

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, May 11, 2009
7:00 PM**

1. CALL TO ORDER

The Chairman called the regular meeting of the Delano Planning Commission Monday, May 11, 2009 to order at 7:06p.m.

2. ROLL CALL

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

Members Absent: None

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

3. APPROVAL OF AGENDA

Motion by Leon Zeug, seconded by Lars Impola to approve the agenda for the Monday, May 11, 2009, Planning Commission meeting. Motion Carried 7-0

4. MINUTES

A. Minutes of the Planning Commission from Monday, April 13, 2009.

Motion by Steve Williams, seconded by John Beussman to approve the minutes of the Monday, April 13, 2009 Planning Commission meeting correcting several typographic and grammatical errors as recommended. Motion Carried 7-0

5. PUBLIC HEARING

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A. Continued Public Hearing from Roger Derrick, d/b/a Cottage Homesteads at Kings Pointe for an amendment to the CUP/PUD as regulated by Section 51.32 of the Delano City Code; and Preliminary and Final Plat as regulated by City Ordinance O-03-05, Subdivisions 4 and 5 for property located at Lots 1, 2, 15, and 16, Block 3 – Kings Pointe Addition.

Alan Brixius reviewed his planners report dated May 6, 2009 discussing the request of Roger Derrick, d/b/a Cottage Homesteads at Kings Pointe, for an amendment to the CUP/PUD as regulated by Section 51.32 of the Delano City Code; and Preliminary and Final Plat as regulated by City Ordinance O-03-05, Subdivisions 4 and 5 for property located at Lots 1, 2, 15, and 16, Block 3 – Kings Pointe Addition. The four unit townhome building site is located along 9th Street (aka as Tiger Drive) between Rockford Avenue and St. Peter Avenue. The applicant is proposing to amend the PUD and Plat from a 4-unit structure to a 6-unit structure. Planning Commission opened the public hearing March 3, 2009 and continued the hearing to May 11, 2009 in order to allow for residents within the Kings Pointe Addition to return from their winter homes. The recent recession demonstrates the need for more affordable housing units. As part of the application the applicant provided sales information and an affordability index. At the March Planning Commission meeting public testimony and Planning Commission discussion raised several issue including the following:

- 1) The 2002 approved PUD consisted of ten (10) four-unit buildings. These units were marketed and sold under the assumption of continuity in building designs and unit value. The residents expressed concerns regarding the change in building design.
- 2) In 2008 the applicant received city approval to convert two four-unit buildings to six-unit along the northern end of the plat. This application was supported by the neighborhood as this change was isolated from the existing townhomes by a street.
- 3) At this time only one of these two units are under construction.
- 4) Concerns were raised related to how the proposed six-unit building would be integrated with the existing four-unit buildings to the south related to access, driveway arrangements and architectural appearance

Alan Brixius stated the Applicant has had conversation with the City Administrator regarding withdrawing this application based on the comments from the March public hearing and subsequent neighborhood meetings. The applicant is not present tonight, but has communicated to the City Administrator that withdrawing the application prior to formal action or recommendations of the Planning Commission could adversely affect other

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applications that the applicants has with his financial institution. Given the results of tonight's meeting will dictate the next step in the application process.

Alan Brixius briefly reviewed the building layout and floor plan layout for the Planning Commission.

Jon Krieg requested public comment from the audience, who were interested in speaking, to provide new information or concerns while requesting to keep their comments brief and to the point. Anything that was previously discussed or enter into public record would not need to be re-discussed. The public comment would be considered for any actions tonight. The residents' petition, dated May 1, 2009, was acknowledged and entered into public record. Alan Brixius reminded the neighborhood that any actions today were strictly advisory and that the actions and recommendation would be forwarded to the City Council for action at it May 19, 2009 meeting.

Gladys Pelkey, 236 Kings Pointe Drive, stated at the neighborhood meeting the applicant had supplied information to them regarding other projects in other communities regarding the small unit size structure. She noted that none of these facilities had more than 4 units within one structure.

John McCashin, 224 Kings Pointe Drive, stated the home owner association has signed the petition that all the residents have returned, only two building were previously approved by the association, 19 of the current 22 homeowners have signed the petition dated May 1, 2009. He stated that the applicant informed the association that he would be withdrawing the application for a year or so. Mr. McCashin also stated his appreciation for the City's thorough report and consideration with this application.

Tom Galameault, 260 Kings Pointe Drive, expressed his concerns regarding the proposed design and alignment of the new structure being 7 feet closer to the street than the balance of the structures. Mr. Galameault is okay with the developer making a profit but he did not want the value of his property to be adversely affected.

The Chairman called for additional comments three times. None was heard.

**Motion David Kenison John Beussman seconded by to close the public hearing.
Motion Carried 7-0**

John Beussman asked for an explanation of the regulations regarding denial and continuation. Alan Brixius stated that if the application is denied then the application cannot

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be re-considered for one year after approval of the denial. Whereas the 15.33 Statutes require mutual consent between the city and the applicant for continuing and leaving the application open. This is very difficult to track.

Motion by Howard Glas, seconded by Leon Zeug to deny the request of Roger Derrick, d/b/a Cottage Homesteads at Kings Pointe for an amendment to the CUP/PUD as regulated by Section 51.32 of the Delano City Code; and Preliminary and Final Plat as regulated by City Ordinance O-03-05, Subdivisions 4 and 5 for property located at Lots 1, 2, 15, and 16, Block 3 – Kings Pointe Addition per the findings in the May 6, 2009, Planners Report. Motion Carried 7-0

- A. Conduct a Public Hearing to consider a request from Laurence Rieder and Joan Apman Rieder to rezone their properties at, 600 Buffalo Street (PID # 107-500-111-205) and 540 Buffalo Street (PID # 107-500-111-310) from R-4 and Two Family Residential District to R-E Single Family Estate Residential District.**

Alan Brixius reviewed his May 6, 2009 Planners Report regarding the rezoning application for Laurence Rieder and Joan Apman Rieder for the properties located at 600 Buffalo Street (107500-111205) and part of the property addressed as 540 Buffalo Street (1070500-111310). The property currently exists as two lots with the residential housing unit located on the northern parcel and an accessory structure located on the southern lot. The applicant wishes to enlarge his accessory out building on the second lot to have a total of 1988.5 sq ft of garage area for both the attached and detached garages. The Rieder property is zoned R-4 Single and Two Family Residential which caps the accumulative floor space of all garages and accessory building at 1200 sq ft. In consideration of this request two application options are available. 1) A variance from the accessory building 1,200 square feet requirement. Staff is reluctant to encourage the pursuit of the variance in that this request did not meet the variance criteria for approval. 2) The properties could be combined and rezoned to R-E, which has a larger accessory building cap of 2,000 square feet. Both the Planning Commission and City Council have reviewed the second concept and expressed a willingness to consider the re-zoning.

The Delano Comprehensive Plan guides this site for low density residential. The site was rezoned from R-E to R-4 in 2007 to allow urban single family or two family home developments due to its proximity to Highway 12 and Anchor Marine. The sites, once combined, will be 1.55 acres in area. The change in zoning back to R-E would be consistent with the low density land use recommendation of the Comprehensive Plan and the lot area for R-E. The lot is large enough to facilitate future subdivision if the property owner wished

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to pursue re-development of the site to a more dense single family or two family land uses. At that time the site may be zoned back to R-4.

The proposed use is and will be compatible with present and future land uses of the area. The proposed use conforms to all performance standards contained within the zoning code. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity. Traffic generation by the proposed use is within capabilities of the streets serving the property.

Staff recommends rezoning provided the two properties are combined.

Motion by John Beussman, seconded by Steve Williams to open the public hearing request of Laurence Rieder and Joan Apman Rieder to rezone their properties at, 600 Buffalo Street (PID # 107-500-111-205) and 540 Buffalo Street (PID # 107-500-111-310) from R-4 and Two Family Residential District to R-E Single Family Estate Residential District. Motion Carried 7-0.

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

Motion by David Kenison, seconded by Leon Zeug to close the public hearing. Motion Carried 7-0

Lars Impola questioned how the 2000 sq. ft. calculation worked and if it included the existing attached garage as part of the total. Alan Brixius confirmed that detached and attached garages counted in the calculation and that the applicant had included this within his figures.

Motion by Lars Impola, seconded by Steve Williams to recommend approval of the request of Laurence Rieder and Joan Apman Rieder to rezone their properties at, 600 Buffalo Street (PID # 107-500-111-205) and 540 Buffalo Street (PID # 107-500-111-310) from R-4 and Two Family Residential District to R-E Single Family Estate Residential District subject to consolidation of the two lots into one lot per the planners report dated May 6, 2009. Motion Carried 7-0

6. NEW BUSINESS

There was none.

7. OLD BUSINESS

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There was none.

8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATIONS

There was none.

9. COMPLIANCE WITH COMPREHENSIVE PLAN

- A. Adopt RESOLUTION PC-09-01 finding that the vacation of a drainage and utility easement located within Kings Pointe Addition is consistent with the City's Comprehensive Plan.**

**Motion by John Beussman, seconded by Lars Impola to Adopt Resolution PC-09-01 finding that the vacation of a drainage and utility easement located within Kings Pointe Addition is not consistent with the City's Comprehensive Plan at this time.
Motion Carried 7-0**

10. ADJOURNMENT

There being no further business to discuss the Regular meeting of the Delano Planning Commission of Monday , May 11, 2009, was adjourned at 7:28 p.m.

**Motion Howard Glas seconded by Leon Zeug to adjourn the Regular meeting of the Delano Planning Commission Meeting of Monday May 11, 2009 at 7:28 p.m.
Motion Carried 7-0**

Jon Krieg, Chairman

Leon Zeug, Secretary

ATTEST:

Marlene E. Kittock, City Clerk