

March 11, 2019

TO: Chairperson Carter, Planning Commission Members, & Administrator Meyer
 FROM: Cynthia Smith Strack, Community Development Director
 SUBJECT: Resolution 19 – 005 (A) or (B): After-The-Fact Variance Requests – Parking Lot 326 Ash St S

BACKGROUND

John Shudy III purchased property at 326 Ash Street South in April of 2017. The property is the site for Mr. Shudy’s business, North American Safety.

At some point after taking occupancy of the building Mr. Shudy reconfigured an existing non-compliant parking lot. Following a written code complaint City staff investigated and found work was completed without prior zoning review/approval and resulting work had exacerbated existing non-conforming aspects of the parking lot. Code enforcement action followed.

Mr. Shudy has remedied part of violation, including removing parking areas from the boulevard. In addition, Mr. Shudy has had an existing conditions certificate of survey completed and drafted proposed conditions. The existing survey and proposed parking configuration exhibits are attached to this memo.



Prior to alteration by Shudy the existing parking lot was non-conforming in regard to:

1. Surfacing - was compacted gravel
2. Striping – none
3. Perimeter curb – none
4. Setback – less than five feet
5. Impervious surface coverage – was greater than 70%

At the time of code compliance initiation, the parking lot, as illustrated in the existing conditions survey, was non-compliant in regard to:

1. Striping – not striped.
2. Surfacing – the surfacing was changed from compacted gravel to recycled asphalt.
3. Perimeter curb – remaining non-existent
4. Setback – the parking lot had been expanded into the public right of way and to setback lines elsewhere.
5. Impervious surface coverage – parking area was expanded increasing intensity of impervious surface non-conformance.

After alteration by Shudy and as it exists now the parking lot is non-conforming in regard to:

1. Surfacing – is now recycled concrete
2. Striping – none existing
3. Perimeter curb – none existing
4. Setback – the expanded parking lot has been removed from the right of way and setback appropriately from the northern lot line. The only remaining non-compliant setback is adjacent to Raven Street where the parking area is on the lot line.
5. Impervious surface coverage – as proposed impervious surface coverage will be reduced an attain compliance with required 70% maximum.

As part of on-going compliance efforts, staff has advised Mr. Shudy that he may seek an after-the-fact variance for parking lot surfacing, striping, curbing, and setback requirements. If after-the-fact-variances are not approved the Applicant must bring the parking lot up to code items specified.

The Applicant is seeking after-the-fact variances for the following:

- Section 1107.12, Subd. 4(8)(G) which requires “All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage.
- Section 1107.12, Subd. 4(8)(H) which requires striping of commercial parking lots.
- Section 1107.12, Subd. 4(J) which requires commercial parking lots have perimeter curb.
- Section 1107.12, Subd. 4(J) which requires parking lot be setback five feet from property lines.

REVIEW

Notice to the public of the requested variances has been published, posted, and mailed. As of the date of drafting this memo no public comment for or against the variance request has been received.

The Planning Commission is to establish findings of facts pertaining to the variance application.

The use of the property is consistent with planned use under the 2030 and proposed 2040 Comprehensive Plans. The use is blended commercial (retail) and related storage. Under Section 1103.05, Subd. 2 the Commission is to determine whether or not a practical difficulty exists.

A practical difficulty is described as a condition where:

- A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
- B. The plight of the property owner is due to circumstances unique to the property not created by the landowner;
- C. The variance, if granted, will not alter the essential character of the locality.

Sample findings supporting after-the-fact variance

1. The use of the property is consistent with future land use contained in the 2030 Comprehensive Plan and proposed in the 2040 Comprehensive Plan.
2. A legal non-conforming parking lot existed at the site when the Property Owner purchased the property in 2017.

3. The Property Owner subsequently made changes to the non-conforming parking lot which initially exacerbated the existing non-conformity but which have subsequently been partially remedied resulting in the parking lot being more consistent with required code standards.
4. The Property Owner represents improving the parking lot surface, installing complete perimeter curb, and achieving required setbacks is financial burdensome at this time. Although economic considerations alone are not a consideration for variance issuance, such circumstances may be considered.
5. The after-the-fact variance will not alter the essential character of the locality and is reasonable as the degree of variance has been lessened over what was existing. Specifically, the impervious surface coverage now exceeds code requirements, parking spaces have been setback further than previously existing, a handicap parking stall will be added, and the material surfacing has been updated from compacted gravel to recycled asphalt.
6. The subject property is a previously existing, highly developed parcel created under the original plat of the Borough of Belle Plaine.

Sample findings opposing after-the-fact variance

1. The Property Owner made changes to an existing non-conforming parking lot that resulted in exacerbation of legal non-conformance status including expanding parking area dimensions and placing parking in the public right-of-way.
2. The Property Owner's actions resulted in expansion of parking area amounting to expansion and intensification of an existing legal non-conforming parking lot.
3. The Property Owner proceeded with work without a required zoning review and approval for parking lot changes and only made corrections after staff initiated code compliance efforts.
4. The Property Owner's actions have caused the need for an after-the-fact variance.
5. The Property Owner indicates bringing the parking lot up to required code is too expensive. Economic hardship can't be the sole purpose for issuing a variance.
6. The subject property is a rectangular shaped corner lot void of dimensional irregularities, floodplain, bluff, and wetland areas. The proposed parking lot variances are not necessitated by conditions unique to the subject parcel.

RECOMMENDATION

Should the Planning Commission recommend approval of the after-the-fact variances the following are recommended conditions of approval:

1. The variance is applicable only to the property at 326 Ash Street South.
2. The parking lot shall be as represented in a site plan dated February 26, 2019 and submitted with the variance application.
3. The Property Owner shall ensure the conditions represented in the site plan are established by August 1, 2019, including but not limited to establishment of a handicap parking stall and establishment of all illustrated turf areas.
4. Any change to the existing parking lot proposed by the Applicant shall require the parking lot be improved to current Code standards.
5. Any changes to the use of the building, building footprint, or occupancy shall require review of parking standards as provided for in the City Code. If additional parking spaces are required under aforementioned Code review, then the parking lot shall be improved to current Code standards.
6. The Property Owner's parking lot is prohibited from occupying the Raven Street boulevard.
7. If not already current, the City may require the Property Owner's parking lot surface, striping, and perimeter curbing be brought to minimum Code standards at the time of improvement of Raven Street.
8. The Property Owner shall be responsible for all costs associated with restoration of Ash Street right of way where fill was placed without a permit as illustrated on the existing conditions as-built survey. The Property Owner shall obtain a work in the right of way permit prior to conducting any

work in the right of way. Restoration of the Ash Street right of way shall be under the advisement of and subject to the approval of the Superintendent of Public Works.

9. Violation of a condition of variance approval shall result in immediate code enforcement.

ACTION

The Planning Commission is to hold a public hearing and make a recommendation to the City Council pertaining to the after-the-fact-variance requests.

ATTACHMENTS

- Application for variance.
- Existing (as-built) survey dated September 13, 2018.
- Proposed site plan dated February 26, 2019.
- Section 1107.12 of the City Code (Off-Street Parking)
- Section 1103.05 of the City Code (Variance Administration)
- Resolution 19-005(A) Resolution Recommending The City Council Approve Variances Pertaining To Parking Lot Surfacing, Striping, Perimeter Curbing, and Setback for Property at 326 Ash Street South.
- Resolution 18-005(B) Resolution Recommending The City Council Deny Variances Pertaining To Parking Lot Surfacing, Striping, Perimeter Curbing, and Setback for Property at 326 Ash Street South.



CITY OF BELLE PLAINE

218 N. MERIDIAN STREET • BELLE PLAINE, MN 56011 • 999-999-9999

Permit Type: Z-Variance - All Other
Site Address: 326 ASH STREET SOUTH
Work Valuation: \$0.00

Permit No.: **D-1980004**
Approved Date: 02/28/19
Expiration Date: 04/28/19

For ELECTRICAL inspections, call 612-643-1838, Mon-Thurs between 7:00-8:30 a.m. To schedule on-line: jdinspectionsmn.com
ALL OTHER inspections call 952-873-5655, 24 hours in advance.



Owner Information:

Contractor Information:

SHUDY,III, JOHN G
115 CHESTNUT ST S
BELLE PLAINE MN 56011
(612) 991-6573

Work Description/Requirement:

Fee Description:

Variance, All Other Fee	\$500.00		
TOTAL FEE:	\$500.00	PAID:	\$0.00

326 ASH STREET SOUTH

THIS PERMIT MUST BE POSTED AT THE ABOVE WORK ADDRESS AT ALL TIMES

Annex	CUP	Home Occ.	Interim Use	Move Building	Non - Conform	Plan Consid.	PUD	Variance
Driveway		Land Excavation	Land Fill		Rental	ROW		Sign



City of Belle Plaine
 218 N. Meridian Street
 P.O. Box 129
 Belle Plaine, MN 56011

Community Development Department
 Phone: 952-873-5553
 Fax: 952-873-5509
 www.belleplainemn.com

Fee: \$300.00 Single-family Dwellings / \$500.00 all other applicants

VARIANCE REQUEST APPLICATION

PROPERTY Address: 326 S Ash St Belle Plaine, MN P.I.N:

Lot(s): Block(s): Subdivision:

Zoning: Hwy Business B2

APPLICANT Owner Name: North American Safety Phone: 1 800 536 6581

Address: Cell: 612-991-6573

E-mail: Fax:

OWNER Name: John & Christine Shudy Phone:

Address: 115 S. Chestnut St Belle Plaine Cell:

E-mail: Fax:

Variance is requested to: all the code numbers existing parking lot configuration.

Ordinance in which variance is requested: Section Number: 1107.2 Subdivision Number: 4(8)G, H, J

Description: parking lot surfacing, striping, set back & curb.

In your opinion, is the variance consistent with the purpose and intent of the ordinance? Yes No
 Explain: for regular traffic flow.

In your opinion, is the variance consistent with the comprehensive plan? Yes No
 Explain: the area is guided towards commercial use

In your opinion, does the proposal put property to use in a reasonable manner? Yes No
 Explain: we are improving what was once there

In your opinion, are there circumstances unique to the property? Yes No
 Explain: there was encroachment at time of purchase

In your opinion, will the variance maintain the essential character of the locality? Yes No
 Explain: we are making it incrementally better.

SUBMISSION OF APPLICATION MUST INCLUDE:

- Attached site plan (to scale) depicting present and proposed improvements.

Within the time frame established by Minnesota Statutes section 15.99, following receipt of the completed application, the City Council shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed variance. Such plans and specifications shall remain a part of the permanent records of the City Council. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. In extenuating circumstances, extension of the sixty (60) days may be granted upon receipt of signed request from applicant.

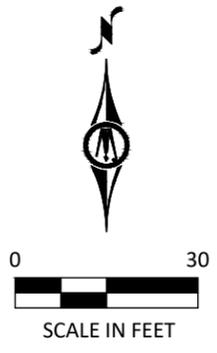
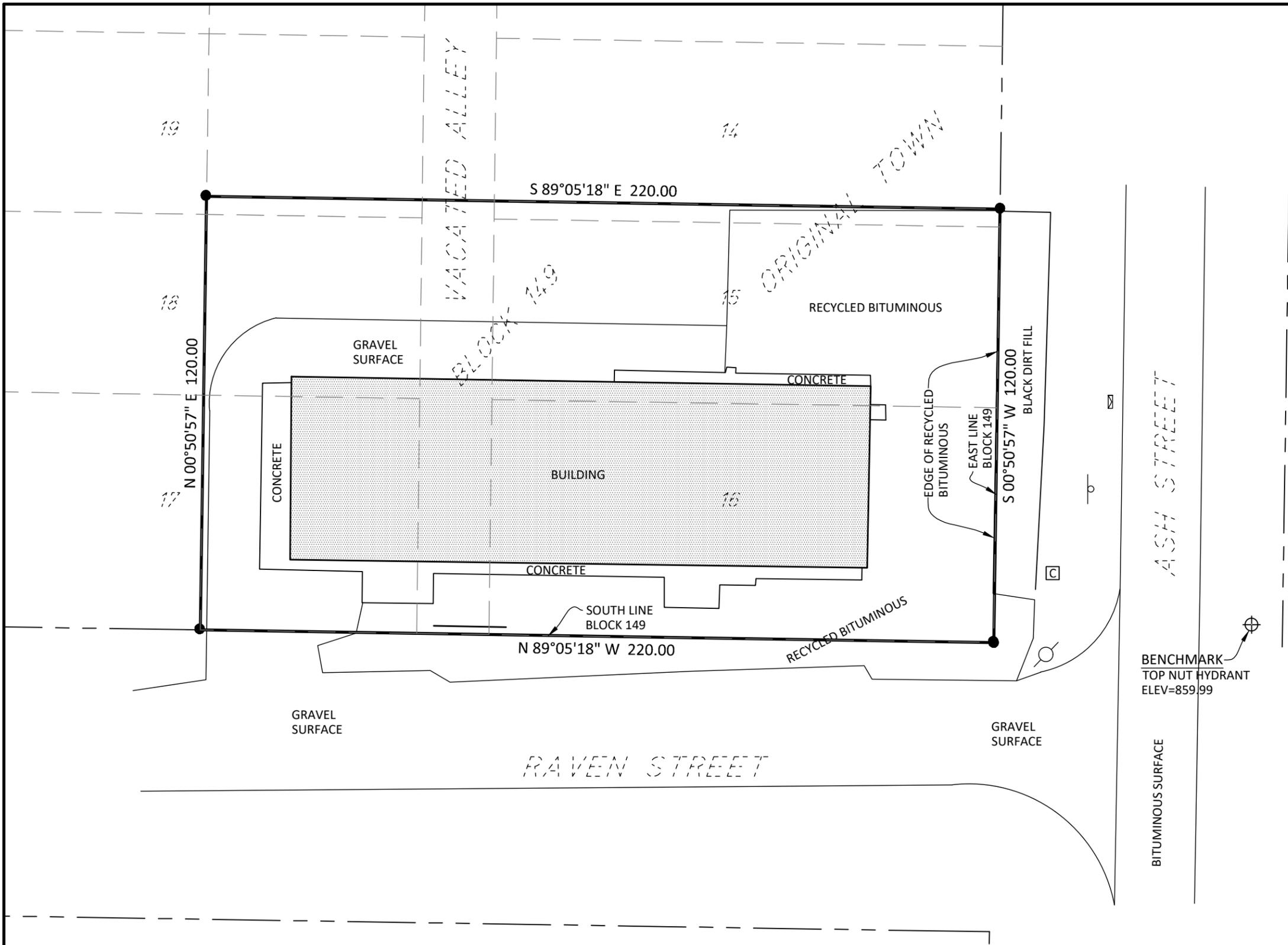
An application for a variance shall be submitted to the Zoning Administrator. A nonrefundable application fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany each application. The application shall contain the following information, as well as such additional information as may be required by the Zoning Administrator:

- The applicant’s name and address.
- A site plan drawn to scale showing the property dimensions, existing and proposed buildings and other structures, existing and proposed grading, landscaping, easements and location of utilities, as applicable. The Zoning Administrator may require the applicant to obtain a certified survey at the time of application.
- The particular requirements of the Ordinance which prevent the proposed use or construction.
- The characteristics of the subject property which prevent compliance with the said requirements of the Ordinance.
- The minimum reduction of the requirements of the Ordinance which would be necessary to permit the proposed use or construction.
- The practical difficulty which would result if said particular requirements of this Ordinance were applied to the subject property.
- If the variance is part of an application for Commercial, Industrial, or Multiple-Family Residential Site Plan Approval, all of the submittal requirements for a Site Plan, Section 1103.07, shall also apply.

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and any other documents submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

APPLICANT SIGNATURE:  DATE: 2-12-19

OFFICE USE ONLY				
Zoning:	Application Fee:	Form of Payment:		
		Date:		
	<input type="checkbox"/> Site Plan	Transaction Number:		
		Collected By:		
Reviewed by Community Development Director	<input type="checkbox"/> Application Complete		Date:	
Reviewed by Planning Commission	<input type="checkbox"/> Tabled	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date:
Reviewed by City Council	<input type="checkbox"/> Tabled	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date:



LEGEND

- MONUMENT FOUND
- ⊕ BENCH MARK
- UTILITY POLE
- COMMUNICATION PEDESTAL
- TRAFFIC SIGN
- ⊠ MAILBOX

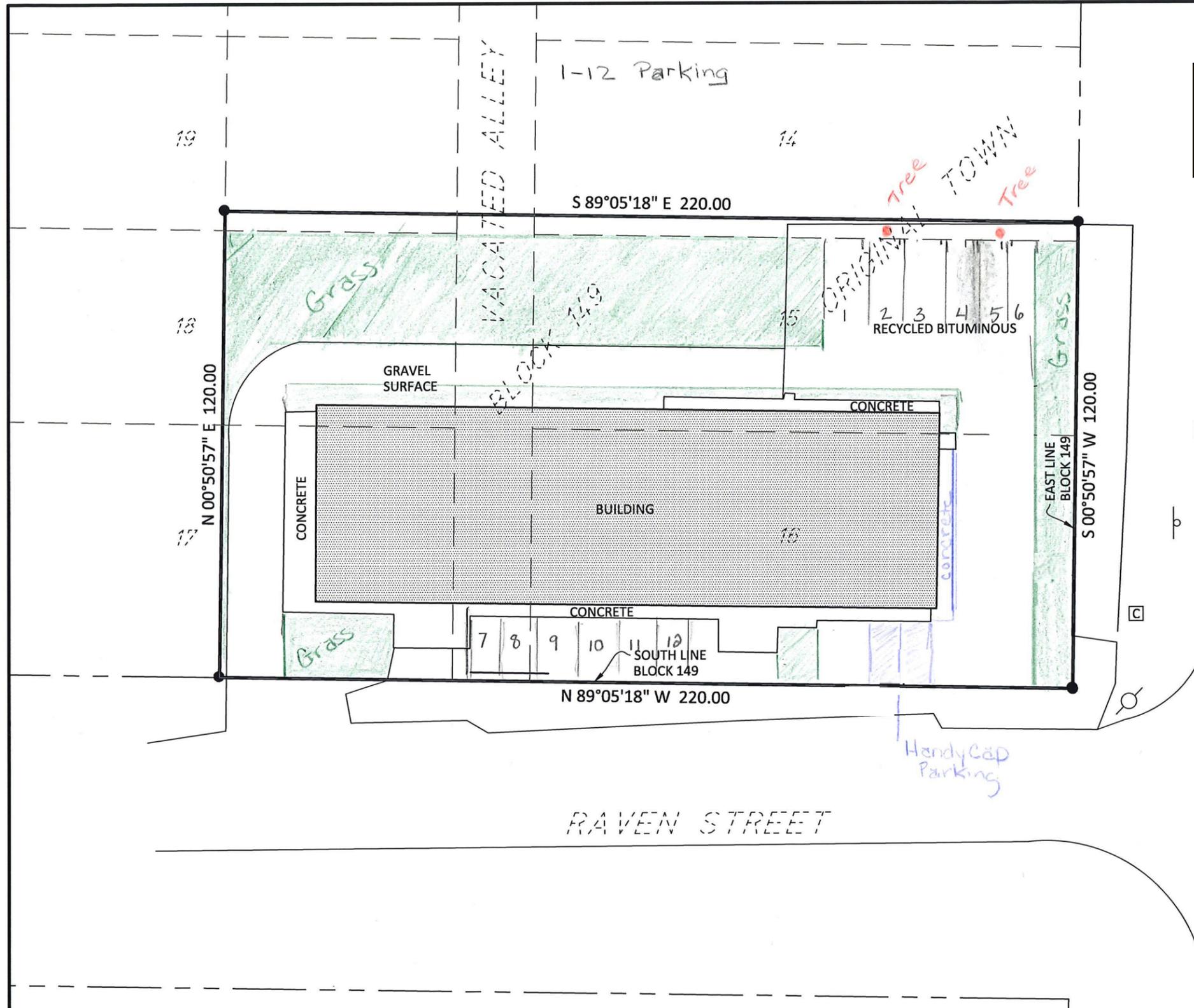
SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

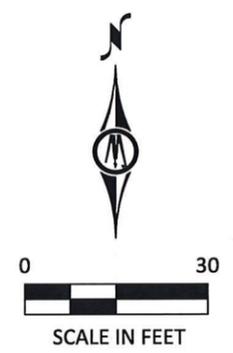
Rory Jensen
 Rory Jensen
 License Number 19789

09/13/2018
 Date

AS-BUILT SURVEY CITY OF BELLE PLAINE, MINNESOTA	PART OF LOTS 15, 16, 17 & 18, BLOCK 149, ORIGINAL TOWN, CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA
BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171
FOR: JOHN SHUDY	



Site plan submitted with parking lot variance application
Site Plan Date: February 26, 2019



LEGEND

- MONUMENT FOUND
- ⊕ BENCH MARK
- ⊙ UTILITY POLE
- COMMUNICATION PEDESTAL
- ⊖ TRAFFIC SIGN
- ⊞ MAILBOX

BENCHMARK
TOP NUT HYDRANT
ELEV=859.99

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789
09/13/2018
Date

<p>AS-BUILT SURVEY CITY OF BELLE PLAINE, MINNESOTA</p>	<p>PART OF LOTS 15, 16, 17 & 18, BLOCK 149, ORIGINAL TOWN, CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA</p>
<p>BOLTON & MENK</p> <p>1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171</p>	<p>FOR: JOHN SHUDY</p>



Legend

- City Limits
- Parcels (12/1/2018)
- Lot Lines
- Minnesota River
- Protected Waters
- Public Water Basin
- Public Water Wetland
- Protected Waters - Watercourse
- Boundary
- Footprint
- Image**
- Red: Red
- Green: Green
- Blue: Blue



**John Shudy III
Property**



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Belle Plaine is not responsible for any inaccuracies herein contained.

0 33 Feet



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.)

1103.05 VARIANCES.

1103.05 SUBD. 1. AUTHORITY AND CONDITIONS.

The City Council may allow a variance from the terms of the zoning regulations, including restrictions placed on nonconformities, 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan, and; 3) the applicant establishes that there are practical difficulties in complying with the zoning code.

1103.05 SUBD. 2. REVIEW CRITERIA.

1. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:
 - A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
 - B. The plight of the property owner is due to circumstances unique to the property not created by the landowner;
 - C. The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

2. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property.
3. The Board of Adjustments and Appeals may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

1103.05 SUBD. 3. PROCEDURES.

1. An application for a variance shall be submitted to the Zoning Administrator. A nonrefundable application fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany each application. The application shall contain the following information, as well as such additional information as may be required by the Zoning Administrator:
 - A. The applicant's name and address.
 - B. A site plan drawn to scale showing the property dimensions, existing and proposed buildings and other structures, existing and proposed grading, landscaping, easements and location of utilities, as applicable. The Zoning Administrator may require the applicant to obtain a certified survey at the time of application.
 - C. The particular requirements of this zoning code which prevent the proposed use or construction.
 - D. The characteristics of the subject property which prevent compliance with the said requirements of this zoning code.
 - E. The minimum reduction of the requirements of this zoning code which would be necessary to permit the proposed use or construction.

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- F. The practical difficulties which would result if said requirements of this zoning code were applied to the subject property.
 - G. If the variance is part of an application for Commercial, Industrial, or Multiple-Family Residential Site Plan Approval, all of the submittal requirements for a Site Plan, Section 1103.07, shall also apply.
2. A public hearing shall be set, advertised, and conducted by both the Planning Commission and City Council in accordance with Section 1103.09 of this Ordinance.
 - A. For a variance in the Flood Plain District, the Zoning Administrator shall submit to the Commissioner of Natural Resources a copy of the application for proposed variances located in the Flood Plain District sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
 - B. For a variance adjacent to Trunk Highway 169, State Highway, or Scott County right-of-way, the Zoning Administrator shall submit to the appropriate office a copy of the application for proposed variances located in the highway right-of-way sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
 3. The applicant or representative shall appear before the Planning Commission and City Council to answer questions concerning the proposed variance.
 4. Within the time frame established by Minnesota Statutes section 15.99, following receipt of the completed application, the City Council shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed variance. Such plans and specifications shall remain a part of the permanent records of the City Council. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. In extenuating circumstances, extension of the sixty (60) days may be granted upon receipt of signed request from applicant.
 5. The City Council should not grant a variance until they have received a report and recommendation from the Planning Commission.
 6. All decisions by the Council involving a variance request shall be final except that an aggrieved person or persons shall have the right to file an appeal within thirty (30) days of the decision to the Scott County District Court.
 7. Whenever an application for a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than two-thirds (2/3) vote of the full City Council.
 8. Motions on variances require a simple majority of the Planning Commission or City Council for passage.

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9. A copy of all decisions granting a variance shall be forwarded to the appropriate office as listed in Section 1103.05 Subd. 3, Procedures, (2) (A) and (B), within ten (10) days of such action.

1103.05 SUBD. 4. LAPSE OF VARIANCE.

If within one (1) year after granting a variance the use, as allowed by the variance, shall not have been initiated or utilized, then such a variance shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the use permitted in the variance. Such petition shall be presented to the Council for decision.

(Ord. 11-09, Section 1103.05, Subd. 1, 2, 3, Adopted September 19, 2011.)

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-19-005(A)**

**RECOMMENDING THE CITY COUNCIL APPROVE AFTER THE FACT VARIANCES PERTAINING TO
PARKING LOT SURFACING, STRIPING, CURBING, AND SETBACK FOR PARKING
AT 326 ASH STREET SOUTH**

WHEREAS, the City Code §1103.07 provides for the processing of variance requests; and,

WHEREAS, John Shudy III, owner of the property at 326 Ash Street South (the 'Applicant' and the 'Property Owner') has applied for an after the fact variance to Section 1107.12, Subd. 4(8)(G) which requires areas intended to be utilized for parking space and driveways be surfaced with materials suitable to control dust and drainage. The Property Owner proposes a recycled asphalt surface; and

WHEREAS, The Property Owner has applied for an after the fact variance to Section 1107.12, Subd. 4(8)(H) which requires striping of commercial parking lots. The Property Owner proposes no striping; and

WHEREAS, The Property Owner has applied for an after the fact variance to Section 1107.12, Subd. 4(J) which requires commercial parking lots have perimeter curb. The Property Owner proposes no perimeter curb; and

WHEREAS, The Property Owner has applied for an after the fact variance to Section 1107.12, Subd. 4(K) which requires parking lot be setback five feet from property lines. The Property Owner proposes a zero setback adjacent to Raven Street; and

WHEREAS, the subject property is identified as PID # 200018982, is legally in Exhibit A, attached hereto; and

WHEREAS, the Applicant represents the parking lot will be as represented in a site plan dated February 26, 2019 attached hereto as Exhibit B; and

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on March 11, 2019 following duly published, posted, and mailed notice; and,

WHEREAS, the Planning Commission accepted public input and discussed the proposed variance; and,

WHEREAS, the Planning Commission finds:

1. The use of the property is consistent with future land use contained in the 2030 Comprehensive Plan and proposed in the 2040 Comprehensive Plan.
2. A legal non-conforming parking lot existed at the site when the Property Owner purchased the property in 2017.
3. The Property Owner subsequently made changes to the non-conforming parking lot which initially exacerbated the existing non-conformity but which have subsequently been partially remedied resulting in the parking lot being more consistent with required code standards.
4. The Property Owner represents improving the parking lot surface, installing complete perimeter curb, and achieving required setbacks is financial burdensome at this time. Although economic considerations alone are not a consideration for variance issuance, such circumstances may be considered.
5. The after-the-fact variance will not alter the essential character of the locality and is reasonable as the degree of variance has been lessened over what was existing. Specifically, the impervious surface coverage now exceeds code requirements, parking spaces have been setback further than previously existing, a handicap parking stall will

be added, and the material surfacing has been updated from compacted gravel to recycled asphalt.

6. The subject property is a previously existing, highly developed parcel created under the original plat of the Borough of Belle Plaine.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council conditionally approve variances to Section 1107.12, Subd. 4(8)(G) pertaining to parking lot surfacing requirements, Section 1107.12, Subd. 4(8)(H) pertaining to parking lot striping requirements, Section 1107.12, Subd. 4(J) pertaining to parking lot complete perimeter curb requirements, and Section 1107.12, Subd. 4(J) pertaining to a five-foot parking lot setback from property lines.

BE IT FURTHER RESOLVED, the Planning Commission recommends the City Council conditionally approve a parking lot at 326 Ash Street South with a surface consisting of recycled asphalt, without striping or perimeter curb that has a zero setback from Raven Street as represented in Exhibit B attached hereto.

BE IT FURTHER RESOLVED, the Planning Commission's recommendation is conditioned on the following:

1. The variance is applicable only to the property at 326 Ash Street South.
2. The parking lot shall be as represented in a site plan dated February 26, 2019, submitted with the variance application, and attached hereto as Exhibit B.
3. The Property Owner shall ensure the conditions represented in Exhibit B, the site plan, are established by August 1, 2019, including but not limited to establishment of a handicap parking stall and establishment of all illustrated turf areas.
4. Any change to the existing parking lot proposed by the Applicant shall require the parking lot be improved to current Code standards.
5. Any changes to the use of the building, building footprint, or occupancy shall require review of parking standards as provided for in the City Code. If additional parking spaces are required under aforementioned Code review, then the parking lot shall be improved to current Code standards.
6. The Property Owner's parking lot is prohibited from occupying the Raven Street boulevard.
7. If not already current, the City may require the Property Owner's parking lot surface, striping, and perimeter curbing be brought to minimum Code standards at the time of improvement of Raven Street.
8. The Property Owner shall be responsible for all costs associated with restoration of Ash Street right of way where fill was placed without a permit as illustrated on the existing conditions as-built survey. The Property Owner shall obtain a work in the right of way permit prior to conducting any work in the right of way. Restoration of the Ash Street right of way shall be under the advisement of and subject to the approval of the Superintendent of Public Works.
9. Violation of a condition of variance approval shall result in immediate code enforcement.

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 11th day of March, 2019.

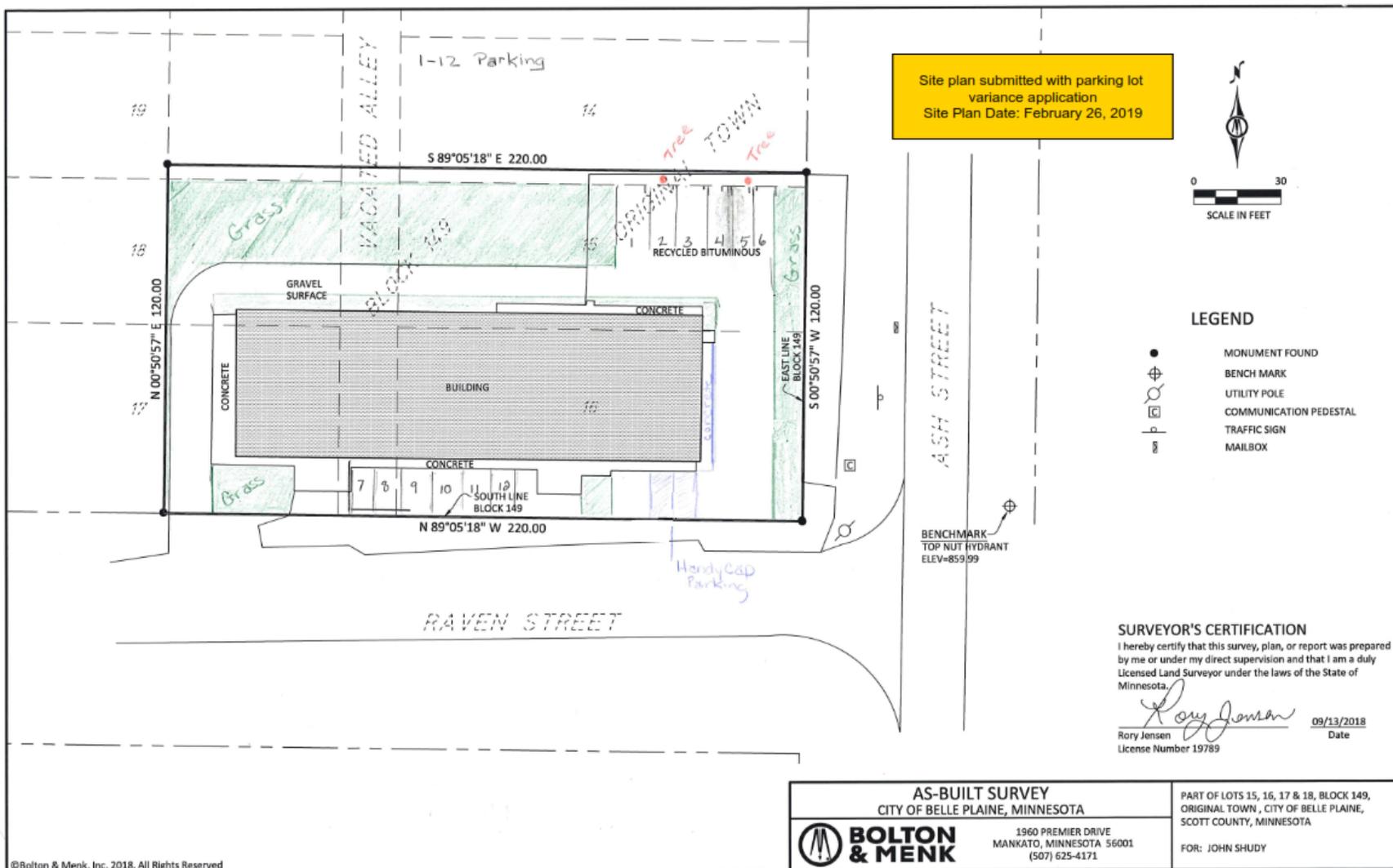
Ashby Carter
Planning Commission Chair

Cynthia Smith Strack
Community Development Director

EXHIBIT A LEGAL DESCRIPTION

Part of Block 149 and part of the vacated alley in Block 149, City of Belle Plaine, Scott County, Minnesota described as: Beginning at the Southeast corner of Block 149; thence North 00 degrees 50 minutes 57 seconds East (assumed bearing) on the East line of Block 149, a distance of 120.00 feet; thence North 89 degrees 05 minutes 18 seconds West, a distance of 220.00 feet; thence South 00 degrees 50 minutes 57 seconds West, a distance of 120.00 feet to the South line of said Block 149, thence South 89 degrees 05 minutes 18 seconds East on said South line, a distance of 220.00 feet to the point of beginning.

EXHIBIT B SITE PLAN



**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-19-005(B)**

**RECOMMENDING THE CITY COUNCIL DENY AFTER THE FACT VARIANCES PERTAINING TO
PARKING LOT SURFACING, STRIPING, CURBING, AND SETBACK FOR PARKING
AT 326 ASH STREET SOUTH**

WHEREAS, the City Code §1103.07 provides for the processing of variance requests; and,

WHEREAS, John Shudy III, owner of the property at 326 Ash Street South (the 'Applicant' and the 'Property Owner') has applied for an after the fact variance to Section 1107.12, Subd. 4(8)(G) which requires areas intended to be utilized for parking space and driveways be surfaced with materials suitable to control dust and drainage. The Property Owner proposes a recycled asphalt surface; and

WHEREAS, The Property Owner has applied for an after the fact variance to Section 1107.12, Subd. 4(8)(H) which requires striping of commercial parking lots. The Property Owner proposes no striping; and

WHEREAS, The Property Owner has applied for an after the fact variance to Section 1107.12, Subd. 4(J) which requires commercial parking lots have perimeter curb. The Property Owner proposes no perimeter curb; and

WHEREAS, The Property Owner has applied for an after the fact variance to Section 1107.12, Subd. 4(J) which requires parking lot be setback five feet from property lines. The Property Owner proposes a zero setback adjacent to Raven Street; and

WHEREAS, the subject property is identified as PID # 200018982, is legally in Exhibit A, attached hereto; and

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on March 11, 2019 following duly published, posted, and mailed notice; and,

WHEREAS, the Planning Commission accepted public input and discussed the proposed variance; and,

WHEREAS, the Planning Commission finds:

1. The Property Owner made changes to an existing non-conforming parking lot that resulted in exacerbation of legal non-conformance status including expanding parking area dimensions and placing parking in the public right-of-way.
2. The Property Owner's actions resulted in expansion of parking area amounting to expansion and intensification of an existing legal non-conforming parking lot.
3. The Property Owner proceeded with work without a required zoning review and approval for parking lot changes and only made corrections after staff initiated code compliance efforts.
4. The Property Owner's actions have caused the need for an after-the-fact variance.
5. The Property Owner indicates bringing the parking lot up to required code is too expensive. Economic hardship can't be the sole purpose for issuing a variance.
6. The subject property is a rectangular shaped corner lot void of dimensional irregularities, floodplain, bluff, and wetland areas. The proposed parking lot variances are not necessitated by conditions unique to the subject parcel.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council deny requested variances to Section 1107.12, Subd. 4(8)(G) pertaining to parking lot surfacing requirements, Section 1107.12, Subd. 4(8)(H) pertaining to parking lot striping requirements, Section 1107.12, Subd. 4(J) pertaining to parking lot complete perimeter curb requirements, and Section 1107.12, Subd. 4(J) pertaining to a five-foot parking lot setback from property lines.

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 11th day of March, 2019.

Ashby Carter
Planning Commission Chair

Cynthia Smith Strack
Community Development Director

EXHIBIT A LEGAL DESCRIPTION

Part of Block 149 and part of the vacated alley in Block 149, City of Belle Plaine, Scott County, Minnesota described as: Beginning at the Southeast corner of Block 149; thence North 00 degrees 50 minutes 57 seconds East (assumed bearing) on the East line of Block 149, a distance of 120.00 feet; thence North 89 degrees 05 minutes 18 seconds West, a distance of 220.00 feet; thence South 00 degrees 50 minutes 57 seconds West, a distance of 120.00 feet to the South line of said Block 149, thence South 89 degrees 05 minutes 18 seconds East on said South line, a distance of 220.00 feet to the point of beginning.

EXHIBIT B SITE PLAN

