

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON SEPTEMBER 17,
2012, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M. by Dave Thompson. Members present were Mitzi Mellott, 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, Mary Lou DeWitt, and Mike Nielson, City Engineer.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON AUGUST 20, 2012

DOBSON MOVED, SECOND BY EDMONDS, TO APPROVE THE MINUTES OF AUGUST 20, 2012. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #05-12 Conditional Use Permit to operate an Auction Business in MN-1

WPAC Building LLC, on behalf of Jeff and Mike Haehn, have submitted an application for Conditional Use Permit to operate an Auction Business in MN-1 Industrial District. The subject property is located west of Highway #169 and south of Baptist Church Road and is currently owned by Rick Johnson. The property is currently composed of Outlots A and B of West River Run, for a total of 23.43 acres. The majority of the property is currently utilized as agricultural land. The former city dump is located on the southwest corner of the property and two wetlands are located in the low area of the southeast corner. The property is zoned MN-1 Industrial District and is designated as Gateway District on the Future Land Use Map in the Comprehensive Plan.

The proposed use of the site is for a large equipment auction business. The large equipment auctions will be held four to six times per year. Pending Council's approval of the final reading of the Ordinance Amendment, auction businesses are allowed via a conditional use permit in the MN-1 District and subject to the following conditions:

Auction business (indoor or outdoor), provided that:

(a) A principal building shall be located on the property.

Staff commented that the applicants are proposing a principal and accessory building. The principal building is proposed to house office space and indoor auction space should inclement weather prohibit outdoor auctions. If the applicants find that the indoor auctions are suitable, they are proposing to offer indoor auctions beyond just when inclement weather, prevents outdoor auctions.

(b) An adequate paved parking area shall be provided according to the Zoning Code provisions to accommodate the building size and use and also identified upon an approved site plan.

Staff commented that the site plan proposes 11 parking stalls to accommodate the office area proposed within the front portion of the principal building (44 feet by 52 feet). The rear portion of the building (60 feet by 75 feet) will hold the indoor auctions. Parking for the indoor auctions shall be accommodated on the indicated auction attendee/customer parking areas on the site plan. If the number of indoor auctions increases beyond six auctions per year, the City will review whether or not an additional parking area needs to be paved to accommodate the indoor auction space. This would be calculated based on the convention/exhibition hall requirements of three parking spaces for each three seats in the indoor auction area.

(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 parking and storage areas may be surfaced with rock, gravel, or other pervious material approved by the City Engineer.

Staff commented that the applicant proposes a 9.26 acre area for the outdoor merchandise to be displayed on the north half of the property, which will be enclosed with a fence. The auction attendee parking will be located on the west side, southwest corner, and northeast corner of the property, for a total of 6.25 acres. All non-pavement areas are proposed to be seeded. The applicants will be utilizing a parking attendant during their large auction events to address any possible traffic, access, and congestions issues. They are also proposing a gravel access system through the outdoor merchandise display area, shown on their plan.

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

Staff commented that the site plan proposes two accesses off of Baptist Church Road: the main access for employees and auction attendees will be on the west edge of the property and a secondary access will be provided to the east. The applicants would prefer the secondary access further east from what is proposed on the site plan, but are waiting for Township approval. The second access will be utilized for equipment drop-off during auction times. If the second access is moved further east after approval from the Township, an updated site plan shall be submitted for the city records.

The site plan indicates the driveways to be composed of gravel. As a condition upon approval, the driveways shall be required to be improved with a hard surface subject to approval of the City Engineer.

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

Staff commented that the site plan proposes a 40 foot wide covered loading area to access both the principal and accessory building.

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

Staff commented that the Planning Commission will review this.

Fuhrman said that when the ordinance amendment was discussed to allow this use as a CUP, it was noted that additional conditions may be added on to the approval of auction business CUPs. The Planning Commission may want to consider adding additional conditions, such as: no vehicles to be auctioned; limited the number of auctions per year or to a certain number of days per year; and/or limiting the time the auction merchandise can be stored on site (ex: auction merchandise can be dropped off up to one month prior to the auction and must be removed within one week from the end of the auction sale.)

Fuhrman said that there has been a slight modification to the proposed plat. West River Run

Second Addition is now proposed to only contain Outlot A of West River Run; Outlot B is not involved in the plat application. The applicants are delaying their purchase of Outlot B until the requirements from MPCA have been met with the former Princeton dump site. Once Outlot B is purchased, the applicants plan to then utilize at least a portion of Outlot B as parking for auction attendees. The Planning Commission received the revised plans and informed that the applicants and property owner have signed revised applications for the Conditional Use Permit, Preliminary Plat, and Final Plat.

Edmonds asked who will be responsible to maintain the Baptist Church Road since that will be the road used to access this property and is a Princeton Township road.

Fuhrman said the township will continue to maintain it.

Mike Nielson, City Engineer with WSB, was present and agreed with Fuhrman. Nielson confirmed this with Bob Gerold, Public Works Director who was also present. Nielson said there usually is a maintenance agreement between the city and township. The applicant would also have to meet what the posting is on the roadway.

Wayne Pike, adjoining property owner said that the posting on the road is not a ten ton road. The frontage road in front of his property is a ten ton road, but beyond that is not. The width of the road is 25 feet and then once around the curve it goes down to 20 feet. A semi could not make that curve.

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

Mellott asked if the parking area would need to be paved.

Fuhrman said the Ordinance amendment to allow auction business states that parking and storage areas may be surfaced with rock, gravel or other pervious material approved by the City Engineer. They will have an eleven stall paved parking lot by the building for staff, but the auction attendee site will not be paved. This parking area would not need to be paved because it is an occasional use and the equipment being auctioned will be stored on the land for a certain period of time.

Jim Kusler, Princeton Twsp. representative, said the township has maintained that road. They have done crack fill and seal coated it not that long ago. It does reduce in width past the curve and also past Pike's driveway where that is not a ten ton road. The sign posting will have to be looked at where it does not show a ten ton road after that point.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE ITEM #05-12 CONDITIONAL USE PERMIT TO OPERATE AN AUCTION BUSINESS IN MN-1 ON THE PROPOSED PLAT OF LOT 1, BLOCK 1 OF WEST RIVER RUN SECOND ADDITION AND OUTLOT B OF WEST RIVER RUN (PID #24-919-0010 & 24-919-0020) WITH THE FOLLOWING CONDITIONS:

1. IF THE NUMBER OF INDOOR AUCTIONS INCREASES BEYOND SIX AUCTIONS PER YEAR, THE CITY WILL REVIEW WHETHER OR NOT AN ADDITIONAL PARKING AREA NEEDS TO BE PAVED TO ACCOMMODATE THE INDOOR AUCTION SPACE.
2. CITY STAFF WILL MEET WITH PRINCETON TOWNSHIP REPRESENTATIVES AND COME TO AN AGREEMENT OF WHO IS RESPONSIBLE FOR THE MAINTENANCE OF THE BAPTIST CHURCH ROAD.
3. BOTH DRIVEWAYS SHALL BE REQUIRED TO BE IMPROVED WITH A HARD SURFACE SUBJECT TO APPROVAL OF THE CITY ENGINEER.
4. THE GRASS OUTDOOR STORAGE AREAS FOR AUCTION MERCHANDISE AND PARKING AREAS FOR AUCTION ATTENDEES SHALL BE INSPECTED ANNUALLY FOR EROSION AND RUNOFF CONCERNS. PHOTOGRAPHS SHALL BE SUBMITTED TO THE CITY ANNUALLY TO DOCUMENT ANY ISSUES. IF ISSUES ARISE, THE PROPERTY OWNER SHALL WORK WITH THE CITY ENGINEER TO RESOLVE ANY PROBLEMS AT THE COST OF THE PROPERTY OWNER.
5. APPROVAL OF THE CUP SHALL BE SUBJECT TO THE EXPIRATION TERMS OF THE ORDINANCE.
6. AUCTION ATTENDEE PARKING ON OUTLOT B, WEST RIVER RUN, SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE MPCA.
7. OUTDOOR MERCHANDISE MAY BE DROPPED OFF AT THE SITE NO MORE THAN 30 DAYS PRIOR TO THE UPCOMING AUCTION AND SHALL BE REMOVED 14 DAYS AFTER THE AUCTION DATE.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Does the proposed use violate the health, safety or general welfare of the Princeton residents? No, no change as to what is already in the area.
2. Has the proposed use been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation? Yes, reviewed and conditions were met.
3. Is adequate parking and loading provided in compliance with the Ordinance? Yes, it has met existing requirements for present proposed auctions.
4. Have possible traffic generation and access problems been address? Yes, it is not going to change what is already in the area.
5. Does the proposed use accommodate with existing public services and will not overburden the City's service capacity? Yes, will not overtax water, sewer, or power.
6. Does the proposed use conform to the City's Comprehensive Plan and is compatible with present and future land uses of the area? Yes.

B. #06-12 Preliminary & Final Plat of West River Run Second Addition

WPAC Building LLC, on behalf of Jeff and Mike Haehn, submitted an application for a Preliminary and Final Plat of West River Run Second Addition. Fuhrman informed the Planning Commission Board that this is being processed and reviewed as a short plat, which requires only one review by the Planning Commission and City Council. The first plat that was proposed was to combine Outlot A and B of West River Run into Lot 1, Block 1, West River Run Second Addition. The applicants have submitted a revised plat that proposes to turn Outlot A of West River Run into Lot 1, Block 1, of West River Run Second Addition. The lot is proposed to be 19.61 acres in size. There is an ingress/egress easement currently located on the west property line, which shall remain for access to Outlot B. The applicants are delaying their purchase of Outlot B until the requirements from MPCA have been met with the former Princeton dump site. Once Outlot B is purchased, the applicants plan to utilize at least a portion of Outlot B as parking for auction attendees. Since the amount of land being replatted is smaller size than first proposed, the park dedication fee will be less. The applicants will submit cash in lieu of the land requirements to fulfill park dedication requirements in the amount of \$4,455.

The applicant shall be responsible for following the final plat procedures identified in the Subdivision Ordinance, including the requirement to enter into a Developer's Agreement with the City and follow the City Engineer and other staff comments and conditions.

Mike Nielson, City Engineer with WSB has reviewed the revised plans for the proposed West River Run Second Addition Plat for the CUP and Concept Plans, and submitted a memo dated September 17, 2012:

Project Background:

- * WPAC Building LLC is purchasing the above listed property for a proposed auction site for large/heavy equipment.
- * Property is zoned MN-1
- * Current property contains 1 outlot (Outlot A West River Run) and contains a total of 19.61 acres
- * Applicant is replatting into 1 lot and block
- * The replat of the property is in the process of a site plan review according to the City's Subdivision requirement for the above listed zoning
- * Plan to construct a principal building, approximately 12,000 SF, for offices and an indoor space with a screen in case of inclement weather, and an accessory building to house some of their own equipment
- * Site will host 4 to 5 large equipment auctions (200 to 300 people) per year
- * Estimate the heavy equipment would start arriving on the site about a month before the auction
- * Equipment buyers would be required to pick up their purchases within one week from the sale
- * Existing property is used as an agricultural field
- * Parts of the property were mined in the past for sand and gravel
- * South west area of the site used to be a dump (Outlot B – not part of the proposed plat area)

- * *Dump site has gone through a cleanup process overseen by the County and MPCA*
- * *Monitoring wells were installed as part of the cleanup process*
- * *Current owner has hired an environmental consultant to finish final testing and process the Notice of No Further Action with the MPCA and County*
- * *Recent testing has indicated no methane vapors present*
- * *One more test of the dump site will be completed after the ground has frost in it.*
- * *South east area of the site has a wetland that was delineated in by the County*
- * *No City sewer or water is available to the site at this time*
- * *Well and a septic system will be required*

Submittals:

The applicant has provided the following submittals:

Preliminary Plat, Final Plat, Existing Conditions, Proposed Conditions, Grading and Drainage, and Landscaping Plan.

Concept Plan:

- * *The site septic primary and secondary sites have been located per soil test and revised locations are shown on the updated concept plan*
- * *The well will be located per state statues*
- * *Setbacks are per the MN-1 Industrial use requirements and the area along HWY #169 is considered a frontage per the City code*
- * *Area traffic: The proposed site is located on the south side of Baptist Church Prad. The existing auction site the owner currently uses is located on the north side of the street. Therefore this area is accustomed to the auction site traffic and no instances of traffic issue are known. In addition, the site is close to the HWY #169 ramps where a vast majority of auction goers and there prospective equipment will utilize to leave the area.*

* *Access and parking:*

- 1) *West access will be required to be paved off of the road and into the paved parking area. The access along the west property line will be class 5 gravel.*
- 2) *The east access (whether it's in the middle of the lot or further to the east) will be required to be paved off of the road and at least up until their property line.*
- 3) *City may require paving on that second access all the way up to the buildings or just to the property line.*
- 4) *Paved Parking Area: Due to the limited use of the building as an auction site, only the office area parking stall requirements will be required to be paved (11 is sufficient per City Code). If the number of indoor auctions increase beyond a certain number a year, then the City will review whether or not additional parking area needs to be paved to accommodate the indoor auction space.*

- * *Fencing: The owner proposes installing 3-rail type fencing around the site as shown on the Proposed Conditions Plan. There is an existing MnDot fencing along the HWY #169 side and a similar 3-rail type fencing along the west property line.*

Grading and Drainage Plan:

- * *The site is generally flat with slopes from 5 to 2 percent*
- * *Sloping and drainage follow existing contours and direction*
- * *Area is proposed to surface drain to proposed pond in south east corner*
- * *Driveway culverts should be added as necessary to maintain drainage*
- * *Pond was sized for the impervious areas of the access roads, hard surfaced parking and building areas.*
- * *Pond was designed per NURP standards and the proposed run-off is held to existing conditions patterns*
- * *See the attached Hydrocad storm water modeling report for further details*

Landscaping and Restoration Plan:

- * *Landscaping plan has been prepared per the zoning requirement per the MN-1 Industrial use requirements*
- * *Area around the building area and parking lot will be landscaped as shown*
- * *All disturbed areas will be covered with 4-inches of topsoil and seeded*
- * *Recommend the City add a condition of approval that the runoff/erosion be reviewed annually (with the property owner submit photos) because of the erosion possibilities – especially if there is a large rain event and the use of the vehicles on an unpaved surface*
- * *It should be noted that the area will have a remaining grass buffers that will not be driven on along the entire site perimeter. Also the site is flat with no real erodible (steep) slopes. Where the site slopes away along the property lines (south and HWY #169 sides) there are large buffers of grassy areas and trees.*

Old Dump Site Clean-Up and MPCA Approvals:

- * *It should be noted the dump site is located on Outlot B and not on Outlot A. Outlot A is the only lot the owner is proposing to purchase, plat and develop.*
- * *No development work is occurring on the existing dump site (shown on the existing conditions plan), but the MPCA concerns of any contamination that may have spread to Outlot A and therefore is discussed in this Engineering Review.*
- * *Per the MPCA's request, the contractor and owner shall provide plans and specifications with language for dealing with any potential contaminated soils or buried debris if encountered on the Outlot A (Lot 1, Block 1, West River Second Addition) area.*
- * *The pond sits about 350-feet away from the delineated sand surveyed dump site edge and lies 12-feet below the dump site elevation so groundwater flow leaching through the dumpsite is not an issue.*
- * *We feel the risk of this site areas outside of the old dumpsite being contaminated is very low.*
- * *An environmental consultant has been hired which has done testing on the dumpsite and found 0.0% methane vapors from any of the test wells.*
- * *The environmental consultant is in the process of writing a report for the dumpsite to send to the MPCA and they will do one more test after the ground has frost set in.*
- * *Then they will file with the MPCA and County a notice of no further action on the dumpsite.*

Neilson recommends approval of the plan, CUP and plans with the above listed requirements.

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

Edmonds asked where the sediment pond is proposed for this site.

Nielson said that it is shown on page 3 and 4 on the site plan. The majority of the runoff will flow into the pond and some will bypass it and go where it currently is going. This does meet the 100 year drainage requirements.

MELLOTT MOVED, SECOND BY DOBSON, TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ITEM #06-12 PRELIMINARY AND FINAL PLAT OF WEST RIVER RUN SECOND ADDITION (REVISED PLAT SUBMITTED ON SEPTEMBER 17, 2012), BASED ON THE FINDINGS THAT THE PROPOSED PLAT MEETS THE REQUIREMENTS OF THE ZONING AND SUBDIVISION ORDINANCES, AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) THE APPLICANT SHALL MEET THE PARK DEDICATION REQUIREMENTS.
- 2) THE APPLICANT SHALL BE RESPONSIBLE FOR FOLLOWING THE FINAL PLAT PROCEDURES IDENTIFIED IN THE SUBDIVISION ORDINANCE.
- 3) THE APPLICANT SHALL ENTER INTO A DEVELOPER'S AGREEMENT WITH THE CITY.
- 4) THE APPLICANT SHALL FOLLOW THE CITY ENGINEER'S COMMENTS.
- 5) THE 33 FOOT EASEMENT ALONG THE WEST PROPERTY LINE OF LOT ONE, BLOCK ONE, WEST RIVER RUN SECOND ADDITION SHALL BE EXTENDED DOWN THE WEST PROPERTY LINE OF OUTLOT B, WEST RIVER RUN.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

C. #07-12 Variance for Pylon Sign Height at West River Run Second Addition

WPAC Building LLC, on behalf of Jeff and Mike Haehn, submitted an application for a variance to construct a 35 foot pylon sign, exceeding the 20 foot maximum sign height allowance in the MN-1 District. The sign is proposed to be "v-shaped", each side containing a 7 feet by 15 feet dynamic message sign with a 3 feet by 15 feet nameplate on top (150 square foot on each side). The applicant is requesting the added height because the site contains landscaping and trees that limit the visibility from traffic on Hwy #169. The property is offset quite a distance from Hwy #169, and the nature of the business, unlike other industrial businesses, is intended to attract traffic off the highway.

Fuhrman said that the Planning Commission Board at the August meeting had directed her to look into ordinance language to address electronic message board, dynamic, and lit signs. Currently, the City of Princeton Zoning Ordinance does not address this type of signage. Staff's

review is on tonight's agenda and the Planning Commission could consider tabling the decision on the dynamic sign until further research is conducted in regards to the electronic message board signs. If the Planning Commission would need time to review the electronic sign ordinance, they could table this item.

John Pike, neighboring resident of the proposed site, asked if this sign would be in the airport flight zone area.

Fuhrman looked at a map and verified that it is not. Even if the runway were to be extended down the road, this sign would not be in the flight zone area.

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

DOBSON MOVED, SECOND BY EDMONDS, TO TABLE ITEM #07-12 VARIANCE FOR PYLON SIGN HEIGHT AT WEST RIVER RUN SECOND ADDITION UNTIL THE PLANNING COMMISSION CAN DISCUSS THE ELECTRONIC SIGN REVIEW ON TONIGHTS AGENDA, UNDER NEW BUSINESS. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Jeff Haehn commented they were hoping to have the sign up by the middle of November.

This is the continued discussion of the Variance for Pylon Sign Height at West River Run Second Addition after the Electronic Sign Ordinance discussion that was further down on the agenda.

Fuhrman said the proposed auction area is in MN-1 Zoning District and the maximum height for that district is 20 feet. The reason for that is the businesses who are in those areas usually do not want to have traffic coming to their site.

Haehn said 35 foot height for the sign will work fine for them. They will have it at the edge of the property, but the sign will not hang outside the property line.

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE ITEM #07-12 VARIANCE FOR A 35 FEET PYLON SIGN FOR THE PROPOSED AUCTION BUSINESS AT WEST RIVER RUN SECOND ADDITION WITH THE FOLLOWING CONDITIONS:

1. THE ENTIRE SIGN SHALL BE LOCATED ON THE SUBJECT PROPERTY.
2. A BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE THE DYNAMIC MESSAGE SIGN THAT WILL BE ON THE PYLON SIGN FOR THE PROPOSED AUCTION BUSINESS AT WEST RIVER RUN SECOND ADDITION. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission reviewed the Findings of fact:

1. Is the variance in harmony with the purpose and intent of the Ordinance? Yes. It allows proper advertising for the business.
2. Is the variance consistent with the Comprehensive Plan? Yes. It is allowing height needed for visibility.
3. Does the proposal put the property to use in a reasonable manner? Yes. It allows for the property to be used for auction.
4. Are there unique circumstances to the property not created by the landowner? Yes. High trees and raised Hwy. #169.
5. Will the variance maintain the essential character of the locality? Yes. Already similar.

Site Plan Review for West River Run Second Addition:

Fuhrman informed the Planning Commission Board that the applicant is proposing a 6,788 square foot (60 feet by 75 feet and 44 feet by 52 feet) principal building is proposed to be located in the northwest corner of the property. A 3,000 square foot (40 feet by 75 feet) accessory building is proposed directly south of the principal building. The buildings are proposed to be well within the required setback areas.

The height of the buildings is not known at this time, but the Ordinance limits the building height to 30 feet. The exterior building materials are proposed to be steel, and pre-finished metal panels are listed as an approved exterior material in the MN-1 District. Refuse containers are required to be screened, which shall be added as a condition of approval.

The property is not currently served by municipal water or sewer. The well and septic systems shall require adequate permits prior to installation. According to City Code, the property will be required to be hooked up once service is made available to the property.

The Comprehensive Plan states that the Gateway District should strive to improve the development quality by increasing the development standards for the zoning district in this area. The Gateway District should work to create a positive identity for the Princeton community and create interest for travelers to stop in our city. Fuhrman feels that because this property is located on the north edge of the community, it does provide a "first impression" for those entering the city from the north. With that in mind, and upholding the Comprehensive Plan, staff believes that the appearance of this site is very important, which includes landscaping elements.

The following landscape requirements should be addressed:

** At least three percent of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscaped area."*

Staff commented that there is no landscaping proposed to the internal paved parking area at this time. Because the proposed parking area is only 11 stall in size, staff would recommend additional landscaping be added along the perimeter of the parking lot to meet the intent.

** 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.*

Staff commented that the submitted Landscape Plan does not provide for a mix of plantings around 50% of the exterior footprint of all buildings. An updated landscape plan shall be submitted that covers a minimum of 50% of the exterior footprint of both buildings.

Fuhrman said that the applicants have updated the landscaping plan to meet requirements. They have also submitted and were approved for a fence permit. The applicants are proposing a security fence to enclose the storage area for the merchandise. In addition, they are proposing a white decorative fence along the north and east property lines. The applicants are working with the City's Fire Inspector regarding appropriate access.

In accordance with Section G of the Site Plan Review Requirements (p. VII-10, Subd. Ord.) the posting of surety shall be required at the time a certificate of occupancy is to be issued for completion of any uncompleted site improvements.

In addition, the applicant is required to provide surety to the City in an amount of \$0.50 per square foot of the site footprint for landscaping/screening site improvements. The surety is refundable upon completion of the site work to the satisfaction of the Building Official and/or Planning/Zoning Administrator (p. VII-2, Subd. Ordinance).

The Park Board preliminarily reviewed the cash in lieu of land at their August meeting and requested staff to discuss future trail planning with the property owners as the Park Board is currently undergoing a Park and Trail plan process, and a northern trail has been identified to eventually connect Princeton with Milaca. A tentative approach is to bring the trail from 21st Avenue north and eventually connect with the former railroad grade along Highway #169, bringing the trail either to the west or east of the applicant's property. The exact location of the proposed trail has not been identified, but staff has introduced the subject and further discussion will take place with the potential property owners.

Because the former dump site is located on the property, the MPCA is required to review the proposed development on and near the former dump site. The City's approval shall be subject to the MPCA's review and approval.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE THE UPDATED SITE PLAN REVIEW FOR WEST RIVER RUN SECOND ADDITION, WITH THE FOLLOWING CONDITIONS:

1. THE BUILDINGS SHALL MEET THE HEIGHT RESTRICTION
2. REFUSE CONTAINERS SHALL BE SCREENED
3. THE WELL AND SEPTIC SYSTEM INSTALLATION SHALL BE PROPERTY PERMITTED AND FOLLOW MINNESOTA DEPARTMENT OF HEALTH AND MPCA REGULATIONS

4. APPLICANTS SHALL WORK WITH THE FIRE INSPECTOR REGARDING APPROPRIATE ACCESS
5. THE POSTING OF SURETY SHALL BE REQUIRED AT THE TIME A CERTIFICATE OF OCCPANCY IS TO BE ISSUED FOR COMPLETION OF ANY UNCOMPLETED SITE IMPROVEMENTS, ACCORDING TO SECTION G OF THE SITE PLAN REVIEW REQUIREMENTS (p. VII-10, Subdivision Ordinance)
6. THE APPLICANT SHALL BE REQUIRED TO PROVIDE SURETY TO THE CITY IN AN AMOUNT OF \$0.50 PER SQUARE FOOT OF THE SITE FOOTPRINT FOR LANDSCAPING/SCREENING SITE IMPROVEMENTS. THE SURETY IS REFUNDABLE UPON COMPLETION OF THE SITE WORK TO THE SATISFACTION OF THE BUILDING OFFICIAL AND/OR PLANNER/ZONING ADMINISTRATOR (p. VII-2, Subdivision Ordinance)
7. THE APPLICANT SHALL PROVIDE PLAN AND SPECIFICATIONS WITH LANGUAGE FOR DEALING WITH ANY POTENTIAL CONTAMINATED SOILS OR BURIED DEBRIS IF ENCOUNTERED ON LOT 1, BLOCK 1, WEST RIVER RUN SECOND ADDITION

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

D. #08-12 Interim use Permit for Outside Storage of Material in B-3 District

Todd Schendzielos, of ML Schendzielos & Sons, Inc. has submitted an Interim Use Permit application for the storage of fill material at 1202 State Hwy. #95. The property is zoned B-3, General Commercial District and owned by Mark Griffiths.

The following lists the Ordinance review standards for fill material storage as an IUP in the B-3 District:

Outdoor storage of approved material, such as sand, gravel, fill dirt, or crushed material, provided that:

a) The specific project and site location where the material will be utilized is identified by the applicant and subject to the approval of the Planning Commission and City Council.

Staff commented that the applicant has indicated the material is currently for sale, and he is bidding on projects in the area and trying to eliminate the pile, but no specific project is known at this time. The applicant has stated he will try and remove the pile by this fall or late spring.

b) The material storage area shall be clearly identified upon an approved site plan for the property.

Staff commented that site plan is in the packet.

c) The material storage area shall meet the required front, side, and rear yard setbacks for the B-3 District.

Staff commented that the applicant has indicated the setbacks on the submitted memo: front: 150 feet; side: 150 feet; and back: 100 feet. The submitted site plan shows the front setback as

50 feet; Side: 150 feet; and rear: 100 feet. The B-3 District requires the following setbacks: front: 20 feet; side: 5 feet; and rear: 20 feet.

d) The maximum height of the material shall be determined by the Planning Commission and City Council, taking into consideration the following factors: the size, amount, and location of the material being stored, along with the proportion of the material storage area to any uses/buildings on site and/or adjacent to the subject property.

Staff commented that the applicant has estimated the height of the material is between 9 to 10 feet high.

e) Temporary security fencing shall be provided around the material storage area by the applicant.

Staff commented that the applicant has installed bi-roll silt fence.

f) Measures shall be taken to control dust and erosion.

Staff commented that the applicant has installed bi-roll silt fence.

g) Screening measures, as determined appropriate by the Planning Commission and City Council, shall be provided when the subject property on which the material storage is proposed is adjacent to or across the street from a residentially-zoned property.

Staff commented that the Planning Commission shall decide if screening measures are necessary. There is no residential property directly adjacent to the material pile.

h) No hazardous materials shall be allowed to be stored.

Staff commented that the applicant has stated it is clean fill only, and the material has no hazardous waste.

Fuhrman gave the Planning Commission Board a copy of an email she received at 4:00 P.M. today from Steve Anderson that stated:

Thank you for the notice of public hearing on "parcel C, sec 28, T 36, R 26". I represent Franklin Outdoor Advertising. We operate billboards on the adjacent properties. We are not in opposition to this request. However, we would like you to consider a condition that no storage shall be higher than 10 feet within 50 feet of the Hwy 95 Right-of-way. Our main objective is to maintain visibility to the existing billboards and avoid obstructions. I would hope the applicant can respect our concern. Thank you for your time and consideration. Steven L. Anderson, Lease Manager.

Dobson said the pile should not be any higher than it currently is so the sign person is happy with it.

Thompson suggested that the height of the pile be measured so it does not go over the ten feet.

Jennifer Gerold, 1302 7th Street North, said she is an adjacent property owner to this site. This material has been sitting at another site for two years since the roundabout was being built. The material has been for sale for quite some time. The owner says it is approximately ten feet, but to her it looks more like 12–15 feet in height, and would like the height verified. The fencing around it is only for runoff and it should have a security fence where it keeps those on four wheelers off of it. The west side of the city is developing and we should keep it looking nice to help promote economic growth. This is not tucked back on the site so you visually see it from the highway.

Todd Schendzielos, the applicant said that this pile has only been on this site for two months. He has moved about half of it from the city property. He is willing to lower the pile and also willing to add a different fence around it.

Nielson, City Engineer said the city had another property site with outside storage of material on it and the condition was that orange fencing was put around the material site and no trespassing signage.

Schendzielos said he would do that. He would even put up black fencing instead of orange if they want.

Thompson said orange would be more visual.

Gerold commented that if he lowered the pile and shaped it up better that would be nice.

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

Edmonds would like the applicant to check the height of the pile and shape it up somewhat.

Schendzielos said he will shape up the pile so it looks neater. He had started with a three thousand yard pile and now is down to half of that.

Dobson would like a one year review on this IUP where it comes back to the Planning Commission Board for review.

EDMONDS MOVED, SECOND BY DOBSON, RECOMMEND APPROVAL TO THE CITY COUNCIL FOR ITEM #08-12 INTERIM USE PERMIT FOR OUTSIDE STORAGE OF MATERIAL IN B-3 DISTRICT AT 1202 STATE HIGHWAY 95, WITH THE FOLLOWING CONDITIONS:

1. THE STORAGE OF THE MATERIAL SHALL TERMINATE ONE YEAR FROM THE DATE OF CITY COUNCIL APPROVAL.
2. THE IUP SHALL BE REVIEWED ONE YEAR FROM THE DATE OF CITY COUNCIL APPROVAL IF NOT REMOVED.

3. A LETTER OF CREDIT IN THE AMOUNT STAFF RECOMMENDS TO THE CITY COUNCIL BASED ON THE AMOUNT OF MATERIAL AT THE SITE SHALL BE SUBMITTED BY THE APPLICANT TO COVER ANY FUTURE COSTS THE CITY MAY INCUR TO ENFORCE THE IUP.
4. THE HEIGHT OF THE MATERIAL BEING STORED CANNOT EXCEED TEN FEET.
5. TEMPORARY ORANGE SECURITY FENCING SHALL BE REQUIRED TO BE PROVIDED BY THE APPLICANT.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Is the proposed use an interim use listed in the district in which the application is being made? Yes, by Ordinance.
2. Is the date or event that will terminate the use can be identified with certainty and continued? Yes, a term of one year with review.
3. Does the interim use not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters? No, required silt fencing and barrier fencing.
4. Would permission of the use not impose additional costs on the public if it is necessary for the public to take the property in the future? No, required a line of credit or performance bond.

E. #09-12 Conditional Use Permit for Detached Garage (307 6th Avenue South)

Greg Boelke has submitted a Conditional Use Permit application to construct a detached garage in excess of 800 square feet and 15 feet in height and a conditional use permit to construct a detached garage with sewer and water extensions. The property is located at 307 6th Avenue South and is described as Lots 2 and 3 and the vacated alley between Lots 3 and 4, Block 10, Damon's Addition. The property is zoned R-2, Residential.

The subject parcel is located on the west side of 6th Avenue South in the middle of the block. The property currently contains a single family home in the center of the property, an accessory building in the northwest corner of the property, and a detached garage in the southwest corner of the property, directly adjacent to the alley.

The property owners are proposing to tear down the existing 542 square foot garage in the southwest corner and construct a new L-shaped, 1,976 square foot, two-story detached garage. The new garage is proposed to match the color of the existing accessory building on the property. The style of the proposed garage shall be similar to the magazine photo provided in the packet.

The proposed detached garage is 1,976 square feet and 24 feet in height, which requires a conditional use permit in the R-2 District. The accessory building height limit in R-2 is 24 feet. In addition, any accessory building with sewer and water extensions in the R-2 District requires a conditional use permit as well. The applicant is proposing a half bathroom in the upper level

of the garage along with storage.

Thompson asked with the sewer and water extension if he will be charged additional sac and wac charges.

Dylan Howard of Howard Homes, said he spoke with Lynn Paulson, City Building Official and was told that if he is running it from the house line, that would be okay and no additional charges.

Thompson said it is another unit so there should be additional charges.

Howard said it is a half bath and not a separate unit.

Thompson said under MN Department of Health and Met Council Standards, that it is considered a unit under residential.

Fuhrman will look into the Met Council Standards. The City consistently uses their standards and they will apply to this also.

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

Siercks asked the size of the main floor plan on the house.

Greg Boelke, applicant said the house is 1,100 square feet on the main floor.

Dobson asked Howard if the driveway going out to the alley is approximately 20 feet.

Howard said the new driveway is exactly where it is now and will be coming off the alley, not the street.

Thompson has concerns of the size of the garage. Why do you need a two story garage. The garage is larger than the house.

Boelke said the house is bigger than the proposed garage. The footprint is 1,100, but it has three stories. This garage would follow the historic look of the home.

Howard said the Dunn home has a carriage house and the Bed and Breakfast in town also has one.

Boelke said it is only higher because of the roof pitch. The second floor is more of an attic.

Dobson commented that the 24 feet in height is okay, it is the overall size of the garage in question.

Fuhrman said this was changed by the past zoning person and believes the reason for the allowed height for accessory buildings in the R-2 District is because of the time period the homes were built.

MELLOTT MOVED, SECOND BY EDMONDS, TO APPROVE ITEM #09-12 CONDITIONAL USE PERMIT TO CONSTRUCT AN ACCESSORY BUILDING OVER 800 SQUARE FEET AND TO CONNECT TO MUNICIPAL SEWER AND WATER AT 307 6TH AVENUE SOUTH, WITH THE FOLLOWING CONDITIONS:

1. THE CITY ENGINEER SHALL REVIEW AND APPROVE THE PROJECT IN REGARDS TO EROSION, RUNOFF, WATER POLLUTION, AND SEDIMENTATION PRIOR TO A BUILDING PERMIT BEING ISSUED.
2. THE DETACHED GARAGE SHALL NOT BE UTILIZED AS LIVING QUARTERS, TEMPORARILY OR PERMANENTLY, AT ANY TIME.
3. THE CUP SHALL BE SUBJECT TO THE EXPIRATION TERMS OF THE ORDINANCE.
4. THE DETACHED GARAGE CANNOT BE UTILIZED FOR BUSINESS.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Does the proposed use violate the health, safety or general welfare of the Princeton residents? No.
2. Has the proposed use been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation? Yes.
3. Is adequate parking and loading provided in compliance with the Ordinance? Yes.
4. Have possible traffic generation and access problems been address? Yes.
5. Does the proposed use accommodate with existing public services and will not overburden the City's service capacity? Yes.
6. Does the proposed use conform to the City's Comprehensive Plan and is compatible with present and future land uses of the area? Yes.

F. #10-12 Variance for Rear Yard Setback for Detached Garage (307 6th Avenue South)

Greg Boekle has submitted an application for a variance to construct a detached garage within the required five foot rear yard (alley) setback area. The property owners propose to locate the new garage in the same location as the existing garage, requiring a variance to the required five foot rear yard minimum alley setback. The garage is proposed to be five feet from the side lot line, which meets the Ordinance requirements.

In 1995, the property owners were approved a variance to construct the existing garage within the required three foot rear yard setback, which was the requirement at that time. In 1995, the staff report indicated that parts of the slab were 1.75 feet (21 inches) from the property line.

The submitted survey, however illustrates that the existing garage is 0.9 feet (10.8 inches) and 1.1 feet (13.2 inches) from the rear property line. Because the new garage is an expansion, a variance is required although the new garage is not going any closer than the existing garage.

Fuhrman said the variance standards were recently amended to be consistent with statutory language. According to Section 2 of Chapter IV of the Zoning Ordinance, 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.

Boelke said the setbacks are the same as the previous garage.

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

EDMONDS MOVED, SECOND BY MELLOTT, TO APPROVE ITEM #10-12 VARIANCE TO CONSTRUCT AN ACCESSORY BUILDING WITHIN THE FIVE FEET REAR YARD SETBACK AT 307 6TH AVENUE SOUTH WITH THE FOLLOWING CONDITIONS:

1. THE DETACHED GARAGE SHALL NOT BE LOCATED ANY CLOSER TO THE REAR PROPERTY LINE THAN THE EXISTING GARAGE.
2. A BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

G. Ordinance Amendment to Allow Chickens in R-1, R-2, and R-3 Zoning Districts as Interim Use Permit

Fuhrman informed the Planning Commission Board that the raising of non-domestic livestock is only allowed in the A-1 and A-2 Zoning Districts. The City Council had directed the Planning Commission and staff to investigate the possibility of expanding the allowance of chickens within city limits based on a citizen's request.

Fuhrman has gathered comments from the Planning Commission, City Attorney, Humane Society Investigator, and other communities and drafted an Ordinance for the public hearing. A summary of the Ordinance Amendment is as follows:

- * An interim use permit is required in the R-1, R-2, and R-3 Districts.
- * Only allowed on single family home lots.
- * The keeping of any poultry besides chickens is prohibited.
- * Outdoor slaughtering and chicken fighting is prohibited.
- * Leg banding of all chickens is required, identifying the owner's name, address, and telephone number.
- * A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- 1) Located in the side or rear yard.
 - 2) Meet the accessory structure setback requirements.
 - 3) Construction shall be adequate to prevent access by rodents.
- * A run or exercise yard is required to be provided and must be enclosed by a fence.
 - * All food shall be stored in an enclosed, rodent proof container

Ashleigh Blasey, 414 7th Avenue South, was the resident who had approached the City Council to allow chickens in the city. She said she had wanted the ordinance to allow up to six hens, but four will be fine. Their eggs would just be used for personal use. The backyard hens have more nutritious eggs and are like a pet to the owner. The construction of their coops is also better.

Dobson would like on page two, under item h, to have it just read, "Chickens shall not be housed in a residential house or an attached or detached garage."

Penny Quast, 107 12th Avenue North, asked if this ordinance is just for chickens, not ducks or anything else.

Fuhrman said it is just for chickens.

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

EDMONDS MOVED, SECOND BY MELLOTT, TO APPROVE AN ORDINANCE AMENDING THE ZONING ORDINANCE, ADDING DEFINITIONS AND PROVIDING FOR THE KEEPING OF CHICKENS IN AREAS ZONED R-1, R-2, AND R-3 THROUGHOUT THE INTERIM USE PERMIT PROCESS, WITH THE CORRECTION ON PAGE TWO, ITEM H, TO READ "CHICKENS SHALL NOT BE HOUSED IN A RESIDENTIAL HOUSE OR AN ATTACHED OR DETACHED GARAGE.", AND FORWARD ON TO THE CITY COUNCIL FOR RECOMMENDATION OF APPROVAL.

Siercks asked if there will be a fee for this permit.

Fuhrman said \$250 is the fee for interim use permits. When the property owner moves out of the house the permit will be done. For each interim use permit there will be a termination date as a requirement.

Dobson said a one or two year review should be a condition on the permit.

Fuhrman said that could be a requirement to have a review after one year. Another condition would be if the applicant moves the permit expires.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

H. Ordinance Amendment to Allow Automobile & Recreational Sales and Service in B-2 District as a Conditional Use Permit

Fuhrman informed the Planning Commission Board that at the August Planning Commission meeting, the Board made a motion recommending an ordinance amendment to allow automobile and recreational sales and service as a conditional use permit in the B-2 Neighborhood Business District.

Automobile and recreational sales and service was formerly allowed as a CUP in the B-2 District, but was removed to comply with the change made to the Comprehensive Plan. The Comprehensive Plan states the following for the Limited Commercial Land Use designation:

The neighborhood commercial concept allows limited commercial uses in existing commercial nodes adjacent to residential neighborhoods, as well as future commercial sites included in a mixed-use planned unit development. Typical uses would include small convenience centers, offices, and other commercial uses that are more compatible with surrounding residential areas.

The Planning Commission and City Council removed this use from the B-2 Zoning District during the 2010 amendments to the Zoning Ordinance to reflect the changes to the Comprehensive Plan. Currently, automobile sales and recreational sales and service is currently only allowed in the B-3 Highway Commercial Zoning District as a conditional use permit with certain provisions. Fuhrman has drafted an Ordinance amendment allowing automobile and recreational sales and service as a conditional use permit in the B-2 Neighborhood Business District.

Pat Fitzpatrick, 503 Rum River Drive North, thanked the Planning Commission for restoring the rights on his site to what had been there for the zoning and amending the zoning ordinance. His site is .78 acres, just under one acre.

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

Fuhrman said existing Ordinance for B-3 District has the minimum lot areas of one acre so this does not meet the current stipulations. He would have to meet the acreage size, otherwise Fitzpatrick would have to get a variance. The Planning Commission could change the one acre stipulation for the B-2 District.

Dobson said the size requirement could be .75 of an acre.

SIERCKS MOVED, SECOND BY EDMONDS, TO RECOMMEND APPROVAL TO THE CITY COUNCIL THE ORDINANCE AMENDING THE ZONING ORDINANCE ALLOWING AUTOMOBILE AND RECREATIONAL SALES AND SERVICE AS A CONDITIONAL USE PERMIT IN THE B-2 NEIGHBORHOOD BUSINESS DISTRICT WITH THE MINIMUM LOT AREA .75 OF AN ACRE. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS: None

NEW BUSINESS:

A. Sign Review for Merlin's Restaurant

Merlin's Family Restaurant has applied for a sign permit application to replace and expand an existing pylon sign that was damaged by a storm in May. The applicant would like to replace the sign with one that is a little smaller in square footage than the old sign, but would like to add an electronic message board below it as well.

This property is zoned B-3 General Commercial District. The Zoning Ordinance requires review by the Planning Commission. The applicant is proposing a 90 square foot (5 feet tall by 18 feet wide) pylon sign with yellow and white lettering on a green background stating "Merlin's Family Restaurant". Also proposed is a 40 square foot (30 inch by 16 feet) electronic message board sign directly below the above mentioned sign. The message board may happen at a later date than the top sign.

They are proposing two options in regards to the existing poles that will be utilized: option one would be painting the existing poles, which is most likely to occur. Option two is covering the poles with a weather resistant material. The height of the sign would be 32 feet.

The Sign Ordinance allows pylon signs in the B-3 District with a maximum sign area of 150 square feet and a maximum height of 60 feet. The proposed total area and height meet Ordinance requirements.

The proposed height and size of the proposed sign meets the zoning requirements. However, staff was directed by the Planning Commission at the August meeting to look into ordinance language to address electronic message board, dynamic, and lit signs. Currently, the City of Princeton Zoning Ordinance does not address this type of signage. This will be reviewed further on tonight's agenda. The Planning Commission could consider approving both the replacement and electronic message board sign, or they could consider approving the replacement sign and tabling the decision on the electronic message board sign until further research is conducted in regards to the electronic message board signs.

DOBSON MOVED, TO TABLE THE SIGN REVIEW FOR MERLIN'S RESTAURANT UNTIL FURTHER REVIEW ON THE ELECTRONIC MESSAGE BOARD SIGNS. (No second)

Fuhrman said the applicants would like to have approval on the upper part of their signage.

MELLOTT MOVED, SECOND BY EDMONDS TO APPROVE THE TOP PORTION ONLY OF THE SIGN THAT READS "MERLIN'S FAMILY RESTAURANT", THE ELECTRONIC MESSAGE BOARD SIGN IS NOT APPROVED UNTIL FURTHER REVIEW. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

DOBSON MOVED, SECOND BY SIERCKS, TO TABLE MERLIN'S SIGN REQUEST FOR THE ELECTRONIC PORTION OF THE SIGN UNTIL FURTHER REVIEW. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

This is the continued discussion of the electronic message board sign for Merlin's Family Restaurant after the Electronic Sign Ordinance discussion that was further down on the agenda.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE THE ELECTRONIC MESSAGE BOARD SIGN FOR MERLIN'S FAMILY RESTAURANT.

Siercks asked if it is scrolling or texting running.

The sign guys said text running with a full colored board.

Dobson asked when he put in signs does he consider the safety and any other issues with traffic and such.

Steve Soper, Cross Country Signs, said he has never had a problem with them. They will not have anything too bring. It is just for the area around them in mostly text.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

B. Metal Roof at 309 4th Street South

Curtis Strombeck is requesting to remove the old shingles on the roof of the detached garage and install white Pro Rib steel roofing with a steel ridge cap material on his mother's rental property at 309 4th Street South. Mr. Strombeck believes this material would hold up longer in the Minnesota seasons. He plans to paint the garage after the roofing is completed and later redo the soffit and fascia. The house contains gray and white shingles in contrast to the material proposed on the garage. Photos were provided for the Planning Commission Board.

The property is zoned R-2, Residential District. The ordinance language in regards to residential siding and roofing was amended in May 2012 to read as follows:

All siding and roofing used in residential construction shall consist of building materials in common use in residential construction, but may also include building materials which the Planning Commission finds to be similar in form, function, and esthetics to building materials in common use in residential construction.

This is the first steel roofing request since the Ordinance amendment last spring, and staff is bringing the request in front of the Planning Commission for their review. If the Planning Commission believes this roofing material and siding is considered in common use in residential construction, or is similar in form, function, and esthetics, then staff proposes, with the Planning Commission's consent, to review further similar requests administratively versus bringing every request in front of the Planning Commission.

Curtis Strombeck was present and said the shingles on the house are gray and white. The staff memo just stated gray.

DOBSON MOVED, TO APPROVE THE METAL GARAGE ROOF AT 309 4TH STREET SOUTH, AS LONG AS CITY STAFF BELIEVES THE COMMON USE IS GOOD WITH RESIDENTIAL AREA. (No second)

Mellott questioned the steel roofing material wanting to be used without seeing it.

Strombeck and his co-worker said it will be Pro-rib and that is the most common used in both residential and commercial.

Edmond said that if staff is making decisions on this we have to be more definitive of what we are requesting.

DOBSON WITHDREW HIS MOTION.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE THE PROPOSED METAL ROOFING AT 309 4TH STREET SOUTH. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

C. Electronic Sign Discussion

At the August Planning Commission meeting the Board made a motion directing staff to draft an Ordinance for electronic signage, including dynamic and lit signs. Fuhrman has done some research and as the League of Minnesota Cities points out, there is no single correct approach to regulation. Each community is different and has different needs that local ordinances may reflect. Because the regulation of signs involves the First Amendment, courts hold sign regulations to a higher standard than most land use regulations. Cities still have considerable discretion to regulate, as long as they do so reasonably and without regard to sign content.

The large electronic billboards akin to giant television screens are known as dynamic signs as they have the ability to feature changing images and movement. The City of Minnetonka underwent litigation in their attempt to regulate dynamic signage. The City partnered with League of MN Cities to commission a study on the impact of such dynamic signs on traffic safety.

The League says that traffic impact studies confirm that billboards can tend to distract drivers, dynamic features contribute to the distraction, and even short distractions can increase the risk of accidents. Safety is only one concern, and cities may also regulate signs based on values, preferences, and aesthetics. Not every sign is appropriate in every community or every neighborhood. Fuhrman listed the League of MN Cities memo points, and other communities approaches on regulations. She would like feedback from the Planning Commission before drafting something up.

Dobson would like Fuhrman to check on the illumination and changing of the messages at Frontier Steak House, Coborns, Ace Hardware, and Bremer Bank and then email the Planning Commission with what she finds out. He would like this done as soon as possible.

Fuhrman said she spoke to the City Attorney and the Planning Commission could table the decisions on the sign request on tonight's agenda in order to gather further information in

regards to electronic signs and a possible ordinance amendment. This would be limited till December where the decision would have to be made. Otherwise a moratorium could be in place for a longer decision period.

Siercks commented that the residential area is the concern for these types of signs, but outside of the residential area would not be a problem.

DOBSON MOVED, SECOND BY SIERCKS, TO TAKE OFF THE TABLED MOTION FOR THE ELECTRONIC SIGN DISCUSSION.

Steve Saper, Cross County Signs, was in the audience for Merlin's sign request, and said there are two individuals that speak to cities to help them make good ordinance directions for signage in their community. He will email Fuhrman their contact information.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

DOBSON MOVED, EDMONDS SECOND, TO REMOVE THE MOTION ON TABLING THE PYLON SIGN REVIEW FOR WEST RIVER RUN SECOND ADDITION AND MERLIN'S FAMILY RESTAURANT. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The continued discussion regarding the signage for West River Run Second Addition and Merlin's Family Restaurant is in their sections of the Minutes.

COMMUNICATION AND REPORTS:

A. Verbal Report

Fuhrman told the Planning Commission Board that they have been given the updated MN-1 and MN-2 Zoning Ordinance pages for their zoning books.

B. City Council Minutes for August, 2012

The Planning Commission Board had no comments.

MELLOTT MOVED, SECOND BY DOBSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 10:00 P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant