

**THE MEETING OF THE PRINCETON PLANNING COMMISSION BOARD HELD ON DECEMBER 15, 2014, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Jeff Reynolds, Eldon Johnson, Mitzi Mellott, and Chad Heitschmidt. Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

**APPROVAL OF MINUTES OF THE REGULAR MEETING ON NOVEMBER 17, 2014**

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO APPROVE THE MINUTES OF NOVEMBER 17, 2014. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

**AGENDA ADDITIONS/DELETIONS:**

Foss said she would like to add under New Business: Item A: PUC Proposed Plat for 10 foot Easement and under the Verbal Report: Item 2: Legacy Grant Update.

Edmonds said he would like to add under Verbal Report: Item 3: Clarification of a Procedural Report

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE FOLLOWING ADDITIONS TO THE AGENDA: NEW BUSINESS: ITEM A: PUC PROPOSED PLAT FOR 10 FOOT EASEMENT AND UNDER THE VERBAL REPORT: ITEM 2: LEGACY GRANT UPDATE, AND ITEM 3: CLARIFICATION OF A PROCEDURAL REPORT. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

**PUBLIC HEARING:**

**A. #14-07 Interim Use Permit at 120 Rum River Drive North**

Community Development Assistant Memo:

**BACKGROUND**

Matt McClay in behalf of Power Source North has submitted an application for an Interim Use Permit to allow for church services and other religious activities to take place on the premises at 120 North Rum River Drive in the Riverside Plaza building. The property site is owned by Sherburne State Bank and they have signed the application. The applicant has an offer on the property with a contingency that the Interim Use Permit to allow church services and other religious activities at the site is approved. This site is zoned B-1, Central Business District.

**ANNALYSIS**

The B-1 Central Business District allow churches or places of worship as Interim Use Permits, provided that:

*(a) Such space is within a multi-tenant building.*

Staff Comment: The church is located in a multi-tenant building.

*(b) Joint parking arrangements allow for compliance with parking requirements for all uses (as regulated by Chapter VI, Performance Standards).*

Staff Comment: Staff is not aware of any concerns or complaints received regarding enough parking being provided to accommodate church attendees and plaza shoppers and employees. If the Planning Commission is concerned, a condition upon approval could be added that the parking be reviewed within one year of the Interim Use Permit approval by the Council.

**Interim Use Permit Review Standards.** When reviewing an application for an interim use, the City shall base its judgment on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. *The proposed use is interim use listed in the district in which the application is being made;*

Staff: Churches and places of worship are listed as an interim use in the B-1 Zoning District.

2. *The date or event that will terminate the use can be identified with certainty and continued;*

Staff: The Planning Commission shall recommend to the City Council a date or event that will terminate the use. Staff is recommending that the Interim Use Permit terminate when the lease agreement between Power Source North and the property owner terminates. Power Source North has said they are intending to purchase the property and if that were to happen and they decide to sell the site in the future, the Interim Use Permit terminate at the sale.

3. *The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters;*

Staff: It does not appear that the proposed interim use will result in adverse effects on the public health, safety, and welfare, nor does it create additional pollution potential for ground and surface waters.

4. *Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.*

Staff: It does not appear that permission of the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

**Signage:** As a condition upon approval, a sign permit application shall be submitted for review by the Building Inspector.

**Building Renovation:** If any renovations are to be done, a building permit review and approval shall be required. The Building Inspector reviewed the seating plans and there are three exit areas and those areas need to have exit signs with emergency lights. The plans show 183 seats and that number has to be posted for maximum occupancy load.

**CONCLUSION/RECOMMENDATION**

Based on the findings that the proposed Interim Use appears to meet the review standards and provisions as listed in the Zoning Ordinance, staff would recommend that the Planning Commission recommend approval to the City Council of the proposed Interim Use Permit for a church at 120 North Rum River Drive, subject to the following conditions:

1. The Interim Use Permit shall be reviewed annually.
2. The Interim Use Permit shall terminate when the lease agreement between Power Source North and the property owner terminates or if Power Source North does purchase the building site and in the future they sell the site, the Interim Use Permit will terminate on the sale.
3. Activities shall be limited to those as proposed by the applicant:
  - a. Church services on each Sunday of the month from 10:00 AM to 1:00 PM.
  - b. Added activities will need to have an amended Interim Use Permit.
4. A building permit will need to be needed prior to any renovations or signage. The three exits will need exit signage with emergency lights, and 183 maximum occupancy load be posted.

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

Two memo's from the applicant: Matt McClay

*INTERIM USE PERMIT MEMO FOR POWERSOURCENORTH CHURCH*

*It is our intension to purchase the property located at 120 North Rum River Dr. located in Princeton, MN. Our current church membership is estimated to be approximately 50 people. Our hours of operation are expected to be from 10:00 AM to 1:00 PM on Sundays. In the last five years, we have performed approximately 24 weddings and 1 funeral. All of these ceremonies were performed off site of our sister church in Brooklyn Center, MN. In the future, we plan to add other activities, such as bible studies, but have no immediate plans, other than establishing and fulfilling our core beliefs, that God has called us to.*

(Second letter)

*POWERSOUCENORTHCHURCH, ADDITIONAL INFO*

*In clarifying statements that were made on page one, I want to expand on a couple of areas. The weddings that have been performed in the past have been for friends and family with all have taken place in other church settings and/or commercial facilities. Funerals have taken place at other churches and funeral homes. It is very rare that funeral services are performed, again for family and friends. Our sister church has been in operation in Brooklyn Center for*

*almost 20 years. We rent space from the City of Brooklyn Center. We have had no issues in the time frame that we have rented from them.*

*We realize that with a downtown location, other businesses also need parking and access to the areas that we will be using. That should not be an issue with us, because our hours of operation will likely not interfere with other businesses. If there ever any issue, we would be open to options that will rectify any situation. Our intent is to direct all church parking to the east side of the building. We can have directional signs and people directing traffic to that area, if need be. Also, on a Sunday, both the library and Rum River Automotive are closed and not in need of parking areas.*

*Thank you: Matt McClay, Powersourcenorth*

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

Edmonds stated the main concern is the parking issue. Sundays or evenings would not be a conflict.

Matt McClay said he is prepared for the parking questions and the main service is on Sunday.

Edmonds opened the public hearing.

Daryl Bronniche, (Princeton Realty) 123 Rum River Drive South, sees the church services of small groups to utilize the building and not have a revival. The parking has been looked into. They could direct the people to park in the back of the building on Sundays where the library is closed and so is Rum River Automotive. He does not want to hinder other businesses.

Reynolds asked if it can be open ended on restriction of hours.

Foss said they stated the proposed church members is 50 so that would be maybe 25 vehicles.

Johnson said the seating is for 183, are they expecting to expand in the future. Do they intend to move outside of town and build if they double what they are projecting.

McClay said they could have another service if need be to spread out the amount of those attending the services. He counted the parking count within the plaza perimeter and it is 208 spaces. Chris Wilke, City Fire Inspector told him that he could have more than the 183 that is on the diagram he had presented.

Johnson said the downtown businesses are saying there is no parking downtown. He is concerned that they are not sure of what changes they will add on with activities and if that could cause more parking issues in the future.

Kelly Pederson, 1244 East St. Germain, St. Cloud, said this is a need that is not present for certain type of people. To be able to fill the need as it grows would be a nice option. To restrict to one Sunday is not fulfilling the need. Parking we would accommodate to other businesses. Provide to the community a church from youth to adults. Help the community.

Johnson said this is changing the scope of what they had stated in their memo.

Foss suggested that the Interim Use Permit conditions could be Sunday mornings and Wednesday nights for the first year and next year for the review could be changes if need be.

McClay asked what is the concept of needing the provisions.

Edmonds said the amount of people coming to the building.

Bronniche said he does not understand why they have to stipulate what the amount of people and the use it would be. Other businesses do not have this. If something comes up we want to address it at that time.

Foss said we get some hours of services, but we need clarification on what else they would like to have as activities there. We just need to modify this.

Johnson said if people are working there or a few during the day is not the issue. It is the growth that is the concern. If the occupancy count of 183 is filled and 7 days a week is what needs to be known.

Reynolds asked if we can list Sunday service as all of the membership and the other activities is general membership for the wording in the conditions.

McClay said the Sunday service is the only thing he can think of for the use right now. He does not see much traffic in the building.

Reynolds said Stevens has a lot of parking use on the weekends with weddings and such.

HEITSCHMIDT MOVED, SECOND BY JOHNSON, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Heitschmidt asked McClay what are the other activities they would like to have.

McClay did not know.

Mellott asked on the Interim Use standards, the adverse effects on how the hours and such play in this would make a difference.

DeWitt explained the City Attorney said it was best to have all the uses written down in the conditions of the Interim Use Permit. She had explained that to Bronniche a few times who was conveying this to the applicant since he was a trucker and hard to reach. DeWitt asked that all proposed uses be written in a memo and that was the reason for the second memo from the applicant. It is in the applicant's best interest to have the proposed uses listed so they would not have to make changes on the Interim Use conditions in the future where they would have to amend the resolution. If this application is approved and in the future they need to

amend the resolution, there would be a fee for the full amount if a public hearing notice were needed or if there were changes just to the resolution, the recording fee would be collected, and that would be up to the City Attorney to advise staff what is required.

Mellott asked why they should be treated different than other uses downtown. She does not understand it.

Edmonds said it is an allowed use so it is not different than Steven's and such with parking.

DeWitt explained that the Zoning Ordinance states in a B-1 District, an Interim Use Permit is required to allow church services and other religious activities in that district. The reason for this is because the amount of people that would be in one place for a time period. For example, Power Source North has a seating diagram for 183 people. A retail store in that district would not have that many people at one time in it. Shoppers would be coming and going throughout the day. This proposed use would be a gathering of people for a scheduled time period.

Mellott said she understood now why the reasoning for an Interim Use Permit is needed for this use.

Foss asked what is the maximum capacity allowed in the B-1 District, the diagram says 183 for seating. We need to specify what that amount would be.

McClay said Chris Wilke said that they could have more occupants.

Edmonds suggested now that the applicants want to make some changes to adding events, but not sure what those are, the Planning Commission could change the recommendations of the conditions.

Mellott said there is an issue with evening hours and other gatherings.

Edmonds and Heitschmidt agreed there should not be an issue in the evenings when the stores are usually closed in the evening hours.

Mellott suggested instead of using the 9 AM – 5 PM time period to word it as traditional business hours. Could there be a stipulation on the amount of group events.

Bronniche said no one wants to limit their business or infringe upon it.

Edmonds said a normal business hours is 8 AM- 5 PM.

Mellott suggested putting a limit on the daytime events, but not the nighttime. Keep it vague. Monday thru Friday with limited activities such as two times a week. Have week day use and weddings and funerals.

JOHNSON MOVED TO APPROVE THE CONDITIONS WITH THE REMOVAL OF NUMBER THREE; ACTIVITIES SHALL BE LIMITED TO THOSE AS PROPOSED BY THE APPLICANT: A) CHURCH SERVICES ON EACH SUNDAY OF THE MONTH FROM 10:00 AM TO 1:00 PM. AND B) ADDING ACTIVITIES WILL NEED TO HAVE AN AMENDED INTERIM USE PERMIT.

Mellott asked McClay what activity use he would want for day hours during the week.

McClay said he is not sure.

Mellott suggested Monday thru Friday we set a number of uses, but after 5:00 PM we will not stipulate. Is he good with that wording.

McClay said he is good with that.

Mellott proposed that for number three on the conditions it should be Monday thru Friday limited use allowed for weddings, funerals, and one activity during traditional business hours. No restrictions on evenings or weekends. For the maximum occupancy load just keep the number out and say the maximum occupancy load per code be posted. The City Fire Inspector and City Building Inspector can determine the number allowed.

JOHNSON AMENDED HIS MOTION, SECOND BY HEITSCHMIDT, TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR ITEM #14-07 INTERIM USE PERMIT TO ALLOW A CHURCH OR PLACE OF WORSHIP IN THE B-1 CENTRAL BUSINESS DISTRICT AT 120 RUM RIVER DRIVE NORTH WITH THE FOLLOWING CONDITIONS:

1. THE INTERIM USE PERMIT SHALL BE REVIEWED ANNUALLY.
2. THE INTERIM USE PERMIT SHALL TERMINATE WHEN THE LEASE AGREEMENT BETWEEN POWER SOURCE NORTH AND THE PROPERTY OWNER TERMINATES OR IF POWER SOURCE NORTH DOES PURCHASE THE BUILDING SITE AND IN THE FUTURE THEY SELL THE SITE, THE INTERIM USE PERMIT WILL TERMINATE ON THE SALE.
3. ACTIVITIES SHALL BE LIMITED TO THOSE AS PROPOSED BY THE APPLICANT:
  - A. MONDAY THRU FRIDAY LIMITED USE ALLOWED FOR WEDDINGS, FUNERALS, AND ONE ACTIVITY DURING TRADITIONAL BUSINESS HOURS. NO RESTRICTIONS ON EVENINGS OR WEEKENDS.
4. A BUILDING PERMIT WILL NEED TO BE OBTAINED PRIOR TO ANY RENOVATIONS OR SIGNAGE. THE THREE EXITS WILL NEED SIGNAGE WITH EMERGENCY LIGHTS, AND MAXIMUM OCCUPANCY LOAD PER CODE BE POSTED.

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

The Planning Commission reviewed the Findings of Fact:

1. Is the proposed use an interim use listed in the district in which the application is being made? Yes.
2. Is the date or event that will terminate the use can be identified with certainty and continued? Yes.
3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters? No.
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? No.

The Commission recommends approval of an Interim Use Permit, based upon the Findings of Fact, with the noted conditions.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**A. Princeton Public Utilities Proposed Plat for 10 foot Easement**

This item was added to the agenda.

Paul Dove, City Attorney wrote the following memo:

*December 12, 2014*

*RE: PUC Proposed Plat  
Our File No. 1144-07031*

*Dear Ms. Foss:*

*I am providing this letter as a review for the Planning Commission of the agreement by the City of Princeton and the Princeton Public Utilities Commission for the purchase of two ten foot parcels shown on the Preliminary Plat that has been provided to you and the granting of an easement back to the original owners for parking, driveway purposes but not for construction of structures or other permanent improvements.*

*A similar Preliminary Plat was presented to Planning and Zoning in 2007 or 2008 and approved by it. The parcel purchase became necessary because of a state requirement that all municipal wells be located more than 50 feet from its property line. By obtaining ownership of the East 10 feet of Parcel #1 and the West 10 feet of Parcel #2, the wells will be in compliance. Unfortunately, the owner of one parcel changed its mind and refused to sign the deed just before the final plat was to be signed and filed. Agreements have now been reached to complete the transaction as originally contemplated.*

*Although it is questionable whether any new approval of the proposed Plat is required before it can be signed by the Chair and Secretary, since it was previously granted, we request that the Commission review and approve the proposed Plat. Further, that the Chair and Secretary of the Planning Commission be authorized to sign the final Plat when all approvals have been received.*

*Thank you, Paul D. Dove*

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

Connie Wangen, General Manager of Princeton Public Utilities was present and explained that they need to have this clarified and finalized by the year end so the tax statements show it. The Preliminary Plat and Final Plat had been approved by the Planning Commission in 2007. Distinctive Door Design had not signed the plat at the time because they were having water issues and did not know if the municipal well infringed on it. Their water issues have been resolved.

HEITSCHMIDT MOVED, SECOND BY JOHNSON, TO APPROVE THE PRINCETON PUBLIC UTILITIES PROPOSED PLAT AND FORWARD ON TO THE CITY COUNCIL FOR RECOMMENDED APPROVAL. THE PLANNING COMMISSION CHAIR AND SECRETARY ARE AUTHORIZED TO SIGN THE FINAL PLAT WHEN ALL APPROVALS HAVE BEEN REVIEWED. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

#### **COMMUNICATION AND REPORTS:**

##### **A. Verbal Report**

##### **1) Reschedule January 19, 2015 (Martin Luther King Day) and February 16, 2015**

##### **(President's Day)**

DeWitt informed the Planning Commission Board that each year the regular Planning Commission date falls on a holiday for January and February. Depending on the Planning Commission's schedules, it is either rescheduled for the following Tuesday or the next Monday.

Heitschmidt said he is on the Princeton Fire Department and they meet on Tuesdays so that day will not work for him.

Reynolds said that Tuesdays will not work for him either.

Johnson and Edmonds said they are fine with the following Monday.

The Planning Commission will meet on January 26, 2015 and February 23<sup>rd</sup>, 2015.

## **2) Legacy Grant**

Foss said the City received a letter from the DNR and we did not receive the Legacy Grant. 55 applicants applied for this grant. We will try again next year.

The City also received a letter from Central MN Parks and Trails Commission and the City was not approved for a Regional Designation Park. Our park is too small to have a designation on the map as a park site.

## **3) Procedural**

Edmonds had added this to the agenda. He would like to remove churches in the B-1 Zoning District. He understands a public hearing would be needed for this. He would like this on the agenda for January's Planning Commission meeting for discussion. It has been an issue and we need to address it.

Heitschmidt questioned why they are not a permitted use in the B-1 Zoning District. They might bring business to the downtown.

Edmonds said he would like staff to see if we have always had churches with an Interim Use Permit allowed in the B-1 Zoning District or was it added and if so when. He would like to see the B-1 District amended where it is not allowed.

Heitschmidt said if churches are removed from the B-1 District than the Educational facilities should be removed also.

Foss will look into this and have it on the January Planning Commission agenda.

## **B. City Council Minutes for November, 2014**

The Planning Commission had no comments.

## **C. Zoning Ordinance Updates**

DeWitt said she handed out the updated Zoning Ordinance sections and the Planning Commission members can replace these in their Zoning Ordinance books.

## **D. Newspaper Article on Signage**

Foss said Carol Ossell had provided this article and wanted it shared with the Planning Commission. Gateway signage would be something to consider in the future. Foss added that the School District is still looking into having a digital community sign.

Planning Commission

December 15, 2014

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HEITSCHMIDT MOVED, SECOND BY JOHNSON TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:30 P.M.

ATTEST:

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Jack Edmonds, Chairperson

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Mary Lou DeWitt, Comm. Dev. Assistant