

**PLANNING COMMISSION**  
**February 11, 2019**

**The City of Jackson Planning and Zoning Commission met in regular session in the Council Chambers of the Jackson City Hall at 5:15 p.m. on Monday, February 11, 2019 with the following Commission members present: Tim Beck, Dave Lappe, Robert Dorschner, Nathan Peterson and City Zoning Administrator/Recording Secretary Dave Maschoff. Also attending were City Administrator Matt Skaret, City Attorney Brad Anderson, Rhonda Moore and Derek Ringhand, Constituent Outreach person from the Office of Congressman Jim Hagedorn. (Planning Commission members Chairman Randy Ringquist, Dennis Hample and Donnie Schoenrock were absent.) (A quorum of the Planning Commission was present.)**

**CALL THE MEETING TO ORDER**

In the absence of Planning and Zoning Commission Chairman Randy Ringquist, City Zoning Administrator/Recording Secretary Dave Maschoff called the meeting to order. He noted a quorum of the Planning Commission members were present.

Maschoff welcomed those attending the meeting.

Maschoff introduced Derek Ringhand, a Constituent Outreach staff member from the Office of Congressman Jim Hagedorn. He explained Ringhand was stopping in to meet the Planning Commission members.

**DEREK RINGHAND FROM CONGRESSMAN JIM HAGEDORN'S OFFICE**

Ringhand thanked Maschoff for the introduction.

Ringhand said he was one of the Constituent Outreach Representatives for Congressman Jim Hagedorn. He said he wanted to attend the Planning Commission meeting and introduce himself.

Maschoff said he had an opportunity to meet Ringhand prior to the Planning Commission meeting. He said Ringhand was based in Mankato and again thanked Ringhand for attending.

Ringhand invited the Planning Commission members and those attending to not hesitate to reach out to him for anything personal and any City matters that have anything to do with the Federal government. He said he would be more than happy to help.

**PUBLIC HEARING TO CONSIDER THE CONDITIONAL/INTERIM USE PERMIT APPLICATION OF RHONDA AND JAY MOORE TO ALLOW FOR THE OPERATION OF AN AIRBnB IN A RESIDENTIAL ZONE (R-2) LOCATED AT 509 DEWEY STREET IN JACKSON**

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Maschoff called for a motion to open the public hearing on the Moore's Conditional/Interim Use Application.

**LAPPE/BECK moved and it was unanimously carried to open the public hearing.**

Maschoff thanked Rhonda Moore for attending the Planning Commission meeting and asked her to explain their plans for an AirBnB.

Moore explained she and her husband Jay have purchased the house next door to them. She said they live at the corner of Sherman and Dewey Streets and the house they purchased next door used to be part of the original property. Moore said the house they purchased at 509 Dewey Street has been commonly referred to in Jackson as "Aunt Mary's House".

Moore explained they purchased the house so they would have overflow space for their children. She said as most know they have seven children who are now grown and the family is growing with spouses and grandchildren. Moore said it's been a nice place to have for overflow.

More than anything right now, Moore said she would just like to rent it out on occasion just to help pay the normal bills on it such as the gas and electric. She said they plan to keep it as a quiet place. Moore said if they thought it was anything that was going to harm their neighborhood or the community, they certainly wouldn't do it.

Maschoff thanked Moore for her explanation.

Maschoff informed the Planning Commission members that 15 notices of the public hearing regarding the Moore's Conditional/Interim Use Application were sent to adjacent property owners in that neighborhood. He said notices were also posted at the Jackson City Hall and Library and published in the Jackson County Pilot. Maschoff reported no phone calls or written comments were received regarding Moore's application.

Maschoff said according to the City's Land Use Chart, AirBnB's or Bed and Breakfasts require a Conditional/Interim Use Permit which is an allowed use in an R-2 residential zone.

Dorschner asked Moore if they have plenty of parking available.

Moore explained it would be street parking, but guests of the AirBnB could also use their driveway if need be.

**LAPPE/BECK moved and it was unanimously carried to recommend to the City Council to approve a Conditional/Interim Use Permit to Rhonda and Jay Moore to operate an Airbnb at 509 Dewey Street in Jackson.**

Moore thanked the Planning Commission for their recommendation.

Maschoff explained to Moore that the Planning Commission's recommendation would be considered by the City Council at the Council's February 19<sup>th</sup> regular meeting. He said Moore was welcome to attend the Council meeting if she would like.

### **DISCUSSION REGARDING AMENDING THE CITY'S NOISE ORDINANCE TO ALLOW MUSIC/ENTERTAINMENT AFTER 10 P.M. WITH PRIOR CITY COUNCIL APPROVAL**

Maschoff reminded the Planning Commission this issue was discussed last year stemming from a request from Pillar's to host acoustical musical entertainment in their patio that would go on beyond 10 p.m.

Maschoff said the discussion is to bring the ordinance up to date to allow for events or special entertainment.

Maschoff thanked City Attorney Brad Anderson for attending the meeting. He pointed out the Planning Commission had copies of the Ordinance amending Chapter 94.01 pertaining to the holding of special events, private or public, that may conflict with the public nuisance codes of the ordinances of the City of Jackson. He said City Attorney Anderson was present to answer any questions.

Maschoff said if the Planning Commission approves of the proposed amended ordinance, it can be brought forward to a future Planning Commission meeting for a public hearing.

Skaret asked City Attorney Anderson to give an outline of the proposed ordinance amending Chapter 94.01.

Attorney Anderson explained what is being proposed is adding section "B" which was to be added to Chapter 94.01. He said Pillar's was a great example of what we're dealing with here. He said it was mainly a noise issue but there was other issues that would go along with it.

Anderson said one of the difficulties the City had was there were multiple ordinances that are on the books right now that could potentially be in conflict with the City making some kind of a special permit. So instead of going back and amending all the various ordinances, Attorney Anderson said it was thought that it maybe would be easier to add this exception to the primary, the beginning ordinance, and that then would, by a special permit that the City Council would have to issue, grant somebody whether it's a private or public event, a special waiver for events that may have too much noise or too many people or would overflow onto the public areas like streets, sidewalks, things like that.

Attorney Anderson explained what is trying to be accomplished is correcting several different problems with one simple amendment to the ordinance. He said a person would have to present an application which would go to the City Council for review.

Attorney Anderson said the permit could be granted for special or public events. He said it would have to be limited or specific as to time, place and duration. Attorney Anderson said it could also include any other reasonable limitations that protect the rights of others.

For example, Attorney Anderson said Pillars could submit an application in the spring saying they are going to have four events this summer on these certain dates and would like to get a waiver so they could have outdoor music. He said you should be able in one permit to consider the request and allow it if it's approved. He said that's all we're really doing to amend Ordinance 94.01.

Dorschner asked if it should be added in the permit whether there will be alcohol served.

Attorney Anderson said that could be one of the conditions that could be imposed on the permit. He said for example, such as Pillar's, it could be stated if alcohol is being consumed on their premises that it has to be restricted to their premises and can't spill over onto the street or sidewalk. Attorney Anderson said that's when you would probably add other reasonable limitations to the permit. He noted there could be a lot of things just like that and that's why the thought was to keep the amendment just a little bit generic so the City Council could consider the special requests and modify it accordingly.

Maschoff noted the ordinance would not affect such things as graduation parties.

Attorney Anderson said if somebody did want to have an event in their backyard and wanted to have a band playing, then he would probably suggest requiring a permit. He said that's why the ordinance states private or public because if the band got too loud in the backyard it might disturb the neighbors. Attorney Anderson said in that case you might grant a special permit but require that the band be done by 10 or 11 p.m. or some reasonable restriction.

Peterson asked if there was anything in the ordinance that says how many days prior to an event that someone has to apply for a permit.

Attorney Anderson said yes. He said City Hall is going to have to establish what kind of permit form that they can fill out and explain what they're doing and why they're doing it.

Dorschner asked if the City Council would have to vote on the permit.

Attorney Anderson said the City Council would have to approve the permit.

Peterson said he didn't see anything in the proposed amended ordinance that showed a date of when a person could apply for a permit so the public is aware of the event that's being planned.

Skaret said the person seeking the permit would have to apply early enough to get it on the Council agenda.

Attorney Anderson said the applicant would need to get the permit application into City Hall in a timely fashion to make sure they have it in place before they need it.

Beck asked if an event such as Rhythm of the River would need to seek such a permit.

Attorney Anderson said Rhythm of the River falls under a different category and is covered by those provisions.

Maschoff said Rhythm of the River falls under a "Community Festival".

Skaret said a person with an event would probably need to apply a bare minimum of at least ten days before the event in order to make it work for City Council consideration and getting it approved.

Maschoff said such a permit would probably also apply if a private business establishment was going to have a street dance or summer event.

Peterson asked if the neighbors had a problem with an upcoming event permit, would they have to hope to catch it on the City Council agenda. He said that was his only issue that the neighbors know about what's being planned for a private event.

Maschoff said he didn't know about notification. He said that was a good question.

Attorney Anderson asked how far a distance the notification would be required. He asked if the notification to the neighbors would be within the block or so many feet. Attorney Anderson said that's a good point. He noted the person seeking the permit is going to have to go before a public body in an open public meeting to get their waiver.

Peterson asked what if the neighbors are not aware of the item on the City Council's agenda.

Attorney Anderson said that could certainly happen. He said it was a good question regarding how far out you would publish the event and how far out you would have to go to notify neighboring properties.

Peterson thought maybe there could be a 30 day notification.

Dorschner asked if there would be a permit fee.

Attorney Anderson said it could be added to the City's fee schedule.

Skaret said it could be added as part of the fee schedule.

Maschoff noted in the past, the permit fee for dances, such as a street dance, was ten dollars.

Skaret suggested the fee could be at least \$25.

Maschoff said on a private neighborhood event, maybe the application could require having the signatures of your next door neighbors.

Skaret said the application process for a private event could be similar to a conditional use permit or variance application where notices are sent out to adjacent property owners.

Attorney Anderson suggested maybe publishing a notice in the newspaper.

Attorney Anderson noted that the suggestions made can certainly be looked at.

Lappe pointed out any event would generally be a one night event. He said as long as the person obtains a permit.

Beck asked if the proposed ordinance was just a review for the February 11<sup>th</sup> meeting.

Skaret said the idea was to receive input from the Planning Commission members and try to get something in place for this spring or summer. He said a public hearing could then be held in March and the ordinance put in the books by April.

Lappe said the only thing that would need to be decided would be the permit fee price and how many days ahead of time an application would need to be made so neighboring properties could be notified.

Peterson asked about notifying neighboring property owners for a private event.

Maschoff said notices could be sent to adjacent property owners similar to what's done with conditional use and variance permits.

Skaret said the permit fee would have to be raised if 15 or 20 notices were going to be mailed out. He suggested maybe a \$50 dollar fee.

Peterson said he also was thinking the fee could be \$50.

Lappe said determining the fee and how many days you want the permit application ahead of the event are the items to be added. He said the rest of the proposed ordinance looks good.

Maschoff said the fee would probably want to be done separately otherwise you would have to amend the ordinance all the time if the fee changed.

Attorney Anderson said it should probably be part of the fee schedule that the City Council approves each year and that way the ordinance wouldn't have to be amended each time.

## **ADJOURNMENT**

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**With no further business, BECK/LAPPE moved and it was unanimously carried to adjourn the Planning and Zoning Commission meeting at 5:32 p.m.**

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**David A. Maschoff, Zoning Administrator**



