

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON JULY 18, 2016,
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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

APPROVAL OF MINUTES OF REGULAR MEETING ON JUNE 20, 2016

GOENNER MOVED, SECOND BY ZIMMER, TO APPROVE THE MINUTES OF JUNE 20, 2016. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:

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

PUBLIC HEARING:

A. #16-06 Lot Split at 1207 7th Avenue North

Community Development Assistant Memo:

BACKGROUND

Bob & Jenny Gerold and Jeremy & Cindy Riddle are the applicants for the proposed Lot Split. The legal description of this site is: S 12 RDS OF E 40 RDS OF N ½ OF NE OF NW, SEE 1/13/76 SURVEY, Section 28, Township 36, Range 26, PID #24-028-1900, City of Princeton, Mille Lacs County.

The applicants intend to split the property site and sell the vacant lot. The home on Parcel A is rental property.

ZONING

The site is zoned R-1, Residential Single Family Zoning District. The following is the yard requirements for the R-1 District:

- A. Lot area minimum square feet – 12,500 sq. ft.
- B. Lot width minimum feet – 80 feet (Lot width shall be taken at building setback line).
- C. Maximum lot coverage – 30%
- D. Front yard minimum setback – 10 ft.
- E. Side yard minimum setback – 20 ft.
- F. Street side yard minimum setback – 30 ft.
- G. Rear yard minimum/alley setback – 30 ft.
- H. Maximum height – 30 ft.

PROPOSAL

The proposed lot split would be splitting the land of 1207 7th Avenue North into two separate lots. Parcel A has the home on the site and the lot size would reduce to 30,891 square feet, which would be more than the 12,500 sq. ft. the Zoning Ordinance requires for an R-1 Zoning District.

Parcel B is the proposed additional lot that is the split off section on the west side of the land, behind Parcel A. The proposed lot would be 99,107 square feet. Both proposed sections would have more square footage than the Zoning Ordinance requires.

The concern is the access to both parcels. Parcel A (1207 7th Ave. N.) will have its current access. The aerial photo shows this property has made another access that is dirt and is close to the proposed access of Parcel B. Staff suggest that this is seeded so this area is no longer used.

The Parcel B access would be on the south side of the site with a 50.03 foot parcel frontage to 7th Avenue North. There is a water service line in this area. Connie Wangen, Princeton Public Utilities Manager said the water connection in the proposed driveway at the street needs to be kept exposed for service. In her enclosed memo, Wangen said the WAC/SAC fee would be required to connect to the second service as well as the assessments need to be charged for two services.

Andrew Brotzler, City "Engineer with WSB, said because this is a flag lot it is not meeting the minimum feet for front yard lot width. The Zoning Ordinance states 80 feet for minimum lot width. Brotzler says a variance application should be approved for the 50 feet minimum lot width prior to approving the lot split.

Bruce Cochran, Mille Lacs County Engineer in regards to CSAH 4 and his input on the proposed lot split and the access to the site. Cochran interpretation by City Zoning Ordinance definition of setback is "the minimum horizontal distance between a structure and the ordinary high water level bluffline, road and highway right-of-way, alley, and/or lot line or property line". Cochran said a variance should be applied for prior to the lot split approval. The applicant would have to go through Mille Lacs County to apply for a Driveway Permit if Parcel B is developed. The dirt driveway on Parcel A would need to be removed and seeded. Princeton Zoning Ordinance does not recognize "Flag Lots". Cochran does not support a flag lot.

Lynn Paulson, Princeton Building Inspector commented that he reads the Zoning Ordinance definition of setback the same as Cochran and a variance would be needed to prior to the lot split. Paulson said flag lots are difficult lots with construction and access. He is not supportive of them.

Loren Kohen, Metro West Inspections reviews building codes and fire codes for the City of Princeton. Kohen has reviewed the survey and his suggestion is that the driveway be 24 feet

wide on Parcel B because of the length of the driveway, and emergency vehicles can bypass each other. Kohen said the temporary driveway should be vacated on Parcel A. The only driveway on Parcel A should be the main driveway to the accessory building. Kohen interprets the width would be at the building setback line. Kohen said Maple Plain had issues with flag lots.

Public Hearing:

A public hearing notice was sent to the property owners 350 feet from the site. A resident contacted City Hall with questions on the location of the lot being created in the back section of the property. The resident is concerned with having a property in this area and plans to attend the Planning Commission meeting. Another resident called and said he was okay with it.

CONCLUSION/RECOMMENDATION

This type of lot split is creating a flag lot. Staff has researched the approved City lot splits and we have not had a flag lot request come forth. The lot splits the City has approved in the past is side by side lots with each lot having street fronts.

As you have read, there are different interpretations from staff for the definition of setbacks and what the applicant has for the minimum lot width. Staff would like the Planning Commission's input on the setback interpretation and if a variance is needed.

The Planning Commission's decision is that a variance is needed, the application can be reviewed at the August 15th meeting. The lot split request would need to be tabled until the August 15th meeting.

Conditions of Approval:

1. The applicants must follow the permitted uses and regulations of the R-1 Zoning District.
2. The temporary driveway on Parcel A should be vacated where seeding is added for the purpose of safety.
3. Parcel B will need a Driveway Permit from Mille Lacs County if it is developed.
4. The PUC water line connection area needs to be kept exposed if the proposed lot split is approved and a driveway to Parcel B is installed.
5. WAC/SAC fee is required for the second service connection and assessments should be charged for two services.
6. The Planning Commission can determine if a 24 foot driveway for emergency vehicles on Parcel B should be required because of the length of the lot to a future home.

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

Memo from Connie Wangen, Princeton Public Utilities General Manager:

Mary Lou,

Our PUC Water Department staff has verified there are two water services at 1207 7th Avenue North. One of these services is connected to the home and the other is stubbed in on the south side of the lot.

A WAC fee would be required to connect to the second service as well as assessments should be charged for two services.

Connie Wangen (PUC General Manager)

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

Email from Kelli Bourgeois, City Attorney

Hi Mary Lou:

The Zoning Ordinance states the 80' minimum lot width should be measured at the setback line. The front yard setback should be measured from the lot line or right-of-way line. In this instance, the front yard setback would be 30' back from the right-of-way of County Road 4. From what I can see that would land about midway through the narrow portion of the lot and the width is 50'. This would require a variance to allow the 30' difference if the City feels it meets the standards for a variance.

I'd be curious to know why the surveyor shows the front yard setback the way that they do - squaring off the rectangular portion of the lot with the setback boundary instead of following the property lines.

Flag lots are not ideal and many entities prohibit them. I have not had any major issues with existing flag lots except that they make it difficult to enforce zoning and other health and safety regulations sometimes because you can't see what's going on with the property without driving up into it. You are correct though, I don't see anything in your regulations that prohibit flag lots, so it would be difficult to deny one, if it met all other zoning and engineering design standards, based on the current ordinance language.

I hope this helps. Please feel free to call or e-mail me if you have any questions.

Thanks, Kelli

*****End of Email*****

Reynolds opened the public hearing.

Jeremy Riddle, applicant said they bought the parcel with three acres and one house on it. They thought they would split the lot and sell the vacant lot. It is hard to find lots in the City to build on. This is next to the new school. He will answer questions if they have any.

Zimmer said when he bought the lot the zoning regulations were not covered for flag lots.

Riddle said they are fine with it as it is if the lot split does not happen. The City would benefit from the lot split with additional tax base.

Zimmer questioned if the lot area to be split off is on the west side of this land.

Riddle said yes. The person who buys it would determine on where to place the house. The 50 foot is the driveway access to the proposed building site.

Bob Gerold, applicant said the edge of driveway would be 15.5 feet from the shed. In the staff memo Loren Kohen said he interrupts the lot width at the building setback line and they exceed the 80 feet.

Zimmer commented that would be after the lot split.

Gerold said yes, after the split. They are looking to add value to the city.

Aaron Julson, 1205 7th Avenue North, said there was only suppose to be two empty lots being stubbed in on this street. How did 1207 get stubbed in with an extra hookup for a one parcel lot. The two lots that were having the extra hookup was the corner lot on 7th Avenue North and his. That was determined back in November, 2015 Council assessment hearing. There were eight lots and two were non-residential lots. With this lot it should have been nine lots. This information was at the assessments hearing and 1207 was not mentioned to have an additional hookup.

Foss said that would be an engineering question and she would ask him on this.

Susan Bialka, 1205 7th Avenue North, said the SAC and WAC charges and assessments were for the eight lots and this is about taxes, so splitting the lots is about taxes. Before the lot was sold it was a single lot and how all the sudden was there an additional stub put in and how did that happen.

Riddle said that if a house is built back there they have to pay SAC and WAC fees.

Gerold said the PUC General Manager said that another SAC and WAC fee would be added.

Bialka said if there was one lot why two stubs prior to this hearing. It was done in advance knowing it was going to be split and how did that happen. There is something shady with one

lot getting two stubs. The SAC and WAC fees and assessments is on the number of lots, not the size of the frontage.

Foss said she will get back to her on what she finds out from the City Engineer.

Goenner commented that this is a rental property and is concerned that this will be another rental site. She wants assurance that with rental properties that they are picking good tenants. They currently own the land and may be asking for a variance and selling off the back half of the land. She just is concerned that there are good tenants for the neighbors.

Riddle asked those that are present if they are having problems with the neighbors.

Bialka said she knows the people currently there are leaving soon. Who knows with the next renter.

Marty Hancer, 807 Oak Circle, said he came to hear about the lot split, but he is questioning the SAC and WAC that was stubbed in. That seems like something that would happen after the hearing of the lot split. That seems like something done prior to any decisions being made. An alarm was set off when he heard that.

Bialka agreed. Mike Nielson, City Engineer said at the assessment hearing there would be eight stubs, not nine.

Foss will speak to the City Engineer about the stubbing of the extra line and contact those present and also will update the Planning Commission Board at the next meeting.

ZIMMER MOVED, SECOND BY GOENNER, TO TABLE ITEM #16-06 LOT SPLIT AT 1207 7TH AVENUE NORTH AND CONTINUE THE PUBLIC HEARING FOR THE AUGUST 15TH, 2016 PLANNING COMMISSION MEETING FOR THE APPLICANT TO APPLY FOR A VARIANCE FOR A 50 FOOT MINIMUM LOT WIDTH TO MAKE THIS A CONFORMING LOT AS STATED IN THE CITY OF PRINCETON ZONING ORDINANCE. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

DeWitt explained to those present that if the applicants apply for a variance, a public hearing notice will be sent out. If not, this lot split will be reviewed again at the August 15, 2016 Planning Commission meeting at 7:00 P.M. in the Council room. There will be a notice in the Union Eagle newspaper.

OLD BUSINESS: None

NEW BUSINESS: None

COMMUNICATION AND REPORTS

A. Verbal Report: None

B. City Council Minutes for June, 2016

The Planning Commission Board had no comments.

GOENNER MOVED, SECOND BY ZIMMER, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:40 P.M.

ATTEST:

Jeff Reynolds, Chair

Mary Lou DeWitt, Comm. Dev. Assistant