

PLANNING COMMISSION
Wednesday, December 20, 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 Antolak, Burslie, Gorham, Headley, Marohn, Wussow; and Council Liaison Lambert. Also present was City Planner Ostgarden and Administrative Specialist Bestul and 2 others.

#2 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE AGENDA.

#3 Approval of Minutes of the Regular Meeting held on November 15, 2017

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 15, 2017.

#4 New Business

A. Zoning Ordinance Text Amendment – Public Hearing to Consider Removing Off Street Parking Requirements for Schools

City Planner Ostgarden indicated all the details are included in the packet. He clarified the proposed ordinance will not apply to universities or colleges. If the formulas shown below are removed from the Zoning Ordinance, the school district and all public and private schools would be able to determine the amount of off street parking a school site should need if improvements are planned.

Zoning Ordinance Section 515-22-8: Off Street Parking - Number of Spaces Required:

DD. ~~Schools, Elementary and Junior High. One (1) space for each classroom plus one (1) additional space for each three hundred (300) students, plus one (1) space for each employee, plus one (1) space for each four (4) seats in auditorium.~~

EE. ~~School, High Schools, Colleges and Universities. At least one (1) parking space for each two (2) students based on the design capacity plus one (1) space for each classroom. Auditorium or event space shall be subject to separate, additional calculations.~~

City Planner Ostgarden explained that if the off-street parking requirements are removed, a Conditional Use Permit for schools would still be required in the following districts.

515-52 - RR, 53-RE, 54-R-1, 55-R-1A, 56-R-2, 57-R-3: Conditional Uses.

The Conditional Use Permit process would still be an opportunity for the Planning Commission and City Council to discuss off street parking requirements and to determine what would be appropriate for each individual site. Amending the Zoning Ordinance does not completely remove the discussion; it only removes the minimum requirements.

If the change does occur, a notation would be made in the Conditional Use sections as shown below in red for reference purposes.

515-52 - RR, 53-RE, 54-R-1, 55-R-1A, 56-R-2, 57-R-3: Conditional Uses.

Public and private schools provided that:

1. The site accesses a major collector.
2. The site is landscaped in accordance with Section 20 of this Ordinance.
3. Off-street parking is provided in accordance with Section 22 of this Ordinance. **REQUIREMENT REMOVED JANUARY __, 2018.**
4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
5. Emergency vehicle access is provided to and within the site.

City Planner Ostgarden stated that typically a notice to property owners is not sent for a zoning text amendment, however the Planning Commission thought for this situation it would be important to do so. A legal notice was printed in the newspaper and letters were mailed to property owners within 350' of the schools.

Commissioner Burslie questioned if single family dwellings are required to have off street parking spaces. City Planner Ostgarden stated that they do.

Commissioner Burslie asked if City Planner Ostgarden has a recommendation on the issue. City Planner Ostgarden stated that it is the Planning Department's perspective the school will provide off street parking for its facilities that will be sufficient for its needs. Here is an opportunity for the City to eliminate the requirement and for the City and school district to work together to solve the parking issue rather than basing it solely on a formula.

Commissioner Marohn took the opportunity to present a PowerPoint regarding parking and why the commission should forward the request to the Council to approve. Mr. Marohn compiled seven (7) top arguments as follows:

- 1) Parking hurts our revenue
- 2) Parking is expensive
- 3) Reduced Revenue + Increased Expenses = Financial Problems
- 4) Minimum parking requirements are bad science
- 5) This ordinance change is limited (affects only schools)
- 6) This ordinance change will have no negative impact on the city's neighborhoods
- 7) This ordinance change does not limit the amount of parking the school can build

The Chair opened the public hearing at 6:24 p.m.

No one came forward.

The Chair closed the public hearing at 6:25 p.m.

Commissioner Marohn indicated he received an email tonight from Mr. Ed Shaw in favor of ending the off-street parking requirement for schools. Mr. Shaw is on the board for Discovery Woods school and he thinks ending the requirements would be good for the school and the entire City.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT TO RECOMMEND THE ORDINANCE TEXT AMENDMENT TO THE CITY COUNCIL.

Members Antolak, Burslie, Gorham, Headley and Marohn voted “aye”. Member Wussow voted “nay”. The Chair declared the motion carried.

B. Request by City Engineering to Consider Zoning Text Amendment Related to Exterior Building Material Requirements I-1 (Light Industry) District

City Engineer Sandy is requesting an amendment to the Zoning Ordinances related to the I-1 (Light Industry) District. For many years, the Street, Sewer and Engineering staff has been working towards a facility to store the salt and sand mixture that is applied to the streets in the winter. With the last budget cycle that was approved on December 18, 2017, the City Council approved a capital item related to a salt & sand building. After many years of research, many options have been considered, including a standard building to store the salt & sand mixture. One of the most cost-effective solutions is a large scale engineered “hoop house” style that can be seen at various MnDOT facilities. The problem that arose when reviewing the Zoning Ordinance is the I-1 District language; it states a prefabricated engineered fabric building is not allowed as it would not *“match the appearance of the primary structure (street garage).”*

City Engineer Sandy provided photos of the existing salt & sand pile, which is exposed to the elements and a map of the site. All setback requirements that pertain to that district and the building size requirement will be met. If a Zoning Ordinance amendment is approved, there will still be the need for a Conditional Use Permit because of the I-1 District language specifies that a building over the 30’ in height will require a Conditional Use Permit and the storage building will be more than 30’ tall.

Commissioner Burslie questioned if salt & sand mixtures will even be used in 5+ years, as it appears that a liquid substance may be used in the near future. City Engineer Sandy replied that a lot of larger entities such as MnDOT and some counties have gone to a brine substance. However, the City of Brainerd does not have the equipment to spread this type of mixture. Unless there is a big change in the type of equipment the City has, the City will not be able to proceed with that change.

Commissioner Wussow stated that with heavy rains that have occurred, the salt is basically being washed away. City Engineer Sandy explained that the City operates a separate municipal storm sewer system that has a permit through the Minnesota Pollution Control Agency (MPCA) for the salt runoff. There are protections to the wetland in place, but the salt seeps out. The City uses a mixture containing 13% salt to the sand. The building will be a huge benefit to helping solve this issue.

City Planner Ostgarden explained that in 2009 when the Zoning Ordinance was developed, there was a lot of discussion about community aesthetics. The Planning Commission and City Council at that time thought that the fabric style buildings were not the look the community wanted. The primary discussion was regarding these style structures in the residential districts. The suggested verbiage for the amendment to the Zoning Ordinance could be as shown below:

DRAFT Zoning Ordinance Amendment to I-1 (Light Industrial) District Section 17-8 C. Accessory Buildings, Uses and Equipment.

Commercial, Industrial or Public/Semi-Public Accessory Buildings.

1. Commercial or industrial **ACCESSORY** buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
2. Accessory buildings shall meet all the required setbacks of the principal building.

3. Accessory buildings shall ~~CAN~~ be constructed of building materials to match the principal structure and comply with the building material requirements within this Section of Ordinance. ~~OR WITH ANY OF THE FOLLOWING FABRIC MATERIAL:~~
- TEFLON COATED FIBERGLASS (PTFE)
 - SILICONE-COATED FIBERGLASS (SIPE)
 - WOVEN PTFE (EPTFE)
 - ETHYLENE TETRAFLUOROETHYLENE (ETFE)
 - VINYL COATED POLYESTER (PVC)
 - HIGH-DENSITY POLYETHYLENE (HDPE)

Commission discussion took place and it determined to proceed with a public hearing to consider the amendment.

#5 Public Forum

The Chair opened the public forum at 6:45 p.m.

No one came forward.

The Chair closed the public forum at 6:45 p.m.

#6 Old Business

A. Report on First Steering Committee Meeting

City Planner Ostgarden reported that the PowerPoint in the Planning Commission packet was presented to the Steering Committee. All of the members had the opportunity to meet each other and discuss the upcoming process. Ashley Kaisershot from NJPA and Tad Erickson from Region V did an excellent job presenting the information to the Committee on what to expect in this process. The Plan Topics provided in the PowerPoint are areas that will be discussed for the Comprehensive Plan. There are two areas that were not a part of the 2004 Comprehensive Plan that will be part of the update process. The Plan is not only intended as a Land Use document and a policy document, but also a document that can provide guidance in fiscal planning and the impact of growth and its financial costs on the city. Also, a better implementation strategy for the Plan will be part of the update. The goals and policies included in the 2004 Plan were not well written or specific enough. Hopefully, these will be more specific in how we will implement the Plan. The next meeting will be sometime in February 2018.

Commissioner Gorham commented that he was surprised that sustainability was not included in the plan topics. There was no mention that the environment is changing; rains are larger than they have been, along with the severity of storms increasing. It was indicated in the news recently many areas have seen temperature rises of 6 degrees in the last 47 years. It would appear if we are looking at our future, maybe there should be a consideration for “*sustainability*” and to have a more resilient community.

City Planner Ostgarden indicated that topic was discussed, and it was an oversight to not have it included. He explained that it will be a topic in the Plan update.

Commissioner Marohn questioned the schedule for the upcoming meetings as far as what days of the week are good for all members. The calendar should have the full options of dates, and not based on one individuals availability.

City Planner Ostgarden explained the Committee will be divided into three groups for a one-on-one session with Ms. Kaisershot, Mr. Erickson or Mr. Ostgarden. This will give them the opportunity to meet on an individual basis and ask questions of each member. City Council, Planning Commission and Steering Committee members will be contacted to arrange the individual meetings; ideally before the second Steering Committee meeting.

B. City Council Direction – Special Meetings/Fees and Fees for Services

City Planner Ostgarden explained the topics were presented to the Council at the last meeting and the response is included in the packet.

Commissioner Marohn stated he was concerned that the original request was not directed to the Council correctly, as he did not indicate attending a special meeting was inconvenient for him. Mr. Marohn does not agree with that being the issue at hand, rather it is costing the City money and who pays for that. The complaint was never because of time taken to attend a special meeting.

Commissioner Burslie agreed with Mr. Marohn's comments.

City Planner Ostgarden stated this is the Council's perception of what the concern was. Mr. Ostgarden indicated it was made perfectly clear to him that the Council feels the cost is part of the general fund from property taxes. It has not been an issue or concern for the past decade and has not cost the City any significant amount of money. If the Commission Chair approves a special meeting request, it takes place as requested. Until it gets out of hand or demands more time of the Planning Commission or other staff, this is the final decision.

Commissioner Burslie read the comments from the Council stating "residents already feel that the Planning and Zoning process is a bit intimidating." Mr. Burslie asked how it is intimidating currently. City Planner Ostgarden stated that anyone who must stand at the microphone to talk to the City Council, and the Planning Commission, regarding a process they don't fully understand on live television is an intimidating experience.

City Planner Ostgarden stated anyone is welcome to contact the City Council themselves or attend a City Council meeting and voice their concerns. Mr. Ostgarden is confident he expressed the commission's concerns as requested to the best of his ability. The decision has been made and no further discussion will take place.

#7 Commissioners' Questions/Comments

None

#8 City Planner's Report

City Planner Ostgarden wished everyone a Merry Christmas and a Happy New Year.

#9 Adjourned at 7:00 P.M.

Respectfully submitted,

Mark Ostgarden AICP
City Planner