

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON
OCTOBER 17, 2011, AT 7:00 P.M., AT THE CITY HALL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Dave Thompson. Members present were Jack Edmonds, Ben Hanson, and Mitzi Mellott. Township member present was Randy Atwood (Baldwin Twsp.) Staff present were Carie Fuhrman and Mary Lou DeWitt.

Absent was Dick Dobson.

APPROVAL OF MINUTES OF REGULAR MEETING ON SEPTEMBER 19, 2011

HANSON MOVED, SECOND BY EDMONDS, TO APPROVE THE MINUTES OF SEPTEMBER 19, 2011. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #09-11 Variance at 803 West Branch Street

Judy Daml has submitted an application for a variance to the 30 foot front yard setback requirement in the R-3 District in order to construct an addition onto her single family home. The home is located at 803 West Branch Street. The proposed home addition would not encroach any further into the front yard than the existing home, which is setback 13.5 feet from the front property line right-of-way of West Branch Street.

The subject parcel is located on the south side of West Branch Street, between 10th Avenue North and 7th Avenue North. The parcel contains a single family home, two detached garages, and a shed. The house was constructed in the 1940's.

The house currently contains a 76.8 (12.8 feet by 6 feet) square foot sun porch with concrete steps that extend 4.5 feet on the east side of the home. The property owner is planning to do some work on an existing foundation of the porch and at the same time would like to expand the size of the porch into approximately 280 square foot four seasoned porch (16 feet by 18.3 feet). The property owner has submitted a brief description of the proposed work that was given to the Planning Commission to review.

The existing porch steps are setback approximately 13.5 feet from the front property line right-of-way of West Branch Street. The property owner is proposing to angle the northeast corner of the porch from the step location, so the porch expansion will also be setback approximately 13.5 feet from the front property line right-of-way of West Branch Street. Therefore, the proposed porch expansion will not be encroaching any closer to the front property line than the existing home.

Fuhrman said the variance standards were recently amended to be consistent with statutory language. The proposed addition is in close proximity to the front property line and right-of-way of West Branch Street. From a zoning standpoint, this causes concerns in terms of safety, utility placement, and any possible future plans to widen the right-of-way of West Branch Street. Fuhrman stated that widening of the road is not currently being considered by the City at this time, but could be in long range planning purposes. In regards to long term planning,

this home does not have access to city sewer and the City should take into account the possibility of extending city sewer to this location. The proposed addition could hinder such plans with the expansion in close proximity to the right-of-way.

To approve the variance request, the City must find that the proposal uses the property in a reasonable manner, and that the applicant has demonstrated there are practical difficulties unique to the property that are not created by the property owner and interfere in using the property in a reasonable manner in a residential district in the City. The practical difficulty in this case, is the current location of the home and its close proximity to the front property line, which was constructed in the 1940's prior to the current zoning regulations. On the other hand, one could argue that the practical difficulty does not interfere in using the property in such a manner. The property owner currently utilizes the space as a sun porch and the issue being she would like to expand the size of it to make it a more usable space.

This is a difficult situation as expanding a porch is a reasonable request; however, the existing location of the home is quite close to the right-of-way at 13.5 feet. Staff is proposing the Planning Commission to consider three different alternatives to the proposed expansion that would vary the floor plan and still allow for an addition, but would be less intrusive and move the addition slightly away from the right-of-way:

1. Extend the porch to the south and wrap around the southeast corner of the home. If the existing porch steps were eliminated, the home would be setback 15 feet from the right-of-way.
2. Angle the north wall of the addition away from the existing wall and not the steps as the proposed in the application. If the existing porch steps were eliminated, the home would be setback 15 feet from the right-of-way.
3. Eliminate the existing north porch wall and steps and angle the north wall of the addition so that it is parallel with the right-of-way. The addition would then be setback 17 feet from the right-of-way.

The homeowner is open to discussing alternative floor plans, although she did indicate to staff that she would not be in favor of alternative #1 because it would require removing a tree.

Staff would recommend denial of the variance as it is currently presented by the applicant based on the findings that the variance is not in harmony with the general purpose and intent of the zoning ordinance in that it does not promote the public safety of the Princeton residents; it is not consistent with the Comprehensive Plan, which call for efficient extension of urban services; and there appears to be other alternatives that are less intrusive and move the addition away from the right-of-way.

However, staff would recommend approval of a variance to the 30 foot front yard setback requirement in order to construct an addition onto the single family home, but subject to a condition that an alternative floor plan be approved by the Planning Commission, which places

the addition further away from the right-of-way than the proposed 13.5 foot setback.

Judy Daml, applicant was present and said that she is willing to adjust the size and location. Daml said out of the three options that staff had proposed, the second would work best. The third option would be difficult because there is an existing door that would have to be worked around and the first option would require removing a tree.

Edmonds asked about there being no sewer availability.

Daml said they had the water hooked up because the well had dried up and the Public Utilities had to go through the neighbor's property to connect to the water.

Thompson commented that the water comes off of 10th Avenue North where the dead end is.

Daml explained there were repairs needed to the foundation of the porch and decided that since she is spending money on that, it would be nice to increase the size of the sun room. Her home is small and the added space would be nice.

Thompson does not see a problem if she goes with option two.

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

EDMONDS MOVED, SECOND BY HANSON, TO APPROVE ITEM #09-11 AT 803 WEST BRANCH STREET FOR A VARIANCE TO THE 30 FOOT FRONT YARD SETBACK REQUIREMENT IN THE R-3 DISTRICT IN ORDER TO CONSTRUCT AN ADDITION ONTO A SINGLE FAMILY HOME WITH THE ALTERNATIVE FLOOR PLAN TO ANGLE THE NORTH WALL OF THE ADDITION AWAY FROM THE EXISTING WALL AND TO ELIMINATE THE STEPS WHERE THE HOME WOULD BE SETBACK 15 FEET FROM THE RIGHT-OF-WAY. UPON THE VOTE, THERE WERE 4 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. It places the home closer to right-of-way than Ordinance allows, but the home is already there.
2. Is the variance consistent with the Comprehensive Plan? Yes.
3. Does the proposal put the property to use in a reasonable manner? Yes.
4. Are there unique circumstances to the property not created by the landowner? Yes.
5. Will the variance maintain the essential character of the locality? Yes.

B. Amendment to Chapter VII (Signs) of Zoning Ordinance

The Planning Commission has discussed possible amendments to the temporary signage regulations in the Zoning Ordinance over the past few months. At the September Planning Commission meeting, the Planning Commission directed staff to draft an Ordinance based on their specific discussion and bring it to the October meeting for a public hearing.

Fuhrman informed the Planning Commission that a public hearing notice has been published and she prepared a draft Ordinance to address temporary signage. The Ordinance proposes the following:

- Specifically states “Temporary and Portable Ground Signs (commemorating a special event, business anniversary, grand opening, and other promotions)” to differentiate from real estate signs, constructions signs, political signs, or garage sale signs, which are also temporary
- Specifically states “temporary and portable ground signs” to differentiate from banners or pennants, which are allowed without a building permit in the current ordinance
- One sign allowed per property at one time
- 4 temporary sign permits allowed per calendar year per property
- Allowed for 15 days
- Max size is 48 square feet
- Not allowed within any Residential Zoning District
- Must be located on the property of the operation advertising the special event
- Not allowed within the ROW or in a location that could cause a visual obstruction at a ROW/intersection
- Applicant must locate all utilities

Nonprofit Organization Special Event Signs: Fuhrman is requesting the Planning Commission to discuss the language regarding nonprofit or charitable organizations temporary and portable signs.

The current Ordinance allows special event signage for nonprofit organizations without a building permit.

The proposed Ordinance requires a temporary sign permit for nonprofit or charitable organizations; allows off-premise signs for their fundraising activities, provided the property owner signs the permit application; signs from nonprofit organizations would not be counted as one of the four temporary sign permits allowed to the property owner; nonprofit organizations are limited to three signs per event; and signage for special events is limited to no more than six events in a year.

Fuhrman said that sandwich board signs had been discussed at Council level back in 2008. An Ordinance and policy were even drafted at that time; however, no amendment was actually

ever adopted, and so the Ordinance currently does not address sandwich board signs. Fuhrman suggest that if the Planning Commission Board would like to discuss the regulations of sandwich board signs and include the changes all in one Ordinance, staff would recommend the Planning Commission discuss the attached Ordinance, open and continue the public hearing, but table a decision until further discussion regarding sandwich board signs. Staff would draft an Ordinance that addresses both types of temporary signs and bring this back for further discussion or a public hearing at the November Planning Commission meeting. Otherwise, if the Planning Commission Board would like to exclude the sandwich board signs at this time, Staff would recommend the Planning Commission approve the attached Ordinance to the City Council. Staff would then bring the Ordinance to the next City Council meeting for its first reading.

The Planning Commission Board agreed they would like the sandwich board signs included in the Temporary Sign Standards Zoning Ordinance amendment.

Thompson would like sandwich signs addressed now so the guidelines for them are established.

Edmonds agreed. The size of the sign should be addressed.

Thompson added the length of time the sign is out should also be addressed. He would like staff to talk to the City Attorney and see about insurance liabilities. Who is liable if the sign is put on the City sidewalk and something happens because of it there.

Edmonds commented that if it is your sign and is in front of your business, it should be that person's liability.

Fuhrman will ask the City Attorney about the liability. Does the Planning Commission Board want the applicant to come before the Board when they are taking out a sign permit for sandwich signs.

Thompson said it can just be reviewed by staff.

Mellott commented that she would like the wording for the signage to be kept brief. If a business wants to put up a sign she would like them to be able to.

Fuhrman said it is proven that sandwich signs bring traffic into the business. Fuhrman asked the Planning Commission if they would like guidelines, but maybe no permit required.

The Planning Commission Board agreed they would like a permit along with a fee. There should be a time line that the fee would cover, maybe a year.

Fuhrman will put some wording together for the November 21, 2011 Planning Commission meeting.

Chuck Nagel, Baldwin Township was present and asked if the Township had an event and had gotten the property owners approval, could they put a sign up in the City limits without a permit if they are nonprofit. He believes they are not defined by the internal revenue code 501(C3).

Fuhrman will speak to the City Attorney about adding the wording of government entities or local government in the nonprofit area will be okay.

Thompson questioned where "benefits" would fall for being a nonprofit or profit.

Mellott said it would be a charitable event.

Fuhrman will bring that up also to the City Attorney and see what his view is on those items.

HANSON MOVED, SECOND BY MELLOTT, TO KEEP THE PUBLIC HEARING OPEN UNTIL THE NOVEMBER 21, 2011 PLANNING COMMISSION MEETING, TO GIVE STAFF TIME TO RESEARCH LANGUAGE BEING ADDED TO THE AMENDMENT TO CHAPTER VII (SIGNS) OF THE ZONING DISTRICT ORDINANCE. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS: None

NEW BUSINESS:

A. Sign Review for Glenn Metalcraft

Fuhrman informed the Planning Commission Board that Joe Glenn, Glenn Metalcraft Inc. has submitted an application for a monument sign to be placed on the Glenn Metalcraft Inc. property located at 1502 14th Avenue South. The property is zoned MN-1 Industrial. The Zoning Ordinance requires business monument signs be reviewed and approved by the Planning Commission.

The proposed monument sign is 8 feet by 12 feet, total size of 96 square feet and two feet in depth, and will be placed on a concrete pad of 13.3 feet by 3.3 feet, with a flag pole base located behind the sign. The sign is proposed to be located on the corner of the property, at the intersection of 14th Avenue South and 14th Street South. The site plan indicates the sign will be 40 feet from the curb line of 14th Street South and 55 feet from the asphalt road of 14th Avenue South, which is the same location as the existing sign. The submitted site plan does not indicate property lines, but it appears the proposed sign is within the property lines according

to a previously submitted site plan. The City Engineer has also approved the location in terms of site lines at the intersection. The proposed sign does meet the Zoning Ordinance guidelines. The sign will be composed of rusted steel with aluminum lettering, indicating the name of the business and the address number.

Thompson said he would like to see a better drawing.

Fuhrman showed them an aerial photo of the site.

The Planning Commission would like a revised Site Plan showing the actual setback from the intersection. Staff can review the revised plans where it does not have to come back to the Planning Commission if it meets the Ordinance requirements.

EDMONDS MOVED, SECOND BY HANSON TO APPROVE THE GLENN METALCRAFT BUSINESS MONUMENT SIGN WITH THE CONDITION THAT STAFF RECEIVES A REVISED SITE PLAN SHOWING THE ACTUAL SETBACKS FROM THE INTERSECTION AND IF THEY MEET THE ZONING ORDINANCE GUIDELINES, THE BUILDING PERMIT CAN BE ISSUED. UPON THE VOTE, 4 AYES, 0 NAYS. MOTION CARRIED.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) Fence at 219 14th Avenue South

Fuhrman informed the Planning Commission Board that the owners of this property had taken out a building permit to install a fence. The drawing that was submitted with the fence permit was reviewed by the Building Inspector and approved. Now that the fence has been installed, it has been brought to staffs attention that a portion of it has been constructed in the right-of-way. The City Council met with the property owners on October 6, 2011 and discussed the issue of removing the portion of the fence that is 12.5 feet in the right-of-way. After much discussion, the City Council passed Resolution #11-59 that states the fence to be removed within 20 days and if not, the City shall proceed to remove the fence and fence material and assess the cost against the property owner.

Hanson said that the drawing submitted by the property owner did have the notation from the center of the street and the City Building Inspector failed to see that.

Fuhrman said that the property line was not properly identified.

Mellott agrees with Hanson that the Building Inspector failed to review the drawing better.

2) Fence at 1402 First Street

Fuhrman said she was asked to look at this fence and see if it was in the right-of-way. She did inspect it and it is within their property line and not in the right-of-way. This fence is fine.

3) McDonald's Parking Lot

Fuhrman was asked to inspect the McDonald's parking lot. It was mentioned to Fuhrman that they had resurfaced the parking lot and restriped it and now the parking spaces seem to be tighter. Fuhrman went out there and commented that she did notice how narrow the spaces were. The plans that they had submitted do not match what they striped. Fuhrman will be writing the property owner a letter.

B. City Council Minutes for September, 2011

The Planning Commission Board had no comments.

HANSON MOVED, SECOND BY MELLOTT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. THE MEETING ADJOURNED AT 8:14 P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant