

**MINUTES  
CITY OF DELANO  
PLANNING COMMISSION  
Monday, March 8, 2010  
7:00 PM**

**1. CALL TO ORDER**

The Chairman Jon Krieg called the regular meeting of the Delano Planning Commission of Monday, March 8, 2010, to order at 7:03 p.m.

**2. ROLL CALL**

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

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

**3. APPROVAL OF AGENDA**

**Motion by David Kenison, seconded by Leon Zeug to approve the agenda as submitted for the Regular meeting of the Delano Planning Commission dated Monday, March 8, 2010. Motion Carried 7-0**

**4. MINUTES**

**A. Minutes of the Planning Commission meeting from Monday, February 8, 2010**

**Motion by Amy Stewart, seconded by John Beussman to approve the minutes of the Regular meeting of Monday, February 1, 2010 as submitted with correction to a few typographical errors. Motion Carried 6-0-1 Howard Glas abstained**

**5. PUBLIC HEARING**

**There was none.**

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**6. NEW BUSINESS**

**A. General discussion regarding the application received from the Crow River State Bank of Delano regarding a text amendment to the general performance and building materials of the City of Delano Zoning Code to the façade of the facility.**

The B-2 General Business District contains exterior building elevations standards which require an average of the following materials – brick, dimensioned stone, rock faced block, decorative concrete panel architectural concrete block, cast in place concrete, stone, stucco, wood, or glass – constituting no less than 90 percent of the exterior wall façade of the buildings. This leaves 10 percent of the exterior wall façade for other materials.

Crow River Bank has submitted an application for a variance to this requirement. They are requesting to upgrade the look of their existing building located at 710 Babcock Blvd East by replacing the existing cedar channel board siding with a 24 gauge recycled metal (steel) covering.

The applicants s have not yet submitted a detailer calculation of the percentage that the proposed steel material shall compose of the exterior wall façade, but staff has calculated a rough estimate as follows: South elevation ≈ 37%, East elevation≈ 14%, North elevation≈11%, and West elevation ≈ 16%. by using a photo from the City's file for the issuance of a recent sign permit.

Staff is requesting that the City examine the proposal and determine if this material and increased percent of the wall façade is acceptable or not. If the City7 finds that this material and the proposed look is acceptable, staff is recommending that the ordinance be changed to allow for a higher percentage of the "non-listed" materials to encompass wall façades.

If the City is not acceptable to this, staff is recommending that the ordinance remain as is and would recommend denial of the variance request as it does not meet hardship standards and would be taking an existing conforming situation and making it non-conforming.

This is only a discussion item at this time as either option will require a formal public hearing process.

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The applicant submitted a narrative that stated that maintenance was the main reason for the variance request.

Howard Glas inquired what other cities have for standards. Alan Brixius stated most have a similar or lower percentage of metal.

John Beussman clarified by that the existing structure is conforming and this would be going backwards. However, the unique façade looks okay. This may be a more durable finish.

Leon Zeug stated that this project my look good but that does not guarantee that the next one will.

Amy Stewart inquired on the deterioration factor of the two types of materials - metal verses wood.

Howard Glas stated he did not favor the ordinance amendment scenario.

Alan Brixius again explained that this requests does not meet the variance requirements. Thus the text amendment is a better option, as it could be written to incorporate specific standards and allowances.

Jon Krieg and Leon Zeug also stated that they did not favor the text amendment option. Thirty-seven percent is a huge percentage.

Alan Brixius stated that staff had advised the applicant that variance application most likely would not be approved but the applicant has the right to apply anyway. The applicant then cites economic reasons for the variance. Since there is time to meet the publication timeline staff brought this to the commission for a preliminary opinion in order to save time and expenses for the applicant.

Consensus of the Commission was not to amend the text and to recommend that the applicant attempt to conform with to the existing ordinance.

**B. Preliminary discussion regarding the installation of second sheet of ice for the DASA Ice Arena.**

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The Delano Youth Hockey Association is contemplating an expansion to the Delano Area Ice Arena to add a new lobby, locker rooms, and a 14,000 square foot practice rink. The site is the Delano High School campus which is zoned R-2. The buidlihg expansion will need to be integrated into this site. Review of the City's zoning permits reveals that the following would be necessary:

1. A Conditional Use Permit for public and semi-public recreational buildings.
2. A Planned Unit Development CUP for allowance of more than one principal building per lot.
3. A CUP for an exception to the performance standards of allowing a metal building.
4. A CUP of a off-street joint facilities shared parking arrangement.

The City may choose to streamline the process for the DYHA by processing each of these applications on a single CUP/PUD which reduces the complexity of the application by allowing for design flexibility. Additional information will need to be submitted such as a survey and site plan, grading plan, landscape plan, architectural drawings, and grading drainage and utility plans. Prior to incurring costs, staff would suggest that the DYHA submit a concept plan for formal review of the Planning Commission and City Council. Through this review process the city can outline the issues and requirements and thereby allow the DYHA to understand the needed project costs for the expansion and help them prepare a complete application. The Concept plan review process does not require a public hearing notice and will fit into the review schedule of the commission and council. In addition, the city may choose to waive the application fees and review costs.

Since the land is under the Public School District ownership, the school will be required to co-sign the future applications. Setbacks appear to conform given the conceptual sketches. The location of the facility does not appear to interfere with traffic patterns, site access or circulation. A concern regarding overflow parking has been raised during special events or activities. It is suggested that the application explore additional parking lot south of the main ice arena building to accommodate these parking concerns.

Any building and parking lot improvements must manage additional impervious surface sheet flow in a manner that is acceptable to the City Engineer. Utilities will need to be brought to the new proposed ice arena addition from Tiger Drive. The addition covers an existing water main to the hydrant which will need to be abandoned and the hydrant relocated to Tiger Drive. SAC/WAC fees will be assessed to this project. The parking lot on the south side of the existing building will also need to accommodate fire trucks. The

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addition will need to be sprinkled or fire proofed in accordance with the fire code. All fire access driveways will need to be signed as fire lane.

Staff would like to see the site enhanced to include additional landscaping, and screening from the residential area. Some trees may be displaced due to the expansion.

Howard Glas stated that this expansion has been discussed for many years and it appears that the DYHA has completed its homework. Jim Cruise of DYHA stated that Peter Brasket, Chairman of the School Board, stated the school's need for additional parking to alleviate the on-street student parking along Elm Avenue.

Lars Impola questioned the possible displacement of the gravel parking area for baseball and winter outdoor winter ice sheet and he inquired as to how this could be handled. Alan Brixius stated that this arrangement has not received formal approval.

Jim Cruse, of the DYHA reviewed the concept of the expansion proposal.

Commission discussed various areas that may be available for additional parking for the school events.

Without objections the commission stated the concept appears to conform to the City's standards and stated that the DYHA should pursue formal application using this plan as the underlying plan.

**C. Preliminary discussion regarding the Pawn Shop Ordinance Amendments.**

Alan Brixius reviewed his report dated March 3, 2010 regarding Pawn Shops and the two related ordinances. Approximately a year ago the City Council discussed the issue of pawn shops within the City. Currently, the Zoning Ordinance does not distinguish pawn shops from other commercial uses, rather this use would fall within the City's general commercial definitions as a permitted use subject to conformance to the licensing ordinance of the city codes.

Due to pawn shop perceived association with criminal activity, other cities are often wary of establishing these facilities within their communities. It should be noted that through business licensing and computerized reporting with law enforcement agencies, pawn shop reputations are improving. To allow the City to investigate possible regulation for pawn shops, the city enacted a moratorium which is now nearing its

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conclusion. The City Council directed the Planning Commission to discuss this topic and make recommendation on the following issues:

The Council debated as to whether they should totally ban pawn shops or allow them in the City with regulations to insure their proper operations. This is the case in some Wright County cities and the feelings of some of the Delano City Councilmembers. Some City Council cites the similarities between pawn shops and other uses that buy and sell used goods such as jewelers, precious metal dealers, consignment shops, and antique dealers.

If the ban is pursued the rules and definitions of the zoning code would need to be amended along with prohibition language being added the commercial zoning districts.

If the city chooses to allow them the definition of the zoning code will need to be amended, along with language allowing them as permitted use within the various commercial zoning districts. The Planning Commission should identify which districts they would be and not be allowed in such as the B-2 through B-4. Staff would recommend that prohibition in the R-B and B-a neighborhood business district be drafted.

In discussion with the Wright County Sheriff's Department, they were very complimentary of the St. Michael pawn shop licensing code. After an internal review of the City's current licensing ordinance and St. Michaels; several changes have been suggested to Delano's Licensing code as follows:

- 1) Define reportable transactions to insure that we capture all items and transactions that are important to the Wright County Sheriff Office.
- 2) St. Michael business license requires a public hearing for pawn shops and Delano does not. Staff question the need for a public hearing, recognizing that if the use is permitted and meets all conditions, the Council is obligated to approve the license. A city cannot deny a license solely on public opposition.
- 3) Staff supports a license revocation if the business is inactive.
- 4) St. Michael's code require a 300 foot separation requirement from other uses such as Churches, schools, and day care. To establish these regulations, cities are required to demonstrate research and findings that these conditions exist and would occur with the establishments of said business within their community. Staff is not aware of any current research and finding documentation. This issue may be better addressed through the selection of zoning district where pawn shop may be allowed.

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- 5) St. Michael's code includes architectural standards for pawn shops related to window displays, bars or grill over windows or doors. If these are concerns to pawn shops, then the city should address them for all commercial uses rather than apply them exclusively to pawn shops.
- 6) The Delano Code should be amended to include digitized photography for all pawn shop transactions.
- 7) If daily reporting is preferred by Wright County Sheriff's Department the Delano Code should be amended as such.
- 8) Staff would recommend extending the pawn redemption period from 60 to 90 days.
- 9) St. Michael Code requires labeling of all reportable items for ease of tracking. Staff recommends inclusion of this provision as well.

The Planning Commission has been directed by the Council to discuss pawn shops and their place in the community and provide recommendations for the Council and Staff. These recommendations will provide direction to staff in formulation of new ordinance language that will be then presented to the Planning Commission for a formal public hearing process.

Betsy Stolfa questioned the payday loan sister company to pawn shops and how these organization worked. Are the regulated in a similar manner as financial institutions? These Payday Loan firms have higher than the normal APR percentage. They are basically a money broker that allows you to float a sum of money and this higher the normal interest rate until you get your pay check. She does not have a concern regarding pawn shop with the proposed revisions, but would oppose Payday business as they are currently operating. She would like to see those prohibitive or further regulated.

Amy Stewart questioned the need for these amendments. Alan Brixius stated that an inquiry for the new Ace Retail building on Highway 12 was made. Currently the City does not have a formal application pending. This building and related zoning applications has been approved, however the building permit has not been applied for to date. Staff is looking for direction regarding this issue as pawn shops are becoming popular given the recent economy. Alan Brixius will investigate further the Payday sister company and the related concerns address by Betsy Stolfa.

Consensus of the Planning Commission was to incorporate the recommendations from Alan Brixius March 3, 2010, report and schedule for a formal public hearing.

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**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**

**Motion by John Beussman, seconded by David Kenison to adjourned at the regular meeting of the Delano Planning Commission of Monday March 8, 2010 at 9:30 p.m.**

There being no further business to discuss the regular meeting of the Delano Planning Commission of Monday, March 8, 2010 was adjourned at 9:30 p.m.

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Jon Krieg, Chairman

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Leon Zeug, Secretary

ATTEST:

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Marlene E. Kittock, City Clerk