

BRAINERD PLANNING COMMISSION

Wednesday, June 11, 2014

6:00 p.m.

City Hall Council Chambers

1. Call to Order
2. Approval/Amendment of Agenda
3. Approval of minutes of the regular meeting of May 14, 2014
4. New Business
 - a. Public Hearing – Variance – John Majka (James Dehen Property Owner) – 212 Ridge Ct
 - b. Public Hearing – Rezoning – Central Lakes College – PID #070093103BB0AB0 and PID #070093103BB0AA0
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. Public Hearing – Variance – The Pines Apartments – 1203 Campus Drive West
 - b. Greg Jedlenski – Request to Reconsider Zoning of Property Rezoned as Part of the 2011 City Wide Rezoning
7. Commissioners' Questions/Comments
8. City Planner Report
9. Meeting with MNDOT and the Walkable/Bikeable City Committee to Discuss B371 Corridor Improvements – set date and time
10. Adjourn

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

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 a 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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STAFF REPORT TO THE PLANNING COMMISSION

May 30, 2014

APPLICANT/LOCATION: John Majka/Majka Construction, Inc.; 6367 Lendee Drive;
Nisswa, MN 56468 for James Dehen, 212 Ridge Ct; Brainerd,
MN 56401

PROPOSED USE: Variance to permit an accessory building side yard
setback encroachment

AREA: Approximately 1.09 acres

CURRENT ZONING: R-1A (Single Family) Residential

ADJACENT USES: North: Single family dwellings
East: Single family dwelling
South: Single family dwellings
West: Single family dwellings

ADJACENT ZONING: North: R-1A (Single Family) Residential
East: R-1A (Single Family) Residential
South: R-1A (Single Family) Residential
West: R-1A (Single Family) Residential

REPORT

The petitioner is proposing to construct a detached 24' x 32' (768 sf) accessory building on the corner lot at Ridge Drive and Ridge Ct. The proposed building location is effected by a significant bluff along the interior of the property. The property is subject to Shore Land Regulations which requires a 30' building setback from the top of the bluff. The proposed building has been complicated by the bluff setback requirement which placed a portion of the building one (1) foot into the required 20' street side yard setback along Ridge Ct.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*

- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.***
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*
- L. *Provide for administration of this Ordinance.*
- M. *Provide for amendments.*
- N. *Prescribe penalties for violation of such regulations.*
- O. *To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

The variance, if approved, will permit the accessory building to meet the bluff setback, thereby protecting and preserving the natural environment of the city.

When the variance is consistent with the Comprehensive Plan.

The variance is consistent with the following Comprehensive Plan Goal and Strategy:

General Goal #3: *Promote community spirit and unity and enhance Brainerd's character and identity.*

Strategy

Protect and enhance important historical, cultural and natural resources as a means to maintain the integrity, heritage and local character of Brainerd's natural and built environment.

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.**

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

- I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;***

The proposed building will not require an additional curb cut. The garage doors will be oriented towards the existing driveway and curb cut.

The lot's street side yard is located on a cul-de-sac affecting only a few other dwellings. The proposed building is located such so it should not affect visibility of the adjacent property.

It seems reasonable to allow a minimal street side yard encroachment should the variance permit the construction to meet bluff setback requirements.

II. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

The property is unique in that it is adjacent to a bluff on Little Buffalo Creek. Attached is the topographic map of the site which depicts a bluff that rises as much as 36' from the bottom of the valley.

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

Essential - (vital, necessary, important, crucial)

Character - (nature, quality, personality, makeup)

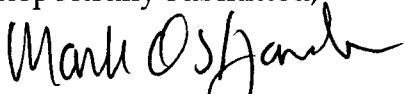
The proposed building lot placement angle puts a corner of the building into the required street side yard setback. The encroachment is minimal.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at its June 11, 2014 meeting and the City Council can receive the recommendation for consideration at its June 16, 2014 meeting.

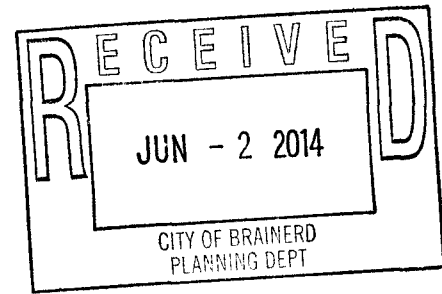
Respectfully submitted,



Mark Ostgarden AICP
City Planner

1 June, 2014

To Brainerd Planning and Zoning Committee:



I am respectfully requesting a variance for an accessory garage for my property at 212 Ridge Court. This involves the merged lots 6 and 7 on the cul de sac.

While the lot has more than adequate square footage for the 24' X 32' garage, there is a "bluff" and ravine in the back 1/3 of the lot. The current code requires a 30' set back from the rim of the bluff. This gully only has water when there is a hard rain or spring thaw and this garage would not have any effect on the flow.

I would like to explain the practical difficulties criteria from Subdivision 4 that apply and how we are accommodating them to a level that the property allows;

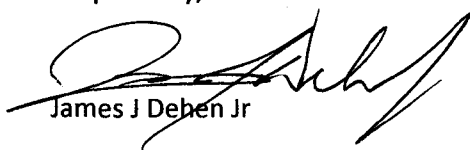
- I. Our proposal is to use the section of the lot for an accessory structure (garage) which is a reasonable and approved manner.
- II. The variance issue is caused by the ravine that runs through the property reducing the ability to accommodate the setback requirements. When we lay out the garage footprint on the lot, the front corner of the unit will be 18 inches into the setback from the property line on the street side. When we actually clear the trees and make the final alignment, we may even be a little less than the requested 18 inches. This still leaves the structure 18 feet from the pavement setback.
- III. The proposed size of the unit is a common 2 stall sized garage and this orientation will align the sides of the garage with the houses on either side, one of which is our residence. The front of the unit will face the cul de sac and allow for a straight and cosmetically pleasant view. I do not intend to remove any more trees than necessary for the garage and driveway.

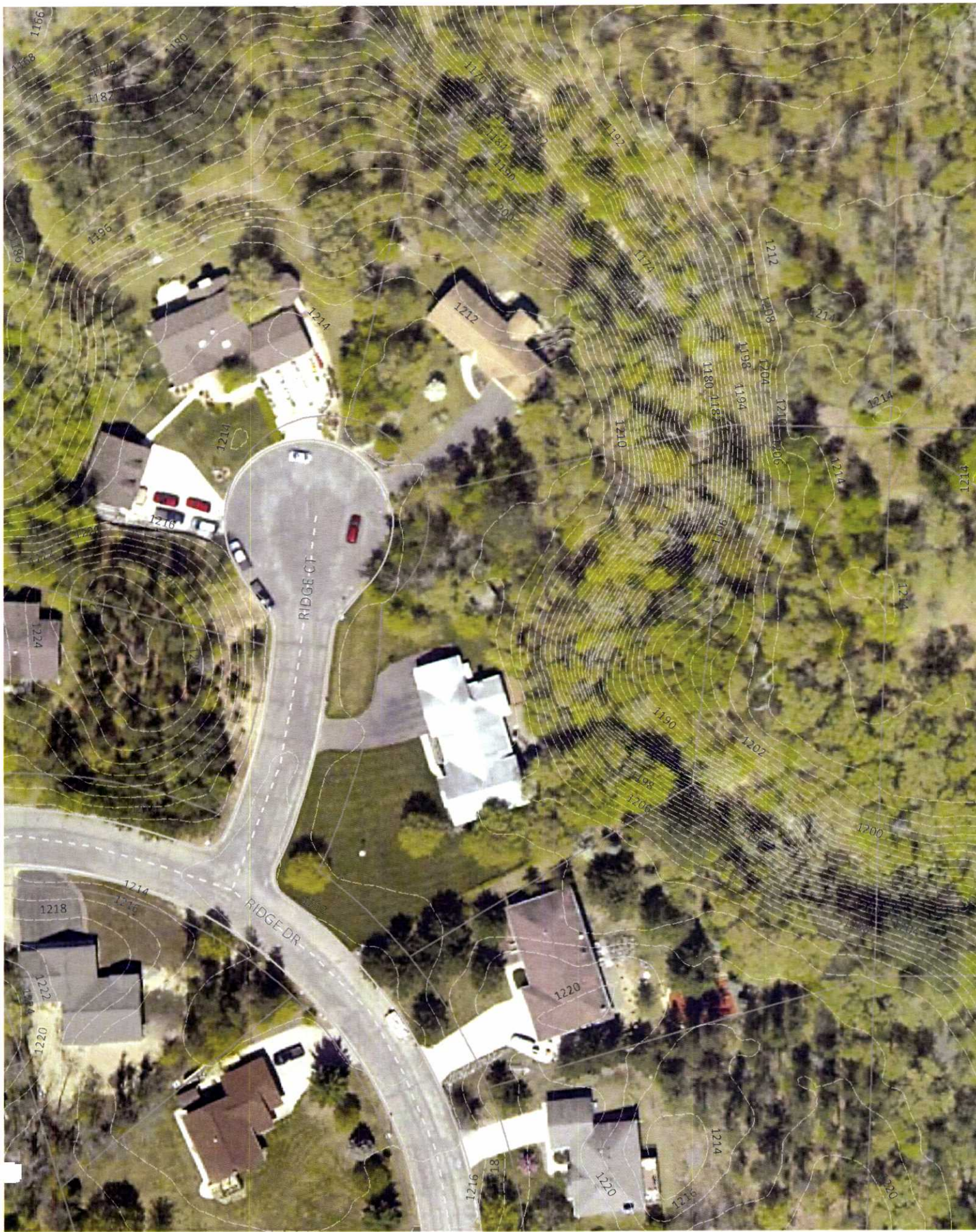
This garage will be painted to match our current home and should complement the layout of our property. There will still be trees between us and the only involved neighbor. The back of the garage will be approximately 16' further from the bluff than our home and we have had no breakdown in the integrity of the ravine in the 22 years that we have lived here.

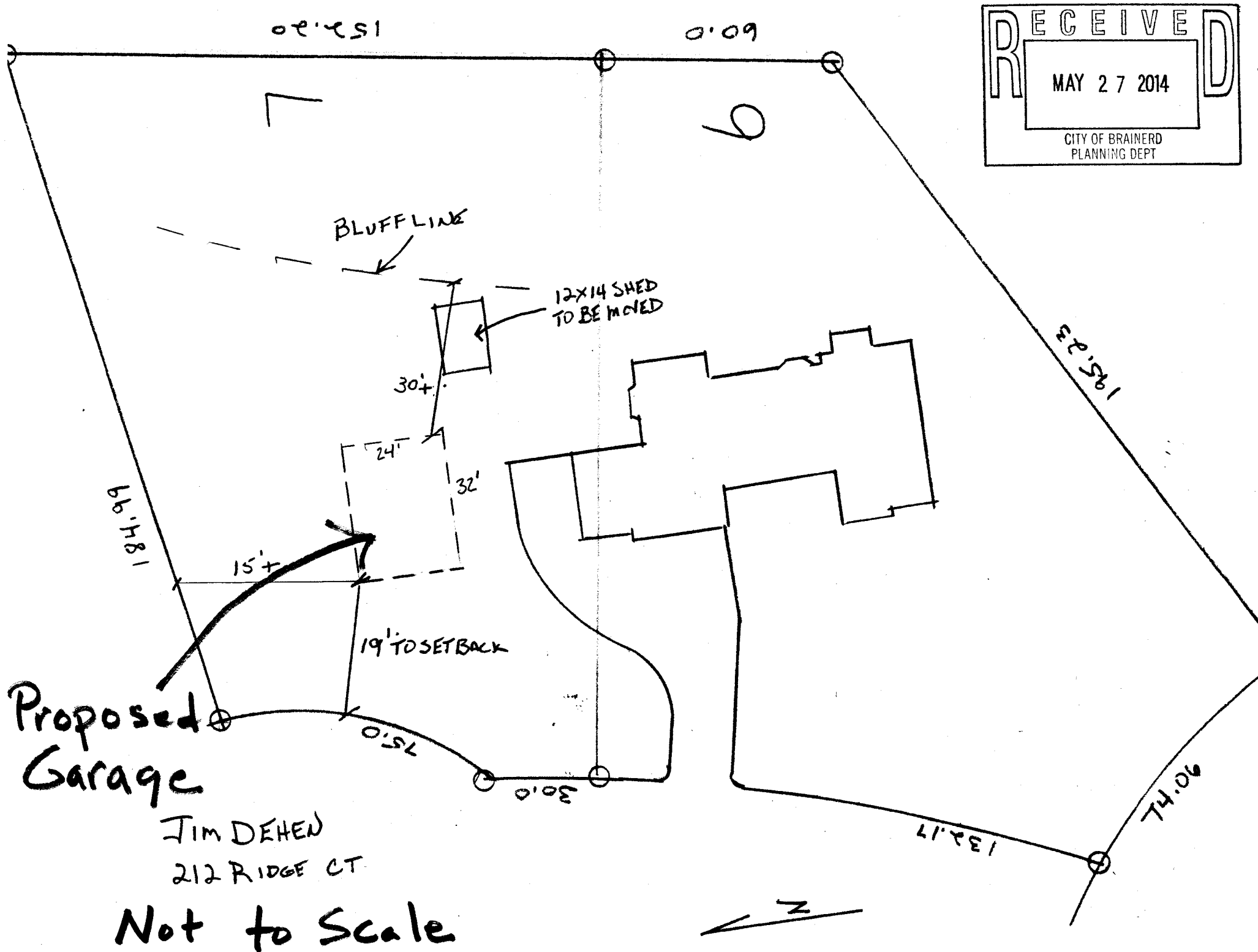
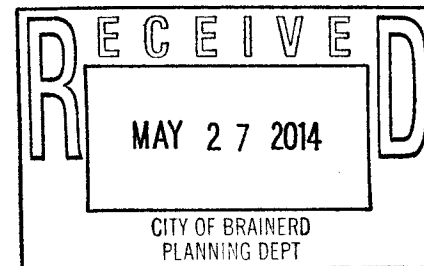
I respectfully request that you grant the setback variance for our proposed garage. It is my intention to be at your meeting and would be happy to answer any questions that you may have.

Thank you for your time and courtesy in considering this request.

Respectfully,


James J Dehen Jr





NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Majka Construction Inc., 6367 Lendee Drive; Nisswa, MN 56468, has submitted a variance request on behalf of James Dehen, 212 Ridge Drive; Brainerd, MN 56401 to construct a detached accessory building (garage) within the required side street yard setback. A corner of the proposed accessory building will encroach one (1) foot into the twenty (20) foot side street yard setback. See the attached site plan for building location. In order to construct the detached accessory building, a variance from the following City of Brainerd Zoning Ordinance requirements is requested:

515-55-7: Minimum Lot Area and Setback Requirements C. Accessory building and structure setbacks:

3. Side Yard (corner): Twenty (20) feet

The property is legally described as follows:

Lots 6 and 7 Block 1, Buffalo Hills

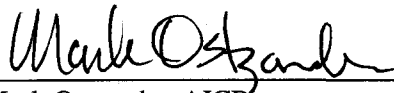
P.I.N. No. 09210001006Z009

Section 35 Township 45 Range 31

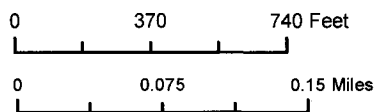
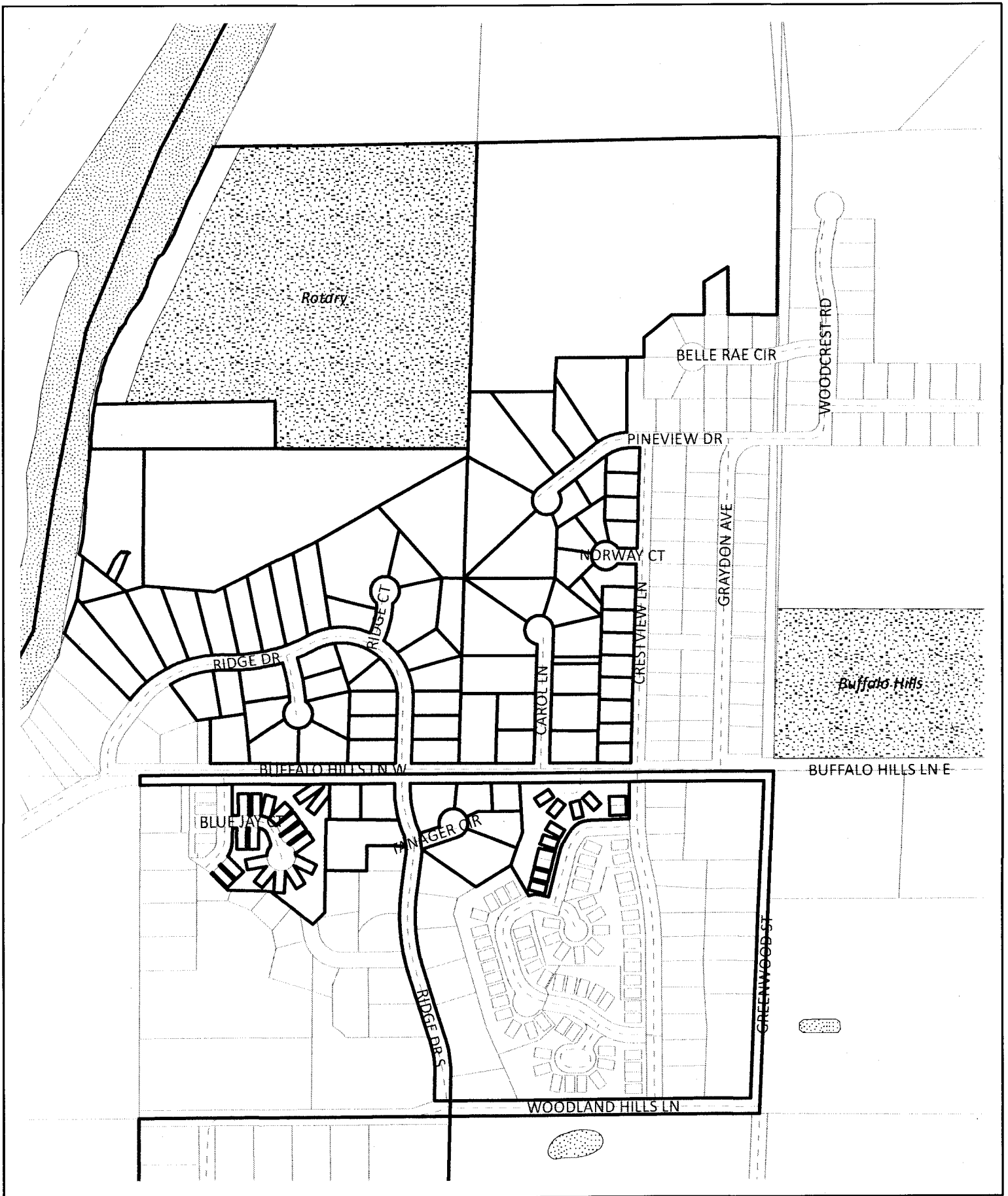
Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 5:30 p.m., Wednesday, June 11, 2014 to consider the request for the Variance.

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

Dated this 28th day of May, 2014



Mark Ostgarden AICP
City Planner



APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
092030010120009	ABRAHAMSON, FAYE A	308 BUFFALO HILLS LN W	BRAINERD, MN 56401	308 BUFFALO HILLS LN
091730030050009	AGRE, JOHN D & ANDREA F	102 NORWAY CT	BRAINERD, MN 56401	102 NORWAY CT
092100020080009	ANDERSON, DAVID R & ANNETTE M	323 ASPEN CT	BRAINERD MN 56401	323 ASPEN CT
091730030070009	ANDERSON, DONALD D & KARLYN E	107 NORWAY CT	BRAINERD MN 56401	107 NORWAY CT
091730030088009	ANDERSON, DONALD D & KARLYN E	107 NORWAY CT	BRAINERD MN 56401	
092100010150009	ANDERSON, GARY M & MARY KAY	210 RIDGE DR	BRAINERD MN 56401	210 RIDGE DR
092360010020009	ARENZ, DAWN M & JONATHAN	302 TANAGER CIRCLE	BRAINERD, MN 56401	302 TANAGER CIR
092360010030009	BREZINKA, CAROLINE M & DAVID BIORN	200 2ND ST N	BRANDENTON BEACH, FL 34217	301 TANAGER CRT
092100020060009	BROUGH, BRADLEY J & JEAN M (1/2 INT	303 ASPEN COURT	BRAINERD, MN 56401	303 ASPEN CT
09203001004A009	BRUSSEAU, MICHAEL A & KARI L	144 CAROL LN	BRAINERD MN 56401	
092030010050009	BRUSSEAU, MICHAEL A & KARI L	144 CAROL LN	BRAINERD MN 56401	144 CAROL LN
091730030160009	BYE, VIOLA E TRUSTEE OF BYE FAMILY	P O BOX 565	BRAINERD, MN 56401	
092030010070009	CARLSON, JAMES M & ELSE M	153 CAROL LN	BRAINERD MN 56401	153 CAROL LN
091730030020009	CHARPENTIER, RAYMOND A	2006 CRESTVIEW LN	BRAINERD, MN 56401	2006 CRESTVIEW LN
060354202A00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
092100020140009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
092100020150009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
092420020080009	CONVERSE, CONSTANCE R	2406 WOODRIDGE LN	BRAINERD, MN 56401	2406 WOODRIDGE LN
092100010050009	COUTURE, TROY D & HOLLY S	118 RIDGE DR	BRAINERD, MN 56401	118 RIDGE DR
092680020010009	CRESCENT HILLS ESTATES OF BRD LLC	PO BOX 7	AVON, MN 56310	
092680020020009	CRESCENT HILLS ESTATES OF BRD LLC	PO BOX 7	AVON, MN 56310	
092680020060009	CRESCENT HILLS ESTATES OF BRD LLC	PO BOX 7	AVON, MN 56310	
092680020190009	CRESCENT HILLS ESTATES OF BRD LLC	PO BOX 7	AVON, MN 56310	
092480020040009	CRUST, DONALD & CAROL	2531 RIDGE DR S	BRAINERD, MN 56401	
092480020050009	CRUST, DONALD & CAROL	2531 RIDGE DR S	BRAINERD, MN 56401	
092100010062009	DEHEN, JAMES J JR & SHANNON D (L.E.	212 RIDGE CT	BRAINERD MN 56401	212 RIDGE CT
092100010020009	DEHNING, KURT & KELLY	106 RIDGE DR	BRAINERD, MN 56401	106 RIDGE DR
091730030060009	DILLON, MICHAEL F & KIMBERLY DWINNELL-D	106 NORWAY CT	BRAINERD, MN 56401	106 NORWAY CT
092420020070009	DOLS, LAWRENCE D & DONNA M	2404 WOODRIDGE LN	BRAINERD MN 56401	2404 WOODRIDGE LN
092410010020009	EASTMAN, BRUCE C & DONNA A SALLI	158 PINEVIEW DR	BRAINERD MN 56401	158 PINEVIEW DR
092100010030009	EATON, BRYCE R & MARY JEAN	110 RIDGE DR	BRAINERD MN 56401	110 RIDGE DR
060354100C00009	EDGEWOOD HOMES INC	P O BOX 492	BRAINERD MN 56401	
092100010040009	EMBRETSON, LORRAINE E	114 RIDGE DR	BRAINERD, MN 56401	114 RIDGE DR
092100020050009	ERICKSON, NICHOLAS E & TRINA M	123 RIDGE DR	BRAINERD, MN 56401	123 RIDGE DR
092100020130009	FOLK, TIMOTHY & LINDA SUTTON TRUST	302 ASPEN COURT	BRAINERD, MN 56401	302 ASPEN CT
09180001001D009	FORREST, JOHN F & JOANNE F	159 PINE VIEW DR	BRAINERD MN 56401	159 PINEVIEW DR
060354304D00009	FREEMAN, ROBERT L & SHIRLEY A (LE)	218 RIDGE DR	BRAINERD, MN 56401	
092100010190009	FREEMAN, ROBERT L & SHIRLEY A (LE)	218 RIDGE DR	BRAINERD, MN 56401	218 RIDGE DR
09210002011A009	FUCHS, DAVID J & SUSAN L	318 ASPEN CT	BRAINERD, MN 56401	318 ASPEN CT
0915700090AZ009	HALVERSON, MARC E & JACQUELYN L	156 PINEVIEW DR	BRAINERD MN 56401	
091570010020009	HALVERSON, MARC E & JACQUELYN L	156 PINEVIEW DR	BRAINERD MN 56401	156 PINEVIEW DR
092420020060009	HANSON, ALICE M	18761 ROUND LAKE RD	NOBLESVILLE, IN 46060	219 BUFFALO HILLS LN W
091730030150009	HANSON, KURT F	2120 CRESTVIEW LN	BRAINERD, MN 56401	2120 CRESTVIEW LN
092100010110009	HAREWOOD, RAYMOND C	202 RIDGE DR	BRAINERD, MN 56401	202 RIDGE DR
092360010010009	HAYES, RICHARD L & BETTY J	322 TANAGER CIR	BRAINERD, MN 5640133	322 TANAGER CRT
091730030100009	HIGGINS, SEAN T & SARAH E WINGE	2022 CRESTVIEW LN	BRAINERD, MN 56401	2022 CRESTVIEW LN
092100020070009	HIGHUM, THOMAS M & DOROTHY M	313 ASPEN CT	BRAINERD MN 56401	313 ASPEN CT
092100010200009	ISMIR, MARILYN K TRUST AGR	222 RIDGE DR	BRAINERD, MN 56401	
092030010030009	JAY, ROBERTA J & THOMAS W	124 CAROL LN	BRAINERD, MN 56401	124 CAROL LN
09203001004B009	JAY, ROBERTA J & THOMAS W	124 CAROL LN	BRAINERD, MN 56401	

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
092100010170009	KARSNIA, SUZANNE & DANIEL	216 RIDGE DR	BRAINERD, MN 56401	216 RIDGE DR
092100010180009	KARSNIA, SUZANNE & DANIEL	216 RIDGE DR	BRAINERD, MN 56401	
092100020040009	KIMBALL, JOHN L & JANE L	27653 W TWIN LAKE DR	PEQUOT LAKES MN 56472	115 RIDGE DR
092100010090009	KNOWLEN, GLENDON D & CONNIE L	223 RIDGE COURT	BRAINERD MN 56401	223 RIDGE CT
092030010012009	KRUEGER, PATRICK M & HELEN J	114 CAROL LN	BRAINERD MN 56401	114 CAROL LN
091800010020009	KRUPKE, STEVEN B	161 PINEVIEW DR	BRAINERD, MN 56401	161 PINEVIEW DR
092100010140009	KUEPERS, STEVEN D & ALISSA M	208 RIDGE DRIVE	BRAINERD MN 56401	208 RIDGE DR
092100020010009	LANCELLO, JOHN P & JENNIFER R	402 BUFFALO HILLS LANE	BRAINERD, MN 56401	402 BUFFALO HILLS LN
092100020020009	LANCELLO, JOHN P & JENNIFER R	402 BUFFALO HILLS LANE	BRAINERD, MN 56401	
092360010040009	LANGE, GREGORY J & MARY	323 TANAGER CIR	BRAINERD MN 56401	323 TANAGER CIR
092410010010009	LARSON, GARY J & BEVERLY A GOTTI	160 PINEVIEW DR	BRAINERD, MN 56401	160 PINEVIEW DR
092030010090009	LU DENIA, KATHLEEN L	133 CAROL LN	BRAINERD, MN 56401	133 CAROL LN
092100010160009	MARDEN, LINDA A	127 MILL CREEK DR	DO THAN, AL 36305	212 RIDGE DR
091800010030009	MASKE, JOHN W & YVONNE M	162 PINE VIEW DR	BRAINERD MN 56401	162 PINEVIEW DR
092030010080009	MAXA, VERNON & MARILYN J	143 CAROL LN	BRAINERD MN 56401	143 CAROL LN
0921000090C0009	MAXA, VERNON & MARILYN J	143 CAROL LN	BRAINERD MN 56401	
092030010100009	MEINKE, ROLAND	34024 FOREST KNOLLS RD	PEQUOT LAKES, MN 56472	123 CAROL LN
092100010010009	MELEEN, KIPP A	913 CEDAR HOLLOW RD	LEHI, UT 84043	
091730030110009	MEYER, CYNTHIA R & DAVID A & RYAN D & TE	49 WOODLAND DR	NEW ULM, MN 56073	2026 CRESTVIEW LN
092100020030009	MIKKELSON, STEVEN & LYNN	111 RIDGE DR	BRAINERD, MN 56401	111 RIDGE DR
092420020050009	MILLER, CHARLES E & BETTY E TRTEES	215 BUFFALO HILLS LN W	BRAINERD MN 56401	215 BUFFALO HILLS LN W
09180001001C009	MITCHELL, SCOTT P & JACQUELINE K	157 PINEVIEW DR	BRAINERD MN 56401	157 PINEVIEW DR
092100010130009	MONTOYA, ELIAS & STEPHANIE A VILLANUEV	206 RIDGE DR	BRAINERD, MN 56401	206 RIDGE DR
091730030140009	MOORE, GEORGE B (LIFE ESTATE)	2112 CRESTVIEW LN	BRAINERD, MN 56401	2112 CRESTVIEW LN
091730030030009	MORGAN, THOMAS L	2010 CRESTVIEW LN	BRAINERD, MN 56401	2010 CRESTVIEW LN
091730030170009	NELSON, DARREN & ELLIE	2134 CRESTVIEW	BRAINERD, MN 56401	2134 CRESTVIEW LN
09236001002A009	NEWELL, ROBERT G & JOYCE M	321 BUFFALO HILLS LN	BRAINERD MN 56401	321 BUFFALO HILLS LN
092030010060009	OWEN, ROBERT J & KAREN	154 CAROL LN	BRAINERD MN 56401	154 CAROL LN
091730030130009	PELTOMA, RODNEY G & SUSAN	2104 CRESTVIEW LN	BRAINERD MN 56401	2104 CRESTVIEW LN
092100020090009	PERSONS, MARK W & PAULA	10032 ISLAND DR	BRAINERD, MN 56401	
091730030040009	ROBERTS, GREGORY M & DIANE M	2014 CRESTVIEW LN	BRAINERD MN 56401	2014 CRESTVIEW LN
0921000090B0009	SCHIRMER, CARL K JR & KAREN	222 RIDGE CT	BRAINERD MN 56401	
092100010080009	SCHIRMER, CARL K JR & KAREN	222 RIDGE CT	BRAINERD MN 56401	222 RIDGE CT
09173003008Z009	SCHMIDT, ERIC J & TONI F	2018 CRESTVIEW LN	BRAINERD, MN 56401	2018 CRESTVIEW LN
092100010120009	SMITH, BAXTER A III TRUST AGR	204 RIDGE DR	BRAINERD, MN 56401	
092420020130009	SOUTHVIEW COURT, PATIO HOME ASSN	1511 NORTHERN PACIFIC RD #101	BRAINERD, MN 56401	
092420020040009	STRAKA, WALTER B	209 BUFFALO HILLS LN W	BRAINERD, MN 56401	209 BUFFALO HILLS LN
092680020050009	SWANSON, PAUL L & ERNESTINE C	497 BLUE JAY CT	BRAINERD, MN 56401	497 BLUE JAY CT
060354202B00009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	
060354303A00009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	
060354304CA0009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	
092100020200009	THESING, GERY P & LINDA	502 WEST BUFFALO HILLS LN	BRAINERD MN 56401	502 BUFFALO HILLS LN
092500010010009	THESING, PETER W & LAVONNE	2308 RIDGE DR S	BRAINERD MN 56401	2308 RIDGE DR S
092030010110009	THOMPSON, BRUCE C & CYNTHIA	113 CAROL LN	BRAINERD MN 56401	113 CAROL LN
092100020100009	VOGT, DANIEL J & CAROL J	332 ASPEN CT	BRAINERD MN 56401	332 ASPEN CT
091730030010009	WETHERELL, RICHARD B	915 LAUREL ST	BRAINERD, MN 56401	153 PINEVIEW DR
091730030120009	WILHELM, DAVID J & MELISSA A	2030 CRESTVIEW LN	BRAINERD, MN 56401	2030 CRESTVIEW LN



City Planning Department

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

Receipt # 8894
Check # 5939
Date Paid: 5/23/14

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

NATURE OF REQUEST (please check)

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

PROPERTY ADDRESS: 212 RIDGE CT

LEGAL DESCRIPTION: Lot(s): 6+7 Block: 1 Addition: Buffalo Hills

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: JAMES DEHEN

Street Address: 212 RIDGE CT City: BRainerd State: MN Zip Code 56401

Phone Number: _____ Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) JOHN MASTKA / MASTKA CONST. INC.

Street Address: 6367 LINDSEY DR. City: NISSWA State: MN Zip Code: 56468

Phone Number: 218 880 3078 Fax: _____ E-mail: MASTKA.CON@NISSWA.NET

Description of Request: 18" ROADSIDE SETBACK VARIANCES

Property Owner Signature

Date

(Please print name)

JR MZL

Applicant Signature

JOHN MASTKA

(Please print name)

5/23/14

Date

(OVER)

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 POLICE DEPARTMENT**

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

_____ **BRAINERD PUBLIC UTILITIES**

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

_____ **BWSR (MN Board of Water and Soil Resources)**

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383

_____ **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.us

_____ **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-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

_____ **U.S. ARMY CORPS OF ENGINEERS**

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

STAFF REPORT TO THE PLANNING COMMISSION

May 28, 2014

APPLICANT/LOCATION: Minnesota State Colleges and Universities 30 E. 7th Street; St. Paul, MN 55101 for property at the northeast corner of College Drive and CSAH 48 considered part of Central Lakes College

REQUESTED ACTION: Rezone the property from a B-4 (General Commercial) District and an R-1A (Single Family Residential) District to an R-3 (Multiple Family Residential) District

AREA: Approximately 10 acres (5 acres B-4 and 5 acres R-1A)

ADJACENT USES: North: Single Family Residential
East: CLC campus
South: Multi -Family Residential
West: Residential (City of Baxter)

ADJACENT ZONING: North: R-1 (Single Family Residential) District
East: R-2 (Medium Density Residential) District
South: R-3 (Multiple Family Residential) District/R-1 (Single Family Residential) District
West: City of Baxter

PETITION EVALUATION

In compliance with Section 515.09 of the Brainerd Zoning Ordinance, the Planning Commission shall conduct a Public Hearing regarding this request. To assist the Planning Commission in evaluating the suitability of this requested change, following are guidelines and a staff review of issues associated with application to consider in the review process.

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

This property is identified as Medium to High Density Residential Land Use on the Future Land Use Map.

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

STRATEGY

- 1. Only place high-density developments in areas with adequate transportation infrastructure.*
- 2. Encourage development of low density and high-density family housing units in those areas designated on the adopted Land Use Plan.*

3. *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.*

This property is identified as Medium to High Density Residential Land Use on the Future Land Use Map.

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

The Comprehensive Plan describes medium to high density Residential as follows:

The purpose of this category is to identify portions of Brainerd that should contain higher density housing units. Medium to High Density Residential is intended to accommodate primarily manufactured home parks, apartments, rooming houses and other multi-family development. The overall density of these areas should generally be maintained at 5 to 20+ units per acre.

Medium to high density residential land use is compatible with the multifamily and convenience commercial located to the south. Medium to high density residential land use is also compatible with the college uses to the east and south east. Property use as medium to high density land use will provide an opportunity for the college to offer a convenient housing option for students.

Existing residential use to the west and north may have concerns about noise and traffic and other issues associated with higher density development. As stated above, the road network is more than adequate for the additional traffic volume for the additional density.

Zoning Ordinance Principal Building Setbacks for multifamily development are:

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*

Zoning Ordinance Principal Building Height requirements for multifamily development are:

Multifamily dwellings permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.

The parcel front is considered College Drive. The rear property line adjacent to the single family zoning and single family immediately north will require a 25' building setback. The 35' building height permits a 3 story building. A building can be taller by Conditional Use Permit.

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

The "use" is medium to high density residential (apartments) land use. This type of development pattern will add more traffic than lower density development.

Vehicular traffic will add more volume when streets are typically more heavily traveled – in the early morning and later afternoon/early evening.

Should rezoning occur and consequently development occurs, the northeast corner of College Drive and CR 48 will be significantly altered. The attached 2' contour map depicts the hill at the site's southwest corner. In all likelihood the hill will be removed. The sites trees depicted on the attached aerial will be reduced. A conditional use is not required for multifamily buildings taller than 35'. The extent to which tree removal will occur should buildings be 35' tall or less will be up to the property owner. Should buildings be taller, the question of trees can be addressed during the conditional use permit review process.

Introducing multifamily residential development adjacent to single family dwelling development many times raises issues such as noise, trash, crime. Such issues are not zoning issues rather are issues controlled by ownership and property management. Another issue many times expressed is a development's impact on property values. This is conjecture and it is the Planning Department's position that there will be no evidence to prove a negative impact on adjacent property values.

As noted in the report introduction, single-family dwellings are adjacent to the site's north. The neighborhood aerial identifies that three dwellings are adjacent to the north. One of which is setback almost 200' from where a building could be located on site. There are four single family dwellings across the street, the closest is approximately 190' from where building construction can occur. It should be noted that in both cases parking can be closer to the property line than a building. There is easing commercial on the opposite street corner and other multi-family buildings to the south. The property to the east is vacant and owned by CLC (State).

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

Both College Drive and CSAH 48 are designed to carry significant traffic volumes. College Drive can be considered a major collector street and CSAH 48 could be considered a minor collector street.

Crow Wing County has provided the following comments regarding site access:

College Drive and CSAH 48 do not appear feasible for future access to the property. The north 33 feet of the property along Cindy Street should be made public to match the platted right of way north of Cindy Street. The County recommends that future access to the property only be allowed off of Cindy Street.

2. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

Medium to High density development at this location is not overburdening utilities; the issue is the ability to provide the services.

The sewer and water capacity should be adequate.

Access locations will need to be reviewed. If access is from CSAH 48, Crow Wing County will need to be involved. If it is from the existing parking lot entrance, it will be right in/right out only. If they want to access from the roundabout, it will need to be constructed as a 4-leg roundabout.

Depending on the site design, there could be drainage, trail, utility, landscaping, irrigation and ADA issues that may need to be addressed.

PLANNING DEPARTMENT REVIEW AND RECOMMENDATION

Included with the report are Zoning Maps for the Cities of Baxter and Brainerd. The Baxter map is the current zoning and the Brainerd maps are the zoning property to 2011 when the community wide zoning map review is completed and the current zoning of the property. In 2011 the Planning Commission thought that the parcel would be appropriate for commercial use should the state no longer desire to retail the property. The Planning Commission at that time was not aware of CLC plans for the property.

The 2011 Zoning Map identified the property as primarily zoned R-3 (Multiple Family) District with an area about 200' deep along Mary Street as an R-2 (Urban Residential) District.

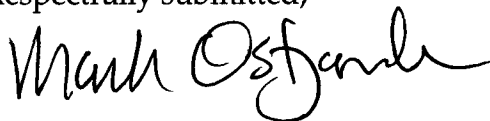
Based upon the County comments about access, discussion between the County, City and CLC will need to occur. Regardless of where access is located, rezoning to R-3 can be supported by the following:

1. The Future Land Use Plan has since 2004 identified the property for medium to high density residential development.
2. The property prior to 2012 had been mostly zoned R-3.
3. The property is well served by collector streets and adequate sewer and water.
4. Based on the area development pattern, additional multifamily development should not create impacts that negatively affect the public health, safety and welfare.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its June 11, 2014 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on June 16, 2014 and consider an Ordinance Second/Final Reading on July 7, 2014.

Respectfully submitted,



Mark Ostgarden AICP
City Planner



May 29, 2014

City of Brainerd Planning Department
City Hall – 501 Laurel Street
Brainerd, MN 56401

Dear Planning Commission Members,

The letter is to confirm Central Lakes College's (CLC) support of multi-family dwellings to be rented to students on parcels PID #070093103BB0ABO and #070093103BB0AA0 owned by Minnesota State Colleges and Universities.

The college is in agreement that the parcels should be changed in zoning from B-4 and R-1 to both parcels zoned as R-3 in support of multi-family dwellings.

Plans are to construct a 3 story building consisting of 61 apartment style units, housing approximately 187 students in a 1, 2 or 3 bedroom configuration. Phase one first building will be located in the southwest corner of parcel ABO. Phase 2 and a second building will be constructed on the northeast corner of parcel AAO with plans to be completed based on future student needs and feedback.

These projects are consistent with the surrounding area multi-family apartments.

The rezoning application submitted by Minnesota State Colleges and Universities was delivered to the City on May 22, 2014.

Sincerely,

A handwritten signature in black ink that reads "Larry G. Lundblad". The signature is written in a cursive, flowing style.

Dr. Larry Lundblad
President
LL/dw

Brainerd Campus | 501 West College Drive, Brainerd, Minnesota 56401 | 800-933-0346 | (218) 855-8000
Staples Campus | 1830 Airport Road, Staples, Minnesota 56479 | 800-247-6836 | (218) 894-5100
www.clcmn.edu

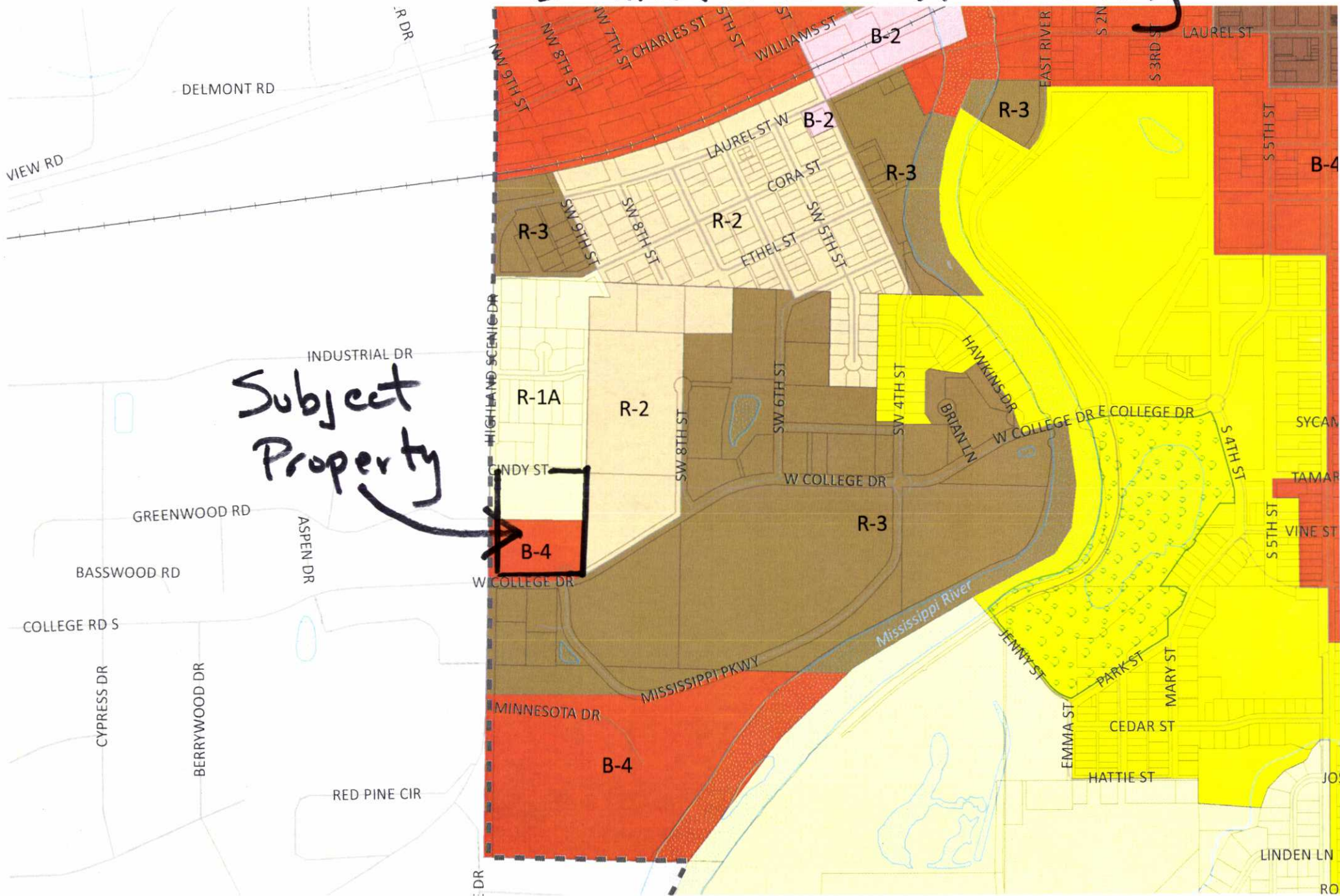
CLC is an equal opportunity educator and employer. ADA accessible. A member of the Minnesota State Colleges & Universities System.



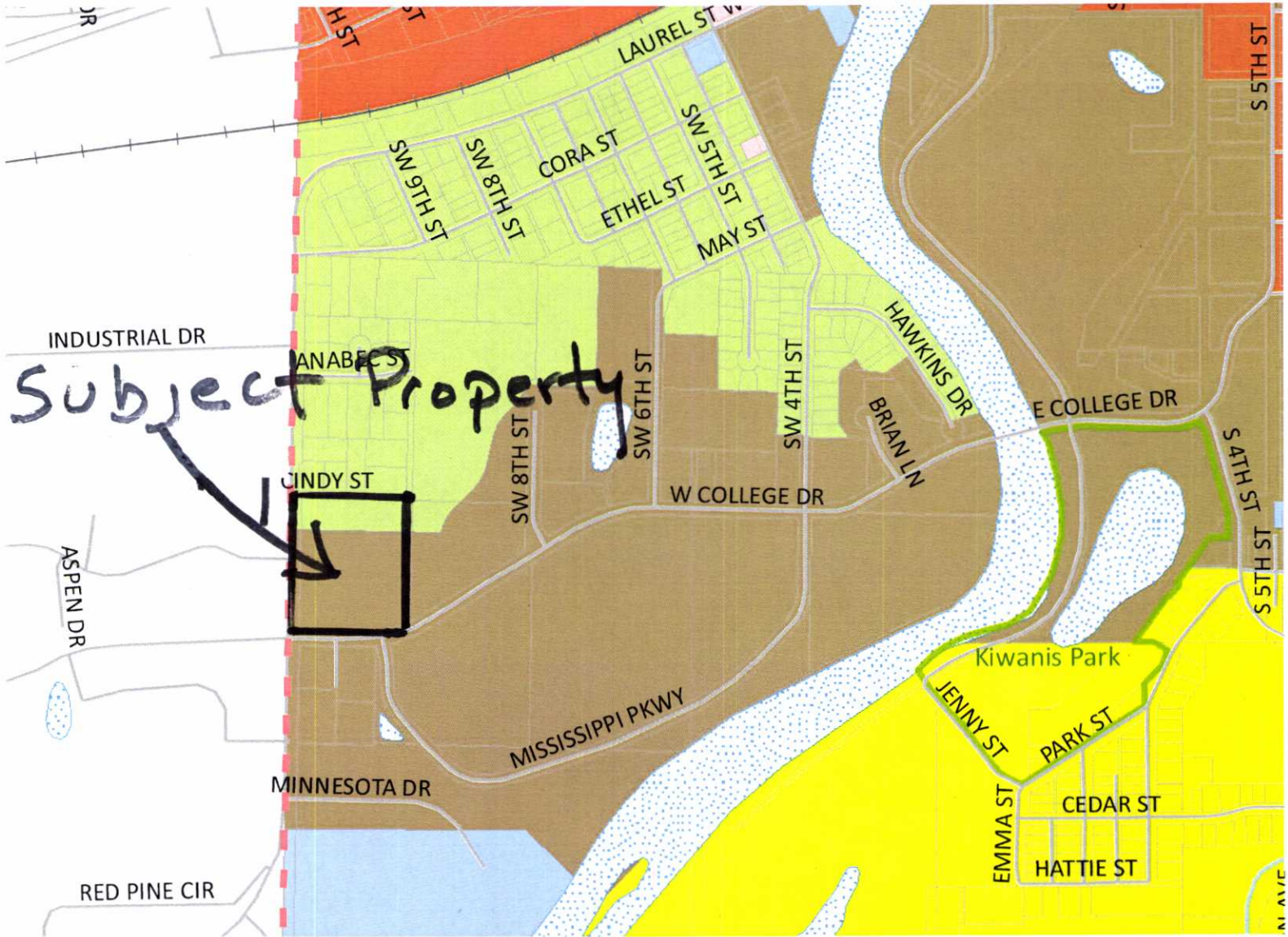


Subject
Property

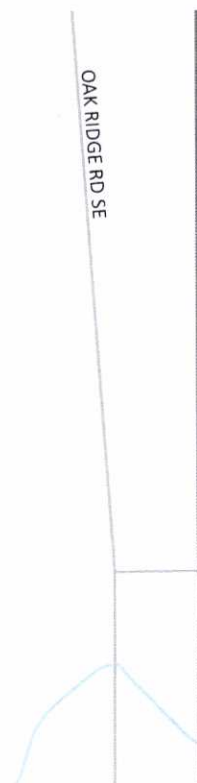
Brainerd Current Zoning



Previous Zoning Prior to 2011



Brainerd 2011 Zoning Ordinance Color Key

		R-F Rural Residential
		R-1 Suburban Residential
		R-2 Urban Residential
		R-3 Multiple Family
		R-4 Manufactured Housing
		B-1 Limited Business
		B-2 Neighborhood Business
		B-3 Central Business
		B-4 General Business
		I-1 Light Industrial
		I-2 General Industrial
		X Not in the City

STATE HWY 210 & 371

CSAH 48

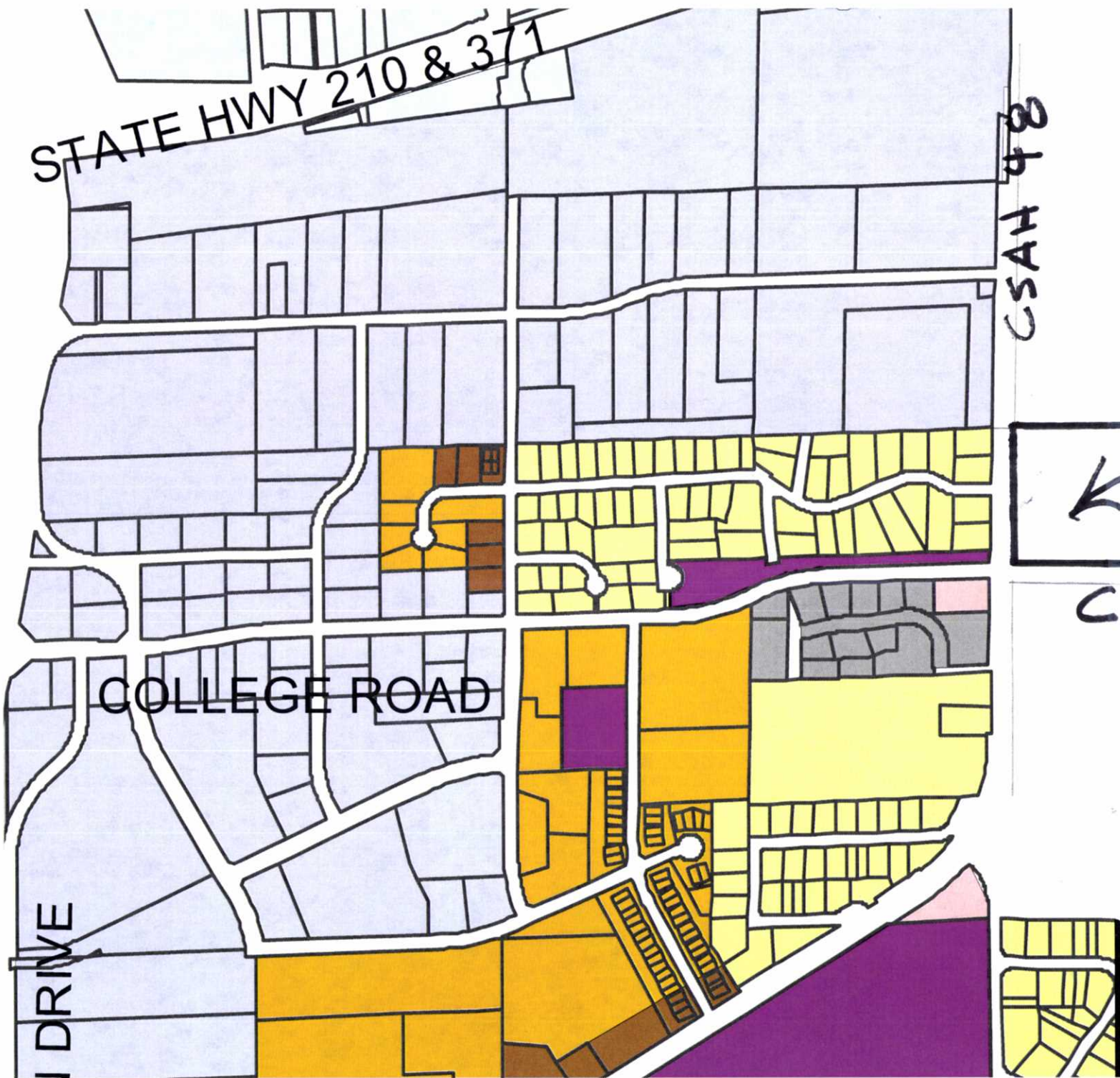
Baxter
Zoning

Subject
Property

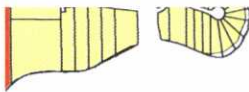
College Dr.

COLLEGE ROAD

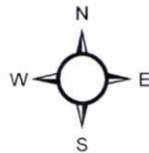
I DRIVE



Baxter Zoning Ordinance Color Key



"A Growing Community"



	F = Commercial Forestry
	PB = Public Benefit
	R-1 = Low Density Residential
	R-2 = Medium Density Residential
	R-3 = High Density Residential
	RS = Special Residential/Cluster
	C1 = Neighborhood Commercial
	C2 = Regional Commercial
	I = Industrial Office
	OS = Office Service

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Minnesota State Colleges and Universities, 30 East 7th Street, St Paul, MN 55101, on behalf of Central Lakes College, 501 College Drive, Brainerd, MN 56401, is requesting to rezone the properties at Parcel #070093103BB0AB0 and Parcel #070093103BB0AA0, Brainerd, MN 56401 from B-4 (General Business) District and R-1A (Single Family Residential) District to a R-3 (Multi-Family Residential) District.

Permitted uses in B-4 District include:

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

Conditional Uses in B-4 District include:

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

Permitted uses in R-1A District include:

One family detached dwellings; public recreation areas and related accessory buildings and structures; residential facilities serving six (6) or fewer persons in a single family detached dwelling; essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in R-1A District include:

Planned Unit Developments; Places of worship and related buildings; cemeteries; public and private schools; hospitals; public building on public land; bed and breakfast; non-profit and not-for-profit office located in buildings owned by the Brainerd Independent School District, no used for classroom education; government and public regulated utility building and structures.

Permitted uses in the R-3 District include:

Multiple family dwellings; Two family attached dwellings; Public recreation areas and related accessory buildings and structures; Residential care facilities serving six (6) or fewer persons; Essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in the R-3 District include:

Public or semi-public recreational buildings and neighborhood or community centers, public and private educational institutions limited to elementary, junior high and senior high schools, and religious institutions such as churches, chapels, temples, and synagogues; Nursing homes and similar group housing, not including hospitals; Senior housing; Residential Planned Unit Developments, townhomes and quadraminiums as regulated by Section 11 of this Ordinance; Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community; Personal wireless service towers and antennas as regulated by Section 35 of this Ordinance; Places of Worship and related buildings; State Licensed Residnetial Care Facilities serving seven (7) to sixteen (16) persons; Public and private schools; Senior center.

The property is legally described as follows:

Und ½ Int in all of NW ¼ of NW ¼ of SW ¼ & that pt of SWNWSW Sec 9 lying N of proposed C/L of College Dr which C/L is DAF: BEG at a point on C/L of presently existing College Dr 650 ft W of center of Sec 9 which oint is also on N line of NESW of SD sec then alg a circ curve to the left of RAD 827.60 ft of Dist of 485.87 ft then S 56D 48' W a dist of 925 ft then alg a circ curve to right of RAD 675.19 ft a Dist of 388.99 ft then S 89D 48' W a dist of 386.81 ft mol to W line of SD Sec 9 to a point SD point being 742 ft S of W ¼ cor of SD Sec 9 & there term subj to esmnt.

Section 9 Township 133 Range 28

P.I.N. #070093103BB0AB0 & 070093103BB0AA0

A Public Hearing will be conducted by Brainerd Planning Commission at 6:00 p.m. Wednesday, June 11, 2014 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property in accord with the City of Brainerd Zoning Ordinance.

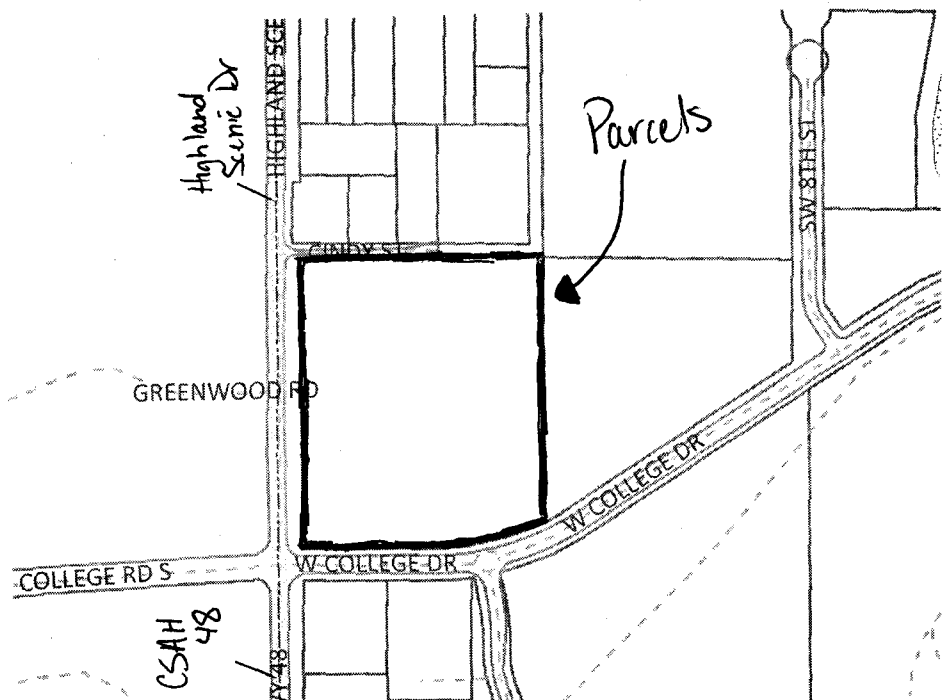
Any individual needing special accommodations please call (218) 828-2309.

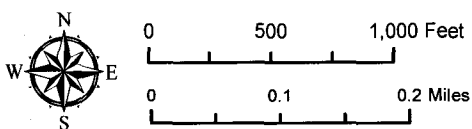
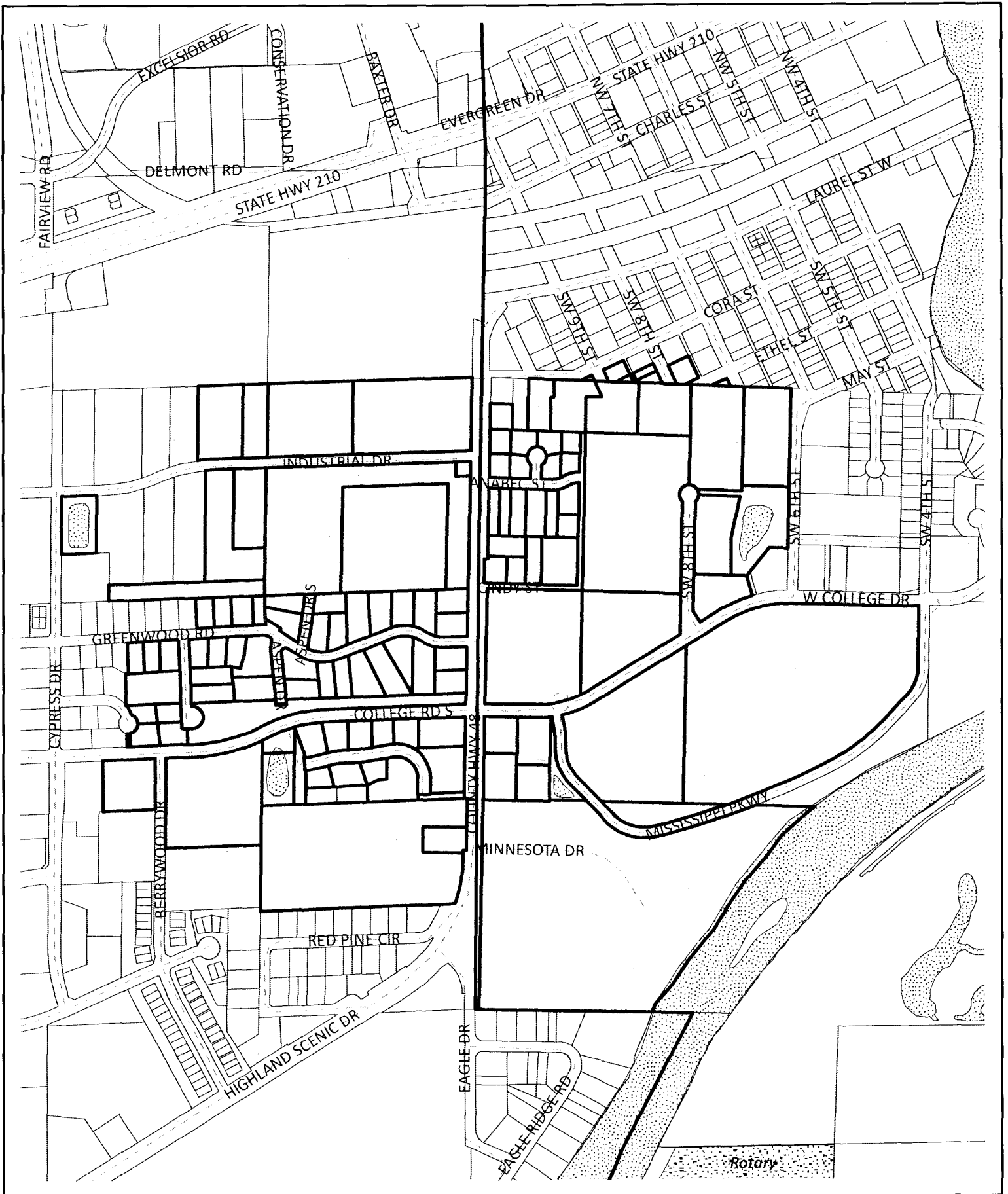
Dated this 28th day of May, 2014

Mark Ostgarden

Mark Ostgarden AICP
City Planner

Publication Date: May 30, 2014





APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
010081300ACF009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425		
010081300CAB009	POINTE ENTERPRISES LLC	9979 COVE POINTE RD	BRAINERD, MN 56401		8296 INDUSTRIAL PARK RD
010081300D00009	FSO LLC	12324 LITTLE PINE RD SW	BRAINERD, MN 56401		8301 INDUSTRIAL PARK RD
010081300EA0009	LARONGE ENTERPRISES LLC	8657 PINE HILL RD	BLOOMINGTON, MN 55438		8256 INDUSTRIAL PARK RD
010081300GB0009	HAYLYN LLC	8273 INDUSTRIAL PARK RD	BAXTER, MN 56425		8273 INDUSTRIAL PARK RD
010081400AB0009	REICHERT ENTERPRISES, INC	8342 INDUSTRIAL PARK RD	BAXTER, MN 56425		8342 INDUSTRIAL PARK RD
010081400ACA009	REICHERT ENTERPRISES, INC	8342 INDUSTRIAL PARK RD	BAXTER, MN 56425		8342 INDUSTRIAL PARK RD
010081400B00009	BRESNAN, COMMUNICATIONS CO	12405 POWERCOURT DR	ST LOUIS, MO 63131-3674		
010081400CA0009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425		8483 INDUSTRIAL PARK RD
010081400CB0009	BRESNAN TELECOMMUNIC, ATIONS CO LLC	C/O CHARTER COMMUNICATIONS	12405 POWERCOURT DR	ST LOUIS, MO 63131-3674	
010084100A00009	KOEHNEN, KEITH L & GLORIA A	13490 ASPEN DR	BAXTER, MN 56425		13490 ASPEN DR
010084100B00009	SOLEM, RALPH D & DARLYNE	13489 ASPEN DR	BAXTER, MN 56425		13489 ASPEN DR
010084100C00009	SCHRADER, THOMAS W & MARGARET	13378 ASPEN DR	BAXTER, MN 56425		13378 ASPEN DR
010084100DBA009	TUDOR ROSE LLC	3325 OAK ST	BRAINERD, MN 56401		8218 HIGHLAND SCENIC RD
010084100DBB009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425		
010084100E00009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425		
010084200B00009	POUL, RICHARD D & MABEL	13399 ASPEN DR	BAXTER, MN 56425		13399 ASPEN DR
010084200D00009	SWENSON, KELLY J COOPER	13401 BIRCH DR	BAXTER, MN 56425		13401 BIRCH DR
010084200E00009	BRAINERD ASSEMBLIES OF GOD TABERNAC	13242 BERRYWOOD DR	BAXTER, MN 56425		13242 BERRYWOOD DR
010084400AA0009	HOLDEN, JACQUELINE M	8148 HIGHLAND SCENIC RD	BAXTER, MN 56425		8148 HIGHLAND SCENIC RD
010084400B00009	HEINECKE, STEPHEN & MIRIAM TRUST AG	8152 HIGHLAND SCENIC RD	BAXTER, MN 56425		8152 HIGHLAND SCENIC RD
031150010010009	MURPHY, MICHAEL C REV LIVING TRUST	8371 GREENWOOD RD	BAXTER, MN 56425		1130 GREENWOOD RD
031150010020009	BALLARD, ERIC J & BECKY L	8392 GREENWOOD RD	BAXTER, MN 56425		8392 GREENWOOD RD
031150010030009	LEONARD, CHANTELE L	8426 GREENWOOD RD	BAXTER, MN 56425		8426 GREENWOOD RD
031150010040009	KIRZEDER, MARY JANE	8450 GREENWOOD RD	BAXTER, MN 56425		8450 GREENWOOD RD
031150010050009	POIRIER, LINDA A MAY & DALE C	24119 STATE HWY 15	DASSEL, MN 55325		8310 HIGHLAND SCENIC RD
031150010060009	BEST, MARY JO & ROGER	8458 GREENWOOD RD	BAXTER, MN 56425		8458 GREENWOOD RD
031150020010009	MURPHY, MICHAEL C REV LIVING TRUST	8371 GREENWOOD RD	BAXTER, MN 56425		8371 GREENWOOD RD
031150020020009	BOLLIG, JAMES & CYNTHIA	8381 GREENWOOD RD	BAXTER, MN 56425		8381 GREENWOOD RD
031150020030009	NORLIN, JOHN N & ROXANNE C	8417 GREENWOOD RD	BAXTER, MN 56425		8417 GREENWOOD RD
031150020040009	HOLMES, DANIEL R & ANDREA	8451 GREENWOOD RD	BAXTER, MN 56425		8451 GREENWOOD RD
031150020050009	HALVERSON, JUDITH M REV LIV TRUST	8471 GREENWOOD RD	BAXTER, MN 56425		8471 GREENWOOD RD
031150020060009	NICHOLS, FRANK C JR & TERESA MARIE	8250 HIGHLAND SCENIC RD	BAXTER, MN 56425		8250 HIGHLAND SCENIC RD
031280010010009	LUECK, JAY C & HOLLY R	13472 ASPEN DR	BAXTER, MN 56425		13472 ASPEN DR
031280010020009	LUECK, JAY C & HOLLY R	13472 ASPEN DR	BAXTER, MN 56425		
031280020010009	SHERSETH, KIM K	8307 GREENWOOD RD	BAXTER, MN 56425		8307 GREENWOOD RD
031280020020009	TOENYAN, KEVIN J & LORI L	8335 GREENWOOD RD	BAXTER, MN 56425		8335 GREENWOOD RD
031280020030009	GUNTER, RANDY K & ANDREA D	8349 GREENWOOD RD	BAXTER, MN 56425		8349 GREENWOOD RD
031310010030009	HEMSWORTH, JOSHUA D & AMANDA J	8206 GREENWOOD RD	BAXTER, MN 56425		8206 GREENWOOD RD
031310010040009	LI, HONG & ZEXING WU	8230 GREENWOOD RD	BAXTER, MN 56425		8230 GREENWOOD RD
031310010050009	LI, HONG & ZEXING WU	8230 GREENWOOD RD	BAXTER, MN 56425		
03131001005A009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425		
031310010060009	CAREY, MICHAEL & DANIELLE	8280 GREENWOOD RD	BAXTER, MN 56425		8280 GREENWOOD RD
03131002001Z009	PENNER, BERNHARD & CAROL	8754 COUNTY ROAD 45	BRAINERD, MN 56401-6421		13415 ASPEN DR
03131002002A009	BRUNER, DARLENE J	8225 GREENWOOD RD	BAXTER, MN 56425		8225 GREENWOOD RD
031310020030009	VAN EPS, JACOB	865 6TH ST	HANCOCK, MN 56244		8205 GREENWOOD RD
031310020040009	WOOD, KATRINA LEE & HARRIS A	13430 BIRCH DR	BAXTER, MN 56425		13430 BIRCH DR

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
031310020050009	RANDALL, VICKI LEE	13412 BIRCH DR	BAXTER, MN 56425		13412 BIRCH DR
031310020060009	NEGEN, JERRY A	13384 BIRCH DR	BAXTER, MN 56425		13384 BIRCH DR
031760010050009	LIN, XI & YI	12776 PARKWOOD DR	BAXTER, MN 56425		8129 GREENWOOD RD
031760010060009	FINN, CATHY L	8139 GREENWOOD RD	BAXTER, MN 56425		8139 GREENWOOD RD
031760010070009	ARNOLD, WADE & CYNTHIA	8155 GREENWOOD RD	BAXTER MN 56425		8155 GREENWOOD RD
0319900090A0009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425		
031990040010009	GOETZE, ROBIN M	8080 BASSWOOD RD	BAXTER, MN 56425		8080 BASSWOOD RD
031990040020009	LUCAS, LORI L	P O BOX 71	AKELEY, MN 56433		8086 BASSWOOD RD
0325600090A0009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425		
032560010010009	NEWENHOUSE, MICHAEL A & MELISSA A	13355 BIRCH DR	BAXTER MN 56425		
032560010020009	MARI PROPERTIES, LLC	MARILYN BORGSTROM	3612 S BURDICK ST	KALAMAZOO, MI 49001	13345 BIRCH DR
033840010010009	BERRYWOOD APARTMENTS OF BAXTER LLLP	17018 COMMERCIAL PARK RD	BRainerd, MN 56401		
0340100090A0009	HAGLIN PROFESSIONAL PARK LLC	3175 BREIKESSEL RD	INDEPENDENCE, MN 55359		
0340100090B0009	HAGLIN PROFESSIONAL PARK LLC	3175 BREIKESSEL RD	INDEPENDENCE, MN 55359		
034010010010009	FOX MANAGEMENT LLC	1209 PECKS WOODS DR	NEW BRIGHTON, MN 55112		
034010010020009	FOX MANAGEMENT LLC	1209 PECKS WOODS DR	NEW BRIGHTON, MN 55112		
034010010030009	FOX MANAGEMENT LLC	1209 PECKS WOODS DR	NEW BRIGHTON, MN 55112		
034010010030009	FOX MANAGEMENT LLC	1209 PECKS WOODS DR	NEW BRIGHTON, MN 55112		
034010010040009	PULAK, DARRELL D & VINDY R	11679 KNOTTY PINE DR	BAXTER, MN 56425		
034010010050009	LEMIEUX'S PROPERTY MANAGEMENT, LLC	BRIAN E & JACQUELYN A LEMIEUX	8378 BRANDON RD	BAXTER, MN 56425	
034010020010009	FOX MANAGEMENT LLC	1209 PECKS WOODS DR	NEW BRIGHTON, MN 55112		
034010020040009	FOUR LEAF HOLDINGS LLC	3175 BREI KESSEL RD	INDEPENDENCE, MN 55359		
034010020050009	CHIP SNOOPY DOG PROPERTIES LLC	C/O J AND J HOLMES INC	8365 BRANDON RD	BAXTER, MN 56425	
070092300AA0009	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070092300ABA009	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070092300B00009	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070092300CA0009	HINES, DONALD T & TODD A	901 CORA ST	BRainerd, MN 56401		
070092300DA0009	COULTER, DORIS M TRUST	1001 CORA ST	BRainerd MN 56401		1001 CORA ST
070092300G00009	JOHNSON, MARGARET J	222 HIGHLAND SCENIC DR S	BRainerd MN 56401		222 HIGHLAND SCENIC DR S
070092400DAB009	ANDA, ROGER & ELIZABETH J(75% INT)	C/O ANDA CONSTRUCTION	PO BOX 777	MOORHEAD, MN 56561	
070092400DAB009	ANDA, ROGER & ELIZABETH J(75% INT)	C/O ANDA CONSTRUCTION	PO BOX 777	MOORHEAD, MN 56561	
070092400DBA009	CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRainerd, MN 56401	
070092400E00009	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070093103BB0AA0	CENTRAL LAKES, COLLEGE	1830 AIRPORT RD	STAPLES MN 56479		
070093103BB0AB0	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070093103C00009	BRainerd COMMUNITY COLLEGE	501 COLLEGE DR W	BRainerd MN 56401		501 COLLEGE DR
070093200AA0009	BRainerd COMMUNITY COLLEGE	501 COLLEGE DR W	BRainerd MN 56401		
070093200AA0009	BRainerd COMMUNITY COLLEGE	501 COLLEGE DR W	BRainerd MN 56401		
070093200C00009	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070093304A00009	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070093304A00009	STATE OF MINNESOTA	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
09198047010Z009	STATE OF MINNESOTA	C/O CENTRAL LAKES COLLEGE	1830 AIRPORT RD	STAPLES, MN 56479	
091980490030009	LANDY, BONNIE	1812 PRAIRIE HILL RD	ST CLOUD, MN 56301		312 8TH ST SW
091980490040009	CRIMMINS, DONNA M	308 8TH ST SW	BRainerd, MN 56401		308 8TH ST SW
09198049007Z009	FITCH, DAVID J & KAREN F	11031 FLANDERS CT NE	BLAINE MN 55449		821 CORA ST
09198049009Z009	FITCH, DAVID J & KAREN F	11031 FLANDERS CT NE	BLAINE MN 55449		
09198051000Y009	HINES, DONALD T & TODD A	901 CORA ST	BRainerd, MN 56401		901 CORA ST

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
09198061000Z009	STATE OF MINNESOTA DNR-	500 LAFAYETTE ROAD BOX 45	ST PAUL, MN 55155		7TH ST SW & ETHEL
09204001001Y009	PRINCE, LOIS J (LIFE ESTATE)	1021 ANABEC ST	BRAINERD, MN 56401		1021 ANNABEC ST
09204001001Z009	LINDBERG, BONITA E REV TRUST AG	1023 ANABEC ST	BRAINERD, MN 56401		1023 ANABEC ST
092040010030009	BOLLIG, DENNIS D & CAROLE	1001 ANABEC ST	BRAINERD MN 56401		1001 ANABEC ST
09204001004Z009	CZECZOK, JAMES A & TONI	923 ANABEC ST	BRAINERD MN 56401		923 ANABEC ST
09204001005A009	MINNESOTA CONFERENCE ASSOC OF SEVENTH D	7384 KIRKWOOD COURT	MAPLE GROVE MN 55369		
092040010070009	MINNESOTA CONFERENCE ASSOC OF SEVENTH D	7384 KIRKWOOD COURT	MAPLE GROVE MN 55369		
092060010010009	MOBERG, TERRY ARTHUR	902 CINDY ST	BRAINERD MN 56401		902 CINDY ST
092060010030009	JOHNSON, ROBERT A & MARY BETH	912 CINDY STR	BRAINERD MN 56401		912 CINDY ST
092060010040009	JOHNSON, ROBERT A & MARY BETH	912 CINDY STR	BRAINERD MN 56401		
092150010010009	BECKER, EDWARD W & PATRICIA	403 HIGHLAND SCENIC DR S	BRAINERD MN 56401		403 HIGHLAND SCENIC DR S
092150010020009	SELLNOW, RICHARD A & DOREEN K	1024 ANABEC ST	BRAINERD MN 56401		1024 ANABEC ST
092150010030009	HEIKKILA, WILLIAM L & DANNA L	701 KATIE LN	BRAINERD, MN 56401		701 KATIE LN
092150010040009	JENNIGES, ALPHONSE & ELAINE	705 KATIE LN	BRAINERD MN 56401		705 KATIE LN
092150010050009	SHIVERS, CONSTANCE A	706 KATIE LN	BRAINERD, MN 56401		706 KATIE LN
092150010060009	ROSSINA, MARK B & KRISTIN	702 KATIE LN	BRAINERD MN 56401		702 KATIE LN
092150010070009	PERNULA, WESLEY T & KATHRYN	902 ANABEC ST	BRAINERD MN 56401		902 ANABEC ST
092150010080009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590		
092150020010009	MINNESOTA CONFERENCE ASSOC OF SEVENTH D	7384 KIRKWOOD COURT	MAPLE GROVE MN 55369		901 ANABEC ST
092270010010009	NORTHERN MANAGEMENT , INC	PO BOX 7792	ST CLOUD MN 56302		1203 CAMPUS DR W
092270010020009	NORTHERN MANAGEMENT , INC	PO BOX 7792	ST CLOUD MN 56302		1203 CAMPUS DR W
092270010030009	MINNERATH RESIDENTIAL PROPERTIES LP	6325 COUNTY RD 87 SW	ALEXANDRIA, MN 56308		CAMPUS DR W
092270010040009	MINNERATH RESIDENTIAL PROPERTIES LP	6325 COUNTY RD 87 SW	ALEXANDRIA, MN 56308		CAMPUS DR W
092280020010009	ANDA, ROGER & ELIZABETH J(75% INT)	PO BOX 777	MOORHEAD, MN 56561		722 COLLEGE DR
092660010010009	FORNESS, BENJAMIN D	PO BOX 1130	BRAINERD, MN 56401		472 HIGHLAND SCENIC DR S
092660010020009	JOHNSON, ROBERT A & MARY BETH	912 CINDY STR	BRAINERD MN 56401		



City Planning Department

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

Receipt # 8893
Check # 3746
Date Paid: 5/22/14

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

NATURE OF REQUEST (please check)

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

PROPERTY ADDRESS: PID # 070093103BB0ABO, # 070093103BB0AA0

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: See PID # Above
(attach description if lengthy)

Property Owner Name: Minnesota State Colleges and Universities, on behalf of Central Lakes College

Street Address: 30 East 7th Street City: St. Paul State: MN Zip Code: 55101

Phone Number: 651-201-1732 Fax: _____ E-mail: laura.king@so.mnscu.edu

Applicant Name: (If different than Property Owner) Central Lakes College and CLC Foundation

Street Address: 501 West College Drive City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-855-8060 Fax: 218-855-8057 E-mail: kchristi@clcmn.edu

Description of Request: To rezone the above referenced parcels to R-3 from existing zoning of B-3 and R-1
Plans are to construct multi family dwellings for rent to students. Project involves a two stage project.
Phase One is construction at the southwest corner of the ABO parcel.
Phase Two is construction on the northeast corner of the AA0 parcel.

Property Owner Signature

Laura M. King, Vice Chancellor - CFO

(Please print name)

Applicant Signature

Kari Christiansen

(Please print name)

5/21/14

Date

5/21/14

Date

(OVER)

STAFF REPORT TO THE PLANNING COMMISSION

May 2, 2014

APPLICANT/LOCATION: Minnerath Residential Properties, 6325 Center Road 87 SW
Alexandria, MN 56308

The Crow Wing County property records lists the owner as
Northern Management Inc.; PO Box 7792; St. Cloud, MN 56302

Property location is 1203 Campus Drive West

PROPOSED USE: Variance to construct a detached garage closer to the street
than the principal building and to construct the garage
within the required setback.

PARCEL AREA: 1.40 Acres

CURRENT ZONING: R-3 (Multi-Family Residential) District

ADJACENT USES: North: Vacant College Property
East: Central Lakes College
South: Central Lakes College
West: Vacant

ADJACENT ZONING: North: B-4 (General Commercial) District
East: R-3 (Multi-Family Residential) District
South: R-3 (Multi-Family Residential) District
West: R-3 (Multi-Family Residential) District

REPORT

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 the street than the apartment building on the site and the garage will be located approximately 24' feet from the College Drive property line.

Note – The hearing notice specifies the accessory building distance from the property line as 6' which is not correct. Because the correct distance is more than advertised a new hearing notice is not required. The Planning Department mailed a hearing notice correction to affected property.

Zoning Ordinance SECTION 17 GENERAL BUILDING, USE AND DESIGN PROVISIONS
8: Accessory Buildings, Uses and Equipment. 4. Setbacks read:

Detached accessory buildings shall comply with the following 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.

And Zoning Ordinance Section 515 SECTION 57 R-3, HIGH DENSITY RESIDENTIAL DISTRICT 7: Minimum Lot Area and Setback Requirements. C. Accessory building and structure setbacks: 2. Multiple Family and Multiple Family (senior) reads:

- a. Front Yard: Thirty (30) feet.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

- A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. *This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*
- L. *Provide for administration of this Ordinance.*
- M. *Provide for amendments.*
- N. *Prescribe penalties for violation of such regulations.*
- O. *To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

When the variance is consistent with the Comprehensive Plan.

It is difficult to establish a relationship between the Comprehensive Plan and this variance.

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

- I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;*

It appears possible that a garage can be constructed on the site's west side. The location would be on a separate parcel owned by the petitioner. That is not an issue for this variance.

- II. The plight of the landowner is due to circumstances unique to the property not created by the landowner;*

The College Drive reconstruction required closing the College Drive access. The owner demolished a portion of the existing garage to create a new site access to Mississippi Parkway.

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

Locating the garage as proposed will place it 24' from the street right of way. The building is planned to be 60' long meaning the street view will be a 60' wall. Should approval recommendation be made it is suggested that it be done with a condition that some type of coniferous planting be installed on the property between the garage and the property line. The size to be in accord with Zoning Ordinance Section 20 Landscaping and Screening.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

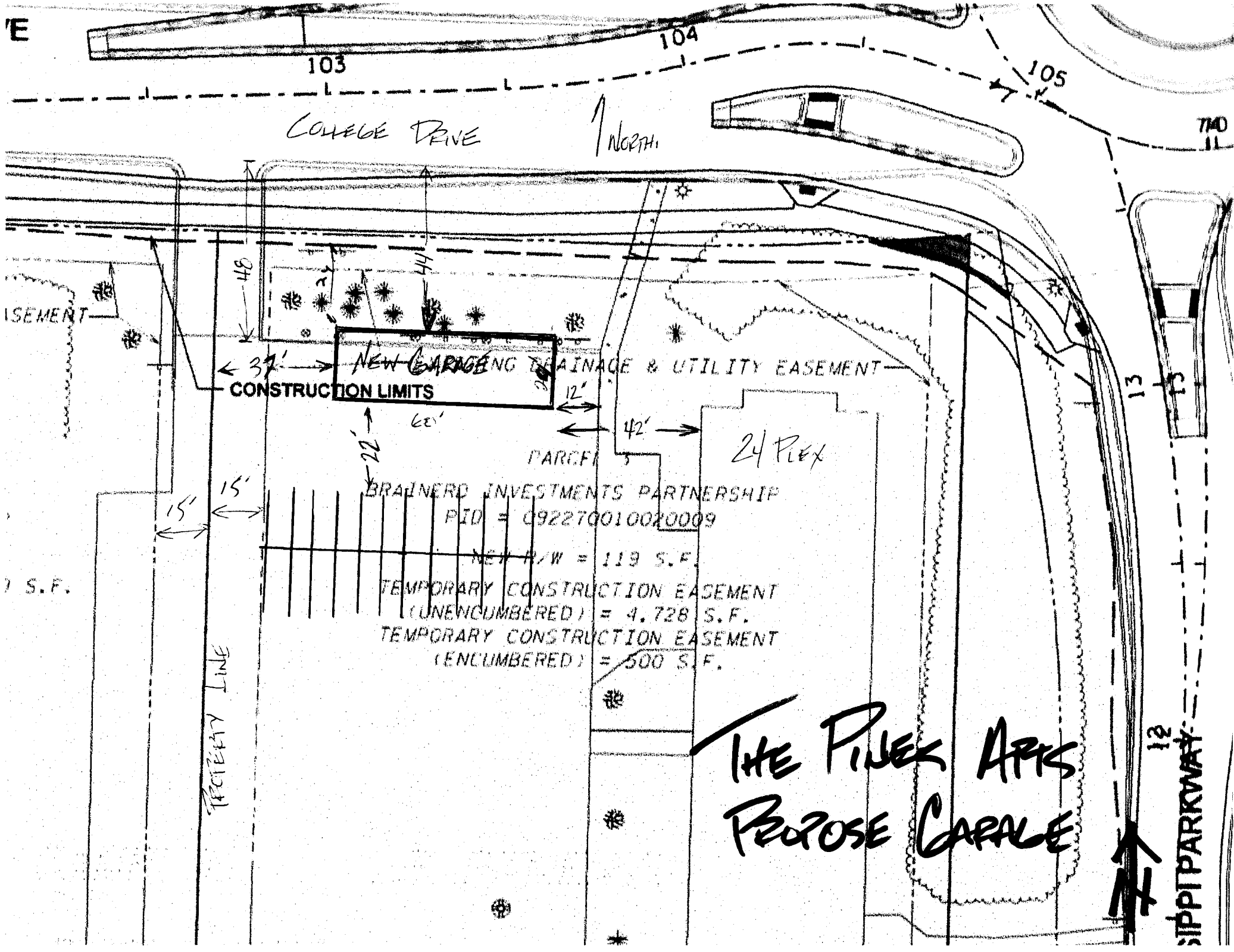
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at the May 14, 2014 meeting and the City Council would receive the recommendation for consideration at its May 19, 2014.

Respectfully submitted,



Mark Ostgarden AICP
City Planner



E

COLLEGE DRIVE

NORTH

EASEMENT

NEW GARAGE
CONSTRUCTION LIMITS
DRAINAGE & UTILITY EASEMENT

PARCELS

24 PLEX

BRAINERD INVESTMENTS PARTNERSHIP
PID = 092270010020009

NEW R/W = 119 S.F.

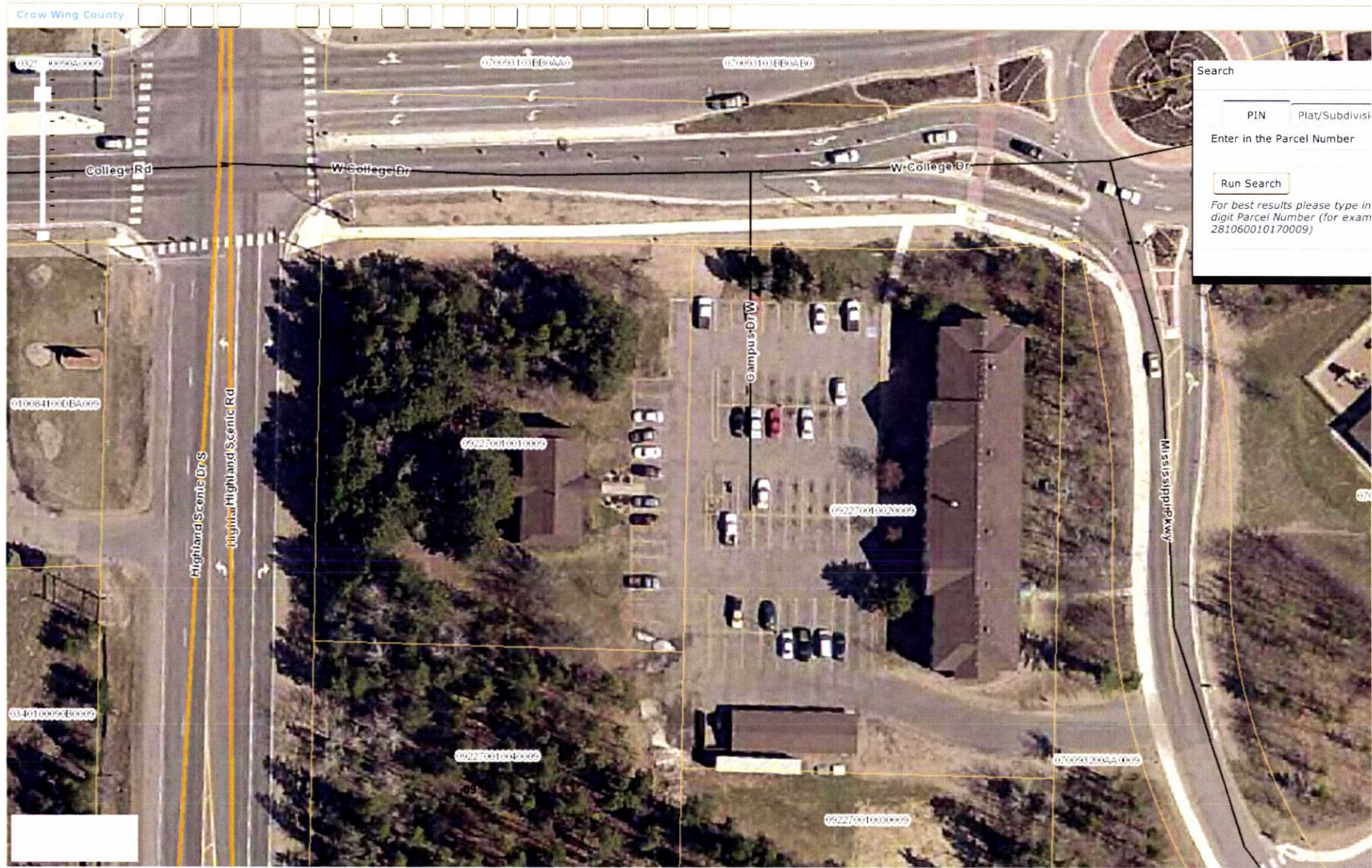
TEMPORARY CONSTRUCTION EASEMENT
(UNENCUMBERED) = 4,728 S.F.

TEMPORARY CONSTRUCTION EASEMENT
(ENCUMBERED) = 500 S.F.

PROPERTY LINE

THE PINEK APTS
PROPOSE GARAGE

DRIP PARKWAY



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Northern Management Inc.; PO Box 7792; St Cloud, MN 56302, has submitted a variance request to construct a detached accessory building (garage) in the front yard closer to the street than the principal building (apartment) and to construct the accessory building within the required front yard setback. The proposed accessory building will be located closer to College Drive than the principal building and will be approximately six (6) feet from the front (College Drive) property line. See the attached site plan for building locations. In order to construct the detached accessory structure, a variance from the following City of Brainerd Zoning Ordinance requirements is requested:

515-17-8: General Building, Use and Design Provisions B.4. Residential Accessory Buildings, Structures and Uses. 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 the lot.

And:

515-57-7: Minimum Lot Area and Setback Requirements C.2. Accessory building and structure setbacks: Multiple Family and Multiple Family (senior):

- a. Front Yard: Thirty (30) feet

The property is legally described as follows:

Lot 2 Block 1 TOG/W Esmnt of Rec

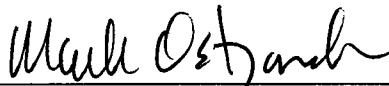
P.I.N. No. 092270010020009

Section 9 Township 133 Range 28

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 5:30 p.m., Wednesday, May 14, 2014 to consider the request for the Variance.

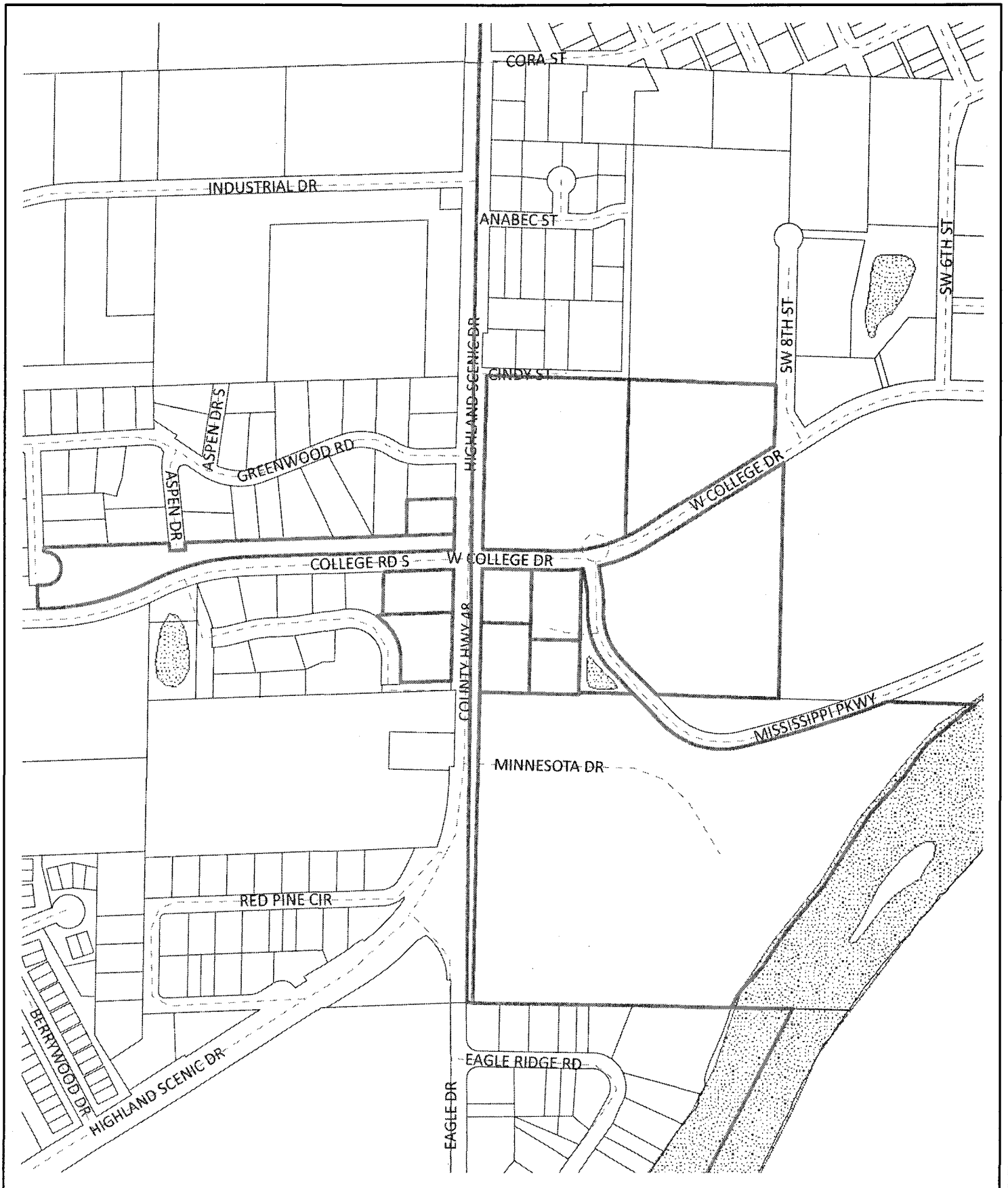
Any individual needing special accommodations please call (218) 828-2309.

Dated this 28th day of April, 2014



Mark Ostgarden AICP
City Planner

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	TXADR4	PHYSADDR
010084100DBA009	TUDOR ROSE LLC	3325 OAK ST	BRAINERD, MN 56401			8218 HIGHLAND SCENIC RD
031150020060009	NICHOLS, FRANK C JR & TERESA MARIE	8250 HIGHLAND SCENIC RD	BAXTER, MN 56425			8250 HIGHLAND SCENIC RD
0325600090A0009	CITY OF BAXTER	P O BOX 2626	BAXTER, MN 56425			
0340100090B0009	HAGLIN PROFESSIONAL PARK LLC	3175 BREIKESSEL RD	INDEPENDENCE, MN 55359			
070093103BB0AA0	CENTRAL LAKES, COLLEGE	1830 AIRPORT RD	STAPLES MN 56479			
070093103BB0AB0	STATE OF MINNESOTA	OFFICE OF THE CHANCELLOR	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070093200AA0009	BRAINERD COMMUNITY COLLEGE	501 COLLEGE DR W	BRAINERD MN 56401			
070093200AA0009	BRAINERD COMMUNITY COLLEGE	501 COLLEGE DR W	BRAINERD MN 56401			
070093200C00009	STATE OF MINNESOTA	OFFICE OF THE CHANCELLOR	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
070093304A00009	STATE OF MINNESOTA	OFFICE OF THE CHANCELLOR	500 WORLD TRADE CTR	30 EAST 7TH ST	ST PAUL MN 55101	
092270010010009	NORTHERN MANAGEMENT , INC	PO BOX 7792	ST CLOUD MN 56302			1203 CAMPUS DR W
092270010020009	NORTHERN MANAGEMENT , INC	PO BOX 7792	ST CLOUD MN 56302			1203 CAMPUS DR W
092270010030009	MINNERATH RESIDENTIAL PROPERTIES LP	6325 COUNTY RD 87 SW	ALEXANDRIA, MN 56308			CAMPUS DR W
092270010040009	MINNERATH RESIDENTIAL PROPERTIES LP	6325 COUNTY RD 87 SW	ALEXANDRIA, MN 56308			CAMPUS DR W

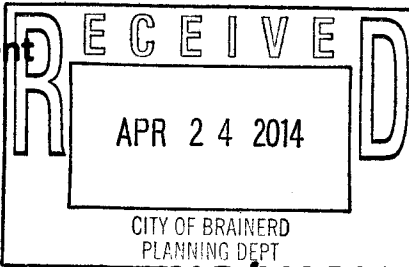


0 370 740 Feet

0 0.075 0.15 Miles

**City Planning Department**

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



Receipt # 8851
 Check # CASH
 Date Paid: 4-24-14

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

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

PROPERTY ADDRESS: 1703 CAMPUS DRIVE WEST. (THE PINKS APTS)

LEGAL DESCRIPTION: Lot(s): 2 Block: 1 Addition: _____
092270010020009

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
 (attach description if lengthy)

Property Owner Name: MINNEAPOLIS RESIDENTIAL PROPERTIES

Street Address: 6325 CTR ROAD 87 SW City: ALEX State: MINN Zip Code: 56308

Phone Number: _____ Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) DAVID MACGILSEN 1 AGENT

Street Address: 1725 WEST ST. GERMAIN City: ST. CLOUD State: MINN Zip Code: 56301

Phone Number: 320-267-4881 Fax: 320-855-9282 E-mail: DMACGILSEN@AOL.COM

Description of Request: BUILD A CARPARK 24x60 on NORTH SIDE
of PROPERTY. 44' from CURB (COURAGE DR) and
to Area closer to COURAGE DRIVE total APT
BUILDING.

Property Owner Signature

Date

(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

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 POLICE DEPARTMENT

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

BRAINERD PUBLIC UTILITIES

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

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383

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.us

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-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

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: April 30, 2014

RE: Request to Reconsider Property Zoning

Greg Jedlenski, owner of several properties in the community, has requested the Planning Commission to reconsider the zoning of those properties. Attached is an e-mail from Mr. Jedlenski explaining why he thinks the zoning should be reconsidered. The lots were rezoned as part of the community wide Zoning Map review completed in 2011.

Two lots are on North 8th Street, one lot is a 3 unit building and one lot is vacant lot, and were rezoned from R-3 to R-1. Once parcel is located on Quince Street between 12th Street and 13th Street. The dwelling is a duplex and was rezoned from R-3 to R-2.

Attached are the land use maps of the area within which the lots are located. The existing land use maps depict why the Planning Commission at that time thought it appropriate to rezone the areas.

It is the Planning Department position that based on our 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.

Patrick Wussow

From: Jedlenski, Gregory A SFC USARMY (US) <gregory.a.jedlenski.mil@mail.mil>
Sent: Tuesday, April 15, 2014 11:48 AM
To: Patrick Wussow
Cc: Jedlenski, Brandon A SGT USARMY NG MNARNG (US)
Subject: City Members (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

To whom it may concern:

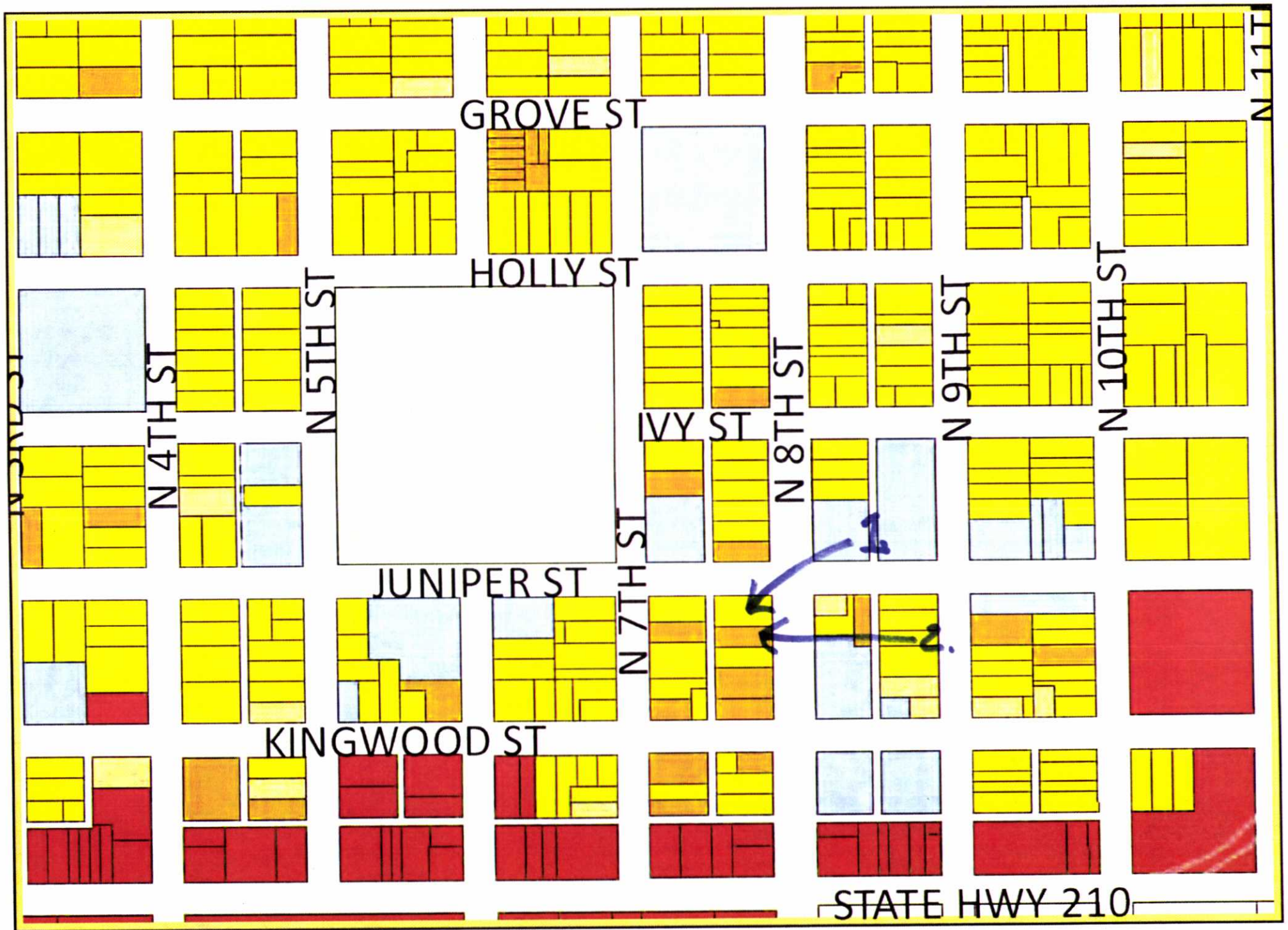
I Greg Jedlenski have had five income properties in the town of Brainerd for over 25yrs. I purchased these properties for the purpose of rental income and one empty lot to build a 4-plex in the future. They were purchased in compliance with the zoning regulations (R3). I now have just learned on 11 Apr 2014, that the city planning board implemented a new zoning regulation. This effected three of my properties. I was never notified by letter of these changes. I would think because of such a major change to these properties and ones livelihood, I would have been notified in a better way than an article in the Brainerd Dispatch. Now I am not in compliance by this new zoning rule. I also understand that the city can make decisions with unintended consequences. This is why I am asking the city to reinstate the original zoning back to (R3) and (R2). This would put me back in compliance, so the properties can be used as originally planned.

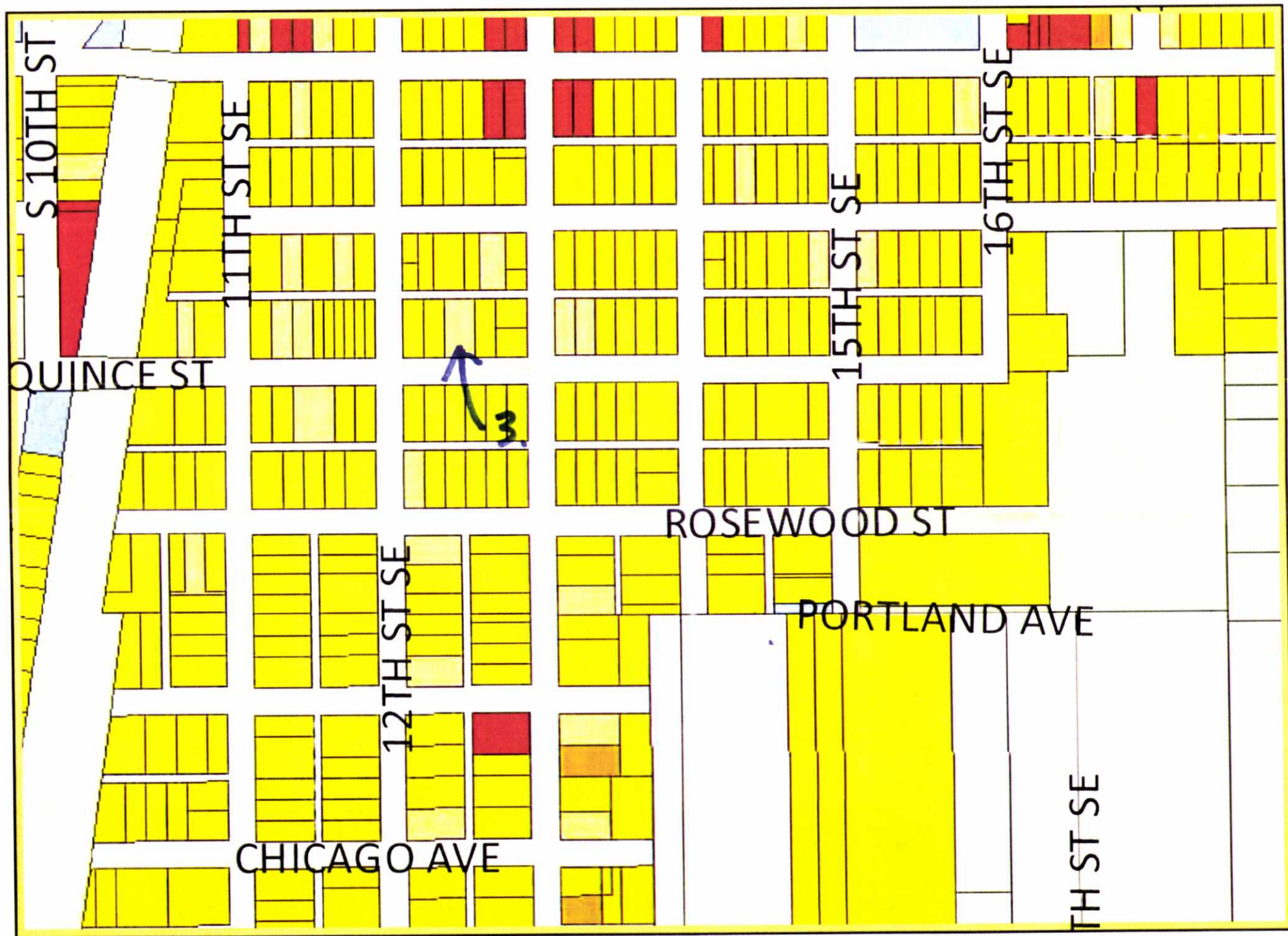
The three properties that were affected are as follows:

PARCIL ID	Address	Originally Zoned
1. 09196076010Z009	empty Lot 8th ST N	R3
2. 09196076008Z009	317 N 8th ST N.	R3
3. 09174010006Z009	1209 Quince ST S.E.	R2

Any Questions please contact me at 218-839-3050.

Classification: UNCLASSIFIED
Caveats: FOUO





OLD Zoning

