

PLANNING COMMISSION

Wednesday, June 15, 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 Antolak, Straw, Plantenberg, Parks and Turner. Also present were City Planner Ostgarden, Planning Intern Hermerding and 4 others.

#2 Approval/Amendment of Agenda

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND TURNER, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approve Minutes of the Regular Meeting held on May 18, 2016

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND TURNER, DULY CARRIED, TO APPROVE THE MINUTES FROM THE REGULAR MEETING HELD ON MAY 18, 2016.

#4 New Business

a. Public Hearing – Request from David Hill for Variance at 1020 Ivy Street to construct a 560 sq. ft. dwelling on a conforming lot on which the minimum allowed dwelling size is 750 sq ft.

City Planner Ostgarden reported that Mr. Hill purchased the property at 1020 Ivy Street and has demolished the condemned dwelling which was located on the property. He stated that Mr. Hill plans to move onto the lot a 560 sq. ft. dwelling; however, the City's Zoning Ordinance states that the minimum dwelling size on a conforming lot such as this is 750 sq. ft.

The Public Hearing was opened at 6:07pm.

The Chair recognized the petitioner, Mr. David Hill, who stated that he will be using the small house and garage as a rental unit. He answered questions of the Commission and assured them that the garage is in good shape.

The Public Hearing was closed at 6:08pm.

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

1. The property is zoned R-1.
2. Property is 150 x 150' (22,500 sq. ft.) which is a conforming R-1 single family lot.
3. The minimum dwelling size permitted on a conforming lot is 750 sq. ft. and the owner is proposing a 560 sq. ft. dwelling.
4. The neighborhood is predominately single family houses.
5. The lot is located on a dead end street with little likelihood off the road being extended.
6. The property is located in a somewhat secluded area of the city.
7. The dwelling will be located on a lot where a house was condemned and demolished.
8. The dwelling will be similar in appearance and size to others in the neighborhood.
9. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes:
 - a. *Protect neighborhoods.*

- b. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational, and public areas.*
- c. Provide adequate light, air, and convenience of access to property.*
- d. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*

10. The variance is consistent with the following Comprehensive Plan Land Use Goals and Strategies:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategies

- 1. Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.*
- 2. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.*
- 3. Encourage housing rehabilitation and redevelopment in appropriate areas.*

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

Strategy

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

11. Petitioner spoke in favor, two emails were received in favor and no oppositions were received.

12. East half of property has a substantial slope.

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE APPLIED FOR BY MR. DAVID HILL, 1020 IVY STREET, BRAINERD, FOR CONSTRUCTION OF A 560 SQ. FT. DWELLING ON A CONFORMING LOT ON WHICH THE MINIMUM ALLOWED DWELLING SIZE IS 750 SQ FT.

b. Public Hearing – Request from John and Jennifer Berg for Variances at 15340 Russel Road to construct a metal panel sided accessory building with a ribbed metal roof

City Planner Ostgarden reported that the Bergs are purchasing the property at 15340 Russell Road at the north end of the street on Gilbert Lake. The Bergs plan to demolish the existing house that has been vacant according to utility records since February 2016 and construct a new one in that location. They also plan to purchase the parcel to the south and construct a new accessory building on that parcel. The 2 parcels total approximately 1.6 areas.

The accessory building is planned to be 1,200 sq. with sheet metal siding and roof design. A site plan depicting the building location and a typical building elevation with the metal material shown is attached.

The Public Hearing was opened at 6:24pm.

The Chair recognized petitioner John Berg, who provided the Commission with more specific plans and answered questions relating to design of the accessory building to be constructed.

The Public Hearing was closed at 6:31pm.

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

1. The property is zoned R-1A (Single Family Residential) District.
2. The parcel size is 1.6 acres.
3. The buildings will be 1,200 sq. ft. with metal sides and roof. The appearance does not comply with Zoning Ordinance requirements for accessory buildings.
4. The area is wooded with large lot development.
5. There are 7 other residential properties in the 17 acre area northerly of Riverside Drive and Gilbert Lake.
6. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes:
 - a. *Provide adequate light, air, and convenience of access to property.*
 - b. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
 - c. *Protect and preserve the natural environment of the City.*
 - d. *Encourage the protection of historic and aesthetic resources in the City.*
 - e. *Provide for compatibility of different land uses.*
7. The variance is consistent with the following Comprehensive Plan Land use goals and Strategies:

LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally Responsible growth of residential development in Brainerd:*

Strategies

 1. Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements, and the character and quality of the city's existing neighborhoods can be maintained and enhanced.
 2. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.

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

Strategy

Support the redevelopment of vacant and abandoned sites...
8. Petitioner spoke in favor and no opposition was received.

The following condition was added:

1. Required placement of two windows on passage door side.

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND ANTOLAK, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE FOR METAL SIDING ON AN ACCESSORY BUILDING AT 15340 RUSSELL ROAD AS APPLIED FOR BY JOHN AND JENNIFER BERG.

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND TURNER, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE FOR A RIBBED METAL ROOF ON AN ACCESSORY BUILDING AT 15340 RUSSELL ROAD AS APPLIED FOR BY JOHN AND JENNIFER BERG.

- c. **Public Hearing – Request from Benjamin Larson to Rezone 814 Front Street from a B-3 (Central Business) District to a B-4 (General Commercial) District**

City Planner Ostgarden reported that Ben Larson owns the property and operated the Sound Connection business at this location until May 2014 when he relocated the business out of the community. The building has been vacant since the relocation. He has received an inquiry to lease the building to individuals interested in using the property for automotive repair. Automotive repair is not a use listed in the B-3 District as one permitted by right or by Conditional Use Permit (CUP). I have advised Mr. Larson that should he B-4 zoning be approved, a CUP would be required to operate an automotive repair in the B-4 District.

The Public Hearing was opened at 6:46pm.

The Chair recognized Mr. John Larson, brother of petitioner Ben Larson. He stated that the company interested in leasing the property is a "towing and recovery" service which would be performing only basic repairs as far as he knows. He answered questions of the Commission.

The Public Hearing was closed at 6:48pm.

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

1. The property is zoned B-3 (Central Business) District and the property is planned to be an automotive repair business a use not permitted in B-3 Districts.
2. Property is approximately 12,805 sq. ft. (.29 acres)
3. Land uses have not changed along this section of Front Street in many years.
4. Front Street has uses that could be considered light industrial in nature.
5. Automotive repair is a Conditional Use in a B-4 District.
6. Uses allowed in a B-4 District would not affect the capabilities of city streets or utilities in the area.
7. The Future Land Use Map identifies the property as future General Commercial Land Use. The site is adjacent to a small multifamily parcel identified as future Medium to High Density Residential Land Use and is zoned R-3.
8. *LAND USE GOAL #5: Support development that enhances community character and identity. Support the redevelopment of vacant and abandoned sites within the urban core.*
9. Petitioner's brother spoke in favor and no opposition was received.
10. Prior to 2011 the property was zoned B-4.

MOVED BY COMMISSIONER ANTOLAK TO APPROVE THE REQUEST SUBMITTED BY BEN LARSON TO REZONE 814 FRONT STREET FROM A B-3 (CENTRAL BUSINESS) TO A B-4 DISTRICT (GENERAL COMMERCIAL).

As there was no second, the motion was considered failed.

MOVED AND SECONDED BY COMMISSIONERS PARKS AND STRAW TO DENY THE REQUEST SUBMITTED BY BEN LARSON TO REZONE 814 FRONT STREET FROM A B-3 (CENTRAL BUSINESS) TO A B-4 DISTRICT (GENERAL COMMERCIAL).

Commissioners voiced concerns with "spot zoning" over concerns with the business prospect itself.

City Planner Ostgarden asked the Commissioners to consider if the area being discussed would be more fitting as a B-4 zone; he also stated that the item will go before the Council on June 20, 2016 for final vote.

Commissioners Straw, Plantenberg, Parks and Turner voted "aye." Commissioner Antolak voted "nay." The Chair declared the motion carried.

#5 **PUBLIC FORUM**

None

#6 **OLD BUSINESS**

a. Off Street Parking Changes

City Planner Ostgarden reviewed the information regarding concerns with off street parking as included in the Packet, including options given for the Planning Commission to reach a conclusion on the change in hopes of moving toward a public hearing in July or August.

Commission determined that removing restrictions for B4 and B6 would be their recommendation for a Public Hearing at their July 20, 2016 Planning Commission meeting.

b. S. 6th Street Zoning

City Planner Ostgarden reviewed the information regarding concerns with S. 6th ST Parking as included in the Packet, including options given for the Planning Commission to reach a final recommendation for a public hearing in July or August.

Commission determined that "Option 2" would be their recommendation for a Public Hearing at their July 20, 2016 Planning Commission meeting.

#7 **Commissioners' Questions/Comments**

None.

#8 **City Planner's Report**

City Planner Ostgarden discussed the community survey which is being sent to Brainerd residents in the hopes of getting up to 300 participants to participate in confidential surveys which will be compiled by city staff and the survey company Qualtrix which City Council approved up to \$5,000 expense reimbursement for.

#9 **Adjourn**

As there was no further business, the meeting was adjourned at 7:27pm.

Respectfully submitted,

Mark Ostgarden AICP
City Planner