

**CITY OF PARK RAPIDS
SPECIAL MEETING
PLANNING COMMISSION
MARCH 4, 2019, 6:00 p.m.
Park Rapids City Hall, 212 Second Street West
Park Rapids, Minnesota**

1. CALL TO ORDER: The March 4, 2019, Special Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m. by Chair Bradow.

2. ROLL CALL: Present: Commissioners Dick Bradow, Thomas Petschl, Nancy Newman, Bruce Johnson and City Council Member Liz Stone. Absent: None. Staff Present: City Planner Andrew Mack and Planning/Administrative Assistant Carmen L. Lockhart. Others Present: Roy Barten, Steve Eickman, Curtis Paurus, Carl Malm, Arch Simonson, Scott Sandberg of McDonalds, Sandra Erickson and Chante Freyholtz.

3. APPROVAL OF AGENDA: A motion was made by Petschl, seconded by Bradow, and unanimously carried to approve the agenda as presented.

4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF JANUARY 28, 2019: A motion was made by Newman, seconded by Petschl and unanimously carried to approve the January 28, 2019 Regular Meeting Minutes as presented.

5. PUBLIC HEARINGS:

5A. Conditional Use Permit Request from Deane Johnson to allow Roof Mounted Solar Photovoltaic Panels on the south side of house at 502 North St., located in an R-1 District, PID#32.81.00400: Mack said this is the site at 502 North Street which is a pretty sizable parcel. Mack showed pictures of the structures which is a house with attached garage. Mack commented because of the distance to surrounding properties there is virtually no impact to them. The panels will take up approximately 25% of the south facing slope of the building with a small solar installation. Mack advised the owner would not be in attendance so there is a letter in your packets. Mack recommended approval of the CUP with one condition as follows:

1. Approval by Park Rapids Building Official and issuance of a building permit for the installation in full compliance with the Minnesota State building Code standards for small-scaled solar rooftop installations.

The Public Hearing was opened at 6:04 p.m. No comments.

The Public Hearing was closed at 6:04 p.m.

The Findings of Facts were reviewed. The commissioners came to the following conclusions: Is the proposed use identified as a conditional use in this zoning district? YES.

1. *Are there characteristics of the proposed use that may violate the public health, safety, or general welfare of Park Rapids City residents? NO.*
2. *Is the proposed use inconsistent with the intent of the Park Rapids City Comprehensive Plan and Zoning Ordinance? NO.*
3. *Does the proposed use present any unique concerns regarding erosion, runoff, water pollution or sedimentation? NO.*
4. *Could the proposed use create any special problems with parking? NO.*
5. *Would the proposed use cause any problems with access or traffic generation? NO.*
6. *Is the proposed use incompatible with other uses located in the zoning district? NO.*

For each response answered affirmatively, are there conditions that could be attached to the granting of a permit that would mitigate the adverse impact? *No affirmative responses.*

Petschl recommended a second condition:

2. Require an electrical permit with the State of Minnesota be obtained and inspected by an electrical inspector for the State of Minnesota and Hubbard County.

Mack and the Commissioners recommended the following conditions:

1. Approval by Park Rapids Building Official and issuance of a building permit for the installation in full compliance with the Minnesota State building Code standards for small-scaled solar rooftop installations.
2. Require an electrical permit with the State of Minnesota be obtained and inspected by an electrical inspector for the State of Minnesota and Hubbard County.

A motion was made by Johnson, seconded by Newman, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit Request from Deane Johnson to allow Roof Mounted Solar Photovoltaic Panels on the south side of house at 502 North St., located in an R-1 Single Family Residential District, PID#32.81.00400; with the following conditions:

1. **Approval by Park Rapids Building Official and issuance of a building permit for the installation in full compliance with the Minnesota State building Code standards for small-scaled solar rooftop installations.**
2. **Require an electrical permit with the State of Minnesota be obtained and be inspected by an electrical inspector for the State of Minnesota and Hubbard County.**

5B. Zoning Amendment Request from Property Park Rapids, to rezone one parcel (.21 Acre) from R-1 to R-2, PID#32.26.01400: Mack stated the owner is present this evening. This is for the purpose of building a two-family dwelling. Following the discussion at the last meeting a determination was made that it was not necessary for the applicant to pursue an amendment to the Future Land Use Map as an individual case by case basis but that it was rather found to be potentially consistent with the Comprehensive Plan based on past practice and the application of the Comprehensive Plan to the community over the past ten years. However, there was interest in looking at the next round of updating the Comprehensive Plan and taking a closer look at this area and perhaps guiding it in a more appropriate medium density zoning category. With that understanding commission directed staff to work with the applicant to initiate the rezone application which is before you this evening. It does have substandard lot size at 9,147.6 sq. ft. The approximate lot width is substandard as well at 64 ft. Based on the nonconforming lot provisions with regard and width the site is entitled to a building permit without a variance. However, a prior variance was granted by the City for a side yard setback to the east of the property of 4ft. Given these considerations the site capable if rezoned to obtain a building permit for that purpose. Mack recommended approval of the request.

The Public Hearing was opened at 6:10 p.m. No comments.

The Public Hearing was closed at 6:10 p.m.

The Findings of Facts were reviewed. The commissioners came to the following conclusions:

- 1. Is the zoning amendment consistent with the Park Rapids Comprehensive Plan? YES.*
- 2. Have there been changes in the character of development in this vicinity? NO.*
- 3. Is the amendment request a result of an error made in the Zoning Ordinance/Zoning Map or Comprehensive Plan? NO.*

A motion was made by Stone, seconded by Petschl, to recommend to the City Council approval of a Zoning District Boundary Amendment request from Property Park Rapids, to rezone one parcel (.21 Acre) from R-1 Single Family Residential to R-2 Single, 2-Family and Townhouse District, PID#32.26.01400.

5C. Zoning Amendment Request from Curtis Paurus, to rezone two parcels (.77 Acre) from R-1 to R-2, PID#32.55.08600 & 32.55.08700: Mack stated both parcels are similar in the respect that they were part of the discussion at the last meeting dealing with this study area considered by the commission and given the direction back to applicant and staff to proceed with the rezoning request as it was determined to be consistent with the Comprehensive Plan. The parcels are compliant with regard to size. One parcel has a single family residence on it and the other is a vacant parcel which

would potentially be the first parcel to receive a building permit if rezoned for a two family dwelling. Mack recommended approval.

The Public Hearing was opened at 6:14 p.m. There were no comments.

The Public Hearing was closed at 6:15 p.m.

The Findings of Facts were reviewed. The commissioners came to the following conclusions:

1. *Is the zoning amendment consistent with the Park Rapids Comprehensive Plan? YES.*
2. *Have there been changes in the character of development in this vicinity? NO.*
3. *Is the amendment request a result of an error made in the Zoning Ordinance/Zoning Map or Comprehensive Plan? NO.*

A motion was made by Stone, seconded by Johnson, to recommend to the City Council approval of a Zoning District Boundary Amendment request from Curtis Paurus, to rezone two parcels (.77 Acre) from R-1 Single Family Residential to R-2 Single, 2-Family and Townhouse District, PID#32.55.08600 & 32.55.08700.

Mack advised these amendments would require two hearings by the City Council on the 4th Tuesday in March and the 2nd Tuesday in April.

5D. Zoning Amendment Request from 3 Consulting, LLC, to rezone one parcel (.16 Acre) from R-2 to B-1, PID#32.45.00610: Mack explained the sale of the single family residence transferred ownership and the portion of the lot now owned by 3 Consulting is the subject of this change. The reason for the change is the lot to the south was added to the redevelopment site for Simonson and in order to split out the appropriate portions of land area this one third of 150 ft. wide lot was sold separately as a part of the division of the sale of the land. Now it is two separate parcels and two zoning requests. This would retain a commercial character of Main Avenue N to Minnesota Street. This would make way for future redevelopment of this green space area for off street parking. Mack recommended approval.

The Public Hearing was opened at 6:19 p.m.

Sandra Erickson asked if the area in blue will become part of the law office? Mack said this is owned by the law firm. Erickson said our house is just to the side of it. We are here in regards to the Simonson part with regards to the cabins. That part behind my house don't matter.

The Public Hearing was closed at 6:21 p.m.

The Findings of Facts were reviewed. The commissioners came to the following conclusions:

1. *Is the zoning amendment consistent with the Park Rapids Comprehensive Plan? YES.*
2. *Have there been changes in the character of development in this vicinity? YES.*
3. *Is the amendment request a result of an error made in the Zoning Ordinance/Zoning Map or Comprehensive Plan? NO.*

A motion was made by Johnson, seconded by Bradow, to recommend to the City Council approval of a Zoning District Boundary Amendment request from 3 Consulting, LLC, to rezone one parcel (.16 Acre) from R-2 Single, 2-Family and Townhouse District to B-1 Highway Business District, PID#32.45.00610.

5E. Zoning Amendment Request from Bemidji Mgmt. to rezone one parcel (.32 Acre) from R-2 to B-1 located at 110 Main Ave N, PID#32.45.00600: Mack said the same basic staff presentation applies to this site as the previous item. This lot will be for commercial use in the planned redevelopment approval for Bemidji Mgmt. for a retail and convenience service station at this location. This would be the final action to bring all the zoning into consistency for this project. Mack recommended approval.

The Public Hearing was opened at 6:26 p.m.

Sandra Erickson said we own the house behind with the two cabins and I just wanted to confirm there will be, I know at the last meeting we went to they were going to put a privacy fence along the south side of our property and so we want to make sure there will be a privacy fence going along the alley way because obviously the alley won't be vacated because that's the only means to get to the two cabins is by driving in the alley.

Lockhart asked if that would be more appropriate for the next item? Bradow asked if it would be addressed in the Conditional Use Permit? Mack said based on the change of zoning and the fact that the commercial district is adjacent to a residentially zoned property and based on the ordinance requirement for screening the indication is that would be a requirement for screening from the residential property. Erickson said okay, that was my main concern is that the alley behind the places would not get vacated because I know you guys did the zoning thing and vacated the alleyway on just the other side of us which didn't affect us but I just wanted to confirm that alley stays there for the parking for my buildings. Mack said that will be a staff function when we review and approve the site plan to verify the screening of the construction of privacy fences along the area. Of course, if there that would also serve the basis of screening if there is no openings or windows facing that side of the building but if there is, then a privacy fence would be appropriate for screening. Erickson said okay.

Bradow inquired has there been any request of the city to vacate any of that alley way there? Mack said that was before his time. Lockhart advised no further vacation has been requested.

Erickson said she was at last meeting where it got vacated so I was in total agreement with that as that did not affect us because we could come from the north to go through. I just wanted to make sure that stays open from the north to our property because that's the only way to get through to there and that is our only entrance. If we could come from Highway 71 it wouldn't have been so bad but it's not, its through the alley, that's the only way to get to those two cabins. So, that's fine, my main concern is the privacy fence and to make sure the alley doesn't get vacated on us.

Mack said that is probably something we can work with you on too and the developer to see if there are some parts of that you don't want fenced off for accessibility. We can certainly discuss that with you at that time prior to construction. Erickson said okay, sounds good.

The Public Hearing was closed at 6:29 p.m.

The Findings of Facts were reviewed. The commissioners came to the following conclusions:

1. *Is the zoning amendment consistent with the Park Rapids Comprehensive Plan? YES.*
2. *Have there been changes in the character of development in this vicinity? YES.*
3. *Is the amendment request a result of an error made in the Zoning Ordinance/Zoning Map or Comprehensive Plan? NO.*

Newman asked how can we say that about stipulations on the fence, is that something again that would come up later? Bradow said that will be addressed in the CUP, this is just a zoning amendment. Mack said there is no CUP, it will be handled through the staff approval of the site plan as a requirement of the ordinance.

Mack commented again the council will read twice, on March 26 and the 2nd Tuesday of April.

A motion was made by Stone, seconded by Bradow, to recommend to the City Council approval of a Zoning District Boundary Amendment request from Bemidji Mgmt. to rezone one parcel (.32 Acre) from R-2 Single, 2-Family and Townhouse District to B-1 Highway Business District, located at 110 Main Ave N, PID#32.45.00600.

5F. Preliminary and Final Plat Request from Bemidji Mgmt. Co., LLC for a plat named Simonson Second Addition consisting of one Lot and one Block (consisting of approximately 1.70 acres), PID#32.45.00600 & 32.50.90100: Mack stated the property you just recommended for rezoning is the portion of the plat previously approved which was not a part of the plat. This takes care of the additional real estate which was land acquired after the time of the original approval. The Preliminary and Final Plat for Simonson Second Addition accommodates that additional real estate and incorporates it into a single lot for the redevelopment of the site. All fees

have been paid including the additional park dedication fee. Mack recommended approval.

The Public Hearing was opened at 6:40 p.m. There were no comments.

The Public Hearing was closed at 6:40 p.m.

A motion was made by Petschl, seconded by Newman, and unanimously carried to recommend to the City Council approval of the Preliminary and Final Plat of Simonson Second Addition as presented.

6. GENERAL BUSINESS:

6A. DISCUSS ZONING ORDINANCE PROJECT LIST: Mack stated at our last meeting we began undertaking a discussion about some of the needs to look at the code and perhaps a different way to organize the permitted and conditional uses through the use of incorporating an expanded list for a more user-friendly approach. There was also discussion about other topics identifying some considerations that have been a concern prior to my arriving and other things I've identified during the short period of time I've been here.

Mack said after visiting with the council liaison to the commission, the chair and the mayor, there was an agreement to schedule a joint work session for April 9th at 4:30 to begin discussing this and assembling both bodies in one place. The purpose will be to begin talking through some of the concerns and why there is a need to update some of the code to keep pace with various considerations either to help support development or to clarify various requirements in the zoning ordinance or other parts of the city code. Mack commented tonight I am not looking to get into discussions of the merits, pros or cons of all the items on the list but rather to review the list of 17 items which is an aggressive work plan for staff but by putting all the players in the room together. We want to make sure we are working on the same line of communication and that there's an understanding of what some of the issues are addressing parts of the code which is a living document and responding over time to changes in the community and various needs to provide for and regulate development and land use. Based on priorities and time for staff to work through these items, I believe this can be accomplished in house and there will be no outside consulting fees.

There was discussion concerning reviewing the list and making the commissioner's priorities known before the next meeting. Mack will provide the list to the council as well.

There were brief discussions regarding the following items:

- Matrix form
- Additional commercial district
- Interim uses
- Comprehensive Plan update
- Rental ordinance
- Chickens

7. ADJOURNMENT: A motion was made by Petschl, seconded by Johnson, and unanimously carried to adjourn the meeting at 7:10 p.m.

Chair Richard Bradow

ATTEST:

Carmen L. Lockhart
Planning/Administrative Assistant