

CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
JUNE 25, 2018, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota

1. CALL TO ORDER: The June 25, 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, Nancy Newman, and City Council Member Liz Stone. Absent: Bruce Johnson. Staff Present: City Planner Ryan Mathisrud and Planning/Administrative Assistant Carmen L. Lockhart. Others Present: Shannon Jacob, Sheila Jacob and Gail Petschl.

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

4. APPROVAL OF SPECIAL MEETING PLANNING COMMISSION MINUTES OF MAY 21, 2018: A motion was made by Petschl, seconded by Bradow and unanimously carried to approve the May 21, 2018 Special Meeting Minutes as presented.

5. PUBLIC HEARING:

5A. CONDITIONAL USE PERMIT REQUEST FROM SHANNON JACOB TO ALLOW AUTOMOBILE DISPLAY, SALES & SERVICE AT 18154 169TH AVE IN A B-1 HIGHWAY BUSINESS DISTRICT, PID#13.20.01440, OWNED BY DALE BREITWESER:

Mathisrud explained this request is for a Conditional Use Permit and the applicant is looking to obtain a Minnesota Motor Vehicle Dealer's License and would like to be able to start selling used automobiles. The property owner is currently Dale Breitwieser and the applicant is Shannon Jacob of Menahga who has a purchase agreement and is looking to obtain this property for the proposed use. The location is 18154 169th Avenue on the east side of the city and the proposed area is approximately 1.68 acres and is on the west side of 169th Avenue. The property is currently vacant except for a 16x14 log structure which needs rehabilitation as it was used as a sales building for log homes at one time.

Mathisrud explained the City's Comprehensive Plan shows this area for commercial use and it is currently zoned B-1 Highway Business District as there is a high traffic count in a commercial area. There are no environmentally sensitive concerns and it is not in the Airport Overlay District. The property was recently annexed however water/sewer are not available for this property. In the B-1 District this use requires a Conditional Use Permit.

Mathisrud pointed out the site plan provided by the applicant showing a paved display area for approximately ten vehicles and various tree plantings. The existing

building is shown and the applicant intends to rehabilitate the building and put it to use as an office for the sale of vehicles which is required for licensing from the state. Also provided are some images showing the elevation of the lot and misc. debris that would need to be cleaned up. Mathisrud stated in reviewing this request there aren't topographical challenges or issues associated with that and the applicant intends to establish the area for ten automobiles with the intent to expand in the future if successful. Obviously with any business you start you want to be able to grow. The lot is greater than one acre in size so a lot split application would be sized appropriately for well and septic systems. A new foundation will be made for the log structure with a bathroom, new roofing and general rehabilitation of the building. The applicant intends to staff the office.

Mathisrud advised there is a recreational easement along Highway 34 for ATV's, etc. so any permitting of pavement, etc, needs to be set back from that so it doesn't interfere with ATV use. At this time there are no other structures proposed but ultimately if the business grows the applicant would add a building with a service bay for detailing and service of vehicles.

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 shall operate the business in accordance with all local, state, and federal regulations.
2. The owner shall obtain a certificate of survey and properly divide the property.
3. The owner shall provide a paved display area for the vehicles approved by the City Engineer.
4. All signage shall meet the standards indicated in the zoning ordinance.
5. The owner shall submit a landscaping plan for the property for approval by the City Planner. and plant the approved plantings within 6 months.
6. The owner shall not display vehicles or equipment within public Right of Way.
7. All vehicle service shall be completed inside an approved building.

Newman asked is the cement slab is going to be poured and then the building moved onto it? Jacob responded yes. Newman asked if there is going to be a septic system? Jacob said maybe a holding tank.

Bradow advised questions should be addressed to staff first and then we will open it up to a public hearing.

The Public Hearing was opened at 6:10 p.m.

Newman stated she was wondering if the building is going to be moved onto a new slab? Jacob said yes. Newman inquired if the area would be cleaned up from debris, an old dog house and dead trees removed? Jacob said yes, but it isn't a dog house actually it is a well and I believe when they dug out that property somehow it is four feet in the air (inaudible) there is another well over there where they placed that barrel over it. Stone asked if it currently has a holding tank or it will have a holding tank? Jacob said it would have a holding tank, has two wells on it and (inaudible) new sewer line. Petschl said it has an outhouse on it doesn't it, that little building that's just to the (inaudible) or is that? Jacob said I think that underneath there is where that one well is, it's a wellhouse. Petschl said oh okay. Jacob said that mound of dirt there and that dog house up on top of it is (inaudible). Stone asked so where would the holding tank be? Jacob said it would probably be going to the southeast – south, southwest of the building. The building sits as you look at the building towards the west, it would be on the south side. Stone so would you lift the building up and put the slab there or so the building would stay approximately where it is? Jacob said it will stay approximately where it is, we would pour a slab right next to it and move it onto it. Petschl asked if there is any insight into, I realize you have to have it surveyed but, the division of the property? Jacob said I don't understand the question? Petschl asked have you researched that at this time the property is supposed to be divided that's one of the recommendations. Jacob said he has looked at it and self surveyed it himself and will have a surveyor come out there and (inaudible) new property use and as long as I (inaudible) it is going to be surveyed though. Bradow asked if that answers your question? Petschl said yeah. Bradow asked if Jacob had anything else he wished to add? Jacob said I guess not really. It is a new business and (inaudible) car lots in price range (inaudible) \$15,000.00 (inaudible) at some point putting up an office with a bay in it (inaudible). Stone asked so the work done on the vehicles would be done off site? Jacob said yes. Stone said okay. Jacob commented (inadubile). Newman asked if you just have one access coming into the property isn't there a dead end in the back? Jacob said yes, I think that's where the old highway (inaudible).

The Public Hearing was closed at 6:14 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 responses but 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 a certificate of survey and properly divide the property.
3. The owner shall provide a paved display area for the vehicles approved by the City Engineer.
4. All signage shall meet the standards indicated in the zoning ordinance.
5. The owner shall submit a landscaping plan for the property for approval by the City Planner. and plant the approved plantings within 6 months.
6. The owner shall not display vehicles or equipment within public Right of Way.
7. All vehicle service shall be completed inside an approved building.

A motion was made by Petschl, seconded by Bradow, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit Request from Shannon Jacob to allow automobile display, sales & service at 18154 169th Ave in a B-1 Highway Business District, PID#13.20.01440, owned by Dale Breitwieser; 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 a certificate of survey and properly divide the property.**
- 3. The owner shall provide a paved display area for the vehicles approved by the City Engineer.**
- 4. All signage shall meet the standards indicated in the zoning ordinance.**
- 5. The owner shall submit a landscaping plan for the property for approval by the City Planner and plant the approved plantings within 6 months.**
- 6. The owner shall not display vehicles or equipment within public Right of Way.**
- 7. All vehicle service shall be completed inside an approved building.**

Bradow advised the Planning Commission is a recommending body and the applicant should attend the City Council meeting on July 10th for final approval.

6. GENERAL BUSINESS:

6A. MINOR REVISION TO THE FINAL PLAT OF SIMONSON ADDITION:

Mathisrud explained the developer has noted that they are struggling to get the permits they requested from MnDOT for driveway accesses so they found that the best layout for the site would actually be to change how they platted it. The previous plat showed a two-lot subdivision with an easement in the center and now they are looking to combine them into a single lot instead of two separate lots. Mathisrud added the minor change that I felt warranted coming back to the Planning Commission was the fact that the easement shifted over five feet but all the existing utilities in the ground are not affected by this easement shifting that direction as they are all located underneath the easement fully so it doesn't affect the plat but I thought it would make sense to have you take a second look at it. The proposed Final Plat is in your packet and I also have a Certificate of Survey which does show the existing utility corridor and the proposed

easement.

Mathisrud stated staff feels this is a minor change and recommends approval of the proposed Final Plat of Simonson Addition.

Petschl said so the reason for the change though is as it states, to reflect MnDOT's access permits? Mathisrud said yes, they had originally proposed to have two separate buildings on two separate lots but now they are going to combine them into a single building with a fuel island on a single lot and that's because they weren't able to get the appropriate access permits from MnDOT for the configuration they had and that's what triggered the change to this plat. Bradow asked if it is a fairly minor change? Mathisrud stated yes.

A motion was made by Stone, seconded by Petschl, and unanimously carried to recommend to the City Council approval of the revised Final Plat of Simonson Addition as explained and presented.

6B. SALE OF RIGHT OF WAY TO MNDOT FOR 2019 ROUNDABOUT AT TRUNK HIGHWAY 71 AND CSAH 15:

Mathisrud explained this is a request we received from MnDOT this week to sell real estate so they can incorporate the roundabout. Mathisrud provided maps showing the project area and advised the roundabout is approximately 140 ft. in diameter and their right of way is only 100 ft. in width so that means they needed to shift it over a little in order to fit it within the right of way. The city owns a 100 ft. wide section of land to the east which used to be the Great Northern Railway Corridor that used to come through so the city owns the real estate. Therefore, MnDOT wants to buy a portion of it in order to complete the project. MnDOT provided a couple of maps that are located in your packets and the key to look at are the purple areas which they are proposing to purchase the real estate entirely in fee title and that equates to approximately .48 acres. Part of that is already encumbered by existing road easements. Also, the dark yellow portion on the maps is what they are requesting for a temporary construction easement which is an easement wherein they can do their work but it expires at the end of the project. The area is zoned I-1 Industrial and looking at future uses at this real estate it would be valuable for the county if they were to expand their office space or possibly the right use could go in there as a buildable lot but it is underutilized and has been that way for a long time. The Comprehensive Plan does discuss using this area for road and utility purposes.

Mathisrud stated staff is recommending approval of this sale to MnDOT subject to appropriate staff agreement on the cost sharing and purchase terms. Right now MnDOT is requesting that we donate it but I wouldn't recommend doing that until we know how the cost structure works out for sharing in the project costs.

Mathisrud explained that typically when the city sells property the Planning Commission provides comment whether or not it relates to the Comprehensive Plan and if you find something that isn't in keeping with the Comprehensive Plan or requires further discussion, this is the time to do that so we can bring that back to the interested parties. Petschl asked if the price setting is done through eminent domain? Mathisrud indicated MnDOT can request we waive compensation and sign off on that and that is what they are doing with this request. Alternatively, they have to hire an appraiser to appraise the property and then make an offer based on the appraised value and if we don't accept that appraised value then we have the ability to hire our own appraiser and

do the same thing or meet in the middle otherwise it would go to eminent domain proceedings.

Mathisrud indicated there is a meeting scheduled to discuss cost sharing and purchase price this week.

A motion was made by Bradow to recommend to the City Council approval of the sale of the Right of Way to MNDOT for the 2019 Roundabout at Trunk Highway 71 and CSAH 15.

Stone asked are we adding it's subject to cost? Petschl and Stone said contingent upon acceptable cost sharing structure for the project. Bradow agreed.

An amended motion was made by Petschl, seconded by Newman, and unanimously carried to recommend to the City Council approval of the Sale of Land consisting of approximately .48 acres for ROW/Utility purposes contingent upon acceptable cost sharing structure for the 2019 Roundabout Project at Highway 71 and CSAH 15.

7. INFORMATIONAL/DISCUSSION: There was discussion concerning advertising for a new Planning Commission member which was done in May but no responses were received. Stone inquired if it was only in the newspaper? Lockhart indicated it should have been on the website as well. Stone indicated she has approached a couple candidates.

8. ADJOURNMENT: A motion was made by Petschl, seconded by Bradow, and unanimously carried to adjourn the meeting at 6:32 p.m.

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning/Administrative Assistant