

**CITY OF PARK RAPIDS  
REGULAR MEETING  
PLANNING COMMISSION  
APRIL 27, 2015, 6:00 p.m.  
Park Rapids Library, 210 First Street West – Lower Level  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The April 27, 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, City Councilmember Paul Utke and Joel Vorhes (arrived at 6:03 p.m.). Absent: None. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: None.

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

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

**5. PUBLIC HEARING:**

**5A. CONDITONAL USE PERMIT REQUEST FOR THE CITY OF PARK RAPIDS TO ALLOW AN ESSENTIAL SERVICE UTILITY STRUCTURE ON THE CITY'S WATER TOWER AT 201 HUNTSINGER LOCATED IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, PID#32.23.03042:**

Mathisrud explained the City of Park Rapids received an application from Verizon Wireless to upgrade equipment on our water tower. The City is currently leasing the water tower located at 201 Huntsinger Avenue to Verizon Wireless and they already have equipment up there and we have an agreement in force but at this point they want to add some additional antennae and equipment and we chose to update the Conditional Use Permit at this time. The applicant is the City of Park Rapids and we're requesting the Conditional Use Permit to allow an essential service utility structure for the placement of certain wireless communications equipment, apparatus and structures at 201 Huntsinger Avenue, all in accordance with the lease between the City and Verizon as the same may be amended from time to time. Essential service utility structures and facilities are a conditional use in the R-1 Single Family Residential District. Again the location is 201 Huntsinger, PID 32.23.03042.

Mathisrud provided an aerial of the location. Mathisrud explained we've already issued several Conditional Use Permits over the years at this location. One was for optical equipment, fiber optic cable and the other two were for cell phone tower

apparatus and also a generator that goes along with that. The area is 2.25 acres and again is being used by the City of Park Rapids for a well, wellhead and where we make drinking water for the city.

Mathisrud commented if we look at our Comprehensive Land Use Plan this is designated for semi- public use and public use and is located in the R-1 Single Family Residential District. Under Conditional Uses #3 governmental, public utility buildings and structures necessary for the health safety and general welfare of the community so that's been interpreted as being the bullet point for the Conditional Use Permit.

This site isn't currently located in a flood plain, it's not located in an environmentally sensitive area, it's served by public utilities and it does fall within the Airport Overlay. Airport Zoning is basically in Safety Zone C which just regulates the height of structures over 150 feet needs to have a notification filed with the FAA. This structure is going to be 154 feet and notification has already been given to the FAA and approved for that.

Mathisrud said in reviewing this permit, the exterior color is supposed to be the same as the water tower so it's going to blend in just like the apparatus that's already on there.

Mathisrud stated he recommends approving this Conditional Use Permit. We are going to grant it to the City of Park Rapids to allow essential service utility structure for the placement of certain wireless communication equipment, apparatus and structures at 201 Huntsinger Avenue, PID#32.23.03042 located in the R-1 zoning district, subject to the following conditions:

1. Condition #1 – that a fully executed lease agreement be in effect for the duration hereof, as the same may be subsequently amended from time to time, by and between Verizon and the City, as duly approved by its City Council, and specifying such terms and conditions as, among others, authorizing the leasing to and use of certain City-owned leased premises by Verizon on a designated portion of the property for purposes of installing, operating and maintaining those certain wireless communications equipment, apparatus and structures, as expressly described in the aforementioned lease or subsequent amendments thereto, all strictly in accordance with those certain plans for the location thereof defining the leased premises therein, as approved by the City Council, and all in accordance with applicable Federal Communications Commission rules and regulations.
2. Condition #2 – that Verizon shall secure and remain in compliance with all applicable licenses, permits, zoning and such other governmental approvals as required by federal, state or local laws, regulations or ordinances.

Mathisrud further explained what this does with this permit we would change all future licensing through the City's lease so anytime that Verizon wishes to make any future changes to this apparatus and those types of things, we just do it through the lease agreement that is being handled through the City which would be voted on by City Council so minor changes like this would no longer come to the Planning Commission for review.

**The Public Hearing was opened at 6:09 p.m.** No comments.

**The Public Hearing was closed at 6:09 p.m.**

**The Findings of Facts were reviewed. The commissioners came to the following conclusions: Is the proposed use identified as a conditional use in this zoning district? YES.**

1. *Are there characteristics of the proposed use that may violate the public health, safety, or general welfare of Park Rapids City residents? NO.*
2. *Is the proposed use inconsistent with the intent of the Park Rapids City Comprehensive Plan and Zoning Ordinance? NO.*
3. *Does the proposed use present any unique concerns regarding erosion, runoff, water pollution or sedimentation? NO.*
4. *Could the proposed use create any special problems with parking? NO.*
5. *Would the proposed use cause any problems with access or traffic generation? NO.*
6. *Is the proposed use incompatible with other uses located in the zoning district? NO.*

For each response answered affirmatively, are there conditions that could be attached to the granting of a permit that would mitigate the adverse impact? *No affirmative answers, but Mathisrud and the Commissioners recommended the following conditions:*

Condition #1 – that a fully executed lease agreement be in effect for the duration hereof, as the same may be subsequently amended from time to time, by and between Verizon and the City, as duly approved by its City Council, and specifying such terms and conditions as, among others, authorizing the leasing to and use of certain City-owned leased premises by Verizon on a designated portion of the property for purposes of installing, operating and maintaining those certain wireless communications equipment, apparatus and structures, as expressly described in the aforementioned lease or subsequent amendments thereto, all strictly in accordance with those certain plans for the location thereof defining the leased premises therein, as approved by the City Council, and all in accordance with applicable Federal Communications Commission rules and regulations.

Condition #2 – that Verizon shall secure and remain in compliance with all applicable licenses, permits, zoning and such other governmental approvals as required by federal, state or local laws, regulations or ordinances.

**A motion was made by Bradow, seconded by Vorhes, and unanimously carried to recommend to the City Council approval of a Conditional Use Permit to allow an essential service utility structure on the City's water tower at 201 Huntsinger Avenue which is located in an R-1 Single Family Residential District PID#32.23.03042 with the following conditions:**

**Condition #1 – that a fully executed lease agreement be in effect for the duration hereof, as the same may be subsequently amended from time to time, by and between Verizon and the City, as duly approved by its City Council, and specifying such terms and conditions as, among others, authorizing the leasing to and use of certain City-owned leased premises by Verizon on a designated portion of the property for purposes of installing, operating and maintaining those certain wireless communications equipment, apparatus and structures, as expressly described in the aforementioned lease or subsequent amendments thereto, all strictly in accordance with those certain plans for the location thereof defining the leased premises therein, as approved by the City Council, and all in accordance with applicable Federal Communications Commission rules and regulations.**

**Condition #2 – that Verizon shall secure and remain in compliance with all applicable licenses, permits, zoning and such other governmental approvals as required by federal, state or local laws, regulations or ordinances.**

**6. INFORMATIONAL/DISCUSSION:**

**6A. FUTURE LAND USE MAP AND REZONING:**

Mathisrud said at the last meeting we talked about a Conditional Use Permit for 120 Main Avenue North and the possibility of looking at that neighborhood to rezone it to some sort of commercial use so I did a little bit of research and would like to share that with you and get some feedback on how to approach this. If we look at the Future Land Use Map we've already designated this whole block as residential use. We subsequently rezoned that property and brought the zoning back into conformance with the Future Land Use Map and that's why we brought that permit last month because it was a nonconformity and they were asking permission to make it a commercial use again. Mathisrud explained he went around the block and took some images just to see what was there and if we look at the northeast corner, Lot 1, is a residential home; the next one is also a residential use; the next one was previously a single family home but has been converted into a rental unit as it is a very large home, but again another residential use. The next home on that block is another single family home. Moving to the other side we have a commercial use currently zoned B-2 a downtown business type use. If we move to the next one it is also a single family home which is built on three lots and I believe this used to be a commercial use, a doctor's office so it has some commercial history to it. On the other corner, is what used to be a mental health clinic and now was approved to be a law office. Mathisrud stated looking at the neighborhood most of the commercial uses are on the Main Avenue side and on the Park Avenue side they are primarily residential uses. So really, if we want to pursue changing the Future Land Use Map and changing the zoning I put together three options. The block used to be zoned entirely B-2 for Downtown Business but of course we rezoned that. Option A would be to basically bring the entire block to commercial zoning. Option B is just to do half of the block on the Main Avenue side and I think that

would be appropriate because there are several commercial buildings there. Option C is just to leave it as is and not do anything with it. Mathisrud said in his opinion as Planner, I think it makes more sense to just do half the block for a rezoning and make it commercial and conforming and in the future you might have some infill there but I don't know that I would recommend rezoning the other half on Park Avenue North.

Utke said the east side of that block currently has how many rental homes in there. Rutherford said all are rentals except on Lot 1 which was a jewelry store years ago, what you said is residential now and Lot 2 is a rental and 5 is Tom Cary's which was a real estate office for about 15 years and he wants to sell it either way but he has a rental in the back or one of them has a rental in the back. There was further discussion concerning the various properties and past and present uses. Rutherford said he knows a little more history on this. Mathisrud said absolutely, I'm just making an observation one half of the block they all appear to be residential uses and the other half of the block has some commercial. Rutherford asked when you say residential when it's rental, it's commercial. Mathisrud said from a use perspective residential falls under the residential zoning district. Rutherford said but when it comes on my taxes, it's commercial. Mathisrud said taxes are very different from land use.

There was discussion concerning potential uses such as a coffee shop or offices where the residential properties are located.

Bradow asked what the reservations are about turning this area all into commercial, is it that somebody may want to put a residential home in there? Mathisrud said I don't like getting carried away with zoning and over zoning too much real estate. It's often times if you over zone an area you just end up with just one and two in there and you often times don't get the result that you are hoping for. In Ottumwa we had vast areas of the community over zoned and we ended up with car lots in residential neighborhoods all over the place, they just proliferated. Obviously Park Rapids isn't Ottumwa but that's just one thing that can happen, you get poor quality commercial uses in residential districts, that's what often times happens.

Utke stated the B-2 would really restrict a lot of that and that would kind of be going to the far extreme if it was some of what you're speaking of right? Mathisrud responded yes. Utke said the B-2 keeps it more to office or small retail and kind of fits what's already there as far as buildings go. Mathisrud advised the intent of the B-2 District is downtown commercial type district – commercial spaces on the bottom with residential above top and I believes that's how the B-2 District is more or less written with a large number of different types of commercial uses permitted. Utke said kind of a lot like what it was originally when you talk about a doctor's office or a real estate office or a jewelry store. Peterson said looking at the future of Heartland Trail coming through there, the use of that property could be a multitude of businesses going in such as a coffee shop, a bicycle shop, a bed and breakfast because with the Heartland Trail there and the rock house back by the beach, the whole sector could become a viable commerce with commercial and if we encourage it to go that way, it will. Mathisrud said that's exactly it, so the Heartland Trail will go right across the street and the plan for that

is to come across and jog onto the north side of that block. Utke said you can see some of those places fitting right into that. Peterson said they fit in very well. Bradow asked if they would fit a B-2 then, those types of businesses? Mathisrud said let me jump ahead here a little bit, so basically I've identified two districts that might fit this real well that Park Rapids has. The B-2 General Business District which is the downtown district and then also the R-B Residential Business Transitional District which allows for single family homes and then also some limited commercial uses so just to read you some of the difference here, the B-2 the Statement of Intent is: This District is intended to preserve a central business district convenient and attractive for a wide range of retail uses and businesses, government and professional offices, in a setting conducive to and safe for high level of pedestrian traffic. So I read that as being a downtown district. Mathisrud read the Permitted Uses and Conditional Uses.

The R-B District is for the transition and land use from residential to low intensity business allowing for the intermixing for these uses. Mathisrud read the Permitted Uses and the Conditional Uses. Mathisrud said in reading these uses I think it would be an inappropriate zone for this district as well. Utke said he was hoping to hear more retail things and the only thing there was a seasonal retail. There was further discussion concerning seasonal retail and that they wouldn't really fit in this area. Mathisrud suggested adding another provision for retail but one thing that he is concerned about on the B-2 District and maybe you don't like my interpretation of it either and I don't know how we've interpreted it in the past but basically the concern I have is that for Permitted Uses there is no provision for residential under Permitted Uses and under Conditional Uses it spells out single and multi-family housing provided that the dwelling units are located above or behind commercial or office establishments so it specifically calls out residential above or behind a business in front which doesn't mean as I read that it says that it doesn't allow single family homes to be built in a B-2 District.

There was discussion concerning other properties that are zoned B-1 and B-2 and cannot be sold as a residential home so it sits vacant. Utke asked do we create a monster if we start breaking them up because the B-2 sounds like the right one but yet we don't want to take and make it impossible for people who already have their homes there. Lockhart asked does it make it nonconforming? Mathisrud said he believes the B-2 District would make single family homes nonconforming meaning that if somebody would have had a single family home, if it burned down they couldn't rebuild it without the six month clause. There was also discussion concerning making nonconforming properties into conforming properties and the state laws governing this which state any subsequent use or occupancy shall be conforming.

Vorhes said the only downside to the B-2 is if somebody had a house that they thought would eventually turn to a business they might not keep it up. Mathisrud said that is something that does happen.

There was discussion regarding the R-B District and where those zones are located throughout the city. Mathisrud read the Permitted and Conditional Uses for the R-B District. Bradow commented that is what it was designed for – a transition between

commercial and residential. Mathisrud agreed. Rutherford said that's what a lot of the properties are. Mathisrud stated that is exactly what his argument is, that this fits pretty well for what's actually there and would allow those uses to continue to exist. Peterson said then I tend to suggest that we square up that whole block and put it all into the R-B since that's where we are going with this it seems to me. Bradow stated at this point, that's my opinion as well but I think that fits the best for now. Peterson said it leaves the most wiggle room for anybody on that block. Bradow stated he doesn't want to see any used car lots in the block there and that's not one of the things listed on the approved items. The commissioners agreed. Utke commented it allows offices like the law office now would fit in B-B without any extra steps. Bradow said yes, any kind of professional office could go in there and still fit. Utke said one limitation that we've all talked about that we would like to see is just that ability to have some small retail in there but that would have to still come before us for a Conditional Use Permit. Utke said it says seasonal retail part of it but let's say a coffee shop materialized there, we would still have to approve that. Mathisrud agreed and stated right now there isn't a provision to allow that but that is something that we could add, an art shop or something like that, some limited retail would make sense. Utke asked so we could do those things for this district? Mathisrud said we could look at adding some more additional uses to this district that would round it out a little bit. Bradow said he would recommend we do those things when we make the recommendation to the City Council to add those additional items that we feel may be necessary in the R-B District and all go together as one recommendation and deal with it all at one time and get all those things worked out and make the recommendation to the City Council and let them decide what they want to do. Vorhes said the easiest control would be retail not to exceed so many square feet. Bradow agreed and said the other thing about the B-2 District is when I read this, I have to ask the question about traffic generation and what kind of a business are we going to be putting into the B-2, is it allowed and what kind of traffic are we going to generate there and an R-B is going to limit that.

Mathisrud stated one of the things I noticed under our Zoning Ordinance is that we don't really limit bulk in any of the districts or there are very limited provisions that limit bulk. A lot of the times the concerns like with traffic generation and things like that, it's the size of the building that determines how much traffic is going to go there. When you look at retail, for instance a downtown business verses Wal\*Mart. There is a big difference between those two businesses in that the downtown business is very small and will have a lot less traffic and the Wal\*Mart generates a tremendous amount of traffic but under the zoning ordinance they are treated the same, there is no limit on bulk, so this is just an example and maybe a bad example because I'm talking about a B-2 District. But for instance a small business in a B-1 District, there is no differentiation between the two so one thing to consider in the future is maybe looking at our bulk regulations on these and trying to differentiate a little bit more between the two.

Bradow stated he would like to recommend that we relook at the qualifying entities that could be in the R-B and maybe expand them a little bit keeping in mind traffic generation in the R-B the transitional district verses a B-1 and letting it go pretty much wide open with no control on traffic generation and come back and modify that,

rezone this area to an R-B and recommend to the City Council, that's what I would like to see. Peterson stated he agreed. Utke said I think the minutes will reflect a lot of what we've all tossed out as what we would like to see in that so you can kind of mold that into an option. Mathisrud said absolutely, so what I'm thinking then for the next meeting is I will put together some, since we are considering changing the R-B District, I will put together a little report on the R-B District and some appropriate uses that might go into there and then we will look at that as an item before we do any rezone, we will bring that to the meeting, we will discuss it and once we get that figured out, then I will bring a rezone application and Future Land Use Map amendment for the other.

**PUBLIC DISTRICT:** Mathisrud explained he was looking at the Public District and right now a lot of the city owned parks and city property, the airport for example are all located in the Public District and I was just kind of looking at this when someone asked me about the Heartland Park as the county wanted to build a structure there and I looked at the table and I found that parks aren't permitted in the Public District and I saw that it looks like they were at one time but there was a code revision and they actually got dropped from the ordinance and it doesn't look like there was a good reason so anyway, there are some other uses in the Public District that aren't necessarily permitted either, one is agriculture, we are using the airport to grow crops and then the other one is parks so I would like to bring an amendment to permit those two uses since we are already doing those things. Mathisrud said he thinks the zoning ordinance is something that you keep up on and make changes periodically so going forward, maybe once a quarter we will take a look at something and see if there is an amendment to make or not and just keep up on it. Bradow said we can look at it but we have to be mindful that we are going to have to change the Comprehensive Land Use Map, that costs money and so we have to be careful about what we are doing and how often we do this, but it still could be on the burner but every time you change something it costs us money. Bradow asked Lockhart what it costs and Lockhart deferred to Mathisrud about doing the Comprehensive Plan Update in 2017. Mathisrud explained in 2017 we are doing an update to the Comprehensive Plan. Bradow said to have all these things ready to go so we don't have to do it multiple times and can save the city money. Mathisrud said that is the right approach, to discuss these items, review them and get them as a batch so that we get them all done at the same time and save some money that way.

**LOT SIZE MINIMUM OVERLAY ZONE:** Mathisrud stated when Walker was here there was discussion about an overlay zone to reduce the standards on our older plats and lot sizes and things like that. Mathisrud explained he read the notes on that and inquired if there is something special with that or issues that you've come across in the past where that's been a big issue? Bradow stated in his opinion and he's been on this commission for a long time and thinks there is a need for an overlay district on certain sections of the community and my feeling is if we can take those sections that are affected by the 50 foot lot and take them into conformity, I would like to see that happen. Mathisrud said that is something as a lot a neighborhoods were platted as 50 foot lots and when you make a 100 foot minimum lot size for the whole city, those older lots are going to become substandard now and cause an issue with getting building permits and

now you require variances and things like that so I think that's a good project to work on as well because I've already had one person ask me about her particular situation which I don't think it applies but it is something that has been brought to my attention and plus these 50 foot lots can be a desirable lot size as there are developers that are developing 50 foot lot subdivisions right now and are very successful with it.

There was further discussion concerning this and Mathisrud said he will work on it during the year

**7. ADJOURNMENT: A motion was made by Utke, seconded by Vorhes, and unanimously carried to adjourn the meeting at 6:50 p.m.**

---

Chair Dick Bradow

ATTEST:

---

Carmen L. Lockhart  
Planning Assistant