

**CITY OF PARK RAPIDS**  
**REGULAR MEETING**  
**PLANNING COMMISSION**  
**FEBRUARY 27, 2017, 6:00 p.m.**  
**Park Rapids Library, 210 First Street West – Lower Level**  
**Park Rapids, Minnesota**

**1. CALL TO ORDER:** The February 27, 2017, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m. by Chair Bradow.

**2. ROLL CALL:** Present: Commissioners Dick Bradow, Nels Peterson and Dick Rutherford. Absent: Sam Spaeth and City Council Member Liz Stone. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: Danielle Lien, Kevin Huot, Tony Henry, Scott Henry and Mark Harmon.

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

**4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF JANUARY 23, 2017:** A motion was made by Rutherford, seconded by Peterson and unanimously carried to approve the January 23, 2017 Regular Meeting Minutes as presented.

**5. GENERAL BUSINESS:**

**5A. VACATION OF PLATTED UNDEVELOPED SOUTHERN PORTION OF EAGLE AVE:**

Mathisrud explained this is a platted road on the southern portion of Eagle Avenue. With vacations where we are abandoning a right of way or a road, we have a purpose to develop a recommendation to the City Council and the actual public hearing will be held at the City Council meeting. We are reviewing this against the Comprehensive Plan and to provide a recommendation to the City Council. The request is for vacation of platted undeveloped southern portion of Eagle Avenue. The applicant is Danielle Lien and the owner is the City of Park Rapids as it is city right of way. The applicant is requesting a vacation of the property which is 60' wide by approximately 200' long consisting of .27 acres. It is adjacent to 1009 Hollinger Street where the applicant is planning a project. The existing land use is an undeveloped but platted road. Mathisrud provided images of the site. The Comprehensive Plan designates this area for commercial use. Our Community Facilities Goal #1 states that we are to continue to maintain and improve all community facilities and identify future needs. Policy #8 is to promote and support a community center, convention center to support year round community activities, meeting space, conventions and recreational developments. The applicant provided a previous request that supports this goal which we approved a Conditional Use Permit for. The existing zoning is B-1 in this location for commercial uses. It is not in the shoreland overlay area, airport overlay, or well head protection area and it is not an environmentally sensitive area. There are no city or private utilities located within the right of way. Mathisrud stated in looking at this we have a few options to consider: to approve, deny or give permission to use property

through license agreement. Mathisrud stated the city has broad discretion as to whether we approve or deny these types of requests.

Mathisrud advised that when looking at official maps of the city there are developments to the north which is the Kaywood II Addition and as part of that addition we've taken a small portion for extension of this road north and south – Eagle Avenue so we have a plan to connect the two plats together through the center but there is no official map showing the layout. Mathisrud stated the applicant is interested in expanding their building to the east and a future building expansion would require basically the entire right of way to complete that expansion.

Mathisrud stated the applicant provided alternative layouts for future streets which is one option – putting a couple east-west streets and then plan according to that layout. This area is zoned for residential so we will likely see a residential development so this is an option that would work.

Mathisrud stated since there is no immediate need for this road and there are no utilities currently located in it there appears to be no immediate need for this road by the city and there are alternative options that can suit future development there and since the developer intends to build a structure on the road it isn't practical to license the right of way, so vacating it is preferred over retaining it and licensing it for use. Mathisrud stated with those considerations, staff's recommendation is to approve the vacation.

Peterson asked what is the value of the right of way land? Mathisrud stated you could apply a value on real estate but in reviewing a vacation the city can't really charge for valuation or anything of that nature. Typically when you vacate a road it is assigned to the properties on either side.

Rutherford stated when that was laid out it was discussed quite heavily with the City Council at the time because we had already gone through one development that we messed up on in Discovery Circle so we went to the council and the engineer at the time about Eagle Ave and they highly recommended putting a street in there for further development to the north which is Broadbent's property. Mrs. Broadbent just passed away so now it will probably go up for sale. Rutherford said personally I don't like vacating streets because you can never get them back and that is my opinion.

Peterson said the land to the north hasn't been platted for any roads or laid out for how a subdivision would occur in there? Mathisrud stated this is correct as typically the layout of the roads and streets will occur at the time a developer wishes to plat that area and if someone did want to develop we would encourage connections to other roads that have already been platted or identified in official maps.

Rutherford said the sewer and water are right at the edge of it right now and there is also a hydrant.

Bradow asked on page 20 where Eastern Avenue North stops, there is a dotted green line going north to North Street is that currently right of way at this point? Mathisrud indicated the dotted green line represents future right of way in that location and the continuation of Eastern Avenue North. That layout has been identified essentially in both plats, the plat to the north has identified Eastern Avenue North and already has right of way dedicated and part of it developed and Eastern Avenue to the south right off of Hollinger Street there so that road will likely be developed. It has some

challenges in being developed in that there are several other property owners along there that would have to be acquired. We typically obtain that right of way during the platting process so if a developer wanted to put that road in there would be some practical challenges but ultimately that is a road that will likely be located there – the continuation of Eastern Avenue North. Bradow clarified we currently don't have a right of way there now? Mathisrud stated that is correct, not through that whole section.

**A motion was made by Rutherford to recommend to the City Council to deny the vacation request, but the motion died for lack of a second.**

**A motion was made by Peterson, seconded by Bradow to recommend to the City Council to approve the vacation request of the undeveloped platted portion of Eagle Avenue.**

The vote was called.

The following Planning Commissioners voted in favor: Peterson, Bradow.

The following Planning Commissioner voted nay: Rutherford.

The motion carried 2 to 1.

## **6. INFORMATIONAL/DISCUSSION:**

**6A. Moved in Structures Review:** Mathisrud stated at the last meeting we discussed moved in structures in the code and there were a number of comments and issues brought up. We had asked the developer to provide their recommendations for language to make changes in the ordinance which was provided.

Rutherford commented he talked to several people from other cities concerning moved in structures and didn't get a good report from any of them.

Other discussion centered around the following:

- Minnesota Administrative Rules Chapter 1300, 1311
- Interpretation of the code
- Acquiring the original Certificate of Occupancy on any moved in structures
- Inspection requirements
- Egress windows, stairways, etc.
- Building Officials opinion and inspection
- Energy Code Requirements
- Affordable housing
- Snow loads
- Other cities experiences
- City ordinances allowed to be more restrictive
- Not allowing change of use for moved in structures

It was agreed not to pursue changing the ordinance but possibly develop specific criteria and/or policies for moved in structures.

**6B. Animal & Nuisance Ordinances Review:** Mathisrud advised the current City Ordinance allows chickens only in the Agricultural District. Mathisrud provided information concerning allowing chickens in residential districts with discussion concerning the following:

- How many chickens to allow
- Banning roosters
- Property values
- Number of residents already with chickens
- Waste and odor control
- Noise
- Chicken slaughtering
- Coops and enclosure requirements
- Loose chickens
- Permit and Fees
- Complaints
- Enforcement
- Building code
- What other cities that allow chickens have for regulations

The commissioners were in agreement to allow chickens in residential districts and to proceed with drafting an ordinance.

**7. ADJOURNMENT: A motion was made by Rutherford, seconded by Bradow, and unanimously carried to adjourn the meeting at 7:02 p.m.**

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Chair Dick Bradow

ATTEST:

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Carmen L. Lockhart  
Planning Assistant