



BELLE PLAINE PLANNING & ZONING COMMISSION
NOTICE OF REGULAR MEETING AND AGENDA
CITY HALL, 218 NORTH MERIDIAN STREET
PLEASE USE THE NORTH ENTRANCE

MONDAY, JUNE 8 2020
6:30 P.M.

PLEDGE OF ALLEGIANCE

6:30 **1. CALL TO ORDER.**
P.M. 1.1. Roll Call.

2. APPROVAL OF AGENDA.

3. APPROVAL OF MINUTES.

3.1. Regular Session Minutes of March 9, 2020.

6:35 **4. RECOGNITION OF INVOLVED CITIZENS.**

P.M. *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.*

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.

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.

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.

5.1.1 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.

6. BUSINESS.

6.1. Discussion: Metal Roofing Materials.

There may be a quorum of the Belle Plaine City Council present at the meeting.

Belle Plaine Planning and Zoning Commission Agenda
Regular Session
June 8, 2020
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7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

7.2. Director's Report.

7.3. Upcoming Meetings.

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

8. ADJOURNMENT.

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
MARCH 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, March 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 Ryan Herrmann, Ashton Pankonin, Sarah Duklet and Lee Petersen present. Commissioner Kiecker was not present.

Also present was Community Development Director Smith Strack. Council Liaison Chard was not present.

2. APPROVAL OF AGENDA.

MOTION by Commissioner Petersen, 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 February 10, 2020.

MOTION by Commissioner Petersen, second by Commissioner Pankonin, to approve the Regular Session Minutes of February 10, 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. None Scheduled.

6. BUSINESS.

6.1. Resolution PZ-20-004 Minor Subdivision: Fahey PID 200012720.

Community Development Director Smith Strack explained companion review request for a minor subdivision for property owner Joe Fahey. Smith Strack explained the City is undertaking a storm water improvement project near Forest and Grove Streets, Fahey is donating land to the City to accommodate storm water improvements. Smith Strack explained the donation requires splitting of two parcels.

Commissioner Herrmann noted on the two minor subdivisions requests are not the same size and inquired if it was to potentially save the shed on the northern property. Community Development Director explained the Southern request is 25 feet West to East and the Northern request is 20 feet from West to East.

MOTION by Commissioner Pankonin, second by Commissioner Herrmann to approve Resolution PZ-20-004 Minor Subdivision: Fahey PID 200012720. ALL VOTED AYE. MOTION CARRIED.

6.2. Resolution PZ-20-005 Minor Subdivision: Fahey PID 200012700.

Community Development Director Smith Strack explained this agenda item is a companion to the previous minor Subdivision Request.

MOTION by Commissioner Pankonin, Second by Commissioner Petersen, to approve Resolution PZ-20-005 Minor Subdivision: Fahey PID 200012700. ALL VOTED AYE. MOTION CARRIED.

6.3. Discussion: Chapter 1102.03 Non-Conformance Expansion Permits.

Community Development Director Smith Strack explained in January the Commission had significant discussion on non-conformance expansion permits. Smith Strack explained the Commissioner specifically addressed current criteria for issuing expansion permits, as distinguished from situations where variances are needed. Smith Strack noted the Commission requested input from City Attorney Vose on a policy approach with the possibility of amending existing language. Smith Strack explained Attorney Vose the City's approach to defining expansion of a grandfathered use/structure was to permit some increases to non-conformities while allowing other increases only be variance with the permit being easier to obtain than the variance. Smith Strack explained based on discussion from the previous meeting adjustments to clarify current code language is provided in the packed for discussion along with the full existing code language.

Commissioner Cauley explained the adjustments address the concerns discussed. Commissioner Petersen finds the language acceptable.

It was the consensus of the Commission to move forward with a draft ordinance at the next meeting.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Discussion amongst Commissioners on businesses in new spaces. Commissioner Hermann inquired if the event center was approved. Community Development Director Smith Strack confirmed the Council approved the event center. Commissioner Pankonin noted a salon moved into part of the event centers building.

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 April 13, 2020.

The Commissioners were reminded of the upcoming meetings as listed.

8. ADJOURNMENT.

MOTION by Commissioner Pankonin, second by Commissioner Petersen to adjourn the meeting at 6:42 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary

June 8, 2020

TO: Chairperson Cauley, Planning Commission Members, & Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
SUBJECT: Variance: Interior Side Setback – R-1 Low Density Single Family Residential District

BACKGROUND

The Planning Commission is to hold a public hearing and consider variances to setbacks required under Section 1105.05, Subd. 5(3) of the City Code.

Rick and Tanya Adamietz are the fee owners of residential property at 1017 Chestnut Court. The property is a corner lot at Chestnut Street South and Chestnut Court. 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. Code requires a ten-foot setback; the Applicant’s propose a five-foot setback. The proposed deck would remain external to a five-foot drainage and utility easement.



Surrounding locale is single family residential. The variance application and site plan are attached hereto.

The Applicant represents:

- Variance is requested as a means of accommodating a freestanding deck adjacent to an above ground pool.
- The position of the structure and required setbacks for the corner lot provide limited options for placement of a swimming pool.
- The lot is unique in the small side yard size and angled property lines.
- The proposed pool will meet setback requirements included in Section 1107.05(3) of the code pertaining to placement of swimming pools at least ten feet from a side or rear lot line and at least six feet from the principal structure.

REVIEW

- Public notice of the requested variance has been published, posted, and mailed. As of the drafting of this memo no public comment for or against the request has been received.
- Required interior side yard setback in the R-1 District is ten feet, a five-foot setback is proposed.
- The proposed use is consistent with planned land use under Destination 2040 and existing zoning.
- Section 1103.05 of the Code establishes general and review criteria to be address during variance review as follows:

1. Variance must be in harmony with the general purposes and intent of the Code.
2. Variance must be consistent with the Comprehensive Plan.
3. Practical difficulties must exist, meaning:
 - a. The property is to be used in a reasonable manner which is not permitted by the Code;
 - b. The plight of the property owner is due to circumstances unique to the property and not created by the landowner; and,
 - c. The variance, if granted, will not alter the essential character of the locality.

Potential Findings

1. In favor of the request:
 - The proposed use of the property is consistent with both planned use and existing zoning.
 - The subject parcel is a corner lot on a cul-de-sac with a dwelling shifted toward the interior side yard.
 - Dwelling placement and lot shape limit options for placement of a proposed pool and access deck for the pool.
 - Decks and pools are typical residential attributes for single family dwellings which increase livability of dwelling.
 - The proposed variance is to a performance standard and not a property use.
2. In opposition to the request:
 - The property owner could eliminate a gravel parking pad and shift the proposed pool and deck to accommodate required setbacks. As such other options exist to conform with zoning requirements.
 - Other residential corner lots exist with similar dwelling placement, as such the conditions do not constitute circumstances that are unique to the property.

Review Comments

If the Planning Commission considers a favorable recommendation the following conditions are suggested:

1. The "Use" is limited to a detached deck at 1017 Chestnut Court.
2. The deck is placed as illustrated in the accompanying site plan.
3. A building permit is issued.
4. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the deck.
5. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

ACTION

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

ATTACHMENTS

- Application, survey and site plan.
- Resolution 20-006(A) recommending approval of interior side setback variance.
- Resolution 20-006(B) recommending denial of interior side setback variance.

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: \$300.00 Single-family Dwellings / \$500.00 all other applicants

VARIANCE REQUEST APPLICATION

PROPERTY	Address: 1017 S. Chestnut Ct	Belle Plaine, MN	P.I.N:
Lot(s): 5	Block(s): 1	Subdivision: Wildflower Ridge # 3	
Zoning: R1			

APPLICANT	<input checked="" type="checkbox"/> Owner	Name: Rick + Tanya Adamietz	Phone: N/A
Address: 1017 S. Chestnut Ct, Belle Plaine MN 56001		Cell: 507-380-4075	
E-mail: adamietzr@frontiernet.net		Fax: N/A	
OWNER		Name: Rick + Tanya Adamietz	Phone: N/A
Address: 1017 S. Chestnut Ct Belle Plaine MN 56011		Cell: 507-380-4075	
E-mail: adamietzr@frontiernet.net		Fax: N/A	

Variance is requested to: Build deck within upto 5 ft easement

Ordinance in which variance is requested:	Section Number: 1103.05	Subdivision Number: 2
Description: Due to unique circumstances of the lot lines, limits the size of deck in this area.		

In your opinion, is the variance consistent with the purpose and intent of the ordinance? Yes No
 Explain: yes, it will be to continue residential use

In your opinion, is the variance consistent with the comprehensive plan? Yes No
 Explain: yes still maintaining the side yard easement

In your opinion, does the proposal put property to use in a reasonable manner? Yes No
 Explain: Allows for a small deck adjacent to an above ground pool

In your opinion, are there circumstances unique to the property? Yes No
 Explain: Small side yard with angled property lines

In your opinion, will the variance maintain the essential character of the locality? Yes No
 Explain: Proposed deck will not infringe on neighbors yard and will not affect any water drainage

SUBMISSION OF APPLICATION MUST INCLUDE:

- Attached site plan (to scale) depicting present and proposed improvements.

Within the time frame established by Minnesota Statutes section 15.99, following receipt of the completed application, the City Council shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed variance. Such plans and specifications shall remain a part of the permanent records of the City Council. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. In extenuating circumstances, extension of the sixty (60) days may be granted upon receipt of signed request from applicant.

An application for a variance shall be submitted to the Zoning Administrator. A nonrefundable application fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany each application. The application shall contain the following information, as well as such additional information as may be required by the Zoning Administrator:

- The applicant’s name and address.
- A site plan drawn to scale showing the property dimensions, existing and proposed buildings and other structures, existing and proposed grading, landscaping, easements and location of utilities, as applicable. The Zoning Administrator may require the applicant to obtain a certified survey at the time of application.
- The particular requirements of the Ordinance which prevent the proposed use or construction.
- The characteristics of the subject property which prevent compliance with the said requirements of the Ordinance.
- The minimum reduction of the requirements of the Ordinance which would be necessary to permit the proposed use or construction.
- The practical difficulty which would result if said particular requirements of this Ordinance were applied to the subject property.
- If the variance is part of an application for Commercial, Industrial, or Multiple-Family Residential Site Plan Approval, all of the submittal requirements for a Site Plan, Section 1103.07, shall also apply.

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

APPLICANT SIGNATURE: Taye Adams

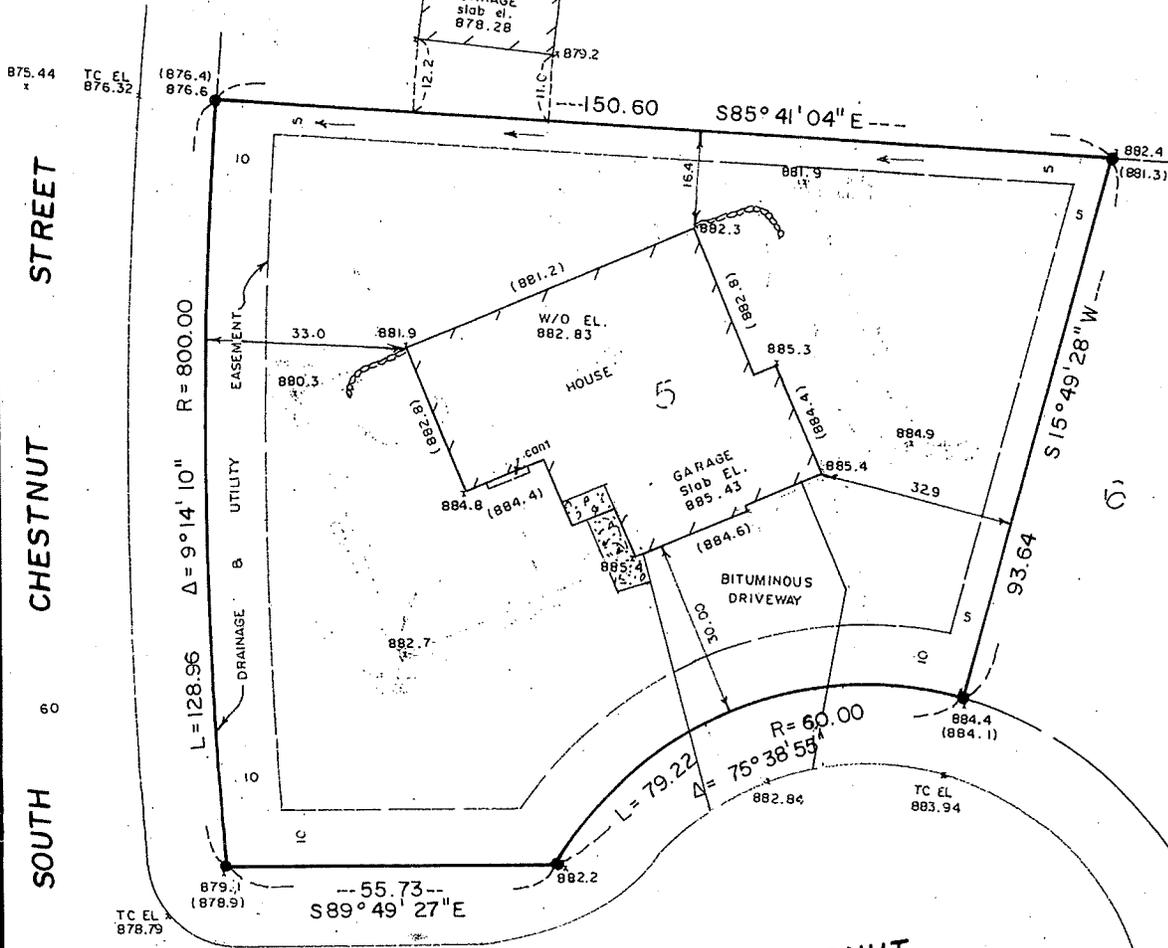
DATE: 5/20/2020

OFFICE USE ONLY

Zoning:	Application Fee:	Form of Payment:
		Date:
	<input type="checkbox"/> Site Plan	Transaction Number:
		Collected By:
Reviewed by Community Development Director	<input type="checkbox"/> Application Complete	Date:
Reviewed by Planning Commission	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:
Reviewed by City Council	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:

BUILDING PERMIT SURVEY PREPARED FOR:
SKYLINE HOMES
 1253 WOODDUCK TRAIL
 SHAKOPEE, MN. 55379

VALLEY SURVEYING CO., P.A.
 16670 FRANKLIN TRAIL SE
 SUITE 230
 PRIOR LAKE, MN 55372
 (952) 447-2570



○ SAN. MH
 RIM 877.79
 INV. 867.03

○ SAN MH
 RIM 884.08
 INV. 873.40

LEGAL DESCRIPTION:

Lot 5, Block 1, WLDFLOWER RIDGE SUBDIVISION NO. 3, Scott County, Minnesota. Also showing the location of the proposed house as staked this 18th day of July 2005.

NOTES: Benchmark Elevation 879.55 T.N.H. at Lots 5 and 6 Block 2

- 883.5 ASBUILT
 x Denotes existing grade elevation
- (884.6) Denotes proposed grade elevation
- Denotes proposed direction of finished surface drainage
- Set the proposed garage slab at elevation (884.80) / 885.43
- Set the proposed top of foundation at elevation (885.13)
- The lowest floor elevation will be (881.91) / 882.83

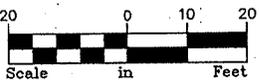
CONTRACTOR TO VERIFY HOUSE DIMENSIONS PRIOR TO CONSTRUCTION

REV. 7/21/05 TO SHOW ADDITIONAL SETBACK INFO.

I hereby certify that this building permit survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

[Signature]
 Minnesota License No. 10182 or Minnesota License No. 42309

Dated this 20th of July 2005
 FILE NO. 10155 BOOK 249 PAGE 10

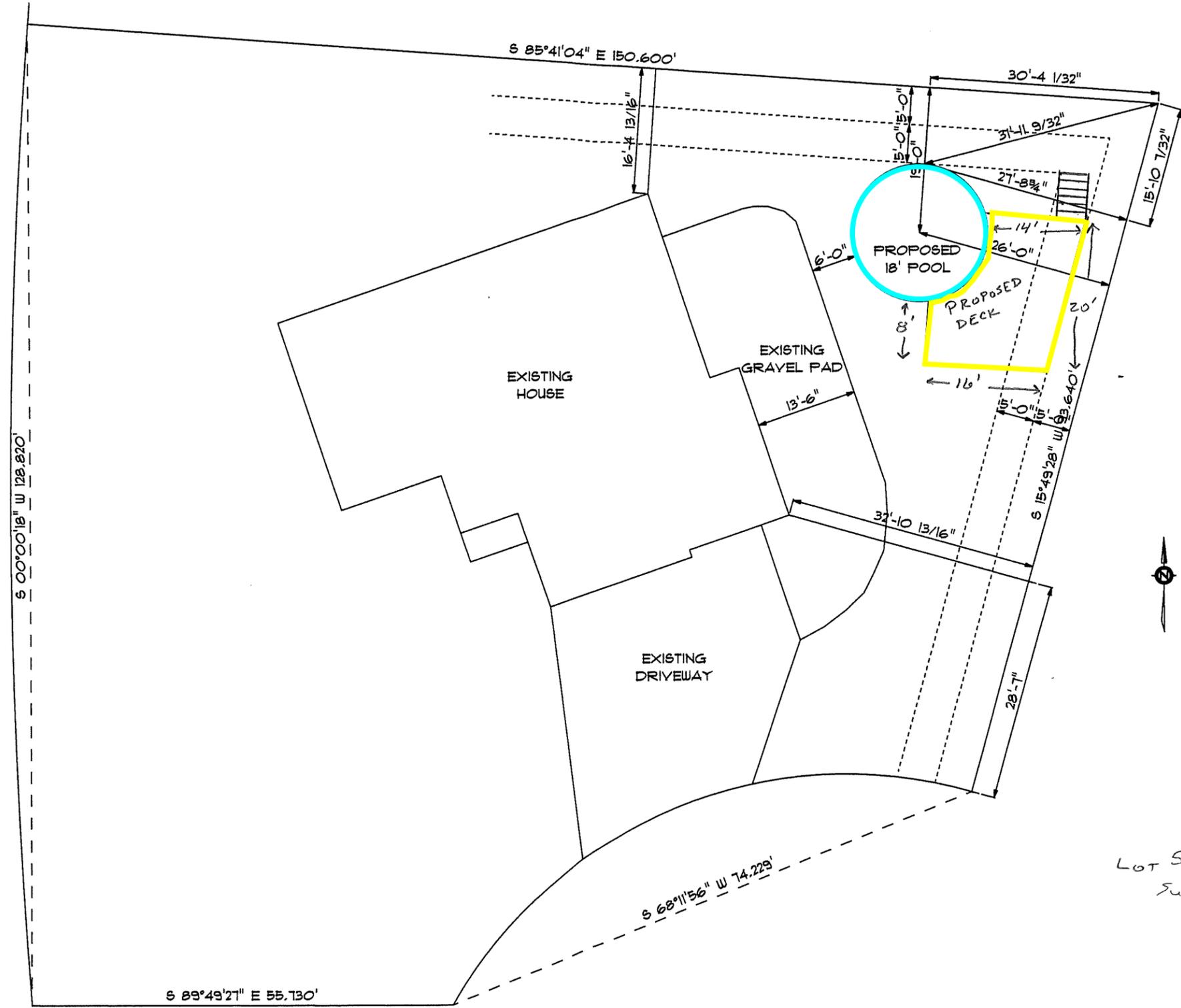


- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET AND MARKED BY MINNESOTA LICENSE NO.10183

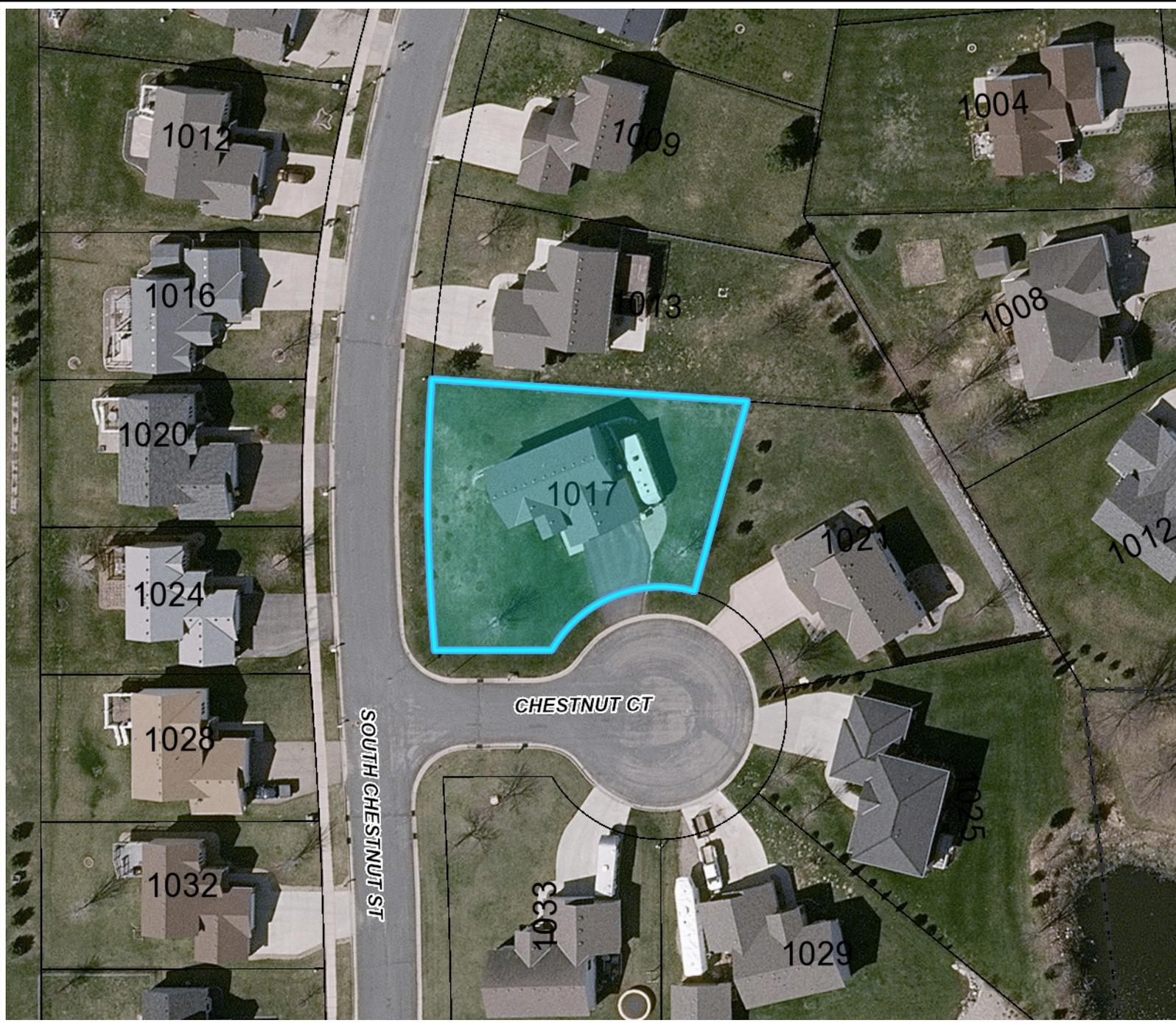
REV. 11/30/05 TO SHOW ASBUILT INFO.

1/16" SCALE

RICK ADAMIETZ
1017 S. CHESTNUT CT
BELLE PLAINE, MN
(507) 317-7427
adamietz@frontiernet.net



LOT 5 BLOCK 1, WILDFLOWER RIDGE
SUBDIVISION #3



Legend

-  City Limits
-  Parcels (3/27/2020)
-  Lot Lines

1017 Chestnut Court



Disclaimer:

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. The City of Belle Plaine is not responsible for any inaccuracies herein contained.



**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-20-006(A)**

**RECOMMENDING THE CITY COUNCIL APPROVE A VARIANCE REDUCING INTERIOR SIDE
SETBACK TO FIVE FEET TO ALLOW A DETACHED DECK AT 1017 CHESTNUT COURT**

WHEREAS, the City Code §1103.07 provides for the processing of variance requests; and,

WHEREAS, Rick and Tanya Adamietz, fee owners of the property addressed as 1017 Chestnut Court (the 'Applicants') have applied for a variance to Section 1105.05, Subd. 5(3)(b)(1) of the City Code which requires an interior side setback of ten feet in the R-1 Single Family Low Density Residential District; and,

WHEREAS, the subject property is legally defined as Lot 5, Block 1 Wildflower Ridge Subdivision No. 3, City of Belle Plaine, Scott County, Minnesota; property number 200770050; and,

WHEREAS, the Applicants represent:

1. Variance is requested as a means of accommodating a freestanding deck adjacent to an above ground pool.
2. The request is to allow an interior side yard setback of five-feet. The required interior side yard setback is ten-feet.
3. The position of the structure at 1017 Chestnut Court and required setbacks for the corner lot provide limited options for placement of a swimming pool.
4. The lot is unique in the small side yard size and angled property lines.
5. The proposed pool will meet setback requirements included in Section 1107.05(3) of the code pertaining to placement of swimming pools at least ten feet from a side or rear lot line and at least six feet from the principal structure.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on June 8, 2020 following duly published, posted, and mailed notice; and,

WHEREAS, the Planning Commission accepted public input and discussed the proposed variance; and,

WHEREAS, the Planning Commission finds:

1. The proposed use of the property is consistent with both planned use and existing zoning.
2. The subject parcel is a corner lot on a cul-de-sac with a dwelling shifted toward the interior side yard.
3. Dwelling placement and lot shape limit options for placement of a proposed pool and access deck for the pool.
4. Decks and pools are typical residential attributes for single family dwellings which increase livability of dwelling.
5. The proposed variance is to a performance standard and not a property use

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 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, provided:

1. The "Use" is limited to a detached deck at 1017 Chestnut Court.
2. The deck is placed as illustrated in the accompanying site plan.
3. A building permit is issued.

4. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the deck.
5. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

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 8th day of June, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-20-006(B)**

**RECOMMENDING THE CITY COUNCIL DENY A VARIANCE REDUCING INTERIOR SIDE SETBACK
TO FIVE FEET TO ALLOW A DETACHED DECK AT 1017 CHESTNUT COURT**

WHEREAS, the City Code §1103.07 provides for the processing of variance requests; and,

WHEREAS, Rick and Tanya Adamietz, fee owners of the property addressed as 1017 Chestnut Court (the 'Applicants') have applied for a variance to Section 1105.05, Subd. 5(3)(b)(1) of the City Code which requires an interior side setback of ten feet in the R-1 Single Family Low Density Residential District; and,

WHEREAS, the subject property is legally defined as Lot 5, Block 1 Wildflower Ridge Subdivision No. 3, City of Belle Plaine, Scott County, Minnesota; property number 200770050; and,

WHEREAS, the Applicants represent:

1. Variance is requested as a means of accommodating a freestanding deck adjacent to an above ground pool.
2. The request is to allow an interior side yard setback of five-feet. The required interior side yard setback is ten-feet.
3. The position of the structure at 1017 Chestnut Court and required setbacks for the corner lot provide limited options for placement of a swimming pool.
4. The lot is unique in the small side yard size and angled property lines.
5. The proposed pool will meet setback requirements included in Section 1107.05(3) of the code pertaining to placement of swimming pools at least ten feet from a side or rear lot line and at least six feet from the principal structure.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on June 8, 2020 following duly published, posted, and mailed notice; and,

WHEREAS, the Planning Commission accepted public input and discussed the proposed variance; and,

WHEREAS, the Planning Commission finds:

1. The property owner could eliminate a gravel parking pad and shift the proposed pool and deck to accommodate required setbacks. As such other options exist to conform with zoning requirements.
2. Other residential corner lots exist with similar dwelling placement, as such the conditions do not constitute circumstances that are unique to the property.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends 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.

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 8th day of June, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director



MEMORANDUM

DATE:	June 8, 2020
TO:	Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM:	Cynthia Smith Strack, Community Development Director
RE:	5.2 Public Hearing Ordinance 20-06 Amend Non-Conformance Expansion Permit Review Criteria

GENERAL INFORMATION

The Commission previously discussed amendment of Section 1102.03, Subd. 2(3)(A) of the Code pertaining to review criteria for issuance of non-conformance expansion permits. Please find Ordinance 20-06 which includes proposed replacement language for Subd. 2(3)(A). Public hearing of the proposed amendment is scheduled for June 8th. Notice of the hearing was published and posted. Following is marked up version of the proposed language change, minus formatting updates. The purpose of the amendment is to adjust review criteria to distinguish a lower threshold for approval of non-conforming use expansion permits verses having the same threshold as a variance.

3. Decisions.

A. An expansion permit for a non-conforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as:

- a. Functional and aesthetic justifications for the expansion;
- b. Adequacy of off-street parking for the expansion;
- c. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking; and
- d. Improvement to the appearance and stability of the property and neighborhood;
- e. Will not endanger public safety;
- f. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and,
- g. Is not expansion of a non-conformity previously allowed through the non-conformance variance process.

~~2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and~~

~~3. The expansion would not adversely affect or alter the essential character of the neighborhood.~~

ACTION

The Commission is to hold the public hearing and make a recommendation to the City Council. Resolution 20-006 is provided for consideration.

ATTACHMENTS

- Ordinance 20-06 Amending Section 1102.03, Subd. 2(3)(A)
- Resolution 20-007 Recommending Approval of Ordinance 20-06.

**CITY OF BELLE PLAINE
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**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1102.03, Subd. 2(3)(A) to be as follows:

3. Decisions.

- A. An expansion permit for a non-conforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that he proposed expansion is a reasonable use of the property, considering such things as:
1. Functional and aesthetic justifications for the expansion;
 2. Adequacy of off-street parking for the expansion;
 3. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking;
 4. Improvement to the appearance and stability of the property and neighborhood;
 5. Will not endanger public safety;
 6. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and,
 7. Is not expansion of a non-conformity previously allowed through the non-conformance variance process.

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 15th day of June, 2020.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator

**BELLE PLAINE PLANNING COMMISSION
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**

WHEREAS, the City placed language providing for non-conformance expansion permits into effect in December of 2011; and,

WHEREAS, the 2011 language provides for non-conformance expansion permit issuance and variance issuance in certain situations under certain review criteria; and,

WHEREAS, the Planning Commission finds the review criteria are nearly identical since variance review language was updated to reflect Minnesota Statutes; and,

WHEREAS, the Planning Commission has studied the issue and developed language contained in Ordinance 20-06 which provides for an adjusted review criteria threshold for non-conformance expansion permits; and,

WHEREAS, the Planning Commission conducted a public hearing on June 8, 2020 following duly published notice to accept public comment on proposed 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; and,

WHEREAS, the Planning Commission following the public hearing discussed Ordinance 20-06.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends 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.

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 8th day of June, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director



MEMORANDUM

DATE: June 8, 2020
TO: Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Agenda Item 6.1: Discussion Metal Roofing

GENERAL INFORMATION

Staff repeatedly advises residents and contractors of zoning standards. Several time over the past year, including most recently a few weeks ago, staff was asked to comment on use of open fastener metal roofing. Staff has repeatedly denied the use of such metal based on standards contained in Section 1104.04, Subds. 2 & 3 of the City Code (i.e. pertaining to building type and construction). Specifically, staff has opined open fastener metal is a lesser grade and quality than typically employed roofing material. The opinion is based on the fact the metal is thinner, the metal may be affixed to structure verses underlayment, and open fastener metal is atypical of roofing in the City. Staff has suggested typical asphalt or standing seam, concealed fastener roofing product as alternatives. Staff recognizes open fastener metal is very economical and can advance housing affordability. Staff has applied the standard to both principal and accessory structures across all zoning districts.

Staff is seeking input on the existing language from the Commission. Section 1104.04 contains the following:

1104.04 BUILDING TYPE AND CONSTRUCTION.

1. No galvanized or unfinished steel, galvalume or unfinished aluminum buildings (wall or roofs) shall be permitted in any residential zoning district.
2. Buildings in residential zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare.
3. Exterior building finishes shall consist of materials comparable in grade and quality to the following:
 - A. Brick.
 - B. Natural stone.
 - C. Decorative concrete block.
 - D. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood or cypress.
 - E. Glass curtain wall panels.
 - F. Stucco.
 - G. Vinyl.
 - H. Other materials as approved by the Zoning Administrator.

DISCUSSION:

1. Staff interpretation of code intent.
2. Potential language clarification.



MEMORANDUM

DATE: June 8, 2020
TO: Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 7.2 Director's Report

Design Committee

The Design Committee did not meet in June.

Economic Development Authority

The EDA will meet at 5:00 p.m. on June 8th. Agenda items include action on a façade grant for 104/106 Main Street East and updates on COVID business programs placed into effect in May.

Other

- COVID business assistance program development, implementation, and administration.
- Zoning information to one business.
- ROSE loan processing.
- Meetings with two developers re: potential housing developments.
- Meeting with Metro Council LCA Director regarding grants for exploration of potential rehabilitation projects.
- Processing of variance request.
- Open to expired permit effort close out.
- Code compliance issues processed.