

**CITY OF PARK RAPIDS**  
**REGULAR MEETING**  
**PLANNING COMMISSION**  
**APRIL 23, 2018, 6:00 p.m.**  
**Park Rapids Library, 210 First Street West – Lower Level**  
**Park Rapids, Minnesota**

**1. CALL TO ORDER:** The April 23, 2018, 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, Thomas Petschl, Bruce Johnson, Sam Spaeth, Nancy Newman, and City Council Member Liz Stone. Absent: None. Staff Present: City Planner Ryan Mathisrud and Planning/Administrative Assistant Carmen L. Lockhart. Others Present: Bruce Bolton, Arch Simonson, Sandy Eberhart, D.K. Mohn, Josh Holte, Marlon Mackowick of Wenck Associates, and Robin Fish of the Park Rapids Enterprise. (one name and address was not legible).

**3. OATH OF OFFICE–BRUCE JOHNSON:** The Oath of Office was administered to Bruce Johnson and staff and the Planning Commission welcomed him.

**4. ELECTION OF VICE CHAIRPERSON:** Mathisrud provided a copy of the Planning Commission Bylaws which states “The commission shall elect a chairperson and a vice-chairperson from among those of its members who are not appointed ex-officio, and may create such other offices as it may determine appropriate.”

Mathisrud explained the Bylaws as they exist and there was discussion regarding changing the Bylaws to allow ex-officio to serve as Chair or Vice Chair. Spaeth said he disagreed as every time some one wants to do something we change the laws and why can't we live with the laws we have in the City of Park Rapids now. For the past few months we just keep accommodating everything to keep changing it if they want it. Petschl said he feels if someone is interested in taking it on that they should be allowed to and doesn't see any conflict of interest with a councilmember being an active chair or vice chair. Bradow said he agreed as they get to vote. Lockhart reminded the commission that just recently changed.

**A motion was made by Petschl, seconded by Newman to change the Bylaws to allow ex-officio to serve as Chair and Vice Chair.**

**The vote was called:**

**The following Commission Members voted in favor: Petschl, Newman, Bradow, Johnson and Stone.**

**The following Commission Members voted nay: Spaeth.**

**The following Commission Member abstained: None.**

**The motion carried.**

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

**6. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF MARCH 26, 2018:** A motion was made by Petschl, seconded by Johnson and unanimously carried to approve the March 26, 2018 Regular Meeting Minutes as presented.

**7. PUBLIC HEARINGS:**

**7A. ZONING DISTRICT BOUNDARY AMENDMENT REQUEST FROM JAMES AND KATHRYN AHRENS (OWNERS) AND BRUCE BOLTON (PURCHASER) FROM B-2 GENERAL BUSINESS DISTRICT TO R-B RESIDENTIAL BUSINESS TRANSITIONAL DISTRICT, LOCATED AT 207 PLEASANT AVE, CONSISTING OF .24 ACRE. PID#32.37.03500:**

Mathisrud explained the applicant is Bruce Bolton and the owner is James and Kathryn Ahrens who are looking to sell this property as it has been on the market for quite a while and the applicant is looking to change it to R-B which is a mixed residential and business transitional in order to convert the property from a office type use to a residential use as a triplex. The location is 207 Pleasant Avenue and consists of .24 acres. The Comprehensive Plan and Future Land Use Map indicates this area for higher intensity commercial uses. When we look at the zoning map you can see the west side of the alley – along Court Avenue is currently zoned R-B whereas along Pleasant Avenue it is zoned B-2 which allows for a mixture of zoning uses. The applicant is requesting the R-B District be extended to include his property. To the north is mixed use commercial zoned B-2; to the east is a commercial office space zoned B-2; to the south is commercial which is B-2; and to the west is R-B. This property is not located in an environmentally sensitive area but is located in our Airport Safety Zone but does not affect this use. The property is connected to city utilities. The B-2 District is a higher intensity commercial uses typical of a downtown environment with mixed residential/commercial uses and is intended to be for a high level of pedestrian traffic. The R-B District is intended to allow for a mixture of low intensity uses as well as residential uses such as apartment buildings or triplexes. The B-2 District does not allow for triplexes which is what prompted this request. The applicant has shown the existing floor plan as an office and has drafted drawings converting it to residential use with two dwelling units on the top floor and one unit in the basement which meets the rental ordinance for bedroom size square footage. The developer has also indicated adding egress windows allowing the basement unit to be habitable and for a safe conversation from office to residential. The developer indicated he will make all the necessary improvements to the HVAC, electrical and any other upgrades required. One issue is the amount of parking that is available as the site plan shows the parking areas in the rear is accessible from the alley to accommodate six parking spaces, two for each dwelling unit, but it would need several feet of additional pavement to meet our ordinance requirement. The building appears to have been built as a residence. It has a monument sign which would need to be removed.

Mathisrud stated in reviewing the Comprehensive Plan, Housing Goal #4 is to increase residential building sites in the community; Policy #1 was to identify, map and appropriately zone residential building sites in the community.

Mathisrud provided his answers to the Findings of Fact #1. *Is the zoning amendment consistent with the Park Rapids Comprehensive Plan? YES.*

2. *Have there been changes in the character of development in this vicinity? NO.*

3. *Is the amendment request a result of an error made in the Zoning Ordinance/Zoning Map or Comprehensive Plan? NO.*

Mathisrud stated staff is recommending approving this request.

Johnson inquired if there has been feedback from the residential owners in the neighborhood and if they had adequate notice? Mathisrud explained we submitted a notice pursuant to the standard process required by municipalities for a rezoning request like this and we received one written comment which I will read into the public hearing and they supported this request. Johnson advised that his dad built that house.

Spaeth asked why are you changing it? What are we going to have for commercial properties if we cut out all these because our experience on another one was changed from commercial to residential and then we had to change it back? Do we keep changing just to fit the shoe or what? Mathisrud said the last one the developer didn't have a very good site plan. Spaeth said that's not the point, we changed it from commercial to residential –Highway 34 and 71 north and south are basically commercial so why don't we keep them commercial to protect the City of Park Rapids if we want to get some businesses to come and I just don't see it feasible to keep changing every time and then we get burnt. Mathisrud said to add more information, there are two ways of doing this, if you want to support the request you can add provisions to your zoning ordinance that allows more uses or the alternative is to change the zoning to support whatever uses you support, so if you don't want to see this type of use in that location then you keep the zoning ordinance the way it is and that use can be located in a different zone. Otherwise, the only option the applicant has is to apply for rezoning so you can rezone it or not rezone it the commission ultimately has the choice to choose whatever route fits the City of Park Rapids.

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

Bradow read a letter from Larry A. Kimball of Kimball Law Office – “Re: Public Hearing: Lot 4 and N½ of Lot 5 Block 5 Original Townsite. I received notice of a hearing on the above-referenced matter to be held tonight, April 23, 2018 at 6:00 p.m. I send this letter as the property owner of land just to the west across the alleyway, fronting Court Avenue. I have no objection to the requested zoning change. In fact I will most likely be bringing a similar request for my property.”

No other comments.

**The Public Hearing was closed at 6:19 p.m.**

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

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

**A motion was made by Petschl, seconded by Bradow, to recommend to the City Council approval of a Zoning District Boundary Amendment request from James and Kathryn Ahrens (owners) and Bruce Bolton (purchaser) from B-2 General Business District to R-B Residential Business Transitional District, located at 207 Pleasant Ave, consisting of .24 acre. PID#32.37.03500.**

**The vote was called.**

**The following Commission Members voted in favor: Petschl, Newman, Bradow, Johnson and Stone.**

**The following Commission Members voted nay: Spaeth.**

**The following Commission Member abstained: None.**

**The motion carried.**

**7B. CONDITIONAL USE PERMIT REQUEST FROM JOSH HOLTE ADMINISTRATOR OF HUBBARD COUNTY SOLID WASTE, 101 CROCUS HILL ST., PARK RAPIDS, MN 56470, TO ALLOW CONSTRUCTION OF A 20,600 SQ. FT. TRANSFER STATION BUILDING FOR RESIDENTIAL AND COMMERCIAL GARBAGE DISPOSAL, LOCATED AT 812 HENRIETTA AVE S, IN A PUBLIC AND QUASI-PUBLIC DISTRICT, PID#13.30.04071.**

Mathisrud explained this request is for a Conditional Use Permit and the applicant is intending to construct an indoor waste transfer building which is 20,600 sq. ft. and locate it just behind their existing residential solid waste area at the county transfer station. The applicant Josh Holte with Hubbard County Solid Waste and the owner is Hubbard County. Mathisrud provided images of the site on Henrietta Ave S. within the City of Park Rapids' annexation area and is approximately 60.25 acres which is unplatted. The current use is a landfill and solid waste transfer station where people unload their waste and it gets transferred onto trucks and sent out to various recycling companies or sent to a landfill in Crookston or burned in an incinerator waste to energy plant. The Comprehensive Plan has designated this as a public use area and it is zoned Public. It is not in a shoreland or environmentally sensitive area but is in the city's Airport Safety Zone C however this use does not impact the airport. The property is not connected to city utilities. However, the applicant does need utilities for this particular use as it will require a sprinkler system to meet the building code. The statement of intent for the P District is to provide for actual or planned facilities intended to serve the public or to permit orderly and economic development of public service utilities. Within that zoning district we identified public sanitary landfill transfer stations and recycling centers as those that require a Conditional Use Permit.

Mathisrud said when you come in after Henrietta Ave S there is a solid waste where you drop off your recyclables and bags of garage and right now that is all open air and gets rained on and the wind blows it around. The applicant intends to move that area inside a covered building to prevent loss of the waste and comply with MPCA requirements. There is a small wooded area on the site which has been cleared in the past year. The building is 20,600 sq. ft. to accommodate the waste area as well as a transfer bay for larger construction waste and there will be several overhead doors on the new facility and traffic will flow through the building. There will be a commercial tipping area where commercial waste can be sorted and loaded on trucks to go to an incinerator or landfill. A detailed floor plan is included in the packet.

Mathisrud advised this property is located outside the city limits but is in the orderly annexation area with Henrietta Township so the city has zoning and building permit authority in that area. The city is currently working on the phase of annexation to bring the property into the city limits and I anticipate that would be done this summer. The property must be annexed in order to connect to city services as they are needed for a sprinkler system for this project. A ten inch water line is shown on their plans which should be adequate to serve the sprinkler needs but they should complete a study to be sure they have the flow they need. They also show connection to city sewer and because it is so far from the road they won't be able to do that by traditional gravity methods so they will have a holding tank and then a pressurized forced sewage main to send to city sewer lines. Because this is a relatively large development site the State of Minnesota would also require an NPDES Permit because it would generate some storm water from it so the developer has indicated the locations of that via some retention basins and construction best management practices required to reduce erosion. This project is to increase efficiency and reduce the amount of solid waste getting blown around. There are also site images included which show the current drop off location with open dumpsters and the proposed building site. No more trees should be removed as the remaining trees serve as a buffer from the street.

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? **Yes, require an NPDES Permit.**
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, because the proposed use is the same as the present use.**
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 shall operate the business in accordance with all local, state, and federal regulations.
2. The owner shall obtain all appropriate storm water permits.
3. All signage shall meet the standards indicated in the zoning ordinance.
4. The owner shall connect to city utilities in the location as approved by the city engineer.

5. The owner shall complete annexation to the City of Park Rapids prior to December 31, 2018.

Johnson raised three concerns concerning the million dollar local share funding; constructing a new facility at the northern station in the future; and how the vehicles flow through the proposed building. Mathisrud deferred to Hubbard County to be addressed during the public hearing and that the conditional use permit process we are reviewing land use related impacts.

There was discussion regarding vehicles unloading trash, recyclables and traffic flow through the proposed building as well as the exact site location.

**The Public Hearing was opened at 6:37 p.m.**

Sandy Eberhart states she lives by the transfer station and said this is a great plan and she isn't here to complain about smell or any of that. Eberhart stated she is here because of a safety issue that she has witnessed for three years now. Eberhart said she watches the intersection and hears the screeching tire, people swearing, yelling and honking and one of the problems is 8<sup>th</sup> Street E that she lives on is here and the entrance to the transfer station is further south so it is not a true intersection. Eberhart said she talked to the county about it and asked if there can be a turn lane or fix that? Eberhart said the snowmobile and ATV trail runs right along Henrietta Ave S, she has seen horses and the Tractor Club has weddings, reunions, Loons and Legends Days and the traffic coming out of here is incredible now. People coming from here who do not want to go to the transfer station swing out even though it's illegal and go around this car. Meanwhile there is lots of foot traffic here with people walking, there's going to be a senior center further south and there will be even more walking and the people here, I've seen them actually throw themselves in the ditch so they don't get run over. I've watched a young woman who runs with a stroller everyday come through her and it's mayhem, I can't believe she wants to do that, it's frightening. Not because of my property or how it affects me, but just for safety of the public, I think you need to do something. On Saturday, it's like watching a demolition derby out there, but it's everyday as I've been off work for a month with my knee and I've been watching it from my chair and it's just crazy. When I talked with the county they said this is too narrow to get those turn lanes and bypass lanes and all the things they would need, ideally what they said was if you could come down to Co 15 which is a good size road and go across and enter the transfer station from that road to get it off of Co 6 which we all know is way too busy. Henrietta Ave S is a terribly busy road and they said that would be ideal. The reason I'm here is you're going to build something and you need to think about it if you're going to do it. The other thing is because this is a cemetery this is a road coming here called 12<sup>th</sup> Street and there is a trail that goes back through the woods into this area and at least that would be a straight across intersection where if you wanted to you could put a four way stop, a roundabout or whatever the future brings as you're never going to fix this because in order to go over here on 8<sup>th</sup> Street you're going to have to get the Tractor Club to give up a considerable amount of property and to get 8<sup>th</sup> Street to go through you're going to go into Ryan Leckner's property which isn't going to happen either. I don't know the answer I just know that what it is now is extremely dangerous for everybody and I hear fender benders, it's scary. I'm not here to complain about what's being built I just think that when you said traffic isn't an issue, I beg to differ, it's a big issue as there are lots and lots of folks using this area so I hope I gave you something to think about.

Eberhart also commented concerning the offset intersection, using 12<sup>th</sup> Street,

cars turning right off of 8<sup>th</sup> Street and stopping instantly to turn left and K-Bid putting cars out there and people parking to walk around to look at them. Eberhart said before you put a building in that you want to get the traffic flow to, you might want to consider some of the other options like Co 15 and getting it off of Henrietta altogether.

Petschl commented he uses 8<sup>th</sup> Street constantly and never sees a problem on that road and has never seen any pedestrians anywhere around there. Petschl commented on people's poor driving rather than the intersection. Eberhart disagreed and said it needs to be looked at to make a safer intersection or access to that area this is the time to do it before you build.

Johnson inquired you're saying short of moving the whole access and taking it south, the next best thing, which you say is not enough room for, would be a bypass lane southbound and a right turn lane northbound? Eberhart said right and that she checked with the county folks and they said that road is too narrow and in order to go around somebody you're actually going onto the gravel to go around. Johnson said he watched them turn the Lake George Road into a freeway practically. Eberhart reiterated there isn't room there for a bypass or a turn lane which would solve a lot of it but you would still have that and then you get people coming out of the transfer station and they swing onto the road and then all of a sudden they stop and they're going to turn left on 8<sup>th</sup> Street and the guy behind them hits them because he thought they were going to keep going.

Bradow asked if anyone from the County was present and asked if them have looked at that concern? Josh Holte, the Hubbard County Solid Waste Administrator said no, they haven't looked at that concern and he has only been here since February so he hasn't see a lot of the heavy traffic days but the solid waste transfer station facility has been there since 1988 so the issue is we don't own any of the property around the transfer station for another access or road. Personally, since I've been there I haven't noticed any traffic issues there and hasn't heard of any, but I'm sure it gets busy. Bradow said he hears what Eberhart is saying it is an offset roadway there and people coming off of 8<sup>th</sup>, they do what she says they are doing. Eberhart commented there is a lot of pedestrian, bike and ATV traffic in that area, there is. Petschl argued he never sees it and drives that road constantly. Eberhart responded she lives there.

Bradow inquired about the trail on the south end of the property? Eberhart said it is just a trail through the woods. Bradow inquired how far the county owns to the trail? Holte said there is cemetery property and showed their property line on the map and there must be another 80 acre tract to the south. Spaeth asked who owns that? Holte said he doesn't know. Eberhart said a right of way from 15 through there would make a lot of sense. Stone inquired what the long-term plan for sidewalks, curb and gutter is in that area? Mathisrud said the city's Sidewalk and Trails Plan we do indicate a trail along the west edge of Henrietta Ave S and ideally you would have sidewalk or trail on both sides of the road but this area is just indicated as a trail location. Eberhart said it is marked as a trail.

Daryl Hensel commented he knows the cemetery and for your information, the trail you are talking about actually goes through the cemetery and there are stone markers out there and our southeast corner is on the south side of that trail so that trail does not run true on the property line, it starts out south of our property and curves north onto our property so that is another issue they would have to deal with if they do want to develop that area.

Josh Holte addressed Johnson's first question about the local share of the project and that there are monies already set aside for the local share from our solid waste reserves to cover that cost. A 25% local match is required with the bonding project that we received. Johnson said that 25% that I read I came up with \$1 million was that correct? Holte said roughly. Johnson asked how much of that is coming out of his pocket? Bradow interjected he doesn't want to get into the county financing during this public hearing as we don't have any authority to make any recommendations so I think you need to take that conversation to the county board as I want to stay focused on what we are responsible for doing, so I'm going to stay focused on that, if it pertains to what we are doing here, let's discuss it but if it is county budget, we don't have any control over that here and I don't really want to spend any time on that. Johnson said okay. Bradow asked if there are any other questions?

Holte said Johnson's third question dealt with the traffic flow through the proposed building so in looking at the floor plan we currently have the transfer station with all the commercial traffic and larger loads come in so almost all that commercial traffic will be on this side of the property so there will be a drive-thru lane for commercial traffic where the waste is stored on the floor here and loaded out to live floor trailers right in there. Right now there is really no storage capacity in the existing building and that will create a lot more storage capacity and room for the county to operate the facility there. As far as the traffic flow with residential vehicles the space in here is actually wide enough to accommodate three vehicles, so you have a vehicle can be on this side the whole time, a vehicle can be on this side the whole time and the same with this other lane and then when people need to get around and pass they have that room to do that. Johnson said that was what I was trying to get at, so you can push four lanes of traffic through there simultaneously? Holte said yep and also for really busy or overflow days we still would have one lane worked out here if needed and then in the winter time if it is really slow we would be able to possibly shut down one of these doors too, depending on the traffic flow. It will create a lot more flexibility and inter-operational. The recyclables and the solid waste will have access to all the containers on each side of the lanes so right now the way it is set up people have to cross traffic to get rid of the recyclables and the garbage, vice-versa. Bradow clarified the middle lane would serve as an outlet for people on either side when they are done they would pull out in the center lane and exist? Holte responded yep. Bradow asked what will be done with the existing building? Holte said they will keep and maintain it but unsure what the use will be. With how our waste is separated and we're going to be going a lot more to the incinerator and resource recovery facility in Boston so we might use that to store recyclables or to take some of our non-burnable waste that we are experiencing now like couches and furniture and things like that we might load out in the area, but plan to keep our options open for what we can use it for.

Bradow asked Holte and the county to take a look at that traffic flow that Eberhart talked about? Bradow agreed it is a bad spot there and said I have seen what she is talking about. Has anybody ever checked to see what the incident - accident report or call ins for traffic in that area with the sheriff's department. Mathisrud said staff did not request that information from the police or sheriff's department and typically if there are obvious concerns like this staff's recommendation is based on the fact that this CUP is not going to increase what is currently there. To correct this or look at this is typically done through the requirement of a traffic study and then the result of that would make recommendations to no changes or to potentially realign that access, a recommendation could be make to move it to the south as they have real estate there or relocate it to the north to line up with 12<sup>th</sup> Street and something like that may correct that issue or it may not result in any recommendation to change at all. To realign to the north

again they would have to purchase real estate from the property owner to the north and relocate them, which could be an outcome of such a report and may be worth requiring as a condition which would result in additional time and expense to the developer.

Holte added the facility has been there since 1988 and we received another CUP in 2007 and with our proposed project we are not expecting any additional traffic or additional changes to traffic as the facility has been there and operated that way for many years. Spaeth said well time are changing because we're going to get 80 more units just down the street and there will be more garbage. Johnson said there will be more traffic southbound on Henrietta Ave S. Spaeth said this town is growing. Petschl said the garbage from the new senior living units will be from one hauler and not individuals. Bradow agreed the traffic flow on Henrietta Ave S (Co 6) will increase.

Petschl suggested closing 8<sup>th</sup> St. Stone said the Tractor Club is booked every weekend all summer. Bradow agreed they do a lot of events. Bradow suggested the county consider some kind of contingency, not that they have to do it right away but should have a plan b if that becomes an issue in the future you, either to the north or south which ever makes sense but I do see what Eberhart is talking about and she's not the only one who has seen it and it would be interesting to get a report from the sheriff's department to see how many calls they've had for that particular location.

Stone asked how long a traffic study typically takes? Mathisrud explained the process involved with that typically a governmental organization would require that be required that be provided by the developer and they would hire a consultant to provide that traffic study and the consultant's time, so anticipating 30 to 60 days to generate a report like that. There are a couple ways of handling this type of request as Bradow mentioned an incident report from the sheriff's department and potentially we could extend the window on the CUP permit and request that the developer provide additional information on the traffic incidents in that location and make a decision at the next planning commission meeting with that additional information submitted or you could approve the CUP with the traffic study condition or deny the CUP outright. Either one of those options are at your discretion. Stone said she would like to see a traffic study, no I would like us to contact the sheriff's department and see what kind of information they have on incidents at that intersection and table the request. Bradow said I think we've had a long winter and a late spring and I would feel comfortable in moving this CUP along because they aren't going to move fast enough to not be able to react to some traffic flow in the future, I mean that's not next to the building site although it may affect how they locate or situate their building on how it is faced depending on whether they go north or south if it is even required. Bradow said he would like to see a Sheriff's report on incidents. Johnson said there are people who do roads and can look at that intersection and say you can do this or that and it's simple and probably a better answer than you're going to get than having a developer have to pay for a study from the state and at the end they going to say yes, there's going to be more traffic there. Mathisrud said we have some resources available to us as obviously the city has an engineer and the county has an engineer and I'm sure there are some minds that can look at that based on the results of the incident report. Mathisrud said in the State of Minnesota we are under the time limits on these types of applications as there is the 60 Day Rule, we have to make a decision on an application within 60 days of submittal but the city does have the ability to extend that window up to 60 days by simple notice to the developer so we can push this to the next meeting if we want to or such time as that information is submitted to us or you can make a decision today. Bradow asked the developer if we did that, pushed it to the next meeting, how does that affect your planning? Holte responded our planning is pretty tight right now we are hoping to go to bids in the near

future and our target date to start construction would be July so really any delay in this process is going to come with a large delay to the project and added financial burden. Johnson said this is almost a separate problem – the traffic is a separate problem from their land request. Bradow stated we can address that on question number 5 of the Findings of Fact and still move this CUP along tonight unless there is a majority of people objecting.

**The Public Hearing was closed at 7:03 p.m.**

There was further discussion amongst the commissioners regarding obtaining the sheriff's incident report and they decided to proceed with the Findings of Fact.

**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, NPDES 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( Petschl said 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? YES. *Mathisrud and the Commissioners recommended the following conditions:*

1. The owner shall operate the business in accordance with all local, state, and federal regulations.
2. The owner shall obtain all appropriate storm water permits.
3. All signage shall meet the standards indicated in the zoning ordinance.
4. The owner shall connect to city utilities in the location as approved by the city engineer.
5. The owner shall complete annexation to the City of Park Rapids prior to December 31, 2018.
6. Developer to provide incident report for that intersection for staff review and approval of driveway alignment by City Engineer.

**A motion was made by Stone, seconded by Newman, and unanimously carried to attach the above noted conditions.**

**A motion was made by Stone, seconded by Newman, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit Request from Josh Holte, Administrator of Hubbard County Solid Waste, to allow**

**construction of a 20,600 sq. ft. transfer station building for residential and commercial garbage disposal, located at 812 Henrietta Ave S, in a Public and Quasi-Public District, PID#13.30.04071; with the following conditions:**

- 1. The owner shall operate the business in accordance with all local, state, and federal regulations.**
- 2. The owner shall obtain all appropriate storm water permits.**
- 3. All signage shall meet the standards indicated in the zoning ordinance.**
- 4. The owner shall connect to city utilities in the location as approved by the city engineer.**
- 5. The owner shall complete annexation to the City of Park Rapids prior to December 31, 2018.**
- 6. Developer to provide incident report for that intersection for staff review and approval of driveway alignment by City Engineer.**

**7C. ZONING DISTRICT BOUNDARY AMENDMENT REQUEST FROM BEMIDJI MANAGEMENT CO., LLC, OWNER, TO REZONE TWO PARCELS FROM R-2 SINGLE, 2-FAMILY, AND TOWNHOUSE DISTRICT TO B-1 HIGHWAY BUSINESS DISTRICT; PARCELS ARE LOCATED AT 105 PARK AVE N, CONSISTING OF .16 ACRES, PID#32.45.00400 AND 106 MAIN AVE N, CONSISTING OF .16 ACRES, PID#32.45.00500; AND TO REZONE ONE PARCEL FROM B-2 GENERAL BUSINESS DISTRICT TO B-1 HIGHWAY BUSINESS DISTRICT, LOCATED AT 104 MAIN AVE N, CONSISTING OF .03 ACRES, PID#32.38.00200:**

Mathisrud explained this request is from Arch Simonson of Bemidji Management Company to rezone his assembled site for a convenience store, retail and other commercial uses and need appropriate zoning. Mathisrud provided a site map showing the properties are bounded by Main Ave N, Park Ave N and Highway 34 to the south. Simonson has been acquiring these properties over the last year and a half and assembling a complete site. The total acreage under this rezoning request is .35 acres but the total site size is 1.37 acres. This rezoning request includes 106 Main Ave N a single-family dwelling, 104 Main Ave N was recently a pet grooming studio and 105 Park Ave N was a single-family dwelling but has been demolished. The Comprehensive Plan designates this area as a commercial use area which was updated a year ago under a different application. This project is located within the city's wellhead protection area which includes two former gas stations which are often considered Brownfield sites and the developer is redeveloping that site by cleaning it up and recognizing that any development that occurs should be sensitive to any of the former uses, which means on this particular site we don't want to require infiltration of storm water like we would on normal sites as any time you are within the wellhead protection area you don't want to have storm water infiltration over an existing gas station in case any of that could get brought down into the water table. The properties are located within Airport Safety Zone C however this use is not affected by the Airport Overlay. The property is located within the City of Park Rapids and is served by water, sewer and storm water so it has access to all of those. Under the R-2 District the intent is to provide for low and moderate densities single family and two-family dwellings. The intent in the B-2 District is to serve as the central business district corridor which is convenient for retail businesses, government and professional offices and safe for a high level of pedestrian traffic. The

B-1 District intent is to accommodate commercial activities convenient to motorists such as to accommodate those businesses which require large areas for off-street parking or commercial storage and generate substantial traffic originating from outside the community. Gas stations without service including convenience stores falls into this category as a permitted use. The developer has purchased several sites and demolished structures in preparation for this project and has submitted a site plan indicating the proposed layout of the site. A future application would be brought which would include a two lot subdivision basically assembling all those small lots into larger lots. The site plans shows a 4,000 sq. ft. convenience store and a fuel island in the front as well as a car wash bay with a drive-thru and a stacking area. The developer also plans to purchase the lot what the alley is currently built upon as the alley in this location is actually on a platted lot which is unusual and in order have a commercially viable site the developer needs to incorporate this alley because it's not dedicated on a plat it's not as easy as vacating it, we actually have to sell the real estate prior to it being replatted. A vacation of that alley would still be required so it's actually a two-step process. The developer has done some survey work and found that Lot 7 and the alley covers about half of that city owned lot and the other half is on private property and it has been in existence as an alley for approximately 120 years. Once the developer controls the entire site he intends to file a Preliminary and Final Plat which would come before the Planning Commission but at this time he is requesting the rezoning of these lots and the purchase of Lot 7 so he can move forward with the platting process for this project. Mathisrud provided site images of the properties to be rezoned and provided the intent for each zoning district from the Comprehensive Plan and stated this plan is in conformance with the Comprehensive Plan. Mathisrud provided his answers to the Findings of Fact and recommended approval of the zoning district boundary amendments.

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

Newman asked if just half the alley is involved? Newman stated she is real familiar with the area and there are three really nice houses on Park Ave N and some of the oldest houses and one has a new occupant in one of them. They were built in 1895 – 1902 and they need an alley and there is a law office on the corner which leaves one little house in the middle which is 110 Main Ave N which I assume is a rental and it is really run down. There was discussion concerning the properties on the block as to ownership. Mathisrud advised the alley further to the north of the developer's property will remain an alley.

**The Public Hearing was opened at 7:25 p.m.**

No comments.

**The Public Hearing was closed at 7:25 p.m.**

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

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

**A motion was made by Stone, seconded by Johnson, to recommend to the City Council approval of a Zoning District Boundary Amendment request from Bemidji Management Co., LLC, Owner, to rezone two parcels from R-2 Single, 2-Family, and Townhouse District to B-1 Highway Business District; parcels are located at 105 Park Ave N, consisting of .16 Acres, PID#32.45.00400 and 106 Main Ave N, consisting of .16 acres, PID#32.45.00500; and to rezone one parcel from B-2 General Business District to B-1 Highway Business District, located at 104 Main Ave N, consisting of .03 Acres, PID#32.38.00200.**

**The vote was called.**

**The following Commission Members voted in favor: Bradow, Petschl, Johnson, Newman, Spaeth and Newman**

**The following Commission Members voted nay: None.**

**The following Commission Member abstained: None.**

**The motion carried.**

## **8. GENERAL BUSINESS:**

### **8A. REVIEW OF PROPOSED SALE OF CITY LOT TO BEMIDJI MANAGEMENT COMPANY, LLC, LOT 7, BLOCK 1 SHIELD & FITCH ADDITION, PID32.38.01070:**

Mathisrud explained any time the city sells real estate the Planning Commission has the opportunity to provide comment to the City Council making a recommendation to approve or deny that sale. This particular request is for Lot 7, Block 1, Shield & Fitch Addition and because it is an unusual request the city owns this in fee title. Typically, it would be set up where alleys are just dedicated on a plat and when a developer request that we vacate that alley the request automatically would make the real estate go to each adjacent property owner and we wouldn't actually be selling real estate to an individual. This case is unusual as it was platted in 1894 and that is how the city acquired this real estate. The developer needs this real estate in order to file a plat and cannot complete the survey and prepare a legal description without it. Mathisrud stated we reviewed the Comprehensive Plan and Land Use Goal #1 is to support the orderly compact growth and it's adjacent to major transportation routes and supporting this type of development would meet that goal and Policy #1 is to control properly managing and encourage those commercial areas to develop along 71 and 34 and this meets this goal. Mathisrud advised staff has drafted a purchase agreement for this so by selling this lot we're not automatically bound to vacate the alley until the developer addresses any utility issues that are located within there so we do have the ability to get this lot back if we need it but because the alley is existing there, we already have a prescriptive easement for it so we expect the developer will make that request for the vacation of the alley and we won't need to take the lot back but just in case something happens we

would be able to obtain that lot back. Mathisrud stated staff's recommendation is to approve the sale of Lot 7 to Bemidji Management Company.

**A motion was made by Petschl, seconded by Bradow, and unanimously carried to recommend to the City Council approval of the proposed sale of a city owned lot to Bemidji Management Company, Lot 7, Block 1, Shield & Fitch Addition, PID#32.38.01070:**

**9. INFORMATIONAL/DISCUSSION:** None.

**10. ADJOURNMENT:** A motion was made by Stone, seconded by Petschl, and unanimously carried to adjourn the meeting at 7:33 p.m.

---

Vice Chair

ATTEST:

---

Carmen L. Lockhart  
Planning/Administrative Assistant