

**CITY OF PARK RAPIDS  
REGULAR MEETING  
PLANNING COMMISSION  
FEBRUARY 24, 2014, 6:00 p.m.  
Park Rapids Library, 210 First Street West – Lower Level  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The February 24, 2014, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:01 p.m.

**2. ROLL CALL:** Present: Commissioners Dick Bradow, Nels Peterson, Joel Vohres and City Councilmember Paul Utke. Absent: Janice Tidrick and Diane Smith. Staff Present: City Planner Dan Walker and Planning Secretary Carmen L. Lockhart. Others Present: Charles Alberg and Dick Rutherford.

**3. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON:** A motion was made by Peterson, seconded by Vorhes and unanimously carried to nominate and elect Dick Bradow as Chairperson.

A motion was made by Vohres, seconded by Bradow and unanimously carried to nominate and elect Nels Peterson as Vice Chairperson.

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

**5. APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF NOVEMBER 25, 2013:** A motion was made by Vorhes, seconded by Bradow, and unanimously carried to approve the November 25, 2013 Regular Meeting Minutes as presented.

**6. PUBLIC HEARING:**

**6A. VARIANCE REQUEST FROM CHARLES ALBERG FOR AN 8 FT. FRONT YARD SETBACK VARIANCE TO ALLOW A 22 FT. SETBACK WHERE 30 FT. IS REQUIRED FOR A HANDICAP RAMP AT 111 HUNTSINGER AVE LOCATED IN AN R-2 SINGLE, 2-FAMILY & TOWNHOUSE RESIDENTIAL DISTRICT PID#32.23.03042:**

Walker explained the applicant is Charles Alberg, the property owner. The applicant is requesting an 8' front yard variance to allow a 22' setback where 30' is required in order to construct a handicap ramp. The property is located at 111 Huntsinger Avenue, and is the location of the applicant's single family residence. The property is currently zoned R-2, Single, Two Family, and Townhouse District, and the City's Comprehensive Land Use Plan designates this area for residential use. The property is located in City limits and serviced by water, sanitary sewer, and storm sewer. The site is not located in an environmentally sensitive area.

Walker advised this is an after the fact variance request, as staff has already authorized the construction of the ramp for emergency health reasons under the February 24, 2014

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condition that the variance would still need to be approved by the Planning Commission and City Council, as required by Ordinance. A conditional building permit was issued by Staff on January 30, 2014.

Walker explained the ramp extends approximately 10' from the front of the house, and 8' into the front yard setback. The ramp is approximately 18" high. The ramp will run perpendicular to the front of the house 17' south to the applicant's driveway. Staff and the applicant did consider other locations but because of the floor plan inside the house, this was the only practical location.

*Walker's Comments addressing the Findings of Fact (see questions below):*

1. The applicant's wife has health issues which makes entering and exiting the home challenging without the ramp. There are two other entrances to the house, both of which are not practical locations for the ramp. The ramp on the front of the house will be built to minimize the encroachment into the setback, and will still be approximately 25' from the public sidewalk.
2. The landowner did not create the hardship. The ramp is necessary for handicap ingress and egress into the home and this is the only practical location.
3. The variance can be granted without upsetting the purpose and intent of the Zoning Ordinance.
4. The variance is consistent with the Comprehensive Plan.
5. Staff feels the variance can be granted without altering the essential character of the area.

Walker recommended approval of the variance request for an 8' variance to allow a 22' front yard setback where 30' is required in the R-2, Single, Two Family, and Townhouse District in order to construct a handicap ramp at 111 Huntsinger Avenue, PID#32.43.00300 with the following condition:

1. The ramp will need to be removed if the variance is not granted.

**The Public Hearing was opened at 6:08 p.m.**

Dick Rutherford stated he received the letter after the fact and have had it explained to him but the only thing is Walker could have put in there what the situation was. Rutherford said he has no complaint about the ramp but what I'm saying is after the fact. I get the letter and it doesn't say anything about emergency or what and if you looked in the paper, the county is going along with a deal on a guy having to take down his garage because somebody didn't follow the directions. Do you get what I am saying? Bradow responded yes. Rutherford stated he has no problem with this because he understands it is handicap and from what I've been told he could have put the ramp in there whether you voted for a variance or not because somebody else would come in here and say it's handicap. Walker has answered the question but if he had just put a little more information in the letter it would have been fine.

Utke stated the ramp goes over the top of the sidewalk that was there.

Alberg stated he thinks everything is covered.

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

The Findings of Facts were reviewed. The commissioners came to the following conclusions. (*A Variance may be granted only where the strict application of the Park Rapids Zoning Ordinance will result in practical difficulties and the variance is in harmony with the general purpose and intent of the official controls and is consistent with the Comprehensive Plan. Practical difficulties exist only upon a positive Finding of each of the following criteria, but economic considerations alone do not constitute practical difficulties.*)

1. *Does the applicant propose to use the property in a reasonable manner that is prohibited by an official control? YES.*

2. *Is the property owner's plight due to circumstances unique to this property, which were not created by the landowner? YES.*

3. *Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance? YES.*

4. *Is the variance consistent with the Comprehensive Plan? YES.*

5. *Can the variance be granted without altering the essential character of the surrounding area? YES.*

A motion was made by Vorhes, seconded by Bradow, and unanimously carried to recommend to the City Council approval of a request from Charles Alberg for an 8 ft. variance to allow a 22 ft. front yard setback where 30 ft. is required in the R-2 Single, 2-Family and Townhouse Residential District in order to construct a handicap ramp at 111 Huntsinger Ave, PID#32.43.00300 with the following condition:

1. The ramp will need to be removed if the variance is not granted.

## **7. GENERAL BUSINESS:**

**7A. Parking Standards Discussion:** Walker stated this is a continuation of the discussion we've been having on the parking standards we started last fall and working our way through it. Walker referred to the attached Memo and to look at any zoning districts where reduction in the parking minimum standards would create any issues specifically related to permitted uses. Walker stated he went through each use in the zoning districts and made a recommendation in the Memo regarding the unique uses that may create some issues. There were a few districts specifically, R-B, B-1 and I-1 that could possibly have some uses that would have additional parking issues as I noted a reduction in the minimum by 25% probably wouldn't necessarily affect those uses considerably enough to create an issue that I could find. Specifically those issues were church issues and things like that were the uses I found in those districts that will

probably have additional parking but we also allow churches to use other people's parking lots on days of worship or they can use the on street parking as well so I think those can be addressed through those moves.

Bradow thanked Walker for his work on this and thinks it makes sense. Walker said he was specifically addressing the number issue which was the basis of quite a few of our conversations was looking at a reduction of that minimum and that is what you asked me to do back in November. Walker stated that through the conditional use permit process if there is specific parking needs and we lower the minimum but we feel that they should have additional parking, we can still address that through the Planning Commission.

There was discussion concerning the public hearing process and the items that are red lined in the draft form. Walker said we are looking to reduce the minimum parking stalls by a specific number of 25 to 50% which reduces the city's requirement but you are obviously allowed if you feel you want to add additional parking you're more than welcome to do that but we are looking to reduce the minimum standards.

Rutherford asked down at the old school they put a parking lot on the east side and I see they are parking up on the sidewalk and stuff and I wonder is this what you are trying to eliminate? Walker said one of the issues we have is that if you look around town a lot of parking lots are generally even on a busy day, only 50% full so we are going to reduce the minimum required by the city by 25% but if they want to add additional parking, they are welcome to do that. Rutherford said so if a big business came in they wouldn't have to put in a huge parking lot, they could put in a smaller parking lot. Utke said our requirements would be less. There was further discussion about the size and use of the parking lots at various businesses.

Utke asked if Walker is recommending the 25% or did you just present it with the 25% and it's still up to a public hearing and the Planning Commission and City Council? Walker said his staff recommendation is that we look at a reduction of at least 25% but what we will do tonight is you can make a recommendation for Walker to start adding that in so that when we have the public hearing that information will be included based on your recommendation. Walker said we had previously talked about different levels of reductions. Utke asked you mentioned another part of this and what do we call 71 and Pleasant, B-2 where we would have eliminated the need for off street parking for a converted house into a business or is that another portion of this? Walker said right. Bradow stated another example would be the law firm across from the law enforcement center and the need to put parking in the back.

Walker said the second page of the memo addresses that with red line changes and we can go through those. Walker said when we started the discussion that was one of the issues – the low intensity uses and I've still been looking for the best way to address that and will keep looking at it and present that at a later date, but I have not found that being addressed through the League of MN Cities or other inquiries, mostly because no one addresses it.

Utke said it is a limited number and we can draw up something that fits our needs in this town so bring us something along those lines as it is kind of unique. Walker said the biggest challenge I'm having is that there are so many of these nonconforming uses but the turnover on them to change it from one thing to another is a smaller issue but I want to make sure that it's thought through enough where we're not creating an issue. Utke stated we do have to come up with something because of past issues. There was further discussion concerning similar office settings and parking needs.

Bradow recommended that city staff proceed with these changes to make it business friendly but still follow the Comprehensive Plan.

Walker commented on some of his proposed changes where he moved some of the sections that dealt with parking, drainage and driveways and took them out of where they were in the zoning code and slipped them into a different section so it could all be under the same heading.

Walker said one of the major changes that I made and part of the discussion that we had was dealing with surfaces types for parking areas. I added language on page 30 under #6 and #7, it basically says that if a parcel is adjacent to or within an area outlined in the Capital Improvement Plan for the next five years that they would have to have a paved impervious surface which is similar to what is in the ordinance now, but then I added #7 so if you're not adjacent to municipal storm water facilities or within an area listed in a five year Capital Improvement Plan that you may use alternative surfacing such as Class V or gravel or things like that but it does require that they would still be required to handle storm water on site.

Utke said that sounds good as you wouldn't want anything other than asphalt or concrete next to our storm water but the rest of it is very flexible. Walker said from a planning perspective that tends to be a contentious issue sometimes and it still is requiring that they manage their stormwater but if it is built within our stormwater areas where we have facilities, it makes sense to have that paving and gives some flexibility in areas especially on the periphery where that is something that is going to reduce the cost for somebody to do something.

Walker stated on page 31 B, I added a little more language dealing with managing storm water on site which we have been requiring with all new developments anyways but adds a little more definition to that. I did consult with the city's engineer John Olson and this is the language he recommended. If you get into storm water you can get into some technical stuff but this has the intent of what we want but it also has flexibility built in there.

Walker commented the rest of the changes were just minor to keep continuity or to clarify something.

There was discussion concerning the expense of paving a parking lot and the importance of the doing so for the storm water system, storm water credits, on site

retention of storm water management, new construction requirements and requirements for redevelopment or additions.

**A motion was made by Bradow, and unanimously carried to recommend Walker to proceed based on the discussed guidelines.**

Utke asked if the next major step is a public hearing on these items? Walker said yes, hopefully I can get it all in order for the March meeting.

**8. INFORMATIONAL/DISCUSSION:**

**8A. 2013 Planning Report and Building Permit Report:** Walker stated this is yearend building and planning information which was presented to the City Council in January.

**Other Discussion:** Peterson asked if the handicap set back can be reduced from the required 30 feet to 10 feet for handicap ramps so it becomes a nonissue to bring forward for a conditional use or variance so that when they come in it is easier for you to just go through with it on the spot. Walker said he has considered it and the reason we have to issue a variance is because there is no distinguishing between that and I can look to see what we can do.

There was discussion concerning handicap issues and regulations, the expense of the variance request, possible setback exemptions in the ordinance to expedite the process and Walker doing some further research on the subject. There was also discussions on enforcement of the removal of handicap ramps when no longer medically needed.

**9. ADJOURNMENT:** A motion was made by Vorhes, seconded by Peterson, and unanimously carried to adjourn the meeting at 6:53 p.m.

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Chair Dick Bradow

ATTEST:

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Carmen L. Lockhart  
Planning Secretary