

BRAINERD PLANNING COMMISSION

Wednesday, October 17, 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 September 19, 2018

Documents:

[2018-09 19 DRAFT.PDF](#)

4. New Business

4.a. Public Hearing - Zoning Ordinance Text Amendment To Consider Draft Changes To Section 57-2

- R-3 (High Density) Residential District - Permitted Uses to Permit Single Family Dwellings

Documents:

[NOTICE OF HEARING - SINGLE FAMILY DWELLINGS IN R-3 DISTRICTS.PDF](#)

4.b. Public Hearing - Zoning Ordinance Text Amendment To Consider Draft Changes To Section 57-2

- R-3 (High Density) Residential District Permitted Uses to Self (Mini) Storage Facilities

Documents:

[TEXT AMENDMENT - SELF STORAGE UNITS IN R-3 DISTRICTS.PDF](#)

4.b.i. Online Links

[HTTPS://WWW.GOOGLE.COM/URL?](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=2AHUKEWJLLI70GVZDAHxE4IMKHVC5DFMQFJACEGQIBB&url=https%3A%2F%2Fwww.insideelfstorage.com%2Fzoning%2Fresidents-oppose-self-storage-development-scottsville-va&usg=AOVVAW1A)

[SA=T&RCT=J&Q=&ESRC=S&SOURCE=WEB&CD=3&CAD=RJA&UACT=8&VED=2AHUKEWJLLI70GVZDAHxE4IMKHVC5DFMQFJACEGQIBB&URL=HTTPS%3A%2F%2FWWW.INSIDSELFSTORAGE.COM%2FZONING%2FRESIDENTS-OPPOSE-SELF-STORAGE-DEVELOPMENT-SCOTTSTVILLE-VA&USG=AOVVAW1A](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=2AHUKEWJLLI70GVZDAHxE4IMKHVC5DFMQFJADEGQICRAB&url=https%3A%2F%2Fwww.wric.com%2Fnews%2Fneighbors-launch-petition-to-block-storage-facility-on-landmark-property_20180320025236747%2F1059974857&usg=AOVVAW2EAHVQCFVDE5MZJKM0QWK6K3HMKKNKNAF5ZS64MSND3)

[HTTPS://WWW.GOOGLE.COM/URL?](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=2AHUKEWJLLI70GVZDAHxE4IMKHVC5DFMQFJADEGQICRAB&url=https%3A%2F%2Fwww.wric.com%2Fnews%2Fneighbors-launch-petition-to-block-storage-facility-on-landmark-property_20180320025236747%2F1059974857&usg=AOVVAW2EAHVQCFVDE5MZJKM0QWK6K3HMKKNKNAF5ZS64MSND3)

[SA=T&RCT=J&Q=&ESRC=S&SOURCE=WEB&CD=4&CAD=RJA&UACT=8&VED=2AHUKEWJLLI70GVZDAHxE4IMKHVC5DFMQFJADEGQICRAB&URL=HTTPS%3A%2F%2FWWW.WRIC.COM%2FNEWS%2FNEIGHBORS-LAUNCH-PETITION-TO-BLOCK-STORAGE-FACILITY-ON-LANDMARK-PROPERTY_20180320025236747%2F1059974857&USG=AOVVAW2EAHVQCFVDE5MZJKM0QWK6K3HMKKNKNAF5ZS64MSND3](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=2AHUKEWJLLI70GVZDAHxE4IMKHVC5DFMQFJADEGQICRAB&url=https%3A%2F%2Fwww.wric.com%2Fnews%2Fneighbors-launch-petition-to-block-storage-facility-on-landmark-property_20180320025236747%2F1059974857&usg=AOVVAW2EAHVQCFVDE5MZJKM0QWK6K3HMKKNKNAF5ZS64MSND3)

4.c. Comprehensive Plan Update Presentation
Review of Community Outreach presented by:

- Tad Erickson, Regional Development Planner
- Matt Kallroos, Regional Development Planner from Region Five Development Commission

4.d. Discuss A Moratorium On Demolition Of Non-Condemed Structures (Buildings That Are Structurally Sound)

In order to review our parking standards.

- Presented by: Commissioner Marohn

Documents:

[ORDINANCE.PDF](#)

4.e. Discuss Ordinance Provisions For The Expansion Of Parking Lots Greater Than 20 Stalls
Presented by: Commissioner Marohn

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

Any individual needing special accommodations, or that desires more information about the above items, please call 218-828-2309

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

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has initiated a public hearing to consider input related to permitting single family dwellings as a permitted use in Zoning Ordinance Section 515-57-2 High Density Residential District Permitted Uses.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, October 17, 2018 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider amending the Zoning Ordinance. The public is invited to attend the hearing to offer input regarding the proposed amendment.

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

Dated this 3rd day of October 2018.

Publication Date: October 5, 2018

SECTION 57
R-3, HIGH DENSITY RESIDENTIAL DISTRICT

Section:	
515-57-1:	Purpose and Intent
515-57-2:	Permitted Uses
515-57-3:	Accessory Uses
515-57-4:	Interim Uses
515-57-5:	Conditional Uses
515-57-6:	Uses by Administrative Permit
515-57-7:	Lot Area and Setback Requirements
515-57-8:	Lot Coverage and Building Height
515-57-9:	Building Performance Standards
515-57-10:	Lot Coverage

These are the changes to the R-3 District to permit single family dwellings as a permitted use. A change is needed to Section 17 to add single family dwellings to the accessory dwelling size limitations.

515-57-1: Purpose and Intent. The purpose of the High Density Residential District is to provide for areas of high density residential housing ~~in multiple family structures~~ including senior housing.

515-57-2: Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings.
- C. **SINGLE FAMILY DETACHED DWELLINGS.**
- D. Public recreation areas and related accessory buildings and structures.
- E. Residential care facilities serving six (6) or fewer persons.
- F. Essential services as regulated by Section 36 of this Ordinance.

515-57-3: Accessory Uses.

- A. Accessory buildings including garages, tool sheds and similar buildings for the storage of domestic **TOOLS, SUPPLIES AND** equipment ~~and supplies~~ and non-commercial recreational equipment as regulated by Section 17 ~~and 24~~ of this Ordinance.
- B. Fences as regulated by Section 19 of this Ordinance.

- C. Storage of recreational vehicles and equipment as regulated by Section 24 of this Ordinance.
- D. Private recreational facilities operated for the enjoyment of the on-site residents and their occasional guests.
- E. Noncommercial greenhouses as regulated by Section 17 of this ordinance.
- F. Rental offices.
- G. Garages and off-street parking for private residential use subject to provisions of Section 17 of this Ordinance.
- H. Solar energy systems and structures.
- I. Home Businesses as regulated by Section 26 of this Ordinance.
- ~~J. Tool houses and sheds and other such buildings for the storage of domestic tools, supplies and equipment subject to the provisions of Section 17 of this Ordinance.~~
- K. Private recreational facilities for the enjoyment of the residents of the principal structure and their occasional guests.
- L. In home day care serving fourteen (14) or fewer persons in a single family detached dwelling.
- M. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.
- N. NONCOMMERCIAL GREENHOUSES FORM 1 AND 2 FAMILY DWELLINGS AS REGULATED BY SECTION 17 OF THIS ORDINANCE.

515-57-4: Interim Uses.

~~A. None~~

- A. HOME EXTENDED BUSINESSES AS REGULATED BY SECTION 26 OF THIS ORDINANCE.
- B. TEMPORARY BUILDINGS ASSOCIATED WITH A PUBLIC OR PRIVATE PRINCIPAL SCHOOL BUILDING AND USED FOR CLASSROOMS.

C. SHORT TERM RENTALS IN ONE AND TWO FAMILY DWELLINGS PROVIDED THAT:

1. THE MINIMUM RENTAL PERIOD SHALL NOT BE MORE THAN 28 CONSECUTIVE NIGHTS.
2. THE PERMIT HOLDER (OWNER) OF A SHORT TERM RENTAL MUST APPLY FOR AND RECEIVE AN INTERIM USE PERMIT. OWNER OCCUPIED DWELLINGS THAT ARE ALSO SHORT TERM RENTALS DO NOT REQUIRE AN INTERIM USE PERMIT.
3. THE APPLICATION FOR AN INTERIM USE PERMIT SHALL INCLUDE:
 - A. ALL INFORMATION REQUIRED FOR A CONDITIONAL USE PERMIT.
 - B. FLOOR PLAN OF THE STRUCTURE, INCLUDING THE NUMBER OF BEDROOMS WITH DIMENSIONS AND ALL OTHER SLEEPING ACCOMMODATIONS.
 - C. A TO-SCALE SITE PLAN WHICH SHOWS LOCATIONS AND DIMENSIONS OF PROPERTY LINES, THE DWELLING UNIT INTENDED FOR LICENSING, ACCESSORY STRUCTURES, PARKING AREAS AND SHORELAND RECREATIONAL FACILITIES.
 - D. A PLAN FOR GARBAGE DISPOSAL BY THE PERMIT HOLDER.
 - E. A PET POLICY.
4. THE PERMIT HOLDER SHALL POST EMERGENCY CONTACT INFORMATION (POLICE, FIRE, HOSPITAL) AND SHOW RENTERS THE LOCATION OF FIRE EXTINGUISHERS IN THE SHORT TERM RENTAL UNIT.
5. A PERMIT HOLDER MUST PROVIDE THE NAME, ADDRESS, AND PHONE NUMBER FOR THE MANAGING AGENT OR LOCAL CONTACT TO ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY. THE PERMIT HOLDER SHALL NOTIFY ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY WITHIN 10 DAYS OF A CHANGE IN THE MANAGING AGENT OR LOCAL CONTACT'S CONTACT INFORMATION.
6. A PERMIT HOLDER MUST DISCLOSE IN WRITING TO THEIR RENTERS THE FOLLOWING INFORMATION:
 - A. THE MANAGING AGENT OR LOCAL CONTACT'S NAME, ADDRESS, AND PHONE NUMBER.

- B. THE MAXIMUM NUMBER OF GUESTS ALLOWED AT THE PROPERTY.
 - C. THE MAXIMUM NUMBER OF VEHICLES, RECREATIONAL VEHICLES AND TRAILERS ALLOWED AT THE PROPERTY AND WHERE THEY ARE TO BE PARKED.
 - D. PROPERTY RULES RELATED TO USE OF EXTERIOR FEATURES OF THE PROPERTY, SUCH AS DECKS, PATIOS, GRILLS, POOLS, HOT TUBS, SAUNAS, RECREATIONAL FIRES AND OTHER OUTDOOR RECREATIONAL FACILITIES.
 - E. APPLICABLE SECTIONS OF CITY ORDINANCES GOVERNING NOISE, PARKS, PARKING AND PETS.
- 7. THE OCCUPANCY OF A SHORT TERM RENTAL SHALL BE LIMITED TO NOT MORE THAN 2 PEOPLE PER BEDROOM.
 - 8. ROOMS USED FOR SLEEPING SHALL BE PROVIDED WITH EGRESS WINDOWS AND SMOKE DETECTORS IN LOCATIONS THAT COMPLY WITH THE MINNESOTA STATE BUILDING CODE OR THE REQUIREMENTS OF THE BUILDING DEPARTMENT, WHICHEVER IS STRICTER.
 - 9. THE SHORT TERM RENTAL SHALL BE CONNECTED TO CITY SEWER AND WATER.
 - 10. A SHORT TERM RENTAL SHALL HAVE A FULL BATHROOM (SINK, TOILET AND TUB OR SHOWER).
 - 11. ADDITIONAL OCCUPANCY BY USE OF RECREATIONAL VEHICLES, TENTS, ACCESSORY STRUCTURES OR FISH HOUSES IS NOT PERMITTED.
 - 12. THE PERMIT HOLDER SHALL PROVIDE A PHYSICAL VISUAL DEMARCATION OF THE PROPERTY LINES.
 - 13. THE PERMIT HOLDER SHALL KEEP A REPORT, DETAILING USE OF THE SHORT TERM RENTAL BY RECORDING THE FULL NAME, ADDRESS, PHONE NUMBER AND VEHICLE LICENSE NUMBER OF GUESTS USING THE RENTAL. A COPY OF THE REPORT SHALL BE PROVIDED TO THE PLANNING DEPARTMENT UPON REQUEST.
 - 14. A SHORT TERM RENTAL SHALL BE A LICENSED RENTAL UNIT BY THE CITY AND SHALL MEET THE REQUIREMENTS OF ALL STATUTES, RULES, REGULATIONS, AND ORDINANCES INCLUDING, BUT NOT LIMITED TO THE CITY OF BRAINERD'S RENTAL HOUSING MAINTENANCE CODE.

EACH UNIT SHALL BE INSPECTED ANNUALLY BY THE RENTAL HOUSING INSPECTOR AND THE FIRE MARSHALL.

15. THE PLANNING COMMISSION MAY IMPOSE CONDITIONS THAT WILL REDUCE THE IMPACTS OF THE PROPOSED USE ON NEIGHBORING PROPERTIES, PUBLIC SERVICES, NEARBY WATER BODIES, PUBLIC SAFETY AND SAFETY OF RENTERS. SAID CONDITIONS MAY INCLUDE BUT NOT BE LIMITED TO – FENCING OR VEGETATIVE SCREENING, NATIVE BUFFER ALONG THE SHORELINE, NOISE STANDARDS, DURATION OF PERMIT, RESTRICTIONS AS TO THE DOCKING OF WATERCRAFT, AND NUMBER OF RENTERS.

16. A PERMIT HOLDER MUST POST THEIR PERMIT NUMBER ON ALL PRINT, POSTER OR WEB ADVERTISEMENTS.

17. A PERMIT HOLDER MUST APPLY FOR AND BE GRANTED STATE AND LOCAL SALES TAX NUMBERS, INCLUDING HOTEL AND MOTEL USE SALES TAX.

18. IN ADDITION TO AN INTERIM USE PERMIT, SHORT TERM RENTALS RENTED FOR LESS THAN 7 DAYS ARE CONSIDERED A HOTEL AND ARE REQUIRED TO HAVE A MINNESOTA DEPARTMENT OF HEALTH LICENSE.

19. ALL SHORT TERM RENTALS, OPERATING PRIOR TO THE EFFECTIVE DATE OF THESE STANDARDS, SHALL BE IN COMPLIANCE WITH THIS SECTION BY SEPTEMBER 1ST, 2017.

515-57-5: Conditional Uses.

- A. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:
1. Side yards shall be double that required for the district.
 2. Screening from abutting residential uses in accordance with Section 20 of this Ordinance.
 3. Off-street parking and access must be provided on the site or on lots directly abutting or across the street from the principal use subject to the provisions of Section 22 of this Ordinance.
 4. Off-street loading and service entrances subject to Section 23 of this Ordinance.

- B. Nursing homes and similar group housing, not including hospitals, provided that:
1. Side yards are double the minimum requirements established for the district.
 2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic that will be generated from the site.
 3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.
 4. Off-street parking is provided in compliance with Section 22 of this Ordinance.
 5. Off-street loading areas are provided in compliance with Section 23 of this Ordinance.
- C. Senior housing provided that:
1. Not more than twenty (20) percent of the occupants may be persons fifty-five (55) years of age or younger.
 2. To continue to qualify for the senior housing classification, the owner or agency shall annually file with the City Clerk and/or the Zoning Administrator a certified copy of a monthly resume of occupants, listing the number of tenants by age and clearly identifying all occupants age fifty-five (55) or under.
 3. Off-street parking in compliance with Section 22 of this Ordinance.
 4. Off-street loading space in compliance with Section 23 of this Ordinance.
 5. Parking areas shall be screened and landscaped from view of surrounding and abutting residential districts in compliance with Section 20 of this Ordinance.
 6. Elevator service shall be provided to each floor of the building.
 7. Usable open space shall be at a minimum of twenty (20) percent of gross lot area.
- D. Residential Planned Unit Developments: townhomes and quadraminiums as regulated by Section 11 of this Ordinance.
- E. Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community provided that when abutting a residential use in a residential use district, the property is screened and landscaped in accordance with Section 20 of this Ordinance.
- F. Personal wireless service towers and antennas as regulated by Section 35 of this Ordinance.

G. Places of Worship and related buildings provided that:

1. Side yards shall be thirty (30) feet.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
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.
4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

H. State Licensed Residential Care Facilities serving seven (7) to sixteen (16) persons provided that:

1. The facility is licensed by the State and the operator of the facility provides documentation of compliance with all applicable Federal, State and County regulations.
2. The entrance of the facility is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found acceptable by the City Council.

I. Public and private schools provided that:

1. The site accesses a major collector.
2. The site is landscaped in accordance with Section 20 of this Ordinance.
3. Off-street parking is provided in accordance with Section 22 of this Ordinance.
4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
5. Emergency vehicle access is provided to and within the site.

J. Senior center provided that:

1. Off-street parking is provided in accordance with Section 22 of this Ordinance.

2. Off-street loading is provided in accordance with Section 23 of this Ordinance.
3. The site is landscaped as regulated by Section 20 of this Ordinance.
4. The entrance to the senior center is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found to be acceptable by the City Council.

K. BOARDING HOUSES PROVIDED THAT:

1. ADEQUATE OFF-STREET PARKING AND ACCESS IS PROVIDED.
2. LANDSCAPING AND SCREENING IS PROVIDED IN ACCORDANCE WITH SECTION 20 OF THIS ORDINANCE.

L. BED AND BREAKFAST SUBJECT TO PROVISIONS OF SECTION 31 OF THIS ORDINANCE.

M. DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING CREATED PRIOR TO 1989 SUBJECT TO SECTION 515-54-11 DESIGN STANDARDS.

515-57-6: Uses by Administrative Permit.

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

515-57-7: Minimum Lot Area and Setback Requirements.

- A. Lot Area Per Unit for lots created after June 15, 2009:

1. SINGLE FAMILY: Seven Thousand (7,000) square feet
1. 2. Two Family: Three thousand (3,000) square feet
2. 3. Multiple Family: Two thousand (2,000) square feet
3. 4. Multiple Family (senior): One thousand one hundred (1,100) square feet

A lot of record existing prior to June 15, 2009 is not required to meet minimum lot area requirements.

- B. Principal Building Setbacks:

1. SINGLE FAMILY AND TWO FAMILY:

A.	FRONT YARD:	TWENTY-FIVE (25) FEET
B.	SIDE YARD:	FIVE (5) FEET
C.	SIDE YARD (CORNER):	FIFTEEN (15) FEET
D.	REAR YARD:	TWENTY-FIVE (25) FEET

2. Multiple family:

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Fifteen (15) feet
- c. Side Yard (corner): Twenty (20) feet
- d. Rear Yard: Twenty-five (25) feet

C. Accessory building and structure setbacks:

1. SINGLE FAMILY AND Two Family:

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Three (3) feet
- c. Rear Yard: Three (3) feet

2. Multiple Family and Multiple Family (senior):

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Fifteen (15) feet
- c. Side Yard (corner): Twenty (20) feet
- d. Rear Yard: Fifteen (15) feet

Lots created after June 15, 2009 require four thousand five hundred (4,500) square feet per unit up to two units and three thousand (3,000) square feet per unit for more than two units up to four units.

B. Lot Width Per Unit:

- 1. Single Family: Fifty (50) feet
- 2. Two-Family: Twenty-five (25) feet
- 3. Multiple Family: One hundred (100) feet

C. Principal Building Setbacks:

1. Single Family and Two Family:

- a. Front Yard: Twenty-five (25) feet
- b. Side Yard: Five (5) feet
- c. Side Yard (corner): Fifteen (15) feet
- d. Rear Yard: Twenty-five (25) feet

D. Accessory Building and Structure Setbacks:

1. Single Family and Two Family:

- a. Front Yard: Twenty-five (25) feet
- b. Side Yard: Three (3) feet
- c. Rear Yard: Three (3) feet

515-57-8: Building Height.

- A. **SINGLE FAMILY AND** two family dwellings shall not exceed thirty-five (35) feet in height. Multi family dwellings, permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.
- B. Accessory building and structure height shall be governed by Section 17 of this Ordinance.

515-57-9: Building Performance Standards.

A. Minimum Floor Area per **MULTI FAMILY** Dwelling Unit:

- 1. Efficiency: Four hundred (400) square feet.
- 2. One bedroom: Five hundred (500) square feet.
- 3. Two bedroom: Six hundred fifty (650) square feet.
- 4. For each additional bedroom after two, six hundred fifty (650) square feet plus one hundred (100) square feet per bedroom in excess of two.

B. MINIMUM FLOOR AREA PER DWELLING UNIT (CONFORMING LOTS):

- 1. **SINGLE FAMILY: SEVEN HUNDRED FIFTY (750) SQUARE FEET**
- 2. **TWO-FAMILY: SEVEN HUNDRED FIFTY (750) SQUARE FEET**

**C. MINIMUM WIDTH/LENGTH PER DWELLING UNIT (NONCONFORMING LOTS):
NONE**

D. SINGLE FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET AND TWO-FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SIX HUNDRED FIFTY (650) SQUARE FEET ARE PERMITTED TO BE LESS THAN TWENTY-TWO (22) FEET WIDE.

- E. MINIMUM WIDTH/LENGTH FOR A DWELLING LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING LOTS: EIGHTEEN (18) FEET.

515-57-10: Lot Coverage.

- A. Residential Uses. Impervious surface lot coverage shall not exceed sixty (60) percent of the total lot area.
- B. Non-Residential Uses. Impervious surface lot coverage shall not exceed fifty (50) percent of the total lot area unless otherwise allowed by a grading and drainage plan approved by the City Engineer.

515-57-11: DESIGN REQUIREMENTS.

ALL DWELLINGS SHALL ADHERE TO THE FOLLOWING DESIGN REQUIREMENTS. WHILE CREATIVITY AND VARIATION IN ARCHITECTURAL DESIGN IS ENCOURAGED, THE PURPOSE OF THESE REQUIREMENTS IS TO ENSURE COMPATIBILITY OF INFILL DEVELOPMENT WITH THE CHARACTER OF NEARBY EXISTING RESIDENTIAL STRUCTURES.

DWELLINGS SHALL MEET THE FOLLOWING DESIGN CRITERIA, AS DEFINED BY THE PREDOMINANT CHARACTER OF THE EXISTING RESIDENTIAL BLOCK FRONT. THE BLOCK FRONT SHALL CONSIST OF ALL RESIDENTIAL PROPERTIES ALONG BOTH SIDES OF THE PUBLIC OR PRIVATE RIGHT-OF-WAY ON WHICH THE DEVELOPMENT FRONTS. THE BLOCK FRONT SHALL BE MEASURED FROM INTERSECTION TO INTERSECTION, TO THE ROAD END, OR TWO HUNDRED (200) FEET IN EITHER DIRECTION FROM THE DEVELOPMENT SITE, WHICHEVER IS NEAREST.

1. BUILDING ORIENTATION ON LOTS SHALL MATCH THE PREDOMINANT ORIENTATION OF OTHER BUILDINGS ALONG THE BLOCK FRONT.
2. ACCESS AND LOCATION OF OFF-STREET PARKING ON LOTS SHALL BE SIMILAR TO THE PREDOMINANT CHARACTER OF EXISTING DEVELOPMENT ALONG THE BLOCK FRONT. PRIMARY VEHICULAR ACCESS SHALL BE THROUGH REAR ALLEYS WHERE SUCH REAR OF PROPOSED STRUCTURES, INsofar AS THIS IS CONSISTENT WITH THE PREDOMINANT CHARACTER OF THE BLOCK FRONT.
3. ROOFS ON PROPOSED RESIDENTIAL STRUCTURES SHALL BE SIMILAR IN SLOPE AND STYLE TO EXISTING DEVELOPMENT AND SHALL INCORPORATE ANY OR ALL OF THE FOLLOWING FEATURES, INsofar AS SUCH FEATURES ARE COMPATIBLE WITH EXISTING DEVELOPMENT ON THE BLOCK FRONT:
 - A. DORMERS;

- B. GABLED OR HIPPED ROOFS;
- C. PITCHED ROOFS;
- D. PARAPETS OR CORNICES.

4. UNLESS IT IS THE PREDOMINANT EXISTING STYLE ON THE BLOCK FRONT, FLAT ROOFS SHALL NOT BE ALLOWED.

5. HORIZONTAL FACADES LONGER THAN TWENTY-FIVE (25) FEET SHALL BE TREATED TO REDUCE BUILDINGS MASS AND VISUAL BULK USING AT LEAST ONE OF THE FOLLOWING TECHNIQUES:

- A. BAYS OR RECESSES (MINIMUM DEPTH OF EIGHTEEN (18) INCHES);
- B. WINDOW PATTERNS;
- C. CONTRASTING MATERIALS OR COLORS;
- D. UPPER STORY SETBACKS;
- E. BALCONIES.

THE APPLICANT SHALL DEMONSTRATE THAT THE SELECTED TECHNIQUES ARE EITHER CURRENTLY PRESENT ON THE BLOCK FRONT OR ARE NOT SUBSTANTIALLY INCOMPATIBLE WITH EXISTING DEVELOPMENT.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has received a request by J. Brad Person, Attorney 124 North 6th Street, Brainerd, MN 56401 on behalf of Gustafson Properties of Brainerd LLC., 304 E River Road, Suite 2, Brainerd, MN 56401 for a public hearing to consider input related to permitting self-storage units as a permitted use or a conditional use in Zoning Ordinance Section 515-57-2 High Density Residential District Permitted Uses or 515-57-6 High Density Residential District Conditional Uses.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, October 17, 2018 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider amending the Zoning Ordinance. The public is invited to attend the hearing to offer input regarding the proposed amendment.

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

Dated this 3rd day of October 2018.

Publication Date: October 5, 2018

Mark Ostgarden

From: Brad Person <brad@breenandperson.com>
Sent: Monday, October 1, 2018 2:07 PM
To: Mark Ostgarden
Subject: (external) lake parcels behind tyrol hills mall

Mark,

As we discussed, we respectfully request for you to go through the hearing process for an ordinance amendment to allow storage unit facilities within r3 zoning. We are open to that being a CUP process and would expect some conditions about lighting, parking or whatever might be an issue with adjacent residential uses that would be different than an apartment complex which is a permitted use.



J. Brad Person, Attorney

Breen & Person, Ltd.
Direct Dial: (218)454-2155

Brainerd Office: 124 North 6th Street, Box 472; Brainerd, MN 56401 218-828-1248

Crosslake Office: 35253 County Rd 3; Crosslake, MN 56442 218-692-4344

Walker Office: 109 South 6th Street South; Box 392; Walker, MN 56484 218-547-3800

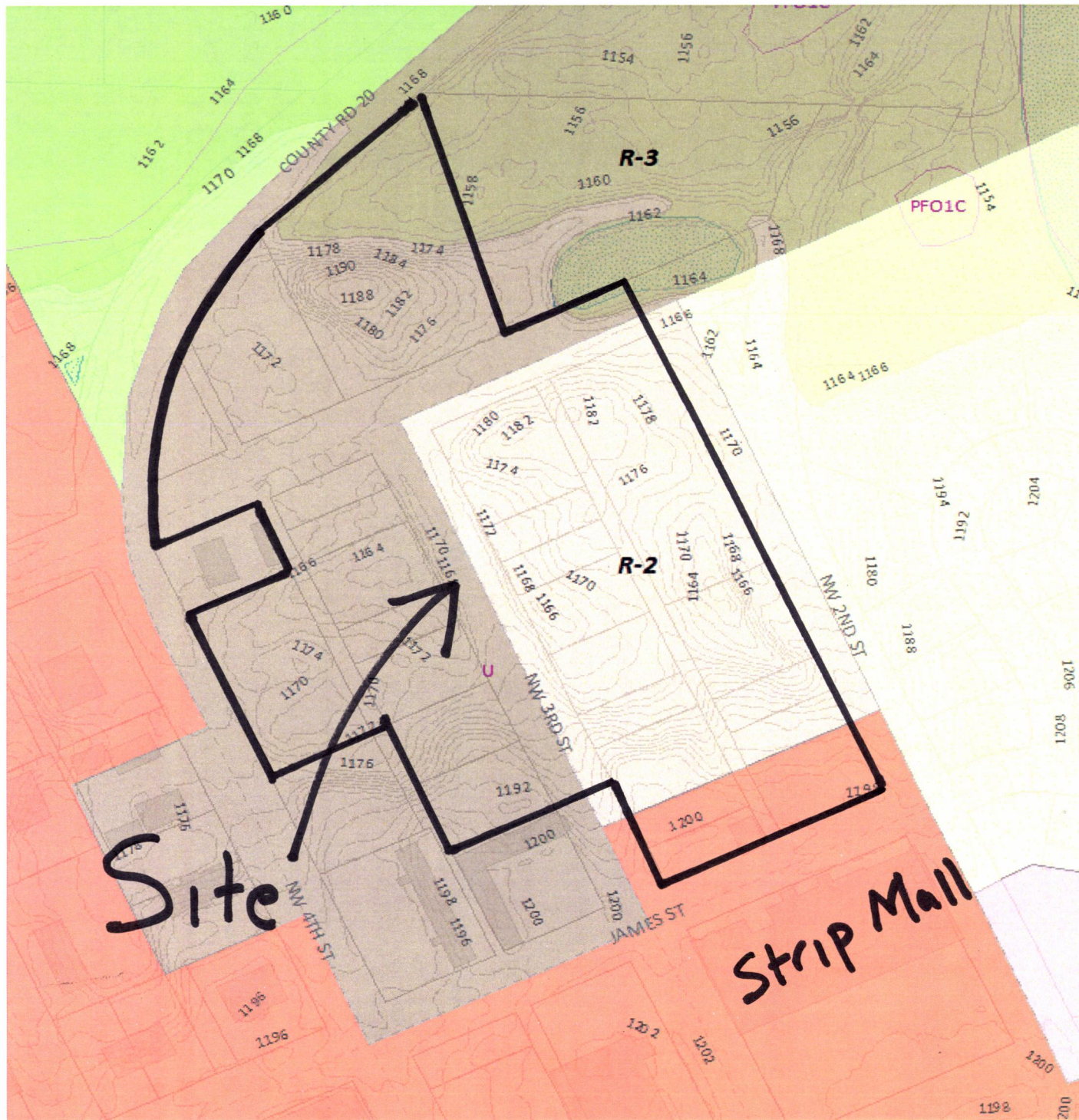
See our website at breenandperson.com

We also provide full title and closing services-see quality-title.com and actiontitleinc.com

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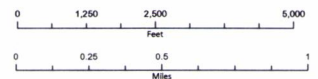
City of Brainerd Zoning Map

Site

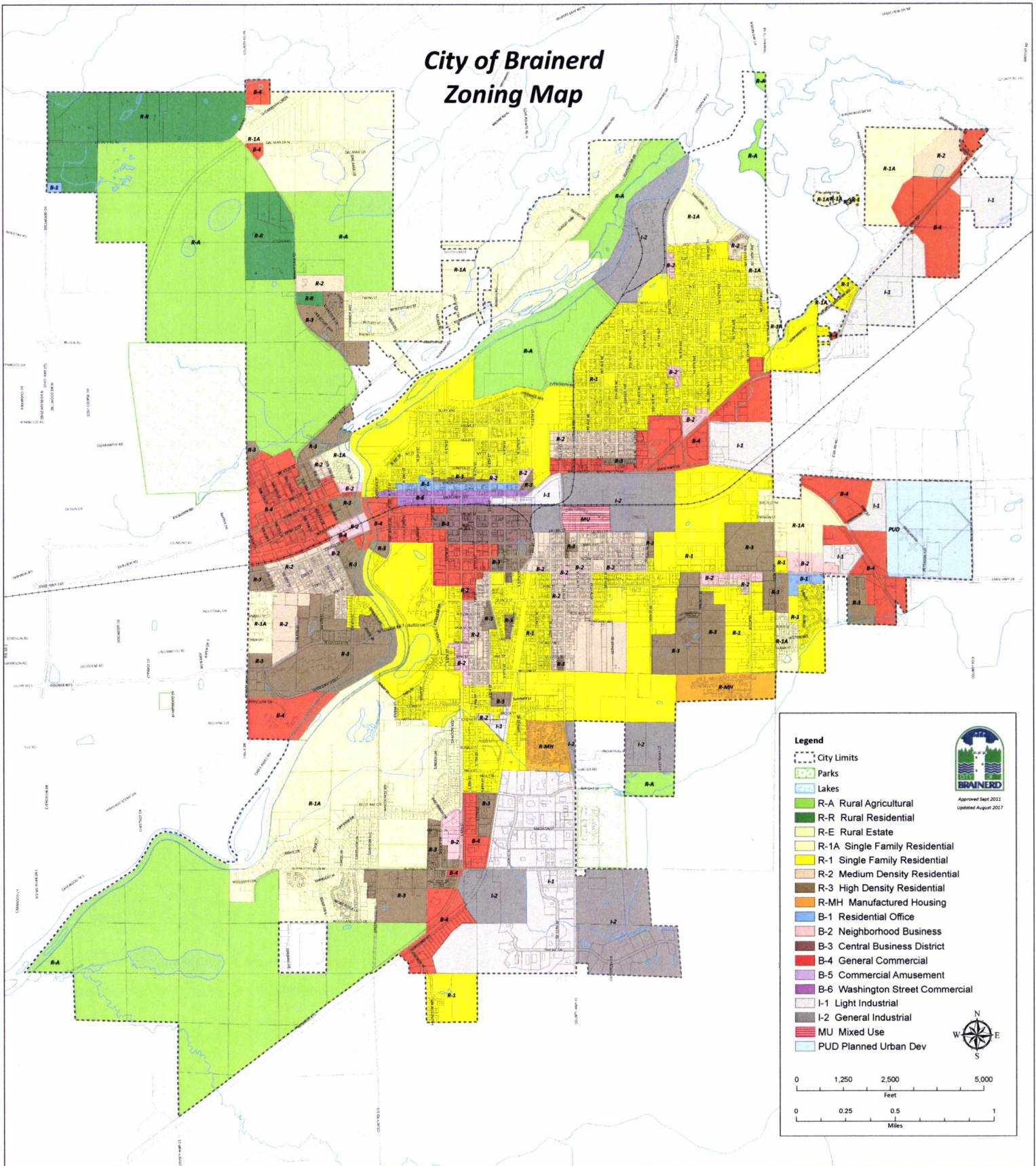


Legend

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



City of Brainerd Zoning Map



MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: October 9, 2018

RE: Public Hearing – Zoning Ordinance Text Amendment - Adding Self (Mini) Storage to the R-3 (High Density) Residential Districts

Background

A Zoning Ordinance Text Amendment request has been received (see attached) to consider allowing self (mini) storage in R-3 (High Density) Residential Districts.

The Zoning Ordinance defines this use as follows:

***Mini (Self) Storage.** An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household or commercial goods or personal belongings.*

The request has been made by Attorney Brad Person on behalf of the Gustafson family who own approximately 9.4 acres (exclusive of public right of way), north of the strip commercial center along Washington Street that include the Chamber/BLAEDC offices and Ace Hardware. Property around the site has developed with a mix of single family, multi family, office and commercial uses. The area inclusive of private property and rights of way total about 12 acres. The zoning and right of way acreages are as follows:

- 5.03 acres R-3
- 3.76 acres R-2
- 0.58 acres B-4
- 2.62 acres street right of way

If the property owner has not provided information about whether a self (mini) storage site would be larger than the current R-3 zoned area.

The property can be accessed from the west via a platted undeveloped Jackson Street right of way and from the south via a platted undeveloped NW 2th Street right of way off James Street. Over the years, (re)development and street locations have created a very difficult and unsafe access to the property, which is a reason why the property has not developed.

The owners have looked at many options to develop the site. They believe there is a need for additional self (mini) storage in the City of Brainerd and they think this site would be a good location for this use. The Planning Department has contacted three local storage companies. Two were willing to tell us that they were full and had a waiting list for units.

Mini (Self) Storage Issues

Historically, self (mini) storage is a use that has been deemed compatible in industrial areas and some higher intensity commercial areas. The same is true in Brainerd, where such facilities are permitted by Conditional Use Permit in an I-1 (Light Industry) District, I-2 (General Industry) District and “by right” in a MU (Mixed Use) District.

The Planning Department has communicated with 12 Minnesota communities; none of which permit mini (self) storage in multi-family (or other residential) zoning districts. The property owners did not propose rezoning the property to I-1 or MU because they are concerned that rezoning could provide a future potential for industrial uses, which in their opinion is not feasible or appropriate.

Zoning requirements for self-storage vary from city to city and state to state and at least one city, Louisville KY, does not permit them within the city limits. Some existing facilities have been grandfathered, but any new development must be outside the city limits. Self (mini) storage has been a controversial issue across the country. Following are two examples of community opposition:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=2ahUKEwjllI70gvzdAhXE4IMKHVc5DfMQFjACegQIBBAB&url=https%3A%2F%2Fwww.insideselfstorage.com%2Fzoning%2Fresidents-oppose-self-storage-development-scottsville-va&usg=AOvVaw1aK3hMknknaF5Zs64MSND3>

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=2ahUKEwjllI70gvzdAhXE4IMKHVc5DfMQFjADegQICRAB&url=https%3A%2F%2Fwww.wric.com%2Fnews%2Fneighbors-launch-petition-to-block-storage-facility-on-landmark-property_20180320025236747%2F1059974857&usg=AOvVaw2EAHvqCFvde5mZjKM0QWk6

There are many reasons that self (mini) storage development has opposition when proposed near residential areas. Some include:

- Aesthetics
- Crime
- Lights
- Traffic
- Incompatible land use
- Lack of job creation

- Outdoor storage
- Occupancy

City Wide Implications

When this type of request is submitted by a property owner, it is typically site specific and focused on the merits of a use at that site. We try to explain to the property owner that it is the city's responsibility to review the request and the effects not only on the property in question, but how the change affects the entire community.

The Planning Commission need to keep in mind that, if the amendment is made to permit self (mini) storage, the use would be permitted in all R-3 Districts in the city. Attached are three maps that depict the R-3 District area:

- owned by the Gustafson's.
- in the city.
- and all zoning in the city.

Self (Mini) Storage Industry Information

Based on industry information, some self (mini) storage developers approach projects with a target square footage in mind. Eighty thousand (80,000) square feet is typically stated as a reasonable target. A lot of newer, larger facilities fail to reach their target occupancy rates because the project is simply not scaled to market demand. If only 25,000 people live within five miles of your site, a 60,000-square-foot facility is probably not going to reach capacity.

For single story self (mini) storage buildings, anticipate 30-38% building coverage. This rule of thumb provides approximately 13,000 to 16,000 square feet of storage per acre. The ideal site would consist of narrow buildings with driveways so that all the units face the outside with drive-up access.

Following is the number of rentable square feet that can be fit on lots from 2 to 5 acres in size, using single story units and an industry suggestion for the percentage of unit sizes:

- 2-3 Acre Plot: 40,000 Rentable Square Feet
- 3-4 Acre Plot: 60,000 Rentable Square Feet
- 4-5 Acre Plot: 80,000 Rentable Square Feet
 - 5% (for fast expansion)
 - 15% (5 x 10)'s
 - 40% (10 x 10)'s
 - 25% (10 x 15)'s
 - 10% (10 x 20)'s
 - 5% (10 x 25)'s

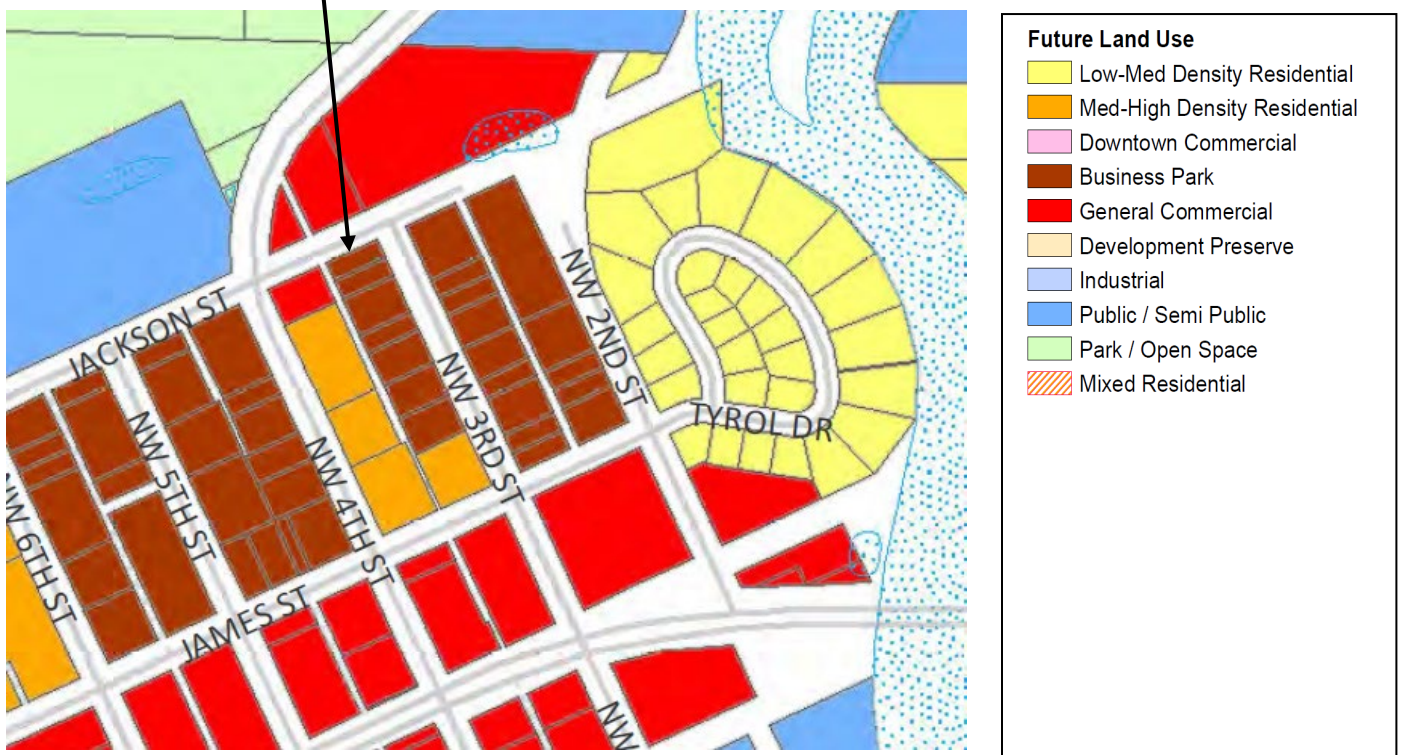
Zoning Ordinance Criteria for Text Amendment Review

In its review of this proposal the City Council and the Planning Commission shall consider possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:

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

The site is identified as Business Park on the Future Land Use Plan.

Area Being Considered



Business Park

The purpose of this category is to identify portions of Brainerd that should contain professional business services. Business Parks are much like industrial parks in that similar business types are concentrated in the same area. These areas could include medical facilities such as dentists, chiropractors, optometrists etc.; other professional businesses like lawyers; and other administrative uses; as well as light manufacturing where the corporate offices are an integral part of the business operation.

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

Tyrol Hills to the east is an isolated residential development. There are motels on the east side of NW 4th Street that has been redeveloped for apartments. While high density residential use is arguably appropriate, the site design and access does not function well for the area. Redevelopment that improves

design and access along the east side of NW 4th Street hopefully could occur soon.

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

See #2, #4 and #5.

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

In a recent rezoning staff report, the following vehicle trips/day for self (mini) storage facilities was provided for a 32,000 sq. ft. of storage unit space:

The Institute of Traffic Engineers estimate between .17 - .23 Vt/d for each 1,000 sq. ft. of storage. Should the site have 8 - 4,000 sq. ft. buildings = 32,000 sq. ft. of storage = $32,000 \times .17 = 5,440/1,000 = 5.4$ vehicle trips/day.

A typical single-family dwelling would generate 9-10 vehicle trips per day.

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

Self (mini) storage would have no effect on any of the areas identified above. Sewer would not be required, very little water use would occur, and schools and parks are not affected.

This area of the community is difficult for motorized and nonmotorized travel. A study has been done that recommends NW 4th Street improvements. One of which is a new roundabout at Jackson Street. Improving traffic circulation and safety in this is a priority improvement for City of Brainerd. NW 4th Street is a county jurisdiction right of way and will require a cooperative effort to facilitate improvements.

Without an improved access at Jackson Street, development that does not need street exposure and generates little traffic can be expected to occur at this site.

Development Standards

Self (mini) storage could be allowed "by right" or by Conditional Use Permit in R-3 Districts. In either case, there are several development standards that could be considered:

- Maximum:
 - ❖ Facility size

- ❖ Site coverage
- ❖ Building height
- Access requirements
- Design
- Screening
- Exterior storage
- Hours
- Separation
- Occupancy
- Storage pods

60 Day Rule

I have contacted the City Attorney about the applicability of the 60-day decision making rule and whether it includes a publicly submitted Zoning Ordinance text amendment. He has advised that zoning text amendments are not subject to the 60-day rule because it's not approval of an "action" under Minnesota statute.

Should the Planning Commission think that self (mini) storage in R-3 Districts be allowed, discussion on development standards and whether the use should be allowed "by right" or by Conditional Use Permit can occur following the public hearing. Staff can prepare draft language for consideration at the November Planning Commission meeting.

CITY OF BRAINERD

ORDINANCE NO. ____ - 2018

**INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON DEMOLISHING STRUCTURALLY SOUND
STRUCTURES AND CONSTRUCTING OFF-STREET PARKING WITHIN THE R-1, R-2, R-3, B-1, B-2, AND B-4
ZONES**

Section 1. Background.

- 1.01 The City of Brainerd ("City") regulates comprehensive planning, land use and subdivision controls, and building permitting within the municipal limits.
- 1.02 The existing Comprehensive Plan was adopted in 2004. Since this time, the City has experienced changes to its development pattern that were not anticipated in the plan, specifically the systematic removal of structurally-sound buildings for constructing off-street parking and this impacts this removal has on the tax base and health, safety, and welfare of the community.
- 1.03 In 2018, the City Council designated a task force to engage with the public, consult with professionals, and conduct deliberations to prepare an updated comprehensive plan. This process is ongoing.
- 1.04 Off-street parking is regulated by the City in Section 515-22 of the City Code. This section contains provisions establishing the minimum number of parking spaces that must be built for a given development. The section does not address instances where there is excess parking or instances where the construction of additional off-street parking would be deleterious to the public good.
- 1.05 The City requires a demolition permit for the removal of a structure. A demolition permit does not require the applicant to disclose the intended use of the property following demolition.
- 1.06 The City is concerned that official controls do not adequately address, with proper limitations and conditions to ensure the general health, safety, and welfare, situations where structurally-sound buildings in the R-1, R-2, R-3, B-1, B-2, & B-4 zones are demolished for purposes of constructing off-street parking.
- 1.07 Minnesota Statutes, Section 462.355, Subdivision 4, allows the city to adopt an interim ordinance for the purposes of protecting the planning process and the health, safety, and welfare of its citizens.

Section 2. Findings.

- 2.01 Research done by the Planning Commission in 2017 for an ordinance amendment on parking requirements indicated that the city currently has excessive amounts of parking in existing school zones.

- 2.02 Research done by the Planning Commission in 2017 for an ordinance amendment on parking requirements indicated that demolishing structurally-sound buildings to accommodate the construction and expansion of off-street parking impairs the city's tax base and the capacity of the City for the provision of services.
- 2.03 Research done by the Planning Commission in 2017 for an ordinance amendment on parking requirements indicated that large surface parking lots in residential neighborhoods, and along pedestrian connections, and the corresponding increase in auto-orientation of the school site, creates a safety risk for people walking, specifically students who are walking to school during high-traffic periods. These findings are consistent with findings from Independent School District ("ISD") 181's recent Safe Routes to School study.
- 2.04 Preliminary drawings presented to the Planning Commission by ISD 181 officials in a public meeting on October 18, 2017, indicated expansion of off-street parking at all schools within the City's municipal limits. During the meeting, Planning Commission members voiced specific concerns on potential negative impacts from these expansions. ISD 181 officials indicated that they were adding more parking stalls to comply with the City's parking requirements.
- 2.05 As part of a bonding referendum process, in November of 2017, ISD 181 School Board members approved site drawings for each school within the City's municipal limits. These drawings did not graphically represent an expansion of surface parking at any elementary school site. These drawings were subsequently submitted to, and accepted by, the Minnesota Department of Education as part of a public referendum on bonding for school improvements. The referendum was held on April 10, 2018 and all ISD 181 proposals were approved by voters.
- 2.06 In January of 2018, the City approved an amendment to the City's land use regulations exempting all school sites from parking provisions. The City does not require any parking at any school sites within the municipal boundaries.
- 2.07 On September 28, 2018, the Brainerd Dispatch, reporting on proceedings of the ISD 181 School Board, indicated that ISD 181 is seeking to acquire 27 parcels, including a number with structurally-sound buildings, for purposes including the expansion of surface parking.
- 2.08 While the City has removed parking mandates for school buildings from its official controls, neither planning documents nor any official controls contemplate a maximum amount of parking allowable, a point above which additional parking undermines the health, safety, and welfare of residents and the City's capacity for provision of services.

Section 3. Planning and Zoning Study, Moratorium

- 3.01 The City Council finds it necessary to direct the Planning Commission to study the impact of the demolition of structurally-sound buildings within the R-1, R-2, R-3, B-1, B-2, & B-4 zones on the health, safety, and welfare of the community and to prepare and recommend amendments to the city's official code, if warranted, consistent with any findings.
- 3.02 The City Council finds it necessary to direct the Planning Commission to study the impact of the construction of off-street parking within R-1, R-2, R-3, B-1, B-2, & B-4 zones on the health,

safety, and welfare of the community and to prepare and recommend amendments to the city's official code, if warranted, consistent with any findings.

- 3.03 The City Council finds that there is a need to adopt an interim moratorium ordinance for protecting the planning process and the health, safety, and welfare of residents concerning such matters.
- 3.04 Pending the completion of the Planning Commission's study and the adoption of any related amendments to the City's official controls, there is hereby established a moratorium on the demolition of structurally-sound buildings within the R-1, R-2, R-3, B-1, B-2, & B-4 zones. Structures that are deemed, by a licensed building inspector, to pose an immediate safety hazard, are exempted from these provisions. Structures that are to be demolished as part of a commercial or residential reconstruction project where a building permit for a new structure has been issued, are likewise exempted from these provisions.
- 3.05 Pending the completion of the Planning Commission's study and the adoption of any related amendments to the City's official controls, the creation of off-street parking exceeding 20 parking stalls for a facility, or the expansion of an existing parking lot where the total number of parking stalls will exceed 20 for a facility, is prohibited.

Section 4. Enforcement.

- 4.01 The city may enforce this ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

Section 5. Duration.

- 5.01 This ordinance shall remain in effect for 12 months from the date of its publication, or until such time as it shall be revoked or otherwise amended, whichever is sooner.

Section 6. Effective Date.

- 6.01 The ordinance shall take effect upon adoption by the City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BRAINERD, THIS ____ DAY OF OCTOBER, 2018.

ATTEST: MAYOR

CITY ADMINISTRATOR

MEMO

Date: October 9, 2018

To: Planning Commission Members

From: Charles Marohn, Vice-Chair of the Planning Commission

Re: Off-Street Parking Provisions

I have requested of the Chair that we place on the agenda for discussion two items relating to off-street parking. The first is an interim ordinance (moratorium) regarding the demolition of buildings for the purposes of constructing off-street parking. The second is a discussion on what provisions would go into a revised ordinance to ensure that off-street parking added to the general prosperity of the community. I appreciate the opportunity the Chair has provided to have this conversation.

I believe that we all share – along with City Council members and city staff – gratitude to ISD 181 that they are investing in our neighborhood schools. For myself, I want to see those investments be successful. Part of that means ensuring that the neighborhoods, and the residents within them, experience prosperity and added value from these one-a-generation changes.

As recently reported in the Brainerd Dispatch, the school district is seeking to acquire buildings – homes and businesses near their facilities – in order to demolish them and construct surface parking. This should be a concern to the City as such an undertaking will:

- Dislocate residents of the city, not all of them willingly, from structures that are perfectly sound,
- Reduce the city's overall tax base for decades to come by converting taxpaying properties to tax-exempt property, with little incentive to someday revert it back to productive use,
- Provide a use – off-street parking – that is not only very low value, but at most will only be used on weekdays, for a few hours a day, for only a part of the year,
- Add to the overall cycle of vacant spaces, decline and disinvestment that we struggle with in our core neighborhoods, and
- Further increase health and safety concerns by suppressing walking and biking and reinforcing the notion that travel by automobile must be the primary and dominant mode of transportation within our core neighborhoods.

For the City of Brainerd, our residents, and our business owners, removing perfectly sound structures, especially those currently being used, simply to build off-street parking, is a bad policy decision. When this happens in our community, our city becomes less prosperous.

Our goal should be to have neighborhoods that are so delightful, inviting and prosperous that ISD 181 teachers, administrators, and support staff want to live in them, not merely drive through them. Off-street parking pushes us in the opposite direction of that goal.

There is no desire to delay the school district. The moratorium is necessary to give the City and its residents space to study the issue thoughtfully. With focus, we should be able to complete an ordinance amendment before the end of the year.

What I am requesting is for the Planning Commission to do two things:

1. **Recommend to the City Council** that they adopt a moratorium prohibiting the demolition of structures and the construction of surface parking lots until we can amend the code. I have provided ordinance language to accomplish this. I welcome your edits and suggestions to this document.
2. **Discuss questions and concerns** that we have regarding off-street parking, items that we would like to see addressed in an updated code. If we can get a sense, or even a general consensus, on concerns that Planning Commission members have, ordinance language can be drafted for review at our November meeting. If my fellow Commission members would like, I am willing to put together those draft provisions.

For my part, here are the questions and concerns that I have regarding the expansion of off-street parking and any request to construct it:

- Is the off-street parking needed? When parking lots exceed a threshold (perhaps more than 10 stalls) I would like to see some kind of analysis submitted by the applicant to explain why the amount of parking is needed.
- Is on-street parking available and how is it currently being used? Again, this is another thing that would be good to have an analysis of with an application.
- Is there an opportunity for shared parking with another facility where the timing for demand doesn't overlap?
- Is the proposed off-street parking for regular use or peak use? What is the frequency of peak use?
- What alternatives are there for providing parking during peak-use?
- What are walking and biking patterns and does the off-street parking impair those movements?
- If walking and biking improvements were made, would they reduce the amount of parking necessary?
- How does the proposed off-street parking impact the desirability of neighboring properties?
- How can landscaping, site framing, the maintaining or replacement of structures on the corners of blocks, and other strategies be used to maintain continuity on a block, so off-street parking does not create a vacant or desolate feel?
- What is the present worth of the tax base loss, both current and potential? Are there ways to offset this?
- What, if anything, is being done by the applicant to reduce the amount of off-street parking they require?

I look forward to discussing this matter at our October meeting.