

**THE REGULAR MEETING OF THE PRINCETON PLANNING COMMISSION BOARD HELD ON
NOVEMBER 19, 2007, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Dave Thompson. Members present were Jack Edmonds, Lee Steinbrecher, and Ken Haskamp. Township members Bryan Lawrence (Baldwin Township) and Dan Minks (Princeton Township). Staff present were Mary Lou DeWitt and Jake Huebsch (City Interim).

Absent was Ben Hanson.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON OCTOBER 15, 2007

HASKAMP MOVED, SECOND BY STEINBRECHER TO APPROVE THE MINUTES OF THE OCTOBER 15, 2007. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

(Ben Hanson arrived at 6:02 P.M.)

PUBLIC HEARING:

A. #07-16 Lot Split at 601 Fifth Avenue North

DeWitt informed the Planning Commission Board that they are being asked to review a Lot Split at 601 and 603 Fifth Avenue North. The City previously approved a variance at this location to allow the removal of an existing dilapidated home and the construction of a new duplex. Staff had understood the request to be for a two family home on a single lot and the request was reviewed based on that information. The owner has an offer to purchase the units and is now requesting the split of the property. No additional variances are required. The variance that is on this property will be on both properties if the lot split is approved. Staff supports the lot split requested.

Brad Schumacher, applicant was present and said he has two buyers for each of the dwellings. Schumacher is pleased with how the units turned out.

STEINBRECHER MOVED, SECOND BY HASKAMP TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

STEINBRECHER MOVED, SECOND BY HASKAMP TO APPROVE ITEM #07-16 LOT SPLIT AT 601 AND 603 FIFTH AVENUE NORTH. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

B. #07-17 Variance at 506 Eighth Avenue South

DeWitt informed the Planning Commission Board they are being asked to review a variance request at 506 Eighth Avenue South. The applicants are Thomas and Melony Jackson who would like to replace and extend a covered entryway onto an existing dwelling. The current structure lies approximately 30 feet from the right-of-way. The subject property is zoned R-2 Multi-Family Residential.

The applicant submitted building plans for a significant remodel of the structure and two additions to the rear of the home. Staff authorized the construction of the conforming additions and required the owner to submit the request for a variance.

In reviewing the request staff attempted to use the Section V(6) R-3 (D) (2) and authorized the addition: If at the time this ordinance becomes effective 50% or more of the then existing dwellings having frontages on the same side of the street or road have a predominant front yard setback different from that specified herein, then all buildings thereafter erected, altered, or moved may conform to that predominant front yard

depth as a minimum.

In this case, there are two additional residences that are along this section of Eighth Avenue South and both lie approximately 20 feet from the right-of-way. However, both front on the east/west streets and so the exception to the setback requirements could not be used in this case, as no other residences front on this section of Eighth Avenue.

There is a smaller overhang on the front of the current structure that extends approximately two feet into the entryway step. The ordinance does allow the ornamental feature up to 2.5 feet into any required setback. The current structure was built prior to the adoption of the current zoning ordinance. Hardship is generally considered the inability to enjoy the same benefits afford other similarly situated parcels. In this case, the two adjoining residences were allowed to be setback at 20 feet due to the fact they chose to front on the east/west streets.

The situation is unique in that it is not typical that the only other residence along a block face the cross streets. Staff supports the re-investment in our existing neighborhoods to the extent that the improvements do not detract from adjoining uses of land. As the City moves forward with changes with the land use map and subsequent zoning ordinance amendments, it would be appropriate to consider the required setbacks for existing neighborhoods.

Pat Brogan, 506 Seventh Avenue South, was present and said he is a neighbor to this property and supports the variance.

STEINBRECHER MOVED, SECOND BY HASKAMP TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

STEINBRECHER MOVED, SECOND BY HANSON TO APPROVE ITEM #07-17 VARIANCE AT 506 EIGHTH AVENUE SOUTH.

STEINBRECHER MOVED, SECOND BY HANSON TO AMEND THE MOTION OF ITEM #07-17 VARIANCE AT 506 EIGHTH AVENUE SOUTH WITH THE CONDITION THE COVERED ENTRYWAY WILL NOT BE ENCLOSED. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Without the variance, is the owner deprived of a reasonable use of the property? Yes.
2. Is the alleged hardship due to circumstances unique to this property? Yes.
3. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners? Yes.
4. Will the issuance of the variance maintain the essential character of the locality? Yes.
5. Does the alleged hardship involve more than economic considerations? Yes.

C. Amendment to the City's Zoning Ordinance Section V (10) B-3 Highway Commercial

DeWitt informed the Planning Commission Board that at the October 15, 2007, Planning Commission meeting the Board requested additional information of the use of landscaping islands in parking lots. The public hearing on this zoning amendment was closed at the October 15, 2007, meeting. Staff reviewed numerous Zoning Ordinances from around the area and most contained little or no requirements for landscaping islands. Several communities give control to staff for negotiating the requirements.

Staff believes that the use of landscaping islands can provide for safer traffic flow within the parking lot and effectively breaks up the mass of bituminous that is synonymous with large retail developments.

Three cities had language that provided a more concrete method of reviewing the parking lot landscape islands, Woodbury, Plymouth, and Bloomington. The packets contain each of those landscaping island languages. Staff prefers the language in the Plymouth Ordinance. At the October 15, 2007, meeting, the language was too vague in the amendment review and would have placed greater responsibility on the staff and Planning Commission Board.

The Planning Commission Board had concerns that the changes in the amendment for the City's Zoning Ordinance Section V (10) B-3 Highway Commercial is still too vague in regards to the area of square footage shall be devoted to islands per parking lot square footage. In the City of Plymouth language it states number of islands per square footage.

Steinbrecher would like Staff to review the language area for landscaping of islands.

Thompson suggested that we use the Plymouth language where it states parking areas shall devote not less than three hundred fifty square feet of land to internal landscape islands for each three thousand square feet of parking space after the first three thousand square feet.

Steinbrecher agreed.

Thompson wants to keep what Staff suggested with the wording of landscaped islands shall be equal or greater than the size of a parking stall, 180 square feet.

STEINBRECHER MOVED, SECOND BY HANSON TO HAVE THIS ITEM CONTINUED TO THE DECEMBER 17, 2007, MEETING, WHERE STAFF HAS TIME TO REVIEW THE LANGUAGE REGARDING LANDSCAPE ISLANDS PER SQUARE FOOTAGE OF A PARKING AREA. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

D. Amendment to R-3 Multi-family Zoning Ordinance to Allow Seasonal Nursery Business

DeWitt informed the Planning Commission Board that at the October 15, 2007, meeting, the Planning Commission Board directed Staff to prepare an amendment to the Zoning Ordinance relating to the operation of a greenhouse at the property along Rum River Drive North. At the October meeting, Kimberly Morris asked to be on the agenda for a concept plan for a Garden Gift Shop at 603 Sixth Street North. This property is located in an R-3 Residential Zoning District and Morris wanted to have a gift shop in part of this home. The building is over 7,000 square feet. In years past, this building had once been used as a Daycare Facility and another time as a Bait Shop.

Staff has prepared an ordinance amendment for the Planning Commission to review. Blake is concerned with the potential expansion of the operation and its impact on the surrounding residential uses. The seasonal operation of a greenhouse versus a year round greenhouse/gift shop as is proposed at the subject property may have a different impact on the neighborhood. Staff has attempted to consider hours of operation, signage, access, and lighting in the draft amendment.

Kimberly Morris was present and said as far as parking for those coming to the gift shop it should not be a problem. There is plenty of parking in the front and then she parks her own vehicle in back and so does the other resident who rents an area of the building for living quarters. Each party has their own separate entrance.

Beth Hoehn, Property Manager of this site was present and said she is the property manager and would be very happy to see this happen for the home. The idea is very good.

Haskamp questioned if lights from the parking area from vehicles would be shining into the neighboring homes.

Morris responded that will not be a problem with how the driveway is designed. She has spoken with the neighbors and they have no problem with her having a gift shop.

EDMONDS MOVED, SECOND BY HASKAMP TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Morris was asked on the memo she wrote to the Planning Commission that her hours are 8:00 AM to 6:00 PM, Monday through Sunday. What Staff had drawn up in the draft amendment was 9:00 AM to 6:00 PM. Morris said that those hours would be acceptable, but she would prefer 8:00 AM to 6:00 PM, Monday through Saturday. She would be closed Sundays.

HASKAMP MOVED, SECOND BY EDMONDS TO APPROVE THE AMENDMENT TO R-3 MULTI-FAMILY RESIDENTIAL TO ALLOW A YEAR ROUND NURSERY BUSINESS WITH THE HOURS 8:00 AM TO 6:00 PM. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS:

A. Definition of Durable, Dustless, and Hard Surface

DeWitt informed the Planning Commission Board that the Planning Commission is being asked to review the definition of durable and dustless as used in Chapter VI (P) of the Princeton Zoning Ordinance.

According to the current language, all parking lots shall be constructed of a durable and dustless surface and within one year shall be hard surfaced. The question of the terms “durable and dustless” and “hard surfaced” came up during the discussion of the expansion of Wholesale Auto on Rum River Drive wanting to revise their Conditional Use Permit.

Mike Nielson, City Engineer with W.S.B., wrote a memo that it is his opinion that durable and dustless material was intended to mean permanent surfacing. The Ordinance reads, “Permanent surfacing may be installed after one year.” Therefore, it appears the intent of the Ordinance was to allow a temporary surfacing for the first year of operation. Nielson’s suggestion on the definition would be:

“A Durable & Dustless Surface” may be one of the following:

- A.) Uniformly graded 3/4” crushed rock – 6” in depth
- B.) Recycled bituminous or concrete – 6” in depth with a seal coat applied to prevent tracking onto roadways and to prevent dust
- C.) Class Five Aggregate 6” deep with a seal coat applied

“The definition of a “Permanent Surfacing”, shall be limited to:

- A.) Hot mix asphalt pavement
- B.) Portland cement concrete pavement
- C.) Concrete paver bricks

Thompson would like to have the language more defined regarding the depth of the seal coat applied. Maybe there is a State Statue on how deep it needs to be. The Engineer would be able to answer this.

HASKAMP MOVED, SECOND BY STEINBRECHER TO ADOPT THE DEFINITION OF DURABLE, DUSTLESS, AND HARD SURFACE, WITH THE DEPTH OF SEAL COAT ADDED. A PERMIT AND DEPOSIT IS NEEDED FOR THOSE APPLYING FOR PLACING PERMANENT SURFACING FOR THE CITY TO BE ABLE TO TRACK THE ONE YEAR TIME FRAME AND JOB IS COMPLETED TO ORDINANCE. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

This will come back to the Planning Commission Board for a public hearing at the December 17, 2007, meeting.

NEW BUSINESS:

A. Site Plan for Richie’s on the Rum Patio

DeWitt informed the Planning Commission Board that they are being asked to review the construction plans for Richie’s on the Rum patio. Since the Minnesota Freedom to Breathe Act was passed, restaurants and bars throughout the State have made plans for providing a smoking area adjacent to the bar/restaurant. In Princeton, Northern Attitudes has a fenced area and other eating establishments in the area are in the process of providing a comfortable exterior smoking area for their patrons.

Richie’s on the Rum opened earlier this year and the owner developed a proposal for the smoking patrons on the west side of the existing building, the former American Legion building. A wrought iron fenced

area is located between the sidewalk and the building with access to the building through a new entrance/exit door. An enclosed gazebo is proposed on the outdoor patio. The material will match the roof material of the existing building. Chris Wilke, Princeton Fire & Rescue Department, reviewed the plans and was okay with them as long as there is an exit from the outside of the fenced area.

Thompson asked where the fence would be placed on the site.

Richard Kollman, Richie's on the Rum owner, was present and said right off the sidewalk.

Thompson wondered if having the fence so close to the sidewalk would cause a problem for snow removal.

DeWitt said that owners are responsible to remove snow along their property.

Haskamp asked Kollman how he plans to heat the area inside the gazebo.

Kollman said he will have electric heating from the top of the gazebo. He will not have propane.

Thompson questioned what the State Statue is regarding an enclosed smoking area.

Richie said 50% would be enclosed and then the other side of the gazebo would be open windows. He will be following state statue. He will work with the City Building Inspector on this.

STEINBRECHER MOVED, SECOND BY HASKAMP TO APPROVE THE SITE PLAN FOR RICHIE'S ON THE RUM. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

COMMUNICATION AND REPORTS:

A. City Council Minutes for October, 2007

The Planning Commission Board had no comments.

STEINBRECHER MOVED, SECOND BY HASKAMP TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:02 P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant