

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
October 10, 2011
7:00 PM**

1. CALL TO ORDER

Jon Krieg, Chairman, called the Regular meeting of the Delano Planning Commission meeting of October 10, 2011 to order at 7:00 pm.

2. ROLL CALL

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

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

3. APPROVAL OF AGENDA

Motion by Howard Glas, seconded Leon Zeug, to approve the agenda for the Delano Planning Commission meeting of October 10, 2011. Motion Carried 7-0.

4. MINUTES

A. Minutes of the Planning Commission from August 8, 2011.

Motion by Amy Johnson, seconded by Sarah Beamish to approve the minutes of the Monday August 8, 2011. Motion Carried 6-0-1, Jon Krieg abstained.

5. PUBLIC HEARING

A. Public Hearing to consider revocation of a Conditional Use Permit, which was approved by the City on May 17, 2011, for B. Sleyphen Properties LLC and Combined Aggregate Enterprises, LLC for the property located at and near the intersections of Oak Avenue, Maple Avenue and Wallace Avenue (PID # 107022-008030, 107022-016170, and 107500-111312).

The City Council has directed the Planning Commission to conduct a public hearing to consider the revocation due to non-compliance of the conditional use permit that was granted by the City on May 17,

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2011 to Combined Aggregate LLC and Sleypen Properties LLC (old Granite works site) for the reclamation and removal of granite from the site located at Maple and Oak Avenue which intersect with Wallace Street. Three exhibits were mentioned in the Planners Report: (1) an enforcement letter dated August 23, 2011, (2) a revocation letter dated September 22, 2011 and (3) an email dated October 6, 2011 from the applicant. City Staff and Mayor toured the site with Brandon Sleypen on October 5, 2011. Staff noted that a significant amount of granite had been removed; however, an extremely large amount still remained on site. The City wants to further facilitate the cleanup of the site; however, the complaints from the adjoining neighbors must be acknowledged and resolved prior to continue work; promises and protections had been offered to the neighboring residents which have not been met.

The applicant is obligated to construct and use a haul road route through Cramer Park to eliminate the truck traffic from the residential road known as Oak Ave. The applicant is willing to construct the road this fall. Fall construction is necessary to avoid next spring's flood issues. The applicant request that the City provide culverts. This item will need to be discussed further with the applicant and City.

By removing the truck traffic from Oak Ave, the current noise issue should be significantly reduced. The applicant is requesting that they may be allowed to keep the crushing equipment on site, stating that it is impractical and not cost effective to haul the granite into Cramer Park for crushing. The applicant is proposing to relocate the crushing equipment to the far northwestern corner of the site, away from the adjoining homes and to use the stock piles and equipment to screen the equipment from the homes. This may be an acceptable approach to shield the noise complaints.

Shifting all traffic to a new haul road and continuing to water the operations should also provide relief regarding dust control.

The applicant is willing to execute a park lease agreement and issuance of a performance bond.

Also noted, due to the spring flooding, this project had been greatly delayed.

Given the fact that the applicant is willing to work with the City, the Planning Commission opened the public hearing and to take comments; the public hearing will be continued to next month allowing the City and applicant time to work on the lease contract and any pending compliance issues.

Leon Zeug inquired as to how long before this project would be completed. The estimated time-frame is 2 to 3 years. There is no inventory of granite is currently on site, so it is completely unknown as to the exact depth of the mining operations.

John Beussman inquired as to the noise complaint as he recalled that Staff and Council had toured the site before approval had been granted and it had also been stated previously that noise was not an issue. Mayor Graunke stated that both statements were true, however the crusher had been moved away from the residential lots and the truck traffic was to be diverted to a new haul road. Mayor also stated that he

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had made many visits to the site before during and after the approval and had informed the applicants of the complaints.

Howard Glas asked to see the haul road location and graphics one more time so he could be clear of all approvals being requested.

Leon Zeug inquired as to the proposed hours of operation by the applicant; Brandon Sleyphen indicated that they have temporarily ceased crushing activities until spring due to flood water behind the dike had set the project way behind.

Motion by John Beussman, seconded by Lars Impola to open the public hearing to consider revocation of a Conditional Use Permit, which was approved by the City on May 17, 2011, for B. Sleyphen Properties LLC and Combined Aggregate Enterprises, LLC for the property located at and near the intersections of Oak Avenue, Maple Avenue and Wallace Avenue (PID # 107022-008030, 107022-016170, and 107500-111312).

Chad Kestner is no longer affiliated with Combined Aggregate. He indicated that he had been the spoke person during the application process, but now is responding as a neighbor who is also unhappy with certain operation issues.

Janet Sandquist, 76 Oak Avenue, stated that she felt the permit is not working as promised. There are operations going on until 2 to 3 in the morning, trucks going up and down Oak Avenue all day and night. She was happy that this area was going to be cleaned up, but the noise, dust and traffic cannot continue like this for 3 more years. Ms. Sandquist questioned why was this operation allowed to continue if it is not in compliance with the approvals? Alan Brixius stated that to revoke a conditional use permit requires the notice be mailed and published and that due process must be completed; which brings to the current purpose of tonight's meeting.

Brandon Sleyphen stated that the Oak Avenue entrance is not on his property but he believes he has an easement for right of use or access.

Sherry Zimmerman, 410 Oak Ave, stated that operation and noise did not end at 5 pm but started before dawn and end well past dusk. She also expressed concern that due to the size of the hole that now exists from the huge amount of granite has been removed, what the integrity of the dike is? Alan Brixius stated that the dike has not been touched at this point and that the City Engineer is watching this very closely.

Alan Brixius stated that they will do an inventory of all the businesses utilizing the Granite Works area and see how the tenants are accessing the site. John Beussman stated that maybe the other access point(s) to the back location have been blocked thus causing one to be more active than another.

Leon Zeug questioned what the resolution for enforcement could be at this time.

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Alan Brixius stated that the City Engineer will complete the final grading plan and use plan when the site is close to be mined of all the granite materials.

Jon Krieg stated that he was okay with firming up the conditional use permit allowances and granting a 30 day extension to the next Planning Commission meeting to get all the issues resolved.

Chad Kestner and Janet Sandquist questioned why it takes so long to enforce the condition use permit; Alan Brixius shared the process' timing and posting requirements that are required.

Brandon Sleypen stated that he only has the right of access easement at the Oak Ave entrance so he was not aware if he had the right to lock the gate at night without the landowner's approval and the other tenants' knowledge. Alan Brixius will work with Brandon Sleypen and the landowner regarding the access issue.

Motion by John Beussman, seconded by Leon Zeug to continue the public hearing to consider revocation of a Conditional Use Permit, which was approved by the City on May 17, 2011, for B. Sleypen Properties LLC and Combined Aggregate Enterprises, LLC for the property located at and near the intersections of Oak Avenue, Maple Avenue and Wallace Avenue (PID # 107022-008030, 107022-016170, and 107500-111312).

B. Public Hearing to consider a request from Will Haack of Wright Neighborhoods Properties LLC for the property located along St. Peter Ave and Burlington Northern Railroad (PID # 107087-000010) for rezoning from R-6 Medium Density Residential to R-8 High Density Residential District and also a Site Plan review.

Alan Brixius reviewed his planner's report dated October 6, 2011 regarding the request from Will Haack of Wright Neighborhoods Properties LLC for the property located along St. Peter Ave and Burlington Northern Railroad (PID # 107087-000010) for rezoning from R-6 Medium Density Residential to R-8 High Density Residential District and also a Site Plan review. In 2001, the City of Delano approved a rezoning, preliminary plat, and a conditional use permit/planned unit development for a 112 unit townhome development entitled Delano Crossing 2nd Addition for Bright Keys Development Corporation. This subdivision was final platted in phases of 44 lots in 2002 and 68 units in 2005. Most of the units have been developed for the 2nd and 4th additions; however the streets and utilities are the only improvements for the 5th addition.

Wright Neighborhoods LLC is acquiring the remaining undeveloped townhomes lots in the Delano Crossings 4th and 5th Additions and is seeking a change in land use and PUD design from the original approvals. In April 2011, they submitted a concept plan to gain feedback to determine whether to pursue the necessary development applications. The concept plan allowed the Planning Commission and City Council to provide preliminary comments on a proposed plan without any formal action. This concept

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plan proposed two changes: 1) The townhomes units along the north side of the ring roads have been changed from eight-unit row homes to two four-unit quadraminiums per building pad, 2) the applicant is proposing two three-story, 20-unit multi-family building at the east end of the Crossing Way ring road. Both the Planning Commission and City Council were supportive of the introduction of the high density housing into this neighborhood. The Council supported the Planning Commission's recommendation of relocating the market rate apartments from the northeast corner of the site to the area along St. Peter Street.

Since April, the applicant has been working on various housing designs for this plat, including the new quads, the elderly cooperative building, and eight-unit garage flats. The applicant is not prepared to submit a new preliminary plat and construction drawings; however, they wish to secure the needed zoning to have confidence to proceed with the next development stage.

The applicant has submitted recent concept plans that illustrate the intended land use and site design for consideration of the change in zoning. The applicant has submitted a request for R-8, High Density zoning for the entire site. In past correspondence with the applicant, Staff has indicated that the City would favor a rezoning to PUD District to accommodate the various housing designs, densities, and design flexibility needed to accommodate the project.

The City's Comprehensive Plan policies encourages the provision of diverse housing stock, addressing the changing needs of City residences (i.e. life cycle housing) and affordable housing alternatives. This need must be evaluated against the site location, size, and design to insure a compatible and functional land use pattern. The high density land use would be supported by the adjoining commercial and high density land use and zoning.

While Staff is recommending a PUD zoning for the site, staff will use R-8 Zoning District lot area per unit standards for multiple family and elderly housing. The proposed high density portions of the project meet City density standards.

The applicant is proposing two quadraminiums buildings to replace the original eight-unit back to back townhome building. This design feature provides each dwelling unit with two exterior walls. Some flexibility from the standard setbacks must be given. The plan provides a 12 foot setback from the street right-of-way and a 25 foot setback from back of street curb. This reduce front yard setback is necessary to provide a comfortable separation between the two buildings. The arrangement is acceptable and adequate to accommodate utilities, snow storage, and landscaping between the building and the street. Some driveways lengths are only 18 feet 5 inches due to their proximity to the street. Select locations may offer opportunities for slightly greater front yard setbacks to allow deeper driveway of 19 to 20 feet. The grading plan will require revision to demonstrate how the north quad building will be integrated into the berm along the north side of Area A. Subsequent development stage site plans must illustrate any proposed outdoor spaces such as decks or patios to understand how they will relate to site grading and drainage. The City will require a landscape plan at the development stage that will require screening of the

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railroad, typical foundation plantings, identification of outdoor living spaces and landscape treatments between the buildings. The tight setback may present concerns for snow removal and snow storage. The site, grading and landscape plans must identify snow storage locations. The applicant is proposing two car garages with each quad unit the minimum 440 (20 x 22 feet) for units with basements and 500 (22 x 25 feet) for units without are intended to accommodate the dwelling's parking and storage needs. Currently, the proposed garage sizes do not meet City standards. Each dwelling will also offer driveway parking for up to two cars. To supplement this parking, Staff recommends that the ends of the private streets be striped to accommodate additional guest parking. The original utility plan was not designed for this new design, so a new utility plan shall be required at development stage addressing the following requirements: 1) that each unit have separate water, meter and shot off valve and 2) each unit shall have separate sanitary sewer services.

In April 2011, the applicant's concept plan proposed a single 32-unit apartment building. The new concept divides these 32 units into four eight-unit apartment buildings. The purpose of this design change included the allowance to stage their investment and test the market with a smaller building. The applicant believes that the design and appearance of the smaller building present a more attractive transition from the larger elderly cooperative and the townhomes within the same neighborhood; the smaller building would also provide a more attractive living option with each apartment having two exterior walls with windows. The smaller building may be exempt from disability requirements, eliminating the need for an elevator.

The building in Area B meets the exterior setback standards of the R-8 District. The set back between buildings is adequate to City standards. The original townhome maintained a 50 foot setback from St. Peter Street. The new concept plan locates the eight-unit apartments 25 feet off of St. Peter Street. This reduced setback will introduce a two and one-half story building with 25 feet of the adjoining trail. The applicant has provided cross section elevations to give the City a perspective of how the buildings will appear along St. Peter Street. If the Planning Commission agrees with the reduced setback the following items will need to be addressed at development stage. A revised grading plan detailing rear yard drainage patterns will be required. Also a detailed landscape plan for the yards abutting St. Peter Street will be needed. The applicant is proposing two underground parking stalls for each apartment; each stall is properly dimensioned. Guest parking is proposed at the front of the building per City Code. Access would be provided by a shared driveway that will be established as a PUD District design component. The applicant has provided a general building floor plan and elevations. The proposed two bedroom apartments are approximately 1000 square feet in floor area, which exceeds city code. The building elevations must demonstrate that the combined wall areas of all exterior walls have at least 33 percent exterior finish of brick stucco or stone.

The applicant is proposing a 20-unit elderly cooperative located at the east end of Crossing Court. The building will require setback flexibility through the PUD District. The building appears to be encroaching on the 15 foot side yard setback and is within 15 feet of the rear lot line. It is believed that these reduced setbacks are acceptable. In addition, the construction is in close proximity to the wetland and the development stage grading plans must address erosion control and rear yard drainage. The building must

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be 55 year and older age restricted to qualify for the reduced parking. The proposed building plan shows 0 underground parking stalls. The building plan scale does not properly verify stall and drive dimensions; all interior parking must meet City Code. The applicant is proposing to utilize on-street parking for guest parking and a street cut out for building deliveries. The use of the on-street parking is another flexibility that must be approved with the PUD. The building floor plan and elevation details must be submitted illustrating exterior wall finishes properly scaled floor plans, location of mechanical equipment, and patios and/or decks.

In evaluating each individual area, we have identified specific issues related to grading, landscaping and utilities; these plans must also address the entire subdivision in order to proceed to development stage. The proposed development is changing the lot arrangements from the previous Delano Crossing plat. This will require a new preliminary and final plat and some utility easement vacations. As part of any future plat approval, the City will require the dedication of street right-of-way for Tiger Drive near the railroad crossing. Based on the new building location, alterations to the overall site grading will require a new master grading plan. A new utility master plan must be submitted that shows the new locations of sewer, water, storm sewer, electric and the removal of the unneeded in-place utilities. A detailed landscape plan indicating typical foundation plantings, location and treatments of decks and/or patios, screening along the railroad and screening along St. Peter Street will need to be submitted at development application. A park master plan subject to City approval that illustrates grading, fencing, access points, play equipment and landscaping must be submitted. Public Works and City Engineer have expressed concerns over the introduction of additional density to this site and the traffic impact on St. Peter Street. A traffic analysis of the anticipated traffic generation and its contribution to St. Peter Street will be required. This may require improvements to the Crossing Court entrance from St. Peter Street to accommodate additional turn lanes.

The applicant wishes to secure the needed zoning to accommodate their proposed land use prior to investing in more detailed development plans. The applicant has requested R-8 zoning, however this zoning does not allow for the flexibilities related to setbacks, parking, shared driveways, and townhome subdivision. Staff is supportive of the proposed development plan, but believes additional detail is required as this project proceeds to the development stage. Staff is recommending against the standard R-8 zoning and recommending approval of a zoning change to a PUD District following the general land use pattern and street layout of the concept plans for Willows at Delano Crossing, dated September 2011. The PUD Zoning District will accommodate the proposed housing, density, and design and allow the City to consider the requested flexibilities from City standards. However the City will reserve final development approval until PUD development stage to insure that the project will be properly designed to address the issues.

Amy Johnson questioned if the speed within the loop street could be lowered.

John Beussman questioned if there were enough guest parking spots and suggested signage for no on-street parking.

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Leon Zeug stated the 25 feet setback should be from property line and not back of curb.

Jon Krieg questioned if the project was getting a little more toward the heavier side with respect to density. He also questioned number of parking spaces and how this may overflow onto a narrow street. Krieg agreed that there should be a cause and effect traffic study for the project

Sarah Beamish questioned the applicant regarding the salability of this project. Is there really a market for these types of housing styles? Alan Brixius stated that these products are much more marketable than traditional housing

Lars Impola indicated that maybe some extra guest or over flow parking could be added as a duly parking lot with the play area.

Motion by John Beussman, seconded by Howard Glas to open public hearing to consider the request of Will Haack of Wright Neighborhoods Properties LLC for the property located along St. Peter Ave and Burlington Northern Railroad (PID # 107087-000010) for rezoning from R-6 Medium Density Residential to R-8 High Density Residential District and also a Site Plan review. Motion Carried 7-0.

Ted May, 916 Crossing Way, inquired about the exterior finishes; the applicant's reply was that they will be similar to what already exists in order to blend. Mr. May also expressed some concerns regarding on-street overflow guest parking.

Ed Briesemeister, 502 Elm Ave, stated he was affiliated with the project and indicated that their studies have shown that this is a good mix of types of housing.

Alan Brixius indicated that the Fire Chief and discussed the possibility that the loop road be signed one direction only. Staff decided to see what a traffic study would produce before making this requirement.

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

Motion by Leon Zeug, seconded by Sarah Beamish to close public hearing. Motion Carried 7-0.

Howard Glas indicated his pleasure with this design.

Motion by Howard Glas, seconded by John Beussman to recommend approval of request from Will Haack of Wright Neighborhoods Properties LLC for the property located along St. Peter Ave and Burlington Northern Railroad (PID # 107087-000010) for rezoning from R-6 Medium Density Residential to a PUD District and deny the request for a rezoning to R-8 High Density Residential

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District and also approve the Site Plan review subject to the terms and condition as outline within the planners report dated October 6, 2011. Motion Carried 7-0.

6. NEW BUSINESS

There was none.

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 further business to discuss the regular meeting of the Delano Planning Commission of Monday October 10, 2011 was adjourned at 8:55 p.m.

Motion by John Beussman, seconded by Jon Krieg adjourned the regular meeting of the Delano Planning Commission of Monday October 10, 2011, at 8:55pm.

Jon Krieg, Chairman

Attest:

John Beussman, Secretary

Marlene E. Kittock, City Clerk