

PLANNING COMMISSION

Wednesday, August 19, 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 Parks, Plantenberg, Hayden Shaw, Norwood, Straw and Cole. Commissioner Pritschet was noted absent. Also present was City Planner Ostgarden.

#2 Approval/Amendment of Agenda

City Planner Ostgarden requested adding an item after Old Business to review zoning for annexation request.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND COLE, DULY CARRIED, TO APPROVE THE AGENDAS AS PRESENTED.

#3 Approve minutes of the regular meeting and workshop of July 15, 2015

MOTION AND SECONDED BY COMMISSIONERS PARKS AND COLE, DULY CARRIED, TO APPROVE THE MINUTES FOR REGULAR MEETING AND WORKSHOP OF JULY 15, 2015.

#4 NEW BUSINESS

a. Public Hearing – Rezoning at 614 Tamarac Street from B-4 (General Business) District to R-1 (Single Family Residential) District

City Planner Ostgarden stated a rezoning request was submitted by Habitat for Humanity to rezone the property at 614 Tamarac Street from B-4 to R-1. The property is currently vacant. An aerial map showing location, the current land use map, and future land use map were reviewed. The previous and current zoning maps were also reviewed. It was noted the future land use map shows the property as residential. The property was previously zoned multiple family and currently is zoned general business to accommodate potential commercial growth in the future.

City Planner Ostgarden reviewed the following from the staff report:

- Consistency with the Comprehensive Plan using Land Use Goal #3
- Compatibility with present and future land uses
- Traffic
- Impact on existing public services and facilities

The Public Hearing was opened at 6:14 pm

Mr. Douglas Leckband, Habitat for Humanity, reviewed the plan for the property noting there is a large change in the grading on the property which will require the house to be built on the west side. He also stated when they purchased the property and went through the process of tearing down the burnt home, no one had checked the zoning on the property. Because they want to rebuild the single family home, they are requesting the property be rezoned.

City Planner Ostgarden asked if there is a possibility to split the lot. Mr. Leckband stated with the topography it wouldn't be possible to split it.

Commissioner Parks stated there would be room to place the house at the top of the slope and have a walk-out basement. Mr. Leckband stated that typically does not follow the policies of Habitat in the homes they build.

The Public Hearing was closed at 6:17 pm

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

1. The property is vacant and the B-4 zoning does not permit residential use
2. The parcel is 132'x100' = 13,200 sf
3. The property is surrounded by and across the street from single family or two family uses.
4. Prior to 2011 the property was zoned R-3 Multiple Family Residential District.
5. The Future Land Use Map identifies this area along the South 6th Street corridor as Low to Medium Density Residential Land Use. Typically that is considered one and two family units.
6. Rezoning the property supports the Comprehensive Plan Land Use Strategy to *Support the redevelopment of vacant and abandoned sites within the urban core.*
7. Rezoning the property will permit the property to be used for residential purposes, which is the predominate land use pattern in this area.
8. South 7th Street traffic capacity will not be affected by this individual change.
9. There should be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

The Commissioner agreed to add the following finding-of-fact: 10. A representative from Habitat for Humanity spoke in favor of the petition.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PARKS, DULY CARRIED, TO RECOMMEND REZONING THE PROPERTY AT 614 TAMARAC STREET FROM B-4 (GENERAL BUSINESS) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT WITH THE TEN (10) FINDINGS-OF-FACT.

#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. **Continuation of Public Hearing – Amend Zoning Ordinance Section 515-62-2: Permitted Uses to Allow Basement and 1st Floor Dwellings in the B-3 (Central Business) District**

The Public Hearing was reopened at 6:25pm

City Planner Ostgarden provided an overview of the request and the process that occurs to change the Zoning Ordinance. City Planner Ostgarden also reviewed the area the B-3 District encompasses. He noted the proposal is being amended to request only ½ of the 1st floor be

permitted for residential dwellings and will remove basements. He noted this change can be done as a permitted use or a conditional use.

City Planner Ostgarden reviewed the goals and strategies for the downtown area in the Comprehensive Plan, the purpose of the B-3 District, community need, Building Code and Fire Code, and other cities.

Building Official Tim Caughey reviewed what would be involved in converting the first floor from a commercial unit to half residential in relation to the Building Code and Fire Code. He responded to questions regarding building and fire requirements.

City Planner Ostgarden reviewed the Commissions amendment options:

- Permit 1st floor and basement residential uses as permitted uses
- Permit 1st floor and basement residential uses as conditional uses
- Permit only 1st floor residential
- Permit only 1st floor residential uses only up to “x”% (i.e. 50%) of a building’s rear
- Deny the request

City Planner Ostgarden stated many staff members have met and discussed this proposal and it was agreed this request could not be supported. He noted this was based off this original proposal which would include the entire 1st floor. He noted he has also received letters not in support of the proposal.

The following people spoke on the proposal:

- Nancy Williams, business owner at 704 Laurel Street, spoke against the proposal because of building codes including exits for safety, parking, and the current types of renters downtown.
- Laura Bisted, business owner at 608 Front Street, spoke against the proposal because it will add more traffic in the alleyways, fire codes, and current types of renters downtown. Concerned with safety.
- Beth Workman, business owner at 610 Front Street, not in favor of either partial or full use of the 1st floor because issues with current residents congregating in front of stores, parking, safety, and lighting
- Dave Pueringer, 616-1/2 Front Street, spoke regarding his proposal and the changes he’s made to his proposal along with feeling it will benefit downtown by bringing more people downtown to support businesses and assist him with income so he can keep his rent lower
- Amy Gray, Brainerd Restoration, spoke regarding how they can assist in filling the vacant spaces and that they are in opposition of the request as it compromises the historic and mixed use integrity of downtown
- Ed Menk, business and property owner at 623 Laurel Street, spoke against the proposal and noted if it was approved he would recommend it as a conditional use in order to review each proposal
- Linda Boyd, business owner at 604 Laurel Street, spoke against the proposal noting safety and current types of renter downtown

The Public Hearing was closed at 7:24pm

Commissioner Cole questioned the petitioners actual request and changes to the original proposal.

Commissioner Straw stated he has concerns with parking and building codes.

Commissioner Norwood stated he appreciates the creativeness of the petitioner in trying to find a solution to an issue, but has concerns with this proposal not being supported by the Comprehensive Plan along with business owners concerns.

Commissioner Plantenberg stated she doesn't feel more apartments will support revitalizing downtown and attracting businesses.

Commissioner Parks stated he also appreciates the initiative of the petitioner but doesn't feel this is necessarily the correct route to take.

Commissioner Hayden Shaw stated she is not in favor of the proposal. She stated there are a number of issues that have made thriving an issue for our downtown one being the lack of diversity in the ownership of buildings downtown. She also appreciates this proposal being brought up, but feels there are other ways to invest in downtown.

Mr. David Pueringer stated he withdraws his request.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND COLE, DULY CARRIED, TO RECOMMEND DENIAL OF THE REQUEST TO AMEND THE ZONING ORDINANCE SECTION 515-62-2: PERMITTED USES TO ALLOW BASEMENT AND 1ST FLOOR DWELLINGS IN THE B-3 (CENTRAL BUSINESS) DISTRICT.

Commissioner Hayden Shaw stated she feels the request is an inappropriate use for downtown in keeping with the long term vision.

Commissioner Norwood stated he feels this does not meeting the goals and strategies of the Comprehensive Plan for Downtown.

Commissioner Straw stated he also feels it doesn't fit in with the goals and strategies of the Comprehensive Plan and impacts the historic nature of the downtown along with parking.

Commissioner Cole stated he is also voting for the motion for all reasons stated previously.

Commissioner Parks stated he is voting for the motion but noted he appreciates the effort to find a solution to the current issue of vacant storefronts downtown.

Commissioner Plantenberg stated she does not feel 1st floor residential does not fit into our downtown and will not revitalize and beautify the downtown.

City Planner Ostgarden reviewed State Statute language regarding extension of a text amendment request. He asked the Commission to extend the request for an additional 60 days to allow the City Council to hear the recommendation and to gather information from the City Attorney.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND STRAW TO EXTEND THE REQUEST TO AMEND THE ZONING ORDINANCE SECTION 515-62-2; PERMITTED USES TO ALLOW BASEMENT AND 1ST FLOOR DWELLINGS IN THE B-3 (CENTRAL BUSINESS) DISTRICT FOR AN ADDITIONAL 60 DAYS MAKING THE

DEADLINE OCTOBER 28, 2015 TO ALLOW THE CITY COUNCIL TIME TO REVIEW. COMMISSIONER COLE OPPOSED.

b. Mission and By Laws – Drafts to Consider for Adoption

City Planner Ostgarden stated this was reviewed by the City Council on Monday night. They supported what the Commission is doing and had no recommended changes. He stated if there are no additional changes, the Commission can adopt the Mission and By Laws.

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND PARKS, DULY CARRIED, TO ADOPT THE MISSION AND BY LAWS AS PRESENTED.

Commissioner Plantenberg asked if term limits were added. Discussion was held. City Planner Ostgarden stated he believes the terms are set by the City Council and it can be recommended to them to put it in their policy. The Commission agreed to add a three term limit subject to City Council approval.

MOTION AMENDED BY COMMISSIONERS NORWOOD AND PARKS, DULY CARRIED, TO ADD A THREE TERM LIMIT TO THE BY LAWS.

c. Shipping Containers – Draft Ordinance Language to Permit in Certain Zoning Districts

City Planner Ostgarden stated research was done around the State to see how other cities handled shipping containers. He stated he recommends if the Commission allows this, it should be done as an interim use permit.

City Planner Ostgarden presented the draft language to the Commission which noted the conditions of the interim use permit. Commissioner Norwood stated he has concern with item six regarding a fence being installed as the fence will be a permanent structure and the shipping container should only be ‘interim’. City Planner Ostgarden stated the Planning Department does not agree as many of these containers may not be in very good shape and screening will help them to blend in.

Discussion was held regarding the fence condition.

Discussion was held regarding the draft language. The Commission agreed to remove the language noting office space. The Commission agreed to amend item six to read “the storage container shall be screened on the sides visible to neighboring properties or from the public right-of-way with an eight (8) foot fence with 80% opacity or an eight (8) foot solid wall...”.

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND PLANTENBERG, DULY CARRIED, TO APPROVE THE DRAFT LANGUAGE AND SET THE PUBLIC HEARING FOR SEPTEMBER 16, 2015.

d. Semi-Tractor Trailer Parking in Residential Areas – Draft Ordinance Language to Permit Parking in Residential Districts

City Planner Ostgarden stated research has been done with other cities which has been provided to the Commission along with draft language that would permit semi-tractor trailers in residential districts. The draft language was read and reviewed.

Discussion was held regarding the draft language.

The Commission agreed to amend the draft language as follows:

- Amend item B to state “improved surface”
- Amend item C to read idling the engine of a tractor of a tractor trailer shall not be idled for more than 10 minutes in a 10 hour period on the property and no idling between 10pm and 6am
- Amend item E to read the no cab shall be parked, stored, maintained, or kept on the property for more than 8 hours in a 48 hour period. (remove tractor/trailer and trailer)
- Review language for truck

City Planner Ostgarden stated he will redraft the language and bring it back to the Commission at the September 16 meeting.

e. Presentation – Phillip Haugen, Planning Department Intern Regarding Work Experience

Intern Phillip Haugen gave a presentation to the Commission regarding his work experience at the City along with what he has learned over his internship.

NEW BUSINESS – Annexation proposal on Hwy 18

City Planner Ostgarden stated he sent information to the Commission regarding an annexation request for property located on Hwy 18 across from the state hospital property. He noted the property is vacant and currently outside the city but can be annexed into the city. He reviewed the area and the zoning in that area. He stated the Planning Department is recommending a zoning of B-4 (General Business) District.

Mr. Gary Scheeler, owner of the proposed property, stated the entire corner is currently commercial. He stated he would like to annex the property into the city but wants to make it could be used for commercial purposes.

The Commission agreed a B-4 zoning would be appropriate.

f. Comprehensive Plan

Commissioner Hayden Shaw stated this is an important responsibility to keep this up to date. She asked if any of the Commissioners had any items regarding updates.

Commissioner stated they have been reviewing the Plan but do not have anything at this time.

Commissioner Hayden Shaw listed some items she has for review.

- Incorporate the Complete Streets Policy
- A plan specifically for Washington Street redevelopment
- Tree disease plan
- Riverwalk plans
- Greenstep City
- Neighborhood redevelopment plans

Commissioner Hayden Shaw stated at this time we should look at updating it where needed instead of doing an entire rehab of the Plan. She then read a statement that could be presented to the public asking for input from the public regarding the Comprehensive Plan review.

City Planner Ostgarden stated suggested ways to reach the public and stated he will be meeting with the City Administrator and possibly the Council President to discuss the process and help that will be needed.

#7 **Commissioners' Questions/Comments**

Commissioner Hayden Shaw stated she would like to adjourn the September meeting to a workshop to discuss South 6th Street zoning.

#8 **City Planner's Report**

City Planner Ostgarden stated on Saturday, September 12 will be the third annual Walk and Wheel event on Laurel Street in front of City Hall from 11am to 2pm. He reviewed activities that will go on at the event.

#9 **Adjourn**

As there was no further business the meeting adjourned at 9:04 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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