

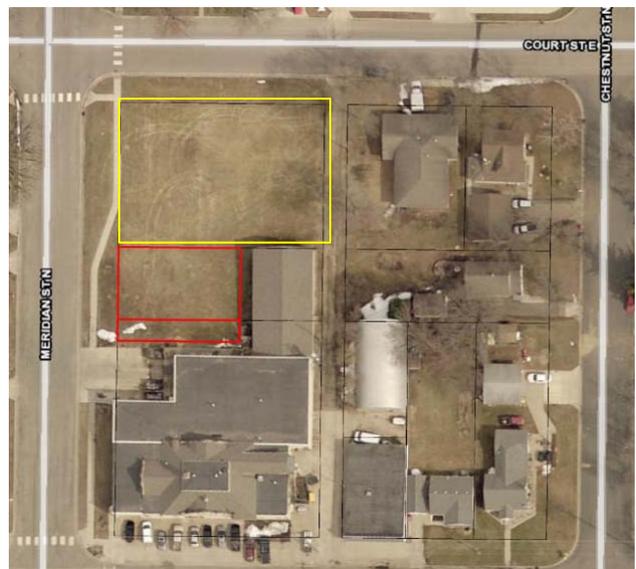
March 11, 2019

TO: Chairperson Carter, Planning Commission Members, & Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
SUBJECT: Rezoning Request: Central Business District to Mixed Housing – Scott Schmidt SE Quadrant Mid-Block Meridian & Court Street

BACKGROUND

The Planning Commission is to hold a public hearing and consider a rezoning request.

Scott Schmidt is the fee owner of three vacant parcels at the southeast quadrant of Meridian and Court Streets. The northernmost parcel (yellow outline) is currently zoned R-7. Schmidt requests consideration of rezoning of the two southernmost lots (red outline) from B-3 Central Business District to R-7 Mixed Housing. If approved rezoning would provide for the establishment of rental two-family dwellings. Additional zoning review would be required to establish the proposed use.



Surrounding locale is zoned R-7 Mixed Housing, R-3 One and Two Family Residential, and Central Business District. The immediate adjacent use is legal non-conforming light industrial use in the CBD. Existing zoning is attached along with a sketch of potential two-family rental dwelling configuration.

In 2015 the Property Owner attempted rezoning of the northernmost lot (yellow outline) from R-7 to C-3 Central Business District to provide for proposed ministorage. The rezoning request was denied due to concern for ministorage uses in the Downtown.

Since that time the Property Owner has met with City staff on several occasions to discuss potential productive uses of the property. The infill lots are located in a transitional area and guided toward mixed residential and commercial use in the 2040 Comprehensive Plan. Mixed residential/commercial future use category incorporates either or both R-7 and C-3 classifications.

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 rezoning is consistent with the Comprehensive Plan relative to planned land use, support for development on infill*

parcels, and efforts to increase residential density in close proximity to the Downtown as a means of supporting commercial establishments.

2. The proposed use is or will be compatible with present and future land uses of the area. *The subject property is situated mid-block at a transition in existing zoning from Central Business District to Mixed Housing. Proposed rezoning would not constitute spot zoning.*

Existing uses adjacent to the subject parcels are varied.

The lots proposed for rezoning abut a long-term, existing legal non-conforming industrial use that typically operates during normal business hours. Noise and vibration from the legal non-conforming use exist and are expected to continue to exist. Ideally separation between industrial and residential uses is advised. In this particular situation, in order to put the property to a reasonable use this may not be possible. To address potential inconsistencies and manage expectations, the City may, during future required planning review such as site plan or planned unit development consideration, require the Property Owner incorporate notification in lease agreements pertaining to the potential presence of noise, vibration, or similar effects during typical business hours.

Other uses adjacent to the subject parcels include multiple and single family dwellings.

3. The proposed use conforms with all performance standards contained herein. *The subject properties are existing non-conforming lots of record. The properties will be reconfigured to accommodate rental two family homes.*
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 housing construction on infill lots of record in that have been vacant for decades and are located in the original townsite at the point of transition in existing zoning classifications. The new two family homes will not negatively impact adjacent property values.*
5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity. *Full municipal services are already available to the subject parcels. The potential to add three new two family rental units will not overburden the City's utility capacity.*
6. Traffic generation by the proposed use is within capabilities of streets serving the property. *The potential uses will not produce significant increased vehicle trips due to proposed density and proximity to commercial venues within walking distance.*

ACTION

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

ATTACHMENTS

- Application for rezoning.
- Existing zoning.
- Two family rental dwelling concept plan.
- Ordinance 19-04 rezoning certain property.
- Resolution 19-006 recommending approval of Ordinance 19-04.



CITY OF BELLE PLAINE

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

Permit Type: Z-Re-Zoning

Site Address: 200015010

Work Valuation: \$0.00

Permit No.: **D-1980005**

Approved Date:

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:

SCHMIDT, SCOTT A
31309 SCENIC BYWAY RD
HENDERSON MN 56044

Work Description/Requirement:

Fee Description:

Re-Zoning Fee	\$300.00		
TOTAL FEE:	\$300.00	PAID:	\$0.00

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: \$

PLANNING CONSIDERATION APPLICATION

PROPERTY Address: Belle Plaine, MN P.I.N:

Lot Number: 4 Block Number: 101 Subdivision: Original Town Site

Zoning: B-3 Go to R-7

APPLICANT Owner Name: Scott Schmidt Phone: 612-703-1543

Mailing Address: Scott & Scott Schmidt Construction Co Cell:

E-mail: 31309 Scenic Byway Henderson Mn. 56044 Fax:

OWNER Name: Same Phone:

Mailing Address: Cell:

E-mail: Fax:

APPLICATION TYPE: (Check all that apply)

<input type="checkbox"/> Concept Plan-Subdivision \$250	<input type="checkbox"/> Site Plan \$300	<input type="checkbox"/> Minor Subdivision \$250
<input type="checkbox"/> Prelim. Plat Approval \$300+\$5/lot	<input checked="" type="checkbox"/> Rezoning \$300	<input type="checkbox"/> Alley/Street Vacation \$500
<input type="checkbox"/> Final Plat Approval \$200	<input type="checkbox"/> Comp Plan Amend \$500 to \$1,000	<input type="checkbox"/> Easement Vacation \$500
<input type="checkbox"/> Other (bldg. materials, landscape, lighting, parking & misc. plans)		

Improvement Description:

Attached to this application and made a part thereof, are:

<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Sketch of Improvement Layout
<input type="checkbox"/> Plans & Specifications	<input type="checkbox"/> Photographs	<input type="checkbox"/> Other: _____	

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 site plans and any other documents submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

APPLICANT SIGNATURE: Scott Schmidt **DATE:** 2-22-09

OWNER(S) SIGNATURE: _____ **DATE:** _____

OFFICE USE ONLY

Date Received: _____ **Form of Payment:** _____ **Transaction Number:** _____

Application Fee: _____ **Date:** _____ **Collected By:** _____

Reviewed by Community Development Director Application Complete **Date:** _____

Reviewed by Planning Commission Tabled Approved Denied **Date:** _____

Reviewed by City Council Tabled Approved Denied **Date:** _____

Lots Proposed For Rezoning Scott Schmidt



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. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County Surveyors Office.



Date: 3/4/2019

1 in = 94 ft



Legend

- City Limits
- Parcels (12/1/2018)
- Lot Lines
- Minnesota River
- Protected Waters
 - Public Water Basin
 - Public Water Wetland
- Protected Waters - Watercourse
- Zoning**
 - Park
 - A-2 Rural Residential
 - R-1 Single Family - Low Density: (12,000 sf. minimum)
 - R-2 Single Family - Low Density: (20,000 sf. minimum)
 - R-3 Single and Two-Family - Low to Medium Density
 - R-7 Mixed Housing - Medium to High Density
 - R-MH Manufactured Housing
 - B-2 Highway Commercial
 - B-3 Central Business District
 - I-2 General Industrial
 - I-C Industrial/Commercial
 - PUB Institutional
 - PUD Planned Unit Development
 - PUD Overlay
 - FP Flood Plain
 - S-1 Shoreland
- Boundary
- Footprint
- Image**
 - Red: Red
 - Green: Green
 - Blue: Blue



Current Zoning
300 Block
Meridian St N

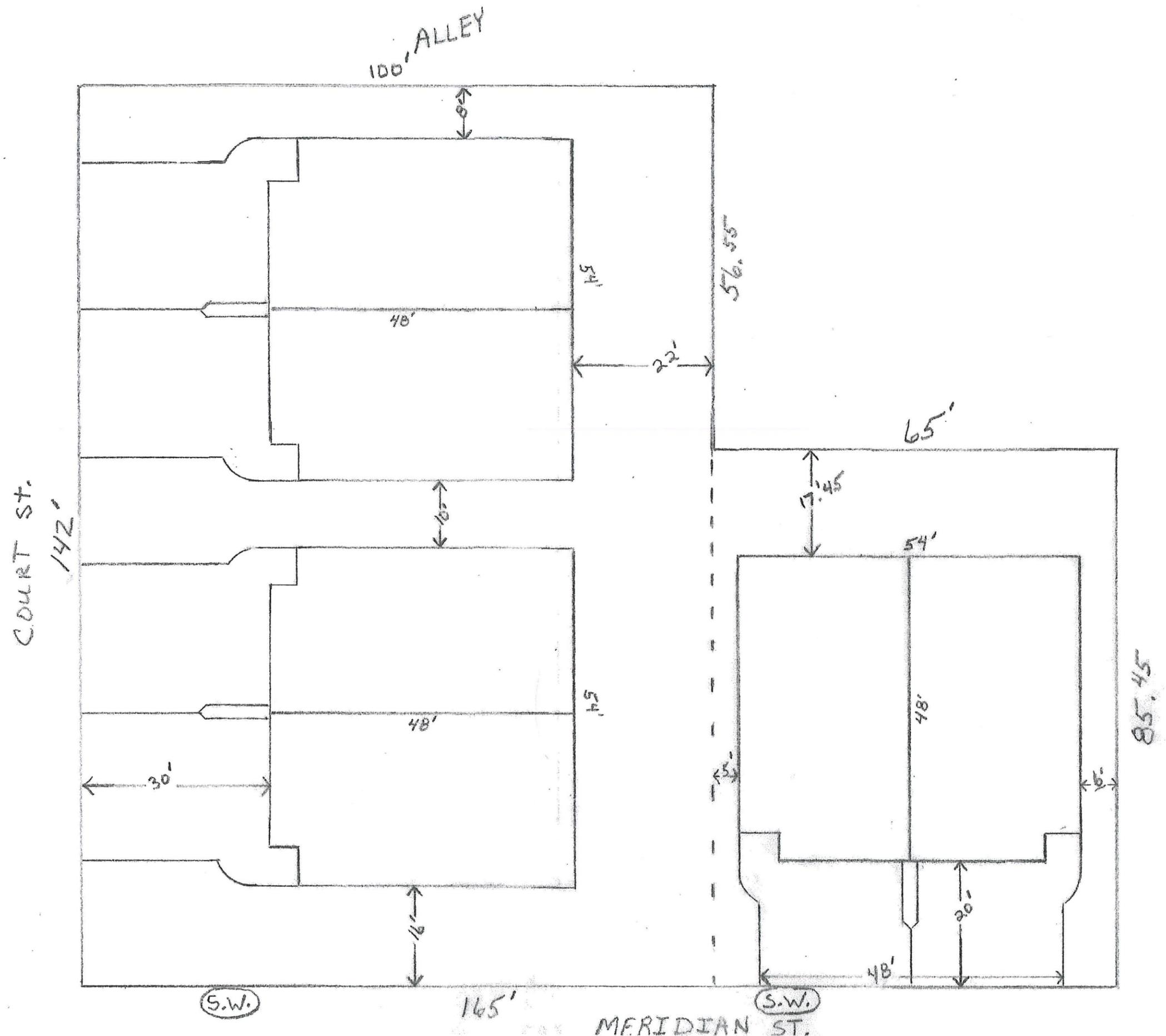


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1/16" = 1"

2-15-19
C. O. Schmidt



**CITY OF BELLE PLAINE
ORDINANCE 19-04**

**AN ORDINANCE REZONING CERTAIN PROPERTY IN THE SOUTHEAST QUADRANT OF MERIDIAN
AND COURT STREETS FROM B-3 CENTRAL BUSINESS DISTRICT TO R-7 MIXED HOUSING**

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 illustrated in Exhibit A are hereby rezoned from B-3 Central Business District to R-7 Mixed Housing:

Property number 200015040, legally described as the west 85.45 feet of the North 15 feet of Lot 4, Block 101 City of Belle Plaine Scott County Minnesota.

Property number 200015020, legally described as the west 85.45 feet of Lot 3, Block 101 City of Belle Plaine, Scott County, Minnesota.

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 18th day of March, 2018.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, Interim City Administrator

Published in the Herald on March 27, 2019.

**EXHIBIT A
ORDINANCE 19-04**



**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-19-006**

**RECOMMENDING THE CITY COUNCIL APPROVE ORDINANCE 19-04 AN ORDINANCE REZONING
CERTAIN PROPERTY IN THE SOUTHEAST QUADRANT OF MERIDIAN AND COURT STREETS
FROM B-3 CENTRAL BUSINESS DISTRICT TO R-7 MIXED HOUSING**

WHEREAS, Scott A. Schmidt (the "Applicant" and the "Property Owner") is the fee owner of certain property in the southeast quadrant of the intersection of Meridian Street North and Court Street West in the City of Belle Plaine; and,

WHEREAS, the parcels proposed for rezoning are: property number 200015040, legally described as the west 85.45 feet of the North 15 feet of Lot 4, Block 101 City of Belle Plaine Scott County Minnesota; and, property number 200015020, legally described as the west 85.45 feet of Lot 3, Block 101 City of Belle Plaine, Scott County, Minnesota (together the "Property"); and,

WHEREAS, the proposed rezoning is from C-3 Central Business District to R-7 Mixed Housing District; and,

WHEREAS, the Applicant proposes the rezoning to accommodate the construction of rental two family dwellings; 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 notice to accept public comment on the proposed rezoning request; and,

WHEREAS, the Planning Commission accepted public input and discussed Ordinance 19-04, An Ordinance Rezoning Certain Property At The Southeast Quadrant Of The Intersection Of Meridian Street North and Court Street West From C-3 Central Business District to R-7 Mixed Housing; and,

WHEREAS, the Planning Commission finds

1. The Property is served by a full complement of municipal utilities and roadways.
2. The Property is situated mid-block at a transition in existing zoning from Central Business District to Mixed Housing. Proposed rezoning would not constitute spot zoning.
3. The Property abuts a long-term, existing legal non-conforming industrial use that typically operates during normal business hours. Noise and vibration from the legal non-conforming use exist and are expected to continue to exist. Ideally separation between industrial and residential uses is advised. In this particular situation, in order to put the property to a reasonable use this may not be possible. To address potential inconsistencies and manage expectations, the City may, during future required planning review such as site plan or planned unit development consideration, require the Property Owner incorporate notification in lease agreements pertaining to the potential presence of noise, vibration, or similar effects during typical business hours.
4. The proposed rental two family dwellings are broadly consistent with the Comprehensive Plan and support plan goals to increase residential density in close proximity to the Downtown and to support cost-effective development of infill lots.
5. The proposed rezoning will enable new housing construction on infill lots of record in that have been vacant for decades and are located in the original townsite at the point of transition in existing zoning classifications. The new two family homes will not negatively impact adjacent property values.
6. Full municipal services are already available to the subject parcels. The potential to add three new two family rental units will not overburden the City's utility capacity.

7. The potential uses will not produce significant increased vehicle trips due to proposed density and proximity to commercial venues within walking distance.

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 19-04, an Ordinance rezoning certain property in the southeast quadrant of Meridian and Court Streets from B-3 Central Business District to R-7 Mixed Housing 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 11th day of March, 2019.

Ashby Carter
Planning Commission Chair

Cynthia Smith Strack
Community Development Director