

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON OCTOBER 21,
2013, 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 Tim Siercks, Dick Dobson, Mitzi Mellott, Chad Heitschmidt, and Jim Kusler (Princeton Twsp. Representative). Staff present were Carie Fuhrman and Mary Lou DeWitt.

APPROVAL OF MINUTES OF REGULAR MEETING ON SEPTEMBER 16, 2013

SIERCKS MOVED, SECOND BY DOBSON, TO APPROVE THE MINUTES OF SEPTEMBER 16, 2013. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS

Siercks asked the Planning Commission Board if the items under Old Business could be swapped where the Sign Ordinance is reviewed first and then Princeton Speedway is reviewed after. Scott Berry would like to attend the meeting for the review of Princeton Speedway and will be a little late.

DOBSON MOVED, SECOND BY HEITSCHMIDT, TO REVIEW ITEM B. SIGN ORDINANCE UNDER OLD BUSINESS AND THEN REVIEW ITEM A. PRINCETON SPEEDWAY AFTER. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING: None

OLD BUSINESS:

A. Princeton Speedway

This item was moved down further on the agenda and those present for items under New Business were reviewed first for their convenience.

When the Planning Commission approved the Conditional Use Permit for the Princeton Speedway in March 2013, one of the conditions was to review the race schedule after the 2013 racing season. The 2013 racing season is now complete. The last races were held the weekend of September 19 – 21st, with a practice on Thursday, and races on Friday and Saturday.

The City staff and Mayor received multiple complaints following the last racing weekend. A letter and email from residents have been given to the Planning Commission for review. The complaints centered around the races running until past 12:30 AM on Friday night. Other complaints included the practice on Thursday night, fireworks on Saturday night, and the noise from traffic exiting the fairgrounds after the races. The Princeton Speedway CEO and President responded to the City in a letter dated September 24, 2013, acknowledging that they would be reviewing their procedures during the offseason in order to further minimize late disruptions to their neighbors.

Multiple solutions have been suggested from the public, including:

- Not allowing the races any longer;

- Moving the fairgrounds to Milaca;
- Requiring the races to end earlier than 11:00 PM so traffic is out of the residential neighborhood by 11:00 PM;
- Limiting the exit from the fairgrounds after the races to the exit onto First Street (near the 169 bridge) to reduce traffic noise through the residential area;
- Starting the racing earlier; and
- Limiting the racing during the school year.

The end time of the races was in violation of the Conditional Use Permit Resolution #02-13, and violation of a Conditional Use Permit is a basis for revocation. City staff discussed the violation with the City Attorney, and the suggested course of action would be to amend the CUP so that the City Council has the discretion to charge an administrative fine with a potential for an escalating fine, either based upon the number of violations or how late the racing goes. This would include an agreement signed by the racetrack operators. In order to do so, a public hearing would be required in order to amend the CUP. If the Planning Commission is in agreement, a motion to call for a public hearing at the November Planning Commission meeting to respond to the CUP violation and consider modification of the conditions of the Conditional Use Permit or potential revocation would be in order. Fuhrman said this is just for discussion at this time.

Siercks is the Princeton Speedway CEO and stepped down from the Planning Commission table and sat in the audience to answer questions from the Planning Commission Board.

Dobson commented they did an excellent job this year. Most of the time races were done by 11:00 PM or before. He believes the last event for the season they were surprised by the turn out. Dobson did not like the 1:00 PM ending time for that night. In the letter that Scott Berry and Tim Siercks submitted to the City they said they will review their procedure in the off season. He does not like the idea of a fine at this time.

Edmonds agreed. He was on the Ag Society for six years. Keep in mind that this is a new thing for them to do and the Fairgrounds. The weather was a handicap. They tried to make it a family event. They did violate the Conditional Use Permit. He does not think the Conditional Use Permit needs to be opened up again.

Dobson believes they are responsible people and know what the citizens want and will fix it.

Heitschmidt said the races were done usually by 10:30 and that should continue. He does not believe this late time should happen again. One o'clock in the morning is too long. He wants to amend the Conditional Use Permit.

Scott Berry said on Friday the track was in bad shape. They had to stop the races a couple times to fix the track so it was not dangerous for the drivers. They should have moved the races that

could not be completed to the next day. The next day would have been a limited time so they just tried to fit it in on Friday night.

Heitschmidt commented that they should have done that so the races would have been done by 11:00 PM.

Edmonds said the police could shut it down by 11:15 PM.

Dobson said the Conditional Use Permit was done in the spring because of schedule changes. They said they are going to review their schedule in the off season and if there are changes will they need to have a new Conditional Use Permit Resolution.

Fuhrman said yes, if they want to make changes to the current Conditional Use Permit, they will need to bring it back as a change to the Conditional Use Permit Resolution.

Berry said they did not do make up races so they should be given credit for that. They made concessions to try to make it good for citizens. He is aware of only two complaints other than this time.

Heitschmidt said they did do good with shutting down by 11:00 PM, but in the same time we have to look out for the residents of the community.

Edmonds said the Ag Society has never run a race traditionally past Labor Day.

Berry said they do want to try one more time where they have a race after Labor Day and see how it works.

Heitschmidt suggested limiting the number of cars in the race.

Berry said no. They would have to take a class out if they do that.

Dobson asked if Friday night race heats are to qualify for Saturday races.

Siercks said it is two full shows that you get drivers and they get points. He should have called the show at 11:00 PM.

Mellott asked if there is away to have people park on site instead of the road.

Fuhrman said there were parking complaints.

Siercks said there is adequate parking on site.

Mellott said if they park on the grounds that may help with the cars leaving the Fairgrounds onto First Street.

Fuhrman said the noise from the people and vehicles leaving through the neighborhood was another complaint.

Berry said they would lose the parking area on 4th Street North if they just parked in the Fairgrounds.

Dobson said restricting the parking could be an issue. If something were put in about a fine it would open a can of worms.

DOBSON MOVED, SECOND BY MELLOTT, TO NOT AMEND THE CONDITIONAL USE PERMIT BECAUSE SIERCKS AND BERRY SAID THEY WOULD RECTIFY THE PROBLEMS.

Heitschmidt questioned amending the current Conditional Use Permit for enforcement of the conditions.

Fuhrman said the police could be asked to enforce if the race is not done by 11:00 PM. If they are violating the conditions, the recommended fine would inhibit them from going over the time again. Staff has to justify to the public on why this has been recommended to leave it as is. Fuhrman said to leave it as is and ask the City Council to have the police enforce the shut down at 11:00 PM.

Dobson said not to amend the Conditional Use Permit, but request the City Council to enforce the shut down at 11:00 PM.

Mellott said the Conditional Use Permit could be left as is and when it starts again next year, the Planning Commission could look at how it is being controlled.

Berry said the complaints came from the last show. The Conditional Use Permit was for the extra days and not for the Friday night races. He understands what staff and residents feel about the last show.

Dobson said if the Conditional Use Permit is left in place with no amendments and reviewed at the end of next year's season, could that be an open meeting.

Fuhrman said this is a public meeting and anyone can attend. If an amendment of the Conditional Use Permit were to happen a public hearing would be held and the required notification would need to be done. Fuhrman will pass on what has been discussed tonight to

staff.

UPON THE VOTE, THERE WERE 4 AYES, 1 ABSTAINED. (AYES: DOBSON, MELLOTT, EDMONDS, AND HEITSCHMIDT. SIERCKS ABSTAINED). MOTION CARRIED.

B. Sign Ordinance

At the last Planning Commission meeting, there was discussion in regards to various portions of our Sign Ordinance. Further information has been gathered and is being presented in this memo:

A) Roof Signs: Staff checked with the cities of Cambridge, Pine City, Rogers, and St. Cloud, and Anoka, none of them allow new roof signs. The Building Inspector commented that he is not aware of any communities that allow roof signs either. If the Planning Commission wishes to pursue allowing these types of signs, Fuhrman will need to do further research to find appropriate regulations, especially in terms of engineered regulations, size, etc.

Edmonds said he drove around town and does not see any need for roof signs. He understands that the previous Northern Attitudes building has one, but it is mounted on the wall not on the roof, and the theatre's was mounted when the building was built so it should be structurally sound. He does not want anymore roof signs.

Dobson said if there are too many roof signs you will have too many people looking up while driving. Not a good safety factor for traffic.

Edmonds believes the theatre is the only one that we have now. Roof signs for Minnesota is not a good idea.

Mellott said safety issues for a roof sign is her concern.

Siercks said he voiced his opinion on this at the last meeting.

Gerry Stuck, owner of Paws Up 4 You, would like to have a roof sign for his business and said he understands the concerns for safety issues and driving down the road. He hopes the Planning Commission finds a way to treat each request on it own. The building they have is the old City Liquor Store and it has a pole sign, and the building has no windows so a roof sign would work the best for this location. He intends to own the building down the road and would not want to harm it with signage that would not be safe and believes what they are presenting would work.

Edmonds said he understands, but we have to look at the public safety issues. There are other options for signage for their business.

Dobson said the signs that he had chosen were nice and adds to the building, but if we allow them to have this type of signage and not another it could set a precedent for the future. He does not want to see roof signs.

DOBSON MOVED, SECOND BY MELLOTT, TO LEAVE THE ORDINANCE FOR ROOF SIGNS AS IS WHERE THEY ARE NOT ALLOWED. UPON THE VOTE, THERE WERE 4 AYES, 1 NAY. MOTION CARRIED. (AYES: DOBSON, MELLOTT, EDMONDS, AND HEITSCHMIDT. SIERCKS WAS A NAY)

B) Signs Perpendicular to buildings or Under-canopy signs: The Sign Ordinance gives definitions for the following signs, but does not regulate them (location, number, size, etc). Permits have not been required for these types of signs in the past. Fuhrman is requesting the Planning Commission further discussion regarding these types of signs.

Projecting sign: *a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.*

Under-canopy sign: *a sign suspended beneath a canopy, ceiling, roof, or marquee.*

Examples of communities and how they regulate this type of signage:

- **Cambridge:** Canopy, flag mount, and awning signs are allowed; must have a minimum clearance of 7 feet.
- **Pine City:** Projecting wall signs are allowed; must have a vertical clearance of 8 feet above a sidewalk; only 2 such signs are allowed per building elevation; and cannot extend over public property more than 7 feet.
- **Rogers:** Perpendicular signs are allowed in their old downtown area only; cannot be in the ROW; and must meet a clearance of 8 feet.
- **St. Cloud:** Perpendicular signs are allowed; cannot extend more than 2 feet into the ROW; and must be 8 feet above grade.

Fuhrman said the City of Anoka does allow perpendicular signs and under the canopy signs. The clearance height is eight feet and no more than two feet in the right-of-way. They actually encourage these types of signage downtown.

Edmonds said what about the size of the sign. He likes the wording where no more than two feet in the right-of-way and 7 – 8 feet clearance. He likes the size as a required sign size.

Dobson said he does not believe they should be allowed because they are subject to more wind and is against the building. If the party can insure they are mounted into something solid on the building, otherwise the City would be liable if it came down, and blew into someone's car.

Edmonds said he had asked about the City being liable and there could be something in the permit saying that the City is not liable.

Mellott commented that the City should not be liable.

Siercks is in agreement that projecting signs should not be allowed. He does not mind the awnings. If we do not have an ordinance for projecting signs in place now they are not allowed.

Fuhrman said they are not allowed for future signage, but the ones that are currently in place are grandfathered in.

Edmonds would go one way or the other.

Fuhrman said some signs project out of the wall or some are under the canopy.

Heitschmidt said he understands a business owner wanting a canopy. If they are installed properly and maintained it is not an issue.

Siercks said roof signs are not allowed because of safety. It is the same with this and the wind force.

Mellott said if there is a safety issue an Engineer would need to sign off.

Fuhrman said Cambridge said they are installed with a flag mount type of signage so they have give. If wind comes up there is some give.

Dobson said even with a flag sign there could be strong wind that puts strain on it.

Heitschmidt would hate to give the impression that we are against putting signs up.

Siercks said there are different types of signs that do not hang over the walk way.

Scott Berry who is the Princeton Chamber President, said it depends on what the Planning Commission wants Princeton to look like. Do we want to look like Anoka and Stillwater how their downtown is attractive. Limit the size and make sure they are safely installed. Downtown does not have a lot of businesses left. Look at the quality of the sign and they could add to the attractiveness of the building.

Dobson said staff could check into this further.

Siercks said staff should look at the size dimensions and how far it extends into the right-of-way, Clearance should also be looked at.

DOBSON MOVED, SECOND BY SIERCKS, TO DIRECT STAFF TO LOOK INTO THE PROJECTING SIGNS FURTHER. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Under-canopy sign discussion:

Siercks said the under-canopy signs are okay as long as they clear the doorway it should be fine with the height.

Edmonds agreed, they must be 9 feet high canopy where they are high enough to clear head height.

Siercks said the canopy is structurally mounted to the wall of the business so the sign should be okay coming off of it. They need to be securely mounted.

Dobson sees nothing wrong with canopy signs, individuals are partially protected from the weather. You can find a solid anchor point on the canopy. He would like to see a height restriction.

Edmonds suggested seven feet.

Dobson said not to extend over public property. He likes St. Cloud's Ordinance where the sign cannot extend more than two feet in the public right-of-way. If we allow seven feet height restriction, the business could have a nice size sign under a canopy.

DOBSON MOVED, SECOND BY HEITSCHMIDT, TO HAVE STAFF LOOK INTO HOW FAR A CANOPY CAN EXTEND INTO THE PUBLIC RIGHT-OF-WAY AND WHAT OTHER CITIES HAVE FOR REQUIREMENTS FOR SIGNS UNDER THE CANOPY. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

C) Number of Wall Mounted Business Signs: The Sign Ordinance only allows one wall sign for each principal building (except if the building fronts two or more streets, then more are allowed). The gross surface of a wall sign cannot exceed 10% of the building wall, or 200 square feet, whichever is smaller.

Multi-tenant buildings are allowed one wall sign per tenant, meeting the above size requirements. For buildings that are allowed multiple wall signs, the Zoning Administrator can allow individual wall signs larger than 200 square feet in exchange for reducing or removing other wall signage normally allowed.

There are several examples of businesses within city limits with multiple wall signs, whether

they were interpreted as having multiple tenants, did not receive a permit prior to placing the signs, or have been in place prior to this sign regulation. Fuhrman is requesting the Planning Commission discussion regarding these signs and potential consideration of allowing more than one wall sign for a single tenant building (up to 3 signs), as long as the signs together do not exceed the maximum square footage.

Edmonds like the size we have in our ordinance.

Siercks said he believes more than one sign per building should be allowed if under the 200 square feet size is being followed. Then the party could have multiple signs.

Dobson said he understands someone like Walmart who has a pharmacy, and lawn and garden, etc. They should have multiple signs to show what they have in the store. Family Pathways has a sign on the north end of the building and one on the south end for the Teen Center.

Heitschmidt said it should be on a percentage base where they can go bigger if the building size is larger.

Fuhrman said they can have a larger sign if they decide not to have signage on all sides that face a street frontage. She said the Planning Commission could direct staff to loosen up the regulations on the ordinance wordage for this.

Dobson agrees we do not want to limit businesses with their signs. He believes the current signage wordage is cut and dried with the exception of a few areas.

SIERCKS MOVED, SECOND BY DOBSON, TO CHANGE THE WORDAGE FOR THE NUMBER OF WALL MOUNTED BUSINESS SIGNS TO ALLOW THREE INDIVIDUAL WALL SIGNS IF THE GROSS SURFACE OF A WALL SIGN CANNOT EXCEED 10% OF THE BUILDING WALL, OR 200 SQUARE FEET, WHICHEVER IS SMALLER. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

D) Temporary Signs: The Sign Ordinance does not allow for-profit businesses to place temporary signs off-site, but does allow non-profit organizations and government units to do so. The Ordinance does not allow more than one temporary sign on any one property at one time and limits the number of permits (4) that can be issued to any one property per calendar year (for profit business signs).

At the last Planning Commission meeting, the overall consensus was to leave the regulations as they currently stand. A Planning Commission member has requested that the Commission

consider allowing for-profit businesses to place a temporary sign off-site once per calendar year.

Fuhrman said for example the Ace Hardware site there is only four signs allowed per year in that location and non-profit likes to put signs there so it could limit those in that mall area.

Siercks said a for-profit business having a special occasion should be allowed to put a sign off-site.

Mellott said this is for-profit this discussion.

Heitschmidt said if we allow for-profit to put a sign off-site there could be a possibility that for-profit and non-profit both may want a sign on the same spot at the same time. So it should be only one sign allowed at a time on the spot.

Dobson asked Fuhrman if she spoke to the Chamber on their thoughts on this signage and the perpendicular signage.

Fuhrman will ask the Downtown Committee what their thoughts are on the temporary signs and perpendicular signs.

Scott Berry commented that temporary signs are nice, but have to watch how many and where they are putting them. The Chamber would worry about clutter. If there are too many you would not look at them anymore. The Chamber would like to see the quality of sign and how it looks. Stillwater and Anoka show quality. There is one sign that he always hears a negative about that should not be allowed.

Fuhrman said the appearance standards of signs could be restricted, but there may be a lot of push back on a quality signs and not allowing signs that may not have the look we would like in appearance.

Heitschmidt said that is subjective and cannot be in the Ordinance.

Fuhrman will look at other communities and see what they have for wordage. They may have it regulated by districts for the type of signs.

Dobson asked if she looked at the League sign regulations.

Fuhrman said she did.

DOBSON MOVED, SECOND BY SIERCKS, TO DIRECT STAFF TO LOOK INTO OTHER ENTITIES FOR THEIR SIGNAGE REGULATIONS, AND ALSO TALK TO THE CHAMBER AND OTHER BUSINESS OWNERS THAT ARE NOT IN THE CHAMBER TO SEE WHAT THEY THINK FOR SIGNAGE IDEAS. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

E) Digital/Dynamic Signs: Thus far, digital/dynamic signs have been regulated the same way as non-digital signs as far as size, location, etc.

Several months ago, a subcommittee was formed to evaluate digital signs (ex: electronic readerboard, video display boards, etc) as they are not addressed in the City's Sign Ordinance. The subcommittee's recommendation is to not allow these types of signs within the majority of the B-1 Central Business District and B-2 Neighborhood Business District, except the B-2 District south of 6th Street, and to allow them in the other Commercial and Industrial Districts. This is in an effort to protect the residential neighborhoods and historic nature of downtown.

Some other points addressed by the subcommittee include:

- Requiring review by the Planning Commission of any digital sign
- Limiting the illumination; establishing brightness standards
- Limiting the number of times an electronic message can change (safety reasons)
- Backlit signs would not be affected

Fuhrman is currently collecting information from the Downtown Committee after conducting an informal poll in regards to these signs. She had received seven responses on the signs: Four do not want dynamic signs, two were unsure, and one would like them.

Edmonds said they are easier to read. There are levels of brightness.

Dobson said if too many of those type of signs are in one area you lose the esthetic of the downtown.

Siercks said it was talked about prohibiting them from some areas.

Fuhrman said the subcommittee wanted to allow them, but not in the downtown or B-2 Districts. Existing signs would continue with certain maintenance, and not expanded or enlarged. She could look into it further.

Siercks said he does not want the signs in neighborhoods.

Fuhrman could ask the Downtown Committee to write down what they would like for signage at their next meeting.

Dobson asked if someone were to put a sign up that is not in our current ordinance for signs would that be allowed.

Fuhrman said if it not permitted it would not be allowed. We have not made changes to the Ordinance and what is on the agenda tonight is discussion only.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO HAVE STAFF GET MORE INFORMATION FROM THE DOWNTOWN COMMITTEE ON THE ELECTRONIC SIGNS AND BRNG IT BACK TO THE PLANNING COMMISSION. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

NEW BUSINESS:

A. Final Plat of Sharco Estates Second Addition

John Peterson, on behalf of Great Northern Land, has submitted a final plat application for Sharco Second Addition. The only significant change is that the depths of Lots 1 and 2 have been increased, thus reducing the size of Lot 5.

Background:

- The Planning Commission issued a variance to the Airport Zoning Ordinance that limited the density on this piece of property in order for it to be developed into single family homes (August 19th)
- Park Board recommended acceptance of the park dedication fee versus park land (August 26th)
- Preliminary Plat public hearing and recommended approval by the Planning Commission (September 16th)
- Preliminary Plat approval by the City Council with conditions (September 26th)

Analysis:

Sharco Second Addition proposes Lots 1-8 and Outlot A, Block 1, on what is currently known as Outlot E, Sharco Estates, which is located on the northwest corner of Meadow View Drive and 14th Avenue South in Princeton. The proposal is for eight single family home lots, ranging in size from 13,137 square feet to 31,154 square feet. The property is zoned R-2, Residential and planned for Mixed Residential on the Future Land Use Plan.

Engineering/Infrastructure

As requested, the plans have been modified so the trail will connect with the sidewalk on the south side of Meadow View Drive in order to provide better pedestrian access. This shall be the responsibility of the Developer.

The Princeton Public Utility staff and the Developer have met and are finalizing the details of the utility installations.

Zoning:

As requested, a Landscaping Plan has been submitted. The proposed plan meets our minimum requirement that each one family residential dwelling unit shall contain trees totaling at least 8 inches in diameter at installation with a minimum of 2 trees located in front of the home, as well as that all open areas not occupied shall be sodded or seeded..

Although the applicant is not proposing to construct homes at this time, the Developer's Agreement shall address the landscaping requirements for future builders. Most of the additional data requested during the Preliminary Plat review has been provided, including the setbacks lines, drainage and utility easements, and structure information.

The Subdivision Ordinance requires that in any area where lots are platted in excess of 24,000 square feet, a preliminary re-subdivision plan is required showing a potential and feasible way in which the lots may be re-subdivided in future years for more intensive use of the land. The placement of buildings or structures upon such lots shall allow for potential re-subdivision.

Comment: A preliminary re-subdivision plan has not been submitted for Lots 6-8, which are in excess of 24,000 square feet. This shall be required, as well as the Developer's Agreement requiring that the structures on Lots 6-8 be placed to allow for potential re-subdivision.

Developer's Agreement:

As a part of the Final Plat requirements, the applicant shall be responsible for following the final plat procedures identified in the Subdivision Ordinance, including the requirement to enter into a Developer's Agreement, obtaining appropriate signatures, submittal of three mylars (two copies for the County; one for the City records), etc. The City Attorney has reviewed the title work and staff is working on finalizing the Developer's Agreement. The following shall be addressed in the Developer's Agreement:

Certificate of Occupancy:

If the landscaping and driveways are not finished at the time of builder is requesting a Certificate of Occupancy, a \$3,000 escrow shall be required to be submitted.

Park Dedication:

The Developer shall submit a park dedication fee in an amount of \$4,880.

Outlot A Trail:

The Developer has agreed to give ownership of Outlot A over to the City as a public trail is located on this site. The trail shall be reconfigured to connect with the existing sidewalk.

Miscellaneous:

The City is in the process of obtaining the majority of the large drainage pond that serves Meadow View and Sharco Estates after the parcel went into tax forfeiture (Outlot D, Sharco Estates). Outlot A, Meadow View 5th Addition (just south of Outlot D) is currently coded tax

exempt, and the Developer has agreed to transferring the ownership of Outlot A, Meadow View 5th Addition to the City as a part of this project. This will ensure that the majority of the pond is in the City's hands as they are already maintaining the pond and is not available for future redevelopment. This shall also be addressed between the applicant and City.

The proposed homes and accessory buildings shall meet all regulations, including setbacks, height, type, minimum floor area, parking, driveway, etc. This shall be addresses in the Developer's Agreement.

Conclusion:

If the recommended conditions are met, the Final Plat appears to meet the Zoning and Subdivision Ordinance standards; therefore, Fuhrman recommends the Planning Commission recommended approval to the City Council of the Final Plat, subject to the following conditions:

- 1) Applicant shall address the City Engineer's comments.
- 2) The Landscape Plan shall be revised to address the plantings required around the future homes.
- 3) A preliminary re-subdivision plan shall be submitted.
- 4) Applicant shall be responsible for following the final plat procedures identified in the Subdivision Ordinance, including entering into a Developer's Agreement.

The recommendation from the Planning Commission on the Final Plat will go before the City Council.

Fuhrman said the City Engineer has spoken with their Engineer on the drainage for the deeper lots and it has been corrected. Any lots over 24,000 are required to have a re-subdivision plan and Fuhrman said her and the City Engineer have agreed it is not feasible to re-subdivide because another road would need to be put in and they have agreed a ghost plat could be required. Fuhrman is not requiring a re-subdivision plat because the owners of the larger lots would be assessed if a street needed to be put in and the cost of the lot would be higher.

Dobson questioned if someone were to buy the larger lot could they build a garage in the back of that lot.

Fuhrman said wordage could be put in the Developer's Agreement that the garage would have to aligned with other homes in that area.

Dobson asked if the alley is still a public alley.

Fuhrman said yes.

Edmonds commented that the trees by the alley would have to come down if a street were to be put in and people in that area would not like that.

Siercks said he would not like the longer lots to be able to build the house further back on the lot, but he is okay with a garage back there. Just keep the curb appeal.

Dobosn said a minimum setback so the homes are not staggered.

Greg Peterson was filling in for his father, John Peterson tonight and said the builder would not want to put longer driveways in this site.

Fuhrman said the Ordinance is vague in regards to that type of situation so she would recommend in the Developer's Agreement that it stipulates the home be built on the front half of the lot for these deeper lots. The reasoning for this would be if these longer lots were subdivided, a home could be built in the back part of the lots.

Dobson would like that wordage added to the Developer's Agreement.

Fuhrman said on condition three can be revised that the homes be built on the front half of the longer of Lots 6-8. This will be going to the City Council for final approval and they will be made aware of this condition

Peterson said that was fine to have that condition added.

SIERCKS MOVED, SECOND BY DOBSON, TO APPROVE THE FINAL PLAT APPLICATION FOR SHARCO SECOND ADDITION AND FORWARD ON TO THE CITY COUNCIL WITH THE FOLLOWING CONDITIONS:

- 1) APPLICANT SHALL ADDRESS THE CITY ENGINEER'S COMMENTS.
- 2) THE LANDSCAPE PLAN SHALL BE REVISED TO ADDRESS THE PLANTINGS REQUIRED AROUND THE FUTURE HOMES.
- 3) THE PLACEMENT OF THE HOMES SHALL ALLOW FOR POTENTIAL RE-SUBDIVISION ON LOTS 6-8 (CONSTRUCTING THE HOMES ON THE FRONT HALF OF LOTS 6-8).
- 4) APPLICANT SHALL BE RESPONSIBLE FOR FOLLOWING THE FINAL PLAT PROCEDURES IDENTIFIED IN THE SUBDIVISION ORDINANCE, INCLUDING ENTERING INTO A DEVELOPER'S AGREEMENT.

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

B. James Dougherty Kill Floor

This item was after the Princeton Speedway discussion. Fuhrman said James Dougherty requested to speak to the Planning Commission Board about the possibility of a kill floor. Since he is not present to discuss the item, Fuhrman will remove it from tonight's discussion. This may be coming back on the Planning Commission agenda in the future.

C. Sign Review for Neighbors Eatery & Saloon

This item followed James Dougherty Kill Floor.

RHL Inc. on behalf of “Neighbors Eatery & Saloon,” has submitted a permit application for the replacement of two existing pylon signs at 509 5th Avenue North. This site was the prior home of “Northern Attitudes” and is located at the eastern corner of Rum River Drive North and west of Fifth Street North.

Zoning Provisions:

The property is zoned B-1 Central Business District. The Zoning Ordinance allow pylon signs with a maximum sign area of 75 square feet and maximum sign height of 20 feet. For new signs, the Ordinance states *there shall be no more than one pylon sign per lot*. These are existing signs being replaced, and the sizes are not being increased.

South Sign: The existing sign is 52” x 100” (~36.1 Square Feet) and has a yellow background with changeable black letters. The new sign will be a dynamic LED sign and will be 51” x 101” (35.8 Square Feet), which is smaller than the existing sign.

North Sign: The existing sign is 72.75” x 96” (48.5 square feet) and has two overhead lamps to illuminate the signs. The new sign will display the name of the new establishment and will be the same size/dimension as the existing sign.

The applicant has indicated that the existing sign on the roof of the building will remain in place.

Conclusion/Recommendation

In the past, the City has allowed the replacement of existing, non-conforming signs, as long as they are not increased in size.

The discussion of digital/dynamic signage has taken place at the Planning Commission level, and there have been concerns raised about not allowing them in the B-1 and B-2 Districts because of the close proximity to residential neighborhoods and to maintain the historic nature of downtown. However, the Ordinance language has not been changed as of yet, so the permit application must be reviewed under the current regulations.

Fuhrman would recommend approval of the proposed signs.

Dobson asked if the north sign would be the same lighting with the overhead lamps to illuminate the sign.

Fuhrman believes so.

Siercks said they are replacing the sign. He does not mind them having a pylon sign, but not a LED sign in place of one.

Fuhrman said that our Ordinance on signs could be out of date in regards to State Statue and non-conforming use. The Planning Commission cannot table this to change the Ordinance and then deny it. If the Ordinance is in place it can be denied, otherwise you cannot enforce it if the Ordinance is not in place.

Dobson said the LED signage they are proposing would be seen from the roundabout. Maybe not over a certain resolution of brightness.

Siercks does not want a LED sign there.

Edmonds asked if there is anyway to consult with someone on the degree of brightness of the sign and put limits on it.

Fuhrman said the League put a document together, but it is pretty vague and mostly up to the City to determine what they would like.

Siercks asked what the maximum size is.

Fuhrman said 75 square feet. This comes down to existing non-conforming signs.

Heitschmidt said maybe have to limit them to one sign.

Siercks said it is a complete change out.

Fuhrman said if they only get one and the digital meets the requirements, it meets the requirements.

Dobson said it is a smaller size than what is there now. He would like the resolution of the sign not to be bright like the Holiday Station sign.

Heitschmidt said we could ask them not to have it bright.

Edmonds commented that he does not want us to come across like we are difficult to work with and limiting new business coming to town.

Fuhrman said she understands what Edmonds is saying with limiting new businesses coming into town and it does not make us look well. They could have a building permit for one pylon sign that meets the requirements.

Mellott said we could say it is a public safety issue with the LED lights so close to the roundabout.

Siercks would like to table this until we have the City Attorney's opinion.

Fuhrman said the brightness off the roundabout could be an issue.

Mellott said if approved with the proper illumination. If they agree to work with both signs where the LED is subdued enough she would be okay with it.

Heitschmidt said they need to be limited to one sign.

Siercks would like staff to talk to the City Attorney on what we cannot do.

Dobson suggested approving the north sign and not the other.

Fuhrman said we have 60 days to respond to their signage request to further look into it.

Edmonds said if they want to have a special meeting they could.

SIERCKS MOVED, SECOND BY MELLOTT, TO TABLE THE SIGN REVIEW FOR NEIGHBORS EATERY & SALOON WHERE STAFF CAN DISCUSS THIS ISSUE WITH THE CITY ATTORNEY. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Fuhrman will request the City Attorney and the sign applicants to come to the next Planning Commission meeting.

D. Wayne Pike Auction (Jeff Haehn) Letter

This item followed the Final Plat of Sharco Estates Second Addition.

Fuhrman informed the Planning Commission Board that Jeff Haehn submitted a letter to discuss some of the conditions on the Condition Use Permit for the Auction Business for WPAC Building, LLC

Memo dated October 8, 2013

From: Jeff Haehn

Re: Modifications to Conditional Use Permit for WPAC Building, LLC

Based on our discussions on October 7, 2013, I am providing the following information and request for changes to our Conditional Use Permit. Please review and get back to me with your comments so we can determine the best method to proceed.

The first requested change relates to condition (a) limiting the number of indoor auctions to six per year. If that number is exceeded the City will review and determine whether additional paved parking areas are necessary. From what we understand, the intent of this condition is to help assure that the unpaved parking on our property does not become worn, rutted or otherwise unsightly. The current condition arbitrarily sets a limit on the number of “indoor” auctions but does not limit the outdoor auctions. We believe this condition not only limits our use of the property, but does not assure the intent of the CUP.

We have unpaved grassy parking on our property for over 400 vehicles. Currently we use that entire parking only 4 days per year, all on outdoor auctions. Any indoor auction would probably have less than 200 vehicles. Therefore, the indoor auctions create less wear and tear than the outdoor auctions. Furthermore, any auction that has less than 400 vehicles allows us to stagger the parking areas being used to avoid excessive wear in any one area.

Now that the facility is complete, the grass seed has taken hold and we have used the parking area for almost a year, we can see that our current usage creates very little damage and could easily be increased. Therefore, our request is as follows: Rather than set another arbitrary limit, eliminate condition (a) and rely on condition (d) which allows the city to “annually inspect the unimproved storage and parking areas for erosion”. If those inspections begin to indicate a problem, due to the quantity of auctions held, the problem could be addressed or we would have actual data to establish an annual limit on the number of auctions. An alternative would be to simply have a limit on the total number of auctions per year, whether indoor or outdoor, of say 30.

The second requested change relates to condition (e) which indicates “auction merchandise stored outside the principal building may be deposited on the site no more than 30 days prior to the next outdoor auction and shall be removed from the site no more than 14 days after the date of the sale”. Again, we assume this condition is intended to prevent the appearance of an ever increasing accumulation of items that begin to look like “junk”.

If that is the intent, the result is that for perhaps ½ of the year our 25 acre site would look like a business that was “out of business”. Why create a condition that limits the inventory that can be displayed for sale? Wouldn't you like us to look like a business with an abundance of inventory and thriving? We would!

Also, if you do the math, if we have 12 auctions a year with merchandise coming and going the 30 and 14 day conditions would overlap and there would always be merchandise in the lot. Who would know whether the condition was met or not and who would care?

From a practical standpoint there are a number of reasons the condition is difficult or costly to comply with. Our typical quarterly equipment auctions include over 800 items of which perhaps 750 items comply with the condition. Of the remaining 50 there are a number of

situations as follows: 1). Perhaps 20 items do not sell and the consignor would like to leave the piece for the next auction. (This is important because many of the big pieces of equipment come from the 5 State area and cost \$2,000 or more to transport out and then transport back for the next auction). 2). Certain items are purchased by our company and become our inventory to be sold at the next auction. 3). Some items are purchased by a customer where they feel they got a "good deal" and will simply leave to sell at the next auction, hopefully at a profit. For these and other reasons the ability to move every piece out within 14 days is not practical. Again, we would rather have some merchandise in our lot to give the appearance of being in business and showing the type of things for sale in the upcoming auction.

I really do not have proposed language other than something like 85% of the pieces need to meet the condition. However, that could change as our business evolves. We feel, why put a restriction on a business limiting the amount of product they can have "for sale". We want our lot to be full! We also understand the cities concern and do not want to have a "junky" facility.

Please review these comments and get back to me to discuss the steps necessary to request an amendment to the CUP.

Thank you, Jeff Haehn, WPAC Building, LLC

Edmonds asked why we put those conditions on the parking.

Fuhrman said it is in the Zoning Ordinance.

Jeff Haehn, was present and said that there is a limit on the indoor auctions and those create less wear and tear than the outdoor auctions. The grass areas have held out very well.

Fuhrman said the Zoning Ordinance language states adequate paved parking area shall be provided according to the Zoning Code provisions to accommodate the building size and use. That is where the indoor and outdoor auctions differentiate.

Edmonds commented he is okay with it as long as what he is asking for complies with the Zoning provisions and an amendment is just needed where it does not need a variance.

Mellott said if it were going for less to be paved by the required amount a variance would be needed.

Siercks said he was just out there and the grass is growing nicely. Dobson and Edmonds agreed.

Mellott said the reasoning for limiting the amount of time the auction items are on the site was so it would not look like a storage facility.

Fuhrman said the condition was centered on the appearance of having the auction stuff out too

long.

Dobson said heavy equipment you have to look at it differently. It is not like a flea market look.

Fuhrman said there are no complaints from staff in regards to the site. The second issue could be resolved with lining the equipment up.

Mellot does not understand the paving requirements. How is this different from Princeton Auto.

Fuhrman said Princeton Auto would have their vehicles for sale parked on the lots all the time and it is zoned differently. The auction site is temporary parking.

Dobson said with equipment storage they would line it up differently.

Edmonds said staff can work with Jeff Haehn and bring this back to the Planning Commission.

Dobson is okay with increased auctions. They did a good job.

Haehn said there is no urgency in this. He is being proactive in getting this ready for spring.

Dobson asked Fuhrman to discuss with Jeff Haehn if what he is requesting will need a variance or Conditional Use Permit revision so he has an understanding of what will be needed.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) Regional Housing Study

Fuhrman informed the Planning Commission Board that Minnesota Housing Partnership (MHP) and Lakes and Pines Community Action Council are looking at doing a Regional Housing Study in East Central Minnesota. The study would encompass cities, counties, and non-profit organizations. In order to capitalize on potential funding opportunities this spring, they would like to get the study started in late fall/winter, and so sharing in the costs makes fiscal sense. The EDA Board and City Council have approved the City's participation in the Regional Housing Study and to allocate \$2,000-\$3,000 towards it. Fuhrman said once this housing study is complete it will show developer's that there is a need for certain housing.

2) 103 4th Street Circle North

Fuhrman informed the Planning Commission Board that this property is located by Reibe Park. It has been unoccupied for several years, a tree has fallen on the roof, the roof and walls are rotten and the structural integrity is permanently compromised. The City has received several

complaints in regards to this property and it is a public safety threat. The City Council will be reviewing a resolution ordering the razing and removal of a hazardous building at their October 24, 2013 meeting.

B. Building Permit Data

Mary Lou explained her computer has been being worked on the last two weeks so she was unable to have the Building Permit data available for the meeting.

C. City Council Minutes for September, 2013

The Planning Commission had no comments.

DOBSON MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 9:35 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant