

THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON DECEMBER 19, 2011, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS

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

Absent was Jack Edmonds.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON NOVEMBER 21, 2011

DOBSON MOVED, SECOND BY HANSON, TO APPROVE THE MINUTES OF NOVEMBER 21, 2011. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #14-11 Interim Use Permit to allow a church or place of worship in the B-1 Central Business District at 120 Rum River Drive North

Sherburne State Bank has submitted an application on behalf of Crossing Church for an Interim Use Permit to allow for church services and other religious activities to take place on the premises at 120 Rum River Drive North in the Riverside Plaza building. The property is zoned B-1 Central Business District. The church is currently in operation, but no Interim Use Permit was ever issued.

The B-1 Central Business District allows churches or places of worship as Interim Use Permits provided that such space is within a multi-tenant building and joint parking arrangements allow for compliance with parking requirements for all uses. Fuhrman said that the church is located in a multi-tenant building and she 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 IUP. The church has installed signage without prior approval from the City. As a condition upon approval, a sign permit application shall be submitted for review by the Building Inspector. Fuhrman is not aware that any renovations were done to the interior space prior to the church occupying the space. If any renovations were done, a building permit review and approval shall be required.

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

David Haugen, Sherburne Bank representative was present and answered the Planning Commission's question if Crossing Church has a lease with the bank. Haugen said that the church is leasing the site from the bank.

DOBSON MOVED, SECOND BY MELLOTT, TO APPROVE ITEM #14-11 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: THAT THE INTERIM USE PERMIT TERMINATE WHEN THE LEASE AGREEMENT BETWEEN CROSSING CHURCH AND THE PROPERTY

OWNER TERMINATES; A SIGN BUILDING PERMIT APPLICATION SHALL BE SUBMITTED FOR REVIEW AND IF THERE WERE ANY RENOVATIONS DONE TO THE INTERIOR SPACE THAT REQUIRED A BUILDING PERMIT, IT NOW NEEDS TO BE SUBMITTED FOR REVIEW AND APPROVAL BY THE BUILDING INSPECTOR; AND ANY OTHER CONDITIONS AS DETERMINED NECESSARY BY STAFF, THE PLANNING COMMISSION, AND CITY COUNCIL. 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, with building lease term.
3. Does the interim use not result in adverse effects on the public health, safety and welfare nor 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.

B. #15-11 Vacation of all easements retained by the City of Princeton lying within vacated 17th Avenue South lying between 12th Street South and 14th Street South

USDP has submitted an application to vacate all easements retained by the City of Princeton lying within the vacated 17th Avenue South, lying between 12th Street South and 14th Street South.

USDP applied and received approval for setback variances, preliminary and final plat, site plan review, and drainage and utility easement vacations at the November 21, 2011 Planning Commission meeting. When the 17th Avenue South right-of-way was vacated by the City, the City retained easements within the vacated ROW. Due to an oversight by the applicant and staff, the existing easements within the vacated ROW were not vacated at the November Planning Commission meeting. As a result, the applicants are now requesting the vacation of all the easements retained by the City when 17th Avenue South was vacated. The applicants are dedicating the necessary easements within the vacated 17th Avenue South on the replat, known as USDP Addition.

The Planning Commission is required to hold a public hearing regarding vacations, with final approval or denial issued by City Council. In reviewing a vacation, it should be determined that there is no present or prospective use for the easement, and the vacation will serve the public interest. As a condition upon approval, a certified copy of the resolution granting the easement vacation shall be recorded with the County Recorder's office and any conditions by the City Engineer shall be followed.

The appropriate public hearing notices were published in the newspaper and notices were mailed to the surrounding property owners within a radius of 350 feet regarding the easement

vacation. Based on the findings that the property owners are dedicating the necessary easements back to the City in the replat of USDP Addition and there is no present or prospective use for the existing easements, Fuhrman recommends approval to the City Council for the easement vacation, subject to the condition that a certified copy of the resolution shall be recorded with the County Recorder's office.

Barry Jaeger, Jaeger Construction and representative for USDP was present and had no comments.

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

MELLOTT MOVED, SECOND BY HANSON, TO APPROVE ITEM #15-11 VACATION OF ALL EASEMENTS RETAINED BY THE CITY OF PRINCETON LYING WITHIN VACATED 17TH AVENUE SOUTH LYING BETWEEN 12TH STREET SOUTH AND 14TH STREET SOUTH WITH THE FOLLOWING CONDITIONS: A CERTIFIED COPY OF THE RESOLUTION GRANTING THE EASEMENT VACATION SHALL BE RECORDED WITH THE COUNTY RECORDER'S OFFICE AND ANY CONDITIONS BY THE CITY ENGINEER SHALL BE FOLLOWED. 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.
2. Will the easement vacation cause problems to the surrounding neighborhood in the form of storm water runoff? No.
3. What if any impact be against the surrounding area in regard to the vacation of easement? No.

C. Amendment to Chapter III (General Provisions) of the Zoning Ordinance preventing the use of any accessory building, structure, or a garage as living quarters, temporarily or permanently

Fuhrman informed the Planning Commission Board that recently she has received concerns and complaints regarding individuals living in accessory structures, particularly detached garages, in the city limits. The Building Code prohibits the use of accessory structures as living quarters since specific standards must be met. The Zoning Ordinance does not address the topic at this time. After discussing the issue with the City Attorney, he advised that the Zoning Ordinance should be amended to prohibit the use of accessory structures as living quarters.

Staff has published a public hearing notice and has prepared a draft Ordinance to prohibit utilizing accessory structures as living quarters. The amendment proposes to add a provision to the Accessory Buildings and Uses Section of Chapter III, General Provisions, of the Zoning Ordinance that would prohibit the use of an accessory building, accessory structure, or garage as living quarters, temporarily or permanently.

Fuhrman asked the Building Inspector about a mother-in-law apartment that could be built above a garage, and she was told those are not allowed because of the height restriction in the Zoning Ordinance.

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

THOMPSON MOVED, SECOND BY MELLOTT, TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR AN ORDINANCE AMENDING CHAPTER III, (GENERAL PROVISIONS) OF THE TITLE 11 ZONING OF THE PRINCETON CODE OF ORDINANCES IN ORDER TO PROHIBIT THE USE OF AN ACCESSORY BUILDING, ACCESSORY STRUCTURE, OR GARAGE AS LIVING QUARTERS, TEMPORARILY OR PERMANENTLY, WITHIN THE CITY OF PRINCETON. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS:

A. Building Material Ordinance Amendment Discussion

Fuhrman informed the Planning Commission Board that the issue of roofing materials in the Residential Zoning Districts has been raised a few times in the past few years. Back in July, the Planning Commission informally discussed amending the Zoning Ordinance in regards to allowing steel roofing materials, and Fuhrman is bringing the issue back for a more detailed discussion.

The Zoning Ordinance currently states that in the R-1 and R-2 Zoning District, only conventional, residential type siding and roofing shall be permitted or other materials approved by the Planning Commission. This applies to principal building and accessory buildings within the R-1 and R-2 Districts. The A-1 District allows exterior metal siding and/or exterior metal roofing.

Fuhrman provided information from five other surrounding communities of how their regulations read on this; Otsego, St. Francis, Cambridge, Elk River, and Albertville.

Hanson asked what conventional material is.

Thompson said asphalt.

Fuhrman said if the Planning Commission would like to continue to review galvanized roofing material they could.

Hanson suggested having a list of materials that the City would allow.

Fuhrman said that would work. The current Zoning Ordinance does have a list for the Commercial and Industrial zones. There are lots of changes in the materials where it could be difficult to update.

Atwood suggested allowing a metal roof, but the color has to be architectural compatible with the house, and not round rim like a barn where the ribs are in the middle.

Thompson said a riveted seam is a good roof where it does not leak and has extended life. Those can look like a shingle or slate tiles and they install in sheets.

Fuhrman said the ordinance could allow metal roofs if architectural compatible with the home, style, and color.

Dobson asked if this could cause problems with properties that are annexed in where they are in the special taxing district.

Fuhrman said those would be in the agricultural zoning and this amendment pertains to the Residential R-1 and R-2 Districts.

Hanson said he is okay with steel or metal roofs if the color is appropriate.

Thompson is open to steel roofs also.

Fuhrman suggested that she could use the examples of Otsego and St. Francis without the farming wording. The Ordinance is for siding and roofing and wonders if the two need to be separated.

Mellott said roofing and siding materials can be referenced in appendix, so the appendix can be updated.

Fuhrman will talk to the City Attorney on this and bring it back to the Planning Commission for more conversation, not a public hearing.

NEW BUSINESS:

A. Wind Power Article

Fuhrman put this on the agenda for information only. The Planning Commission Board will keep this in mind, but decided not do anything right now with an ordinance regarding wind power.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) PC Appointments

Fuhrman informed the Planning Commission Board that Mellott and Edmonds Planning Commission terms are up for reappointment and they both have reapplied. The City Council will review the applications submitted for City Boards at their meeting this Thursday.

2) Reschedule PC Meeting dates for January and February, 2012

Fuhrman informed the Planning Commission Board that the Planning Commission meetings for January 16th and February 20th, 2012 need to be reschedule. The City Hall offices are closed on both of those days in observance of Martin Luther King Day and President's Day.

The Planning Commission Board decided to reschedule January's date for January 17th and February's date to February 21st, 2012.

MELLOTT MOVED, SECOND BY DOBSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. THE MEETING ADJOURNED AT 8:04 P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant