

**THE SPECIAL MEETING OF THE PLANNING COMMISSION BOARD HELD ON
APRIL 6, 2009, AT 6:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 6:00 P.M., by Dave Thompson. Members present were Ben Hanson, Lee Steinbrecher, Jack Edmonds. Staff present was Jay Blake and Mary Lou DeWitt. Absent was Ken Haskamp.

PUBLIC HEARING:

A. #09-03 Conditional Use Permit for Auto Sale Business at 601 Rum River Drive South

At the March 16, 2009, Planning Commission meeting, Richard Anderson and Craig Wellman were present to speak of the property at 601 Rum River Drive South that the Anderson family owns next to the old Coborn's building. Wellman would like to lease the building and put an Auto Sales Business there where he would sell used vehicles. Anderson is proposing to update the building, but can not afford to pave the parking lot also. This property is located in a B-2 General Business District. Auto Sales is permitted with the issuance of a Conditional Use Permit or Interim Use Permit. The Zoning Ordinance states that the entire parking area shall be hard-surfaced within one year of the date the permit is issued. Staff's concerns were that if the Planning Commission Board is flexible with this site regarding the parking area then the City would also have to be flexible with the other auto dealers in town that have been following the regulations. The Planning Commission Board recommended to the owner that an Interim Use Permit would fit this situation better and they would be flexible with moving the paving of the parking lot out to 18 months. The applicant prefers to apply for a Conditional Use Permit.

Blake informed the Planning Commission Board that he made a mistake about the interpretation of the Interim Use Permits and Conditional Use Permit. The clarification is that the Conditional Use Permit is recorded with the property and stays with the property forever. Even if the property is sold to another party the Conditional Use Permit stays with the site. If the Conditional Use Permit is granted and conditions are not met, the City has recourse where they would have to take civil action to shut that party down for not meeting the conditions that were given at the time of the permit. The City Attorney said we can not get rid of the permit, but can take legal action against the property owner regarding not following the conditions that go with the permit.

Edmonds thought we would suspend the permit if conditions on the permit were not followed.

Blake said there would have to be a meeting with the property owner and the Planning Commission Board to discuss the situation. If the Planning Commission Board wanted to remove the Conditional Use Permit the they would direct Staff to contact the City Attorney to take civil action.

The interpretation of the Interim Use Permit is that the permit can be issued with a cut off date that the permit expires. In a few years if Anderson's property were wanting to change use to something other than a car dealership then the property owner would come back and apply for a new Conditional Use Permit for what that business would be.

Interim Use permit is associated with the property owner with conditions more so than the land. The Interim Use Permit does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters.

Blake said the paving issue needs to be completed. The parking lot should be hard surfaced one year from the date the Conditional Use Permit is issued. Blake understands that construction can not be done on this during the winter. If a Conditional Use Permit was granted and a year from now the weather did not permit the paving of the lot, the Planning Commission Board may work with the property owner regarding a time frame that is more accommodating. In this case, improvements would be added to the property and increase the value. Other issues regarding this site are the lighting and signage. Parking lot lights can be difficult to those driving by so the lighting would need to be directed downward on the parking lot. The signage would also have to be reviewed. They can reface the current sign that is at the site and grandfathered in. If the applicant were to want to put signage on the building they can install a sign 10% of the wall size. The setback from the corner of this site is 30 feet so visibility is not hindered. No parking would be allowed within that setback. The dumpster would also need to be contained so it is not visible.

Blake recommends that if the Planning Commission Board believes that the request meets the criteria for the issuance of a Conditional Use Permit the Board should follow the City Attorneys written suggestion for conditions:

A. The applicant shall provide a paved parking lot within twelve (12) months of the approval of the Conditional Use Permit. Parking lot standards shall include the following:

- * Parking stalls shall be a minimum of 180 s.f. in area.
- * Parking lot edge shall be setback three feet from the property lines.
- * Drainage shall be controlled.
- * Backing onto adjoining property or the public street shall not be allowed.

B. The applicant shall provide parking lot lighting details. No lighting shall interfere with traffic on the public roadways nor shall light be cast onto adjoining residential properties.

C. The applicant may use the existing pylon sign structure. Signage on the building shall be limited to 10% of the building face on each of the sides of the structure.

D. No more than 40 cars shall be offered for sale on the site. Cars offered for sale shall not be parked on road right-of-way, nor parked in a manner that creates a hazardous traffic condition.

E. Customer parking shall not occur within 30 feet back from the intersection of Rum River Drive and South 6th Street.

F. The applicant shall work with the City Attorney to establish a performance letter of credit or performance bond in favor of the City of Princeton that ensures that the parking lot will be

paved within the prescribed time frame. Once the lot is paved, the City will release the letter of credit or bond.

G. Refuse containers shall be screened from view from public streets.

Blake recommends a performance bond or letter of credit where the owner puts money down to the City until the paving is completed. The City Attorney said if an Interim Use Permit were issued instead, then it should state a date of ending so if the paving is not done, then the permit can be removed at that date.

Hanson commented that if the Interim Use Permit is not followed it then could expire by the date issued on the permit. Then the Planning Commission would not give a new permit since they have not followed the guidelines.

Steinbrecher asked Wellman and Anderson who were present, how they want to handle the paving. If they were to go with an Interim Use Permit there is no money required to guarantee that the parking lot is paved. The permit would be expired if not completed by the date required on the permit. If they were to go with the Conditional Use Permit then there will be a required amount that needs to be held by the City.

Anderson asked if the Planning Commission requires a bond from all applicants.

Steinbrecher said the City does require an escrow or line of credit for different projects through the city. The Planning Commission has not had to deal with parking lot issues before.

Anderson said he will not do an Interim Use Permit. He does not want the permit removed.

Wellman commented that he invested too much money into this business to take the risk of the Interim Use Permit being revoked.

Anderson does not trust the City to take the permit away especially if the Planning Commission Board members change and then the new ones would not allow the Interim Use Permit extended. Anderson said he will pave the parking lot in a year's time and will give a letter that states if it is not paved in that year's time, then the Conditional Use Permit can be revoked.

Steinbrecher said that the letter of credit ensures that the parking lot will be paved within the prescribed time frame. Once the lot is paved, the City will release the letter of credit. Otherwise the City can use those funds to have the paving completed.

Anderson said he would rather give a letter that states if he does not complete the paving then he would give up the Conditional Use Permit.

Steinbrecher commented that he had to put up a letter of credit to complete a landscaping project at his business so why would that not follow in this case. The letter of credit is used often in banking and they could draw one up for \$10,000 for paving. Steinbrecher is opposed to a letter from Anderson saying he would agree to the removal of the Conditional Use Permit if the parking lot is not paved in the time period stipulated.

Edmonds agreed. If the Planning Commission granted Anderson to draw up a letter saying he agrees to the removal of the Conditional Use Permit if the paving of the parking lot is not done at the time required, then they would have to make the same exceptions for others coming for similar request.

Blake suggest that the City Attorney's suggestions be followed regarding the conditions to the Conditional Use Permit. Blake will work with the applicant on parking lot lighting to not have the lighting exceed outside the lot. The current sign can be refaced. The applicants request to have 40 cars on the lot for sale is fine. There will be no parking 30 feet from corner street setback and Blake will speak to Public Works and make sure that area is marked. The letter of credit needs to be acceptable with the City Attorney.

STEINBRECHER MOVED, SECOND BY HANSON TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

STEINBRECHER MOVED, SECOND BY HANSON TO APPROVE ITEM #09-03 CONDITIONAL USE PERMIT FOR AUTO SALE BUSINESS AT 601 RUM RIVER DRIVE SOUTH WITH THE CONDITIONS:

A. The applicant shall provide a paved parking lot within twelve (12) months of the approval of the Conditional Use Permit. Parking lot standards shall include the following:

- * Parking stalls shall be a minimum of 180 s.f. in area.
- * Parking lot edge shall be setback 3 feet from the property lines.
- * Drainage shall be controlled.
- * Backing onto adjoining property or the public street shall not be allowed.

B. The applicant shall provide parking lot lighting details. No lighting shall interfere with traffic on the public roadways nor shall light be cast onto adjoining residential properties.

C. The applicant may use the existing pylon sign structure. Signage on the building shall be limited to 10% of the building face on each of the sides of the structure.

D. No more than 40 cars shall be offered for sale on the site. Cars offered for sale shall not be parked on road right-of-way, nor parked in a manner that creates a hazardous traffic condition.

E. Customer parking shall not occur within 30 feet back from the intersection of Rum River Drive and South 6th Street.

F. The applicant shall work with the City Attorney to establish a performance letter of credit or performance bond in favor of the City of Princeton that ensures that the parking lot will be paved within the prescribed time frame. Once the lot is paved, the City will release the letter of credit or bond.

G. Refuse containers shall be screened from view from public streets.

UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Are there characteristics of the proposed use that may violate the health, safety or general welfare of Princeton residents? No.
2. Does the proposed use present any unique concerns regarding erosion, runoff, water pollution or sedimentation? No.
3. Could the proposed use create any special problems with parking? No.
4. Would the proposed use cause any problems with access or traffic generation? No.
5. Is the proposed use incompatible with other uses located in the zoning district? No.

STEINBRECHER MOVED, SECOND BY HANSON TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 6:45P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant