

PLANNING COMMISSION

Wednesday, July 10, 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.

Commissioner Jay stated there will be an amendment to the agenda adding item 4c an interpretation request on residential uses within the B-3 (Central Business) District

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting and workshop of June 12, 2013

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND NORWOOD, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING AND WORKSHOP OF JUNE 12, 2013.

#4 NEW BUSINESS

a. Public Hearing – Variance at 1423 South 10th Street – Misty Bayliss

The Public Hearing was opened at 6:02 p.m.

City Planner Ostgarden stated the property is located on the corner of South 10th Street and Summit Street. Summit Street ends at the end of the Bayliss property and cannot be extended as there is a house located at the end of the street. The lot is 75' x 144' and is located in an R-1 (Single Family Residential) District and noted the land to the north and east of the property is vacant. He stated the property owner desires to construct a detached garage in the front of the house which is the front of the lot adjacent to South 10th Street. The Zoning Ordinance specifies that a detached garage cannot be placed in front of the principal building in a residential district and the narrow portion of the property is always considered the front yard. The property owner has requested a variance to construct the detached garage with a separation of six (6) feet from the principal building.

City Planner Ostgarden stated the six (6) feet of separation will give the impression that the garage is attached to the principal structure. The other setback requirements and lot coverage are being met. He stated the garage is 884 square feet and is comparable to other garages in the neighborhood. The location of the house eliminates the location of a garage anywhere else other than to the west of the principal structure. He stated this will not alter the character of the neighborhood based on the garage size and roof pitch. By permitting this variance we are encouraging compatible infill residential development throughout the developed portions of the city to encourage the efficient use of the land.

City Planner Ostgarden stated from the Planning Department's perspective based on the provided information there is merit to granting the variance

The Public Hearing was closed at 6:09 p.m.

Commissioner Plantenberg read the findings-of-fact into the record as follows: 1. The property is located in an R-1 (Single Family Residential) District; 2. The property is a corner lot with a lot size of 75' x 144' (10,800) sf; 3. The garage will be located six (6) feet from the house giving an impression the garage is attached to the house; 4. Access to the garage will be off the Summit Street cul-de-sac; 5. All setbacks, lot coverage and garage size limit requirements are met; 6. The property owner proposes to use the property in a reasonable manner because the eight hundred eighty-four (884) sf garage is a typical garage size and comparable in size to other garages in the neighborhood; 7. There are practical difficulties in meeting Zoning Ordinance requirements because the house location does not permit a garage anywhere but in front of the dwelling; 8. The variance will not alter the essential neighborhood character because the house across the street has a detached garage. The garage size and roof pitch will be compatible with the size and pitch of other garages in the neighborhood; 9. Granting the variance is consistent with the Comprehensive Plan because it supports the Land Use Strategy of: *encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.*

The Commission added: 10. No public comment (written or verbal) was received.

The Commission agreed to amended finding-of-fact 3 to remove "giving an impression the garage is attached to the house".

The Commission agreed this is the only logical location for the garage, it meets all setback requirements, and it will conform to the neighborhood.

Discussion was held regarding a siding break or landscaping.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND COLE TO RECOMMEND APPROVAL OF VARIANCE 379 TO ALLOW CONSTRUCTION OF A DETACHED GARAGE WITH A REQUIRED SIDING BREAK OR LANDSCAPING ON THE SOUTH 10TH STREET SIDE IN THE FRONT YARD WITH THE TEN (10) FINDINGS-OF-FACT. COMMISSIONERS PRITSCHET, PLANTENBERG, HAYDEN, NORWOOD, AND COLE.

Commissioner Jay clarified a siding break would be a change in material and style at approximately three feet high.

Commissioner Hayden stated if we required the siding break it would not match the house as it does not have a siding break.

Commissioner Cole stated he is not comfortable with a siding break requirement. He stated he feels a window or landscaping would be a better option.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PLANTENBERG, DULY CARRIED, TO RECOMMEND APPROVAL OF VARIANCE 379 TO ALLOW CONSTRUCTION OF A DETACHED GARAGE IN THE FRONT YARD WITH THE TEN (10) FINDINGS-OF-FACT.

b. Public Hearing – Rezoning South End of 19th Street from R-3 (High Density Residential) District to R-1 (Single Family Residential) District

The Public Hearing was opened at 6:27 p.m.

City Planner Ostgarden stated the majority of the property proposed to be rezoned is wetland and undevelopable. He noted there is approximately 25 acres in this proposal with most of the area being vacant. He stated the parcel on the east side of 19th St SE was split into four lots with one being developed.

City Planner Ostgarden stated one of the significant issues with having the R-3 zoning at the end of 19th Street is that it is a dead end street with no future extension due to the wetlands. He stated development of the R-3 area would create additional traffic moving north through the single family neighborhood.

City Planner Ostgarden reviewed the Comprehensive Plan Land Use Goals as it pertains to the rezoning. He stated the Planning Department recommends the rezoning 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.

The Public Hearing was closed at 6:33 p.m.

Commissioner Plantenberg read the findings-of-fact into the record as follows: 1. The property is approximately twenty-five (25) acres, the majority of which is wetland; 2. The area for rezoning is at the end of 19th Street SE which is a dead end street; 3. 19th Street SE provides access to an area of single family dwellings and is the only outlet. The R-3 zoning would generate more traffic through the neighborhood than would R-1 zoning; 4. The potential for a 19th Street SE extension is very unlikely due to the wetlands to the south; 5. A portion of the area was split into four (4) large lots that, due to the high water table in the area, would make multiple family development very difficult; 6. The area is identified as Low Density Residential on the Future Land Use Map. Rezoning is in keeping with the Comprehensive Plan because: *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 area from premature or incompatible development. Land Use Goal #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*

Strategies – 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.

The Commission added: 7. No public comment (written or verbal) was received. 8. R-3 zoning will prevent the construction of single family dwellings in this area.

City Planner Ostgarden stated in the R-3 District we do not allow single family uses, therefore those four lots that were split intended for single family dwellings could not have the single family dwellings.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND PLANTENBERG, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF THE FOLLOWING PARCELS AT THE SOUTH END OF 19TH STREET SE FROM R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT BASED ON THE EIGHT (8) FINDINGS-OF-FACT:

- PID #09145000011A009
- PID #09145000011B009
- PID #09145000011C009
- PID #09145000011D009
- PID #09145000016Z009
- PID #091450000150009

c. Interpretation Request – Residential Uses in the B-3 (Central Business) District

City Planner Ostgarden stated this is regarding the property on the corner of Maple Street and South 9th Street owned by Mike Murphy. He noted this is the property at which a conditional use permit was granted for a daycare a few months ago. He stated on the property is the daycare building and on the east side of the property is a dwelling, being used as a duplex, all on the same parcel. The property is located in a B-3 (Central Business) District. He stated in the entire B-3 District there are three residential dwellings and are near this parcel.

City Planner Ostgarden stated the dwelling has a problem with the basement that needs to be repaired possibly a whole new basement. He stated because he is doing that, he is interested in adding an additional unit making the dwelling a triplex. In the B-3 District, residential uses are permitted only above the first floor of buildings. He stated the intent of that was for the downtown area.

City Planner Ostgarden stated single family and multiple family dwellings are not allowed in the B-3 District therefore this is already a nonconforming use and you cannot expand a nonconforming use. He stated the question is whether or not the plan to add an additional unit is in violation of the intent of what is specified in the B-3 District for residential uses.

Commissioner Pritschet asked if there is non-residential in the building. He reviewed the language and questioned how it applied.

City Planner Ostgarden stated it is the only language that can apply. It still is a nonconforming use regardless of the non-residential and residential use in the same building.

It was noted the property directly to the south is zoned R-3. It was also noted during the city wide zoning map review it was requested by the property owner to have the property zoned B-3.

Discussion was held regarding whether or not this is an expansion.

The Commission agreed the interpretation would be to not allow the expansion to a triplex in the B-3 district.

City Planner Ostgarden stated split zoning could be done on the property with residential zoning in the front and the B-3 zoning in the back of the property. He stated for now it can continue as it is, but this will delay Mr. Murphy's plans as he needs to get the basement repair done. He will need to know what can be done with the basement prior to doing the repairs. He stated a rezoning could possibly be done by mid-September.

#5 OLD BUSINESS

a. City Council Strategic Planning Update

Commissioner Pritschet stated the Council is looking at implementing the plan at this time and presentations have been done.

#6 Commissioners' Questions/Comments

Commissioner Jay stated the Planning Commission agendas will now be published in the Dispatch.

Commissioner Plantenberg asked if the Commission could initiate the rezoning process for the property at 402 South 9th Street.

MOTION AND SECONDED BY COMMISSIONER PLANTENBERG AND PRITSCHET, DULY CARRIED, TO BEGIN THE REZONING PROCESS FOR 402 SOUTH 9TH STREET TO A SPLIT ZONING WITH R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT ON WEST SIDE OF THE PROPERTY AND B-3 (CENTRAL BUSINESS) DISTRICT ZONING ON THE EAST SIDE CONTINGENT UPON THE PROPERTY OWNERS APPROVAL.

Commissioner Pritschet stated there was a walkabout for the Safe Routes to School sidewalk project in NE Brainerd on Monday night. He stated the entire route was walked and many questions from property owners were answered about potential problems and benefits. The trees were looked at to see what ones will need to be removed and there will be little impact to the trees. He stated there were property owners that were for the project and also some against it.

#7 **City Planner's Comments**

City Planner Ostgarden stated the Buffalo Hills trail project is moving along well and paving could be starting next week. There has been a small issue with the area between South 6th Street and old spur line section in front of SAVE Foods. He stated there is an ATV trail that the City was unaware of on the north side of CR 117 that we will have to figure out a way to accommodate. We cannot have our trail and the ATV trail be the same according to the DNR.

#8 **Adjournment**

As there was no further business the meeting adjourned to the workshop at 7:05 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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