

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON NOVEMBER 16, 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, and Chuck Young. Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

APPROVAL OF MINUTES OF REGULAR MEETING ON OCTOBER 19, 2015

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO APPROVE THE MINUTES OF OCTOBER 19, 2015. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

APPROVAL OF MINUTES FROM THE SPECIAL MEETING ON NOVEMBER 2, 2015

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO APPROVE THE MINUTES OF NOVEMBER 2, 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. #15-17 Conditional Use Permit for 801 5th Avenue North

Community Development Director Memo:

BACKGROUND

Theresa McGuire has applied for a conditional use permit for the property address at 801 5th Ave N PRINCETON MN 55371
PID #24-040-2180, City of Princeton, Original Townsite, Lot 1, Block 54, Mille Lacs County, Section 28, Township 36, Range 26

ANALYSIS

The request is to allow a Home Bakery Business in R-2 Residential District.

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 4-8 units per acre.

Home occupations are an allowable use in R-2 with a Conditional Use Permit.

Home Occupation Definition:

Any occupation or profession, regulated within this ordinance, which is carried out for gain by a resident and conducted as a secondary use in the resident's dwelling unit or in an accessory building as long as it does not utilize more than 25% of the total floor area of the dwelling. Home occupations may not utilize garages or accessory buildings. (See Chapter VI – Performance Standards, J. Home Occupations)

Home Occupations (Rev. 11-18-2010; Ord. 658)

A home occupation is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling. All permitted home occupations require an approved conditional use permit.

1. Permitted Home Occupations

The following permitted home occupations with an approved conditional use permit:

- Childcare.
- Dressmaking, sewing, and tailoring.
- **Home cooking and preserving.**
- Home crafts such as model making, rug weaving, lapidary work, and woodworking.
- Laundry-related services.
- Telephone answering and clerical work.
- Tutoring, limited to four students at a time.
- Other approved occupancy.

The following conditions must be met to meet the conditional use permit requirements:

- a. The home occupation does not change the outside appearance of the dwelling and is not visible from the street.
- b. The home occupation does not generate traffic, deliveries, parking, or sewerage and/or water use in excess of what is normal in the residential neighborhood.
- c. The home occupation does not create a hazard to person or property or generate hazardous waste.
- d. The home occupation does not create any detriments to the residential character of the neighborhood due to the emission of noise, smoke, dust, gas, heat, glare, vibration, electrical interference, or any other nuisance resulting from it.
- e. The home occupation does not result in the outside storage or display of anything except a nameplate no larger than two square feet in area which may only be attached to the wall of the dwelling.

f. The home occupation does not utilize more than 25% of the total floor area of the dwelling. If an accessory building is used for such home occupation, it shall not exceed 625 square feet in total floor area.

g. The home occupation is conducted by no more than two persons, one of whom shall reside within the dwelling.

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 for the Home Occupation in R-2 Residential for Theresa McGuire to open a home bakery.

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

Theresa McGuire, applicant wrote the following memo:

In my home bakery I will be baking pies, cookies, cupcakes, and decorated cakes for all occasions and making some candy. These will be available by order only and there will not be a retail area in my home. These items will be either picked up by the customer at my home at which I have a four car driveway available for off street parking, or delivered to the customer by myself. This should minimize any traffic issues or parking problems. I will be certified by the Dept. of AG under the cottage food laws, which also allows me to sell my products at community events and farmers markets. I am currently the pastry chef for a local restaurant and am a graduate of the International Culinary School at the Art Institute.

Thank you, Theresa McGuire

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

Theresa McGuire, applicant said that she is currently working as a pastry chef.

Edmonds opened the public hearing.

Karen Reed, 807 5th Avenue North, asked how the bakery items would be dispersed.

McGuire said she would take orders and she could deliver them or they would come pick them up.

Reed said she has no issue with it.

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

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO APPROVE ITEM # 15-17 CONDITIONAL USE PERMIT TO ALLOW A HOME BAKERY BUSINESS IN AN R-2 RESIDENTIAL DISTRICT, LOCATED AT 801 5TH AVENUE NORTH WITH THE FOLLOWING HOME OCCUPATION ZONING CONDITIONS:

1. THE HOME OCCUPATION DOES NOT CHANGE THE OUTSIDE APPEARANCE OF THE DWELLING AND IS NOT VISIBLE FROM THE STREET.
2. THE HOME OCCUPATION DOES NOT GENERATE TRAFFIC, DELIVERIES, PARKING, OR SEWERAGE AND/OR WATER USE IN EXCESS OF WHAT IS NORMAL IN THE RESIDENTIAL NEIGHBORHOOD.
3. THE HOME OCCUPATION DOES NOT CREATE A HAZARD TO PERSON OR PROPERTY OR GENERATE HAZARDOUS WASTE.
4. THE HOME OCCUPATION DOES NOT CREATE ANY DETRIMENTS TO THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD DUE TO THE EMISSION OF NOISE, SMOKE, DUST,

GAS, HEAT, GLARE, VIBRATION, ELECTRICAL INTERFERENCE, OR ANY OTHER NUISANCE RESULTING FROM IT.

5. THE HOME OCCUPATION DOES NOT RESULT IN THE OUTSIDE STORAGE OR DISPLAY OF ANYTHING EXCEPT A NAMEPLATE NO LARGER THAN TWO SQUARE FEET IN AREA WHICH MAY ONLY BE ATTACHED TO THE WALL OF THE DWELLING.
6. THE HOME OCCUPATION DOES NOT UTILIZE MORE THAN 25% OF THE TOTAL FLOOR AREA OF THE DWELLING. IF AN ACCESSORY BUILDING IS USED FOR SUCH HOME OCCUPATION, IT SHALL NOT EXCEED 625 SQUARE FEET IN TOTAL FLOOR AREA.
7. THE HOME OCCUPATION IS CONDUCTED BY NO MORE THAN TWO PERSONS, ONE OF WHOM SHALL RESIDE WITHIN THE DWELLING.

UPON THE VOTE, THERE WERE 4 AYS, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Does the proposed use violate the health, safety or general welfare of the Princeton residents? No.
2. Has the proposed use been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation (if applicable)? No.
3. Is adequate parking and loading provided in compliance with the Ordinance? Yes.
4. Have possible traffic generation and access problems been addressed? Yes.
5. Can the proposed use be accommodated with existing public services and not overburden the City's service capacity? Yes.
6. Does the proposed use conform to the City's Comprehensive Plan and is compatible with present and future land uses of the area? Yes.

B. Kennel Ordinance Amendment

The Planning Commission Board has reviewed this Kennel Ordinance Amendment a few times and has recommended changes. Staff has made the changes and is bringing this back to the Planning Commission for review. The public hearing was left open from the October 19, 2015 Planning Commission meeting.

Foss said that staff has made some revisions to the Kennel Ordinance Amendment that was sent out in the packet. In R-1, R-2, and R-3 Zoning Districts kennels will not be allowed. In B-1 Zoning District it was added that with an Interim Use Permit a Pet Store selling cats or dogs under eight months of age with overnight boarding is allowed. Pet Grooming will also be allowed with an Interim Use Permit with no overnight boarding. In B-2 Zoning District with a Conditional Use Permit, Veterinary Clinics are allowed with overnight boarding provided they meet all kennel conditions as established in Chapter 6. With an Interim Use Permit in B-2 and B-3 Districts the allowed use would be Kennels, Pet Grooming with no overnight boarding, Pet Store selling cats and dogs under 8 months of age with overnight boarding, Doggie Daycare with no overnight boarding provided they meet all kennel conditions as established in Chapter 6.

Foss wanted the Planning Commission Board to understand the number of pets that could be on each property with this Kennel Ordinance Amendment.

DeWitt explained that on a standard City block there are twelve lots. This amendment would allow up to three dogs or cats or a combination of no more than five. That would add up to quite a few domestic pets on a City block. The current Ordinance is three dogs/cats in a total combination per property site.

Edmonds said the number of pets at three is enough.

Heitschmidt and Young agree.

Foss said she will make the changes of the number of dog/cats to a total of three in a combination. She will keep where the Veterinary Clinic has to apply for a Conditional Use Permit and that Kennels, Pet Grooming, Pet Stores, and Doggie Daycares will need an Interim Use Permit.

Edmonds commented that the current Ordinance in place allows a combination of three dogs/cats so this should not be an issue.

Edmonds opened the public hearing. There were no more questions from those in attendance.

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

HEITSCHMIDT MOVED, SECOND BY YOUNG, TO APPROVE AND FORWARD TO THE CITY COUNCIL THE #727 ORDINANCE AMENDING VARIOUS SECTIONS OF THE PRINCETON CODE OF ORDINANCES AND THE PRINCETON ZONING ORDINANCE TO AMEND THE DEFINITION OF KENNEL, AND AMEND HOW AND WHERE KENNELS ARE PERMITTED WITHIN THE CITY OF PRINCETON WITH THE DEFINITION ALLOWING A COMBINATION TOTAL OF THREE DOMESTIC DOGS AND/OR CATS PER CITY PROPERTY LOT. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS: None

NEW BUSINESS:

A. Planning Commission Bylaws

Foss informed the Planning Commission Board that the change in the Planning Commission Bylaws had gone to the City Council without coming first to the Planning Commission for review and approval. Staff is bringing this to the Planning Commission Board for review.

DeWitt said the change in the Bylaws is that the Planning Commission shall consist of five regular members who shall be residents of the City, except that one of the members may be a person who owns a business located within the City of Princeton so long as that person lives within the 55371 zip code area.

Edmonds questioned if the Planning Commission Board needs a Secretary position in the duties of Officers. If the Bylaws are being changed maybe that could be removed.

DeWitt explained that the Secretary Officer position has duties that are required for the Planning Commission Board.

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO APPROVE THE AMENDMENT TO THE CITY OF PRINCETON PLANNING COMMISSION BYLAWS. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

COMMUNICATION AND REPORTS:

A. Verbal Report

Foss had no verbal report.

B. City Council Minutes for October, 2015

The Planning Commission Board had no comments.

C. B-1 Zoning District Section Replacement

DeWitt informed the Planning Commission Board that on the desk in front of them is the amended section of the B-1 Zoning Ordinance for their zoning books.

Heitschmidt said his term is up December 31, 2015 for the Planning Commission Board and he will not be reapplying. He enjoyed his time on the Board.

The Planning Commission members thanked Heitschmidt for his time on the Board and his valued comments.

REYNOLDS MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:41 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant