

THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON FEBRUARY 18, 2014, 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, Eldon Johnson, and Chad Heitschmidt. Staff present were Carie Fuhrman (Comm. Dev. Director), Mary Lou DeWitt (Comm. Dev. Assistant), Lynn Paulson (Building Inspector), and Mayor Paul Whitcomb.

Absent were Mitzi Mellott and Chad Heitschmidt. (Heitschmidt arrived at 7:04 P.M.)

APPROVAL OF MINUTES OF REGULAR MEETING ON JANUARY 21, 2014

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE MINUTES OF JANUARY 21, 2014. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS:

The Planning Commission moved the two Site Plan Reviews under New Business forward after the Approval of Minutes for the convenience of those present for the Site Plan Reviews.

PUBLIC HEARING: None

Heitschmidt arrived at 7:04 P.M.

OLD BUSINESS:

A. General Sign Ordinance Discussion (Continued)

Fuhrman gave an overview of what has been discussed with wall mounted business signs, projecting signs, under-canopy signs, and temporary signs.

The Sign Ordinance defines a roof sign as any sign erected over or on the roof of a building, but the Ordinance does not place any regulations on them (number, placement, height, etc.)

One option that has been discussed was to specifically define which portions of a structure the signs were attached to and then potentially allowing those signs. Such as allowing signs that are secured to the fascia or soffit and are essentially parallel to the building walls.

Another idea discussed was not allowing any roof signs located about the roof line. This could be defined as the intersection of the outside wall with the roof. Clearance, size, parallel to the wall or the roof slope, and whether these are allowed with wall signs should be discussed, if allowed.

At the December 16, 2013 Planning Commission meeting, a consensus seemed to have been reached not to allow signs above the horizontal line where the wall meets the roof. However, at the January 21, 2014 Planning Commission meeting there were three members in attendance and two of those were new members and their sentiment of proposed signage may differ. Fuhrman asked Lynn Paulson, City Building Inspector to attend tonight's meeting to answer questions in regards to this topic. Fuhrman provided examples of a few other communities on how they address roof signs.

Fuhrman provided photos of mansard style roofs in the City which include Dairy Queen, Spire Federal Credit Union, and the Chiropractors office. After reviewing the Ordinance, these three businesses have wall signs because of where the signs are located on the building.

Taco Johns has the parapet roof and our Ordinance says the entire building front including the parapet. Canopy and awning definition says the sign cannot go above the parapet area. Should wall signs be allowed on the parapet area.

Edmonds questioned if the sign mounted on the wall extends above the roof line. Spire and the Dairy Queen signage do a little.

Fuhrman said if it is attached to the soffit or fascia it could be allowed. There should be a limit of the total square footage and not be allowed above the intersection of the outside wall with the roof. Fuhrman said she spoke to Loren Kohen, Metro West Inspections, and he said most cities do not allow roof signs.

Lynn Paulson said a Structural Engineer has to design the roof sign for wind and snow allowance.

Johnson said the height is the issue so you can see them and there should be at least eight foot clearance. It is not a good place to put a sign. Mounting onto the soffit is not a good place where it hangs down. If it is outside of the front wall or support wall on a mansard roof it would be okay. He is okay with the Spire sign how it goes out. He does not like the underneath area for signage.

Edmonds said the "Paws Up for You" signs are mounted on the fascia. They have to meet the clearance. They can only be so high above where they are mounted. What would be the size requirement for the signage.

Heitschmidt said if it were mounted to the soffit or fascia it would have a limit on the height requirement and such.

Edmonds suggested going from a certain height of where it is mounted.

Paulson said Frontier Steak House has a mansard roof that goes down to almost the ground, but it does not have a sign on it.

Fuhrman said the mansard signs were allowed with the Ordinance at that time.

Reynolds asked on the mansard style roof if signage is the same as wall signage now in our Ordinance.

Fuhrman said basically yes, it would be considered wall signage on that style of roof.

Heitschmidt said a parapet wall should also be considered a wall sign.

Edmonds said the allowable height for mounting from the wall on a mansard and parapet should be set at what.

Reynolds said nothing above the peak of the roof.

Johnson said 10% of the sign above the roof should be allowed.

Edmonds asked Paulson what he does for an inspection of a sign.

Paulson said he looks at the picture that was with the building permit to what they installed. No mounting standards.

Edmonds said if it does not look secure he will not allow that right.

Paulson said yes, he would not allow it if it was not secure. Signs above the roof should not be allowed.

Tim Siercks, Minuteman Press was in the audience and asked if roof signs were left out of the Ordinance wording and allow soffit would that be okay in the wording.

Fuhrman said as long as it is attached to the fascia or soffit it could go that way. She would have it in a different area of the sign ordinance in its own section for mansard roofs. More than one wall sign would be allowed, up to three. Fuhrman will come back with language for height and square footage.

Johnson said there should be an air gap where the snow and rain can run off if attached to the fascia or soffit.

Paulson said an air gap would work.

Siercks suggested having the sign two inches out from the soffit.

Johnson asked how far out the signs are at "Paws Up for You".

Siercks said 4 ½ inches out.

Fuhrman asked if they agree that allowing signage strictly attached to the fascia or can it be attached to the soffit also.

Reynolds said if it is secure it could be both and with adequate drainage.

Johnson said if it is not a dirt trap or snow trap, and is securely fastened, he is okay with it.

Fuhrman said the percentage would be off the building wall and not the fascia. The clearance would be eight feet.

The Planning Commission Board agreed with eight foot clearance. They questioned what size the sign should be allowed above the fascia.

Johnson said two feet of sign height and eight foot clearance. If the sign is two feet it is okay if it goes a little above the fascia.

Heitschmidt said the bottom of the sign has to be at an eight foot clearance and if not, they cannot put it up. It has to be mounted to the fascia or soffit. No roof signs.

Fuhrman said on the mansard style roof that she will put in the language that 10% of sign can be above the roof line. Does the Planning Commission Board want her to put together language for a public hearing or draft language where they can review it at the next meeting.

Reynolds and Heitschmidt would like to see the draft language first.

B. Dynamic Sign Ordinance Amendment (Continued)

The Planning Commission held a workshop prior to their January 21, 2014 meeting regarding the drafting of ordinance language to address dynamic signage. The Planning Commission requested staff draft language to be brought back for review. Fuhrman put the following memo together:

ANALYSIS

City Attorney Clarification: The Board requested clarification from the City Attorney as to whether certain standards could be enforced on existing signage, such as brightness standards and whether or not dynamic signs could be allowed on freestanding signs in the downtown area, but not on wall signs. The City Attorney said if new regulations have a strong thought for safety it could be a possibility for enforcement, but it would be hard to back it up against State Statute.

Regulations: Should a city deem it necessary to regulate dynamic signage, there are six main aspects that regulations can address, according to the League of Minnesota Cities memo and SRF study that was provided for the Planning Commission at a previous meeting.

1. Duration of message/speed of changeover:

Studies have described the “Zeigarnik” effect, a psychological need to see a task through to its end. In the case of dynamic signs, a driver’s desire to read an entire message before it changes, or to complete a scrolling message, has been shown to negatively impact drivers’ tendencies to maintain a constant speed or remain in a lane. To address these issues, many cities have imposed minimum message durations that vary depending on community preference and traffic conditions.

The City of Bloomington categorizes dynamic signs into subclasses, each of which have their own individual duration standards. For example, video display signs have no minimum duration, time and temperature signs have a minimum duration of 2 seconds, electronic changeable copy signs and multi-vision signs must have a minimum duration of 8 seconds, electronic graphic display signs must have a minimum duration of 20 minutes and rotating signs cannot exceed 7 revolutions per minute.

The City of Minnetonka categorizes all dynamic signage under the title of “dynamic displays”. Their ordinance states that dynamic displays may not change or move more often than once every 20 minutes, except those displaying time, date and temperature.

2. Motion, animation, and video:

Motion can range from simple visual effects to full realistic video. Motion can extend the period of time a driver will keep watching a sign, increasing distractedness. Cities may prohibit motion or limit it either to specific areas or to specific characteristics, such as a motion time frame calibrated to traffic speed.

3. Brightness:

Brightness can be a safety factor, particularly at night, as sudden brightness can be distracting or diminish night vision. A number of communities limit brightness based on time of day and by color displayed. This can be difficult to quantify and measure. Regulations can be vague concerning brightness, such as; no sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver’s operation of a motor vehicle, and no sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

Regulations can also be more specific, such as addressing the nits. Luminance is measured in nits (candelas/square meter) and describes how bright the image is. In essence, it is the amount of light that is radiated from the sign divided by the amount of surface area of the sign. (Ex: the brightness of computer monitors is also measured in nits). On a sunny day, the nit levels must be very high, while at night, the levels must be very low to prevent the image from distorting and to prevent glare.

4. Sign placement and spacing:

The number of signs and their location can be a big factor in driver awareness. A large number of signs can increase distractedness. Poorly placed signs may block views or cause distraction in unsafe areas. Cities may impose site standards and spacing requirements. These may present regulatory challenges as spacing may be dependent on the actions of neighboring property owners. Spacing restrictions may also lead to a flurry of new signs being erected as landowners rush to claim the limited number of available permits.

5. Size of signs:

Size can have impacts in several ways. Too big, and it obstructs views and distracts. Too small, and it takes longer to read and encourages sign users to sequence message. Cities may limit

dynamic signs or the percentage of a sign that can be dynamic. For example, the City of Minnetonka limits the amount of a sign that can be dynamic to 35%, or roughly a 2:1 ratio. The remaining portion of the sign must be static.

6. Text size and legibility:

Signs that are difficult to read invite increased driver focus. Regulations can require minimum sizes based on road speed. For example, the City of Minnetonka calls for 7 inch lettering for 25-34 mph, 9 inches for 35-44 mph, 12 inches for 45-54 mph, and 15 inches for 55+ mph.

Fuhrman has put together a very rough draft of an Ordinance Amendment, based on the discussions the Planning Commission has had in the past and staff research, which includes definitions as well.

Johnson asked if the size requirement is under the Ordinance regulations now.

Fuhrman said yes it is.

Johnson said stay with that so we have that area done. When spending \$30,000 on a sign the sign should be a positive attraction and not obstructing. Red and blue text color display on the sign seems to be the brightest. Johnson wonders if the reds could be toned down. He believes in working with the sign owner and seeing if they would tone it down. Johnson supports the maximum illumination of 5,000 nits during the daylight hours and a maximum illumination of 500 nits between dusk to dawn for brightness would work.

Edmonds said the dynamic sign in free standing in B-1 District is okay. Not dynamic wall signs.

Heitschmidt said the concern is there are a lot of places that border residential areas.

Fuhrman said yes, that is a concern. She could put a map together that would have buffers where it would not be allowed.

Johnson suggested not having dynamics signs in the B-1 District area. Not having them any closer than the old liquor store area. Lots of residential homes in there.

Fuhrman offered again to put together a map which will show the buffer where dynamic signage would not be allowed. The Planning Commission Board did not decide if they wanted a map.

Johnson said there are single family and apartments in commercial districts so he would like the sign to be 125 feet from the residential area.

Heitschmidt asked if that is the appearance we want in the B-1 District. We were not going to allow dynamics signs in that area.

Johnson said the downtown area may need whatever it takes to keep it going.

Fuhrman said the Downtown Committee may not be in favor of the dynamic signs downtown.

Siercks said the Chamber wants uniformity.

Edmonds said maybe allow it if they want it and can afford to have one.

Johnson said signs are the new thing to bring business.

Paulson suggested allowing dynamic signs by a case by case basis with maybe a Conditional Use Permit.

Fuhrman said she does suggest a Conditional Use Permit in all the districts and definitely in the B-1 and B-2 Districts.

Edmonds does not want to make this a nightmare to do. Staff does not need it complicated.

Johnson would like to see two pylon sign options, one in each mall.

Fuhrman will ask the City Attorney if that is possible to have one in each mall stipulated in the Ordinance. She will see if a block could be regulated to one sign. The Downtown Committee did not want to see them. Does the Planning Commission want more feedback on what should be allowed downtown. She could do a survey at the Expo and see what residents think.

Reynolds said he likes the draft language and best to go through it piece by piece.

Johnson said in the B-2 Zoning District the sign would have to be 125 feet from the nearest residential site.

Fuhrman suggested a buffer from the zoning districts and she could do a map if they would like.

Johnson believes just limiting the footage from the sign to residential area.

Fuhrman said our mapping system most likely would not be able to pick out residential and commercial properties in an area, but she could ask our engineering firm if they could do a map like that.

The Planning Commission Board said no, we do not need that.

Reynolds said for B-1 District do we want to allow that type of signage or have them at a smaller size.

Johnson said a smaller size would be okay. If it were in the mall how would that work.

Reynolds said they could go together. It could be on their store front wall.

Fuhrman said a multi-tenant sign we allow. There would have to be special provisions made for that type of sign in the mall area because it would be an offsite sign. The City owns the parking lot.

Johnson said we allow one sign per mall and then they would have to go through the steps to have it go forward.

Fuhrman will ask City Attorney on dynamic signs on the two mall blocks downtown and see what he says. In the B-2 District the sign has to be 125 feet from residence.

NEW BUSINESS:

A. Site Plan Review for D&G Apartments

KUE Contractors, Inc., have submitted a site plan review in order to demolish and construct new entryways to the D & G Apartment buildings. Other remodeling work will also be performed, including new windows, siding, shingles, and cabinets. D & G Apartments are located at 805 6th Avenue North (Lots 2 and 3, Block 53, Princeton Original Townsite) and 807 6th Avenue North (Lot 4 and 5, Block 53, Princeton Original Townsite).

The properties are zoned R-2 Residential and designated as Mixed Residential on the Future Land Use Plan. Fuhrman provided an aerial map of the area. Each site contains one apartment building with 8 residential units in each building. The buildings face 6th Avenue North, each with their own driveway onto 6th Avenue North, and parking is located to the rear of each building.

ANALYSIS

The proposed exterior work will include demolishing the existing rear entryways and constructing new entryways that access the parking lots. In addition, new handicap accessible ramps, landings, and stairs are proposed.

Building #1: South Building (805): The existing entry structure, walls, door, roof, and foundation will be removed, as well as the existing concrete sidewalk railings and ramp or stair. A new entryway will be constructed, along with a new right-angled ramp, landing and stair.

Building #2: North Building (807): The existing entry structure, walls, door, roof, and foundation will be removed, as well as the existing concrete sidewalk and sidewalk ramp. A new entryway will be constructed, along with a new ramp, landing, and sidewalk.

The Building Inspector has commented that a handicap parking stall with a sign is required to be installed, as well as indicating where the new ramps terminate at the parking lot.

The City Engineer had no comments regarding the proposed alterations to the site.

A Fire Department key box shall be placed on the two buildings, as well as an inspection performed by the Fire Inspector.

Conclusion:

Based upon the review standards, city staff would recommend approval of the site plan review for the proposed remodeling project at D & G Apartments, subject to the following conditions:

1. Provide handicapped parking stall with a sign.
2. Indicate on drawings where the new ramps terminate at the parking lot.
3. A Fire Department key box shall be placed on both buildings.
4. The trash enclosures need to match the exterior of the buildings.

Jay Kuechle, KUE Contractors, Inc. was present to address any questions the Planning Commission Board may have.

Edmonds asked on the Fire Department key box if that was something new.

Fuhrman said she is trying to get the Fire Department more involved with the site plan reviews and they do provide the key boxes.

Edmonds asked Kuechle if he is okay with the conditions presented.

Jay Kuechle said he is fine with conditions.

EDMONDS MOVED, SECOND BY REYNOLDS, TO APPROVE D & G APARTMENTS SITE PLAN REVIEW LOCATED AT 805 & 807 6TH AVENUE NORTH SUBJECT TO THE FOLLOWING CONDITIONS:

1. PROVIDE HANDICAPPED PARKING STALL WITH A SIGN.
2. INDICATE ON DRAWINGS WHERE THE NEW RAMPS TERMINATE AT THE PARKING LOT.
3. A FIRE DEPARTMENT KEY BOX SHALL BE PLACED ON BOTH BUILDINGS.
4. THE TRASH ENCLOSURES NEED TO MATCH THE EXTERIOR OF THE BUILDINGS.

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

B. Site Plan Review for Advance Auto Parts

Keith Ulstad, on behalf of AAP Princeton, LLC, has submitted a site plan review application for the construction of a retail auto parts store (Advance Auto Parts) at 400 19th Avenue North. The property is legally described as Lot 2, Block 2, Rivertown Crossing, Mille Lacs County. The property is owned by Janet Hatch-Tkach, who has submitted written approval of the application.

The property is zoned B-3, General Commercial, and designated as Highway Commercial on the Future Land Use Plan. Retail use aligns with both the zoning and future land use designation.

ANALYSIS

The site is located between Highway 169 and 19th Avenue North and directly north of the former Dollar Bell building. The site is 41,342 square feet or 0.949 acres in size and is currently undeveloped. A bituminous trail is currently located within the right-of-way of 19th Avenue North, between the lot line and road surface.

The project includes the construction of a 6,895 square foot building. The building meets all setback and height requirements. Access will be off of 19th Avenue North in the southwest corner of the site.

Parking: The proposed 32 parking stalls meet the Ordinance standards, as well as the stall sizes and aisle widths. The parking does extend into the existing drainage and utility easements, which is generally allowed with the understanding it is the property owner's responsibility if access were to be required. The Building Inspector has noted that the handicap parking stalls need to be relocated directly in front of the main entrance to the building per Building Code.

Landscaping: The Landscaping Plan proposes landscape "islands" at the corners of the parking lot, landscaping surrounding a portion of the building perimeter, and the remainder of the lot is sodded or seeded. Although landscaping is proposed along portions of the north and east walls, it does not appear that at least 50% of the exterior footprint is landscaped, which is required in order to improve the appearance of the structure and break up unadorned building elevations.

Signage: One freestanding pylon sign is proposed in the northwest corner of the property. It is proposed to be 30 feet tall and 108 square feet in size, meeting Ordinance requirements. Two wall signs are also proposed; one facing 19th Avenue North, and the other facing Highway 169. Both meet size requirements.

Building Materials: The exterior building materials are proposed to be painted block walls. A trash enclosure is proposed to the southeast of the building, which shall match the exterior of the building.

The City Engineer has reviewed the site plan application and submitted comments via a memo dated February 5, 2014 in regards to storm sewer calculation, spot elevations, pedestrian ramp, grading, utilities, etc.

A Fire Department key box shall be placed on the building.

Mike Nielson, City Engineer with WSB wrote the following memo dated February 5, 2014 in regards to the AAP Site Plan Review:

I have reviewed the Preliminary Site Development Plans for Advance Auto Parts in Princeton, MN.

Plan sheets C1.01 to C6.01 and L1.01 to L1.02 were submitted by MFRA 14800 28th Avenue North, Ste. 140, Plymouth, MN 55447, Phone (763)476-6010. The plans were dated January 2014, but have not been signed with this submission.

All revisions to this plan should be signed and dated, with revisions noted.

Stormwater Review – General Comments:

Storm sewer calculations should be provided for all storm sewers with a determination of ponding depth with a 50% clogging factor. I would like to determine what the flow onto 19th Avenue North will be with this clogging factor.

Sheet C2.01 – Existing Site Conditions:

Please turn on all spot elevations for existing surface features and utilities for this and adjacent site.

Sheet C3.01 – Site Plan:

An ADA accessible Pedestrian Ramp should be provided at the south end of the building. Currently the only ADA ramp is shown at the North End of the parking area. Also consider moving the ADA parking spaces closer to the entrance. Confirm requirements with the Building Inspector.

Sheet C4.01 – Grading Plan:

- 1. Indicate the total lot area and % impervious area.*
- 2. Provide top of curb elevations along 19th Avenue.*
- 3. Provide storm sewer calculations as noted above.*
- 4. Clarify if spot elevations are TOC or gutter.*
- 5. Provide EOF at location identified on Plan with “X” of significant overflow will occur into 19th Avenue North.*
- 6. Curb is not shown along the SE corner of the parking lot.*
- 7. Provide curb cut with Rip Rap spillway to bottom of pond to prevent erosion.*
- 8. The slopes adjacent to the dumpster storage appear excess. If the slopes are in excess of 1:3 please provide a safety railing to prevent accidental slippage into the pond. The landscaping plans shows trees planted around the dumpster. This may alleviate my concern. This is open to discussion.*
- 9. Indicate where the roof drains will discharge and provide adequate erosion protection into ponding area.*
- 10. Stake all sod where slopes exceed 1:3.*

Sheet C5.01 & 5.02 – Erosion and Sediment Control:

No comments.

Sheet C6.01 – Utility Plan:

- 1. Provide Mega – Lug or approved equal joint restraints or concrete thrust blocking at all watermain bends in accordance with the CEAM Utility Specifications, latest addition.*

2. Provide frost sleeves at all sanitary sewer cleanouts to a depth of 5'.
3. Provide 21' sumps in all storm sewer catch basins or other means to remove sediment prior to discharging to pond.

Sheet L1.01 – Site Landscape Plan:

1. Stake all sod where slopes exceed 1:3.

Sheet L1.02 – Site Landscape Plan:

No Comments.

If you have any questions or comments regarding the above information, please contact me at (320) 534-5940.

CONCLUSION:

Based upon the above review standards, city staff would recommend approval of the site plan review for the proposed Advance Auto Parts building, subject to the following conditions:

1. The site plan shall be updated relocating the handicap parking stalls directly in front of the entrance.
2. The Landscape Plan shall be updated to include at least 50% of the building perimeter landscaped.
3. The trash enclosure shall match the exterior of the building.
4. The City Engineer recommendations shall be followed as indicated in the memo dated February 5, 2014 and updated plans submitted.
5. A Fire Department key box shall be placed on the building in coordination with the Fire Inspector.
6. All necessary permits shall be applied for and approved prior to construction, including, but not limited to: building, signage, Water Access Charge (WAC), and Sewer Access Charge (SAC).
7. An escrow shall be submitted in an amount of \$5,000 to ensure the project is finalized and consultant fees are covered.

Keith Ulstad, United Properties, was present to address any questions the Planning Commission may have.

Jack Edmonds asked on the landscaping how we determine what the percentage is.

Fuhrman said she calculates the landscaping and you can see on the plans it does not meet the 50%.

Edmonds asked Ulstad if he okay with the conditions set by staff.

Keith Ulstad said they will add more to the landscaping. He is okay with that and the conditions.

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO APPROVE ADVANCE AUTO PARTS SITE PLAN REVIEW LOCATED AT 400 19TH AVENUE NORTH SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE SITE PLAN SHALL BE UPDATED RELOCATING THE HANDICAP PARKING STALLS DIRECTLY IN FRONT OF THE ENTRANCE.
2. THE LANDSCAPE PLAN SHALL BE UPDATED TO INCLUDE AT LEAST 50% OF THE BUILDING PERIMETER LANDSCAPED.
3. THE TRASH ENCLOSURE SHALL MATCH THE EXTERIOR OF THE BUILDING.
4. THE CITY ENGINEER RECOMMENDATIONS SHALL BE FOLLOWED AS INDICATED IN THE MEMO DATED FEBRUARY 5, 2014 AND UPDATED PLANS SUBMITTED.
5. A FIRE DEPARTMENT KEY BOX SHALL BE PLACED ON THE BUILDING IN COORDINATION WITH THE FIRE INSPECTOR.
6. ALL NECESSARY PERMITS SHALL BE APPLIED FOR AND APPROVED PRIOR TO CONSTRUCTION, INCLUDING, BUT NOT LIMITED TO: BUILDING, SIGNAGE, WATER ACCESS CHARGE (WAC), AND SEWER ACCESS CHARGE (SAC).
7. AN ESCROW SHALL BE SUBMITTED IN AN AMOUNT OF \$5,000 TO ENSURE THE PROJECT IS FINALIZED AND CONSULTANT FEES ARE COVERED.

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

C. Planning Commission Bylaws Amendment

At the January 21, 2014 Planning Commission meeting, the Board reviewed the Planning Commission Bylaws. Staff was asked to make the following changes to the Bylaws:

- Section 6. Proceedings: Has been amended to follow what the current Planning Commission agenda is set-up as with the addition of Agenda Additions and Deletions.
- Section 9. Member Responsibilities: This language has been added: The Planning Commission shall consist of five regular members who shall be residents of the City, and three ex-officio members who shall be a member of the Municipal Board or Municipal Planning Commission and be from the Municipalities of Baldwin, Greenbush, and Princeton.

Fuhrman said on the last page of the Bylaws she was asked by the City Administrator to change the language to read as:

- Section 13. Amendments: These Bylaws may be amended by the City Council after a recommendation has been received from the Planning Commission.

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO APPROVE THE RESOLUTION APPROVING AMENDMENTS TO THE PLANNING COMMISSION BYLAWS AND FORWARD ON TO THE CITY COUNCIL FOR FINAL APPROVAL. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

D. Princeton Area Chamber of Commerce Letter

Fuhrman informed the Planning Commission that the City received a letter on Thursday, February 13, 2014 from Princeton Chamber of Commerce Board in regards to a signage issue. The Planning Commission and EDA Boards were copied on the memo.

Fuhrman provided background information in a memo that reads as follows:

The Economic Development Authority and Planning Commission were cc'ed on the attached letter from the Princeton Area Chamber of Commerce Board to the City Council. This memo is intended to provide the background and a timeline summary in regards to the issue addressed in the attached letter:

Late last summer/early fall, Mr. Tim Siercks, owner of Minuteman Press, came to City Hall with a draft plan of placing three separate signs on the Paws Up 4 You building (602 Rum River Drive South) as the sign contractor. The proposed location of the signs was not addressed in the current sign ordinance, and because of this, the signs were technically not allowed. (Per the City's Sign Ordinance, if a use is not listed, it is not permitted). However, I informed Mr. Siercks that we could take the subject signs to the Planning Commission for discussion as the Planning Commission was already discussing various aspects of the City's Sign Ordinance.

The Planning Commission discussed the signs in general at their September meeting, as well as several other aspects of the Sign Ordinance, and staff was directed to do further research on all of the signs discussed.

In October, Mr. Siercks submitted a sign permit application to place the three signs on the roof overhang of the Paws Up 4 You building. The application was denied due to the fact that the signs were not allowed in the sign Ordinance. Staff reminded the applicant that the Planning Commission was researching the possibility of these signs being allowed in the Sign Ordinance, but no changes had yet been made.

In late December, the signs were installed without receiving the necessary permit. Mr. Siercks then submitted a building permit application after the signs were installed. Staff followed up with a letter to Minuteman Press in January denying the application, notifying them of the City Code violation, and requiring that the signs be removed.

The property owner submitted a *Request for Council Action* in early January appealing the requirement that the signs come down. On January 23rd, the City Council reaffirmed staff's decision and required that the signs come down.

The signs have not been removed. The issue was turned over to the City Attorney's office who is reviewing the issue.

In the meantime, the Planning Commission has continued to discuss numerous aspects of the Sign Ordinance in depth as it is a complicated topic; but, the Planning Commission has not made a decision in regards to this particular type of signage, and the proper public hearing process would still need to occur as well. The Planning Commission's intention all along has been to bring all of the proposed changes to the Sign Ordinance in one Ordinance Amendment, instead

of bringing multiple amendments at various times. Mr. Siercks was aware of the Planning Commission discussions and process because he was serving as a Planning Commission Board member throughout this process (until December 31, 2013).

Staff would be happy to answer any questions in regards to the history of this situation, sign regulations in general, and the City's enforcement policy. Certain information may not be disclosed under the Minnesota data practices act because of the status of the investigation. At this time, no formal response has been provided back to the Princeton Chamber.

The Princeton Area Chamber of Commerce memo dated February 13, 2014 reads as follows:

Dear Princeton City Council,

A current dispute between the City of Princeton and our local businesses regarding the interpretation of proper placement of three building signs has been repeatedly brought to our attention. Upon hearing the concerns and reading the current building codes, the Princeton Area Chamber of Commerce is very disappointed at what appears to be a lack of consistency and the unjust singling out of a few select businesses by the City.

It is our understanding that the businesses are being fined for each day such signage remains on the business store front. To be clear, these three advertising signs are not a public hazard, they are not interfering with traffic, nor are they inappropriate or offensive. They merely list in simple phrase terms what this new retail shop sells and services. Signage is critical for a business - especially a brand new business – to survive and these signs in question have reportedly increased sales for brand new business by 30%, thus allowing it to employ more staff and service our community.

The signs were hung in a good faith effort to meet the ordinances by being attached to the fascia and not the roof in an effort to comply with verbal conversations with City staff and various committee representatives. There is a discrepancy in definition as the many other businesses in town have similar signage which is not under fire. It is disheartening both to our new business owner and the business community-at-large. A City which does not promote consistency and fairness so businesses can best represent themselves and conduct business is not business friendly.

This situation is affecting not only the business climate within Princeton, it is doing little to help entice future businesses to fill the vacant spaces in town which the City professes it wants to see occur. The business in question – and all Princeton businesses – have enough obstacles to “making it” in this economy. These discrepancies and inconsistencies prevent business growth. The City's action to prosecute businesses and restrict business on such simple matters appears unjust.

We are very troubled that a City which professes to be “Business Friendly” does not have ordinances, laws and actions to match. The Princeton Area Chamber of Commerce asks that the City of Princeton reconsider its stance on this issue – an issue that has lingered on since last summer with no resolution – and cease the current action against our businesses and re-examine how they can best support our small businesses in Princeton.

It is the Chamber’s place and purpose to stand up for our businesses and to speak on their behalf against that which is not conducive to our small Princeton business community being able to thrive.

The Chamber respectfully requests the Princeton City Council, Planning Commission, EDA and staff to seriously look at how these inconsistencies and additional barriers to conducting business in Princeton is essentially damaging our business Community. The Princeton Area Chamber of Commerce asks that the City of Princeton to instead find ways to uplift and encourage our businesses as we all partner to grow a successful business community together.

*Respectfully submitted on behalf of the Board,
Bob Michael, President*

Edmonds sees this as informational and does not want to respond to it.

Reynolds said they would be allowed from what we have been discussing tonight. The channels were not followed.

Fuhrman said the clearance and size have to be addressed.

Heitschmidt said the signs were hung in blatant disregard.

E. Review of Princeton Speedway 2014 Schedule

This was reviewed after the two site plans.

The City Council received a copy of the 2014 Princeton Speedway schedule to review, which has been a tradition of sorts over the past several years. Last Thursday, the City Council directed the Planning Commission to review the proposed schedule as there is an existing Conditional Use Permit that covers the operation of the Speedway that was issued by the Planning Commission.

Fuhrman reviewed the proposed 2014 schedule and compared it with what was approved by the Conditional Use Permit via Planning Commission Resolution #02-13 dated March 2013. The Planning Commission approved the CUP, subject to the following conditions:

1. Friday night races shall end by 11:00 P.M.
2. No more than two races per season may be regularly scheduled for non-Friday dates.
3. Wednesday night rain date races shall end by 10:00 P.M.

4. No Wednesday night rain date races allowed during the regular school year.
5. No more than two Wednesday night rain dates allowed per month in June, July, and August (6 per summer).
6. No more than one non-Wednesday rain date may occur per season.
7. The Planning Commission shall review the race schedule after the 2013 racing season.

The 2014 schedule proposes the following:

- 20 Friday night races, all starting at 7:00 P.M.
- One Saturday night race, starting at 5:00 P.M.
- 3 Saturday practices from 10:00 A.M. – 2:00 P.M.
- One Thursday night practice, from 6:00 P.M. – 9:00 P.M.

The 2014 proposed race schedule meets the Planning Commission conditions from the 2013 CUP. However, the practice dates were not addressed by the Planning Commission in their conditions of the CUP. The Planning Commission was aware of the practice dates back in 2013 when the CUP was initially issued. The proposed 2014 practice dates are generally the same except for the Thursday night practice on September 18th, which is proposed to end by 9:00 P.M. This practice date was not listed on the 2013 schedule, but the Speedway operators did check with staff last year, and staff allowed it. Another minor change is that the Saturday practices are starting later than in 2013 (10:00 A.M. versus 9:00 A.M.).

As some might recall, there were concerns from the public expressed following the final race weekend back in the 2013 season. The operators of the Speedway addressed the Planning Commission in October 2013 in regards to those concerns. The Planning Commission chose at that time not to amend the CUP as the operators vowed to rectify the problems from that weekend. At this time, the Planning Commission is asked to review the proposed schedule and decide whether or not an amendment to the CUP governing the Speedway is required, which would address practice dates.

Edmonds said the issue of running over time one night last season was addressed by staff and they said it will not happen again. He is taking their word that it will not happen again.

The Planning Commission is fine with the schedule and no motion is needed.

COMMUNICATION AND REPORTS:

A. Verbal Report

1. Federal TAP Grant Application for Trail Connections

Fuhrman said the City did submit an application for a trail grant and it would provide much needed connections. This trail would connect with the Great Northern Trail planned down from Elk River and come to the water treatment plant by Crystal Cabinets, run along to Coborn's, Super America, and then west along McDonalds, Shopko, Fairview Hospital, and up along Mark Park. It is a ways out and they are trying to make the connections.

2. Legacy Grant for Riverside Park Improvements Denied

There was a grant submitted for improvements for Riverside Park and the grant was denied. If the City were to have gotten the grant it would have gone to update the bathrooms and enlarge some of the camp sites and such.

3. Mille Lacs County Land Use Taskforce Committee Appointment

Fuhrman thanked Jack Edmonds for volunteering to be on the Mille Lacs County Land Use Taskforce committee to represent the City.

Edmonds said he was very involved in the Comprehensive Plan with the county and is still interested in the county business.

B. January 2014 Building Permit List

The Planning Commission Board had no comments.

C. City Council Minutes for January, 2014

The Planning Commission Board had no comments.

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. THE MEETING ADJOURNED AT 9:02 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant