

CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
JULY 12, 2021, 5:00 p.m.
Park Rapids City Hall, 212 Second Street West
Park Rapids, Minnesota

1. CALL TO ORDER: The July 12, 2021, Regular Meeting of the Park Rapids Planning Commission was called to order at 5:00 p.m. by Chair Swanson.

2. ROLL CALL: Present: Commissioners, Nancy Newman, Scott Hocking, Robb Swanson and City Council Member Liz Stone (arrived at 5:57). Absent: Bruce Johnson. Staff Present: City Administrator Angel Weasner, City Planner Ben Oleson and Planning/Administrative Assistant Carmen L. Lockhart. Others present: Rachel Ann London.

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

4. APPROVAL OF MINUTES OF JUNE 14, 2021: A motion was made by Newman, seconded by Hocking, and unanimously carried to approve the June 14, 2021 Minutes as presented.

5. PUBLIC HEARING:

5A. Conditional Use Permit from Rachel London to operate a recreational facility (yoga studio) in a B-1 Highway Business District at 501 First St. E, owned by C & M Weiland Rentals, LLC. Property is located in a B-1 Highway Business District, PID#32.52.43010:

Oleson advised this is one of the types of uses listed as a conditional use in your city code. There is nothing that calls out yoga studio specifically but does call it a recreational facility. The use would be in a portion of an existing building so there is no construction except for potentially some interior remodeling that might happen. The primary issue that really comes up with this, like a lot of sites involving existing buildings that have been there for a long time, is parking. There are 26 off street parking spaces on the site and again there is nothing in the ordinance that calls out yoga studios in particular for required parking so the closest it comes to is office space or entertainment space. Those each have different parking requirements. This is not in a district that has that parking requirement specifically. Oleson said the main question here is whether you feel like there is enough parking to accommodate the proposed use. The applicant is here and can speak for herself and talk about some of the class sizes that she has talked about which is somewhere up to 20 is what she is looking at.

Oleson explained there are three total businesses in the building and this would be one of them and a dog grooming facility and an attorney office which would be making use of those 26 off street parking spaces as well and there are some apartments in the upper floors so those are the demands on the parking. There is some on street parking nearby but the side with Highway 34 does not have any on street parking so it would all be on the side streets if necessary.

The Public Hearing was opened at 5:05 p.m.

Weasner asked London what hours are your classes typically going to be held? London said currently my earliest class is 6 a.m. and that's a meditation followed by yoga and nobody has signed up for it but at some point I'm assuming they will. A couple people have tried but I have to have at least three. My latest class is currently 5:30 to 6:30 p.m. and I might have a few later evening classes at some point. I don't imagine we would be in there past 9:00 or 9:30 p.m. tops ever. Weasner stated so some of those would not conflict with the other businesses, that was the main point for asking. London said I do weekend classes and evening classes.

Newman asked if the residents have any complaints or anything if they are parked on the side there that it would interfere with any of them? London said the only people I have talked to, I haven't talked to anybody that lives there but I have talked to the bike shop and they were very friendly, they said hey we're excited and said we will hang up your flyer.

Swanson asked do we have an estimated on street parking capacity for border streets? London said she talked to Melanie, the owner of the business, and she said as long as you're not taking more than 20, that's where I came up with the number 20 as a max, you will probably be fine. London said I went around and counted because is there really that many spaces, and there really is, but that was counting all of the spaces and that's what she said 20. I think she was being quite generous in that and I would definitely still probably be using the side street parking and stuff too.

Swanson asked, for side street, do we know where? London said right across the street when you're turning toward the river, or I mean to Heartland Park, it looks like five or six can park there and then the next block and the next block. There's no signs posted for no parking.

Swanson said so my next question would be, initially you're starting with half the space and hoping to rent out the other half? London said I would say it's on the table, more than a hope, kind of if it evolves and if we do that it won't increase the number because we would be doing private sessions and a class or something like that. It will be used in different ways. Swanson said so if you went to the full 1,000 square feet, the capacity would stay the same as far as the max goes? London said I think so yeah and if that changed or something I could always let you guys know, but I don't plan that for this time.

Swanson said so my other question is consideration of the other businesses that there would be something worked out where they would be guaranteed during their business hours parking spots so their businesses aren't the ones parking on the side street and their customers affected by a giant class at 1:00 p.m. in the afternoon? London said yeah and I was also going to, once we get in there, either write up a parking plan or just have one and talk to and discuss it with everybody that comes in because they have to register to even come into the class generally and if they didn't I would just talk to them, like where did you park? London said so we know there are spots and this is how it works, you have to come a little bit early in case there's not parking in those direct spots I guess, so I'm totally and I did talk to K-9 studio too and they were really friendly too but I didn't get a chance to talk to Joel because he was in a meeting. I have no problem with that and totally respect that.

Oleson inquired if we received any public comments? Lockhart stated we did not.

The Public Hearing was closed at 5:10 p.m.

Hocking said pretty much what we've discussed she's talked to and discussed and will pretty much take care of and handle on her own with the parking spaces on an individual basis.

Swanson said I would like to see a condition if we move to approve this that there is a parking plan worked out with the building owner/manager in regards to the other businesses so that they almost have reserved spots during their day. Is that a reasonable condition?

Oleson stated I had two conditions listed in my staff recommendation as follows:

1. That the applicant submits a parking plan showing available on- and off-street parking spaces within one block of the business site on the north side of Highway 34/1st St E and written confirmation from the building owner as to whether the existing off-street spaces are dedicated to certain businesses or not.
2. That the maximum class size for any one class be limited to ____ students age 16 or greater.

There was further discussion regarding the maximum class size, number of instructors, private sessions, maximum employment of no more than 5 instructors with 2 to 3 at one time in the building, other people attending with registered participants, enforcement of number of vehicles parking, off street parking, possible complaints from residents or business owners, and stipulating an administrative review of CUP in six months.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission and the commissioners agreed with all Findings for the approval of the CUP.

1) The maintenance of the public health, safety, welfare, morals, and convenience of the occupants of the surrounding land.

Findings Supporting Approval

The use of the building for a yoga studio should not have any significant negative impacts on health, safety or welfare of surrounding land, provided that adequate parking is available.

Findings Supporting Denial

None

2) The traffic conditions and parking on adjacent streets and land and existing and proposed access roads

Findings Supporting Approval

The proposal would create the need for additional parking, some of which would be likely to be necessary on the adjacent streets. The number of vehicles that couldn't be accommodated by the existing off-street parking is likely to be low, however, and should not pose a significant problem for the area. Further, if off-street parking does become a problem for either the applicant or the other tenants/building owner, they will be likely to look for another space to operate their business.

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Findings Supporting Denial

With expected class sizes of 20 students or more, the number of parking spaces needed will likely significantly exceed those available off-street or on-street in the immediate area. This will create traffic congestion and increase the chance of parking that blocks traffic.

3) Its compatibility with adjacent land uses and impacts on surrounding property

Findings Supporting Approval

The use of the building for a yoga studio would not have any particular negative impact on surrounding properties, provided parking issues are adequately addressed.

Findings Supporting Denial

With expected class sizes of 20 students or more, the number of parking spaces needed will likely significantly exceed those available off-street or on-street in the immediate area. This will create traffic congestion and increase the chance of parking that blocks traffic or access to other businesses or the use of off-street parking that is intended for other businesses.

4) Its compatibility with the community's Comprehensive Plan and/or Land Use Plan

Findings Supporting Approval

The Comprehensive Plan does not specifically mention anything regarding issues of this nature.

Findings Supporting Denial

The Comprehensive Plan does not specifically mention anything regarding issues of this nature.

5) Whether adequate utility, drainage and other such necessary facilities have been or can be provided

Findings Supporting Approval

The proposal will not have any impact on drainage and utilities.

Findings Supporting Denial

None

6) The maintenance of the public health, safety and welfare

Findings Supporting Approval

The proposed use would not present any significant harm to public health, safety or welfare.

Findings Supporting Denial
None

7) The location of the site with respect to existing and proposed access roads
Findings Supporting Approval
The proposal does not impact the existing situation regarding access to roads.
Findings Supporting Denial
None

8) Its compatibility with adjacent land uses
Findings Supporting Approval
The proposed use is an allowable conditional use in the B-1 zoning district and as such is generally compatible with residential land uses as are in the area.
Findings Supporting Denial
None

9) Its compatibility with the intent of the zoning district in which such use is proposed
Findings Supporting Approval
The proposed use is an allowable conditional use in the B-1 zoning district.
Findings Supporting Denial
None

10) Its compatibility with the objectives of this chapter and its consistency with the City of Park Rapids Future Land Use Plan
Findings Supporting Approval
The Comprehensive Plan does not specifically mention anything regarding issues of this nature.
Findings Supporting Denial
The Comprehensive Plan does not specifically mention anything regarding issues of this nature.

11) The ability to provide pedestrian and bicycle access, as noted in the site plan, to any customer/tenant ingress/egress of the building, including from a public right-of-way and off-street parking area that serves the use in a manner which minimizes nonvehicular/vehicular conflicts.
Findings Supporting Approval
The site is accessible for pedestrians and bikes.
Findings Supporting Denial
N/A

12) (For shoreland areas) The prevention and control of water pollution, including sedimentation and nutrient loading
Findings Supporting Approval
The proposal would not create any additional issues on the property re: water pollution.
Findings Supporting Denial
None

13) (For shoreland areas) Existing topography and drainage features and vegetative cover on the site
Findings Supporting Approval
The proposal would have no impact on drainage or topography.
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Findings Supporting Denial
None

14) (For shoreland areas) The location of the site with respect to floodplains and floodways of river or tributaries

Findings Supporting Approval

The proposal will have no impact on issues related to floodplains.

Findings Supporting Denial

None

15) (For shoreland areas) The erosion potential of the site based upon the degree and direction of slope, soil type, and existing vegetative cover.

Findings Supporting Approval

The proposal would have no impact on erosion potential on the site.

Findings Supporting Denial

None

16) (For shoreland areas) The need for the proposed use for a shoreland location

Findings Supporting Approval

The property has long been established as usable for businesses.

Findings Supporting Denial

None

17) (For shoreland areas) The amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system where city public utilities are available, and the adequacy of the site for individual well water supply and on-site sewage treatment systems if city utilities are not otherwise available

Findings Supporting Approval

The proposal would not have any significant additional impact on wastewater or water supply needs for the property that hasn't already existed.

Findings Supporting Denial

None

18) (For shoreland areas) The visibility of structures and other facilities as viewed from public waters

Findings Supporting Approval

The proposal would not have any additional visual impact as viewed from the river.

Findings Supporting Denial

None

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19) (For shoreland areas) Adequacy of the site for water supply and on-site sewage treatment systems

Findings Supporting Approval

The proposal would not have any additional impact on wastewater or water supply needs for the property that hasn't already existed.

Findings Supporting Denial

None

20) (For shoreland areas) The types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft
Findings Supporting Approval
N/A
Findings Supporting Denial
N/A

A motion was made by Hocking, seconded by Newman and unanimously carried to recommend to the City Council approval of a Conditional Use Permit request from Rachel London to operate a recreational facility (yoga studio) in a B-1 Highway Business District at 501 First St. E, owned by C & M Weiland Rentals, LLC. Property is located in a B-1 Highway Business District, PID#32.52.43010, based on the Findings of Fact supporting approval and with the following conditions:

1. A six month administrative review of the CUP to give guidance and maybe some new parameters at that time if there are any traffic congestions, parking issues or complaints from neighbors or other businesses.

2. A parking plan from the owner for the other business tenants that they are guaranteed specific spots during their business hours.

Further Discussion:

Weasner advised London to work on the parking plan right away as this matter will go to the City Council tomorrow. Oleson advised London to check with the building official as to any interior remodeling.

6. GENERAL BUSINESS:

6A. Registered Land Survey #10: Oleson explained the city has received an application to split three separate parcels into two each as highlighted on the aerial photo for a total of six lots. Staff has determined that this qualifies for approval as a “minor subdivision” and that only City Council approval is required. However, Staff is presenting it to the Planning Commission so that it has an opportunity to provide any comments or recommendations to the City Council as it sees fit. All proposed lots will meet the minimum dimensional requirements of the R-2 zoning district and have access to city sewer and water.

Oleson advised there are all existing roads, existing sewer and water infrastructure in Maple Avenue and Balsam Lane.

Hocking inquired what was before us previously as he already asked for these to be for twinhomes? Lockhart advised that was the rezoning to R-2.

There was further discussion concerning the common walls splitting the twinhomes, Certificate of Occupancy requirements as the new owners have moved their

possessions in and for the building official to make contact with them; the closing dates for the sale of the twinhomes, and lot size requirements for twinhomes verses single family homes.

The commissioners approved the Registered Land Survey N. 10 but didn't feel it necessary to make a recommendation to the City Council as it requires City Council approval according to the city code.

7. INFORMATIONAL/DISCUSSION:

7A. Shouse Regulations:

After discussion at the June Planning Commission meeting and July City Council Meeting, Staff was directed to work with the Planning Commission on potential regulations regarding "shouse" construction.

Oleson advised the City Council passed a moratorium on the construction of shouses, or what's called an interim ordinance by state law so we have up to a year to figure out if we want to adopt regulations regarding shouses.

Oleson's staff report included the following Key points for discussion:

1. Should a shouse be treated any different than any other dwelling with an attached garage? What is it about a shouse that justifies treating it differently than other homes with attached garages?
2. Need a definition of "shouse"
 - Is it a shed with an attached dwelling or a dwelling with an attached shed?
 - Typically has ribbed-style steel siding, but does it have to be?
 - Typically pole (post-frame) construction, but could a "stick-built" structure also be considered a shouse?
 - Some min. number of common walls between the dwelling portion and the shed portion?
 - How is it different than a traditional house and attached garage that might not be especially attractive either?
 - Only if built on a slab – if has a basement it is not a shouse?
3. Should there be any architectural/appearance standards?
 - Min. 2 ft overhangs/eaves on the roof (i.e. to help it look more like a traditional dwelling)?
 - Siding materials?
 - Roof materials?
 - Requirement for wainscoting or other architectural features to "break up" the view of the building?
4. Should there be location/lot size restrictions?
 - Only allow on lots larger than ____ acres/sq ft?
5. What happens if they are used as a starter home, with a permanent traditional home being built at a later date on the property?

6. How would the shouse be treated in terms of regulations for detached accessory buildings?

Planning Commission Direction: Currently, this issue is being brought to the Planning Commission for discussion only. If the Planning Commission ultimately feels like an amendment to the Ordinance should be made, Staff can draft proposed language and schedule a public hearing so that the Commission can make a recommendation to the City Council when it deems appropriate.

The commissioners discussed the look of the photos Oleson provided and the above points/questions including:

- definitions,
- setback requirements in the different districts,
- square footage requirements of living space,
- applying standards on all construction or just for a shouse,
- possibly a 60%-40% percentage of house verses garage requirement,
- possible additional requirements regarding the number of windows,
- height of structure,
- building materials,
- garage doors,
- RV garages, and
- screening and landscaping.

The commissioners and Oleson agreed to continue to draft ordinance language for further discussion at the next meeting.

7B. Status of Proposed Matrix: Weasner advised the cost of recodification, publication and internet web site restructuring at approximately \$15,000 or more which doesn't include attorney review. There was discussion concerning possibly doing the ordinance in sections to budget the cost out over the next few years. Oleson will provide additional information and a priority list at the next meeting.

Stone arrived at 5:57 p.m.

8. ADJOURNMENT: A motion was made by Stone, seconded by Hocking, and unanimously carried to adjourn the meeting at 6:02 p.m.

Chair Robb Swanson

ATTEST:

Carmen L. Lockhart
Planning/Administrative Assistant