



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

MONDAY, JANUARY 13, 2020
6:30 P.M.

PLEDGE OF ALLEGIANCE

6:30 **1. CALL TO ORDER.**
P.M. 1.1. Roll Call.

2. APPROVAL OF AGENDA.

3. APPROVAL OF MINUTES.

- 3.1. Regular Session Minutes of December 9, 2019.
- 3.2. Work Session Minutes of December 9, 2019.

6:35 **4. RECOGNITION OF INVOLVED CITIZENS.**
P.M. *Persons may make statements to the Planning Commission pertaining to items **not** on the agenda. Maximum of three (3) minutes per speaker. No official action will be taken.*

5. PUBLIC HEARINGS.

5.1. Ordinance 20-01 The Planning Commission will hear public comment on proposed Ordinance 20-01 which, if approved, will amend Section 1105.08 of the City Code Pertaining to performance standards in the R-7 Mixed Housing District and Sections 1105.05, 1105.06, and 1105.07 pertaining to maximum site coverage.

- 5.1.1 Resolution PZ 20-001, Recommending Approval of Ordinance 20-01, an Ordinance amending Chapter 11, Section 1105.08 of the Belle Plaine City Code pertaining to performance standards in the R-7 Mixed Housing Residential District and amending Sections 1105.05 (R-1), 1105.06 (R-2), and 1105.07 (R-3) pertaining to maximum site coverage.

6. BUSINESS.

6.1. Discussion: Existing Code Language Non-Conformance Expansion Permit

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 January 7, 2020.

8. ADJOURNMENT.

7:00 **WORK SESSION**
P.M. **a.** Fair Housing Policy Background

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

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
DECEMBER 9, 2019**

PLEDGE OF ALLEGIANCE

Chair Cauley led those present in the Pledge of Allegiance.

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, December 9, 2019 at City Hall 218 North Meridian Street, Belle Plaine, MN. Chair Cauley called the meeting to order at 6:32 PM with Commissioners Omni Kiecker, Ashton Pankonin and Sarah Duklet present. Commissioners Ryan Herrmann Lee Petersen was not present.

Also present were Community Development Director Smith Strack and Council Liaison Chard.

2. APPROVAL OF AGENDA.

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

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of November 12, 2019.

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

4. RECOGNITION OF INVOLVED CITIZENS.

*Persons may make statements to the Planning Commission pertaining to items **not** on the agenda. Maximum of three (3) minutes per speaker. No official action will be taken.*

No citizens stepped forward.

5. PUBLIC HEARINGS.

5.1. Setback Variances – R-7 Mixed Housing District. The Planning Commission considered public comment on a request by Scott Schmidt, owner of property in the 300 Block of Meridian Street North for variances to required front, side, and rear yard setbacks in the R-7 Mixed Housing District. If approved the variances would allow construction of a duplex on a combined infill parcel.

Community Development Director Smith Strack explained a setback variance request by Scott Schmidt was received and a public hearing was to be held regarding the request. Smith Strack explained the variances are required for front, side and rear yard setbacks in the R-7 Mixed Housing District per the presented plans. Smith Strack noted if approved the variances would allow construction of a duplex on a combined infill parcel. Smith Strack explained the front yard required setback is 30 feet and 16 feet is proposed, the interior side yard setback is 10 feet and 5 feet is proposed, and the rear setback is required to be the height of the building (25 feet) and is proposed at 21 feet. Smith Strack explained sample findings are in the packet for review. Smith Strack noted the review team reviewed the request and have no objections. Smith Strack explained the public hearing was published, posted and mailed with no comments for or against were received.

Commissioner Cauley suggested the property owner could combine with the property to the north. Commissioner Kiecker inquired if staff heard anything from Valor Company. Community Development Director Smith Strack explained she has not heard anything regarding the variance request noting the only response from the industrial use owner was during the rezoning request. Cauley inquired as to the reason the applicant is opposed with a combination with the lot to the north, which would eliminate the setback

variance request. Smith Strack explained a lot combination would require plating which is costlier to the applicant and the variance for front and rear yard would likely remain.

Commissioner Cauley opened the public hearing at 6:40 PM and asked for public comment.

The Applicant explained a plan to put the property to use.

MOTION by Pankonin, second by Kiecker to close the public hearing at 6:40 PM. ALL VOTED AYE.
MOTION CARRIED.

Commissioners held discussion regarding setbacks and lot combinations. Commissioner Kiecker explained she took the opportunity to look at the lot with the one neighboring tenant. Kiecker cited the clause of notification of business next door in lease addendum was added and appeasing her concern.

5.1.1. Resolution 19-029(A) Resolution Recommending the City Council Approve a Variance to Front, Side, and Rear Setbacks for a Duplex in the 300 Block of Meridian Street North.

MOTION by Commissioner Pankonin, second by Commissioner Kiecker, to approve Resolution 19-029 A. Roll call vote was taken. Commissioners Kiecker, Pankonin and Duklet voted AYE. Commissioner Cauley voted NAY. MOTION CARRIED 3-1.

6. BUSINESS.

6.1. Lot Combination – Scott Schmidt 300 Block Meridian Street North.

Community Development Director Smith Strack explained a lot combination request for the 300 block of Meridian Street North was received from Scott Schmidt. Smith Strack explained the request was sent to the Scott County Recorder's, Surveyor, and Assessor's Office for review and was accepted. Smith Strack noted staff have reviewed and noted sanitary sewer and drinking water will need to be established.

MOTION by Commissioner Pankonin, second by Commissioner Kiecker to approve Resolution 19-030 recommending the City Council approve the combination of two lots in the 300 Block of Meridian Street North. ALL VOTED AYE. MOTION CARRIED.

6.2. R-7 Mixed Housing District Performance Standard Updates.

Community Development Director Smith Strack explained the Commission continues to consider updates to performance standards in the R-7 Mixed Housing District. Smith Strack explained the purpose of the updated is to accommodate increased density and provide for a variety of housing styles and types. Smith Strack noted at the November meeting, the commission directed staff to provide comparative data on required setbacks from other cities in Scott County. Smith Strack explained a particular interest in graduated side and rear setback standards tied to the height of the building. Smith Strack explained at this time rear and side setbacks are specified as 100% of structure height. Smith Strack noted the proposed standard was greater of 20 feet or 80% of the structure. Smith Strack explained a comparative setback data sheet was included in the packet for review. Smith Strack explained a final addition to the proposed language is to reinstate lot surface maximums which were apparently inadvertently removed under Ordinance 18-01 when accessory structure surface coverages were removed.

Commissioner Pankonin requested clarification on the surface maximums language. Community Development Director Smith Strack explained the R1, R2, R3 and R7 and standards for structural coverage were unintentionally removed when the Commission approved removing rear yard coverage standard. Strack noted it was prudent to have those reinserted into the code language.

MOTION by Commissioner Kiecker, second by Commissioner Duklet to recommend Ordinance 19-11 amending Chapter 11, Sections 1105.08, 1105.05, 1105.06 and 1105.07. ALL VOTED AYE. MOTION CARRIED.

6.3. 2019 Annual Report.

Community Development Director Smith Strack explained the draft Annual Report was included in the packet for review. Smith Strack highlighted the committee met 13 times and held 18 public hearings. Smith Strack explained the commission functions in three distinct capacities: 1. Planning, 2. Legislative and 3. Regulatory. Smith Strack reviewed the 2020 potential goals and requested additional goals the Commissioners would like to see.

MOTION by Commissioner Pankonin, second by Commissioner Kiecker to approve the 2019 Annual Report. ALL VOTED AYE. MOTION CARRIED.

Commissioner Kiecker inquired is staff is still proceeding with the Green Step City steps. Community Development Director Smith Strack explained the steps one to three are done steps four and five are reporting based versus policy based. Kiecker inquired on how to include trails and walkways in future development. Smith Strack explained Park Board recommends sidewalk and trails and the planning committee can review trails and sidewalks can review at the time of concept review. Council Liaison Chard inquired about meeting with others about open lots and have discussion about development. Smith Strack confirmed she will check in with developers. Commissioner Duklet inquired if the commissioner could bring back denials for further review. Smith Strack explained staff can take a look back for review including commercial denials would be of interest.

Commissioners Kiecker and Cauley requested to move forward with the Annual Report on the Consent agenda.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

No comments were made.

7.2. Director's Report.

Community Development Director Smith Strack explained her report is in the packet for review.

7.3. Upcoming Meetings.

1. Next Regular Meeting, 6:30 p.m., Monday January 7, 2020.

The Commission was advised of the upcoming meeting.

8. ADJOURNMENT.

MOTION by Commissioner Kiecker, second by Commissioner Pankonin, to adjourn the meeting at 7:17 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary

**BELLE PLAINE PLANNING & ZONING COMMISSION
WORK SESSION
DECEMBER 9, 2019**

1. CALL TO ORDER.

The Planning and Zoning Commission met in Work Session on Monday, December 9, 2019 at City Hall 218 North Meridian Street, Belle Plaine, MN. Chair Cauley called the meeting to order at 7:18 PM with Commissioners Omni Kiecker, Ashton Pankonin and Sarah Duklet present. Commissioners Ryan Herrmann Lee Petersen was not present.

Also present were Community Development Director Smith Strack and Council Liaison Chard.

2. Discussion of places of assembly in B-3 Central Business District.

Community Development Director Smith Strack explained staff has been approached by the owner of a building zoned B-3 Central Business District. Smith Strack explained the building owner proposes the establishment of an event center which is considered a place of assembly. Smith Strack noted an event center is not provided for within the B-3 District. Smith Strack explained within the B-3 District other types of places of assembly are allowed both as permitted uses and under conditional use permit. Smith Strack explained City Hall is located within the B-3 District and was formerly an event center approved in 1996 under a CUP and requiring off-street parking. Smith Strack explained owner occupied residential and commercial uses do not require parking and rental occupied does require parking. Strack noted an event center will require a heavy burden on the downtown parking. Smith Strack requested discussion regarding any red flags or suggestions.

Commissioner Pankonin explained he was not aware of this limitation and inquired what the difference between the Rustic Room is and an event center. Council Liaison Chard suggested the purchase of the empty parking lot down town for additional parking. Commissioner Cauley opined it is not the City's place to make a business viable. Chard suggested City has options to entice business in downtown. Cauley suggested parking issues would be a potential problem but would be open to reviewing. Community Development Director Smith Strack noted due to no event center being identified in code she suggests a review for potential updates.

It was the consensus of the Commission a review of potential code amendment and conditional use permits citing parking as the major issue.

3. ADJOURNMENT.

MOTION by Commissioner Kiecker, second by Commissioner Duklet, to adjourn the meeting at 7:41 PM.
ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary



MEMORANDUM

DATE: January 13, 2020

TO: Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer

FROM: Cynthia Smith Strack, Community Development Director

RE: Agenda Item 5.1: Public Hearing Ordinance 20-01 R-7 Mixed Housing District Performance Standard Update

GENERAL INFORMATION

The Planning Commission will hold a public hearing and provide a recommendation to the Council on proposed Ordinance 20-01. The Commission has discussed the draft text for several months. The City Council reviewed proposed updates in a work session. The draft code amendment proposes adjustments to required performance standards in favor of allowing higher densities in the R-7 District. The R-7 District is the most dense residential classification and allows any type of housing except for detached single family structures.

If approved Ordinance 20-01 would:

1. Decrease required lot square footage per dwelling units in structures containing more than four units from 2,000 sf to 1,600 sf.
2. Decrease required side and rear yard setbacks that are currently tied to 100% of the building height to the greater of 20 feet or 50% of building.
3. Increase maximum building height allowed from 35' to 45'.
4. Adjust minimum dwelling unit sizes for one, two, and three bedroom units to reflect average of existing units in Scott County and provide for minimum square footage for studio/efficiency units.
5. Reinstate surface coverage maximums in the R-1, R-2, and R-3 Districts which were inadvertently deleted under a previous code amendment.

A public hearing notice has been posted and published and the draft text has been posted on the City's website. No comments from the public for or against the proposed amendment have been received as of the drafting of this memo.

ACTION:

The Commission is to hold a public hearing on the draft amendment. Following the hearing and discussion the Commission is to make a recommendation to the City Council pertaining to the draft ordinance. Sample resolution 20-001 is attached for consideration.

ATTACHMENTS:

1. Proposed ordinance 20-01.
2. Resolution 20-001.

**CITY OF BELLE PLAINE
ORDINANCE 20-01**

AN ORDINANCE AMENDING CHAPTER 11, SECTION 1105.08 OF THE BELLE PLAINE CITY CODE PERTAINING TO PERFORMANCE STANDARDS IN THE R-7 MIXED HOUSING (MEDIUM TO HIGH DENSITY) RESIDENTIAL DISTRICT AND AMENDING SECTIONS 1105.05 (R-1), 1105.06 (R-2), AND 1105.07 (R-3) PERTAINING TO MAXIMUM SITE COVERAGE

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1105.08, Subd. 5(1) Lot Requirements and Setbacks as follows:

1. Lot Area: Ten thousand five hundred (10,500) square feet for up to four (4) units, plus one thousand six hundred (1,600) ~~two thousand (2,000)~~ square feet for each additional unit.

Section 2. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1105.08, Subd. 5(3) Lot Requirements and Setbacks as follows:

3. Setbacks: Principal Building:
 - a. Front Yard: Thirty (30) feet.
 - b. Side Yard:
 1. Interior Lot:
 - a. Single or two-family dwellings:
 - 1 Ten (10) feet.
 2. Zero (0) feet if the principal buildings share common walls.
 - b. All other uses:
 1. Equal to the height of the building. Twenty (20) feet or fifty (50) percent of the building height, whichever is greater, except that dwelling units sharing a common interior side property line may be reduced to zero.
 2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
 - c. Rear Yard:
 1. Twenty (20) foot or height of the building, whichever is greater. Twenty (20) feet or fifty (50) percent of the building height, whichever is greater, except that dwelling units sharing a common rear property line may be reduced to zero.
 2. ~~Zero (0) feet if the principal buildings share common walls.~~

Section 3. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1105.08, Subd. 6(1) Building Standards as follows:

1. Maximum Height:
 - a. Principal Building: ~~Thirty five (35)~~ Forty-five (45) feet

Section 4. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1105.08, Subd. 6(2)(b)(1) Building Standards as follows:

b. Principal Building – Multi-Family.

1. Minimum:

- a. Studio/efficiency units: three hundred (300) square feet
- b. One Bedroom: ~~seven hundred fifty (750)~~ six hundred fifty (650) square feet
- c. Two Bedrooms: ~~nine hundred sixty (960)~~ eight hundred forty-five (845) square feet
- d. Three plus Bedrooms: ~~one thousand forty (1,040)~~ nine hundred (900) square feet

Section 5. Section 1105.05, Subd. 5(5) of the City Code (R-1 Single Family Residential District) is hereby amended as follows:

- 5. Site Coverage. No structure or combination of structures, including detached garages, shall occupy more than twenty-five (25) percent of the lot area.

Section 6. Section 1105.06, Subd. 5 (5) of the City Code (R-2 Single Family Residential District) is hereby amended as follows:

- 5. Site Coverage. No structure or combination of structures, including detached garages, shall occupy more than twenty-five (25) percent of the lot area.

Section 7. Section 1105.07, Subd. 5(5) of the City Code (R-3 Single and Two Family Residential District) is hereby amended as follows:

- 5. Site Coverage. No structure or combination of structures, including detached garages, shall occupy more than forty (40) percent of the lot area.

Section 8. This Ordinance shall become effective upon publication in the official newspaper of the City.

Passed and duly adopted by the City Council of the City of Belle Plaine this ___ day of ___, 2020.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-20-001**

**RECOMMENDING APPROVAL OF ORDINANCE 20-01, AN ORDINANCE AMENDING CHAPTER 11,
SECTION 1105.08 OF THE BELLE PLAINE CITY CODE PERTAINING TO PERFORMANCE
STANDARDS IN THE R-7 MIXED HOUSING (MEDIUM TO HIGH DENSITY) RESIDENTIAL DISTRICT
AND AMENDING SECTIONS 1105.05 (R-1), 1105.06 (R-2), AND 1105.07 (R-3) PERTAINING TO
MAXIMUM SITE COVERAGE**

WHEREAS, the City recently placed Destination Belle Plaine 2040, the City's 2040 Comprehensive Plan into effect; and,

WHEREAS, Destination 2040 envisions future uses of land and densities; and,

WHEREAS, Planning Commission is reviewing local controls to ensure consistency with Destination 2040; and,

WHEREAS, the Planning Commission finds a need to adjust allowable densities in the highest density residential zoning classification, the R-7 Mixed Housing District; and,

WHEREAS, the Planning Commission has studied the issue and developed language contained in Ordinance 20-01; and,

WHEREAS, the Planning Commission conducted a public hearing on January 13, 2020 following duly published notice to accept public comment on proposed Ordinance 20-01, An Ordinance amending Chapter 11, Section 1105.08 of the Belle Plaine City Code pertaining to performance standards in the R-7 Mixed Housing Residential District and amending Sections 1105.05 (R-1), 1105.06 (R-2), and 1105.07 (R-3) pertaining to maximum site coverage; and,

WHEREAS, the Planning Commission following the public hearing discussed Ordinance 20-01.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends approval of Ordinance 20-01, an Ordinance amending Chapter 11, Section 1105.08 of the Belle Plaine City Code pertaining to performance standards in the R-7 Mixed Housing Residential District and amending Sections 1105.05 (R-1), 1105.06 (R-2), and 1105.07 (R-3) pertaining to maximum site coverage.

The adoption of the foregoing resolution was duly moved by Commissioner _____, and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof: _____.

and the following voted against the same: _____.

Whereupon said resolution was declared duly passed and adopted. Dated this 13th day of January, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director



MEMORANDUM

DATE:	January 13, 2020
TO:	Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM:	Cynthia Smith Strack, Community Development Director
RE:	6.1 Discussion: Non-Conformance Expansion Permit Code Language

GENERAL INFORMATION

Several years ago the City placed code language into effect providing for expansion of non-conformance in certain situations, including when:

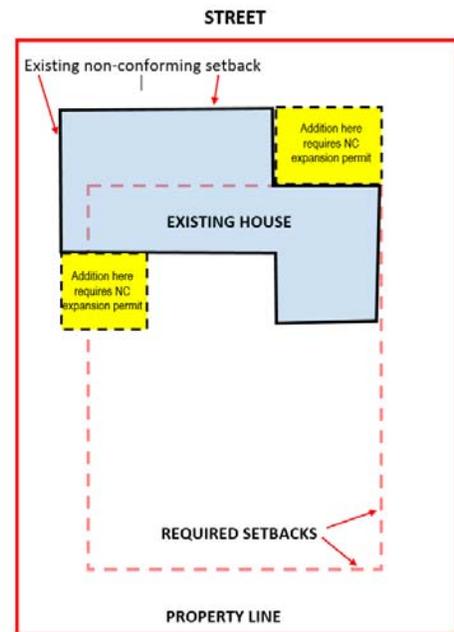
- A. *The proposed expansion will occupy any space within a non-conforming area that was previously not occupied both vertically and horizontally. For example, an expansion permit would be required if a second floor area is expanded into the non-conforming setback over an existing non-conforming first floor even though the non-conformity of the first floor setback dimension stays the same or is reduced; or*
- B. *The non-conforming aspect of a use or structure is reduced but still does not comply with current ordinance standards.*

The current language (attached) requires a **variance** in situations where a *“proposed expansion intrudes into one or more setback areas beyond the distance of the existing structure or if the expansion will exceed the height or size limitations in this section by a distance or amount greater than the existing structure”*.

The code language also assigns review criteria comparative to variance ‘practical difficulty’ test standards, including: *The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations”*.

We have had several requests for non-conformance expansion permits over the past few years. Review of existing language is requested, specifically:

1. Does the Commission favor a variance for intensification? I’ve reached out to City Attorney Vose to gain insight as to discussion surrounding current language.
2. The practical difficulty test can be a high bar to achieve and often repeated requests for relief indicate a standard that should be examined. Would the Commission consider streamlining the process by allowing building additions like those illustrated above (yellow) as a right with conditions versus through a hearing? See sample language on next page.
3. Other comments/thoughts on non-conforming uses?



Sample as a right (conditional) language:

A structure may extend horizontally and vertically along existing building setbacks if the proposed expansion:

- A. Will not endanger public safety.*
- B. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and,*
- C. It is not an expansion of a setback previously authorized through the variance process.*
- D. Will not create any new nonconformance in height or setback.*

1102.03 EXPANSION PERMIT, NON-CONFORMING USE OR STRUCTURE.

1102.03 Subd 1. INTENT.

An expansion of a non-conforming use may not be done without first obtaining a variance pursuant to section 1103 or an expansion permit pursuant to subdivision 2 of this section.

1. A variance is required if the expansion will intrude into one or more setback areas beyond the distance of the existing structure or will exceed the height or size limitations in this section by a distance or amount greater than the existing structure. Otherwise, an expansion permit is required. For example, if the building currently has a front setback of 25 feet when 30 feet is required, and the expansion would reduce the setback to 24 feet, then a variance is required. In contrast, if only a portion of the building has a front setback of 25 feet when 30 feet is required, and the expansion brings the rest of the building to the same setback of 25 feet, then an expansion permit is required rather than a variance.
2. An expansion permit is also required if:
 - A. The proposed expansion will occupy any space within a non-conforming area that was previously not occupied both vertically and horizontally. For example, an expansion permit would be required if a second floor area is expanded into the non-conforming setback over an existing non-conforming first floor even though the non-conformity of the first floor setback dimension stays the same or is reduced; or
 - B. The non-conforming aspect of a use or structure is reduced but still does not comply with current ordinance standards.

1102.03 Subd 2. PROCEDURE.

1. Application.

Application for a non-conforming use or structure expansion permit must be made to the zoning administrator. The application must be on forms provided by the city and must be accompanied by the following:

- A. A plat or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees;
 - B. Evidence of ownership or an interest in the property;
 - C. The fee set by the annual fee schedule; and
 - D. Such other information as may be required by the city.
- #### 2. Public Hearing.

Upon receipt of a completed application, a date will be set for a public hearing before the planning commission. The public hearing will be held only after notice has been sent by mail to the owners of all properties situated wholly or partially within 350 feet, as reflected in the certified records of the Scott County Auditor.

3. Decisions.

A. An expansion permit for a non-conforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as:

a. Functional and aesthetic justifications for the expansion;

b. Adequacy of off-street parking for the expansion;

c. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking; and

d. Improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

B. The city council may grant an expansion permit. The city council may impose conditions in granting an expansion permit to affect the intent of this ordinance and to protect adjacent properties. The city council must accompany its decision to deny an expansion permit with a statement of its findings and must serve a copy of its decision upon the applicant by mail.

4. Term of Expansion Permit.

An expansion permit granted by the city will run with the land and will be perpetual unless no building permit has been issued or substantial work performed within one (1) year following the approval, in which case the permit will be null and void. The city council may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. If the expansion permit is part of an approved site and building plan, extension of the time period for construction will be contingent upon similar extension of the time period for the site and building plan by the planning commission as required by section 1103.07 of this ordinance. Once the project is completed as approved, the expansion permit becomes perpetual.

5. Specific Period.

An expansion permit is valid only for the project for which it was granted. Construction of any project must be in substantial compliance with the building plans and specifications reviewed and approved by the planning commission and city council.

6. Appeals.

A person aggrieved by a decision of the city council regarding an expansion permit may appeal to the city council pursuant to section 1103.04.

7. Recording.

A certified copy of the expansion permit must be filed by the applicant with the Scott county recorder or the Scott county registrar of titles. The expansion permit must contain a legal description of the property affected.

8. Violations.

A person who violates, fails to comply with or assists, directs or permits the violation of the terms or conditions of an expansion permit is guilty of a misdemeanor. A violation is a violation of the expansion permit and renders the permit null and void. A violation also constitutes a public nuisance that may be abated in accordance with the provisions of section 1103.03.

(Ord. 11-14, Section 1102.01, 1102.02 and 1102.03, Adopted December 19, 2011.)



MEMORANDUM

DATE: January 13, 2020
TO: Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 7.2 Director's Report

Design Committee

The Design Committee did not meet in January due to no business action items.

Economic Development Authority

The EDA will meet at 5:00 p.m. on January 13th. Agenda items include discussion with the City Attorney's Office regarding potential incentives to provide additional buildable residential lots and a review project updates. The EDA will also receive background on a fair housing policy.

Other

- Zoning information to two businesses.
- HRA revitalization/energy efficiency loan to one resident.
- Verification of property listings with CoStar.
- Attend Chamber meeting.
- Attend EDA/Chamber Gala planning meetings.
- Attended SCALE tech team meeting.
- Developed permit guide and land development guide for website and print publication.
- Draft annual reports EDA and Planning Commission.
- Website accessibility compliance planning/implementation.
- Open to expired permit effort.
- Code compliance issues processed.



MEMORANDUM

DATE:	January 13, 2020
TO:	Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM:	Cynthia Smith Strack, Community Development Director
RE:	Work Session: Fair Housing Policy Background

GENERAL INFORMATION

All cities have legal obligations to further fairness in housing. The Federal Fair Housing Act, the Minnesota Human Rights Act, the Americans with Disabilities Act, the Religious Land Use and Institutionalized Persons Act, and court decisions prescribe specific actions cities must observe to make housing is available to all types of persons without discrimination.

The City participates in the Livable Communities Act and has applied for a Small Cities Development Program grant. Both items require the City place a fair housing policy into effect. The EDA will likely be recommending a policy in the next few months. The policy background involves land use issues, therefore, staff has prepared a presentation to introduce fair housing concepts and present real work examples for future reference.