



CITY OF HOWARD LAKE

PARKS AND PLANNING COMMISSION

*The City of Howard Lake strives to build upon its good neighbor traditions –
A welcoming community for all, supported by vibrant and engaged businesses and community organizations, involved
citizens, and diverse amenities that provide a well-rounded quality of life.*

Howard Lake City Hall
TENTATIVE AGENDA
April 13, 2022 – 6:00 pm

A. CALL TO ORDER

B. APPROVAL OF AGENDA

Any additions, deletions, modifications to the agenda will be done at this time.

C. CONSIDER APPROVAL OF MINUTES

- a. March 8, 2022 PPC Meeting Minutes

D. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

- a. Public Hearing: Short Term Rental Ordinance
- b. Public Hearing: Variance and Conditional Use Permit for Howard Lake Library

E. NEW BUSINESS

- a. Consider Recommendation for Council Approval of CUP and Variance for Library.
- b. Discuss Terning Trails Playground
- c. Discuss Comp Plan Update

F. OLD BUSINESS

G. ADJOURN



CITY OF HOWARD LAKE

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HOWARD LAKE PARKS AND PLANNING COMMISSION

Howard Lake City Hall
March 9, 2022 – 6:00 pm

MEETING MINUTES

MEMBERS PRESENT

April Debner
Jason Deiter
Gene Gilbert
Molly Hibbard
Barb Guenigsman
Vern Kleve

MEMEBERS ABSENT

Jean Schmidt

OTHERS PRESENT

Nick Haggemiller, City Administrator
Meagan Theisen, Assistant City Administrator
Nate Sparks, City Planner

A. CALL TO ORDER

Chair Debner called the meeting to order at 6:02 pm.

B. APPROVAL OF AGENDA

The agenda was approved as presented.

C. APPROVAL OF MEETING MINUTES

Commissioner Gilbert moved to approve the February 9, 2022 PPC Meeting minutes. The motion was seconded by Commissioner Guenigsman and passed unanimously.

D. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

a. **Consider Resolution Approving EDA Redevelopment Project Area**

Haggemiller reviewed the staff report.

Commissioner Kleve moved to approve PPC Resolution 22-01. The motion was seconded by Commissioner Hibbard and passed unanimously.

b. **Consider Approval of Site Plan for new Library/Community Room Project.**

Sparks reviewed the staff report of the Commission.

Commissioner Hibbard moved to approve the site and building plan as presented. The motion was seconded by Commissioner Kleve and passed unanimously.

c. Consider Approval for Arbor Day 2022 Activities

Theisen presented the staff report, highlighting tree planting area as along 1st Street toward Terning Trails for 2022 Arbor Day.

Commissioner Kleve moved to approve plans for Arbor Day 2022. The motion was seconded by Commissioner Hibbard and passed unanimously.

d. Discuss Short Term Rental Regulations and Set Public Hearing for April 13, 2022

The commission discussed route of regulation for short term rentals. It was determined to set a Public Hearing for the next meeting on April 13th.

e. Discuss Continued Comprehensive Plan Review/Update

The survey will be going live this week on the website. Staff requested for the Commission to take the quiz and share with the community.

E. OLD BUSINESS

F. ADJOURN

The Parks and Planning Commission meeting adjourned at 7:42 p.m.

Chair, April Debner

Secretary, Meagan Theisen



HOWARD LAKE PARKS & PLANNING MEETING

April 13, 2022

AGENDA ITEM: Public Hearing: Short Term Rentals

SECTION: Public Hearing

FROM: Nick Haggemiller, City Administrator
Meagan Theisen, Assistant City Administrator

BACKGROUND: Currently, we are only aware of one short term rental location within the City of Howard Lake. The owner of this Airbnb could not attend this public hearing, which is one of the reasons we are requesting tabling the Public Hearing to next month.

Just recently another location on the lake started marketing their townhomes as short term rental options, we do not know if they have been used in this manner as of yet.

By tabling the public hearing, it will give us the opportunity to hear from residents and current short term rental operators.

PLANNING COMMISSION ACTION REQUESTED: Table the Public Hearing to the May 11th Parks and Planning Commission Meeting

ATTACHMENTS:

1. Staff Report from Nate Sparks
2. Draft Short Term Rental Ordinance



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

PLANNING MEMO

TO: Howard Lake Parks & Planning Commission
Nicholas Haggenmiller, City Administrator

FROM: Nate Sparks, City Planner

DATE: April 8, 2022

RE: Public Hearing - Short Term Rentals

BACKGROUND

Short term or vacation rentals have become a common alternative to traditional hotels, bed and breakfasts, and resorts. Short term rentals are also used by people in an area for a temporary basis. Renting out cabins, houses, and rooms have become popular in tourist destination type areas. Instead of getting a hotel room, people may instead rent a house or a room in a residential area for a weekend, for example.

Typical concerns with this type of activity include impacts on the adjacent residential neighborhoods. The introduction of short term guests into a residential area introduces the potential for noise and incompatible activities. It may also raise concerns about public health and safety. Hotels and formal lodging facilities have stringent requirements that a general residence may not. Furthermore, most people have expectations for the City to prohibit commercial activity in areas where it is not anticipated, such as single family neighborhoods.

Current City Regulations

Short term or vacation rentals are not currently mentioned in the City Code. This would likely imply that this use is not permitted unless considered to be a general residential use. It would also be considered a type of "rental" which would trigger the standards found in Section 17.06 for minimum housing standards.

State & County Lodging Regulations

The State of Minnesota has statutes related to the regulation of lodging facilities. There are licensure requirements for such activity that a property owner must meet. The state has the following classifications (with definitions) of lodging facilities that require licenses:

- **Lodging establishment**
A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.

- **Hotel or Motel**
A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.
- **Resort**
A building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.
- **Boarding establishment**
A food and beverage service establishment where food or beverages, or both are furnished to five or more accommodations, for periods of one week or more.
- **Bed & Breakfast**
Owner occupied establishments which offer lodging and breakfast, without a limitation on the number of rooms offered. If breakfast is offered to more than 10 persons, a commercial kitchen is required.

Any person offering to the public to rent a room or a house for a period of time less than one week would technically be in violation of the requirement of the State to license as a hotel. If the room is offered for rent for a week or more, it would no longer be classified as a hotel and not require a license. However, with the large number of short term rentals, the State agencies note that enforcement is difficult. The State doesn't actively enforce these standards for short term rentals.

Area Municipal & County Regulations

Many area communities have discussed the topic of short term/vacation rentals. Some communities (Burnsville, Savage, Annandale) have prohibited this practice. Others have permitted the activity with restrictions. The restrictions sometimes require an interim or conditional use permit and/or a license with requirements for minimum standards that may include parking, occupancy limits, screening, minimum/maximum square feet of units, noise standards, and other such requirements. In most communities with regulations, a rental for a term less than 30 days is considered to be a "short term" rental and a type of lodging. There are cities that have 15 day terms and 90 day terms. There are other cities that simply permit the use in single family neighborhoods. Others prohibit the use within single family neighborhoods.

Planning Commission Discussion

Short term/vacation rentals bring in transient residents that are coming to an area to partake in a commercial service being offered by a residential property owner. If the Planning Commission wishes to prohibit or regulate this use, an ordinance amendment would be necessary.

Potential Actions

The Planning Commission should discuss the topic of short term rentals. The following direction may be provided:

- No code changes. Do not expressly prohibit this use and do not regulate this use.
- Amend the ordinance to prohibit short term rentals.
- Amend the ordinance to require registration or licensing of short term rentals with specific standards.
- Consider addressing these issues through regulations for all rental housing.

Ordinance No. ____

CITY OF HOWARD LAKE
COUNTY OF WRIGHT
STATE OF MINNESOTA

AN ORDINANCE AMENDING THE HOWARD LAKE CITY CODE REGARDING
SHORT TERM RENTALS WITHIN RESIDENTIAL ZONING DISTRICTS

THE CITY COUNCIL OF HOWARD LAKE ORDAINS:

Section 1. Code Amended. Chapter 17.06, Sections 23 through 25 of the Howard Lake City Code is hereby amended to read as follows:

Section 23. Short Term Rental Prohibition. The City of Howard Lake finds that the transient, commercial nature of short term rentals is incompatible with the purpose of the R-1, R-1A, R-2, R-3, R-5, R-6, and R-7 Zoning Districts. Therefore, the rental of a dwelling unit or a portion of a dwelling unit for a period of time less than 30 days or the offering thereof is hereby prohibited within said Districts.

Section 24. Execution of Compliance Orders by Public Authority. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council after due notice to the owner may by resolution cause the cited deficiency to be remedied as set forth in the Compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes Chapter 429, and specifically for the removal or elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize all of the provisions of Section 429.101 to promote the public's health, safety and general welfare.

Section 25. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance

Section 2. Effective Date. This ordinance is in effect upon passage and publication.

Approved by the City Council of Howard Lake this ____ day of ____, 2022.

Peter Zimmerman, Mayor

ATTEST:

Nicholas Haggenmiller, City Administrator-Clerk



HOWARD LAKE PARKS & PLANNING MEETING

April 13, 2022

AGENDA ITEM: Consider Recommendation of Approval for CUP and Variance for Library.

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator
Meagan Theisen, Assistant City Administrator

BACKGROUND: Last month, the PPC approved the site plan for the proposed library facility. The approval was contingent upon deeming a conditional use permit and variance as appropriate to accommodate the construction as presented.

The CUP was deemed appropriate related to the parking lot being placed on a different parcel than the library itself. It is the intention of the City to eventually consolidate the parcels and it was the intention during park programming to share the parking lot.

Next, a variance is required to reduce front and side setbacks from 30 feet to 10 feet. Ten feet was deemed appropriate as it better matches the density and setbacks of downtown without compromising traffic safety, snow removal etc.

PLANNING COMMISSION ACTION REQUESTED: Recommend council approval of CUP and Variance.

ATTACHMENTS:

1. Sparks Memo



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

To: Howard Lake City Council
Nicholas Haggenmiller, City Administrator

From: Nate Sparks, City Planner

Date: April 13, 2022

Re: Library Site Plan Review

BACKGROUND

The City of Howard Lake is proposing to construct a library on unaddressed property located on 9th Street and 8th Avenue adjacent to a City Park. The development requires a site and building plan review with two conditional use permits and a variance.

ZONING/COMPREHENSIVE PLAN

The site is Zoned R-1, Traditional Single Family Residential. It is guided for an institutional/public park use in the Comprehensive Plan.

SUBJECT PROPERTY

The subject property is Lots 1 and 2 of Block 33 in Greens Addition.

SITE & BUILDING PLAN REVIEW

Existing Site

The site is a vacant lot adjacent to the City's Central Park. It is located on the northwest corner of 8th Avenue and 9th Street.

Zoning District Standards

The public library use requires a conditional use permit within the R-1 District.

The required setbacks are 30 feet to all property lines. The structure is proposed with 10 foot setbacks to both adjacent rights-of-way. This is intended to mimic the setbacks of other structures in the area. It is also intended to keep as much consolidated open space in the park to the west of the building as possible.

Building Standards

The proposed structure is primarily made of brick, stone, and metal siding. These materials are acceptable for institutional uses in the R-1 District.

Landscaping

The proposed landscaping exceeds City requirements.

Lighting

Lighting will need to be maintained in a manner consistent with the City's requirements.

Parking & Access

No parking is provided on the library property, due to its proximity to the park. The two uses are intended to share a parking area, which can be permitted with a conditional use permit. There is a parking lot at the park next to this site. Such a CUP requires that the parking be located within 500 feet of the building. The parking lot is under 200 feet from the building. Therefore, it would qualify for a conditional use permit. Libraries of this size would require about 26 parking spaces. There is ample space in the parking lot at the park, which has 42 stalls.

CONDITIONAL USE PERMIT REVIEW

As stated the project will require a CUP to be within the R-1 District and the parking required a CUP, as well. Therefore, this will need to be reviewed against the CUP review criteria.

CUP Review Criteria

Conditional Use Permits are granted for specific uses in a specific zoning district if the applicant can clearly demonstrate that they are meeting the specific conditions and criteria described in the Zoning Ordinance. All conditional uses must meet the following criteria:

1. The proposal must be in compliance with the Comprehensive Plan.
2. The proposal must be compatible with future and current land uses.
3. The proposal conforms with all performance standards in the City Code.
4. The proposal will not overburden the utility capacity.
5. The proposal will not generate traffic above and beyond what the streets can handle.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing and found that the site plan was generally consistent with City Code requirements and that the variance and conditional use permits were consistent with the relevant review criteria.

Attachments:

Resolution & Plans

**CITY OF HOWARD LAKE
RESOLUTION 22-XX**

**RESOLUTION APPROVING A SITE PLAN WITH CONDITIONAL USE PERMIT AND
VARIANCE FOR THE HOWARD LAKE LIBRARY**

WHEREAS, there has been submitted to the City Council of the City of Howard Lake (the “City”) requests for site plan approval with conditional use permits and a variance to construct a public library on property located on the northwest corner of 8th Avenue and 9th Street; and

WHEREAS, the legal description of the subject site (the “Property”) is Lots 1 and 2, Block 33 of Greens Addition, Wright County, Minnesota; and

WHEREAS, the Property is zoned R-1, Traditional Single Family Residential; and

WHEREAS, the Property is guided for an Institutional Use in the Comprehensive Plan; and

WHEREAS, the use of the property as a library requires a conditional use permit within the R-1 District; and

WHEREAS, the R-1 District requires that, for this type of use, structures must meet a 30 foot setback to all property lines; and

WHEREAS, the proposed construction on the site would have a setback of 10 feet to the right-of-way for both 8th Avenue and 9th Street; and

WHEREAS, the library is intended to share parking with the public park to the west of the site which requires approval of a conditional use permit for joint parking; and

WHEREAS, the Planning Commission held a public hearing on April 13, 2022 and recommended approval of the conditional use permits and variance; and

WHEREAS, the City Council met on April 19, 2022 to review this request and by this Resolution desires to set forth its findings and ruling; and

WHEREAS, the City Council finds that the proposed conditional use to allow the library within the R-1 District is consistent with the Comprehensive Plan, will not overburden the City’s utility or transportation service capacity, and will not negatively impact neighboring properties; and

WHEREAS, the City Council finds that the proposed conditional use to allow for joint parking between the library and public park is consistent with the spirit and intent of the City’s parking ordinance and will not create a negative impact on neighboring properties; and

WHEREAS, the City Council finds that there are practical difficulties present in meeting the strict requirements of the code due to the proximity of the structure to the public park and that the variance to allow for construction of the library with 10 foot setbacks to the rights-of-way is a reasonable use and not out of character in the vicinity; and

WHEREAS, subject to the above findings and ruling below, the City Council finds that the site and building plan for the construction of the library is generally acceptable and consistent with City Code requirements; and

NOW THEREFORE, BE IT RESOLVED that the City Council approves the site plan with conditional use permits and a variance for the construction of a library in the R-1 Distric with joint parking and a 10 foot setback to the rights-of-way with the following conditions:

1. Exterior lighting must conform to all City Standards.
2. All comments from the Planning Commission, City Council, and City Staff shall be addressed.

PASSED AND ADOPTED this 19th day of April, 2022.

Pete Zimmerman, Mayor

ATTEST:

Nicholas Haggemiller, City Administrator-Clerk

Exhibit A: Building Elevations
Exhibit B: Site Plan



HOWARD LAKE PARKS & PLANNING MEETING

April 13, 2022

AGENDA ITEM: Discuss Terning Trails Playground Location

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator
Meagan Theisen, Assistant City Administrator

BACKGROUND: The City has entered into a development agreement to build out the remaining 38 parcels in Terning Trails. The development agreement requires the builder to purchase and install a playground structure for the neighborhood.

The agreed upon location uses an outlot that is not otherwise developable for homes. However, the majority of the outlot is a certified DNR wetland. Only a very small portion of the parcel is legally able to be improved upon. With snow melt completed and the initial homes under construction, staff believes this parcel may not suffice due to its small size.

We have confirmed the playground equipment IS able to be placed without impacting wetlands or standard setbacks. There is not a minimum size per city code required for park classification. However, the Parks and Planning Commission has previously discussed and established minimum standards for all neighborhood parks. These standards include:

- Age appropriate equipment (toddler – adolescent)
- Defined boarder or perimeter
- At least one park bench
- At least one garbage can
- At least one picnic table
- Portable toilet

In order to fit the support equipment, a larger area is needed. We have contacted the owner of a parcel at the entrance to Terning Trails. The parcel has been privately held since the original developer went into default and was NOT part of the balance of properties the City assumed ownership of in 2017. While this would come at a cost to the city, this location would assist with adjacent developments such as the proposed child care center which will also need some sort of playground structure to meet licensing codes.





PLANNING COMMISSION ACTION REQUESTED: Provide staff with feedback on proposed location and site amenities for the Terning Trails Playground.

ATTACHMENTS:

1. Site Survey for playground equipment

CONTAINER DETAILS		
TOTAL AREA	1820 SQ. FT	
TOTAL PERIMETER	184 LN. FT	
EDGING TYPE	PLASTIC TIMBERS	

LOT

B

