

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

1. CALL TO ORDER

The chairman, Jon Krieg called the Regular meeting of Monday, December 14, 2009, to order at 7:00 p.m.

2. ROLL CALL

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

Members Absent: John Beussman, Commissioner

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

3. APPROVAL OF AGENDA

Motion by Lars Impola, seconded David Kenison to approve the agenda of the December 14, 2009 meeting as presented. Motion Carried 6-0.

4. MINUTES

- A.** Minutes of the Planning Commission meeting from Monday, November 9, 2009.

Motion by Steve Williams, seconded by David Kenison to approve the minutes of the Regular meeting of Monday, November 9, 2009 as submitted. Motion Carried 6-0

5. PUBLIC HEARING

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- A. Consider a request from Marc Gillet owner of the property dba MAJG LLC, of the property located at 901, 903 and 905 Babcock Boulevard, for a Conditional Use Permit for an Automobile and Truck Repair Business (including body shops) for the properties legally described as Exhibit A to the City of Delano (PID Number 107500-131201) in accordance with the City's Zoning and Land Use Code Chapter 51.21, Subd.D.1.**

Alan Brixius reviewed his report dated December 9, 2009 regarding the request from Marc Gillette of MAJG LLC for a conditional use permit to allow the property located at 901, 903, and 905 Babcock Blvd in Delano for an auto repair business. This commercial site was originally developed with the Township under County zoning and subsequently annexed into the City. As such the building and site exists as non-conforming in that it does not meet a number of the City's performance standards. The conditional use permit is an alteration of this non-conforming use that will require the property to satisfy a number of city performance standards to allow for the new use. The site is zoned B-2 which allows automobile and truck repair by a Conditional Use Permit. The site is approximately 41,500 in area fronts both 7th and Highway 12. Both sides and rear yard setback are compliant with city zoning codes, however with the re-alignment of 7th St. S. the front yard setback is only 28.2 feet instead of the required 30 feet. The site has compacted gravel parking lot which is surfaced with bituminous. A B-612 curb is shown along the west, north, and south boundaries of the lot with a surmountable curb along the east parking lot edge. This curbing is intended to accommodate future parking lot expansion without the need to replace the curb. The applicant must demonstrate that the building offers proper ventilation and emission control as part of the building inspection and certificate of occupancy. The applicant shall provide a plan for the proper disposal of automobile fluids including gas, anti-freeze, transmission fluids etc. None of these fluids shall be permitted to be disposed of through sanitary, storm or other storm drainage systems. NO outdoor storage shall be permitted on the premises other than customer automobiles awaiting repair. All operations and storage must occur within the building. The business may have an outdoor display of new merchandise or products equal to 15 percent of their tenant bay floor area. This would need to be identified on the site plan to demonstrate that the display area does not interfere with on-site circulation or parking.

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The proposed building has multiple tenants. The floor plans illustrate the historical use of the building with includes warehousing and trailer manufacturing, which are not allowed uses within the B-2 Zoning District. IN examining the City parking standards, shopping center parking standards will be applied to the building to accommodate existing and future uses of the building. Based on the floor area of 4563 sq ft the site needs 23 parking stalls and the plan indicates 31 with stall dimensions of 9 by 18 feet. The drive aisles are 24 plus feet which accommodates on-site traffic and building access.

No new landscaping is proposed. The applicant shall provide a plan for restoration of ground cover for areas not covered by parking lot, Staff recommends installation of some landscaping to help shield headlights glare into traffic on Highway 12.

The City Engineer's comments regarding the project are as follows: 1) the certificate of survey refers to 9th St. which should be corrected as 7th St. S, 2) best management practices should be implemented regarding water quality even through the pavement area is less than one acre, 3) two-thirds of the parking lot drains north and west to a proposed catch basin. A proposed catch basin is proposed in the curb line of 7th St. S. and shall be a minimum of 12inches in diameter, the material must be RCP or PVC SDR 35, and the catch basin should include a two foot sump top trap sediment from the parking lot. The remaining third of the parking lot drains to a proposed swale along the south property line. The swale drains to a flared end section and storm sewer system under 7th St. S. The connection is acceptable provide the graded swale includes a one foot deep depression to trap sediments, and the swale shall be seeded and protected from erosion. A sump pump maintenance agreement will need to be executed between Marc Gillet and the City. The survey appears to be missing dedicated easements; however Vince VanderTop has reviewed the dedication and is assured they exist. No changes are proposed in access or sanitary sewer or water connections.

No changes are proposed to the lighting and any future changes shall comply with Delano lighting standards.

Motion by Howard Glas, seconded by David Kenison to open the public hearing to consider a request from Marc Gillet owner of the

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property dba MAJG LLC, of the property located at 901, 903, and 905 Babcock Boulevard, for a Conditional Use Permit for an Automobile and Truck Repair Business (including body shops) for the properties legally described as Exhibit A to the City of Delano (PID Number 107500-131201) in accordance with the City's Zoning and Land Use Code Chapter 51.21, Subd.D.1. Motion Carried 6-0.

Marc Gillet was asked by the Commission to comment, to which he responded that he was okay with everything.

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

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

Leon Zeug questioned what the plan was to get rid of the auto fluids waste. Alan Brixius stated that the Building Official or the Fire Chief would be able to assist that item.

Since this is a winter project it was suggested to add one additional item to the list of recommendation and that being acceptable security for the parking lot improvements to allow for that construction to occur by June 30, 2010.

Motion by Howard Glas, seconded by Jon Krieg to recommend approval of the request from Marc Gillet owner of the property dba MAJG LLC, of the property located at 901, 903, and 905 Babcock Boulevard, for a Conditional Use Permit for an Automobile and Truck Repair Business (including body shops) for the properties legally described as Exhibit A to the City of Delano (PID Number 107500-131201) in accordance with the City's Zoning and Land Use Code Chapter 51.21, Subd.D.1. subject to the terms and conditions of Planners report dated December 9, 2009 and with an extra condition of receipt of security for the improvements to the parking lot to insure construction of the concrete curb and gutter and blacktopping. Motion Carried 7-0.

The commission discussed the Dynaminc sign item before the WECS Ordinance due to the attendance of the people in the audience.

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- B. Consider a request from the City of Delano to amend Section 51.01 Subd. B 2 "Definition" by adding definitions for Wind Energy Conversion Systems (WECS), Section 51.03 Subd. O by adding standards, performance, and procedure regulations for installation and operations of Wind Energy Conversion Systems (WECS), Section 51-05 through Section 51.31 by adding text language that regulates Wind Energy Conversion Systems (WECS).**

Alan Brixius reviewed his report dated December 8, 2009 regarding Wind Energy Conversion Systems (WECS). At the November Planning Commission meeting, additional information was requested regarding comments for the City's General Manager of the Delano Municipal Utilities, enhanced images that illustrate possible visual impacts with the addition of WECS in various zoning districts of the City. Alan Brixius also prepared a draft WECS ordinance for Planning Commission discussion.

Hal Becker's, General Manger of Delano Municipal Utilities comments were reintegrated within the report. First issue of setback – the Hal Becker pointed out that there have been wind turbines that have collapsed in high winds or due to mechanical malfunctions. As such it was suggested that there be a required setback equal to at least the total height of the tower from all buildings and parking lots on the same parcel. Further information on wind turbine failure can be found by searching "Google" or "You tube" using the search words "wind turbine failure".

The City Utility is required to buy back excess power generation from residential wind turbines. It is not required to purchase excess power generated from commercial-type turbines, but this can be negotiated between the two parties.

A City Utility is required to provide utility service to all its residential, commercial and industrial consumers whether they have a WECS or not. As such, the Utility may end up competing with WECS and potentially losing money to these private systems.

Hal Becker does not believe that roof mounted systems are efficient and cost effective.

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Alan Brixius staff prepared four enhanced pictures of a WECS of 150 foot high against the water tower sky line, a 300 foot high against the water tower sky line, a 150 foot one against the United Methodist Church and cell tower sky line, and a 300 foot high one against the United Methodist Church and cell tower sky line.

Howard Glas inquired as to how WECS failures compare to other forms of power generation failures i.e. coal, nuclear, etc. He agrees that accidents regarding tower collapse and blades breaking away and ice throws events are a concern. What is the spacing between towers on a wind farm scenario?

Commission discussing was held regarding protection of neighboring properties as well as structure on site.

Dale Vanderlinde of 409 Buffalo St. stated that he viewed the "runaway wind mill" that was being aired on "You Tube" and he indicated that they incident was allocated in Germany. Dale Vanderlinde questioned if a bond or security could be posted should a WECS be abandoned and the owner no longer has the equity to remove the structure.

Alan Brixius stated he would research answers regarding structural engineer certification standards for building code related questions, frequency of failure, separation standards between WECS, Internal – on site separation requirements, long term bond or security for abandonment and removal, and Electromagnetic interferences issues and standards.

Steve Williams stated that the 300 foot high WECS did not seem feasible in the existing corporate limits of the City; he was not as strong on the greater setback issues for on-site structure but definitely the property line setbacks. They only existing areas might be near the old BMI lot in the industrial park, or the school campus or central park areas of the city.

Howard Glas stated that once a WECS is constructed in the rural areas of a community you don't even notice them anymore that any other structure

The consensus of the Planning Commission was to continue this discussion for one more month.

6. NEW BUSINESS

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7. OLD BUSINESS

A. Continued discussion establishing standards and regulations regarding computerized message boards.

Alan Brixius reviewed the Planners Report dated December 9, 2009 regarding potential amendments to the Sign Ordinance to include Dynamic Signs definitions, performance standards and regulations. Due to the growing popularity of dynamics signs and computerized message boards, the Planning Commission has been studying information relevant to the use operation and regulation of dynamic signs. The Planning Commission has received public testimony and written information from Daktonics supporting the use of dynamics signs. At the November Planning Commission meeting ordinances from other cities were reviewed and decided that the city should continue to permit dynamic signs but establish regulations that allow for uniform and reasonable use of this technology. The commission previously discussed the appropriate zoning districts where dynamic signs may be allowed. The B-2 and B-3 were viewed acceptable locations. The B-4 CBD District and B-W are located in the historic downtown areas of the City, thus the Planning Commission requested comments from Delano's Historical Preservation Committee. The comments received from the December 7th HPC were to prohibit dynamic signs in the B-4 and B-W as there is no historical relationship with the CBD architecture and community goals. The HPC would recommend allowing these types of signs along the Highway 12 corridor provided that messages are not allowed to flash and the photometric levels were muted and not brilliant. The HPC also expressed concerns that scrolling message are more distracting has these type of message boards hold the motorist attention more so than other types of messages. Within the residential districts and the B-1 District it may be acceptable for schools and churches and public building provided protections are established mitigating nuisance glare to adjoining residential properties.

Staff is recommend limiting dynamic signs to one sign per property and it must be integrated within the freestanding sign allotment. A hundred percent of the freestanding sign area may be a dynamic sign. Setback for these type of signs should be exactly the same as currently exists in the code.

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The Planning Commission requested additional information in the definition and differences between motion, animation and video signs.

Adam Skare of Daktronics was present at the meeting. He demonstrated dynamic sign which he bought with him. The Planning Commission recess outside the building in the parking lot in order to view the presentation.

Adam Skare reviewed the various types of technology, the automatic dimming using a photocell that adjust the light based on .2 foot candles above ambient light. The presentation included examples of flashing, animation, video, motion frame effects, static images and message hold times. Studies have been conducted on the effects of dynamic signs and distraction of traffic and nothing has ever been proven.

Betsy Stolfa expressed a concern that with multi tenant buildings that each of the tenants may want their own space and their own dynamic sign which may add to the confusion of the site.

John Tackaberry expressed his concern regarding the late day notice of the meeting. Staff explained that a notice for public comment was circulated through the Chamber email support system. At this time Planning Commission and staff are still soliciting for public comments and that a formal public hearing of a draft ordinance will still need to be published and posted for a future meeting of the Planning Commission. Commissioner discussed various means to get the word out to the public and business community for additional comments.

Consensus of Planning Commission was not to allow for flashing type message in any district. Animation message would be allowed with a one second hold time. For signs located in residential districts that may be used by churches and school a monochrome amber scenario should be used.

John Tackaberry stated that the existing code had enough regulation within it and this discussion was unnecessary. He did say that he learned that dynamic signs have a dead site zone area and they are not as visible to the traffic as he had originally thought.

The Planning Commission thanked Adam Skare of Daktronics for his input time and on-site demonstration.

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Alan Brixius stated he would take these comments and incorporate them into an draft ordinance for preliminary review of the commission next month with a public hearing being schedule for the February meeting date.

8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATIONS

9. COMPLIANCE WITH COMPREHENSIVE PLAN

10. ADJOURNMENT

There being no further business to discuss the Regular meeting of the Delano Planning Commission of Monday December 14, 2009 was adjourned at 9:10 p.m.

Motion by David Kenison, seconded by Steve Williams to adjourn the regular meeting of the Delano Planning Commission meeting of Monday, December 14, 2009, at 9:10 p.m. Motion Carried 7-0

Jon Krieg, Chairman

Leon Zeug, Secretary

Attest:

Marlene E. Kittock City Clerk