

**THE SPECIAL MEETING HELD FOR THE PLANNING COMMISSION ON AUGUST 1, 2011,
AT 7:00 P.M., AT CITY HALL COUNCIL CHAMBERS**

Dave Thompson called the meeting to order at 7:00 P.M. Members present were Mitzi Mellott, Ben Hanson, Jack Edmonds, and Dick Dobson. Staff present were Carie Fuhrman and Mary Lou DeWitt.

PUBLIC HEARING:

#07-11 Variance & Site Plan Review for United States Distilled Products Addition

Jaeger Construction, on behalf of United States Distilled Products has submitted applications for variances and a Site Plan Review in order to construct a 186,181 square foot warehouse building addition on the property described as Lot 1, Block 1, Princeton Industrial Park Third Addition, directly west of USDP's current building operations, located at 1607 South 12th Street. The property is zoned MN-1 Industrial District and contains 10.3 acres. The proposed addition is mostly warehousing and some office space. The subject property is located south of 12th Street South, west of vacated 17th Avenue South, north of 14th Street South, and east of 18th Avenue South.

The applicants are requesting the following variances:

- 1) Side Yard setback of 0 feet (Ordinance requirement is 20 feet)
- 2) Building height of 37 feet (Ordinance Maximum is 30 feet)
- 3) Parking aisle width of 24 feet (Ordinance requirement of 26 feet)

The overall project includes a proposal to connect the new building with the westernmost existing building via two connections. These two connections are proposed to cross over the vacated 17th Avenue South. Because the vacated 17th Avenue South is its own parcel, the proposed buildings connections would essentially cross over two property lines. A variance is required as the side yard setback requirement of 20 feet cannot be met when construction is proposed to take place over the lot line, essentially proposing no setback.

The proposed height exceeds the maximum allowed by Ordinance. The maximum height allowed by Ordinance is 30 feet, while the building is proposed to be 37 feet on the east side and 34 feet on the west side. Staff was made aware of this change on Thursday, July 28, 2011.

In effort to clean up the current parcel situation, Fuhrman is recommending a condition upon approval of the site plan, that the property owners re-plot the affected parcels to either create one parcel or two parcels. The affected lots include: Lot 1, Block 1, Princeton Industrial Park Third Addition; the vacated portion of 17th Avenue South; Lot 1, Block 4, Princeton Industrial Park; and Lot 12, Block 4, Princeton Industrial Park.

The Ordinance requires five parking spaces plus one for each employee on the largest working shift, but not less than one per 2,000 square feet, for warehouse uses and one parking space for every 250 square feet of useable floor area for office use. This would require 100 parking spaces. The site plan meets the required number of stalls as it proposed 115 new parking spaces directly to the north of the building and in between the new and existing building, within the vacated 17th Avenue. The parking area proposed between the existing and new building proposed a 24 foot wide parking aisle. The Ordinance requirement is 26 wide, therefore a variance is required.

In addition to this parking, the applicant is proposing additional parking in another location on the USDP property. This would be located on Lot 10, Block 4, Princeton Industrial Park. This lot proposes 66 parking spaces, for a total of 181 parking spaces. The Ordinance allows providing off-street parking on a noncontiguous lot, if approved by the Planning Commission, provided traffic or land use problems are

not created. Fuhrman recommends as a condition that all new parking areas be hard-surfaced within one year of the date the permit is issued as required by the Ordinance.

The subject property is located in Zone C of the Airport Safety Zones. The height restriction in Zone C states that no structures may be taller than 150 feet above the airport elevation, which is 981.0 feet. The height of the proposed building will be 1,019.0 and below the 1,131.0 restriction

The site plan proposes six loading and unloading spaces which meets the Ordinance requirement of at least five spaces. The spaces are required to be at least ten feet by 50 feet, with a clearance of at least 14 feet in height. This provision shall be met as a condition upon approval.

The Landscape Plan proposes 26 deciduous trees, 20 evergreen trees, 41 deciduous shrubs, 42 evergreen shrubs, and 132 perennials. Fuhrman reviewed the following landscaping requirements per the Ordinance:

1. At least fifteen percent of the land area shall be sodded and landscaped with approved ground cover, shrubbery, and trees. Fuhrman commented that 1.62 acres is required to be sodded and landscaped. Landscaping is proposed on the north side of the north parking lot, directly adjacent to the north side of the building, in the southeast corner of the building, and along the west property line. The remainder of the property is proposed to be seeded and mulched.
2. At least three percent of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscaped area." Fuhrman commented that there is no landscaping proposed to the internal parking area at this time. The landscaping is proposed on the exterior of the parking areas. To meet this requirement, Fuhrman is recommending that at least one "landscaping peninsula" be added to the north parking lot and to the additional parking lot being proposed on Lot 10, Block 4 of the Princeton Industrial Park.
3. Landscaping shall provide for an appropriate mix of plantings around a minimum of 50 percent of the exterior footprint of all buildings. Landscaping shall improve the appearance of the structure and break up large unadorned building elevations. Fuhrman commented that the property owners are proposing to construct an addition to the west of this building in the near future; therefore staff has agreed that the planting requirement on the west side of the building can be moved to along the west property line.

Fuhrman said that the building materials are fine. The Fire Inspector, Chris Wilke, wrote a memo dated June 29, 2011, after meeting with Barry Jaeger. In the memo it noted items that needed to be addressed. Fuhrman said that Wilke has spoken with her since the date of the memo and the items will be addressed by Jaeger Construction.

The applicant has indicated that no signage is proposed at this time, but there is a plan to place signage at the main entry above the door in the future. A condition shall be added upon approval that a sign permit be obtained prior to the installation of any signage.

At this time, the proposed expansion does not require an Environmental Assessment Worksheet. According to Minnesota Rules 4410.4300, Subpart 14, the construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of 300,000 square feet requires a mandatory EAW in a fourth class city. Since the previous expansion was done in the past three years, this also needs to be counted in the total square footage. Although the current expansion does not require an EAW, a future expansion would likely necessitate the need for an EAW.

Fuhrman gave an outline of the variance review. The Statute regarding municipal variance authority was amended in May. The City Code has not yet been amended to comply with the new State statutory requirements; however, statutory language pre-empts inconsistent local ordinance provision, and so the variance requests are being processed under the new State standards. The Findings of Fact reviews have been changed to the new statutory language.

Fuhrman did a review of each variance request based on the updated statutory language:

Variance #1 (Side Yard Setback)

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 using the property in such a manner.

It is not a recommended practice to allow the construction of buildings over property lines which is why lot line setbacks are established. The lots may be owned by the same property owner at the current time, but this situation can easily change in the future. What often results is a difficult situation between adjoining property owners, similar to fences being built on property lines or shared driveway situations. One of the intents of establishing setbacks is to avoid these situations.

The need for the side lot line variance could be avoided if the affected lots were combined into one lot through the platting process. The applicants have indicated they were not in favor of this option because they would like to be able to sell the separate lots off in the future. However, this is still an option. When the time comes, the property owners would re-plate the property and split the lot into two lots. At that time, the building connections would also be removed.

Variance #2 (Building Height)

The applicants have stated that a 34 to 37 foot building height is needed for the following reasons: to allow for 28 feet of clear storage within the warehouse; the ESFR sprinkler system requires a four foot clearance above the storage; and area for the drainage piping is required. Because of the lack of storm capacity on the east side, the roof drainage has to run to the west, which is why they are proposing a sloped roof.

As was stated above, 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 using the property in such a manner. The proposed use as warehousing is clearly using the property in a reasonable manner. The practical difficulty in this case, not caused by the property owner, is the potential drainage and runoff issues. Generally, the intent of building height restrictions is for fire protection/prevention and architectural aesthetics. In this area, the concern regarding the Airport Fly Zone also comes into play. The building has been reviewed by the Fire Inspector for fire prevention measures, and the height is well below the Fly Zone requirements. In regards to aesthetics, it can be argued that the effect is less intrusive as it varies from 34 to 37 feet and is not a consistent 37 foot height.

Variance #3 (Parking Aisle Width)

The new building is proposed to be approximately 60 feet apart from the existing building, which reduces the space available for the parking spaces and drive aisle. Two 18 foot stall lengths, along with

a 26 foot wide drive aisle, would require the buildings be 62 feet apart. If the building were moved two feet to the west, or if only one strip of parking spaces were proposed, there would not be a need for a variance. Only one strip of parking spaces would reduce the number of parking stalls by 20, but the total proposed still meets Ordinance requirements.

Fuhrman summed up her conclusion and recommendation for the four applications as follows:
Variance for Encroachment onto Side Yard Setback: Fuhrman would recommend denial of the side yard variance request, based on the following findings: the proposal is not in harmony with the general purposes and intent of the zoning ordinance; the applicant has not demonstrated that there are practical difficulties unique to the property, not created by the property owner; and the need for the variance can be avoided if the four lots are combined into one lot through the platting process.

If the Planning Commission finds that the applicants do meet the standards for variance review standards, Fuhrman would recommend the following conditions be placed upon the variance approval:

1. The four affected lots be re-platted into two lots, resulting in the shared property line down the vacated 17th Avenue South, and the lot line be established so that the "main portion" of both buildings meet the side yard setback requirement.
2. The two building connections be removed if and when one of the affected lots is sold to a different property owner; and
3. These conditions should be added as a part of the Developer's Agreement.

Variance for Exceeding the Maximum Building Height: Fuhrman would recommend approval of the building height variance request, based on the following findings: the plight of the landowners is due to the need to address potential drainage and runoff issues, not created by the landowner; the variance is in harmony with the general purposes and intent of the ordinance; the variance is consistent with the comprehensive plan; the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; and the variance will not alter the essential character of the locality.

Variance to the Required Parking Aisle Width: Fuhrman would recommend denial of the parking aisle width variance request, based on the following findings: the proposal is not in harmony with the general purposes and intent of the zoning ordinance; the applicant has not demonstrated that there are practical difficulties unique to the property and not created by the property owner; and the need for the variance can be avoided if the building is moved two feet to the west or if only one strip of parking spaces is provided.

Site Plan Review: Fuhrman would recommend if the building height variance is approved, she would recommend approval on the Site Plan Review, based on the findings that the proposal meets the Ordinance requirements, conditions upon the following:

1. The four lots (Lot 1, Block 1, Princeton Industrial Park Third Addition; the vacated portion of 17th Avenue South; Lot 1, Block 4, Princeton Industrial Park; and Lot 12, Block 4, Princeton Industrial Park) be combined into one lot through the platting process prior to the Certificate of Occupancy being issued.
2. All new parking areas shall be hard-surfaced within one year of the date the permit is issued, as required by Ordinance.
3. The loading spaces shall be at least ten feet by fifty feet, with a clearance of at least 14 feet in height.
4. Prior to the installation of any signage, a sign permit shall be obtained.

5. At least one "landscaping peninsula" shall be added to the north parking lot and to the additional parking lot being proposed on Lot 10, Block 4 of the Princeton Industrial Park to meet the requirement that at least 3% of the internal parking area be landscaped.
6. Any conditions and comments from the City Engineer, PUC, Public Works, Fire Inspector, other staff, and Planning Commission.

Barry Jaeger, Jaeger Construction, was present and said the height of the addition will be approximately 36 ½ feet on one side and 32 feet on the other.

Mike Nielson, City Engineer with WSB, was present and went over his memo of August 1, 2011. The memo reads as follows: I have reviewed the Boundary Survey dated June 16, 2011, and the REVISED Grading, Drainage and Erosion Control & Utility Plan dated July 25, 2011, prepared by Rehder and Associates, Inc. as well as the Lighting Plan submitted by Collins Unlimited Electrical + Technology Solutions and Davis & Associates, Inc. All plans will need to be signed by a Licensed Professional Engineer prior to approval.

Below are the comments that still need to be addressed and made of condition of the Planning Commission Approval.

Site Plan

1. Utility Construction in the 17th Avenue Right-of-Way.

a. Sanitary Sewer

- i. The City will retain a utility easement for the existing sanitary sewer and any needed future improvements including the construction of a forcemain to serve future development.
- ii. The existing 10" sanitary sewer should be televised prior to construction to determine the need for repairs. Any needed repairs should be completed prior to building construction.
- iii. A casing pipe around the sanitary sewer under the proposed building Link was discussed and was required by previous agreements. As an alternative the City could accept a waiver of future assessment for costs to directional drill, slip line or construct or repair the sanitary sewer under the Links by other alternative methods.
- iv. Manhole castings should be raised to 977.26 matching the entry door elevation of the existing building to provide flood proofing.
- v. All unused sewer services should be removed and plugged at the main to prevent ground water entry and future repairs. The televising of the sanitary sewer will indicate if there is an infiltration problem to determine if this needs to be done at this time or can be completed at a later date. This should also be included in the waiver of assessment if it is not done at this time.

b. Watermain

- i. The existing 10" watermain will become private and must be maintained by the owner to provide adequate fire protection capacity. The PUC will retain ownership up to the gate valves on the north and south ends of 17th Avenue.
2. Storm Sewer – The following are comments addressing the USDP Warehouse Plans dated 7/25/2011:
- The existing 24" storm sewer is at capacity now and will require being upsized to handle additional drainage. The current HWL of the pond near 12th Street and 17th Avenue is reaching the roadway with a two year rainfall event. This project was identified in the Industrial Park Stormwater Study completed in January of 2011.
 - The proposed storm sewer modification between the LINKS's is a cause for concern. The proposed links do not allow water to flow under them. A secondary storm pipe should be laid under the south

Link to provide additional capacity for storms greater than the existing 24" storm pipe can handle. The discharge for the secondary pipe would be over ground to the south.

-Maintenance responsibilities for stormwater facilities should be formalized in a maintenance agreement prior to construction.

The following are some "Big Picture" items relating to the USDP Warehouse Plans for your consideration:

-Instead of the on-site NURP/infiltration basin, a regional facility could be constructed in the swale located southwest of the proposed USDP Warehouse site (this property is owned by the City and is identified in the Industrial Park Drainage and Water Quality Improvements Feasibility Report as a future regional treatment facility). This facility would provide treatment to the proposed USDP site and would also for future development on USDP property.

-The 24-inch RCP storm sewer is at full capacity and will need to be upsized in the future to account for additional drainage (the HWL of the pond located at 12th Street and 17th Avenue during a two year rainfall event approaches the adjacent roadway).

We have discussed the possibility of constructing the regional city stormwater pond and related improvements with USDP and they are in agreement that would be a best case scenario.

Nielson would recommend that the plan be approved with the modifications as outlined above and with the understanding that if the City can move forward with the regional improvements on a schedule that would allow USDP to eliminate their on-site plan that would be in the best interest of the Industrial Park, USDP, and the City. These conditions should be included into a development agreement reviewed by the City Attorney.

Nielson also spoke briefly on his memo dated July 14, 2011. In summary the exterior lighting requirements for the parking areas and building access and how the lighting plan meets these requirements. The requirements are documented in the Princeton Public Utilities Street Lighting Standards dated May 1, 2006 for a Parking Facility and Exterior Lighting. Nielson has reviewed these standards with Jaeger Construction.

Nielson said that if new pipes are needed they would first try the trenchless method and USDP would pick up the cost to have this done. The services there are being televised, if there is any leaking that needs to be plugged, they would try to repair with the trenchless method as much as possible before having to dig them up. The televising of the sanitary sewer will indicate if there is an infiltration problem to determine if this needs to be done at this time or can be completed at a later date. This should also be included in the waiver of assessment if it is not done at this time. The pond in the plans would take a large amount of land that could be used for future additions. Nielson suggest to relocate the overflow to a drainage ditch along 18th Avenue South that goes to a 12th Street Pond. There is also a dry pond that is on 19th Avenue South that goes in a Zone A at the Airport. The Airport does not like having wet ponds. Nielson asked Barry Jaeger when they believe the completion on the addition would be.

Jaeger said the completion for this would be February 2013.

Nielson suggested moving forward with the Feasibility Study and USDP sign a Developer's Agreement and in there it should state that if there are any utility repairs or updates, USDP will be paying for them. Maintenance responsibilities for stormwater facilities should be formalized in a maintenance agreement

prior to construction. Nielson also stated that water can not flow under the current link so catch basins would need to be installed.

Jaeger said there are two catch basins in between the links.

Nielson said those catch basins are so full right now that overflow needs to be increased. He suggested that a culvert be put in with a structure on each end. Then it could bypass and run down to 14th Street South.

Koen Vanmeeteren, was present and owns property next to this site. He is concerned about the impact of runoff from this site to his property. Currently there is a lot of truck parking along the street and is concerned with this addition that there will be more. The land he owns is bare land and is wondering if either of these items would reduce the value of his property.

Nielson said they are addressing the drainage and this should not be an issue for any surrounding properties. Nielson pointed out areas on his overview map that show drainage and water improvements.

Todd Geisness, USDP Representative, responded to the parking issue. Geisness said that the shipping would be from the new warehouse and the docks would be far enough back that the trucks will not be stacked up on the streets. The receiving would go around to where they currently are using for shipping. This should take care of any truck parking on the streets.

Vanmeeteren asked if the City is still interested in expanding the pond by Erdmans.

Nielson said they would want to do so on less valuable property.

Vanmeeteren commented that his building plans have changed and he would be willing to sell one of his lots to the City for the use of a pond.

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

Mellott asked the applicants if they would re-plat.

Geisness said he does not want to re-plat. If they sell this building sometime in future, then it would have to be re-platted again.

Thompson commented that in years to come the current Planning Commission Board will not be on the Board anymore and how will the next Board understand the reason for allowing the building links to cross property lines. He does not want to set precedence on this. He does not see the hardship in this situation to allow the variance.

Hanson asked the applicants if it is the process and the cost that is their reasoning not to want to re-plat.

Jaeger said it would be additional cost along with going through another application process. If the links are removed then they would meet all the setback requirements.

Thompson said there is existing building of USDP's that is currently on the property line.

Geisness said that had been allowed.

Thompson said because it was allowed in the past does not mean they have to allow it now.

Fuhrman said there are two lots on the east side of 17th Avenue South that USDP has a building on it which this proposed addition would be connected to. Fuhrman suggest that the building and proposed expansion be re-platted to one lot.

Jaeger suggested that the building and part of road on one lot and the other building and part of road on another lot. It would meet all setbacks with taking down the two links.

Hanson asked if the Planning Commission Board does not recommend combining all four lots, would they still want to go ahead with wanting to build the expansion as they have it on the plans.

Jaeger said yes. They have to meet building fire code by being 60 feet away.

Mellott questioned Fuhrman if the links were not there then it would meet the Ordinance requirements, but it is the links between the two buildings that is causing the issue.

Fuhrman said yes, the two links are going over the lot lines.

Edmonds asked if in the future USDP sold this new addition, if the links would be removed at the time of sale.

Jaeger said yes, they would be removed. They will be precast and just pull away.

Fuhrman said she can not recommend approval for this variance for side yard setback because the crossing over property lines.

Hanson asked the applicants would the addition work without the links.

Geisness said that would not work. Conveyors eventually would carry the product from one building to another.

Dobson commented the he does not like setting the precedence on this either.

Geisness does not understand how this would be setting a precedence if the links are removable.

Thompson said they are crossing property lines.

Jaeger suggested that it could be put in the Developers Agreement that the links come down if this addition is ever sold.

Fuhrman agreed that could be in the Developers Agreement.

Hanson commented that neither party would want the connections if sold. He does struggle with the idea that even if this situation is not making a precedence, his concern is the negative impact of building across lot lines. If someone else built across a lot line it would be recommended not to allow it because of the Ordinance. At what point does the City allow a business to increase verses stepping in the way of it increasing.

Fuhrman said she understands. She has spoken about this with the applicant, City Attorney, and County office. She is not looking at the process of the addition stopped, she is asking the applicants to re-plat the site so it is in the Ordinance guidelines.

Nielson questioned if we have an Administrator Lot Split.

Fuhrman said the City does not have it for this type of situation. She will be looking into it and bringing it in the future for the Planning Commission to review where a survey is not required. The one we have now requires a survey.

Edmonds would like the vacated road put in the platting.

Fuhrman said that a cleaned up plat would show the vacated road divided properly.

Dobson asked if the Ordinance were to create an Administrative Lot Split where you did not need a survey, how does that work with re-platting.

Fuhrman said the property owner would have a draftsman create a meets and bounds plat.

Mellott asked on the additional parking area if it needs to move over two feet would that mean the new building would have to be back two feet to the west.

Fuhrman said yes that is correct. One strip of parking spaces instead of moving two feet to the west is what the applicant wants to do.

Geiness said they are willing to re-plat this area with the proposed addition.

The Planning Commission Board and the applicants discussed re-platting and decided on re-platting the proposed building site, Lot 1, Block 1, & W ½ of vacated 17th Avenue South, Princeton Industrial Park Third Addition, as one property identification number. Currently the vacated 17th Avenue South is on its own lot and this will split that vacated street to each adjoining lot. The other lot when then put re-plated with combining Lot 1, Block 4 & N ½ of E ½ of vacated 17th Avenue South, Princeton Industrial Park

with Lot 12, Block 4 & S ½ of E ½ of vacated 17th Avenue South, Princeton Industrial Park. This would clean up the plat that would create two separate lots.

Variance Motion for side yard setback:

MELLOT MOVED, SECOND BY EDMONDS TO APPROVE THE VARIANCE REQUEST TO THE SIDE YARD SETBACK REQUIREMENT IN ORDER TO ESTABLISH A SETBACK OF 0 FEET UNDER ITEM #07-11, WITH THE FOLLOWING CONDITIONS: THE EXISTING FOUR LOTS (LOT 1, BLOCK 1, PRINCETON INDUSTRIAL PARK THIRD ADDITION; THE VACATED PORTION OF 17TH AVEUNE SOUTH; LOT 1, BLOCK 4, PRINCETON INDUSTRIAL PARK; AND LOT 12, BLOCK 4, PRINCETON INDUSTRIAL PARK) BE RE-PLATTED INTO TWO LOTS, RESULTING IN THE SHARED PROPERTY LINE DOWN THE VACATED 17TH AVENUE SOUTH, AND THE LOT LINE BE ESTABLISHED SO THAT THE "MAIN PORTION" OF BOTH BUILDINGS MEET THE SIDE YARD SETBACK REQUIREMENT; THE TWO BUILDING CONNECTIONS BE REMOVED IF AND WHEN ONE OF THE AFFECTED LOTS IS SOLD TO A DIFFERENT PROPERTY OWNER; AND THESE CONDITIONS BE ADDED AS PART OF THE DEVELOPER'S AGREEMENT. UPON THE VOTE, THERE WERE 4 AYES, (MELLOTT, EDMONDS, HANSON, AND DOBSON) AND 1 NAY (THOMPSON). MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

The Planning Commission may issue variances from the provisions of the City's Zoning Ordinance. A variance is a modification or variation of the provisions of the Zoning Ordinance as applied to a specific piece of property.

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.

The Planning Commission determined that these conditions are adjusted primarily because the connections are temporary and it is within the Industrial Park.

Jaeger commented that all the utilities are down the vacated road and those utilities can not be put over the road so that vacated road is unbuildable land because of the utility easement.

Variance Motion for Building Height:

DOBSON MOVED, SECOND BY HANSON TO APPROVE THE VARIANCE REQUEST TO THE BUILDING HEIGHT REQUIREMENT IN ORDER TO CONSTRUCT THE BUILDING 37 FEET IN HEIGHT UNDER ITEM #07-11. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Edmonds suggested that the Ordinance should be reviewed for under the Industrial Zoning section to be more accommodating.

Fuhrman agrees and will look into this.

The Planning Commission Board reviewed the Findings of Fact:

The Planning Commission may issue variances from the provisions of the City's Zoning Ordinance. A variance is a modification or variation of the provisions of the Zoning Ordinance as applied to a specific piece of property.

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.
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 locally? Yes.

Variance for Parking Aisle Width:

HANSON MOVED, SECOND BY MELLOTT TO DENY THE VARIANCE REQUEST TO THE PARKING AISLE WIDTH REQUIREMENT UNDER ITEM #07-11, IN ORDER TO CONSTRUCT A PARKING AISLE 24 FEET WIDE. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

The Planning Commission may issue variances from the provisions of the City's Zoning Ordinance. A variance is a modification or variation of the provisions of the Zoning Ordinance as applied to a specific piece of property.

1. Is the variance in harmony with the purpose and intent of the Ordinance? No. Does not meet the minimum setback and width requirements as submitted for approval.
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.

If all answers are Yes, the criteria for granting the variance have been met. Facts supporting the answer to each question, above, are hereby certified to be the Findings of the Board of Adjustment. Denied.

Jaeger asked if the plans could be changed to have the parking between the buildings where they meet the Ordinance requirements and receives Staff approval.

Site Plan Review for USDP Addition:

DOBSON MOVED, SECOND BY HANSON TO APPROVE THE SITE PLAN FOR THE USDP ADDITION WITH THE FOLLOWING CONDITIONS: THE EXISTING FOUR LOTS (LOT 1, BLOCK 1, PRINCETON INDUSTRIAL PARK THIRD ADDITION; THE VACATED PORTION OF 17TH AVENUE SOUTH; LOT 1, BLOCK 4, PRINCETON INDUSTRIAL PARK; AND LOT 12, BLOCK 4, PRINCETON INDUSTRIAL PARK), BE RE-PLATTED INTO TWO LOTS, RESULTING IN THE SHARED PROPERTY LINE DOWN THE VACATED 17TH AVENUE SOUTH PRIOR TO

A CERTIFICATE OF OCCUPANCY BEING ISSUED; REVISED PLANS SHOWING THE CHANGE IN THE PARKING BETWEEN THE BUILDINGS THAT MEETS ORDINANCE REQUIREMENTS AND RECEIVES STAFF APPROVAL; ALL NEW PARKING AREAS SHALL BE HARD-SURFACED WITHIN ONE YEAR OF THE DATE THE PERMIT IS ISSUED; THE LOADING SPACES SHALL BE AT LEAST 10 FEET BY 50 FEET, WITH A CLEARANCE OF AT LEAST 14 FEET IN HEIGHT; PRIOR TO THE INSTALLATION OF ANY SIGNAGE, A SIGN PERMIT SHALL BE OBTAINED; AT LEAST ONE LANDSCAPING PENINSULA SHALL BE ADDED TO THE NORTH PARKING LOT AND TO THE ADDITIONAL PARKING LOT BEING PROPOSED TO MEET THE REQUIREMENT THAT AT LEAST 3% OF THE INTERNAL PARKING AREA BE LANDSCAPED; AND ALL CONDITIONS AND COMMENTS FROM THE CITY ENGINEER, PUC, PUBLIC WORKS, FIRE INSPECTOR, OTHER STAFF, AND THE PLANNING COMMISSION. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

It was decided that the items of the storm water maintenance responsibilities and ownership of the watermain and sanitary sewer be brought to the City Council for their recommendations and approval.

DOBSON MOVED, SECOND BY HANSON TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. THE MEETING ADJOURNED AT 8:35 P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant