

PLANNING COMMISSION

Wednesday, March 12, 2014

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

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

MOTION AND SECONDED BY NORWOOD AND HAYDEN, DULY CARRIED, TO AMEND THE AGENDA TO INCLUDE ITEM 4B – BRAINERD AMATEUR HOCKEY ASSOCIATION (BAHA) ARENA ZONING.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS COLE AND HAYDEN, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

#3 Approve minutes of the regular meeting and workshop of February 12, 2014

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND HAYDEN, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING AND OF FEBRUARY 12, 2014.

MOTION AND SECONDED BY COMMISSIONERS COLE AND STRAW, DULY CARRIED, TO APPROVE THE MINUTES FOR THE WORKSHOP OF FEBRUARY 12, 2014.

#4 NEW BUSINESS

a. Public Hearing – East Ridge Subdivision Preliminary Plat – JAE Enterprises

City Planner Ostgarden stated this entire property was originally platted in 2005 as Northtown West condominium development. He handed out a copy of the Northtown West plat noting it originally was anticipated to be much denser than what is being proposed in the East Ridge preliminary plat and was planned to have its own association. He reviewed the infrastructure that was installed when Northtown West was platted.

City Planner Ostgarden reviewed his staff report. He noted Outlots C and D of Northtown West are the areas that being replatted as East Ridge Subdivision. The following items from the staff report were highlighted:

- Zoning of the property and adjacent areas
- Number of units with zero lot line development
- Future Land Use Map as it applies to this location
- Development standards
- Stormwater Management Plan – there will be reduced amount of storage because of reduced density

- Trail – a portion of the trail will cross one of the proposed lots and a portion is within the City right-of-way
- Utility costs – there will be no additional costs for utilities
- Water supply – the existing water utilities will be adequate
- Subdivision regulations regarding sidewalks and trails – this requirement was not in place when Northtown West was approved. Planning Department does not feel additional sidewalk is needed.
- Easements – currently the easements are ten feet, but will need to be expanded to twelve feet
- Departmental issues – Engineering had input on stormwater, Building Department had concerns when the units are individually sold as there are Building Code requirements that will need to be met, and the Planning Department had exterior design and landscaping requirements (these issues have been discussed with the property owner)

City Planner Ostgarden stated there will need to be a resolution on the trail. The two conditions would be compliance with the Zoning Ordinance Building Design Standards and General Landscaping requirement prior to occupancy of a unit and the utility easements extended to twelve feet from the ten feet. He also noted there will be park dedication fees including during the building permit process. He stated these units will have their own association.

City Planner Ostgarden reviewed the location of the trail and the ownership/right-of-way issues.

Discussion was held regarding the zero lot line and the twelve foot utility easement.

The public hearing was opened at 6:37 p.m.

Mr. Jim Kramer, Kramer Leas Deleo, stated is the representative of the land owner and the surveyor that prepared the East Ridge preliminary plat. He stated Mr. Etterman does not want to own and maintain the trail and is open to dedicating the trail to the City as part of the plat. He stated City Planner Ostgarden gave a good overview of all concerns and issues and he doesn't have anything additional. He noted the change in the easement will be corrected.

Commissioner Norwood asked about the water and sewer services. Mr. Kramer noted each unit will have its own sewer and water services.

Mr. Kramer stated there will an association put into place where mowing/watering of lawns and snow removal will be taken care of by the association.

Commissioner Hayden asked about a sidewalk requirement. Mr. Kramer stated there is area, but it will increase the cost. He stated he feels it doesn't merit sidewalk as there is an existing trail and sidewalk to the south.

Mr. Roger Thompson, 15267 Clearview Lane, stated he feels this will be a good idea but questioned the price point of the condos and whether or not they will be maintained.

Mr. Ed Brunette, Clearview Lane, asked about rules and regulations while these units are being rented and if there will be anything similar to the association requirements.

The public hearing was closed at 6:46 p.m.

City Planner Ostgarden stated he believes the price point would be \$190,000 per unit. He stated as for the rules and upkeep, it will be up to the property owner to make sure his tenants abide by City regulations and hopefully the setting and location will bring the type of clientele that will not cause those type of issues.

Commissioner Norwood read the findings-of-fact into the record as follows: 1. The property is zoned R-3 High Density Residential; 2. The subdivision is a replat of Outlots C and D of Northtown West Subdivision and is approximately 2.18 acres; 3. The plat is proposed to have 5 buildings totaling 10 units which equates to a net density of 4.58 units/acre; 4. The proposed site design is planned to be side by side single story duplex units that will be constructed to permit single family ownership; 5. Zoning Ordinance Section 515-16-7 permits zero lot line subdivisions; 6. All units comply with the minimum design standards and setback requirements of the Brainerd Zoning Ordinance; 7. Each unit will have an attached two stall garage; 8. All municipal services were installed in anticipation of Northtown West attached unit condominiums; 9. The already platted streets have 60' rights-of-way, which is a sufficient width for local residential streets for this type of develop; 10. East Ridge subdivision is less dense than Northtown West was planned to be, therefore it does not require as much storm water retention capacity. The stormwater design is acceptable to the City Engineering Department; 11. The Future Land Use Plan identifies the property as Low Density Residential and perhaps Mixed Residential land use: *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. Development density is a little more than the 2 units/acre suggested in the Comprehensive Plan: 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. The development is consistent with the purposes of the two districts;* 12. Development of the East Ridge subdivision is supported by the Comprehensive Plan Land Use Strategies to: *Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced and Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services;* 13. The trail around the property is private and a determination is needed about its future.

The Commission agreed to add the following findings-of-fact: 14. The price point of the units is \$190,000; 15. James Kramer spoke on behalf of the applicant and stated the owner does not want ownership of the trail; 16. Two people spoke related to the subdivision proposal.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN AND MATTEN, DULY CARRIED, TO ACCEPT THE FINDINGS-OF-FACT AS PRESENTED ALONG WITH THE ADDITIONS.

The Commission agreed to 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 foot in width; 3. A resolution about the trail prior to issuing a building permit for construction.

MOTION AND SECONDED BY COMMISSIONERS MATTEN AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE EAST RIDGE PRELIMINARY PLAT BASED ON THE SIXTEEN (16) FINDINGS-OF-FACT AND WITH THE THREE (3) CONDITIONS.

Commissioner Hayden has concerns with approving the plat without sidewalks because there is the possibility of a portion of the trail being removed.

Discussion was held regarding sidewalks and the trail. City Planner Ostgarden stated the trail was not intended to be a public trail that connects to other trails and is considered a private amenity.

Discussion was held regarding a condition of the trail not being removed.

b. Brainerd Amateur Hockey Association (BAHA) Arena Zoning

City Planner Ostgarden stated he had discussion with WSN regarding the changes proposed at the ice arena for handicap accessibility changes and a possible expansion. He stated the property is located in a B-4 (General Commercial) District and ice arenas are not a permitted or conditional use. He stated the building was built under the old zoning ordinance and when the new Zoning Ordinance was adopted the building was still owned by the City and was considered a government/public building and was a permitted use. When the property was sold it became private and is no longer considered a permitted use.

City Planner Ostgarden stated there are a couple option if the Commission chooses to address this:

- Amend the B-4 District to include arenas as either a permitted use or a conditional use.
- Rezone the property to B-5 Commercial Amusement District.

Commissioner Plantenberg asked if there is a definition that states an ice arena does not fit under the definition of recreational business (indoor) under the B-5 District. She also asked about the security fencing requirement in the B-5 District and whether or not the existing arena would be required to meet that requirement.

City Planner Ostgarden stated he does not interpret an ice arena to be that type of permitted use. He also noted the fencing requirement would not have to be met.

Discussion was held regarding language if it's added as a conditional use in the B-4 District.

Discussion was held regarding which Zoning District would be more appropriate and the interpretation of the definition of recreational business (indoor).

MOTION AND SECONDED BY COMMISSIONERS HAYDEN AND COLE, DULY CARRIED, TO SET A PUBLIC HEARING FOR APRIL 9, 2014 TO AMEND THE ZONING ORDINANCE TO INCLUDE ARENAS AS A CONDITIONAL USE IN THE B-4 (GENERAL COMMERCIAL) DISTRICT.

Commissioner Norwood stated he would like to see this made as a use under the B-5 District to prevent other arenas in other B-4 Districts.

Chairman Plantenberg allowed for public discussion.

Mr. Bob Joyce, Vice President of Brainerd Amateur Hockey Foundation, stated the arena is not just a hockey arena, it is used as a civic center for dry floor events also. He stated he would like to have it considered a recreational business (indoor) in the B-4 District.

City Planner Ostgarden read the definition of a business as defined in the Zoning Ordinance.

Mr. Mike Anglund, WSN, stated he has been working with BAHF on the proposed project. He stated the main goal is improve and enhance the accessibility of the structure not a major expansion. He has concerns with what will be added to that conditional use if it is required such as parking or the structure. He asked if they do not expand the footprint, will they be able to remain a nonconforming use in the B-4 District. He noted that in order to put the elevator in they would have to expand the footprint.

City Planner Ostgarden stated it would be his opinion, if you do not change the footprint, the proposed plan does not alter the nonconforming status to the point that it couldn't be done.

Commissioner Cole stated the reason for the discussion and concern is not specific to BAHF, but includes other potential requests in the future.

City Planner Ostgarden reviewed the process to amend the Zoning Ordinance and then the conditional use permit process. He stated it would be the end of May or early June before the conditional use permit is approved.

Gary Scheeler, Councilmember, asked if changing the zoning changes the use and will it affect the agreement with the transfer of the land from the City to BAHF.

City Planner Ostgarden stated the use is not changing we are trying to make it possible for them to continue and expand to make a better facility.

#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**

City Planner Ostgarden stated he presented the Commission with the definitions of hotel and motel along with proposed conditions/parameters.

Commissioner Hayden asked if there should be a specific definition of an extended stay hotel/motel.

Discussion was held on when it becomes an extended stay.

The Commission agreed to draft a definition of extended stay prior to proceeding with additional language.

b. Small House – draft ordinance language

City Planner Ostgarden stated he wanted to make sure there is consistency in the Zoning Ordinance sections. He reviewed some questions he proposed to the Commission to make the language thorough and clear.

Commissioner Cole asked about a minimum height. City Planner Ostgarden stated he will review Building Code requirements as it may address minimum height.

Commissioner Matten stated she has concerns about building small homes on nonconforming lots. City Planner Ostgarden stated a conditional use permit is still required and small homes on large lots would likely be found as an incompatible design.

City Planner Ostgarden briefly reviewed the conditional use permit requirements. City Planner Ostgarden noted you can only have one home on a single lot therefore several small homes could not be built on one lot.

The Commission agreed to hold a public hearing at its April 9 meeting contingent upon information regarding minimum height.

#7 Commissioners' Questions/Comments

None

#8 City Planner's Report

City Planner Ostgarden congratulated Dolly Matten to her appointment to the City Council. He stated she can serve on both the Planning Commission and the City Council.

City Planner Ostgarden asked the Commission to set a date and time for the Wausau facility tour. The Commission agreed to set a special meeting to tour the Wausau facility on Thursday, March 20, 2014 at 8:00 a.m.

City Planner Ostgarden stated there will be another special Planning Commission meeting on Monday, March 24, 2014 at 6:00 p.m. for a public hearing on the decommissioning of the Wausau facility.

City Planner Ostgarden briefly reviewed the decommissioning process and what will be needed for this to occur.

#9 **Adjournment**

As there was no further business the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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