

PLANNING COMMISSION
Wednesday, May 17, 2017

#1 Call to Order

Planning Commission Chair Headley called the meeting of the Brainerd Planning Commission to order at 6:06 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Burslie, Gorham, Headley and Lambert. Noted absent were Commissioners Antolak and Marohn. Also present was City Planner Ostgarden and 4 others.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval/Amendment of minutes of the regular meeting held on April 19, 2017

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND LAMBERT, DULY CARRIED, TO AMEND THE MINUTES OF THE APRIL 19, 2017 PLANNING COMMISSION MEETING REGARDING THE SOBER HOUSE REGULATIONS.

#4 NEW BUSINESS

Nor-Son Inc., 7900 Hastings Road, Baxter, MN 56425 has applied for a variance on behalf of DH Holdings, 915 Blair Circle, Brainerd, MN 56401 to not require exterior wall changes at 1924 10th Street S., Brainerd, MN 56401. Nathan Norton, Project Manager from Nor-Son Inc., and Chris Schucker from DH Holdings LLC were in attendance and presented their case for a variance on the building.

City Planner Ostgarden reviewed the staff report and explained that to be granted, the request would need to meet the practical difficulty “tests” which include:

- Is the request in harmony with the purpose and intent of the Zoning Ordinance?
- Is the request consistent with the Comprehensive Plan?
- What is unique about the property that prevents following the Zoning Ordinance requirements?
- Will the request alter the essential character of the neighborhood?

Chairman Headley opened the Public Hearing at approximately 6:15 p.m.

Representatives of Nor-Son and DH Holdings addressed the Planning Commission. They emphasized what was in the letter about the request which stated the other buildings in the area all had metal walls. The property owner explained the 2 buildings on the site have been combined and they do plan on remodeling the north part of the easterly wall (as shown in the elevation drawing in the packet). The property owner did not see any added value to having an alternate material on the wall.

The Public Hearing was closed at approximately 6:35 p.m.

The following findings of fact were read into the record:

1. The building is located in an I-1 District and was vacant from 11/12 to 10/28/15.
2. It is a non-conforming building and Zoning Ordinance Section 17-3 E. 2. reads:
Exterior Building Materials
Within the I-1 and I-2 Zoning Districts, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.
3. Zoning Ordinance Section 515-15-A.1. reads:
The nonconforming use or occupancy is discontinued for a period of more than one (1) year any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
4. The building was occupied from 10/29/15 -5/9/16 without City knowledge.
5. When the building was again occupied, at that time it was required to comply with #2 above.
6. The building was vacant again from 5/20/16 to 8/16; sold and now has been occupied since 8/16. The city learned about the occupancy when the new owners inquired about remodeling.
7. The remodeling will include improvements to the east façade of the north building on the site.
8. Based on 15-A.1.the street side building elevation is required to comply with #2 above.
9. A review of the Comprehensive Plan Goals and Strategies specifies that:
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.
10. Representatives of Nor-Son and DH Holdings spoke in support of the request.
11. There was no other testimony regarding the request.

When asked whether the entire east wall of the two buildings now combined would need to have the alternate material, City Planner Ostgarden stated that yes the entire east wall would need an alternate material.

Commissioner Gorham stated that it is good that the intentions of the city are to raise the overall aesthetics, but it is something we need to work towards. Either we amend the ordinance or we follow the ordinance. He is inclined to deny the request based on the fact that it seems more like a want than a need.

Council Liaison Lambert agreed with the others. She added that we may need to look at the ordinance to possibly revise. Commissioner Chair Headley stated that while it is maybe not keeping with

the other buildings in the area, what we have in the ordinance is what it is and if there is no practical difficulties in following the ordinance, we should not approve the variance. The requirements are clearly stated.

Commissioner Burslie asked if the ordinance could be discussed in more detail at a later commission meeting i.e. when it was created, why it was created, and how it was created. Typically in industrial areas of a city, they do not have architectural design standards that we do here so he would like to have more background for us to discuss going forward.

City Planner Ostgarden cautioned the Planning Commission not to give any false hopes to the petitioners here if the variance is denied that they can just wait for an amendment or a change to the ordinance.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND BURSLIE, DULY CARRIED, TO RECOMMEND DENIAL BASED ON THE FINDINGS OF FACT AND THE REQUEST IS PRIMARILY BASED ON PRATICAL DIFFICULTIES. THE RECOMMENDATION WILL GO TO THE COUNCIL ON MONDAY, JUNE 5, 2017.

#5 **PUBLIC FORUM**

None

#6 **OLD BUSINESS**

None

#7 **COMMISSIONERS' QUESTIONS/COMMENTS**

Commissioner Burslie asked staff when the ordinance that applied to the previous variance request was created and to what zones does it apply to. City Planner Ostgarden stated it has been a part of Brainerd's Zoning Ordinances since approximately 2004 when that ordinance was written and may have been an amendment after that. It would apply to I-1 and I-2 Districts. At the time and hopefully still, the community was concerned about the aesthetics and what our developments look like. At that time, they did not think that all metal siding was the appropriate look in the community even in industrial areas. This particular are is more in the "industrial park" area. I think at the time, this visual look is what the community desired.

Commissioner Burslie inquired about allowing them to paint or amending the ordinance to maybe allow an earth tone paint option instead.

Council Liaison Lambert stated that at the time this came out, a lot of metal buildings were being constructed in the community and other communities. Many commissioners did not care for that look and so they wanted to break it up a bit. City Planner Ostgarden indicated we do want to encourage small businesses and can be sympathetic to their needs, however, he thinks that once we start referencing affordability into the discussion, we may not want to go in that direction.

Commissioner Gorham questioned if the Baxter Industrial Park has a similar design standard in place as he has noticed that there is an effort made to encourage many different appealing aesthetics. City Planner Ostgarden thinks they do have a design review board. He believes they have gone further into this than we have.

#8 **CITY PLANNER'S REPORT**

City Planner Ostgarden brought up something that will be occurring in the month of June. FEMA has issued flood plain maps for the City of Brainerd that go into effect on August 15th, 2017. We currently have 3 chapters dealing with flood plains in the zoning ordinance. We are required to update our flood plain ordinance requirements by August 15th or risk suspension from the National Flood Insurance Program. We need to go through a process of holding a public hearing to amend the zoning ordinance to adopt new flood plain regulations. The State of Minnesota has released a "sample" flood plain ordinance for review. The City Engineer and City Planner Ostgarden will research the maps, and sample and we may be going forward with the state provided sample with the public hearing to follow next month. If we hold the hearing in June, and incur no issues, we can be approved by the end of July. Our flood plain ordinance language was drafted in 2009 and we are reviewing with the state to determine what is in our current ordinance that is no longer in compliance.

City Planner Ostgarden asked if anyone on the Planning Commission is able to or wants to attend any of the training workshops taking place this summer.

#9 **ADJOURN TO WORKSHOP IN COUNCIL CHAMBERS AT 6:42 P.M**

Respectfully submitted,

Mark Ostgarden AICP
City Planner