

**CITY OF PARK RAPIDS  
REGULAR MEETING  
PLANNING COMMISSION  
MAY 22, 2017, 6:00 p.m.  
Park Rapids Library, 210 First Street West – Lower Level  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The May 22, 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, Dick Rutherford and City Council Member Liz Stone. Absent: Sam Spaeth and Nels Peterson. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Todd Payne and Mike Bruhn.

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

**4. APPROVAL OF REGULAR PLANNING COMMISSION MEETING MINUTES OF APRIL 24, 2017:** A motion was made by Rutherford, seconded by Stone and unanimously carried to approve the April 24, 2017 Regular Meeting Minutes as presented.

**5. PUBLIC HEARINGS:**

**5A. CONDITIONAL USE PERMIT REQUEST FROM TODD PAYNE, COVENANT RIDGE INVESTMENTS, LLC TO CONSTRUCT A DETAIL SHOP, AUTO AND RV REPAIRS AND SALES, BOAT AND RV STORAGE AND SHRINK WRAP AND A PRIVATE RESIDENCE AT 1013 1<sup>ST</sup> ST. E, IN A B-1 HIGHWAY BUSINESS DISTRICT, PID#32.24.05100:**

Mathisrud explained the owner and applicant is Todd Payne of Covenant Ridge Investments, 35726 Dinner Lake Loop Road, Park Rapids, Minnesota. The applicant is requesting a Conditional Use Permit to establish a detail shop in an existing building. They are also going to do accessory and RV sales potentially and then some light service as an accessory to those along with some RV storage and some boat shrink wrapping in the future as well as establishing a dwelling unit in the same building for his son to live in. Mathisrud advised in January of 2017 we approved this site for a Verizon cell tower in the northeast corner of this property. The land area is just under 2 acres and there are images in the packet showing the buildings which were previously used as storage buildings for the log and millwork site owned by Don Guida.

Mathisrud stated the Comprehensive Plan shows this area for commercial uses and a good location to establish and reuse for commercial uses and is zoned commercial as well. It is not located in a shoreland overlay zone or the airport overlay zone. The site is not located in an area that has any environmentally sensitive areas or a wellhead protection area. The City's ordinance for the B-1 Highway Business, Conditional Uses #2 allows single family housing provided the unit is located behind or above commercial or office establishments subject to the following conditions: any

apartment shall be provided with private access other than through a business. Mathisrud stated the applicant's site plan shows the dwelling unit meeting those specific requirements. Conditional Uses #14 allows for auto, boat, farm machinery and recreational vehicles repair, service and sales. Mathisrud stated as long as they meet the purpose and intent of the ordinance and we have a good site plan which meets the other needs of the community we can look at approving the Conditional Use Permit.

Mathisrud stated one of the challenges of this site is that it is not currently served with utilities so we are recommending that this site has private utilities extended to it. Back in January this was also noted and Verizon is working on obtaining that easement and we are also recommending that be looked at in this application as well.

Mathisrud explained the area to the north is an unplatted parcel, a retail business is to the east that is vacant, to the south is a retail office building and to the west is a hotel. The developer has provided exhibits for the site plan. To the south they are showing the connection of water and sewer to the public utilities which would cross the property to the south through a new utility easement that would allow that connection. There is currently an ingress and egress easement for the site. There is a landscape plan provided which shows 21 trees to be planted and meets the city ordinance. They also show paved areas on both the access road as well as their parking lot with paved parking areas – there is approximately 16,000 sq. ft. of additional paving proposed in Phase 1 and in the future when they will add auto sales an additional area of 6,200 sq. ft. The site plan shows the entry for the detail shop is in the back and there is an area for auto repair. The dwelling unit is set up as an apartment and the office space is next to it. The applicant also shows a space for a pylon sign which is technically off premise but they have applied for a variance for placing the sign as the next application. That is currently a challenge for this site as they are not allowed a pylon or monument sign so it makes it difficult to advertise for that business without having exceptionally large wall signage which is why they are requesting a sign be placed out front. The façade has no major changes proposed to it and there is a new sign to be placed above the overhead door in front and then some signage above the office on the south side. On the east side there is lighting proposed over two areas to increase the visibility to the site that should not result in spill over to adjacent properties. Mathisrud stated he didn't notice any topographical challenges and they are handling storm water around the perimeter or edges as the previous owner made some storm water swales around the perimeter.

Mathisrud provided his answers to 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 said staff recommends approval of the Conditional Use Permit with the following conditions:

1. The owner shall obtain an access and utility easement that adequately serves the site for utilities.
2. The developer shall complete site improvements according to the approved site plan.

Bradow inquired on the storm water runoff, is the ditching big enough and sized to handle the runoff on the impervious surfaces? Mathisrud stated we haven't run the calculations and that is something we would send to our City Engineer to make sure it can handle the additional impervious surface. There is a significant amount of the ditching to handle what was there but obviously they are adding more so that is something that would have to be reviewed. Bradow asked when would you do that? Mathisrud said that would be done at the time of application of the building permit.

Stone asked does the plan include the paving from Highway 34 back to the site? Payne stated it does it is 20 foot wide of paving from Highway 34 back through the central part of the lot and then curving into the main parking lot. Stone said it seems to her that the whole approach area is somewhat confusing and with additional traffic could be even more so, so I was hoping that paving was part of it to organize it more. Mathisrud stated the site plan shows the paved drive access and if there is a pylon sign that gets approved in that location that's proposed in the next application I would recommend some changes so that when driving onto that access it's not confusing going from there to the next lot.

Rutherford stated the living quarters, according to our ordinance, says it's supposed to be in the back. Mathisrud stated it is supposed to be above or behind an established commercial use but with separate access. Rutherford asked where is this going to be because it's all in the building right now? Mathisrud stated it is proposed to be sandwiched between the shop area and the office area so it's open to interpretation yes, it's not exactly in the back. Stone stated it's more on the east side than in the back. Rutherford asked if this is a public place then the bathrooms have to be handicap accessible am I right or wrong? Payne said they are handicap accessible. Rutherford said that's directed to staff. Bradow said those comments should be in the public hearing and is only looking for comments from staff at this time unless staff wants to defer the question to the public hearing that is okay. Mathisrud deferred the question to the public hearing.

**The Public Hearing was opened at 6:17 p.m.**

Rutherford said you are having two bathrooms, a private bathroom for the housing and then a handicap accessible bathroom in the business? Payne said there is a diagram drawn up by the City's Building Inspector Ron Dick who came out and we discussed it and he said he would rather draw it up himself in the areas that we were looking at as it was easier than him going back and forth to the site which is helpful for me. Payne said both of the bathrooms are handicap accessible as is the application for the state plumbing permit. Rutherford said on commercial buildings I thought an engineer had to lay it all out and I didn't know Ron Dick was capable of handling this. Mathisrud stated plumbing is something that has to be done by a professional contractor so the design gets reviewed by the state, but this is more or a building official question. Rutherford said he is not fond of the way it is laid out because the living quarters are not in the back or above like it is supposed to be.

Payne commented there is the south side of the building there is an office and the living quarters is behind that and then on the east side there is a 24 ft. lean to type thing and the front part of that is like an office and then on the back side of that there you go into a private entrance and then into the living quarters so on the east side and the south side – the south side it would be completely behind and on the east side it would be mostly behind. The only thing that would be public would be windows in that area except for one egress window.

Mike Bruhn said for him it's all a little bit new because this is just starting to happen and would like to make sure of one thing that we have an easement agreement and usage agreement in process that was not as descriptive as I think it should be. I need to make sure that all the utilities are going underneath that easement area from Highway 34. I would assume they would go underneath that little easement area back into the property. I mean that is my assumption but you never want to assume something I guess, so that is my question. Payne said right now it has been marked and there's two locations, one for sewer, one for water just a little bit in from the curb and right up the middle of the driveway shown in the diagram where it comes out and then L's through the parking lot into the building and they will be all be bored. Bruhn said you are going to do that, that's a good way to go. Payne said yes, for one thing when you're coming right up the driveway you go your traditional 8 ft. down you may have some freezing problems and when they bore it they can go down 12 ft. or so. Bruhn commented there used to be a water pipe that went across to my end of the building would freeze up sometime and then when we were mandated to do that we took a different curb stop and bored into the building at 12 ft. so that's a good idea. Bruhn said that's the kind of stuff we will have to talk about. Payne said any questions that you have, obviously you have adjoining properties so as far as looks, layout or what our plans would be. Bruhn said personally he is excited because it is nice to see someone wants to make it a home with commercial steps because it was nice having Guida with his business back there but if we can get a little interest generated maybe we can get some neighbor next to us and live would be kind of good if we had a tenant at the old Pamida building at some point in time. Bruhn said I'm hoping it will be a good addition to the city.

Rutherford asked if this proposed signage will bother Bruhn's signage? Bruhn said it is set back from when we looked at it so the site line is going to be fine and I think setting it back from where he came out this far I think also will help people realize to follow that road into that space because it is set back enough that it has a little separation from the old Pamida parking lot so I think it is put in a good place. Payne said maybe it will come up next when talking about the variance but he actually got a survey drawing of it so it's known exactly where it is so you know specifically so you're not assuming that it moves a little bit.

Mathisrud added to be clear on condition #1, staff would ensure that an easement would be prepared but we wouldn't necessarily weigh in on what the easement says or what the details of it are so that would be between the two property

owners to make that work for both of you, but we would ensure that the easement is obtained so that's what we're looking for, a trailing document.

**The Public Hearing was closed at 6:21 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 recommend the following conditions:*

1. The owner shall obtain an access and utility easement that adequately serves the site for utilities.
2. The developer shall complete site improvements according to the approved site plan.

**A motion was made by Stone, seconded by Rutherford, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit request from Todd Payne, Covenant Ridge Investments, LLC to construct a detail shop, auto and RV repairs and sales, boat and RV storage and shrink wrap and a private residence at 1013 1<sup>st</sup> St. E, in a B-1 Highway Business District, PID#32.24.05100 with the following conditions:**

1. **The owner shall obtain an access and utility easement that adequately serves the site for utilities.**
2. **The developer shall complete site improvements according to the approved site plan.**

**5B. VARIANCE REQUEST FROM TODD PAYNE, COVENANT RIDGE INVESTMENTS, LLC, 1013 1<sup>ST</sup> ST. E, TO ALLOW OFF-SITE SIGNAGE WITHIN AN EASEMENT AREA OWNED BY MIKE BRUHN, 1011 1<sup>ST</sup> ST. E, LOCATED IN A B-1 HIGHWAY BUSINESS DISTRICT, PID#32.24.05100 & 32.24.05500:**

Mathisrud explained the applicant is Todd Payne of Covenant Ridge Investments and the owners are Michael and Julie Bruhn. The applicant is requesting a variance to

place a pylon or monument sign to be installed to advertise his business which is obviously located right behind this building. What's unique about this is that he doesn't have any frontage so his property is land locked. So typically you would have some road frontage for a property but this is a curious situation as the property was split a long time ago and at that time didn't have that necessary frontage. The variance would be located at 1011 1<sup>st</sup> St. E which would be the Bruhn optical property. Mathisrud provided images showing the pavement being marked with the located of the proposed signage as well as a legal description and Certificate of Survey showing the proposed location. Mathisrud stated the setback for the signage is also shown. When looking at signage businesses are allowed a total site signage that is two sq. ft. per foot of building abutting a public right of way so we calculate how much signage each individual building gets on a lot. In situations where someone has a lot with over 300 ft. of frontage they are allowed one pylon sign and one monument sign or two monument signs. This particular lot has 295 ft. of frontage and of course the lot behind it does not have any frontage so if they had 5 more ft. of road frontage they would be allowed that second pylon sign already but they are just short of that. In terms of appropriateness, there's just about enough room there for two pylon signs. When looking at this the Bruhn Optical building already has 180 sq. ft. of signage installed but they can have a total of 315 sq. ft of total signage however there are several categories within signage breakdown so Bruhn Optical under their current eligibility is already at their capacity for signage unless they are awarded that second pylon sign then they would be allowed to have an additional 100 ft. of pylon or monument signage in the front yard. In looking at this there are a couple of things to be aware of. One is the variance that's requested would go to the Bruhn Optical property that's who, if this is approved, would actually receive the variance but it's being earmarked for another property so it is important to draw this up so that the property behind it would actually receive an easement on that Bruhn Optical property so that signage essentially belongs to the business behind them and that those terms are outlined in that easement. What they are requesting a pylon or monument sign that meets city ordinance but the Bruhn Optical building may have some reservations about the size and height and sq. footage and those types of things that would apply to this sign so an agreement should be made between the owner who is placing the sign and the person who is installing the sign so there are several factors that are in play here in order to make this work and ultimately be able to allow this sign if that is the route the Planning Commission chooses to take on this variance request. Mathisrud stated in looking at this it may be appropriate to approve a sign out front.

Mathisrud stated staff finds in reviewing the Findings of Fact came to the following conclusions:

1. Does the property owner propose to use the property in a reasonable manner that is prohibited by an official control? Yes- the property owner/applicant is requesting a pylon sign normally available however they don't have any frontage based on a prior lot split.
2. Is the property owner's plight due to the circumstances unique to this property, which were not created by the land owner? (Yes) The property was permitted to be split at a time when the property was under a different zoning authority creating a landlocked parcel.
3. Can the variance be granted without upsetting the purpose and intent of the zoning ordinance? (Yes) The intent of the zoning ordinance is to allow all parcels the opportunity to have at least one pylon or monument sign. The parcel in front nearly has the frontage necessary to allow a second pylon sign already.

4. Is the variance consistent with the Comprehensive Plan? (Yes) The Comprehensive Plan states that the city should promote business establishment and growth.

5. Can the variance be granted without altering the essential character of the surrounding area? (Yes) the Highway 34 corridor has many pylon and monument signs installed and it is an appropriate location for them to be.

Mathisrud recommended approval of the variance request for the location of the off premise signage with the following conditions:

1. The location shall be determined on a city approved site plan with appropriate paving removals and landscaping.
2. The Applicant requesting the sign- PID 32.24.05100 shall obtain an easement from the owner PID 32.24.05500 legally described and depicted in a Certificate of Survey with survey pins or nails set.
3. The signage shall only benefit the applicant and shall run with the land.
4. If abandoned, the signage shall not be used by the owner PID 32.24.05500 and all inserts shall be removed.
5. A copy of any agreement created between the owner and applicant shall be provided to the city.

Rutherford asked this won't be done until Bruhn and Payne work it out?

Mathisrud responded essentially that would be a condition that they would have to work out an agreement on placement, easement and any further restrictions on signage, those are the conditions I'm recommending. Rutherford said Bruhn has to work it out with Payne as we've also got another building next door that's got signage and you don't want to block that one either as their pylons are already erected. Mathisrud commented with the variance that's requested is for one pylon or monument sign that meets city code but if there are any further restrictions that would be worked out by the applicant and the owner.

Bradow inquired if the signage is subject to the Highway 34 Scenic Byway? Mathisrud stated that's a good question, I don't know how that would play into this, if they would look at this as off premise or on premise. Bradow asked Mathisrud to check into that. Mathisrud said he can look into it but we don't have authority over those. Rutherford asked if he had to get a state permit also? Mathisrud said yes, potentially. Bradow asked do we want to be granting variances that are beyond our control? Mathisrud said we have our authority for city code but our authority doesn't apply to the state and vice versa so they don't have jurisdiction over local ordinances, they have their ordinances essentially so we can still approve or deny a variance for city code but that doesn't necessarily mean it will apply to any state regulations. Rutherford inquired so the state could turn him down? Mathisrud responded yes, potentially.

Stone asked how big could the sign potentially be? Mathisrud said up to 100 sq. ft. of signage so basically all businesses located along Highway 34 are allowed up to 100 sq. ft. for a pylon or monument sign which is typical of what you currently see out there. Stone asked for instance Bruhn Optical is permitted 315 sq. ft. so if they potentially had a sign that didn't exceed 100 sq. ft. would that be taken away from the allotted amount given to Bruhn Optical? Mathisrud said yes, for practical purposes in this particular situation and signage it wouldn't significantly impact the total amount of signage that Bruhn Optical already has because there are those internal restrictions on the amount of signage you have in each category as you can only have so much wall

signage, only so much pylon signage and only so much other categories of signage but your total lot can have an "x" number of feet of signage based on how much building you have so in this case this second pylon would not impact the building, it would still fit with what's totally allowed there but not impact the other owner essentially. Stone said okay.

**The Public Hearing was opened at 6:43 p.m.**

Mike Bruhn questioned when you think about what could to happen in years and years to come, say if the property sells, which some day it will obviously because I'm not going to be living forever so how would that impact someone else's perceived usage of the space and the signage limitations or does that travel it too far into the future and is probably a ridiculous question? Bradow said that is going to be controlled by your attorneys drafting the easement so if the person in back of you is smart and has a good attorney you're going to make sure that perpetuates on but that's between you and Payne so you need to think about how to draft the easement and work with your legal counsel. Payne said assuming this is not subject to change whether you were the owner or somebody else so I guess you would have to be satisfied that it looks good and is placed in a proper spot for you or somebody else. Bruhn said this is all new as far as my own personal part but okay it's just a matter of being smart and making sure we take our time and get the right verbage in place.

**The Public Hearing was closed at 6:45 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.*

Mathisrud and the Planning Commissioners recommended the following five conditions:

1. The location shall be determined on a city approved site plan with appropriate paving removals and landscaping.
2. The Applicant requesting the sign- PID 32.24.05100 shall obtain an easement from the owner PID 32.24.05500 legally described and depicted in a Certificate of

- Survey with survey pins or nails set.
3. The signage shall only benefit the applicant and shall run with the land.
  4. If abandoned, the signage shall not be used by the owner PID 32.24.05500 and all inserts shall be removed.
  5. A copy of any agreement created between the owner and applicant shall be provided to the city.

**A motion was made by Rutherford, seconded by Bradow and unanimously carried to recommend to the City Council approval of a Variance request from Todd Payne, Covenant Ridge Investments, LLC to allow off-site signage within an easement area on property owned by Mike Bruhn 1011 1<sup>st</sup> St. E, which serves as a shared access to the properties, located in a B-1 Highway Business District, PID#32.24.05100 & 32.24.05500 with the following conditions:**

1. The location shall be determined on a city approved site plan with appropriate paving removals and landscaping.
2. The Applicant requesting the sign- PID 32.24.05100 shall obtain an easement from the owner PID 32.24.05500 legally described and depicted in a Certificate of Survey with survey pins or nails set.
3. The signage shall only benefit the applicant and shall run with the land.
4. If abandoned, the signage shall not be used by the owner PID 32.24.05500 and all inserts shall be removed.
5. A copy of any agreement created between the owner and applicant shall be provided to the city.

Bradow advised Payne and Bruhn to attend the City Council meeting on June 13<sup>th</sup> for final approval.

## **6. INFORMATIONAL/DISCUSSION:**

**6A. Building Height Definition:** Mathisrud provided various definitions and drawings used by various cities for determining building height. Mathisrud provided an outline for the reasoning of regulating building height and there was discussion concerning the various topics. It was agreed Mathisrud will draft an ordinance revision for building height using language from the City of Baxter.

**6B. Variances:** Mathisrud provided variance statute information from the Minnesota League of Cities and there was discussion concerning practical difficulty and the Findings of Fact.

**7. ADJOURNMENT:** A motion was made by Rutherford, seconded by Stone, and unanimously carried to adjourn the meeting at 7:38 p.m.

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Chair Dick Bradow

ATTEST:

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Carmen L. Lockhart  
Planning Assistant