

BRAINERD PLANNING COMMISSION

Wednesday, April 20, 2016

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 and workshop of March 16, 2016
4. NEW BUSINESS
 - a. Public Hearing Conditional Use Permit – TT of Brainerd LLC, 13754 Two Mile Rd, Brainerd, MN 56401, for JDB LLC to open a commercial daycare center at 810 NW 7th Street; Brainerd, MN 56401.
 - b. Public Hearing Conditional Use Permit – Brainerd Industrial Center, 1801 Mill Avenue, Brainerd, MN 56401 for a recycle and transfer station of construction and demolition waste at 1801 Mill Avenue; Brainerd, MN 56401.
 - c. Downtown Off-Street Parking Presentation – Discussion
 - d. Rear Yard Parking - Discussion
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
7. Commissioners' Questions/Comments
8. City Planner's Report
9. Adjourn

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

PLANNING COMMISSION
Wednesday, March 16, 2016

City Planner Ostgarden 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 Headley, Parks, Plantenberg, Pritschet, Straw, and Turner. Commissioner Antolak was noted absent. Also present was City Planner Ostgarden and City Administrator Thoreen.

#2 Approval/Amendment of Agenda

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

#3 Approve minutes of the regular meeting and workshop of February 17, 2016

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING AND WORKSHOP OF FEBRUARY 17, 2016.

#4 NEW BUSINESS

a. Public Hearing – Request by Tim Haglin to Rezone 810 NW 7th Street (behind the VA Clinic) from an R-3 (Multiple Family) District to B-4 (General Commercial) District

City Planner Ostgarden stated in 2010 this property was rezoned to the current R-3 classification and noted Mr. Haglin is the owner of the property. He reviewed the location and size of the property along with the adjacent properties and their uses. He stated the property was the home of the Discovery Woods Montessori School and has been vacant since the school moved. He stated Mr. Haglin has received a request from a party to operate a commercial daycare center at this location, but the R-3 zoning classification does not allow commercial daycares. The B-4 zoning classification does allow commercial daycares by conditional use.

City Planner Ostgarden reviewed the maps that were provided to the Commission and reviewed the staff report noting the following:

- Future Land Use map identifies this property as future general commercial
- There should be no issues with adjacent properties, but with the residential use to the north, there is potential if there is another commercial use at this property in the future
- There is sufficient parking for this use and the adjacent street is capable of handling the traffic

City Planner Ostgarden stated the proposed use is a commercial daycare center, but the rezoning should be done on its own merit with considerations for future commercial uses.

The public hearing was opened at 6:09pm.

Mr. Jerry Bowman, 22805 Agate Shores Road, Deerwood, stated his wife runs the daycare center and he has a purchase agreement to buy the building at the end of the year. He stated there will be a fenced in playground on the east side of the property. He stated, in response to Commissioner Parks' question, that he would not be purchasing the building if the rezoning is not approved.

The public hearing was closed at 6:11pm.

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

1. The property is zoned R-3 (High Density Residential) District and the property is planned to be a commercial daycare, a use not permitted in R-3 Districts
2. The property is one (1) acre in size
3. The property has little public visibility
4. The property has a one story 9,400 sf building and off-street parking
5. The property has access from NW 6th Street and NW 7th Street
6. Rezoning the property is consistent with the Comprehensive Plan Future Land Use Map that specifies the area as future General Commercial land use
7. A multifamily residential development is located to the north, the VA Clinic to the south, wetlands to the east and vacant land to the west. Should the property be used for general commercial purposes, some uses may impact the residential property to the north. B-4 uses should not have an impact on the other properties in the area
8. The local streets are designed to handle the traffic generated by B-4 uses at the property
9. The B-4 Zoning will not negatively affect public services and facilities or overburden city services
10. The property was zoned B-4 prior to 2010
11. The future property/daycare owner spoke in favor and no one spoke on opposition

MOTION AND SECONDED BY COMMISSIONERS STRAW AND PRITSCHET, DULY CARRIED, TO RECOMMEND REZONING THE PROPERTY LOCATED AT 810 NW 7TH STREET FROM AN R-3 (MULTIFAMILY RESIDENTIAL) DISTRICT TO A B-4 (GENERAL COMMERCIAL) DISTRICT.

b. Public Hearing – Zoning Text Amendment to Amend Zoning Ordinance Sections:

- 515-02 – Definitions adding Brew Pub and Brewery/Taproom
- 515-61 - B-2 (Neighborhood Business) District by Conditional Use Permit
- 515-62 - B-3 (Central Business) District by Conditional Use Permit
- 515-63 - B-4 (General Commercial) District as a Permitted Use
- 515-64 - B-5 (Commercial Amusement) District by Conditional Use Permit
- 515-65 - B-6 (Washington Street Commercial) District as a Permitted Use
- 515-70 - I-1 (Light Industry) District as a Permitted Use

to add brew pubs and breweries/taprooms as permitted uses or conditional uses.

City Planner Ostgarden stated the Commission has received drafts of the Zoning Ordinance Sections that will be amended to allow Brew Pubs and Breweries/Taprooms as either permitted uses or conditional uses as noted above. He stated no language was added under conditions from the State Statute noting if there are questions about whether or not a brew pub meets the State Statute requirements, they are referred to the actual Statute.

City Planner Ostgarden noted the following “local” conditions:

- No outdoor storage
- No odors form the facility
- Comply with requirements of outdoor serving
- City Code licensing requirements

City Planner Ostgarden stated if the City Council approves the addition of residential uses in the B-2 District, does the Commission have concerns with the hours of operation of a brew pub in this district. He also asked, particularly in the B-3 District, is there concern with a brewery taking up frontage space in the B-3 District where general business would normally be located. He asked if there are other issues.

Discussion was held regarding the conditions/definitions and the ability of regular bars opening in these districts. Commissioner Plantenberg asked about the concern with opening a brewery on a store front. City Planner Ostgarden stated there is one City that has language to state the brewery does not exceed 50% of the floor area and is accessory to on-site sales and consumption.

The public hearing was opened at 6:30pm.

There was no public comment.

The public hearing was closed at 6:11pm.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND HEADLEY, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING TEXT AMENDMENTS TO ADD DEFINITIONS OF BREW PUBS AND BREWERIES/TAPROOMS TO SECTION 515-02 AND ALLOW BREW PUBS AND BREWERIES/TAPROOMS TO SECTION 515-61 – B-2 (NEIGHBORHOOD BUSINESS) DISTRICT AS A CONDITIONAL USE, SECTION 515-62 – B-3 (CENTRAL BUSINESS) DISTRICT AS A CONDITIONAL USE, SECTION 515-63 – B-4 (GENERAL COMMERCIAL) DISTRICT AS A PERMITTED USE, SECTION 515-64 – B-5 (COMMERCIAL AMUSEMENT) DISTRICT AS A CONDITIONAL USE, SECTION 515-65 – B-6 (WASHINGTON STREET COMMERCIAL) DISTRICT AS A PERMITTED USE, AND SECTION 515-70 – I-1 (LIGHT INDUSTRY) DISTRICT AS A PERMITTED USE WITH THE CORRECTION OF THE BREW PUB ON-SALE TO READ “A BREWER WITH AN ‘ON-SALE’ MALT LIQUOR LICENSE”.

Commissioner Parks stated if the B-2 District allows a regular bar, he does not feel a brew pub would be any different.

Discussion as held regarding a brewery in a store front and the concerns with having one at such location. The Commission felt it would be unique to downtown and would be a draw to consumers to go into the location.

c. Downtown Off-Street Parking Presentation

City Planner Ostgarden reviewed the information presented to the Commission last month regarding the concerns with downtown parking and the leased parking lots. He stated he needs to get additional information/clarification from the Council as to what type of recommendation or information they are looking for from the Planning Commission.

The Commission discussed what their role would be regarding parking downtown.

d. Rear Yard Parking

City Planner Ostgarden stated a complaint was received regarding the rear yard being taken up by vehicles. He stated most of the vehicles do not have proper tags therefore violation notices were sent to get the proper tags, but that is all the City can do regarding this issue. He stated he has brought this to the Commission to get them thinking about this issue and it will be on the agenda for the next meeting for additional discussion.

#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**

NONE

#7 **Commissioners' Questions/Comments**

None

#8 **City Planner's Report**

City Planner Ostgarden stated the League of Minnesota Cities has a land use course that can be taken on their website. He stated he feels all new members should take the 101 and 102 course.

City Planner Ostgarden stated the City Council did approve the first reading of the ordinance to allow residential uses in the B-2 District and he feels it will pass.

City Planner Ostgarden stated there was a tentative meeting scheduled with the City Council for March 28 and it has been postponed to a future date.

#9 **Adjourn**

As there was no further business the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

**CONDITIONAL USE PERMIT
STAFF REPORT TO THE PLANNING COMMISSION
April 11, 2016**

APPLICANT/LOCATION: Tim Haglin, 810 7th Street NW North (behind) the VA Clinic

Proposed Use: Commercial Day Care Center

AREA: 1.17 acre

CURRENT ZONING: B-4 (General Commercial)

ADJACENT USES: North: Multi family
East: Wetland/Civic Center
South: VA Clinic
West: City of Baxter/Northland Arboretum

ADJACENT ZONING: North: R-3 (Multi Family)
East: B-4 (General Commercial)
South: B-4 (General Commercial)
West: City of Baxter

PETITION EVALUATION

The site is proposed as a commercial day care licensed for up to 99 children. Attached is a letter describing the day care operations.

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.**

515-57-5 A. Conditional Uses Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:

- 1. Side yards shall be double that required for the district.*
- 2. Screening from abutting residential uses in accordance with Section 20 of this Ordinance.*

3. *Off-street parking and access must be provided on the site or on lots directly abutting or across the street from the principal use subject to the provisions of Section 22 of this Ordinance.*
4. *Off-street loading and service entrances subject to Section 23 of this Ordinance.*

Section 20 specifies:

A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes or is across an alley from land used or zoned for residential purposes. Berms may be used as part of the six (6) foot screen height but shall not be used to achieve more than three (3) feet of the required height. Landscape material provided along the outside of a fence or wall (except when adjacent to an alley) with maximum spacing is required as follows:*

<i>Type of Landscaping</i>	<i>Planting Requirements</i>
<i>Shrubs</i>	<i>5 per 40 lineal feet</i>

Section 23 specifies:

Day Care Facilities (more than 14 children).

One (1) space per teacher on the largest shift, plus one (1) space per ten (10) students/children based on maximum capacity of the facility.

The site has 32 off street parking spaces which meets our minimum requirements. In the attached 3/30/16 letter to the Planning Commission the center owners specify parking ratios that would require more parking than we require.

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

There are no special standards listed for this class of B-4 (General Commercial) conditional use. However all commercial day cares are regulated by Zoning Ordinance Chapter 29 Commercial Day Cares. Following are the general conditions from that section:

515-29-5: General Provisions. *Day care facilities shall be allowed as a principal use, provided that the day care facilities meet all the applicable provisions of this Section.*

- a. *Lot Requirements and Setbacks. The proposed site for a day care facility must have a minimum lot area as required by the applicable zoning district in which it is located and as determined by the Minnesota Department of Health and Human Services. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the public health, safety and general welfare. The day care facility must meet the minimum setback requirements of the respective zoning district. The City Council may increase setback requirements if considered necessary to ensure compatibility.*

- b. Sewer and Water. All day care facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.*
- c. Screening. A day care facility shall provide screening along shared property boundaries. Such required fencing and screening shall comply with the required fencing and screening provisions of Section 20 of this Ordinance.*
- d. Parking. There shall be off-street parking located separately from any outdoor play area and shall be in compliance with Section 22 of this Ordinance. Parking areas shall be screened from view of surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.*
- e. Loading. Off-street loading spaces in compliance with Section 23 of this Ordinance shall be provided.*
- f. Signage. All signing and informational or visual communication devices shall be in compliance with the provisions of Section 37 of this Ordinance.*
- g. Compliance with State Requirements. The building and operation shall be in full compliance with State of Minnesota, Department of Health and Human Services regulations and be licensed accordingly.*

This site and the daycare comply with all of the above requirements.

- 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 proposed use should not create any conditions as listed above.
- 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 site is developed and except for a new play area no changes or additions are planned to the facility.
- 5. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**
The site is developed and except for a new play area no changes or additions are planned to the facility.
- 6. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**
The site has a drive through on the south side of the site. NW 6th Street was extended as a private drive to complete a connection from NW 6th to NW 7th Streets. This will allow for onsite traffic flow enabling vehicles to enter at one end from NW 6th Street and exit through the other end.

There will most likely be some traffic back up during morning drop off and afternoon pickup. The corner of NW 7th Street and Jackson Street could see an increased amount of left turn movement. Jackson Street traffic volumes can be quite significant during weekdays. I have asked the Engineering Department for comments on the project. It did not identify that intersection as a potential problem.

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

The Zoning Ordinance Purpose and Intent is:

- *Protect neighborhoods.*
- *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- *Provide for compatibility of different land uses.*

The development of the site for a Montessori School preserves the objectives of the Zoning Ordinance by promoting orderly development.

The Comprehensive Plan supports the conditional use Goals and Strategies:

*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.*

Providing early childhood care in a learning environment helps to maximize Brainerd's potential as a thriving center for education and enhances community livability.

STAFF COMMENTS

Building

No comments until we see construction plans!

Engineering

If their peak drop off/pick up times correspond to peak hour on Jackson Street, there could be some minor stacking and delays of vehicles trying to access or cross Jackson Street, but it shouldn't be significant unless all of the activity is happening in a very short hours. They should maybe know up front that we will not support any requests for a 4-way stop on Jackson Street.

Parks

No comments.

Police

Concurs with Engineering comments..

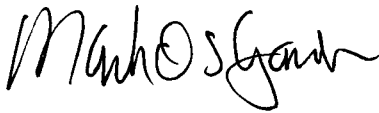
PLANNING DEPARTMENT RECOMMENATION

The site was initially developed as a school. The requirements of Section 29 are met and there are no other requirements that apply. The site will be required to have a screen along the north property line in accord with Chapter 22. This was required for the school but was not installed.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at the special meeting on Wednesday April 20, 2016. The City Council can consider the Planning Commission recommendation at it has agreed to consider the request at its Monday May 2, 2016 meeting

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Ostgarden", written in a cursive style.

Mark Ostgarden AICP
City Planner



3/30/16

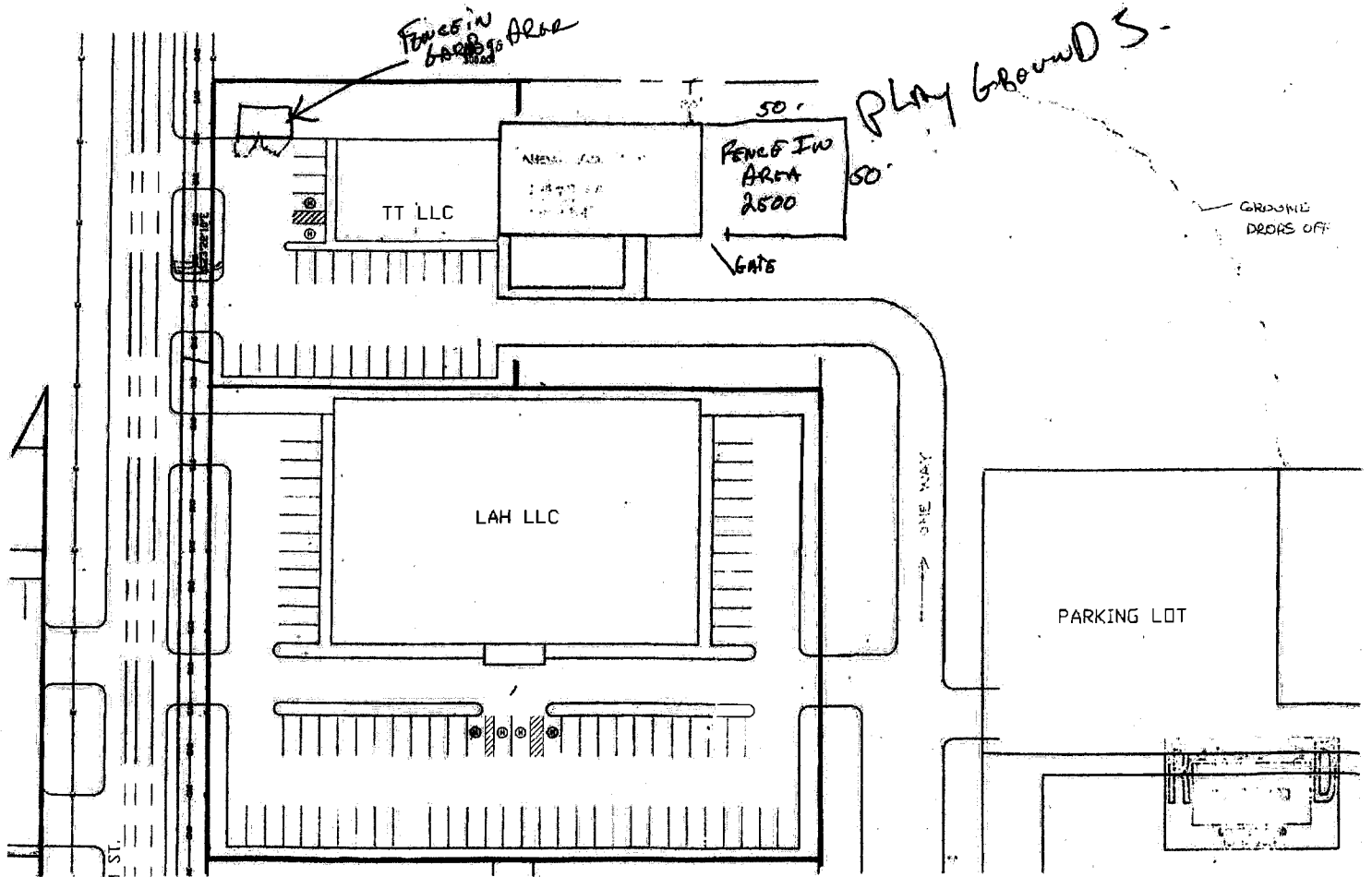
Stepping Stones Childcare Learning Center, Inc. is a full service childcare center licensed by the state of MN under Rule 3 licensing. Serena Bowman and Christel Cartie (sisters) started the first center in 2008 and continue to grow the business in the lakes area, hours are Monday-Friday 6am-6pm. Currently we have 3 childcare centers; Brainerd-licensed for 99 children, Baxter-licensed for 74 and Pequot Lakes - licensed for 62.

Rule 3 licensing requires a full curriculum, age appropriate grouping and school readiness. We are able to accommodate ages 6 weeks old to Kindergarten along with school age summer programs dependent on availability per location. Center based childcare follows a staff to child ratio; Infant ratio is 1:4, Toddler 1:7, Preschool 1:10, School Age (summer program) 1:15. Currently our Brainerd and Baxter centers are full with a waiting list of about 45 children and an infant waiting list into October of 2016. As you can see with our waiting list and overflow of childcare needs it shows that there is definitely a demand for high our quality childcare in the lakes area.

We would like to open a facility that is larger and able to accommodate the needs of the families for early education in our area. This location would be able to accommodate approximately 160 children along with 20 staff. We would need 20 parking spaces to accommodate staff and currently there are 32 on site, which would mean we would need about 6 offsite parking spaces. Parent Drop off and pickup times vary throughout our hours of operation 6am-6pm, peak traffic would be 6am-10am and 3pm-6pm. As parents generally spend a min of 5 minutes or less for drop off and pickup and having a one way traffic flow we do not see a traffic concern. Currently in our Brainerd location we have between 80-100 children dropped off daily, with only one entrance in and about 30 parking spaces, 12 for parents and do not run into parking issues.

The building is setup for a childcare center with minor interior changes. Some of these changes consist of a fenced in playground to the East of the building along with a fenced in garbage area on site would be needed (noted on attached drawing).

Serena Bowman and Christel Cartie
Co-Owner/Director
Stepping Stones Childcare Learning Center, Inc.
www.steppingstonesmn.com
Brainerd 218-270-3100 ext. 1
17140 State Hwy 371, Brainerd
Baxter 218-270-3100 ext. 2
7140 Fairview Road, Baxter
Pequot Lakes 218-568-4898
3261 Rosewood Drive, Pequot Lake



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that TT of Brainerd LLC, 13754 Two Mile Rd, Brainerd, MN 56401, has applied for a Conditional Use Permit for JDB LLC to open a commercial daycare center at 810 NW 7th Street; Brainerd, MN 56401. The property is located in a B-4 (General Commercial) District. Zoning Ordinance Section 515-73-6 (P) commercial daycare facilities are permitted by Conditional Use Permit in a B-4 District.

The property is legally described as follows:

That part of the NW1/4 of SW1/4 desc as follows, commat the W quarter corner of said Sec 4, then S, assumed bearing 525.11 ft alg the W line of said Sec 4, the N 66 deg 37 min 50 sec E 35.26 ft to the point of beg, then N 66 deg 37 min 50 sec E 150 ft, then S 23 deg 22 min 10 sec E 150 ft then S 66 deg 37 min 50 sec W 150 ft, then N 23 deg 22 min 10 sec W 150 ft to the point of beg, also known as Lots 6, 7, and 8, Block V West Brainerd and the W 1/2 of the vacated N-S alley in said Block V adjacent and accruing to said lots. Subject to reservation, restrictions and easement of record, if any, West Brainerd

Section 4 Township 133 Range 28

P.I.N. #0919800V0060009

And

Pt of NW1/4 of SW1/4 desc: comm at W 1/4 cor of sd Sec 4 then S assm bear 525.11 ft alg W line of sd Sec 4 then N 66D 37'50"E 35.26 ft then cont N 66D 37'50"E 150 ft to POB then N 66D 37'50"E 150 ft then S 23D 22'10" E 150 ft then S 66D 37'50" W 150 ft then N 23D 22'10" W 150 ft to POB. TOG/W pt of Vacated Sixth St lying between E'ly ext of N & S lines of foregoing desc Lots 3,4 & 5 Block V West Brd TOG/W an Esmnt, West Brainerd

Section 4 Township 133 Range 28

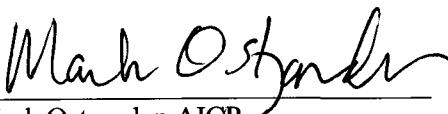
P.I.N. #0919800V0060009

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, April 20, 2016 to consider the request for the Conditional Use Permit.

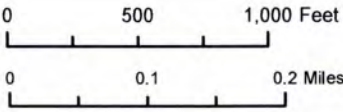
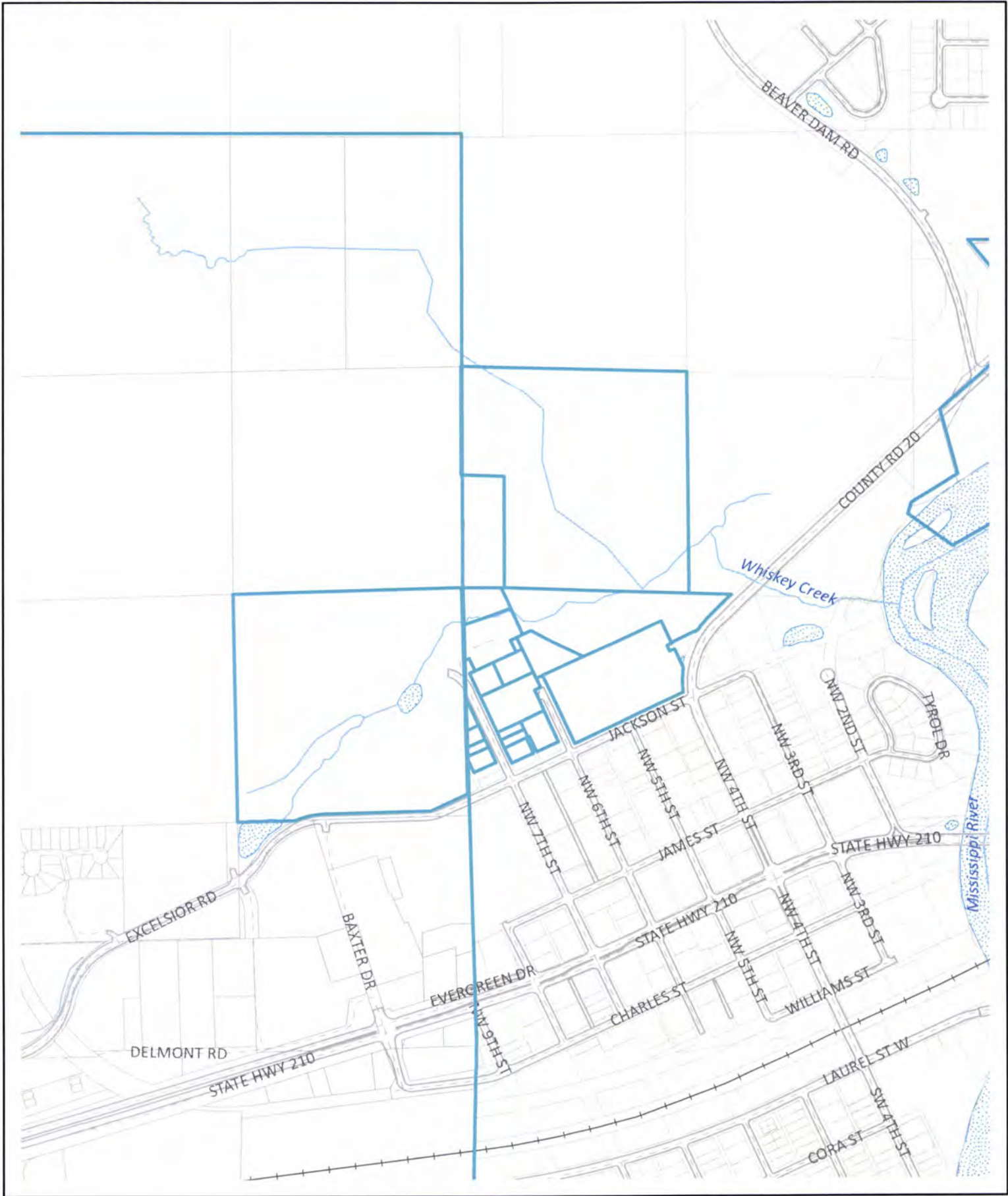
A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

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

Dated this 6th day of April, 2016


Mark Ostgarden AICP
City Planner

Publication date: April 8, 2016





City Planning Department

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

Receipt # _____
Check # _____
Date Paid: _____

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: 810 NW 7th Street, Brainerd MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: PID - 0919800V000Z009/0919800V0060009
(attach description if lengthy)

Property Owner Name: TT of Brainerd LLC

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

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

Applicant Name: (If different than Property Owner) JDB LLC

Street Address: 20959 State Highway 6 City: Deerwood State: MN Zip Code: 56444

Phone Number: 507-254-8817 Fax: _____ E-mail: jerry@magnummachining.com

Description of Request: Obtain a CUP for 810 NW 7th Street, Brainerd MN.

Property Owner Signature

Date

(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

CONDITIONAL USE PERMIT
STAFF REPORT TO THE PLANNING COMMISSION
April 11, 2016

APPLICANT/LOCATION: Brainerd Industrial Center (B.I.C.), 1801 Mill Avenue

Proposed Use: Construction and Demolition Debris Transfer Station and a Recycling Center

AREA: 71 acres

CURRENT ZONING: I-2 (General Industry)

ADJACENT USES: North: River
East: Memorial Park
South: B.I.C. site
West: River

ADJACENT ZONING: North: County
East: R1-A (Single Family Residential)
South: I-2 (General Industry)
West: RA (Rural Agriculture)

PETITION EVALUATION

Brainerd Industrial Center has submitted a Conditional Use Permit request to operate both a construction and demolition debris transfer station and a Multiple Recycling Facility at its site. The transfer station will be operated by B.I.C. and the recycling facility will be operated by GreenForest Recycling Resources, Inc. LLC. The transfer station will operate in a 30,000 sf roofed open sided building with a concrete floor on the site's north side. The recycling facility would lease space inside the main building. Attached is a photo of the transfer station building, an aerial view depicting its location and a building plan identifying where the transfer station and recycling center will be located. Enclosed are letters from both B.I.C. and GreenForest Recycling with information about the proposals.

The Minnesota Pollution Control Agency has written *Solid waste facilities A guide to Minnesota's Industrial Stormwater Permit*. Following is an excerpt from the guide:

The industrial stormwater permit regulates all landfills that accept industrial process wastes from any facilities within the 29 sectors of industrial activity (see table on the last page of this fact sheet). Waste from industrial processes does not include waste from non-

manufacturing activities, or construction and demolition waste, even if the waste is from the demolition of buildings of a regulated industrial facility.

A transfer facility is one in which solid waste from waste haulers or individuals is compacted, sorted, or re-arranged for subsequent transport. Transfer stations may be regulated by up to three different industrial sectors:

Sector L: Landfills, and land application sites. *If the transfer station is owned and operated by a single landfill, it is considered “auxiliary” to the landfill and takes on the Narrative Activity of the landfill, even if it is at the same location of the landfill (co-located) or at a different location from the landfill (auxiliary).*

Sector N: Scrap recycling and waste recycling facilities. *If the transfer station receives wastes from multiple sources and sorts/sells the waste to a variety of companies, then it is operating as a stand-alone transfer station and may often operate similar to a recycling center, more specifically listed below.*

This is the type of transfer facility that will operate at the B.I.C..

Sector P: Land transportation and warehousing. *If the transfer station also operates a waste facility (picking up waste from individuals, and businesses) and the vehicles for waste hauling are maintained at the transfer station, then the painting, fueling and lubrication and equipment cleaning operations are a regulated industrial facility. Vehicle maintenance includes vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication and equipment cleaning operations.*

Sectors M and N: Recycling activities

All recycling centers that accept waste for sorting and distribution, including material recovery facilities that receive paper, glass, plastic, and aluminum from non-industrial sources are required to apply for industrial stormwater permit coverage.

These activities include, but are not limited to:

- *processing, re-claiming, and wholesale distribution of scrap, and waste materials, such as ferrous and non-ferrous metals, paper, plastic, cardboard, glass, and animal hides*
- *re-claiming, and recycling liquid wastes, such as used oil, antifreeze, mineral spirits, and industrial solvents*

This is the type of recycling facility that will operate at the B.I.C..

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 uses conform to the district as they will utilize existing facilities. General regulations such as setbacks, building exterior appearance, height, etc. do not apply as the existing facilities. Following are the Conditional Use Permit provisions listed in the Zoning Ordinance:

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 fighting 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.*
- 9. Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

The one area that probably raises the most concern is noise. From time to time when unloading and loading there may be some detectable noise. However, noise should not rise to the level that would violate MPCA limits. Should the Planning Commission desire it can specify that noise not be perceptible from Mill Avenue or another way is to specify it not be perceptible from the nearest residential property.

Should any of the other above requirements become an issue they will need to be addressed. B.I.C. has proven to be an owner that is conscientious about issues like noise, dust, odors, etc.

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

There are no special standards in the Zoning Ordinance that apply to the proposed uses.

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 facilities are secured to prevent danger and injury. The transfer station building is setback approximately 350 feet from Mill Avenue. The closest residence is approximately 1,100 feet away which will be a good buffer for the neighborhood.

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 transfer station building is setback approximately 350 feet from Mill Avenue. The closest residence is approximately 1,100 feet away. The recycling center will operate within the existing main building.

The transfer station site is visible from Mill Avenue. Should the Planning Commission think it important, it can require that the facilities be screened from public view.

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

The uses should not change the visual impression and environment that currently exist provided that all construction demolition debris is kept within the confines of the building where all the loading, unloading and sorting of the material will occur.

As stated earlier, should the Planning Commission think it necessary it can require the facilities be screened from public view.

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

The site sets up well to provide organized vehicular access. The site has 1 controlled access from Mill Avenue. An automatic entrance/exist gate has been installed to secure access to the uses. Mill Avenue is designed to accommodate the truck traffic that use the facilities.

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

COMMERCIAL/INDUSTRIAL LAND USE

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

Strategy

Require new commercial and industrial developments to have access to adequately sized and designed public roads.

LAND USE GOAL #4: *Plan land uses and implement standards to minimize land use conflicts.*

Strategy

Encourage the location of commercial and industrial development in areas that avoid adverse impacts, such as truck traffic, through residential areas.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.

STAFF COMMENTS

Building

No issues.

Engineering

No comments.

Brainerd Public Utilities

It will be running a new electrical service for this operation. No issues.

Parks

Asked about noise. No other issues.

Police

No comments.

Planning Department

The transfer station requires a state permit and the recycling facility requires a state permit-by-rule (one page document).

The Planning Department has had little involvement in transfer station and recycling facilities. The Department has done research to better understand the processes and the permitting requirements.

Although both facilities are regulated by standards specified by the MPCA that does not mean that the neighborhood and community do not have the ability to understand the details of the activities and inquire about concerns such as:

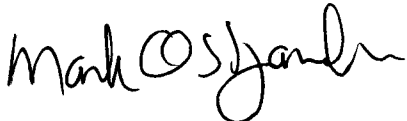
- Noise
- Dust
- Garbage blowing around the site and neighborhood
- Hours of operation
- Others

If all operations are contained under the covered building for the demolition and construction transfer station and within the main building of the MRF facility, both operations should operate without adverse impacts. Both operations will begin small and hopefully will grow.

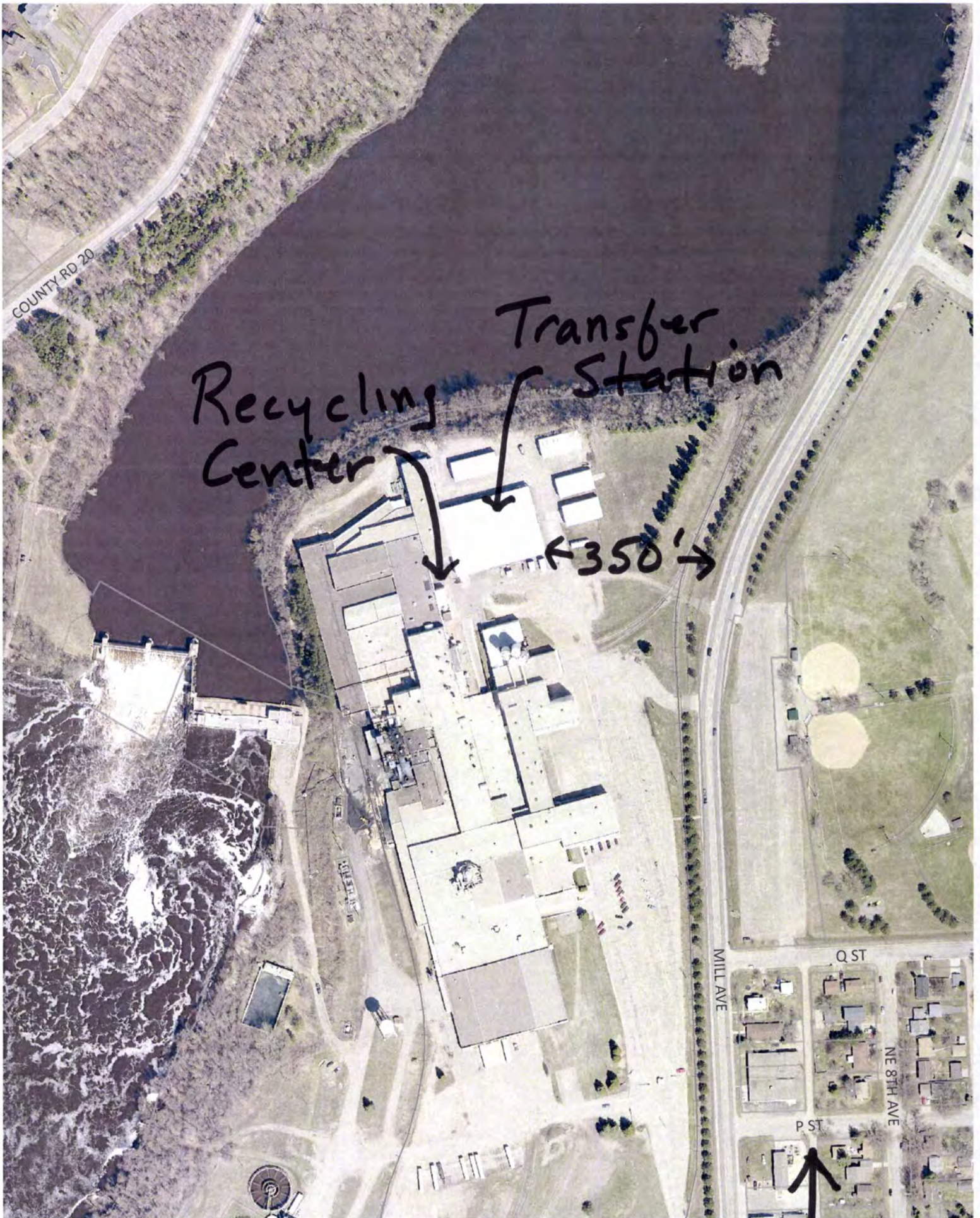
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at the special meeting on Wednesday April 20, 2016. The City Council can consider the Planning Commission recommendation at it has agreed to consider the request at its Monday May 2, 2016 meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Ostgarden', with a stylized flourish at the end.

Mark Ostgarden AICP
City Planner



COUNTY RD 20

Recycling Center

Transfer Station

350'

MILL AVE

Q ST

NE 8TH AVE

P ST



Facility Locations



Relationship to Residential Uses N



Google earth

feet 10
meters 3





Brainerd Industrial Center, LLC

1801 Mill Avenue NE
Brainerd MN 56401
(218)454-3960

March 21st, 2016

Brainerd Planning Commission

RE: Conditional Use Permit Building 60

Our intent at Brainerd Industrial Center is to receive Construction & Demolition debris to Building 60 (marked as Area 1 in the reference document) via dumpster, pick-up truck, semi-trailer and/or other means of transport for said materials.

Area 1 will only be used for a Recycle and Transfer station of the Construction & Demolition waste. The materials being sorted out will be wood, metals, cardboard, plastics and other materials that are marketable for re-use.

Any materials not deemed fit for recycle (i.e. dry wall, shingles, certain plastics and paper) will be reloaded and sent to the proper landfill.

There is additional need for recycle in Area 2 of the same facility by our leasee, GreenForest Recycling Resources LLC which their desired use is outlined in the attached document.

Thank you for your consideration.

Signed:

Mike Higgins, Owner/ CEO Brainerd Industrial Center LLC

Contact:



March 21, 2016

Greenforest Recycling Resources, LLC is proposing to put in a single stream recycling system within the confines of the Brainerd Industrial Center. This facility would take in residential curbside recycling & commercial recycling from the Brainerd Lakes area. The waste companies would deliver to this facility and then we would mechanically sort and process the recycling material into individual streams (paper, cardboard etc.). The baled recycled material would then be sold to end users that will process the material into new reusable products.

Please call me if you have any questions.

Thank you,

A handwritten signature in blue ink, appearing to read "Jeff Grunenwald".

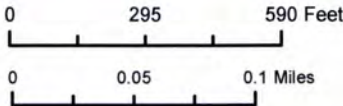
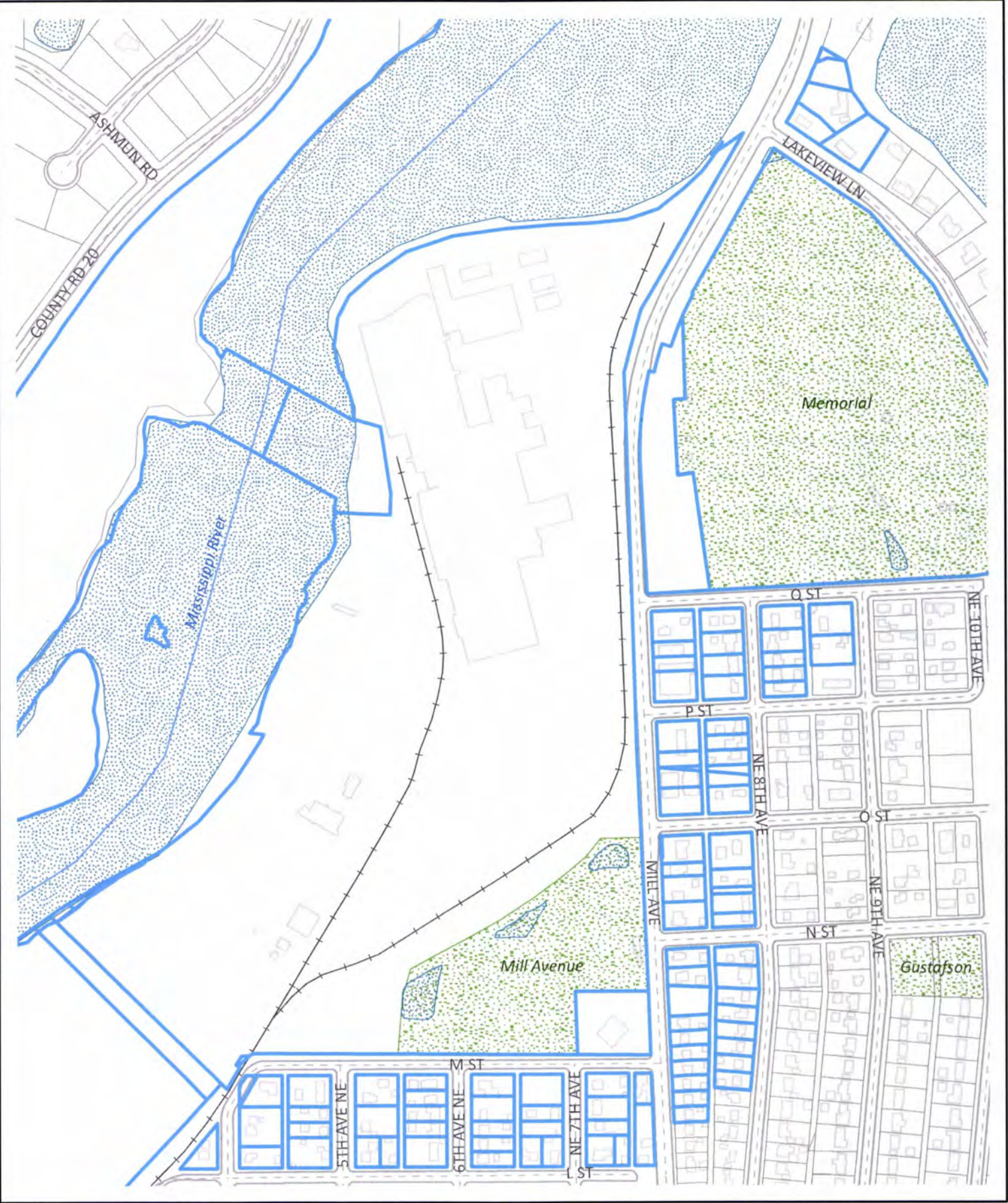
Jeff Grunenwald

GreenForest Recycling Resources, LLC

612-224-1004

jeff@greenforestrecyclingresources.com

www.greenforestrecycle.com



CUP - 1801 MILL AVE

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
09201008001Z009	ANDERSEN, PAUL M & CHRISTA	17370 GULLVIEW TRL	BRAINERD MN 56401	1424 MILL AVE
091720040040009	BARCLAY, SHANE	1215 5TH AVE NE	BRAINERD, MN 56401	1215 5TH AVE NE
091360010050009	BARQUERO, AMANDA	1238 MILL AVE	BRAINERD, MN 56401	1238 MILL AVE
091720020120009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1204 6TH AVE NE
092010080030889	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1418 MILL AVE
09148001001Y009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1624 MILL AVE
091480010030009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1616 MILL AVE
09148001010Z009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1613 8TH AVE NE
09148002001Z009	BOCHOW, RENEE M & AARON M	1624 8TH AVE NE	BRAINERD, MN 56401	1624 8TH AVE NE
09148001011Y009	BOCK, LEON A	1623 8TH AVE NE	BRAINERD MN 56401	1623 8TH AVE NE
091720030050009	BOELTER, JAMES H & JANELLE KLUCAS AND ARDELLE F BOELTER	1221 6TH AVE NE	BRAINERD, MN 56401	1221 6TH AVE NE
091360010230009	BOGUCKI, ILLA	1237 8TH AVE NE	BRAINERD MN 56401	1237 8TH AVE NE
091480050110009	BRAINERD HOUSING & REDEVELOPMENT AUTHORITY	324 EAST RIVER RD	BRAINERD, MN 56401	1519 8TH AVE NE
050184203E00009	BRAINERD INDUSTRIAL CENTER LLC	1801 MILL AVE	BRAINERD MN 56401	1801 MILL AVE
09172003007Z009	CAPRANOS, TOM	PO BOX 163	NORTHWOOD, IA 50459	1220 5TH AVE NE
050192101B00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09172004007Y009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
050184203EA0009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
970341101A00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
050184103X00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09201008004Z009	CLARK, TREVOR A & JAMIE L	1414 MILL AVE	BRAINERD, MN 56401	1414 MILL AVE
09148002002Z009	COLLETTE, ANGELA K	1620 8TH AVE NE	BRAINERD, MN 56401	1620 8TH AVE NE
09172001004Z009	CROCKER, RONALD L & MARGARET	1222 7TH AVE NE	BRAINERD MN 56401	1222 7TH AVE NE
09201008001A009	CROW WING COUNTY HIGHWAY DEPARTMENT	16589 COUNTY ROAD 142	BRAINERD MN 56401	
09172002001Z009	DEGEN, MICHAEL	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	615 L ST NE
091720080070009	DOUTHART, LEONA A REV TRUST	1124 4TH AVE NE	BRAINERD, MN 56401	1124 4TH AVE NE
091360010210009	ESLINGER, JASON AND HANNAH MUELLER	1229 NE 8TH AVE	BRAINERD, MN 56401	1229 8TH AVE NE
050192102B00009	EVERGREEN, CEMETERY ASS'N	1105 3RD AVE NE	BRAINERD MN 56401	
050192102B00009	EVERGREEN, CEMETERY ASS'N	1105 3RD AVE NE	BRAINERD MN 56401	
091720050000009	FELLMAN, RICHARD C & BLANCA L	1201 4TH AVE NE	BRAINERD, MN 56401	1209 4TH AVE NE
09172002008Z009	FLANNIGAN, THOMAS & SARAH	1216 6TH AVE NE	BRAINERD, MN 56401	1216 6TH AVE NE
09201008009Z009	FOX, DOUGLAS S	1405 8TH AVE NE	BRAINERD, MN 56401	1405 8TH AVE NE
09172004005Z009	FRANZEN, JACK M & BONNIE	18853 TRACSIDE RD	BRAINERD MN 56401	1223 5TH AVE NE
091480020040009	FRINK, CHAD & STEFANIE	1610 8TH AVE NE	BRAINERD MN 56401	1610 8TH AVE NE
09172004011Z009	GERHARDT, TERI J	1202 4TH AVE NE	BRAINERD, MN 56401	1202 4TH AVE NE
050184203D00009	GRAVES, SONJA & EMMETTE HORN	1950 MILL AVE NE	BRAINERD, MN 56401	
050184203C00009	GRAVES, SONJA & EMMETTE HORN	1950 MILL AVE NE	BRAINERD, MN 56401	
091480050090009	GRUNEWALD, WILLIAM E & JOAN A	12170 DEER PATH	MERRIFIELD MN 56465	
092010010070009	GRUNEWALD, WILLIAM E & JOAN A	12170 DEER PATH	MERRIFIELD MN 56465	1513 8TH AVE NE
09172003011Y009	HAMLIN, NANCY C	511 L ST NE	BRAINERD MN 56401	511 L ST NE
09201001005Z009	HEMMILA, JEFFREY	1507 8TH AVE NE	BRAINERD MN 56401	1507 8TH AVE NE
091360010040009	HESS, JOLEEN	1300 MILL AVE	BRAINERD, MN 56401	1300 MILL AVE
091720010070009	HODGE, SARA	1212 7TH AVE NE	BRAINERD, MN 56401	1212 7TH AVE NE
09148001007Z009	HOEFFERLE, TERRI	823 P ST NE	BRAINERD, MN 56401	823 P ST NE
09201009005Y009	HOLDEN, BETTY	1321 8TH AVE	BRAINERD MN 56401	1321 8TH AVE NE
09172004009Z009	HORAK, ROBERT A REV TRUST	16697 JOHNSON RD	BRAINERD, MN 56401	1210 4TH AVE NE
091360010060009	HUBER, JIMI	1234 MILL AVE	BRAINERD MN 56401	1234 MILL AVE
09172007005Z009	HUMMEL, ROBERT G	1520 10TH ST S	BRAINERD, MN 56401	1121 4TH AVE NE
091360010090009	JEWELL, ROBERT D & SUSAN M	1222 MILL AVE	BRAINERD MN 56401	1222 MILL AVE
09192000001B009	JOHNSON, DANIEL	801 LAKEVIEW LN	BRAINERD, MN 56401	1902 MILL AVE
09192000001A009	JOHNSON, DANIEL	801 LAKEVIEW LN	BRAINERD, MN 56401	801 LAKEVIEW LN
091720030040009	JOHNSON, JASON A P & KRISTA A	1215 6TH AVE NE	BRAINERD, MN 56401	1215 6TH AVE NE

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
09201009004Y009	JOHNSON, LISA KAY	2130 HILLSIDE DR	SHAKOPEE, MN 55379	1315 8TH AVE NE
091720030060009	JUSTIN, DERRICK	520 M ST	BRAINERD, MN 56401	520 M ST NE
091480020060009	KARELS, MITCHELL E	903 P ST NE	BRAINERD, MN 56401	903 P ST NE
091720020110009	KELM, WILLIAM H & TERESA D	1208 NE 6TH AVE	BRAINERD, MN 56401	1208 6TH AVE NE
091720020052009	LAKES AREA HABITAT FOR HUMANITY INC	PO BOX 234	BRAINERD MN 56401	1217 7TH AVE NE
091720030112009	LANGLAIS, MICHAEL	503 L ST NE	BRAINERD, MN 56401	503 L ST NE
091480050100009	LASH, SHARON J	1517 8TH AVE NE	BRAINERD MN 56401	1517 8TH AVE NE
091360010030009	LETENDRE, DONALD & LUVERNE AND JANINE LETENDRE	1304 MILL AVE	BRAINERD, MN 56401	1304 MILL AVE
091360010012009	LETENDRE, DONALD & LUVERNE AND JANINE LETENDRE	1304 MILL AVE	BRAINERD, MN 56401	1314 MILL AVE
091480020112009	MJOLSNES, AMELIA	19709 SHADY LN	BRAINERD, MN 56401	1623 9TH AVE NE
091720040030009	MOGENSEN, DELORIS J	1211 5TH AVE NE	BRAINERD MN 56401	1211 5TH AVE NE
092010080062009	MORGAN, JOAN P	1223 MILL AVE	BRAINERD MN 56401	1402 MILL AVE
091720010030009	MORGAN, JOAN P	1223 MILL AVE	BRAINERD, MN 56401	1223 MILL AVE
091360010080009	MORRIS, THERESA J (LIFE ESTATE)	1226 MILL AVE NE	BRAINERD MN 56401	1226 MILL AVE
091720010052009	MUDGETT, DEVYN M	1218 7TH AVE NE	BRAINERD, MN 56401	1218 7TH AVE NE
091720020040009	NUSBAUM, BERNIE PAUL	1215 7TH AVE NE	BRAINERD, MN 56401	1215 7TH AVE NE
091720040012009	OLSON, JOSEPH P	423 L ST NE	BRAINERD, MN 56401	423 L ST NE
09172001008Y009	PENN, LINDA A	711 L ST NE	BRAINERD MN 56401	711 L ST NE
092010080080009	PETERSEN, CHRISTOPHER & CARLY SLETTE	1401 8TH AVE NE	BRAINERD, MN 56401	1401 8TH AVE NE
091920000020009	PORWALL, CYRIL & KATHY	805 LAKEVIEW LN	BRAINERD, MN 56401	805 LAKEVIEW LN
092010090022009	PREISINGER, ROGER LEROY & CAROL AN	1320 MILL AVE	BRAINERD MN 56401	1320 MILL AVE
091720030030009	PUERINGER, DAVID F	616 1/2 FRONT ST	BRAINERD MN 56401	1211 6TH AVE NE
091720020072009	RETTKE, KAREN A	1222 6TH AVE NE	BRAINERD, MN 56401	1222 6TH AVE NE
091720010012009	ROSS, LONNIE	34 JESSICA LN	BRAINERD, MN 56401	1205 MILL AVE
091360010240009	RUSSOM, MAUREEN A	1301 8TH AVE NE	BRAINERD, MN 56401	1301 8TH AVE NE
091480050012009	S & P QUISBERG LLC	PO BOX 2656	BAXTER, MN 56425	1518 MILL AVE
092010010032009	S & P QUISBERG LLC	PO BOX 2656	BAXTER, MN 56425	1500 MILL AVE
091480050030009	S & P QUISBERG LLC	PO BOX 2656	BAXTER, MN 56425	1514 MILL AVE
091480050040009	S & P QUISBERG LLC	PO BOX 2656	BAXTER, MN 56425	
092010010012009	S & P QUISBERG LLC	PO BOX 2656	BAXTER, MN 56425	1508 MILL AVE
091360010220009	SCHMIDT, BEATRICE E	1233 8TH AVE NE	BRAINERD, MN 56401	1233 8TH AVE NE
091480020092009	SELISKER, MICHAEL J	1615 9TH AVE	BRAINERD MN 56401	1615 9TH AVE NE
091480020050009	SHEA, SEAN M	1606 8TH AVE NE	BRAINERD, MN 56401	1606 8TH AVE NE
091360010070009	SHOGREN, JERRALD L & VICKI A	1230 MILL AVE	BRAINERD MN 56401	1230 MILL AVE
091480010082009	SIMON, PEGGY JOANN	1603 8TH AVE NE	BRAINERD, MN 56401	1603 8TH AVE NE
092010090012009	SPECHT, LARRY A & VALERIE G	3595 BEDOW RD	FORT RIPLEY, MN 56449	1324 MILL AVE
091720020100009	STAHL, HERBERT H & BETTY	1212 6TH AVE N E	BRAINERD MN 56401	1212 6TH AVE NE
091720010082009	STEININGER, DELLA L	703 L ST NE	BRAINERD, MN 56401	703 L ST NE
091720020030009	SWEARINGEN, RUSSELL L & SHIRLEY #	623 L ST NE	BRAINERD MN 56401	
09172002001Y009	SWEARINGEN, SHIRLEY A	623 L ST NE	BRAINERD, MN 56401	623 L ST NE
091480010052009	TERHAAR, THOMAS A & KATHRYN	1124 24TH AVE N	ST CLOUD MN 56303	1606 MILL AVE
091480010040009	TERHAAR, THOMAS A & KATHRYN	1124 24TH AVE N	ST CLOUD MN 56303	1610 MILL AVE
09172004007X009	VESEL, JOSHUA D	12847 SW ALFALFA LN STE 2	PILLAGER MN 56473	402 M ST NE
091360010260009	VLECK, AMY M & DANIEL P	14191 CROOKED LAKE RD	DEERWOOD, MN 56444	1311 8TH AVE NE
091360010250009	VLECK, DANIEL P & AMY M	14191 CROOKED LAKE RD	DEERWOOD, MN 56444	1307 8TH AVE NE
092010080122009	WALSH, BRIAN E & JULIE	1421 8TH AVE NE	BRAINERD, MN 56401	1421 8TH AVE NE
09201008011Y009	WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401	1413 8TH AVE NE
091720030092009	WILEY, JEANINE L	1210 5TH AVE NE	BRAINERD, MN 56401	1210 5TH AVE NE
091720030012009	WINTERFELD, LINDSAY M	523 L ST NE	BRAINERD, MN 56401	523 L ST NE
091480050120009	ZHOU, WEI & CECILIA	3088 MOLINA ST	SHAKOPEE, MN 55379	1523 8TH AVE NE

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Brainerd Industrial Center, 1801 Mill Avenue, Brainerd, MN 56401 has applied for a Conditional Use Permit for a recycle and transfer station of construction and demolition waste at 1801 Mill Avenue; Brainerd, MN 56401. The property is located in an I-2 (General Industry) District zone. Zoning Ordinance Section 515-71-5 (H) Refuse/garbage collection, recycling and incineration or reduction of waste material are permitted by Conditional Use Permit in an I-2 District.

The property is legally described as follows:

Pt of GL 1 & 2 Sec 19-45-30 desc....(for full legal description contact the City of Brainerd)
Section 18 Township 45 Range 30
P.I.N. #050184203E00009

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, April 20, 2016 to consider the request for the Conditional 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 6th day of April, 2016


Mark Ostgarden AICP
City Planner

Publication date: April 8, 2016

**City Planning Department**

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

Receipt #	<u>2016-00004</u>
Check #	<u>1520</u>
Date Paid:	<u>3/21/16</u>

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: 1801 Mill Avenue, Brainerd 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Mike Higgins / Brainerd Industrial Center

Street Address: 1801 Mill Avenue City: Brainerd State: MN Zip Code: 56401

Phone Number: 454-3960 Fax: - E-mail: mikeh@brainerdindustrialcenter.com

Applicant Name: (If different than Property Owner) Jeff Greenwald, Green Forest Recycling Resources

Street Address: 1801 Mill Avenue City: Brainerd State: MN Zip Code: 56401

Phone Number: 612-224-1004 Fax: 454-3979 office E-mail: jeff@greenforestrecyclingresources.com

Description of Request: Construction & Demolition Debris transfer station
single stream Recycling "Green forest Recycling"

[Signature]
Property Owner Signature

3-21-16
Date

Michael D Higgins
(Please print name)

[Signature]
Applicant Signature

3/21/16
Date

Jeff Greenwald
(Please print name)

BIC
Sent 4-8-16
NT

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: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@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

MEMO

TO: Planning Commission

CC: Mark Ostgarden, City Planner 

DATE: April 16, 2016

RE: Residential Rear Yard Parking

At the March 16, 2016 meeting, the Planning Department requested the Planning Commission give some thought to whether it desires to review residential rear yard vehicle parking. This item is on the agenda to discuss the issue and determine if the Planning Commission desires to review the issue.

The attached photo was presented at the March meeting as an example of the type of situation that can occur in the community.

Rear yard parking is permitted on any surface, grass and dirt included. Also, we do not specify the maximum number of vehicles allowed on a property at any time.



Comprehensive plan one step closer to adoption



Jenny Berg, jberg@stcloudtimes.com

8:12 p.m. CST March 7, 2016



(Photo: Dave Schwarz,
dschwarz@stcloudtimes.com)

St. Cloud City Council on Monday looked at the "best comprehensive plan" the city has created in the last 50 years, according to Matt Glaesman, community development director.

The draft comprehensive plan has been in the works since October 2014. Glaesman considers it the best because it includes the most input of any of the city's past plans.

"It's called comprehensive for good reason," he said of the plan, many venues including online surveys, trolley tours and commu

City Council voted to table the adoption of the plan, which is up

hearing for the plan.

Cold Spring resident Cliff Johnson was the only person to speak at the public hearing. He spoke against the southeastern corner of the intersection of Minnesota Highway 23 and Minnesota Highway 15.

"In my mind, it needs to stay a park," he said.

The draft released last October stated the city should look to redevelop the park. The revised plan approved in February states the city should assess the long-term viability of the park.

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St. Cloud City Council member George Hontos, right, asks questions about the process that will be used to approve the city's comprehensive plan during Monday's city council meeting at St. Cloud City Hall. (Photo: Dave Schwarz, dschwarz@stcloudtimes.com)

"To be thinking about reducing the amount of green space when you know over time you're going to lose green space anyways to other projects ... it makes no sense to me," Johnson said.



ST. CLOUD TIMES

[St. Cloud comprehensive plan moves ahead](#)

(<http://www.sctimes.com/story/news/local/2016/02/09/st-cloud-comprehensive-plan-moves-ahead/80025422/>)

Comprehensive plan one step closer to adoption

Council President Jeff Goerger said he thinks this comprehensive plan has garnered more public input than the city's other plans. The last time the city updated its comprehensive plan was 2003.

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St. Cloud City Council members listen during a public comment period of the city's proposed comprehensive plan during Monday's city council meeting at St. Cloud City Hall. (Photo: Dave Schwarz, dschwarz@stcloudtimes.com)

"I don't remember us having that kind of input after the plans were put out," he said.

Glaesman suggested the City Council discuss the plan at the March 14 study session and consider adopting the plan at the March 21 meeting. The plan requires a super majority of five votes for approval.

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City's future at center of discussion at summit

BY JANICE PODSADA

WORLD-HERALD STAFF WRITER | Posted: Friday, March 4, 2016 6:11 am

YOUNG PROFESSIONALS

Corey Green, an architectural designer, grew up in Omaha but left for educational and career opportunities in 2005. Two years ago, he returned to the Omaha area after living in New Orleans, Chicago and New York City.

As a result, Green has a laundry list of amenities he's seen elsewhere — from public transportation options to public art — that he would like to see incorporated into his hometown.

"Our generation has lived elsewhere. Now we're coming back and in the position to create Omaha's identity," said Green, 28.

Green was among the young people who attended the Greater Omaha Young Professionals Summit, sponsored by the Greater Omaha Chamber of Commerce, Creighton University's Heider College of Business, HDR and the University of Nebraska at Omaha's office of graduate studies. More than 1,400 attended the event, held Thursday at the Century Link Center.

Josh Linkner, an entrepreneur and venture capitalist, opened the summit. The other keynote speaker, Randi Zuckerberg, founder and chief executive of Zuckerberg Media and Facebook founder Mark Zuckerberg's sister, closed the daylong event.

In between, more than a dozen breakout sessions took up a range of topics. Those sessions included navigation of the multigenerational workplace (there are currently five generations on the job, including 77 million millennials); local job creation to reduce crime; and a discussion centered on determining which nonprofits — there are more than 3,100 in the metro area — should be the recipient of your time and money.

The summit's overarching theme revolved around the area's future: What will Omaha look like in 2025?

"That will be answered, in part, by you," Todd Swirczek, an Omaha city planner, told summit participants.

While policymakers will undoubtedly have a hand in its appearance, its residents, particularly its youthful residents, can have a profound influence.

Swirczek urged participants to speak up, contact their representatives and join their local neighborhood associations, whether they rent or own. He sees those efforts as a means to have a hand in guiding the region's economic, residential, retail and commercial growth.

Omaha's population nearly

doubled from 1940 to 2010, rising from 223,000 to 409,000, "but that growth has been accompanied by a 350 percent increase in land area used," he said.

And there's more sprawl ahead, if the area doesn't take advantage of and redevelop the buildings and land in areas that are already served by roads, sewers and utility infrastructure, he said. New development that requires installing sewers is "incredibly expensive."

And when older neighborhoods are rehabilitated, they can be a magnet for millennials and younger professionals, he said, the vibrant population that Omaha's stakeholders hope to attract and retain.

How does Omaha stack up against other metropolitan areas, such as Austin, Texas; Nashville, Tennessee; Des Moines; Colorado Springs; and Salt Lake City?

University of Nebraska-Lincoln economist Eric Thompson and chamber officials Shannon McClure and R.J. Jerrick took up that topic.

The pluses? Omaha "has had fairly strong wage growth — more than 2 percent, a cost of living that's 7 percent to 8 percent lower than other metro areas, and impressive high school graduation rates," Thompson said. Less quantifiable but also important is that "we've got a lot more going on in the arts than some similar cities," he said.

What's lacking? For one, the Big O could use more growth and innovation in the technology sector, and more tinkerers and inventors. "We're lagging in the number of patents on a per-person basis relative to cities like Austin and Nashville," Thompson said.

According to McClure, the area needs to be more gregarious, perhaps even boastful.

"Austin and Nashville have that 'cool factor,'" McClure said. "Image is important. We have a great quality of life here, but we're not very good about talking about it."

Jeannie North, co-founder of Kick Punch Creative, a startup design agency, was another youthful 'returnee' who attended the event. Born in Omaha, North, 32, lived in San Francisco for six years, where she acquired a taste for public transportation and walkability.

"I'm proud of my city. I'm proud of Omaha," North said. "We have the art, we have the restaurants, the music — it's just a matter of bringing people to it — whether that's walking or providing more accessible public transportation."



Toward a Stronger Theory of NIMBYism

A more sound understanding of local obstructionism could be the first step to diminishing it.

ERIC JAFFE |  @e_jaffe | Feb 9, 2016 |  90 Comments



[Marco Raaphorst / Flickr](#)

The old adage about pornography from Supreme Court Justice Potter Stewart—that it's hard to define, but you know it when you see it—could just as easily apply to NIMBYism. If the term were merely a catch-all for

development opposition, then it would fit San Franciscans reflexively blocking infill proposals as well as Jane Jacobs stopping a highway through the Village. That one is clearly NIMBYism and the other closer to heroism suggests a need for greater verbal precision.

That's the mission embraced by Austin land-use regulations lawyer Chris Bradford at his new blog, Club NIMBY. Bradford contends that when it comes to NIMBYism we are all Justice Potter: powerless to define the practice systematically instead of ad hoc. He believes people concerned with zoning restrictions and land use regulations—and, by extension, housing affordability and income inequality in American cities—must improve their understanding of local obstructionism as a first step toward diminishing it.

"Developing a sound theory of NIMBYism will, of course, enable us to *define* NIMBYism," he writes. "But if a 'theory of NIMBYism' is to be useful, it must *explain* NIMBYism as well as define it."

The key to any strong definition or explanation, suggests Bradford, is that it must go beyond the simplistic idea that NIMBYism aims to protect home value, full stop. If that's the case, why do *some* homeowners reject development projects so forcefully while others don't? Why is California more NIMBY than Texas, for instance, or Austin more NIMBY than Houston? Why is NIMBYism more intense now than it was 40 years ago, when home value mattered just as much to personal wealth?

Bradford builds his own central thesis around the idea that NIMBYs seek to monopolize "access to neighborhood amenities":

In the absence of zoning restrictions on the number of housing units in a neighborhood, neighborhood amenities would be a public good. Zoning converts neighborhood amenities from a public good (a partially non-rivalrous, non-excludable good) into a "club" good (a partially non-rivalrous, excludable good). Because "club" membership is bundled with home ownership, zoning causes the

value of neighborhood amenities to be capitalized into home prices. NIMBYism can be thought of as the practice of objecting to development in order to protect the value of "club" membership.

The idea, of course, is not to answer the question in one blog post but to start a bigger discussion. It's one that will have to address NIMBYism as an unfortunately rational response to a society that's put [home value at the center](#) of wealth accumulation. It's also one that will have to acknowledge the far more absurd NIMBY complaints, such as neighbors who get up in arms [about a bike lane](#), that seemingly have less to do with amenities or property values than fear of change or the unknown or the Other.

As for realistic policy solutions, Bradford makes an initial go at these, too. Rather than trying to undo existing single-family zones, he says, an easier place to start would be for local planners and officials to stop automatically applying such zoning to new developments. "There is no particular constituency for zoning fringe greenfields exclusively for single-family use, so cities ought to stop doing it," he writes. "This practice merely begets the next generation of NIMBYs."

A better theory of what drives NIMBYism would be a welcome addition to the neighborhood of ideas. Here's favoring its construction.

About the Author



Eric Jaffe is the former New York bureau chief for CityLab. He is the author of *A Curious Madness* and *The King's Best Highway*.

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