

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON JANUARY 25,
2016, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Jeff Reynolds, and Jules Zimmer. Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

OATH OF OFFICE:

Jules Zimmer took the Oath of Office.

ELECTION OF OFFICERS:

ZIMMER NOMINATED JACK EDMONDS FOR PLANNING COMMISSION CHAIR. ZIMMER MOVED, REYNOLDS SECOND, TO CLOSE THE NOMINATIONS. UPON THE VOTE FOR JACK EDMONDS FOR PLANNING COMMISSION CHAIR, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

ZIMMER NOMINATED JEFF REYNOLDS FOR PLANNING COMMISSION VICE CHAIR. ZIMMER MOVED, EDMONDS SECOND, TO CLOSE THE NOMINATIONS. UPON THE VOTE, FOR JEFF REYNOLDS FOR PLANNING COMMISSION VICE CHAIR, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

EDMONDS NOMINATED JULES ZIMMER FOR PLANNING COMMISSION SECRETARY. EDMONDS MOVED, REYNOLDS SECOND, TO CLOSE THE NOMINATIONS. UPON THE VOTE FOR JULES ZIMMER FOR PLANNING COMMISSION SECRETARY, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

APPROVAL OF MINUTES OF REGULAR MEETING ON DECEMBER 21, 2015

REYNOLDS MOVED, SECOND BY ZIMMER, TO APPROVE THE MINUTES OF DECEMBER 21, 2015. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:

DeWitt added to the agenda, under New Business, Item E, Mini-Storage Units Building Size Adjustments for Jared Hansen.

REYNOLDS MOVED, SECOND BY ZIMMER, TO APPROVE THE ADDITION UNDER NEW BUSINESS, ITEM E, MINI STORAGE UNITS BUILDING SIZE ADJUSTMENTS. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. Kennel Ordinance Amendment

The amendment of the Kennel Ordinance #727 was on the Planning Commission at their

November 16th, 2015 meeting and forward to the City Council for final approval at their December 10, 2015 meeting. When DeWitt was making the revisions for the amendments in the Zoning Ordinance, she noticed a number of errors and inconsistencies in the B-1, B-2, and B-3 Districts. The strikeouts indicate deletions and the underline wordage indicates additions in the following pages of the draft Kennel Ordinance amendment.

Edmonds questioned the number of animals in Section 4, amending the Kennel language that it does not define the maximum number of animals.

Foss said it depends on the size of the site.

Edmonds opened the public hearing. There was no one present to discuss this item.

ZIMMER MOVED, SECOND BY REYNOLDS, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

ZIMMER MOVED, SECOND BY REYNOLDS, TO APPROVE AND FORWARD TO THE CITY COUNCIL THE AMENDMENT OF ORDINANCE #727 FOR THE OPERATION OF A KENNEL IN CHAPTER V (ZONING DISTRICTS), SECTION 8, (B-1 CENTRAL BUSINESS DISTRICT) ALLOWING KENNELS, PET STORES, DOG DAYCARE, TRAINING, AND GROOMING FACILITY WITH AN INTERIM USE PERMIT; AND CHAPTER V (ZONING DISTRICTS), SECTION 9, (B-2 NEIGHBORHOOD BUSINESS DISTRICT) REMOVING THE LANGUAGE OF KENNELS IN THE CONDITIONAL USES AND ADDING INTERIM USE LANGUAGE TO ALLOW KENNELS, VETERINARY CLINIC WITH OVERNIGHT BOARDING, PET STORES, AND DOG DAYCARE, TRAINING, AND GROOMING FACILITY; AND CHAPTER V (ZONING DISTRICTS), SECTION 10, (B-3 GENERAL COMMERCIAL DISTRICT) REMOVING VETERINARY CLINIC IN PERMITTED USES ADDING INTERIM USE LANGUAGE TO ALLOW KENNELS, PET STORES, DOG DAYCARE, TRAINING, AND GROOMING FACILITY, AND VETERINARY CLINIC WITH OVERNIGHT BOARDING; AND CHAPTER VI (PERFORMANCE STANDARDS), SECTION 2, (STANDARDS) AMENDING ITEM K, WITH KENNEL LANGUAGE, AND RE-ALPHABETIZING ALL SUBSEQUENT SECTIONS. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS:

A. Gas Station Canopy LED Tube Lighting (Continued Discussion)

Community Development Director Memo:

Staff is recommending the addition of language to the Zoning Ordinance to address the recent request to put LED Lighting around a gas/filling station canopy. LED bar lighting would be used to outline the canopy around the gas pumps at gas stations.

In researching Elk River, Zimmerman, Duluth, Cambridge and Milaca I did not give very much insight. Duluth prohibits this kind of lighting. Milaca, Zimmerman and Cambridge do not address this topic directly.

The City of St. Cloud does not address this issue in their Zoning Ordinance but according to the Senior Planner, they mention that shielding of LED is required if it is located adjacent to residential.

A request to PUC, Southern Minnesota Municipal Power Agency (SMMPA) and the City Attorneys has been made for their input on this topic.

Suggested language:

Definition: Any LED tube lighting that goes around the canopy of a gas station.

F. Video Display Signs, Electronic Changeable Copy Signs, and Electronic Graphic Display Sign, and Gas Station Canopy Tube Lighting – General Provisions (Added 05-08-14; Ord. 706):

1. Location:
 - a. Signs shall only be permitted on property that is zoned B-2 Neighborhood Business, B-3 General Commercial, HC-1 Health Care, MOR Medical Office Residential, MN-1 Industrial, and MN-2 Industrial Districts.
 - b. Signs shall not be located within 125 feet of any existing residence (including single family homes, townhomes, multi-family residential buildings, apartments, etc) without proper shielding to ensure that the brightness does not exceed maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn, as measured from the sign's face at maximum brightness.
2. Orientation:
 - a. Signs shall not interfere with traffic and road safety due to placement and orientation, as determined by the city engineer.
3. Size and Height: The size and height of the sign shall be subject to the same provisions as any other wall or freestanding sign.
4. Brightness:
 - a. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city engineer.
 - b. Signs must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours, and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn, as measured from the sign's face at maximum brightness.

- 1) The sign owner shall be required to provide an accurate field method of ensuring that maximum light levels are not exceeded if requested by City officials.
- 2) The sign owner shall sign a license agreement supplemental to the building permit agreeing to operation of a sign in conformance with these regulations. Violation of these regulations shall result in forfeiture of the license, and the City shall be authorized to arrange disconnection of electrical service to the facility.
- 3) Signs shall have an automatic dimmer control or other mechanism to automatically adjust its nit level based on ambient light conditions.

5) Flashing Prohibited: Flashing signs are prohibited (refer to Definition section).

6) Malfunction: In the event of a malfunction, the sign shall be designed to freeze the display, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City that the display violates the City's regulations.

*****End of Staff Memo*****

Foss said wordage for shielding was supposed to be added. She did not have much to go on with that. You can buy plastic that goes around the tube lighting. She just went with the wording that no illumination that exceed a maximum illumination of nits. There is amount of nits and brilliance definition.

Zimmer asked what happens if it is too bright and we receive a complaint, how is it tested.

Foss said she spoke to a Planner in St. Cloud and a sign owner has to use the device that shows what the nits are at.

REYNOLDS MOVED, SECOND BY ZIMMER, TO HAVE STAFF DRAFT A SIGNAGE ORDINANCE AMENDMENT TO ADD GAS STATION CANOPY LED TUBE LIGHTING LANGUAGE FOR A PUBLIC HEARING FOR THE FEBRUARY 22, 2016, PLANNING COMMISSION MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

NEW BUSINESS:

A. Planning Commission Bylaws Review

DeWitt informed the Planning Commission Board that it is good procedure to review the Bylaws at the beginning of each year. She found a numbering correction on page three, under Section 11. Duties of Officers, on Item D. The number three has been missed. It's just a typo that needs to be cleaned up.

ZIMMER MOVED, SECOND BY REYNOLDS, TO CORRECT THE NUMBER ON PAGE THREE, UNDER SECTION 11. DUTIES OF OFFICERS, ON ITEM D. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

B. Micro Brew Ordinance

Community Development Director Memo:

A recent request for the opportunity to include microbrewery as a home occupation in a residential district has initiated the research into proposed changes to our zoning ordinance.

The zoning ordinance does not address microbreweries, wineries, etc.

Included is a sample of the language adopted by the City of Elk River in regard to this topic, as well as information provided by the individual who is initiating this request.

Home occupations are an allowed use in R-1, R-2, and R-3 with a Conditional Use Permit.

If the Planning Commission chooses to consider an ordinance amendment to include microbreweries, wineries, etc. Staff will work with the city attorney to draft proposed language for your review for the February Planning Commission meeting.

*****End of Staff Memo*****

Foss introduced Dieter Kurzweg who had called in regards to the City of Princeton's regulations on a microbrewery as a home occupation in a Residential District. Kurzweg gave Foss the City of Elk River Ordinance to review and also the breakdown of the operation route for licensing and opening up a brewery.

Kurzweg said he was looking at a home in Elk River and contacted the City of Elk River if they allow microwbrewers as a home occupation. They adopted language for microbrewery as a home occupation. He is now considering purchasing a home in Princeton instead because the home prices should be lower and needs to first see if the City will allow a brewery as a home business.

Foss said that he would like to have a microbrewery as a home occupation and have the detached garage as the brewery. There is room for brew pubs to be a home occupation. The City of Elk River defined this very clearly.

Kurzweg said he did studies in 2009 to 2012 in a brewery in Germany. He worked for Cold Spring Brewery for 2 ½ years and now wants to do his own brewery.

Edmonds commented that the State does have requirements and Kurzweg would have to follow them.

Kurzweg said yes, he would have to follow them. The largest concern is noise, waste, and odor. He is not sure if the distillery here has an aroma discharge, but the St. Paul one does have a bad reputation from the odors that is through the waste. His small brewery would be during the brewing process and the exhaust and fumes has an oatmeal odor that would go through a flue vent from the detached garage for approximately four hours at a time. He does not believe this would affect the neighborhood. The waste would be spent grain and that is four ingredients. The malted barley those are spent and need to be disposed of properly. For the most part breweries sell those to farmers for livestock feed or a compost site. Sherburne County has a compost site for residents and he does not know if Princeton has that. He would have to install drainage for liquid waste and that would be small. Most tap room breweries in a four year period is on site sales. He would only want to production and not sell on site. That would be a larger facility.

Edmonds asked on noise.

Kurzweg said the milling of the grain would take 15-20 minutes.

Reynolds asked what volume he would make.

Kurzweg said our home occupancy does not allow more than 25% of the floor space utilized in an accessory building. He said no more than 500 gallons a year and packaged into kegs and sold to local establishment. He will maybe have 30 barrels at the most which is 31 gallons.

Zimmer asked on how flammable this process would be.

Kurzweg said there are gasses produced in CO2 and you are constricting those gasses that could make an explosion. He has experience and this has not happened to him in the eight years of brewing. There is not much of a danger.

Zimmer asked if there is a heating element.

Kurzweg said yes, a heating stand that has an open flame. It is exposed to the environment in the building and proper consideration has to be taken.

Reynolds asked if the malts are pre-roasted.

Kurzweg said yes. He will get them from St. Paul. He will have them delivered at a later use, but at the beginning he will get the supplies. He is using 17 pounds of malt barley or other grains and the waste is two five gallon containers.

Zimmer said 17 pounds of barley is 10 gallons of beer.

Kurzweg said yes, 10 gallons of beer. He would like to expand to a larger brew kettle in the future. Right now he uses a half brew system and would like to expand to a six brew system.

More would be for the waste the larger you go. Breweries need to meter and report their water system per the State.

Foss said waste would have to be monitored.

Kurzweg said the population of the Cold Spring Brewery they were sending a lot of waste to the treatment plant. When he was in Germany he learned how to save money in their waste water treatment and harvesting their waste. He has helped Cold Spring Brewery in savings with their waste.

Edmonds said on the minor explosions that would be involved, he would need insurance for this.

Kurzweg said he would have it insured. The beer and alcohol industry is the most heavily regulated in the United States. You have to abide by the rules and regulations. He believes 625 feet for the accessory building would be enough space for him.

Zimmer said that one Duluth would not allow this.

Foss said that was the canopy lighting they did not allow. She has not looked into other cities on this. She only took Kurzweg's information for the City of Elk River. This is an opportunity of seeing what the brewery is.

Edmonds said serving on premises should not be allowed. He is wondering about the odors from this also.

Foss said in St. Cloud she lived at a home that was downwind from a business that produced a odor. She understands MN Pollution Control defines odor and pollutant.

Edmonds said when the Ordinance is drafted, the smell is going to have to be addressed.

Reynolds said he is okay with adding microbrewery to residential.

Foss said she would work with the City Attorney and he can help draft up an Ordinance. She would have a proposed draft for the next meeting, and then move it to a public hearing. She will look at waste water, water consumption, volume, smell, and no service on premises. Maybe the maximum volume should be looked at. She will ask Kurzweg to help her.

Zimmer said delivery trucks coming to the site should be addressed and storage of the product and traffic also.

Foss will look into that.

Kurzweg said if his operation would get bigger he would move into the Industrial Park.

Edmonds agreed and said, we would not allow this to expand in a neighborhood. He thanked Kurzweg for coming to the Planning Commission meeting and will have staff draft a proposed Ordinance.

C. Restaurant Definition Ordinance Amendment

Community Development Director Memo:

City Administrator has requested the Planning Commission review the current definition of "Restaurant" as it is defined in the Zoning Ordinance. It appears a more comprehensive definition may be beneficial.

Our current definition is:

(G) "Restaurant" – a standalone retail establishment under the control of a single proprietor or manager, where meals are regularly prepared on the premises (as opposed to frozen or pre-packaged food) and served at tables to the general public and having seating capacity for a minimum of 30 customers.

Suggested language:

"Restaurant" An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is proved, where a customer orders food from printed menus, and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minnesota Statutes, Section 157.16, as it may be amended from time to time, and meet the definition of either a "small establishment," "medium establishment," or "large establishment" as defined in Minnesota Statutes, Section 157.16, subd. 3d, as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served shall not be considered to be a restaurant for purpose of this Ordinance unless it meets the definitions of a "small establishment," "medium establishment," or "large establishment."

If the Planning Commission would like to move forward with the ordinance amendment, Staff will work with the city attorney to verify legal language and draft a revision.

*****End of Staff Memo*****

Zimmer asked why this came about.

Foss did not know. She is in agreement with the change.

ZIMMER MOVED, SECOND BY REYNOLDS, TO HAVE STAFF DRAFT A RESTAURANT DEFINITION ORDINANCE AMENDMENT FOR A PUBLIC HEARING AT THE FEBRUARY 22, 2016 PLANNING COMMISSION MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

D. Rental Properties Ordinance Amendment

Community Development Director Memo:

The Chief of Police and the Fire Chief have requested Staff to look into rental property requirements and have made the suggestion that the Planning Commission add an ordinance that addresses rental properties that have appeared in single family homes in the R-2 and R-3 zoning districts.

The current Zoning Ordinance states:

In the R-2 Residential District, no building or land shall be used or divided and no building shall be erected, unless otherwise provided herein, except for one or more of the following as well as similar uses:

- Any use permitted in R-1 District;
- Two-family dwellings;
- Conversion of single-family structures to a two-family unit when each unit contains 800 square feet of floor area or more;
- Twinhome;
- Accessory buildings not exceeding 800 square feet related to the above principal use.

In the R-3 Multi-Family district, no building or land shall be used and no building shall be erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following, as well as similar uses;

- Any use permitted in R-2 district;
- Single family dwelling unit;
- Two family dwelling unit;
- Condominiums;
- Multi-family structures;
- Townhouses;
- Group homes or foster homes serving mentally retarded or physically handicapped persons and licensed day care facilities not exceeding 16 persons;
- Buildings temporarily located for purposes of construction on the site for a period of time not in excess of such construction;
- Decorative landscape features including, but not limited to, pools, arbors, hedges, walls, shrubs, and trees;
- Private garage and carport or parking space;

- Private swimming pool, tennis court, or other site necessary to conduct a home sporting event;
- Accessory buildings not exceeding 1,000 square feet related to the above principal use;
- Parks & open spaces.

Currently, there are no standards put in place regarding a rental application, rental inspections and/or rental licensing for residents in the city. The general belief is that these properties need to be recorded and the public safety providers need to know when there are more than one residences in a structure. They need to know where entrances and exits for each unit are. These units need to meet certain safety standards and without any licensing process, there are no inspections of the residential units.

A rental licensing fee will be put into place to cover the cost of rental inspection.

If the Planning Commission approves of adding a Rental Properties Ordinance, Staff will work with the City Attorney to draft a sample ordinance.

*****End of Staff Memo*****

Foss said that this should be in each property whether it is either one family or more. A Rental Credit form is when you need to be licensed.

Edmonds said he has a rental property and has a generic form that tenants fill out and pay a deposit. He gives them Rent Credit Paid form annually.

Foss said annual inspection would be done where entrances are not blocked and detectors are working.

Zimmer said if the Fire Chief and Police Chief have concerns that we need to look at he understands. What would be the fee.

Foss said she would speak to Lynn Paulson (City Building Inspector) or Loren Kohen (Metro West Inspections) and see what they charge. She is not sure how long the license would be renewed, maybe two years or maybe at turnover time of a new renter.

Reynolds asked if senior housing would apply for this also.

Foss said that would be looked into. It would have to be written on apartments.

Reynolds suggested looking at other towns our size and see what they have in place.

Foss said she will see what it details to have someone inspect and such. She will put something together next month.

E. Mini Storage Units Building Size Adjustments – Jared Hansen

Community Development Assistant Memo:

Jared Hansen, owner of the proposed Mini-Storage Units located at 1800 15th Street North, has an Interim Use Permit and Site Plan Review on April 20th, 2015. The approved building size for each of the three units was 8,000 square feet (40' x 200").

The applicant has put up one of the buildings and now is requesting to change the size for the next two buildings to 195' x 41'. The 8,000 square footage for the two buildings will stay the same as what was approved.

Staff is okay with this building size adjustment as long as it stays 8,000 square feet or under. The applicant understands that the agreed setbacks have to stay in place and that the next two buildings are not pole style. The building permit was for the first mini-storage unit only. New plans would be submitted for the last two mini-storage units.

If the Planning Commission Board is okay with the request, please make a motion so we have it in our records.

Enclosed: Two Site Plans

*****End of Staff Memo*****

DeWitt informed the Planning Commission Board that the building size change is to have longer units to accommodate a boat and such. The new building size is five feet less than the original plans. DeWitt ask that if the Planning Commission is okay with the building size adjustments for the next two mini-storage units, that in the motion they also include the next two units have to be frame built. The first unit was pole barn built and that is not allowed in our Ordinance. It had been missed when the permit was issued.

REYNOLDS MOVED, ZIMMER SECOND, TO APPROVE THE MINI-STORAGE UNITS BUILDINGS SIZE ADJUSTMENT TO 195' X 41' AND THE BUILDING MUST BE FRAME BUILT. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) Pole Barn Construction

Foss received a call from a resident that is interested in building a pole type building because it is cheaper. Foss will gather information on a pole barn and a non-pole barn and see if we should edit the restrictions. Maybe have a requirement of a cement floor and different siding. She will draft something up.

2) Golf course

Foss said the Princeton Golf Course has a potential buyer, Greg McGuiggan. McGuiggan is working with the bank and has \$20,000 to put down on the property, but needs another \$20,000 for the grounds upkeep. He is inviting the public to hear his business plan to bring the Princeton Golf Course back to its former glory. There are a couple meetings, Thursday, January 28th at 10:00 AM, Friday, January 29th at 10:00 AM, and Thursday, February 4th at 7:00 PM. For those that invest into the golf course in the amounts of \$1,000 up to \$5,000, there will be incentives.

Foss will send out a City wide email. If McGuiggan does not raise the funds, the Golf Course will close.

3) Steak and Shake

Steak and Shake is looking to expand in Minnesota. She talked to the Site Manager and he is coming to Princeton in February. They want to partner with someone. They are based in Indianapolis. She will get some information out to them. They would be a great draw to the City.

4) Running Aces

Foss said a resident spoke to her about a facility called Running Aces. This person goes to Running Aces and believes it would be great for Princeton. The individual knows the owner of the one he goes to and told him that he should bring one to Princeton. It is a casino and horse drawn carriages. They have only cards, no slot machines. Foss thinks it would be a big draw in town.

Foss asked Jim Kusler (Princeton Township Representative) what he thinks of this.

Kusler said he has no reaction to this. That industry is regulated by the State.

Edmonds said there is one by Forrest Lake.

Foss said she will look into this.

B. Updated Residential Zoning District and Definitions Handouts for Zoning Books

DeWitt said the handouts are the updates for their Zoning books. Please replace the sections with these.

C. City Council Minutes for December, 2016

The Planning Commission Board had no comments.

Planning Commission

January 25, 2016

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REYNOLDS MOVED, SECOND BY ZIMMER, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:30 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant