

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, May 16, 2011
7:00 PM**

1. CALL TO ORDER

The regular meeting of the Delano Planning Commission of Monday, May 16, 2011 was called to order by John Beussman, Secretary, at 7:00p.m.

2. ROLL CALL

Members Present: Howard Glas
 Lars Impola
 Amy Johnson
 John Beussman

Absent Jon Krieg
 Sara Beamish
 Leon Zueg

Also Present: Alan Brixius, City Planner, Northwest Associated Consultants
 Dale Graunke, Mayor and Council Liaison
 Marlene E. Kittock, City Clerk

3. APPROVAL OF AGENDA

Motion by Howard Glas, seconded Leon Zeug to approve the agenda for the Monday, May 16, 2011, Planning Commission meeting as submitted. Motion Carried 4-0

4. MINUTES

A. Minutes from Monday, December 13, 2010.

Motion by John Beussman, seconded by Amy Johnson to approve the minutes of the regular meeting of the Delano Planning Commission meeting of Monday, December 13, 2010, as submitted. Motion Carried 4-0

B. Minutes from Monday, April 11, 2011.

Motion by Howard Glas, seconded by Lars Impola to approve the minutes of the regular meeting of the Delano Planning Commission meeting of Monday, April 11, 2011, as submitted. Motion Carried 4-0

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5. PUBLIC HEARING

- A. Public Hearing to consider request for a Conditional Use Permit for a concrete product plant, building materials production and similar uses from B. Sleypen Properties LLC and Combined Aggregate Enterprises LLC for the property located near the intersection of Oak Avenue, Maple Avenue and Wallace Street; PID # 107-022-008030, # 107-022-016170 and # 107-500-111312.**

Alan Brixius reviewed the planners report dated May 12, 2011, regarding the request of B. Sleypen Properties LLC and Combined Aggregate Enterprise LLC. The balance of the site consists of large piles and buried waste granite from the old granite cutting industry. Chad Kestner is in the process of salvaging and selling the larger pieces of usable granite. The applicant needs to excavate and crush the granite into a useable product in order to remove the remaining waste and reclaim the site.

The site is zoned I-2 General Industrial which is reflective of the site's history and current conditions. This type of use is allowed by conditional use permit. Due to the site's close proximity to single family neighborhoods, Staff suggested that the crushing equipment be located within Cramer Park, west of the dike, providing separation between operating equipment and nearby homes. Trucks will be diverted north through the park to access River Street at County Road 30; this will reduce truck traffic through the residential neighborhoods and disperse some of the traffic away from downtown Delano. The Council is agreeable with this arrangement.

Within the 2002 Comprehensive Plan, this site was identified as a hazardous site and promotes the long range redevelopment of the remaining industrial uses in the CBD. The removal of waste granite will: (1) clean up the neglected and hazardous site, (2) make the property more viable for future park and riverside amenities, (3) provide additional flood storage, improve the levee and (4) provide a local cost effective source of granite aggregate for public and private projects. Staff agrees that this type of operation is necessary to clean up this site.

The CUP will introduce a temporary industrial operation within a close proximity to residential neighborhoods, the Central Business District, and Central Park; applicant will attempt to mitigate nuisance concerns and deal with complaints and concerns as they become apparent.

Hours of operation will be limited to 7am to 5 pm. Also the crushers will be moved onto city park property thus moving the noise further away. The use of on-site stock piles and dry

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van trailers will be positioned to assist in noise barriers along the property. The operation will maintain a water truck on site to control dust issues. By moving the crushing operation to the north into the park, a reduction in vibration should occur. MPCA, Wright County Soil and Water Conservation District and MnDNR area hydrologist have reviewed and outlined any issues related to working within the floodplain or shoreline areas. A positive response was received from the aforementioned entities as this project will remove past fill from the floodplain and restore the original grade and flood storage. The requirements include stormwater or production water has to be treated before returning to the river, erosion control on any exposed slope that drains to the river, and if river water is used in the production then a water appropriation permit is required from DNR.

The application has provided an excavation site plan with anticipated excavated depths. No grading or drainage or stormwater management plan has been provided. The applicant is unaware of the total quantities of granite. In discussion with the applicant it was agreed that the City Engineer will conduct site visits and define the operational stormwater management practices that must be in place with the excavation and crushing. This will address the issue of Wright County and MnDNR.

Additionally, once the granite is removed, the applicant wants to donate the site back to the City. The City must determine the plan for the site. The applicant will be required to restore the levee. The city may wish to expand the flood storage area and re-establish the dike rather than fill the site. As such, it is recommended that the City Engineer prepare the end use plan.

No additional landscaping is required as the site is fenced and surrounded by mature trees and vegetation. A plan for the granite crushing site is required which will include equipment locations, truck circulation and material stockpile(s). Additional security measures should be considered to prevent potential trespassing, vandalism and personal injury.

Vehicular access points shall create a minimal conflict and shall be subject to approval of the City Engineer. The current access passes through a residential area via Oak Ave and thus connecting the site to River St. To reduce the traffic impact on Oak Ave and River St, the applicant has submitted a site plan that would create a granite haul road through Cramer Park to access River St at Cty Rd 30; Staff has endorsed this plan.

The introduction of this use raises a number of concerns related to land use compatibility and environmental protection. In this regard, Staff recommends that this site have a regular inspection schedule to insure that excavation limits are being adhered to, proper erosion/sediment control/storm water treatment plans are in place, operational hours are

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adhered to, noise and dust issues are properly addressed, and residential issues are being addressed.

Staff has worked with the applicant in an effort to facilitate the operation, but also mitigates the potential nuisance and compatibility issues. Staff recommends approval of the CUP with the following conditions:

- 1) The granite crusher be relocated within Cramer Park and builds a haul road to River St at CASH 30. All haul trucks will exit via this haul road. The applicant will enter into a lease agreement for use of the park.
- 2) The applicant will restore the site per an end-use grading plan prepared by the City Engineer including the reconstruction of a flood dike.
- 3) The reclaimed site will be dedicated to the city as park lands.
- 4) The hours of operation will be restricted to 7am to 5 pm
- 5) The applicant will control dust.
- 6) The applicant will comply with the site improvement required by the City Engineer related to erosion control, sediment control, treatment of storm water, or operation water and vegetation control.
- 7) The applicant will submit a site plan for the crusher location that illustrates equipment locations, stockpiles, truck maneuvering and fencing. The crusher area shall be fenced and screened to prevent trespass, vandalism or personal injury.
- 8) The City Engineer shall conduct regular inspections of the site to insure compliance with the conditions of the CUP.

Chad Kestner of B. Sleyphen Properties LLC and Combined Aggregate Enterprises LLC, indicated that the crusher is a newer device and as such much quieter. Dale Graunke stated that he also walked the site today and he barely noticed the operation. Howard Glas requested a similar construction device that he could compare it to; the example given was the engines running at the Delano Municipal Utilities.

Howard Glas inquired as to the amount of granite spoils at the site. Chad Kestner indicated that they will start with the first 1 to 2 feet of top soil and go from there; however they may be as much as 1 to 2 million tons of spoils located here.

Alan Brixius indicated that years ago he walked the site and there were many sharp edges, cutting wire, tall stacked piles of granite. The site area also became a dumping site for other debris. Thus the fence was constructed to assist in securing the site.

The Planning Commission suggested adding the condition to clear the site of other illegally dumped items and debris.

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Chad Kestner indicated that they will sort thru everything and dispose of all unwanted items in a proper manner. Chad Kestner also said that he resides in Delano and he wants this project to be as appealing, helpful, and cooperative to affected residents.

Motion by Lars Impola, seconded by Howard Glas to open the public hearing to consider request for a Conditional Use Permit for a concrete product plant, building materials production and similar uses from B. Sleypen Properties LLC and Combined Aggregate Enterprises LLC for the property located near the intersection of Oak Avenue, Maple Avenue and Wallace Street; PID # 107-022-008030, # 107-022-016170 and # 107-500-111312.

Nancy Hasledalen, 409 Wallace Street N., wondered if the crusher and trailer had to be so close to their property. She said that sometimes the noise is very bad. Chad indicated that they put the trailer between the property line and crusher to assist with the noise concerns. As soon as the river water recedes and the mud dries up they will move further away from their property. Chad indicated that if the neighbors are having some sort of event to notify him and he will work within their time line. Nancy Hasledalen stated she understands that this is short term and that in the long run this will clean up this site and make it a positive amenity to the city.

Dale Hasledalen, 409 Wallace Street N., stated that this area has been a dangerous area and he has personally instructed several children to leave the site. He expressed concerns regarding the work being done and the effects that this may have on the levee. He understands that the existing dike was constructed in a limited time frame; questioning materials and inspections over 40 years ago. Alan Brixius stated that any modification to the dike will be under the direction of the City Engineer and in accordance with current engineering standards. Alan Brixius also stated that daytime time limits will be in place to assure that any noise issue(s) will occur during the day light hours and not into the evenings.

Scott Oberaiger, 417 Wallace Street, asked for clarification on the truck route. Also he stated that are a lot of dead trees along the river side of the dike due to many wash outs. There has also been a lot of debris that has been deposited on the site. This will be a great asset to the city once the cleanup and site restoration is completed.

Bernice Kittock, 515 River St. N. expressed concerns regarding the ditch in the rear of her property that alleviates and transfers the storm water toward the Central and Cramer Parks and leads to the Crow River. She inquired if this project would change the water patterns and cause water damage to the house downstream. Dale Graunke assured her that the city will include these properties in any studies and modification plans to the old granite works site and park sites by mitigating the storm water issues.

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Scott Oberaigner inquired as to the proposed amount of granite that may be removed. Chad Kestner indicated that the exact amount is unknown; they feel the amount may be as much as 1 to 2 million tons of granite.

**Motion by Amy Johnson, seconded by Lars Impola to close the public hearing.
Motion Carried 4-0.**

Alan Brixius suggested three additional conditions to the original recommendation: 9) proper disposal of trash and debris, 10) the temporary allowance of crushing closer to the residential area until the 4th of July and 11) the end use grading plan expense will be accepted by the applicant.

Chad Kestner expressed his concern regarding the blank open end of expense on the end use grading and restoration plan. He requested a slightly less strict interpretation as it is the intent to donate the reconstructed site back to the city as a natural wild life and park area with additional flood storage potential.

Howard Glas stated that he would like the site to be put back to a close as natural as possible with a stable slope.

John Beussman stated that he was not in favor of adding the cost or restoration completely upon the applicant since the proposal is to turn the site over to the city.

Lars Impola stated that possible the end use could include moving the dike inward and close to the floodway order to better modify the dike field that exists along County Road 30 and 17.

Planning Commission consensus was not to include number 11 in the recommendation.

Motion by Howard Glas, seconded by John Beussman to recommend the approval of the request for a Conditional Use Permit for a concrete product plant, building materials production and similar uses from B. Sleypen Properties LLC and Combined Aggregate Enterprises LLC for the property located near the intersection of Oak Avenue, Maple Avenue and Wallace Street; PID # 107-022-008030, # 107-022-016170 and # 107-500-111312, subject to the terms and conditions outlined in the planners report dated May 12, 2011 along with proper removal and trash and debris and the temporary crushing events closer to the residential area until the 4th of July 2011. Motion Carried 4-0

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6. NEW BUSINESS

There was none.

7. OLD BUSINESS

There was none.

8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATION

There was none.

9. COMPLIANCE WITH COMPREHENSIVE PLAN

There was none.

10. ADJOURNMENT

Motion by Lars Impola, seconded by Amy Johnson to adjourn the regular meeting of the Delano Planning Commission of Monday, May 16, 2011 at 8:00 p.m.

There being no further business to discuss the regular meeting of the Delano Planning Commission of Monday, May 16, 2011 was adjourned at 8:00 p.m.

Jon Krieg, Chairman

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John Beussman, Secretary

ATTEST:

Marlene E. Kittock, City Clerk