

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON MAY 19, 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, Mitzi Mellott, Chad Heitschmidt, Jim Kusler (Princeton Twsp. Rep). Staff present were Carie Fuhrman (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

APPROVAL OF MINUTES OF REGULAR MEETING ON APRIL 21, 2014

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE MINUTES OF APRIL 21, 2014. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS:

JOHNSON MOVED, SECOND BY REYNOLDS, TO ADD TO THE AGENDA UNDER OLD BUSINESS:

- B. RESIDENTIAL FENCES
- C. PAWS UP 4 YOU UPDATE

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

PUBLIC HEARING:

A. #14-02 Conditional Use Permit at 121 Woodland Drive

Eric Woelfle has submitted a conditional use permit application to construct a detached garage in excess of 800 square feet. The property is located at 121 Woodland Drive, and is described as Lot 5, Block 1, Woodland Estates Second Addition. The property is zoned R-1, Residential.

The subject parcel is located on the west side of Woodland Drive with a total of 0.26 acres. A wooded area exists behind the lot, which then fronts on to Rum River Drive. The property contains a single family home in the center of the property, a detached garage, and a shed in the rear of the property.

The property owner is proposing to add a 192 square foot (8 foot by 24 foot) addition to the back of the existing 720 square foot (24 foot by 30 foot) detached garage, bringing the total square footage to 912 square feet. The addition shall match the existing building and roof line. The rear wall of the existing building will be removed and extended to accommodate the owner's two classic cars.

The accessory building addition will be 16.8 feet from the rear property line, which meets the required five foot minimum rear yard setback. It also meets the required side yard setback. There is a 16.5 foot drainage & utility easement in the rear of the property, which the garage will not encroach into. This shall be added as a condition, if approved.

An accessory building that exceeds 800 square feet requires a conditional use permit.

General Conditional Use Permit Review Standards:

Subsection 3B. 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.*

Comment: No characteristics of the proposed use appear that they may violate the health, safety, or general welfare of the Princeton residents.

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

Comment: There should be no issues in regards to erosion, runoff, water pollution, and sedimentation.

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

Comment: The addition will provide extra off-street parking for the home.

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

Comment: The proposed layout appears to present no issue with traffic generation or access.

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

Comment: The proposed addition does not appear to affect public services.

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

Comment: The act of renovating/adding on to a detached garage is consistent with the Comprehensive Plan as it identifies on-going residential activities within the Vision and Plan portion, including the improvement of neighborhoods and broadening housing styles and neighborhood design options within the City. However, the size of the structure in comparison with the surrounding accessory structures should be taken into account in the review as far as compatibility within the neighborhood.

If approved, staff would recommend a condition be added that the detached garage shall not be used for a business. Approval should also be subject to the expiration terms of the Ordinance, which state the applicant shall make a complete application for all permits necessary for operation of the Conditional Use Permit within 12 months, and the project shall be substantially complete within 24 months of issuance of first such permit.

Conclusion:

Based on the findings that the proposed Conditional Use Permit to construct an accessory building over 800 square feet meets the listed CUP review standards in the Ordinance, Fuhrman would recommend approval of the CUP, subject to the following conditions:

- 1) The detached garage shall be outside the drainage & utility easement.
- 2) The detached garage cannot be utilized for a business.
- 3) A building permit shall be obtained prior to construction.

- 4) The Conditional Use Permit shall be subject to the expiration terms of the Ordinance.

The applicant wrote the following letter that was included for Planning Commission Board's review:

Eric Woelfle hereby submit an Application for Conditional Use Permit.

The purpose of this request is to acquire a permit to allow an addition to my existing, detached garage.

My wife (Kathleen Woelfle) and I park our daily driver vehicles in our 2 car garage throughout the winter months. In the spring and summer months, our daily driver vehicles are parked in the driveway.

We are proud owners of 2 classic cars. Over the last 7 years, we have been faced with paying someone money to store these classic cars for us during the fall and winter months. The storage costs are expensive, as the cars are stored in a clean, climate controlled building with concrete floors.

An addition on our garage would allow us to keep our classic cars at home all year long; as well as park our daily driven cars in the garage. I would also be able to perform vehicle maintenance on our classic cars during the winter months.

Storage costs for our 2 classic cars are becoming a nuisance and the schedules surrounding when to drop off and pick up our classic vehicles is an inconvenience.

We sincerely appreciate your consideration of this application.

Fuhrman said the expiration terms of the Ordinance for Conditional Use Permits states that the applicant or property owner shall make a complete application for all permits necessary within 12 months of the conditional use permit approval, and the project shall be substantially completed within 24 months of the issuance of the first such permit.

Edmonds asked on the utility easement if that is a 16 ½ feet easement on the entire strip of land.

Fuhrman said there is a 16 ½ foot drainage & utility easement in the rear of the property, but the garage addition will not encroach into it.

Edmonds opened the Public Hearing.

Edmonds asked the applicant if the conditions set by staff are okay.

Erick Woelfle, applicant said he is fine with the conditions.

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

HEITSCHMIDT MOVED, SECOND BY JOHNSON, TO APPROVE ITEM #14-02 CONDITIONAL USE PERMIT AT 121 WOODLAND DRIVE WITH THE FOLLOWING CONDITIONS:

1. THE DETACHED GARAGE SHALL BE OUTSIDE THE DRAINAGE & UTILITY EASEMENT.
2. THE DETACHED GARAGE CANNOT BE UTILIZED FOR A BUSINESS.
3. A BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
4. THE CONDITIONAL USE PERMIT BE SUBJECT TO THE EXPIRATION TERMS OF THE ORDINANCE.

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

The Findings of Fact were reviewed by the Planning Commission Board.

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 addressed? Yes.
5. Can the proposed use be accommodated with existing public services and 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.

Are there conditions that could be attached to the granting of a permit that would mitigate any potential the adverse impact? Yes.

OLD BUSINESS:

A. Sign Ordinance Follow-Up

Fuhrman updated the Planning Commission Board with the Sign Ordinance follow-up in her memo:

The City Council approved both Ordinances No. 706 (Dynamic Signs) and No. 707 (General Signs) as was recommended by the Planning Commission. The following provides some follow-up:

Ordinance 707 – Wall, Projecting, Under-Canopy, Fascia/Soffit, and Temporary Signs:

- Fascia/Soffit Signs: The City Attorney had made a suggestion that a specific load bearing requirement be added to the provision that “each sign shall be thoroughly secured and anchored to the fascia or soffit.” His recommendation was so the provision could be more easily enforced.

Comment: Staff discussed this with the Building Official, and he said the only way to do that would be to require each sign to be engineered. The City Council left the language as was recommended by the Planning Commission.

- Fascia/Soffit Signs: The City Attorney also recommended that a specific distance be called out in the provision that “each sign shall allow for snow and water to run between the building and sign.” Again, his recommendation was so the provision could be more easily enforced.

Comment: The City Council adopted the language as was presented to them, but recommended that if the Planning Commission wants to make a change to add a specific distance, then they should review it and bring the recommendation back to the City Council. One Council member also questioned if avalanche guards should be required for metal roofs.

Ordinance 706 – Dynamic Signs (Electronic & Video Display):

Again, the City Council approved the recommended changes from the Planning Commission. They did have questions concerning those signs that are existing and would not be considered “nonconforming” under the new rules. Fuhrman confirmed with the City Attorney, and those signs would be “grandfathered in” as legal, non-conforming signs, which means that they can continue to be used, including being repaired, replaced, restored, maintained and/or improved, but the size cannot be expanded. If the use of the sign is discontinued for a period of more than a year, then the subsequent sign must be conforming. Also, if the sign is destroyed by fire or other peril to greater than 50 percent of its market value, the building permit must be applied for within 180 days to continue its legal, non-conforming status.

A letter was sent to Bremer Bank informing them of the change. Staff will be creating a map in the near future to determine the rest of the signs that fall into this category, and we will be informing them of the change as well.

Fuhrman asked the Planning Commission Board what their thoughts are on the fascia/soffit signs if a specific load bearings should be added to the Ordinance. Fuhrman said she spoke with Loren Kohen, Metro West Inspections, and he said an engineer would need to sign off on it. The Council did not want that. It was agreed that the sign shall allow for snow and water to run between the building and sign should be sufficient, but they wanted the Planning Commission to decide. The other item was if an avalanche guard should be put up for the snow and ice with a metal roof. Fuhrman wants to know if this should be changed or left alone.

Edmonds said the Ordinance amendment says each sign should allow for snow and water to run between the signage and building.

Heitschmidt said it was addressed where the signage is not right against the wall so it should be fine. The metal roof is a separate issue.

Johnson commented that a person would not spend the money to put a sign up to have the possibility of being knocked down by snow.

Edmonds agreed.

Mellott said the concern could be if the snow fell on someone when they are coming into the building, like by a door.

Heitschmidt said that could be with a metal roof, but not a sign.

Mellott said the sign could come down with a large amount of snow.

Reynolds said the sign would act as an avalanche guard. He has seen a load of snow come down and it can be a lot on the metal roof.

The Planning Commission wanted to leave the Ordinance amendment as is.

Fuhrman said she did receive information from MnDOT in regards to their regulations to dynamic signs along the highway and had that information for the Planning Commission to review. MnDOT requires a permit for any electronic device on their roads. The memo shows what they require. Fuhrman suggested to keep Ordinance as is and have the wording that the signage meets MnDOT's requirements. MnDOT does keep tabs on signs going up on the highway. For the existing signs that may become non-conforming and the areas that dynamic signs are not allowed can be repaired, replaced, but not expanded. If the use of the sign is discontinued for a period of more than one year, then the subsequent sign must be conforming.

Fuhrman said the City Attorney said the sign code needs to be updated. Another item that needs to be reviewed is our rules of quality and maintenance of signs. Our wordage is vague and open to interpretation. Fuhrman is asking the Planning Commission Board for their thoughts.

Edmonds said he remembers that it was discussed in the past.

Mellott said it was discussed that we do not want to be that regulatory and leave the signage regulations alone.

Fuhrman said the code could list the materials the signs are made of. Some communities have design guidelines. They will give suggestions, but not a code in those communities. The City Council might discuss signage at their next meeting. Fuhrman would rather have suggestions from business owners and such instead of the Council.

Mellott said she understands that the regulations are causing problems with the business atmosphere.

Johnson asked what type of signs she thinking of. He understands signs fade with time.

Fuhrman said an example would be hand painted signs. There are some that like that type.

Edmonds commented that a business with a ratty looking sign does not help their business.

Reynolds said he likes the wording in the Ordinance. Maybe if people complained at that time we could address it then.

Edmonds said Redwing and Stillwater have a goal to keep the historical blocks downtown and that is justified where they want it to be consistent. Edmonds would like that the designs could be driven by the downtown.

Fuhrman said if those are designated Historical Districts in those communities, they have groups that regulate them.

Heitschmidt asked Fuhrman if it was brought to her attention about the maintenance or condition of a current sign.

Fuhrman said yes. She mentioned it to the City Attorney and he said how the Ordinance reads, it is left for staff discretion. Some people do mind signs made out of plywood and others think it is a durable material.

Mellott asked on the height limit on the flags hanging outside store fronts.

Fuhrman said eight feet is generally what she would recommend. She will check into it.

Mellott said there is no different between flags and temporary sign on the sidewalk. There is a business in town that has a flag, clothes rack, and a sandwich board sign along the sidewalk.

Fuhrman will check in the Ordinance if there is a regulation on the flags.

B. Paws Up 4 You Signage

Fuhrman said she added this to the agenda to update the Planning Commission Board that a resolution in the matter has been reached. Mr. Siercks admitted guilt and paid a fine. If he does not have any violations for one year the Judge will removed this from his record. It is nice to have this resolved. The Building Permit has been issued and the signage regulations that were put in placed are met.

Edmonds said he is happy the matter is settled. He did hear that the Police Chief and the City Attorney were not nice to Tina Stuck when they met with her at Paws Up 4 You. The Police Chief and City Attorney went into her business for information when this was being dealt with and they verbally dressed her down. He heard that from two or three different people. He has a hard time believing that they gave her a hard time.

Fuhrman said she has a hard time believing that. She knows statements had to be taken from everyone involved.

Edmonds said it bothered him to hear it and has a hard time believing that happened that way.

Heitschmidt said social media had a lot of missed information out there.

C. Residential Fence

Fuhrman said last year the Fence Ordinance was going to be looked into. The Intern did a draft fence permit and he did a good job. Fuhrman made a few changes and she would like to update a few items. She will bring those back to the Planning Commission Board. Some areas in the language are vague like a certificate of survey is needed or locate the property lines. Other areas that need to be addressed is on the corner lot where the clear view area that is shown in a red triangle on the guideline states no fence can be over three feet. In the front yard the Ordinance allows 3 ½ feet and Fuhrman would like it to be consistent. We should either have it 3 feet or 3 ½ feet for front yard fence height and in the clear view area. The clear view area is difficult to enforce if trees are already there. A setback if required.

Reynolds said the Fence Ordinance does have a code for fence materials being used.

Fuhrman read the materials that are listed for construction of fences.

Edmonds said his main concern is the setback so he is okay with it.

Heitschmidt said living in town for so many years the snow banks are more of a concern.

Fuhrman said we are dealing with fences right now and she just wanted to let the Planning Commission Board know that she will be bringing the Fence Ordinance back for the Planning Commission to review.

Edmonds said it is the property owner's responsibility to know where their property line is.

Fuhrman said yes, the new permit has that disclosed. There is an agreement that if the fence is going on the property line the adjoining neighbor has to sign it. Fuhrman said she spoke to the City Attorney and he mentioned if the property owners have agreed on the boundary line for 15 years or so, the courts have agreed it is the practical location.

Mellott does not believe they have to wait fifteen years. It is a boundary by agreement.

Fuhrman will put a short disclaimer on the City property agreement. She does not know if ours would be valid if legally challenged.

NEW BUSINESS: None

COMMUNICATION AND REPORTS:

A. Verbal Report

Fuhrman said the construction is picking up and we are getting calls from the property owners on what is allowed and what is not.

We are also receiving long grass and weed calls. Approximately 35 letters were sent out last year in regards to yard issues.

A pet shop license may be put together through the City Council. This would not be through zoning.

Mellott asked if the Ordinance would address all animal businesses or just pet shops.

Fuhrman believes it will just address pet shops.

Edmonds commented that he has seen the ground work for Advance Auto Parts has begun.

B. Meeting Date for July, 2014 Meeting

Fuhrman said she will be at a Economic Development Conference for the regular July 21, 2014 Planning Commission date. She would like to reschedule that meeting for July 28, 2014.

Mellott said she will not be available for that date, but if it works for the other Board members she is okay with it.

Heitschmidt and Edmonds said they will be available for the July 28th meeting date. Johnson said he may have grandchildren in town that date and if so, he will still try to make it. Reynolds said he will be available to July 28, 2014 meeting date.

C. City Council Minutes for April, 2014

The Planning Commission had no comments.

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:00 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant