

BRAINERD PLANNING COMMISSION

Wednesday, June, 17, 2015

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 April 15, 2015 and the special meeting of June 8, 2015
The May 17, 2015 meeting was cancelled.
4. NEW BUSINESS
 - a. Public Hearing - Habitat for Humanity – Front and Rear Yard Variances – 1321 Norwood Street
 - b. East Brainerd Mall – Parking Deferment Request – 417 8th Ave NE
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. Commercial Vehicle Parking in Residential Areas
 - b. Downtown Building Signage
 - c. By Laws
 - d. Comprehensive Plan
7. Commissioners' Questions/Comments
8. City Planner Report
9. Adjournment

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

PLANNING COMMISSION

Wednesday, April 15, 2015

Chairman Hayden Shaw 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, Parks, Plantenberg, Hayden Shaw, Norwood, and Straw. Commissioner Cole was noted absent. Also present was City Planner Ostgarden.

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of March 18, 2015

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO APPROVE THE MINUTES FOR THE WORKSHOP AND REGULAR MEETING OF MARCH 18, 2015.

#4 NEW BUSINESS

a. Public Hearings – Conditional Use Permit and Variance – ISD 181 Riverside School located at 205 West Washington Street

City Planner Ostgarden stated the School District is planning two additions at Riverside School for additional classroom space. The property is located in an R-3 (Multifamily Residential) District which permits schools by conditional use permit. He stated to construct the addition on the building's north side will require an existing water line to be relocated noting this work is currently underway at the site. He stated the addition proposed for the building's west side will encroach into a setback requiring a variance for it to be constructed.

City Planner Ostgarden reviewed the staff report noting the following:

- The building setbacks noting the addition on west side will encroach into the front yard setback. The encroachment is a minimal area (180 sq of the addition) and should have no impact on the neighborhood.
- The total impervious coverage is estimated to be 59.3% therefore a grading and erosion control plan has been submitted. It was noted the addition will be over an existing parking lot which will not increase the impervious coverage.
- The additions are not within the Mississippi River Shoreland area.
- The additions will be one story and match the height and appearance of the existing building.
- Reviewed the increase in students and the current stacking issues during pick-up and drop-off times.
- Noted there is adequate parking.
- The addition will permit needed office space.

City Planner Ostgarden noted the short term nature of the congestion during pick-up and drop-off times creates a short term inconvenience but does not establish a condition that is detrimental to community health, safety and welfare.

The Public Hearing was opened at 6:18 pm.

Mr. Kevin Rogers, North Central Medical Supply and Equipment at 314 Charles Street, stated he does not have any concerns about the school additions but asked about the plans at the intersection of NW 4th Street and Charles Street. He stated he has previously requested to have a crosswalk put in at NW 4th Street and Charles Street and is asking if a sign can be put in noting the crosswalk to make it safer.

Commissioner Pritschet stated they can speak to the City Engineer requesting a crosswalk sign be installed at that intersection.

Mr. Earl Wolleat, ISD 181 Director of Building and Grounds, reviewed the following and answered questions:

- Student increase will be closer to 100 students instead of 156
- There is currently a crowding problem at the school which will be alleviated with these additions.
- There is adequate parking for the staff and number of classrooms.
- The additions to the building will look the same as the existing building and the main entrance will stay the same but will have security added to it.
- Reviewed the stacking issues and what they are looking to do to correct the issues noting it won't be double stacking the cars but possibly moving the cars forward to keep them off Williams Street.
- The area to the north of the new addition will be landscaped and possibly creating a berm with additional planting for more screening noting the fence will be put back up.

The Public Hearing was closed at 6:29 pm.

The findings-of-fact were noted into the record as follows:

1. The property is located in an R-3 (Multifamily Residential) District.
2. The additions will provide space for seven classrooms and space for offices.
3. The addition on the north side meets Zoning Ordinance requirements. The addition on the westerly side will require a setback variance.
4. The additions do not encroach into the Mississippi Shoreland regulation area.
5. The site exceeds 50% impervious area however, it is permitted to exceed that amount because a grading and erosion plan has been submitted.
6. The parking lots provide 132 parking spaces and 131 are required. There are no plays or performances at the facility. Provided parking meets the day to day needs of the facility.
7. There is a potential to add 156 students and additional staff will be needed at the facility. Student drop-off and pick-up vehicle stacking typically extends onto Williams Street and onto NW 4th Street. The additional students will create more drop-off and pick-up trips increasing the backup which is a public safety concern. School District and City staff have met to discuss the increase and it was concluded there are options available to the School District that it will pursue to help alleviate the increased stacking onto Williams Street and NW 4th Street.

8. The additions address the following Comprehensive Plan Goal and Implementation Strategy:

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.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategy

Work to strengthen and maintain the appearance of the Business Highway 371, Highway 210/Washington Street, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.

The Commission agreed to add the following findings-of-fact:

9. A request was made by North Central Medical Supply, 314 Charles Street, about the need for crosswalk signs at Charles Street and NW 4th Street.
10. Earl Wolleat, ISD 181 Director of Buildings and Ground, spoke about the addition and addressed the drop-off and pick-up issue.
11. Two people spoke in support and there was no opposition.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PLANTENBERG, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW AN ADDITION TO RIVERSIDE SCHOOL AT 205 WEST WASHINGTON STREET BASED ON THE ELEVEN (11) FINDINGS-OF-FACT.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE TO PERMIT AN OFFICE SPACE ADDITION THAT WILL ENCROACH INTO THE STREET SIDE YARD SETBACK BASED ON THE ELEVEN (11) FINDINGS-OF-FACT.

City Planner Ostgarden stated he will have discussion with the City Engineer and Mr. Kevin Rogers from North Central Medical Supply regarding the crosswalk sign request at NW 4th Street and Charles Street.

b. Semi-Tractor Trailer Parking in Residential Areas

City Planner Ostgarden stated there have been issues in the past with semi-tractor/trailers parked in residential neighborhoods. He stated they are not permitted to be parked in a residential area and he requesting if this is an issue the Planning Commission would like to review and if there are times where it would be appropriate in residential neighborhoods. He stated he could do research with other cities to see what they allow.

Commissioner Plantenberg stated she does not feel they should be allowed in residential areas at any time.

Commissioner Pritschet stated he does not like them parked on the streets, but to have them parked on private property could be allowed as long as there are not any noise concerns.

Commissioner Norwood stated there will need to be definitions on which types of commercial vehicles should be allowed. He stated when it's on private property and there are not noise issues, it could be allowed.

City Planner Ostgarden stated these are commercial vehicles over a specific weight that are not allowed in residential neighborhoods.

Commissioner Hayden Shaw stated she is not favor of parking on the street but would consider parking on private property.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO DIRECT STAFF TO RESEARCH COMMERCIAL VEHICLE PARKING IN RESIDENTIAL AREAS AND BRING IT BACK TO THE PLANNING COMMISSION FOR FURTHER REVIEW.

c. Residential Trash Can – Curb Side Limits

Commissioner Hayden Shaw stated there are currently no curb side limits for residential trash cans and asked if it is something the Commission would like to review and set requirements on how long trash containers can remain at the curb.

City Planner Ostgarden stated the City Council will be discussing organized garbage collection and this item can be brought up at that time.

Commissioner Plantenberg asked how this will be enforced. She stated she struggles with putting things into the Zoning Ordinance if it is difficult to enforce.

Commissioner Hayden Shaw stated there are many things that are enforced on a complaint basis and this could be done that way also.

Discussion was held regarding this issue.

d. Nonconforming Fences and Fence Maintenance

Commissioner Hayden Shaw stated she would like to have discussion on existing fences that are currently nonconforming and are not being maintained.

City Planner Ostgarden stated this is a complaint driven issue unless there is something that is very obvious in the deterioration.

Commissioner Plantenberg asked if there is currently anything regarding maintenance.

City Planner Ostgarden reviewed what is written in the Zoning Ordinance noting the language is very vague.

#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.

None

#6 OLD BUSINESS

a. Off-street Parking Status

City Planner Ostgarden asked how the Commission would like to proceed with this issue. He suggested representatives from the Commission and the Council have discussion regarding this issue.

Commissioner Hayden Shaw stated there has been previous discussion regarding minimizing or eliminating the mandatory requirements regarding off-street parking as it could possibly be a hindrance on business development to require them to come up with off-street parking.

Discussion was held regarding when to hold a meeting with the Safety and Public Works Committee. The Commission agreed to request a special meeting with the Safety and Public Works Committee.

#7 Commissioners' Questions/Comments

Commissioner Pritschet stated he asked the Commission to hold discussion about signage, including banners, on buildings downtown and possibly making it more restrictive.

The Commission agreed to have this item on the May agenda.

Commissioner Hayden Shaw stated there was discussion about holding a workshop on the zoning along South 6th Street. She stated discussion of this item will be held until a decision has been made on the design of South 6th Street.

#8 City Planner's Report

City Planner Ostgarden presented some drawings on a proposed Habitat for Humanity house noting it is a good example of what the Commission is wanting for infill development.

City Planner Ostgarden discussed the article on why 12 foot traffic lanes are dangerous. He stated he will be presenting information to the City Council on Monday for their discussion on the South 6th Street design regarding the lane width.

#9 Adjournment

As there was no further business the meeting adjourned at 7:10 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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PLANNING COMMISSION

Wednesday, June 8, 2015

Chairman Hayden Shaw called the meeting of the Brainerd Planning Commission to order at 5:00 pm in the City Hall Council Chambers.

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

#2 NEW BUSINESS

a. **Public Hearings – Conditional Use Permit and Variance – Non-enclosed Premises and Variance from Interior Access Requirement at the Log Cabin Restaurant and Bar – 714 South 7th Street**

City Planner Ostgarden stated the new owners of the Log Cabin are proposing an outdoor area for serving food and alcohol. The area would be defined as the area under the overhang in front of the main building. City Planner Ostgarden stated it is proposed to have six tables with seating for up to twenty-three people. There will be a fence installed as a barrier between the tables and the public sidewalk.

City Planner Ostgarden stated one of the criteria for having a non-enclosed premise is for access to be from within a building. He stated trying to remodel the building to comply with the interior access requirement would be cost prohibitive therefore they are also applying for a variance from this requirement.

City Planner Ostgarden stated there is concern from the Police Chief and City Attorney regarding alcohol being taken out onto the public sidewalk as there is not an Ordinance that allows alcohol on public property. He stated there will need to be enough room for the servers to wait tables and the patrons to move between the tables and not go onto the public sidewalk. He also noted it will be the owners' responsibility to monitor the coming and going of patron's in the outdoor area.

City Planner Ostgarden stated the Variance request goes along with the conditional use permit request to allow an outdoor area for serving food and alcohol under the overhang in front of the Log Cabin Restaurant. The owners have identified that due to the building design, access cannot be provided from within the building.

City Planner Ostgarden reviewed the staff report noting the following:

- Dimensions of the proposed seating area
- Location of the barrier
- Lack of adequate outdoor lighting
- Hours for the non-enclosed premises

City Planner Ostgarden noted there were no comments received from the public.

Commissioner Hayden Shaw asked where there will be entrances to the proposed location. City Planner Ostgarden stated they will be directly in front of both of the doors.

The Public Hearing was opened at 5:11 pm.

Mr. Randy Bye, co-owner Log Cabin, stated outdoor seating is very popular in many cities in Minnesota. He stated the ambiance helps bring patrons to the business. They are proposing twenty-four maximum on the seating. He reviewed the area and noted there will be enough room for the wait staff to serve without going onto the public sidewalk. He stated most table will be 32-36" in diameter with three to four seats at each one and a larger table about 60" at the north end of the patio. He stated the main purpose is to be more of a restaurant that serves alcohol instead of a bar that serves food. He noted they have changed the hours and reviewed the hours of both the bar and restaurant. He stated there will be signage for patrons to notify the server they are sitting outside.

Commissioner Pritschet asked if he views this an extension of the restaurant, the bar, or both. Mr. Bye stated he sees it as an extension of the restaurant. Commissioner Pritschet asked how they plan to control access to the seating areas and from the seating areas to the sidewalk. Mr. Bye reviewed where the barrier will be with possible gates.

Commissioner Pritschet asked if there will be signage to notify the patrons about not allowing alcohol on the public sidewalk. Mr. Bye stated having the one entrance will help to prevent this from happening.

Commissioner Pritschet asked if they considered having a restriction in this area to only serve alcohol if food is purchased. Mr. Bye stated he has not considered restricting it as there may be times people just want to meet for a drink and sit outside. He noted again they are more in the business for food than alcohol.

Commissioner Parks asked if the wait staff will be the only ones bring the food and alcohol outside. Mr. Bye stated there may be times when patrons will finish their meal inside and then take their drink outside.

Commissioner Parks asked about the lighting outside. Mr. Bye stated they will be changing the lighting and noted other things they will be changing. Commissioner Parks asked if they will be placing cameras outside. Mr. Bye stated they will be looking into that in the future.

Commissioner Cole asked if they have considered putting up a hostess stand between the two doors so there is staff outside to monitor. Mr. Bye stated he had not considered it. He noted the servers along with himself and the other owner will be monitoring everything. He stated if, in the future, there are very busy hours, it will be considered.

The Public Hearing was closed at 5:30 pm.

The findings-of-fact were noted into the record as follows:

1. The property is located in B-3 (Central Business) District which permits outdoor dining and alcohol in an enclosed area by Conditional Use Permit.
2. The Log Cabin Bar/Restaurant has a covered open area in front of the building that the owner desires to use for this service that is accessible directly to a public sidewalk.

3. The Zoning Ordinance requires that access to non-enclosed areas be from within a building.
4. The building has two front entrances; one for the restaurant and one for the bar.
5. The owner has specified the interior layout makes remodeling to establish an interior access is cost prohibitive and is requesting the ability to have outside access to the area.
6. The outdoor area is 8' wide by 55.5' long with no exterior lighting.
7. Six tables that seat 23 people will be provided.
8. A 36" high barrier is planned that limits access to the outdoor area.
9. The Police Chief and City Attorney have both expressed concern about alcohol being served from the public sidewalk and/or guests having alcohol on the public sidewalk.

The Commission agreed to add the following findings-of-fact:

10. Co-owner Randy Bye spoke, there was no other public hearing testimony and no other public comments were received.

Discussion was held regarding a condition on the closing time.

The Commission agreed to the following conditions:

1. The outdoor area have sufficient lighting.
2. The outdoor area will close at 11:00 pm and the closing time will be reviewed in September.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND COLE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW A NON-ENCLOSED PREMISE AT THE LOG CABIN RESTAURANT, 714 SOUTH 7TH STREET BASED ON THE TEN (10) FINDINGS-OF-FACT AND TWO (2) CONDITIONS.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE FROM THE INTERIOR ACCESS REQUIREMENT FOR A NON-ENCLOSED PREMISES AT THE LOG CABIN RESTAURANT, 714 SOUTH 7TH STREET BASED ON THE TEN (10) FINDINGS-OF-FACT

b. Public Hearing – Variance – Interior Access Requirement for a Non-Enclosed Premises at the Log Cabin Restaurant and Bar – 714 South 7th Street

Public hearing included with the Conditional Use Permit request under item a.

c. Tax Increment Development Plan Recommendation – Royal Tire, 615 Washington Street

City Planner Ostgarden stated Planning Commission recommendation is sought on whether using Tax Increment Financing for redevelopment is a project that is in accord with city development plans for the district and site. Royal Tire has submitted a redevelopment plan for its 615 Washington Street location. It plans to demolish its current facility with reconstruction of a smaller, more efficient and customer friendly store. The smaller building will permit off-street parking to be provided and the site to have some greenspace. They are requesting a portion of the financing be through Tax Increment Financing.

City Planner Ostgarden reviewed Tax Increment Financing. He noted the Commission is not expected to understand the technical and financial aspects of the Development Program and TIF Plan. The Commission will recommend to the City Council whether it finds the Program and Plan are in accord with City development plans for the district and site.

The findings-of-fact were noted into the record as follows:

COMMUNITY-WIDE VISION STATEMENT IN THE COMPREHENSIVE PLAN

THE CITY OF BRAINERD SHALL BE...

A Place with Economic Opportunity

The city will actively promote and seek out new economic development opportunities to meet the needs of the growing and changing community.

GOALS AND STRATEGIES

1. ECONOMIC DEVELOPMENT

GOAL: *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

1. Actively promote development and redevelopment within the community, including financial incentives, with particular emphasis on attracting and supporting businesses that provide livable-wage jobs.
2. Promote aesthetically pleasing development and redevelopment in the city.

2. LAND USE

GOAL #5: *Support development that enhances community character and identity.*

Strategy

Work to strengthen and maintain the appearance of the Business Highway 371, **Highway 210/Washington Street**, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.

OTHER FINDINGS

3. The Comprehensive Plan Future Land Use Map identifies the site as future General Commercial land use.
4. The site is zoned Business B-6 (Washington Street Commercial) District, which permits general commercial development and the proposed use is permitted in the B-6 zone.
5. Site redevelopment will improve access, improve off-street parking and provide green space and the aesthetics of the area that did not previously exist.
6. Redevelopment will need to comply with all Zoning Ordinance requirements.

Discussion was held regarding the development and it meeting zoning requirements.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PLANTENBERG, DULY CARRIED, TO APPROVE THE DEVELOPMENT PLAN AS IT MEETS THE DEVELOPMENT GUIDELINES ESTABLISHED BY THE COMMUNITY LISTED IN THE ABOVE NOTED FINDINGS-OF-FACT.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PARKS, DULY CARRIED, TO ACCEPT THE RESOLUTION FINDING MODIFIED DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO 4 AND THE TAX INCREMENT

FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO 4-18
CONSISTENT WITH THE PLANS FOR DEVELOPMENT OF THE CITY OF BRAINERD.

#3 **Adjournment**

As there was no further business the meeting adjourned at 5:57 pm

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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STAFF REPORT TO THE PLANNING COMMISSION

June 11, 2015

APPLICANT/LOCATION: Habitat for Humanity; 1321 Norwood Street

PROPOSED USE: Variances from required Front and Rear yard setbacks

LOT AREA: 50' x 90' (4500 sq. ft.)

CURRENT ZONING: R-2 (Medium Density) Residential

ADJACENT USES: North: Residential
East: Residential
South: Residential
West: Residential

ADJACENT ZONING: North: R-2 (Medium Density) Residential
East: R-2 (Medium Density) Residential
South: R-2 (Medium Density) Residential
West: R-2 (Medium Density) Residential

REPORT

Habitat for Humanity owns the corner lot at Norwood Street and 14th St SE, a lot that is substandard in lot area due its 90' depth. The lot width allows a dwelling to be constructed and the dwelling proposed by Habitat cannot be constructed within the buildable area and will require a front and rear yard setback.

Following are the required setbacks for an R-2 District:

Principal Building Setbacks:

1. Single Family and Two Family:
 - a. Front Yard: Twenty-five (25) feet
 - b. Side Yard: Five (5) feet
 - c. Side Yard (corner): Fifteen (15) feet
 - d. Rear Yard: Twenty-five (25) feet

The Zoning Ordinance permits front yard setback averaging, with a minimum setback of 20'. The averaging ability reduces the required front yard setback variance.

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.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategy

1. Support the redevelopment of vacant and abandoned sites within the urban core.

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;

This is a lot in the urban core that is likely to remain undeveloped should Habitat not have a plan for its use. Due to the 90' depth, which is 50' less than a standard residential lot, it is reasonable to expect that a 6' rear yard encroachment would be needed to construct a small dwelling with a 1½ stall attached garage. The property use is reasonable in that the dwelling is located to have a front yard setback that aligns with other setbacks on the block.

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

The property's uniqueness is related to the substandard lot size when compared to the minimum requirements in an R-2 District. Most lots in the area are standard 50' x 140' (7,000) sq. ft. lots.

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

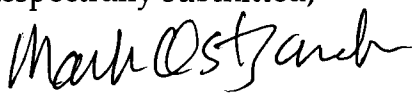
If granted, the variance would not alter the essential neighborhood character. The house will be a single family dwelling similar in size and type with other dwellings in the neighborhood.

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

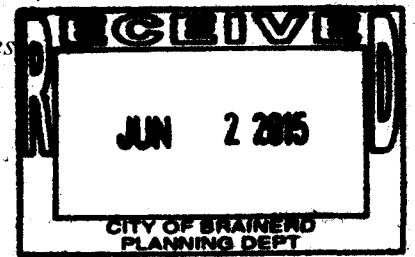
The Planning Commission can consider a recommendation at its June 15, 2015 meeting and the City Council can receive the recommendation for consideration at its July 6, 2015 meeting.

Respectfully submitted,


Mark Ostgarden AICP
City Planner



*Building houses, building hope
in Cass, Crow Wing and Hubbard Counties*



May 28, 2015

Brainerd Planning & Zoning

Members of the Planning & Zoning Commission:

Attached is an application for a variance request for Lakes Area Habitat For Humanity to construct a home at 1321 Norwood Street. The proposed project exceeds the building box by 6.06 feet.

The reason for this request is to accommodate a 1.5 car attached garage to the house (the house footprint fits the building box). Ordinarily LAHFH does not build garages; however, in this case we believe it is the proper thing to do for the family we are serving. The selected family has MS whose mobility is limited to her use of a motorized scooter. She has an adapted van with a ramp that slides out allowing her to enter the van, lock into place and drive with hand controls. In this case, we believe it isn't an "extra" for her but a necessity to have a garage. With half-time custody of her 2 young daughters, there would be no one able to clear her walkway for her to get into her van on days with snowfall.

The lot itself is small: 50' * 90'. A vacant, foreclosed home that had deteriorated was removed from the site last year in the hopes that a new home would be constructed on the same site. We plan to build a simple 2 bedroom 1 bath fully handicap accessible/adapted home for our selected family and her two daughters and hope to do so on this lot – it's a great location & the family is eager to become a part of the neighborhood.

Thank you for your consideration.

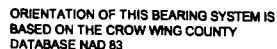
Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Pelkey".

Kevin Pelkey, Executive Director
LAHFH

NOTE: We are also asking for consideration of a shorter set-back on Norwood Street to be in conformity w/ neighboring homes (15' instead of 20' setback).

PART OF LOT 12, BLOCK 10,
SLEEPERS ADDITION TO BRAINERD,
SECTION 30, TOWNSHIP 45, RANGE 30,
CROW WING COUNTY, MINNESOTA



- ■ DENOTES FOUND IRON MONUMENT
- ■ DENOTES 1/2 INCH IRON PIPE MONUMENT
SET AND MARKED RLS # 16102
- ■ DENOTES CONCRETE SURFACE

The South 90 feet of Lot 12, Block 10, Sleepers Addition to Brainerd.

DATE:	01-16-15	DATE		AMENDMENTS	BY	PREPARED FOR:	LAKES AREA HABITAT FOR HUMANITY	 WIDSETH SMITH NOLTING Engineering Architecture Surveying Environmental
SCALE:	AS SHOWN					I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA		
DRAWN BY:	CPS							
CHECKED BY:	CAC							
FILE NUMBER:	29381861					CHAD M. CORNER	DATE: 01-16-15 LIC. NO. 41843	

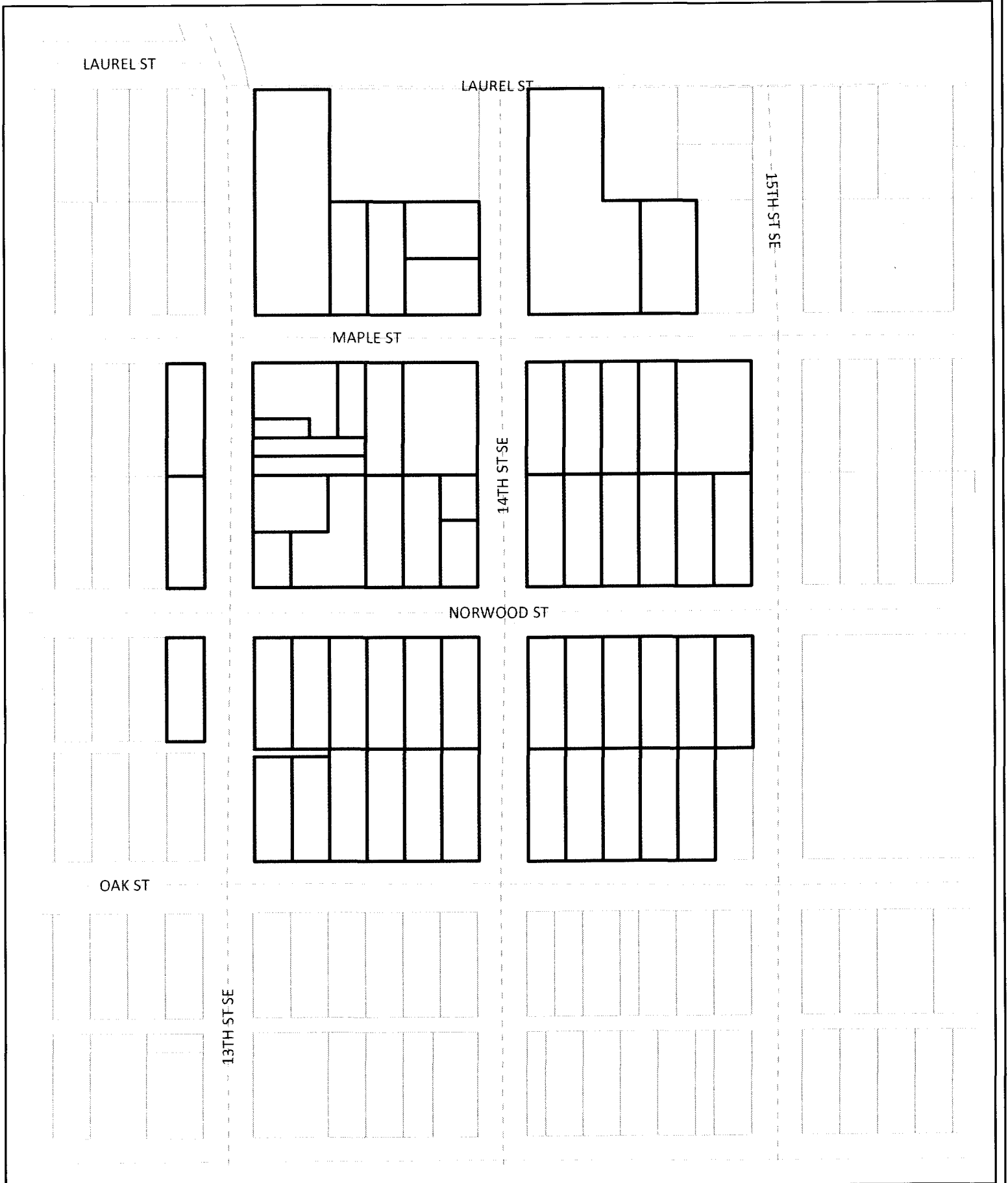


Variance - 1321 Norwood St

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
091810110120009	ALTERGOTT, LESLI DIANE	1421 NORWOOD ST	BRAINERD, MN 56401		1421 NORWOOD ST
091810190030009	BACKSTROM, MEGHAN & JOSH	1316 NORWOOD STREET	BRAINERD, MN 56401		1316 NORWOOD ST
091810190060009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401		503 13TH ST SE
091810090010009	BERRY, DELORES ANN	1224 MAPLE ST	BRAINERD, MN 56401		1224 MAPLE ST
091810050112009	BRITTON, BARBARA L & LEROY A	324 14TH ST SE	BRAINERD, MN 56401		324 14TH ST SE
091810190090009	BRUTSMAN, JAY F & MARILYN	611 S 9TH ST	BRAINERD MN 56401		1309 OAK ST
091810040102009	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425		
091810100012009	DEGEN, MICHAEL	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401		402 14TH ST SE
091810190110009	FEALY, SHARON	PO BOX 94	BRAINERD MN 56401		1317 OAK ST
09181020001A009	GLASBY, BERNARD A	1222 NORWOOD ST	BRAINERD, MN 56401		1222 NORWOOD ST
091810190120889	GLASER, KENNETH & REBECCA	719 S 8TH ST	BRAINERD, MN 56401-2639		1323 OAK ST
091810100110009	GRITTNER, TIMOTHY M	1317 NORWOOD ST	BRAINERD, MN 56401		1317 NORWOOD ST
09181005011Y009	HILL, VERNETTE J	318 14TH ST SE	BRAINERD MN 56401		318 14TH ST SE
091810110110009	HOHEISEL, PAUL & GLENDA TRUST AGR	15668 NELS JOHNSON RD	BRAINERD, MN 56401		1417 NORWOOD ST
091810180070889	INWARDS, RONALD D & CHERYL M	1403 OAK ST	BRAINERD, MN 56401		1403 OAK ST
09181010007A009	JANOWIAK, RONALD	413 13TH ST SE	BRAINERD MN 56401		413 13TH ST SE
09181010004A009	JOHNSON, IRENE E	702 9TH ST N	BRAINERD, MN 56401		1312 MAPLE ST
091810100030009	JONES, JASON J & DAWN S COLLINS	C/O ROSALIE MATTSON	3458 SUNFLOWER DR	BULLHEAD CITY, AZ 86429	1314 MAPLE ST
091810180110009	KING, JENNIFER A	1421 OAK ST	BRAINERD, MN 56401		1421 OAK ST
09181005005Y009	KUNITZ, DUANE	3600 26TH AVE S	MINNEAPOLIS, MN 55406-2544		1307 MAPLE ST
09181010012B009	LAKES AREA HABITAT FOR HUMANITY INC	PO BOX 234	BRAINERD MN 56401		1321 NORWOOD ST
091810190080009	LAKES PRINTING INC OF BRAINERD	1223 OAK ST	BRAINERD MN 56401		1307 OAK ST
091810190070009	LAKES PRINTING INC OF BRAINERD	1223 OAK ST	BRAINERD MN 56401		515 13TH ST SE
091810190100009	LANEY, KIMBERLY J	1313 OAK ST	BRAINERD, MN 56401		1313 OAK ST
091810050100009	LARSON, GREGORY & MICHELE	11348 SORENSON LAKE RD	MERRIFIELD MN 564655		1315 MAPLE ST
091810050090009	LARSON, GREGORY & MICHELE	11348 SORENSON LAKE RD	MERRIFIELD MN 564655		
091810180050009	LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401		1408 NORWOOD ST
091810100042009	MATTSON, ROSALIE S	3458 SUNFLOWER DR	BULLHEAD CITY, AZ 86429		1310 MAPLE ST
091810110040009	MID-MINNESOTA, WOMEN'S CENTER	PO BOX 602	BRAINERD MN 56401		MAPLE ST
091810110012009	MID-MINNESOTA, WOMEN'S CENTER	PO BOX 602	BRAINERD MN 56401		MAPLE ST
091810110030009	MID-MINNESOTA, WOMEN'S CENTER	PO BOX 602	BRAINERD MN 56401		MAPLE ST
091810110050009	MID-MINNESOTA, WOMEN'S CENTER	PO BOX 602	BRAINERD MN 56401		MAPLE ST
091810110060009	MID-MINNESOTA, WOMEN'S CENTER	PO BOX 602	BRAINERD MN 56401		MAPLE ST
091810100052009	MILLER, KIMBERLY A & DANA G	250 APRICOT ST	OAKVIEW, CA 93022		407 13TH ST SE
091810190050009	NORWOOD STREET LLC	11171 TOWN HALL ST	BRAINERD, MN 56401		1306 NORWOOD ST
091810040052009	PORT OF CROW WING, COUNTY	115 1ST ST N	PO BOX 488	BRAINERD, MN 56401	1406 LAUREL ST
091810180060009	PUERINGER, DAVID F	616 1/2 FRONT ST	BRAINERD MN 56401		1404 NORWOOD ST
09181010004D009	RAGE HOLDINGS LLC	C/O RAYMOND L & MELISSA A GILES	16085 MCKAY RD	BRAINERD, MN 56401	411 13TH ST SE
09181010004C009	RAGE HOLDINGS LLC	C/O RAYMOND L & MELISSA A GILES	16085 MCKAY RD	BRAINERD, MN 56401	409 13TH ST SE
091810110100009	RAMSDELL, JESSE J & SHANNON L	9099 DOROTHY TRL	BRAINERD MN 56401		1415 NORWOOD ST
091810110070889	RZ HOLDINGS LLC	13263 COUNTY ROAD 23	BRAINERD, MN 56401-5048		1401 NORWOOD ST
091810110080009	RZ HOLDINGS LLC	13263 COUNTY ROAD 23	BRAINERD, MN 56401-5048		1405 NORWOOD ST
09181010007B009	RZ HOLDINGS LLC	13263 COUNTY ROAD 23	BRAINERD, MN 56401-5048		
091810180090009	SCHEI, CHRISTOPHER N & CHRYSI A	1411 OAK ST	BRAINERD, MN 56401		1411 OAK ST
091810180100009	SCHULTZ, DONALD E	1415 OAK ST	BRAINERD, MN 56401		1415 OAK ST

Variance - 1321 Norwood St

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
091810180010009	SMITH, ROBERT & DELORES B	1424 NORWOOD ST	BRAINERD MN 56401		1424 NORWOOD ST
091810100090009	TAYLOR, DOUGLAS W & TERI L	1305 NORWOOD ST	BRAINERD MN 56401		
091810100100009	TEAM BANKS PROPERTIES ONE LLC	15359 SHELLISA LN	BRAINERD, MN 56401		1315 NORWOOD ST
09181010012A009	THEIEN, BRANDI J	414 14TH ST SE	BRAINERD, MN 56401		414 14TH ST SE
091810090120009	VOLD, WAYNE J	1720 REXFORD DR APT 10-B	LAS VEGAS, NV 89107		420 13TH ST SE
091810190040009	VONRUDEN, RICHARD G	P O BOX 48	BRAINERD, MN 56401		1314 NORWOOD ST
091810180030009	VONRUDEN, WILLIAM	1416 NORWOOD ST	BRAINERD, MN 56401		1416 NORWOOD ST
091810180040009	WALKER, ANITA & RICKY	8581 AZALEA RD	PILLAGER, MN 56473		1412 NORWOOD ST
091810180080009	WEISS, KIMBERLY C	1407 OAK ST	BRAINERD MN 56401		1407 OAK ST
091810110090009	WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401		1409 NORWOOD ST
091810190020009	WILSON, CLYDE ROY & CHERYL	1320 NORWOOD	BRAINERD MN 56401		1320 NORWOOD ST
091810190010009	WILSON, JESSICA	1324 NORWOOD ST	BRAINERD, MN 56401		1324 NORWOOD ST
091810180020009	WILT, DAVID	5389 PIONEER TRL	BRAINERD, MN 56401		1418 NORWOOD ST



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Lakes Area Habitat for Humanity Inc., PO Box 234, Brainerd, MN 56401, has submitted a request for a front yard and rear yard setback variance to permit construction of a new single family dwelling at 1321 Norwood Street. The property is located in an R-2 (Medium Density Residential) District zone.

Variances from the following City of Brainerd Zoning Ordinance requirements are requested:
SECTION 56 R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT 515-56-7 C Minimum Lot Area and Setback Requirements.

C. Principal Building Setbacks:

1. Single Family and Two Family:

- a. Front Yard: Twenty-five (25) feet
- d. Rear Yard: Twenty-five (25) feet

A fifteen (15) foot eight (8) inch front yard setback is proposed. The Zoning Ordinance specifies the ability to average front yard setbacks with other dwellings on the block. Setback averaging allows the front yard setback to be reduced to twenty (20) feet resulting in a four (4) foot three (3) inch variance request. A 19 (nineteen) foot rear yard setback is proposed resulting in a six (6) foot variance request.

The property is legally described as follows:

*S 90 ft of Lot 12 Block 10, Sleepers Addition to Brainerd
P.I.N. No. 09181010012B009
Section 30 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, June 17, 2015 to consider the request for the variance.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

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

Dated this 3rd day of June, 2015



Mark Ostgarden AICP
City Planner

See reverse side for site plan



City Planning Department

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

Receipt # _____

Check # _____

Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

REZONING

☐

(\$300.00)

☐

(\$500.00)

VARIANCE

☒

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 1321 NORWOOD STREET

LEGAL DESCRIPTION: Lot(s): 12 Block: 10 Addition: SLEEPER'S
(attach description if lengthy)

Property Owner Name: LAKE AREA HABITAT FOR HUMANITY

Street Address: PO BOX 234 City: BRAINERD State: MN Zip Code 56401

Phone Number: 218-828-8517 Fax: 218-825-4867 E-mail: kevin.pelkey@lakeareahabitat.org

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: TO EXCEED THE BUILDABLE FOOTPRINT BY 6' TO INCLUDE
A 1.5 ATTACHED GARAGE (ALLOWS FOR HANDICAP HANDICAP VAN
ACCESSIBILITY).

Kevin Pelkey
Property Owner Signature

5-28-15
Date

KEVIN PELKEY
(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; kstunek@ci.brainerd.mn.us

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

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

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

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: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126;
mark.liedl@crowwing.us

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;
jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;
wade.miller@state.mn.us

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: June 11, 2015

RE: East Brainerd Mall Parking Deferment #2

Introduction

The planned free standing Caribou Coffee store construction will require the addition of approximately 30 parking spaces at the East Brainerd Mall. Caribou Coffee is a restaurant that requires one space per 80 square feet of building. The building is 2,500 sq ft which will require 32 spaces. The mall owners have requested a parking deferment to not require construction of the additional spaces.

Background

If approved, this will be the 2nd parking deferment for the mall. In 2012, when the Four Seasons Buffet was proposed, that use change required additional parking be provided. That deferment request was for 65 spaces.

Off Street Parking Requirements

Attached is a parking deferment report prepared by a representative of the mall. The report describes the request and provides some data to support its request for the deferment

Parking Deferment

Zoning Ordinance Section 22 - Off Street Parking, the section allowing for a parking deferment reads:

515-22-9: Parking Deferment. *The Planning Commission may allow a reduction in the number of required parking stalls for commercial, industrial, and public/semi-public uses provided that:*

A. The applicant demonstrates that the proposed use will have a peak parking demand less than the required parking under Section 515-22-8 of this Ordinance. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to:

- 1. Size of building.*
- 2. Type of use.*
- 3. Number of employees.*
- 4. Projected volume and turnover of customer traffic.*

5. *Projected frequency and volume of delivery or service vehicles.*
6. *Number of company-owned vehicles.*
7. *Storage of vehicles on site.*

B. In no case shall the amount of parking provided be less than one-half (½) of the amount of parking required by this Ordinance.

C. The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this Ordinance if the parking demand exceeds on site supply. A proof of parking plan is submitted for City approval that meets the following conditions:

- 1. A parking plan drawn to scale for the property is submitted with the site plan and indicates that the site complies with the total parking requirements stated above and with the parking lot design to the standards required by this Ordinance.*
- 2. The proof of parking area is defined as that portion of the site which is not paved, but is suitably landscaped and is capable of containing the amount of parking equal to the difference between the total amount of required parking and the amount of parking required to be paved to meet the requirements of this Ordinance.*
- 3. The proof of parking area shall be clearly delineated on the parking plan for the site.*
- 4. The paved portion of the parking area shall comply with the pertinent sections of this Ordinance.*
- 5. The proof of parking area is not used to satisfy any other landscaping, setback, or other requirement of this Ordinance and is not located in an area occupied by a building or an easement.*

D. The property owner is responsible for informing any subsequent owner of the proof of parking area and parking status of the property and shall record said provision with the County Recorder.

E. On-site parking shall only occur in areas designed and constructed for parking in accordance with this Ordinance.

F. The applicant and City enter into a development agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the City that such additional parking stalls are necessary to accommodate the use.

G. A change of use will necessitate compliance with the applicable Zoning Ordinance standard for parking.



Architecture & Planning
12400 Portland Avenue South, Suite 100
Burnsville, MN 55337
Office: (952) 252-4042
Fax: (952) 252-4043

May 28, 2015

Mr. Mark Ostgarden, City Planner
City of Brainerd – City Hall
501 Laurel Street
Brainerd, MN 56401

Re: East Brainerd Mall Parking Deferment Request

Dear Mr. Ostgarden,

On behalf of Tyler Pridham of Slate Properties, Owner of the East Brainerd Mall I am requesting an additional parking deferment for this property. Enclosed is the analysis for the second parking deferment for this site based upon the addition of a 2,500 SF freestanding pad site building with drive thru window for a Caribou Coffee & Einstein Bagels Co-brand.

I have included in this request an analysis of the existing parking requirements per tenant, the existing number of stalls, and the reduction of stalls based on the new pad site building. The analysis indicates that we will be providing 70% of the code required stalls a reduction of only 7% from the initial deferment request.

As allowed in Section 515-22-9 of the City Zoning Ordinance, a Parking deferment can be approved for the site, provided that the number of stalls is not less than 50% of the code required stalls provided which, in this case would be 480 stalls. We will have a total 672 stalls so an additional 192 stalls above the deferment minimum requirement.

The overall occupancy and tenant mix has remained largely the same as it was in April of 2012 when the original deferment was applied for. This includes the proportion of office, retail, and other uses which have remained the same with slight differences in tenant areas.

The same three office tenants, Ascensus, Lutheran Services, and LAPS provide services during normal business hours (8am to 5pm Monday –Friday) account for 80,839 SF or 42% of the total mall square footage. The other business with large parking demand is the Cub grocery store whose largest demand is weekday evenings and weekends. This store is also on the opposite end of the center and will not be in conflict with the area of the proposed new building.

The main parking demand for the new proposed Caribou/Einstein will be weekday morning and early afternoons. There is a clear differentiation of times for parking demands for different tenants and enough overall parking for peak demand. We have completed a survey of actual parking demand vs. parking stall availability in the morning and afternoon. We counted cars for three consecutive days, Tuesday May 19 – Thursday May 22 with results as follows:

<u>Date</u>	<u>Time</u>	<u># of cars /# total stalls</u>
5/19/15	9:00-10:00am	317 / 704
5/19/15	4:00 - 4:20pm	333 / 704
5/20/15	9:00 – 9:40am	311 / 704
5/20/15	4:00 – 4:40pm	355 / 704
5/21/15	11:30-12:10pm	441 / 704
5/21/15	4:00 – 4:40pm	370 / 704

Several observations can be made regarding the empirical data collected. First the parking lot is never more than approximately half full or less with the exception of the peak lunch time data collected on 5/21 where the lot was 38% vacant. Second, the most availability was in the morning hours which will be the peak demand for the Caribou Coffee use. We believe that the data collected represents an average use configuration and therefore demonstrates that the actual demand will always be less than the number of available parking stalls for the mall even with the reduction of 32 spaces for the new building. Therefore the peak parking demand will be less than the required and actual parking based on this survey. Finally, the inclusion of a drive –thru window will reduce the required parking for the current Caribou use.

Based upon the parking deferment requirements we believe that the supporting evidence and data address the requirements for approval as follows:

- Size of building
 - The additional 2,500 SF building does not significantly impact the overall percentage of building or reduction in parking.
- Type of use
 - The proposed use currently exists in the mall and is proposed to be relocated at a slightly larger square footage (1,589 vs 2,500 SF)
- Number of Employees
 - The number of employees will not change or very minimally change
- Projected frequency and volume of delivery or service vehicles
 - The volume of service vehicles will not change significantly
- Number of company owned vehicles
 - This will not change with the new building
- Storage of vehicles stored onsite
 - This is not applicable

Existing Parking Requirement

Suite	Tenant	SF	SF (-) 10%	Use	Ratio	Parking Req'd
401	Cub Foods	61,836	55,652	grocery	1/200	278
401a	Cub Storage	2,148	1,933	storage	1/1,500	1
403/5	Four Seas Buffet	7,529	6,750	restaurant	note 1	143
405a	Ascensus, Inc	8,000	7,200	office	1/200	36
405a	Ascensus, Inc.	11,443	10,299	storage	1/1,500	7
407	Dollar Tree	10,000	9,000	retail	1/200	45
411	Anytime Fitness	5,725	5,153	health club	note 2	25
415	Acscensus	60,900	54,810	office	1/200	274
412	LAPS	3,539	3,185	office	1/200	16
417	Subway	1,844	1,660	retail	1/200	8
425	Vacant(former Caribou)	1,589	1,430	retail	1/200	7
429	Select Life Chiro	2,314	2,083	health services	1/200	10
611	Deerwood Nat Bank	3,500	3,150	bank/office	4/1,000	13
615	Vacant	1,300	1,170	retail	1/200	7
623	Great Clips	1,500	1,350	retail	1/200	7
629	K&S Pets	1,440	1,296	retail	1/200	6
633	Tobacco Depot	2,833	2,550	retail	1/200	13
643	Verizon	3,439	3,095	retail	1/200	15
716	Lutheran Services	8,400	7,560	office	1/200	38
		191,458				

Total Current Parking Requirement

949

Note 1 - Restaurant ratio: 1/80 SF

Note 2 – Health Club ratio: 1 stall /2 workout stations

Proposed Additional Parking Requirement

Tenant	SF	SF (-) 10%	Use	Ratio	Parking Req'd
Caribou Coffee/ Einstein Bagels	2,500	2,250	retail	1/200	11

Parking Deferrment Data

Total Current and Proposed Parking Requirement	960
Total Existing Parking Stalls	704
Parking stalls removed for construction of 2,500 SF pad site building for Caribou/Einstein	(-) 32
Total Remaining Parking Stalls	672
Total Percentage of Required Parking (672/960)	70%

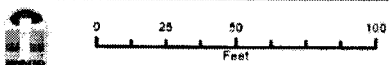
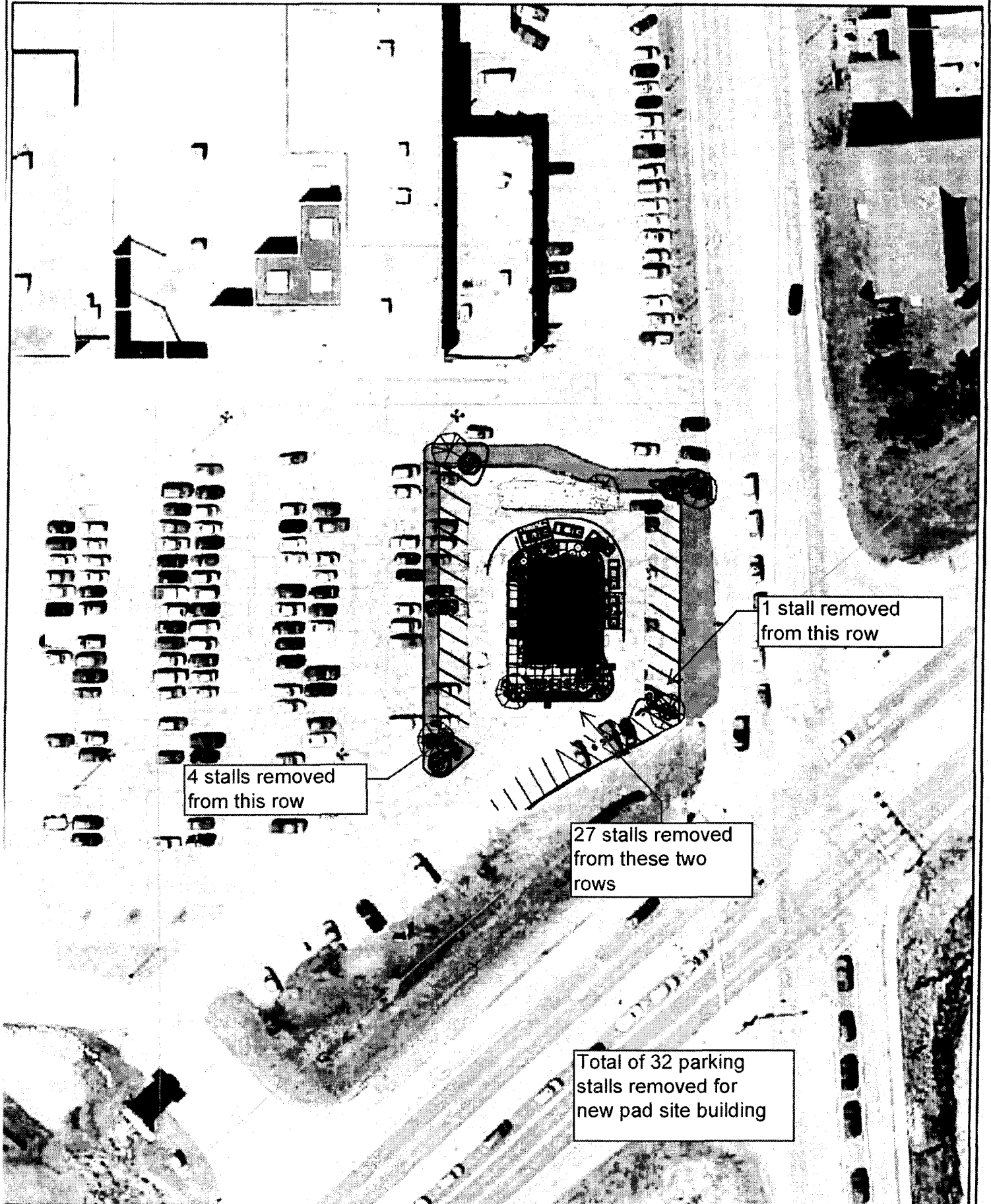
In conclusion we believe that the addition of the pad site building and site plan designed with the recommendations of the City of Brainerd Planning Department will be a positive addition to the East Brainerd Mall and that there is sufficient parking for all of the current and proposed users within the mall and their customers and employees. We strongly believe that based on the parking survey completed for this deferment request that the proposed development will not create any parking issues. If issues do arise in the future we still have the ability to add parking per the original deferment agreement but do not believe this is necessary at this time.

Please let me know if there is any additional information you require for consideration and approval of this request and if you would like to discuss this further.

Sincerely,

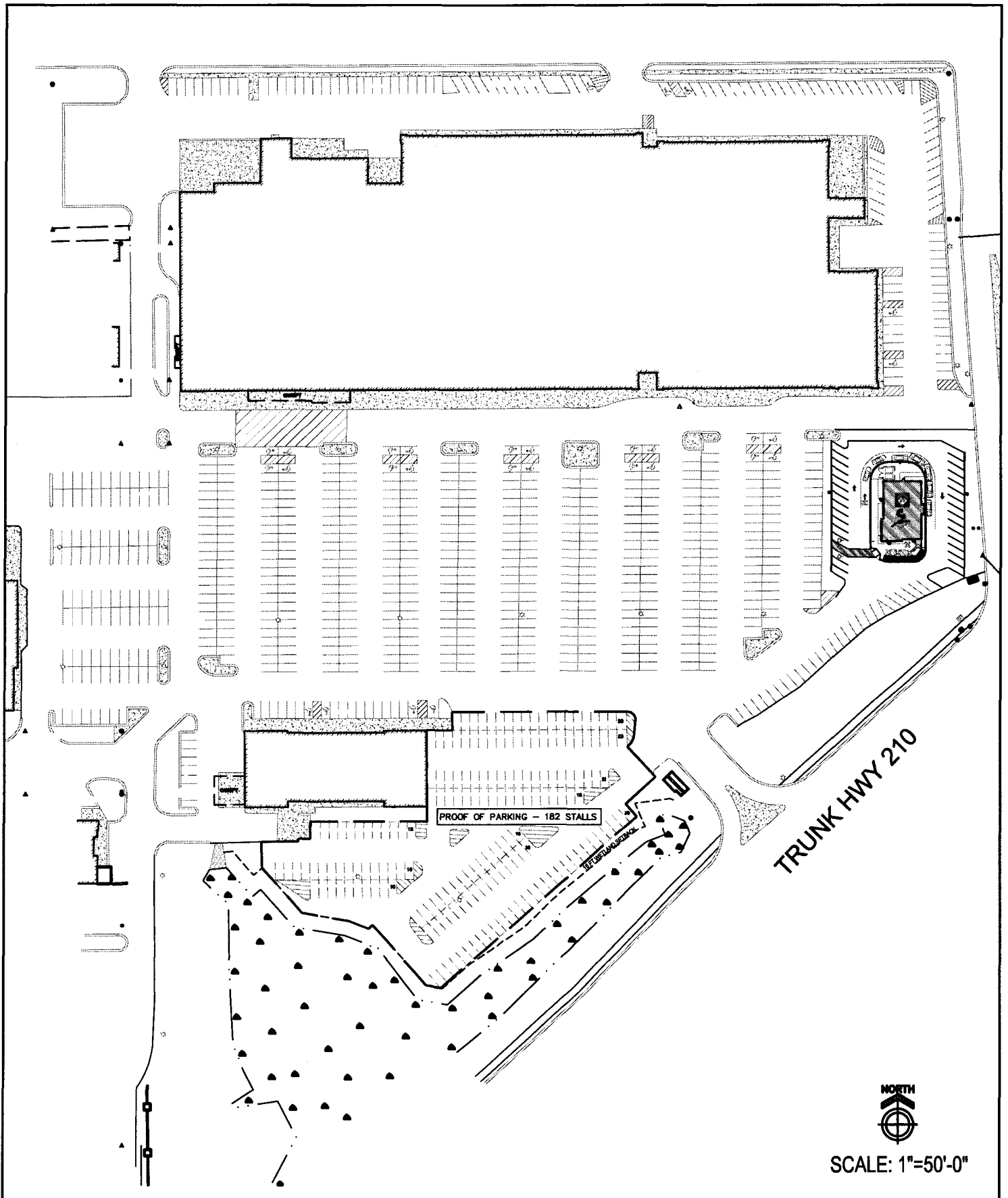


Charles Schatz
Reprise Design

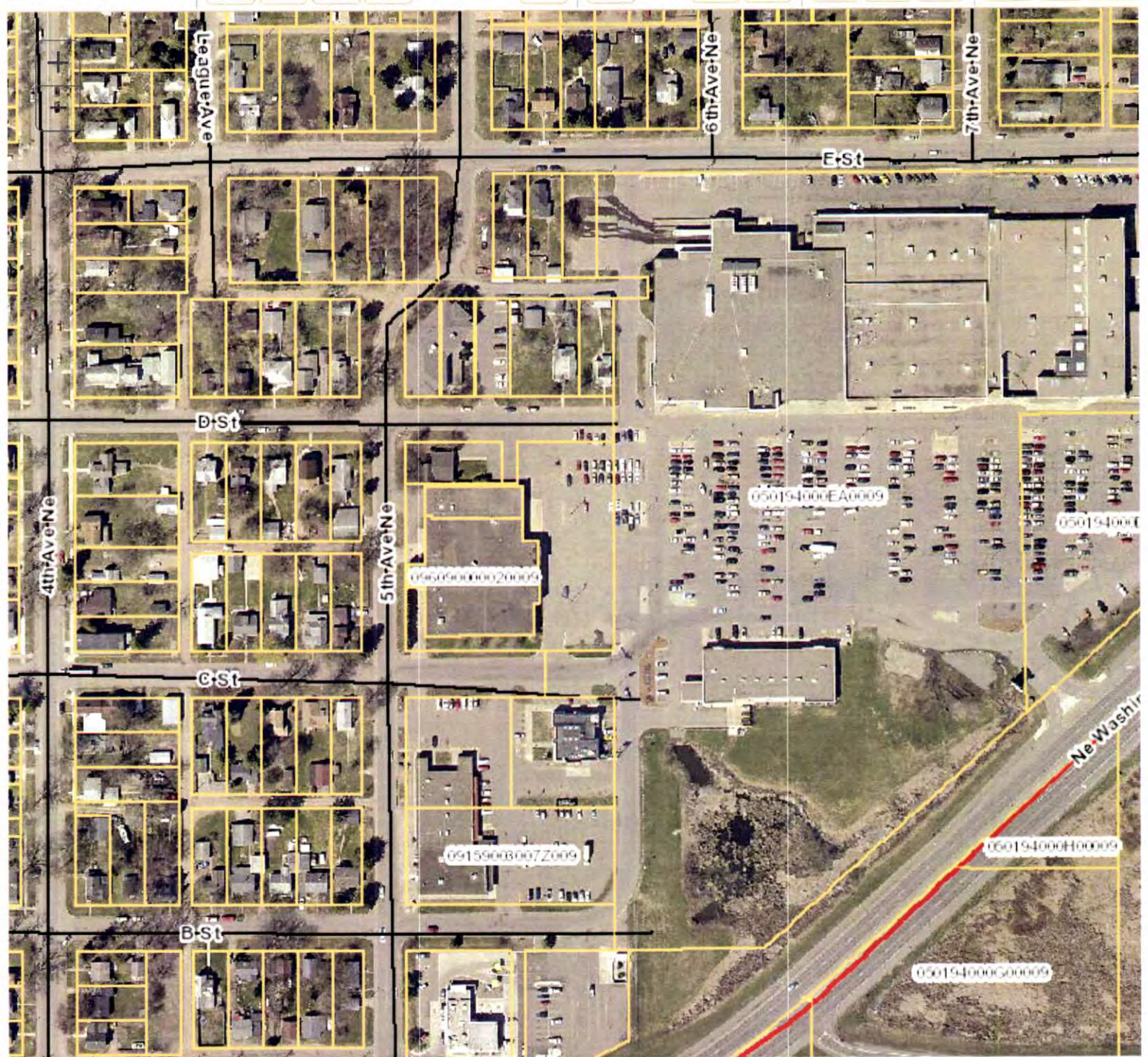


This map is intended for reference purposes only and is not a legally recorded map nor survey. The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 465.03 Subd 21.





Crow Wing County



Scale 1: 2400

X: 572345.8492

Y: 175978.0209

MEMO

TO: Planning Commission

FROM: Phillip Haugen, Planning Intern

DATE: June 11, 2015

RE: Requirements for Parking Semi-Tractor Trailers in Residential Neighborhoods and Signage Requirements for Commercial Business Districts.

The Planning Commission requested staff to research cities for semi-trailer and semi-tractors parking requirements in residential neighborhoods. Also, it requested information from other cities for language they has related to downtown signage and banners. The purpose of the request is to determine whether the City of Brainerd wants to consider Zoning Ordinance amendments for these two items. This information is provided for consideration at the June 17th, 2015 Planning Commission meeting.

The ten cities that were contacted about parking requirements were: Fergus Falls, New Ulm, Marshall, Anoka, Roseville, Faribault, Waseca, Hopkins, St. Louis Park, and Hastings. Each of these cities has a strict policy about not allowing semi-trucks and semi-tractors to be parked on any public or private street. The only exception for this is if the truck is loading or unloading with or without the motor running. This of course is different for each city, here are some of the examples that we found are in their City Code and/or Zoning Ordinances:

The cities that we were contacted for signage information were: Owatonna, Mankato, Fargo, Rochester, St. Cloud, Hutchinson, Northfield, New Prague, Austin, and Fairmont. The following information on how much signage is allowed in their CBD is different for each city was found in their Zoning Ordinance along with the allowance of a banner is below:

Looking at the information that the Planning Department gathered, 1 city contacted allowed semi-tractor trailers on residential property. The allowed wall signage in Downtown areas varies by city. It is not surprising to find that most cities allow banners as a temporary sign and require a permit with a condition to take it down after a period of time.

Attached is compilation of the information from the cities contacted. This information is provided for consideration at the June 17th, 2015 Planning Commission meeting.

Requirements for Parking Semi-tractors Trailers in Residential Neighborhoods

1. Fergus Falls

- It is unlawful to park a detached semi-trailer upon any street, city-owned parking lot or other public property.
- It is unlawful to park a truck, a truck-tractor, a tractor-trailer of more than one-ton capacity, on any street within an area zoned as a residential district.
- No reference to parking on residential property

2. New Ulm

- It is unlawful to park a detached semi-trailer upon any street, municipally-owned parking lot, or other public property.
- It is unlawful to park a semi-trailer, whether or not it is attached to a tractor truck, or a refuse or garbage hauling truck, with in an area zoned as a residential district, except for the purposes of loading or unloading the same.

3. Marshall

- It is unlawful to park a detached semitrailer upon any street, municipally-owned parking lot, or other public property.
- It is unlawful to park a semitrailer, whether or not attached to a truck-tractor, within an area zoned as a residential district, except for the purpose of loading or unloading the semitrailer.

4. Anoka

- Farm trucks, semi-trailers, special mobile equipment, truck tractors, farm implements or tractors, trucks carrying or designed to carry explosive or flammable materials, buses operated for hire or form commercial purposes and earth-moving equipment are prohibited from parking in residential zoning districts, regardless of the length, height or gross vehicle weight.

5. Roseville

- No truck with a capacity of over two tons shall be parked on any street for more than 90 minutes or for the time necessary to load or unload such truck.
- No reference to parking on residential property.

6. Faribault

- Engines of commercial vehicles may not run continuously. A thirty (30) minute engine warm-up time shall be permitted immediately prior to the commercial vehicle and/or any other motorized equipment leaving the premises. The warm-up period shall begin no earlier than 6:00 a.m. and end no later than 10:00 p.m.

- The vehicle shall be parked only upon a paved off-street parking area or pad constructed in accordance with the off-street parking requirements of this ordinance.
- An exemption from requirement (2) above may be granted for one (1) vehicle per property only under the following circumstances:
 - The vehicle is used for a home occupation registered with the city and in existence prior to December 1, 1989; and
 - The property registered for the home occupation has insufficient room in the front yard area to accommodate at least one (1) lane into a garage or driveway area in addition to the required parking pad.

7. Waseca

- It is unlawful to park a detached semi-trailer upon any public right-of-way, or municipally-owned parking lot. It is unlawful to park a semi-trailer, whether or not attached to a truck tractor, within an area zoned as a residential district, except for the purpose of loading or unloading the same.

8. Hopkins

- No commercial or industrial motor truck or trailer rated at more than 9,000 pounds shall be parked, permitted or stored on any street except at the premises then requiring immediate loading or unloading or other service at such premises.
- Residential parking facilities may be used for the parking of automobiles and one truck not to exceed a 9000 pound rated capacity.

9. St. Louis Park

- On-street parking of non-passenger vehicles (means a commercial or recreational vehicle or trailer) is not permitted within any R district.
- No motor vehicle, recreational vehicle, commercial vehicle, or trailer shall be permitted to stand or park in any R district which exceeds any of the following:
 - Six thousand five hundred pounds, empty weight including the box.

10. Hastings

- It is unlawful to park an attached trailer and semi-trailer or commercial vehicle/equipment, on any streets or alleys, except for the purpose of loading or unloading the same. In no case may tractor trailer, semi-trailer, or commercial vehicle/equipment exceed 6 hours
- One commercial vehicle is allowed on a residential lot (work van, etc), but not taller than 8-feet. A semi-tractor trailer would not be allowed to park at a residential lot due to it being over 8-feet tall.

Required Signage Allowed in Downtown and the Regulation of Banners.

1. Owatonna

B-3 Central Business District: All signs must comply with the following regulations.

- Free standing signs:
 - (a) A ground sign shall not exceed six (6) feet in height and thirty-two (32) square feet in area.
 - (b) Pylon signs shall not be allowed.
- Wall Signs:
 - (a) Each property shall be limited to thirty-two (32) square feet of total sign area per business except for the following:
 - If the property abuts two (2) or more public rights-of-way, an additional thirty-two (32) square feet per business shall be permitted for each right-of-way including alleys; and
 - If the business is larger than two thousand (2,000) square feet, the wall signage may be increased one (1) square foot per one hundred (100) square feet in excess of two thousand (2,000) square feet up to an additional thirty-two (32) square feet per business for each street right-of-way including alleys.
- Banners:

The use of banners and pennants for no more than twelve (12) days in any one (1) year is permitted without permit.

2. Mankato

CBD-C and CBD-F, Central Business District-Core and Fringe: (Downtown)

The maximum total signage area of all signs and franchise architecture should not exceed more than two times the front lineal frontage of the lot.

- Wall signs
 - Wall signs on any building shall not exceed 10% of the wall area used for retail purposes.
 - Wall signs may be located on each wall of a building. Signs facing residential zoning districts shall be non-illuminated.
 - Multi-tenant business centers may have one wall sign per business which has an exclusive exterior entrance. A second wall sign may be allowed if a tenant has an additional exclusive exterior entrance on a second wall. All wall signs shall not exceed more than 10% of the wall area.
 - Wall signs shall not project above the roof level.
- Temporary Sign

- Any sign, balloon, **banner**, blimp, flag, free standing sign, pennant, poster, reader board or advertising display which is intended to be displayed for a limited period of time. Signs other than temporary signs shall be considered permanent signs.
- A permit shall be obtained from the Zoning Administrator for each location and time period for placement of such signs. A fee may be established by Council resolution. A permit shall be valid for a period of eight (8) consecutive days and signage shall be removed upon expiration of the permit.
- Such signs shall be limited to 32 square feet in area.

3. Fargo

Downtown Signage

- All parcel's shall not exceed 2.5 square feet of signage per linear foot of street frontage or 30% of the façade of the primary structure. The area of the façade is determined by multiplying (a) the lesser of the height of the front elevation of the first floor or twenty feet by (b) the width of the façade.
- If the building has multiple stories, an additional sign area shall not exceed 30% of the area of the second floor elevation.
- Wall signs may extend up to 12 inches from the face of the building.
- Can only have one freestanding sign. If it is fronting one public street and the frontage exceeds 300ft.
- Can have one awing, canopy or marquee sign that extends more than 12 inches beyond a wall of a building. But must be located over an entry to the building, must be parallel with the building and it may project horizontally.
- Height Limitations shall be governed by the following setbacks

Distance from Property Line	Maximum Height of Sign
0 to 25ft	25ft
25 to 100ft	35ft
100 plus feet	50
Adjacent to Interstate	60ft

- Electronic signs size and can be located on an adjacent roadway. The table below describes the size of each sign for each classification of the adjacent roadway

Interstate	Principal Arterial	Minor Arterial	Collector	Local
300 sq ft	200 sq ft	200 sq ft	48 sq ft	25 sq ft

- **Banner Sign**

- A banner sign may be placed flat against the façade of a building but must be affixed so as to not flap or move with the wind. May be in place for 14 days and then cannot be placed again for 60 days.

4. Rochester

Downtown District

- **Wall Sign:** Shall be permitted two wall signs
 - Maximum area: 600 sq ft
 - The height of a wall sign shall be measured from the grade adjacent to the building to the top of the sign face. It shall extend more than 4ft above the top of the wall it is attached to.
- **Graphics Sign:** Shall be permitted one graphic sign (A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.)
 - Maximum area: 50% of Wall
 - Maximum height: Shall be measured from the grade adjacent to the wall to the top of the sign area
- **Roof Sign:** Shall be permitted one roof sign
 - Maximum area: 250 sq ft
 - Maximum height: 25'
- **Banners**
 - Such signs, when authorized by a sign permit, shall be allowed for a period not to exceed fourteen days in any twelve-month period

5. St. Cloud

Central Business District:

- The total surface area of all pylon business signs on a lot shall not exceed the sum of 1 sq. ft. per lineal foot of lot frontage, or 75 sq. ft., whichever is greater.
- Wall areas may display wall signs that don't exceed a total of 15% of the exposed building. For the purpose of this ordinance a pylon sign is an outdoor electronic sign.
- Wall signs shall not project above the roof or parapet wall. Shall not exceed 10ft in height, nor shall a sign be mounted on the roof. Ground or pylon signs shall not exceed 50ft in height.
- **Banners** can be erected for one 12 month period. A sign permit is required.

6. Hutchinson

Downtown District

- The aggregate square footage of sign per lot shall not exceed the sum of two square feet per front linear foot of building. On corner lots, the allowable square footage on the side exposure will be the same as the front, provided that side contains a major building entrance.
- Signs may be placed only in the horizontal lintel sign space or within window glass, or on the awnings. In buildings that do not have a traditional lintel sign area, signs shall be placed no higher than 36 inches above the building openings.

- Wall signs shall not extend more than 24 inches from an exterior wall surface and shall not cover more than 15% of that business's wall.
- Projecting signs shall not exceed 16 square feet in area, projecting more than four feet into the public right-of-way and shall not be lower than eight feet above the public sidewalk. No sign shall create any traffic sight hazard.
- *Marquees, canopies and awnings.* Only the name of the owner and business conducted on the premises may be placed on any awning or canopy.
- Backlit plastic panel signs are not permitted. If they are designed in character with the era of the original building construction. Backlit individual letters are permitted.
- **Banners**
 - Allow by permit only. One or more banners not exceeding two square feet per front linear foot of building are allowed on the primary side of building for no more than 15 consecutive days at a time. Applicants are eligible for three 15-day permits per calendar year.

7. Northfield

General Requirements for Signs C2 (Central Business District)

- No pylon sign shall exceed 20 feet in height above the average grade at the centerline of the street in front of the property.

Standards for the C2

- Size
 - A total of one and one-half square feet of signage for each lineal foot of building frontage shall be permitted. One additional square foot of signage shall be permitted for each lineal foot of land frontage.
 - If a building has multiple frontages, one additional square foot of signage (for the total allotted sign area) shall be permitted for each lineal foot of building frontage, not to exceed 100 square feet.
 - Not more than ten percent of each façade in the C2 may be used for wall signage. The facade area shall be determined by multiplying the total building width by the height of the wall or surface area.
 - Either one pylon or one ground sign may be permitted for each building frontage and shall not exceed 100 square feet per face and shall not have more than two faces.
 - The total area of all signs shall not exceed allotted sign area.
- Location
 - Signs may be wall signs and located anywhere on the wall surface of the building.
 - A pylon or ground sign may be located anywhere back of the street right-of-way lines, subject to other restrictions in this section.
 - Signs may be on the vertical faces of awnings and may project below the lower edge of the awning not more than 12 inches. The bottom of awning signs shall be no less than eight feet above the sidewalk or grade at any point. No point of the sign shall project above the vertical awning face.

Temporary Signs like Banners:

- Signs in commercial shall have a maximum sign area of 64 square and a maximum height of 8 feet.
- Such signs shall be removed within seven day.

8. New Prague

Signs Permitted in their Central Business Districts.

- For an individual lot or site as defined by this Ordinance with all buildings totaling a gross floor area of less than 50,000 sq ft, the following signage is permitted:
 - Freestanding or monument signs. The maximum freestanding/monument sign surface area shall be 100 sq ft per public street frontage of the lot or site. This maximum surface area applies to one sign surface of no more than two sides per sign structure. The allotted maximum surface area per public street frontage for the lot or site may be distributed to multiple freestanding/monument signs. In no case shall any one sign be larger than 100 sq ft per side.
 - All signs within a lot or site shall be spaced no closer than 250ft apart as measured along the public street frontage(s).
 - When placing signs on the corner of a lot at the intersection of two public streets, the applicant shall designate which public street frontage for the lot or site that the total sign square footage should be attributed to and in no case shall the sign area be allowed to be divided between the frontages.
- In all cases, a freestanding or monument sign shall not exceed a height of 20 feet from the average grade for signs located in the B-1 Central Business District.
- In all cases, the minimum setback for all freestanding or monument signs shall be at least 10ft from any property line.
- Sign area is limited to 15% of the building face in the B-1 Central Business District
- **Banners** are temporary signage and need to be removed after 15 days; they can be no larger than 32 sq ft per surface.

9. Austin

Permitted Signs for their CBD

- No more than one freestanding sign shall be permitted per occupant;
 - The maximum height of freestanding sign shall be 25 feet;
 - The maximum area of a freestanding sign shall be 100 square feet.
- Double-faced signs shall be counted as one sign;

- Roof signs shall in no case exceed a height above the roof equal to a distance of the height of the elevation of the building upon which the sign is located, but in no case shall this height exceed 20 feet from the highest point of a roof to the top of the sign and shall not exceed 300 square feet in area;
- **Banners** with sufficient wind holes, supported across the top and secured at the lower corners, may be erected on a premise for a period not to exceed 30 days.

10. Fairmont

Permitted Sign in their CBD

- Maximum Signage for one nameplate sign is 2.5 sq ft for each lineal foot of street frontage. Not to exceed 288ft per sign.
- Business and advertising sign shall conform to the following
 - Building sign 2ft above highest outside wall or parapet
 - Pylon sign, minimum 12ft to 28ft
 - Ground sign 10ft
- Up to 3 signs per business shall be permitted.
- **Banners:** The use of banners, streamers, and special promotional devices are permitted only by obtaining a permit from the city. Such use shall be discontinued within fifteen (15) days after the first day and they shall not be used in any location more than thirty (30) days per calendar year.

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner 

DATE: June 12, 2015

RE: Planning Commission Mission Statement and Bylaws

At the June Planning Commission training, part of the discussion was about whether the Planning Commission has a mission statement and bylaws. It is suggested that consideration be giving to adopting both. Attached are model examples of each for use to begin discussion.

Sample Planning Commission Mission Statement

Recognizing that community planning is a continuing and dynamic process, always subject to societal changes, the City/Township/County of _____ Planning Commission has set forth the following mission statement to clarify its role in the planning process.

1. The Planning Commission is a _____ member volunteer citizen Commission appointed by the (governing body) and staffed by _____.
2. The Commission is charged with reviewing, evaluating, and updating the City/Township/County Comprehensive Land Use Plan with the objective to maintain and/or implement the community values defined as quality of life in both a living and working environment. The Commission must then communicate these updates to the (governing body).
3. To accomplish the annual review of the Comprehensive Plan, the Commission encourages constructive citizen and staff participation in the public planning process through public hearings and at regular meetings, through newsletters, and through neighborhood, area, or district planning meetings.
4. The Commission shall complete studies and recommend long term development plans and policies which are consistent with the Comprehensive Plan and the values of the community which are life enriching, economically beneficial, and environmentally sound.
5. The Commission shall utilize (and recommend utilization by other City/Township/County public officials and entities) implementation tools such as zoning and land use permits, subdivision approvals, official mapping, capital improvements programming, and housing plans.
6. The Commission shall encourage efficient utilization of existing infrastructure and buildings and innovative and effective management of public and private land.
7. The Commission shall create, with the assistance of the staff, a land use, economic, and demographic information base for use by citizens and developers.
8. Noting that the City/Township/County of _____ is part of a larger community, the Commission will encourage joint meetings and sharing of information with other commissions and committees within the City/Township/County, and with adjacent Planning Commissions.

Sample Bylaws

These bylaws were drafted for a city, but may be adapted for townships and counties by changing the language. Governmental units that wish to use these as a guide should make changes as needed to fit local policies and procedures.

Article I. Introduction

Section 1. Purpose

It is the intent of the _____ Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These bylaws are established for that purpose.

Section 2. Application of Bylaws

Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Planning Commission business and the conduct of all Planning Commission meetings and hearings.

Article II. Offices and Duties

Section 1. Offices Designated

The Commission, at its first regular meeting in January of each year, shall select a Chairperson and Vice Chairperson.

Section 2. Recording of Meetings

The _____ shall supply a qualified staff member to perform all general corresponding and recording secretarial duties for the Planning Commission.

Section 3. Duties of Officers

The duties and powers of the offices of the Planning Commission shall be as follows:

A. Chairperson

- 1) Preside at all meetings of the Commission
- 2) Call special meetings of the Commission in accordance with the City Ordinance
- 3) Sign documents of the Commission
- 4) See that all actions of the Commission are properly taken
- 5) Cancel or postpone any regularly scheduled meetings

-
- 6) Order end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings

B. Vice Chairperson

In the event of the absence, disability, or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

C. Secretary

A city, county, or township staff member will be assigned to perform the functions of Secretary. The Secretary shall keep record of the proceedings of every meeting of the Planning Commission.

Article III. Members

Section 1. Number.

The Planning Commission shall consist of ____ voting members.

Section 2. Members Appointed.

Voting members shall be appointed by the City Council, County Board, or Township Board for a three year term. Terms shall run from January 1 through December 31. Terms shall be staggered so that there will be continuity of the Commission.

Section 3. Voting.

A member must be present to vote.

Section 4. Vacancies.

Vacancies shall be filled by appointment of the City Council, County Board, or Township Board.

Article IV. Meetings and Hearings

Section 1. Notice

Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance notification requirements.

Section 2. Meetings

All meetings of the Planning Commission shall be open to the public.

Section 3. Workshops

Workshops and other meetings whose sole purpose is for general information and/or

educational purposes will be open to the public. Public testimony may or may not be allowed.

Section 4. Meeting Records

All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made a part of the record, become the property of the City/County/Township of _____, and be maintained as a permanent record.

Section 5. Meetings

A. Date and Time

The Planning Commission shall meet regularly on the _____ of the month at _____ pm, or as soon as practical.

B. Location

The Commission shall meet in regular session in the City Hall Chambers/Board Room/Township Hall, or otherwise designated by ordinance.

C. Order of Business

- 1) Approval of Agenda
- 2) Approval of Minutes
- 3) Public Hearings
- 4) Old Business
- 5) New Business
- 6) Communications and Reports
- 7) Other
- 8) Adjourn

D. Special meetings

The Chairperson, Vice Chairperson, City Council, or Mayor may call for a special meeting at any time. Notice of the time and place shall conform to the Open Meeting Law.

E. Additional Agenda Items

Agenda items are to be added at the workshop meeting. If no workshop meeting is held, additions may be made by calling the Chairperson one week prior to the regular monthly meeting.

Section 6. Parliamentary Procedure

All Commission meetings shall be governed by Robert's Rules of Order Newly Revised in all

cases to which they are applicable and not in conflict with these bylaws, City Code, or other rules this Commission may adopt.

Section 7. Agenda

- A. The agenda shall be prepared by planning staff for the Planning Commission meeting and shall close at noon the _____ prior to the meeting.
- B. Any Planning Commission member can place an item on the agenda. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.
- C. The agenda may be amended during a Planning Commission meeting by a majority vote of the Commission.
- D. The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many persons should generally be placed early on the agenda.
- E. Planning staff shall prepare a written report detailing the request and the ordinance provisions that apply to the matter.

Section 8. Procedure for Public Hearings.

- A. Planning staff or consultants, if any, shall summarize for the public the relevant issues of the application contained in the written staff report. The Commission members may direct questions to staff regarding the application.
- B. The Chairperson shall call the public hearing to order and declare the time, and prior to taking testimony, shall explain:
 - 1) The order of testimony
 - 2) The purpose and requirements of the public hearing under Minnesota law
 - 3) That each speaker shall provide their name and address and that public comments should be limited to matters pertinent to the application under review and avoid duplicative testimony. The Chairperson may place reasonable time limits on public comments, depending on the number of persons waiting to testify on the matter.
 - 4) The type of application under consideration
- C. The applicant and/or representative shall be given an opportunity to present evidence in support of the request and rebut any issues or conditions identified in the staff report
- D. Members of the public, if any, may testify, either in person or through their agent. Written testimony submitted may be read and will be added to the public

record.

- E. The applicant shall have an opportunity to answer questions from the Commission.
- H. The Commission shall close the public hearing by motion and majority vote of the Commission. The Commission may deliberate and decide the matter.
 - 1) The Commission may direct questions to the applicant, planning staff, or public to clarify issues but no further testimony may be received from the public.
 - 2) If the Commission identifies relevant facts that remain unknown or disputed, the Commission may postpone closing the hearing by motion and majority vote until the Planning Commission's next meeting and refer the issue to planning staff for further fact finding.

Section 9. Protocol for Public Hearings

- A. Everyone who wishes to give testimony shall be given a reasonable opportunity to speak.
- B. All statements or questions should be directed to the chairperson.
- C. All statements should be as factual as possible and should not involve personalities.
- D. Speakers should refrain from repeating what has already been stated.
- E. Each speaker shall provide his or her name and address to the recorder.
- F. The Planning Commission reserves the right to question any speaker.
- G. Written testimony may be received.
- H. No additional testimony may be offered after the close of the public hearing.

Section 10. Communications with Public and Applicant

- A. General. Prior to the public hearing or Commission deliberation, no Commission member shall lobby the merits of a pending case with staff, applicant, Commission member, or the general public.
- B. Disclosures. If a commissioner has discussed the pending case, the commissioner shall disclose the facts relating to such discussion during the public hearing.
- C. Exception. Nothing in this section shall preclude the general information communication by Commission members relating to the general conduct of a meeting or hearing, nor shall anything in this section forbid staff or commissioners from discussing with commissioners an upcoming meeting, so long as the facts or merits of the meeting are not discussed.

Section 11. Quorum

A majority of the Commission members entitled to vote shall constitute a quorum for the transaction of business.

Section 12. Conflict of Interest

Any member of the Planning Commission who shall feel that he or she may appear to have, or in fact has, a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself or herself, vacate his or her seat, and refrain from discussing and voting on said matter as a Planning Commissioner.

A conflict of interest is any direct contractual, pecuniary, or other beneficial interest in the outcome of a matter before the Planning Commission.

Section 13. Orientation for new Planning Commissioners

To assist new Planning Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to:

- A. Attend an orientation session with (staff, Planning Commission Chair, other).
- B. Read the Planning Commissioner Orientation Manual.

Article IV. Education, Conference and Convention Policy

The (governing body) and Planning Commission of _____ recognize and accept the concept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of the Planning Commissioner. Further, both groups encourage and highly recommend periodic attendance at various educational opportunities, conferences, and conventions.

The following is the policy of the _____ Planning Commission on educational meetings, conferences, and conventions:

- A. Attendance at educational meetings, conferences, and conventions is subject to availability of funds.
- B. Attendance at educational meetings, conferences, and conventions is voluntary. Planning Commission members are encouraged to attend educational meetings, conferences, and conventions.
- C. Involvement in relevant professional organizations such as APA-MN, office holding, or committee work is considered educational.
- D. Planning Commission members are encouraged to participate in the budget process and to request allocations for educational purposes.
- E. In the event of budget constraints, the acquisition of skills and knowledge through educational meetings, conferences, and conventions shall take precedence over the maintenance of same.



What Makes Us the Happiest About the Places We Live

Urbanites and suburbanites in the U.S. have a lot more in common than you might have guessed.

RICHARD FLORIDA |  @Richard_Florida | Sep 19, 2014 |  5 Comments

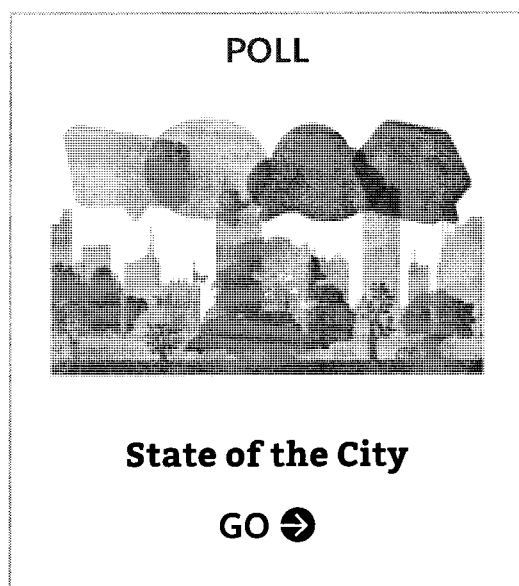


Some satisfied Americans in Holland, Michigan. ([Michigan Municipal League/Flickr](#))

We know a lot about what makes Americans satisfied with their personal lives, jobs and careers, but much less about what make them satisfied with the places where they live. I've long argued that choosing the place where we live is the single most important decision we make—more important than the choices we make in our personal lives (who we date, marry, or make friends with), the choices we make regarding our educations, and the choices we make about careers. That's because our location structures all of those other decisions.

So what are the key factors that really shape how happy we are with the places we live?

Over the past month, my colleagues at [CityLab](#) have used the [Atlantic Media/Siemens State of the City Poll](#) to look closely at a wide variety of community satisfaction measures, discovering that [suburbanites are happier with where they live than city dwellers](#) and [that the young and poor are the most likely to move](#), among other conclusions.



With help from the [Martin Prosperity Institute's Charlotta Mellander](#), I took a deeper look at the factors that affect how satisfied we are with the places we live. We ran a basic correlation analysis of the key factors affecting how survey respondents rate their communities on a one to four scale, from excellent to poor. These included the availability of jobs and employment opportunities, crime and safety, schools, quality of roads and infrastructure, access to parks, green space and recreation, access to arts and culture,

the availability of good paying jobs, air and water quality, and volunteer opportunities. We examined the associations for survey respondents overall and for urbanites versus suburbanites and home-owners versus renters. As usual, I emphasize that correlation does not imply causation, but rather points to associations between variables.

Looking at the survey responses overall, several factors turned out to be relatively more important to how residents rated their communities.

Topping the list was personal safety, measured specifically by how safe people feel from crime when walking in their neighborhoods after dark (with a correlation of .44). That makes obvious sense: if you don't feel safe, if you feel threatened and insecure in your neighborhood, you're unlikely to be happy there. But a cluster of other factors were also positively associated with residents' ratings of their communities: the availability of high quality parks and

recreation (.37), the availability of good-paying jobs (.34), air quality (.33), and the availability of high-quality arts, culture and nightlife (.30). Also important, though not quite as strongly correlated, were the quality of water that comes out of the tap (.26) and the physical condition of roads, bridges and infrastructure (.25). Residents' ratings of their communities were positively associated with income (.25). This is in line with broader studies of happiness that find overall well-being to be associated with income.



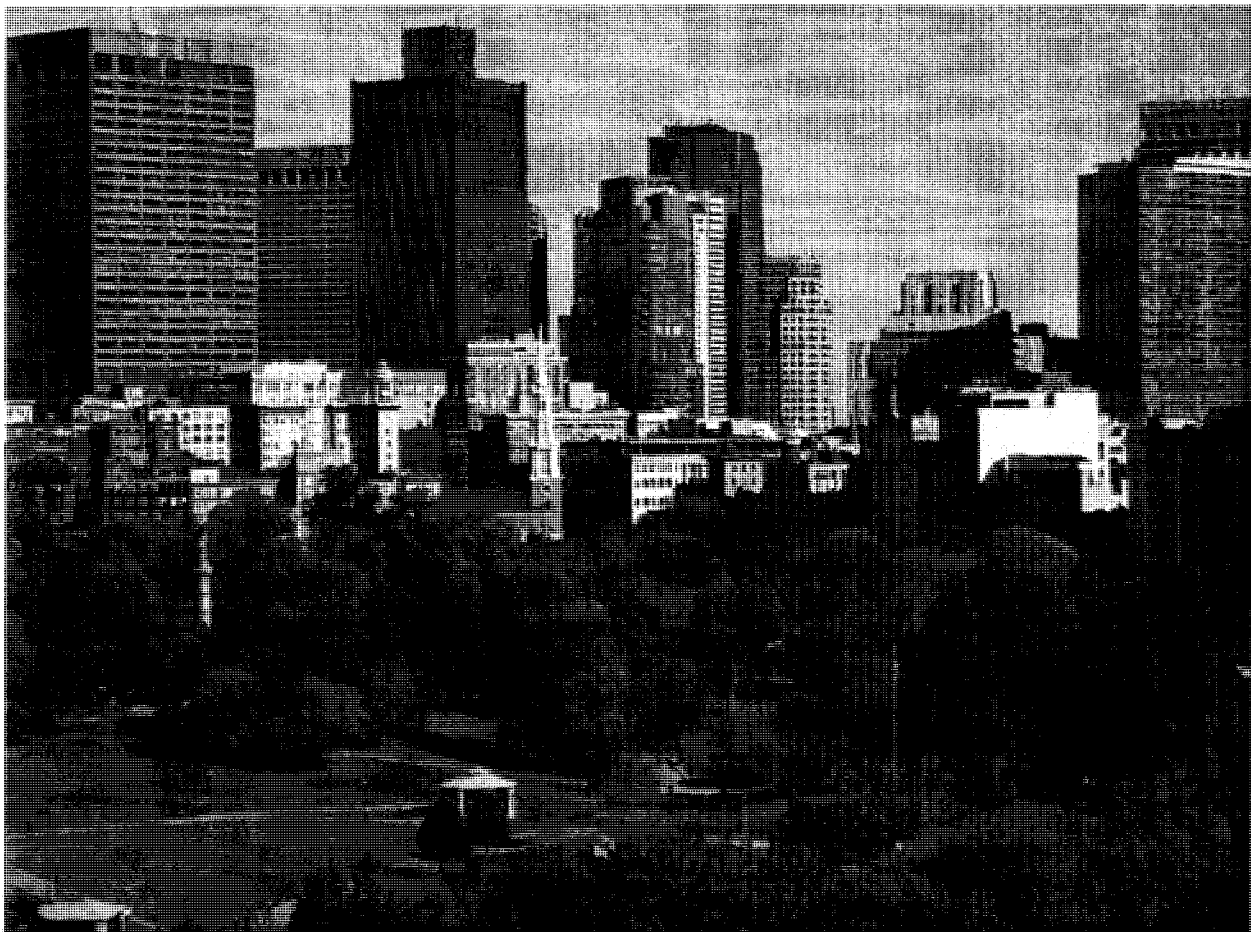
Happiness among all Americans is correlated with feeling safe while walking at night.
([harminster dhesei/Flickr](#))

More interesting, perhaps, are the factors that were less closely associated with residents' satisfaction with where they live. Most people believe that schools factor mightily into how residents view their communities. While this may be true, especially for families with school-age children, the correlations between our survey questions regarding schools and residents' ratings of their communities were substantially weaker than might be expected (.22 with the ability of local public schools to prepare children for college and .18 with the ability of local schools to prepare them for work). And while housing costs and housing affordability are hotly debated issues, neither the availability of

affordable rental housing (.16) nor the availability of affordable homes for purchase (.17) were closely correlated to how residents rate their communities.

Things get more interesting when we look at the things that matter to urbanites versus suburbanites. Among urbanites, safety again tops the list (with a correlation of .47, the highest correlation of any question we analyzed). Next in line was the availability of high-quality parks and recreation facilities (.40). Following close behind was the availability of good paying jobs (.37), and the availability of high-quality arts options (.35), both of which are more often present in urban settings.

Other factors associated with how urbanites rate their communities include air and water quality (.35 and .21, respectively), the physical condition of roads and bridges (.26), and the quality of local non-profits, volunteer groups and religious institutions (.25). Finally, satisfaction was associated with income (.24); those with higher incomes were more likely to say they were satisfied with their communities.



Urban-dwellers like green spaces, like the Boston Common ([Massachusetts Office of Travel and Tourism/Flickr](#))

Again, perceptions about the quality of local public schools were somewhat less important for urban respondents, with correlations of .21 and .16, respectively, for questions regarding the ability of schools to prepare kids for college or work. And despite all the talk about high housing prices and the lack of affordability of city living, our results suggest that neither the availability of affordable rental housing (.12) nor homes to buy (.17) are strongly associated with how urbanites rate their communities.

For suburbanites, the factor most strongly associated with community satisfaction was also safety (.42), followed by high quality parks (.35) and availability of good jobs (.32). Next in line was water quality (.33), air quality (.29), and availability of high-quality arts, culture and nightlife (.28). Again, the community satisfaction of suburbanites was associated with income (.28).

Surprisingly, given how much attention is paid to the perceived quality of suburban schools, this factor appears to play a less important role (with a correlation of .23 to the ability of local schools to prepare children for college). The availability of affordable housing was also less significant, with correlations of .20 with the availability of affordable rentals and .16 with the availability of affordable homes to buy.

When it comes to renters and homeowners, some interesting patterns emerge as well. Renters are the only group for which safety is not the number one factor. The most closely associated factor for them was high-quality parks (.40), which makes sense given most renters live in cities where backyards or private green spaces are much more limited. Safety came in second (with a correlation of .39). Renters' ratings of their communities were also associated with the availability of good jobs (.33), access to high-quality arts and cultural options (.32), and air quality (.30). The quality of roads and bridges was less important, with a correlation of .21. Neither the quality of schools or affordability of housing appeared to factor highly in renters' ratings of their communities.

Despite differences among urbanites and suburbanites, the same basic factors seem to drive the way residents rate the places they live.

When it comes to those who own their own homes, safety again tops the list (.43), followed by the availability of high-quality parks and recreation (.34), the availability of good paying jobs (.33) and air quality (.30). The availability of arts and cultural amenities drops a bit further down (.27). But this is not too surprising, as homeowners are more likely to live outside urban centers and in suburbs where access to arts and culture is more limited. And while it is commonly thought that the quality of local schools figures highly in why and where people buy homes, we find weaker associations between schools and the owners' ratings of their communities (.22 for preparation for college, .18 for preparation for work). The correlations for the availability and affordability of housing were among the weakest of any in our analysis (.12 for affordable houses to buy and .10 to rent).

The big takeaways: despite differences among urbanites and suburbanites, the same basic factors seem to drive the way residents rate the places they live. Those include feeling safe at night, and having access to good jobs, high quality parks and recreation, and arts, culture and nightlife. Furthermore, it's not any one single factor, but the interplay of several that shape how residents rate the places where they live.

The biggest surprises turn out to be the things that do not matter as much.

As I've noted before, our satisfaction with where we live resembles psychologist Abraham Maslow's hierarchy of needs. At the bottom of the pyramid—what we need the most—are feelings of safety and security. Once that need is met, we need to be able to make a living and find a job that we actually like. Then, as we advance through higher stages of the pyramid, we want things that make for a better quality of life, or what I term "quality of place"—access to great parks, clean air and water, and exciting arts and cultural opportunities.

The biggest surprises turn out to be the things that do not matter as much. The quality of schools turned out to be much less important than we might have thought. And while much has been made of the growing urban housing affordability crisis for many Americans, we did not find it to be a big factor in how residents rate their communities.

Despite the many differences in the values, living styles and preferences of urbanites and suburbanites, renters and homeowners, the things that connect and attach us to our chosen communities are remarkably similar.

About the Author



Richard Florida is Co-founder and Editor at Large of CityLab.com and Senior Editor at *The Atlantic*. He is director of the Martin Prosperity Institute at the University of Toronto and Global Research Professor at NYU. [MORE](#)

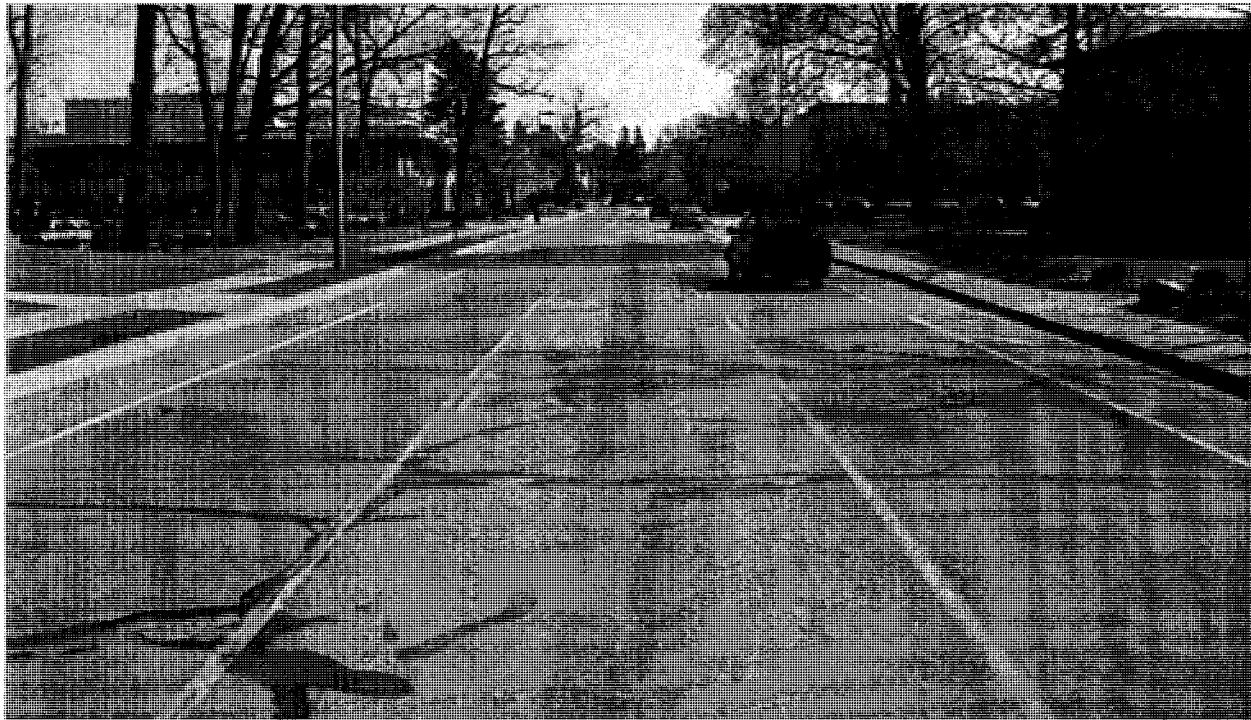
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So What Exactly Is a 'Road Diet'?

A closer look at what's been called "one of the transportation safety field's greatest success stories."

ERIC JAFFE |  @e_jaffe | Sep 12, 2014 |  31 Comments



[League of Michigan Bicyclists / Flickr](#)

Earlier this week, the U.S. Department of Transportation announced an 18-month campaign to improve road safety across the country. One of the things DOT plans to do is create a guide to "road diets" that it will distribute to communities and local governments. DOT says that road diets can reduce traffic crashes by an average of 29 percent, and that in some smaller towns the design approach can cut crashes nearly in half.

But what exactly is a road diet? A good place to start is the apparent source of DOT's safety figures: a 2013 white paper on road diets prepared for the Federal Highway Administration by Libby Thomas of the University of North Carolina Highway Safety Research Center. While road diets have been around for

decades, writes Thomas, it's only in the past 10 years or so that experts have understood just how beneficial they can be:

Road diets can be seen as one of the transportation safety field's greatest success stories.

The concept of road diets emerged as a response to a common practice of expanding two-lane urban arterials into four lanes once vehicular traffic hit a certain point—roughly 6,000 cars a day by some estimates. The original thinking held that wider roads meant better traffic flows, especially at rush-hour, but new lanes also attracted new traffic, and outside the peak periods you'd end up with lots of wasted road space. An analysis of road widening in the small city of Fort Madison, Iowa, showed an increase in traffic volumes, but also delay, speed, and crash and injury rates:

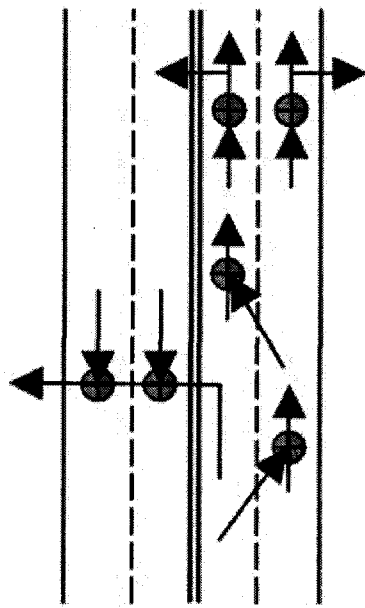
TABLE 1 Changes After Highway Widened from Two to Four Lanes (US-61 at Ft. Madison, Iowa)

Corridor Element	Change
• Traffic Volume	Increased 4 percent
• Corridor Travel Delay	Increased 4 percent
• Mid-block 85 th % Speed	Increased 2.5 mph
• Traffic Traveling More Than 5 mph Over Speed Limit	Increased from 0.5 percent to 4.2 percent
• Accident Rate	Increased 14 percent
• Injury Rate	Increased 88 percent
• Total Value Loss	Increased 280 percent

Welch (1999). TRB Circular E-C019

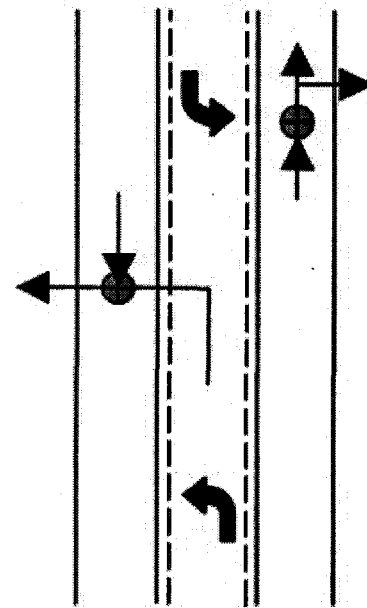
Realizing these unintended outcomes, some localities implemented a type of road diet: reconfiguring the four lanes (two in each direction) into three (one each way plus a shared turn lane in the middle). The change dramatically reduced the number of "conflict points" on the road—places where a crash

might occur. Whereas there might be six mid-block conflict points in a common four-lane arterial, between cars turning and merging, there were only two after the road diet:



Four-Lane Undivided

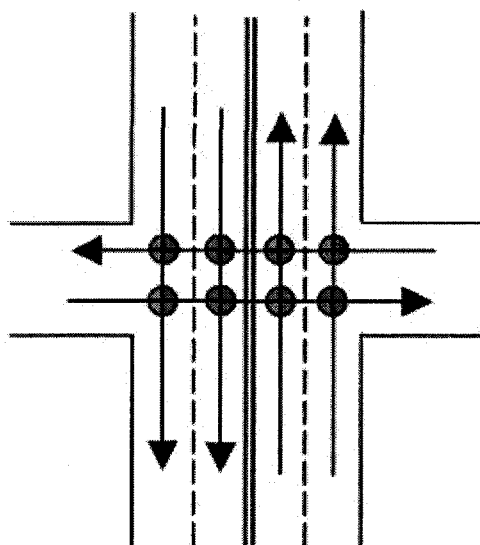
●
Conflict
Point



Three-Lane

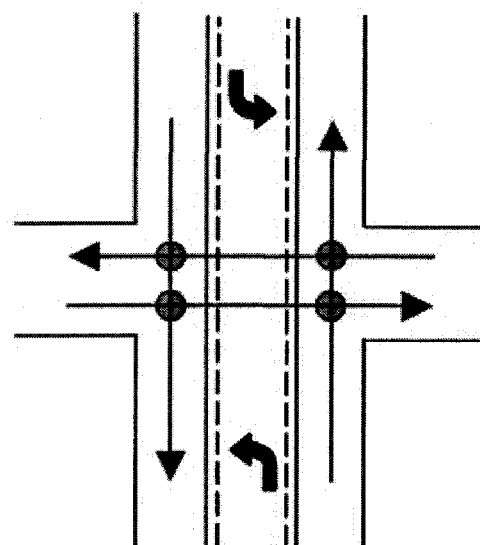
Iowa Department of Transportation (2001)

Likewise, at an intersection, eight potential conflict points became four after a road diet:



Four-Lane Undivided

●
Conflict
Point



Three-Lane

Iowa Department of Transportation (2001)

The result was a much safer road. In small urban areas (say, populations around 17,000, with traffic volumes up to 12,000 cars a day), post-road diet crashes dropped about 47 percent. In larger metros (with populations around 269,000 and up to 24,000 daily cars), the crash reduction was roughly 19 percent. The combined estimate from all the best studies predicted that accidents would decline 29 percent, on average, after a four-to-three-lane road diet—DOT's reported figure.

These benefits alone would be enough to merit more road diets, but there were plenty of others. Bicycle and pedestrian traffic tends to soar at these sites, as the recaptured road space gives way to bike lanes or street parking that provides a sidewalk buffer from moving traffic or crossing islands, and as vehicle speeds decline (especially for high-end speeders going more than 5 miles per hour over the limit). Traffic volumes, meanwhile, typically stay even in such a corridor: some drivers diverted to other parts of the street network, while the rest quickly soak up any vacated space.

Best of all, these kinds of changes don't cost much. When timed with regular road maintenance and re-paving, road diet policies require little more than the paint needed to re-stripe lanes. They're about as cheap and cost-effective as infrastructure improvements get, which has led some to wonder why the technique isn't used more widely; here's planner Charles Marohn writing earlier this year at *Strong Towns*:

Why, when our leadership has expressed so clearly the enormous financial gap we have in funding a "world class" transportation system, are road diets not an obsession of transportation departments everywhere?

One source of the hesitation (aside from general car reliance) may be that the evidence suggests caution when implementing road diets on corridors that carry more than 20,000 cars a day. For sure, some major urban roads can't slim down overnight without creating huge traffic problems. But road diets have also worked in New York City of all places: a 2013 study found significant crash reductions across treated sites.

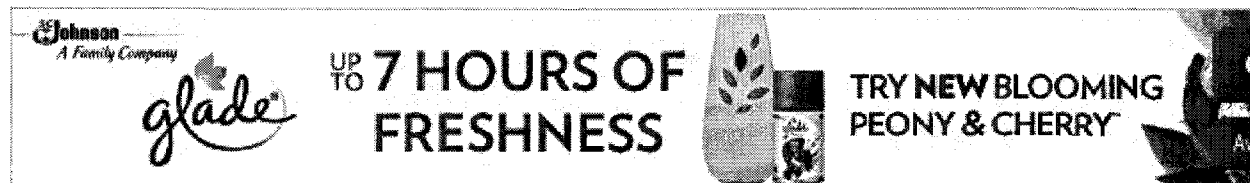
And improvements can be made even when lanes aren't removed. The NYC DOT recently reported that traffic flows remained strong while safety increased when traffic lanes were narrowed to accommodate bike lanes. That approach might need its own name—call it a lane diet, maybe—but the outcome seems to be the same.

About the Author



Eric Jaffe is a senior associate editor at CityLab. He writes about transportation as well as behavior, crime, and history, and has a general interest in the science of city life. He's the author of *A Curious Madness* (2014) and *The King's Best Highway* (2010), and lives in New York.

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Church sign arguments evoke laughter from Supreme Court justices

Freedom of religion argued

By [Cheryl Wetzstein](#) - *The Washington Times* - Monday, January 12, 2015

One picture — of an Arizona church's worship service sign — may have been worth a thousand words at the Supreme Court on Monday.

"Well, my goodness. ... It does sound as if the town is being a little unreasonable, doesn't it?" Supreme Court Justice Stephen G. Breyer said after several justices began discussing the Good News Community Church's sign announcing it would hold 9 a.m. services in an elementary school.

The small church puts up temporary welcome signs near roads and sidewalks, and typically includes an arrow to point people to the school or other locations where it holds its services.

The arrow, however, makes the signs "directional" — and barred by strict rules in the town of Gilbert, Arizona, which has been in an eight-year legal battle with pastor Clyde Reed, who heads the Good News church.

In Monday's oral arguments, the church's attorney David Cortman said the town's rules on temporary, noncommercial public signs discriminate against the Good News church's signs.

"Political signs can be 32 square feet, may be unlimited in number and may be placed in the right of way of the entire town for five months before the election," said Mr. Cortman, who is part of Alliance Defending Freedom. "Ideological" signs are also given generous treatment, he said.

But the church's signs, which fell under a stricter category because of the arrow, can be only "one-fifth of that size," must be placed no more than 12 hours before an event — which means "in the dark of night" — and must be removed an hour after the service ends, Mr. Cortman said.

Even "other signs with directional content" — such as signs for home sales events — "are allowed up for an entire weekend," said Mr. Cortman, who asked the high court for relief from the town's "marginalizing" rules for the Good News church.

Speaking on behalf of Gilbert officials and supported by the National League of Cities, Georgia lawyer Philip W. Savrin urged the justices not to rule in a way that forces towns and cities to create "one-size-fits-all" rules for signs.

Without the power to regulate such things as the number, size or duration of signs, local lawmakers could "be inclined to ban all signs except those that the First Amendment absolutely allows," Mr. Savrin said.

But when the justices inquired about the arrow on the Good News sign, their scenarios evoked laughter.

So a church could put up an "ideological" sign that says, "Come to our service on Sunday morning," but has no arrow. Then they put up another sign that says "this is the arrow," said Justice Samuel A. Alito Jr.

"Or maybe they put up on the first sign, 'Come to our service on Sunday morning; we can't tell you now where it will be because the town won't let us, but if you come — if you drive by here tomorrow morning at a certain time, you will see an arrow.'"

Justice Breyer offered his own scenario about a big church invitational sign that added directions such as "three blocks right and two blocks left" — and was assured that such a sign would change from an "ideological" one into the more restricted "directional" one. That prompted his "my goodness" remark.

Mr. Savrin defended the town's law, saying that if, under the court's hypothetical, there were only one sign, then perhaps the law "seems rather silly." But what about having "a whole bunch of these signs over a long distance," Mr. Savrin said, noting that Good News posts about 15 signs for each service.

"I never dreamed my small church signs would be a topic for the Supreme Court," Mr. Reed, 82, told reporters after the arguments.

But in light of criminal fines, jail time and watching other signs stand for months at a time, Mr. Reed said, they pressed forward.

"We aren't asking for special treatment; we just want our town to stop favoring the speech of others over ours," he said. "I pray that the Supreme Court will affirm our First Amendment freedoms and uphold our church's and others' free speech rights."

The Becket Fund for Religious Liberty, Liberty Counsel and National Hispanic Christian Leadership Council, Christian Legal Society, Family Research Council, Pacific Legal Foundation and General Conference of Seventh-day Adventists were among those who filed friend-of-the-court briefs in support of the Good News church.

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