

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

1. CALL TO ORDER: The July 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, Joel Vorhes, Nels Peterson, Dick Rutherford, Janice Carnell and City Councilmember Paul Utke. Absent: None. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Bernie Gartner.

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

4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF JUNE 22, 2015: A motion was made by Rutherford, seconded by Carnell, and unanimously carried to approve the June 22, 2015 Regular Meeting Minutes as presented.

5. PUBLIC HEARING:

5A. ZONING DISTRICT BOUNDARY AMENDMENT AND COMPREHENSIVE PLAN REVISION REQUEST FROM GARTNER JOHNSON CONSTRUCTION, INC., 603 CENTRAL AVE N, TO REZONE FOUR (4) PARCELS CONSISTING OF APPROXIMATELY .45 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRY DISTRICT, PID#32.52.00500; 32.52.00511; 32.52.00600 AND 32.52.00610:

Mathisrud explained the applicant is Bernie Gartner on behalf of Gartner-Johnson Construction, Inc. and is currently operating a construction company at that location which is a nonconforming use and is requesting a Comprehensive Plan Amendment and a Zoning Map Boundary Amendment to rezone the four parcels from R-1 Single Family Residential to I-1 Light Industry in order to make his property conforming to the zoning ordinance. Future plans may include renting his building out for possible office type uses. The area is approximately .45 acres and is located at 603 Central Avenue North. Mathisrud provided photographs of the area. The parcels to the North are zoned I-1 for industrial. Mathisrud explained and showed the Future Land Use Map currently shows this area as being single family residential and to the east shows multi-family residential. This request is to update the Comprehensive Plan and Future Land Use Map to change this area to an industrial use basically to make it what it is currently being used as and then to change the zoning to match that to bring the zoning of this property into conformance with the Comprehensive Plan. This area is not a known environmentally sensitive area. There are public utilities available but my report shows

only septic is available but that should be corrected as both sewer and water are available.

Mathisrud explained that when we look at the adjacent properties to the north is a welding shop which is zoned I-1 Light Industry; to the east is currently undeveloped and is zoned R-2 Single and Two-Family Residential; the property to the south is a single family home on a large lot and is zoned R-1 Single Family Residential; and to the west is a shop and also has mini storage units and zoned I-1 Light Industry. Mathisrud provided pictures of each location.

Mathisrud said if changing these parcels to the I-1 Light Industry District, to give you an idea of the uses that are permitted there, read the following:

- (1) Light manufacturing and similar-type industrial operations that are consistent with the purposes of this district. See § 151.159;
- (2) Wholesale building material storage yards, and lumberyards;
- (3) Contractors and construction service shops, equipment rental, or storage yards;
- (4) Wholesale establishments including warehousing and storage buildings;
- (5) Commercial laundries and dry-cleaning plants;
- (6) Veterinary clinics with overnight boarding facilities;
- (7) Research and testing laboratories, storage buildings, and distributing stations other than those storing combustible or explosive fuels, used automobile parts, or other waste or junk;
- (8) Bulk fuel distributorships, but only if located in the I-1 District adjacent to South Highway 71;
- (9) Auto, boat, farm machinery and recreational vehicle repair, service and sales;
- (10) Training facilities for high technology and manufacturing;
- (11) Vocational schools;
- (12) Conference centers;
- (13) Other essential service utility structures and facilities; and
- (14) Accessory uses to the above permitted uses.

Mathisrud advised this request has come before in 2000 and in going through the minutes the Planning Commission reviewed a similar request and recommended approval, however at the time the City Council denied the request with the reason for the denial being a need for the area to change and become a residential area and they wanted to see industrial uses moved to the industrial park at that time. Mathisrud stated that he has found that nonconformities tend to persist until really the market dictates whether or not they are there anymore. The Minnesota State Statute encourages this and gives the property owners a lot of protections for nonconforming uses that at one time were permitted so they tend to not change very quickly.

Mathisrud said if we do recommend rezoning this, rezoning should be approved by reviewing against our Comprehensive Plan and both the Goals and Objectives including the Future Land Use Map which is under Goal 1, Policy 3, so I've recommended two options for this:

Recommendation A

1. Change the comprehensive plan- future land use map to Industrial for the parcels currently used as industrial uses as well as the parcels requesting the change in zoning.
2. Rezone of the requested parcels from R-1, Single Family Residential to I-1 Light Industrial District.

Recommendation B

1. Change the comprehensive plan- future land use map to Commercial for the parcels currently used as industrial uses as well as the parcels requesting the change in zoning.
2. Rezone of the requested parcels from R-1, Single Family Residential to B-1 Highway Commercial District

Mathisrud said the third option, as always, is to just leave it as is and not make a change so with that being said, are there any questions?

Peterson inquired in the year 2000 when it was denied by the City Council what information were they acting on that deemed that property residential at that time because I believe it was already zoned commercial? Mathisrud said from what he understood from the minutes the Comprehensive Plan did show that area being a residential area and I suspect that we had an industrial park that wasn't fully developed so I think there was some pressure to see some additional industrial development there so it was partly those factors that I think weighed heavily on the decision.

There was discussion concerning past uses in that location as well as past classifications for tax purposes which is based on the actual usage. There was discussion as to the process and adoption of the Comprehensive Plan and Future Land Use Map. There was discussion regarding the intention of the property being converted back to a residential use.

There was discussion concerning the two options and Mathisrud's thinking behind the possible recommendations. Mathisrud said his reason for changing it to industrial would allow the property owner to use the building or change it to other industrial uses by option B – all the current uses there fit under the B-1 Zoning District so by doing the commercial it is a less intense use but not as intense as industrial yet all the uses there could fit as a business use and in the future we could eventually down zone that area to B-1 or other commercial zoning district instead of an industrial district so that was the intent of offering two options. Mathisrud stated his leaning is towards option A which is just the industrial to make it more simple. Utke added it would be like the neighbors. Mathisrud agreed.

Bradow stated some of the items you read that are allowable in I-1 – can you read that list again? Mathisrud reread the list. (see above) Mathisrud said all these uses are things you would want to see in an industrial park and not a residential area. We have allowed industrial uses in that location, those are what can already go in there so this would potentially expand that a little bit if we did that in that location. If the intent of the Planning Commission is to truly look at changing this back to residential uses then something that is less intense than that or not making a change at all would probably be more appropriate.

The Public Hearing was opened at 6:17 p.m.

Bernie Gartner stated you covered a lot of the points that we've been concerned with and discussed and things that are going through my mind. The intentions are to leave it as a construction shop and I know you're dealing farther than that because it can change from a construction shop and I realize that but the intent and long term goal is I would probably like to have an office somewhere along Highway 34 for more exposure type of thing which is what I'm looking at long term is that this building would probably still stay as a construction shop at that point but I may move an office space out to Highway 34. Gartner said the jest of it is that it's a tough place to get another renter in there when it is zoned residential as it is right now and we can still continue the use as it is if I understand that is true? Mathisrud said the specific use that you are using it as a contractor yard and construction service would be able to continue. Gartner said it just kind of limits if you've seen the building it's not a residential structure, it's a commercial structure and I'm just trying to make the structure fit what it is zoned. The part about office space I don't know if that will ever come to fruition or not I'm just trying to open it up for some more options of what can be done with the building is all.

Bradow asked Gartner if he had talked to his neighbors to the south? Gartner said no not to the south I haven't specifically, you mean the residential part, no, I haven't addressed it with them I guess, but I, you know have been good neighbors all along I guess so I don't perceive any trouble with it I guess.

Peterson asked Gartner how long he has owned the property? Gartner said he thinks around 1996. Peterson asked if you were notified at all during the public hearings that they were changing your property to a commercial zone to a residential? Gartner said not that he recalls. Peterson asked if Gartner ever came in and addressed anybody catching wind that someone was changing it from commercial to residential? Gartner said no, he never knew that and the only contact he would have had was when we applied for the original change of use so before that there was none. Peterson said when you came in and applied somewhere along the line you became aware of that it had been converted to residential? Gartner said right. Peterson asked how did that discovery come about? Gartner said that he can't tell you. Peterson asked when you purchased the property it was an industrial light rated and then somewhere along the line you must have been taken by surprise to find out that it was residential? Gartner said yes and the best thing I could say is that I was probably ignorant at that time, you know young and inexperienced and don't have a clue as to what really happens but I can't say for sure that it was ever zoned industrial but I am assuming that it was because Clyde Johnson had his office there. Peterson said he went into the courthouse today just to see as far back as he could go on taxes on that property without too much expense and they could only go back to 2001 and to go back further than that it is an enormous expense to dig out the archives but all the way it was zoned industrial light classification on the taxes. Gartner stated we are zoned residential and taxed commercial is how our tax base is set up right now. Peterson said that's interesting they told me different. Vorhes asked is that how it's zoned or is that how it's taxed? Peterson said that's how it is taxed is industrial light zone. Gartner said it is zoned R-1 and taxed as commercial. Vorhes commented you base the tax on how it is used and the zoning on how it is zoned. Gartner said yes he understands that and doesn't have a problem with that. Peterson said when it was converted through a committee or whatever would a property owner have been notified that their property was being changed in its classification in zoning. Mathisrud said he will let Lockhart speak to that. Lockhart said yes they would have been notified but the property was never changed as far I know, I didn't see any records in the file indicating that. Lockhart asked Mathisrud if he saw anything? Mathisrud said he did not see any records that it's been changed. Lockhart said it's never been industrial. Peterson said so it's highly likely that whoever

drew the lines made an error when they came through there without understanding what that property was. Vorhes said there was a conscious decision that they wanted to return that property to residential. Peterson said well then they would have had to notify the owner? Lockhart said no, because it was already residential. Vorhes agreed it was already residential. Lockhart said it has always been residential. Peterson said how long ago could that have possibly been when we look at these maps I mean how long ago would that have made a change then as it obviously was commercial but when it was changed to residential years ago when would that have happened if it had always been commercial? Commissioners and Lockhart said it hasn't been zoned commercial. Peterson asked it never was? Peterson said okay it was always zoned residential. Mathisrud said he believes in 1960 we adopted our original zoning map and I don't have a copy of that with me today but I believe this area was labeled a nonconforming use meaning that the intent was to see it go back to residential at that time. Peterson said I see, okay. Mathisrud said yes, so it has never been. Peterson said alright, I understand.

The Public Hearing was closed at 6:23 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 THIS REQUEST.*
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 Vorhes, and unanimously carried to recommend to the City Council approval of a Comprehensive Plan and Future Land Use Map Revision and a Zoning District Boundary Amendment Request from Gartner Johnson Construction, Inc., 603 Central Ave N as follows:

Recommendation A

1. **Change the Comprehensive Plan- Future Land Use Map to industrial for the parcels currently used as industrial uses as well as the parcels requesting the change in zoning.**
2. **Rezone of the requested parcels from R-1, Single Family Residential to I-1 Light Industrial District.**

Consisting of four (4) parcels (approximately .45 acres). PID#32.52.00500; 32.52.00511; 32.52.00600 AND 32.52.00610.

6. INFORMATIONAL/DISCUSSION:

6A. FUTURE LAND USE MAP AND REZONING UPDATE: Mathisrud provided Sandborn Fire Insurance Maps. There was discussion as to using them for historical purposes of how the buildings were originally built, laid out, accessory structures,

setbacks and those types of things that are already defined in the community as far back as 1951 and can also be used to identify sites that may be potentially contaminated with fuels or solvents or those types of things and gives a tremendous amount of history on the community that eventually gets lost in time. Mathisrud said it is a useful tool and will come in handy when we look at doing an overlay district which I plan to present to you at the next couple of meetings. Utke inquired if there are larger maps in the office? Mathisrud explained he has it in digital files and when time allows he intends to put together a larger map.

OTHER DISCUSSION: Mathisrud provided a Use Table which summarizes the City of Park Rapids Zoning Ordinance and it outlines most of the common uses that are in a community. This table outlines permitted (P) and conditional uses (C) in the various zoning districts and how the districts compare to each other. Some of the categories have a blank which means we don't really permit anything or haven't really addressed it in our zoning ordinance so eventually we might want to consider adding some categories in our zoning ordinance in certain locations. This can be done either through the application process or you can go through and pick out a number of these uses and put them in. Mathisrud indicated this is a work in progress as he only got to the B-1 District to date. Mathisrud stated within each district there are often times special standards that apply so there will be another column with notes on that. When you're looking at a zoning ordinance that's one hundred pages long and you've got to flip through it you know it just takes time to figure out all the details and if you've got it in a table it makes it a lot easier to figure things out.

7. ADJOURNMENT: A motion was made by Vorhes, seconded by Peterson, and unanimously carried to adjourn the meeting at 6:36 p.m.

Chair Dick Bradow

ATTEST:

Carmen L. Lockhart
Planning Assistant