

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON OCTOBER 15, 2012, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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The meeting was called to order at 7:00 P.M. by Dave Thompson. Members present were Mitzi Mellott, 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.

Absent was Jack Edmonds.

**APPROVAL OF MINUTES OF THE REGULAR MEETING ON SEPTEMBER 17, 2012**

SIERCKS MOVED, SECOND BY MELLOTT, TO APPROVE THE MINUTES OF SEPTEMBER 17, 2012. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**PUBLIC HEARING:**

**A. Conditional Use Permit Amendment for Automobile & Recreational Sales and Service at 503 Rum River Drive North**

Fuhrman provided the Planning Commission Board a timeline of the sequence of events regarding the Wholesale Auto property.

- \* May 2012: Pat Fitzpatrick submitted an application for variances to construct an accessory building over the 800 square foot maximum size requirement (30 ft by 64 ft or 1,920 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.
- \* 06/18/12 PC: Planning Commission held a public hearing and tabled the variance requests to gather more information.
- \* 08/20/12 PC: Planning Commission tabled the variance requests, subject to Mr. Fitzpatrick agreeing to an extension to the application review period, with a recommendation to the City Council to allow automobile sales as a CUP in the B-2 District.
- \* 09/17/12 PC: Planning Commission held a public hearing and recommended approval of Ordinance #692, allowing automobile and recreational sales and service as a CUP in the B-2 Zoning District.
- \* 10/04/11 CC: City Council introduced the first reading of Ordinance #692.
- \* 10/11/12 CC: City Council approved Ordinance #692.
- \* 10/15/12 PC: Planning Commission shall hold a public hearing regarding an amendment to the Conditional Use Permit, and consider the two variance requests. The public hearing has already been held on the variance requests.

The Future Land Use Plan designates this property as Neighborhood Commercial, which allows limited commercial uses in existing commercial nodes adjacent to residential neighborhoods. This property is zoned B-2, Neighborhood Business District. Because the proposed construction involves expanding the service portion of the business, an amendment to the existing CUP is required. The conditions from the existing conditional use permits still apply.

Ordinance #692 proposes Automobile and recreational sales and service as a CUP provided that:

*(a) A minimum lot area of 0.75 acres is required and the use shall be on 1 lot or contiguous lots not separated by a public street or other use.*

Staff comment: The two lots combined equal 0.78 acres. The lots must be combined as a condition of approval of the accessory building in order to meet setbacks and the requirement that an accessory building cannot be located on a parcel without a principle building.

*(b) A minimum lot width of 100 feet is required.*

Staff comment: The property is well over 100 feet in width.

*(c) The parking area for the outside sales and storage area shall be hard surfaced before the operation of business begins and maintained to control dust, erosion, and drainage. No parking or display of vehicles for sale shall occur on landscaped areas. Customer parking shall be clearly marked.*

Staff comment: The parking areas are currently hard surfaced.

*(d) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas.*

Staff comment: This shall be added as a condition of approval.

*(e) All areas of the property not devoted to building or parking areas shall be landscaped.*

Staff comment: This shall be added as a condition of approval.

*(f) Noise from electronic speaker devices shall be regulated in Chapter VI, Performance Standards.*

Staff comment: This shall be added as a condition of approval.

Fuhrman said at the last Planning Commission meeting, the Planning Commission Board discussed limiting the service/repair of vehicles to only those vehicles being sold at the business. The Planning Commission may want to consider adding this as a condition of approval. After the public hearing is held, and if the Planning Commission supports approval of this CUP, staff would recommend the CUP amendment to construct an accessory building to expand the service portion of the business, subject to the following conditions;

1. Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas.
2. All areas of the property not devoted to building or parking areas shall be landscaped.
3. Noise from electronic speaker devices shall be regulated in Chapter VI, Performance Standards.
4. City Engineer's recommendations shall be followed, including the extension of the silt fencing and the catch basin casting be replaced with a Bee-Hive casting.
5. Servicing vehicles shall be limited to only those vehicles being sold on site.

Pat Fitzpatrick, applicant was present and handed out new drawings of the proposed building. He said the building will have a 48 inch overhang and will make the front more appealing. The inside dimensions of the building are 30 ft. x 66 ft. for a total of 1,980 square feet. It is a little

larger than first thought. There needs to be two extra feet for the heated side of the building. The height is the same as first submitted, 19 feet. The garage doors are a raised panel, not a flat panel, and three windows on each of the two garage doors on the shop side.

Dobson asked how high the garage doors are going to be.

Fitzpatrick said 12 feet for all four doors.

Siercks remembered photos that had been presented at a previous Planning Commission meeting that were taken of other garages in this neighborhood and wanted to know the height of them.

Fitzpatrick said the Gerrard's house across the street is 33 feet and another garage behind them is approximately 25 feet at the peak.

Fuhrman said at 607 6<sup>th</sup> Street North the height is 16 feet and 505 6<sup>th</sup> Avenue North is 15 feet.

Rory Clayson, 509 6<sup>th</sup> Avenue North, said that he lives next door to one of the garages mentioned and it is actually higher than what Fitzpatrick is proposing. The garage is dug into the ground and has a second story. It has a high peak and is taller than most homes.

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

Fuhrman said Mr. Fitzpatrick does not want to install the interior concrete or asphalt curbs and would like that condition removed.

Dobson asked Fitzpatrick why he would not want to separate the driving and parking surfaces from landscaped areas.

Fitzpatrick said the parking lot is not that big to justify the expense of having it. This is an accessory garage in the back of the car lot. This business has been here for many years and he has not had an issue with someone driving on the landscape area. He would rather spend the money it would cost for the curbs on more practical purposes such as new windows or siding.

Dobson said garage doors will be facing the existing building and then the other side is the landscaping. He does not want to see the landscaping used as a parking area.

Fitzpatrick said they just put new striping in the parking area. There are two areas that are designated as no parking and this will stop that from happening and the other area is a row of vehicles. He does not see this as a problem.

Thompson said it is a problem because it is in the ordinance and he does not think that should be altered.

Rory Clayson spoke that he would like to see less concrete and more sod to help with water problems.

Thompson said he is right to a certain point and there are conditions with MPCA and how much runoff goes into the ground. Didn't the City Engineer require the curbs.

Fitzpatrick said the drainage plan was approved by the Engineer and Fitzpatrick is being charged for the catch basin Bee-Hive casting for the storm drain that the Engineer required. The Engineer never mentioned curb and gutter needed. That requirement is for a new garage lot.

Fuhrman said that was one of the six standards under the automobile and recreational sales and service in the B-3 Zoning Ordinance which was followed for the B-2 Zoning amendment.

Fitzpatrick asked how many feet of curbing is she talking about. This could be thousands of dollars and he cannot afford that.

Dobson suggested using curb blocks along the south edge where the grass is. You will see those cement slabs in parking lots and all Fitzpatrick would need is a couple placed on the south edge where the grass is going to be.

Fuhrman said that would work if the Planning Commission Board is okay with that.

Dobson said on the north end it would not be needed so he can get into the garage. It is the southeast area that could use these, by the grass and black top. That should meet the requirement.

Thompson said the curb is designed to keep the landscaping looking nice and the sod from being torn up.

Fuhrman said the curb requirement was put in the B-3 Zoning Ordinance in 2010, and at the same time removed "automobile and recreational sales and service" and "automobile repair" as conditional uses in the B-2 District. The amendment to B-2 Zoning District requirements are just being consistent to what the B-3 District has.

Fitzpatrick asked if staff's condition of approval on page 5, item 5, "Servicing vehicles shall be limited to only those vehicles being sold on site" be removed. He does not believe that is right if the High Gear business down from him can sell and repair vehicles and their lot is smaller than his. High Gear expanded a nonconforming business use. They are not imposing a limitation to that business. He does not believe that was the Planning Commission's intent.

Fuhrman said High Gear supplied proof that they have had continued auto sales at their site where it is not something they just restarted. They are doing auto sales and repair.

Fitzpatrick said it has been either sales or service in the last eight years since he has been in his

location.

Dobson said that the business that is in there now is doing more advertising for service and the other party just advertised servicing once in a while, so it might have looked like it was not continuous.

Fitzpatrick would like the language removed that he can only service his own vehicles.

Thompson will not support that language being removed. He can fix his own vehicles, but not servicing other peoples as a service garage.

Fitzpatrick said he would be the only auto sales business in town with that stipulation.

Mellott commented that this is not the time to change the wording on the B-2 Zoning amendment after it just has been changed. He should have asked for that when the B-2 Zoning was being amended.

Dobson said he will not be willing to make the approval for the Conditional Use Permit if that wording is not in there.

Fitzpatrick said he will agree with the wording that he can only service his own vehicles sold on site.

Thompson said it could be worded as "Servicing vehicles shall be limited to only those vehicles with the intention to be sold on site."

Rory Clayson asked why one person, Fitzpatrick, has to be under this standard.

Thompson said anyone else in the B-2 Zoning District would have to follow the same regulations if they were to come in for auto sales.

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE ITEM #11-12 AMENDMENT TO AN EXISTING CONDITIONAL USE PERMITS (NOTE THAT THE EXISTING CONDITIONAL USE PERMITS AND THEIR CONDITIONS ARE STILL IN EFFECT) TO OPERATE AN AUTOMOBILE AND RECREATIONAL SALES AND SERVICE BUSINESS IN A B-2 ZONING DISTRICT AT 503 RUM RIVER DRIVE NORTH WITH THE FOLLOWING CONDITIONS:

1. BUMPER CURBS SHALL BE INSTALLED ON THE SOUTHSIDE OF THE PROPERTY TO SEPARATE DRIVING AND PARKING SURFACES FROM LANDSCAPED AREAS.
2. ALL AREAS OF THE PROPERTY NOT DEVOTED TO BUILDING OR PARKING AREAS SHALL BE LANDSCAPED.
3. NOISE FROM ELECTRONIC SPEAKER DEVICES SHALL BE REGULATED IN CHAPTER VI,

PERFORMANCE STANDARDS.

4. CITY ENGINEER'S RECOMMENDATIONS SHALL BE FOLLOWED, INCLUDING THE EXTENSION OF ALL THE SILT FENCING AND THE CATCH BASIN CASTING BE REPLACED WITH A BEE-HIVE CASTING.
5. SERVICING VEHICLES SHALL BE LIMITED TO ONLY THOSE VEHICLES WITH THE INTENTION TO BE SOLD ON SITE.

UPON THE VOTE, THERE WERE 4 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, must meet the request and recommendation of the City Engineer.
3. Is adequate parking and loading provided in compliance with the Ordinance? Yes, parking spaces meet ordinance.
4. Have possible traffic generation and access problems been address? Yes, will not generate anymore traffic then exists.
5. Does the proposed use accommodate with existing public services and will not overburden the City's service capacity? Yes, not applicable.
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, meets present ordinance.

**OLD BUSINESS:**

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

Pat Fitzpatrick submitted an application in May, 2012 for variances to construct an accessory building over the 800 square foot maximum size requirement (30 ft by 66 ft or 1,980 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. The Planning Commission held a public hearing on June 18, 2012 and tabled the variance request to gather more information. On August 20, 2012 the Planning Commission tabled the variance request, subject to Mr. Fitzpatrick agreeing to an extension to the application review period, with a recommendation to the City Council to allow automobile sales as a Conditional Use Permit in the B-2 District. The variances can be reviewed now that the City Council has approved amending the Ordinance to allow automobile sales in the B-2 District as a Conditional Use, and the Planning Commission has just approved amending the existing Conditional Use Permit at 503 Rum River Drive North to operate an automobile and recreational sale and service business.

This removes the previous issue that the proposal was an expansion of a non-conforming use. The proposal to construct an accessory building to expand the service portion of the business and to serve as storage meets the CUP criteria. However, the variance standards still need to be met in order to approve the proposed building height and size, which was reiterated at the August Planning Commission meeting.

Fuhrman said that according to the League of MN Cities, practical difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three factor test, and to constitute practical difficulties, all three factors of the test must be satisfied: (1) reasonableness; (2) unique circumstances; and (3) essential character of the locality. With the ordinance amendment, the proposed variances appear to meet the first and third factors; however, it does not appear to meet the second factor: the landowner's problem is not due to circumstances unique to the property, but is actually a preference of the property owner. It is difficult to argue that the landowner's difficulty is due to circumstances unique to the property not caused by the landowner.

Fuhrman would recommend denial of the variance request, based on the following findings of fact:

1. The applicant has not satisfied the statutory three factor test for practical difficulties.
2. The variance is to alter height and building area limitations of the Ordinance. The landowner's difficulty is not due to circumstances unique to the property not caused by the landowner, but instead is a preference of the property owner.

If the Planning Commission were to consider approval of the Variances and find that the height and size variances as proposed meet the review standards as outlined in the report, and the appropriate findings of fact are made, Fuhrman would recommend the following conditions upon approval:

1. The appropriate steps shall be taken to combine the two existing lots into one lot.
2. The building materials shall be approved by the Planning Commission.
3. The property owner shall enter into a Development Contract with the City in which the scope and time frame for construction of all required improvements is clearly set out and a financial guaranty is provided by the applicant, as approved by the City Attorney.
4. City Engineer's recommendations shall be followed, including the extension of the silt fencing and the catch basin casting be replaced with a Bee-Hive casting.
5. A Building Permit shall be submitted and approved by the City's Building Official.

Siercks asked if the proposed building will have a floor drain.

Fitzpatrick said the heated side will have a drain, but it will not be tied in to the city sewer. There will be no water source in there so no running water going down the drains. This floor drain will just be used basically for melting snow. The City Building Inspector said that was fine.

Siercks said the size of the building is two and a half times the size allowed.

Thompson does not know how he can vote in favor of this because it is not a hardship for the owner.

Fitzpatrick said he has a copy of the old B-2 Zoning Ordinance prior to the change in 2010 and does not understand how this could be a problem with the size of his lot. Now the ordinance has been changed and that person had picked a number of what size a building should be.

Fuhrman said she believes it was to scale down the size of the buildings in residential zones. Scale it down to match neighboring sites. The B-2 Zoning Ordinance was changed quite a bit.

Siercks asked if this building would be used for servicing his own vehicles and storage.

Fitzpatrick said yes, he could get four vehicles in the building. He bought seven vehicles today and three of them need to go inside for fixing.

Dobson understands where they store a few vehicles inside that need fixing and also have to wait for the part to come in. You also need an area to store tires. The 12 foot garage door takes space on top when it is up. So he understands the need for that building size.

Thompson said the findings of fact need to be met and that could be an issue. He does not see where all the answers would be a yes. The answers need to be backed up with an explanation.

Mellott commented if they cannot meet the answers of the findings of fact, then the size of the building really does not matter.

Rory Clayson asked if cars are purchased and need repair, do you want them outside or inside until they are fixed. This would make the neighborhood look better to have them inside.

Fitzpatrick said the hardship happened when the Comprehensive Plan was redone and he did not know of the change. He had a plan for this property and then the City changed the Comp Plan. He wants to put it in use for a practical manner. He could hire an attorney and let them defend his issue.

Rory Clayson said it would be to store vehicles that need repair. He agrees with it.

Fitzpatrick has a resolution that states you can have a building that holds up to ten vehicles. He was never told that this ordinance was going to change. He has the resolution that states this. The rules changed by the City. That is the hardship.

Mellott said they are trying to make this work where it meets the findings of fact.

Fuhrman explained that the Planning Commission can approve the variances if they can find that there is some kind of unique situation that validates this variance to be approved.

Thompson said if they knew the building size has been changed from the past then it would be easier to validate the findings.

Fuhrman said the Condition Use Permit Resolution #01-03 from May 21, 2001, approved auto service and sales on his vacant lot in B-2 Zoning District, with three conditions; hours of service, no vehicles parked outside that need service, and a limit of ten vehicles inside the building. It does not state the size of a building. We need to review what Mr. Fitzpatrick would like to do now. If the Planning Commission can find a unique argument on this then it could work.

Mellott said it would be number four on the findings of fact that is the issue.

Rory Clayson said what is unique for this site is that there are homes all around where neighbors do not have to look at vehicles that need to be repaired.

Thompson said the physical characteristic of the property has to be met.

Mellott said asked if he has to combine the lots to build this building.

Fuhrman said yes, Mr. Fitzpatrick has to combine the lots back together to build this accessory building.

Dobson suggested the answer to number four on the findings of fact could be the property is surrounded by residential, he would rather see the building instead of seeing cars and that would make it unique.

Atwood said the building would act as a buffer from Rum River Drive and that is helpful to the neighbors.

Fitzpatrick agreed, the residence behind it would not have the road noise.

Siercks is concerned with the size of the accessory building.

Thompson, Mellott, and Dobson were okay with the square footage.

Dobson understands the used car dealership and that the first row is nice vehicles, second row is little less classy, and third row is not the best looking. In a smaller community when you see a car sitting on the lot and needs a polish job, it could make a person not stop there. He would rather see the vehicles looking nice. It is just good business. The proposed building would hold those vehicles that need a little fixing and then the rest of the lot looks nice.

Thompson said for the square footage the most vehicles he could get in that building would be eight and that would be tight.

Edmonds arrived at 8:47 P.M.

MELLOTT APPROVED, SECOND BY DOBSON, TO APPROVE ITEM #04-12 VARIANCE TO CONSTRUCT AN ACCESSORY BUILDING OF 1,980 SQUARE FEET AT 503 RUM RIVER DRIVE NORTH, WITH THE FOLLOWING CONDITIONS:

1. THE APPROPRIATE STEPS SHALL BE TAKEN TO COMBINE THE TWO EXISTING LOTS INTO ONE LOT.
2. THE BUILDING MATERIALS SHALL BE APPROVED BY THE PLANNING COMMISSION.
3. THE PROPERTY OWNER SHALL ENTER INTO A DEVELOPMENT CONTRACT WITH THE CITY IN WHICH THE SCOPE AND TIME FRAME FOR CONSTRUCTION OF ALL REQUIRED IMPROVEMENTS IS CLEARLY SET OUT AND A FINANCIAL GUARANTY IS PROVIDED BY THE APPLICANT, AS APPROVED BY THE CITY ATTORNEY.
4. CITY ENGINEER'S RECOMMENDATIONS SHALL BE FOLLOWED, INCLUDING THE EXTENSION OF THE SILT FENCING AND THE CATCH BASIN CASTING BE REPLACED WITH A BEE-HIVE CASTING.
5. A BUILDING PERMIT SHALL BE SUBMITTED AND APPROVED BY THE CITY'S BUILDING OFFICIAL.

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

The Planning Commission Board reviewed the Findings of Fact:

1. Is the variance in harmony with the purpose and intent of the Ordinance? Yes, the business is in compliance with the ordinance.
2. Is the variance consistent with the Comprehensive Plan? Yes, meet the comprehensive plans objectives.
3. Does the proposal put the property to use in a reasonable manner? Yes, it allows the property owners to use the property as he would like and meets the Comprehensive Plan.
4. Are there unique circumstances to the property not created by the landowner? Yes, in July neighbors spoke out in favor of building providing a buffer to the neighborhood.
5. Will the variance maintain the essential character of the locality? Yes, will not change or alter appearance of neighborhood.
6. Does the alleged practical difficulty involve more than economic considerations? Yes, it is larger than proposed by ordinance but is needed for business to continue.

**Discussion on the Second Variance request at 503 Rum River Drive North regarding the building height of 19 feet while the principal building height is 18 feet:**

Thompson said one foot will not make a big difference, but what if someone else comes in with this type of request. The doors on this building show 12 feet in height and 14 foot walls, does he need that extra foot.

Fitzpatrick said he needs the 12 foot door for safe side if a pickup with a camper were purchased and needed repairs.

Kusler said a 4 foot x 12 foot pitch would be needed on this building.

Fitzpatrick said one contractor told him he would not build it without a 4 foot x 12 foot pitch roof.

Dobson asked if there was going to be a vehicle hoist in there.

Fitzpatrick said there may be one on the heated side. The contractor also said with the heater he is installing usually has a 14 foot ceiling for safety measures.

Edmonds understands with the hoist and a heater, you would need the height.

MELLOTT MOVED, SECOND BY DOBSON, TO APPROVE THE SECOND VARIANCE FOR #04-12 TO CONSTRUCT AN ACCESSORY BUILDING WITH THE BUILDING HEIGHT OF 19 FEET AT 503 RUM RIVER DRIVE NORTH. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Is the variance in harmony with the purpose and intent of the Ordinance? Yes, because of use and snow load it is best to allow 12 foot doors with a 4 ft. x 12 ft. pitch.
2. Is the variance consistent with the Comprehensive Plan? Yes, its use meets the present Comprehensive Plan.
3. Does the proposal put the property to use in a reasonable manner? Yes, it allows the building to meet the building codes.
4. Are there unique circumstances to the property not created by the landowner? Yes, because of the type of vehicles to be used in the building.
5. Will the variance maintain the essential character of the locality? Yes, there are higher buildings in the area.
6. Does the alleged practical difficulty involve more than economic considerations? Yes, the snow load requires some of this height.

#### **NEW BUSINESS:**

##### **A. NSP Grant Funding Update**

###### **1) 809 9<sup>th</sup> Avenue North**

Fuhrman informed the Planning Commission Board that over the years, the City has received numerous complaints regarding the home located at 809 9<sup>th</sup> Avenue North. The property is vacant and is in a dilapidated condition. At one time, there were squatters living in the home and using load-bearing walls as firewood; therefore, the Building Inspector has declared the building unfit for habitation. The City received grant funding through the Neighborhood

Stabilization Program (NSP), which is administered by the EDA. The purpose of NSP is to assist communities in stabilizing and improving neighborhoods that have suffered from foreclosures, forfeitures, blighted and abandoned structures. The end use of properties acquired with NSP funding is limited in nature. For example, they must benefit low income families or provide a community benefit, such as a community garden. The NSP funding was utilized to purchase and demolish the former Arcadian Homes site.

The EDA would like to utilize NSP funding to purchase the property, demolish the home, and donate it to Habitat for Humanity to construct a home. A Purchase Agreement has been signed with the property conservator, and the Mille Lacs County Sentence to Serve crew just recently cleaned the debris out of the home to prepare it for asbestos removal and demolition.

## **2) 903 9<sup>th</sup> Avenue North**

Fuhrman said the building located at 903 9<sup>th</sup> Avenue North contains debris inside and graffiti on the exterior, is dilapidated, unfit for habitation, and unsafe. The property has not been maintained in years. The property was formerly used as a gas station, but has not been occupied since the early or mid 1980's. This property has been an eyesore on Rum River Drive in the Princeton community for almost 30 years and is in the tax forfeiture.

The EDA would like to also utilize NSP funding to begin investigating potential environmental contaminants (Phase One investigation), possibly purchase the property, and demolish the building. The land would either be donated to Habitat for Humanity as yard for the adjacent new home, or possibly utilized as a community garden. The City will be requesting the County Board to consider a reduced sale price due to the environmental uncertainties on the property.

Both properties are zoned R-3 Multiple Family Residential and designated as Mixed Residential on the Future Land Use Plan. Fuhrman is bringing this in front of the Planning Commission Board to allow an opportunity to provide comment and/or ask questions, and to request a motion supporting the acquisition and clean-up of both properties utilizing NSP funding.

SIERCKS MOVED, SECOND BY DOBSON, TO SUPPORT THE ACQUISITION AND CLEAN-UP OF THE PROPERTIES AT 809 9<sup>TH</sup> AVENUE NORTH AND 903 9<sup>TH</sup> AVENUE NORTH, UTILIZING NSP FUNDING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

## **B. Subdivision Ordinance Discussion**

Fuhrman informed the Planning Commission Board that the Princeton Subdivision Ordinance was originally adopted in 1994 and has since been amended a few times. The Subdivision Ordinance is in need of an update. After closer review, Fuhrman is suggesting a complete rewrite of the Subdivision Ordinance in order to address a number of items.

In regards to the changes required, the following items need to be address:

\* General "Housekeeping"/Cleanup

-The Subdivision Ordinance reads like a guide and not a true Ordinance. The City Attorney has strongly recommended revising the Ordinance to correct this.

-Remove the general information regarding the City, application forms, utility contact, etc., from within the actual Ordinance. It contains the actual application forms; along with miscellaneous information generally not found in an Ordinance, such as utility contact information. Because this information is in the actual Ordinance, anytime it is updated, it would require an Ordinance amendment.

-Remove duplications. The Ordinance currently contains duplications that make the Ordinance unnecessarily long and cumbersome.

\* Revise the Park Dedication Requirement Section to reflect the Fee Schedule.

\* Revise the Vacation Procedures Section. The current Ordinance calls for the Planning Commission to hold a public hearing regarding vacations. The City Attorney has advised that the Council should be holding the public hearing.

\* Establish a consistent review procedure for minor subdivisions such as lot splits. There is a need to establish a consistent review procedure for lot splits. These applications have been handled differently in the past: some have been reviewed administratively by staff; some by the Planning Commission; and some by the Planning Commission and City Council. Some revisions to the Ordinance were proposed and reviewed by the Planning Commission during the Zoning Ordinance update process in 2010; however, those changes were never reviewed by the Council or incorporated into the Ordinance.

-Examples include:

\* Splitting one lot into two conforming lots, a simple lot division.

\* Split off a portion of one lot and add land to adjacent lot, such as a lot line adjustment or lot line correction, and no new lots are created. An example is to resolve a driveway or shed encroachments.

\* Establish a procedure for lot combinations or consolidations.

\* Remove the landscaping requirements and refer to the Zoning Ordinance, Chapter VI-Performance Standards.

\* Update the PUD Section.

\* Review easement, sidewalk, and public right of way frontage requirements.

\* Consider addressing the Floodplain Ordinance and Wild & Scenic Ordinance.

\* Review the Procedures for Public Improvements.

\* Review Engineering Design Standards.

\* Remove Tax Increment Financing Policies.

Subdivision regulations allow cities to ensure that a new development or redevelopment meets the standards of the city for a safe, functional and enjoyable community. Importantly, subdivision regulations can help the city preserve and protect vital natural resources. Fuhrman will work on a draft Ordinance that addresses the above mentioned items and bring it back to the Planning Commission Board for review.

**C. Digital Sign – Sub Committee Formation**

Fuhrman would like to form a small subcommittee to draft a digital sign ordinance. She would like two volunteers from the Planning Commission. If there were three it would be a quorum. Siercks and Edmonds volunteered. Fuhrman thanked them and will accommodate their schedules.

**COMMUNICATION AND REPORTS:**

**A. Verbal Report**

Fuhrman will be bringing the updated Mille Lacs County floodplain maps to an upcoming Planning Commission meeting to be adopted by the Planning Commission Board. Sherburne County maps have already be done.

Dobson mentioned that there will be an open house for the public to review and comment on the progress of the Comprehensive Park and Trail Plan for the City of Princeton. The date is Monday, October 22<sup>nd</sup>, from 5:00 – 6:00 P.M. at City Hall. Dobson invited the Planning Commission Board to attend.

**B. City Council Minutes for September, 2012**

The Planning Commission Board had no comments.

SIERCKS MOVED, SECOND BY DOBSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 9:20 P.M.

ATTEST:

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Dave Thompson, Chairperson

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Mary Lou DeWitt, Comm. Dev. Assistant