

PLANNING COMMISSION MEETING FOR THE CITY OF WAITE PARK

The Waite Park Planning Commission met in regular session on Tuesday, April 9, 2019 at 6:30 PM in the Waite Park City Hall. The meeting was called to order by Chair Jansky beginning with the Pledge of Allegiance.

Planning Commission Members Present

Tim Jansky, Bob Zabinski, Mark Arnold, and Shawn Blackburn.

Planning Commission Members Absent

Jeff Blair

Others Present

Jon Noerenberg, Planning and Community Development Director, Shaunna Johnson City Administrator and those on the sign-in sheet.

It was noted by Noerenberg that City Administrator Shaunna Johnson was in attendance by the request of Martin Marietta since she has the background knowledge and has been through the process in the event any questions came up.

Approval of the Agenda: Mr. Zabinski made a motion to approve the agenda. Seconded by Mr. Arnold. The motion passed unanimously.

Periodic Review of Conditional Use Permit and Amend Conditional Use Permit for Rainbow Quarry Area (South of Highway 23) – Martin Marietta Materials, Inc.

Chair Jansky read aloud the public hearing notice.

This request has been submitted by Martin Marietta Materials, Inc. as periodic review of their existing Conditional Use Permit for mining operations, as well as to amend the existing Conditional Use Permit to revise the approved mining plan for the Rainbow Quarry (south of Highway 23) to adjust the “footprint” of mining area. The application also makes request to include additional property recently purchased by the applicants within the Conditional Use Permit, as well as to remove and exclude property previously donated to City of Waite Park from the Conditional Use Permit subject area.

The proposed amendments to the Conditional Use Permit would revise the legal description and shift the boundary of the mining footprint of the Rainbow Quarry. The applicants recently acquired the property (approximately 60 acres) to the west/southwest of the quarry and seek its inclusion within the subject area of the Conditional Use Permit. The overall permitted 52.25 acre mined area is not proposed to change (see attached map) but the “footprint” of the mined area would be shifted approximately 200 feet west to make better use of the identified geology of the site. The entirety of the mined area still falls within the established boundaries of both the existing Conditional Use Permit and the previous Environmental Assessment Worksheet (EAW). The acquired property is not proposed for any activity and would not be mined; rather, it would be utilized as buffer/setback area. Any mining of it in the future would have to be reviewed as a separate request with associated public hearing, Planning Commission and City Council review, and would be subject to additional environmental review components. The buildings on the

southern end of the property are proposed to remain on the property at this time but will not be utilized for anything. The applicants have noted they have no intent to lease the space although they may be open to the sale of the building(s) themselves, provided that a potential buyer is responsible for relocating them off-site. City staff has coordinated with the applicants and the request also seeks to remove and exclude the portion of property previously donated to the City of Waite Park and not under construction for the Amphitheater project from legal inclusion within the boundaries of the Conditional Use Permit. While essentially a formality, both City and Martin Marietta staff believe it would be in the best interest of all parties to revise the legal description of the Conditional Use Permit boundaries to exclude the amphitheater project subject area, particularly at this time when it is convenient to do so concurrently with other components of the amendment request and periodic review of the operations. The proposal was reviewed during a joint work session meeting of the Planning Commission and City Council on April 1st. No concerns were expressed during that meeting. Staff is supportive of the requests as-outlined above and of the adjustments as proposed on the enclosed map/site plan for Rainbow Quarry. Staff does not believe there will be any negative impact on overall operations due to the nature of the proposed amendments. Should further operations be requested at Rainbow Quarry into the newly-added property, there will be sufficient opportunity for further review and consideration at that time on proposal specifics.

At time of initial approval, a periodic review component was incorporated into the Conditional Use Permit to allow both the City and public to have opportunities to review operations, ensure all terms of the Conditional Use Permit are being adhered to, and if necessary to start processes to change any aspects of operations identified by either the City or by Martin Marietta as an item of concern or that may need to be addressed. Public notices of the review opportunity were provided to all properties within established notification area of the Martin Marietta properties, in accordance with City ordinance and State statute. Staff has not identified any concerns with the existing operations. The City receives periodic complaint forms from one nearby industrial property after blast events and concerns associated with this property have been previously addressed by City blasting consultant Bill Welbes. Staff has not received complaints in the past four years from the many other property owners in the areas surround Martin Marietta. Staff believes that operations are operating as-approved and does not believe there is need for further review or currently. The request does include a public hearing component so members of the public have an opportunity for input as well.

Neil Grant (11252 Aurora Ave, Des Moines, IA, 50322)– Natural Resources Director for Martin Marietta Materials.

Stated during the public hearing that he requested recommendation of approval for their proposal. Had no additional information to add.

Board member Arnold asked Grant if there had been a study done on the recently acquired land as far as rock and mining availability. Grant explained that they hadn't and had bought it primarily as a buffer.

Staff recommends approval of the Amendments to Conditional Use Permit as below:

1. Updated Rainbow Quarry mining area and site plan are adopted, provided overall mining footprint does not exceed 52.25 acres.

2. Property depicted on submitted site plan for Rainbow Quarry is incorporated into approved Conditional Use Permit subject area but may not be mined unless further review/approval via additional amendment to conditional use permit occurs.
3. Property now owned by City of Waite Park (amphitheater) is removed and excluded from all applicable Conditional Use Permit components.

Motion to close public hearing by Mr. Blackburn. Seconded by Mr. Zabinski. Voted unanimously to close public hearing at 6:45PM.

Blackburn moved to make a recommendation to approve the application, with the three staff recommendations seconded by Janksy. Passed unanimously.

Blackburn moved to make a recommendation to approve the second part of the CUP application, second by Arnold. Motion carried unanimously

Rezoning, Conditional Use Permit, Variance – Allow for 3 Off-Premise Signs (Billboards) – Jerome Zabinski and Franklin Outdoor Advertising

A request has been submitted Jerome (Jerry) Zabinski and Franklin Outdoor Advertising to rezone portion of property from A-1, Agriculture/Rural Residential to BP/C-2, I-94/TH 23 Entrance Corridor Business Park/Commercial, for Conditional Use Permit to allow for three off premise signs (billboards), and for variance from Waite Park City Ordinance Section 53.20, Subdivision 2 to reduce minimum height of bottom of off-premise signage from 20 feet to 0 feet. The general request is very similar in nature to a similar request reviewed in 2018 by the Planning Commission for nearby property owned by Jeff and Stacy Blonigen. The Planning Commission recommended approval of that request and it was also ultimately approved by the City Council. Construction of those billboards has commenced.

A portion of the property is proposed to be split and rezoned to BP/C-2 commercial classification, to promote the area for long-term growth and business development. The areas to be rezoned is noted in the attached survey drawing. The area is of sufficient size and configuration to allow for future commercial/office/retail development and potential further subdivision. The proposed rezoned area is well in excess of BP/C-2 minimums, so a variety of future uses could be accommodated when ready. The area is not being platted at this time; rather, pending City Council approval, the area would be administratively split from the remainder of the parcel. Platting is not required at this time but would be upon any development activity. The split after proposed rezoning is similar in procedure to what was previously done for the solar facility in this area as well as the previous Blonigen billboard request, as it would be unwise for the owners to commit to the parcel split until the rezoning would be approved. The proposed BP/C-2 zoning classification is in line with the current land use plan for the area, as well as anticipated future land use plan classifications anticipated with a forthcoming update of the Comprehensive Plan. Staff recommends approval of the rezoning.

The requested Conditional Use Permit would allow for construction of three off-premise signs

along the frontage of the Zabinski property adjacent to Interstate 94. The proposed sign locations are reflected on the enclosed survey copy and meet the minimum 1,000 ft. distance between them and from the approved signs on the adjacent Blonigen property to the west. All signs are proposed to be static (non-digital display) and the designs reflect dimensions in line with City requirements. The proposed billboards are of traditional “V-shaped” design and generally typical for the area and utilization along highways. Staff was contacted by the adjacent property owner (Blonigen’s) after they received public hearing notice of the request. They noted that they are considering adjusting the location of their eastern billboard due to some identified visual aspects with existing Mn DOT signage and inquired how the proposed request may impact that. There is adequate room to adjust the locations on the proposed Zabinski property a bit, and staff is amenable to working with the applicants on adjusted locations if the required distances between the billboards is maintained. Slight adjustments to the locations can be approved administratively and would not require further review by Planning Commission and/or City Council unless staff determines it would be appropriate to do so. Preliminary details of the sign design are attached. The proposed signs would be owned and operated by the applicants, so they would not be bound to a long-term lease as is typical with billboards. This has the benefit of allowing future flexibility in development without having to work around the locations. The applicants have advised they will be working with a professional billboard designer and construction team. The variance component is being requested to allow for the bottom of the billboards to be placed lower to grade, rather than the established minimum 20’, so they can avoid impeding the overhead Xcel lines. Staff noted the variance request to reduce the height to zero feet in case further design considerations and site work led to a lower height being necessary (without having to request further variance), but the applicants may opt to install a higher height as conditions may deem appropriate as design finalizes. Staff believes a practical difficulty is present due to the presence of the overhead Xcel lines, over which the applicants have no control and cannot feasibly work around.

Staff recommends approval of the rezoning as proposed.

Staff recommends approval of the Conditional Use Permit with conditions as proposed.

Staff recommends approval of the variance as submitted.

As this request includes a public hearing component, the Planning Commission will need to hold the public hearing prior to any action on the request.

Jansky read aloud the public hearing.

Zabiniski stated due to a conflict of interest he would remove himself from this portion of the meeting.

Jeff Blonigen (1650 W St. Germaine St, St. Cloud, MN 56301)

Neighboring property owner. No complaints about anything being proposed except for the placement of one sign. Went to MN Dot to move their sign 735 feet SE of where it was currently supposed to be put up and did that because their property is currently zoned commercial. They went to MN Dot and they gave them a permit to do that and the reason they did that is because there is a blue sign owned by MN Logos. Over the winter they were looking at moving that sign and it was going to cost them about \$10,000 to move it and they were willing to absorb that cost, but when MN Logo’s went to MN Dot they were told they only had 25 feet to move the sign, so it wasn’t going to accomplish anything Blonigen’s wanted to do for their site lines. The only way to get around that was for Blonigen’s to move their sign to the SE so

their left hand read would still be visible since they can't go any higher because of the highline poles that run in that area. Blonigen stated they thought they had more time since the ground was frozen and once you pull permits from MN Dot you only have so much time. Blonigen stated they do have a permit from MN Dot and was told that per MN Dot standards another sign can't be closer than 500 ft. Blonigen has issues with the sign on Zabiniski's lot that would be encroaching his.

Noerenberg clarified that Blonigen's have a CUP that locks them into the location. Blonigen's have a permit from MN Dot, but they would have to get an amendment to their CUP to move the location of their sign.

Blonigen thought that the CUP had locations drawn up with it with approximate locations. Blonigen thought that there was some leeway to play with locations. That is why they pulled the MN Dot permit so that no sign could be closer than 500 feet to protect their site lines. Blonigen was unaware that Franklin and Zabiniski were planning this until last Thursday, so that is why Blonigen's hurried up and did what they did.

Jansky asked if they could move the sign the other direction and not have to go the 750ft? Blonigen said no because then they would be entering a wetland area. Blonigen stated that if they must get another CUP from the City they will but as MN Dot conditions stand, they are allowed to put a sign where they want.

Steve Anderson (Cold Spring) Franklin Outdoor

Franklin Outdoor Advertising who has been working with Zabiniski stated they based all their locations off of City approval. Anderson stated he tried getting a permit for the westerly location but can't get a permit until it is zoned commercial. What was approved for the Blonigen's is what they went with for the Zabinski application. Both properties have site line issues. Anderson said they have to place their signs in the best location as well and they only have a few feet to play with. Anderson said they've been going through the correct process and Blonigen stated they looked at it a long time ago but didn't make a move until they got notice of the public hearing. Anderson feels they are only doing this to prevent a third billboard on the Zabinski property

Chair Jansky stated that the recommendations they make have to be from the information in front of the them and city ordinance.

Noerenberg asked a question to clarify – Blonigen's are concerned about the Zabinski standalone sign because it would encroach on the 500 ft spacing requirement set by MN Dot. Blonigen agreed. Blonigen said Zabinski wouldn't get a permit now because of where Blonigen's just pulled a permit for their sign.

Stacy Blonigen (1650 W St. Germain St., St. Cloud, MN 56301)

S. Blonigen made the comment that Franklin does billboards every day, so they should know that they can't get a permit from MN Dot until the property is zoned correctly. She stated they are just trying to react to the information they just received.

Bob Zabinski

Stated that he doesn't see how you can hold the Zabinski's hostage when the other party (Blonigen's) already have a CUP to place their signs in a certain location and now want to move one after finding out about the Zabinski's.

Lee Zabinski (3190 CO Rd 137, Waite Park, MN)

Asked that the Planning Commission make a recommendation for the rezoning and the CUP based on permitting already placed on neighboring property

Noerenberg – as Chair Jansky stated earlier, the PC must review and make a recommendation based on what was previously approved. There has been no formal application received from the Blonigen's. Noerenberg thought that the issue is more with the 500 ft distance that is the MN Dot standard versus the 1000 ft that is the City's standard. Noerenberg thought their best option would be to approach MN Dot and see if there is a variance option with them or some other alternative. Noerenberg is open to a future variance option to reduce the setback for the Blonigen billboard in that instance if they can prove there is an issue outside of their control.

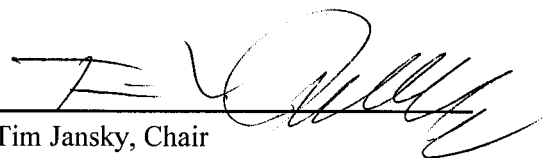
Blackburn moved to close the public hearing, seconded by Arnold. Motion carried unanimously. Public hearing closed at 7:33

Blackburn moved to make a recommendation to approve the CUP, seconded by Arnold conditions set forth by staff. Passed unanimously.

Blackburn moved to make a recommendation accept the rezoning application seconded by Arnold. Motion carried unanimously.

Blackburn moved to make a recommendation to approve the suggested motion variance seconded by Arnold. Motion carried unanimously.

Blackburn moved to adjourn, seconded by Zabinski. Motion carried unanimously. Meeting adjourned at 7:39



Tim Jansky, Chair



Jon Noerenberg, Planning & Community
Development Director