

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
NOVEMBER 14, 2016**

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, November 14, 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 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, Council Liaison Henry Pressley, and City Administrator Mike Votca.

2. APPROVAL OF AGENDA.

Community Development Director Smith Strack requested the addition of agenda item 6.2., Discussion on Power Poles for the Devine Solar Project.

MOTION by Commissioner Pankonin, second by Commissioner Cotner, to approve the agenda with the addition of 6.2., Discussion on Power Poles for the Devine Solar Project. ALL VOTED AYE. MOTION CARRIED.

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of October 10, 2016.

MOTION by Commissioner Carter, second by Commissioner Cotner, to approve the Regular Session Minutes of October 10, 2016. ALL VOTED AYE. MOTION CARRIED.

4. RECOGNITION OF INVOLVED CITIZENS.

5. PUBLIC HEARINGS.

5.1. Conditional Use Permit and Variance. The Planning Commission will consider public comment on a request by Cindy Heimerl relating to property at 229 North Meridian Street in the B-3 Central Business District, to operate a small event center with an ancillary apartment at the subject address. Apartments in the B-3 District require issuance of a conditional use permit under Section 1105.11, Subd. 4(5) of the code. Applicant also requests a reduction in the number of off-street parking spaces required for apartment.

Community Development Director Smith Strack provided a Power Point presentation on the request by Cindy Heimerl for a conditional use permit and variance to operate a small event center with an ancillary apartment at 229 North Meridian Street. Cindy Heimerl has filed a request for a reduction from two parking spaces as required per apartment in the Central Business District to one. In addition, Heimerl requests a CUP to allow use of an existing two-bedroom apartment located in the rear of the storefront at 229 Meridian Street North. The majority of the building will be used for small special events such as groom's dinners, graduations, anniversaries, etc. No changes to the existing building footprint are proposed. The Applicant currently owns/operates Rubies and Rust a wedding barn adjacent to Kittson Boulevard in Belle Plaine Township.

Chair Hvidsten opened the public hearing at 6:45 p.m. and asked for public comment.

Applicant and owner, Cindy Heimerl requested approval of the variance and conditional use permit. She explained her desire to offer a venue for small gatherings for up to 100 people. The facility at 229 North Meridian Street would help to expand her current business, Rubies and Rust, a large event facility located in Belle Plaine Township. Ms. Heimerl explained that she plans to make improvements to the building and has been researching local properties to purchase that would fulfill the parking requirements, but to no avail.

Allen Schmitz, owner of property at 116 East Church Street, supports the parking variance request.

Chair Hvidsten acknowledged receipt of a letter dated November 13, 2016 from Jenna Tuma, former owner of the subject property, who supports the concept of revitalizing the vacant building but expressed concern for parking issues.

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

Commissioner Pankonin reported that local business owners have expressed opposition to reducing the parking space requirement. Commissioners Pankonin and Hetzel commented on the action taken in 2014 for the denial of a conditional use permit to allow multi-family residential as a principal use in the Central Business District, at 137 Meridian Street North. One of the findings of fact was the lack of adequate on-site parking spaces. Commissioner Carter asked whether it will be an occasional use of the apartment or a permanent-style dwelling. Community Development Director Smith Strack explained the applicant has indicated it would be overnight stays in the apartment associated with an event and not full-time use. The Zoning Ordinance does not address occasional rental regulations. Commissioners Carter and Hvidsten inquired as to how the applicant intends to manage the short stays versus a full-time dwelling. Ms. Heimerl stated that she does not want to rent it out full-time but rather provide overnight accommodations for customers who rent the event hall. Community Development Director Smith Strack explained that allowing the variance and conditional use permit would revitalize the downtown and renovate an under-utilized building. Commissioner Hetzel asked about parking requirements for other promotions and events that occur in the downtown. Community Development Director Smith Strack explained there are no on-site parking requirements for commercial businesses in the B-3 District, only for residential uses. Commissioner Pankonin commented the applicant could create an additional parking stall by converting a portion of the building. Ms. Heirmerl explained that she anticipates many expenses related to the event center, such as adding a handicap ramp, a new roof, and upgraded restrooms. The rent for the apartment is needed to help offset expenses. Ms. Heirmerl explained the high price of two existing garages in the downtown district make it cost prohibitive at this time. Chair Hvidsten noted the property that contained a garage was split from the parcel, noting the difficulty this has caused Ms. Heirmerl. Mr. Allen Schmitz explained the situation in which the subject building was in foreclosure however the garage was not included in the loan, therefore during the legal process, the property was split. Council Liaison Pressley suggested considering whether the opportunity for the City to gain a refurbished building gain a higher priority than a parking stall. Commissioner Carter noted the parcel split was no fault of Ms. Heirmerl and the building contains an existing apartment. Commissioner Cotner said the parcel split justifies the need for a variance. Chair Hvidsten questioned whether an Interim Use Permit would be a better avenue to address the issue. Community Development Director Smith Strack said an ordinance amendment could be brought forward to allow an occasional-use apartment. Alternate Commissioner Tarbill suggested the applicant remove the kitchen area so that it would no longer be considered an apartment. Community Development Director Smith Strack noted that it is a pre-existing condition. Commissioner Hetzel supported the variance due to the influx of vehicles that occur with downtown events and that one less parking stall will not be impactful.

5.1.1. Resolution PZ 16-024 Recommendation on Variance for Required Parking Stalls at 229 North Meridian Street.

MOTION by Commissioner Hetzel, second by Commissioner Cotner, to approve Resolution PZ 16-024 Recommendation on Variance for Required Parking Stalls at 229 North Meridian Street. Commissioners Hetzel, Cotner and Carter VOTED AYE. Commissioners Pankonin and Hvidsten VOTED NAY. MOTION CARRIED.

5.1.2. Resolution PZ 16-025 Recommendation on Conditional Use Permit to Operate Small Event Center at 229 North Meridian Street.

MOTION by Commissioner Carter, second by Commissioner Hetzel, to approve Resolution PZ 16-025 Recommendation on Conditional Use Permit to Operate Small Event Center at 229 North Meridian Street. ALL VOTED AYE. MOTION CARRIED.

5.2. Ordinance 16-12, Bluff Preservation. The Planning Commission will hear public comment on proposed Ordinance 16-12, which, if approved, will repeal and replace Section 1109.06 of the City Code relating to Bluff Preservation.

Community Development Director Smith Strack explained that in August 2016, the Planning Commission initiated an update of Section 1109.06 of the City Code relating to bluff preservation. The Planning Commissioner determined additional clarity is needed to define certain terms and clarify where standards apply. The Planning Commission reviewed sample language from other communities, consulted the Scott County Watershed Management Organization, and reviewed proposed language drafted by City staff. The Planning Commission called for a public hearing on Ordinance 16-12 at the October 10th regular meeting to propose the repeal and replacement of bluff preservation standards.

Proposed bluff preservation standards are intended to manage, stabilize, and conserve defining features in the Belle Plaine landscape which provide stormwater discharge routes, scenic vistas, open spaces, wildlife habitat, resting areas for migrating species along the River Corridor. The proposed amendment provides specific definitions of words and terms used in relation to bluff preservation. The amendment will retain an existing prohibition of land disturbing activities on blufflands and within bluff impact zones. The proposed amendment discourages development of slopes greater than 18 percent that are not blufflands. The proposed amendment requires certain stormwater best management practices be identified and employed when conducting certain activities on steep slopes.

Chair Hvidsten opened the public hearing at 7:40 p.m. and asked for public comment. There was no response.

MOTION by Commissioner Pankonin, second by Commissioner Hetzel, to close the public hearing at 7:41 p.m. ALL VOTED AYE. MOTION CARRIED.

Commissioner Hetzel thanked Community Development Director Smith Strack for her work involved in the preparation of Ordinance 16-12. He also acknowledged the efforts of Community Development Director Smith Strack and fellow Commissioners for their review and insight for the bluff ordinance and the recent solar energy system regulations.

5.2.1. Resolution PZ-16-023 Recommendation on Ordinance 16-12, Bluff Preservation.

MOTION by Commissioner Hetzel, second by Commissioner Cotner, to approve Resolution PZ-16-023 Recommendation on Ordinance 16-12, Bluff Preservation. ALL VOTED AYE. MOTION CARRIED.

6. BUSINESS.

6.1. Bikeways (for December 7th Joint Meeting –Destination 2040).

Community Development Director Smith Strack explained the Council, EDA, Planning Commission, Park Board, and Design Committee will be meeting in joint session on December 7, 2016. This is the fourth meeting in the *Destination Belle Plaine 2040* Comprehensive Plan update process. The December 7th meeting will focus on all modes of transportation. One discussion will focus on the potential to create connections for bicyclists. Attached with Community Development Director Smith Strack's memo was a map of existing and future trails. She asked the Commissioners for their observations of local bike traffic.

Commissioners Pankonin and Hetzel said that County Road 40 and the Scenic Byway are popular with bicyclists. Commissioner Hetzel would like to see bike lanes installed. Commissioner Pankonin noted that Park Street is busy with student traffic heading to the schools and pool. He also said that KwikTrip is a destination for the long-distance bicyclists. Commissioner Carter commented that he observes families biking on the trail. Commissioner Tarbill said that Cambria has many employees that utilize bikes to get and from work.

6.2. Community Development Director Smith Strack provided an update on the electrical poles being placed for the solar energy project located on the Devine-Johnson property. Poles are proposed on the Devine property adjacent to County Road 6. These would be under the jurisdiction of Scott County, rather than the City and would offer less environmental impact than as originally planned. The new placement would invalidate variance approval by the City. The Commissioners concurred.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Commissioner Hetzel suggested the Commission re-visit parking regulations, particularly for mixed-uses. Community Development Director Smith Strack will add this topic for discussion at the joint workshop on December 7th.

Council Liaison Pressley explained that he will be traveling for work in December and will be unable to attend the December 12th meeting. The Commissioners thanked Mr. Pressley for his expertise as a former Planning Commissioner and also for his support while serving as Council Liaison.

7.2. Expiring Term of Commissioner.

Commissioner Pankonin's term will expire on January 31, 2017.

7.3. Director's Report.

Community Development Director Smith Strack summarized the highlights of activities listed in the Director's Report.

7.4. Upcoming Meetings.

1. Destination BP 2040, Transportation Module, 6:00 p.m., Wed., Dec. 7, 2016.

2. Next Regular Meeting, 6:30 p.m., Mon., Dec. 12, 2016.

The Commissioners were reminded of the upcoming meetings as listed.

8. ADJOURNMENT.

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

Respectfully submitted,

Patricia Krings
Recording Secretary