

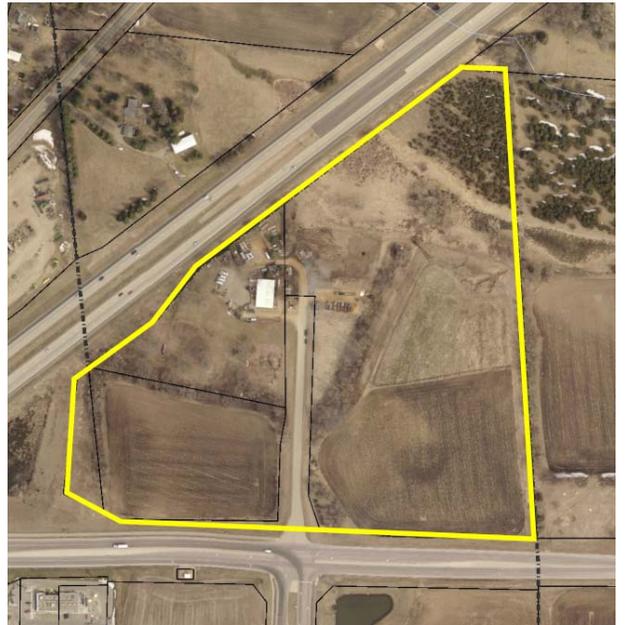
April 8, 2019

TO: Chairperson Carter, Planning Commission Members, & Administrator Meyer  
FROM: Cynthia Smith Strack, Community Development Director  
SUBJECT: Rezoning Request: Jane Properties LLC Property – I/C Industrial Commercial District

## BACKGROUND

The Planning Commission is to hold a public hearing and consider zoning approximately 32 acres recently annexed into the City of Belle Plaine.

Jane Properties LLC is the fee owner of three parcels proposed for rezoning to I/C Industrial Commercial District. The subject property is north of the intersection of CSAH 64/Main Street and Hickory Boulevard. With the exception of the far western parcel remnant resulting from interchange construction, the property was annexed into the City in October of 2018. The remnant parcel is currently zoned B-2 Highway Commercial. The remaining parcels consisting of over 30 acres has not been classified for zoning purposes since annexation. All parcels are proposed for I/C Industrial Commercial District.



## REVIEW

Public notice of the requested rezoning has been published, posted, and mailed. As of the date of this memo no public comment for or against the request has been received.

Section 1103.06 of the City Code provides for consideration of rezoning. The Commission is to consider the following items when making a recommendation. Staff comments are in italics.

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan. *The proposed zoning is consistent with the 2030 and 2040 Comprehensive Plans relative to land use, support for commercial and industrial land uses, and standards pertaining to managed and orderly growth and development.*
2. The proposed use is or will be compatible with present and future land uses of the area. *The subject property is the subject of a non-residential plat. Parcels south of CSAH 64/Main Street are developed as and/or guided to non-residential use. An existing non-residential use is contained in the proposed plat and will be accommodated under the I/C District. Proposed rezoning would not constitute spot zoning as approximately 32 acres of property is included in the request.*
3. The proposed use conforms with all performance standards contained herein. *The subject properties are proposed for platting and are consistent with performance standards contained in the I/C Industrial Commercial District.*

4. The proposed use will not tend to or actually depreciate the property values in the area in which it is proposed. *The proposed rezoning will enable new commercial retail, service, and office uses while accommodating limited industrial activities as well. All uses within the I/C District require conditional use permit issuance, thereby enabling specific standards for development helping to ensure consistency with the scale and quality of development within adjacent areas over time. The limited uses and conditional use permit requirement will assist in maintaining property values in the vicinity of the parcels proposed for rezoning.*
5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity. *Extension of municipal services is proposed in conjunction with platting and improvement of the subject property. The City has adequate capacity in utility, transportation, and park systems to accommodate the proposed use of property at densities allowed in the I/C District.*
6. Traffic generation by the proposed use is within capabilities of streets serving the property. *The potential uses will be accommodated by an increased capacity local roadway, but providing of additional right of way needed to accommodate changes at the CSAH 64/Hickory Boulevard intersection, and a local connection will be feasible from the subject property to a proposed future principal arterial connection between CSAH 64 & CSAH 66.*

**ACTION**

The Planning Commission is to hold a public hearing and make a recommendation to the City Council pertaining to the rezoning request.

**ATTACHMENTS**

- I/C District standards.
- Ordinance 19-07 rezoning certain property.
- Resolution 19-007 recommending approval of Ordinance 19-07.

SECTION 1105.13 INDUSTRIAL/COMMERCIAL DISTRICT.

1105.13 SUBD. 1. PURPOSE.

It is the purpose of the I/C District to allow for development of areas where there is a transition in use occurring, but sites are not available which would allow for compliance with other district requirements. Industrial or commercial development will be allowed only as a conditional permitted use to (1) ease land use transition, (2) control development so that it is compatible with surrounding property, and (3) establish dimensional requirements on an individual basis.

1105.13 SUBD. 2. PERMITTED USES.

There are no permitted principal uses in the I/C District.

1105.13 SUBD 3. CONDITIONAL USES. Building or land may be used for the following if granted a Conditional Use Permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.05 of this Ordinance, and provided further that any objectionable features normally associated with the uses, such as those deemed to be hazardous, offensive or objectionable by reason of order, dust cinders, gas fumes, noise, vibration, refuse matter or water-carried waste, shall be ameliorated, controlled or eliminated through design, mechanical devices, screen planting and/or walls or other measures. Any use not listed shall be reviewed by the Zoning Administrator and shall follow standards as set forth in this Section.

1. Trade and services, including any retail store, personal service or business service establishments, subject to all regulations and such permits and licenses as may be required by law, including the following and other similar uses.
2. Animal hospitals.
3. Automobile or trailer sales and service establishments.
4. Building material and hardware, retail sales/repairs
5. Business and professional offices.
6. Cultural, entertainment and recreational establishments.
7. General merchandising, apparel and accessories and establishments.
8. Car wash operations, including automated lanes.
9. Catering establishments.
10. Churches and houses of worship and related facilities.
11. Convenience goods and food shops, subject to a maximum of five thousand (5,000) square feet of sales area.
12. Drive-in or drive-up restaurants.
13. Banking facilities.
14. Hotels, motels and bed and breakfast inns.
15. Manufacturing or assembly of a wide variety of products that produces no exterior noise; glare; fumes; obnoxious products; by-products or wastes; in excess of Minnesota Pollution Control Agency standards, or creates other objectionable impact on the environment including the generation of large volumes of traffic.

16. Motor vehicle body shops.
17. Post offices and other public service operations.
18. Publishing, job printing, and blue printing.
19. Nurseries, garden supply centers.
20. Restaurants.
21. Services stations, automobile repair shops.
22. Theaters.
23. Warehousing, Storage and Wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use. This does not include truck terminals, which are not allowed in this District.
24. Daycare Nursery Facilities.
25. Scrap Recycling Facilities.
26. Indoor firing range, as a principal or accessory use, subject to the standards contained in Section 1103.08, Subd. 5(B)(9), as may be amended (located under the heading of specific standards for conditional uses in the Highway Commercial District).

*(Ord. 17-02, Section 1105.13, Adopted March 20, 2017.)*

#### 1105.13 SUBD. 4. ACCESSORY USES.

Any accessory use, building or structure customarily incidental to a permitted principal use and located on the same lot as the permitted principal use.

1. Off-street parking and loading as regulated by Sections 1107.12 and 1107.13 of this Ordinance.
2. Semi truck and trailer parking.

#### 1105.13 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements, exceptions and modifications set forth in this Ordinance.

1. Lot Area: Twenty Thousand (20,000) square feet.
2. Lot Width: One Hundred (100) feet.
3. Setbacks:
  - a. Front Yard: Thirty-five (35) feet.
  - b. Side Yard: Twenty (20) feet.
    1. Interior Lot:
      - a. Twenty (20) feet.
      - b. Fifty-five (55) feet abutting a Residential District.
    2. Corner Lot: Thirty (30) feet.
  - c. Rear Yard:
    1. Twenty-five (25) feet.
    2. Fifty-five (55) feet abutting a Residential District.

- d. Where railroad loading facilities exist or are to be provided, the rear and side yards may be modified through a variance.

1105.13 SUBD. 6. MAXIMUM BUILDING HEIGHT:

The maximum building height shall be thirty-five (35) feet.

1105.13 SUBD. 7. MAXIMUM SITE COVERAGE.

The maximum site coverage shall be eighty-five (85) percent and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by an impervious surface.

1105.13 SUBD. 8. MINIMUM DISTRICT SIZE.

The minimum district size shall be five (5) acres, with a minimum frontage of three hundred (300) feet.

1105.13 SUBD. 9. INDUSTRIAL/COMMERICAL DESIGN STANDARDS.

Industrial/commercial design standards are set forth and regulated in Section 1107.22.

(Ord. 11-13, Section 1105.13, Subd. 3, Adopted November 21, 2011.)

(Ord. 14-05, Section 1105.13, Subd. 3, Adopted May 19, 2014.)

(Ord. 17-02, Section 1105.13, Subd. 3, Adopted March 20, 2017.)

**CITY OF BELLE PLAINE  
ORDINANCE 19-07**

**AN ORDINANCE ZONING APPROXIMATELY 32 ACRES OF PROPERTY PROPOSED AS JANE  
PROPERTIES SUBDIVISION AS I/C INDUSTRIAL COMMERCIAL DISTRICT**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. Section 1105.01, SUBD. 2, the Official Zoning Map, is hereby amended as follows:

The following parcels, as legally described in Exhibit A attached hereto, are hereby zoned I/C  
Industrial Commercial District:

Property number 209060220  
Property number 209050030  
Property number 209050020

Section 2. 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 15<sup>th</sup> day of April, 2019.

BY: \_\_\_\_\_  
Christopher G. Meyer, Mayor

ATTEST:

\_\_\_\_\_  
Dawn Meyer, City Administrator

Published in the Herald on April 24, 2019.

**EXHIBIT A**  
**ORDINANCE 19-04**  
**LEGAL DESCRIPTION OF PROPERTY**

The Southwest Quarter of the Northwest Quarter (SW1/4 of the NW1/4) of Section 5, Township 113, Range 24, Scott County, Minnesota, lying South of State Highway No. 169, excepting therefrom the following described property:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

AND

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113, Range 24, Scott County, Minnesota, lying southeasterly of the Southeasterly right of way line of State Trunk Highway No. 169, excepting therefrom the following described property:

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 113 North, Range 24 West, shown as Parcel 315 on Minnesota Department of Transportation Right of Way Plat Numbered 70-27 as the same is on file and of record in the office of the County Recorder in and for Scott County, Minnesota.

AND

That part of Section 5, Township 113, Range 24, Scott County, Minnesota, described as follows:

Beginning at the point of intersection of the West line of Section Five (5), Township One Hundred Thirteen (113) North, Range Twenty-four (24) West and the Southerly right-of-way line of U.S. Highway No. 169, said point being 616.5 feet North of the West Quarter corner of said Section Five (5); thence North 58°35' East along the Southerly line of said highway a distance of 747.8 feet; thence South 5°29' West a distance of 638.9 feet; thence North 70°30' West a distance of 612.00 feet to the West line of said Section 5; thence North along the West line of said Section 5 a distance of 41.9 feet to the place of beginning, Scott County, Minnesota.

EXCEPT that part thereof shown as Parcel 216 on Minnesota Department of Transportation Right of Way Plat No. 70-26.

**BELLE PLAINE PLANNING COMMISSION  
RESOLUTION PZ-19-007**

**RECOMMENDING THE CITY COUNCIL APPROVE ORDINANCE 19-07, AN ORDINANCE ZONING  
APPROXIMATELY 32 ACRES OF PROPERTY PROPOSED AS JANE PROPERTIES  
SUBDIVISION AS I/C INDUSTRIAL COMMERCIAL DISTRICT**

WHEREAS, Jane Properties LLC (the “Applicant” and the “Property Owner”) is the fee owner of approximately 32 acres of property located north of the intersection of CSAH 64/Main Street and Hickory Boulevard recently annexed into the City of Belle Plaine; and,

WHEREAS, the parcels proposed for rezoning are: property numbers 209060220, 209050030, and 209050020; and,

WHEREAS, the parcels proposed for rezoning are legally described in Exhibit A attached hereto; and,

WHEREAS, the proposed rezoning is I/C Industrial Commercial District; and,

WHEREAS, the Applicant proposes the zoning designation to accommodate commercial uses; and,

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City’s designated Planning Agency, on April 8, 2019 following duly published notice to accept public comment on the proposed rezoning request; and,

WHEREAS, the Planning Commission accepted public input and discussed Ordinance 19-07, An Ordinance zoning approximately 32 acres of property proposed as Jane Properties Subdivision as I/C Industrial Commercial District; and,

WHEREAS, the Planning Commission finds

1. The Property was annexed to the City in October of 2018 and a zoning classification was not assigned at that time.
2. The Property is the subject of a proposed non-residential plat at this time.
3. The proposed zoning is consistent with the 2030 and 2040 Comprehensive Plans relative to land use, support for commercial and industrial land uses, and standards pertaining to managed and orderly growth and development.
4. The subject property is the subject of a non-residential plat. Parcels south of CSAH 64/Main Street are developed as and/or guided to non-residential use. An existing non-residential use is contained in the proposed plat and will be accommodated under the I/C District. Proposed rezoning would not constitute spot zoning as approximately 32 acres of property is included in the request.
5. The subject properties are proposed for platting and are consistent with performance standards contained in the I/C Industrial Commercial District.
6. The proposed rezoning will enable new commercial retail, service, and office uses while accommodating limited industrial activities as well. All uses within the I/C District require conditional use permit issuance, thereby enabling specific standards for development helping to ensure consistency with the scale and quality of development within adjacent areas over time. The limited uses and conditional use permit requirement will assist in maintaining property values in the vicinity of the parcels proposed for rezoning.

7. Extension of municipal services is proposed in conjunction with platting and improvement of the subject property. The City has adequate capacity in utility, transportation, and park systems to accommodate the proposed use of property at densities allowed in the I/C District.
8. The potential uses will be accommodated by an increased capacity local roadway, but providing of additional right of way needed to accommodate changes at the CSAH 64/Hickory Boulevard intersection, and a local connection will be feasible from the subject property to a proposed future principal arterial connection between CSAH 64 & CSAH 66.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council approve Ordinance 19-07, An Ordinance zoning approximately 32 acres of property proposed as Jane Properties Subdivision as I/C Industrial Commercial District.

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 8<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Ashby Carter  
Planning Commission Chair

\_\_\_\_\_  
Cynthia Smith Strack  
Community Development Director

