

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, November 9, 2009
7:00 PM**

1. CALL TO ORDER

The Chairman, Jon Krieg, called the regular meeting of the Delano Planning Commission of Monday, November 9, 2009 to order at 7:00 p.m.

2. ROLL CALL

Members Present: Jon Krieg, Chairman
 David Kenison, Vice Chairman
 Leon Zeug, Secretary
 Howard Glas, Commissioner
 Lars Impola, Commissioner
 Steve Williams, Commissioner
 John Beussman, Commissioner

Also Present: Marlene E. Kittock, City Clerk
 Alan Brixius, City Planner Northwest Associated
 Consultants
 Betsy Stolfa, Council Liaison
 Jamie Madson, AV Technician

3. APPROVAL OF THE AGENDA

Motion by John Beussman, seconded by Howard Glas to approve the agenda for the Regular meeting of the Delano Planning Commission meeting of Monday, November 9, 2009. Motion Carried 7-0

4. MINUTES

A. Minutes of the Planning Commission meeting from Monday, October 12, 2009.

Motion by David Kenison, seconded by Lars Impola to approve the minutes of the Regular meeting of the Delano Planning Commission meeting of Monday, October 12, 2009 with the following correct on page 7, third paragraph the word "annual" should be changed to "another" Motion Carried 7-0, John Beussman abstained

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5. PUBLIC HEARING

- A. Consider a request from City of Delano and Bauer Design Build LLC on behalf of Jeff and Kevin Shrode for Minor Subdivision in accordance with the City Subdivision Ordinance Number O-03-06, Section 6, a Site and Plan Review in accordance with Subdivision 51.02, Subd F., Conditional Use Permit for Auto Repair Service in a B-2 Zoning District in accordance with 51.21 Subd D, text amendment to Section 51.21 Subd D. to allow for a Conditional Use Permit for an accessory outdoor storage to auto repair, a Conditional Use Permit to allow for placement of fill in excess of 400 cubic yards in accordance with 51.03 Subd J, and a Flood Plain Use Permit for placement of fill in excess of 1000 cubic yards within a Flood Fringe Area in accordance with the City Flood Plain Ordinance Number O-06-08 Section 6 for the properties located at 49 Rockford Avenue West, and legally described as a parcel located within the unplatted lands of the City of Delano (PID Number 107500-114301).**

The City has been negotiating with Leland and Sons for the re-location of the Auto Repair Service Station from their present location on Highway 12 to the backage road known as West River Road behind the Peppermint Twist. The negotiation of the land purchase has been unsuccessful and as such the application should be denied to close the land use application file. If negotiation should begin again the City could authorize the file be re-opened and waive the 6 month waiting period between denial and a new application request.

Motion by Steve Williams, seconded by David Kenison to close the public hearing for the request from City of Delano and Bauer Design Build LLC on behalf of Jeff and Kevin Shrode for Minor Subdivision in accordance with the City Subdivision Ordinance Number O-03-06, Section 6, a Site and Plan Review in accordance with Subdivision 51.02, Subd F., Conditional Use Permit for Auto Repair Service in a

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B-2 Zoning District in accordance with 51.21 Subd D, text amendment to Section 51.21 Subd D. to allow for a Conditional Use Permit for an accessory outdoor storage to auto repair, a Conditional Use Permit to allow for placement of fill in excess of 400 cubic yards in accordance with 51.03 Subd J, in accordance with the City's Zoning and Land Use Ordinance and a Flood Plain Use Permit for placement of fill in excess of 1000 cubic yards within a Flood Fringe Area in accordance with the City Flood Plain Ordinance Number O-06-08 Section 6 for the properties located at 49 Rockford Avenue West, and legally described as a parcel located within the unplatted lands of the City of Delano (PID Number 107500-114301).

The Chairman called for public comment three times. None was heard.

Motion by Steve Williams, seconded by Jon Krieg, to recommend that the request from City of Delano and Bauer Design Build LLC on behalf of Jeff and Kevin Shrode for Minor Subdivision in accordance with the City Subdivision Ordinance Number O-03-06, Section 6, a Site and Plan Review in accordance with Subdivision 51.02, Subd F., Conditional Use Permit for Auto Repair Service in a B-2 Zoning District in accordance with 51.21 Subd D, text amendment to Section 51.21 Subd D. to allow for a Conditional Use Permit for an accessory outdoor storage to auto repair, a Conditional Use Permit to allow for placement of fill in excess of 400 cubic yards in accordance with 51.03 Subd J, in accordance with the City's Zoning and Land Use Ordinance and a Flood Plain Use Permit for placement of fill in excess of 1000 cubic yards within a Flood Fringe Area in accordance with the City Flood Plain Ordinance Number O-06-08 Section 6 for the properties located at 49 Rockford Avenue West, and legally described as a parcel located within the unplatted lands of the City of Delano (PID Number 107500-114301) be denied. Motion Carried 7-0.

- B. Consider a request from the City of Delano to amend Section 51.01 Subd. B 2 "Definition" by adding definitions for Wind Energy Conversion Systems (WECS), Section 51.03 Subd. O by adding standards, performance, and procedure regulations for installation and operations of**

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Wind Energy Conversion Systems (WECS), Section 51-05 through Section 51.31 by adding text language that regulates Wind Energy Conversion Systems (WECS).

The City of Delano is considering the adoption of a Wind Energy Conversion System (WECS) Ordinance. The most important piece of the creation of a WECS Ordinance is to determine where these systems are and are not compatible with existing and future land uses. Ordinances regulating wind energy conversion systems at the local level are increasingly necessary as the development and popularity of wind turbines increase. These systems have the potential to cause negative impacts to surrounding properties, particularly visual impacts. At the October 12 Planning Commission meeting, the commissioner requested additional information including a comparison of existing WECS ordinance in nearby communities. A comparison table was created for the cities of Willmar (draft ordinance), Rockford, Medina, Wright County and the City of Delano proposed draft ordinance. The respective city (draft) ordinances have also been included in the agenda for the commission's consideration.

The City of Delano draft would only allow by CUP in The Industrial zones due to significant setbacks that would be required. Alan Brixius suggested that no roof top type WECS be allowed for installation within the City Limits.

Howard Glas questioned how these WECS affect utility rates for a specific business or industries. Alan Brixius stated that with the new "green" legislation utilities need to account and allow for these type of options and to adjust rates economically. The Delano Municipal Utilities is currently purchasing power in the required percentages.

Jon Krieg stated that his opinion would be to place them in the new industrial park area. Jon Krieg asked why this was coming up now. Alan Brixius stated that Steve King of Landscape Structure was considering construction of one of these for his business in the current Industrial Park.

John Beussman noted that he noticed one in Elk River and it did not seem out of place as it is located just outside of the city proper in a rural setting.

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Howard Glas noted that WECS style are rapidly changing from the three blade type to a cone shaped design. These appear to be smaller and more efficient. Howard Glas also stated that he wanted to carefully review any regulation so as not to over regulate and become too restrictive to construct or utilize.

Steve Williams stated that the City could adopt tight rules and regulation and then relax them later.

It was suggested that the ordinance draft be sent to Hal Becker, General Manager of the Delano Municipal Utilities for his and the Delano Water, Light, and Power Commission comments. Maybe getting a press release in the paper for some general discuss from the public.

Leon Zeug suggested doing some super imposing of proposed WECS in various areas of Delano's skyline to get a visual effect.

John Beussman questioned when and if the new industrial park development would really begin.

Motion by David Kenison, seconded by John Beussman to continue discuss to the December Planning Commission. Motion Carried 7-0

6. NEW BUSINESS

A. Continued discussion establishing standards and regulations regarding computerized message boards.

At the October Regular Planning Commission held an informal meeting to take comments regarding dynamic signs. Staff presented a memo from the League of Minnesota Cities, and SRF Consulting Group Inc., report from the City of Minnetonka, John Tackaberry presented additional information from DakTronics. These findings were summarized in the Planner's Report dated November 4, 2009. Excerpts from other City ordinances such as Brainerd, New Hope, Otsego, Woodbury, and Rogers were also submitted for the Commission's review. These ordinances were also summarized into a second planner's report dated November 4, 2009.

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The basic issues of concern have been duration of message/speed of change over, motion, animation, video presentation, brightness, sign placement and spacing, and sign sizes. The reports received have stated that there are not direct correlations between accidents and sign distractions. Accident caused distractions include all things that take the drivers eye and attention off of the road and act of driving. Dynamic signs usage has become greater for business to present their wares along the highways. John Beussman stated that he would be more likely to use the web to price shop for a specific item rather than watching signs along the highway.

Commission discussed which districts these type of signs should be allowed in. Consensus of the council was the B-2 and B-3 District. Commission was not in favor generally of allowance in the B-1 District as this is a neighborhood business district and signs that change colors and flash various messages may be a bit disruptive. Betsy Stolfa suggested that the City Historic Preservation Commission review and make recommendation to or not to include dynamic signs in the B-4 or Central Business District. The question was should this type of signs be allowed in the historic downtown atmosphere? Commission discussed placement of times of operation such as the one at the school that is turned off after 11:00 or every evening once the events at school are completed. Churches are located in the Residential districts – what about these type of signs for these uses. The B/W Business Warehouse and R/B district should not be allowed as these areas abut residential uses as well.

Staff was instructed to get something like a press release in the local papers.

These signs should be included within the overall 100 sq foot sign allowances and setback to the standards already established.

Staff and Commission stated that a definite definition for flashing would need to be established as this is being defined differently by different people.

Jon Krieg does not care for the video style electronic messages boards. But then again the speed in the downtown should be substantially less and thus less distracting.

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David Kenison expressed his concern and would suggest that they not be allowed in the downtown district.

Steve Williams would prefer to avoid animation signage.

Alan Brixius suggested that the ordinance could have specific length of time between message changes, and be adjusted for ambient lighting, even turn off at certain times of the day. Likewise the ordinance could include language that does not allow for animation or video scrolling.

John Beussman and Howard Glas questioned if there is an issue with the signage currently in use. Alan Brixius explained that one of the concern expressed to staff was the switch of colors from red to blue as some have mistaken that for a patrol car or emergency response vehicle.

Howard Glas indicated his definition of flashing included changing the colors.

Terra Fisher of DakTronic has stated that she would be available to meet with the Planning Commission if so requested.

Planning Commission would like more people to attend these information discussion meeting before an formal published public hearing is scheduled.

Steve Williams suggested that possible DakTronic could bring example of the various kinds of signs and the way they could be operated such as video verses animation, verses flashing, a 3 second change over verses an 8 second change over between messages.

7. OLD BUSINESS

There was none.

8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATIONS

There was none.

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9. COMPLIANCE WITH COMPREHENSIVE PLAN

There was none.

10. ADJOURNMENT

There being no further business to discuss the Regular meeting of the Delano Planning Commission of Monday November 9, 2009 was adjourned at 8:55 p.m.

Motion by Lars Impola, seconded by David Kenison to adjourn the Regular meeting of the Delano Planning Commission meeting of Monday, November 9, 2009 at 8:55 p.m.

Jon Krieg, Chairman

Leon Zeug, Secretary

ATTEST:

Marlene E. Kittock, City Clerk