

PLANNING COMMISSION

Wednesday, May 14, 2014

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

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

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of April 9, 2014

MOTION AND SECONDED BY COMMISSIONERS MATTEN AND PRITSCHET, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF APRIL 9, 2014.

#4 NEW BUSINESS

a. Public Hearing – Conditional Use Permit – St Francis Church – 411 North 10th Street

City Planner Ostgarden stated St Francis would like to convert the single family dwelling it owns on North 10th Street to office space. He stated this will be temporary while construction of a social hall and bathrooms occurs at the church. Once that is completed the structure will be returned to residential use.

City Planner Ostgarden reviewed the staff report and conditional use permit criteria. He noted there were no concerns from departments and the church has met with the Building Department to discuss the interior needs and handicapped accessibility requirements. He stated an accessibility ramp will be the only exterior change.

The Public Hearing was opened at 6:05 p.m.

Father Anthony Wroblewski, 1205 South 9th Street, clarified that the building will not be turned back into a residence but will be demolished and used as either green space or additional parking. He stated the reason for needing this office space is due to separation of the offices of St Andrew's and St Francis which used to be combined.

The public hearing was closed at 6:07 p.m.

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

1. The property is zoned R-1 (Single Family) Residential District.
2. Church uses are permitted as a conditional use in an R-1 District.
3. The building is adjacent to the St. Francis Church parking lot which will provide parking needs on a day to day basis.

4. The office use will be handicapped accessible. The accessibility ramp is the only exterior property change.
5. The building will be used as an office until such time a Church addition is built, a process which is in the planning stages.
6. The Church does not plan to abandon the residential building use, but plans to return the building back to a residential use after the office use is no longer needed.

The Commission agreed to remove the finding-of-fact regarding the return of the building back to residential use.

The Commission agreed to add the following finding-of-fact: 6. The petitioner spoke in favor of the request.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 292 TO ALLOW ST FRANCIS CHURCH TO REPURPOSE THE EXISTING DWELLING LOCATED AT 411 NORTH 10TH STREET FOR CHURCH OFFICE SPACE BASED ON THE SIX (6) FINDINGS-OF-FACT.

b. Public Hearing – Variance at 1203 Campus Drive West – The Pines Apartments

City Planner Ostgarden stated because of the College Drive project, the Pines Apartments had to relocate their entrance to Mississippi Parkway. A portion of the existing garage had to be demolished in order to install the new entrance. He stated the property owner plans to demolish the garage located at the property's south end and construct a new garage on the property's north end. The location selected will be closer to College Drive than the apartment building on the site and the garage will be located approximately 24 feet from the College Drive property line where a 30 foot setback is required.

City Planner Ostgarden reviewed the staff report and the criteria for granting variances. He noted staff is recommending a condition that some type of coniferous planting be installed on the property between the garage and the College Drive property line. He also noted there is room to construct the garage on the west side of the property.

The Commission had questions regarding why the property owner has chosen this location. It was noted the petitioner was not here tonight to answer questions.

The public hearing was opened at 6:18 p.m.

No one from the public spoke

The public hearing was closed 6:19 p.m.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND MATTEN, DULY CARRIED, TO TABLE THE VARIANCE REQUEST UNTIL THE JUNE 11 MEETING IN ORDER TO RECEIVE ADDITIONAL INFORMATION FROM THE PETITIONER.

c. Final Plat – East Ridge

City Planner Ostgarden stated the Final Plat of the East Ridge Subdivision has been submitted and compared to the Preliminary Plat and its approved conditions. The following are the 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' wide.
3. Developer shall maintain the trail within the subdivision.

City Planner Ostgarden gave a brief review of the preliminary plat and the final plat process. He stated the Final Plat has been revised to comply with condition 2, condition 1 will be met through the building permit process and condition 3 will be the developer's responsibility.

MOVED AND SECONDED BY COMMISSIONERS MATTEN AND STRAW, DULY CARRIED, TO APPROVE THE FINAL PLAT OF THE EAST RIDGE SUBDIVISION.

d. Request to Reconsider Zoning of Property Rezoned as Part of the City Wide Rezoning – Mr. Greg Jedlenski

City Planner Ostgarden stated Mr. Greg Jedlenski, owner of several properties in the city, has requested reconsideration of the zoning of those properties. The lots were rezoned as part of the community wide Zoning Map review completed in 2011. He stated two lots are on North 8th Street (one lot is a 3 unit building and one lot is a vacant lot) and were rezoned from R-3 and R-1. One parcel is located on Quince Street, a duplex, and was rezoned from R-3 to R-2.

City Planner Ostgarden stated based on the land use data and the process used by the Planning Commission in 2011, there is no reason to consider rezoning the property on North 8th Street or Quince Street.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND MATTEN, DULY CARRIED, TO TABLE THIS ITEM TO THE JUNE 11 AGENDA DUE TO THE PROPERTY OWNER NOT BEING AVAILABLE TO ANSWER QUESTIONS.

e. Zoning Text Amendment Request – Personal Services in the I-1 (Light Industry) District

City Planner Ostgarden stated Mr. Ron Imgrund, who owns property in the Industrial Park which is zoned I-1 (Light Industry) District, is requesting to add a use category called Personal Services for personal training. He stated the North American Industrial Classification System (NAICS) category of Fitness and Recreational Centers appears to be the category of use that would most meet the request.

City Planner Ostgarden stated introducing some of the uses listed in this category would be complementary to the type of environment described by the District Purpose and Intent.

Mr. Ron Imgrund, 10126 Glacier Rd, provided the Commission with information on the location of I-1 Districts and NAICS Code descriptions. He stated the property is located at 1924 South 10th Street and he has a person that would like to have personal fitness training services at this location. He noted he plans to sell the building, but may also lease it at this time.

City Planner Ostgarden stated there is a difference between the NAICS code that was in the packet and what Mr. Imgrund gave to the Commission. He stated Mr. Imgrund presented one called personal services. He noted he would not be comfortable with the language of “all other personal services”. He stated the type of proposed use would fit into the Fitness and Recreational Centers.

Discussion was held regarding what type of NAICS classification to use and what types of businesses should or should not be allowed.

Discussion was held on what language to use and referring directly to the NAICS.

Commissioner Norwood asked the Commission if they would like to list this as a permitted use or a conditional use. The Commission agreed to add it as a permitted use.

MOTION BY COMMISSIONER STRAW TO TABLE THIS ITEM UNTIL THE JUNE 11 MEETING. Motion failed due to a lack of a second.

The Commission agreed to move forward with a Zoning Text Amendment public hearing at the June 11 meeting to add Fitness and Recreational Centers to the I-1 District.

f. Interpretation Request – Small Engine Sales/Repair in the B-2 (Neighborhood Business) District

City Planner Ostgarden stated the Planning Department has been contacted by an individual interested in opening a small engine retail sales and repair store in a B-2 District. He reviewed the District Purpose and Intent along with permitted uses noting the use is not listed as a conditional use in the District.

Mr. Clarence Witschen, 3755 Co Rd 2, stated he has a business called Electrical Options which is an electric motor service and repair shop and described the type of items they service. He stated he would like to open a small retail and repair electric motor shop in the former Schwiky Meats building. He noted it’s a normal 8-5 business with nothing stored outside and no odors or noise. He stated it would be nice to have a location in Brainerd and expand on their current business.

The Commission asked questions regarding traffic, storage, and the retail sales.

City Planner Ostgarden asked what the percentage is of contractor business and the general public. Mr. Witschen stated it is about 50/50, but it’s hard to really put a number on it because he currently doesn’t have a large retail portion at this time.

Discussion was held on whether or not this falls under any of the permitted uses along with what other businesses are in this area.

MOTION AND SECONDED BY COMMISSIONERS MATTEN AND PRITSCHET, DULY CARRIED, TO INTERPRET THIS AS A PERMITTED USE IN THE B-2 (NEIGHBORHOOD BUSINESS) DISTRICT BASED OFF PERMITTED USES LISTED UNDER A1 AND A4.

g. Public Hearing – Zoning Text Amendment – Extended Stay Hotels/Motels

City Planner Ostgarden stated this is the public hearing to add the definition of hotel including extended stay hotels/motels to the zoning ordinance and gave a brief overview of the proposed text amendment as it was drafted by the Planning Commission.

The public hearing was opened at 7:24 p.m.

No one from the public spoke.

The public hearing was closed at 7:25 p.m.

MOTION AND SECONDED BY COMMISSIONERS STRAW AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING TEXT AMENDMENT REGARDING EXTENDED STAY HOTELS/MOTELS WITH THE LANGUAGE AMENDMENT.

Discussion was held regarding how a hotel becomes an extended stay hotel and what would be considered a violation.

The Commission agreed to add language to item C (d) to state daily written records be submitted to the City on an annual basis.

#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.

Mr. Howard Brewer, 121 3rd Avenue NE, provided the Commission with brief information about a friend of his that would like to work with the Parks Department on boat rentals. He also updated the Commission on the Mississippi Riverfront project and upcoming meetings.

#6 **OLD BUSINESS**

NONE

#7 **Commissioners' Questions/Comments**

None

#8 **City Planner's Report**

City Planner Ostgarden gave an update on the small houses/infill design standards ordinance. He stated the Planning Department has been asked to do some research on questions that were raised by the local realtor association and report back to the City Council at its first meeting in June. He stated it appears there may be some changes to the language that was recommended by the Planning Commission. It may be that small homes be limited to only non-conforming lots.

City Planner Ostgarden stated he understands the Commission's decision on the interpretation of the use in the B-2 District, but the concern is what the interpretation creates for the administration of the Zoning Ordinance is the intent that the B-2 was to be when originally

adopted is being stretched. He suggested discussion in the future on what they see as the intent of the B-2 District.

#9 **Adjournment**

As there was no further business the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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