

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
November 14, 2011
7:00 PM**

1. CALL TO ORDER

Jon Krieg called the regular meeting of the Delano Planning Commission Meeting of Monday, November 14, 2012 to order at 7:01 p.m.

2. ROLL CALL

Members Present: Jon Krieg, Chairman
 Lars Impola, Commission
 John Beussman, Secretary
 Howard Glas, Commission
 Sara Beamish, Commission

Members Absent: Leon Zeug, Vice Chairman
 Amy Johnson, Commission

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

3. APPROVAL OF AGENDA

Motion by Howard Glas, seconded by Lars Impola to approve the agenda of the Regular Meeting of the Delano for Monday November 14, 2011. Motion Carried 5-0.

4. MINUTES

There was none.

5. PUBLIC HEARING

- A. Continuation of 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).**

At the October 10, 2011 Planning Commission meeting the Commission continued the public hearing to consider the revocation of a conditional use permit issued to Combined

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Aggregate Enterprise LLC for granite excavation and crushing; continuance allowed the applicant to provide additional information and to address nuisance issues. The following items are identified as outstanding issues that require attention: (1) an executed park use lease which would require the right to create a haul-road through Cramer Park thus removing truck traffic from Oak Avenue (this has been completed), (2) the conveyance of land upon completion of the granite removal in exchange for application processing fees and charges, and (3) the establishment of performance escrow of \$2,500 to insure the conditional use permit performance.

The applicant has constructed the haul road to the park driveway with the balance of the road to be put in place to the compost site next spring. All site hauling and truck traffic shall access the site exclusively from the new haul road; no truck traffic from this site shall be permitted on Oak Avenue. The route and construction of the haul road has been reviewed by the City Engineer and approved as follows: (1) the applicant shall maintain grading, erosion control, sediment control and stormwater components to NPDES Standards and shall make necessary improvements to these elements as per the City Engineer recommendation over the life of this active conditional use permit, (2) the applicant shall secure access to the site with a fence and gate at the access road on the north end of the property, and (3) the haul road shall be signed for exclusive use of Combined Aggregate Enterprise to avoid trespassing, vandalism or potential injury.

The applicant is requesting that the crusher be allowed to stay at the north end of the property rather than be relocated to Cramer Park in order to more efficiently process the granite. The retention of the crusher raises concerns for noise and dust nuisances of the neighborhood to the east. To mitigate these issues, the following stipulations are recommended: (1) retain the location of the crusher equipment at the north end of the property away from the residents to lessen the noise, (2) mining and excavated materials shall be stockpiled between the crusher and the residential neighborhoods to create a sound barrier, (3) all truck traffic shall be restricted exclusively to the haul road, (4) no truck traffic shall be permitted on Oak Avenue, (5) the applicant will maintain a water truck on site to control dust, and (6) the hours of operation for crushing granite will be restricted to weekdays from 7am to 5 pm (the issue of noise had been raised relating to hauling and excavation after 5pm and weekends). The Planning Commission may wish to limit all activities to the same hours of operation; otherwise an alternative may be to limit crushing and site excavation to weekdays 7 am to 5 pm but allow hauling to occur until 7 pm on Saturdays.

Alan Brixius presented photographs illustrating the site's current condition. Excavation of granite is occurring along the east edge and the northeast corner of the sites. Most of the granite removal is below grade, demonstrating significant progress. The life of this project was projected to last between 2 and 3 years. The project has progressed with the removal of

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significant quantities of granite and debris. In working toward a final reclamation plan, the City Engineer has stated that the final grading plan cannot be established until the applicant and the City have a clear understanding of how much granite would remain or required to be removed. This being the case, the following additional requirements are recommended: (1) the applicant and City Engineer will meet in July 2012 to assess the remaining quantities of granite and identify portions of the site that may be phased into the final grading and turf restoration, (2) the applicant's granite excavation must end in July 2012 at the property line unless they receive written permission to excavate on adjoining properties. If permission is given, the applicant must amend the conditional use permit to allow City review and approval of any expanded operations. If the excavation ends at the property line the applicant shall be required to backfill with clay to seal the remaining granite and flood dike, and (3) any fill material shall be approved by the City Engineer and final slopes shall not exceed a three to one (3:1) ratio.

While the City and neighborhood have experienced nuisance issues, significant progress has been made in the reclamation of the site. The end use objective still remains for the elimination of a hazardous site within the City and the expansion of the flood storage capacity for the community. With this in mind, we still need to address the nuisance concerns of the adjoining neighborhood. Based on the review of the site and progress made since the October 2011 meeting, Staff recommends that the combine Aggregate conditional use permit remain active with the following changes to the CUP conditions: (1) all haul trucks and operations equipment must access and egress the site via the newly established haul road, (2) no haul trucks or equipment shall access or egress the site using Oak Avenue, (3) the granite crushing equipment may remain at the northern edge of the site provided that the applicant establishes stockpiles of granite between the crusher and the neighborhood to buffer the noise, (4) the hours of operation for the crushing granite will be restricted to weekdays between the hours of 7 am to 5 pm, and if nuisance noise issues continue to exist the City may impose additional restrictions to mitigate the noise, (5) in July of 2012, the City Engineer will meet to evaluate the excavation progress and identified portions of the site that may be phased into final grading and turf restoration, (6) the application shall restore the site per end use grading plan prepared by the City Engineer. This may include the reconstruction of the dike per City specifications. Any excavation beyond the applicant's property shall require the written permission of the property owner and approval of an amended conditional use permit by the City. The applicant shall seal the eastern side of their property with clay material approve by the City Engineer and create a slope not greater than a three to one (3:1) ratio. At the completion of the site excavation and restoration, the applicant shall dedicate the site to the City as park land. Continuing, (7) the granite crushing and excavation shall be restricted to weekday between the hours of 7 am to 5 pm and hauling shall be limited to weekdays between the hours of 7 am and 7 pm and Saturdays between the hours of 7 am to 5 pm, (8) the applicant shall sign and gate the haul road to

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prevent trespassing, vandalism, or injury on the site, (9) the applicant will maintain a water truck on the site to control dust, (10) the applicant shall comply with site improvements required by the City Engineer related to erosion control, sediment control, treatment of storm water or operation water, and vegetation removal at any time during the excavation and crushing operation to NPDES standards both on the site and along the haul road, (11) the City shall conduct regular inspections of the site to insure compliance with the conditions of the CUP, and (12) the applicant shall dispose of trash, junk, and garbage found on site and within the excavation.

John Beussman questioned Brandon Sleyphen if he was aware and agreed with the terms and conditions as outlined within the City Planner's report; Mr. Sleyphen did agree. Beussman questioned if the right to control access of the gate on Oak Avenue had been resolved; Brixius stated that Combine Aggregate will be using the haul road and thus that should minimize the nuisance concerns.

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

**Motion by John Beussman, seconded by Sara Beamish to close the public hearing.
Motion Carried 5-0.**

Motion by John Beussman, seconded by Lars Impola to recommend continuation of the 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) subject to the terms and conditions outlined within the planners report dated November 10, 2011.

6. NEW BUSINESS

A. Review the request of Jason Griep for a conceptual site plan discussion regarding the property located at 510 Railroad Ave (PID # 107016-002050).

Alan Brixius reviewed the report dated November 10, 2011 regarding the request of Jason Griep for the property located at 510 Railroad Avenue. This site is zoned I-2, General Industrial and is approximately one acre in area. The site currently has a non-conforming use and includes 1 residential home. The applicant's request is to construct a mini-storage facility on the site and would also like to retain the current home on site until the mini-storage cash flow increases. This home could possibly be utilized as a caretaker unit for the mini-storage. This concept raises a number of issues related to compatibility and setbacks.

The Comprehensive Plan guides this site for industrial land use. The site falls within Planning District 8 which recommends "Promote site redevelopment within District 8 as a

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means of addressing problem sites.” The existing dwelling unit is a legal non-conforming use. The home exists in poor condition and is surrounded by industrial uses on the south and west and the Mount Olive Lutheran Church property is the north and west. Railroad Avenue is an unpaved street serving this area. The removal of the dwelling unit would benefit to this area. The site is zoned I-2 which permits mini-self-storage warehouses as a conditional use permit. The concept plan requests a number of variance from the City’s zoning standards.

The retention of the home runs contrary to the Comprehensive Plan goal and the site’s zoning. This may be the only opportunity to eliminate this non-conforming condition. The Mini storage CUP does allow for an on-site caretaker dwelling that would need to be integrated into the site plan and operation of the storage facility. The concept plan proposes a zero setback from the north and east lot lines. The I-2 district requires 30 foot rear and a 10 foot side yard setback. These sides of the properties abut Mount Olive Lutheran church. The applicant would place the back of the building at the property line to screen their internal activities from the church. Based on the type of building and use a reduced setback, it may be reasonable to establish an attractive barrier between industrial and institutional uses. If this design is acceptable the applicant must pursue variances. The building is proposed to be in excess of 150 feet in length and thus not in compliance with City standards. The storage unit will be required to be sprinkled; however, each unit must be constructed with 1 hour fire wall separations and have a fire alarm system. All driveway and parking areas must be properly dimensioned and paved to provide vehicle movement through the site. This change in impervious surface will require a detailed grading and stormwater management plan that may include on-site retention.

The applicant would like to pursue a variance from the exterior finish standards of brick, natural stone, wood or stucco. Staff is reluctant to give a variance on this provision. The site abuts Mount Olive Lutheran Church that has made significant investments in their buildings and site. The placement of a metal building at the property line provides little aesthetic enhancement for the building. The City’s long range goal is to promote a more appealing industrial environment within this area. A new metal building would prolong the existing conditions that the City hopes to improve upon.

As illustrated in the attached aerial photo, the applicant is hoping to work a land trade with Mount Olive Lutheran Church. The land swap would give the church more land south of their building. The applicant would acquire an equivalent amount of land to the east of the property. In speaking to the County, this lot line adjustment will require a plat, because the properties exist in separate plats. The resulting exchanged land must be consolidated with the adjoining lots. The new lots will exceed zoning district standards. The zoning map should then be amended to have the zoning following the new property lines.

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Concept review allows the applicant to solicit input on the project prior to investing in construction drawings. Action on the concept plan is not binding; however, it will give the applicant and staff direction on how to proceed to achieve a successful project. If the project moves ahead, the following applications will be required: (1) subdivision with a preliminary and final plat, (2) conditional use permit for mini storage, and (3) variances for setback, exterior finished and building size.

Jason Griep inquired if an exterior finish of some sort of veneer could be utilized on the building. Jason Griep stated that some preliminary discussion has occurred with the Mount Olive Lutheran Church Board for their preliminary comments. Jason indicated that the house may stay for about 5 years as the project is proposed to be built in phases and as the project cash flows. Jason indicated that some of the Board Members as well as the Contract for Deed holder of this lot thought that the land exchanged had already occurred.

Betsy Stolfa inquired about the Railroad Right of Way issues as the City is currently in discussion regarding the location of said right of way. Betsy Stolfa stated that Mount Olive just regraded the open green space in order to provide for additional t-ball locations within the City.

John Beussman stated that some veneer and some brick columns might work for this proposal in his opinion. He agreed that this would be a good use of the property. Howard Glas also agreed with the use, however felt that some setback should be retained along the Mount Olive property lines. Maybe some planting could be included in the development application to break up the building size.

Lars Impola also agreed with the concept; however he does not like the zero lot line setbacks. He expressed concerns about outside storage of vehicle and other items that sometimes occurs at similar storage units. Jason Griep stated that a small setback with a fence erected on the property line is not ideal, as the space in between could contain a junk and trash gathering location and become a high maintenance issue.

Sara Beamish expressed concerns regarding the two story older model home surrounded on three sides with mini storage as this would not have pleasing aesthetics.

Jason Griep stated that once the perimeter units are constructed and occupied, his plan would be to remove the house, maybe as a fire training exercise and then build that space with a few additional units.

Alan Brixius stated that Staff favors redevelopment of the site with the removal of the house at the front end of the project, but the Planning Commission needs to provide the direction to the applicant.

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Jon Krieg expressed his concerns regarding the metal building concept and felt that the current City standards should be upheld.

Howard Glas has not evaluated the home, but it appeared the home was in poor condition.

Lars Impola stated the house in his opinion looked rough, but also did not know if cosmetic repairs were enough.

Alan Brixius explained that statute authority and the issues that are applicable regarding continuation of the non-conforming residential use for a period of time while the balance of the project moves forward. Statute does not support the force removal of the home under any condition and this could be considered a taking; allowing the applicant compensation under the eminent domain statutes may be conditioned. Alan Brixius did justify the dual use proposal.

Howard Glas inquired as the number of proposal units; Jason Griep stated 102 to 125.

Mike Jaunich, stated he spoke with Mount Olive Church and they appear to be agreeable with the zero lot line request and as such would recommend to the Board to execute a maintenance access easement for the propose of maintain the building.

John Beussman stated he preferred that house was gone first.

Jon Krieg expressed his opinion to prepare a plan that worked with a reduce setback, or right of access easement, and a reduction to the exterior building material. He also expressed concerns regarding how this may affect the drainage patterns in this area and as such suggested that any future submittal include grading and drainage review by the City engineer.

No motion was made.

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.

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10. ADJOURNMENT

There being no further business to discuss the Regular meeting of the Delano Planning Commission meeting of Monday, November 14, 2011 was adjourned at 8:35 p.m.

Motion by John Beussman, seconded by Sara Beamish to adjourn at the Regular meeting of the Delano Planning Commission meeting of Monday, November 14, 2011, at 8:35 pm. Motion Carried 5-0.

Jon Krieg, Chairman

John Beussman, Secretary

ATTEST:

Marlene E. Kittock, City Clerk