

**CITY OF PARK RAPIDS**  
**REGULAR MEETING**  
**PLANNING COMMISSION**  
**SEPTEMBER 22, 2014, 6:00 p.m.**  
**Park Rapids Library, 210 First Street West – Lower Level**  
**Park Rapids, Minnesota**

**1. CALL TO ORDER:** The September 22, 2014, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m.

**2. ROLL CALL:** Present: Commissioners, Nels Peterson, Diane Smith, Joel Vorhes and Janice Tidrick and Dick Bradow (arrived 6:48). Absent: City Councilmember Paul Utke. Staff Present: City Planner Dan Walker and Planning Secretary Carmen L. Lockhart. Others Present: Brian Gray and Brenda Mason.

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

**4. APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF AUGUST 25, 2014:** A motion was made by Peterson, seconded by Smith, and unanimously carried to approve the August 25, 2014 Regular Meeting Minutes as presented.

**5. PUBLIC HEARING:**

**5A. CONDITIONAL USE PERMIT REQUEST FROM BRIAN GRAY AND SHAWN GRAY, 11857 220TH STREET, PARK RAPIDS, MN 56470 TO ALLOW AN OUTDOOR SALES LOT FOR FISH HOUSES OR SHEDS TO BE LOCATED AT 1310 1ST ST. E, ON THE VACANT PORTION OF THE ESPRESSO 34 COMMERCIAL LOT, LOCATED IN A B-1 HIGHWAY BUSINESS DISTRICT, PID#32.30.00700:**

Walker explained the applicants are Brian Gray and Shawn Gray, the property owners, who are requesting a conditional use permit to allow outdoors sales for fish houses and sheds on a vacant portion of their property at 1310 First Street East. A portion of the property is currently the location of Espresso 34, which is also owned by the applicants. The site is 2.56 acres.

Walker advised the property is currently zoned B-1, Highway Business District and the City's Comprehensive Land Use Plan designates this property for Commercial Use. The property is within the City of Park Rapids and is serviced by City Utilities. The property is not located in an environmentally sensitive area.

Walker stated the applicants are requesting to display fish houses and sheds on a vacant portion of the property, east of the existing Espresso 34. The applicants have stated that the sales area will not be staffed and they are requesting signage which would have a contact phone number for customers to call. The applicants have stated that they will only be displaying a few fish houses or sheds at a time and plan to fully develop or sell the property in the future.

Walker advised the display area will use the existing entrance off of Highway 34 and no parking areas or new bituminous is being proposed at this time. The sheds and fish houses are proposed to be displayed on grass, which is consistent with similar uses in the past. Staff has visited the site and determined that there is adequate vehicle parking on the site to accommodate the outdoor display area and parking for the retail business, so no additional parking would be required. The applicant must maintain all outdoor storage and display in a neat and attractive manner per the approved site plan and the site must remain free of all noxious weeds and debris.

Walker stated he received a comment from Bob White who lives at 16126 Discovery Circle which is located to the south of the applicants' property (see attachments). Mr. White has concerns about snow, garbage, and other debris which blows across the applicant's property and deposits in his yard. Staff is recommending that the applicants construct a solid 6' screening fence a minimum of 100' along the east property line and 100' along the south property line in order to screen the residential properties to the south and ensure that all debris is not crossing into the residential neighborhood. Walker provided pictures showing the location of the properties with the tree line and the clear area with no trees where some of the debris from commercial businesses along Highway 34, Walmart and L&M blow across the vacant part of this property onto White's property and the snow also drifts into that area in the winter and therefore Walker recommended the applicant construct a solid 6' screening fence as stated in the conditions.

Any expansion of the display area or use in the future will be required to meet all applicable zoning standards. A sign permit will be required for any proposed signage.

Walker recommended approval of the conditional use permit to allow outdoors sales of fish houses and sheds in the B-1, Highway Business District located at 1310 First Street East, PID#32.30.00700, with the following conditions:

1. The applicant must maintain all outdoor storage and display in a neat and attractive manner per the approved site plan and the site must remain free of all noxious weeds and debris.
2. Staff is recommending that the applicants construct a solid 6' screening fence a minimum of 100' along the east property line and 100' along the south property line in order to screen the residential properties to the south and ensure that all debris is not crossing into the residential neighborhood.
3. Any expansion of the display area or use in the future will be required to meet all applicable zoning standards.
4. A sign permit will be required for any proposed signage.

Vorhes asked if we can require the applicant to construct the fence rather than just recommend? Walker said I am recommending it and you as commissioners can require it as it is a reasonable request.

Smith asked what about White putting up a snow fence or something? Smith said we are putting it all on commercial property. Walker said we can on a Conditional Use Permit put reasonable conditions to mitigate any adverse effects and the reason that it is a Conditional Use Permit is that it may have some sort of externality to a neighboring property and it is reasonable to request that they put up screening and screen the property as part of this request.

Peterson asked what is the existing fence on the picture? Walker said the Feil's actually put up a fence and are the neighboring property to White. Walker indicated Feil's lot is to the west of White's property. Peterson said you commented that the garbage that is coming across is from Walmart and L&M so is it justifiable to hold another property owner for someone else capturing their garbage? Smith said right. Peterson said I understand you have the ability to recommend it and are recommending it so why don't we open it up for the public comment and hear Mr. Gray's comments.

**The Public Hearing was opened at 6:09 p.m.**

Brian Gray commented he is usually the one who cuts the grass and keeps the lot cleared and cut and there is some debris, mostly signage that comes from L&M, that blows off their stuff and comes across and when I go to cut the grass I pick it up and throw it in the garbage. Gray stated in the picture on the screen it shows a snow fence constructed by Mr. Feil apparently and Mr. White's area is a little more open there. Gray said I guess Mr. Feil took it upon himself to stop the garbage from coming there so obviously it doesn't go through there so maybe it goes through White's property. Gray said there is some stuff that goes through there but anything that lands on our property we pick up and dispose of. I guess it is up to the commission what you want to do. Gray said other than that, I don't think White has any issues with it, and of course there won't be any debris from fish houses or sheds and there is pretty much zero debris from Espresso 34 because it is a drive-thru so any debris that comes through there actually comes from someone else.

Peterson asked Gray if he is satisfied with Walker's recommendation to construct a 6' solid fence? Gray said I guess what I could do is maybe talk with White and see if we could jointly do something together if it makes sense to do that, if that is his concern. Gray asked if snow fence would be adequate because apparently the neighbor feels it is adequate? Vorhes said that would stop most of the debris. Gray agreed. Smith said Walker is asking for a solid 6' fence meaning that nothing could get through whereas snow fence has holes in it as most fences have holes in it. Walker said he is definitely open to the possibility that if they can work out their discrepancy that would be my preferred recommendation that they could come to an agreement on how they would like to handle that.

Peterson asked how do we handle that if they can't come to an agreement on that? Walker said we could recommend that if they are able to do that before we make a recommendation to the City Council that he can make an adjustment to the condition prior to the City Council Meeting. Gray said he thinks they can get together and snow fence would stop any kind of debris.

Smith said 100 feet of solid fence is a little different cost wise. Gray said it is quite expensive compared to a snow fence. Smith said if he is expecting this beautiful fence going behind there he wouldn't be happy with a snow fence. Gray said originally there were more trees on that lot and we left an entire ring barrier of trees all the way around that to Discovery Circle for that particular purpose so we have done our part to try and make sure there was a barrier. Smith asked who took down those trees in the opening?

Gray said I don't think there were a lot right there and it just happened to be an open spot. Gray said of course I think we've got three trees into the property line and it is open right there and if it is a really serious problem I'm sure White could put up a fence pretty easily right there. Peterson agreed. Gray said I am certainly willing to visit with him and see what we can do. Peterson said a solid wood fence is aesthetically far more pleasing than a snow fence. Smith said definitely. Peterson and Smith agreed they see it as a burden on the property owner that's receiving the trash and to go talk to L&M but I respect Walker's decision to recommend that too because he's got a good handle on it and the last thing I want to see is for this to be delayed because of a fence issue.

Vorhes said there is a difference in saying okay I'm going to add relatively minimal cost to do just a snow fence verses something that is going to be a great improvement which is what a 6' solid wood fence would be which is going to cost much more and you're not getting much benefit – White is getting the benefit of it.

Gray said if I have to put up a \$4,000 or \$5,000 fence up we are not going to be putting anything there. Smith said that is what I'm worried about is that if he wants a 100 feet of fencing on both sides, that's pretty pricey. Smith said it's a good thing you didn't say along the whole thing and granted you could.

Walker said the thing is with applications where you have commercial and residential districts abutting each other generally the residential district is given the preference because of the reason that they are living there and when you purchase a residential home you have a certain piece of mind that you are going to be living in a residential area and you're not going to have to deal with extra light, noise and debris and when you purchase a house you purchase it for a specific reason and I think that we need to respect that and at least be aware of that and we need to be proactive on our approach to protect residential areas. Peterson said that is a very valid argument. Smith said but they knew it was commercial when they bought those lots and it's been commercial the whole time and so before they put that house in that was commercial lot. Walker explained that we do have within our ordinance that if there is a commercial district abutting a residential zone, with a parking lot, that they need to screen the parking lot completely but there is not a parking lot proposed with this so it is kind of different. Walker said I understand it is a cost but I received a comment and concern from a neighbor as part of the process and we need to either react to that or say tough luck.

Peterson said with the argument that you brought forward, I would agree with you, I think we should move ahead and do as Walker is recommending and enforce the fence as he suggests and then it's done. Walker said I am open to the option that if they can come to an agreeable solution I'm definitely open to that.

Vorhes said my question is, are they looking to control the debris, because a snow fence would do that? Smith agreed. Vorhes asked are they looking to hide the fish houses because a snow fence would not do that? Smith said exactly. Walker said the concern was purely the snow and debris coming across a vacant area which the point

is, it's not his garbage. Vorhes said and it's not Gray's garbage, it's L&M's, but it's kind of late to go to L&M's and say they have to do something on the edge of their parking lot.

Gray said obviously if there is nothing done with the lot, the snow is not just going to stop, so if snow is the problem I would think that he would be happy with a snow fence and it would stop anything beyond a small size from going through there which is a reasonable concern but small pieces are just carried in the wind and again, the garbage isn't coming from us so we are certainly willing to work with trying to help with that situation but if it requires a solid fence, that long and that expensive then that is cost prohibitive for what we are trying to do.

Vorhes said actually parking the fish houses there will stop some of the snow from blowing through there. Gray said I would assume that we could visit and I could simply, once I've talked to White, have him call Walker and let you know before this goes to the City Council if that is agreeable.

Peterson said or we could just simply make the motion now to change the requirement of the 6' solid fence screening to a snow fence and between you and the neighbor there you can decide otherwise if you like to but then we can approve it and the snow fence will go up for the 200 feet and it's the end of story. I know it's not as aesthetically pleasing but I'm fine with it.

Brenda Mason said well it is back in the woods and you're not going to really see it. Peterson and Smith agreed.

There was further discussion about future development of the lot.

Peterson asked Walker if he was okay with changing the fence from a 6' solid fence to a snow fence? Walker said if that's the decision and that is up to the commission to change that recommendation, I can obviously live with that but I want to make sure that is alright with Mr. White prior to City Council approval so if you want to add that as part of the recommendation. Peterson said alright.

Tidrick asked if a screening fence has to be solid or can we just delete the word solid and use screening fence and see what they work out? Walker said we are dealing with just trying to stop the debris and White said he had no issues with any of the other use, he just doesn't like the snow and debris blowing into the yard. Tidrick said she doesn't see why that should be solid if we just delete that word and just leave it screening fence. Lockhart asked Walker what is in the ordinance for residential and commercial? Walker said a screening fence has to be solid but if there is an adjacent parking lot and within a certain

(Inaudible – everyone talking at same time).

Walker said what I'm saying is there is nothing in the ordinance that would require

or trigger something, we are just trying to remedy a situation which we are allowed to do under a Conditional Use Permit.

Peterson said he would recommend to Walker and the commissioners that we change the wording from a “6’ solid screening fence” to a “snow fence” and with the simple trust and understanding that Gray will go to White and if they want to go further they will. Smith asked if Peterson is making that as a recommendation? Peterson said he is suggesting it, it is not a motion yet and would like to hear what the others have to say. Smith said she agrees, and doesn’t think it needs to be a solid 100’ fence in two directions just because I know what the cost is.

Vorhes said I agree but the problem I have with it is that you can’t go back after the fact and say hey, now we want to require it if we approve this. Peterson said that is correct. Vorhes said we need to know that because your leverage is at the time you approve the Conditional Use Permit not three months down the road.

Smith asked so what are you saying? Vorhes explained well if you say that I want to run it by him with a snow fence and White is not satisfied with that you can’t say well, I guess we got it wrong and now you have to put up a solid fence. Smith said well then Gray probably isn’t going to put the fish houses in. Peterson said he is a residential neighbor too and he has a preference, he has an upper hand on him. Vorhes said but once we’ve approved the Conditional Use Permit he has lost that. Peterson said that’s right.

Smith commented well if he was really worried about it wouldn’t he be here? Peterson said well that’s hard to say, he may have other engagements. Smith said didn’t he get a notice that this was happening? Walker explained his public record has already been made, his comments have been made.

Smith said she is agreeable that we change the wording. Peterson said he is too, I’m somewhat hesitant because of Vorhes’ concerns but at the same time a snow fence I think is adequate. Smith said if the property is sold then we are dealing with a whole different issue. Peterson said the fence is coming down no matter what fence is.

Tidrick said she is the one who suggested taking the word solid out so can’t vote differently now.

Peterson said okay we will do that through the reading of the Conditional Use Permit and make that change.

**The Public Hearing was closed at 6:22 p.m.**

**The Findings of Facts were reviewed. The commissioners came to the following conclusions: Is the proposed use identified as a conditional use in this zoning district? YES.**

1. *Are there characteristics of the proposed use that may violate the public health, safety, or general welfare of Park Rapids City residents? NO.*
2. *Is the proposed use inconsistent with the intent of the Park Rapids City Comprehensive Plan and Zoning Ordinance? NO.*
3. *Does the proposed use present any unique concerns regarding erosion, runoff, water pollution or sedimentation? NO.*
4. *Could the proposed use create any special problems with parking? NO.*
5. *Would the proposed use cause any problems with access or traffic generation? NO.*
6. *Is the proposed use incompatible with other uses located in the zoning district? NO.*

For each response answered affirmatively, are there conditions that could be attached to the granting of a permit that would mitigate the adverse impact? *No affirmative answers, but Walker and the Commissioners recommended the following conditions:*

1. The applicant must maintain all outdoor storage and display in a neat and attractive manner per the approved site plan and the site must remain free of all noxious weeds and debris.
2. Staff and Planning Commission is recommending that the applicants construct a snow fence screening a minimum of 100' along the east property line and 100' along the south property line in order to screen the residential properties to the south and ensure that all debris is not crossing into the residential neighborhood. Gray will discuss with White to see if mutually agreed.
3. Any expansion of the display area or use in the future will be required to meet all applicable zoning standards.
4. A sign permit will be required for any proposed signage.

**A motion was made by Vorhes, seconded by Peterson and unanimously carried to recommend to the City Council approval of the Conditional Use Permit request from Brian Gray and Shawn Gray, 11857 220<sup>th</sup> Street, Park Rapids, MN 56470 to allow an outdoor sales lot for fish houses or sheds to be located at 1310 1<sup>st</sup> St. E, on the vacant portion of the Espresso 34 commercial lot, located in a B-1 Highway Business District, PID#32.30.00700 with the following conditions:**

1. **The applicant must maintain all outdoor storage and display in a neat and attractive manner per the approved site plan and the site must remain free of all noxious weeds and debris.**
2. **Staff and Planning Commission is recommending that the applicants construct a snow fence screening a minimum of 100' along the east property line and 100' along the south property line in order to screen the residential properties to the south and ensure that all debris is not crossing into the residential neighborhood. Gray will discuss with White to see if mutually agreed.**
3. **Any expansion of the display area or use in the future will be required to meet all applicable zoning standards.**
4. **A sign permit will be required for any proposed signage.**

**5B. CONDITIONAL USE PERMIT REQUEST FROM BRENDA MASON, 512**

**PARK AVE S, TO ALLOW A HOME OCCUPATION FOR A MASSAGE THERAPY BUSINESS IN AN R-B RESIDENTIAL-BUSINESS TRANSITIONAL DISTRICT, PID #32.40.01700:**

Walker explained the applicant is Brenda Mason, the owner of the property, who is requesting a conditional use permit to allow a home occupation for a massage therapy salon. The property is located at 512 Park Avenue South. The site is .36 acres. There is an existing home on the property which is currently vacant and is being remodeled as a single family home and the proposed location of the massage therapy salon.

Walker stated the property is zoned R-B, Residential Business Transitional District and the City's Comprehensive Land Use Plan designates this property for Single Family Residential. The property is within the City of Park Rapids and is serviced by City Utilities. The property is not located within an environmentally sensitive area.

Walker advised the applicant is proposing to practice massage therapy out of her home after the closing of Brigid's House. The applicant will use a main floor room close to the main entrance as the massage salon. The applicant has stated that she has an established clientele and there will be approximately one to four appointments per day. The applicant has also stated that she does not intend to expand the business. There is adequate parking available on the site and on the street for the proposed use.

Walker indicated the Conditional Use Permit request for a home occupation meets all of the other provisions listed in Chapter 151.146 Home Occupations. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling. A sign permit would also be required if the applicant would like to have signage on the site although none is being proposed with this application.

Walker recommended approval of the conditional use permit to allow a home occupation for a massage therapy salon in the R-B, Residential Business Transitional District at 512 Park Avenue South, PID#32.40.01700, with the following conditions:

1. The Home Occupation must comply with all of the provisions listed in Chapter 151.146 Home Occupations.
2. A sign permit is required and must meet all of the Zoning Requirements for signage in the R-B Zoning District.
3. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling.

The commissioners had no questions of staff.

**The Public Hearing was opened at 6:38 p.m.**

Tidrick asked Mason if there will be any other people performing services at that location? Mason said no and the reason we sold Bridget's house is because I'm slowing down and so I won't be doing any advertising of any sort, just a few clientele, that's as busy as I want to be. Smith asked if they are going to live there? Mason said yes, before winter is the plan. Vorhes said you've improved the outside of the house quite a bit compared to what it was. Mason said thanks, it really changed it. Smith asked if the inside was in good shape? Mason said yes it is, except we had to gut the



bathrooms and put a new boiler in and the back side of the house had to be jacked up to straighten it.

**The Public Hearing was closed at 6:40 p.m.**

**The Findings of Facts were reviewed. The commissioners came to the following conclusions: Is the proposed use identified as a conditional use in this zoning district? YES.**

1. *Are there characteristics of the proposed use that may violate the public health, safety, or general welfare of Park Rapids City residents? NO.*
2. *Is the proposed use inconsistent with the intent of the Park Rapids City Comprehensive Plan and Zoning Ordinance? NO.*
3. *Does the proposed use present any unique concerns regarding erosion, runoff, water pollution or sedimentation? NO.*
4. *Could the proposed use create any special problems with parking? NO.*
5. *Would the proposed use cause any problems with access or traffic generation? NO.*
6. *Is the proposed use incompatible with other uses located in the zoning district? NO.*

For each response answered affirmatively, are there conditions that could be attached to the granting of a permit that would mitigate the adverse impact? *No affirmative answers, but Walker and the Commissioners recommended the following conditions:*

1. The Home Occupation must comply with all of the provisions listed in Chapter 151.146 Home Occupations.
2. A sign permit is required and must meet all of the Zoning Requirements for signage in the R-B Zoning District.
3. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling.

**A motion was made by Vorhes, seconded by Smith and unanimously carried to recommend to the City Council approval of the Conditional Use Permit request from Brenda Mason, 512 Park Ave S, to allow a home occupation for a massage therapy business in an R-B Residential–Business Transitional District, PID #32.40.01700, with the following conditions:**

1. **The Home Occupation must comply with all of the provisions listed in Chapter 151.146 Home Occupations.**
2. **A sign permit is required and must meet all of the Zoning Requirements for signage in the R-B Zoning District.**
3. **A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling.**

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

**6A. Lot Size Adjustment Memo & Information:** Walker reported that at the August meeting the Planning Commission directed Walker to create a map which

identifies the specific areas or parcels which would benefit from smaller lot development. Using the Hubbard County GIS mapping program and then also doing visual inspections of the proposed areas, I have come up with a map of neighborhoods where small lot development would be appropriate and I have also identified specific existing parcels that could be split under smaller lot standards (Shown with RED DOT).

Walker explained that without actually doing a survey on a property it's hard to say exactly what that number would be but the lots that I identified either had a large amount of space to the side of the house and no garage or they were completely vacant and that's how I identified many of those, like I said I looked using an overview tool with the GIS and then drove through the neighborhoods to confirm that.

Walker stated he identified 4 areas of the City which met the following criteria:

1. Parcels have City Sewer and Water
2. Parcels are located in the R-1, Single Family Residential District.
3. There are other smaller lots within the neighborhood or were originally platted as 50' lots.
4. They were not located within Shore land Zoning Areas (\*After verifying Shore land Zoning District limits, small adjustments will need to be made to the map, but will not greatly affect the outcome).
5. The areas generally had alley access.

Walker stated he thinks alley access is important with the small lot because you wouldn't be able to get a typical house and garage facing the street on a 50' lot as it just isn't possible.

Walker stated he identified four areas for the overlay zone, which was just looking without to see what effect it might have and there might be ways to simplify that a little bit by plat boundaries or other things that might make that a little easier to define the area but this is just roughly with those criteria what those neighborhoods would look like.

These are the questions from previous conversations that have yet to be answered:

1. What adjustments to the setbacks, lot coverage, etc. should be considered?
2. Will the setbacks, coverage, etc. be applied to all of the lots within the overlay? What effect will that have?
3. Should we allow small lot subdivisions within the overlay zone, or only consider splitting of exiting lots of record?
4. Do we allow small lots specifically for single family homes or also allow the other permitted and conditional uses?

Smith pointed out an area where there are no alleys. Walker said that is why I said alley access generally, and that is a point of discussion that if that is a criteria that

we say is vital to that then we will make that adjustment as well because those were areas, like I said in my report that generally have alley access. Walker said that is one area of the city that does not have alley access. Walker said at one point it did, but it seems that some of the alleys were vacated overtime or they were platted without them.

There was discussion concerning the existing lot size of some of the identified parcels.

Walker explained doing this brought some other thoughts into his mind as far as what is the scope of the area and what are trying to accomplish? Walker said but these are areas that you asked me to start whittling away at some of that so this is the first go around of that so hopefully we can continue.

Smith said well it's not impossible to build a house in a 50 ft. lot without an alley. Walker agreed.

Walker said there were a few questions that had not really been answered and those would go down a little once we've narrowed down the area and what we want to accomplish and those would be some of the things we would have to continue having in the discussion, but they are also things that we should continue to think about in the discussions.

Peterson asked what is the typical lot coverage of a lot that small? Walker said with a sewer parcel and a residential area we allow about 30% coverage.

Smith asked so square footage wise what would that come up to be? Peterson said it's manageable, it holds you to a small house, but that's appropriate anyways. Smith said well it could be a two story. Vorhes said 30% of 5,000 is 1,500 sq. ft. Walker said that's house, garage and driveway. There was discussion concerning not having a garage and having a one and a half story house on a small lot. Bradow said that would not be real nice for people that are in their retired years. There was discussion concerning stairs in the home.

Bradow said he thinks this is good as there are some areas in the community where this could work well.

Smith asked if Walker wants the commissioners to go drive around? Walker said this is what I identified on a map and it just gives you a visual of what's out there and how this could affect these specific areas.

Walker explained he thinks there is another way that we could accomplish this without necessarily doing the overlay with just writing something into the R-1 ordinance you may be able to just use it by language. Walker said you could say in previously platted areas or I think there are certain ways that you might be able to accomplish the same thing just using criteria in the R-1 zoning rather than just doing a blanket overlay and especially looking at that it might be an easier way to do that.

Peterson said it becomes an item that the land owner would bring forward then?  
Walker said correct.

Walker stated if you are going to do an overlay you are going to want to target an area but I think you could also, and I don't know that the density of the target area is going to be there, I mean you're talking about 40 parcels out of how many in the R-1 District are in these overlay districts. I don't know if the benefit of actually doing that is going to be accomplished with an overlay so that is one of the conclusions that I've come up with in my mind, and what are some other options. I really didn't know that until I actually took a look at what that was going to look like so that was actually very helpful to me to figure out how many parcels are we actually dealing with here.

Smith asked how many lots is this? Walker said about 40. Smith inquired as to how many houses were built in the last year? Walker said approximately three, but we do get a lot of inquiries from people who want to split their lot and sell half of it. I think it is still something that we want to address but just getting a visual at my perspective changed a little on how we want to do that, or if we want to go through with actually doing an overlay. Walker said we want to do something that is going to be beneficial and a tool that is going to be used rather than something that is going to make things more cumbersome both for staff and residents.

Bradow asked so if we don't do the overlay and just do it with language and then would the parties just come to staff to see if it could be split and would that require a variance? Walker said what we would hope to accomplish with that is that they wouldn't have to go through the variance process but it would be specific where they would have to do the inquiry and I haven't had time to explore that.

Peterson suggested doing language that specifies just these areas. Walker said right, or just specific parcels that meet x, y and z. Just as we do with a home occupation ordinance for you to even be considered for a home occupation you need to meet the five criteria so if they meet the qualifiers, then we would allow the split and I think that can be accomplished but I just haven't really looked into it.

Peterson said with the overlay enacted, then all the nonconforming lots would become conforming if we made it as is and put in language into the zoning the ability to split it then the lots remain nonconforming? Walker said not necessarily, but you eliminate the qualifying factors when you just do an overlay because it applies to every single parcel rather than if you have the qualifiers then you can eliminate certain parcels, you know, if you don't have an alley, it can't be split, I think we can accomplish it through that.

Smith said but you also identified some areas that even without an alley you still could split them so I don't know that that should be one of the qualifiers. Walker said right, that is part of the discussion that we need to have is how do we want to do that. Walker said that is just a suggestion.

Vorhes said then you run into when we talked about having new areas that will allow 50 ft. lots for new development and are you going to require that whoever is developing that area to put alleys in then? Walker advised that would require a complete change to the subdivision ordinance as well and that's why we just can't storm into this because there are a lot of things that are affected by it. That's why this process takes a while because we really need to think things through.

There was discussion concerning new developments with 50 ft. lots and how the overlay would affect those areas. Walker said there are different tools you have to consider for a subdivision and that is a much more complex question and maybe we're not ready to address that right now.

There was discussion on the strict criteria for the variance process and having the option to allow a split in an overlay district and the cost of changing the ordinance verses the amount of lots that would actually be split.

Walker stated after creating the map it switched the way he thought about things which is good. Walker suggested he continue to look at options and work our way through this which may be cumbersome but part of getting to a solution is eliminating the least likely solution.

Peterson said his take on it is from the discussion it appears that making the right language to allow those property owners to divide seems to have some merit to it rather than an overlay.

Bradow asked if Walker had ideas for the criteria that he would look at for language? Walker said part of it is going to be to look into these parcels and consider what about these parcels would make them a good candidate and that's something I will go through and look block by block and try to answer some of those questions on my own and then use that as part of the process, such as how many have alleys and count them and see how many that eliminates. Smith said then you are really coming down as far as cost per parcel for doing the ordinance change.

**7. ADJOURNMENT: A motion was made by Vorhes, seconded by Bradow, and unanimously carried to adjourn the meeting at 7:05 p.m.**

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Vice Chair Nels Peterson

ATTEST:

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Carmen L. Lockhart  
Planning Secretary