

BRAINERD PLANNING COMMISSION

Wednesday, March 12, 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 and workshop of February 12, 2014
4. New Business
 - a. Public Hearing – East Ridge Subdivision Preliminary Plat – JAE Enterprises
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. Extended Stay Hotels/Motels – draft ordinance language
 - b. Small House – draft ordinance language
7. Commissioners' Questions/Comments
8. City Planner Report
9. Adjourn

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

PLANNING COMMISSION
Wednesday, February 12, 2014

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

Noted present were Commissioners Pritschet, Matten, Hayden, Plantenberg, Norwood, Straw and Cole. Also present was City Planner Ostgarden.

#2 Welcome New Members Dolly Matten and Matt Straw

City Planner Ostgarden introduced new Planning Commission members Dolly Matten and Matt Straw.

#3 Election of Chair and Vice Chair

City Planner Ostgarden requested nominations for the position of Chair. Commissioner Matten nominated Commissioner Norwood for position of Chair. Commissioner Norwood nominated Commissioner Plantenberg for position of Chair.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND COLE, DULY CARRIED, TO ELECT COMMISSIONER PLANTENBERG AS CHAIRMAN OF THE BRAINERD PLANNING COMMISSION.

Chairman Plantenberg requested nominations for the position of Vice Chair. Commissioner Hayden nominated Commissioner Norwood for position of Vice Chair. Commissioner Pritschet nominated Commissioner Cole for position of Vice Chair.

MOTION BY COMMISSIONER PRITSCHET, DULY CARRIED, TO ELECT COMMISSIONER NORWOOD AS VICE CHAIRMAN OF THE BRAINERD PLANNING COMMISSION.

#4 Approval/Amendment of Agenda

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

#5 Approve minutes of the regular meeting of December 11, 2013 and the special meetings of January 2, 2014 and January 23, 2014

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND COLE, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF DECEMBER 11, 2013.

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND PRITSCHET, DULY CARRIED, TO APPROVE THE SPECIAL MEETINGS OF JANUARY 2, 2014 AND JANUARY 23, 2014.

#6 **NEW BUSINESS**

NONE

#7 **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.

#8 **OLD BUSINESS**

NONE

#9 **Commissioners' Questions/Comments**

NONE

#10 **City Planner's Report**

NONE

#11 **Adjournment to 2nd Floor Conference Room Workshop**

As there was no further business the meeting adjourned at 6:15 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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**Brainerd Planning Commission Workshop
February 12, 2014**

Chairman Angie Plantenberg called the workshop of the Brainerd Planning Commission to order at 6:20 p.m. in City Hall Conference Room.

Present: Dave Pritschet, Dolly Matten, Sarah Hayden, Angie Plantenberg, James Norwood, Matt Straw, and Rick Cole.

Others Present: City Planner Mark Ostgarden

a. Extended Stay Hotels/Motels

The Commission discussed why limitations should be placed on extended stay hotels/motels, language that should be included, and enforcement.

Questions were asked as to why this issue has been brought forth. It was noted the current owner of the Brainerd Motel has asked about extended stay.

Commissioner Hayden stated she feels there should be restrictions, but they shouldn't be too restrictive to prevent possible sale of the property in question and also not to limit those that may be coming to the area for three months or so to not have a place to stay in Brainerd.

Concerns were raised with the type of kitchen facilities in the hotel to provide for extended stay along with building code concerns and residency concerns.

City Planner Ostgarden noted extended stay is an allowed use in this zoning district. This discussion is whether or not to add restrictions.

The Commission agreed to direct the City Planner to draft language for presentation at the March 12, 2014 meeting.

b. Small House Ordinance Status

City Planner Ostgarden reviewed the situational issues related to small homes such as accessory buildings, the size and number of accessory buildings, lot coverage, small homes on large lots, and what zoning districts should have language allowing small homes.

The Commission agreed to the proposed draft language on accessory buildings, agreed to using the conditional use permit process to determine the size of the lot, and to not include small home in the R-R and R-A.

c. Review 2014 Work Schedule

City Planner Ostgarden reviewed issue coming forth in 2014, including those discussed today. This included small houses and infill, definition of methadone clinics, extended stay hotels/motels, review the Zoning Ordinance for inconsistencies or changes, Wausau paper plant site, Whittier school, Riverfront Steering Committee reports/meetings, Walkable/Bikeable Committee reports/meetings, update/review of the Comprehensive Plan (possible outside assistance), downtown, and trails.

The Commission suggested looking at current trends and the possible effects it may have such as food trucks and small houses, keeping businesses in Brainerd instead of everything moving to Baxter, and Washington Street redevelopment.

d. Other Planning Issues

None.

The meeting adjourned at approximately 7:30 p.m.

Respectfully submitted

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION

March 4, 2014

SUBJECT: Preliminary Plat of East Ridge Subdivision

APPLICANT: JAE Enterprises, Jim Etterman; 1350 Hillview Forest Road;
East Gull Lake, MN 56401

LOCATION: East of Beaver Dam Road

AREA: Outlots C and D are approximately 2.18 acres

CURRENT ZONING: R-3 (High Density Residential)

ADJACENT USES: North: Large lot residential/hobby farm
East: Single Family Residential
South: Assisted living center
West: Vacant/Wetland

ADJACENT ZONING: North: R-2 (Medium Density Residential)/R-R (Rural
Residential)
East: R-1A (Single Family Residential)
South: R-3 (High Density Residential)
West: R-A (Rural Agriculture)

PETITION EVALUATION

In 2005 Northtown West was platted as a series of outlets intended for development as a 75 unit condominium development with attached single family units in buildings of 3 and 4 units. Two 12 unit buildings were also planned. All the infrastructure, sewer, water, individual water and sewer services, storm water retention and streets were installed. A private trail was constructed around the periphery of the development.

To date 18 units have been constructed at the north end of the development along Clearview Lane. A copy of the original plat and build out proposal is attached. The development went into foreclosure and has been purchased by Jim Etterman who is proposing a change to the remainder of the development. Rather than continuing with the 75 unit build out, Mr. Etterman is proposing to reduce the number of units by constructing duplexes to build out the site.

This proposal is to replat Outlots C and D north of Clearview Lane to create 5 lots on which 5 duplex buildings will be constructed creating 10 dwelling units. The build out concept for the rest of the site is attached.

Because the infrastructure has been provided and the site graded, development as proposed should not require significant site alternations meaning that many of the Subdivision Regulations review criteria have already been met. Following is a preliminary plat review of East Ridge subdivision based on the ordinance requirements.

Mr. Etterman plans that the units will be rentals with the potential for individual unit sales in the future.

500-2-5: Preliminary Plat Approval

Preliminary plat approval shall be based on the following criteria:

A. That the proposed subdivision is consistent with adopted applicable general and specific comprehensive plans of the City.

An interpretation of the Future Land Use Map land use area boundaries identifies the site as Low to Medium Density Residential or Mixed Residential.

Low to Medium Density Residential

The purpose of this category is to identify portions of Brainerd that should contain one and two family dwellings such as duplexes and town homes. Low to Medium Density Residential could include both the older, smaller lot, single-family subdivisions found within the city as well as the newer, larger lot subdivisions within the city and its planned growth areas.

The overall density of these areas should be maintained at or between three and five units per acre.

Mixed Residential

The Mixed Residential category is intended to promote neighborhoods with a variety of housing types and densities within a single development. Densities in the Mixed Residential category may range from 2 to 20+ units per acre within any given portion of a development, but development should provide a range of densities within any single development concept/neighborhood. Similarly, a wide variety of housing types are appropriate within the Mixed Residential category, including single-family homes, twin homes, town homes, condos and apartments. However, no single type should dominate any given area. Rather, a range of housing types and densities should be integrated within any given development concept/neighborhood. Through zoning ordinance

amendments, the city would develop design and density standards for new developments to ensure mixed residential developments occur.

The site density meets the Low to Medium density policy. The Northtown subdivision and part or all of Northtown West (interpretation of where Mixed use transitions to Low to Medium Density) is identified as Mixed Residential. This policy was not followed with Northtown and East Ridge can be interpreted as part of the Low to Medium Density area.

- B. That the physical characteristics of this site, including but not limited to topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site are suitable for the type of development, design, or use contemplated.**

The City Engineering Department has reviewed the plat and determined the sites physical characteristics will not prevent the property from being developed.

- C. That the site is physically suitable for the proposed density of development.**

Site density is approximately 4.6 units per acre, within the 3-5 units/acre density range as suggested in the Comprehensive Plan.

- D. That the design of the subdivision or the proposed improvements are not likely to cause environmental damage.**

The City Engineering Department has reviewed the plat and determined the proposed layout is similar to the Northtown West development and this plat will not have adverse impacts on the environment.

- E. That the design of the subdivision or the type of improvements, are not likely to cause public health problems.**

The City Engineering Department has reviewed the plat and determined the proposed layout is similar to the Northtown West development and this plat will not have adverse impacts to public health.

- F. That the design of the subdivision or the type of improvements will not conflict with easements of record or with easements established by judgment of a court.**

No easements of this type will be affected.

- G. That the proposed subdivision, its site, or its design does not adversely affects the flood-carrying capacity of the floodway increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.**

The city's stormwater management requirements address this issue.

- H. The proposed subdivision is consistent with the policies and standards of the State defined shoreland, floodplain, and wetland regulations.**

The subdivision does not affect shoreland, floodplain or wetlands.

- I. The City Council deems the subdivision is not premature.**

East Ridge is a replat of an already approved subdivision. The replat is not premature because:

- a. All the infrastructure has been constructed
- b. A portion of the original plat has already been developed
- c. Northtown subdivision is partially developed and East Ridge could be considered infill development.

- J. The design of the subdivision does not conform to minimum City development standards.**

The minimum development standards associated with this subdivision; the following are lot size, setbacks and lot coverage requirements:

Lot Area per Unit for lots created after June 15, 2009:

Two Family: Three thousand (3,000) square feet

Principal Building Setbacks:

1. Front Yard: Thirty (30) feet
2. Side Yard: Fifteen (15) feet
3. Side Yard (corner): Twenty (20) feet
4. Rear Yard: Twenty-five (25) feet

Two family dwellings shall not exceed thirty-five (35) feet in height.

Impervious surface lot coverage shall not exceed sixty (60) percent of the total lot area.

- K. A subdivision shall be consistent with the following plans:**

- a. Brainerd Comprehensive Plan.**

See A. above

- b. Brainerd Sanitary Sewer Plan/Engineering Specifications.**

The City Engineering Department has determined that the water and sanitary sewer services were constructed as part of the Northtown West Plat. The services constructed for that plat will work for the new plat.

- c. Brainerd Water Plan/Engineering Specifications.**

See b. above.

d. Stormwater Management Plan.

When the original Northtown West Plat was approved 8 ponds were constructed for storm water storage. Only the large pond near Beaver Dam Rd was given an easement or deeded. Overall this pond provides most of the storage required but the other ponds in the Northtown West Plat do provide about 20% of the required storage.

The proposed East Ridge plat affects two of the ponds (not in easements) eliminating some of the storage. Since the East Ridge Development is less dense, less storage is required. To meet the storage requirements and allow the site to be graded as desired, storm water will be managed by constructing 2 new ponds to store a 2 year-24 hour rain event (2.52 inches) of the new layout on the new proposed plat. These 2 new ponds will also be in easements. The new ponds meet the City needs for storm water runoff control and also meets the need of having these areas in drainage easements.

e. Comprehensive Trail Plan.

The replat of East Ridge has no impact on the trail plan.

The trail that runs around the site perimeter will at some point need to be addressed. The trail was intended as an amenity for the entire site owned and maintained by the association however that is no longer the case. The trail now crosses on the east side of Lot 4 Block 2.

The trail has also been used by residents of the Northtown development located east of Northtown West.

f. Capital Improvement Plan.

The replat of East Ridge will have no impact on the Capital Improvement Plan.

2. Consistent with Growth Policies. A proposed urban subdivision shall meet the City's growth policies:

a. The cost of utilities and street extensions must be covered by one or more of the following and approved by the City Council:

- (1) An immediate assessment to the proposed subdivision.**
Not applicable.

- (2) **One hundred (100) percent of the street and utility costs are privately financed by the developer.**

The streets and utilities were installed in anticipation of Northtown West and were 100% privately financed by the developer.

- (3) **The cost of regional and/or oversized trunk utility lines can be financed with available City trunk funds.**

Not applicable.

- (4) **The cost and timing of the expenditure of City funds are consistent with the City's capital improvement plan.**

Not applicable.

- b. **The cost, operation and maintenance of the utility system are consistent with the normal costs as projected within the City's water, sewer, and stormwater utility rates.**

The Engineering Department has determined that operation and maintenance of the systems are within normal projected costs.

- c. **The developer payments will offset additional costs of utility installation or future operation and maintenance.**

The streets and utilities were installed in anticipation of Northtown West and were 100% privately financed by the developer. No additional costs should be incurred.

3. **Roads or Highways to Serve the Subdivision. A proposed subdivision shall have adequate roads or highways when:**

- a. **Roads or highways providing access to a subdivision are functioning at a level of service (LOS) D or better, as defined by the 2000 Highway Capacity Manual, as amended from time to time.**

See f. below.

- b. **Traffic generated by a proposed subdivision will maintain the levels of service (LOS) of any street providing access to the subdivision to a LOS D or better, as defined by the 2000 Highway Capacity Manual, as amended from time to time.**

See f. below.

- c. **Existing roads providing access to the subdivision have the structural capacity to accommodate projected traffic from the proposed subdivision or the developer will pay to correct any structural deficiencies.**

See f. below.

- d. **The traffic generated from a proposed subdivision shall not require City street improvements that are inconsistent with the Brainerd Capital Improvement Plan or the developer shall pay to correct any street deficiencies.**

See f. below

- e. **The developer will finance any street improvements or upgrades required by the City's Comprehensive Plan or County Highway Department to insure proper traffic flow and traffic safety.**

Streets within the subdivision were constructed in anticipation of Northtown West. The East Ridge development will have less density than what was planned for Northtown West. All streets were determined of sufficient size to carry traffic volumes for that density.

4. Water Supply. A proposed subdivision shall be deemed to have an adequate water supply when:

- a. **The City water system has adequate wells, storage, or pipe capacity to serve the subdivision.**

The City Engineering Department has determined the water system was designed and built for the Northtown West Plat. Since the East Ridge Plat is less dense, there will be no concerns for the water system.

- b. **The water utility extension is consistent with the Brainerd Water Plan and offers the opportunity for water main looping to serve the urban subdivision.**

See 1. above.

- c. **The extension of water mains will provide adequate water pressure for personal use and fire protection.**

Water service was constructed in anticipation of Northtown West. And it will provide necessary water service for East Ridge.

- d. Private abandoned wells within the land to be subdivided shall be identified and inspected.
There are no abandoned wells.
5. **Waste Disposal Systems.** A proposed subdivision shall be served with adequate waste disposal systems when:
 - a. The City has sufficient waste treatment plant and pipe capacity to serve the subdivision if developed to its maximum density.
See below.
 - b. The subdivision will result in a sewer extension consistent with the Brainerd Sanitary Sewer Plan, as applicable and Capital Improvement Plan.
The City Engineering Department has determined the sanitary sewer system was designed and built for the Northtown West Plat. Since the East Ridge Plat is less dense, there will be no concerns for the sanitary sewer system.
6. **Lack of Adequate Drainage.** A condition of inadequate drainage shall be deemed to exist if:
The Engineering Department has verified that the storm water management plan for the site meets all requirements.
 - a. Surface or subsurface water retention and runoff are such that it constitutes a danger to the structural security of existing or proposed structures.
See 6. above.
 - b. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
See 6. above.
 - c. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
See 6. above.
 - d. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land

and its effect on effluents; and the presence of streams as related to effluent disposal.

See 6. above.

500.7 Design Standards

500-7-1: Conformity with the Comprehensive Plan and Zoning Ordinance.

A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the City, and to the Brainerd Zoning Ordinance, as may be amended.

See Section 500 2-5 A.

500-7-2: Land Requirements.

- A. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil conditions, rock formations, or wetlands.**

The Engineering Department has verified that the land use is suitable for the purpose proposed. No existing ground soil or site conditions will affect the proposed use.

- B. Land subject to hazards to life, health, or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.**

There are no known hazards associated with this site.

- C. Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.**

Items A., B. and C were considered when Northtown West was reviewed.

500-7-3: Blocks.

- A. Length. The maximum length of blocks shall be one thousand three hundred (1,300) feet and the minimum length of four hundred (400) feet. Blocks over nine hundred (900) feet long may require pedestrian ways at least ten (10) feet wide at their approximate center. The use of additional pedestrian ways to schools, parks, and other destinations may be required.**

The Planning Department's interpretation of the requirement is that no blocks exceed 1300 ft and are less than 400'.

Northtown Street has a sidewalk on its north side. The trail that runs around the site perimeter will at some point need to be addressed. The trail was intended as

an amenity for the entire site owned and maintained by the association however that is no longer the case. The trail now crosses on the east side of Lot 4 Block 2.

- B. Arrangement.** A block shall be so designed as to provide two (2) tiers of lots unless it adjoins a major collector or an arterial street or where topographic wetland or other conditions render the block arrangement unreasonable.
See below.
- C. Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth, except where topography or other conditions render the block depth unreasonable.
See below.

The Northtown West plat design makes it unreasonable to meet B. and C. above.

500-7-4: Lots.

- A. Area.** The minimum lot area, width and depth shall not be less than that established by the Brainerd Zoning Ordinance in effect at the time of adoption of the final plat. Minimum lot area for urban lots shall consist of buildable land and be exclusive of utility transmission easements that encumber lot development.
All lots meet minimum area standards.
- B. Corner Lots.** Corner lots for residential use shall have additional width to permit appropriate building setback from both streets and a side yard buffer yard where the side yard abuts a collector or arterial street as required in the Brainerd Zoning Ordinance.
Corner lots are of sufficient width to provide required setbacks.
- C. Butt Lots.** Butt lots shall be platted at least five (5) feet wider than the average width of interior lots in the block.
Not applicable.
- D. Side Lot Lines.** Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
All lot are at approximately right angles.
- E. Width.** Lots must have sufficient frontage on a public street to provide minimum lot width. Lot width shall be established by the Brainerd Zoning Ordinance and measured at the minimum front yard setback and at the setback from the OHWL of an abutting lake or stream and extending to the location of the principal building.
All lots meet minimum lot width requirements.

- F. Lot Frontage.** All lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback. Flag lots are prohibited.
All lots meet minimum frontage requirements. There are no flag lots.
- G. Building Sites.** Each lot shall provide an adequate building site at least twelve (12) inches above the top of the adjacent curb unless approved by the City Engineer upon the basis of plans submitted showing alternative, acceptable surface drainage measures.
- H. Urban Single and Two Family Lot Access.** All new single and two family urban lots shall be designed to receive access from a local street.
All lots will have access off Clearview Lane a local street
- I. Access to Arterial Streets and Major Collector Streets.** In the case where a proposed plat is adjacent to a major collector or arterial street, said streets to be defined by the City's Comprehensive Plan, there shall be no direct vehicular access from individual urban single family or two-family lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways, arterial, or major collector streets where there is no other alternative, a temporary entrance may be granted, subject to terms and conditions defined by the City Council and applicable County or State agencies. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void. In such cases where direct lot access to major collector or arterial streets is allowed, special traffic safety measures including, but not limited to, provisions for on-site vehicle turn around shall be required. In cases where a proposed plat is adjacent to the County or State highway, the plat shall be subject to County and/or State approval.
This plat does not abut on an arterial or major collector street.
- J. Lots fronting on an arterial or major collector street.** New commercial, industrial, and multiple family lots fronting on an arterial or major collector street shall be designed to minimize the number of direct access points through the following methods listed in preferential order. If the highest preference is not possible, the next preference shall be utilized until an access method is possible.
1. Access from a local street.
 2. Frontage road serving multiple properties.
 3. Frontage driveway or connected parking lot, with cross easements serving multiple properties.

4. Shared driveways.

- 5. One driveway access, no closer than two hundred (200) feet to another driveway and that meets the City's minimum spacing standards from a street intersection. All driveways shall be reviewed for consistency with the policies of the Brainerd Comprehensive Plan.**

This plat does not abut on an arterial or major collector street.

- K. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Brainerd Zoning Ordinance, as may be amended.**

Setback lines are shown on the plat and comply with minimum requirements.

- L. Water Courses. Water courses may be contained within abutting lots. Water courses shall be protected by easement that will include a buffer strip extending outward from the delineated wetland boundary or the water course ordinary high water level as defined by Section 500-1-12 of this Ordinance. Lots with easements protecting water courses shall have sufficient dimensions and contiguous area outside the water course easement to meet or exceed the minimum lot area and width specified in the zoning chapter for the district in which the lots are located.**

Not applicable.

- M. Grading for Drainage. Lots shall be graded so as to provide drainage away from building locations and shall conform to the approved final grading plan. Storm water drainage from an improved subdivision or lot shall not be directed at an adjoining property at a rate above a predevelopment condition except where drainage is directed to a designed drainage easement.**

Site grading has been reviewed by the Engineering Department which finds it acceptable.

- N. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic places or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.**

The site is void of any features worthy of preservation

- O. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on major collector or arterial streets, County or State highways, or where topographic or other conditions render subdividing otherwise unreasonable. Double fronting lots that have a yard abutting a collector or arterial street shall have a twenty (20) foot wide landscaped buffer yard abutting said collector or arterial street.**

The yard shall be planted with landscape material that meets the minimum requirements listed in Section 20 of the Brainerd Zoning Ordinance.

The lots do not abut a major arterial, county or state highways. Northtown Street is considered a minor arterial.

- P. Irregular Shaped Lots.** On single family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the City an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.

The lot layout does not have any irregular shaped lots.

- Q. Lot Remnants/Outlots.** All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels. Outlots may be platted within a subdivision to delineate future development phases or commonly owned open spaces. The outlot shall be sized in a manner to accommodate its intended use. An outlot shall be platted into a lot and block prior to issuance of a building permit. No building permits shall be issued for an outlot except for open air structures allowed as a recreational component in an open space area.

There are no remnants or outlots in East Ridge.

- R. Extraterritorial Design Standards.** In areas lying outside the City but within the jurisdiction of this section, the following additional minimum subdivision standards shall be required. The size of lots shall be determined by on-site soil percolation tests conducted by a recognized soil testing service utilizing sound engineering practices, but in no case shall a lot contain less than fifteen thousand (15,000) square feet in area nor less than one hundred (100) feet in width measured between the side lot lines at a setback distance of thirty (30) feet from the front lot line.

Not applicable.

- S. Wetlands.** All structures shall be located a minimum of sixteen (16) feet from the edge of a wetland.

There are no affected wetlands.

500-7-5: Street and Alleys.

- A. Street Plan.** The arrangement, character, extent, width, grade and location and all streets shall conform to the comprehensive development plan and to this section, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to drainage patterns, to public convenience and safety and in their appropriate relationship to the proposed uses of the land and to be served by such streets.

The street layout, right-of-way widths and street names were approved for the Northtown West Plat. Because the number of units will be reduced the street layout and design remain acceptable.

- B. Streets, Continuous.** Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of major collector and arterial streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served in compliance with the Brainerd Comprehensive Plan.

The street pattern was established when Northtown West infrastructure was installed.

- C. Street Plans for Future Subdivisions.** Where the plat application includes only part of the tract owned or intended for development by the subdivider, or abuts an undeveloped tract, a build out plan (ghost plat) illustrating a proposed future street system for the unsubdivided tract, prepared and submitted by the subdivider, may be required by the City.

Although not part of the East Ridge plat Northtown West was platted with a right-of-way to provide access to the land to the north.

- D. Provisions for Resubdivision of Large Lots and Parcels.** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

There is no potential for replatting lots in East Ridge.

- E. Local Streets and Dead End Streets.** Local streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not be longer than five hundred (500) feet, including a terminal turn around which shall be provided at the closed end, with a right-of-way radius of not less than sixty (60) feet. A forty-five (45) foot street radius will be required on all cul-de-sacs.

The street pattern was approved as part of the Northtown West plat review.

- F. Temporary Cul-de-Sac.** In those instances where a street is terminated pending future extension in conjunction with future subdivision and the street segment is more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary

cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right-of-way. Financial guarantee will be required for removal or restoration as determined by the City Engineer.

Not applicable.

- G. Subdivisions Abutting Major Rights-of-Way.** Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, County road, local major collector, or local arterial street, provision may be made for a service street approximately parallel and adjacent to the boundary of such right-of-way; provided that due consideration is given to proper circulation design, setbacks from an intersection on the major rights-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

The use and density does not warrant this requirement.

- H. Compliance with the Brainerd Comprehensive Plan.** All subdivisions incorporating streets which are identified in the City Comprehensive Plan, as amended, shall comply with the minimum right-of-way, surface width, and design standards as outlined in this Ordinance, and must be reviewed and approved by the City Engineer.

This is not addressed in the Comprehensive Plan.

- I. Dedication.** All proposed streets shown on the plat shall be in conformity to City, County, and State plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.

This occurred when Northtown West was platted.

- J. Street Design.** Design of street rights-of-way shall conform to the following minimum standards:

Road Type	ADT	Width		Number Traffic Lanes	Number Park Lanes	% Grade	
		R.O.W	Street ¹			Min	Max
Local Street:							
Alley (Ind/Com)	150	24 ft	20 ft	2	0	.5	8
Alley (residential)	150	20 ft	16 ft	2	0	.5	8
Marginal Access	300	50 ft	28 ft	2	0	.5	6
Minor Streets Cul-de-sac Low Density	300	70 ft	32 ft	2	2	.5	7
Medium Volumes	300-1,000	80 ft	35 ft	2	2	.5	7

Minor Collector	1,000-1,500	80 ft	36 ft	2	1	.5	7
Major Collector:							
Low	1,500	80 ft	44 ft	2	2	.5	4
Medium	1,500-5,000	80 ft	44 ft	2	2	.5	4
High	5,000	100	66 ft	4	0	.5	4
Arterial:							
Low	10,000	120 ft³	66 ft	4	0	.5	4
Medium	10,000-15,000	120 ft³	66 ft	4	0	.5	4
High²	15,000	120 ft³	2 @ 28 ft	4	0	.5	4

¹ Face of curb to face of curb

³ At major intersections increase to 150 feet

² Parkway design (optional for medium arterial)

NOTE: The actual right-of-way width will be determined by the City Council after considering all characteristics of the adjacent development.

Private streets shall have a minimum twenty-eight (28) foot width and be signed as No Parking and have adequate maneuvering area for large trucks and vehicles (fire equipment, refuse, Dial-A-Ride etc.)

All streets meet minimum design standards and were approved during the North Town West review process.

- K. Additional Right-of-Way.** Additional right-of-way and roadway widths may be required by the Council to promote public safety and convenience when special conditions require it. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of this Ordinance.

Not applicable.

- L. Half Streets.** Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision. No permanent street improvement shall be permitted within a half street right-of-way. All lots having frontage or access solely from a half street are prohibited from being eligible for building permits.

Not applicable.

- M. Alley Location Requirements.** Either a public or private alley shall be provided in a block where commercially zoned property abuts a major or local thoroughfare.

Not applicable.

- N. Marginal Access Streets.** Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the Council may require a street approximately parallel to and on either side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such marginal access streets shall be located at such a distance from the major thoroughfare or railroad right-of-way as to allow for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in the appropriate districts. Such distances shall also be determined with due regard for the requirements for approach grades and future grade separations.
Not applicable.
- O. Curb Radius.** The minimum curb radii for thoroughfares, collector streets, local streets, and alleys shall be as follows:
- a. Arterial Streets and Collector Streets:** Twenty-five (25) feet.
 - b. Local Streets:** Twenty (20) feet.
 - c. Alleys:** Ten (10) feet.
See end of section.
- P. Vertical Curves.** Different connecting street gradients shall be connected with vertical curves. Minimum lengths of these curves shall conform to the standards specified in Table A, Sheet 5 291.231 of the Minnesota Highway Road Design Manual, as amended.
See end of section.
- Q. Reverse Curves.** Minimum design standards for collector and arterial streets shall comply with Minnesota Department of Transportation State Aid standards.
See end of section.
- R. Street Intersections.** Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two (2) streets be less than seventy-five (75) degrees. Intersections having more than four (4) corners shall be prohibited if not controlled by a roundabout. Adequate land for future intersection construction needs shall be dedicated.
See end of section.
- S. Tangents.** A tangent of at least one hundred (100) feet shall be introduced between reverse curves on arterial and collector streets. The tangent lengths may be longer if a transition between super-elevated section is required.
See end of section.

- T. Deflections.** When connection street lines deflect from each other at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and one hundred (100) feet for all other streets. The City Council may allow greater or lesser sight distances.
See end of section.
- U. Street Intersection Offsets (Jogs).** Street intersection jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
See end of section.
- V. Centerline Curvature.** The minimum horizontal curvature of collector and arterial streets shall be in accordance with the MnDOT Highway Design Manual for the type of street and design speed.
See end of section.
- W. Streets in Flood Hazard Area.** No street shall be approved if its final surface is at a lower elevation than two (2) feet below the regulatory flood protection elevation. The City Council shall require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the requirements of the Brainerd Floodplain Ordinance, as may be amended.
Not applicable.
- X. Reserve Strips.** Reserve strips controlling access to streets shall be prohibited.
Not applicable.
- Y. Private Streets.** Private Streets, except in the case of planned unit developments, shall be prohibited and no public improvements shall be approved for any private street. All private streets within an approved PUD shall meet the construction design standards for City streets.
There are no private streets.
- Z. Curb and Gutter.** All urban streets, and all streets in commercial and industrial areas, shall have concrete curb and gutter in compliance with established City standard design detail plates.
See end of section.

All streets meet minimum design standards and were approved during the North Town West review process.

500-7-6: Sidewalks and Trails.

- A. Concrete Sidewalks.** Concrete sidewalks in new developments not less than six (6) feet in width, ten (10) feet in commercial zoning districts, and/or bituminous trails not less than ten (10) feet in width shall be provided in accordance with the following:

<u>Street Type</u>	<u>Sidewalk/Trail Requirements</u>
Arterial and Major Collector	Sidewalk on both sides of the street or sidewalk on one (1) side of the street and trail on the other side of the street if part of a larger trail network.*
Minor Collector and Local Streets, excepting Cul-de-sacs	Sidewalk on both sides of street and if a trail is part of a minor collector alternate sidewalk and trail would also apply*
Cul-de-sacs	Sidewalk around cul-de-sac*
Industrial	Either/or sidewalks/trails*

*The sidewalks shall not be located less than one (1) foot from the property line, not be adjacent to the curb, except as may be permitted in commercial areas to provide a green strip for snow storage, to promote pedestrian safety, and to provide for boulevard trees.

- B. Sidewalk/Trail Grades.** Sidewalks shall slope one-fourth (1/4) of an inch per one (1) foot away from the property line and the profile grade shall conform to street grades.
- C. Pedestrian Ways.** In blocks over nine hundred (900) feet long, pedestrian crosswalks through the blocks located within a public right-of-way at least ten (10) feet wide, may be required by the City Council in locations deemed necessary for the public health, safety, convenience and necessity.

This section specifies that sidewalks are a requirement. However they were not required when all of the infrastructure had been installed. Northtown Street does have sidewalk that permits residents to go east and west from the subdivision. Due to the looping internal street design in the subdivision and being that all infrastructure has been installed should a sidewalk retro fit be required.

In designing a sidewalk plan for existing streets the Planning Department would not recommend that East Ridge streets be required to have sidewalk.

500-7-7: Easements.

- A. Width and Location.** An easement for utilities at least twelve (12) feet wide along front and rear lot lines and six (6) feet wide along all abutting side lot lines shall be provided. An easement for utilities not less than twelve (12) feet wide shall be provided adjacent to all plat boundaries. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

The plat identifies 10' easements along all front, rear and side property lines.

Twelve foot easements are required.

Department Comments

Utilities

No issues.

Fire

No issues.

Building

If units are intended to be sold separately, eventually some issues need to be addressed at the initial construction process (ex. individual water and sewer connections, fire separation walls, common mechanical penetrations, assumed property lines, and others).

The Building Official has discussed these with Mr. Etterman.

Engineering

The Engineering Department has provided input on stormwater in 500.119 (c)2 above.

Planning

Zoning Ordinance Section 515-17-3: Building Design Standards. specifies:

Two Family and Townhome Standards.

1. *The minimum width of a two family or townhome dwelling unit shall be twenty-five (25) feet.*
2. *Two family and townhome dwelling units shall have a minimum finished habitable floor area of one thousand (1,000) square feet.*
3. *Provision shall be made for possible decks, porches, or additions as part of the initial dwelling unit building plans.*

4. *A minimum twelve (12) inch roof overhang shall be required for all dwelling units.*
5. *The exterior shall include a variation in building materials which are to be distributed throughout all building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhomes shall comply with the following requirements:*
 - a. *A minimum of twenty-five (25) percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.*
 - b. *Except for brick and/or natural or artificial stone, no single building façade shall have more than seventy-five (75) percent of one type of exterior finish.*
 - c. *For the purpose of this Section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.*

I have discussed each of the above requirements with Mr. Etterman's construction manager. Each standard will be met and an elevation drawing depicting the exterior appearance of the buildings will be provided.

Zoning Ordinance Section 515-20-3: General Landscaping. specifies:

- A. *Required Tree Planting. Except for single family and two family lots and parcels developed prior to the adoption of this Ordinance, new development shall have a mixture of evergreen and deciduous trees planted at the rate of one (1) tree per three thousand (3,000) square feet or portion thereof of any unpaved open area remaining after development for which specific landscaping requirements do not appear in this Section. Required trees may be planted at uniform intervals, at random, or in groupings. Newly planted trees shall comply with the requirements of this Ordinance. Trees retained on site following development can be reduced from the total required plantings.*

I have discussed the above requirement with Mr. Etterman's construction manager.

Zoning Ordinance 515-20-6

One and Two Family Lots. specifies:

Prior to issuance of a Certificate of Occupancy, one and two family dwelling lots shall have all yards started with seed or sod.

I have discussed the above requirement with Mr. Etterman's construction manager.

STAFF RECOMMENDATION

Because of the platting and infrastructure installation in anticipation of Northtown West, the East Ridge preliminary plat review is not complicated. A trail resolution will be needed; however it should not be a reason to consider this plat. Approval is recommended with the following conditions:

1. Compliance with the Zoning Ordinance **Building Design Standards and General Landscaping** requirements prior to occupancy of a unit.
2. Utility easements are 12' in width.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Ostgarden', written over the printed name.

Mark Ostgarden AICP
City Planner

NE1/4 - SW1/4

RNG. 28

TWP. 134,
SE1/4 - SW1/4

SEC. 33,

UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
UNIT 11
CONDOMINIUMS

BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 10
BLOCK 11
BLOCK 12
BLOCK 13
BLOCK 14
BLOCK 15
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OUTLOT A
OUTLOT B
OUTLOT C
OUTLOT D
OUTLOT E
OUTLOT F
OUTLOT G
OUTLOT H
OUTLOT I
OUTLOT J
OUTLOT K

BEAVER DAM ROAD
OLD COURT WAY
NORTHTOWN
WEST
WESTRIDGE CIRCLE
STREET

SW1/4 - SE1/4

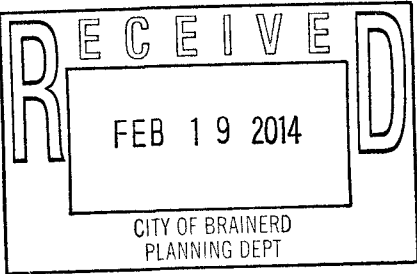
OUTLOT K

OUTLOT J

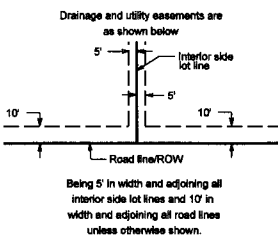
OUTLOT I

OUTLOT H

OUTLOT G



- Denotes iron monument found
 - Denotes 1/2" iron pipe set and marked by License No. 23888
- Orientation of this bearing system is the North American Datum of 1983.



PRELIMINARY PLAT
EAST RIDGE
Part of NORTHTOWN WEST,
Section 33, Township 134 North, Range 28 West,
Crow Wing County, Minnesota

SHEET 1 OF 2

No.	Date	REVISIONS

Client Name: JAE Enterprises

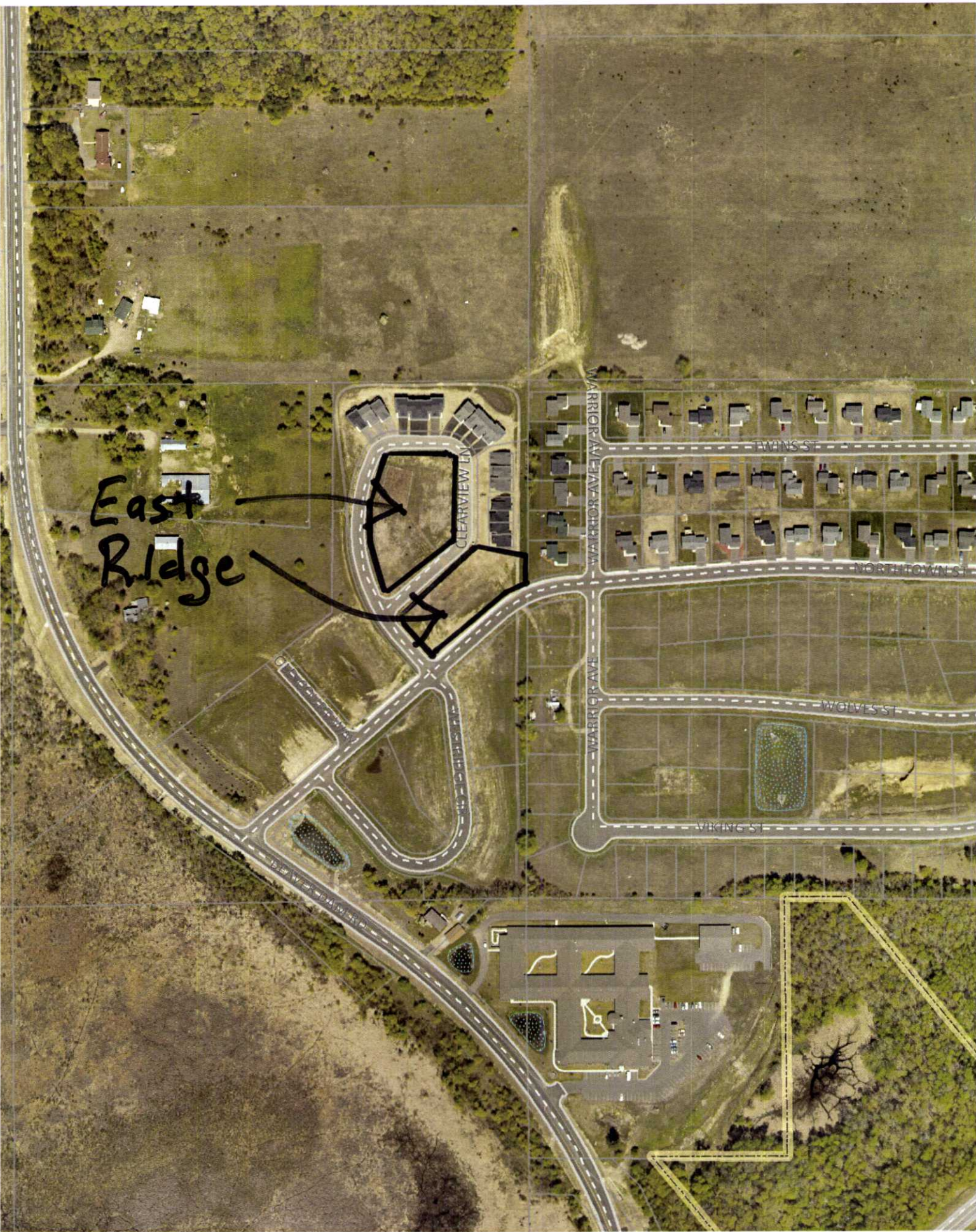
I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: *[Signature]* DATE: 02/19/2014
JAMES KRAMER, MN LICENSE NUMBER 23888

PROJECT NO. JAEEN1401



...\\Sec33\\JAEEN1401\\PrelimPLAT.dgn 2/19/2014 1:51:52 PM



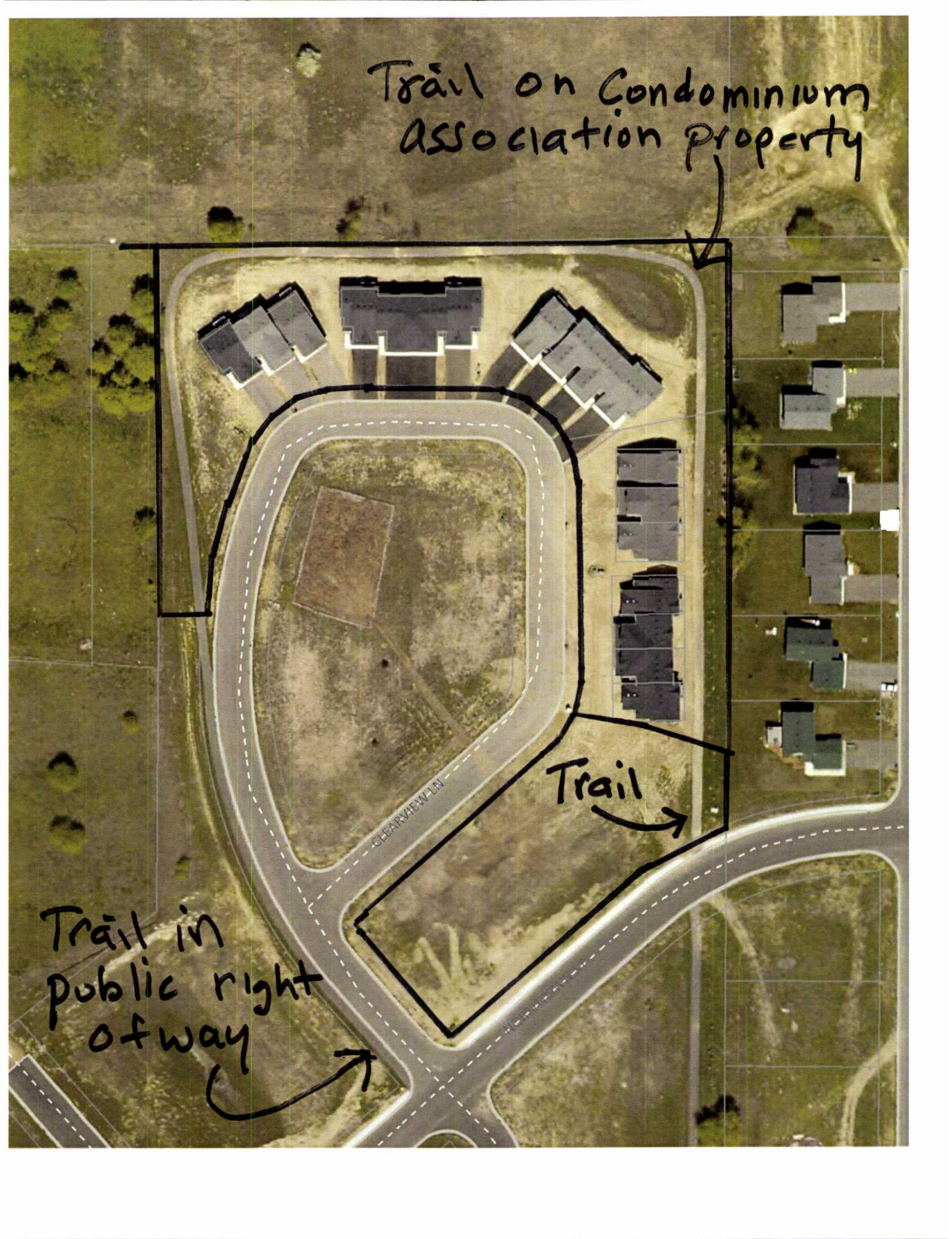
Trail on Condominium
Association Property

Trail

Trail in
public right
of way

CLEARVIEW LN

WINDY HILL DR



28

NE1/4 - SW1/4

Owner: JAE Enterprises
Jim Ertman
1350 Hillview Forest Road
East Gull Lake, MN 56401

Surveyor: James Kramer
Kramer Leas DeLeo
1120 Industrial Park Road
Brainerd, MN 56401
218-829-5333

Current Zoning: R-3

PID: 0927800090C0002
Existing Legal Description: Outlot C, NORTHTOWN WEST, Crow Wing County, Minnesota.

Parcel	Lot Area (Sq Ft)	Proposed Impervious	% Impervious
BLK 1 LOT 1	10133	2700	26.6
BLK 1 LOT 2	9133	2700	29.6
BLK 1 LOT 3	10804	2700	25.0
BLK 1 LOT 4	9852	2700	27.4
BLK 1 LOT 5	9256	2700	29.2
BLK 1 LOT 6	9471	2700	28.5

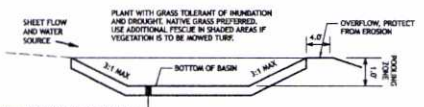
PID: 0927800090D0002
Existing Legal Description: Outlot D, NORTHTOWN WEST, Crow Wing County, Minnesota EXCEPT that part platted as QCR1123 NORTHTOWN WEST TOWNHOMES

Parcel	Lot Area (Sq Ft)	Proposed Impervious	% Impervious
BLK 2 LOT 1	10172	3000	29.9
BLK 2 LOT 2	9425	3000	31.8
BLK 2 LOT 3	9430	3000	31.8
BLK 2 LOT 4	14758	3000	20.3

- Denotes iron monument found
 - Denotes 1/2" iron pipe set and marked by License No. 23868
- Orientation of the bearing system is the North American Datum of 1983.

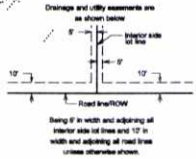
New Stormwater Ponds

TOPSOIL USED FOR ENGINEERED SOIL SHALL BE SANDY LOAM OR LOAMY SAND WITH LESS THAN 1% CLAY CONTENT



4" ENGINEERED SOIL, WELL BLENDED MIXTURE (BY VOLUME) OF 50% CONSTRUCTION SAND, 50% COMPOST, & 1% TOPSOIL. ORIGIN FROM SELECTED ON-SITE MATERIALS. IMPORT COMPOST IF NOT AVAILABLE ON-SITE.

INFILTRATION BASIN
HTS



Being 6" in width and adjoining all interior side lot lines and 12" in width and adjoining all rear lot lines unless otherwise shown.

PRELIMINARY PLAT EAST RIDGE

Part of NORTHTOWN WEST,
Section 33, Township 134 North, Range 28 West,
Crow Wing County, Minnesota

SHEET 2 OF 2

Client Name: JAE Enterprises

No.	Date	REVISIONS

Survey By: ME
Drawn By: ME
Checked By: JK
I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
SIGNATURE: JAMES KRAMER, M.E. LICENSE NUMBER 23868
DATE: 03/19/2014
PROJECT NO. JAEEN1401

KLD
KRAMER LEAS DELEO
REGISTERED PROFESSIONAL LAND SURVEYOR
BRANDEN ST. LOUIS

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that JAE Enterprises, James Etterman, President; 1350 Hillview Forrest Road, East Gull Lake, MN 56401 has applied for Preliminary Plat approval of East Ridge subdivision which consists of ten (10) lots for five (5) duplex buildings (ten (10) dwelling units). The property is located on Clearview Lane on the north side of Northtown Street. The property is zoned R-3 (High Density Residential) District and is legally described as follows:

Outlots C and D of Northtown West subdivision

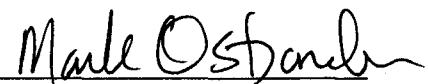
Section 33, Township 134, Range 28 West, Crow Wing County.

Notice is further given that the City of Brainerd Planning Commission will conduct a public hearing to consider this request at its meeting beginning at 6:00 p. m., Wednesday, March 12, 2014 in Brainerd City Hall Council Chambers, 501 Laurel Street.

Individuals needing special accommodations or if there are any questions about this request please call (218) 828-2309.

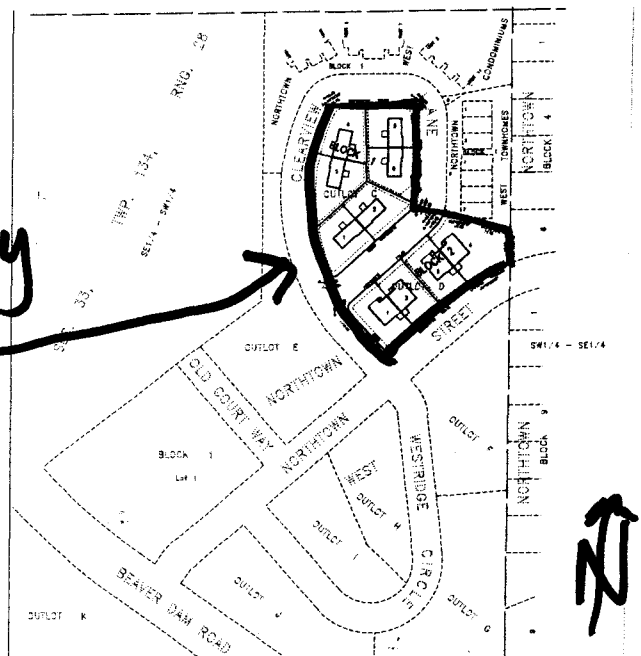
A copy of the preliminary plat is available for review at the City Planning Department located at 501 Laurel Street.

Dated this 25th day of February 2014.


Mark Ostgarden AICP
City Planner

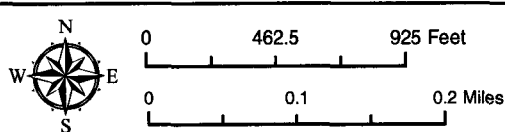
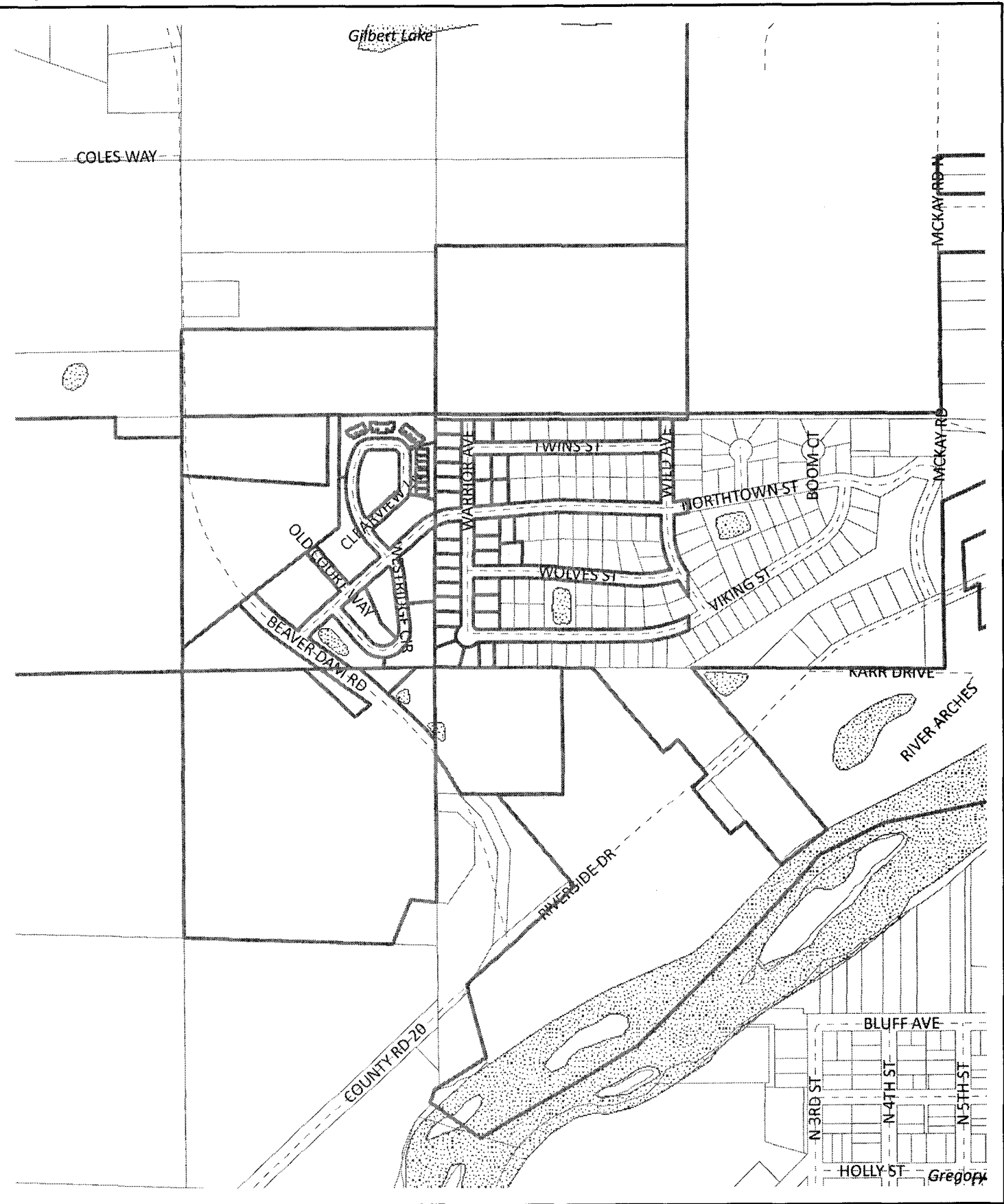
Publication Date: Friday, February 28, 2014

Preliminary
Plat



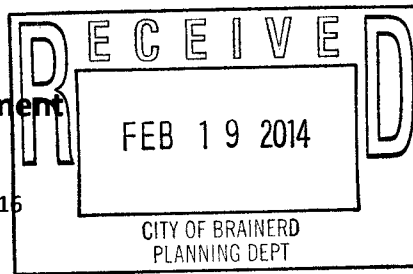
APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
070041202A00009	EDGEWOOD BRAINERD SENIOR LIVING LLC	P O BOX 1988	MINOT, ND 58702-1988	14890 BEAVER DAM RD
070042103C00009	EDEN, BONNIE JEANNE	14966 BEAVER DAM RD	BRAINERD, MN 56401	14966 BEAVER DAM RD
070042103D00009	STATE OF MINNESOTA DNR-REAL ESTATE MGMT	500 LAFAYETTE ROAD, BOX 30	ST PAUL, MN 55164	
070042103E00009	EDGEWOOD BRAINERD SENIOR LIVING LLC	P O BOX 1988	MINOT, ND 58702-1988	
080333100D00009	IMGRUND, JUSTIN J	P O BOX 703	BRAINERD, MN 56401	15284 BEAVER DAM RD
080333300B00009	WALTERS, CRAIG G & ANDREA D	15259 BEAVER DAM RD	BRAINERD, MN 56401-6022	15259 BEAVER DAM RD
080333400B00009	UHLMAN, JAMES & CAROL	7600 116TH ST SW	MOTLEY, MN 56466	15262 BEAVER DAM RD
080333400C00009	SELLNOW, DONALD W & RUBY	15152 BEAVER DAM RD	BRAINERD MN 56401	15152 BEAVER DAM RD
080334200B00009	WEHSELER, LUKE L & JILL E	11902 PEPPERRIDGE RD	BRAINERD, MN 56401	
080334400A00009	RP & P PARTNERSHIP LLP	11290 EBINGER RD	BRAINERD, MN 56401	
092720020100009	PARKS, GREGORY J & JOLENE A	9046 TWINS ST	BRAINERD, MN 56401	9046 TWINS ST
092720030100009	HALL, SCOTT ALLAN & TESSA JEAN	9061 TWINS ST	BRAINERD, MN 56401	9061 TWINS ST
092720030110009	BERG, JUSTIN L & TIFFANIE A	9045 TWINS ST	BRAINERD, MN 56401	9045 TWINS ST
092720030120009	HENDRICKSON, ERIK W & LINDSAY CURE-	9050 NORTHTOWN ST	BRAINERD, MN 56401	9050 NORTHTOWN ST
092720030130009	MENSING, MELISSA & MATTHEW BERG	9060 NORTHTOWN ST	BRAINERD, MN 56401	9060 NORTHTOWN ST
092720040010009	ELLIS, LYNNE DENISE	15241 WARRIOR AVE	BRAINERD, MN 56401	15241 WARRIOR AVE
092720040020009	ANDERSON, CHRISTINE J	15227 WARRIOR AVE	BRAINERD, MN 56401	15227 WARRIOR AVE
092720040030009	BINSFELD, DOUGLAS L	15211 WARRIOR AVE	BRAINERD, MN 56401	15211 WARRIOR AVE
092720040040009	BENDSON, KAYLA A	15199 WARRIOR AVE	BRAINERD, MN 56401	15199 WARRIOR AVE
092720040050009	BERRY, PAULETTE I	15183 WARRIOR AVE	BRAINERD, MN 56401	15183 WARRIOR AVE
092720040060009	KRONBECK, NICOLE & JAMIE PAUL LYTER	15169 WARRIOR AVE	BRAINERD, MN 56401	15169 WARRIOR AVE
092720050110009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	9067 NORTHTOWN ST
092720050120009	KNIPPEL, JUSTIN & TERRY	15142 WARRIOR AVE	BRAINERD, MN 56401	
092720050130009	KNIPPEL, JUSTIN & TERRY	15142 WARRIOR AVE	BRAINERD, MN 56401	15128 WARRIOR AVE
092720050140009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	
092720050150009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	9072 WOLVES ST
092720080040009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	
092720080050009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15066 WARRIOR AVE
092720080060009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	
092720090010009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	
092720090020009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15125 WARRIOR AVE
092720090030009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15111 WARRIOR AVE
092720090040009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15095 WARRIOR AVE
092720090050009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15081 WARRIOR AVE
092720090060009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15065 WARRIOR AVE
092720090070009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15053 WARRIOR AVE
092720090080009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	15037 WARRIOR AVE
092720090090009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	
092720090100009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	9035 VIKING ST
092720090110009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	9049 VIKING ST
0927800090C0009	ETTERMAN, JAMES A II	1350 HILLVIEW FOREST RD N	EAST GULL LAKE, MN 56401	
0927800090D0009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
0927800090E0009	ETTERMAN, JAMES A II	1350 HILLVIEW FOREST RD N	EAST GULL LAKE, MN 56401	
0927800090F0009	ETTERMAN, JAMES A II	1350 HILLVIEW FOREST RD N	EAST GULL LAKE, MN 56401	
0927800090G0009	ETTERMAN, JAMES A II	1350 HILLVIEW FOREST RD N	EAST GULL LAKE, MN 56401	
0927800090H0009	ETTERMAN, JAMES A II	1350 HILLVIEW FOREST RD N	EAST GULL LAKE, MN 56401	
0927800090I0009	ETTERMAN, JAMES A II	1350 HILLVIEW FOREST RD N	EAST GULL LAKE, MN 56401	
0927800090J0009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
0927800090K0009	OP 2 REALPORT LLC	11455 VIKING DR STE 350	EDEN PRAIRIE, MN 55344	
092780010010009	ETTERMAN, JAMES A II	1350 HILLVIEW FOREST RD N	EAST GULL LAKE, MN 56401	
096060000010009	PINT, JENNIFER D	15237 CLEARVIEW LN	BRAINERD, MN 56401	15237 CLEARVIEW LN
096060000020009	WROBEL, RICHARD J & JEAN R ZWASCHKA	15243 CLEARVIEW LN	BRAINERD, MN 56401	15243 CLEARVIEW LN
096060000030009	KELLERMAN, JENNY	15247 CLEARVIEW LN	BRAINERD, MN 56401	15247 CLEARVIEW LN
096060000040009	SEGLER, THELMA	15251 CLEARVIEW LN	BRAINERD, MN 56401	15251 CLEARVIEW LN
096060000050009	DOVENMUEHLER, SCOTT D & JEANNE M	15257 CLEARVIEW LN	BRAINERD, MN 56401	15257 CLEARVIEW LN
096060000060009	CARLSON, SHARON ANN	15261 CLEARVIEW LN	BRAINERD, MN 56401	15261 CLEARVIEW LN
096060000070009	THOMPSON, ROGER A	15267 CLEARVIEW LN	BRAINERD, MN 56401	15267 CLEARVIEW LN
096060000080009	VICARY, SUE E	15273 CLEARVIEW LN	BRAINERD, MN 56401	15273 CLEARVIEW LN
096060000090009	DOMIER, CATHY J	15277 CLEARVIEW LN	BRAINERD, MN 56401	15277 CLEARVIEW LN
096060000100009	CHRISTIANSON, CATHLEEN & MICHAEL	15281 CLEARVIEW LN	BRAINERD, MN 56401	15281 CLEARVIEW LN
096060000110009	WELLE, SAMANTHA J	15285 CLEARVIEW LN #1528	BRAINERD, MN 56401	15285 CLEARVIEW LN
096080010010009	SIGETY, DONALD E	PO BOX 526	BRAINERD, MN 56401	15287 CLEARVIEW LN
096080010020009	TISDELL, CONNIE J	P O BOX 46	BRAINERD MN 56401	15291 CLEARVIEW LN
096080010030009	KARR, BARBARA LEE	15297 CLEARVIEW LN	BRAINERD MN 56401	15297 CLEARVIEW LN
096080010040009	PATERSON, JENNIFER L	15309 CLEARVIEW LN	BRAINERD MN 56401	15309 CLEARVIEW LN
096080010050009	MAROHN, SAMUEL L & JILL J	11850 FORESTVIEW DR	BAXTER MN 56425	15315 CLEARVIEW LN
096080010060009	MAROHN, SAMUEL L & JILL J	11850 FORESTVIEW DR	BAXTER MN 56425	15319 CLEARVIEW LN
096080010070009	DIEHL, SHAR L	15323 CLEARVIEW LN	BRAINERD, MN 56401	15323 CLEARVIEW LN
096080010090009	NORTHTOWN WEST HOMEOWNER'S ASSOC	15277 CLEARVIEW LN	BRAINERD, MN 56401	



**City Planning Department**

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2315
www.ci.brainerd.mn.us



Receipt #	_____
Check #	_____
Date Paid:	_____

PRELIMINARY PLAT/FINAL PLAT APPLICATION

NATURE OF REQUEST (please check)

PRELIMINARY PLAT X FINAL PLAT _____

PROPERTY ADDRESS: Clearview Lane

LEGAL DESCRIPTION: Lot(s): Outlot C Block: _____ Addition: Northtown West
(attach description if lengthy)

Property Owner Name: JAE Enterprises

Street Address: 1350 Hillview Forest Road City: East Gull Lake State: MN Zip Code: 56401

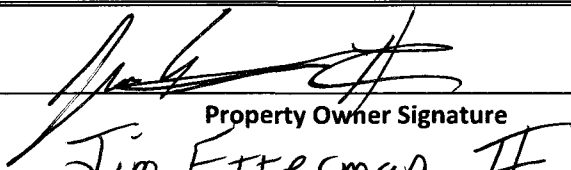
Phone Number: 320-267-6679 Fax: 218-828-0117 E-mail: jaeent@live.com

Applicant Name: (if different than Property Owner) _____

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

Phone Number: _____ Fax: _____ E-Mail: _____

Description of Request: Ten lot subdivision for creation of five duplex structures. Utilities are existing, and required grading is minimal.


Property Owner Signature
Jim Errerman
(Please print name)

2/19/14
Date

Applicant Signature

Date

(Please print name)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

BRAINERD FIRE DEPARTMENT

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

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P. O. Box 373; Brainerd, MN 56401; 218-829-8726

BRAINERD POLICE DEPARTMENT

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

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2604

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110; FAX 218-824-1111 (tim.bray@crowwing.us)

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095 (melissa.barrick@crowwingswcd.org)

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: David Landecker; 322 Laurel St Ste 14; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

HRA

Attn: Jennifer Bergman; 324 E. River Rd, Brainerd, MN 56401; 218-828-3705/FAX 828-8817

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307 / FAX 824-1104 (cass.mhb@co.cass.mn.us)

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd; Baxter, MN 56425; 218-828-5700

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Lonnie Thomas/Wade Miller; 1601 Minnesota Dr, Brainerd, MN 56401; 218-828-2605/FAX 828-6043

MINNESOTA POLLUTION CONTROL AGENCY

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

NOR-SON, INC

7900 Hastings Rd.; Baxter, MN 56425; 218-828-1722

U. S. ARMY CORPS OF ENGINEERS

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

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner



DATE: March 6, 2014

RE: Small Houses and Infill

The Planning Department continues to review Zoning Ordinance sections that need to be amended to accommodate small house development. Attached are the most recent revisions to address small lot attached garages and detached accessory buildings. An updated copy of Section 17 GENERAL BUILDING, USE AND DESIGN PROVISIONS and a copy of Section 54 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT are attached.

Adding small house language affects the zoning district text in which small houses are permitted as well as the text in GENERAL BUILDING, USE AND DESIGN PROVISIONS section. I am not confident that all of the necessary changes have been made and if the ones that have been made are clear.

I have been thinking of questions that could be asked to determine if the draft language is thorough and clear. Following are questions that I could think of:

1. Can I build a small house?
2. In what zoning district can a small house be built?
3. What is a small house?
4. What is the minimum size permitted for a small house?
5. Are there design requirements? If so, what are they?
6. What are the setbacks for a small house?
7. Can I build a small house on any size lot?
8. Is a 2 story small house permitted?
9. Is a small house permitted on an empty lot adjacent to already constructed lots?
10. Can a garage be built for a small house? If so, how large can it be?

Can you think of others?

I think additional review and critiquing of the drafts are needed.

SECTION 17
GENERAL BUILDING, USE AND DESIGN PROVISIONS

Section:

- 515-17-1: Purpose and Intent
- 515-17-2: Dwelling Unit Restriction
- 515-17-3: Building Design Standards
- 515-17-4: Height
- 515-17-5: Screening Rooftop Equipment
- 515-17-6: High Water Elevation
- 515-17-7: Ground Water Elevation
- 515-17-8: Accessory Buildings, Uses and Equipment

515-17-1: Purpose and Intent. This section identifies general building design size requirements and exceptions to general height requirements applicable within each zoning district.

515-17-2: Dwelling Unit Restriction. No cellar, garage, tent, travel trailer, motor home, fish house, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit.

515-17-3: Building Design Standards.

A. Single Family Standards.

1. All single family detached dwellings in the R-1, R-2, R-3, and R-4 Districts and those on lots of three (3) acres or less in the RA and RF Districts shall meet the following design criteria:
 - a. Sixty (60) percent of a residential structure shall have a minimum width or depth of twenty (20) feet. Width measurement shall not take into account overhangs or other projections. Such width requirement shall be in addition to the minimum area per dwelling requirements established within this Ordinance.
 - b. All buildings shall be built in conformance with the State Building Code as adopted in the State of Minnesota.
 - c. Dwellings constructed after the effective date of this Ordinance shall have a minimum finished habitable floor area of ~~one thousand (1,000)~~ 750 square feet.

- d. Metal roofs are allowed provided they are constructed with standing seams and concealed fasteners.
- A. SINGLE FAMILY DETACHED DWELLINGS LOCATED ON LOTS LESS THAN THE MINIMUM LOT AREA PERMITTED IN R-1 AND R-2 DISTRICTS AND ARE GREATER THAN 350 SF AND LESS THAN 750 SF SHALL MEET THE FOLLOWING DESIGN CRITERIA:
 - A. BUILDINGS SHALL BE BUILT IN CONFORMANCE WITH THE STATE BUILDING CODE AS ADOPTED IN THE STATE OF MINNESOTA.
 - B. METAL ROOFS ARE ALLOWED PROVIDED THEY ARE CONSTRUCTED WITH STANDING SEAMS AND CONCEALED FASTENERS.
 - C. THE BUILDING PERFORMANCE STANDARDS AS SPECIFIED IN SECTION 54-9 AND 55-9 AND THE DESIGN REQUIREMENTS OF 54-11 AND 55-11.
- B. Two Family and Townhome Standards.
 - 1. The minimum width of a two family or townhome dwelling unit shall be twenty-five (25) feet.
 - 2. Two family and townhome dwelling units shall have a minimum finished habitable floor area of one thousand (1,000) square feet.
 - 3. Provision shall be made for possible decks, porches, or additions as part of the initial dwelling unit building plans.
 - 4. A minimum twelve (12) inch roof overhang shall be required for all dwelling units.
 - 5. The exterior shall include a variation in building materials which are to be distributed throughout all building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhomes shall comply with the following requirements:
 - a. A minimum of twenty-five (25) percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
 - b. Except for brick and/or natural or artificial stone, no single building façade shall have more than seventy-five (75) percent of one type of exterior finish.

- c. For the purpose of this Section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
- 6. Garages.
 - a. Each dwelling unit shall include, at a minimum, a one (1) stall, 12' x 20' foot garage.
 - b. Dwellings Without Basements. Each dwelling unit shall include at a minimum, a one (1) stall 16' x 20' foot garage.
 - c. GARAGES LOCATED ON LOTS LESS THAN THE MINIMUM LOT AREA PERMITTED IN R-1 AND R-2 DISTRICTS SF SHALL MEET THE FOLLOWING DESIGN CRITERIA:
 - 1. A GARAGE ATTACHED OR DETACHED IS LIMITED IN SIZE TO 16' X 20' OR THE SIZE OF THE DWELLING (WHICHEVER IS LESS).
 - 2. IN ADDITION TO AN ATTACHED GARAGE ONE ACCESSORY BUILDING NOT TO EXCEED 120 SF IS ALLOWED
 - 3. GARAGES THAT ARE ATTACHED TO A DWELLING SHALL BE CONSTRUCTED ADJACENT TO THE DWELLING. TUCK UNDER GARAGES OR DWELLINGS ABOVE A GARAGE ARE NOT PERMITTED.
- 7. Utilities.
 - a. Separate public utility services shall be provided to each unit.
 - b. Each unit shall have a separate sanitary sewer connection.
- 8. A homeowners' association shall be established for all quadraminium, three (3) and four (4) plex multiple family and townhome developments subject to review and approval of the City Attorney. The homeowners' association shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one (1) individual property owner having interest within the development.

9. Building elevations and floor plans shall be submitted illustrating exterior building materials and colors to demonstrate compliance within this Section of the Ordinance. Building floor plans shall identify the interior storage space within each unit.
10. Metal roofs are allowed provided they are constructed of standing seams with concealed fasteners.

C. **Multiple Family Apartment Standards:** All multi-family/apartment buildings constructed within the City shall conform to the following:

1. Multiple family dwelling units shall have the following minimum floor area per unit:

Efficiency Units	440 square feet
One Bedroom Units	520 square feet
Two Bedroom Units	700 square feet
More than Two Bedroom Units	An additional 100 square feet per bedroom

2. **Exterior Building Materials.** The exterior of multiple family dwelling structures shall include a variation in building materials which are to be distributed throughout the building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple family dwelling structures shall comply with the following requirements:
 - a. A minimum of thirty-three (33) percent of the combined area of all building exterior walls of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.
 - b. For the purposes of this section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof.
3. Metal roofs are allowed provided they are constructed of standing seams with concealed fasteners.

D. **Commercial Standards Design Construction Standards.** All buildings constructed within commercial zoning districts shall conform to the following:

1. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
2. Garish or bright accent colors (i.e., orange, bright yellow, or fluorescent colors) for commercial building accents such as cloth or metal awnings, trim, banding,

walls, entries or any portion of the building wall shall be minimized, but in no case shall accent colors exceed fifteen (15) percent of each wall area.

3. Exposed roof materials shall be similar to, or an architectural equivalent of a three hundred (300) pound or better asphalt or fiberglass shingle, wooden shingle, and metal roofs as approved by the Minnesota State Building Code.
4. Exterior Building Materials - B-1, B-2, B-4, B-5 and B-6 Zoning Districts.
 - a. All exterior wall surfaces shall be a combination of materials including brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.
 - b. Building additions of less than fifty (50) percent of the gross floor area of the existing structure may use the same as the existing structure. Building additions, remodeling, replacement or reconstruction of fifty (50) percent or greater, shall conform to the standards in this section.
5. Exterior Building Materials – B-3 Zoning District
 - a. Within the B-3 Zoning District, all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock faced brick, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, or glass. Brick and stone replicas and exterior finish installations (EFIS) that simulate the historic architecture of a building may be used on not more than fifty (50) percent of a building.
 - b. Buildings with load bearing walls shared with abutting buildings located in B-3 Zones shall conform to standards in this Section if building additions, remodeling, replacement or reconstruction of seventy-five (75) percent or greater are made to street facing exteriors of the building. Expansions shall be calculated over a five (5) year period for determination of this gross floor area amount.

E. Industrial Design Construction Standards. All buildings constructed within industrial zoning districts shall conform to the following:

1. Industrial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
2. Exterior Building Materials.

- a. Within the I-1 and I-2 Zoning Districts, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.
- b. Any structure in an Industrial District within three hundred (300) feet of Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, and County Road 3 shall comply with the Commercial Exterior Building Material Standards for the B-1, B-2, B-4, B-5 and B-6 Districts in Section 515-17-3.D.4 of this Ordinance.

515-17-4: Height.

- A. Exceptions. The building height limits established herein for districts shall not apply to the following:
 1. Farm structures such as silos.
 2. Church spires.
 3. Belfries.
 4. Cupolas.
 5. Windmills/Wind Energy Conversion Systems (WECS) per Section 34 of this Ordinance.
 6. Solar energy devices.
 7. Chimneys and smokestacks.
 8. Flag poles mounted on a building.
 9. Non-commercial television and radio antennae and satellite dishes not exceeding twenty (20) feet above the roof.
 10. Parapet walls extending not more than three (3) feet above the limiting height of the building.
 11. Elevator penthouses.
 12. Cooling towers/water towers.
 13. Lighting structures for public outdoor recreational fields not exceeding eighty (80) feet in height.
 14. Lighting structures for public hockey rinks not exceeding sixty (60) feet in height.
 15. Telecommunication antenna and antenna towers as regulated by Section 35 of this Ordinance.
 16. Poles, towers and other structures for essential services.
- B. Conditional Use Permit. Building heights in excess of those standards contained in the district provisions and any other sections of this Chapter may be allowed through a Conditional Use Permit, provided that:

1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the zoning district in which the structure is located.
2. The site is capable of accommodating the increased structure size.
3. The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
4. Public utilities and services are adequate.
5. For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per district, front and side yard setback requirements shall be increased by ten (10) percent.
6. The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.
7. The provisions of Section 515-5-2 of this Ordinance are considered and satisfactorily met.

515-17-5 Screening Rooftop Equipment.

- A. As viewed from ground levels within one hundred (100) feet of street side view, all mechanical equipment located on the roof or around the perimeter of a structure shall be screened by a raised parapet.
- B. A raised parapet or other architectural feature that is an integral part(s) of the building shall be required as screening for rooftop mechanical equipment or to soften rooftop views.
- C. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or constructed of a material and color compatible with other elements of the building.

515-17-6: High Water Elevation. All new buildings shall comply with building elevation regulations of the Floodplain and Shoreland Overlay Districts of this Ordinance. In areas beyond the Floodplain and Shoreland Overlay Districts, all buildings shall be placed at an elevation such that the lowest building opening meets the following standards:

- A. A minimum of two (2) feet above 100-year flood elevation of areas with a separate emergency overflow.

- B. A minimum of three (3) feet above the 100-year flood elevation of areas with no separate emergency overflow.
- C. The 100-year flood elevation or high water level shall be determined by a registered engineer.

515-17-7: Ground Water Elevation. The lowest floor, including basement floor, of all structures shall be at a level at least three (3) feet above the highest known ground water table elevation. If requested by the Building Official, the ground water table elevation shall be determined by a licensed soils engineer using soil borings, piezometers, or the observation of mottled soils.

515-17-8: Accessory Buildings, Uses and Equipment.

- A. **Agricultural Farm Buildings.** Agricultural farm buildings, accessory to an active farm operation on a lot twenty (20) acres or larger, designed, constructed, and used to house farm implements, agricultural activities, or agricultural products shall be exempt from the requirements of this subdivision.
- B. **Residential Accessory Buildings, Structures and Uses.**
 - 1. An accessory building or attached garage shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway or within five (5) feet of the principal building. Attached accessory buildings shall meet the principal building setbacks of the respective zoning district.
 - 2. No accessory building or structure shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory. A garage may be constructed if a building permit is secured for the principal building.
 - 3. **Accessory Building Floor Area, Height and Number.** The combination of accessory buildings and garages (attached and detached) per lot shall not exceed the following standards:

- a. Area.

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-A	4,000 square feet
R-R	2,000 square feet
R-E	1,500 square feet
R-1	10% of lot area

R-2	10% of lot area
R-3	30% of the gross floor area of the multiple family structure, 10% of lot area for a duplex
R-4	30% of the gross floor area of the multiple family structure

- 1) An attached garage shall not exceed the maximum allowable floor area as mentioned above, or eighty (80) percent of the footprint of the single family or two family house foundation not including garage, whichever is less. Tuck-under garages are permitted up to the maximum footprint size of the dwelling.
 - 2) Accessory building coverage shall not exceed lot coverage requirements as regulated in each district and shall meet required district setbacks.
- b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:
- 1) One (1) attached garage and one (1) detached accessory building.
 - 2) Two (2) detached accessory structures.
- c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less. Exceptions may be granted to allow for the detached accessory building to match the roof pitch of the existing principal building by Conditional Use Permit in accordance with Section 5 of this Ordinance.
4. Setbacks. Detached accessory buildings shall comply with the following setbacks:
- a. Front Setback. No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.
 - b. Side and Rear Setbacks.
 - 1) Side and rear setbacks shall be as provided for in the respective Zoning District.

- 2) No accessory building shall be located within a drainage and utility easement.
5. Design Standards. No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over one hundred twenty (120) square feet shall have the same or similar finish as the neighboring buildings and be homogeneous in design. Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners. All buildings that are one hundred twenty (120) square feet or less may be metal sided and shall have a pitched roof.

C. Commercial, Industrial or Public/Semi-Public Accessory Buildings.

1. Commercial or industrial buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
2. Accessory buildings shall meet all the required setbacks of the principal building.
3. Accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements within this Section of Ordinance.

D. Swimming Pools.

The purpose of regulating swimming pool placement is they can be tempting targets for children. The following regulations are designed to prevent tragedies by protecting such children.

1. Single Family and Two Family Dwellings. The following shall apply to all swimming pools which are intended for accessory uses to single family and two family dwellings:
 - a. A building permit shall be required for any in-ground or permanent above ground swimming pool that is over twenty-four (24) inches in depth, or over five thousand (5,000) gallon capacity.
 - b. Seasonal swimming pools twenty-four (24) inches in depth or greater, shall have controlled access and must have a ground fault circuit if connected to an electrical system.
 - c. An application for the construction of swimming pools shall be on a City application form and accompanied by a fee established by City Council Ordinance. The permit application shall include:
 - 1) Site plan illustrating:

- a) Type and size of pool.
- b) Location of the pool on the lot.
- c) Location of other buildings and structures on the lot.
- d) Location of structures on adjoining lots.
- e) Location of filter and heating units.
- f) Location of water heaters, pumps and wiring.
- g) Location of back-flush and drain outlets.
- h) Location of any overhead or underground utilities or utility easements and trees.
- i) Fence locations.
- j) Grading plan.

2) Building Plans.

- a) Swimming pool design.
- b) Fencing and gate details.
- c) Deck or surfacing details.

d. Setbacks and Performance Standards.

- 1) Pools eighteen (18) inches deep or less may be located in the front, side or rear yard. Pools over eighteen (18) inches shall be located in a rear yard.
- 2) Pools over eighteen (18) inches deep may be located in a side yard or street side yard and shall not be located within ten (10) feet of any side yard property line and not closer than twenty (20) feet from a side lot line located on a corner.
- 3) Pools over eighteen (18) inches deep shall not be located closer than eight (8) feet from the rear property line.
- 4) The filter unit, pump, heating unit, and any noise generating mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and not closer than ten (10) feet from any lot line.
- 5) Pools shall not be located beneath overhead utility lines or over underground utility lines of any type or located within any private or public utility, walkway, drainage, or other easement.
- 6) Pools over eighteen (18) inches deep shall be set back at least five (5) feet from the principal building or frost footing.
- 7) Lighting for the pool shall be designed with a ninety (90) degree cut off and shall be hooded to direct lighting toward the pool and not toward adjacent property.

- 8) Outdoor pools over twenty-four (24) inches deep shall be completely enclosed by a non-climbing type fence at least four (4) feet high. Fence openings or points of entry into the pool area enclosures shall be equipped with gates. The fence and gates shall be constructed of a minimum number 11 gauge woven wire mesh corrosion resistant material, or other materials approved by the inspector. Gates shall be equipped with self closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Fence post shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than six (6) inches. Required safety fencing shall be completely installed prior to filling the pool with water. Swimming pool fences shall comply with applicable State Statutes and fence setback standards of Section 19 of this Ordinance.
- 9) Water Quality/Drainage.
 - a) Water in the pool shall be maintained in a suitable manner to avoid health hazard of any type.
 - b) Back-flush or pool drainage water shall be directed onto the property on which the swimming pool is located.
 - c) Drainage of pools directly into public streets or other public drainage ways shall require written permission of City staff and/or City Engineering Department. Draining the pool into the sanitary sewer is prohibited.
2. Multiple Family/Commercial Pools. For private swimming pools which are intended for and used by the occupants of a multiple family dwelling or commercial structure and the guests of the occupants, or for private and public clubs and organizations, the following regulations shall be met in addition to those listed for single and two family dwellings provided in Section 515-17-7.D.1 of this Ordinance.
 - a. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
 - b. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line and must be contained within an insulated building.

- c. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Fences shall be at least five (5) feet in height. The bottoms of the fences shall not be more than six (6) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable (chain link fences must be vinyl coated with slats for screening). All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self closing and self latching devices placed at a height not lower than forty-eight (48) inches so as to be inaccessible to small children. Prior to filling the pool, the approved fence or enclosure must be completely in place and inspected and approved by the City Building Inspector. Adequate screening including, but not limited to, landscaping shall be placed between the pool area and adjacent lot lines.
- d. All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line.
- e. To the extent possible, back-flush water or water from pool drainage shall be directed onto the owner's property. Draining pools into the sanitary sewer is prohibited.

E. Refuse and Recycling Material and Containers.

1. Refuse Containers Location and Screening.

- a. Residential Structures with Four (4) or Less Units. Garbage cans, waste containers and recycling bins shall be kept in rear or side yards or indoors except on pick up days.
- b. Commercial, Industrial, and Institutional Uses, Residential Structures with More Than Four (4) Units:
 - 1) All refuse, recyclable materials, and associated containers shall be stored within a structure or screened by a fence or wall as viewed from all adjacent property and the public right-of-way.
 - 2) All refuse and containers must be screened from view of adjacent properties and the public right-of-way by a wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent. Chain link fences with slats are prohibited.
 - 3) Exterior wall treatment shall be masonry construction or material similar to the principal building.

- 4) Storage shall be located in the rear or side yard and shall observe all accessory building setback requirements.
- 5) The location must be accessible for pick up hauling vehicles.
- 6) All containers, fences and walls shall be approved by City staff and be kept in a good state of repair with lids designed to prevent spilling and spread of debris and access by animals.

SECTION 54
R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

SMALL HOUSE AND INFILL DRAFT

Section:

- 515-54-1: Purpose and Intent
- 515-54-2: Permitted Uses
- 515-54-3: Accessory Uses
- 515-54-4: Interim Uses
- 515-54-5: Conditional Uses
- 515-54-6: Uses by Administrative Permit
- 515-54-7: Lot Area and Setback Requirements
- 515-54-8: Building Height
- 515-54-9: Building Performance Standards
- 515-54-10: Lot Coverage

515-54-1: Purpose and Intent. This district is established to allow and preserve areas in the City of quiet neighborhoods of one and two family homes, free from other uses except those which are compatible with residents of such a district.

515-54-2: Permitted Uses.

- A. Detached single family dwellings.
- B. Public recreation areas and related accessory buildings and structures.
- C. Residential facilities serving six (6) or fewer persons in a single family detached dwelling.
- D. Essential services as regulated by Section 36 of this Ordinance.

515-54-3: Accessory Uses.

- A. Garages and open off-street parking for private residential use subject to the provisions of Section 17.
- B. Fences as regulated by Section 19 of this Ordinance.
- C. Storage of recreational vehicles and equipment for private use as regulated by Section 24 of this Ordinance.
- D. Solar energy systems and structures.

- E. Home Businesses as regulated by Section 26 of this Ordinance.
- F. Tool houses and sheds and other such buildings for the storage of domestic tools, supplies and equipment subject to the provisions of Section 17 of this Ordinance.
- G. Private recreational facilities for the enjoyment of the residents of the principal building and their occasional guests.
- H. In home day care serving fourteen (14) or fewer persons in a single family detached dwelling.
- I. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

515-54-4: Interim Uses.

- A. Home Extended Businesses as regulated by Section 26 of this Ordinance.
- B. Temporary buildings associated with a public or private principal school building and used for classrooms.

515-54-5: Conditional Uses.

- A. Off-premise surface parking lots and parking ramps subject to provisions of Section 22 of this Ordinance.
- B. Bed and breakfast subject to provisions of Section 31 of this Ordinance.
- C. Non-profit and not-for-profit offices located in buildings owned by the Brainerd Independent School District, not used for classroom education and subject to the following minimum requirements:
 - 1. One (1) off-street parking space for each three hundred (300) square feet of office space.
 - 2. No individual exterior entrances.
 - 3. Business hours are limited from 7:00 a.m. to 9:00 p.m.
 - 4. No exterior business signs.
- D. Planned Unit Developments as regulated by Section 11 of this Ordinance.

- E. 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.
- F. Public and private schools provided that:
1. The site accesses a major collector.
 2. The site is landscaped in accordance with Section 20 of this Ordinance.
 3. Off-street parking is provided in accordance with Section 22 of this Ordinance.
 4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
 5. Emergency vehicle access is provided to and within the site.
- G. Hospitals provided that:
1. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 20 of this Ordinance.
 2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.
- H. Places of worship and related buildings provided that:
1. Side yards shall be thirty (30) feet.
 2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
 3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
 4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

- I. DWELLINGS GREATER THAN THREE HUNDERED SQUARE FEET (350) AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET SUBJECT TO 515-54-11: INFILL DESIGN STANDARDS. DWELLINGS GREATER THAN THREE HUNDERED SQUARE FEET (350) AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET AND SUBJECT TO 515-54-11: INFILL DESIGN STANDARDS.

DWELLINGS GREATER THAN THREE HUNDERED SQUARE FEET (350) AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ARE PERMITTED TO BE LESS THAN TWENTY-TWO (22) FEET WIDE.

515-54-6: Uses by Administrative Permit.

- A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-54-7: Minimum Lot Area and Setback Requirements.

- A. Lot Area Requirements:

1. Lot size: Seven thousand (7,000) square feet
2. Lot Width: Fifty (50) feet
3. Lot Depth: Lot depth shall not exceed three (3) times the lot width for the buildable area of the lot

- B. Principal Building Setbacks:

1. Front Yard: Twenty (20) feet
2. Side Yard: Five (5) feet
3. Side Yard (corner): Twenty (20) feet, fifteen (15) feet for an attached garage
4. Rear Yard: Twenty-five (25) feet

- C. Accessory Building and Structure Setbacks:

1. Front Yard: Twenty (20) feet
2. Side Yard: Three (3) feet
3. Side Yard (corner): Fifteen (15) feet, twenty (20) feet if garage faces street
4. Rear Yard: Five (5) feet

515-54-8: Building Height.

- A. Dwellings shall not exceed thirty-five (35) feet in height. Permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.

- B. Accessory building and structure height shall be governed by Section 17 of this Ordinance.

515-54-9: Building Performance Standards.

- A. Minimum floor area per dwelling unit: Seven hundred fifty (750) feet.
- B. Minimum width/length of dwelling unit: Twenty-two (22) feet
- C. Each dwelling unit shall be located on a permanent foundation with a perimeter curtain wall in accordance with the Brainerd and Minnesota Building Code.

515-54-10: Lot Coverage.

- A. Residential Uses. Impervious surface lot coverage shall not exceed sixty (60) percent of the total lot area.
- B. Non-residential Uses. Impervious surface lot coverage shall not exceed fifty (50) percent of the total lot area unless otherwise allowed by a grading and drainage plan approved by the City Engineer.

515-54-11: DESIGN REQUIREMENTS

RESIDENTIAL INFILL DEVELOPMENT AND NEW DWELLINGS LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET IN AREA AND/OR DWELLINGS LESS THAN TWENTY-TWO (22) FEET WIDE SHALL ADHERE TO THE FOLLOWING DESIGN REQUIREMENTS. WHILE CREATIVITY AND VARIATION IN ARCHITECTURAL DESIGN IS ENCOURAGED, THE PURPOSE OF THESE REQUIREMENTS IS TO ENSURE COMPATIBILITY OF INFILL DEVELOPMENT WITH THE CHARACTER OF NEARBY EXISTING RESIDENTIAL STRUCTURES.

RESIDENTIAL INFILL DEVELOPMENT SHALL MEET THE FOLLOWING DESIGN CRITERIA, AS DEFINED BY THE PREDOMINANT CHARACTER OF THE EXISTING RESIDENTIAL BLOCK FRONT. THE BLOCK FRONT SHALL CONSIST OF ALL RESIDENTIAL PROPERTIES ALONG BOTH SIDES OF THE PUBLIC OR PRIVATE RIGHT-OF-WAY ON WHICH THE DEVELOPMENT FRONTS. THE BLOCK FRONT SHALL BE MEASURED FROM INTERSECTION TO INTERSECTION, TO THE ROAD

END, OR 200 FEET IN EITHER DIRECTION FROM THE DEVELOPMENT SITE, WHICHEVER IS NEAREST.

1. BUILDING ORIENTATION ON INFILL LOTS SHALL MATCH THE PREDOMINANT ORIENTATION OF OTHER BUILDINGS ALONG THE BLOCK FRONT.
2. ACCESS AND LOCATION OF OFF-STREET PARKING ON INFILL LOTS SHALL BE SIMILAR TO THE PREDOMINANT CHARACTER FOR EXISTING DEVELOPMENT ALONG THE BLOCK FRONT. PRIMARY VEHICULAR ACCESS SHALL BE THROUGH REAR ALLEYS WHERE SUCH RIGHTS-OF-WAY EXIST, AND ON-SITE PARKING SHALL BE LOCATED TO THE REAR OF PROPOSED STRUCTURES, INsofar AS THIS IS CONSISTENT WITH THE PREDOMINANT CHARACTER OF THE BLOCK FRONT.
3. ROOFS ON PROPOSED INFILL RESIDENTIAL STRUCTURES SHALL BE SIMILAR IN SLOPE AND STYLE TO EXISTING DEVELOPMENT AND SHALL INCORPORATE ANY OR ALL OF THE FOLLOWING FEATURES, INsofar AS SUCH FEATURES ARE COMPATIBLE WITH EXISTING DEVELOPMENT ON THE BLOCK FRONT:
 - A. DORMERS;
 - B. GABLED OR HIPPED ROOFS;
 - C. PITCHED ROOFS;
 - D. PARAPETS OR CORNICES.
4. UNLESS IT IS THE PREDOMINANT EXISTING STYLE ON THE BLOCK FRONT, FLAT ROOFS SHALL NOT BE ALLOWED.
5. HORIZONTAL FACADES LONGER THAN 25 FEET SHALL BE TREATED TO REDUCE BUILDINGS MASS AND VISUAL BULK USING AT LEAST ONE OF THE FOLLOWING TECHNIQUES:
 - A. BAYS OR RECESSES (MINIMUM DEPTH OF 18 INCHES);
 - B. WINDOW PATTERNS;
 - C. CONTRASTING MATERIALS OR COLORS;
 - D. UPPER STORY SETBACKS;

E. BALCONIES.

THE APPLICANT SHALL DEMONSTRATE THAT THE SELECTED TECHNIQUES ARE EITHER CURRENTLY PRESENT ON THE BLOCK FRONT OR ARE NOT SUBSTANTIALLY INCOMPATIBLE WITH EXISTING DEVELOPMENT.

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner 

DATE: March 5, 2014

RE: Extended Stay Hotels and Motels

At the February 12, 2014 meeting, the Planning Commission requested that the Planning Department prepare draft extended stay hotel/motel Zoning Ordinance language for consideration at its March 12th meeting.

After reviewing many ordinances here are the current hotel and motel definitions followed by the proposed language:

Current Definitions:

Hotel. An establishment offering transient lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities and exhibition halls or other uses of similar character.

Motel. A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used exclusively for the accommodation of automobile travelers and other temporary guests.

Proposed addition to B-3, B-4 & B-5 District's:

Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:

- Stays are limited to 90 consecutive days.
- All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of 2 persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of 4 persons.

- Kitchen facilities including a stove and oven are provided.
- Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis.

There are other specific conditions that could be added to the list such as providing a play area for children or limiting the number of extended stay units.

There may be a question of whether there should be any conditions at all. While extended stays will be difficult to verify, it is the Planning Department's position that to provide legitimacy to this issue, and to ensure that units are of sufficient size and have basic necessities, a minimum threshold should be established for an extended stay unit.

Should the Planning Commission agree on a final draft at its March 12th meeting a Zoning Text Amendment hearing could be scheduled for the April 9th, 2014 meeting.

Following is a response from Baxter Community Development Director Josh Doty related to extended stay in that community:

Baxter allows "Hotels and Motels" as a permitted use in our C-2 zoning district. We do not have a separate category for extended stay hotels. If someone requested that use in Baxter, I would probably have them request a zoning text amendment to add it as a named use. This seems like a good candidate as a conditional use. I know that one standard to consider is if they are putting kitchens in the rooms or if they are going to have an accessory restaurant or lounge area in the building or not. When I worked at Plymouth, they allowed extended stay hotels in the office zone as a conditional use and required that over 50 percent of the rooms had to have kitchens and there couldn't be accessory restaurants, reception halls, cocktail lounges, and conference centers. I assume that requirement was reduce the likelihood that the hotel would be a mix of extended and traditional stay. You also probably also don't want long term guests attempting to cook in their rooms without a kitchen or cooking in a public shared kitchen area.



Street Lights and Crime: A Seemingly Endless Debate

MIKE RIGGS FEB 12, 2014 14 COMMENTS



If you live in a city and walk alone at night, you probably prefer routes that are well-lit over ones that aren't. The same surely holds true even if you live in a more suburban area. Associating light with safety is one of those feelings that's so universal, I can almost hear the entire planet rolling its eyes in collective irritation right now.

But what if extra lighting doesn't actually make us safer?

After the London borough of Wandsworth installed 3,500 new street lights in the mid-1980s as part of its overall crime reduction plan, researchers at the University of Southampton decide to compare reported crimes before and after the upgrade. Despite the fact that increased lighting had been a mainstay of city crime prevention for decades, the researchers found "no evidence ... to support the hypothesis that improved street lighting reduces reported crime."

Cities in the U.S. attempted similar experiments during the same period of time, and got mixed results. According to a 2007 systematic review of lighting experiments in American cities, increased street lighting in Indianapolis, Harrisburg, New Orleans, and Portland, Oregon, did not coincide with a drop in the affected areas' crime rates, but it did in Atlanta, Milwaukee, Kansas City, and Fort Worth. Yet even in U.S. cities where lights "worked," they didn't appear to work consistently: While Fort Worth saw a decrease in all types of crime, Kansas City saw a decrease only in violent crime.

But here's something that will really throw you for a loop: Street lights enable criminals as much as they do their potential victims, according to criminologist Ken Pease. With increased street-lighting, potential thieves have an easier time seeing the contents of parked cars, don't need to carry flashlights (which could alert someone to their presence), and are able to case a place and determine if there's anyone around who can impede their break-in. The light may scare criminals away, but it can also tell them enough about a house or a street or a parking lot to know whether there's anything for them to be scared of.

So what happens when you take away lights? A recent study conducted in Chicago on behalf of the Chicago Department of Transportation found that street light outages have different effects on different neighborhoods. "For some of the community areas, there were not enough crimes in outage-affected areas to estimate the model," the authors said. Other neighborhoods, meanwhile, saw crime rates increase as much as 134 percent when street lights were out. Intentional efforts to reduce light pollution (as opposed to outages) have been conducted across the U.S. and Europe without corresponding crime increases; except possibly for Oakland, where an energy-efficient lighting ordinance passed in 2002 was blamed for a homicide spike in 2011.

The connection between light and crime may not be what most of us think it is, but the connection between light and our sense of safety is exactly what it's always been. Those Southampton researchers who measured crime rates in Wandsworth also found that the new lights "provide[d] reassurance to some people who were fearful in their use of public space," particularly women. Lighting increases a sense of community, and community pride. It brings us outdoors in our neighborhoods, helps us get to know each other. Fear keeps us out of the alley, and attraction to light and what it represents draws us to illuminated streets.

Top image: shutterstock.com/loriontrail

Keywords: crime control, Street Lights, Urban Planning, Design

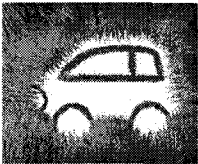


Mike Riggs is a staff writer at The Atlantic Cities. All posts »

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Mark Ostgarden

From: The Tiny Life <ryan=thetinylife.com@mail59.atl51.rsgsv.net> on behalf of The Tiny Life <ryan@thetinylife.com>
Sent: Monday, January 20, 2014 3:03 PM
To: Mark Ostgarden
Subject: The Tiny Life - How Tiny Houses Made Being Laid-Off Not So Scary.

How Tiny Houses Made Being Laid-Off Not So Scary.

[View this email in your browser](#)



How Tiny Houses Made Being Laid Off Not So Scary!

Hello!

A while ago I had a scary experience that renewed my perspective what tiny houses could do for me when it came to the ups and downs of the job market. This is something I wrote a while ago before I moved into my tiny house.

The last week has been an emotional roller coaster for me, I was called in to my boss's office to find out I was being laid off. This was a huge surprise considering I had just finished up glowing performance review, but there I was, being told I had 30 days before my last pay check.

So obviously my mind was reeling with things like: How will I pay my bills? What if I get sick? I still have to finish my tiny house, where will that money come from? It was a nightmare week to say the least.

Now as I write this I am happy to say I was able to pull some contacts of mine to land a new job in a few short days, a miracle by any standard. The worry of not having a way to earn a living was very scary, it meant sleepless nights, it meant

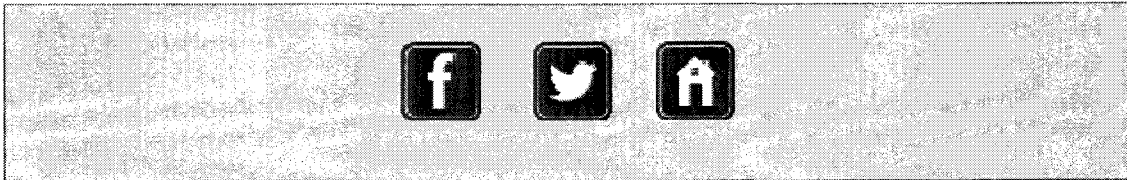
trimming my budget and worrying over bills. The event was a nightmare and yet at the same time I was lucky when considering how many people are looking for jobs and have faced layoffs.

So the perspective I gained out of this experience was this. How would have this experience been different if I had my tiny house finished? If we were to say this story happened next year it would have been a lot different. By that time my house would have been done, my car loan a thing of the past, my bills would be reduced down to \$450 monthly expenses and I'd have roughly \$10,000 in the bank; enough to last me almost two years!

So what this shows us is that tiny houses bring not only a sense of home, a sense of responsibility to our environment, to a simpler way of living, but it brings security from the ups and downs of life. Not having a mortgage is a huge deal, it changes the game when it comes to your monthly finances and to weathering the tough times in life. I am constantly reminded of a song lyric that goes:

"There is no dollar sign on peace of mind, this I have come to know"

Hope you can find your way to tiny houses and enjoy all that comes with it.



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StarTribune

Millennials can't agree on anything

Article by: SHEILA MARIKAR
New York Times
December 30, 2013 - 3:01 PM

You know them when you see them. They are tapping on their smartphones, strolling into work late and amassing Instagram followers faster than a twerking cat. They complain. They "disrupt" stuff. They simultaneously (and somewhat improbably) like both Kanye West and Kenny Chesney.

They, according to the stereotype, are millennials, a group of 80-million-plus young adults born roughly between 1980 and 1996 whom researchers and marketers insist are bound by common values.

Jack MacKenzie, president of Magid Generational Strategies, a company in Los Angeles that analyzes generational trends for corporations, said that what millennials have in common is a lack of trust in authority, widespread tolerance, parental closeness, a desire to compromise and "a level of optimism that most people think is almost silly."

And while some millennials are fine with defining (and defending) their generation, others, frankly, would like nothing to do with it.

In this respect their plight is not unlike that of Generation X, many members of which felt patronized by products like OK Soda, the movie "Reality Bites" and even "Generation X," Douglas Coupland's novel about twenty-something ennui in the late 1980s and '90s. Today, "young people are far more heterogeneous than they were a few decades back," Coupland wrote in an e-mail. "It seems pointless to lump them all into one creative slot."

If millennials have cultural arbiters at all, they are, of course, online.

"We have these Twitter accounts, some of us command these huge audiences and we can essentially be saying whatever we want at our own behest," said Leandra Medine, 25, creator of the fashion blog Man Repeller.

And some are using the Internet to try to redefine what their generation stands for, like David Arabov and Jonathon Francis, two founders of Elite Daily, a two-year-old news and entertainment website that bills itself as by and for Generation Y. Their motto, printed on black rubber wristbands given to every employee, is "aspire, believe, succeed."

Overwhelming self-confidence and joie de vivre are the kinds of things that rub older millennials the wrong way. It inspired "Millennials in the Workplace," a corporate training video parody, viewed more than 600,000 times on YouTube, that tells baby boomer bosses how to deal with twenty-something subordinates.

"I feel like their work ethic is a legitimate concern, even though it sounds like you're a whiny old person complaining about the youth," said Jared Neumark, 31, who produced the video for Official Comedy. "There's this focus on enjoying your work, and that creates a huge problem because there needs to be a part of the population that has not-so-much-fun jobs, more labor-intensive jobs, or that are, like, lawyers."

Studies by Paul Harvey, an associate professor of management at the University of New Hampshire, have also found that millennials have "unrealistic expectations and a strong resistance toward accepting negative feedback" at work. Harvey's research into their workplace entitlement (spoiler alert: It's high) was cited in a much-shared online piece "Why Generation Y Yuppies Are Unhappy."

Older millennials look at teens and twenty-somethings and see a tribe that would die without the blue glow of smartphones.

"Their social interactions have always been woven into being digitally connected to people," said Matthew Van Lewen, 30, of New York. "We didn't grow up with unlimited texting plans, chatting all day long with our friends."

They do agree on how much they loathe the name of their generation.

Tavi Gevinson, 17, the founder of the fashion magazine Rookie, said using the word makes her "feel like a traitor."

"It's like an adult term for teenagers," she said. "I feel condescending if I use it around people my age and like I'm trying too hard, like a kid who swears a lot around older people, if I use it around adults."



A scene from "Millennials in the Workplace Training Video" on YouTube.

YouTube.





Caption Caption

view larger

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Winona's cap on rental housing won the blessing of the Minnesota Court of Appeals in a case that cities across the state are watching closely.

On Monday, the court upheld Winona's ordinance limiting rentals to 30 percent of the properties on a block. The so-called "30 percent rule" was meant to ease parking woes and protect neighborhoods from being overtaken by rental units. But some homeowners challenged the cap, arguing that it's unconstitutional for a city to restrict homeowners' rights to rent and sell their properties.

"We easily conclude that the public has a sufficient interest in rental housing to justify a municipality's use of police power as a means of regulating such housing," Judge Michelle Larkin wrote in the opinion, which affirms an earlier district court ruling.

The decision makes clear that "the court will not interfere with cities' reasonable judgments and ordinances that are neutral and fairly applied," said George Hoff, attorney for Winona.

The city passed its ordinance in 2005 after a task force found that rentals made up about 39 percent of total housing units. It worked: "It is undisputed that the 30 percent rule has limited the number and location of converted properties, as it was intended to do," the opinion says.

Mark Ostgarden

From: Mark Ostgarden
Sent: Monday, March 03, 2014 8:29 AM
To: Jeff Hulsether
Subject: RE: Winona Court Case - Rental Limits

Rick Fargo is working on it. ☺

From: Jeff Hulsether
Sent: Monday, March 03, 2014 8:19 AM
To: Mark Ostgarden; Dept_Building
Cc: Patrick Wussow
Subject: RE: Winona Court Case - Rental Limits

Great news!! So, do you have our ordinance ready for a first reading?

From: Mark Ostgarden
Sent: Monday, March 03, 2014 7:49 AM
To: Dept_Building
Cc: Patrick Wussow; Jeff Hulsether
Subject: Winona Court Case - Rental Limits

Court of Appeals upholds Winona's rental limits

- Article by: JENNA ROSS
- Updated: March 1, 2014 - 2:46 PM

An ordinance that limits rental housing to 30 percent of properties on the block was under fire for restricting rights.

But there have been consequences. The four plaintiffs, who sued in 2011, were owners of three houses they bought separately after the 30 percent rule but for different reasons — including military duty in Afghanistan — weren't able to live in. They plan to ask the Minnesota Supreme Court to consider the case, said their attorney Anthony Sanders.

"This isn't just a college town issue," said Sanders, with the Minnesota chapter of the Institute for Justice. "This is an issue of whether you can take a perfectly safe home and rent it out to perfectly safe tenants, of whether you can be denied that right because your neighbor's already done it."

But the court found that Winona's rule "establishes a neutral, numerical limit on the number of lots that are eligible to obtain certification as a rental property and applies uniformly throughout the affected districts on a first-come, first-served basis."

Hoff compared it to a city offering a limited number of liquor licenses.

Northfield, Mankato and West St. Paul have set similar caps of various percentages. In its brief supporting Winona, the League of Minnesota Cities said that the Appeals Court's decision would "have a significant, statewide impact on Minnesota cities ..."

While the judges rejected the homeowners' arguments, "we in no way diminish the impact of the 30 percent rule on the appellants' ability to use their properties as they would like," Larkin wrote, "and we are sympathetic to their circumstances."

Plaintiff Ethan Dean owned a Victorian house near Winona State University but had to leave it for stretches of time to serve in Iraq and Afghanistan as a corrections trainer and analyst with the U.S. Army.

He tried to sell the place for two years but potential buyers — some of them parents with a son or daughter going to the university — backed down when they learned they wouldn't be able to rent it. More than a year ago, "I gave it back to the bank," Dean said, in lieu of foreclosure.

"I'm at the point where it's not so much about winning or losing the case," he said. "It's about standing up and saying, 'This is wrong.'"

Dean has since married and moved to Missouri. Before buying a house outside of Kansas City, he did his homework.

"Oh, yeah. We sat down with the mayor, went to the City Council and everything," he said. "They were like, 'As long as you don't have rusted cars outside and aren't growing pot, we don't care.'"