

BRAINERD PLANNING COMMISSION

Wednesday, July 10, 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 June 12, 2013
4. NEW BUSINESS
 - a. Public Hearing – Variance at 1423 South 10th Street – Misty Bayliss
 - b. Public Hearing – Rezoning South End of 19th Street from R-3 (Multiple Family Residential) District to R-1 (Single Family Residential) District
5. OLD BUSINESS
 - a. City Council Strategic Planning Update
6. Commissioners' Questions/Comments
7. City Planner's Comments
8. Adjournment

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

PLANNING COMMISSION

Wednesday, June 12, 2013

Chairman Mike Jay called the meeting of the Brainerd Planning Commission to order at 6:02 p.m. in the City Hall Council Chambers.

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

Commissioner Jay stated there will be an amendment to the agenda adding item 4b – Rezoning at the south end of 19th Street SE from R-3 (High Density Residential) District to R-1 (Single Family Residential) District.

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of May 8, 2013

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND NORWOOD, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF MAY 8, 2013.

#4 NEW BUSINESS

a. Public Hearing – 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-2 (General Industrial) District

The Public Hearing was opened at 6:03 p.m.

City Planner Ostgarden stated this is the new public hearing for the property on the east side of 13th Street SE south of Brook Street to rezone the property from an R-1 (Single Family Residential) District to an I-2 (General Industrial) District. He reviewed the options the Commission has for rezoning the property:

- Rezone to an I-2 District as was advertised
- Rezone to a more restrictive district such as I-1 (Light Industry) District
- Do a combination of zoning with I-1 and I-2

City Planner Ostgarden stated the I-1 District is intended to have low impact character and is intended to be an area for uses which require isolation from residential uses, but does permit lower intensity uses that would be compatible. He stated the I-2 District does require isolation from residential and commercial uses due to higher intensity uses. He reviewed some of the uses within both the I-1 and I-2 Districts.

City Planner Ostgarden stated from the Planning Department's perspective and looking at the goals and policies, purposes and intent, and the comprehensive plan the I-1 District seems more appropriate and provides a land use buffer and transition for the existing residential development in the area. He stated it does provide the owner with flexibility of uses.

City Planner Ostgarden stated a letter from the primary property owner has been provided to the Commission stating their desire for an I-2 District with possibility of expansion of their business into this area, which the I-1 District would prevent them from doing that, and also for having flexibility for marketing land that is undeveloped.

City Planner Ostgarden then reviewed the aerials of the property and what the uses are in the area.

Commissioner Pritschet asked what the concern would be with zoning it to an I-2 District. City Planner Ostgarden stated it's an issue of providing a buffer and transition for the residential area to the west of the property.

No public comment. A letter from Shipman Auto Parts was received requesting an I-2 rezoning and their concerns with an I-1 District.

The Public Hearing was closed at 6:19 p.m.

Commissioner Pritschet and Hayden agreed there was concern with the I-2 and what could be placed on the property if the business expanded. They would rather see an I-1 District and if the business wants to expand and place a warehouse on the property as they've stated the Commission could consider that in the future.

Commissioner Norwood and Lambert agreed that Shipman has been a good business right next to our community and he has difficulty not considering their request.

City Planner Ostgarden gave the dimensions of the property.

Commissioner Jay stated he would like to consider a split between the I-1 and I-2 with the north part being an I-1 District and the southern portion being an I-2 District.

Commissioner Hayden stated the reputation and character of the business should not be a consideration when discussing the zoning but is more appropriate for an issue such as a variance. Commissioner Jay stated it should be considered as the type of business would be an I-2 use if it was in the city limits.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND NORWOOD TO RECOMMEND APPROVAL OF THE REZONING OF 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. COMMISSIONERS PRITSCHET, HAYDEN, AND JAY OPPOSED.

Commissioner Pritschet stated he is not comfortable with the I-2 zoning on the northern part of the property as it doesn't provide enough of a buffer for the residential area to the west. He stated he would be a little more comfortable with the split zoning that all of it I-2.

Commissioner Hayden stated she would like to see the whole property zoned I-1 and does not want to see the expansion of the auto salvage business into that area right next to a major thoroughfare and close to a residential area.

Commissioner Norwood stated the southern portion does not allow enough area to expand the business.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND PRITSCHET TO RECOMMEND APPROVAL OF THE REZONING OF THE PROPERTY ON THE EAST SIDE OF 13TH STREET SE SOUTH OF BROOK STREET AND NORTH OF SHIPMAN'S NORTHERLY BUILDING FROM AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN I-1 (LIGHT INDUSTRY) DISTRICT AND THE PROPERTY ON THE EAST SIDE OF 13TH STREET SE SOUTH OF BROOK STREET AND SOUTH OF SHIPMAN'S NORTHERLY BUILDING FROM AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN I-2 (GENERAL INDUSTRY) DISTRICT WITH THE NINE (9) FINDINGS-OF-FACT. COMMISSIONERS PRITSCHET, HAYDEN, AND NORWOOD OPPOSED.

Discussion was held regarding buffer zones and how much area is needed to be considered a buffer.

Commissioner Lambert read the findings-of-fact into the record as follows: 1. The property is approximately 3.2 +/- acres and the parcel shape creates a large area with limited development options; 2. The property to the east is not in the city, vacant to the north and developed with a vehicle salvage business on the south; 3. Property to the west across the street is developed with single family dwellings; 4. Property to the north is vacant, zoned R-1 and is developable for single family dwellings; 5. The Comprehensive Plan Future Land Use Map identifies the area as General Commercial; 6. The City Comprehensive Plan Land Use Goal #4: Plan land uses and implement standards to minimize land use conflicts; Strategy #2 reads: Require adequate transitions between different land uses through appropriate land use planning and zoning standards; 7. The Purpose and Intent of an I-1 Light Industry District is: To provide for the establishment of warehousing and light industrial development, particularly in the form of industrial parks. The overall character of the I-1 District is intended to have low impact character. Industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses but which require isolation from residential uses. This district may also incorporate general office and commercial uses. The property can be established with office and retail business that serve nearby neighborhoods. The Purpose and Intent of an I-2, General Industrial District is: To provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity, requires isolation from residential and commercial uses; 8. The rezoning is in keeping with the Comprehensive Plan because: (a) The area has access to adequately sized and designed public roads, (b) the area will encourage infill that is limited in size providing a commercial area that will be compatible with adjacent residential uses, (c) the rezoning supports the development of vacant sites within the urban core.

The Commission added: 9. A letter from the property owner supporting the I-2 District was submitted. The Commission added to 6. The split zoning will provide with the I-1 to the north a transition area for the R-1 adjacent to the property on the north side and the I-2 to the south has setbacks and the existing right-of-way will provide an adequate buffer for the residential property to the west.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND HAYDEN TO RECOMMEND APPROVAL OF THE REZONING OF 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-1 (LIGHT INDUSTRY) DISTRICT WITH THE NINE (9) FINDINGS-OF-FACT. COMMISSIONERS LAMBERT, JAY, AND NORWOOD OPPOSED.

Commissioner Jay stated he feels we are doing an injustice to our industrial park right at the entrance.

Commissioner Pritschet stated he disagrees as the I-1 provides the buffer for the adjacent residential area and allows adequate uses for the property owner.

The Commission amended the before read findings-of-fact to eliminate the addition to number 6.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND PRITSCHET, DULY CARRIED, TO FORWARD THE REZONING REQUEST TO THE CITY COUNCIL WITHOUT A RECOMMENDATION.

b. Rezoning at the south end of 19th Street SE from R-3 (High Density Residential) District to R-1 (Single Family Residential) District

City Planner Ostgarden stated the south end of 19th Street SE has four tracts of land with one single family home on one of the tracts of land and was originally split for single family homes. He stated a lot of the land in this area is wetland. He stated when the zoning map was redone, the single family line ended just to the north of the four tracts of land and should possibly have been extended to include those four tracts of land and possible further south.

Discussion was held regarding how the change would affect the existing properties or how no change affects the existing properties.

MOTION AND SECONDED BY PRITSCHET AND HAYDEN, DULY CARRIED, TO MOVE FORWARD WITH THE REZONING PROCESS FOR THE FOUR (4) PARCELS ON THE EAST SIDE OF 19TH STREET SE SOUTH OF PORTLAND AVENUE AND THE TWO (2) PARCELS ON THE WEST SIDE OF 19TH STREET SE SOUTH OF PORTLAND AVENUE FROM R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

#5 OLD BUSINESS

a. City Council Strategic Planning Update

Commissioner Pritschet stated the Town Hall meeting was held at the High School on Monday night with approximately 50-60 people present. He stated information regarding the strategic plan was presented to those people.

#6 Commissioners' Questions/Comments

Commissioner Lambert thanked the City Engineer for providing information regarding the trees near the roundabouts on College Drive.

Commissioner Hayden stated she would like to have the "quiet zone" discussion added to the agenda for the July meeting.

#7 City Planner's Comments

City Planner Ostgarden mentioned the article regarding "The Top 10 Ways to Make Your Planning Commission More Relevant in Your Community" and suggested discussion on this information in the future.

City Planner Ostgarden stated a copy of the letter from the School District was provided to the Commission regarding Northern Pines moving ahead with the zoning issues.

City Planner Ostgarden stated he has also provided the Commission with the Better Brainerd Project Narrative which is the narrative put together by Chuck Marohn and submitted to Strong Towns for his desires to work with northeast Brainerd.

City Planner Ostgarden stated as we move forward with the Whittier School process there will be a lot of debate and possibly some contentiousness and advises the Commission to refrain from discussing anything about Whittier outside of the Council Chambers. He stated they can listen but should inform people to come to the Commission meeting.

#8 Adjournment

As there was no further business the meeting adjourned to the workshop at 7:24 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

/lt

**Brainerd Planning Commission Workshop
June 12, 2013**

Chairman Mike Jay called the meeting of the Brainerd Planning Commission to order at 7:28 p.m. in City Hall Council Chambers.

Present: Dave Pritschet, Sarah Hayden, Mike Jay, Jan Lambert, and James Norwood.

Others Present: City Planner Mark Ostgarden

The purpose of the workshop is to have discussion regarding Residential Infill Design Guidelines and Small Lot/House Construction.

City Planner Ostgarden stated the first question regarding infill design standards is whether or not the Commission feels they need to have the standards. It was noted they are just guidelines and to have authority and make it a requirement there will need to be ordinance changes.

The Commission discussed how more restrictions may discourage building. The Commission wants to promote building but still want infill to conform to the neighborhood.

The Commission discussed what should be included in the guide lines. The Commission agreed a property inventory of vacant lots and blighted/tear down homes should be put together before guidelines are set to see where the properties are located as it will help set those guidelines.

City Planner Ostgarden stated he will work on getting an inventory put together and bring it back to the Commission for a workshop in September. The Commission agreed to hold another workshop in July to discuss possible barriers and start developing guidelines.

The Commission then held discussion on small homes. Discussion revolved around areas of town that would work for small homes and noted this goes along with infill development.

City Planner Ostgarden stated he will speak with the Building Official to get input from the building standpoint and do more research on small homes. He stated there are possibly two plans, a specific zoning area for small homes and small homes being used as infill. He stated he will have additional information for the Commission at their July meeting.

The meeting adjourned at approximately 8:45 p.m.

Respectfully submitted

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION

July 3, 2013

APPLICANT/Location: Misty Bayliss, 1423 South 10th Street, Brainerd, MN 56401

PROPOSED USE: Variance to permit detached garage in a front yard

AREA: The lot is 10,800 sf (75' x 144')

CURRENT ZONING: R-1 (Single Family) Residential

ADJACENT USES: North: Vacant and Single family dwellings
East: Single family dwelling
South: Single family dwellings
West: Vacant and Single family dwellings

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

REPORT

The petitioner is proposing to construct a detached garage in the front yard of the corner lot at South 10th Street and Summit Avenue. *Zoning Ordinance Section 515 17-8* specifies that:

No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on the lot.

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 variance, if approved, will not do anything that is not in harmony with the Purpose and Intent of the Zoning Ordinance. If granted, the neighborhood will be protected from a condition that is not in keeping with the neighborhood. Taking into account the lot size, house placement, garage size and its relationship to the house and location on the lot all contribute to creating an environment which protects the neighborhood.

Granting the variance promotes orderly development in that the building locations are compatible in the neighborhood.

Granting the variance is in harmony with the Intent and Purpose because there is no lot overcrowding or undue concentration of structures because all setback requirements are met and the maximum lot coverage will not be exceeded.

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;

An application such as this one might make us all stop and think about why we have the rule that a detached accessory building cannot be built closer to the street. I will not describe how, if we did not have the rule, there could be unintended consequences of allowing detached accessory buildings closer to the street.

Taking into account the lot size, house placement, garage size and its relationship to the house and location on the lot all contribute to the property being used in a reasonable manner.

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

There is nothing unique about the property in that the lot is a typical corner with more than sufficient lot width and lot depth. The house was constructed by Habitat for Humanity.

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 property is at the corner of a short dead end street on which there are three (3) lots with frontage. The house at the end of the street has no garage and the house across the street has a detached garage. The houses across South 10th St have attached garages located to the side of the dwelling. The proposed garage location, size and the roof pitch should be compatible in appearance and style with other buildings on the street and in the neighborhood.

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.

The petitioner's letter does reference some costs associated with attaching the garage to the house.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at its July 10, 2013 meeting and the City Council would receive the recommendation for consideration at its July 15th 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



Note: Aerial is before house w.s built

To whom it may concern:

I have recently applied for a variance to build a detached garage on my property and asking for your consideration. The garage is needed to store vehicles, bicycles, lawn and garden tools, etc.

We have come into some problems because of the way our property is situated. Our address is South 10th Street but our house faces Summit Street. Because of this situation, we will need a variance to build a detached garage. We would like to place the garage next to the house, which is the only option big enough for the building. Although, for zoning, that is considered our front yard, again because the way our home is situated on the lot. If we were to attach the garage to the house we would *not* need a variance, but we are unable to heat and insulate the garage at this time, which is required if attached. So, what we are asking is to change our original plan of attaching the garage, and just move it away from the house 6 feet, as a detached."

Thank you for your time and consideration in this matter.

Sincerely,

Misty Bayliss

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Misty Bayliss; 1423 10th Street South; Brainerd, MN 56401, has submitted a plan to construct a 26'x34' detached accessory building in the front yard. The lot is 75' x 144' (10,800 sq. ft. in area) and located in an R-1 (Single Family Residential) District. The primary structure on the property faces Summit Street, but South 10th Street is considered the front yard. See the attached site plan for building locations. In order to build the detached 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 4. Setbacks. Detached accessory buildings shall comply with the following setbacks:

- a. Front Setback. No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot.

The property is legally described as follows:

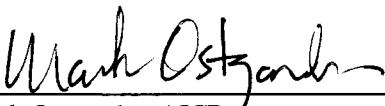
*Lots 10 thru 12 Inclusive Block 6, Howes and Spaldings Addn to Brainerd
P.I.N. No. 09146006010Z009
Section 36 Township 45 Range 31*

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, July 10, 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.

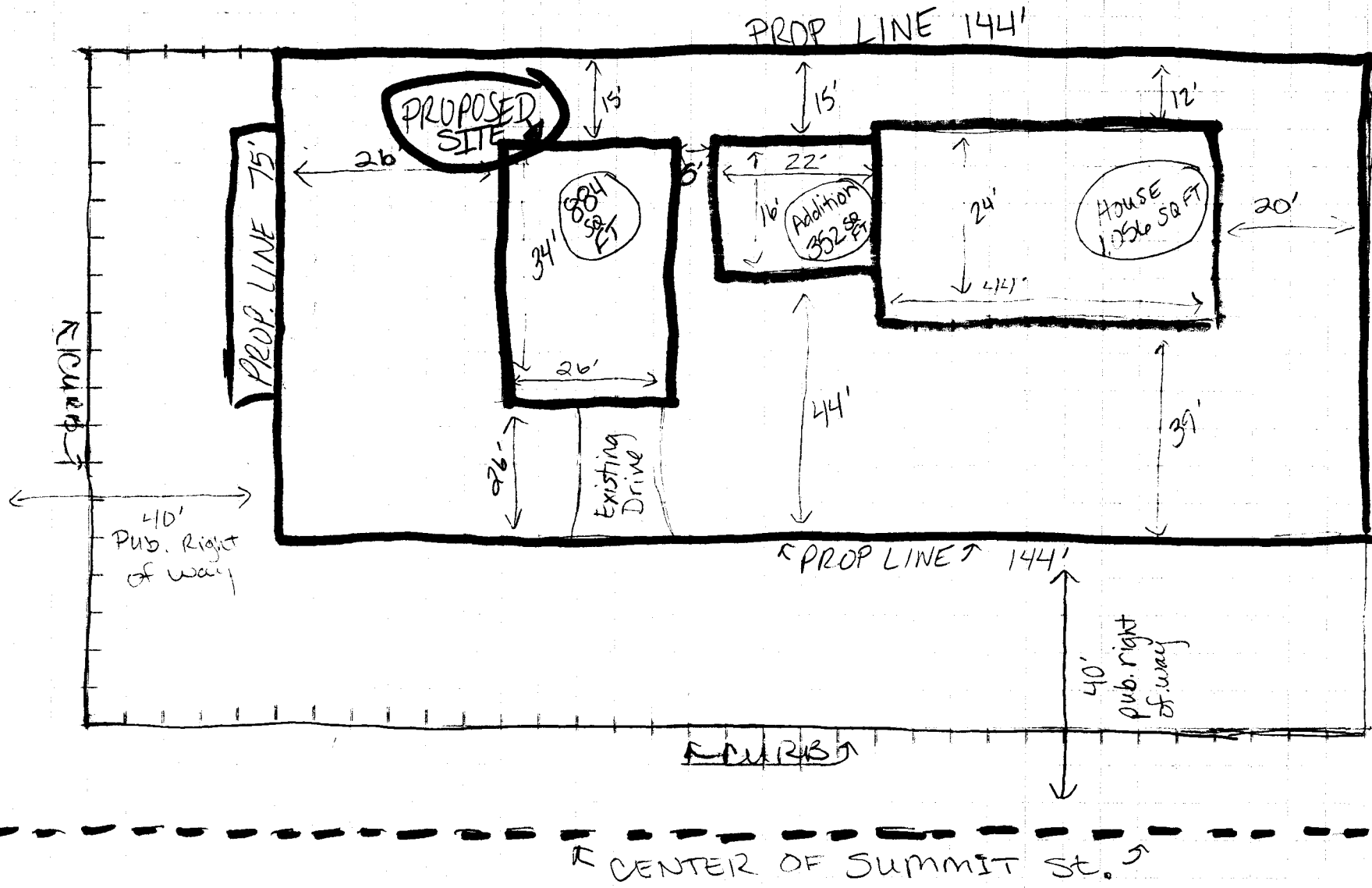
Dated this 26th day of June, 2013



Mark Ostgarden AICP
City Planner

Publication date: June 28, 2013

CENTER SOUTH 10TH St.



Aprox 1 square = 5 ft.



City Planning Department

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

Receipt # 8410
Check # 2492
Date Paid: 6/13/13

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

NATURE OF REQUEST (please check)

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

PROPERTY ADDRESS: 1423 S. 10th St. Brainerd MN 56401

LEGAL DESCRIPTION: Lot(s): 10-12 Block: 6 Addition: Hawes & Spalding

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

Property Owner Name: Misty L. Bayliss

Street Address: 1423 S. 10th St. City: Brainerd State: MN Zip Code 56401

Phone Number: 218-821-0952 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Garage requested to store vehicles and gardening tools.

Misty Bayliss
Property Owner Signature

6-13-13
Date

Misty Bayliss
(Please print name)

Applicant Signature

Date

(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:

BRAINERD FIRE DEPARTMENT

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

BRAINERD POLICE DEPARTMENT

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

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@crowwing.us

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@crowwingswcd.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

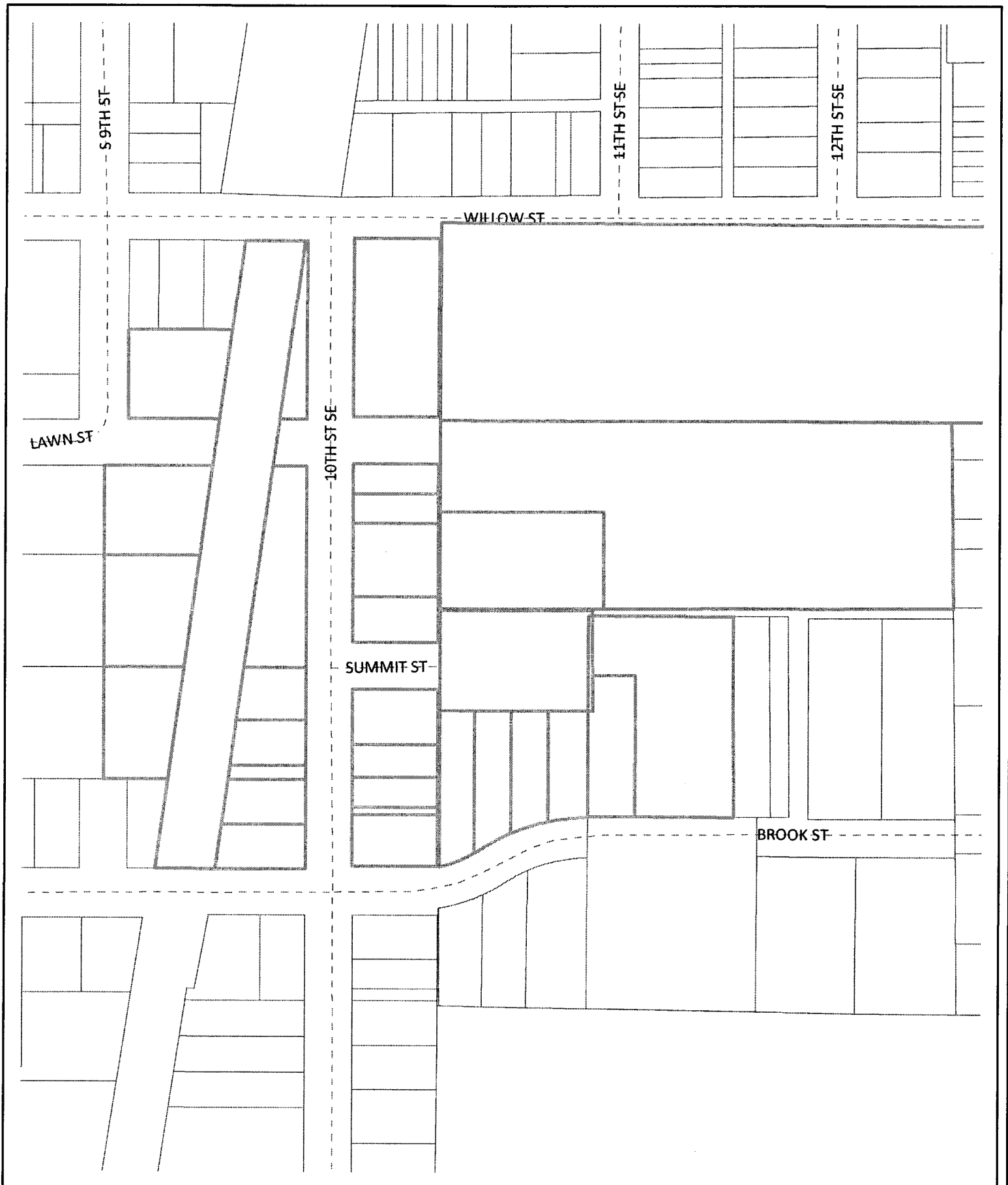
MINNESOTA POLLUTION CONTROL AGENCY

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

U.S. ARMY CORPS OF ENGINEERS

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

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
060361100L00009	ROBERTS, KATHLEEN K	1011 SUMMIT ST	BRAINERD, MN 56401	1101 SUMMIT ST
060360000A00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
060361100C00009	SCHLEPPENBACH, WAYNE L	1413 10TH ST S	BRAINERD, MN 56401	1413 10TH ST S
060361100JA0009	HANSON, DEAN T	2849 CHIPPEWA SHORES RD	BRAINERD, MN 56401	
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
091390000030009	LORIMOR, ALAN C	1019 BROOK ST	BRAINERD MN 56401	1019 BROOK ST
09146006001Z009	WEBER, PAUL G	4431 NEWTON AVE	MINNEAPOLIS, MN 55412	1403 10TH ST S
09146006005Z009	SCHLEPPENBACH, WAYNE L	1413 10TH ST S	BRAINERD, MN 56401	
091460140030009	KOWALKE, THOMAS P & JESSICA L	1512 10TH STREET S	BRAINERD, MN 56401	1512 10TH ST S
09146015001Z009	TURCOTTE, BRANDON C & KATIE A	1503 10TH ST S	BRAINERD, MN 56401	1503 10TH ST S
09146015009A009	LAKIN, LINDSEY & KELLY	1515 S 10TH ST	BRAINERD, MN 56401	
091390000040009	POHLMAN, WILLARD A & LORETTA	1023 BROOK ST	BRAINERD, MN 56401	1023 BROOK ST
091390000010009	HINTZKE, AIMEE L	1011 BROOK ST	BRAINERD, MN 56401	1011 BROOK ST
091390000020009	DEGEN, MICHAEL	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	1015 BROOK ST
09146014010Z009	HUMMEL, ROBERT GEORGE & LYNDA G	1520 S 10TH STREET	BRAINERD MN 56401	
09146015009Y009	STANTON, JULIE	NO VALID ADD 2013 TNT		1523 10TH ST S
09146005001Z009	ST ANDREW'S CHURCH	1108 WILLOW ST	BRAINERD MN 56401	
09146014001Y009	ROZARIO, DIONNE L	1508 10TH ST S	BRAINERD, MN 56401	1508 10TH ST S
091460140060009	HUMMEL, ROBERT GEORGE & LYNDA G	1520 S 10TH STREET	BRAINERD MN 56401	
09146003008Z009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	
09146013001Y009	LAESTADIAN, CONGREGATION OF BRAINER	1501 S 8TH ST	BRAINERD MN 56401	
09146014007Z009	HUMMEL, ROBERT GEORGE & LYNDA G	1520 S 10TH STREET	BRAINERD MN 56401	1520 10TH ST S
09146015007Z009	LAKIN, LINDSEY & KELLY	1515 S 10TH ST	BRAINERD, MN 56401	1515 10TH ST S
060361100J00889	AHMANN, KELLY	1101 BROOK ST	BRAINERD, MN 56401	1101 BROOK ST
091460040010009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	
09146006003Z009	BRENNY, DERIK J	1407 10TH ST S	BRAINERD, MN 56401	1407 10TH ST S
09146006010Z009	BAYLISS, MISTY L	1423 10TH ST S	BRAINERD, MN 56401	1423 10TH ST S
09146007001Z009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	
09146008001Y009	GALLANT, MERLE JR & MARCELLA	816 LAWN ST	BRAINERD MN 56401	
09146008007Z009	LAESTADIAN, CONGREGATION OF BRAINER	1501 S 8TH ST	BRAINERD MN 56401	
09146015004Z009	STUDER, JOSEPH A & CHERYL E	1511 10TH ST S	BRAINERD MN 56401	1511 10TH ST S



0 145 290 Feet

0 0.0325 0.065 Miles

STAFF REPORT TO THE PLANNING COMMISSION

July 1, 2013

APPLICANT/LOCATION: The City of Brainerd/south end of 19th Street SE from R-3 (Multiple Family Residential) District to R-1 (Single Family Residential) District

CURRENT AND PROPOSED: One parcel has a single family dwelling the remaining lots are vacant. Development is not planned for the area.

AREA: 25 +/- acres

ADJACENT USES: North: Vacant/Park
East: Vacant
South: Vacant
West: Vacant

ADJACENT ZONING: North: R-1 (Single Family Residential) District
East: R-3 (Multiple Family Residential) District
South: R-3 (Multiple Family Residential) District/R-1 (Single Family Residential) District
West: R-2 (Medium Family Residential) District

PETITION EVALUATION

This rezoning was initiated by the Planning Commission to change a portion of the R-3 (Multiple Family Residential) District located at the south end of 19th Street SE to an R-1 (Single Family Residential) District. A portion of the area on the east side of 19th Street SE has been split for single family residential lots (one of which is developed).

In compliance with Section 515.09 of the Brainerd Zoning Ordinance, the Planning Commission shall conduct a Public Hearing regarding this request. To assist the Planning Commission in evaluating the suitability of this requested change, following are guidelines and a staff review of issues associated with application to consider in the review process.

1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.
This property is identified as Low Density Residential Land Use on the Future Land Use Map.

LAND USE

LAND USE GOAL #1: *Support the efficient and orderly growth of all urban development, including residential, commercial and industrial areas. Strengthen the distinction between the urban city and the rural countryside with well planned and carefully coordinated services appropriate to the distinct needs of each.*

STRATEGY

Identify areas of significant natural resource benefit and protect these areas from premature or incompatible development.

LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*

STRATEGY

1. Only place high-density developments in areas with adequate transportation infrastructure.
2. Encourage development of low density and high-density family housing units in those areas designated on the adopted Land Use Plan.
3. Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.

2. The proposed use's compatibility with present and future land uses of the area.

Uses along 19th Street SE are single family in nature. Constructing multiple family development at the south end of the street will introduce a land use that will generate more traffic through a single family residential area.

3. The proposed use's effect upon the area in which it is proposed.

At this time no use is proposed for the area. The R-3 zoning would permit multiple family use in an area that:

- Has a high water table
- Extending sanitary sewer will be difficult because of the shallow line depth.
- 19th Street is a dead end which does not have a south outlet and the area south of the dead end is wetland.

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

19th St SE is capable of handling additional traffic associated with R-3 development; however the issue is that 19th Street has no south outlet.

5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

The issue is not overburdening utilities, the issue is the ability to provide the services.

PLANNING DEPARTMENT REVIEW AND RECOMMENDATION

Based on:

- 19th Street being a dead end
- A street extension being of low probability due to wetlands to the south
- The shallow depth of the sanitary sewer making extension difficult
- The Future Land Use Map identifies the land as Low Density Residential land use. Rezoning the property from an R-3 (Multiple Family Residential) District to an R-1 (Single Family Residential) District is recommended.

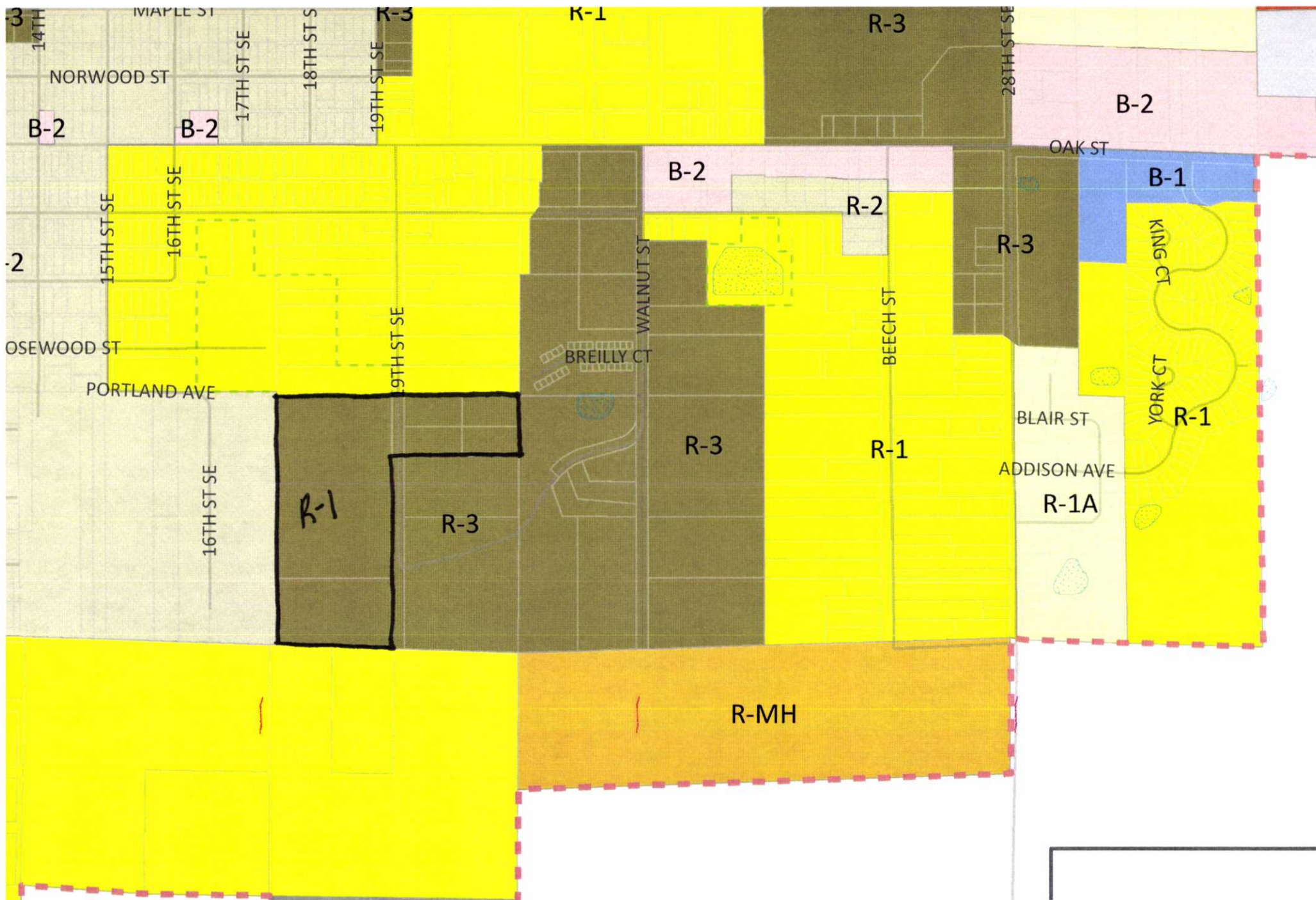
PLANNING COMMISSION AND CITY COUNCIL ACTION

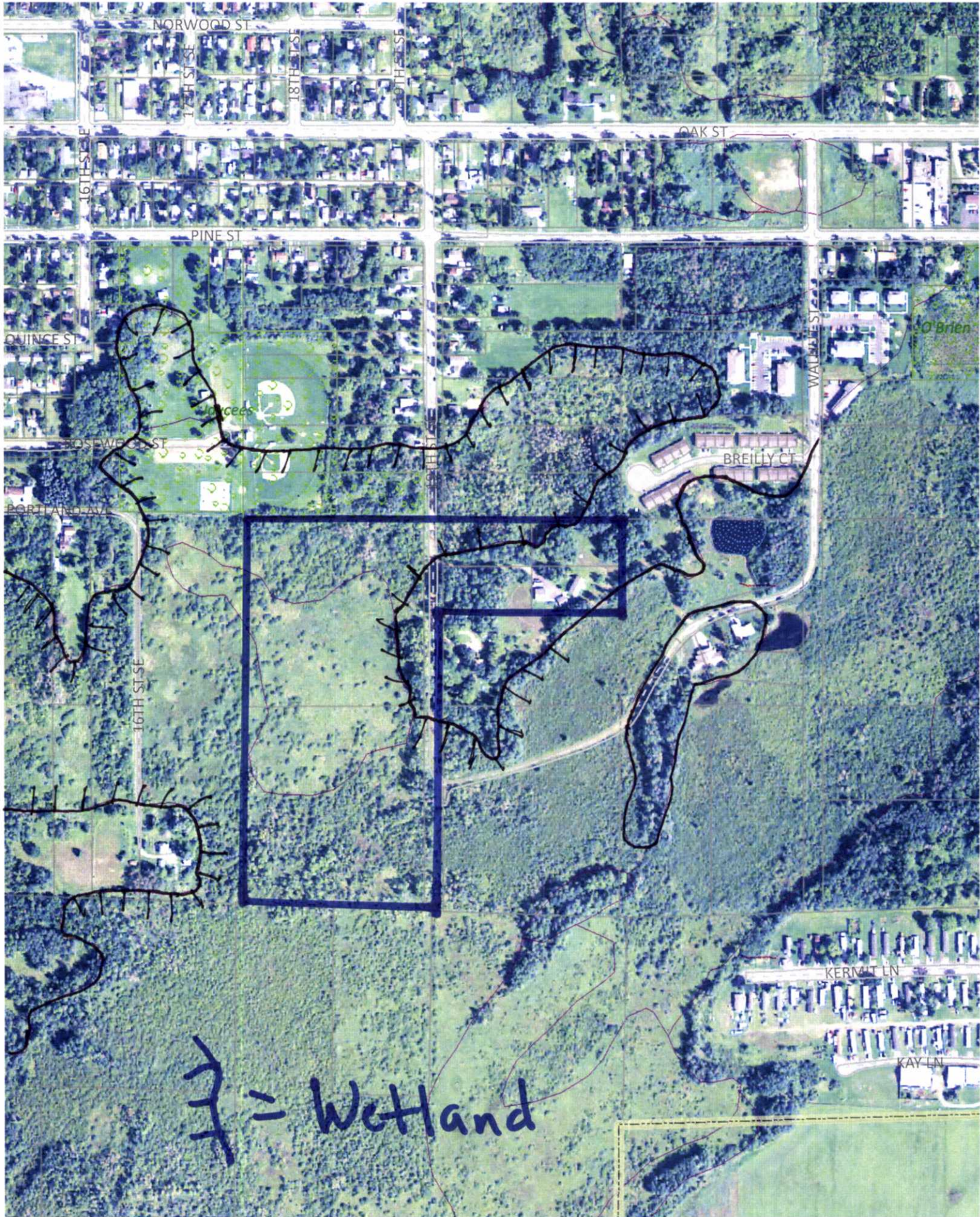
The Planning Commission can consider a recommendation on this request at its July 10, 2013 meeting. The City Council will receive the Planning Commission recommendation and can consider an Ordinance First Reading on July 15, 2013 and consider the Ordinance Second/Final Reading on August 5, 2013.

Respectfully submitted,



Mark Ostgarden AICP
City Planner





 = Wetland

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd, is requesting to rezone the following properties from an R-3 (High Density Residential) District to an R-1 (Single Family Residential) District:

- PID #09145000011A009
 - PID #09145000011B009
 - PID #09145000011D009
 - PID #09145000011C009
 - PID #09145000016Z009
 - PID #091450000150009
- (See attached map)

Permitted uses in the R-3 District include:

Multiple family dwellings; Two family attached dwellings; Public recreation areas and related accessory buildings and structures; Residential care facilities serving six (6) or fewer persons; Essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in the R-3 District include:

Public or semi-public recreational buildings and neighborhood or community centers, public and private educational institutions limited to elementary, junior high and senior high schools, and religious institutions such as churches, chapels, temples, and synagogues; Nursing homes and similar group housing, not including hospitals; Senior housing; Residential Planned Unit Developments, townhomes and quadraminiums as regulated by Section 11 of this Ordinance; Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community; Personal wireless service towers and antennas as regulated by Section 35 of this Ordinance; Places of Worship and related buildings; State Licensed Residential Care Facilities serving seven (7) to sixteen (16) persons; Public and private schools; Senior center.

Permitted uses in the R-1 District include:

Detached single family dwellings; public recreation areas and related accessory buildings and structures; residential facilities serving six (6) or fewer persons in a single family detached dwelling; essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in an R-1 District include:

Off-premise surface parking lots and parking ramps subject to provisions of Section 22 of this Ordinance; Bed and breakfast subject to provisions of Section 31 of this Ordinance; Non-profit and not-for-profit offices located in buildings owned by the Brainerd Independent School District, not used for classroom education and subject to minimum requirements; Planned Unit Developments as regulated by Section 11 of this Ordinance; Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community; Public and private schools; Hospitals; places of worship and related buildings.

The properties are legally described as follows:

Tract A of that Pt of Tract 11 Desc as follows: Beg at the NW corner of said Tract 11, then S 02 Deg 33 Min 36 Sec E assumed bearing 163.63 ft along the W line of said Tract 11, then N 87 Deg 53 Min 30 Sec E 316.51 ft, then N 02 Deg 33 Min 36 Sec W 163.63 ft to the N line of said Tract 11,

(over)

then S 87 Deg 53 Min 30 Sec W 316.51 ft alg said N line of Tract 11 to the POB Subj to Esmnts, Restr and Resrv of Record, Holland's 3rd Addn to the City of Brainerd
Section 30 Township 45 Range 30
P.I.N. #09145000011A009

and

Tract B of that part of Tract 11 described as follows; commencing at the NW corner of said Tract 11, then S 02 Deg 33 Min 36 Sec E assumed bearing 163.63 ft along the W line of said Tract 11, then N 87 Deg 53 Min 30 Sec E 316.51 ft to the point of beg of the Tract to be described, then N 02 Deg 33 Min 36 Sec W 163.63 ft to the N line of said Tract 11, then N 87 Deg 53 Min 30 Sec E 316.51 ft along said N line of Tract 11 to the NE corner of said Tract 11, then S 02 Deg 33 Min 36 Sec E 163.63 ft along the E line of said Tract 11 to its intersection with the line that bears N 87 Deg 53 Min 30 Sec E from the point of beg, then S 87 Deg 53 Min 30 Sec W 316.51 ft to the point of beg subject to easements, reservations or restrictions of record, Holland's 3rd Addn to the City of Brainerd,
Section 30 Township 45 Range 30
P.I.N. #09145000011B009

and

Tract D pt of Tract 11 desc: commat NW cor of sd Tract 11 then S 2D 33'36" E assm bear 163.63 ft alg W line of sd Tract 11 to POB of Tract to be desc: then N 87D 53'30" E 316.51 ft then S 2D 33'36" E 163.63 ft to S line of sd Tract 11 then S 87D 53'30" W 316.51 ft alg sd S line of Tract 11 to SW cor of sd Tract 11 then N 2D 33'36" W 163.63 ft alg sd line of Tract to POB subj to an esmt of rec subj to esmnts reserve & restr of rec, Holland's 3rd Addn to the City of Brainerd
Section 30 Township 45 Range 30
P.I.N. #09145000011D009

and

Tract C pt of Tract 11 desc: comm at NW cor of sd Tract 11 then S 2D 33'36" E assm bear 163.63 ft alg W line of sd Tract 11 then N 87D 53'30" E 316.51 ft to POB of Tract to be desc then S 2D 33'36" E 163.63 ft to S line of sd Tract 11 then N 87D 53'30" E 316.51 ft alg sd S line of Tract 11 to SE cor of sd Tract 11 then N 2D 33'36" W 163.63 ft alg E line of sd Tract 11 to its inters with line that bears N 87D 53'30" E from POB then S 87D 53'30" W 316.51 ft to POB subj to & tog/w an esmt of rec subj to esmnts reserve & restr of rec, Holland's 3rd Addn to the City of Brainerd
Section 30 Township 45 Range 30
P.I.N. #09145000011C009

and

Tracts 17 & 18, Inclusive, Except Minerals
Section 30 Township 45 Range 30
P.I.N. #09145000016Z009

and

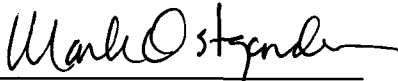
Tracts 15 & 16, Inclusive, Except Minerals
Section 30 Township 45 Range 30
P.I.N. #091450000150009

(over)

A Public Hearing will be conducted by Brainerd Planning Commission at 6:00 p.m. Wednesday, July 10, 2013 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property in accord with the City of Brainerd Zoning Ordinance.

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

Dated this 26th day of June, 2013

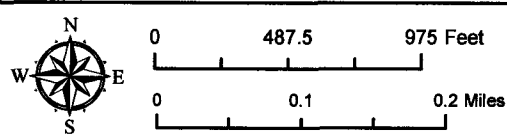
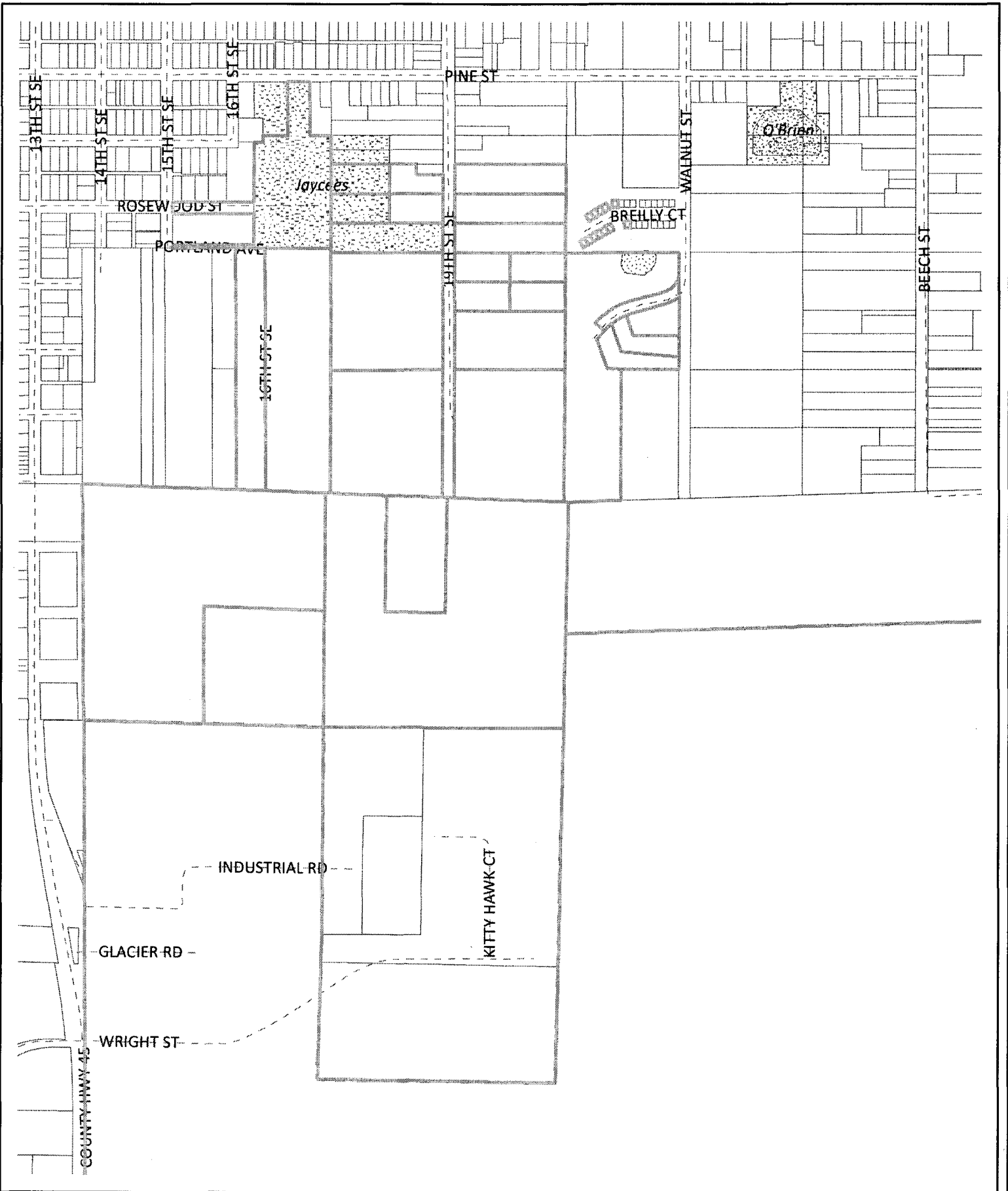


Mark Ostgarden AICP
City Planner

Publication Date: June 28, 2013

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
050303300I00009	MATTEN INVESTMENTS, LLC	1609 ST LOUIS AVE	BRAINERD, MN 56401	
050312100B00009	JOHN DAN LUKE LLC C/O JOHN THELEN	12848 EAGLE RIDGE DR	BAXTER MN 56425	
050303300A00009	MATTEN, MORRIS & JOSEPHINE	1609 ST LOUIS AVE	BRAINERD MN 56401	1609 ST LOUIS AVE
050312100A00009	JOHN DAN LUKE LLC C/O JOHN THELEN	12848 EAGLE RIDGE DR	BAXTER MN 56425	
050312200A00009	JOHN DAN LUKE LLC C/O JOHN THELEN	12848 EAGLE RIDGE DR	BAXTER MN 56425	
091450000100009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
091450000190009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
091450000150009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09145000016Z009	ISEBRAND, BRUCE K & SHARON Y	815 19TH ST SE	BRAINERD, MN 56401	902 19TH ST SE
09145000020A009	MOILANEN, KEITH R & PATRICIA	818 SE 19TH ST	BRAINERD MN 56401	818 19TH ST S
091450000090009	ISEBRAND, BRUCE K & SHARON Y	815 19TH ST SE	BRAINERD, MN 56401	
091450000120009	CONNELLY, JOHN T	P O BOX 102	BRAINERD MN 56401	1005 19TH ST SE
09145000020B009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09145000021B009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09145000021C009	BEREUTER, KIM E & LORI A	814-19TH ST SE	BRAINERD MN 56401	814 19TH ST S
09144000025Z009	ISEBRAND, BRUCE K & SHARON Y	815 19TH ST SE	BRAINERD, MN 56401	
09145000011A009	ISEBRAND, KATIE	15461 IRONWOOD LN	BRAINERD, MN 56401	
0927600090A0009	ISEBRAND, BRUCE K & SHARON Y	815 19TH ST SE	BRAINERD, MN 56401	
092760010020009	JANNETTA, MICHAEL & LYNN	1016 WALNUT ST	BRAINERD, MN 56401	1016 WALNUT ST
096070000130009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2109 BREILLY CT
096070000160009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2102 BREILLY CT
092760010010009	DENTI, ANNAMARIE	1014 WALNUT ST	BRAINERD, MN 56401	
096070000140009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2107 BREILLY CT
096070000200009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2110 BREILLY CT
096070000100009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2201 BREILLY CT
096070000110009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2113 BREILLY CT
096070000150009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2100 BREILLY CT
096070000170009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2104 BREILLY CT
096070000190009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2108 BREILLY CT
091450000080009	ISEBRAND, BRUCE K & SHARON Y	815 19TH ST SE	BRAINERD, MN 56401	815 19TH ST SE
09145000011B009	FOSTER, SCOTT E & SARA A	10220 GILBERT TRL	BRAINERD, MN 56401	
09145000011C009	STRAM, JOHN I & LYNN E	921 19TH ST SE	BRAINERD, MN 56401	921 19TH ST SE
09145000011D009	RUBBELKE, MOLLY R	2005 OAK ST	BRAINERD, MN 56401	

09145000013Z009	ISEBRAND, BRUCE K & SHARON Y	815 19TH ST SE	BRAINERD, MN 56401	
092760010030009	ISEBRAND, BRUCE K & SHARON Y	815 19TH ST SE	BRAINERD, MN 56401	1018 WALNUT ST
096070000120009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2111 BREILLY CT
096070000180009	PW INVESTMENTS OF BRAINERD, LLC	13029 PERCH LAKE DR	BAXTER, MN 56425	2106 BREILLY CT
096070000210009	REGELIN, LINDA M	2206 BREILLY COURT	BRAINERD, MN 56401	2206 BREILLY CT
09174014000X009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	



Brainerd Planning Commission Agendas Published in Dispatch

Beginning in July the Brainerd Planning Commission meeting agendas will be published in the Brainerd Dispatch. Agendas will appear in the Sunday Dispatch published prior to each monthly meeting. Agendas will also be posted Fridays prior to each meeting on the City of Brainerd website www.ci.brainerd.mn.us. The Planning Commission meets the 2nd Wednesday of each month at 6:00 p.m. at City Hall.