

PLANNING COMMISSION
Wednesday, July 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 Parks, Plantenberg, Straw, Headley, Turner and Pritschet. Also present were City Planner Ostgarden, Planning Intern Hermerding, and 10 others.

#2 Approval/Amendment of Agenda

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

#3 Approve Minutes of the Regular Meeting held on June 15, 2016 and the Special Meeting held on June 29, 2016, as Distributed

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND PRITSCHET, DULY CARRIED, TO APPROVE THE MINUTES FROM THE REGULAR MEETING HELD ON JUNE 15, 2016 AND THE SPECIAL MEETING HELD ON JUNE 29, 2016, AS DISTRIBUTED.

#4 NEW BUSINESS

a) Public Hearing – City of Brainerd - for the Rezoning of property located south of Quince Street on S. 6th Street and S. 7th Street to just south of Willow Street from a B-4 (General Commercial) District to a B-2 Neighborhood Business) District and R-2 (One and Two Family Residential) District

City Planner Ostgarden reported that the proposed amendment dates back to even before the zoning ordinance amendment to change the B-2 zoning language to allow residential land uses. He presented the public hearing notice and maps and discussed existing structures and future land use. He stated that he'd received many phone calls from those who received the information; most inquiring about what the change would mean for them.

The Public Hearing was opened at 6:14pm.

The Chair recognized Ms. Sara Hayden-Shaw, 521 N 9th St and co-owner of 810 S 6th St, Brainerd, who stated that she is very much in favor of the rezoning. She stated that the removal of the non-conforming status is extremely important to allow her neighbors to rebuild, maintain and remodel their properties.

The Public Hearing was closed at 6:15pm.

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

1. The rezoning area is generally an area south of Quince to just south of Willow Street and between S. 6th St and S. 7th St.
2. The area proposed for rezoning is an area with businesses and residential land uses.

3. The B-2 District has been amended to included residential uses as permitted uses.
4. The B-4 District makes residential uses non-conforming uses and rezoning to B-2 will eliminate the nonconforming status.
5. B-2 zoning permits commercial uses in buildings up to 5,000 sq. ft. and also permits residential uses.
6. The S. 6th Street corridor is one with an uncertain development future which makes land use and zoning decisions difficult.
7. Rezoning the S. 7th Street frontage to R-2 will affect how development along S. 6th Street will occur.

8. The rezoning is supported by the following Comprehensive Plan Goals and Strategies:

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

Strategies

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.

Encourage development of low-density and high-density family housing units in those areas designated on the adopted Land Use Plan.

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.

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

LAND USE GOAL #2: *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*

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

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

Strategy

Work to strengthen and maintain the appearance of the Business Highway 371, Highway 210/Washington Street, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.

9. One resident spoke in favor of the change.
10. City Planner received several calls relating to the nature of the change; answers satisfied their concerns.

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF PROPERTY LOCATED SOUTH OF QUINCE STREET ON S. 6TH STREET AND S. 7TH STREET TO JUST SOUTH OF WILLOW STREET FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO A B-2 NEIGHBORHOOD BUSINESS) DISTRICT AND R-2 ONE AND TWO FAMILY RESIDENTIAL) DISTRICT.

Commissioners discussed the advantages of this rezone, including flexibility for residents, the reduction of spot zoning, and the creation of a more vital organic community with the option for more home-based businesses.

b) Public Hearing - KRRC LLP 521 Charles Street, Ste. 210, Brainerd, MN 56401- for the Rezoning of the property at 310 W Laurel Street, Brainerd, MN 56401 from a B-2 (Neighborhood Business) District to a B-4 (General Commercial) District

City Planner Ostgarden reported that the property has been an automotive repair business for approximately 7 years and the company wishes to expand to include a U-Haul rental outlet. He discussed the location and surrounding areas, stating that the property has Mississippi River frontage subjecting it to Shoreland Regulations. He stated that the land use plan for this area has not been updated since 2004 and asked the Commission to consider if the ability for additional activity that comes with B-4 help with redevelopment as referenced in the staff report as a "Land Use Goal."

Following Commission inquiries, City Planner Ostgarden confirmed that the petitioner is not requesting to expand or build at the site; the request will involve the storage of U-Haul trailers.

The Chair opened the Public Hearing at 6:32pm.

The Chair recognized Mr. Greg Schmidt, 11573 River Vista Drive, Baxter, co-owner of the automotive repair business at 310 W. Laurel Street. He stated that the parking lot was expanded and improved recently and that the rezoning would allow for further traffic and business to the area as there is no U-Haul rental location within the City of Brainerd.

The Chair recognized Mr. Bill Simon, 9671 Leisure Lane, Brainerd, owner of the four-plex across from the petitioner's shop. He stated that his only concern is noise based on the complaint of one of his tenants.

The Chair closed the Public Hearing at 6:37pm.

The following Findings-of-Fact were read into the record:

1. Property is approximately 2.34 acres and partially developed.
2. The property is adjacent to the Mississippi River and subject to shoreland regulations that will limit the amount of development on the property.
3. There is vacant land to the north, office use to the west and multifamily development to the south.
4. The Future Land Used Map has not been updated and identifies the property as future Public/Semi Public land use.
5. Laurel Street is designed to accommodate traffic associated with a B-4 District.

6. The property has been used for automotive repair for about 7 years.
7. The rezoning is consistent with the following Comprehensive Plan Land Use goals and Strategies:
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 spoke in favor.
10. One person expressed a concern with noise.

Commissioner Parks asked how this request is not “spot zoning.” He stated that his inquiry is based on the denial of the rezoning request at 814 Front Street which the Commission denied based specifically on not desiring to “spot zone.”

Discussion was held relating to noise levels/emissions in a B-4 as compared to a B-2 based on the residential area directly across the street. City Planner Ostgarden stated that there were conditions attached to the original opening of Paradigm Performance based on those concerns and that if the zoning change to B-4 is approved those conditions would no longer apply. He added that noise requirements for the City in general would still apply to encourage neighborhood compatibility; however, the City does not know about these issues unless they are reported.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REQUEST FROM KRRC LLP 521 CHARLES STREET, STE. 210, BRAINERD, MN 56401- FOR THE REZONING OF THE PROPERTY AT 310 W LAUREL STREET, BRAINERD, MN 56401 FROM A B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO A B-4 (GENERAL COMMERCIAL) DISTRICT.

c) Public Hearing - Zoning Ordinance Text Amendment – Amend Zoning Ordinance Section 22 – Off Street Parking – to Remove Minimum Off Street Parking

City Planner Ostgarden that from the Planning Department’s perspective he recommends to not include the residential uses or rural agricultural areas in off street parking minimum requirement removals at this time; rather, to look mostly at the business uses and industrial districts. He stated that a meeting of representatives of the business and realty industries was recently held with the outcome being positive and even, “the sooner the better” response and that similar changes are happening in many other communities. He advised the Commission to carefully consider how any changes will affect future businesses, stating no off-street parking at a business would be concerning to him.

The Chair opened the Public Hearing at 6:58pm.

The Chair recognized Ms. Sara Hayden-Shaw, 521 N 9th St, Brainerd, who spoke in favor of this concept moving forward, stating that it will make Brainerd more open to investment based on businesses having some parking available without having to add the immediate expense of creating their own parking areas. She encouraged the Commission to include all of the business zones. She also recommended having a “retro-active” option.

Commission discussion was held relating to the many variations that need to be considered relating to the numerous zones within the community.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO REMOVE THE PARKING RESTRICTIONS FOR I-2, I-1, B-4, B-6 AND B-5.

It was determined that the Commission would wait for Council action before addressing parking restrictions for other zones.

d) Vacation Residence By Owner (VRBO) Discussion

City Planner Ostgarden explained that there may be VRBOs operating in Brainerd; however, this is not a use that is permitted according to the Zoning Ordinance. He stated that the practice involves a property owner renting out their own home to visitors for a short amount of time as a vacation rather than using a hotel or resort or bed and breakfast. He asked the Planning Commission to consider whether they would like to permit this use, and distributed language adopted by Aitkin County on the subject. He recommended that the City consider requiring inspections of the units as well as a license.

Pros and Cons of allowing VRBOs were discussed by the Commission. Other items considered were having a limit on how many rentals one could own, registration to track complaints, amount of days staying determining hotel vs. timeshare and department of health requirements.

Commission requested further information be provided in order to hold further discussion at the next Planning Commission meeting.

e) Temporary Family Healthcare Dwellings

City Planner Ostgarden added this item which was presented to the City Council at their July 18, 2016 meeting. The first reading of Ordinance No. 1458 was read opting out of the requirements for temporary family healthcare dwellings.

He explained that “Temporary Family Healthcare Dwellings” are a new type of dwelling that supersedes zoning ordinance requirements wherein a property owner can place a temporary dwelling on their property to house someone that is providing healthcare services to that property owner. He stated that per Legislature, cities that wish to opt out of having this option available can opt out via city ordinance by September 1, 2016.

Following discussion, Commission agreed that the ordinance should proceed to final reading and adoption.

#5 PUBLIC FORUM

None.

#6 OLD BUSINESS

None.

#7 Commissioners’ Questions/Comments

Commissioner Pritschet discussed Pokémon Go, stating that businesses should consider embracing this new app to bring people in to their shops, etc.

#8 City Planner’s Report

None.

#9 **Adjourn**

As there was no further business, the Chair adjourned the meeting at 7:50pm.

Respectfully submitted,

Mark Ostgarden AICP
City Planner