

PLANNING COMMISSION
Wednesday, December 10, 2014

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

Noted present were Commissioners Pritschet, Hayden Shaw, Matten, Norwood and Straw. Commissioner Plantenberg was noted absent. Commissioner Cole was noted present at 6:45 p.m. Also present was City Planner Ostgarden.

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of November 12, 2014

MOTION AND SECONDED BY COMMISSIONERS STRAW AND MATTEN, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF NOVEMBER 12, 2014.

#4 NEW BUSINESS

a. Public Hearing – Rezoning – 705 South 6th Street

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

City Planner Ostgarden reviewed the history of the property noting the dwelling was destroyed by fire in August 2013 and has since been vacant. He stated during the community wide Zoning Map review process in 2011, zoning along 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. He stated the Commission can choose to rezone the property to R-1 or R-2, both would be appropriate.

City Planner Ostgarden reviewed the staff report noting the following:

- State Statute language regarding nonconformities
- Consistency with the Comprehensive Plan
- Compatibility with present and future land uses of the area
- Impact on area, traffic, and utilities

Commissioner Pritschet asked why the property was rezoned to B-4. City Planner Ostgarden stated at that time the Commission felt it was the best zoning for that area to spur opportunities for redevelopment along South 6th Street.

Commissioner Matten asked if the property owner had applied for a building permit. City Planner Ostgarden stated she has not and he understands she would just like to sell the property and allow the buyer to be able to rebuild on the property.

Ms. Julie Blanchard, 13473 Memorywood Drive, Baxter, stated she needs to sell the partial as she doesn't have the resources to maintain it. She noted at this time it is unsellable, it is a small lot, and there is no off-street parking. She stated it is not a commercial ready lot. She stated she was not aware the property was zoned commercial until she had an offer from someone to purchase the lot to rebuild the home.

The Public Hearing was closed at 6:13 p.m.

The findings-of-fact were noted into the record as follows:

1. The property has been vacant for more than 1 year and the B-4 zoning does not permit residential use.
2. The parcel is 50' x 200' (includes an unplatted alley drive across the rear of the property).
3. The property is surrounded by and is across the street from single family or two family uses.
4. Prior to 2011 the property was zoned R-1 (Single Family Residential) District.
5. 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.
6. Rezoning the property supports the Comprehensive Plan Land Use Strategy to *Support the redevelopment of vacant and abandoned sites within the urban core.*
7. Rezoning the property will permit the property to be used for residential purposes, which is the predominate land use pattern along South 6th Street in this area.
8. S. 6th Street traffic capacity will not be affected by this individual change.
9. 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.

The Commission agreed to add the following finding-of-fact: 10. One resident spoke in support. There was no opposition.

Commissioner Matten stated there will be discussion in the near future regarding the zoning of the South 6th Street corridor.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND HAYDEN SHAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF 705 SOUTH 6TH STREET FROM B-4 (GENERAL COMMERCIAL) DISTRICT TO R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT WITH THE TEN (10) FINDINGS-OF-FACT.

b. Public Hearing – Rezoning – 2424 Business 371 South

The Public Hearing was opened at 6:18 p.m.

City Planner Ostgarden stated in 2007, language was added to the list of B-4 District conditional uses to allow Department of Human Services (DHS) licensed drug and alcohol treatment and recovery facilities. He stated during the 2011 city wide Zoning Map amendment process, this property was rezoned from B-4 to R-3. After a meeting with Minnesota Adult and Teen Challenge (MATC) director, it was discovered that the R-3 District does not include the

conditional use language for drug and alcohol treatment and recovery facilities making MATC a nonconforming use.

City Planner Ostgarden stated there were two options; one was to amend the R-3 District to allow Department of Human Services (DHS) licensed drug and alcohol treatment and recovery facilities as a conditional use permit or to rezone the property back to B-4. He stated rezoning seems to be the most straightforward method to address the nonconforming status as the change to the R-3 District would change all R-3 Districts within the City.

City Planner Ostgarden stated the rezoning was intended to better align the use with the Zoning District purpose, however it was not realized that the conditional use language was added only to the B-4 District.

City Planner Ostgarden reviewed the staff report noting the following:

- Consistency with the Comprehensive Plan
- Compatibility with present and future land uses
- Impact on area, traffic, and utilities

Mr. Jim Kalkofen, Development Director for MATC, stated this rezoning is important as MATC has a February 1 deadline for a major grant they are working on for an expansion plan and the grant demands verification from the City that MATC is permitted and the land is zoned properly to do an expansion.

Commissioner Straw asked how large of an expansion. Mr. Kalkofen stated at this time they have beds for a little over 60 men and at any time they are in the high 50's and there is a high demand for treatment. He stated they would like to bring their out-patient services, which are currently off-campus, to the site in addition to after care treatment.

Commissioner Matten asked for the actual size of the expansion. Mr. Kalkofen stated he doesn't know the exact square footage and noted they will be adding on to the south and west side of the building.

Mr. Jamie Lange, Program Treatment Director for MATC, stated they will be adding 20 beds noting the expansion will be on the south side of the building. He stated the new facilities will increase the amount of people they can serve and meet the needs of, noting there will be 14 short term beds for men and 6 beds for transitional after-care men. He stated the rezoning will help meet the need in the community.

Commissioner Norwood asked about increase of traffic flow. Mr. Lange stated it will increase traffic, but it will be minimal. Commissioner Norwood asked about change in the clientele. Mr. Lange stated the clientele will stay the same it will just add a short-term program for those that don't want to commit to the 13 month program.

The Public Hearing was closed at 6:34 p.m.

The findings-of-fact were noted into the record as follows:

1. The property is 9+ acres adjacent to multifamily residential development and generally vacant property and is across the street from an industrial use.
2. Prior to 2011, the property was zoned B-4 (General Commercial) District and the property use was permitted by Conditional Use Permit. As part of the community wide rezoning in 2011, the property was zoned R-3 (High Density Residential) District and the use became non-conforming.
3. Adjacent zoning is R-3 (High Density Residential) District, B-4 (General Commercial) District, and R-A (Rural Agriculture) District. I-2 (General Industrial) District and B-4 (General Commercial) district zoning is across B371.
4. 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.*
5. 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.
6. 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.
7. 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.
8. The current use and any future commercial uses will not over burden public services and facilities.

The Commission agreed to add the follow findings-of-fact: 9. Representatives of Minnesota Adult and Teen Challenge spoke in support of the rezoning. There was no opposition.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND MATTEN, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF 2424 BUSINESS 371 STREET FROM R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT TO B-4 (GENERAL COMMERCIAL) DISTRICT WITH THE NINE (9) FINDINGS-OF-FACT.

c. Public Hearing – Variance – 801 W Washington

The Vice Chairman stated this item has been postponed for discussion until the January meeting as the petitioner was unable to attend this meeting due to short notification. The Vice Chairman opened the public hearing for comment. No public comments were received.

d. Meeting Day Change

City Planner Ostgarden stated he would like to hold discussion about changing the date of the Planning Commission meeting which has been traditionally held on the second Wednesday of the month. He stated most of the time it works as the City Council meeting does not occur for a week and a half, but there are times when the next City Council meeting is the following Monday. He noted the Council meeting packets go out the day after the Planning Commission meeting which causes a short turn around to prepare information and minutes for the packet.

City Planner Ostgarden stated a suggestion is to have the meeting on the Tuesday, Wednesday, or Thursday after the first City Council meeting or the meeting could be the second Tuesday of the month.

Discussion was held regarding what date would work.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND COLE, DULY CARRIED, TO CHANGE THE PLANNING COMMISSION MEETINGS TO THE THIRD WEDNESDAY OF THE MONTH STARTING IN JANUARY 2015.

#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**

a. Workshop Discussion

City Planner Ostgarden stated the Chair had asked the Commissioners to think about issues they wanted to discuss at a potential workshop. He noted the following possible items for the workshop:

- Off-street parking regulations (noted as most important for discussion)
- Building Code and effect on planning
- South 6th Street zoning
- Planning Department issues within the Zoning Code and possible changes

City Planner Ostgarden stated there could be a meeting prior to the Planning Commission meeting in January, schedule another evening meeting, or a Saturday morning workshop.

Discussion was held regarding a potential date for a workshop. Suggestions were a meeting prior to the January Planning Commission meeting or after the meeting if there is a light agenda.

Discussion was held regarding priorities for the workshop. The Commission agreed the off-street parking regulations is the most important for discussion followed by the South 6th Street rezoning.

Commissioner Matten suggested looking at the city wide rezoning to see if there are any other nonconformities out there prior to it being brought to the City's attention because of some kind of change such as building or sale of the property.

Commissioner Matten stated she would like to extend a request to the City Council that when they form a sub-committee that is associated with zoning or land use issues that a Planning Commission member should be included in the sub-committee.

City Planner Ostgarden provided information regarding Commissioner Matten's statement noting the City Council formed a sub-committee to discuss allowing fences within the public right-of-way. He stated he informed the committee he is not in agreement with it and noted staff has contacted 60+ cities and only 3 of them allow fences within the right-of-way.

Discussion was held regarding being included in these types of sub-committees.

MOTION AND SECONDED BY COMMISSIONERS MATTEN AND COLE, DULY CARRIED, TO RESPECTFULLY REQUEST THE PLANNING COMMISSION BE INFORMED ON ANY ISSUES PERTAINING TO PLANNING AND ZONING INCLUDING FORMATION OF SUB-COMMITTEES.

After discussion the motion was amended to the following with Commission Cole withdrawing his second.

MOTION AND SECONDED BY COMMISSIONERS MATTEN AND PRITSCHET, DULY CARRIED, TO RESPECTFULLY REQUEST OF THE CITY COUNCIL THAT THE PLANNING COMMISSION BE ASKED FOR A RECOMMENDATION ON ISSUES PERTAINING TO PLANNING AND ZONING AND CONSIDERATION BE GIVEN TO INCLUDE A PLANNING COMMISSION MEMBER IN SUB-COMMITTEES THAT ARE FORMED THAT PERTAIN TO PLANNING AND ZONING ISSUES.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND HAYDEN SHAW, DULY CARRIED, TO SET A WORKSHOP FOR 4:30 PM ON JANUARY 21 TO DISCUSS OFF-STREET PARKING REGULATIONS AND SOUTH 6TH STREET ZONING.

#7 **Commissioners' Questions/Comments**

None

#8 **City Planner's Report**

None

#9 **Adjournment**

As there was no further business the meeting adjourned at 7:22 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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