



BURNSVILLE PLANNING COMMISSION MINUTES

MEETING OF FEBRUARY 14, 2005

MEMBERS PRESENT

Richard Dusterhoft
Michael Esch
Tim Ivers
Steve Manhart
Andrew McIntosh, Alternate
Mary Sherry

MEMBERS ABSENT

OTHERS PRESENT

Matt Brokl
Jenni Faulkner

The meeting was called to order by Chair, Michael Esch, at 7:00 p.m.

CONSENT AGENDA

1. Adoption of Agenda.
2. Consider Approval of Minutes for Previous Meeting of January 24, 2005.

Esch called for comments on or changes to the adoption of the Agenda and approval of the January 24 2005 Minutes.

Ivers moved and Sherry seconded a motion for adoption of the agenda and approval of the January 24, 2005 minutes.

Ayes: Dusterhoft, Esch, Ivers, Manhart, Sherry. Nays: None. Motion passes (5-0).

3. Public Hearing – Innovative Landscape Supply, Inc. – Application for an Interim Use Permit to Allow the Outdoor Storage and Display of Black Dirt and Landscaping Supplies to be Located off of Lady Bird Lane, West of I-35W.

Faulkner presented an overview of the application advising that staff recommends that the Planning Commission recommend to the City Council approval of the application as conditioned.

Esch-called for questions of staff:

Ivers noted that the background indicates the outdoor storage of landscape materials is permitted until redevelopment of the MRQ area. He asked when that would happen. Faulkner advised that the IUP notes a ten year period at which time the landfill will be at capacity and the quarry will cease operation.

3. Public Hearing – Innovative Landscape Supply, Inc. – Continued

Ivers asked if the IUP may have to be voided at a future date. Faulkner advised the activities on the sites will cease within the terms of the IUP which should be prior to the closing of the landfill and end of quarry operations.

Sherry referenced the 10 foot maximum height of stored materials saying the dirt pile across the street appears to be more than 10 feet. Faulkner advised the dirt pile in question has no height restriction. Sherry referenced the required removal of 10,000 cubic yards from the Nolan property. Brokl said that no dirt would be allowed to be left on the Nolan property adding that the Settlement Agreement states that 10,000 cubic yards must be removed off site. This would allow the balance of the material to be pushed on Innovative's property. He said the goal is to keep the height below 30 feet. He noted that the heights on the Green property vary based on the limit approved years ago. Faulkner said she would like to clarify the condition by rewording it to say, 'Up to 14,000 cubic yards of dirt may be moved to 721 Ladybird Lane (which will equal the 10,000 that must be moved offsite)'. Sherry referenced Condition #1 asking what would happen after June 30, 2005. Faulkner said no more dirt could be brought in. Brokl advised that the condition paraphrases information contained in the Settlement Agreement. Sherry noted the requirement for silt fencing. She asked if it could be stated that the material be black or green.

Esch asked how high the pallets in the pallet inventory area would be stacked. Faulkner advised the maximum height would be ten feet. She indicated the location of the screening and fencing improvements. Esch asked if the intent was to aesthetically improve the properties. Faulkner advised that this would be the first step in that direction. She said that outdoor storage is no longer allowed in the GIM area. She said that this is a non conforming use and through the IUP an end date will be established.

McIntosh asked why this application is being handled through an IUP as opposed to a CUP. Faulkner advised that a CUP runs with the property indefinitely but the IUP requires an end date. Outdoor storage is only allowed as an IUP within the GIM zone.

Manhart asked if any changes have been proposed for the parking area or drive ways. Faulkner advised everything will remain as it exists except for the addition of the pallet inventory area and the bins on the Astleford site. Manhart asked if a new driveway is proposed. Faulkner indicated the location of a new driveway saying that it will be hard surfaced and the bins will meet accessory structure setback requirements. She added that entire site will maintain 30% green area. She said all new construction on the Astleford site will meet current requirements.

Robert Reko, Innovative Landscape Supply, 721 Ladybird Lane, advised that the future cleanup of the area will allow them to keep more of the area maintained.

At 7:17 p.m., Esch opened and closed the Public Hearing and called for discussion among the Commissioners.

3. Public Hearing – Innovative Landscape Supply, Inc. – Continued

Dusterhoft: “I have just one question. Matt, don’t we need to refer back to the Settlement Agreement that you referred to ... you said this was sort of a paraphrase?”

Brokl: “It is. Commissioners, I guess what I would say is, the Settlement Agreement anticipated that Landscape Innovations would come in and apply for these IUP’s. This is, in essence, some of the steps to effectuate everything that is in the Settlement Agreement. So, you don’t need to incorporate the whole Settlement Agreement by what you do. I think it is more the other way around. I am comfortable about the adequacy of that ... it has been signed. It is being filed with the court as we speak and this is exactly the type of solution we’ve been trying to achieve. So, don’t be concerned about the specifics within this report because the Settlement Agreement has the language locked down.”

Dusterhoft moved to approve the application with the following conditions associated to each property:

— **Nolan’s property:**

1. The applicant shall remove the dirt pile from the Nolan’s property no later than June 30, 2005. All but 10,000 cubic yards of dirt may be moved to 721 Lady Bird Lane.

— **721 and 771 Lady Bird Lane :**

1. The dirt pile is permitted to remain until November 1, 2008. This is the same end date as the IUP issued to Dale Green across Lady Bird Lane to the west for storage of black dirt. No new soil will be allowed to be brought in except for dirt from the Nolan’s property until June 30, 2005.
2. The applicant shall submit an erosion control plan and install and maintain black or green silt fencing around the base of the dirt piles to the satisfaction of the City Engineer.
3. The applicant shall restore the land used for the dirt pile to a vegetative state.
4. The applicant shall obtain the required grading permits.

— **721 and 771 Lady Bird Lane and adjacent property to the south (Astleford):**

1. The outdoor storage and display for all other landscape materials is permitted for a 10 year period. This is concurrent with the anticipated end-use of heavy industrial uses in the Minnesota River Quadrant redevelopment area.
2. The maximum height of materials is 10 feet.
3. The applicant shall provide screening from the street for the entire outdoor storage/display area including the proposed mulch bins on the southerly lot.
4. The applicant shall revise the plans to provide the required minimum 30% green area for the southerly lot (Astleford).
5. All new driveway areas shall be hard-surfaced.
6. The applicant shall submit approval from Astleford regarding the proposed intended use of their property and/or documentation indicating their ownership of the property.

3. Public Hearing – Innovative Landscape Supply, Inc. – Continued

7. The proposed bins shall meet setbacks for accessory structures (40 feet front yard setback, 10 feet side yard setback, and 20 feet rear yard setback required).
8. The applicant shall obtain the required driveway, building, and grading permits.
9. The applicant shall remove all stored material and garbage from the vegetative yards and side slopes adjacent to the right-of-way on the southeast property lines. All outside storage is to be contained to the area identified in the plan.

Sherry seconded the motion. Ayes: Dusterhoft, Esch, Ivers, Manhart, Sherry. Nays: None. Motion to approve the application passes (5-0) and will go before the City Council on February 22, 2005.

4. Public Hearing – RWH Properties, LLC – Application for a Conditional Use Permit to Allow Additional Signage at 3451 W. Burnsville Parkway.

Faulkner presented an overview of the application advising that staff recommends that the Planning Commission recommend to the City Council approval of the application.

Esch called for questions of staff:

Manhart noted that several of the similarly sized/used buildings in the area have utilized the same types of material (such as silver metal with backlighting). He asked if similar attempts have been made for this building. Faulkner asked that Mike Whalen address this question.

At 7:23 p.m., Mike Whalen, RWH Properties, advised that sign standards have been submitted indicating all signage would be uniform.

Manhart asked how the signs would be lit. Whalen said that they would not be illuminated. He said they have ground lighting on the 42 side with the signs on the north side being lit by standard wall mounted lighting.

At 7:26 p.m., Esch opened and closed the Public Hearing.

Ivers moved to approve the CUP as submitted. Manhart seconded the motion. Ayes: Dusterhoft, Esch, Ivers, Manhart, Sherry. Nays: None. Motion passes (5-0) and will go to City Council on February 22, 2005.

5. Planning Commission Goal Setting for 2005.

Faulkner presented an overview of the Work Plan and removed “industry clusters” (medical technology) because it is an EGC item.

Esch called for questions of staff, there were none.

5. Planning Commission Goal Setting for 2005 - Continued

Dusterhoft moved to approve the Work Plan as amended and Sherry seconded the motion. Ayes: Dusterhoft, Esch, Ivers, Manhart, Sherry. Nays: None. Motion carries (5-0). Esch will present the Work Plan to the City Council on February 22, 2005.

6. Adjournment.

Ivers moved and Dusterhoft seconded the motion to adjourn the meeting. Ayes: Dusterhoft, Esch, Ivers, Manhart, Sherry. Nays: None. Motion passes (5-0) and the meeting adjourned at 7:38 p.m.

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