

**CITY OF PARK RAPIDS  
REGULAR MEETING  
PLANNING COMMISSION  
JUNE 24, 2019, 6:00 p.m.  
Park Rapids City Hall, 212 Second Street West  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The June 24, 2019, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m. by Chair Bradow.

**2. ADMINISTER OATH TO TANYA BOYER:** Tabled as Boyer was not present.

**3. ROLL CALL:** Present: Commissioners Dick Bradow, Bruce Johnson, and City Council Member Liz Stone. Absent: Nancy Newman, Tanya Boyer and Planning/Administrative Assistant Carmen L. Lockhart. Staff Present: City Planner Andrew Mack. Others Present: Tobias & Jill Lucas, Kevin Brauer, Roy and Sharon Eggert, Jerry Perpich, Andy & Nicole Trudeau and Robin Fish of the Park Rapids Enterprise.

**4. ELECTION OF VICE CHAIR:** Tabled.

**5. APPROVAL OF AGENDA:** A motion was made by Stone, seconded by Johnson and unanimously carried to approve the agenda as presented.

**6. APPROVAL OF PLANNING COMMISSION MINUTES OF APRIL 22, 2019:**  
A motion was made by Johnson, seconded by Bradow and unanimously carried to approve the April 22, 2019 Regular Meeting Minutes as presented.

**7. PUBLIC HEARINGS:**

**7A. Comprehensive Plan and Future Land Use Map Revision from Single Family Residential to Multiple Family Residential by Kevin Brauer, for three (3) parcels located on East River Drive, consisting of approximately 3.33 acres. PID#32.52.01900; 32.52.02100 and 32.52.02200:**

Mack stated this is a two part request, first is to amend the Comprehensive Plan and Future Land Use Map. The capacity of the area to support medium to higher density is certainly there and the utilities are in place. It has good proximity to the Heartland Trail. It is close to a local thoroughfare which would be Central Ave. On that basis staff is recommending approval of the amendment to the Comprehensive Plan and Future Land Use Map from single family residential to multiple family density.

**The public hearing was opened.**

Jerry Perpich said he has a couple questions, one to the council and one to Mr. Brauer. If you approve this, does this open the flood gates for future apartment buildings in that particular area? Bradow asked Mack to address this using the map of the area.

Mack said the area requested is three parcels consisting of 3.33 acres so that's the only area affected by changing the plan. The next request is the rezoning of the three parcels. Bradow stated I think what he's asking is the surrounding areas – show him page 11. Mack said the surrounding area is already guided for future higher density. There are apartments and undeveloped parcels. Perpich asked for clarification as to where the property is located. Bradow stated all of the yellow on the map is zoned for R-1 Single Family Residential so there is a lot of yellow on that map, does that answer your question about opening the floodgates? Perpich said yeah I think so. Perpich said secondly, I don't know if it is for Mr. Brauer or for the council, would this apartment building or complex or whatever would that be subsidized for low income families?

Brauer said I see profiling here a little bit but can I speak to that? Bradow said sure. Kevin Brauer introduced himself and stated the plan is not to building apartment buildings. The plan is to build a number of twinhomes townhomes governed by a Minnesota CIC which basically would have the exterior of the properties and all of the land managed by a homeowners association and just the interior is maintained by the occupants of the building. They would be for sale and not for rent. The plan is there would be 1,600 to 1,700 sq. ft. units in twinhome fashion, 3 bedroom, 2 bath.

Perpich said that answers his question. I don't know where I heard but I was under the understanding there was going to be a big apartment building built next to the trail and that's the only concern he has. Bradow said no. Perpich said you're talking similar to the housing just north of Summerfield on that order? Brauer replied yeah but clustered. Perpich said right. Brauer said you might have gotten the impression I originally was looking at a condominium project. Perpich said okay. Brauer stated he decided the cost of underground parking precluded that. Perpich said this is fine, thank you.

Bradow asked if someone else had a question?

Nicole Trudeau said just to piggyback on his question, will Section 8 be able to qualify for your housing project? Brauer said they are for sale. Trudeau said there's no Section 8. Brauer said they are for sale. Bradow said they are not for rent. Trudeau said okay, thank you.

Bradow asked if any other questions? There were none.

**The public hearing was closed.**

**A motion was made by Johnson, seconded by Stone, and unanimously carried to recommend to the City Council to Amend the Comprehensive Plan and Future Land Use Map Revision from Single Family Residential to Multiple Family Residential by Kevin Brauer, for three (3) parcels located on East River Drive, consisting of approximately 3.33 acres. PID#32.52.01900; 32.52.02100 and 32.52.02200.**

**7B. Zoning District Boundary Amendment request from Kevin Brauer, to rezone three (3) parcels located on East River Drive, consisting of approximately 3.33 acres from R-1 Single Family Residential to R-3 Medium Density Residential District. PID#32.52.01900; 32.52.02100 and 32.52.02200:**

Mack provided the map of the three parcels currently zoned R-1 and the application request now consistent with the recommended change of the

Comprehensive Plan and Future Land Use Map for R-3 Medium Density Residential which accommodates for single family homes all the way up to apartments and you heard Mr. Brauer suggested he is looking at twinhomes which is a permitted use in the zoning district. The density would be calculated based on 3.3 acres with the minimum lot sizes would become the density calculator and the preliminary discussions I've had with Mr. Brauer about this type of development, you heard him cite a CIC plat is a Condominium in Common and it does create common open space. A PUD would be the best vehicle for platting approval for this project should he choose to go forward with this once it is rezoned. That being the case, this zoning changed sets it up for the future development and we would also bring back extensive review of how the site would be developed if rezoned in accordance to support that use in the future.

Mack said the land is appropriate for reuse of the property for multi-family. It was originally an older single family home with some farm land once upon a time back before the city grew in this direction. This is a developing area of the city primarily for residential but there is a mix of uses. The development identified is something that would be supported by this rezoning. Mack referred to the Baywoods development with mixed uses as an example of what may be considered.

Mack stated the surrounding zoning supports consistency, we have higher density to the east and some single family in the area. Based on what the applicant has described which is different than his original ideas of a structure with multiple units, this actually serves as a better transition between the higher density multi-level three story and single family homes further to the south and west.

Mack stated there is sufficient infrastructure in place to support higher density in this location according to our public works department.

Mack stated staff is recommending rezoning from R-1 to R-3.

Johnson stated Trudeau's and Perpich's point may have been better raised at this point than at the previous point because I think their fear is of increasing the population density in a neighborhood that has typically been very quiet and everybody who lives out there has spent good money to be there. Johnson stated he personally doesn't have a problem with this and thinks it is a great idea and project. The only fear that I would have is, and I'm probably speaking for what the Trudeaus are concerned about is having the area to the north of this project which has been identified as a twinhome project become an apartment project because now we've got the zoning changed so we have an increase in population density but the limit isn't on a twinhome, this time it's a twinhome, next time will it be an apartment? Johnson asked Trudeaus if that's their fear? Trudeaus said yes, that's exactly it. Johnson said he would have that same concern especially if I lived in the proximity like they do. Johnson said his question would be can we change that zoning? If we change it to R-3 the permitted use would be an apartment building? Mack said the permitted list goes from single family all the way to 12 dwelling units per parcel and by conditional use they can increase beyond 12 units. Johnson said so to the north which is already R-3 all we are talking about is changing these three parcels to match the rest of it to the north which is already R-3.

Bradow stated we are going to ask questions of staff and then I will open it up for a public hearing.

**The Public Hearing was opened.**

Kevin Brauer stated the intent of the development is we were looking for a place to move from the lake because we wanted to get off the lake. Assuming this project goes forward and we develop it, my wife and I would be a resident of one of the units. I think you're looking at someone of the age that would be typical of someone buying into this. Someone that probably wants to get off the lake and wants to be in town and maybe wants to go out to the lake with a smaller home, which is what we would like to do. I understand your concerns but I think the market that we would attract with this kind of development would be people of my age, 65-70-75 years old that are looking to downsize and looking at simplifying their lives.

Trudeau asked as long as the answer still stays as no Section 8 then I have no issue, is that correct? Brauer stated he has no intention of renting anything.

**The Public Hearing was closed.**

Mack stated he is hearing a concern about the parcel to the north and I have not researched that. I don't know if we had a development proposal in years past on that site or what precipitated changing the zoning if it was single family in the past to R-3. Obviously, it was either by request of some part of the land use planning effort. Bradow commented that's what it was, land use planning from the past, probably about ten years ago from the last time we did the Comprehensive Plan.

Mack said he assumes it is a separate owner from the three story senior high rise that's adjacent? Bradow said more than likely but doesn't know that. Mack said he would look it up. Bradow said I can tell you it was not a specific request.

**The Findings of Facts 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? YES.*
- 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 Stone, seconded by Johnson, and unanimously carried to recommend to the City Council approval of a Zoning District Boundary Amendment request from Kevin Brauer, to rezone three (3) parcels located on East River Drive, consisting of approximately 3.33 acres from R-1 Single Family Residential to R-3 Medium Density Residential District. PID#32.52.01900; 32.52.02100 and 32.52.02200.**

**7C. Amend City Code Animal Regulations – Backyard Chicken Permitting:**

Mack explained at the last meeting we formed a subcommittee to undertake study of this code request. We have representation here from the subcommittee. In support of the ordinance that has been drafted there has been two meetings with the

subcommittee. There was representation from Councilmember Liz Stone on this group. Mack said there was some work done prior to his employment. A list of committee members in attendance was provided for May 9, 2019 and June 13, 2019. Staff developed the draft ordinance and the committee reviewed it. The draft was based off another community that I drafted similar standards for and who adopted it. We are not changing the zoning ordinance, we are changing the animal ordinance of the City Code and rather than going through the efforts of creating decisions of what zoning districts that should or shouldn't be allowed we simply put into the code a recommendation that only specific uses are eligible to receive a permit with that being only single or two family dwellings, so basically owner or renter occupied one or two family dwellings.

Mack stated he assembled a series of standards which would be a limit based on prior discussions of no more than twelve poultry allowed on any one property. Permits would be eligible being a one time permit and be in effect until they discontinued the use or they moved or someone else moved in or purchased the property. A new renter or owner would have to apply for a permit. If the applicant is not the owner, the owner's signature is required as well.

Mack advised some of the other standard concerns:

Noise – (see L) noise cannot be audible on adjacent or nearby properties and prohibiting roosters.

Confinement areas (see F & I & M) increased setback requirements, clean, no odors.

Junk – (See J) no old vehicles or equipment

Mack stated with the amount of standards and with the fact that we did have good participation in the subcommittee particularly from those interested in wanting to undertake this type of thing in town. Mack said he thinks we have a good recommendation for an ordinance to amend the City Code to create an exception from the prohibition elsewhere in the community with the exception of the AG-1 zoned lands. Mack recommended approval of the draft ordinance.

Stone stated there is some concern about the look of the coop, that it should be I guess for a lack of a better description, it should match the home of the chicken owner as that continues to be a concern that is brought to me. I don't know if that is reasonable or if that can be included? Johnson commented it is pretty well described if you look at H, I and J. Bradow asked the people that are bringing that concern to you, did they describe to you? Stone said they thought the chicken coops for sale at L&M Fleet were appropriate because they could be easily made from the same materials they use to side their homes with so that is the one concern. I look at this – the confinement structure shall contain a roof and finished exterior walls consisting of year round weather materials. Mack said that's not as restrictive as what you're describing. Stone replied right. Mack said if that's the concern and you want that to be the standard then we should write that specifically and we do have similar language for dumpster enclosures so we could use the same type of language, but this would need to be modified.

Johnson said I think the language that is here is pretty good, it gives you some room. I personally have friends who have these chicken coops and what you're talking about would not be what they've got. What they have is fancier, it's like a kid's playhouse kind of thing and they have jazzed it up. The big fear I have and what I think people would have is and what seems to be covered by this, is that someone doesn't

park an old Volkswagon microbus out there and call it a chicken coop. Stone said right but I think the other concern they have is that the term year round weather material is a little wide open – is it a piece of pressed board, is that acceptable? Mack said not if it's unfinished, it wouldn't meet the standard. It would need to be painted or a permanent finish of some sort. Bradow stated it would have to have some insulation on it too because you can't keep that poultry out there in 40 below weather because they aren't going to make it. Stone said right, but you could insulate particle board. Johnson said if it is finished on the outside or painted then it would qualify, if it's not painted then it would not qualify because it's not waterproof. Stone said okay. Bradow said it would have to have some kind of a finish on it and paint would be a finish.

Mack commented the thing is I don't know that we even have that level of standard for accessory structures, being required to match the principle structure. Stone said what are the dumpsters? Mack advised those are in commercial districts. Stone said well we can go ahead with the draft and make a recommendation to the council to accept it and see what happens.

**The Public Hearing was opened.**

Toby Lucas introduced himself and said regarding making the structure match the house that would imply that you couldn't buy one of these and bring it onto your property to put chickens in it but you could have it there just the same as long as you didn't put chickens in it and that doesn't make much sense to me. Stone agreed. Lucas said that is my feeling.

**The Public Hearing was closed.**

**The Findings of Facts 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? YES. (Residents requesting this be made available to them.)*
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 Johnson, seconded by Stone, and unanimously carried to recommend to the City Council approval of a Zoning Ordinance Regulation Amendment for Chapter 36 Fee Schedule for poultry permit and Chapter 90 and 90.040 Other Animals – General Prohibition.**

**7D. Amend Zoning Regulations for Maximum Business District Building Height in B-1, B-2, I-1 and I-2:**

Mack advised this is one of the items on the zoning ordinance project list. As discussed during the joint work session brought up by Commissioner Johnson a suggestion to check with the capacity of the fire department in order to be able to have proper equipment and what height would be the magic number. It was a pretty simple amendment once I got the information from the Fire Chief so I decided to move this right along. The answer was 65 feet so that is the proposal to modify the zoning districts for

our commercial and industrial districts to create a new maximum height in those districts of 65 feet.

**The public hearing was opened.** No comments.

**The public hearing was closed.**

**The Findings of Facts 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? YES.*
3. *Is the amendment request a result of an error made in the Zoning Ordinance/Zoning Map or Comprehensive Plan? YES. (Mack said it was an error by not having a maximum height.)*

**A motion was made by Johnson, seconded by Bradow, and unanimously carried to recommend to the City Council approval of a Zoning Ordinance Regulation Amendment to add a Maximum Building Height of 65 ft. to the B-1 Highway Business; B-2 General Business; I-1 Light Industry; and I-2 Heavy Industry Districts.**

## **8. INFORMATIONAL/DISCUSSION:**

### **8A. Pending Sale of City Industrial Land – Conformity to Comprehensive Plan.**

Mack advised the City owns the lots in the industrial park as shown on diagram. Mack stated he's been working for several months with a perspective buyer to acquire three parcels highlighted here. The land is currently zoned I-1 Light Industrial and the proposed use for the property would be a light industrial use which would be a shop, outdoor storage yard. The State Statute requires that if a city decides to sell land the approving entity for such a sale which would be the City Council must receive a recommendation from the Planning Commission as to whether or not the intended use of the property is consistent with the Comprehensive Plan. Since the plan guides this area for light industrial development it's currently zoned that way. My recommendation to you would be to forward the recommendation that the intended sale use of the property is consistent with the Comprehensive Plan.

Johnson asked if a price has been put on this or if they are just looking for a approval at this point? Mack said a price is being negotiated with the purchase agreement that is being reviewed by the city attorney which is based on a third party appraisal and comes in very close to what the land was valued at by the city/county assessor and is based on fair market land value for the property, so it's a fair price and it's not being subsidized.

**A motion was made by Bradow, seconded by Stone, and unanimously carried to recommend to the City Council the pending sale of city industrial land PID#32.63.40100, 32.63.40200 and 32.63.40300, does conform to the City of Park Rapids Comprehensive Plan.**

**8B. ZONING ORDINANCE UPDATES:** Mack provided an updated draft matrix list with expanded uses beyond our current zoning ordinance. This was a high priority and an attempt to make more user friendly by the public, developer, homeowner and staff. It helps to eliminate discretion that in my opinion is in the current ordinance. This matrix would eliminate the lists in the zoning districts so there is still more work to do once this is populated the way we want it. Some will be shifted to the performance standards and definitions.

Mack stated he created classification for interim uses so some of the uses you will see should only be done by interim use permit so that section of the code can't go into effect until that section of the code for interim uses is drafted. Mack stated interim uses is a common practice across the state.

Mack said we can go through this or digest it and review it at the next meeting with interim use language. This is just a discussion item for tonight.

Johnson said he would like to digest it and think about each line and recognized Mack's work on this.

Bradow commented you just populated this and it's not a reflection of the current ordinance. Mack said he developed this in Bemidji. Bradow said this is appreciated and wants to keep moving in this direction because I think it simplifies things for us and for you when you have someone come in and present their idea to you there is a visual that says it works here or here.

Johnson pointed out a typo of CC on page 28. Mack said it should have been a C in I-2 and C in I-2.

There was discussion about I-2 and C-1 districts; Ferrellgas fence plan and status of project; status of Johanneck's proposed project; gravel pits; expiration of interim uses; vacation rentals; music festivals, solar panels; and accessory dwelling units; and home occupations.

**9. ADJOURNMENT:** A motion was made by Johnson, seconded by Stone, and unanimously carried to adjourn the meeting at 7:14 p.m.

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Chair Richard Bradow

ATTEST:

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Andrew Mack  
City Planner