

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JUNE 7, 2016**

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

The Planning and Zoning Commission met in Regular Session on Tuesday, June 7, 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, Ashby Carter, Anthony Hetzel and Brittney Cotner present. Also present were Council Liaison Henry Pressley and Community Development Director Cynthia Smith Strack.

**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 May 9, 2016.**

MOTION by Commissioner Pankonin, second by Commissioner Hetzel, to approve the Regular Session Minutes of May 9, 2016 as presented. ALL VOTED AYE. MOTION CARRIED.

**4. RECOGNITION OF INVOLVED CITIZENS.**

No one spoke during the public forum.

**5. PUBLIC HEARINGS.**

**5.1. Variance Request. The Planning and Zoning Commission will consider public comment on a request by Kenneth and Kay Inglett, 840 Court Street East, Belle Plaine, MN for variance consideration. The Applicants are seeking a variance from Code Section 1107.12, Subd. 5(2)(1)(C) regarding driveway surfacing and Code Section 1107.12, Subd 5(2)(B)(1)(d) regarding minimum lot width to qualify for a second driveway for access to an existing accessory structure.**

Community Development Director Smith Strack explained that Kenneth and Kay Inglett have requested two variances for a second driveway at 840 East Court Street. First, a variance from Section 1107.12, Subd. 5(2)(B)(1)(d), to reduce the minimum front yard width for a second driveway from 125' to 112 feet. Also, a variance to Section 1107.12, Subd. 5(2)(1)(c) relating to driveway surfacing.

Chair Hvidsten opened the public hearing at 6:38 p.m. and asked for public comment.

Ken Inglett, applicant, asked for approval of the variances. He explained that an existing detached accessory structure exists in the north east corner of the lot. The structure had been accessed from the edge of bituminous surfacing on Court Street which did not extend fully to the east Court Street right-of-way terminus. The 2016 Street Improvement Project included extension of the east Court Street right-of-way fully to the east terminus. Without a second driveway the detached structure cannot be accessed by the property owner. The detached structure is seldom accessed from the street. The property owner has no plans to install a driveway, just a curb cut with travel across the lawn to access the structure. Mr. Inglett explained that a hard surface driveway would be too expensive.

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

Commissioner Cotner was opposed to allowing vehicles to park on grass due to potential groundwater contamination. Commissioner Hvidsten suggested the applicant utilize the existing driveway to access the storage shed. Mr. Inglett explained there are trees on the property that prohibit access. Commissioner Pankonin commented that Mr. Inglett had a second curb cut but was eliminated during the recent street improvement project. Chair Hvidsten expressed concern for setting a precedent. Although Commissioner Hetzel sympathized with the applicant, he concurred with Chair Hvidsten's comment.

**1. Resolution PZ 16-010 Variance Request for Driveway Surfacing and Second Driveway at 840 East Court Street.**

MOTION by Commissioner Hetzel, second by Commissioner Cotner, to approve Resolution PZ 16-010 Denying a Variance Request for Driveway Surfacing and Second Driveway at 840 East Court Street. Councilmember Pankonin VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

**5.2 Conditional Use Permit. The Planning and Zoning Commission will consider public comment on a conditional use permit application submitted by Chris Wyman for the property at 405 Enterprise Drive. The conditional use permit, if approved, would allow the operation of a used automobile dealership, ancillary auto repair, and ancillary U-Haul rental as provided by Code Section 1105.10, Subd. 4, (3) conditional uses in the B-2 Highway Business District.**

Community Development Director Smith Strack explained that Chris Wyman, d.b.a. Belle Plaine Motor Company, LLC proposes used auto sales, auto repair, and rental of U-haul trucks/trailers at 405 Enterprise Drive. Section 1105.10, Subd. 4(3) allows "motor vehicle fuel sales, truck stop or auto repair, including minor and tire and battery stores" and Section 1105.10, Subd. 4(5) allows "open or outdoor service, sale and rental other than those specified as a principal use".

The applicant proposes to sell used personal automobiles (cars, trucks), servicing of vehicles, detailing of vehicles, and rental of U-haul trucks/trailers. The volume of used cars/trucks for sale is estimated at forty (40) vehicles and U-haul trucks/trailers is estimated at six (6) trucks and four (4) trailers. No structural alterations are proposed at this time. Staff recommended approval with conditions as listed in the proposed resolution.

Chair Hvidsten opened the public hearing at 6:58 p.m. and asked for public comment.

Chris Wyman, applicant, Belle Plaine Motor Sales, 405 Enterprise Drive, asked for approval of the conditional use permit for auto sales and repair. He commented on the conditions listed in the resolution. He explained that he intends to sell autos and small trucks, no semi's or commercial vehicles. There will be auto repair service for the vehicles. The survey shows that there are additional parking spaces available beyond the allowed number of vehicles listed for the conditional use permit.

Commissioner Carter commented on the poor condition of the bituminous on the lot and asked if he plans to resurface it. Mr. Wyman said he will patch the bituminous this year and then do an overlay next year. He noted that he has not yet obtained a dealer's license to operate the auto sales. Commissioners Hetzel and Carter inquired about the proper disposal of hazardous materials to which Mr. Wyman replied that he will obtain the necessary EPA licensing. He further explained that repair service will be performed in the former car wash facility. Mr. Wyman stated he has operated a repair shop in Victoria and is aware of State regulations. Vehicles will be purchased from auctions for resale at this facility. Chair Hvidsten asked if he will perform repair for vehicles other than those associated with his car lot. Mr. Wyman responded that it is quite possible. Commissioner Carter asked if he intends to add landscaping. Mr. Wyman replied that he will maintain the existing grass along the boulevard.

MOTION by Commissioner Hetzel, second by Commissioner Carter, to close the public hearing at 7:07 p.m. ALL VOTED AYE. MOTION CARRIED.

Community Development Director Smith Strack explained the conditions as listed in the resolution. The conditional use permit is for the used auto sale as the principal use and repair is subordinate. The Commissioners discussed the number of vehicles allowed on the site and the principal use. Commissioner Carter questioned whether the primary use will be auto sales or repair. Chair Hvidsten commented that he would like to see the percentage base of the sale of vehicles as compared to the auto repair service. The number of service bays would restrict the amount of repair allowed. Chair Hvidsten suggested tabling action until specific detail can be obtained regarding the amount of auto repair being proposed. It is the understanding that the intent of the conditional use permit is to allow the sale of passenger, crossover and light duty trucks. It is not the intent to allow commercial or semi-trucks. The service repair will be limited to two bays.

Commissioners Pankonin and Hetzel inquired about ensuring that auto sales remain the principal use. Community Development Director Smith Strack responded the resolution needs to state a specific, measurable number of vehicles related to repair and sales so the CUP can be easily enforced. Commissioner Carter noted the high visibility of the parcel and would like to see improvement with the appearance. Commissioners Hetzel and Carter would like to see additional screening, such as berming. Commissioner Carter also would like to see screening around the dumpsters.

**1. Resolution PZ 16-011 Conditional Use Permit for Used Auto Dealership, Auto Repair, and Rental at 405 Enterprise Drive.**

MOTION by Commissioner Hvidsten, second by Commissioner Pankonin, to approve Resolution PZ 16-011 Conditional Use Permit for Used Auto Dealership, Auto Repair, and Rental at 405 Enterprise Drive, with additional conditions related to the requirement that an auto sales dealership license be obtained and maintained; auto repair as an accessory use and no painting or auto body repair; the number of service bays for auto repair is limited to a maximum of two service bays; and the existing amount of green space adjacent to Enterprise Drive remains, without any reduction. ALL VOTED AYE. MOTION CARRIED. D.

**5.3 Ordinance 16-07, Solar Energy Systems. The Planning and Zoning Commission will hear public comment on proposed Ordinance 16-07, which, if approved, will repeal and replace Section 1107.18 of the City Code relating to energy systems, including solar. The proposed Ordinance will provide for solar energy systems as accessory and principal uses in certain zoning classifications and assign specific performance standards, and provides for utility scale solar energy systems in the A-2 Rural Residential District.**

Community Development Director Smith Strack explained that a public hearing on Ordinance 16-07, relating to solar energy systems has been scheduled for tonight's meeting. The Planning Commission has had discussion at previous meetings on the proposed ordinance. Solar panels would be allowed in all districts as an accessory use. The A-2 district would allow for solar energy systems as a principal use. Solar energy systems as principal uses would require issuance of an Interim Use Permit subject to proposed IUP standards as set forth in the proposed ordinance.

Chair Hvidsten opened the public hearing at 7:52 p.m. and asked for public comment.

Pat Weir, Tru North Solar, commended the Planning Commission for their support of the ordinance.

MOTION by Commissioner Hetzel, second by Commissioner Carter, to close the public hearing at 7:53 p.m. ALL VOTED AYE. MOTION CARRIED.

**1. Resolution PZ 16-012 Recommendation on Ordinance 16-07 Pertaining to Solar Energy Systems.**

MOTION by Commissioner Hetzel, second by Commissioner Carter, to approve Resolution PZ 16-012 Recommendation on Ordinance 16-07 Pertaining to Solar Energy Systems. ALL VOTED AYE. MOTION CARRIED.

## **6. BUSINESS.**

### **6.1. Ridgeview Health Campus.**

#### **6.1.1. Resolution PZ 16-013 Planned Unit Development – Final Stage and Final Plat.**

Community Development Director Smith Strack explained that Ridgeview Medical is seeking approval of the final stage Planned Unit Development and final plat review for Ridgeview Health Campus (RHC). The RHC is a PUD subdivision on approximately seven acres at 165 Commerce Drive West. The project consists of a mixed use development including a three story, 54-unit senior independent living center (21,975 sf footprint), a 12,900 sf medical clinic with vertical expansion, and a 10,000 sf health/wellness center.

The PUD Final Plan is consistent with that approved at concept and development stage reviews. The planned lighting is consistent with zoning standards for maximum height and maximum foot candle at centerline of public rights of way. Conceptual signage locations were approved as part of the development stage PUD. Staff recommends approval of signage be contingent on administrative review of a required sign permit at a future date when sign details are available. The City Engineer Duncan is examining the final plan/plat. Comments contained in the City Engineer's forthcoming project memo will be noted and incorporated by reference. The Developer has submitted an escrow to provide for design of municipal utilities and adjustments to Commerce Drive West. Design work is underway. Staff recommend approval of the resolution with conditions.

Commissioner Hetzel inquired about the potential replat and amended PUD plan. Community Development Director Smith Strack explained that these items will be presented at a future meeting.

MOTION by Commissioner Cotner, second by Commissioner Pankonin, to approve Resolution PZ 16-013, Recommending the City Council Authorize Approve Final Stage Planned Unit Development and Final Plat for Ridgeview Health Campus. ALL VOTED AYE. MOTION CARRIED.

#### **6.2. Resolution PZ 16-005 Front Yard Variance, Korba, 100 Oakwood Drive.**

Community Development Director Smith Strack explained that Michael and Lisa Korba have requested a variance to allow a five (5) foot encroachment into a required thirty (30) foot front yard setback. This issue was tabled from the May 9, 2016 Planning Commission meeting in order for the applicant to submit further drawings related to the proposed construction of the expanded garage. The applicant has proposed to construct a third garage stall, 15' in width, matching depth of house. The garage door height is proposed at seven feet. The proposed third stall will be set in five (5) feet from the front existing garage building wall and tie into the existing roofline.

Mr. Korba displayed sketches of his home with the variations of the expansion, such as the third stall being offset by more than 5 feet. Mr. Korba commented on the difficulties with an increased offset due to the roof line and aesthetics. Commissioner Hetzel was opposed to the 17-foot wide expansion and believed it should be reduced. He also expressed concern for the aesthetics and that the addition is being constructed too close to the right of way thus hindering the site line of motorists. Mr. Korba explained that it would be difficult to construct a detached garage in the rear yard due to the wooded area and bluff line, plus the need to bring in large amount of dirt for appropriate elevation. Commissioners Cotner and Pankonin noted the uniqueness of Mr. Korba's lot and supported the five-foot front yard variance request.

MOTION by Commissioner Hetzel, second by Commissioner Carter, to DENY Resolution PZ 16-005 Front Yard Variance, Korba, 100 Oakwood Drive. Commissioners Hetzel, Carter and Hvidsten VOTED AYE. Commissioners Pankonin and Cotner VOTED NAY. MOTION CARRIED.

### **6.3. Discussion: Parking Pads and Driveway Access.**

Community Development Director Smith Strack explained that in the previous two months staff has received three requests for second driveways that do not meet the current code requirement for having a driveway extend to an existing structure with vehicular access (i.e. garage door). Variance to the standard is problematic in that 'unique to the property' in a nearly impossible conclusion to make in any circumstance. As such staff advises residents of the required 'practical difficulty' finding, the very limited option for variance issuance, and an anticipated staff recommendation to deny the variance.

Mr. Chris Potter, 968 Mallard Lane submitted an application for a second driveway to the City earlier this year. He inquired as to whether or not the Planning Commission would be open to revisiting the existing language, specifically the requirement for a second driveway to lead to a structure with vehicle access (a parking pad doesn't achieve the definition of structure).

Chris Potter, 968 Mallard Lane, was present, and asked for consideration of a parking pad and driveway for the purpose of parking a large recreational vehicle or camper. He said someday he may build an accessory structure, but not at this immediate time. An ordinance amendment would be needed in order to allow a driveway without a structure. Commissioner Carter supported an ordinance amendment and requested staff to provide sample ordinances for further discussion at the next meeting. Community Development Director Smith Strack will also obtain the opinion of the Public Works Superintendent. Council Liaison Pressley commented on the potential impact of allowing a driveway without a structure.

It was the consensus of the Commission to direct Staff to obtain sample ordinances for further discussion at the next meeting.

## **7. ADMINISTRATIVE REPORTS.**

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

Commissioner Cotner commented that she would like to see a traffic light or a round-about located at the intersection of Aspen Lane and Main Street (site of Kwik Trip) due to traffic congestion. Commissioner Hetzel thanked the other Commissioners for their rationale presented for the many issues this evening and in a very respectful manner. Council Liaison Pressley suggested that fences be added to an upcoming agenda for discussion at the request of a property owner. He explained that the current ordinance requires a two-foot setback from the property line unless the adjacent property owner provides written approval to allow on the fence to be constructed on the property line. It was the consensus to add to a future meeting.

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

Community Development Director Smith Strack provided an overview of the Director's Report that was included in the Commissioners' packets.

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

- 1. Destination BP 2040, 6:00 p.m., Wednesday, June 8, 2016.**
- 2. Special Planning Commission Meeting, 6:00 p.m., Monday, June 20, 2016.**
- 3. Next Regular Meeting, 6:30 p.m., Monday, July 11, 2016.**

The Commissioners were reminded of the upcoming meetings as listed.

**8. ADJOURNMENT.**

MOTION by Commissioner Pankonin, second by Commissioner Carter, to adjourn the meeting at 9:08 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary