

**CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
APRIL 25, 2016, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota**

1. CALL TO ORDER: The April 25, 2016, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:02 p.m. by Vice Chair Peterson.

2. ROLL CALL: Present: Commissioners Joel Vorhes, Dick Rutherford, Nels Peterson, Sam Spaeth and City Council Member Paul Utke. Absent: Dick Bradow. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Rebecca Bentley, Nancy Newman and Sue (Foss) Dahl.

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

4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF MARCH 28, 2016: A motion was made by Spaeth, seconded by Rutherford, and unanimously carried to approve the March 28, 2016 Regular Meeting Minutes as presented.

5. TABLED ON 3-28-16- APPLICATION WITHDRAWN REGARDING ZONING DISTRICT BOUNDARY AMENDMENT REQUEST FROM REBECCA BENTLEY TO REZONE ONE PARCEL CONSISTING OF APPROXIMATELY .40 ACRE LOCATED AT 806 MONICO LANE FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-B RESIDENTIAL-BUSINESS TRANSITIONAL DISTRICT, PID#32.47.01100:

Mathisrud explained the Applicant Rebecca Bentley withdrew her application so no other action is necessary.

6. TABLED ON 3-28-16 - APPLICATION WITHDRAWN CONDITIONAL USE PERMIT REQUEST TO COMBINE A RESIDENTIAL USE AND NON-RESIDENTIAL USE FOR AN INTERIOR DESIGN STUDIO AND LIVING SPACE FROM REBECCA BENTLEY AT 806 MONICO LANE IN A PROPOSED R-B RESIDENTIAL-BUSINESS TRANSITIONAL DISTRICT, PID#32.47.01100:

Mathisrud explained the Applicant Rebecca Bentley withdrew her application so no other action is necessary.

7. PUBLIC HEARINGS:

7A. CONDITIONAL USE PERMIT REQUEST FROM REBECCA BENTLEY TO OPERATE A HOME OCCUPATION AS IN INTERIOR DESIGN STUDIO AT 806

MONICO LANE WHICH IS LOCATED IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, PID#32.47.01100:

Mathisrud provided a power point presentation consisting of background information as the structure was formerly a church and staff analysis concerning the church property located at 806 Monico Lane. Mathisrud explained the applicant's reapplication for a Conditional Use Permit for a Home Occupation for a design studio and also a Variance to the 25% space standard as the applicant is requesting 50% of the floor space for a Home Occupation.

The property will be owner occupied with the residence in the basement. The property is located on Lots 9, 10 and 11 of McKinley's Addition and addressed 806 Monico Lane. The existing land use is a vacant building which used to be a church and was most recently used as a dance studio which is a commercial use which was permitted at the time and it is now non-conforming. Our Comprehensive Land Use Plan shows this area as R-1 Single Family Residential District as well as our zoning map. There are no known environmentally sensitive areas. It is located in the Airport Overlay District in Safety Zone C which primarily limits the height of structures to 150 feet. This site is also located in our wellhead protection area and has been delineated but not yet adopted and the proposed use does not affect the wellhead.

The adjacent properties to the north, east, south and west are all occupied as R-1 Single Family Residential or residential uses and the purpose of our R-1 District is to provide for primarily single family residential uses and detached dwelling uses and related complimentary uses. The Home Occupation Ordinance allows limited types of uses with restrictions.

Mathisrud provided pictures of the site from different directions. The property was originally built as the Assembly of God Church and that use was discontinued in 1985 and at that time it was permitted to be converted into a dance studio because it had a large open space on the upper floor. In 1993 the ownership changed and it was continued as a legally established non-conforming use and that was the first time that was noted in the file. Since then, because it was no longer occupied for a period of 12 months it's grandfathered status as a commercial use was terminated so at this point it has to be converted into a single family residence, demolished or rezoned. The city recently issued permits to convert the basement into a residential use and also stabilize the structure with roofing and other items on the permit. There have been a lot of inquiries on this property, mostly people looking to use it as a commercial use.

Mathisrud explained the applicant was here last month to request rezoning however they withdrew that application and submitted this request for a Conditional Use Permit for a Home Occupation and Variance to the 25% floor area standard. In analyzing this, this is a professional office use and the use being proposed is in keeping with a Home Occupation. The applicant basically intends to use this space as a showroom to demonstrate the types of materials and services that they offer and are not at this time proposing any assembly type uses or other use that would generate significant traffic or on street parking. Under the Home Occupation CUP a maximum amount of signage is limited to four square feet, only one employee is permitted and no major alteration is permitted, only 25% of the gross floor area may be used for commercial purposes. Mathisrud stated this is an appropriate use at this site and the issue came up as to how much space can actually be used for this so the applicant is requesting a variance because the property is really built in two floors, the main floor being large and open like a church and it is very difficult to convert into the 25% in order

to do that they would actually have to do significant alterations to meet the standard which is why the variance came in. The CUP Home Occupation only allows for 25% and this has created a practical difficulty for the applicant seeing as how converting this church would be difficult to meet that standard so therefore, the variance is requested.

Mathisrud recommended approval of both requests with the following conditions:

1. The commercial space shall be limited to the upper floor of the church existing at the time of application or approximately 1500 square feet.
2. All work shall meet the standards of the Minnesota Building Code for respective residential and commercial uses.
3. Paved off street parking shall be provided for the combined uses.

Peterson asked in the CUP Home Occupation only one employee is allowed? Mathisrud stated yes, the intent of the Home Occupation Ordinance is to allow for very limited uses and impact so it is a way of permitting very minor types of uses in residential neighborhoods. Typical uses are things like accountants, real estate offices, other uses that can be done out of the home without really impacting the neighborhood.

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

Nancy Newman stated this is fine and we totally agree with this change.

Susan (Foss) Dahl stated everything is fine but with the understanding that this would help prevent in the future someone to be able to buy those lots and with that square footage be able to put a multi-family housing and you mentioned this time assuming that that's the reason these changes will be helpful and you've changed that so that's wonderful.

The Public Hearing was closed at 6:17 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 answers, but Mathisrud and the Commissioners recommended the following condition:

1. The commercial space shall be limited to the upper floor of the church existing at the time of application or approximately 1500 square feet.
2. All work shall meet the standards of the Minnesota Building Code for respective residential and commercial uses.
3. Paved off street parking shall be provided for the combined uses.

A motion was made by Rutherford, seconded by Peterson, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit request for a Home Occupation from Rebecca Bentley to operate an interior design studio at 806 Monico Lane which is located in an R-1 Single Family Residential District, PID#32.47.01100 with the following conditions:

1. The commercial space shall be limited to the upper floor of the church existing at the time of application or approximately 1500 square feet.
2. All work shall meet the standards of the Minnesota Building Code for respective residential and commercial uses.
3. Paved off street parking shall be provided for the combined uses.

7B. VARIANCE REQUEST FROM REBECCA BENTLEY REGARDING A PROPOSED CONDITIONAL USE PERMIT, TO OCCUPY 50% OF THE TOTAL FLOOR AREA OF THE PRINCIPAL STRUCTURE FOR A HOME OCCUPATION OF AN INTERIOR DESIGN STUDIO AS THE ORDINANCE ALLOWS UP TO 25% OF THE PRINCIPAL STRUCTURE, LOCATED AT 806 MONICO LANE IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, PID#32.47.01100:

Mathisrud included this Variance request report with the above entitled Conditional Use Permit for Home Occupation request from Rebecca Bentley. Mathisrud added that basically only 25% of the floor area is allowed to be used as a commercial use however in this situation being it is a non-conformity and it was constructed as a church, the layout is not conducive for reducing the square footage to the 25% without violating another provision in our CUP Home Occupation Ordinance. The variance for utilizing this space and allowing up to 50% would be in harmony for the needs for a variance as they have a practical difficulty in meeting that 25% ordinance. Mathisrud recommended approving the variance to 50%.

The Public Hearing was opened at 6:24 p.m.

There were no comments.

The Public Hearing was closed at 6:24 p.m.

The Findings of Facts were reviewed. The Commissioners came to the following conclusions. (A Variance may be granted only where the strict application of the Park Rapids Zoning Ordinance will result in practical difficulties and variance is in harmony with the general purpose and intent of the official controls and is consistent with the Comprehensive Plan. Practical difficulties exist only upon a positive Finding of each of the following criteria, but economic considerations alone do not constitute practical difficulties.)

1. *Does the applicant propose to use the property in a reasonable manner that is prohibited by an official control? YES.*
2. *Is the property owner's plight due to circumstances unique to this property, which were not created by the landowner? YES.*
3. *Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance? YES.*
4. *Is the variance consistent with the Comprehensive Plan? YES.*
5. *Can the variance be granted without altering the essential character of the surrounding area? YES.*

A motion was made by Rutherford, seconded by Spaeth and unanimously carried to recommend to the City Council approval of a Variance request from Rebecca Bentley regarding a proposed Conditional Use Permit for a Home Occupation to occupy 50% of the total floor area of the principal structure as an interior design studio as the Ordinance allows up to 25% of the floor area of the principal structure, located at 806 Monico Lane in an R-1 Single Family Residential District, PID#32.47.01100.

8. INFORMATIONAL/DISCUSSION:

Mathisrud advised he attended the annual conference of the Minnesota Council of Airports at Maddens Resort in Brainerd which had a lot of different presentations related to airports in Minnesota and heard some interesting comments from the FAA, MnDOT Aeronautics and a number of professionals in the airport world. MnDOT has some budget constraints this year but all for good reasons as there are a lot of people competing for projects which wasn't always the case due to the 5% local match being offered. There was further discussion concerning funding for airports and new construction on the airport by the FBO - Park Rapids Aviation and Park Rapids Avionics and their lease agreements and the prospects of new job opportunities.

The commissioners discussed the following issues:

- The number of employees for a Home Occupation
- Installation of a crosswalk on Highway 34 across from Coborns and the intersection of Pleasant Avenue

9. ADJOURNMENT: A motion was made by Vorhes, seconded by Rutherford, and unanimously carried to adjourn the meeting at 6:47 p.m.

Vice Chair Nels Peterson

ATTEST:

Carmen L. Lockhart
Planning Assistant