

BRAINERD PLANNING COMMISSION

Wednesday, July 9, 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 June 11, 2014 and Special Meeting on June 30, 2014
4. New Business
 - a. Public Hearing – Accessory Building (Garage) Variance – Ronald Gray 1702 13th Ave NE
 - b. Public Hearing – Zoning Text Amendment – Amend Zoning Ordinance Section 70-2, I-1 Light Industry District to Permit Fitness and Recreation Centers as described by the 2012 North American Industrial Classification System Code 713940
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
7. Commissioners' Questions/Comments
8. City Planner Report
9. Adjourn

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

PLANNING COMMISSION

Wednesday, June 11, 2014

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

Noted present were Commissioners Pritschet, Hayden, Matten, Plantenberg, and Norwood. Commissioners Straw and Cole were 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 May 14, 2014

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND MATTEN, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF MAY 14, 2014.

#4 NEW BUSINESS

a. Public Hearing – Variance – John Majka (James Dehen Property Owner) – 212 Ridge Court

City Planner Ostgarden stated the petitioner is proposing to construct a detached 24' x 32' (768 sf) accessory building on the corner lot at Ridge Drive and Ridge Court. 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 Court.

City Planner Ostgarden noted there will not be an additional curb cut and they are positioning the garage to provide for limited removal of trees. He also noted the 12' x 14' shed currently located on the property will be removed.

The Public Hearing was opened at 6:09 p.m.

Mr. James Dehen, 212 Ridge Court, stated they are proposing electricity to the garage but not water and noted there will be an additional curb cut into the cul-de-sac to make the orientation of the garage straight and have a cosmetically pleasant view. He stated the shed will be removed and the concrete slab will be removed.

The public hearing was closed at 6:13 p.m.

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

1. The property is zoned R-1A (Single Family) Residential District. It consists of two lots in the Buffalo Hills Subdivision totaling a little more than one (1) acre.
2. The proposed garage is 24' x 32' (768 square feet) in size.

3. The property has a bluff (ravine) along a side of the property that requires a thirty (30) foot building setback. The proposed garage has been located on the lot to avoid the bluff setback encroachment.
4. The location and angle places a corner of the building within the street side yard setback area.
5. The garage will have a curb cut on the cul-de-sac.
6. The variance is supported by the Comprehensive Plan Goal #3 – Strategy, which reads:

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.

7. Two neighborhood residents contacted the Planning Department and had no concerns with the variance.

The Commission agreed to add the following finding-of-fact: 8. The petitioner spoke regarding the request and no one spoke in opposition of the request.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF VARIANCE 381 TO PERMIT AN ACCESSORY BUILDING SIDE YARD SETBACK ENCROACHMENT BASED ON THE EIGHT (8) FINDINGS-OF-FACT.

b. Public Hearing – Rezoning – Central Lakes College – PID #070093103BB0AB0 and PID #070093103BB0AA0

City Planner Ostgarden stated Minnesota State Colleges and Universities (MNSCU), Central Lakes College and the Central Lakes College Foundation is requesting to rezone the northeast corner of College Drive and CSAH 48 from its current mixture of B-4 and R-1A zoning to R-3 zoning. He stated the property is approximately ten (10) acres in size, split evenly between the B-4 and R-1A zoning. The rezoning to R-3 will permit multi-family housing and it is the College's interest to have multi-family housing on the property.

City Planner Ostgarden stated the purpose of the hearing is to discuss the merits and appropriateness of rezoning the property to an R-3 zone, not to discuss building locations, number of units, and a site plan. He stated the south side of the property is quite high and what will be done with the topography is still being discussed.

City Planner Ostgarden stated during the 2009 Zoning Ordinance was redone and in 2011 the Zoning Map was redone. He noted the zoning prior to the 2011 changes, the majority of the property was zoned R-3 with the north 200 feet being zoned R-2 Urban Residential. He reviewed why the Commission chose to rezone the property to B-4.

City Planner Ostgarden reviewed the access to the site. He stated the County will not allow access to the property off of CSAH 48. He stated there will be design work done to determine if/how an access can be designed into the roundabout on College Drive at the south side of the property. He noted there is capacity on College Drive to handle traffic from this site. He stated there is alternative to the east and there is also, but is not currently being looked at, is to increase the right-of-way on Cindy Street and have an access from there.

City Planner Ostgarden reviewed the reasons for considering the rezoning, noting it is consistent with the Future Land Use map and it was previously zoned R-3. The property is well served by a street to carry the capacity of traffic from this sight along with adequate sewer and water. He stated there is single family residential to the west of the property (across CSAH 48) and to the north on Cindy Street and noted the proximity to where the proposed building would be located.

The public hearing was opened at 6:34 p.m.

Mr. Mike Angland, Engineer with Widseth, Smith, Nolting, stated we are working with the Central Lakes College Foundation on this project and they will be the entity that will be building with a long term lease with MNSCU and will be owned and operated by the Foundation. He reviewed some of the items that have been discussed with the City and considerations of the adjacent properties.

Commissioner Pritschet asked how tall the proposed building(s) will be. Mr. Angland stated at this time they are proposing a three story structure that will potentially have sixty (60) units. He stated they will exceed the height restriction by approximately five (5) feet.

Commissioner Hayden asked if the building will be located on the south parcel. Mr. Angland stated the initial building will be located on the southwest corner of the property with a potential structure in the future located on the north parcel, but they plan to keep a buffer on the north end with the existing vegetation.

Commissioner Norwood stated there is the potential for 180 units. Mr. Angland stated that is the current maximum considered and the Foundation has researched the public need for this type of housing.

Commissioner Pritschet asked if these will be apartments or dorms and will anyone be able to rent them. Mr. Angland it will be available to be rented by anyone and will not be dorms.

Commissioner Hayden asked if there is a time frame for construction. Mr. Angland stated there are a lot of things to work through but there is some preliminary design work being done in order to choose the best location.

Mr. Ben Forness, 472 Highland Scenic Drive, stated he owns one of the three properties to north. He noted he appreciates the consideration being taken regarding the adjacent residential properties. He stated there are concerns about multi-family housing being located across the street with access off Cindy Street being a large concern. He stated he would like to see a buffer on the north side to provide a transition from the R-3 to the residential properties to the north.

Mr. Denny Bollig, 1001 Anabec Street, stated he is not opposed to the rezoning of the B-4 to the R-3. He gave the history of the zoning in that area from the 1980's. He stated there is a lot of concern with the access from the north side and a buffer between the R-3 and the residential areas.

Mr. Terry Moberg, 902 Cindy Street, stated he is concerned with what happens to the property. He also reviewed the history of the zoning in that area in the 1980's. He stated he feels the building should be done on the south half and not on the north half.

Ms. Pam Thomsen, Executive Director of Central Lakes College Foundation, asked if the Commission had any questions.

Commissioner Matten asked if they had any opposition to the change in zoning in 2011. Ms. Tomsen stated she was not involved in that process and would have to defer the question.

Commissioner Hayden asked about her feelings of keeping a buffer zone on the north side of the property. She stated he would have to refer to WSN regarding designing to see how that would work as there are restrictions based on parking and the size of the structure.

The public hearing was closed 6:54 p.m.

City Planner Ostgarden stated the 35 foot height was mentioned as a restriction. He stated buildings above 35 feet are allowed by conditional use permit. He stated property owners should know when they live adjacent to vacant land there is the potential for development and change. He stated it hasn't changed that the property has been identified as having a medium to high density residential use in the Future Land Use Map.

Discussion was held regarding transition between different zoning districts and access off of Cindy Street.

Discussion was held regarding how to rezone the property, such as both parcels or just the south parcel.

Commissioner Hayden stated she is in favor of rezoning the property to promote development in the City.

Discussion was held regarding establishing a buffer zone and access off of Cindy Street.

Commissioner Pritschet stated he is considering the buffer zone as he feels Cindy Street is not adequate for a 60 unit building, prevent a large apartment structure in such close proximity to a single family home, and to prevent concerns with noise, crime, etc that could potentially come with high density areas.

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

1. The property is approximately 10 acres in size and is vacant.
2. The property has frontage on CSAH 48, College Drive and Cindy Street.
3. The current zoning is B-4 (General Commercial) District on the south half and R-1A (Single Family Residential) District on the north half. The proposal is to rezone the site to R-3 (Multiple Family Residential) District.
4. R-3 zoning permits multi-family dwellings.
5. The property to the east is college owned and is used for recreation, parking or is vacant. The property to the south is vacant and has multiple family developments. A convenience store is located at the southwest corner of College Drive and CSAH 48.
6. Three single family residential properties are adjacent to the north. Four single family residential properties are located across CSAH 48.
7. The Future Land Use Map identifies the property as Medium to High Density Residential.

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

STRATEGY

- a) *Only place high-density developments in areas with adequate transportation infrastructure.*
 - b) *Encourage development of low density and high density family housing units in those areas designated on the adopted Land Use Plan.*
 - c) *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.*
- 8. The property prior to 2012 had been primarily zoned R-3. The northerly 200' was zoned R-2 Urban Residential which permitted duplexes and attached townhouses.
 - 9. The property is served by collector streets and adequate sewer and water. College Drive is designed for 28,000 to 30,000 vehicles/day and current volumes are between 14,000 to 15,000 vehicles/day.
 - 10. Based on the area development pattern, additional multifamily development should not create impacts that negatively affect the public health, safety and welfare.

The Commission agreed to remove finding-of-fact 10.

The Commission agreed to add the following findings-of-fact: 10. Three property owners spoke with concerns about access to Cindy Street. 11. The petitioner and petitioner's engineer spoke about the request.

City Planner Ostgarden noted the previous zoning on the north end of the property was not only single family but was Urban Residential which would allow townhomes.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND MATTEN TO RECOMMEND REZONING THE TWO PARCELS FROM B-4 (GENERAL COMMERCIAL) DISTRICT AND R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3 (MULTIPLE FAMILY RESIDENTIAL) DISTRICT EXCEPT FOR THE NORTH SIXTY (60) FEET OF THE R-1A WHICH SHALL NOT BE REZONED BASED ON THE ELEVEN (11) FINDINGS-OF-FACT. COMMISSIONER HAYDEN VOTED

#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 presented information to the Commission and gave an update on the Mississippi Riverwalk project.

#6 **OLD BUSINESS**

a. **Variance – The Pines Apartments – 1203 Campus Drive West**

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND NORWOOD, DULY CARRIED, TO UN-TABLE THIS ITEM.

City Planner Ostgarden reviewed the staff report stating 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. He noted a portion of the existing garage had to be demolished during the College Drive reconstruction to accommodate the new entrance onto Mississippi Parkway.

City Planner Ostgarden noted there was not any public comment at the public hearing at the last meeting. He noted the petitioner is here tonight to answer questions from the Commission.

Mr. David Magelssen, Northern Management Inc, stated he manages The Pines Apartments and explained why they are requesting construction of a new garage partially due to the College Drive reconstruction which caused partial demolition of the existing garage. He explained why the garage could not be construction on the lot the has the six-plex noting the two parcels are owned by the same partnership, but the percentage of ownership among the partners is different for each parcel and the depth would not allow for the size of garage they are proposing.

Commissioner Hayden asked if there will be vegetation between the garage structure and College Drive. Mr. Magelssen stated there currently are some trees and he is establishing some maple trees and he will look at curb appeal.

Commissioner Matten asked how large the proposed garage will be. Mr. Magelssen stated it will be three single stall garages with an area for storage.

Clarification was given regarding a demolition permit for a garage noting it was for the portion of the existing garage that had to be demolished for the new entrance and the remainder of that garage will remain.

Commissioner Norwood asked how much closer will the garage be to College Drive than the main building. Mr. Magelssen stated there has been confusion on the location of the property line and where the setback is. He stated it is 10-20 feet closer than the primary building.

Commissioner Hayden stated she believes this is a problem created by the City's street reconstruction and feels the variance should be granted with a condition of screening.

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

1. The property is zoned R-3 (High Density) Residential District.
2. R-3 Districts require a 30' minimum accessory building front yard setback and an accessory building cannot be located closer to the street than the principal building on the lot.
3. The property is a corner lot with College Drive considered front being it is the lot's narrow side.
4. A result of the College Drive project was that the property's College Drive access was removed and replaced with a Campus Drive West access. An existing garage at the new access impeded access and had to be partially demolished for the access.

The Commission agreed to add the following findings-of-fact: 5. The petitioner stated there was some vegetation along College Drive. 6. Petitioner spoke and answered questions. 7. No one spoke against the request.

The Commission agreed to add the following condition: 1. Planting conifer trees along the length of the garage. Tree height at planting shall be 4'-5' and planted according to spacing recommendations.

MOTION AND SECONDED BY COMMISSIONERS HAYDEN AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF VARIANCE 380 TO PERMIT CONSTRUCTION OF A DETACHED GARAGE CLOSER TO THE STREET THAN THE PRINCIPAL BUILDING AND TO CONSTRUCT THE GARAGE WITHIN THE REQUIRED SETBACK BASED ON THE SEVEN (7) FINDINGS-OF-FACT AND ONE (1) CONDITION.

b. Greg Jedlenski – Request to Reconsider Zoning of Property Rezoned as Part of the 2011 City Wide Rezoning

City Planner Ostgarden stated Mr. Jedlenski was sent a copy of the agenda with a personal note stating this would be discussed at the meeting tonight. Mr. Jedlenski is not here to speak on this request.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND NORWOOD, DULY CARRIED, TO DISMISS THIS REQUEST.

Commissioner Hayden asked about whether or not he is in compliance. City Planner Ostgarden stated if the rental license lapses for more than a year it cannot become a rental again. He stated Mr. Jedlenski's property at 317 N 8th St lost the rental license for the third unit because the license lapsed for over a year.

Commissioner Hayden stated the property was not built as a single family property. City Planner Ostgarden stated a duplex would be permitted, it is a three unit building, but because its nonconforming and the property owner did not continue the third rental license it can only be used as a duplex.

Commissioner Hayden stated Mr. Jedlenski should come back with a specific request since the Commission has voted to not consider the request, but she wants to make sure Mr. Jedlenski understands this is not the final say that it has to go back to a single family or duplex when it is not built that way.

Commissioner Pritschet stated Mr. Jedlenski had issues with not being notified about the rezoning in 2011, but he has been notified twice about this being on the agenda and hasn't responded.

#7 Commissioners' Questions/Comments

Commissioner Hayden stated Discovery Woods Montessori School has indicated interest in the Whittier School building just a little bit before the School Board opened bids for demolition of the property. Discovery Woods has asked the School Board for a little more time. She stated Discovery Woods plans to ask the City to reconsider purchasing the building and leasing it to them. She stated they will also be asking the Planning Commission for considerations on some issues also.

#8 City Planner's Report

City Planner Ostgarden stated the second/final reading on the small houses/infill ordinance is scheduled for the City Council meeting on Monday, June 16. He stated it sounds like there is consensus on allowing houses under 750 square feet with the following points:

- Minimum dwelling size is 500 square feet
- Dwellings between 500 and 750 square feet would be permitted on nonconforming lots prior to 1989
- Any lot that is conforming could not be used for a home less than 750 square feet

He stated the way the City Council has approached this with the nonconforming lots and before 1989 so the definition of infill will not be needed.

City Planner Ostgarden stated he has presented the Commission with information regarding government training land use planning workshops. He stated please contact him if anyone is interested in attending.

#9 Meeting with MNDOT and the Walkable/Bikeable City Committee to Discuss B371 Corridor Improvements – set date and time

City Planner Ostgarden stated MNDOT would like to get public input later this summer therefore it would have been suggested for the Planning Commission and the Walkable/Bikeable City Committee to sit down with MNDOT to have discussion on the project before the end of the month.

Discussion was held regarding two dates. The Commission agreed to June 30 at 4:00 p.m.

#10 Adjournment

As there was no further business the meeting adjourned at 8:11 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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SPECIAL PLANNING COMMISSION

Monday, June 30, 2014

Vice Chairman James Norwood called the meeting of the Brainerd Planning Commission to order at 4:05 p.m. in the Fire Station Training Room

Noted present were Commissioners Cole, Hayden, Pritschet, and Straw. Commissioners Matten and Plantenberg were noted absent. Also present was Walkable Bikeable City Committee (WBCC) members Jan Burton, George Fruth and Ed Shaw; MNDOT Project Manager Jim Hallgren, Assistant City Engineer Jesse Freihammer and City Planner Mark Ostgarden.

The meeting purpose was a presentation by MNDOT Project Manager Jim Hallgren about the proposed S. 6th Street project planned for 2017 reconstruction. He described the project area being from Hwy 210 to Joseph Street. Design options being considered are reconstructing with the current 5 lane design or reduce the roadway to 3 lanes which would permit adding bicycle lanes, create area for a boulevard and allow room for sidewalk.

Ed Shaw presented the WBCC position of supporting the 3 lane roadway option.

Following Mr. Hallgren's presentation, Assistant City Engineer Jessie Freihammer presented a plan to continue with a nonmotorized amenity on the east side of S. 6th Street from Joseph Street to Industrial Park Road. The options are to construct a 6' wide concrete sidewalk or an 8' wide asphalt trail. The non-motorized amenity is planned to be constructed in conjunction with the MNDOT project.

Motion by Pritschet and seconded by Straw to adjourn at 5:20 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION

June 30, 2014

APPLICANT: Ronald Gray, 11533 Wisconsin Ave. N.; Champlain, MN 55316

PROPERTY LOCATION: 1702 13th Ave NE; Brainerd, MN 56401

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

LOT AREA: Approximately 15,675 sf or .38 acres

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

ADJACENT USES: North: Single Family Dwellings and Townhouses
East: Rice Lake
South: Single family dwellings
West: Town Homes

ADJACENT ZONING: North: R-1A (Single Family) Residential
East: R-1A (Single Family) Residential
South: R-1A (Single Family) Residential
West: R-2 (Medium Density) Residential

REPORT

The petitioner has property fronting on Rice Lake and desires to construct an accessory building on the property. The accessory building would be constructed closer to 13th Avenue NE than the existing dwelling, a location permitted with lots with water frontage. The accessory building is proposed to be 5' from the side lot line where a 10' side yard is required. Because the property is adjacent to Rice Lake it is subject to the Shoreline Management Regulations. The most significant in this situation is not more than 25% (3,918 sf) of the lot can be impervious area.

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.

GENERAL GOAL #1: *Maximize Brainerd's potential as a thriving center for business, health care, industry, education and recreation, while maintaining and enhancing its livability.*

Strategy

Protect both the general welfare and the individual choices of Brainerd residents. Insure that decisions that are made by the community reflect the needs of current residents and business owners.

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 garage is the only accessory building on the lot and it is 24' x 20', the typical 2 stall garage size.

The dwelling area is 1,426 sf and the proposed 480 sf accessory building totals 1,906 sf. A conservative measurement of the drive areas of 1,000 sf brings the total impervious area to 2,906 sf, well less than the allowed 3,918 sf.

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

The unique circumstances of this property are the tapered lot shape as it nears 13th Avenue. The narrow lot width makes locating an accessory building in compliance with side yard setbacks difficult.

- 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 accessory building will be setback over 125' from 13th Avenue. The **important quality** of the locality is the orientation of the lots and dwellings to the lake. The building location and size should not affect adjoining property's lake views or impinge on the ability to access and enjoy the lake.

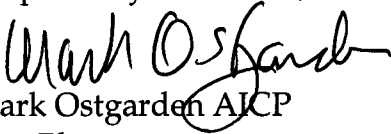
The garage size and height is in keeping with the size and height of the other building in the locality.

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 July 9, 2014 meeting and the City Council can receive the recommendation for consideration at its July 21, 2014 meeting.

Respectfully submitted,


Mark Ostgarden AICP
City Planner



Ronald D. Gray
11533 Wisconsin Ave. No.
Champlin, MN 55316
952-261-8497
June 16, 2014

City Planning Department
City Hall - 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316

Regarding a variance application for Ronald D. Gray;

I am requesting a five foot variance at the irregular shaped property at 1702 13th Avenue N.E. Brainerd in order to locate the front of the garage at the street level, which is about 3 feet higher than the front of the house.

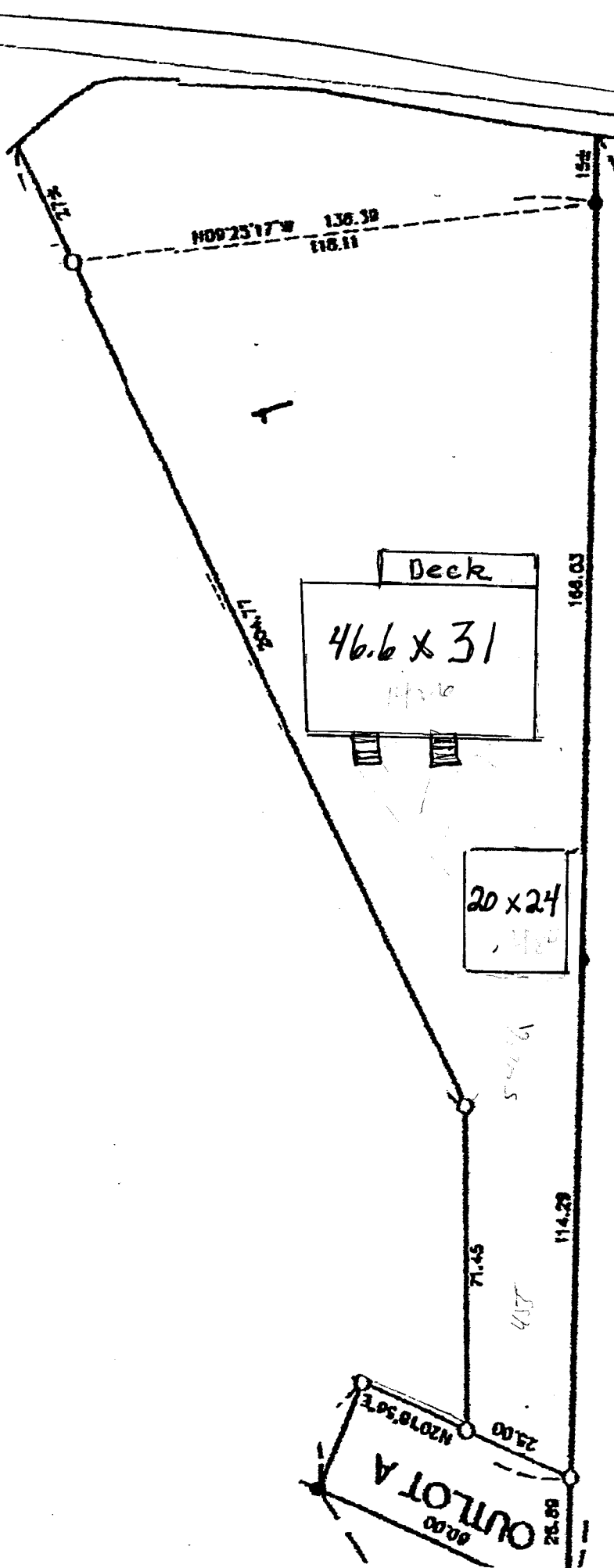
The garage will be used for parking a vehicle and storage of needed items to maintain the yard and the dwelling on this property. The proposed garage size and location will not obstruct or change the general character of the locality. Desired placement of the garage will keep the house doors unobstructed as well as the view to the street.

Thank You,

A handwritten signature in black ink, appearing to read "Ron Gray", with a stylized flourish at the end.

Ronald D. Gray

RICE LAKE



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Ronald Gray; 11533 Wisconsin Ave N; Champlin, MN 55316, has submitted a variance request for the property located at 1702 13th Avenue NE; Brainerd, MN 56401 to construct a detached accessory building (garage) within the required side yard setback. The proposed accessory building will be set back five (5) feet from the property line. 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:

2. Side Yard: Ten (10) feet

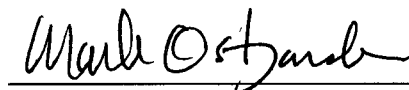
The property is legally described as follows:

*Lot 1 Block 1 and an und 1/3 int in Outlot A Subject to an easement of record, Adeline Shores
P.I.N. No. 092610010010009
Section 18 Township 45 Range 30*

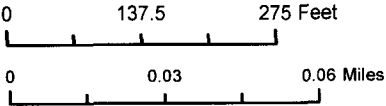
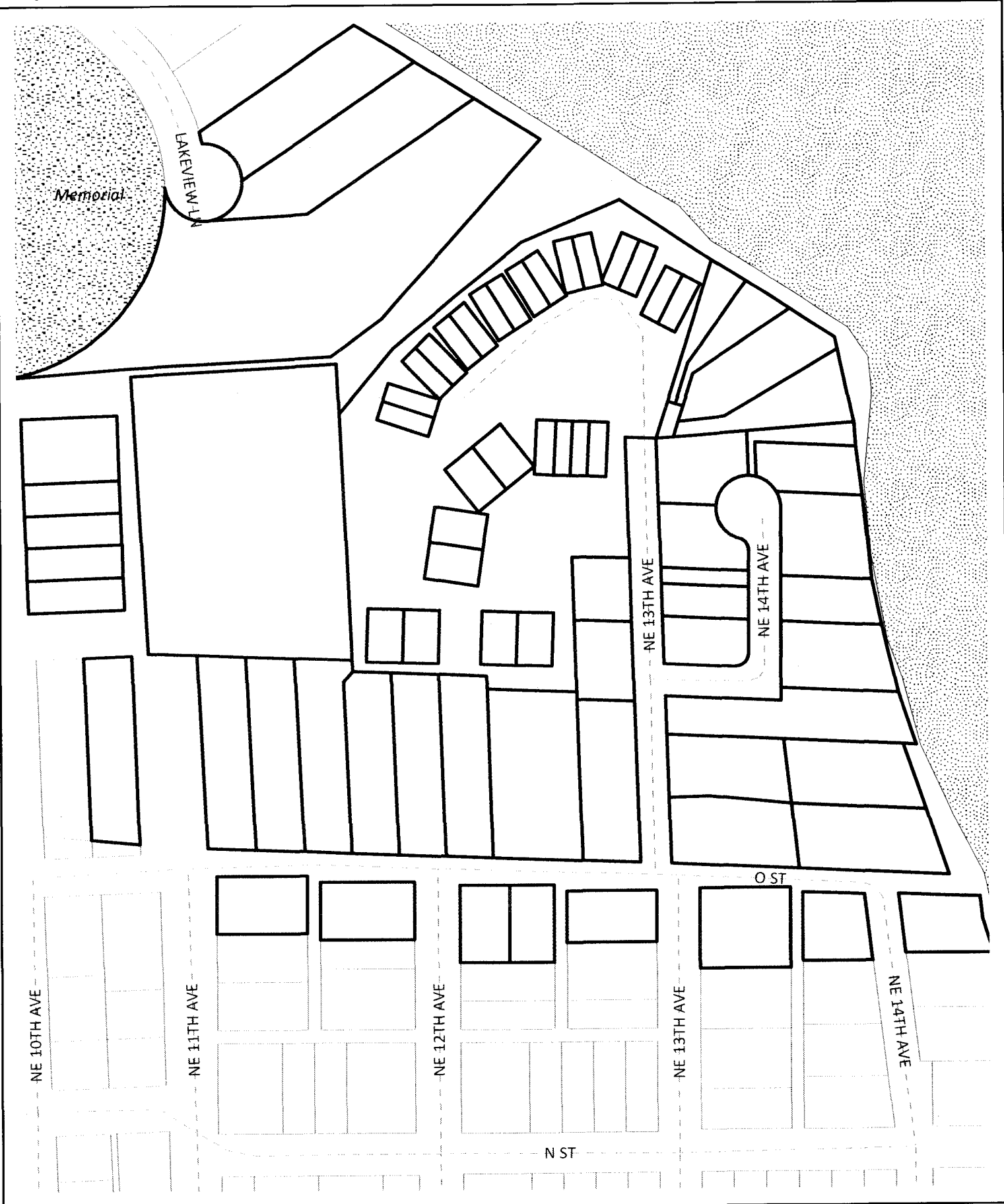
Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, July 9, 2014 to consider the request for the Variance.

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

Dated this 25th day of June, 2014



Mark Ostgarden AICP
City Planner



APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
092600000230009	AMERICAN NATIONAL BANK OF MN	PO BOX 147	PEQUOT LAKES, MN 56472	1627 13TH AVE NE
092600000130009	ANHORN, GLEN F & LELA L	1707 13TH AVE NE	BRAINERD, MN 56401	1707 13TH AVE NE
091480040050009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1608 10TH AVE NE
091480040060009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	
092690010010009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1211 O ST NE
092690010020009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1221 O ST NE
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092690010040009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1241 O ST NE
092600000060009	BENSON, MICHAEL D & LAURIE L & GRAY, BRIAN & JOYCE	1721 NE 13TH AVE	BRAINERD, MN 56401	1721 13TH AVE NE
092610010030009	CRUM, BONNIE K & DAVID E	1706 13TH AVE NE	BRAINERD, MN 56401	1706 13TH AVE NE
0915000090A0009	CRUM, STEPHEN & EILEEN M C KURPIERS	22267 STATE HIGHWAY 6	DEERWOOD, MN 56444	
091500010040009	CRUM, STEPHEN & EILEEN M C KURPIERS	22267 STATE HIGHWAY 6	DEERWOOD, MN 56444	
092600000190009	DAY, MAX L & DONNA S	1635 13TH AVE NE	BRAINERD, MN 56401	1635 13TH AVE NE
091500020010009	EADES, DAVID & BEATRICE	1512 13TH AVE NE	BRAINERD, MN 56401	1512 13TH AVE NE
091500020050009	ERICKSON, BRADLEY M	1727 13TH AVE NE	BRAINERD, MN 56401	1608 14TH AVE NE
092600000040009	ERICKSON, BRADLEY M	1727 13TH AVE NE	BRAINERD, MN 56401	1725 13TH AVE NE
092600000030009	ERICKSON, WAYNE B & MARGERY	1727 13TH AVE NE	BRAINERD MN 56401	1727 13TH AVE NE
09261001003A009	EVERSON, RONALD O & STEPHANEE	1708 13TH AVE NE	BRAINERD, MN 56401	1708 13TH AVE NE
092600000170009	FUNK, STEVEN M	1639 13TH AVE NE	BRAINERD, MN 56401	1639 13TH AVE NE
050184400GB0009	GOSIAK, ADAM S & MEGAN E	1523 13TH AVE NE	BRAINERD, MN 56401	1523 13TH AVE NE
092610010010009	GRAY, RONALD D	11533 WISCONSIN AVE N	CHAMPLIN, MN 55316	1702 13TH AVE NE
050184400I00009	GRECULA, ROBERT J & WANDA	18735 JERMARK RD	FIFTY LAKES, MN 56448	1511 13TH AVE NE
091480040040009	HAIGHT, MICHAEL D & JESSICA E	1612 10TH AVE NE	BRAINERD, MN 56401	1612 10TH AVE NE
091210000090009	HARBOTT RENTALS MN LLC	8273 INDUSTRIAL PARK RD	BAXTER MN 56425	1414 14TH AVE NE
092520010010009	HAUER, ROBERT L	1415 O ST NE	BRAINERD, MN 56401	
092520010020009	HAUER, ROBERT L	1415 O ST NE	BRAINERD, MN 56401	1504 13TH AVE NE
092520010030009	HAUER, ROBERT L	1415 O ST NE	BRAINERD, MN 56401	
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09188003014X009	HOFFMAN, MICHAEL A & MICHELLE K	1302 O ST	BRAINERD MN 56401	1302 O ST NE
09188003014Y009	HOFFMAN, MICHAEL A & MICHELLE K	1302 O ST	BRAINERD MN 56401	
050184400GA0009	HOFFMAN, TROY	3516 ELMO RD	MINNETONKA, MN 55305	
092350010020009	JENSEN, MERVIN & MARCY FAMILY TRUST	1203 LAKEVIEW LANE	BRAINERD, MN 56401	1203 LAKEVIEW LN
092350010030009	JENSEN, MERVIN & MARCY FAMILY TRUST	1203 LAKEVIEW LANE	BRAINERD, MN 56401	1203 LAKEVIEW LN
092600000010009	JENSON, CAROL L	1731 13TH AVE NE	BRAINERD, MN 56401	1731 13TH AVE NE
09150001002A009	KAMPEN, WAYNE J & SUSAN	1604 13TH AVE NE	BRAINERD MN 56401	
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091500020040009	KAMPEN, WAYNE J & SUSAN	1604 13TH AVE NE	BRAINERD MN 56401	1604 14TH AVE NE
092600000150009	KEINANEN, IONE M	1703 13TH AVE NE	BRAINERD MN 56401	1703 13TH AVE NE
091210000080009	KNOLD, ELEANOR V REV TRUST 8-4-08	1413 14TH AVE NE	BRAINERD, MN 56401	1413 14TH AVE NE
092600000200009	KNUTSON, LONNIE	1633 13TH AVE NE	BRAINERD, MN 56401	1633 13TH AVE NE

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
092600000090009	KOESTER, KEITH D	1715 13TH AVE NE	BRAINERD, MN 56401	1715 13TH AVE NE
092600000160009	KUSCHEL, GERTRUDE I REV TRUST AGR	1701 13TH AVE NE	BRAINERD, MN 56401	1701 13TH AVE NE
091500020030009	LANE, RICHARD	1526 14TH AVE NE	BRAINERD MN 56401	1526 14TH AVE NE
050184400L00009	LEE, ROBERT E	1309 O ST	BRAINERD, MN 56401	1309 O ST NE
092310010010009	LUDWIG, DANIEL W & LINDA K	1205 O STREET	BRAINERD MN 56401	1205 O ST NE
092310010020009	LUDWIG, DANIEL W & LINDA K	1205 O STREET	BRAINERD MN 56401	
092600000140009	LUEHRING, ROBERT D & DONNA	1705 13TH AVE NE	BRAINERD, MN 56401	1705 13TH AVE NE
09188004001Y009	LUND, DANIEL A	1425 12TH AVE NE	BRAINERD, MN 56401	1425 12TH AVE NE
09150001001Z009	LUNDMARK, DAVID E	1524 14TH AVE NE	BRAINERD MN 56401	
09150001002C009	LUNDMARK, DAVID E	1524 14TH AVE NE	BRAINERD MN 56401	
091500020020009	LUNDMARK, DAVID E	1524 14TH AVE NE	BRAINERD MN 56401	1524 14TH AVE NE
050184400KA0009	MILLER, DIANNE R & GARY R	1102 Q ST NE	BRAINERD MN 56401	1102 Q ST NE
091480040030009	MILLOCH, ROBERT F & RUTH	14082 INGLEWOOD DR	BAXTER, MN 56425	1614 10TH AVE NE
092600000370009	MISSISSIPPI RIVER SHORES OWNER ASSO	PO BOX 1144	BRAINERD, MN 56401	
092600000270009	NORTHERN NATIONAL BANK	P O BOX 2690	BAXTER, MN 56425	1619 13TH AVE NE
092600000290009	NORTHERN NATIONAL BANK	P O BOX 2690	BAXTER, MN 56425	1601 13TH AVE NE
092600000310009	NORTHERN NATIONAL BANK	P O BOX 2690	BAXTER, MN 56425	1605 13TH AVE NE
092600000330009	NORTHERN NATIONAL BANK	P O BOX 2690	BAXTER, MN 56425	1609 13TH AVE NE
092600000350009	NORTHERN NATIONAL BANK	P O BOX 2690	BAXTER, MN 56425	1613 13TH AVE NE
09148008001X009	OTTERSON, ANTHONY R	1107 O ST NE	BRAINERD, MN 56401	
09148004001Z009	PIETILA, TODD L	1624 10TH AVE NE	BRAINERD, MN 56401	1624 10TH AVE NE
09188004015Z009	RANKIN, JOHN E & LILLIAN	1426 11TH AVE NE	BRAINERD MN 56401	1426 11TH AVE NE
092350010040009	RUNBERG, JAMES & DIANE	1205 LAKEVIEW LN N	BRAINERD, MN 56401	1205 LAKEVIEW LN
09188003001Z009	SAMANDYS LLC	16111 TAMARAC TRAIL	BRAINERD, MN 56401	1421 13TH AVE NE
092600000180009	SANTORO, FRANK & JOAN	2251 CALLAWAY DR	THE VILLAGES, FL 32162	1637 13TH AVE NE
092600000120009	SCHILLING, JACOB L	1709 13TH AVE NE	BRAINERD, MN 56401	1709 13TH AVE NE
092600000210009	SEGLER, BRUCE & MARLENE A	1629 13TH AVE NE	BRAINERD MN 56401	1631 13TH AVE NE
092600000050009	SEVERT, SANDRA L	150 E BURNSVILLE PKWY #305	BURNSVILLE, MN 55337	1723 13TH AVE NE
092600000100009	SMITH, JEFFREY E & MARY E	14469 HUMMINGBIRD CT NW	ANDOVER, MN 55304	1713 13TH AVE NE
092600000110009	SMITH, TERRANCE L & SHARON D	1711 13TH AVE NE	BRAINERD, MN 56401	1711 13TH AVE NE
092610010020009	SOMERVILLE, JEFFREY & BRIAN	2069 2ND ST	LAKE PARK, MN 56554	1704 13TH AVE NE
092600000250009	STAVIG, SANDRA K	1623 13TH AVE NE	BRAINERD, MN 56401	1623 13TH AVE NE
09188002013Z009	TEIG, LARRY W & MARGARET A	1420 13TH AVE NE	BRAINERD MN 56401	1420 13TH AVE NE
092600000080009	VOGT, LOUISE E	1717 13TH AVE NE	BRAINERD, MN 56401	1717 13TH AVE NE
092600000020009	WASSINK, MARK W & JULIE M	1729 13TH AVE NE	BRAINERD, MN 56401	1729 13TH AVE NE
092600000070009	WOLLEAT, PATRICIA L	2002 JEFFERSON ST	MADISON, WI 53711-2116	1719 13TH AVE NE



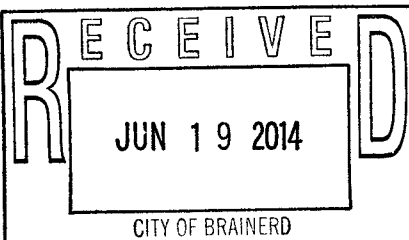
City Planning Department

City Hall - 501 Laurel Street

Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us



Receipt # 8930
Check # 6858
Date Paid: 6/19/14

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

NATURE OF REQUEST (please check)

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

PROPERTY ADDRESS: 1702 13th Ave N.E.

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

Property Owner Name: RONALD D. GRAY Cell 952-261-8497

Street Address: 11533 WISCONSIN AVE N. City: CHAMPLIN State: MN Zip Code 55316

Phone Number: 763-427-1902 Fax: SAME E-mail: RON639@8.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: I want to build a garage. In order for it to fit on my pie shaped property, I need to build 5 feet from the property lines

Ron Gray

Property Owner Signature

RON GRAY

(Please print name)

Applicant Signature

(Please print name)

6-10-14

Date

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

X _____ **MISSISSIPPI HEADWATERS BOARD**

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

 _____ **MINNESOTA DEPARTMENT OF TRANSPORTATION**

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

X _____ **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

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

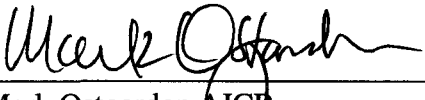
Notice is given that the City of Brainerd Planning Commission has initiated a public hearing to consider a text amendment of the Brainerd Zoning Ordinance Section 70 – I-1, LIGHT INDUSTRY DISTRICT, Section 515-70-2 Permitted Uses to add the following:

L. Fitness and Recreation Centers as described by the 2012 Version of the North American Industrial Classification (NAICS) Code 713940

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 6:00 p.m., Wednesday, July 9, 2014 to consider the Text Amendment. A copy of the Text Amendment is on file at the City Planning Department, 501 Laurel Street.

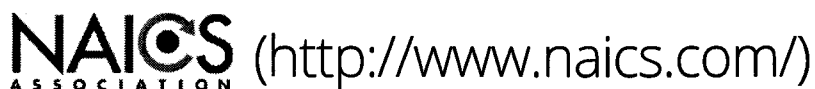
Any individual needing special accommodations please call (218) 828-2309.

Dated this 25th day of June 2014.



Mark Ostgarden AICP
City Planner

Publication date: June 27, 2014



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713940 Fitness and Recreational Sports Centers

This industry comprises establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.

Illustrative Examples:

Aerobic dance or exercise centers
Ice or roller skating rinks
Gymnasiums
Physical fitness centers
Handball, racquetball, or tennis club facilities
Swimming or wave pools

Cross-References.

- Establishments primarily engaged in providing nonmedical services to assist clients in attaining or maintaining a desired weight are classified in U.S. Industry 812191 (?code=812191), Diet and Weight Reducing Centers;
- Establishments primarily engaged in operating health resorts and spas where recreational facilities are combined with accommodations are classified in Industry 721110 (?code=721110), Hotels (except Casino Hotels) and Motels; and
- Recreational sports clubs (i.e., sports teams) not operating sports facilities are classified in Industry 713990 (?code=713990), All Other Amusement and Recreation Industries.

2002 NAICS	2007 NAICS	2012 NAICS	Corresponding Index Entries
713940	713940	713940	Aerobic dance and exercise centers
713940	713940	713940	Athletic club facilities, physical fitness
713940	713940	713940	Body building studios, physical fitness
713940	713940	713940	Dance centers, aerobic
713940	713940	713940	Exercise centers
713940	713940	713940	Fitness centers
713940	713940	713940	Fitness salons
713940	713940	713940	Fitness spas without accommodations
713940	713940	713940	Gymnasiums
713940	713940	713940	Handball club facilities
713940	713940	713940	Health club facilities, physical fitness
713940	713940	713940	Health spas without accommodations, physical fitness
713940	713940	713940	Health studios, physical fitness
713940	713940	713940	Ice skating rinks
713940	713940	713940	Physical fitness centers
713940	713940	713940	Physical fitness facilities
713940	713940	713940	Physical fitness studios

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(<http://www.naics.com/us-business-directory/>)

Crosswalks

NAICS to SIC Crosswalk

(<http://www.naics.com/wp/wp-content/uploads/2013/12/NAICS-to-SIC-Crosswalk.pdf>)

SIC to NAICS Crosswalk

(<http://www.naics.com/wp/wp-content/uploads/2013/12/SIC-to-NAICS-Crosswalk.pdf>)

Free Resources

SBA Size Standards

(http://www.naics.com/wp/wp-content/uploads/2014/01/NAICS-Size_Standards_Table-2013.pdf)

Whitepaper Downloads

(<http://www.naics.com/whitepaper-downloads-naics-association>)

High Risk NAICS Codes

(<http://www.naics.com/wp/wp-content/uploads/2013/12/NAICS-ASSOCIATION-High-Risk-and-Cash-Intensive-NAICS-Codes-List.pdf>)

713940	713940	713940	Racquetball club facilities
713940	713940	713940	Recreational sports club facilities
713940	713940	713940	Rinks, ice or roller skating
713940	713940	713940	Roller skating rinks
713940	713940	713940	Spas without accommodations, fitness
713940	713940	713940	Sports club facilities, physical fitness
713940	713940	713940	Squash club facilities
713940	713940	713940	Strength development centers
713940	713940	713940	Swimming pools
713940	713940	713940	Tennis club facilities
713940	713940	713940	Tennis courts
713940	713940	713940	Wave pools
713940	713940	713940	Weight training centers

Recent Posts

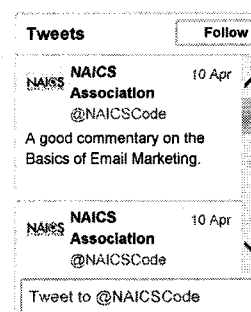
Is Bad Data Busting
Your Business Goals?
(/bad-data-busting-
business-goals/)

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Phone: 973-625-5626

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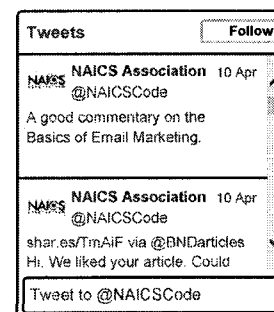


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Latest Tweets



6/30/14
Special Planning
Commission
Meeting

Hwy 371B Reconstruction

Brainerd

About this project

The project will address the deteriorated pavement condition on Highway 371B/South Sixth Street from Joseph Street to Highway 210 in Brainerd.

Records show that the current roadway was originally constructed in 1957. There have been numerous resurfacing projects since that time, most recently in 2009. The ride quality index (RQI) is 2.8. Projects are typically programmed as the RQI drops below 3.0. The existing pavement will continue to deteriorate rapidly over the next several years. In addition to the deteriorating pavement, other deficiencies include deteriorated catch basins, storm sewer, curb and gutter, and sidewalk. Also, the existing sidewalk does not meet accessibility standards covered under the Americans with Disabilities Act (ADA). And the city of Brainerd's aging sanitary sewer and water main within the highway right of way is in a deteriorated condition that needs to be addressed. There have been several breaks in recent years.



Existing five-lane design –two northbound and southbound lanes with a continuous center left turn lane.



Three-lane design - one northbound and southbound lane and a continuous left turn lane.

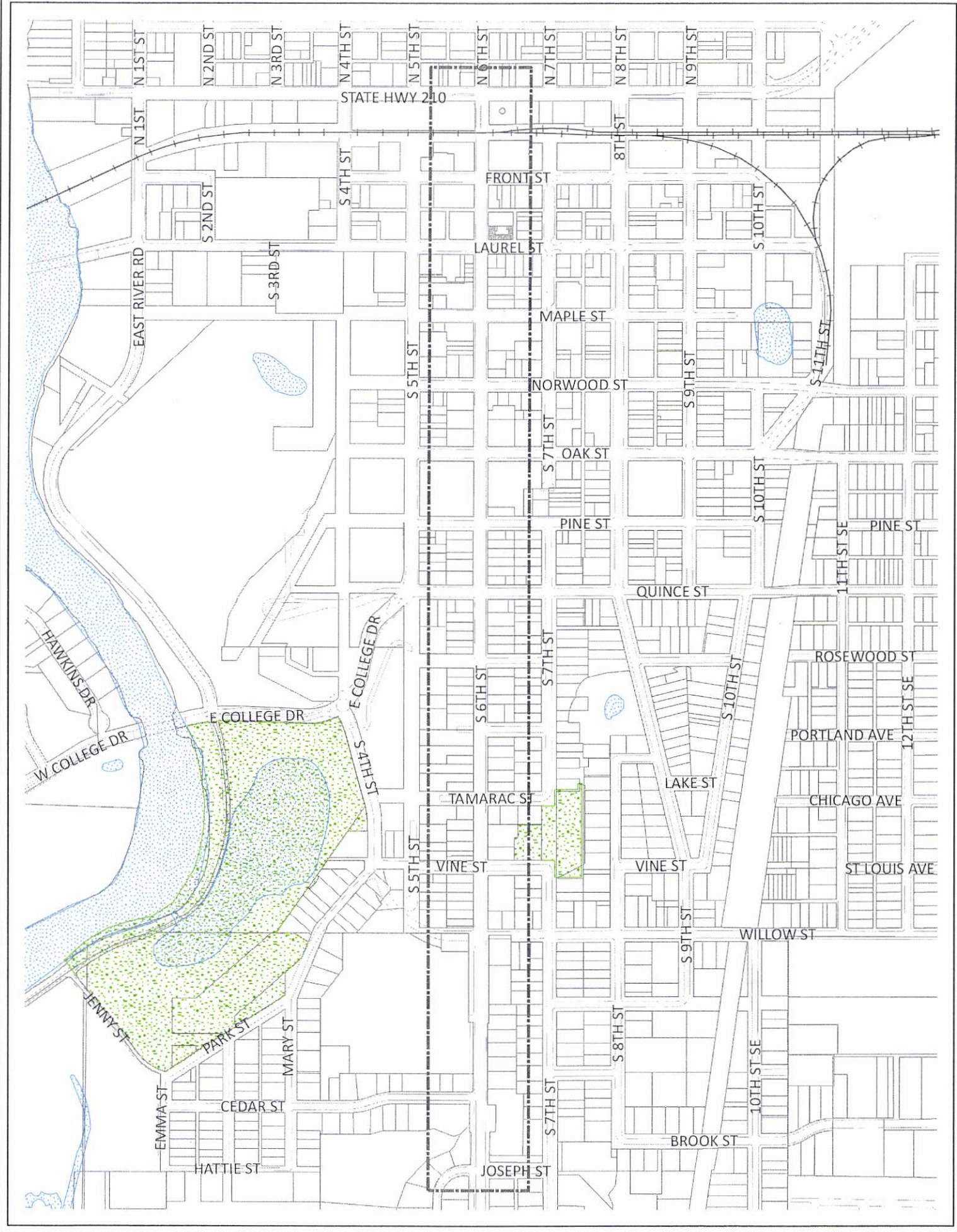
The Minnesota Department of Transportation (MnDOT) is proposing to reconstruct Highway 371B/South Sixth Street between Joseph Street and Highway 210 in 2017. This presents an opportunity for the city to address

its deteriorated sanitary sewer and water main needs as well.

MnDOT is seeking input in determining the footprint of the new roadway. In particular, a three-lane design versus a five-lane design.

Project schedule

Notify City Council	Spring 2014
Planning Commission	Late Spring 2014
Public Input	Summer 2014
Preferred Alternative	Early Fall 2014
Final Layout	Fall 2014
Municipal Consent	Fall - Winter 2014
Environmental Document	Winter - Summer 2015
Final Design	Winter - Fall 2016
Acquire Right of Way	Winter - Fall 2016
Let project for bid	Fall 2016
Reconstruction	Spring - Fall 2017





5-Lane Typical Section

Pros

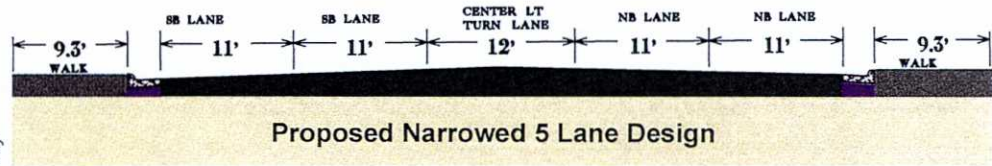
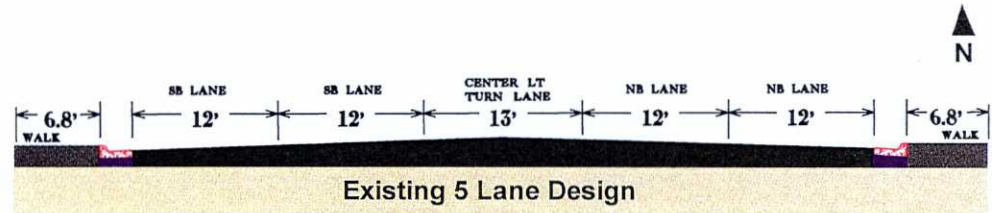
- Higher roadway capacity (approximately 33,500 vehicles per day) (current volume is approximately 12,000 vehicles per day)
- Minimal change from current roadway configuration

Cons

- 27% more impervious surfacing (approximately 15 feet wider)
- Reduced lane widths (12 foot lanes to 11 foot lanes)
- Additional Right of Way acquisition (5 foot strip = 26,565 square feet)(10 foot strip= 53,130 square feet)
- Tree removal (5 foot widening = approximately 32 trees) (10 foot widening = approximately 77 trees)
- Potential business relocations (estimated 1)
- Residential entrance rearrangement (steps from 371B to doorway) (estimated 4-5 locations)

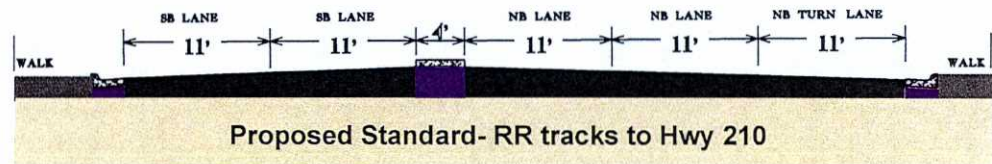
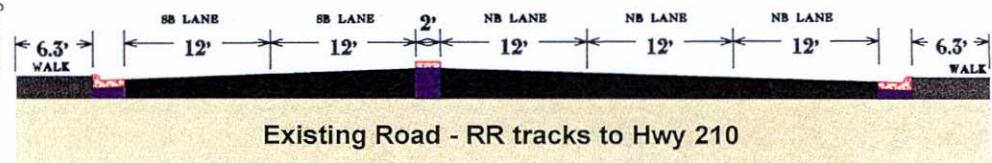
Both 3 and 5-Lane Typical Section

- May require additional Right of Way to construct a ADA compliant ramps at street crossings
- May require additional Right of Way to match into existing driveways and sidewalks



40 ft Right of Way

40 ft Right of Way





3-Lane Typical Section

Pros

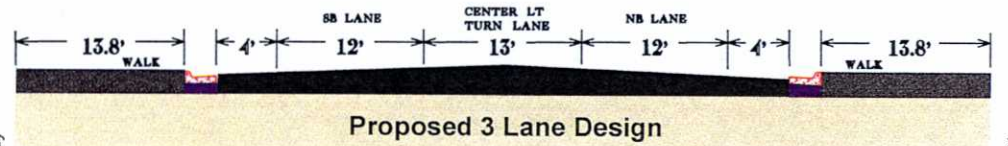
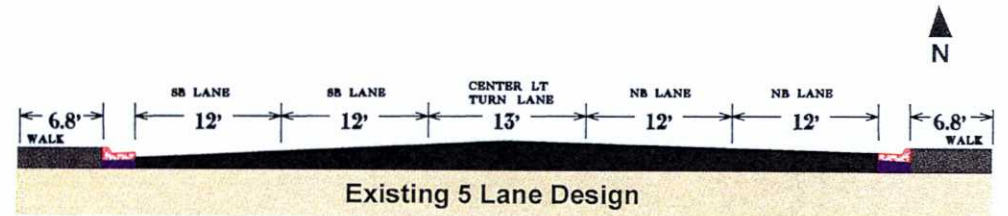
- Less Right of Way impacts to adjacent property owners (number of parcels)
- Provide an offset from thru lanes to curbs (shoulder) (bike lane)
- Provide wider travel lanes (12 feet)
- Incorporates a boulevard between the sidewalk and back of curb (turf)(snow storage)
- Eliminate business relocation
- Provide a straight uniform sidewalk
- Provide a better transition from curb line to existing driveways (driveway slope)
- More pedestrian friendly (ability to see traffic in all lanes when crossing)
- Reduce construction cost and Right of Way cost

Cons

- Lower roadway capacity (16,000 to 18,000 vehicles per day)(current volume is approximately 12,000 vehicles per day)

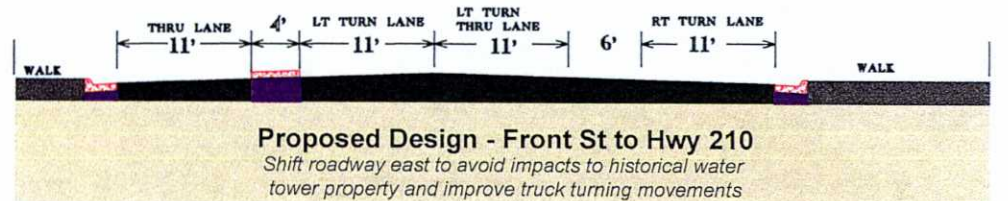
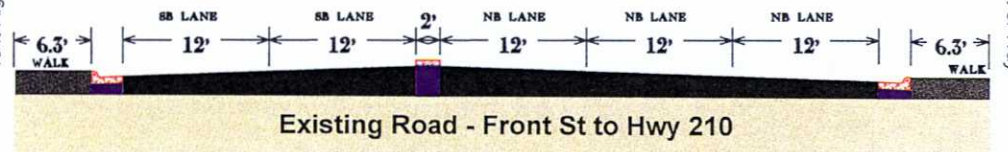
Both 3 and 5-Lane Typical Section

- May require additional Right of Way to construct ADA compliant ramps at street crossings
- May require additional Right of Way to match into existing driveways and sidewalks.

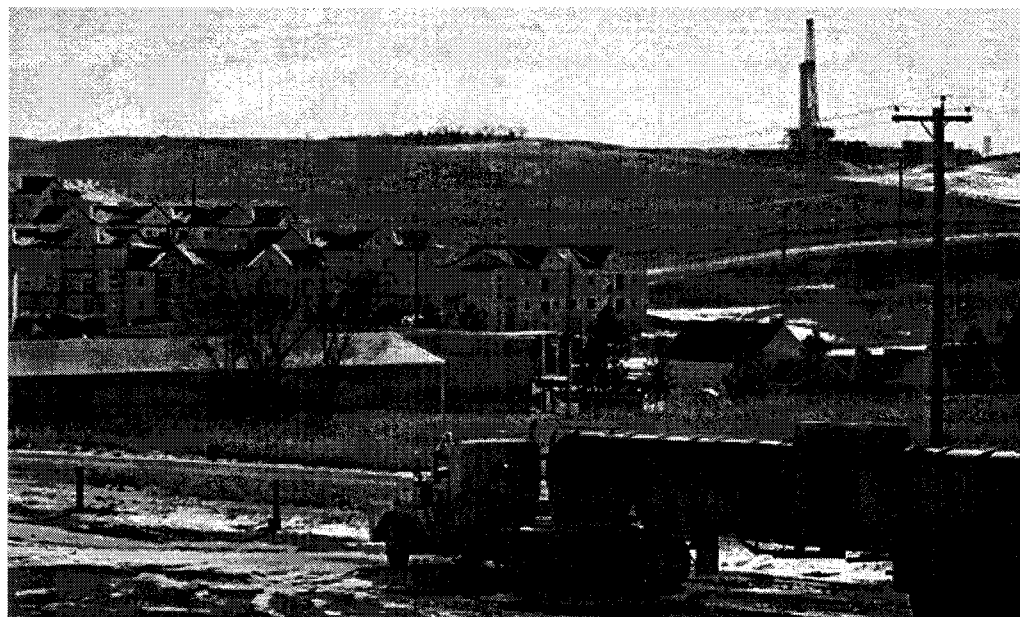


40 ft Right of Way

40 ft Right of Way



FINANCE & COMMERCE



An oil truck sits in a dirt lot Feb. 26 near a new housing development in Watford City, N.D. The housing development is the town's growth explosion from the Bakken oil boom. For years, the town's population was about 1,500. Now it's 7,000 - a number that's expected to more than double in years to come. (AP Photo: Martha Irvine)

Oil boom bringing more than construction

By: The Associated Press April 29, 2014 1:00 am 0

WATFORD CITY, N.D. — When Brent Sanford graduated high school nearly 25 years ago, his tiny prairie town seemed to be withering away. Storefronts were shuttered, senior classes shrinking, families packing up and out. He joined the exodus.

But he kept looking for a way to return. He followed his town's struggles from afar, getting updates from home and subscribing to the local weekly newspaper. He'd read about plans to lure businesses to Watford City, but results were discouraging. "It was sad to see," Sanford says. "They were trying to get things to happen ... couldn't force people to live here. There had to be a draw. There had to be a reason."

Watford City now has a reason: Billions of dollars of oil in the shale beneath the ground.

This town suddenly finds itself at the epicenter of the Bakken oil boom. A tidal wave of oil money has erased dusty, forlorn crossroads that once stood here and replaced it with a bustling community. As Watford City celebrates its 100th anniversary this year, it stands astride a county where more than 8 million barrels of oil — nearly 30 million a day — were pumped out of the shale in February. McKenzie County is the top oil producer in the state.

Oil already has transformed the landscape. Construction cranes tower in the sky. Houses and hotels are proliferating. Trucks rumble along Highway 85, creating bumper-to-bumper traffic. Tongues of flame flare from oil wells. Help wanted notices beckon from billboards and roadside signs. And the free-flowing cash has drawn investors from as far away as China and France.

"I don't know how else to say it, but it's mindboggling to see," says Sanford, now Watford City's mayor. "It's very surreal most of the time. We don't have a choice but to keep up with it and try to stay ahead of it. ... all those chances we were looking for in the mid '90s and early 2000s just hit us with a fire hose."

The Bakken bump — as it's often called — has pumped new life and new opportunities into long-fading towns such as Grenora, where temporary new homes have popped up and oil rigs whiz by at all hours. It's too soon to know how much these towns will benefit and for how long. But probably no place illustrates the possibilities and growing pains better than Watford City.

"I've been around long enough to see both sides," says Gene Veeder, McKenzie County's economic development director. "The economic boom is fantastic. But the effort that it's taken to deal with it is extraordinary. How do you build a city that's grown this fast in such a short period of time? How do you come up with a financial plan that is just to the people moving here?"

It's a question he never could have imagined during those desperate days when he scrambled to find tenants for empty storefronts along Main Street. Back then, Veeder touted Watford City's tranquility, cheap housing and low-cost labor — all gone now. But there were few takers.

"Fifteen years ago we couldn't get people to look this way," he says. "Now everyone is looking ... and we need to find a way to serve them."

Town officials are trying: They've expanded the sewer and water systems for a mushrooming population that is projected to reach 17,000 by 2017 — 10 times the 2010 census. They've offered subsidized housing to essential public employees such as police officers and teachers, who can't afford soaring housing costs: Monthly rent for a two-bedroom apartment has spiked from \$500 to \$2,000 or more in the last three years.

They've hired extra police to deal with rising numbers of calls and increasing crime.

And they've issued building permits at a record pace. By fall, there will be another 2,000 apartment units and 400 homes (many folks now live in campers or "man camps," dormitory-like settings). A new high school, community center and hospital are planned.

By the end of 2014 there will be nine hotels. Not long ago, there was just one, and a seasonal motel.

Four churches also plan to expand, says Jeff Ruggles, pastor of CrossPoint Church, whose congregation has grown since he arrived five years ago. His church will break ground this summer on an addition that will house a Sunday school, an indoor playground and what he calls a "man cave" to compete with the local bars — a hangout with a casual, friendly atmosphere, but without alcohol.

In the past two years, he says, he's seen people struggle with financial problems, marriage troubles and the stresses of living in campers, working 90-hour weeks. "I sit down and deal with people hurting and broken that I've never seen before," he says.

It's not just new arrivals feeling the strain. Some longtime residents— especially elderly folks — who relish the peace and quiet of the past have left town, tired of traffic and long lines.

"You'll see much more enthusiasm from someone who has moved here in the last five years than someone who has been here 40 years," Veeder explains.

Luke Allen, who moved here last summer to start his dental practice, finds the pioneer spirit exhilarating.

"It has the same buzz that big cities have. It has the energy but it comes from a different source — the excitement of the work," says Allen, 35, a former rock guitarist. "No matter what hour of the day or day of the week, I can hear the semis rolling. ... It's exciting to me. I can just feel it in the air. ... It's like that show 'Deadwood,' a bunch of people in the Wild West, but it's people driving cars instead of riding horses."

Allen says his practice is thriving — he sees 15 to 20 patients daily — and others are prospering, too, including a couple who quickly found jobs, together bringing in more than \$100,000 a year. "They went from a home in a camper to sharing a home to now having their own place," he says. "Where else can you do that?"

He worries, though, about housing costs when his wife joins him this summer. But "it's worth it," he says. "It's a historic time. To come up and be part of that is kind of cool, I think."

A generation ago, Sanford — whose grandfather was mayor and father a city council member — had different worries. When he left for college, the town had few job prospects for young people. At his 10-year high school reunion, he says, only three members of his 68-member class had remained in Watford City.

"When your community is aging, it seems like there's a pretty good idea of what the end game is ... The kid that dies shuts the door," he says. Sanford lived in Fargo, Phoenix and Denver, then returned in 2004 — back boom — to take over the Ford dealership co-owned by his father, who'd decided to retire.

Gene Veeder left during the early 1980s when the family ranch could no longer support two generations. He returned 15 years later when his father became ill. He now lives on the land his Norwegian grandfather homesteaded a century ago — photos of those pioneering days are featured in the county's history museum. His three daughters have all moved back in recent years.

Like many others, Veeder remembers how the oil boom of the 1980s — there also was one in the 1950s — rapidly. "There's that fear that still runs through the fabric of the community — that it will happen again. It's a ghost in the corner that's looking at us all the time saying, 'Are you doing the right thing?'"

History won't repeat itself, says Dean Bangsund, a research scientist at North Dakota State University who studied the Bakken. "I don't think we're going to have that door slammed shut like it was in the 1980s. It's a boon to bust in 18 months. It was painful."

The boom is much bigger this time. Experts say Bakken wells will last 25 to 30 years.

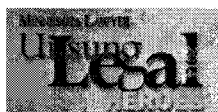
The mayor says the new housing, businesses and public buildings will give Watford City a foundation so it can diversify into agricultural and energy manufacturing once the oil slows. "We couldn't even begin to attract that kind of activity here in the sleepy little town we were," he says.

Jessie Veeder — one of Gene Veeder's daughters — vividly remembers her childhood when she'd ride her horse down dusty back roads and not see a car or stand atop the hill and not see a light.

No more. She's still adjusting to the trade-off.

"You can't have it both ways — you can't have this real booming industry, all this economic growth and all prosperity without having some repercussions," she says. "Sometimes it's tough having people driving, digging, changing things. ... You put it in perspective. It's business. It just feels like it's going so fast. The growth in the industry didn't trickle in, it came roaring down the road."

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What Millennials Want—And Why Cities Are Right to Pay Them So Much Attention

- ANTHONY FLINT
- MAY 05, 2014



AP

As a baby boomer myself, I'll confess to feeling a bit like, enough with all this talk about the Millennials already. But the reality is, those born roughly between 1982 and 2001 form a demographic cohort of some 80 million Americans. So it's not surprising that U.S. cities are paying a lot of attention to what they want—now and in the future—in terms of the places they live.

For cities, the resurgent interest in downtown living has long been attributed to aging boomers—those born roughly between 1945 and 1964, an estimated 80 million as well, many of whom have already become empty-nesters and sold the house in the suburbs and “right-sized” to a condo near the symphony and fabulous bistros. Another significant segment of growing urban populations, of course, are the young professionals and what Richard Florida calls the “creative class.”

Nearly half of those who owned a car said they would consider giving it up.

Millennials are something else again. Characterized, fairly or not, as competitive and driven, entitled and narcissistic, thoroughly technology-savvy, and more practical than ideological, they are finding their way in the world, and making the time-honored calibration of professional career and preferred place of residence.

Two public opinion polls came out in the last month suggesting the kinds of places Millennials like. Spoiler alert: it's Boston, New York, San Francisco, and Chicago, as well as communities such as—

I'm inclined to say once again, of course—Boulder and Austin. The key characteristics seem to be walkability, good schools and parks, and the availability of multiple transportation options.

The first survey was released by The Rockefeller Foundation and Transportation for America, the arm of Smart Growth America that focuses on transportation as the key element of land use.

They found that 54 percent of Millennials surveyed would consider moving to another city if it had more or better options for getting around, and 66 percent said access to high quality transportation is one of the top three criteria they would weigh when deciding where to live. Nearly half of those who owned a car said they would consider giving it up if they could count on public transportation options. Up to 86 percent said it was important for their city to offer opportunities to live and work without relying on a car.

The poll, conducted by Global Strategy Group, was done in 10 major U.S. cities across three 'tiers' of transportation systems – "mature" (Chicago, New York City, San Francisco), "growing" (Charlotte, North Carolina; Denver; Los Angeles; Minneapolis-St. Paul) and "aspiring" (Indianapolis; Nashville; Tampa-St. Petersburg).

"This survey reinforces that cities that don't invest in effective transportation options stand to lose out in the long-run," says Michael Myers, a managing director at The Rockefeller Foundation. "As we move from a car-centric model of mobility to a nation that embraces more equitable and sustainable transportation options, Millennials are leading the way."

The second survey was released last week by the American Planning Association, on the last day of the organization's National Planning Conference in Atlanta, a gathering of some five thousand planners, elected officials and others. The report on the national poll, titled Investing in Place, compiled results of surveys of 1,040 Americans, roughly half Millennials, the other half baby boomers. Part of the message was that the two groups want many of the same things: better transportation options, walkable communities, technology-enabled cities, and housing that would allow "aging in place."

That poll, conducted by Harris, found that 68 percent of respondents believe the U.S. economy is fundamentally flawed, and that the path to prosperity lies in building up local communities—not through recruiting companies but by concentrating on these same basic elements of desirable places to live.

Whether the community is a small town, suburban or urban location, 49 percent of respondents said they someday want to live in a walkable community, while only seven percent want to live where they have to drive to most places. Over three-quarters noted the importance of affordable and convenient transportation options other than cars in deciding where to live and work; nearly two-thirds said the so-called "shared" economy, meaning companies like Car2Go or Airbnb, was at least somewhat important to them.

Forty-four percent of respondents said they were somewhat or extremely likely to move in the next five years. Fifteen of more than 300 U.S. metro areas named as top potential destinations were: San

Diego, New York, Boston, Denver / Boulder, San Francisco, Seattle, Chicago, Los Angeles, Portland Ore., Washington, D.C., Austin, Phoenix, Charlotte, Atlanta, and Miami.

Skeptics might wonder about the framing of questions in polls like this. The APA survey points out the low percentage of respondents who said they would prefer "living in a suburb requiring driving to most places," rather than a place with "walkable amenities." What if they substituted "the freedom to drive to most places?" Nonetheless, there do seem to be some genuine common themes here. And certainly the scale of the demographics warrants this kind of market research: combining Millennials and boomers translates to roughly 160 million Americans, who are essentially the present and future customers of metropolitan regions. "As planners, it's vital that we look ahead 15 or 20 years," to guide growth, says APA President William Anderson.

The APA says its national poll was commissioned to "objectively analyze community preferences related to key demographic groups for economic development purposes." In the end, though, it's all about me. I'm what the APA would consider an "active boomer," and I do like being in an urban environment. My oldest son, born in 1996, is a Millennial; he's graduating from high school next month and off to college—Washington University in St. Louis—in August. He might surprise me, when he starts his life as an adult, but I can't picture him in a suburb, either. It all feels sensible and frankly a little bit obvious. City leaders and transportation policymakers are right to take note.

Keywords: Walkability, Millennials, Surveys



Anthony Flint is a fellow at the Lincoln Institute of Land Policy, a think tank in Cambridge, Mass., and author of *Wrestling With Moses: How Jane Jacobs Took On New York's Master Builder and Transformed the American City* and *This Land: The Battle Over Sprawl and the Future of America*. His next book, *Modern Man: The Life of Le Corbusier, Architect of Tomorrow* will be published in the fall of 2014 by Amazon Publishing. All posts »

Ten Things You Should Know About How the Public Feels About Development

by Patrick Fox, The Saint Consulting Group

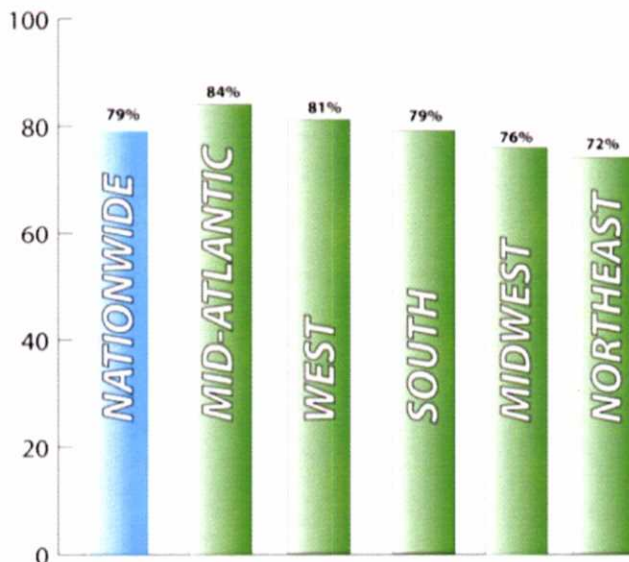
79% of Americans want no new development projects in their communities. That does not mean they are against development. ... They just do not want it anywhere near them.

Editor's Note: We're pleased to offer you three articles by Patrick Fox, President of The Saint Consulting Group. In addition to today's provocative article, next week we'll be running an article by Patrick titled "10 Things Planning Commissioners Should Know About Project Applicants," and the following week his "10 Things Planning Commissioners Should Know About Project Opponents." We invite you to join in the discussion of these articles on our PlannersWeb LinkedIn group page — we're very interested in hearing your feedback based on your own experiences.

Just some brief background. The Saint Consulting Group specializes exclusively in land use politics and has been engaged in thousands of controversial land use battles across the U.S., Canada, and the United Kingdom. They conduct *The Saint Index*, an international survey that studies opposition to development projects. Combining years of field experience and work on the Saint Index, Patrick offers the following 10 Things Planning Commissioners Should Know About How the Public Feels About Development.

1. Stop all development anywhere near me. 79% of Americans want no new development projects in their communities. Now that does not mean they are against development. They are not. They just do not want it anywhere near them. They want new jobs, local tax dollars and new shopping opportunities, but it should be over there and not right here.

Opposition to New Development (by Region)



While NIMBYism is strongest in the Mid-Atlantic and West, a basic hostility to local development projects persists, regardless of region. Residents of rural communities expressed the least unfriendliness toward new local development. From *The Saint Index*: United States 2011.

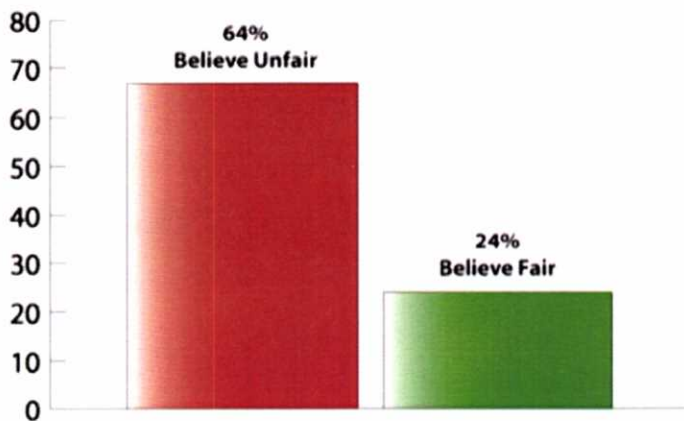
It is now far easier for a local politician to stand with the passionate, active and angry opponents than to support development.

2. All development is political. 84% of American say a candidate's position on development is important when they decide for whom they will vote, so development takes an increasingly prominent role in local politics.

It is now far easier for a local politician to stand with the passionate, active and angry opponents than to support development. The politics of development now favors opposition. Good projects die every day because they lack political support in the face of active and motivated opposition.

3. The system is broken. 64% of Americans say the relationship between developers and elected officials makes the process unfair. They believe the game is rigged for developers and politicians and it makes them angry and frustrated.

Americans believe the relationship between local officials and developers makes approval process unfair:



Cynicism about government and the role

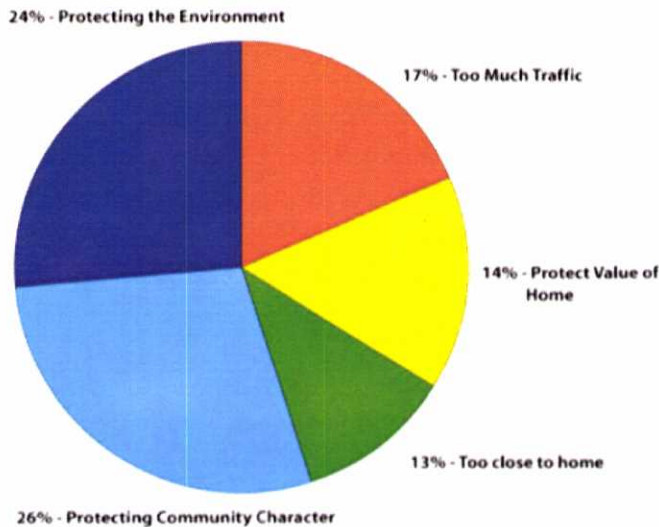
money plays in our political system extends into perceptions about local development and planning. Reprinted from The Saint Index: United States, 2011

4. Anti-competitive opposition to development is prevalent. 78% believe businesses have a right to actively support or oppose a competitor's development project, and 62% are not surprised to hear that opposition efforts are actually funded by competitors. It happens far more than you think.

Even when a community has widespread support for a project, the opponents dominate the process because they show up.

5. Opposition shows up. One out of six Americans have actively opposed a development project in their community. Even when a community has widespread support for a project, the opponents dominate the process because they show up. Opponents are much more motivated than supporters, and that severely warps the approval process in many communities.

Why are Americans Opposing Development in their Communities?



The reasons Americans give for fighting projects don't tell the entire story. While just 14 percent said it was to protect the value of their home, six years of Saint Index results show that is not an accurate gauge of how big a role that motive actually plays in opposition to development. From The Saint Index: United States 2011.

6. Traffic is destroying our quality of life. From our experience in projects across three countries, it is the Achilles heel of most projects, and it is the item most likely to scare residents and mobilize opposition. It is very hard to address because no one believes mitigation measures will actually work.

7. Real involvement by the public is discouraged. The system is designed to make constructive input by residents difficult, and public involvement is simply tolerated and looked upon as a check box process. Scheduling of meetings, agendas that make residents sit for hours before speaking and various delays lead the public to believe that their input is not sought or truly welcomed. They are not allowed an active role in the process in many cases.

As far as the public is concerned, there is often no rhyme or reason to what gets built.

8. Development approval decisions are bizarre. As far as the public is concerned, there is often no rhyme or reason to what gets built. Things appear in the town center, and the public scratch their heads wondering how anyone could have ever let that thing get built there. They were not paying attention to the lengthy public process that led to its approval or the articles in the local weekly paper following the debate. Now it's there, and they are seeing additional traffic, and they don't understand how it could have happened.

9. Jobs and new tax dollars are not enough. It used to be that politicians ran for reelection bragging about the economic development projects they brought home to their districts.

They took credit for the new jobs, tax revenue and local investment that came from new development, but that is gone now. It is not enough anymore. Now it is far more politically advantageous to stand with the opponents of development and fight against new projects.

We have seen the landscape for development fundamentally changed over the past 20 years, and it is increasingly difficult to get anything approved.

If you take the time to really involve neighbors and local activists, they may just learn to trust you and the process.

10. People want to be asked. Do not wait for a public hearing to ask for input. That's often too late. Involve people in the process early and ask them what they think about various plans before they are complete and up for a vote.

It takes time and a real commitment to public dialogue, but if you take the time to really involve neighbors and local activists, they may just learn to trust you and the process. You will not win them all over, and there will always be intractable opposition, but you can build real understanding and consensus with some effort.

Patrick Fox is president of The Saint Consulting Group, a land use political consultancy. He has managed or consulted on hundreds of land use projects across the United States, Canada and the United Kingdom, adapting state-of-the-art grassroots political campaign techniques to win controversial land use battles. Patrick is co-author of the book, *NIMBY Wars – The Politics of Land Use*. He also developed the Saint Index, the world's only international survey that quantifies and analyzes opposition to development, which has been featured in *The Wall Street Journal*, *The Economist*, and many other media.

Patrick earned an MBA from Northeastern University. His experience includes work on more than 100 political campaigns, and management of a U.S. Congressional office and a government relations consulting firm. He is a member of the Urban Land Institute and the International Council of Shopping Centers. You can email him at: fox@tscg.biz

About The Saint Consulting Group:

With experience on more than 1,800 controversial land use permitting projects in 46 states, Canada and the United Kingdom, The Saint Consulting Group is the global leader in land use political consultancy. Saint Consulting has worked in all industrial sectors, both for and against the permitting of new land use projects.

Kansas boy fighting back after outdoor library shut down by ordinance

Published June 24, 2014
FoxNews.com



This photo shows 9-year-old Kansas City boy Spencer Collins with his outdoor library (Courtesy WDAF-TV)

A 9-year-old Kansas boy says he is fighting back after city officials forced him to take down the outdoor library he had created on his front lawn as a Mother's Day gift.

Spencer Collins told Fox4KC he had the idea to create a "free little library" after his mother, an elementary school teacher, saw the idea in another state. The idea is to share books and a love of reading among neighbors by placing books in a clear box, and encouraging others to take a book from it or leave a book in it.

"Reading is one of my favorite things to do. We built it on Mother's Day as a present for my mom because she really wanted one," Spencer said.

However, the family soon received a letter from local officials telling them they must take down their library or face a fine. The letter said the library violated an ordinance that forbids structures on the front lawns of single-family homes.

"I thought it was ridiculous," Spencer's father Brian Collins said.

City official Richard Coleman told Fox4KC that the law applies to any structure, and the city is not trying to crack down on the "free little libraries."

"You couldn't put a bookcase out there, or a couch out there, or any items like that," Coleman said.

The family took down the library so they would not face a fee, but Spencer plans on fighting back. He told Fox4KC he plans on speaking at Tuesday's city council meeting to take a stand against the ordinance.

"I want them to change the law. That's my main thought. I just don't like it. I think it's unfair because it's really good to the community," he told Fox4KC.