

**CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
MARCH 23, 2015, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota**

1. CALL TO ORDER: The March 23, 2015, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m.

2. ROLL CALL: Present: Commissioners Dick Bradow, Janice Tidrick, Nels Peterson, Dick Rutherford and City Councilmember Paul Utke. Absent: Joel Vorhes. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Paul Nistler, Cindy Berget, Fred Kyllonen, Sara Swanson and Thom Peterson.

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

4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF FEBRUARY 23, 2015: A motion was made by Peterson, seconded by Bradow, and unanimously carried to approve the February 23, 2015 Regular Meeting Minutes as presented.

5. PUBLIC HEARINGS:

5A. ZONING ORDINANCE PROVISION AMENDMENT REQUEST FROM PAUL NISTLER, 120 MAIN AVE N, REGARDING THE R-2 SINGLE, 2-FAMILY AND TOWNHOUSE DISTRICT TO ADD THE FOLLOWING LANGUAGE AS A CONDITIONAL USE: C. CONDITIONAL USES: (20) PROFESSIONAL SERVICES INCLUDING BANKS, MEDICAL CLINICS, PUBLIC MENTAL HEALTH BUILDINGS, POSTAL STATIONS, AND OFFICES UNDER 10,000 SQUARE FEET:

Mathisrud explained this is an ordinance provision amendment request from applicant Paul Nistler who owns 120 Main Avenue North regarding the R-2 Single, 2-Family and Townhouse District to add the following language as a Conditional Use:

(20) Professional services including banks, medical clinics, public mental health buildings, postal stations and offices under 10,000 square feet.

Mathisrud explained this request comes about because the applicant owns 120 Main Avenue North and is currently operating as a mental health clinic and they intend to sell this building to a future owner who intends to open a law office in this location. Mathisrud provided a little background stating that in 1959 the City adopted the first

zoning ordinance and at that time this area showed W.G. Cutler's Addition Block One as commercial. The same thing with Park Avenue North which was also shown as commercial on our first zoning map, as a result a commercial building was built in an otherwise residential district because it was a permitted use. At this time, state law now requires zoning to be carried out in tandem with a Comprehensive Plan and so in 2008 the City we corrected our zoning map to match the Comprehensive Plan and at that time we discussed subsequent uses of nonconformities being handled through the Conditional Use Permit process. At this time in our R-2 Single, 2-Family and Townhouse District, there is no provision for office uses or mental health clinics or anything of that nature and the applicant does wish to open one of those uses in the future so it is essentially a nonconforming use. Under provision A, this district is really intended to provide moderate density single and two family dwellings, townhomes, townhouses and directly related complimentary uses, things that fit in the district. Under permitted uses in that zone, we permit single family homes, twin homes, two family dwelling units, daycare facilities, public parks and playgrounds and accessory uses to the permitted uses, and there are a number of other ones in there as well. Those are outlined in your packet. For conditional uses, these are uses that require a Conditional Use Permit, we have listed: bed and breakfast facilities, public buildings like schools, chapels, synagogues, government buildings, townhomes containing four units of less, mobile homes parks, state licensed residential facilities, daycares up to 16 persons, nursing homes, fire stations, other public uses, we've got renewable energy, recreational camping area, but basically when it comes down to it we don't allow office type uses under the current R-2 code.

Mathisrud stated he did a little research and driving around and came across a couple of nonconformities that are in the R-2 District, one is 120 Main Avenue North and the other is 600 Park Avenue North as outlined in the attached image. Here is an example where it is currently used as a check cashing building and some other office uses there and it used to be a restaurant. What the issue is that nonconforming uses basically when there is a nonconforming use the property owner can continue the use there, the subsequent use basically has to be that or it has to be whatever is listed in the zoning district and this is outlined under state code so basically what we're doing here is reviewing a request to alter our R-2 zoning ordinance. The Applicant basically has three options: 1. get another location; 2. rezone the property; or 3. Request a Conditional Use Permit, but it has to be listed under the provisions of the CUP in order to issue that permit. So the applicant is applying for this code revision to allow a Conditional Use Permit. The one thing to note about these amendments is that they do apply to the entire district, which means that if we do alter our R-2 code provisions to allow office uses that does apply everywhere in the R-2 District so anywhere else that is R-2 can apply for a Conditional Use Permit. If the applicant can meet the Findings of Fact that are outlined then there really is no reason to deny the request.

Mathisrud recommended that we either consider one of two options: offer a broad option to allow professional services including banks, medical clinics, public mental health buildings, postal stations and offices under 10,000 square feet; or we could have a narrower option which would allow simply law offices under 10,000 square feet.

The Public Hearing was opened at 6:09 p.m.

Sara Swanson commented that she has signed a purchase agreement with the current owners to buy the building and hopes to operate our law office there,

Thomason, Swanson and Zahn and I just wanted to make a couple comments because I quite frankly learned a bit about zoning through this process as we don't handle a lot of these kind of cases in our office and this is new matter to me. Swanson stated what she has learned in doing a bit of research and talking with Mathisrud about zoning in general but as he stated, zoning is governed by state statutes and also obviously our city ordinance and this property was zoned commercially in the 50's I believe it was and then this building was built I believe in 1965 and so the whole idea of a nonconforming use I think is maybe, there could be a slightly different interpretation than Mathisrud has offered. I'm not offering this for the purpose of being argumentative or trying to prove a point or anything I just think it might be of interest for the Planning Commission in considering this and going forward because as I understand in 2008 when there were several areas rezoned as part of the Comprehensive Plan that work done in 2008 it seems like this and maybe the other building mentioned were slight over sights in the fact that they were and have been commercially built and operated for such a long period of time and the whole idea here I guess and from what I have found out in doing some case law research is that a nonconforming use, what that really means and that there is quite a bit of Minnesota case law, quite a bit of it to support that a nonconforming use essentially because it was zoned commercially and built as a commercial building, those are property rights that stay with this building whether they are more restrictive zoning ordinance put into place subsequent to the building being built and quite frankly I think whether there is a change of ownership, the classification as commercially zoned, being very broad in the 1950's, that travels with the property and I think the case law would support that these are really constitutional rights that are vested property rights that run with the land, not necessarily from owner to owner. So since it has been operated commercially, I think the Planning Commission could view this as not even needing to go through this whole process of the code edit or even rezoning it because of the fact that these are property rights that really cannot be divested from the property unless there are three or four particular ways, and those are outlined both in case law and in statute and that would be if there is a nuisance action brought against the property; if there is eminent domain proceedings; if there is an expiration of the use which statute outlines as nonuse for a year; or if more than fifty percent of the building is destroyed by a fire or natural circumstances; or by a written agreement between the municipality and the individual property owner. I think in this case clearly none of those have happened so this is a non-conforming use but I think it could continue to be used commercially without even needing this code edit. That being said our interest is just simply getting our project moving along here and we would like to move and these guys would like to sell.

Paul Nistler stated our best interest is to sell the building it is just way too much room for what we have and what we need and it just makes the best possible outcome.

Swanson said I know too that I have spoken with Mathisrud just recently and it sounds like perhaps the commission might be presented with looking at maybe rezoning this particular area so I guess maybe I will defer to the application that we've put in front of the City Planner and the Planning Commission but also I guess I would challenge you or ask you to consider this other way of looking at a nonconforming use in your considerations of rezoning the properties back to commercial because that really suits what it always has been, what it is and what it should be to avoid this circumstance in the future.

Utke asked Mathisrud just as a follow up to the conversation we had on Friday along the same lines that Swanson just outlined, have you had any conversations with our city legal counsel? Mathisrud stated yes, he did and that is what brought us down

this path, is that our city attorney who specializes in municipal law was consulted on this and that was his interpretation. Utke asked as Swanson just laid out? Mathisrud said not as Swanson laid out but the process that we just went through and that I presented on which was his interpretation and recommendation to the city going forward. Mathisrud stated there is always more than one interpretation of things but that was the procedure that was presented to me to pursue. Utke said thank you.

Peterson said he also researched this himself as deep as he was able to and in regards to our City Attorney what I have found through researching past cases on this that the courts have typically moved towards defining a zoned area more strict and the intent of the area. So in this case being that it's an R-2 they would look at the intent and it's an R-2 so if somebody came forthright that claimed that this building as a nuisance or wanted to move towards from the residential neighborhood if somebody was interested in dampening the ability of this building to exist they would come forward and make their complaint and the courts, over the last twenty years have typically started moving towards adhering to the intent of the zoned area in favoring the intent of the zoned area. So, therefore, in this case, if a resident came forward and wanted to make a complaint of the building being there because it now is zoned R-2, the courts would favor that person because of the zoning laws. But that does not dictate that we as Planning Commissioners have to move that direction, we can make the decision whichever way we want to go. If we were under threat of some interested party coming forward that wanted to put a stop to this building then we would be under the threat of a lawsuit and that's where the courts are stemming from in today's time, they are generally favoring with the intent of the zoned district which this is an R-2 but we have nobody interested of putting something in the way of this building as a commercial building. There is nobody that has come to you with an interest of denying this permit for the conditional use of this building, nobody has surfaced, nobody is interested, the neighborhood is obviously okay with it. Peterson stated myself as a Planning Commissioner, how do we move this property forward so that a sale can be celebrated and we don't hold them back any but we move as a Planning Commission to rezone back up to Minnesota Street to a B-2 District and move that direction.

Bradow stated he would agree with that but that is not a discussion for this meeting. Peterson agreed and said so being that we are here at this meeting what can we do now to move the process ahead but follow up with it at a later date and correct the zoning on this so it doesn't become a hardship upon the owner of the property. Bradow said to make it conforming at some point in time. Peterson said yes, I think that's about the only avenue we could do at this time but we need to address it because I think there are other buildings that are falling under the same circumstance and it's through no fault of anybody's other than the zoning map showed a layout and a pen drew the line and they ended up where they did and forced hardships onto some properties.

Bradow agreed and commented that it is narrowly construed as we possibly can and as Peterson stated visit the rezoning map layout as the district allows.

Peterson said we will act on that premise and move in that direction but being that we can't actually rezone it that remains to be seen but with my intent I would definitely want to move that direction at a later date. Peterson asked Mathisrud if he had any comments on that. Mathisrud stated no, if that is the direction of the Planning Commission that seems reasonable. Peterson said he thinks it would be justified in this case in particular.

Nistler asked in 2008 when it was rezoned from commercial to residential, would there have been a notice sent or some kind of information that would have followed? Peterson said no the zoning was he understands it was through the Headwaters Commission out of Bemidji and they were simply the ones that researched it and drew the line. The Commissioners and Mathisrud disagreed and said there were notifications sent and believes that Upper Mississippi actually made comments at that meeting as well. Mathisrud said at that time it was reviewed and talked about adding Conditional Use Permit provisions as well. Nistler said he didn't get that memo. Nistler said to be honest with you we have had the building for sale for three years and certainly would have done this long ago if I would have known it was not zoned right because there is no family that I know that needs 21 or 23 office spaces unless they gutted it and remodeled the whole thing so and it's not really set up for that with bathrooms anyway. Nistler said we searched and looked and never found anything on it.

Rutherford stated what we need tonight then is a motion on their Conditional Use Permit. Bradow advised we will go through the process in the packet and make a recommendation to the City Council either recommending or denying.

The Public Hearing was closed at 6:23 p.m. Nistler said Swanson has one comment.

The Public Hearing was reopened at 6:23 p.m.

Swanson stated that she would ask when you are considering what kind of recommendation to make in granting the conditional use code edit that you consider making it as broad as possible in the event that, if for some reason this is not rezoned or even that for some reason we can't consummate this sale here, I would certainly think that it would be in Upper Mississippi Mental Health's best interest to be able to have a broad conditional use option otherwise they are significantly limited in their ability to sell as would I in the future.

Bradow said I would agree with you and my only comment to you back would be that I don't want it to be broader than a B-2 if that is acceptable. Utke stated B-2 is like the whole downtown business district so it's of that caliber of business which is fitting for that area.

Swanson said yes and I would be very satisfied with it being rezoned B-2, what I was just commenting to was is when you are making the recommendation now, regarding just the conditional use piece, kind of first step here, that you would consider Mathisrud's first language option as opposed to his second more narrower option.

Peterson asked what option is that? Utke explained the second option is specific to the law office and the broad option basically follows the B-2 right? Mathisrud explained that's the exact language of what's in the B-1 at the moment with the exception of the size, the bulk limitations so on our current B-1 zone we have this item professional services including banks, public mental health clinic, etc. that's all in our B-1 zone right now. Peterson asked it's in the B-2 isn't it?

Bradow inquired if Swanson intends to do anything other than a law office in the building in the near future? Swanson stated we had talked about renting out a couple of spaces to other professionals. Bradow asked what type of professionals? Swanson said she doesn't have any specific plans but had spoken to a banker who is working on

his own and a sanitation business that just needs an office presence in town that would be just a single office space. Bradow said the people that you are thinking about or renting these spaces to, what kind of traffic generation would they generate? Swanson said as far as I'm aware it would be very little, it would certainly be less than our law office would generate. The one particular gentlemen wouldn't probably have any and he just simply wants and needs an in town location. Swanson said I would say too that there was one other person that had expressed interest and contacted me and that person wanted to do like a massage business but only on a contract basis, so not even operating a regular schedule but would like to contract for once a week or something like that. I know that in speaking with Upper Mississippi Mental Health, they've explained that in the past they had up to 20 employees and then on top of that 20 persons attending a meeting and that would be far less than our law office would ever generate and our office will take up a majority of the building and there may be two or three other spaces that may be open.

There was discussion concerning the existing zoning of the B-1 and B-2 districts and the proposed language. Mathisrud said he based his staff summary based on a law office being at that location and no other types of uses.

The public hearing was closed at 6:29 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 Rutherford , seconded by Peterson, and unanimously carried to recommend to the City Council approval of a Zoning Ordinance Provision Amendment Request from Paul Nistler to add the following language as a conditional use in §151.062 (R-2) SINGLE, 2-FAMILY AND TOWNHOUSE DISTRICT UNDER (C) *CONDITIONAL USES*.

(20) Professional services including banks, medical clinics, public mental health buildings, postal stations and offices under 10,000 square feet.

FURTHER DISCUSSION: Bradow stated now that we have just recommended this to the City Council, if we do some rezoning how does that affect this amendment? Mathisrud stated this amendment would still be in place if we rezone it, so if we did not want that amendment, we would have to remove it at a future date. Bradow stated he doesn't like that. Peterson said we don't have much choice. Bradow said he doesn't want to hold up the sale and I want business to be able to be sold and purchased by the

buyer but I don't want to tie our hands if we are going to rezone to a B-2 I would rather see B-2 language right now. Peterson said he is quite positive it is the same language in the B-2.

There was discussion concerning the existing zoning of the B-1 and B-2 districts and the proposed language and if the City Council could change the language. Mathisrud clarified we are not making this a B-1, we are using one bullet point of conditional uses. Utke said if it does get zoned B-2 in the near future, we want to make sure that this one follows the same we don't want this one on its own little island. Bradow said it is still a conditional use permit if we do that. Mathisrud said if we rezone this in the future the process of rezoning it would make it much broader so many more uses than what we just recommended would be a permitted use in that location. Bradow asked if they are B-2 uses or are they beyond B-2 uses. Peterson said they are B-2's. Mathisrud said he got these from the B-1 District which is Highway Business District and the B-2 is downtown mixed use district so there are a different set of uses for the downtown verses the highway commercial but I don't think that bullet would differ substantially from the B-2 District but might be a little bit broader though.

Thom Peterson looked up the city zoning ordinance on his cell phone and Mathisrud read the B-2 District under #1 it would be professional services including banks, medical clinics, postal stations and offices. So this item is in there except this is more restrictive than the B-2 District because it limits the square footage to 10,000 square feet so this is actually more restrictive than the B-2 District.

Utke said so everything listed there is in the B-2 District? Mathisrud read it again – Permitted Uses: #1 professional services including banks, medical clinics, postal stations and offices so I guess our recommendation does add public mental health buildings. Utke said so being this is a little more restrictive than the full B-2 if the area got rezoned to B-2, it would just go to B-2 and at that point they wouldn't be on their own little island. Mathisrud said that is correct. Utke said they would be all inclusive and treated the same. Mathisrud agreed they would be all inclusive and treated the same. This one is slightly more broad in that it permits public mental health buildings which is incidentally what the operating owners are. Peterson said but that doesn't mean that a future owner can acquire the conditional use to put in a mental health building there in a B-2? Mathisrud explained Conditional Use Permits do run with the land. Utke said we want to do that to make sure that because if the area becomes B-2 that they are also, everything is B-2 so that it doesn't affect their resale. Mathisrud responded yes, if I understand correctly, so this would be permitted and many other items would be permitted under the B-2. Utke said if it was rezoned B-2, they actually gain options, so what we've done here is okay, it would just broaden it if it was rezoned. Mathisrud agreed. Bradow apologized for the discussion after the motion was made.

5B. CONDITIONAL USE PERMIT REQUEST FROM PAUL NISTLER TO ALLOW A LAW OFFICE TO OPERATE AT 120 MAIN AVE N, WHICH IS LOCATED IN THE R-2, SINGLE, 2-FAMILY AND TOWNHOUSE DISTRICT, PID#32.45.01100:

Mathisrud explained the applicant is Paul Nistler, the current owner of 120 Main Ave North who plans to sell the property to Sara Swanson to open a law office at that location which is in an R-2 District and this request is contingent on the approval of the amendment to the Conditional Use Permit provisions in the R-2 District that we just voted on. Mathisrud presented an aerial view of 120 Main Avenue North and was built as a commercial building back in 1965 along with an image of street elevations. Mathisrud explained that the Future Land Use Map of the Comprehensive Plan outlines this area as being residential and our current zoning map shows it as an R-2 District so residential so this property is currently in conformance with our Comprehensive Plan. Under our City Code for the R-2 District and is intended to provide low to moderate density, single, 2-family dwellings, townhomes, townhouses and related complimentary uses. This is contingent of course on our Planning Commission recommendation for the broad recommendation. Mathisrud provided more information on the location stating the actual lot is 95 feet by 140 feet or .22 acres so it's just under a quarter acre and is currently a fully developed commercial building and is occupied as an office or clinic use. It's not located in an environmentally sensitive area and is fully served by public utilities. The applicant submitted a site plan which shows three additional off street parking spaces being added, the site already has roughly three off street parking spaces and can accommodate about eight on street parking spaces on both frontages. Business hours for law offices are typically day time during the week so off street parking generally works well with residential neighborhoods without too many conflicts. The site currently has many mature trees on it and those should be maintained to serve as a natural buffer from the residential district.

Mathisrud recommended approval of the Conditional Use Permit to operate a law office at 120 Main Avenue North in the R-2, Single, 2-Family and Townhouse District contingent upon adopting the above stated ordinance provision amendment to the conditional uses in the R-2 District with the following conditions:

1. The entire site must be kept in an organized and slightly manner and remain free of junk, debris, inoperable vehicles, tall grass, and noxious weeds.
2. A sign permit will be required for any signage on site signage shall meet the requirements of the R-2 Zone.
3. The basement can be occupied for storage space or similar uses only until additional off street parking is provided.
4. Existing vegetation shall be maintained to provide a visual buffer to adjacent properties.
5. Staff shall approve final site and building improvement plans.

Peterson asked if the basement is unfinished? Mathisrud stated as he understands it is partially finished. Peterson said so storage and wonders why we have a condition on the basement, can be occupied for storage space or similar uses only until additional of street parking is provided, are you concerned that if it was used as offices or something that it might generate more vehicles? Mathisrud responded yes, the intent of that provision that they currently don't have much for off street parking and if they do expand uses into the basement and offer a much denser, more people working and being served there that would create an additional parking demand that

may have a negative impact in the neighborhood so by limiting that it would help maintain the residential character of the neighborhood. Peterson said being that it is a nonconforming structure and through its years of occupancy there, I would tend to want to remove #3 and not put that constraint on that building. The reason being purely that we have the streets there that are amply wide to allow for parking and I like congestion, because it brings activity to areas and helps stir up activity so to me, my argument would be the more cars, the happier we all are. That's a hard one to comprehend but it's a proven theory that when any business that opens if there are no cars in the parking lot, no one notices, if there are cars in the parking lot people see it. Utke said exactly right, when you're looking for a restaurant you look for one that has cars. Peterson said I would tend to want to remove that condition on the property and let the property operate as it sees fit, I don't think what we would be restricting there would be worth the requirement and even if they did finish it out and we get ten more cars there, I don't see the issue. Utke stated he fully agrees and feels that if a business has a need for more parking they are going to find it because a business caters to their customer so I don't think we need to do anything that restricts or controls traffic because a smart business person is going to take care of that, if they can't get all the cars out there, they are going to create some off street parking.

Mathisrud stated the reason for that provision was because we are trying to fit a commercial use into a residential neighborhood and so that's how staff developed that particular provision and if the intent of the future is to rezone the property, that would be addressed at that time but I just wanted to make you aware of the reasoning why staff chose that provision.

The Public Hearing was opened at 6:49 p.m.

Thom Peterson asked what does condition #5 mean? Mathisrud explained if you do make any renovations to the site, any remodeling inside and those types of things, all are reviewed and approved by staff as well as any exterior improvements. Utke said better worded is that type of thing would require a building permit which then our building official would be like they would to any other property in town make the stamp of approval on the changes and staff includes Ryan and our building official.

The Public Hearing was closed at 6:50 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 - CONTINGENT UPON ADOPTION OF AN ORDINANCE PROVISION AMENDMENT TO THE R-2, SINGLE, 2-FAMILY AND TOWNHOUSE DISTRICT TO ADD THE FOLLOWING LANGUAGE AS A CONDITIONAL USE: C. CONDITIONAL USES: (20) PROFESSIONAL SERVICES INCLUDING BANKS, MEDICAL CLINICS, PUBLIC MENTAL HEALTH BUILDINGS, POSTAL STATIONS, AND OFFICES, UNDER 10,000 SQUARE FEET.

- 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 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. A sign permit will be required for any signage on site signage shall meet the requirements of the R-2 Zone.
3. The basement can be occupied for storage space or similar uses only until additional off street parking is provided.
4. Existing vegetation shall be maintained to provide a visual buffer to adjacent properties.
5. Staff shall approve final site and building improvement plans.

A motion was made by Peterson, seconded by Utke, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit to allow a law office to operate at 120 Main Ave N, which is located in the R-2 Single, 2-Family and Townhouse District contingent upon the adoption of an ordinance provision amendment to the R-2, Single, 2-Family and Townhouse District as stated above, PID#32.45.01100 with the following four conditions as #3 listed above was removed:

- 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. A sign permit will be required for any signage on site signage shall meet the requirements of the R-2 Zone.**
- 3. Existing vegetation shall be maintained to provide a visual buffer to adjacent properties.**
- 4. Staff shall approve final site and building improvement plans.**

Utke asked when this goes to the City Council? Mathisrud explained tomorrow would be the first reading for the zoning provision amendment. Bradow advised the applicant it would be good for you to attend the meeting.

6. INFORMATIONAL/DISCUSSION: Mathisrud stated he didn't have any discussion items but advised that we are coming into a busier season with phone calls on different topics and there is a lot on the radar.

Utke said another thing that he would like to see as soon as you can work it in or get more information back to us on looking at that whole area as a B-2 because I could foresee some other stuff happening there possibly not too far down the road in that area so it might be a good idea to tackle it before we are again piece mealing it. Mathisrud

said we had downzoned that block back in 2008 and up until 2008 there had been no real commercial development in that neighborhood since 1959 so it is one of those things that residential neighborhoods, just because you zone them for a commercial use doesn't necessarily mean that commercial development will follow so I think that it is sometimes better to look at having your zoning accurate than making those changes as you receive applications, that way the zoning follows development pressure at least that's the strategy I think that is a more modern approach.

Bradow suggested taking a look at that and maybe an R-B District? Other commissioners said a B-2 District. Mathisrud said in this particular case rezoning that half of the block would be a very appropriate response, not zoning the entire block but that half of the block to incorporate that particular building would be a very appropriate rezone. Utke said he would do the whole block as he sees some stuff happening on the 71 side too. Utke said he thinks making it B-2 doesn't affect the residential at all verses making it R-2 affecting the commercial negatively I think going back to B-2 doesn't hurt any of the houses right there. Rutherford said if you were looking at it as an outsider coming in here to build and you know that it is already business, you could take the building next door to the clinic and all I've got to do is tear it down and we can without going through a whole bunch of rig a ma roll and that's my thought. Peterson said we have that abandoned house to the south and it just sits there and having the opportunity to put something else in there then might become feasible. Rutherford said that's the one I'm talking about, it's a piece of junk.

Mathisrud pointed out that the alternative view on that is that if you over zone an area, sometimes what happens is that you have a lack of investment in that neighborhood because people anticipate commercial development so why should I fix up my property if the next guy is going to tear it down. So what you will actually see in practice sometimes is that these residential neighborhoods that butt up right against commercial neighborhoods will often times be in great shape, well maintained and people are putting money into them and keeping them up and they don't have the commercial zoning. So zoning has the effect of kind of segregating land uses but you don't want to get too carried away and it's the same reason for why wouldn't you, if you want commercial everywhere, why not zone the whole town commercial, well not everybody wants to live in a commercial zone. Peterson responded well said.

Peterson asked what's the process, you draft something? Mathisrud explained with the comments I've heard tonight what it sounds like to me is that the appropriate next steps is really going to be to put together a staff driven application to look at that neighborhood for rezoning either half the block or the whole block and bring that to a future Planning Commission Meeting or the next meeting if there is room on the agenda for it.

There was discussion concerning holding workshops for discussion purposes if necessary.

Peterson asked how everything is going at City Hall and if he was melding in there comfortably. Mathisrud said things are going well and is starting to get a feel for the attitudes of the community and the different people and the different thoughts and approaches and getting a feel for planning in Minnesota and I like it and I think this is a good fit for me. Bradow said we are glad to have you. Mathisrud responded he is excited to be here.

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

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning Assistant