Drive West & Highway 169 N & E**

Community Development Director Smith Strack explained that input is requested on planned land uses for properties adjacent to Commerce Drive West and Highway 169 northeast of 169/64 interchange. Attached to Community Development Director Smith Strack's memo were maps showing current planned uses and identification of areas proposed for increased flexibility based on discussions with property owners and development prospects. Flexibility in planned uses rather than singular classifications may avoid minor comprehensive plan amendment processes for development in the future. Minor Comprehensive Plan amendments are potential impediments to development, adding 60 days or more to the project review timeline and costing over \$1,000.

Community Development Director Smith Strack noted that Belle Plaine has a large amount of multi-family zoned property, but this sector has remained flat. The Commissioners viewed the maps that showed industrial and commercial properties. She suggested a type hybrid zoning district for a mix of industrial and commercial zoning, and quasi-industrial uses such as storage. Community Development Director Smith Strack explained that flexibility in these districts would aid her when speaking with developers about potential uses. The industrial zoned land would be appropriate in areas not fronting TH169. Commissioner Hetzel commented that the City's zoning map does not align with the recent Maxfield Commercial and Industrial Study.

The Commissioners were in support of realigning the industrial and commercial areas to allow for flexibility in development as discussed with Community Development Director Smith Strack.

### **6. ADMINISTRATIVE REPORTS.**

#### **6.1. Commissioner Comments.**

Chair Hvidsten challenged each of the Commissioners to come prepared with ideas that will help create Belle Plaine as a destination.

Commissioner Pankonin suggested signage on the new Enterprise Drive bridge to identify Belle Plaine and or directional signage. He also advised that he will not be in attendance at next month's meeting.

#### **6.2. Director's Report.**

Community Development Director Smith Strack presented the Director's Report.

**6.3. Upcoming Meetings.**

- 1. Training, League of MN Cities Open Meeting Law and Data Privacy, 6:00 p.m., Monday, February 13, 2017.**
- 2. Next Regular Meeting, 7:30 p.m., Monday, February 13, 2017.**

The Commissioners were reminded of the next meeting as listed.

**7. ADJOURNMENT.**

MOTION by Commissioner Hetzel, second by Commissioner Pankonin, to adjourn at 8:03 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary