

PLANNING COMMISSION
Wednesday, September 16, 2015

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

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

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting of August 19, 2015

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND PRITSCHET, DULY CARRIED, TO APPROVE THE MINUTES FOR REGULAR MEETING OF AUGUST 19, 2015.

#4 NEW BUSINESS

a. Public Hearing – Conditional Use Permit at 307 SW 8th Street to allow an adult day center

The Public Hearing was opened at 6:04 pm

City Planner Ostgarden stated the property is located at the corner of NW 8th Street and Charles Street. He stated the property is proposed to be used as an adult day care center in half the building and the other half is currently being used as office space. He noted the site has 21 parking spaces available for the two uses and reviewed the information in the staff report regarding the parking requirements. He stated the center will provide service for 12-16 adults with four employees and is located in the B-4 (General Commercial) District. He stated there are no issue from any City departments associated with the use of facility as an adult daycare center.

City Planner Ostgarden noted the information that was provided to the Commission regarding the business including the hours of operation, number of clients, activities that will be offered, the transportation of the clients, and the floor plan of the building. He stated the use does not have any negative effect on the purposes of the Zoning Ordinance and noted he identified a couple goals from the Comprehensive Plan that supports the use of the site for this type of facility.

Commissioner Pritschet asked if they increased the size of the facility, would there be a process for approval. City Planner Ostgarden stated the approval will allow them to increase the number of clients. He stated the one issue would be parking in the future if additional employees were added and/or if the office use were to increase.

The Public Hearing was closed at 6:10 pm

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

1. The property is located in a B-4 (General Commercial) District.
2. The proposed use is an adult day care center. The license application specifies 50 people. The facility has plans for 12-16 clients and 4 staff.
3. The building is approximately 6,500 square feet, ½ of which is proposed for the day center. The building's other half is general office use.
4. The site has 21 parking spaces, sufficient for the day center and the current use.
5. Hours of operation are 8am to 4pm. Clients will be transported to/from the day center by group home staff, public transit and/or day center staff.
6. Property use is consistent with:

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

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.

Comprehensive Plan General Goal #3: *Promote community spirit and unity and enhance Brainerd's character and identity.*

Strategies

1. Encourage a variety of experiences and opportunities in terms of living, working and social activities within the community.
2. The existing building will be used for the day care center. No additions or changes to the building or site are planned or required
7. The Utility, Fire, Engineering and Planning Departments have no concerns about the use. The Police Department expressed the desire to be aware of this type of facility. The Building Department identified minor repair items on the building's interior.

The Commission agreed to add the following finding-of-fact: 8. No one spoke in opposition.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW AN ADULT DAY CENTER AT 307 SW 8TH STREET WITH THE EIGHT (8) FINDINGS-OF-FACT.

b. Public Hearing – Zoning Text Amendment to allow shipping containers as an interim use permit in the B-4 (General Commercial) Districts and in the MU Mixed Use District.

City Planner Ostgarden stated this is for consideration on recommending the use of shipping containers in the B-4 and Mixed Use Districts as an interim use permit.

Commissioner Hayden Shaw read the following conditions:

1. Containers shall not be placed on parking spaces required to meet the site's parking demand.
2. Containers shall be placed to provide sufficient access to the container and any buildings on the site for firefighting purposes.
3. The area of a lot designated for storage containers shall be located immediately adjacent to the principal structure.
4. Containers shall not be stored in the front yard of the property or in the required side or rear yard setback areas.

5. The maximum height permitted shall be eight and one half feet (8½) above the finished grade in any district.
6. 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 made of the same material and the same appearance as the principal structure, and a gate that blocks the view of the storage area. The gate shall be securable.
7. The storage containers must be free of graffiti, posters, bills or advertising signs. All containers must be free of corrosion, rust, rot, holes or leaks. The containers must be painted. Graffiti and other vandalism must be repaired within two (2) weeks of the incident.
8. Containers shall not be connected to utility services.
9. Containers may not be used to store mixed municipal waste or other solid waste or hazardous, flammable, explosive, corrosive or biologically infectious or contagious materials.
10. The area used to park the storage containers shall be located on a lot that allows the units to be moveable.

Discussion was held regarding screening. The Commission agreed to add wording to the screening to require it at “grade level”. City Planner Ostgarden stated the Planning Department is recommending to change the height of the screen fence to be the same height as the container and that the fence opacity should increase to one hundred percent.

The public hearing was opened at 6:17 pm

No one spoke.

The public hearing was closed at 6:19 pm

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING ORDINANCE TEXT AMENDMENT TO ALLOW SHIPPING CONTAINERS AS AN INTERIM USE PERMIT IN THE B-4 (GENERAL BUSINESS) AND MU (MIXED USE) DISTRICTS WITH THE RECOMMENDED CHANGES FROM THE PLANNING DEPARTMENT ALONG WITH THE LANGUAGE CHANGE TO INCLUDE SCREENING AT “GRADE LEVEL”.

Commissioner Norwood stated he is concerned the screening could end up costing more than the shipping container itself.

Commissioner Parks asked if any of the existing shipping containers will be “grandfathered”. City Planner Ostgarden they would technically be grandfathered, but if they are removed and brought back they would have to meet the requirements.

#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. Semi-Tractor Cab Parking in Residential Areas – Draft Zoning Ordinance Language to Permit Parking in Residential Districts

City Planner Ostgarden stated he has made amendments to the language to specify that only the semi-tractor cab is permitted on residential property with several conditions including that is allowed for no more than eight hours in a 48 hour period. He noted he has also provided information from the EPA regarding truck and bus engine idling.

Commissioners Parks and Pritschet stated they both received communication from a citizen against allowing semi-tractor cabs in residential districts. Commissioner Pritschet noted a lot the concerns are addressed in the proposed language.

The Commission agreed to schedule a public hearing on the Zoning Ordinance Text Amendment to permit semi-tractor cab parking in residential areas for the October 21 meeting.

#7 Commissioners' Questions/Comments

Commissioner Hayden Shaw stated she spoke before the Safety and Public Works Committee regarding minimum parking standards. She stated a joint meeting between the Planning Commission and the Safety and Public Works Committee will be scheduled for discussion of this item.

#8 City Planner's Report

City Planner Ostgarden stated following the public hearing that was held regarding allowing first floor residential uses in the B-3 District and the verbal withdrawal of the request, he attempted to contact the petitioner to get a written withdrawal but was unable to. He stated the petitioner came to City Hall yesterday and stated he is still interested in his request. Therefore, this item will go before the City Council at the September 21 meeting.

#9 Adjourn

As there was no further business the meeting adjourned at 6:31 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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