

## **BRAINERD PLANNING COMMISSION**

Wednesday September 21, 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 held on August 17, 2016 and the workshop held on August 17, 2016.
4. NEW BUSINESS
  - a) Essentia Health – St. Joseph’s Medical Center 523 N. 3<sup>rd</sup> Street, Brainerd, MN 56401, for a variance to modify the screening requirements for the parking lot it owns at 501 N 4<sup>th</sup> Street.
  - b) Joe Hess, 310 N. 6<sup>th</sup> Street has submitted a request to rezone the property from R-1 (Single Family) Residential to R3 (High Density Residential).
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

Review Vacation Rentals By Owner (VRBO) Draft Zoning Ordinance language
7. Commissioners’ Questions/Comments
8. City Planner’s Report
9. Adjourn

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

**PLANNING COMMISSION**  
Wednesday, August 17, 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, Headley, Turner, Antolak and Pritschet. Commissioner Straw was noted as absent. Also present were City Planner Ostgarden, Jennifer Bergman, County/City HRA Executive Director and Jim Thoreen City Administrator.

**#2      Approval/Amendment of Agenda**

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

**#3      Approve Minutes of the Regular Meeting held on July 20, 2016, as Distributed**

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND HEADLEY, DULY CARRIED, TO APPROVE THE MINUTES FROM THE REGULAR MEETING HELD ON JULY 20, 2016 AS DISTRIBUTED.

**#4      NEW BUSINESS**

**a)   Review of the Crow Wing County Housing and Redevelopment Authority Redevelopment Plan**

City Planner Ostgarden directed the Commission's attention to the documents placed in front of them this evening, which included a "Draft Redevelopment Plan for Redevelopment Project No. 1" and a map showing the locations of the properties involved: Brainerd Oaks, DalMar Estates and Serene Pines development projects. He introduced Jennifer Bergman, Executive Director of the Crow Wing County Housing and Redevelopment Authority (CWC HRA) and the City of Brainerd HRA.

Ms. Bergman discussed events starting in 2011 when the Crow Wing County HRA entered into an agreement with Lakes Area Habitat for Humanity with the intent to build 20 homes in Brainerd Oaks, stating that because of the assessments for Brainerd Oaks, Habitat did not feel that it made financially feasible to continue to participate. In 2013 the CWC HRA hired the Urban Land Institute to study the possibilities for Brainerd Oaks and provide a recommendation(s) for future development. Results on studies done to determine marketability showed that it would be difficult to find a developer interested in Brainerd Oaks because of the deferred assessments. In April 2016 a proposal was received from a developer interested in purchasing Brainerd Oaks, Serene Pines and DalMar Estates for \$912,300. She stated that the assessments on the properties is about \$2.3 million with an actual cost for the original bond issue for infrastructure of \$1.5 million and an estimated market value of approximately \$1.2 million. The issue came before and City Council and the City Council made a motion at their June 6, 2016 meeting to authorize the CWC HRA to negotiate the sale and to inform the potential buyer that the City is willing to write down special assessments on the project but not SAC and WAC or Park Dedication fees.

Ms. Bergman drew the Commission's attention to specific areas of the redevelopment plan as distributed. She stated that the CWC HRA is requesting any feedback from the Commission on the redevelopment plan and that a written notice with any concerns would be appreciated.

Commissioner Parks stated that it would be a shame not to get these properties back on the tax rolls. He stated that although giving up the assessment revenue, it will be well worth it in the end if the redevelopment is successful.

City Planner Ostgarden referred the Commission's attention to item V of the Draft Redevelopment Plan for Redevelopment Project No. 1; Statement of Objectives, particularly item A. He requested that the Commission's recommendation should include recommendation to the City Council approval of the redevelopment plan based on it supporting and meeting the goals and strategies as outlined in the City's Comprehensive Plan.

Ms. Bergman confirmed for Commissioner Plantenberg that Brainerd Oaks went tax-forfeiture in 2007/2008 and that Serene Pines and DalMar Estates went tax forfeiture in 2014.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE DRAFT REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1 FOR THE CROW WING COUNTY HOUSING AND REDEVELOPMENT AUTHORITY REDEVELOPMENT PLAN BASED ON MEETING THE GOALS AND STRATEGIES OF AS OUTLINED IN THE CITY'S COMPREHENSIVE PLAN AND THE FOLLOWING FINDINGS OF FACT:

**General Goal #3:** *Promote community spirit and unity and enhance Brainerd's character and identity.*

**Strategy**

1. Encourage a variety of experiences and opportunities in terms of living, working and social activities within the community.

**ECONOMIC DEVELOPMENT**

**GOAL:** *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

**Strategies**

1. Promote aesthetically pleasing development and redevelopment in the city.
2. Emphasize tax base expansion and job creation in economic development efforts by the city.

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

**Strategy**

1. 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 #4:** *Plan land uses and implement standards to minimize land use conflicts.*

**Strategy**

1. Promote architectural/site aesthetics that are compatible with community standards.

**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.

Commissioners individually weighed in on the positives for this project which included increasing the tax base and utilizing vacant area.

None.

#6 **OLD BUSINESS**

None.

#7 **Commissioners' Questions/Comments**

None.

#8 **City Planner's Report**

City Planner Ostgarden called the Commission's attention to the 2016 Land Use Training & Education Program information included in the Packet, stating that there is a meeting on Thursday, September 22<sup>nd</sup> in Little Falls. He stated that there is a 2 ½ day MN American Planning Association Chapter State Conference in conjunction with the upper Midwest planning conference in St. Cloud at the end of September. He asked any interested Commissioners to let him know if they would like them to attend, stating that costs would be covered.

#9 **Adjourn**

As there was no further business, the Chair adjourned the meeting at 6:34pm.

Respectfully submitted,

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Mark Ostgarden AICP  
City Planner

**Brainerd Planning Commission Workshop**  
**August 17, 2016**

Chairman Angie Plantenberg called the workshop of the Brainerd Planning Commission to order at approximately 6:30 in the City Hall 2<sup>nd</sup> Floor Conference Room.

Present: Staci Headley, Dale Parks, Dave Pritschet

Others Present: City Planner Mark Ostgarden

The meeting purpose was to review the redraft Vacation Rental by Owner language and to discuss how adding VRBOs will affect bed and breakfasts.

The Commission agreed that there should be an initial IUP and then a VRBO should be a licensed rental and inspected on an annual basis.

It agreed that renting an entire house should be regulated however house sharing should be removed from the VRBO draft.

The draft limits bedrooms to 2 persons and which should be modified to specify 2 adults (16 and older) per bedroom.

The parking setback requirement should be removed.

An on premise sign the same allowed for a home occupation should be permitted.

The Commission thinks the bed and breakfast language needs to be reviewed however it agreed to address the VRBO issue now and when that is completed it will review the bed and breakfast language.

The meeting adjourned at approximately 7:00 p.m.

Respectfully submitted,

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Mark Ostgarden AICP  
City Planner

# STAFF REPORT TO THE PLANNING COMMISSION

## September 14, 2016

### VARIANCE REQUEST

APPLICANT/LOCATION: Essentia Health – St. Joseph’s Medical Center, 523 N 3<sup>rd</sup> Street, Brainerd, MN 56401

REQUESTED VARIANCE: Off street parking lot screening requirements for the parking lot bounded by N. 3<sup>rd</sup> Street, Holly Street, N. 4<sup>th</sup> Street and Ivy Street

LOT AREA: 1 city block = 300 x 300’

CURRENT ZONING: R-1 (Single Family) Residential

ADJACENT USES: North: Single family residential and hospital parking  
East: Single family residential  
South: Single family residential  
West: Hospital

ADJACENT ZONING: North: R-1 (Single Family) Residential  
East: R-1 (Single Family) Residential  
South: R-1 (Single Family) Residential  
West: R-1 (Single Family) Residential

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### REPORT

Earlier this year, Essentia Health – St. Joseph’s Hospital landscaped the periphery of the parking lot that is east of the hospital facility across 3<sup>rd</sup> Street. It removed all of the existing landscape which required the hospital to meet current screening requirements when it installed the new landscaping. What was installed does not meet current Zoning Ordinance screening requirements.

In addition to the landscaping already installed, the hospital plans to install additional landscaping to help screen the parking area. Attached is an elevation drawing of landscaping to be added to what has been already been planted.

**Zoning Ordinance 515-20-9: Parking Lots** reads as follows:

- A. All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year round fifty (50) percent opacity.*

- B. When a parking lot is adjacent to or across an alley from a residential use or zone, the required screen height shall be increased to six (6) feet.*
- C. A berm may be used as part of the screening for off-street parking in which case the berm shall be no more than two (2) feet in height. Landscaping on a berm shall maintain eighty (80) percent year round opacity not less than three (3) or more than four (4) feet in height.*
- D. A four (4) foot high wall or fence constructed of masonry, brick, wood, or vinyl may be used for required screening. The area between the parking lot and a wall or fence shall be planted with grass or established with landscape material.*

In August, the hospital was notified that the screening does not meet current requirements. Following the notification, the City Administrator and I met with hospital representatives to discuss the landscaping requirements and the Zoning Ordinance screening alternatives above. After considering the alternatives, C. and D. were not desirable to the hospital and it decided to continue with alternative A., realizing that the existing and proposed landscaping will not meet the minimum year round 50% opacity and 3' - 4' height requirement specified in A.

During our meeting with hospital representatives, the City Administrator and I agreed that the parking lot adjacent to N. 3<sup>rd</sup> Street and the portion of the parking lot located across from the smaller Holly Street parking lot is not required to meet the screening requirements. Our interpretation is that the hospital does not need to screen its property from itself. The attached aerial map depicts the area that does not require screening.

A Freedom of Information Act request was submitted by a neighborhood resident requesting all of the information the City has about the parking lot: when it was built, the Conditional Use Permit that thought to have been needed for the lot and the permits to construct the lot. Past City Council and Planning Commission packets and minutes, past Conditional Use Permit files, Building Department records, the property address file of the hospital were all historical documents about the parking lot that might have been microfiched were searched. The parking lot was built in 1984 and there is no information about what, if any, approvals were needed to construct the lot. The Zoning Ordinance that was in effect in 1984 did have parking lot screening. Presumably, the screening was installed to meet the requirements at that time.

#### **Criteria for Granting Variances**

- A. Variances shall only be permitted:**  
**When they are in harmony with the general purposes and intent of the ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:**

- A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. *This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*
- L. *Provide for administration of this Ordinance.*
- M. *Provide for amendments.*
- N. *Prescribe penalties for violation of such regulations.*
- O. *To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

Is issuing the variance in harmony with the highlighted or any other statements in the Intent and Purposes section of the Zoning Ordinance?

**When the variance is consistent with the Comprehensive Plan.**

Will the variance be consistent with the following relevant Comprehensive Plan Goals and Strategies:

**General 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.*

**Strategy:** *Protect both the general welfare and the individual choices of Brainerd residents. Insure that decisions that are made by the community reflect the needs of current residents and business owners.*

## **COMMERCIAL/INDUSTRIAL LAND USE**

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

**Strategy:** *Buffer commercial and industrial developments from environmentally sensitive areas and residential areas within the community.*

## **LAND USE**

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

**Strategy:** *Buffer commercial and industrial developments from environmentally sensitive areas, residential neighborhoods and other incompatible land uses within the community.*

## **ECONOMIC DEVELOPMENT**

**GOAL:** *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

**Strategy:** *Promote aesthetically pleasing development and redevelopment in the city.*

### **B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.**

**Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:**

#### **I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;**

What the Planning Commission needs to determine is whether the current and proposed landscaping uses the property in a reasonable manner. To do so it needs to be determined whether the landscaping is sufficient to meet the purpose of a buffer or that the physical conditions around the parking lot do not warrant meeting the minimum requirements.

A buffer can be defined as "lessen or moderate the impact of something." The purpose of a buffer is not to hide or completely obscure one land use from another. Its purpose is to create a transition area that lessens the impact of undesirable effects between land uses. In this situation undesirable affects that a buffer can help reduce are:

1. Car headlights.
2. Noise such as vehicle doors, vehicle engines and voices.

3. Size of a parking lot. A buffer can help a parking lot to not seem as large as it is.

**II. *The plight of the landowner is due to circumstances unique to the property not created by the landowner;***

What the Planning Commission needs to determine is whether there are circumstances unique to the property not created by the landowner.

The hospital raises a valid concern about the safety and well-being of employees and visitors that come and go at all hours of the day/night. The previous landscaping had created an unsafe environment.

There is nothing unique about the property's physical characteristics such as topography, soils and lot configuration.

**III. *The variance, if granted, will not alter the essential character of the locality.***

Attached is a Google Earth photo from 2008 depicting the landscaping that was removed. Attached is the same photo taken in 2016. The Planning Commission needs to determine whether removing the landscaping and if the new existing and proposed landscaping alters the essential character of the neighborhood.

The essential neighborhood character was altered when the hospital expansion required more parking which was constructed in close proximity to a residential neighborhood. How much can a buffer really do to ameliorate the impact if a 200 +/- vehicle parking lot?

***Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.***

## **PLANNING DEPARTMENT**

When it was learned that the hospital had done the work and it was not in compliance with current screening requirements, some of the north side residents became interested in what was going to be done about the noncompliance. During communications with north side residents, the Planning Department was questioned about the Zoning Ordinance definition of "adjacent" and how it affects the screening requirements. The

decision that the hospital does not need to screen the parking lot from itself may not set well with some residents.

Should any decision by the Planning Department be challenged, it is recommended that the Planning Commission make a motion to POSTPONE review of the Essentia Health - St. Joseph's screening variance until the challenge(s) are addressed. That could occur at the October 19<sup>th</sup> Planning Commission meeting (or a special meeting if the Chair determines one is warranted). Once the challenges are addressed the variance review can begin again. The decision(s) made on the challenge(s) could affect how the hospital chooses to address the screening requirements.

### **PLANNING COMMISSION AND CITY COUNCIL ACTION**

The Planning Commission may consider a recommendation at its meeting on Wednesday, September 21, 2016 and the City Council may receive the recommendation for consideration at its meeting on October 3, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Ostgarden".

Mark Ostgarden AICP  
City Planner



August 31, 2016

City of Brainerd  
City Planning Department  
City Hall – 501 Laurel Street  
Brainerd, MN 56401

Dear Mr. Ostgarden:

We appreciate the time that you and Mr. Thoreen have taken to discuss issues related to our landscaping surrounding our patient and staff parking area east of St. Joseph's Medical Center. As you are aware, we recently completed some landscaping improvements around the perimeter of the parking lot which do not fully meet the interpretation of the current city code pertaining to this type of parking lot.

Our goal with the current landscape re-design was to clean up overgrown shrubbery which tended to collect garbage and create safety concerns for our staff and patients who were leaving the facility after dark. The growth in incidents in the neighborhood also was a major factor in creating better sight lines around our parking areas. We also feel the new landscaping is more aesthetically pleasing than what was previously in its place.

Following our conversations, we recognize that the current plan does not meet the screening requirements of the current city code which requires a four foot tall fence with a year round 50% opacity. As we have explored options for addressing this requirement, we have decided that these solutions would leave us with continued concerns for the safety and security of our staff, patients and visitors. This is why we are seeking a variance from the current interpretation of code 515-20-9 which speaks to the screening and opacity requirements.

Given the nature of our twenty four hour a day operation, St. Joseph's Medical Center does have some unique challenges with maintaining a safe and secure environment. In our opinion, adhering to the ordinance requirement presents a "practical difficulty" in that it would compromise the safety and security of our staff, patients and visitors for the reasons mentioned above.

We seek to partner with the surrounding neighbors to find ways that we can pro-actively mitigate their concerns while preserving our ability to maintain a safe and secure environment for those who use St. Joseph's Medical Center.



**St. Joseph's Medical Center**  
523 North Third Street  
Brainerd, MN 56401

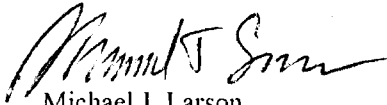
T 218.829.2861  
F 218.828.3103

*Essentia Health is an equal opportunity provider and employer.*

To that end, it is our intent to enhance the recently redesigned landscape vegetation surrounding the East parking by adding strategically placed shrubbery. Specifically, we would place juniper type clusters around the light poles which are spaced approximately every 57 feet. Between the light poles, we would strategically plant hydrangea and or spirea to provide additional shielding. Further supplemental plantings could be used to enhance the opacity and screening objectives of the ordinance (see photo attached).

We look forward for the opportunity to review this variance request with the City of Brainerd's Planning Commission on September 21<sup>st</sup>.

Sincerely,

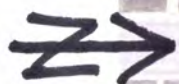
A handwritten signature in black ink, appearing to read "Michael J. Larson".

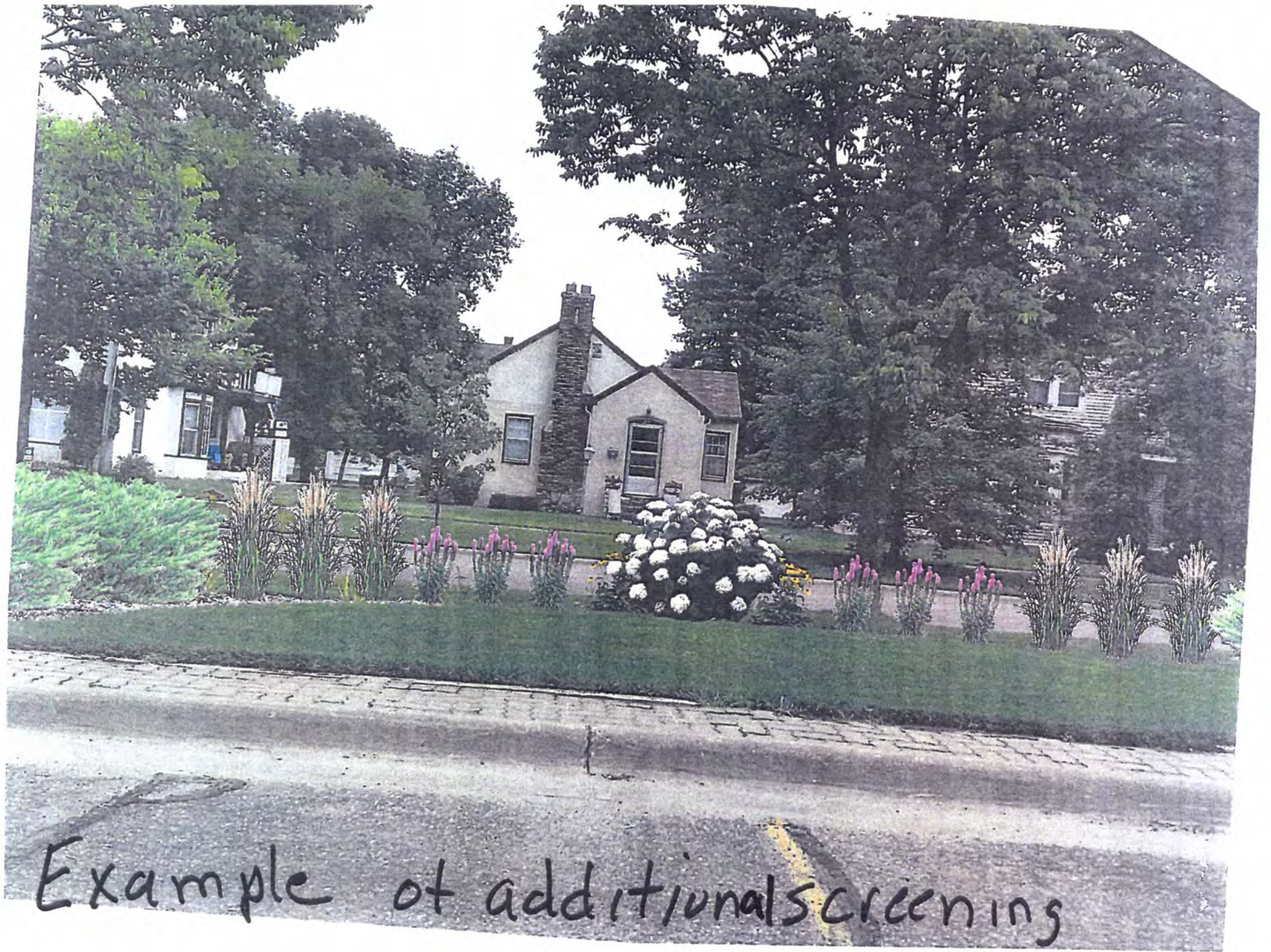
Michael J. Larson  
Chief Operating Officer

Cc: Jim Thoreen, City Administrator  
Kelly Bevans, City Council member  
Adam Rees, President Essentia Health – Central Region

Screening not Required

Screening required







Google earth



2008 photo



2016 photo

## NOTICE OF HEARING

### TO WHOM IT MAY CONCERN:

Notice is hereby given that Essentia Health–St. Joseph’s Medical Center 523 N. 3<sup>rd</sup> Street, Brainerd, MN 56401, has applied for a variance to modify the screening requirements for the parking lot it owns at 501 N 4<sup>th</sup> Street. The property is located in an R-1 (Single Family Residential) District.

The property is legally described as:

Block 130 Town of Brainerd and 1<sup>st</sup> Addition to Brainerd

PID #09196130001Y009

City of Brainerd Zoning Ordinance Section 515-20-9: *Landscaping, Green Space and Screening Provisions – Parking Lots specifies that:*

- A. All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year round fifty (50) percent opacity.*
- B. When a parking lot is adjacent to or across an alley from a residential use or zone, the required screen height shall be increased to six (6) feet.*
- C. A berm may be used as part of the screening for off-street parking in which case the berm shall be no more than two (2) feet in height. Landscaping on a berm shall maintain eighty (80) percent year round opacity not less than three (3) or more than four (4) feet in height.*
- D. A four (4) foot high wall or fence constructed of masonry, brick, wood, or vinyl may be used for required screening. The area between the parking lot and a wall or fence shall be planted with grass or established with landscape material.*

Essentia Health–St. Joseph’s Medical Center removed the parking lot periphery landscaping/screening and landscaped the parking lot periphery with new plantings that do not provide the obscuration minimum as described in A. above. In addition to the plants already installed, more will be installed to improve the screening opacity; however it will remain less than the minimum described in A. above. 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., September 21, 2016, to consider the request for the Variance.

A copy of the application that includes an illustration depicting the additional landscaping is on file for review at the City Planning Department, 501 Laurel Street.

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

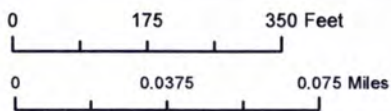
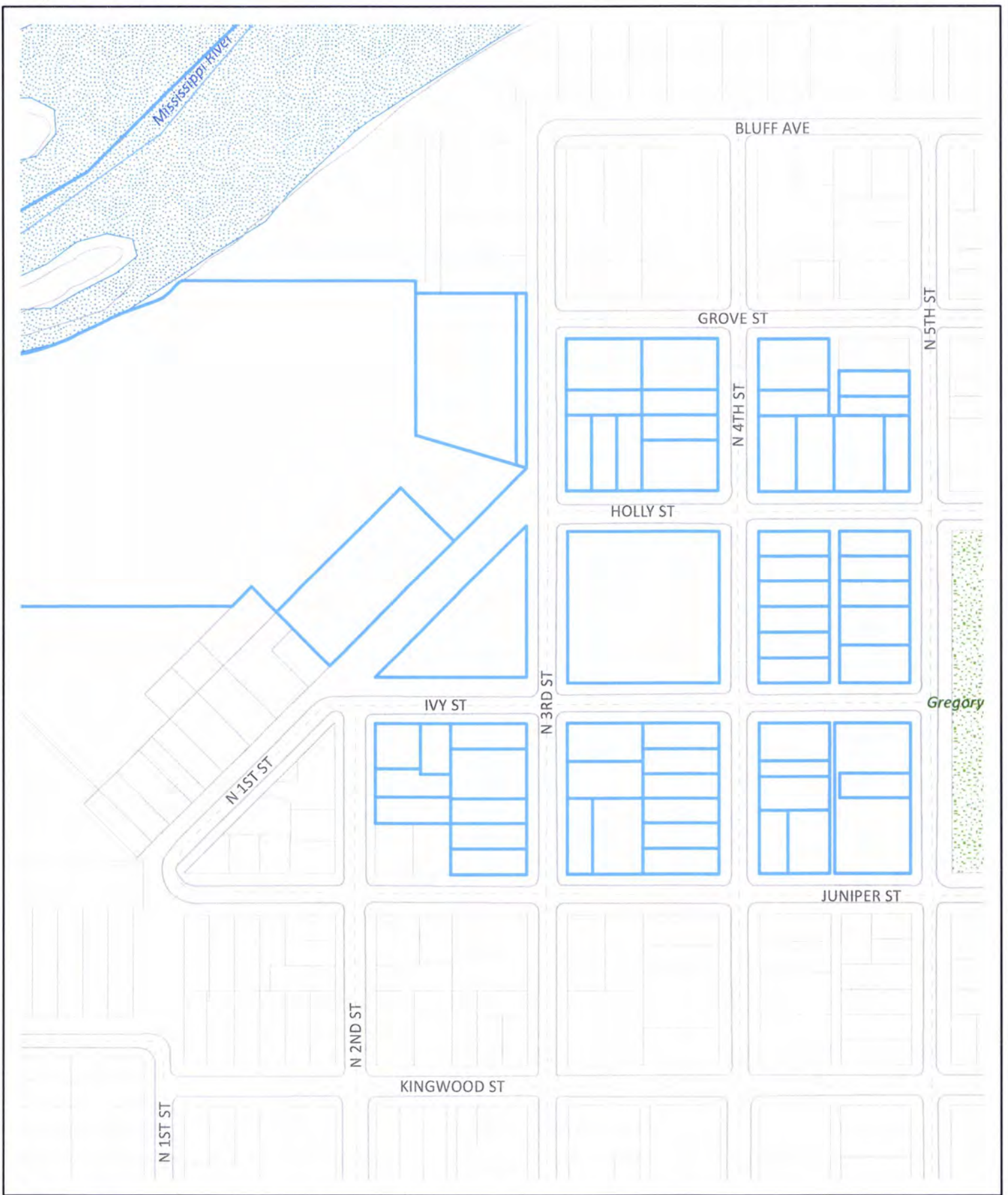
Dated this 8<sup>th</sup> day of September, 2016

  
Mark Ostgarden AICP  
City Planner

Publication date: September 9, 2016

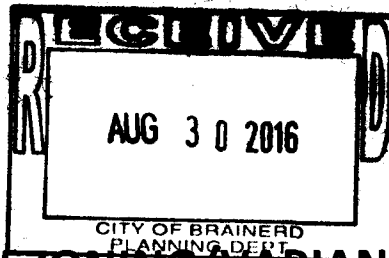
VARIANCE - ESSENTIA HEALTH/ST JOSEPH'S PARKING LOT

| APPRCL          | TXNAME                              | TXADR1                 | TXADR2             | PHYSADDR       |
|-----------------|-------------------------------------|------------------------|--------------------|----------------|
| 09196170008Z009 | AEGERTER, MARY A                    | 615 5TH ST N           | BRAINERD, MN 56401 | 615 5TH ST N   |
| 09196132015Z009 | ANDERSON, ROGER ZACHARY             | 520 4TH ST N           | BRAINERD, MN 56401 | 520 4TH ST N   |
| 09196110005Z009 | BANKS, TRAVIS E & TRACY L           | 15359 SHELLISA LN      | BRAINERD, MN 56401 | 409 4TH ST N   |
| 09196172009Z009 | BORAN, DAVID F & MARY K             | 621 4TH ST N           | BRAINERD MN 56401  | 621 4TH ST N   |
| 09196110003Z009 | BUBLITZ, MARK F & JILL E            | 407 4TH ST N           | BRAINERD MN 56401  | 407 4TH ST N   |
| 09196132019Z009 | BYE CABLES INC                      | P O BOX 565            | BRAINERD, MN 56401 | 510 4TH ST N   |
| 09196108020Z009 | CHAMBERLAIN, SONYA HESS & LAURENCE  | 401 JUNIPER ST         | BRAINERD, MN 56401 | 401 JUNIPER ST |
| 09196110007Z009 | CHRISTENSEN, RANDY H & CONNIE       | 413 4TH ST N           | BRAINERD MN 56401  | 413 4TH ST N   |
| 09196132011Z009 | CLARK, CHARLES E & BARBARA C        | 523 N 5TH ST           | BRAINERD MN 56401  | 523 5TH ST N   |
| 09196170017Z009 | ENGELSTAD, SCOTT E & PATRICIA K     | 616 4TH ST N           | BRAINERD, MN 56401 | 616 4TH ST N   |
| 09196108001Z009 | FIRST CONGREGATIONAL CHURCH         | 415 JUNIPER            | BRAINERD MN 56401  |                |
| 09196108007Z009 | FIRST CONGREGATIONAL CHURCH         | 415 JUNIPER            | BRAINERD MN 56401  | 413 5TH ST N   |
| 09196108020Y009 | FIRST CONGREGATIONAL CHURCH         | 415 JUNIPER            | BRAINERD MN 56401  | 411 JUNIPER ST |
| 09196132009Z009 | FISHER, STEVEN A N & ANNE C N       | 517 5TH ST N           | BRAINERD, MN 56401 | 517 5TH ST N   |
| 09196132004Z009 | FITZPATRICK, THOMAS A & RUTH A      | 511 5TH ST N           | BRAINERD MN 56401  | 511 5TH ST N   |
| 09196132013Z009 | FRASL, STEVEN P & PAULINE           | 524 4TH ST N           | BRAINERD MN 56401  | 524 4TH ST N   |
| 09196132021Z009 | HANSON, DONNA M                     | 508 N 4TH ST           | BRAINERD MN 56401  | 508 4TH ST N   |
| 09196110013Z009 | HASTINGS, CHRISTOPHER J & JESSACA J | 422 N 3RD ST           | BRAINERD, MN 56401 | 422 3RD ST N   |
| 09196110019Y009 | JABS, ALAN                          | 305 JUNIPER ST         | BRAINERD, MN 56401 | 305 JUNIPER ST |
| 09196108013Z009 | LAKE, LISA                          | 424 4TH ST N           | BRAINERD, MN 56401 | 424 4TH ST N   |
| 09196108016Y009 | LAKE, LISA                          | 424 4TH ST N           | BRAINERD, MN 56401 |                |
| 09196110001Z009 | MATTHIES, TODD K                    | 403 N 4TH ST           | BRAINERD, MN 56401 | 403 4TH ST N   |
| 09196110016Z009 | MATTHIES, WILLIAM & EVELYN          | 418 NORTH 3RD ST       | BRAINERD, MN 56401 | 418 3RD ST N   |
| 09196132017Z009 | MEYENBURG, TIMOTHY DAVID            | 512 4TH ST N           | BRAINERD, MN 56401 | 512 4TH ST N   |
| 09196170001Y009 | PICKAR, ANDREW & TERESSA            | 13957 HARDY LAKE RD 5W | PILLAGER, MN 56473 | 423 HOLLY ST   |
| 09196110011Z009 | PIKULA, LESLIE J & JANETTE          | 421 4TH ST N           | BRAINERD MN 56401  | 421 4RD ST N   |
| 09196110009Z009 | RAKOWSKI, MICHAEL & JOYCE           | 417 N 4TH ST           | BRAINERD MN 56401  | 417 4TH ST N   |
| 09196132001Z009 | RESCH, DIANE K                      | P O BOX 207            | EMILY MN 56447     | 501 5TH ST N   |
| 09196170019Y009 | RICHARDSON, SHELLEY L & JOHN P      | 409 HOLLY ST           | BRAINERD MN 56401  | 409 HOLLY ST   |
| 09196110019Z009 | RUNBERG, JAMES P & DIANE E TRTEES   | 1205 LAKEVIEW LN N     | BRAINERD, MN 56401 | 301 JUNIPER ST |
| 09196132007Z009 | SCHMIDT, ERIC J & TONI              | 515 N 5TH ST           | BRAINERD, MN 56401 | 515 5TH ST N   |
| 09196170013Z009 | SJOLUND, DOUGLAS W & PATRICIA       | 620 N 4TH ST           | BRAINERD MN 56401  | 620 4TH ST N   |
| 091050000210009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  |                |
| 09166002022Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  |                |
| 09196112001Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 403 3RD ST N   |
| 09196112003Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 407 3RD ST N   |
| 09196112005Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 411 3RD ST N   |
| 09196112011Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  |                |
| 09196112013Y009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  |                |
| 09196112013Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  |                |
| 09196112016Y009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  |                |
| 09196112018Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  |                |
| 09196128000Z889 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 523 3RD ST N   |
| 09196130001Y009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 501 4TH ST N   |
| 09196172005Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 609 4TH ST N   |
| 09196172007Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 617 4TH ST N   |
| 09196172013Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 624 3RD ST N   |
| 09196172017Z009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 616 3RD ST N   |
| 09196172019X009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 311 HOLLY ST   |
| 09196172019Y009 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 307 HOLLY ST   |
| 09200001001Z889 | ST JOSEPH'S MEDICAL CENTER          | 523 N 3RD STR          | BRAINERD MN 56401  | 621 3RD ST N   |
| 09196112007Z009 | ST JOSEPH'S, HOSPITAL OF BRAINERD   | 523 N 3RD ST           | BRAINERD MN 56401  | 419 3RD ST N   |
| 09196172019Z009 | ST JOSEPH'S, HOSPITAL OF BRAINERD   | 523 N 3RD ST           | BRAINERD MN 56401  | 301 HOLLY ST   |
| 09196170007Z009 | STEALY, KEVIN C & ELLEN             | 611 5TH ST N           | BRAINERD, MN 56401 | 611 5TH ST N   |
| 09196172001Z009 | STORM, CAROL J                      | 601 4TH ST N           | BRAINERD, MN 56401 | 601 4TH ST N   |
| 09196132023Z009 | TAUTGES, ROBERT J & TOD STRANGE     | 9056 FOREST HEIGHTS DR | BRAINERD, MN 56401 | 504 4TH ST N   |
| 09196170019Z009 | THORNTON, ANN                       | 401 HOLLY ST           | BRAINERD, MN 56401 | 401 HOLLY ST   |
| 09196170001Z009 | WELLS, CARL B                       | 417 HOLLY ST           | BRAINERD MN 56401  | 417 HOLLY ST   |
| 09196108017Z009 | WILEMAN, DANIEL E & JOAN M          | 412 4TH ST N           | BRAINERD MN 56401  | 412 4TH ST N   |



**City Planning Department**

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



Receipt # 2016-00061  
 Check # CC  
 Date Paid: 8-30-16

**CONDITIONAL USE/REZONING/VARIANCE APPLICATION**

|                        | RESIDENTIAL                         | COMMERCIAL                                                               |
|------------------------|-------------------------------------|--------------------------------------------------------------------------|
| CONDITIONAL USE PERMIT | <input type="checkbox"/> (\$250.00) | <input type="checkbox"/> (\$400.00 + \$500.00 escrow deposit)            |
| REZONING               | <input type="checkbox"/> (\$300.00) | <input type="checkbox"/> (\$500.00)                                      |
| VARIANCE               | <input type="checkbox"/> (\$250.00) | <input checked="" type="checkbox"/> (\$400.00 + \$500.00 escrow deposit) |

**PROPERTY ADDRESS:** 523 North Third Street - Brainerd, MN 56401

**LEGAL DESCRIPTION:** Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Addition: East Parking Lot  
 (attach description if lengthy)

**Property Owner Name:** Essentia Health - St. Joseph's Medical Center

**Street Address:** 523 North Third Street **City:** Brainerd **State:** MN **Zip Code** 56401

**Phone Number:** 218-828-7315 **Fax:** 218-828-3129 **E-mail:** kurtis.busman@essentiahealth.org

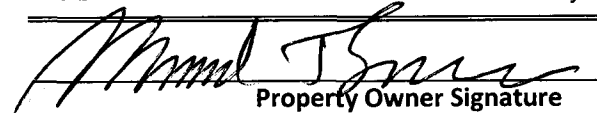
**Applicant Name:** (If different than Property Owner) \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

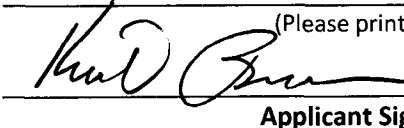
**Description of Request:** St. Joseph's Medical Center is seeking a variance to Brainerd City Ordinance 515-20, Landscaping, Green Space and Screening Requirements, particularly 515-20-9. Recently the hospital updated the landscaping surrounding our East parking lot in order to remove overgrown vegetation, deteriorating hardscape features including repurposed railroad ties used to establish a berm. It was determined that the condition of the parking lot surround was detrimental to the safety and security of patients, visitors, and employees. The current landscaping has been done tastefully and provides for these aforementioned concerns.

We believe that strict adherence to the current city ordinance will once again create a condition that compromises safety and security.

  
 Property Owner Signature

8/29/2016  
 Date

Mike Larson, Chief Operating Officer

  
 (Please print name)  
 Applicant Signature

8-29-16  
 Date

Kurtis Busman, Director, Facilities Management

(Please print name)

## AGENCY REVIEW CHECKLIST

Variance  
Essentra

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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:mark.liedl@crowwing.us)

\_\_\_\_\_  
**HRA**

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;  
[jennifer@brainerdhra.org](mailto:jennifer@brainerdhra.org)

\_\_\_\_\_  
**MISSISSIPPI HEADWATERS BOARD**

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104  
[mhb@mississippiheadwaters.org](mailto: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](mailto: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](mailto: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](mailto: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

# STAFF REPORT TO THE PLANNING COMMISSION

## September 14, 2016

### REZONING

APPLICANT/LOCATION: Joseph Hess, 610 N. 6<sup>th</sup> Street

PROPOSED ZONING: R-3 (Multi-Family) Residential

AREA: 50' x 150' Lot

CURRENT ZONING: R-1 (Single Family) Residential

ADJACENT USES: North: Single family residential  
East: Single family residential  
South: Single family residential  
West: Single family residential

ADJACENT ZONING: North: R-1 (Single Family) Residential  
East: R-1 (Single Family) Residential  
South: R-3 (Multi-Family) District  
West: R-1 (Single Family) Residential

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### REPORT

The property has been a licensed duplex at least since 2008 making it a legal non-conformity in the R-1 District. The property owner would like to use the dwelling as triplex which would expand the non-conformity. The rezoning is sought to permit the triplex and make it a conforming use. The property owner lives in the basement unit. It should be noted that the basement unit was created without the owner securing the required building permits.

### PETITION EVALUATION

- 1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.**  
There are no policies and provision of the Comprehensive Plan that are inconsistent with the proposed rezoning.
- 2. The proposed use's compatibility with present and future land uses of the area.**  
The Existing Land Use Map identifies the area as single family residential uses.  
The Future Land use Map identifies the area as low density residential land use.

3. **The proposed use's effect upon the area in which it is proposed.**  
Adding another dwelling unit will bring some additional traffic to the neighborhood. A change that adds another dwelling unit to a neighborhood will have little to no effect on the neighborhood.
4. **Traffic generation of the proposed use in relation to capabilities of streets serving the property.**  
The traffic generated by the additional unit will not have a negative effect on the capability of the street to serve the property.
5. **The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.**  
None of the uses allowed in the district will have a negative impact on public services and facilities nor will they overburden city services.

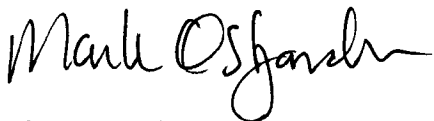
### **PLANNING DEPARTMENT COMMENTS**

In 2011 when the city wide Zoning Map update was completed the north line of the R-3 District along the north side of Kingwood Street was modified. On the subject property block it was modified to run parallel with Kingwood Street. Doing so eliminated a zoning line jog that included the subject parcel.

### **PLANNING COMMISSION AND CITY COUNCIL ACTION**

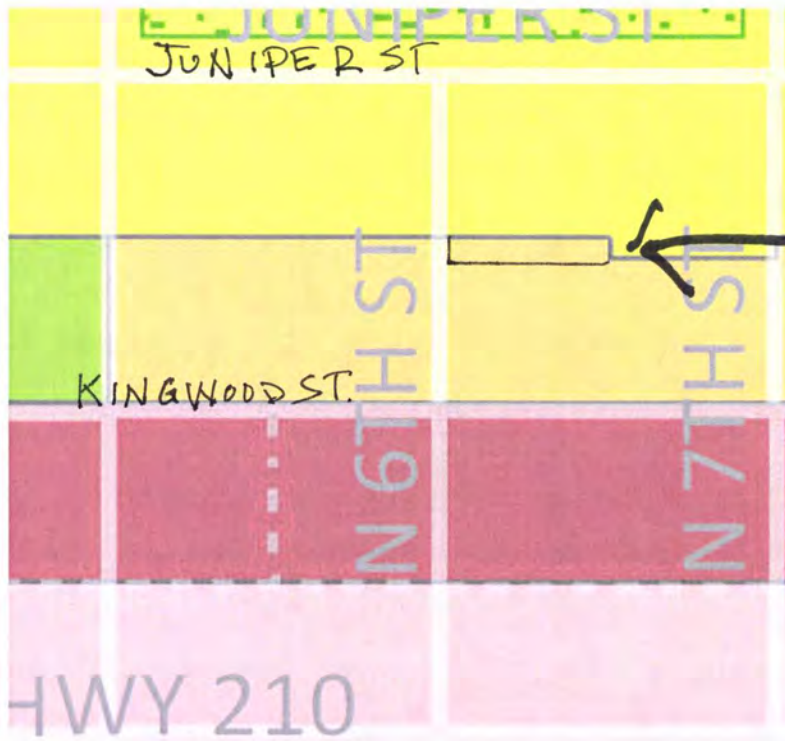
The Planning Commission may consider a recommendation on this request at its September 21, 2016 meeting. The City Council may receive the Planning Commission recommendation and may consider an Ordinance First Reading on October 3, and may consider the Ordinance Second Reading on October 17, 2016.

Respectfully submitted,



Mark Ostgarden AICP  
City Planner

## R-3 Zoning Line Prior to 2011



Subject  
Property

### Legend

City Limits

Parks

Lakes

### Zoning

R-1 Suburban Residential

R-2 Urban Residential

R-3 Multiple Family

R-4 Manufactured Housing

R-F Rural Residential

B-1 Limited Business

B-2 Neighborhood Business

B-3 Central Business

B-4 General Business

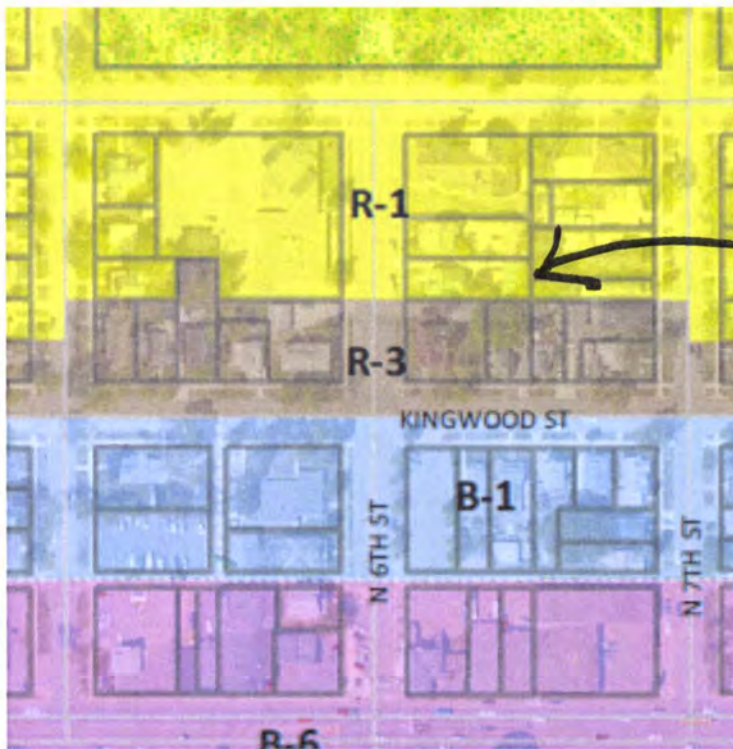
I-1 Light Industrial

I-2 General Industrial

X Not in the City



## R-3 Zoning Line After 2011



Subject  
Property

### Legend

City Limits

Railroad

Roads

Parks

Lakes/River

Streams

Parcels

### Zoning

R-F Rural Residential

R-1 Suburban Residential

R-2 Urban Residential

R-3 Multiple Family

R-4 Manufactured Housing

B-1 Limited Business

B-2 Neighborhood Business

B-3 Central Business

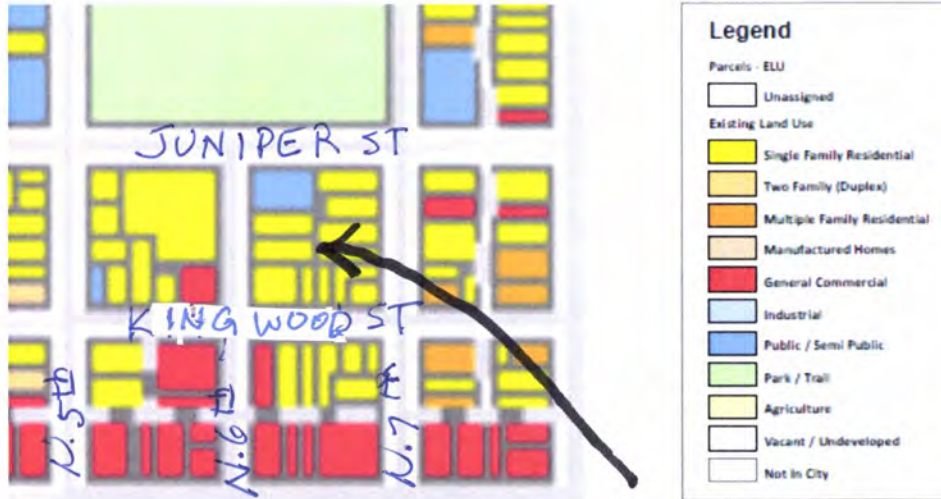
B-4 General Business

I-1 Light Industrial

I-2 General Industrial

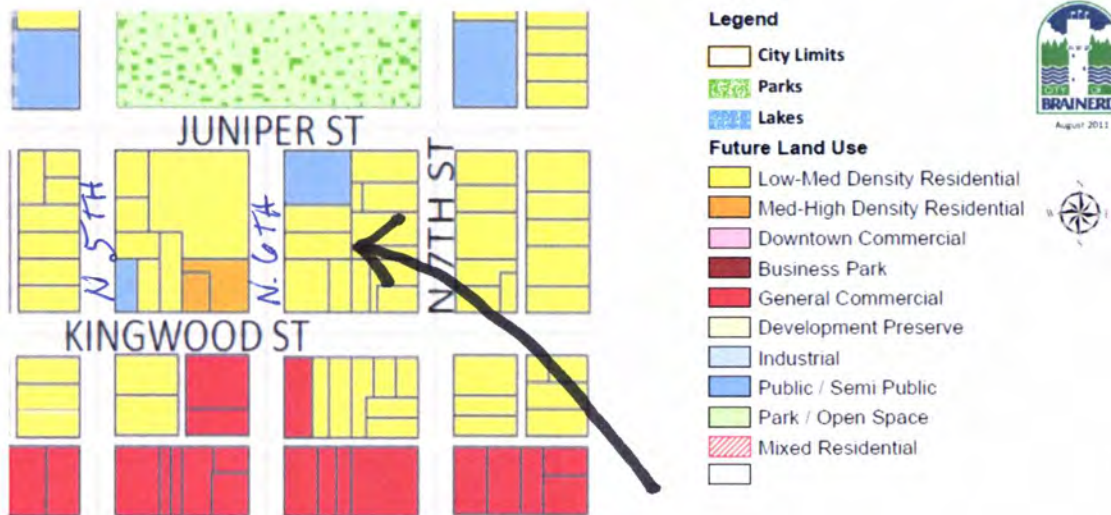
X Not in the City

# Existing Land Use



Subject Property

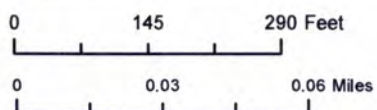
# Future Land Use



Subject Property

**REZONING - 310 N 6TH STREET - JOE HESS**

| APPRCL          | TXNAME                              | TXADR1               | TXADR2                  | TXADR3             | PHYSADDR          |
|-----------------|-------------------------------------|----------------------|-------------------------|--------------------|-------------------|
| 09196074001Z009 | ANDERSON, LARRY M                   | 13614 W BALLAD DR    | SUN CITY WEST, AZ 85375 |                    | 613 KINGWOOD ST   |
| 09196076013Z009 | BENSON, MARY L REV TRUST AGR        | 324 7TH ST N         | BRAINERD, MN 56401      |                    | 324 7TH ST N      |
| 09196074013Y889 | BODY OF CHRISTIAN, FELLOWSHIP       | 602 JUNIPER          | BRAINERD MN 56401       |                    | 602 JUNIPER ST    |
| 09196074001Y009 | BRUSSEAU, MICHAEL D & LAUREL        | 307 7TH ST N         | BRAINERD MN 56401       |                    | 307 7TH ST N      |
| 09196046022Z009 | CALDERON, LINDA COHEE               | 20261 MAIL ROUTE RD  | BRAINERD, MN 56401      |                    | 224 5TH ST N      |
| 09196044004Z009 | CHRISTLE, VIRGINIA M                | 217 N 7TH ST         | BRAINERD MN 56401       |                    | 217 7TH ST N      |
| 091961040000009 | CITY OF BRAINERD                    | 501 LAUREL ST        | BRAINERD, MN 56401      |                    |                   |
| 09196076015Z009 | COLLINS, DAVID C & LINDA            | 9845 OAK SHORE DR    | LAKEVILLE, MN 55044     |                    | 318 7TH ST N      |
| 09196044005Z009 | DK INVESTMENTS LLC                  | 1107 6TH ST S        | BRAINERD, MN 56401      |                    | 213 7TH ST N      |
| 09196044007Z009 | DLP INVESTMENTS LLC                 | 3995 ROOSEVELT RD    | ST CLOUD, MN 56301      |                    | 615 WASHINGTON ST |
| 09196046019Z009 | DOUGHERTY MINNESOTA LLC             | 3180 COUNTRY DR      | LITTLE CANADA, MN 55117 |                    | 216 5TH ST N      |
| 09196102000I009 | EPISCOPAL CHURCH                    | 408 N 7TH            | BRAINERD MN 56401       |                    |                   |
| 09196074007Z009 | ERICKSON, JOHN & JANET              | 230 CHIPPEWA         | BRAINERD MN 56401       |                    | 323 7TH ST N      |
| 09196072016Z009 | FRATZKE, NICHOLAS & MEGAN           | 312 N 5TH ST         | BRAINERD, MN 56401      |                    | 312 5TH ST N      |
| 09196044016Y889 | GMEINDER, ALFRED J & BARBARA K %SAW | 601 WASHINGTON ST    | BRAINERD MN 56401       |                    | 601 WASHINGTON ST |
| 09196044019Z009 | GMEINDER, ALFRED J & BARBARA K %SAW | 601 WASHINGTON ST    | BRAINERD MN 56401       |                    |                   |
| 09196046005Z889 | GROENWOLD, JOHN                     | 13713 OLIVEWOOD DR   | BAXTER MN 56425         |                    | 215 6TH ST N      |
| 09196072020Z009 | HALL, EDWARD M & JUDITH C           | 9303 MEADOW BROOK LN | BRAINERD, MN 56401      |                    | 310 5TH ST N      |
| 09196074019Z009 | HESS, JOE                           | C/O ANGELINE HESS    | 1622 NORWOOD ST         | BRAINERD, MN 56401 | 310 6TH ST N      |
| 09196044014X009 | HORSESHOE ENTERPRISES LLC           | 29468 RUSTIC LN      | MERRIFIELD, MN 56465    |                    | 607 WASHINGTON ST |
| 09196042020Z889 | JACK AND HARRY INVESTMENTS LLC      | 206 7TH ST N         | BRAINERD, MN 56401      |                    | 218 7TH ST N      |
| 091960740050009 | JONES, TARA E                       | 309 7TH ST N         | BRAINERD, MN 56401      |                    | 309 7TH ST N      |
| 09196046001Z009 | KEHR, ROLAND E JR & PATRICIA        | 723 N 4TH ST         | BRAINERD MN 56401       |                    | 524 KINGWOOD ST   |
| 09196044019X009 | LAKES AREA HABITAT FOR HUMANITY     | PO BOX 234           | BRAINERD, MN 56401      |                    | 612 KINGWOOD ST   |
| 09196074021Y009 | LIMOGIANNI, BRITTANI & ANTHONY      | 609 KINGWOOD ST      | BRAINERD, MN 56401      |                    | 609 KINGWOOD ST   |
| 09196074001X009 | LORIMOR, DIANNA C                   | 16380 BIRCHWOOD LN   | BRAINERD, MN 56401      |                    | 301 7TH ST N      |
| 09196044001Z009 | MAILHOT, JOSHUA & CANDACE           | 614 KINGWOOD ST      | BRAINERD, MN 56401      |                    | 614 KINGWOOD ST   |
| 09196074013Z009 | MANSELLE, BRANDON & KIDROWSKI, AMY  | 316 6TH ST N         | BRAINERD, MN 56401      |                    | 316 6TH ST N      |
| 09196072001Z009 | MCCULLOCH, EDWARD W & LYNNE M       | 515 KINGWOOD ST      | BRAINERD MN 56401       |                    | 515 KINGWOOD ST   |
| 09196076021Z009 | NELSON, PATRICIA G                  | 308 N 7TH ST         | BRAINERD MN 56401       |                    | 308 7TH ST N      |
| 09196046007Y009 | NIEMEYER, CORBY L & SHEILA J        | 18703 ROCK BAY RD    | BRAINERD MN 56401       |                    | 211 6TH ST N      |
| 09196044013Z009 | NOETZEL, BRANDEN J                  | 611 WASHINGTON ST    | BRAINERD, MN 56401      |                    | 611 WASHINGTON ST |
| 09196074021Z009 | NORDENSON, DANIEL J & ELIZABETH S   | 601 KINGWOOD ST      | BRAINERD MN 56401       |                    | 601 KINGWOOD ST   |
| 09196072005Z009 | PARK UNITED, METHODIST CHURCH       | 315 N 6TH ST         | BRAINERD MN 56401       |                    | 514 JUNIPER ST    |
| 09196044019Y009 | PARSONS, MARY                       | 13204 TIMBERLANE DR  | BAXTER, MN 56425-8025   |                    | 608 KINGWOOD ST   |
| 09196072001Y009 | RAGE HOLDINGS LLC                   | 16085 MCKAY RD       | BRAINERD, MN 56401      |                    | 519 KINGWOOD ST   |
| 09196076022Z009 | RIVERS, CULLEN J                    | 713 KINGWOOD ST      | BRAINERD, MN 56401      |                    | 713 KINGWOOD ST   |
| 09196072016Y009 | ROBERTS, JENNA C                    | 502 JUNIPER ST       | BRAINERD, MN 56401      |                    | 502 JUNIPER ST    |
| 09196042022Z889 | RUNBERG, JAMES P & DIANE E TRTEES   | 1205 LAKEVIEW LN N   | BRAINERD, MN 56401      |                    | 222 7TH ST N      |
| 09196074006Z009 | SHAW, CHARLES R & ELIZABETH A       | 315 7TH ST N         | BRAINERD MN 56401       |                    | 315 7TH ST N      |
| 09196044001Y009 | SORENSEN, PHYLLIS M                 | 620 KINGWOOD ST      | BRAINERD MN 56401       |                    | 620 KINGWOOD ST   |
| 09196076017Z009 | STEGNER, AARON A & CARRIE D         | 310 7TH ST N         | BRAINERD, MN 56401      |                    | 310 7TH ST N      |
| 09196074007Y009 | STOCK, PAMELA S                     | 317 7TH ST N         | BRAINERD MN 56401       |                    | 317 7TH ST N      |
| 09196074012A009 | STOCK, PAMELA S                     | 317 7TH ST N         | BRAINERD MN 56401       |                    |                   |
| 09196044001X009 | STREIFF, BRETT W & MARY B           | 624 KINGWOOD STREET  | BRAINERD, MN 56401      |                    | 624 KINGWOOD ST   |
| 09196076023Z009 | THOMAS, JOHN G                      | 5154 JORDAN RD       | BAXTER, MN 56425        |                    | 302 7TH ST N      |
| 09196072019Y009 | TRUSTY, MARY B                      | 511 KINGWOOD ST      | BRAINERD, MN 56401      |                    | 511 KINGWOOD ST   |
| 09196072021Z009 | TRUTH LUTHERAN CHURCH LLC           | PO BOX 471           | BRAINERD, MN 56401      |                    | 501 KINGWOOD ST   |
| 09196072021Y009 | WNUK, MARY L                        | 507 KINGWOOD ST      | BRAINERD MN 56401       |                    | 507 KINGWOOD ST   |



## NOTICE OF HEARING

### TO WHOM IT MAY CONCERN:

Notice is hereby given that Joe Hess, 310 N. 6<sup>th</sup> Street has submitted a request to rezone the property from R-1 (Single Family) Residential to R3 (High Density Residential).

#### ***Permitted Uses in the R-1 District include:***

*Detached single family dwellings; Public recreation areas and related accessory buildings and structures; Residential facilities serving six (6) or fewer persons in a single family detached dwelling; Essential services as regulated by Section 36 of this Ordinance.*

#### ***Interim Uses in the R-1 District include:***

*Home Extended Businesses as regulated by Section 26 of this Ordinance; Temporary buildings associated with a public or private principal school...*

#### ***Conditional Uses in the R-1 District include:***

*Off-premise surface parking lots and parking ramps...; Bed and breakfast subject to provisions of Section 31 of this Ordinance.; Non-profit and not-for-profit offices located in buildings owned by the Brainerd Independent School District ...; Planned Unit Developments...; Government and public regulated utility buildings and structures ...; Public and private schools provided that ...; Hospitals provided that ...; Places of worship and related buildings provided that ...; Dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet...*

#### ***Uses by Administrative Permit in the R-1 District include:***

*Personal wireless service antennas as regulated by Section 35 of this Ordinance*

The property is legally described as follows:

Lots 19 and 20 Block 74 of Town of Brainerd & First Addition  
PID 09196074019Z009

A Public Hearing will be conducted by Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21, 2016 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property in accord with the City of Brainerd Zoning Ordinance.

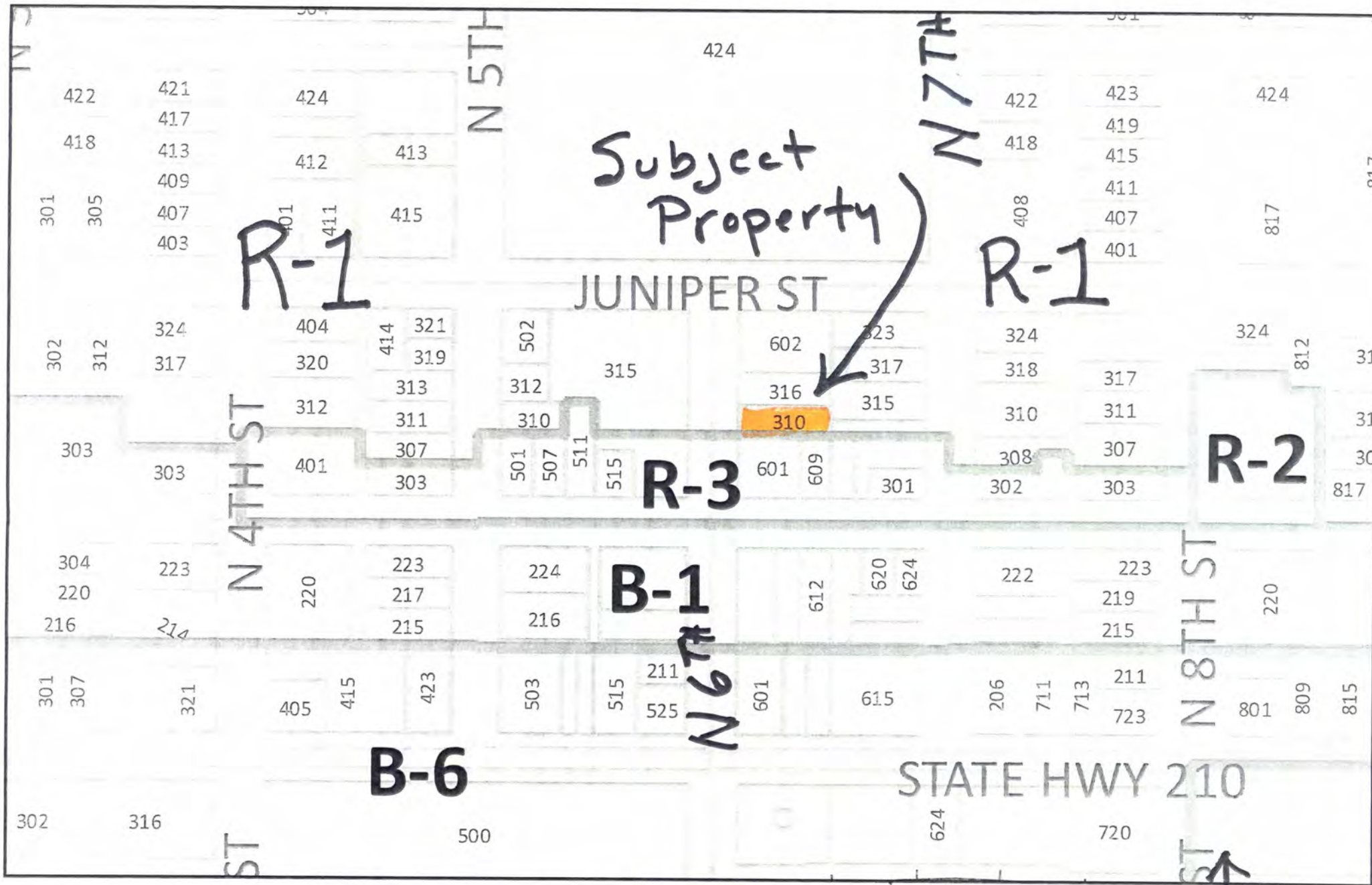
Any individual needing special accommodations please call (218) 828-2309.

Dated this 8th day of September, 2016

  
Mark Ostgarden AICP  
City Planner

Publication Date: September 9, 2016

*Over for a map of the property location.*





# City Planning Department

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

Receipt # 2016-00060

Check # Cash

Date Paid: 8-29-16

## CONDITIONAL USE/REZONING/VARIANCE APPLICATION

|                        | RESIDENTIAL                                    | COMMERCIAL                                                    |
|------------------------|------------------------------------------------|---------------------------------------------------------------|
| CONDITIONAL USE PERMIT | <input type="checkbox"/> (\$250.00)            | <input type="checkbox"/> (\$400.00 + \$500.00 escrow deposit) |
| REZONING               | <input checked="" type="checkbox"/> (\$300.00) | <input type="checkbox"/> (\$500.00)                           |
| VARIANCE               | <input type="checkbox"/> (\$250.00)            | <input type="checkbox"/> (\$400.00 + \$500.00 escrow deposit) |

PROPERTY ADDRESS: 310 N. 6TH ST Brainerd MN 56401

LEGAL DESCRIPTION: Lot(s): 19+20 Block: 74 Addition: Town of Brainerd & 1st Add  
(attach description if lengthy) 091960740192009

Property Owner Name: Joe Hess

Street Address: 310 1/2 N 6TH ST APT B City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-839-5490 Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Applicant Name: (If different than Property Owner) Joe Hess

Street Address: 310 1/2 N 6TH ST APT B City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-839-5490 Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Description of Request: Change Zoning To R-3

Property Owner Signature

Joe Walter Hess

(Please print name)

Date

8-29-16

Applicant Signature

Joe Hess

(Please print name)

Date

8-29-16

(OVER)

## AGENCY REVIEW CHECKLIST

Rezone  
310 N. 6th

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~~ <sup>t</sup>

☒ **BRAINERD POLICE DEPARTMENT**

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805;  
[corky.mcquiston@ci.brainerd.mn.us](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:mark.liedl@crowwing.us)

☐ **HRA**

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;  
[jennifer@brainerdhra.org](mailto:jennifer@brainerdhra.org)

☐ **MISSISSIPPI HEADWATERS BOARD**

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104  
[mhb@mississippiheadwaters.org](mailto: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](mailto: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](mailto: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](mailto: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

FROM: Mark Ostgarden, City Planner *MO*

DATE: September 15, 2016

RE: Vacation Rentals By Owner (VRBOs) Zoning Ordinance Language Revisions

Attached is draft Zoning Ordinance language for VRBOs with changes based on consensus of the Planning Commission's August 17, 2016 workshop.

The changes made address:

- There should be an initial IUP and then a VRBO should be a licensed rental and inspected on an annual basis.
- Renting an entire house should be regulated however house sharing should be removed from the VRBO draft.
- Limit of bedrooms to 2 persons should be modified to specify 2 adults (16 and older) per bedroom.
- The parking setback requirement should be removed.
- An on premise sign the same allowed for a home occupation should be permitted.

The agenda includes time to review the changes.

## Vacation Rental by Owner

The following standards apply to Vacation Rental by Owner (VRBO) rented for 7 days or more.

1. The owner of a VRBO must apply for and receive an Interim Use Permit. Owner occupied dwellings that are also VRBO's do not require an Interim Use Permit.
2. The application for an Interim Use Permit shall include:
  - a. All information required for a conditional use permit
  - b. Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations
  - c. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shore recreational facilities.
  - d. Plan for garbage disposal.
  - e. A pet policy.
3. Emergency contact information (police, fire, hospital) be posted in the VRBO.
4. The occupancy of a VRBO shall be limited to no more than two (2) adults (16 and older) persons per bedroom.
5. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof.
6. The VRBO shall be connected to city sewer and water.
7. A VRBO shall have a full bathroom (sink, toilet and tub or shower).
8. On-site parking shall be provided which is sufficient to accommodate the occupants of the vacation/private home rental. Public streets may not be used for calculating parking by renters or guests.
9. Attempting to obtain additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
10. One on premise sign is allowed in accord with Section 515-37-5 G. Signs. Permit Not Required
11. The owner shall provide a visual demarcation of the property lines.
12. The owner shall keep a report, detailing use of the home by recording the full name, address, phone number and vehicle license number of guests using the property. A copy of the report shall be provided to the Planning Department upon request.
13. No more than 1 VRBO will be allowed on a lot or parcel and there shall be no more than 1 VRBO per block (300' excluding street rights of way) and 1 per block front (300' excluding street rights of way).
14. A VRBO shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's Rental Housing Maintenance Code.

15. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, and nearby water bodies as well as other concerns including, but not limited to public safety and safety of guests. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of guests.
16. VRBOs rented for less than 7 days are considered a hotel and are required to have a Minnesota Department of Health license and an Interim Use Permit.
17. All vacation/private home rentals, operating prior to the effective date of these standards, shall be in compliance with this section by \_\_\_\_\_.

Each unit will require a \$\_\_\_\_ initial fee plus \$\_\_ per year for annual licensure pending annual inspection.



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# City of Walla Walla explores vacation rental regulations

**2016-09-14 | WALLA WALLA UNION-BULLETIN**

Sept. 13 --Vacation rental owners in Walla Walla could face new rules and fees as city officials move forward with plans to tally, tax and regulate what is a flourishing short-term rental market.

At a City Council work session Monday, Development Director Elizabeth Chamberlain introduced several areas where codes could be drafted and reviewed by the city's Planning Commission as early as next month.

Chamberlain estimated there are at least 107 vacation rentals operating within city limits, though the number could be much larger because the businesses are currently unregulated and often under the radar of city and state officials.

Discussed at the work session was a plan to draft a code that would attempt to keep tabs on property owners who rent houses for fewer than 30 days by requiring them to obtain a business license.

Codes would also be drafted to require annual inspections, proof lodging and sales taxes have been paid and an annual fee that would help pay for future administration and enforcement.

Other proposed codes included requiring a local contact or management firm if the property owner lives more than 25 miles from the vacation rental, as well as creating a two-tiered regulatory system that had fewer requirements for rentals where property owners live in their houses while renting out rooms.

But the one proposal that got the most grumbles from the audience -- which included about a dozen affected property owners -- would be a future city code requiring vacation rentals to provide at least one off-street parking space per bedroom.

"It is so unrealistic," said Alexa Palmer, who manages approximately 40 vacation rentals through her business, Walla Walla Vacation Rentals.

"Many of the homes I manage are in the historic district. These are homes that had horses and buggies when they were built ... It is unrealistic to ask for a space per room."

City Council members present were Mayor Allen Pomraning, Jim Barrow, Barbara Clark and Tom Scribner, and all four wanted some level of vacation rental regulation.

Barrow added he wanted an extra parking space beyond the bedroom count to accommodate the property owner.

Council members were also in support of requiring limits on rental density in neighborhoods.

In her report, Chamberlain noted some cities limit the distance allowed between vacation rentals, such as requiring the rentals be separated by at least 250 feet.

The topic of drafting the codes will be reviewed at the 7 p.m. Oct. 3 Planning Commission meeting at City Hall, 15 N. Third Ave.

Alfred Diaz can be reached at [alfreddiaz@wwub.com](mailto:alfreddiaz@wwub.com) or 526-8325.

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# Vacation-rental regulation gets one step closer

**2016-09-15 | THE DAILY INTER LAKE**

Sept. 15 --After shaping the rules surrounding short-term residential rentals for months, Kalispell City Council members said they're almost ready to create a policy to regulate vacation rental operations.

In a work session Monday night, the council met with city planning and zoning officials for the third time to discuss how to respond to short-term rentals, known as "vacation rentals by owner."

The city's current zoning rules effectively prohibit property owners from providing the rentals. But according to planning staffers, recent estimates from web-based tracking services found 102 short-term rentals listed on sites such as Airbnb in the greater Kalispell area, including 50 within city limits.

Council member Phil Guiffrida said the growth of short-term rentals means the council has to acknowledge the need for a new ordinance.

"I could very easily sit here and just be furious on how we got here, and I am to a point," Guiffrida said. "But the fact is we're here and we need to move forward."

Fred Zavodny of Village Greens was one of several residents who asked the city to

forbid short-term rentals in established residential zones.

"Permitting VRBOs in established residential zones is the same as changing the rules in the middle of the game," Zavodny said. "I don't know of anyone who would want new neighbors every couple of days."

As currently proposed, the zoning amendment would allow vacation rentals in residential areas as long as the owner obtains a conditional use permit by getting a safety inspection from the building department. The owner would also need a state public accommodation license and register for state bed tax purposes.

City Manager Doug Russell said owners would be required to get an annual renewal, meaning going through another health and safety inspection, reverifying tax registration and paying a \$75 fee -- the same fee attached to a residential-based conditional use permit.

The fee would help the city maintain oversight of new rentals by investing in a web tracking system, which Russell said would cost \$2,000 to \$3,000 a year.

He said to balance city consistency and community concerns about the impact of short-term rentals, the draft includes density regulations and requires owners to be responsible to provide access to the minimal number of parking units required in their zone.

Russell said whether the rules go into effect is up to the council.

"I think that's mainly something you guys need to discuss ... how much of a regulation you think is appropriate with the level of use that we have out there."

Vanessa Ross said the parking requirements would hurt her business at the multiple properties she uses as short-term rentals. She said the majority of her renters come in one car with an occasional guest. She said people concerned about the impact of vacation rentals often don't understand the business.

"The people that own these houses, we supply them with our own personal things, which may be inherited from a grandfather," she said. "So we trust the people who come into our home to treat them as their own home, and we've never had any issue whatsoever."

Mayor Mark Johnson said the fabric of community neighborhoods is his main concern.

"But I don't want to over-regulate as well," Johnson said. "Looking at the question of how we got here ... it's free-market economy. And I never want to step in the way of free market economy until it starts to be an abuse on the system."

As council members continued to debate the right level of regulations and wording that could prevent unforeseen consequences, Planning and Building Director Tom Jentz reminded everyone that the ordinance could be amended.

"You guys are creating policy," Jentz said. "Coming forth with the best shot we have, getting something on the books ... let's try to solve what we have, live with it and see how it goes. We will come back and tell you if it's going well or not."

City staffers will continue to adjust the ordinance before bringing it before the council again.

DURING Monday's meeting, the council also asked city staffers to update the city's disturbing-the-peace ordinance. The topic first came up during a regular meeting when a citizen complained about loud construction noises early in the morning.

Council members discussed attaching time components to the ordinance to have clearer rules, But after reviewing the ordinance, they decided its wording was out of date and needed to be amended before they make additions.

Reporter Katheryn Houghton may be reached at 758-4436 or by email at [khoughton@dailyinterlake.com](mailto:khoughton@dailyinterlake.com).

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# The No. 1 fastest growing city in Minnesota? It's the not-so-small town of Rogers

**2016-07-04 | STAR TRIBUNE (MINNEAPOLIS, MN)**

July 05 -- Rogers is the last city on westbound Interstate 94 in Hennepin County but the first city more residents and businesses are calling home.

The northwest metro suburb is the fastest growing city in Minnesota -- and it isn't slowing down, with plans for more large-scale housing and industrial developments over the next few years.

"We've grown tremendously," Mayor Rick Ihli said. "We want to build our community up so our citizens don't have to go to Maple Grove to shop, they don't have to go to Maple Grove to eat. And that's where we're headed."

Hugging the edge of Hennepin County across the Crow River from Otsego and St. Michael, Rogers is still relatively small with only 12,500 residents. But it's seen a dramatic 42 percent bump in population in just over four years. That's largely due to the annexation of Hassan Township, which was the county's last township when it merged its 17 square miles and 2,600 residents with Rogers in 2012.

Even without Hassan's population, Rogers' city leaders said it's had a more than 10 percent increase in residents, and that still puts it in the top fastest growing cities in the state.

The growth spurt hasn't come without challenges. The city is grappling with issues other suburbs long have had to deal with -- figuring out how to pay for rebuilding and adding roads, redeveloping its downtown and balancing its small-town character with suburban-style development.

"We're protective of that small-town feel," said resident Shannon Klick, who moved to Rogers three years ago from Maple Grove for its schools, youth sports and bigger home lots. "We don't want to become a big city where there's small lots ... we don't want to grow too fast."

Christi Tullbane was driving past Rogers on I-94 eight years ago to her house in Maple Grove when she spotted an intriguing housing development sign. She and her husband, drawn to the city's small-town feel, moved to Rogers for a new house on a larger half-acre lot for their three young daughters.

"There's just that sense of community," she said.

Larger home lots, small schools and a gateway location to the metro area are drawing new residents to Rogers, while the wide open spaces are bringing a huge influx in industrial development -- with 1.9 million square feet being built since 2011.

"It's really booming here," said DJ Hartley, who runs the I-94 West Chamber of Commerce.

Keeping small-town feel

Population projections from the Metropolitan Council say that Rogers will pass 14,000 residents in the next four years and hit 18,000 by 2030.

But in a community still known for farmland and open spaces, bringing in higher density housing to meet the Metropolitan Council's requirement spurred some resident backlash this year over smaller lot sizes.

And when the city proposed imposing franchise fees on public utilities -- an increasingly popular funding method cities are using to pay for projects -- residents rallied against the idea.

Nevertheless, city leaders say, home lots are still larger than most other metro cities', and taxes have remained relatively flat.

"We're still a rural community," said Ihli, reeling off a list of the last names of longtime families and owners of four-generation-owned farms.

This year, new housing developments have slowed because of the reduced availability of lots, with about 50 new homes being built. But there are future plans for another 500,000 square feet of industrial development and a 300-acre housing development, City Administrator Steve Stahmer said.

"There's plenty of room for growth," he said, but "we're not looking to outpace ourselves or grow too quickly."

'It's really booming'

Just two decades ago, Rogers had no stoplights and only one school. Now its high school is building a third wing and home lots are sprouting out of former farm fields. New major businesses, like a massive FedEx Ground distribution center, are drawing hundreds of jobs.

The city's population jumped from 2,649 people in 1990 to more than 11,000 residents in 2010, according to census data. Now the city is nearing 13,000 residents, half of whom commute 30 or more minutes to work, usually to Minneapolis and other west metro suburbs.

Employers in Rogers provide nearly 10,000 jobs, drawing employees from across the metro to companies like Graco Inc. and Cabela's.

"It's not a bedroom community," Stahmer said.

Lifelong resident Dave Christian , who was born on a farm in Rogers , has watched the town's dramatic shift.

"It's unbelievable; this place is just gangbusters," he said. "We've had some of the largest companies move in here."

Aside from the lack of affordable housing, which he believes is needed, he said many long-term residents like himself are pleased with Rogers' evolution.

"It's really been a blessing and boon to this town," he said. "We're living in a little paradise here -- it's the place to be, that's for sure."

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# Where the Sidewalk Funding Ends

Who should pay for pedestrian infrastructure?

RANDY GARBIN | [@walkjennintown](#) | Jul 27, 2016 | [22 Comments](#)



Watch your step: If sidewalks are public property, the author argues, they should be a public responsibility. (Randy Garbin)

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I love sidewalks. For those of us steeped in sustainable development, the humble concrete walkway is the symbol of our cause—it protects us from traffic, connects us to neighbors, and proclaims our commitment to a healthier lifestyle. It's what makes a walkable community walkable.

Then, I had to pay \$3,000 to fix mine.

My wife and I live in Jenkintown, Pennsylvania—a borough north of Philadelphia with easy train access, a good school, and sidewalks along every street. In April, 2015, we received a letter from the borough stating that several concrete blocks in front of our houses needed to be fixed, “for the safety of the general public.” And it was our responsibility to get it done.

This came as a shock. In my former home state of Massachusetts, as in most of New England, municipalities maintain the entire public right-of-way, which usually encompass abutting pedestrian infrastructure as well. But not in Pennsylvania, or California, or in many other towns and states. A quick survey of sidewalk ordinances around the country reveals of patchwork of policies, with no regional or political patterns. Progressive Portland, Oregon, requires homeowners to fix, while Portland, Maine assigns the job to public works. In red state Tennessee, Knoxville pays, while in blue state Minnesota, Minneapolis put homeowners on the hook. And so it goes.

The politics of sidewalk funding rarely make headlines, but the issue surfaced in Los Angeles recently, when the city announced a new policy dubbed “fix and release.” L.A. assumed responsibility for sidewalks in 1973 and received a \$2 million federal grant to fix crumbling walkways; today, having failed to create a dedicated funding stream to continue the work, the city is trying to shift the repair burden back upon homeowners. L.A. also recently pledged \$1.3 billion for sidewalk repairs as part of a settlement in a lawsuit brought against it by ADA advocates. “This is a problem that has been 40 years in the making,” L.A. city councilman Paul Krekorian [told the Los Angeles Times](#) in March.

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## So far, my sidewalk campaign has proved futile. “This is the way we’ve always done it,” one councilman declared.

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It might seem like a minor issue to complain about cracks in the sidewalk when buckled bridges, crippled subways, and other, flashier infrastructure woes dominate headlines. But sidewalk funding matters. I balked at the principle (and the pocketbook hit) of my \$3,000 repair bill, because the policy struck me as yet-another example of how towns and cities subsidize automobile usage and neglect walkability. Asking homeowners to pay directly for pedestrian infrastructure also exposes residents to legal liabilities, encourages builders not to include walkways for new housing developments, and hurts the area’s overall aesthetics.

I can speak directly to that last issue here in Jenkintown, which now boasts a Band-Aid streetscape of mismatched surfaces and patches. A recent mass inspection of our borough’s sidewalks triggered a frenzy of repair activity: Homeowners had four months to comply or face fines of \$185 per day. All summer, small bands of itinerant contractors roamed the streets, presenting wildly varying estimates. The imbroglio—and my own looming repair bill—inspired me to launch a website, [Walkable Jenkintown](#), and lead an effort to change the borough’s sidewalk funding policy.

So far, this campaign has proved futile. “This is the way we’ve always done it,” one councilman declared in a community meeting. “This is the way everyone else does it. I see no reason to change this now.” Some residents, fearing a property tax hike, take out a loan to get the job done and move on. One neighbor stated before Borough Council that he would delay the installation of new windows to pay for his sidewalk. “I guess my kids will have to sleep in drafty rooms for one more year,” he shrugged.

Contractors know that homeowners face hard deadlines, allowing them to present inflated estimates. According to figures presented by our borough manager, almost everyone ends up paying more than what the DPW pays. Freed from responsibility for its sidewalks, the town spends the money elsewhere, often on pedestrian-unfriendly projects. In 2008, Jenkintown borrowed \$2.4 million to construct a new parking lot for its commercial district. This subsidy for the business district and its car-driving customers could have rebuilt roughly one-third of our sidewalks and curbs. It's an inefficient solution that breeds both substandard sidewalk repairs and resentful residents.

After an lengthy ordeal that involved speeches before the borough council, letters and emails to all our representatives, a GoFundMe campaign to help defray the cost, and two appearances in court, my own household's contribution to the local pedestrian infrastructure is finally complete. But instead of feeling civic pride when I see my six new sidewalk blocks and 40 fresh feet of curb, this walkability advocate instead feels the stab of our intransigent government exacting its pound of flesh.

While I once loved Jenkintown for its location, charm and sense of community, it's starting to feel as if my pet cause has come to bite me in the ass. I never saw sidewalks as a burden until I moved here. Now, I understand for the first time why many might opt *not* to live in a walkable community.

## About the Author

Randy Garbin, the founder and former publisher of *Roadside Magazine*, has written about historic preservation and sustainability issues for the past thirty years. He lives in Jenkintown, PA, and runs his own interactive design firm.

ALL POSTS |  @walkjenkintown |  Feed

# Tiny Houses in a Tiny Neighborhood Could be Coming to St. Paul

**2016-08-01 | SAINT PAUL PIONEER PRESS (MN)**

Aug. 01 -- Betsy Gabler wants to sell you a teensy-weensy house.

It would sell for the itsy-bitsy price of \$100,000 . It would have a micro-yard. Environmentally, it would have a footprint the size of a baby shoe.

Its neighborhood would be, of course, tiny. All 36 units would be tucked into a cozy 1.5-acre corner in St. Paul .

"They would not quite look like giant Legos, but maybe a little bit," said Gabler, as she gave a tour of the LightHouse, a prototype of the proposed micro-homes.

Gabler is the business development director for Alchemy Architects , which has designed tiny houses called Weehouses around the country.

To build them in St. Paul , Alchemy is teaming up with homebuilder Robert Engstrom Co. , the Metropolitan Council and the East Side Neighborhood Development Co.

They hope to win approval for the project -- and zoning code changes -- from the city of St. Paul . If they do, the as-yet-unnamed tiny town will be built at Payne and Maryland avenues.

Small, they say, is the new big.

Austin Young , one of Alchemy's micro-house designers, said the homes are similar in size to those built after WWII.

Those houses, which averaged 950 square feet in 1950, were built for the wave of soldiers returning home. Since then, the average new home has ballooned to 2.5 times that size, according to the U.S. Census.

Houses have become unaffordable, Young said. In the housing crash of 2008, millions of Americans saw the value of their overbuilt homes crash, forcing them into foreclosure.

"That left people with a sour taste in their mouths," said Jay Nord , a project manager with Engstrom. "The rosy glow of the American dream was knocked out of the housing market."

Now, he said, Americans are suffering from "mortgage fatigue." That will make the mini-prices of \$100,000 to \$150,000 appealing, he said.

## FOR 1 OR 2 PEOPLE

The tiny houses are for one or two people, Nord said, a family size that accounts for 61 percent of the country's households. The large families that dominated the post-WWII era have been replaced by people living alone -- single, elderly, childless, divorced.

The homes are perfect for anyone who thinks green.

Instead of homes with three-car garages, Nord is planning for one car for every two units. His homeowners will use public transportation and services like Uber, he said, more than their own cars.

There are no garages planned. Some parking will be available, but not much.

"It is going to be a transformation in how transportation and real estate relate to each other," Nord said.

The micro-homes' production of greenhouse gases, from consuming electricity and natural gas, will be about 7 percent of that of an average American house, according to the nonprofit Recycle Nation.

What the units lack in size, they make up for in design.

"We substitute quality and sustainability for space," said Alchemy architect Geoffrey Warner .

The micro-homes are showcases of the latest domestic technology, from appliances to lighting to online tools. For example, a dashboard website for the LightHouse shows the minute-by-minute consumption of water, electricity and natural gas.

"What you save on not constructing something twice that size, you can spend on high-tech features," said John Vaughn , director of the East Side Neighborhood Development Co.

Finally, the neighborhood itself will be different.

The area won't have identical boxes lined up in rows, as in a trailer park. Architect Young said the units will emphasize unique design.

The roof lines will vary, including one barn-inspired design. He envisions one two-story unit with a loft space.

They will be arranged in unusual, even playful, ways. Some will be placed at angles, and others will be stacked up. Some might have parking underneath, and others will be cantilevered over one another.

"We are trying to invent a new model of cluster housing or pocket neighborhoods," Nord said.

At the LightHouse in St. Paul , Alchemy's Gabler gave a tour last week.

It didn't take long -- she walked from one end to the other in about six steps.

Gabler said the 160-square-foot LightHouse is not a perfect replica of the proposed homes for the Payne and Maryland development. The actual units will be 300 to 1,200 square feet -- roughly comparable to a small two-car garage on the low end and a four-car garage on the high end.

The LightHouse was built as demonstration and resembles a hotel room in a shipping container. That means it has no kitchen.

But the six-step tour showed a sleek sitting area with table, bathroom and bed -- all fitted together closely, like the interior of a luxury yacht.

Another key difference is that the LightHouse is designed to be moved. The micro-homes of Payne Avenue will be permanent.

But Alchemy is trying to raise public awareness of the micro-houses. "This," said Gabler, "starts the discussion."

## IF YOU GO

The LightHouse micro-home is in a parking lot of the Carleton Lofts, 2285 University Ave. , St. Paul . It will be on display Aug. 25-Sept. 5 at the Eco Experience building at the Minnesota State Fair .