

BRAINERD PLANNING COMMISSION

Wednesday, January 18, 2017
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 December 21, 2016 and the Workshop on December 21, 2016
4. NEW BUSINESS
Comprehensive Plan Update Status and Potential Review Timeline (Distributed at the Meeting)
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
None
7. Commissioners' Questions/Comments
8. City Planner's Report
9. Adjourn to Workshop in the 2nd Floor Conference Room for Planning Commission Member Training

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

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 Sheriff's Department and Ms. Paschelke'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

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: January 12, 2017

RE: January 18, 2017 Meeting

There are no hearings or requests for action for the January 17th meeting. The draft revisions of the Towers and Antennas section of the Zoning Ordinance have been submitted to the City Attorney for review. The City Council President may submit 3 Planning Commission appointments at the January 17, 2017 City Council meeting. If approved they will be invited to attend the 18th meeting. It is understandable if the new appointees cannot make the meeting. I will not be asking any of the members that recently left the Planning Commission to attend the meeting. The meeting will need a chair to lead us through a very short agenda. Election of Officers for 2017 will occur at the February meeting.

The 18th will be a great opportunity to adjourn to work session to review state statutes related to planning and spend some time reviewing the Planning Commission bylaws, ordinances important to the planning process and to have a general review of Commissioner responsibilities.

Unless there are a lot of questions or a desire for a more in depth review, I would anticipate the workshop being about an hour long.

Please bring along your binder that has the Zoning Ordinance, Subdivision Regulations, Shoreland Regulations and Mississippi Headwaters Regulations. Also bring your Comprehensive Plan and Citizen Planner Handbook. If you do not have any one of these documents let me know and we will make a copy for you.



The Danger of Being Neighborly Without a Permit

All over America, people have put small "give one, take one" book exchanges in front of their homes. Then they were told to tear them down.

CONOR FRIEDERSDORF | [@conor64](#) | Feb 20, 2015 | 74 Comments



[Flickr/Davebloggs007](#)

Three years ago, *The Los Angeles Times* published a feel-good story on the [Little Free Library](#) movement. The idea is simple: A book lover puts a box or shelf or crate of books in their front yard. Neighbors browse, take one, and return later with a replacement. A 76-year-old in Sherman Oaks, California, felt that his little library, roughly the size of a dollhouse, "turned strangers into

friends and a sometimes-impersonal neighborhood into a community," the reporter observed. The man knew he was onto something "when a 9-year-old boy knocked on his door one morning to say how much he liked the little library." He went on to explain, "I met more neighbors in the first three weeks than in the previous 30 years."

Since 2009, when a Wisconsin man built a little, free library to honor his late mother, who loved books, copycats inspired by his example have put thousands of Little Free Libraries all over the U.S. and beyond. Many are displayed on [this online map](#). In Venice, where I live, I know of at least three Little Free Libraries, and have witnessed chance encounters where folks in the neighborhood chat about a book.

RELATED STORY



America's Profound Housing Anxiety

Some 75 percent of Americans fear they would lose their homes in a crisis, such as a job loss.

I wish that I was writing merely to extol this trend. Alas, a subset of Americans are determined to regulate every last aspect of community life. Due to selection bias, they are overrepresented among local politicians and bureaucrats. And so they have power, despite their small-mindedness, inflexibility, and lack of common sense so extreme that they've taken to cracking down on Little Free Libraries, of all things.

Last summer in Kansas, a [9-year-old](#) was loving his Little Free Library until at least two residents proved that some people

will complain about anything no matter how harmless and city officials pushed the boundaries of literal-mindedness:

The Leawood City Council said it had received a couple of complaints about Spencer Collins' Little Free Library. They dubbed it an "illegal detached structure" and told the Collins' they would face

a fine if they did not remove the Little Free Library from their yard by June 19.

Scattered stories like these have appeared in various local news outlets. *The L.A. Times* followed up last week with a trend story that got things just about right. "Crime, homelessness and crumbling infrastructure are still a problem in almost every part of America, but two cities have recently cracked down on one of the country's biggest problems: small-community libraries where residents can share books," Michael Schaub wrote. "Officials in Los Angeles and Shreveport, Louisiana, have told the owners of homemade lending libraries that they're in violation of city codes, and asked them to remove or relocate their small book collections."

We've constructed communities where one must obtain permission from the state before freely sharing books with one's neighbors.

Here in Los Angeles, the weather is so lovely that it's hard to muster the energy to be upset about anything, and a lot of people don't even know what municipality they live in, so the defense of Little Free Libraries is mostly being undertaken by people who have them. Steve Lopez, a local columnist, wrote about one such man, an actor who is refusing to move his little library from a parkway. His column captures the absurdity of using city resources to get rid of it:

Having written previously about crackdowns on parkway vegetable gardens, I knew the city's argument is that you can't do anything that might block emergency vehicle access, obstruct motorists' views, impede pedestrians or make it hard to open car doors. But the Tenn-Mann Library, at the intersection of a four-way stop, does none of those things. And I can't help but point out that a city tree in front of Cook's house, on the parkway strip, has untamed roots that have lifted the sidewalk a few inches, posing a clear and obvious obstruction and tripping hazard. The city pays out millions of dollars in trip-and-fall settlements every year, and last time I checked, tree-trimming was on a 45-year cycle—no joke. But put up a lending library and the city is at your door in a jiffy.

The column goes on to note that a city spokesman "said that if there is no clear obstruction, it might be possible to keep the library where it is if Cook is willing to apply for a permit. And it's possible that city arts funds could be tapped to pay for the permit." This is what conservatives and libertarians mean when they talk about overregulation disincentivizing or displacing voluntary activity that benefits people. We've constructed communities where one must obtain prior permission from agents of the state before freely sharing books with one's neighbors! And their proposed solution is to get scarce public art funds to pay for the needless layer of bureaucracy being imposed on the thing already being done for free.

The power to require permits is the power to prevent something from ever existing. This lovely movement would've never begun or spread if everyone who wanted to build a Little Free Library recognized a need to apply and pay for a permit. Instead they did good and asked permission never.

Radical libertarians who object to all zoning and building codes are told that they're necessary to keep refineries from operating next to day care centers and to ensure that houses don't fall down in earthquakes or burn up due to faulty wiring. And like most, I favor some zoning laws and building codes. One

needn't even be a squishy libertarian to object when power ceded to government for such purposes is then used to interfere with a harmless activity to which almost no one objects.

In Shreveport, there was a community outcry and some much-needed civil disobedience.

The *Shreveport Times* reported:

To protest the shutting down of a Little Free Library on Wilkinson Street, artist Kathryn Usher placed a stack of books on a wooden block outside her Dalzell Street home. A sign reading 'Free Range Books Take One Leave One' hangs above it. Her action was in response to a notice a Little Free Library's owners, Ricky and Teresa Edgerton, received from the Metropolitan Planning Commission's zoning division—a request they cease operating it because the book swap violates city zoning law. If not, they risked further action if the matter were sent to the city attorney. "I did it in solidarity with Ricky," Usher said. "I'm basically telling the MPC to go sod off."

Eventually a reprieve was granted, and the city is at work on a new zoning ordinance. Alexis de Tocqueville would approve.

"I have often admired the extreme skill with which the inhabitants of the United States succeed in proposing a common object for the exertions of a great many men and in inducing them to voluntarily pursue it," he wrote, offering examples including attempts "to diffuse books." He posited that "the most democratic country on the face of the earth is that in which men have, in our time, carried to the highest perfection the art of pursuing in common the object of their common desire and have applied this new science to the greatest number of purposes."

Americans with Little Free Libraries are acting in that venerable tradition. Those exploiting overly broad laws to urge that they be torn down are a national disgrace.

Top image via [CC License](#).

This post originally appeared on [The Atlantic](#).

About the Author



Conor Friedersdorf is a staff writer at *The Atlantic*, where he focuses on politics and national affairs. He lives in Venice, California, and is the founding editor of *The Best of Journalism*, a newsletter devoted to exceptional nonfiction.

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Draft of 20-year plan calls for cutting regulatory barriers

2016-12-30 | THE HUTCHINSON NEWS

Dec. 30 --The city of Hutchinson has spent much of 2016 working on a 20-year comprehensive plan for the city, and earlier this month proposals for the plan were unveiled during an open house. Here are some of the highlights of the proposals, which are scheduled to be considered by the Planning Commission and City Council in March:

Getting out of the way of growth

The portions of the plan revealed Dec. 12 cover 18 different topics, and proposals for five of them include reducing regulatory barriers. Specific regulations to remove or simplify weren't listed, but areas to cut red tape included:

- Reducing barriers to population growth
- Reducing the number of land uses that require conditional- or special-use permits
- Simplifying landscape regulations for development
- Removing barriers to establishment of health care, mental health and addiction treatment and recovery facilities

- Removing extraneous regulatory barriers to establishing child-care facilities
- Reviewing regulations to see if any pose roadblocks to redevelopment of vacant lots in established neighborhoods

Putting the "great" back in the great outdoors

Another theme of the proposals is finding ways to make Hutchinson a more attractive place to spend time outside, whether visiting a park, walking or riding a bike:

- Working with school districts to enhance public use of school playgrounds
- Creating sidewalk repair and street tree maintenance programs for low-income households
- Establishing parks in new subdivisions
- Trying outdoor exercise equipment and classes in city parks

Preparing infrastructure for development

Several proposals point toward improving infrastructure to make development easier:

- Developing shovel-ready properties appropriate for a variety of economic sectors
- More proactively addressing potholes and drainage issues
- Replacing 3 miles per year of water mains in problem areas by 2025
- Developing an airport business plan
- Developing a targeted demolition plan to maximize reuse of properties

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