

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON JUNE 20, 2016,  
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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The meeting was called to order at 7:00 P.M., by Jeff Reynolds. Members present were Faith Goenner, Thom Walker, and John Roxbury Jr. (Princeton Township Representative). Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

**OATH OF OFFICE:**

Thom Walker took the Oath of Office as an Alternate Planning Commission Member to fill in to make a quorum.

**APPROVAL OF MINUTES OF REGULAR MEETING ON MAY 16<sup>TH</sup>, 2016**

GOENNER MOVED, SECOND BY REYNOLDS, TO APPROVE THE MINUTES OF MAY 16, 2016. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

**AGENDA ADDITIONS / DELETIONS:**

GOENNER MOVED, SECOND BY WALKER, TO APPROVE THE AGENDA. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

**PUBLIC HEARING:**

**A. #16-05 Variance at 707 5<sup>th</sup> Street South**

Community Development Director Memo:

**BACKGROUND**

Dan and Jennifer Erickson request a variance to the 25 foot front yard setback requirement for a proposed home to be built 3.5 feet from the front property line in the R-2, Residential Zoning District. There is an 82.5 foot right of way in the front roadway.

Circumstances for granting a variance include a three factor test for practical difficulties:

1. Will the proposal put property to use in a reasonable manner? The construction of a new home is reasonable. The current structure will be demolished.
2. Is the plight due to circumstances unique to the property not created by land owner? The lots were platted before the setback requirement went into effect. Other residences on either side of property this street are constructed within the minimum required setback.
3. If granted will this variance alter the locality's essential character? No, the majority of homes in the neighborhood do not meet the required minimum setback.

**ANALYSIS**

The property is located at 707 5<sup>th</sup> Street South, legally described as Lot 2, Block 1, Chula Vista

(PID #24-162-0020) and North 25 feet of Lot 3, Block 1, Chula Vista (PID #24-162-0030), City of Princeton, Mille Lacs County, Section 33, Township 36, Range 26.

The location is zoned R-2. The intent of the R-2 Residential District is to preserve the older historic areas of the city, which was platted into small modest sized lots with a less restrictive zoning district permitting a higher density but retaining the historic residential character of the district. The average density for this district is 4 to 8 units per acre.

**VARIANCE**

Construction of a home to be built within the required front yard setback area requires a Variance. Required front yard setback is 25 feet, request is for a 3.5 foot setback.

**GENERAL VARIANCE REVIEW STANDARDS**

Subsection 3.B of Chapter IV outlines the standards for review of a Variance:

1. The variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance is consistent with the Comprehensive Plan
3. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
4. There are circumstances unique to this property not created by the landowner.
5. The issuance of the variance will maintain the essential character of the locality.
6. The alleged practical difficulty involves more than economic consideration.

Staff recommends the approval of this variance.

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

Dan and Jennifer Erickson Memo:

- 1- Yes, 5<sup>th</sup> Street is very wide and the property line is 20 feet from the edge of the road allowing for any road and/or city maintenance.
- 2- Yes, we would be building a home and improving the property.
- 3- Yes, our plan is to build a new home on this property and this will be our primary residence. If the variance does not go through the current structure will remain.
- 4- Yes, this is a corner lot so there are setbacks on two sides. With the current setbacks and building a house of today, it would put the back of the house close to the back property line and would leave virtually no backyard.
- 5- Yes, there are other homes and/or structures on 5<sup>th</sup> Street that are the same distance from the road as the requested variance.
- 6- Yes, see #4.

Also, we are looking forward to building and moving into the City of Princeton. Our hope is that by improving this property, we will in a small way improve the city overall.

Thank you for your consideration. Jennifer and Dan Erickson

\*\*\*\*\*End of Applicant's Memo\*\*\*\*\*

Reynolds opened the public hearing.

Dan and Jennifer Erickson, applicants were present to answer any questions.

Patricia Westling, 708 6<sup>th</sup> Street South, commented that this house was a nuisance in the past and law enforcement were called often.

Melony Jackson, 506 8<sup>th</sup> Avenue South, commented that she had requested a variance a while back and supports this variance request.

Danielle Stuhr, 503 8<sup>th</sup> Avenue South, said she supports this variance request. She welcomes a nicer house in the neighborhood as long as it is a single family home and not multi-housing.

Skip Harman, 412 8<sup>th</sup> Avenue South, has lived in his home for 35 years and he has been looking at that place and the nuisances that has happen there. This new home will be a positive to the neighborhood.

Dan Erickson, applicant said he is surprised that people still want to rent the house that is there and in the condition it is in. They found a dead rat in the yard. They plan to have the house torn down.

Walker asked if the proposed variance is the same setback as the other homes in the area.

Foss said the Zoning Ordinance says if 50% of the homes on the same side of the street have the front yard setback that are meeting this proposed variance, it could be okay. She looked one block to the west and one block to the east and there is a couple that do not meet this setback for variance.

Walker said looking at the aerial it all looks to meet what he is proposing.

Dan Erickson said this should be a foot or foot and a half back from the other homes in the block. The bump out in front is the steps to the porch. The front steps to the house on the west looks to be a foot closer than what he is proposing. Someone from the City who plows the streets thought it would be fine.

Foss said it was Bob Gerold, Public Works Supervisor.

Dan Erickson said it would be 27 feet from the grass to the asphalt.

Walker said that would be his only concern so he is okay with it. Will it be a single story house.

Dan Erickson said a rambler with an attached garage.

Walker said it is a reasonable request.

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

GOENNER MOVED, SECOND BY WALKER, TO APPROVE ITEM #16-05 VARIANCE TO THE 25 FOOT FRONT YARD SETBACK REQUIREMENT FOR A PROPOSED HOME TO BE BUILT 3.5 FEET FROM THE FRONT PROPERTY LINE IN THE R-2, RESIDENTIAL ZONING DISTRICT. THE PROPERTY IS LOCATED AT 707 5<sup>TH</sup> STREET SOUTH, LEGALLY DESCRIBED AS LOT 2, BLOCK 1, CHULA VISTA (PID #24-162-0020) AND NORTH 25 FEET OF LOT 3, BLOCK 1, CHULA VISTA (PID #24-162-0030), CITY OF PRINCETON, MILLE LACS COUNTY. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission completed the Findings of Fact:

1. Is the variance in harmony with the purpose and intent of the Ordinance?
2. Is the variance consistent with the Comprehensive Plan?
3. Does the proposal put the property to use in a reasonable manner?
4. Are there unique circumstances to the property not created by the landowner?
5. Will the variance maintain the essential character of the locality?
6. Does the alleged practical difficulty involve more than economic considerations?

#### **B. Ordinance Amendment adding Wild & Scenic Area for Newly Annexed Properties**

Community Development Director Memo:

The MN Department of Natural Resources (MNDNR) received correspondence from the MN Office of Administrative Hearings-Municipal Boundary Adjustments Unit, approving annexation of land to the City of Princeton. The land being referred to is designated for ballfields by the School District.

The annexed land includes areas in the Rum River Scenic District. Although we already have land in the Scenic District of the Rum River, the regulations applicable to the existing land in our existing ordinance cannot be extended to the newly annexed land. They were established as a type of "urban" district.

Minnesota Rules 6105.1440 Subpart 4G allow portions of the Rum River District in Princeton at the time of Wild and Scenic River Designation (WSR) to be considered urban areas, with different regulations applicable to them; however, these urban regulations cannot be extended to regulate the recent annexation.

The City of Princeton must amend our ordinance to incorporate regulations consistent with state standards for this newly annexed land.

To accommodate the requirements for the annexed land, staff is requesting that we establish two separate land use districts, one for the Scenic District land originally in the city and a new

district for this and any future annexations of Scenic District land. By doing so we can add sections addressing lot standards and use restrictions required for this and future annexations without having to rewrite the ordinance as a whole.

The amended ordinance will clearly differentiate between the original urban area and the “newly annexed” land.

The zoning ordinance will require public notice and public hearing.

The MN DNR has reviewed and approved the ordinance amendment.

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

Foss said the School District purchased land to build ball fields. Then months later she received a letter from Ken Zeik, Area Hydrologist in Little Falls, that said newly annexed property has to meet the Wild and Scenic District for newly annexed properties. Zeik’s letter included a draft that she used for this Ordinance amendment. Foss sent him the draft amendment and he approved it. The School Districts ball fields will fit under permitted uses, Tab F, “Other governmental open space recreational uses, subject to management plan specifications”. If the Planning Commission approves this, it will then go to the City Council and final approval will be July 14, 2016.

Reynolds asked what the designation will be in the Wild and Scenic District.

Foss said there is different requirements for land that is newly annex. It has more restrictions than the Urban District in the Wild and Scenic District.

Walker said this covers future annexed property.

Foss said yes, if it is in Wild and Scenic District, it will have to follow this Ordinance.

Foss said she got the letter from the DNR and so this had to be done to be in compliance with the Wild and Scenic Ordinance and also work with the School District.

Reynolds opened the public hearing. There were no comments from those present.

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

WALKER MOVED, SECOND BY GOENNER, TO APPROVE AND FORWARD TO THE CITY COUNCIL ORDINANCE NO. #736 AMENDING THE CITY ZONING ORDINANCE BY ADDING TO CHAPTER IX, SUBSECTION 11, WILD AND SCENIC RUM RIVER PROTECTION AREA FOR NEWLY ANNEXED PROPERTIES DISTRICT ESTABLISHING THE PERMITTED AND CONDITIONAL USES, PERFORMANCE

STANDARDS AND RELATED REQUIREMENTS. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS.  
MOTION CARRIED.

**C. Ordinance Amendment allowing Pole Type Construction in B-3, MN-1, and MN-2 Districts**  
Community Development Director Memo:

Staff contacted several communities that are in the region or are of similar size and this is what was found:

Zimmerman: Pole frame construction is allowed in industrial and commercial, some standards on sheet steel exterior

Elk River: Pole type structures are allowed in Industrial

Milaca: Pole type structures are allowed in commercial and industrial

Cambridge: Nothing that states pole type structures are not allowed. Architectural metal siding as an accent only, no more than 35% on exterior

Circle Pines: Nothing in ordinance regarding pole type structures

Baxter: Nothing specific in place regarding post frame construction. Architectural standards put in place. Non Architectural sheet metal in MN-1 up to 20% on front façade and up to 100% on other facades. MN-2 – 40% on front.

St. Cloud: The Land Development Code only addresses exterior materials in the Industrial Districts. Any internal structure allowed by the Building Code is permitted.

B. Design Standards: The following design standards apply:

1. All exterior wall finishes on any building must be any single one

(1) or combination of the following:

- a. Face brick
- b. Natural stone or cultured stone
- c. Specially designed pre-cast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture
- d. Membrane
- e. Factory fabricated and finished metal-framed panel construction, if the panel materials are any of those named in Paragraphs 1 through 3 above, glass, prefinished metal (excluding unpainted galvanized iron), or plastic
- f. Other material as may be approved by the Zoning Board of Appeals

2. All subsequent additions and outbuildings constructed after the original building(s) must be harmonious in architectural design and general appearance

3. Any other exterior wall finishes or any changes in architectural design must be approved by the Zoning Board of Appeals

In the City owned business parks, the covenant does not allow pole type structures.

Maple Grove: Prohibits pole type construction by reference to exterior standards, no types of sheet metal for exterior in Commercial or Industrial

Otsego: No response

Little Falls: The City of Little Falls Ordinance doesn't really treat pole buildings differently than other buildings in Commercial and Industrial developments – at least not from a zoning perspective. All buildings are subject to the building code and if you had specific questions about how that is handled the City's contracted Building Inspector is David Barsody at 612-219-2252

Also, the Fire Chief was asked to respond to the proposed amendment and his response is included.

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

Jim Roxbury, Princeton Fire Chief Memo:

I was asked from a Fire Department perspective to give my opinion regarding the proposed Ordinance Amendment which would allow the use of:

- A. Insulated Concrete Foam  
and/or
- B. Pole type building construction

In areas of the city zoned General Commercial District (B-3), Industrial (MN-1) and Industrial 2 (MN-2).

I checked the appropriate resources and find that those materials can be used such that they meet current fire code.

I appreciate your checking with the Fire Department of an opinion on this issue.

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

Foss said that the Planning Commission Board asked her to check with the Fire Chief and also ask surrounding communities on their Ordinance for Alternative Building Materials. Maple Grove prohibits pole structures. St. Cloud allows them in private Industrial Parks. Cambridge does not state it, but does allow steel. She has included the memo from the Princeton Fire Chief response on pole buildings. She has considered this Ordinance amendment and the time spent prohibiting this in the past, and she understands that she does not want to undo what

has been done. There needs to be a balance and there is the need for growth in Industry and commercial and allowing pole buildings may help. This is up to the Planning Commission to decide. A sample of the Ordinance has been handed out for review. The only change is pole type construction must have a site plan meeting or meeting with Planner.

Reynolds commented that on an earlier public hearing for Alternative Building Materials, there were two landowners supporting the pole type construction.

Walker asked if a pole building needs to be finished inside.

Foss does not know the fire code so she cannot answer that. They would have to meet the building and fire code requirements.

Walker said durability is his concern. If it looks good and holds good, he is fine with it.

Reynolds said it would have to be durable material. It would have to fit steel type material so it is not box type.

Walker said it is important to stay competitive with towns our size.

Reynolds opened the public hearing. There were no comments from those present.

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

Goenner asked where is the design criteria for this Ordinance amendment.

Foss said that it is in the Ordinance and referenced to the Ordinance. She spoke to the Administrator and he understands the pro and cons of this Ordinance amendment and if the Planning Commission approves the amendment, it will go to the City Council for the final decision.

Reynolds use to pole buildings so he understands them.

Walker said he would like the language changed in the Ordinance amendment to read Architectural Committee instead of Site Plan Committee. He wants it pointed out that it is the exterior design being looked at. This is for the public sake so they understand how it will be reviewed. The City does not have an Architect on staff, but he would like it to state this.

GOENNER MOVED, SECOND BY WALKER, TO APPROVE AND FORWARD TO THE CITY COUNCIL ORDINANCE NO. #738 AMENDING SECTION 10 (B-3 GENERAL COMMERCIAL DISTRICT) AND SECTION 13 (MN-1 INDUSTRIAL) AND SECTION 14 (MN-2 INDUSTRIAL) OF CHAPTER V (ZONING

DISTRICTS) OF THE CITY OF PRINCETON ZONING ORDINANCE #538, REMOVING THE PROHIBITION OF POLE TYPE CONSTRUCTION, ADDING DEFINITIONS OF POLE TYPE CONSTRUCTION, AND ADDING DEFINITIONS TO CHAPTER II (DEFINITIONS) THE LANGUAGE FOR ALTERNATIVE BUILDING MATERIALS, WITH THE CHANGE OF WORDAGE THAT THE ARCHITECTURAL COMMITTEE WILL HAVE A SITE PLAN REVIEW AND TAKE OUT PLANNING STAFF AND ZONING ADMINISTRATOR. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

**D. Ordinance Amendment removing Micro Brewing as Home Occupation in R-3 District**  
Community Development Director Memo:

The Micro Brewing as a Home Occupation Ordinance Amendment that was recently approved did not define that usage would not be allowed in the R-3 Multiple Family Residential Zoning District.

It is the Planning Commission staff's opinion allowance of this type of activity as a home occupation would not be conducive to responsible land use due to the residential density in these areas.

Staff requests a recommendation to the City Council to prohibit micro brewing as a home occupation in the R-3 Zoning District.

The Planning Commission recommendation will be forwarded to the City Council for public hearing and final ruling.

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

Foss said the micro brewing as a home occupation in the R-3 Residential District. The Ordinance amendment did not specify that this was not allowed in R-3 Residential District. DeWitt had brought this to her attention.

Reynolds opened the public hearing. There were no comments from those present.

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

John Roxbury Jr., asked if the change will be not to allow micro brewing in R-3 Residential District.

Foss said yes, it is to not allow micro brewing in R-3 District.

Walker said odors will come off micro brewing so more space would be good.

WALKER MOVED, SECOND BY GOENNER, TO APPROVE AND FORWARD TO THE CITY COUNCIL ORDINANCE #737 AMENDING CHAPTER V (ZONING DISTRICTS) TO THE CITY ZONING ORDINANCE FOR R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT, UNDER CONDITIONAL USES/INTERIM USES, AMENDING THE HOME OCCUPATION, ADDING TO THE WORDAGE THAT MICRO BREWING IS NOT AN ALLOWED USE. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**COMMUNICATION AND REPORTS:**

**A. Verbal Report**

Foss said she has no verbal report.

**B. City Council Minutes for May, 2016**

The Planning Commission Board had no comments.

WALKER MOVED, SECOND BY GOENNER, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:44 P.M.

ATTEST:

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Jeff Reynolds, Chair

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Mary Lou DeWitt, Comm. Dev. Assistant