

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON AUGUST 15, 2016,
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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

APPROVAL OF MNUTES OF REGULAR MEETING ON JULY 18, 2016

ZIMMER MOVED, SECOND BY GOENNER, TO APPROVE THE MINUTES OF JULY 18, 2016. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:

DeWitt requested to add Princeton Speedway to New Business.

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

PUBLIC HEARING:

A. #16-07 Variance at 1207 7th Avenue North

Community Development Director Memo:

BACKGROUND

Cindy and Jeremy Riddle and Bob and Jenny Gerold have submitted an application to the City of Princeton for a variance to decrease the minimum lot width requirement from 80 feet to 50 feet. The variance is needed by the property owner in order to split the lot without removing the existing accessory building from the parcel it is intended for. The newly split lot would not meet the required lot width and therefore a variance of 30 feet is being requested.

ANALYSIS

The property is located at 1207 7th Avenue North and legally described as S 12 RDS of E 40 RDS of N ½ of NE of NW, SEE 1/13/76 Survey, Section 28, Township 36, Range 26, PID #24-028-1900. City of Princeton, Mille Lacs County. This location is zoned R-1 Single Family Residential. The intent of R-1 is to provide for an environment of predominantly low density one-family detached dwellings along with other with other residentially-related facilities which serve the residents in the district. The average gross density for this district is 3 units per acre or less.

The applicants are proposing to divide the existing approximately 3 acre parcel into two lots. One lot would be just under one acre and include the current single-family home including a detached garage and an additional accessory building. A second lot would be approximately 2 acres and is proposed to accommodate a future single-family residence. Under the applicant's proposal, the future and existing lots would not share a driveway but would both be accessed

by 7th Avenue North.

Any newly created lots within the neighborhood must comply with all minimum lot requirements include in the Zoning district's development regulations. Included in these requirements are minimum lot width. The minimum required lot width is 80 feet. The lot as currently configured has width of 198 feet, as well as road frontage of the same. Minimum lot width is measured at the building setback line.

The current configuration of the property has the existing single family home, the detached garage and the accessory building at the front (East) portion of the property extending from the northern property line to approximately 140 feet toward the south property line. If the parcel was split at the required 80 foot width, the accessory building would be on the new parcel.

Due to this circumstance, the proposed lot split would create a flag lot that would be required to access the rear (West) portion of the parcel. A flag lot includes a long linear, unbuildable connection of land between the road and the buildable area used to meet the lot width requirements. This type of lot is not generally ideal, as it can be somewhat more difficult to enforce zoning and other safety regulations.

The first parcel would have road frontage and lot width of 145 square feet. The second parcel would have 50 foot road frontage and lot width on the east side. This 50 foot wide connection of land would go westerly for approximately 209 feet then widen out to the 198 foot width after it was past the first lot.

The City of Princeton does not currently have a policy that prohibits the creation of this type of lot. Although this request does not meet the minimum lot width standard, it cannot be split as proposed without a variance for width.

It is believed, by the City Staff, that this lot was platted incorrectly and was unintentionally inaccessible from the south as the result of the original subdivision of the tract.

Due to this circumstance, Staff recommends that Planning Commission approve the variance and lot split.

GENERAL VARIANCE REVIEW STANDARDS

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

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

Comment: Yes- The variance is in harmony with the general purposes and intent of the zoning ordinance.

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

Comment: Yes- It appears the variance will remain consistent with the Comprehensive Plan.

3. *Does the property owner propose to use the property in a reasonable manner not permitted by the zoning ordinance?*

Comment: Yes- the property owner propose to use the property in a reasonable manner not permitted by the zoning ordinance.

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

Comment: Yes- There are circumstances unique to this property not created by the landowner.

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

Comment: Yes- Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.

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

Comment: Yes- The request for this variance is due to the width to depth ratio of the parcel, the existing accessory building placement and unintentional inaccessibility. The granting if the variance will allow the property owners to use the lot in a more effective way, and provide additional residential opportunity.

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

Memo from Connie Wangen, General Manager for Princeton Public Utilities Commission:

July 29, 2016

Jeremy & Cynthia Riddle (The letters were addressed to each property owner)
Robert & Jennifer Gerold

Re: Water Service at 1207 7th Avenue North

Dear Robert and Jennifer Gerold (Jeremy and Cynthia Riddle)

At the Princeton Public Utilities Commission meeting on Wednesday, July 27, 2016 the Princeton Public Utilities Commission Board approved the following Motion: Not allowing the use of the second water service stubbed in at 1207 7th Ave. N., Princeton. This means you are not allowed to connect to this water stub even if a lot split is allowed.

Within the past month Princeton Public Utilities (PPU) discovered this second water service was stubbed in last fall during the construction and installation of the water main on 7th Avenue N. The installation of this second stub to 1207 7th Avenue N. The project was approved for one water service stubbed into this property for connection to the home on this address.

Your request to install this water service was not brought to the Princeton Public Utilities Commission, who is in charge of the Public Water System in Princeton, prior to the time of installation nor at any time during the project.

PPU has been informed since discovering this extra water service, both by Cynthia Riddle on Thursday, July 21, 2016 at the PPU office and in a letter by email from Mark Karnowski,

Princeton City Administrator, that at the time of your request and installation of this water service stub you did not own the property yet.

Connie Wangen

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

Memo from Michael Nielson, WSB City Engineer

Dated: July 22, 2016

Re: Planning Commission Questions
7th Ave. N. – Extra Service Installation
WSB Project No. 02257-100

Jolene had asked that I comment on the decision to install an additional service at 1207 7th Street North for the Planning Commission.

The parcel at 1207 7th Street North has the potential to be subdivided into 2 lots. Given the depth of the lot this lot has the potential to be split with the only street access and sewer access available from 7th Street North. It is also my understanding that the decision to install this service or not to install had to be made within hours of the concern being raised.

I agree with the decision to install/the service for the following reasons.

1. Mille Lacs County has a policy of not cutting into a newly paved streets for a minimum of 5 years to avoid unnecessary maintenance cost due to the excavation.
2. The cost to complete the work after the roadway was paved would most likely be in excess of \$15,000 to \$20,000 due to the depth of sewer and the amount of payment that would need to be removed to install a sewer service.
3. Traffic would be required to be detoured around 7th Street to install the sewer and water services on two different days. One day to install the services and one day to re-pave the roadway.

While the decision to add extra services is always based on an educated guess as to whether it will ever be used, I usually recommend adding them for economic and convenience reasons as noted above.

I have looked at the actual cost to install the additional sewer and water service at 1207 7th Avenue North.

The costs are as follows;

8" x 4" Wye	1	\$540.00	\$540.00
4" PVC Sanitary Sewer Service Pipe SDR 26	33	\$15.00	\$495.00
1" Corporation Stop	1	\$325.00	\$325.00
1" Curb Stop	1	\$595.00	\$595.00
1" Type K Copper	43	\$10.00	\$430.00
Total Construction Cost =			\$2,385.00

It would be my recommendation that no reductions or subsidy as proposed for the residential lots on this project be applied to the second service for this lot and the full cost for this work in the amount of \$2,385.00 is added to the assessment for 1207 7th Avenue North.

If you have any questions, please call.

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

Email from Jeremy Riddle (applicant) to Jolene Foss (Comm. Dev. Director) and Mark Karnowski (City Administrator) on August 15, 2016

Greetings Mark and Jolene,

I understand that Connie insisted her letter stating they would deny use of the utility stub is included in the packet for tonight's Planning Commission meeting. In all fairness I think a copy of the state statute at the link provided here should probably be included as well. I think it should also be noted to the commission that there are permitted uses that don't require water to be hooked up and they shouldn't consider water accessibility in their decision of whether or not to grant the split.

<https://www.revisor.mn.gov/statutes/?id=216B.04> states that "Every public utility shall furnish safe, adequate, efficient, and reasonable service; provided that service shall be deemed adequate if made so within 90 days after a person requests service."

I'm sorry you guys ended up having to wade through what appears to be a personal issue, but hopefully the commission can focus on the technical aspects of things and not personal feelings.

Thanks, I hope you have a good rest of the day.

Jeremy Riddle

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

Foss said she had a conversation with staff and it is believed that there should have been access from the back of this lot and it was unintentionally platted where you cannot get to the back of the property. She did an overview of Connie Wangen's memo, City Engineer's memo, and Jeremy Riddle's email. She supports the variance and lot split.

Zimmer asked when that area was platted.
Foss did not know the date, but it was a long time ago.

DeWitt thought it was around the early 1980's.

Reynolds opened the public hearing.

Aaron Julson, 1205 7th Avenue North said he called City Hall and Princeton Public Utilities and asked questions on the second stubbing. They could not answer how the second stubbing was put in. He is okay with the lot split, but does not support a home being built because of what has been done with another connection being put in without anyone being aware of it. He said Princeton Public Utilities went out and inspected 1207 7th Avenue North and seen a second stubbing was put in without them knowing of it.

Foss mentioned the memos written by the Princeton Public Utilities, City Engineer, and Riddle with the State Statue. She believes the process informing the Princeton Public Utilities was not standard and that is with the Administrator and City Council.

Reynolds said in the memo from Princeton Public Utilities that they will not allow them to use the second connection.

Foss said yes, the Princeton Public Utilities stated that in their memo.

Susan Bialka, 1205 7th Avenue North said she is okay with the lot split, but why would they go ahead with the lot split when you cannot build a home on it. What is the purpose of going through the lot split.

Foss said a neighboring property could buy it for an accessory building.

Bialka said she had done research on this and the North Oaks Addition did not plan to have this property site in the platting. This property is a foreclosed house and on October 7th, 2015 when the bid was accepted to RL Larson, the bank owned the property at that time. There was suppose to be eight stubs put in and there was nine. The extra stub was put in without the Princeton Public Utilities and the Council's knowledge. That decision was addressed by the Princeton Public Utilities when they seen the extra stub.

Foss said the process of the stubbing is outside the decision of the lot split and variance.

Jeremy Riddle, applicant said he is available for any questions.

Zimmer said the Princeton Public Utilities sent the letter notifying them that they will not hook up the stub that was put in. He asked Riddle if he understood this.

Riddle said yes, he believes it is against State Statute and that they cannot deny hookup.

Zimmer said the Planning Commission's decision tonight is solely on the variance and lot split. It is not how the extra stub was put in.

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

ZIMMER MOVED, SECOND BY GOENNER, TO APPROVE ITEM #16-07 VARIANCE TO THE 80 FOOT MINIMUM LOT WIDTH REQUIREMENT IN THE R-1 ZONING DISTRICT FOR A PROPOSED LOT SPLIT TO BE REDUCED TO 50 FEET AT 1207 7TH AVENUE NORTH. UPON THE VOTE, THERE WERE 3 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.
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.

Reynolds mentioned to the applicants that at the July 18, 2016 meeting, the applicant's said the back half of the property is filled with buckthorn and that is a violation of the Weed Ordinance. This is a noxious weed and spreads fast. Please remove all of the buckthorn and let the City staff here know that it has been taken care of.

Riddle said they would.

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

This is continued from the July 18, 2016 Planning Commission meeting where the item was tabled and to continue the public hearing for the August 15, 2016 Planning Commission meeting for the applicant to apply for a variance for a 50 foot minimum lot width to make this a conforming lot as stated in the City of Princeton Zoning Ordinance. The Zoning Ordinance states that 80 feet is the minimum lot width.

Bob & Jenny Gerold and Jeremy & Cindy Riddle are the applicants for the proposed Lot Split. The site is located at 1207 7th Avenue North and is zoned R-1, Residential Single Family Zoning District. The proposed lot split would be splitting the land of 1207 7th Avenue North into two separate lots. Parcel A has the house and the proposed split is Parcel B on the southwest side of the property. Parcel A will have its current access. This parcel has made another access that is dirt and is close to the proposed access of Parcel B. Staff suggest for safety, that the dirt access is seeded so it is no longer used.

This proposed lot split does create a flag lot where it would be a long lot where the road frontage is 50 foot for approximately 209 feet and then widens to the west to a 198 foot lot width. This type is not ideal because it makes it more difficult to enforce zoning and other safety regulations. The variance was approved to allow a 50 foot lot width instead of the required 80 foot minimum lot width.

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

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

Zimmer said he had not heard anything of opposition from the public hearing on the proposed lot split.

ZIMMER MOVED, SECOND BY GOENNER, TO APPROVE AND FORWARD TO THE CITY COUNCIL FOR FINAL APPROVAL OF ITEM #16-06 LOT SPLIT AT 1207 7TH AVENUE NORTH. LEGALLY DESCRIBED AS S 12 RDS OF E 40 RDS OF N ½ OF NE OF NW, SEE 1/13/76 SURVEY, SECTION 28, TOWNSHIP 36, RANGE 26, PID #24-028-1900, WITH THE FOLLOWING CONDITIONS:

1. THE APPLICANTS MUST FOLLOW THE PERMITTED USE AND REGULATIONS OF THE R-1 ZONING DISTRICT.
2. THE TEMPORARY DRIVEWAY ON PARCEL A (1207 7TH AVENUE NORTH) SHOULD BE VACATED WHERE SEEDING IS ADDED FOR THE PURPOSE OF SAFETY.
3. IF THERE IS A DRIVEWAY INSTALLED FROM 7TH AVENUE NORTH TO THE NEWLY SPLIT LOT, A DRIVEWAY PERMIT MUST BE APPLIED FOR AND APPROVED FROM MILLE LACS COUNTY.
4. IF A DRIVEWAY IS INSTALLED FOR THE NEWLY SPLIT LOT, A 24 FOOT WIDTH DRIVEWAY SHOULD BE INSTALLED FOR EMERGENCY VEHICLES BECAUSE THE LENGTH OF THE LOT.
5. PRINCETON PUBLIC UTILITIES COMMISSION REQUEST THAT THE WATER LINE CONNECTION BE KEPT EXPOSED.
6. PRINCETON PUBLIC UTILITIES COMMISSION WILL NOT ALLOW THE USE OF THE SECOND WATER SERVICE THAT WAS STUBBED IN AT 1207 7TH AVENUE NORTH.
7. THE WATER AND SEWER FEE FOR THE SECOND CONNECTION AND ASSESSMENTS SHOULD BE PAID BY THE APPLICANT.

UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

Zimmer told staff for the future he would like flag lots addressed in the Ordinance.

Goenner said that she hopes the City is not paying for the extra hook-up that was put in on this site.

Foss said no.

Zimmer said the City is looking into how this second hook-up occurred.

OLD BUSINESS: None

NEW BUSINESS:

A. Princeton Speedway

DeWitt informed the Planning Commission Board that she received a phone call from Holly at the Princeton Speedway inquiring if it would be okay to have a carnival on September 23rd and 24th at the Fairgrounds/Speedway during the Princeton Speedway Showdown. The carnival would be open from 9:00 A.M. to 5:00 P.M. during that weekend.

DeWitt said that the Resolutions for the Speedway are for extending the race night's time and additional dates to the Speedway calendar.

GOENNER MOVED, SECOND BY ZIMMER, TO APPROVE THE CARNIVAL RIDES FOR SEPTEMBER 23RD AND 24TH, 2016 FROM 9:00 A.M. TO 5:00 P.M., AT THE PRINCETON FAIRGROUNDS/SPEEDWAY WITH THE CONDITIION THAT THE FAIR BOARD APPROVES THE CARNIVAL AND LOCATION OF THE RIDES. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

COMMUNICATION AND REPORTS:

A. Verbal Report

DeWitt said she handed out the Ordinance amendments for; Chapter II, (Definitions) R-3 Residential, MN-1 Industrial, MN-2 Industrial, B-3 Highway Commercial, Wild & Scenic Rum River Protection Area, and the Zoning Map. Please remove the current sections in the Zoning Ordinance and replace them with these.

B. City Council Minutes for July, 2016

The Planning Commission Board had no comment.

ZIMMER MOVED, SECOND BY GOENNER, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:30 P.M.

ATTEST:

Jeff Reynolds, Chair

Mary Lou DeWitt, Comm. Dev. Assistant