

PLANNING COMMISSION
Wednesday, February 21, 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.

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

#2 Approval of Agenda

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

#3 Approval of Minutes of the Regular Meeting held on January 17, 2018

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 17, 2018.

#4 New Business

A. Public Hearing – Jon William Carter – Rezone Property at 15947 Beaver Dam Road – From an R-A (Rural Agriculture) District to an R-1A (Single Family Residential) District

City Planner Ostgarden stated this is a rezoning request to split off a section of a 13-acre parcel that is currently zoned R-A to an R-1A zoned district. The property owner would like to be able to divide this into single family lots. The property consists of over half wetlands, thus very few lots could be developed. The rural agriculture zone is an issue for the property owner with the 20-acre minimum lot size requirement.

City Planner Ostgarden discussed the current and future land use maps along with the zoning map of the area. The property owner is currently working with WSN Architects to obtain a survey of the site, and the exact details are not yet known. The same zoning is requested that currently exists across Beaver Dam Road along Dal-Mar Drive.

City Ostgarden reviewed the staff report detail as follows:

- **The proposed use's compatibility with present and future land uses of the area.**
 - o 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 proposed use's effect upon the area in which it is proposed.**
 - o 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.

- o 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.
- **Traffic generation of the proposed use in relation to capabilities of streets serving the property.**
 - o 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.
 - o 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.
- **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.**
 - o 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.

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.

City Planner Ostgarden indicated no responses were received from the notices that were sent to the area residents within the 350' perimeter nor are there any staff issues or concerns.

Commissioner Wussow questioned whether the minimum lot size of 10,000 square feet required in an R-1A District must be buildable property. City Planner Ostgarden indicated that it does not – this is the minimum size of the lot itself regardless of the ability to build on.

The Chair opened the public hearing at 6:17 p.m.

The Chair recognized Mr. Jon William Carter, who resides in Hibbing, MN and currently uses the property as a rental. Mr. Carter stated he would like to split the parcel for future plans of selling that portion and possibly to construct a home for himself on another section of the property.

The Chair closed the public hearing at 6:18 p.m.

MOVED AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO APPROVE THE REZONING REQUEST FROM AND R-A DISTRICT TO AN R-1A BASED ON THE FINDINGS OF FACT AND STAFF REPORT.

B. Public Hearing – Land and Lease Development LLC., 24226 Lone Pine Road, Hinckley MN 55037 on behalf of Joseph LaRoue, 5832 Barbeau Road, Brainerd – For a Conditional Use Permit to Allow an Automobile Repair and Service Business at 303 W. Washington St., Brainerd

City Planner Ostgarden explained the property was previously a gas station, as well as an auto glass company and most recently a temporary used car dealership and repair. The petitioner would like to return it back to an auto service and repair shop. Mr. Joseph LaRoue has been leasing property located at 217 Washington Street for his automotive repair business. That property has now been sold and Mr. LaRoue needs to relocate his business. This is an ideal location to relocate to, as it is a fully developed property with the necessary service bays and automotive related amenities.

City Planner Ostgarden discussed the overhead map of the property and site plan. The petitioner is not proposing to make any changes to the site as it is already set up for automotive use. No auto body or painting will be done at the business. There are no major concerns from city staff regarding this request. The alley is to remain clear and passable at all times, and if a dumpster is to be used it must be screened on all sides.

City Planner Ostgarden indicated 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.

Commissioner Wussow questioned if parking is allowed in the area along Highway 210, as it is not identified on the map as a parking area. City Planner Ostgarden stated it is allowed, as there is a significant distance between the property line and the sidewalk.

Commissioner Wussow indicated in the proposed conditions, there is no mention of following the city sign code, which seems to be another issue along Washington Street. City Planner Ostgarden explained they need to follow the sign code regardless of it being noted, but it could be listed as a condition if the commission chooses to.

The Chair opened the public hearing at 6:28 p.m.

No one came forward.

The Chair closed the public hearing at 6:28 p.m.

MOTION AND SECONDED BY COMMISSIONER WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT WITH THE ADDITION OF FOLLOWING THE CITY SIGN CODE REQUIREMENTS AND SCREENING FOR THE DUMPSTER WHICH MUST BE COMPLETED BY MAY 1, 2018.

C. Public Hearing – City of Brainerd, Zoning Ordinance Text Amendment to Consider Adding Parking Lots as a Conditional Use in B-1 Districts

City Planner Ostgarden stated the Planning Department initiated this hearing to consider adding parking lots as a Conditional Use in B-1 Districts that are across an alley or adjacent to a B-6 District. It is suggested to place the following conditions as minimum standards on the permit:

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.

There are conditions already in place for a Conditional Use Permit as well as the ability to add additional conditions to that particular permit.

The Chair opened the public hearing at 6:35 p.m.

The Chair recognized Mr. Mark Whiting, owner of Maximum Motorsports, 215 Washington Street. Mr. Whiting is in full support of this amendment to improve the corner of Washington and 4th Street. Mr. Whiting stated our city is judged based on the buildings located along the Washington, as this is a main thoroughfare through town by many people; local and people traveling.

The Chair recognized Mr. Nathan Hanson, 206 Kingwood Street spoke in favor of the amendment. Mr. Hanson indicated several years ago they purchased this duplex with the intent of using it as a rental. The B-1 zoning it was assigned does not permit a duplex, so it has made the property a horrible investment.

The Chair recognized Mr. Michael Jentsch, as his parents own 209 Washington Street, Brainerd. Mr. Jentsch spoke in favor of the amendment, as it would allow Thrifty White to locate on Washington Street and North 2nd Street. Mr. Jentsch stated this is an ideal location for Thrifty White to build and would be an improvement to Washington Street.

The Chair recognized Mr. Arthur Jentsch, owner of the property at 209 Washington Street, Brainerd. Mr. Jentsch indicated he heard there was some objection among some residents to the amendment and wanted to voice his support to the change. The corner of Washington and North 2nd Street has been vacant for quite some time, and if a reputable business wants to come in and redevelop the property there should be no objections. Mr. Jentsch stated it would be an improvement to Brainerd.

The Chair closed the public hearing at 6:46 p.m.

Commissioner Wussow indicated an email that was sent to the Planning Commission from Council Member Bevans regarding the parking lot and pharmacy issues should be included in the record.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE ZONING TEXT AMENDMENT ADDING PARKING LOTS AS A CONDITIONAL USE IN B-1 DISTRICTS.

Commissioner Burslie indicated he is in favor of the amendment, however does not believe parking lots are the highest or best use for any parcel in the City. He stated it is important that we strive to develop properties that are served by sewer, water, streets and all public infrastructure that would generate property taxes. Mr. Burslie is in favor of the amendment with the Conditional Use Permit requirement to give the City more control for future requests.

Commissioner Lambert stated in favor of the amendment due to the concern of on-street parking at that location as Washington is a very busy street.

D. Public Hearing – City of Brainerd, Zoning Ordinance Text Amendment to Consider Adding Pharmacies as a Permitted Use in B-1 Districts

City Planner Ostgarden stated since the Commission recommended approval on the text amendment of adding Parking Lots as a Conditional Use in B-1 Districts, there is now the opportunity to withdraw this agenda item if the Commission chooses.

Commissioner Wussow expressed interest in continuing with the public hearing to consider adding pharmacies as a permitted use in B-1 districts. Mr. Wussow said it would be an appropriate addition to the B-1 Zoning.

Commissioner Burslie stated a B-1 District is a business zone, and it was his suggestion to add pharmacies in a B-1 District. The parking lot text amendment essentially takes care of the issue.

Commissioner Gorham indicated he would prefer to withdraw the agenda item regarding adding pharmacies since the parking lot amendment gives more control with the Conditional Use Permit requirement. Mr. Gorham stated the definition of “pharmacy” could include a methadone clinic, which would not be a desired choice for Washington Street.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND BURSLIE TO WITHDRAWN 4D. PUBLIC HEARING ZONING TEXT AMENDMENT TO CONSIDER ADDING PHARMACIES AS A PERMITTED USE IN B-1 DISTRICTS FROM THE AGENDA.

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

#5 Public Forum

The Chair opened the public forum at 6:57 p.m.

No one came forward.

The Chair closed the public forum at 6:57 p.m.

#6 Old Business

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 Street North, Brainerd and Shingobee Builders, 669 N. Medina St., Loretto, MN 55357 – To Rezone Property at the SE Corner of Kingwood St. and North 2nd St., Brainerd from a B-1 (Residential Office) District to a B-6 (Washington St. Commercial) District

City Planner Ostgarden indicated there are two options in handling this agenda item. If the commission wants to have discussion, there needs to be a motion, a second and a vote to approve in order to remove it from the table. At that point it is suggested to either postpone this topic to another Planning Commission meeting or the motion can be made to deny the request based on the findings of fact. This action would remove it from the Planning Commissions responsibility, thus sending it to the City Council.

Commissioner Burslie questioned the timing if it is not removed from the table. City Planner Ostgarden indicated the application is dated December 26, 2017, which allows 60 days from that date to decide. The Planning Commission has the authority to request a one-time 60-day extension past that due date.

MOTION AND SECOND BY COMMISSIONERS BURSLIE AND GORHAM, DULY CARRIED, TO SUBMIT A 60 DAY EXTENSION FOR THE REZONING REQUEST AT THE SOUTHEAST CORNER OF KINGWOOD STREET AND NORTH 2ND STREET.

Commissioner Wussow requested City Planner Ostgarden explain the extension process to the public regarding the above said motion.

#7 Discussion Regarding Greenhouses in Residential Zoning Districts

City Planner Ostgarden explained there has been more interest in healthier living which includes more home-grown fruits and vegetables. There are more property owners that would like to grow their own food by seed and to do so would require a greenhouse. Unfortunately, over time the City has had to deny a few incoming requests since the residential zoning district only allows one additional accessory building on the property in addition to the garage. There is the requirement that no plastic, canvas, or vinyl tarps can be used in the construction of the accessory building. All buildings over 120 square feet shall have the same or similar finishes as neighboring buildings. There has been another inquiry regarding the ability to construct a greenhouse. The Planning Department initiated the suggestion if the Planning Commission would like to examine this further to allow greenhouses as another accessory building on a lot. Matt Kallroos, Planning Intern has done some research on greenhouses and uses in other communities which have been provided in the agenda packet.

Commissioner Lambert questioned the difference in the definition of greenhouse versus either a raised planter or bale garden. City Planner Ostgarden indicated a greenhouse is a building not just a structure. A greenhouse could be permanent or temporary depending on how it is built.

Commissioner Wussow is concerned about the origins of where the ordinance came from pertaining to the one additional structure on the property. The ordinance already defines how much impervious surface that can be on a lot, so why is there a concern about the number of structures? For example, a resident that has a one-acre single family lot would have the same requirements as a resident who has a 50' x 150' lot. Why the limitations and where did they originate from.

City Planner Ostgarden replied that the impervious surface is looked at as a maximum, not as a limitation. The number of accessory buildings has partly to do with the fact that some of the newer single-family dwellings can get to be quite large. In the smaller square foot lot areas, it can be quite cluttered with too many accessory buildings. That is one of the reasons why the limit was put in place.

Commissioner Gorham questioned the standards that will be placed on a greenhouse.

City Planner Ostgarden indicated the property owner can build at their discretion anything less than 200 square feet. One point to consider is if the greenhouse would need to be of rigid construction. The Planning Department asks for direction from the commission as to what materials should be considered.

Commissioner Burslie suggested the greenhouse be built with sturdy materials, located in a rear yard and limited to 120 square feet.

Commissioner Wussow pointed out that if a resident does not have an accessory building, they are currently allowed to build up to a 200 square foot greenhouse. Mr. Wussow suggested a solid built structure to withstand wind and weather and suggests the 200 square feet rather than the 120 square feet.

City Planner Ostgarden pointed out that maybe there should be a maximum lot coverage rule and the number of accessory buildings would not be limited. The ordinance verbiage should be clear and to the point so there is not conflict among residents. Mr. Ostgarden will research how greenhouses can be incorporated into our current language if there is a way to allow them without increasing the number of accessory buildings on a lot.

#8 Discussion Regarding Expanding Uses Allowed in R-A (Rural Agriculture) Districts to Permit Commercial Businesses

City Planner Ostgarden explained there is a property owner of 40 acres on Beaver Dam Road that is currently zoned R-A (Rural Agriculture) that wishes to build a home and operate his business on. The access to the property would be from Dellwood Drive back to the site. An R-A District does not permit any type of business use. Mr. Ostgarden met with the property owner and tried to find a way in the ordinance for this to work. Unfortunately, there it does not allow additional uses in an R-A District. The input from the Planning Commission is requested. Another option would be to research the Commercial Districts in the City and see if there is a way to make that work with some modifications. This would eliminate adding uses to the R-A District since the property to the west and the south are Commercial Districts in Baxter. A property split may be another possible answer since the parcel consists of 40 acres.

Commissioner Burslie questioned if there has been any discussion about possibly annexing the land to Baxter as it doesn't fit what we are trying to do. Mr. Burslie indicates that in the rural agriculture district, commercial uses should not be allowed. It is not a good use for the property and does not fit the zoning ordinance or comprehensive plan. There is also no commercial development in that area.

City Planner Ostgarden stated when do we just say no to a request. Every time someone approaches the City with an idea to do something in our community, we change a zoning ordinance. When and where is the line drawn?

Mayor Menk spoke in regard to the issue at hand and what past history has shown. A Conditional Use Permit may be the only real answer to this situation as conditions can be placed on the permit as we deem fit. In response to the question of annexing property, we do not see that being a favored answer with the City Council. A second option may be to change the district to commercial with an allowance of residential within the commercial property.

#9 Commissioners' Questions/Comments

Commissioner Gorham stated that it was interesting reading the Electronic Communications Policy, and that no arguing on Facebook may occur. Mr. Gorham stated that Commissioner Marohn is not present tonight, but he always seems to have many lively discussions taking place. There is also the statement of "retaining all electronic records." Mr. Gorham asked if this means he cannot delete items?

#10 City Planner's Report

City Planner Ostgarden stated congratulations to Commissioner Wussow who was recently appointed the City Administrator of Breezy Point.

#11 Adjourned at 8:40 p.m.

Respectfully submitted,

City Planner Mark Ostgarden AICP