

CITY OF PARK RAPIDS
SPECIAL MEETING
PLANNING COMMISSION
DECEMBER 21, 2015, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota

1. CALL TO ORDER: The December 21, 2015, Special Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m.

2. ROLL CALL: Present: Commissioners Dick Bradow, Joel Vorhes, Nels Peterson and City Council Member Paul Utke. Absent: Dick Rutherford. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Steve Kuepers and Chris Raimann of Kuepers, Inc., David Collins and Rose Rooney.

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

4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF OCTOBER 26, 2015: Peterson commented for the record on page 7, lines 15 & 16 that he was not in agreement and was strongly opposed with the escrow and bond options being investigated further but that the minutes can stand as printed. **A motion was made by Peterson, seconded by Bradow, and unanimously carried to approve the October 26, 2015 Regular Meeting Minutes as presented.**

5. PUBLIC HEARINGS:

5A. CONDITIONAL USE PERMIT REQUEST FROM KUEPERS, INC. TO CONSTRUCT A 29 UNIT APARTMENT BUILDING WITH 24 GARAGES ON PROPERTY APPROVED FOR PLATTING TO BE KNOWN AS MCGRANE FOURTH ADDITION LOCATED AT 1104 PLEASANT AVE IN AN R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, A PORTION OF PID#32.26.05000:

Mathisrud explained at the last Planning Commission meeting we approved a Plat to be known as McGrane's Fourth Addition so the agenda title and this is basically reflects that it is a work in progress. Recently they did close on this property and the platting was completed. This public hearing is for a Conditional Use Permit request from applicant, Kuepers, Inc., is requesting a conditional use permit to allow a twenty-nine (29) unit apartment building with three detached garage structures totaling (24) units in the R-3 District.

The property owner is Kueper's Inc. The property is located on the east side of Pleasant Avenue between 11th Street West and Industrial Park Road. Mathisrud advised he assigned 1104 Pleasant Avenue as the future address for this parcel. The lot size is 2.50 acres and the proposed density is actually 11.6 dwelling units per acre

which is a medium density number. The parcel is currently undeveloped. The proposed parcel is currently zoned R-3 Medium Density Residential District and Future Land Use shows it as a multi-family residential. The intent of this zoning district is to provide for medium density housing and directly related complimentary uses. The property is not located in an environmentally sensitive area.

Mathisrud stated this property was reviewed against the Airport Overlay District in Safety Zone C which means there is a limitation of height of structures to 150 feet so there is really nothing that impacts the proposed use.

The property is within the City of Park Rapids and is serviced by City water, sanitary sewer, and storm sewer. The City Engineer has verified that the size and location of the utilities are appropriate for this type of development. The site plan was reviewed against the lot and yard requirements and they do meet those specified requirements as well as setback requirements. Mathisrud provided pictures of the site as well as the previously constructed apartment unit neighboring the site.

Mathisrud stated the apartment building will be very similar to the previous phase as shown on the cut sheets provided in the packet. The main difference is there are going to be some additional balconies and patio areas in the front and back of the building as there was a demand for these features. Similar colors will be used and they have included a landscaping plan including the species and tree plantings which are the approved species by the Urban Forestry Committee and are placed appropriately to soften up the structures and includes the proper number of plantings. On the north side there is a dumpster area which does include privacy fencing and meets the zoning ordinance and helps dress up trash receptacle areas. They do show some handicap accessible parking spaces and code requirements on those will be reviewed during the actual development application phase but meet ADA requirements so far. Mathisrud stated he requested a bike rack be installed with this phase as the city updated the parking ordinance between the first phase and this second phase so now we require bike racks for new developments, one space for every 25 parking stalls so the bike racks proposed do meet the ordinance and helps to achieve a bike friendly community. Mathisrud provided pictures of the double loop and bollard bike rack as the biking community is starting to request these as the bike frame is supported in two places so this is getting to be a more common style.

Mathisrud stated he recommends approval of this Conditional Use Permit request for a 29 unit apartment building and the general development plan with three detached garages (24 units) subject to the following condition that the applicant provide final calculations for their engineering plan and provide a NPDES permit which will likely be required for the scale of work.

1. The applicant will be required to provide a storm water retention area(s) to handle storm water runoff from the parcel. The specifications for the pond will be required prior to the issuance of the building permit.

Peterson inquired that they are required to do a National Pollutant Discharge Elimination System Permit and wonders why. Mathisrud explained that is a state wide requirement to meet the intent of the Clean Water Act as basically any development that is larger than one acre in size is required to complete a SWPPP which is a pollution management plan and apply for an NPDES Permit and it is pretty common for developments of this size and our city engineer requires this.

Chris Raimann of Kuepers said he can shed some light on that and we have to outlet into the city storm sewer and theory is that it will eventually reach public water. Peterson said no we have capturing basins. Mathisrud said it is to reduce pollutant from development sites so anytime you do grating and excavating you are disturbing soil and during the construction phase you have discharge of sediment and nutrients so the SWPPP that comes with that NPDES Permit is intended to make sure there are best management practices being implemented during the construction phase.

The Public Hearing was opened at 6:14 p.m.

Steve Kuepers of Kuepers, Inc. said he remembers some of the members from three years ago and appreciates the commission hearing him out again. Kuepers stated he is really happy the first one filled up and I remember being asked by Collins if we would ever do another one and I said I will see how the first one goes and we have been really happy with it. Park Rapids is a nice town and it took us a little while but it's been a nice project and one that we decided a second phase would be nice and the economy is the scale there and the demand seems to be there. We changed this one up just a little bit and put decks on all the units and on the first building there are patios for all the main floor units and we did not do an elevator. On this one we're doing a little bit nicer community areas and adding an elevator and doing decks on the second floor.

Kuepers said the first building leased up all the main floor units almost within the first two months and it took us about eight months to fill up the second floor so definitely with more senior citizens that was a big deal and then we also added a couple of three bedroom, two bath units to this one catering to the larger families and one of them is already spoken for and leased.

Kuepers commented we are keeping it similar to the other building so it looks like the same complex and we expect it to be successful like the first one was.

The Public Hearing was closed at 6:16 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? 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 Mathisrud and the Commissioners recommended the following condition:

1. The applicant will be required to provide a storm water retention area(s) to handle storm water runoff from the parcel. The specifications for the pond will be required prior to the issuance of the building permit.

A motion was made by Peterson, seconded by Bradow, and unanimously carried to recommend to the City Council approval of Conditional Use Permit request from Kuepers, Inc. to allow a twenty-nine (29) unit apartment building with three (3) detached garages totaling 24 units in an R-3 Medium Density Residential District located at 1104 Pleasant Avenue on platted property known as McGrane Fourth Addition, a portion of PID#32.26.05000 with the following condition:

1. The applicant will be required to provide a storm water retention area(s) to handle storm water runoff from the parcel. The specifications for the pond will be required prior to the issuance of the building permit.

**5B. COMPREHENSIVE PLAN AND FUTURE LAND USE MAP REVISION
REQUEST FROM ROSE ROONEY TO REVISE ONE PARCEL LOCATED AT 110
GROVE AVE S FROM B-1 HIGHWAY BUSINESS TO R-2 SINGLE, TWO FAMILY
AND TOWNHOUSE RESIDENTIAL, PID#32.44.01900:**

Mathisrud explained this is a two part request – the property owner is Rose Rooney and she is requesting a Comprehensive Plan Amendment as well as Zoning Boundary Amendment request to rezone one parcel which is .26 acres from B-1 Highway Business District to R-2 Single 2-Family and Townhouse Residential District to construct a single family home. There is an aerial image showing the site and the address is 110 Grove Avenue South. The property is currently undeveloped. The intent of the R-2 district is to provide low to moderate density, single and two family dwellings, twin homes and townhouses and directly related complimentary uses. There are no environmentally sensitive areas on this site. It is located in Airport Safety Zone C which basically covers the entire community. There are public utilities including water, sewer and storm sewer on the parcel. The lot requirements meet the zoning district requirements and any future use must meet those set back requirements. Mathisrud provided images of the site.

Mathisrud explained in reviewing the file and in 1980, the property had a mobile home and an accessory structure on it. In 2003, the applicant received approval to rezone the parcel to B-1 with a conditional use permit to construct a storage building on the property but was never constructed. The applicant removed the structures and it has since remained a vacant lot. The applicant is now requesting to use the property for single family residential uses but is undecided on the type of structure to be built at that location.

Mathisrud advised the city Comprehensive Plan shows this parcel as commercial, but it is at the boundary between residential and commercial so staff's opinion is that it is appropriate for either use. The property was originally platted for residential uses making residential a more practical fit and in keeping with the character of the neighborhood.

Mathisrud recommended the following:

1. To change the Comprehensive Plan- Future Land Use map to residential for the requested area.
2. Approve the Rezone of the requested parcels from B-1, Highway Business District to R-2 Single 2-Family and Townhouse District.

Mathisrud explained he intends for the commission to review the Comprehensive Plan Amendment first and then have a motion and vote on that and at that point the Findings of Fact for the rezone should make sense as you go through that list.

The Public Hearing was opened at 6:32 p.m.

Rose Rooney explained the reason that she wanted to change it back is that she and Mark Thomason previously discussed developing the property as commercial but that hasn't happened so she would like to rezone it to residential again.

The Public Hearing was closed at 6:34 p.m.

A motion was made by Peterson, seconded by Bradow, and unanimously carried to recommend to the City Council approval of the Comprehensive Plan and Future Land Use Map revision request from Rose Rooney to revise one parcel located at 110 Grove Ave S from B-1 Highway Business to R-2 Single, Two Family and Townhouse Residential, PID#32.44.01900.

5C. ZONING BOUNDARY AMENDMENT REQUEST FROM ROSE ROONEY TO REZONE ONE PARCEL LOCATED AT 110 GROVE AVE S FROM B-1 HIGHWAY BUSINESS DISTRICT TO R-2 SINGLE, TWO FAMILY AND TOWNHOUSE RESIDENTIAL DISTRICT PID#32.44.01900:

See Mathisrud's staff report explanation and recommendation as stated above in the Comprehensive Plan Amendment item concerning this property.

The Public Hearing was opened at 6:35 p.m.

Rooney stated there are utilities on the property.

The Public Hearing was closed at 6:35 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, IF AMENDED WITH THE REQUEST.*
2. *Have there been changes in the character of the 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 Vorhes, seconded by Peterson, and unanimously carried to recommend to the City Council approval of the Zoning Boundary Amendment revision request from Rose Rooney to revise one parcel located at 110 Grove Ave S from B-1 Highway Business to R-2 Single, Two Family and Townhouse Residential District, PID#32.44.01900.

6. INFORMATIONAL/DISCUSSION:

6A. POINT OF SALE SSTS ORDINANCE DISCUSSION: Mathisrud stated at the last meeting a number of questions were brought up and staff was basically asked to put together some information on this and provide some data as to how many septic systems are out there. A list of systems were compiled and provided some interesting results: 156 systems were identified; 45 were in Discovery Circle where a project is planned to extend services but could change; of the 111 other systems one filed showed a failing system but no other documentation showing it was upgraded; 9 systems have valid Certificate of Compliance on them within the last three years; 13 of properties are in shoreland overlay district; 66 (59%) have no records or data in the files.

Mathisrud explained he intends to invite realtors, attorneys, title companies and lenders to the next meeting for a presentation on the ordinance and get their input and incorporate any suggestions into the final ordinance product and bring the final draft to the February Planning Commission Meeting for a public hearing or in March if necessary.

Other discussion points were:

- Triggers during building permit process.
- Number of properties where services are available and fair and equal enforcement and prosecution issues.
- Peterson reiterating not being able to justify a point of sale ordinance and it interfering with private sale contracts.
- Possible city wide compliance inspections/cost/administration; and
- County involvement.

OTHER DISCUSSION:

Goals for 2016 include the following:

- possible zoning overlay district for 50 foot lots;
- researching locking property tax values to encourage development without immediate tax increases;
- Highway 34 & 71 storm water issues; and
- revising the fencing ordinance.

7. ADJOURNMENT: A motion was made by Vorhes, seconded by Bradow, and unanimously carried to adjourn the meeting at 7:32 p.m.

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning Assistant