

**CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
NOVEMBER 25, 2019, 6:00 p.m.
Park Rapids City Hall, 212 Second Street West
Park Rapids, Minnesota**

1. CALL TO ORDER: The November 25, 2019, 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, Nancy Newman, Robb Swanson and Bruce Johnson. Absent: City Council Member Liz Stone. Staff Present: City Planner Andrew Mack and Planning/Administrative Assistant Carmen L. Lockhart. Others Present: Dale Tellinghulsen of Lakes Area Cooperative, Dave & Jean Wilkins and Joe Markell.

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

4. APPROVAL OF PLANNING COMMISSION MINUTES OF OCTOBER 28, 2019: A motion was made by Newman, seconded by Bradow and unanimously carried to approve the October 28, 2019 Regular Meeting Minutes as presented.

5. PUBLIC HEARINGS:

5A. Comprehensive Plan and Future Land Use Map Revision request from Single Family Residential to Commercial by Lakes Area Cooperative for one (1) parcel located at 810 Main Ave N consisting of .54 acres. PID#32.52.50100.

Mack asked to handle the public hearings together but take separate action for ease of understanding he wants to present both together which will be easier for the public to speak to as well.

Mack provided a picture of the Comprehensive Plan and Future Land Use Map as zoned and as proposed from residential to commercial. There is a singular designation for commercial and doesn't distinguish by level of intensity for commercial. The request to change the Land Use Map is driven by the application for rezoning so I would request you hear the full testimony on the application and deliberate further based on the change in land use.

Mack said the property contains approximately one half acre of land and is currently zoned R-1 Single Family Residential. The adjoining property owned by Cenex is zoned B-1 Highway Business District. Their intent is to consider additional development of the site as stated by the applicant for the future possibility of a car wash and that requirement for zoning is a B-1 use currently permitted by right by the city, hence the request by the applicant to rezone from R-1 to B-1. The land surrounding on

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three sides is zoned single family with the exception of some R-2 which is Single, 2 Family and Townhouse Residential District. The land across Hwy 71 to the east is a DNR rest stop and park site along the Fish Hook River.

Mack explained in response to the notices sent by law to the residents within 350 feet and the published notice in the paper, I did receive a call and an email from Judy Mae Kramer who owns property to the west who expressed very strong concern about the impending proposal to rezone the property. In particular, given the discussed possible future for a car wash and it being attached to the existing structure which would require the lots to be consolidated. Exiting the car wash onto Main Ave North to the west was met with grave concern from the landowner who is a seasonal and long term resident. Concerns were cited such as intensification of light, trespass, headlamps and increased noise of vehicles associated with the car wash, increased traffic and further concerns also expressed about existing conditions of idling of semis along the residential street and idling on site of the property which has been a concern of the neighbors and residents in the past. Subsequent to that I had a further conversation with a landowner that was part of the petition presented to city staff this morning expressing concerns about the future use of a car wash on the site, a copy of which is provided to you.

Mack stated the last point he wants to make has to do with the ability for the community to control how the site would potentially be developed if the property is rezoned. Currently under the zoning ordinance this use for a car wash is permitted by right meaning this would be the only public hearing scheduled on such a proposed development would be for the rezoning this evening. We are in the process of examining those uses in our code and have been working diligently on that through the past several meetings and I would suggest you would want to revisit that subject since we haven't gotten to that page in the proposed matrix. We may want to further examine that which is obviously several months down the road before any proposed changes would be considered for adoption by the City Council which is the city's current initiative of the Planning Commission.

Mack stated he is very hesitant to lend a favorable recommendation in support of this request. I do believe if the community, the City Council and Planning Commission through its recommendation were to entertain the change of zoning that we would have an option to have greater control over any potential development of the site which would be through the creating of a permit requirement of a conditional use. That might allow us the opportunity to revisit the subject in the future and have a greater amount of control of how the site is laid out and ways to mitigate impact on the surrounding neighborhood. That is an option that could be considered if there is support for the request but based on the lack of that control in place at this time, staff is reticent in supporting the request this evening.

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

Joe Markell of 338 East River Drive said there wasn't much notice that he saw. He is located across the river and wanted the map opened to show where five residents live that look at these lights and hear the noise every day. Markel listed some of the names of residents that he talked to – Linda and Larry Cwiak who bought the Monsrud place; Ray Knutson 336 East River Drive; my wife and I – Joe and Mary Markell 338 East River Drive; Nancy Smith 339 East River Drive; Brenda Keller 328 East River Drive. We are all looking at Cenex. One of the things that two of the neighbors told me and I've only lived here six years but they said that Cenex is a bad neighbor, they were supposed to, there was like a little dairy queen or something there and it wasn't going to be a big impact. The light is just tremendous. Can I show you a couple pictures on my phone I guess that's the only way to do it. Lockhart asked him to email the pictures to the Planner. Markell showed the pictures to the commission members. Mack said he looked at the area Friday night and it looks exactly like what I saw when I was out there. Markell showed another photo just to the south of Cenex where the rest stop is. That's normally just slightly over and that's the view from my house, you can see the rest stop there. My wife and I spend a \$100 per year donating to the rotary fireworks which is one of the best fireworks displays in the state and those lights are just blaring. Also, I don't know how much noise there would be with the car wash and which way they would be going which would add to the noise there. When I had a garden shed put in I had to go to the I don't know, the city administrator or something, it was Ryan Mathisrud because anything within 500 ft. of a waterway DNR has jurisdictions over I don't know if they did any kind of a study but DNR probably should be aware of this too. I'm against it, it's noise and light pollution and you can't really go out and see the stars and when the fireworks is going on that whole bay fills up with I don't know, 100-200 boats and there's Cenex. That's my two cents. Any questions?

Dale Tellinghuisen of Lakes Area Cooperative introduced himself. Our cooperative is a farm supply cooperative and we're owned by a bunch of farmers and when times got tough we got into consumer businesses some of them being gas stations and the like, we have a car wash also. We're kind of based in this area and our furthest location from here would be Akeley and then down to Battle Lake and several locations in that area. So that is the kind of business we're in. The Park Rapids location here is a convenience store that came in with a merger of another cooperative in 2009 so it's been there much longer than six years. We also have in Park Rapids out on Hwy 34 on the south side of the road, we have a propane plant there. We do a lot of energy business refined fuels, propane and that type of thing. Most of our facilities, I would say all of them, are really neat and clean facilities, we keep them lit so they are pleasant to go visit and no one wants to fill their car in the dark, so we do keep them lit. We changed that lighting over to LED and it's focused pretty much at the ground. I mean if you're looking at an LED light you can see it from a long distance so matter where you're at so that, I agree with you if you're looking up at the light you can see it in the dark.

Tellinghuisen said that current lot is, we looked at it and said well what's the purpose of this extra lot that we have here and what are we going to do with it. I pulled out my tax structure and said well it's zoned commercial and Hubbard County has had it

zoned commercial since I knew so I went into the land use map here at Park Rapids just recently, like around the first of November, I believe it was and looked at it just to see what we had for land up here and it ended up being in a residential zone which surprised us, we didn't know that. So that's why I thought well I will start the process here of trying to get it zoned to something we could use and something that we could put into service for our customers. That kind of, well Mack asked what would you do with the property? What would be a good use for the property? I said well we've recently done some car wash stuff and that's worked out well for us so that's probably something we would look at. He then asked for a site plan and honestly, I didn't go to my civil or anything we just kind of drew, I drew one up on graph paper and set it up and sent it up just so we could get into this process with you guys on the zoning. So, I'm not tied into anything as far as what a site plan is right now. We are looking at a single bay wash. We haven't even done a study, we know what the traffic count is and all that kind of thing but we really haven't even done a study yet on how much we can afford to put into something like that. But why do all that if we aren't even zoned, right? So that's why we are here saying well if we can get the zoning done, it makes sense to take the next step. For the city, I mean car washes are good sewer and water revenue, obviously the tax structure right now on that lot, the city gets \$300 for it. If a car wash went up it might be \$5,000 so a pretty big difference there.

Tellinghuisen stated he is a Planning Commissioner member in Perham so that's where I live. I have a place out here too on the Crow Wing so I'm in Park Rapids a lot. I love your community, it's a great community. I think a lot of times when I'm on the Planning Commissioner there's always an impact unless we keep everything residential, there always a little bit of an impact and I know it's a good idea to negate that as much as possible but we also don't want towns to die off being zoned only residential because they won't last or they won't live that way. As far as residential go though, there are two right on the south side. Your ordinance has provision there for six to eight foot screening and that would be put into place and for the ones across the road I think we could try to make that turn lane come back against the building or we could maybe have the exit towards 71. So, there are some things I think we could probably do to keep the noise or the light a little further away from that one residence.

Market commented multiple residences, sorry to interrupt but multiple residences.

Tellinghuisen said within 350 feet I'm talking about, the ones that are impacted. We're only looking for on a single day, we're only looking for 30 to 40 cars a day honestly, that's all we would need to go through there and we're saying we're going to get 50% of those off the pumps, so we maybe increase traffic by 15 cars maybe 20 on a really busy day possibly. That's all we're seeing in our current washes. On a day like this of course you don't have any, I mean people don't wash their car. The other thing nice about it is that at night, when it gets dark, people stop washing. We've got a car wash that does 25,000 cars a year and when the sun goes down it's over, people just don't come into a car wash at night so that's another thing that kind of works for the residential area. That's nothing I can legislate or anything but that is the way the

business works. I think we would be able to work with all the set backs and provisions in the current ordinance. Probably the thing I guess I would ask for you tonight to do is not vote no on this. To either vote yes or to vote to table it so we can visit it maybe if you change your zoning ordinance to a conditional use permit then we could have your input on it if we decide to do something with it. That's all I got.

Markell asked if he could ask Tellinghuisen a question? Tellinghuisen said it's up to the chairman. Bradow asked what do you have in mind? Markell asked if the Planning Commission would go ahead and adjust it so they could get a car wash, would they be willing to do something about their lights? Plant trees? Put in a wall or anything like that? Bradow said there is nothing in our ordinance that would allow us to do that and like Mack stated maybe we need to revisit this when we're going through our zoning matrix like we're now doing to maybe put the car wash under a conditional use permit. That would allow us to request that type of thing, noise dampening, light dampening, maybe hours of operations, I mean the sky is the limit when we look at conditions. Markell said thanks.

Mack said I would agree with what you said but the only thing specifically that you cited was for existing conditions that may not be associated with the new improvement and the answer is yes that those additional conditions for mitigating impacts on existing conditions can also be included on the conditional use permit.

Tellinghuisen asked if the commissioners had any questions for him. There were no questions. Tellinghuisen thanked the commission for their time.

Dave Wilkins stated he lives on the lot south of where that's going to be and when they built their station, they had the bright lights and there was a lot of complaints on them and they said to live with it. They lit up my whole house with it. I was told this and I don't know it for a fact, but I think the state got on them because they were blinding drivers coming down the road. Anyways, where that access part going out of either side of that driveway, for me to walk over to that public access to fish off the dock it's taking your life in your own hands because that corner does not look like it's a blind corner but it is. Main Street is very bad for an exit going that way because they come around the corner from 71. As far as people not using those car washes at night, well I took care of one on the south 71 when it was down there and that's when people go in there with their horse trailers and blow them out and plug the traps up in the sewer so they are awful messy. The fans are loud. I'm not for it. With the sand that they take off of there, is that sewer a dead end, I know the water used to be but it's looped now but I don't know about the sewer. That is something to look into. Bradow said he couldn't answer that. Mack asked Wilkins to repeat the question. Wilkins stated the water up there is looped now but it used to be a dead end and we would get rust in it all the time but we don't now so much, it doesn't smell the greatest but I don't know if the sewer dead ends there or not. Mack said he can't answer without researching that. If we could get your phone number I could research that and contact you or have our public works department contact you to get you an answer.

Bradow asked if there are any more questions of the public or the applicant? Mack said I think it would be appropriate for the record to read into the record the names of the written testimony including the names on the petition. Bradow asked if Lockhart has the documents and to let the record show that the email from Judy Kramer be read into the minutes and the Petition Against the Cenex Car Wash, the names be read into the record and I counted ten if I counted correctly: R.D. Smith, Karen Dahl, Bruce and Sharon Johnson, Rod Helm, Jerry Perpich, Mr. & Mrs. Craig Clark, Bill Clark, Adam & Susan Bauer, Lola Holland, Mary & Joe Markell.

Bradow also read into the record the title for Agenda Item 5B. Zoning District Boundary Amendment request by Lakes Area Cooperative to rezone one (1) parcel located at 810 Main Ave N, consisting of .54 acres from R-1 Single Family residential to B-1 Highway Business District. PID#32.52.50100.

The Public Hearing was closed at 6:29 p.m.

Bradow asked Mack procedural questions and there was further discussion concerning precluding the applicant from coming forward in the future. Mack stated he had to look up whether there was a provision concerning prejudice. Mack stated the commission has the right to consider tabling the matter for specific period of time which could exceed the 120 day state statute, with written request by the applicant, that we must take action for the rezoning application. The comp plan amendment is not restricted by the 60 day rule. Mack stated the applicant can reapply at any time.

A motion was made by Johnson, seconded by Newman, and unanimously carried to recommend to the City Council Denial of a Comprehensive Plan and Future Land Use Map Revision request from Single Family Residential to Commercial by Lakes Area Cooperative, for one (1) parcel located at 810 Main Ave N, consisting of .54 acres. PID#32.52.50100.

5B. Zoning District Boundary Amendment request by Lakes Area Cooperative to rezone one (1) parcel located at 810 Main Ave N, consisting of .54 acres from R-1 Single Family residential to B-1 Highway Business District. PID#32.52.50100.

See above comments and discussion.

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? NO.*
- 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 Bradow, seconded by Johnson, and unanimously carried to recommend to the City Council Denial of a Zoning District Boundary Amendment request by Lakes Area Cooperative to rezone one (1) parcel located at 810 Main Ave N, consisting of .54 acres from R-1 Single Family Residential to B-1 Highway Business District. PID#32.52.50100.

6. INFORMATIONAL/DISCUSSION:

6A. CUP/IUP Ordinance Legal Review Update: Mack advised the attorney completed the review of the proposed ordinance and recommend a substantial number of changes to the language drafted by staff. The changes did not constitute a change in the intent of the proposed ordinance. The city attorney recommended the item be returned to the Planning Commission for a new public hearing before forwarding to the City Council.

6B. Zoning Ordinance Matrix: Mack provided an updated matrix with track changes.

There was discussion concerning vacation rental properties including whether it should be an administrative process or a CUP or IUP. There was further discussion regarding applying a 500 ft. parcel boundary buffer restriction between properties, grandfathering properties and variances to that restriction, parking standards, increased traffic, definitions, violation process, the appeal process and the sale of property and possible discontinuation of the use. It was the consensus of the commission for Mack to draft language using the standards and administrative procedure from the Two Harbors ordinance as a model. There was also discussion concerning changing the matrix accordingly. All proposed ordinance revisions will be reviewed by city attorney prior to public hearing.

There was discussion and additional changes/corrections made to the matrix as follows:

Page 42 of Packet - page 2 of Matrix: Religious Institution change C to I in B-2.

Page 45 of Packet – page 5 of Matrix:

Dry Cleaners, Retail Store - change P to C in R-B.

Funeral Home or Crematorium – change P to C in B-1 & B-2.

Mini or Self-Service Storage Facility – mark with an asterisk - to prepare a definition.

Page 46 of Packet – page 6 of Matrix:

Automobile Repair Service or Body Shop – Change P to C in B-1.

Automobile Car Wash and Detailing – Prohibit in R-B, change P to C in B-1, B-2 & I-1.

It was agreed to start review of the matrix at Retail Sales at the December meeting.

6C. December 23, 2019 meeting: It was the consensus of the commission to hold the December meeting on the 16th of December, 2019 with a public hearing for the CUP/IUP Ordinance provision.

7. ADJOURNMENT: A motion was made by Swanson, seconded by Bradow, and unanimously carried to adjourn the meeting at 8:08 p.m.

Chair Richard Bradow

ATTEST:

Carmen L. Lockhart
Planning/Administrative Assistant