

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
March 12, 2018**

**PLEDGE OF ALLEGIANCE.**

Chair Carter led those present in the Pledge of Allegiance.

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

The Planning and Zoning Commission met in Regular Session on Monday, March 12, 2018 at City Hall, 218 North Meridian Street, Belle Plaine, MN. Chair Ashby Carter called the meeting to order at 6:34 pm with Commissioners Omni Kiecker, Ashton Pankonin, Ashley Cauley, and Ryan Herrmann present.

Also present were Community Development Director Smith Strack and Council Liaison Chard. Also present in the audience were Gary Crosby and Blaine Waters.

**2. OATH OF OFFICE**

1. Ryan Herrmann

Commissioner Herrmann read the Oath of Office.

**3. APPROVAL OF AGENDA.**

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

**4. APPROVAL OF MINUTES. 4.1. Regular Session Minutes of February 12, 2018.**

MOTION by Commissioner Pankonin, second by Commissioner Kiecker, to approve the Regular Session Minutes of February 12, 2018. ALL VOTED AYE. MOTION CARRIED.

**5. RECOGNITION OF INVOLVED CITIZENS.**

No one stepped forward.

**6. PUBLIC HEARINGS.**

- 6.1. Preliminary Plat: Provence On The River 2<sup>nd</sup> Addition. The Planning Commission will consider public comment on a request by Provence Development LLC for Preliminary Plat approval for Provence On The River 2<sup>nd</sup> Addition. The preliminary plat illustrates the creation of 38 new single family lots for Outlot E of Provence on the River 2<sup>nd</sup> Addition.**

Community Development Director Smith Strack stated the Planning Commission was to hold a public hearing and make a recommendation to the Council pertaining to a preliminary plat for Provence on the River 2<sup>nd</sup> Addition. *Provence Development LLC* proposes the creation of 38 platted lots and replatting of one lot from Provence 1<sup>st</sup>. The Applicant intends to pursue preliminary and final platting, park dedication, and initial grading for the entire 24-acre parcel; however, utilities will be extended in two phases. Smith Strack noted that as of the meeting no public comment for or against the preliminary plat had been received. Smith Strack noted the following were included in the packet preliminary plat, preliminary plat with existing utilities, and preliminary utility civil plans (three sheets).

Chair Carter opened the public hearing at 6:44 p.m. and asked for public comment. No public comments for or against the proposed preliminary plat were received.

MOTION by Commissioner Pankonin, second by Commissioner Cauley, to close the public hearing at 6:45 p.m. ALL VOTED AYE. MOTION CARRIED.

**1. Resolution PZ 18-004, Recommending Conditional Approval of a Preliminary Plat for Provence On The River 2<sup>nd</sup> Addition.**

Commissioner Kiecker requested clarity from Smith Strack on the covenants being similar but not the same. Community Development Director Smith Strack explained one of the conditions of approval proposed was to require covenants for Provence on the River 2<sup>nd</sup> Addition address bluff preservation and tree preservation. Smith Strack alluded to the potential to require signs notifying property owners that clear cutting bluff land is not allowed. Kiecker asked the Developer's representative whether or not he had any objections to proposed conditions. Blaine Waters of Provence Development LLC stated they have no objections.

MOTION by Commissioner Pankonin, second by Commissioner Carter, to approve Resolution PZ 18-004, Recommending Conditional Approval of a Preliminary Plat for Provence on the River 2<sup>nd</sup> Addition. ALL VOTED AYE. MOTION CARRIED.

**6.2. Preliminary and Final Plat: Valley Business Park 3<sup>rd</sup> Addition. The Planning Commission will consider public comment on a request by the City of Belle Plaine for Preliminary Plat and Final Plat approval for Valley Business Park 3<sup>rd</sup> Addition a resubdivision of previously platted property near South Street, Laredo Street, Maple Street, and Diversified Drive.**

Community Development Director Smith Strack explained the Commission is to hold a public hearing on a preliminary plat and make a recommendation to the City Council pertaining to approval of preliminary and final plats for Valley Business Park 3<sup>rd</sup> Addition. The subject property is City owned. Smith Strack stated that she has received no public comment for or against the preliminary plat. Smith Strack explained Valley Business Park 3<sup>rd</sup> Addition is a resubdivision of previously platted lots and improved lots. Staff initiated replatting as a means of accommodating the sale of a portion of Lot 1, Block 1 Valley Business Park 2<sup>nd</sup> Addition to a development prospect. Platting of right-of-way for the extension of Maple Street involves a portion of Lot 2, Block 1 of VBP 2<sup>nd</sup> Addition. As such replatting of Lot 2 is illustrated in the preliminary and final plats, a slight change from the concept previously approved.

Chair Carter opened the public hearing at 6:52 p.m. and asked for public comment. No public comments for or against the proposed preliminary plat were received.

MOTION by Commissioner Kiecker, second by Commissioner Pankonin, to close the public hearing at 6:52 p.m. ALL VOTED AYE. MOTION CARRIED.

**1. Resolution PZ 18-005, Recommending Conditional Approval of Preliminary and Final Plats for Valley Business Park 3<sup>rd</sup> Addition.**

MOTION by Commissioner Pankonin, second by Commissioner Cauley, to approve Resolution PZ 18-005, Recommending Conditional Approval of Preliminary and Final Plats for Valley Business Park 3<sup>rd</sup> Addition. ALL VOTED AYE. MOTION CARRIED.

**6.3. Ordinance 18-03, Outdoor Storage. The Planning Commission will hear public comment on proposed Ordinance 18-03, An Ordinance Amending Section 1107.08 of the City Code Pertaining to Outside Storage. If approved, Ordinance 18-03 will clarify what types of items may be stored outside, the volume of said items, and standards for parking areas used for outside storage.**

Community Development Director Smith Strack explained the Planning Commission has reviewed and discussed potential language to clarify existing code standards pertaining to outdoor storage and parking. Included in the packet Ordinance 18-03, An Ordinance Amending Section 1107.08 of the City Code Pertaining to Outside Storage. The draft code amendment clarifies what types of items may be stored

outdoors, the volume of said items, and standards for parking areas. Smith Strack explained at the February meeting the Commission called for the public hearing on the draft amendment. Notice of the hearing has been posted and published. The draft Ordinance has been posted online at least ten days prior to the hearing. Smith Strack explained as of the meeting no comments for or against the proposed ordinance have been received.

Chair Carter opened the public hearing at 6:55 p.m. and asked for public comment. No public comments for or against the proposed ordinance were received.

MOTION by Commissioner Kiecker, second by Commissioner Carter, to close the public hearing at 6:55 p.m. ALL VOTED AYE. MOTION CARRIED.

**1. Resolution PZ -18-006, Recommending Approval of Ordinance 18-03.**

MOTION by Commissioner Kiecker, second by Commissioner Carter, to approve Resolution PZ 18-006, Recommending Approval of Ordinance 18-03. ALL VOTED AYE. MOTION CARRIED.

**6.4. Ordinance 18-04, Off-Street Parking. The Planning Commission is to hear public comment on proposed Ordinance 18-04, An Ordinance Amending Section 1107.12, Subd. (4)(6); Section 1107.12, Subd. 4(8)(E), and Section 1107.12, Subd. 4(8)(G) of the City Code Pertaining to Off-Street Parking. The draft code amendment clarifies where vehicles may be parked and associated surfaces for parking.**

Community Development Director Smith Strack explained the Planning Commission has reviewed and discussed potential language to clarify existing code standards pertaining to outdoor storage and parking. Included in the planning packet is Ordinance 18-04, An Ordinance Amending Section 1107.12, Subd. (4)(6); Section 1107.12, Subd. 4(8)(E), and Section 1107.12, Subd. 4(8)(G) of the City Code Pertaining to Off-Street Parking. The draft code amendment clarifies where vehicles may be parked and associated surfaces for parking. Smith Strack explained at the February meeting the Commission called for public hearing on the draft amendment. Notice of the hearing has been posted and published. The draft Ordinance has been posted online at least ten days prior to the hearing. As of this meeting no comments for or against the proposed ordinance have been received.

Chair Carter opened the public hearing at 6:58 p.m. and asked for public comment. No public comments for or against the proposed ordinance were received.

MOTION by Commissioner Pankonin, second by Commissioner Cauley, to close the public hearing at 6:58 p.m. ALL VOTED AYE. MOTION CARRIED.

**1. Resolution PZ -18-007, Recommending Approval of Ordinance 18-04.**

Commissioner Kiecker acknowledged staffs work on cleaning up the code language.

MOTION by Commissioner Kiecker, second by Commissioner Herrmann, to approve Resolution PZ 18-007, Recommending Approval of Ordinance 18-04. ALL VOTED AYE. MOTION CARRIED.

**6.5. Ordinance 18-05, Roofing Materials in the Central Business District. The Planning Commission is to hear public comment on proposed Ordinance 18-05, An Ordinance Amending Section 1107.22, Subd. (3)(2) of the City Code Pertaining to the Character of Roofing Materials in the Central Business District. If approved the code amendment will prioritize retaining and preserving original roofing materials in the Central Business District.**

Community Development Director Smith Strack explained the Design Committee was asked to comment on the installation of a metal roofing product in the Central Business District pursuant to community

character code standards and the Belle Plaine Design Manual. The Design Committee finds merit in the ability to review/comment on potential changes in roofing material in the Central Business District. The Design Committee has studied the issue and finds language to promote replacement roofing materials that are consistent with initial design and material construct are appropriate. Smith Strack explained the Design Committee recommends updating standards contained in Section 1107.22, Subd. (3)(2) to promote material integrity and consistency in roofing in the CBD. Ordinance 18-05 An Ordinance Amending Section 1107.22, Subd. (3)(2) of the City Code Pertaining to the Character of Roofing Materials in the Central Business District, if approved, would simply require every effort shall be made to retain and preserve original roofing materials in the Central Business District. Original roof character shall be maintained by matching the original roof pitch, form, size, scale, shape, patterns, texture, and color. Smith Strack explained notice of a public hearing has been posted and published. The draft Ordinance has been posted online at least ten days prior to the hearing and as of the meeting no comments for or against the proposed ordinance had been received.

Commissioner Carter clarified the purpose of Ordinance 18-05 is to codify what is already recommended. Community Development Director Smith Strack confirmed Carters clarification and further explained the updated ordinance will allow the Design Committee the ability to view roofing material when roofing permits filed. Commissioner Pankonin expressed his concern on his view of the language being very restrictive, questioning if he had a white roof would he have to re-roof a white roof. Smith Strack concurred the roofing material currently in the downtown would be considered the starting point and explained the intent of the Design Committee was to be more general. Commissioner Herrmann questioned if the ordinance allows for upgrades. Herrmann noted over the years there has been a lot of advancement in roofing materials. Smith Strack explained improvement is in the eye of the beholder and the Design Committee's goal is to maintain historic integrity, explaining if the property owners goal is to make it look similar and also improve it is something the Committee could review. Smith Strack explained at this time there is not a standard in the code. Carter clarified the ordinance wouldn't preclude a metal roof it would just allow it to look similar to what it replaced. Smith Strack confirmed Carter's clarification. Commissioner Cauley questioned if the ordinance would prevent property owners from having a green roof if intended. Smith Strack explained she has had numerous conversations with owners looking into rooftop patios, explaining most of the time patios and green space cannot be viewed from street level. Cauley clarified the intent of the ordinance is only from street level view and questioned if the Design Committee was requesting to review every roofing change or reviews would be handled administratively. Smith Strack concurred street level view was of primary importance and noted most requests would be handled administratively. Cauley opined the language is too restrictive stating if the intent is only from street level this language doesn't say that. Herrmann and Pankonin mirrored Cauley's statement. Commissioner Kiecker questioned if adding better descriptive language would enhance the ordinance. Smith Strack explained options to bring suggested descriptive language back to the Design Committee for comment before bringing back to planning and zoning for recommendation. Committee members discussed possible language changes for ordinance 18-05 to make it less restrictive.

Chair Carter opened the public hearing at 7:23 p.m. and asked for public comment.

Gary Crosby of Belle Plaine commented on ordinance 18-05 stating he read the proposed ordinance change in the newspaper and believes it's too restrictive. Crosby opined smarter more efficient ways of roofing have been developed since the original town site was developed. Crosby opined property owners have a difficult time paying to fix their roofs and he believes this ordinance would only add to that.

MOTION by Commissioner Cauley, second by Commissioner Pankonin, to close the public hearing at 7:25 p.m. ALL VOTED AYE. MOTION CARRIED.

**1. Resolution PZ -18-008, Recommending Approval of Ordinance 18-05.**

Commissioner Cauley reiterated her opinion that the language is too restrictive and if tabled it would allow staff time for better direction. Cauley believes in general restricting of roofing material should not be in City Code but rather in the City's design manual. Commissioner Pankonin agreed he believes Ordinance

18-05 is too restrictive but would support inserting it in the Design Manual but does not believe business owners should be restricted this much on rooftop improvements.

Commissioner Carter questioned if making an acceptance for view from the alleys and not restrict look but rather materials only, would help loosen the language. Carter explained he agrees with the intent of the ordinance of having a similar appearance while not requiring original materials and he supports some attempt in code to have the overall look of the downtown consistent. Commissioner Herrmann questioned if there was already an ordinance in place that addresses the front of buildings in the Downtown and asked if the City has received complaints on roofing. Smith Strack explained not roofing just façade, also explaining staff has not received any complaints just a question on code. Smith Strack requested direction from the Planning Commission on what language they would like to see in the code or a recommendation of denial.

Commissioner Pankonin stated his view of no need for code language on only a question being asked and no actual complaints, explaining he would agree with a denial and no further action from the Design Committee. Cauley agreed explaining she views such language should be in the design manual and not in code.

MOTION by Commissioner Carter, second by Commissioner Pankonin, to DENY Resolution PZ 18-008, Recommending Denial of Ordinance 18-05. ALL VOTED AYE. MOTION CARRIED.

## **7. BUSINESS.**

### **7.1. Resolution 18-009: A Resolution Approving a Concept Plan for Milton Heights A Residential Planned Unit Development With Concurrent Subdivision. Gary and Lynn Crosby propose development of Milton Heights consisting of 26 attached single family units on 8.86 acres abutting Elk Street South.**

Community Development Director Smith Strack explained Gary and Lynn Crosby propose development of *Milton Heights* consisting of 26 attached single family units on 8.86 acres abutting Elk Street South. Smith Strack explained the proposed concept plan is 26 two-family structures with common walls/lot lines and 52 one family lots.

Council Liaison Chard opined the intersection with Elk Street South should be reexamined. Community Development Director Smith Strack explained she spoke with City Engineer Duncan who has a potential remedy which would be addressed at preplat and could consist of a potential mini roundabout. She noted she would defer to the engineer with any questions on the possible road configurations.

MOTION by Commissioner Carter, second by Commissioner Pankonin, to approve Resolution PZ 18-009, A Resolution Approving a Concept Plan for Milton Heights A Residential Planned Unit Development With Concurrent Subdivision. Gary and Lynn Crosby propose development of Milton Heights consisting of 26 attached single family units on 8.86 acres abutting Elk Street South. ALL VOTED AYE. MOTION CARRIED.

### **7.2. Discussion: Natural Landscapes.**

Community Development Smith Strack explained staff is seeking input regarding natural landscapes as they relate to sustainability efforts and nuisance standards. In January the Commission agreed to be the lead agent in promoting sustainability, stewardship, and livability efforts locally. In February the Commission reviewed a draft nuisance code update. A portion of the nuisance update addresses long grass and weed control but provides an exception for native landscapes providing a permit is issued.

Smith Strack explained staff would like the following items specifically addressed: whether or not the Commission is supportive of allowing native landscapes as a right rather than by permit; whether or not their certain operational parameters of performance thresholds that should apply if native landscapes are allowed as a right; whether or not there is interest in moving beyond allowing native landscapes to *encouraging* native landscapes including pollinator friendly habitats. If there is support for encouraging native landscapes, at what level of participation and what is timing

Discussion was held on natural landscapes benefits and the potential challenges to allowing natural landscapes in the City. Commissioner Pankonin voiced support for requiring a setback from side yards. Commissioner Cauley voiced support for allowing natural landscapes to property lines and placing the responsibility for maintenance of setbacks on property owners. Commissioner Carter is concerned about the natural landscape being intrusive.

Community Development Director Smith Strack noted the potential benefits of natural landscaping go beyond storm water benefits and also include pollinator friendly habitat, wildlife corridors, natural cooling, and aesthetic benefits. She noted the City enforces non-encroachment of drainage and utility easements by permit. Commissioner Herrmann opined employing descriptive language could address any potential issues. Commissioner Kiecker supported a permit process as a mechanism to regulate and show intent of property owners to truly understand natural landscaping. Kiecker opined staff would be more Commissioner Carter recommended the Commission have time to learn more about the issue. He suggested having a representative from Minnesota Valley Landscape or the Arboretum address the Commission. Carter explained he would prefer someone who is an expert on the subject to provide guidance on the look, character, and nature of a natural landscape.

## **8. ADMINISTRATIVE REPORTS.**

### **8.1. Commissioner Comments.**

There were no comments.

### **8.2. Director's Report.**

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

### **8.3. Upcoming Meetings.**

#### **1. Next Regular Meeting, 6:30 p.m., Monday April 9, 2018.**

The Commissioners were reminded of the upcoming meetings as listed.

## **9. ADJOURNMENT.**

MOTION by Commissioner Pankonin, second by Commissioner Cauley, to adjourn the meeting at 8:07 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich  
Recording Secretary