

PLANNING COMMISSION

Wednesday, October 21, 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, and Straw. Commissioners Pritschet and Cole were noted absent. Also present was City Planner Ostgarden.

#2 **Approval/Amendment of Agenda**

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

#3 **Approve 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**

MOTION AND SECONDED BY COMMISSIONERS PARKS AND NORWOOD, DULY CARRIED, TO APPROVE THE MINUTES FOR 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)

City Planner Ostgarden stated the property is located at the corner of Maple Street and 15th Street SE and is a rental property. He stated it is the tenant that is doing the auto repair and the owner is aware of the operation and approves of the application submittal. He reviewed the adjacent properties noting most of them are vacant with the remainder of the neighborhood being single family and multi-family.

City Planner Ostgarden stated Mr. Waldman is interested in using the garage on the property to operate an auto repair business which is allowed as a home extended business through the interim use permit process. He noted the business has been operating for some time and became apparent with the number of cars parked on 15th Street. A notice was sent to the owner explaining it had to cease or an interim use permit would need to be issued.

City Planner Ostgarden stated an interim use permit is handled like a conditional use permit but it goes with the use that it is granted for and the operator of that use. City Planner Ostgarden reviewed the staff report noting the following:

- City Departments do not have issues with the use of the garage for the business
- Reviewed conditions to consider in order to provide neighborhood compatibility and eliminate any potential issues
- Reviewed questions that should be asked about the business

The Public Hearing was opened at 6:11 pm

Mr. Dan Waldman, 316 15th Street SE, gave a review of his business noting the following:

- Small repair shop in the garage
- Works for one person repairing vehicles purchased at auction which go back to auction or the car lot
- Does not do customer work and does not advertise
- Keeps it quiet and clean
- Normally only has a couple cars at a time
- Vehicles were only parked on the street while waiting for parts

Commissioners asked the following questions with Mr. Waldman's response:

- Plan to do customer work in the future – no
- Number of off-street parking spaces available – 3 in the driveway and 1 in the garage
- Hours of operation – normally done by 9:00pm
- Tools used – air compressor in the garage is the loudest tool
- Previously worked on friend's vehicles – have done work on family vehicles and some friends and he will cease to do that and will do only auction work
- Concerned with people coming and going late at night – he stated it could have been the kids and it was busy for a while but he cannot work like that anymore
- Do you do any body work – touch up work, but no body work
- Do you go to auctions – no, it's a friend of his that purchases the vehicles and he works on them
- Does the friend decide the vehicles you work on – he brings them to him and only gives him what he can handle, it isn't as many vehicles as he used to have
- Do you have a lot of coolant and oil to dispose of – he has a 35 gallon barrel and then takes it to recycling
- Would there be an issue to be limited to 3 vehicles at a time – no he would not, but there are kids that come and go too
- Is the driveway the only area to park – there is an entrance on the other side of the house, but it is grass now

Ms. Kim Shepherd, 316 15th Street SE, asked about parking of their personal vehicles on the street. Commissioner Hayden Shaw stated this has to do with vehicles being worked on, not their personal vehicles. She noted they would have to adhere to parking ordinances on their personal vehicles, but this permit will only pertain to the business.

The Public Hearing was closed at 6:21 pm

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

1. The property is located in an R-2 (Medium Density Residential) District which permits accessory buildings to be used for home extended businesses by Interim Use Permit.
2. The property tenant desires to do auto repair in an accessory building (garage). Both the property owner and tenant have signed the application.
3. The repair business has been operating for some time without the required Interim Use Permit.
4. Property to the east and west is vacant. There is a vacant lot to the north and a women's shelter to the south.

The Commission agreed to add the following finding-of-fact: 5. The tenant/petitioner spoke in favor of the request. 6. There were no comments received from residents.

City Planner Ostgarden noted all vehicles can only be parked for 48 hours at a time.

The Commission agreed to the following conditions: 1. Hours of operation 8:00am to 8:00pm. 2. Limit of three vehicles for service at any one time. 3. No parts should be stored outside the garage at any time.

City Planner Ostgarden suggested a condition that any vehicles waiting for repair cannot be parked on the street. He also suggested they discuss the days of operation and cut the 8:00pm hour back to 5:00pm. He noted this is a residential neighborhood and late hours could be disturbing.

Discussion was held regarding the hours of operation.

The Commission agreed to add/amend the conditions to the following: 4. No on-street parking of vehicles waiting for service at any time. Amend condition 1. Hours of operation Monday-Friday 8:00am to 7:00pm and Saturday and Sunday 8:00am to 4:00pm.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO ALLOW AUTO REPAIR IN AN ACCESSORY STRUCTURE AT 316 15TH STREET SE WITH THE SIX (6) FINDINGS-OF-FACT AND THREE (3) CONDITIONS.

Further discussion was held regarding hours of operation. Commissioner Norwood suggested hours of operation be limited to 6:00pm Monday through Friday as it is a more intrusive business for the neighborhood. Commissioner Hayden Shaw agreed with 6:00 pm.

The motion was amended to change condition number one to read hours of operation Monday-Friday 8:00am to 6:00pm and Saturday and Sunday 8:00am to 4:00pm.

b. Public Hearing – Rezoning at 15770 Dellwood Drive from R-R (Rural Residential) District to B-1 (Residential Office) District

City Planner Ostgarden stated Dellwood Drive is the city limits on the west side of Brainerd and Baxter. He stated it is being proposed at the southwest corner of the section that is in the city is a rezoning of a 2.5 acre parcel from a residential district to residential office district. He reviewed current and future improvements on the street and noted there is not city infrastructure so a well and septic will be needed for development. He stated there is limited residential development and wetland adjacent to the property.

City Planner Ostgarden reviewed the staff report and criteria for rezoning noting the following:

- Purpose of the B-1 District noting it is a transitional district from residential to commercial
- Comprehensive Plan Use and Goals
- Impact on traffic volumes

The Commissioners had questions regarding development, ownership, and which municipality adjacent property belonged to along with future infrastructure development.

The public hearing was opened at 6:47 pm

Mr. Derrick Taylor, 7305 Blue Herron Lane, Nisswa, stated he has owned the property for approximately 10 years and had owned additional property previously with the thought of developing it in the future. He stated he has had discussion about potential business development on the property within the next year to year and a half.

Mr. John Forest, 159 Pineview Drive, asked for the exact location. He stated it is not where he thought it was located.

The public hearing was closed at 6:51 pm

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

1. The owner is proposing office use at the property which is not permitted in R-R Districts.
2. The property is 2.5 acres and vacant. There are two single family dwellings (in the City) along this section of Dellwood Drive, the rest is vacant.
3. The property does not have city sewer and water and Dellwood Drive does not have these services. A septic system and a well will be needed.
4. The Future Land Use Map identifies this property as future low to medium density residential development.
5. Dellwood Drive will be improved in 2016 and its capacity will not be affected by this individual change.
6. The Purpose of the B-1 District is:
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.
7. Following 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.
8. 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 Commission agreed to add the following finding-of-fact: 9. The petitioner spoke in favor of the proposal and there was no opposition.

City Planner Ostgarden stated sewer and water will be going in on Dellwood Drive.

The Commission agreed to amend finding-of-fact 3 to state: The property does not currently have city sewer and water and Dellwood Drive does not currently have these services but services are anticipated in the near future.

MOVED AND SECONDED BY COMMISSIONERS PLANTENBERG AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF 15770 DELLWOOD DRIVE FROM R-R (RURAL RESIDENTIAL) DISTRICT TO B-1 (RESIDENTIAL OFFICE) DISTRICT WITH THE NINE (9) FINDINGS-OF-FACT.

Commissioner Norwood stated he is in favor of the rezoning as he feels there will be future commercial development along Dellwood Drive which does not coincide with the Future Land Use Map.

Commissioner Parks agreed with Commissioner Norwood and it was presented what the City of Baxter's Future Land Use Map.

c. Public Hearing – Zoning Text Amendment – Section 22 Off-Street Parking – Semi-Tractor Cab Parking in Residential Districts

City Planner Ostgarden stated this is a Zoning Text Amendment that was initiated by the Planning Commission as a result of there being some uses in residential uses in neighborhoods of semi-parking on the street. He reviewed the previous draft language presented to the Planning Commission noting it would be semi-cabs only and then read the proposed language including the conditions proposed.

Commissioner Hayden Shaw stated she did not agree with condition three stating the idling period should not be more than 10 minutes at a time at any time.

The public hearing was opened at 7:06 pm

City Planner Ostgarden stated there were two letters received in opposition to the proposed language.

Mr. John Forest, 159 Pineview Drive, stated he does not agree with allowing semi-tractor cabs in residential areas. He stated residential areas are for residential use and allowing semi parking makes it more industrial and it doesn't provide anything for the neighborhood. The resident has the right to quite enjoyment of their property.

Mr. Mark Halverson, 156 Pineview Drive, stated he does not agree with a commercial vehicle being parking on the street in a residential district nor on the property in residential areas.

Mr. John Erickson, 230 Chippewa Street, stated he is a lawyer by trade and has spent a lot of time on zoning issues. He stated he also is in opposition to the proposed language and noted the use is commercial not residential. He stated he feels this language is going to create a lot of violation and enforcement issues and will create a lot of problems in many neighborhoods in the City.

The public hearing was closed at 7:22 pm

The Commission discussed condition three regarding idling time. Commissioner Hayden Shaw thought the language should read no idling for more than 10 minutes between 6:00am to 10:00pm and no idling period from 10:00pm to 6:00am.

Commissioner Parks stated he originally was in favor of the proposal but after reviewing information from other cites, most, if not all, do not allow semi parking in residential areas. He stated he now will be voting against the proposal.

Commissioner Plantenberg stated from the beginning she has not been in agreement with allowing semi-tractor parking. She stated she understands this is employment and income for people, but they have to have the cabs running, which is disturbing to other residents, and not allowing them to idle from 10:00pm to 6:00am is not practical. She stated she too will be voting against this proposal.

Commissioner Hayden Shaw stated the number one occupation in Minnesota is truck driving and she has concerns with not allowing owner/operators of semi-trucks to park on their property which may cause these people to not move to Brainerd.

Commissioner Norwood stated he has a hard time telling private property owners what to do on their own property, but he is also concerned with allowing this and causing issues in residential neighborhoods. He noted there are many truck drivers now that live in Brainerd and park their semi cabs in other locations.

Commissioner Straw stated he is also opposed to this proposal because of the potential issues and litigation involving the City.

MOTION AND SECONDED BY COMMISSIONERS PARKS AND PLANTENBERG TO RECOMMEND DENIAL OF THE ZONING TEXT AMENDMENT – SECTION 22 OFF-STREET PARKING – SEMI-TRACTOR CAB PARKING IN RESIDENTIAL DISTRICTS. COMMISSIONER HAYDEN SHAW VOTED NO.

Commissioner Norwood stated he appreciates the time staff has put into research and thankful for the discussion and information provided.

Commissioner Hayden Shaw stated she feels it is a shame that so much time was spent on making this a workable ordinance to only reject it.

#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.

Ms. Jan Erickson, 230 Chippewa Street, stated she wanted to add to the discussion on semi-cab parking noting potential safety concerns with children climbing on the semi-cabs that would be parked in residential areas.

#6 **OLD BUSINESS**

a. **South 6th Street Update from City Planner**

City Planner Ostgarden stated he has been trying to find a community in the state that may have a corridor similar to South 6th Street that the Commission could look at as an example of what is happening in another city. He stated there is a stretch of Hwy 10 in Anoka with a 2-3 block section with a mix of uses on a four lane roadway with a special zoning district. He asked if the Commission would like to have another workshop to have additional discussion at which time he can provide this additional information to the Commission.

Commissioner Plantenberg suggested City Planner Ostgarden look into Cold Spring as it has a similar situation also.

Mr. John Forrest, 159 Pineview Drive, stated it could be problematic for anybody in a residential structure in commercial areas when it comes to sale of mortgages in the secondary market creating issues with financing.

b. Off-Street Parking Requirements Update from City Planner and Discussion

Commissioner Hayden Shaw stated the Commission had a joint meeting with the City Council in which discussion was held regarding off-street parking requirements. She stated the end result was to have the Planning Commission and Department do research and making recommendations on how to modernize and make the parking requirements more business friendly. This would be reviewed in each zoning district.

City Planner Ostgarden stated his concern is for the Planning Department to be able to get data to suggest changes that have some basis on which to be done and to support the changes the Commission would like to make.

Discussion was held regarding how the requirements will be reviewed such as by type and/or by zoning district. City Planner Ostgarden stated he has found two cities that have eliminated parking requirements.

City Planner Ostgarden stated he would like to do additional research before holding a workshop. Commissioner Hayden Shaw suggested holding a workshop to review different zoning districts.

#7 Commissioners' Questions/Comments

Commissioner Hayden Shaw suggested adjourning the November meeting to a workshop to discuss South 6th Street and potentially discuss the parking requirements by zoning districts.

#8 City Planner's Report

City Planner Ostgarden stated there are three Planning Commission member terms expiring at the end of this year – Commissioners Hayden Shaw, Norwood, and Cole.

City Planner Ostgarden stated on a four to three vote, the City Council did not pass the shipping container ordinance change.

#9 GTS Workshop – Your Role as Planning Commission Member – 1pm to 5pm, Wednesday, November 4, 2015 in Little Falls

City Planner Ostgarden stated Commissioners who have not gone to a training like this, he highly recommends attending and it would be paid for through the Planning Department budget.

#10 Adjourn

As there was no further business the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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