

PLANNING COMMISSION

Wednesday, April 20, 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, Antolak and Turner. Also present were City Planner Ostgarden and City Administrator Thoreen, and 10 others.

#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 March 16, 2016

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING 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.**

City Planner Ostgarden stated that the property just went through a rezoning in order to permit commercial daycare facilities. He reviewed the surrounding properties and the history of the building as well as parking space available; the site was initially developed as a school so requirements of Section 29 are met and there are no other requirements that apply. Also, the site will be required to have a screen along the north property line in accord with Chapter 22 which was required for the school but never installed. He stated that staff wants the petitioner to know upfront that the City will not support any requests for a 4-way stop on Jackson Street.

The public hearing was opened at 6:07pm.

Ms. Serena Bowman, 22805 Agate Shores Road, Deerwood, is the owner of Stepping Stones Childcare Learning Center, Inc. She referred to the letter included in the packet which outlined her plan to open a facility in Brainerd which is larger and able to accommodate up to 160 children with 20 staff as currently her Brainerd and Baxter centers are full with a waiting list. She stated that there are 32 parking spaces on site and that with 20 needed for staff she will need another 6 offsite spaces and discussed peak traffic times.

The public hearing was closed at 6:10pm.

Commissioners discussed the change to licensing for 160 children from the 99 children mentioned in the Staff Report "Petition Evaluation" and determined to re-open the public hearing to gain clarification from the petitioner and City Planner.

The public hearing was re-opened at 6:12pm.

Ms. Bowman confirmed that currently she has three daycares; one in Brainerd which is licensed for 99 children, (it was later clarified that the center has a Brainerd address but is not in the City of Brainerd), one in Baxter which is licenses for 74 children and one in Pequot Lakes which is licensed for 62 children. She is currently petitioning to open a new location at 810 7th Street NW in a building which was previously used as a Montessori school.

Following discussion between the Commissioners, the Petitioner and staff, City Planner Ostgarden recommended the Commission approve the CUP and to refer the action to the Police Department and the Engineering Department to review the application based on the desire to license the center for 160 children as opposed to 99 children.

The public hearing was closed at 6:16pm.

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

1. The property is zoned B-4 (General Commercial) and commercial day cares are permitted conditional uses in the district.
2. Property is one (1) acre in size.
3. The property has limited public visibility.
4. The property has a 1 story 9,400 sf building and off street parking.
5. The property has access from 6th Street NW and 7th Street NW.
6. A multifamily residential development is located to the north, the VA Clinic to the south and wetlands to the east and vacant land to the west. The local streets are designed to handle the traffic generated by B-4 uses of the property.
7. Commercial Daycare will not negatively affect public services and facilities or overburden city services.
8. The site has 30 off street parking spaces that include 2 handicapped spaces.
9. The Petitioner spoke in favor of the CUP.
10. The applicant is asking to be approved to care for up to 160 children.
11. The City Planner expressed concerns with parking and traffic flow.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT APPLIED FOR BY 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, WITH THE UNDERSTANDING THAT A SCREEN IS REQUIRED ALONG THE NORTH PROPERTY LINE.

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.

City Planner Ostgarden stated that the owner of BIC, Mike Higgins, has been working for the past couple years on filling the center with new businesses. The current CUP application is for a transfer station owned by Mr. Higgins to receive construction and demolition debris and separate items based on whether or not they can be recycled, and a Recycling Station, owned by Mr. Jeff Grunenwald, Greenforest Recycling Resources, LLC, to accept waste company recycling collection to sort and sell products to end users to be

made into reusable products. He referred to a map in the packet indicating the locations proposed for these two new businesses, and stated that the uses fall into compliance with the City's Comprehensive Plan. He stated that there are no concerns from other city departments and that both facilities will be going through a "permit by rule" process through the MPCA which is a rigorous process to make sure all environmental guidelines are followed.

The public hearing was opened at 6:38pm.

Mike Higgins, owner of BIC, 1801 Mill Avenue, Brainerd, and Jeff Grunewald, owner of Greenforest Recycling appeared before the Commission to present their plan and answer questions. They went over information included in the Packet relating to operating hours, equipment being used, materials being recycled and the strict MPCA guidelines that will pertain to both operations. Both business owners discussed how their businesses will work together for the most efficient and environmentally friendly processing of recyclable.

Several questions of the Commission were answered relating to the concerns mentioned above. Mr. Higgins stated that the application process is very rigorous and that it helps that the building is set up for this type of use from when Wausau Paper was in operation. Mr. Grunewald stated that there would be no incinerator.

It was stated that public recycling will be accommodated at least on a trial basis to determine the need/desire for that service.

Mr. Jim Thoreen, City Administrator; inquired about applications to MPCA for both businesses and the time frame for opening (Spring 2017). He encouraged the Commission to visit the BIC site to help "picture" the proposed incoming businesses.

City Planner Ostgarden inquired about the "permit to rule" process.

Mr. Max Milinkovich, 5029 13th Avenue S, Minneapolis, operates 7 recycling facilities in MN and IA and discussed storm water prevention plan guidelines and "permit to rule"

The following citizens spoke to the issue:

- Mr. Chris Martin, 1402 Mill Avenue, Brainerd; noise and odor concerns, in support of more screening to block view and debris
- Ms. Marie Russum, 1301 8th Avenue, Brainerd; concerns with flying debris from trucks
- Ms. Marie Bochow, 1624 8th Avenue NE, Brainerd; concerns with future value of recently purchased home near BIC losing value based on noise, odors, etc., associated with these businesses
- Mr. Aaron Bochow, 1624 8th Avenue NE, Brainerd; concerns with odor, dust, debris, pollution to river
- Ms. Marie Russum, appeared a second time to request stoplights along Mill Avenue to control increased traffic, especially in the interest of the small children in the area for school and sports
- City Planner Ostgarden read an email received with concerns about noise, odor, etc.

The public hearing was closed at 7:44pm.

The Findings-of-Fact were read into the record as follows for the proposed Recycling Center at B.I.C.:

1. The property is located in an I-2 (General Industry) District. Recycling Centers are a use permitted by Conditional Use Permit.
2. B.I.C will lease spaces to GreenForest to operate a Multiple Recycling Facility (MRF).
3. The recycling center will be located within the main building on the site next to a demolition and construction material transfer station.
4. The recycling process will be conducted with the walls of the main building.
5. The recycling center is approximately 350 feet from Mill Avenue and the nearest residential property is approximately 1,100 feet away.
6. A single point of access to the recycling center will be used which is controlled by an automated security gate.
7. Recycling centers are regulated by the MPCA and this transfer station is eligible for a Permit by Rule to operate.
8. The petitioner and facility owner were present and spoke in favor.
9. Four citizens were present and one email was received voicing concerns about noise, odor, dust and debris.

It was discussed that MPCA regulations do not need to be included in the Findings-of-Fact and that if a decision was tabled it would need to be addressed within 60 days.

It was discussed that the Commission could wait until all commissioners are able to visit the BIC site before voting to recommend the approval of the CUP. The majority of the Commission was in favor of voting this evening.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND TURNER, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CUP APPLIED FOR BY GREENFOREST RECYCLING FOR A RECYCLING STATION AT BRAINERD INDUSTRIAL CENTER 1801 MILL AVENUE, BRAINERD, MN 56401.

The Findings-of-Fact were read into the record as follows for the proposed B.I.C. Demolition & Construction Material Transfer Station:

1. The property is located in an I-2 (General Industry) District. Transfer stations are a use permitted by Conditional Use Permit.
2. B.I.C will own and operate the transfer station.
3. The transfer station will be located under an open sided free standing 30,000 square foot building at the north end of the property which is visible from Mill Avenue.
4. The transfer station will be located d next to a privately operated recycling center.
5. The transfer station site is approximately 350 feet from Mill Avenue and the nearest residential property is approximately 1,100 feet away.
6. A single point of access to the transfer station will be used which is controlled by an automated security gate.
7. Recycling centers are regulated by the MPCA and this transfer station is eligible for a Permit by Rule to operate.
8. The petitioner and facility owner were present and spoke in favor.
9. Four citizens were present and one email was received voicing concerns about noise, odor and debris; concerns were all addressed.
10. All MPCA Regulations regarding noise, odor and dust shall be met.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CUP APPLIED FOR BY B.I.C. FOR A DEMOLITION AND CONSTRUCTION MATERIAL TRANSFER STATION AT BRAINERD INDUSTRIAL CENTER, 1801 MILL AVENUE, BRAINERD, MN 56401 WITH

THE CONDITION THAT THE PROPERTY OWNER MUST MEET WITH STAFF TO DEVELOP A SCREENING PLAN FOR VISUAL CONCERNS.

c. Downtown Off-Street Parking Presentation – Discussion

City Planner Ostgarden stated that the City Council has requested that a committee be formed to address downtown parking issues; two Planning Commission representatives are asked to be on this committee.

Commissioners Turner and Antolak agreed to be on the Downtown Off-Street Parking Citizen Committee.

d. Rear Yard Parking - Discussion

City Planner Ostgarden reported that the Planning Department requested that the Planning Commission give some thought to whether it desires to review residential rear yard vehicle parking.

Following Commission discussion, the Commission determined to make no changes at this time.

#5 **PUBLIC FORUM** – NONE

#6 **OLD BUSINESS** – NONE

#7 **Commissioners' Questions/Comments** – NONE

#8 **City Planner's Report** – NONE

#9 **Adjourn**

As there was no further business the meeting adjourned at 8:36pm.

Respectfully submitted,

Mark Ostgarden AICP
City Planner