

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR SESSION  
JANUARY 11, 2016**

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

The Planning and Zoning Commission met in Regular Session on Monday, January 11, 2016 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 Ashton Pankonin, Anthony Hetzel and Ashby Carter present. Also present were Community Development Director Cynthia Smith-Strack, Council Liaison Henry Pressley and Building Official Scott McCarty. Commissioner John Shudy was not present.

**2. APPROVAL OF AGENDA.**

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

**3. APPROVAL OF MINUTES.**

**3.1. Regular Session Minutes of December 14, 2015.**

MOTION by Commissioner Hetzel, second by Commissioner Pankonin, to approve the Regular Session Minutes of December 14, 2015. ALL VOTED AYE. MOTION CARRIED.

**3.2. Joint Workshop Minutes of January 4, 2016.**

MOTION by Commissioner Hetzel, second by Commissioner Pankonin, to approve the Joint Workshop Minutes of January 4, 2016. ALL VOTED AYE. MOTION CARRIED.

**4. RECOGNITION OF INVOLVED CITIZENS.**

No one spoke during the public forum.

**5. PUBLIC HEARINGS.**

**5.1. Ordinance 16-01 Repeal/Replace 1107.23 Rental Housing.**

Community Development Director Smith Strack explained that in a 2008 Minnesota Supreme Court decision (*City of Morris v. Sax Investments*) the court ruled city rental ordinances may not supersede building code requirements as provided under Mn. Stat. 326B.121, Subd. 2. The city's official rental code includes language relating to: minimum room dimensions, kitchens, windows, ventilation, mechanical/electrical/plumbing standards, means of egress, life safety requirements, general building requirements, and exterior building requirements. Those standards are not currently enforced as they are in conflict with Mn. Stat. 326B.121. The Building Official prepared a redlined version indicating the changes and it has been forwarded to the City Attorney for review and comment. The proposed rental ordinance repeals and replaces Section 1107.23 of the Zoning Ordinance.

Building Official Scott McCarty was present and explained that there are 165 licensed structures consisting of 385 units within the City. There is an average of 52 violations per year. The revised ordinance amendment allows a mechanism for procedures with violations and appeals.

Chair Hvidsten opened the public hearing at 6:46 p.m. and asked for public comment. There was no response.

MOTION by Commissioner Hetzel, second by Commissioner Pankonin, to close the public hearing at 6:46 p.m. ALL VOTED AYE. MOTION CARRIED.

MOTION by Commissioner Pankonin, second by Commissioner Carter, to recommend adoption of Ordinance 16-01 Repeal/Replace 1107.23 Rental Housing. ALL VOTED AYE. MOTION CARRIED.

Commissioner Ashton Pankonin departed from the Commission at 6:46 p.m. to become a member of the audience.

**5.2. Resolution 16-001 Approving Conditional Use Permit for Ashton Pankonin, Residential Rental at 106 Main Street East.**

Community Development Director Smith Strack explained that Ashton Pankonin, Applicant, requests a Condition Use Permit to establish a one bedroom apartment to the rear of the storefront at 106 Main Street East. The proposed rental unit is intended to be located behind existing commercial space. The residential rental unit will comprise 27% of the total area of the building qualifying it as accessory or subordinate to the principal commercial use. Two parking stalls are available immediately south of the proposed apartment on the Applicant's property. Staff recommended approval with conditions listed in a memo dated January 11, 2016.

Chair Hvidsten opened the public hearing at 6:48 p.m. and asked for public comment.

Applicant Ashton Pankonin asked for consideration of approval of the Conditional Use Permit.

MOTION by Commissioner Hetzel, second by Commissioner Carter, to close the public hearing at 6:50 p.m. ALL VOTED AYE. MOTION CARRIED.

Chair Hvidsten commented that it appears to be a straight-forward request, noting the proposed residential unit is an accessory use to the commercial building. Council Liaison Pressley said he did not see any impediments to the request.

MOTION by Commissioner Hvidsten, second by Commissioner Hetzel, to approve Resolution 16-001 Approving Conditional Use Permit for Ashton Pankonin, Residential Rental at 106 Main Street East. ALL VOTED AYE. MOTION CARRIED.

Commissioner Pankonin returned to become a member of Commission at 6:52 p.m.

**6. BUSINESS.**

**6.1. Resolution 16-002 Recommending Approval of a Minor Subdivision for Paul Chard at 412 Elm Street North.**

Paul Chard, applicant, was present.

Community Development Director Smith Strack explained that in the summer of 2015 the Applicant received a variance to required corner lot width for the purpose of being able to split a parcel at 425 Elm Street North. Although a variance was processed/approved, staff finds no record of a minor subdivision being processed. The property split has been recorded at the County so this is an 'after the fact' review process.

Commissioner Pankonin asked if Mr. Chard was responsible for the fee associated with the Minor Subdivision. Community Development Director Smith Strack explained that Staff is reviewing this issue.

MOTION by Commissioner Carter, second by Commissioner Pankonin, to approve Resolution 16-002 Recommending Approval of a Minor Subdivision for Paul Chard at 412 Elm Street North. ALL VOTED AYE. MOTION CARRIED.

## **6.2. Resolution 16-003, Recommending Approval of Concept Plan for Ridgeview Medical Center – 165 Commerce Drive West.**

Present were John Prondzinski and Sara Aulizia, Ridgeview Medical; Maime Wiebsuch and Jim Schmitt, The Lutheran Home Association; and Basem Hammami, RSP Architects.

Community Development Director Smith Strack explained that Ridgeview Medical Center proposes a mixed use development at 165 Commerce Drive West. Phase I of the project includes a 12,500 square foot medical clinic, a 9,500 square foot fitness/wellness center, and a 55 unit senior care center (25 senior apartments and 30 assisted living/memory care units). Phase II could include vertical expansion of the clinic and the addition of a pharmacy. The project is being processed as a planned unit development (PUD) concurrent with platting. The initial PUD review phase is concept plan. The net acreage to be developed is seven (7) acres. The calculation excludes a proposed outlot and has been rounded to the nearest whole number. Proposed residential density is 7.9 dwelling units/acre consistent with guidelines for medium to high density residential development contained in the Comprehensive Plan (8 du/ac). Proposed commercial intensity under maximum proposed build-out scenario is .11 sf of commercial for each sf of net lot area, a minimal intensity. A business subsidy hearing is required prior to closing on the property due to write down of land cost by City. Fee in lieu of parkland dedication is proposed. Comments contained in the City Engineer's project memo dated December 29, 2015 were included with Community Development Director Smith Strack's memo, along with the overall conceptual entitlements for the PUD that included planned use, base zone, residential density, commercial intensity, residential uses, commercial space, financing, open space and park dedication, and performance standards. A PowerPoint presentation was provided.

John Prondzinski and Basem Hammami provided an overview of the concept plan and explained the overall intent of the campus is to provide a cohesive feel for the public and residents. Footings are planned to allow an expansion of an additional two stories to the medical clinic and the site accommodates future parking needs. There will be underground parking for the residential units. A drive-through pharmacy and therapeutic pool are also planned.

Commissioner Hetzel inquired about traffic noise from Highway 169. Mr. Hammami explained that landscaping will help alleviate the unwanted sounds. Commissioner Carter inquired about building materials and the storm water pond. Mr. Hammami explained the construction project will meet or exceed the City's design standards. Mr. Prondzinski commented the pond will most likely be a dry pond, but details are not complete at this point. Commissioner Pankonin inquired about the land lease. Mr. Prondzinski explained that details between Ridgeview and The Lutheran Home Association are still being worked out, but generally it will be a long-term footprint lease. The maximum residential density of site was discussed and the Commissioners asked Mr. Prondzinski's opinion of the proposed density of eight dwelling units for acre. Mr. Prondzinski believed it was sufficient, but it did not allow for any expansion. Community Development Director Smith Strack commented that increasing the maximum density to nine units would be appropriate. In further discussions, the Commissioner arrived at a density of 10 units.

Community Development Director Smith Strack explained that it is anticipated that a public hearing associated with the Ridgeview project will be held in March for the business subsidy for the write-down of the cost of the land, rezone, PUD, platting and Comprehensive Plan amendment.

MOTION by Commissioner Pankonin, second by Commissioner Hvidsten, to approve Resolution 16-003, Recommending Approval of Concept Plan for Ridgeview Medical Center – 165 Commerce Drive West, with the PUD entitlements as presented with the exception of placing the maximum residential density at ten (10) units per acre. ALL VOTED AYE. MOTION CARRIED.

## **6.3 Organizational Health Check-Up Follow Up (Comprehensive Plan Map Review).**

Due to time constraints, it was the consensus of the Commission to place this topic on next month's agenda.

#### **6.4. 2016 Organizational Goals.**

Discussion on the 2016 organizational goals of the Planning Commission will be added to next month's agenda.

#### **7. ADMINISTRATIVE REPORTS.**

##### **7.1. Commissioner Comments.**

Commissioner Carter inquired as to the tax impact of the proposed Ridgeview Medical and Lutheran Home project and inquired if a copy of the lease agreement between the entities is available for viewing. Community Development Director Smith Strack reported that the land, wellness center, clinic and housing component are subject to property taxes. She will ask for a copy of the lease agreement.

##### **7.2. Director's Report.**

Community Development Director Smith Strack and Commissioners reviewed the Director's Report, taking particular interest in the Scott County CDA grant programs. Commissioner Pankonin commented the tree line along Highway 169 appears to be blocking the signage of McDonalds and Coborns.

##### **7.3. Upcoming Meetings.**

- 1. Next Regular Meeting**, 6:30 p.m., Monday, February 8, 2016.

The Commissioners were reminded of the next meeting as listed.

#### **8. ADJOURNMENT.**

MOTION by Commissioner Pankonin, second by Commissioner Hetzel, to adjourn at 8:05 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary