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**THE REGULAR MEETING FOR THE PLANNING COMMISSION BOARD HELD ON JULY 15<sup>TH</sup>, 2024  
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 Dan Erickson. Members present were Scott Moller, Ben Lewis, Jim Oliver, and Gene Stoeckel (Princeton Township Rep). Staff present were Mary Lou DeWitt (Comm. Dev. Zoning Specialist).

Absent was Victoria Hallin.

**APPROVAL OF MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING JULY 1<sup>ST</sup>, 2024**

MOLLER MOVED, SECOND BY OLIVER, TO APPROVE THE MINUTES OF JULY 1<sup>ST</sup>, 2024. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**AGENDA ADDITIONS / DELETIONS:**

OLIVER MOVED, SECOND BY LEWIS, TO APPROVE THE AGENDA. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**PUBLIC HEARING:**

**A. Interim Use Permit for Chickens at 203 8<sup>th</sup> Avenue South**

Mary Lou DeWitt, Comm. Dev. Zoning Specialist Memo:

**Background:**

Joel and Rebecca Shaw have submitted an Interim Use Permit application for the raising and keeping of chickens on their property located at 203 8<sup>th</sup> Avenue South in the R-2, Residential District.

**Analysis:**

The applicant would like to have up to four chickens and are considering Orpingtons which is a popular backyard chicken known for its mellow temperament.

The propose coop with an enclosed run area would be placed on the southwest corner of their fenced in backyard. A photo of the backyard is provided as well as the coop plans.

The housing and keeping of chickens in the R-2 District requires an Interim Use Permit. Chapter VI.BB lists the review criteria for the housing of chickens:

*No person shall own, keep, harbor, or have custody of any live chickens without first obtaining an Interim Use Permit in writing from the City, in accordance with the provisions of Section IV.6 of the Zoning Ordinance and subject to the following conditions:*

*a. The keeping of any poultry besides chickens is prohibited.*

Comment: This shall be a condition of approval.

*b. Roosters are prohibited.*

Comment: This shall be a condition of approval.

*c. No more than four (4) chickens shall be housed or kept on any one residential lot in any area of the city zoned R-1, R-2, or R-3.*

Comment: The applicant is requesting to have four (4) chickens and understands this is the allowed limits, and will be a condition of approval.

*d. Chickens shall only be allowed on single family home lots.*

Comment: This condition is met, still will be a condition of approval.

*e. Outdoor slaughtering of chickens in city limits is prohibited.*

Comment: This shall be a condition of approval.

*f. Chicken fighting shall not be allowed within city limits.*

Comment: This shall be a condition of approval.

*g. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.*

Comment: This shall be a condition of approval.

*h. Chickens shall not be housed in a residential house or an attached or detached garage.*

Comment: The applicant has provided a layout of a chicken coop and run area that will be installed, still will be a condition of approval.

*i. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards.*

*1) Located in the side of rear yard.*

Comment: The applicant has stated the chicken coop would be placed in the southwest corner of the fenced in backyard.

*2) Meet the accessory structure setback requirements.*

Comment: The chicken coop would be installed inside the six-foot wood fencing area.

*3) Construction shall be adequate to prevent access by rodents.*

Comment: The design of the chicken coop will prevent access by rodents.

*j. A run or exercise yard is required to be provided and must be enclosed by a fence.*

Comment: The coop design has an enclosed fence and the coop itself is inside a six-foot property fence.

*k. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage,*



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*and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.*

Comment: This shall be a condition of approval.

*l. All food shall be stored in an enclosed, rodent proof container.*

Comment: This shall be a condition of approval.

*m. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.*

Comment: This shall be a condition of approval.

### **Findings of Fact:**

When reviewing an application for an interim use, the City shall base its judgement 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 an interim use listed in the districted in which the application is being made.*

Comment: The keeping of chickens is an Interim Use in the R-2 District.

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

Comment: The Planning Commission shall recommend to the City Council a date or event that will terminate the keeping of the chickens. Staff would recommend that the keeping of chickens terminate when the current property owners sell the property. The Interim Use Permit can also be reviewed upon complaints.

*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.*

Comment: If the listed conditions are met, the interim use does not appear that it will result in adverse effects on the public healthy, safety, and welfare, nor does it create additional pollution potential.

*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.*

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

### **Longevity, Termination and Expiration:**

1. Any interim use may be terminated by a change in this chapter or violations of any of the

conditions imposed after the original or subsequent hearings held by the city.

2. Any interim use permit issued by the city automatically expires upon the termination date noted in the permit or upon change of the ownership of the property, whichever comes first.

**Conclusion / Recommendation:**

Based on the findings that the proposed Interim Use appears to meet the standards for the keeping of chickens and the general review standards for an Interim Use Permit, as listed in the Zoning Ordinance. If there are no problematic concerns from the neighboring properties, staff would recommend the Planning Commission approval of the proposed Interim Use Permit for Joel & Rebecca Shaw to allow the raising and keeping of chickens at their property located at 203 8<sup>th</sup> Avenue South, and forward the recommendation to the City Council for final approval at their July 25<sup>th</sup>, 2024 meeting subject to the following conditions (as listed in the Ordinance):

1. The keeping of any poultry besides chickens is prohibited.
2. Rooster are prohibited.
3. No more than four (4) chickens shall be housed.
4. Outdoor slaughtering is prohibited.
5. Chicken fighting shall not be allowed.
6. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.
7. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
  - a) Located in the side or rear yard.
  - b) Meeting the accessory structure setback requirements.
  - c) Construction shall be adequate to prevent access by rodents.
  - d) If the coop is 120 SF or larger, a building permit is required.
8. A run or exercise yard is required to be provided and must be enclosed by a fence.
9. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes an unsanitary condition or causes odors detectible on another property.
10. All food shall be stored in an enclosed, rodent proof container.
11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration, or rendering, or offsite composting.
12. The keeping of chickens terminate when the current property owners sell the property.

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

DeWitt gave an overview of the Interim Use Permit request to the Planning Commission Board.





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Joel & Rebecca Shaw, applicants were present to answer any questions.

MOLLER MOVED, SECOND BY LEWIS, TO OPEN THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

There was no one present in the audience with concerns for this Interim Use Permit application.

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

MOLLER MOVED, SECOND BY LEWIS, TO APPROVE THE INTERIM USE PERMIT FOR JOEL & REBECCA SHAW TO ALLOW THE RAISING AND KEEPING OF CHICKENS AT THEIR PROPERTY LOCATED AT 203 8<sup>TH</sup> AVENUE SOUTH, AND FORWARD THE RECOMMENDATION TO THE CITY COUNCIL FOR FINAL APPROVAL AT THEIR JULY 25<sup>TH</sup>, 2024 MEETING SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE KEEPING OF ANY POULTRY BESIDES CHICKENS IS PROHIBITED.
2. ROOSTERS ARE PROHIBITED.
3. NO MORE THAN FOUR (4) CHICKENS SHALL BE HOUSED.
4. OUTDOOR SLAUGHTERING IS PROHIBITED.
5. CHICKEN FIGHTING SHALL NOT BE ALLOWED.
6. LEG BANDING OF ALL CHICKENS IS REQUIRED. THE BANDS MUST IDENTIFY THE OWNER'S NAME, ADDRESS, AND TELEPHONE NUMBER.
7. A SEPARATE COOP IS REQUIRED TO HOUSE THE CHICKENS. COOPS MUST BE CONSTRUCTED AND MAINTAINED TO MEET THE FOLLOWING MINIMUM STANDARDS:
  - A) LOCATED IN THE SIDE OR REAR YARD.
  - B) MEET THE ACCESSORY STRUCTURE SETBACK REQUIREMENTS.
  - C) CONSTRUCTION SHALL BE ADEQUATE TO PREVENT ACCESS BY RODENTS.
  - D) IF THE COOP IS 120 SF OR LARGER, A BUILDING PERMIT IS REQUIRED.
8. A RUN OR EXERCISE YARD IS REQUIRED TO BE PROVIDED AND MUST BE ENCLOSED BY A

FENCE.

9. ALL PREMISES ON WHICH CHICKENS ARE KEPT OR MAINTAINED SHALL BE KEPT CLEAN FROM FILTH, GARBAGE, AND ANY SUBSTANCES WHICH ATTRACT RODENTS. THE COOP AND ITS SURROUNDING MUST BE CLEANED FREQUENTLY ENOUGH TO CONTROL ODOR. MANURE SHALL NOT BE ALLOWED TO ACCUMULATE IN A WAY THAT CAUSES AN UNSANITARY CONDITION OR CAUSES ODORS DETECTIBLE ON ANOTHER PROPERTY.
10. ALL FOOD SHALL BE STORED IN AN ENCLOSED, RODENT PROOF CONTAINER.
11. DEAD CHICKENS SHALL BE DISPOSED OF ACCORDING TO THE MINNESOTA BOARD OF ANIMAL HEALTH RULES, WHICH REQUIRE CHICKEN CARCASSES TO BE DISPOSED OF AS SOON AS POSSIBLE AFTER DEATH, USUALLY WITHIN 48 TO 72 HOURS. LEGAL FORMS OF CHICKEN CARCASS DISPOSAL INCLUDE OFFSITE INCINERATION OR RENDERING, OR OFFSITE COMPOSTING.
12. THE INTERIM USE PERMIT SHALL TERMINATE WHEN THE APPLICANTS VACATE THE PROPERTY.
13. THE INTERIM USE PERMIT CAN BE REVIEWED UPON COMPLAINTS.

UPON THE VOTE, THERE WERE 4 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? 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.

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

**B. Rezoning the property site at 1300 7<sup>th</sup> Street North from B-3 District to R-3 District**

Mary Lou DeWitt, Comm. Dev. Zoning Specialist Memo:

**Background:**

Chad Heitschmidt, submitted an application to rezone his property at 1300 7<sup>th</sup> Street North from



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B-3, General Commercial Business District to R-3, Multiple Family Residential District.

**Analysis:**

The property has a single-family home on it for many years and the applicant would like to have it zoned residential. Mille Lacs County has this classed as Residential/Single Unit.

*The intent of the B-3, General Business District is to create an area to serve the commercial and service needs of the general population. The objective is to provide services to both pedestrian and vehicular traffic and to accommodate those businesses which require large areas for off-street parking or generate substantial traffic originating from outside the community.*

*The intent of the R-3, Multi-Family District is to create a district for the construction and occupancy of multi-family type dwellings. The average density for this district is 7 to 16 units per area.*

The property next door to this site is zoned R-3, Multi-Family Residential District where a single-family home is on the lot. The rezoning request would be appropriate for the site. The Future Land Use Map has the development designated as commercial. This designation will remain if the property owners in the future would want to have the site be used as commercial.

**Rezoning Review Standards:**

Many communities utilize the following factors as review standards in rezoning requests, which are being provided as information.

1. The proposed action has been considered in relation to the specific policies and provisions and has been found to be consistent with the official City Comprehensive Plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this code.
4. Th proposed use can be accommodated with existing public services and will not overburden the city’s service capacity.
5. Traffic generation by the proposed use is within capabilities of streets servicing property.

**Conclusion / Recommendation:**

Based on the above analysis, staff recommends the Planning Commission approve the rezoning of the site at 1300 7<sup>th</sup> Street North, PID #24-028-3500, from B-3, General Commercial Business District to R-3, Multiple Family Residential District and forward the recommendation for the zoning map amendment to the City Council to hold a first reading on July 25<sup>th</sup>, 2024.

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

DeWitt gave an overview of the Rezoning application to the Planning Commission Board.

Chad Heitschmidt, applicant was present to answer questions.

MOLLER MOVED, SECOND BY LEWIS, TO OPEN THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

There was no one present in the audience with concerns for this Rezoning application request.

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

MOLLER MOVED, SECOND BY OLIVER, TO APPROVE THE REZONING OF THE SITE AT 1300 7<sup>TH</sup> STREET NORTH, PID #24-028-3500, FROM B-3, GENERAL COMMERCIAL BUSINESS DISTRICT TO R-3, MULTIPLE FAMILY RESIDENTIAL DISTRICT AND FORWARD THE RECOMMENDATION FOR THE ZONING MAP AMENDMENT TO THE CITY COUNCIL TO HOLD A FIRST READING ON JULY 25<sup>TH</sup>, 2024. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Is the zoning amendment consistent with the Princeton Land Use Plan? Yes.
2. Have there been changes in the character of development in the vicinity? No.

Based on the findings, a recommendation to approve the zoning amendment will be made to the Princeton City Council.

**COMMUNICATION AND REPORTS:** None

OLIVER MOVED, SECOND BY LEWIS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:22 P.M.

ATTEST:

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Dan Erickson, Chair

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Mary Lou DeWitt, Comm. Dev. Zoning Specialist