

**CITY OF PRINCETON
Planning Commission
Agenda
October 17th, 2016
7:00 P.M., City Hall**

Renovations are still in progress for City Hall so there is a possibility for the meeting you may have to still enter the side door off of Second Street North

- 1. Call to Order**
- 2. Approval of Minutes of Regular Meeting on September 19th, 2016 - Tab A**
- 3. Agenda Additions/Deletions**
- 4. Public Hearing:**
 - A. #16-09 Conditional Use Permit at 1103 3rd Street North - Tab B**
- 5. Old Business:**
 - A. Ordinance Amendment for Flag Lots in Residential – Tab C**
 - B. DNR Approval for Wild & Scenic Rum River Amendment – Tab D**
- 6. New Business:**
 - A. Right-of-Way verses Alley Definition – Tab E**
- 7. Communication and Reports:**
 - A. Verbal Report**
 - B. City Council Minutes for September, 2016 - Tab F**
- 8. Adjournment**

MEETING PROTOCOL

1. The chair of any board or commission has the same rights as the other board or commission members in that he/she can both make and second motions.
2. The chair of any board or commission also has the right to vote on all motions that come before the body. Historically, if there's a roll call vote (as opposed to the standard voice vote) the chair sometimes opts to vote last.
3. Generally, a board or commission member should vote on all issues before the group unless they have a disqualifying personal interest in the issue. In cases where the member has a conflict of interest, the member should:
 - A. Advise the board of their intent to abstain and state the conflict before the vote is taken.
 - B. If the member has a true disqualifying personal interest they should take the liberty of seating him/herself in the audience for the duration of the discussion (from where the member can comment on the proposal) until the vote is recorded.
4. On a voice vote, if a member does not vote 'aye' or 'nay', then the member is considered to have voted with the prevailing side. In other words, on a 5 person board, if only 2 members vote 'aye' and the others don't say 'aye' or 'nay', then the vote should be recorded as passing unanimously.
5. If the chair, or one of the member, is not sure of the outcome after a voice vote is taken the chair or member can request a roll call vote whereby the chair asks each member to indicate their preference and the final tally is taken from the results of that polling.
6. It is incumbent on all board and commission members to exhibit professionalism and maintain the respectful decorum required of a assemblage representing the public. Members (as well as the public) should raise their hand and be recognized by the chair before commenting on the issue before the body. Members should also refrain from engaging in member to member debate. The public discussion of issues should not deteriorate into an argument between members. Comments of members and of the public should be directed to the Chair, not to individual board or commission members or other members of the public. The members should also treat their fellow board/commission members and staff with respect.

 **DRAFT**

**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*****



DRAFT

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 veterinarian 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.



DRAFT

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.



DRAFT

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 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	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.



DRAFT

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

MEMORANDUM

Tab B



TO: Princeton Planning Commission
FROM: Jolene Foss, Community Development Director
SUBJECT: **Conditional Use Permit for 1103 3rd St. North**
DATE: October 17th, 2016

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 1496 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 requirements are being met.

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.

TO: Princeton Planning Commission Board
FROM: Jason and Dawn Forland
RE: Garage Addition

Date: September 26, 2016

Planning Commission Members,

Thank you for taking the time to consider our request for a garage addition to our property located at 1103 3rd St. North. Please know that this request is made following much consideration and thought on 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 frame 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.

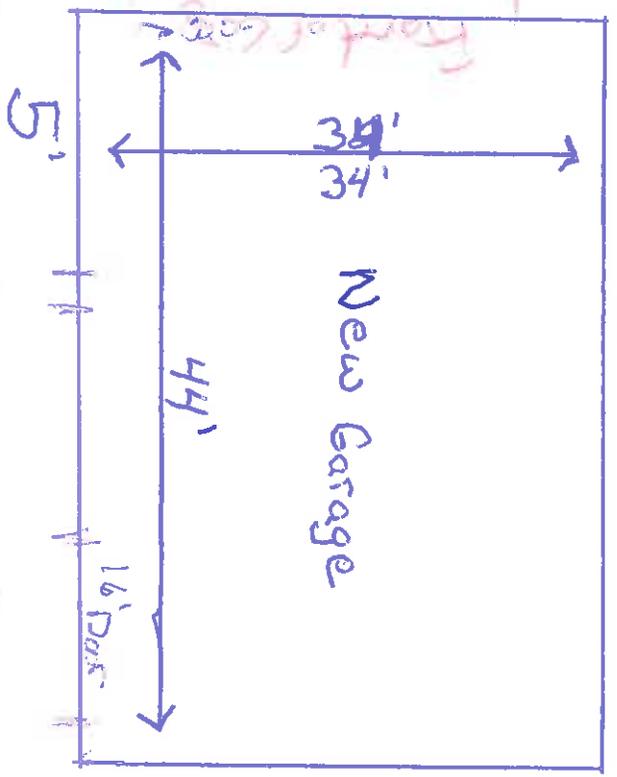
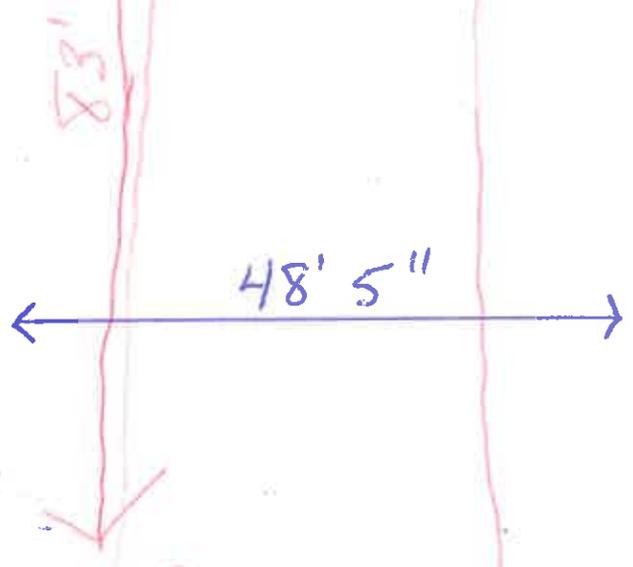
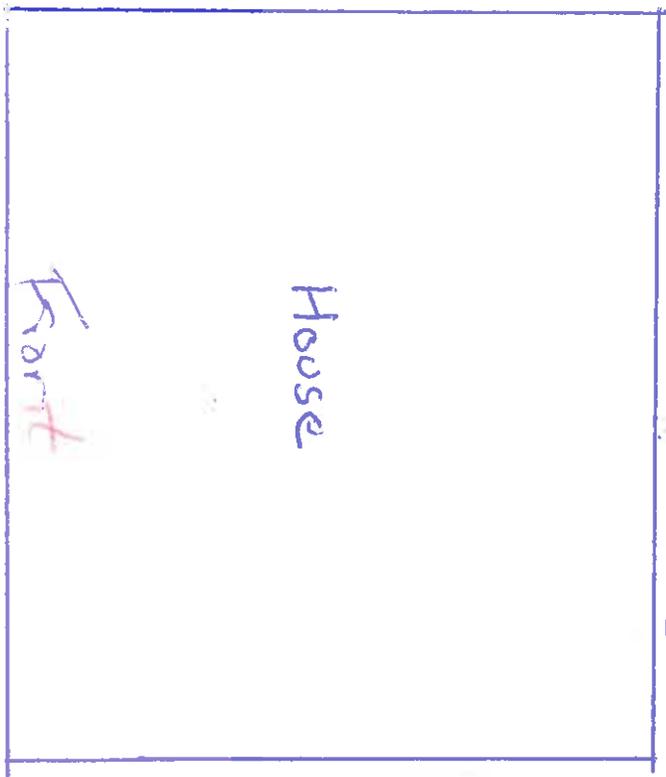
Thank you,
Jason Forland
612-986-3938

112th Ave B 112'

Iron

Right Pins

Current Drive



Current Drive

132' North 3rd St

132' North 3rd St

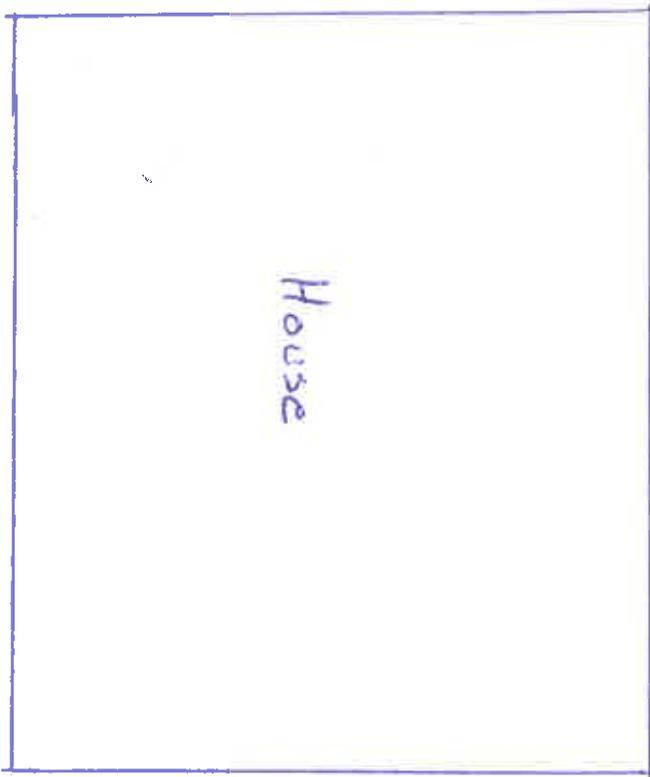
Iron

112th Ave B 112'

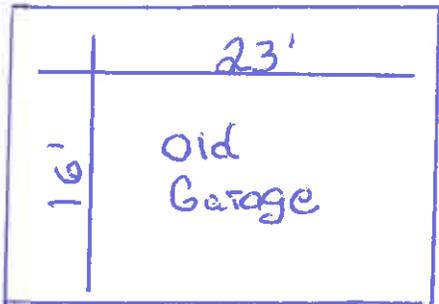
11th Ave 112'

North 3rd St.
132'

132'



48' 5"



23' 10"

28' 3"

112'



1 Items

	PARCEL NUMBER	TAX YEAR	DEEDE ACRES	PROPERTY ADDRESS	PROPERTY ZIP	TAXI
X	24-800-0310	2016		1103 3RD ST N	00000	FORL

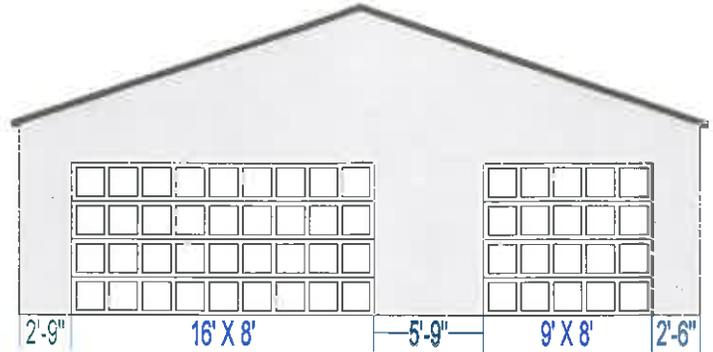
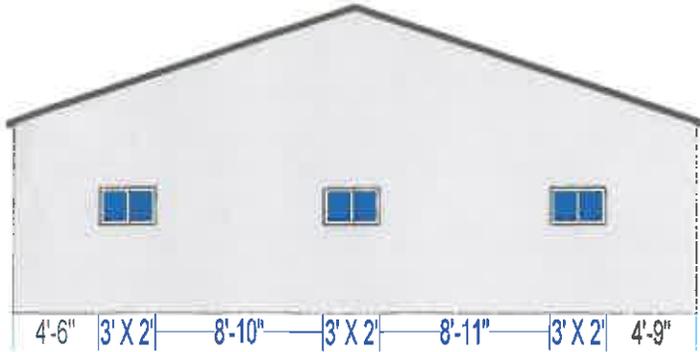
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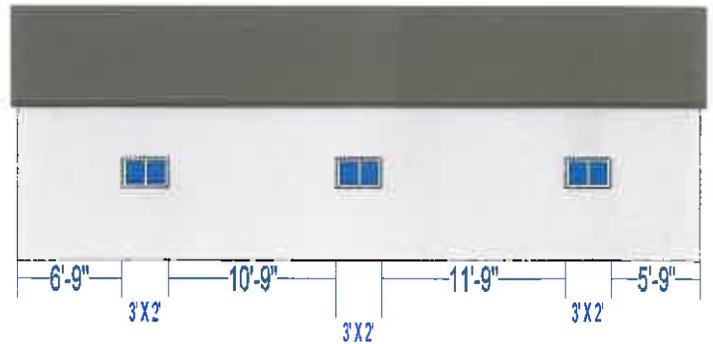
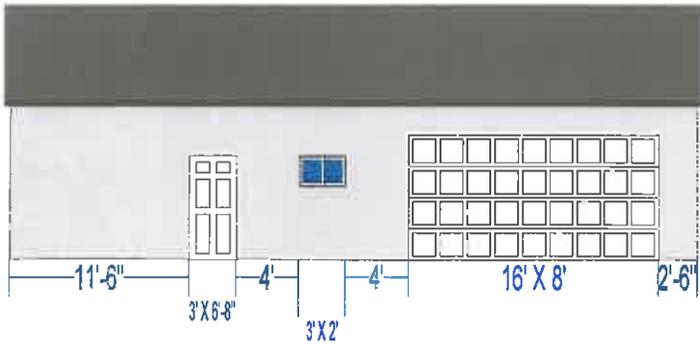
*** Here are the wall configurations for your design.

Illustration May Not Depict All Options Selected



Gable Front View
(3) - SLIDER (GOOD) 36X24

Gable Back View
(1) - GARAGE DOOR WHITE PREM R/P MDP38 16X8 EZSET TORS
(1) - rder **



Eave Front View
(1) - STEELDOOR 6-PANELDOO E-1 6-PANEL STEEL DOOR PH 36X80 LH DB
(1) - rder **
(1) - rder **

Eave Back View
(3) - SLIDER (GOOD) 36X24

Building Size: 36 feet wide X 44 feet long X 10 feet high
Approximate Peak Height: 16 feet 7 inches (199 inches)

NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.
Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

MEMORANDUM

Tab C



TO: Planning Commission
FROM: Jolene Foss, Community Development Director
SUBJECT: **Ordinance Amendment addressing the Flag Lots in Residential Development**
DATE: October 17th, 2016

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	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 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).

MILLE LACS COUNTY

Personally, I think they are a bad idea, but they have their uses when there are no other options. We do not ban them, but we do limit their use by quarter-quarter, I think it's two. It is a way developers use to avoid having to plat. If they can subdivide using existing roads, then they don't have to build infrastructure. Depending where the flags are located, you might want to require shared driveways with maintenance/access agreements recorded so that the neighbors take care of the driveway. That eliminates too many driveways onto the road, which can happen if you let too many flags occur. We have some "stacked" flags in Bradbury Township,

Michele McPherson
Director, Land Services Office
County Recorder/Registrar of Titles
MILLE LACS COUNTY

ZIMMERMAN

Luckily we've never had one proposed in our developments over the past 22 years. In fact, I can't think of one that we have that isn't the result of a lot combination around the lake. That owner had lots on both a developed and undeveloped street, and chose to combine them into 1 developable property with access (street and utility) from the lot on the developed street.

Our new developments/developers have tried to keep traditional lots so as not to have to discount anything deemed "undesirable" by builders/buyers. In cases they've modified they're layouts to "shift" additional property to lie adjacent to public dedications, storm water retention/wetland areas/preserves, etc...

In a nut shell, we've probably been lucky. My subdivision code unfortunately doesn't define lot widths at the street, which in my opinion would eliminate the flag opportunity.

Randy Piasecki
City Administrator
763.856.4666 x 24



ELK RIVER

Hi Jolene,

The city prohibits the platting of new flag lots. Our concerns are visibility from the street – public safety would only see a narrow driveway and could miss the property in case of emergency. Also, from a community design standard – which setbacks are used, and do we want to allow front yards to face a neighbors backyard, which is typically where people want the most privacy.

Here is our definition:

Flag lot means a lot so shaped that the building site area is set back from the street on which the lot fronts and the lot includes an access strip, which is at any point less than 75 percent of the minimum lot width requirement in the zoning district, connecting the building site area with the frontage street.

I will say that I am no longer surprised by how creative people can be in interpreting ordinances, and we have had some questions on the interpretation of what a flag lot is.

Thank you, and let me know if you have any questions.

Zack Carlton, AICP | Planning Manager
763.635.1035 w | 763.635.1090 f
13065 Orono Parkway | Elk River | MN | 55330



ST. CLOUD

Hi Jolene,

We 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 doesn't prevent all flag lots, they do avoid extreme situations. Let me know if you have any questions.

15.3 LOT CONFIGURATION

A. Frontage on a Public or Private Street All lots must front on a public or private street. Parcels that do not front on a public or private street require a Common Interest Community Plat, in accordance with Section 5.10 (CIC Plats for Lots Held in Separate Ownership), to meet street frontage and access requirements.

B. Lot Size and Dimensions

1. All lots must have a minimum of forty (40) foot width required frontage on a public street.
2. All lots must have a minimum of thirty (30) foot width at the minimum lot depth mark.
3. An existing through lot must have a front yard, as required in the zoning district, along each street lot line. Through lots, with frontage on two (2) parallel streets, are permitted only under the following circumstances: a. Where vehicular and pedestrian access between the lots and an arterial street is prohibited. b. Where topographic or other conditions render subdividing of at least twenty (20) feet necessary in order to allow space for screen planting.
4. Side lot lines must be substantially at right angles or radial to the street line.

5. Lots abutting on a water course, drainage way, channel or stream must have an additional depth or width, as required, to assure house sites that are not subject to flooding at the level of the one-hundred (100) year flood return period as determined by the City Engineer and U.S. Army Corp of Engineer records.

6. In all residential districts, the floor area in principal buildings used for parking is exempt from the floor area ratio (FAR) limitations.

Matt Glaesman Matt.Glaesman@ci.stcloud.mn.us City of St. Cloud

LEAGUE OF MN CITIES

Jolene,

Thank you for your question. You asked: **The Planning Commission recently approved a flag lot. Please inform me on the standard procedures used in MN regarding Flag Lots.**

Unfortunately, I am not terribly familiar with flag lots, and can find essentially no information on them in our files. As far as I know, there are no state laws explicitly regarding flag lots. I was able to find an ordinance from Nowthen regarding flag lots, available here:

<http://abcnewspapers.com/2015/09/04/ordinance-2015-03-flag-lots/>

I am sorry I do not have more information for you at this time. Please let me know if there is more information you would want, such as more ordinances, and I can try to find those for you. Additionally, if you have any more specific questions, please let me know.

Thanks,

Quinn O'Reilly | Staff Attorney

Tel: (651) 281-1271

goreilly@lmc.org | www.lmc.org

League of Minnesota Cities

145 University Ave. West | St. Paul, MN 55103

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Please note, this information is not legal advice and is not a substitute for competent legal guidance. Consult your attorney concerning specific legal situations.

NOWTHEN

CITY OF NOWTHEN

ANOKA COUNTY, MINNESOTA SUMMARY OF ORDINANCE 2015-03

AN ORDINANCE AMENDING CHAPTER 10 OF THE NOWTHEN CITY CODE TO REVISE THE REGULATIONS PERTAINING TO FLAG LOTS AND ACCESS EASEMENTS.

THE CITY COUNCIL OF THE CITY OF NOWTHEN DOES HEREBY ORDAIN:

Section 1. Chapter 10, Section 10-3-4.G is hereby amended as follows:

G. Flag lots and access easements shall generally not be 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. If the justification for the approval of flag lots exists, the following minimum flag lot standards shall apply:

1. Flag lots and access easements shall only be allowed in residential zoning districts.
2. The creation of a flag lot should not prevent the possibility of future development of other adjacent or interior parcels without a public street being extended to them through the parcel for which the flag lot is requested.
3. The potential negative impacts on neighboring property values are considered, including but not limited to privacy and visual impact, and the subdivision will not have an adverse impact on existing or future residences in the vicinity. Screening may be required via vegetation and/or fencing.
4. Not more than one (1) flag lot may be created as part of any minor subdivision or subdivisions involving up to ten (10) lots. In subdivisions involving ten (10) or more lots, no more than ten (10) percent of the lots may be flag lots.
5. All minimum front, side and rear setbacks for principal and accessory structures can be met on the flag or new lot as well as the parcel from which the lot was split. All setbacks shall be measured from that point where the flag pole portion of the flag lot (or the access easement in existing situations) ends. Both lots must be large enough to accommodate the number and square footage of accessory structures as allowed in the Zoning Ordinance.
6. An existing flag lot or lot provided access via an existing easement may not be split without the provision of public street access. Direct access to a public street and ownership of the flag pole portion of a flag lot is required. New access easements are prohibited.
7. For lots which will gain access from a local roadway, any new driveway access must be separated from other driveways a distance equal to one-half (1/2) the minimum lot frontage requirement of the zoning district in which it is located unless otherwise approved by the City Council.
8. The width of the flag pole or access drive may be no less than sixty-six (66) feet, except as may be allowed by the City Council in situations where no possibility of street extension exists, the width may be reduced to thirty-three (33) feet. No structures of any kind may be built within the flag pole portion of the lot or within easements.
9. The driveway surfacing, clearance and radius must be designed to accommodate emergency fire vehicles.
10. The address of the flag lot (or existing parcels accessed via an easement) must be clearly visible from the public street.
11. Drainage and utility easements shall be provided as required herein (Item L of this subsection) or as recommended by the City Engineer and approved by the City Council. The final plat or certificate of survey must include a driveway plan and utility plan.
12. The City Council may require the driveway(s) to be paved or require installation of curb, gutter and other drainage control measures to prevent runoff from entering neighboring properties.
13. If a shared driveway is proposed, a driveway maintenance agreement shall be recorded with Anoka County which insures perpetual shared maintenance and repair of the accessway among property

owners.

14. The Zoning Administrator and/or City Clerk have the authority to reduce the required escrow amount(s) for subdivision and coinciding flag lot applications.

Section 2. This Ordinance shall become effective immediately upon its passage and publication according to State Statute.

This represents the official summary of Ordinance 2015-03 which was approved by the City Council of the City of Nowthen on August 11, 2015. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours. The ordinance can be viewed in its entirety at the Nowthen City Hall, 8188 199th Avenue NW, Nowthen, MN 55330. Call 763-441-1347 with any questions.

By: Mayor Jeff Pilon

Attest: Corrie LaDoucer

City Clerk

Published in the

Anoka County UnionHerald

September 4, 2015

443974

MONTICELLO

Hi Jolene, this is the chapter in the Subdivision Ordinance that requires lots to have a minimum frontage on public streets. Our 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. Most of them are typically at 80+/- feet. We probably have a couple of grandfathered Flag lots in the City left over from the old days with the original plats and subsequent subdivisions before all the rules and regs came into place. If you want to get a copy of our zoning ordinance let me know and I will send it to you. Best.

Jim Thares

Economic Development Manager

jim.thares@ci.monticello.mn.us

Direct: (763)271-3254

Main: (763)295-2711

Fax: (763)295-4404



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL REGION
1200 WARNER ROAD
SAINT PAUL, MN 55106
651-259-5800

September 23, 2016

City of Princeton
Jolene Foss – Community Development Director
705 Second Street North
Princeton, MN 55371

Re: Final Approval of City of Princeton Wild and Scenic Rum River Ordinance Amendments

Dear Ms. Foss:

Thank you for submitting the Wild and Scenic Rum River (WSR) ordinance amendments adopted by the City on 07/14/2016. I have reviewed the adopted ordinance and am pleased to inform you that the adopted ordinance amendment is substantially compliant with the Statewide Rules (MR 6105.0010 – 6105.0250) and rules specific to the Rum River (MR 6105.1400 – 6105.1500). It is approved for use.

Ken Zeik, DNR Area Hydrologist for your area, is available to assist the City with implementing the ordinance and with other water related plans and projects. Please send all notices for public hearings regarding variances and conditional use permits in WSR areas as well as future amendments to your ordinance to him **at least 30 days prior to the public hearing**, as well as all notices regarding decisions on these issues within 10 days of action. All notices and correspondence should be sent to Ken at kenneth.zeik@state.mn.us.

I appreciate your community's continued cooperation in providing for WSR protection through the adoption and administration of this ordinance.

Sincerely,

A handwritten signature in black ink that reads "Dan Lais". The signature is fluid and cursive.

Dan Lais
DNR EWR R3 North District Manager

c: Terri Yearwood - DNR EWR Region 3 Manager
Ken Zeik - DNR Area Hydrologist
Roger Stradal – DNR Area Hydrologist
Dan Petrik - DNR Land Use Specialist

mndnr.gov



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MEMORANDUM

Tab E



TO: Planning Commission
FROM: Jolene Foss, Community Development Director
SUBJECT: **ROW vs. Alley Definition**
DATE: October 17th, 2016

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 build 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?

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
SEPTEMBER 8, 2016 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Dick Dobson Jules Zimmer and Victoria Hallin. Others present:, Police Chief Todd Frederick, Development Director Jolene Foss, Public Works Director Bob Gerold, Clerk Shawna Jenkins, Engineer Andy Brotzler, and Attorney Kelli Bourgeois. Absent was Council Member Thom Walker and Administrator Mark Karnowski

AGENDA ADDITIONS/DELETIONS

CONSIDERATION OF MINUTES

- A. Regular Meeting Minutes of August 25, 2016
- B. Study Session Meeting Minutes of August 31, 2016

HALLIN MOVED TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 25, 2016 AND STUDY SESSION MINUTES OF AUGUST 31, 2016 WITH A MINOR CORRECTION TO A MOTION. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

- A. Permits and Licenses
- B. Personnel
- C. Donations/Designations
- D. Miscellaneous

OPEN FORUM

PUBLIC HEARINGS

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

- A. Park Board Meeting of August 22, 2016

PETITIONS, REQUESTS, AND COMMUNICATIONS

- A. Chamber of Commerce request for generator use at Chili Fest

Jackson advised the Chamber of Commerce is requesting the use of the city's large generator for the Chili Fest on September 24, 2016

ZIMMER MOVED TO APPROVE THE CHAMBERS REQUEST TO USE THE CITY'S GENERATOR AT THE CHILI FEST ON SEPTEMBER 24, 2016. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- B. Elim Care and Rehab Center request

Jackson said there is not a lot of information in what they are requesting, but it appears they are requesting some Wine and Spirits Grant funding to assist in replacing their bus.

Whitcomb added that their said their bus went down and are doing some fundraising to replace it. They are holding a golf tournament tomorrow, and a gentleman said he would match up to \$3500 of donations. Todd Lundeen with the Elim Home had wondered if the City could contribute to help meet that amount. Whitcomb said these are residents of Princeton that

need a way to get to the store, the doctor, etc.

Wanda Gunnik stated that she drove the bus for the Caley, Elim and Elim Oasis. For a lot of these residents, this is the only time they get out. When she was driving, she put 5000 miles on the bus in just 6 months. They take these residents out to many locations and events that they really enjoy in addition to needed trips. This bus is really needed and very much appreciated by the residents.

Zimmer said he feels this is a worthwhile cause and questioned if this would come from the Liquor fund. Jackson confirmed that it would.

ZIMMER MOVED TO APPROVE A WINE AND SPIRITS GRANT REQUEST OF \$1000 TO THE ELIM CARE AND REHAB CENTER. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ORDINANCES AND RESOLUTIONS

- A. Resolution 16-43 – certifying the preliminary levy and setting the public meeting

Jackson advised that a preliminary proposed current operating budget of \$3,740,550 be set for the General Fund in calendar year 2017. The preliminary proposed tax levy for the current year, collectible in 2017 of \$2,327,290. The levy is composed of levies of: \$35,000 for Tax Abatement, \$123,500 for Debt Service, \$17,895 for an Economic Development Authority Levy and \$2,150,895 for the General Levy which includes the Capital Improvement Levy.

The City intends to present the budget and levy to the public for information to receive public input at the Regular Meeting at 7pm on December 8, 2016

The preliminary levy can be decreased at the final levy, but it cannot be raised.

DOBSON MOVED TO APPROVE RESOLUTION 16-43 CERTIFYING A TOTAL PRELIMINARY TAX LEVY AND DESIGNATING PUBLIC INPUT MEETING. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

- A. Senior Bus Disposition

Gerold reported that the Senior Dining group has determined that the senior bus is no longer safe to transport residents in. The Insurance has been removed and the keys will be picked up. Staff is looking for approval to sell the bus at auction.

HALLIN MOVED TO APPROVE THE DISPOSITION OF THE BLUE SENIOR BUS. ZIMMER-SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- B Update on City Hall remodeling

Jackson reported that staff met with Jamie from Gopher State Contracting. He stated that the exterior will be started on next week, and then demolition will begin on Monday the 19th. Jen-

kins and Inspector Paulson will be temporarily located in the conference room and DeWitt will be in the mapping room. The temporary entrance will be at the new door on the North Side.

NEW BUSINESS

A. Housing Redevelopment Authority appointment

Jackson advised the Council that HRA member Margaret Bennington passed away in August. Oaks Executive Director Kathy Kleinbaum notified the residents of the board opening and 2 applications were received. A call was received in regards to one of the applicants, so she was asked to put her concerns in writing and it would be included in the council packet.

Hallin appreciated what Wanda Gunnik wrote on the application regarding her volunteer work. Dobson said he spoke to a few people that lives at the Oaks and they would prefer Gunnik to be on the board.

MOVED TO APPOINT WANDA GUNNINK TO THE HRA TO FINISH OUT THE TERM THAT ENDS DECEMBER 31 OF 2018. SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

BILL LIST

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$82,349.43 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 74228 TO 74292 FOR A TOTAL OF \$211,248.72. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business.

HALLIN MOVED TO ADJOURN THE MEETING AT 7:18 PM. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted

ATTEST:

Shawna Jenkins
City Clerk

Paul Whitcomb, Mayor

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
SEPTEMBER 22, 2016 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Thom Walker, Dick Dobson, Jules Zimmer and Victoria Hallin. Others present:, Police Chief Todd Frederick, Development Director Jolene Foss, Public Works Director Bob Gerold, Clerk Shawna Jenkins, Engineers Andy Brotzler and Mike Nielson, and Attorney Kelli Bourgeois. Absent was Administrator Mark Karnowski and Finance Director Steve Jackson

AGENDA ADDITIONS/DELETIONS

CONSIDERATION OF MINUTES

- A. Regular Meeting Minutes of September 8, 2016

DOBSON MOVED TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 8, 2016. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

- A. **Permits and Licenses**

- B. **Personnel**

1. Police Chief Todd Frederick Step Increase to \$73,515 year effective 10-1-16
2. Liquor Store Employee Mike Gatewood Step Increase to \$12.46 effective 9-12-16
3. Liquor Store Employee Tyler Bialuka Step Increase to \$12.46 effective 8-17-16
4. Police Officer Cole Wubben Step Increase to \$23.85 effective 9-24-16

- C. **Donations/Designations**

1. Resolution 16-45 accept donations to the Police Department

HALLIN MOVED TO APPROVE THE CONSENT AGENDA. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

OPEN FORUM

PUBLIC HEARINGS

- A. Northland Drive Improvement Assessment Hearing

Nielson reported that this is the public hearing for the Improvements made on Northland Drive. Notices were sent to all property owners that will be assessed and in the newspaper.

WHITCOMB OPENED THE PUBLIC HEARING AT 7:07PM

DOBSON MOVED TO CLOSE THE PUBLIC HEARING AT 7:07PM WITH NO COMMENTS. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

1. Resolution 16-46 – adopting Special Assessment

WALKER MOVED TO APPROVE RESOLUTION 16-46 ADOPTING THE SPECIAL ASSESSMENT FOR THE NORTHLAND DRIVE IMPROVEMENT. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. 8th Ave Drainage Improvement Assessment Hearing

Nielson advised that this is the public hearing for the 8th Avenue drainage improvement that several residents petitioned for. Letters were sent to the property owners to be assessed and advertised in the paper.

WHITCOMB OPENED THE PUBLIC HEARING AT 7:11PM

DOBSON MOVED TO CLOSE THE PUBLIC HEARING AT 7:11PM WITH NO COMMENTS.
HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

1. Resolution 16-47 – adopting Special Assessment

HALLIN MOVED TO APPROVE RESOLUTION 16-47 ADOPTING THE SPECIAL ASSESSMENT FOR THE 8TH AVENUE DRAINAGE PROJECT THAT WAS PENTIONED FOR BY THE RESIDENTS. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

A. EDA Board Meeting of August 18, 2016

PETITIONS, REQUESTS, AND COMMUNICATIONS

ORDINANCES AND RESOLUTIONS

A. Resolution 16-50 – Interim Use Permit for Motion Wellness

Foss advised that Dr. Keith Bilstein 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.

The property site is located at 103 South Rum River Drive on the property described as Damon's Addition, E 61.99 FT on N & E 62.24 FT on 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 judgment 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.

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 recommends 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 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 taken.

Dobson asked for clarification that there would be no need for overnight boarding. Billstein confirmed that there would not be overnight boarding. He added that the animals are brought in and only there for 15-30 minutes.

DOBSON MOVED TO APPROVE RESOLUTION 16-50 APPROVING AN INTERIM USE PERMIT FOR DR. KEITH BILLSTEIN 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.
- HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- B. Resolution 16-44, yearly agreement with the state to access computers.

Frederick advised that this is a yearly agreement that allows the Police Department to access the State computers.

MOVED TO APPROVE RESOLUTION 16-44 APPROVING THE AGREEMENT WITH THE STATE OF MN. SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

- A. Main Sanitary Lift Station Pay Voucher #3

Jenkins advised that staff has received Pay Voucher #3 for the Main Sanitary Lift Station project. The project is on schedule and about 75% finished

HALLIN MOVED TO APPROVE PAY VOUCHER #3 FOR THE MAIN STREET LIFT STATION IN THE AMOUNT OF \$224,669.70. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- B. 7th Ave Water and Sewer

1. Resolution 16-48 – declaring cost and ordering preparation of assessments
2. Resolution 16-49 – Calling for an assessment hearing

Brotzler reported that this is the project that was done to extend water and sewer to the properties along 7th Ave N across from the schools.

There is a change to from the preliminary assessment roll in that there is additional service that was added.

Hallin asked adding the additional service would lower the per property cost. Brotzler responded that because the offset that the PUC put in was split between 9 properties instead of 8, the cost per property will go up a couple hundred dollars.

HALLIN MOVED TO APPROVE RESOLUTION 16-48 DECLARING THE COST AND ORDERING THE PREPARATION OF ASSESSMENTS FOR THE 7TH AVE WATER AND SEWER PROJECT. WHITCOMB SECONDED THE MOTION.

Walker said he would like to see some clear updated assessment rolls as the originals were a bit confusing.

THE MOTION CARRIED UNANIMOUSLY

DOBSON MOVED TO APPROVE RESOLUTION 16-49 CALLING FOR AN ASSESSMENT HEARING FOR THE 7TH AVE WATER AND SEWER PROJECT. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. TH95 & County Road 157
1. Roundabout Right of way acquisition appraisals

Brotzler advised that the right of way needs for the above project have been identified. Appraisals to purchase temporary and permanent easements and to pay for damages have been prepared and reviewed. It was initially anticipated that easements would need to be acquired from each of the owners of property of the four corners of the intersection, however it was later determined that acquisition in the northeast quadrant could be avoided by modifying the project design.

Following are a list of the owners of the three parcels from which easements are needed along with the acreage and appraised value of the various easements and the cost to cure damages to the properties:

PARCEL 1 – SW quadrant TH95/21st Avenue – Robert W Soule Trust – Robert and Madelyn Soule, trustees
Permanent easement of .0258 acres \$800
Temporary easement – .1788 acres for 1.5 year period \$650
Subtotal \$1,450

PARCEL 2 – SE Quadrant of TH95/21st Avenue – Anthony J and Cheryl L Hofman
Temporary easement of .02169 acres for 1.5 years \$375
Subtotal \$375

PARCEL 4 – NW quadrant of TH95/21st Avenue – Jeanette Oakes
Permanent easement of .016 acres \$675
Temporary easement of .2348 acres for 1.5 years \$1,275
Cost to cure damage to trees and shrubs \$13,850
Subtotal \$15,800

GRAND TOTAL \$17,625

It is requested that Council consider adopting a motion to authorize the presentation of offers to the three property owners in the amount set forth above. The Council was provided with Summaries of the appraisals on each property.

Walker asked if the property owners have signed off on these as of yet. Brotzler said they have not signed off on them, but they are aware of the easements and process. If the Council approves these amounts, the offers will be presented to them. There is usually some negotiation and once those amounts are determined, it will come back to the council for approval.

DOBSON MOVED TO APPROVE AND PRESENT THE OFFERS ON THE PROPERTY ACQUISITIONS. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

2. Proposed Scope & fee for Phase II & Feasibility Report – Resolution 16-51

Brotzler advised that the original authorized scope for the TH 95 and CR 157 Roundabout included the completion of a Phase I Environmental Site Assessment for the project. It is customary to perform a Phase I Environmental Site Assessment on the adjacent properties to understand if contamination is expected during construction and if further investigation is required. During the scoping for the design of the project, WSB conferred with MnDOT to verify that this would be required. They indicated it would be required, and the budget for these tasks was included in the original design scope.

The Phase I included plan level research on historical data of the adjacent properties to identify documented leaks on the properties. A Phase II is only required when the results of the Phase I show a likelihood for contamination that may need to be addressed during construction. The other part that is difficult to determine with a Phase II is just how much investigation will need to occur. In this case, the gas station in the southeast quadrant of the project includes an active leak site. As it is not known whether Phase II is required or not and what the extent of a Phase II assessment may be until the Phase I assessment is complete, the original scope did not include a

Phase II assessment.

The results of the Phase I Environmental Site Assessment have been shared with MnDOT and they have indicated a Phase II Environmental Site Assessment is required to be performed. The Phase I Environmental Site Assessment is available for your review upon request. Performing a Phase II Environmental Site Assessment will provide additional information that will reduce some risk of potential project cost increases during construction in the event that contaminated materials are encountered during construction. Where the Phase I Environmental Site Assessment is a desktop analysis of available information, a Phase II Environmental Site Assessment includes field investigation to better identify and evaluate the potential existent and extent of contaminated material. The availability of this information ahead of construction will facilitate a more competitive bid on the handling of any contaminated material, and will reduce the risk of delays to the contractor during construction. Following is a description of the proposed scope of work for the

LIMITED PHASE II ESA SCOPE OF WORK

A Limited Phase II ESA will be completed to investigate subsurface conditions and determine if past historical uses at the adjacent property has resulted in soil and/or groundwater impacts. Soil boring placement will be determined predominantly based on RECs documented in the Project Corridor Limited Phase I ESA completed by WSB.

Soil Borings

The investigation activities will include the following:

- Complete a public and a private utility locate.
- Advance up to three mechanical push-probe borings to a depth of 20 feet below ground surface (bgs) along the Project Corridor to assess soil conditions downgradient of the gas station/leak site.
- Advance one boring to a depth of 30 feet bgs at/near the temporary easement at the southeast corner of the intersection to assess subsurface soil and groundwater conditions.
- Screen soils using a photoionization detector (PID) with a 10.6 eV lamp.
- Record general soil classifications/observations on a field log.
- Seal borings per Minnesota Department of Health (MDH) requirements.

Note: In the event that soil or groundwater impacts are identified at the one of the southern borings, one to two additional/alternate borings will be advanced at the median and/or north side of TH 95 to identify the lateral extent of impacts at the Project Corridor.

Sampling

WSB will collect soil and groundwater samples during the investigation based on MPCA guidance. The sampling activities will include collection of up to six soil samples and one groundwater sample for chemical analysis by a MDH certified laboratory. The proposed analytical sampling includes:

Soil

- 6 – Diesel range organics (DRO) using the Wisconsin Method with silica gel cleanup
- 6 – Gasoline range organics (GRO) using the Wisconsin Method
- 6 – Petroleum volatile organic compounds (PVOCs) using the Wisconsin Method
- 6 – Lead using EPA method 6010/7471A

Groundwater

- 1 – DRO using the Wisconsin Method with silica gel cleanup
- 1 – GRO using the Wisconsin Method
- 1 – Volatile organic compounds (VOCs) using the EPA Method 8260
- 1 – Lead using EPA method 6010/7471A

Limited Phase II ESA Reporting

WSB will summarize the results of the Limited Phase II ESA in a final report. At a minimum, the report will include the following:

- Scope of work
- Sample location map
- Sample methods and procedures
- Results tables and laboratory analytical reports
- Investigation results
- Conclusions and recommendations

Assumptions

The following items are assumed for this scope of work:

- The City will assist with obtaining Property access (if required).
- Lane closures and/or traffic control will not be required.
- Subsurface obstructions will not inhibit boring advancement. TH 95 and CR 157 Roundabout September 22, 2016 Page 3
- Groundwater flow at the Property is anticipated to be northward towards the West Branch Rum River and depth to groundwater is estimated to be approximately 25 feet bgs.
- Samples will be submitted for laboratory analysis with standard 10-day turnaround time.
- The scope includes advancing four mechanical soil borings ranging in depth from 20-30 feet bgs, with two additional (contingency) borings to a depth of 20 feet bgs.
- The client will provide one review/comment of environmental reports.

The cost to perform the above described Limited Phase II ESA with three borings to 20 feet bgs and one boring to 40 feet bgs is not to exceed **\$6,873**. If contamination is observed at any of these borings, two additional borings to 20 feet bgs will be completed at a cost of an additional **\$300**. WSB will contract with a drilling contractor and laboratory to perform the borings and analytical testing. If additional work is required beyond the scope outlined above, WSB

will receive authorization from the City prior to completing any extra work. Upon authorization, the work can be performed as early as September 23, 2016.

AUTHORIZE PREPARATION OF FEASIBILITY REPORT

The TH 95 and CR 157 Roundabout project is proposed to be funded from a combination of Federal, State, and Local funding sources. For the City's local share it is proposed that a portion of the local share be assessed to the surrounding benefitting property owners. As such, the preparation of a feasibility report and administration of the 429 Process is necessary. Attached for City Council consideration is a resolution to authorize the preparation of a feasibility report for the TH 95 and CR 157 Roundabout project. The estimated fee for the preparation of the feasibility report **\$5,143** which will include the following activities:

- Prepare report text summarizing the existing conditions, proposed improvements, required permitting, and environmental documentation requirements
- Engineer's opinion of probable cost.
- Preliminary assessment roll.
- One property owner meeting prior to the assessment hearing.
- Prepare a presentation and handout materials for the assessment hearing
- Facilitate the assessment hearing.

SUMMARY

It is requested that Council consider the following actions:

- **Motion to authorize the preparation of the Limited Phase II Environmental Assessment; and**
- **Motion to adopt a resolution authorizing the Preparation of a Feasibility Report for the TH 95 and CR 157 Roundabout project.**

WALKER MOVED TO APPROVE RESOLUTION 16-51 AUTHORIZING THE PREPATATON OF A FEASIBILITY REPORT. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

HALLIN MOVED TO AUTHORIZE A LIMITED PHASE II ENVIRONMENTAL ASSESSMENT. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

A. Lights on Afterschool Proclamation

Jenkins advised that Councilor Hallin asked the Council to again consider recognizing October 20th as Lights on Afterschool, which promote the importance of quality afterschool programs in the lives of children, families and communities.

DOBSON MOVED TO RECOGNIZE OCTOBER 20TH AS LIGHTS ON AFTERSCHOOL. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. MN Manufacturer's Week

Foss reported that October 2nd through the 8th is Minnesota's Manufacturing week which is a dynamic segment of Minnesota's economy, and an integral part of Minnesota's economic development strategy. Her and the Chamber is working on an event to recognize the cities manufacturers

WALKER MOVED TO RECOGNIZE OCTOBER 2ND THROUGH OCTOBER 8TH AS MINNESOTA MANUFACTURING WEEK. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS
BILL LIST

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$115,291.48 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 74297 TO 74339 FOR A TOTAL OF \$387,792.52. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

DOBSON MOVED TO ADJOURN THE MEETING AT 7:29 PM. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

ATTEST:

Shawna Jenkins
City Clerk

Paul Whitcomb, Mayor