

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
APRIL 8, 2019**

**PLEDGE OF ALLEGIANCE**

Secretary Kiecker led those present in the Pledge of Allegiance.

**1. CALL TO ORDER. 1.1. Roll Call.**

The Planning and Zoning Commission met in Regular Session on Monday, April 8, 2019 at City Hall 218 North Meridian Street, Belle Plaine, MN. Secretary Kiecker called the meeting to order at 6:30 PM with Commissioners Ryan Herrmann, Ashton Pankonin and Alternate Lee Peterson present. Commissioners Ashby Carter and Ashley Cauley were not present.

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

**2. APPROVAL OF AGENDA.**

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

**3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of March 11, 2019.**

MOTION by Commissioner Pankonin, second by Commissioner Petersen, to approve the Regular Session Minutes of March 11, 2019. ALL VOTED AYE. MOTION CARRIED.

**4. RECOGNITION OF INVOLVED CITIZENS.**

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

No one stepped forward.

**5. PUBLIC HEARINGS.**

**5.1. Rezoning Jane Properties, LLC. CSAH 64/Hickory Boulevard. The Planning Commission will consider public comment on a request by Jane Properties LLC to rezone approximately 32 acres of property north of the intersection of CSAH 64/Main Street and Hickory Boulevard recently annexed to the City. Zoning proposed is I/C Industrial Commercial which accommodates future commercial and light industrial uses by conditional use permit.**

Community Development Director Smith Strack explained the Planning Commission is to hold a public hearing and consider zoning of approximately 32 acres recently annexed into the City of Belle Plaine. Smith Strack explained Shaun Johnson is the fee owner of Jane Properties LLC. Johnson is present in the audience. Three parcels are proposed for rezoning to the Industrial Commercial District. Smith Strack noted the subject property is north of the intersection of CSAH 64/Main Street and Hickory Boulevard. Smith Strack explained with the exception of the far western parcel which resulted from interchange construction, the property was annexed into the City in October of 2018. Smith Strack noted the remnant parcel is currently zoned B-2 Highway Commercial. The remaining parcels consisting of over 30 acres have not been classified for zoning purposes since annexation. Smith Strack explained all parcels are proposed for I/C Industrial Commercial District. Smith Strack noted rezoning of the property is broadly consistent with the 2030 and 2040 comprehensive plans. Smith Strack explained a public notice of the requested rezoning has been published, posted, and mailed. Smith Strack noted speaking with one property owner who requested additional information but no other comments for or against the request have been received.

Secretary Kiecker opened the public hearing at 6:34 PM.

No one spoke at the public hearing.

MOTION by Commissioner Pankonin, second by Commissioner Peterson, to CLOSE the public hearing at 6:35 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Pankonin requested clarification on if the property will need to return for a CUP and if the City would have any reason to deny a CUP. Community Development Director Smith Strack confirmed all uses in the I-C District require a conditional use permit. Property owners are allowed to establish uses listed as conditional in districts provided they meet the standards included in the permit.

**5.1.1. Resolution PZ 19-007, Recommending the City Council Approve Ordinance 19-07 Rezoning approximately 32-acres of property north of CSAH 64 and Hickory Boulevard to I/C Industrial Commercial.**

MOTION by Commissioner Pankonin, second by Commissioner Kiecker, to approve resolution PZ 19-007, recommending the City Council approve Ordinance 19-07 rezoning approximately 32-acres of property north of CSAH 64 and Hickory Boulevard to I/C Industrial Commercial. ALL VOTED AYE. MOTION CARRIED.

**5.2. Preliminary Plat Jane Properties Subdivision. The Planning Commission will consider public comment on a request by Jane Properties LLC for preliminary plat and final plat review and consideration for Jane Properties Subdivision.**

Community Development Director Smith Strack explained Shaun Johnson, President of Jane Properties LLC requests a public hearing and consideration of preliminary and final plats for Jane Properties Subdivision. Smith Strack explained the proposed plat includes the creation of three platted nonresidential lots and three outlots on property located north of CSAH 64/Main and Hickory Boulevard. Smith Strack noted the City Council previously authorized concurrent review of the preliminary and final plats. Smith Strack presented a brief slideshow noting the renaming of proposed Ski Street to Prosper Street and reviewed setbacks, wetland preservation, utilities and additional right-of-way. Smith Strack explained notice of public hearing for preliminary plat review has been posted, published, and mailed to adjacent property owners noting no public comment for or against the plat had been received.

Secretary Kiecker opened the public hearing at 6:44 PM.

Mary Koll commended on the 2040 comp plan and inquired if the whole frontage road was vacated. Community Development Director Smith Strack explained City Council and staff felt a connection from the east and west would be an easier connection. Koll cited the changes are not consistent with the 2040 plan and requested a proposed roads map for review. Smith Strack agreed to provide Koll with a proposed road map.

MOTION by Commissioner Pankonin, second by Commissioner Herrmann, to CLOSE the public hearing at 6:47 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Kiecker requested staff's recommendations.

Community Development Director Smith Strack explained conditions are listed with in the resolution but also include a submittal of construction application, developer pay all costs and fees connected with construction along with enter into the development agreement. Smith Strack explained plans must be adjusted to reflect MnDOT, Scott County and City Attorney comments. Execution of a warranty deed for Outlot B which the City will hold in escrow until improvements are made is required, along with execution of a blanket easement on Outlot C which will be held until final plat is filed. Smith Strack also noted final plat must be recorded with in 180 day of City Council approval.

Commissioner Pankonin inquired on the woodland clause inquiring if replacement trees would need to be on the property citing a potential visibility concern. Smith Strack explained yes the one to one clause

would require planting within the property upon lot development but not during subdivision grading and improvement.

**5.2.1. Resolution PZ 19-008, Recommending Conditional Approval of Preliminary and Final Plats for Jane Properties Subdivision.**

MOTION by Commissioner Pankonin, second by Commissioner Kiecker, to approve Resolution PZ 19-008, Recommending Conditional Approval of Preliminary and Final Plats for Jane Properties Subdivision with staff conditions. ALL VOTED AYE. MOTION CARRIED.

**5.3 Non-Conforming Use Expansion Permit Front Yard Setback: Lavonne Bratsch 210 Cedar Street South. The Planning Commission will consider public comment on a request by Lavonne Bratsch, owner of property at 210 Cedar Street South for a non-conformance expansion permit under Code Section 1102.03. If approved the non-conformance expansion permit would allow expansion of a residence at 210 Cedar Street South with an existing non-conforming front yard setback.**

Community Development Director Smith Strack explained the planning commission will hold a public hearing and recommend action to the City Council on a Non-Conforming Use Expansion Permit pertaining to front yard setback. Smith Strack explained Lavonne Bratsch has applied for a non-conformance expansion permit under Section 1102.03 of the Code. If approved, the non-conformance expansion permit would allow a 1,152 sf expansion to an existing residence consisting of habitable space and an attached garage at 210 Cedar Street South. Smith Strack explained the property is within the R-3 One and Two Family Residence District and is legal non-conforming relative to front yard required setback at 24 ½ feet versus 30' required. The proposed 476 sf house addition and 676 sf attached garage are proposed to be setback 25 feet from the front property line. Smith Strack noted the property is a double lot under one property number and legal description. Smith Strack explained the proposed expansion meets other code performance standards including, but not limited to, site coverage which is calculated at 28 percent of the lot area. Smith Strack explained Wayne Schmidt, Bratsch's Contractor, is in the audience on behalf of the owner.

Secretary Kiecker opened the public hearing at 6:55 PM.

Wayne Schmidt explained Bratsch has lived in the home for many years and is seeking updates to the home to make it handicap accessible in her retirement.

Commissioner Kiecker inquired if the materials are the same or similar to what is presently on the home. Schmidt explained aluminum siding was replaced approximately 30 years ago and it is the owner's intent to match and replace siding.

**5.3.1. Resolution 19-009(A) Resolution Recommending Conditional Approval of a Non-Conformance Expansion Permit Pertaining To A Non-Conforming Front Yard Setback At 210 Cedar Street South.**

Commissioner Kiecker inquired if lot coverage issues will come into play with the addition. Community Development Director Smith Strack explained with the addition lot coverage will be 28 percent, the maximum lot coverage is 35 percent.

MOTION by Commissioner Pankonin, second by Commissioner Herrmann, to approve Resolution 19-009(A) Resolution Recommending Conditional Approval of a Non-Conformance Expansion Permit Pertaining To A Non-Conforming Front Yard Setback At 210 Cedar Street South with the sic in behind setback and other conditions as recommended by City Staff. ALL VOTED AYE. MOTION CARRIED.

**5.4. Conditional Use Permit Auto Graphics Printing and Detailing 725 Main Street East. The Planning and Zoning Commission will consider public comment on a conditional use permit application submitted by Scott Danielson (Applicant) and Mathew Hartman (Property Owner) for the property at 725 Main Street East. A conditional use permit is required under Section 1105.13, Subd. 3 of the City Code pertaining to uses within the I/C Industrial Commercial District. If approved the conditional use permit would allow the operation of an automobile graphic printing and attachment use at 725 Main Street East.**

Community Development Director Smith Strack explained Scott Danielson (Applicant) and Matt Hartman (Property Owner) have submitted an application for consideration of a conditional use permit for 725 Main Street East. Smith Strack explained a CUP is required for a change in use of the building within the I/C Industrial Commercial District. Smith Strack explained Danielson proposes to operate an automobile graphics printing and application operation at the site with ancillary production of wooden benches. No changes to the building footprint or exterior site is proposed. Smith Strack showed an overview of the property. Smith Strack noted notices of the public hearing has been posted, published, and mailed to adjacent property owners noting no public comment for or against have been received.

Secretary Kiecker opened the public hearing at 7:07 PM.

No one spoke at the public hearing.

MOTION by Commissioner Pankonin, second by Commissioner Peterson, to CLOSE the public hearing at 7:08 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Pankonin inquired if Hartman will still operate any of his business within the building. Applicant Scott Danielson advised Hartman will not be operating at this location. Commissioner Herrmann requested clarification on the access from Main street. Community Development Director Smith Strack explained only one access will be permitted.

**5.4.1. Resolution PZ 19-010 A Resolution Recommending Conditional Approval of a Conditional Use Permit for Auto Graphics Printing and Attachment at 725 Main Street East in the I/C Industrial Commercial District.**

MOTION by Commissioner Kiecker second by Commissioner Pankonin, to approve Resolution PZ 19-010 A Resolution Recommending Conditional Approval of a Conditional Use Permit for Auto Graphics Printing and Attachment at 725 Main Street East in the I/C Industrial Commercial District. Roll call vote with Commissioners Pankonin, Herrmann, Kiecker and Peterson voting AYE. ALL VOTED AYE. MOTION CARRIED.

**5.5. Ordinance 19-05 Outdoor Storage. The Planning and Zoning Commission will hear public comment on proposed Ordinance 19-05, an Ordinance repealing and replacing Section 1107.08 of the City Code pertaining to outdoor storage.**

Community Development Director Smith Strack explained last Spring the Planning Commission considered an update to Section 1107.08 of the City Code pertaining to outside storage. Smith Strack noted following Planning Commission review and approval the City Council redirected the proposed Code amendment back to the Public Works Committee for input. The Public Works Committee referred the matter to department heads for further discussion. Smith Strack explained following a meeting in November of 2018 the amendment was referred to the City Attorney for redraft. City Attorney Vose updated the code and department heads have subsequently reviewed. Smith Strack explained the amendment is provided for public hearing, both marked up code and a clean copy of Ordinance 19-05 for consideration was included in the packet. Smith Strack noted full repeal and replacement of existing text is proposed. The amendment is intended to clarify what may or may not be stored outside, especially within residential zones. The amendment increases the number of recreational type items (i.e. boats, trailers, RV, ATV, etc) that can be

stored on site at any one time from two items to three items. Recreational vehicles and equipment is further defined within the proposed code amendment.

Secretary Kiecker opened the public hearing at 7:15 PM.

No one spoke at the hearing.

MOTION by Commissioner Pankonin, second by Commissioner Peterson, to CLOSE the public hearing at 7:15 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Kiecker approved of the redraft of the ordinance citing a reasonable code for outdoor storage. Commissioner Herrmann expressed a concern regarding the language noting if resident owned three travel trailers all three could be parked in the driveway. Community Development Director Smith Strack confirmed. Commissioner Pankonin concurs Herrmann's concern. Discussion occurred regarding how to adjust the code to avoid concerns.

**5.5.1. Resolution PZ 19-011 A Resolution Recommending the City Council approve Ordinance 19-05, an Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outdoor Storage.**

MOTION by Commissioner Pankonin, second by Commissioner Peterson, approval of Resolution PZ 19-011 A Resolution Recommending the City Council approve Ordinance 19-05, an Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outdoor Storage. ALL VOTED AYE. MOTION CARRIED.

**5.6. Ordinance 19-06 Off-Street Parking. The Planning and Zoning Commission will hear public comment on proposed Ordinance 19-06, an Ordinance amending Section 1107.12, Subd. (4)(6); Section 1107.12, Subd. 4(8)(E), and Section 1107.12, Subd. 4(8)(G) of the City Code pertaining to off-street parking.**

Community Development Director Smith Strack explained last Spring the Planning Commission considered an update to Section 1107.12 of the City Code pertaining to off street parking. Smith Strack noted following Planning Commission review the City Council redirected the proposed Code amendment to the Public Works Committee for input. The Public Works Committee referred the matter to department heads for further discussion. Smith Strack explained department heads and City Attorney Bob Vose discussed a proposed redraft at a meeting in November of 2018. Department heads have subsequently reviewed and approved the redraft. Smith Strack explained both the marked up code and a clean copy of Ordinance 19-06 was included in the packet for consideration. Smith Strack noted Ordinance 19-06 provides clarification of certain parking standards including, but not limited to those pertaining to allowable surfaces and setbacks. Smith Strack explained the Ordinance has been posted and printed and no comment for or against has been made.

Secretary Kiecker opened the public hearing at 7:32 PM.

No one spoke at the hearing.

MOTION by Commissioner Pankonin, second by Commissioner Herrmann, to CLOSE the public hearing at 7:33 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Pankonin requested clarification on use of public parking with off street parking. Community Development Director Smith Strack explained the owner cannot use public parking lots for off street parking.

**5.6.1. Resolution PZ 19-012 A Resolution Recommending the City Council approve Ordinance 19-06, An Ordinance Amending Section 1107.12, Subd. (4)(6); Section 1107.12, Subd. 4(8)(E), and Section 1107.12, Subd. 4(8)(G) of the City Code Pertaining to Off-Street Parking.**

MOTION by Commissioner Kiecker, second by Commissioner Herrmann, to approve Resolution PZ 19-012 A Resolution Recommending the City Council approve Ordinance 19-06, An Ordinance Amending Section 1107.12, Subd. (4)(6); Section 1107.12, Subd. 4(8)(E), and Section 1107.12, Subd. 4(8)(G) of the City Code Pertaining to Off-Street Parking. ALL VOTED AYE. MOTION CARRIED.

## **6. BUSINESS.**

### **6.1. Administrative Subdivision: 116 Oakwood Drive – Jennifer Shinehouse**

Community Development Director Smith Strack explained Jennifer Shinehouse has applied for a minor subdivision to split PID 200080120 as illustrated in the attachment survey included in the packet. Smith Strack explained under code, if this split is approved, no further minor subdivision, either lot split or combination is possible for five years after approval. Smith Strack noted any further change requires platting. Smith Strack cited upon staff review the recommendation is to limit driveway access limited to Robert Circle.

Property owner Shinehouse inquired on the driveway requirements. Community Development Director Smith Strack explained the comp plan states driveways need to be off 60 feet from an intersection. Discussion regarding current code verses future code.

#### **6.1.1. Resolution PZ 19-013 A Resolution Recommending Approval of a Minor Subdivision of Property at 116 Oakwood Drive.**

MOTION by Commissioner Herrmann, second by Commissioner Pankonin, to approve Resolution PZ 19-013 A Resolution Recommending Approval of a Minor Subdivision of Property at 116 Oakwood Drive with the removal of a 60 ft. setback off of Robert Circle. ALL VOTED AYE. MOTION CARRIED.

### **6.2. Ordinance 19-08 Small Cell Wireless Facility Aesthetic Requirements and Construction Criteria.**

Community Development Director Smith Strack explained a Federal Communications Commission (FCC) order addressing the deployment of small wireless facilities became effective on January 14<sup>th</sup>. Smith Strack explained the order preempts some local control over small wireless facilities but concluded that aesthetic requirements are not preempted provided they are reasonable, similar to standards for other infrastructure deployments, objective, and published within 180 days of the FCC order. The deadline for cities to publish aesthetic standards is April 15<sup>th</sup>, the proposed standards were published on the city's website on Thursday, April 4<sup>th</sup>. Smith Strack noted included in the packed is a draft code amendment that has been distributed internally and to the City Engineer and City Attorney for comment. The draft amendment is to Chapter Six of the City Code and includes language derived from several sources including other sample codes suggested by the League of Minnesota Cities. Smith Strack explained the purpose of Ordinance 19-08 is to promote a consistent look within the City. Standards address many factors including, but not limited to: small cell wireless facility color, antenna enclosure, placement on poles, use of decorative poles, concealment of cables/wires, and placement & screening of ground mounted equipment.

Council Liaison Chard inquired if the City could receive a fee back like cell tours do. Community Development Director Smith Strack explained if the City owns the property would be the only way a fee could be received. Chard inquired if any royalties for placement is available. Smith Strack explained if the Council is interested in having placement on City owned buildings and lots the City Council could move forward on that subject. Commissioner Pankonin inquired on how many wireless facilities would be needed. Smith Strack explained usually it's a matter of per block rather than per acreage coverage.

#### **6.2.1. Resolution PZ 19-014 A Resolution Recommending the City Council approve Ordinance 19-08 An Ordinance Amending Chapter Six of the City Code Pertaining to Streets, Sidewalks, and Public Ways by Adding Section 606 Providing for Small Cell Wireless Facility Aesthetic Requirements and Construction Criteria.**

MOTION by Commissioner Pankonin, second by Commissioner Petersen, to approve Ordinance 19-08 Small Cell Wireless Facility Aesthetic Requirements and Construction Criteria. ALL VOTED AYE. MOTION CARRIED.

**6.3. Call for special meeting – April 30, 2019**

Community Development Director Smith Strack explained as previously mentioned Dollar General and Casey's Store have filed applications for conditional use permit and site plan review. Smith Strack noted to accommodate their construction timelines a special joint session of the Planning Commission and City Council is suggested.

MOTION by Commissioner Pankonin, second by Commissioner Herrmann, to call for a special meeting on April 30, 2019. ALL VOTED AYE. MOTION CARRIED.

**7. ADMINISTRATIVE REPORTS.**

**7.1. Commissioner Comments.**

No Commissioner comments were made.

**7.2. Director's Report.**

Community Development Director Smith Strack highlighted items on the Directors report.

**7.3. Upcoming Meetings.**

**1. Next Regular Meeting, 6:30 p.m., Monday May 13, 2019.**

The Commissioners were reminded of the upcoming meetings as listed.

**8. ADJOURNMENT.**

MOTION by Commissioner Pankonin, second by Commissioner Peterson, to adjourn the meeting at 8:08 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich  
Recording Secretary