

PLANNING COMMISSION
Wednesday, October 18, 2017

#1 Call to Order

Planning Commission Chair Headley 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 Burslie, Gorham, Headley, Marohn and Wussow; and Council Liaison Lambert. Commissioner Antolak was noted as absent. Also present was City Planner Ostgarden and Administrative Specialist Bestul and 6 others.

#2 Approval of Agenda

Commissioner Gorham requested item 4c. ISD181 Presentation switch places with 4b. Brainerd Zoning Text Amendment on the agenda.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

#3 Approval of Minutes of the Regular Meeting held on September 20, 2017 and of the Special Meeting held on October 11, 2017

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 20, 2017 AND THE SPECIAL MEETING HELD ON OCTOBER 11, 2017 WITH THE FOLLOWING CORRECTIONS:

September 20, 2017 Meeting:

- Page 1 - Under #4 New Business: Add to Paragraph 2: *Commissioner Marohn also asked why the applicant was proposing such a large garage on the site. City Planner Ostgarden quoted Mr. Thompson as saying "nobody ever wants a small garage in the future."*

October 11, 2017 Meeting:

- Page 2 – Under Public Hearing: Change Paragraph: *The Chair recognized the petitioner Mr. Bruce Thompson, 113 Carol Lane. Mr. Thompson has pointed out the area in question is the only logical place to he will construct the garage. Mr. Thompson indicated he believes there are some serious issues with the storm sewer and the ravine regarding erosion. If the garage was constructed in the allowed setback, it would be within 10' to 12' of the storm sewer line into the ravine. Because there is no easement, this garage could be built right from the west property line east which would be pretty close to the storm sewer line and it would be very difficult to trench or dig to make repairs. The variance would allow him to build away from the ravine in order to maintain stability in the structure and crews could access the storm sewer line. The building will match the house and existing garage and the roof will have the same 6' x 12' pitch. Other locations for the placement of the garage were discussed.; however, they are not logical places to build. The applicant now agreed there are other locations on the property this size of garage could be located without a variance, but as proposed this was the logical location.*

Members Gorham, Headley, Wussow and Lambert voted “aye”. Members Burslie and Marohn abstained from voting. The Chair declared the motion carried.

#4 NEW BUSINESS

A. Public Hearing – Rezoning Request – Adventure Properties, 110 NW 3rd St. – Rezone from a B-2 to an R-3 District - Approved

City Planner Ostgarden explained Adventure Properties is interested in selling its property to Independent School District 181 (ISD 181). Because the school district does not own the property, Adventure Properties’ applied for the rezoning which is contingent on the purchase agreement with ISD181.

City Planner Ostgarden described the property has two existing buildings; one being a century old house, which at one time was a Port Group Home facility and is currently the home for Adventure Advertising. The subject parcel is zoned B-2, which is a zoning district that does not permit school uses. ISD 181 is interested in the subject parcel should future improvements to / expansion of the school be needed. Mr. Steve Lund, ISD 181 Director of Business Services describes the near term and long-term interest in the subject parcel as follows:

As part of the acquisition by the current owners in 2009, the school district granted an easement for ingress/egress along the south portion of the vacated Williams Street. Without the easement, the property would have been landlocked.

This acquisition is strategic from several aspects:

- 1. Controlling the use of this property that has a very unique proximity to our school with no other similar properties surrounding it.*
- 2. Providing immediate flexibility for the possibility of expanding staff parking to alleviate parking and circulation congestion that exists in the present parking area.*
- 3. Serves as a cornerstone piece to the possibility of further expansion of the site through the possible acquisition of adjacent property presently owned by BNSF.*

As unlikely as it may be, the petition evaluation needs to be based on the school district purchasing the property and if the rezoning occurs and the school district does not purchase the property. Issues described in the staff report were reviewed. The city planner suggested the best scenario for this property is for the school district to acquire it.

The property is subject to the City’s Shoreland Regulations. In addition to zoning requirements, the Shoreland Regulations specify all lands within 300’ of the river have an additional set of land use requirements to meet. The most significant being impervious coverage, is limited to 25% of the property. Those areas were pointed out and explained on the overhead map.

Commissioner Burslie questioned if a parcel had ever been rezoned and created a non-conforming use and if the City can place conditions on a rezone application. City Planner Ostgarden indicated it has been done in the past; in a larger scale rezoning. The city planner explained that conditions on a rezoning application is not permitted as it is a legislative action by the City Council.

The Chair opened the Public Hearing at 6:18 p.m.

The Chair welcomed Steve Lund, ISD Director of Business Services, 804 Oak St. Brainerd. The parcel has a lot of limitations and it is not viewed as a parcel in and of itself for the district. The need to be

able to control the parcel is of great interest to the school as you don't know who could potentially inhabit the property. Since it is near Riverside Elementary, the need for safety and traffic control creates anxiety for the district. The district has also inquired with BNSF for the additional parcels to the west for possible purchase. The other possibility if the purchase with BNSF went through, there may be the desire to vacate Williams Street and a very small section of NW 3rd Street to the south of Williams Street. A plan for the site would be completed prior to any of these ideas proceeding.

Although the school did remodel in 2013, there are some other issues with congestion at peak times of the day. It is thought that if the properties are acquired and have the ability to include this site, a much better plan would be created for a safer environment and traffic control. This is the first piece to that potential plan. City Planner Ostgarden also mentioned the easement that was granted to Adventure Properties. This would disappear with the acquisition of the property.

Council Liaison Lambert questioned what the plans are for the house on the property. Mr. Lund explained what could happen if the purchase fell through. The purchase agreement has three conditions: 1) Clear Title 2) Soil testing is being completed within the next 30 days 3) Rezoning the property. The current tenants would be given a lease in order to find a new location, and it would probably be spring 2018 before anything proceeds. Mr. Lund indicated the house is not a building the school would be able to use as it is old with many small rooms. The building to the south is inhabitable and the other building to the north is average condition, but all would essentially be demolished.

The Chair closed the Public Hearing at 6:25 p.m.

Council Liaison Lambert read the highlights of the findings of fact as follows:

The property is zoned B-2 (Neighborhood Commercial) District zoning allows the following uses:

Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings

The proposed R-3 (High Density Residential) District zoning allows the following uses:

Permitted Uses.

- A. Multiple family dwellings.
 - B. Two family attached dwellings.
- ISD 181 owns the property to the north and west which is developed as an elementary school.
 - ~~ISD 181 is currently studying its district facility needs which include Riverside Elementary School.~~
 - ~~ISD 181 thinks the subject parcel can provide immediate flexibility for expanding staff parking and to alleviate parking and circulation congestion that exists in the present parking area. It can serve as a cornerstone piece to further expansion of the (elementary school) site through the possible acquisition of adjacent property presently owned by BNSF.~~
 - The Future Land Use for the parcel is identified in the 2004 Comprehensive Plan as Public/Semi Public Land Use.

- The change in zoning would make the existing use non-conforming and the existing use cannot be expanded or enlarged.
- The rezoning is consistent with and compatible with surrounding properties.
- The property is adjacent to others properties zoned R-3 and it does meet the minimum size and requirements of the R-3 zone.

City Planner Ostgarden read the following applicable Comprehensive Plan Goals and Strategies as follows:

- o **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.*
 - o 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.
- o **LAND USE GOAL #3:** *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
- o **Strategies**
 - o Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.
 - o Only place high-density developments in areas with adequate transportation infrastructure.
 - o 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.
- o **LAND USE GOAL #5:** *Support development that enhances community character and identity.*
 - o Support the redevelopment of vacant and abandoned sites within the urban core.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURLIE, DULY CARRIED, TO APPROVE THE REZONING REQUEST TO AN R-3 DISTRICT BASED ON THE FINDINGS OF FACT WITH THE CORRECTIONS AND ADDITIONS APPLIED AS SHOWN ABOVE INCLUDING THE LAND USE GOAL #3 STRATEGIES.

B. Independent School District 181 Presentation – District Facilities Planning Status

City Planner Ostgarden indicated at the last Planning Commission meeting it was suggested to eliminate off-street parking requirements in our Zoning Ordinance. The city planner recommended a conversation with the school district should occur prior to proceeding on the issue. After meeting with the district representatives on the parking issue, it was determined to have them present an update tonight on the status of the school facilities study.

The Chair welcomed Mr. Lund who has been involved with the study for the last three years. The first couple years was focused on data, fact and information gathering. The Comprehensive Facilities Plan includes:

- Increased Need for Space
- Increase in Enrollment

- Increase in Special Education
- Changing Instructional Best Practices
- Ensuring Quality Instruction and Student Opportunities
- Increasing Maintenance Costs for Aging Buildings
- Energy Savings with Modern Updates
- Operational Efficiencies with Larger Bundled Projects
- Proactive Planning vs. Reactive Decisions
- Strategic Decisions are More Efficient and Effective

The average ages of the buildings are about 46 years old. There need to be improvements to the buildings for energy and operational savings. The need to make larger investments in our buildings is the same as with home and business owners. It usually goes beyond the ability to meet this in the annual budget. If done right and engaged with the community, we can design a plan for the facilities for now and in the future that really begins to reflect how our community values education.

Starting the Process

- Gathering and Understanding Information
- Demographics and Enrollment
- Capacity of our Schools
- Condition of our Schools – Addressing Safety and Security; ADA Compliancy
- Enrollment
- Projections for Enrollment
- Age of our Schools – High School Constructed in 1968 to Forestview in 2004 shows a 35 year gap in new school construction – need to balance the cycle
- Future Maintenance Goals

The Chair welcomed Ms. Laine Larson, Superintendent of ISD181 who started with the district in July 2016. Ms. Larson spoke of the overall goals and phases proposed along with a PowerPoint presentation.

Overall Goal Facilities that Promote Opportunity Innovation and Success

8 Objectives

- Safe and Secure Facilities
- Mechanical and Educational Adequacy Updates
- Space that Fosters Best Practice Instruction and 21st Century Learning Opportunities
- Spaces that Promotes Robust Opportunities in Academics, Arts, Activities and Athletics
- Increased Community Collaboration, Ownership and Workforce Development
- Visionary Technology Integration
- Transparency, Engagement and Community Trust Building
- Highest Quality Educational Opportunities for our Taxpayers' Generous Investment

6 Phase Process

- Communications Planning – Keeping the lines of communication open
- Stakeholder Input – Input from employees in the district and the community as what they believe the strengths of our district are and what some of the needs are so they have say in the decision process based on our community values
- Surveys and Assessments – Provide adequate surveys for the Board

- Develop Options and Alternatives – Gather all information together to present to the Board
- Bond Election Process – If the bond election process is successful, then we would move to the last phase
- Construction Management

Findings from Stakeholder Input

- Great Teachers and Staff
- Diverse and Quality Educational Opportunities
- Neighborhood Schools are Very Important – Smaller, Family Based Elementary Schools
- High School Campus Location is a Valued Part of the Community

Business Community Desires

- o Enhanced Communications
 - o Workforce Development Partnerships
 - o Robust Offerings of Career Technical Education Opportunities
 - o Comprehensive Technology Integration
- Forestview - Quality Facility with Appropriate Amount of Space

All of the schools have significant needs

- Lack of Physical and Functional Space at our Elementary Schools and the Functional Space at our Secondary Schools Results in an Inequality of Educational Delivery
 - Facilities Faced with Significant Deferred Maintenance Needs with the Exception of Forestview
 - Safety and Security Concerns
 - Parking / Drop Off and Pick Up Facilities
- o Developing Options and Alternatives – A Team of Administrative Staff will work with Foster, Jacob, Johnson, Kraus-Anderson and Widseth Smith Nolting (WSN) to bring forth a recommendation to the Board of Education to proceed to the next level of priority.

The Chair welcomes Erica Marcussen, Architect at Widseth Smith Nolting. Ms. Marcussen indicated that with the listening sessions that have taken place, they have learned of some of the challenges in our elementary schools along with the studies that have been done in each of the buildings.

- Safety and Security
- Inadequate Physical Space
- Classrooms Do Not Reflect Current Instructional Needs
- Age = Significant Deferred Maintenance
- Imaging solutions – discovering opportunities

Ms. Marcussen explained several schools will be renewed and “right sized” meaning the building will be brought to the correct size and configurations needed for a functioning school based on enrollment.

Renew and Right Size

- Garfield
- Lowell
- Riverside

- Harrison (Yet to be Determined)
 - Option 1. Right size and expand
 - Option 2. Relocate the school – Potential sites explained
- Baxter – New Location
- Nisswa

Ms. Marcussen showed a series of PowerPoint slides indicating the current layout of each school along with the plan of the “right sized” school as proposed. The estimated cost values were included along with some tentative ideas.

Commission discussion took place and questions answered. The Commission thanked the district for the presentation.

C. Brainerd Zoning Text Amendment – Microdistilleries and Cocktail Rooms

City Planner Ostgarden gave a brief overview of the proposed definition of microdistilleries and cocktail rooms in the zoning ordinance as well as the districts that would be affected by the change to allow microdistilleries and cocktail rooms. The districts will be as follows:

- 515-61 – B-2 (Neighborhood Business) District by Conditional Use Permit
- 515-62 – B-3 (Central Business) District as a Permitted Use
- 515-63 – B-4 (General Business) District as a Permitted Use
- 515-64 – B-5 (Commercial Amusement) District as a Permitted Use
- 515-65 – B-6 (Washington Street Commercial) District as a Permitted Use
- 515-70 – I-1 (Light Industry) District as a Permitted Use which by reference it is a permitted use in the MU (Mixed Use) District

Each district will have the following minimum standards:

1. NO OUTDOOR STORAGE.
2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.
4. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE.

The Chair opened the public hearing at 8:52 p.m.

No one came forward.

The Chair closed the public hearing at 8:52 p.m.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE AMENDMENTS AS PROPOSED WITH THE ELIMINATION OF #4 SHOWN ABOVE.

#5 PUBLIC FORUM

None

#6 OLD BUSINESS

A. Report on Steering Committee Appointment Process and Upcoming Ward Meetings

City Planner Ostgarden reported there were two additional nominations from City Council to the Steering Committee. There are still four openings to make the eleven member committee. The process is progressing a lot slower than anticipated and hopefully the November 6, 2017 Council Meeting will be the final meeting for appointments. Commissioner Marohn volunteered to contact members of the council to get the process moving along.

#7 COMMISSIONERS' QUESTIONS/COMMENTS

Commissioner Burslie requested a discussion take place regarding the special meeting policy. He said a special meeting regarding 113 Carol Lane variance occurred between the September and October Planning Commission meetings when it was agreed that it would not be called. City Planner Ostgarden indicated historically, the special meeting process has been very informal. It is up to the Chair to decide if a special meeting is needed. This informal process has not been questioned by past commissions. It has been thought of as a public service, and there have been only a couple of these meetings each year. The city planner said if this commission desires to change this policy and consider fees it can draft language for consideration. Chairman Headley said she called the meeting. The city planner stated the Council President was made aware of the commission's discussion about special meetings and he does not want the process to become more formalized.

Commissioner Wussow wanted clarification on the fees for variance applications and if labor charges or mailings are figured into the fee. The variance is a flat fee charged and it is not adjusted for services or time spent on the project. It was suggested to review the fee schedule for various applications.

Council Liaison Lambert indicated when a special meeting should occur it be for only the one issue for discussion and others not be added to the agenda.

Commissioner Marohn stated he came to the meeting tonight prepared to address with ISD 181 staff and to try to schedule a public hearing regarding the Zoning Code Parking Requirements for Schools. Mr. Marohn has gathered data and is requesting a public hearing be scheduled on the agenda for discussion in November.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURSLIE TO HOLD A PUBLIC HEARING IN NOVEMBER TO CONSIDER ELIMINATING THE PARKING REQUIREMENTS FOR SCHOOLS FROM THE CITY ZONING CODE.

Members Burslie and Marohn voted "aye". Members Gorham, Headley, Wussow and Lambert voted "nay". The Chair declared the motion failed.

Commissioner Wussow suggested that more information should be gathered and reviewed prior to scheduling a public hearing.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM TO ADD THE DISCUSSION OF THE CITY ZONING CODE PARKING REQUIREMENT TO THE AGENDA IN NOVEMBER.

Members Burslie, Gorham, Headley, Wussow, Marohn and Lambert voted "aye". No member voted "nay". The Chair declared the motion passed.

Commissioner Wussow spoke in regards to an action taken for a fencing variance request at 102 Ridge Drive. It has been discovered the fence was relocated as instructed, but it was installed with the “good” side facing in to the property not out to the road. Mr. Wussow indicated the ordinance should be enforced **or change the ordinance**. City Planner Ostgarden responded that he was not aware of this, as he has not been in that area of the city. He will address the issue with the property owner.

Council Liaison Lambert indicated this is also the case at the property Sage on Laurel. The concern will be addressed.

Commissioner Gorham inquired about the variance application for 113 Carol Lane that went to Council on the final decision. The recommended denial was overturned by Council as they approved the variance. Commissioner Burslie requested a copy of the minutes of meeting of City Council October 16, 2017.

#8 CITY PLANNER’S REPORT

City Planner Ostgarden distributed an invitational flyer for a presentation from Brainerd River to Rail on November 1, 2017 at 6:00 p.m. in the Fire Department Meeting Room.

#9 ADJOURNED AT 9:19 P.M.

Respectfully submitted,

Mark Ostgarden AICP
City Planner