



City of Albertville  
5959 Main Avenue NE  
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Albertville, MN 55301  
(763) 497-3384

**PLANNING AND ZONING COMMISSION  
MINUTES  
TUESDAY OCTOBER 8, 2013**

**1. CALL TO ORDER:**

Acting Chair Edgren called the meeting to order at 7:00 p.m.

**2. ROLL CALL**

Commissions present: Acting Chair Dale Edgren, Commissioner Jeffrey O'Brien, Commissioner Natalya Lindberg and Council Liaison Dan Wagner

Staff members present: Alan Brixius and Sue Schwalbe

Others Present/Public

Wally Odell, Darkenwald Real Estate LLC

Lance and Layla Burda, 12455 60<sup>th</sup> Street NE, Albertville

Paul Schutte, owner of 5986 Main Avenue NE, Albertville

Tom Holthaus, Red Rooster Properties, Inc.

Wayne Elam

**3. APPROVAL OF AGENDA**

**O'Brien moved, second by Lindberg to approve the agenda as submitted. Motion carried unanimously.**

**4. APPROVAL OF MINUTES**

**Lindberg moved, second by O'Brien to approve the minutes of the July 9, 2013 Planning Commission meeting as submitted. Motion carried unanimously.**

**5. PUBLIC HEARINGS**

**CONSIDER A REQUEST OF DARKENWALD TO REZONE 88.47 ACRES IN NORTHWEST ALBERTVILLE FROM I-1, LIMITED INDUSTRIAL DISTRICT TO B-2A, SPECIAL BUSINESS DISTRICT**

Mr. Brixius presented the Planning Commission with the planning report dated October 3, 2013 to the Commission for their consideration.

The applicant is proposing to develop this area of the city with land uses consisting of hospitality, entertainment and recreational land uses. The current I-1 zoning district does not allow for these land uses. The applicant is requesting the change in zoning without a current development plan. This request is intended to determine if the city is supportive of these land uses and to demonstrate local support of the development to secure financing.

In review if the rezoning request, city staff offers the following findings. The proposed B-2A zoning change will be compatible with present and future land uses of the area. The proposed B-2A zoning will establish performance standards that fulfill the City's vision for this area of the city. Future site development will require a formal site and building plan review and a planned unit development before the planning commission and city council that demonstrates compliance with the B-2A zoning standards. The proposed B-2A zoning will not tend to or actually depreciate the area in which it is proposed. Future development will need to demonstrate that it can be accommodated with existing public services and will not overburden the City's services capacity and that traffic generation by the proposed use is within the capabilities of streets serving the property.

Acting Chair Edgren opened the Public Hearing.

Wally O'Dell of Darkenwald explained to the Commission that this is the first step necessary to move ahead with this property. Future development will create expanded commercial growth within Albertville, create local employment opportunities and result in a substantial increase in the tax base for the City.

**O'Brien moved second by Lindberg to close the Public Hearing. Motion carried unanimously.**

**O'Brien moved second by Lindberg to approve the request of Darkenwald to rezone 88.47 acres in northwest Albertville from I-1 Limited Industrial District to B-2A, Special Business District and to forward to the City Council. Motion carried unanimously.**

**CONSIDER REQUEST OF LANCE AND LAYLA BURDA FOR A CONDITIONAL USE PERMIT FOR AN OVERSIZED GARAGE WITHIN THE A-2, AGRICULTURAL TRANSITIONAL DISTRICT FOR THE SITE AT 12455 60<sup>TH</sup> STREET NE IN ALBERTVILLE**

Mr. Brixius presented the Planning Commission with the planning report dated October 3, 2013 to the Commission for their consideration.

The CUP is required to allow a detached accessory building with a floor area of 2400 square feet in area and 19.5 feet in height both of which exceed the district standards. In review of the application the city staff offered the following findings. The subject site is zoned A-2 and is 4.74 acres in size. The proposed building design and location on the site will be compatible with the adjacent resident uses and does not present a hazard to the public health safety, and general welfare. The building location meets all required setbacks. The building design is consistent with the design of the single family home on the site. The provisions of subsection 400.2F of this ordinance shall be considered and a determination made that the proposed activities are in compliance with such criteria. Staff expressed concern over the potential use of the accessory building for commercial use or home occupation in a residential area. In review of the application the staff recommended approval of the CUP subject to the following conditions:

1. The accessory building and site shall not be used for any commercial use or home occupation.
2. Outdoor storage related to any commercial business on this site shall be prohibited.

3. Any expense associated with zoning enforcement related to a violation of the term of this conditional use permit shall be the responsibility of the applicant or property owner.

Acting Chair Edgren opened the Public Hearing.

Property owner/applicant Lance Burda stated they have two commercial storage sites for his towing business. He will not be bringing any storage to his residential property. He does not have a problem with the conditions recommended by the staff and the Commission for the conditional use permit.

**O'Brien moved second by Lindberg to close the Public Hearing. Motion carried unanimously.**

**O'Brien moved second by Lindberg to approve the request of Lance and Layla Burda for a conditional use permit for an oversized garage within the A-2, Agricultural Transitional District for the site at 12455 60<sup>th</sup> Street NE in Albertville adding the following conditions:**

1. The accessory building and the site shall not be used for any commercial business or home occupation.
2. That the site shall not be used for outdoor storage related to a commercial business, the site shall not be used as a storage yard.
3. All Conditional Use enforcement fees will be the responsibility of the applicant.

**Motion carried unanimously.**

**CONSIDER REQUEST OF RED ROOSTER PROPERTIES, INC. FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY DRIVE-THROUGH SERVICE LANE ON A PROPERTY AT 5952 LARGE AVENUE IN ALBERTVILLE. THE PROPERTY IS ZONED B-3, HIGHWAY BUSINESS DISTRICT**

Mr. Brixius presented the Planning Commission with the planning report dated October 3, 2013 to the Commission for their consideration.

The proposed site 5952 Large Avenue is zoned B-3 Highway commercial. This site contains the old Sunco gas station. The site historically included motor fuel sales, auto repair, car wash, convenience store and fast food sales. Each use is permitted within the B-3 district. The site recently went through foreclosure and is now being considered by Red Rooster Properties Inc. for purchase and reopening. The applicant wishes the fast food component of the site to be a Taco Johns restaurant with a drive through service window. Within the B-3 district, a drive through service lane requires a conditional use permit. In review of the CUP application the following conditions must be met:

1. Not less than one hundred twenty feet (120') of segregated automobile stacking must be provided for the single service lane.
2. The stacking lane and its access must be designed to control traffic in a manner to protect the building and will not interfere with on site traffic circulation or access to required parking spaces.
3. No part of the public street or boulevard may be used for stacking of automobiles.

4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
5. The drive-through lanes shall be screened from view of adjoining residential zoning districts and public street rights of way.
6. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise, and glare.
7. A lighting and photometric plan will be required that illustrates that drive-through service lane lighting shall comply with section 1000.10 of this Ordinance.

Mr. Brixius presented the finding of the October 3, 2013 planning report that includes suggested site plan changes and recommended conditions for conditional use permit and site plan approval.

Acting Chair Edgren opened the Public Hearing.

Applicant Tom Holthaus, Red Rooster Properties, Inc. stated he is attempting to have a convenience store, fast food restaurant and gas station on the site. Applicant also stated the queue line is fairly typical to all his six (6) other restaurants and is it very important to his business and his intent to keep the line moving at all times. Also the menu board location is typical to other fast food restaurants.

Council Liaison questioned to what extent the applicant is willing to repair on the parking lot. Applicant stated that repairing, not just resurfacing is his intention and the area by the diesel fuel will be replaced. Applicant also explained the diesel refueling area indicating the 48 foot wide entrance.

Acting Chair Edgren confirmed with applicant the trash location and would be complaint with the location.

Paul Schutte, owner of 5986 Main Avenue NE, Albertville spoke regarding the close proximity of another Mexican Restaurant. Schutte spoke with this tenant, El Bamba and there are no issues. Brixius stated Municipalities approval must be based on the compliance with the zoning and not types of business or business competition.

Commissioner Lindberg stated she is concerned with the amount of traffic that will be generated on Barthel Industrial Drive NE. Staff indicated the heavy traffic times would be around typical lunch and dinner times.

**O'Brien moved second by Lindberg to close the Public Hearing. Motion carried unanimously.**

**Lindberg moved second by Edgren to approve the request of Red Rooster Properties, Inc. for a conditional use permit for an accessory drive-through service lane on a property at 5952 Large Avenue in Albertville.** The property is zoned B-3, Highway Business District repair plan with the following conditions:

1. A detail must be provided to show the height of the median, curbing, and storm water management.

2. The pedestrian crossing area shall be striped and raised to provide for additional safety and must be ADA accessible. A detail must be provided to show the treatment of this feature.
3. A physical barrier (railing or solid wall) must be installed between the drive-through and the sidewalk to guide pedestrians to and from the building entrance and marked crossing.
4. Bollards must be installed to indicate the location of the proposed median, provide protection for the menu board and direct traffic away from the service bays as they exit the drive-through service window.
5. A truck maneuvering diagram must be submitted to demonstrate how delivery vehicles will approach and exit from the underground tank access area. If it cannot be shown that truck maneuvering can be accommodated without conflicting with on-site parking, the conditional use permit will not be granted.
6. At no time shall vehicle stacking impede on-site circulation or extend into the public right-of-way. The City reserves the right to require the applicant to redesign the drive-through service lane or discontinue its use if this situation occurs.
7. The car wash use may not be reinstated.
8. A photometric plan must be submitted to demonstrate compliance with Section 1000.10 of the Ordinance.
9. All parking area must be resurfaced or repaired. Four additional parking spaces must be provided for a total of 49 stalls on the site. All parking spaces are to be striped and maintained in compliance with Section 1200.5 of the Ordinance.
10. The applicant must provide an elevation detail for the trash enclosure to show compliance with Section 1000.14 of the Ordinance if located outside the building. The trash enclosure must be relocated adjacent to or within the building.
11. The applicant shall provide a comprehensive sign plan for the entire building and site. No sign approvals shall be given without this complete plan submission.
12. Applicant will be responsible for all enforcement costs of this Conditional Use Permit.

Ayes: Acting Chair Edgren, Commissioner Lindberg, Council Liaison Wagner.

Nays: Commissioner O'Brien.

Commissioner O'Brien stated he believes this is a great use of the property, however, he has concerns with the site's close proximity to another similar type restaurant.

**O'Brien moved second by Edgren to adjourn at 8:15 p.m. Motion carried unanimously.**

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Sue Schwalbe, Recording Secretary