

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON JULY 28<sup>TH</sup>, 2014,  
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 Jack Edmonds. Members present were Jeff Reynolds, Eldon Johnson, Chad Heitschmidt, and Jim Kusler (Princeton Twsp. Rep). Staff present were Mike Nielson (City Engineer with WSB & Assoc.), Carie Fuhrman (Comm. Dev. Director), and Mary Lou DeWitt (Comm. Dev. Assistant).

Absent was Mitzi Mellott.

**APPROVAL OF MINUTES OF REGULAR MEETING ON JUNE 16, 2014**

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE MINUTES OF JUNE 16, 2014. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**AGENDA ADDITIONS/DELETIONS:**

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO APPROVE THE AGENDA. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**PUBLIC HEARING:**

**A. #14-05 Variance for Princeton Public Utilities Fence in the Public Right-of-Way  
Community Development Director Memo:**

Connie Wangen, Princeton Public Utilities General Manager, has submitted an application for a variance to allow a fence within the public road right-of-way. The property site is 907 First Street and zoned R-3, Multiple Family Residential.

The Princeton Utilities plant and offices are located on the south side of First Street/CSAH 31. An L-shaped fence was constructed without a permit along the sidewalk in front of the office building, with at least a portion in the right-of-way. Photos were provided for review. The fence is 18 inches from the curb. It is 10' long running north to south, and 5' long running east to west.

According to the applicant's narrative, the nearby tree was pushing the sidewalk up, so they removed a portion of the sidewalk as they did not want anyone tripping on it. They then installed the fence so no one would step off of the sidewalk. They also intend for the fence to be used as a handrail for customers stopping in to pay their utility bills. The narrative goes on to state that Princeton Public Utilities Commission employees maintain the street and sidewalk in front of their buildings in the winter, and they acknowledge that if the fence is damaged from the snow plow, they would accept responsibility for repairing it. They would also like to keep the shade tree in place.

The request is a variance from Chapter VI.I.5 of the Zoning Ordinance, which states "No fences shall be permitted on public right-of-way".

**Variance Review Standards:** Requests may be made for variances from the literal provisions of

the Zoning Ordinance in instances when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

A variance shall not be granted by the Planning Commission unless it conforms to all of the following standards:

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

Comment: The general purposes and intent of the Zoning Ordinance is to promote the public health, safety, morals, and general welfare. One of the methods to achieve this purpose is through regulating the location and size of structures, such as fences. Fences are not allowed within the public right-of-way to help keep the right-of-way clear of any unnecessary obstructions for maintenance and safety reasons. The fence being located within the public right-of-way and in very close proximity to the actual improved road is not in harmony with the general purposes and intent of the Zoning Ordinance.

2. Is the variance consistent with the Comprehensive Plan?

Comment: One of the transportation policies identified in the Comprehensive Plan specifies to maintain all transportation facilities (roads, walks, and trails) in good repair and keep the facilities free from a buildup of dirt, snow, and ice. The subject variance would not be consistent with this policy as it hinders in the maintenance of both the street and sidewalk.

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

Comment: A fence, in accordance with the Zoning Ordinance, is normally a reasonable use of a property, but a fence located in the right-of-way is not proposing to use the property in a reasonable manner.

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

Comment: A tree root causing a sidewalk to upheave happens occasionally, and it is acknowledged that the Princeton Public Utilities does have a significant amount of the public that frequent their office to pay utility bills. But, there is another alternative to addressing the concern without violating the Ordinance, such as trimming the tree root or removing the tree. These options would address the customer safety concern as it would prevent the sidewalk from upheaving and not require a fence.

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

Comment: A fence located in the right-of-way does not maintain the essential character of the locality as fences within the right-of-way are not normally found.

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

Comment: Yes, the alleged practical difficulty is to prevent customers from stepping off of the sidewalk because of the upheaving sidewalk due to the tree root, so the safety concern is more than an economic consideration.

**Staff address an email from Mille Lacs County Engineer:**

Bruce Cochran, Mille Lacs County Engineer, commented that fences are not allowed within the public right-of-way, whether in urban or rural areas of the county. His comment in an email was: *Public right-of-way, whether acquired in fee, easement or dedication, is for public purpose. Personal use of the right-of-way is not appropriate. This includes excessive landscaping and fencing of all types. In the rural parts of the county fences are not permitted in the right-of-way. For consistency and other reasons, fences are not permitted in the right-of-way in urban areas. From a practical perspective, the fence post closest to the street will not last through a snow removal season. I suspect a snow plow wing will shear off the post. Additionally, the fence will hinder snow removal for the sidewalk in front of the Princeton Public Utilities building. Please have the Princeton Public Utilities remove the fence.*

**Conclusion:** To approve the variance request, the City must find that the proposal uses the property in a reasonable manner, and that the applicant has demonstrated that there are practical difficulties unique to the property not created by the property owner that interfere in complying with the Zoning Ordinance. The City is concerned with keeping the public right-of-way free from obstructions. The safety of the customers of the Princeton Public Utilities is also of concern to the City, as well as property aesthetics; however, it appears that there is an alternative to address the safety concern without violating the Ordinance.

Staff would recommend denial of the variance for the fence placement in the right-of-way of First Street/CSAH 31, based on the findings that it provides a safety and maintenance hazard, and the variance does not meet all six (6) of the standards required for approval of a variance.

1. The variance is not in harmony with the general purposes and intent of the zoning ordinance.
2. The variance is not consistent with the Comprehensive Plan.
3. The property owner does not propose to use the property in a reasonable manner not permitted by the Zoning Ordinance.
4. The issuance of the variance will not maintain the essential character of the locality.

If the Planning Commission denies the variance, a deadline date to remove the fence within the right-of-way should be established. If a portion of the fence is outside of the right-of-way, and the Princeton Public Utilities would like to keep that portion, a fence permit would be required to be obtained, which requires location and identification of the property line/pins to ensure it is within the property.

\*\*\*\*\*End of staff memos\*\*\*\*\*

Connie Wangen, Princeton Public Utilities General Manager wrote the following memo:

*June 16, 2014*

*Dear Planning Commission Chairman and Members:*

*Princeton Public Utilities is requesting a short "L" shaped fence be allowed in the road right-of-way. This fence is in front of our office building located at 907 1<sup>st</sup> Street, Princeton MN. We had to remove some sidewalk because the tree nearby was pushing the sidewalk up and we did not want anyone tripping on it. We then installed this cedar fence so no one would step off the sidewalk. This fence will also be used as a handrail for customers stopping in to pay electric, water and sewer utility bills. It has been well received by customers already.*

*The fence is located 18' from curb. It is 10' long north to south and 5' long east to west. It is about 36" high.*

*Princeton Public Utilities employees do maintain the street and sidewalk in front of our office in the winter, keeping snow and ice away at all times. We also realize that if this fence is damaged from the snow plow pushing snow up along the curb, we will be responsible to repair it.*

*Thank you for your time and consideration.*

*Sincerely,  
Connie Wangen*

\*\*\*\*\*End of Wangen's memo\*\*\*\*\*

Fuhrman said without a survey it is hard to determine how much into the right-of-way the fence protrudes.

Reynolds asked if there are any ordinances for handrails.

Fuhrman said in the Building Codes there would be, but not in the City Ordinances.

Heitschmidt said the sod should be level with the sidewalk. He does not see a reason for the fence.

Connie Wangen, Princeton Public Utilities General Manager, was present and said now that the grass has grown more, it has become more level.

Edmonds opened the public hearing. There were no residents present to address this item.

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

Edmonds commented that all should be treated the same with this type of request. Staff's evaluation looks good and he would support denying the request for a variance.

Heitschmidt agreed, there are other options available instead of the fence.

Johnson asked Wangen if the root can be trimmed to save the tree.

Wangen said that is possible. The root extends to where the sidewalk is now. The roots should not hinder the sidewalk right now, but in the future it probably will. They took out two sections of the old sidewalk where it was pushing up the concrete, and put the new sections in.

Johnson asked if something could be put in the corner.

Wangen said people were walking on the dirt so they thought the fence should be put up.

Edmonds said he understands it was not intentional by Princeton Public Utilities to install the fence without a fence permit.

Wangen said that is true, they put it up without proper consideration of the process.

ELDON MOVED, SECOND BY HEITSCHMIDT, TO DENY ITEM #14-05 VARIANCE FOR PRINCETON PUBLIC UTILITIES LOCATED AT 907 FIRST STREET, FOR A FENCE IN THE PUBLIC RIGHT-OF-WAY OF FIRST STREET/CSAH 31, BASED ON THE FINDINGS THAT IT PROVIDES A SAFETY AND MAINTENANCE HAZARD, AND THE VARIANCE DOES NOT MEET ALL SIX (6) OF THE STANDARDS REQUIRED FOR APPROVAL OF A VARIANCE:

1. THE VARIANCE IS NOT IN HARMONY WITH THE GENERAL PURPOSES AND INTENT OF THE ZONING ORDINANCE.
2. THE VARIANCE IS NOT CONSISTENT WITH THE COMPREHENSIVE PLAN.
3. THE PROPERTY OWNER DOES NOT PROPOSE TO USE THE PROPERTY IN A REASONABLE MANNER NOT PERMITTED BY THE ZONING ORDINANCE.
4. THE ISSUANCE OF THE VARIANCE WILL NOT MAINTAIN THE ESSENTIAL CHARACTER OF THE LOCALITY.

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? No, the general purposes and intent of the Zoning Ordinance is to promote the public health, safety, morals, and general welfare. One of the methods to achieve this purpose is through regulating the location and size of structures, such as fences. Fences are not allowed within the public right-of-way to help keep the right-of-way clear of any unnecessary obstructions for maintenance and safety reasons. The fence being located within the public right-of-way and in very close proximity to the actual improved road is not in harmony with the general purposes and intent of the Zoning Ordinance.
2. Is the variance consistent with the Comprehensive Plan? No, one of the transportation policies identified in the Comprehensive Plan specifies to maintain all transportation facilities (roads, walks, and trails) in good repair and keep the facilities free from a buildup of dirt, snow,

and ice. The subject variance would not be consistent with this policy as it hinders in the maintenance of both the street and sidewalk.

3. Does the proposal put the property to use in a reasonable manner? No, a fence in accordance with the Zoning Ordinance, is normally a reasonable use of a property, but a fence located in the right-of-way is not proposing to use the property in a reasonable manner.

4. Are there unique circumstances to the property not created by the landowner? Yes, a tree root causing a sidewalk to upheave happens occasionally, and it is acknowledged that the Princeton Public Utilities does have a significant amount of the public that frequent their office to pay utility bills. But, there is another alternative to addressing the concern without violating the Ordinance, such as trimming the tree root or removing the tree. These options would address the customer safety concern as it would prevent the sidewalk from upheaving and not require a fence.

5. Will the variance maintain the essential character of the locality? No, a fence located in the right-of-way does not maintain the essential character of the locality as fences within the right-of-way are not normally found.

6. Does the alleged practical difficulty involve more than economic considerations? Yes, the alleged practical difficulty is to prevent customers from stepping off of the sidewalk because of the upheaving sidewalk due to the tree root, so the safety concern is more than an economic consideration.

Fuhrman said this will not go to the City Council. Staff will work with setting the date if the Princeton Public Utilities wants to comeback on this variance. Fuhrman will talk to Wangen.

## **B. Sign Ordinance**

### **Community Development Director Memo:**

Last month, I brought some Sign Ordinance updates/discussion items to the attention of the Planning Commission. Staff is now bringing them in front of the Planning Commission for the public hearing. The Ordinance proposes the following:

1. Multi-Tenant Building Wall Signs:
  - Allows each tenant up to 3 wall signs.
  - Requires a comprehensive sign plan only for NEW multi-tenant buildings.
2. Wall, projecting, under-canopy, and fascia/soffit Signs:
  - No substantial changes; only formatting changes.
3. Billboards, Pylon, Monument, Multi-Tenant, and Video Display Signs:
  - Clarifies that replacement of existing billboards, pylon, monument, multi-tenant pylon, and Video display signs only requires staff review.

4. Monument Signs:

- Clarifies that only one sign is allowed per property and is required to be on the property of the organization being advertised.
- Updates the allowed sign areas and heights in the various districts for more consistency.
- Adds sign requirements for the MOR District.

5. Existing Signs\*:

- Removes language entirely.
- Note: Section 10 of the existing Sign Ordinance spells out the provisions for requiring the removal of signs that are erected or maintained in violation of the Ordinance.

6. Non-Conforming Signs\*:

- Updates the language to match the State Statute language in regards to non-conformities.

\*City Attorney opinion is being sought in regards to these two sections.

After conducting the public hearing, staff would recommend approval of the attached Ordinance, which will then be brought in front of the City Council for two readings.

\*\*\*\*\*End of staff memos\*\*\*\*\*

Edmonds opened the public hearing. There was no one present to address this item.

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

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO FORWARD TO THE CITY COUNCIL CONTINGENT OF THE CITY ATTORNEY'S REVIEW, AN ORDINANCE AMENDING CHAPTER VII (SIGNS) OF TITLE 11 (ZONING) OF THE PRINCETON CODE OF ORDINANCE BY AMENDING THE REGULATIONS FOR MULTI-TENANT BUILDING WALL SIGNS, MONUMENT SIGNS, EXISTING, AND NON-CONFORMING SIGNS, AND PROVIDING CLARIFICATION FOR SIGN REGULATIONS WITHIN THE CITY OF PRINCETON. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**OLD BUSINESS:**

**A. Caribou Coffee Revised Site Plan & Pylon Sign Review**

Community Development Director Memo

Background: United Properties Investment LLC has requested to amend the site plan review approval for the Caribou Coffee project at 703 Northland Drive, which was approved, along with a variance for a drive-thru service lane, by the Planning Commission at their June 16, 2014 meeting. This memo will highlight the changes from the original site plan approval. They are also requesting approval for a freestanding pylon sign.

**Building Size:** The applicants are now proposing a 2,500 square foot building (original site plan approval was for a 1,750 square foot building). The additional 750 square feet is requested to allow for the ability to convert the building into a Caribou/Bruegger's Bagels co-branded store in the future. The additional building area will initially be used for a conference/community room, but allows for the opportunity to one day potentially convert the area to a bagel bakery. The new building size meets setback requirements.

**Parking Layoff/Traffic Flow:** The parking and traffic flow through the parking lot have been adjusted slightly. The revised site plan proposes 28 60-degree parking stalls (the original proposed 34 stalls). The ordinance requires one space per three patron seats, plus one space per employee on the largest shift. The coffee shop will have 48 interior seats and 8 employees, requiring 24 stalls. If the 16 outdoor patio seats are included in the calculation, 29 parking stalls would be required. However, the patio seating is only used seasonally-therefore, staff would recommend the approval of the proposed 28 stalls.

The entrance into the parking lot has been adjusted slightly so it is "enter only" on the southernmost opening, "exit only" closest to the building and drive-thru. Vehicles will enter into the site via the southernmost opening and exit in front of the building or go around the building/drive-thru lane and exist on the north side of the building. Drive-thru patrons will enter via the southernmost opening and exit on the north side of the building. "Do not enter" signs are proposed to assist in directing traffic, as well as painted traffic arrows and text on the asphalt.

One item to note is the parking does not meet the 3 foot setback requirement from the property lines. This shall be adjusted as a condition of approval.

**Landscaping:** The Landscaping Plan proposes landscaping within several of the parking lot "islands", as well as surrounding the outdoor patio to the west, north of the building, and to the east of the building, which appears to meet Ordinance requirements. Additional landscaping has been added to the southeast of the building near the drive-thru entrance.

**Pylon Sign:** The applicants are seeking the Planning Commission's approval of a new freestanding pylon sign. The applicants are proposing a freestanding pylon sign in the southeast corner of the site; 45 feet tall and 150 square feet in size, which meets Ordinance requirements as it is less than 900 feet from Highway 169 and Rum River Drive interchange.

**Conditions of Original Approval:** The site plan and variance approval on June 16, 2014 was subject to numerous conditions, which the applicants have addressed in the following manner:

1. Bicycle racks shall be placed near the entrance.

Staff Comment: Bicycle racks have been provided near the entrance.

2. The signage shall be reviewed and permits obtained prior to installation. Planning Commission review is required for a new pylon sign or utilization of the MTB signage.

Staff Comment: The freestanding signage details had not yet been determined at the June meeting. The applicant is proposing to install a 45 foot tall pylon sign, 150 square feet in area. Approval of the pylon sign is requested at this Planning Commission meeting.

3. The trash enclosure shall match the exterior building materials in color. The trash enclosure shall not be of concrete block construction.

Staff Comment: The trash enclosure is proposed to be a six foot tall high board-on-board fence painted to match the building EIFS color.

4. Additional information shall be provided for the City Engineer's review.

Staff Comment: Additional information has been provided to the City Engineer.

5. The conditions of the City Engineer memo dated June 10, 2014 shall be met prior to the issuance of the Building Permit or Certificate of Occupancy.

Staff Comment: The applicants resubmitted additional information on June 13, 2014. The City Engineer has reviewed the revised plans and responded in memo dated July 10, 2014.

6. If digging in the street is required for the sanitary sewer hook-up, an escrow will be required, as well as a two-year warranty.

Staff Comment: The applicant has acknowledged this will be complied with if required.

7. If access is required within any of the easements, the financial costs of removal and replacement shall be the responsibility of the property owner (parking, trash enclosure, signage; etc). An agreement between the City and applicant may be required by the City Attorney.

Staff Comment: The applicant has acknowledged they will work with city staff on an agreement if required.

8. All necessary permits shall be applied for and approved prior to construction, including, but not limited to: building, signage, Water Access Charge (WAC), and Sewer Access Charge (SAC).

Staff Comment: The applicant has acknowledged this requirements.

9. Any consultant costs over and above the original escrow fee shall be the responsibility of the applicant.

Staff Comments: The applicant has acknowledged this requirement.

Conclusion: (Revised Site Plan Review) Based upon the Zoning review standards, staff would recommend approval of the revised site plan review, subject to the condition that the parking meet the 3 foot setback from property lines. The conditions of approval of the original site plan review still stand.

Pylon Sign Review: The proposed pylon sign meets Zoning Ordinance requirements, therefore staff would recommend approval of the new pylon sign, subject to the condition that a building permit be obtained prior to installation.

\*\*\*\*\*End of staff memos\*\*\*\*\*

City Engineer Memo:

**City Engineer: Mike Nielson (WSB & Associates, Inc) Memo dated July 10, 2014**

Revised site plans were submitted by Alliant Engineering, dated 7/7/2014. The plans include Sheets C-0, Existing Topo and Sheets C1-C4, L-1 and L-2. Storm water calculations have also been submitted for the proposed storm sewer system.

**General Comments:**

The previous comments noted that the applicant has removed a series of 3 catch basins and a 24" pipe that drains to the existing stormwater pond adjacent to Rum River Drive that was not replaced in the original submission. The revised plans have replaced the existing pipe 24" storm sewer pipe with a 24" pipe. The revised plan maintains the 5 catch basin inlets that previously existed. No calculations were provided, but drainage does not enter city streets. Any drainage capacity issues will be the responsibility of the owner to address.

**Sheet C-0 – Cover Sheet (No Comments)**

**Sheet – Alta Survey**

Comments Addressed.

**Sheet C-1, Site Plan**

Parking lot flow has been revised to a one way concept directing traffic to the south where cars will queue up for the drive through or proceed into parking areas. This concept is acceptable. The site appears to be adequately signed to direct traffic.

**Sheet C-2 – Grading and Drainage Plan**

1. No additional Comments. The previous comments have been addressed.

**Sheet C-3 – Utility Plan**

1. Add to Note 10. All underground utility work to be inspected by the City and Public Utility. 28 hour notice to be given prior to starting work.

**Sheet C-4 Detail Sheet**

1. Comments Addressed.

**Sheet L-1, Landscape Plan**

Comments Addressed.

Sheet L-2, Photometric Plan – Plan submitted.

\*\*\*\*\*End of City Engineers memo's \*\*\*\*\*

Maleah M. Miller, Project Manager for Caribou Coffee submitted the following memo dated July 7, 2014:

Subject: Amend Approved Site Plan Review for Caribou Coffee

Alliant Engineering is requesting to amend the Site Plan Review documents for the Caribou Coffee project that were previously approved before the Planning Commission meeting on June 16, 2014.

Caribou Coffee proposes to construct a 2,500 s.f. co-brand hybrid building. The additional 700 s.f. of building is requested to allow for the ability to in the future to convert the existing Caribou Coffee into a Caribou Bruegger's Bagels co-branded store. The additional building area will initially be used for a conference/community room and if in the future a co-brand remodel occurs this area will be converted to a bagel bakery.

The submitted site plan submittal has addressed the Planning Commissions conditions of approval dated June 16, 2014. The following is the response to the conditions of approval per Memorandum dated June 10, 2014:

1. Bicycle rack have been provided near the entrance.
2. Signage: Caribou Coffee is proposing to install a Pylon sign 45' high and 150 sf sign face. The signage application and documents have been submitted at this time for the Planning Commission review and approval process. Permit will be obtained prior to installation.
3. Trash Enclosure will be a 6' high board on board fence painted to match the building EIFS color. Note added to site plan.
4. Additional information has been provided to the City Engineer in regard to sanitary sewer and storm sewer design for their review and approval. Refer to response memo dated 6.13.14
5. The conditions of the City Engineer memo dated June 10, 2014 have been addressed and resubmitted 6.13.14. Alliant Engineering will work with City Engineer to address any new comments due to the revised plans for the approval prior to the issuance of the Building Permit or Certificate of Occupancy.
6. An escrow will be provided, as well as a two-year warranty if digging in the street is required for the sanitary sewer hook-up and will be coordinated with City staff as needed.
7. If access is required within any of the easements, the financial costs of removal and replacements shall be the responsibility of the property owner (parking, trash enclosure, signage, etc). Applicant will work with city staff on an agreement if required.
8. All necessary permits will be applied for and approved prior to construction, including, but not limited to: building, signage, Water Access Charge (WAC), and Sewer Access Charge (SAC).
9. The applicant understands any consultant costs over and above the original escrow fee will be their responsibility.

\*\*\*\*\*End of memo\*\*\*\*\*

Fuhrman does ask that separate motions be made for the revised site plan and another for signage.

Charles Schatz, Project Architect was present and said he was fine with the staff recommendation. He appreciates the consideration of this review.

Mike Nielson, City Engineer was present and said he is fine with the plans.

Heitschmidt asked City staff that with more and more traffic in this area, if anyone has addressed the ramp when entering and exiting the northeast side of the parking lot for McDonald's and Shopko. A low car can bottom out from it.

Nielson said they will remove that with extending the sanitary sewer and it will be adjusted when that is done so it does not slope so much.

Edmonds asked if the right-of-way by Shopko and McDonald's will stay there.

Fuhrman said it was planned for this right-of-way to go to this property site. On the west side of Shopko is a platted street that if the land by Shopko were developed the access would be behind the Shopko building from Northland Drive.

Nielson said he will let the applicants address this easement with McDonald's.

Fuhrman said it is Shopko's easement where this driveway is to enter or exit.

Schatz said McDonald's had utilized that easement for parallel parking, and if we are removing that area, we will most likely do that to the slope there. He might be speaking out of hand for the owner, but he assumes they will fix the situation.

Edmonds said that should be addressed.

Schatz agreed.

Fuhrman said the easement is 24 feet. The question is if it is a city easement or private easement. If they can reach an agreement on not parking there as McDonald's customers have been, that would be the best.

Nielson said the stripping should not be there by McDonalds. We need to have 20 feet clear for the Fire Department. We have a 24 foot easement so there should not be parking there.

Johnson said the City should talk to Shopko and see if they could get an extra eight feet from Shopko to give to McDonalds for parking.

Nielson said worse case is McDonalds removes the stripping and there are "No Parking" signs put up.

Heitschmidt asked if there should be a recommendation on the removal of the stripping McDonald's has in that easement.

Nielson said staff should notify McDonald's that they can no longer park there and if they need more parking to ask Shopko if they could share some more of their parking area.

HEITSCHMIDT MOVED, SECOND BY JOHNSON, TO APPROVE THE CARIBOU COFFEE REVISED SITE PLAN SUBJECT TO THE CONDITION THAT THE PARKING MEET THE THREE FOOT SETBACK FROM PROPERTY LINES, THE CONDITIONS OF APPROVAL OF THE ORIGINAL SITE PLAN REVIEW STILL STAND, AND WITH THE RECOMMENDATION THAT MCDONALD'S WORK WITH SHOPKO RESOLVING THE PARKING ISSUES. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE PYLON SIGN REVIEW WITH THE CONDITION THAT A BUILDING PERMIT BE OBTAINED PRIOR TO INSTALLATION. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**NEW BUSINESS:**

**A. Erdman Automation Building Addition Site Plan Review**

Community Development Director Memo

Background: R.W. Builders, on behalf of Erdman Automation, has submitted a site plan review application for the construction of an addition to an existing building at 1705 14<sup>th</sup> Street South.

The subject property is 2.25 acres, zoned MN-1 Industrial, and designated as Industrial on the Future Land Use Plan. Industrial use aligns with both the zoning and future land use designation.

Analysis: The site contains an 18,000 square foot building with a loading dock and parking area to the north of the building. The Erdman's own the subject lot and both lots immediately adjacent to the east and west. There is a 50 foot easement on the rear of the lot. The project consists of a 17,280 square foot (120' by 143') one-story addition to the rear of the existing building. The addition will be used for production and warehouse. A new parking area will be placed in the northeast corner of the lot, directly to the east of the existing parking lot.

Access/Traffic Flow/Lots: Access is currently provided through one curb cut into the building dock area and parking lot in the northwest corner of the lot.

Two 20-foot asphalt drive aisles are proposed along both sides of the building, both of which widen towards the rear of the building for access to the two overhead side doors. A second curb cut access is proposed directly to the north of the east drive aisle. The proposed west asphalt drive encroaches into the vacant lot to the west, which is owned by the Erdman's as well. If the Erdman's were to sell that lot in the future, it would be their responsibility to establish an easement for the drive aisle, or remove the portion of the drive aisle that encroaches into the adjacent lot.

According to the applicant, any potential future expansions will likely happen to the east of the existing building and onto the vacant lot, also owned by the Erdman's. Adequate room on the current site to accommodate the building addition, parking, drive aisles, and stormwater runoff is tight. If the building were to be added on to further in the future, staff would recommend combining the lots.

**Parking:** The existing parking lot is north of the building with 16 90-degree parking stalls that run north-south. Two parking stalls will be removed for the new access. The new parking area is proposed in the northeast corner of the lot, to the east of the existing parking, with an additional 18 stalls proposed to run east-west. The Code requires 32 parking stalls, which appears to be met by the proposed additional parking:

Manufacturing: Five plus one for each employee on the largest working shift, but not less than one per 1,000 SF.

*Comment: Approximately 12,900 SF is or will be utilized as manufacturing. This requires 12.9 stalls.*

Warehouse: Five plus one for each employee on the largest working shift, but not less than one per 2,000 SF.

*Comment: Approximately 21,510 SF will be utilized as warehouse. This requires 10.8 stalls.*

Office: One parking space for every 250 square feet of useable floor area.

*Comment: Approximately 1,875 SF is or will be office space, requiring 7.5 stalls.*

The new parking area proposes 90 degree parking stalls, which are required to be a minimum of 9 feet by 18 feet with a 26 foot aisle. The northernmost parking stalls appear to be located within the public right-of-way (according to the Elfering drawing), which is not allowed. The layout should provide the northernmost parking stalls adequate room to back out and turn to navigate south to the exit. In addition, parking lots are required to be setback 3 feet from lots lines. These shall be conditions of approval.

**Landscaping:** The landscape plan is attached and proposed five new trees on the north side of the property. Staff would recommend additional bushes or perennials along the west building elevation.

Signage: No signage has been applied for as part of this application. Any new signs will require approval prior to installation. (New freestanding signs require Planning Commission review).

Building Materials: The new addition will be of the same steel material as the existing building and with the same roof line.

City Engineer: The City Engineer has reviewed the site plan application and submitted comments via a memo. Approval of the site plan shall be subject to the conditions and recommendations in the memo.

Conclusion: Based on the above review, staff is recommending approval of the site plan review of the Erdman Automation building addition, subject to the following conditions:

1. If the property owners were to sell the vacant lot to the west in the future, it would be their responsibility to establish an easement for the drive aisle encroachment or remove the portion of the drive aisle that encroaches.
2. The new parking area shall meet the stall size and aisle width requirements. No parking stalls are allowed within public right-of-way. The northernmost stalls should have adequate space to back out and turn south to the exit. The new parking area shall be setback 3 feet from all property lines.
3. Additional bushes or perennials shall be added along the west building elevation.
4. Any new signage shall require approval prior to installation. New freestanding signs require Planning Commission review.
5. The City Engineer and Fire Inspector's conditions and recommendation shall be followed.
6. A building permit shall be submitted and approved by the City's Building Official prior to commencement of construction.

\*\*\*\*\*End of staff memo \*\*\*\*\*

City Engineer Memo:

**City Engineer: Mike Nielson (WSB & Associates, Inc) Memo dated July 11, 2014**

Site plans were submitted by Elfering & Associates, dated 7/7/2014. The plans include Sheets 1- Proposed and Sheet 2, Storm Water Pollution Prevention Plan. Storm water calculations have also been submitted for the proposed storm sewer system. The stormwater calculations were prepared by Elfering & Associates and dated, 7/16/2014.

The plans and stormwater calculations were received via e-mail on 7/16/2014.

**General Comments:** The existing site is 29.5% impervious and the proposed site is 75% impervious. The applicant is proposing to construct a stormwater detention pond on site that will provide 23,510 cubic feet of storage below the 976.00 elevation. The proposed high water elevation is 975.34 and is controlled by a broad crested weir at the southwest corner of the parcel. The first floor elevation for the existing and proposed building is 976.54. This EOF provides 1.20 feet of freeboard from the high water elevation in the pond.

The applicant has used the adjacent vacant lot in the stormwater runoff calculations. As a standalone parcel the stormwater information should be provided using this lot only. At this time I cannot evaluate the proposed stormwater improvements for this development without knowing how future development will affect the runoff.

#### Sheet 1 – Proposed

1. Parking Lot
  - a. The 2 northern stalls are constructed in the public ROW and must be removed.
  - b. The north most stalls do not have a back out area.
  - c. The parking lot does not have the required 3-foot setback from the adjacent lot.
  - d. The bituminous paving for the loading dock area is within the public ROW. The bituminous should be removed from the ROW area.
  - e. 17 Spaces are shown for new parking. The plan should indicate all parking stalls on the property.
2. Fire Access Road
  - a. The fire access road on the west side of the property is on the adjacent parcel. Easements should be provided from the west parcel to the east parcel.
  - b. Clarification from the fire department should be obtained on the width of the access road on the south side. It is shown as 16'. 20' is required.
  - c. If fire trucks need to be able to drive around the building turning radius should be verified and shown on the plan.
  - d. The south fire access road encroaches into the drainage and utility easement. The applicant must be notified that any removal of pavement or other improvements in the ROW must be removed and replaced at no expense to the city when drainage improvements within the easement are required.
  - e. The drainage from the fire access road drains onto the west property. Drainage easements should be provided.
3. Pond Construction
  - a. Roof drain discharge locations should be provided and erosion protection should be provided.
  - b. Turf reinforcement mat should be provided along the fire access road to prevent erosion.
4. Manhole adjustment details must be provided. If the number of rings exceeds 6 a one-foot section of manhole barrel must be provided.

#### Sheet 2 – SWPP

1. Catch Basin inlet protection must be provided for all downstream catch basins.
2. Turf reinforcement mat should be provided on all pond slopes adjacent to the fire access road to prevent washouts.
3. Access to the site should be identified on the plan. If access will be from adjacent lots a rock construction entrance should be provided.

At this time I cannot recommend approval of the site plan as submitted. Additional information must be provided for the stormwater runoff and modifications to the parking area must be completed.

If you have any questions or comments regarding the above information, please contact me at (320) 534-5940.

\*\*\*\*\*End of City Engineers memo's \*\*\*\*\*

Fuhrman said two of the northern most parking stalls are in the right-of-way, so Ron Weyer, R.W. Builders, will have to address that. Also two stalls do not have back out room and he will have to address that. Staff recommends approval with the condition that the northern most stalls have adequate room to move out. No signage is proposed at this time. There was a question on the drive area for the fire lane. It would have to be 20 feet wide, and it would not need to be paved, or it could have a turnaround for the fire trucks for the back corners.

Edmonds asked Ron Weyer who was present on the issues.

Ron Weyer said he will bring the parking downward to fix the parking issue in the right-of-way. He spoke to Chris Wilke, Fire Inspector about the turnaround regulations and the road will have four feet added to the width to make it 20 feet. Wilke said he would like the road to be either gravel, class five, or it can be blacktopped. The west side of the property in regards to the blacktop, the owner understands the two parcels may be combined or if the parcel is sold an easement will have to be addressed.

Mike Nielson, City Engineer with WSB, said there is a 50 foot utility and drainage easement. There is a storm sewer pipe under that and the applicant understands the bituminous would be removed at the applicants cost if it were to need repair in the future.

Weyer said he is okay with all of the staff comments.

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE ERDMAN AUTOMATION BUILDING ADDITION SITE PLAN REVIEW WITH THE FOLLOWING CONDITIONS:

1. IF THE PROPERTY OWNERS WERE TO SELL THE VACANT LOT TO THE WEST IN THE FUTURE, IT WOULD BE THEIR RESPONSIBILITY TO ESTABLISH AN EASEMENT FOR THE DRIVE AISLE ENCROACHMENT OR REMOVE THE PORTION OF THE DRIVE AISLE THAT ENCROACHES.
2. THE NEW PARKING AREA SHALL MEET THE STALL SIZE AND AISLE WIDTH REQUIREMENTS. NO PARKING STALLS ARE ALLOWED WITHIN PUBLIC RIGHT-OF-WAY. THE NORTHERNMOST STALLS SHOULD HAVE ADEQUATE SPACE TO BACK OUT AND TURN SOUTH TO THE EXIT. THE NEW PARKING AREA SHALL BE SETBACK 3 FEET FROM ALL PROPERTY LINES.

3. ADDITIONAL BUSHES OR PERENNIALS SHALL BE ADDED ALONG THE WEST BUILDING ELEVATION.

4. ANY NEW SIGNAGE SHALL REQUIRE APPROVAL PRIOR TO INSTALLATION. NEW FREESTANDING SIGNS REQUIRE PLANNING COMMISSION REVIEW.

5. THE CITY ENGINEER AND FIRE INSPECTOR'S CONDITIONS AND RECOMMENDATION SHALL BE FOLLOWED.

6. A BUILDING PERMIT SHALL BE SUBMITTED AND APPROVED BY THE CITY'S BUILDING OFFICIAL PRIOR TO COMMENCEMENT OF CONSTRUCTION.

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

**COMMUNICATIONS AND REPORTS:**

**A. Verbal Report**

Fuhrman said Fairview has their path done and will be starting construction soon.

Edmonds asked if John Peterson is going to start building in Sharco Estate Second Addition where he wanted to put in the eight single family homes.

Fuhrman said he wants to re-plat that site since he realized it was not feasible for the plat they revised because the sewer charge would be too high.

**B. City Council Minutes for June, 2014**

The Planning Commission had no comments.

HEITSCHMIDT MOVED, SECOND BY JOHNSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:01 P.M.

ATTEST:

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Jack Edmonds, Chairperson

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Mary Lou DeWitt, Comm. Dev. Assistant