

BRAINERD PLANNING COMMISSION

Wednesday, October 21, 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 September 16, 2015, the special meeting and workshop of September 29, 2015, and the special meeting of October 12, 2015.
4. NEW BUSINESS
 - a. Public Hearing – Interim Use Permit at 316 15th Street SE to allow a home extended business for auto repair in an accessory building (garage)
 - b. Public Hearing – Rezoning at 15770 Dellwood Drive from R-R (Rural Residential) District to B-1 (Residential Office) District
 - c. Public Hearing – Zoning Text Amendment – Section 22 Off-Street Parking – Semi-Tractor Cab Parking in Residential Districts
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. South 6th Street Update from City Planner
 - b. Off Street Parking Requirements Update from City Planner and Discussion
7. Commissioner's Questions/Comments
8. City Planner Report
9. GTS Workshop -YOUR ROLE AS PLANNING COMMISSION MEMBER - 1 pm to 5 pm, Wednesday, November 4, 2015 in Little Falls
10. Adjourn

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

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

/lt

PLANNING COMMISSION
Wednesday, September 29, 2015

Chairman Hayden Shaw called the special 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, Plantenberg, Hayden Shaw, Norwood, Straw, and Cole. No Commissioner was noted absent. Also present was City Planner Ostgarden.

#2 NEW BUSINESS

a. Public Hearing – Variances for Garage Accessory Building Size and Setback – John and Melissa Hoy – 1024 12th Street SE

City Planner Ostgarden stated the property owner desires to demolish the existing accessory building and construct a larger one that will be 784 square feet, 84 square feet larger than permitted. The proposed accessory structure will also be located twelve (12) feet from the street side yard property line, eight (8) feet closer than permitted.

City Planner Ostgarden reviewed the staff report noting the following:

- Detached accessory buildings are standard for this neighborhood. The size and location of the garage is compatible with others in the neighborhood.
- Chicago Avenue is the street on which the garage will have access.
- There is currently no sidewalk and it will be unlikely sidewalk will be constructed.
- The twelve (12) foot garage setback and the approximately fourteen (14) foot wide boulevard is sufficient room to park vehicles without encroaching into the street.
- There is a large tree that would be affected by locating the building closer to the north property line.
- The proposed accessory structure will be the same size or smaller than others in the neighborhood.

Commissioner Cole asked why the maximum allowable floor area was set to 10% of lot area. City Planner Ostgarden stated it was mostly to limit the size of an accessory building to ensure it would not be larger than the principle structure and would not be too large for the neighborhood.

The Public Hearing was opened at 6:09 pm

Mr. John Hoy, 1024 12th Street SE, stated the proposed garage is not unreasonably large in comparison to other garages in the neighborhood. He noted the existing garage is in poor condition and the new garage will look nicer and fit in better with the neighborhood. He stated there are other garages in the neighborhood that are larger than what he is proposing. He also noted they have moved the garage closer to the north property line making it a twelve (12) foot setback instead of the original proposed eight (8) foot setback.

The Public Hearing was closed at 6:11 pm

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

1. The property is 50' x 140' (7,000 sf), a typical size lot for the neighborhood.
2. The property is zoned R-1 (Single Family Residential) District, a zone that permits accessory buildings up to 10% of the lot area.
3. The property owner plans to demolish a small one stall garage and replace it with a 784 sf garage, 84 sf larger than allowed.
4. The existing garage is 8' from the street property line and 20' is required. The proposed garage will be 12' from the property line.

5. There are other garages in the neighborhood the same size or larger, including the one across the alley that is over 800 sf.
6. Chicago Avenue is approximately 3 ½ blocks long and dead ends at both ends with little likelihood of it being extended.
7. It is unlikely that sidewalk will ever be built on Chicago Avenue.
8. The variance is supported by the following Comprehensive Plan Goal/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.

9. The lot coverage with a larger garage is well below the maximum allowed for this zoning district.
10. Moving the garage further north increases the potential to compromise the root system of the tree at the northwest corner of the lot.

The Commission agreed to add the following findings-of-fact: 11. There was no public opposition to the request and one phone call in support of the request was received. 12. The petitioner spoke about the proposal.

Commission Pritschet stated the proposed accessory structure fits in with the neighborhood and feels the setback is reasonable to allow for the tree to remain.

Commissioner Plantenberg stated it is always good to old buildings in poor condition being replaced.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCES TO PERMIT A 784 SF GARAGE AND TO PERMIT THE GARAGE TO BE CONSTRUCTED TWELVE (12) FEET FROM THE STREET SIDE YARD PROPERTY WITH THE TWELVE (12) FINDINGS-OF-FACT.

#3 City Planner Comments

City Planner Ostgarden stated the City Council set a joint meeting with the Commission for October 12 at 6:00 pm to discuss off-street parking.

#4 Adjourn to Workshop to Discuss South 6th Street Zoning

As there was no further business the meeting adjourned at 6:19 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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**Brainerd Planning Commission Workshop
September 29, 2015**

Chairman Hayden Shaw called the workshop of the Brainerd Planning Commission to order at 6:25 p.m. in City Hall Conference Room.

Present: Rick Cole, Sarah Hayden Shaw, James Norwood, Matt Straw, Dale Parks, Angie Plantenberg

Others Present: City Planner Mark Ostgarden

The workshop was held to discuss the zoning on South 6th Street. City Planner Ostgarden reviewed the zoning prior to 2011, the current zoning, Existing Land Use Map and Future Land Use Map.

There was general discussion about why the corridor was zoned B-4. In 2011 it was thought the area would be developed commercially but that is not happening.

Why do we think that South 6th Street would be developed commercially with so much Downtown vacancy? Where is there evidence that there is a demand for more commercial zoning?

A zoning district option would be to use the current B-1 (Residential Office) District.

There was a question about whether three rezonings are enough to justify looking at the zoning.

A majority of the Commissioners are in favor of a new zoning district. The City Planner will explore mixed use residential and commercial zoning options.

Meeting adjourned at approximately 7:30pm

Respectfully submitted

Mark Ostgarden AICP
City Planner

**Safety and Public Works Committee and
Brainerd Planning Commission Workshop
October 12, 2015**

Safety and Public Works Committee Chair Bevans called the workshop to order at 6:00 p.m. in City Hall Conference Room.

Present: Planning Commission – Sarah Hayden Shaw, James Norwood, Dale Parks
Safety and Public Works Committee – Kelly Bevans, Sue Hilgart
Other City Council members – Gabe Johnson, Mary Koep, Dave Pritschet,
Gary Scheeler

Others Present: City Administrator Jim Thoreen, City Engineer Jeff Hulsether, City Planner Mark Ostgarden

The workshop purpose was to discuss modifications to the Zoning Ordinance off-street parking requirements.

Sarah Hayden Shaw gave an overview of the issue and provided reasons to modify the requirements. She explained all parking variances are granted. Dunkin Donuts was cited as an example of how the private sector better understands it's parking needs and our correct regulations would have prevented The Skillet from expanding.

A concern was raised about what the modifications would do to the neighborhood around a business or businesses.

It was suggested that zone by zone review might be a method to address off-street parking.

City Planning Ostgarden explained the Planning Department is very supportive of what the Planning Commission is doing. He explained that our current requirements affect the potential for property redevelopment. For example, any redevelopment east of the river along Washington Street will require more parking and currently will not be able to provide the required parking unless it occurs like the block on which Taco John's is located. Land is assembled on a block to create room for off-street parking. He suggested the bigger picture is what do we want our community to look like.

Councilmember Hilgart stated the parking should not be a deterrent to redevelopment.

Councilmember Mary Koep made a suggestion that parking guidelines, rather than standards, should be explored. The City Attorney will be consulted for his opinion on using guidelines.

Council President Scheeler reminded everyone that the Planning Commission recommendation should add value the city. Would these changes be adding value? Will more on-street parking increase street maintenance costs?

Councilmember Koep raised concerns about adequate handicapped parking should requirements be reduced.

City Planner Ostgarden suggested that such a major policy change needs to be thoroughly reviewed and he raised a concern about the Planning Department having the time and staff to provide the type of review needed.

While there are concerns about modifying the requirements, the Safety and Public Works Committee and all Councilmembers present were supportive of reviewing the standards and the Committee and all Councilmembers were supportive of the Planning Commission continuing its work on this issue.

Meeting adjourned at approximately 6:50 p.m.

Respectfully submitted

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION

October 15, 2015

APPLICANT/LOCATION: Dan Waldman, 316 15th Street SE, rental property owned by David Pueringer

PROPOSED USE: Interim Use Permit (IUP) for Home Extended Business. The tenant is proposing to operate an automotive repair in an accessory building in a residential zoning district.

CURRENT ZONING: R-2 (Medium Density) Residential District

ADJACENT USES: East: Vacant
South: Vacant/Women's Shelter
West: Vacant lot
North: Vacant lot

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

REPORT

The Planning Department knows very little about the proposed repair operation other than it has been operating without an Interim Use permit for quite some time. The property owner was informed about the activity and the need for the IUP. The operation was discovered when several vehicles were being parked on 15th Street SE for extended periods of time.

515-6-3: General Standards. An interim use shall comply with the following:

B. New Uses:

1. Meets the standards of a Conditional Use Permit set forth in Section 5 of this Ordinance.
2. Conforms to the applicable performance standards of this Ordinance.
3. The use is allowed as an interim use in the respective zoning district.
4. The date or event that will terminate the use can be identified with certainty.
5. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
6. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

A. **Criteria for Granting Conditional Use Permits.** In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.

1. ***The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.***

The repair business will operate from an existing garage. No additions or changes are planned to the building. There are no applicable provisions or general regulations that apply.

2. ***The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.***

The special conditions that apply to the home extended business are described in the Planning Department review below.

3. ***The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.***

The business owner is responsible for properly disposing of engine fluids and vehicle part.

4. ***The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.***

The business will be operated from the garage. The issues cited in this section are not relevant to this application.

5. ***The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.***

A vehicle repair business, if not properly managed, has the potential to create conditions that may be undesirable for a residential area. See the Planning Department review for additional information

6. ***The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.***

Front yard grass parking is not permitted. See the Planning Department review for more about this issue.

7. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

The objectives of the Zoning Ordinance are:

515-1-2: Intent and Purpose.

- 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.*

B. Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:

- 1. Fire Protection.** Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- 2. Electrical Disturbance.** No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

3. *Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.*
4. *Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.*
5. *Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.*
6. *Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.*
7. *Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.*
8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*
8. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

DEPARTMENT INFORMATION

Utilities

No issues.

Fire

No issues

Building

No issues.

Engineering

No issues.

PLANNING DEPARTMENT REVIEW

Following are the Zoning Ordinance criteria for Home Extended Businesses:

1. *Any lawful occupation or profession engaged within a dwelling unit by the property owner and/or occupant which involves any of the following:*
 - a. *The storage of stock-in-trade incidental to the performance of the service.*

- b. *Repair or manufacturing which requires equipment other than that customarily found in a home.*
 - c. *The employment on the premises at any one time, of not more than one (1) person who is a non-resident of the premises.*
 - d. *The need for not more than three (3) parking spaces in addition to spaces required for the persons residing on the premises.*
- 2. *Only articles made or services provided on the premises shall be sold on the premises.*
- 3. *The proposed activity shall be clearly incidental and secondary to the residential use of the premises.*
- 4. *An attached garage and/or an accessory building may be used for a Home Extended Business.*
- 5. *Shall not consist of over-the-counter sales of merchandise produced off the premises.*
- 6. *A Home Extended Business shall be subject to the approval of an Interim Use Permit and any conditions imposed on the approved permit.*
- 7. *All such occupants shall obtain written approval of the property owner and provide evidence of such approval at the time of an application for an Interim Use Permit.*
- 8. *Expiration of the Interim Use Permit may include sale of the property, change in tenancy of the property, or an event or date agreed upon by the applicant and the City.*

It is suggested that the Planning Commission request the applicant to describe, in more detail, the extent of the repair business. There are many questions that should be asked to understand whether the IUP should be approved and if so, what conditions are appropriate. Some include:

- 1. Who are the customers?
- 2. Does the operator advertise?
- 3. Where are vehicles parked?
- 4. What are the hours and days of the operation?
- 5. Are impact tools and compressors used?
- 6. Does repair involve engine removal?
- 7. How are fluids, used batteries and tires disposed?
- 8. Is body work done?
- 9. Others?

In order to try and ensure neighborhood compatibility of this operation, conditions should be considered. Some include:

- 1. No on-street parking of vehicles being serviced.
- 2. No grass parking of vehicles being serviced.

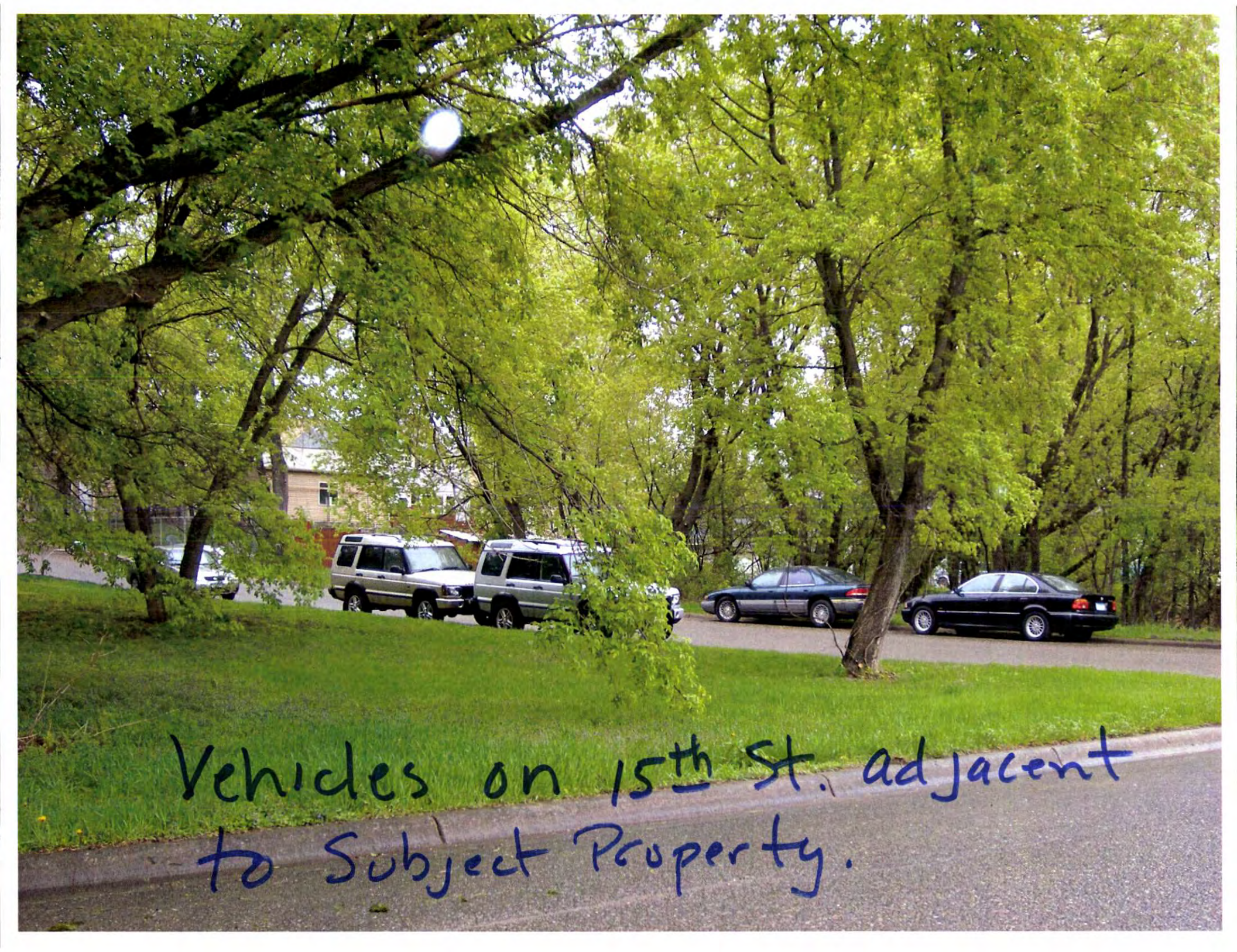
3. Limit the number of vehicles being serviced at any one time. Consider no more than three.
4. Limit hours and days of operation. Consider 8 am - 7 pm Monday - Friday, 8 am to noon on Saturdays and no Sunday operation.
5. No keeping parts outside the garage during and/or after service.
6. Others?

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its October 21, 2015 meeting. City Council consideration can occur at its November 2, 2015 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner



Vehicles on 15th St. adjacent
to Subject Property.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Dan Waldman at 316 15th Street SE; Brainerd, MN 56401, has submitted a request for an Interim Use Permit to allow a home extended business for auto repair in the accessory building (garage) on the property. The property is zoned R-2 (Medium Density Residential) District. Zoning Ordinance Section 515-26 Home Businesses and Home Extended Businesses requires home extended businesses in an attached garage and/or an accessory building be approved as an Interim Use Permit.

The property is legally described as follows:

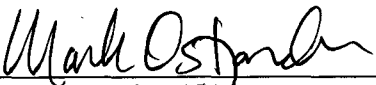
*The E ½ of Lot 11 and all of Lot 12 Block 4, Sleepers Addition to Brainerd
P.I.N. No. 091270030070009
Section 24 Township 45 Range 31*

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, October 21, 2015 to consider the request for the Interim Use Permit.

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

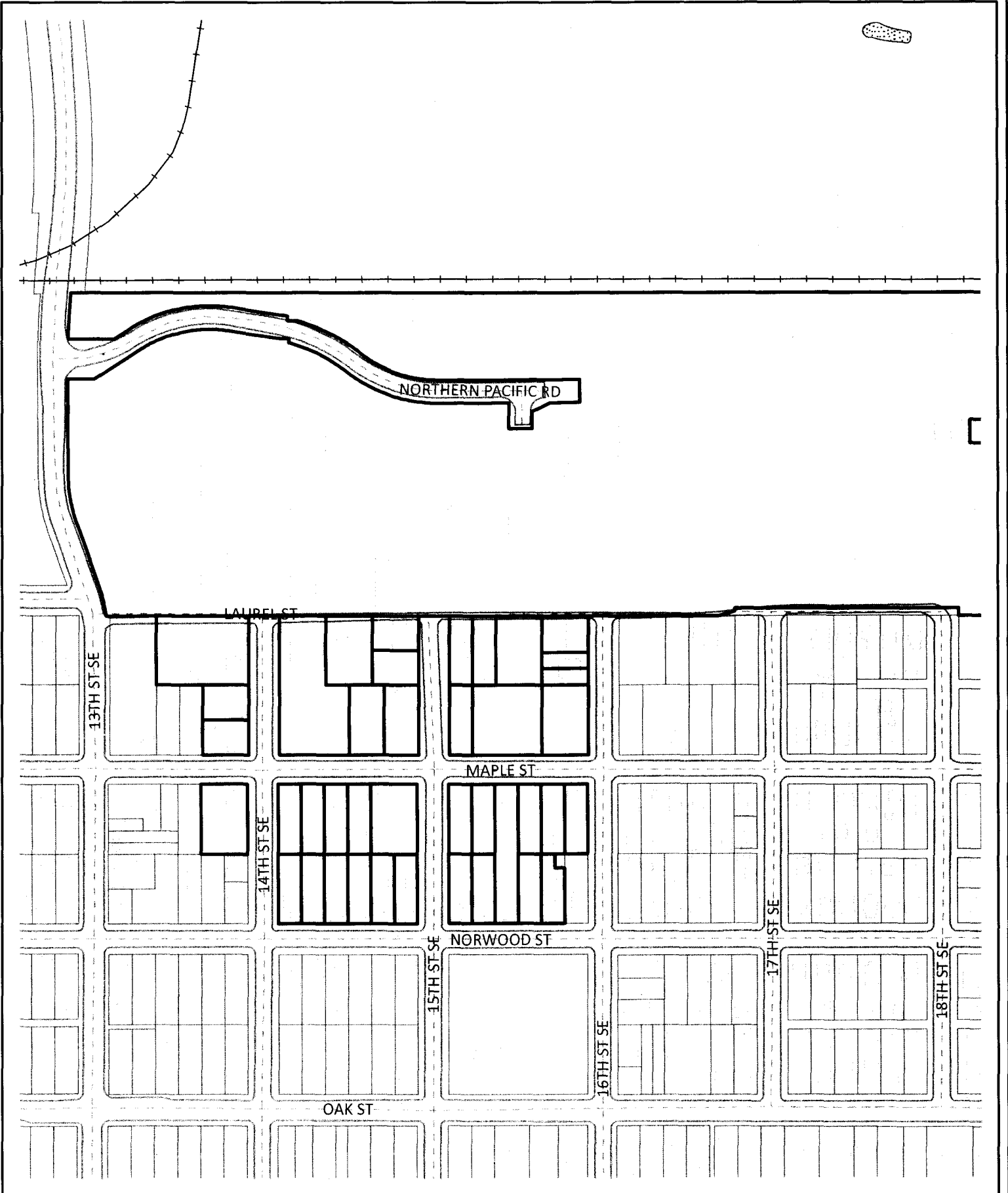
Any individual needing special accommodations please call (218) 828-2309.

Dated this 7th day of October, 2015



Mark Ostgarden AICP
City Planner

Publication date: October 9, 2015



0 190 380 Feet

0 0.04 0.08 Miles

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
09181004003Z009	ABEAR ENTERPRISES OF BRAINERD LLC	7217 EXCELSIOR RD STE 100	BAXTER MN 56425-8703	1408 LAUREL ST
091810110120009	ALTERGOTT, LESLI DIANE	1421 NORWOOD ST	BRAINERD, MN 56401	1421 NORWOOD ST
09181005001Z009	ANDERSON, KAYLA D	308 14TH ST SE	BRAINERD, MN 56401	308 14TH ST SE
091810030060009	BENNETT, DAVID J & WEDNESDAY	303 15TH ST SE	BRAINERD, MN 56401	303 15TH ST SE
09181005011Z009	BRITTON, BARBARA L & LEROY A	324 14TH ST SE	BRAINERD, MN 56401	324 14TH ST SE
09181012011B009	BRUNS, TROY G & SHERI	1517 NORWOOD ST	BRAINERD MN 56401	1517 NORWOOD ST
09181004010Z009	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425	
09181012005Y009	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425	1504 MAPLE ST
091810030050009	DEGEN, MICHAEL	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	1506 LAUREL ST
09181010001Z009	DEGEN, MICHAEL	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	402 14TH ST SE
091810120100009	HANNAN, ADAM & CHRISTINA	1513 NORWOOD ST	BRAINERD, MN 56401	1513 NORWOOD ST
091810120070009	HENNIS, JASON U	1501 NORWOOD ST	BRAINERD, MN 56401	1501 NORWOOD ST
09181004001Y009	HILL, DAVID S	8074 PINE POINT RD	LAKESHORE, MN 56468	302 15TH ST SE
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
09181003001B009	KOUBA, AMY	312 SE 16TH ST	BRAINERD, MN 56401	312 SE 16TH ST
091810030070009	LAKES AREA HABITAT FOR HUMANITY	PO BOX 234	BRAINERD, MN 56401	
09181003008Z009	LAKES AREA HABITAT FOR HUMANITY	PO BOX 234	BRAINERD, MN 56401	
09181003011Z009	LAKES AREA HABITAT FOR HUMANITY	PO BOX 234	BRAINERD, MN 56401	
091810120010009	LAMSER, ANNMARIE J	1524 MAPLE ST	BRAINERD, MN 56401	1524 MAPLE ST
09181003003Z009	LARSON, GREGORY J & MICHELE L	11348 SORENSON LAKE RD	MERRIFIELD, MN 56465	
091810120080009	LEWIS, JEFFREY D & KRISTINE L	6147 DONALD ST	BAXTER, MN 56425	1507 NORWOOD ST
091810110040009	MID-MINNESOTA, WOMEN'S CENTER	PO BOX 602	BRAINERD MN 56401	MAPLE ST
09181011001Z009	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
091810120060009	MILLER, ROBERT J & GREGG MICHAEL J	12195 FUSCHIA DR	BAXTER, MN 56425	1500 MAPLE ST
09181012003Z009	MOSER, ANDREW H & ANNETTE	5136 STATE HIGHWAY 25	BRAINERD, MN 56401	1516 MAPLE ST
092740010010009	NORTHERN PACIFIC, CENTER INC	6316 HALIFAX AVE S	MINNEAPOLIS, MN 55424-1915	101 13TH ST SE
09181004005Z009	PORT OF CROW WING, COUNTY	PO BOX 488	BRAINERD, MN 56401	1406 LAUREL ST
091810040110009	PUERINGER, DAVID F	616 1/2 FRONT ST	BRAINERD MN 56401	316 15TH ST
09181012004Z009	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401	1509 NORWOOD ST
091810110100009	RAMSDELL, JESSE J & SHANNON L	12796 EXECUTIVE ACRES RD	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
09181004001Z009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	308 15TH ST SE
09181003001A009	WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401	314 SE 16TH ST
091810110090009	WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401	1409 NORWOOD ST
091810120020009	WILT, DAVID, RICHARD & JOYCE	8226 GULLWOOD RD	NISSWA, MN 56468	1520 MAPLE ST
09181003001Z009	WOODEN, TODD WAYNE	1522 LAUREL ST	BRAINERD, MN 56401	1522 LAUREL ST

**City Planning Department**

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

Submit application
and fee by
Sept. 21st
Hearing date
October 21st

Receipt # _____
Check # 22886786
Date Paid: 10/5/15

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: 316 SE 15th StreetLEGAL DESCRIPTION: Lot(s): _____ Block: X Addition: _____
(attach description if lengthy)Property Owner Name: DAVE PuringerStreet Address: 316 SE 15th Street City: Brainerd State: MN Zip Code: 56401Phone Number: 218-829-9795 Fax: _____ E-mail: _____Applicant Name: (If different than Property Owner) DAN WALDMANStreet Address: 316 SE 15th City: BRainerd State: MN Zip Code: 56401Phone Number: 218-829-9795 Fax: none E-mail: _____
OR 218-831-4609Description of Request: To do minor Repairs on Autos that
Are bought from auction (No Customer Work)

Property Owner Signature

9-24-15

Date

DAVID Puringer

(Please print name)

Applicant Signature

Daniel Waldman

(Please print name)

Sept -24- 2015

Date

(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

STAFF REPORT TO THE PLANNING COMMISSION

October 15, 2015

APPLICANT/LOCATION: Derrick Taylor, 15770 Dellwood Drive

REQUESTED ACTION: Rezone property from R-R (Rural Residential) District to B-1 (Residential Office) District

AREA: 2.5 acres

ADJACENT USES: North: Undeveloped
East: Undeveloped
South: Undeveloped
West: Undeveloped

ADJACENT ZONING: North: R-R (Rural Residential) District
East: R-R (Rural Residential) District
South: City of Baxter
West: City of Baxter

PETITION EVALUATION

In compliance with Section 515.09 of the Brainerd Zoning Ordinance, the Planning Commission shall conduct a Public Hearing regarding this request. To assist the Planning Commission in evaluating the suitability of this requested change, following are guidelines and a staff review of issues associated with the application to consider in the review process.

1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.

See the Planning Department Review for a response to this question.

2. The proposed use's compatibility with present and future land uses of the area.

The attached section of the Future Land Use Map identifies this property as future low to medium density residential development.

3. The proposed use's effect upon the area in which it is proposed.

The area is generally undeveloped. North of the site there are two single family dwellings in Brainerd and one single family dwelling north of the site in Baxter. Baxter commercial development begins about ¼ mile to the south. To argue that office use for this parcel will have any effect either positively or negatively is difficult. The parcel size and the lack of utilities limit the site's development potential.

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

Dellwood Dive is the north/south street that provides access to this area. Neighborhood street capacity should not be negatively affected by this individual change.

5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

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.

PLANNING DEPARTMENT REVIEW

Attached is the area Future Land Use Map.

Following is the Zoning Ordinance purpose and intent of the B-1 District:

This district allows single family uses and office space uses. This district serves as a transitional district between residential neighborhoods and commercial uses in areas where redevelopment is anticipated. The district includes uses that will not disrupt nearby, low-density land uses through high traffic generation, noise, or other nuisances.

Follow is Comprehensive Plan Land Use Goal #2 and Strategy for implementation:

Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.

Strategy

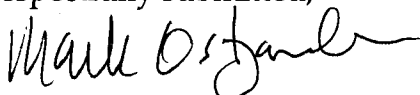
Encourage the development of additional commercial and industrial areas within the city in accordance with the land use plan.

The Future Land Use Map, the purpose and intent of the B-1 District and the Comprehensive Plan Land Use Goal and Strategy do not support rezoning the property.

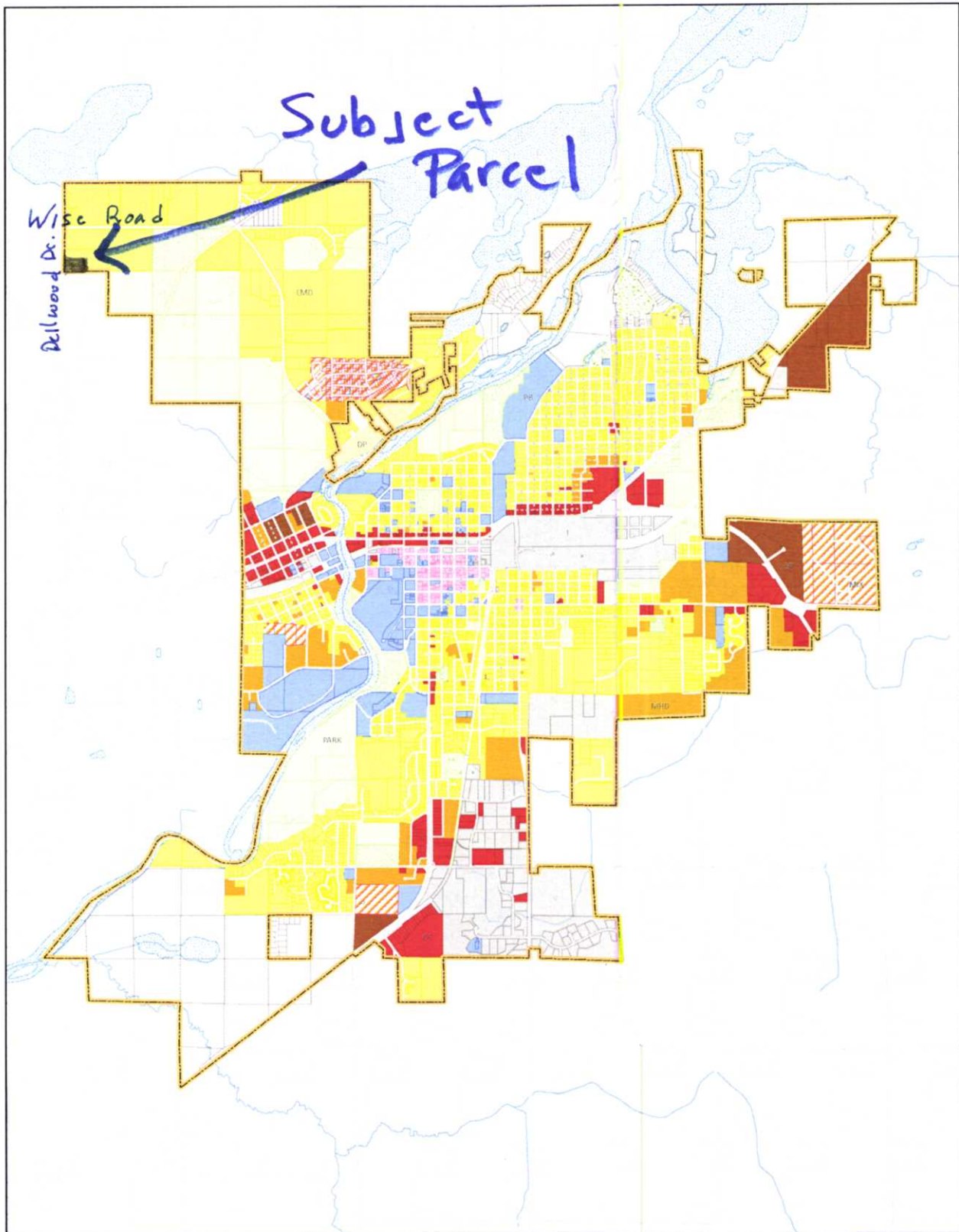
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its October 21, 2015 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on November 2, 2015 and an Ordinance Second/Final Reading on November 16, 2015.

Respectfully submitted,

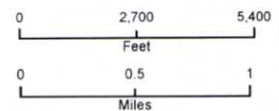


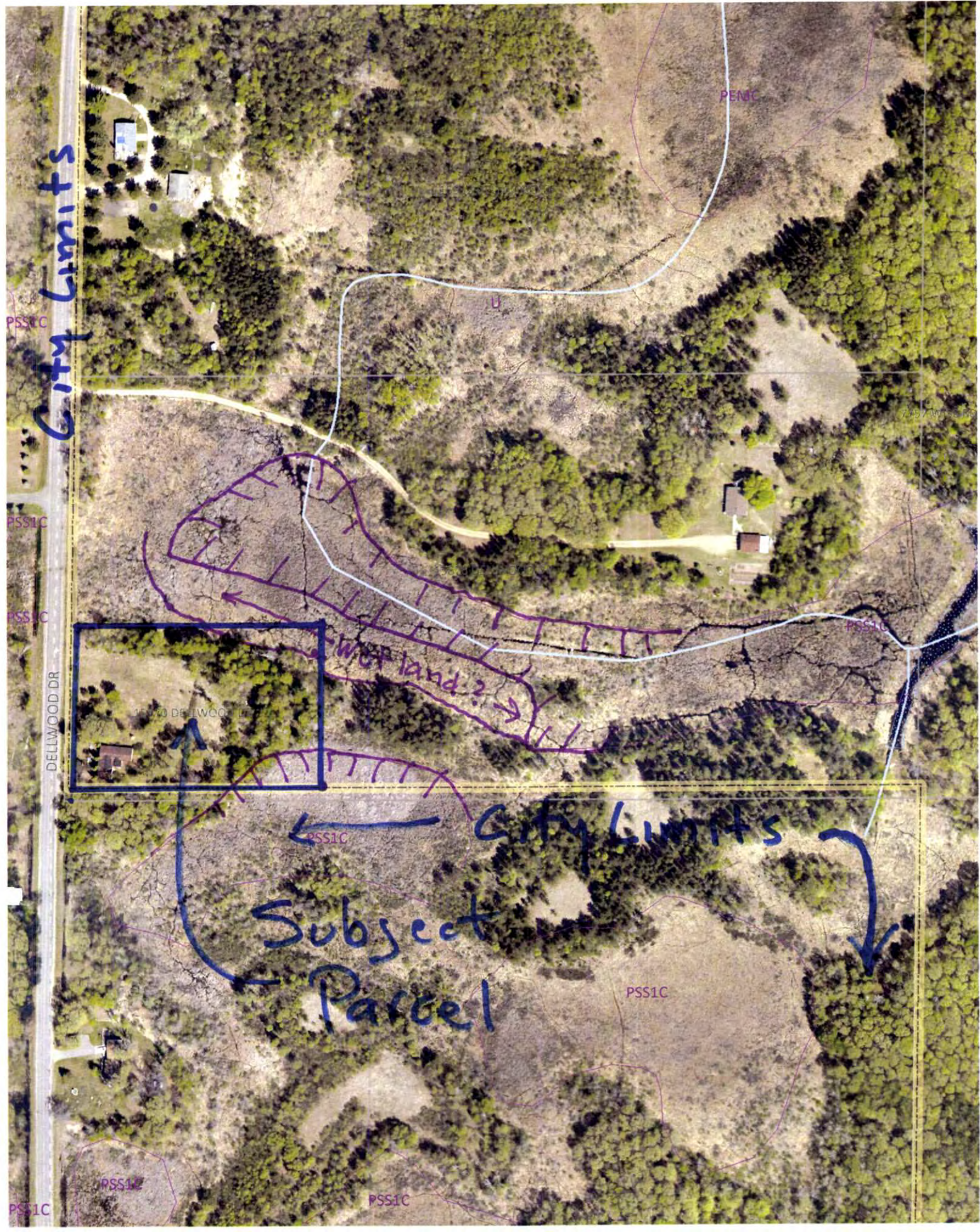
Mark Ostgarden AICP
City Planner



Legend

City Limits	Future Land Use	General Commercial
Parks	Low-Med Density Residential	Development Preserve
Lakes	Med-High Density Residential	Industrial
	Downtown Commercial	Public / Semi Public
	Business Park	Park / Open Space
		Mixed Commercial and Residential





City Limits

City Limits

Subject Parcel

wet land?

PSS1C

PSS1C

PSS1C

DELLWOOD DR

PSS1C

PSS1C

PSS12

PSS1C

PSS1C

PSS1C

U

PSS1C



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Derrick Taylor; PO Box 2754, Baxter, MN 56425, is requesting to rezone the property at 15770 Dellwood Drive, Brainerd, MN 56401 from R-R (Rural Residential) District to B-1 (Residential Office) District.

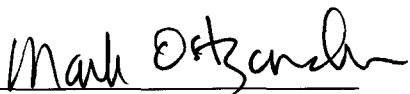
The property is legally described as follows:

*S 275 ft of W 400 ft of NW1/4 of NW1/4
Section 32 Township 134 Range 28
P.I.N. #080322200B00009*

A Public Hearing will be conducted by Brainerd Planning Commission at 6:00 p.m. Wednesday, October 21, 2015 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property in accord with the City of Brainerd Zoning Ordinance.

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

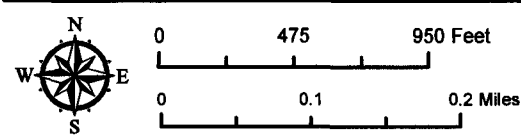
Dated this 7th day of October, 2015

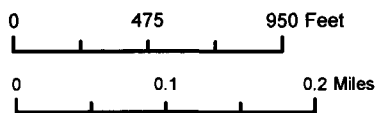
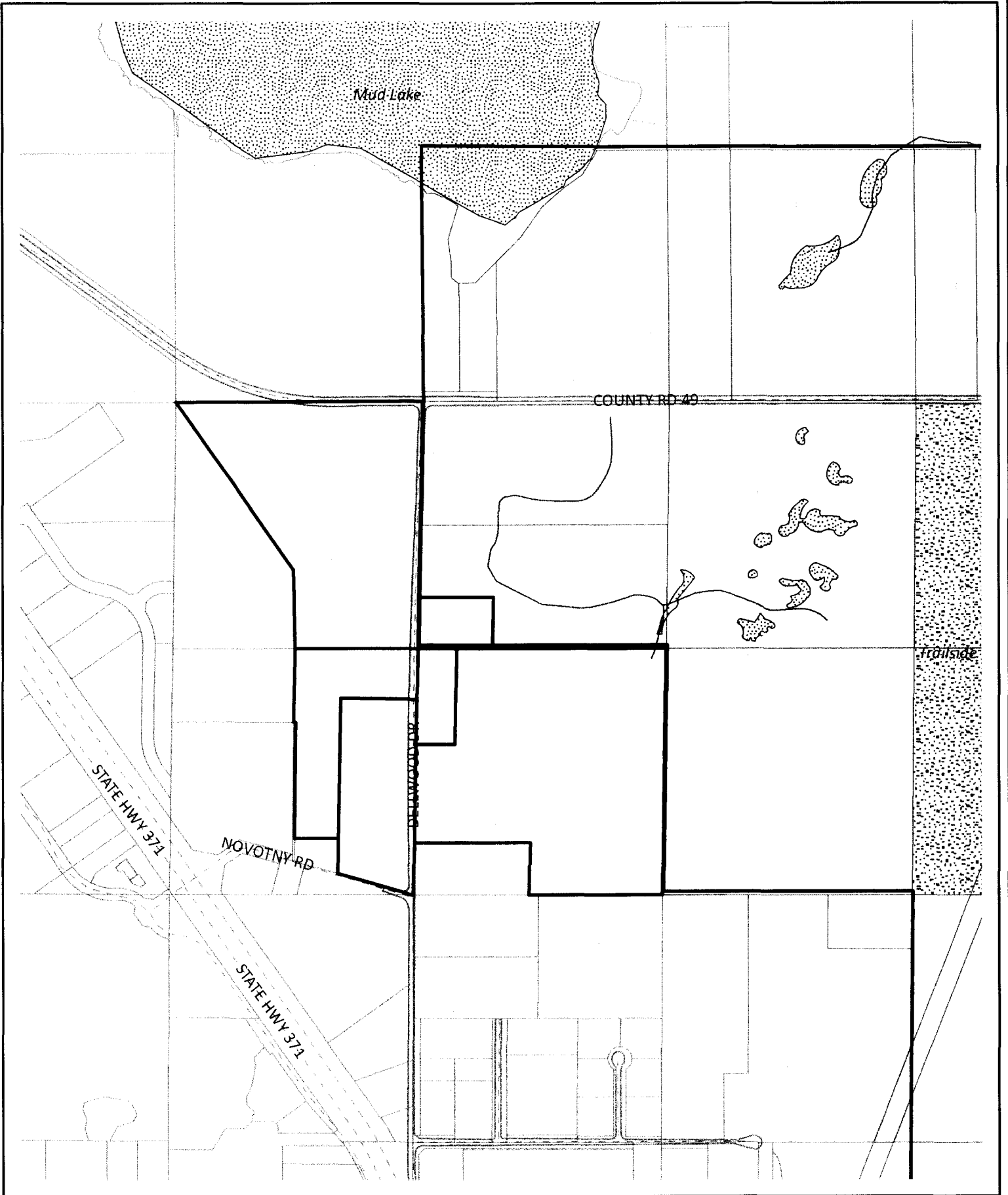

Mark Ostgarden AICP
City Planner

Publication Date: October 9, 2015

Rezoning - 15770 Dellwood Dr

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
080322200AB0009	MERTES, RANDY RENE	15876 DELLWOOD DR	BRAINERD, MN 56401	15876 DELLWOOD DR
080322200B00009	TAYLOR, DERRICK	PO BOX 2754	BAXTER, MN 56425	15770 DELLWOOD DR
030311100A00009	PETERSON, JOAN M & CYNTHIA CARLSON	15840 AUDUBON WAY	BAXTER, MN 56425	15847 DELLWOOD DR
030311400AAA009	PEARO LAND COMPANY	7810 UNIVERSITY AVE NE	FRIDLEY MN 55432	15279 DELLWOOD DR
030311400AC0009	BJORNSON, MELVIN O & LINDA K	7444 NOVOTNY RD	BRAINERD MN 56401	7444 NOVOTNY RD
970322300AA0009	REIKOFSKI, CRAIG	15532 DELLWOOD DR	BRAINERD, MN 56401	
970322300B00009	ELLEVOLD, YVONNE JEAN	15694 DELLWOOD DR	BRAINERD, MN 56401	15694 DELLWOOD DR





NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Derrick Taylor; PO Box 2754, Baxter, MN 56425, is requesting to rezone the property at 15770 Dellwood Drive, Brainerd, MN 56401 from R-R (Rural Residential) District to B-1 (Residential Office) District.

Permitted uses in the R-R District include:

Agricultural uses; barns, stables, silos, and other agricultural buildings; single family dwellings; forest and game management areas; public recreation areas and related accessory buildings and structures; residential facilities servicing six (6) or fewer persons in a single family detached dwelling; and essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in the R-R District include:

Public and private schools; places of worship and related buildings; planned unit developments as regulated by Section 11 of this Ordinance; bed and breakfast subject to provisions of Section 31 of this Ordinance; cemeteries; governmental and public regulated utility buildings and structures; and personal wireless service towers and antennas as regulated by Section 25 of this Ordinance.

Permitted uses in the B-1 District include:

Government and public buildings, utilities, and/or structures; office businesses-clinic; office businesses-general; single family dwellings; and essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in the B-1 District include:

Funeral homes and mortuaries; studios limited to art, dance, music, decorating and photography provided retail sales are limited to no more than ten (10) percent of building floor area; places of worship and related buildings; bed and breakfast subject to the provisions of Section 31 of this Ordinance; and planned unit developments as regulated by Section 11 of this Ordinance.

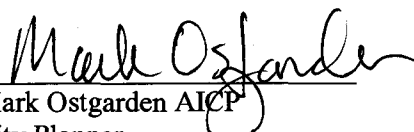
The property is legally described as follows:

*S 275 ft of W 400 ft of NW1/4 of NW1/4
Section 32 Township 134 Range 28
P.I.N. #080322200B00009*

A Public Hearing will be conducted by Brainerd Planning Commission at 6:00 p.m. Wednesday, October 21, 2015 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property in accord with the City of Brainerd Zoning Ordinance.

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

Dated this 7th day of October, 2015


Mark Ostgarden AICP
City Planner

Publication Date: October 9, 2015



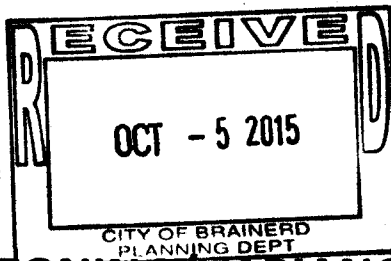
City Planning Department

City Hall – 501 Laurel Street

Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us



Receipt # 9614

Check # 1866

Date Paid: 10/5/15

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: 15770 Dellwood Drive, Brainerd, MN 56401 (PIN 080322200B00009)

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: South 275 of the West 400 of the NW1/4-NW1/4, Section 32-134-28
(attach description if lengthy)

Property Owner Name: Derrick Taylor

Street Address: PO Box 2754 City: Baxter State: MN Zip Code: 56425

Phone Number: 218-839-9771 Fax: _____ E-mail: TAYLOR.DERRICK@HOTMAIL.COM

Applicant Name: (If different than Property Owner) taylor derrick@hotmail.com

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

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

Description of Request: Rezone the property to B1 to allow for the construction of an office building.

from R

Property Owner Signature

Derrick Taylor

(Please print name)

Applicant Signature

Derrick Taylor

(Please print name)

10/1/15
Date

10/1/15
Date

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

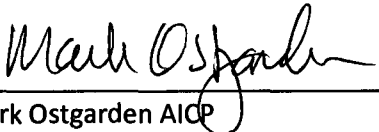
Notice is given that the City of Brainerd Planning Commission has initiated a public hearing to consider City of Brainerd Zoning Ordinance Text Amendment Section 22 Off-Street Parking 515-22-3: General Provisions to add/amending the following:

- F. Parking in Residential Districts. Off-street parking areas accessory to a residential use shall be utilized solely for the parking of passenger automobiles, recreational vehicles, and/or one (1) truck ~~not to~~ THAT exceeds twelve thousand (12,000) pounds gross weight rating ~~for each dwelling~~. THE ONE (1) TRUCK MAY BE A SEMI-TRACTOR CAB (SEMI-TRAILERS ARE NOT PERMITTED) PROVIDED:
1. THE OWNER OR OPERATOR OF THE VEHICLE MUST RESIDE ON THE PROPERTY.
 2. THE VEHICLE SHALL BE PARKED ON AN IMPROVED SURFACE.
 3. IDLING THE ENGINE OF THE CAB ON THE PROPERTY SHALL NOT BE FOR MORE THAN 10 MINUTES BETWEEN 10 PM AND 6 AM.
 4. NO VEHICLE REPAIR.
 5. NO CAB SHALL BE PARKED, STORED, MAINTAINED, OR KEPT ON THE PROPERTY FOR MORE THAN 8 HOURS IN A 48 HOURS PERIOD.

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, October 21, 2015 to consider the Text Amendment. A copy of the Text Amendment is on file at the City Planning Department, 501 Laurel Street.

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

Dated this 7th day of October, 2015



Mark Ostgarden AICP
City Planner

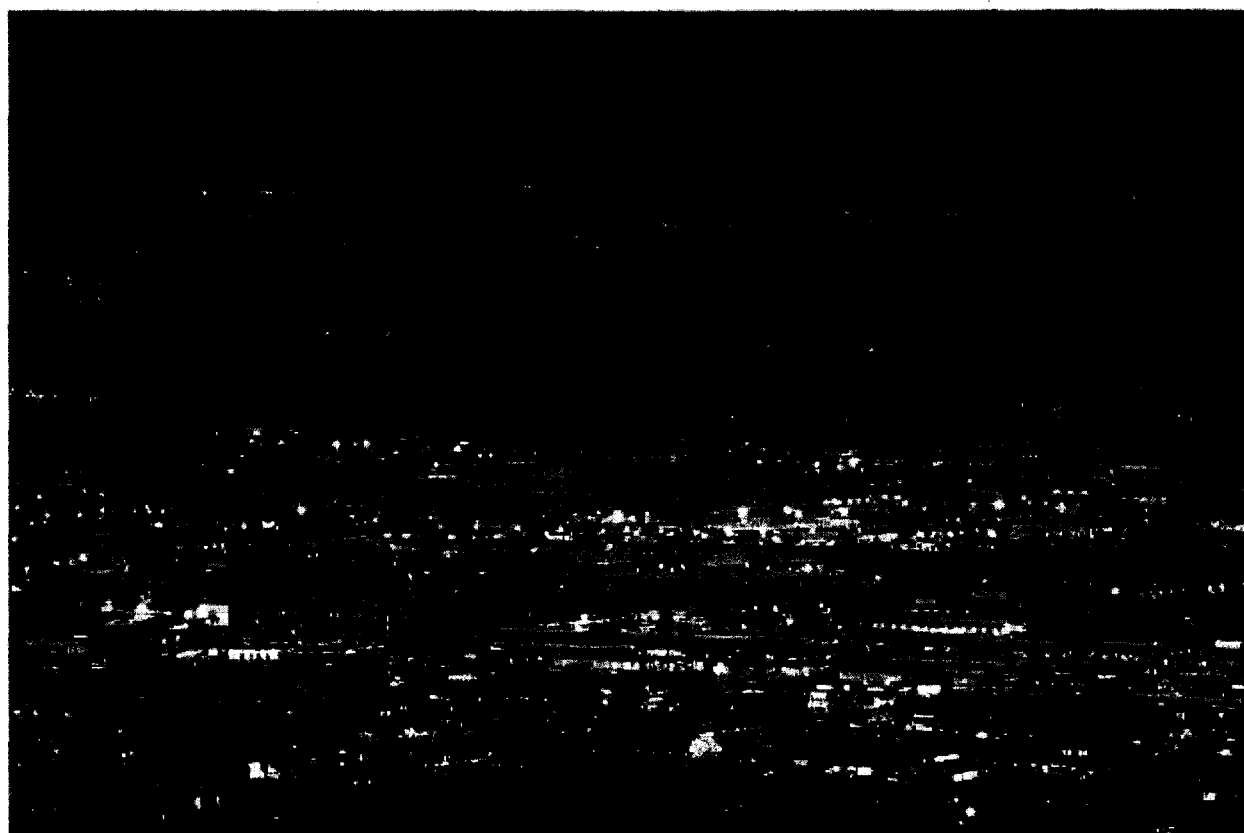
Publication date: October 9, 2015



'They Are Coming for Our Neighborhoods'

Why Boulder is taking pre-emptive measures against density, zoning changes, and affordable housing. Bad ones.

KRISTON CAPPS | @kristoncapps | Oct 5, 2015 | 158 Comments



Mia & Steve Mestdagh/Flickr

Come November, residents of Boulder, Colorado, will decide what kind of city they want to be. Voters there are mulling a measure that would change how local government works when it comes to zoning. Under the proposed rule, Boulder's neighborhoods could get the opportunity to vote on any zoning change within that neighborhood before it goes into effect.

The change is subtle, but the effects will be sweeping. The ballot issue is an amendment to the city's charter, which means it would be difficult to reconsider later. Six different Boulder mayors oppose it. The stakes are high. Supporters of the measure are up front about that.

"They are coming for our neighborhoods," writes Stephen Haydel of Livable Boulder, an advocacy campaign that supports ballot issue #300. "In Denver, they are already knocking down churches and replacing them with high-density developments in neighborhoods. Boulder is next."

This is mega-NIMBYism at work.

In context, "they" means developers. But in reality, "they" are people: workers, families, low-income residents, and other people who might one day like to call Boulder home. If voters affirm the Neighborhoods' Right to Vote on Land-Use Regulation Changes amendment (ballot issue #300) on November 3, then they will be effectively freezing growth in Boulder—by turning one city into 66 new exclusionary zones with final say on housing and density.

At present, when the city council approves a zoning change, it triggers a 30-day cooling-off period during which voters can take action. If 10 percent of Boulder's voting population sign a petition against a zoning change, then the council is required to reconsider it. The ordinance can be put up for a direct referendum. Through its elected representatives and oversight process, the city decides zoning changes for itself.

But if the proposed charter amendment passes, then the locus of the action will shift from the city to the neighborhood. The amendment serves to define 66 residential neighborhoods and invest them with petition authority. So when the council passes a zoning change that affects Chautauqua, it will only require 10 percent of the voters *living in Chautauqua* to successfully move a petition. And when a petition is successful and if the ordinance is put up for a vote, only voters living in Chautauqua may weigh in on the measure.

This is mega-NIMBYism at work. It essentially yields the municipal government's authority over zoning decisions to neighborhoods acting as zoning boards—66 of them, none of which have any incentive to accommodate higher density or affordable housing. As in just about any "zoning rights" discussion, the measure's boosters support the right for homeowners to preserve high land values in single-family home districts—and force developers and affordable-housing advocates to look elsewhere.

A complementary measure, ballot issue #301—Development Shall Pay Its Own Way—would require the city to reject any new development that does not "fully pay for or otherwise provide additional facilities and services to fully offset the additional burdens imposed by the new development." So the cost for any future development in Boulder would be raised by some necessary fraction to preserve the quality of life as it currently exists for residents who were lucky enough to move to Boulder before November 3, 2015. Facilities and services in question include "police, fire-rescue, parks and recreation, public libraries, housing, human services, senior services, parking services, [and] transportation," along with two impossible intangibles, "open space and mountain parks."

Prices for homes in Boulder will skyrocket, to the benefit of incumbent homeowners and to the massive detriment of others less fortunate.

To be utterly clear about it: Ballot issue #301 is an effort to ensure that the city never, ever again raises taxes on residents. With this ballot vote, electors will be deciding whether to make future residents pay for any additional services the city requires as a result of growth. Even, somehow, more mountain parks and open space.

Of course, if Boulder passes ballot issues #300 and #301, growth won't be a question. These measures would seal the city under a dome. Inside the dome, no neighborhood would ever again elect to accept zoning for greater density and more-affordable housing. If the city as a whole opposes development, why would any particular neighborhood embrace it? The low bar to opposition (10 percent of a neighborhood's electorate!) will unleash a cascade of costly elections any time the city nudges a neighborhood on zoning.

What happens next follows an established script. Prices for homes in Boulder will skyrocket, to the benefit of incumbent homeowners and to the massive detriment of others less fortunate—low-income renters, students at the University of Colorado, young families who'd like to make their home in Boulder, retirees on fixed incomes who can't afford the property taxes, people forced to commute into the city for work, and so on. From outside the dome, Boulder will come to look like San Francisco, with its untenable housing crisis. (Unless employers decide to leave the dome for good.)

Jessica Yates, an attorney writing for the *Daily Camera*, thinks that one of the ballot issues isn't constitutional under state law. So it's possible that the worst won't come to pass, even if the ballot issues do.

"Livable Boulder's neighborhood right-to-vote initiative would create two classes of Boulder citizens for any given land-use issue," Yates writes. "Only one class would be eligible to vote on a council land-use action, leaving the vast majority of us on the sideline on any given issue, even if we live adjacent to or work in the neighborhood in question and have a direct interest in the proposed land use."

Boulder residents, present and future, had better hope she's right. Or better, they should think through these ballot issues. For incumbent residents, especially affluent homeowners, these measures would be a real boon. But Boulder can't survive sealed off forever.

About the Author



Kriston Capps is a staff writer at CityLab. He writes about housing, architecture, design, and other factors that shape cities. Previously, he was a senior editor at *Architect* magazine.

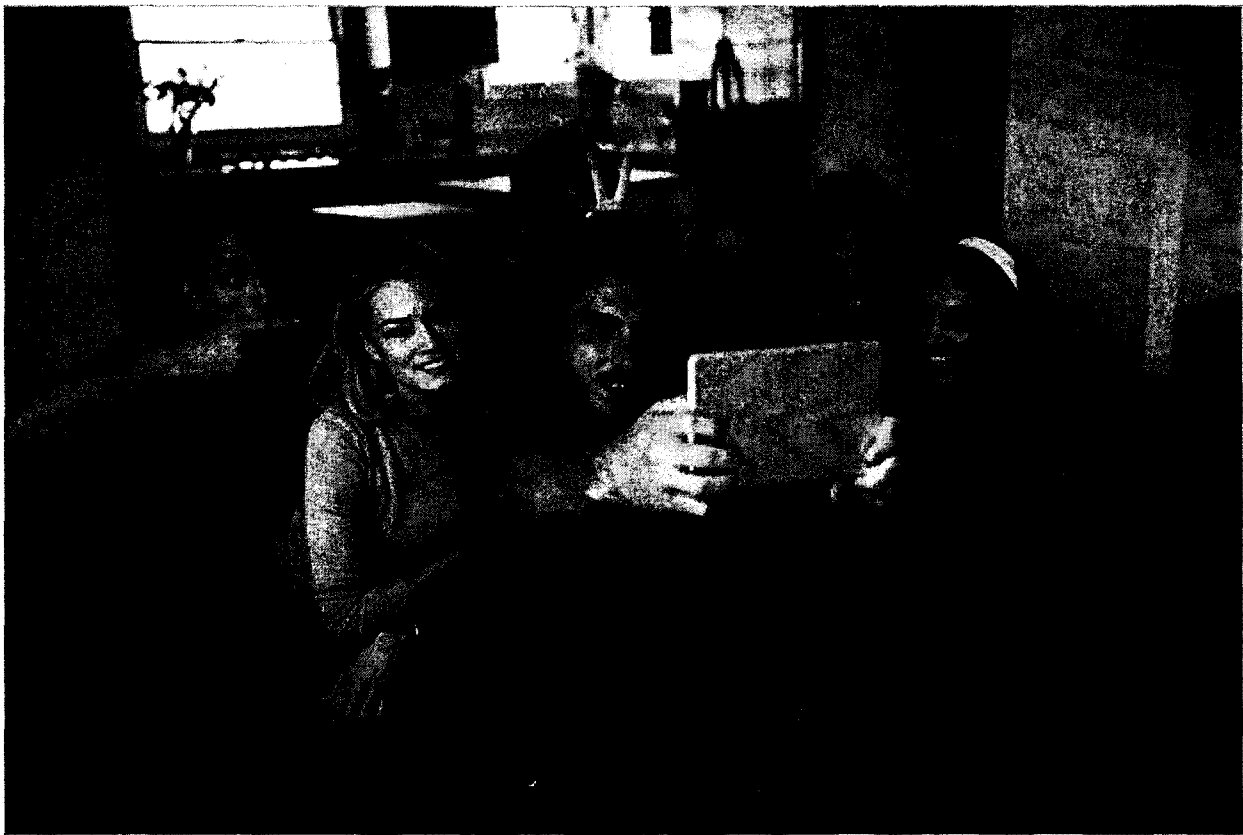
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Why Millennials Aren't Forming New Households

Young adults aren't driving the growth in American households, and it's not just because they're still living with their parents.

KRISTON CAPPS |  @kristoncapps | Aug 20, 2015 |  47 Comments



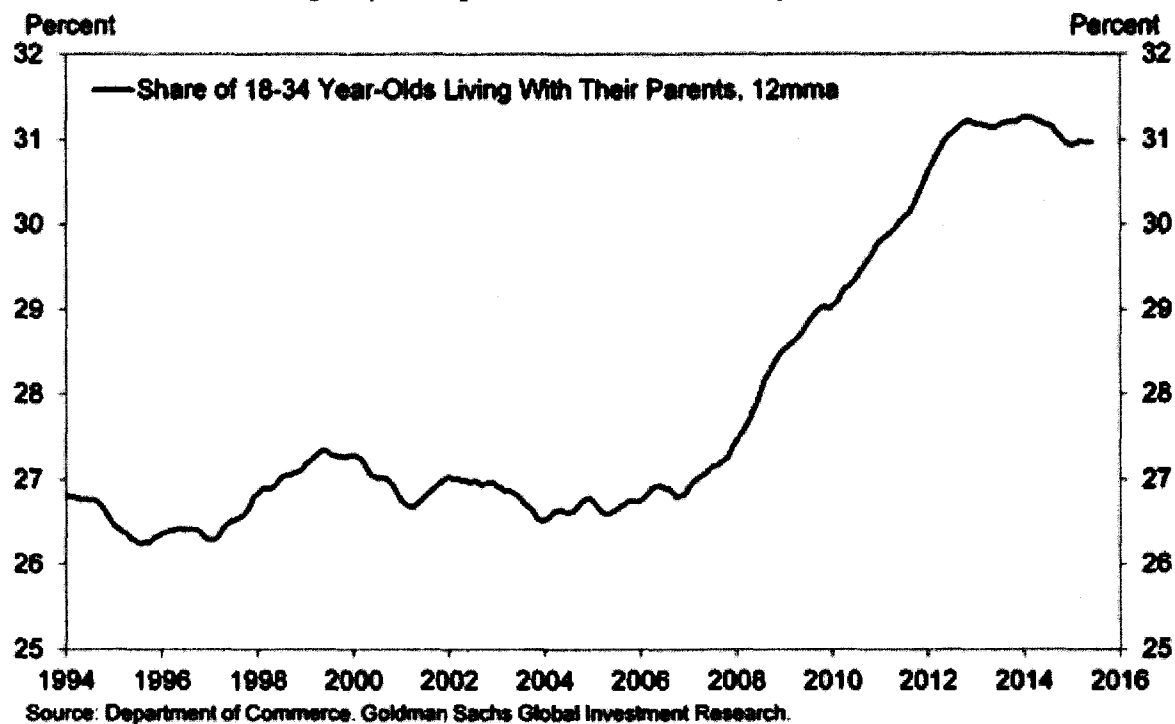
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Recovery or no, the housing news is grim for Millennials. A new report from Goldman Sachs echoes the new findings from the Pew Research Center last month: The economic recovery has not shown any decline in the share of young adults who are living at home with their parents.

Since the start of the recovery (in 2010), the share of 18–34 year-olds who are living at home has, in fact, increased. According to the latest figures, about a

third of Millennials are sharing living quarters with their folks. While this percentage stopped growing during the second half of 2014, it hasn't shown any meaningful shift. Despite the recovery, they're *still* stuck.

Exhibit 1: The Share of Young People Living with Parents Has Held Steady Over the Last Half Year ...



(Goldman Sachs)

However, these findings appear to run contrary to a different trend in American housing: The number of new households in the U.S. is rising steadily, according to Census data. Which raises a question: If the percentage of young adults who are living at home with their parents is still so high, how can the number of new households be growing? Who's forming these new households?

Jed Kolko, an economist, offers up one possible solution. In a report for the University of California-Berkeley's Terner Center for Housing Innovation, he writes that older adults are responsible for the growth in new households.

Despite expectations that Millennials are the force behind household formation, older adults are driving household formation. Strikingly, age groups younger than 55 collectively had negative household formation between 2014 and 2015, while 65–74 year-olds

accounted for more than two thirds (860,000) of overall household formation.

Kolko compares household formation figures to the unemployment rate: Being employed is like being a homeowner. Being unemployed is like being a renter. Living in another adult's home, then, is like dropping out of the labor force.

It's important to distinguish between household formation and "headship rate," Kolko says. A shift in household formation might sound like a change in how the population lives, but it isn't necessarily so. Household formation literally means a plus-or-minus change in the number of occupied housing units. (It counts both rental and homeowner units.) The place to look for behavioral change is the headship rate.

This measure reflects the number of adults per occupied housing unit. The headship rate draws on the number of heads of households. The fewer adults in a housing unit, the higher the headship rate. If every adult in America lived alone, the headship rate would be 100 percent. An average of two adults per household means a headship rate of 50 percent.

When you have a growing population and a constant headship rate, that means household formation increases. In that outcome, adults are starting up new households, whether as owners or renters. But when the headship rate grows or declines, it means something's happening with the way that adults are living.

Millennials won't necessarily form new households when they do leave their parental homes.

"The headship rate literally does reflect something behavioral," Kolko says.

With the economic recovery underway, economists have been predicting a sea change in the housing market. As conditions have improved, Millennials ought to be moving out of their parents' houses and into new houses—maybe even into homes of their own. But that's not what's happening, as the demographic data make clear.

"There is accelerated household formation, but without the behavioral change we expected," Kolko says.

Instead, there's a rising share of the population that is moving into an age group that simply has higher headship rates (meaning fewer adults living at home). As more Americans join the ranks of retiring Baby Boomers, more of them are living in households with fewer adults present. Among the fast-rising demographic of retirees, the nests are emptier.

"As the population ages, we will get more households for the given population," Kolko says. "Even if that's not a behavioral change within a given age group, it does change overall housing demand. It changes the number of housing units we need."

There are all sorts of reasons why Millennials aren't forming new households. Rent-to-income ratios in productive labor markets are at historic highs. Student debt is soaring, and spotty credit ratings might lead to trouble for young adults hoping to strike out on their own, even as the employment situation improves. (Goldman Sachs describes these factors as an explanation for the "excess" of young adults living at home.)

What's alarming about the fact that so many Millennials cannot leave their parental homes is that they will not necessarily form new households when they *do* leave them. At least, that's alarming from an economic standpoint. If and when young adults finally do start to exit their parents' homes as labor conditions improve, they might still find themselves living with many adults per household in order to make ends meet.

In that scenario, the headship rate—the number of adults sharing a given household—remains unchanged even after young adults leave home. This outcome wouldn't have a big effect on aggregate housing demand one way or the other. But it might change the kind of housing that the market creates.

"The glass-half-full view is that a big jump in household formation from young adults moving out of their parents' homes is still to come," Kolko's Turner Center report reads. "When this pent-up demand is finally unleashed, it will be in addition to the increase in household formation from the aging population, fueling construction and overall economic growth."

But, he adds, "the glass-half-empty view is that the drop in headship rates among young adults is not a lingering yet ultimately temporary effect of recession but, rather, a new, lower normal, thanks to rising housing costs, later marriages, and not-good-enough jobs."

Top image: [El Nariz](#) / [Shutterstock.com](#)

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From The Atlantic

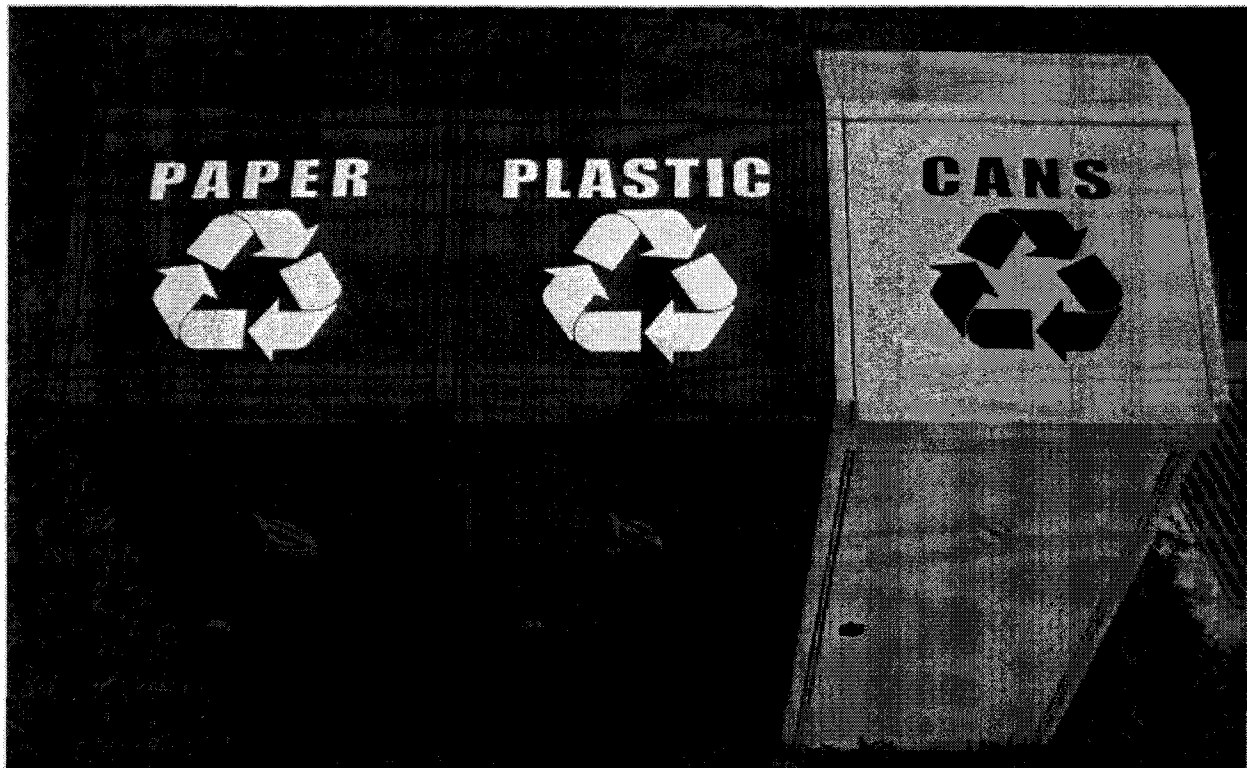
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NAVIGATOR

You're Probably Recycling Wrong

An expert explains how to do it smarter, and why some materials muck up the sorting process.

VICKY GAN |  @vicky_gan | Jun 24, 2015 |  30 Comments



Recycling bins at a park in Singapore. (Tim Chong / Reuters)

Maybe you've found yourself mystified by the symbols and rules of recycling. Counterintuitively, the single-stream system—which allows residents to toss any and all recyclables into one bin—hasn't cleared up the confusion. Many people simply throw in anything made out of plastic, glass, or metal and hope for the best. But this assorted jumble can cause big issues once it arrives at the processing plant.

The problem with the anything-goes approach is that non-recyclable materials can get mixed in with and contaminate recyclables, reducing the value of the

batch as a whole. This effect increases with the volume of recycling. The *Washington Post* reported that contamination rose significantly in Washington, D.C., after the city installed larger residential recycling bins in 2014, leading to a 50 percent drop in the share of the city's profit from selling recyclables. Across the country, municipalities are paying more to process and haul away these undesirable outputs. "By pushing to increase recycling rates with bigger and bigger bins—while demanding almost no sorting by consumers—the recycling stream has become increasingly polluted and less valuable, imperiling the economics of the whole system," wrote the *Post*.

The jumble of single-stream recyclables can cause big issues for processing plants.

So what's an eco-conscious consumer to do? CityLab spoke with Darby Hoover, senior resource specialist at the Natural Resources Defense Council, to find out. It turns out there are some things that aren't worth "recycling," because they end up doing more harm than good at the plant. By keeping the following materials (in one form or another) out of the blue bin, you can help support your local recycling program—and not muck up the process overall.

Small scraps of paper

Hoover says it's "virtually impossible" to separate these shreds from the other materials rolling down the conveyor belt. "They end up becoming part of the residue that's left over at the end because they're so tiny," says Hoover. "I can't even pull them out by hand."

However, that doesn't mean paper scraps can't be recycled—just don't dump them directly into the blue bin. Instead, Hoover says, you can place them in a paper bag, staple it shut, and write "SHREDDED PAPER" on the outside. A person at the processing plant will recognize the bag, remove it from the rest of the recycling stream, and sort it into the paper products.

Condiment packets

Whether they hold soy sauce, ketchup, mustard, or some other liquid, all these packets are made out of plastic or an aluminum-plastic combination. "There's nobody recycling those right now," Hoover says, so you're better off throwing them in the garbage.

Polystyrene foam containers

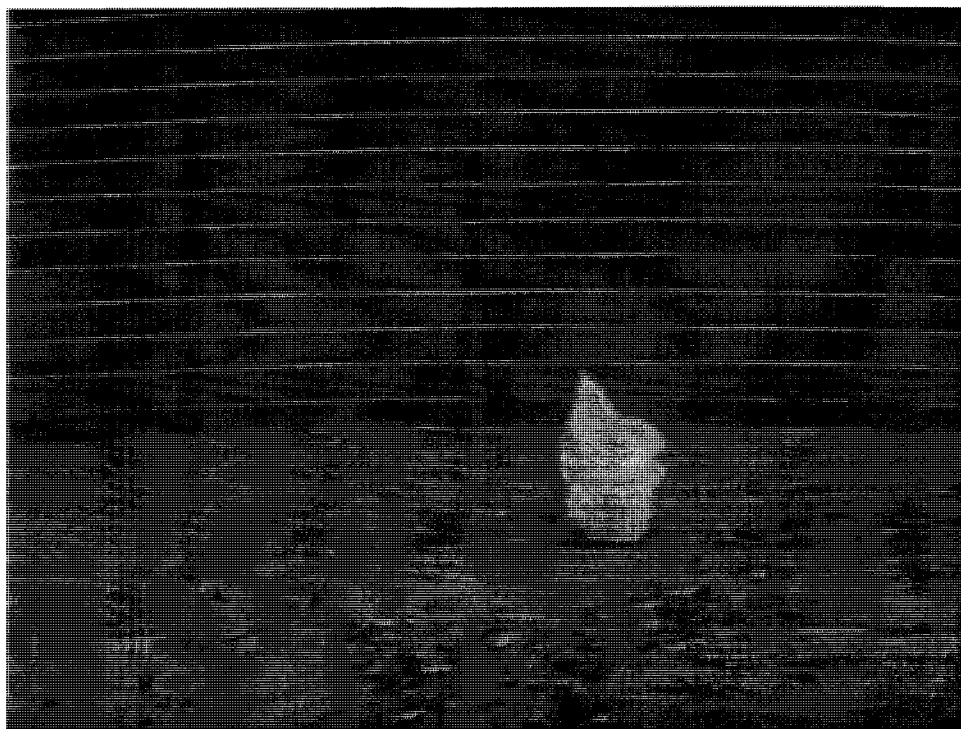
These are almost never recyclable because they're extremely lightweight and typically soiled with food residue. (Remember, food contamination is the same reason you can't recycle a pizza box.)

"Paper" cups

Most paper cups are actually coated with plastic, so they can't be recycled with other paper products. Some municipalities can separate the plastic out to recover the paper fiber, while others allow you to toss the cups into compost. Check with your local waste management authority to make sure you're disposing of these properly.

Plastic bags

They're a huge hassle for recyclers because they often fly off or clog sorting machinery. "At the material recovery facility in San Francisco, they have to shut down all the machines every night for at least an hour to go in and manually pick out all the pieces of plastic bag that have gone in there and jammed up the various machines," Hoover says.



But there's an easy way to keep these out of the landfill: Bring them to a local grocery store. Most offer plastic bag recycling by the entrance. Once the bags are sorted together, they can be bundled up and repurposed as plastic lumber.

Tyvek envelopes

These mailers are made out of plastic, not paper, so most municipal authorities won't accept them for recycling. You'd have to go through the manufacturer.

Keep these guidelines in mind before dumping your goods into the bin. And, as always, check with your local waste management authority to make sure that you're not inadvertently clogging up the system.

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