

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON
JULY 22, 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 Tim Siercks, Dick Dobson, Mitzi Mellott, and Jim Kusler (Princeton Twsp. Representative). Staff present was Carie Fuhrman and Mary Lou DeWitt.

Absent was Chad Heitschmidt.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JUNE 17, 2013

SIERCKS MOVED, SECOND BY MELLOTT, TO APPROVE THE MINUTES OF JUNE 17, 2013. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS: None

PUBLIC HEARING:

A. #05-13 Variance to develop property in to single family home lots less than the minimum required size of 3 acres (exceeding the allowed density) and exceeding the site population maximum of 15 times that of the site acreage in the Crosswind Runway Safety Zone B (Outlot E, Sharco Estates)

John Peterson has submitted an application for two variances to the airport zoning density requirements in order to subdivide Outlot E, Sharco Estates into eight residential single family lots.

Property Details: Outlot E, Sharco Estates encompasses approximately 4.6 acres. It is located between the large drainage retention pond serving Meadow View and Sharco Estates and 14th Avenue South, south of First Street. Fuhrman provided an aerial map for the Planning Commission to review. It is designated as Mixed Residential on the Future Land Use Plan, and is zoned R-2 Residential on the Zoning Map. The site is currently vacant.

The property is also located within Safety Zone B of the Airport Zoning Map. Princeton's Airport Layout Plan (similar to a Comprehensive Future Land Use Plan) calls for a Crosswind Runway to potentially be built approximately perpendicular to the existing runway. Safety Zones were established to restrict the uses that might be hazardous to the operational safety of aircraft operating to and from the Princeton Municipal Airport, as well as limited population and building density in the runway approach areas. Safety Zones are also in place for the existing runway. An Airport Zoning Map was provided for review.

The applicant is requesting a variance from two zoning restrictions within Safety Zone B:

1) Each use shall be on a site whose area shall not be less than three acres.

Comment: This zoning regulation requires three acres for each housing unit, which would allow one lot on the subject property. The applicant is proposing eight single family lots. In other terms, the allowed density is 0.33 units per acres; while the proposed density is 1.7 units per acre.

2) *Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.*

Comment: The number of people to be living in each house is difficult to estimate, but the smaller lot sizes could potentially violate this section. If we used the smallest lot size (13,137 SF/0.30 acres) with a family of five living in the house, this provision would be exceeded ($0.30 \times 15 = 4.5$), thus requiring a variance.

Comprehensive Plan: The Future Land Use Plan designates this property as Mixed Residential. Mixed/High-Density Residential allows for a variety of multi-family housing options, including townhomes, apartments, and condominiums. They are generally situated along major transportation corridors.

It would appear that the Crosswind Runway density limitations were not taken into account when this property was designated as Mixed Residential. If so, the more appropriate designation would have likely been Low Density or Traditional Residential. If the true intent was for this property to be developed as Mixed Residential, in order to accommodate the high density, the Crosswind Runway would likely have to be removed from the Airport Layout Plan.

Zoning: The zoning of the property is R-2 Residential, and so it was never rezoned to match the Future Land Use Plan. The proposed lot sizes and lot widths meet the minimum standards for single family home lots in the R-2 Zoning district (9,800 SF and 66 ft wide).

Variance Review Standards: The Airport Zoning Ordinance states that “variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance provided any variance so allowed may be subject to any reasonable conditions that the Board of Adjustment or Commissioner may deem necessary to effectuate the purpose of this ordinance.”

Conclusion/Recommendation: At this time, the Crosswind Runway zoning would restrict the property owners to building one single family home on the lot. When compared to the surrounding neighborhood, a 4.6 acre single family home lot is unusual. It is a decision to be made by the Planning Commission in regards to whether allowing the variance would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance; as well as if the enforcement of the density restrictions would result in practical difficulty or unnecessary hardship.

The spirit of this ordinance regulation is to protect the operational safety of aircraft by limiting population and building density in the runway approach areas. At this time, there has not been enough justification given for funding to be provided for the construction of the Crosswind

Runway. The City Council has been in several discussions as of late in regards to the future of the Crosswind Runway, especially in relationship to the extension of 21st Avenue. However, the Crosswind Runway is still on the Airport Layout Plan. As the economy and housing industry continues to improve, the Princeton community will be in need of more single family housing lots. At this time, the city contains vacant residential lots, but many of them are either platted for twinhome or townhome development.

According to the City's Airport Planner, the FAA is not required to review a variance request to the City's Airport Zoning Ordinance. The only Board that is required to review these variance requests to the Airport Zoning Ordinance is the Planning Commission. The City's Airport Planner will be at the meeting to answer any specific questions.

Based on the above discussion, Fuhrman would recommend approval of the variance requests to the airport zoning density requirements to subdivide Outlot E, Sharco Estates, subject to the condition that the applicant shall work with city staff and follow the appropriate Preliminary and Final Plat procedures.

Options:

1) APPROVAL: If the Planning Commission finds that the variances as proposed by the applicant meet the review standards, the appropriate findings of fact should be stated as a basis for the approval. If a decision for approval is made, Fuhrman would recommend adding the following condition upon approval:

1. Applicant shall work with city staff and following the Preliminary and Final Plat procedures.

2) DENIAL: If the Planning Commission finds that the variance as proposed by the applicant does not meet the review standards, the Planning Commission may deny the variance request as proposed, based on the appropriate findings of fact.

3) TABLE: The Planning Commission may table the variance requests for further study.

If the variance is approved, the applicant plans proceed with the Preliminary and Final Plat process, which will include a Developer's meeting with staff. During that time, landscaping, drainage, and other performance standards will be reviewed.

Mr. Peterson has submitted a letter with the application dated June 12, 2013:

Great Northern Land Corporation has been the fee owner of Outlot E, Sharco Estates for many years. Under the current City of Princeton ordinance Great Northern Land Corporation is only allowed one building permit on the subject parcel.

For several years we have been working with the City to develop a development plan for our

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Outlot. More than 30 years ago, the City adopted a crosswind plan for the Princeton airport and designated zones restricting the density of housing in certain areas, including Outlot. Since then, highway 169 was re-routed and created both an elevation obstruction and a wetland near the end of the future crosswind runway. Both of these changes would in all likelihood prevent the construction of the future runway.

Our proposal to construct 8 single family homes on the Outlot retains significant open space on the parcel. Our plan is much less dense than what would be permitted on other adjacent parcels.

We also think our proposal is beneficial to the City in that it adds significant tax base to the community.

Kaci Nowicki, City's Airport Planner, was present to answer questions on the Airport Layout Plan and Crosswind Runway. When the Zoning Ordinance was adopted in 1978 it had a much longer runway in the plans. Now we are planning for a much shorter Crosswind Runway and Zone B would not be affected by this plat. The Airport Layout Plan does not match the Airport Zoning Map. What she has viewed for this plat, this variance request would be okay.

Edmonds asked if the Crosswind Runway does cover some of Outlot E, in Sharco Estates plat that Peterson has presented.

Fuhrman said yes, a small portion of Peterson's property. So it does need a variance.

Edmonds commented that this plat has fewer lots than what Peterson has proposed in his past developments.

Fuhrman said this plat is for eight single family homes. If the variance is approved, Mr. Peterson would need to come back for a Preliminary and Final plat process. First the variance needs to be approved.

Dobson said if the variance is approved, could the FAA come back and say it cannot be done.

Nowicki said no. The FAA would be concerned with height restrictions and large amount of light. There is no hazards with this plat.

Edmonds opened the public hearing.

Michael Robertson, 215 14th Avenue South, had handed out a memo with a list of questions he wanted to address.

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Edmonds told him that there are a lot of items on the agenda tonight so he will have to be brief.

Robertson said the plat is showing eight lots. Can that change or shift from what is being presented to be built there. The zoning issue of Zone B, where is it.

Fuhrman pointed out where Zone B is on a map.

Nowicki said the Crosswind Runway has shifted a little and is shorter. If the Airport Layout Plan and Airport Zoning Map matched to what the current plan is for a Crosswind Runway, this property would not be in the Zone B area. It would take a year to get the two corrected.

Robertson wanted to know where the easements would be on this plat.

Fuhrman said along the side of all the property lines. The back alley has not been discussed. She does not know what will happen with the back alley.

Robertson said there are eight lots proposed and tonight is about the variance only, not the plat. Will there be more hearings if this variance were approved.

Fuhrman said yes, with a preliminary plat the property owners would be notified 350 from the site. Tonight's review is if more homes can be on this area.

Peterson said that Comprehensive Plan has mixed use with higher density. If this variance is approved and eight single family homes are platted for this site, can the City still build a Crosswind Runway with the current plan.

Nowicki said yes.

Peterson said they are platting half of what they would like on this site. This proposal is for a minimum number of lots. They would not be coming back with a higher number of lots than this. Unless the City encourages for higher density, otherwise they will stick with this number of lots for a plat.

Christie Hough, 1404 Meadow View Drive, was present and asked what type of housing are they planning.

Peterson said single family homes that are consistent with the immediate neighborhood. Not low income housing and no twin homes.

Hough asked if they would be for sale or rent.

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Peterson said for sale and if someone wants to rent them from the buyer that is their option. The market value he is not sure of yet. He has to work with the builders. This plat shows a few of the lots that have more land and it would be up to the homeowner to maintain it.

Edmonds commented that there is no access to the alley right now.

Hough said this land needs upkeep with mowing of the tall grass. It has caused snakes to come in.

Beverly Roxbury, 11983 Dean Drive asked what is the difference in the two zonings.

Fuhrman said the request is for the variance and not changing the zoning. If they were to put one home on this site the zoning would be fine.

Roxbury said because they want to build more than one home on this site is the reason for a variance.

Fuhrman said yes.

Lois Hofer's daughter was present to represent her mother, 1409 First Street, and asked if homeowners by the alley could purchase any of the land.

Peterson said he would be happy to talk to her about that after the meeting.

Hofer's daughter asked if this is going to be a functioning alley.

Edmonds said that will be a question at a preliminary plat meeting.

Hofer's daughter commented that when her mom bought the home next to this site, she was told that land was not going to be built on.

Joseph Backlund, 1309 Meadow View Drive, asked if he is looking at the same builders as before.

Peterson said he would like too.

Leone Davis, 106 14th Avenue South, asked if 15th Avenue will be extended. It was suppose to be.

Fuhrman said the Developer has not discussed that nor has the City.

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Peterson said with a pond on one side, it would be too hard to extend the street. He cannot answer the question.

Robertson asked Edmonds why he would want them to develop more housing in that area.

Edmonds said his opinion is to have higher density and it brings more tax dollars in.

Roxbury asked what is the hardship for this variance to be approved.

Fuhrman said it is more than just a hardship element. It would be if more single family home lots are needed in the city. The applicant would need to prove hardship.

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

Dobson asked when the time the zoning was put in for the airport, did the land owners receive any money because of the restricted zoning.

Nowicki said no, not in Minnesota does that happen. There are some law suits in place because of this.

Peterson said they were not given any money because of this zoning.

DOBSON MOVED, SECOND BY EDMONDS, TO APPROVE ITEM #05-13 VARIANCE TO DEVELOP PROPERTY IN TO SINGLE FAMILY HOME LOTS LESS THAN THE MINIMUM REQUIRED SIZE OF 3 ACRES (EXCEEDING THE ALLOWED DENSITY) AND EXCEEDING THE SITE POPULATION MAXIMUM OF 15 TIMES THAT OF THE SITE ACREAGE IN THE CROSSWIND RUNWAY SAFETY ZONE B (OUTLOT E, SHARCO ESTATES) AS LONG AS THERE IS NO FURTHER APPROVAL FROM THE AIRPORT FAA NEEDED, AND WITH THE CONDITION THAT THE APPLICANT SHALL WORK WITH CITY STAFF, AND FOLLOWING THE PRELIMINARY AND FINAL PLAT PROCEDURES. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

B. Ordinance Amendment to Allow a Kennel (Dog Daycare, Training, and Grooming) in a B-2 Neighborhood Business Zoning District as a Conditional Use Permit

Christine Stuck has submitted an application to amend the Princeton Zoning Ordinance text to allow a new use in the B-2 Neighborhood Business Zoning District: specifically, dog daycare from 6:30 AM to 6:30 PM (weekdays only; not overnight), grooming, training, and retail pet

supply (but no animal sales).

The Planning Commission initially discussed this request at their June meeting, but tabled their decision, directing staff to do further research and draft Ordinance language for the Planning Commission to review to allow the use via a conditional use permit in the B-2 District.

The following outlines the current regulations regarding kennels:

Residential Districts: The R-1, R-2, and R-3 Zoning Districts allow “Kennels for not more than three domestic animals” as permitted use. “More than three (3) domestic animals” are allowed via a conditional use permit in the R-1, R-2, and R-3 Districts. No performance standards are listed in any of the zoning districts for kennel facilities.

Commercial Districts: The B-2 District currently allows “veterinary clinics and pet grooming, with no outdoor boarding” via a CUP, while the B-3 District allows “veterinary clinic with no outside boarding facilities” as a permitted use.

The B-3 District allows “veterinary clinic with outside boarding facilities” via a CUP, provided a number of conditions are met:

- a) Any outside kennel or open area is located a minimum of 100 feet of any adjacent property lines.
- b) Any outside kennel or open space area used by animals is 100% screened along property lines. No outdoor animal quarters or runs shall be located in the front yard.
- c) All animal quarters and runs are to be kept in a clean, dry and sanitary condition.
- d) Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.
- e) Kennel noise shall be mitigated so as to not create a public nuisance for adjoining properties. This shall exclude noise from exercise or training while outdoors during the daytime. Kennels shall comply with all local noise regulations.

Staff Comment: It is clear the intention has been to only allow kennels in Residential Districts; specifically with a conditional use permit. Kennels are currently not listed as an allowed use in the Commercial Districts. The closest related use, outdoor boarding facilities in conjunction with a vet clinic, are allowed via a conditional use permit, but only in the B-3 District.

Allowing the proposed use in the B-2 District would require careful consideration. The purpose of the B-2 Neighborhood Business District is to provide for the establishment of highly limited scale neighborhood commercial centers and uses in existing commercial nodes that offer basic, convenience-type goods and services to the immediately surrounding areas in which they are

located.

Referencing the Zoning Map, the B-2 District is generally located along Rum River Drive with two concentrations north of the roundabout, and then south of downtown to Highway 169. Residential areas surround the B-2 District generally to the west and east.

The Planning Commission may choose to discuss making amendments to other area of the Ordinance that address kennels or outside boarding facilities. Fuhrman would recommend adding this as a discussion item at an upcoming meeting.

Proposed Ordinance Language: Under the current Zoning Ordinance definition, the request would fall under “kennel”. Essentially, the proposed language below allows for a “kennel” as a conditional use permit in the B-2 District with explicit restrictions. By definition, a “kennel” is “any place where more than three domestic animals over eight months of age are owned, boarded, bred, trained, or offered for sale, but now including veterinary clinics.”

9. B-2 Neighborhood Commercial District

D. Conditional Uses

* Kennels, provided that

- (a) No overnight boarding allowed.
- (b) Animals allowed outside only under direct supervision.
- (c) A maximum number of animals allowed at the facility, as determined by the Planning Commission.
- (d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.
- (e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
- (f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
- (g) Indoor facilities shall be adequately ventilated and have ample light and heat.

The following are questions for the Planning Commission to consider and discuss:

- * Only allow dog kennels in this provision or any domestic pets in general?
- * Required setbacks from adjacent property lines or residential units?

There was discussion at the Planning Commission meeting about the potential for requiring setbacks from adjacent property lines or from residential units. Keep in mind that the B-2 District, by nature, is located next to Residential Districts, and oftentimes, adjacent to residential lots. If the Planning Commission wishes to add a restriction like this, careful consideration would be required to what an appropriate setback would be.

- * Request a license? Annual renewal? As well as a Conditional Use Permit?
- * Require screening (specifically fencing?) from neighboring properties?

- * If require fencing, must be of a sufficient height to prevent escape?
- * Limit the number of animals allowed outside at one time?
- * Regulate the hours of operation?

Comp Plan Review: The B-2 Zoning District is located in three land use designations on the Future Land Map: Neighborhood Commercial, Downtown, and Highway Commercial. The descriptions of each land use designation are on the attached sheet.

Via the current standards for kennels and outside boarding facilities, it is clear that the City has not preferred outdoor boarding facilities in the B-1 or B-2 Zoning Districts. Although the outside boarding facilities, with a vet clinic, are allowed in the B-3 District, it is through strict conditions.

If the Planning Commission is in favor of recommending approval of the proposed use in the B-2 District, because of the close proximity to residential uses, Fuhrman would recommend that the use be via a conditional use permit so a review of each specific request would be required, and specific conditions could be placed upon the approval of each request.

Text Amendment Review Standards: The following factors are common review standards in regards to reviewing proposed amendments:

1. The proposed action has been considered in relation to the specific policies and provisions of and had been found to be consistent with the official city comprehensive plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this code.
4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

Edmonds questioned having a conditional use permit for the amendment and why not have it be an interim use permit.

Fuhrman said an interim use permit is for specific uses that are only temporary.

Edmonds asked if licensing can be with a conditional use permit.

Fuhrman said that would be a separate annual license if we wanted to have that added on to the conditions of a conditional use permit.

Edmonds commented that the conditional use permit has conditions so the licensing would not be necessary. There would be complaints where this conditional use permit would be monitored.

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Edmonds opened the public hearing.

Richard LeRoy 25683 112th St. NW, Zimmerman was present and said he takes his dog to her facility in Zimmerman and her operation is very good.

Beverly Roxbury has a concerns with barking. More than one dog can be barking. Will there be a fenced in area.

Christine Stuck, applicant said there will not be an issue with barking. The dogs will be in a fenced area when they take them outside. Staff is always with the dogs when they are outside to control any barking.

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

Siercks said there is an easement where the proposed fencing will be and the applicant will have to watch for that.

Dobson said it is not a permanent structure so it can be removed if utilities need fixing. That would be at the owners expense if that were to occur.

Siercks said if there are utilities in the area they want to place the fence, you cannot dig where the utilities are.

Stuck said they are hiring a professional fence company to install a fence so they will be aware of that. If there was utility work done where the fence had to be taken down in an area, they would take a dog out one at a time on a lease. They had a fence down at their present location where they had to do that.

Siercks asked what the strict conditions are in the B-3 Zoning District.

Fuhrman said there are five restrictions and read them.

Siercks commented to allow kennels in the B-2 District the properties have to be zoned the same since it is on two lots. There also has to be a variance for fence height in the front yard.

Dobson asked what if they combine the two lots.

Fuhrman said that could be discussed at the later time on the agenda. The Ordinance amendment needs to be approved before the other applications are reviewed.

DOBSON MOVED, SECOND BY MELLOTT, TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE ORDINANCE AMENDING CHAPTER V (ZONING DISTRICTS) OF THE ZONING ORDINANCE IN ORDER TO ALLOW KENNELS AS A CONDITIONAL USE PERMIT IN THE B-2 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT WITH THE FOLLOWING CONDITIONS:

- (A) NO OVERNIGHT BOARDING ALLOWED.
- (B) ANIMALS ALLOWED OUTSIDE ONLY UNDER DIRECT SUPERVISION.
- (C) A MAXIMUM NUMBER OF ANIMALS ALLOWED AT THE FACILITY, AS DETERMINED BY THE PLANNING COMMISSION.
- (D) NOISE SHALL BE MITIGATED SO AS TO NOT CREATE A PUBLIC NUISANCE FOR ADJOINING PROPERTIES.
- (E) INDOOR AND OUTDOOR FACILITIES ARE TO BE KEPT IN A CLEAN, DRY, AND SANITARY CONDITION. WASTE SHALL BE PICKED UP IMMEDIATELY AND DISPOSED OF IN A SEALED CONTAINER.
- (F) ADEQUATE STORAGE AND REFRIGERATION SHALL BE PROVIDED TO PROTECT FOOD SUPPLIES AGAINST CONTAMINATION AND DETERIORATION.
- (G) INDOOR FACILITIES SHALL BE ADEQUATELY VENTILATED AND HAVE AMPLE LIGHT AND HEAT.
- (H) ADEQUATE SCREENING SHALL BE PROVIDED AS DETERMINED BY THE PLANNING COMMISSION.
- (I) HOURS OF OPERATION SHALL BE REVIEWED AND APPROVED BY THE PLANNING COMMISSION.

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

Stuck asked in regards for the condition with screening, if a six foot privacy fence will be okay.

Edmonds said yes.

#06-13 Conditional Use Permit for a Kennel (Dog Daycare, Training, and Grooming) in a B-2 Neighborhood Business Zoning District at 602 Rum River Drive South

Fuhrman informed the Planning Commission Board that pending the decision by the City Council regarding allowing kennels in the B-2 District, the Planning Commission is asked to review the application for a conditional use permit in order to operate a kennel (dog daycare, training, and grooming) facility at 602 Rum River Drive South.

Christine Stuck, applicant is proposing to operate a dog daycare (Mondays through Friday, from 6:30 AM to 6:30 PM); training; grooming; and retail pet supply facility in the existing building. The first floor would house the retail area and grooming. The basement would contain the daycare and training area. Floor plans were reviewed. The adjacent parcel would be fenced in

to let the dogs out. The property is comprised of two separate parcels; PID 24-761-0660 (the west parcel containing the building; 10,829 SF); and PID 24-761-0650 (the east vacant parcel; 8,190 SF). The building is currently vacant and owned by the City. The applicant and City are working through details of a purchase agreement.

Ms. Stuck currently operates a similar business in Zimmerman. The applicant has submitted several letters of support from existing businesses in the Zimmerman and Princeton community, including: her current landlord, Total Image Salon & Spa, Paradigm Residential Services, Inc., Zimmerman Collision, Kivisto Veterinary Clinic, and Carol Ossell. Letters of support from these individuals have been included in the Planning Commission packet.

The conditional use permit is pending approval of the Ordinance amendment by the City Council. The City Council will consider the amendment at their July 25th and August 13th Council meetings. The applicants are on a time limit, and so they opted to apply for the CUP and variance at this time, understanding the amendment may not be approved. If the CUP is approved, the conditions put on the Zoning Ordinance Amendment will have to be met.

Conditional Use Permit Review Standards:

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

Comment: If the recommended conditions are followed, 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: The applicants are not proposing to add any impervious surface to the property.

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

Comment: The property currently offers 13 off-street parking spaces. The proposed fenced in area would take up one of the parking stalls. Two of the proposed uses of the building (grooming and dog daycare) imply only temporary parking would be needed for drop off and pick up of the pets. The other uses (training and retail) imply more longer-term parking needed. A suggestion might be to designate a few of the parking spaces just for pet drop off and pick up if an issue with parking were to arise.

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

Comment: The building is located on the corner of Rum River Drive South and 6th Street South. Access to the lot is viable via Rum River Drive or 6th Street South.

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

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.

Comment: The subject site is located along Rum River Drive South, one of the main commercial corridors in Princeton. The present and future land uses of the area include a mix of residential and commercial uses.

Christine Stuck, applicant said the dog training will go later than the daycare. The training starts at 7:00 PM and is usually done at 8:00 PM. There is another class that is done a little later and in the basement. She is hiring extra people.

Edmonds asked if the hours of operation will be written down.

Fuhrman said they could be in the conditions of the resolution.

Stuck said they would be out of there by 9:15 PM.

Fuhrman said the property lines need to be identified on the north end so they are not in the right-of-way. City staff can work with applicant on this since it is city property.

Dobson said the fencing will be within the property lines on the south side of the building. He is unsure of the area on the north side of the property that needs clarification of the right-of-way.

Fuhrman showed him on the site plan the area that needs the property lines to be identified.

Stuck said the fencing will have six feet wide gates for receiving goods. It will be setup as three sectional areas where you go in the first gate and then have to go through another so the dogs will not be able to leave the fencing site.

Fuhrman commented that in regards to this property, there are two lots. The parcel with the building is zoned B-2 Neighborhood Business and the adjacent parcel is zoned R-3 Multiple Family Residential. The east lot is designed to public and semi public. It could have been an oversight. The lots should be zoned to the same use. This is not spot zoning.

Edmonds opened the public hearing. It was decided that the Conditional Use Permit, Variance, Comprehensive Plan Use Plan Amendment, and Rezoning will all be discussed at this time. This will make it easier for those present to ask questions. There will be separate motions for each item.

Jay Roxbury 1211 7th Avenue North, said he is here to represent his grandmother Frances Roxbury who lives at 601 4th Avenue South. His grandmother is strongly against this. The fence proposal is about 68 feet from her kitchen window. She does not want to be looking at the fence. This is a residential area and her concerns are the smell, hours of operation, and noise from the

dogs.

Stuck said she could have up to 20 dogs. They are divided into five play groups. The dogs are always supervised. They pick up the dogs waste immediately and it is put in a sealed and closed container. There will not be any odor. There should not be any runoff either.

Jay Roxbury said there is very little grass area at this site. The concentration in the grass area will be very heavy. They should run a sprinkler in the grass area. He would recommend that the tar should be pulled up and add more grass to the area.

Stuck is not sure how much grass area there will be. She said there is no odor at their Zimmerman place now.

Jay Roxbury said they are in commercial area at Zimmerman and now will be in residential area. This is different.

Stuck said it is only during the day time where the dogs would be using the outside. Very little at night, only if classes were going on.

Mellott said the noise issue has been somewhat addressed. If the tar were not there that would help with the smell.

Jay Roxbury said it should help if the tar is gone. The dog urine would go on the road and if there is grass, it could seep down. All the urine will go down the streets with how the parking area slopes.

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

Mellott asked Fuhrman on the drainage issue.

Fuhrman said she has not looked into the number of animals per acreage. With the dogs going to the bathroom on the tar, yes the urine could drain onto the street area. The tar could be removed.

Mellott said depending on the facility it is a valid question.

Fuhrman said it could be researched further and this item could be tabled.

Mellott asked if noise were an issue what would happen.

Fuhrman said it would be followed up with City staff or Police.

Mellott said if kennels are allowed in these districts how would we control issues.

Fuhrman said by complaint base and that could revoke the conditional use permit. The licensing she suggested was just a fee and could be reviewed each year.

Stuck said the dogs are getting fresh water throughout the day so their urine is not strong. She has been at their current location for one year and have not had issues.

Siercks said this is a small lot compared to homeowners lots. Is there sanitary issues?

Fuhrman said ground water could be if there was a well, but she does not know of urine concentration issues.

Stuck said there are no State guidelines in regards to space for dog daycare.

Richard LeRoy said that his dog goes there for 12 hours and the dog is exhausted when he brings it home.

Stuck said she does not have to be licensed through the State.

Edmonds said that tells him that this cannot be an issue, otherwise the State would require dog daycare licensing.

Dobson asked how often the dogs go outside. 50% of urine is on the floor inside and the staff is there with a mop.

Stuck said there is air ventilation in the basement. It is in the southeast corner so there is no issue with smell inside.

Mellott said if there is an issue that happens down the road with the smell of urine as a problem or barking, what would happen.

Fuhrman said staff would look into any complaints. The conditional use permit could be revoked. Any complaint would be addressed. The CUP could be reviewed in a year.

Beverly Roxbury said the townships have animal ordinances and the number of animals per acreage.

Fuhrman understands this is a difficult issue. Kennels with overnight boarding does not differentiate between board and not boarding. They are treated the same.

Mellott does not have an issue with this, but would like it reviewed each year.

Siercks commented if there are no restrictions then anyone could open one along Rum River Drive.

Mellott said each application would have to go through this process.

Dobson said anyone that works with animals will have the animal's welfare as the main concern. With the Condition Use Permit being reviewed, there is no need for a separate type of licensing.

Stuck said she will not go over 20 dogs. She believes with the current staff that number could be safely handled. It is rare that they have 20 dogs. Usually they have 15 a day. There is grooming as well at her site and she does not want the dogs that come in only for grooming counted as part of the daycare. The classes in the evenings are limited to 12 dogs.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE ITEM #06-13 CONDITIONAL USE PERMIT FOR A KENNEL (DOG DAYCARE, TRAINING, AND GROOMING) IN A B-2 NEIGHBORHOOD BUSINESS ZONING DISTRICT AT 602 RUM RIVER DRIVE SOUTH WITH THE FOLLOWING CONDITIONS:

- 1. APPROVAL BY THE CITY COUNCIL OF THE ORDINANCE AMENDMENT.**
- 2. NO OVERNIGHT BOARDING ALLOWED.**
- 3. ANIMALS ALLOWED OUTSIDE ONLY UNDER DIRECT SUPERVISION.**
- 4. A MAXIMUM OF 20 ANIMALS ALLOWED FOR DAYCARE PURPOSES.**
- 5. NOISE SHALL BE MITIGATED SO AS TO NOT CREATE A PUBLIC NUISANCE FOR ADJOINING PROPERTIES.**
- 6. INDOOR AND OUTDOOR FACILITIES ARE TO BE KEPT IN A CLEAN, DRY, AND SANITARY CONDITION. WASTE SHALL BE PICKED UP IMMEDIATELY AND DISPOSED OF IN A SEALED CONTAINER.**
- 7. ADEQUATE STORAGE AND REFRIGERATION SHALL BE PROVIDED TO PROTECT FOOD SUPPLIES AGAINST CONTAMINATION AND DETERIORATION.**
- 8. INDOOR FACILITIES SHALL BE ADEQUATELY VENTILATED AND HAVE AMPLE LIGHT AND HEAT.**
- 9. BUILDING PERMITS BE APPLIED FOR AND ACQUIRED PRIOR TO ANY CONSTRUCTION WORK.**
- 10. DAYCARE HOURS ARE LIMITED FROM 6:30 AM TO 6:30 PM, MONDAY THROUGH FRIDAY.**
- 11. THE CONDITIONAL USE PERMIT SHALL BE REVIEWED EVERY SIX MONTHS.**

UPON THE VOTE, THERE WERE 4 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? N/A

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. 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.

D. #08-13 Variance to build a six foot privacy fence within the required front yard not of chain link construction in a B-2 Neighborhood Business District at 602 Rum River Drive South

The Ordinance requires that fences built in Commercial or Industrial Districts within the required front yard shall not be over six feet in height and shall be of a chain link construction permitting maximum visibility. However, in order to provide maximum screening of the outdoor exercise and bathroom area for the pets, the applicant is proposing a six foot tall privacy fence that allows no visibility. A drawing of the proposed fence was available for review.

The fence appears to be proposed an adequate distance from the south and east property lines. However, Fuhrman would recommend a condition of approval be added, if approved, that the exact location of the north property line be verified prior to the fence permit application being submitted. Fuhrman provided an aerial photo that would indicate that the proposed fence is very close in proximity to the north property line and should be verified.

Variance Review Standards:

1. Is the variance in harmony with the general purposes and intent of the zoning ordinance?

Comment: The general purpose of this regulation is to allow for maximum visibility for fences located in front yards for safety reasons to ensure a vehicle operator can see other vehicle and pedestrians, especially in the case of lots or adjacent lots with driveways to the street. The proposed privacy fence could potentially block the view of the vehicles existing the parking stalls located directly adjacent to the fence. The applicant has explained that they need to utilize the existing door in the northeast corner of the building to bring the dogs in and out. The Planning Commission may want to consider requiring a portion of the fence be lowered for

visibility reasons.

2. *Does the property owner propose to use the property in a reasonable manner not permitted by the Zoning Ordinance?*

Comment: The applicant appears to propose to use the property in a reasonable manner.

3. *Are there circumstances unique to this property not created by the landowner?*

Comment: The unique circumstance of this lot is that it is located on a corner; thus, for fence standards, it contains two front yards.

4. *Will the issuance of the variance maintain the essential character of the locality?*

Comment: The area contains residential homes and commercial buildings. Six foot tall privacy fences are not a main characteristic of the area.

5. *Does the alleged practical difficulty involve more than economic considerations?*

Comment: Yes, the applicant would like to maintain a screening buffer from the neighbors and street.

DOBSON MOVED, SECOND BY EDMONDS, TO APPROVE ITEM #08-13 VARIANCE TO BUILD A SIX FOOT PRIVACY FENCE WITHIN THE REQUIRED FRONT YARD NOT OF CHAIN LINK CONSTRUCTION IN A B-2 NEIGHBORHOOD BUSINESS DISTRICT AT 602 RUM RIVER DRIVE SOUTH WITH THE FOLLOWING CONDITIONS:

1. VERIFICATION OF PROPERTY LINES, UTILITIES, AND A FENCE PERMIT BE OBTAINED PRIOR TO CONSTRUCTION.

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

The Planning Commission Board reviewed the Findings of Fact:

1. Is the variance in harmony with the purpose and intent of the Ordinance? Yes.

2. Is the variance consistent with the Comprehensive Plan? Yes.

A variance may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. A determination that “practical difficulties” exist is based upon consideration of the following criteria:

3. Does the proposal put the property to use in a reasonable manner? Yes.

4. Are there unique circumstances to the property not created by the landowner? Yes.

5. Will the variance maintain the essential character of the locality? Yes.

6. Does the alleged practical difficulty involve more than economic considerations? Yes.

E. Comprehensive Plan Land Use Plan amendment from Public & Semi-Public to Highway Commercial on the property described as the E 90 Ft of Lot 2, Block 7, Ross-Mere Addition

The Future Land Use Plan designates the subject property as Highway Commercial/Business, while the adjacent parcel (to be utilized with the business) is designated as Public & Semi-Public. Because the adjacent parcel will be utilized with the business operation, the Land Use

designation should align. Therefore, a Future Land Use Plan change would be appropriate from Public to Highway Commercial. Fuhrman is unaware why the future land use plan designates this parcel as public, except for the fact that it was/is owned by the City. Fuhrman is not aware of any plans to utilize this parcel for a public use, such as a park.

Because this parcel is directly adjacent to the current Highway Commercial designation, Fuhrman feels the change could be appropriate. Highway Commercial allows a large mix of retail, office, and other business uses with generally more stringent development standards. Integrated neighborhood design with pedestrian and automobile facilities should be encouraged.

This property is located at the junction of the Downtown and Highway Commercial future land use designation. Note that this property, and those to the south and west, are designated for Highway Commercial; and yet they are zoned Neighborhood Business. Fuhrman is not clear it was the intention of the City for these properties to eventually be zoned B-3, General Commercial. If so, this would need to be part of a larger area-wide study.

The existing uses in this area range from residential to commercial. The long-range plan for this area is also a mix of residential and commercial (both Downtown and Highway Commercial). This property is located on a main thoroughfare through the community that use to serve as the main Highway through town, meaning that commercial uses naturally were constructed along this road. These commercial uses are directly adjacent to residential uses though, which needs to be kept in mind in regards to potential nuisances.

Designating the east parcel as Highway Commercial would not be out of character with surrounding land uses, which include several commercial uses.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE THE COMPREHENSIVE PLAN LAND USE PLAN AMENDMENT FROM PUBLIC & SEMI-PUBLIC TO HIGHWAY COMMERCIAL ON THE PROPERTY DESCRIBED AS THE E 90 FT OF LOT 2, BLOCK 7, ROSS-MERE ADDITION. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

F. #07-13 Rezoning from R-3 Multi Family Residential District to B-2 Neighborhood Business District on the property described as the E 90 Ft of Lot 2, Block 7, Ross-Mere Addition

The parcel with the building is zoned B-2 Neighborhood Business, while the adjacent parcel is zoned R-3, Multiple Family Residential. If the proposed use is approved, the applicant will be utilizing the adjacent parcel as part of the business operation as an exercise and bathroom area for the dogs. A rezoning from R-3 to B-2 would be appropriate so that the adjacent parcel aligns

with the use.

The intent of the B-2 District is to provide for the establishment of highly limited scale neighborhood commercial centers and uses in existing commercial nodes that offer basic, convenience type goods and services to the immediately surrounding areas in which they are located. Due to the close proximity to existing and future planned residential areas, the character of this district shall reflect the character of surrounding residential neighborhoods. Building scale, setback and design should be consistent with existing neighborhoods.

Rezoning Review Standards: The Zoning Ordinance does not list review standards for rezoning application. However, many communities utilize the following factors as review standards in rezoning request, which are being provided as information:

1. The proposed action has been considered in relation to the specific policies and provisions of and had been found to be consistent with the official city comprehensive plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this code.
4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property. The immediate area to the north, south, and west contains B-2 zoning, therefore rezoning the east parcel to Neighborhood Business would not be out of character with the surrounding area.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE ITEM #07-13 REZONING FROM R-3, MULTIPLE FAMILY RESIDENTIAL DISTRICT, TO B-2, NEIGHBORHOOD BUSINESS DISTRICT, ON THE PROPERTY DESCRIBED AS THE E 90 FT OF LOT 2, BLOCK 7, ROSS-MERE ADDITION. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Is the rezoning consistent with the Princeton Land Use Plan? Yes.
2. Have there been changes in the character of development in the vicinity? No.
3. Does the rezoning constitute spot zoning of the property? No.

G. #09-13 Rezoning from B-2 Neighborhood Business District to B-3 General Business District on the property described as Lots 1-8, Outlot A and B, Block 1, Aero Business Park Fuhrman informed the Planning Commission Board that the City is proposing to rezone Aero Business Park from B-2, Neighborhood Business District to B-3, General Commercial District. Aero Business Park was purchased and developed by the City of Princeton. The first building is currently being constructed in the development (Public Safety Building) on Lot 8. The plat was

originally developed to serve industrial uses. The City then chose to rezone it to allow for more commercial uses, thus rezoning it to B-2, Neighborhood Business District. Since the time of the rezoning, the Comprehensive Plan and Zoning Ordinance went through a major overhaul, and intent of B-2 District no longer matches the location of Aero Business Park. Furthermore, the Future Land Use Map designates Aero Business Park as Highway Commercial.

Rezoning Review: The intent of the B-2 District is to provide for the establishment of highly limited scale neighborhood commercial centers and uses in existing commercial nodes that offer basic, convenience-type goods and services to the immediately surrounding areas in which they are located. Due to the close proximity to existing and future planned residential areas, the character of this district shall reflect the character of surrounding residential neighborhoods. Building scale, setback and design should be consistent with existing neighborhoods.

While the intent of the B-3 District is to create an area to serve the commercial and service needs of the general population. The objective is to provide services to both pedestrian and vehicular traffic and to accommodate those businesses which require large areas for off-street parking or generate substantial traffic originating from outside the community.

The location of Aero Business Park fits with the intent of the B-3 District much more than B-2, especially in the fact that B-2 is to serve immediately adjacent residential uses, which is not the case with the location of Aero Business Park.

Rezoning Review Standards: The Zoning Ordinance does not list review standards for rezoning applications. However, many communities utilize the following factors as review standards in rezoning requests, which are being provided as information:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this code.
4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

The EDA Board reviewed the issue and recommended that the Planning Commission and City Council rezone the property from B-2 to B-3 District.

Edmonds opened the public hearing.

There being no comments: SIERCKS MOVED, SECOND BY DOBSON, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION

CARRIED.

SIERCKS MOVED, SECOND BY DOBSON, TO APPROVE ITEM #09-13 REZONING FROM B-2, NEIGHBORHOOD BUSINESS DISTRICT, TO B-3 GENERAL BUSINESS DISTRICT, ON THE PROPERTY DESCRIBED AS LOTS 1-8, OUTLOT A AND B, BLOCK 1, AERO BUSINESS PARK. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission reviewed the Findings of Fact:

1. Is the rezoning consistent with the Princeton Land Use Plan? Yes.
2. Have there been changes in the character of development in the vicinity? No.
3. Does the rezoning constitute spot zoning of the property? No.

NEW BUSINESS: None

COMMUNICATION AND REPORTS:

A. Verbal Report

1) Shooting Range Ordinance Amendment (Council Update)

Fuhrman informed the Planning Commission Board that the City Council approved the first reading of the Ordinance Amendment and the second reading will be on the Council agenda for July 25th, 2013.

2) Small Cities Development Program

Fuhrman informed the Planning Commission Board that the City of Princeton is seeking grant funds for homeowners interested in improving their homes from the Minnesota Department of Employment & Economic Development's (DEED's) Small Cities Development Program (SCDP) which is funded by the United States Department of Housing & Urban Development (HUD). This is an opportunity for a zero interest loan on commercial or residential for a ten year loan. For a residential loan the homeowner will be asked to match 10% of the total cost of improvements, but this is dependent of income level. On the commercial program the owner must match 50% of the total cost of improvements, or at least equal to the amount of the SCDP loan. There is a pre-application process and the area of the City showing the most interest will be the selected target area. Lakes and Pines will be administrating it. Fuhrman would like the Board members to spread the word on this great program that is available.

On another note, there was a gentleman interested in bringing a business in town where he makes the firewood bundles and sells them. He takes trees down, splits the wood, and makes bundles. He also wants a kiln for his business. She was thinking of the Industrial Park area. Fuhrman

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suggested that he speak with Larry Doose at Sylva Corporation. Maybe Doose has an area on his location that would work for this gentleman. It could be beneficial for both of them.

B. City Council Minutes from June, 2013

The Planning Commission Board had no comments.

MELLOT MOVED, SECOND BY DOBSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 9:49 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant