

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON SEPTEMBER 19, 2016
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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

APPROVAL OF MINUTES OF REGULAR MEETING ON AUGUST 15, 2016

ZIMMER MOVED, SECOND BY GOENNER, TO APPROVE THE MINUTES OF AUGUST 15, 2016. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:

There were no additions or deletions.

PUBLIC HEARING:

A. #16-08 Interim Use Permit for Animal Chiropractic at 103 Rum River Drive South

Community Development Director Memo:

BACKGROUND

Dr. Keith Billstein has submitted an application for an Interim Use Permit to allow the operation of a small animal chiropractic office in the B-1 Central Business Zoning District.

ANALYSIS

The property site is located at 103 South Rum River Drive on the property described as Damons Addition, E 61.99 FT on N & E 62.24 FT of S of N 63.36 FT on E & 62.9 FT on W of Lot 6, Block 3, (Building address 101 Rum River Drive South), PID #24-041-0220, City of Princeton, Mille Lacs County, Section 33, Township 36, Range 26. The location is zoned B-1 Central Business District.

It is the intent of the B-1 Central Business District to create an area which will serve as the focal point of community interest and as a focal point of commercial, financial, office, entertainment, and governmental activity.

Dog Daycare, Training, and Grooming Facility with no overnight boarding are allowed uses with an Interim Use Permit. At this time, there are no zoning regulations regarding animal chiropractic offices addressed in Zoning Ordinance #538.

Interim Use permit Review Standards/Findings of Fact. When reviewing application for an interim use, the City shall base its judgement on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. The proposed use is an interim use listed in the district in which the application is being made;

2. The date or event that will terminate the use can be identified with certainty and continued;
3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters;
4. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

The user agrees to any and all conditions that the city deems appropriate for permission of the use. The conditions may include but are not limited to:

1. A performance bond for the entire period of the interim use sufficient to cover any future costs the city may incur to enforce the provisions of the interim use permit;
2. Hours of operation, parking restrictions, lighting restrictions, screening, landscaping, fencing, signing restrictions, noise restrictions and the like.

Any interim use may be terminated by a change in this chapter or violations of any of the conditions imposed after the original or subsequent hearings held by the city. Any interim use permit issued by the city automatically expires upon the termination date noted in the permit or upon change of the ownership of the property, whichever comes first.

CONCLUSION/RECOMMENDATION

Based on the findings that the proposed Interim Use appears to meet the review standards and provisions as listed in the Zoning Ordinance, the **Planning Commission recommend that the City Council approve the proposed Interim Use Permit for an animal chiropractic clinic in a B-1 Central Business Zoning District.**

This recommendation is contingent upon these:

Conditions of Approval:

1. The Interim Use Permit terminate when and if Keith Billstein decides to discontinue leasing and/or sell the site in the future. Upon the sale of the land the Interim Use Permit terminates at the sale.
2. Provision of Fire Inspection and signage plans.
3. Building Permit will be required for extensive build out.

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

Keith Billstein, Applicant wrote the following memo:

Narrative Description of proposed interim use for 103 South Rum River Drive, Princeton, MN 55371

Motion Wellness Animal Chiropractic is a professional licensed service that provides Chiropractic care for Animals. I am the owner, Dr. Keith Billstein, I am a licensed Minnesota chiropractor with 33 years of experience treating people. I am also a Nationally Certified Animal Chiropractor. I was certified at Parker University in Dallas, Texas and I am also nationally certified by the American Veterinary Chiropractic Association (AVCA) since 2013. I hold an active MN license in both human and animal chiropractic. I reside with my wife, Mary on a 20-acre hobby farm in Princeton Minnesota as well. The 103 South Rum River Drive location will be used for treatment of small animals only.

For a doctor of chiropractic-animal chiropractor to initially see an animal, the owner must have their veterinarian sign a referral form before chiropractic services can be performed, this is required by state law. In an animal chiropractic facility, the owners have scheduled appointments for their pets. The pet owners bring in their small animals, usually dogs on a leash or in a crate. Examination and treatment of an animal typically takes between 15 and 30 minutes. When treatment is completed, they leave the facility. No animals are boarded or kept overnight.

If an owner has a dog that needs to go to the bathroom before bringing into the animal chiropractic facility, there are several small areas in the back of the building to go. In my present location in Anoka, I find that dogs don't have to go to the bathroom before being seen because owners have taken care of that before their appointment. I find my clientele to be very responsible with their animals. On a rare occasion where a dog will have to go to the bathroom they will be asked to go around the back of the building. Should you feel it necessary, I will provide a waste container outside the building with plastic bags and disinfectant wipes just inside the entrance.

If you have any additional questions regarding this type of business, I would be happy to answer your questions. Thank you for your attention in this matter.

Sincerely, Keith M. Billstein, DC CAC

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

Keith Billstein, applicant introduced himself to the Planning Commission. Billstein said he has been in practice for thirty-three years. He does work on large animals and would go to the customer's residence. At the proposed site he would work on small animals only. He would only be in this area for three days a week. The pet owners must have their veterinarian sign a referral form before chiropractic services can be performed, this is required by state law. Then they will make an appointment with him. The procedure takes about fifteen minutes to a half hour. If the animal needs to go to the bathroom, the owner can take them outside to the back

of the building or there is an archway on the side of the building. He could do a container facility with baggies and hand wipes. He would have that inside the building. The owner would clean up after the pet.

Zimmer said he has never heard of this practice before. Has he worked with our veterinarians in Princeton.

Billstein said yes, maybe once with each. He does not have a great rapport with them, but they know him.

Goenner asked if he was thinking of a time frame for how long he will be there. Five years or longer.

Billstein said he has to wait and see how well it does. He hopes very well.

Reynolds said he had a chiropractic treatment done on one of his horses and that worked very well.

Foss asked if he is purchasing or leasing the building site.

Billstein said he is leasing. He does treatment on horses also and he would go to the customer's home.

Reynolds opened the public hearing. There was no one present that had any questions or comments.

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

GOENNER MOVED, SECOND BY ZIMMER, TO APPROVE ITEM #16-08 INTERIM USE PERMIT FOR ANIMAL CHIROPRACTIC AT 103 RUM RIVER DRIVE SOUTH WITH THE FOLLOWING CONDITIONS:

1. THE INTERIM USE PERMIT WOULD TERMINATE IF THE APPLICANT KEITH BILLSTEIN DECIDES TO DISCONTINUE LEASING AND/OR SELL THE SITE IN THE FUTURE.
2. THE SIGNAGE PERMIT NEEDS TO BE PICKED UP AT CITY HALL.
3. A BUILDING PERMIT WILL NEED TO BE REVIEWED AND APPROVED BY THE CITY OF PRINCETON BUILDING INSPECTOR PRIOR TO RENOVATIONS OF THE SITE.
4. OUTDOOR FACILITIES ARE TO BE KEPT IN A CLEAN, DRY, SANITARY CONDITION. WASTE SHALL BE PICKED UP IMMEDIATELY AND DISPOSED OF IN A SEALED CONTAINER. SHOULD THERE BE AN ISSUE WITH THIS, THE INTERIM USE PERMIT WILL BE REVIEWED AND APPROPRIATE ACTION WILL BE TAKEN.

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

Goenner commented to the applicant that she hopes they are conscious to help the clients clean up after their pets if they do need to let the animal go to the bathroom in back of the building.

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.
2. Is the date or event that will terminate the use can be identified with certainty and continued? Yes.
3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters?
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? Yes.

OLD BUSINESS: None

NEW BUSINESS:

A. Temporary Dwelling Legislation Becomes Law

Community Development Director Memo:

The City of Princeton City Council has chosen to opt out of the Temporary Dwelling Permit Legislation recently passed as they have determined that this type of expedited land use permitting for temporary dwellings may not be well-suited to the community. They have requested the Planning Commission evaluate the reasonability of this program for our community.

Many communities have communicated that property owners in their jurisdiction have adequate access to a permit for this type of use through existing local land use controls and permitting authority. The law would require the city to issue permits to qualified applicants as of Sept. 1, 2016. A permit can be denied for appropriate cause. The law lists the information required and the requirements that may be considered in that decision. The final act has the following key components:

- Creates a new type of permit referred to as a temporary dwelling permit that has a six month duration, with an option to extend the permit for six months.
- Requires that the permit be for a property where the caregiver or relative resides.
- Allows modular and manufactured housing (instead of just recreational vehicles) to use this permit process as long as the unit meets all of the listed criteria.
- Lists the criteria for the structure and the information required in the permit application.

- Addresses sewer safety issues with required backflow valves and advance verification of septic service contracts.
- Requires the inclusion of site maps showing where the unit will be placed and notification of adjacent neighbors prior to application.
- Requires applications to specify the individual authorized to live in the unit.
- Applies the permit approval process found Minnesota Statutes, Section 15.99, but allows the local government unit only 15 days to make a decision on granting the permit (no extension). It waives the public hearing requirement and allows the clock to be restarted if an application is deemed incomplete, as long as the applicant is notified of how the application is incomplete within five days. A 30-day decision is allowed if the regular council meeting occurs only once a month.
- Requires unit placement to meet existing stormwater, shoreland, setback, and easement requirements. A permit exempts the units only from accessory unit ordinances and recreational vehicle parking and storage ordinances.
- Sets a default permit fee level that may be replaced by a local ordinance.
- Allows cities to pass an ordinance opting out of using this new permitting system.

The Legislative Ruling for Temporary Family Health Care Dwellings was provided for the Planning Commission's Review.

The City of Princeton does not address this type of dwelling in Zoning Ordinance #538. The Mille Lacs County Land Use Director, Michele McPherson spoke to the Princeton Union about why Mille Lacs County opted out. The article is included for the Planning Commission to review.

It is staff's recommendation to remain in an opted – out position on this temporary dwelling permit issue due to the size of most city lots and the complexities involved in the public keeping of medical records.

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

Foss spoke that the Police Chief is in favor of remaining in the opt-out position. He is dealing with a few issues now that is like this so he would prefer the Planning Commission does not want this in the City Ordinance.

Goenner said the City took the opt-out position to meet the deadline. She prefers a public hearing where people can speak on this and give their opinion. She does support the-opt out position.

Zimmer agrees, he supports the opt-out position.

ZIMMER MOVED, SECOND BY GOENNER, TO REMAIN IN AN OPTED-OUT POSITION ON THE TEMPORARY DWELLING PERMIT ISSUE DO TO THE SIZE OF MOST CITY LOTS AND THE COMPLEXITIES INVOLVED IN THE PUBLIC KEEPING OF MEDICAL RECORDS. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

B. Ordinance Amendment addressing the Flag Lots in Residential Dev.

Community Development Director Memo:

Definition:

Flag Lot: An interior lot located generally to the rear of another lot, but with a narrow portion of the lot extending to the public street.

Considerations:

- The practice of subdividing land into flag lots has in some cases resulted in the use of flag lots to avoid construction of public streets;
- This practice can be more difficult to enforce zoning and other safety regulations;
- Development on flag lots is appropriate in certain circumstances and a total ban on this type of development may not be an appropriate solution;
- The resulting development could be poorly configured when served by a common driveway that is not built to withstand use by multiple homeowners;
- There are cases where an existing structure(s) and its required side yard cannot be accommodated, then the width shall not be less than twenty four (24) feet in width;
- There can be an issue of a house front primarily facing a neighbor's rear yard as most homeowners seek privacy for the rear yard.

Possible course of action:

- Configure an acceptable lot width to depth ratio;
- Prohibit flag lots;
- Allow flag lots when there are conditions that prevent meeting the lot width requirement such as existing structures, preserve a natural feature or avoid a natural feature that may cause problems in the future (steep slopes, wetlands, water courses).

Possible Ordinance Amendment:

	One Family	Accessory Buildings ³	Other Buildings ⁴
A. Lot area minimum square feet	12,500 sq. ft.		
B. Lot width minimum feet	80 feet ^{1,5}		
C. Maximum lot coverage	30%	0	
D. Front yard minimum setback	30 feet ²	---	
E. Side yard minimum setback	10 feet	5 feet	
F. Street side yard minimum setback	20 feet	20 feet	
G. Rear yard minimum/alley setback	30 feet	5 feet	
H. Maximum height	30 feet	15 feet	

¹ Lot width shall be taken at building setback line.

² If, at the time of an application affecting the front yard setback, 50% or more of the then existing dwellings having frontages on the same side street or road for three (3) blocks have an average front yard setback different from that specified herein, then all buildings thereafter erected, altered, or moved may conform to that average front yard depth as a minimum.

³ No accessory structures shall be allowed prior to the construction of the principal structure. No more than one principal building may be located on one lot in a residential district.

⁴ See Conditional Use conditions Chapter 4.

⁵ Lot width could be determined by Planning Commission when there are conditions that prevent meeting the lot width requirement such as existing structures, preservation of a natural feature or to avoid a natural feature that may cause problems in the future (steep slopes, wetlands, water courses).

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

Zimmer believes that flag lots are an unusual situation. Some situations they are okay to have.

Foss said the City Attorney suggested a width to depth ratio. That would make it more challenging because most lots would not meet that. She is not in favor of doing a width to depth ratio.

Goenner is not wanting to go through what we did go through at the last Planning Commission meeting with the flag lot. Is it where we need them. She does not think it is a good idea to have them.

Reynolds said that one case with this type of lot was a wide driveway. Have a minimum for a driveway would be helpful.

Foss put in 24 feet for a minimum square foot driveway.

Zimmer questioned if by approving the other flag lot does it make a precedent.

Foss said yes.

Roxbury said the Planning Commission has to have the lot size dimensions set-up so it is not dragged through court system if being denied.

Reynolds told Foss to draft something that is more defined.

Goenner said she understands the value for the City to have another property added, but we need to have something in writing with the guidelines.

Reynolds said we need rules set so they have to meet the guidelines.

Goenner would like Foss to look at what other cities do.

Roxbury said Princeton Township does not permit flag lots. Mille Lacs County does their own zoning.

Foss will put together what surrounding communities have in regards to flag lots.

COMMUNICATION AND REPORTS:

A. Verbal Report

There was no verbal report.

B. City Council Minutes for August, 2016

The Planning Commission Board had no comments.

ZIMMER MOVED, SECOND BY GOENNER, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:37 P.M.

ATTEST:

Jeff Reynolds, Chair

Mary Lou DeWitt, Comm. Dev. Assistant