

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 8 2020**

PLEDGE OF ALLEGIANCE

Chair Cauley led those present in the Pledge of Allegiance.

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, June 8, 2020 at City Hall 218 North Meridian Street, Belle Plaine, MN. Chair Cauley called the meeting to order at 6:30 PM with Commissioners Ryan Herrmann, Ashton Pankonin, Sarah Duklet, Lee Petersen, and Omni Kiecker present.

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

2. APPROVAL OF AGENDA.

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

3. APPROVAL OF MINUTES.

3.1. Regular Session Minutes of March 9, 2020.

MOTION by Commissioner Kiecker, second by Commissioner Pankonin, to approve the Regular Session Minutes of March 9, 2020. 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. Setback Variance – R-1 Single Family Low Density Residential District. The Planning Commission will consider public comment on a request by Rick and Tanya Adamietz, fee owners of property at 1017 Chestnut Court for a variance to a required interior side setback in the R-1 Single Family Low Density Residential District. If approved the variance would allow construction of a detached deck five-feet from the side property line.

Community Development Director Smith Strack explained the Planning Commission will hold a public hearing and consider variances to a side setback. Smith Strack reviewed a slideshow and noted Rick and Tanya Adamietz are the property owners of 1017 Chestnut Court. Smith Strack explained if approved the variance would allow the establishment of a freestanding deck adjacent to an above ground swimming pool in the northeast corner of the property. Smith Strack reviewed the sample findings for and against and noted no comments for or against the variance request were received.

Commissioner Cauley called the Applicant forward and requested testimony.

Applicant Rick Adamietz was present and explained a minor change to the application. Adamietz noted his plan to purchase an 18-foot new pool has been changed to a 21 foot used pool. Adamietz explained due to the shortage on pools they decided to purchase a used pool and in return the deck will be smaller. Adamietz noted the pie shaped lot and hillside cause issues with placement and noted the requested placement is the only spot that accommodates the 10-foot setback for the pool. Commissioner Kiecker inquired how long the applicant has lived on the property. Adamietz explained he purchased the property over 14 years ago. Kiecker questioned the applicant on the nature of their request.

Commissioner Cauley opened the public hearing at 6:39 PM and asked for public comment.

No one stepped forward.

MOTION by Commissioner Kiecker, second by Commissioner Pankonin, to close the public hearing at 6:39 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Herrmann inquired on the drainage and utility easements and noted other properties potentially encroaching on the setbacks. Commissioner Pankonin noted the pool is not a luxury item and can be put up however the deck is the item in question. Applicant Rick Adamietz explained the request was the best layout for his property and noted there was no deck on his house and one couldn't be added. Commissioner Kiecker inquired if he could move his camper off an existing parking pad to make room for the pool without a variance. Adamietz explained the camper is required to be on a pad per City code and moving the camper would cost his family additional money yearly. Commissioner Cauley noted her struggle to approve. Pankonin stated the applicant has requested a variance to improve their property and stay within the City. Pankonin noted this situation is part of the reason the Commission has the option for a variance with its unique situation.

5.1.1. Resolution 20-006(A) Resolution Recommending the City Council Approve Variance from Section 1105.05, Subd. 5(3)(b)(1) to Allow a Minimum Interior Side Yard Setback of Five Feet for a Property Addressed as 1017 Chestnut Court.

Resolution 20-006(B) Resolution Recommending the City Council Deny a Variance from Section 1105.05, Subd. 5(3)(b)(1) to Allow a Minimum Interior Side Yard Setback of Five Feet for a Property Addressed as 1017 Chestnut Court.

MOTION by Commissioner Kiecker, second by Commissioner, Herrmann to Approve Resolution 20-006(B) Resolution Recommending the City Council Deny a Variance from Section 1105.05, Subd. 5(3)(b)(1) to Allow a Minimum Interior Side Yard Setback of Five Feet for a Property Addressed as 1017 Chestnut Court. Roll Call vote Commissioners Kiecker, Herrmann, and Cauley voting AYE. Commissioners Petersen and Pankonin voting Nay. MOTION CARRIED 3-2.

Commissioner Cauley explained to the applicant that the Planning Commission is only a recommending board and that final approval or denial will take place at the June 15 City Council meeting.

5.2. Ordinance 20-06 The Planning Commission will hear public comment on proposed Ordinance 20-06 an Ordinance amending Chapter 11, Section 1102.03, Subd. 2(3)(A) pertaining to expansion permits for non-conforming uses or structures. If approved the ordinance will redefine decision criteria for issuance of non-conformance expansion permits.

Community Development Director Smith Strack explained the Commission previously discussed an amendment to Section 1102.03, Subdivision 2(3)(A) of the Code pertaining to review criteria for issuance of non-conformance expansion permits. Smith Strack reviewed a brief slideshow reviewing the proposed replacement language. Smith Strack noted the Ordinance was published and posted an explained no public comment for or against has been received.

Commissioner Cauley opened the public hearing at 7:01 PM and asked for public comment.

No one stepped forward.

MOTION by Commissioner Kiecker, second by Commissioner Herrmann to close the public hearing at 7:01 PM. ALL VOTED AYE. MOTION CARRIED.

5.2.1 Resolution PZ 20-007, Recommending Approval of Ordinance 20-06, an Ordinance Amending Chapter 11, Section 1102.03, Subd. 2(3)(A) of the Belle Plaine City Code Pertaining to Review Criteria for Non-Conformance Structure Expansion Permits.

MOTION by Commissioner Pankonin, second by Commissioner Petersen, to approve Resolution PZ 20-007, Recommending Approval of Ordinance 20-06, an Ordinance Amending Chapter 11, Section 1102.03, Subd. 2(3)(A) of the Belle Plaine City Code Pertaining to Review Criteria for Non-Conformance Structure Expansion Permits. ALL VOTED AYE. MOTION CARRIED.

6. BUSINESS.

6.1. Discussion: Metal Roofing Materials.

Community Development Director Smith Strack explained staff repeatedly advise residents and contractors of zoning standards. Smith Strack noted several times over the past year staff were asked to comment on use of open fastener metal roofing. Smith Strack presented a brief slideshow regarding metal roofing and requested interpretation and clarification.

Commissioners discussed the difference in sheds with metal roofs and the metal shingles approved for Trinity Church. Council Liaison Chard suggested open fastener metal roofs belong in the country noting closed fasteners are more expensive, secure and appealing. Commissioner Cauley suggested architectural standards allow for variances and not when the Commission holds the standards occasionally they are overruled by Council decision. Cauley suggested residential language be added to allow certain standards for closed fastener only. Cauley noted open fastener could be allowed in the industrial district.

It was the consensus of the Committee for staff to move forward with residential and industrial language and bring back for review.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

No comments were made.

7.2. Director's Report.

Community Development Director Smith Strack highlighted the directors report and noted the City received the Small Cities grant which result in \$603,000.00 slated to arrive in early fall. Smith Strack noted the outdoor seating is going well and noted her hope to see applicants for the sidewalk cafes next year. Commissioner Kicker cited lack of parking in front of her business.

7.3. Upcoming Meetings.

1. Next Regular Meeting, 6:30 p.m., Monday July 13, 2020.

Commissioners were reminded of the next scheduled meeting.

8. ADJOURNMENT.

MOTION by Commissioner Kiecker, second by Commissioner Herrmann, to adjourn the meeting at 7:29 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully Submitted,

Renee Eyrich
Recording Secretary