

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON
NOVEMBER 21, 2011, AT 7:00 P.M., AT THE CITY HALL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Dave Thompson. Members present were Jack Edmonds, Ben Hanson, and Dick Dobson. Township members present were Jim Kusler (Princeton Twsp.) and Randy Atwood (Baldwin Twsp.) Staff present were Carie Fuhrman and Mary Lou DeWitt.

Absent was Mitzi Mellott.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON OCTOBER 17, 2011

HANSON MOVED, SECOND BY EDMONDS, TO APPROVE THE MINUTES OF OCTOBER 17, 2011. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #10-11 Preliminary & Final Plat: USDP Addition

Fuhrman gave a brief background update regarding the USDP addition. On August 1, 2011, a special Planning Commission meeting was held for applications submitted from United States Distilled Products. The applications submitted consisted of a variance to the side yard setback requirement in order to construct two building connections between the existing and new building; a variance to the building height requirement in order to construct the new building to 37 feet in height; and a site plan review in order to construct a 186,181 square foot warehouse building at 1701 12th Street South. The property is zoned MN-1 Industrial District and contains 21.77 acres.

Jaeger Construction, on behalf of United States Distilled Products has submitted an application for a Preliminary and Final Plat, to be known as USDP Addition, which is in response to the City's request. As a condition of approval from the August 1, 2011 applications, the City required USDP to replat the four lots affected by the building addition (Lot 1, Block 1, Princeton Industrial Park Third Addition; the vacated portion of 17th Avenue South; Lot 1, Block 4, Princeton Industrial Park; and Lot 12, Block 4, Princeton Industrial Park) into two lots, resulting in the shared property line down the vacated 17th Avenue South, and the lot line being established so that the main portion of both buildings meet the side yard setback requirement. The proposed plat complies with the City's requirements, and also goes one step further: the plat includes Lots 2, 3, 4, and 11, Block 12 of Princeton Industrial Park.

The proposed lot sizes exceed the minimum requirements. This replat will help clean up the existing situation where the buildings cross over property lines in various locations. Staff would recommend the following conditions be added if a recommendation for approval is made: 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 with the City; approval from the Sherburne County Surveyor is received; and any other conditions are recommended by staff, the PUC, Planning Commission, or City Council.

Mike Nielson, City Engineer with WSB, was present and has reviewed the revised site plan and provided the following comments and recommendations that he addressed from his memo dated November 16, 2011:

I. Preliminary and Final Plat Application

The Preliminary and Final Plat submitted for review has addressed all of the previously requested changes. The Final Plat approval is subject to comments from the Sherburne County Surveyor.

Recommendation: Approval contingent upon approval from the Sherburne County Surveyor.

II. ROW and Easement Vacations

The ROW proposed for vacation is part of the 17th Avenue ROW that was missed when 17th Avenue was vacated. This vacation will clean up the plat boundary line along 14th Street South and serves no public need. The Easements proposed for vacation are no longer needed and the easements proposed with the final plat meet the needs of the City and PUC.

Recommendation: Approval

III. Variances

A. Covered Storage Area Side Yard Setback Variance

The original site plan requested a variance to the side yard setback for two building connections. As a condition of approval the Developers Agreement was to include a condition that in the event of a utility failure including sanitary sewer or storm sewer, the property owner would be responsible for any additional costs to repair or replace the sewer pipes under these building connections.

The proposed covered storage area as presented at the staff meeting would have a roof high enough to allow room to repair the in place utilities. The conditions of the Developers Agreement as noted above should be extended to include the utilities under the covered storage area if approved.

Recommendation: Approval contingent on review of and approval of the following:

1. Roof/Truss clearance of 20 feet minimum
2. Structure does not impede drainage or access to in place utilities for maintenance or repair.
3. Developers Agreement includes agreement to pay for any cost to replace the existing utilities in the covered area over and above what would be considered normal construction. These costs may include trenchless construction or any additional cost due to limited working area for normal construction techniques.

B. Covered Condensing Unit ROW Setback Variance

The proposed condenser building would be located 20 feet from the edge of the roadway. There is concern that snow plows may cause damage to the structure. I would recommend requiring building construction that would withstand an occasional blast from heavy snow pushed by the plow trucks and that the applicant sign a waiver of liability for any damaged caused by the plow trucks.

Recommendation: Approval contingent on review of and approval of the following:

1. Design of the exterior walls to withstand forces of snow plowing
2. Waiver of liability for damage caused by snow plows.

IV. Revised Site Plan Review

Site Plan approval is subject to all of the conditions included in the original review of August 2011 and the following:

Drainage Improvements- The construction of the on-site stormwater ponding improvements will not be required contingent upon the City of Princeton constructing the Industrial Park Regional Treatment Option 9.2 as identified in the Industrial Park Drainage and Water Quality Improvement Feasibility Report dated January 4, 2011. The conditions of this requirement will be addressed in detail in the Developers Agreement.

Proposed Covered Storage- The construction plans for the covered storage area will need to be reviewed to insure that the proposed construction does not impede the drainage as previously approved and that the construction does not further hinder the access to or maintenance of the existing utilities including the sanitary sewer and storm sewer.

Covered Condensing Unit- The construction of the proposed 30' x 20' will not require further review except for the building construction as noted in Section III.

Nielson informed the Planning Commission Board that the roof/truss clearance has changed to 16.5 feet instead of 20 feet for the covered condenser units.

Barry Jaeger, Jaeger Construction and representative for USDP was present and said he is okay with the staff and City Engineer's conditions.

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

EDMONDS MOVED, SECOND BY DOBSON, TO APPROVE ITEM #10-11 PRELIMINARY & FINAL PLAT FOR UNITED STATES DISTILLED PRODUCTS WITH THE FOLLOWING CONDITIONS: THE APPLICANT SHALL FOLLOW THE FINAL PLAT PROCEDURES IDENTIFIED IN THE SUBDIVISION ORDINANCE, EXECUTION OF A DEVELOPER'S AGREEMENT WITH THE CITY TO INCLUDE ALL CONDITIONS OF APPROVAL; APPROVAL FROM THE SHERBURNE COUNTY SURVEYOR SHALL BE RECEIVED; AND ANY OTHER CONDITIONS AS RECOMMENDED BY STAFF, THE PUC, PLANNING COMMISSION, OR CITY COUNCIL. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

B. #11-11 Vacation of all drainage and utility easements at 1607 12th Street South and 1701 12th Street South (USDP)

Fuhrman informed the Planning Commission Board that the application for Vacation of all drainage and utility easements lying within Lots 1, 2, 11, and 12, Block 4, Princeton Industrial Park; all drainage and utility easements lying within Lot 1, Block 1, Princeton Industrial Park Third Addition; and a portion of the right-of-way of 14th Street.

The applicants are proposing to vacate all the drainage and utility easements that lie within Lots 1, 2, 11, and 12, Block 4, Princeton Industrial Park and Lot 1, Block 1, Princeton Industrial Park Third Addition and re-dedicate the necessary drainage and utility easements back to the City in the new plat USDP Addition. Vacating the existing easements in the old plats and re-dedicating them on the new plat will help to clean up the easement descriptions.

The existing east/west drainage and utility easement located between Lots 1 and 12 and Lots 2 and 11, Block 4, Princeton Industrial Park will not be rededicated back to the City. These drainage and utility easements were dedicated on the original plat, but are no longer needed as they run directly through an existing building and there are no utilities located within them.

The applicants are also proposing to vacate a small portion, approximately 50 square feet, of 14th Street in the southeast corner of Lot 1, Block 1, Princeton Industrial Park Third Addition. The area was radius at the intersection of 17th Avenue South and 14th Street South, when 17th Avenue South was still a street, and was never vacated when 17th Avenue was vacated. It is being vacated now to clean up and straighten the plat boundary line along 14th Street South, per the request of the City Engineer and City Planner.

Fuhrman recommends that if the Planning Commission Board approves the vacation for the portion of 14th Street South ROW and drainage and utility easement vacations, based on the finding that the subject easements are no longer needed; the ROW vacation is a housekeeping matter to straighten the plat boundary line along 14th Street South; and the necessary easements are being re-dedicated back to the City.

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

HANSON MOVED, SECOND BY EDMONDS, TO APPROVE ITEM #11-11 VACATION OF ALL DRAINAGE AND UTILITY EASEMENTS AT 1607 12TH STREET SOUTH AND 1701 12TH STREET SOUTH FOR UNITED STATES DISTILLED PRODUCTS WITH THE FOLLOWING CONDITIONS: THE NECESSARY EASEMENTS SHALL BE DEDICATED BACK TO THE CITY ON THE NEW PLAT, USDP ADDITION; CERTIFIED COPY OF THE RESOLUTION AUTHORIZING THE ROW AND EASEMENT VACATIONS SHALL BE RECORDED WITH THE COUNTY RECORDER'S OFFICE; ANY OTHER CONDITIONS THAT ARE RECOMMENDED BY STAFF, CITY ENGINEER, THE PUC, PLANNING

COMMISSION OR CITY COUNCIL; AND CONDITIONS SHALL BE INCLUDED IN THE DEVELOPER'S AGREEMENT. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Will the vacation of the easement reduce the access to provide sewer and water utilities to adjoining property? No. Access is still to be allowed by reissuance of necessary easement.
2. Will the easement vacation cause problems to the surrounding neighborhood in the form of storm water runoff? No. Not at this time.
3. What is any impact be against the surrounding area in regard to the vacation of easement? No. None.

C. #12-11 Variance to the side yard setback at 1607 12th Street South and 1701 12th Street South (USDP)

Fuhrman informed the Planning Commission Board that the application for Variances is two separate variances. The first is the side yard setback requirement in the MN-1 Industrial District in order to construct a covered storage area between the proposed building links.

In August the applicants were approved for a variance to the 20 foot side yard setback requirement in order to construct two building connections with a zero foot side yard setback. The applicants are now proposing to construct a covered storage area for pallets in between the two building connections. A zero foot side yard setback is being proposed as the storage area crosses over the side lot line, requiring a variance as the required 20 foot setback is not being met.

Request for a variance may be made if the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance. The practical difficulty in this case is the limited area available for pallet storage. Similar to the building connection variance requests back in August, it is not recommended practice to allow the construction of buildings over property lines, which is why lot line setbacks are established. However, the Planning Commission has already given their approval for the building connection variances with the condition that is and when one of the affected lots is sold, the building connections would be removed. Fuhrman recommends a condition also be added if approval for this variance is granted that the covered storage area also be removed if and when one of the affected lots is sold to a different property owner.

The City Engineer has reviewed the proposed variance and recommends approval contingent on the following conditions: review and approval of the roof/truss clearance of 16.5 feet minimum; review and approval that the structure does not impede drainage or access to in-place utilities for maintenance or repair; and the property owner shall be responsible for any cost to replace the existing utilities in the building connections and covered area over and above what would be considered normal construction. These costs may include trenchless

construction or any additional cost due to limited working area for normal construction techniques.

Fuhrman recommends that if the Planning Commission Board approves the variance to the side yard setback requirement for the construction of a covered storage area between the building links, based on the following findings of fact: the variance is in harmony with the general purposes and intent of the zoning ordinance; the variance is consistent with the Comprehensive Plan; the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance; there are circumstances unique to this property not created by the landowner in that the property contains rights-of-way on three sides, which limits the buildable space; the issuance of the variance will maintain the essential character of the locality; and the alleged practical difficulty involves more than economic considerations.

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

DOBSON MOVED, SECOND BY EDMONDS, TO APPROVE ITEM #12-11a VARIANCE TO THE SIDE YARD SETBACK AT 1607 12TH STREET SOUTH AND 1701 12TH STREET SOUTH FOR UNITED STATES DISTILLED PRODUCTS WITH THE FOLLOWING CONDITIONS: THE COVERED STORAGE AREA BE REMOVED IF AND WHEN ONE OF THE AFFECTED LOTS IS SOLD TO A DIFFERENT PROPERTY OWNER; REVIEW AND APPROVAL OF THE ROOF/TRUSS CLEARANCE OF A 16.5 FEET MINIMUM; REVIEW AND APPROVAL THAT THE STRUCTURE DOES NOT IMPEDE DRAINAGE OR ACCESS TO IN-PLACE UTILITIES FOR MAINTENANCE OR REPAIR; THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR ANY COST TO REPLACE THE EXISTING UTILITIES IN THE BUILDING CONNECTIONS AND COVERED AREA OVER AND ABOVE WHAT WOULD BE CONSIDERED NORMAL CONSTRUCTION. THESE COSTS MAY INCLUDE TRENCHLESS CONSTRUCTION OR ANY ADDITIONAL COST DUE TO LIMITED WORKING AREA FOR NORMAL CONSTRUCTION TECHNIQUES; AND THESE CONDITIONS SHALL BE INCLUDED IN THE DEVELOPER'S AGREEMENT. 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.

D. #12-11 Variance to the south property line 14th Street South setback requirement at 1607 12th Street South (USDP)

Fuhrman informed the Planning Commission Board that this second variance on the application

is street side yard (south property line 14th Street South) setback requirement in the MN-1 Industrial District in order to construct covered condensing units on the south side of the existing building. Fuhrman recommends approval of the variance to the street side yard setback requirement for the construction of covered condensing units, based on the following findings of fact: the variance is in harmony with the general purposes and intent of the zoning ordinance; the variance is consistent with the Comprehensive Plan; the property owner propose to use the property in a reasonable manner not permitted by the Zoning Ordinance; there are circumstances unique to this property not created by the landowner in that the property contains rights-of-way on three sides, which limits the buildable space; the issuance of the variance will maintain the essential character of the locality; the alleged practical difficulty involves more than economic considerations; and other possible alternative locations for the placement of the condensing units have been reviewed; however, no other viable locations were available on the site.

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

EDMONDS MOVED, SECOND BY HANSON, TO APPROVE ITEM #12-11b VARIANCE TO THE SOUTH PROPERTY LINE 14TH STREET SOUTH SETBACK REQUIREMENT AT 1607 12TH STREET SOUTH AND 1701 12TH STREET SOUTH FOR UNITED STATES DISTILLED PRODUCTS WITH THE FOLLOWING CONDITIONS: REVIEW AND APPROVAL OF THE DESIGN OF THE EXTERIOR WALLS TO WITHSTAND FORCES OF SNOW PLOWING; THE APPLICANT/PROPERTY OWNER SIGN A WAIVER OF LIABILITY FOR ANY DAMAGES CAUSED BY SNOW PLOW TRUCKS; AND THESE CONDITIONS SHALL BE INCLUDED IN THE DEVELOPER'S AGREEMENT. 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.

Revised Site Plan Review for United States Distilled Products:

Fuhrman informed the Planning Commission Board that the changes to the site plan that was approved back in August, 2011 included covering the storage area between the building links and constructing covered condensing units on the south side of the existing building. The parking, landscaping, and signage are not being affected by the proposed site plan revisions. The project is still subject to the conditions added to the approval of the variances and site plan

review back in August. Any conditions added to the current review will be in addition to those existing conditions.

The Fire Investigator, Public Works Director, and Public Utilities Manager have reviewed the revised site plans. The PUC Manager has requested that the hydrant indicated on the site plans between the building connections be removed from the site plans as it is no longer in place. This will be added as a condition upon approval.

The City Engineer has reviewed the revised site plan and provided the following comments/recommendations:

Drainage Improvements: The construction of the on-site stormwater ponding improvements will not be required contingent upon the City of Princeton constructing the Industrial Park Regional Treatment Option 9.2 as identified in the Industrial Park Drainage and Water Quality Improvement Feasibility Report, dated January 4, 2011. The conditions of this requirement will be addressed in detail in the Developer's Agreement.

Covered Storage Area: The construction plans for the covered storage area will need to be reviewed to ensure that the proposed construction does not impede the drainage as previously approved and that the construction does not further hinder the access to or maintenance of the existing utilities including the sanitary sewer and storm sewer.

Covered Condensing Units: The construction of the proposed 30' x 20' covered condensing unit will not require further review except for the building construction as noted in Section IIIB of the City Engineer's memo dated November 16, 2011.

HANSON MOVED, SECOND BY DOBSON, TO APPROVE THE REVISED SITE PLAN FOR UNITED STATES DISTILLED PRODUCTS WITH THE FOLLOWING CONDITIONS: THE REVISED SITE PLAN MEETS THE REQUIREMENTS OF THE ZONING ORDINANCE; ALL OF THE CONDITIONS INCLUDED IN THE ORIGINAL REVIEW OF THE USDP VARIANCES AND SITE PLAN REVIEW BACK IN AUGUST 2011 ARE STILL APPLICABLE; REVISED SITE PLAN DRAWINGS SHALL BE SUBMITTED THAT INDICATE THE REMOVAL OF THE HYDRANT IN BETWEEN THE BUILDING CONNECTIONS AND ANY OTHER CHANGES AS RECOMMENDED BY STAFF, CITY ENGINEER, PLANNING COMMISSION, AND CITY COUNCIL; THE CONSTRUCTION OF THE ON-SITE STORMWATER PONDING IMPROVEMENTS WILL NOT BE REQUIRED CONTINGENT UPON THE CITY OF PRINCETON CONSTRUCTING THE INDUSTRIAL PARK REGIONAL TREATMENT OPTION 9.2 AS IDENTIFIED IN THE INDUSTRIAL PARK DRAINAGE AND WATER QUALITY IMPROVEMENT FEASIBILITY REPORT, DATED JANUARY 4, 2011. THE CONDITIONS OF THIS REQUIREMENT WILL BE ADDRESSED IN DETAIL IN THE DEVELOPER'S AGREEMENT; THE CONSTRUCTION PLANS FOR THE COVERED STORAGE AREA WILL NEED TO BE REVIEWED TO ENSURE THAT THE PROPOSED CONSTRUCTION DOES NOT IMPEDE THE DRAINAGE AS PREVIOUSLY APPROVED AND THAT THE CONSTRUCTION DOES NOT FURTHER HINDER THE ACCESS TO OR MAINTENANCE OF THE EXISTING UTILITIES INCLUDING THE SANITARY SEWER AND STORM SEWER; AND THE CONSTRUCTION OF THE PROPOSED 30' X 20' COVERED CONDENSING UNIT WILL NOT REQUIRE FURTHER REVIEW EXCEPT FOR THE BUILDING CONSTRUCTION AS NOTED IN SECTION IIIB OF THE CITY ENGINEER'S

MEMO, DATED NOVEMBER 16, 2011. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

E. #13-11 Interim Use Permit to allow the outdoor storage of approved material at 1100 Northland Drive (Dunkley property)

Fuhrman informed the Planning Commission Board that William Dunkley has submitted an Interim Use Permit application for the storage of crushed material at 1100 Northland Drive. The property is zoned B-3, General Commercial District. William and Sue Dunkley received approval for an Interim Use Permit in November 2008 for the demolition of the Smith building and storage of the crushed material on the site. One of the conditions upon approval of the IUP was that all materials shall be removed within 12 months of the commencement of the demolition. The termination date has passed; and therefore, the IUP technically expired.

According to the representatives of the property owners, the property owner's hope is that the material may be used in conjunction with the Smith System Road project when that comes to fruition.

The Ordinance does not provide for extensions of IUPs, so a new IUP is required. However, after looking into the matter a little closer, it was discovered that the storage of crushed material is not specifically listed as an IUP in the B-3 District. The City recently approved an Ordinance Amendment to allow the outdoor storage of approved material, such as sand, gravel, fill dirt, or crushed material as an Interim Use Permit in the B-3 General Commercial District, provided numerous conditions are met, and so the applicants are now coming forward to request the IUP.

The B-3 District requires the following setbacks: Front yard 20 feet; Side yard 5 feet; and Rear yard 20 feet. The submitted site plan does not include setback information. Fuhrman is requesting that the applicant submit a revised site plan indicating the setbacks of the material to the property lines. If the setbacks are not met and the Planning Commission and City Council determine it necessary, the material shall be moved to meet the required setbacks.

The estimated height of the pile is currently 25 to 30 feet. The owner has been consistently selling off the Class V on a weekly basis and is in the process of negotiating a sale of the remaining materials in a single transaction, which the owner hopes to complete by summer of 2012. All of the crushed material is from the demolition of the Smith System building. No other material has been brought in or added to the site. Once the sale of the remaining crushed material is finalized and the purchaser removes the material, it will all be gone and there will be no new crushed material brought to the site.

The Ordinance states that temporary security fencing shall be provided around the material storage area by the applicant. There is currently no fencing at the site and since the owner is in

the process of selling the Class V material and has been consistently selling portions of it, the applicant is requesting to be exempt from this requirement. The applicant is stating that the installation of a fence would be unduly burdensome and expensive. Fuhrman said that the material has been located on this site for quite some time, and she is not aware of any complaints regarding security issues at the site. However, one of the conditions upon approval of the IUP in 2008 was that the site must be maintained in a condition that does not invite trespassing, including, a temporary security fencing around any stockpiles or demolition/crushing equipment, and no trespassing signs, and that a lighting plan be provided that addresses security issues. Fuhrman recommends that if the Planning Commission and City Council believe that temporary security fencing should be required, then a condition upon approval should be added.

The Ordinance also states that screening measures be taken if the property is adjacent to or across the street from a residentially zoned property. There is currently no screening around the Class V material and since the owner is in the process of selling the Class V material and has been consistently selling portions of it, and the applicant states that requiring the installation of a screen would be burdensome and expensive. The applicant is requesting an exemption of this requirement also. The Sterling Pointe property is directly to the west of the subject site. Fuhrman said if the Planning Commission and City Council believe that screening measures are required, then a condition should be added upon approval.

Dobson questioned if the City allowed them not to put a fence up and someone was injured, would the City be liable.

Fuhrman believes the property owner would be liable, but she understands Dobson's concern and that is something the Planning Commission should discuss.

Gary Germundsen, was present to represent the applicant William Dunkley. Germundsen said all the concrete is from the Smith System building site. The material is Class Five and Dunkley was told the Smith System Road was going to be updated and this material would be used for that project. Germundsen said that William Dunkley is an investor of Sterling Pointe Senior Living that is west of this site. He believes the setbacks will be met. The screening and lighting of the area they would not want to do. They have two signs on the site that state no trespassing. Germundsen introduced Jerry Sands who works for Dunkley and lives in Princeton. Sands will be visiting the site and making sure all is well.

Dobson said he would like a temporary snow fence put up in case small children who may not read, decide to play on the site.

Germundsen understands. They are hoping to continue to sell the material where it is gone next year. They will not add to it. There is a small fence up on one side now. Maybe the City Attorney could answer the question about the City being liable if they grant the Interim Use Permit without having the fence in place.

Fuhrman will speak to the City Attorney.

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

The Planning Commission Board discussed the fencing and decided that they will keep it as a condition for the Interim Use Permit unless the City Attorney can draw up a waiver that if there is not a security fence on the site, the City is not liable and Dunkley would sign the form.

Germundsen is okay with that.

DOBSON MOVED, SECOND BY HANSON, TO APPROVE ITEM #13-11 INTERIM USE PERMIT TO ALLOW THE OUTDOOR STORAGE OF APPROVED MATERIAL AT 1100 NORTHLAND DRIVE (DUNKLEY PROPERTY) WITH THE FOLLOWING CONDITIONS: A REVISED SITE PLAN INDICATING THE PROPERTY LINE SETBACKS SHALL BE SUBMITTED TO STAFF. IF THE REQUIRED SETBACKS ARE NOT MET, THE CRUSHED MATERIAL SHALL BE MOVED TO MEET THE REQUIRED SETBACKS; THE STORAGE OF THE MATERIAL SHALL TERMINATE TWO YEARS FROM THE DATE OF THE CITY COUNCIL APPROVAL; THE INTERIM USE PERMIT SHALL BE REVIEWED ONE YEAR FROM THE DATE OF THE CITY COUNCIL APPROVAL; A PERFORMANCE BOND IN THE AMOUNT OF \$3,000 SHALL BE COLLECTED FROM THE APPLICANT TO COVER ANY FUTURE COSTS THE CITY MAY INCUR TO ENFORCE THE INTERIM USE PERMIT. FAILURE TO REMOVE THE MATERIAL BY THE TERMINATION DATE SHALL ALLOW THE CITY TO CASH THE BOND AND REMOVE THE MATERIAL. ANY COST OVER AND ABOVE THE PERFORMANCE BOND WILL BE ASSESSED TO THE PROPERTY, OR THE MATERIAL SHALL BECOME PROPERTY OF THE CITY, IF THE CITY HAS USE FOR THE MATERIAL; ANY OTHER CONDITIONS AS DETERMINED NECESSARY BY STAFF, THE PLANNING COMMISSION, AND CITY COUNCIL; AND TEMPORARY SECURITY FENCING SHALL BE REQUIRED TO BE PROVIDED BY THE APPLICANT UNLESS A WAIVER OF LIABILITY AGREEMENT CAN BE REACHED BETWEEN THE CITY AND PROPERTY OWNER. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

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. Does the interim use not result in adverse effects on the public health, safety and welfare not does it create additional pollution potential for ground and surface waters? Yes.
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.

F. Amendment to Chapter VII (Signs) of the Zoning Ordinance

Fuhrman informed the Planning Commission Board that this item was on the agenda for the October 17, 2011 meeting and the Planning Commission decided to continue the temporary sign public hearing until the November meeting in order for staff to research adding minimum standards to address sandwich board signs as well in this Ordinance amendment.

Staff has published a public hearing notice and has prepared a draft Ordinance to address temporary advertising signs and sandwich board signs. The City Attorney has reviewed the proposed Ordinance, and his suggested changes have been incorporated.

Dobson asked if nonprofits organizations would have a permit application and fall under the stipulation of being limited to so many per calendar year.

Fuhrman said yes, they are limited to no more than six in a year.

Dobson said that there are two nonprofit organizations that he is aware of. One of them has a special event once a month and the other has a few events per month.

Fuhrman said that would fall under special events. Sandwich signs are allowed in residential areas. There are some businesses in residential zoning. Fuhrman spoke to the City Attorney regarding any liability to the City on the signs and the Attorney is not concerned with any liability issues.

Dobson said he likes that it states the signs will be required to be next to the respective building that is advertising.

Thompson liked that it also states four feet of clear space on a sidewalk shall be maintained for the passage of pedestrians where they are not walking along the curb line.

Fuhrman said in the Ordinance draft under Signs Permitted without a Building Permit, Section 1, Item 3-F-1, she will take out the word business and put in establishment.

Thompson commented that some churches do not have sidewalks so where would they the sign. If there is no curb, would it be placed two feet behind the road surface.

Fuhrman said that she will add on to the end of the sentence in Signs Permitted without a Building Permit, Section 1, Item 3-F-5, or no closer than two feet to the road surface.

Chuck Nagel from Baldwin Township was present and asked if it had to be a fundraising event.

Fuhrman said it does not have to be a fund raising event. After reviewing the wordage under

Signs Permitted with a Temporary Sign Permit, Section 2, Item 5-D-1, fundraising activities will be replaced with special events. Fuhrman will also add under Signs Permitted without a Building Permit, Section 1, Item 3-F- 9, Signs must be securely anchored.

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

DOBSON MOVED, SECOND BY HANSON, TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR AN ORDINANCE AMENDING CHAPTER VII (SIGNS) OF TITLE 11 (ZONING) OF THE PRINCETON CODE OF ORDINANCES IN ORDER TO ADD REGULATIONS TO ADDRESS THE LOCATION, NUMBER, SIZE, SETBACKS, AND PERMITTING OF TEMPORARY AND PORTABLE GROUND SIGNS AND SANDWICH SIGNS WITHIN THE CITY OF PRINCETON WITH THE FOLLOWING CHANGES: SECTION 1, SIGNS PERMITTED WITHOUT A BUILDING PERMIT, ITEM 3-F-2, REMOVE THE WORD "BUSINESS" AND REPLACE WITH "ESTABLISHMENT"; SECTION 1, SIGNS PERMITTED WITHOUT A BUILDING PERMIT, ITEM 3-F-5, ADD THE WORDAGE TO THE END OF THE SENTENCE "OR NO CLOSER THAN TWO FEET TO THE ROAD SURFACE"; SECTION 1, SIGNS PERMITTED WITHOUT A BUILDING PERMIT, ITEM 3-F, 1-8, ADD ITEM 9, SIGNS MUST BE SECURELY ANCHORED; AND SECTION 2, SIGNS PERMITTED WITH A TEMPORARY SIGN PERMIT, ITEM 5- D-1, REMOVE THE WORDAGE "FUNDRAISING ACTIVITIES" AND REPLACE WITH "SPECIAL EVENTS". UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS: None

NEW BUSINESS:

A. Site Plan Review at 503 Rum River Drive North (Wholesale Auto)

Fuhrman informed the Planning Commission Board that Pat Fitzpatrick has submitted an after-the-fact site plan review application for a parking lot expansion at 503 Rum River Drive North (Wholesale Auto). The property is zoned B-2 Neighborhood Business District. A site plan review is required in order to expand a commercial parking lot. In this specific case, drainage on the existing property and surrounding properties is of particular concern.

The property currently contains Wholesale Auto. Since the revisions made to the Zoning Ordinance last year, "automobile and recreational sales and service" is no longer a permitted or conditionally permitted use in the B-2 District, therefore, the auto sales business is considered a legal, nonconforming use. As a legal, nonconforming use, the automobile sales business may be legal, nonconforming use. As a legal, nonconforming use, the automobile sales business may be continued at the size and in the same manner of operation existing upon the date of the Ordinance, but it cannot be expanded. Fuhrman and the property owner have had several conversations regarding this issue over the past few months.

An existing Conditional Use Permit is in existence on this property. Back in 2007, Mr. Fitzpatrick applied to amend the CUP to allow additional spaces for vehicles. At that time, he requested to add an additional 13 auto sales spaces to the west side of the building and 5 spaces to the east of the building. At that time, he proposed to keep the 13 spaces as grass. The CUP amendment was granted to allow only five additional spaces for vehicle sales on paved surface only. Mr. Fitzpatrick is now requesting approval for the expanded parking lot to the west of the building in order to provide additional area, approximately 1,700 square feet of bituminous area, for customers and workers to maneuver around the rear of the building.

During the review of the CUP amendment back in 2007, discussion ensued regarding stormwater drainage concerns on this property and adjoining properties. The City Engineer and City Planner have visited the site with the property owner to discuss the drainage issues. The City Engineer has reviewed the application and put together a memo, including a recommendation to handle the stormwater drainage from this site.

A level of complexity is added to this situation by the fact that the business is an existing, nonconforming use. Because of that, the use cannot be expanded. However, after discussing the issue with the City Attorney, Fuhrman believes that because the request is to accommodate normal maneuvering on the site and if the number of vehicles for sale is not increased, the current request would not be considered an expansion of the use.

Mike Nielson, City Engineer with WSB, was present and has reviewed the revised site plan and provided the following comments and recommendations that he addressed from his memo dated November 16, 2011: I have reviewed the proposed parking lot and drainage improvements for the Wholesale Auto site provided by Mr. Patrick Fitzpatrick.

With an existing site in the City the main concern for adding additional impervious area is the runoff generated and how this will affect the downstream storm sewer system. In this case the downstream storm sewer is limited to a single catch basin located at the intersection of 5th Street North and 6th Avenue North. There have been complaints regarding storm water flooding at this intersection in the past.

The existing catch basin has a flat grate on it that clogs up with leaves and grass clippings. Therefore adding additional stormwater to this intersection is of concern.

At our meeting with Mr. Fitzpatrick, I had indicated that I would be requiring him to provide ponding that would limit his post-development discharge proposed discharge to the predevelopment conditions.

The information that he has provided on his site plan shows an additional bituminous parking area of approximately 1733 square feet and a ponding area that will contain approximately 750 CF.

Given the existing conditions of the site the area that will be converted to parking is approximately 1733 square feet and is grass cover over sandy soils. The estimated runoff from this area for the 100 year storm is .003 acre feet or essentially no runoff. Therefore to meet the requirements a pond must be built to limit the runoff from the parking area to 0.00 cfs. The volume required to accomplish this is 750 cubic feet of storage volume.

It is my recommendation that the stormwater requirements are met for this site with the additional berm as shown on the attached plan meeting a minimum volume of 750 Cubic Feet.

Thompson asked about the berm.

Nielson said the infiltration will happen and the runoff will slowly dissipate and will not run off into his yard because of the berm. The neighbors will have no extra runoff from this site. No water will run off to the building. 18 inches below the new parking area the berm will be put in. If need be, the berm can move more to the west towards his other lot.

Dobson asked Fitzpatrick if this will give him the space for his extra vehicles.

Patrick Fitzpatrick, applicant was present and said yes. He understands he can not have more vehicles than his Conditional Use Permit stated. Vehicles have to be off grass area and this is why he needed this area paved.

EDMONDS MOVED, SECOND BY HANSON, TO APPROVE THE SITE PLAN AT 503 RUM RIVER DRIVE NORTH (WHOLESALE AUTO) WITH THE CONDITIONS THAT THE NUMBER OF VEHICLES FOR SALE IS NOT INCREASED BEYOND WHAT WAS APPROVED BY THE EXISTING CONDITIONAL USE PERMITS REGULATING THE PROPERTY, AND THE RECOMMENDATIONS OF THE CITY ENGINEER BE FOLLOWED IN REGARDS TO ADDRESSING THE STORMWATER DRAINAGE AND RUNOFF CONCERNS. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) Fence at 219 14th Avenue South

Fuhrman informed the Planning Commission Board the issue has been resolved and an assessment has been done between the City and property owner. The assessment will be spread out for a three year period.

2) No living in accessory buildings – Ordinance Amendment needed

Fuhrmans said there have been two complaints of people living in garages in the City limits.

Fuhrman has spoken with the City Attorney and he advised an Ordinance amendment that states no living quarters in accessory structures. Fuhrman will put this together and bring it to the Planning Commission for review.

3) Trail Grant Application on south end of town

The City has applied for a Trail Grant for the south end of town and are hopeful to receive it.

4) Discuss Park and Trail Plan with Park Board

Fuhrman will be attending the November Park Board meeting to discuss the Park and Trail Plan.

Hanson would like Fuhrman to look into if there was a deadline for a Site Plan Review for West Birch Townhomes.

Fuhrman will check into it.

B. City Council Minutes for October, 2011

The Planning Commission Board had no comments.

HANSON MOVED, SECOND BY EDMONDS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. THE MEETING ADJOURNED AT 8:35 P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant