

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON OCTOBER 17, 2016,
AT 7:03 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:03 P.M., by Jeff Reynolds. Members present were Faith Goenner, Thom Walker, and John Roxbury Jr. (Princeton Township Representative). Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

Absent was Jules Zimmer.

APPROVAL OF MINUTES FROM THE REGULAR MEETING ON SEPTEMBER 19, 2016

GOENNER MOVED, SECOND BY REYNOLDS, TO APPROVE THE MINUTES OF SEPTEMBER 19, 2016. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS: None

PUBLIC HEARING:

A. #16-09 Conditional Use Permit at 1103 3rd Street North

Community Development Director Memo:

BACKGROUND

Jason Forland has applied for a conditional use permit for the property is located at 1103 3rd Street North and the legal description is Lot 1, Block 5, EX S 20 Feet & Lot 2, Block 5, EX S 20 Feet. Summit Park Addition, City of Princeton, Mille Lacs County, Section 33, Township 36, Range 26, PID #24-800-0310.

ANALYSIS

The permit is to construct a detached garage where the total square footage would be in excess of 800 square feet in an R-2, Residential Zoning District. He is proposing a detached garage that would measure 1,496 square feet. He has included a letter of explanation.

Zoning: The current zoning for this property is R-2 Residential.

Comprehensive Plan: The Future Land Use Plan designates this property to remain R-2 Residential.

R-2 Residential Definition:

The intent of the R-2 Residential District is to preserve the older historic areas of the city, which was platted into small modest sized lots with a less restrictive zoning district permitting a higher density but retaining the historic residential character of the district. The average density for this district is 4 to 8 units per acre.

General CUP Review Standards

Subsection 3.B. of chapter IV outlines the standards for review of a conditional use permit:

1. *The proposed use does not violate the health, safety, or general welfare of Princeton residents.*

Comment: It does not appear that the proposed use will violate the health, safety or general welfare of Princeton residents.

2. *The proposed use has been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation.*

Comment: It does not appear that the proposed use will create any potential erosion, runoff, water pollution and sedimentation issues.

3. *Adequate parking and loading is provided in compliance with the Ordinance.*

Comment: The parking and loading is provided in compliance with the Ordinance.

4. *Possible traffic generation and access problems have been addressed.*

Comment: No changes to the traffic generation or access are proposed with the CUP.

5. *The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.*

Comment: The proposed use can be accommodated with existing municipal sewer and water.

6. *The proposed use conforms to the City's Comprehensive Plan and is compatible with present and future land uses of the area.*

Comment: The Comprehensive Plan states that the City should strive to expand and diversify the area tax base by promoting sound economic development opportunities and encourage wise land use patterns in the area.

Staff Recommendation

It is City staff's recommendation to **approve** the Conditional Use Permit to construct a detached garage where the total square footage would be in excess of 800 square feet in an R-2, Residential Zoning District with the following conditions:

1. The detached garage cannot be utilized for a business.
2. A building permit shall be obtained prior to construction.
3. The CUP shall be subject to the expiration terms of the Ordinance.

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

Jason Forland, Applicant wrote a memo:

Date: September 26, 2016

Planning Commission Members,

Thank you for talking the time to consider our request for a garage addition to our property located at 1103 3rd Street North. Please know that this request is made following much consideration and thought of our part. We feel it necessary to build this garage, as it will be a benefit to our family as well as the neighboring properties. Please allow me to expand on the reasons we feel we need this addition.

First and foremost, our request for a garage is for purpose. The current garage on our property is in disrepair. This new structure will replace the existing structure as well as 2 tarp sheds currently in use. It will house our vehicles, a boat with a trailer, two ATV's, a snowmobile, and a lawn tractor. This one garage will streamline the look of the property and thus improve the overall appearance of the neighborhood.

Practicality is another factor driving this request. As a disabled person I have used, and will continue to rely on, the 11th Ave. driveway. This driveway was in place when the home was purchased in 2003 and allows for easier access and mobility in entrance to the home. With that said, the street address of the property is based off of the "access" driveway at the back side of the home (on 3rd Street). The proposed plan allows for garage access in storing recreational vehicles, which will satisfy mobility needs as well as easy access in storing our personal property.

One final point to make in this request is to assure the Commission that this project will be a quality one. The final product will consist of a fame built on cement slab, with stick build 2x6 construction. This will truly add to the overall value of the home, as well as the aesthetics of the entire neighborhood.

Thank you for your time and consideration of this request. Please contact me if you have questions or concerns.

Thank you, Jason Forland

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

Jason and Dawn Forland, applicants were present to answer questions the Planning Commission Board may have.

Walker asked what the reason was for the Conditional Use Permit for the size or setback.

Foss said size.

Reynolds opened the public hearing.

Dawn Forland addressed the Planning Commission Board. She said the garage will be used for the storage of recreational vehicles and this will make the yard look so much better. The neighborhood has been going through a remodel from the foreclosed homes being purchased and remodeled. They would like the garage larger to have a storage area beside from storing vehicles.

Goenner asked if the setbacks are okay.

Foss said the setbacks have been reviewed by staff.

Walker asked Forland if they found the property pins.

Dawn Forland said yes, they have found the property pins.

Walker commented that it is good for them to know where the property pins are for the setbacks.

There were no questions from those present to discuss the Conditional Use Permit.

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

Walker asked how often there is a request for an oversize garage.

Foss said in her two years here there has been one.

GOENNER MOVED, SECOND BY WALKER, TO APPROVE ITEM #16-09 CONDITIONAL USE PERMIT AT 1103 THIRD STREET NORTH WITH THE FOLLOWING CONDITIONS:

1. The detached garage cannot be utilized for a business.
2. A building permit shall be obtained prior to construction.
3. The Conditional Use Permit shall be subject to the expiration terms of the Ordinance.

UPON THE VOTE, THERE WERE 3 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? Yes.

2. Has the proposed use been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation (if applicable)? Yes.
3. Is adequate parking and loading provided in compliance with the Ordinance? Yes.
4. Have possible traffic generation and access problems been addressed? Yes.
5. Can the proposed use be accommodated with existing public services and 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.

OLD BUSINESS:

A. Ordinance Amendment for Flag Lots in Residential

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 courses 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 avoids a natural feature that may cause problems in the future (steep slopes, wetlands, water courses).

Possible Ordinance Amendment:

| | One Family | Accessory Buildings³ | Other Buildings⁴ |
|--|------------------------|--|------------------------------------|
| 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 | | |

- 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 subject to variance 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).*

With this memo staff included emails from other communities where she asked if their Zoning Ordinance allows flag lots. The synopsis of the emails is as follows:

Mille Lacs County

They do not ban them, but do limit their use by quarter-quarter.

Zimmerman

They have not had a request for a flag lot. Their subdivision code unfortunately doesn't define lot widths at the street, which may eliminate the flag opportunity.

Elk River

The City prohibits the platting of new flag lots.

St. Cloud

They require all platted lots to provide a minimum of 40 feet of frontage on a public right-of-way and 30 feet of width at the building setback. While these do not prevent all flag lots, they do avoid extreme situations.

League of MN Cities

They have no information on them in their files. They do not believe there are any state laws regarding flag lots.

Nowthen

Generally not permitted, except under unique circumstances and through approval of a Conditional Use Permit where practical difficulties can be shown to exist due to natural features, physical constraints, or existing street and lot arrangements.

Monticello

Their lot width requirements vary in each zoning district, but the smallest allowed lot width on a public street in one of the zoning districts is 45 feet.

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

Foss said the response from other communities has a mixed review. It will be up to the Planning Commission Board to prohibit flag lots in a residential area or make defined reasoning to allow them.

Goenner said she liked the feedback from the other communities.

Walker asked how many flag lots we have here now.

DeWitt said there are two that could be considered a flag lot and those were done years ago. Now with the one that was approved a couple months ago, it is three.

Foss said flag lots can be prohibited if the Planning Commission chooses.

Goenner said her stand on flag lots is where she does not want them. She understands that there might be exceptions.

Walker said he thinks they should try to be avoided. He understands situations might need exceptions. He does not like flag lots.

Goenner is in support of not allowing them.

Walker asked what the reasons are to be acceptable to approve a flag lot.

Foss said the conditions to allow flag lots when there are reasons that prevent meeting the lot width requirement such as existing structures, preserve a natural feature or avoids a natural feature that may cause problems in the future as steep slopes, wetlands, water courses.

Walker suggested to limit the size of a lot to allow a flag lot. Set a minimum lot size that would be allowed for a flag lot. This would help where a house would not be put in too small of a lot. He does not agree where an existing building is the reason to allow a flag lot. He recommended to continue the discussion on this for next month's Planning Commission meeting.

Foss will bring this back next month to the Planning Commission so Zimmer can look at it also.

B. DNR Approval for Wild & Scenic Rum River Amendment

Foss said she received a letter from Dan Lais, DNR North District Manager and he reviewed the City of Princeton Wild and Scenic Rum River (WSR) Ordinance amendments adopted on July 14, 2016. The Ordinance amendment is compliant with the Statewide Rules (MR 6105.0010 – 6105.0250) and the rules specific to the Rum River (MR 6105.1400 – 6105.1500). It is approved for use.

NEW BUSINESS:

A. Right-of-Way verses Alley Definition

Community Development Director Memo:

A property owner requested that we evaluate the definitions for Alley and ROW and consider whether or not this is a unique circumstance before applying for a variance.

There is currently a dedicated right-of-way at the rear of his property.

Right-of-Way

The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

The land is a dedicated ROW and so the minimum required rear setback is 30 feet.

He wants to build an addition and an attached garage that would have a 16 foot rear yard setback on the rear of the property, but the ROW requires a 30 foot rear yard setback.

Alleys

Any dedicated public way providing a secondary means of access to land or structures thereon.

The rear yard minimum alley setback is 5 feet if garage door open into the lot or 10 feet if the garage door opens into the alley.

The rear yard minimum setback for an **accessory building** (detached garage) is 5 feet regardless of whether or not it is in an alley. So, if he detached the garage he could building the garage with a 5 foot rear yard required setback. He wants to build it 16 feet from the property line. If he keeps the garage attached he needs to be 30 feet from the rear of his property.

Staff's questions to the Planning Commission are:

- Would the Planning Commission rather see a detached garage 5 feet from the rear yard on the site or an attached garage and a variance placing it 16 feet from rear property line?
- Would you grant a variance for a rear yard setback of 16 feet instead of the 30 foot required for an attached garage?

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

Foss said that Bryan Sueverkruupp would like to build an addition along with an attached garage to his home and the setbacks of the right-of-way verses alley is in question. If the garage is attached the setback would be 30 feet and for a detached garage it would be a five foot setback. If he were to build an attached garage a variance could be done for 16.5 feet. What does the Planning Commission feel on a variance. Foss said the Public Works Department drive of the right-of-way for spraying for mosquitoes. How does the Planning Commission feel between a detached or attached garage. The property owner would like an attached garage and have a variance. If the Planning Commission would not grant a variance then he could meet the ordinance with a detached garage.

Walker asked for the attached garage if having living space with the addition would make a difference.

Foss said yes it would.

Goenner asked what is a right-of-way used for.

DeWitt said for utilities or access utilities.

Foss said she could look up more definitions for alley and right-of-way.

Walker said we should protect the right-of-way. All utilities have to stay in the right-of-way.

Reynolds said he would be gaining room of the right-of-way if we approved a variance.

Foss said she is just questioning if they would consider a variance. She could make the alley definition better. She does not know if the safety factor of a detached garage is better or the accessibility of an attached garage is better. We do not have to determine tonight. We could look at definitions and see if those need to be changed.

Bryan Sueverkruuepp said he has no garage. Just a shed. He wants a garage to the back of the house.

Walker said he is thrilled that Sueverkruuepp wants to do something to his lot in Princeton. It's great to hear when a homeowner wants to update their property. He believes it seems to be much more welcoming to see a garage put behind the house instead of the new homes that have them built in front. Do we want to change the definitions to alley and right-of-way.

Goenner said the definition does not need to be changed.

Sueverkruuepp said he sees what the setback difference between an alley and right-of-way would do for him to build this garage.

Foss said she understands where his thoughts are for the definition of right-of-way needs to be changed.

Walker said the right-of-way and alley are platted in. He sees a right-of-way in the definition to drive on.

DeWitt said the utilities can use it for access.

Goenner would support a variance. Based on what we have for information today. We still need to see the paperwork.

Walker said maybe we should look at different setbacks for different situations. Like from a right-of-way and alley. Detach or attached. First see if we need to change the definitions.

Roxbury said the alley has a five foot setback. If you look at the old properties around town those would be non-conforming now. Right-of-way have not been much of a problem.

Foss will look at surrounding communities on what they are doing. She would have that for the next Planning Commission meeting.

COMMUNICATION AND REPORTS:

A. Verbal Report

Foss said she has no verbal report.

Planning Commission

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B. City Council Minutes for September, 2016

The Planning Commission Board had no comment.

GOENNER MOVED, SECOND BY WALKER, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:59 P.M.

ATTEST:

Jeff Reynolds, Chair

Mary Lou DeWitt, Comm. Dev. Assistant