

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, April 12, 2010
7:00 PM**

1. CALL TO ORDER

The Chairman called the regular meeting to order of the Delano Planning Commission of Monday April 12, 2010, at 7:01 p.m.

2. ROLL CALL

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

Also Present: Marlene E. Kittock, City Clerk
 Carie Fuhrman, Northwest Associated Consultants,
 Jamie Madson, Audio Technician.

Members Absent: Betsy Stolfa, Council Liaison

3. APPROVAL OF AGENDA

Motion by John Beussman, seconded by Leon Zeug, to approve the agenda of the Regular meeting of the Delano Planning Commission of April 12, 2010 as submitted. Motion Carried 7-0

4. MINUTES

- A. Minutes of the Planning Commission meeting from March 8, 2010.**

Motion by Howard Glas, seconded by Lars Impola to approve the minutes of the Regular meeting of the Delano Planning Commission of March 8, 2010. Motion Carried 7-0

5. PUBLIC HEARING

- A. Consider a request from the Crow River Bank of Delano for a variance to allow more than 10% of the exterior wall to be**

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**finished with metal as regulated by City Code, Section 51.21,
Subd. H, for property located at 710 Babcock Blvd E, Delano, MN.**

Carrie Fuhrman reviewed the Planners Report dated April 7, 2010 regarding the variance request by the Delano Crow River Bank for an exception to the City of Delano Zoning Code reference to: acceptable materials to the exterior building elevation standards of brick, dimensioned stone, rock, faced block, decorative concrete panel, architectural concrete block, cast-in-place concrete, stone, stucco, wood, or glass in an amount of not less than 90 percent. The remaining 10 percent can be other materials. The Crow River Bank, 710 Babcock Blvd E., has submitted an application to replace the existing cedar channel board siding with a 24 gauge recycled metal (steel) covering. The rough calculation of the percentage of steel material is proposed to be on the south elevation 37%, east elevation 14%, north elevation 11% and west elevation 16%. Therefore the proposal does not meet the code requirement of no more than 10 percent. The reason for the change in exterior materials is to replace a wood finish that has become deteriorated due to environmental and extensive exposure to the south sun. The metal finish material is intended to resemble the existing wood finish in color, while establishing a more desirable maintenance free siding.

Staff brought this concept to the Planning Commission attention previously in March in order to obtain direction whether to pursue a variance or a text amendment instead. The application does not meet the specific criteria for a variance; if strict enforcement were maintained there is no undue hardship that is unique to the individual property prompting a variance.

The Planning Commission and City Council conceptually agreed that the change of building materials, replacing the painted wood with the suggested metal finish, could maintain the same color and configuration of the eaves. The masonry building with either cedar or metal finishes has only architectural accents. The bank building is custom designed and unique with its roof design and overall appearance. Staff explained two suggestions: Option A is to deny the request and instruct the applicant to seek alternative materials, Option B is to simply grant the variance. Should the Planning Commission choose Option B the following findings would need to be declared: 1) the bank's design components are attractive and have a quality site design, 2) the City encourages maintenance and durable structures in the commercial districts, 3) the bank has a unique and unusual roof and eave design compared to neighboring local contemporary commercial buildings, and 4) metal finishes are not prohibited with the B-2

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zoning district. The unique custom architecture justifies the additional façade percentages of metal.

Variance procedures are difficult to apply to this request with the architectural flexibility as presented in this case. The City may grant the variance based on unique hardships associated with the bank's building architecture and maintenance needs; thus would limit the variance to the location exclusively. However, if the City believes that there may be similar request in the future, Staff would then recommend a text amendment to allow an exception to the B-2 exterior building elevation by a Conditional Use Permit providing the following conditions apply: 1) the building is existing and fully conforming to the B-2 standards, 2) the introduction of a metal finish is as a maintenance upgrade to replace a deteriorating exterior wall, 3) the metal finish is an architectural accent that replicates the original finish consistent with color, dimension and design, 4) the masonry exterior finishes remains the predominate finish of any exterior wall, and 5) the introduction of metal finishes preserves the appearance of the original building design.

Motion by John Beussman, seconded by David Kenison open the public hearing to consider a request from the Crow River Bank of Delano for a variance to allow more than 10% of the exterior wall to be finished with metal as regulated by City Code, Section 51.21, Subd. H, for property located at 710 Babcock Blvd E, Delano, MN. Motion Carried 7-0

Dwight Bacon, President and CEO of the Crow River State Bank, stated that the existing front façade canopy is deteriorating and unsightly thus giving a bad image of the structure. The metal façade is technically more improved than the existing cedar façade. The colorization of the metal will be the same color and finish plus it would be less labor intensive than wood.

It was noted that the adjoining building has a metal façade.

Jon Krieg inquired if the Bank had considered other types of materials in its investigation. Dwight Bacon stated that the 24 gauge steel was the material of choice.

The Chairman called for public comment three times.

None was heard.

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Motion by David Kenison, seconded by Jon Krieg to closed the public hearing. Motion Carried 7-0

John Beussman, Jon Krieg, and Lars Impola stated that the area of the bank to be replaced with metal looks more that a decorative roof than a side wall, thus making this building unique in design and character.

Amy Johnson stated that the Bank would be preserving the way it looks by making sure the metal had wood characterizations and the colorization was also identical.

Jon Krieg and Howard Glas wondered if a text amendment would have been a better route.

Leon Zeug stated that he was not convinced that metal verses wood maintenance reasons was clear enough to justify the change or variance.

Jon Krieg questioned if this was approved that Planning Commission could consider a text amendment at a future meeting. Jon Krieg also questioned who pays for the text amendment process.

Marlene E. Kittock stated typically the applicant pays for the application including a text amendment, however the Planning Commission could request that the City by way of being the applicant and thus would be paying for the application. Most of the work is already completed thus the cost would be minimal.

Motion by John Beussman, seconded by Lars Impola to recommend approval of the request from the Crow River Bank of Delano for a variances to allow more than 10% of the exterior wall to be finished with metal as regulated by City Code, Section 51.21, Subd. H, for property located at 710 Babcock Blvd East. Motion Carried 6-1, Leon Zeug opposed.

Motion by John Beussman, seconded by Amy Johnson to recommend that the city pursue a text amendment at the city's expense. Motion Carried 6-1, Leon Zeug opposed.

- B. (i) Consider amendments to Section 51.01 (Title/ Application/ Rules/ Definitions), Section 51.03 (General Provisions), and Section 51.21 (B-2, General Business District) of Chapter 51**

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(Zoning and Land Use Code) of the Delano City Code, in order to add pawn shops as a permitted use in the B-2 District; add definitions of pawnbroker and pawn shop; and add architectural design standards to all commercial buildings within the City.

Carrie Fuhrman reviewed the Planners Report dated April 7, 2010, regarding the text amendment to the City Code regarding Pawn Shops. The City enacted a moratorium on applications for Pawn Shops to allow Staff to review various issues. At the March Meeting, the Planning Commission discussed if the B-2 Business Zoning District would be the appropriate district to allow for Pawn Shops; the B-2 District has the highest architectural standards for buildings and this district is more highway-oriented in its location which may better suited than the other commercial districts. Based on the comments from that meeting, Staff has prepared two text amendments; these amendments would affect Chapter 51 (Zoning and Land Use Code) and Chapter 4 (Public Protection and General Licensing) of the City Code.

The amendment to Chapter 51 include the addition of a definition of pawnbroker, and Pawn Shop, the additional of architectural design construction standards to all commercial buildings – interior and exterior bars, grills, mesh, or similar obstructions, whether temporary or permanently affixed, shall not cover any exterior door or window area and the addition of Pawn Shops as permitted uses in the B-2 District.

The amendments to Chapter 4 are as follows:

- Add a definition for reportable transaction(s)
- Extend the pawn redemption period.
- Change the reporting to daily
- Require digital photographs for each item
- Require labeling of all reportable items
- License revocation if the business in inactive for 60 days

The draft ordinance was reviewed with the Wright County Sheriff's Office and mimicked the ordinance from St. Michael. The sheriff's office highly recommended this draft.

Motion by Howard Glas, seconded by Lars Impola to open the public hearing to consider amendments to Section 51.01 (Title/ Application/ Rules/ Definitions), Section 51.03 (General Provisions), and Section

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51.21 (B-2, General Business District) of Chapter 51 (Zoning and Land Use Code) of the Delano City Code, in order to add Pawn Shops as a permitted use in the B-2 District; add definitions of Pawnbroker and Pawn Shop; and add architectural design standards to all commercial buildings within the City. Motion Carried 7-0.

The Chairman called for public comment three times.

None was heard.

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

Motion by Howard Glas, seconded by John Beussman to recommend approval of amendments to Section 51.01 (Title/ Application/ Rules/ Definitions), Section 51.03 (General Provisions), and Section 51.21 (B-2, General Business District) of Chapter 51 (Zoning and Land Use Code) of the Delano City Code, in order to add Pawn Shops as a permitted use in the B-2 District; add definitions of Pawnbroker and Pawn Shop; and add architectural design standards to all commercial buildings within the City. Zoning Motion Carried 7-0

(ii) Amendments to Section 419.01 (Pawnbrokers) of Chapter 4 (Public Protection and General Licensing) of the Delano City Code will also be considered, in order to amend the existing regulations in regards to Pawn Shops.

Motion by Howard Glas, seconded by Jon Krieg to recommend approval of the Amendments to Section 419.01 (Pawnbrokers) of Chapter 4 (Public Protection and General Licensing) of the Delano City Code will also be considered, in order to amend the existing regulations in regards to Pawn Shops. Motion Carried 7-0.

6. NEW BUSINESS

There was none.

7. OLD BUSINESS

There was none.

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8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATIONS

There was none.

9. COMPLIANCE WITH COMPREHENSIVE PLAN

There was none.

10. ADJOURNMENT

Motion by John Beussman, seconded by David Kenison to adjourn the regular meeting of the Delano Planning Commission Meeting of Monday, April 12, 2010, at 7:55 pm.

There being no further business to discuss the regular meeting of the Delano Planning Commission of Monday, April 12, 2010, was adjourned at 7:55 p.m.

Jon Krieg, Chairman

Leon Zeug, Secretary

ATTEST:

Marlene E. Kittock, City Clerk