

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON OCTOBER 19, 2015,
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Jeff Reynolds, Chad Heitschmidt, Chuck Young, and Jim Kusler (Princeton Twsp. Representative). Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

OATH OF OFFICE:

Chuck Young took the Oath of Office.

APPROVAL OF MINUTES OF REGULAR MEETING ON SEPTEMBER 21, 2015

REYNOLDS MOVED, SECOND BY HEITSCHMIDT, TO APPROVE THE MINUTES OF SEPTEMBER 21, 2015. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO APPROVE THE AGENDA. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #15-16 Variance for 1607 12th Street South

Community Development Director Memo:

Jaeger Construction, on behalf of USDP, has submitted an application to the City of Princeton for a variance to construct a 40 addition, exceeding the 30 foot maximum height allowed in the MN-1 District, on the property described below:

The subject property is located south of 12th Street South, west of vacated 17th Avenue South, north of 14th Street South, and east of 18th Avenue South. The building is proposed to contain a distiller and some office space.

17th Avenue South between 12th and 14th Streets, directly to the east of the subject property, was vacated by the City on July 22, 1999. According to Resolution #99-31, the vacation was approved for future development of USDP industrial uses. According to Sherburne County, customary to street vacations, the west half of the right-of-way is now a part of Lot 1, Block 1, Princeton Industrial Park Third Addition, and the north half of the east half of the vacated right-of-way is now part of Lot 1, Block 4, Princeton Industrial Park for tax purposes. In regards to actual property lines and title work, the vacated portion of 17th Avenue South is its own separate parcel.

VARIANCE REVIEW

Review Standards. The Statute regarding municipal variance authority was amended in May. The City Code has not yet been amended to comply with the new State statutory requirements; however, statutory language pre-empts inconsistent local ordinance provisions, and so the

variance requests are being processed under the new State standards. The following outlines the new statutory language;

- A) Variances shall only be permitted:
 - 1) When they are in harmony with the general purposes and intent of the ordinance and
 - 2) When the variance is consistent with the comprehensive plan.
- B) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:
 - 1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - 2) The plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - 3) The variance, if granted, will not alter the essential character of the locality.

The applicants have stated that a 40 foot building height is needed for the following reasons: The proposed distiller that is to be constructed is 36 feet.

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

Memo from Michael Tiedman, Vanney Associates, Inc. Dated September 14, 2015

*RE: Site Plan Review and Maximum Height Variance
United States Distilled Products
1607 12th Street South
Princeton, MN 55371*

To Whom It May Concern,

United States Distilled Products would like to build an addition to their existing facility at the above referenced address. The scope of work for this project will include a 4,784 square foot addition to their existing warehouse. The addition will be located off of the north side of the existing "A Building". The addition will consist of warehouse space as well as a room for new distillery equipment. Due to the height of the equipment, they are requesting a variance to build that portion of the building to a height of 40' -0" in lieu of the 30' -0" maximum height allowed by the zoning code. The scope of work will also include infilling an existing loading dock to bring the floor level up to match the adjacent building.

If you have any questions about the above-mentioned items, please feel free to contact me at your convenience.

Thank you, Michael Tiedman

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

Edmonds asked DeWitt where the maximum height of 30 feet originated from for the Ordinance.

DeWitt explained that the Fire Departments equipment could reach a certain height and that equipment has been updated to reach a higher limit.

Edmonds opened the public hearing.

Scott King (U.S.D.P. Operations Manager) said this addition will allow to distill product where now they can only blend it.

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

Heitschmidt asked which end of the building will be higher with this addition.

Barry Jaeger (Jaeger Construction) said the north center of the building.

Edmonds asked staff if they made sure it was not in the fly zone.

Foss said there was a form filled out that says it is okay. Foss said the Site Plan Review will show more of the plans in the future.

REYNOLDS MOVED, SECOND BY HEITSCHMIDT, TO APPROVE ITEM #15-16 VARIANCE FOR UNITED STATES DISTILLED PRODUCTS TO EXCEED THE MAXIMUM HEIGHT REQUIREMENT OF 30 FEET BY AN ADDITIONAL 10 FEET FOR THE EXPANSION PROJECT AT 1607 12TH STREET SOUTH, LEGAL DESCRIPTION IS CITY OF PRINCETON, LOT 1, BLOCK 1, SECTION 5, TOWNSHIP 35N, RANGE 26W, SHERBURNE COUNTY, PID #90-413-0105 AND #90-413-0110. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Is the variance in harmony with the purpose and intent of the Ordinance? Yes.
2. Is the variance consistent with the Comprehensive Plan? Yes.
3. Does the proposal put the property to use in a reasonable manner? Yes.
4. Are there unique circumstances to the property not created by the landowner? Yes.
5. Will the variance maintain the essential character of the locality? Yes.
6. Does the alleged practical difficulty involve more than economic considerations? Yes.

Staff would like to set a Special Planning Commission date for the United States Distilled Products Site Plan Review. The Planning Commission Board said they could meet on Monday,

November 2, 2015 at 7:00 P.M. Those present from United States Distilled Products said that date would work for them.

B. Kennel Ordinance Amendment

Community Development Director Memo:

City Staff is requesting the consideration of an Ordinance Amendment to address Ordinance NO. 716 INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES SECTION 462.355, SUBDIVISION 4, ESTABLISHING A MORATORIUM PROHIBITING THE ISSUANCE OF CONDITIONAL USE OR INTERIM USE PERMITS FOR THE OPERATION OF A KENNEL

The city's ordinance defines a Kennel as:

Kennel: Any place where more than three domestic animals over eight months of age are owned, boarded, bred, trained or offered for sale, but not including veterinary clinics.

The city's regular ordinances identifies kennels as a nuisance and suggests they are not allowed anywhere in the city:

500.06 Kennels.

(A) **Definition of kennel.** The keeping of three or more dogs, cats, and/or other domestic animals on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups or kittens may be kept for a period of three months before that keeping shall be deemed to be a "kennel."

(B) **Kennel as a nuisance.** Because the keeping of three or more dogs or cats on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard and general aesthetic depreciation, the keeping of three or more dogs or cats on the premises is hereby declared to be a nuisance, and no person shall keep or maintain a kennel within the city.

Still, in the city's zoning ordinances:

1. R-1 Residential: Kennels are an Allowed Use so long as there are "not more than three domestic animals" and a Conditional/Interim Use for more than 3 domestic animals.
2. R-2 Residential: Kennels are not an "Allowed Use" and can only exist with a Conditional/Interim Use (for more than 3 domestic animals).
3. R-3 Residential: Kennels are again an Allowed use so long as there are "not more than three domestic animals" and a Conditional/Interim Use for more than 3 domestic animals.

4. B-1 Central Business District: Kennels are not allowed...even for a veterinarian clinic.
5. B-2 General Business District: Kennels are not mentioned but veterinarian clinics are a Conditional/Interim use. Because the Kennel above definition says it's not a kennel if it's operated by a veterinarian clinic, one assumes they can exist with a Conditional/Interim Use Permit.
6. B-3 Highway Commercial: Vet Clinics are an Allowed Use (with no overnight boarding) and a Conditional/Interim Use (with overnight boarding).

In an attempt to clarify and maintain consistency throughout both the City Code of Ordinances and the Zoning Ordinance #538 the City Council has made a motion directing the Planning Commission to process this Ordinance Amendment redefining the allowed number of domestic pets allowed in each respective district.

After discussion at the August 6th, 2015 Study Session, the consensus was to adjust the ordinance such **that any property in an R-1, R-2 or R-3 zoned area should be able to have up to 3 dogs or up to 3 cats but a combination of no more than 5 dogs and cats. In any property in a B-1, B-2 or B-3 zoned area should be able to be used as a veterinarian clinic, a pet store and/or a 'doggy day care' facility with the issuance of an Interim Use Permit.**

The reasoning behind this decision is that there are certain expectations by a resident when they live in a city versus a rural area. Because of the close proximity of buildings and the size of lots, having more than 3 dogs on a property could create a nuisance situation for neighboring properties.

While residents who temporarily take in 'rescue animals' are to be commended, the city has to balance the need for animal foster care with the expectations of neighbors who live on a smaller lot properties within a city.

That's not to say that Princeton residents cannot give temporary foster care to rescue pets, just that the number of dogs and/or cats need to be more limited than what might be possible in a more rural setting.

It is staff recommendation to **approve** this Ordinance Amendment redefining the allowed number of domestic pets and to maintain consistency throughout both Code of Ordinances and Zoning Ordinance.

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

Foss said there was a moratorium on kennel licenses. The Council already approved this and it should have gone through the Planning Commission first. There is highlighted areas on the draft form that has been handed out tonight and those need to be discussed. Should the overnight boarding be allowed for veterinary clinics.

Edmonds said yes. Have an exception with overnight boarding for veterinary clinics. Veterinary clinics are identified in B-3 District.

Reynolds said in B-2 District Veterinary clinics and pet grooming, with no outdoor boarding are allowed with a Conditional Use Permit.

DeWitt said this draft Ordinance Amendment does not address the Residential Districts. It was in the Residential District where there had been an issue with the amount of pets.

Reynolds said to add language to this draft Ordinance that in B-2 District overnight boarding is allowed and make sure all three Residential Districts are addressed.

Heitschmidt said in B-3 District for the permitted use that veterinary clinics are allowed with no outside boarding facilities. Under the Interim Use section, outside boarding facilities are allowed with certain conditions. They do not allow overnight boarding.

Edmonds is okay with having overnight boarding with the Interim Use process.

Heitschmidt said in B-2 and B-3 Districts overnight boarding should be allowed with a Conditional Use Permit for veterinary clinics, but remove the outdoor boarding. It should have where they abide by the State laws for overnight boarding for pets in the veterinary clinics and pet stores. No kennel license in the Residential Districts.

Young believes that five animals per property is too many.

Foss said she ran it by Chief Fredrick and he thought that number was okay.

DeWitt suggested in the R-2 and R-3 Districts that a total of five domestic animals are allowed per property. In those districts there is multi-family housing and this could cause an issue with a site that has a multi-tenant structure.

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO LEAVE THE PUBLIC HEARING OPEN FOR THE KENNEL ORDINANCE AMENDMENT AND MAKE THE FOLLOWING CHANGES;

1. IN R-2 AND R-3 DISTRICTS CAN HAVE UP TO THREE DOGS AND UP TO THREE CATS, BUT A COMBINATION OF NO MORE THAN FIVE DOGS OR CATS ARE ALLOWED PER PROPERTY LOT SITE.
2. IN B-2 AND B-3 DISTRICTS OVERNIGHT BOARDING IS ALLOWED WITH A CONDITIONAL USE PERMIT. REMOVE OUTDOOR BOARDING.
3. NO KENNEL LICENSE ALLOWED IN R-1, R-2, AND R-3 DISTRICTS.

THE PUBLIC HEARING WILL CONTINUE ON NOVEMBER 16, 2015 PLANNING COMMISSION MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS: None

NEW BUSINESS: None

COMMUNICATION AND REPORTS:

A. Verbal Report

Foss said she has nothing.

B. City Council Minutes for September, 2015

The Planning Commission Board had no comments.

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:58P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant