

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
NOVEMBER 9, 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, November 9, 2020 at City Hall 218 North Meridian Street, Belle Plaine, MN. Chair Cauley called the meeting to order at 6:30 PM with Commissioners Petersen, Kicker and Duklet present. Commissioner's Herrmann and Pankonin were not present.

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

2. APPROVAL OF AGENDA.

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

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of October 12, 2020 and 3.2. Joint Session Minutes of October 19, 2020.

MOTION by Commissioner Petersen, second by Commissioner Kiecker, to approve the Regular Session Minutes of October 12, 2020. ALL VOTED AYE. MOTION CARRIED.

MOTION by Commissioner Petersen, second by Commissioner Duklet, to approve the Regular Session Minutes of October 19, 2020. Commissioners Cauley and Kiecker abstained. 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.

Commissioner Cauley introduced the Recognition of Involved Citizens.

No one stepped forward.

5. PUBLIC HEARINGS.

5.1. Structural Setback from Bluff. The Planning Commission will consider public comment on a request by Trace and Shea Selly, fee owners of property at 1306 Quail Court. Section 1109.06, Subd. 4(1)(3) of the City Code requires structures be setback at least thirty (30) feet from the top or toe of a bluff. If approved a variance would allow a structure ten feet from the bluff.

Community Development Director Smith Strack explained a variance request on a structural setback from bluff for 1306 Quail Court property owners Trace and Shea Selly. Smith Strack explained a public hearing will be held regarding the variance to a required 30 foot structural setback from the top or toe of the bluff. Smith Strack explained the applicants propose the following within a required fluff setback, regrading of the rear yard, placement of fill, placement of a 50 foot long three foot tall retaining wall and placement of a 200 square foot accessory structure with foundation. Smith Strack noted the retaining wall will be 10 feet from the break in slop and the shed 15 feet from the break in slope. Smith Strack reviewed the required findings for variance approval along with sample findings for and against the request which were included in the packet.

Trace Selly, property owner stepped forward and explained he respects the City Code but believes it should carry flexibility. Selly stated he needs a variance due to the limited placement for a shed so to not block access to his backyard. Selly explained the need for the shed is to keep his property clutter free, for storage of tractors and storage of accessories. Selly noted residents pay a lot for taxes and based on that he wants to improve the physical characteristics of his property. Selly explained the retaining wall will help maintain the bluff and improve the yard and noted the area is high in clay.

Commissioner Duklet inquired if the replacement soil will be consistent with what is already in the ground. Selly explained Greenleaf Landscaping will be completing the project, if approved, and has suggested using a combination of soil.

Commissioner Kiecker inquired if Selly thinks having one side of the yard blocked is unique to him within the City. Kiecker explained she drove past the property and suggested moving the swing set. Selly explained he acquired the additional lot next door due to a property owner's hardship and plans on selling the property after his kids are grown.

Commissioner Cauley requested clarification that an administrative permit can be approved for sheds 120 square feet and below. Community Development Director Smith Strack confirmed Cauley's clarification. Cauley inquired of the applicant on an analysis on how many trees will be removed. Selly explained he recently cleared the old trees out of the area and noted only two small trees remain. Selly also noted he plans on replacing with evergreens. Cauley inquired if there was a need for a permanent foundation or perhaps a smaller structure would fit. Selly explained a smaller structure does not suit his needs for storage of bikes, snow blowers and tractors. Selly opines a permanent structure better fit for his house and property.

Commissioner Kiecker questioned if the request is a practical difficulty as required for variance approval noting Applicants' comments mentioned needs. Selly explained clearing of clutter and keeping access to back yard is his need.

Commissioner Petersen inquired if the 10% grade is throughout the whole back yard. Selly explained the grade is only along the wood line and explained the 10 x 20 shed will be parallel with the house tucked about 10 feet into the woods.

Commissioner Duklet inquired on the boulders. Selly explained the boulders will be about 30 inches.

Cauley inquired if Selly was the property owner when the addition was added. Selly confirmed.

Commissioner Cauley opened the public hearing at 6:53 PM and asked for public comment.

No one stepped forward.

MOTION by Commissioner Kiecker, second by Commissioner Duklet, to close the public hearing at 6:53 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Duklet inquired of staff if this type of bluff request is common. Community Development Director Smith Strack explained this is the first request she has received in the past 5 years.

Commissioner Kiecker inquired if the request is approved standards will need to be met and opines a temporary shed on the adjoining lot would be better suited.

Duklet confirmed a shed on the adjoining lot would work but understood why the applicant prefers a permanent structure on his property.

Commissioner Kiecker cited proper plan management should be upheld.

Commissioner Cauley explained she understands the desire for a permanent foundation and the resulting property value affect however, other options are available including size and location.

Council Liaison Chard explained he visited with Selly noting the unique property. Chard explained a retaining wall could have been added at the time of building. Chard noted if the request is approved the approval could be precedent setting and explained many future properties will have bluffs in the backyards.

Community Development Director Smith Strack explained if approved the resolution has proposed conditions which include requiring a custom grading and drainage plan, identification of best management practices to be used, and engineer consultations pertaining to retaining existing drainage patterns post-construction for the shed and retaining wall.

5.1.1. Resolution 20-013(A) Resolution Recommending the City Council Approve Variance Reducing Bluff Structure Setback to Ten Feet to Allow a Detached Accessory Structure at 1306 Quail Court.

MOTION by Commissioner Petersen, second by Commissioner Duklet, to approve Resolution 20-013(A) Resolution Recommending the City Council Approve Variance Reducing Bluff Structure Setback to Ten Feet to Allow a Detached Accessory Structure at 1306 Quail Court. ROLL CALL VOTE WAS TAKEN, Commissioners Petersen and Duklet VOTED AYE and Commissioner Cauley and Kiecker VOTED NAY. MOTION FAILED 2-2.

Resolution 20-013(B) Resolution Recommending the City Council Deny a Variance Reducing Bluff Structural Setback at 1306 Quail Court.

MOTION by Commissioner Kiecker, second by Commissioner Cauley to approve Resolution 20-013(B) Resolution Recommending the City Council Deny a Variance Reducing Bluff Structural Setback at 1306 Quail Court. ROLL CALL VOTE WAS TAKEN. Commissioners Kiecker and Cauley VOTED AYE and Commissioner Petersen and Duklet VOTED NAY. MOTION FAILED 2-2.

Commissioner Cauley explained the request will move forward with a split recommendation.

6. BUSINESS.

6.1. Ordinance 20-11 An Ordinance Repealing and Replacing Section 1105.16 of the City Code Pertaining to Floodplains.

Community Development Director Smith Strack explained the Commission reviewed the draft ordinance at the October meeting. Smith Strack explained the Ordinance has been reviewed and language embraced by the City Council.

It was the consensus of the Committee to move forward with Ordinance 20-11 as presented.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Commissioner Kiecker expressed satisfaction with the discussion and problem solving of the commission, noting the purpose of the committee is to not always agree as all voices are heard.

7.2. Director's Report.

Community Development Director Smith Strack highlighted the Directors Report.

7.3. Upcoming Meetings.

1. Regular Meeting, 6:30 p.m., Monday December 14, 2020.

The Committee was reminded of the next upcoming meeting as listed.

8. ADJOURNMENT.

MOTION by Commissioner Kiecker, second by Commissioner Petersen, to adjourn the meeting at 7:12 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully Submitted,

Renee Eyrich
Recording Secretary