

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

1. CALL TO ORDER

The Vice Chairman, Steve Williams called the Regular meeting of the Delano Planning Commission of Monday February 9, 2009, to order at 7:00 p.m.

2. ROLL CALL

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

Member Absent: Howard Glass, Commissioner

Also Present: Marlene E. Kittock, City Clerk
Alan Brixius, Northwest Associated Consultants
Betsy Stolf, City Council, Liaison
Vince VanderTop, City Engineer, Wenck Associates, Inc.
Scott Dornfeld, Building Official

3. ELECTION OF OFFICERS

A. Oath of Office – John Beussman

The Oath of Office was administered to John Beussman

B. Oath of Office – Lars Impola

The Oath of Office was administered Lars Impola

C. Oath of Office – Leon Zeug

The Oath of Office was administered to Leon Zeug

D. Election of Officers

1. Chair

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Motion by Lars Impola, seconded by John Beussman to nominate Jon Krieg, as Chairman of the Planning Commission. Motion carried; Jon Krieg abstained.

2. Vice Chair

Motion by Steve Williams, seconded by Lars Impola to nominate David Kenison as Vice Chairman of the Planning Commission. Motion carried; David Kenison abstained.

3. Secretary

Motion by Lars Impola, seconded by John Beussman to nominate Leon Zeug as Secretary of the Planning Commission. Motion carried; Leon Zeug abstained.

4. APPROVAL OF AGENDA

Motion by John Beussman, seconded by Lars Impola, to approve the agenda with the additional items: (1) request from Larry Palm, Ace Properties, for a one year extension of filing the plat, Delano Retail; (2) and a verbal report by Jon Krieg regarding the latest developments from the Highway 12 Aesthetics Committee Motion carried.

4. MINUTES

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

Motion by Steve Williams, seconded by Jon Krieg to approve the minutes of the Delano Planning Commission meeting of December 8, 2008. Motion carried; John Beussman and Leon Zeug abstained.

5. PUBLIC HEARING

C. Consider a request from the Delano American Legion for Conditional Use Permit as regulated by City Code Section 51.23 Subd. D3 for outdoor dining facilities for property located at 200 Babcock Boulevard.

Alan Brixius reviewed his report dated February 4, 2009, regarding the Delano American Legion request for a conditional use permit to allow for outdoor dining, accessory to a restaurant, at 200 Babcock Boulevard and is zoned B-4 (Central Business District).

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Recommendation for approval of the conditional use permit is subject to the following conditions: a revised site plan identifying location of tables that denotes a minimum pedestrian aisle width of three feet, a handicap ramp shall be redesigned consistent with handicap accessibility standards, the revised site plan include a gate and signage at the landing area of the handicap ramp to secure and control ingress egress from outdoor dining, all exterior lighting shall be hooded and at a 90 degree angle, and the applicant shall obtain a building permit prior to approval. These recommendations are found in the Planners Report No: 432.07-09.02.

Dale Elijah stated that the fencing for the motorcycle area is removable to allow for snow plowing during winter months. Mr. Elijah also stated that the actual table and chair design has not been approved by the board, due to the fact that the Legion Construction Committee is reviewing various styles that would be heavy enough to withstand minimum wind gusts.

David Kenison inquired if this application affected the Delano American Legion's liquor licensee status. Alan Brixius and Marlene E. Kittock stated that in order for the American Legion to pursue this concept a Conditional Use Permit would need to be approved by the City Council.

Motion by Leon Zeug, seconded by John Beussman to open the public hearing to consider a request from the Delano American Legion for Conditional Use Permit as regulated by City Code Section 51.23 Subd. D3 for outdoor dining facilities for property located at 200 Babcock Boulevard. Motion carried.

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

Motion by Steve Williams, seconded by Lars Impola to close the public hearing. Motion carried.

Motion by David Kenison, seconded by John Beussman to recommend approval of the request from the Delano American Legion for Conditional Use Permit as regulated by City Code Section 51.23 Subd. D3 for outdoor dining facilities for property located at 200 Babcock Boulevard subject to the terms and condition as listed within the planner's report dated February 4, 2009. Motion carried.

- B. Consider a request from Doug Portman, d/b/a Modern Molding for Site and Building Plan Review as regulated by the City of Delano's Zoning Code Section 51.02, Subd. F Conditional Use Permit as regulated by City Code Section 51.03, Subd. F for parking standards and**

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**Conditional Use Permit as regulated by City Code Section 51.03, Subd. J
for grading, drainage, land fill and excavation for property located at
796 – 7th Street South.**

Alan Brixius reviewed the Planners Report regarding the request from Doug Portmann, Modern Molding Inc., for a site and building plan review, an administrative permit for parking deferment, and a conditional use permit for grading, drainage, land fill and excavation for property located at 796 7th Street South. A proposed addition of 6,140 square feet and a parking lot expansion enlarged to accommodate 62 spaces. The building expansion and proposed use is compatible with the City's Comprehensive Plan and Zoning Code.

Staff recommends approval of the site and building plan review, administrative permit, and condition use permit with the following conditions:

Site & Building Plan:

1. New access point onto County Rd 17 will require Wright County permit approval.
2. Trail replacement must be coordinated with the construction for the new driveway access.
3. The applicant is coordinating modifications to the electrical service with Delano Municipal Utilities (DMU). All modifications shall meet the requirements of DMU.
4. An additional hydrant must be located near the southwest curb cut. All fire protection, including the installation of any new hydrants shall be coordinated with the Delano Fire Chief.
5. The capacity of the drainage swale along the south property lines must be maintained.
6. A maintenance agreement must be coordinated for the underground storage pipe, which outlines access, management of inspection and routine maintenance. If the pipe is not maintained, the agreement shall allow the City to perform maintenance and assess the associated costs to the property. This agreement must be recorded with the County Recorder.
7. A pavement section is required for the parking lot indicating a nine (9) ton section accommodating anticipated truck traffic.
8. Retaining wall details must be provided which include any required fencing and is subject to the review and approval by the City Engineer.

Administrative Permit – Proof of Parking:

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1. Parking will not be allowed anywhere but striped areas. If it is observed that parking is occurring on non-striped areas or on public streets, the additional construction of parking will be mandated.
2. All future parking must meet ADA requirements.

Conditional Use Permit – Land Fill in excess of 400 cubic yards

1. A description of the source, type and the final calculated amount of fill material to be placed upon the premise.
2. The dates and highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried. Access will be restricted to County highways and local streets 7th Street South and Johnson Drive until construction is completed, subject to the review and approval of the City Engineer.
3. Erosion control measures which will control the suspended sediments that may leave the site.
4. Hours of operation shall be limited to 7:00 AM to 6:00 PM, Monday through Saturday.

All recommendations are found in Planners Report No: 432.07 09.01.

Commission discussion began with Leon Zeug questioning the low point on CSAH 17. Vince Vander Top stated he did not have specific information and did not conduct an analysis of the entire sub-district storm water area. Vander Top reviewed a scenario that would indicate how the storm water would make its way to the ditch and culvert under CSAH 17. Zeug continued asking if a tail water effect was possible; Vander Top indicated that was a valid concern. Zeug asked regarding the water quality standard and if the city had a standard in place. Vander Top stated outside of the NURP standards, he could not identify any total suspended solids and water quality standards for the city. Vander Top stated that the City currently does not have a standard and returned the question of what standard does the City want to hold the developments to. Zeug stated that since there are standards for other facets of development, this issue should be reviewed.

Lars Impola and Jon Krieg also discussed the location and the proximity of the relocated access along CSAH 17. Impola requested that the County Highway Department carefully evaluate this access point.

John Beussman questioned if the property owners within 350 feet were all noticed; Marlene Kittock informed Commission that all property owners were notified two weeks prior to the Public Hearing notice.

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Steve Williams asked if there was any regulation regarding the percentage of impervious or green space. Alan Brixius indicated that the city does not have a minimum lot coverage standard.

Motion by John Beussman, seconded by Steve Williams to open the public hearing to request from Doug Portman, d/b/a Modern Molding for Site and Building Plan Review as regulated by the City of Delano's Zoning Code Section 51.02, Subd. F Conditional Use Permit as regulated by City Code Section 51.03, Subd. F for parking standards and Conditional Use Permit as regulated by City Code Section 51.03, Subd. J for grading, drainage, land fill and excavation for property located at 796 – 7th Street South. Motion carried.

Karl Ludescher, partial owner of 8520 County Road 17 SW, addressed his concerns to the Commission. He questioned why the entrance was being changed and if the speed limit would be changed to accommodate the access relocation. If the truck entrance and exit location would affect the speed limit. What the reason was for the relocation of truck access. He requested the setback distance to his property. Due to previous situations regarding the air handling unit noise and odor, how this would be addressed due to expansion. Mr. Ludescher continued by questioning the screening of the property from residential property; due to Pines that seem to have lower branches and loose needles easily, he suggested arborvites. He questioned the use of the retaining wall; he preferred a solid wall with either a rail or fence attachment to aid in noise, odor and outdoor lighting control. Possibly utilizing a motion control sensor or timing device for access and lighting to the building during evening hours. Mr. Ludescher expressed his appreciation for the consideration for storm water control that was shown by the City Engineer and Planning Commission. These concerns were an accumulation from the property owners of 8520 County Road 17 and reiterated to the Commission by Mr. Ludescher.

Alan Brixius answered the setback is 37 feet from the property line plus an additional 30 feet of City Right-of Way to the residential address in question, and the proposed building will be about 11 feet higher than the Ludescher property.

Richard Lavelle, Reprise Design representing Modern Molding, stood to address some of Mr. Ludescher's concerns; Mr. Lavelle clarified that the noise and odor were being addressed as part of the new expansion. The proposed HVAC for the building will clean the air before it exits the building also decreasing approximately 80% of the noise issue. The County had given its preliminary approval of the new truck access location, but will review this issue again with them before the final permit is issued. Mr. Lavelle noted that Colorado Spruce and Black Hill Spruce have a better chance of not losing its needles and can grow

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higher and faster than arborvitae. He agreed to revisit the retaining wall issue, and will go with the recommendation of Modern Molding.

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

**Motion by John Beussman, seconded by David Kenison to close the public hearing.
Motion carried.**

Lars Impola stated that the access at the new location is not the best in his opinion. Alan Brixius indicated that the truck traffic would be limited to access on and off of 7th St. South only and not the CSAH 17 location. John Beussman stated he drives this route everyday and has not noticed an increase in truck traffic.

Jon Krieg questioned the spacing of the trees; Alan Brixius would follow up on the appropriate spacing.

Motion by John Beussman, seconded by Jon Krieg to recommend approval of the request from Doug Portman, d/b/a Modern Molding for Site and Building Plan Review as regulated by the City of Delano's Zoning Code Section 51.02, Subd. F Conditional Use Permit as regulated by City Code Section 51.03, Subd. F for parking standards and Conditional Use Permit as regulated by City Code Section 51.03, Subd. J for grading, drainage, land fill and excavation for property located at 796 – 7th Street South subject to the planner's report dated February 4 and the City Engineer report dated February 3. Motion Carried 5-1 Leon Zeug opposed.

Planning Commission would request Council to consider establishing storm water quality standards for the City of Delano for new developments and expansions to current structures.

The commission took a five minute recess.

- C. Consider a request from the City of Delano to consider two text amendments to Delano's Zoning Code 51.03, Subd. C. 3 a General Building and Use Provisions; and 51.03 Subd. C: Establishing Minimum Standards regarding Metal Roofs.**

Alan Brixius reviewed two reports regarding the text amendments to Delano's Zoning Code 51.03, Subd. C. 3 a General Building and Use Provisions; and 51.03 Subd. C: Establishing Minimum Standards regarding Metal Roofs.

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The first text amendment regarding the deletion of the statute reference of manufactured home was discussed in November 2008. The second amendment creates performance standards for metal roofs that would require them to be seamless, manufactured of high quality and treated to protect from degradation. In residential zone areas the ordinance would prohibit metal, of any kind, as a primary façade material with the exception of steel or aluminum lap siding including for trim and accent purposes. The limitation of metal as a primary façade material, with the exception of steel or aluminum lap siding, includes accessory structures as well.

- D. Motion by Steve Williams, seconded by John Beussman to open the public hearing request from the City of Delano to consider two text amendments to Delano's Zoning Code 51.03, Subd. C. 3 a General Building and Use Provisions; and 51.03 Subd. C: Establishing Minimum Standards regarding Metal Roofs. Motion Carried 6-0**

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

Motion by John Beussman, seconded by David Kenison to close the public hearing. Motion Carried 6-0.

Motion by John Beussman, seconded by David Kenison to recommend approval both text amendments to Delano's Zoning Code 51.03, Subd. C. 3 a General Building and Use Provisions; and 51.03 Subd. C: Establishing Minimum Standards regarding Metal Roofs. Motion Carried 6-0. Motion Carried 6-0

Lars Impola inquired how this information would be distributed to the general public. Scott Dornfeld, City of Delano Building Official, stated that before work begins a permit would need to be pulled and at the time would be notified. The ordinance is also published in local papers and is available on the City's website.

6. NEW BUSINESS

- A. Discuss Signage Improvements at 3rd Street SW and Savanna Trail / Prairie Creek Drive.**

Vince Vander Top reviewed with the Commission the discussion of Tuesday, February 3, 2009 Council meeting, a request from residents located near the intersection of 3rd St. SW and Savanna Trail that the stop sign be relocated to stop traffic traveling along 3rd St. SW instead of Savanna Trail; residents were also be in favor of a four way stop.

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The Public Safety Committee was also asked to re-evaluate this intersection. A quorum was not available at the time of discussion. Bob Van Lith, Chief of Delano Fire Department, requested the City Engineer utilize their traffic engineers for a review and recommendation; their recommendation was to leave the signage that is currently in place.

Jon Krieg stated from the traffic counts that were conducted that the average traveled speed in this neighborhood was under the 30 mph posted limit. Most of the people traveling in this neighborhood are the residents that reside there and are aware of the number of children in the area, bus stops, and location of play areas. National Night Out is a viable option to inform the community of the speed issue and traffic controlled intersections. Jon Krieg requested a review of the current crosswalks in this area and if they adhere to the MnDOT Road Design Manual, MMUTCDI.

Vander Top suggested a possible option using a non-enforceable speed limit sign. This signage is being used in other communities which alert drivers that they are entering a residential neighborhood and a reduced speed limit of 30 mph. Vander Top supplied the Planning Commission with a aerial map which showed the location of traffic controlling signs within the Westridge Hills development. Vander Top referred to the MMUTCD manual which lists the warrants and justification of traffic signage placement.

Vander Top requested clarification regarding the procedure for residents to submit their concerns. Lars Impola, Jon Krieg and Steve Williams all stated that this issue should be brought to the Public Safety Commission. Leon Zeug respectfully acknowledged Council's request for Planning Commission's recommendation.

John Beussman requested access to the traffic engineer's expertise for recommendations regarding traffic control signage of future developments.

B. Review request for Larry Palm for a one year extension for the Ace Property Plat on US highway 12 and Seventh Street South.

Marlene E. Kittock, City Clerk stated that Staff had received an email dated February 5, 2009 from Larry Palm, Ace Properties, for a one year extension for filing the plat to be known as Delano Retail. This is the commercial development project on the corner of US Highway 12 and 9th Street. Staff is recommending approval for the extension request.

Motion by John Beussman, seconded by Leon Zeug to recommend approval from Larry Palm of Ace Properties for a one year extension for the filing of the plat to be known as Delano Retail. Motion carried.

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C. Jon Krieg's update of the Highway 12 Aesthetic Committee Meeting.

Jon Krieg stated that he has been appointed by the City Council to participate on the Highway 12 Aesthetic Committee and is available for suggestions or comments regarding the landscaping, screening, signage and entrance monuments along the Highway 12 corridor.

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

There being no further business to discuss the regular meeting of the Delano Planning Commission of February 9, 2009 was adjourned at 9:45 p.m.

Motion by John Beussman, seconded by David Kenison to adjourn the regular meeting of the Delano Planning Commission of February 9, 2009 at 9:45 p.m. Motion carried.

Jon Krieg, Chairman

Leon Zeug, Secretary

ATTEST:

Marlene E. Kittock, City Clerk