

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES**

**July 28, 2009**

**CALL TO ORDER**

Chair Proud called the meeting of the July 28, 2009 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Chair Proud, Commissioners Feldsien, Ferrington, Mons, Solomonson and Wenner

Commissioner Schumer was absent.

**APPROVAL OF AGENDA**

Commissioner Mons requested the addition of item D. to the agenda, the city's enforcement policy of sign ordinances, and E. recommendation to City Council regarding substandard riparian lots.

MOTION: by Commissioner Mons, seconded by Commissioner Feldsien to approve the July 28, 2009 agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

**APPROVAL OF MINUTES**

Page 1: The minutes should reflect that Commissioner Feldsien was present.

MOTION: by Commissioner Mons, seconded by Commissioner Feldsien to approve the June 23, 2009 Planning Commission minutes as amended.

ROLL CALL: Ayes - 6 Nays - 0

**REPORT ON CITY COUNCIL ACTIONS**

**Presentation by City Planner Kathleen Nordine**

The City Council approved the conditional use permit for additional square footage for an accessory structure at 3330 Victoria Street North.

The City Council has reviewed and tabled the proposed two ordinances to register foreclosed and vacant properties. The Council expressed some concern as to whether this would be an appropriate tracking tool for these properties. Staff has been asked to continue use the databases available, research methods used by other cities and report back to the Council later this year.

**NEW BUSINESS**

**CONDITIONAL USE PERMIT – PUBLIC HEARING**

**FILE NO.: 2360-09-18**  
**APPLICANT: DONLAR CONSTRUCTION COMPANY/FORKLIFTS OF MINNESOTA, INC.**  
**LOCATION: 550 SHOREVIEW PARK ROAD**

**Presentation by City Planner Kathleen Nordine**

Donlar Construction Company is relocating its business to Shoreview at 550 Shoreview Park Road. As a commercial contractor, there is a need for outside storage of equipment, and a conditional use permit application has been received to allow outdoor storage for large equipment items, such as cranes, trailers and trucks. There is an enclosed fenced area behind the building that would be used for the outside storage. The property is zoned Industrial, and outside storage is permitted with a conditional use permit. The property consists of 1.61 acres with an existing warehouse of 16,000 square feet. Surrounding properties are also zoned Industrial and some are allowed outside storage.

Donlar Construction has approximately 126 employees, 11 of which will work at the Shoreview location. Parking will continue to be in existing parking areas at the front and west of the building. Parking spaces will be re-striped. The hours of operation are from 7:30 a.m. to 4:30 p.m. No hazardous materials will be stored. A portion of the building may be leased to another tenant, but the outside storage area will solely belong to Donlar Construction. The application complies with the City's criteria for a conditional use permit and staff is recommending approval.

Property owners within 350 feet were notified of the proposal. Two comments were received in support of the application. The Fire Department has reviewed the proposal and had no comments.

City Attorney Filla reported that the affidavits show proper notice was given for the public hearing at this meeting.

Chair Proud opened the public hearing.

Commissioner Solomonson asked if the nine parking stalls to be used for storage are counted in the minimum required parking. Ms. Nordine answered no, and there is parking proposed on the north and west sides of the building for a total of 31 stalls.

Chair Proud asked if additional language is needed to require compliance with the City Engineer's memo of July 24, 2009. He also asked the definition of a "short period of time," as stated in condition No. 2. Nordine answered that condition No. 5 addresses the drainage area and concerns of the City Engineer. "Short period of time" means overnight, not days or weeks.

Commissioner Ferrington asked if the low wetland pond area is large enough to accommodate the runoff from the impervious surface. Ms. Nordine stated that impervious surface will not be increased and drainage has been functioning with the current system. One of the City Engineer's recommendations is to remove an existing metal plate and replace it with a grate, which will be done with this project.

Commissioner Mons stated that he would like to see safeguards against storage of inoperable vehicles. He requested the City be notified if the owner is ever not the major occupant of the building or if the property changes ownership because the conditional use permit is recorded with the property.

There were no public comments or questions.

MOTION: by Commissioner Mons, seconded by Commission Feldsien to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

**Mr. John Kines**, Chief Operating Officer, 1038 West County Road D, Roseville, stated that Donlar is a commercial contractor operating statewide. This facility will be a secondary facility to the main one in St. Cloud. The intent is for this yard to become an interim storage site for equipment being moved from one job site to another in the metro area, rather than moving it back to the St. Cloud facility every day. Equipment would be stored a week or less at this site.

Commissioner Feldsien asked the types of cranes used and the types of materials used. Mr. Kines stated that one crane requires a tractor and low-boy. There are three 30-ton truck-mounted cranes. At a maximum, there would be two in this yard. Building materials would be stored inside, as weather would damage them. The materials do not include masonry.

Commissioner Mons asked if a limit of no more than three working days for temporary storage of material and no more than one month for storage of large trucks, cranes or materials trailer of more than 24 feet in length would be a problem for the business. He would also stipulate that the vehicles be in operable condition.

Mr. Kines stated that there will be some heavy vehicles for hauling materials. Certain pieces will be in the outdoor storage area on an ongoing basis. Restrictions on cranes or office trailers for not more than one month and no more than three days for materials would cause no problems. The company will minimize what is stored outside. There may be one or two large trailers within the facility for transfer of materials.

Commissioner Ferrington asked if there is any problem complying with the recommendations from the City Engineer. Mr. Kines answered that staff did advise them of the issues and Donlar intends to comply with the recommendations.

Chair Proud asked how time critical approval is, whether the matter could be delayed to add more detailed restrictions regarding the outside storage. Mr. Kines responded that there is a purchase agreement time frame. To delay a month would be outside the window for the purchase agreement. If that deadline is not met, the purchase agreement is terminated. There is no provision for a continuation.

**MOTION:** by Commissioner Mons, seconded by Commissioner Solomonson to adopt Resolution No. 09-60 approving the conditional use permit request for Donlar Construction, to have an outside storage area on the property at 550 Shoreview Park Road, subject to the six conditions listed in the staff report and with the modification of condition No. 2 to state that use of the outdoor storage area is limited to the storage of cranes, trucks, trailers and equipment, all of which shall be in operable condition, and in the event they are 24 feet or longer shall be limited to storage of no more than one month. Material storage is permitted within the building. However, such material may be placed in the outdoor storage area on a temporary basis not to exceed three working days, as added below:

1. The project must be completed in accordance with the plans submitted with the applications. Outdoor storage area shall be enclosed with fencing and screened as indicated in the approved plan. Vegetation that dies shall be replaced in accordance with the City's landscaping requirements.
2. Use of the outdoor storage area is limited to the storage of cranes, trucks, trailers and equipment all of which shall be in operable condition and equipment greater than less than 24 feet in length may be stored for a period not to exceed 30 days. Material storage is permitted within the building; however, such material may be placed outdoors in the outdoor storage area as needed for no more than 3 business days.
3. The outside storage area shall be secured to prevent unauthorized entry.
4. There shall be no storage of hazardous materials within the outside storage area.
5. The drainage area located in the southwestern corner of the property shall be restored in accordance with the recommendations of the Asst. City Engineer.
6. The parking lot and outside storage area shall be striped to define parking stalls as shown on the submitted plan.
7. Donlar shall notify the City of any change in ownership, tenancy which results in less than two-thirds occupancy by Donlar or use of building.

The approval is based on the following findings:

1. The property is zoned I, Industrial in which outdoor storage is permitted as a conditional use.
2. The land use complies with the designated land use of the Comprehensive Plan and the proposed outdoor storage use will not impede the future redevelopment of this area.
3. The outdoor storage area complies with the standards of Section 205.050 (D)(7).

Discussion:

Commissioner Mons added a seventh condition to require that in the event ownership changes or that Donlar Construction occupies less than 67% of the building, the City shall be notified of the change in ownership and/or change in occupancy. Commissioner Solomonson accepted this amendment, which is listed with the motion.

ROLL CALL:           Ayes - 6                   Nays - 0

## **MISCELLANEOUS**

### **Council Meeting Assignments**

Commissioners Solomonson and Mons are respectively scheduled to attend the August 3<sup>rd</sup> and August 17<sup>th</sup> City Council meetings.

### **Planning Commission Workshop**

The regular workshop of the Planning Commission will be August 25, 2009, at 6:15 p.m. The one agenda item is to discuss types of conditions that can be attached to conditional use permits.

### **Wind Turbines**

Mr. Warwick referred the Commission to the staff report containing information from consumer and regulatory perspectives. The intent is to begin the discussion to determine the City's position for regulating wind turbines.

Commissioner Mons stated that when this matter is discussed, he would want to know whether the benefit is significant enough to be used in residential areas and have identified areas where wind turbines might be possible.

Chair Proud asked if applications have been received for wind turbines. Mr. Warwick stated that to date, there have been no applications. There have been inquiries. Other communities are prohibiting building mounted turbines except for large commercial buildings or residential complexes. Regulations that have been imposed by other communities include a setback that is equal to the height of the tower. The DNR is developing guidelines for wetlands and shoreland districts, but they are not available at this time. Currently, the City's Code does not address wind turbines and so the use is not specifically permitted, and current height restrictions make wind turbine uneconomical.

Commissioner Wenner noted that the State of Minnesota has published a wind study of Minnesota. The area of Laverne is shown to have the wind speed for a viable wind turbine. Mr. Warwick stated that the metro area is a lower area and less suitable for wind turbine energy. The difficulty is to determine whether there is an appropriate location in the City and whether the

City would regulate it.

Chair Proud stated that absent a groundswell of public support and inquiry to construct a wind turbine, he is not convinced that regulations are needed. He would recommend no action at this time and have staff continue to monitor the matter. If the need arises, then additional research can be done to develop needed ordinances. He polled Commissioners' responses to this matter.

Commissioner Solomonson stated he would not want to see height restrictions in residential areas lifted to 80 feet for a wind turbine. He would like to know which parcels are large enough to accommodate a wind turbine. Oakdale and Excelsior require 8 and 2.5 acres respectively. Their focus has been on commercial and industrial uses, which is where he believes the City should also focus if regulations are to be developed.

Commissioner Feldsien agreed with Commissioner Solomonson. He would like to see the City be proactive. He does not want to see a city full of little generators. The two main issues of parcel size and height need to be addressed.

Commissioner Wenner stated that someone may wish to put up a wind turbine simply because green is in, even if it is not cost effective. There should be some regulations to show that the City has given thought to the issue.

Commissioner Ferrington agreed that parcel size and height restrictions would be the main issues. She also agreed that it is important to be proactive. This technology will advance at a quick pace, and the City needs to be prepared with something in place for potential requests.

Commissioner Mons requested that within 6 to 12 months staff report back with proposed regulations. He would prefer to have some regulations in place before there is an application.

**MOTION:** by Commissioner Mons, seconded by Commissioner Solomonson to direct staff to come back within six to twelve months with proposed regulations.

**ROLL CALL:** Ayes - 6 Nays – 0

### **Enforcement of Sign Ordinance**

Commissioner Mons stated that he has noticed signs in the City that are not in compliance with the sign ordinances, such as the Exxon station at Lexington and I-694 and the BP station at Highways 49 and 96. There appear to be a number of differences throughout the City between code requirements and what is occurring. Allowing exceptions is unfair to those who adhere to the code regulations. He would like to have public discussion on this matter.

Chair Proud stated he would support rigorous enforcement. On a scale of 0 to 10, with 0 being the least serious, he would rank this matter at 9. He again polled Commissioners on how they would rank this issue and their thoughts on the matter.

Commissioner Feldsien ranked the issue at 7. He stated that there are always certain businesses that push the envelope while others don't even use the limit of what is allowed.

Commissioner Wenner ranked this issue at 10.5. If the matter is let go, it confuses what the standard is and what enforcement means. It also encourages other businesses to do the same which results in greater enforcement cost.

Commissioner Ferrington ranked this issue at 6. She noted that a lot of time is spent in developing and adopting regulations. They need to be enforced.

Commissioner Solomonson ranked this issue at 7 or 8. He agreed that the code should be enforced. A discussion is needed on what the Planning Commission's role is with code enforcement and what channels can be used to address this issue.

Commissioner Mons stated that he sees this issue as a broad one that relates to signage in general. The difficulty may be a disconnect between the actual policy of enforcement and the intended policy of enforcement. That is what he would like to discuss in a workshop.

**E. Substandard Riparian Lots**

Commissioner Mons stated that code adjustments have been made to reduce visual effect of large additions or reconstruction on lake lots, but those regulations may not be achieving the intent. He would like the Commission to have a conversation with City Council to reopen the issue.

It was the consensus of the Planning Commission to seek a joint workshop with the City Council to discuss this topic.

**ADJOURNMENT**

MOTION: by Commissioner Mons, seconded by Commissioner Feldsien to adjourn the July 28, 2009 Planning Commission meeting at 8:28 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

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Kathleen Nordine  
City Planner