

**REGULAR MEETING
OAKDALE PLANNING COMMISSION
October 5, 2023**

The Oakdale Planning Commission held a meeting on Thursday, October 5, 2023 at Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, Minnesota. The meeting began at 7:00 PM with the Pledge of Allegiance.

CALL OF ROLL

On a call of roll, the following were present:

Chairperson: Dallas Pierson

Commissioners: Tom Willenbring
Christopher Campbell
Lee Stolarski
Yaya Diatta
Janet Hagen

Also Present: Luke McClanahan, City Planner
Jake Ingebrigtson, City Council Liaison
Renee Gardas, Twin Cities Transport & Recovery
John Grindeland, Twin Cities Transport & Recovery
Deb Ramsey, 6010 27th St N
Donald Gangl, 6026 27th St N
Darmon Jones, 6031 27th St N

Not Present: Michael McCauley, Commissioner

APPROVAL OF MINUTES

A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMMISSIONER CAMPBELL, TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 2023 AS PRESENTED.

VOTED IN FAVOR:

Chair Pierson	AYE
Commissioner Willenbring	AYE
Commissioner Campbell	AYE
Commissioner Stolarski	AYE
Commissioner Diatta	AYE
Commissioner Hagen	AYE

6 Ayes. Motion approved.

PLANNING COMMISSION REVIEW

a. NEW BUSINESS

i. PUBLIC HEARING – TWIN CITIES TRANSPORT & RECOVERY INC, 2741 GENEVA AVENUE NORTH, CONDITIONAL USE PERMIT AMENDMENT (ALTERNATIVE FENCING AND SCREENING MATERIALS)

Luke McClanahan, City Planner, stated that the property is 2741 Geneva Ave N. The request is for Twin Cities Transport & Recovery, also known as Twin Cities Towing. The purpose of the request is to consider an amendment to the applicant's original Special Use Permit (SUP) to allow alternative fencing and screening materials. The property is zoned I-O Industrial-Office, where automobile towing service is listed as a Special Use. The term Special Use is interchangeable with the term Conditional Use, as defined in the City's Zoning Ordinance.

Twin Cities Towing received approval of their original SUP on Oct. 2, 1985 to operate their automobile towing service. In the resolution of approval the first condition states, "That the property owner install an eight foot 100% opaque treated wooden fence along the southern boundary of the exterior storage area and also along the eastern boundary of the property extending from the south property line north a distance as determined by staff as necessary to screen adjacent properties."

Previously there was a wooden fence on the property. Staff received complaints about the fence being in poor condition and notified the business to replace it. On May 2, 2022, the City's Code Enforcement Office notified the business that the original SUP resolution required a 100% opaque treated wood fence that is eight feet in height and that a building permit would be required. In spring 2023, Twin Cities Towing removed the wooden fence and replaced it with chain link, without a permit. On July 6, 2023, the City informed the business that the chain link fence does not comply with the original SUP and there are two options to work towards compliance: 1) The business could reinstall an eight-foot wooden fence that is 100% opaque, or 2) they could apply for a SUP amendment request to allow chain link fence in lieu of a wooden fence.

The business is seeking an amendment to allow the chain link fence. Mr. McClanahan displayed some images of the fence and noted that while the privacy slats provide some opaqueness, it is not 100%. This type of fence is not as effective to reduce noise as a wooden fence.

Mr. McClanahan referenced the review criteria of the Zoning Ordinance that must be used when reviewing Special Use Permit amendment requests. Staff finds that the review criteria have not been satisfied as detailed in the staff report on file. Three of the seven review criteria were not met because the chain link fence does not provide adequate screening of exterior storage of materials, and it does not mitigate noise impacts from the business as this site is located approximately 100 feet away from residential property. Staff recommends denial of

the amendment request, or in other words, staff recommends upholding the original conditions of the SUP for Twin Cities Towing.

Mr. McClanahan stated that this is a public hearing item. For next steps, the City Council is expected to hear the request on October 24. Assuming the City Council denies the amendment request, staff will give the applicant a deadline to reinstall the wooden fence. If the wooden fence is not reinstalled, then the SUP would be brought back to the Council for consideration of revocation. In terms of retrofitting the existing chain link fence, Mr. McClanahan said that adding vinyl fencing would not meet the intent of the original condition of approval, in staff's opinion. Also, adding wood panels would present certain engineering challenges.

Commissioner Campbell asked why vinyl panels would not meet the intent of the original SUP. Mr. McClanahan said that looking at the specific language of the SUP resolution, it says the fence must be "treated wooden" and that it is unknown if vinyl panels would reduce noise like wood panels.

Referencing the applicant's written narrative, Commissioner Campbell asked if the City has records of the Code Enforcement Officer granting approval for the chain link fence. Mr. McClanahan said that he has written correspondence from the Code Enforcement Officer to Twin Cities Towing that states the original conditions from the SUP, requiring the fence to be eight feet tall and wooden. There is no written correspondence that indicates the Code Enforcement Officer allowed the chain link fence with privacy slats.

Commissioner Willenbring asked if the noise from the business violates the City's noise ordinance. Mr. McClanahan said that there is a noise ordinance and the City could look into any possible violations.

Commissioner Diatta asked about the intent of the ordinance, whether it is about noise or screening. Mr. McClanahan said that the SUP was approved nearly 40 years ago and it's unlikely a noise analysis was completed at that time. Noise violations are governed by a separate chapter of the ordinance and such complaints would not be considered by the Planning Commission. Commissioner Diatta recommended that City staff review all violations as a whole rather than item by item.

Commissioner Willenbring asked if other materials can be used for the fencing, since advancements have come a long way since the SUP approval in 1985. Mr. McClanahan said that staff recommends upholding the original condition of approval and require the fence to be wood. However, if the Planning Commission finds that another material might be suitable, they could recommend an alternative material to the City Council. Chair Pierson said that when looking at the original approval, the guiding principle seems to be that the fence needs to be 100% opaque.

Chair Pierson opened the public hearing.

Renee Gardas, Twin Cities Transport & Recovery INC., the applicant, said the Code Enforcement Officer had contacted her and said the fence is in disrepair. They found that the fence was too heavy and the ground was too soft and wind caused problems. Ms. Gardas said she asked the Code Enforcement Officer about installing a 10 foot tall fence, and the Officer said that would be appropriate. The Code Enforcement Officer conducted a site visit. The chain link fence was installed in June 2023. Then in July 2023, the Code Enforcement Officer said the fence does comply with the original SUP. The fence company provided the privacy slats, but they do not provide 100% opaqueness as the previous wooden fence did.

Commissioner Campbell asked the applicant if she had asked the fence company about resolving the situation, to which Ms. Gardas said she has not spoken with the company yet. Ms. Gardas said the fence company said a wooden fence would not be supported by the ground and there is a fiber optic cable running along the property.

John Grindelnd, Twin Cities Transport & Recovery INC., said the company tries to be a part of the community and they tow for emergency services, cities, and fleets. Grindelnd added that they are not a typical towing company that aims to repossess cars. It is important for them to work with the city and they plan to be in their location for a long time.

Deb Ramsey, 6010 27th St N, said she strongly opposes the amendment request. She said the reasons for opposition are not just visual. The company creates a lot of noise from the trucks' backup beepers. There is noise from the chains and employee conversations. A wooden fence would prevent some of the noise and would be better than the chain link fence with slats. Ms. Ramsey suggested the company use the north entrance to bring in vehicles to help eliminate the noise problem that affects the nearby residences.

Chair Pierson asked that public comments be focused on the fence issue.

Donald Gangl, 6026 27th St N, said the business's fence previously had an overhang which was removed, then the entire fence was torn down. A wooden fence is better for keeping people from climbing it and stealing cars. At all times of the night, you can hear trucks with their backup horns. The previous wooden fence helped block vehicle headlights. The business's footprint continues to get bigger. When it first started, the business was only allowed to have a certain amount of cars on the property at a time. As the property has expanded, it looks more like a junkyard. Mr. Gangl also stated that due to the number of cars on the property, it would be difficult for a fire truck to navigate the site.

Darmon Jones, 6031 27th St N, stated that one of his concerns is noise. He said that other people have thought the towing business is a junkyard. He added that when one drives along 25th Street, every vehicle on the property is visible.

Chair Pierson closed the public hearing.

Commissioner Campbell said that when reading the original SUP resolution, it seems that the concern was about visibility, not sound. Because the request is to amend the original permit, it effectively allows the Planning Commission to address the noise concerns. The actual fence material is less of a concern as there are other alternatives available, such as acoustic fence. The fence should be 100% opaque, and placing a noise qualifier in the conditions of approval would be appropriate.

Chair Pierson said the other problem that was brought up is light pollution from vehicle headlights. The chain link fence with privacy slats would not provide adequate screening from headlights.

Commissioner Campbell restated that the business should go back to the fence company and see how they could fix the problem.

Chair Pierson suggested that City staff reinvestigate if composite materials would be allowed for the panels. The other question is the depth needed for the post to support the weight of additional panels, but that would require engineering, which is outside the purview of the Planning Commission.

Commissioner Campbell asked if action should be delayed while the applicant comes up with a solution. Chair Pierson said that the decision should be to recommend approval or denial and to not delay action. Commissioner Stolarski suggested tabling the item while staff works with the applicant.

Commissioner Hagen said that it was problematic that the applicant was led to believe the new fence was acceptable after it was installed.

Commissioner Diatta said it comes back to the intent of the original approval, which was about visual screening. The decision of the Planning Commission should be centered on the visual impact of the fence. Chair Pierson said that other issues have been raised about the fence that affect more than visual impacts. Commissioner Campbell said that because the applicant has requested an amendment to the SUP, the Commission can open up the request and address any issues that they may choose. Mr. McClanahan said that as a recommending body, the Commission can recommend approval of the amendment subject to conditions.

Commissioner Willenbring asked if there is an easement abutting the property for the fiber optic line, which was probably not there back in 1985. Mr. McClanahan said that if the fiber optic is located on the south side of the property, it would be in the railroad right-of-way where no encroachments can occur. Commissioner Willenbring asked if there is enough room for new footings and foundation. Chair Pierson said some of these questions are engineering related and go beyond the scope of the Planning Commission's role.

Commissioner Campbell suggested that City staff look at the noise ordinance. The ordinance is vague, whereas other municipalities have specific standards.

Commissioner Diatta noted that the business is located in a predominantly commercial and industrial area.

Commissioner Stolarski stated that the business has been there for many years and is located on an industrial zoned parcel. Stolarski said that industrial properties are generally allowed more flexibility than other properties.

Commissioner Campbell asked how many cars are stored on the property. Chair Pierson said that based on the aerial photo in the agenda packet there appears to be 75 cars on site. Commissioner Campbell said that the amount of cars on the property demonstrates the need for a 100% opaque fence.

Chair Pierson said the issue is about the deviation from the original approval and asked the Commission if they should table the item, recommend approval, or recommend denial. Commissioners Stolarski, Willenbring, and Diatta said they should table the item.

Commissioner Campbell asked Mr. McClanahan what are the Commission's options. Mr. McClanahan reminded the Commission that they are a recommending body and the final determination will be made by the City Council. Commissioner Campbell said that the request does not have to be heard immediately by the City Council and that staff can continue to work with the applicant over the next few weeks before action is taken by the City Council. Mr. McClanahan said that an extension to review the application has already been issued, due to a technicality, and the City Council has until December to act on the request.

COMMISSIONER CAMPBELL MADE A MOTION, SECONDED BY COMMISSIONER STOLARSKI, RECOMMENDING DENIAL OF THE CONDITIONAL USE PERMIT AMENDMENT FOR ALTERNATIVE FENCING AND SCREENING MATERIAL FOR TWIN CITIES TOWING AT 2741 GENEVA AVENUE NORTH.

VOTED IN FAVOR:

Chair Pierson	AYE
Commissioner Willenbring	AYE
Commissioner Campbell	AYE
Commissioner Stolarski	AYE
Commissioner Hagen	AYE

VOTING IN OPPOSITION:

Commissioner Diatta	NAY
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5 Ayes, 1 Nay. Motion approved.

OTHER BUSINESS

a. Planning and Development Update

Mr. McClanahan said that there will be a Planning Commission meeting on November 2nd because there is a Site Plan and Planned Unit Development Amendment for a childcare center. The draft shoreland overlay zoning district ordinance will also be heard on November 2nd.

b. City Council Update

Council Member Ingebrigtsen did not have any updates but welcomed questions from the Commission. Commissioner Campbell asked when the new public works facility will begin development. Council Member Ingebrigtsen said that the site is still being cleaned up and the goal is to begin construction in early 2024.

ADJOURNMENT

A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY DIATTA, TO ADJOURN THE OCTOBER 5, 2023 MEETING OF THE OAKDALE PLANNING COMMISSION AT 7:57 PM.

VOTED IN FAVOR:

Chair Pierson	AYE
Commissioner Willenbring	AYE
Commissioner Campbell	AYE
Commissioner Stolarski	AYE
Commissioner Diatta	AYE
Commissioner Hagen	AYE

6 Ayes. Motion approved.

Respectfully submitted,

Luke McClanahan
City Planner