



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

MONDAY, SEPTEMBER 14, 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 August 10, 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. None.

5.1. Variance Section 1107.02, Subd. 4(6) Front Yard Fence Opacity. The Planning Commission will consider public comment on a request by Troy Schrom, Schrom Construction, the fee owner of property at 561 Elk Street South for a variance to required fence openness in front yards. If approved the variance would allow for slats to be inserted into a proposed fence the subject property.

5.1.1. Resolution 20-010(A) Resolution Recommending the City Council Approve a Variance from Section 1107.02, Subd. 4(6) to Allow Less Than Fifty Percent (50%) Openness in at Front Yard Fence at 561 Elk Street South.

Resolution 20-010(B) Resolution Recommending the City Council Deny a Variance to Allowing Less Than Fifty Percent Openness in a Front Yard Fence at 561 Elk Street South.

5.2. Ordinance 20-10. The Planning Commission will hear public comment on proposed Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards. If approved the Ordinance will provide for horizontal metal lapsiding as an approved exterior building material in residential zoning districts and provide for certain types of metal roofing in residential districts.

5.2.1 Resolution PZ 20-011, Recommending Approval of Ordinance 20-10, Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards.

6. BUSINESS.

6.1. Discussion: Flood Plain Standards Update.

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 October 12, 2020.

8. ADJOURNMENT.

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

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 10 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, August 10, 2020 at City Hall 218 North Meridian Street, Belle Plaine, MN. Chair Cauley called the meeting to order at 6:30 PM with Commissioners Ashton Pankonin, Lee Petersen, Ryan Herrmann and Omni Kiecker present. Commissioner Sarah 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 Kiecker, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of July 13, 2020.

MOTION by Commissioner Pankonin, second by Commissioner Kiecker, to approve the Regular Session Minutes of July 13, 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.*

Resident Joe Witt spoke to the Commission regarding his swimming pool. Witt explained his feeling that the rules on placing the pools should be handed out with the rental of the pool meters. Witt also explained his alley is in need of repairs. Commissioner Cauley explained staff will make note of the concerns. Cauley suggested Witt work with staff next year before placement of his pool.

MOTION by Commissioner Kiecker, second by Commissioner Pankonin, to close the Recognition of Involved Citizens at 6:40 PM. ALL VOTED AYE. MOTION CARRIED.

5. PUBLIC HEARINGS. None.

6. BUSINESS.

6.1. Discussion: Rear-loading garage setbacks.

Community Development Director Smith Strack explained code requires rear-loading structures be setback 15 feet from the rear lot line. Smith Strack noted all other structures have a rear-yard setback of five feet noting staff have been requiring structures accessed from an alley to be setback 15 feet. Smith Strack explained several questions pertaining to side-loading garage setback have been received and requests input. Smith Strack provided some pictures on the projector.

Council Liaison Chard explained he has done the five feet from the corner and five feet from the alley. Chard opined allowing for more space allows the property owner to start storing additional items in that area and prefers the five-foot side entry.

Commissioner Herrmann inquired if code read 15 feet from the alley. Community Development Director Smith Strack explained code reads 15 feet with no allowances. Commissioner Pankonin opined five feet for side entry garages works and noted he lives across from one. Pankonin suggests deeper setback for alley facing garage entries suggesting 20 feet. Commissioner Herrmann explained Minneapolis has many side entry garages and noted how clean the allies look. Commissioner Cauley explained she has no preference as long as snow removal is not an issue.

It was the consensus of the committee for a code amendment with the preference for rear loading garages with a 20 foot setback and side loading garages with a 5 foot setback. The discussion and code suggestions will be reviewed at a future City Council Work Session.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

No comments were made.

7.2. Director's Report.

Community Development Director Smith Strack reviewed the Directors Report noting the residential and business relief grants.

7.3. Upcoming Meetings.

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

The Commissioners were reminded of the next scheduled meeting.

8. ADJOURNMENT.

MOTION by Commissioner Kiecker, second by Commissioner Petersen, to adjourn the meeting at 7:08 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully Submitted,

Renee Eyrich
Recording Secretary

September 14, 2020

TO: Chairperson Cauley, Planning Commission Members, & Administrator Meyer
 FROM: Cynthia Smith Strack, Community Development Director
 SUBJECT: Variance: Front Yard Fence Opacity

BACKGROUND

The Planning Commission is to hold a public hearing and consider a variance to standards for fences in front yard. Section 1107.02, Subd. 4(6) requires fences in front yards be at least 50% open. The Owner of property at 561 Elk Street South, Troy Schrom, proposes a fence of which a portion would be less than 50% open. The subject property is legally defined as Outlot B, Oak Village Subdivision. Property number: 200790170.

If approved the variance would allow slats to be inserted into a four foot (48") coated chain link fence at the subject address. Slats would be inserted in the fence at starting at a point 30' from the front lot line through the remainder of the fence. The 30' point is approximately equal with the front building line of a dwelling to the north of the subject property.

Surrounding locale is mixed residential and agricultural guided toward mixed residential. The variance application and site plan are attached hereto.



The Applicant represents:

- Variance is requested as a means of accommodating a request for screening of entryway into an apartment complex.
- Screening slats are proposed to be inserted in a chain link fence at a point 30 feet from the front property line. The previously approved fence is 48" in height and features black vinyl coating over the chain link.
- The subject property is unique in that it provides access to multiple family units and abuts detached residential properties.
- The proposed slats will match the fence which is currently under construction.

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.
- Section 1107.02, Subd. 4(6) requires fences in front yards be at least 50% open.

- The existing use is consistent with planned land use under Destination 2040 and existing zoning. No change to the use of property is contemplated.
- 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 current use of the property is consistent with both planned use and existing zoning.
 - The subject parcel is an access to multiple family apartments and, as a condition of previous Planned Unit Development approval, required to be combined with the adjoining lot under unified ownership.
 - Privacy fences are common elements of residential development.
 - The adjacent property owner at 549 Elk Street South has provided written permission for the fence to be placed on the property line.
 - The fence has been properly permitted.
 - The subject parcel is unique in that it provides access to a high density residential use. The variance will provide additional screening to the adjacent use.
 - The proposed variance is to a performance standard and not a property use.
2. In opposition to the request:
 - The property owner could eliminate the need for a variance by not inserting slats into the chain link fence. As such the proposed variance does not rise to a level of a practical difficulty but instead amounts to a request from the property owner.
 - The same or similar situation exists on the south side of the subject parcel, 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 insertion of privacy slats into a proposed vinyl coated chain link fence at a point thirty (30) feet from the front property line at 561 Elk Street South.
2. The privacy slats shall compliment the style of the approved fence.
3. This approval shall expire one year after date of approval unless the Applicant has commenced construction.
4. 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, aerial, and site plan survey.
- Resolution 20-010(A) recommending approval of a variance to fence opacity standards.
- Resolution 20-010(B) recommending denial of a variance to fence opacity standards.

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: 561 South Elk Street Belle Plaine, MN P.I.N: 20079

Lot(s): 007 Block(s): 002 Subdivision: oak Village

Zoning:

APPLICANT Owner Name: Troy Schrom Phone: 507-257-5110

Address: 704 Parkway Avenue Eagle Lake MN 56024 Cell: 507-390-5346

E-mail: troymschro@gmail.com Fax:

OWNER Name: Phone:

Address: Cell:

E-mail: Fax:

Variance is requested to: Allow for privacy screening in fence from the front of the garage to the back of the property - open fence from front of garage

Ordinance in which variance is requested: Section Number: 1107.02 Subdivision Number: 4 (6)

Description: Fences in front yards to be at least 50% opaque

In your opinion, is the variance consistent with the purpose and intent of the ordinance? Yes No

Explain: Fence would remain open from front of garage to front of property

In your opinion, is the variance consistent with the comprehensive plan? Yes No

Explain: Fence would remain on 561 property providing privacy to 549

In your opinion, does the proposal put property to use in a reasonable manner? Yes No

Explain: Provides privacy to neighbor

In your opinion, are there circumstances unique to the property? Yes No

Explain: Multi Family Building going in

In your opinion, will the variance maintain the essential character of the locality? Yes No

Explain: 4' Black vinyl coated chain-link fence

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:  DATE: 8/12/20

OFFICE USE ONLY

Zoning: R-7	Application Fee: \$300.00	Form of Payment: check # 8691
		Date: 8/24/20
	<input checked="" type="checkbox"/> Site Plan	Transaction Number: 45127.2012
		Collected By: LB
Reviewed by Community Development Director	<input checked="" type="checkbox"/> Application Complete	Date: 8/24/20
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:

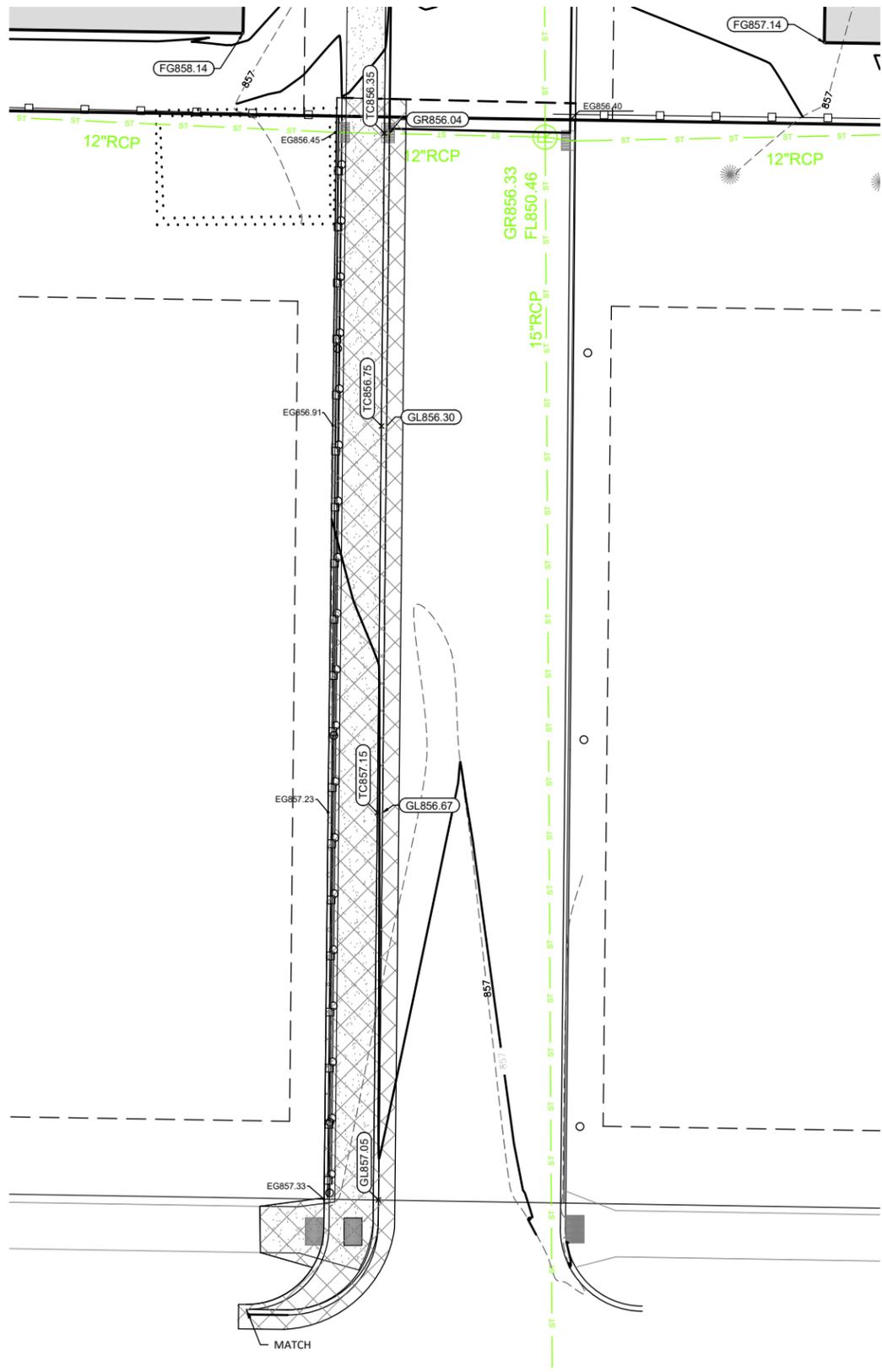
CITY OF BELLE PLAINE

218 N. MERIDIAN STREET
PO BOX 129
BELLE PLAINE MN 56011

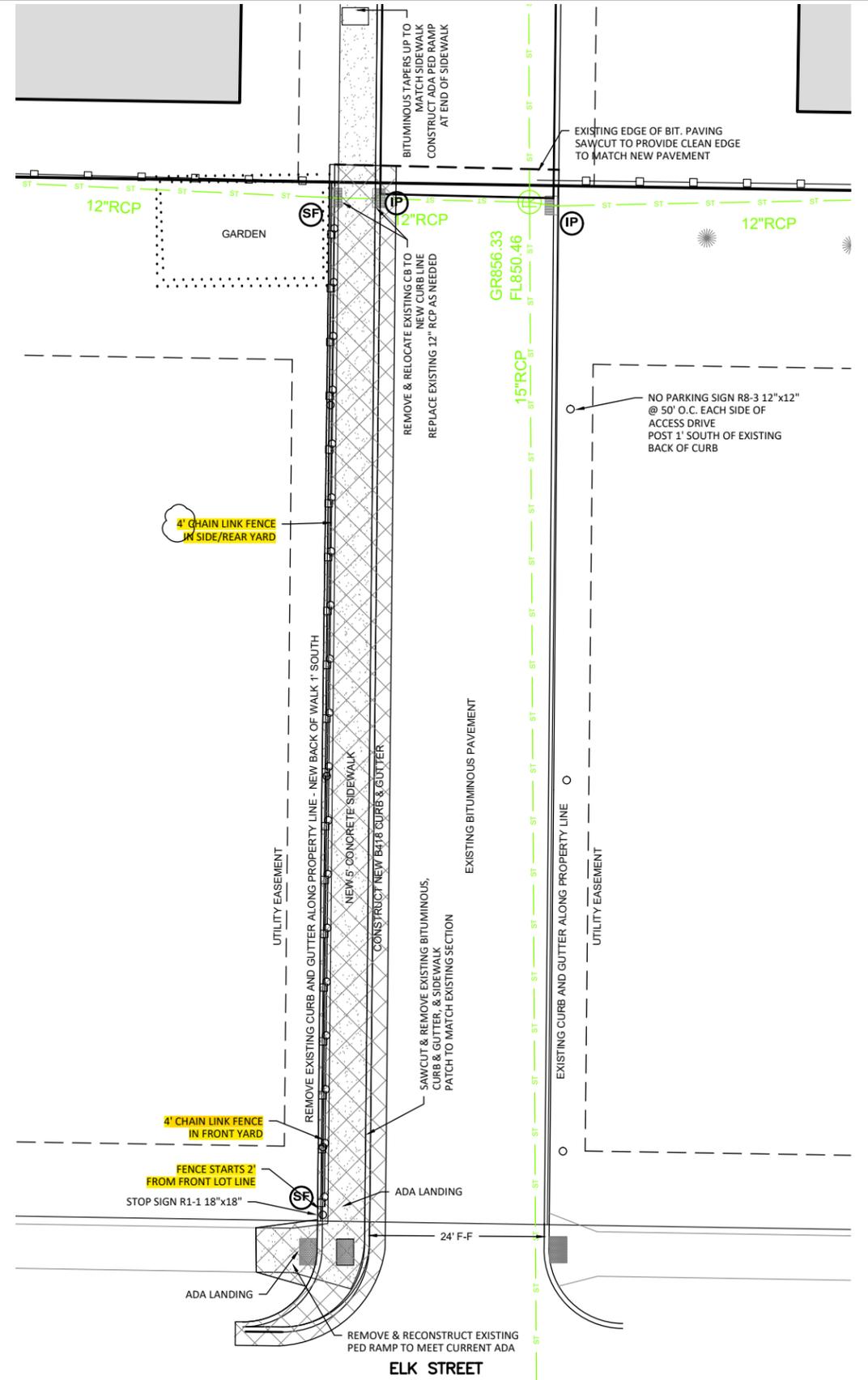
Receipt # 45127.2012
25-Aug-20 10:02am

Permit D-200005 Z-Variance - All Other

	\$300.00	561 ELK STREET SOUTH
Subtotal	\$300.00	
Check	\$300.00	8691 LB



ELK STREET



ELK STREET

LEGEND

- 848— EXISTING ELEVATION CONTOUR LINE
- 848— PROPOSED ELEVATION CONTOUR LINE
- FGXXXX.X FINISH GRADE ELEVATION
- GLXXXX.X GUTTER LINE ELEVATION
- TCXXXX.X TOP OF CURB ELEVATION
- GRXXXX.X GRATE ELEVATION
- (IP) CATCH BASIN INLET PROTECTION
- (SF) SILT FENCE — MACHINE SLICED



DRAWINGS ON 11x17 SHEETS ARE HALF SCALE

ADD FENCE ALONG PRIVATE DR
4' FENCE

REV.	BY	DATE
1	JHSS	8/3/2020
2	JHSS	8/24/2020



415 West North Street Owatonna, MN 56045-4598

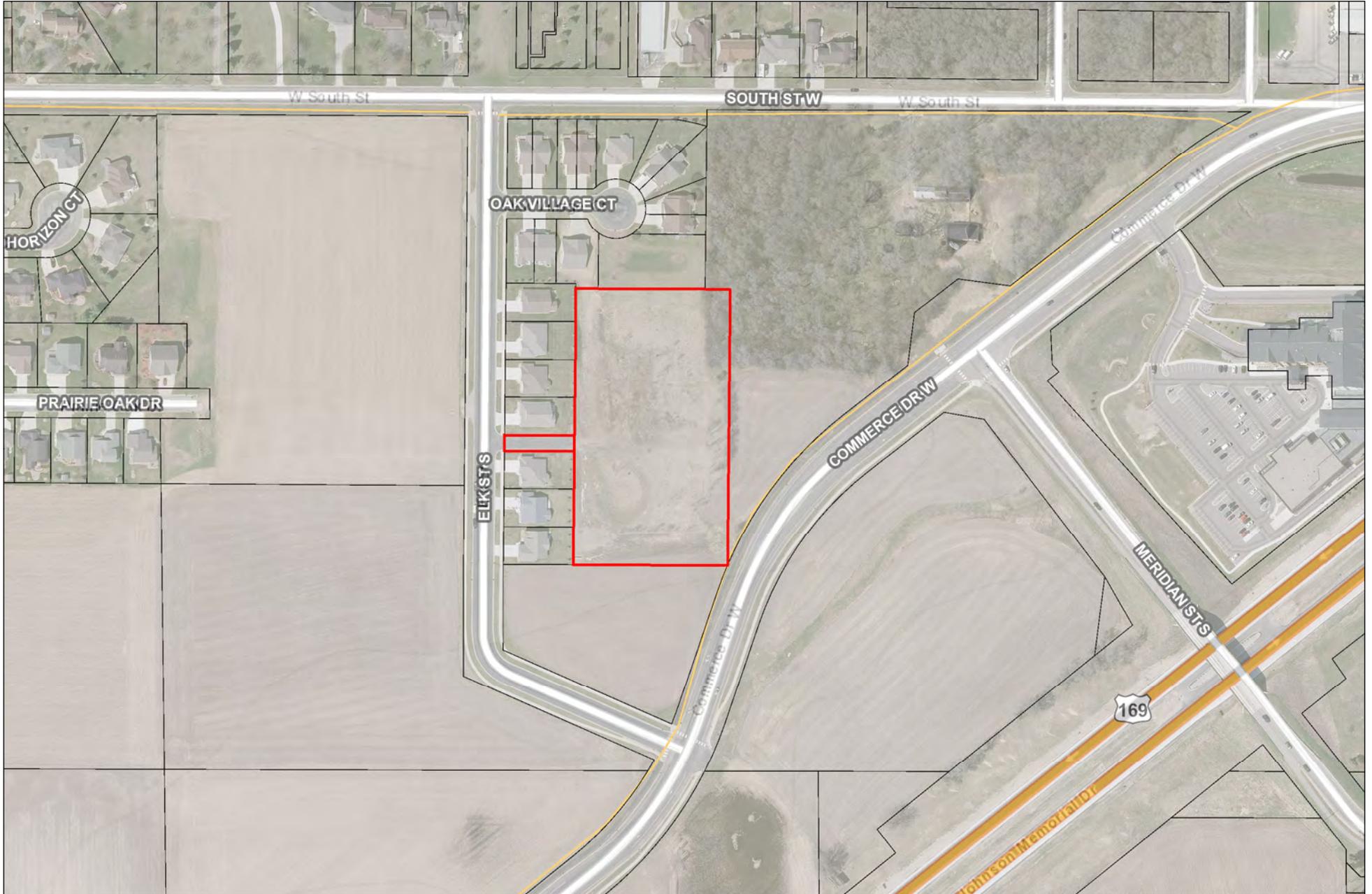
DESIGNED: JHS
DRAWN: JHS
CHECKED: BU
DATE: 9/16/19
DWG: 19-1151SP

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
John H. Schulte V
License No. 44639 Date: 9/16/19

BELLE COURT APARTMENTS
BELLE COURT APARTMENTS LLC
2019 CONSTRUCTION
ACCESS ROAD PLAN

SHEET
12
OF
12

561 Elk Street South



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. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County Surveyors Office.



Date: 9/8/2020

1 in = 376 ft



**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-20-010(A)**

**RECOMMENDING THE CITY COUNCIL APPROVE A VARIANCE ALLOWING PRIVACY SLATS TO
BE PLACED IN A PORTION OF A FRONT YARD FENCE AT 561 ELK STREET SOUTH**

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

WHEREAS, Troy Schrom, authorized representative for Belle Court LLC the fee owner of the property addressed as 561 Elk Street South (the 'Applicant') has applied for a variance to Section 1107.02, Subd. 4(6) of the City Code which requires fences in front yards be at least 50% open; and,

WHEREAS, the subject property is legally defined as Outlot B, Oak Village Subdivision, City of Belle Plaine, Scott County, Minnesota; property number 200790170; and,

WHEREAS, the Applicant represents:

1. Variance is requested as a means of accommodating a request for screening of entryway into an apartment complex.
2. Screening slats are proposed to be inserted in a chain link fence at a point 30 feet from the front property line. The previously approved fence is 48" in height and features black vinyl coating over the chain link.
3. The subject property is unique in that it provides access to multiple family units and abuts detached residential properties.
4. The proposed slats will match the fence which is currently under construction.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on September 14, 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 current use of the property is consistent with both planned use and existing zoning.
2. The subject parcel is an access to multiple family apartments and, as a condition of previous Planned Unit Development approval, required to be combined with the adjoining lot under unified ownership.
3. Privacy fences are common elements of residential development.
4. The adjacent property owner at 549 Elk Street South has provided written permission for the fence to be placed on the property line.
5. The fence has been properly permitted.
6. The subject parcel is unique in that it provides access to a high density residential use. The variance will provide additional screening to the adjacent use.
7. 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 1107.02, Subd. 4(6) of the City Code to allow privacy slats to be inserted into a four foot (48") coated chain link fence in a front yard at 561 Elk Street South, provided:

1. The "Use" is limited to insertion of privacy slats into a proposed vinyl coated chain link fence at a point thirty (30) feet from the front property line at 561 Elk Street South.
2. The privacy slats shall compliment the style of the approved fence.

3. This approval shall expire one year after date of approval unless the Applicant has commenced construction.
4. 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 14th day of September, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-20-010(A)**

**RECOMMENDING THE CITY COUNCIL DENY A VARIANCE ALLOWING LESS THAN FIFTY
PERCENT OPENNESS IN A FRONT YARD FENCE AT 561 ELK STREET SOUTH**

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

WHEREAS, Troy Schrom, authorized representative for Belle Court LLC the fee owner of the property addressed as 561 Elk Street South (the 'Applicant') has applied for a variance to Section 1107.02, Subd. 4(6) of the City Code which requires fences in front yards be at least 50% open; and,

WHEREAS, the subject property is legally defined as Outlot B, Oak Village Subdivision, City of Belle Plaine, Scott County, Minnesota; property number 200790170; and,

WHEREAS, the Applicant represents:

1. Variance is requested as a means of accommodating a request for screening of entryway into an apartment complex.
2. Screening slats are proposed to be inserted in a chain link fence at a point 30 feet from the front property line. The previously approved fence is 48" in height and features black vinyl coating over the chain link.
3. The subject property is unique in that it provides access to multiple family units and abuts detached residential properties.
4. The proposed slats will match the fence which is currently under construction.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on September 14, 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 the need for a variance by not inserting slats into the chain link fence. As such the proposed variance does not rise to a level of a practical difficulty but instead amounts to a request from the property owner.
2. The same or similar situation exists on the south side of the subject parcel, 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 1107.02, Subd. 4(6) of the City Code pertaining to opacity standards for front yard fences.

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 14th day of September, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director



MEMORANDUM

DATE: September 14, 2020
TO: Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Agenda Item 5.2: Public Hearing Ordinance 20-10

GENERAL INFORMATION

The Commission previously reviewed draft code amendment language pertaining to metal roofing and siding standards. The amended language is intended to further clarify what types of exterior building materials are allowed in various zoning classifications. The draft language developed by the Commission was reviewed by the City Council at a recent work session. Following work session a public hearing was scheduled.

The is to hold public hearing on Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards. If approved the Ordinance will:

1. Clarify Section 1104.04 applies to residential zoning classifications. Standards contained in Chapter 1107.17 and 1107.22 will apply to commercial and/or industrial districts.
2. Horizontally placed metal lapsiding will be specifically allowed as an exterior building material in residential zones.
3. Architectural metal roofing with concealed fasteners will be allowed in residential zoning districts for principal and accessory structures.
4. Exposed fastener metal roofing on principal or accessory structures over 200 square feet in area will be prohibited.

Notice of public hearing has been posted and published. No comment for or against the proposed Ordinance has been received.

ACTION

The Planning Commission is to hold a public hearing on Ordinance 20-10. Following public hearing Resolution 20-11 is provided for consideration.

ATTACHMENTS:

- Ordinance 20-10 An Ordinance Amending Chapter 11, Section 1104.04 Pertaining to Metal Roofing and Siding.
- Resolution 20-011 Recommending Approval of Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards.

**CITY OF BELLE PLAINE
ORDINANCE 20-11**

**AN ORDINANCE AMENDING CHAPTER 11, SECTION 1104.04 OF THE BELLE PLAINE CITY CODE
PERTAINING TO BUILDING TYPE AND CONSTRUCTION STANDARDS**

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 1104.04 as follows:

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 in residential districts 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. Horizontally-placed metal lap siding.
 - I. Other materials as approved by the Zoning Administrator.
4. Architectural metal roofing with concealed fasteners is allowed in residential zoning districts for principal and accessory structures. Exposed fastener metal roofing on principal or accessory structures over 200 square feet in area is prohibited in residential zoning districts.
5. Standards contained in Chapter 1107.17 Highway Commercial and Industrial Design Standards and Chapter 1107.22, Preservation of Belle Plaine's Character Design Standards, as may be amended, shall apply.

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 21st day of September, 2020.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ_20-011**

**RECOMMENDING APPROVAL OF ORDINANCE 20-10, AN ORDINANCE AMENDING CHAPTER 11,
SECTION 1104.04 OF THE BELLE PLAINE CITY CODE PERTAINING TO BUILDING TYPE AND
CONSTRUCTION STANDARDS**

WHEREAS, the City placed language providing for building type and construction standards several years ago; and,

WHEREAS, the language requires specifies certain building material types and requires building materials employed be in keeping with the quality and appearance of other structures; and,

WHEREAS, the Planning Commission finds the criteria in need of clarification as it pertains to advances in building materials; and,

WHEREAS, the Planning Commission has studied the issue and developed language contained in Ordinance 20-10 which provides for metal roofing and siding materials and application of existing design criteria for commercial and industrial zones; and,

WHEREAS, the Planning Commission conducted a public hearing on September 14, 2020 following duly published notice to accept public comment on proposed Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards; and,

WHEREAS, the Planning Commission following the public hearing discussed Ordinance 20-10.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends approval of Ordinance 20-10, An Ordinance Amending Chapter 11, Section 1104.04 of the City Code Pertaining to Building Type and Construction Standards.

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 14th day of September, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director



MEMORANDUM

DATE: September 14, 2020

TO: Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer

FROM: Cynthia Smith Strack, Community Development Director

RE: Agenda Item 6.1: Floodplain Map Update and Resulting Code Amendment Required

GENERAL INFORMATION

The Federal Emergency Management Agency recently notified the City of required changes to existing floodplain regulations. New Flood Insurance Rate Maps (FIRMs) and a Scott County Flood Insurance Study are now complete and will become effective on February 12, 2021. The City is required to adopt new floodplain management regulations that meet National Flood Insurance Program standards by the effective date of the FIRM.

MnDNR has advised staff of specific state and federal standards Belle Plaine's amended code should include. The DNR is strongly encouraging the City to complete a draft of revised floodplain standards by mid-November. Revised standards will be forwarded to the DNR for comment at the same time. Following review/comment by the DNR we will complete the approval/adoption/publication process, and send a certified copy of the ordinance to FEMA in advance of the February 12, 2021 effective date.

Attached are maps for information and reference. The first map is a GIS illustration of the 1986 FIRM. The second map is preliminary 2021 FIRM which was created digitally. The third map is an overlay that compares the 1986 graphic representation (blue hash) and the 2021 digitally created FIRM (red and gold hash). The fourth map illustrates areas in the preliminary 2021 FIRM included in the floodway and external to the floodway. The distinction between floodway and flood fringe forms the basis of what uses are allowable within what areas of the floodplain.

Floodplain code standards address a range of topics including:

- Definitions
- Establishment of districts
- Permitted and conditional uses by district along with minimum development standards for each
- Standards applicable to subdivisions within the floodplain
- Standards for utilities, rail/roadways, and bridges
- Standards for manufactured homes and recreational vehicles in the floodplain
- Standards for administering the floodplain code

Our approach will be a wholesale update of existing floodplain code standards along with amending the official zoning map to reference both the floodway and flood fringe zones.

ACTION

This item is to introduce the Commission to the update requirement. A draft amendment will be reviewed at the October meeting.



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

August 12, 2020

The Honorable Christopher Meyer
Mayor, City of Belle Plaine
Post Office Box 129
Belle Plaine, Minnesota 56011

Community: City of Belle Plaine,
Scott County, Minnesota
Community No.: 270429
Map Panels Affected: See FIRM Index

Dear Mayor Meyer:

This is to formally notify you of the final flood hazard determination for the City of Belle Plaine, Scott County, Minnesota, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On December 18, 1986, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On September 30, 2011 and July 13, 2018, FEMA provided you with Preliminary copies of the FIRM and Flood Insurance Study (FIS) report that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed flood hazard determinations (FHDs) for your community were published in the *Shakopee Valley News* and *Jordan Independent* on January 22, 2015, and January 29, 2015. On March 14, 2019 and March 21, 2019, proposed FHDs were published as a part of another appeal period. These were also published in the *Federal Register*, at Part 67, Volume 79, Page 65232, on November 3, 2014 and again in Volume 83, Page 64352, on December 14, 2018.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed FHDs during that time. Accordingly, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on February 12, 2021. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS report establishing the FHDs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to February 12, 2021, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIRM and FIS report to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Scott County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide

complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois, at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

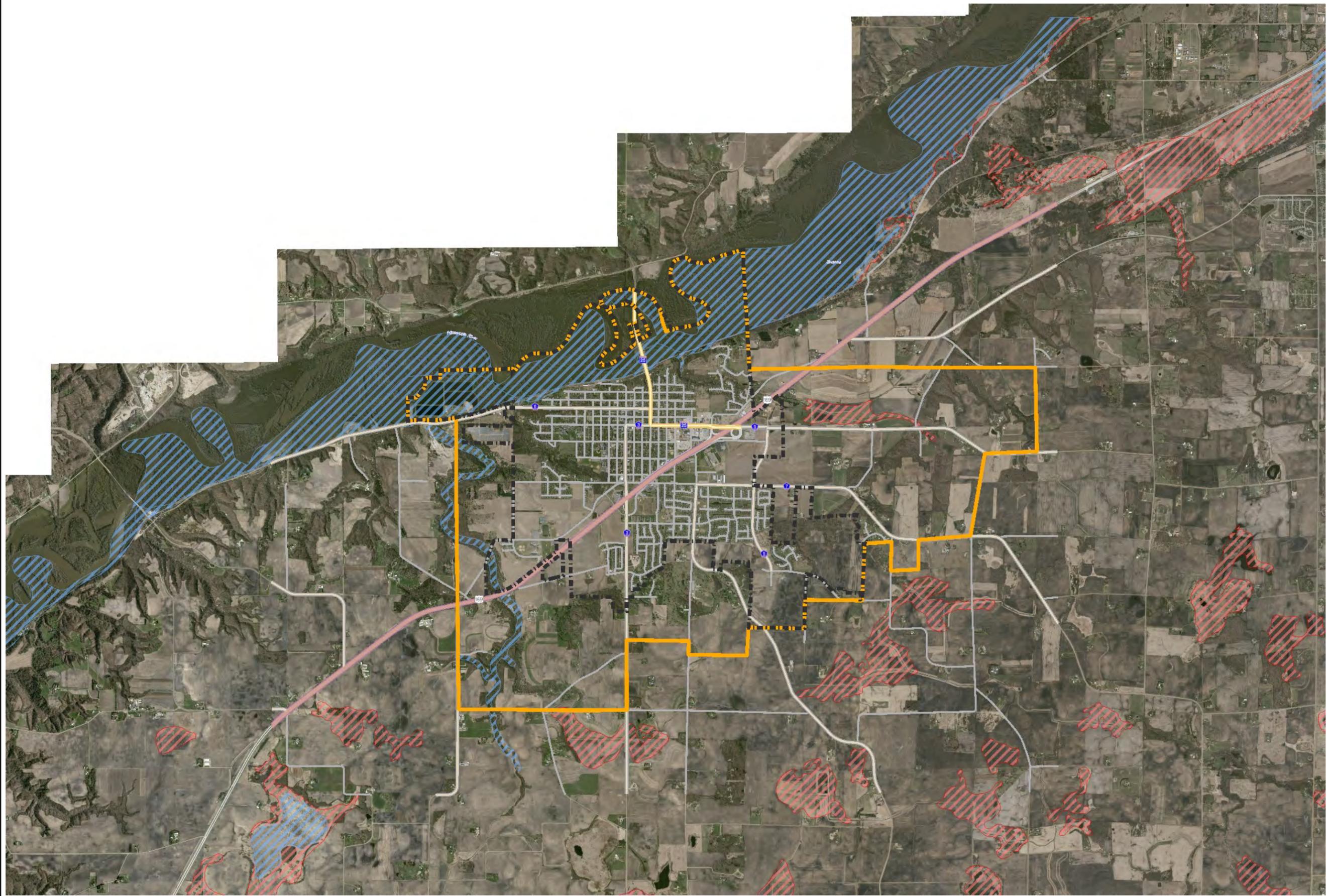
Final Summary of Map Actions

cc: Community Map Repository
Joe Duncan, Community Floodplain Administrator/City Engineer, City of Belle Plaine



Legend

- City Limits
- MUSA 2040
- Roads
 - US Highway
 - State Highway
 - Ramp
 - County Highway
 - Local Road
- Flood Zones (Old)
 - 100 Year
 - 500 Year
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue



0 4,213 Feet

© Bolton & Menk, Inc - Web GIS 9/10/2020 8:45 AM



1986 GIS FIRM

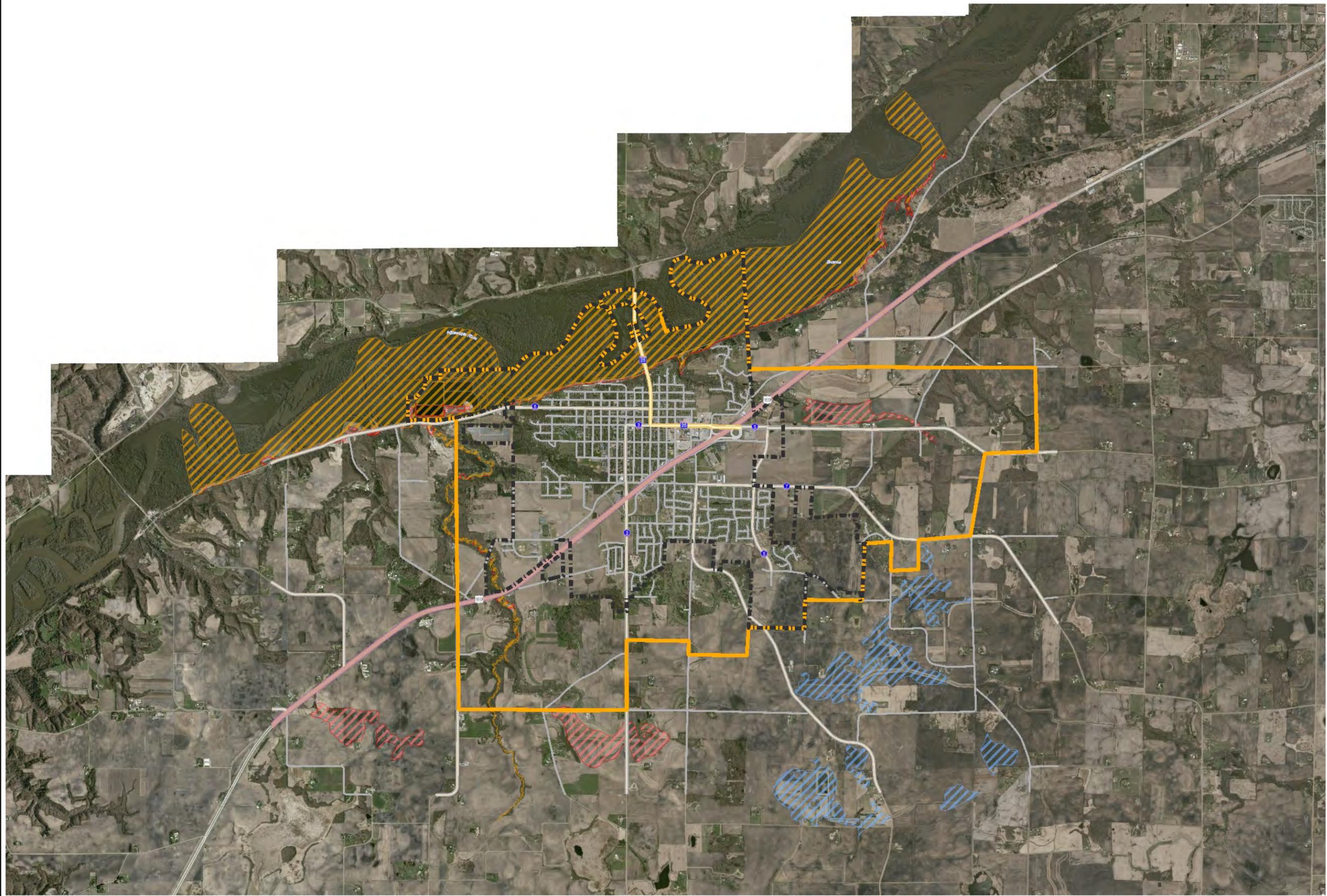


Disclaimer:
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Belle Plaine is not responsible for any inaccuracies herein contained.



Legend

- City Limits
- MUSA 2040
- Roads
 - US Highway
 - State Highway
 - Ramp
 - County Highway
 - Local Road
- FEMA DFIRM Flood Zones
 - 100 Year - Zone A
 - 100 Year - Zone AE
 - 500 Year
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue



2021 Preliminary FIRM



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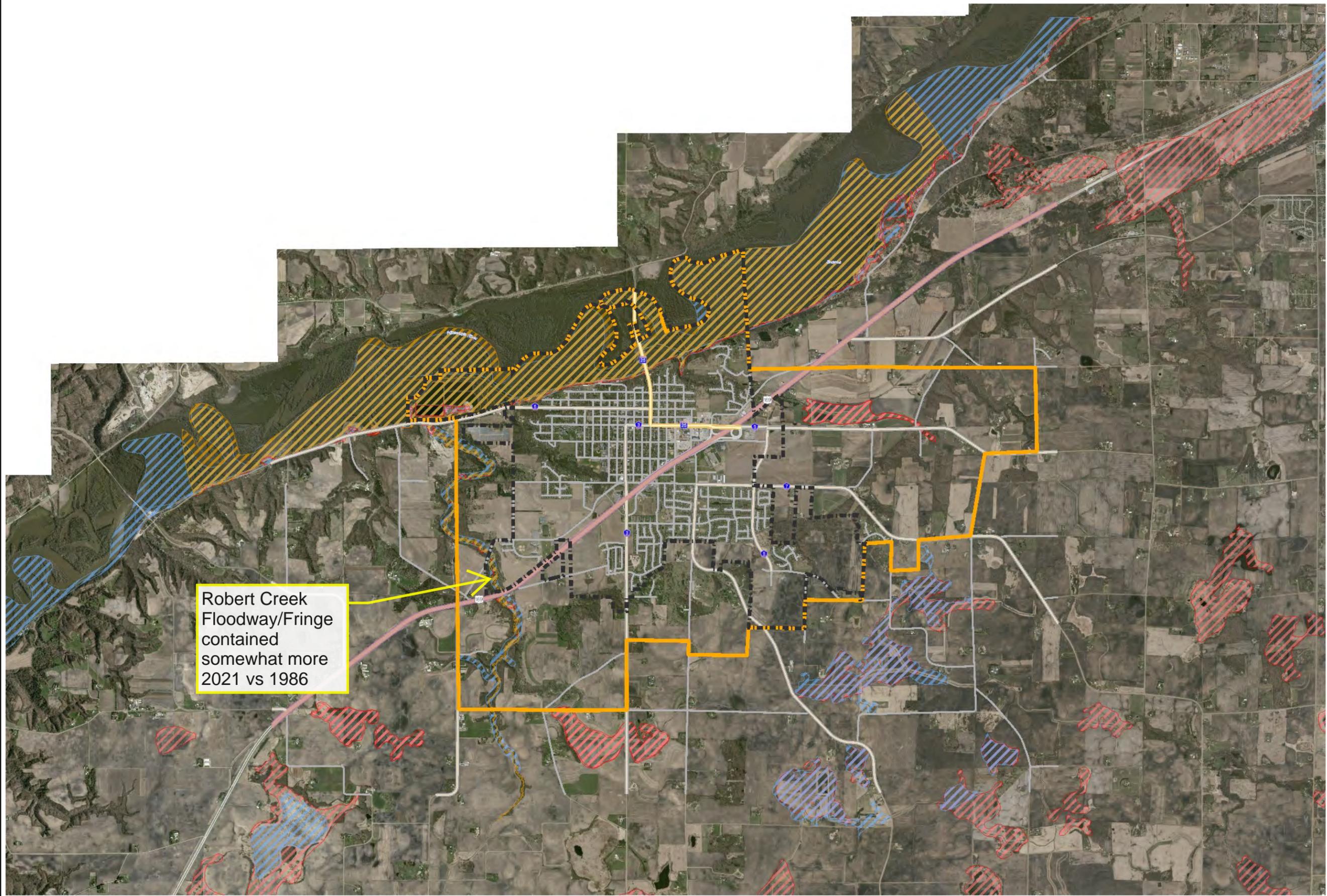
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Legend

- City Limits
- MUSA 2040
- Roads
 - US Highway
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- FEMA DFIRM Flood Zones
 - 100 Year - Zone A
 - 100 Year - Zone AE
 - 500 Year
- Flood Zones (Old)
 - 100 Year
 - 500 Year
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue



Robert Creek
Floodway/Fringe
contained
somewhat more
2021 vs 1986

**Floodplain 1986
V 2021 FIRM**



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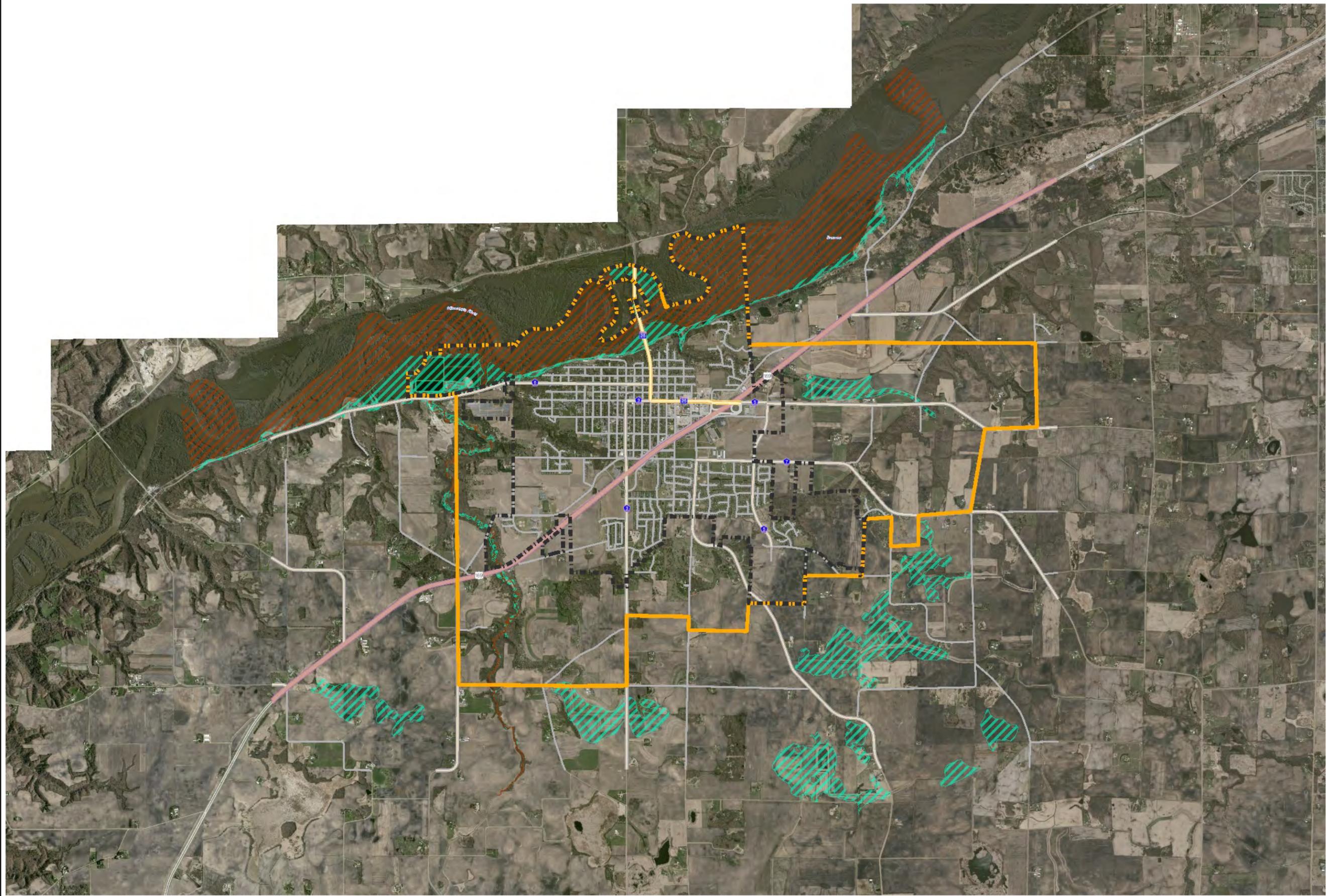
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Legend

-  City Limits
-  MUSA 2040
- Roads
 -  US Highway
 -  State Highway
 -  Ramp
 -  County Highway
 -  Local Road
- FEMA DFIRM Floodway
 -  Floodway
 -  Flood Fringe
- Image
 -  Red: Red
 -  Green: Green
 -  Blue: Blue



Floodway and Flood Fringe



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0 4,213 Feet





MEMORANDUM

DATE: September 14, 2020
TO: Chair 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 met on September 8th and approved design of a projecting sign for Oldenburg Brewery at 116 Main Street West.

Economic Development Authority

The EDA will meet on September 14th. Agenda items include:

- Approval of 2021 residential rehabilitation/energy efficiency program – this is to pair with Small Cities Development Grant activities.
- Approval of 2021 home buyer assistance program targeted to purchase of new construction on residential lots platted after January 1, 2020.
- Review of ROSE Façade Loan use requirements.

Other

- CARES Act grant program administration.
- Zoning information to two business.
- Variance processing.
- Code amendments – metal exterior materials.
- Research available properties.
- Assist with distribution/review of facilities RFQ.
- Alley research.
- Meetings with developer re: potential housing development.
- Code compliance issues processed.