

BRAINERD PLANNING COMMISSION

Wednesday, February 21, 2018
6:00 p.m.
City Hall Council Chambers

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
Regular Meeting Held January 17, 2018

Documents:

2018-01-17 DRAFT.PDF

4. New Business

- 4.a. Public Hearing - John William Carter - Rezone Property At 15947 Beaver Dam Road
From An R-A (Rural Agriculture) District To An R-1A (Single Family Residential) District

Documents:

15947 BEAVER DAM ROAD REZONING.PDF

- 4.b. Public Hearing - Land And Lease Development LLC, 24226 Lone Pine Road, Hinckley,
MN 55037, On Behalf Of Joseph LaRoue, 5832 Barbeau Rd., Brainerd For A Conditional
Use Permit To Allow An Automobile Repair And Service Business At 303 W.
Washington St., Brainerd

Documents:

303 W. WASHINGTON STREET CUP.PDF

- 4.c. Public Hearing - City Of Brainerd, Zoning Ordinance Text Amendment To Consider
Adding Parking Lots As A Conditional Use In B-1 Districts

Documents:

TEXT AMENDMENT - PARKING LOTS AS A CONDITIONAL USE IN B-1
DISTRICTS NOTICE TO NEWSPAPER.PDF

- 4.d. Public Hearing - City Of Brainerd - Zoning Text Amendment To Consider Adding
Pharmacies As A Permitted Use In B-1 Districts

Documents:

TEXT AMENDMENT - PHARMACIES AS A PERMITTED USE IN B-1
DISTRICTS NOTICE TO NEWSPAPER.PDF

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

- 6.a. Remove Rezoning From The Table And Discussion - B.A. Doer, LLC, 20410 98th Place, Kent, WA 98031; Deborah Hulke, Personal Representative For John E. Bailey, 212 2nd St. N., Brainerd And Shingobee Builders, 669 N. Medina St., Loretto, MN 55357 - To Rezone Property At The SE Corner Of Kingwood St. And N. 2nd St., Brainerd From A B-1 (Residential Office) District To A B-6 (Washington St. Commercial) District

7. Discussion Regarding Greenhouses In Residential Zoning Districts

Documents:

RESIDENTIAL GREENHOUSES.PDF

8. Discussion Regarding Expanding Uses Allowed In R-A (Rural Agriculture) Districts To Permit Commercial Businesses

9. Commissioners' Questions/Comments

10. City Planner's Report

11. Adjourn

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

PLANNING COMMISSION
Wednesday, January 17, 2018

#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.

City Planner Ostgarden announced the need to elect the Commission Chair and Vice Chair positions for 2018.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND WUSSOW, DULY CARRIED, TO RE-ELECT MS. STACI HEADLEY AS COMMISSION CHAIR AND MR. CHUCK MAROHN AS COMMISSION VICE CHAIR FOR 2018.

Noted present were Commissioners Burslie, Gorham, Headley, Marohn, Wussow; and Council Liaison Lambert. Noted absent was Commissioner Antolak. Also present was City Planner Ostgarden, Planning Intern Matthew Kallroos and Administrative Specialist Bestul.

#2 Approval of Agenda

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

#3 Approval of Minutes of the Regular Meeting held on December 20, 2017

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND WUSSOW, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 20, 2017.

#4 New Business

A. Public Hearing – Rezone Property from a B-1 (Residential Office) District to a B-6 (Washington Street Commercial) District

City Planner Ostgarden stated the rezoning request is for the southeast corner of Kingwood Street and N. 2nd Street. The area considered for rezoning is north of the alley which runs parallel to Washington Street and Kingwood Street. The property south of the alley would be developed into a pharmacy with a drive-up window and off-street parking. To the north of the alley, if rezoned, would be used for additional off-street parking. The area to the north is prominently residential. The developers have submitted a site plan identifying the area proposed for rezoning. The intended use is for off-street parking to serve the needs of the pharmacy. The break in the zoning is the alley – everything north of the alley is zoned B-1 (Residential Office) and everything south is zoned B-6 (Washington Street Commercial).

City Planner Ostgarden discussed the current and future land use maps along with the proposed site plan which access would be from the alley on north 2nd Street. The building would be located on the southeast corner of the development, which provides 17 off-street parking spaces. If the site north of the alley is rezoned as proposed, it would provide an additional 24 parking spaces. The commercial land use along Washington Street has trickled over into the B-1 District in the area on north 4th Street which Hardee's is located. The history of the property at Hardee's is unknown as no formal records were found regarding the zoning. It is hard to say what happened in that situation of Hardee's parking lot in a B-1 district. A parking

lot as a permitted use in the B-1 District as a primary use must be for the use that exists in that B-1 District. A use that is allowed in a B-6 District but not in a B-1 District cannot use B-1 zoned property for its operation. Thrifty White submitted a letter explaining their position on why the number of parking spaces identified are needed. The company has its own standards for what they think they need for off-street parking.

City Planner Ostgarden explained the purpose of the B-1 District allows single family uses and office uses. The district serves as a transitional district between residential neighborhoods and commercial uses in areas that redevelopment is anticipated. The purpose of a B-6 District is to provide zoning regulation flexibility to permit development consistent with land use patterns along Washington Street.

There are five (5) criteria to follow in evaluating an application such as this.

1. Consistency with the Comprehensive Plan
2. Compatibility with present and future land uses of the area
3. The effect upon the area in which it is proposed
4. Traffic generation in relation to capabilities of streets serving the property
5. The impact upon existing public services and facilities and the potential to overburden the City's service capacity

City Planner Ostgarden stressed the purpose is not to focus on the site plan, but rather the overall picture of what could happen if the property is zoned B-6. The neighborhood residents in a 350' radius were sent a notice of hearing along with the details proposed. The property has not yet been purchased by Thrifty White, and the potential is there for other uses if it is rezoned to B-6 and they choose not to proceed with their plans. If the rezoning does occur, there are requirements in place that are intended to provide that land use transition between residential and non-residential. Some of these are buffering, screening and exterior building material requirements.

Commissioner Marohn had emailed some questions regarding zoning that City Planner Ostgarden read and answered. Mr. Marohn asked additional questions regarding parking which were discussed by the Commissioners.

City Planner Ostgarden stated the decision regarding this property is the potential for eliminating blight, as the residential dwelling is beyond the ability to repair. The situation on the dwelling north of the alley is not going to improve, however the five-unit apartment building does meet the rental housing requirements. Here is an opportunity to develop this corner on Washington Street along with possibly new jobs.

Commissioner Burslie questioned if the zoning ordinance could be amended to allow pharmacies in the B-1 residential office district. They would then be able to build a parking lot if needed. City Planner Ostgarden indicated that could possibly be done.

The Chair opened the public hearing at 6:42 p.m.

The Chair recognized Mr. John Fahning, Shingobee Builders representing Thrifty White and serving as the developer, general contractor and ultimately the owner of the building. Mr. Fahling indicated there are well over 20 locations where a Thrifty White pharmacy have been developed in the upper Midwest; Iowa, Minnesota and North Dakota. Typically, the facility is a 3,500-square foot building on a lot approximately ½ acre in size with a drive-thru window with half of the building serving as a pharmacy with a standard footprint at most locations. Mr. Fahling explained the reason this property is being considered is the ability to construct a drive-thru and location is very critical for success in their customer base. The parking requirement is based on the customers that the company serves. The on-street parking option was investigated but the challenge is if they use all the available spaces, this may present a challenge to other people in the area and is not

conducive for business. The further the customer needs to walk to get to the business, the less likely they will choose to go there. Mr. Fahling stated this proposal supports what Brainerd is trying to accomplish on a developmental standpoint and it is an opportunity to progress in the redevelopment of Washington Street. The lot would be next to impossible to develop as a separate property due to the required setbacks. Mr. Fahling explained that almost half of the pharmacies constructed in other cities have been adjacent to a residential district and they have went through these procedures before.

Commissioner Marohn asked how a Thrifty store would compare to a Walgreen's store. Mr. Fahling indicated Thrifty is based as a pharmacy and over the counter medication related items and not a retail store. Commissioner Marohn asked several other questions of the petitioner regarding the building plans and land design which discussion took place and questions were answered.

Commissioner Wussow stated that some of the questions being asked by Commissioner Marohn are not zoning related. The topic before the commission is regarding the zoning issues not the building design or business questions. Commissioner Marohn responded as these details were provided with the application and should be able to be discussed.

The Chair recognized Mr. Dirk Van Derwerker, 604 N. 5th Street, who resides in the neighborhood. Mr. Van Derwerker stated the proposal in the B-6 District is favorable, however is opposed to the rezoning of the B-1 property to a B-6. The purpose of that zone is to create a transition between commercial and residential properties. Mr. Van Derwerker stated the major reason for having zoning districts defined is to protect the least intensive uses from the more intensive uses. Mr. Van Derwerker said there have already been too many homes removed for parking lots in the area such as the Essentia Health hospital.

The Chair recognized Ms. Kathleen Maloney Hermerding, 116 Juniper Street, who is close to the property. Ms. Maloney Hermerding has resided at her residence for 24 years and spoke in opposition of the rezoning. Ms. Maloney Hermerding brought up the following concerns: 1) Hardee's parking lot is always vacant – recommend Thrifty lease a portion of Hardee's lot. 2) If this proposed site is the same size as Walgreen's, there will be a lot of empty spaces. 3) School bus stop is at 2nd Street and Kingwood Street – safety concern 4) It is an ambulance pathway, as well as police. 5) Audio noise concerns, as she can hear the Hardee's intercom when in her yard. Ms. Maloney Hermerding questioned the dedicated employee parking that is proposed, as Essentia Health hospital has dedicated employee parking that is not being used and that lot is never full. Ms. Maloney Hermerding also questioned that Thrifty wants to be located close to where long term facilities are. However, she stated there are no long-term facilities in north Brainerd, as they are all in south Brainerd. Ms. Maloney Hermerding explained she is not opposed to the business; she is opposed to rezoning for parking. Ms. Maloney Hermerding's high school aged daughter submitted a letter in opposition as well.

The Chair recognized Ms. Jessamyn Foley, 201 Kingwood Street which is directly across the street from the proposed site. Ms. Foley indicates her residence is one of the first homes built in 1914 and they are very proud of that historical fact. Ms. Foley indicated that rezoning may create some issues with the transition with having a parking lot right across the street. Ms. Foley questioned the proposed hours that Thrifty would have. Ms. Foley is also concerned if it is rezoned, another business could potentially locate in this area and operate 24 hours. This would open up new issues of headlights, parking lot lights and slamming car doors. Ms. Foley is also concerned about affordable housing and removing the apartment building located on the property. Ms. Foley indicated there are already several empty business buildings in Brainerd that could be renovated for use. Ms. Foley suggested the tiny house option for that size lot as well as having more trees planted in the area. Ms. Foley also requested that the two white pine trees that are currently on the property remain.

The Chair recognized Mr. Chris Foley, 201 Kingwood Street. Mr. Foley did not speak for or against the proposed rezoning. Mr. Foley stated if the plans proceed, there will be the need for a residential buffer – mature trees, shrubs and higher fencing. Mr. Foley is concerned about the proposed lighting plan for the parking lot, so it would not impose on his residence.

The Chair recognized Ms. Jan Burton, 1017 Terrace Avenue who has been a resident since 1974 and spoke in favor of the proposal. Ms. Burton clarified the statement made about no one parking in the Hardee's parking lot. Ms. Burton stated there are buses at various times, semi-trucks loading and unloading as well as highway department equipment. Ms. Burton explained the Sawmill Inn restaurant has parking on Kingwood Street as well as the old clinic. Ms. Burton stated she did not feel that changing this zoning would make any difference to what is already taking place. There are also boats, trailers and trucks at different times parking on 2nd Street. The corner at Washington Street needs to be developed and improved which would be an asset to the neighborhood.

The Chair recognized Ms. Melissa Kmett, owner of the property at 215 N. 3rd Street spoke in favor of the rezoning. Ms. Kmett stated she would like to see the property redeveloped to remove the blighted structures. It would also help the tax base in the City. Ms. Kmett understands the comments from the other residents against the rezoning, but there are already properties that have parking along Kingwood Street.

The Chair recognized Mr. Brian Weber, 17 Kingwood Street who spoke against the rezoning. Mr. Weber questioned other ways to proceed with the planning, so the buffer could have more green space and/or setbacks further than required. This would eliminate a few parking spaces but would transition better into the residential district. Mr. Weber is also concerned about the traffic flow upon leaving the business with the possibility of more traffic along Kingwood Street.

The Chair welcomed the petitioner, Mr. John Fahning to address the questions from the citizens. Mr. Fahning stated the hours for the pharmacy would be 8:00 a.m. to 6:00 p.m. – Monday through Saturday and closed on Sunday. Mr. Fahning said if the opportunity was available to allow the pharmacy in the smaller lot and rezone the front lot from a B-6 to a B-1, it would not matter for Thrifty White. This is all driven around the need for parking. One of the challenges with Brainerd is there is no parking requirement. If dedicated on-street parking could be created, that may be another solution, as Thrifty White wants to balance the needs of the neighborhood as well as the business. Mr. Fahning addressed the issue of having a buffer between a residential and commercial district. In other communities, sometimes the parking lot acts as the buffer. Mr. Fahning stated the drive thru would be located on the east side of the building with the exit onto the alley, which is a public access and poses a good solution because it is for public use. Mr. Fahning also clarified there will be parking lot lighting as this is security driven, but there are solutions of installing low glaring fixtures for example. The drive up window is also adjacent to the building with no audio speakers located at a distance so there should be no issues with noise. Mr. Fahning also stated in this region, a parking lot is crucial for snow plowing, accessibility to remove snow and snow storage. Snow also leads to inefficiency in the parking lot with the inability to see the lines for parking spaces.

City Planner Ostgarden clarified the alley is defined as platted and when this area of Brainerd was laid out, the block arrangement assigned each block one or two alleys. Those alleys are dedicated for public purpose and could create difficulties for traffic movement and access to other properties if vacated. This would also pose problems for fire and rescue accessibility.

City Planner Ostgarden addressed several of the questions being asked are in relation to site design. This is a perfect example of what happens when a site plan is provided with a rezoning request – we lose sight of the topic at hand and what decision needs to be made. The commission is not here to design this site; the commission is here to decide the merits of whether the property should be rezoned to a B-6 District. There are a series of site design standards that must be met prior to obtaining a permit to build. For example,

the lighting must be cut off box lights with the amount of light spilling off the site following certain criteria as to not adversely affect the neighboring properties. There are minimum landscaping standards and screening requirements the property owner needs to follow.

The Chair closed the public hearing at 7:51 p.m.

City Planner Ostgarden stated the Findings of Fact were provided to the commission, and a support or denial motion should be made without going into these in detail but highlighting the ones crucial to the motion.

Commissioner Wussow asked if it would be appropriate to request a text amendment to the zoning code to add a pharmacy to a B-1 District. City Planner Ostgarden stated this cannot be done tonight as it requires a completely different process and set of circumstances.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND WUSSOW TO APPROVE THE PROPOSED REZONING REQUEST FROM A B-1 TO A B-6 DISTRICT BASED ON THE EIGHT (8) FINDINGS OF FACT AND THE FOLLOWING STATEMENTS:

- The limited 140' depth limits site design and makes (re) development of the frontage difficult.
- The residential uses across Kingwood Street and on the adjacent lot would be buffered by screening requirements in the Zoning Ordinance.
- There are Zoning Ordinance site development requirements for screening of off-street parking, dumpsters and mechanical equipment.
- The Zoning Ordinance includes requirements for commercial building design standards.
- These standards are intended and designed to assure compatibility of uses and to enhance the health, safety and general welfare of the residents of the City of Brainerd.
- The rezoning will permit infill development which is an efficient use of the land and a goal of the Comprehensive Plan.
- The proposed rezoning area has alley access avoiding Kingwood Street as an access, which means traffic does not need to be routed through a residential neighborhood.
- Rezoning the property will create a larger site for (re)development which will provide an opportunity to attract livable wage jobs to the community.
- Rezoning will create a larger parcel enhancing Brainerd's ability to attract new development and it will support the redevelopment of a vacant site and remove deteriorating residential property.

Commissioner Burslie asked for discussion regarding compatibility with the neighborhood and to understand that if the property is rezoned to a B-6, the following could be allowed: On and off sale liquor sales, brew pubs, pawn shops and adult uses as a permitted use. Commissioner Burslie stated none of these uses are compatible in the neighborhood. The future land use map identifies the property as residential.

Commission Chair Headley indicated it was mentioned earlier of this being approval based on the condition of the sale. Commissioner Burslie asked if a condition can be placed on the property when it is sold.

City Planner Ostgarden replied that cannot be done – rezoning's cannot be conditioned as they must stand on their own merit.

Commissioner Marohn stated he will be voting against the rezoning as it is worded. Commissioner Marohn disputes the Findings of Fact as presented and states although many areas along Washington

Street are only 140' deep, it is not true that this limits the site design as there is an entire street zoned the same with existing development. Commissioner Marohn indicated the B-1 zone is defined as *"a buffer zone between B-6 commercial and a residential neighborhood"* and by removing that buffer zone, it essentially violates the intent of the comprehensive plan and the intent of both zoning classifications.

Commissioner Marohn went on to suggest building designs of Thrifty White stores in other cities and why Washington Street does not justify a higher investment. This poses a challenge on Brainerd as to how we can make it a great corridor coming into town.

Commissioner Gorham indicated the good points from both approval and denial of the rezoning. As Washington Street needs to be redeveloped with attractive properties to remove the blight and to assist in the tax rolls, the integrity of the neighborhood needs to be protected.

Commission Chair Headley agrees with the comments of Commissioner Gorham.

Commissioner Burslie wanted to inquire on the option of amending the B-1 District zoning ordinance by allowing a pharmacy.

City Planner Ostgarden indicated that could possibly be done, although it is a completely separate process.

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

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND GORHAM TO TABLE THIS REQUEST TO THE FEBRUARY MEETING AND INITIATE THE PROCESS TO AMEND THE B-1 DISTRICT ZONING ORDINANCE TO ALLOW PHARMACIES AS A PERMITTED USE WHICH WOULD INCLUDE HOLDING A PUBLIC HEARING.

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

Commissioner Marohn suggested staff research the quantity of parallel and diagonal on-street parking that would be available based on the applicant's proposal.

B. Public Hearing – Amending City Zoning Ordinance Section 17-8 C. Accessory Buildings

City Planner Ostgarden explained the recommendations made to allow fabric material buildings in commercial and industrial areas.

The Chair opened the public hearing at 8:17 p.m.

No one came forward.

The Chair closed the public hearing at 8:17 p.m.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE ZONING ORDINANCE TEXT AMENDMENT SECTION 17-8 C. ACCESSORY BUILDINGS TO ALLOW FABRIC CONSTRUCTION MATERIAL FOR COMMERCIAL AND INDUSTRIAL ACCESSORY BUILDINGS.

#5 Public Forum

The Chair opened the public forum at 8:19 p.m.

City Planner Ostgarden introduced the new planning intern, Matthew Kallroos.

The Chair closed the public forum at 8:20 p.m.

#6 Old Business

A. Report on Steering Committee Meeting

City Planner Ostgarden updated the commission that a member of the Steering Committee needed to resign. There has been a new member appointed, P.J. Severson. The next meeting is scheduled for February 15, 2018 at 4:00 p.m. location to be determined. City Planner Ostgarden indicated meetings are being held one on one with the members of the Steering Committee

City Planner Ostgarden announced Ms. Ashley Kaisershot has started working in City Hall on the Comprehensive Plan update and the Riverfront Committee.

#7 Commissioners' Questions/Comments

Commissioner Wussow indicated the realtor sign located at the corner of Washington and 2nd Street does not fall in the guidelines of our sign requirements.

Commissioner Marohn stated he would like to have discussions regarding the roles of the Planning Commission and possible other areas of the City that could be worked on in the future. City Planner Ostgarden explained there are by-laws to follow but the Chair and any commission member could have discussions regarding topics for future agendas.

#8 City Planner's Report

City Planner Ostgarden provided an interesting news article for the commission to read regarding the City of Grand Forks, ND.

#9 Adjourned at 8:26 P.M.

Respectfully submitted,

City Planner Mark Ostgarden AICP

STAFF REPORT TO THE PLANNING COMMISSION

February 8, 2018

APPLICANT/LOCATION:	John William Carter, 15947 Beaver Dam Road; Brainerd, MN 56401
REQUESTED ACTION:	Rezone property from an R-A (Rural Agricultural) District to an R-1A (Single Family) Residential District
AREA:	Approximately 13 Acres
ADJACENT USES:	North: Trail parking East: A single family dwelling site, however it is primarily wetland South: Wetland West: Vacant/Wooded
AREA ZONING:	Zoning Across Beaver Dam Road is B-4 (General Commercial) District and R-1A (Single Family Residential) District; zoning to the west and south is R-A (Rural Agriculture) District.

Mr. Carter desires to split off a parcel of the 13 acres he owns along Beaver Dam Road. The R-A (Rural Agricultural) District has a 20-acre minimum lot size. To split the parcel, a zoning district that permits a smaller minimum lot size is needed. In addition to permitting the lot split, the R-1A zoning will permit the Beaver Dam Road frontage to be platted for single family lot development.

PETITION EVALUATION

In compliance with Section 515.09 of the Brainerd Zoning Ordinance, the Planning Commission shall conduct a Public Hearing regarding this request. To assist the Planning Commission in evaluating the suitability of this requested change, the following are guidelines and a staff review of issues associated with the application to consider in the review process.

1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.

Attached are the Comprehensive Plan Land Use Goals and Strategies by which this proposal should be reviewed.

2. The proposed use's compatibility with present and future land uses of the area.

The attached section of the Comprehensive Plan Future Land Use Map identifies this property as low to medium residential land use. Single family and two-family zoning is consistent with the Future Land Use Map.

The Comprehensive Plan specifies:

Low to medium density residential development as portions of Brainerd that should contain one and two-family dwellings such as duplexes and town homes. Low to Medium Density Residential could include both the older, smaller lot, single-family subdivisions found within the city as well as the newer, larger lot subdivisions within the city and its planned growth areas.

515-55-7: Minimum Lot Area and Setback Requirements.

Lot Area Requirements:

<i>Lot size:</i>	<i>Ten thousand (10,000) square feet</i>
<i>Lot Width:</i>	<i>Seventy-five (75) feet</i>
<i>Lot Depth:</i>	<i>Lot depth shall not exceed three (3) times the width for the buildable area of the lot</i>

Principal Building Setbacks

<i>Front Yard:</i>	<i>Thirty (30) feet</i>
<i>Side Yard:</i>	<i>Ten (10) feet, five (5) feet for attached garage</i>
<i>Side Yard (corner):</i>	<i>Twenty (20) feet</i>
<i>Rear Yard:</i>	<i>Thirty (30) feet</i>

Accessory building and structure setbacks:

<i>Front Yard:</i>	<i>Thirty (30) feet</i>
<i>Side Yard:</i>	<i>Ten (10) feet</i>
<i>Side Yard (corner):</i>	<i>Twenty (20) feet</i>
<i>Rear Yard:</i>	<i>Ten (10) feet</i>

3. The proposed use's effect upon the area in which it is proposed.

More than half of the 13-acre Parcel is wetland. There is sufficient depth for single family lot development that would front on Beaver Dam Road.

The exact amount of Beaver Dam Road frontage Mr. Carter plans to retain is not yet know. However, based on a sketch of the split, it appears approximately 600' feet of frontage that is not part of the split parcel, will remain and would be developed with single family lots.

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

Beaver Dam Road is a well-traveled road and traffic will increase in the future. The additional single-family driveways will mean more turning movements and the high speed of travel on Beaver Dam Road will create additional safety concerns. However, Beaver Dam Road is capable of additional development on this parcel and other parcels along the corridor.

There is currently no non-motorized transportation infrastructure along Beaver Dam Road. It is planned to have a trail from Riverside Drive to the Paul Bunyan Trail that is not yet included in a capital budgeting.

5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

City sewer and water is available to the site. Because of the significant wetland area, the 13 acres will support very few lots. The development will not have a negative impact on schools, parks and streets.

PLANNING DEPARTMENT REVIEW

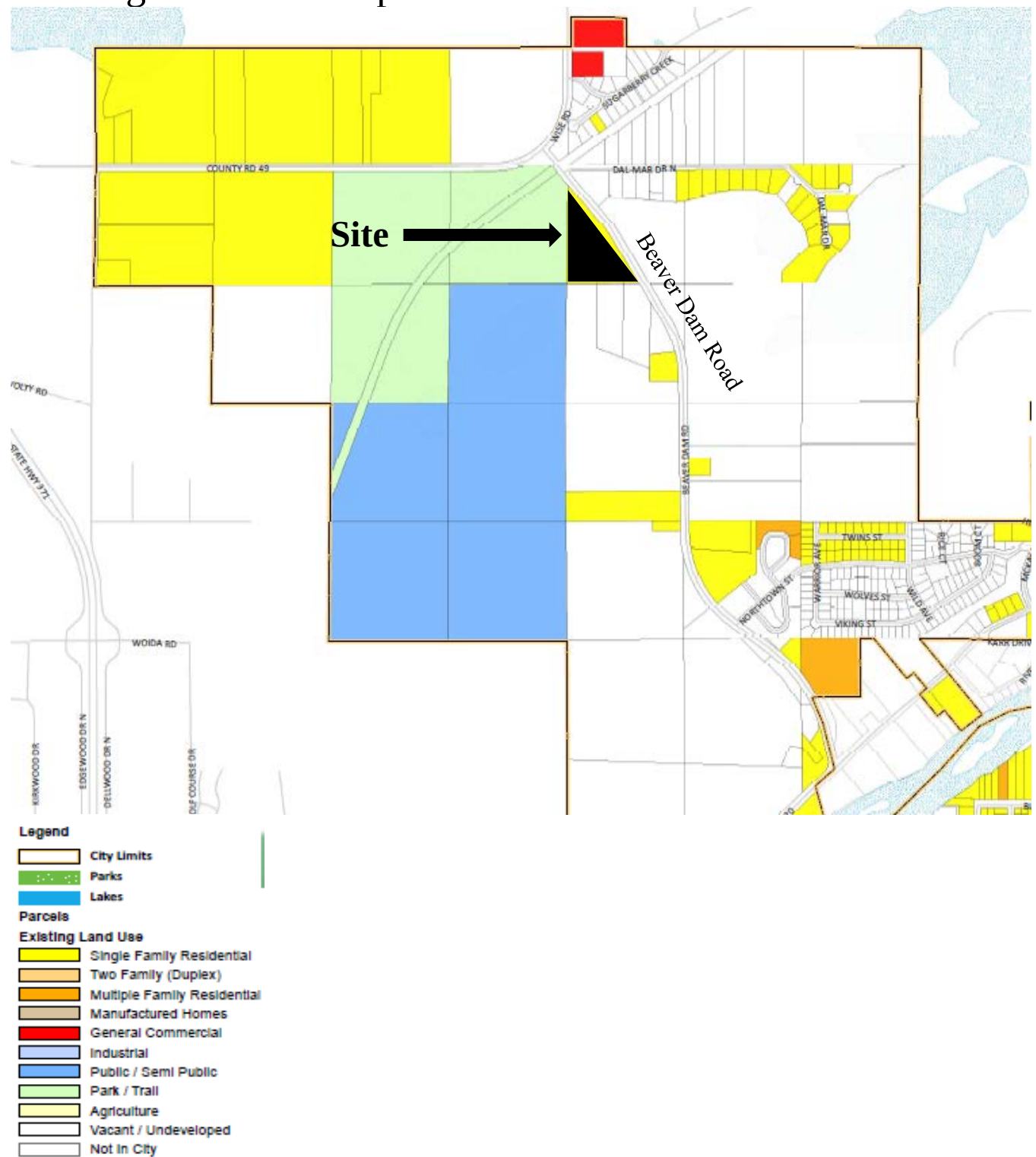
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its February 21, 2018 meeting. The City Council can receive the Planning Commission recommendation and consider an Ordinance First Reading on March 5, 2018 and an Ordinance Second/Final Reading on March 19, 2018.

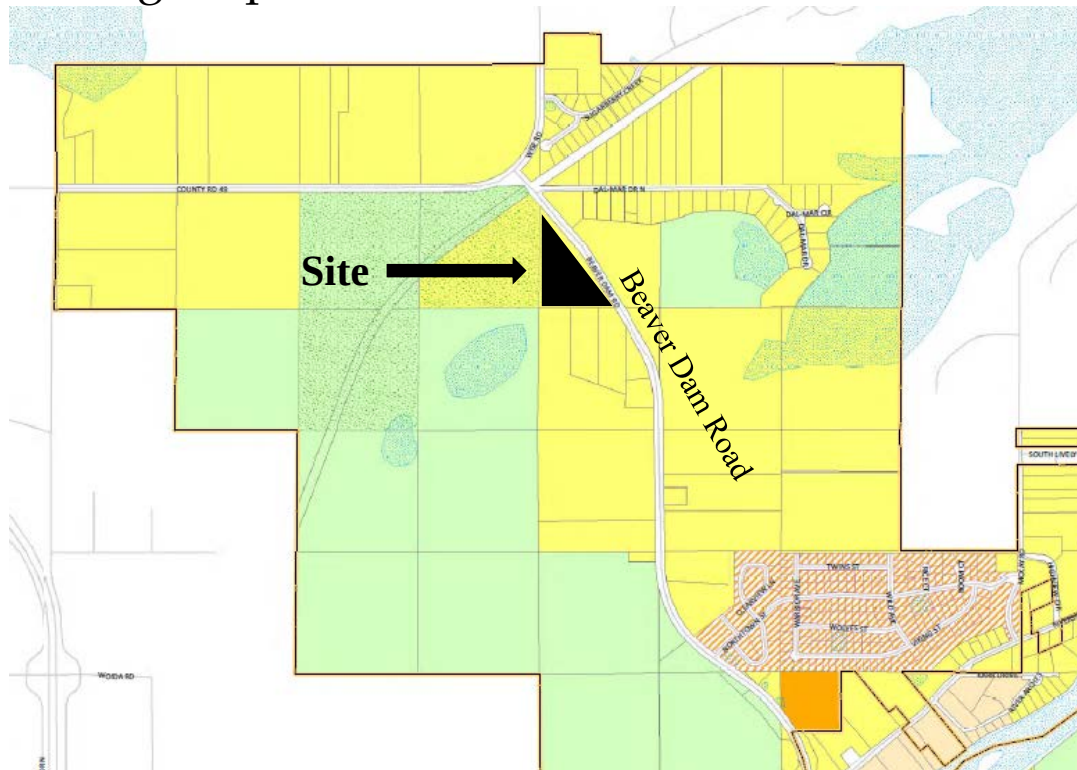
Respectfully submitted,

Mark Ostgarden AICP
City Planner

Existing Land Use Map



Zoning Map



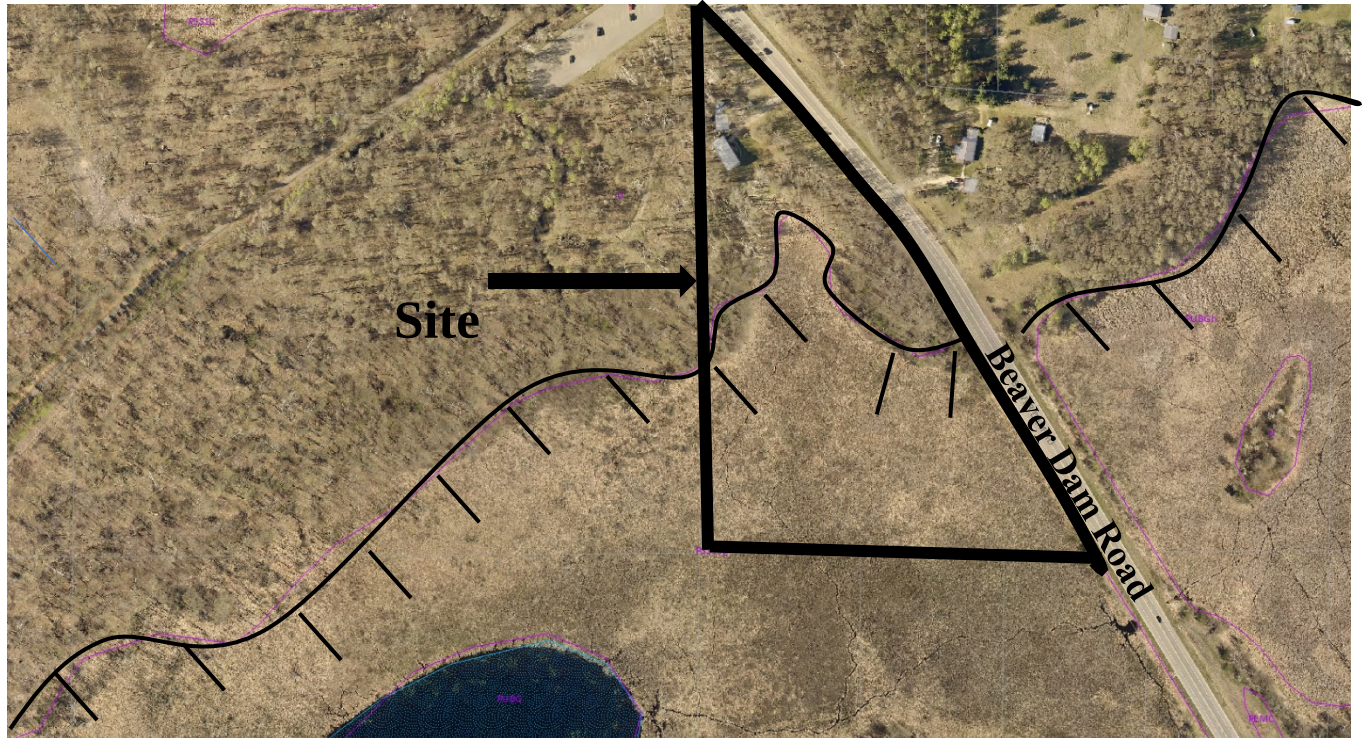
Legend

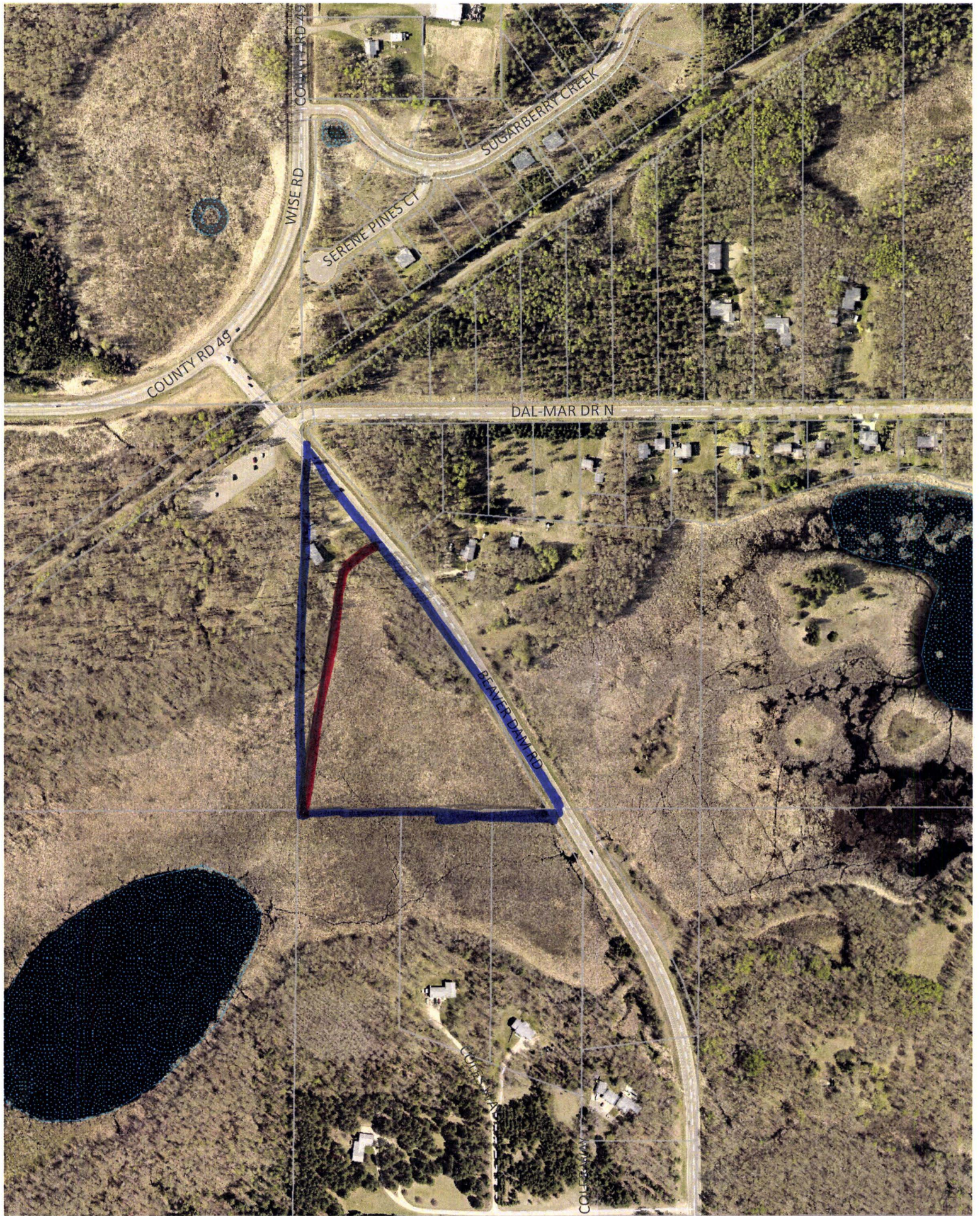
- R-A Rural Agricultural
- R-R Rural Residential
- R-E Rural Estate
- R-1A Single Family Residential
- R-1 Single Family Residential
- R-2 Medium Density Residential
- R-3 High Density Residential
- R-MH Manufactured Housing
- B-1 Residential Office
- B-2 Neighborhood Business
- B-3 Central Business District
- B-4 General Commercial
- B-5 Commercial Amusement
- B-6 Washington Street Commercial
- I-1 Light Industrial
- I-2 General Industrial
- MU Mixed Use
- PUD Planned Urban Dev

The map shows a section of land with various colored zones: yellow for residential, green for forested, and blue for water. A black arrow points to a black-shaded area labeled 'Site' located near the intersection of County Rd 48 and Beaver Dam Road. Other roads shown include Sugarway Crm, Dal-Mar Cr, and Beaver Dam Road. The map also shows a residential area with streets like Twins St, Willow St, and Hickory St.

 Mixed Residential

Site Aerial and Wetlands





Findings of Fact

John William Carter
15947 Beaver Dam Road
Brainerd, MN 56401

1. Rezone property from an R-A (Rural Agricultural) District to an R-1A (Single Family) Residential District. The R-A District has a 20-acre minimum parcel size and the R-1A has a 10,000 square foot minimum lot size.
2. Land to the north is trail parking; land to the east is developed with a single-family dwelling, with the remaining area wetland; land to the south is wetland and land to the west is vacant and wooded.
3. Zoning across Beaver Dam Road is a B-4 (General Commercial) District and R-1A (Single Family Residential) District; zoning to the west and south is an R-A (Rural Agriculture) District.
4. The parcel is approximately 13 acres and has approximately 1,500 feet of road frontage.
5. Over half of the parcel area is wetland, resulting in only an area along Beaver Dam Road available for development.
6. The parcel has a single-family dwelling at the north end. The remainder of the parcel is vacant, woodland and wetlands.
7. The wetland location reduces the developable road frontage to approximately 600 feet.
8. Beaver Dam Road is capable of supporting additional traffic from development of this parcel and other parcels along the corridor.
9. Because of the parcel configuration, the wetland location and the R-1A requirement of a 75-foot minimum lot width, the 600 feet of developable frontage will permit eight (8) single family building lots. Each will require individual driveways to/from Beaver Dam Road.
10. City sewer and water is available to the site.
11. The parcel is identified as Low to Medium Density Residential on the Comprehensive Plan Future Land Use Map. The R-1A density is 4.4 units/acre which is considered Low to Medium Density Residential density in the Comprehensive Plan

12. The rezoning is supported by the following Comprehensive Plan Goals and Strategies:

LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*

Strategies

1. Encourage development of low density and high-density family housing units in those areas designated on the adopted Land Use Plan.
2. 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.

LAND USE GOAL #4: *Plan land uses and implement standards to minimize land use conflicts.*

Strategies

1. Require adequate transitions between different land uses through appropriate land use planning and zoning standards.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that John William Carter, has applied to rezone property at 15947 Beaver Dam Road; Brainerd, MN 56401, from an R-A (Rural Agriculture) District to an R-1A (Single Family Residential) District. The property is legally described as:

PART OF NW1/4 OF NW1/4 SEC. 33 LYING W. OF THE W'LY ROW OF BEAVER DAM ROAD, AKA CO. RD. HWY 303 (NOW CO. RD. 5). Parcel size is approximately 13 acres.
The PID is 080332200B00009.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, February 21, 2018 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property.

Permitted Uses in the R-A District include:

Agricultural uses; Barns, stables, silos, other agricultural buildings; Nurseries, greenhouses for growing only (no retail sales); single family dwellings; Forest and game management areas; Public recreation areas and related accessory buildings and structures; Residential facilities serving six (6) or fewer persons in a single family detached dwelling; Essential services as regulated by Section 36 of this Ordinance.

Minimum lot size - 20 Acres.

Accessory Uses in the R-A District include:

Garages for private use as regulated by Section 515-17-7 of this Ordinance; Fences as regulated by Section 19 of this Ordinance; Recreation facilities and equipment for private use...; Solar energy systems and solar structures; Home Businesses as regulated by Section 26 of this Ordinance.

Buildings for the storage of domestic tools, supplies and equipment...; Storage of recreational vehicles and equipment...; Boarding or renting of rooms to not more than two (2) individuals per dwelling; In home day care serving 14 or fewer persons in a single family detached dwelling; Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO), ...; Temporary roadside sales of agricultural products produced on site.

Interim Uses in the R-A District include:

Home Extended Businesses as regulated by Section 26 of this Ordinance; Mining or land reclamation as regulated by Section 30 of this Ordinance; WECS (Wind Energy Conversion Systems) as regulated by Section 34 of this Ordinance; Commercial animal kennels.

Conditional Uses in the R-A District include:

Places of worship related buildings provided that...; Cemeteries, subject to the following provisions..., Commercial riding stables provided that...; Governmental and public regulated utility building's and structures...

Uses by Administrative Permit in the R-A District include.

Personal wireless service antennas as regulated by Section 35 of this Ordinance.

Permitted Uses in the R-1A District include:

Detached single family dwellings; Public recreation areas and related accessory buildings and structures; Residential facilities serving six (6) or fewer persons in a single family detached dwelling; Essential services as regulated by Section 36 of this Ordinance.

Minimum lot size - 10,000 square feet.

Over for a map of the property location.

Interim Uses in the R-1A District include:

Home Extended Businesses as regulated by Section 26 of this Ordinance; Temporary buildings associated with a public or private principal school...

Conditional Uses in the R-1A District include:

Off-premise surface parking lots and parking ramps...; Bed and breakfast subject to provisions of Section 31 of this Ordinance.; Non-profit and not-for-profit offices located in buildings owned by the Brainerd Independent School District ...; Planned Unit Developments...; Government and public regulated utility buildings and structures ...; Public and private schools provided that ...; Hospitals provided that ...; Places of worship and related buildings provided that ...; Dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet...

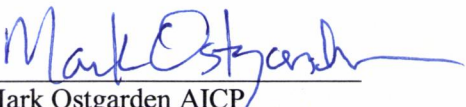
Uses by Administrative Permit in the R-1A District include:

Personal wireless service antennas as regulated by Section 35 of this Ordinance.

The public is invited to attend the hearing to offer input regarding the proposed rezoning.

Any individual needing special accommodations please call (218) 828-2309.

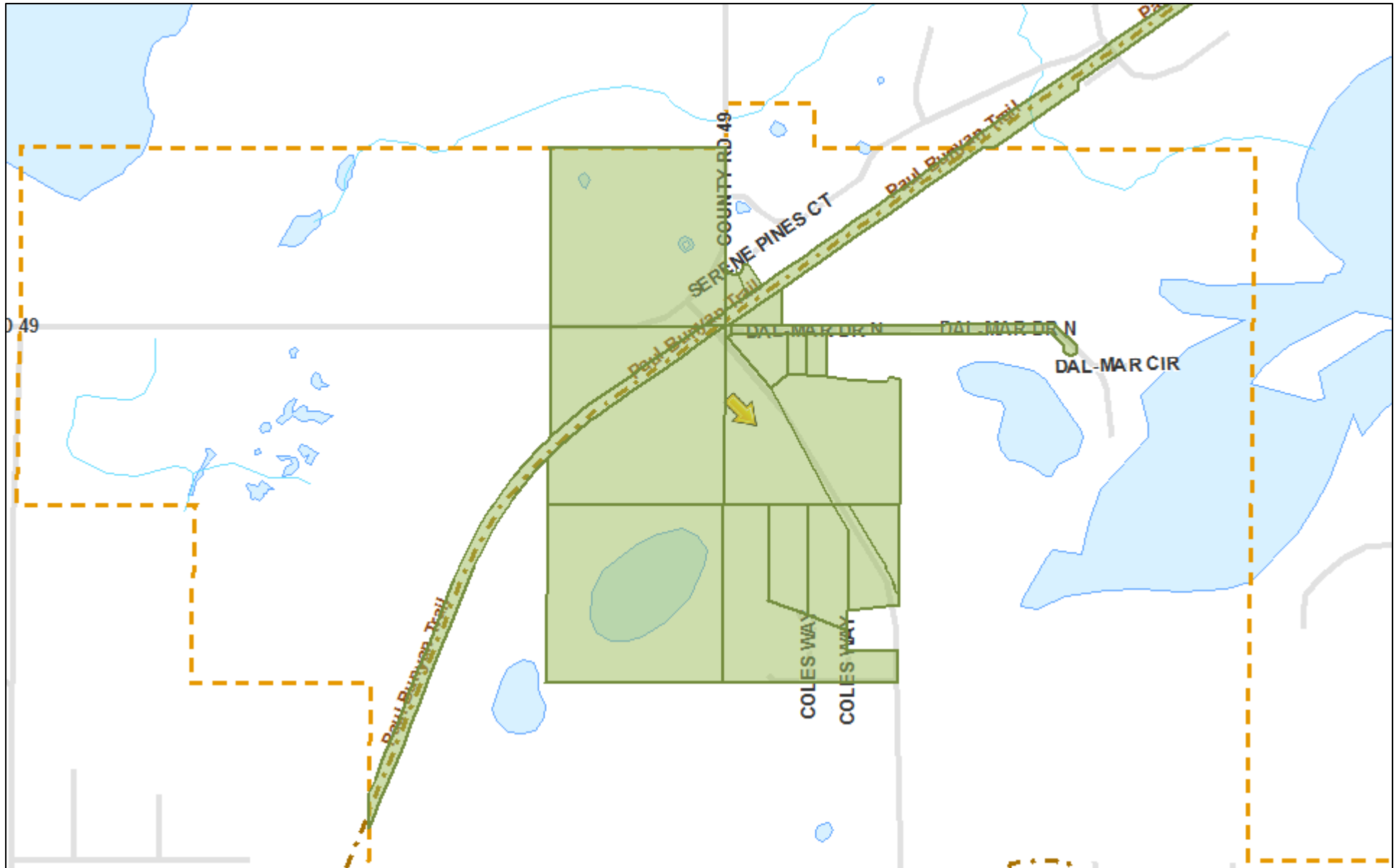
Dated this 8th day of February 2018.


Mark Ostgarden AICP
City Planner



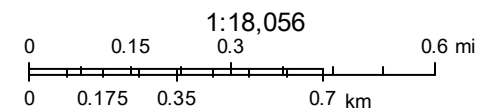
Tax Name	Tax Address	Tax Address 2
EIDE, BRUCE & SHELLEY M	8669 COLES WAY	BRAINERD MN 56401
NICHOLS, TREVOR W & CAITLIN M	8627 COLES WAY	BRAINERD, MN 56401
BOCHE, GREGG & MARY JO	8626 COLES WAY	BRAINERD, MN 56401
CROW WING COUNTY HIGHWAY DEPARTMENT	16589 COUNTY ROAD 142	BRAINERD MN 56401
CARTER, DALE WM & MARION	15888 BEAVER DAM RD	BRAINERD MN 56401
CARTER, JON WILLIAM	15947 BEAVER DAM RD	BRAINERD, MN 56401
STATE OF MINNESOTA DNR-	500 LAFAYETTE ROAD BOX 45	ST PAUL, MN 55155
CROW WING COUNTY HOUSING & REDEVELOPMENT	324 EAST RIVER ROAD	BRAINERD, MN 56401
MINNESOTA NORTH DISTRICT, LCMS	P O BOX 604	BRAINERD, MN 56401

Rezoning 15947 Beaver Dam Rd



2/8/2018, 9:00:55 AM

- Select Parcels _Query result
- City Limits
- Trails
- Roads
- Streams
- Water



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



City Planning Department

City Hall – 501 Laurel Street

Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

Receipt # CL2060001

See 2018-00001

Date Paid: 1-24-18

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☒ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 15947 Beaver Dam Road

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Jon William Carter

Street Address: 15947 Beaver Dam Rd City: Brainerd State: MN Zip Code: 56407

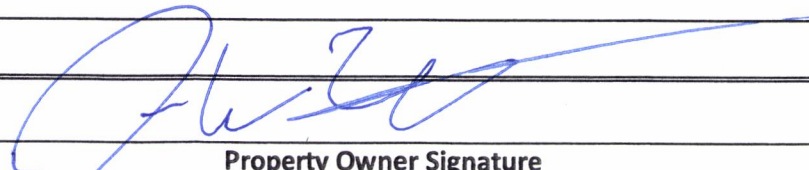
Phone Number: 218-851-8291 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: Rezone from R-A to R-1A



Property Owner Signature

01/24/2018

Date

Jon William Carter

(Please print name)

Applicant Signature

01/24/2018

Date

(Please print name)

(OVER)

15947 BDR

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

☒ **BRAINERD FIRE DEPARTMENT**

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

☒ **BRAINERD POLICE DEPARTMENT**

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

☒ **BRAINERD PUBLIC UTILITIES**

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

☐ **BWSR (MN Board of Water and Soil Resources)**

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

☒ **CROW WING COUNTY HIGHWAY DEPARTMENT**

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111 tim.bray@crowwing.us

☒ **CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT**

Attn: Melissa Barrick; 322 Laurel St Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095 melissa.barrick@crowwingswcd.us *us.org*

☐ **CROW WING COUNTY SURVEYOR'S OFFICE**

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126; mark.liedl@crowwing.us

☐ **HRA**

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817; jennifer@brainerdhra.org

☐ **MISSISSIPPI HEADWATERS BOARD**

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104 mhb@mississippiheadwaters.org

☒ **MINNESOTA DEPARTMENT OF TRANSPORTATION**

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

☐ **MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

☐ **MINNESOTA POLLUTION CONTROL AGENCY**

Attn: Reed Larson; 7678 College Rd Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594 Reed.Larson@state.mn.us

Emailed to
☐ **U.S. ARMY CORPS OF ENGINEERS:** robert.q.maroney@usace.army.mil

Attn: Rob Maroney, 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 651-290-5766

STAFF REPORT TO THE PLANNING COMMISSION

February 21, 2018

CONDITIONAL USE PERMIT

APPLICANT/LOCATION: Land and Lease Development LLC, 24226 Lone Pine Road, Hinckley, MN 55037, has applied on behalf of Joseph LaRoue, 5832 Barbeau Road Brainerd, MN 56401, for a Conditional Use Permit for automobile repair business at 303 W. Washington Street, Brainerd, MN 56401.

PROPOSED USE: Automotive Repair and Service

CURRENT ZONING: B-4 (General Commercial) District

ADJACENT USES: East: River/Elementary School
South: Commercial
West: Commercial
North: Commercial

ADJACENT ZONING: North: B-4 (General Commercial) District
East: R-3 (High Density Residential) District
South: B-4 (General Commercial) District
West: B-4 (General Commercial) District

REPORT

Joseph LaRoue has been leasing property at 217 Washington Street for his automotive repair and service business. The property is being sold and he has been asked to vacate. Mr. LaRoue desires to relocate to the 303 Washington Street site where automotive repair and service has occurred in the past.

- A. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.**

1. *The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.*

The site is an existing developed property. Should the site not meet current zoning requirements the nonconformance would be considered legal in nature.

2. *The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.*

Zoning Ordinance Section 515-63-6: Conditional Uses specifies:

Automobile and truck repair - major and minor (including body shops) provided that:

1. *The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.*

The site has a concrete surface and it has been a repair business in the past. Because of the property's automotive related history, the requirement for curbing can be considered not required and a legal nonconforming situation.

2. *All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.*

There will be no painting at the site.

3. *The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.*

Odor emissions should not be an issue.

4. *All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.*

5. *All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.*

This requirement will be monitored.

3. *The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.*

See Fire, Police and Building Department comments.

4. *The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.*

The site is an existing fully developed site. There are currently no planned changes nor are any needed to conform to this requirement.

5. *The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.*

The site has existed in this condition for decades. There are currently no planned changes nor are any needed to conform to this requirement.

6. *The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.*

Existing curb cuts on Washington Street and NW 3rd Street will be used. No changes are proposed.

The parcel is adjacent to a platted alley from Washington Street to Charles Street. The alley cannot be used for vehicle parking and must remain passable.

7. *The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.*

The objectives of the Zoning Ordinance are:

515-1-2: *Intent and Purpose.*

- A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. *This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*

The use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan as follows.

D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.

Orderly development is occurring by infill should not have adverse effects on the neighborhood.

Comprehensive Plan

The following Comprehensive Plan Goals and Strategies support the proposal:

COMMERCIAL/INDUSTRIAL LAND USE

Goal: PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.

Strategy

Encourage the development of additional commercial and industrial areas within the city in accordance with the land use plan.

LAND USE GOAL #5: *Support development that enhances community character and identity*

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.

B. Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:

- 1. Fire Protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
See Fire Department comments.*
- 2. Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.*
- 3. Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.*
- 4. Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.*
- 5. Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.*
- 6. Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.*
- 7. Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.*

8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*
9. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

DEPARTMENT INFORMATION

Engineering

No vehicles should be in the right of way or blocking the 20' x 20' clear vision corner.

Utilities

No issues.

Fire

No issues.

Police

No issues.

Building

The floor drain will need inspection to verify if it is a flammable waste trap.

Planning Department Review

Trash Receptacle

Should a dumpster be used at the property it will need to be screened on all sides.

Site Design

Attached is a property site plan. I have identified on the plan where it appears employee and visitor parking could be provided.

It is suggested that a date be specified by which the dumpster screening be completed if one is going to be used.

The Planning Commission can consider a recommendation on this request at its February 21, 2018 meeting. City Council consideration can occur at its March 5, 2018 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

Findings of Fact

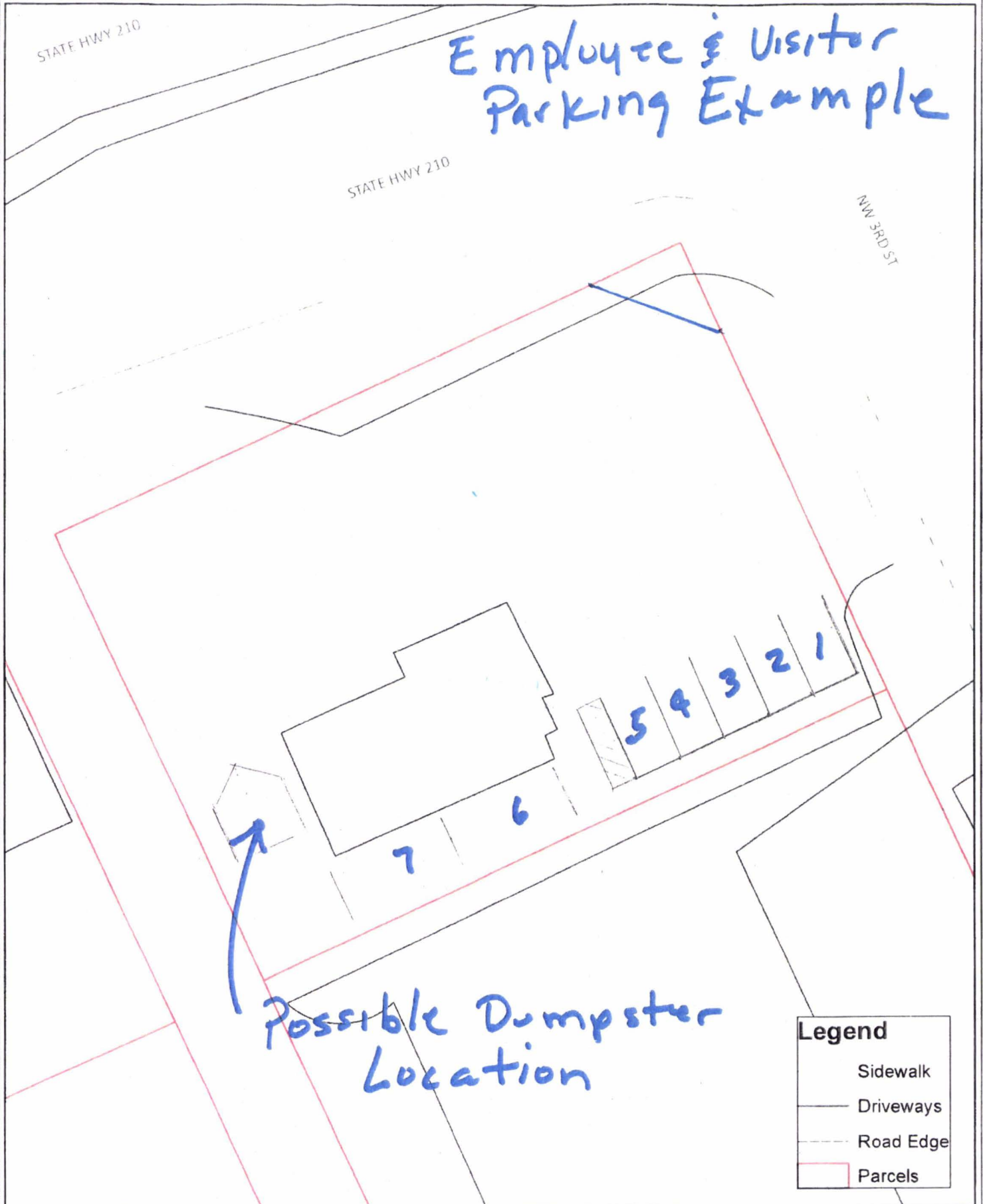
Land and Lease Development LLC, 24226 Lone Pine Road, Hinckley, MN 55037
Joseph LaRoue, 5832 Barbeau Road Brainerd, MN 56401
303 W. Washington Street, Brainerd, MN 56401
Conditional Use Permit - Automobile Repair and Service

1. The property is zoned B-4 (General Commercial) District and auto sales and vehicle repair are uses allowed by Conditional Use Permit.
2. The parcel size is 140' x 100' (14, 000 sq. ft.).
3. The site has a history of auto related uses. The building on the site has two service stalls for auto repair.
4. The site is completely paved.
5. The area is commercially developed.
6. There will be no painting or body work on the premises.
7. Washington Street is the major east/ west arterial through the City.
8. Building, Fire, BPU, have no issues with the uses.
9. The Engineering Department stated no vehicles should be in the right of way or blocking the 20' x 20' clear vision corner.
10. The Planning Department cited the need for off street parking that includes a handicapped stall and an enclosure if a dumpster is used.
11. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes:
Provide for compatibility of different land uses.
12. The use is consistent with the following Comprehensive Plan Land Use goals and Strategies:
LAND USE GOAL #5: *Support development that enhances community character and identity.*
Strategy
Support the redevelopment of vacant and abandoned sites...

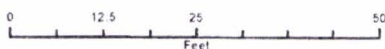
Conditions:

1. Should a dumpster become necessary it shall be screened by _____.
2. Based on visibility concerns with the lot being on a corner, no vehicle shall be parked within the traffic visibility setback area at the corner of Washington St and NW 3rd St.

Employee & Visitor Parking Example



Legend	
	Sidewalk
	Driveways
	Road Edge
	Parcels



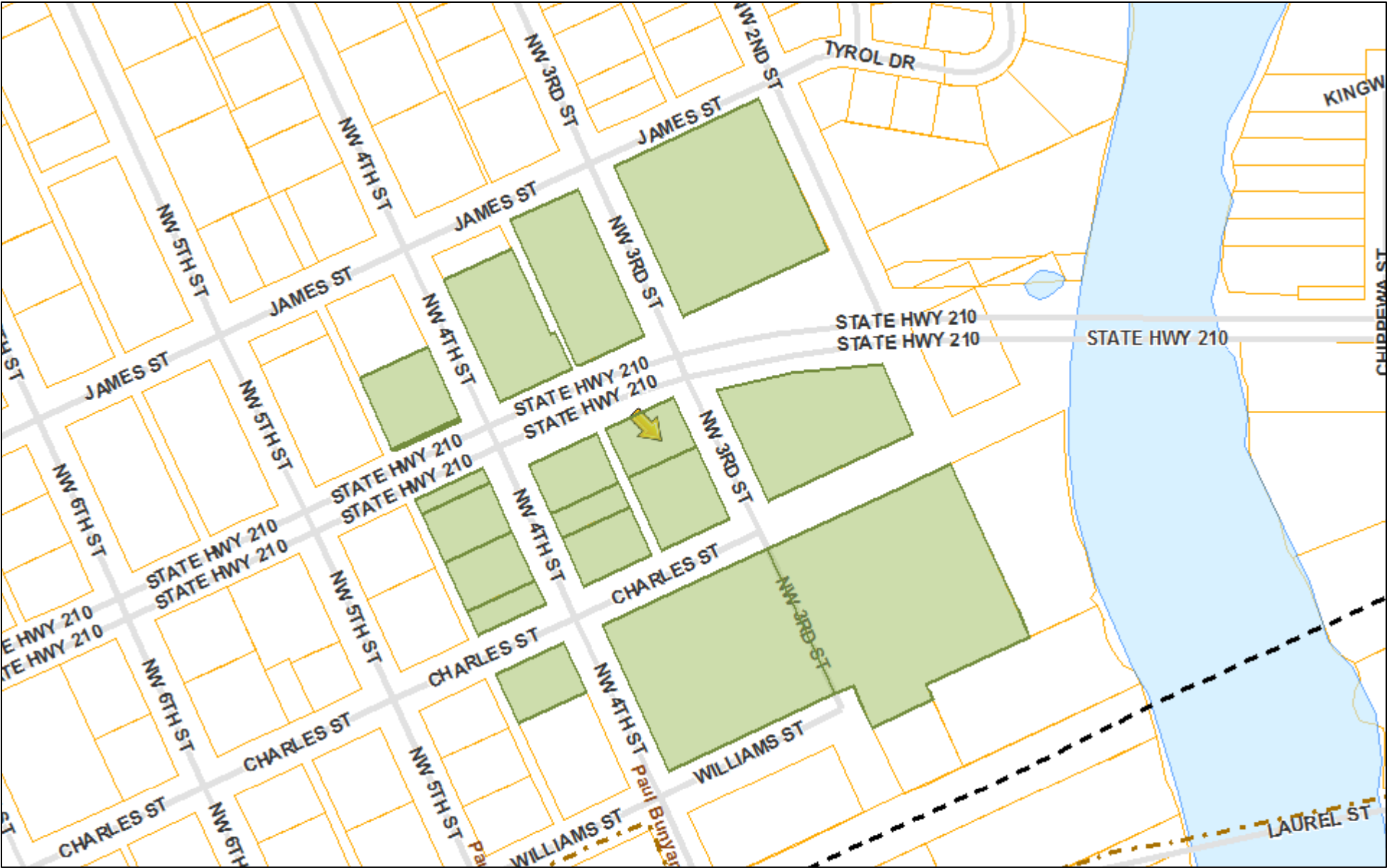
Print Date
6/23/2016

This map is intended for reference purposes only and is not a legally recorded map nor survey. The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.



Tax Name	Tax Address	Tax Address 2	Tax Address 3
NOVOTNY, LARRY L	2400 BRADFORD BAY	ALEXANDRIA, MN 56308	
HARMON PLACE PROPERTIES LLC	2959 CLEARWATER RD	ST CLOUD, MN 56301	
IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
HARMON PLACE PROPERTIES LLC	2959 CLEARWATER RD	ST CLOUD, MN 56301	
LAVALLE, DENNIS W & JULIE A	12096 SCENIC RIVER DR	BAXTER, MN 56425	
TMJ LLC	20980 SNOWSHOE TRL	BRAINERD, MN 56401	
TT OF BRAINERD LLC	13754 TWO MILE RD	BRAINERD, MN 56401	
TAX FORFEITED	CROW WING COUNTY LAND SERVICES	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590
KUMMET, LLOYD G 2009 LIVING TRUST	C/O RICHARD KUMMET	1820 S 8TH ST	BRAINERD, MN 56401
TT OF BRAINERD LLC	13754 TWO MILE RD	BRAINERD, MN 56401	
DONCO MN BRD WASHINGTON 1 LLC	24226 LONE PINE RD	HINCKLEY, MN 55037	
IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
SMITH, ALICE T	22609 HOLE IN THE DAY DR	NISSWA, MN 56468	
BRAINERD WASHINGTON ST LLC	C/O MELISSA MONCADA	2730 SW 3RD AVE STE 600	MIAMI, FL 33129
BRAINERD WASHINGTON ST LLC	C/O MELISSA MONCADA	2730 SW 3RD AVE STE 600	MIAMI, FL 33129
GUSTAFSON PROPERTIES OF BRD LLC	304 EAST RIVER RD SUITE 2	BRAINERD, MN 56401	
IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	

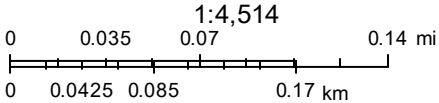
Rezoning 303 W Washington



2/8/2018, 9:06:52 AM

- Select Parcels _Query result
- City Limits
- Railroad
- Trails
- Roads
- Water

Parcels Crow Wing



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Land and Lease Development LLC, 24226 Lone Pine Road, Hinckley, MN 55037, has applied on behalf of Joseph LaRoue, 5832 Barbeau Road Brainerd, MN 56401, for a Conditional Use Permit for automobile repair business at 303 W. Washington Street, Brainerd, MN 56401. The property is Zoned B-4 (General Commercial) District and City of Brainerd Zoning Ordinance Section 515-63-6 B: Conditional Uses, automobile repair is allowed by Conditional Use Permit in a B-4 District.

The property is legally described as Lots 4 and 5, West Brainerd Addition.

The Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, February 21, 2018 at 6 p.m. to consider the request for the Conditional Use Permit.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

The public is invited to attend the hearing to offer input regarding the proposed rezoning.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 8th day of February 2017.

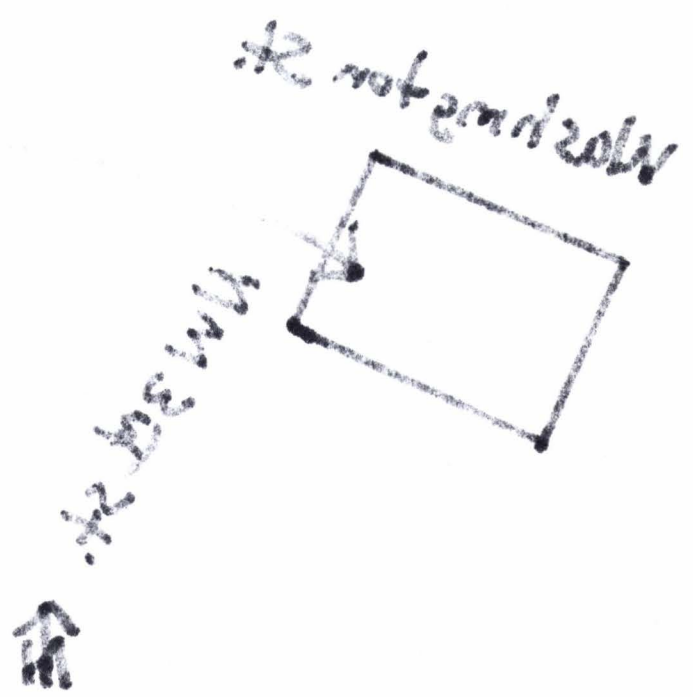


Mark Ostgarden AICP
City Planner



Subject
Property

Project
2nd Oct



RECEIVED**City Planning Department**

City Hall – 501 Laurel Street
 Brainerd, MN 56401
 218-828-2309/Fax 218-828-2316
 www.ci.brainerd.mn.us

JAN 29 2018**CITY OF BRAINERD
ADMINISTRATION**

Receipt # 2018-00003
 Check # 5186
 Date Paid: 1/29/18

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☒ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 303 W. Washington St.

LEGAL DESCRIPTION: Lot(s): 4&5 Block: 40 Addition: West Brainerd
 (attach description if lengthy)

Property Owner Name: Brian Weidendorf (Land & Lease Development, LLC)Street Address: 24226 Lone Pine Road City: Hinckley State: MN Zip Code: 55037Phone Number: 218-370-9704 Fax: _____ E-mail: brianw@lldllc.comApplicant Name: (If different than Property Owner) Joseph B. LaRoueStreet Address: 5832 Barbeau Rd. City: Brainerd State: MN Zip Code: 56401Phone Number: 218-330-5042 Fax: _____ E-mail: corralauto@yahoo.comDescription of Request: For use as auto repair shop

Authentisign

Brian Weidendorf

1/25/2018 11:13:13 AM CST

Property Owner Signature

Date

(Please print name)

Applicant Signature

JOSEPH B. LAROUÉ

(Please print name)

1-25-2018

Date

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

☒ **BRAINERD FIRE DEPARTMENT**

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

☒ **BRAINERD POLICE DEPARTMENT**

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

☒ **BRAINERD PUBLIC UTILITIES**

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

☐ **BWSR (MN Board of Water and Soil Resources)**

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

☐ **CROW WING COUNTY HIGHWAY DEPARTMENT**

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

☐ **CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT**

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.us org

☐ **CROW WING COUNTY SURVEYOR'S OFFICE**

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126;
mark.liedl@crowwing.us

☐ **HRA**

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;
jennifer@brainerdhra.org

☐ **MISSISSIPPI HEADWATERS BOARD**

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

☒ **MINNESOTA DEPARTMENT OF TRANSPORTATION**

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

☐ **MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;
wade.miller@state.mn.us

☒ **MINNESOTA POLLUTION CONTROL AGENCY**

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

☒ **U.S. ARMY CORPS OF ENGINEERS: robert.q.maroney@usace.army.mil**

Attn: Rob Maroney, 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 651-290-5766

Emailed
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NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has initiated a public hearing to consider input related to amending the Zoning Ordinance to allow “Off Street Parking” as a conditional use in Section 515- 60 - 6: B-1 (Residential - Office District) Conditional Uses. The conditional use would be permitted provided that:

1. The parking lot shall be adjacent to or across an alley from an allowed B-6 (Washington Street Commercial) District use.
2. The parking lot parcel shall be no wider than the parcel on which the associated B-6 use is located.
3. Overnight parking will be limited to business service vehicles associated with the B-6 site.
4. A surcharge will be determined to upgrade the affected alley.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, February 21, 2018 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider amending the Zoning Ordinance.

The public is invited to attend the hearing to offer input regarding the proposed amendment.

If there are any questions about the amendment or if any individual needs special accommodations, please call (218) 828-2309.

Dated this 5th day of February 2018

Publication Date: February 9, 2018

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has initiated a public hearing to consider input related to amending the City of Brainerd Zoning Ordinance to allow “Pharmacies” as a permitted use in Section 515- 60 - 2: B-1 (Residential – Office) District Permitted Uses.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, February 21, 2018 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider amending the Zoning Ordinance. The public is invited to attend the hearing to offer input regarding the proposed amendment.

If there are any questions about the amendment or if any individual needs special accommodations, please call (218) 828-2309.

Dated this 5th day of February 2018

Publication Date: February 9, 2018

MEMO

TO: Planning Commission

CC: Mark Ostgarden, City Planner

DATE: February 16, 2018

RE: Residential Greenhouses

There is a growing movement for home grown fruits and vegetables. Many gardeners like the ability to grow plants from seed in a greenhouse. Over the years, we have had a few inquiries about whether residential greenhouses are permitted. Unfortunately, we have had to explain they are not permitted for 1 or more of the following primary reasons:

1. If a greenhouse is greater than 120 square feet, it requires a building permit. That was changed to 200 square feet in 2015.
2. One additional accessory building is allowed with an attached garage and if the garage is detached, 1 additional accessory building is allowed.
3. Residential zones require that:

No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over one hundred twenty (120) square feet shall have the same or similar finish as the neighboring buildings and be homogeneous in design.

Another inquiry about permitting residential greenhouses has recently been received. Based on more people's interest in healthier eating options, the desire for home grow produce and the farm to table movement, should a review/amendment of our accessory building language be considered to permit residential green houses.

Should the Planning Commission be interested in reviewing the issue, the attached research information was prepared by Planning Intern, Matt Kallroos who researched ordinance language from several other communities.

This is on the agenda for discussion and direction. Should the Planning Commission desire to amend the Zoning Ordinance, the Planning Department will try to have options for consideration.

Residential Greenhouses

Definitions

- **GREENHOUSE:** An enclosed building, permanent or portable, which is used for the growing of small plants (*Baxter*)
- **GREENHOUSE:** An enclosed building, permanent or portable, which is used for the growing of small plants (*St. Francis*)
- **GREENHOUSE:** means a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, shrubbery, vegetables, trees, or other horticultural and floricultural products are grown. (*Anoka*)
- **GREENHOUSE:** A glass or transparent plastic structure, often on a metal or wooden frame, in which plants that need heat, light, and protection from the elements are grown. (*Richfield*)
- **GREENHOUSE:** Defined as enclosed building, permanent or portable, used for growing of small plants. (*Clearwater*)

What Do Cities Allow?

- **Rogers, MN:** Greenhouses are allowed in mid- density residential (R-3) and multi- family residential district (R-4) as long as they do not exceed 120 square feet in gross floor area.
- **Arden Hills, MN:** A Zoning Permit is required for any accessory structure larger than 120 square feet and up to 200 square feet in size. A building permit is required for any accessory structure over 200 square feet in size.
 - Accessory structures less than 120 square feet in size do not require a permit, however, they still require that the following requirements are met. The following requirements will be verified as part of the Zoning Permit review process for accessory structures: The location of a accessory structure on a property must comply with the setback regulations of the underlying Zoning District.
 - In R-1, R-2, and R-3 districts, accessory structures shall not exceed fifteen (15) feet in height or the height of the principal structure to which it is accessory, whichever is lower. In R-1, R-2, and R-3 Districts, accessory structures must be located behind the front façade of the principal structure either in the side or rear yard. The minimum setback for accessory structures is ten (10) feet from all rear and interior side lot lines.
- **St. Francis, MN:** Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the R-4 District: Non-commercial **greenhouses** provided they do not exceed two hundred (200) square feet in area.

- Cloth, canvas, plastic sheets, tarps, and similar materials are not allowed as roofing materials except for **greenhouses**, agricultural uses, and public uses for the purposes of protecting outdoor storage materials necessary for public safety, such as salt and sand.
- **Anoka, MN:** *Conditional uses.* The following uses of land or structures are permitted in the R-1 single-family residential district if granted a conditional use permit:
 - (1) Nurseries, greenhouses for growing only, landscape gardening and tree farms.
 - (2) The following uses of land or structures are permitted in the R-2 one- and two dwelling district if granted a conditional use permit: (11) Greenhouses for home use.
- **Hugo, MN:** All accessory buildings shall resemble, in style, materials, color, roofline, and siding type, the principle building on the lot, except the following building types may vary from this standard:
 - Accessory buildings located in the agricultural and long- term agricultural zoning districts
 - Accessory buildings under 120 square feet in size
 - Greenhouses
 - A site plan must be submitted for approval by the community development director or designee before a permit is issued for any accessory building

Lot size	Maximum number of accessory buildings allowed	Maximum combined size of accessory buildings (square feet)
Under 1.5 acre	1	260
1.5 to 2.99 acres	2	1,500
3 to 4.99 acres	2	2,000
5 to 9.99 acres	2	3,500
10 or more acres	3	5,000

- **Waterville, MN:** Accessory Structures. A structure for uses relating to, but subordinate to the main use of the property and located on the same lot as the main use and which can meet the minimum setback requirements unless excepted herein, including, but not limited to: Private garages, sheds, antennas, walls, loading docks, gazebos, pools, outbuildings, Storage facilities, private greenhouses and fences.

Wind/ Snow Loads

<https://www.revisor.mn.gov/rules/?id=1303&view=chapter>

Residential Districts: Support structures taller than thirty five feet (35') shall be mounted in concrete, and designed to withstand a wind velocity of at least seventy (70) miles per hour. 60 pound per square foot snow load

1. In order to utilize wind loads from this part, the building shall meet the following requirements:
 1. (1)60 feet (18.3 m) or less in height;
 2. (2)height not to exceed least horizontal dimension;
 3. (3)enclosed building;
 4. (4)roof shape — flat, gabled, or hip;
 5. (5)roof slope of 45 degrees maximum;
 6. (6)simple diaphragm building;
 7. (7)not a flexible building;
 8. (8)regular shape and approximately symmetrical;
 9. (9)no expansion joints or separations; and
 10. no unusual response characteristics (for example: vortex shedding, galloping, or buffeting).

Materials

<https://www.slideshare.net/flowerhouse/types-of-greenhouse-materials-used-in-green-house-construction>

<http://www.hobby-greenhouse.com/coverings.htm>

- The framing materials comprises of aluminum, wood, galvanized steel and PVC while the types of films or covering materials used to protect plant include Acrylic, Polycarbonate, fiberglass, plastic etc.
- The panels made up of these materials are virtually durable in comparison to other materials used for greenhouse glazing. Wood is the most popular choice as it lasts for longer periods of time. Wood scores well on insulation and are easy to assemble

- However, as greenhouses always remain wet, damp so there might be a chance of wood getting rotten. Well, for longevity you could opt for cedar, redwood or some specially treated wood followed by applying a seal.
- Aluminum another most popular material used for backyard greenhouses is Aluminum. The material doesn't allow rusting and can withstand the adverse climatic situations. It provides a good rigid form and can be painted or anodized in any color. Its price is bit expensive when compared to other materials commonly used as greenhouse materials.
- PVC plastic is arguably a nice choice for frames not because it is lightweight or easy to assemble but it offers less heat loss.



