

BRAINERD PLANNING COMMISSION

Wednesday, December 10, 2014

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 November 12, 2014
4. New Business
 - A. Public Hearing – Rezoning – 705 South 6th Street
 - B. Public Hearing – Rezoning – 2424 Business 371 South – Minnesota Adult and Teen Challenge
 - C. Public Hearing – Variance – 801 W Washington
 - D. Meeting Day Change – Discussion
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.
6. Old Business

Workshop – Discussion
7. Commissioners' Questions/Comments
8. City Planner Report
9. Adjourn

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

PLANNING COMMISSION
Wednesday, November 12, 2014

Chairman Angie Plantenberg 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 Hayden Shaw, Matten, Plantenberg, Norwood, Straw and Cole. Commissioner Pritschet was noted absent. Also present was City Planner Ostgarden.

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of October 8, 2014

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND STRAW, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF OCTOBER 8, 2014.

#4 NEW BUSINESS

a. Public Hearing – Variance for Garage Addition Height – 921 19th Street SE – John Stram

City Planner Ostgarden stated the property is located at the south end of 19th Street SE which is a remote area in Brainerd with wetlands to the south that impede the ability to extend the street for future development. There are three vacant lots that are buildable adjacent to the property with wetlands to the east, west and north.

City Planner Ostgarden stated the property is approximately two acres on which there are two accessory buildings. One building is 1960 square feet to which an addition of 1440 square feet is proposed making the total structure 2736 square feet. The height of the existing building is 14 feet with the proposed addition having a height of 18 feet. The principal building is approximately 17 feet and Zoning Ordinance language states a garage cannot exceed 15 feet requiring a three foot variance for the garage addition.

City Planner Ostgarden reviewed the staff report noting the criteria for granting a variance along with the practical difficulties used in connection with granting a variance.

The Public Hearing was opened at 6:08 p.m.

Mr. John Stram, 921 19th Street SE, stated he is requesting the additional three feet so he can fit a camper and a boat in the garage. He described what the existing garages are used for and how the addition will be built onto the existing garage.

The Public Hearing was closed at 6:12 p.m.

Commissioner Cole read the findings-of-fact for the variance into the record as follows:

1. The property is approximately two (2) acres in size and located in an R-1 (Single Family Residential) District.
2. The property is located on 19th Street SE which is a dead end street that cannot be extended due to wetlands.
3. The closest dwelling is approximately two hundred eighty (280) feet away.
4. Due to wetlands, there is limited residential potential in the vicinity of where the garage is located.
5. The new garage will be eighteen (18) feet tall and the dwelling is eighteen and one half (18 ½) feet tall. The Zoning Ordinance permits accessory buildings to be fifteen (15) feet tall or the height of the principal building whichever is less.
6. Due to parcel size and the distance the building is from the house, there should be no effect on light, air and access for the property owner.
7. The variance for the increased height will be in harmony with this objective because of development limitations due to wetlands and the site is located in a remote area of the city.
8. The property is unique due to its size and location in the community and restrictions on surrounding land that limit development.
9. The additional three (3) feet of height will not alter the essential character of the locality as the building is not visible from the road or from other dwellings.

Commission agreed to amend the following findings-of-fact:

5. The new garage will be eighteen (18) feet tall from the roof midpoint and the dwelling is eighteen and one half (18 ½) feet tall. The Zoning Ordinance permits accessory buildings to be fifteen (15) feet tall or the height of the principal building whichever is less.
7. The variance for the increased height will be in harmony with preventing overcrowding of land and undue concentration of regulated land, buildings, yards and density of population because of development limitations due to wetlands.
8. The site is located in a remote area of the city.

Commission agreed to add the following findings-of-fact:

11. The petitioner spoke and there was no opposition to the request.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN SHAW AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE TO CONSTRUCT AN ACCESSORY BUILDING ADDITION THAT WILL BE THREE (3) FEET TALLER THAN PERMITTED BASED ON THE ELEVEN (11) FINDINGS-OF-FACT.

b. Public Hearing – Variance for Six and One Half (6-1/2) Foot Fence in a Street Side Yard – 1103 Quince Street – Janet Walters

City Planner Ostgarden stated the property is located on the northeast corner of Quince Street and 11th Street SE. The owner is proposing to construct a 6-1/2 foot tall chain link fence to be located four feet in front of the house between the house and the side street property line. The fence is planned for security and to establish a barrier for pets. The Zoning Ordinance specifies that a 6-1/2 foot tall fence is not permitted between the house and street side yard property line. There is approximately eight feet between the house and the side street property line noting there is brush that will be screening for the fence.

City Planner Ostgarden reviewed the staff report noting the criteria for granting a variance along with the practical difficulties used in connection with granting a variance.

The Public Hearing was opened at 6:24 p.m.

Ms. Janet Walters, 1895 W Gull River Rd, Pillager, stated the reason they requested the extra distance is because the lot is narrow and it will allow a little more room within the fence. She also stated the request for the six foot height is because her daughter, who lives at the house, has two german shepherds so the height would be better for them.

Commissioner Plantenberg asked about the slope of the yard. Ms. Walters stated that was another reason for the extra distance because the slope is less as you get closer to the street.

Commissioner Hayden Shaw asked if they have plans to remove the shrubs. Ms. Walters stated they do not have plans for removal.

The Public Hearing was closed at 6:26 p.m.

Commissioner Straw read the findings-of-fact into the record as follows:

1. The property is a one hundred forty (140) foot by fifty (50) foot lot in an R-2 (Medium Density Residential) District.
2. The owner desires to construct a six (6) foot tall chain link fence to be located four (4) feet in front of the house between the house and the side street property line.
3. There is approximately eight (8) feet between the house and the side street property line.
4. The fence is chain link which will not impede light nor should it negatively impede visibility for motorists exiting the alley on the north side of the lot.
5. Permitting the fence four (4) feet closer is reasonable because of its chain link style.
6. Because the fence is chain link, constructing it four (4) feet closer to the street than permitted it will not alter the essential character of the neighborhood because the chain link style will not create a visual obstruction and be as imposing as a privacy fence constructed so close to the street right-of-way.

The Commission agreed to add the following findings-of-fact:

7. The petitioner spoke and there was no opposition to the request.

MOTION AND SECONDED BY COMMISSIONERS COLE AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE TO CONSTRUCT A SIX (6) FOOT TALL FENCE IN A STREET SIDE YARD WHERE A FOUR (4) FOOT FENCE IS PERMITTED BASED ON THE SEVEN (7) FINDINGS-OF-FACT.

c. Public Hearing – Variance from Parking Requirements – Tyrol Hills Center – Kuepers Inc – 206 Washington Street

City Planner Ostgarden stated the property is a nonconforming use in that 102 off-street parking spaces are provided and the Zoning Ordinance requires 166 spaces. The property owner is planning building exterior improvements resulting in a request that eight off-street parking spaces be removed reducing the total off-street parking to 94 spaces.

City Planner Ostgarden reviewed the staff report noting the criteria for granting a variance along with the practical difficulties used in connection with granting a variance. He noted the Planning Department feels the removal of the eight spaces will still leave ample parking to meet the day to day commands on the site and should not affect off-street parking the neighborhood.

The Public Hearing was opened at 6:38 p.m.

Mr. Mark Cross, Kuepers Inc, reviewed the building façade plans and the parking calculations based off the type of businesses located in the building.

The Public Hearing was closed at 6:41 p.m.

Commissioner Norwood read the findings-of-fact into the record as follows:

1. The property is approximately two point one (2.1) acres in size and the building is approximately forty thousand (40,000) square feet in area.
2. The property is zoned B-4 (General Commercial) District
3. The property is a nonconforming use in that one hundred two (102) off-street parking spaces are provided and one hundred sixty-six (166) spaces are required by the City of Brainerd Zoning Ordinance.
4. The property owner is planning building exterior improvements resulting in a request that eight (8) off-street parking spaces be removed reducing the total off-street parking to ninety-four (94) spaces.
5. The neighborhood will remain protected as historical use has shown there is ample on-site parking to meet the day to day needs of the Center uses. Removing the spaces will still leave an ample supply of parking, sufficient to meet the day to day user needs without parking on the street or affecting street circulation.
6. The parking area has more than sufficient parking for typical day to day needs. Based upon the number of off-street parking spaces, removal of eight (8) spaces will still permit the property to be used in a reasonable manner without creating parking issues for surrounding property.
7. Removing eight (8) spaces from the one hundred two (102) parking space lot will not alter the essential character of the locality because historical use has proven that it should not result in more on-street parking.

The Commission agreed to add the following findings-of-fact:

8. Marc Cross representing Kuepers, Inc spoke and there was no opposition to the request.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN SHAW AND MATTEN, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE TO REDUCE THE NUMBER OF OFF-STREET PARKING SPACES TO NINETY-FOUR (94) WHERE ONE HUNDRED SIXTY-SIX (166) SPACES ARE REQUIRED BASED ON THE EIGHT (8) FINDINGS-OF-FACT.

- d. Public Hearing – Variances from Parking Requirements, Parking Stall Size, Drive Aisle Width, Drive-up and Stacking Lane Screening, and Front Yard Setback – 303 W Washington Street – Kimley Horn for the Proposed Dunkin Donuts**

City Planner Ostgarden stated Dunkin Donuts is planning a store at the southwest corner of W Washington Street (Hwy 210) and NW 3rd Street. The site currently has an auto glass repair shop and is across NW 3rd Street from Riverside Elementary School. Restaurants with drive-up windows are permitted uses in a B-4 District.

City Planner Ostgarden reviewed the site and proposed building in comparison with the Jimmy John's site. He noted the requested variances as follows:

- The building cooler will extend 2-7/10 feet into the required front yard along NW 3rd Street
- The site is proposed to have 11 off-street parking spaces where 26 off-street parking spaces are required
- The following parking stall sizes and drive aisle widths:

	Required	Proposed
45° Parking Space Width	10'	9'
Parallel Parking Stall Width	10'	8'
Parallel Parking Stall Length	22'	21'
One Way 45° Parking Aisle Width	15'	14'
One Way Drive Lane Aisle Width	12'	11'
Drive-up Window Lane Aisle Width	11'	9'

- The drive-up window and drive-up window lane will be visible from the residential zoning district across NW 3rd Street and the rights-of-way of NW 3rd Street and Washington Street. Zoning Ordinance requires that drive-up window and its stacking lanes shall be screened from view of adjoining residential districts and public street rights-of-way

City Planner Ostgarden continued to review the staff report noting the criteria for granting a variance along with the practical difficulties used in connection with granting a variance and consistency with the Comprehensive Plan.

The Public Hearing was opened at 7:05 p.m.

Mr. Brandon Elegert, Kimley Horn, stated they feel this a great opportunity to redevelop the site and thanked the Commission and Planning Department for considering the request.

Discussion was held regarding turning radiuses for a vehicle pulling a trailer or boat.

Mr. Rick Kummet, 1820 S 8th Street, stated he is representing the adjacent property to the south. He stated he has concerns with a right turn only out of the proposed parking lot and people possibly using their parking lot to drive through.

Ms. Alice Smith, 22609 Hole in the Day Dr, stated she owns the property on NW 4th Street and W Washington St. She stated she has concerns with the number of off-street parking spaces. She noted parking at the building she owns is in compliance but things still get tight with their parking.

The Public Hearing was closed at 7:15 p.m.

Commissioner Hayden Shaw read the findings-of-fact into the record as follows:

1. The site is 14,000 square feet (140' X 100') and the proposed building is (1,733) square feet not including an attached cooler.
2. The property is in a B-4 (General Commercial) District.
3. The parcel size limits the redevelopment potential for the property.
4. The store will have seating for seventeen (17) to nineteen (19) people and eleven (11) on-site parking spaces. Considering five (5) employees per shift, that will leave six (6) customer on-site parking spaces with one (1) of those spaces being handicapped parking.
5. Granting the variance would permit the property to be redeveloped, which would be consistent with Zoning Ordinance orderly development objectives and the property redevelopment would be compatible in the area as other area uses are commercial in nature.
6. MNDOT concerns for this type of traffic generator is that no left turn movement be allowed onto Hwy 210.
7. The variance supports the redevelopment of vacant and abandoned sites within the urban core.
8. A concern mentioned by the City Engineering Department is that there could be a tight aisle turning radius for a large vehicle or a vehicle with a trailer.
9. The site will be able to be used for commercial purposes and the site can be designed with a building consistent with the character of the locality

The Commission agreed to add the following findings-of-fact:

10. The City Engineer has stated there would be objections to left turn movement from the site onto NW 3rd Street.
11. The Dunkin Donuts owner and a representative from Kimley Horn spoke.
12. Two people spoke expressing concerns about granting the variances.

Discussion was held regarding off-street parking and possible conditions.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN SHAW AND MATTEN, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCES TO PERMIT OFF-STREET PARKING SPACE DIMENSIONS AND DRIVE LANES TO BE LESS WIDTH THAN REQUIRED, TO PERMIT A BUILDING ENCROACHMENT INTO A REQUIRED FRONT YARD SETBACK, AND TO NOT REQUIRE SCREENING THE DRIVE-UP WINDOW AND STACKING LANE BASED ON THE TWELVE (12) FINDINGS-OF-FACT.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN SHAW AND NORWOOD TO RECOMMEND APPROVAL OF A VARIANCE TO PERMIT ELEVEN (11) OFF-STREET PARKING SPACES WHERE TWENTY-SIX (26) ARE REQUIRED BASED ON THE TWELVE (12) FINDINGS-OF-FACT AND ONE (1) CONDITION. COMMISSIONERS COLE AND STRAW OPPOSED.

Commissioner Cole stated he has many concerns with the limited amount of parking and noted we have parking requirements for a reason.

Commissioner Hayden Shaw stated she feels the owner of Dunkin Donuts would not be purchasing this property if they felt they could not efficiently operate their business with the

amount of parking they have. She stated if we want to see this lot redeveloped, there will have to compromises made.

Discussion was held regarding ways to help the off-street parking issue.

The Commission agreed on the following condition: No more than three (3) employees at any one time can park on-site.

e. Public Hearing – Conditional Use Permit to Operate an On-Sale Liquor Establishment in a B-2 District – 1107 Oak Street – Mike Cyrus

City Planner Ostgarden stated an on-sale liquor establishment operated at 1107 Oak Street for many years but has been vacant for a little over a year. The new owners have reopened the business which requires a Conditional Use Permit because of the length of vacancy. He stated a new liquor license was inadvertently issued before reviewing zoning requirements.

City Planner Ostgarden reviewed the staff report and criteria for granting a conditional use permit along with Comprehensive Plan Goals and Strategies. He noted the following concerns:

- There are off-street parking surface requirements and screening requirements that will need to be addressed.
- The driveway and gravel parking area is required to be asphalt or concrete.
- The property does not have a properly identified handicapped parking space. It appears that 20 off-street parking spaces will be required, a total of which requires one handicapped space to be provided which, due to the slope along the west side of the building is too steep, will probably be located down the hill behind the building.

He stated should the Commission recommend CUP approval, consideration should be given to permit the improvements to be completed in 2015.

The Public Hearing was opened at 7:59 p.m.

Ms. Debbie Cyrus, 36902 Bugle Rd, Motley, stated she waited to purchase the property until the liquor license went through with the City and there were no issues at that time. She stated it would be a big financial undertaking to create the twenty parking spaces and the screening. She stated she went through the procedure she needed to go through and now she's being asked to make changes because of the City's mistake.

Commissioner Hayden Shaw asked if they were planning to make improvements in the parking lot. Ms. Cyrus stated they would like to eliminate the neighbors using it to drive through and they would like to level it off with class 5 as asphalt is too expensive for them at this time.

Commissioner Matten asked how many off street parking spaces do they have at this time. Ms. Cyrus said approximately ten spaces.

The Public Hearing was closed at 8:08 p.m.

Discussion was held regarding the number of required off-street parking spaces.

Commissioner Matten read the findings-of-fact into the record as follows:

1. The property is in a B-2 (Neighborhood Business) District.
2. Because the use did not operate for more than one year, reestablishing the property for on-sale liquor establishment purposes, issuing a Conditional Use Permit is required.
3. The site is deficient in improved off-street parking and a properly identified handicapped parking space.
4. Reestablishing the property for on sale liquor sales will have no elements or conditions that will be dangerous, injurious, or noxious to any other property or persons.
5. The existing structure will be reused with no changes to seating, orientation or landscaping planned.
6. There have been no exterior changes to impact on the environment of the neighborhood.
7. The reuse complies with all the applicable Zoning Ordinance objectives, in particular the three (3) highlighted sections, because it:
 - a. Protects the neighborhood by preserving an existing structure.
 - b. Promotes orderly development as the structure will be returned to its intended use.
 - c. Provides for compatibility of different uses by using the existing structure and no additions are planned.
8. Support the redevelopment of vacant and abandoned sites within the urban core.
9. The reuse will not affect fire protection; create electrical disturbances, vibrations, odors, air pollution, glare, erosion or water pollution.

The Commission agreed to add the following findings-of-fact:

10. A liquor license for the property was issued in error prior to the approval of a conditional use permit for on-sale liquor establishment.
11. The property owner expressed concerns about the conditions and having the financial means to meet the requirements.

The Commission agreed to add the following condition: Require off-street parking area shall be paved, a handicapped parking space shall be identified, and required screening shall be installed by December 31, 2015.

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND HAYDEN SHAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO OPERATE AN ON-SALE LIQUOR ESTABLISHMENT WITH THE ELEVEN (11) FINDINGS-OF-FACT AND CONDITIONS.

f. South 6th Street Zoning – discussion of B-4 (General Commercial) Business District Zoning from Pine Street to south of Willow Street

City Planner Ostgarden reviewed the background of a property on South 6th Street that was destroyed in a fire in 2013 along with review of the community wide Zoning map review process in 2011 which created nonconforming uses along the South 6th Street corridor. He stated the property owner has tried selling the property, but has not been able to because of the size of the lot and zoning.

City Planner Ostgarden noted, based on the State Statute language regarding nonconformities, because the nonconforming use has been discontinued for more than one year, any subsequent use of the property must be in compliance with current zoning regulations.

City Planner Ostgarden reviewed possible options:

- Do nothing which means the parcel will remain vacant and taxes will need to continue to be paid possibly leading to a tax forfeit parcel.
- Continue to try selling the property with prospective owners knowing it cannot be used for residential purposes.
- Apply to rezone the property, however rezoning property in this manner is not a procedure that should be supported.
- Review the 2011 zoned area which would review the zoning of the property in context with the zoning of a larger area along South 6th Street.

City Planner Ostgarden reviewed the fourth option in more detail suggesting the following reasons for suggesting the reconsideration:

- Future Land Use Map which identifies the South 6th Street corridor as Low to Medium Density Residential Land Use.
- Existing Land Use which is predominately single family residential.
- The neighborhood does not appear to be in physical decline and appears to be a typical part of the community for having approximately a 50% rental rate.
- Timing of redevelopment.
- Location of commercial redevelopment.

City Planner Ostgarden reviewed the Future Land Use Map, Existing Land Use Map, current Zoning Map, previous Zoning Map, and rental properties in the area. He then reviewed two possible rezoning options with an R-1 or an R-2 zone. He stated the Planning Department does not suggest rezoning just this property, but to rezone a larger area.

Discussion was held regarding the nonconforming use and whether or not the property owner was aware of not being able to rebuild.

Discussion was held regarding how to proceed with the rezoning. Commissioner Hayden Shaw stated she does not feel the current Zoning Ordinance has the proper zoning classification for the South 6th Street corridor and feels the Commission should, in the near future, look at a bigger picture of what we want for this area.

Commissioner Cole stated the rezoning that was done in 2011 for this area was done looking at the Future Land Use Map and the hope there would be more commercial development in the future.

City Planner Ostgarden stated the B-1 (Residential Office) District may also be appropriate for this area.

MOTION AND SECONDED BY COMMISSIONER HAYDEN SHAW AND STRAW TO PROCEED WITH REZONING THE PROPERTY AT 705 SOUTH 6TH STREET FROM B-4 (GENERAL COMMERCIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT. COMMISSIONERS MATTEN AND NORWOOD OPPOSED.

#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.

#6 **OLD BUSINESS**

None

#7 **Commissioners' Questions/Comments**

Commissioner Plantenberg stated she would like to schedule a workshop to discuss complete streets, building codes, and parking requirements.

Commissioner Matten stated she would like to make some changes to the meetings, possibly dispensing with the reading of the findings-of-fact as long as they are displayed. She stated she would like to see the Commission and staff to be more proactive when things, such as the arson, happen to notify the property owner that they have a time limit because it's a nonconformity. She stated she would also like to see permit language on the workshop agenda.

Commissioner Plantenberg asked the Commissioners to come up with their ideas for an agenda for the workshop that would be held in January. She asked them to get the ideas to the City Planner before the December meeting.

#8 **City Planner's Report**

City Planner Ostgarden stated the City Council is still working on the budget and it doesn't look like any funding for the comprehensive plan review will be in the 2015 budget.

#9 **Adjournment**

As there was no further business the meeting adjourned at 9:02 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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STAFF REPORT TO THE PLANNING COMMISSION

December 2, 2014

APPLICANT/LOCATION:	City of Brainerd for property located at 705 South 6 th Street
REQUESTED ACTION:	Rezone property from B-4 (General Commercial) District to R-2 (Medium Density Residential) District
AREA:	50' x 200' (includes unplatted alley drive across the rear of the property)
ADJACENT USES:	North: Single Family Residential East: Single Family Residential South: Single Family Residential West: Two Family Residential
ADJACENT ZONING:	North: B-4 (General Commercial) District East: B-4 (General Commercial) District South: B-4 (General Commercial) District West: R-1 (Single Family Residential) District

PETITION EVALUATION

In August 2013, the dwelling at 705 South 6th Street was destroyed (by arson) and in 2014 was demolished. The property has been vacant (the detached garage remains) since that time and has been marketed as residential property to construct a new dwelling. The dwelling footprint was seven hundred ninety (790) square feet and was located on a one hundred fifty (150) foot by fifty (50) foot parcel.

During the community wide Zoning Map review process in 2011, zoning along the South 6th Street corridor was changed from a residential district to a B-4 (General Commercial) District to promote commercial development. It was understood when this occurred that the commercial zoning would create nonconforming uses along the corridor as most uses are residential and not permitted uses in a B-4. However, it was thought that commercial zoning was the best long term land use for this part of the South 6th Street corridor.

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 the application to consider in the review process.

NONCONFORMING USES

Nonconforming uses have rights established by State Statute which reads as follows:

Subd. 1e. Nonconformities.

- (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:*
 - (1) The nonconformity or occupancy is discontinued for a period of more than one year; or*
 - (2) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.*
- (b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.*

Based on the Statute language, because the nonconforming use has been discontinued for more than one year, any subsequent use of the property must be in compliance with current zoning regulations. Because the issue is property use, there is not a variance procedure the property owner has for relief.

The property owner has tried to sell the property to the adjacent owners who have shown no interest. The parcel size makes commercial use unlikely. In order for it to be commercially viable, additional parcels would need to be assembled to create a larger one for development which does not appear likely anytime soon.

The property owner has a parcel that is not developable.

1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.

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

Strategies

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.

Encourage development of low density and high-density family housing units in those areas designated on the adopted Land Use Plan.

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.

Support the redevelopment of vacant and abandoned sites within the urban core.

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

The attached section of the Future Land Use Map identifies this area along the South 6th Street corridor as Low to Medium Density Residential Land Use. Typically that is considered one and two family units.

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

Rezoning the property will permit it to be used for residential use, which is the predominate land use pattern along South 6th Street in this area.

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

S. 6th Street capacity will not be affected by this individual change.

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.

There should be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

PLANNING DEPARTMENT REVIEW AND RECOMMENDATION

Rezoning the property to R-2 will permit single or two family uses and addresses the situation for the property owner. The public notice specified R-2 zoning, should the Planning Commission desire, it can also recommend R-1 zoning. Also, should the rezoning occur, the Planning Commission should consider addressing the rezoning along that corridor a high priority.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its December 10, 2014 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on December 15, 2014 and an Ordinance Second/Final Reading on January 5, 2014.

Respectfully submitted,

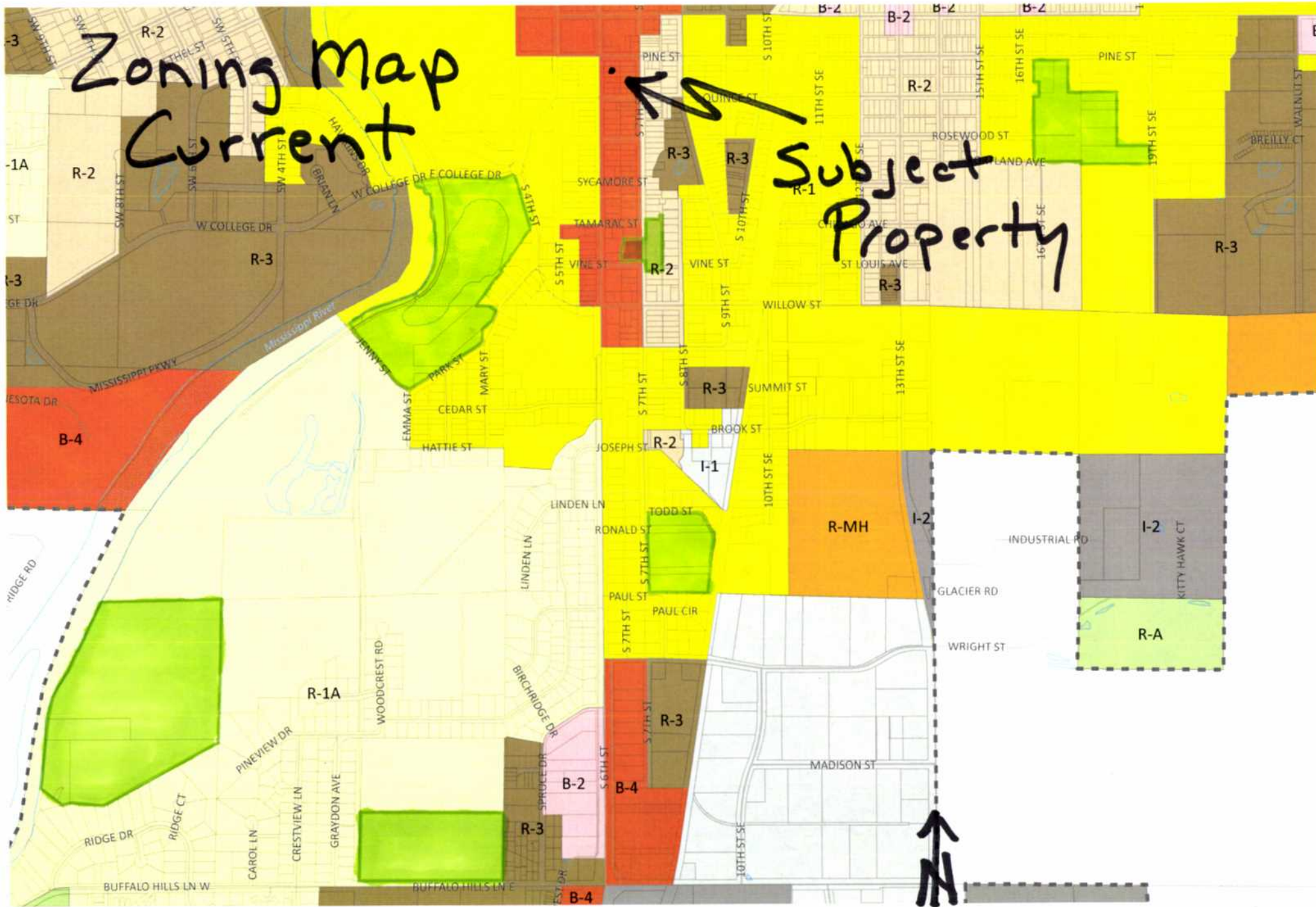
A handwritten signature in black ink, appearing to read "Mark Ostgarden".

Mark Ostgarden AICP
City Planner



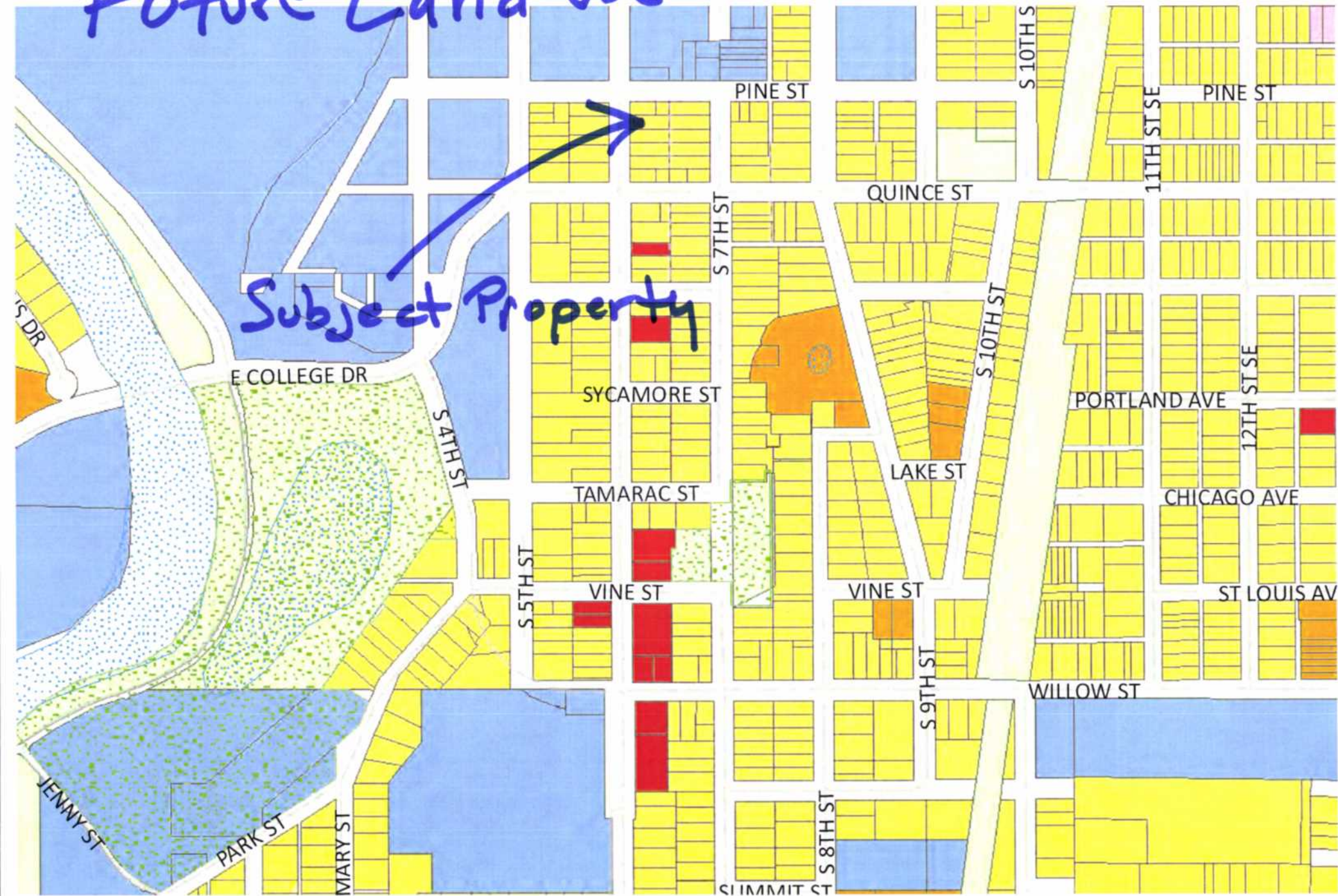
Zoning map
Current

Subject
Property



Future Land Use

Subject Property



Legend - Future Land Use

 City Limits

 Parks

 Lakes

Future Land Use

 Low-Med Density Residential

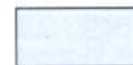
 Med-High Density Residential

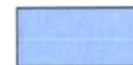
 Downtown Commercial

 Business Park

 General Commercial

 Development Preserve

 Industrial

 Public / Semi Public

 Park / Open Space

 Mixed Residential



August 2011





Legend

ELU

Existing Land Use

- Single Family Residential
- Two Family (Duplex)
- Multiple Family Residential
- Manufactured Homes
- General Commercial
- Industrial
- Public / Semi Public
- Park / Trail
- Agriculture
- Vacant / Undeveloped
- Not In City



Print Date
11/07/2014

This map is intended for reference purposes only and is not a legally recorded map nor survey. The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd, is requesting to rezone the property at 705 South 6th Street from a B-4 (General Commercial) District to an R-2 (Medium Density Residential) District:

Permitted uses in B-4 District include:

Government and public buildings, utilities and/or structures; financial institutions; hospitality businesses; liquor sales, on and off sale; office business-clinic; office business-general; personal services; recreational business-indoor; restaurants-sit down, take out or delivery; retail businesses contained within a principal building; business or trade school when conducted entirely within a building; places of worship and related buildings; theaters-except drive-in; cultural facilities; repair services; on-site service businesses; pawn shops; music, art, decorating, photography and dance studios; taxi or bus dispatch sites; adult uses as regulated by Section 33 of this Ordinance; essential services as regulated by Section 36 of this Ordinance; equipment rental (indoor).

Conditional Uses in B-4 District include:

Armories; automobile and truck repair-major and minor (including body shops); commercial car washes; hospitals; motor vehicle fuel sales; outdoor sales and/or rental lot; Planned Unit Development (PUD) as regulated by Section 11 of this Ordinance; outdoor dining facilities accessory to a restaurant; small engine and boat repair; animal hospital or clinic and kennels; light manufacturing; radio and television studios; outdoor storage as an accessory use; colleges and universities; auto dealership; commercial day care facilities as regulated by Section 29 of this Ordinance; Department of Human Services (DHS) licensed drug and alcohol treatment and recovery facilities and unlicensed drug and alcohol treatment and recovery facilities that are substantially the same in character as a DHS licensed program of longer duration but not to exceed eighteen(18) months.

Permitted uses in the R-2 District include:

Single family detached dwellings; two (2) family attached dwellings; one multiple family building per lot or parcel containing four (4) or less units; public recreation areas and related accessory buildings and structures; residential care facilities serving six (6) or more persons; essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in an R-1 District include:

Nursing homes and similar group housing, not including hospitals; senior housing; bed and breakfast subject to provisions of Section 31 of this Ordinance; state licensed residential facilities serving seven (7) to sixteen (16) persons; non-profit and not-for-profit offices located in buildings owned by the Brainerd Independent School District, not used for classroom education; planned unit developments as regulated by Section 11 of this Ordinance; residential townhome 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 provided that when abutting a residential use in a residential use district, the property is screened and landscaped in accordance with Section 20 of this Ordinance; hospitals; places of worship and related buildings; public and private schools; boarding houses; single family dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet and two-family dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet subject to 515-54-11: Design Standards.

(over)

*Lots 15 & 16 Block 187, Town of Brainerd & 1st Addn to Brainerd
Section 24 Township 45 Range 31
P.I.N. #09196187015Z009*

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

Mark Ostzund

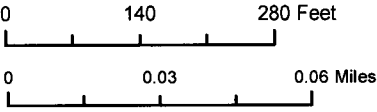
Mark Ostgarden AICP
City Planner

Rezoning - 705 S 6th St

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
09196159023Y009	ANDERMAN, DOUGLAS L	444 28TH AVE N	ST CLOUD MN 56303	623 6TH ST S
09196187003Z009	ANNABLE, TINA	718 S 7TH ST	BRAINERD, MN 56401	718 7TH ST S
09196189022Z009	BACON, ALVIN	702 PINE ST	BRAINERD, MN 56401	702 PINE ST
09196187013Y009	BAHR, CHARLES K & BONNIE J	12876 KNOLLWOOD DR	BAXTER, MN 56425	612 PINE ST
09196187011Z009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	702 7TH ST S
09196187015Z009	BLANCHARD, JULIE M	705 S 6TH ST	BRAINERD MN 56401	705 6TH ST S
09196187007Z009	BOCK, JOSEPH S	1112 13TH ST SE	BRAINERD, MN 56401	710 7TH ST S
09196185014Z009	BONABURT LLC	705 5TH ST S	BRAINERD, MN 56401	705 5TH ST S
09196219010Z009	CITIMORTGAGE INC	1000 TECHNOLOGY DR	O FALLON, MO 63368	802 6TH ST S
09196189022X009	DEROSIER, MITCHELL E II	708 PINE ST	BRAINERD, MN 56401-4100	708 PINE ST
09196217013Y009	DR SPODEN INVESTMENTS LLC	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	610 QUINCE ST
09196187023Z009	EFTERFIELD, KRYSTAL	723 6TH ST S	BRAINERD, MN 56401	723 6TH ST S
09196187017Z009	EIESLAND, AARON	709 6TH ST S	BRAINERD, MN 56401	709 6TH ST S
09196217011Z009	FELSKE PROPERTIES II LLC	1021 INDUSTRIAL PARK RD	BRAINERD, MN 56401	802 7TH ST S
09196185008Z009	FELSKE PROPERTIES LLC	1021 INDUSTRIAL PARK RD	BRAINERD, MN 56401	710 6TH ST S
09196185011Z009	FELSKE PROPERTIES LLC	1021 INDUSTRIAL PARK RD	BRAINERD, MN 56401	704 6TH ST S
09196161000Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	LINCOLN SCH
09196185004Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	716 6TH ST S
09196185020Z009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	717 5TH ST S
09196185006Z009	INDEPENDENT SCHOOL DISTRICT #181	804 OAK ST	BRAINERD, MN 56401	714 6TH ST S
09196185016Z009	INDEPENDENT SCHOOL DISTRICT #181	804 OAK ST	BRAINERD, MN 56401	707 5TH ST S
09196185018Z009	INDEPENDENT SCHOOL DISTRICT #181	804 OAK ST	BRAINERD, MN 56401	711 5TH ST S
09196185022Z009	KNOWLES, RODNEY L	723 5TH ST S	BRAINERD MN 56401	723 5TH ST S
09196187023Y009	KOWALCZYK, RONALD A & SUSAN J	11524 STATE HIGHWAY 210	BRAINERD MN 56401	611 QUINCE ST
09196189022Y009	KROTZER, WILLIE S & RACHELLE L	250 BROADWAY ST	AKELEY MN 56433	704 PINE ST
09196219010Y009	LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	514 QUINCE ST
09196187001Y009	LURA, ROBERT & JUDITH	724 7TH ST S	BRAINERD, MN 56401	724 7TH ST S
09196187021Z009	MCCULLOCH, MYRNA	719 6TH ST S	BRAINERD MN 56401	719 6TH ST S
09196189013Y009	MCKAY, RICHARD G & MARY	21212 MAIL ROUTE RD	BRAINERD MN 56401	717 7TH ST S
09196189013Z009	MENK, EDWIN L & SUSAN	721 S 7TH STREET	BRAINERD MN 56401	721 7TH ST S
09196187013Z009	MILLER, JEREMY W	701 S 6TH ST	BRAINERD, MN 56401	701 6TH ST S
09196185013Y009	MILLS, DAVID H & OLSON-MILLS, CHERYL L	26544 TUCK RD	AITKIN, MN 56431	510 PINE ST
09196189014Z009	MORGAN, GARY J & LORI	713 S 7TH STR	BRAINERD MN 56401	713 7TH ST S
09196187009Z009	NICKELS, DEBRA A	21370 S LAKE GEORGE DR NW	CEDAR, MN 55011-9136	708 7TH ST S

Rezoning - 705 S 6th St

09196189019Z009	PROGRESSIVE PROPERTY MGMNT	1511 NORTHERN PACIFIC RD #101	BRAINERD, MN 56401	709 7TH ST S
09196217013Z009	RICH, RALPH	801 6TH ST S	BRAINERD MN 56401	801 6TH ST S
09196187001Z009	ROBINSON, KARI L	615 QUINCE ST	BRAINERD, MN 56401	615 QUINCE ST
09196187019Z009	SCHROEDER, TAMELA	715 6TH ST S	BRAINERD, MN 56401	715 6TH ST S
09196185013Z009	SEEVERS, CHERYL L (OLSON) CHERYL L	26544 TUCK RD	AITKIN MN 56431	
09196185001Z889	SHAW, EDWARD R	517 9TH ST N	BRAINERD, MN 56401	722 6TH ST S
09196187005Z009	SMART, SUSAN M	714 7TH ST S	BRAINERD, MN 56401	714 7TH ST S
09196217015Z009	STROBEL, KAREN A	811 S 6TH STREET	BRAINERD MN 56401	811 6TH ST S
09196217008Z009	WALTZ, CLIFFORD G & KATHLEEN	810 S 7TH ST	BRAINERD MN 56401	810 7TH ST S
09196217010Z009	WALTZ, CLIFFORD G & KATHLEEN	810 S 7TH ST	BRAINERD MN 56401	806 7TH ST S
09196157018Y009	Y M C A	602 OAK ST	BRAINERD MN 56401	
09196157020A009	Y M C A	602 OAK ST	BRAINERD MN 56401	
09196157021B009	Y M C A	602 OAK ST	BRAINERD MN 56401	
09196157021Y009	Y M C A	602 OAK ST	BRAINERD MN 56401	
09196157023Y009	Y M C A	602 OAK ST	BRAINERD MN 56401	
09196159001V009	Y M C A	602 OAK ST	BRAINERD MN 56401	
09196159001W009	Y M C A	602 OAK ST	BRAINERD MN 56401	602 OAK ST
09196159001Y009	Y M C A	602 OAK ST	BRAINERD MN 56401	
09196159004Y009	Y M C A	602 OAK ST	BRAINERD MN 56401	



STAFF REPORT TO THE PLANNING COMMISSION

December 2, 2014

APPLICANT/LOCATION: City of Brainerd/ 2424 B371, Brainerd, MN 56401;
Minnesota Adult and Teen Challenge Property

REQUESTED ACTION: Rezone Property from R-3 (High Density Residential)
District to B-4 (General Commercial) District

AREA: 9+ acres

ADJACENT USES: North: Multiple Family Residential
East: Industrial
South: Vacant
West: Generally Vacant

ADJACENT ZONING: North: R-3 (High Density Residential) District
East: I-2 General Industrial District and B-4 (General
Commercial) District
South: RA (Rural Agriculture) District
West: R-3 (High Density Residential) District

REPORT

In 2007, the following language was added to the list of B-4 District conditional uses

Department of Human Services (DHS) licensed Drug and Alcohol Treatment and Recovery Facilities and Unlicensed Drug and Alcohol Treatment and Recovery Facilities that are substantially the same in character as a DHS licensed program of longer duration but not to exceed eighteen (18) months.

During the 2011 city wide Zoning Map amendment process, the Minnesota Adult and Teen Challenge (MATC) property on B371 was rezoned from B-4 to R-3. In November 2014, I met with the Center Director Sam Anderson who inquired about the approval process for a potential building addition. Following our meeting, I discovered that the R-3 District does not include the conditional use language for ... *Drug and Alcohol Treatment and Recovery Facilities...*, meaning an addition cannot be made AND MATC is currently a nonconforming use in the R-3 District.

The 2011 rezoning was intended to better align the use with the Zoning District purpose, however at the time it was not realized that the conditional use language was added only to the B-4 District. The rezoning was not done to limit MATC future plans. To correct this action, the Planning Department has

scheduled a public hearing to rezone the property back to the B-4 District. Should the rezoning be approved, MATC would be able to apply for a Conditional Use Permit in order to be able to construct the addition.

PETITION EVALUATION

- 1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.**

***Goal:** PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.*

Strategies

- 1. Locate and design industrial and commercial developments to provide good access and road service, while avoiding the routing of traffic through residential neighborhoods.*
- 2. Require new commercial and industrial developments to have access to adequately sized and designed public roads.*
- 3. Encourage the development of additional commercial and industrial areas within the city in accordance with the land use plan.*

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

The site is designated as Public/Semi Public land use on the Future Land Use Map. It was designated in this manner as the site had a church use in 2011 and it was anticipated it would remain a church in the future.

Future land use across B371 is General Commercial, to the south is Business Park, to the west is Mixed Residential, and north is Medium to High Density Residential. Returning the property to a commercial zone permits the current use, which is a compatible use for the area and also commercial uses with that property design can be compatible with the area.

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

The current use has proven to be a compatible use in the area. Should the site in the future be used for commercial uses the B-4 District will permit retail opportunities for this area of the community.

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

Traffic generated by the current use or any future commercial activity will not affect B371 and its ability to accommodate the additional traffic generated by those uses.

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 current use and any future commercial uses will not over burden public services and facilities.

PLANNING DEPARTMENT REVIEW AND RECOMMENDATION

Both zoning districts, R-3 or B-4 are zones that would be compatible for this area of the community. Keeping the R-3 District would require amending the R-3 District text to add the language to permit drug and alcohol treatment centers. Adding the text will affect all R-3 Districts in the city. Rezoning back to B-4 seems the most straightforward method to address the nonconforming status of the current use.

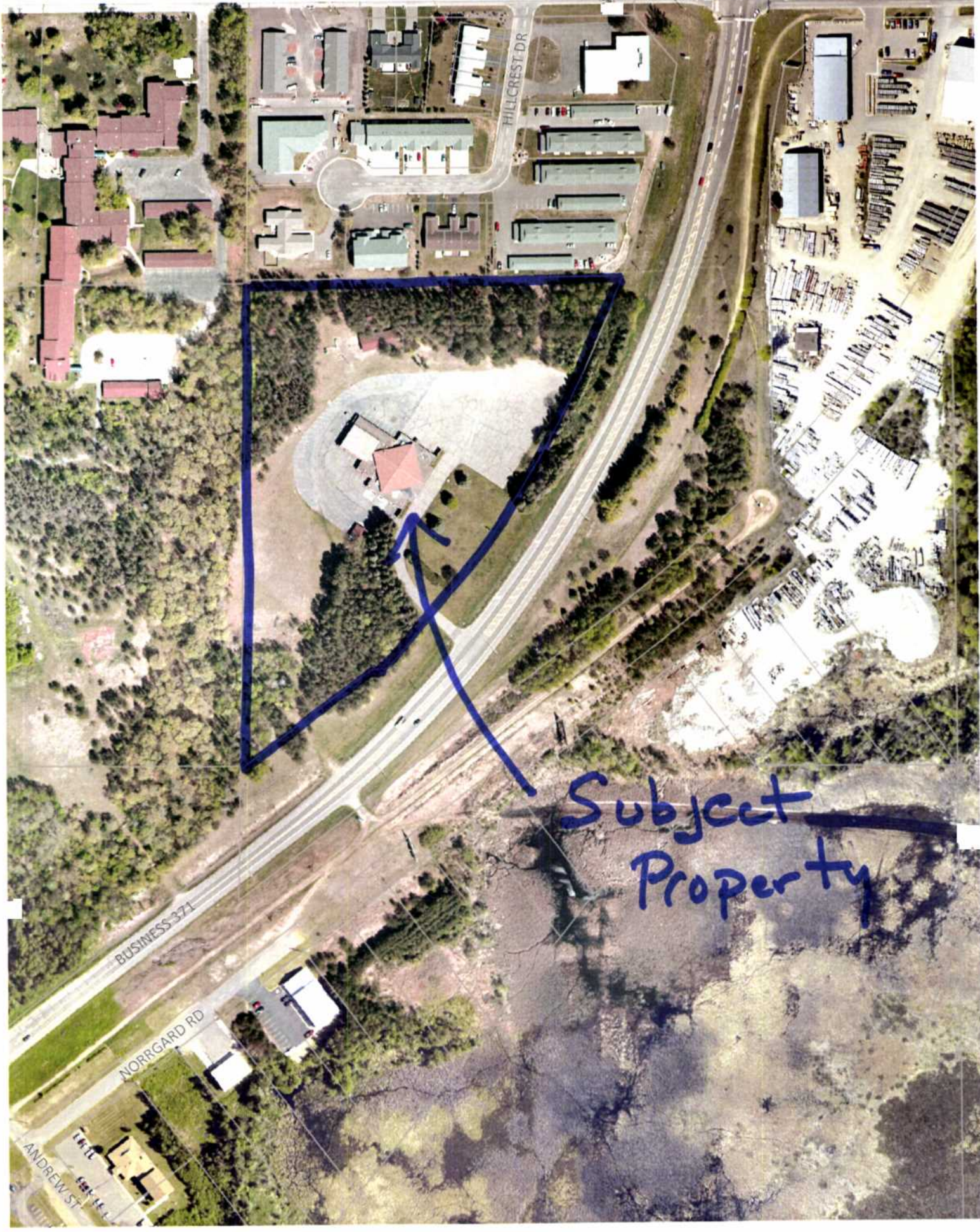
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its December 10, 2014 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance Public Hearing and First Reading on December 15, 2014 and an Ordinance Second /Final Reading on January 5, 2014.

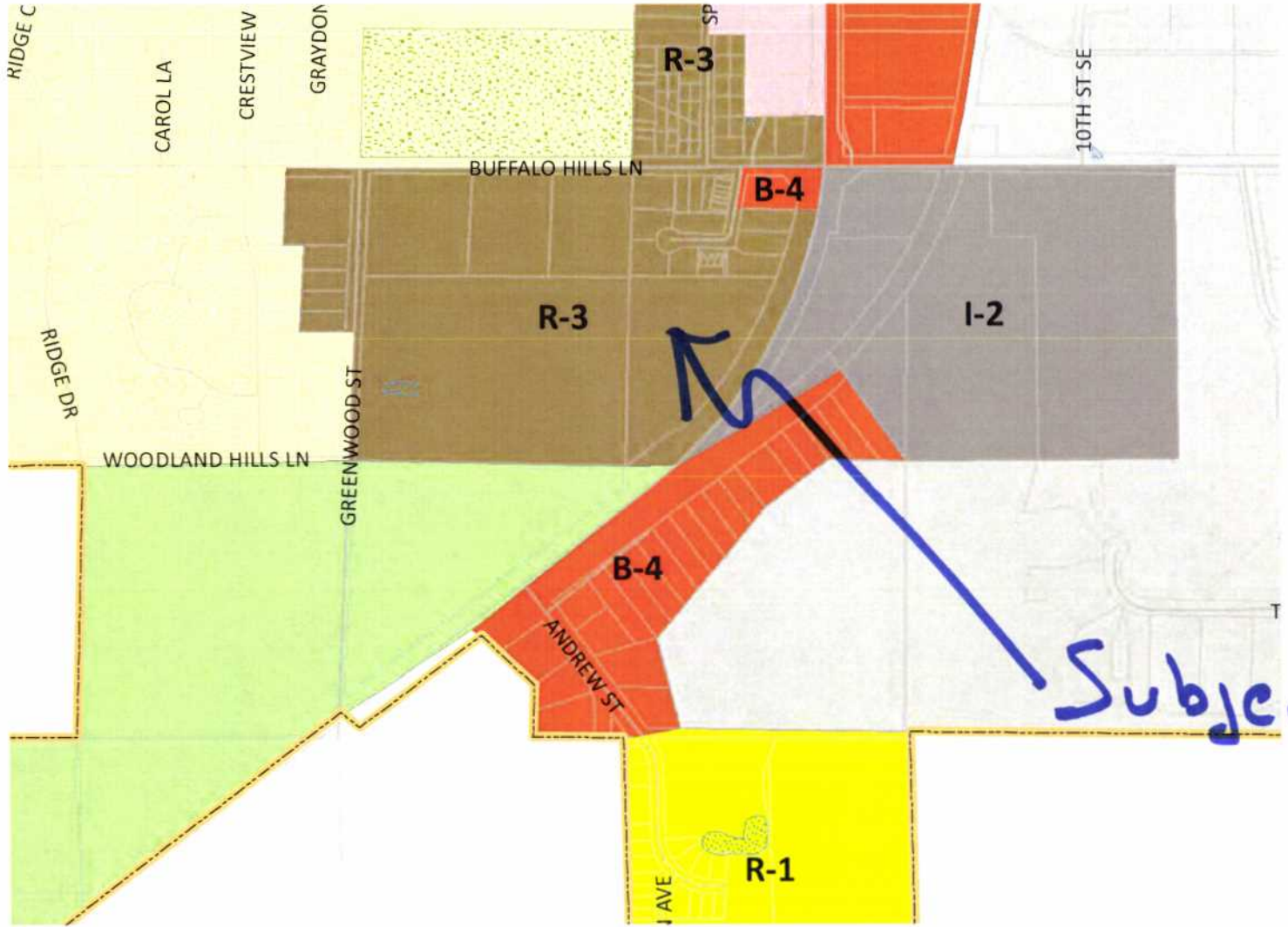
Respectfully submitted,



Mark Ostgarden AICP
City Planner

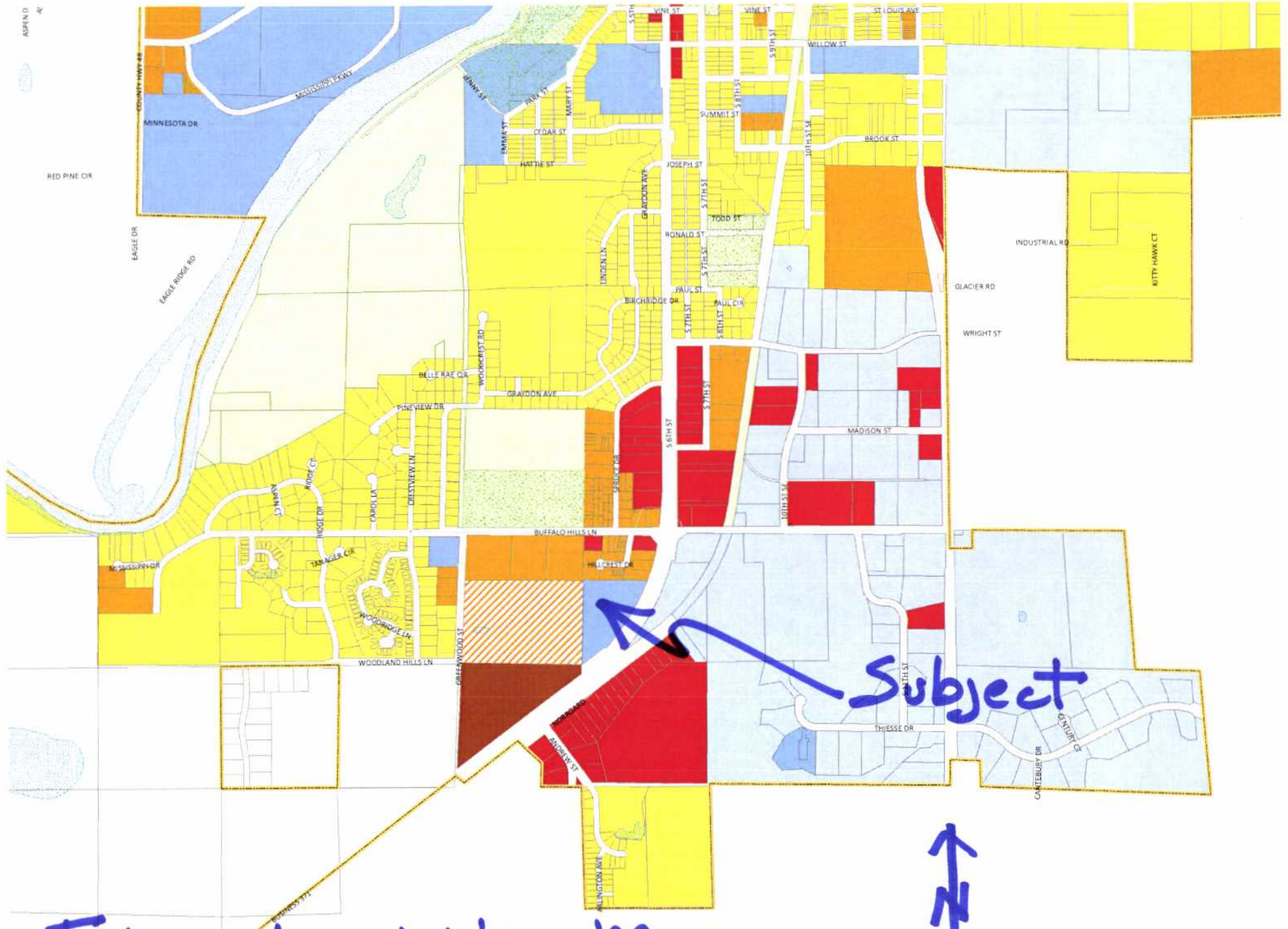


Subject
Property



Current
Zoning
Map

Subject



Future Land Use Map

Legend- Future Land Use Map

 City Limits

 Parks

 Lakes

Future Land Use

 Low-Med Density Residential

 Med-High Density Residential

 Downtown Commercial

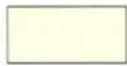
 Business Park

 General Commercial

 Development Preserve

 Industrial

 Public / Semi Public

 Park / Open Space

 Mixed Residential



August 2011



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd is requesting to rezone the property at 2424 Business 371 (site of Minnesota Adult and Teen Challenge) from an R-3 (High Density Residential) District to a B-4 (General Commercial) District. In 2011 as part of the community wide Zoning Map review, the property was rezoned to R-3. However the property use is not allowed in an R-3 District. The rezoning will return the property to the B-4 District that existed prior to 2011 and property use will be allowed in the district.

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 B-4 District include:

Government and public buildings, utilities and/or structures; financial institutions; hospitality businesses; liquor sales, on and off sale; office business-clinic; office business-general; personal services; recreational business-indoor; restaurants-sit down, take out or delivery; retail businesses contained within a principal building; business or trade school when conducted entirely within a building; places of worship and related buildings; theaters-except drive-in; cultural facilities; repair services; on-site service businesses; pawn shops; music, art, decorating, photography and dance studios; taxi or bus dispatch sites; adult uses as regulated by Section 33 of this Ordinance; essential services as regulated by Section 36 of this Ordinance; equipment rental (indoor).

Conditional Uses in B-4 District include:

Armories; automobile and truck repair-major and minor (including body shops); commercial car washes; hospitals; motor vehicle fuel sales; outdoor sales and/or rental lot; Planned Unit Development (PUD) as regulated by Section 11 of this Ordinance; outdoor dining facilities accessory to a restaurant; small engine and boat repair; animal hospital or clinic and kennels; light manufacturing; radio and television studios; outdoor storage as an accessory use; colleges and universities; auto dealership; commercial day care facilities as regulated by Section 29 of this Ordinance; Department of Human Services (DHS) licensed drug and alcohol treatment

(over)

and recovery facilities and unlicensed drug and alcohol treatment and recovery facilities that are substantially the same in character as a DHS licensed program of longer duration but not to exceed eighteen(18) months.

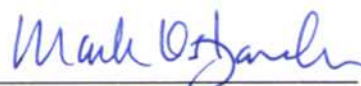
The property is legally described as follows:

*Lots 1 Block 1 Assemblies of God Addn to Brainerd
Section 1 Township 44 Range 31
P.I.N. #092110010010009*

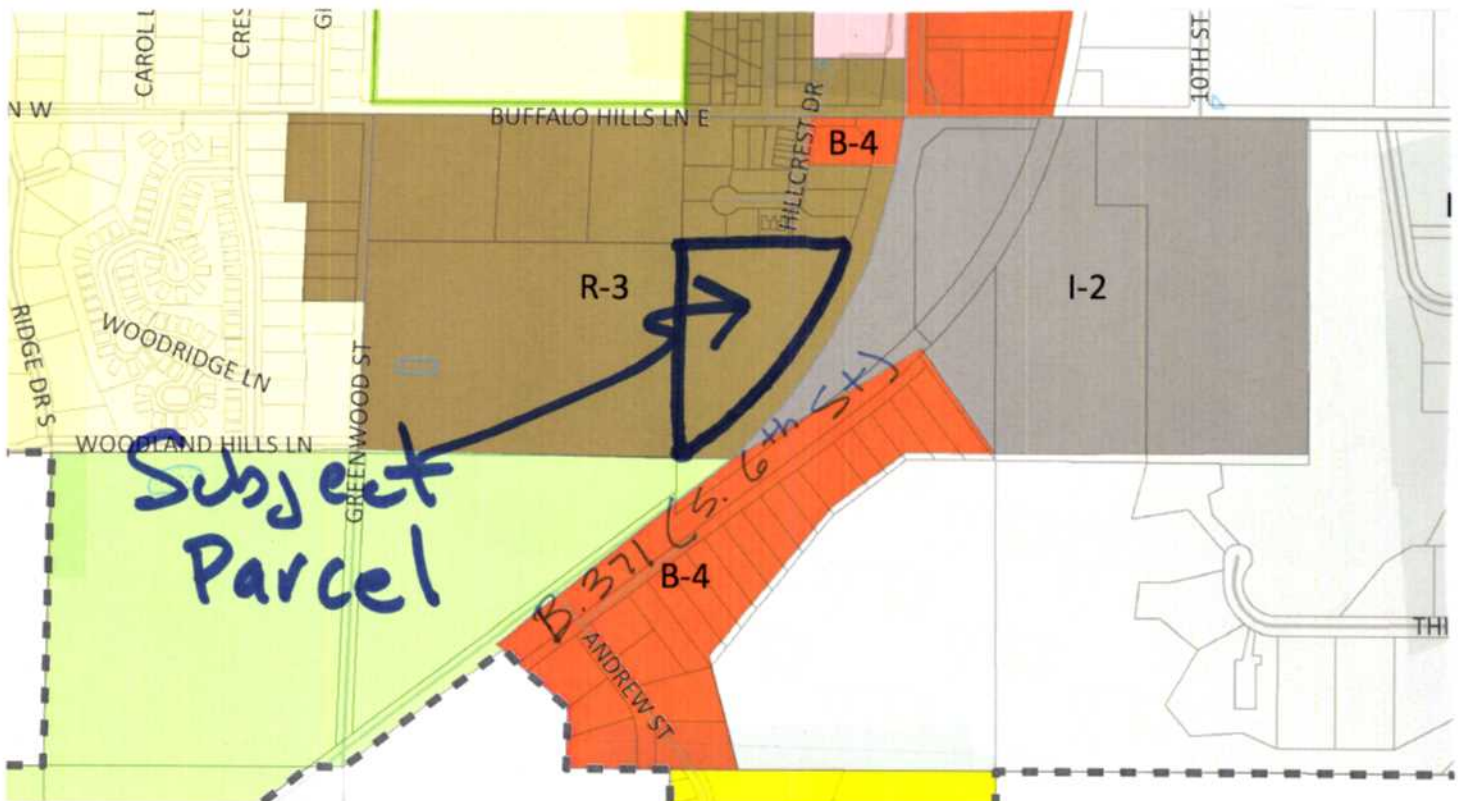
A Public Hearing will be conducted by Brainerd Planning Commission at 6:00 p.m. Wednesday, December 10, 2014 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property in accord with the City of Brainerd Zoning Ordinance.

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

Dated this 26th day of November, 2014


Mark Ostgarden AICP
City Planner

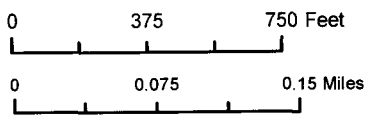
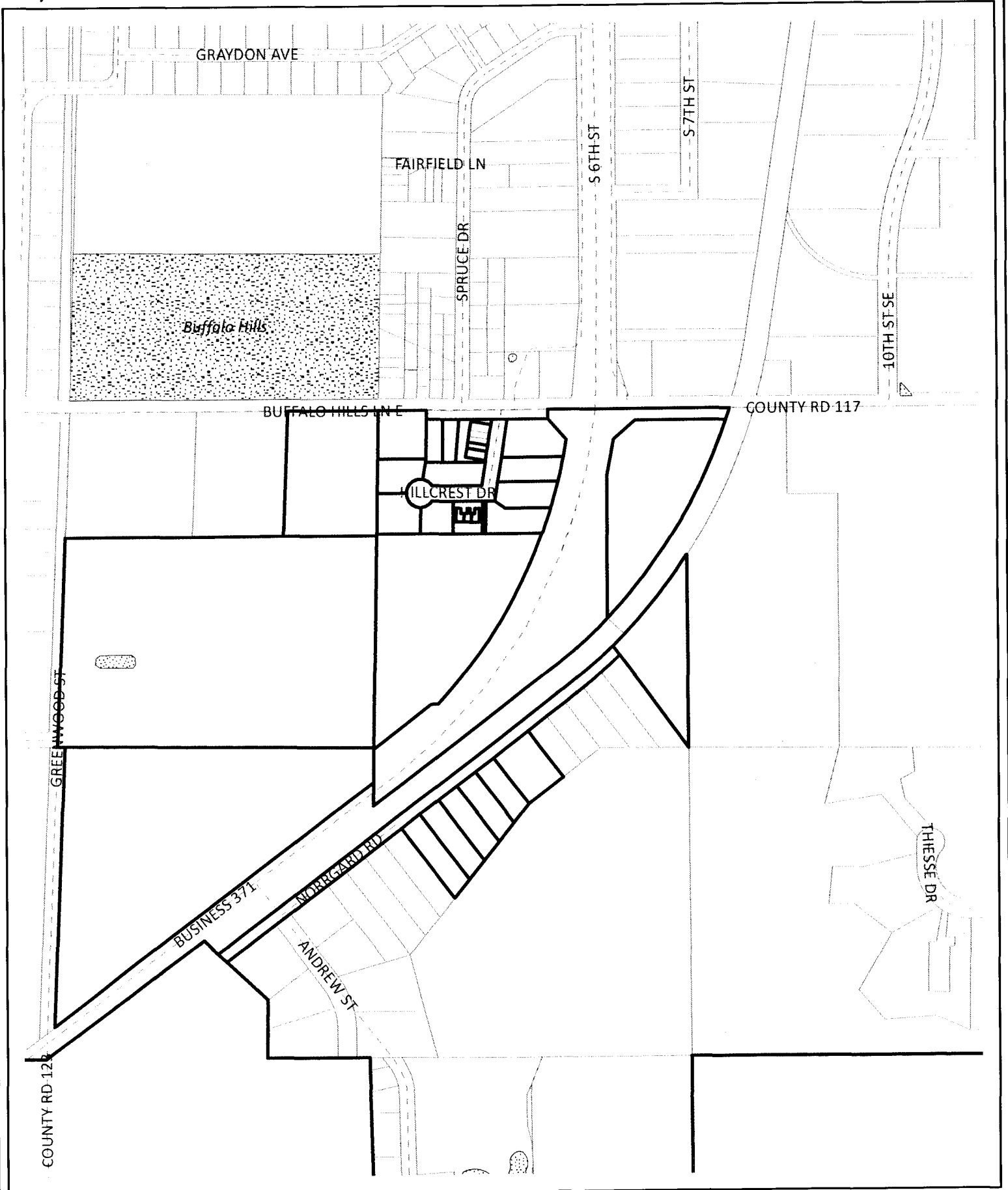
Publication Date: November 28, 2014



(over)

Rezoning - 2424 Bus 371

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
092370010060009	BUFFALO HILLS TOWNHOMES OWNERS ASSC	C/O KATHY MARTIN	8782 GOLDEN POND DR	BRAINERD, MN 56401	
09224001007A009	BUFFALO HILLS, CONDOMINIUM ASSOC %E	2401 HILLCREST DR	BRAINERD MN 56401		
092240010110009	CAUGHEY, RUSSELL L JR & KATHRYN	3234 COUNTY ROAD 121	FORT RIPLEY MN 56449		
092260020100009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401		
040012100C00009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401		
092240010080009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401		
092240010090009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401		
092370010040009	DUNSWORTH, BARBARA L	2308 HILLCREST DR	BRAINERD, MN 56401		2308 HILLCREST DR
040012200A00009	EVANGELICAL LUTHERAN GOOD SAMARITAN	100 BUFFALO HILLS LN	BRAINERD, MN 56401		
040012300A00009	EVANGELICAL LUTHERAN GOOD SAMARITAN	100 BUFFALO HILLS LN	BRAINERD, MN 56401		
092140010030009	EVANGELICAL LUTHERAN GOOD SAMARITAN	100 BUFFALO HILLS LN	BRAINERD, MN 56401		BUFFALO HILLS LN
092260020060009	FRANKLIN PROPERTIES LLC	20092 EDISON CIRCLE E	CLEARWATER, MN 55320		
092260020070009	FRANKLIN PROPERTIES LLC	20092 EDISON CIRCLE E	CLEARWATER, MN 55320		
092260020080009	FRANKLIN PROPERTIES LLC	20092 EDISON CIRCLE E	CLEARWATER, MN 55320		
092260020090009	FRANKLIN PROPERTIES LLC	20092 EDISON CIRCLE E	CLEARWATER, MN 55320		
0960300001B0009	HANSON, DONALD G & CAROLINE J	2403 HILLCREST DR	BRAINERD MN 56401		2403 HILLCREST DR
092370010050009	HILL, JOAN M	2310 HILLCREST DR	BRAINERD, MN 56401		2310 HILLCREST DR
09224001001A009	MANION, MICHAEL & SHARON	504 E BUFFALO HILLS LN	BRAINERD, MN 56401		504 E BUFFALO HILLS LN
092110010010009	MINNESOTA TEEN CHALLENGE INC	1619 PORTLAND AVE S	MINNEAPOLIS, MN 55404		
0960300001A0009	NELSON, ETHEL M (LIFE ESTATE)	2401 HILLCREST DR	BRAINERD, MN 56401		2401 HILLCREST DR
092240010030009	ON PAR INVESTMENTS LLC	7115 FORTHUN RD STE 105	BAXTER, MN 56425		
092240010040009	ON PAR INVESTMENTS LLC	7115 FORTHUN RD STE 105	BAXTER, MN 56425		
092260020110009	PLM LAKE & LAND MANAGEMENT CORP	1042 N MILFORD RD SUITE 104	MILFORD, MI 48381		
092240010060009	PR DEVELOPMENT, LLC	15684 BIRCHWOOD LN	BRAINERD, MN 56401		
092240010100009	PR DEVELOPMENT, LLC	15684 BIRCHWOOD LN	BRAINERD, MN 56401		
092240010010009	SIMON, JOSEPH J & JOYCE M	502 BUFFALO HILLS LN E	BRAINERD, MN 56401		502 BUFFALO HILLS LN E
092240010050009	SON HOLDINGS, LLC	15244 STATE HIGHWAY #371	BAXTER, MN 56425		
09195001001Z009	THOMPSON, ROXANNE D	12701 NORTH PELICAN LN	MERRIFIELD, MN 56465		
0960300001C0009	WARTHEN, ROBERT L	2405 HILLCREST DR	BRAINERD, MN 56401		2405 HILLCREST DR



STAFF REPORT TO THE PLANNING COMMISSION

December 2, 2014

APPLICANT/LOCATION: Brian Siddall (Sign Manager for AutoZone) 123 S Front Street; Memphis, TN 38103/801 W Washington Street

PROPOSED USE: Variances to permit two (2) signs on the property.

PARCEL AREA Site is one point two (1.2) acres.

CURRENT ZONING: B-4 (General Commercial) District

ADJACENT USES: North: Commercial
East: Commercial
South: Commercial
West: Commercial

ADJACENT ZONING: North: B-4 (General Commercial) District
East: B-4 (General Commercial) District
South: B-4 (General Commercial) District
West: B-4 (General Commercial) District

REPORT

AutoZone plans to develop the former Freedom Gas Station/restaurant site on W Washington Street for a new store. The site has two (2) sign structures that it desires to refurbish and reuse. A twenty (20) foot tall sign is located on W Washington Street at the property's northeast corner of the property. The other sign is a former gas price sign that is fifty-nine feet four inches (59' 4") tall and located on the property's west side adjacent to NW 9th Street. The signs are two hundred fifty-seven (257) feet apart.

VARIANCES

515-37-10: District Regulations

2. A sign up to twenty-five (25) feet tall is permitted.
- 2b. *Parcels in B-4, B-5 and B-6 zoning districts with more than three hundred (300) feet of street frontage may have one (1) additional sign for each additional three hundred (300) feet of street frontage. Signs shall be located at least three hundred (300) feet apart.*

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.*

Permitting a fifty-nine feet four inches (59' 4") tall sign structure is not supported by any of the Zoning Ordinance purposes.

When the variance is consistent with the Comprehensive Plan.

GOAL: *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

Strategy

Promote aesthetically pleasing development and redevelopment in the city.

GOAL: *Support development that enhances community character and identity.*

Strategies

Work to strengthen and maintain the appearance of the Business Highway 371, Highway 210/Washington Street, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.

Work with property owners to encourage the development of attractive entrances and gateways to the community.

Permitting a fifty-nine feet four inches (59' 4") tall sign structure is not supported by the above Comprehensive Plan Goals and Strategies.

B. *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;*

AutoZone is a destination oriented business. Typical customers are not thinking impulsively that they should shop for auto parts. Because of the three hundred (300) feet of property frontage, should the owner desire, a sign at the northeast site corner and the northwest site corner is permitted. A three hundred (300) square foot sign twenty feet (20) wide x fifteen (15) feet tall in size. By comparison the Huderlik Carpet sign (see attached photo) is one hundred (180) square feet in area.

Based upon the Zoning Ordinance language, permitting the two (2) signs and their potential sizes, there is no reasonable justification why a sign fifty-nine feet four inches (59' 4") tall is needed.

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 that would justify allowing the signs as proposed. The development will use the entire block frontage. No other use can be developed on this block, meaning sign visibility along W Washington is not an issue. The site is visible from several blocks away.

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

Signs that are fifty-nine feet four inches (59' 4") tall are seen at freeway interchanges for the purpose of attracting attention from a long way away typically for impulse purchases. This sign was installed when there was little development in the area. The area has developed into an urban environment with speeds less than fifty five (55) mph and a sign fifty-nine feet four inches (59' 4") tall is very conspicuous in the area. Allowing its reuse permits a non-

conforming sign structure sign that has been out of character in the neighborhood for many years to be continued.

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.

PLANNING DEPARTMENT COMMENTS

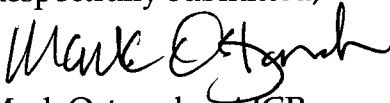
Following are options the Planning Commission has in the deliberation of the request:

1. Approve the height variance and approve the separation variance.
2. Approve the height variance and deny the separation variance.
3. Deny the height variance and the separation variance.
4. Deny the height variance and approve the separation variance.

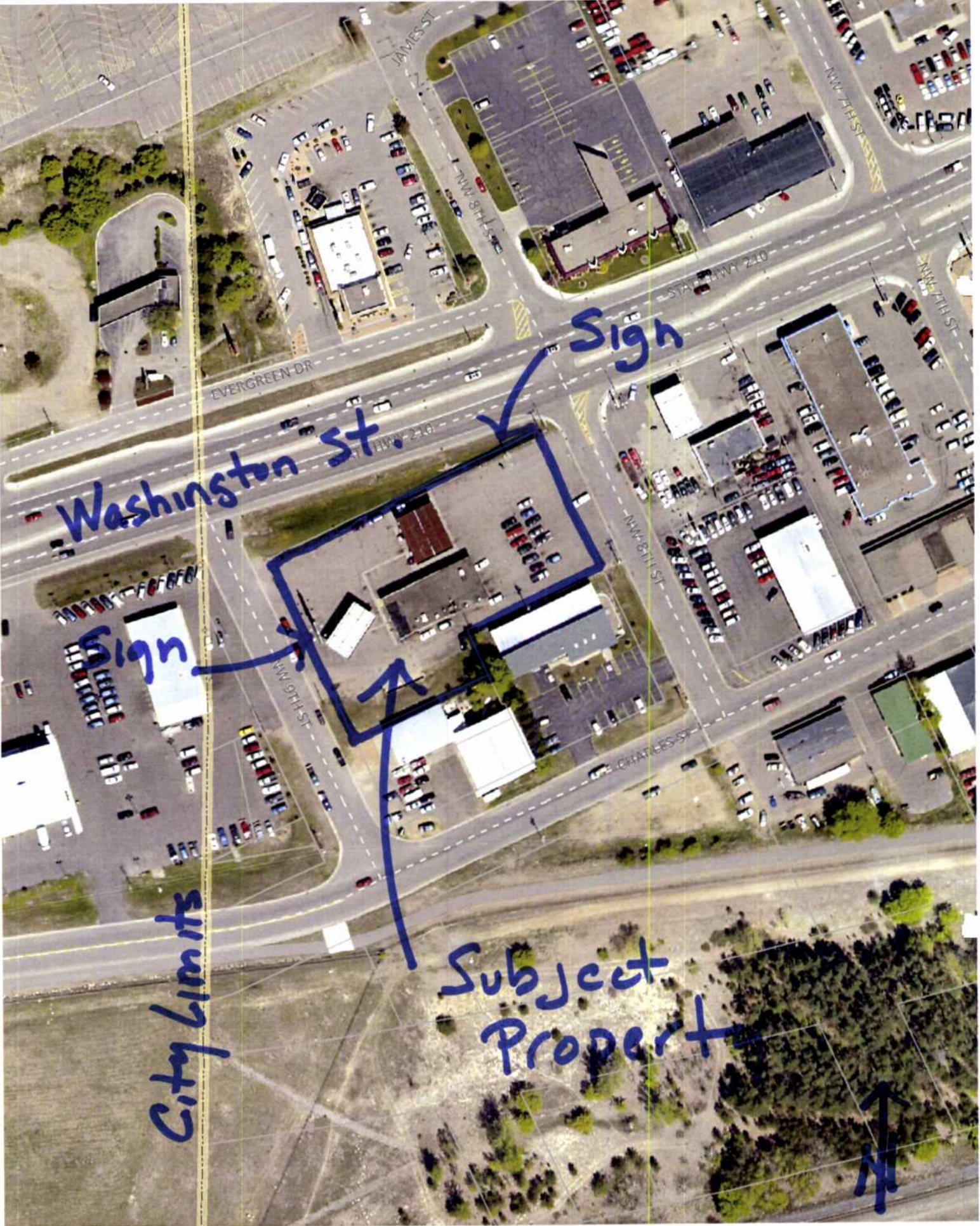
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at the December 10, meeting and the City Council would receive the recommendation for consideration at its December 15, 2014 meeting.

Respectfully submitted,



Mark Ostgarden AICP
City Planner



Washington St.

Sign

Sign

City Limits

Subject Property



108 1/4" CABINET

95 1/4" CABINET

Auto Zone®

**Auto Parts • Advice
Accessories**

FRONT VIEW
SCALE: 1/8"=1'-0"

EXISTING BLEED FRAME

120½" FLEX

6" BLEED

55¼"

108¼" FLEX

34¼"

Auto Zone®

**Auto Parts • Advice
Accessories**

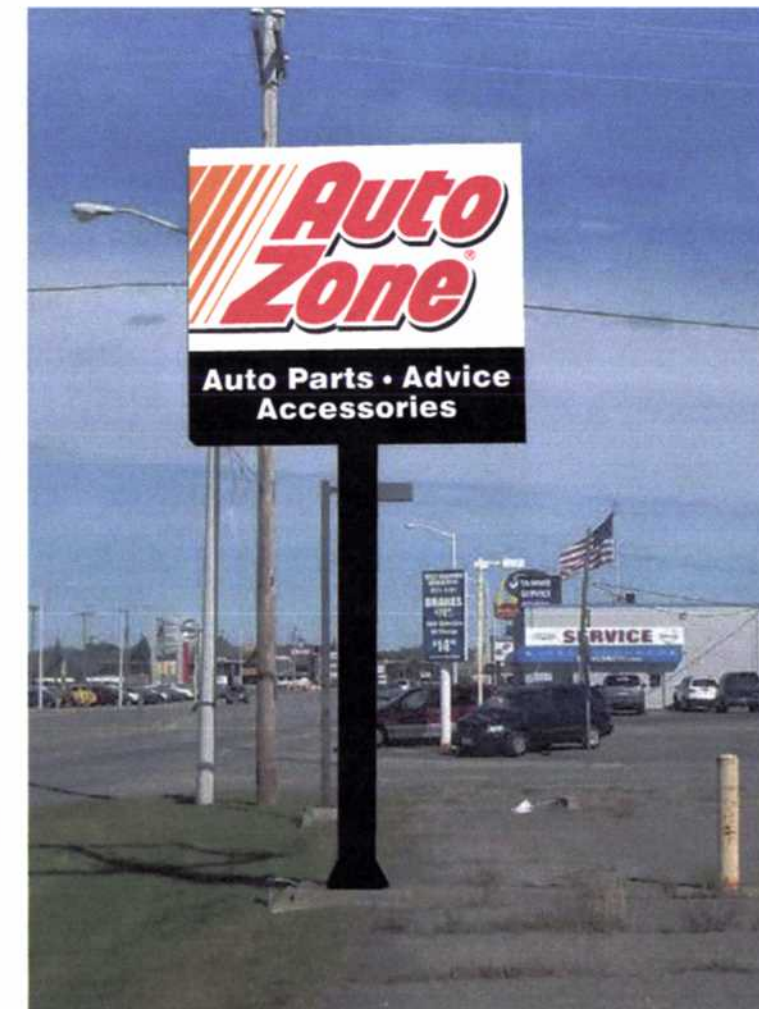
FLEX DETAIL VIEW
SCALE: ½"=1'-0"

1. NEW WHITE FLEX FACES
2. FIRST SURFACE APPLIED STANDARD AZ VINYL GRAPHICS V-1, V-2, V-3
3. PROVIDE NEW RETAINERS - PAINTED BLACK
4. SAND AND PAINT EXISTING POLE STRUCTURE GLOSS BLACK

NOTE:
1. NEW WIRING, SOCKETS, BULBS & BALLASTS AS REQUIRED



EXISTING PYLON



PROPOSED PYLON
PHOTO FOR REFERENCE ONLY. NTS

SIGNATURE OF APPROVAL

DATE _____

REVISIONS			
REV.	DATE	BY	DESCRIPTION

Job Number
203058

QTY: (2 faces)

Job Name: BRAINERD, MN
AUTO ZONE - #6356
FLEX FACE REPLACEMENT

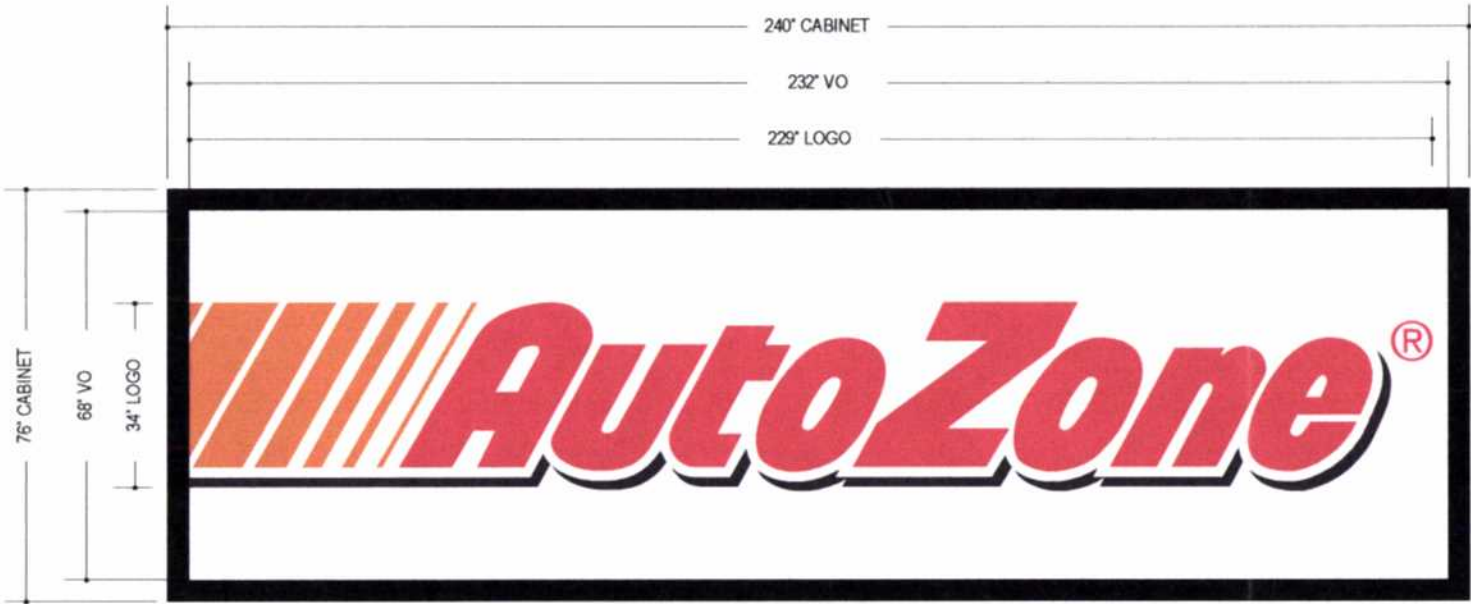
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Quality Grade:	2
# of Circuits Req'd:	n/a
Amp Draw:	n/a
Voltage:	n/a
Project Manager:	Mickey Wiskow
Salesman:	Mike Bjorklund
Revison Date:	(see revision table)
Date:	10.01.14
Drawn By:	J. Sofka
	Sheet No. : 2

2

126.66 sq.ft.



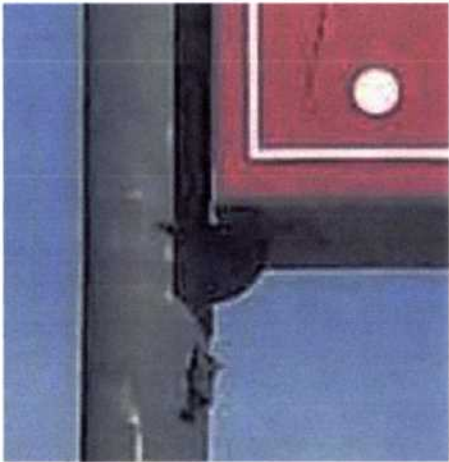
FRONT VIEW
SCALE: 3/8"=1'-0"

CALL OUTS:

1. WHITE LEXAN FACES w/ APPLIED STANDARD AZ VINYL GRAPHICS V-1, V-2, V-3
2. CABINET SHEETED w/ PRE-FINISHED BLACK ALUMINUM - 4" RETAINER INTERIOR PAINTED WHITE P-2
3. INTERNALLY ILLUMINATED w/ FLUORESCENT BULBS
4. MOUNTED TO EXISTING STEEL BRACKETS ON EXISTING POLES
5. RE-WIRE ELECTRICAL FROM SIGN CABINET TO DISCONNECT & PROVIDE SERVICE TO ELECTRICAL BOX AT BASE OF POLE
6. SAND AND PAINT EXISTING POLE STRUCTURE GLOSS BLACK

NOTE:

1. REMOVE & DISPOSE OF EXISTING SIGN CABINET & LIGHTS



EXISTING SIGN BRACKET
(4 BRACKETS TOTAL - 2 TOP / 2 BOTTOM)



EXISTING PYLON



PROPOSED PYLON
PHOTO FOR REFERENCE ONLY. NTS

SIGNATURE OF APPROVAL		DATE
-----------------------	--	------

REVISIONS			
REV.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

Job Number
203058

QTY: (1)

Job Name: BRAINERD, MN
AUTO ZONE - #6356
NEW D/F CABINET - 6'-4" x 20'-0"

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DE PERE, WI 54115
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TEL: 920-983-6700
FAX: 920-983-9145
www.jonesign.com

Quality Grade: 2	Sheet No. : 1
# of Circuits Req'd: n/a	
Amp Draw: n/a	
Voltage: n/a	
Project Manager: Mickey Viskow	
Salesman: Mike Bjorklund	
Revision Date: (see revision table)	
Date: 10.01.14	
Drawn By: J. Solka	

12-4-14



180 5/6

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NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that AutoZone Stores Inc, 123 South Front St, Memphis, TN 38103, has submitted variance requests for the property located at 801 W Washington Street in a B-4 (General Commercial) District. The proposal is to reuse the existing fifty nine foot four inch (59'4") tall free standing nonconforming sign structure. Because there is another twenty foot (20) tall freestanding conforming sign structure on the property, in order to reuse the fifty nine feet four inch (59'4") tall nonconforming sign structure variances from the following City of Brainerd Zoning Ordinance requirements are requested:

515-37-10: District Regulations

2. A sign up to twenty-five (25) feet tall is permitted.

In addition to keeping the twenty foot (20) tall freestanding nonconforming sign structure reuse of the fifty nine foot four inch (59'4") tall nonconforming sign is proposed.

- 2b. *Parcels in B-4, B-5 and B-6 zoning districts with more than three hundred (300) feet of street frontage may have one (1) additional sign for each additional three hundred (300) feet of street frontage. Signs shall be located at least three hundred (300) feet apart.*

The parcel frontage is three hundred (300) feet and the signs are two hundred fifty seven (257) feet apart.

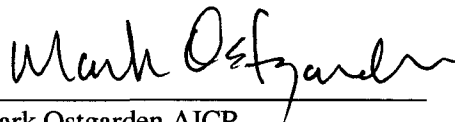
The property is legally described as follows:

*Lots 4 thru 10 Inclusive Block 50 & Adjacent Vacated Alley, West Brainerd
PID 09198050004Y009
Section 4 Township 133 Range 28*

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, December 10, 2014 to consider the request for the Variance.

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

Dated this 26th day of November, 2014



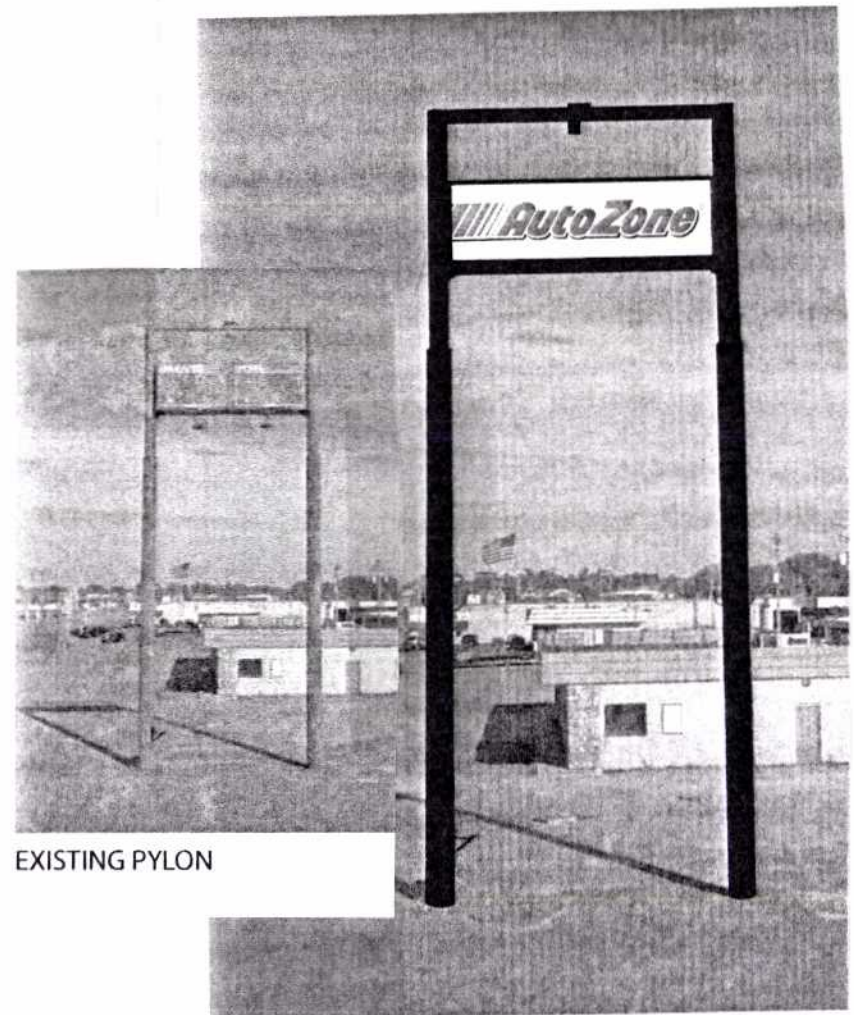
Mark Ostgarden AICP
City Planner

See reverse side for illustrations of the signs.



EXISTING PYLON

PROPOSED PYLON
PHOTO FOR REFERENCE ONLY. NTS

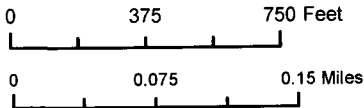
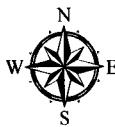


EXISTING PYLON

PROPOSED PYLON
PHOTO FOR REFERENCE ONLY. NTS

Variance - 801 W Washington

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
09198008000Y009	BRAINERD ENTERPRISES LLP	808 W WASHINGTON ST	BRAINERD MN 56401		808 WASHINGTON ST W
09198030008Y009	BURLINGTON NORTHERN SANTA FE RR CO	P O BOX 961089	FORT WORTH, TX 76161		
09198032000Y009	BURLINGTON NORTHERN SANTA FE RR CO	P O BOX 961089	FORT WORTH, TX 76161		
09198052001A009	CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401	
09198050004Y009	ERICKSON OIL, PRODUCTS INC	1231 INDUSTRIAL ST	HUDSON WI 54016		801 W WASHINGTON ST
09198050011A009	FORLAND, MIKE E	306 9TH ST NW	BRAINERD, MN 56401		306 9TH ST NW
09198050012A009	FORLAND, MIKE E	306 9TH ST NW	BRAINERD, MN 56401		302 9TH ST NW
09198030007Y009	GORG, JOSEPH D & SHIRLEY L	8150 RUTTGER RD	PEQUOT LAKES MN 56472		715 CHARLES ST N
09198030005Y009	HOSKINS PROPERTIES, LLC	713 COUNTY ROAD 45	FORT RIPLEY, MN 56449		709 CHARLES ST
091980520010009	MILLS PROPERTIES, INC	P O BOX 5055	BRAINERD, MN 56401		
09198052002Y009	MILLS PROPERTIES, INC	P O BOX 5055	BRAINERD, MN 56401		307 9TH ST NW
09198052002Z009	MILLS PROPERTIES, INC	P O BOX 5055	BRAINERD, MN 56401		305 9TH ST NW
09198052004Z009	MILLS PROPERTIES, INC	P O BOX 5055	BRAINERD, MN 56401		
09198030007B009	O'DAY, MICHAEL & ROSEMARIE	721 CHARLES ST	BRAINERD, MN 56401		721 CHARLES ST N
09198050001Y009	SMITH, ALICE T	22609 HOLE IN THE DAY DR	NISSWA, MN 56468		307 8TH ST NW
09198048007Z009	STOHR, STEVEN H & BONAE N	721 WASHINGTON ST W	BRAINERD MN 56401		721 W WASHINGTON ST
0919800A001Z009	TANNER, JOHN	C/O TANNER MOTORS	PO BOX 484	BRAINERD MN 56401	702 WASHINGTON ST W
091980480010009	TANNER, JOHN T	C/O TANNER MOTORS	P O BOX 484	BRAINERD MN 56401	301 7TH ST NW
091980480020009	TANNER, JOHN T	C/O TANNER MOTORS	P O BOX 484	BRAINERD MN 56401	305 7TH ST NW
091980480030009	TANNER, JOHN T	C/O TANNER MOTORS	P O BOX 484	BRAINERD MN 56401	
09198048004Z009	TANNER, JOHN T	C/O TANNER MOTORS	P O BOX 484	BRAINERD MN 56401	703 W WASHINGTON ST
09198048010Z009	TANNER, JOHN T	C/O TANNER MOTORS	P O BOX 484	BRAINERD MN 56401	308 8TH ST NW
0919800A007Z009	UNITY BANK	BOX 157	15 E MAIN ST	CROSBY, MN 56441	
0919800A009Z009	UNITY BANK	BOX 157	15 E MAIN ST	CROSBY, MN 56441	
0919800A011Z009	UNITY BANK	BOX 157	15 E MAIN ST	CROSBY, MN 56441	724 WASHINGTON ST W
09198008000W009	WESTGATE MALL REALTY GROUP LLC	ATTN: ALEX SCHLEIDER	1011 LAWRENCE AVE	LAKEWOOD, NJ 08701	
09198008000Z009	WESTGATE MALL REALTY GROUP LLC	ATTN: ALEX SCHLEIDER	1011 LAWRENCE AVE	LAKEWOOD, NJ 08701	



**City Planning Department**

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

Receipt #	<u>9190</u>
Check #	<u>708172</u>
Date Paid:	<u>11/24/14</u>

CONDITIONAL USE/REZONING/VARIANCE APPLICATION**NATURE OF REQUEST** (please check)

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

PROPERTY ADDRESS: 801 Washington Street, Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): 4 thru 10 Block: 50 Addition: See ALTA Property Survey
 (attach description if lengthy)

Property Owner Name: AutoZone Stores, Inc. is Purchasing the Property (Previous owner: Erickson Oil Company)

Street Address: 123 South Front Street city: Memphis State: TN Zip Code 38103

Phone Number: (901) 495-6500 Fax: (901) 495-8969 E-mail: brian.siddall@autozone.com

Applicant Name: (If different than Property Owner) Brian Siddall (Sign Manager AutoZone)

Street Address: 123 South Front Street city: Memphis State: TN Zip Code: 38103

Phone Number: (901) 495-7996 Fax: (901) 495-8969 E-mail: brian.siddall@autozone.com

Description of Request: There are two sign variances being requested for this property. The first variance is to keep an existing pylon on the property that is non-conforming to the zoning ordinance. One of the existing signs (Artwork Sheet 1) that we are asking to use is 126.66 sq ft and 59'- 4" to the top of the poles. The sign cabinet is approx. 54 ft from the ground to the top of the cabinet itself.
The second variance being requested is to have more than one pylon sign separated by less than 300 feet of property. Currently there are two signs on the property. One of them is conforming to the zoning ordinance at 73 sq ft and 20 ft overall height (Artwork Sheet 2) but is within the 300 foot minimum distance from the other pylon sign (the non-conforming sign). Both signs are in useable condition and we will insure that both signs are refurbished and the general aesthetic of both signs will be greatly improved by our restoration process.

[Signature] FOR AUTOZONE STORES
 Property Owner Signature

11/20/14
 Date

BRIAN SIDDALL FOR AUTOZONE STORES
 (Please print name)

[Signature] (Sign Manager - AutoZone)
 Applicant Signature

11/20/14
 Date

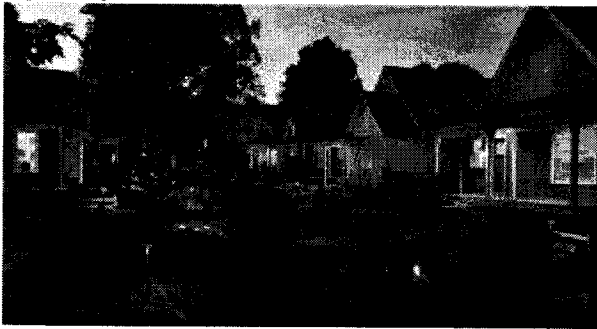
BRIAN SIDDALL (SIGN MANAGER - AUTOZONE)
 (Please print name)

(OVER)

Why Smart Builders Care About Walkability

Increasingly, the market is demanding places where homeowners can hoof it. Here are some ways you can deliver.

By: Amy Albert and Jennifer Goodman



The more you talk about walkability, the clearer it becomes that it's a vast subject, involving health, community, the environment, demographics, and economics, to name a few. "It's so complicated, and it's so simple," says Carson Looney, principal of Looney Ricks Kiss in Memphis, Tenn. In the end, he says, "walkability is common sense."

Having designed walkable places in urban, suburban, and rural locations, Looney is quick to add that walkability doesn't have to be synonymous with urban core. Vibrant city neighborhoods are wonderful, but "only a segment of the population gets to experience that," he says. "It's about creating a better place, a destination, an experience."

Walkability is also a business opportunity. Oft-cited studies by economist Joe Cortright and by developer Christopher Leinberger (both nonresident senior fellows at the Brookings Institution) confirm that homes with access to goods and services by foot perform better economically. "The typical working American pays as much for transportation as housing," says city planner Jeff Speck, principal of Speck & Associates. "Home builders need to realize that when they build a home where people don't need to drive, they should be able to charge more."

Millennials are a big force in the demand for walkability, and they're opting for the city in droves, says Speck in his latest book, *Walkable City*. "The biggest population bubble

in the last 50 years” wants to live in places with excitement and buzz. How to create that where it doesn’t exist? “If we’re talking about new communities, the only answer is mixed-use and walkability,” Speck says.

Millennials, though, are just part of the picture. As baby boomers get older, many are opting to live in places where they don’t have to drive as much to get to services and where they can age in place. Walk Score, a metric that’s the current darling of the real estate market, is a basic measure of services within a certain radius. However, it doesn’t take into account the quality of the walk to get there--a gritty quarter mile along an underpass being vastly different than a tree-lined three-quarter mile with interesting houses and shops along the way. Still, Walk Score is a start, so the numbers are included in the projects that follow, as well as (when available) market data from Metrostudy, Hanley Wood’s research arm.

Here’s what’s important when you’re thinking about building good places that are walkable.

Look to the past

It’s a great source of ideas that work, says Donald Powers, principal of Union Studio Architecture & Community Design in Providence, R.I. “Density and adjacency increase sociability,” he says. Mid-block alleys, “a staple of residential planning from the 1920s and 30s,” says Powers, lessen emphasis on the car. Small setbacks can help houses relate to the sidewalk, and courtyards encourage interaction. Corners are important, says Looney, and houses built on them should play to the street. “Give 5 more feet to the corner lot and let the porch wrap,” says Looney. “The house is just one element, not the element,” he **says.**



The Unfinished Suburbs of America

Thousands of acres across the country were partially developed during the housing boom. What should happen to them now?

ALANA SEMUELS |  @AlanaSemuels | Nov 14, 2014 |  69 Comments



Alana Semuels

STOCKTON, Calif.—Janeen Milhorn and her husband bought their four-bedroom ranch-style house on a quiet street in this California suburb in 2004. It was on one of the farthest lots in the development, which Milhorn liked because it meant she had more land, and because it looked out onto a hay field.

But before long, developers snapped up that hay field, part of the real estate boom fueling speculation and building all over former farmland in parts of California and the West. In 2006, they started building, platting the land and

paving roads. They erected street lights and electrical cables and installed street signs with rock star names like Jagger Lane and Hendrix Drive.

Then the recession hit, and building stopped. The streets and the sidewalks were still there, as were the lots, with red and black electrical wires sticking out of the ground. But only a few houses had been completed. None were anywhere near the Milhorn's house. Out of one window, the Milhorns could see the manicured lawns and bright gardens of their neighbors in the completed development. Out of the other, they saw a bleak field with street signs and lamp posts, but no houses.

That field soon began to look like a garbage dump. There were overgrown weeds, beer bottles, shopping carts. Discarded children's toys and car seats and plastic bags. People from all over town would come to get rid of their old mattresses or party at night. Coyotes and skunks found the open space appealing too. Sometimes, Milhorn would come home from working a night shift and find a skunk sitting in her yard.

In some cases, a few people have moved into homes in these half-built subdivisions, requiring services to be delivered there. In others, the land is empty, except for roads, sidewalks, and the few street signs that haven't been stolen yet.

"It's kind of horrible," Milhorn said, standing in her front yard, staring out onto the abandoned development next door, as a man on a motorcycle gunned his engine, speeding in noisy circles around the empty streets.

Milhorn and her husband erected a fence on their property's boundary to keep out the animals, but that doesn't stop the people who come in to cruise around the empty streets or party in the tall grass. A road block that had been erected to keep out trespassers was taken down after a drunk driver rammed into it in the dark. Now, the empty streets of the cul-de-sac have turned into a track for drag racers and bikers.

"One of them bit the dust in the middle of the night and was screaming out here in the dark," Milhorn said, shaking her head.

There are hundreds of zombie subdivisions like this one scattered across the country. They're one of the most visible reminders of the housing boom and bust, planned and paved in the heady days where it seemed that everybody wanted a home in the suburbs, and could afford it, too. But when the economy tanked, many of the developers behind these subdivisions went belly-up, and construction stopped. In some cases, a few people have moved into homes in these half-built subdivisions, requiring services to be delivered there. In others, the land is empty, except for roads, sidewalks, and the few street signs that haven't been stolen yet. In some counties in the West, anywhere from 15 to 33 percent of all subdivision lots are vacant, according to the Sonoran Institute.



The sidewalk near Janeen Milhorn's house is littered with trash. (Alana Semuels)

"Since the post-2007 real estate bust, which hit many parts of the region severely, eroding subdivision roads now slice through farmland and open space, and 'spec' houses stand alone amid many rural and suburban landscapes," author Jim Holway wrote in a [report](#) by the Lincoln Institute of Land Policy about zombie subdivisions. "Without correction, they will continue to weaken fiscal health, property values and quality of life in affected communities."

Empty lots can cause wildfires and flooding contamination, and can bring down the property values of nearby homes. They can also cost local governments money that they don't necessarily have, since the municipalities may have to provide public safety or snow removal to far-flung areas, without the benefit of the property taxes that had been expected.



It's unclear just how to 'fix' these zombie subdivisions. While some will be completed as the economy recovers, others may lie dormant for a long time. That's especially true now that many young people and boomers want to live in walkable, urban environments, rather than subdivisions where they have to drive to everything.

But if roads have been paved or a developer has installed infrastructure improvements, it's very hard to just revert the space back to farmland. Local governments who try to stop building—even if there is little demand—can be sued for preventing development where it had once been approved.

"When things are zoned for future residential development, there's value in that," said June Williamson, an architecture professor at The City College of New York who co-wrote a book called *Retrofitting Suburbia*. "Landowners can argue that downsizing will lead to a less profitable future use."

Still, some developers have come up with creative ways to turn zombie subdivisions into something other than rows upon rows of empty McMansions.

Maricopa, Arizona, for instance, had issued about 600 residential building permits a month during the boom, and then saw many of these developments stall. Rather than just wait to see if demand would ever return, the city hooked

up a Catholic church with the owners of an empty development. The church had been looking to erect a new building, and was searching for a site with existing water and infrastructure services. The developer had been looking for someone willing to build. With a little bit of rezoning help from the city, the church could start building on the land.



This house was the last developed in a planned community in Stockton. (Alana Semuels)

And in Teton County, Idaho, population around 11,000, where the Sonoran Institute estimates that 68 percent of land parceled into subdivisions was undeveloped, local officials passed ordinances that would allow subdivisions to be rezoned. One development, called Canyon Creek Ranch, changed its plans from a resort with 350 lots to a community project with only 21 lots, shrinking the infrastructure price tag by 97 percent and reducing the environmental impacts.

Michael Mehaffy, an urban developer and consultant, said that recently, clients who bought distressed properties have started to contact him, hoping to start building on them again. But they want to build something different than was planned before.

"The market is shifting—people are recognizing that they don't want to live in these monocultural places," he said. "They want to be able to walk, enjoy amenities and a nice neighborhood with lots of services nearby."

But there are zoning codes and headaches that make it difficult to build something different than was originally planned, Mehaffy said. Some of these developments don't have any available public transit. Others may have residents who bought houses thinking they were moving into a suburb, and might oppose apartment buildings or retail. Some planned communities already have certain entitlements to water and other resources they don't want to give up if they build smaller projects than originally planned.

"It can be difficult if you're trying, as we are, not just to pick up the pieces and build again, but build in a smarter way, a complete community," he said.

But in some places, it's working. Mehaffy is working with Lawrence Qamar, an architect and urban designer, on a zombie subdivision in coastal Washington state in an area called Ocean Shores. The project was initially envisioned as a dozen four-story condo buildings. Though one building was completed and a few units were sold, the project stalled during the recession. A new developer bought the property in auction in 2012.

"They had a really terrible plan, an awful development that would have been a blight on the landscape if it had been built," said Qamar.

Now, Mehaffy and Qamar have a new vision: A mixed-use, walkable neighborhood with small single-family detached cottages, retail and bike paths. The old plan would have had 500 condo units, the new one has up to 300 cottage-style spaces or "residential units."

"We want to transform this zombie subdivision into something more similar to this village-like vision," Qamar said.

Back in Janeen Milhorn's development, there's no sign that anyone is thinking of building something more walkable. There are some new homes going up

down the street on Petty Lane, next to the ones already built on Zeppelin Lane and Ozzy Ct. But the land near hers is owned by a different builder, and they're just letting it sit, she said. She and her husband tried to contact the city to see if they could buy some of the land and make their yard bigger, but the city said no. A house is going to go there eventually, the city said. Until then, Milhorn is just going to have to wait.

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About the Author



Alana Semuels is a staff writer at *The Atlantic*. She was previously a national correspondent for the *Los Angeles Times*.

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