

CITY OF PARK RAPIDS
SPECIAL MEETING
PLANNING COMMISSION
DECEMBER 19, 2016, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota

1. CALL TO ORDER: The December 19, 2016, 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, Nels Peterson, Dick Rutherford, Sam Spaeth, City Council Member Paul Utke arrived at 6:26 p.m. and Joel Vorhes arrived at 6:28 p.m. Absent: None. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Charles Kellner.

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

4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF SEPTEMBER 26, 2016: A motion was made by Peterson, seconded by Bradow and unanimously carried to approve the September 26, 2016 Regular Meeting Minutes as presented.

5. PUBLIC HEARING:

5A. CONDITIONAL USE PERMIT REQUEST FROM YELLOW COMPANY, AARON MARTHALER, TO CONSTRUCT A 11,900 SQ. FT. BUILDING FOR AN AUTOMOBILE DEALERSHIP LOCATED AT 1353 CHARLES STREET AND ZONED B-1 HIGHWAY BUSINESS DISTRICT, PID#32.19.00310:

Mathisrud explained the applicant is Aaron Marthaler of Yellow Company, 125 Crestwod Ct., Glenwood, MN 56334. The owner is Dorset Bancshares. The applicant is requesting a Conditional Use Permit to allow an auto dealership in a B-1 District at 1353 Charles Street consisting of 5.80 acres. The applicant intends to open the business in late summer of 2017, perhaps August. The property is vacant to the north and east and Charles Street to the south. The footprint of the project is 5.8 acres to be developed. The parcel is actually 8.59 acres and the developer is purchasing all 36 acres in that area. Mathisrud provided an image of project site. The property is currently vacant undeveloped. The Comprehensive Plan identifies this as primarily a commercial area so the city wanted this to be commercial. Land Use Goal is to support compact and orderly growth of all development including residential, commercial and industrial areas and keeping it compact and not sprawling. Policy 8 is to encourage commercial and industrial development adjacent to major transportation routes in order to prevent truck traffic through industrial areas. Land Use Goal 3 is to enhance the community's character and identity and Policy 3 states that we should support efforts to improve the image of commercial developments throughout the City and through the use of screening and landscaping. Those are the items that are identified in the Comprehensive Plan that apply to this project in addition to the Sidewalks and Trails Plan that you have in your packet. Looking at the existing zoning this area is zoned

already for B-1 Highway Business uses. Looking at our zoning overlay, this project is not located in a shoreland area or the airport overlay area. It is not in a known environmentally sensitive area or a wellhead protection area. Looking at our City Code we identify that auto, boat, farm machinery and recreational vehicles repair, service and sales requires a Conditional Use Permit to establish that type of use in a B-1 Highway Business District.

Mathisrud stated that the history of this area is that water/sewer utilities were installed for the AmericInn Project and there are deferred assessments on those utilities at the moment. We don't have storm sewer available in that area.

Mathisrud explained that property to the north is unplatted and undeveloped and zoned R-3 for multi-family. To the east is B-1 and is also vacant and undeveloped. Looking to the south is L&M Retail and Charlie's Marine retail and to the west is Wal*Mart retail. Mathisrud explained that undeveloped Charles Street right-of-way is currently blocked off.

Mathisrud explained the topography is fairly flat without design challenges due to topography. The proposed layout keeps the building tight to the Wal*Mart property and to the east is a storm water pond where they have identified that location. Mathisrud explained what he is recommending is that the developer actually move that storm water pond to the back (north) and the reason is because putting it on the east they are actually burning up about 300 feet of utility served frontage and 300 feet of frontage in my conversations with people looking to develop get pretty discouraged when they need to put in 300 feet of utilities to serve it which could easily cost \$90,000. Mathisrud stated he spoke to the developer about this and said that it should not affect their project to move this. Mathisrud stated he highly recommends moving the storm water to the back and not using up all that valuable frontage.

Mathisrud commented on their civil plan. They are proposing purchasing 36 acres and 5.8 is to be developed. There are 245 parking spaces shown when you do the calculation there are 48 spaces that are required to serve their employees and uses which leaves a net display area of approximately 198 vehicles. Their pond area uses 3,300 feet of frontage as proposed and my recommendation is to move that pond to the rear.

Mathisrud presented images of streets in the area that are currently platted in this area and we have not planned out a future layout of streets in this area and do not have anything identified that we want to do. Mathisrud presented three options concerning future streets and requested discussion concerning the options.

Option A: Is a street to the north which goes by the proposed development location and shows a street that would align at a 90 degree angle to the existing platted road between Charlie's and L&M.

Option B: If they develop their site as presented, we could do option B and then put in a street to the north which is slightly offset.

Option C: Is to not worry about it until future development comes along and determine at that time.

Peterson commented he thinks it is futile to plan too far ahead because we don't know what is going to come in the future.

Mathisrud stated ideally we would want a 90 degree intersection verses an offset street. Typically when streets are put in it is done at the subdivision process but if this gets developed we won't have the subdivision process until the future because they are not required yet to subdivide this because they are not requesting to subdivide or sell they are just purchasing. What we need to think about is should we suggest changes to allow for a future alignment of a road through here or do we not worry about it and when future development comes in and they go to split this we require a north south street go in in the future or look at it requiring that to serve real estate to the north or how should we approach this. Again Peterson said don't worry about it and let it be and we don't have any idea what the developer plans to do with it and it's his call, he's paying the price for it and I say we stay out of it and let it be.

Mathisrud said alternatively as a Planning Commission that's your opportunity to plan for the future. Peterson said we already have the road to the east. Mathisrud said we don't know what is going to happen with this and proposed multi-family in the Comprehensive Plan and Agricultural further north. Peterson said if somebody comes in and actually purchases the property to put in a multi-family apartment complex, with what they have to work with they are going to find the most logical way rather than us placing a burden on a potential property owner and impacting his property, I don't see any reason to do it.

Bradow asked if Peterson sees the need for a road there at any point in the future. Peterson said no, we can always feed that to the north. Rutherford said the other thing you've got to think about is that sewer and water aren't back there and explained if you plan ahead then you plan your sewer and water because all systems need to be looped. Peterson said an easement is different than putting a street in.

Bradow asked Mathisrud if he plans to put a road in? Mathisrud said not at this time but if we want this alignment to match up with the existing road the time is now to accommodate for that in their development site if we don't accommodate for it in their development site right now we will be limited to shifting it over which is maybe fine otherwise we will have to buy out part of their site to run the road and at that point you won't get it because it won't be cost effective but if they change their site to accommodate that future road alignment now, then you can get it, but ultimately we've got to decide if it's important to have that alignment like this or if this would be acceptable if we did nothing, or we won't know what we will have until they go to survey it.

Bradow asked where are they putting their actual facility? Mathisrud explained their development site in the exhibits show the site right up to the outside edge of the existing north south platted road so they are basically going to use that area and we won't be able to have that 90 degree alignment if it is not accommodated for. Mathisrud said to be clear, I don't feel strongly about it one way or another but if you as a Commission did feel strongly about it, we've got to get it now otherwise we're not going to get it.

There was further discussion concerning the planning stage for the developer and now the city possibly thinking about future roads; future costs to the city for road development; unknown future development of the area; and aligning the road or offsetting it; the difficulty of platting a road and then vacating it; the existing access for the business being Charles Street; and reviewed the proposed Options A, B & C.

Mathisrud provided architectural plans showing the building as 28 feet tall, to the east is their oil change, quick lube area, the landscaping plan meets the ordinance and provides screening along the Wal*Mart area and along the front with center islands with trees and shrubs and they have proposed a monument sign at the entrance.

Mathisrud pointed out that the road from Highway 34 to their project is not paved and we do see some traffic cutting across the L&M parking lot to get to Wal*Mart. With this development it will increase the amount of traffic that is circulating in the area and staff is recommending the developer pay for paving the complete cost of extending Charles Street approximately 360 feet in order to serve their property and they have agreed to that at this point. Ideally we see the north south road paved. Mathisrud advised some asphalt was put on the south end to get to Charlie's Marine to keep the sand off of Highway 34 as MnDOT has identified concern about the amount of dirt on 34 and cleaning that. Mathisrud said ideally we would pave that but it would likely result in assessments and it's not in the CIP. The developer has agreed to pay for the 360 foot extension of Charles Street.

Mathisrud commented on his proposed answers to the Findings of Fact as follows:

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 Comprehensive Plan and Zoning Ordinance? **No.**
3. Does the proposed use present any unique concerns regarding erosion, runoff, water pollution or sedimentation? **Yes. A large area of paving is proposed so storm water condition recommended.**
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? **Yes. A condition requiring paved streets is recommended. Staff recommends paving the development site frontage as well as the north south road between L&M and Charlie's Marine.**
6. Is the proposed use incompatible with other uses located in the zoning district? **No.**

Mathisrud recommended approval of the Conditional Use Permit with the following five conditions:

1. The applicant will be required to provide storm water calculations showing that post development runoff does not exceed predevelopment runoff.
2. The applicant shall direct and accommodate storm water into an infiltration basin located to the north of the development site and otherwise obtain applicable storm water permits and maintain compliance with the same and applicable regulations as the same may be amended from time to time.
3. Approved lighting shall direct light down and not onto adjacent properties.
4. The applicant shall maintain compliance with the City's performance standards in the City's land use code as the same may be amended from time to time as well as the approved site plan.
5. The applicant shall donate 100 percent of the costs for the City to design construct and install the storm sewer, storm water management, street, and sidewalk improvements on Charles Street from its existing termination at east edge of the Wal*mart property east to the unnamed Street between L&M and Charlie's Marine approximately 360 feet of urban standard street.

Peterson said he noticed Wal*Mart doesn't have a sidewalk on the south side of their property so is it fair to say there won't be a sidewalk on the south side of this property either? Mathisrud stated he wasn't aware there isn't a sidewalk on the south side and visited the site on a snowy day and if they don't have a sidewalk they should. Peterson asked if the developer is aware this is on the designated sidewalk plan? Mathisrud stated yes, typically when you develop streets you have the sidewalk plan that we are trying to implement throughout the city so as streets are designed and constructed, we install sidewalks in accordance with what is outlined in the plan. Peterson said the city would extend that street to the east 360 feet and at the same time we would put in a sidewalk at the same time? Mathisrud said yes we would install sidewalk at the same time as the street because the cost is very low compared to putting it in after the fact. Peterson said the whole south side of Wal*Mart doesn't have a sidewalk so we have a section of no sidewalk and we are proposing to put in a short section of sidewalk that has no in or out to it? Mathisrud said we haven't done a design phase on the street yet so ultimately we will have to make that call when actually designing the road section and streets on that typically we would do a streets and sidewalk project at the same time. Spaeth asked if there would be a boulevard between the street and sidewalk? I believe we have the right-of-way there to do that but there may be some challenges with Wal*Mart if there aren't sidewalks there as far as where to put in a crossing and those types of things. Peterson said he is curious as to why Wal*Mart doesn't have sidewalks because on the Comprehensive Plan it shows existing trail constructed by Wal*Mart and it's drawn in there on the south but yet it was only developed on the west so I'm curious as to what took place there and why they didn't put it on the south because now there is a hole in that whole game plan. Mathisrud stated he isn't aware of the history on that and is something that we have to look at.

Utke asked about condition #5 with the developer paying 100% of the cost is that a typical requirement? Mathisrud stated yes, in most cities if a developer is putting in a new project they will pay for 100% of street extensions to serve their site. Alternatively you go through the Capital Improvement process and getting it amended and having them go through the notification and assessment process. The developer has expressed an interest in doing it quicker than that and not doing that particular process in order to do it faster and to accommodate their timetable, they have agreed to this and they were expecting that.

The Public Hearing was opened at 6:41 p.m.

Charles Kellner asked if it is a street or an easement on the west side of his property? Mathisrud stated it is an actual street and is fully subdivided and believe it has been conveyed to the city as a street. Kellner said it has never been taken care of until what little bit he has done and now the tarring of the south end but no snowplowing or dozer or nothing goes through there. Mathisrud explained it is an undeveloped street and we have many of those throughout the community that are platted and undeveloped it and for whatever reason weren't needed at the time but are available for future development. Kellner thanked the city for tarring the south end. Kellner asked if the access from Highway 34 to Wal*Mart is L&M's parking lot and it is not the designated area it is supposed to be but the traffic there is unreal and it just goes from point A to point B and it's a race to get to Wal*Mart. What's is this going do other than increase that danger hazard and the no name street, are they going to use that or is that going to be closed off? You've got people going on dirt roads to get to Wal*Mart. Mathisrud said at this point that is a concern of ours as well as this is going to increase traffic in that

area and if we don't develop the north south street it's likely going to result in additional through traffic through the L&M parking lot. If we develop the north south street, unless we make the developer pay for that, that would be assessable to all adjacent property owners and you would be one of them and maybe that's not an issue. Kellner said he wouldn't be able to afford it first of all. Kellner said I would be paying for the benefit of someone to the north of me and that's not correct either. Kellner asked if the access for this business is going to be Charles Street which basically ends at Wal*Mart. Mathisrud said that is correct so on this proposed layout their access would be entirely off of Charles Street. Kellner said when Wal*Mart came through or was proposed there was a lot of discussion on the streets and part of it was barricading that east west street off and they went around that and then when L&M brought their parking lot up to grade and paved it that became the street and it is unsafe. I mean there is no slowing down, here they come! So now we're going to create more of a problem here unless somehow you can designate that street that is between L&M and Wal*Mart as a designated street but how do you close the rest of it off? Peterson said you know full well that the traffic is going to multiply tenfold and you won't be able to stop them and the only solution is for the city to go in there and have all the constituents pay for it plus the border line property owners adjacent to it.

Utke asked how long is that street? Mathisrud said the north south street is approximately 800 feet as when I calculated the project for paving both the north south street and the east west street was approximately 1,100 feet and the cost of doing that was approximately \$436,000 to do it all. The developer expressed that they would be able to pave the east and west street and pay for the whole cost of that at approximately \$250,000. Mathisrud said what is being proposed here is just doing the 360 feet to serve their property and not doing the north south street. Mathisrud stated staff and Charles Kellner have expressed a concern about not doing the north south street and if we don't do that there would perhaps be additional through traffic but ultimately somebody has to pay for that cost and our typical program is to assess it to adjacent property owners. Utke commented there is additional space out there to develop that I'm sure they are hoping to add some stuff so that is an important road to keep on the radar. Vorhes commented there are limits to what you can assess to adjacent property owners, you can only assess the amount of the increase of value. Utke asked if there are utilities under the road? Mathisrud stated there are no utilities under the road which is between L&M and Charlie's Marine, it is just a platted street. All the utilities are under Charles Street.

The Public Hearing was closed at 6:48 p.m.

There was further discussion concerning the Options for possible streets as Vorhes and Utke came late to the meeting. Mathisrud provided pictures of the proposed Options A, B and C as previously discussed. Bradow said this is not part of the Conditional Use Permit but will allow a short discussion and get some idea of what planning is appropriate. Bradow explained there is no street going to the north and this entity bought 36 acres going from west to east and then a project going to the north, so the question becomes do we want to recommend to the City Council that we should allow for some type of future road to service this 36 acre development in the future? Is

it important to have a road there? Rutherford, Vorhes and Bradow said yes. Peterson, Utke and Spaeth said no.

Utke said of the 36 acres, this is about a 6 acre project so that is everything you are showing to the north right? Mathisrud explained what they are proposing to develop is along the east line of Wal*Mart and the 36 acres in the equation is to the north and east so ultimately in the future you may see development and we haven't really done any planning for this area as to how roads are to be or if we want to consider roads at this time, but now is the time to consider them if we are going to.

There was further discussion concerning the placement of the project on the property and possible locations for streets as outlined in Options A, B & C previously discussed. There was discussion concerning accidents; expense of developing a street with an unknown site plan; the impact on the north south street of increased traffic; and having to purchase property easements in the future for street we could have planned for now. Bradow surmised we have three no's for a road of any kind and three yes's for a road, so I would like to move on as this is not part of the agenda and you have an idea of the commissioners' opinions.

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? YES. Because of the large amount of impervious surface from paving. Storm water condition recommended.*
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? YES. Require paving of new street extension on Charles Street.*
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? YES. Mathisrud and the Commissioners recommended the following conditions: Mathisrud recommended approval of the Conditional Use Permit with the following five conditions:

1. The applicant will be required to provide storm water calculations showing that post development runoff does not exceed predevelopment runoff.
2. The applicant shall direct and accommodate storm water into an infiltration basin located to the north of the development site and otherwise obtain applicable storm water permits and maintain compliance with the same and applicable regulations as the same may be amended from time to time.
3. Approved lighting shall direct light down and not onto adjacent properties.
4. The applicant shall maintain compliance with the City's performance standards in the City's land use code as the same may be amended from time to time as well

as the approved site plan.

5. The applicant shall donate 100 percent of the costs for the City to design construct and install the storm sewer, storm water management, street, and sidewalk improvements on Charles Street from its existing termination at east edge of the Wal*mart property east to the unnamed Street between L&M and Charlie's Marine approximately 360 feet of urban standard street.

A motion was made by Bradow, seconded by Vorhes, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit Request from Yellow Company, Aaron Marthaler to construct a 11,900 sq. ft. building for an automobile dealership located at 1353 Charles Street, in a B-1 Highway Business District PID#32.19.00310, based on the Findings of Facts with the following conditions:

1. The applicant will be required to provide storm water calculations showing that post development runoff does not exceed predevelopment runoff.
2. The applicant shall direct and accommodate storm water into an infiltration basin located to the north of the development site and otherwise obtain applicable storm water permits and maintain compliance with the same and applicable regulations as the same may be amended from time to time.
3. Approved lighting shall direct light down and not onto adjacent properties.
4. The applicant shall maintain compliance with the City's performance standards in the City's land use code as the same may be amended from time to time as well as the approved site plan.
5. The applicant shall donate 100 percent of the costs for the City to design, construct and install the storm sewer, storm water management, street, and sidewalk improvements on Charles Street from its existing termination at east edge of the Wal*mart property east to the unnamed Street between L&M and Charlie's Marine approximately 360 feet of urban standard street.

6. INFORMATIONAL/DISCUSSION: Mathisrud thanked Paul Utke for his service as this is his last meeting with the Planning Commission. Commissioners and staff also thanked Utke for his input and wished him good luck in his political career.

7. ADJOURNMENT: A motion was made by Vorhes, seconded by Bradow, and unanimously carried to adjourn the meeting at 7:08 p.m.

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning Assistant