

PLANNING COMMISSION

Wednesday, May 8, 2013

Chairman Mike Jay called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Pritschet, Plantenberg, Hayden, Jay, Lambert, Norwood and Cole. Also present was City Planner Ostgarden.

#2 **Approval/Amendment of Agenda**

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

#3 **Approve minutes of the regular meeting of April 10, 2013**

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND NORWOOD, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF APRIL 10, 2013.

#4 **NEW BUSINESS**

a. Public Hearing – Conditional Use Permit #285 Amendment and Variance at 502 South 6th Street – Positive Realty

Chairman Jay stated the public hearing will include item 4b as they are for the same location and most of the information will be similar for both. There will be two separate findings-of-fact and two separate motions.

The public hearing was opened at 6:07 pm

City Planner Ostgarden stated this is an amendment to a conditional use permit that was granted in 2010 for the use of the building along South 6th Street for automotive repair. He stated the rest of the site was not included in the conditional use permit as it was not going to be used for auto repair. He stated the current tenant would like to use the building on the west side of the site for front end alignments.

City Planner Ostgarden reviewed permitted, accessory, and conditional uses allowed within the B-4 (General Business) District. He stated one of the conditions associated with auto repair is the surfacing of the area not occupied by the building which will be an issue tonight when the variance is discussed.

City Planner Ostgarden discussed some of the conditional use permit criteria including:

- Site location and history including other auto uses in proximity to the property
- Site amenities
- Parking

He also noted Public Utilities, Fire, Building, and Engineering Departments did not have any issues with the expansion of the business.

City Planner Ostgarden stated the site can be used for the expansion, but the site aesthetics, surfacing and curbing, and parking with striping should be discussed. He stated the petitioner is also requesting a variance from the surfacing and curbing requirements to keep the existing gravel surface in the rear of the property.

Mr. Mike Flynn, Positive Realty, gave the Commission a review of the work that has been done on the building in the last year to improve the aesthetics of the site. He stated the new tenant has done well in the building and has had a number of requests from clients to do alignments, but there is not room in the building that is being used. He stated the rear building could be used for the alignment and if approved that building will also go through improvements.

Mr. Flynn reviewed the current Class V area in the rear of the property. He stated they are asking for a variance from surfacing that part of the property as they feel the current gravel is sufficient for the use and a lot of money has already been spent on upgrades and will possibly be spent on additional repairs to the rear building.

The public hearing was closed at 6:20 pm

Commissioner Hayden read the findings-of-fact for the variance into the record as follows: 1. The property is zoned B-4 (General Commercial) District; 2. The current tenant desires to expand the automotive repair activity on the site to use the building on the west side of the property for front end alignment service and repair; 3. The property is located along a major thoroughfare on a community gateway and visible to the public; 4. The site is 100' x 150' (15,000 sf); 5. A minimum of nine (9) off-street parking spaces are required which are not delineated and cannot be done so with the current parking surface. A required handicapped parking space is not identified; 6. The Zoning Ordinance specifies for automotive repair that: The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer; 7. The subject property is the only property along this thoroughfare and community gateway that does not have an improved parking area; 8. The petitioner spoke in support and not one spoke in opposition.

Commissioner Cole read the findings-of-fact for the conditional use permit amendment into the record as follows: 1. The property is zoned B-4 (General Commercial) District; 2. The current tenant desires to use the building on the west side of the property for front end alignment service and repair; 3. Using the building and adding the service and repair was not an activity planned when CUP #285 was approved. The use expansion requires an amendment to CUP #285; 4. The property is located along a major thoroughfare on a community gateway and visible to the public; 5. The property has a history of automobile related use; 6. There are automotive related uses located to the north and east; 7. The site is 100' x 150' (15,000 sf); 8. The building fronting on South 6th Street has three service bays and an additional service area will be added for front end alignment; 9. The site has no landscaping; 10. A minimum of nine (9) off-street parking spaces are required which are not delineated and cannot be done so with the current parking surface. A required handicapped parking space is not identified; 11. Site reuse supports the Comprehensive Plan Goal #5: Support development that enhances community character and identity by: Support the redevelopment of vacant and abandoned sites within the urban core.

Work to strengthen and maintain the appearance of the Business Highway 371; 12. There were no Building, Fire, BPU or Engineering Department concerns; 13. The petitioner spoke in support and no one spoke in opposition.

The Commission agreed to the following conditions: 1. The dumpster shall be screened from public view; 2. Landscaping shall be provided adjacent to Norwood Street.

Commissioner Hayden asked if there were any stormwater requirement concerns associated with the variance. City Planner Ostgarden stated the Engineering Department did not say they had any concerns.

Commissioner Cole asked about the surfacing and landscaping. City Planner Ostgarden stated the surfacing is required for the parking and driving areas only.

Discussion was held regarding the surfacing and striping.

Commissioner Norwood stated he is not in favor of the variance based off the requirements in the Zoning Code, but would like to find a way to make this possible for the property owner.

Commissioner Hayden stated she is in favor of the variance as she feels it is not necessary to add additional asphalt as it's not adjacent to South 6th Street and more asphalt is not always good for the city. She stated the parking does need to be delineated in some way.

Commissioner Jay stated he is not necessarily in favor of additional asphalt, but there are other concerns in granting the variance such as stormwater runoff, parking delineation, and handicap parking. He suggested paving only a portion of the area as a compromise.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE AMENDMENT TO CONDITIONAL USE PERMIT #285 TO EXPAND THE AUTOMOTIVE REPAIR BUSINESS BASED ON THE THIRTEEN (13) FINDINGS-OF-FACT AND TWO (2) CONDITIONS.

Commissioner Lambert stated she would like to remove the curbing requirements but require paving of the parking surface.

Discussion was held regarding how much area should be paved.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN AND PLANTENBERG TO RECOMMEND APPROVAL OF A VARIANCE TO ELIMINATE THE PARKING AREA CURB REQUIREMENTS AND PAVING OF ONLY AN AREA TO PROVIDE FOR NINE (9) PARKING SPACES AND A TWENTY (20) FOOT DRIVE AREA OFF OF NORWOOD STREET BASED ON THE EIGHT (8) FINDINGS-OF-FACT.

Discussion was held on a sunset on the variance. City Planner Ostgarden stated you cannot sunset a variance.

Discussion was held regarding a requirement to have the asphalt completed by a certain date.

Commissioner Hayden withdrew the motion. Commissioner Plantenberg agreed to the withdrawal.

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND COLE TO ADD A CONDITION TO REQUIRE THE ENTIRE AREA REQUIRING BITUMINOUS OR CONCRETE BE COMPLETED BY JUNE 1, 2016. COMMISSIONER HAYDEN OPPOSED.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND PLANTENBERG, DULY CARRIED, TO RECOMMEND APPROVAL OF THE AMENDMENT TO CONDITIONAL USE PERMIT #285 TO EXPAND THE AUTOMOTIVE REPAIR BUSINESS BASED ON THE THIRTEEN (13) FINDINGS-OF-FACT AND THREE (3) CONDITIONS.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND PLANTENBERG, DULY CARRIED, TO RECOMMEND APPROVAL OF A VARIANCE TO REMOVE THE PERIMETER CURB BARRIER REQUIREMENT AND TO RECOMMEND DENIAL OF THE VARIANCE TO KEEP THE EXISTING GRAVEL SURFACE. COMMISSIONER HAYDEN OPPOSED.

b. Public Hearing – Variance at 502 South 6th Street – Positive Realty

This item was included with item 4a.

c. Building Department Inspection Process – Building Official Tim Caughey

Chairman Jay stated other cities are allowing contractors to take pictures of work instead of having someone coming out for an inspection and asked if this is something the City of Brainerd would be interested in doing.

Building Official Tim Caughey stated photos are used at times depending on the complication of a roof tear-off and when the work is being done as we don't want to impede the process if the work is done on a weekend. Mr. Caughey then gave a review of the building permit and inspection process.

Commissioner Cole asked if there were penalties if the Building Code isn't followed once it's been adopted by a city and if so how are other cities able to use pictures for inspections.

Mr. Caughey stated some of the code is interpretive and it is the responsibility of the Building Official to make that interpretation. He noted cities over 5000 people have to adopt the Building Code. He stated there are no penalties involved. He stated we do use pictures at times and it does save, but it's not the common it's the exception. He said some communities do use it, but it depends on the situation. He stated we want to make sure a project is done correctly as it protects the property owner and the city.

Mr. Caughey gave a brief review of Building Code changes and the importance of the Building Code.

d. Residential Infill Design Guidelines – Discussion

City Planner Ostgarden stated the Commission requested information about how other communities were dealing with residential infill design guidelines and the impacts new construction has on neighborhoods. He reviewed some of the information that was given to the Commission from other cities noting it provides information that is good for discussion as it applies to areas within our community.

Commissioner Hayden asked if these are guidelines can they be enforced. City Planner Ostgarden stated they would have to be adopted as an ordinance in order for them to be enforced.

The Commission agreed to work on drafting these guidelines and set a workshop for after the June meeting.

e. Small Lot/House Construction – Discussion

City Planner Ostgarden stated he provided the Commission with a little information on small lot development and the concept of “tiny homes”.

Commissioner Jay gave information on why he feels these homes are becoming more popular and it also helps with infill.

The Commission agreed to add this as a workshop item also.

#5 OLD BUSINESS

a. Rezoning of Property on the East Side of 13th Street SE South of Brook Street from an R-1 (Single Family Residential) District to an I-1 (Light Industrial) District

City Planner Ostgarden stated the Commission needs to make a decision on how they want to move forward with the rezoning. He stated he has had conversations with the owner of the property and their thoughts on the rezoning. He reviewed the zoning options for the property.

The Commission agreed to hold a new public hearing on June 12, 2013 to rezone the property on the east side of 13th Street SE South of Brook Street from an R-1 (Single Family Residential) District to an I-2 (General Industry) District.

b. City Council Strategic Planning Update

Commissioner Pritchet presented the Commission with updated information on the strategic plan. He stated there will be a town hall meeting held to get input from the public.

#6 Commissioners’ Questions/Comments

Commissioner Cole stated he has heard concerns about the location of the trees planted around the roundabouts and the impact on safety as those trees get larger. City Planner Ostgarden stated he will look into that further.

Commissioner Jay reminded everyone that it's National Bike Month and encouraged everyone to ride their bikes.

#7 **City Planner's Comments**

City Planner Ostgarden briefly discussed the article about Agenda 21 and the fear of the United Nations taking over the United States.

#8 **Adjournment**

As there was no further business the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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