

**CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
OCTOBER 27, 2014, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota**

1. CALL TO ORDER: The October 27, 2014, Regular Meeting of the Park Rapids Planning Commission was called to order at 5:58 p.m.

2. ROLL CALL: Present: Commissioners, Dick Bradow, Nels Peterson, Diane Smith, Joel Vorhes, and City Councilmember Paul Utke. Absent: Janice Tidrick. Staff Present: City Planner Dan Walker and Planning Secretary Carmen L. Lockhart. Others Present: Blair Ransom of Velocitel o/b/o AT&T, Don Malm, Sue Litzau, Kathy Grell, Laudie Barr, Bill Frikken, Brad Mandershied, Lindsey Meier and Justin Meier.

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

4. APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF SEPTEMBER 22, 2014: A motion was made by Peterson, seconded by Smith, and unanimously carried to approve the September 22, 2014 Regular Meeting Minutes as presented.

5. PUBLIC HEARING:

5A. CONDITIONAL USE PERMIT REQUEST FROM VELOCITEL, INC. ON BEHALF OF AT&T TO ALLOW AN UPDATE TO THE CITY'S EXISTING TELECOMMUNICATION TOWER INCLUDING REPLACING THE 146' LATTICE TOWER WITH A 135' MONO-POLE TOWER AND INSTALLING A SHELTER ON CITY PROPERTY LOCATED AT 212 2ND STREET WEST, IN A B-2 GENERAL BUSINESS DISTRICT, PID#32.37.06208:

Walker explained the applicant is Velocitel, Inc. on behalf of AT&T, requesting a conditional use permit to allow an update to the existing City owned telecommunication tower including replacing the existing 146' lattice tower with a 135' mono-pole tower and installing a new shelter building. The property is located at 212 Second Street West, which is the location of City Hall. The total site area is .4 acres.

Walker advised the property is currently zoned B-2, General Business District, and the City's Comprehensive Land Use Plan designates this property for Commercial Use. The property is within the City of Park Rapids and is serviced by City water, sanitary and storm sewer. The property is not located in an environmentally sensitive area.

Walker stated in order to improve cellular phone coverage in the Park Rapids Area, AT&T Plans to remove the existing 146' City owned lattice tower and replace it with a new 135' mono-pole tower at the same location. This will result in an 11' overall decrease in the overall height. The new tower is required to support the additional

antennas and equipment required to improve the coverage. AT&T previously applied for a Conditional Use Permit to allow the addition of a microwave antenna on the existing City owned lattice tower, but a structural analysis revealed that the existing tower would not support the additional facilities, and that project was abandoned. Walker provided pictures of the existing and proposed tower.

Walker said the project will also include the removal of the existing ground platform equipment and the installation of a new 11.5' x 20' equipment shelter to house the telecommunication equipment. A new 6' wood screening fence will also be installed to screen and secure the ground facilities. The applicant has also stated that AT&T will provide the City with 2 RAD Center locations for the City's antennas.

Walker advised the proposed site plan also shows that City Hall will lose one (1) permanent parking stall as part of the project, but there is still adequate parking to accommodate City Staff, as well as on street parking. The applicant has also shown that they will need to use additional parking stalls for their temporary facilities during construction.

Walker stated AT&T has proposed to be the owner of the new tower, and will lease ground space from the City for the tower and accessory facilities. Chris Fieldsend, Facilities Supervisor, is in the process of negotiating a new lease agreement and finalizing contract specifics. A new lease agreement between the applicant and the City of Park Rapids must be approved prior to construction.

Walker said all plans will also require final review and approval by the Park Rapids Airport Commission, and the applicant must provide documentation that the project meets all applicable State and Federal requirements prior to construction.

Walker recommended approval of the conditional use permit to allow an update to the existing City owned telecommunication tower including replacing the existing 146' lattice tower with a 135' mono-pole tower and installing a new shelter building in the B-2, General Business District located at 212 Second Street West, PID#32.37.06208, with the following conditions:

1. A new lease agreement between the applicant and the City of Park Rapids must be approved prior to any construction.
2. The applicant must provide documentation that the project meets all applicable State and Federal requirements prior to construction.
3. All plans will require final review and approval by the Park Rapids Airport Commission prior to construction.

Smith asked if we own the existing tower? Walker said yes the city owns the tower. Smith asked are you thinking it is better that they own the tower? Walker said that is going to be part of the lease agreement between the City Administrator and the Facilities Supervisor who are working on the specifics of that contract to make sure that in the event they can work out the details that if they no longer need the tower than that ownership is either transferred or the tower is removed, they will have provisions such as that, but will make sure that the City is getting a fair deal. Walker advised the applicant is also here to address that as well.

Utke said currently we have AT&T on the current tower and we've got two of our own, is that all that's up there? Walker said that is all that is up there.

Smith asked would we continue to have our own things on that tower? Walker said they have initially said that they would provide facilities and they were shown on initial construction plans and also they were part of the applicant's narrative that they would include those as part of the new tower. Smith asked why do they have to take another parking space? Walker said the parking space they would need because of the size of the equipment shelter is going to be larger and take up a larger footprint. Right now if you can see on the picture basically the structure comes to the edge of that parking stall so the new structure would move about halfway into that stall so it would be a loss.

The Public Hearing was opened at 6:07 p.m.

Blair Ransom, of Velocitel on behalf of AT&T, stated he can clarify the issue of tower ownership as we are thinking of deeding the tower to the City so the City would own the tower and AT&T would lease from the City as we are now and that would give the City the freedom to put whatever equipment you want on the tower and the potential if future carriers want to co-locate on the tower that revenue would go to the City.

Smith asked how many tower are necessary in a City our size? Ransom stated it is more about how many antennas are necessary per carrier so that's why you want to have one tower like this that can structurally support multiple carriers so you don't have Verizon coming in saying we want a tower here, and Sprint saying the same thing. This would provide a central hub and obviously I can't promise that Verizon and Sprint would try to co-locate on it but it does provide that opportunity. Smith asked is the equipment larger is that why you're taking a bigger foot print? Ransom said there is more of it, are you are thinking of the ground footprint? Smith said yes. Ransom said for security purposes and for the weather they always want to enclose it within a building and so it would require more equipment on the ground and then the added security as you don't want somebody jumping the fence, harming or vandalizing the equipment and possibly hurting themselves, so they like everything to be secure. Smith said so it is going to be an actual enclosed structure? Ransom said yes, it is a prefabricated structure.

The Public Hearing was closed at 6:09 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 Walker and the Commissioners recommended the following conditions:*

1. A new lease agreement between the applicant and the City of Park Rapids must be approved prior to any construction.
2. The applicant must provide documentation that the project meets all applicable State and Federal requirements prior to construction.
3. All plans will require final review and approval by the Park Rapids Airport Commission prior to construction.

A motion was made by Vorhes, seconded by Bradow and unanimously carried to recommend to the City Council approval of the Conditional Use Permit request from Velocitel, Inc. on behalf of AT&T to allow an update to the City's existing telecommunication tower including replacing the 146' lattice tower with a 135' mono-pole tower and installing a shelter located on City property at 212 2nd Street West, located in a B-2 General Business District, PID#32.37.06208, with the following conditions:

1. **A new lease agreement between the applicant and the City of Park Rapids must be approved prior to any construction.**
2. **The applicant must provide documentation that the project meets all applicable State and Federal requirements prior to construction.**
3. **All plans will require final review and approval by the Park Rapids Airport Commission prior to construction.**

5B. ZONING ORDINANCE DISTRICT BOUNDARY AMENDMENT REQUEST FROM CHS, INC. TO REZONE ONE PARCEL LOCATED AT 218 8TH STREET EAST CONSISTING OF .21 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO B-1 HIGHWAY BUSINESS DISTRICT TO CONSTRUCT A 40X100 ACCESSORY STORAGE FACILITY, PID #32.23.05500:

Walker explained the applicant, Laudie Barr on behalf of CHS, Inc., is requesting a Zoning Map Amendment to rezone one parcel from R-1, Single Family Residential District to B-1, Highway Business District in order to construct a 40' x 100' accessory building. The parcel is located at 218 8th Street East and adjacent to existing CHS, Inc. property. The area to be rezoned is approximately .21 acres. The parcel is currently the location of a single family home which was recently purchased by CHS, Inc.

Walker advised the property is currently zoned R-1, Single Family Residential, and the City's Comprehensive Land Use Plan designates this area for Commercial Use. The parcel is located within the City of Park Rapids and is serviced by City Water, Sanitary, and Storm Sewer. The site is not located in an environmentally sensitive area.

Walker said the applicant would like to rezone the parcel in order to expand their existing agri-business by constructing a new 40'x 100' accessory building. The applicant currently has two other buildings on separate adjacent parcels. In order to

accommodate the expansion, all adjacent parcels owned by CHS, Inc. must be combined into one Parcel Identification Number (PID#) prior to the issuance of a building permit. A new site plan showing the location of the existing and proposed building and driveways will also be required prior to the issuance of the building permit.

Walker advised the parcels to the north and east are zoned R-1, Single Family Residential, the parcels to the south and west are owned by CHS, Inc. and are zoned B-1, Highway Business District. There is also one single family home located directly east of the proposed area which is zoned R-1, Single Family Residential, but the Comprehensive Plan designates that property for Commercial Use. The property may remain a residential use as the zoning allows, but will likely transition to commercial use in the future based on the Comprehensive Plan.

Walker recommended approval of the request to rezone one parcel consisting of approximately .21 acres, from R-1, Single Family Residential to B-1 Highway Business District at 218 8th Street East in order to construct a 40' x 100' accessory structure for CHS, Inc., PID #32.25.05500, with the following conditions:

1. All adjacent parcels owned by CHS, Inc. must be combined into one Parcel Identification Number (PID#) prior to the issuance of a building permit.
2. A new site plan showing the location of the existing and proposed building and driveways will also be required prior to the issuance of the building permit.
3. A building permit is required prior to construction.

Walker stated we received one comment from Todd Nordquist via email that needs to be read into the record. Utke said we will do that during the open public hearing. Walker agreed.

Peterson asked what is the argument for combining the parcels rather than leaving them separate? Walker explained that combining it into one parcel is because the way we do our records retention at City Hall, if you build over the property lines they could have multiple parcel ID numbers so it is just to clean up the records. If they have three parcels we have to put a copy of everything in every single file and it is an opportunity for things to get missed or lost and also to reduce the redundancy obviously. Walker said there is no cost to do the combination.

Smith asked if they are actually building over the property line in the proposed building? Walker said in this proposed site plan they would be able to fit the required building on that parcel with the setbacks but I believe they are proposing probably to build over the parcel line. Vorhes commented it is a lot cleaner to do it that way, the same owner has contiguous parcels so just make it into one at no cost.

Smith asked what is going to be stored on the property? Walker said the applicant is here and will be able to address that.

Bradow asked where the new driveway would be placed? Walker responded they are not proposing any driveway they are just proposing a new structure. Bradow said okay but in your recommendation you are asking for a new driveway plan? Walker stated he was just asking that they provide a site plan that shows all of the existing and proposed drives if they are proposing any. They hadn't proposed any new drives. Bradow asked so you haven't seen any proposed yet? Walker said right, we don't have a site plan of the buildings.

The public hearing was opened at 6:20 p.m.

Laudie Barr stated he is the location manager at the CHS Fertilizer Plant and we just purchased the house and the lot next door and we are short on storage and eventually we would like to put up a nice decent looking storage shed and to have it be one parcel, right now the building that we would put up it would come right to the edge of the property line so it would make it more convenient to have it one single parcel. Barr stated regarding the question you had, we are planning it to be a seed storage building with pallets of seed, corn, soybean and we don't plan on storing any chemicals in there.

Smith asked do you store any chemicals on the property right now? Barr said we do, we have a diked facility to code and that is where our chemicals are. Smith asked how long have you done that? Barr said several years. Bill Frikken stated he would say thirty years.

Peterson said being that the driveway was brought up, is it possible to force the entry into that building on the west elevation and keep it from existing onto the road? Barr said correct, as of now, nothing is set in stone, we plan on having the door on the west side so the entrance would be between our building and the west side. It would be nice to maybe have a front entrance but as of now we won't plan on that. There is a driveway there currently that comes in by the house but we don't plan on changing the entrance upon the street at all. Smith asked is it just going to have overhead doors? Barr stated it will have two overhead doors, one on the west and one on the south and a walk in door, it will be just a cold storage building. Peterson asked if the proposed building has overhangs and soffits? Barr stated yes, it will have overhangs all the way on the front and sides and soffit and it will have wainscoting. I brought a picture of a similar type of style building, it is not the building we will put up but it has the wainscoting with the different color tin on the bottom so hopefully, it will look pretty nice.

Bradow asked what are your hours of operation? Barr said hours vary, we do supply needs to the agronomy markets so in the spring our hours go from 7 in the morning and normally try to close by 7 p.m. but sometimes there are trucks coming in a little later and then fall is more 8 to 5 throughout the fall and wintertime.

Smith asked is there a lot of truck traffic? Barr said there is, but this wouldn't increase any truck traffic, it would just increase our storage facility. Right now we rent from a neighbor and in the spring we get so much in we fill our shop to where it is tough to work on any machinery and we put our seed in places we don't want to store it because we don't have room for it so it is just adding on and wouldn't increase any truck traffic because we handle the same amount, basically used as storage so we would still have the same amount of traffic as we have now.

Kathy Grell said she and her husband own the property to the east, the little one on

the corner that is eventually going to be red – B-1, so I just have a couple of questions. That's a rental property for us right now so at some point in time, you know it would be likely sold down the road and there is really only one buyer that would maybe want it because it would be very difficult to sell as a residential structure when it is right in a clearly commercial area, so I'm just putting my two cents in. Grell said a question for the renter, Sue Litzau, who is our renter right now, is if there would be any screening like fence or something along that east side? Barr said right now our plan was to put up a log fence so it wouldn't be solid fence it would be a log fence like we have on the other side. Utke asked is that more of a split rail type fence? Barr said yes, just because we have it and it would be kind of a property marker so that is what we are going to do with it was move it on that property. Grell asked so on that east side there would be no doors or anything, right? Barr said correct, there is no walk in or overheads and we have no plan to put anything on the east side, it would be a wall and my plan is not having any windows on that side either. Vorhes asked there would not be any exterior lights on that side either probably? Barr said he doesn't plan on it, no because everything we use will be on the south and west side. Utke said actually the building will be pretty much a full buffer for that lot. Barr said it would be, it actually would be better than having our truck traffic and it might be better having that there than not having it.

Sue Litzau said she lives in the little rental house and hears the trucks constantly and traffic goes earlier than 7 a.m. and way into later than 7 p.m. too. Grell said I wonder if that building would buffer that. Grell said the other question she has is the type of stuff that would be stored in it, we didn't want fertilizer or chemicals in that building which would be so close, because I know all that stuff is in the back right? Barr said all the chemicals are stored at the end of our main building in the chemical shed and all chemicals are stored in there and sometimes we run out of space we will store a pallet or something in the one building we rent, but no, all chemicals are stored in the end of our main building. Barr said the main goal for this shed would be for seed storage.

Peterson asked would you object to putting a condition upon the property to do shrubs of some sort for the full length of the house to the east? Litzau said nothing is going to grow because the sun won't get through. Peterson said well there is 20 feet there correct? Peterson said ten from each building so we've got 20 feet of space in there. Bradow asked how tall is the building going to be? Barr said we plan on 16 feet. Utke said 16 foot side. Peterson said would it be fair to put a condition upon the property that no doors or windows on that east side? Barr said yeah, that would be fine. Peterson said certainly with the building there it would certainly buffer the traffic for the house in that aspect it would make it much more private and with the plantings through the middle there would put a very nice buffer in there so I think either the fence or I would do the shrubbery and if the fence, fine but the shrubbery would be the priority, the deciduous planted through there and it could be made up much nicer than it is now possibly? Smith asked where are you saying, along this line here? Peterson said along

the property line on the east side of the building for the length of the building. Smith said that's a 180 feet? Peterson said I would only do it for the length of the house. Bradow asked facing 8th Street? Smith said no facing the east.

There was discussion among the commissioners concerning the location of any plantings. Smith asked what is the planting rule? Walker said the rule requires if they are putting a new parking area in but they are not proposing a parking area so we don't require it. Walker said the landscaping requirements are only for parking, but we do have the ability to add conditions to the application.

Grell asked what is the setback for the building from the lot line? Peterson said ten feet and asked if your building is ten feet from the property line since it is an older building? Grell said she couldn't tell you how far from the lot line is the house. Walker said it is probably closer than 10 feet because it is only a 50 foot lot. Grell said the house is really small.

There was discussion concerning how well deciduous trees would grow, limited sun, having the right plantings and how far along the building to require plantings and the condition of a 16 ft. high building with no doors or access on the east side and the building providing a buffer.

Bradow asked if there are any more public comments? Grell said her question is just to mitigate any adverse visual issues for the little house on the corner. Litzau said she is an outdoor person and has flowers all over and likes being out in the sun and it will be blocked in the afternoon by the building.

Utke said to acknowledge receipt of the email and read it into the record. Smith read Todd Nordquist's email dated October 27, 2014:

To whom it may concern,

I, Todd Nordquist, live at 312 8th Street East. It is about a block from CHS. I have lived here since 1977. I have had to live with the smell and noise the entire time, and don't like it. I have done some research on pesticides on the internet and found that places like CHS are dangerous to be (and live) around and should not be close to residential areas.

Pesticides in the concentrated form are more dangerous than when mixed. Pesticides have been linked to many types of cancers and other ailments, and are a high risk to children as well as adults. CHS should have moved away from children and adults back in the 1970's when gas and oil bulk dealers moved out of the city limits. They no longer had to be located in the city limits because the railroad left the area. I noticed that CHS is clearing the trees on the property already?

I am against CHS getting any larger at their current location, and believe they should consider purchasing land outside of town if they want to expand. This would be much, much better considering air quality and fire danger. Plus, I believe houses close to CHS are harder to sell due to potential toxicity and fire hazards.

I thank you for taking a serious interest in the health effects of a CHS expansion inside the city limits, and I hope you will stand firm and not allow them to be in R-1.

Most sincerely,
Todd Nordquist

Bradow asked if there are any further comments from the public? There were none.

The public hearing was closed at 6:37 p.m.

Peterson interrupted the Findings of Fact to ask CHS a question, if you were granted the use for rezoning, what is your building schedule on that? Barr responded as of now there are steps of getting approved so within a year, we are hoping by spring but that's not going to happen, there are steps to get approved and financing and all that, so it is undecided as there is no set date, the sooner the better for us. Peterson said so not this fall? Barr said no.

A Motion was made by Peterson to table this until the next meeting so myself can have further time to explore this myself, Bradow said I will second that.

FURTHER DISCUSSION:

Lockhart asked you're making a motion before the Findings? Peterson said yes I guess we have to, that's the way I would want to do it. Bradow said yes. Peterson said he wants to make a motion before we move any further on the Findings of Fact. Bradow asked Peterson if he is asking for this to be tabled? Peterson said yes table it before the next meeting to allow us more time to explore it. Bradow asked Walker what will that cost the applicants, will it cost the applicants any additional money to table?

Smith said time. Frikken said we need to know if it will be commercialized so we can do a pro forma and get approval and I guess the only cost would be the time it takes to get approval and go through the motion of getting bids for the building and things like that.

Bradow said I would like to see where you're going to put your road. Frikken asked the road really wouldn't change from where it is, right? Barr said right, there would be no road, it would just join our parking lot so it would just be from our building to that building and it's already gravel there that goes to the parking lot.

Utke said people typically park up against the split rail fence there now, right, that's kind of where your building would start and go to the east? Barr said that building would start right where that fence was so we couldn't park there anymore so the parking would be pushed back to where that would be the entrance of the building so there would be no new road by the street and no new driveway. Our entrance, the building would join our parking lot and everything would stay the same it would just be a building on that

property.

Peterson said I think 30 days would be fair exchange though. Bradow said all we are asking for is a rezoning. Peterson said I know. Bradow said that fits the Comprehensive Plan.

Walker said this is a permitted use that they are also requesting and so the review would also be done at the staff level for this but as part of the rezoning you can condition if there are factors that you believe need to be mitigated they can be addressed through a condition or you can table it. Walker said my recommendation is that you would consider what has been asked and if you feel it hasn't been mitigated then you would table but I don't know that what they are requesting can't be mitigated. Walker said you can condition that they don't store chemicals in the building, you can condition that they put up proper screening and I think they have addressed a lot of the questions on the screening.

Peterson said I guess my intent would go further than that, I understand what's being requested there and I'm certainly an advocate for business but however it is a remaining business adjacent to a residential and it does handle pesticides and I question the merit of improving the property that direction in today's environment, purely that, no more than that. Peterson said increasing the size of the operation there, granted it is only storage, is there merit to that 25-35 years down the road and can it be a danger having that type of commercial business there next to the residential. It has had a foothold there for many, many years but is there value in improving it to where it extends and extends and extends or is there a time for the better well-being of the constituents surrounding it in the residential that maybe the end of the road is in site for that piece of parcel, for the business there and by approving rezoning it, we're advocating that yes, we're fine with it being there even if we put conditions on the use of the business and what they can store in it, we still are faced with the fact that we have an industry next door. Now granted if it was an industry of some sort that was of no concern to the safety or welfare of the residents, fine, but I question with moving ahead on it only because then we are becoming advocates and they maintain that location when we do have other parcels outside of town where the pesticides are not an issue. Myself I am a farm boy, I grew up swimming in pesticides, I'm fine, I'm still alive so if it were for me, I would not have a problem at all with it, but looking at the surrounding residents in the area and in the environment we have in trying to create an environment within the city that is healthy, are we moving the right direction by rezoning it for that use? Maybe my argument is completely void and invalid so that's my only basis.

Smith asked is there any other exchange place that we could give them in the industrial park?

Walker said here's where my rationale is based is that the Comprehensive Plan which is the basis for the zoning says this should be commercial use. The problem that

we have is that this is an area in that we often run into issues, is that you've got a residential use next to a business zone and those two uses by nature don't get along but what we're doing here is we are validating the zoning with the Comprehensive Plan. If they were asking to change the Comprehensive Plan from residential to commercial, I think that your argument would have a lot more strength but since the Comprehensive Plan, the Future Land Use says we've already said this should be commercial, we're just validating that with the rezoning. Walker said so what they are asking for is a rezoning and what the rezoning is going to end up is allowing them to put up a permitted accessory use and so from a zoning standpoint I think that those questions have already been asked so our job now is to help mitigate what the effects are going to be on the adjacent land uses.

Peterson said okay, I'm content with that. Walker said I would say that the rezoning is sort of a no brainer at this point but being able to mitigate how it is going to affect the neighbors should be your focus. Peterson said yeah, I understand. Peterson said I withdraw my comments then.

Peterson withdrew his Motion to table the rezoning request.

Bradow stated you can contemplate conditions.

The Findings of Fact 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.

There was further discussion concerning placing additional conditions including no lights, doors or windows on the east side, no chemicals be stored in the building and policing that, following the landscaping ordinance, the Comprehensive Plan and future potential rezoning of property to the east, the building being a buffer itself and the setbacks from the property lines.

A motion was made by Vorhes, seconded by Smith and unanimously carried to recommend to the City Council approval of the Zoning Ordinance District Boundary Amendment request from CHS, Inc. to rezone one parcel located at 218 8th Street East consisting of .21 acres from R-1 Single Family Residential District to B-1 Highway Business District to construct a 40x100 accessory storage facility, PID#32.25.05500, with the following conditions:

1. **All adjacent parcels owned by CHS, Inc. must be combined into one Parcel Identification Number (PID#) prior to the issuance of a building permit.**
2. **A new site plan showing the location of the existing and proposed building**

and driveways will also be required prior to the issuance of the building permit.

- 3. A building permit is required prior to construction.**
- 4. Planting trees according to City Landscaping Ordinance.**
- 5. No exterior lights, doors or windows on the east side of the building.**
- 6. No chemicals to be stored in the building.**

5C. CONDITIONAL USE PERMIT REQUEST FROM LINDSEY MEIER, 301 EASTERN AVENUE SOUTH TO ALLOW A HOME OCCUPATION FOR A DOG GROOMING BUSINESS IN AN R-2 SINGLE, TWO FAMILY AND TOWNHOUSE RESIDENTIAL DISTRICT, PID #32.40.90100:

Walker explained the applicant is Lindsey Meier, who is the owner of the property. The applicant is requesting a conditional use permit to allow a home occupation for a dog grooming service. The property is located at 301 Eastern Avenue South. The site is .34 acres. The property is currently being used as a single family home.

Walker advised the property is zoned R-2, Single, Two Family and Townhouse District, and the City's Comprehensive Land Use Plan designates this property for Single Family Residential. The property is within the City of Park Rapids and is serviced by City water and sanitary sewer. The property is not located within an environmentally sensitive area.

Walker stated the applicant intends to bathe and groom up to six (6) dogs per day in her home. The clients will drop off their dogs and they will be groomed in a mud/grooming room inside of the home. The dogs will then be kenneled inside of the home until the client returns. The applicant has stated that the dogs will be picked up as soon as possible after the grooming. A typical dog would remain in the house for less than 3 hours. The applicant has stated that the grooming service would be available during normal business hours during the week, and by appointment on Saturdays. There is adequate parking on the site to accommodate this type of business.

Walker advised the Conditional Use Permit request for a home occupation meets all of the provisions listed in Chapter 151.146 Home Occupations. Any signage must meet the requirements for home occupation signage and requires a sign permit.

Walker recommended approval of the conditional use permit to allow a home occupation for a dog grooming service in the R-2, Single, Two Family and Townhouse District at 301 Eastern Avenue South, PID#32.40.90100, with the following conditions:

1. The Home Occupation must comply with all of the provisions listed in Chapter 151.146 Home Occupations.
2. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling.
3. A sign permit is required for any signage and must meet the requirements for home occupation signage.

Peterson said he has a couple of concerns in the Home Occupations 151.146 item C. – Home Occupations which will create odor, noise - and noise is the one that shall

not be permitted. I followed that, I went in to Title 9, Chapter 90 of the Code of Ordinances of Park Rapids and their Subsection 92.01 – a nuisance is public if it annoys, injures or endangers the safety, health, comfort or repose of any considerable number of people as it may be amended from time to time. It is public if it affects the surrounding community in general or some local neighborhood and of course, Subsection 92.04, any dog who habitually barks disturbing the peace of a number of people. My concern being that in a residential neighborhood is, I'm a real dog lover but dogs bark and they bark and some don't and some do and I find it just appalling that owners don't take the time to teach their dogs not to bark because there are barkers everywhere and it's a real simple feat to teach dogs when to bark and when not to. I'm concerned that for the wellbeing of the neighbors in the vicinity that we will have dogs barking and we will also have, we know it won't be 100% contained but and it's because of that inability to contain the dogs 100% we will have owners that will come, I believe with their dogs and they will get away and they will run through the neighborhood minimally but that owner will be yelling and screaming at that dog and that dog will be running to every fence post, every mailbox, every corner of a step, every guardrail, every corner it can find it will be leaving it's traces there. I'm not against that dog at all, the dog is completely innocent, he's a pack animal and is doing what his instincts tell him to do, but I am against the fact of people saturated in a residential neighborhood with dogs. Six dogs per day is not a lot but one dog a day barking is too much and the only basis I have for that argument is purely on the public nuisance ordinance of disturbing the peace of a number of people from barking dogs. It can become a nuisance. I'm not against the dogs at all, I'm against the owners that don't treat their dogs properly and I'm sure you treat your dogs, wonderfully and beautifully, it's the people coming and going that I just have an issue with, it just doesn't jowl well with the residential neighborhood.

Walker said just as a point there, I think what they are asking to do is that the dogs will be kept inside and kenneled inside the home and they can also address your questions as well and are better equipped to address them than I am. Looking at this and similar home occupations the home occupation ordinance allows us to let people have small businesses and businesses that, at least from my perspective and the planning zoning code perspective are not going to create big issues. Yes you raise some concerns that that could happen but I think that those are so remote that I don't think that's going to be a concern but I will let them address that as well.

Smith said I will say that Angie started out in a residential neighborhood when she started her business and if you go to some of these businesses with your dogs, it's not a bunch of barking dogs, they might have, the Dog's Paw, she just added on and has 30 rooms, you don't walk in there and hear a whole bunch of barking dogs.

Peterson said he is only suggesting that one dog every other day that becomes the nuisance. I am only suggesting this because of item C listed under Home Occupations, any home occupation that creates noise is not permitted and that's all, and if we can comfortably say no, there will be no noise. Walker said it says noticeable from outside the dwelling as well. I think that if she proposed that they were going to have dogs kenneled outside there might be a little bit more concern but I think that since they are going to be kept inside, I think that's reasonable and I think it meets the criteria.

Peterson said I think it could become a nuisance dealing with the owners that bring the dogs and while they're taking their dog out to their vehicle and from the vehicle to the house and from the house to the vehicle, that's where the breakdown is going to occur.

Walker said again, this is something that you may condition as well, you know to say that if there is an issue with police calls or nuisances then the conditional use permit is revoked. Peterson said okay, I'm fine with that. Walker said there is a way to do that but I haven't recommended that because I don't think that's going to be an issue, but like I said, the applicants are here and they can address those questions. Peterson said being that it is a noise issue and it can become a noise issue, not out of the responsibility or accountability of the business owners, but it's the people coming and going, and yes, I'm satisfied if it does become a nuisance that there are avenues that can be taken then unfortunately, but I think it is important.

The Public Hearing was opened at 7: 09 p.m.

Lindsey Meier said she can say that as far as barking goes inside of the home, I am grooming differently than other groomers do, I believe in organic products and essential oils and I will be diffusing essential oils in my home which helps to calm the dog down so that they are not barking excessively but I understand where you're coming from with people losing their dogs and another thing to take into consideration is that it is in my home so if I have a really bad nuisance dog, I have to turn them away, I need to tell them that they need to go, because we live there and I have to protect my home as well so I will be picky as to who my clients are and not the typical groomer that just takes whoever in and if I do notice, obviously if somebody is coming and not having their dogs on leash that will be addressed promptly as well as when people make appointments I will tell them too, this is my home and you need to respect my home and my neighbors also. Peterson commented, the neighbors, yes.

Smith asked do you have a fenced backyard? Meier said yes we have a fence and there is no gate so neighbor kids or neighbors can't come over and open the gate. If I do happen to take the dog out to go potty, we're going to be going out to the backyard with a leash because I used to work at Angie's and dog's get away sometimes so I understand that so I will be taking all of the precautions that I can.

Vorhes said there is one concern that I had and that was answered and the other one is if somebody says okay I want somebody to wash my dog and come in for a 9:00 appointment and then go off to work and say I'm going to leave my dog all day. Meier said that will have to be addressed when someone calls to make an appointment, I will be telling everyone you need to pick up your dog right away and if you can't then we need to make an arrangement for a different time slot when you can actually pick up your dog right away, because I can't have six dogs in my home, the room is relatively small. Vorhes said you don't want to become a boarding place. Meier, said right, exactly, I don't want anything to do with that so, no, when they come in, they will be groomed and then ideally they will be picked up as soon as they are done, typically it only takes me an hour or hour and a half to groom a medium size dog so hopefully they won't be in my house for a long period of time.

Bradow asked if there are any more comments. Utke said to read the email comment into the record. Smith read the following email from Scott Henry:

From: Scott Henry [<mailto:sshenry92@gmail.com>]
Sent: Friday, October 24, 2014 11:16 AM
To: dwalker
Cc: Tony Henry; Kevin Huot
Subject: Conditional Use Permit Request

To Park Rapids Planning Commission concerning the Conditional Use Permit Request to allow a dog grooming business to exist at 301 Eastern Ave S. Park Rapids MN.

It is our contention that this should not be allowed because of the following reasons:

1) This is a residential neighborhood not a commercial zoned district. Where do we draw the line for residential based businesses? Our properties were purchased and built with this in mind. Now to change and allow commercial properties in the same neighborhood is not consistent with the current neighborhood and would change the total dynamics of that said neighborhood.

2) We have residential and bare lots directly adjacent to the property in question and this will have a "**severe negative impact**" on our ability to either rent or sell these properties.

3) With any number of animals on the premises that are not the property of the resident, there will be a considerable noise issue i.e. Barking. Is this not why the local animal shelter is located on the very edge of the city and not in or close to any residential neighborhoods? Even if they are not being sheltered overnight they still will want to bark during daylight ours until picked up by their owners.

I hope the Planning Commission will consider this as a very serious concern.

Thank you!
Sincerely,
Signature Homes of Park Rapids, Inc.
Scott P. Henry

Peterson asked Meier if she sees the validity in their statement where they talk about the barking during the daylight hours and asked are you well guarded about that? Meier said yes, very, I don't want to listen to them either, so I totally understand.

Smith asked is there a vacant lot next door where they were planning to build? Justin Meier responded straight to the south of us there is, I believe an R-2 lot, and prior to them knowing, we're friends with all of them. Lindsey Meier said we built our house through them. Justin Meier said we are friends with all three of them so it was a two to one vote whether to send the email in, so they voted to send it in. Justin Meier said before they knew anything about us we also had offered to buy the lot from them as a precaution to try to get things rolling, not that it makes any difference here probably, but it would lessen their impact of their fear of loss of property value. I am confident enough to pay fair market value for that property and not be concerned myself about the loss of property value.

Peterson said well I do believe all points of contention in this letter, 1, 2 and 3, we can call and they are all void in this argument because it's not a commercial zoned district and we are allowing a home based occupation which is allowable, number two that's irrelevant about the severe negative impact, because again we are allowing a home based occupation which is allowable and Lindsey is well aware of the barking issue.

Bradow asked how much experience do you have? Lindsey Meier said she has been grooming since 2007 and quit for a couple of years as we had a baby and she would just rather work for herself.

The Public Hearing was closed at 7:16 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? YES – Peterson, Vorhes & Bradow; NO – Smith.*
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? *YES, Walker and the Commissioners recommended the following conditions:*

1. The Home Occupation must comply with all of the provisions listed in Chapter 151.146 Home Occupations.
2. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling.
3. A sign permit is required for any signage and must meet the requirements for home occupation signage.
4. Upon conviction of a violation of the public nuisance ordinance the conditional use permit will be revoked.

A motion was made by Bradow, seconded by Smith and unanimously carried to recommend to the City Council approval of the Conditional Use Permit request from Lindsey Meier, 301 Eastern Avenue South to allow a home occupation for a dog grooming business in an R-2 Single, Two Family and Townhouse Residential District, PID #32.40.90100, with the following conditions:

1. **The Home Occupation must comply with all of the provisions listed in Chapter 151.146 Home Occupations.**
2. **A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling.**
3. **A sign permit is required for any signage and must meet the requirements for home occupation signage.**
4. **Upon conviction of a violation of the public nuisance ordinance the conditional use permit will be revoked.**

6. INFORMATIONAL/DISCUSSION:

6A. Roberts Rules of Order: Walker stressed the importance of taking this seriously and read through it. Bradow said it is always a very good reminder. Walker reiterated from his memo, if there is a contentious point or an issue that is very contentious, those details are going to matter, so I just want to make sure that you are all trained and prepared and hopefully you don't have to go down that road but it is good to have everything in order. Vorhes said it's not a good thing if you're sitting in a court of law and you say inaudible because everybody is talking at once. Walker said it will be much easier for Lockhart to do the minutes. Vorhes said Lockhart does a great job with the minutes with what you are dealing with. Lockhart said thank you.

7. ADJOURNMENT: A motion was made by Bradow, seconded by Smith, and unanimously carried to adjourn the meeting at 7:37 p.m.

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning Secretary