

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
FEBRUARY 13, 2017**

**JOINT TRAINING SESSION – OPEN MEETING LAW
League of Minnesota Cities – Quinn O’Reilly**

The Joint Workshop with the Belle Plaine City Council, Planning Commission, Economic Development Authority, Design Committee and Park Board was held at 6:30 p.m. on Monday, February 13, 2017. Mr. Quinn O’Reilly, Staff Attorney with the League of Minnesota Cities, provided a PowerPoint presentation on Data Privacy and the Open Meeting Law.

Present were Mayor Chris Meyer and Councilmembers Cary Coop and Paul Chard, Nathan Shutes, Dick Coleman, Ryan Herrmann, Rick Krant, Liann Hanson, Crystal Doyle, Catherine Tarbell, Tony Hetzel, Ashby Carter, Nate Hvidsten and Community Development Director Cynthia Smith Strack.

Mr. O’Reilly provided an overview of the Data Practices Act, which regulates collection, creation, storage, maintenance, dissemination and access to government data. This includes all storage media. The presentation provided detailed information on data associated with individuals, businesses/corporations, and decedents. Typically, a government entity assigns a person as a Compliance Official regarding Data Privacy regulations and Finance Director Dawn Meyer serves in that capacity for the City of Belle Plaine.

Following the Data Privacy module was the Open Meeting Law. The purpose of this law prohibits secret meetings and protects the public’s right to be fully informed, detect improper influence and present its views.

The joint meeting was adjourned at 7:27 p.m.

REGULAR MEETING OF THE PLANNING COMMISSION

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, February 13, 2017 at City Hall, 218 North Meridian Street, Belle Plaine, MN. Chair Nate Hvidsten called the meeting to order at 7:30 p.m. with Commissioners Anthony Hetzel, Catherine Tarbell and Ashby Carter present. Commissioners Ashton Pankonin and Brittney Cotner were not present. Also present were Community Development Director Cynthia Smith Strack and Council Liaison Paul Chard.

2. APPROVAL OF AGENDA.

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

ELECTION OF OFFICERS.

- 1. Chair**
- 2. Vice Chair**
- 3. Secretary**

Chair Hvidsten turned the gavel over to Vice Chair Hetzel who presided for the election of Chair. Vice Chair Hetzel called for nominations for Chair.

Vice Chair Hetzel called to nominations for Chair.

MOTION by Commissioner Carter, second by Commissioner Tarbell, to nominate Nate Hvidsten as Chair, Anthony Hetzel as Vice Chair, and Ashton Pankonin as Secretary, to close the nominations and cast a unanimous vote. Commissioner Hvidsten ABSTAINED. ALL OTHERS VOTED AYE. MOTION CARRIED.

Chair Hvidsten presided for the remainder of the meeting.

3. APPROVAL OF MINUTES.

3.1. Regular Session Minutes of January 9, 2017.

MOTION by Commissioner Hetzel, second by Commissioner Carter, to approve the Regular Session Minutes of January 9, 2017. ALL VOTED AYE. MOTION CARRIED.

4. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the open forum.

5. PUBLIC HEARINGS.

5.1. Sign Variance. The Planning Commission will consider public comment on a request by Ridgeview Medical Center for signage variances at Ridgeview Health Campus, 165 Commerce Drive West. The applicant proposes two monuments signs of 200 square feet each and on-site directional signs that are six square feet in area rather than the four square feet allowed under 1170.20, Subd. 11(H). The variances are part of a unified sign plan submitted to the City.

Present were John Prondzinski, Vice President of Ridgeview Medical, and Bob Ackerwold of Sign Source.

Community Development Director Smith Strack explained the variance requests by Ridgeview Medical Center at Ridgeview Health Campus, 165 Commerce Drive West, include an increase in maximum square footage of two freestanding monument signs facing non-principal arterial roadways (Meridian Street South & Commerce Drive West) from 150 square feet to 200 square feet; and an increase maximum size (six sf proposed) and height (five feet proposed) of internal directional signs from four square feet and four feet respectively.

The request relates to Ridgeview Health Campus mixed use Planned Unit Development addressed at 125, 145, and 165 Commerce Drive West. The sign variance request has been submitted by Ridgeview Medical Center as fee owner of the real property contained within the PUD.

Chair Hvidsten opened the public hearing at 7:39 p.m. and asked for public comment. No one spoke.

MOTION by Commissioner Hetzel, second by Commissioner Tarbell, to close the public hearing at 7:40 p.m. ALL VOTED AYE. MOTION CARRIED.

Chair Hvidsten questioned the need for a message center. Mr. Prondzinski explained the intent of the monument sign is to feature each tenant and the message center was shown only as a possible option to fill any unused space on the sign. Commissioner Hetzel commented on regulations pertaining to message signs, such as lighting intensity and duration. Commissioner Tarbell believes the idea of displaying community events on the message center has merit. She also commented on the BP Commons sign and Cambria in relation to the proposed Ridgeview signage. Commissioner Carter commented that he understands the request of the variance due to the large scale size of the development. Commissioner Hetzel was in favor of the proposed signage and said it will enhance the development site because of the quality and aesthetics of the sign plus the value of the directional signage. Chair Hvidsten continued to stress the importance of vetting the purpose of the variance and believes that a message center does not support approval of a variance. Mr. Prondzinski again responded that it is essential the Commission understand the sign is for the purpose of identifying the tenants. The message board will serve only as a filler in the event there is unused space on the sign. Chair Hvidsten said he understood the need for the size of the sign due to the relative size of the

campus. Commissioner Carter concurred, stating the size and mass of the development justify the sign variance. Council Liaison Chard suggested the Commission review sign regulations and requested that Staff provide sample ordinances for signage pertaining to a multi-tenant complex.

1. Resolution PZ 17-001, Recommending Approval of Sign Variances for Ridgeview Health Campus at 165 Commerce Drive West.

MOTION by Commissioner Hetzel, second by Commissioner Carter, to approve Resolution PZ 17-001, Recommending Approval of Sign Variances for Ridgeview Health Campus at 165 Commerce Drive West. ALL VOTED AYE. MOTION CARRIED.

5.2. Ordinance 17-01, Home Occupation Signage. The Planning Commission will hear public comment on proposed Ordinance 17-01, which, if approved, will amend Section 1107.16, Subd. 3(1)(G), Home Occupation Requirements, of the City Code. The proposed amendment would allow one (1) four (4) square foot nameplate sign relating to the home occupation provided it was non-illuminated and affixed to the dwelling wall. The current Code standard is one (1), one (1) square foot nameplate sign.

Community Development Director Smith Strack explained the Planning Commission previously discussed a standard contained in the city code relating to signs for home occupations. At this time the Code allows one, one square foot sign for a home occupation and the sign must be affixed to the dwelling unit wall. The Planning Commission reviewed sample code language from other cities in Scott County and developed language included in Ordinance 17-02 which proposes to expand the sign allowable home occupation sign size from one square foot to four square feet. The Commission also recommends adding language requiring signs to be comprised of high quality durable materials. Home occupation signs will still be limited to one in number and be required to be affixed to the dwelling.

Chair Hvidsten opened the public hearing at 8:13 p.m. and asked for public comment. There was no response.

MOTION by Commissioner Hetzel, second by Commissioner Tarbell, to close the public hearing at 8:14 p.m. ALL VOTED AYE. MOTION CARRIED.

1. Resolution PZ -17-002, Recommending Approval of Ordinance 17-01 Pertaining to Home Occupation Signage.

MOTION by Commissioner Carter, second by Commissioner Tarbell, to approve Resolution PZ -17-002, Recommending Approval of Ordinance 17-01 Pertaining to Home Occupation Signage. ALL VOTED AYE. MOTION CARRIED.

6. BUSINESS.

6.1. Draft Language Ordinance 17-02 Pertaining to Indoor Gun Ranges.

Community Development Director Smith Strack explained that at the January meeting the Planning Commission discussed indoor firing ranges as potential uses of property within the City. The Commission reviewed sample ordinances and procedures from several communities and directed staff to draft language for consideration. Attached with Community Development Director Smith Strack's memo was a draft ordinance relating to indoor firing ranges.

Chair Hvidsten commented the proposed language would not allow an indoor firing range on the 300 block of South Meridian Street. Community Development Director Smith Strack explained that "alleys" would need to be added to Section 1103.08, Subd. 5 (B) 9, a. to accommodate Chair Hvidsten's comment. Commissioner Carter stated the building located on the 300 block of South Meridian Street appears to be an ideal location for an indoor firing range. Chair Hvidsten said he was opposed to

regulations that state the indoor range shall not be located with 1,000 lineal feet of a liquor establishment. Commissioners Carter and Tarbell concurred with Chair Hvidsten. Commissioner Hetzel questioned how a business owner can enforce the transport of firearms to and from the premises. Chair Hvidsten concurred, further stating that a business owner cannot be held responsible for the transport. The Commissioners discussed the percentage of retail sales allowed in commercial and industrial zoned districts. Commissioner Tarbell suggested that the word "exterior" be added to Section 1103.08, Subd. 5 (B) 9, m, pertaining the sound proofing. Commissioner Carter explained there are ordinances in place for sound and noise regulations.

MOTION by Commissioner Hvidsten, second by Commissioner Tarbell, to direct Staff to proceed with calling for a public hearing for the March 13, 2017 Commission meeting on proposed Ordinance 17-02 pertaining to indoor gun range regulations. ALL VOTED AYE. MOTION CARRIED.

6.2. Draft Language Ordinance 17-03 Pertaining to Administrative Review of Site Plan.

Community Development Director Smith Strack explained that at the January meeting the Planning Commission finalized goals for 2017. One of the goals is to consider allowing site plan review for multiple family, commercial, and industrial projects through an administrative process. At this time code requires the Planning Commission review all non-single family residential site plans, regardless of project size or complexity. From a code administration standpoint, the City has very little, if any, discretion in review and approval of site plans. The plans presented either meet code requirements or don't. If plans are consistent with code the plans must be approved. If plans are not consistent with code they can either be revised to meet code or a variance can be requested which, of course, requires a public hearing. As a means of streamlining the development process staff recommends site plan approval be subject to an administrative rather than public review, with the caveat that staff may refer projects to the Commission and Council. Attached with Community Development Director Smith Strack's memo was a draft ordinance 17-03 for review and discussion.

Chair Hvidsten commented that he supports the efficiency proposed Ordinance 17-03 provides.

MOTION by Commissioner Hvidsten, second by Commissioner Carter, direct Staff to proceed with calling for a public hearing for the March 13, 2017 Commission meeting on proposed Ordinance 17-03 pertaining to administrative review of site plan regulations. ALL VOTED AYE. MOTION CARRIED.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Chair Hvidsten reminded the Commissioners that public meetings are recorded.

7.2. Director's Report.

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

7.3. Upcoming Meetings.

1. Next Regular Meeting, 6:30 p.m., Monday, March 13, 2017.

The Commissioners were reminded of the upcoming meeting as listed.

7. ADJOURNMENT.

MOTION by Commissioner Hetzel, second by Commissioner Tarbell, to adjourn the meeting at 8:51 p.m.
ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary