

**CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
JULY 22, 2019, 6:00 p.m.
Park Rapids City Hall, 212 Second Street West
Park Rapids, Minnesota**

1. CALL TO ORDER: The July 22, 2019, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m. by Chair Bradow.

2. ADMINISTER OATH OF OFFICE TO TANYA BOYER: Tanya Boyer did not attend the meeting.

3. ROLL CALL: Present: Commissioners Dick Bradow, Nancy Newman, and City Council Member Liz Stone. Absent: Bruce Johnson and Tanya Boyer. Staff Present: City Planner Andrew Mack and Planning/Administrative Assistant Carmen L. Lockhart. Others Present: Ryan Zemek of HRDC, LuAnn Hurd-Lof and Rod Nordberg.

4. ELECTION OF VICE CHAIR: A motion was made by Bradow, seconded by Stone and unanimously carried to nominate and elect Nancy Newman as Vice Chair of the Planning Commission for the remainder of 2019.

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

6. APPROVAL OF PLANNING COMMISSION MINUTES OF JUNE 24, 2019:
A motion was made by Stone, seconded by Bradow and unanimously carried to approve the June 24, 2019 Regular Meeting Minutes as presented.

7. PUBLIC HEARING:

7A. UPDATE TO COMPREHENSIVE PLAN ADOPTING 2019 ARTS & CULTURE PLAN:

Mack introduced Ryan Zemek of HRDC, the consultant on the project. Zemek stated he works for the Headwaters Regional Development Commission. It was probably four years when this process started and I was invited down to attend the Arts & Culture Advisory Commission which is a city advisory commission who had been established in 2008 and operating without any directive or plan or anything to focus their activities. I was asked to help them put together a plan that would guide their actions but also become an addendum to the Comprehensive Plan. The City Council adopted the plan on June 27, 2017. In that document we talked about having a process for every year, having a public meeting and updating based on anything relevant in those public meetings. Last December I was invited back to facilitate an open house we published in the paper, facebook and a couple other places and interested folks came in and weighed into what their interested in seeing as far as projects that intersected city business and policy and arts and culture. We made some additions to the plan and obviously there were projects and one of the projects in the initial plan discussed

creating policy for public art and having a sculpture park in Red Bridge Park. Obviously, that came to fruition and there are now sculptures in that park. I don't necessarily want to go line by line through the updates and the updates were fairly minimal. Some of them were changing the wording around to maintain the park in Red Bridge Park and plan for the next phase. Other things that were added, we just had an Arts & Culture meeting and we talked about a specific project that was a priority amongst them.

Zemek stated I would be happy to answer any questions or provide any further context of how we got to here today.

The Planning Commissioners didn't have any questions. Bradow stated it was laid out fairly well and you've done a lot of work on it. It's well written and well thought out. Zemek thanked Bradow.

Mack stated he has an update as he had a call from Commissioner Bruce Johnson today who was unable to attend and he asked me to express his thoughts that he is in full support of the plan being adopted as an amendment to the Comprehensive Plan.

Zemek stated he thinks this is finally fulfilling the initial intent as somewhere along the way it didn't initially get added to this update, that is the intention when we first set out to do this project so this is fulfilling that goal.

The public hearing was opened at 6:05 p.m.

LuAnn Hurd-Lof stated we support it too. Rod Nordberg said this has been going on for awhile and we've had some very minor technical things about wording as Ryan mentioned. Some of the things in the plan have already been achieved. In other words, there were goals set forth and one of the big things were goals. Some specific things that are in the annex or addendum at the end that are adjustable and not a part of the basic plan other than as an addendum. We want you to know that we work closely with the Parks Board and that a lot of what we do so far is involved with the parks. We like their cooperation and they seem to review what we do and haven't kicked back a lot but they've for instance, have gone in person to the sculpture trail and looked at sites so I think it's a cooperation of city commissions that is a good example.

Mack said he would personally like to take this opportunity, since I'm the primary staff to the Arts & Culture Commission to acknowledge the hard work that the group of volunteers have put into this plan and planning efforts on various projects they are looking into. One shows right away with the additional sculpture entries that came in this year for the Red Bridge Park that we were able to begin implementing subsequent phase two in the downtown with two placements and that will continue as a part of this next year's planning looking for additional placements in the event they are able to get additional entries because it is building more interest over year one to year two. The other thing I want to do is acknowledge council and commission member Stone for volunteering to put in time in a brochure that was just developed for the sculpture walk and she did a fabulous job on it designing this and it's a very well done piece. It was a nice piece that was done by LuAnn last year but she took it up to the next level with design and quality so it was much appreciated by the entire group as well. Stone said thank you.

Bradow asked Mack to identify who is on the Arts & Culture Advisory Commission? Mack stated the chair is Paul Dove, Rod Nordberg, LuAnn Hurd-Lof is the

secretary, Laura Grisamore who also sits as the chair of the Region Two Arts Council that serves this five county area out of an office in Bemidji, our City Council Liaison Liz Stone, and Paul Albright who is a local sculpture from Akeley and has also worked with the sculptures and the placement of the sculptures in the park. Mack said actually I stepped forward quite a bit this year to work with him and provide city staff support as well both from myself and the parks and public works departments.

LuAnn added Nancy Newman comes to a lot of our meetings too.

Bradow thanked everyone for volunteering their time and it looks like you are working very hard and I would like to say thank you from the Planning Commission to everybody that's working on this.

The public hearing was closed at 6:10 p.m.

A motion was made by Bradow, seconded by Stone, and unanimously carried to recommend to the City Council to adopt the July 2019 Arts and Culture Plan to the City's Comprehensive Plan.

Bradow asked it be noted Bruce Johnson was in favor of adopting the plan.

8. INFORMATIONAL/DISCUSSION:

8A. ZONING ORDINANCE MATRIX: The commission reviewed the matrix and Mack mentioned his typo in the matrix with a double letter in one column.

Mack asked if the commissioners were all good with the matrix and the way it sits now? Because this represents departures and changes from the current code the way it sits on the books. Just because we're amending and changing it now doesn't mean we can't tinker in the future with it when things come up on a case by case basis. Once we've got this format set up it won't be that hard to amend it in the future. Lockhart stated it would be costly and suggested having it pretty solid to start with. Mack said we have another month to look this over. Lockhart requested Mack point out the changes he has made to the existing ordinance. Stone asked if it was changed since June? Mack said no but the changes here are based on what is already current on the books today. Lockhart asked I thought you said you made changes? Mack said I did. Lockhart asked if he could point them out? Bradow asked can you point out where you made the changes? Mack said he could have it ready for next month. There was further discussion concerning the changes:

- Mack to provide changes he made to the existing ordinance for August meeting;
- What districts to allow bulk fuel operations;
- Renewable energy;
- Definitions;
- Mobile home park; and
- Bradow stressing we better understand what we are recommending.
- Commission to go through the changes line by line starting next month.

8B. INTERIM USES: Mack provided draft language for both interim and conditional uses. Mack said he took the CUP section under administration and modified that. I am proposing we delete the entire section and add in what I have drafted here. The new language incorporates some of what we already have on the books but it also gives additional review standards and it also lists the term interim uses in accordance

with Minnesota Statutes and we can look at that further, but basically it's adopted by reference and the language under the administration follows the statutory provisions of state law that allows us to impose interim uses. It also works in tandem with the matrix now that we are putting I's in here as opposed to not having interim uses before, so that is what this section does.

Bradow said he read through this. Mack said for example page 46 D those are all new factors to further evaluate proposals that come before you whether they are a C or an I. Bradow asked you are talking about changing our Findings of Fact? Mack said well no but there could be some changes – no subtractions but additions. Lockhart asked about the statute. Bradow thought we could add more. Mack said statutes do require certain findings be made but they are generally applying more so to variances than conditional uses. Bradow advised there is a recommended template in the League of Minnesota Cities website that I've looked at and it's not exactly the same but the principal is the same.

Mack said other aspects on page 46 D these are not necessarily things you would make findings on but they are criteria that you would review a request by so that might be analyzed in the staff report or might be looked at by the Planning Commission where applicable to a certain situation. Mack mentioned in certain situations we have no major concerns over any type of potential erosion of the site based on severe slopes or fills or maybe it's a flat site and it's not that big of a deal so that doesn't become an issue and in other cases it might be so you need to carefully analyze this in more detail, and whereas the existing code may or may not allow that as clearly as this does as it expands those criteria for review of a request. Lockhart advised the previous planners all had a long staff form report that touched on these different criteria so they would comment and answer each. Bradow agreed all these areas were covered because we didn't need to ask those questions – for example one of the questions is on the Findings of Fact sheet, does it present any problems for erosion or runoff. Bradow said so the review of staff looks at that and that's part of the info you are using to make your recommendation to us. Mack said whether or not I'm listing them all out those are considered as a part of the review.

Bradow stated he read through this and thinks it's fine and didn't see anything that caused any concern for him. Stone agreed and thought it was thorough.

8C. PERFORMANCE STANDARDS: Mack provided draft language. Bradow asked for clarification on page 50 Article III Vacation Rentals – add “feet “after the (500). Mack said yes it should be feet. Mack said he put some sort of spacing standard in as he can see where this could become an issue at some point. Where it's like you have two side by side and they were kind of grouping and part of the concern was you don't create sort of this centrifuge of a party's vile in one spot was the only thinking I put behind this. I'm not aware of any other community that has put this level of spacing standard on this issue or buffering standard. I will tell you the City of Bemidji, when we adopted this similar type of requirement for IUP and actually processed some permits after I had left and they have become problems with the community. There were issues, they must have done a review on the permits based on complaints that were received by surrounding neighbors and the city has since gone back in and made them a prohibited use anywhere in the city and grandfathered in the permits that had already been approved and they could still be subject to revocation if they are not able to address issues. Fortunately, I don't think we've had that kind of problem in Park Rapids area. Bradow asked what kind of an issue were they and who brought it to light for them? Mack stated he doesn't know, I'm guessing overparking a site, around Lake

Bemidji there are a lot of very tight lots and not a lot of parking space on narrow streets, so probably parking, noise, partying associated noise and late night activity. Bradow asked with the vacation rentals? Mack said yeah, so keep it in mind that we place a standard on here and we go out and we also have to determine whether we apply this retroactively to existing businesses that are already set up this way and whether or not we've already inspected them as a rental or not. The question then becomes do we apply this retroactively and go out and find them because they are findable because they are searchable by various means on google or AIRBNB or whatever the sites are that you find them.

Bradow said he knows there are a couple by where I live on East River Drive.

Mack said that's a policy decision, that's not written in the ordinance yet and that policy should be discussed further and we want to write specific language in the ordinance if we are going to apply this retroactively and I think legally we may have the authority to do so, we certainly would as far as a rental without a doubt but in terms of making them go through a public hearing for an IUP once we adopt IUP language we are going to have to get some input from the attorney on that as well as this buffering and spacing standard. Bradow asked which are just proposing at this point? Mack said this is the second time discussing it and I want to make sure we're clear on what the issues could be.

Stone asked in Bemidji did they use this 500 ft. distance? Mack said no I don't believe so. Again, whatever they had now has been taken off the books. Bradow asked in it's entirety? Mack said they amended the ordinance and they made it a prohibited use anywhere in the city. Bradow asked vacation rentals? Mack said yes, short term rentals. Bradow said they went all the way the other way. Mack said yes. They went from not regulating at all to permitting them and then they went beyond that after I left and apparently had these issues and went the full extreme the other direction.

Bradow asked is that what prompted you to maybe put some buffering in? Mack said yes. Bradow asked if we can learn how many of these vacation rentals would not meet the 500 ft.? Mack said that would be appropriate research.

There was further discussion on the following:

- how to search for the information to identify them on various websites;
- identifying the vacation rental properties on East River Drive;
- implementing a 500 ft. buffering distance;
- houses that don't sell and turn into short term/vacation rentals;
- traffic speed in residential neighborhoods with children;
- whether to do retroactive public hearing process for existing use;
- who is responsible for all the associated fees;
- frequency of inspections;

Mack pointed out on page 50 Article III Performance Standards – (“This section reserved for moving sections of the zoning districts permitted and conditional use standards into once deleted.) Mack used an example of renewable energy systems – roof mounted, active, solar or wind energy facilities – that's in the matrix now. What's not in the matrix now that would be deleted is – “provided they will not cast shadows and obstruct solar access or cause wind deflection to a contiguous property.” That language gets moved to the Performance Standards section dealing with renewable energy systems so it doesn't get deleted.

Mack advised there is more work to do on the Performance Standard section.

8D. DEFINITIONS: Mack provided draft language for Interim Use and Short Term Vacation Rental. Mack advised other definitions will be needed for items in the matrix that have an * by them.

9. ADJOURNMENT: A motion was made by Stone, seconded by Bradow, and unanimously carried to adjourn the meeting at 7:08 p.m.

Chair Richard Bradow

ATTEST:

Carmen L. Lockhart
Planning/Administrative Assistant