

PLANNING COMMISSION
Wednesday, December 11, 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, Plantenberg, Hayden, Jay, Lambert, Norwood, and Cole. Also present was City Planner Ostgarden.

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of November 13, 2013

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND PRITSCHET, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF NOVEMBER 13, 2013.

#4 NEW BUSINESS

a. Public Hearing – Zoning Text Amendment Related to Dispensing of Medication for Opiate Addiction

The public hearing was opened at 6:04 p.m.

City Planner Ostgarden read an email that was received from the Executive Director of Northern Pines Medical Center regarding concerns with the proposed language. He stated he shared the email with the City Attorney and it is their recommendation that the Planning Commission hold the public hearing and allow the public input and then not take action tonight to research the language further based off the concerns that were raised.

Mr. Sam Anderson, Director of MN Adult Teen Challenge Center, stated he supports the efforts being made regarding opiate treatment. He stated the concern is with restricting other treatment modalities other than methadone. He gave information to the Commission regarding information from some graduates of his program that have used methadone treatment and the issues with it.

Ms. Margaret Becker, 6023 Donald Street, Baxter, stated she is here tonight to support the proposed changes.

The public hearing was closed at 6:12 p.m.

Chairman Jay stated the Commission will take the additional information under advisement for additional research to be brought back at a later date.

b. Zoning Ordinance Text Amendment Proposal – Adding Interim Use Permits Related to Structure Demolition in Industrial Districts

City Planner Ostgarden stated this issue was brought forth in the last couple weeks. He stated if a non-residential demolition were to take place there is only a \$40 over the counter permit that is required. He stated there are many more issues associated with facilities in an industrial or commercial district and we cannot address those issue, health, safety, and welfare, with the current procedure.

City Planner Ostgarden stated the Planning Department is recommended a Zoning Ordinance text amendment to add language that would require an interim use permit to be issued for the demolition of buildings, machinery, parking lots, etc in industrial park districts.

City Planner Ostgarden reviewed the staff report and issues that would come up during the demolition of a major facility such as restoration of the site after demolition occurs, vibration from demolition equipment, waste and debris removal, and possible redevelopment plans.

City Planner Ostgarden stated there is currently language regarding interim use permits in residential districts. He stated this mechanism is the appropriate use when working with a demolition on an industrial site. He stated he has been working with the City of Sartell and modeling the proposed language from the language they adopted.

City Planner Ostgarden read the proposed language. He stated this would be added to the I-1 (Light Industry) District and I-2 (General Industry) District. He reviewed the interim use permit process.

Commissioner Jay suggested also adding the language to the Mixed Use District.

City Planner Ostgarden stated the City Council has placed a four month moratorium on the demotion of buildings in industrial districts to allow the Zoning Ordinance Text Amendment. He stated a public hearing on the proposed language change could be held at the January 8, 2014 meeting.

Commissioner Lambert asked if this will also protect the City if the demolition is only partially completed. City Planner Ostgarden stated a financial guarantee should be required as part of the approval process.

Commissioner Lambert stated the concerns are that the site will be buildable or sellable after the demolition.

Discussion was held regarding current requirements on demolition of residential and commercial properties and expansion of this language to commercial districts.

City Planner Ostgarden recommended moving forward with the language for industrial districts and he will do additional research for the commercial districts.

Commissioner Cole questioned the legality of the language. City Planner Ostgarden stated the State Statute specifically lays out the ability to do it. The Zoning Ordinance lays out how to review it.

Discussion was held on requirements/conditions on the demolition or redevelopment plans and how the interim use permit approval process will work.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND NORWOOD, DULY CARRIED, TO SET A PUBLIC HEARING FOR JANUARY 8, 2014 FOR A ZONING ORDINANCE TEXT AMENDMENT TO ADD INTERIM USE PERMITS RELATED TO STRUCTURE DEMOLITION IN INDUSTRIAL AND MIXED USE DISTRICTS.

#5 **PUBLIC FORUM** – Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission – Time limits may be imposed

City Planner Ostgarden stated the City Council would like to convey to the community its desire to have more opportunities for public input.

#6 **OLD BUSINESS**

a. Trail Discussion

Commissioner Hayden stated her trail priorities would be the riverwalk adding the area north of Washington Street to Mill Park, finish the connections of existing trail systems, and safe access across Washington Street. She stated there is more detailed information in the report presented to the Commission.

Commissioner Jay presented some other possible crossings on Washington Street.

Commissioner Lambert stated it should be a priority to mark trails. She stated there should also be safe access across South 6th Street.

Commissioner Cole stated he would like to see QR Codes along the trails that could be scanned to bring up a map of the trails.

Commissioner Norwood stated the completion of the Cuyuna Lakes trail from the iron range to Brainerd would be priority. Next would be the riverwalk. Additionally would be joining the industrial park trail with existing trails.

Commissioner Plantenberg stated it would be nice to connect NE Brainerd to the trails in the other parts of the city.

Commissioner Pritschet stated marking the trails should be priority so people know where the trails are. He would also like to see bike trails in the S 6th Street and Washington Street areas. He stated the riverwalk would be next along with connecting existing trails.

Commissioner Jay stated his trail priorities would be safer crossings at major thoroughfares and connection of existing trails.

Commissioner Jay stated he will tabulate the suggestions and present it to the bike and trail committee.

Commissioner Lambert questioned the ordinance allowing bicycles on the sidewalk as she feels it doesn't force bicyclist to follow the rules of the road and it doesn't allow motorists to get used to sharing the road with bicyclists.

Commissioner Jay stated the ordinance was put into place before there were trails in town but needed a safe place to ride.

Commissioner Hayden stated adding canoe landings to trails south of Kiwanis Park would also improve the trail system and recreation in the city.

b. Whittier Property Community Meeting Recap

Commissioner Pritschet stated there were approximately 42 people at the meeting including city staff and other associated with the building. He stated there was discussion on ideas for reuse of the Whittier property. The ideas were then voted on. The most popular was to see it used as a school, donating it to a church, demolishing it and adding it into the park, and a community center.

City Planner Ostgarden stated this will be presented to the City Council and their recommendations will be forwarded on to the School Board for it do with them as they deem appropriate.

Commissioner Pritschet stated Councilmember Bevans found the survey that was done two years ago which also showed at the time the top choice for reuse of the building was a school and the number two choice was community center.

#7 Commissioners' Questions/Comments

Commissioner Lambert brought up discussion on the community center definition. She stated she would like a definition in the ordinance to allow this type of use for large vacant buildings in residential districts.

Commissioner Pritschet asked where the other Commissioners stand on the small house topic. He stated he isn't against it, but doesn't see the demand for it right now, therefore he's not sure if there should be too much time spent on it.

Commissioner Lambert stated she is looking more at a planned unit development of the small homes that may be used as summer rentals or time shares.

Commissioner Plantenberg stated she would like to see it in the ordinance for possibilities in the future, maybe for the older generation that would only want to manage a small home.

Commissioner Hayden stated she is a big proponent of this and infill of vacant lots throughout the city. She stated there is not a huge demand but there should be a conditional use if it is brought before the Commission.

Commissioner Norwood stated he likes the idea and would like to see it occur, but currently there are already many rentals and his concern is the small homes or infill will create additional rentals.

Commissioner Cole stated the purpose of planning and zoning is to look and anticipate what is out there. He stated we're seeing more evidence that this is a trend not a fad. We need to get ahead of it to guide it into our community. He stated would should have input and discussion sooner rather than later.

Commissioner Jay stated he agrees that it is important and misunderstood. He stated affordable retirement housing demand is growing. He stated this has a potential to be a great impact for our community in a great way. He stated many don't want an apartment setting. It is important to have another avenue for the retirement community.

Commissioner Lambert stated she would like to see information on what the current retirement age is and if it is getting younger.

Commissioner Hayden stated most of the small home developments are not rental investments. She stated many times it's those that want something smaller with less maintenance.

Further discussion will be held at a future workshop.

#8 City Planner's Report

City Planner Ostgarden stated the walkable/bikeable committee had its first meeting on November 25. It was more of an organizational meeting with ideas presented on priorities. They will be meeting the 4th Monday of each month. He stated it will be a committee will present its findings and report to the Planning Commission before it's presented to the City Council

City Planner Ostgarden gave an update on the "flea market" on 13th Street. The property owner has until December 20 to clean up the property. If it isn't cleaned, the prosecuting attorney will move forward to the next step which could potentially be jail time or the city cleaning up the property and assessing the costs.

City Planner Ostgarden asked if the Commission would like to hold a winter workshop as they have in the past. The Commission agreed to have discussion on a winter workshop at the January meeting.

#9 Adjournment

As there was no further business the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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