

BRAINERD PLANNING COMMISSION

Wednesday, March 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 February 21, 2018

Documents:

[2018-02-21 DRAFT.PDF](#)

4. New Business

- 4.a. Public Hearing - St. Francis Catholic Church, 404 N 9th St., Brainerd Has Applied For A Conditional Use Permit To Construct A 10,800 Square Foot (6,600 Sq. Ft. Main Level And 4,200 Sq. Ft. Lower Level) Addition To The Church.
The property is in a B-2 (Neighborhood Commercial) District and Zoning Ordinance Section 61-6. D. Specifies places of Worship and Related Buildings are permitted by Conditional Use Permit.

Documents:

[ST. FRANCIS CHURCH ADDITION CUP- 404 N 9TH STREET .PDF](#)

- 4.b. Public Hearing - City Of Brainerd, 501 Laurel St. Has Applied For A Conditional Use Permit To Construct An Accessory Building 37' In Height At The Public Works Facility Located At 724 Thiesse Dr.
The property is in an I-1 (Light Industry) District and Zoning Ordinance Section 71-8 specifies buildings over 30' in height are permitted by Conditional Use Permit.

Documents:

[CITY OF BRAINERD - 724 THIESSE ROAD CUP.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 Street and N. 2nd Street from a B-1 (Residential Office) District to a B-6 (Washington Street Commercial) District
- 6.b. Discussion Regarding Greenhouses In Residential Zoning Districts

Documents:

[NONCOMMERCIAL GREENHOUSES IN RESIDENTIAL ZONING DISTRICTS
MEMO..PDF](#)

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

Documents:

[RA \(RURAL AGRICULTURE\) DISTRICT AMENDMENT MEMO.PDF](#)

7. Commissioners' Questions/Comments
8. City Planner's Report
9. Adjourn

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

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 BURLSIE, 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 BURLSIE 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

STAFF REPORT TO THE PLANNING COMMISSION

March 21, 2018

CONDITIONAL USE PERMIT

APPLICANT/LOCATION:	St. Francis Catholic Church, 404 North 9 th Street, Brainerd MN 56401
PROPOSED USE:	Construct a 10,800 sq. ft. (6,600 sq. ft. main level and 4,200 sq. ft. lower level) addition to the church
CURRENT ZONING:	R-1 (Single Family Residential) District
ADJACENT USES:	East: Franklin Art Center and Residential South: Church Parking and Residential West: St. Francis School North: Residential
ADJACENT ZONING:	North: R-1 (Single Family Residential) District East: R-1 (Single Family Residential) District South: R-1 (Single Family Residential) District West: R-1 (Single Family Residential) District

REPORT

The St. Francis Church expansion project is proposed in two phases. Two site plans have been submitted; one for Phase 1 depicting the site when the addition is complete and the other depicts Phase 2 that is planned to begin in approximately 3-5 years. Once office personnel move into the addition from a temporary office and funds are available, the parking lot expansion depicted in Phase 2 will begin. The Conditional Use Permit request is for both phases of the project.

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 R-1 District requires a 20' front yard setback along N. 9th Street. The site plan identifies the addition will match the existing church setback which is a little over 30' from the 9th Street property line.

The impervious area of 72% in Phase 1 will increase to 78% in Phase 2.

See below for information about the north interior side yard setback.

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 515-54-5: Conditional Uses specifies:

Places of worship and related buildings provided that:

1. Side yards shall be thirty (30) feet.

St. Francis Church owns the residential property to the north of the addition. The addition will meet the 30' setback from the north property line of adjacent church owned (church rectory). The lot has been consolidated with the church lot enabling the 30' setback to be measured from the north side of the rectory lot.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of the Zoning Ordinance.

Because the size and configuration of the existing parking lot are not changing in Phase 1, screening is not required.

Section 20 specifies that:

A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes or is across an alley from land used or zoned for residential purposes

All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year-round fifty (50) percent opacity.

The Phase 2 parking lot expansion will require screening along the north east part of the lot and along N. 10th Street across the street from the parking lot.

3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.

Zoning Ordinance off street parking requirements for churches reads:

Places of Worship. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall, plus one (1) space for each church employee. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.

The addition is not adding seats to the church and no employees are being added.

4. *Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.*

The addition will not require loading areas or service entrances.

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.*

St. Francis School is located across N. 9th Street. The Franklin Art Center is located across N 10th Street. The addition is on the north side of the property, where it is adjacent to a single-family dwelling (church rectory) owned by the Church.

Significant additions are planned to the front of the church and the addition to accommodate handicapped accessibility requirements.

The site is across the street from St. Francis School, which is owned by the Church. The school utilizes almost the entire block. The addition is sited and oriented towards the school and that block.

The addition is setback approximately 75' from N. 10th Street with a parking lot between the addition and the street.

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

St. Francis Church has been part of the NE neighborhood since 1934. From the Planning Department's perspective, the building elevation plans identify the addition's architecture complements the historic church building. The addition is a single-story addition. The flat roof area will be 14' 3" tall and the highest peak is 25' 8" tall, along N. 9th Street.

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

The addition will not increase seating. No changes are planned or required to off street parking in Phase 1. To accommodate the addition and a new east entrance, the parking stalls on the north side of the parking lot will be decreased in width and extensions of the pavement will be made to maintain the current number of spaces being provided.

Because the current off-street parking area is not increased in size or design, the parking is temporary, and the width reduction affects only a few spaces, a variance is not required.

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 addition and parking lot expansion will have no adverse effects on the objectives of the Zoning Ordinance. The addition will ensure the continuation of the historic church building.

The following Comprehensive Plan Goals and Strategies support the proposal:

General Goal #3: **Promote community spirit and unity and enhance Brainerd's character and identity.**

Strategy

Protect and enhance important historical, cultural and natural resources to maintain the integrity, heritage and local character of Brainerd's natural and built environment.

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

Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, ... and the cost-effective provision of city services.

- 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.*
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.*

None of the requirements will be affected by improvements in Phase 1 or Phase 2.

DEPARTMENT INFORMATION

Engineering

The increased impervious area resulting from the addition and parking lot expansion will require on site storm water retention. While there may be an area on the north side of the addition for retention, the Church desires to maintain as much green space as possible. They are planning to construct an underground storage area just to the east of the addition.

The volume of stormwater runoff from pre-condition to post-condition is actually being reduced, which is in direct compliance with our stormwater regulations.

Utilities

No issues.

Fire

No issues.

Police

No issues.

Building

No issues

Planning

The Church has not had discussion about parking lot lighting, but lighting would need to be provided according to Zoning Ordinance requirements.

Should the site dumpster be visible after the parking lot expansion, screening would need to be provided according to Zoning Ordinance requirements.

Following is Zoning Ordinance language related to cancellation of Conditional Use Permits:

- A. *Unless otherwise specified by the City Council at the time it is authorized, a Conditional Use Permit shall be null and void and expire if the applicant fails to utilize such Conditional Use Permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization unless a petition for an extension of time in which to complete or utilize the permit has been granted by the Zoning Administrator provided that:*
- 1. The extension is requested in writing and filed with the City at least thirty (30) days prior to the expiration of the initial Conditional Use Permit request.*
 - 2. The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the Conditional Use Permit.*
 - 3. A maximum of one (1) administrative extension shall be granted.*
 - 4. The extension shall not exceed ninety (90) days from the initial Conditional Use Permit expiration date.*
 - 5. There shall be no charge for the filing of a petition for an administrative extension.*

The highlighted phrase above grants the City Council authority to approve the 5-year period for St. Francis to complete Phase 2.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at the March 21, 2018 meeting. City Council consideration can occur at the April 2, 2018 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

Findings of Fact

St. Francis Church Expansion
404 N 9th Street
Conditional Use Permit

1. The property is in an R-1 (Single Family Residential) District that permits churches by Conditional Use Permit.
2. A 10,800 square foot addition is planned that will have a 6,600 sq. ft. main level and a 4,200 sq. ft lower level.
3. The addition is for office, meeting rooms and church gatherings. The seating capacity of the church will not be increased.
4. The project will consist of two Phases; Phase 1 being the addition and Phase 2 is planned to occur in 3-5 years which is the parking lot expansion.
5. The church owns property across N. 9th Street used as a school and the residential lot (church rectory) that is adjacent to the addition area. It has been consolidated with the lot into the church parcel.
6. Zoning Ordinance Section 20 Off-Street Parking specifies that off-street parking is based on the design capacity of the main assembly hall. The addition adds no space to the main assembly hall, so additional off-street parking is not required.
7. The addition will meet setbacks for churches in an R-1 District.
8. The addition is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties because:
 - The site is across the street from St. Francis School owned by the church. The school utilizes almost the entire block. The addition is sited and oriented towards the school and that block.
 - The Franklin Art Center is located across N 10th Street. The addition is setback approximately 75' from N. 10th Street with a parking lot between it and the street.
 - The addition is on the north side of the property where it is adjacent to a single-family dwelling (church rectory) owned by the Church.
9. The addition proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood because the building elevation plans identify the addition's architecture complements the historic church building. Many of the houses are two story buildings and the addition will be a single-story addition with 14' 3" tall flat roof with highest peak being 25' 8" tall, along N. 9th Street across the street from the school.

10. The applicable requirements for granting Conditional Use Permits will be met during and after the addition is constructed.
11. The R-1 District maximum non-residential impervious area is 50%. The City Engineer has approved an underground stormwater storage plan which permits the 72% impervious area in Phase 1 and the increase in Phase 2 to 78%.
12. No concerns about the addition were raised by city departments.
13. The following Comprehensive Plan Goals and Strategies support the proposal:
General Goal #3: ***Promote community spirit and unity and enhance Brainerd's character and identity.***
 Strategy
 Protect and enhance important historical, cultural and natural resources to maintain the integrity, heritage and local character of Brainerd's natural and built environment.

 LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
 Strategy
 Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, ... and the cost-effective provision of city services.



N

Addition location along N. 9th Street

Google Earth

© 2018 Google

9.28 ft



Looking North on N. 9th Street



Google Earth

© 2018 Google

9.26 ft

Addition Location from N. 10th Street

Legend



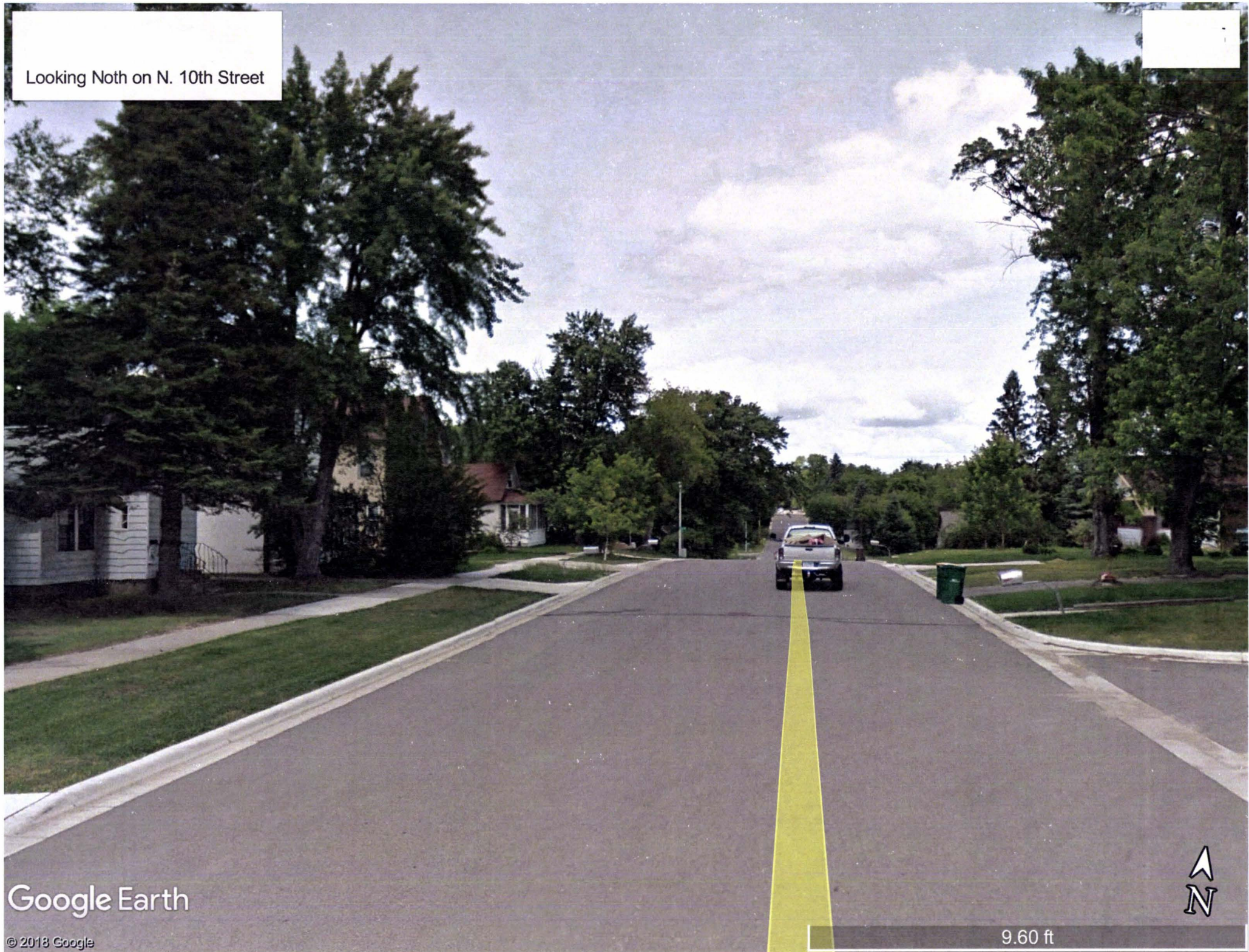
Google Earth

© 2018 Google

9.63 ft



Looking Noth on N. 10th Street



Google Earth

© 2013 Google

9.60 ft



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that St. Francis Catholic Church, 404 North 9th Street, Brainerd MN 56401, has applied for a Conditional Use Permit to construct a 10,800 sq. ft. (6,600 sq. ft. main level and 4,200 sq. ft. lower level) addition to the church. The property is in a B-2 (Neighborhood Commercial) District and Zoning Ordinance Section 61-6. D. specifies places of worship and related buildings are permitted by Conditional Use Permit. The legal description is: A portion of Block 98, Town of Brainerd.

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, March 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 offer public comment by letter, e-mail at mostgarden@ci.brainerd.mn.us or by attending the public hearing regarding the proposed Conditional Use Permit.

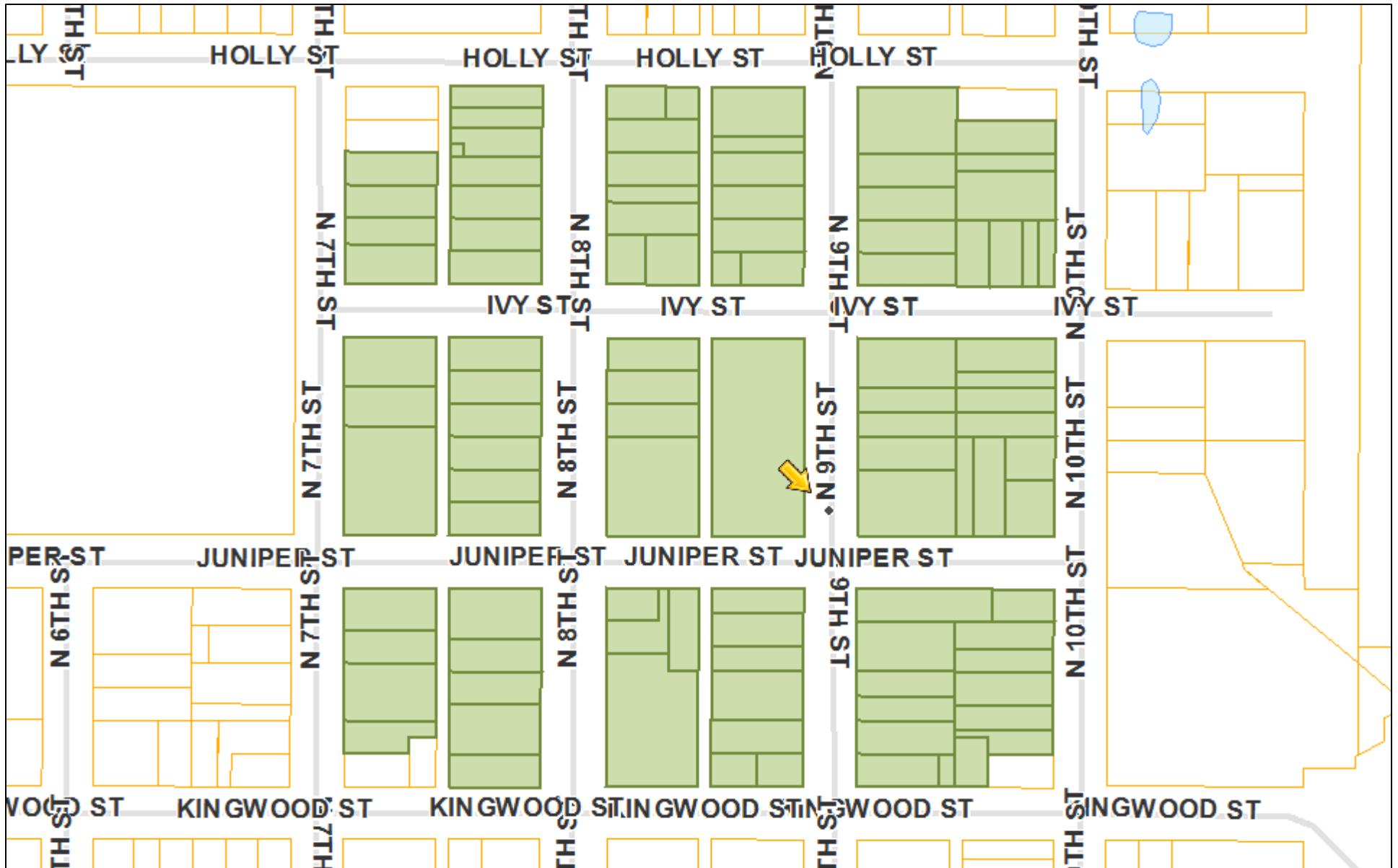
Any individual needing special accommodations or if there are any questions please call (218) 828-2309.

Dated this 8th day of March, 2018

Mark Ostgarden AICP
City Planner

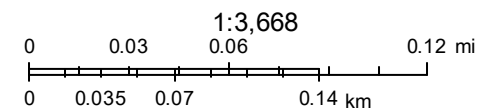
Publication date: March 9, 2018

404 N 9th St



3 / 7 / 2018 9 : 48 : 25 AM

- Select Parcels _Query result
- City Limits
- Roads
- Water
- Parcels Crow Wing



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

Tax Name	Tax Address	Tax Address 2	Tax Address 3
ALDERMAN, BETTY R & JAMES F TRTEES	424 N NINTH ST	BRAINERD MN 56401	
ARNOLD, AMANDA	419 10TH ST N	BRAINERD, MN 56401	
BARRETT, RYAN JAMES & JILLIAN RAYE	516 NORTH 8TH ST	BRAINERD, MN 56401	
BENSON, MARY L REV TRUST AGR	324 7TH ST N	BRAINERD, MN 56401	
BERG, GUY E	306 9TH ST N	BRAINERD, MN 56401	
BEST, STEVEN M &	GMITRO-BEST, BARBARA M	815 IVY ST	BRAINERD MN 56401
COLLINS, DAVID C & LINDA	9845 OAK SHORE DR	LAKEVILLE, MN 55044	
EPISCOPAL CHURCH	408 N 7TH	BRAINERD MN 56401	
EVERSON, LYNDA E	422 7TH ST N	BRAINERD MN 56401	
FARRELL, SEAN	511 N 8TH ST	BRAINERD MN 56401	
FREYNET, CHANTAL L	315 N 10TH ST	BRAINERD, MN 56401	
GARDING, DEBORAH ANN	305 N 10TH ST	BRAINERD MN 56401	
GEER, BRYAN & WENDY	515 8TH ST N	BRAINERD MN 56401	
GOEDSCHE, JANES LIVING TRUST	10 DOGWOOD HILLS LN	WEAVERVILLE, NC 28787	
GORTON, JAY J	P O BOX 29	PEQUOT LAKES, MN 56472	
GRIESER, JACOB & JEANNIE	510 N 8TH ST	BRAINERD, MN 56401	
GUIN, JAMES W & JANET M	309 10TH ST N	BRAINERD MN 56401	
GUNDERSON, TIMOTHY R	407 8TH ST N	BRAINERD, MN 56401	
HANSEN, DANIEL J	801 IVY ST	BRAINERD, MN 56401	
HENDERSON, TODD	2716 WILDERNESS DR SW	PILLAGER MN 56473	
HOLT, ROBERTA G	419 N 8TH ST	BRAINERD, MN 56401	
HUNTER, IVY RAE	6999 WOIDA RD	BAXTER MN 56425	
JEDLENSKI, ANDREW & TONI	16937 BLAKEMAN RD	BRAINERD, MN 56401	
JEDLENSKI, BRANDON A & JENNA J	9573 ANDBERG WAY	BRAINERD, MN 56401	
JEDLENSKI, GREGORY A & PATRICIA	9089 DAL-MAR DR	BRAINERD MN 56401	
JENTSCH, ARTHUR L & COLLEEN J	11572 STATE HIGHWAY 210	BRAINERD MN 56401	
JOHNSON, SABRINA D	421 10TH ST N	BRAINERD, MN 56401	
JONES, JACLYN F	15821 330TH AVE	PIERZ, MN 56364	
KIRSCH, MARIE	323 10TH ST N	BRAINERD, MN 56401	
KOZEN, THERESA J	502 N 9TH ST	BRAINERD, MN 56401	
LAKE, THOMAS J	102 BELLE RAE CIR	BRAINERD, MN 56401	
LAKES AREA SENIOR ACTIVITY CENTER	INC	803 KINGWOOD ST	BRAINERD, MN 56401
LINDGREN, KEITH A & JULIE R	507 N 8TH STR	BRAINERD MN 56401	

LINDNER, NICK & JORDAN	517 N 7TH ST	BRAINERD, MN 56401	
LOCKWOOD, MATTHEW R	C/O MRL PROPERTIES	PO BOX 458	MOORHEAD MN 56561
LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	
LUJAN, BENJAMIN & CYNTHIA HANSON	521 8TH ST N	BRAINERD, MN 56401	
MANDICH, META D	502 7TH ST N	BRAINERD, MN 56401	
MCKAY, RICHARD G & MARY	21212 MAIL ROUTE RD	BRAINERD MN 56401	
MEDVED, THOMAS J	6692 NORTHUMBRIA DR	PINE RIVER, MN 56474	
MINNEGASCO PROPERTY ACCOUNTING	ATTN: PROPERTY ACCT	P O BOX 59038	MINNEAPOLIS, MN 5545
MOENGEN, JOHN D	16322 STATE HWY 55 NW	SOUTH HAVEN, MN 55382	
NELSON, PATRICIA G	308 N 7TH ST	BRAINERD MN 56401	
NYLUND, SHANNON & JERRA	501 9TH ST N	BRAINERD, MN 56401	
OLANDER, KEVIN M	P O BOX 2055	LA HABRA, CA 90632	
OLSON, CODY RYAN	918 IVY ST	BRAINERD, MN 56401	
O'MEARA, RICHARD M	518 N 8TH ST	BRAINERD MN 56401	
O'REILLY, KELLY (1/2 INT) &	O'REILLY, KAYLA (1/2 INT)	519 8TH ST N	BRAINERD MN 56401
OSBORNE, JOAN M	508 N 9TH ST	BRAINERD MN 56401	
PAJU, ANDREW	511 N 9TH ST	BRAINERD, MN 56401	
PUERINGER, DAVID F	616 1/2 FRONT ST #11	BRAINERD, MN 56401	
RAGE HOLDINGS LLC	16085 MCKAY RD	BRAINERD, MN 56401	
REZAC, CRAIG PAUL & TYANNE GUIDA R	512 7TH ST N	BRAINERD, MN 56401	
RHODES FINANCIAL SERVICES LLC	16735 43RD AVE N	PLYMOUTH, MN 55446	
ROBECK, THOMAS	915 IVY ST	BRAINERD, MN 56401	
SADDLER, JAKE B & BRYANNA J	411 8TH ST N	BRAINERD, MN 56401	
SANDBERG, KATIE K	507 9TH ST N	BRAINERD, MN 56401	
SCHLIEK, DEAN R	26877 N STAR LN	BREEZY POINT, MN 56472-3252	
SCHULTZ, RONALD D	310 9TH ST N	BRAINERD, MN 56401	
SHAW, EDWARD R & MARY AEGERTER	722 6TH ST S	BRAINERD, MN 56401	
SHAW, EDWARD R & SARAH J HAYDEN	517 9TH ST N	BRAINERD, MN 56401	
SHIVELY, LAURA J	313 N 9TH ST	BRAINERD, MN 56401	RETURNED IN MAIL 3/12
SIMPSON, NICHOLAS R &	GROSSKREUTZ, SHERADEN A	424 N 8TH ST	BRAINERD MN 56401
SINCLEAIR, KEVIN M	415 8TH ST N	BRAINERD, MN 56401	
ST FRANCIS CATHOLIC CHURCH	411 N 10TH ST	BRAINERD, MN 56401-3027	
STEGNER, AARON A & CARRIE D	310 7TH ST N	BRAINERD, MN 56401	
STONEBERG, TRUETT E & JANET	523 N 8TH ST	BRAINERD MN 56401	

VERVALEN, WENDY	921 IVY ST	BRAINERD, MN 56401
VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401
WAGNER, JOSEPH J & MARY L	508 7TH ST N	BRAINERD MN 56401
WALKER, CAROLYN A	524 N 8TH ST	BRAINERD MN 56401
WALLIN, LINDA	423 N 8TH ST	BRAINERD, MN 56401
WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401
WELLIVER, MARY J	344 NW WOODLAND RD	RIVERSIDE, MO 64150
YOUNG, ROBERT W & AMY L GIBSON	519 N 10TH ST	BRAINERD, MN 56401



City Planning Department

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

Received
2/5/18
3/5

Receipt #	2018-00005
Check #	10083
Date Paid:	3/8/18

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: 404 North 9th Street

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

Property Owner Name: St. Francis Catholic Church

Street Address: 411 North 10th Street City: Brainerd State: MN Zip Code 56401

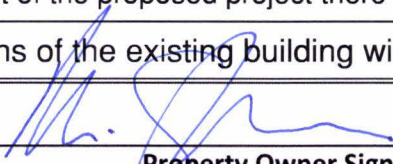
Phone Number: (218) 822-4040 Fax: 218-829-8754 E-mail: fr.tony@blccnorth.org

Applicant Name: (If different than Property Owner) Erica Marcussen, WSN Project Architect

Street Address: 7804 Industrial Park Road City: Baxter State: MN Zip Code: 56425

Phone Number: 218-316-3607 Fax: 218-829-2517 E-mail: Erica.Marcussen@wsn.us.com

Description of Request: St. Francis Catholic Church, an existing conditional use with-in R-1 district, is proposing to construct a 10,800 sf (6,600 main level + 4,200 lower level) addition to their church. Majority of the addition will be two levels matching the existing floor levels. The main level of the addition will include a gathering space, conference room, family/bridal room and support spaces. The lower level will include a kitchen with storage, meeting rooms, mechanical and support spaces. As part of the proposed project there will also be an on-grade staff office area as part of the addition along with select portions of the existing building will also be remodeled. The existing worship area will not increase in size.

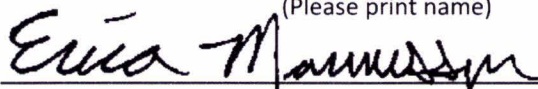

Property Owner Signature

3/5/2018

Date

Rev. Anthony Wroblewski, Pastor

(Please print name)


Applicant Signature

3/5/2018

Date

Erica Marcussen, WSN Project Architect

(Please print name)

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

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

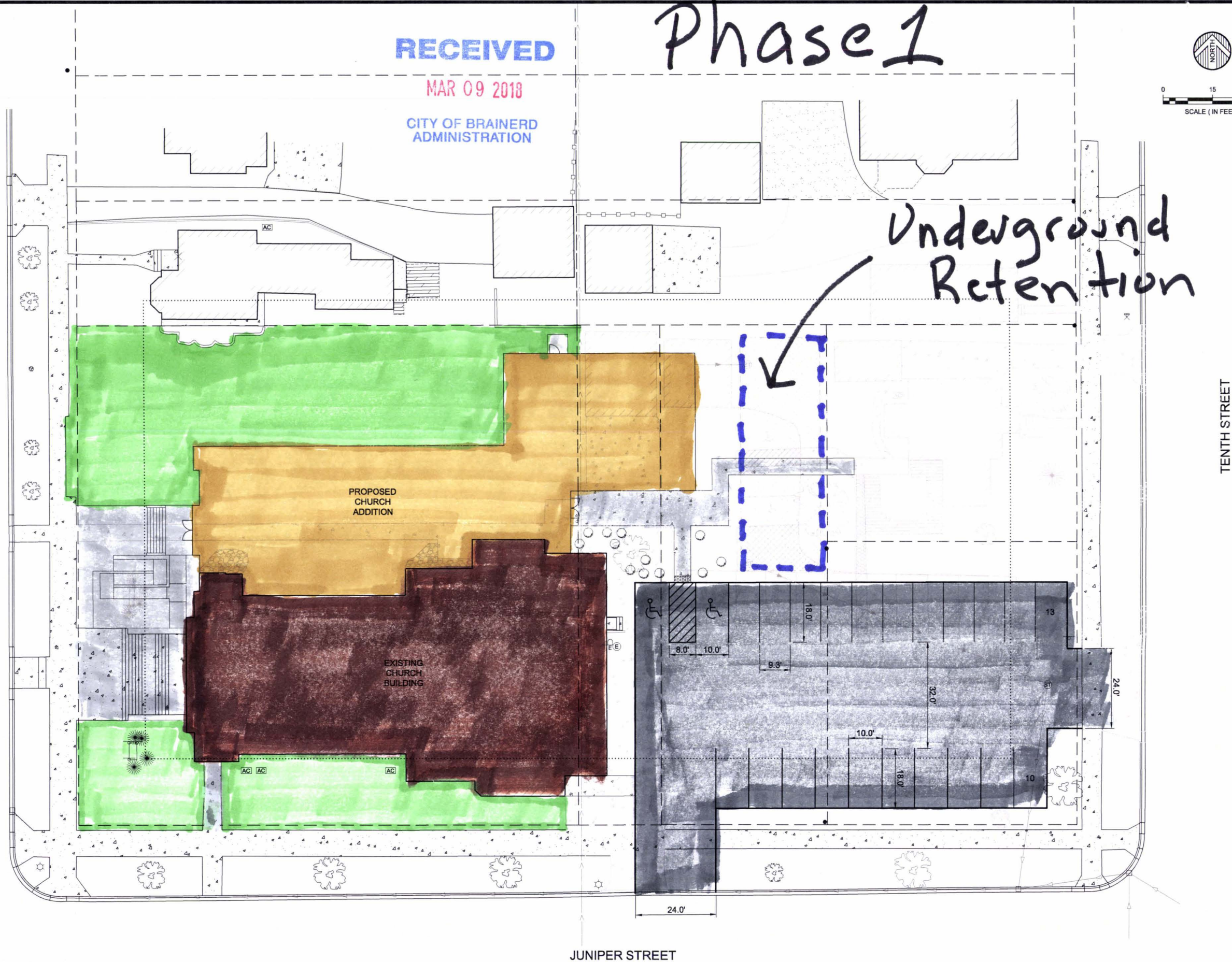
MINNESOTA POLLUTION CONTROL AGENCY

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

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

NINTH STREET



JUNIPER STREET

CUP SUBMITTAL

ST. FRANCIS CATHOLIC CHURCH ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRainerd, MINNESOTA
PHASE 1 SITE PLAN

SHEET NO.
C1.0

DATE	MARCH 2018	JOB NUMBER	028080305.004
SCALE	AS SHOWN		
DRAWN BY	WFR		
CHECKED BY	NER		
DATE	NEW	REVISIONS	DESCRIPTION
BY			
I hereby certify that I am a duly licensed professional engineer under the laws of the State of Minnesota.			
WIDSETH SMITH NOLTING			
Engineering Architecture Surveying Environmental			
DATE: 11/02/2018 LIC. NO. 13896			



WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental



0 15 30
SCALE (IN FEET)

RECEIVED

MAR 09 2018

CITY OF BRAINERD
ADMINISTRATION

Phase 1

Underground
Retention

STORMWATER MANAGEMENT PLAN NOTES:

SITE COMPOSITION:
SITE AREA = 56,520 SQ. FT. = 1.298 ACRE
EXISTING IMPERVIOUS AREA = 31,413 SQ. FT. = 0.721 ACRE = 55.6%
PROPOSED IMPERVIOUS AREA = 44,144 SQ. FT. = 1.013 ACRE = 78.1%
• PROPOSED IMPERVIOUS AREA TO SUB SURFACE STORAGE = 15,898 SQ. FT. = 0.365 ACRE = 28.1%

CALCULATIONS:
• SCS TYPE II 24-HOUR RAINFALL EVENTS
• SCS TR-20 CALCULATION METHOD
• SCS TR-55 TIME OF CONCENTRATION METHOD

PEAK RUNOFF RATE RESULTS:	2-YEAR	10-YEAR	100-YEAR
STORM EVENT	1.24 CFS	2.64 CFS	4.56 CFS
EXISTING SITE	1.13 CFS	2.21 CFS	3.63 CFS

TOTAL RUNOFF RESULTS:	2-YEAR	10-YEAR	100-YEAR
STORM EVENT	4,660 CU. FT.	9,624 CU. FT.	16,565 CU. FT.
EXISTING SITE	4,152 CU. FT.	8,301 CU. FT.	15,757 CU. FT.

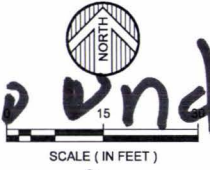
NINTH STREET



JUNIPER STREET

Phase 2

Underground Retention



CUP SUBMITTAL

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

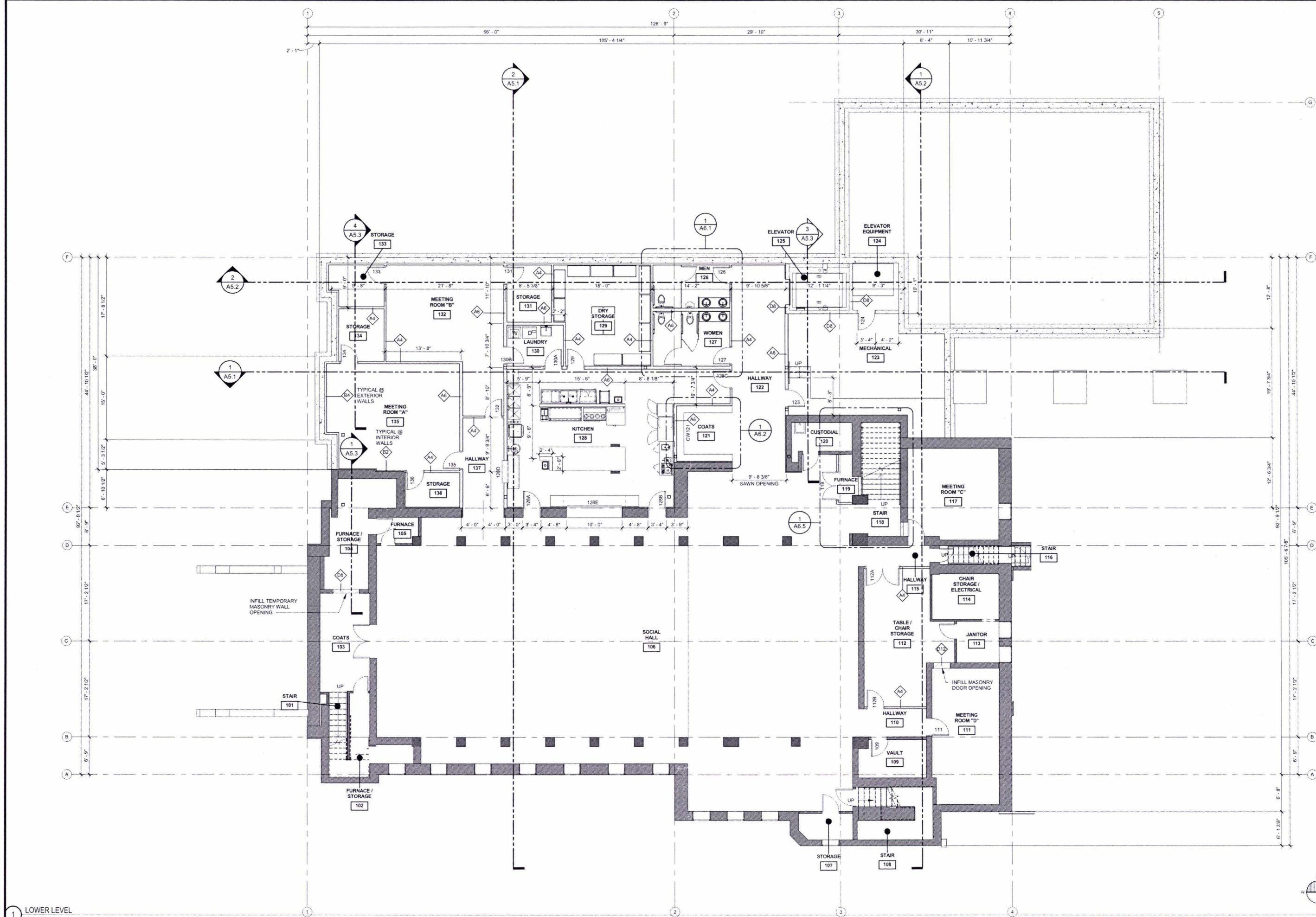
ST. FRANCIS CATHOLIC CHURCH ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRAINERD, MINNESOTA
STORMWATER MANAGEMENT PLAN

SHEET NO. C3.0

DATE: MARCH 2018
SCALE: AS SHOWN
DRAWN BY: MER
CHECKED BY: MER
JOB NUMBER: 0280B0305.004

BY: [Signature]
REVISIONS DESCRIPTION
DATE
REV
DATE
REV
DATE
REV

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
MICHAEL E. RUDE
DATE: 03/02/2018 LC NO. 43896



1 LOWER LEVEL
1/8" = 1'-0"



WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

ERICA D. MARCUSSEN SIGN DATE LIC# 43851

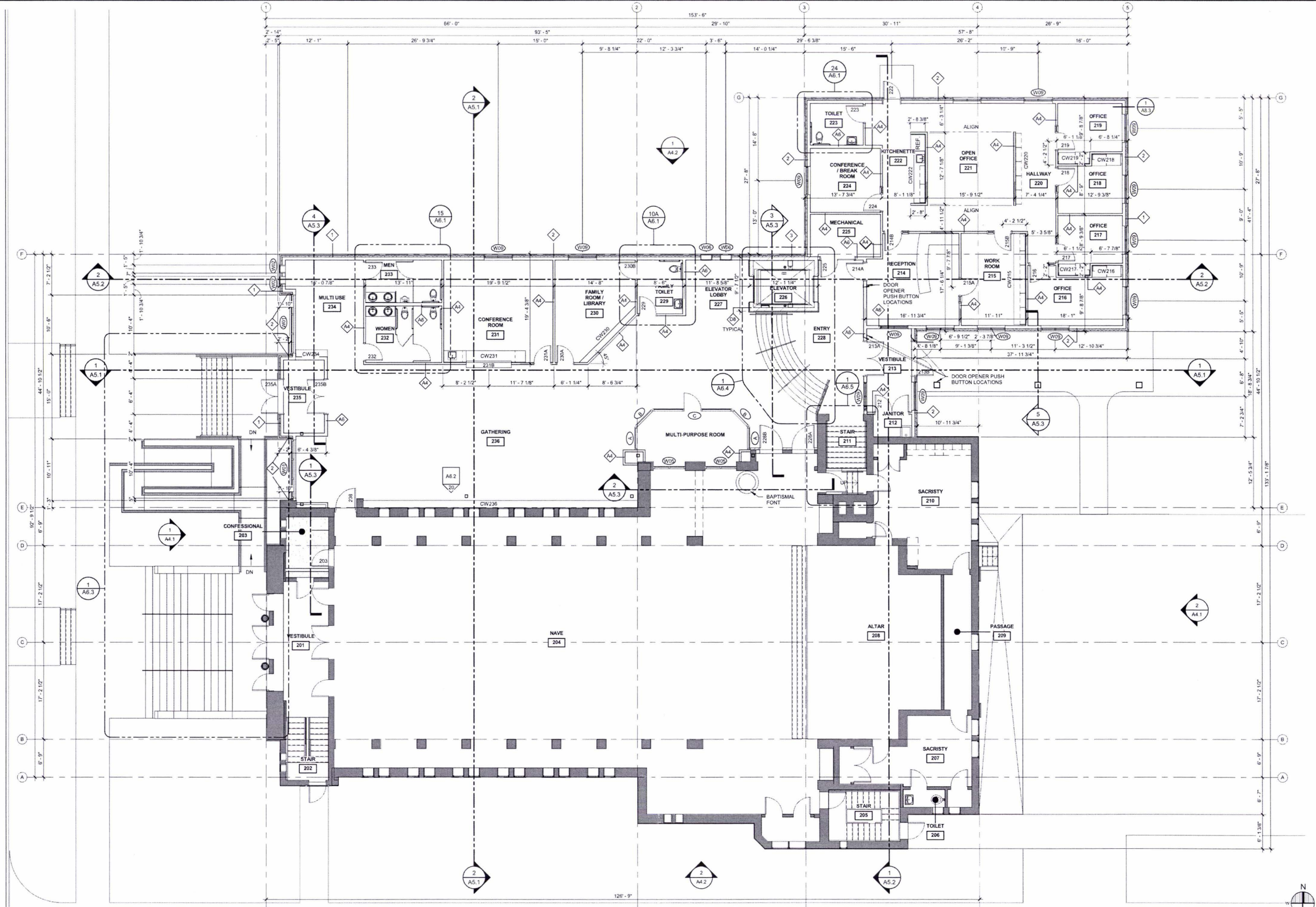
DATE	REV#	DESCRIPTION	BY
MARCH 2018	AS NOTED		
	D.C.Q.		
	EDM		
	0280B0305-004		

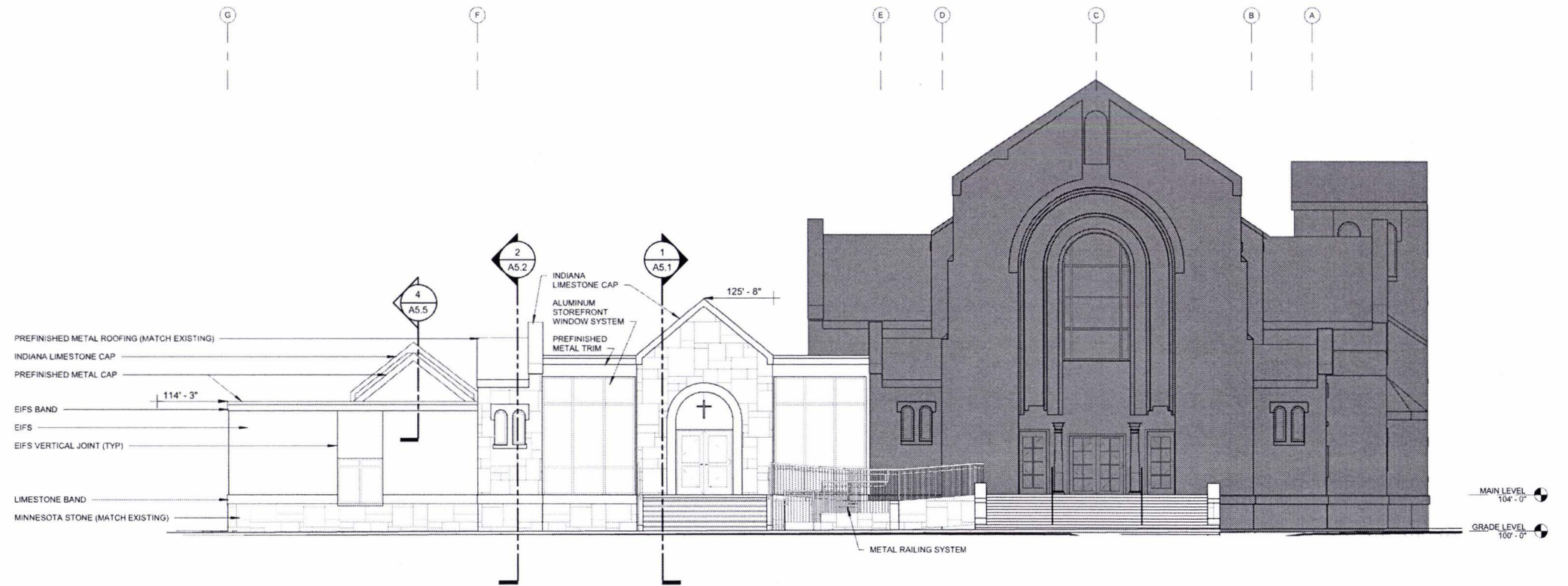
ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRainerd, MINNESOTA

LOWER LEVEL PLAN

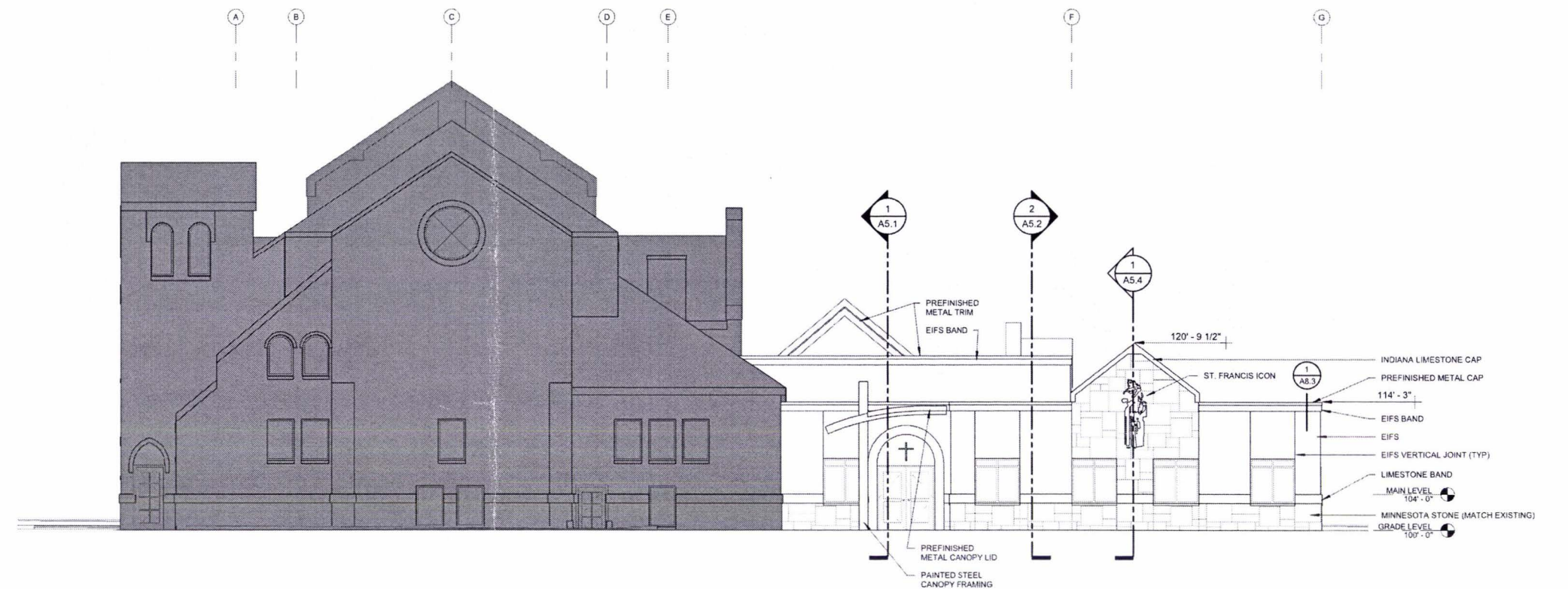
SHEET NO.
A1.1

SHEET OF





1 WEST ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

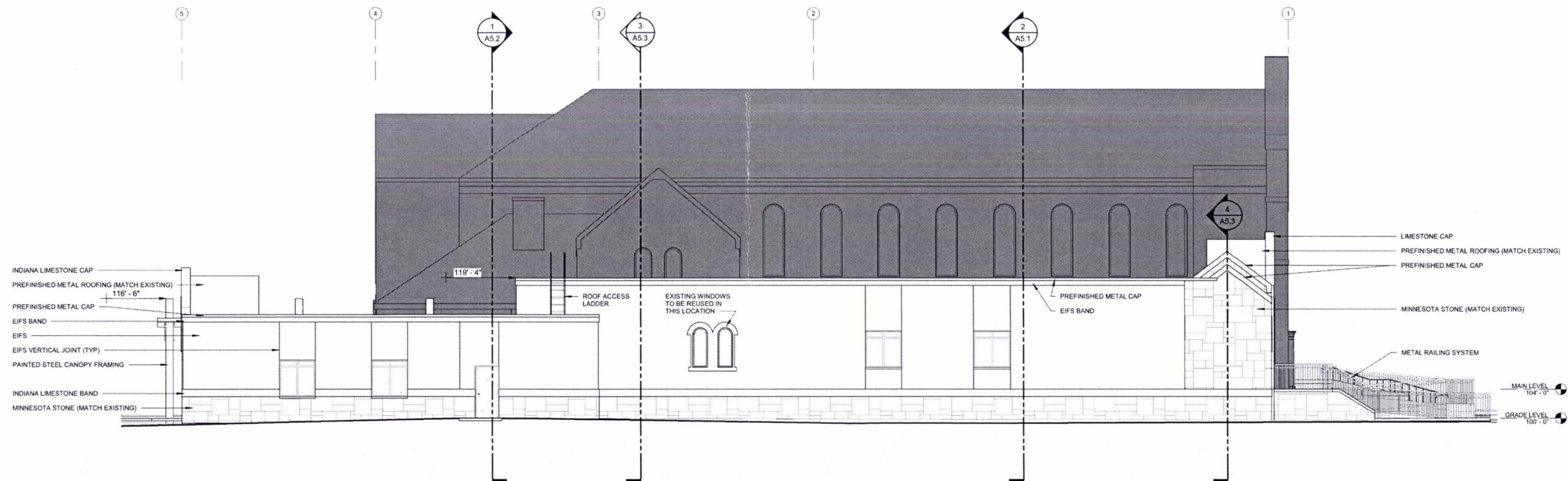
BY: ERICA D. MARCUSSEN
SIGN DATE: LCF# 43851

DATE	REV#	REVISIONS DESCRIPTION

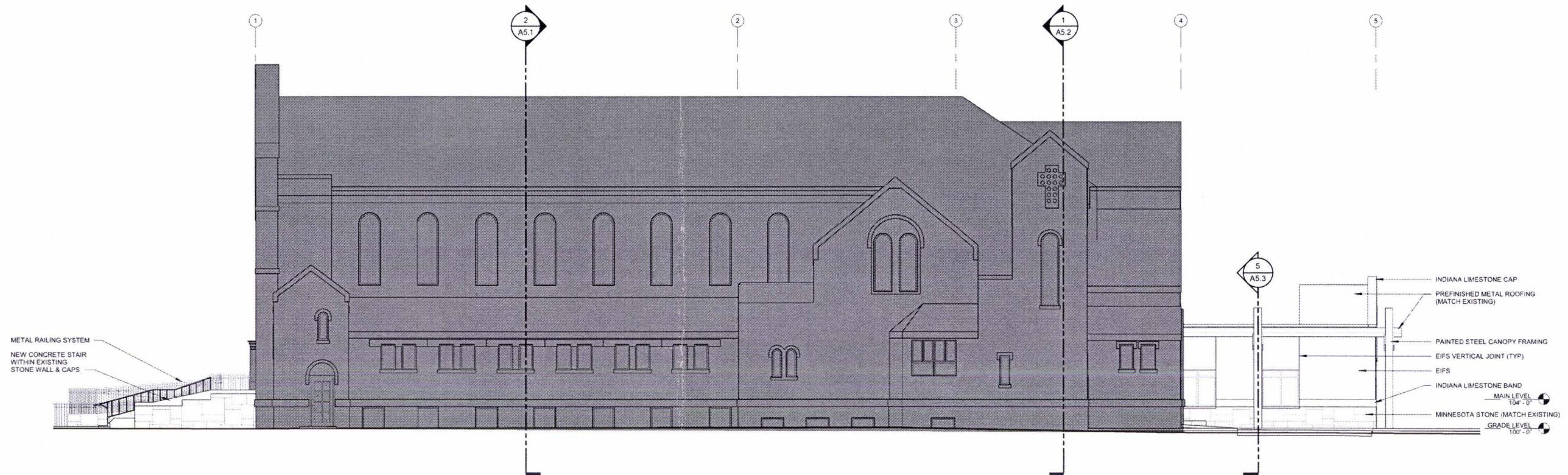
DATE: MARCH 2018
SCALE: AS NOTED
DRAWN BY: D.C.Q.
CHECKED BY: E.D.M.
JOB NUMBER: 0280B0305.004

ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRainerd, MINNESOTA
EXTERIOR ELEVATIONS

SHEET NO.
A4.1



1 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER OR ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

ERIC D. MARCUSSEN SIGN DATE LIC# 43851

DATE	REV#	REVISIONS DESCRIPTION

DATE: MARCH 2018
SCALE: AS NOTED
DRAWN BY: D.C.Q.
CHECKED BY: E.D.M.
JOB NUMBER: 028080305.004

ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRAINERD, MINNESOTA
EXTERIOR ELEVATIONS

SHEET NO.
A4.2

STAFF REPORT TO THE PLANNING COMMISSION

March 21, 2018

CONDITIONAL USE PERMIT

APPLICANT/LOCATION:	City of Brainerd, 501 Laurel Street
PROPOSED USE:	Construct an accessory building 37' in height at its Public Works facility located at 724 Thiesse Drive.
CURRENT ZONING:	I-1 (Light Industry) District
ADJACENT USES:	East: Industrial South: Industrial West: Industrial North: Industrial
ADJACENT ZONING:	North: I-1 (Light Industry) District East: I-1 (Light Industry) District South: Crow Wing Township West: I-1 (Light Industry) District

The City of Brainerd street department has a salt storage area located at its Public Works garage site on Thiesse Road. The salt storage area has never been within a building and constructing a shelter has been desired for many years. Funds have been budgeted for 2018 and the most economical style is an High-density polyethylene (HDPE) fabric round roof building. The building will be 37' tall, which the Zoning Ordinance Section 71-8 specifies buildings over 30' in height are permitted by Conditional Use Permit. The issue is not whether the fabric structure is permitted, the issue is what affect the additional 7' in height have on the area.

- 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 building location will comply with district setback requirements. A piece of existing asphalt will be cut for the building location, so no additional impervious surface will be added.

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

515-70-8: Building Height. No more than thirty (30) feet, however, building heights in excess of the prescribed standard may be permitted through a Conditional Use Permit, provided that:

1. *The site can accommodate any increased intensity of use.*
The intensity of site use is not being increased.
2. *Any increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.*
No additional traffic is created by the addition.
3. *Public utilities and services are adequate.*
The addition will have no effect on city services.
4. *The front and side yard setbacks shall be increased one (1) foot for every foot of height more than thirty (30) feet.*
The I-1 minimum interior side yard setback is 10'. The additional height would require a 17' setback. The storage building will be setback 25'.

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.

Construction will provide a long-needed cover for the salt storage eliminating salt runoff after rains and spring thaw.

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 building will be located along the west side of the garage and setback off the street right of way. The building is about 2,200 feet south of Industrial Park Road and about 1,600 feet from CR 45 and buffered by the garage building.

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

While the roof appearance is different from other buildings, its location is isolated from the rest of the industrial park. The garage height is 30' to the peak meaning the storage building will be 7' taller than the garage building.

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

Constructing the storage building will have no effect on vehicle access or traffic in the neighborhood.

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 salt storage building will provide a cover for the salt storage area at the city Public Works facility.

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

Buffer commercial and industrial developments from environmentally sensitive areas and residential areas within the community.

LAND USE GOAL #2: Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.

Strategy

Buffer commercial and industrial developments from environmentally sensitive areas, residential neighborhoods and other incompatible land uses within the community.

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.*
- 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

Utilities

No issues.

Fire

No issues.

Police

No issues.

Building

No issues

Planning Department Review

No Issues.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation on this request at its March 21, 2018 meeting. City Council consideration can occur at its April 2, 2018 meeting.

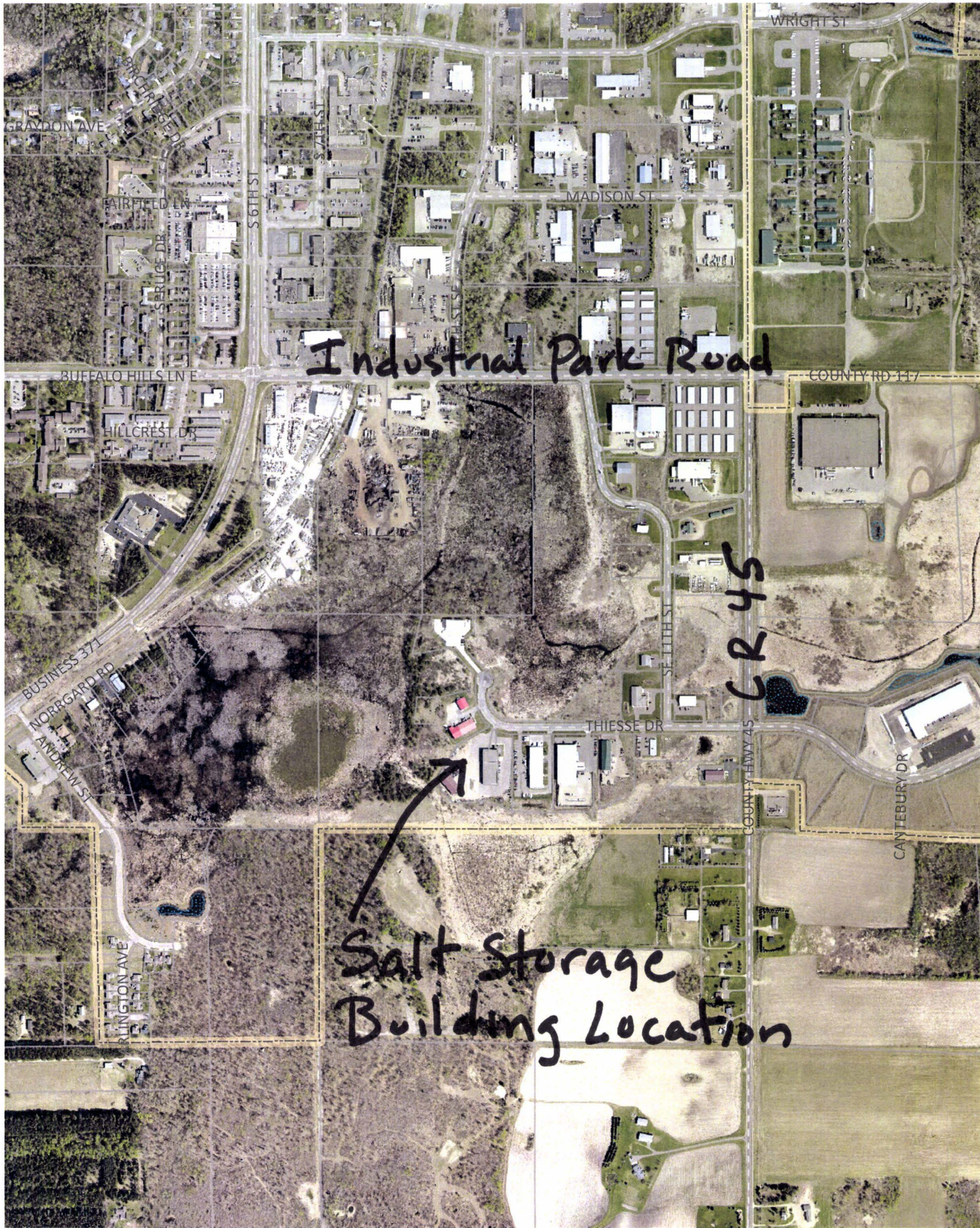
Respectfully submitted,

Mark Ostgarden AICP
City Planner

Findings of Fact

City of Brainerd
CUP- Accessory Building Height
724 Thiesse Road

1. A 37' tall – 65' x 80' engineered HDPE salt storage building is proposed at the city Public Works facility.
2. The property is in an I-1 (Light Industrial) District which permits building height more than the 30' maximum height limit by Conditional Use Permit.
3. The side yard setback is 10' and the building will be setback 25' to comply with required addition setback for a 37' tall building.
4. The storage building will be 7' taller than 25' tall garage.
5. The building will be located on the west side of the garage building on the site. The location minimizes its visibility in the area and from CR 45 to the east.
6. There is wetland to the north which will not permit development between the site and Industrial Park Road and there is wetland to the south that will also prohibit development.
7. The building will be setback approximately 2,200' from Industrial Park Road and 1,600' from CR 45 the 2 major roads in the vicinity diminishing the visibility of the building.
8. The site is used for salt storage and the salt has never been covered to protect it from the elements.
9. The salt storage facility preserves the objectives of the Zoning Ordinance by protecting and preserving the natural environment of the City.
10. The following Comprehensive Plan Goals and Strategies support the proposal:
 - LAND USE GOAL #2: Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*
 - Strategy*
 - Buffer commercial and industrial developments from environmentally sensitive areas, residential neighborhoods and other incompatible land uses within the community.*



Industrial Park Road

COUNTY RD 447

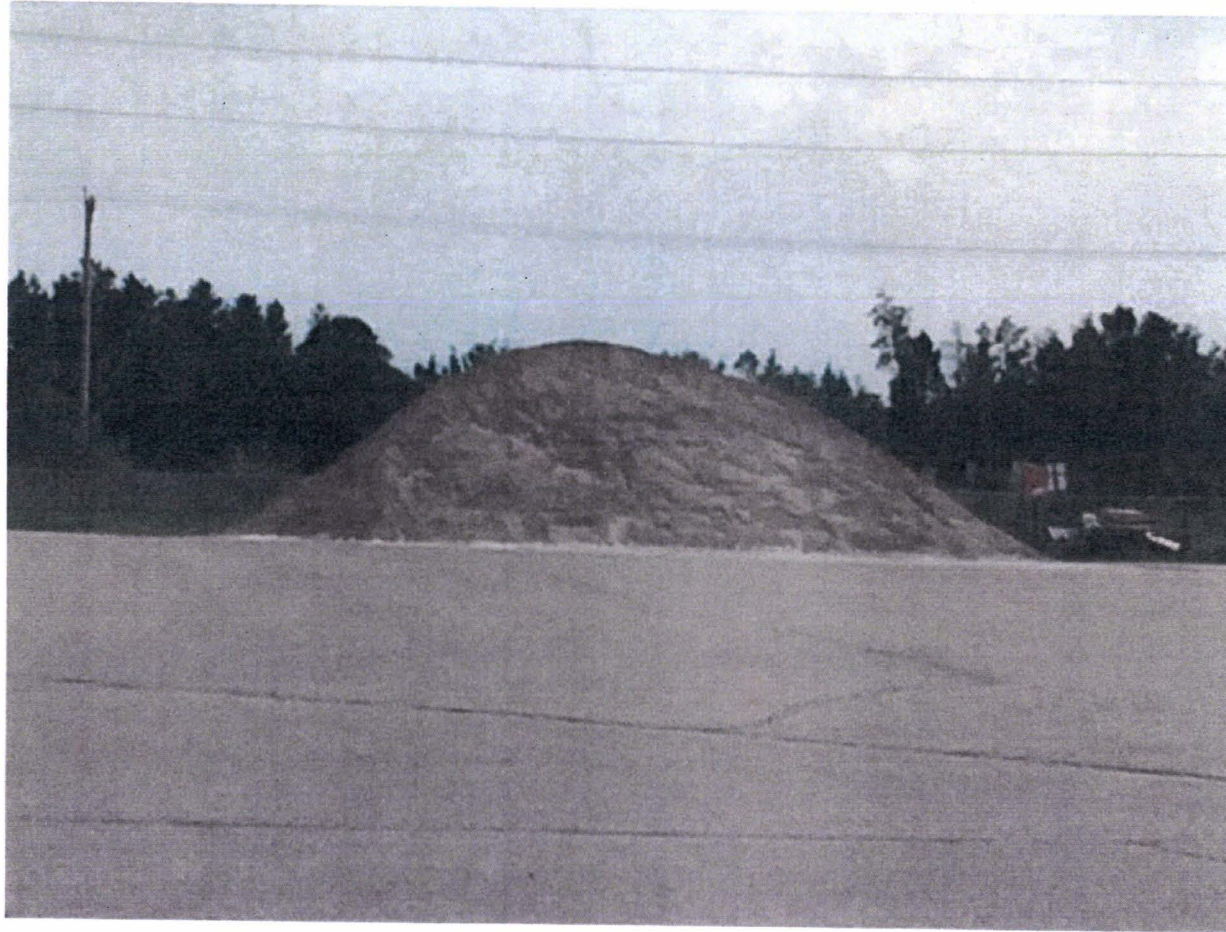
CR 45

Salt Storage
Building Location

Wetland Map

Building Location

Attachment A



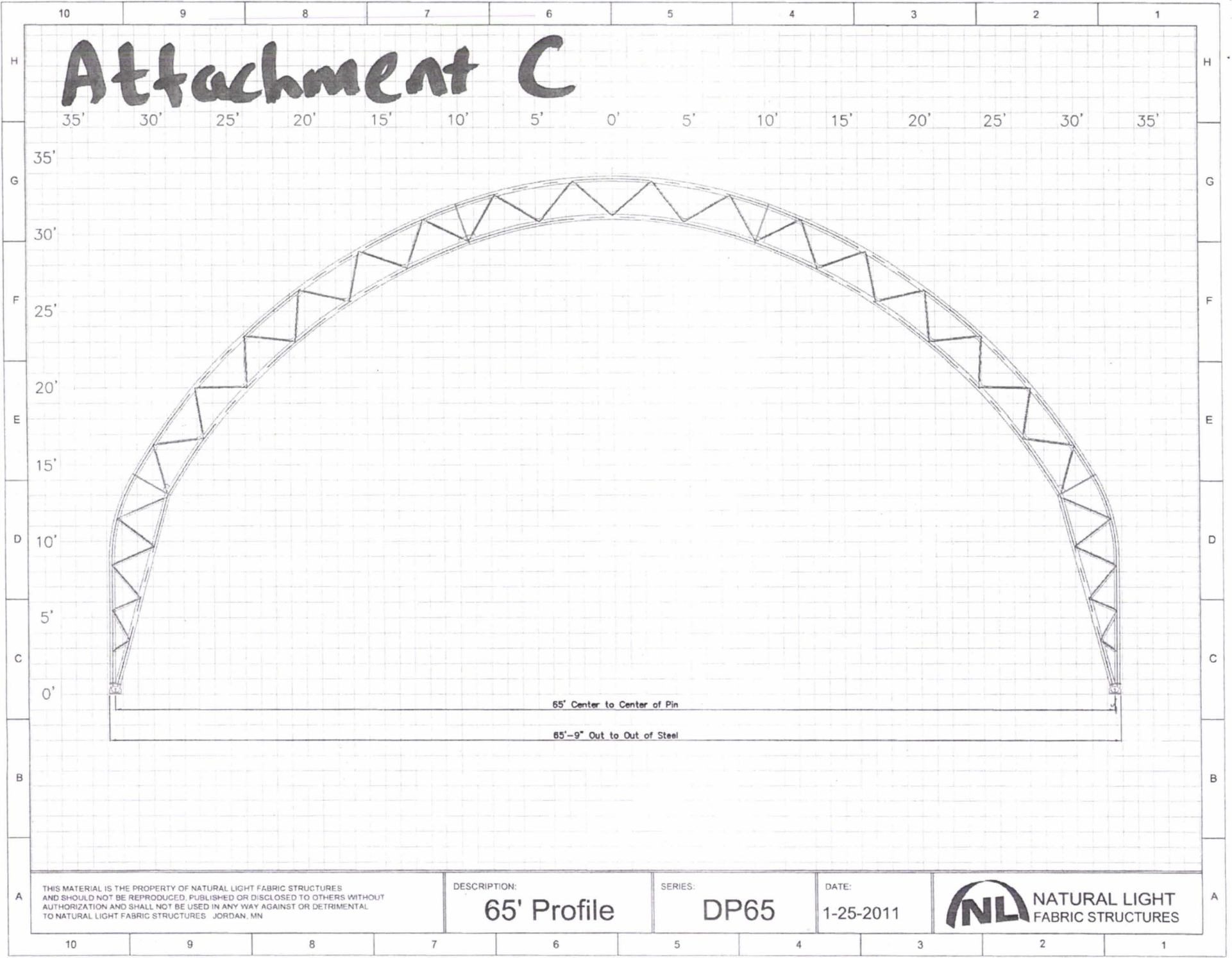
Attachment B



Attachment B



Attachment C



THIS MATERIAL IS THE PROPERTY OF NATURAL LIGHT FABRIC STRUCTURES
AND SHOULD NOT BE REPRODUCED, PUBLISHED OR DISCLOSED TO OTHERS WITHOUT
AUTHORIZATION AND SHALL NOT BE USED IN ANY WAY AGAINST OR DETRIMENTAL
TO NATURAL LIGHT FABRIC STRUCTURES JORDAN, MN

DESCRIPTION:

65' Profile

SERIES:

DP65

DATE:

1-25-2011



**NATURAL LIGHT
FABRIC STRUCTURES**

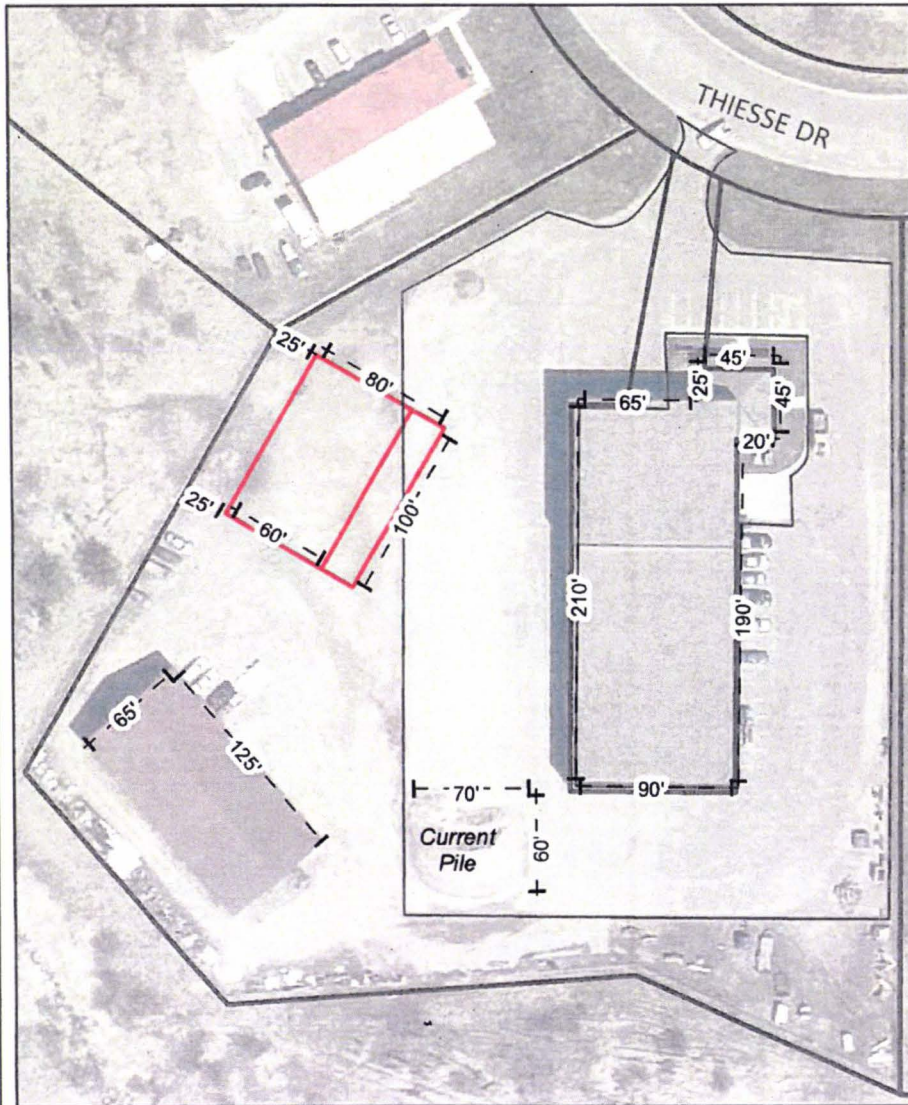
Attachment D



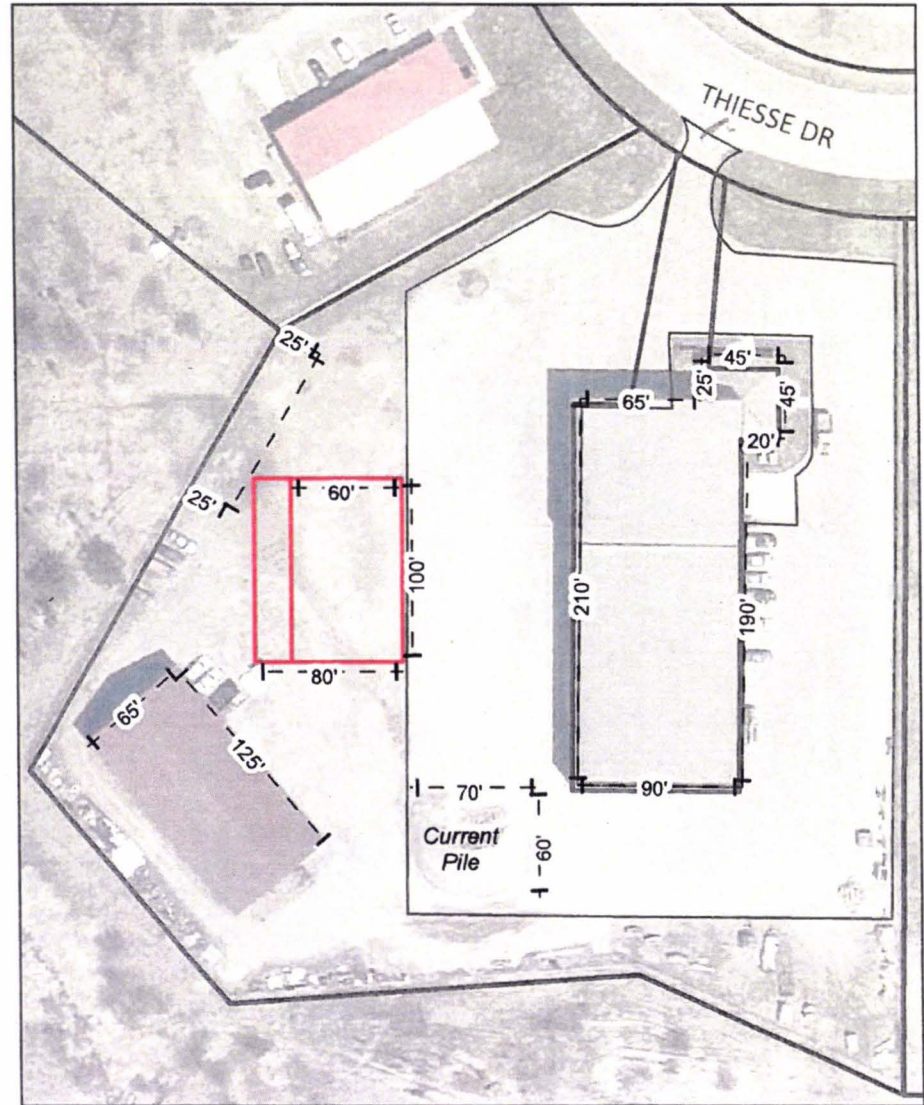
City of Brainerd

Street Department Salt/Sand Storage

Structure 1



Structure 2



0 50 100 200 Feet



New Structure



Property Parcel



Pavement

Date: 6/18/2014
Time: 11:43:30 AM

Salt Storage Building

Looking south from Industrial Park Road

Legend

Building Location



Google Earth

© 2018 Google



8.07 ft

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd, 501 Laurel Street, has applied for a Conditional Use Permit to construct an accessory building 37' in height at its Public Works facility located at 724 Thiesse Drive. The property is in an I-1 (Light Industry) District and Zoning Ordinance Section 71-8 specifies buildings over 30' in height are permitted by Conditional Use Permit. The property is legally described as Lot 2, Block 7, Thiesse Industrial Park 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, March 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 offer public comment by letter, e-mail at mostgarden@ci.brainerd.mn.us or by attending the public hearing regarding the proposed Conditional Use Permit.

Any individual needing special accommodations or if there are any questions please call (218) 828-2309.

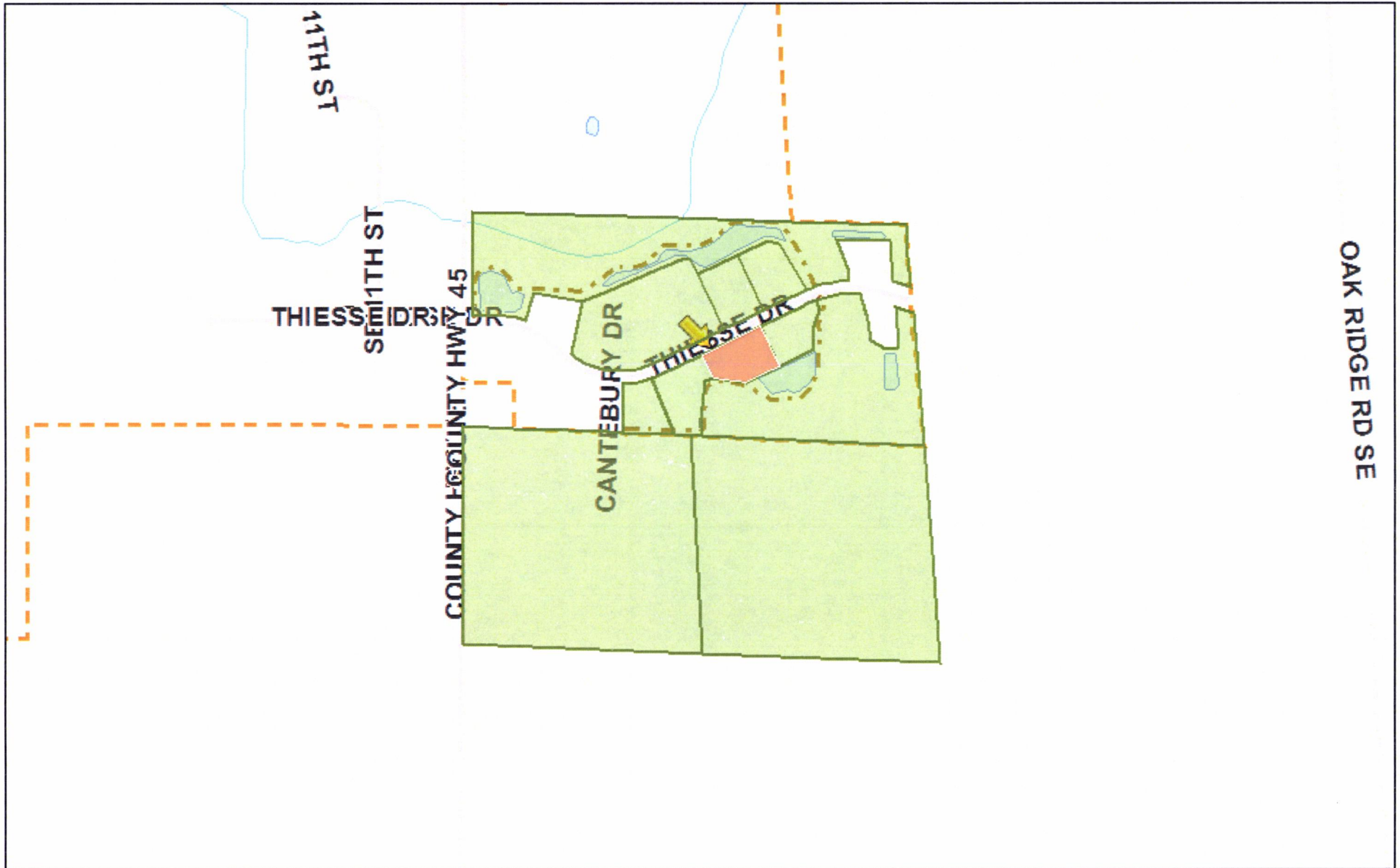
Dated this 8th day of March, 2018

Mark Ostgarden AICP
City Planner

Publication date: March 9, 2018

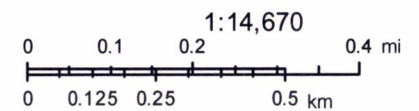
Parcel Number	Tax Name	Tax Address	Tax Address 2	Tax Address 3	Tax Address Physical Address
750063100000009	THIESSE, GLYNIS & CHAD BOHNENSTINGL	9212 COUNTY ROAD 45	BRAINERD, MN 56401		
92810010020009	ARG FEBRNMN001 LLC	C/O AMERICAN FINANCE TRUST INC	200 DRYDEN RD STE 11 DRESHER, PA 19025		1531 THIESSE DR

724 Thiesse Dr



3 / 7 / 2018 10 : 17 : 35 AM

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



Esri, HERE, Garmin, © 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 # _____

Check # _____

Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

CONDITIONAL USE PERMIT
REZONING
VARIANCE

RESIDENTIAL

(\$250.00)
(\$300.00)
(\$250.00)

COMMERCIAL

(\$400.00 + \$500.00 escrow deposit)
(\$500.00)
(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 724 Thiesse Drive

LEGAL DESCRIPTION: Lot(s): 2 Block: 7 Addition: Thiesse Industrial Park Addition
(attach description if lengthy)

Property Owner Name: City of BrainerdStreet Address: 501 Laurel Street City: Brainerd State: MN Zip Code 56401Phone Number: 218-828-2307 Fax: 218-828-2316 E-mail: psandy@ci.brainerd.mn.us

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Increase the maximum building height of an HPDE fabric salt and sand storage building from 30 feet to 37 feet to meet the clear height requirements over the bunker panels for heavy equipment such as loaders and tandem axle trucks to access material along the sides of the building. Side yard set-back is easily increased 1 foot for every extra foot of the building setback. Please see the attached drawing for proposed setbacks of the structure and a structure profile view. Currently, side yard setback is proposed at 20 feet.

Paul Sandy

Digitally signed by Paul Sandy
Date: 2018.02.22 07:24:41 -06'00'

Property Owner Signature

02/22/2018

Date

Paul Sandy

(Please print name)

Paul Sandy

Digitally signed by Paul Sandy
Date: 2018.02.22 07:25:25 -06'00'

Applicant Signature

02/22/2018

Date

Paul Sandy

(Please print name)

(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

☐ **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**

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

MEMO

TO: Mayor and City Council

FROM: Mark Ostgarden, City Planner

DATE: March 14, 2018

RE: Noncommercial Greenhouses in Residential Zoning Districts.

Attached is a part of Zoning Ordinance Section 17 GENERAL BUILDING, USE AND DESIGN PROVISIONS that includes draft language to add noncommercial greenhouses as a permitted accessory use in residential zoning districts.

The following definition is recommended for Zoning Ordinance Section 2:

GREENHOUSE: building or structure often on a metal or wooden frame constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or growing of flowers, shrubbery, vegetables, trees, or other horticultural and floricultural products

The draft language:

- Permits greenhouses provided the maximum allowed lot coverage is not exceeded.
- Is open ended to the maximum size greenhouse that would be permitted. The Planning Commission can determine the maximum size it thinks should be allowed.
- Includes a list of permitted clear material to allow radiant heat.

Should the Planning Commission think the draft acceptable a public hearing can be schedule for the April meeting.

farm implements, agricultural activities, or agricultural products shall be exempt from the requirements of this subdivision.

B. Residential Accessory Buildings, Structures and Uses.

1. An accessory building or attached garage shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway or within five (5) feet of the principal building. Attached accessory buildings shall meet the principal building setbacks of the respective zoning district.
2. No accessory building or structure shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory. A garage may be constructed if a building permit is secured for the principal building.
3. Accessory Building Floor Area, Height and Number. The combination of accessory buildings and garages (attached and detached) per lot shall not exceed the following standards:

a. Area.

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-A	4,000 square feet
R-R	2,000 square feet
R-E	1,500 square feet
R-1	10% of lot area
R-2	10% of lot area
R-3	30% of the gross floor area of the multiple family structure, 10% of lot area for a duplex
R-4	30% of the gross floor area of the multiple family structure

- 1) An attached garage shall not exceed the maximum allowable floor area as mentioned above, or eighty (80) percent of the footprint of the single family or two family house foundation not including garage, whichever is less. Tuck-under garages are permitted up to the maximum footprint size of the dwelling.
- 2) Accessory building coverage shall not exceed lot coverage requirements as regulated in each district and shall meet required district setbacks.

~~b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:~~

~~1) One (1) attached garage and one (1) detached accessory building.~~

~~2) Two (2) detached accessory structures.~~

b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:

1) One (1) attached garage and one (1) detached accessory building.

2) Two (2) detached accessory structures BUILDINGS.

3) SHOULD THERE BE ZERO OR 1 ACCESSORY BUILDING, A NONCOMMERCIAL GREENHOUSE IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.

4) SHOULD A LOT HAVE THE MAXIMUM NUMBER OF ALLOWED ACCESSORY BUILDINGS, 1 NONCOMMERCIAL GREENHOUSE UP TO 10' X 10' (OR 10' X 12' OR DIFFERENT SIZE) IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.

5) THE FOLLOWING CLEAR MATERIAL IS PERMITTED FOR GREENHOUSE CONSTRUCTION TO ALLOW RADIANT HEAT FROM THE SUN:

- I. GLASS
- II. RIGID POLYCARBONATE PANELS
- III. SEMI RIGID POLYETHYLENE PANELS
- IV. RIGID FIBERGLASS PANELS
- V. RIGID ACRYLIC PANELS
- VI. VINYL

CLOTH, CANVAS, PLASTIC SHEETS, TARPS, AND SIMILAR MATERIALS ARE NOT ALLOWED AS ROOFING MATERIALS.

6. Material permitted in this section can be used for greenhouse construction in areas not allowing radiant heat.
- c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less. Exceptions may be granted to allow for the detached accessory building to match the roof pitch of the existing principal building by Conditional Use Permit in accordance with Section 5 of this Ordinance.
4. Setbacks. Detached accessory buildings shall comply with the following setbacks:
 - a. Front Setback. No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.
 - b. Side and Rear Setbacks.
 - 1) Side and rear setbacks shall be as provided for in the respective Zoning District.
 - 2) No accessory building shall be located within a drainage and utility easement.
5. Design Standards. 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. Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners. All buildings that are one hundred twenty (120) square feet or less may be metal sided and shall have a pitched roof.
- C. Commercial.
 1. Commercial buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
 2. Accessory buildings shall meet all the required setbacks of the principal building.

MEMO

TO: Mayor and City Council

FROM: Mark Ostgarden, City Planner

DATE: March 14, 2018

RE: RA (Rural Agriculture) District Amendment

At the February 21, 2018 meeting, the Planning Department brought forth the inquiry from a private party about the potential to allow a commercial use (fence company) in the RA (Rural Agriculture) District.

Commissioner Burslie provided his thoughts about commercial uses should not be permitted in this type of district. While it sounded as if other members supported that position, it did not sound as if a conclusion was reached.

Following the meeting, City Planning Intern Matt Kallroos did some research on whether other cities may to allow some limited commercial uses. Attached is his report on what he found.

Also attached is a copy of our RA District language.

This is on the March agenda to request a more definitive position on whether to consider amending the RA District to allow some degree of commercial use.

Rural Agriculture District Report

The City of Brainerd currently describes a Rural Agriculture District as: A District that is intended for areas where urban public utilities are not presently available. A density of not more than one lot per 20 acres will retain these lands in their natural state and in agricultural uses pending the proper timing for the economical provision of utilities, streets, parks, storm drainage and other public facilities and services so that orderly development will occur (Section 515.13 of Brainerd Code).

Brainerd currently permits the following uses:

- (1) Agricultural, the keeping of one or more horses, nurseries, greenhouses for growing only, landscape gardening and tree farms, including sale of products grown on premises.
- (2) Single family dwellings.
- (3) Home Occupations as regulated by Section 515.83.
- (4) Forest and Game management areas.
- (5) Public Recreation areas.
- (6) Cemeteries.

Accessory Uses

- (1) Garages for private use.
- (2) Barns, stables, silos, other agricultural buildings.
- (3) Fences.
- (4) Recreation equipment for private use.
- (5) Solar Energy Systems and Solar Structures.

Conditional Uses

- (1) Regional pipelines, power transmission lines and relay towers.
- (2) Churches and church related buildings.
- (3) Home extended businesses.
- (4) Mining or land reclamation.
- (5) The provisions of two (2) lodging rooms with a maximum of four (4) lodgers per dwelling or the provisions of table board in a dwelling which is owner occupied.
- (6) Day Care Facility operated in a church or in public or private schools.
- (7) Placement and Operation of Outdoor Wood Burning Furnaces – Subject to provisions of Section 515.07 Subd. 21.

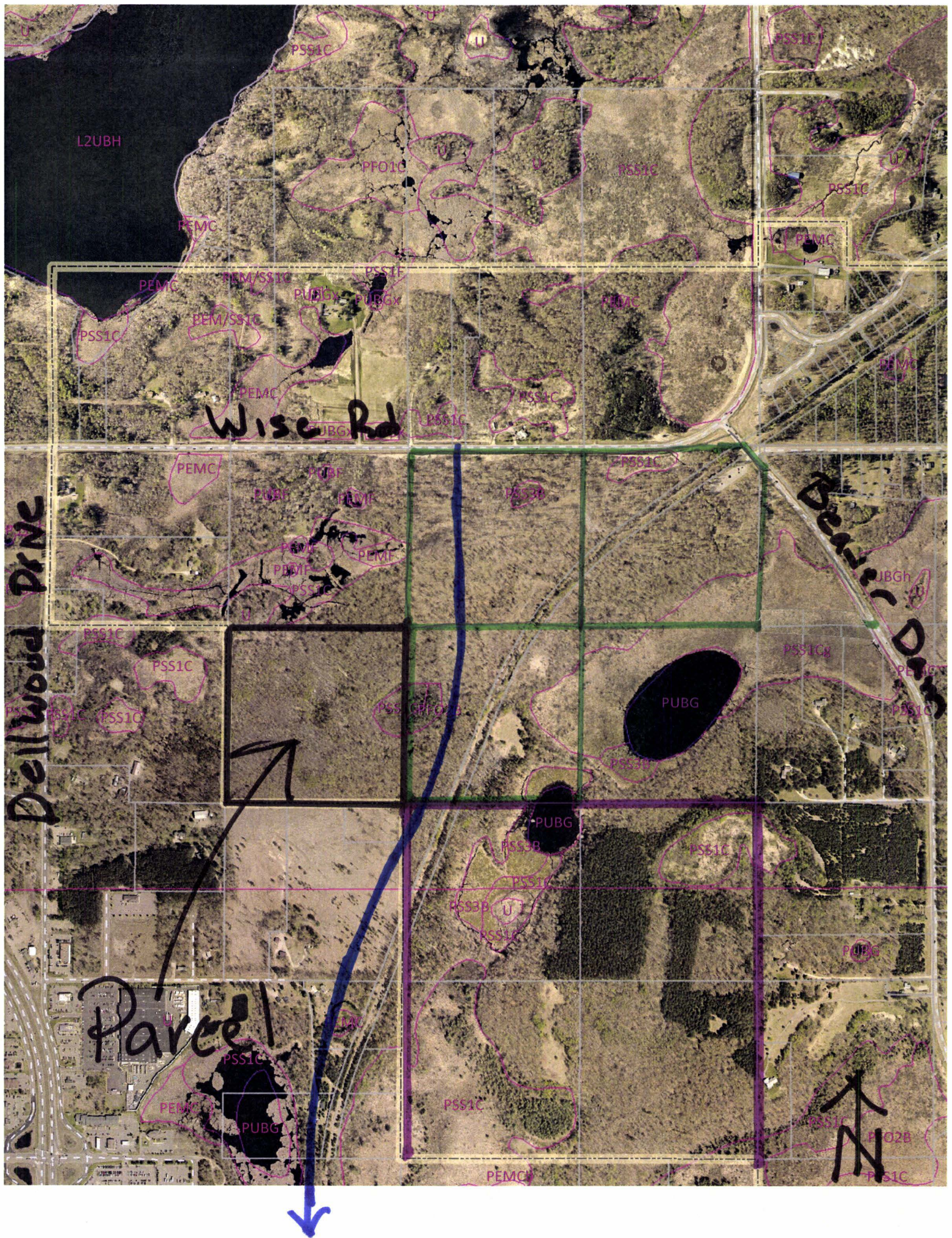
Many cities lay out their Rural Agriculture, Agriculture, or Agriculture- Open Space Districts very similar to Brainerd. I list these three districts because not every city has a Rural Agriculture District or an Agriculture District at all. Each city has specific zones based on the land within their city limits. That being said, the more City Code that was analyzed, the more repetitive each agriculture based district became. Cities such as Albertville, Alexandria, and

Royalton specifically indicate how commercial operations are not permitted in the district. Each operation that is permitted relates to farming, agriculture, or public wellness in some way.

Being that the business would be making sales on the property there were a couple of guidelines that cities laid out in order to assure the operation ran smoothly. These guidelines are for retail nurseries, greenhouses, and tree farms which are the closest businesses to a fencing business that are permitted in Agricultural Districts (Brainerd does not allow retail sales for these businesses in an RA District).

- (1) The site accesses on a major collector;
- (2) Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance; and
- (3) Adequate off-street loading and service entrances are provided and regulated where applicable

The purpose of a general Agricultural Zoning District is to include those areas where it is necessary and desirable to preserve, promote, maintain, and enhance the use of the land for long-term agricultural uses; to protect such areas from encroachment by nonagricultural uses, structures, or activities; to prohibit those uses and densities that would require the premature extensions of urban public facilities; to promote logical and orderly development in the best interest of the health, safety, and welfare of the citizens of the city; to protect and maintain the open space for the creation of an attractive living environment; and to protect, preserve, and maintain the unique rural life style.



Deilwood Dr

Wise Rd^{R-R}

B-4

B-4

R-1A

R-A

R-R

R-A

R-2

R-R

R-3

Beaver Dam

OIDARD

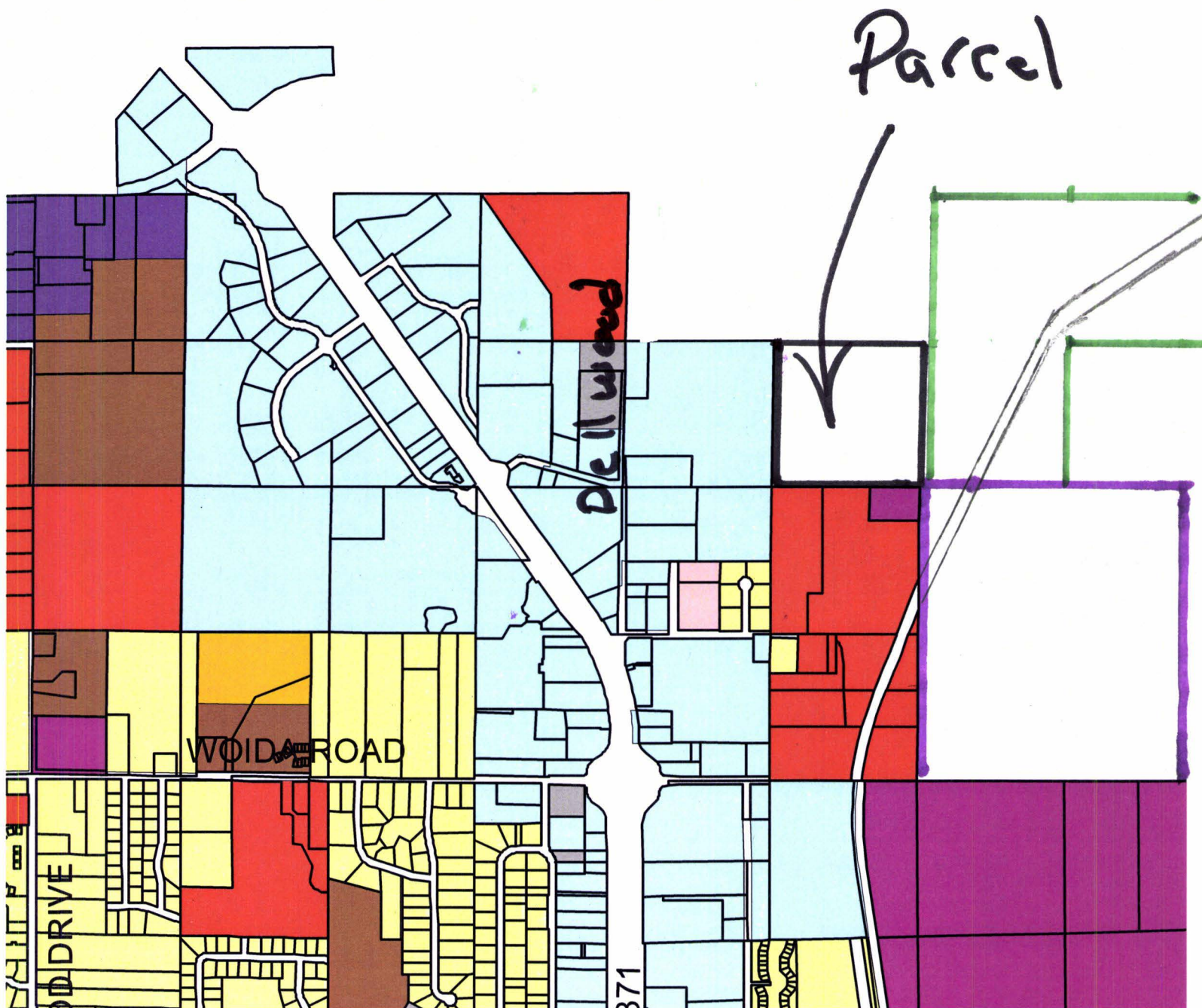
EDGEWOOD DR N

ELLWOOD DR N

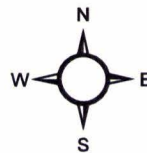
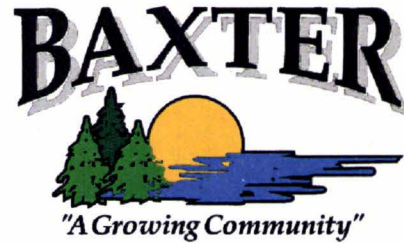
F COURSE DR

Parcel





Zoning Districts



	F = Commercial Forestry
	PB = Public Benefit
	R-1 = Low Density Residential
	R-2 = Medium Density Residential
	R-3 = High Density Residential
	RS = Special Residential/Cluster
	C1 = Neighborhood Commercial
	C2 = Regional Commercial
	CI = Commercial Industrial
	I = Industrial Office
	OS = Office Service
	PUD = Planned Unit Development