

MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, December 8, 2008
7:00 p.m.

1. CALL TO ORDER

Paul Stansberry Chairman of the Planning Commission opened the regular meeting of the Delano Planning Commission of Monday, December 8, 2008, at 7:05 p.m.

2. ROLL CALL

Members Present: Paul Stansberry, Chairman
Steve Williams, Vice Chair
Lars Impola, Commissioner
Howard Glas, Commissioner
Jon Krieg, Commissioner
David Kenison, Commissioner

Members Absent: Leon Zeug, Commissioner

Also Present: Al Brixius, City Planner
Luke Fischer, Assistant to the City Administrator, Recorder

3. APPROVAL OF AGENDA

Mr. Brixius added item 8. A., Update on CUP Request.

Motion by Mr. Williams, seconded by Mr. Krieg to approve the agenda of the Delano Planning Commission of Monday, December 8, 2008 as amended. Motion Carried 6-0.

4. MINUTES

A. Minutes of the Planning Commission for September 8, 2008.

Motion by Mr. Glas, seconded by Mr. Impola to approve the minutes of Monday, November 10, 2008. Motion Carried.

5. PUBLIC HEARING

There was none.

6. NEW BUSINESS

A. Review request from City of Independence for land use change.

Mr. Brixius updated the Planning Commission on a request by Ryan Companies and the City of Independence. The request is regarding a big-box Target store on the border of the City of Delano and the City of Independence. Mr. Brixius's presentation updated the Planning Commission on the site plan and potential service agreement with the City of Independence.

From surveys, Staff has found that the community generally supports Fleet Farm and Target. Mr. Brixius informed the Commission about some of the issues which were identified at the City Council Meeting on December 2nd.

Mr. Stansberry asked why the big-box was not put on the Crossings site and the "general misinformation" around the site. Mr. Brixius responded that the Crossings site was not conducive for a Target store. He also noted covenants on the property which restricted the sale items of a Target. Mr. Stansberry clarified that Target decided not to build on the site, and that the City did not turn them away.

Mr. Brixius's review included an extensive amount of background information included in the staff presentation.

Mr. Impola asked about the property which abuts the Concrete Plant. Mr. Brixius informed the Commission that the Rucks Farm site is approximately 8 acres, including the Cemstone Property, which would not fit a Target "P" Store. Target essentially has minimum requirements which must be met prior to construction.

Mr. Krieg inquired as to the site access on the south east corner of the property. Mr. Brixius noted that he assumed that it would be a "right-in-right-out" entrance, though this was yet to be determined. Mr. Kennison then asked for clarification about projected traffic volumes on County Line Road. Mr. Brixius thought that the road would likely have to be reconstructed at the cost of Ryan Companies.

Mr. Brixius then reviewed the Issues Analysis portion of the presentation. He highlighted seven major "issues" which were presented to the City Council.

Mr. Stansberry requested clarification that the City of Delano would not become part of the Metropolitan Council. Mr. Brixius replied that staff was working towards an agreement with the Met Council, the City of Independence, and Ryan Companies which would ensure the City of Delano would maintain autonomy. Mr. Stansberry voiced concern that this proposal would "open the door" for the Met Council to take over Wright County. Mr. Brixius noted other cities which are in similar communities with jurisdictional boundaries both in the Met Council and out of the Met Council. He

clarified further that these cities are not subject to the Met Council. Mr. Stansberry stressed that he projected that the Met Council would take over Wright County and wanted to make certain that the Met Council would pay damages if they did. Mr. Stansberry then stated his approval would be contingent upon a guarantee that the Met Council would be blocked from entering Wright County.

Mr. Glas then sought clarification from Mr. Brixius about the potential of the Met Council entering the County or Delano. Mr. Brixius responded that it would have to be an action of the State Legislature. Mr. Krieg noted that this could potentially happen, regardless of this agreement. Mr. Brixius replied that this could happen to any “collar community”.

Mr. Krieg then offered that he and Mr. Impola are traffic engineers and would like to be part of the discussions regarding traffic control. Mr. Brixius then stated that he thought the Planning Commission would be part of the larger discussions and would have review authority.

One of the major issues discussed at the last Council Meeting was the future development, beyond the proposed project area. The site plan includes smaller auxiliary buildings which would likely affect the development of vacant sites in the Delano city limits. Mr. Brixius stressed that the City was seeking to restrict how the adjacent properties might develop in the future.

Mr. Krieg inquired about the availability of the site to the south of the proposed project site, noting that it would be important that the development potential would be limited. Mr. Brixius responded that the City of Delano has the ability to control sewer and water, which seems to be an ultimate control for any major development. Mr. Krieg then noted his concern for maintaining control over the future development at this location.

Mr. Williams inquired if the City should begin planning for the future development to the south of the Target site, especially regarding traffic engineering. Mr. Brixius responded that it would be important to include these considerations early in the process to avoid redundant improvements in the future. Mr. Stansberry asked if Ryan Companies would develop the property to the south. Mr. Brixius replied that this property is not owned by Ryan Companies. Mr. Stansberry then asked if Ryan has built other big-box developments. Mr. Brixius responded that he wasn't sure of the company's experience.

Mr. Krieg requested that a traffic study be conducted with idea that the area will be entirely developed, north and south of Highway 12. Mr. Brixius agreed that this would be timely and a good idea.

Mr. Stansberry asked about the ability of the City of Delano to restrict future growth. Mr. Brixius noted that as the City of Delano controls the water, it has general control of future development. Staff have also been negotiated a “claw back clause” which would give the City of Delano some way to ensure that the City of Independence does not break any agreements.

Mr. Impola then asked about the general zoning of the properties abutting the property under consideration. Mr. Brixius noted that whatever happens, the City of Delano will have the ability to comment on any changes.

Mr. Stansberry then asked why Ryan Companies would push to get this approved by the Metropolitan Council and neighboring communities. Mr. Brixius responded that Comprehensive plan changes are difficult and time consuming. Seeking independent approval would be beneficial to Ryan Companies. Mr. Krieg clarified that the City of Independence should have their plan done by the first of the year, though many cities submit plans late.

Mr. Williams asked if the City of Delano would provide service to all other properties established on the site. Mr. Brixius replied that the church would likely be hooked up.

Mr. Stansberry asked what the surcharge would be for utilities. He suggested that 25% may be a good starting point. Mr. Brixius noted that while the project may seem to only pose a cost to the City of Delano, there are externalities which would likely be beneficial to the community. Mr. Brixius highlighted the convenience of the proposed tenet and addition use. With this, a surcharge has not been yet determined.

Mr. Brixius then reviewed the next steps in the evening's meeting. He sought input from the Planning Commission on the proposal, highlighting the questions asked by the Commission thus far.

Mr. Stansberry remarked that the project would have to be held to "Delano's Standards" and recommended that the site plan be reviewed by the Planning Commission. Mr. Stansberry asked about SAC/WAC units. Mr. Brixius then responded that staff has researched what other Targets experience and projected based on those numbers.

Mr. Williams asked about the sale of utilities in other communities. Mr. Brixius responded Otsego and Dayton are examples of other cities which engage in this type of sale. These communities do this to ensure that bonds were paid back as quickly as possible.

Mr. Stansberry then asked about the Wastewater Treatment Facility expansion and the impact of the store on total capacity. Mr. Brixius responded that the City projected based on other comparable Target Stores and Staff felt that the impact would not be significant. Mr. Stansberry then noted that he would like to make sure that the City of Delano has control over SAC/WAC of future development.

Mr. Williams asked when the City of Delano would begin looking at its Comprehensive Plan. Mr. Brixius replied that it would likely be in the next year to two years. Mr. Williams stressed that the City ought to review and update its comprehensive plan. He noted that it would likely help development to the west of the community. Mr. Williams

also noted that the Commission ought to consider rezoning to aid development, especially on the west side of town.

Mr. Stansberry updated the Commission about concerns of the residents of Maple Knoll. These residents were informed when they purchased their homes, by the developer, that they only proposed development on the site adjacent to their property was residential property. This obviously is not the case. Mr. Brixius responded that he heard similar concerns at the City Council meeting. He also noted that staff has been working to mitigate the concerns with commercial development through strict design standards.

Mr. Harlan Lewis then commented on the evening's discussion. He hoped to bring the Commission up to date on meetings he has been attending lately. He attended the Independence Planning meeting whose decision was over ridden by the Independence City Council. Mr. Lewis is concerned that the same thing is happening in Delano. Mr. Lewis then noted inconsistencies with the City of Independence's application for change in zoning. He is also concerned that the City of Delano is being rushed into this decision. Mr. Lewis is concerned that the City of Delano has not challenged the plan yet.

Mr. Lewis then said that the plan was not consistent with Delano's Comprehensive Plan. Mr. Stansberry noted that the City of Delano does not have Comprehensive Plan authority over the development site. Mr. Brixius then reviewed Comprehensive Plan maps for future growth. The Delano Crossings development was identified as the "gateway" to the community. He updated the Commission on other properties which may experience redevelopment.

Mr. Stansberry then asked if the City of Delano ever considered development in Hennepin County. Mr. Brixius noted that the City never has.

Mr. Lewis then stressed the idea that the Comprehensive Plan be updated now and that the existing plan is out of date. Mr. Lewis is concerned that any construction will hurt Coborn's. He is also concerned about the railroad. He would rather wait to do any of the work until the Metropolitan Council has responded. Mr. Brixius replied that the Metropolitan Council does have a lengthy review process which varies, based on the type of request. Mr. Lewis noted that there are too many questions which have not been answered, so the City should not move to quickly. He also said that this project could ruin the City's good planning reputation.

Mr. George Johnson then addressed the Planning Commission. He asked what the difference was between Coborn's tax base versus the Target Tax base. He also asked about updating Highway 12. Mr. Johnson then said that there are no improvement plans for the Highway for the next 20 years. He also voiced concern about run-off and drainage.

Mr. Stansberry then asked Mr. Brixius about the taxes paid by Coborn's. Mr. Brixius noted that it is a Tax Abatement District. Mr. Stansberry stated that there is no way to quantify the tax consequences. Mr. Brixius responded that one of the comments from the

Council meeting included concerns over perpetual payment from the City of Independence. He said one of the questions is, would this project happen and where would it happen in the future. Mr. Glas noted that one of the questions is would TIF be used if it was in Delano, negating any property values.

Mr. Stansberry then asked for clarification about run off and drainage. Mr. Brixius responded that he didn't have all of the information available. Mr. Johnson then again noted that he believes the drainage would run towards the Maplewood Estates neighborhood. Mr. Krieg clarified that in the past, these types of users have been required to pond all water.

Mr. Johnson then asked if the City ever considers what type of storm events are considered.

Mr. Kennison then asked what level of control the City of Delano would actually have over site development. Mr. Brixius replied that the site would have to comply with Delano standards because Delano controls the utilities. Mr. Kennison then asked if the house on the site would remain. This was unknown at the time of the meeting.

Mr. Stansberry then noted that the SAC/WAC is only a one time payment. He then asked about debt service on Wastewater.

Mr. Stansberry then asked what other concerns were brought to the City thus far. Mr. Brixius then responded that the City has heard comments about the competitive advantage of Target. Mr. Stansberry then asked about liquor licensing. Mr. Brixius reviewed the City's ability control liquor in the community and responded further that the City's position has been to protect its interests.

Mr. Lewis then noted that he was concerned that emails sent to the City Council regarding the development were not read at the meeting. He would like to know how many emails the Council received and what they said. Mr. Brixius then updated the Commission on Public Hearing Process. He stressed that the hearing is to gather information and not to debate the issues. Mr. Stansberry then said that the Planning Commission accepts these letters and reads them when applicable. Mr. Brixius responded that these emails were for the Council's consideration. Mr. Johnson then said that he would like to see the letters published in the paper.

Mr. Krieg then asked about the meeting on December 16th. Mr. Stansberry responded that it will not be a public hearing.

Mr. Krieg asked if the plan that was given to the Council was the most up-to-date plan. Mr. Brixius responded that he believed it was.

Mr. Stansberry then sought clarification of the meeting's intent. Mr. Brixius responded to gather info and give it to the Council. Mr. Brixius then reviewed the issues and concerns collected throughout the meeting, noting the size of the list.

Mr. Stansberry informed the Commission that he would vote against the proposal because the City should not extend services into Hennepin County. He also noted that this would open the door to the Met Council taking over Delano. Mr. Stansberry said that Ryan Companies has been manipulating the process throughout as well.

Mr. Impola added that he does not like the plan as proposed because it does not have a clear benefit to the City of Delano. He noted that a ten year revenue plan is not sufficient.

Mr. Krieg thinks that with strong negotiation, this plan could be beneficial. He wanted to make certain that the City of Delano could get everything possible out of the deal.

Mr. Glas agrees with Mr. Krieg as long as the utilities aren't harmed and the benefit is clear. He said that a commercial tax base would benefit the school and the city should be careful not to scare business away from the community.

Mr. Kennison agreed further with Glas and Krieg and stressed his desire to see Delano have complete control over the development of the area, now and in the future. Mr. Williams echoed Kennison, Glas, and Krieg as long as all of the facts are considered and weighed.

Mr. Stansberry then said the benefits do not outweigh the costs.

7. OLD BUSINESS

8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATIONS

A. CUP Request

The County received a conditional use permit for the business north of the Crow River Harley Davidson shop. The permit was for an auto sale license at the auto wrecking company currently located at the site. Mr. Brixius noted that the property is zoned properly and informed the Commission that Staff would address storm water concerns. Mr. Brixius then reminded the Commission that the property was not located in the City of Delano, but thought it would be good for the Commission to stay up to date.

9. COMPLIANCE WITH COMPREHENSIVE PLAN

10. ADJOURNMENT

There being no further business the meeting was adjourned at 9:04 p.m... Motion by Mr. Krieg, Second by Mr. Stansberry. Motion Carried.