

**CITY OF PARK RAPIDS
 REGULAR MEETING
 PLANNING COMMISSION
 APRIL 28, 2014, 6:00 p.m.
 Park Rapids Library, 210 First Street West – Lower Level
 Park Rapids, Minnesota**

1. CALL TO ORDER: The April 28, 2014, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m.

2. ROLL CALL: Present: Commissioners Dick Bradow, Nels Peterson, Diane Smith, Joel Vorhes and Janice Tidrick and City Councilmember Paul Utke. Absent: None. Staff Present: City Planner Dan Walker and Planning Secretary Carmen L. Lockhart. Others Present: Roger Hocking and James Nelson.

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 MARCH 24, 2014: A motion was made by Smith, seconded by Bradow, and unanimously carried to approve the March 24, 2014 Regular Meeting Minutes as presented. Vorhes said he wasn't present so he won't vote.

5. PUBLIC HEARING:

5A. ZONING ORDINANCE DISTRICT BOUNDARY AMENDMENT AND COMPREHENSIVE PLAN REVISION REQUEST FROM ROGER HOCKING TO REZONE TWO PARCELS FROM R-1 SINGLE FAMILY RESIDENTIAL TO B-1 HIGHWAY BUSINESS DISTRICT LOCATED ON HENRIETTA AVENUE SOUTH PID#32.38.90200 & 32.38.90300:

Walker explained the applicant is Roger Hocking, owner of the parcels, is requesting a Zoning Map Amendment to rezone two parcels from R-1, Single Family Residential to B-1, Highway Business District and a Future Land Use Map Amendment from Single Family Residential to Commercial. The rezoning is being requested concurrently with a Conditional Use Permit request to allow an outdoor sales lot.

Walker stated the parcels are currently zoned R-1, Single Family Residential. The City's Comprehensive Land Use Plan designates this area for Single Family Residential. The applicant is also requesting an amendment to the Future Land Use Map from Single Family Residential to Commercial. The parcels are located on the west side of Henrietta Avenue South and are known as Lots 2 & 3, Block 1, Hocking Acres and are currently vacant. The area to be rezoned is approximately .7 acres

Walker explained the parcels are located within the City of Park Rapids and are serviced by water and sanitary sewer. The site is not located in an environmentally sensitive area. The parcels to the north are zoned B-1, Highway Business District, the Parcels to the west and south are zoned R-1, Single Family Residential, and the property to the east is zoned AG-1, Agricultural District.

Walker stated the applicant would like to rezone the parcels to B-1, Highway Business District in order to operate an open sales and display lot for golf carts and trailers along Henrietta Avenue South. The applicant currently has a Home Occupation Conditional Use Permit to allow display and sales of golf carts at his residence to the south and would like to expand that business. The applicant has also applied for a new Conditional Use Permit to allow outdoor display and sales on Lot 2, Block 1 Hocking Acres which is being done concurrently with this request. That application will be contingent on the approval of the rezoning request.

Walker explained both parcels meet all minimum lot requirements for a sewer B-1 parcel, so the lots would conform to the zoning requirements. There has been an expansion of the B-1 Zoning and commercial activity along Henrietta Avenue South in the recent past and expansion of commercial zoning along Henrietta Avenue is listed as a Land Use Goal in the City's Comprehensive Plan.

Walker recommended approval of the request to rezone two (2) parcels consisting of approximately .7 acres, from R-1, Single Family Residential to B-1 Highway Business District and a request for a Comprehensive Land Use Amendment to change the future land use classification from Single Family Residential to Commercial known as Lots 2 & 3, Block 1, Hocking Acres, PID #32.38.90200 & 32.38.90300.

The public hearing was opened at 6:04 p.m. No public comments.

The public hearing was closed at 6:04 p.m.

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.

A motion was made by Smith, seconded by Vorhes and unanimously carried to recommend to the City Council approval of the Zoning Ordinance District Boundary Amendment and Comprehensive Plan Revision request from Roger Hocking to rezone two parcels, Lots 2 & 3, Block 1, Hocking Acres, from R-1 Single Family Residential to B-1 Highway Business District located on Henrietta Avenue South, PID#32.38.90200 & 32.38.90300.

5B. CONDITIONAL USE PERMIT REQUEST FROM ROGER HOCKING TO ALLOW AN OPEN SALES LOT FOR GOLF CARTS AND TRAILERS LOCATED ON HENRIETTA AVENUE SOUTH IN A B-1 HIGHWAY BUSINESS DISTRICT, PID#32.38.90200:

Walker explained the applicant is Roger Hocking, who is the property owner and is requesting a conditional use permit to allow outdoors sales and display of golf carts and trailers. This application is contingent on the approval of the Rezoning and Comprehensive Plan Amendment. The property is located on Henrietta Avenue South, Lot 2, Block 1, Hocking Acres. The site area is .35 acres and the property is currently vacant.

Walker advised the property is currently zoned B-1, Highway Business District, pending approval of the Zoning Map Amendment. The City's Comprehensive Land Use Plan designates this property for Commercial Use, pending approval of the Comprehensive Land Use Map Amendment. The property is within the City of Park Rapids and is serviced by City water and sanitary sewer. The property is not located in an environmentally sensitive area.

Walker stated the applicant would like to use the parcel for an open sales and display lot for golf carts and trailers. The applicant has proposed installing a class V gravel driveway and 20' x 32' parking lot to accommodate four vehicles, and the carts and trailers would be parked in a grassy area towards Henrietta Avenue on the site. The applicant has stated that there would be approximately 12 carts and trailers displayed at one time. The applicant would also store delivery trailers and back stock on the site, near the rear of the property. There would be no repair work done on the site that would be conducted inside the garage on his current site. No buildings or structures are proposed with this application. A 6' fence would be constructed around the property for security. The portion of the fence along the east boundary will need to include screening from the residential properties to the east. A gate would also be installed on the driveway to secure the site. The entire site must be kept in an organized and sightly manner and remain free of junk, debris, inoperable vehicles, tall grass, and noxious weeds.

Walker commented the applicant currently has a Home Occupation Conditional Use Permit for display of 2 golf carts at his residence to the south which was issued in 2012. This CUP does allow the applicant to continue the display of 2 carts at this site, as well as repair and servicing of carts. This CUP will remain valid as long as the applicant continues to meet the requirements of that permit.

Walker advised a sign permit will also be required for any signage on site.

Walker recommended approval of the conditional use permit to allow outdoors sales and display of golf carts and trailers in the B-1, Highway Business District located on Henrietta Avenue South, Lot 2, Block 1, Hocking Acres, PID#32.38.90200, with the following conditions:

1. The entire site must be kept in an organized and sightly manner and remain free of junk, debris, inoperable vehicles, tall grass, and noxious weeds.
2. No repair of carts shall be permitted on site.
3. A sight obscuring screening fence must be installed to screen residential properties to the east.
4. A sign permit will also be required for any signage on site.

Utke asked why are we only doing one of the parcels with this conditional use permit, why not both? Walker explained he has only asked to use this site and the other site was rezoned so he can market it as a commercial property. Utke said oh, the way it was drawn out he thought he was using both lots.

Bradow questioned the neighbors to the east, the east side is Henrietta? Walker said sorry it should be to the west. Bradow said okay so we need a correction on that because it reads to the east in condition #3.

The Public Hearing was opened at 6:16 p.m.

Roger Hocking said what I proposed is that the fence would run about 60 ft. on the north side also because there is a residence back behind the daycare that would want the screen fence. Bradow said correct, so you are going to run the fence around? Hocking said correct.

Walker stated he did receive one question asking how you were going to conduct the sales on site if you're not going to have someone actually staffing it? Hocking said he will be there most of the time, but right now most of the people drive by and look at the carts, take my phone number and call me. Bradow commented the actual sales will be conducted from this site or will it be conducted at your residence. Hocking said probably both as he takes his lap top with him and can print out an invoice or go home and print an invoice. A lot of people purchase a cart and come back after I service them and then pick them up at my house.

Smith asked why are you not doing it on the lot closest to you? Hocking explained the lot that he chose is the one that has the highest elevation and the other lot is going to require a lot of fill and it has a lot more trees and I didn't want to disturb those trees and this one I can fit it in without disturbing one tree and I wanted to keep the trees.

Vorhes asked when you do your fronts, you will do the setbacks for when you sell the other lot presumably you're going to market the other lot correct? Hocking said yes. Vorhes said and then you'll have a setback from the other lot? Hocking said right.

The Public Hearing was closed at 6:18 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 (with revised #3 - from east to west):*

1. The entire site must be kept in an organized and sightly manner and remain free of junk, debris, inoperable vehicles, tall grass, and noxious weeds.
2. No repair of carts shall be permitted on site.
3. A sight obscuring screening fence must be installed to screen residential properties to the west.
4. A sign permit will also be required for any signage on site.

A motion was made by Vorhes, seconded by Tidrick and unanimously carried to recommend to the City Council approval of the Conditional Use Permit request from Roger Hocking to allow an open sales lot for golf carts and trailers located on Henrietta Avenue South in a B-1 Highway Business District, Lot 2, Block 1, Hocking Acres, PID#32.38.90200 with the following conditions:

1. **The entire site must be kept in an organized and sightly manner and remain free of junk, debris, inoperable vehicles, tall grass, and noxious weeds.**
2. **No repair of carts shall be permitted on site.**
3. **A sight obscuring screening fence must be installed to screen residential properties to the west.**
4. **A sign permit will also be required for any signage on site.**

5C. CONDITIONAL USE PERMIT REQUEST FROM JAMES NELSON, 410 WASHINGTON AVENUE SOUTH TO ALLOW A HOME OCCUPATION FOR AN ACCOUNTING/TAX PREPARATION OFFICE IN AN R-2 SINGLE, 2-FAMILY AND TOWNHOUSE RESIDENTIAL DISTRICT, PID#32.40.02400:

Walker explained the applicant is James Nelson, who is the owner of the property, requesting a conditional use permit to allow a home occupation for an accounting and tax preparation office. The property is located at 410 Washington Avenue South and the site is .52 acres. The property is currently being used as a single family home and the location of the applicant's accounting and tax service. 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, sanitary sewer, and storm sewer. The property is not located within an environmentally sensitive area.

Walker advised the applicant has stated that he is a Certified Income Tax Preparer and does most of the work out of his home during the period of January 15 to April 15. He also stated that he does have other clients who stop by during the remainder of the year, but not on a regular basis. He has an office within the house where he meets with clients and does not plan any building alterations. The business operates during normal business hours. There is adequate parking on the site and adjacent streets to accommodate his clients.

Walker said the Conditional Use Permit request for a home occupation meets all of the provisions listed in Chapter 151.146 Home Occupations.

Walker recommended approval of the conditional use permit to allow a home occupation for an accounting and tax preparation office in the R-2, Single, Two Family and Townhouse District at 410 Washington Avenue South, PID#32.40.02400, 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.

Vorhes asked does Chapter 151.146 cover signage or do we need to say he has to go through the sign permitting? Walker said yes, if there is signage he would be required to do a sign permit.

The Public Hearing was opened at 6:26 p.m.

James Nelson stated in reference to that signage, I have no signage that has my business name on it, it just says Nelson's. Vorhes asked so you don't plan to do any signage? Nelson said no, I've got adequate following. Nelson commented as far as impact on the area, the duplex next door puts more stress on that street than I do as there are times when my clients can't park if they come on the weekend because of the flow that goes on over there. Nelson said my business is set, Mr. Walker has been in my one room designated as the office and that's all I intend to be and I don't need anything else. Nelson asked about rezoning and he has an intent he has talked to Mr. Walker about this as there are three city lots involved in this plot that I own as one parcel and I'm looking at getting rid of the east side – two city lots, so does that mean that this parcel of mine will be completely zoned R-2 and if so that means I have to sell that as R-2 property?

Bradow asked Walker if we are discussing any rezoning on this property? Walker explained the property is currently zoned R-2 so the zoning would stay the same. Bradow advised we are not discussing any zoning. Nelson said he is curious, so R-2 is residential so it will continue to be residential and I will have a permit to operate a business on that property. Walker said yes, in your home. Nelson said he has a concern with the City coming through with water and sewer, I want to get rid of those two dead lots over there because when water and sewer come through they are going to price it more than what I paid for it so I want somebody else to take it. Bradow said that will be an issue for a separate day. Nelson said he has talked to Walker and has to get it surveyed and bring it back to him to have it separated out but that was my major concern, I want to make sure that this does not jeopardize that in the future. Bradow said in his opinion he doesn't see how it would. Smith said the only thing might be the lot size right now. Walker said that's the issue that we've been discussing because it doesn't meet the lot minimums so we've been discussing a variance to split those lots.

Walker explained the conditional use permit is specific to your home occupation and your house.

The Public Hearing was closed at 6:30 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. 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.

A motion was made by Bradow, seconded by Vorhes and unanimously carried to recommend to the City Council approval of the Conditional Use Permit request from James Nelson to allow a home occupation for an accounting and tax preparation office in the R-2, Single, Two Family and Townhouse District at 410 Washington Avenue South, PID#32.40.02400, 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.**

6. INFORMATIONAL/DISCUSSION:

6A. Lot Size Adjustment Memo & Information: Walker provided a Memo dated April 25, 2011 concerning possible adjustments to lot sizes. Bradow asked what is our intent or goal this evening with this? Walker indicated this was discussed at the last meeting so I just added this information because some of the people weren't on the commission and to refresh people's minds knowing that this is something that we want to continue to discuss so I added it as an informational item so if you've got questions about it. Other than that, I didn't come prepared to discuss it tonight.

Smith asked do you have any number of lots in the City that are out there and what sizes they are? Bradow asked an inventory of some type? Walker said he didn't include that but he does remember he did an inquiry and there was a small map of a few of the parcels that had asked about it but I didn't attach that with it but here are a few that was in there. Walker stated Nelson is one of them that has come in and wants to do a lot split on it as he has three parcels. Walker said one of the main reasons that drives that is the cost of the assessments on the parcels. Walker said he has a corner lot with 100 ft. on one side and 150 ft. on the other side so it's going to be a pretty stiff assessment so I think it is good for us to encourage some of that infill development on those lots so it makes housing a little bit more affordable and allow people to stay in their housing.

Bradow commented he would agree with that as it's a good approach to take a look to make a recommendation to the City Council and I think there is room for making lot sizes smaller where it makes sense.

Vorhes said we can do that by area to some extent so if we're replacing infrastructure we will allow it and where the infrastructure can't support it we wouldn't, is that possible to do? Walker said there are a few tools that are available. You can do it through overlay.

Smith said the other thought that she liked was the fact that we could change it and see how it goes and it's not cast in stone. Walker said there are a number of options to accomplish that, it's just which one is going to be the most affective and maybe the easiest to administer. Smith said we are one of the biggest lot sizes listed with these other cities at 100 ft. except Baxter.

There was further discussion concerning first and second generation improvements, assessment costs, making nonconforming lots conforming, rebuilding a nonconforming structure regulations, making setback adjustments consistent, smaller homes to fit character of neighborhoods, inventory of nonconforming lots and concentrating on vacant lots to begin with. Utke recommended using the equalization maps as a starting point.

6B. OTHER: Handicap Ramp - Variances: Walker advised he talked to the City Attorney about the handicap ramps and what he basically recommended is there is no exemption we can make for a ramp and we can't consider that separately from any stairs or addition or anything according to the Municipal Planning Act. Walker advised the attorney did say it's a strange situation when dealing with accessibility issues because we're required to make some sort of reasonable accommodations to disabled folks but that they would still have to go through the variance process.

There was further discussion concerning obtaining guidance if there is a situation. Walker said basically the concern is why is staff issuing a variance and shouldn't there be an opportunity for us to grant those, but legally, there is no difference in that so we can make the accommodation but we have to address it through the

variance process. Walker said he would email the attorney's decision to them. The was discussion concerning possible circumstances as to someone's basic needs verses someone's gross wants and being able to address that.

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

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning Secretary