

PLANNING COMMISSION
Wednesday, December 21, 2016

Planning Commission Vice-Chair Parks called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Antolak, Headley, Straw, Parks and Pritschet. Also present were City Planner Ostgarden, City Administrator Thoreen, Planning Intern Bryan Harvey and 2 others.

#2 Approval/Amendment of Agenda

Vice Chair Parks requested that item #4b be moved to #4a.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

#3 Approval of minutes of the regular meeting held on November 16, 2016 and the Workshop on November 16, 2016

MOVED AND SECONDED BY COMMISSIONERS STRAW AND HEADLEY, DULY CARRIED, TO APPROVE THE MINUTES OF THE NOVEMBER 16, 2016 REGULAR PLANNING COMMISSION MEETING AND NOVEMBER 16, 2016 PLANNING COMMISSION WORKSHOP AS PRESENTED.

#4 NEW BUSINESS

- a) **Gretchen Nelson - application for a Variance to permit a metal roof that is not standing seam in design on an accessory building located at 717 2nd Ave. NE, Brainerd, MN 56401**

City Planner Ostgarden reported that Gretchen Nelson received a notice from the Building Department that the accessory building roof at 717 2nd Ave NE needed repair. Rather than new shingles the owner chose to use a corrugated metal roof design. The repair notice did not specify that if metal roofing is used, the City's Zoning Ordinance specifies it is required to be standing seam design with concealed or exposed fasteners. The owner does not want to remove and replace the corrugated metal roof and has applied for a Variance for it to remain.

The City Planner showed pictures of the roof; stating that the structure is only visible from the alleyway. He stated that as result of this situation, the Building Department is now including information on building permits explaining requirements for metal roofs and the information will be included in future code enforcement letters.

The Chair opened the Public Hearing at 6:10 P.M.

The Chair recognized the petitioner; Ms. Gretchen Nelson, who stated that she is glad that the reference material is being included in the letter relating to roof repair.

The Chair closed the Public Hearing at 6:15 P.M.

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

1. The garage is located in an R-1 (Single Family Residential) Zoning District on a 140' x 50' (7,000 sq. ft.) lot.
2. The lot is permitted to have 700 sq. ft. of accessory buildings. The garage in question is approximately 624 sq. ft. in area and has a typical roof slope.
3. The garage is located in the rear of the lot and has access from the alley.
4. The garage is similar in size and height to the other garages that have alley access.
5. The Building Department notified the owner that the roof needed repair, however it did not include information about the need for a building permit to repair the roof and the information about metal roof design requirements.
6. The owner did not know that a metal roof was required to have standing seam design; the owner chose to use a corrugated look metal roof for the repair.
7. One phone call was received from a neighbor to state she has no issue with the look of the metal roof.
8. Petitioner spoke in favor and no one spoke in opposition.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND ANTOLAK, DULY CARRIED, TO ACCEPT THE FINDINGS-OF-FACT.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND ANTOLAK, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE AS APPLIED FOR BY MS. GRETCHEN NELSON FOR THE ACCESSORY BUILDING AT 717 2ND AVE NE, BRAINERD.

b) Carol and James Paschelke – application for a Variance to construct a 6' tall fence where a 4' tall fence is permitted at 501 16th St. SE, Brainerd, MN 56401

City Planner Ostgarden reported that the Paschelkes have a corner lot and have begun construction of a 6' tall fence in the side street setback area along Norwood Street where a 4' tall fence is permitted. A photo was shown of the house and street side yard where the fence has been constructed. The purpose of the fence, according to the property owners, is for privacy. Mr. Paschelke works for the Sherriff's Department and Ms. Pashelke's social work position brings her into contact with individuals from which she

would like to have privacy. Options for correction to code violation include moving the fence or a Variance for the height.

The Chair opened the Public Hearing at 6:20 P.M.

The Chair recognized the petitioner; Ms. Carol Paschelke, who addressed the commission to discuss the fence options and the reasons they would like to have more privacy. She answered questions of the Commission.

The Chair recognized City Administrator Jim Thoreen, who asked if there were any sightline issues along Norwood Street to consider.

The Chair closed the Public Hearing at 6:31 P.M.

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

1. The property is located in an R-2 (1 and 2 Family Residential) Zoning District on a 50x 100' (5,000 sq. ft.) corner lot.
2. The property owner has constructed a 6'tall privacy fence along the Norwood Street property line.
3. Norwood Street is considered the lot's side street yard. A 4 ft. tall fence is permitted between the house and the side street yard property line.
4. The house is approximately 10' from the Norwood Street property line.
5. The petitioner spoke in favor and no one spoke in opposition.

Commission discussion was held.

MOVED AND SECONDED BY COMMISSIONERS ANTOLAK AND STRAW, DULY CARRIED, TO ACCEPT THE FINDINGS-OF-FACT.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED TO APPROVE THE VARIANCE CONDITION UPON THE FENCE NOT ENCROACHING INTO THE CORNER LOT CLEAR VISION AREA.

c) Short Term Rentals – Permit as an Interim Use in Agricultural, Residential, Business, Mixed Use and Industrial Districts.

City Planner Ostgarden presented extensive information on “Rules and Definitions” of Short Term Rentals via a PowerPoint presentation.

Commissioner Pritschet asked for confirmation on an owner of a short term rental having to apply for and receive an interim use permit vs. owner occupied dwellings not having the same requirement.

Commissioner Straw suggested further information be included on the requirement fire extinguishers.

The Chair opened the Public Hearing at 6:45 P.M. No one came forward.

The Chair closed the Public Hearing at 6:46 P.M.

Commissioner Pritschet discussed issues that might arise with allowing short term rentals such as more rental properties than Brainerd already has and the R-1 being included.

Commissioner Headley suggested that positives include visitors having another way to come and stay in Brainerd and perhaps even stay as well as an opportunity for extra income for property owners

Commissioner Pritschet asked how hard the decision to allow short term rentals would be to reverse if there are too many negative issues.

Interim uses were discussed.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW TO APPROVE THE WORDING FOR SHORT TERM RENTALS WITH THE ADDITION OF INFORMATION ON FIRE EXTINGUISHER PLACEMENT.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND HEADLEY TO RECOMMEND ALLOWING SHORT TERM RENTALS BY INTERIM USE PERMIT IN THE FOLLOWING DISTRICTS AND TO REVIEW THE PROCESS AT THE END OF 2017: R-1A , R-1 AND R-2.

4. PUBLIC FORUM

The Chair recognized Mr. Jim Thoreen, who stated that he would like to speak to City Planner Ostgarden on whether or not something like the roof issue discussed this evening could be handled by administration rather than going through the full board process. He also stated that with three of the Planning Commission Members' terms being up in December, current members should spread the word to community clubs and other organizations to recruit new members.

5. OLD BUSINESS - None

7. Commissioners' Questions/Comments - None

8. City Planner's Report

- a) 2017 Planning Commission Members needed
- b) Thanks to current Commissioners willing to stay until their replacement is appointed
- c) New Chair and Vice Chair will need to be appointed in 2017
- d) This will be a busy year with the City Comprehensive Plan
- e) Recommend the League of Minnesota Cities Training

Adjourn - To 2nd Floor Conference Room for a Telecommunications Ordinance Review Workshop

AS THERE WAS NO FURTHER BUSINESS, WITH A MOTION BY PRITSCHET AND SECOND BY HEADLEY, DULY CARRIED, THE MEETING ADJOURNED AT 7:21 P.M. TO THE 2ND FLOOR CONFERENCE ROOM TO DISCUSS TELECOMMUNICATIONS ORDINANCE CONSIDERATIONS.

Respectfully submitted,

Mark Ostgarden AICP, City Planner

Brainerd Planning Commission Workshop
December 21, 2016

Planning Commission Vice-Chair Parks called the Planning Commission Workshop to order at 7:30 p.m. in the City Hall 2nd Floor Conference Room Council Chambers.

Noted present were Commissioners Antolak, Headley, Straw, Parks and Pritschet. Also present were City Planner Ostgarden, Planning Intern Bryan Harvey and Rick Adams.

The Workshop purpose was to review the additions and changes to the Zoning Ordinance Section 35 Towers and Antennas. The City Planner reviewed the additions and changes and mentioned that Mr. Adams had submitted written comments about the changes. His comments will be taken under advisement and reviewed.

The Planning Commission had no recommended additions or changes. The City Planner said he will send the draft to the City Attorney for review.

The meeting adjourned at approximately 8:00 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner