

BRAINERD PLANNING COMMISSION

Wednesday, February 13, 2013

6:00 p.m.

City Hall Council Chambers

1. Call to Order
2. Approval/Amendment of Agenda
3. Approval of minutes of the regular meeting of January 9, 2013
5. NEW BUSINESS
 - a. Public Hearing – Variance 1201 Brook Street – Harvey Doucette
 - b. Public Hearing – Conditional Use Permit South 9th Street between Pine Street and Quince Street – ISD #181
 - c. 2012 Year End Review
6. OLD BUSINESS
 - a. Report on 1st City Council Strategic Planning Meeting
7. Commissioners' Questions/Comments
8. City Planner's Comments
9. Adjournment

Any individual needing special accommodations please call 218/828-2309

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: February 6, 2013

RE: Aerial Photography and Mapping

You will note that the aerial photographs in this month's packet look a little different. The photos are from the County Land Information System. We no longer have the capability to provide aerial photographs from our City GIS system. Along with losing the aerial photographs we lost the ability to create the best parcel map of the city. It will be costly to provide aerial mapping so if it's to be replaced it will most likely need to be considered as part of the 2014 budget.

Aerial photography and a good parcel map are very important tools for the Planning Department (and all departments). The GIS Technician is looking into how we can again have the tools in a cost effective manner. Until then we will be accessing the County system for aerial images and parcel mapping.

PLANNING COMMISSION

Wednesday, January 9, 2013

Chairman Mike Jay called the meeting of the Brainerd Planning Commission to order at 6:01 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Cumberland, Plantenberg, Jay, Lambert, and Cole. Noted absent was Commissioner Erickson. Also present was City Planner Ostgarden.

#2 Election of Chair and Vice Chair

City Planner Ostgarden requested nominations for the position of Chair. Commissioner Plantenberg nominated Commissioner Jay for position of Chair.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND COLE, DULY CARRIED, TO ELECT COMMISSION JAY AS CHAIRMAN OF THE BRAINERD PLANNING COMMISSION.

Commissioner Jay requested nominations for the position of Vice Chair. The Commission agreed to hold over the election of vice chair until the next meeting as not all Commissioners were present.

Commissioner Plantenberg left the meeting at 6:03 p.m.

#3 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS CUMBERLAND AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#4 Approve minutes of the regular meeting of December 12, 2012

MOTION AND SECONDED BY COMMISSIONERS CUMBERLAND AND COLE, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF DECEMBER 12, 2012.

#5 NEW BUSINESS

a. Northtown West Site Plan Revisions

City Planner Ostgarden stated Northtown West is an approved seventy-five (75) units Common Interest Community that includes a mix of three (3) and four (4) unit two story buildings. To date eighteen (18) units have been constructed. The new owners are proposing a plan revision that will:

- Reduce the total number of units to sixty-two (62)
- Include an option to construct one (1) story units in addition to the two (2) story units

City Planner Ostgarden stated a new plan has been submitted showing the following changes:

- Outlot J – One (1) four (4) unit building. This building cannot be constructed as this lot has been deeded to the City and a retention pond has been built on the parcel. This will reduce the new total to fifty-eight (58) units.
- Lot One Block One – Two (2) three (3) unit buildings.

City Planner Ostgarden noted there was previous discussion that Outlot 1 would be used for commercial purposes. He also noted with the reduction of units there will be utility infrastructure that will not be used and utilities will need to be stubbed in for two of the units Outlot 1.

City Planner Ostgarden stated the Zoning Ordinance requires a review and approval process when a revision is made to a Planned Unit Development (PUD). He stated he is asking the Commission whether or not the formal procedure is necessary as the number of units are being reduced and the buildings will be reduced to one story.

Discussion was held and the Commission agreed the formal process was not necessary.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND COLE, DULY CARRIED, TO RECOMMEND TO THE CITY COUNCIL TO WAIVE THE FORMAL CONDITIONAL USE PERMIT REVIEW PROCESS AS THE NUMBER OF UNITS ARE BEING REDUCED AND THE BUILDINGS WILL BE REDUCED TO ONE STORY MAKING IT LESS INTRUSIVE.

b. Mobile Food Units – Draft Ordinance Review

City Planner Ostgarden gave a review of how this issue has come before the Commission. He stated he would like to receive direction from the City Council on where it stood on this position before talking about specific Zoning and City Code language changes. He stated the Commission will need to look at this issue from the “big picture” perspective and discuss and reach a conclusion about whether or not this category of mobile units is an activity that provides a value to the community. He stated the decision should not be based upon how often the unit operates, advertises, functions, etc, as this is for discussion in the future.

City Planner Ostgarden noted the Commission will only have discussion on mobile units on private property. Mobile units on public property or street rights-of-way is a City Council issue.

Commissioner Jay stated he will allow brief comments from the public only on whether or not they think mobile units should be allowed in the City.

The following people spoke on this issue:

- Gary Scheeler, 923 Lakeview Lane – requested this item be discussed at the Safety and Public Works Committee prior to the whole City Council
- Tom Hofius, 722 N 6th Street – mobile units should not be allowed
- Bobbie Lewis, 1210 South 6th Street – mobile units should not be allowed
- Al Gmeinder, 601 Washington Street – mobile units should not be allowed
- Nick Miller, 1672 Fairview Drive – mobile units should be allowed
- Matt Annand, 24079 Co Rd 19, Merrifield – mobile units should be allowed

- Travis Jackson, 1519 Emma Street – mobile units should not be allowed
- Bob Turner, 11427 Easy Street – mobile units should not be allowed

Commissioner Cole stated the Commission needs to see if there is an actual need for this type of business and if there is not a need it should not be approved.

Commissioner Lambert stated if this type of business is on private property for those business owners only may be a possibility, but it should not be open to the public.

Commissioner Cumberland stated there are other types of sales on business properties in town and the market should decide if this type of business will succeed or not. She stated if other types of mobile units want to set up in the city it would be better to have language in place.

Commissioner Jay stated he does envision this as a good thing for Brainerd at this time.

MOTION AND SECONDED BY COMMISSIONERS COLE AND LAMBERT TO RECOMMEND DENIAL OF MOBILE UNITS IN CITY OF BRAINERD ON PRIVATE PROPERTY AS IT IS NOT RIGHT FOR THE CITY AT THIS TIME. COMMISSIONER CUMBERLAND ABSTAINED.

c. Mississippi Riverfront

City Planner Ostgarden stated he has brought this before the Commission to make them aware of what has been happening with community development issues. He stated for years there has been a Riverfront Community that has been meeting. The Mississippi River is one of the most important asset of our community and we have ignored it and underutilized it for far too long. The Riverfront Community has tried to figure out a way to establish a plan for design concepts for the riverfront starting from Washington Street to Little Buffalo Creek and eventually expanding in the future.

City Planner Ostgarden stated there has always been hesitation of doing anything with the riverfront because of the high banks and flooding, but it can be designed to deal with these concerns as other communities have done. He stated his goal is to work with the Committee to put together a draft proposal and present it to the City Council in the near future. There will be an investment, planning, and funding.

Discussion was held regarding this project and community development around the entire City.

d. Year End Review

City Planner Ostgarden requested this be held over to the next meeting to allow for additional information to be provided.

#6 OLD BUSINESS

NONE

#7 Commissioners' Questions/Comments

Commissioner Cumberland stated this will be her last meeting on the Commission as Council Liaison as she has been appointed as President of the Council. She stated she will be appointing a liaison to the Commission prior to the February meeting.

Commissioner Jay thanked Commissioner Cumberland for all of the work she has done for the Commission.

#8 City Planner's Comments

City Planner Ostgarden stated he found the following articles included in the packet very interesting:

- Public Works "Survey results show what people want from local government"
- "Seven Keys to Stronger Community"

#9 Adjournment

As there was no further business the meeting adjourned at 7:09 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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STAFF REPORT TO THE PLANNING COMMISSION

February 6, 2013

APPLICANT/LOCATION: Harvey Doucette; 1201 Brook Street

REQUEST: Variance for a Third (3rd) Accessory Building on a Single Family Lot

PARCEL SIZE: One hundred twenty-two and one half (122.50) feet wide by three hundred forty (340) feet deep

CURRENT ZONING: R-1 (Single Family Residential)

ADJACENT USES: North: Wetland/Vacant
East: Single Family Residential
South: Single family Residential
West: Single Family Residential

ADJACENT ZONING: North: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
South: R-MH (Manufactured Housing)
West: R-1 (Single Family Residential)

REPORT

The property owner desires to construct a twenty-six (26) foot by forty (40) foot accessory building where two (2) accessory buildings, one being twenty five (25) feet by forty (40) feet and the other is twenty-six (26) feet by forty (40) feet, already exist. In order to construct the third building a variance from the maximum number of accessory buildings on the lot is required. Zoning Ordinance *Section 515 17-8 B. 3.b. GENERAL BUILDING, USE AND DESIGN PROVISIONS* reads:

Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:

- 1) One (1) attached garage and one (1) detached accessory building.*
- 2) Two (2) detached accessory structures*

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection,*

construction, reconstruction, alteration and use of structures and land.

- C. Protect neighborhoods.*
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. Provide adequate light, air, and convenience of access to property.*
- F. Prevent congestion in the public right-of-way.*
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. Protect and preserve the natural environment of the City.*
- I. Encourage the protection of historic and aesthetic resources in the City.*
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. Provide for compatibility of different land uses.*
- L. Provide for administration of this Ordinance.*
- M. Provide for amendments.*
- N. Prescribe penalties for violation of such regulations.*
- O. To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

The parcel size one hundred twenty-two and one half (122.50) feet wide by three hundred forty (340) feet deep which is significantly larger than a typical single family lot. Constructing the third accessory building on the large lot should not be contrary to any of the stated purpose and intent Zoning Ordinance criteria.

When the variance is consistent with the Comprehensive Plan.

It is difficult to establish a relationship between the Comprehensive Plan and this variance.

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.**

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

- I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;*

The lot is forty-one thousand six hundred fifty (41,650) square feet in area (just less than an acre). The total square footage of the accessory buildings is three thousand eighty

(3,080) square feet or just over seven (7) percent of the total lot area. The RA-1 zoning permits up to ten (10) percent of the lot area (four thousand one hundred sixty-five (4,165) square feet) for accessory building coverage. The total lot coverage including the dwelling will be far less than the permitted sixty (60) percent.

II. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

This area of the city was never platted which permitted unusual land divisions over the years.

III. The variance, if granted, will not alter the essential character of the locality.

Essential - (vital, necessary, important, crucial)

Character - (nature, quality, personality, makeup)

The lot depth and building placement in relationship to surrounding buildings should not alter the neighborhood character.

The property to the north is a large unplatted wetland that prohibits development on the north side of the property.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

There has been no reference to economic issues associated with this request.

RECOMMENDATION

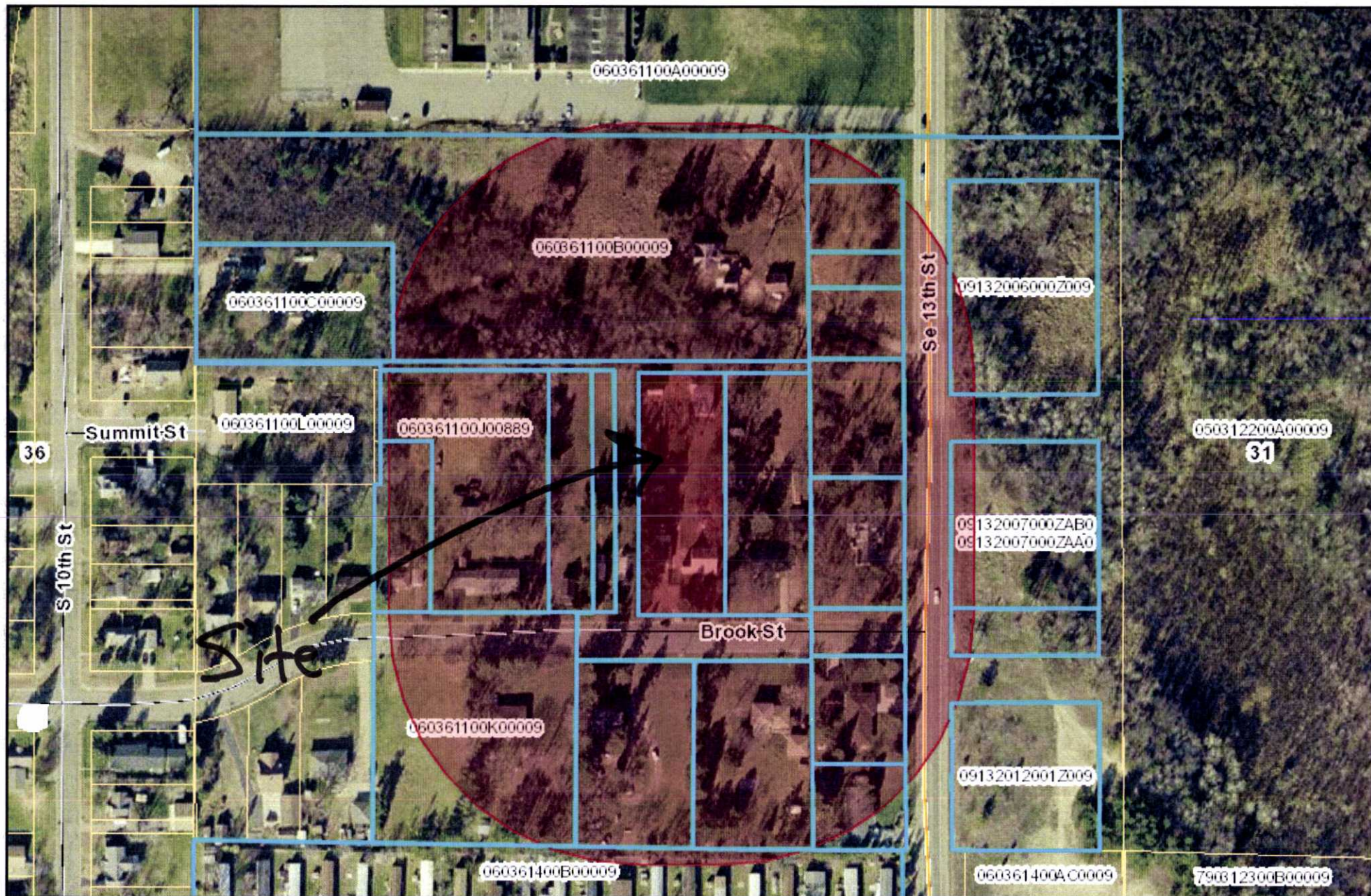
Typically one would think that three (3) one thousand forty (1040) square foot accessory buildings (each the size of a small house) on a single lot is a situation not appropriate within the city. This is more suited for the rural areas of our county. However the lot size, the building locations, the wetlands and the wooded area all contribute to a condition that warrants granting a variance for the third (3rd) accessory building.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at its February 13, 2013 meeting and the City Council would receive the recommendation for consideration at its TUESDAY, February 19, 2013 meeting.

Respectfully submitted,


Mark Ostgarden AICP
City Planner



1201 Brook Street Variance -- 350ft

Tuesday, Jan. 22, 2013 at 10:33 AM

These data are provided on an 'AS-IS' basis, without warranty of any type, expressed or implied. Including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

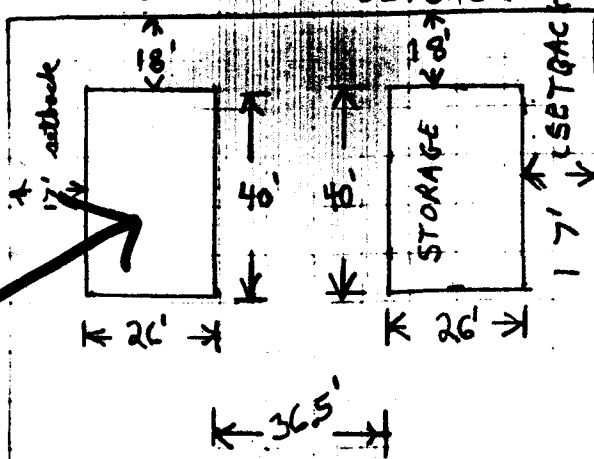
1/4" = 10'

NORTH

1201
BROOK
STREET

SETBACK

SETBACK



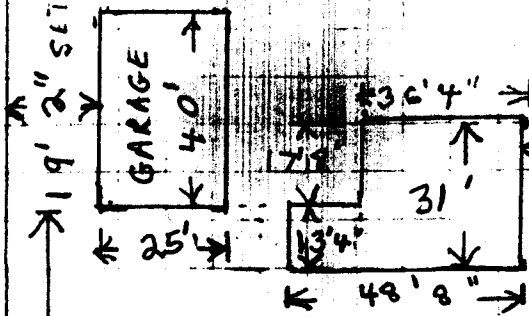
Proposed
Accessory
Building

WEST

EAST

340'

19' 2" SETBACK



HOUSE

13' 4"
Set back

72'

122.5'

60'

8' 6"

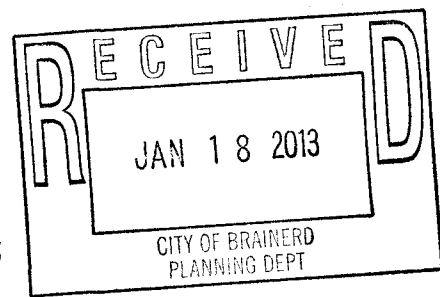
RIGHT of WAY

BROOK STREET

RIGHT
OF WAY

SOUTH

Harvey Doucette
1201 Brook Street
Brainerd, MN 56401-4415
218-829-1911
dou3@charter.net



17 January 2013

Brainerd Planning Commission
Brainerd City Hall
501 Laurel Street
Brainerd, MN 56401

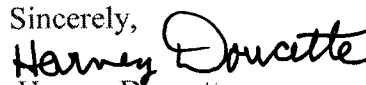
Dear Planning Commission Members:

I would like to be considered for a variance that would allow the construction of an additional storage building. The block that we live on is fairly unusual.. Our block is about six normal city blocks that have never been divided by roads or alleys. Our lot is 340 feet deep and 122.5 feet wide, an acre. We are the third house west of 13th Street. Our lot can barely be seen from 13th street because of all of the mature plantings between our lot and the street. Plantings also completely screen the view into our lot from Brook Street. A dense wall of trees at the north screens us from our neighbor in that direction and we have plantings of arborvitae around our North, East and West property line that are five feet apart and currently averaging about 5' tall. There will probably be only a handful of people even aware of this building being in the city.

The large lot has created the need for the building. The acre allows us large lawns, a 100' X 40' garden, eight formal flower beds created by my master gardener wife and dozens of large mature trees to maintain. I could list all of the tools and equipment that it takes to maintain a property like this but that would be pretty tedious for all of us. Suffice it to say it is enough equipment to pretty much fill up this new storage building.

The building is designed to match and harmonize with the other buildings on the property and to the extent that it will be noticed at all, nestled at the far end of the property, it will actually look balanced, appropriate and attractive. It will have no effect at all on the character of the neighborhood.

I appreciate your consideration of this matter. This building will improve the quality of life for my wife and I as we enjoy our retirement on the property that we have raised our family on and enjoyed for 34 years. It will have no impact at all on anyone else unless they are our guests at the back of our property. Anyone who makes their way back to the sheltered area 300' from Brook Street will enjoy the building. It will be an appropriate, attractive and functional structure that makes perfect sense for this lot.

Sincerely,

Harvey Doucette

APPRCL	OWNAME	OWADR1	OWADR2	OWADR3	PHYSADDR
060361100I00009	LANGER, BERNICE F	40 KAMNIC ST	PIERZ, MN 56364		1117 BROOK ST
060361100J00889	AHMANN, KELLY	1101 BROOK ST	BRAINERD, MN 56401		1101 BROOK ST
060361100K00009	POWERS, MICHAEL & ANN	2877 CHIPPEWA SHORES RD	BRAINERD MN 56401		1102 BROOK ST
060361100A00009	ST ANDREW'S CHURCH	1108 WILLOW ST	BRAINERD MN 56401		ST ANDREWS
060361100B00009	NISKA, PATRICIA A	1420 13TH ST SE	BRAINERD, MN 56401-4474		1420 13TH ST SE
060361100000000	MATHISON, DUANE CURTIS	1206 BROOK ST	BRAINERD MN 56401		1206 BROOK ST
060361100F00009	DOUCETTE, HARVEY D & ROBERTA	1201 BROOK STREET	BRAINERD MN 56401		1201 BROOK ST
060361100G00009	HEGRE, CINDY L & JON D	1120 BROOK ST	BRAINERD MN 56401		1120 BROOK ST
060361100H00009	BARTYLLA, SCOTT A & MONA L	1121 BROOK ST	BRAINERD, MN 56401		1121 BROOK ST
09132005004Z009	PEABODY, TIMOTHY C & TRACY	14949 LYNNDAL LN	BAXTER, MN 56425		
09132008002A009	CUTKAY, JOE W & TABITHA L	1516 13TH ST SE	BRAINERD, MN 56401		1516 13TH ST SE
09132011000Z009	MEAD, JASON & SANDY M	1618 13TH ST SE	BRAINERD, MN 56401		1618 13TH ST SE
060361100C00009	SCHLEPPENBACH, WAYNE L	1413 10TH ST S	BRAINERD, MN 56401		1413 10TH ST S
060361100D00009	HAGUE, ROBERT A & MARGARET A	1205 BROOK ST	BRAINERD, MN 56401		1205 BROOK ST
060361100JA0009	HANSON, DEAN	2849 CHIPPEWA SHORES RD	BRAINERD, MN 56401		
060361400B00009	A L S PROPERTIES, STONEYBROOK SOUTH	SCHRADER BUILDING STE 201	5501 LAKELAND AVE N	CRYSTAL MN 55429	13TH ST S
091320050030009	PEABODY, RICHARD	1516 13TH ST	BRAINERD MN 56401		
09132007000ZAA0	PEABODY, TIMOTHY C	23517 COUNTY RD 137	NISSWA MN 56468		
09132007000ZAB0	FITZPATRICK, JOHN G & ARLENE	415 BLUFF	BRAINERD MN 56401		
09132008002Z009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401		
09132011000Y009	WARD, JOHN E & SALLY	11442 FORESTVIEW DR	BAXTER MN 56425		1602 13TH ST SE
09132005001Z009	PEABODY, TIMOTHY C & TRACY	14949 LYNNDAL LN	BAXTER, MN 56425		
09132005006Z009	BELFIORI, ANNETTE M	1512 S 13TH ST	BRAINERD MN 56401		1512 13TH ST SE
09132006000Z009	JOHN DAN LUKE LLC	C/O JOHN THELEN	12848 EAGLE RIDGE DR	BAXTER MN 56425	
09132012001Z009	FITZPATRICK, JOHN G & ARLENE	415 BLUFF	BRAINERD MN 56401		

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Harvey Doucette; 1201 Brook Street; Brainerd, MN 56401, has submitted a plan to construct an additional 26'x40' accessory building. The lot is 122.5'x 340' (41,650 sq. ft. in area) and located in an R-1 (Single Family Residential) District. The property currently has one 25'x40' and one 40'x18'x26' accessory building. A third accessory building 26'x40' in area is proposed. See the attached site plan for building locations. In order to add an additional accessory structure, a variance from the following City of Brainerd Zoning Ordinance requirement is requested:

1. SECTION 17-8 GENERAL BUILDING, USE AND DESIGN PROVISIONS Accessory Buildings, Uses and Equipment 3. Accessory Building Floor Area, Height and Number. b. Number of Buildings:

Total number of accessory buildings and garages shall be limited to one of the following:

- 1) One (1) attached garage and one (1) detached accessory building.
- 2) Two (2) detached accessory structures.

The property is legally described as follows:

*That part of the NE1/4 of NE1/4 described as follows: comm at a point in said forty acre tract, which point is 562-1/2 ft W and 330 ft N of SE corner of said forty acre tract then N 340 ft, then W 122-1/2 ft, then S 340 ft, then E 122-1/2 ft to the place of beg
P.I.N. No. 060361100F00009
Section 36 Township 45 Range 31*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, February 13, 2013 to consider the request for the Variance.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 30th day of January, 2013


Mark Ostgarden AICP
City Planner

Publication date: February 1, 2013



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # 8267
Check # 7733
Date Paid: 1/24/13

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

NATURE OF REQUEST (please check)

CONDITIONAL USE PERMIT _____ (\$190.00) REZONING _____ (\$250.00) VARIANCE X (\$220.00)

PROPERTY ADDRESS: 1201 BROOK ST, BRAINERD MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: PART OF NE 1/4 OF NE 1/4 DESCRIBE AS FOLLOWS
WHICH POINT IS 562 1/2 FT W. AND 330' N OF SE CORNER OF SAID 40 ACRE TRACT THEN N. 340' THE W. 122 1/2'
THEN S. 340' THEN EAST 122 1/2' TO THE PLACE OF BEGINNING.

LEGAL DESCRIPTION: Lot(s): OFO Block: 110 Addition: _____
(attach description if lengthy)

Property Owner Name: HARVEY DOUCETTE

Street Address: 1201 BROOK ST City: BRAINERD State: MA Zip Code 56401

Phone Number: 218-829-1911 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: WANT TO BUILD A GARAGE

X _____
Property Owner Signature

Date

X _____
(Please print name)

N.B. _____
Applicant Signature

1-18-13 _____
Date

NICK BUCKENIN _____
(Please print name)

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

X

BRAINERD FIRE DEPARTMENT

Attn: Kevin Stunek, Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312

X

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805

X

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@co.crow-wing.mn.us

X

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@co.crow-wing.mn.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: David Landecker; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
Cass.mhb@co.cass.mn.us

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Lonnie Thomas/Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043

X

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594

U.S. ARMY CORPS OF ENGINEERS

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

STAFF REPORT TO THE PLANNING COMMISSION

February 6, 2013

APPLICANT/LOCATION: ISD #181; 804 Oak Street

PROPOSED USE: Amendment to CUP #238 for Expansion of the Pine Street Parking Lot

CURRENT ZONING: R-1 (Single Family Residential)

ADJACENT USES: East: Industrial
South: Open Play Area
West: Residential/Washington Education Services Building (WESB)
North: Residential

ADJACENT ZONING: North: R-1 (Single Family Residential)
R-3 (High Density Residential)
East: R-1 (Single Family Residential)
South: R-1 (Single Family Residential)
West: R-1 (Single Family Residential)

REPORT

ISD#181 is proposing to expand the Pine Street parking lot to accommodate additional nonprofit and school district employees being located at the WESB. The current lot has fifty-nine (59) spaces. The expansion will increase the number to ninety-seven (97) spaces. The two (2) modular buildings located on site will be removed to accommodate the expansion.

Three (3) uses currently located outside the WESB - ESCE, Kinship Partners and the Paul Bunyan Coop are proposed to be located at the WESB. Attached is an excerpt from a staff report to the School Board from Steve Lund, District Director of Business Services. It describes the Coop relocating its current site from Riverside School and the proposal for the Pine Street parking lot expansion.

Procedurally this is being considered as an amendment to CUP #238 issued to the School District in 2005. That CUP permitted the use change at Washington School (now WESB) from principally classroom education to general district office uses and administration. Uses such as the auditorium and Fun and Friends were existing uses that also are located at the (WESB). A condition of CUP #238 is that a parking lot was to

be constructed to accommodate the up to fifty-five (55) day to day employees at the building. A fifty-nine (59) space lot was constructed and forty-eight (48) employees currently work at the building. It was agreed that parking requirement for the building should be based on the number of day to day employees planned for the building. The School District has provided documentation that forty-six (46) additional employees will work at the WESB raising the total to ninety-four (94). The ninety-seven (97) space lot is being planned to accommodate the new day to day employee count.

The purpose of this CUP is not to review the additional uses planned for the WESB. The School District was granted the approval to use the WESB for the planned uses when CUP # 238 was approved. Nor is the purpose of this CUP to review the adequacy of the new parking lot size. This CUP review is an opportunity for the neighborhood to learn about the parking lot expansion and to provide it with an opportunity to comment on the expansion. The CUP review is also to evaluate the parking lot's compatibility with the surrounding area and uses. It is also to ensure that the development complies with all current City construction requirements.

Based on B.1. above, the following are the Conditional Use Permit criteria:

A. *Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.*

1. *The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.*

The parking lot is an accessory school use and schools are permitted by CUP in residential districts.

2. *The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.*

There are Zoning Ordinance standards for site development but no special conditional use standards for this use.

3. *The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.*

The parking lot expansion will not create a noxious condition. Providing additional off-street parking should create a more safe condition for the School District and the neighborhood. Parking lot lighting (see suggested discussion item in the Planning Department Review section) will help create a safe environment for lot users.

4. *The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.*

Non-residential uses in residential Zoning Districts and uses in all other zoning districts, driveways and parking stalls shall be set back a minimum of three (3) feet from side and rear property lines.

The parking lot setback is three (3) feet from property lines.

Angle of Parking (A)	Stall Width (B)	Stall Length (D)
P 90°	10' 0"	18' 0"

Parking stalls are ten (10) feet wide by twenty (20) feet long.

515-20-9: Parking Lots.

- A. *All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year round fifty (50) percent opacity.*

A landscape screen in accord with the above standard is required along each street property line.

5. *The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.*

It is difficult to defend that removing green space and buildings that were consistent with the neighborhood (the modular's) to construct a use that requires a large area of impervious surface is "...produce(ing) a total visual impression and environment which is consistent with the environment of the neighborhood."

This neighborhood is one with some transition of land uses. There is residential use to the north and west and one half (½) block to the south. However non-residential uses are located to the east, northwest and the south half of the parking lot block is a play area. However providing off-street parking is necessary for efficient use of the WESB. It is also important for the neighborhood as it is providing day to day off-street parking to help relive street congestion and traffic. Without the ninety-seven (97) spaces there would be parking and traffic chaos and neighboring residences would be without adjacent on-street parking for their daily use.

Screening requirements are intended to help lessen the impact of a use that is arguably not compatible. Other conditions to help with compatibility can be required.

6. *The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.*

Due to School District related functions and community events at the WESB, the neighborhood streets are quite often congested. Additional off-street parking will do little to alleviate congestion when it occurs. The parking lot has two (2) driveways which can help disburse vehicles leaving the lot, which may reduce some congestion.

7. *The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.*

The objectives of the Zoning Ordinance are:

515-1-2: *Intent and Purpose.*

- A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. *This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*

K. *Provide for compatibility of different land uses.*

Expansion of the parking lot should have no negative effect on the Zoning Ordinance objectives.

B. ***Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:***

1. *Fire Protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.*
2. *Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.*
3. *Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.*
4. *Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.*
5. *Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.*
6. *Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.*
7. *Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.*
8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*
8. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

The parking lot expansion should have no negative effect on the above requirements.

DEPARTMENT INFORMATION

Utilities

No issues

Fire

No issues

Building

No issues

Engineering

Based on the preliminary discussions, they will be documenting the area of additional impervious surface and working on a design which would provide on-site retention by sheet draining the runoff across the south ½ of the block. A final grading/drainage plan has not been submitted.

Planning Department

The parking lot expansion will provide off-street parking needs for day to day employment at the WESB. A concern that existed when the original lot was built is whether School District employees would park in the Pine Street lot. It is the Planning Departments' observation that the School District has done a good job of directing its employees to park in the lot.

Expanding the parking lot raises several site design issues that warrant Planning Commission discussion:

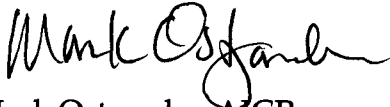
1. Consideration should be given to require the center island be landscaped with perennials (e.g. ornamental grasses) and/or shrubs with mulch groundcover. The additional landscaping would provide additional site aesthetics.
2. The parking lot interior and the periphery are void of any trees. It is suggested that trees be planted at each end of the parking lot island. Also several periphery trees should be considered.
3. No interior parking lot lights are identified on the site plan. Information should be submitted to verify there is adequate light in the lot without proving any interior lights.
4. Consideration should be given to sidewalk along Pine Street and along the east side of South 9th Street adjacent to the parking lot. This will provide a safe alternative for employees to get to and from the WESB without walking through the drive aisles.

Requiring the items listed above will make for a more aesthetically pleasing and safe parking lot and site. Approval of the parking lot expansion is recommended subject to meeting the screening requirements and approval of the grading/drainage plan.

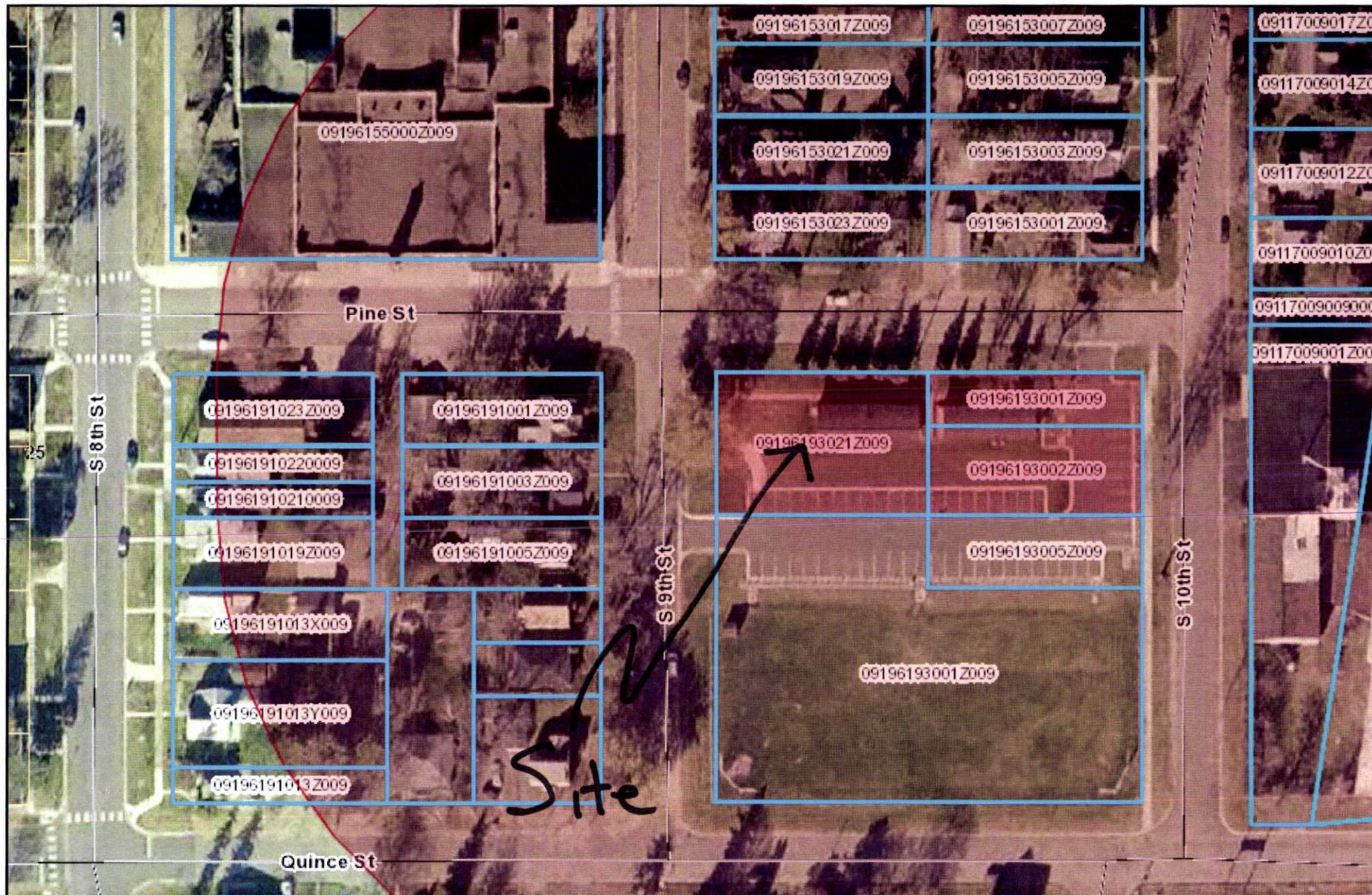
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its February 13, 2013 meeting. City Council consideration can occur at its TUESDAY February 19, 2013 meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Ostgarden". The signature is fluid and cursive, with the first name "Mark" and last name "Ostgarden" clearly distinguishable.

Mark Ostgarden AICP
City Planner



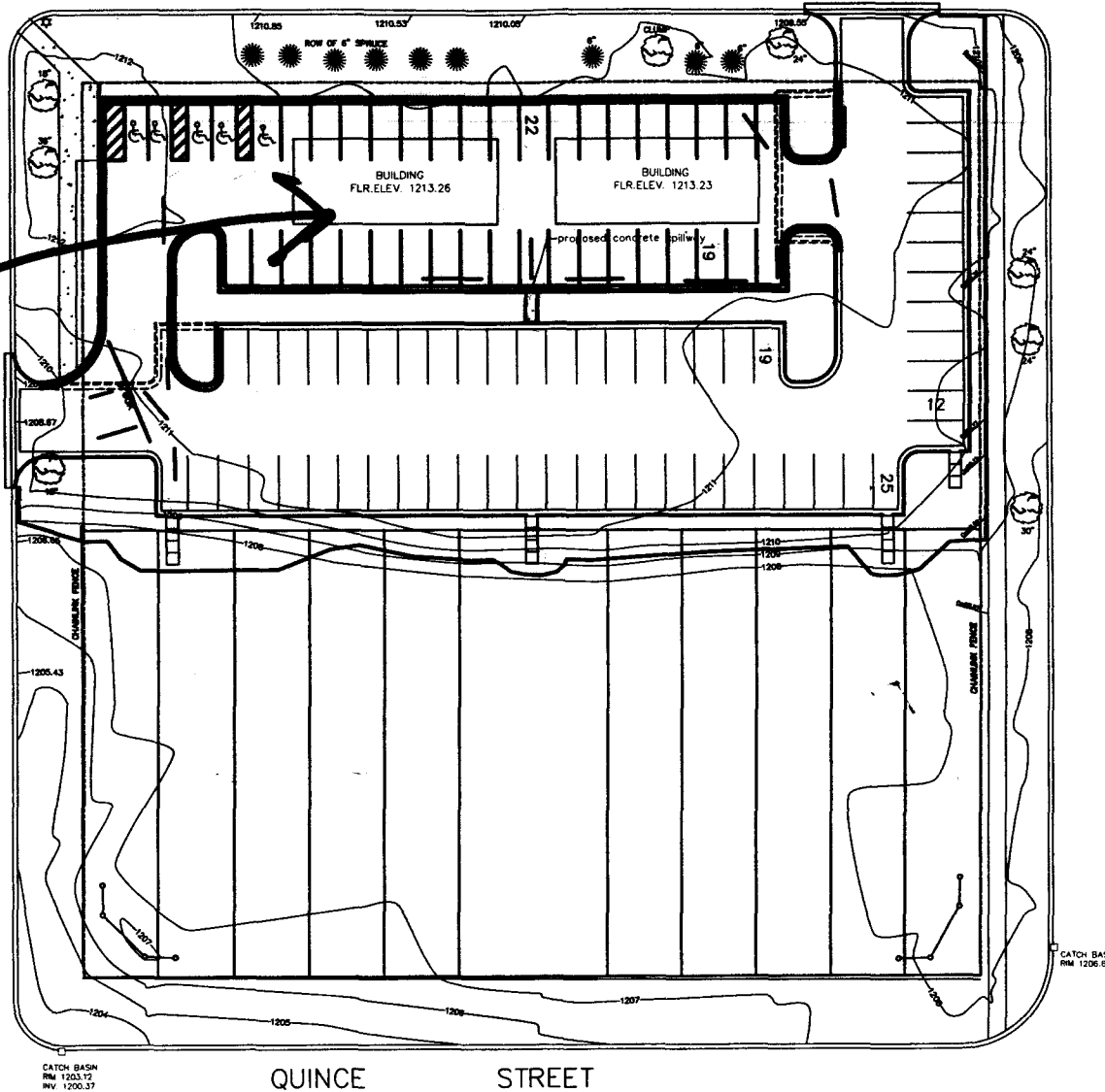
ISD 181 CUP 238 Amendment

Thursday, Jan. 31, 2013 at 12:50 PM

These data are provided on an 'AS-IS' basis, without warranty of any type, expressed or implied. Including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Expansion Area

NINTH STREET



TENTH STREET

97

REVISIONS 1 2 3 4	
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered professional engineer in the State of Minnesota. Signature: J.L. Whitaker Date: 1/30/13	
11300 BUSINESS ST. BRainerd, MN 56401 PHONE 218/825-5259 FAX 218/825-5303 Lic. #PC-20050648	
INTEC CONSTRUCTION ARCHITECTURAL DIVISION	
Washington Parking Lot Brainerd Public Schools - I.S.D 181 Brainerd, MN copyright 2013 by Brainerd Public Schools and Intec Construction. Reproduction or modification of design is prohibited.	
DATE:	1/30/13
SHEET:	C1

January 30th, 2013

Planning Commission;

We respectfully submit to the Planning Commission our request for recommendation for approval of an amendment to existing Conditional Use Permit number #238. This permit presently allows for up to 55 administrative staff to occupy Washington Education Services Building at 804 Oak Street, Brainerd, MN.

We are requesting that staff number be raised to 94 as outlined below.

We presently have 48 staff in WESB. This is down from 3 years ago when we constructed the parking lot due to the effects from staffing budget reductions. We have completed nearly \$2 million of budget reductions in the last 3 years.

Coop staff relocating into WESB is 35

ECSE in East mod relocating to 1st floor is 6

Kinship in West mod relocating to 2nd floor is 5 (all but David are Part-time)

Total staff located in WESB when completed is 94.

Attached is the spreadsheet with the detail.

Sincerely,

Earl Wolleat
Director of Buildings and Grounds
Brainerd Public Schools



The new space will be about half the size of the current warehouse and designed much more efficiently to operate both financially and functionally. Also, by attaching the warehouse to FMS, it completely eliminates the deliveries to our largest building.

The proposed design of the warehouse has it attached at the current loading dock area of the school with a site plan that should not create any conflict to the current parent and bus circulation and interaction. Much of this will be achieved by both design and scheduling (form and function), and between the two, there should not be an impact to current circulation.

There are significant operating efficiencies in this project that will exist far beyond the payoff of its initial capital investment. In short, the district now has the opportunity to "own" and not "rent" a smaller facility with a quick payback term on the upfront costs as well as the ongoing efficiencies that will be achieved.

PHASE 1

Relocation of Paul Bunyan Educational Cooperative Offices and Riverside Site Redevelopment

The second part of Phase 1 includes addressing the long-term space needs of the Paul Bunyan Educational Cooperative in conjunction with improving the circulation and parking space for the safe interaction of buses, parents, students, and staff at Riverside Elementary.

The current building adjacent to Riverside Elementary that houses the staff of the Paul Bunyan Educational Cooperative has been troublesome for maintenance for several years and the district had planned at some time in the near future to find a more suitable location.

This timetable increased in priority when a needed process change was implemented this year to improve the safety and security of student drop off and pick up at Riverside, which is the district's largest elementary school.

The district has ample space to create a well-designed flow of bus, car, and student traffic, as well as increase the capacity for both daily and school event parking. This plan will require a redevelopment of the block owned by the district just west of Riverside between Williams and Charles streets, where the Paul Bunyan offices are currently located.

This block of property contains approximately 2.2 acres. In addition to this, NW 3rd St. has been vacated and will be included in the circulation design, which would add about another 0.4 acres.

As part of this process, the District researched and considered a potential long-term lease of the BNSF property located to the south of Williams Street as possible additional space for design of the overall plan. However, with an annual lease cost estimated at nearly \$20,000 it was felt that an effective design could be achieved on the property owned by the district.

This phase of the project would require the demolition of the existing structure and create the design for a flow of bus, parent, student, and staff pedestrian and vehicle traffic. However, the first step of this will be to relocate the current offices of the Paul Bunyan Educational Cooperative.

Representatives of both the district and Paul Bunyan Educational Cooperative spent the past six months researching the best options to meet the space needs of the co-op with a primary objective of keeping their non-instructional costs low, thus maximizing their funding for meeting the needs of the students, while further creating synergies with increased interaction of administrative staff.

This included extensive research of commercial market space as well as district space and ultimately led the search to the third floor of the Washington Educational Services Building (WESB).

The third floor of the WESB facility is currently underutilized and it will help the co-op with keeping their non-instructional costs low and also help our district maximize the use of our physical footprint as our enrollment and respective revenue also continues a declining trend.

Whittier was also an option considered for the Paul Bunyan Educational Cooperative staff, but with an estimated annual cost of approximately \$40,000 for operational expenses for its use (i.e., heat, lights, water/sewer, cleaning, supplies, garbage, snow removal) as well as the continued ongoing capital maintenance items that would continue to exist with operating this additional building, this option would have significant overhead costs. The district is already incurring these costs for the Washington Educational Services Building (WESB) and this expanded use will help further maximize these existing expenses.

From a district financial perspective, it becomes difficult to financially sustain the same number of square feet used when we had nearly 7,000 students at a point when we have approximately 6,500 students. The size of the district's physical space certainly is not a variable expense, but we are always searching for ways to maximize the use of the space to best match both our changing operational needs and the revenue we receive to maintain our physical footprint.

Also, as part of this plan, additional parking will be constructed as an extension of the parking lot located on the adjacent lot to the southeast of WESB.

The two modular classroom buildings will be sold in a competitive manner and moved from the property and additional parking will be combined with the existing parking. The modular buildings serve as office space for the district's Early Childhood Special Education (ECSE), Birth – 3 teachers and the other modular building is leased for office space to Kinship Partners. The ECSE teachers will be relocating to space on the first floor at WESB, centrally located to the existing ECSE classrooms. Existing space was modified in WESB to maintain the lease relationship with Kinship Partners.

Even though the move of the Paul Bunyan Educational Cooperative offices will add approximately 35 staff to WESB, it is estimated that approximately 40-45 parking spaces will be added with the expansion of the parking at WESB. Having this increased amount of off-street spaces adjacent to the building will certainly be welcomed for the many internal training opportunities and community events that are held at WESB.

These capital projects will accomplish our objective to improve the site plan for our largest elementary school and best maximize the efficiency of the district's existing, owned space in best meeting the long-term needs of the Paul Bunyan Educational Cooperative staff and continue to keep their overhead operating costs low.

PHASE 1 Timetable

The timetable of this project is somewhat critical as we would need to begin the process for permitting and construction of the build-out of spaces on the third floor of WESB in late December 2012 to ensure this space is completed for occupancy and move of the Paul Bunyan Educational Cooperative staff in early June.

The site improvements at Riverside cannot begin until the existing Paul Bunyan Educational Cooperative building is vacated. With construction of the site improvements beginning on approximately June 1, 2013, it is expected for the site improvements to be completed at Riverside by September 1, 2013, in time for the start of the 2013-14 school year. It is also expected to have much of the warehouse functions transitioned by the start of the school year.

PHASE 1 Cost and Funding

The cost of these current capital projects are approximately \$1.5 million and we will be issuing \$1.2 million Capital Facility Bonds and utilizing \$300,000 from our operating capital reserved funding to complete these projects.

At the present time, the district currently has existing Capital Facility Bonds that were part of a 2003 air quality project for Riverside and Baxter schools. These bonds are paying off in 2014 and will be replaced with the new bond issue and the payment stays relatively the same. In fact, because interest rates are at historical lows, the district is able to borrow \$400,000 more than the previous bonds, while keeping our payment about the same and accomplish even more of these long-term capital investments.

CURRENT ISD 181 STAFF LOCATED IN WESB

<u>Last Name</u>	<u>First Name</u>	<u>Title</u>	
Agre	Sandy	ECSE	Full-Time
Anderson	Sue	MARSS/Star/Data	Full-Time
Bard	LuAnn	Food Services	Full-Time
Clitty	Angela	Speech Clinician	Full-Time
Dahlgren	June	ECSE	Full-Time
Daniels	Alyssa	Speech Clinician	Full-Time
DeRosier	Maria	Kitchen	Full-Time
Dyson	Pam	Director of Technology	Full-Time
Eckholm	Gayleen	Director of Schools Assistant	Full-Time
Embertson	Natalie	ECSE	Full-Time
Franzen	Melissa	ECSE	Full-Time
Grittner	Lori	District Media Assistant	Full-Time
Gunderson	Nicole	ECSE	Full-Time
Henkensiefken	Kala	Transportation Coordinator	Full-Time
Henrikson	Terri	A-Comp/Staff Dev/Home School	Full-Time
Hins	Angie	Accounts Payable	Full-Time
Horn	Janet	Superintendent Assistant	Full-Time
Huseth	Colleen	Information Systems Specialist	Full-Time
Ingberg	Bud	District Maintenance Engineer	Full-Time
Jensvold	Fran	Transportation Assistant	Full-Time
Kuschel	Mary	Head Start	Full-Time
Lechner	Deb	Director of Teaching and Learning	Full-Time
Lendobeja	Steve	Computer Technician	Full-Time
Lund	Steve	Director of Business Services	Full-Time
Lundgren	Shelley	Night Engineer	Full-Time
Martinson	Merry	Payroll Manager	Full-Time
McNamara	Calli	ECSE	Full-Time
Neumann	Jill	Brainerd Public Schools Foundation	Full-Time
Person	Tonya	Reading Recovery	Full-Time
Pohlkamp	Colette	Director of Food Services	Full-Time
Razidlo	Steve	Superintendent	Full-Time
Riles	Maureen	Youth Connections	Full-Time
Roberts	Diane	Literacy Office	Full-Time
Roberts	Kari	Youth Connections	Full-Time
Robinson-Crook	Andrene	Main Office/Transportation Office	Full-Time
Ruzich	Joy	Curriculum/Teaching & Learning Asst	Full-Time
Severson	Willy	Director of Schools	Full-Time
Scheler	Jon	Network Systems Administrator	Full-Time
Schilling	Kevin	Day Engineer	Full-Time
Sebasky	Susan	Literacy/Lang Arts Curriculum Coord	Part-Time
Siekas	Sharon	Payroll Clerk	Full-Time
Silgjord	Deb	Accountant	Full-Time
Stawarski	Lisa	Youth Connections Coordinator	Full-Time
Sundquist	Denise	Safety Specialist	Full-Time
VanVickle	Marianne	Gifted & Talented Resource Teacher	Part-Time
Vukelich	Joanne	ECSE	Full-Time
Winterowd	Lisa	Benefits Manager	Full-Time
Wolleat	Earl	Director of Buildings/Grounds	Full-Time

PAUL BUNYAN EDUCATIONAL COOP STAFF MOVING TO 3rd FLOOR OF WESB

<u>Last Name</u>	<u>First Name</u>	<u>Title</u>	
Brown	Gaynard	Director of SpED	Full-Time
Cardini	Cortney	School Psychologist (M-T-TH-F)	Part-Time
Cloutier	Patti	School Psychologist (M-T-W)	Part-Time
Cordes	Jodi	School Psychologist	Full-Time
Davis	Heather	School Psychologist	Full-Time
Dens	Cathy	PT (M-T-Th)	Part-Time
Domino	Julie	EC Coordinator	Full-Time
Flickinger	Louise	VisionConsultant	Full-Time
Garman	Scott	P/HD (T-TH)	Part-Time
Genz	Amanda	OT	Full-Time
Grundyson	Diane	Orientation & Mobility	Full-Time
Hahn	Heidi	Asst. Director	Full-Time
Henningson	Bonnie	EC Coordinator	Full-Time
Holleque	Peter	Aud. (T-Th-F)	Part-Time
Huether	Kim	Student Records	Full-Time
Kath	Jim	EBD Consultant	Full-Time
Kelm	Kathleen	School Psychologist	Full-Time

Knebel	Margaret	OT & AT Coord.	Full-Time
LaBarre	Amy	Continuous School Improvement Coord.	Full-Time
Lane	Wanda	Third Party Billing	Full-Time
Lorenz	Jimmy	School Psychologist	Full-Time
McColgan	Barb	PT	Full-Time
Molesky	Dennis	Asst. Director	Full-Time
Nesheim	Karla	Business Mgr	Full-Time
Oehrlein	Mark	Technologist	Full-Time
Ogden	Kathy	ASD Coord.	Full-Time
Olson	Keith	OT	Full-Time
Osborne	Melissa	School Psychologist	Full-Time
Richters	Kayla	School Psychologist	Full-Time
Schultz	Bernie	ASD Coord.	Full-Time
Skwira	Karla	School Psychologist	Full-Time
Stokes	Charlotte	Collab. Service Coord	Full-Time
Storbakken	Eric	OT	Full-Time
Town	Rose	COTA	Full-Time
Vosper	Scott	School Psychologist	Full-Time

ECSE Birth - 3 TEACHERS IN EAST MOD MOVING TO 1st FLOOR OF WESB

<u>Last Name</u>	<u>First Name</u>	<u>Title</u>	
Armstrong	Sarah	ECSE Teacher	Full-Time
DeGeest	Wendy	ECSE Teacher	Full-Time
Munsterteiger	Sarah	ECSE Teacher	Full-Time
Rennicke	Rachel	ECSE Teacher	Full-Time
Schweitzberger	Lori	ECSE Teacher	Full-Time
Smithson	Martha	ECSE Teacher	Full-Time

KINSHIP STAFF IN WEST MOD MOVING TO 2nd FLOOR OF WESB

<u>Last Name</u>	<u>First Name</u>	<u>Title</u>	
Downing	David	Executive Director	Full-Time
Meyers	Lisa	Brainerd Prog Coordinator	Part-Time
Walters	Lisa	Executive Asst	Part-Time
Colbenson	Sandi	Brainerd Prog Coord & Activities Coord	Part-Time
Sorenson	Judy	Bookkeeper	Part-Time

Office of County Recorder
County of Crow Wing, MN }

I hereby certify that the within instrument was filed
in this office for record on the 8 day of April
A.D. 2005 at 3 o'clock P.M.
and was duly recorded as Doc. No. 0684758

By Dicki Stange County Recorder
Deputy

RETURN TO

City of Brainerd

CERTIFICATION OF CONDITIONAL USE PERMIT

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss.
CITY OF BRAINERD)

A Regular Meeting of the City Council of the City of Brainerd, Minnesota, was duly held at the Brainerd City Hall Chambers on the 21st day of March, 2005 at 7:30 P.M.

Upon roll call, the following members were noted present: Aldermen Goedker, Fisher, Koep, O'Day, Olson, Nesheim, and Bevans. Mayor Wallin was also noted present.

ISD #181 Conditional Use Permit No. 238 – 804 Oak Street – Washington School – Approved.

Brainerd ISD plans to use Washington School for its administrative offices and continue using the theater and gym as community facilities. The building will no longer be a school and from a zoning perspective, the principal use of the building has changed from a school to administrative offices and community facilities. These uses are not listed as conditional uses in the R-3 Zoning district. However, the Zoning Ordinance does list "public buildings on public lands" as allowed by Conditional Use Permit in residential zones. The Zoning Ordinance does not, however, specify which types of uses are permitted in this category of conditional use. The ISD is stating that the gym and theatre uses will not change from how they have historically been used. Therefore, these uses can continue and do not need to be part of this application. A Conditional Use Permit is only required for the use of the building as administrative offices.

The primary issue, with regard to this application, is not the use of the building, but providing off street parking. Historically, parking during school days and during gym and theatre use would occur on street. Because the gym and theater uses can be considered a grandfather situation, requiring that off-street parking be provided to meet those off-street needs cannot be required.

The administrative offices are a use change and can be required to provide off-street parking in accord with City Zoning Ordinance requirements. The site plan provided by the ISD includes a 73-space parking lot across the street from Washington School. The construction of the parking lot is not part of this request. The parking lot is a permitted accessory use on property with public recreation.

Widseth Smith Nolting has applied for a Conditional Use Permit to convert a portion of Washington School to School District office use. The location of the requested Conditional Use Permit is the property located at 804 Oak Street zoned R-3 and is legally described as follows:

Block 155 and vacated alley within said block, Town of Brainerd & First Addition to Brainerd.

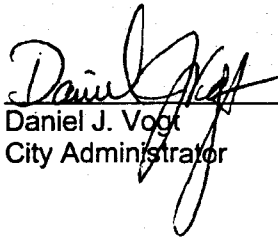
The Planning Commission held a public hearing on March 9 and recommends approval of the Conditional Use Permit based on the Findings of Fact with the following conditions.

1. The permit allows for up to 55 administrative staff.
2. The parking lot is constructed by September 1, 2007 in accordance with the plan approved by the Planning Commission at its March 9, 2005 meeting.
3. A plan for on-street parking around the periphery of the school is developed.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND GOEDKER, DULY CARRIED, TO APPROVE CONDITIONAL USE PERMIT NO. 238 SUBJECT TO THE CONDITIONS NOTED BY THE PLANNING COMMISSION.

Alderman Fisher asked what will happen if additional administrative staff is needed. City Planner Ostgarden stated the school can ask to amend the CUP to exceed the 55 administrative staff limit. Alderman Fisher asked if this condition was placed on the CUP due to parking spaces. City Planner Ostgarden stated it was based on the number of parking spaces that can be constructed.

(SEAL)


Daniel J. Voigt
City Administrator

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that ISD #181 has submitted an amendment request to Conditional Use Permit (CUP) #238 to expand the parking lot located at Pine Street and South 9th Street. The parking lot expansion is to accommodate additional nonprofit and school district staff to be located at the Washington Educational Services Building (WESB), 804 Oak Street, Brainerd, MN 56401.

ISD #181 is relocating staff of the Paul Bunyan Educational Coop, the ECSE and Kinship Partners from their current locations to the WESB. The relocation will add forty-six (46) employees to the WESB creating a total of ninety-six (96) staff at the building. A CUP #238 condition was that a parking lot be constructed and a sixty-one (61) space parking lot was constructed in accord with the site plan submitted as part of CUP #238. To accommodate the additional staff ISD #181 is proposing an expansion of the parking lot to ninety-seven (97) spaces.

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, February 13, 2013 to consider the request for the conditional use permit

Any individual needing special accommodations please call (218) 828-2309.

Dated this 31st day of January, 2013



Mark Ostgarden AICP
City Planner

Publication date: February 1, 2013

Mailing List

APPRCL	OWNAME	OWADR1	OWADR2	OWADR3
09174008009F009	TAX FORFEITED	CROW WING COUNTY AUDITOR	326 LAUREL ST	BRAINERD, MN 56401-3590
09174008009H009	CLOUGH, KATHRYN & ROBERT	712 S 11TH ST	BRAINERD MN 56401	
09196153003Z009	SMITH (MYERS), BECKY S	618 S 10TH ST	BRAINERD MN 56401	
060360000A00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
060360000A00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09117002021Z009	SELINGER, ANDREA D	814 QUINCE ST	BRAINERD, MN 56401	
091170090090009	ERICKSON, MARK E	701 S 10TH ST	BRAINERD MN 56401	
09117009014Z009	CLEMENS BERNIE & JEAN A & JILL PACK	2294 NAPLES ST	MORA, MN 55051	
09117009017Z009	CLUEVER, JODY A & MICHAEL	12674 KNOLLWOOD DR	BAXTER, MN 56425	
09196153015Z009	RUNBERG, DIANE E REVOCABLE TRUST	29846 HUXTABLE POINT RD	MERRIFIELD MN 56465	
09196153021Z009	BRUTSMAN, JAY F & MARILYN	611 S 9TH ST	BRAINERD MN 56401	
09196155000Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
09196191007X009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	
09196191007Y009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	
091961910210009	ANDERSON, BRENDEN C	19045 COUNTY ROAD 10	DEERWOOD, MN 56444	
091961910220009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	
09196193001Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
09196193001Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
09196153001Z009	STANTON, JAMES R	624 10TH ST S	BRAINERD, MN 56401	
09196153010Z009	SCHWARTZ, DWIGHT D & MARGARET	1622 GRAYDON AVE	BRAINERD MN 56401	
09196153017Z009	BRUTSMAN, JAY F & MARILYN	611 S 9TH ST	BRAINERD MN 56401	
09196153019Z009	PARKHILL, MATTHEW P & CHRITINE A	12965 243RD AVE	ZIMMERMAN, MN 55398	
09196191001Z009	EILERS, DWAYNE R II	BOX 583	WATERLOO IA 50704	
09196191003Z009	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN 56401	
09196191007Z009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	
09196191013X009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	
09196191013Y009	SCHRADER, RONALD F	6036 BIRCHDALE RD	BRAINERD, MN 56401	
09196191023Z009	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN 56401	
09196193002Z009	GAY, JOYCE A	706 S 10TH ST	BRAINERD MN 56401	
09196153005Z009	THURMON, CLINT J	614 S 10TH ST	BRAINERD, MN 56401	
09196153013X009	RUNBERG, DIANE E REVOCABLE TRUST	29846 HUXTABLE POINT RD	MERRIFIELD MN 56465	
09196191010Z009	WESTERLUND, DARREL ROBERT	813 QUINCE ST	BRAINERD, MN 56401	
09196191013Z009	BLOCKER, SHARI	723 S 8TH ST	BRAINERD MN 56401	

09196191019Z009	OWEN, ROBERT J & KAREN	154 CAROL LN	BRAINERD MN 56401	
09196193005Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
09117002007Z009	ANDERSON BRAINERD PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD, MN 56465	
09117002014Z009	WARD, JUSTIN S	830 QUINCE ST	BRAINERD, MN 56401	
09117002016Z009	STREIFF, BRETT W & MARY B	6589 PARKVIEW CIR	BAXTER, MN 56425	
09117002018Z009	COOK, BECKY J	157 ELM DR	CARVER, MN 55315	
09117009010Z009	AMERICAN NATIONAL BANK OF MINNESOTA	7638 WOIDA RD	PO BOX 2600	BAXTER, MN 56425
09117009012Z009	JACOBSON, ERIK & KAREN	46776 EARL BROWN DR	GARRISON, MN 56450	
09174008009D009	BOCK, ERIC L	618 11TH ST SE	BRAINERD, MN 56401	
09196153007Z009	DUKE OF WINDSON INVESTMENTS LLC	ATTN: LYNN M PETERSON	10471 STATE HIGHWAY 25	BRAINERD, MN 56401
09196153013Y889	BRUTSMAN, JAY F	611 9TH ST S	BRAINERD MN 56401	
09196153023Z009	CRAY, DAVID F	NO VALID ADDRESS	2002 TAX STMT	
09196191005Z009	SKIDMORE, MARY LOU	708 S 9TH ST	BRAINERD, MN 56401	
09196193021Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
09117009001Z009	ERICKSON, MARK	701 S 10TH ST	BRAINERD MN 56401	
09117002011Z009	SEALE, JOYCE L & ELMER H &	RICHARD & GLADYCE DAARUD	522 N 7TH ST	BRAINERD MN 56401
09117008049Z009	TAX FORFEITED	CROW WING COUNTY AUDITOR	326 LAUREL ST	BRAINERD, MN 56401-3590
09117009019Z009	CLUEVER, JODY A & MICHAEL	12674 KNOLLWOOD DR	BAXTER, MN 56425	
091170090210009	CREEN, DELLA M	601 10TH ST S	BRAINERD, MN 56401	
09174008005Y009	OLSON, TERRY L	1013 QUINCE ST	BRAINERD MN 56401	

09196191019Z009	OWEN, ROBERT J & KAREN	154 CAROL LN	BRAINERD MN 56401	
09196193005Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
09117002007Z009	ANDERSON BRAINERD PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD, MN 56465	
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091170090210009	CREEN, DELLA M	601 10TH ST S	BRAINERD, MN 56401	
09174008005Y009	OLSON, TERRY L	1013 QUINCE ST	BRAINERD MN 56401	



City Planning Department

City Hall - 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # 8276
Check # 126378
Date Paid: 1/31/13

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

NATURE OF REQUEST (please check)

CONDITIONAL USE PERMIT X (\$190.00) REZONING _____ (\$250.00) VARIANCE _____ (\$220.00)

PROPERTY ADDRESS: 804 OAK STREET
LEGAL DESCRIPTION: Lot(s): _____ Block: 55 Addition: TOWN OF BRAINERD & FIRST
ADDITION TO BRAINERD

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: BRAINERD PUBLIC SCHOOLS
Street Address: 804 OAK STREET City: BRAINERD State: MIN Zip Code 56401
Phone Number: 218-454-6906 Fax: 218-454-6901 E-mail: EARL.WOLLEAT@ISD181.ORG
Applicant Name: (If different than Property Owner) _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: AMENDMENT TO C.U.P. NO. 238
(PLEASE SEE ATTACHED REQUEST)

[Signature]
Property Owner Signature

Date

[Signature]
(Please print name)
Applicant Signature
EARL R. WOLLEAT
(Please print name)

1/30/13
Date

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

X

BRAINERD FIRE DEPARTMENT

Attn: Kevin Stunek, Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312

X

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805

X

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@co.crow-wing.mn.us

X

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@co.crow-wing.mn.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: David Landecker; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
Cass.mhb@co.cass.mn.us

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Lonnie Thomas/Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043

X

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594

U.S. ARMY CORPS OF ENGINEERS

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: February 5, 2013

RE: 2012 – Planning Commission Year in Review

Following is a review of Planning Commission activity in 2012:

Zoning Ordinance Language

- Amended the Zoning Ordinance regarding nonconforming buildings and property
- Discussed a requirement for single family garage construction
- Discussed regulations on camper top storage
- Interpreted the definition of “building height”
- Interpreted the definition of “restaurant”

Variances/Conditional Use Permits/ Interim Use Permits

- Considered five (5) variances, three (3) conditional use permits and one (1) interim use permit request

Rezoning

- Considered two (2) rezoning requests

Nonconforming Building Use

- Heard a request to permit reuse of a building with a nonconforming use

Off Street Parking Requirements

- Recommended approval for a parking deferment at the East Brainerd Mall

Surveys

- Heard a presentation on three (3) community surveys

Other

- Had a presentation on the Stormwater Pollution Prevent Plan (SWPP)

Initiated discussion about using golf carts on city streets
Initiated discussion about a possible land exchange between
Brainerd and Baxter
Recommended submittal of a Smart Growth America grant
Heard a presentation from a Capstone Project student regarding
suggestions for Brainerd's future

Workshop

Held a February workshop

The Link Between Kids Who Walk or Bike to School and Concentration

• SARAH GOODYEAR



Shutterstock

Every day outside my son's Brooklyn school, no matter what the weather, you will see a distinctive pale blue bicycle locked to the rack. It belongs to a 7th-grade girl from a Dutch family whose members have stuck with their traditional practice of riding to school each day, despite finding themselves in the not-so-bike-friendly United States for a few years. This lovely blue city bike was a gift from the parents to their eldest child, who is now almost as tall as a grown woman. She has graduated from riding with her parents, and deserves a first-class vehicle to get to class each day. She is fiercely proud of it.

According to the results of a Danish study released late last year, my Dutch friends are giving their daughter a less tangible but more lasting gift along with that bicycle: the ability to concentrate better. The survey looked at nearly 20,000 Danish kids between the ages of 5 and 19. It found that kids who cycled or walked to school, rather than traveling by car or public transportation, performed measurably better on tasks demanding concentration, such as solving puzzles, and that the effects lasted for up to four hours after they got to school.

The study was part of "Mass Experiment 2012," a Danish project that looked at the links between concentration, diet, and exercise.

Niels Egelund of Aarhus University in Denmark, who conducted the research, told AFP that he was surprised that the effect of exercise was greater than that of diet:

"The results showed that having breakfast and lunch has an impact, but not very much compared to having exercised," Egelund told AFP.

"As a third-grade pupil, if you exercise and bike to school, your ability to concentrate increases to the equivalent of someone half a year further in their studies," he added.

The process of getting yourself from point A to point B has cognitive effects that researchers do not yet fully understand. I wrote last year about Bruce Appleyard's examination of cognitive mapping, in which he compared children who were driven everywhere with those who were free to navigate their neighborhoods on their own. His work revealed that the kids whose parents chauffeured them had a much poorer comprehension of the geography of the places they lived, and also a less fine-grained knowledge of the landscape around them.

In an article about the Danish study from the *Davis Enterprise*, Egelund says that he thinks there is a deep connection between the way we move our bodies and the way our minds work:

"I believe that deep down we were naturally and originally not designed to sit still," Egelund said. "We learn through our head and by moving. Something happens within the body when we move, and this allows us to be better equipped afterwards to work on the cognitive side."

Lots of parents drive their kids to school because walking or driving on streets and roads designed exclusively for cars makes the journey prohibitively dangerous for anyone, especially children. That problem is not easily solved, especially since schools are increasingly being built on the edges of sprawling development, rather than in a walkable context. [PDF]

But many other parents drive their kids because it's easier, or seems to be easier. They often frame it as a kindness to the child to spare them "trudging" all the way to school, even if that trek is only half a mile long. As these short driving trips become the societal norm, it gets more and more difficult for families to deviate from them. School traffic begets school traffic.

So what could turn the trend around? The connection between active transportation and better physical fitness is well-documented and intuitively easy to draw, and yet apparently not compelling enough. As the *Davis Enterprise* article points out, even in a U.S. city with relatively good bicycle infrastructure such as Davis, California, parents continue to drive their children to school in huge numbers. More than 60 percent of elementary students in that city arrive for class each morning with their parents behind the wheel. Nationally, as of 2009, only 13 percent of kids in the United States walked or biked to school, down from 50 percent in 1969.

But if more parents realized that packing the kids into the back seat actually affects their ability to *learn*, would they change their ways? Advocate for building schools in more walkable locations? Demand improved bicycle and pedestrian infrastructure? Or simply make the time and effort required to get to the kids to school under their own steam, accompanying them if need be?

Many parents pay for test prep and after-school enrichment programs to make their kids more academically competitive, and go to great lengths to schedule time for those activities. Imagine if they invested those resources instead in something as simple as helping their children to travel safely from home to school on foot or by bike, arriving ready to learn.

Top image: Sandra Gligorijevic/Shutterstock.com



Sarah Goodyear has written about cities for a variety of publications, including



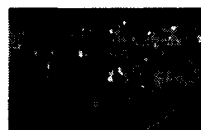
Toward the Walkable City



This Is What the Prototypical American Home Looks Like



Watch the New East Span of S.F.'s Bay Bridge Go Up in 2 Minutes



The Case for Walkability as an Economic Development Tool



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JOBS & ECONOMY COMMUTE HOUSING ARTS & LIFESTYLE DESIGN TECHNOLOGY POLITICS NEIGHBORHOODS

NEXT GREAT IDEA

Toward the Walkable City

RICHARD FLORIDA 8:45 AM ET COMMENTS

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Walkable City, the new book by Jeff Speck, has been lauded by the *Los Angeles Times* as nothing less than a primer on "pedestrianism as a baseline for urban life." Planetizen recently named it one of their 10 best planning books of 2013.

Speck, an urban planner based in Washington, D.C., who is also co-author of *Suburban Nation* with Andres Duany and Elizabeth Plater-Zyberk, took some time out to talk with me about the ideas in the book.

Let's start with the basics: Why are cities becoming more walkable? What forces are pushing them toward greater walkability? Can you please explain, in a nutshell, your General Theory of Walkability? Why is this important?

Some — and only some — cities are becoming more walkable because they understand that their sustainability (economic, health, and environmental) depends on it; or because they want to attract and retain young, educated adults; or because they are simply listening to the young or young-thinking adults in their administration; or some combination of the above. You yourself have written powerfully about huge declines in car worship among the millennials [see my *Atlantic* article here]. Another force is the empty nesters, who want to eventually "retire in place," in a place where the car is not a mandatory prosthetic device. The NORC (Naturally Occurring Retirement Community) is an urban environment where doddering gets you to the store just fine.

The General Theory of Walkability explains how, to attract pedestrians, a place has to provide a walk that is simultaneously useful, safe, comfortable, and interesting. This is extraordinarily difficult in most of our (driving) cities, and can only be accomplished when resources are concentrated where they can do the most good, rather than dispersed more evenhandedly across the city, which is the tendency. Many cities, to the degree that they spend money on walkability, do so in a way that accomplishes little, because nobody has identified those few places where a useful, comfortable, and interesting private realm can give life to an improved (less speedy) public realm. A "complete street" means nothing alongside a surface parking lot.

Tell us about the group you dun the Walking Generation? Who are they? What exactly do they want?

Like I need to tell you what millennials want? They are the recent college graduates who moved to Portland during the nineties at a rate five times the national average. 64 percent of them decide first where they want to live, and only then do they look for a job. Fully 77 percent of them say they want to live in America's urban cores. The economist Chris Leinberger reminds us that,

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Read and discuss

Last week's question: How can cities take advantage of the upsides of gentrification?

YEAR IN REVIEW

unlike my generation (raised on the suburban idyll of *The Brady Bunch* and *The Partridge Family*), they grew up watching *Friends*, *Seinfeld*, and *Sex and the City*. They care less about cars and mortgages, and don't yet have need for a big yard or a good school. Instead, they want urban amenities with ready access to nature, bike lanes, good transit, and street life.



You discuss the "Walkability Dividend." I'm sure our readers would like to know how that applies to them and their cities.

The Walkability Dividend is a concept advanced by the economist Joe Cortright and the non-profit CEOs for Cities, a group that has brought me into a small handful of downtowns with the understanding that all the events and amenities in the world won't make a difference in the absence of pedestrian culture. In his 2007 white paper "Portland's Green Dividend" [PDF], Cortright showed how that city's urban growth boundary, coupled with its investments in bike lanes and transit, resulted in a remarkable phenomenon: Portland's per-capita vehicle miles traveled peaked in 1996. Now Portlanders drive 20 percent less than the national average. This 20 percent results in financial savings and time savings that

total almost four percent of GDP, ignoring all the wonderful externalities such as cleaner air and slimmer waistlines. Unlike driving dollars, 85 percent of which are sent out of town, much of those savings are spent locally, on housing and recreation. Portlanders are said to have the most roof racks, independent bookstores, and strip clubs per capita — all exaggerations, but only slight ones.

That's the fun version of the story. Unfortunately, there is a sadder version, much more common. The typical American "working" family now pays more for transportation than for housing, thanks to the phenomenon of "drive 'til you qualify." The working-class distant-fringe subdivisions were the ones hit hardest by the burst housing bubble, where so many families found themselves not only underwater on their mortgages but also unable to afford the thirteen car trips per day generated by the average exurban homestead. Our urban downtowns, where housing costs more per square foot, but transportation costs so much less, will figure heavily in our recovery from that debacle.

Many of these cities have infrastructure built upon the use of a car. What are the key steps our suburbs and exurbs, our less walkable places, can take to becoming more walkable communities?

So many of these places are unlovable and therefore not savable, nor worth saving. Why should a postwar sunbelt "city" that consists of nothing but cookie cutter chain stores, cubicle farms, and tacky houses claim our attention, when we have hundreds of historic downtown cores with underused infrastructure, beautiful buildings with empty upper floors, and great social amenities like churches, restaurants, cafes, and pubs; and when demographic data tells us that 88 percent of the next 100 million American households will be childless: people who have no use for big houses, big yards, or schools, and who have every reason to enjoy being freed from automotive enslavement; and when the epidemiologists are telling us that people live longer, healthier lives in cities and towns than in sprawl; and when the environmentalists are telling us that New Yorkers have one-third the carbon footprint of the typical suburbanite? Why should we make slight changes to people's overburdened, unhealthy, unsustainable lives in the auto zone, when we can just make it easier for them to move downtown?

In *Suburban Nation*, my co-authors and I discussed how to build better suburbs. I am now convinced, based on the demographics and the pollsters, that we don't need any more suburbs. I suppose what we could use now is a federal program to help people offload their unwanted suburban houses — "cash for clunker-homes," if you will — to remove the main impediment to the massive empty-nester in-migration that is poised to occur. Meanwhile, cities need to take the proper steps to achieve walkability — outlined in my book — if the flood of millennials and wealthier retirees is going to benefit their community instead of the one next door.

This interview has been edited for clarity and length.

All images courtesy of Jeff Speck.

Keywords: interview, Walkability, Urbanism



Richard Florida is Co-Founder and Editor at Large at The Atlantic Cities. He's also a Senior Editor at



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Our Town

Creating Livable Communities for All Ages

The numbers by now are familiar: Over the next 20 years, up to 10,000 Americans per day will reach the age of 65. By 2030, one in five Americans will have passed that milestone, and 10 U.S. states will have more residents of Medicare age than children of school age.¹

Nationally, awareness of the demographic shift and what it means varies. Some states and localities are working actively to get ready for the wave — both the opportunities it presents and the challenges. For most jurisdictions, though, priorities like budget crises, crime, education and natural disasters continue to dominate the policy and administration arena. Indeed, most of the U.S. is taking a “wait and see” approach to the aging population, said Nancy LeaMond, executive vice president of State and National Group at AARP. “Government and nonprofits like us need to find better ways to address the challenge.” (For a comprehensive listing of age-friendly initiatives around the U.S., go to www.aarp.org/livable.)

But it's clear that there are areas around the country where community awareness and action around aging and how communities respond are rising as a priority. These regions reflect the wide array of ideas and actions based on the increasingly evident notion that what older Americans want in a community — safe, healthy and vibrant neighborhoods that offer multiple opportunities for engagement in a rich civic life — are exactly what every American wants in a community.

To explore the concept of livable communities for all ages, *GOVERNING* and AARP convened leaders from state and local government — as well as economic development experts, community advocates, academics and other key

players in community development — in four cities (Des Moines, Iowa, Lansing, Mich., Philadelphia, Pa., and Salt Lake City, Utah) around the country over the course of the year.

In each case, the roundtables highlighted the growing awareness of, and planning and action around, how to prepare for what is arguably the most profound demographic shift in American history. The primary lesson from the roundtables: No two places are responding in precisely the same way; there is no single formula for how to create communities that embrace all generations. But it was clear from the discussion at the roundtables that there are plenty of communities that are certainly not taking “a wait and see approach” to preparing for an aging population. These communities are actively working to create the kinds of vibrant and healthy societies that are attractive to Americans of all ages.

Although each roundtable highlighted the variations in how different regions were responding to building communities, key themes did emerge around planning, partnerships and engagement — along with the sense that embracing a changing demographic presented significant opportunities for all sectors, whether in the area of economic development or in recruiting and engaging a growing army of experienced, seasoned volunteers and workers. For example, some Michigan community colleges report that they're seeing a distinct increase in the number of older students coming back to hone new skills for new careers.

At the Des Moines roundtable, Michael Lehrer, a Los Angeles-based architect of the “new urbanist” school said, “You can say that it's good for young people to be around

older people and that it's good for older people to be around younger people, but the truth is that it's good for people to be around people."

Or as Brian Duke, secretary for the Department of Aging in Pennsylvania summed it up during the Philadelphia roundtable, "I strongly believe that 'aging' and 'community' are the same thing."

Planning

Numerous examples of the role of planning in creating communities for all ages emerged at each roundtable, but perhaps most notably in Michigan, known more for its struggling urban areas than for cutting-edge downtown economic development. But there, two cities are now thriving, having created long-range comprehensive master plans that are based largely on the notion that Americans of all ages want to live in compact, walkable and vibrant downtowns.

In Traverse City, for example, officials have focused development and redevelopment efforts tightly on what has become a well-known key to downtown revival: getting people to live there. Two housing initiatives have drawn people of all ages to the downtown core, said City Manager Ben Bifoss and Downtown Development Authority Director Bryan Crough. Built by private developers and based on the city's long-range comprehensive master plan, the projects include a senior housing community and a development designed with multiple generations in mind.

In Grand Rapids, city officials partnered with a local foundation to jump start a downtown revival that included a wide mix of uses from office to retail to housing. Key to the city's success, noted Grand Rapids City Planning Director Suzanne M. Schulz, was a strict adherence to the redevelopment vision laid out in the city's comprehensive master plan. In fact, said Schulz, the city actually rejected a significant development proposal by a large retail chain that didn't fit the city's vision for a compact, multi-sector, multi-use downtown.

The idea of multi-generational neighborhoods where neighbors support neighbors, and that offer access to a wide variety of key services nearby also appears to be catching on. Lansing, for example, will open Heart of Lansing Village in 2013, a development that will operate much like a co-op, with fees going to provide various services and programs for residents. Heart of Lansing represents an evolving concept in housing for those who wish to age in place: a holistic, supportive community for all residents with nearby services and amenities.

Very often it's simply a matter of neighbors of all ages banding together to help one another, noted AARP National Board Member and former State President of AARP Michigan Eric Schneidewind. As part of the "village"

In Traverse City, officials have focused development and redevelopment efforts tightly on what has become a well-known key to downtown revival: getting people to live there.



movement, community members form nonprofit corporations to exchange services such as housekeeping, home repairs and transportation.

Grand Rapids, Traverse City and Lansing are all models of a new way of thinking about downtown development, noted Bill Rustem, director of strategic policy for Michigan. "We need to start by creating places where people want to be." And for a lot of reasons, noted roundtable participants. But one of the most important: to retain a demographic cohort that both policy makers and economic development experts argue can be a key part of a city's or region's economic success. "If we ship elders down to Florida, not only would that hurt the Michigan health care industry, but housing and restaurants would see a downturn as well," said Edith Killins, director of the Wayne County Department of Health and Human Services.

But there are complications around Rustem's admonition on creating places where people want to be. For decades, the American Dream consisted of vast tracts of suburban development; single houses on a cul-de-sac, which represent the antitheses of the sort of cohesive, easy-to-negotiate communities represented by places like Traverse City. The huge rise in suburban development — and the attendant abandonment of inner cities — during the 1950s, '60s and '70s has led to a world where making connections and creating vibrant communities easily accessible to all is much more difficult.

But certainly planning and development initiatives in and around places like Grand Rapids hold out significant

promise for jurisdictions looking for new ways to approach development and knit together otherwise fractured geography and community.

For example, based on a “new urbanist” model, Stephen James, a Salt Lake City-based community planner, described Daybreak, a compact development outside of Salt Lake City built entirely with private money and designed to be a self-contained, walkable community, with schools, parks, shops, office spaces, recreation areas and civic centers. “In 2005 we began an explicit strategy for building units aimed at aging in place. There’s a fantastic opportunity for developers in this market,” said James.

The good news, of course, is that given the obvious alignment among generational views on what elements make for livable communities, any market research or long-range comprehensive planning process that includes older Americans will naturally drive the sort of development that all Americans want to see. And so it only makes sense that older Americans are included among the key cohorts consulted whenever a community is considering a smarter way to grow.

Young, middle-aged and older Americans do pretty much want the same thing in community, noted Jay Byers, chief executive officer of the Greater Des Moines Partnership, the area’s pre-eminent regional economic development organization. Indeed, most of the features that attract older people to a community are the same ones that draw younger residents. “We’re focused on attracting and keeping young professionals,” said Byers. “But I don’t think it’s all that different from what we need to do to make communities age-friendly: public transportation, different options for housing, lifelong learning opportunities, a robust arts and cultural scene, walkability and urban spaces.”

Partnership

At the same time, there are those in Utah — and in other parts of the country to be sure — who have been thinking about the whole issue of all-age-friendly communities for quite some time, and who have pulled together the sort of remarkable and cross-sector partnerships necessary for getting the huge job of re-envisioning and redesigning communities done.

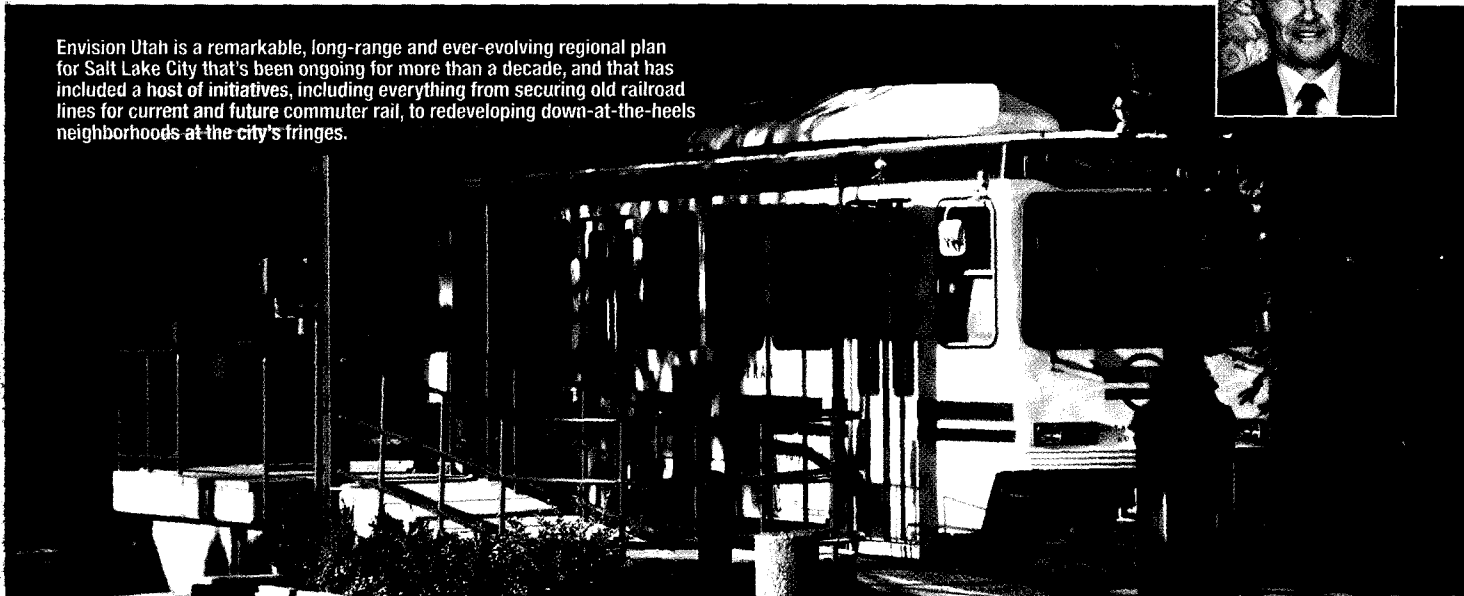
One of those people is Robert J. Grow, president and CEO of Envision Utah, whose board of directors includes state and local officials, builders, community advocacy

“Everybody has a role to play, and we’d be remiss if we thought that government was the only answer. We need to have mechanisms in place so that state and local government can work with the private sector as well as the charitable and not-for-profit sectors.”

— Gary Herbert, Governor, Utah



Envision Utah is a remarkable, long-range and ever-evolving regional plan for Salt Lake City that’s been ongoing for more than a decade, and that has included a host of initiatives, including everything from securing old railroad lines for current and future commuter rail, to redeveloping down-at-the-heels neighborhoods at the city’s fringes.



organizations, educators, architects, regional economic development and planning councils, environmental advocates and small business advocates, among a host of others.

At the Salt Lake City roundtable, Grow described a remarkable, long-range and ever-evolving regional plan for Salt Lake City that's been ongoing for more than a decade, and that has included a host of initiatives, including everything from securing old railroad lines for current and future commuter rail, to redeveloping down-at-the-heels neighborhoods at the city's fringes.

Based on what Grow described as its "quality growth strategy," Envision Utah has partnered with more than 100 communities in Utah, following a "civic engagement approach" that Grow said has been replicated by dozens of regions around the country. "How we grow will affect how we and our children will live," said Grow. "At Envision Utah, we don't believe in sitting back and seeing where growth will take us. We seek to be visionary and actively secure our future."

Obviously, planning alone isn't enough to create the sorts of dynamic and attractive places in which citizens say they want to live; it takes investment. Given the stark reality of state and local budgets, the whole notion of partnership is going to be especially critical as state and local officials try to re-imagine and redevelop communities, noted Utah Governor Gary Herbert. "Everybody has a role to play, and we'd be remiss if we thought that government was the only answer. We need to have mechanisms in place so that state and local government can work with the private sector as well as the charitable and not-for-profit sectors."

In that regard, Envision Utah presents a strong model, said Herbert. "It gives multiple sectors the opportunity to work together."

Engagement

Ultimately, said Envision Utah's Robert Grow, the key to creating places where people want to grow up, raise families and grow old, is to actively engage residents of all ages in the whole discussion about how they want their neighborhoods and communities to evolve. "We have conducted hundreds of hours of interviews with stakeholders and citizens to determine the values and the future that Utahns want," Grow said.

For example, Grow noted that his group regularly convenes community meetings where Envision Utah lays out four basic growth scenarios ranging from uncontrolled sprawl to dense urban infill. Invariably, Grow said, opinion coalesces



The community comes together at a farmers' market in Des Moines, Iowa.

around relatively dense, walkable neighborhoods organized around town or city centers with a variety of transit options.

Another key group to engage, noted Pennsylvania's Brian Duke, is the wide variety of in-state experts in community development available to help create livable places. "That means using the best of Pennsylvania and applying that in Pennsylvania," said Duke. "That includes taking the best research from academic institutions, like the University of Pennsylvania and Temple. But it also means looking at best practices in all communities across the Commonwealth."

Donna Donald, a family life program specialist with Iowa State University, also cited the vital role played by tapping social capital — the full engagement of all sectors in a community in supporting that community — as another key to creating mutually supportive, age-friendly places. "I live in a county of 6,000 people. If I need to go to the doctor, I have a friend who can take me," said Donald. "We have no bus or taxi service. We don't depend on someone else to do that for us."

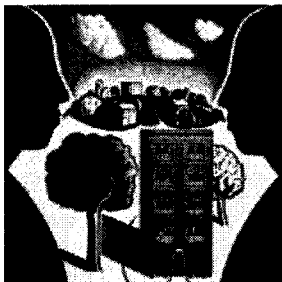
Perhaps most important, though, is engaging the most obvious demographic of all when it comes to creating age-friendly places, said Christopher Doherty, mayor of Scranton, Pa., at the Philadelphia meeting. Whether it's in the area of cultural, political, social, educational or philanthropic endeavors, "if you reach out and connect to seniors, they'll stay active members of your community, and that's a benefit to everyone."

Endnote

1. www.governing.com/generations/government-management/Governing-Generations-The-Project.html



For more information, visit www.aarp.org/livable.



October 8th, 2012

[About Ted Shekell](#)

See also Greg Dale's:

- [Revisiting Ex Parte Contacts](#)
- [Site Visits: Necessary But Tricky](#)

Talking Behind the Public's Back – The Ex-Parte Problem

by Ted Shekell, AICP

Editor's Note: Set out below is Ted Shekell's initial column & hypothetical on ex-parte communications, along with his follow-up responses.

We all like to be “in the know.” There are few things quite as aggravating as feeling like you’re the last person to know what’s going on and being “on the outside looking in.” That’s especially true when as a citizen you’re trying to find out what’s happening on a proposed development project that may affect your community, or possibly even your own home or business. Yet, that’s what can happen when our government’s decision-making processes give the appearance, real or imagined, of being either one-sided or impartial, and full due process is not provided for.

Ex parte is Latin meaning “from or on one side only, with the other side absent or unrepresented.” In a democratic society, open, fair decision making is critical to whether the public trusts what the government is doing. In planning circles, ex parte, or one-sided communications, are usually problematic, either legally, ethically, or both, particularly when it involves a quasi-judicial action such as is often the case with variances or special use permits.

For example, imagine a defendant in court, prior to the start of his trial, finding out the opposing attorney had dinner with the presiding judge and discussed your case with him. Oh, and by the way, your close friend, who by happenstance was sitting at the table next to them, overheard the judge say “yep, and I think he’s guilty, too.” How about that for a fair trial? Get the jail cell and orange jumpsuit ready ... Most people (particularly the defendant) would be outraged at such a breach of fairness and ethics, not to mention the law.

Now think about the applicability of this principle in the world of planning. A variance or special use permit is typically considered a quasi-judicial action, where a planning commission, zoning board, and/or city council often sit as judges ruling on a specific case and the applicability of facts to it. To help ensure proper due process is given to all parties, they need to hear all the facts equally and openly, as do those who may be opponents, proponents, or just interested by-standers of the matter at hand.

The best advice is for commissioners to avoid ex-parte communications or information completely. In the event some new information is given to you on a case, it must be disclosed openly during the process as soon as possible. It is also best practice for planning commissions and city councils to have a policy in place that addresses how ex-parte communications are to be handled.

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Now there is a difference between quasi-judicial and legislative decision-making, which typically has a broader tolerance for how information is obtained. On especially hot topics, planning commissioners or city council members are often bombarded with phone calls, letters, people catching them at the grocery store or hitting them up at their grandkids baseball game, each giving good reasons why a project should be approved or rejected. However, even though there may be more allowance given to how information is gathered in legislative actions as opposed to quasi-judicial ones, there still exists this whole idea of fairness that is essential to not only making good decisions but also giving the appearance of it. An action doesn't have to be illegal to be ill-advised.

Here's an example, and probably not a too far-fetched one, involving a planning commissioner and an upcoming vote on a project:

"You arrive at a regular planning commission meeting and are approached by a fellow PC member. He tells you that due to new information he has recently received from a neighborhood group opposing the special use permit for a nightclub near their homes, he is going to vote no on the project that evening. He admits that although the public hearing hasn't been held yet, he has already made his decision, and he thinks you should vote no on the project, too."

As a planning commission member, what should you do? How would you respond to your colleague? What ethical problems exist in this case, if any?

Update: October 8, 2012:

Editor's Note: Here's Ted Shekell's follow-up to the hypothetical he set out above and to a comment on his initial posting.

First, let me reply to Mr. Bleau's insightful comments [look at the first comment at the end of this post]. As he touches on, one of the most important roles of the planning commissioner is to be an objective, fair-minded representative of the community. As those in the arena of city planning know all too well, land use issues frequently bring out passionate opinions from all sides, with the voice of reason and balance often coming from the planning commission.

It is of the utmost importance to resist the temptation to "make up" one's mind before hearing all the facts.

Having said that, if commissioners become partisan or politically motivated in their decision-making, or if the appearance of fairness and open-mindedness is breached, then the confidence the public has in the commission's decision-making process will deteriorate rapidly. So, it is of the utmost importance to resist the temptation to "make up" one's mind before hearing all the facts — for the

sake of the individuals with a stake in the issue, and ultimately, for the integrity of the democratic process itself.

To further expand on the topic, let's consider a few other variations on this theme. First, what if the planning commissioner in the original scenario received the information from the neighborhood group through their newsletter which he received because he lives in that neighborhood — do indirect communications, such as through a newsletter, make a difference in how a commissioner handles the matter?

Information on a case can be either frivolous or important, regardless of the source. Often, the only way to know the difference is to make it available for public consumption. In this instance the commissioner should make known to the planning commission the information from the newsletter. It may be relevant, it may be irrelevant, but the surest way to know is to make it public.

Here's another question: if the planning commission in the above hypothetical example is making an advisory decision or recommendation to the city council, rather than a final decision, is ex-parte still a consideration? Are advisory decisions/recommendations still considered quasi-judicial in nature?

The short answer to both would be "yes." Ex-parte communications, whether at a hearing, during advisory recommendations, or in making final decisions, are inappropriate. Quasi-judicial matters, such as variances or special use permits, should be handled as such throughout the process. Even though a planning commission hearing and decision is advisory only, it is still an integral, and critical, part of the process.

Proper due process, open two-sided communications, informed cross-examination — these are all important parts of the decision-making process. Knowledge that is "hidden from view," can prevent a thorough hearing on a matter, and it can also thwart a proper decision by the city council, if they are indeed the final authority.

If an issue is ultimately a legislative decision, such as is often the case in a city council's decision on a rezoning or comp plan amendment, the rules governing ex-parte communications are often different and can be less restrictive. Having said that, one of the adopted aspirational goals of the American Planning Association in its "Ethical Principles in Planning" is for planning process participants to "Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information." Open and equitable dissemination of information is a good goal to strive for.

A third and final scenario would be this: should a planning commissioner who is a member of a neighborhood group, environmental group, chamber of commerce, or other organization, excuse himself from considering a project in which that organization testifies or takes a position? Is disclosure of the commissioner's membership in the group necessary? Would it make a difference if the planning

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commissioner is just a regular member versus being on the board of the organization?

Anytime a commissioner feels like he or she has a conflict of interest, taking appropriate action (such as disclosure or recusal) is a must. Even if something may not rise to the legal definition of a conflict of interest, a clean conscience is a beautiful thing. Be safe and address it.

In the instance above, disclosure of the commissioner's membership in the group providing testimony should certainly be made. If a commissioner believes in his own mind that his membership could compromise his objectivity, or if the perception on the part of the public is that the commissioner's decision-making could be negatively affected, then the most prudent course of action is for the commissioner to avoid the conflict and recuse himself from the matter.

Speaking of conflicts of interest, this seems to be a great topic for further discussion and a more in-depth look, so let's tee that topic up for our next entry into ethics matters. If you have any questions about conflict of interest situations you'd like to see addressed, please email me c/o the PlannersWeb at: pcjoffice@gmail.com.

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One Comment on "Talking Behind the Public's Back – The Ex-Parte Problem"

1. *Lawrence Bleau* says:

September 11, 2012 at 3:05 am

I would inform the commissioner that the public hearing has not yet been held, that he should reserve his decision until all the evidence is in. I would say that other commissioners may also have new information that may change his mind. Further, I would suggest that, if he thinks the information he has is important enough to change his mind, it should be shared with all commissioners and the public as well, so he should bring it forth during the hearing; otherwise, it will not be a part of the public record and, depending on the rules, he may not be allowed to consider that information. Lastly, I would mention that, if someone had overheard him, it would most likely leave a negative impression of himself, the commission, and the process. He should encourage a representative from the neighborhood to attend and speak at the hearing.