



BELLE PLAINE PLANNING & ZONING COMMISSION
NOTICE OF REGULAR MEETING AND AGENDA
CITY HALL, 218 NORTH MERIDIAN STREET
PLEASE USE THE NORTH ENTRANCE

MONDAY, AUGUST 8, 2016
6:30 P.M.

6:30
P.M.

1. CALL TO ORDER. 1.1. Roll Call.
2. APPROVAL OF AGENDA.
3. APPROVAL OF MINUTES.
- 3.1. Regular Session Minutes of July 11, 2016.

6:35
P.M.

4. RECOGNITION OF INVOLVED CITIZENS.
5. PUBLIC HEARINGS – NONE SCHEDULED.
6. BUSINESS.
 - 6.1. Second Driveways and Parking Pads.
 - 6.2. Bluff Preservation.
7. ADMINISTRATIVE REPORTS.
 - 7.1. Commissioner Comments.
 - 7.2. Director's Report.
 - 7.3. Upcoming Meetings.
 1. Next Regular Meeting, 6:30 p.m., Monday, September 12, 2016.
 2. Destination BP 2040, 6:00 pm, Wednesday, September 14, 2016.
8. ADJOURNMENT.

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 11, 2016**

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, July 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, Ashby Carter, Anthony Hetzel and Brittney Cotner present. Also present were Council Liaison Henry Pressley and Community Development Director Cynthia Smith Strack. Alternate Catherine Tarbell was a member of the audience.

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 June 7, 2016.

MOTION by Commissioner Hetzel, second by Commissioner Pankonin, to approve the Regular Session Minutes of June 7, 2016. ALL VOTED AYE. MOTION CARRIED.

4. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the open forum.

5. PUBLIC HEARINGS.

5.1. Conditional Use Permit. The Planning Commission will consider public comment on requests by Nathan and Elizabeth Hanson, owners of property at 140 Walnut Street South for a conditional use permit under Code Section 1103.08c Subd. 5(A)(2) and a non-conformance expansion permit under Code Section 1102.03. If approved the CUP and non-conformance expansion permit would allow the construction of a 1,040 square foot detached garage.

Community Development Director Smith Strack explained that Nathan and Elizabeth Hanson have applied for a conditional use permit under Code Section 1103.08, Subd. 5(A)(2) and a non-conformance expansion permit under Section 1102.03 of the Code. If approved, the CUP and non-conformance expansion permit would allow the construction of a 1,040 square foot detached garage (26' X 40') two feet from the side (north) property line at 140 Walnut Street South. The existing driveway would be used to access the detached garage. The existing dwelling has a footprint of 875 square feet.

Community Development Director Smith Strack further explained that Staff's recommendation is to approve the conditional use permit as the conditions placed on detached accessory structures exceeding 900 square feet will be achieved as the building height is 15' and exterior siding will match the house. Strack stated recommended action on the non-conforming expansion permit request is less clear given ambivalence with regard to review criteria. Ultimately, however, denial of the non-conforming use permit is recommended given the difficulty in establishing the request is unique to the property.

Chair Hvidsten opened the public hearing at 6:42 p.m. and asked for public comment.

Nathan Hanson, 140 South Walnut Street, applicant, requested approval of the Non-Conforming Expansion Permit and Conditional Use Permit. He intends to remove the existing shed and construct a larger garage in its place. Commissioner Hetzel asked why he does not utilize the alley as an access to the proposed garage. Hanson replied that he wants to retain the use of his yard as much as possible and has paid an architect to assist with the best possible location.

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

Community Development Director Smith Strack explained that in her review of the Non-Conforming Expansion Permit, it was difficult to justify Item #2: that circumstances are unique to the property, are not caused by the landowner, are not solely for owner's convenience, and are not solely because of economic considerations. Commissioner Cotner commented that if the garage were to be built three feet to the south, then a Non-Conforming Expansion Permit is no longer necessary. Community Development Director Smith Strack confirmed Cotner's statement. Commissioner Hetzel was concerned the proposed garage would be larger than the existing home.

Chair Hvidsten called for action on the Conditional Use Permit prior to addressing the Non-Conforming Expansion Permit.

5.1.1. Resolution PZ 16-017 Conditional Use Permit at 140 South Walnut Street.

MOTION by Commissioner Cotner, second by Commissioner Pankonin, to approve Resolution PZ 16-017 Conditional Use Permit at 140 South Walnut Street. ALL VOTED AYE. MOTION CARRIED.

5.1.2. Resolution PZ 16-016 Non-Conforming Expansion Permit at 140 South Walnut Street.

Council Liaison Pressley stated the review criteria is difficult as he appreciates the opportunity for home owners to improve their property. He noted the proposed garage would be located in the same alignment as the existing shed. Commissioner Carter expressed concern for the proposed garage to be 40 feet long compared with 20 feet for the existing shed. He believed this was an opportunity to remove a non-conforming structure. Commissioner Pankonin commented that similar requests have been approved previously. Commissioner Cotner expressed concern if the Commission were to ignore the criteria of Item #2. Commissioners Carter and Hetzel concurred. Chair Hvidsten did not foresee an issue with allowing the Non-Conforming Expansion Permit. Commissioner Pankonin commented the existing large trees could be considered unique to the lot. Commissioner Carter suggested the garage be reduced in size to prevent the loss of trees.

Commissioner Hetzel departed from his Commissioner seat at 6:56 p.m. for a brief period of time.

Elizabeth Hanson, 140 South Walnut Street, applicant, requested permission to speak. Chair Hvidsten allowed Ms. Hanson to comment. Ms. Hanson stated that their lot is unique in that it is very narrow and difficult to maneuver vehicles. She also stated the driveway is very narrow but they wished to continue to use it. She opined she and Nathan invested time and resources when studying how best to utilize the lot. Nathan Hanson explained that proposed location of the garage allows for the most greenspace retainage.

Commissioner Pankonin commented that at 67 feet, the Hanson lot is narrower than neighboring properties which are generally 75 feet. Commissioner Cotner asked Staff how one defines "unique." Community Development Director Smith Strack replied there is broad discretion and that a narrow lot and large, mature trees could be considered in the realm of "unique." Commissioner Pankonin believes the lot is unique due to the existing driveway, the lot is very narrow and there are large, mature trees.

MOTION by Commissioner Hvidsten, second by Commissioner Pankonin, to APPROVE Resolution PZ 16-016 Non-Conforming Expansion Permit at 140 South Walnut Street. Commissioners Hvidsten and Pankonin VOTED AYE. Commissioners Cotner, Carter and Hetzel VOTED NAY. MOTION FAILED.

MOTION by Commissioner Cotner, second by Commissioner Carter, to DENY Resolution PZ 16-016 Non-Conforming Expansion Permit at 140 South Walnut Street. Commissioners Cotner, Carter and Hetzel VOTED AYE. Commissioners Hvidsten and Pankonin VOTED NAY. MOTION CARRIED.

5.2. Ordinance 16-011, Temporary Family Health Care Dwelling Units. The Planning Commission will consider public comment on proposed Ordinance 16-11, An Ordinance Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings. If approved the Ordinance will exempt the City from the requirements of the Temporary Family Health Care Dwellings law. Opting-out of the law does not preclude the City from enacting code language relating to accessory dwelling units.

Community Development Director Smith Strack explained that at a joint work session the City Council and Planning Commission discussed a bill signed into law by Governor Dayton in May. The Temporary Family Health Care Dwellings law requires cities approve qualifying temporary accessory dwelling units unless the City opts out of the law by Ordinance prior to September 1st. The City may enact local standards relating to accessory dwellings units in the event it opts out of the new law. The City and Planning Commission called for a public hearing on an Ordinance opting out of the new law. The proposed Ordinance is based on a model developed by the League of Minnesota Cities.

Chair Hvidsten opened the public hearing at 7:14 p.m. and asked for public comment. There was no response.

MOTION by Commissioner Pankonin, second by Commissioner Carter, to close the public hearing at 7:15 p.m. ALL VOTED AYE. MOTION CARRIED.

Community Development Director Smith Strack commented the City is in need of affordable housing. Chair Hvidsten commented that regulations for affordable housing may be a topic for a future meeting.

1. Resolution PZ 16-015 Recommending Approval of Ordinance 16-011.

MOTION by Commissioner Hvidsten, second by Commissioner Carter, to approve Resolution PZ 16-015 Recommending Approval of Ordinance 16-011. ALL VOTED AYE. MOTION CARRIED.

6. BUSINESS.

6.1. Discussion: Second Driveways.

Community Development Director Smith Strack explained that at the June meeting the Planning Commission briefly discussed second driveways and a Code requirement such drives extend to structures with garage doors. The discussion followed a series of requests for second driveways that do not meet code requirement. In particular, resident Chris Potter, 968 Mallard Lane spoke to the Planning Commission regarding parking of an RV on his corner lot. The Commission agreed to talk more about the standard at a future meeting.

Community Development Director Smith Strack advised that the Public Works Committee will be meeting on July 12, 2016 and it is pertinent to receive input from that Committee. It was the consensus to add this topic to next month's agenda so that a recommendation can be obtained from the Public Works Committee.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Commissioner Pankonin commented on the unusual color of the commercial building at 102 West Main Street.

There were no further Commissioner comments.

7.2. Director's Report.

Community Development Director Smith Strack referenced her Director's Report.

7.3. Upcoming Meetings.

1. Next Regular Meeting, 6:30 p.m., Monday, August 8, 2016.

The Commissioners were reminded of the next meeting as listed.

8. ADJOURNMENT.

MOTION by Commissioner Cotner, second by Commissioner Hetzel, to adjourn at 7:22 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary



MEMORANDUM

DATE: August 8, 2016
TO: Chairperson Hvidsten, Members of the Planning Commission, Interim Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 6.1 Second Driveways & Parking Pads

REQUEST SUMMARY

PZ Task: Discussion regarding second driveways and parking pads.

Overview: At the June meeting the PC briefly discussed second driveways and a code requirement such drives extend to structures with garage doors. The discussion followed a series of requests for second driveways that do not meet code requirement. In particular, resident Chris Potter, 968 Mallard Lane spoke to the PC regarding parking of an RV on his corner lot. The PC agreed to talk more about the standard at a future meeting.

Mr. Potter, under existing code, may create a parking pad in his yard adjacent to Ridge Lane for parking of an RV. The pad could be accessed by maneuvering over the high-back curb. Provided the standards of 1107.08, Subd. 1 (Outside storage) are achieved, no screening is necessary. Rather than a "detached" freestanding parking pad. Mr. Potter requested discussion regarding second driveway access to the parking pad.

Staff suggested input also be secured from the Public Works Committee. The PW Committee discussed the issue July 12th and recommended no changes (minutes attached) to the existing ordinance.

Attached please find code language relating to off-street parking and outside storage.

Discussion is kindly requested.

Attachments to Report: (a) Minutes from Public Works Committee meeting
(b) Code language relating to driveways and structures
(c) Code language relating to outside storage

**BELLE PLAINE PUBLIC WORKS COMMITTEE
(COUNCIL LIAISONS PAUL CHARD AND GARY TROST, ALTERNATE MIKE PINGALORE)
JULY 12, 2016**

1. CALL TO ORDER. (Council Liaisons Paul Chard and Gary Trost, Alternate Mike Pingalore)

The Belle Plaine Public Works Committee met at 11:00 a.m. on Tuesday, July 12, 2016 at the public works facility, 891 Diversified Drive, Belle Plaine, MN. Present were Councilmember Gary Trost, Public Works Superintendent Al Fahey, City Engineer Joe Duncan and Interim City Administrator Dawn Meyer.

2. APPROVAL OF THE AGENDA.

The agenda was approved with the addition of Item No. 3.5. Hiring of Full-Time Public Works Employee at 35 Hours, and 3.6. Update on 2016 Turf Project.

3. DISCUSSION ITEMS.

3.1. Hickory Boulevard Seal Coat Update.

Public Works Superintendent Fahey and City Engineer Duncan met with Curt Kobilarcsik at Scott County regarding Hickory Boulevard/CSAH 5. Duncan forwarded the MOU to Kobilarcsik, which has no reference of maintenance responsibilities for Hickory Boulevard. Kobilarcsik indicated he would report back with his findings.

3.2. Request from Railroad Company to Close Cherry Street Crossing.

Duncan explained the UPRR (Union Pacific Railroad) Company called to request the City to considering closing the Cherry Street crossing due to washout. The UPRR needs the City's approval as the road was platted prior to the railroad. Fahey explained that closing the crossing would not accomplish their intent. He also said the DNR periodically uses the crossing to enter the old Voss Junkyard site. Grove Street crossing is not a feasible alternative. Duncan reported that Hentges Construction will have milling available as a result of the removal of the crossover at CSAH 3/TH169. Fahey suggested that a portion of the milling could be utilized to help stabilize Cherry Street. Duncan will contact the UPRR regarding these issues and report back.

3.3. Sidewalks for 2017 Street Improvement Project.

Duncan presented a map with existing and proposed sidewalks for the area of the 2017 street improvement project. The Committee discussed the proposed sidewalks. It was the consensus to bring the concept of adding a sidewalk on the east side of 100 block of North Elk Street and the sidewalk extension from Cherry Street to West Street along West Main Street. This issue will be added to the consent agenda at the next City Council meeting.

3.4. Second Driveways.

Fahey explained that Community Development Director Cynthia Smith Strack requested input regarding second driveways. The Committee members discussed second driveways and reviewed a copy of a memo dated July 11, 2016 from Community Development Director Smith Strack to the Planning Commission that outlined the options. The Planning Commission is reviewing this topic for a potential ordinance amendment as Staff receives numerous requests. Fahey expressed concern for changing the ordinance as allowing parking pads without a requiring a structure could lead to an overabundance of curb cuts. The Committee concurred. The recommendation was to leave the ordinance as it reads now.

3.5. Hiring of Full-Time Public Works Employee at 35 Hours.

Fahey explained the difficulty in finding full-time seasonal help and recommended proceeding with the hiring of a full-time Public Works I employee at 35 hours, with the availability for 40 hours depending on work load.

This issue will be added to the August 1st Council agenda for consideration.

3.6. Update on 2016 Turf Project.

Duncan explained there are numerous property owners, particularly along East Court Street, that have not been compliant on lawn mowing for the new turf resulting from the 2016 street improvement project. A letter was sent during the last week of June, but without results. The Committee recommended Duncan proceed with sending another letter, this time explaining that the property owner is responsible for mowing and any adverse conditions resulting from their lack of actions is their liability.

4. NEXT MEETING.

1. Tuesday, August 2, 2016 at 11:00 a.m.

2. Tuesday, September 13, 2016 at 11:00 a.m.

The Committee members were reminded of the upcoming meetings as listed.

5. ADJOURN.

The meeting was adjourned at 11:58 a.m.

Respectfully submitted,

Patricia Krings
Recording Secretary

SECTION 1107.08 OUTSIDE STORAGE: RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES.

1107.08 SUBD. 1. STORAGE REQUIRED: RESIDENTIAL.

1. All outside storage of materials and equipment for residential uses shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:
 - A. Clothes line pole and wire.
 - B. Not more than two (2) recreational vehicles and equipment.
 - C. Construction and landscaping material currently being used on the premises.
 - D. On and off-street parking of currently registered and operable passenger vehicles and trucks not exceed a gross weight of nine thousand (9,000) pounds.
 - E. Lawn furniture or furniture used and constructed explicitly for outdoor use.
 - F. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person or persons on whose property it is stored.
2. Restrictive covenants within subdivisions may be more restrictive than this Section.

1107.08 SUBD. 2. CONDITIONS: COMMERCIAL AND INDUSTRIAL.

1. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require a conditional use permit subject to the provisions of Section 1103.08 of this Ordinance and all non-residential outside storage shall conform to the following conditions:
 - A. The area occupied is not within a required front or required side yard.
 - B. The storage area is totally fenced, fully screened and landscaped as defined according to Section 1107.03 of this Ordinance.
 - C. If abutting a residential district or use, screening and landscaping is provided according to a plan approved by the City Council.
 - D. The storage area is grassed or hard surfaced to control dust. Should a grassed surface prove to be unmaintainable, the City shall require that a hard surface be installed within three (3) months of formal written notice to the property owner.
 - E. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and

shall be in compliance with Section 1107.01 Subdivision 3 of this Ordinance.

- F. The storage area does not encroach upon parking space, loading space or snow storage area as required by this Ordinance.
 - G. A site plan documenting the location and grading of the storage operation shall be submitted and shall be subject to the approval of the City Engineer.
2. Passenger automobiles and trucks in Residential, Industrial, and Commercial districts not currently licensed by the State, or which are because of mechanical deficiency, incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days are considered junk or refuse and shall be disposed of.

SECTION 1107.12 OFF-STREET PARKING.

1107.12 SUBD. 1. PURPOSE.

The regulation of off-street parking spaces is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

1107.12 SUBD. 2. APPLICATION OF OFF-STREET PARKING REGULATIONS.

The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the City.

1107.12 SUBD. 3. SITE PLAN DRAWING NECESSARY.

All applications for a building permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this Section. All site plans for single family homes must provide for location of garage, not less than 400 square feet.

1107.12 SUBD. 4. GENERAL PROVISIONS.

1. Floor Area. The term "floor area," for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the square footage floor area of the buildings, structures or use except as may hereinafter be provided or modified.
2. Reduction of Existing Off-Street Parking Space or Lot Area. Off-street parking spaces and loading spaces or lot area existing upon the effective date of this Section shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.
3. Non-Conforming Structures. Should a non-conforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in this Ordinance, except that in doing so, any off-street parking or loading space which existed before shall be retained.
4. Change of Use or Occupancy of Land. No change of use or occupancy of land already dedicated to a parking area, parking spaces or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls or parking requirements below the minimum prescribed by this Section.
5. Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking area

shall not be permitted until there is furnished such additional parking spaces as required by this Section.

6. Residential Area Parking. On and off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one (1) truck not to exceed gross capacity of nine thousand (9,000) pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles used on-site or equipment, or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.

7. Calculating Space.

- A. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.
- B. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.
- C. Except as provided for under joint parking and shopping centers, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

8. Design.

- A. Except for handicapped parking spaces, each parking space shall be not less than nine (9) feet wide and twenty (20) feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.
- B. The off-street parking requirements may be furnished by providing a space so designed within the principal building or one structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Section.
- C. Except in the case of single and two-family townhomes, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single and two-family townhomes,

parking area design which requires backing into the public street is prohibited.

- D. Except in the case of single and two-family townhomes, parking areas and their aisles shall be developed in compliance with the standards of this Section.
- E. All impervious surfaces shall be a minimum of two (2) feet from the property line on all sides.
- F. The grade of any parking area shall not exceed five (5) percent, except single and two-family dwellings.
- G. All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Driveways and stalls, as well as parking for recreational vehicles and equipment shall be surfaced with asphalt or concrete, or other approved surfaces. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for his/her review and the final drainage plan shall be subject to his/her written approval.
- H. Except for single and two family townhomes, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide.
- I. Any lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with Section 1107.01, Subdivision 3, of this Ordinance.
- J. Except for single and two-family townhomes, all open, off-street parking shall have a perimeter curb barrier around the entire parking lot; said curb barrier shall not be closer than five (5) feet to any lot line.
- K. Except for single and two-family townhomes, all open, off-street parking areas, in a commercial or industrial district and abutting or adjacent to TH 169, shall have a buffer between the curb of said parking area and sidewalk, street, lot

line or adjacent parking area. The buffer shall consist of at least one or a combination of the following:

1. Shade trees at maximum intervals of thirty (30) feet.
 2. Decorative fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.
- L. Adequate space for snow storage shall be provided on the site so as not to reduce the required minimum number of parking spaces.
- M. A Driveway Permit is required prior to modification of an existing driveway or new construction of a driveway.
- N. Driveways, curb cuts and surfacing conditions existing as of the date of this ordinance, shall come into conformance with the requirements of Section 1107.14 Subd 4 and 5, at the time of city reconstruction projects. A driveway permit will be obtained prior to work commencing on-site. There will be no fee for the driveway permit at this time.

1107.12 SUBD 5. DRIVEWAY PERMIT.

All property owners are required to obtain a driveway permit prior to modification of an existing driveway or the construction of a new driveway. The permit must be obtained from the Zoning Administrator prior to commencement of work.

1. Permits will be reviewed by the Zoning Administrator, Public Works Superintendent and City Engineer, as necessary.
2. Residential Properties:
 - A. The maximum residential driveway width at the curb shall be twenty-four (24) feet unless a wider driveway is requested and approved in the driveway

permit. A driveway width of up to a maximum of thirty-six (36) feet may be permitted based upon the City's evaluation of the following considerations:

1. The following criteria must be met prior to consideration of a wider driveway than twenty-four (24) feet:
 - a) The property setbacks allow for the curb cut to be located greater than five (5) feet from the property line.
 - b) No curb cut access shall be located less than thirty (30) feet from the intersection of two or more street rights-of-way.
 - c) The entire driveway must be improved with asphalt, concrete, or other approved surfaces.
 2. The following criteria will be used to determine if a wider driveway will be approved:
 - a) Safety concerns relative to the functionality of the street, such as backing up into a major thoroughfare, will also be considered.
 - b) The driveway leads to an attached or detached garage with three (3) vehicular stalls.
 - c) Consideration will be to curb cuts in existence at the time the permit is made, but will not be guaranteed approval to remain as is unless it meets one of these conditions listed above.
- B. Each property, whether residential or commercial, shall be allowed one (1) curb cut access. A permit to request multiple driveways on a single family or**

multi-family property may be permitted based upon the City's evaluation of the following considerations:

1. The following criteria must be met prior to consideration for multiple driveways on a property:

- a) Driveway access curb openings on a public street, except single and two-family townhomes, shall not be located less than forty (40) feet from one another.
- b) The property setbacks allow for the curb cut to be located greater than five (5) feet from the property line.
- c) No curb cut access shall be located less than 30 feet from the intersection of two or more street rights-of-way.
- d) The street frontage is greater than one hundred twenty-five (125) feet for the side of the property where multiple driveways are being requested.
- e) The entire driveway must be improved with asphalt, concrete, or other approved surface.

2. The following criteria will be used to determine if multiple driveways will be approved on a property:

- a) Safety concerns relative to the functionality of the street, such as backing up into a major thoroughfare, will also be considered.
- b) The driveway(s) leads to a structure with vehicular access.
- c) Consideration will be given to multiple curb cuts in existence at the time the permit is made, but will be not guaranteed approval to remain as is unless it meets one of these conditions listed above.

3. Commercial Properties:

- A. The maximum commercial driveway width at the curb shall be thirty-two (32) feet unless approved by the City Engineer. The driveway approach/apron shall be constructed to city design standards, per City Code, Chapter 12, Section 1205.00 Design Standards.
- B. Driveway access curb openings on a public street, except single and two-family townhomes, shall not be located less than forty (40) feet from one another.
- C. All areas intended to be utilized for parking spaces and driveways shall be surfaced with materials suitable to control dusty and drainage. Driveways and stalls, as well as parking for recreational vehicles and equipment shall be surfaced with concrete or asphalt, or other approved surfaces. Plans for surfacing and drainage of driveways and stall for five (5) or more vehicles shall

be submitted to the City Engineer for his/her review and the final drainage plan shall be subject to his/her written approval.

4. Restoration of City Right-of-Way

The curb needs to be replaced/restored to B-6, high back curb, unless otherwise indicated on the permit. The driveway approach/apron shall be constructed to city standards, per City Code, Chapter 12, Section 1205.00 Design Standards.

1107.12 SUBD. 6. MAINTENANCE.

It shall be the joint responsibility of the lessee and owner of the principal use, uses or buildings to maintain in a neat and adequate manner the parking space, access ways, striping, landscaping and required fences.

1107.12 SUBD. 7. LOCATION.

All accessory off-street parking facilities as required by this Ordinance shall be located and restricted as follows:

1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Subdivisions 10 and 11 of this Section.
2. The boulevard portion of the street right-of-way shall not be used for parking.
3. In the case of single and two-family townhomes, parking shall be prohibited in any portion of the required front yard except designated driveways leading directly into a garage, or one open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced with concrete or bituminous material.

1107.12 SUBD. 8. USE OF REQUIRED AREA.

Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles and/or storage of snow.

1107.12 SUBD. 9. HANDICAPPED PARKING SPACES.

Except for single and two-family townhomes, at least one (1) handicapped parking space shall be provided for each development. An additional space shall be provided for each increment of fifty (50) spaces in excess of the initial fifty (50) spaces. Handicapped

spaces shall be located so as to provide convenient, priority access to the principal use and shall conform to Minnesota Statutes, Section 168.021, as may be amended.

1107.12 SUBD. 10. NUMBER OF SPACES REQUIRED.

The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

1. Single Family and Two Family Townhome Units. Two (2) spaces per unit.
2. Multiple Family Dwellings. Two (2) spaces per unit.
3. Motels, Bed & Breakfast Inns, Hotels. One (1) space per each rental unit plus one (1) space for each ten (10) units and one (1) space for each employee on any shift.
4. School, Elementary and Junior High. One (1) parking space for each classroom plus one (1) additional space for each fifty (50) student capacity.
5. School, High School Through College and Private and Day or Church Schools. One (1) parking space for each five (5) students based on design capacity plus one (1) for each classroom.
6. Church, Theater, Auditorium. One (1) parking space for each four (4) seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.
7. Community Centers, Health Studios, Libraries, Private Clubs, Lodges. Ten (10) spaces plus one (1) for each one hundred fifty (150) square feet in excess of two thousand (2,000) square feet of floor area in the principal structure.
8. Nursing Home. Four (4) spaces plus one (1) for each three (3) beds for which accommodations are offered.
9. Elderly (Senior Citizen) Housing. One (1) parking space per unit. Initial development is, however, required of only one-half (1/2) space per unit and said number of spaces can continue until such time as the Council considers a need for additional parking spaces has been demonstrated.
10. Drive-In Establishment and Convenience Food. One (1) parking space for each thirty-five (35) square feet of gross floor area of service and dining area, but not less than fifteen (15) spaces. Two (2) additional parking spaces shall be added

for drive-through services facilities and one (1) space for each eighty (80) square feet of kitchen/storage area.

11. Office Buildings, Animal Hospitals, Professional Offices and Medical Clinics. Three (3) spaces plus one (1) space for each two hundred (200) square feet of floor area.
12. Bowling Alley. Five (5) parking spaces for each alley, plus additional spaces as may be determined by the City Council herein for related uses contained within the principal structure.
13. Motor Fuel Station. Four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with items 10, 16, 18 and 21 of this Section.
14. Retail Store and Service Establishment. One (1) off-street parking space for each two hundred (200) square feet of floor area.
15. Retail Sales and Service Business With Fifty (50) Percent or More of Gross Floor Area Devoted to Storage, Warehouse and/or Industry. Eight (8) spaces or one (1) space for each two hundred (200) square feet devoted to public sales or service plus one (1) space for each five hundred (500) square feet of storage area; or eight (8) spaces or one (1) space for each employee on the maximum shift, whichever is appropriate as determined by the City Council.
16. Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs. One (1) space for each forty (40) square feet of gross floor area of dining and bar area and one (1) space for each eighty (80) square feet of kitchen area.
17. Funeral Services. Thirty (30) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off-street for making up a funeral procession.
18. Auto Repair, Major Bus Terminal, Taxi Terminal, Boats and Marine Sales and Repair, Bottling Company, Shop for a Trade Employing Six (6) or Less People, Garden Supply Store, Building Material Sales in Structure. Eight (8) off-street parking spaces, plus one (1) additional space for each eight hundred (800) square feet of floor area over one thousand (1,000) square feet.
19. Manufacturing, Fabricating or Processing of a Product or Material. One space for each three hundred fifty (350) square feet of floor area, plus one (1) space for each company owned truck (if not stored inside principal building).
20. Warehousing, Storage or Handling of Bulk Goods. That space which is solely used as office shall comply with the office use requirements and one (1) space per each one thousand (1,000) square feet of floor area, plus one (1) space for each

employee on maximum shift and one (1) space for each company owned truck (if not stored inside principal building).

21. Car Wash. (In addition to required magazine or stacking space.)
 - a. Automatic Drive Through Services. A minimum of five (5) stacking spaces and one (1) space for each employee on the maximum shift, whichever is greater.
 - b. Self-Service. A minimum of two (2) spaces.
 - c. Motor Fuel Station Car Wash. Zero (0) in addition to that required for the station.
22. Shopping Centers. Five and one-half (5 1/2) spaces per each one thousand (1,000) square feet of gross leasable floor area (exclusive of common areas).
23. Day Care Nurseries. Three (3) spaces plus at least one (1) space for each two hundred (200) square feet of floor area.
24. Other Uses. Other uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the Council. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.
25. Space Reductions. Subject to the review and processing of a conditional use permit as regulated by Section 1103.08 of this Ordinance, the City may reduce the number of required off-street parking spaces when the use can demonstrate in documented form a need which is less than required. In such situations, the City may require land to be reserved for parking development should use or needs change.
26. Parking in the B-3, Central Business District:
 - a. No off-street parking requirements shall be required for facilities with commercial uses only.
 - b. For facilities that contain residential units, two (2) parking spaces per unit.

1107.12 SUBD. 11. JOINT FACILITIES.

The Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted, nor

the Council approve such a permit except when the following conditions are found to exist.

1. Up to fifty (50) percent of the parking facilities required for a theatre, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in Item No. 4 below.
2. Up to fifty (50) percent of the off-street parking facilities required for any use specified under Item No. 4 below as primarily daytime uses may be supplied by the parking facilities provided by the following night time or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars, apartments or restaurants.
3. Up to eighty (80) percent of the parking facilities required by this Section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified in Item No. 4 below as primarily daytime uses.
4. For the purpose of this Section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.
5. Conditions Required for Joint Use:
 - A. The building or use, for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such parking facilities.
 - B. The application shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses (for which joint use of off-street parking facilities is proposed).
 - C. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of

execution by the City Attorney, shall be filed with the Zoning Administrator and recorded with the Scott County Recorder.

1107.12 SUBD. 12. OFF-SITE PARKING.

1. Any off-site parking which is used to meet the requirements of this Ordinance shall be a conditional use as regulated by Section 1103.08 of this Ordinance and shall be subject to the conditions listed below.
2. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.
3. Reasonable access from off-site parking facilities to the use being served shall be provided.
4. Except as provided below, the site used for meeting the off-site parking requirements of this Ordinance shall be under the same ownership as the principal use being served or under public ownership.
5. Off-site parking for multiple family dwellings shall not be located more than one hundred (100) feet from any normally used entrance of the principal use served.
6. Except as provided below, off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main public entrance of the principal use being served.
7. Any use which depends upon off-site parking to meet the requirements of this Section shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.
8. Compliance with off-street parking requirements provided through leased off-street parking may be approved by the Council, subject to the following conditions:
 - A. The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking required, must be equal to the total number of parking spaces required.
 - B. The lease instrument shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the City.
 - C. The lease agreement shall incorporate a release of liability and any other provisions, as recommended by the City Attorney that are deemed necessary to ensure compliance with the intent of this Section.

(Ord. 09-05, Section 1107.12, Adopted December 21, 2009.)

(Ord. 12-02, Section 1107.12, Off Street Parking, Adopted May 21, 2012.)



MEMORANDUM

DATE: August 8, 2016
TO: Chairperson Hvidsten, Members of the Planning Commission, Interim Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 6.2 Bluff Preservation

REQUEST SUMMARY

PZ Task: Discussion regarding bluff preservation standards.

Overview: In February the PC discussed goals for 2016. The PC expressed interest in routinely reviewing sections of the code for administrative purposes. Section 1109.06 of the code relates to bluff preservation. Staff interprets the Section applicable to ravines where slopes exceed 30 percent. The code is lacking in clarity and discussion is requested.

Significant portions of the City are marked by severe fluctuations in topography including: Farmer's Ridge 1st Addition, Provence, Sunset Addition, properties adjacent to Church Street West, areas in the NW quadrant north of State Street, Edberg ravine, and Robert Creek ravine.

Attached please find a marked-up copy of the code language and a contour map of the City. The map is difficult to interpret; therefore, GIS contours will be exhibited on screen at the meeting.

Input on the mark-up language is kindly requested.

Attachments to Report: (a) Marked up Section 1109.06
(b) Encroachment Easement Language
(c) Contour map

1109.06 BLUFF PRESERVATION.

1109.06 SUBD. 1. CRITERIA

Minimum Bluff Standards: Any land disturbing activity, development or the redevelopment of land in a Bluff Overlay District shown on "Map 1: Bluff Overlay District of the City of Belle Plaine" (attached to this Ordinance) shall require a topographic survey to determine if a bluff is present. At its discretion, the City may waive the topographic survey requirement where a review of the available contour information clearly indicates a bluff is not present.

Commented [CS1]: This term is not defined in Code.

Commented [CS2]: This map, if it existed, has not been located.

1. Where bluffs deemed unsuitable for land disturbance activity are present, the following rules shall apply:

Commented [CS3]: "Bluff" is defined in code as: A topographical feature such as a high bank or bold headland, sometimes rounded, cliff-face overlooking a plain or body of water, especially on the outside of a stream or meandering river, which rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater. CDD staff have applied this definition to ravines. Staff finds need for clarification of difference between 'bluff' and 'bluff face' and where a series of bluffs occur in a common area

(1) All grading, clear cutting, removal of vegetation and/or other land disturbing activities are prohibited in the Bluff Impact Zone and/or Bluff Face,

Commented [CS4]: This phrase is not defined; intent of standard unknown

(2) Access to any buildings (except stairways and landings) shall not be placed within the bluff impact zone,

Commented [CS5]: Intent, interpretation? Invasive species, woodland management trimming, quantitative standard?

(3) Setback from top or toe of bluff to any structure in any district shall be no less than thirty (30) feet, except if written permission has been granted by the City and the encroachment is in conformance with the City's Easement and Bluff Encroachment Requirements found in Chapter 12 of the City Code, Section 1205.07 Subd 4. EASEMENT AND BLUFF ENCROACHMENT REQUIREMENTS.

Commented [CS6]: "Bluff Impact Zone" means the land lying between the top of the bluff and the toe of the bluff. "Top of bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. "Toe of bluff" means the lower point of a bluff where there is, as visually observed, a clearly identifiable break in the slope. "Bluff face" is not defined in code, staff presumes bluff face is area between top and toe of bluff that meets rise/run criteria (30% rise/fall over 25') of bluff.

(4) All storm water ponds, swales, infiltration basins, or other soil saturation-type features shall be set back a minimum of 50 feet from the top of bluff.

Commented [CS7]: This language is incorporated in the Subdivision standards. Following may encroach into bluff easement w/ permit: accessory structures under 120 sf, retaining walls, fences and above ground nonpermanent swimming pools. This language should be inserted in Chapter 11 and reviewed. Copy attached.

2. For those bluffs deemed suitable for land disturbance activity, the following rules shall apply:

(1) Grading, clear cutting, removal of vegetation and/or other land disturbing activities may be allowed within the Bluff Impact Zone provided the activity is in compliance with the City Storm Water Management Plan's minimum performance standards. The Plan shall, at a minimum, require the following:

Commented [CS8]: Phrase not defined, intent unknown

(a) The identification of any Bluff Preservation Areas where disturbance would be prohibited by City ordinance.

Commented [CS9]: See previous comment

(b) The minimum Erosion and Sediment Control BMP's include site stabilization and slope restoration measures needed to ensure the proposed activity shall not result in:

Commented [CS10]: Intent unknown

Adverse impact to adjacent and/or downstream properties or water bodies,
Unstable slope conditions, and

Degradation of water quality due to erosion, sedimentation, flooding and other damage as stated in this Ordinance.

- (c) Prohibit all activities that would result in disturbances or destabilization of the Bluff Face.
- (d) Preservation of existing hydrology and drainage patterns. Land disturbing activities shall not result in any new water discharge points along the bluff.

(2) The following activities shall be permitted within the Bluff Face, and shall not constitute prohibited activities under 1109.06 Subd. 2 (1)(c):

- (a) Maintenance, repair or replacement of public roads, and utility and drainage systems that exist on creation of the Bluff Overlay District.
- (b) Disturbances that are part of an City-approved plan to repair, grade or re-slope existing bluff faces that are eroding or unstable as necessary to establish stable slopes and vegetation.
- (c) Vertical cuts into the bluff face up to 10 vertical feet, measured from the existing top of bluff, provided that no storm water is directed over the bluff face and storm water runoff, including roof drainage, is collected and conveyed to a stable discharge point.
- (d) Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic or invasive vegetation, or the pruning of trees or vegetation that are dead, diseased or pose similar hazards.

1109.06 SUBD. 2. STANDARDS FOR CITY-SPONSORED PROJECTS

The City must demonstrate that any City-proposed activity in the bluff does not: 1) impact adjacent properties, 2) result in unstable slope conditions and, 3) result in the degradation of water bodies from erosion, sedimentation, flooding and other damage as stated in Section 1109.02 (1) (6, 7, 8, 9, 12, and 13).

1109.06 SUBD. 3. EXCEPTIONS

1. Where the City has determined mining is appropriate, mining activities shall be exempt from Paragraph 1109.06 (1) provided that:

- (1) an extractive use site development and restoration plan is developed, approved by the City, and followed over the course of the project;
- (2) the mining operation is conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation;

Commented [CS11]: Applicability in corporate limits?

- (3) that erosion and sediment control is provided in a manner consistent with Section 1109.02 (1) of this Ordinance; and
 - (4) the landowner complies with all other applicable state and local regulations governing mining.
2. Disturbances, grading or re-grading of abandoned mine slopes ~~necessary~~necessary to establish stable slopes and vegetation are exempt from Paragraph 1109.06 (1).
3. For the purposes of constructing Public Improvement Projects, as defined under these Ordinances, land disturbances in the Bluff Impact Zone and Bluff Face may be permitted providing the project proposer demonstrates to the City an appropriate need for these activities to occur and that avoidance and minimization sequencing was followed.

Subdivision Code Language Excerpt

SUBD 4. EASEMENT AND BLUFF ENCROACHMENT REQUIREMENTS. The erection and/or placement of any structure in an easement or bluff setback require an Easement and Bluff Encroachment Permit submitted to the City, along with the building/zoning permit. City staff will consider factors such as the type and use of the easement, location and stability of the bluff, erosion and sediment control, resulting drainage patterns, and the type and use of the proposed structure when making a decision. An Easement and Bluff Encroachment Permit must be signed by the property owner and approved by the City prior to the zoning/building permit being issued.

The following structures may be allowed in easements and the bluff setback with approval of an Easement and Bluff Encroachment Permit provided they could be easily moved or removed as determined by city staff:

1. Accessory structures 120 square feet or less (without permanent foundations)
2. Retaining walls for landscaping (provided drainage patterns are not affected).
3. Fences (provided drainage patterns are not affected).
4. Above ground, non-permanent swimming pools.

If, for any reason, the City or other authorized agency needs to perform work in an easement, the property owner must remove, at their expense, any structure or landscaping located within the easement within 30 days of being notified. If the items are not removed by the property owner within the time specified in the notice, or if an emergency situation exists, representatives of the City may remove these items and may charge the property owner for any removal and restoration expenses incurred. If the removal and restoration expenses remain unpaid, the City Council may assess the property.

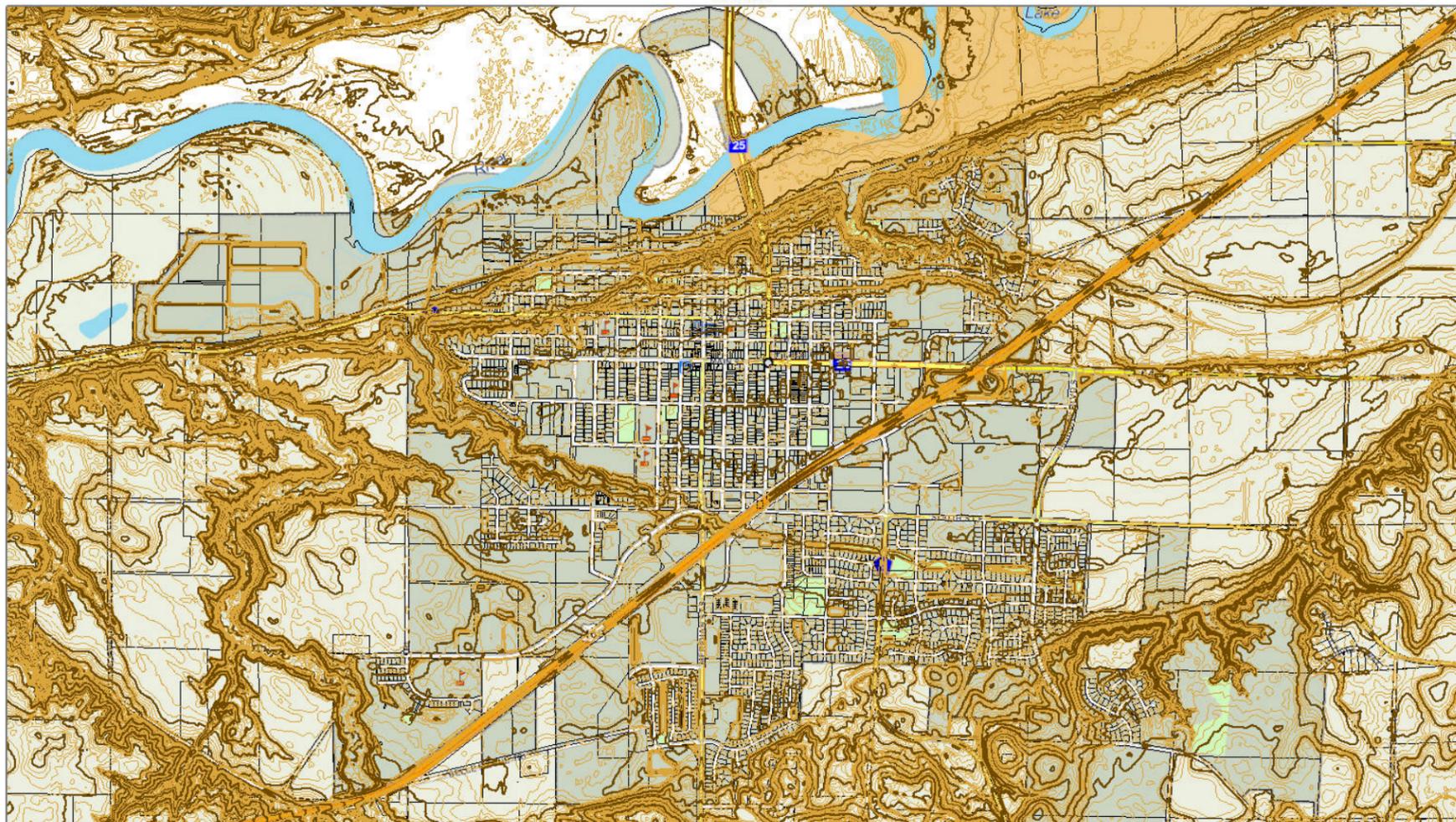
If private utilities such as cable, gas, electric or telephone are located within the public easement, the City will notify the affected utility company of the structure proposed to be located in the easement prior to the City issuing a permit.

The City or any other authorized agency is not liable for repair or replacement of any structure or landscaping in the event it is moved, damaged or destroyed by virtue of the lawful use of the easement and bluff setback.

All permits received for encroachment of the bluff setback will be sent to Scott County WMO for review prior to approval of the request. Any land disturbing activities must receive approval from the Scott County WMO.

Any approved easement and bluff encroachment permit for construction within an easement or bluff setback does not absolve a property owner of the above responsibilities and shall not be construed as an approval to violate any codes or ordinances of the City of Belle Plaine.
(Ord. 12-04, Section 1205.07, Adopted September 17, 2012.)

Contours



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 1641 feet
8/4/2016



MEMORANDUM

DATE: August 8, 2016
TO: Chairperson Hvidsten, Members of the Planning Commission and Interim Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 7.2 Director's Report

Design Committee

The Design Committee met August 1st.

- The DC conducted follow-up on a tour of downtown it conducted in June with a landscape architect. Uplighting from canisters in the boulevard concrete for four trees at intersection of Main/Meridian is favored for accent lighting and ambiance in the DT. The LED lights could be color-adjustable to create specific accents. The project is being supported, in part, by a donation from the Chamber of Commerce.
- The Design Committee made a recommendation to the City Council to approve an update of the Design Manual.

Economic Development Authority

The EDA will meet at 5:00 on August 8th. The EDA: will hold short meeting and then discussed the façade improvement loan program at a work session.

City Council Updates

The City Council met on July 18th and addressed several land use related items as follows:

- Approved non-conforming setback expansion permit (3-2 vote) for Hanson detached garage 140 Walnut Street South.
- Approved CUP for detached garage exceeding 900 sf with conditions recommended by PC for 140 Walnut. Vote was unanimous.
- Approved ordinance opting out of temporary family health care unit law.
- Approved annexation of 43.29 acres of Devine property proposed for use as solar field.
- Approved developer's agreement, purchase agreement amendment, and memorandum of PUD entitlements for RMC.

Episcopal Church Committee

The City was invited to submit a final application for grant assistance relating to restoration of the Church. The final application was submitted to the Minnesota Historical Society on July 29th.

Joint Annexation Board – Blakeley Township

The Blakeley OA Board met on July 11th to discuss a petition for annexation to the City from Tammy Devine and Kim Devine-Johnson. The OAA Board unanimously recommended the City Council and Town Board approve of the annexation.

Other

The City/Ridgeview closed on the RMC site on August 3rd. Building permit issuance is anticipated shortly. Work at the site is to commence the week of the 8th. EDA Members invited to a groundbreaking ceremony Thursday, August 11th from 8:30 to 9:30 at the site.