

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON
JUNE 18, 2012, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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

Tim Siercks took the Oath of Office.

Absent was Dave Thompson.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON MAY 21, 2012

DOBSON MOVED, SECOND BY EDMONDS, TO APPROVE THE MINUTES OF JUNE 18, 2012. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #04-12 Variance at 503 Rum River Drive North

Pat Fitzpatrick has submitted an application for a variance to construct an accessory building over the 800 square foot maximum size requirement and excess of the height of the principal building.

The building is proposed to be 30 feet by 64 (or 68) (1,920 or 2,040 square feet), which exceeds the 800 square foot requirement in the B-2 District. The building is also proposed to be 19 feet in height, which exceeds the principal building height of 18 feet. Both require variances to the existing Zoning Ordinance regulations.

Fuhrman said this property is zoned B-2, Neighborhood Business District, and is located at 503 Rum River Drive North. The property owner currently operates a used vehicle sales and service operation at this location, known as Wholesale Auto. The applicant proposes to utilize half of the new building for vehicle maintenance and repair and the other half for storage of vehicles and vehicle parts.

Mr. Fitzpatrick has submitted a letter indicating the reasons for his variance request being the need for storage and in order to provide a second location to perform vehicle repairs and maintenance on his property.

The site currently contains one building and a used vehicle sales parking lot. There are two separate parcels. The property owner underwent a lot line adjustment back in 2007. Although the correct lot lines are not indicated on the submitted site plan, it appears that the new accessory building will be either located on the lot line or on the adjacent lot to the west owned by Mr. Fitzpatrick.

The B-2 District requires a front yard setback of 20 feet, side yard setback of 10 feet, and rear yard setback of 30 feet. Although Fuhrman would prefer the building be setback further from the lot line adjacent to 5th Street North than the proposed 11 feet, the Ordinance states that in

the case of corner lots, the property owner shall determine which side shall be the front for the purpose of establishing setback requirements. The proposed setbacks are not indicated on the site plan, it appears the required setback requirements would be met. If the Planning Commission were to approve this variance application, Fuhrman would recommend a condition of approval be that a revised, more detailed site plan with setbacks be submitted.

The applicant has indicated that the building is proposed to be stud wall construction and not a pole building. The building is proposed to contain tan steel siding with green wainscoting on the bottom of the exterior wall with four overhead white doors and a green roof. A photo of the proposed building was provided for the Planning Commission.

The B-2 District requires that buildings shall be designed so as to be compatible with the surrounding residential uses. A list was provided for the Planning Commission to review. Fuhrman continued that steel siding is not specifically listed and if the variances are approved, the Planning Commission will need to approve the proposed materials. The Planning Commission may want to consider recommending additional windows or decorative stone accents be added to the building to make the building more compatible with surrounding residential uses.

A landscaping plan is required for new building construction in any commercial district. Fuhrman did discuss adding additional landscaping with Mr. Fitzpatrick, but the site plan does not indicate any. The Planning Commission may want to consider recommending some landscaping features surrounding the new building and parking area to add to the aesthetics of the property.

As part of the new building construction, Mr. Fitzpatrick is proposing to extend the parking lot to serve as access to the new building. According to Mr. Fitzpatrick, he is proposing to utilize crushed granite on this new surface. If approved, Fuhrman is recommending that a requirement be added that this new access be hard surfaced in accordance with the Zoning standards as this area will likely serve as a parking area for vehicles as well.

There have been drainage concerns on this and adjacent properties for several years. Last November, the property owner was granted an after-the-fact site plan approval to expand the parking lot. As a condition of approval, Mr. Fitzpatrick was required to follow the recommendations of the City Engineer to address the stormwater drainage and runoff concerns. This included constructing a drainage ponding area and berm.

The site plan from last fall's parking lot expansion review was given to the Planning Commission. The proposed driveway/parking lot to the new building extends over the required drainage pond and berm area. Either the building and access would need to be realigned, or the drainage ponding area will need to be redesigned to accommodate not only the previously

approved parking lot expansion, but also the new building and new impervious surface being added.

The Mike Nielson, WSB City Engineer has submitted a memo in regards to the variance request, indicating that not enough information has been submitted, and he is unable to provide any recommendation on the suitability of this proposed building and driveway improvements and therefore request that the Planning Commission deny or table this request until the needed information is provided to make a thorough engineering review.

In view of the several necessary requirements which have not been addressed, such as landscaping, drainage, driveway and parking lot design and construction, building materials, and combining the lots by subdivision, in the event the Planning Commission considers approval, Fuhrman suggest that one of the conditions be that the applicant enter into a Development Contract with the City Council in which the scope and time frame for construction of all required improvements is clearly set out and a financial guaranty is provided by the applicant to insure that the construction is timely completed prior to issuance of an Occupancy Permit.

The Future Land Use Plan designates this property as Neighborhood Commercial, which allows limited commercial uses in existing commercial nodes adjacent to residential neighborhoods. Typical uses would include small convenience centers, offices, and other commercial uses that are more compatible with surrounding residential areas.

The property is zoned B-2, Neighborhood Business District and the intent of the B-2 District is to provide for the establishment of highly limited scale neighborhood commercial centers and uses in existing commercial nodes that offer basic, convenience type goods and services to the immediately surrounding areas in which they are located. Due to the close proximity to existing and future planned residential areas, the character of this district shall reflect the character of surrounding residential neighborhoods. Building scale, setback and design should be consistent with existing neighborhoods.

In 2008, the City of Princeton underwent an update to their Comprehensive Plan. At the time, the Neighborhood Commercial Land Use District was created in order to address this specific area of the city, which contains commercial nodes directly adjacent to residential uses. In order to comply with the City's Comprehensive Plan, the provisions of the B-2 Zoning District were amended to accommodate only very limited scale neighborhood commercial businesses. In 2010, the Planning Commission and City Council removed "automobile and recreational sales and service" and "automobile repair" as conditional uses in the B-2 District. This was a conscious decision as it was felt these uses were not compatible with the nearby residential uses. Automobile repair and sales and service uses are now only allowed as conditional uses in the B-3, General Commercial District. The current use of the property as automobile sales and repair is considered a nonconforming use. The use may be continued at the size and in the

same manner of operation existing upon the date of the Ordinance amendment, but it cannot be expanded.

Fuhrman reviewed the Variance Standards of the Zoning Ordinance, and request may be made for variance when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance. A variance shall not be granted by the Planning Commission unless it conforms to the following standards:

1. Is the variance in harmony with the general purposes and intent of the zoning ordinance?
The general purpose and intent of the Zoning Ordinance is to limit commercial uses in this area to those compatible with residential uses, and the recent amendments omitting "auto sales and repair" proves that auto sales and repair is not compatible with residential uses.

2. Is the variance consistent with the Comprehensive Plan?
The variance would be inconsistent with the Comprehensive Plan because the recent Comprehensive Plan change was a conscious decision by the Planning Commission and City Council to change the character of the area to uses more conducive to residential living.

3. Does the property owner propose to use the property in a reasonable manner not permitted by the Zoning Ordinance?

The property owner proposes to use the property for auto repair, a use which is not permitted, and that is a nonconforming use. Expanding a nonconforming use by granting a variance is not reasonable under an Ordinance specifically prohibiting such expansion.

4. Are there circumstances unique to this property not created by the landowner?
The variance is to alter height and building area limitations of the Ordinance. Those limitations are not unique to this property, nor do the limitations impinge on any unique physical characteristic of the property.

5. Will the issuance of the variance maintain the essential character of the locality?
The issuance of the variance would essentially reverse the decision made by the Planning Commission when it removed auto sales, service, and repair from the conditionally permitted use category, effectively creating a spot-zone for this property owner.

6. Does the alleged practical difficulty involve more than economic considerations?
The purpose of the accessory building is two-fold: for storage and additional room for automobile repair and maintenance. The additional space for repair and maintenance would allow for more than one vehicle to be in position to be worked on at any given time, thereby increasing the economic output of the business.

Fuhrman said based on the recent Comprehensive Plan updates and Zoning Ordinance amendments, it is clear that the Planning Commission and City Council wanted to see this Zoning District move towards limited commercial uses compatible with residential uses. A conscious decision was made by removing automobile sales and repair businesses from this district, indicating that the City did not see auto sales and repair as compatible with residential uses. Fuhrman said she has had several conversations and letter correspondences with Mr. Fitzpatrick regarding his property, and he is aware that his business can continue as it was operating at the time of the Ordinance amendments.

To approve the variance request, the City must find that the proposal uses the property in a reasonable manner, and that the applicant has demonstrated that there are practical difficulties that are unique to the property not created by the property owner that interfere in using the property in such a manner. The variance request does not conform with the variance review standards as a portion of the building will be utilized for a non-conforming use, and the size of the building is not compatible with the surrounding residential uses. Fuhrman would recommend denial of the variance requests to the accessory building size and height requirements based on the Findings of Fact.

If the Planning Commission finds that the variances as proposed by the applicant meet the review standards as outlined in the report, the appropriate findings of fact should be stated as a basis for approval. If a decision for approval is made, Fuhrman would recommend that adding the following conditions upon approval:

1. A drainage plan shall be submitted for review and approval by the City Engineer prior to issuance of a building permit.
2. The extended parking lot/driveway access shall be hard surfaced.
3. The lots shall be combined in order to form one lot, and paperwork submitted to the City for their records.
4. The building materials shall be approved by the Planning Commission.
5. A more detailed site plan shall be submitted to the City prior to issuance of a Building Permit.
6. A Building Permit shall be submitted and approved by the City's Building Official.
7. The property owner shall enter into a Development Contract with the City in which the scope and time frame for construction of all required improvements is clearly set out and a financial guaranty is provided by the applicant.

If the Planning Commission finds that the variances as proposed by the applicant do not meet the variance standards as outlined in the report, the Planning Commission may deny the variance request as proposed. The Planning Commission may table the variance requests for further discussion and study also.

Pat Fitzpatrick, applicant, was present and said granite chip rock, ¾ inch is what he would like to use for access to the new building. He has this at his home and it works well where the water can run through it. Fitzpatrick continued that this project was approved by the Planning Commission on May 21, 2001, and he gave a copy of Resolution #01-03 and a copy of the memo from John Tofte, Comm. Dev. Planner, stating the conditions in the Resolution will remain with the property even if there is a change of ownership. Fitzpatrick said there was a proposal a few years back to have a four-plex on this property site he now owns and the neighbors did not want that. He handed out a petition that was signed by the neighbors supporting this proposed building addition to his business. He also provided a few photos showing other oversized garages in the neighborhood that have been granted approval by the City. Fitzpatrick had a copy of Resolution #07-11 approving five additional parking spaces and

extended hours. His lot has more than enough square footage to handle this size of building. He is not intending for this new building to be a repair facility. It would be to clean and check vehicles that he has purchased. It is not any different than cleaning your car at home. He is not buying repairable vehicles or doing a repair service. It is not a repair facility. It mainly is cleaning up the cars for sale. This would help the look of the property. The City should want this where stuff is stored inside rather than outside. The trees will be left. He would like to build the garage as close as he can to the other. He would be willing to change the roof line to 18 feet in height if need be, but would prefer to have the 19 foot. He showed a photo of his current building and the steel siding looks the best and withstands weather better.

Rory Clayson, 509 6th Avenue North, said he is a neighbor to this property and would welcome the building as a buffer to help reduce the noise from Rum River Drive. The tree line there currently helps some. He supports Fitzpatrick's proposed plan. His opinion for business is to prosper in Princeton and not have to go outside of town. He believes we should be working to keep this business here. A little flexibility from the City and this Board would be good.

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

Edmonds asked Fitzpatrick if he reviewed the seven options for approval that Fuhrman has in her report.

Fitzpatrick said he has looked them over. He understands the Engineer needs a drainage plan. The asphalt was put in last year to park the cars on. He did that was because he was suppose to be compliant with the ordinance. He is looking at the overall aspect of the project and needs to keep the cost down. He will do what is necessary to make this project work.

Edmonds commented that he likes the idea Fitzpatrick has proposed and would like to see business improve. The zoning is the gray area.

Fitzpatrick said that the financial guaranty is something that might be difficult. He does not have a lot of money to put down as escrow money.

Edmonds said a letter of credit should work.

Fuhrman said a financial guaranty should work and she will speak to the City Attorney on it.

Dobson likes what the building looks like, but suggest tabling it because more information needs to be supplied before giving the approval.

Edmonds said the hard surface is required. If Richard Anderson had to do it to his property that had a car lot on it, then Mr. Fitzpatrick should also. It could be on a time period like it had been done for Anderson.

Fitzpatrick said this was intended to be a driveway and not parking lot. The pondage and drainage would be the issue and wonders if having the granite chip rock would be a better alternative than a hard surface.

Dobson commented with this business a non-conforming use and now wanting to make it bigger could raise future problems if approved.

Edmonds agreed.

Fuhrman agreed. It is a difficult issue. In 2010, the City removed automobile and recreational sales and service as conditional uses in the B-2 District. The issue is expanding a non-conforming use.

Fitzpatrick argued that the Comprehensive Plan goes against what the City decided on his property. It was already in this use when that Comprehensive Plan was revised.

Fuhrman said Fitzpatrick is correct. The Comprehensive Plan and then Zoning had been changed by the City who was looking at the overall best of the city.

Fitzpatrick said the former Planner Jay Blake told him his plans on this site are fine to do, and now he is being told that they cannot be done.

DOBSON MOVED, SECOND BY EDMONDS TO TABLE ITEM #04-12 VARIANCES AT 503 RUM RIVER DRIVE NORTH, (WHOLESALE AUTO), UNTIL THE JULY 16, 2012, PLANNING COMMISSION MEETING, WHERE THE APPLICANT PROVIDES ALL EXISTING CONDITIONS ON THE TWO PARCELS THAT SHOW STRUCTURE, PARKING LOT, DRIVEWAYS, AND PROPERTY LINES; THEN THE PROPOSED BUILDING DIMENSIONS WITH SETBACKS, AND LANDSCAPING; A DRAINAGE AND EROSION PLAN; A PLAN ADDRESSING THE RECENT PARKING LOT EXPANSION, AND ADDED IMPERVIOUS SURFACE WITH THE PROPOSED PROJECT; A WRITTEN STATEMENT INDICATING THE METHOD OF FINANCIAL SECURITY TO ENSURE THE PROPOSED IMPROVEMENTS ARE MADE; AND ALL THIS INFORMATION SHOULD BE PROVIDED TO STAFF AND THE CITY ENGINEER WHERE THEY HAVE AMPLE TIME TO DO A COMPLETE REVIEW PRIOR TO THE JULY 16, 2012 PLANNING COMMISSION MEETING.

Mellott questioned the Conditional Use Permit he had gotten in the past and why that does not still stand active with the property and also why it was okay to rezone a property just down the road from this site, and that is not being done here.

Fuhrman said the Comprehensive Plan supersedes the Conditional Use Permits. In regards to the property that was rezoned at the previous Planning Commission meeting, it was an existing commercial building that was in an R-3 Multiple Family Residential Zoning District, and was amended to B-2 Neighborhood Business District to go with the use of that site.

Mellott asked if the zoning could be changed on Fitzpatrick's site.

Fuhrman said yes, he could apply to rezone his site and she had told this to Mr. Fitzpatrick.

Dobson said his father was in the used car business and they go through the vehicle to make sure it is working the way it should to sell reliable vehicles. Repair yes, and that is part of doing business in a used car sales to make sure the vehicles are in working order.

Edmonds said if the applicant were to meet the seven areas pointed out on the memo from Fuhrman, it still would be difficult approving this variance application when it is a non-conforming use. He is not in support of spot zoning. He understands there are a few instances that it would be allowed.

Fuhrman said that variances are final by the Planning Commission. If the Planning Commission did deny this application, the applicant could appeal it to the City Council and they have the final determining factor.

Fitzpatrick committed that if you look at the Zoning map, across the street on Rum River Drive North, you will see Commercial District. His business had been in place for a number of years before the City did this change. It is not right to do this to a business and he would not want to have to hire an attorney.

Dobson said the proposed building would be a good addition to this property. His business looks nice and well kept, but he does not want to go against the ordinance.

Mellott asked Fuhrman if she looked at all the alternatives to help the applicant have his addition. She understands that rezoning this property could be difficult. Were all options explored to make this happen without having to take out a variance.

Fuhrman said if the applicant kept the addition at 800 square feet and no auto care in it, just used for storage, it would be okay. Mr. Fitzpatrick proposed addition is larger in height and size so a variance is needed.

UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED TO TABLE THIS ITEM UNTIL THE JULY 16TH, 2012 PLANNING COMMISSION MEETING.

Mellott would like staff to work with the applicant to be able to have his addition. Could this addition be classified as something that is allowed in this zoning that would work with his current business.

Fitzpatrick asked Edmonds if he would approve this site to be rezoned to B-3 Commercial District.

Edmonds said it could be a possibility that he would go along with that. He likes his business.

Fuhrman told Mr. Fitzpatrick that she will send him a letter in the mail that states Minnesota Statutes require governmental entities to approve or deny a written request for certain actions within 60 days of the request. The memo would allow an additional 60 days in order to gather more information.

OLD BUSINESS: None

NEW BUSINESS:

A. Rehab Funding Available for Rental Units

Fuhrman said that there are two Loan Programs for funding available to assist rental property owners to make repairs to their rental buildings. There are tenant income and rent requirements in order to qualify. The Lakes & Pines Program is geared towards rental property owners of buildings with 8 units or less, single family, or duplexes, and the Central Minnesota Housing Partnership Program is geared to owners of rental properties with 6 or more units.

Staff has mailed these brochures to the larger rental complexes within the city limits. If you know of someone who owns any residential rental property in the community, we ask that you please pass this information along. This is a great opportunity, and we would love to see it be utilized here in Princeton.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) "Chicken" Ordinance (Council Discussion)

Fuhrman said at the last City Council meeting a resident asked the Council to consider changing the Ordinance to allow six or less chickens in the city limits. This person was very well educated on chickens and the City Council directed staff to look into it and bring the information back to them. The chickens would need to be in a coop and their food contained. No roosters would be allowed. If the Council does approve the Ordinance to be changed to allow chickens, Fuhrman will be bringing an Ordinance amendment for the Planning Commission to review.

2) Electronic Community Sign Update

Fuhrman said this is still in the preliminary stages, but the committee is exploring options for a community sign. The School District has been helping on this idea and that is working well. The possible location would be by the Super America Station along Rum River Drive South.

3) "It Starts Here" Downtown Revitalization Project Update

Fuhrman said a group of volunteers has been formed to find businesses that would be willing to come to town and possible funds available to help a person open a business in a vacant site downtown. The Bakery has reopened with new owners.

4) Comprehensive Park & Trail Plan Update

Fuhrman said the Park and Recreational Board are still reviewing the Comprehensive Park & Trail Plan. If the Planning Commission has questions or comments, Fuhrman would be happy to discuss them.

B. City Council Minutes for May, 2012

The Planning Commission Board had no comments.

DOBSON MOVED, SECOND BY EDMONDS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:59 P.M.

ATTEST:

Mitzi Mellot, Vice Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant