

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, September 14, 2009
7:00 PM**

1. CALL TO ORDER

The Chairman, Jon Krieg, call the regular meeting of the Delano Planning Commission of Monday, September 14, 2009 to order at 7:00p.m.

2. ROLL CALL

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

Members Absent: David Kenison, Vice-Chairman

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

3. APPROVAL OF AGENDA

Motion by Leon Zeug, seconded by Steve Williams to approve the agenda of the regular meeting of Delano Planning Commission meeting of Monday, September 14, 2009 at 7:00 p.m. with the item labeled 5B for a various Land Use Application of Kevin and Jeff Shrode be table until the October 12, 2009. Motion Carried 6-0.

4. MINUTES

A. Minutes from Planning Commission Meeting July 13, 2009.

Motion by John Beussman, seconded by Lars Impola to approve the minutes of the Delano Planning Commission meeting of July 13, 2009 as submitted. Motion Carried 5-0-1. Jon Krieg abstained

5. PUBLIC HEARING

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- A. Consider a request from Ben Moonen dba West Edge Properties LLC to rezone their properties located at 318 and 328 Railroad Avenue, from B-4 Central Business District to B-W Business Warehousing District for the properties legally described as lots 11-18, Block 1, Litchfield's Addition to the City of Delano (PID Number 107022-001110).**

Alan Brixius reviewed the Planners Report dated September 9, 2009, regarding the rezoning application of Ben Moonen of West Edge properties located at 318 and 328 Railroad Avenue (PID 107022-001110) from B-4 Central Business District to B-W Business Warehouse thus allowing them to consolidate their window contracting business known as J and J Glass at one location.

There are two structures under one parcel identification number 107022-001110: (1) 318 is the rental unit occupied by Love INC and (2) 328 is the warehouse which is proposed to be renovated for J and J Glass. J and J Glass has been storing the materials for its business in the warehouse and completing the fabrication of the windows either on the job site or in the warehouse structure in the township. The office staff has been conducting business out of the old Delano Eagle building. The City's Comprehensive Plan of 2002 guided this area to a commercial land use to complement the balance of the Central Business District (CBD). Following the update of the City Zoning Code in 2006 the City amended its zoning map, changing the zoning for this site from I-2 General Industrial to B-4 Central Business District. The B-4 CBD zoning district does not allow the range of industrial uses requested. The onsite warehousing associated with Stock Lumber preceded the 2006 zoning change to B-4 and is a legal non-conforming use (grandfathered).

Upon meeting with the applicants to discuss their business plans, staff identified that the production components of their business went beyond the limits of the B-4 zoning. This business provides opportunity to have a new business occupy an otherwise vacant building. The business requires some metal cutting and on-site window assembly; as such is not a very intense industrial activity.

Staff indicated that the City would not be in favor of a rezoning to the site back to an industrial zoning district. To accommodate the introduction of a new business to Delano, while preserving the City's ambition for a compatible commercial use within

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the CBD, Staff has recommended that the applicant pursue a change in zoning from B-4 to B-W.

The 2002 Comprehensive Plan guides this site for commercial land use. The permitted uses for the B-W district would accommodate both Love INC. and the J and J Glass. The City's Comprehensive Plan promotes the attraction of new businesses into the City. The CBD strategies recognize that it may need to change its focus from general retail to other businesses including, but not limited to, specialty retail, restaurants, professional offices and service oriented businesses. The proposed use is a window contract that is an off-site service provider.

The building fills the site and does not meet the performance standards of the B-W or the current B-4 zoning districts with regard to required setback. The rezoning is being requested to accommodate the range of uses that are inherent in the J and J Glass company operations including some metal cutting and window assembly. The change in zoning will not correct the legal or increase the non-conforming conditions of the existing building.

The B-W zoning district would be a transition between the B-4 zoning district to the west and the I-2 to the east and the R-5 to the north. The applicant owns the parking lot to the north of 318 and 328 units. The parking lot was historically used by Mount Olive Church and the lumber yard for parking. The applicant will continue to use this for employee and company vehicle parking. The business provides the required off-street parking through the existing parking lot north of the existing warehouse. The city will require that the parking lot be cleaned up and a landscape plan is prepared to landscape along the north and west edges of the parking lot to screen adjoining residential neighborhoods. Staff recommends that the R-5 zoning on the parking lot be retained to prevent building and use expansion close to residential properties. The parking lot may remain, as "grandfathered" use. Staff is recommending all operations associated with the business to be conducted inside the building. No outdoor storage is allowed at the site. The applicant shall provide a landscape plan for screening of the parking lot from residential areas to the north and west.

The existing building is served by City sewer and water; no changes will be necessary concerning the sewer and water. With the approval for rezoning, the property owner has requested alternating the building's electrical service to accommodate the new use. The zoning change will not overburden the City's existing utilities or services.

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The site is served by 4th Street and Railroad Avenue. The proposed use will be similar to the other industrial land uses along Railroad Avenue to the east. Traffic will be comprised of employee traffic and heavier company owned trucks and trailers; the traffic volumes are not anticipated to over whelm the capacity of the available streets.

Staff is recommending approval subject to the following conditions.

- 1) The change of zoning shall only be applied to the building along Railroad Ave.; the existing parking lot shall remain in the residential zoning. The parking lot may be used in conjunction with business, employee, and company vehicle parking as a grandfather use. No outdoor storage of business expansion shall be allowed within the parking area.
- 2) All business operations shall be within the building. No outdoor storage shall be allowed.
- 3) The Applicant shall provide a landscape plan for the screening of the parking lot from the residential properties to the north and west for City approval.

Alan Brixius stated that a letter of concern was submitted and in the packet from Ted May, 124 Third Street North. Ted May was unable to attend the hearing tonight.

Ben Moonen, applicant, stated that he had attempted to host a neighborhood meeting to address any issues that the neighbors had regarding this application. Marlene Kittock indicated, however, that the only item received at the office was Mr. May's letter. Ben Moonen submitted a counter-petition of sorts that indicated that some of the neighbors were retracting their signature from a previously signed petition and now stated that they had no issues with the application as submitted.

Ben Moonen explained that the use of the property is no different than those that are grandfathered activities. They simply want to bring their business into one location instead of two. With respect to the questions regarding lawn maintenance and parking lot storage, they are willing to address any deficiencies and agree to monitoring and maintenance of the lot.

John Beussman questioned the zoning was changed from industrial use when the lumber yard was there to a business district after the lumber yard left.

Alan Brixius stated that in 2006 the City adopted the re-codified zoning code and updated the zoning map in which this area was zoned as part of the CBD. This

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would allow for a variety of retail and accessory uses for this portion of the block. The I-2 industrial zone allows for many uses and with the elimination of the Third Street railroad crossing this area became better suited as a business district. Marlene Kittock reminded the Commission of the City's Revolving Loan Fund being available to businesses in the CBD; which is another factor in the rezoning to B-4. Ben Moonen also recalled discussions regarding Tax Increment Financing for renovations to the buildings along Railroad Avenue.

John Beussman inquired if Railroad Ave would ever go thru this cart way and connect up with 9th or Tiger Drive. Alan Brixius responded that this is in the Comprehensive Plan but is not schedule for a specific date.

Leon Zeug asked what other businesses are locating up there. Ben Moonen stated that currently it is Jewels Bridal, the office for J and J Glass is in the old Eagle building and they are utilizing the warehouse building for storage of glass construction products, and Love INC is in the Retail building of the old lumber yard.

Motion Steve Williams, seconded by Jon to open the public hearing for the consideration a request from Ben Moonen dba West Edge Properties LLC to rezone their properties located at 318 and 328 Railroad Avenue, from B-4 Central Business District to B-W Business Warehousing District for the properties legally described as lots 11-18, Block 1, Litchfield's Addition to the City of Delano (PID Number 107022-001110). Motion Carried 6-0.

Bonnie Weege, 125 Third Street North, stated that there are 11 to 12 kids within the neighborhood and expressed concerns regarding a lot of large truck traffic and the children.

Kathy Omstrom, 120 – 4th Street North, questioned if there would be a schedule for the cutting of any sheet metal (i.e. 7am to 10 pm). She stated that even with the doors closed the noise may still be an issue. Marlene Kittock explained that the City's Public Nuisance Ordinance regarding noise and Alan Brixius also explained that the Zoning Code also ties the volume to decibels for various times of day in accordance with MPCA regulations.

Ben Moonen stated that most of the cutting is done at the job site but occasional aluminum cutting was comparable to a battery operated screw driver. Ben Moonen also indicated that they plan on insulating the building; employees will also work with

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the doors closed. There are usually only one or two employees on site at a time and not at the warehouse building all day. They do get deliveries which would be directed down River Street to Railroad and back onto Highway 12.

Leon Zeug asked over if the insulation was for noise, heat, or both. Ben Moonen indicated mostly heat and that it might lessen the noise as well. Leon Zeug inquired as to their landscaping plans. Ben Moonen said he still needed to have that prepared for the City to review. Leon Zeug questioned how many trailers are there now. Ben Moonen indicated there are two large trucks and one truck with a trailer. These vehicles do get moved to the job site as needed. There are no plans for public outside storage as currently used.

John Beussman stated that as a neighbor to this location, he is also worried about the noise issue.

Rena Russek, 309 Bridge Avenue, stated that when they built their home they did not want to be in a Business District. She asked how this would affect her property value.

Alan Brixius stated that changing from a B-4 to a B-W is not changing how the grandfather use of the warehouse is and has been used.

John Beussman asked Jerry Eggergluss, 312 Bridge Avenue, if he has noticed any issues with noise. Jerry Eggergluss had not; he stated he had more issues with traffic when the lumber yard was operating there. The current problem with truck traffic is not because of the J and J Glass' operation, Mr. Eggergluss suspected more due to the Highway 12 detour.

Lars Impola asked about the landscaping and wanted to be sure that both the north and west side of the properties would be landscaped.

Alan Brixius suggested that in addition to recommendation to the Council for adoption of the rezoning ordinance, a resolution outlining the terms and conditions of operations in the warehouse building. These items are 1) rezoning only those buildings along Railroad Avenue and not the parking lot, 2) no expansion of the building beyond its current size, 3) no outside storage of material, or non-company owned vehicle, 4) submit and receive City approval of a landscaping plan for the north and west sides of the site, 5) installation of insulation for the warehouse building for heating and noise abatement, 6) closure of the overhead doors during

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cutting operations, 7) truck traffic route to be from Highway 12 to River Street to Railroad Avenue and then return by for the reserve route.

Lars Impola inquired if J and J Glass used any impact or compressor type wrenches; Ben Moonen said no.

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

Motion by Howard Glas, seconded by Steve Williams to close the public hearing. Motion Carried 6-0.

John Beussman stated that his question regarding noise had been addressed and was encouraged by the continued maintenance and proposal for this site.

Motion by Howard Glas, seconded by Jon Krieg to recommend rezoning request of Ben Moonen dba West Edge Properties LLC to rezone their properties located at 318 and 328 Railroad Avenue, from B-4 Central Business District to B-W Business Warehousing District for the properties legally described as lots 11-18, Block 1, Litchfield's Addition to the City of Delano (PID Number 107022-001110) with the following conditions 1) rezoning only those building along Railroad Avenue and not the parking lot, 2) no expansion of the building beyond its current size, 3) no outside storage of material, or non-company owned vehicle, 4) submittal and receive city approval of a landscaping plan for the north and west sides of the site, 5) installation of insulation for the warehouse building for heating and noise abatement, 6) closure of the overhead doors during cutting operations, 7) truck traffic route to be from Highway 12 to River Street to Railroad Avenue and then return by for the reserve route. Motion Carried 6-0.

B. 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

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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).

1. Consider tabling the aforementioned Land Use Applications and authorize Staff to extend the review period to 120 days.

Motion by John Beussman, seconded by Lars Impola to open the public hearing to consider 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, 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). Motion Carried 6-0.

Motion by Steve Williams, seconded by Leon Zeug to open and continue the Public Hearing until the October 12, 2009, Planning Commission. Motion Carried 6-0

Motion by John Beussman, seconded by Steve Williams, to recommend that staff be directed to continue the application review period to 120 days to allow for additional time for the city to negotiate the land sale between the City and the Shrodes. Motion Carried 6-0.

6. NEW BUSINESS

- A. Discuss establishing standards and regulations regarding computerized message boards.

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Alan Brixius stated that staff has received inquiries regarding computerized electronic message board signs (CEMB) that have been erected along the Highway 12 corridor. With the reconstruction of Highway 12, six businesses have incorporated CEMB into their pylon signs. Some of the concerns have been about the length of the message, speed of message change, the motion and animation, brightness, sign placement and spacing, and actual sign size. Some signs have distracted drivers by making them think that there was law enforcement or an emergency vehicle in the area.

The public school received a CUP several years ago for its use at the entrance along Elm Avenue, within a residential district.

Alan Brixius stated that he had several example ordinances that he could submit for the Planning Commission to consider should further research be requested. The City Council could pass a moratorium ordinance which would not allow any more signs to be approved until a study it completed.

Many cities have changed the flashes and/or changes between messages to eight second due to possibly creating driver distraction. Jon Krieg stated that some of these signs are distractive

Commission Members discussed what happens to permits which have been previously approved, if an ordinance is adopted. Alan Brixius responded that these would become lawfully non-conforming uses and subject to those regulations under the zoning code; the City could also request a voluntary compliance, noting the 8 second rule.

Staff suggested inviting the seven businesses to a public meeting to discuss proposed regulations. Also the Delano Area Chamber of Commerce could be solicited for opinions. This meeting would be held as a Public Hearing for any phrasing to be included in a text amendment.

Howard Glas stated he was in favor of a Public Hearing in order to be pro-active prior to any text amendment changes to the Ordinance. Lars Impola was also in favor of the moratorium until a complete study could be conducted.

The Commission suggested that staff research computerized message board's regulations and requested public comment at the October 12, 2009 meeting.

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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 Jon Krieg, seconded by Lars Impola to adjourned the regular meeting of the Delano Planning Commission of Monday September 14, 2009 at 8:25p.m. Motion Carried 6-0.

There being no further business to discuss the regular meeting of the Delano Planning Commission of Monday, September 14, 2009, was adjourned at 8:25 p.m.

Jon Krieg, Chairman

Leon Zeug, Secretary

ATTEST:

Marlene E. Kittock, City Clerk/