

## **PUBLIC HEARINGS/COMMISSION BUSINESS**

**Case #1: Public Hearing – Consider Request for a Conditional Use Permit to Process Demolition Concrete in the E-2 Employment District and to Stockpile Sand/Soil on a Property in the E-2 Employment District at 6651 141<sup>st</sup> Avenue NW; Case of Sauter and Sons, Inc.**

### **Public Hearing**

Vice Chairperson Van Scoy called the public hearing to order at 7:04 p.m.

### **Presentation**

Associate Planner/Environmental Coordinator Anderson presented the staff report.

### **Citizen Input**

This evening the attached letters were received from Lenny Kalway of Kalway Construction, 14160 Basalt Street, Derek West of 24 Restore, 6615 141<sup>st</sup> Avenue, John Dehn of Dehn Oil, 6735 141<sup>st</sup> Avenue, and an email from Jeff Welle of Welle Construction.

Commissioner Brauer stated the contingencies do not mention the City investing and redeveloping the area and there were long term plans to have it as an office park, he asked if that has changed and if there is a long term vision for that area.

Senior Planner Gladhill stated that this area was looked at as a redevelopment area; there is not a project today, but hopefully someday there will be development on this vacant parcel. That is why the interim use permit route was reviewed by Staff.

Tom Sauter, Sauter & Sons, Inc., the applicant, stated he wants to bring in concrete and crush it for his own use; it will not be open to the public. Once a year they will bring the concrete in, recycle it and use it for their job sites; they do demolition all year and Bury and Carlson and Commercial Asphalt are closed in the winter months. He stated he could put in a berm and trees on Ebony Street.

Commissioner Brauer asked how much noise the crushers make.

Mr. Sauter stated it does not make a lot of noise and the dust can be controlled by adding water.

Vice Chairperson Van Scoy stated two concerns seem to be erosion and potential contamination, and asked what can be done for the erosion and potential contamination.

Mr. Sauter stated he could maintain and clean the pond; he has had fill there for 10 years and the pond is in good shape. He will not be hauling contaminated material to his own site.

Associate Planner/Environmental Coordinator Anderson stated staff could work with the applicant to get a detailed plan for erosion control and contamination prevention. Mr. Sauter stated that is acceptable to him.

Discussion ensued regarding the pond, erosion control, contamination prevention, and screening.

Chris Bury, Bury and Carlson stated their concern is that Sauter and Sons brought material into the yard before any approvals were given. Sauter & Sons' same request was denied in 2004 and those reasons should be addressed. In 2004 they were to remove all the rubble when the permit was denied and they failed to do so. He also stated that Bury and Carlson is open for business all year long and open until noon on Saturdays.

Discussion ensued regarding the code enforcement process.

Motion by Commissioner Bauer, seconded by Commissioner Schiller, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Schiller, and Brauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Vice Chairperson Van Scoy closed the public hearing at 8:01 p.m.

### **Commission Business**

Motion by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt findings of fact relating to the request for a Conditional Use Permit for processing demolition concrete and asphalt in the E-2 Employment District with the removal of finding of fact #24.

### **Further Discussion**

Commissioners discussed if finding of fact #24 should be included in the findings of fact.

Motion amended by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt findings of fact relating to the request for a Conditional Use Permit for processing demolition concrete and asphalt in the E-2 Employment District incorporating finding of fact #24 into part 1 of finding of fact #23.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Motion by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt a resolution approving the request for a Conditional Use Permit for processing

demolition concrete and asphalt on the property at 6651 141<sup>st</sup> Avenue NW and declaring the terms of the permit, based on findings of fact.

### **Further Discussion**

Discussion ensued regarding an erosion control plan.

Motion amended by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt a resolution approving the request for a Conditional Use Permit for processing demolition concrete and asphalt on the property at 6651 141<sup>st</sup> Avenue NW with the addition “The applicant shall develop an erosion control plan subject to approval by the City” and declaring the terms of the permit, based on findings of fact.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Motion by Commissioner Bauer, seconded by Commissioner Schiller to recommend that City Council adopt findings of fact relating to the request for a Conditional Use Permit for open and outside storage as the principal use in the E-2 Employment District.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Schiller, and Brauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Motion by Commissioner Bauer, seconded by Commissioner Schiller to recommend that City Council adopt a resolution approving the request for a Conditional Use Permit for open and outside storage as a principal use on the property at 14191 Ebony Street NW and declaring the terms of the permit, based on findings of fact.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Schiller, and Brauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

**Case #2: Public Hearing – Consider Request for Variance to Platting Requirements at 7040 173<sup>rd</sup> Avenue NW; Case of Makowsky Family Farm, LLC**

### **Public Hearing**

Vice Chairperson Van Scoy called the public hearing to order at 8:14 p.m.

### **Presentation**

Senior Planner Gladhill presented the staff report.

### **Citizen Input**

Discussion ensued regarding the road easement and if it should be required.