



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

MONDAY, DECEMBER 12, 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 November 14, 2016.

6:35
P.M.

4. RECOGNITION OF INVOLVED CITIZENS.

5. BUSINESS.

- 5.1. Planning and Zoning Commission Annual Report.
- 5.2. Discussion: Signs for Home Occupations.
- 5.3. Review of Maxfield Research Draft Commercial/Industrial Study.
- 5.4. Discussion: 2017 Goals.

6. ADMINISTRATIVE REPORTS.

- 6.1. Commissioner Comments.
- 6.2. Director's Report.
- 6.3. Upcoming Meetings.
 1. Next Regular Meeting, 6:30 p.m., Monday, January 9, 2017.

7. ADJOURNMENT.

There may be a quorum of the Belle Plaine City Council present at the meeting.

**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. Heimerl 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. Heimerl 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. Heimerl. 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. Heimerl 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



MEMORANDUM

DATE: December 12, 2016
TO: Chairperson Hvidsten, PC Commissioners, and Administrator Votca
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.1 Draft 2016 Annual Report of the Planning and Zoning Commission

REQUEST: Discussion Regarding 2016 Annual Report

GENERAL INFORMATION

As a means to reflect on business conducted over the past year and consider goals for 2017 the attached annual Planning and Zoning Commission Annual Report is offered for review and comment. The Report will also be offered to the City Council for consideration of acceptance.

Review and comment by the PC is kindly requested.

Planning and Zoning Commission

2016 Annual Report



PLANNING AND ZONING COMMISSION

ANNUAL REPORT: 2016

As a means of reflection and consideration of goal setting for 2017, the following is a report on Planning and Zoning Commission activity in 2016. This report will also be offered to the City Council for consideration of acceptance.

PURPOSE:

The City of Belle Plaine has established the Planning and Zoning Commission as provided under Minn. Stat. §462.354, Subd. 1(2). The Commission is advisory to the City Council and supported by Community Development Department staff.

With assistance from the Community Development Department, the Commission is responsible for development and administration of the Comprehensive Plan, land use (zoning) standards, platting and subdivision standards, and it functions as the Board of Zoning Appeals and Adjustments (variances, appeals).

The Commission functions in three distinct capacities:

1. Planning capacity: The Commission assists the City Council in establishing a vision for the community and guides the steps necessary to reach that vision (Comprehensive Plan: *Destination 2040*).
2. Legislative capacity: The Commission studies regulations and proposes changes as needed to achieve the vision contained in the Comprehensive Plan.
3. Regulatory capacity: The Commission applies the ordinances and rules to specific situations in fulfillment of the vision encompassed in the Comprehensive Plan.

2016 APPOINTMENTS:

The following appointments to the Planning Commission were effective in 2016:

Nate Hvidsten (Chair)	Ashby Carter	Brittney Cotner
Anthony Hetzel	Ashton Pankonin	Henry Pressley (CC Liaison)
Joe Lenz (Alternate)	Catherine Tarbell (Alternate)	

The following officers were elected by the Planning Commission in 2016:

Chair:	Nate Hvidsten
Vice Chair:	Anthony Hetzel
Secretary:	Ashton Pankonin

2016 MEETING DATES:

The Belle Plaine Planning Commission volunteers met 19 times in 2016. Regular meetings are held the second Monday of each month at 6:30 p.m. in the Council Chambers at the Belle Plaine City Hall. In 2016 the PC held twelve regular meetings, two joint meetings with the Council, one special meeting, and participated in four quarterly meetings relating to *Destination 2040* (Comprehensive Plan update process).

CORE INITIATIVES AND STRATEGIC DIRECTIONS:

The Planning and Zoning Commission pursues the following priorities:

1. Consistent, balanced, and methodical administration of the zoning ordinance in response to property owner requests for: rezoning, variance, conditional use permit, and interim use permit issuance.
2. Consistent, balanced, and methodical administration of the subdivision ordinance in response to property owner/developer requests for plat approval and minor subdivisions.
3. Active participation in *Destination 2040*, an ongoing comprehensive plan update effort and administration and implementation of the 2008 Comprehensive Plan.
4. Establishment of relevant land use and subdivision regulations that relate to existing conditions and the vision identified within the Comprehensive Plan.
5. Creation of a detailed, accurate, and permanent record for each land use and subdivision request to be retained at City Hall for future reference and/or establishment of a common rationale for reviewing requests and administering applicable ordinances.

PLANNING ACTIVITIES: 2016

Over the past year the Planning and Zoning Commission functioned in its planning capacity when supporting *Destination 2040 Belle Plaine* the City's comprehensive plan update process.

- January 11, 2016: The PC reviewed maps contained in the 2008 Comprehensive Plan.
- March 9, 2016: Joint Council, Board, Committee, and Commission meeting. Kick off of *Destination 2040*. Introductory session and sharing of information from each appointed group.
- March 14, 2016: The PC discussed the approach to *Destination 2040*. Consensus is to approach the update as a means of validating previous planning while adjusting when needed. Overall, the conclusions of the 2008 plan appear to be valid.
- April 11, 2016: The PC discussed 'big-picture' items related to *Destination 2040*, including anticipated outcomes, major themes and organizing principles.

- May 9, 2016: The PC held a hearing on a minor comprehensive plan amendment for the Ridgeview Medical Center and Lutheran Home project. The minor amendment updated planned land use within the project area. The Council authorized the minor amendment on May 16th. The minor amendment was accepted by the Metropolitan Council on June 8th and placed into effect by the City Council later that month.
- June 8, 2016: Joint Council, Board, Committee, and Commission meeting for *Destination 2040*. Meeting topic was land use and the meeting featured several role-playing scenarios focused on residential, commercial, and industrial uses, housing, and community character.
- September 14, 2016: Joint Council, Board, Committee, and Commission meeting for *Destination 2040*. Meeting focus was parks and place-making; those attending went on a mobile tour of attendee's favorite places/spaces.
- December 7, 2016: Joint Council, Board, Committee, and Commission meeting for *Destination 2040*. Meeting focus was transportation.

LEGISLATIVE ACTIVITIES: 2016

The following code updates/amendments were developed, processed, and recommended by the Planning Commission in 2016 when functioning in its legislative capacity. Ordinances once generated were heard in public and then forwarded to the Mayor and City Council for consideration of approval. The typical process followed included: issue identification, research, review of intent, review of impact on properties in Belle Plaine, revision/adjustment, and public hearing.

- January 11, 2016: The PC held a public hearing on proposed Ordinance 16-01 a complete repeal and replacement of rental housing standards. Ordinance 16-01 removed provisions relating to the building code from the zoning standards, added tenant registry standards, and places responsibility for tenant behavior with the landlord. The PC recommended the Council approve the repeal/replace. Council approval occurred on January 19th.
- April 11, 2016: The PC held a public hearing on proposed Ordinance 16-05 relating to fences in the Downtown. The Code amendment was initiated by the Design Committee to regulate fences in the Downtown to promote fence materials, heights, and types consistent with a pedestrian friendly environment and corridor. Council approved Ordinance 16-05 on April 18th.
- June 7, 2016: The PC held a public hearing on proposed Ordinance 16-07 establishing criteria for solar energy systems (SES). Under the Ordinance accessory SES are allowed throughout the City under specific performance criteria. Ground mounted SES as a principal use are allowed in the A-2 Rural Residential District under an interim use permit. Council approved the SES standards on June 20th.
- July 11, 2016: The PC held a public hearing on proposed Ordinance 16-11 relating to temporary family healthcare dwelling units. Governor Dayton signed a law requiring cities to allow temporary 'drop homes' unless the local jurisdiction opted out of the law. The PC reviewed the law and due to several issues arising from the statutory language

recommended the Council opt out of the law. The Council approved the Ordinance July 17th.

- November 14, 2016: The PC held a public hearing on proposed Ordinance 16-12 relating to repeal and replacement of bluff preservation standards. The language review was initiated after application of existing standards proved problematic due to lack of definition. The updated language adds several definitions, continues to prohibit development of bluffs and bluff impact zones, and recommends curtailed development on very steep slopes. Council approved the proposed bluff preservation standards on November 21st.

REGULATORY ACTIVITIES: 2016

Several land use and subdivision applications were processed by the Planning Commission in 2016 functioning in its regulatory capacity. Public hearings were held and recommendations were made to the City Council. The City Council may rule against a Planning Commission recommendation.

- January 11, 2016: The Planning Commission reviewed a minor subdivision request for 412 Elm Street. The PC recommended Council approval.
- January 11, 2016: The Planning Commission reviewed a concept plan for Ridgeview Health Campus and recommended approval of the concept to the Council.
- January 11, 2016: The Planning Commission conducted a public hearing on a conditional use permit (CUP) request by the owner of property at 106 Main Street East. The CUP was for the establishment of an apartment in the Central Business District. The PC recommended the City Council approve the request based on several conditions.
- May 9, 2016: The PC held a public hearing on a request for a front yard setback variance at 100 Oakwood Drive. The PC tabled action pending receipt of additional information.
- May 9, 2016: The PC held a public hearing on requests for: (a) rezoning, (b) preliminary PUD plan, and (c) preliminary plat for Ridgeview Health Campus. Following the hearing and discussion the Commission recommended conditional approval of all three requests.
- June 7, 2016: The PC held a public hearing on a variance request for a second driveway at 840 Court Street East. The PC recommended the Council deny the variance based on itemized findings of fact.
- June 7, 2016: The PC held a public hearing on a CUP request for used auto sales at 405 Enterprise Drive. The Commission recommended the City Council approve the request based on several conditions.
- June 7, 2016: The Planning Commission reviewed a final PUD plan and final plat for Ridgeview Health Campus. Approval of the final plan/plat was recommended.

- June 7, 2016: The Commission continued discussion on a variance to front yard setback at 100 Oakwood Drive. The Commission recommended denial of the variance request based on specific findings. The Council approved the variance based on several conditions.
- June 20, 2016: The Commission reviewed a revised final PUD plan and replat for Ridgeview Health Campus. The PC recommended the Council approve the plan/replat.
- July 11, 2016: The Commission held a public hearing on requests for expansion of an existing non-conformance (setback) and a conditional use permit for a detached accessory structure exceeding 900 square feet. The requests related to property in a residential district at 140 Walnut Street South. The Commission recommended approval of the CUP and denial of the non-conformance expansion request. The Council approved both actions.
- September 12, 2016: The PC held a hearing on a preliminary plat entitled “Buesgens Commercial Center”. The Commission recommended conditional approval to the City Council.
- October 10, 2016: The Planning Commission held a public hearing on setback and lot coverage variances for property at 148 Meridian Street South. The variances were needed to accommodate a proposed garage at a property that did not have an existing garage. The PC recommended conditional approval of the variance requests.
- October 10, 2016: The Commission held a public hearing on an interim use permit (IUP) request for a ground-mounted, utility scale solar energy system at 1300 South Street West. Additionally, a variance request to allow above ground (as opposed to buried) power lines was also reviewed. The Commission recommended the Council approve both requests with specified conditions.
- November 14, 2016: The PC held a hearing regarding a request for a conditional use permit and variance related to a small events center at 229 Meridian Street North. The PC recommended approval of the requests with specified conditions.
- The Commission also discussed second driveways and parking pad standards at several meetings. The Commission opted to retain existing code language regarding both.

PLANNING GOALS: 2016

The Planning Commission established the following goals for the calendar year 2016 at a meeting on February 8th:

Planning function

- Initiate the 2040 Comprehensive Plan update (later dubbed ‘*Destination 2040*’).

Legislative function

- Proceed with drafting of solar energy standards – both accessory and principal uses.
- Consider updating sign ordinance to reference commercial and non-commercial speech and to remove references to specific classifications of signs.
- Review code for housekeeping issues as become apparent.
- As time permits review code standards to determine compliance with state/federal rules.

Regulatory function

- Review requests for platting, variances, rezoning, text amendment, and conditional use permits in a timely, consistent, and professional manner with the process prescribed by the zoning and/or subdivision ordinance.
- Implement strategies within the Comprehensive Plan relating to land use and subdivision of property.



MEMORANDUM

DATE: December 12, 2016
TO: Chairperson Hvidsten, PC Commissioners, and Administrator Votca
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.2 Discussion: Signs Associated with Home Occupations

REQUEST: Discussion Home Occupation Sign Size

GENERAL INFORMATION

I received a call from an entrepreneur who is starting a home-based bakery business. She would like to provide signage to alert customers of where the establishment is located. Ultimately, she hopes to expand into an existing commercial space in town but at this time must start with a home-based business.

At this time the Code (attached) allows a home occupation to have one nameplate type sign not exceeding one square foot. No other signage is allowed. The entrepreneur I spoke with noted such a sign is difficult to find online without requiring a custom order. She would like to have an 18" X 21.5" sign in her yard relating to the business.

In my experience, the existing standard is quite restrictive when compared to allowances in other communities. As such, I'm interested in PC input on the history of the standard.

Review and discussion of the existing standard is kindly requested.

SECTION 1107.16 HOME OCCUPATIONS.

1107.16 SUBD. 1. PURPOSE. The purpose of this Section is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the residential character or health, safety and general welfare of the surrounding neighborhood.

1107.16 SUBD. 2. APPLICATION. Subject to the non-conforming use provision of this Section, all occupations conducted in the home shall comply with the provisions of this Section. This Section shall not be construed; however, to apply to home occupations accessory to farming.

1107.16 SUBD. 3. HOME OCCUPATION REQUIREMENTS.

1. Home Occupations shall comply with all of the following requirements:

- A. No Home Occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- B. No equipment shall be used in the Home Occupation which will create electrical interference to surrounding properties.
- C. Any Home Occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
- D. No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings, except where required to comply with local and state fire and police recommendations.
- E. There shall be no exterior storage of equipment or materials used in the Home Occupation, except personal automobiles used in the home occupation may be parked on the site.
- F. The Home Occupation shall meet all applicable fire and building codes, City ordinances, and County and State requirements.
- G. Only one sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than one square foot in area, and shall be attached to the entrance of the dwelling.
- H. No Home Occupation shall be conducted between the hours of 10:00 P.M. and 7:00 A.M. which allows for customers or any on-street parking facilities during that period of time.

- I. Only one other person beyond those who customarily reside on the premises shall be employed.
- J. All Home Occupations shall be conducted entirely within the principal building and shall not be conducted in an accessory building.
- K. Home Occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, or garage.
- L. No sale of products or merchandise shall occur on the property other than that which is incidental to the Home Occupation, except that merchandise which may be sold via electronic medium, provided customers do not come to the Home Occupation premises for any part of the transaction.

1107.16 SUBD 4. PROHIBITED USES.

The following uses have a tendency to be too intense or potentially disruptive for home occupations and thereby adversely affect residential areas. The following uses are specifically prohibited as Home Occupations:

- A. Repair services of all kinds, including auto repair, appliance repair and small engine repair.
- B. Music, dance or exercise instruction which provides instruction to groups of more than two individuals at a time.
- C. Medical and dental offices.
- D. Mortuaries.
- E. Kennels.
- F. Automobile and equipment sales.
- G. Machine shops, welding, or manufacturing.
- H. Any home occupation which involves the use of hazardous materials or activities; or which adversely impacts governmental facilities and services.
- I. Any other uses that do not comply with the conditions established for home occupations.

1107.16 SUBD. 5. NON-CONFORMING USE.

Home Occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. Expansion of a Non-Conforming Home Occupation is prohibited. Any existing Legal Non-Conforming Home Occupation that is discontinued for a period of more than one (1) year, or is in violation of the provisions of the Ordinance under which it was initially established, shall be brought into conformity with the provisions of this Section.

1107.16 SUBD. 6. INSPECTION.

The City hereby reserves the right upon any home occupation to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this

Section.

1107.16 SUBD. 7. VIOLATION

1. Home Occupations may operate as long as the residence complies with the provisions of this Section. At such time as the city has reason to believe a violation has occurred, the property owner shall be notified to cease the operation of the violating activities, or request a hearing before Board of Adjustment and Appeals to consider the matter pursuant to Chapter 2, Section 206.00.

(Ord. 14-06, Section 1107.16, Adopted October 20, 2014.)



MEMORANDUM

DATE: December 12, 2016
TO: Chairperson Hvidsten, PC Commissioners, and Administrator Votca
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.3 Draft 2016 Maxfield Commercial Industrial Market Study

REQUEST: Review of draft market study

GENERAL INFORMATION

Each PC member will be receiving a bound copy of a draft commercial/industrial market study completed by Maxfield Research and applicable to Scott County cities.

The study contains detailed analysis of retail, office, and industrial markets, inventories existing market supply, and forecasts demand for commercial and industrial uses at a regional and local level.

Staff will thoroughly review the study with PC members at the meeting. A general understanding of the study findings will assist the PC in considering potential goals for 2107, building perspective and knowledge of the local economy, and evaluating methods of streamlining regulations. A copious amount of data is included in the study, but when viewed in aggregate creates a very useful tool for not only the PC but for the EDA and Council as well.

Review and discussion by the PC is kindly requested.



MEMORANDUM

DATE: December 12, 2016
TO: Chairperson Hvidsten, Planning Commissioners, and Administrator Votca
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.4 Goals for 2017

REQUEST: Consider Goals for 2017

GENERAL INFORMATION

A summary of PC goals established for 2016 is included in the 2016 annual report. In addition, review and discussion of data included in a draft commercial/industrial market study should provide perspective on potential priorities relating to development review.

Discussion of goals for 2017 is kindly requested. Following is information on 2016 goals and a few potential thoughts for 2017:

1. Goals Continuing from 2016:
 - a. Continue update of *Destination 2040 Belle Plaine*.
 - b. Consider update of sign code to reference commercial and non-commercial speech and to remove references to specific classes of signs.
 - c. Review code for housekeeping issues as they become apparent.
 - d. As time allows, review code standards to determine compliance with state/federal rules.
 - e. Review requests for platting, variances, rezoning, text amendment, conditional use permits, and interim use permits in a timely, consistent, and professional manner with the process prescribed by the zoning and/or subdivision code.
 - f. Implement/administer the 2008 Comprehensive Plan.
2. New efforts (examples only):
 - a. *Conduct small-group interview with RMC and TLHA (at their place) to debrief on City regulatory and review process related to their project. Perhaps one EDA Member, one PC Member, and one Council Member.*
 - b. *Consider allowing site plan review (especially for additions) under administrative review process versus recommendation by the PC and approval by the CC.*
 - c. *Pursue policies which provide homes in Belle Plaine for workers in Shakopee.*
 - d. *Consider policies encouraging industrial development and job creation: e.g. guide more areas closer to Hwy 169 to industrial planned land use, consider methods of reducing construction cost (i.e. less expensive building standards), allow for clear ceiling heights 32+ feet, review parking/loading standards, etc.*