

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, April 13, 2009
7:00 PM**

1. CALL TO ORDER

The Chairman Jon Krieg called for the meeting of the Delano Planning Commission of Monday, April 13, 2009 at 7:00 p.m.

2. ROLL CALL

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

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

3. APPROVAL OF AGENDA

Motion by David Kenison, seconded by John Beussman, to approve the agenda of Monday, April 13, 2009 Planning Commission Meeting. Motion Carried.

4. MINUTES

A. Minutes of the Planning Commission for March 9, 2009.

Motion by John Beussman, seconded by Steve Williams to approve the minutes of the Monday March 9, 2009 meeting of the Delano Planning Commission as amended to correct some typographical errors. Motion Carried.

5. PUBLIC HEARING

A. Consider a request for Dale and Lynn Graunke for a variance to the side yard setback for the property located at 241 Third Street South, Delano MN.

Alan Brixius reviewed his planners report dated April 2, 2009, regarding the request of Dale and Lynn Graunke for a three foot side yard variance to their residential unit for a garage/accessory structure. The property is zoned R-5 and the structures were built in the 1880's on a 55' x 175' parcel located at 241 3rd St. South. The proposed garage location is preferred by the applicant, as alternative locations

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would be cost prohibitive and topographically unpractical. The applicant is proposing to remove the existing one car detached garage and construct a two car attached garage. Due to the topography of the property, the proposed garage will have an at-grade driveway entrance from 3rd St. So and additional access at basement grade to the rear yard.

The proposed garage footprint measures twenty eight feet by twenty six feet for a total 1456 square feet. The submittal indicates that 363 square feet will be utilized as a game room on the basement level. This reduces the total square footage of the garage area to 1093 thus making the garage areas compliant with the city accessory structure requirements. The 2002 comprehensive plan state that it is the city's wishes to maintain housing stock values within older neighbors by promoting private reinvestments and allowing development flexibility for home expansions/alterations. The proposed garage expansion also allows for off-street parking which is commonly seen in more contemporary residential lots with two car garages. This proposed garage expansion is compatible with the goals and policies of the comprehensive plan.

The existing detached garage is currently two feet from the south side yard property line and the applicant is asking to maintain that two foot setback with the new garage. In accordance with Section 51.11 Subd 4 a variance is required to construct a principal structure closer than five feet from the side yard property line. An existing residential garage and driveway lies immediately adjacent to the south. The steep topography of the subject property and the limited lot width in this established neighborhood yield limited options for the homeowner. Alternative locations that would comply with ordinance setbacks would be cost prohibitive and topographically unpractical. The applicant states that if the proposed garage and driveway were to be relocated to the north side yard, a retaining wall would have to be constructed to run the entire length of the driveway and garage and a new 3rd Street curb cut would be required.

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the City Council and Planning Commission have the power to vary the requirements of this chapter to make reasonable use of the property in accordance with the assigned zoning district and in harmony with the general purpose and intent hereof, so that the public health, safety and general welfare may be secured and substantial justice done.

Vince VanderTop, City Engineer submitted an email dated April 6, 2009 which stated that he is in agreement with the planner's report dated April 2, 2009. Drainage from the south side of the proposed garage should be directed via gutter and downspouts to the rear (west) of the proposed garage. Grading between the garages should be coordinated between the two property owners. It may be beneficial for fill to be placed between the two garage foundations. Vince VanderTop also recommended that given the close proximity of the two neighbor's garage, that documentation should be conducted before construction to elevate any potential damage issues.

Staff is recommending approval of the request.

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Motion by John Beussman, seconded by Lars Impola to open the public hearing to consider the request of Dale and Lynn Graunke for a variance to the side yard setback for the property located at 241 Third Street South, Delano MN. Motion Carried.

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

Motion by Steve Williams, seconded by David Kenison to close the public hearing. Motion Carried.

The Planning Commission inquired if all the neighbors were notified of the request. Marlene E. Kittock stated yes. No verbal comments were received to the office prior to the meeting. Marlene E. Kittock noted that several neighbors were in attendance this evening; they arrived after the presentation. The Planning Commission inquired if they had any comments or concerns. Alan Brixius was instructed to review the project in order for the neighbors to voice any comments. There were none.

Motion by John Beussman, seconded by Howard Glas to recommend approval of the of Dale and Lynn Graunke for a variance to the side yard setback for the property located at 241 Third Street South, Delano MN per the planners report dated April 2, 2009 and the City Engineer's report dated April 6, 2009. Motion Carried.

6. NEW BUSINESS

- A. Consider a request from Laurence Rieder and Joan Apman Rieder of 600 Buffalo Street requesting guidance regarding the construction of an accessory structure in excess of 1200 square feet.**

Alan Brixius reviewed the report of Marlene E. Kittock regarding guidance of Laurence Rieder and Joan Apman Rieder of 600 Buffalo Street regarding the construction of an accessory structure in excess of 1200 square feet. The property was re-zoned by the city from R-E to R-4 which only allows for 1200 square feet of total garage area. The applicant is looking to remodel an existing garage plus the attached garage area to either 1500 or 2000 square feet. The applicant is looking for direction of the Planning Commission pursuing a variance to the code to construct the larger garage or to rezone the property to either R-1 or R-E. The applicant has about 1.5 acres of total land with the two adjoining lots.

Lars Impola had conducted a site visit and asked if the "lean-to" to the existing old garage was calculated in concept drawings. The applicant said no as he was informed that it does not get calculated in the total area. This information was incorrect. The applicant will need to decide if he wants to retain that old "lean-to" or not.

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The consensus of the Planning Commission was to pursue the re-zoning to R-E and present a design for a maximum of 2000 square feet.

The Planning Commission inquired if the neighbors had been informed of the application. Alan Brixius and Marlene E. Kittock stated that this is only a request for direction a formal application will need to be submitted and notice will be provided at that time.

B. Consider the response correspondence regarding the 2009 Comprehensive amendment for the City of Independence.

Alan Brixius reviewed his report regarding a draft letter to Toni Hirsch and the Metropolitan Council regarding the 2030 City of Independence Comprehensive Plan. Every 10 years the Seven County Metropolitan Count Area requires all cities to update their Comprehensive Plan. The Plan must be consistent with regional planning directives of the Metropolitan Council. Prior to submission to the Met Council all metro communities must forward their plans to all surrounding communities and affected agencies. The City of Independence has forwarded their plan to Delano for review. In staff's review the only issue of concern affecting Delano is the placement of 60 acres of urban commercial at Delano's eastern boundaries. This land use designation is contrary to the rural reserve land use proposed for the western two thirds of Independence. Delano has had discussions to provide utilities to accommodate urban commercial, however, these discussions failed to produce an agreement for services. Absent the availability of urban services, staff has drafted a review letter that states the introduction of urban commercial at this time is premature and inappropriate. The draft letter outlines the rationale for this 60 acres area to remain rural reserve consistent with the balance of the western portion of Independence.

Some of the reasons for denial include 1) lack of an agreement between Delano and Independence for extension of public utilities of sanitary sewer, water and electric into Independence, 2) No information has been provided to indicate how stormwater will be managed on the site related to water quality, water volume or rate control as this area is located in the South Fork of the Crow River Watershed District, 3) Independence has limited sparse development surrounding the site that may be marginally impacted by increased traffic to the area, whereas Delano has Urban Commercial areas and Urban Residential neighborhoods in close proximity to the site which will be greatly impacted by traffic congestion and traffic traveling onto Delano's local street. Delano finds that the introduction of 60 acres of urban commercial land use along Delano's Boundary is inconsistent with the 2030 Regional Development Framework. This land use change in an isolated portion of Independence will have a greater impact on Delano than Independence with regard to land use compatibility, environmental impacts, traffic stormwater, utilities, and municipal services. Without a demonstration that this impact can be mitigated to the satisfaction of both cities, both at time of development and in the future the proposed land use change is premature. This portion of Independence should remain designated as a rural reserve land use consistent with the balance of western Independence.

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The Planning Commission was concerned that the word premature was too strong and would close the door to any future discussions and developments

Alan Brixius reviewed the discussion between the City of Independence and City of Delano regarding a utilities service agreement and based on the fiscal disparities aid calculations, there was not enough money to benefit both cities. The Planning Commission has had hearings regarding the expansion of an industrial and commercial park on the western side of Delano; however this area was under discussion for annexation. Due to the current economic market and issues related to the sale of the land from private ownership to a prospective developer this area is not ready for development.

John Beussman inquired if a joint workshop of the Planning Commission and City Council should be requested to visit this issue as well as other planning issues that come up from time to time. He thought that these two bodies typically would meet once a year for a planning forum.

Leon Zeug questioned if the big box developer was in the habit of bidding one city against another adjoining city.

The Township of Franklin also submitted a proposed rejection letter that was distributed on the dais this evening for the Planning Commission and City Council to review.

Howard Glas expressed his concern about the draft letter and hoped that the letter was not too strong that we were closing the door completely. Howard Glas stated he never likes to say never. He stated that the option should be removed and then Independence could amend their Comprehensive Plan should need arise again.

With the western side of Delano one of the additional obstacles was the county ditch that is in disrepair. The County's position was that either the developer or the City should upgrade the ditch.

Steve Williams had heard that County was doing some sort of improvements to the ditch and that the Township was looking to expand their industrial park in this area.

John Beussman stated that since he has been off the Planning Commission for a couple of years, he requested a brief updated on what the discussion entailed regarding the Big Box developer and the various options that were considered.

Motion by John Beussman, seconded by Leon Zeug to recommend that the draft letter be authorized and executed with the work pre-mature being changed to inappropriate. Motion Carried 5-2; Steve Williams and Howard Glass voting nay.

Howard Glas qualified his vote by stating that he wanted to leave all options open to future negotiations. Steve Williams did not want to lose control of the development opportunity completely.

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7. OLD BUSINESS

There was none.

8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATIONS

There was none.

9. COMPLIANCE WITH COMPREHENSIVE PLAN

There was none.

10. ADJOURNMENT

Motion by Howard Glas, seconded by David Kenison to adjourn the Regular meeting of the Delano Planning Commission of Monday, April 13, 2009 at 8:20 p.m.

There being no further business to discuss the Regular meeting of the Delano Planning Commission of Monday, April 13, 2009 was adjourned at 8:20 p.m.

Jon Krieg, Chairman

Leon Zeug, Secretary

Attest:

Marlene E. Kittock, City Clerk