

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON  
AUGUST 19, 2013, 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 Tim Siercks, Dick Dobson, Chad Heitschmidt, and Jim Kusler (Princeton Twsp. Representative). Staff present were Carie Fuhrman and Mary Lou DeWitt.

Absent was Mitzi Mellott (arrived at 7:05 pm)

**APPROVAL OF MINUTES OF THE REGULAR MEETING ON JULY 22, 2013**

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE THE MINUTES OF JULY 22, 2013. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**AGENDA ADDITIONS/DELETIONS:**

Fuhrman said she would like to add on the verbal report: Update on single family lots by Meadow View Development.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO ADD UNDER VERBAL REPORT: UPDATE ON SINGLE FAMILY LOTS BY MEADOW VIEW DEVELOPMENT. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

Mitzi Mellott arrived at 7:05 P.M.

**PUBLIC HEARING:**

**A. #10-13 Conditional Use Permit for a home occupation permit in R-2 Residential District at 902 Third Street South**

RoxAnn Petitt has submitted a conditional use permit application for a woodworking home occupation permit at 902 3<sup>rd</sup> Street South. The property is zoned R-2, Residential and designated as Traditional Residential on the Future Land Use Plan in the Comprehensive Plan. The property contains a single family home with a single car attached garage, along with a three stall detached garage. The property is surrounded by residential uses for the most part.

The applicant and her husband propose to do the woodworking in two stalls of their detached three stall garage, while the last stall will be utilized for boat storage. The finished pieces will be sold from a downtown commercial site. The applicants have indicated that no changes will be made to their property, including no signs or storage of any kind outside the dwelling; no deliveries, pickups, or any traffic will occur on the property except normal residential traffic; and no employees besides the applicant and her husband.

According to the Zoning Ordinance, a home occupation is an “accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling.” A home occupation within the R-2 District requires a conditional use permit. “Home crafts such as model making, rug weaving, lapidary work, and woodworking” are listed as permitted home occupations with an approved conditional use permit.

**Home Occupation Review Standards:** The following conditions must be met to meet the conditional use permit requirements:

*a. The home occupation does not change the outside appearance of the dwelling and is not visible from the street.*

**Comment:** The applicant has indicated that there will be no changes made to the property.

*b. The home occupation does not generate traffic, deliveries, parking, or sewerage and/or water use in excess of what is normal in the residential neighborhood.*

**Comment:** The applicant has indicated that there will be no deliveries, pickups, or any traffic on the property except normal residential traffic, and there will be no employees working for them.

*c. The home occupation does not create a hazard to person or property or generate hazardous waste.*

**Comment:** The applicant has indicated that all the chemicals they use are water based and non-toxic. As a condition of approval, waste must be properly disposed of and shall not be washed into the public storm sewer system, nor any toxic or noxious matter into the sanitary sewer system.

*d. The home occupation does not create any detriments to the residential character of the neighborhood due to the emission of noise, smoke, dust, gas, heat, glare, vibration, electrical interference, or any other nuisance resulting from it.*

**Comment:** The attached sheet indicates the current City Code language in regards to noise regulations. The applicant has indicated that the loudest piece of equipment they run will be the router, and they propose to not run that after 10:00 PM and not before 7:00 AM.

To address potential nuisance concerns, staff would suggest the Planning Commission consider the following conditions (if approved):

\* Garage doors remained closed during the operation of equipment.

\* More stringent operating hours (than what is proposed) with respect to machinery that creates noise beyond the limits of the subject property lines. The Planning Commission could consider allowing longer operating hours during the winter months.

In addition, the emission of smoke or particular matter shall be controlled so that it does not endanger the health, safety, comfort, or general welfare of the public. According to the Building Inspector, a ventilation system is not required for this size of operation. If the Planning Commission is concerned, they may want to consider requiring a ventilation system be installed in the garage to address the potential build up of dust from the woodworking.

*e. The home occupation does not result in the outside storage or display of anything except a nameplate no larger than two square feet in area which may only be attached to the wall of the dwelling.*

**Comment:** The applicant is not posting any signage or storage outside the dwelling.

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

**Comment:** The applicants have indicated that two of the three stalls in the garage will be utilized for the business. Floor areas were not submitted with the application. Utilizing Google maps, it appears the garage is approximately 28 feet by 32 feet (896 SF), and two-thirds of that is less than 600 SF.

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

**Comment:** The applicant and her husband own the building and are the only ones working in the business.

#### **CUP Review Standards:**

*1. The proposed use does not violate the health, safety, or general welfare of Princeton residents.*

**Comment:** If the recommended conditions are followed, no characteristics of the proposed use appear that they may violate the health, safety, or general welfare of the Princeton residents.

*2. The proposed use has been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation.*

**Comment:** The City Engineer has reviewed the request and his recommendations have been placed throughout the memo.

*3. Adequate parking and loading is provided in compliance with the Ordinance.*

**Comment:** The driveway and single stall attached garage appear to provide adequate parking space.

*4. Possible traffic generation and access problems have been addressed.*

**Comment:** According to the applicants, no traffic beyond normal residential traffic will take place.

**Conclusion/Recommendation:** By design, residential districts are limited to residential uses to preserve the residential character, reduce potential noise and pollution issues, and preserve property values. Only a few “non-residential” uses are allowed in the residential zoning districts, and those that are allowed are on a very limited scale, thus the need for home occupation standards as listed in the Zoning Ordinance.

#### **The applicant, RoxAnn Pettitt included the following with the application:**

*a. The home occupation does not change the outside appearance of the dwelling and is not visible from the street.*

**Comment:** There will be no changes made to our property.

*b. The home occupation does not generate traffic, deliveries, parking, or sewerage and/water use in excess of what is normal in the residential neighborhood.*

**Comment:** There will be no deliveries, pickups, or traffic on the property except normal residential traffic, and there will be no employees working for us.

*c. The home occupation does not create a hazard to a person or property or generate hazardous waste.*

**Comment:** All chemicals we use are water based non-toxic.

*d. The home occupation does not create any detriments to the residential character of the neighborhood due to the emission of noise, smoke, dust, gas, heat, glare, vibration, electric interference, or any other nuisance resulting from it.*

**Comment:** The loudest piece of equipment we run will be our router and we do not run that after 10:00 P.M. and not before 7:00 A.M.

*e. The home occupation does not result in the outside storage or display of anything except name plate no larger than two square feet in area which may only be attached to the wall of the dwelling.*

**Comment:** There will be no signs or storage of any kind outside the dwelling.

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

**Comment:** We use a 3 stall garage for the business and also keep our boat in one stall.

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

**Comment:** My husband and I own the dwelling and are going to be the only ones working in it.

Fuhrman informed the Planning Commission Board that Thomas Mainz, 210 Ninth Avenue South, dropped off a memo this afternoon. Copies of his memo have been handed out to each of them and the applicant was also given a copy tonight. Mainz is a neighbor to the applicant and has concerns with a home occupation for woodworking.

Edmonds spoke to the applicants and offered to read Thomas Mainz memo out loud.

RoxAnn & Paul Petitt, the applicants said they were given the memo before the meeting began and have read it.

Edmonds said staff has addressed most of the concerns in the memo and the applicants could respond to any that are remaining. Edmonds asked Fuhrman why this request is not an Interim Use Permit instead of a Conditional Use Permit. The Interim Use Permit does not stay with the property.

Fuhrman said the R-2 Zoning Ordinance has home occupations listed as a conditional use. There would need to be a code change to have it as an interim use.

Edmonds opened the public hearing.

RoxAnn Petitt said her husband has a full time job besides his woodworking, so he is in bed by 9:00 PM. He makes small furnishings such as; coffee tables, end tables, and wooden boxes. This does not create much dust, probably one bag a month is swept up. They do keep the garage doors shut.

Paul Petitt said he has been doing this woodworking for a year. He makes the items at home and was selling them at a business. They decided they would like to sell the items on their own. They were not aware that the city had regulations for a home occupation. They plan to rent a store space to sell the product.

Edmonds asked if there is a floor drain in the garage.

Paul Petitt said no. There is no plumbing in the garage.

Dobson commented that if they have been making these items in their garage for a year and have had no complaints, he sees no problem with them continuing it.

Paul Petitt said that they only bring in 15 boards of material at a time. Any small pieces the neighbor will take to use for a starter for their fire pit.

Dobson said if dust were a problem they would have put some type of ventilation in there.

Paul Petitt said dust is no problem.

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

Fuhrman was asked from the Board if there is anything written in the City Ordinance in regards to noise. She responded that the language is very vague in regards to excessive noise. The MPCA would have restrictions in place.

Siercks said he has a decibel meter at the track and they have to meet the guidelines.

Heitschmidt questioned Fuhrman on the Conditional Use Permit and not expiring.

Fuhrman said the Conditional Use Permit stays with the property. When the City added Interim Use Permits to the Zoning Ordinance, they did not change home occupations may be permitted with the issuance of an Interim Use Permit, it was kept as a Conditional Use Permit. This is something she will look at for the future.

Dobson said the Interim Use Permit was brought into our Zoning Ordinance to be used in place of the Conditional Use Permit for certain situations.

Fuhrman said in 2010 the interim use was brought in. She will look into this and also talk to the City Attorney for his recommendation. Some cities are using the Interim Use Permit far too much in place of the Conditional Use Permit.

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE ITEM #10-13 CONDITIONAL USE PERMIT FOR A HOME OCCUPATION PERMIT IN R-2 RESIDENTIAL DISTRICT AT 902 THIRD STREET SOUTH WITH THE FOLLOWING CONDITIONS:

1. THE HOME OCCUPATION SHALL NOT CHANGE THE OUTSIDE APPEARANCE OF THE DWELLING AND IS NOT VISIBLE FROM THE STREET.
2. THE HOME OCCUPATION SHALL NOT GENERATE TRAFFIC, DELIVERIES, PARKING, OR SEWERAGE AND/OR WATER USE IN EXCESS OF WHAT IS NORMAL IN THE RESIDENTIAL NEIGHBORHOOD.
3. THE HOME OCCUPATION SHALL NOT CREATE A HAZARD TO PERSON OR PROPERTY OR GENERATE HAZARDOUS WASTE. ANY WASTE SHALL BE PROPERLY DISPOSED OF AND SHALL NOT BE WASHED INTO THE PUBLIC STORM SEWER SYSTEM, NOR ANY TOXIC OR NOXIOUS MATTER INTO THE SANITARY SEWER SYSTEM.
4. THE HOME OCCUPATION SHALL NOT CREATE ANY DETRIMENTS TO THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD DUE TO THE EMISSION OF NOISE, SMOKE, DUST, GAS, HEAT, GLARE, VIBRATION, ELECTRICAL INTERFERENCE, OR ANY OTHER NUISANCE RESULTING FROM IT.
5. GARAGE DOORS REMAINED CLOSED DURING THE OPERATION OF EQUIPMENT.
6. HOURS OF OPERATION 7:00 AM – 10:00 PM., WITH RESPECT TO MACHINERY THAT CREATES NOISE BEYOND THE LIMITS OF THE SUBJECT PROPERTY LINES.
7. THE EMISSION OF SMOKE OR PARTICULAR MATTER SHALL BE CONTROLLED SO THAT IT DOES NOT ENDANGER THE HEALTH, SAFETY, COMFORT, OR GENERAL WELFARE OF THE PUBLIC.
8. THE HOME OCCUPATION SHALL NOT RESULT IN THE OUTSIDE STORAGE OR DISPLAY OF ANYTHING EXCEPT A NAMEPLATE NO LARGER THAN TWO SQUARE FEET IN AREA WHICH MAY ONLY BE ATTACHED TO THE WALL OF THE DWELLING.
9. THE HOME OCCUPATION SHALL NOT UTILIZE MORE THAN 625 SQUARE FEET FLOOR AREA OF THE GARAGE.
10. THE HOME OCCUPATION SHALL NOT BE CONDUCTED BY MORE THAN TWO PERSONS, ONE OF WHOM SHALL RESIDE WITHIN THE DWELLING.
11. THE TWO PAGE MEMO FROM THE APPLICANT SHALL BE INCLUDED WITH THE RESOLUTION FOR RECORDING AS EXHIBIT A. .

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

The Planning Commission Board reviewed the Findings of Fact:

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

### **OLD BUSINESS:**

#### **A. Princeton Auto Parking Lot Update**

Fuhrman informed the Planning Commission Board that Princeton Auto Center was approved for a conditional use permit and site plan review in order to expand their parking area for automobile sales inventory at the March Planning Commission meeting. Due to unforeseen circumstances, along with the painting of the Princeton Public Utilities water tower, the new automobile sales area was not able to be hard surfaced by the deadline date of July 15, 2013. As you recall, the Planning Commission allowed them to come back for an extension if needed. They are now requesting an extension. They would like to perform the paving this summer/fall yet. If the Planning Commission is in favor, a motion would be in order.

Siercks commented they knew Princeton Utilities were painting the water tower and they are coming for an extension a month past the July 15<sup>th</sup> deadline date. They should have come to the July Planning Commission meeting to request an extension.

Fuhrman said the cars needed to be moved for the painting of the water tower. The curbing requirements were concerns with the property owner because of plowing. That was part of the reasons for the hold up.

**SIERCKS MOVED, SECOND BY DOBSON, TO GRANT AN EXTENSION TO PRINCETON AUTO CENTER EXPANSION OF THEIR PARKING AREA FOR AUTOMOBILE SALES INVENTORY. THE PARKING LOT MUST BE COMPLETED BY SEPTEMBER 30, 2013, AND NO FURTHER EXTENSIONS FROM THAT DATE. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.**

### **NEW BUSINESS:**

#### **A. New Fence Handout for Property Owners (Handed out at Meeting)**

Fuhrman handed out a draft format that the Intern Chris Bruhn has been working on. Staff works with the landowner, but we cannot do the survey to determine where the property lines are.

The Planning Commission Board reviewed the draft fence guidelines and were concerned with the wording that if the property owner does not have a survey or property identification pins, and cannot obtain consent from the neighboring property owners, then the fence shall be located a minimum of two feet off the property line in order to provide ample space for maintenance.

Edmonds questioned how you would determine where the two feet is when you do not know where the property line is.

Mellott suggested the two feet inside the property line should be on the diagram as an example. The draft still needs to be clearer.

Heitschmidt asked Fuhrman if you cannot find the property pin, but the neighbor and the fence applicant mutually agree where the property line is, the neighbor can sign a city form agreeing that the fence can be on the agreed property line.

Fuhrman said yes, otherwise place the fence two feet off where they believe the property line is.

Mellott suggested to do a basic diagram with one example of the lot line between the properties and another with a corner lot as the example. If the two adjoining property owners agree where the property line is, there is consent on the property line, and that is boundary of agreement. If you are the neighboring property owner, you would want to know where the line is before signing the agreement.

Siercks asked how we have been inspecting fencing now.

Fuhrman said the Building Inspector uses his best judgment. The inspection is done when the fencing is completed.

Mellott commented if a fence were put up and the property line was misjudged and on the other property owners land, it would be the fence owners responsibility to move it.

Siercks asked Fuhrman why a fence permit is different than a building permit.

Fuhrman said if a fence permit were to be that technical as a building permit there would need to be a survey included.

Dobson questioned if the property owner cannot locate the property pins, and the neighbors do not want a fence put up, the property owner who wants the fence can put one up two feet from the supposed property line.

Heitschmidt said they need to know their property line with either property pins or a survey. If the neighbor does not want the fence on the property line, the fence can go two feet from the property line.

Siercks said if there is no property pins or survey, the neighbor should have to agree on the placement of the fence even if it is two feet off the suppose property line.

Fuhrman said an Ordinance cannot be written to address every situation.

Siercks said if the pin is not located you have to have consent from the adjoining property owner to put up a fence.

Heitschmidt agrees if you cannot find the property pins or have a survey you would need the adjoining neighbors consent to put a fence on the proposed property line or two feet off.

Fuhrman suggested having a work session with the Planning Commission prior to a public hearing to discuss this topic further.

DOBSON MOVED, SECOND BY SIERCKS, TO DIRECT STAFF TO DO FURTHER RESEARCH ON FENCE PERMITS AND BRING THE INFORMATION BACK AT A FUTURE DATE. UPON THE VOTE, THERE WERE 4 AYES, 1 NAY. (Ayes-Dobson, Siercks, Heitschmidt, and Edmonds. Nays-Mellott)

Mellott said she believes the current fence permit should be left as is until it is an issue.

## **COMMUNICATION AND REPORTS:**

### **A. Verbal Report**

#### **1) Updated Zoning Ordinance Pages (Handed out at Meeting)**

The Planning Commission Board was given zoning amendment updates to put in their Zoning Ordinance books.

#### **2) City's Park & Trail Plan Update**

Fuhrman said the Park Board has been working on the Park and Trail Plan update for some time and it should be coming to the Planning Commission in the next couple months for a Public Hearing. They have had organizations around the area comment on what they would like and also a few open houses. The last Park & Trail Plan update was in 1982.

#### **3) Mille Lacs County Comprehensive Plan Update**

Fuhrman said there is a Mille Lacs County Comprehensive Plan work session being held tonight. Those who have been involved in this have spent a lot of time on it. Jack Edmonds has been involved with it since the beginning.

#### **4) Update on Single Family Lots by Meadow View Development**

Fuhrman added this to the Planning Commission agenda tonight. She wanted to inform them that John Peterson who was at the July 22<sup>nd</sup>, 2013 Planning Commission meeting for the development of eight residential single family lots on Outlot E, Sharco Estates will be holding a

neighborhood meeting. The meeting will be held at City Hall on September 4<sup>th</sup> at 6:30 PM. Those who received the public hearing notice from the Variance on this site will be invited and Peterson can answer their questions. The Planning Commission does not have to attend. This is an informal meeting where the neighbors can ask questions. Peterson will send out the notices.

Edmonds said he would like to attend.

**B. City Council Minutes for July, 2013**

The Planning Commission had no comments.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:26 P.M.

ATTEST:

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Jack Edmonds, Chairperson

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Mary Lou DeWitt, Comm. Dev. Assistant