

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
NOVEMBER 12, 2019**

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 Tuesday, November 12, 2019 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, Lee Petersen and Omni Kiecker present. Commissioner Alternate Duklet was 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 Petersen, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of October 14, 2019.

MOTION by Commissioner Pankonin, second by Commissioner Petersen, to approve the Regular Session Minutes of October 14, 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. Non-Conforming Use Expansion Permit. The Planning Commission will consider public comment on a request by Melody Livingston, owner of property at 128 Main Street West for a non-conformance expansion permit under Code Section 1102.03. If approved the non-conformance expansion permit would allow a 576 square foot detached garage to be constructed on the subject property. The existing use is single family residential. The property is zoned B-3 Central Business District.

Community Development Director Smith Strack explained a non-conforming use expansion permit from Melody Livingston owner of the property at 128 Main Street West was received. Smith Strack explained the request is for an establishment of a 576 square foot detached garage with no expansion of the dwelling is proposed. Smith Strack explained the applicant represents the proposed garage will increase habitability and livability of the property and make the property more marketable. Smith Strack noted the existing 300 square foot garage is proposed to remain. Smith Strack noted the proposed garage will have access from the alley. Smith Strack explained the code provides for non-conformance expansion if it is reasonable. Criteria for issuance include consideration of: a) functional and esthetic justifications, b) absence of adverse impact c) improvement to appearance and stability of property. Smith Strack explained the maximum height for detached structures is fifteen feet citing the applicant proposed 16 feet. Smith Strack cited sample findings for and against were included in the memo.

Chair Cauley invited Ms. Livingston to speak on behalf of the application. Melody Livingston explained the property has been for sale for an extended amount of time and was advised a two care garage would aid in the sale of the property. Livingston plans to keep the one car garage to use as a workshop as it's heated.

Chair Cauley opened the public hearing at 6:38 PM and asked for public comment.

No one stepped forward.

MOTION by Commissioner Pankonin, second by Commissioner Kiecker to close the public hearing at 6:38 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Pankonin inquired if staff recommend keeping the height limit to 15 feet verses the applicants requested 16 feet. Community Development Director Smith Strack confirmed. Commissioner Herrmann inquired on the reason from the steeply pitched roof. Melody Livingston explained to get snow off the roof. Herrmann inquired on the driveway width and code for alley driveways. Smith Strack explained Public Works Superintendent Fahey was on site and spoke with the applicant. Commissioner Kiecker inquired if the new garage will be heated and reiterated the garage would be used for residential use. Livingston explained the garage would not be heated and confirmed the garage would be used for residential use as parking and not for a commercial use or home occupation.

It was the consensus of the committee to request the single car garage be re-shingled. Livingston explained her plans to re-shingle the single car garage at the time of construction of the new garage.

5.1.1. Resolution 19-028(A) Resolution Recommending Approval of a Non-Conformance Expansion Permit Relating to Construction of a Detached Garage at 128 Main Street West in the B-3 Central Business District.

Resolution 19-028(B) Resolution Recommending Denial of a Non-Conformance Expansion Permit Relating to Construction of a Detached Garage at 128 Main Street West in the B-3 Central Business District.

MOTION by Commissioner Pankonin, second by Commissioner Petersen to approve Resolution 19-028(A) Resolution Recommending Approval of a Non-Conformance Expansion Permit Relating to Construction of a Detached Garage at 128 Main Street West in the B-3 Central Business District with staff recommendations of limiting the height to 15 feet. ALL VOTED AYE. MOTION CARRIED.

6. BUSINESS.

6.1. R-7 Mixed Housing District Performance Standard Updates.

Community Development Director Smith Strack explained the R-7 performance standards were discussed at the City Council Work Session on November 4 where council okayed the Planning Commission to proceed with evaluation for a code amendment. Smith Strack reviewed the previously discussed adjustments of increasing maximum height of the building from 35 feet to 45 feet and adjustments to the dwelling unit minimum size. Smith Strack requested discussion with a potential public hearing in December.

Commissioner Cauley inquired where the occupancy standards would live. Community Development Director Smith Strack explained the standards would be housed in the rental code. Cauley opined occupancy standards could potentially be a rabbit hole as household numbers changed to do an emergency noting the City would need to enforce its standards. Council Liaison Chard suggested leaving to rental to notify for enforcement. Commissioner Kiecker commented the standards could help landlords. Cauley opined it is the landlords responsibility to monitor their rentals and should enforce any contracts. Commissioners Herrmann, Petersen, Cauley and Pankonin do not support the occupancy standards.

Commissioners discussed setback standards. Council Liaison Chard suggested staff look at other cities standards. Chard noted building up is better for the developer and brings up the density. Chard explained making adjustments would create less staff and council time with variance requests. Commissioner Pankonin and Chard agree a side or rear requirement of 50% height of the building with maximum building height of 45 feet would be acceptable to them. Commissioner Cauley suggested a 20 feet setback and 80% maximum

height of the building. It was the consensus of the Committee to have staff research and bring back comparisons for review.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Commissioner Pankonin adjustments to setbacks could have helped an area builder get approved for a development that was denied.

7.2. Director's Report.

Community Development Director Smith Strack highlighted the director's report.

7.3. Upcoming Meetings.

1. Next Regular Meeting, 6:30 p.m., Monday December 9, 2019.

Commissioners were reminded of the next scheduled meeting.

8. ADJOURNMENT.

MOTION by Commissioner Kiecker, second by Commissioner Pankonin, to adjourn the meeting at 7:33 PM.
ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary