

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON MARCH 18, 2013,
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 Mitzi Mellott, Tim Siercks, Dick Dobson, and Chad Heitschmidt. Township Representatives present were Jim Kusler, Princeton Twsp. and Randy Atwood, Baldwin Twsp. Staff present was Carie Fuhrman, Mary Lou DeWitt, and Brian Payne, Police Chief.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON FEBRUARY 19, 2013

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE THE MINUTES OF FEBRUARY 19, 2013. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #01-13 Conditional Use Permit for Princeton Auto Parking Lot & Site Plan Review

R.W. Builders Inc., on behalf of Princeton Auto Center, has submitted a conditional use permit and site plan review application for expansion of the automobile sales lot and building addition at 112 9th Avenue Circle South. The property is zoned B-3, General Commercial District.

Fuhrman informed the Planning Commission Board that Princeton Auto currently operates an automobile sales and service business on Lot 3, Bel-View First Addition, located at the end of the cul-de-sac of 9th Avenue Circle. The building contains a service center and showroom, and the lot currently contains approximately 206 parking spaces for vehicle sales inventory, customer parking, and vehicles being serviced. Princeton Auto also owns Lots 4, 5, 6, and 7, Bel-View First Addition. An existing 35,400 square foot gravel area is located directly adjacent to 9th Avenue Circle on Lot 4 and possibly onto Lot 5 as well.

Princeton Auto is proposing to expand their automobile sales/display area south on to the adjacent Lot 4 on a bituminous area approximately 29,480 square foot in size. According to the applicant, this will hold an additional 84 vehicles, for a total of 290 parking stalls. The existing gravel within the right-of-way of 9th Avenue Circle South is being removed, except for the new access area, and restored with topsoil, seed, and landscaping. The existing gravel will be salvaged to be used under the new bituminous parking area. In addition, five 10 ft by 20 ft (200 SF) concrete vehicle display pads will be added on to Lot 5, at the corner of Rum River Drive South and 9th Avenue Circle. The applicants propose to meet parking lot setbacks from both rights-of-way and plan to add decorative retaining block if needed.

Automobile and recreational sales and service requires a conditional use permit in the B-3 District. The following provisions are outlined in the Zoning Ordinance:

(a) A minimum lot area of 1 acre is required and the use shall be on 1 lot or contiguous lots not separated by a public street or other use.

Staff Comment: This condition is met. Lot 3, where the business is currently located, contains 3.87 acres. The parking lot is proposed to expand onto a portion of Lot 4 (2.14 acres), directly adjacent to the current auto sales lot. The additional five concrete display pads are proposed on the adjacent Lot 5.

(b) A minimum lot width of 100 feet is required.

Staff Comment: This condition is met.

(c) The parking area for the outside sales and storage area, whether for a new or the expansion of an existing facility, shall be hard surfaced by the date determined by the Planning Commission after consideration of the size and scope of the project, and the effect of the cold weather season on paving construction materials, but in no event more than 10 months after final city approval. Parking areas shall be maintained to control dust, erosion, and drainage before and after hard surfacing. No parking or display of vehicles for sale shall occur on landscaped areas. Customer parking shall be clearly marked (Rev. 02-28-13; Ord. 696).

Staff Comment: The Planning Commission shall determine an appropriate deadline date that the new automobile sales area must be hard surfaced by. Please keep in mind that asphalt plants are generally open by May 15th, depending on weather. Staff is recommending the new parking area be hard surfaced by July 15th, 2013.

(d) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas.

Staff Comment: This shall be added as a condition of approval. The new parking area must be kept out of the right-of-way and be setback from adjoining property lines at least three feet as well.

(e) All areas of the property not devoted to building or parking areas shall be landscaped.

Staff Comment: A landscaped island will be maintained between the existing auto sales area and new sales area. This island contains five evergreen trees. The applicants are proposing to add landscape shrubs and boulders between the new sales/display area and the right-of-way of 9th Avenue Circle. The boulders shall be setback a minimum of two feet behind the curb, as indicated on the plans. This shall be added as a condition of approval.

(f) Noise from electronic speaker devices shall be regulated in Chapter VI, Performance Standards.

Staff Comment: The Noise Performance Standards shall apply.

Because a striping plan has not been submitted, it is difficult to review the traffic flow through the new lot. A preliminary parking lot design submitted for review raised some concerns with traffic flow by the City Engineer. If issues arise with traffic flow, the applicants shall work with city staff in resolving those issues.

Mike Nielson, City Engineer with WSB & Associates, reviewed the proposed project and a memo of his comments was provided.

The memo dated March 12, 2013 read as follows:

The applicant proposes to construct a bituminous parking lot over an existing gravel surface. These activities include the removal of 35,400 square feet of existing gravel area and replacing it with 30,480 square feet of bituminous surface. The remaining area will be replaced with an approximate 14 foot wide grassed boulevard with some landscaped shrubs. The applicant proposes to match the existing drainage conditions.

In regards to the Stormwater Management Plan general comments, the existing conditions the site drains to 9th Circle, where stormwater drains toward Rum River Drive via curb and gutter. At this point, stormwater drains to a rural ditch that runs along Rum River Drive. The applicant is proposing to decrease the impervious surface by approximately 4,900 square feet, and the drainage characteristics are proposed to remain the same as in existing conditions. Additionally, a grassed boulevard is proposed to provide a vegetative strip to settle solids out prior to stormwater entering the gutter on 9th Circle.

The Stormwater Management Plan specific comments related to the application are provided below. The applicant should submit revised documents that address these comments for City review and approval.

Drainage Calculations

1. The site does not propose to increase impervious area or change the drainage pattern of the stormwater; therefore all rules for stormwater quantity/quality are met.

Erosion Control

2. Provide information on the plan sheets showing how disturbed areas are to be repaired. Will there be any disturbance with the construction of the concrete pads?

3. Include note indicating that street sweeping shall be provided by the contractor throughout construction to remove sediment and debris that is deposited on streets due to construction activities. The note should state that the City may order this work to be performed at the contractor's or owner's expense if the City staff find that construction activities are resulting in sediment or debris being tracked onto City streets. This concludes the stormwater management review comments for the proposed Princeton Auto parking lot expansion.

Edmonds opened the public hearing.

Ron Weyer, applicant on behalf of Princeton Auto Center introduced himself to the Planning Commission Board and said that Fuhrman pretty much covered it all. If they have any questions, he would be happy to answer them.

There were no questions from those in the audience.

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

Dobson believes this would be an enhancement to the area. It will be more presentable instead of the open lot that is there now. This will help solve the concern of Sherburne County regarding gravel run-off settling in the ditch of Country Road 45.

Edmonds asked if grass is going to be planted.

Weyer said they will landscape some of the area. Up front will be the concrete car display pads.

Heitschmidt asked if the July 15th deadline for paving will be enough time.

Weyer said yes, that should be an adequate amount of time.

Dobson asked if the start up of the asphalt plants is delayed because of the weather can he come back to ask for an extension if the July 15th date will not be met.

Fuhrman said yes, that is fine.

Weyer said he does not believe they should need the concrete or asphalt curbs.

Fuhrman said that is one of the standards listed for auto sales. that there needs to be interior concrete or asphalt curbs constructed within the property to separate driving and parking surfaces from landscaped areas. She asked for the Planning Commission's view point on this.

Siercks commented that the reason for the condition was to stop people from parking on the landscaped areas.

Dobson said he does not believe it is necessary to have the full curb, but there should be some type of parking stops in place.

Weyer said for snow removal the snow might cover it and make it difficult with the plowing.

Edmonds asked if there is landscaping on the south end.

Weyer said the front toward 9th Avenue will be landscaped.

Dobson asked if there will be grass to the south of where the black top is.

Weyer said no, just black top. Weyer moved to the front of the room where the larger set of plans were displayed and pointed out where the landscaping will be. The gravel that is there now, he does not want to disturb, it is a very thin layer.

Fuhrman said there is a small portion of the area that gravel is being removed and topsoil and seed will be put in to divert people from driving off from the parking area onto 9th Avenue.

Weyer said they could cut back a little and get some grass growing. He believes 84 cars could fit on this parking lot, but if the inventory is not that heavy, they could angle inventory cars right away in that area.

Siercks said some separation on the south side would be good. Even if it were low curbing on

half of the area.

Weyer said he will talk to Princeton Auto and see what they would like to do.

Dobson commented that if another party comes to Planning Commission in regards to a parking area, they could use this as an example of how we did not follow the ordinance if curbs are not installed, separating the landscaped area. This ordinance should be followed.

Weyer understands. Maybe a black top curb could be added.

Siercks said it should have a definite end of the tar area, but where you still can push the snow over it with the plow.

Weyer is fine with that.

Dobson said he would be okay with that. He would like the concrete car display pads to have a grass slope if they are raised. It would look nicer.

Weyer is not sure how they will do the display pads. He might put landscape block around it. He was thinking of using concrete instead of black top.

DOBSON MOVED, SECOND BY HEITSCHMIDT, TO APPROVE ITEM #01-13 CONDITIONAL USE PERMIT FOR PRINCETON AUTO PARKING LOT WITH THE FOLLOWING CONDITIONS:

1. THE EXISTING GRAVEL BETWEEN THE ROAD AND PARKING LOT SHALL BE REMOVED AND LANDSCAPED, AS INDICATED ON THE PLANS.
2. THE NEW AUTOMOBILE SALES AREA SHALL BE HARD SURFACED BY JULY 15TH, 2013. IF THE APPLICANT CANNOT MAKE THIS DEADLINE BECAUSE OF WEATHER, HE CAN COME BACK TO THE PLANNING COMMISSION FOR AN EXTENSION.
3. INTERIOR CONCRETE OR ASPHALT CURBS SHALL BE CONSTRUCTED WITHIN THE PROPERTY TO SEPARATE DRIVING AND PARKING SURFACES FROM LANDSCAPED AREAS.
4. THE PARKING AREA MUST BE KEPT OUT OF THE RIGHT-OF-WAY AND BE SETBACK FROM ADJOINING PROPERTY LINES AT LEAST THREE FEET.
5. THE BOULDERS SHALL BE SETBACK TWO FEET BEHIND THE CURB AT A MINIMUM.
6. THE LANDSCAPING ISLAND SHALL REMAIN BETWEEN THE EXISTING AND PROPOSED PARKING AREAS.
7. THE REVISED DOCUMENTS SHALL BE SUBMITTED FOR REVIEW BY THE CITY ENGINEER, AS INDICATED IN THE CITY ENGINEER'S MEMO, MARCH 12, 2013.
8. IF THE USE OF THE PROPERTY CHANGES, THE PARKING LOT SHALL BE REQUIRED TO BE STRIPED IN ACCORDANCE WITH THE ZONING ORDINANCE PARKING STANDARDS.
9. IF ISSUES ARISE WITH TRAFFIC FLOW THROUGH THE NEW LOT, APPLICANTS SHALL WORK WITH CITY STAFF IN RESOLVING THOSE ISSUES.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Does the proposed use violate the health, safety or general welfare of the Princeton residents? No.
2. Has the proposed use been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation? Yes.
3. Is adequate parking and loading provided in compliance with the Ordinance? Yes.
4. Have possible traffic generation and access problems been address? Yes.
5. Does the proposed use accommodate with existing public services and will not overburden the City's service capacity? Yes.
6. Does the proposed use conform to the City's Comprehensive Plan and is compatible with present and future land uses of the area? Yes.

For each response answered affirmatively, are there conditions that could be attached to the granting of a permit that would mitigate the adverse impact? Yes.

The Commission approves the Conditional Use Permit, based upon the Findings of Fact, with the noted conditions.

Site Plan Review: Building Addition

Fuhrman informed the Planning Commission Board that the site plan review is required for construction projects at commercial, industrial, or institutional properties. Princeton Auto is proposing to enclose the existing customer service "write-up" area that is currently black topped in the southwest corner of the building. The 1,500 square foot area will be a concrete block building with steel bar joist and deck for the roof structure. The construction will match the existing building. No additional impervious surface is being added. GM approved ACM panels will be added to the entrance wall; the show room will have an ACM panel façade to replace the existing painted wood; and the Chevrolet entrance element will be at the new vehicle delivery entrance. The proposed project appears to meet the Zoning Ordinance and Comprehensive Plan review standards.

MELLOTT MOVED, SECOND BY DOBSON, TO APPROVE THE SITE PLAN REVIEW FOR PRINCETON AUTO'S BUILDING ADDITION. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

B. #02-13 Conditional Use Permit for Princeton Speedway

Scott Berry, on behalf of Princeton Speedway, has submitted an application for a conditional use permit for automobile racing on the Mille Lacs County Fairgrounds, located at 1400 Third Street North. The fairgrounds are zoned A-2 Agricultural Zoning District. A conditional use permit is being requested because of a change to the racing schedule. The new operators are proposing the following schedule, April through September:

- * Traditional Friday Night Races, starting at 7:00 PM (20 total);
- * One Saturday Night Race, starting at 5:00 PM (September 21st);
- * Three Saturday Test and Tunes, 9:00 AM – 2:00 PM (April 13th, 20th, & May 4th);

- * Wednesday Night Rain Dates, starting at 7:00 PM (19 total); and
- * One Sunday Rain Date, starting at 3:00 PM (September 22nd).

The Future Land Use Plan designates this property as Public & Semi-Public. The Comprehensive Plan states that the City should support the enhancement or expansion of public and semi-public uses, including governmental facilities, churches, and schools. Care should be given to ensure that adequate integration with surrounding land uses occurs.

The property is zoned A-2, Agricultural District. The intent of the A-2 District is to preserve uses related to farming and agricultural production, as well as commercial and semi-commercial activities of the Mille Lacs County Fair.

In 2000, after consultation with Fair Board representatives, the City added the A-2 Zoning District to address the unique conditions of a fairground property. At that time, automobile racing was made a conditional use. Council minutes from July 27, 2000 indicated that current racing activities would be grandfathered in, but any changes/additions will require a conditional use permit.

Historically, the automobile races at Princeton Speedway have occurred on Friday night with occasional races occurring on alternative days with prior Council approval. The operators are proposing the traditional Friday night races, starting at 7:00 PM; one Saturday night race at 5:00 PM; three Saturday test and tune-up events from 9AM – 2:00 PM; Wednesday night rain dates, starting at 7:00 PM; and one Sunday rain date, starting at 3:00 PM.

The operators have indicated that if just a few Friday night races are rained out, they would likely not reschedule for Wednesday nights. If three or more Friday races are rained out, they would start rescheduling the races for Wednesday nights. The proposed schedule was in the Planning Commission's packets to review.

Subsection 3.B. of Chapter IV outlines the standards for review of a conditional use permit:

1. The proposed use does not violate the health, safety, or general welfare of Princeton residents.

Staff Comment: Noise is a potential nuisance that should be addressed when reviewing automobile racing. Chapter 655 in the City Code addresses Nuisances Caused by Sound. Section 655-04 provides for exceptions: Activities for which a permit has been obtained from the City and activities coordinated through the Princeton Area Chamber of Commerce, Mille Lacs County Fairgrounds, and/or Princeton Speedway and approved by the City shall be exempt from this Ordinance, provided that such activities are limited to those activities reasonably within the scope of the City's permit or approval.

The Speedway races traditionally end by 11:00 PM on Friday nights. In the past, the City has received complaints regarding the noise at the Princeton Speedway when races have gone later than 11:00 PM. The Mille Lacs County Agricultural Society sent a letter in July 2003 to the City

Administrator addressing the specific concern of ending the programs by 11:00 PM.

It is recognized that there is a chance that no Wednesday night or Sunday races could occur, depending on weather, but on the other hand, there could be multiple Wednesday night races. For this reason, staff has concluded that pursuant to the July 27, 2000 City Council minutes, a Conditional Use Permit is necessary. The ancillary effects of automobile racing must be taken into account, whether occurring on weekends or week nights, especially when in close proximity to residential areas.

1. The proposed use does not violate the health, safety, or general welfare of Princeton residents.

Staff Comment: Noise is a potential nuisance that should be addressed when reviewing automobile racing. Chapter 655 in the City Code addresses Nuisances Caused by Sound. Section 655.04 provides for exceptions: Activities for which a permit has been obtained from the City and activities coordinated through the Princeton Area Chamber of Commerce, Mille Lacs County Fairgrounds, and/or Princeton Speedway and approved by the City shall be exempt from this Ordinance, provided that such activities are limited to those activities reasonably within the scope of the City's permit or approval.

Wednesday night racing is different in that it is during the work and school week. Due to this circumstance, the Planning Commission might consider recommending an earlier end time for the weeknight races, as is recommended by staff.

2. The proposed use has been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation.

Staff Comment: N/A

3. Adequate parking and loading is provided in compliance with the Ordinance.

Staff Comment: No changes to the parking or loading are proposed with the CUP.

4. Possible traffic generation and access problems have been addressed.

Staff Comment: No changes to the traffic generation or access are proposed with the CUP.

5. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.

Staff Comment: The proposed use can be accommodated with existing municipal sewer and water.

6. The proposed use conforms to the City's Comprehensive Plan and is compatible with present and future land uses of the area.

Staff Comment: One of the goals listed in the Comprehensive Plan touches on enhancing the City's appeal and unique qualities, including recreational opportunities. The Princeton Speedway is a unique quality of the Princeton community existing since the 1950's and draws

thousands of visitors to Princeton every summer. However, its close proximity to residential neighborhoods needs to be taken into account.

Automobile racing is a land use that has potential for affecting properties beyond the subject property lines. However, potential concerns should be put into perspective in comparison with the benefits that the Speedway brings to the community, and bringing visitors into the community.

If the appropriate conditions are placed on the use to address potential nuisances, the proposed conditional use permit appears to meet the general review standards. Therefore, after the public hearing is held, staff would recommend approval of the conditional use permit for automobile racing, subject to the following conditions:

1. Friday night races continue, ending by 11:00 PM.
2. No more than two races per season may be regularly scheduled for non-Friday dates.
3. Rain date races may be held on Wednesday nights, ending by 10:00 PM.
4. No more than one non-Wednesday rain date may occur per season.
5. The Planning Commission shall review the race schedule after the 2013 racing season.

It should be noted, if future race schedules deviate from what is approved by the Planning Commission, or other changes are proposed, a conditional use permit amendment will be required.

Tim Siercks stepped down from the Planning Commission Board for this item and sat in the audience. He is the applicant along with Scott Berry for Princeton Speedway.

Edmonds opened the public hearing.

Rod Anderson, 208 14th Avenue North, addressed the Planning Commission Board that he is against the expansion of the hours. Moving the races to mid week would interrupt family activities. If you are outside during the races, you cannot hear one another. If the wind is right and air conditions are right, there is a pollution problem, the air just hangs. The vibration that occurs from the cars on the track is also an interruption to your evening.

There was no one else in the audience that wanted to address the Planning Commission Board on this item.

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

Dobson mentioned that staff received two letters from residents that wanted to express their concerns on the Princeton Speedway and wanted them read.

Edmonds read the first letter from Jeanine and Richard Reckinger. The second letter read was

from J. and Kristen Hancuch. After reading the letters, Edmonds asked Scott Berry, applicant, if they could end the race on the proposed Wednesday's at 10:00 PM.

Berry said they would have to move the program faster with intermission. The reason for Wednesday rain dates is because the drivers race for points, and they need to make those up from rain days. Revenue needs to come in for the race track to stay. There will not be as many attendees on Wednesday evenings. September 21st is the last race and that is on a Saturday and then September 22nd is the rain date.

Edmonds said he is on the Fair Board and he is involved in the race track. He helped negotiate the contract for Berry and Siercks.

Dobson said he knows the race track is under a contract and it is a business in town. He knows Berry and Siercks well and believes when they say racing on Wednesday would only be held after a number of rain outs. He had worked security there for a number of years and on Fridays it usually shuts down at 11:00 PM, sometimes it ran to 11:25 PM. In the past, there had been an added day at the race track. He is not aware of complaints at that time. He believes approving this Conditional Use Permit and reviewing it at the end of the season, and see how resident views are if there had been any Wednesday makeup days.

Edmonds stated that he was told by many members of the community that they did not want to see the race track go away.

Mellott has an issue with the Wednesdays and questioned how many racing days canceled due to weather will happen before a makeup day is scheduled.

Heitschmidt agrees. He would not want the rain dates scheduled during the school year, and limited to one a month. Would three rain dates be enough for the season?

Berry is not sure. They hope they do not need to race on Wednesdays, but may have to. A makeup day once a month after three rain days could be a problem.

Edmonds commented that the school issue should not be a problem because school will be out for the summer.

Berry said it could be. The racing season begins in April.

Dobson said the drivers have their own circuit they are in, and if they are close in points and losing dates at race tracks, they might not come back to that track because it limits their points.

Berry said he is fine with the conditions.

Mellott asked if on the Saturdays have they always had three and this early in the season?

Berry said yes.

Mellott said she does not like Wednesdays. Even if the race is done at 10:00 PM, there is still noise with the people leaving.

Edmonds asked if she wanted to limit the number of Wednesdays.

Mellott would like to know how many rain outs would call for a makeup day and the Wednesdays should be scheduled at the end of the school year. There should be a limit on the number of Wednesdays also.

Edmonds agreed, no Wednesdays when school is in session.

Berry understood that if there are rain dates needed, they would be scheduled in June, July, and August.

Mellott said if there is a race on Friday and a possible makeup date the following Wednesday it is not fair for the residents either.

Berry commented that they could have the Wednesday race done at 10:00 PM and maybe no parking signs could be put up along the streets there to help reduce the noise of those leaving.

Brian Payne, Princeton Police Chief, said there already is no parking signs along the fairground side of the street.

Heitschmidt said there are a lot of people who live in Princeton and commute to work. They need to get up early and does believe there should be a limit of how many makeup days are allowed. He does not want to cause hardship to those that live there.

Siercks suggested the race classes could be moved around where the quieter ones are at the end. The loud ones would be done at 9:00 PM. Wednesday is the only open date available in the circuit to have makeup races.

Edmonds trust that they will not abuse Wednesday nights.

Mellott suggested two Wednesday makeup races per month for the three month period of June, July, and August. That would be six makeup races.

Dobson said if waiting till school is out, there is a possibility that the residents would hear races three times in a week if makeup races are needed.

Mellott would be more comfortable if there were only two Wednesday makeup dates a month.

EDMONDS MOVED, SECOND BY DOBSON, TO APPROVE ITEM #02-13 CONDITIONAL USE PERMIT FOR PRINCETON SPEEDWAY TO CHANGE THE RACING SCHEDULE AT THE MILLE LACS COUNTY FAIRGROUNDS LOCATED AT 1400 THIRD STREET NORTH WITH THE FOLLOWING CONDITIONS:

1. FRIDAY NIGHT RACES SHALL END BY 11:00 PM.
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 PM.
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.

UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. (Siercks had stepped down)

The Planning Commission Board reviewed the Findings of Fact:

1. Does the proposed use violate the health, safety or general welfare of the Princeton residents? No.
2. Has the proposed use been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation? N/A
3. Is adequate parking and loading provided in compliance with the Ordinance? Yes.
4. Have possible traffic generation and access problems been address? Yes.
5. Does the proposed use accommodate with existing public services and will not overburden the City's service capacity? Yes.
6. Does the proposed use conform to the City's Comprehensive Plan and is compatible with present and future land uses of the area? Yes.

For each response answered affirmatively, are there conditions that could be attached to the granting of a permit that would mitigate the adverse impact? Yes.

C. #03-13 Interim Use Permit for Church/Worship at 127 Rum River Drive North

Michael Brooks, on behalf of Greater Life Princeton/Zimmerman, has submitted an application for an Interim Use Permit for church services and other religious activities to take place on the premises at 127 Rum River Drive North, the former Ben Franklin building. The property is zoned B-1 Central Business District. Churches and places of worship are listed as an interim use in the B-1 Zoning District.

Fuhrman informed the Planning Commission Board that Greater Life Princeton/Zimmerman is proposing to hold church services on the fourth Saturday of each month from 6:00 PM to 8:00 PM, and a Bible Study on Thursday nights from 6:30 PM to 8:00 PM. The church has already been hosting a bread distribution at this site on the first and third Saturday from 10:00 AM to Noon.

Fuhrman said the building owners are planning to occupy the building in the future, but that date has not been determined yet. Staff is recommending that the Interim Use Permit terminate when the lease agreement between Greater Life Princeton/Zimmerman and the property owner terminates.

The B-1 Central Business District allows churches or places of worship as Interim Use Permits, provided that:

(a) Such space is within a multi-tenant building;

Staff Comment: The church is located in a multi-tenant building; however, at this time, no other use is occupying the building.

(b) Joint parking arrangements allow for compliance with parking requirements for all uses (as regulated by Chapter VI, Performance Standards).

Staff Comment: Staff is not aware of any concerns or complaints received regarding enough parking being provided to accommodate church attendees and downtown employees and customers.

According to the applicant, the church has held one service and had about 40 people in attendance. The existing parking available on-street, in the public parking lot across Rum River Drive, and also behind the building has been sufficient to serve the bread distribution. The church services and Bible Study are held during "off-peak" hours. If the Planning Commission is concerned, a condition upon approval could be added that the parking be reviewed within a certain time period. As a condition upon approval, a sign permit application shall be submitted for review. No renovations are being proposed to the building for this use.

Based on the findings that the proposed Interim Use appears to meet the review standards and provisions are listed in the Zoning Ordinance, Fuhrman would recommend that the Planning Commission recommend approval to the City Council of the proposed Interim Use Permit for a church at 127 Rum River Drive North, subject to the following conditions:

1. The Interim Use Permit shall terminate when the lease agreement between Greater Life Princeton/Zimmerman and the property owner terminates.
2. A sign permit application shall be submitted for review.

Fuhrman said they have to be required to come back to the Planning Commission if there are added meeting dates. The Planning Commission could make a strong recommendation that the attendees use the public parking areas instead of streets for their parking.

Edmonds opened the public hearing.

Debra Burroughs, 505 4th Avenue South, was present and said she works downtown at Thrifty White, and does not think downtown is a place for churches. She had reviewed the B-1 Zoning Ordinance and churches are not mentioned in the permitted uses. She had spoken to Fuhrman

on the phone and Fuhrman said this building is a multi use building. She questions what the other uses in this building were.

Fuhrman said the High School may display art in the front window area, and Crystal Cabinets will be using this site in the future. The church has already been hosting a bread distribution at this site.

Burroughs said those are not multi-tenant. It still is the same tenant for the church and bread distribution. She asked what the time period was for the lease? They are saying only 40 people for the church service, but in the future it could be more. How do you set the standards? We have the Crossing Church in the mall across the street and they use the parking lot. Bible Studies could start and maybe a daycare could be added, and where would they park? There is already issues downtown with parking. Customers want to park downtown right by the store and walking across the street is dangerous. She stated that she does not have an issue of the church itself, but is concerned with the extra parking needs a church requires. All other churches have to meet the parking codes and why would they not need to meet it? What does the Fire Marshall say about having a church in this building and meeting the maximum occupant code? How does children's art work fall in as a tenant? This is not a multi tenant building.

Fuhrman stated that "multi-tenant" is open for interpretation.

Michael Brooks, applicant, said the Crossing Church is closed and moved to Zimmerman. He checked the business hours of a lot of businesses in the block and most of them are closed during their evening hours. He read the hours of those he checked on and then mentioned what available parking there is downtown. They do have a Bible Study on Thursday nights. On the fourth Saturday of each month they hold a service. They have been having the bread distribution since October 1st and have not had an issue on parking that he is aware of.

Dobson asked if they have been removing snow from their back parking lot. He wanted them to be aware that they cannot put the snow in the alley.

Brooks said they are pushing the snow forward to the building, not on the alley. The parking that is available behind the building they only use to unload the bread.

Burroughs asked if they had any plans to add more services in the future and how long is their lease for.

Brooks said the lease is open till the owner Jeff Hammer decides he wants to occupy the space with his business. Mr. Hammer had said it would be two years at the most. They are not expanding from the space they are in now.

Fuhrman said that there could be a condition that this is reviewed in six months and the business owners could comment on any issues.

Brooks said he would be agreeable to strongly encourage the members to use Trinity Church parking area and public parking lots.

Burroughs reinstated that this is not a multi tenant use building.

Fuhrman said it is situated to be a multi tenant building.

Brooks said the lease is for one area of the building, but they can distribute bread in another area.

Siercks commented that if their first service held 40 people, it could grow.

Edmonds said public parking is for public, we cannot determine who uses it. If Steven's Restaurant has a big crowd and overflow from their parking lot goes to the public lot, but there is not enough parking in the public lot, that is how it is.

Dobson would like the interim use permit reviewed every 90 days.

Ann Thompson, 6201 Sunny Lane, Brooklyn Park spoke on behalf of the Church. We are bringing God to your community. Would you treat a retail business in this manner?

Reverend GalenThompson, Columbia Heights, spoke on behalf of the Church. He would like their request treated as well as they would a retail business.

Brooks said 60% of those that come for the bread ministry are the elderly. He would love to have church ministry.

Dobson would like this reviewed every 90 days and check if there are any parking issues.

Burroughs states she did not mean to be scolded; it is the volume of people downtown, and the bigger picture. They just happen to be in the crossfire.

Brooks believes most of the businesses are closed when they start their service.

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

DOBSON MOVED, SECOND BY EDMONDS, TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ITEM #03-13 INTERIM USE PERMIT FOR CHURCH/WORSHIP AT 127 RUM RIVER DRIVE

NORTH FOR GREATER LIFE PRINCETON & ZIMMERMAN CHURCH IN A B-1 CENTRAL BUSINESS DISTRICT WITH THE FOLLOWING CONDITIONS:

1. ACTIVITIES SHALL BE LIMITED TO THOSE AS PROPOSED BY THE APPLICANT:
 - A. CHURCH SERVICES ON THE FOURTH SATURDAY OF EACH MONTH FROM 6:00 PM TO 8:00 PM;
 - B. BIBLE STUDY ON THURSDAY NIGHTS FROM 6:30 PM TO 8:00 PM; AND
 - C. BREAD DISTRIBUTION FIRST AND THIRD SATURDAY OF THE MONTH FROM 10:00 AM TO NOON.
2. THE INTERIM USE PERMIT SHALL BE REVIEWED ANNUALLY.
3. A SIGN PERMIT APPLICATION SHALL BE SUBMITTED FOR REVIEW.

Mellott said limiting their use is not something she likes to do. Discussion ensued regarding restricting their hours.

Dobson is happy with the conditions.

Reverend Galen Thompson asked the Planning Commission Board to trust them like they did the other two previous applicants tonight.

UPON THE VOTE, THERE WERE 4 AYES, 1 NAY (AYES WERE DOBSON, EDMONDS, SIERCKS, AND HEITSCHMIDT. NAY VOTE WAS MELLOTT). MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Is the proposed use an interim use listed in the district in which the application is being made? Yes.
2. Is the date or event that will terminate the use can be identified with certainty and continued? Yes.
3. Does the interim use not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters? Yes.
4. Would permission of the use not impose additional costs on the public if it is necessary for the public to take the property in the future? No.

The Commission recommends approval of a Interim Use Permit, based upon the Findings of Fact, with the noted conditions.

OLD BUSINESS:

A. Gun Shop & Shooting Range Discussion Continued

Fuhrman said at the February 19th, Planning Commission meeting the Board directed her to research shooting ranges in more depth after a request from the public. The Zoning Ordinance does not specifically address gun shop and shooting range. Technically, a gun shop could fall under a retail use within the Ordinance, however a Zoning Ordinance amendment would be needed in order to allow shooting ranges within the City limits.

Minnesota Statutes, Chapter 87A, addresses Shooting Ranges. According to Statute, “shooting range” means an area or facility designated or operated primarily for the use of firearms, or archery, and includes shooting preserves.

The Statute addresses definitions, performance standards, authorized activities, mitigation area, noise standards, nuisance actions, closure of shooting ranges, applicability of other laws, and accessibility. Statute refers to the National Rifle Association’s Range Source Book: A Guide to Planning and Construction to serve as best practices for shooting range performance standards. Fuhrman gave a brief outlook at some cities that allow shooting ranges and how they are addressed in their Zoning Ordinance.

If the Planning Commission and City Council were to allow such uses in the Industrial District, one issue to be addressed is retail sales in an Industrial District. Some communities allow retail uses within an Industrial District, but only as an accessory use to another principal use, such as manufacturing or warehousing, or as a percentage of total building area. This is to ensure that there is enough land available to maintain and protect the industrial base for Industrial Districts, and so retail uses that may be better suited in other districts do not begin to dominate.

Brian Payne, Princeton Police Chief, was asked to offer his insight in the subject matter. Payne said he has 34 years as a Police Officer. He does enjoy going to indoor shooting ranges and has done research on them.

Edmonds asked if he is opposed to having one inside the city limits.

Payne said guns inside and outside the building is not a big issue. The bullets cannot go through the thick building material that is installed. The air control inside the building is very good.

Edmonds asked about carrying the weapon in public.

Payne said majority of people carry them in a case. A few might have a permit to carry and may not have it in their case.

Dobson said the shooting range in Robbinsdale the gun has to be cased.

Payne said the safety rules in an indoor range are impeccable.

Atwood commented that with a permit to carry they could be in a public building with a gun and you do not know who there are.

Payne would rather have a place for people to go and shoot instead of a field in the country.

Mellott said having one in town would be good from what she is hearing. She asked Payne

what his viewpoint is on a retail gun shop.

Payne says it is not a safety hazard having a gun shop. In a gun community a gun range gets good response. Once word is out that there is a shooting range, it brings people to the community, and restaurants even benefit.

Edmonds said having a shooting range in the city limits is the issue.

Payne said he sees no problem with a shooting range in town.

Fuhrman said what about having one in a multi tenant building.

Payne said Bill's Gun Shop and Range in Robbinsdale is a multi tenant building where the businesses in there all have something to do with guns. It is a huge building.

Atwood asked if this were to be allowed in a downtown district, would we want to restrict the size of the building, where it could not be in a smaller building.

Payne said the back stop in the building takes so much space to stop the bullets that you would need a good size building to begin with. Most people want to shoot for distance.

Dobson committed that there is a lot of cost in a gun range to meet the codes.

Payne said it is hard to renovate an old building. What works good is a pole barn shell and build the gun range inside.

Siercks said he would like the building where it is not by family businesses.

Payne said most bad guys will not come to a gun range to steal a gun. They know what would happen.

Siercks asked who would monitor it.

Dobson said complaint driven would be the monitoring.

Siercks asked if there is any language that specifies size of the building.

Fuhrman said no.

Atwood suggested not allowing the shooting range by a daycare or a school. It could be a distance from them.

Payne said there is law on the books for having guns a certain distance from a school.

Fuhrman said state law designates certain things and she will check if there is any law on the distance factor from certain businesses or schools.

DOBSON MOVED, SECOND BY MELLOTT, TO HAVE STAFF PREPARE A DRAFT ORDINANCE FOR INDOOR SHOOTING RANGE INSIDE THE CITY LIMITS. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Fuhrman will have an Ordinance Amendment ready for a public hearing for the April 15, 2013 Planning Commission meeting.

NEW BUSINESS: None

COMMUNICATION AND REPORTS:

A. Verbal Report

Fuhrman informed the Planning Commission Board that someone is putting in a Meat Market in the former Bakery downtown. They are inquiring if the City would allow a slaughterhouse. Fuhrman will be bringing this topic for discussion to the Planning Commission.

The Princeton Chamber is having their Business Expo on Saturday, March 23rd, from 9:00 AM – 2:00 PM.

Zoning Ordinance Amendments have been handed out to the Planning Commission Board to update their Zoning Books.

B. City Council Minutes for February, 2013

The Planning Commission Board had no comments.

HEITSCHMIDT MOVED, SECOND BY SIERCKS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 9:45 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant