

PLANNING COMMISSION
Wednesday, September 19, 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, Headley, Gorham, Marohn, Wussow and Antolak; and Council Liaison Lambert. Also present was City Planner Ostgarden, Administrative Specialist Bestul

#2 Approval of Agenda

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

#3 Approval of Minutes of the Regular Meeting held on August 15, 2018

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 15, 2018.

#4 New Business

None

#5 Public Forum

The Chair opened the public forum at 6:01 p.m.

No one came forward.

The Chair closed the public forum at 6:01 p.m.

#6 Old Business

A. Review Revised Thrifty White Parking Lot Landscape Plan

City Planner Ostgarden stated he sent a memo to the Commission that summarizes the details regarding the Conditional Use Permit that was issued for the Thrifty White property back in May, along with the conditions imposed with the CUP. The landscape plan was to be brought back to the Planning Commission for further review and approval. Thrifty White has prepared and submitted a revised landscape plan which was included in the memo with a copy of the original plan. The plant material that is being proposed for the screening has been provided as well. In the revised plan, there have been some revised notes provided by Thrifty White about the plant material that is being used. An attempt has been made to the property owner to the east regarding their input however, it is a rental and the property owner could not be reached.

City Planner Ostgarden indicated he sent an email to the commission regarding the capacity requirements along 2nd Street and Kingwood Street, and the height and opacity requirements on the east side of the property.

The Chair welcomed Mr. Jon Fahning, Shingobee Builders and representative for Thrifty White. Mr. Fahning explained the architects reviewed the landscape plan, took into consideration the comments and suggestions received and investigated the various plant materials in relation to the neighborhood. A lot of the material on the original plan provided the solution and the requirements as it relates to the landscape ordinance. He stated some of the comments that were made was the vast space in between the plants. There are two ways to look at a landscape plan: 1) To plant materials for instant landscape today with the potential of overgrowth in the near future and the need to thin out the plants or 2) Landscape to allow the plants to grow and fill in naturally. There is a methodology behind the overall design. One of the changes that were made was to move the blue spruce and arborvitae trees further to the south and a different variety tree was added to the north. Mr. Fahning described the trees in the revised plan, how they relate to the neighborhood and allowing the visibility that is required along the street. The architects do the best they can within the ordinance and restrictions and still provide an ultimate solution with keeping safety in mind. The result is the creation of a solution, creation of the screening, fulfilling and going beyond the landscape requirements to come up with something that makes sense both short term and long term.

Commissioner Burslie indicated the plan states a 1" diameter for the maple trees, which would tend to take many years for maturity.

Mr. Fahning stated it depends on the tree – some are faster growing than others. The maple that is on the plan is a faster growing variety. However, the decision was to put in smaller trees but to put in more trees. The ordinance states 1 ½" diameter, but an extra tree was included in the revised plan. Another concern is staying within budget of the project, because the original plan did fulfill the requirement of the landscape plan.

Commissioner Burslie said it does not meet the requirements of the ordinance as it does not have the 50% opacity. Mr. Fahning explained the code does not describe whether that is at growth level or at maturity. The plan was approved, and some adjustments were made, and it appears this may be a gray area of the code.

Commissioner Burslie stated the lighting plan is very good, but the light bases appear to be very large and asked about screening the bases.

Mr. Fahning stated no, because they serve as damage control for the lights from an electrical standpoint and the longevity of the posts due to weather conditions.

Commissioner Lambert asked if Thrifty White will have staff to maintain the landscape. Mr. Fahning indicated they will have a maintenance company to provide that along with mowing.

Commissioner Headley stated in the memo included with the packet, it stated all plants must be at least equal the following minimum size and shade trees are to be 2" in diameter, why is the size proposed a 1" diameter?

Mr. Fahning replied the decision was made to add more trees since they were a smaller diameter. If the commission insisted on 2" diameter trees, then there would be less of them included in the plan.

Commissioner Burslie asked staff if the budget must be taken into consideration. City Planner Ostgarden stated it is not an issue the commission needs to be concerned about.

Commissioner Burslie inquired if it is the job of the commission to come up with the landscape plan that is acceptable to the City and it is the petitioner's job to implement the plan? City Planner Ostgarden replied yes and in compliance with the minimum standards.

Commissioner Lambert asked if in the past, was there a requirement to have plants provide screening? City Planner Ostgarden said with past Planning Commission's, they have seen the necessity to allow landscape material to be planted in accordance with the best practice standards and allow time for the plants to fill in to meet the requirements.

Commissioner Wussow indicated all plants in general have a life expectancy – at that time will they need to replant according to the agreement? City Planner Ostgarden stated there usually is a manufacturer warranty on the plant depending on the type of plant. Technically, it is the responsibility of the owner to maintain that minimum standard throughout the lifetime of the business.

Commissioner Gorham stated back in April when this was discussed, the following was quoted: *"Commissioner Lambert questioned since the street trees are the responsibility of the city if anything can be done on the motion. City Planner Ostgarden clarified that the commission may put a condition on the approval for boulevard trees and he will consult the city attorney for the validity of the request."* Commissioner Gorham asked if an answer was received by the attorney.

City Planner Ostgarden stated that can be a requirement of approval, however, it is a separate issue as it was not finalized with the approval of the Conditional Use Permit. We are only dealing with the screening on the private property.

Mr. Fahning stated the process taking place is the plan was approved, and it was agreed to return with a revised plan taking into consideration the comments and suggestions from the commissioners. They did resubmit a new landscape plan as a good neighbor gesture. Everyone has a different opinion and they have done the best they could in accommodating the suggestions, but they have met and exceeded the requirements. The overall agreement was that if an alternate landscape plan was not agreed upon, the original plan would govern.

City Planner Ostgarden suggested to the commission to make sure the minimum size plants are used that are specified in the zoning ordinance.

Commissioner Gorham asked staff if this plan meets the minimum requirements of the ordinance. City Planner Ostgarden stated it will, but possibly not at the time of planting. There is no way to determine the opacity percentages now or maybe even in three years.

Commissioner Gorham suggested the process be faster by requiring more mature vegetation be planted immediately to give it a jump start towards the opacity requirement, possibly more 4" maple trees along the north and west property lines.

Commissioner Marohn completely disagrees with the revised plan. He asked staff if the commission does not agree with the new plan and wants specific changes, sends that recommendation to the City Council and they agree with the commission, what will happen at that point. City Planner Ostgarden spoke with the City Attorney and the condition placed by the

commission was very explicit. The condition was a plan had to be brought forward that the commission was comfortable with – either the original plan, the revised plan or a plan that the commission agrees to. In Section 515-5-2, it states the following:

“Additional conditions may be beyond those specified by this Ordinance and may be required when the City Council considers such necessary to protect the surrounding area or the community as a whole. These may include but are not limited to:

- *Increasing the required lot size or yard dimension.*
- *Limiting the height, size or location of buildings.*
- *Controlling the location and number of vehicle access points.*
- *Increasing the street width.*
- *Increasing the number of required off-street parking spaces.*
- *Limiting the number, size, location or lighting of signs.*
- *Requiring a berm, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.*
- *Designating sites for open space.”*

City Planner Ostgarden said the City Attorney stated if the commission still does not approve of this plan, there is the ability to recommend something different.

Mr. Fahning clarified that the stipulation of the returning to the commission with a revised plan, that if it wasn't approved, the original plan would govern.

Commissioner Marohn said his understanding was the commission did not want to slow down the construction project, and since the landscape plan was to be implemented at a later date, they agreed to having a revised plan be brought forth at that time.

Commissioner Marohn asked City Planner Ostgarden what purpose was sending the email today with the ordinance language to the commission. City Planner Ostgarden replied that he wanted everyone to be aware of what the ordinance stated. Commissioner Marohn stated this should be a performance standard and understand what is supposed to be in the neighborhood.

Commissioner Marohn respects the time and work put into the revised plan but will be voting against the motion to approve. He wanted to see a plan that was closer and more adapted to the neighborhood. He does not believe the goal was to create a “forest” of thick screening, but instead less screening that is more urbanized to fit with the street. It should be a consistent streetscape plan. He stated that to the east the City has done a poor job of maintaining street trees. Mr. Marohn believes this property could be an example of how to do it well as many of the properties to the west have done. His opinion of the variety of trees chosen would create a “wall” and believes it to be unsafe and does not fit with the character of that street.

Commissioner Burslie would like approximately five mature maple trees; equally spaced on the north and west side. He stated this plan will resemble the landscaping at the hospital.

City Planner Ostgarden reminded the commission the intent of screening is not to hide the property - it is to serve as a buffer between residential and commercial properties.

Commissioner Marohn stated he agrees it should not hide property. He indicated he likes the lighting they have installed, which is the best he has seen in the City. The screening should provide a low separation but one that can be seen over and through and that would serve as a nice buffer.

Commissioner Marohn stated to Mr. Fahning that he had requested a meeting with him prior to the Planning Commission meeting to discuss the landscape plan, which was denied by staff.

City Planner Ostgarden indicated that Mr. Marohn had been advised by staff, that based on the City Attorney's guidance, Planning Commissioners should not meet individually with a petitioner or party that has a request before the city.

Mr. Fahning respects everyone's opinions on the design of the landscape plan. He understands the role of the Planning Commission is to enforce the zoning regulations and the laws that are in place. The designing of the landscape can be discussed for hours, but they are opinions of people as to what is the correct design. The landscape plan was designed according to the ordinance and to the best of their ability to accommodate the suggestions that were made.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND ANTOLAK TO RECOMMEND APPROVAL OF THE REVISED LANDSCAPE PLAN AS SUBMITTED AND THE MINIMUM STANDARDS ARE MET WITH THE CHANGE OF THE MAPLE TREES TO A 2" DIAMETER TREE.

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

B. Review Draft Changes to Zoning Ordinance Section 57-2; R-3 High Density Residential District

City Planner Ostgarden explained that it may seem to be a simple fix to add single family dwellings to the R-3 district. However, to add the use requires the consideration of adding and/or amending several sections of the district language. The following is a list of sections to consider amending to permit single family dwellings in R-3 district:

- 57-1 Purpose and Intent. Modify the section to remove "...*multi family structures*."
- 57-2 Permitted Uses. Add single family dwellings as a permitted use
- 57-3 Accessory Uses. Housekeeping amendments
- 57-4 Interim Uses. Several Interim Uses are permitted in R-1 and R-2 as Conditional Uses. Small houses between 500 – 700 square foot on nonconforming lots are permitted in R-1 and R-2 districts. Add these uses to the R-3 district.
- 57-7 Minimum Setbacks and Setback Requirements. Add standards for single family uses.
- 57-8 Building Height. Add single family dwelling building height.
- 57-9 Building Performance Standards. Add separate minimum standards for multifamily units and 1 and 2 family dwellings.
- 57-11 Design Standards. Include standards for 1 and 2 family dwellings.
- 17-8 Accessory Buildings Uses and Equipment. Include single family dwelling accessory building maximum allowable area.

City Planner Ostgarden stated there are also some Conditional Uses to consider adding, such as boarding houses, and bed and breakfasts. There are several sections that should be reviewed and all of them should be brought forward to be able to cover the addition of single-family dwellings.

Commissioner Gorham questioned the most critical thing to consider when reviewing these changes. City Planner Ostgarden stated they all are very important and comprehensive in allowing a single-family home the ability to be used in the manner that is currently being allowed in the high-density R-3 District.

Commissioner Gorham asked what the repercussions could be in allowing a single-family home in the R-3 District if any. City Planner Ostgarden replied in the core of the city where there are more mixed-use areas, the potential of having a block with a duplex and the desire to have a single-family dwelling would probably be appropriate. The one concern could be if a large apartment complex was constructed on a section of property in an R-3 district and there are remaining lots, would this be a good fit to construct single family homes on?

Commissioner Burslie suggested writing a new ordinance rather than amending the current ordinance.

Chair Headley directed staff to proceed with the drafting of the ordinance amendments.

#7 Commissioners' Questions/Comments

Commissioner Lambert stated she feels it is very treacherous grounds for a commission member to meet one on one with a developer. It would put that person in a liability issue and the commission is a group and must be represented as a group.

Commissioner Marohn disagrees strenuously and does not think it is a productive mindset.

#8 City Planner's Report

City Planner Ostgarden stated a Comprehensive Plan Steering Committee meeting will be taking place on Thursday, September 20th at 4:00 at City Hall.

City Planner Ostgarden indicated several Planning Commission terms will be expiring December 31, 2018 as well as the Council Liaison. It was communicated to the City Administrator it is in the best interest to fill these positions before the end of the year rather than waiting until after the first of the new year.

#9 Adjourn

The Chair adjourned at 7:03 p.m.

Respectfully submitted,

Mark Ostgarden AICP

City Planner