

CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
JANUARY 23, 2017, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota

1. CALL TO ORDER: The January 23, 2017, Regular 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 and Sam Spaeth. Absent: City Council Member Liz Stone. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Richard Adams, Sara Swanson, Lynette Guida, Jennifer Anderson, Mike Bruhn and Scott Henry.

3. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON: A motion was made by Rutherford, seconded by Spaeth and unanimously carried to nominate and elect Dick Bradow as Chairperson and Nels Peterson as Vice Chairperson.

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

5. APPROVAL OF SPECIAL MEETING PLANNING COMMISSION MINUTES OF DECEMBER 19, 2016: A motion was made by Rutherford, seconded by Peterson and unanimously carried to approve the December 19, 2016 Regular Meeting Minutes as presented.

6. PUBLIC HEARINGS:

6A. CONDITIONAL USE PERMIT REQUEST FROM VERIZON WIRELESS, RICHARD ADAMS AS REPRESENTATIVE, 1635 E PONTO LAKE RD NW BACKUS, MN TO CONSTRUCT A TELECOMMUNICATIONS SITE INCLUDING A 150 FT MONOPOLE WITH EXTENSIONS AND A 10X14 FT. EQUIPMENT PLATFORM ON PROPERTY OWNED BY COVENANT RIDGE INVESTMENTS, LLC, LOCATED AT 1017 1ST ST. E, IN A B-1 HIGHWAY BUSINESS DISTRICT, PID #32.24.05100:

Mathisrud explained this is a Conditional Use Permit request from Verizon Wireless to construct a 150 ft. telecommunications tower. The applicant is Richard Adams representing Verizon Wireless, 10801 Bush Lake Road, Bloomington, MN 55438. Property is owned by Covenant Ridge Investments, LLC, Todd Payne. The location will be assigned an address of 1017 First Street East.

Mathisrud provided a power point presentation of maps containing site location and photos, Zoning Map and Future Land Use Map pursuant to the request. Mathisrud advised the site to be developed is approximately .17 acres of the 1.89 acre parcel located at 1013 1st St. E. The site will be in the northeast corner of the parcel. The previous land use was Blueberry Log Homes which served as a millwork site for cutting

and fitting log homes. There are several storage buildings on the site. The Comprehensive Plan shows this area as a commercial use area. The property is zoned B-1 Highway Business District and the adjacent uses are commercial uses including office and hotel uses.

Mathisrud indicated the property is not located in the shoreland overlay. The site is in the airport overlay so additional restrictions don't apply for uses but it does penetrate the 101:1 surface which triggers a submittal of an FAA 7460-1, so basically they need to submit documentation to FAA to do an airspace study to make sure it doesn't affect aircraft.

Mathisrud explained the site is not located in an environmentally sensitive area and is not located in the wellhead protection area.

Mathisrud stated one challenge with this site is that it is not served with public utilities, it is unplatted and is kind of landlocked right now as it appears to have an access easement but nothing for utilities so staff recommends a requirement that the property owner secures a utility easement to this property.

Mathisrud indicated the architectural plans shows the tower to be collocatable so several communication apparatuses can mount to the tower which is good so we don't have a proliferation of towers in the community that only serve single users. The plan also looks to be developing some easements to connect this structure to fiber which is located on the street and also other utilities. The plan shows a fully enclosed site with a 6 ft. high chain link fence securing the site.

Mathisrud stated the property is mostly flat and has a 50 ft. access easement across Bruhn's property.

Mathisrud recommended the following responses for the Findings of Fact:

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? **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.**

Mathisrud stated staff's recommendation is to approve the request with the following conditions:

1. The owner will be required to provide engineering, architectural and construction drawings that ensure that the design will meet state and federal requirements.
2. The owner shall complete submittal of a FAA 7460-1 and any other pertinent aviation compliance documents and maintain compliance with state and federal requirements as they may be amended from time to time.
3. The owner shall obtain an access and utility easement that adequately serves the site for utilities.

4. The proposed tower shall be designed and constructed to allow for colocation of additional service providers.

Bradow commented in the past we have talked about looking out into the future upon abandonment of a tower like this and maybe putting something in the contract to allow for removal at the point of abandonment. Mathisrud stated that is a condition that could be added to this request.

The Public Hearing was opened at 6:12 p.m.

Richard Adams stated he represents Verizon and has a couple of comments on the project. The City doesn't have a lot of restrictive ordinances controlling the towers but you must have some experience with them as there is a monopole right next to City Hall and this is a similar type of structure.

Adams stated regarding the question about the utilities, the power is coming from the north side of the property and there is a right-of-way up to the property line as there is a power line there. As far as the easement I talked to Bruhn about that to get an easement drafted to allow the fiber line to come in from First Street East and I indicated to Verizon's attorneys that they should draft this and they don't have it yet, but we will be working with Bruhn in the future. That utility easement isn't absolutely necessary because if for some reason Bruhn didn't want to give Verizon an easement then they can microwave the data out they don't need to connect it to fiber so that's not absolutely necessary. Adams stated he did do some research into the easement in question and apparently whoever owned the covenant property way back when owned both parcels. The Bruhn parcel and the one behind and kept an easement when he sold the front parcel but didn't describe the easement and there is no easement document recorded other than on the deed when all the transfers happened through the years and I think it went back to 1979 when that property was divided into two and kept the easement. The easement question is really not defined and on our survey, the surveyor put access easement and that's not quite correct, it's just an easement but that's what we intend on because Verizon doesn't like to leave any loose ends or create any hard feelings, we intend on getting that easement negotiated with Bruhn and if we can't negotiate then we will probably have to microwave the signal out so it's not a deal killer for Verizon although they would like to connect to fiber.

Adams commented as far as the site itself it meets all of the zoning requirements and Verizon tries to be a very good citizen in the community and rent space from the city on one of the water towers and I did try to put this site on the water tower on the east end of town but Sprint rents that. This site is a very good site and it is in the middle of a commercial district, away from houses and Highway 34 East and away from the Bruhn property as much as possible. Adams stated when he talked to the Verizon store they were very excited about this coming in and that it is needed for their business and the community and that's what the monopole and wireless facility is meant to do is serve the community. Unfortunately, we can't make them look invisible but the monopole design looks better than lattice towers or water tanks and that commercial district it is important to get the extra capacity up there to service Wal*Mart and L&M Fleet Supply and other businesses located there plus the residences. Verizon and other carriers are coming in and putting more sites in downtowns in rural Minnesota basically to improve in-house coverage in those neighborhoods which is going to be very important when they start providing 5G services and there is a lot more wireless data being inside the houses verses the traditional cell site that in the past just served the drive lines in the area.

Bruhn said initially with it being close by he can probably point out exactly where it will be located on that property behind us. Bruhn said his only question would be, day to day operations in a building so close to a tower like that will it affect my phone, radio reception? I think those frequencies are so far apart that it shouldn't affect the day operations of wireless phone calls or traditional land line phones and that type of stuff.

Adams replied no, and in fact if there was, that's heavily controlled by the FCC and there is a controlling authority over interference issues and that stuff but if you're going to have interference issues, you have Sprint broadcasting right there so you would already be experiencing them so this won't add anymore interference issues, there just wouldn't be any. This would have the effect of increasing the capacity of wireless data in the area so in that respect it is all a plus for the neighborhood. Bruhn commented he does have problems inside his building with his Verizon phone so it would probably be a good thing. Adams responded that is what the Verizon store says too and I assume they pay their rent to you and are good customers and have said they need better service inside their building because when they are trying to sell a phone and there are only one or two bars inside the building, it is a little embarrassing for them so they are really anxious to get that out in the air and asked how soon it will be on the air and it probably won't be as soon as they would like. I think it would be a big positive.

Rutherford asked if you didn't put the tower there how far away could you be? I know there are two towers available within a mile that you could put your equipment on, is there a reason you don't want to lease or put it on somebody else's tower? Adams said no, with this size tower the service area is really specific to that neighborhood and the water tower would have worked beautifully and we would have collocated on that if it was available to us, but it wasn't and that's the only structure in that area. There are other towers out east and north but this is not a coverage use problem that we're trying to address. It's a capacity problem and to increase the capacity of the service in the area the tower has got to be right in the area they want to serve. We want to be right in the middle of the area served and depending on the down tilt on the antennas and that stuff and the volume in the area, as the site matures coverage will probably shrink and they will need to add more sites just because a site can only handle so many phone calls and data transfer.

Rutherford indicated he spoke to Delahunt and they have all kinds of capability on the high tower to put everything you have. Adams responded it is not in the service area. I built a tower out there for AT&T years ago in 1998, but the other problem you can see with the tower at City Hall, with the modern cell sites there is a capacity problem on towers that they weren't built for modern capacities and that's probably when you're swapping that one out. Adams clarified when he is talking about capacity, he is talking about weight because it used to be a typical cell site installation weighed about the same as a motorcycle and modern cell sites with the remote radio heads on top of the tower instead of in the buildings, every time a cell carrier goes on there the equipment is equivalent of a VW bus up there so what happens is, the old tower like the Delahunt tower, even if it was in the right area we try to collocate on a lot of stuff like that but it just won't hold weight because those towers weren't built with the new technology in mind which is a problem because that big 400 ft. tower for AT&T that was built for like four carriers but probably because of the way equipment evolved it probably will only hold two at this point. The Delahunt tower is in the wrong area, they need to be right in your commercial area. Adams stated he has talked to Delahunt through the years and they are very cooperative and when they are viable and they have secured their first option to locate but unfortunately those structures are not as collocateable. They look nice but are not as structurally strong.

Spaeth asked why do you feel you have to be in town? Adams said because of capacity issues. I'm a real estate and construction person, I'm not an engineer but I've been to planning and zoning boards like this and explained what happens with data transfer and coverage area. This capacity issue is kind of a new thing in small towns in rural Minnesota and if you envision there is only so many radio channels that they are licensed for to broadcast off that tower, if you envision a radio channel as a straw and when we had 2G and 2.5G six users could use that straw/channel and it would divide up those signals in six pieces, compress them, send them out. Spaeth asked you can't get that by moving half a mile out of town, out of the city limits? Adams said no and what happens with 5G is now a heavy data user can take up 12 straws to get the modern speeds on it. Spaeth said there is a tower for the city and the sheriff's office, that's enough towers in town because we don't want to start looking like a tower town of toothpicks sticking up in our town and I'm strictly opposed to having that in town because it degrades a town and neighborhood as far as I'm concerned. So you should be able to find a different means of communication besides setting a big pole 150 ft. tall in town. Adams said things are changing and that's not the case anymore. That's one reason why this monopole is going in right by City Hall. Spaeth stated that is City Hall's business. Rutherford said AT&T is going on there. Spaeth suggested going on the tower at City Hall. Adams replied it is not in the right spot and these sites when they are this short they are pretty localized. When we build 300 – 400 ft. towers then you can move them around a mile or so but when we're looking at 150 ft. site you're looking at areas that you can only move it a couple of blocks one way or the other. The service area off that tower is going to be for a one mile radius, so that's why you're going to need multiple sites in town and I realize that you don't want the tower, and I live up here too, and a lot of carriers have done from the old days they all try to build their own tower and like this one here is meant to service more than one carrier and even though AT&T is here, they will be up here too and so will T-Mobile and Sprint won't have to be over there because they are on the water tower. Adams said the visual impact of this tower is a lot less than the visual impact of the water tower and you folks with your water service and much like Verizon's problems with its wireless data communication you didn't build one water tower to service the whole town. Spaeth said that's a necessity when you're talking about water towers. Adams said it is the same analogy, you needed a water tower over there and one over there. Spaeth said absolutely because the City is growing.

Peterson commented he thinks if it is something to keep our values up here and progress we certainly need it. Spaeth said you can progress but you don't need 150 ft. tower, it's not a big deal. Spaeth said then someone else will want to put one by Citizen's Bank in a residential area. Peterson said this is in a good spot for one and it's not in a residential area. Spaeth said it's not very far from residential

Rutherford asked why can't this be put on the county dump ground land, it is out a ways and there is nobody out there and it would take care of Green Acres. Bradow commented because it's not situated in the sweet spot for a signal out and the data back and forth. Peterson asked if Rutherford is afraid of the aesthetics too? Rutherford said yes, personally he doesn't want to see any more towers in town.

Bradow added let's talk to that issue right now then, the way our zoning ordinance is there is nothing in there that speaks to aesthetics which you guys are arguing about at this point so we cannot shut this thing down specifically on aesthetics. If you can show me something in the zoning ordinance that would allow us to say no to this type of project then I would be happy to look at that but just because you don't like the way it

looks I don't see anything in our zoning ordinance on page 10-12 of our packet that tells us we can disallow that. Unless I see something there, I think we can't just say no, we aren't going to recommend this because we don't like the way it looks. There has to be something here in our zoning ordinance that would allow us to say we aren't going to recommend approval of this thing? Rutherford asked why did he get a letter asking how he felt about it, my property connects to the back side of their property? Peterson said then you should come forward with something that is harmful to your health. Rutherford stated he should abstain from this because he was in the notification. Mathisrud stated I don't think you have to abstain on this one. Mathisrud commented there is a provision and we have to be able to accommodate the development of cellular communication towers based on federal requirements so we can control the location, the placement and those type of things but we still have to be able to accommodate these type of uses, we can do aesthetics and those types of things if that's within our city code but really in terms of this particular application I think it is best limited to conditions that can be placed on the development application for this one.

Peterson said he thinks it is vital to our well-being in our community that we should have it. Rutherford said he is not saying we shouldn't have one. Peterson said it is a good spot, it's centrally located in a commercial area and I don't think you can find a better place for it. Spaeth responded he does.

Adams presented a Fact Sheet on the Federal Communications Commission and this restricts you a little bit in that the Fact Sheet says back in 1996 there was a lot of scare about cell towers if they are safe and things like that so the federal government came in and passed the *Telecommunications Commission Act of 1996* and this is an explanation of it. The basic things in there reaffirms the local zoning authorities to zone these but goes a little further and says that as far as the interference issues and health and safety issues that's in the purview of the FCC and they make all the rules so it prohibits the local government from establishing their own health and safety and interference rules and controlling the frequencies that these carriers operate at.

Adams added the other thing it did is, it kind of changed the zoning a little bit in that if I was coming in here with a dog kennel I might have to prove that the dogs wouldn't bark or disturb the neighbors but the Telecom Act put the shoe on the other foot and said you can deny these applications but you have to have substantial evidence in the record to deny it and that denial has to be based upon that substantial evidence so aesthetics typically aren't anything that is provable one way or the other. When you argue the aesthetics of a water tower verses a monopole a water tower has a lot bigger visual impact and you're right it services the community and provides an essential service but the wireless communications is becoming an essential service at this point. It is going to be very important to your business development. I know I am a small business man and moved up here 25 years ago and started several businesses and heavily relied on the services and even more heavily now that it is my only source of high speed data is wireless because the telephone company where I live hasn't served me with fiber yet and they probably won't and that slow download speed is really impacting my business because everything is done electronically now. Spaeth suggested moving into town. Adams commented he likes his lake and Verizon did build 180 ft. by his place which services our lake community which since our lake community, Usually lake communities are anti-tower but our lake community had been without any type of service for so long everyone welcomed it with open arms so it's hard to visualize it now but it's going to be very important for your business community to have that capacity there. Like I said it's not a coverage problem it's a capacity problem and in-building coverage problem and to get that in-building coverage like at the Verizon store,

the site has to be located really close to the customers. Of course with Wal*Mart and L&M Fleet and all those customers in our business district it is important to have that service there.

Spaeth commented can you explain to me why it's that important as you're trying to explain because the businesses are going now, I have a computer and work my real estate on my computer, why is this such a big issue with you? Peterson said you are working on a landline on a computer. Spaeth said absolutely. Peterson said this is wireless. Adams explained he operates his real estate business out of his truck and what you used to do at your desk I'm doing in my truck so are a lot of other contractors and business people and we want access to the internet not just our mobile and at our desk. When I started doing public hearings and talked to people about this phone 20 years ago I said we are going to have phones that have cameras in them and be able to get on the internet and do all this stuff and people said why do we want that? Why would you ever want a camera phone and now everyone has them and everyone is surfing the internet. I got on mine to find out where the library was and I look up a lot of data so it is going to be very important for your business community to stay healthy and like I said it is very tough making a dollar up here and I've done it for 25 years with some success and some failure and as you know the business community up here is tough so you should be able to give your businesses every advantage.

Peterson commented it could very well be a make or break of a decision to bring in some new business. Adams added and to support the businesses that are already there. Like me since I have service and I have the landline I have a business on my property on the lake and I think a lot of people want that and be able to work up here three or four days a week and if they can do that it is going to make a big difference to your gas stations, grocery stores, and all the other businesses, so it is really important. Rutherford added there are more people working from their home than there was five or ten years ago. Bradow said this would help more people to be able to do that. Rutherford said he has answered all my questions.

Bruhn said I think he answered my question which was going to be will the negatives be offset by the positives as we have an area of town that is posed for development over the next ten years and I don't want the tower in some ways because it's a tower and this and that but if it helps entice that eyesore next to me to come and move in there and develop it and have something happen with that. Bruhn said the vacant property to the north and the east end of town is poised and ready to go, it's got open land, business development could happen, it's the logical choice. To me as much as the idea of having a tower in my backyard I don't want it, but if it does convey more opportunity for our community you commissioners have to decide that.

Spaeth said he lived here 57 years and has had three businesses and made a good living without a tower and I don't think it's necessary we have a tower in town.

Lynette Guida commented she was at the Park Rapids Downtown Business Association Meeting and was really surprised at how much has changed for our people that own vacation rentals and resorts. The resort owners said it is changing, people come up to the resort and get on their phone and they see what there is to do and when they are downtown and there's a theatre, they look on their phone. What Adams is saying is that if we don't have this capability people are going to say they aren't coming to Park Rapids as you can't get service, that's my fear. I was surprised by that, they are not asking the resort owners where to go anymore.

The Public Hearing was closed at 6:43 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. Spaeth stated yes, he objects to towers in town.*
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 conditions:*

1. The owner will be required to provide engineering architectural and construction drawings that ensure that the design will meet state and federal requirements.
2. The owner shall complete submittal of a FAA 7460-1 and any other pertinent aviation compliance documents and maintain compliance with state and federal requirements as they may be amended from time to time.
3. The owner shall obtain an access and utility easement that adequately serves the site for utilities.
4. The proposed tower shall be designed and constructed to allow for colocation of additional service providers.
5. Owner is required to remove tower and equipment within six months after abandonment.

A motion was made by Bradow, seconded by Spaeth, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit Request from Verizon Wireless to construct a telecommunications site to include a 150 ft. monopole with extensions and a 10x14 ft. equipment platform on property owned by Covenant Ridge Investments, LLC to be located at 1017 1st St. E in a B-1 Highway Business District, PID#32.24.05100, based on the Findings of Facts with the following conditions:

1. **The owner will be required to provide engineering, architectural and construction drawings that ensure that the design will meet state and federal requirements.**
2. **The owner shall complete submittal of a FAA 7460-1 and any other pertinent aviation compliance documents and maintain compliance with state and**

- federal requirements as they may be amended from time to time.**
- 3. The owner shall obtain an access and utility easement that adequately serves the site for utilities.**
 - 4. The proposed tower shall be designed and constructed to allow for colocation of additional service providers.**
 - 5. Owner is required to remove tower and equipment within six months after abandonment.**

Adams inquired who to discuss the removal bond with? Mathisrud stated you can discuss that with me and we will put together appropriate action.

6B. COMPREHENSIVE PLAN LAND USE AMENDMENT AND FUTURE LAND USE MAP REVISION REQUEST FROM RESIDENTIAL TO COMMERCIAL FOR 3 CONSULTING, LLC, ROBB & SARA SWANSON, 120 MAIN AVE N, CURRENTLY ZONED R-2 SINGLE, TWO FAMILY, TOWNHOUSE RESIDENTIAL DISTRICT, PID#32.45.01100:

6C. ZONING DISTRICT BOUNDARY AMENDMENT REQUEST FROM 3 CONSULTING, LLC, ROBB & SARA SWANSON, 120 MAIN AVE N, CURRENTLY ZONED R-2 SINGLE, TWO FAMILY AND TOWNHOUSE RESIDENTIAL DISTRICT TO B-1 HIGHWAY BUSINESS DISTRICT, PID#32.45.01100:

Mathisrud explained this is a two part request and the first part is a Comprehensive Plan Revision to change this block from residential to commercial and the other part is to rezone this specific parcel to be in conformance with that Comprehensive Plan. The owner is Robb and Sara Swanson representing 3 Consulting, LLC at 120 Main Avenue N. The site is .22 acres and currently used as a law office. Mathisrud provided a power point presentation with photos of the property, Comprehensive Plan Future Land Use Map and Zoning Map.

The block is currently designated a single family residential area in the Comprehensive Plan and they are requesting it be changed to a commercial area and staff is recommending changing the block. The current zoning is R-2 Single, Two Family, Townhouse Residential District to B-1 Highway Business District.

The property is not located in the shoreland overlay. It is located within the airport overlay district in Safety Zone C, however there aren't any restrictions that apply to this particular application under that. It is not in a known environmentally sensitive area. It is located in our wellhead protection area, however this use does not affect the wellhead or drinking water. This parcel is served by utilities on the north and in the alley behind it. Looking to the north, west and east there are single family residential and to the south there is a duplex with some commercial nearby. The R-2 allows professional offices under 10,000 sq. ft. as a conditional use. That provision was added last year for this applicant to essentially correct a nonconformity. The B-1 would allow professional services including banks and offices under 20,000 sq. ft. so it would be a permitted use under that zoning. This was previously reviewed in 2005 to add a provision to the R-2 to add professional offices and this particular building was previously used as a medical clinic and then a dentist office and then a public mental health office building. In 2009 we downzoned this area to residential from commercial and it created a number of nonconformities in that block. We were trying to correct large areas of the city at that point and trying to reduce how much commercial area there was in town and that resulted in this becoming a nonconformity so when they applied they requested to add that provision to the R-2 ordinance. At that time we did issue the conditional use permit

for it and allowed this type of use to go in that location. The downside to that is the R-2 district only allows for a small amount of signage as we allow 20 sq. ft. in an R-2 and part of this request was to allow that additional signage but if it is approved it would allow for a greater number of uses to go in that location.

Mathisrud explained this block has received a number of requests or interest over the years concerning adding commercial uses. Park Avenue and Highway 34 has the highest traffic counts in the community so we have the most traffic there and so it naturally receives some interest for commercial uses. What staff is recommending is that this block be considered for change to commercial under the Comprehensive Plan then we can individually rezone parcels as requests are received. The idea being that you're not allowing for changes in zoning that are not in conformance with the Comprehensive Plan. It's a way of dealing with what would normally be considered spot zoning by utilizing the Comprehensive Plan to act as an intermediary step.

There are no Findings of Facts for a Comprehensive Land Use Plan Revision and Future Land Use Map Revision.

Mathisrud provided his responses to the Findings of Fact for the zoning amendment as follows:

1. *Is the zoning amendment consistent with the Park Rapids Comprehensive Plan? YES, if the Planning Commission votes to change the Future Land Use Map to commercial.*
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.*

Mathisrud clarified that staff is recommending approving the Comprehensive Plan as attached and if that is approved he would recommend approval of the rezone as well.

There was discussion concerning clarifying the block in question. Mathisrud stated the intent is to utilize the Comprehensive Plan as a tool for identifying the areas to consider for commercial uses and then as we receive applications for rezoning we can consider the individual application to either approve it or deny it in conformance with that Comprehensive Plan.

Bradow asked if we do that and change it to commercial, there is a lot of residential in there and if the residential properties that are there want to make modifications or changes to their residential property, what restrictions will they incur with those type of changes? Mathisrud said for all the remaining properties, what I am suggesting is that if we change that area to commercial in the Comprehensive Plan, all those other properties will still be zoned residential, R-2 and so if an individual parcel wanted to change the use to a commercial use they would have to come to the Planning Commission and request that their specific use be approved, the R-2 requirements would still apply to them but they could request rezoning and those decisions can be made on a case by case basis.

Spaeth said on the Park Ave side one house is being remodeled for a turnover, would that affect the sale of the house as a residential area? Mathisrud said by

changing the Comprehensive Plan it would not affect this individual parcel here. Spaeth said if you turned it over as residential? Mathisrud said yes, they would still be able to turn it over as a residential property. Mathisrud said if we rezone this area that may affect the status because we don't allow residential uses in a B-1 District so if they cease to use that it would create a nonconformity for that residential use, so by utilizing the Comprehensive Plan as an area that you are physically in you are able to use that as an area that you are considering commercial uses in the future you can make that judgment on a case by case basis as people request to redevelop these sites.

Spaeth inquired when they get done remodeling that house and live in it whatever amount of time is required before they can flip it, if we make that block all B-1 then they can't flip that home? Mathisrud explained there are two actions we are talking about here today. One is the Comprehensive Plan which is a tool for making decisions on zoning and so by statute your Comprehensive Plan has a lot of weight on how you make decisions. All your rezones are to be done in conformance with the Comprehensive Plan and so by changing the Comprehensive Plan we are not affecting zoning in terms of what's currently there. If we change the zoning, that does affect what is currently there. Spaeth asked that's what you're asking to do isn't it? Mathisrud clarified that he is recommending we change the Comprehensive Plan to commercial but only change the zoning for the one building not the whole block. Spaeth said okay.

Bradow stated that one of the parts of this request is the signage. They need 6 sq. ft. of signage, could we deal with the signage through a variance for the extra 6 sq. ft. they need rather than change the Comprehensive Plan? Rutherford stated he thinks we should go along with changing the Comprehensive Plan with everything that is coming up down the road very shortly, there is going to be a lot of building going on in that block. Bradow asked if there have been any requests? Rutherford said it hasn't come up yet as the property was sold last Friday so Simonson has already taken over and that block is going to get a big upgrade and have a potential for other properties to be sold for commercial so if we go with the Comprehensive Plan right now when it is in front of us, we will be done with it.

Peterson asked if Bradow was opposed to the size of the signage? Bradow said he is not opposed to anything and is just asking questions and trying to get everything out in the open. Rutherford said he has no problem with the signage but staff has put a lot of work into this. Bradow commented he was here in 2009 when we made the change to the Comprehensive Plan to take it out of this position and now we are moving it back in and I want to know why we are making that move.

There was discussion concerning the Comprehensive Plan update in 2008 and the cost of changing the Comprehensive Plan, the next Comprehensive Plan update scheduled for 2018 and carefully considering this request.

Mathisrud commented to answer your question as to whether a variance could be a tool you could consider for something like this but generally there are standards for variances based on hardships and those things and you're supposed to meet a fairly high standard before you approve a variance although they are made on a case by case basis and it would continue to limit the number of uses that are available in that building and keep it restrictive and maintain the integrity of this block the way it is.

Bradow asked if any other residents called in regarding this request? Mathisrud stated there were a few comments made and one was concerning spot zoning and the Comprehensive Plan revision and I explained the amendment was also requested.

The Public Hearing was opened at 7:10 p.m.

Sara Swanson stated there is a little bit of history as they bought the building two years ago and in the process found out about the zoning issues and we were able to resolve that at that time and gratefully and thankfully our business is growing and we've added a new sector to our law office which is a geriatric care management portion of our practice so with that is why we wanted to add the extra 6 sq. ft. of signage on the bottom of our existing sign and first I looked into the variance option because essentially we have maxed out this space and don't have plans to develop the building in any other way but do want appropriate signage for the area of our business that is growing. In speaking with Mathisrud he suggested or explained the issues with a variance and so we made the application to rezone and honestly as I understood it, it really was just to rezone our building. Swanson stated she doesn't want to really have any part or any influence over what other buildings around me are doing and feels that's up to the individual landowner but it also makes sense to me the Comprehensive Plan amendment and why that's done and zoning approvals and things like that. I appreciate Mathisrud's support and trust his recommendation on that. Swanson said she understands the process and the costs associated with the request. Swanson stated as far as parking, we don't anticipate this to add any additional traffic, it's just an additional service we are offering to clients so we have contemplated needing to add extra parking space and have not had any issues with parking since we have been there.

Bradow said so all you were looking for was signage of 6 sq. ft.? Swanson said yes, I will say that having the building rezoned does offer greater possibility for the future but the building has always been commercial and if I were ever to sell it I wouldn't be selling it for residential purposes so it does offer much more flexibility for her in marketing it for future uses and I don't know that the character of the land would ever be appropriate for residential. Bradow stated it has always been commercial and the thing we cannot consider is the financial position of the owner of the building in our decision making here as that doesn't come into play with that.

The Public Hearing was closed at 7:15 p.m.

A motion was made by Rutherford, seconded by Peterson, to recommend to the City Council approval of a Comprehensive Plan Land Use and Future Land Use Map Revision Request from Residential to Commercial for seven parcels consisting of 1.94 acres bordered by Main Ave N, Minnesota Street and Park Avenue N, including 3 Consulting, LLC, 120 Main Ave N currently zoned R-2 Single, Two Family, Townhouse Residential District, PID#32.45.01100.

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, IF PROPERTY IS CHANGED FROM RESIDENTIAL TO COMMERCIAL.*
- 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 Rutherford, seconded by Peterson, to recommend to the City Council approval of a Zoning District Boundary Amendment request from 3 Consulting, LLC Robb & Sara Swanson, 120 Main Ave N, to rezone one parcel consisting of .22 acres from R-2 Single, Two Family and Townhouse Residential District to B-1 Highway Business District, PID#32.45.01100.

Bradow suggested the applicants attend the City Council meeting on February 14th for final approval.

7. INFORMATIONAL/DISCUSSION:

7A. Moved in Structures: Mathisrud provided a Memo to the Planning Commissioners along with photos of proposed structures to be moved into the city, a report from Building Official Ron Dick dated January 12, 2017, and a copy of the existing City Ordinance 151.150 Moved in Structures.

Mathisrud explained he received an inquiry a couple weeks ago from a developer interested in moving single family homes into the community. They would purchase from another community and transport here and move onto sites within the city. The zoning ordinance states basically in part that "Moved in Structures (A) Before any dwelling unit or other principal structure not constructed entirely of new material is moved onto a parcel of land, every structure shall be brought into compliance with the standards set forth for new construction in accordance with the Minnesota State Building Code Standards and other Zoning Code requirements as applicable."

Mathisrud explained that if one is interested in moving a single family home into Park Rapids they have to upgrade that home to new construction standards and meet the Minnesota Building Code. Mathisrud said we updated this in 2005 to the existing language because there was concern obviously about moving in substandard houses that could have health and safety related issues related with them as someone could bring a non-code compliant house in and somebody fall down the stairs and get hurt or something of that nature. At that time there was talk about having a conditional use permit to address those but instead chose to essentially require that they be brought up to Minnesota Building Code Standards. Obviously in 2015 Building Code Standards are fairly high meaning that if somebody is to bring an older home up to code they do have to spend money to do that, insulation, wiring, plumbing and those types of things to ensure that is a safe home. At the same time manufactured homes are not required to do that if they are inspected at the construction site they are by statute have to be treated like a single family home and have already been inspected. Essentially what happens because of the cost of bringing those up to code it makes it challenging to bring stick built structures into town.

Scott Henry commented they have eight or nine properties in town right now that are rental units that the oldest was built in 2006 and we have three lots that are empty that are zoned for R-2. Mathisrud commented one site allows for twinhomes specifically for that. Henry said they are looking for a way to fill those lots that's not only affordable but quality homes in Park Rapids. There was discussion concerning the following issues:

- bringing in homes for flipping them or use them as rentals;
- Henry said movers have inventories of properties and we don't want to bring problems and junk;
- Henry explained if homes built in the 1980's are brought in and we're forced to meet the ordinance that's currently in place it is astronomically cost prohibitive to do that because we would have to tear it down to bare studs and then it might not work;
- homes of the same age already in Park Rapids;
- when to conduct the inspections, prior to bringing into the city or after they are set on their new foundation;
- meeting compliance with codes for rental inspections;
- liability issues are a major concern;
- consider changing the ordinance to accommodate moving houses into Park Rapids and whether that is a worthwhile exercise;
- the age and condition of proposed homes;
- Ron Dick's Building Official's Report addressing several concerns with code compliance;
- Henry stated they don't build homes anymore and would have to hire that which makes it cost prohibitive for them;
- the housing market in Park Rapids;
- how to administer ordinance, contracted building official fees and inspections; when and where to do inspections;
- the amount of building and plumbing inspection fees;
- other cities and how they administer moved in structures;
- the size and age of the homes being proposed to move in;
- controlling structures brought in from areas where there is no building code enforcement;
- exploring possible language changes to the existing ordinance at the next meeting;

Bradow asked that Henry draft language for an amendment for discussion at the next meeting.

7. ADJOURNMENT: A motion was made by Bradow, seconded by Peterson, and unanimously carried to adjourn the meeting at 7:52 p.m.

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning Assistant