

PLANNING COMMISSION
Wednesday, October 17, 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, and Wussow; and Council Liaison Lambert. Commissioner Antolak was noted as absent. Also present was City Planner Ostgarden, and Administrative Specialist Bestul.

#2 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT TO AMEND THE AGENDA ELIMINATING 4D. DISCUSSION OF MORATORIUM ON DEMOLITION OF NON-CONDEMNED STRUCTURES.

Commissioners Marohn, Burslie, and Gorham voted “nay”. Commissioners Wussow, Headley and Lambert voted “aye”. City Planner Ostgarden voted “nay”. The Chair declared the motion failed.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND MAROHN TO APPROVE THE AGENDA AS PRESENTED.

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

#3 Approval of Minutes of the Regular Meeting held on September 19, 2018

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 19, 2018.

#4 New Business

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 Dwelling

City Planner Ostgarden stated the R-3 District currently allows only multi-family dwellings. He explained there are several changes that must take place in order to add the permitted use to the ordinance such as setback changes, conditional use changes and accessory building use changes. The purpose and intent of the district would be modified to eliminate the requirement of multiple family structures. The following are other changes discussed:

515-57-2: Permitted Uses:	Adding C. SINGLE FAMILY DWELLINGS
515-57-3: Accessory Uses:	Adding TOOLS and SECTION 24 to A. Eliminate J. as shown Adding N. as shown
515-57-4: Interim Uses:	Adding A. – C. as shown
515-57-5: Conditional Uses:	Adding K., L., and M. as shown
515-57-7: Minimum Lot Area:	Adding A1. SINGLE FAMILY Adding B1. SINGLE FAMILY AND TWO FAMILY Adding C1. SINGLE FAMILY
515-57-8: Building Height:	Adding SINGLE FAMILY to A.
515-57-9: Building Perf Standards:	Adding MULTI FAMILY to A. Adding B. – E.
515-57-11: Design Requirements:	Adding 1. – 5. as shown
515-17-8: Accessory Buildings:	Adding SINGLE FAMILY DWELLINGS TO THE ACCESSORY DWELLING SIZE LIMITATIONS.

Commissioner Burslie asked the reason for having different setback requirements for single family dwellings as opposed to multi family dwellings. City Planner Ostgarden replied scale and height of the buildings are determining factors.

The Chair opened the public hearing at 6:08 p.m.

No one came forward.

The Chair closed the public hearing at 6:08 p.m.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING ORDINANCE TEXT AMENDMENT TO ADD SINGLE FAMILY DWELLINGS AS A PERMITTED USE IN THE R-3 (HIGH-DENSITY) RESIDENTIAL DISTRICT.

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

City Planner Ostgarden indicated a request has been received to consider amending the R-3 (High-Density) Residential District to allow the construction of mini-storage facilities. A Mini (Self) Storage facility is defined as: *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.*

City Planner Ostgarden explained the property proposed is an approximate twelve-acre parcel of land north of the commercial center along Washington Street, that include the Chamber/BLAEDC offices and Ace Hardware. 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 2nd 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 may be a

reason the property has not been 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 and feel this site would be a good location for this use. The Planning Department has contacted three local storage companies and two were willing to tell us that they were full and had a waiting list.

City Planner Ostgarden viewed and explained the zoning map indicating the surrounding zones and locations. There are three zoning classifications that affect this property: R-3 (High-Density) Residential, R-2 (Medium Density) Residential and B-4 General Business District. The amount of property proposed for the use is not the issue – the decision to be made is if mini (self) storage facilities are an appropriate use in an R-3 District.

City Planner Ostgarden indicated several Minnesota communities were contacted regarding their zoning requirements and none of them allow mini storage facilities in their residential districts. There are many reasons that mini storage development has opposition when proposed near residential areas. Some may include:

- o Aesthetics
- o Crime
- o Lights
- o Traffic
- o Incompatible land use
- o Lack of job creation
- o Outdoor Storage
- o Occupancy

City Planner Ostgarden explained the zoning ordinance criteria for text amendment review as follows:

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.

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 with apartments on NW 4th Street. The site design and access does not function well for the area.

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.

Based on the Institute of Traffic Engineers, this would impose 5.4 vehicle trips/day.
A typical single-family dwelling would generate 9-10 vehicle trips/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.

City Planner Ostgarden stated this use could be allowed “by right” or by Conditional Use Permit in R-3 Districts and identified several development standards that could be considered as follows:

- o Maximum:
 - Facility size
 - Site coverage
 - Building height
- o Access requirements
- o Design
- o Screening
- o Exterior storage
- o Hours
- o Separation
- o Occupancy
- o Storage pods

City Planner Ostgarden indicated a zoning ordinance text amendment is not subject to the 60-day rule because it is not an approval of an “action” under Minnesota statute.

Commissioner Lambert asked if the property could be split and rezone that parcel to B-4.

City Planner Ostgarden explained the initial purpose this area was zoned in this manner was to transition from a high-density residential area, to a medium-density residential and then to a single-family district. The focus must not be on this request or this parcel of property; it needs to be on the issue of amending all R-3 Districts to have the ability to construct mini storage facilities.

Commissioner Burslie asked City Planner Ostgarden if he feels this is an appropriate use for an R-3 District. City Planner Ostgarden stated with design standards, an opportunity to review the proposal limiting the size and with proper design, the use could be a compatible use near higher density residential.

Commission discussion took place.

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

The Chair recognized Mr. Brad Person, attorney representing the Gustafson family who own the land north of the strip commercial center in Tyrol Hills and are interested in constructing the self-storage facility. Mr. Person stated from his experience, the need in this area seems to be for storage of recreational items for either seasonal residents or for someone with not enough storage at their residence. The proposal is for ownership of a unit and not for rental purposes. Mr. Person replied to the statement that jobs would not be created from this type of use of the property. However, industrial areas they are allowed on should be for manufacturers that create jobs and not for storage facilities. He stated a mini storage facility would be a less intense use than an apartment building for example. Mr. Person indicated with a Conditional Use Permit, the City can make the proper requirements for each application received.

The Chair closed the public hearing at 6:47 p.m.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND WUSSOW TO RECOMMEND DENIAL BASED ON THE FINANCIAL CALCULATIONS PROVIDED BY COMMISSIONER MAROHN AND THE CONCERNS OF INAPPROPRIATENESS THROUGHOUT ALL R-3 ZONES.

Commissioner Burslie stated it is a compatibility issue and would not like to see storage units being constructed in neighborhoods.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND WUSSOW, DULY CARRIED, TO AMEND THE MOTION TO ADD INCOMPATIBLE USE IN NEIGHBORHOOD DISTRICTS.

C. Comprehensive Plan Update Presentation

The Chair recognized Mr. Tad Erickson and Mr. Matthew Kallroos, Regional Development Planners with Region Five and Ms. Ashley Kaisershot, Planning Specialist with Sourcewell. They gave an update of the Comprehensive Plan progress with a summary of the community engagement process that is taking place. The importance of public participation is a main leading element to creating a Comprehensive Plan. The current goal is to intentionally involve citizens and stakeholders throughout the community and to make people feel heard. Mr. Erickson indicated the Steering Committee consists of thirteen strong citizens whose role is to gather information about and from the community and then summarize and prioritize the information they receive. Mr. Kallroos reviewed the Community Engagement Plan, community engagement that has been done to date, and ward meetings. He reviewed the online community survey that ended in September and some of the survey responses. Mr. Erickson explained the next steps in the process and the timeline. They thanked the commission for the opportunity to present.

D. Discuss a Moratorium on Demolition of Non-Condemned Structures (Buildings that are Structurally Sound)

Commissioner Marohn requested the discussion start with determining what is the role of Planning Commission. The commission is defined as an advisory group to the City Council regarding planning and zoning issues and other land use matters. Mr. Marohn stated the conversion from buildings to parking lots is a land use matter. He asked if this is a topic the commission is interested in discussing.

Commission discussion took place.

Commissioner Marohn explained the idea and reasons of an interim ordinance. He stated some city codes need to be updated or a situation arises that was not anticipated and is moving at a fast pace. The issue should be paused to review the long-term impact it could have. A moratorium could be issued, which would only be done under certain circumstances and it must meet certain requirements. He indicated the issue at hand is with the final plans from the school district to acquire properties for the purpose of expanding and to make parking lots. He feels there needs to be time to discuss the best way to accommodate and lessen the long-term negative impact to the neighborhoods in the City.

Commissioner Lambert stated she thinks it is time to review the ordinance. The news from the school district shocked many residents and would like to see a 6-month moratorium.

Commissioner Wussow indicated he is not aware of an interim ordinance for a moratorium and requested clarification.

Commissioner Marohn stated it is an interim ordinance to enact a moratorium, in which he used a template from the League of MN Cities. He requested it be sent to the city attorney for direction and questioned if a reply was received.

Commission discussion took place.

The Chair recognized Mr. Rod Knowles, 723 S 5th Street who resides across from the high school. He stated he was notified by a phone call from a consultant from ICS representing the school district. Mr. Knowles met with them and they talked about the long-range planning for his property and relocation services they offer. He questioned them about imminent domain, and they replied they had never heard any discussion about it. At the open forum for the candidates for the school board, he spoke with the superintendent who stated no one used imminent domain in their talks. There is lack of conversations afterward and it was clear to him they wanted him to vacate his property by October 2019. Mr. Knowles indicated he has a greenhouse to grow orchids and it takes many years to acclimate them to their surroundings. He stated he did not expect this to happen after seeing the referendum and wonders what happened for them to tell him he needs to vacate so they can pave over it. He stated the entire community needs to have their say in the matter. There are other options and ideas for this concern that can be addressed.

The Chair recognized Mr. Ed Shaw, 722 S 6th Street who expressed displeasure in the referendum as it did not indicate there would be two large city blocks of parking lot constructed and that is just the plan for the high school. Mr. Shaw stated he has been trying to make contact directly with the school district and was not told about his property acquisition until the Friday prior to a Monday meeting. Apparently, it was in their plans for months, but no one bothered to contact him. He has received no response from the district or willingness to address his requests for information. He believes the City needs to step in on behalf of its residents, their concerns and for the best interests of the City.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURLIE TO RECOMMEND A MORATORIUM BE ENACTED FOR A ONE YEAR TIMEFRAME TO ALLOW TIME TO REVIEW AND AMEND THE ORDINANCE.

City Planner Ostgarden stated the city attorney did receive a copy of the draft request and did not indicate any language amendments to the ordinance. He recommends having the research compiled on this topic for the Council prior to bringing it to them. The council will need a good record of facts and past findings to back up why this is necessary.

Commissioner Wussow stated he would like to discuss the following from the draft ordinance:

1.04 *“...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...”*

- 1.06 "...demolished for purposes of constructing off-street parking."
- 2.01 "~~Research done~~ Discussion by the Planning Commission in 2017..."
- 2.02 "~~Research done~~ Discussion by the Planning Commission in 2017..."
- 2.03 "~~Research done~~ Discussion by the Planning Commission in 2017..."
- 2.04 "...During the meeting, Planning Commission members voiced specific concerns on potential negative impacts from these expansions."
- 2.05 Speaks about the "Minnesota Department of Education as part if a public referendum..."
- 2.06 "The City does not require any parking at any school sites within the municipal boundaries."
- 2.08 official "While the City has removed parking mandates for school buildings from its 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 if residents and the City's capacity for provisions of services."
- 3.04 issued, "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."

Commissioner Wussow does not agree with the memo provided to the commission by Commissioner Marohn.

Commission discussion took place on the concerns above.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURLIE TO RECOMMEND ADOPTING THE INTERIM ORDINANCE ESTABLISHING A MORATORIUM AMENDING 2.01, 2.02, 2.03 FROM RESEARCH DONE TO DISCUSSION AND ADDING THE ORDINANCE NUMBER TO 2.06.

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

E. Discuss Ordinance Provisions for the Expansion of Parking Lots Greater than 20 Stalls

Commissioner Marohn stated he does not believe having a maximum amount of parking is a good policy. He would like input from the commission on what provisions would go into a revised ordinance to ensure that off-street parking added to the general prosperity of the community.

Commissioner Lambert indicated she agrees with the idea of shared parking lots between businesses.

Commissioner Marohn suggested the idea of shared parking be a part of the permit review process and if there is an opportunity for shared parking with another facility where the timing for demand does not overlap.

Commission discussion took place about the memo provided by Commissioner Marohn.

Commissioners discussion resulted in two different views, and it was determined to draft two versions of ordinance language to be reviewed at a future meeting.

#5 Public Forum

The Chair opened the public forum at 8:53 p.m.

No one came forward.

The Chair closed the public forum at 8:53 p.m.

#6 Old Business

None

#7 Commissioners' Questions/Comments

Commissioner Marohn stated Mr. Joe Minicozzi from the company Urban3 based in North Carolina will be in Minnesota in December and is interested in speaking at the Planning Commission meeting. The City Council will also be invited to attend the December 19th meeting, with a start time to be determined.

Commissioner Burslie stated again that he would like to see application fees for ordinance amendments. City Planner Ostgarden replied the City is reviewing the fee schedule at this time.

Commissioner Wussow asked City Planner Ostgarden about the progress his suggestion of amending the B-1 and B-2 Districts to allow crematoriums that was discussed at the June 20, 2018 meeting. City Planner Ostgarden will review and advise.

#8 City Planner's Report

City Planner Ostgarden stated he explained to Thrifty White that the attempt to meet the off-street parking screening requirements are not adequate. They are revising the landscaping plan to add more and larger plants.

The November Planning Commission meeting is scheduled for the 21st, which is the night prior to the Thanksgiving holiday. It was determined to reschedule to Tuesday, November 20th, 2018 - reminders will be sent to the commission.

#9 Adjourn

The Chair adjourned at 9:08 p.m.

Respectfully submitted,

City Planner

Mark Ostgarden AICP