

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON AUGUST 20, 2012,
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M. by Mitzi Mellott. Members present were Jack Edmonds, Dick Dobson, and Tim Siercks. Township members present were Randy Atwood (Baldwin Twsp.) and Jim Kusler, (Princeton Twsp.) Staff present were Carie Fuhrman and Mary Lou DeWitt. Dick Schieffer, City Attorney was also present.

Absent was Dave Thompson.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JULY 16, 2012

EDMONDS MOVED, SECOND BY SIERCKS, TO APPROVE THE MINUTES OF JULY 16, 2012. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. Amendment to Chapter V (MN-1 and MN-2 Industrial) of Zoning Ordinance: Adding Auction Business as a C.U.P.

Fuhrman informed that Planning Commission Board that the proposed Ordinance amends the Zoning Ordinance by adding auction businesses as a Conditional Use Permit (CUP) in the MN-1 and MN-2 Districts, provided certain conditions are met. A potential property owner inquired about operating an auction business, and after review by the City Attorney and herself, they concluded that an ordinance amendment would be best suited to accommodate the business as the current language does not address the specific concerns with auction businesses.

The existing Zoning Ordinance does not address auction businesses in any of the Zoning Districts. Fuhrman has been discussing this and believes it would be appropriate to bring this forward as a potential Ordinance amendment to accommodate auction businesses as a CUP in the Industrial Districts as the current language does not address the specific concerns raised with auction businesses. Auctions are generally open for short durations of time and thereby have more concentrated attendance, intensifying their use, which is unlike that of daily, regularly operated retail uses. Things such as heavy parking needs, an influx of large amounts of people at varying times, scheduling of operations, and potential nuisances should be addressed.

The Zoning Ordinance does not outline specific factors upon which a proposed amendment should be considered; therefore, Fuhrman is providing the following factors, which are common review standards from other ordinances:

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

The intent of the MN-1 Industrial District is to provide a district for the development and operation of manufacturing, storage, and distribution type business. This district shall encourage the development of industrial uses which promote high-tech quality uses more likely to be compatible with existing uses and which shall be free of hazardous or objectionable

elements such as noises, odor, dust, smoke, glare or pollutants.

If allowed within the MN-1 and MN-2 Districts, those properties are mostly designated as either: Gateway District, Business Park, or Industrial on the Future Land Use Map in the Comprehensive Plan. The use fits in with these designation categories.

The proposed language would list: Auction businesses (indoor or outdoor) as a conditional use permit in both the MN-1 and MN-2 Districts, provided that:

- (a) A principal building shall be located on the property.
- (b) An adequate paved parking area shall be provided according to the Zoning Code provisions to accommodate the building size and use and identified upon an approved site plan.
- (c) Outdoor storage areas for auction merchandise and parking areas for auction attendees shall be clearly identified upon an approved site plan.

I. Where measures are planned to control dust and drainage and approved by the City Engineer, such as parking and storage areas may be surfaced with rock, gravel, or other pervious materials approved by the City Engineer.

(d) Access to and from the property shall be addressed on the site plan and in a written statement.

(e) Adequate area shall be provided for the loading and unloading of auction merchandise.

(f) Screening measures shall be provided to address nuisance problems, such as noise and dust, if determined necessary by the Planning Commission.

Fuhrman said if the above conditions are meant to address overriding concerns, she recommends that the parking areas for auction attendees and the outdoor storage areas for auction merchandise not be required to be hard surfaced:

1. The large equipment auctions can encompass large areas of land, and adding that much impervious surface is impractical.
2. The expected vehicle count at auctions is very unpredictable.
3. The outdoor storage areas for auction merchandise would be temporary.
4. Some of the potential auction merchandise equipment is constructed with heavy steel, and the durability of the surface of the storage area would be a concern.

Fuhrman suggested that when reviewing each specific conditional use permit request, the Planning Commission may choose to add other specific conditions to the approval, such as:

- * No vehicles to be auctioned.
- * Limit the number of auctions per year or to a certain number of days per year.
- * Limit the time the auction merchandise can be stored on site (ex: the merchandise to be sold can be dropped off one month prior to the auction and must be removed within one week from the end of the auction sale).

Dobson questioned Fuhrman about no vehicles being auctioned.

Fuhrman said that it could be an option for the Planning Commission to consider when reviewing a conditional use permit where it would not be in the Ordinance, but could be looked at as a condition.

Dobson wondered if there should be a stipulation that a fence needs to be in place.

Fuhrman said a fence could be a condition depending on each separate conditional use permit.

Dobson asked if all the parking area would require black top.

Fuhrman said paved parking area shall be provided according to the Zoning Code to accommodate the building size and use and identified on the approved site plan.

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

DOBSON MOVED, SECOND BY EDMONDS TO APPROVE AN ORDINANCE AMENDING CHAPTER V (ZONING DISTRICTS) OF TITLE 11 (ZONING) OF THE PRINCETON CODE OF ORDINANCES IN ORDER TO ADD AUCTION BUSINESSES AS A CONDITIONAL USE PERMIT IN THE MN-1 (INDUSTRIAL) AND MN-2 (INDUSTRIAL 2) ZONING DISTRICTS.

Dobson asked why this would be a Conditional Use Permit and not an Interim Use Permit.

Dick Schieffer, City Attorney said the Interim Use Permit is designed to be used for areas that the city is not sure how it will be designated for future, and the I.U.P. does not fit in this type of business. An auction business is not a use that is put in place for a period of time until the applicant decides what to do with the property. A Conditional Use Permit runs with the land and gives the property owner the right for continuing this business on the land. If someone wanted to use the land for another business, they change the Zoning or C.U.P., removing the prior approval. It is handled like any other application. As soon as the use is discontinued for a year, the C.U.P. is no longer valid.

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

OLD BUSINESS:

A. #04-12 Variance at 503 Rum River Drive North

Pat Fitzpatrick has submitted an application for variances to construct an accessory building over the 800 square foot maximum size requirement (30 ft by 64 ft or 1,960 square feet) and in excess of the height of the principal building. The building is proposed to be 19 feet in height, while the principal building height is 18 feet. Both require variances to the existing Zoning Ordinance regulations.

At the June Planning Commission meeting, the Planning Commission tabled the variance requests in order to gather more information from the applicant, including a more detailed site plan, floor plan of the building, drainage and erosion control plan, and a written statement indicating the method of financial security to ensure proposed improvements are made. Photographs, a letter from the applicant, and additional materials were presented at the June

meeting. Mr. Fitzpatrick has since submitted additional information that is reviewed by the Planning Commission Board.

The property is located at 503 Rum River Drive North and zoned B-2, Neighborhood Business District. Wholesale Auto, a used vehicle sales and service business, is currently in operation on this site. The applicant proposed to utilize half of the proposed building for vehicle maintenance and repair and the other half for storage of vehicles and vehicle parts.

The site currently contains one building and a used vehicle sales parking lot. The entire site encompasses two separate parcels owned by Mr. Fitzpatrick, approval was granted for a lot line adjustment back in 2007. The building is proposed to be located on the west lot, but because an accessory building cannot be located on a parcel without a principal building and in order to meet setbacks, these lots would need to be combined into one lot if the building were to be constructed in the proposed location.

The building is proposed to be located 19.48 feet from the south property line/ROW of 5th Street North, which could be considered a side yard being this is a corner lot, and therefore meets the Ordinance requirement. It is over 40 feet from the north and west property lines.

The applicant has indicated that the building is proposed to be stud wall construction and not a pole building. The building is proposed to contain tan steel siding with green wainscoting on the bottom with four overhead white doors and a green roof. The B-2 District requires buildings shall be designed to be compatible with the surrounding residential uses. A list of materials is listed and steel siding is not specifically listed. Fuhrman would recommend additional windows or decorative stone accents be added to the building to make it more compatible with surrounding residential uses.

The updated site plan indicates shrubs to be located along the south building wall. Fuhrman would recommend additional landscaping be added to the west building wall as well. And as far as the driveway and parking lot extension, Mr. Fitzpatrick is proposing to extend the parking lot to serve as access to the new building. The site plan indicated that a portion of the extension is proposed to be composed of granite, bituminous surface, and a concrete apron directly in front of the building entrance.

Fuhrman said one of the reasons for tabling the decision at the June meeting was for the applicant to address the drainage and erosion control concerns, including that the building was being proposed over the drainage ponding area and berm required as part of a previous parking lot expansion. The applicant has met with an Engineer and has submitted a grading plan.

Mike Nielson, City Engineer has reviewed the proposed grading plan and his memo dated August 15, 2012 stated:

This memorandum provides stormwater management review comments for the proposed Wholesale Auto expansion located on the northeast corner of 6th Avenue North and 5th Street North.

The following documents were received for review:

- * Grading and Stormwater Management Plan, dated July 17, 2012. Certified by Anderson Passe & Associates.
- * Revisions to the Grading and Stormwater Management Plan, dated July 25, 2012 and August 3, 2012 and the final revision dated August 15, 2012.
- * HydroCAD model, dated July 30, 2012.

Documents were reviewed to verify that they conform to the policies outlined in the City's Water Resources Management Plan. Based on these documents, Nielson offers the following comments:

Project Description

The applicant proposed to construct a new building addition and parking facility west of the existing building. These activities will increase impervious surfaces on the parcel by 0.081 acres. In addition, the applicant is providing stormwater management for 1,000 square feet of previous paving work which results in a total "new" impervious of 0.104 acres.

The applicant proposes to infiltrate stormwater runoff in a infiltration system located south and west of the proposed building.

Stormwater Management Plan General Comments

The proposed improvements must meet the stormwater management standards outlined in Section V of the City's Water Resource Management Plan. This includes policies to limit discharge rates and infiltrate stormwater runoff. The applicant has proposed to meet the stormwater management requirements through a combination of ponding storage and infiltration. The proposed pond is intended to be a dry pond and will only hold water during rain events and short period after a rain event. The 10 year runoff rate from the site will reduce from 0.09 cfs to 0.02 and the 100 year runoff rate will be reduced from an existing rate of 0.18 cfs to 0.02 cfs.

Based on the well draining soils that are typically present in this area of the City, it is expected that the applicant will address the volume control and rate control requirements for the entire site as a part of the improvements.

Stormwater Management Plan Specific Comments

Specific comments related to the application are provided below.

Drainage Calculations

1. NURP pretreatment of 940 cubic feet is required for pretreatment prior to discharge to the infiltration basin. 1,217 cubic feet is provided which meets the standard.

1. City infiltration policy requires 128 cubic feet of infiltration. Based on the most recent plan, the project proposes 144 cubic feet which meets the standard. It is anticipated that a large portion of the pretreatment area will result in additional volume reduction as well.

Infiltration/Ponding System

3. The application shall verify infiltration rates will meet or exceed design rate of 0.5 inches per hour. Hand borings were completed to verify the soils are sandy and a rate of 0.5 per hour are obtainable. Based on the high amounts of sand in the area, visual methods will be considered adequate.

4. An overflow swale shall be located from the infiltration basin to the existing catch basin at the corner of 6th Avenue and 5th Street has been provided to avoid discharging stormwater onto the roadway. The 100 year flood elevation in the ponding area is 977.7 providing 1.9 feet of freeboard to the first floor elevation of the slab on grade building.

Erosion Control

5. Include seeding/vegetation to stabilize soils in and around infiltration basin. Silt fence should be extended on the west side of the property to control erosion at the swale outlet.

It is recommended that this application be approved with the condition of extending the silt fence as discussed in Item No. 5 above and Nielson would also recommend that the catch basin casting location near the southwest corner of the property be replaced with a Bee-Hive casting to prevent clogging from leaves and grass clippings at the time this project is done.

Fuhrman suggest that if the Planning Commission approves the application, the applicant enter into a Development Contract with the City Council in which the scope and time frame for construction of all required improvements is clearly set out and a financial guaranty is provided by Mr. Fitzpatrick to insure that the construction is timely completed prior to issuance of an Occupancy Permit. Mr. Fitzpatrick has submitted a written statement from U.S. Bank addressing his business line of credit. The City Attorney has reviewed the statement and is recommending a revised letter of credit be submitted. Fuhrman provided an example to the applicant.

Back in 2008, the City of Princeton underwent an update to their Comprehensive Plan and at that time, the Neighborhood Commercial Land Use District was created in order to address this specific area of the city, which contains commercial nodes directly adjacent to residential uses. In order to comply with the City's Comprehensive Plan, the provisions of the B-2 Zoning District were amended to accommodate only very limited scale neighborhood commercial businesses. In 2010, the Planning Commission and City Council removed "automobile and recreational sales and service" and "automobile repair" as conditional uses in the B-2 District. They believed these uses were not compatible with the nearby residential uses. Automobile repair and sales and service uses are now only allowed as conditional uses in the B-3, General Commercial District. Therefore, the current use of the property as automobile sales and repair is considered a nonconforming use. The use may be continued at the size and in the same manner of operation existing upon the date of the Ordinance amendment, but cannot be expanded.

The City Attorney has reviewed the proposed project and has stated the following:

"Nonconformities such as yard setbacks, height restrictions, land area requirements and similar restrictions imposed by the code, may be relieved by variance, while expansion of

nonconformities may not be relieved by variance because the Statute specifically excludes it. This view is supported by the Zoning Code which prohibits the expansion of a nonconformity.” The Minnesota Statute 462.357 Subd. 1e.

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 variance does not conform to these review standards, and Fuhrman would recommend denial of the variance request and site plan review as proposed.

Dick Schieffer, City Attorney was present and said the Minnesota Statute was revised in 2011 and he read that a nonconforming use can be continued indefinitely unless the nonconformity or occupancy is discontinued for a period of more than one year. There does seem to be a conflict in the statute. In Subd 1e states that a nonconformity cannot be expanded and Subd 6 states that a variance can relieve restriction placed on nonconformities such as yard setbacks, height restriction, land area requirements and similar restrictions imposed by the code, may be relieved by variance, while expansion of nonconformities may not be relieved by variance because the statute specifically excludes it. This view is supported by the Zoning Code which prohibits the expansion of a nonconformity.

Schieffer continued that this variance request is being proposed to add an additional bay to the auto repair shop for the purpose of doubling the number of auto's which can be inside to be repaired at any given time, thereby increasing the economic output of the operation. Economic considerations alone do not constitute practical difficulties. The applicant proposes to use the property for auto repair, a use which is not permitted, and is a nonconforming use.

Pat Fitzpatrick, applicant reminded the Planning Commission Board that he had items included in the June Planning Commission packet showing this project was approved by the City of Princeton's past Community Development Directors Tofte and Blake. He had an extra set with him for tonight's meeting and handed it to Mellott. Fitzpatrick continued that it has been said that this use is not compatible with neighbor uses, yet his neighbor's have signed a petition for variance that they are fine with this building being built, so how can that not be compatible. In 2007 there was an amendment to Resolution #01-03 that approved the extended hours of business and five additional spaces for vehicles sales on paved surface. Then a while back someone had wanted to put a four plex on this lot and the neighbors were against that and the Planning Commission did not approve it. He found out last year that the City changed the Ordinance and he asked the City to buy his lot since they are now saying he can not use it for his business and was told they did not have the money. He was told by Blake that this change will not affect his future plans and here we are. He did not receive the information for this meeting until late Friday so he has not had time to review all of it. If the Planning Commission Board does not approve this application, he will hire an attorney and fight this. He would also rezone the property if needed.

Dobson commented that this item could be tabled so Mr. Fitzpatrick could get counsel if that is what he wants.

Siercks asked if using this building as storage use would be okay.

Fuhrman said Mr. Fitzpatrick has said half of the building would be for storage and the other have for auto repair.

Siercks asked if it were used as a storage building what would be the restrictions.

Fuhrman said there is a restricted use for the height and size of the building. There are also building code restrictions as far as floor drains, etc. It depends on the use of the building.

Mellott commented that the first issue is using the building for auto service and storage and then the second issue is the variance.

Fuhrman said as a storage area he still needs to meet the variance criteria and yes the other item is the use.

Mellott questioned if the Conditional Use Permit in 2007 was approved and then there was a change in the Comprehensive Plan in 2008, why does the C.U.P. not stay in effect.

Schieffer said City Council changed the standards in 2010 in the B-2 Zoning District where automobile and recreational sales and service and automobile repair as a Conditional Use was removed. This eliminates all the uses approved by the C.U.P. and the State Statute gives the Council authority to do so. The zoning has changed where it now is a nonconforming use and an expansion is not allowed. If the Planning Commission Board were to approve the Variance they would need to recommend to the City Council for approval. The City Council has the authority to approve the expansion.

Edmonds questioned if he only worked on his own vehicles, and not do auto repair outside of his own where it is not a money generating business, would that make a difference.

Schieffer said the same as an auto dealer washing cars on his lot, but not doing business as a car wash.

Edmonds said yes. Then it could be a stipulation where auto repair is not part of his business, just where he would work on his own vehicles to sell them.

Fitzpatrick said he has only worked on his own cars at this point. He wonders if he would be limiting his business if he did not do outside repairs. Although, if he continued to service his own inventory Fitzpatrick said would be okay with that. He would not be selling oil changes or doing outside brake jobs.

Siercks said it could then be considered a storage area to work on his own cars.

Fuhrman said if the Planning Commission wants to interrupt it that way it is up to them.

Edmonds said it would be maintaining his inventory.

Schieffer said the issue still is expansion of his business with this addition even if it is working on his own vehicles.

Fuhrman said he would have to combine the lots so then a principal building is on it. There are two parcels now, one where the business is and the other is where he wants to build this addition.

Edmonds asked Fitzpatrick if he has reviewed Fuhrman's seven options she listed in her memo for recommendations if the Planning Commission were to approve the variance and if Fitzpatrick were okay with those.

Fitzpatrick said he has reviewed them and on item two he had already planned to do brick instead of the steel. On item three for the landscaping added to the west building wall, he has staked it out and the City has not come to look at it yet. There are trees there and he does not understand why more would be needed.

Edmonds said the landscaping could be amended to existing landscaping.

Mellott asked Fitzpatrick what had been done in 2007 to his property regarding the Resolution #07-11.

Fitzpatrick said the property line was moved back and he put in asphalt.

Fuhrman said the Planning Commission approved the lot line to be moved then approved the amendment for additional parking.

Fitzpatrick said asphalt was added for five additional parking spaces and since then more have been added.

Mellott commented that the first Conditional Use Permit was approved to use all the space for auto sales and understands the new Statute, but why is it nonconforming now when the C.U.P goes with the land.

Schieffer said he is still operating with the C.U.P.

Mellott questioned if he gets to use the whole area and this new area would be used for his auto sales, why would that be nonconforming.

Schieffer explained that the Ordinance was changed so to expand the use is where it would no longer fit. If he adds a building that increases the capacity then that is not allowed.

Siercks asked with the two separate lots if he building the new building and lease it as a storage building to himself.

Fuhrman said a storage building could not be permitted by itself on the lot.

Siercks asked if he could open an auto detailing business for himself.

Fuhrman said that is not an allowed use.

Fitzpatrick said that what is allowed does not make sense and would not help sell his property. That site is not worth anything because of the stipulations.

Schieffer said a way to get it done would be to approve the variance with all the conditions the Planning Commission would want and then per the State Statute, the City Council has the final decision to approve or deny the expansion in a nonconforming use.

The Planning Commission Board agreed they are all for businesses in Princeton expanding. Their concern is making exceptions and what that could bring for the future.

Fuhrman said the Comprehensive Plan and Zoning Ordinance is specific on what is allowed and not allowed. If the Planning Commission is concerned about making an exception to the rules, then the ordinance should be changed. This would help in future so one person is not treated differently than another party. Mr. Fitzpatrick could apply for this site to be rezoned to B-3 that allows auto sales and service. This could be looked at spot zoning. Or the B-2 Zoning could be amended to allow auto sales and repair as a Conditional Use Permit.

Dobson said he is concerned what happens in five years from now if this is allowed.

Fitzpatrick said a size requirement for an auto lot could be in the ordinance to allow them. He has approximately 34,000 square feet. The state licensing for auto sales requires you have to have space to sell five vehicles, and also space to have your own vehicle.

Siercks said if we amended the B-2 Ordinance where auto sales were allowed with a C.U.P and have a stipulation that the lot would have to be 34,000 square feet or more, and that would limit any smaller car lots from coming in.

Fuhrman said Mr. Fitzpatrick would need to request an extension to the City's review of the variance application another 60 days, according to Minnesota State Statute. The Planning Commission could make a recommendation to the City Council for an amendment to the B-2 Ordinance to allow auto sale and service with a Conditional Use Permit.

Fitzpatrick is concerned if there will be enough building time allowed yet for this year.

Fuhrman said if the decision is to do an Ordinance amendment to allow auto and service in B-2 District as a Conditional Use Permit, the Planning Commission would need to hold a public hearing for the amendment and that could be at the September 17, 2012 meeting. Then the Planning Commission would forward it on to the City Council for recommendation of the amendment. The Council would need a first and second reading. Then if the amendment

would be in compliance for the auto sale and service use, this variance application would need to come back for review by the Planning Commission.

Dobson asked Fitzpatrick if he would be willing to take those steps. If it could not be done by this building season would it put him in a bind.

Fitzpatrick agreed to the extension of another sixty days.

EDMONDS MOVED, SECOND BY DOBSON, TO TABLE ITEM #04-12 VARIANCES AT 503 RUM RIVER DRIVE NORTH, WITH A RECOMMENDATION TO THE CITY COUNCIL TO CONSIDER A TEXT AMENDMENT TO ALLOW AUTOMOBILE & RECREATIONAL SALES AND SERVICE IN B-2 NEIGHBORHOOD BUSINESS DISTRICT AS A CONDITIONAL USE PERMIT, WITH THE AGREEMENT FROM MR. FITZPATRICK THAT HE WILL SUBMIT A LETTER REQUESTING TO EXTEND THE SIXTY DAYS FOR ANOTHER SIXTY DAYS REVIEW PERIOD REQUEST FOR THE VARIANCE APPLICATIONS BY THE END OF THIS WEEK. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

Fuhrman told Mr. Fitzpatrick she would draft a letter and email it to him requesting the extension for the review period of his variance application another 60 days. She will give the City Council an update that the Planning Commission is making the recommendation of an Ordinance amendment to allow automobile & recreational sales and service in B-2 Neighborhood Business District as a Conditional Use Permit and the Planning Commission will hold a public hearing for the September 17, 2012 meeting. There is an acre stipulation in the B-3 Zoning District that stipulates the lot has to be one acre. This stipulation could also be in the B-2 Zoning District for the lot requirement. Fuhrman will compose a draft ordinance amendment for the meeting for the Planning Commission to review.

NEW BUSINESS:

A. "Chicken" Draft Ordinance – Discussion

Fuhrman informed the Planning Commission Board that on a citizen's request, the City Council had directed staff and the Planning Commission to explore expanding the allowance of chickens within the city limits.

The Planning Commission initially discussed the possible amendment at the July meeting. The Planning Commission discussed at length the issue of requiring neighboring property owner's consent prior to issuing permits for chickens. The City Attorney has since advised that this provision cannot be required in order to issue a chicken permit; he has stated that you cannot take away someone's right to have a permit simply because the neighbor does not agree with it.

An investigator from the Animal Humane Society spoke with the City Council at their August Study Session in regards to chicken ordinances and highly recommended that an interim use permit or conditional use permit process be put in place to allow chickens. This process requires a public hearing, allows for neighbors to be informed and voice their concerns, and

allows for the city to place regulations on the keeping of chickens. Fuhrman provided an ordinance proposing the keeping of chickens through the interim use permit process. The interim use permit requires that a date or event that will terminate the use be identified with each interim use permit approval.

Fuhrman took the comments from the Planning Commission, City Attorney, and Humane Society and composed a draft ordinance. This still is for discussion and the public hearing will be scheduled for a later date.

Siercks asked what type of fence requirement there is.

Fuhrman said a run or exercise area needs to be fenced in.

Siercks thought the entire yard should have a privacy fence where you do not see them. He does not want the neighbors to see them or hear them.

Mellot suggested to add offsite rendering to the last sentence of the draft ordinance.

Fuhrman will bring this back for a public hearing at the September 17, 2012 Planning Commission meeting.

B. Affordable Auto Care LED Message Sign Review

Fuhrman said that Affordable Automotive Repair is proposing to place an LED message sign on their existing pole sign located at 513 Rum River Drive North. The property is in B-2 Neighborhood Business Zoning District. The Zoning Ordinance requires pylon signs be permitted by the Planning Commission if the ordinance requirements are met.

The proposed LED sign is 19 inches by 6 feet, or 9.5 square feet, in size and will be located on the same pole as the existing pylon sign. The LED message sign will contain red, green, and yellow text. The existing pylon sign is 4 feet by 5 feet, or 20 square feet, in size.

The Ordinance allows pylon signs in the B-2 District up to 75 square feet in area. The combination of the signs is well under the Ordinance requirement. Fuhrman is waiting for verification from the sign manufacturer that the clearance between the bottom of the sign and grade level meets the 10 foot requirement.

Fuhrman would recommending the approval of the sign permit based on the conditions that the clearance requirement be met and that a building permit be approved prior to installation.

Dobson questioned since this is in B-2 Zoning District if it is a nonconforming use.

Fuhrman said there is a Conditional Use Permit on this site and they are not expanding the business just adding a sign.

Discussion followed with the Planning Commission Board regarding traffic being distracted and they decided that this site would be low traffic and the brightness of the sign would need to be low. They discussed if a moratorium should be put in effect for message board signs to give staff time to review surrounding areas regulations on them.

Fuhrman is fine with that if the Planning Commission would like her to research options.

DOBSON MOVED, SECOND BY MELLOTT, TO HAVE STAFF RESEARCH AND DRAFT AN ORDINANCE AMENDMENT FOR LED OR ELECTRONIC MESSAGE BOARD SIGNS. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. (Siercks abstained from the vote since he is in the signage business)

C. Merlin's Sign Review (Possibly)

Fuhrman informed the Planning Commission Board that a sign company had called asking the signage regulations and what they were proposing for Merlin's Family Restaurant. What they were proposing would need to come to the Planning Commission for review. The sign company was not sure if Merlin's planned to go ahead with the signage and were to contact staff whether or not they wanted to be on the agenda. Fuhrman did not hear back from either party so this is being removed.

COMMUNICATION AND REPORTS:

A. Verbal Report

Fuhrman said there is a possibility that a Interim Use Permit could be on September Planning Commission agenda for a pile of dirt that has been placed on a property site north of Hwy. #95 and east of the Steinbrecher Painting business. She has not heard back from the party if they are going to remove it or apply for a IUP.

B. City Council Minutes for July, 2012

The Planning Commission Board had no comments.

DOBSON MOVED, SECOND BY SIERCKS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 9:40 P.M.

ATTEST:

Mitzi Mellott, Vice Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant