

PLANNING COMMISSION

Wednesday, June 17, 2015

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

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

#2 Approval/Amendment of Agenda

City Planner Ostgarden stated he recommends moving items c and d from Old Business to New Business.

MOTION AND SECONDED BY COMMISSIONERS PARKS AND PLANTENBERG, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

#3 Approve minutes of the regular meeting of April 15, 2015 and the Special Meeting of June 8, 2015

Commissioner Plantenberg amended the minutes of the June 8, 2015 special meeting to state she called the meeting to order and turned the meeting over to Chairman Hayden Shaw when she arrived.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PARKS, DULY CARRIED, TO APPROVE THE MINUTES FOR REGULAR MEETING OF APRIL 15, 2015 AND THE AMENDED MINUTES OF THE SPECIAL MEETING OF JUNE 8, 2015.

#4 NEW BUSINESS

a. Public Hearing – Habitat for Humanity – Front and Rear Yard Variances – 1321 Norwood Street

City Planner Ostgarden stated Habitat for Humanity owns the corner lot at the northwest corner of Norwood Street and 14th Street SE, a lot that is substandard in lot area due to its 90 foot depth. The lot width of 50 feet allows a dwelling to be constructed and the dwelling proposed by Habitat cannot be constructed within the buildable area therefore requiring a front and rear yard setback.

City Planner Ostgarden stated it will be a one story home with an attached garage on the north side. He noted even though it will encroach into the front yard setback, it will be consistent with the dwelling to the west. He stated the Zoning Ordinance allows averaging which will get the required setback to 20 feet making the encroachment 4.25. He noted the rear yard encroachment will be 6 feet. He stated the size of the home will be consistent with other homes in the neighborhood and the encroachment will also be consistent with many houses in the neighborhood.

The Public Hearing was opened at 6:07 pm.

Mr. Kevin Pelkey, Executive Director of Habitat for Humanity, stated the reason for this request is to accommodate a slightly oversized one and one half stall garage as the family they are building the house for has advanced stage MS whose mobility is limited to her use of a motorized scooter. He stated they feel it will be good to have the garage so she will be able to get into her van during the winter months. He stated the home will be in keeping with the character of the neighborhood.

The Public Hearing was closed at 6:09 pm.

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

1. The property is an R-2 (Medium Density Residential) District that permits single family dwellings.
2. The lot is 50' x 90' (4,500 sf) which is less than the minimum lot size for the district.
3. The house is 962 sf and the garage is 416 sf for a total is 1,378 sf.
4. Based on the ability to average the front yard setback, the proposed setback is 15.75', 4.25' less than permitted. A 6' rear yard encroachment is proposed leaving a 19' rear yard setback.
5. The house will have the same setback as the property to the west.
6. The neighborhood has other houses with a setback less than required.
7. Building on the lot is supported by the following Comprehensive Plan Goal and Strategy:
LAND USE GOAL #5: *Support development that enhances community character and identity.*
Strategy
Support the redevelopment of vacant and abandoned sites within the urban core.
8. The character of the neighborhood will not change because the house size and its style are comparable with the other houses in the neighborhood.
9. The non-conforming lot size creates a practical difficulty for constructing the dwelling and meeting setback requirements.

The Commission agreed to add the following finding-of-fact: 10. The petitioner's representative spoke on behalf of the request and there was no other public input prior to the meeting or at the meeting.

MOTION AND SECONDED BY COMMISSIONERS COLE AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE FRONT AND REAR YARD SETBACK VARIANCES BASED ON THE TEN (10) FINDINGS-OF-FACT.

b. East Brainerd Mall – Parking Deferment Request – 417 8th Avenue NE

City Planner Ostgarden stated Caribou Coffee is proposing a free standing building to allow a drive up. Construction of this 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 proposed building will be 2500 sf which will require 32 spaces. He stated the mall owners have requested a parking deferment to not require construction of the additional spaces noting the construction will also take away some of the existing parking spaces.

City Planner Ostgarden stated this is the 2nd parking deferment for the mall. The first one was in 2012 when the Four Seas Buffet was proposed. He stated if this deferment is approved, it will be

a total of deferment of 97 parking spaces. He stated there is a proposal on the site plan of up to 182 stalls that could be added in the future.

City Planner Ostgarden reviewed the parking deferment requirements. He briefly reviewed the letter from Reprise Design which includes a parking analysis from three days. It was noted there is excess parking on a daily basis.

Commissioner Plantenberg noted Anytime Fitness will be moving to another location and those parking spaces will be available. City Planner Ostgarden also noted if the use of that location changes the required number of spaces could potentially change.

Commissioner Norwood asked what the process would be in the future if the lack of parking became an issue. City Planner Ostgarden stated it can be brought to the City Council in the future for changes.

Mr. Charles Schatz, Reprise Design, stated he is representing the owner of the property and noted Caribou Coffee has joined with Einstein Bagels and they will offer a more expanded food menu which is why the additional square footage is needed. He stated the property owner is more than willing to add additional parking if/when it is needed. He noted with this being a drive thru facility, it potentially would reduce the amount of parking needed.

The Commission agreed the approval of the off-street parking deferment because:

1. The amount of parking provided will not be less than one-half of the amount of parking required by this Ordinance.
2. 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.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE PARKING DEFERMENT TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES BY 32 SPACES BASED ON THE REASONS NOTED.

c. By Laws

City Planner Ostgarden stated at a recent workshop there was discussion on by laws and a mission statement for the Planning Commission, which we have never had. It was suggested the Commission strongly considers adding those. He noted the Planning Commission has been provided with samples of mission statements and by laws.

Commissioners Parks and Norwood stated they feel there should be by laws and a mission statement.

Discussion was held regarding term limits. Commissioner Parks stated there have been issues with finding applicants for the boards and committees. City Planner Ostgarden stated he will present that idea to the City Council.

City Planner Ostgarden stated he will draft something that will be specific to this Planning Commission.

d. Comprehensive Plan

City Planner Ostgarden stated this item was also discussed at the recent workshop. He stated it was noted it is important to have a Plan that is current and timely, but it is difficult to update the plan when it is very costly and there is only one staff member. He stated one of the presenters showed ways to do it in pieces and how to get public input. He stated Chairman Hayden Shaw is very interested in reviewing it and he will be working with her on how she would like to proceed.

It was noted the current Comprehensive Plan was adopted in 2004.

#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. Commercial Vehicle Parking in Residential Areas

City Planner Ostgarden stated there was discussion at a recent Planning Commission meeting and whether or not it should be considered to allow this in residential areas. He stated information was compiled from other cities and the majority do not allow semi-tractor parking in residential areas.

The Commission agreed to hold this item over to the July meeting to allow the absent members to have input in the discussion.

b. Downtown Building Signage

City Planner Ostgarden stated there has been interest by some downtown property owners to look into our requirements for what we permit on commercial buildings. He stated some of the building facades have become overrun with building signs and to many downtown business owners and property owners, it is not an appealing situation. He stated there have been questions on whether or not banners should be regulated and from researching other cities, most have banner regulations. He stated the amount of sign allowance is a lot more than other cities. It was also noted that we do not have the enforcement to require the removal of signs once a building becomes vacant.

City Planner Ostgarden stated there could be different regulations on banners for downtown than there are in other parts of the city. He noted enforcement of the regulations can at times be difficult.

Discussion was held regarding banner regulations and enforcement of those regulations. It was also discussed how to get information from the downtown property owners on whether or not this is an issue.

The Commission agreed to hold this item over to the July meeting to allow the absent members to have input in the discussion.

#7 **Commissioners' Questions/Comments**

Commissioner Plantenberg asked how many commission members are allowed. City Planner Ostgarden stated there are only seven allowed.

#8 **City Planner's Report**

Nothing.

#9 **Adjournment**

As there was no further business the meeting adjourned at 7:12 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

/lt