



**PLANNING and ZONING COMMISSION
MINUTES
March 10, 2009**

Albertville Council Chamber

7:00 PM

CALL TO ORDER – ROLL CALL

Vice-chair Dorenbush called the Albertville Planning and Zoning Commission meeting to order at 7:00 p.m.

PRESENT: Vice-chair Scott Dorenbush, Commission member Dale Edgren, Frank Kocon, and Robert Olson, Council liaison Dan Wagner, City Planner Al Brixius, Zoning Administrator/ Building Official Jon Sutherland, and City Clerk Bridget Miller

ABSENT: Chair Sharon Leintz

ADOPT AGENDA

Vice-chair Dorenbush asked if there were any changes, additions, or deletions from the Tuesday, March 10, 2009 Planning and Zoning Commission agenda as presented.

Building Official Sutherland wanted to add Registration of Vacant Properties under Other Business.

MOTION BY Commission member Edgren, seconded by Commission member Olson to approve the Tuesday, March 10, 2009 agenda as amended adding Registration of Vacant Properties under Other Business, which will be scanned and an electronic copy will be kept on file in the office of the City Clerk. Motion carried unanimously.

MINUTES

Vice-chair Dorenbush asked if there were any changes, additions, or deletions on the Tuesday, February 10, 2009 regular Planning and Zoning Commission minutes.

MOTION BY Commission member Kocon, seconded by Commission member Edgren to approve the Tuesday, February 10, 2009 regular Planning and Zoning Commission minutes as presented, which a signed copy will be scanned and an electronic copy will be kept on file in the office of the City Clerk. Motion carried unanimously.

PUBLIC HEARINGS

APPROVE ALBERTVILLE MARKETPLACE CONVENIENCE STORE – AMENDMENT TO THE PLANNED UNIT DEVELOPMENT (PUD) CONCEPT PLAN AND A SITE AND BUILDING PLAN REVIEW FOR DEVELOPMENT OF A CONVENIENCE STORE/GAS STATION/RETAIL

Vice-chair Dorenbush opened the public hearing at 7:03 p.m.

City Planner Brixius reported that Phil Morris has applied for an amendment to the proposed Convenience Store that will be located within the Albertville Marketplace Development. The proposed changes included and are not limited to: increasing the size of the convenience store floor plan from 4,700 square-feet up to 6,028 square-feet; moving the gasoline pump area slightly; reducing the number of gas pumps from ten (10) pumps to eight (8) pumps; and adding to the parking area. A car wash stacking diagram and exterior elevations have also been provided to support the requested amendment.

Brixius explained that increasing the building size is to allow for the food service area, which will include both a food preparation and seating area within the facility. The applicant is attempting to upgrade the facility from the standard convenience store to having fresh food, which is important to the concept.

Brixius noted that the gas pump area has been moved slightly to the east of its originally-approved location and the number of pumps was reduced by two (2) to support a larger building footprint. The number of parking spaces that was being proposed has increased from 35 to 55 spaces, which will accommodate the in-house dining that will be provided.

Brixius pointed out that there is a concern regarding the parking area south of the building. According to the submitted site plan, it is difficult to determine if sufficient area is being provided in order to accommodate these necessary items; sidewalk south of the building; stall depth of at least 20-feet; stall width of at least 9-feet; drive aisle width of at least 24-feet; and at least a five (5) foot setback from the parking area to the private road, which provides space for landscaping to be planted to act as a buffer between headlights and the private street.

There was discussion regarding the maximum allowance of impervious surface. According to the Planner's report, when the PUD was reviewed, the impervious surface of the entire PUD was reviewed and came out to be 61%, which is well under the maximum allowed amount. Staff is still recommending the three parallel parking spots north of the building should be removed and

replaced with green space; and the landscaping island located to the west of the car wash should be increased in size, extending north and west, increasing the green space.

It was recommended that signage be provided within the site to assist in directing traffic. As for the Car Wash stacking, cars are to enter from the east; therefore, it is recommended to install two (2) “Do Not Enter” signs in the northwest corner of the lot facing west (one on either side of the drive lane.) Also, a “One Way” sign shall be placed across the drive aisle and slightly northeast of the building, facing east.

In conclusion, staff recommends approval of the Planned Unit Development (PUD) Concept Amendment for a Site and Building Plan Review of the expansion of the convenience store within the Albertville Marketplace Development based on the following conditions:

1. A more detailed site plan shall be submitted that clearly indicates that the required parking area standards are met in the parking area south of the building, including sidewalks, parking stall sizes, drive aisle widths, setbacks, and the landscaping between the second parking row and the private street. Staff would support the idea of moving the building slightly to the north in order to accommodate this parking area.
2. A more detailed site plan shall be submitted that clearly directs traffic circulation with the following updates:
 - a. The three (3) new parallel parking stalls located north of the building shall be removed and replaced with green space;
 - b. The landscaping island located to the west of the car wash shall be increased in size, extending north and west;
 - c. Two “Do Not Enter” signs shall be placed in the northwest corner of the lot, facing west – one on either side of the drive lane exiting the site. A “One Way” sign shall be placed across the drive aisle and slightly northeast of the building, facing east; and
 - d. The cars wash stacking lane shall be striped to delineate the stacking lane from the drive lane that exits the site to the west.
3. The revised building shall be similar in design and exterior materials as the other buildings is in the development;
4. Brick and stone shall compromise at least 50% of the exterior of the building; and
5. Colored renderings of the elevation drawings shall be submitted.

Vice-chair Dorenbush asked if any Commission members had questions or concerns regarding the proposed approval of the Albertville Marketplace Convenience Store – Amendment to the Planned Unit Development (PUD) Concept Plan and a Site and Building Plan Review for Development of a Convenience Store/Gas Station/Retail.

Commission members had no additional comments.

Vice-chair Dorenbush asked if there was anyone in the audience that wanted to share comments or concerns regarding the proposed approval of the Albertville Marketplace Convenience Store – Amendment to the Planned Unit Development (PUD) Concept Plan and a Site and Building Plan Review for Development of a Convenience Store/Gas Station/Retail.

Neil Weber, architect for Mr. Morris, informed the Commission members that Mr. Morris is in agreement with staff's recommendations. Weber went on to explain that when the plan was originally approved a general convenience store footprint was used as a prototype. Since the approval, Phil Morris has taken the time to design a unique type of convenience store.

Weber demonstrated to the Commission members how the exterior brick design will be used. Weber noted that the brick will not be the same as Emma Krumbes, but will compliment the buildings exterior material.

Vice-chair Dorenbush closed the public hearing at 7:19 p.m.

Vice-chair Dorenbush asked for a motion from the Commission members regarding the approval of the Albertville Marketplace Convenience Store – Amendment to the Planned Unit Development (PUD) Concept Plan and a Site and Building Plan Review for Development of a Convenience Store/Gas Station/Retail.

MOTION BY Commission member Edgren, seconded by Commission member Olson to approve the Albertville Marketplace Convenience Store – Amendment to the Planned Unit Development (PUD) Concept Plan and a Site and Building Plan Review for Development of a Convenience Store/Gas Station/Retail with staff's recommendations, Engineer's report dated March 5, 2009, City Planner's report dated March 5, 2009, and; contingent upon City Council approval at the April 6, 2009 regular City Council meeting or a meeting soon thereafter, at which time a Resolution including the Findings of Facts will be presented. Motion carried unanimously.

**APPROVE ZONING ORDINANCE AMENDMENT (APPENDIX A, SECTION 300.1 AND 400.2) –
NUMBER OF COUNCIL VOTES NEEDED TO APPROVE AN AMENDMENT (TEXT AND MAP) OR
CONDITIONAL USE PERMIT**

Vice-chair Dorenbush opened the public hearing at 7:20 p.m.

City Planner Brixius reported that staff discovered the current language in the Albertville City Code is incorrect in regards to the number of Council votes needed to grant a variance, conditional use permit, and amendment request. Staff is recommending amending Appendix A, Section 300.1 and 400.2, which revises the number of Council votes needed to grant a conditional use permit, a variance, or other such amendment from a four-fifths (4/5) vote to a

majority vote. Amending the City Code will be consistent with the Minnesota State Statute ruling.

Vice-chair Dorenbush asked if any Commission members had questions or concerns regarding the proposed approval of Zoning Ordinance Amendment (Appendix A, Section 300.1 and 400.2) – Number of Council votes needed to approve an Amendment (Text and Map) or Conditional Use Permit.

Commission members had no comments regarding the text amendment.

Vice-chair Dorenbush asked if there was anyone in the audience that wanted to share comments or concerns regarding the proposed approval of Zoning Ordinance Amendment (Appendix A, Section 300.1 and 400.2) – Number of Council votes needed to approve an Amendment (Text and Map) or Conditional Use Permit.

Vice-chair Dorenbush closed the public hearing at 7:24 p.m.

Vice-chair Dorenbush looked to the Commission members for a motion regarding the approval of Zoning Ordinance Amendment (Appendix A, Section 300.1 and 400.2) – Number of Council votes needed to approve an Amendment (Text and Map) or Conditional Use Permit.

MOTION BY Commission member Kocon, seconded by Commission member Olson to approve the Zoning Ordinance Amendment (Appendix A, Section 300.1) – Number of Council votes needed to approve an Amendment (Text and Map) or Conditional Use Permit with staff's recommendations, and; contingent upon City Council approval at the April 6, 2009 regular City Council meeting or a meeting soon thereafter, at which time the Ordinance will be presented. Motion carried unanimously.

OTHER BUSINESS

BUILDING AND DEVELOPMENT REGULATIONS AMENDMENT (TITLE 10, SECTION 10-1-3) – IMPROVEMENTS REQUIRED ON A PROPERTY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR REFUND OF AN ESCROW

City Planner Brixius reported that the City Attorney has prepared an amendment to the Building and Development Regulations of the 2005 Albertville Municipal City Code Title 10 regarding the improvements that are required on a property prior to the issuance of a Certificate of Occupancy or the refund of an Escrow. The amendment specifically addresses the removal of all silt fencing on a property.

Brixius pointed out the proposed amendment adds language that specifies that the person or company whom established the escrow must apply for a refund and that any silt fencing on the property must be removed prior to the refund of an escrow of an escrow.

There were no comments from the Planning and Zoning Commission members; therefore, Vice-chair Dorenbush asked for a motion to approve the ordinance amendment per staff recommendations.

MOTION BY Commission member Olson, seconded by Commission member Kocon to approve the Zoning Ordinance Amendment (Appendix A, Section 400.2) – Number of Council votes needed to approve an Amendment (Text and Map) or Conditional Use Permit with staff’s recommendations, and; contingent upon City Council approval at the April 6, 2009 regular City Council meeting or a meeting soon thereafter, at which time the Ordinance will be presented. Motion carried unanimously.

SUBDIVISION REGULATIONS AMENDMENT (TITLE 11, SECTION 11-9-4 AND SECTION 11-9-5) – DEPOSIT OR SECURITY AMOUNT REQUIRED BY CITY AND REQUIREMENTS OF A BANK ISSUING A LETTER OF CREDIT

City Planner informed the Commission that again the City Attorney has prepared an amendment to the Subdivision Ordinance regarding the standards for a letter of credit, escrow deposit, or certified check. The amendment proposes the following revisions:

1. adds language regarding the amount of deposit or security requires by the City; and
2. adds language regarding the requirements of a bank issuing a letter of credit.

Brixius continued by explaining recently the City pulled on a letter of credit, in which the bank was located in Texas. According to the Developers Agreement, if the City is going to pull on the letter of credit it needs to be completed in person. Changing the language under Title 11, Chapter 9, Section 5: Financial Guarantee to read as such:

The irrevocable letter of credit must be from a bank which is insured by the FDIC and which has a branch within 100 miles of the Albertville city hall where the letter of credit can be drawn upon. All letters of credit must automatically renew annually unless the issuing bank sends the city a letter via certified mail at least 60 days prior to expiration notifying the city that the letter of credit will not be renewed upon its stated expiration date.

Commission members questioned whether other communities are considering the same language restricting the location of a bank establishment. The Commission did not want to discourage developers from coming to Albertville to develop because their banking establishment needs to be one within a 100-mile radius of Albertville. Commission member Olson recommended adding language that would include a fee to go beyond the 100 mile radius, or language to some extent of allowing the fund via certified mail or another form of delivery.

Building Official Sutherland commented on the removal of silt fence(s) once the construction is complete. Sutherland shared that the escrow is collected at the time a permit is pulled.

Vice-chair Dorenbush asked for a motion from the Commission as to how they would like to proceed with the amendment to the 2005 Albertville Municipal City Code.

MOTION BY Commission member Edgren, seconded by Commission member Olson to table the Subdivision Regulations Amendment (Title 11, Section 11-9-4 and Section 11-9-5) – Deposit or Security Amount Required by City and Requirements of a Bank Issuing a Letter of Credit to the April 14, 2009 Planning and Zoning Commission meeting or soon thereafter. Motion carried unanimously.

ADJOURNMENT

MOTION BY Commission member Edgren, seconded by Commission member Olson to adjourn the March 10, 2009 regular Planning and Zoning Commission meeting at 7:41 p.m. Motion carried unanimously.

Bridget Miller, City Clerk/Secretary