

PLANNING COMMISSION

Wednesday, July 9, 2014

Chairman Angie Plantenberg called the meeting of the Brainerd Planning Commission to order at 6:01 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Pritschet, Hayden Shaw, Matten, Plantenberg, Norwood, Straw, and Cole. No Commissioners were noted absent. Also present was City Planner Ostgarden.

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of June 11, 2014 and the special meeting of June 30, 2014

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND PRITSCHET, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF JUNE 11, 2014 AND THE SPECIAL MEETING OF JUNE 30, 2014

#4 NEW BUSINESS

a. Public Hearing – Accessory Building (Garage) Variance – Ronald Gray, 1702 13th Avenue NE

City Planner Ostgarden stated the property in the request is fronting on Rice Lake and the property owner desires to construct an accessory building on the property that would be five (5) feet from the side lot line where a ten (10) foot setback is required. He noted the building would be constructed closer to 13th Ave NE than the existing dwelling which is permitted with lots with water frontage.

City Planner Ostgarden reviewed the dimensions of the parcel noting because of the layout of the lot, the location of the garage is limited. He also reviewed the Shoreland Management Regulations regarding impervious coverage noting the total impervious area, including the garage, places the coverage 1,000 sf less than the maximum allowed amount.

City Planner Ostgarden handed out an email from the adjacent property owner who has a deck off of their home that will be very close to the proposed garage. He stated there concern is not with the garage, but with the possibility of storage within that five (5) foot setback. The Commission has the ability to condition variances and they could consider a condition of no storage of items between the garage and property line.

City Planner Ostgarden does not have set information regarding the pitch of the garage and unfortunately Mr. Gray is not here to clarify, therefore the Commission could consider a condition that the garage roof be a standard pitch of 4/12 or 5/12.

City Planner Ostgarden reviewed the staff report noting there are practical difficulties associated with this property due to the unusual shape of the lot as it gets narrow towards the 13th Ave NE side. He noted there is also a grade issue if the owner were to choose to build the garage between the house and Rice Lake. He stated the Planning Department feels the request is reasonable, the garage is of standard size, it is the only accessory building on the lot, and it will not infringe on adjacent property owner's views of the lake.

Commissioner Matten asked if the driveway were to be paved, would that put him over the impervious coverage requirement. City Planner Ostgarden stated a driveway of compacted gravel would be the same as an asphalt driveway when considering impervious coverage.

The Public Hearing was opened at 6:14 p.m.

No one from the public spoke.

The public hearing was closed at 6:15 p.m.

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

1. The property is zoned R-1A (Single Family) Residential District and is located in the Shoreland Management Zone of Rice Lake.
2. The lot is approximately 15,675 sf or .38 acres.
3. Detached garages are permitted in front of the principal building on a riparian lot.
4. The garage will be 24' x 20' in size.
5. A 5' side yard setback is proposed where 10' if required.
6. Impervious coverage is limited to 25% of the lot area or 3,891 sf. The total impervious surface including the garage will be approximately 2,906 sf.
7. The property has about 120 ft of lake frontage. The property will be used in a reasonable manner in that the garage is a standard 2 stall garage, and the only accessory building on the lot. The location should not infringe on adjacent property views of Rice Lake.
8. There is a unique circumstance due to the irregular lot shape making garage placement in compliance with setback requirements more difficult.
9. The variance is supported by the Comprehensive Plan Goal #3 – Strategy, which reads:

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.

The Commission agreed to add the following finding-of-fact: 10. An email of conditional support was received. 11. No one was present to speak in support of or opposition of the request.

The Commission agreed to add the following conditions: 1. The garage roof must be of standard pitch. 2. No storage will be allowed on the south side of the garage.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND MATTEN, DULY CARRIED, TO RECOMMEND APPROVAL OF VARIANCE 382 TO PERMIT AN ACCESSORY BUILDING SIDE YARD SETBACK ENCROACHMENT BASED ON THE ELEVEN (11) FINDINGS-OF-FACT AND TWO (2) CONDITIONS.

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 Cod 713940

City Planner Ostgarden stated this is taking a new approach to adding uses that might be appropriate in a district instead of specifically listing each one or the one that is proposed, we are referring to the North American Industrial Classification System (NAICS) that is used for classifying business and industry uses. He stated in this case there was a request for personal training facility, which is defined in NAICS Code 713940 – Fitness and Recreational Sports Centers, and will be listed in the Zoning Code as reference to that NAICS code. He stated these types of activities in this code will be complementary in a light industrial zone.

The public hearing was opened at 6:29 p.m.

Mr. Ron Imgrund, 1924 S 10th Street, stated he had an individual interested in having a personal training facility at his building and he approached the Commission about adding this type of service to the Zoning District. He stated he also feels this will be well for many properties in this area.

The public hearing was closed 6:31 p.m.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING TEXT AMENDMENT TO PERMIT FITNESS AND RECREATION CENTERS AS DESCRIBED BY THE 2012 NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM CODE 713940 IN THE I-1 (LIGHT INDUSTRY) DISTRICT.

Commissioner Pritschet stated he feels this will be a great addition to the area and will be a great business for people in Brainerd.

Commissioner Cole stated it is great to see buildings being filled up with businesses.

Commissioner Norwood stated this will pair well with other businesses in the area and will work well in the larger buildings.

Commissioner Hayden Shaw stated she also agrees this will be a good addition to this district and this is a good opportunity to open up the zoning to a new business that will compliment other businesses in the area.

#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**

NONE

#7 **Commissioners' Questions/Comments**

Commissioner Hayden Shaw stated she would like to start conversation about a possible historic building code for the City that may prevent the demolition of historic buildings in Brainerd.

Commissioner Hayden Shaw stated a previous Commissioner had mentioned researching to see if there are unnecessary or burdensome requirements in Brainerd building code. She stated she would like to see having dialogue with contractors building in Brainerd on what obstacles they run into.

Discussion was held on how to receive input and what would be done with that input. There was concern with what the Planning Commission could do regarding building issues as they can change zoning requirements, but not building requirements.

City Planner Ostgarden stated many times the issue is with the Building Code which is regulated and changed by the State. He stated there are things such as the Zoning Code, Property Maintenance Code, and other city codes that can be changed. He suggested sitting down with the Building Official to discuss the Building Code and other codes and what can and can't be changed.

Commissioner Cole stated it might be good to look at the Zoning Code differences between Baxter and Brainerd as he has received many comments about how different Baxter is from Brainerd.

Commissioner Matten also suggested revisiting the Comprehensive Plan since it is ten years old.

Commissioner Norwood stated he feels it may be beneficial to have discussion with contractors to make them aware that a lot of these regulations are from the State not the City. He also agreed there are many differences between the Baxter Zoning Code and the Brainerd Zoning Code.

City Planner Ostgarden stated there are comparisons being made between Brainerd and Baxter regarding certain fees.

Commissioner Plantenberg stated she took the commissioner's test and she feels everyone should take that test.

Commissioner Plantenberg stated the property on Oak Street that had requested the variance is looking very good and has taken away what had previously been.

#8 **City Planner's Report**

City Planner Ostgarden stated he is submitting information to the City Administrator for the Planning Department budget for 2015 and one of the items is the Comprehensive Plan. He stated

the Comprehensive Plan will be an extensive process and we will need outside assistance to get it accomplished. He is requesting \$75,000 in the budget for this process.

#9 **Adjournment**

As there was no further business the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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