

PLANNING COMMISSION
Wednesday, March 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, Marohn, Wussow; and Council Liaison Lambert. Noted absent was Commissioner Antolak. Also present was City Planner Ostgarden, Planning Intern Matthew Kallroos and Administrative Specialist Bestul.

#2 Approval of Agenda

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

#3 Approval of Minutes of the Regular Meeting held on February 21, 2018

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 21, 2018.

#4 New Business

A. Public Hearing – St. Francis Catholic Church, 404 N 9th St., Brainerd – 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

City Planner Ostgarden indicated there was an error in the notice that stated the property is in a B-2 (Neighborhood Commercial) District. This should be corrected to show it is in an R-1 (Single Family Residential) District. Mr. Ostgarden explained the Church has been a part of our community since 1934 at this location and are proposing to construct an addition on the north side of the building. The project will consist of two phases; phase one will be the main level addition and phase two will be the lower level. The main level addition will be 6,600 square feet consisting primarily of additional office and meeting rooms. The seating capacity of the church will not increase. The lower level addition is proposed for a 4,200 square foot parking lot expansion and will occur in approximately 3-5 years.

City Planner Ostgarden pointed out on overhead maps the location of the church building, the school, additional property with garages and a residential structure that currently serves as offices for the church. The proposed addition will match the existing church setback which is approximately 30' from the 9th Street property line. As a result of the parking lot expansion, the impervious coverage on the site is anticipated to increase from 72% to 78% in Phase two. The R-1 District maximum non-residential impervious area is 50% and the City Engineer has approved an underground stormwater storage plan which will permit the increase. The two parcels across North 9th street is currently being consolidated into one parcel at Crow Wing County Land Services. With the parking lot expansion, there will be requirements for some degree of screening to the north adjacent to the residential properties and the street right-of-way on the east side.

City Planner Ostgarden showed a photo of the property looking towards north 10th street to show the addition will be at least 75' away from north 10th street at the east property line and will have the

parking lot in between. He also described the floor plan layouts. Phase one of the project will be starting as soon as the approval is given by the City. However, phase two is planned for 3-5 years from now and St. Francis Church has inquired about obtaining approval for both phases at this time. Normally, a Conditional Use Permit is approved for one year with the option of a one year extension. There is a clause in the Zoning Ordinance relating to cancellations of Conditional Use Permits that reads *"unless otherwise specified by the City Council at the time it is authorized"*. This allows the City Council to extend the Conditional Use Permit for a longer period.

City Planner Ostgarden indicated he did receive a phone call from a property owner in the area with the concern that there already is not enough parking when church functions are taking place. The addition may exacerbate the situation even more and wanted this to be a part of the record.

Commissioner Burslie asked if the City Engineer sign-off regarding the allowance of increasing impervious surface is stated in the ordinance language. City Planner Ostgarden indicated that it is specified in the ordinance.

Commissioner Wussow asked if the impervious surface is part of tonight's consideration. City Planner Ostgarden suggested it is included in the findings of fact if it is agreed upon.

Commissioner Wussow referred to a photograph of the church and the properties that the church owns. He asked if a specific property to the south is also owned by the Church, and it was determined that parcel is not.

The Chair opened the public hearing at 6:23 p.m.

The Chair welcomed Ms. Erica Marcussen, architect with Widseth Smith Nolting who thanked the Commission for the opportunity tonight. Ms. Martinson explained this project has been in the works for 8+ years and has been a part of the church for 30 years herself. The parish was founded in 1871 with this church being the third building in the church history. Ms. Marcussen indicated there have been many meetings and gatherings with the different user groups at the church to determine the needs as a parish and working within a budget.

Ms. Marcussen pointed out on the floor plan the following changes:

- There will be a full elevator system installed
- The main level will have an ADA compliant entry including a ramp
- The newly created space adjacent to the nave will provide gathering opportunities after mass and other events
- The restroom facilities will be updated
- Additional conference and office rooms will be constructed along with a family restroom
- An on-grade slab addition will be constructed for offices that are currently housed in the converted home on the property
- No modifications are being done in the main nave area other than some connections to the addition
- Basic updates to finishes in the lower level social hall will be done
- The kitchen will be updated to a commercial kitchen and expanded to accommodate the many events and activities the church has
- The restroom facilities on the lower level will be updated
- Meeting rooms on the lower level will be added

- There is a concern for off-street parking for the church to meet the ADA compliancy.

The entrance that will be on the east side of the building is perceived to be the main entrance for many members as it is closest to the elevator and ADA compliant ramp. A parking lot is proposed for phase two of the project.

Ms. Marcussen indicated there is a concern that the requirement of screening on the east side of the parking lot may become a problem with limited visibility of on-coming street traffic.

Commissioner Burslie pointed out on the site plan, the boundary for the site has been extended for the stormwater calculations and questioned whether the two parcels will be consolidated.

Ms. Marcussen indicated the consolidation paperwork has already been submitted to Crow Wing County Land Services and is in process.

Commissioner Burslie asked if parking can take place on top of the underground stormwater system. The system is very capable of holding a parking lot and other retail stores in the area have this same system.

The Chair closed the public hearing at 6:37 p.m.

Commissioner Burslie asked if the screening requirement needs to be addressed in the motion.

City Planner Ostgarden indicated it does not need to be discussed at this time – the requirement is that it will have to be screened. At the time when the plans for phase two proceed, there are options at that time for discussion and decisions to be made.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR 5 YEARS BASED ON THE FOLLOWING FINDINGS OF FACT:

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.

Commissioners Burslie, Gorham, Headley, Wussow and Lambert voted "aye". Commissioner Marohn removed himself from the discussion and sustained from voting. The Chair declared the motion carried.

B. Public Hearing – City of Brainerd, 501 Laurel St., Brainerd – Conditional Use Permit to Construct an Accessory Building 37' in Height at the Public Works Facility Located at 724 Thiesse Dr., Brainerd

City Planner Ostgarden explained the aerial view of the site in relationship to County Road 45 and Industrial Park Road. The site of the proposed building is somewhat isolated from the rest of the community and would be an ideal location because of the wetlands to the north and south. A photograph was taken looking toward the proposed site from Industrial Park Road showing the distance from the highway as approximately 2,200 feet and will be approximately 1,600 feet from County Road 45.

City Planner Ostgarden indicated it is the 7' above the allowed height that we are looking for approval on, not the building design or material used in the construction.

City Engineer Sandy discussed the developments and modifications to the project since he last presented to the commission. The specs have been rewritten to allow multiple types, designs and manufacturers of fabric material structures to place a bid on the project. An overhead map was displayed to show the orientation of the proposed building in relation to the existing street garage buildings. This change is due to further research regarding wind and loading capabilities. Currently, there is a pure salt pile that is under a roof in a cold storage building and incoming rain causes this to become very hard. Hopefully, there could be a separate area made under the salt storage building to house the salt. The building height that most manufacturers offer is approximately 37' to the top with the street garages' highest point being 30'.

The Chair opened the public hearing at 6:51 p.m.

No one came forward.

The Chair closed the public hearing at 6:52 p.m.

MOVED AND SECONDED BY COMMISSIONERS BURLIE AND GORHAM, DULY CARRIED, TO RECOMMEND THE CONDITIONAL USE PERMIT BASED ON THE FOLLOWING FINDINGS OF FACT:

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.

#5 Public Forum

The Chair opened the public forum at 6:53 p.m.

No one came forward.

The Chair closed the public forum at 6:53 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 the petitioner formally withdrew the application, so no further action is necessary.

B. Discussion Regarding Greenhouses in Residential Zoning Districts

City Planner Ostgarden over time there have been several residents interested in constructing a greenhouse on their property. The language used in the current zoning ordinance does not allow greenhouses. There seems to be more interest in the community with home grown produce. Matt Kallroos, Planning Intern researched the definitions of greenhouses and what language we could use. The following definition is recommended for Zoning Ordinance Section 2: **GREENHOUSE:** *A 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 intended to be for residential use.*

The draft language could be as follows:

- 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.

City Planner Ostgarden stated our current ordinance allows one detached accessory building in addition to an attached garage. In the case of having a detached garage, one additional accessory building is allowed. A draft to the zoning ordinance section could be as follows:

- 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 ONE (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, ONE 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. VINYLCLOTH, 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.

City Planner Ostgarden explained that an accessory building can currently be built up to 200 square feet without needing a permit. If the above conditions in number three are met, a greenhouse is currently permitted. If the conditions apply to number four, the size of the greenhouse is limited.

Commissioner Marohn asked why wouldn't this be covered under the current accessory building ordinance? Why does there need to be a separate set of rules for a greenhouse?

City Planner Ostgarden stated there needs to be some amount of safety in what is being proposed thus the requirement for more stable well-built structures should be required.

Commission discussion took place regarding the need for specific language in the ordinance for greenhouses. It is stated in the current ordinance *...“no plastic, canvas or vinyl tarps can be used in the construction of any accessory buildings. All buildings over 120 square feet shall have the same or similar finish as the neighborhood buildings and be homogeneous in design...”*

Commissioner Burslie indicated it would be a requirement that it would have to be constructed in a rear yard.

Commissioner Wussow asked if number five of the draft language could be added to the definition instead of under the number of buildings. City Planner Ostgarden stated it certainly could be under the definition instead.

Commissioner Gorham stated that this is an opportunity for the City to do more things for the residents by allowing some flexibility to a desired idea. He suggested using it as a selling point of living in the City of Brainerd, here's a way to be positive to current ideas rather than negative.

City Planner Ostgarden asked for the approval of the Planning Commission to move forward with a public hearing at the April meeting.

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

City Planner Ostgarden was approached by a resident that wants to have his business located on property he owns in an R-A (Rural Agriculture) District. There was a small amount of discussion at the last commission meeting and the consensus was not favorable.

Commissioner Burslie stated that maybe an agriculture type of business, but he is not in favor of any other commercial business in a rural agriculture zone, as this is not the intent of the zone.

Commission discussion took place regarding the land uses and the future ideas that the City of Baxter is planning on building roads through land owned by the City of Brainerd.

The Planning Commission deemed there was no pending application submitted that would prompt any action to be taken.

#7 Commissioners' Questions/Comments

Commissioner Marohn requested time to show a PowerPoint to the commission regarding parking issues and concerns in the City. Mr. Marohn reviewed slides he created that pertain to the development pattern along Washington Street and the revenue generated in the two (2) eight block examples. Mr. Marohn would like to go forward with the Planning Commission in creating working committees to tackle the parking situation. Mr. Marohn presented a viewpoint and photos along Kingwood Street and discussion about downtown.

Commissioner Burslie attended a River to Rail presentation and many business owners indicated there is a definite parking problem downtown. It was stated that if people cannot find a parking spot within 30 feet of the desired store, they drive away to another store.

Commissioner Gorham works downtown at the Bridge of Harmony and he has witnessed the parking concerns. The business is a regional business with customers coming from Duluth, Fargo to name a few. The reason there is a perception of so much parking is the employees cannot park on the street – it

is limited to two hours. The employees need to find alternate parking along other streets or city owned lots. Downtown is currently at a low cycle but is slowing escalating. If it continues to prosper and more stores locate downtown, the parking that we do have is going to disappear. Mr. Gorham gave the example of a wedding reception held at the Legion, the parking is full. Or when the Crossing Arts Alliance has events and open houses, the parking lots are filled. The residents that live in apartments downtown stay away during the day because of the limitations and park there on nights and weekends.

Commissioner Marohn stated we are not unique in going through a transition between being less desirable and having an abundance of parking to being more desirable with parking shortages. We need to look at what other cities have done to alleviate the issues as they have not torn down buildings to create parking lots. Mr. Marohn offered to compile data and present it for discussion at the April meeting.

#8 City Planner's Report

City Planner Ostgarden stated the postcards should have been received by everyone regarding the Comprehensive Plan Neighborhood Meetings. The first meeting being held is Ward 2 on March 27th at the First Congregational Church.

#9 Adjourn

The Chair adjourned at 7:46 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner