

BRAINERD PLANNING COMMISSION

Wednesday, November 20, 2019
6:00 p.m.

**Crow Wing County Board Room
3rd Floor - 326 Laurel Street**

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
 1. Regular Meeting Held on October 16, 2019
 2. Workshop Held on November 14, 2019

Documents:

[2019-10-16 DRAFT.PDF](#)
[2019-11-14 WORKSHOP.PDF](#)

4. New Business

- 4.a. Rezoning Application - 7757 Wise Road, Brainerd - From An R-A (Rural Agriculture) To An R-1A (Single-Family Residential) District

Documents:

[7757 WISE RD REZONING.PDF](#)

- 4.b. Rezoning Application - 317 N 4th St., Brainerd - From An R-1 To An R-2 Single-Family Residential

Documents:

[317 N 4TH ST REZONING .PDF](#)

- 4.b.i. (Added) 317 N 4th St Rezoning Application

Documents:

[ADDED TO REZONE APPLICATION.PDF](#)

- 4.c. Conditional Use Permit Application - Lowell Elementary - 704 3rd Ave NE, Brainerd

Documents:

[LOWELL ELEMENTARY CUP.PDF](#)

- 4.d. Conditional Use Permit Application - Garfield Elementary - 1120 10th Ave NE, Brainerd

Documents:

[GARFIELD ELEMENTARY CUP.PDF](#)

- 4.e. Conditional Use Permit Application - Riverside Elementary - 205 W. Washington St., Brainerd

Documents:

[RIVERSIDE ELEMENTARY CUP .PDF](#)

5. Public Forum

Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission - time limits may be imposed

6. Old Business

- 6.a. Public Hearing - Proposed Lighting Ordinance Revision

Documents:

[PROPOSED LIGHTING ORDINANCE REVISION - PUBLIC HEARING.PDF](#)

- 6.b. Nonconforming Rentals

Documents:

[NONCONFORMING RENTALS.PDF](#)

7. Commissioner Questions/Comments

8. Community Development Director'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, October 16, 2019

#1 Call to Order

Planning Commission Chair Gorham 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 Gorham, Marohn, Duval, Woodward and Foley; and Council Liaison Lambert. Commissioner Burslie was noted as absent. Community Development Director Chanski was also noted as present.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO AMEND THE AGENDA BY REMOVING ITEM 4D. DISCUSSION – INSTITUTE FOR NONDESTRUCTIVE TESTING.

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO CORRECT THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 18, 2019 ITEM 6B. AND 7. TO REFERENCE COMMISSION MEMBERS AS “COMMISSIONERS” NOT “ALDERMEN”.

New Business

4a. Rezoning Application – 11349 Easy Street – From R-1A to R-1

Community Development Director Chanski explained the property owner has requested to rezone the property from an R-1A to an R-1 Single Family Residential District due to reducing the required setbacks for a garage. He indicated the setback for an R-1A district are 30 feet (front), 10 feet (side) and 10 feet (rear). The setbacks for an R-1 district are 20 feet (front), 3 feet (side) and 5 feet (rear). He said the property is on Rice Lake and the rear of the property has a significant slope and would not be able to be built on.

The Chair opened the public hearing at 6:10 p.m.

The Chair recognized Scott Vansteenwyk, owner of property at 11349 Easy Street who gave a brief explanation of his plans to construct a detached garage on the property.

The Chair closed the public hearing at 6:11 p.m.

Commissioner discussion took place regarding the parcel and surrounding parcels.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF 11349 EASY STREET FROM AN R-1A TO AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT BASED ON THE FINDINGS OF FACT AS PRESENTED.

4b. Variance Request – 1853 Graydon Ave – Reduce Setbacks for the Construction of a Garage

Community Development Director Chanski stated the applicant would like to remove the existing 12' x 20' detached garage and construct a new 26' x 28' garage in its place. The property is located in an R-1A Single Family Residential district, and the side yard setback requirement is 10 feet. He said the applicant is requesting a reduced setback of 55 inches. He explained the lot is only 60 feet wide which is legal nonconforming, as the R-1A district requirement states the lot size of 75 feet wide.

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

The Chair recognized Clinton Headley, owner of property at 1853 Graydon Avenue, who gave the details of the garage and reasons for the reduced setbacks. He said he intends to demolish the existing structure and build a larger one in its place. The reason for the setback is to place the garage within a direct line to be able to pull in straight, otherwise it would be very difficult to maneuver.

The Chair closed the public hearing at 6:25 p.m.

Commissioner Duval asked what the practical difficulty would be in constructing the garage with the allowed setbacks. He said if the property was zoned as an R-1 district, the variance would not be necessary.

Community Development Director Chanski stated the practical difficulty would be caused by the unique shape of the lot and the ability to negotiate turning a vehicle into the garage.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND MAROHN TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR 1853 GRAYDON AVE BASED ON THE NONCONFORMITY OF THE LOT, THE INCORRECT R-1A ZONING AND IT WILL LESSEN THE ENCROACHMENT TO THE NEIGHBORS PROPERTY.

Members Gorham, Marohn, Woodward and Foley voted "aye". Member Duval voted "nay". The Chair declared the motion carried.

4c. Variance Request – 317 N 4th Street – To Convert Single-Family Structure to Duplex

Commissioner Marohn stated he does not think a variance for use can be considered or allowed.

Community Development Director Chanski indicated he has not received information back from the City Attorney. The Commission decided to table the topic until the November meeting in order to obtain more information and recommendations from the City Attorney.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO TABLE THIS TOPIC UNTIL THE NOVEMBER 20TH MEETING.

#5 Public Forum

The Chair opened public forum at 6:42 p.m.

Commissioner Marohn stated he welcomes anyone to come talk with him regarding the previous application, as he lives in the neighborhood and would like to hear feedback.

The Chair closed the public forum at 6:44 p.m.

#6 Old Business

6a. Public Hearing – Proposed Lighting Ordinance Standards

Community Development Director Chanski gave a brief review of the history of the ordinance and the public hearing that was held at the City Council meeting.

Commissioner Marohn indicated he was absent from the previous meeting to hear testimony for or against the ordinance revision. He said he understood the main point that was presented to the City Council was the revision to the ordinance from the allowed 30-foot height to a new 13-foot height with the special consideration for a height of up to 20-feet by Conditional Use Permit. Community Development Director Chanski confirmed this is what was presented to the Council.

The Chair opened the public hearing at 6:49 p.m.

The Chair recognized Mike Higgins, owner of Brainerd Industrial Center (BIC) and the NP Center, who spoke in opposition of the ordinance proposal at it is stated at the 13-foot height with the option to go to a 20-foot height by conditional use permit. He stated this would limit a business and would cause more work for a new business. He explained there is already a conditional use permit in place to monitor these uses up to the 30-feet and does not see the need to change it.

The Chair recognized Mike Killian, president of Chamber of Commerce, who stated the Chamber and the Brainerd members of the Chamber are opposed to the ordinance revision as presented. He indicated that Brainerd has made great strides forward on improvements and rehabilitation, and he feels this is a step backwards. He also asked where this requirement originated from and why the height of 13-feet, as it seems rather arbitrary. He distributed an email that he received from a local gas station owner that shows damage to the canopy from tall vehicles.

The Chair recognized Tim Ramerth, project manager at WSN, who stated he is appearing on behalf of Brainerd Lakes Chamber of Government Affairs Committee and ISD181. He said he would like to inquire what the basis is of the ordinance change, as one size does not fit all circumstances. He explained in the residential areas, it does make sense to limit the height but not commercial. He said the light pollution can be controlled by limiting the candle limits at the property line. He stated with the shortened height, there is added expense, more safety concerns and is very restrictive.

The Chair recognized Reid Thiesse, director of buildings and grounds for Brainerd Public Schools, who spoke against the ordinance and stated safety is the main concern for the students, staff and those that utilize the facilities. He indicated most of the functions taking place at the schools are in the fall through spring months when it is dark out in the evenings. He stated that

lower light poles create more shadowing, as well as adding cost for additional lights and maintenance of the lights. He explained if costs are added towards purchasing more lights and poles, this is funding that is being taken away from the budget for buildings and educational amenities.

The Chair recognized Scott Vansteenwyk, 11349 Easy Street, who stated he has a lot of experience with commercial lighting. He asked if the lighting issue is deterring people from building in Brainerd or preventing new residents from moving in. He indicated the newer lights do not have the pollution that the old fixtures used to. He said if the height is limited, there would need to be a considerable number of additional fixtures.

Community Development Director Chanski read the comments he has received regarding the proposed lighting ordinance. There was one resident who wrote in favor of the amendment to reduce the height and six that oppose the amendment.

The Chair closed the public hearing at 7:16 p.m.

Commission discussion took place.

Community Development Director Chanski distributed and reviewed examples of lighting standards from other cities in Minnesota.

The Chair recognized Mike Killian, who asked staff to consider drafting an ordinance that does not make the City of Brainerd an outlier by creating an ordinance so restrictive it causes people to avoid our area.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO SCHEDULE A WORKSHOP TO DISCUSS THE LIGHTING ORDINANCE AND DIRECT STAFF TO DRAFT A REVISED ORDINANCE.

6b. Public Hearing – Proposed Nonconforming Rentals Ordinance Revision

Community Development Director Chanski explained the details of the proposed wording for the legal nonconforming rental ordinance. He indicated it currently states once a rental license has expired from a legal nonconforming status, it can no longer be relicensed. He said the recommendation was made by the Planning Commission in September to revise Section 515-15-6 of the ordinance by removing *“A nonconforming residential use that had a rental license expire (more than 365 days from the date of license expiration) cannot be reestablished as a nonconforming use.”*

The Chair opened the public hearing at 7:49 p.m.

The Chair recognized Rick Fargo, rental property manager at 1511 Northern Pacific Rd, who clarified the definition of the non-licensed rental does not include a rental that had a family member occupying.

Community Development Director Chanski stated he received a letter from the previous City Planner regarding this revision which he has forwarded to the Commission.

Community Development Director Chanski specified that this would not allow new rentals; this would simply allow existing non-licensed rentals that are currently not in compliance to once

again be compliant to city code. He said the zoning districts primarily affected are the R-1 and R-1A districts.

The Chair closed the public hearing at 7:54 p.m.

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ORDINANCE REVISION AS PRESENTED.

#7 Commissioner's Questions/Comments

None

#8 Community Development Director's Report

Community Development Director Chanski indicated the Comprehensive Plan was officially adopted by the City Council at the October 7th meeting. He stated he will be working on the implementation of the plan with Ashley Kaisershot of Sourcewell after the 2020 budgeting process. He also introduced the new Zoning Specialist and Permit Technician, James Kramvik to the commission.

#9 Adjourn

The Chair adjourned at 8:00 p.m.

Don Gorham, Planning Commission Chair

PLANNING COMMISSION WORKSHOP

Thursday, November 14, 2019

#1 Call to Order

Planning Commission Chair Gorham called the Planning Commission Workshop to order at 6:00 p.m. in the training room of the police department.

Noted present were Commissioners Duval, Gorham, Marohn, Foley and Woodward. Commissioner Burslie was noted as absent. Community Development Director Chanski and Council Liaison Lambert were also noted as present.

#2 Lighting Ordinance Amendment Review and Discussion

Community Development Director Chanski had emailed a draft copy of the lighting ordinance to the Commission previously to review and provide discussion at the workshop. He started off by explaining he left Section 515-18-5: Performance Standards as it was since most of the public comments agreed with the 13' height in residential areas.

He explained the items shown below are suggested amendments up for discussion, and number seven was added to pertain to parking lots.

4. **In B-1 and B-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is fifteen (15) feet. A light source mounted on a building shall not exceed the height of the building.**
 - a. **If the bulb/light source is fully recessed and/or shielded from view by an observer at five feet above grade, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit.**
5. **In B-3, B-4, B-5, and B-6 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty (20) feet. A light source mounted on a building shall not exceed the height of the building.**
 - a. **If the bulb/light source is fully recessed and/or shielded from view by an observer at five feet above grade, an increase in light source height to a maximum of twenty (25) feet may be allowed by Conditional Use Permit.**
6. **In I-1 and I-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty-five (25) feet. A light source mounted on a building shall not exceed the height of the building.**
 - a. **If the bulb/light source is fully recessed and/or shielded from view by an observer at five feet above grade, an increase in light source height to a maximum of thirty (30) feet may be allowed by Conditional Use Permit.**
7. **Light sources in parking lots shall be reduced to a minimum of fifty (50) percent illumination between the hours of 11:00p.m. and 6:00a.m.**

He also indicated letter E. was also an addition to Section 515-18-2: Exemptions to address the concerns regarding athletics, which is shown below.

515-18-2: Exemptions The provision of this Section shall not apply to the following:

- A. The use of temporary outdoor lighting used during customary holiday seasons.
- B. The use of temporary outdoor lighting used for civic celebrations and promotions.
- C. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings and structures.
- D. Emergency lighting used by police, fire, and rescue authorities.
- E. **Outdoor athletic facilities except that lighting for such facilities shall be shut off between the hours of 12:00a.m. and 6:00a.m.**

Commission discussion took place, questions asked, and suggestions were considered.

At the conclusion of the workshop, Community Development Director Chanski reviewed the following amended ordinance.

FINAL DRAFT WITH SUGGESTED REVISIONS

515-18-2: Exemptions The provision of this Section shall not apply to the following:

- A. The use of temporary outdoor lighting used during customary holiday seasons.
- B. The use of temporary outdoor lighting used for civic celebrations and promotions.
- C. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings and structures.
- D. Emergency lighting used by police, fire, and rescue authorities.
- E. **Outdoor athletic facilities, except that lighting for such facilities, shall be shut off within 60 minutes after final activity.**

515-18-5: Performance Standards.

A. Residential District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
2. **The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a building shall not exceed the height of the building**
 - a. **If the bulb/light source is fully recessed and/or shielded from view by an observer at five feet above grade from the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed if properly shielded.**
3. **The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.**

B. Business/Industrial District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.

2. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
3. Architectural/historical lights that include fixtures that are not shielded, or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance.
- ~~4. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of the light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located, unless allowed by Conditional Use Permit.~~
- 4. In B-1 and B-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.**
 - a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five feet above grade from the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed if properly shielded.**
- 5. In B-3, B-4, B-5, and B-6 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is fifteen (15) feet. A light source mounted on a structure shall not exceed the height of the structure.**
 - a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five feet above grade, an increase in light source height to a maximum of twenty (25) feet may be allowed if properly shielded.**
- 6. In I-1 and I-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty-five (25) feet. A light source mounted on a structure shall not exceed the height of the structure.**
 - a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five feet above grade, an increase in light source height to a maximum of thirty (30) feet may be allowed if properly shielded.**
- 7. Light sources in parking lots shall be turned off within 60 minutes of last activity or business hours.**

#3 Adjourn

The Chair adjourned at 7:20 p.m.

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: November 14, 2019

RE: 7757 Wise Road Rezoning

Zachary and Erin Weberg, 7757 Wise Road, Brainerd, MN 56401 have submitted a request to rezone the property at 7757 Wise Road from an R-A (Rural Agriculture) District to an R-1A (Single-Family Residential) District.

The purpose of this rezoning is to reduce the lot size so as to conduct a lot split of less than 20 acres.

Findings of Fact

1. The properties immediately adjacent to 7757 Wise Road are zoned R-A (Rural Agricultural) District and R-R (Rural Residential) District.
 - a. The closest non-rural residentially zoned properties are zoned R-1A (Single Family Residential) District.
2. [Per Section 515-51-7](#) of the Code of Ordinances, the minimum lot size within a R-A District is 20 acres.
 - a. 7757 Wise Road is currently a 40-acre property.
 - i. However, much of the property is unbuildable wetland.
3. [Per Section 515-55-7](#) of the Code of Ordinances, the minimum lot size within a R-1A District is 10,000 square feet.
4. Upon approve of this rezoning request, the applicant intends to submit a lot split request to split a 200'x 600' piece of land off the northeast corner of the property on which he intends to build a home for his mother-in-law.
5. Pending approval of the zoning request and future lot split, the applicant has submitted a request to Crow Wing County for a separate access off Wise Road for the new lot.

No parties have come forward to express concern about this rezoning request at the time of this writing.

Staff Opinion

Staff recommends approval of this rezoning request.



City Planning Department

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

RECEIVED

OCT 23 2019

CITY OF BRAINERD
ADMINISTRATION

Receipt # 2019-00063
Check # 7126
Date Paid: 10/23/19

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☒ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 7757 Wise Road Brainerd

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

Property Owner Name: Zachary + Erin Weberg

Street Address: 7757 Wise Road City: Brainerd State: MN Zip Code 56401

Phone Number: 320-420-2458 Fax: _____ E-mail: ezweberg@gmail.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Rezoning to a R1A for the ability to put up a house on the property for my mother in law.

Zachary David Weberg Erin A Weberg
Property Owner Signature

10/21/19
Date

Zachary David Weberg Erin A Weberg
(Please print name)

Zachary David Weberg
Applicant Signature

10/21/19
Date

Zachary David Weberg
(Please print name)

(OVER)

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION PER DOCUMENT NUMBER 863123:

The Northeast Quarter of the Northwest Quarter of Section 32, Township 134 North, Range 28 West, Crow Wing County, Minnesota.

PROPOSED LEGAL DESCRIPTION FOR PARCEL A:

The Northeast Quarter of the Northwest Quarter of Section 32, Township 134 North, Range 28 West, Crow Wing County, Minnesota. EXCEPT the East 200.00 feet of the North 600.00 feet thereof.

Subject to easements, reservations and restrictions of record.

PROPOSED LEGAL DESCRIPTION FOR PARCEL B:

The East 200.00 feet of the North 600.00 feet of the Northeast Quarter of the Northwest Quarter of Section 32, Township 134 North, Range 28 West, Crow Wing County, Minnesota.

Subject to easements, reservations and restrictions of record.

GENERAL NOTES

1. No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
2. Bearings shown are based upon the Crow Wing County Coordinate System.
3. The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
4. No wetlands were delineated as a part of this survey.

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul Herkenhoff
Paul Herkenhoff, R.L.S.
License No. 45875

10-22-19

Scale: 1" = 150 feet

Bearings based on assumed datum.

REQUESTED BY:

ZACHARY WEBERG

Lakes Area
SURVEYING
LLC

24314 SMILEY ROAD, SUITE C
NISSWA, MN 56468
OFFICE (218) 961-0090



Drawn by: PDH

Date: 10/22/19

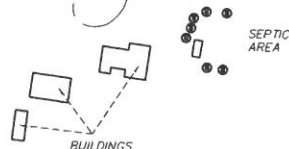
Job No: 19-197

S 00°50'12" W 1326.35

S 89°59'58" W 1328.26

1128.25
BITUMINOUS
SURFACE

DRIVEWAY
CENTERLINE



PARCEL A
(AREA = 37.78 ACRES)

NE1/4-NW1/4

SECTION 32, T. 134, R. 28

COUNTY ROAD 49

PARCEL B
(AREA = 2.75 ACRES)

PROPOSED
BUILDING
LOCATION

N 00°32'35" E
600.03

N 89°59'58" E
200.01

S 00°32'35" W 1325.48

N 89°57'57" E 1335.07

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Zachary and Erin Weberg, 7757 Wise Road, Brainerd, MN 56401 have submitted a request to rezone the property at 7757 Wise Road from an R-A (Rural Agriculture) District to an R-1A (Single-Family Residential) District. The purpose of this rezoning is to reduce the required lot size to allow for a lot split of less than 20 acres.

The legal description of the property is as follows:

W 822 FT of NE 1/4 of NW 1/4 & also including; NE 1/4 of NW 1/4, Subject to a HWY Easement of Record. Except the W 822 Ft Thereof. Subject to a HWY Easement of Record

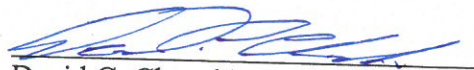
P.I.N. 41320508

Section 32, Township 134, Range 028

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20, 2019 in the Crow Wing County Board Room at the Historic Court House, 326 Laurel Street, to consider the request.

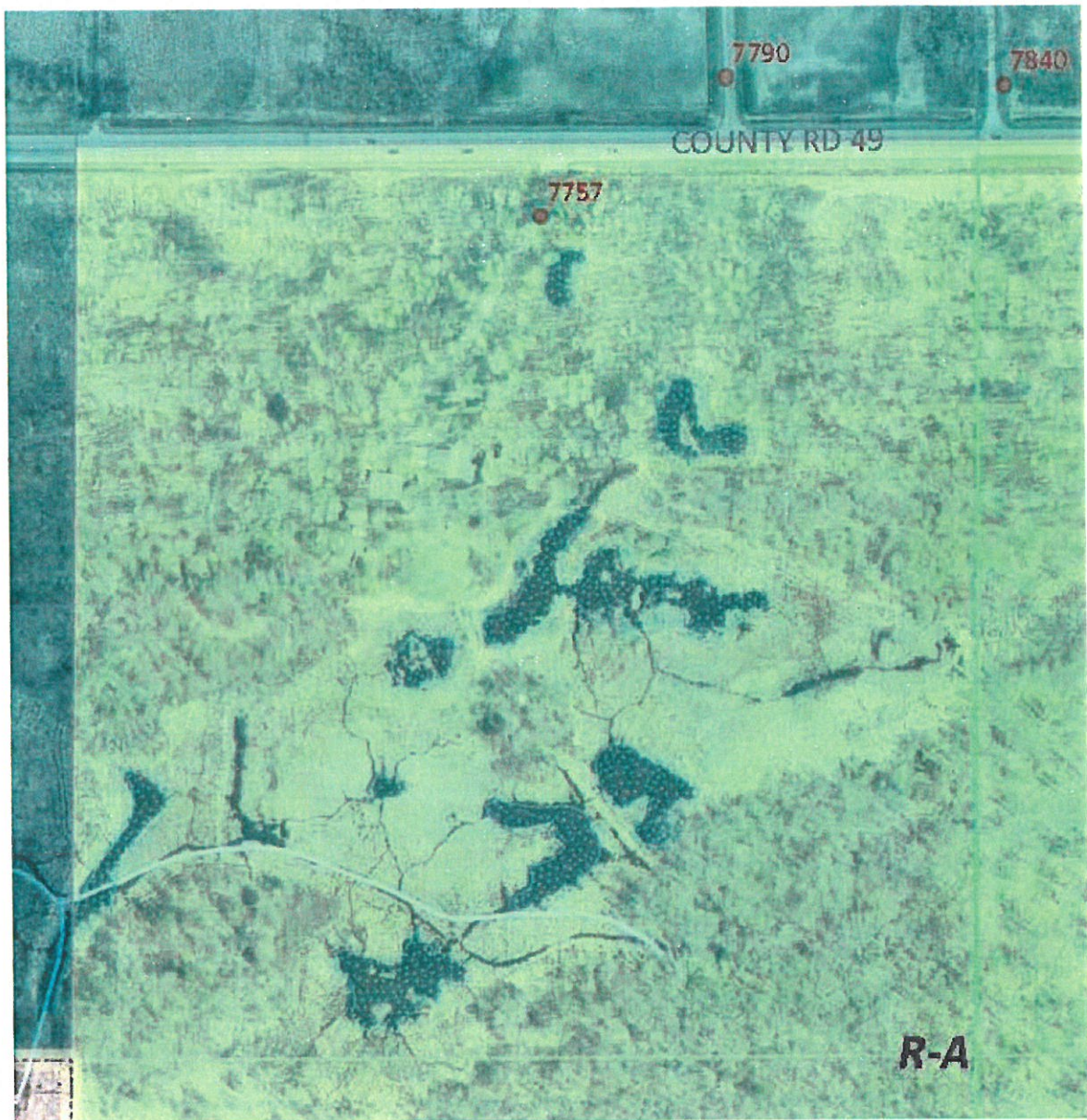
Any individual needing special accommodations or would like more information about this request please call (218) 828-2309.

Dated this 8th day of November, 2019.



David C. Chanski, MPA
Community Development Director

See reverse side for map.



Parcel Number	Legacy Parcel Number	Municipality	Owner Name	Owner Address	Owner Add	Owner Add
41290713	080293304BB0889	CITY OF BRAII	FORAN, DOUGLAS A & SARA L	7612 WISE RD	BRAINERD MN	56401
41290712	080293400A00009	CITY OF BRAII	BAUMGARTNER, ROBERT J & LINDA M	7790 WISE RD	BRAINERD, MN	56401
41290711	080293400B00009	CITY OF BRAII	BENSON, MARY L REV TRUST AGR	324 7TH ST N	BRAINERD, MN	56401
41290709	080294300B00009	CITY OF BRAII	TRASK, PETER A	7840 WISE RD	BRAINERD, MN	56401
41290708	080294300C00009	CITY OF BRAII	BJORKLUND, RICHARD A JR & SUSAN L	P O BOX 314	BRAINERD, MN	56401
41320508	080322100B00009	CITY OF BRAII	WEBERG, ZACHARY D & ERIN A	7757 WISE RD	BRAINERD, MN	56401
41320507	080322200AA0009	CITY OF BRAII	WALLIN, TODD JAMES	15932 DELLWOOD DR	BRAINERD, MN	56401
41320506	080322200AB0009	CITY OF BRAII	MERTES, RANDY RENE	15876 DELLWOOD DR	BRAINERD, MN	56401
41320504	80322400000009	CITY OF BRAII	REIKOFSKI, CRAIG	15532 DELLWOOD DR	BRAINERD, MN	56401



Parcel Number	Legacy Parcel Number	Municipality	Owner Name	Owner Address	Owner Adc	Owner Adc Tax ID	Tax Name	Tax Address	Tax Address 2	Tax Address	Tax Address	Physical Ac	Physical Cl	Physical Zip
41290713	0802933048B0889	CITY OF BRAII	FORAN, DOUGLAS A & SARA L	7612 WISE RD	BRAINERD MN	56401	67438 FORAN, DOUGLAS A & S	7612 WISE RD	BRAINERD MN	56401		7612 WISE BRAINERD		56401
41290712	080293400A00009	CITY OF BRAII	BAUMGARTNER, ROBERT J & LINDA M	7790 WISE RD	BRAINERD, MN	56401	2859 BAUMGARTNER, ROBER	7790 WISE RD	BRAINERD, MN	56401		7790 WISE BRAINERD		56401
41290711	080293400B000009	CITY OF BRAII	BENSON, MARY L REV TRUST AGR	324 7TH ST N	BRAINERD, MN	56401	146029 BENSON, MARY L REV TI	324 7TH ST N	BRAINERD, MN	56401		0 BRAINERD		56401
41290709	080294300B000009	CITY OF BRAII	TRASK, PETER A	7840 WISE RD	BRAINERD, MN	56401	136707 TRASK, PETER A	7840 WISE RD	BRAINERD, MN	56401		7840 WISE BRAINERD		56401
41290708	080294300C000009	CITY OF BRAII	BJORKLUND, RICHARD A JR & SUSAN L	P O BOX 314	BRAINERD, MN	56401	114593 BJORKLUND, RICHARD A	P O BOX 314	BRAINERD, MN	56401				
41320508	080322100B000009	CITY OF BRAII	WEBERG, ZACHARY D & ERIN A	7757 WISE RD	BRAINERD, MN	56401	149064 WEBERG, ZACHARY D &	7757 WISE RD	BRAINERD, MN	56401		7757 WISE BRAINERD		56401
41320507	080322200AA00009	CITY OF BRAII	WALLIN, TODD JAMES	15932 DELLWOOD DR	BRAINERD, MN	56401	105282 WALLIN, TODD JAMES	15932 DELLWOOD DR	BRAINERD, MN	56401		15932 DEL BRAINERD		56401
41320506	080322200AB00009	CITY OF BRAII	MERTES, RANDY RENE	15876 DELLWOOD DR	BRAINERD, MN	56401	93338 MERTES, RANDY RENE	15876 DELLWOOD DR	BRAINERD, MN	56401		15876 DEL BRAINERD		56401
41320504	803224000000009	CITY OF BRAII	REIKOFSKI, CRAIG	15532 DELLWOOD DR	BRAINERD, MN	56401	99057 REIKOFSKI, CRAIG	15532 DELLWOOD DR	BRAINERD, MN	56401		0 BRAINERD		56401

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: November 14, 2019

RE: 317 N. 4th St. Rezoning

Jeffrey Kramer, 505 Rosewood St., Brainerd, MN 56401 has submitted a request for the property at 317 N 4th St. on behalf of property owner Kenneth Kramer, 10865 County Road 44, Brainerd, MN 56401 to rezone said property from an R-1 (Single Family Residential) District to an R-2 (Medium Density Residential) District.

The purpose of this rezoning is to allow for the conversion of a single-family home into a duplex.

Findings of Fact

1. The properties immediately adjacent to 317 N. 4th St. are zoned R-1 (Single Family Residential) District.
 - a. On the same block as this property, there are properties zoned B-1 (Residential Office) District and R-3 (High Density Residential) District.
2. [Per Section 515-54-2](#) of the Code of Ordinances, the permitted uses within a R-1 District are:
 - a. Detached single family dwellings.
 - b. Public recreation areas and related accessory buildings and structures.
 - c. Residential facilities serving six (6) or fewer persons in a single-family detached dwelling.
 - d. Essential services regulated by Section 36 of the Zoning Code.
3. The purpose and intent of R-1 Districts as provided in Section 515-54-1 does conflict with the permitted uses as outlined above.
 - a. Section 515-54-1 states that the purpose and intent of this district is to “allow and preserve areas in the City of quiet neighborhoods of one- and two-family homes, free from other uses except those which are compatible with residents of such a district.”
4. [Per Section 515-56-2](#) of the Code of Ordinances, the permitted uses within a R-1 District are:
 - a. Single family detached dwellings.
 - b. Two family attached dwellings
 - c. One Multiple family building per lot or parcel containing four (4) or less units.
 - d. Public recreation areas and related accessory buildings and structures.
 - e. Residential care facilities serving six (6) or more persons.

- f. Essential services as regulated by Section 36 of the Zoning Code.
- 5. Should this rezoning request be approved, the property would still meet the lot size requirements set forth for both single-family and two-family dwellings in R-2 Districts.

A number of parties came forward to originally object to the conversion of this single-family dwelling into a two-family dwelling when it first came before the Planning Commission in the form of a variance request. However, no parties have formally come forward to express concern about this rezoning request at the time of this writing.

Staff Opinion

- 1. Upon review, staff does not find reason to deny this rezoning request. As this structure is currently configured as a single-family dwelling and building permit has yet to be applied for pending this rezoning request, staff cannot determine whether the structure itself will meet the building code requirements for a two-family dwelling.



City Planning Department

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

RECEIVED

OCT 23

CITY OF BRAINERD
ADMINISTRATION

Receipt # _____

Check # _____

Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

REZONING

☒

(\$300.00)

☐

(\$500.00)

VARIANCE

☐

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 317 N. 4TH ST.

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

Property Owner Name: KENNETH KRAMER

Street Address: 10865 CO. RD 44 City: BRAINERD State: MN Zip Code: 56401

Phone Number: 218-820-3081 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) JEFF KRAMER

Street Address: 505 ROSEWOOD ST City: BRAINERD State: MN Zip Code: 56401

Phone Number: 218-839-2138 Fax: _____ E-mail: _____

Description of Request: CHANGE ZONING FROM R1 TO R2
TO ALLOW DUPLEX OF CURRENT SINGLE FAMILY
STRUCTURE

[Signature]
Property Owner Signature

10-23-19
Date

KENNETH KRAMER
(Please print name)

[Signature]
Applicant Signature

10-23-19
Date

JEFFREY L. KRAMER
(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jeffrey Kramer, 505 Rosewood St., Brainerd, MN 56401 has submitted a request for the property at 317 N 4th St. on behalf of property owner Kenneth Kramer, 10865 County Road 44, Brainerd, MN 56401 to rezone said property from an R-1 (Single Family Residential) District to an R-2 (Medium Density Residential) District. The purpose of this rezoning is to allow for the conversion of a single-family home into a duplex.

The legal description of the property is as follows:

*N ½ of Lot 8 Block 68 & Lot 9 Block 68 & S ½ of Lot 10 Block 68, Town of
Brainerd & First Addition to Brainerd
P.I.N. 41241306
Section 24, Township 45, Range 31*

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20, 2019 in the Crow Wing County Board Room at the Historic Court House, 326 Laurel Street, to consider the request.

Any individual needing special accommodations or would like more information about this request please call (218) 828-2309.

Dated this 8th day of November 2019.

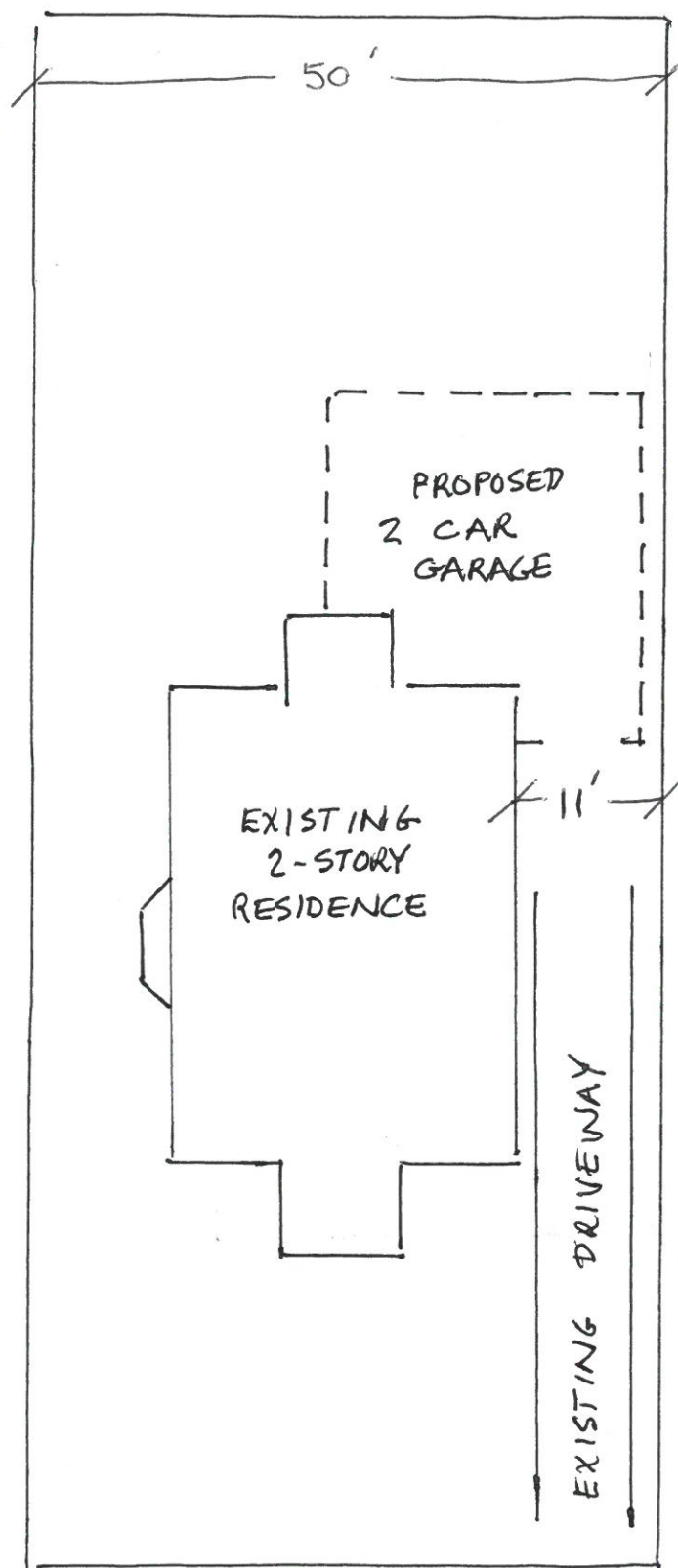

David C. Chanski, MPA
Community Development Director

See reverse side for map.



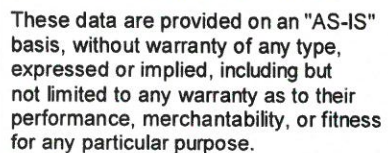
KENNETH KRAMER

6401



317 NORTH 4TH STREET

Parcel Number	Legacy Parcel Number	Municipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Physical Address	Physical City	Physical Zip
41241386	09196052001X009	CITY OF BR	AGATE HOMES LLC	PO BOX 421		BRAINERD MN 56401	215 3RD ST N	BRAINERD	56401
41241086	09196110005Z009	CITY OF BR	BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN 56401		409 4TH ST N	BRAINERD	56401
41241304	09196068013Y009	CITY OF BR	BECK, SUSAN	312 JUNIPER ST	BRAINERD, MN 56401		312 JUNIPER ST	BRAINERD	56401
41241308	09196068001Z889	CITY OF BR	BJORK, RICHARD B & KATHRYN A	303 4TH ST N	BRAINERD, MN 56401		303 4TH ST N	BRAINERD	56401
41241285	09196070003Z009	CITY OF BR	BLAHUT, JAMES & VUKELICH, MINDY	307 N 5TH ST	BRAINERD MN 56401		307 5TH ST N	BRAINERD	56401
41241280	09196070011Z009	CITY OF BR	BROWN, MARK A & LORIE A	321 5TH ST N	BRAINERD, MN 56401		321 5TH ST N	BRAINERD	56401
41241389	09196050021Z009	CITY OF BR	BYE CABLES INC	PO BOX 565	BRAINERD MN 56401		220 3RD ST N	BRAINERD	56401
41241089	09196108020Z009	CITY OF BR	CHAMBERLAIN, SONYA HESS & LAURENCE	401 JUNIPER ST	BRAINERD, MN 56401		401 JUNIPER ST	BRAINERD	56401
41241085	09196110007Z009	CITY OF BR	CHRISTENSEN, RANDY H & CONNIE	413 4TH ST N	BRAINERD MN 56401		413 4TH ST N	BRAINERD	56401
41241330	09196066005Z009	CITY OF BR	CULLINANE, JOHN D & TAMYRA	315 3RD ST N	BRAINERD MN 56401		311 3RD ST N	BRAINERD	56401
41241400	09196050001Z009	CITY OF BR	DEGEN, MICHAEL S & JULIE L	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	8915 Dorothy Ave	223 4TH ST N	BRAINERD	56401
41241079	09196110019Z009	CITY OF BR	EL-BASHIR, MOHAMMED H	301 JUNIPER ST		BRAINERD MN 56401	301 JUNIPER ST	BRAINERD	56401
41241277	09196070017Z009	CITY OF BR	ENGISCH, RUDOLPH D & BRENDA	312 N 4TH STR	BRAINERD MN 56401		312 4TH ST N	BRAINERD	56401
41241328	09196066010Z009	CITY OF BR	EVENMO, CHERYL R & HOTZLER, MARK D	323 N 3RD ST		BRAINERD MN 56401	323 3RD ST N	BRAINERD	56401
41241095	09196108001Z009	CITY OF BR	FIRST CONGREGATIONAL CHURCH	415 JUNIPER	BRAINERD MN 56401		303 5TH ST N	0 BRAINERD	56401
41241286	09196070001Z009	CITY OF BR	H & H PROPERTIES	4689 ASHLEY RD	BAXTER, MN 56425		214 4TH ST N	BRAINERD	56401
41241399	09196050004X009	CITY OF BR	JAMRIE LLC	523 HOLLY ST	BRAINERD, MN 56401		220 4TH ST N	BRAINERD	56401
41241405	09196048019Z889	CITY OF BR	JENTSCH, ARTHUR L & COLLEEN J	11572 STATE HIGHWAY 210	BRAINERD MN 56401		324 JUNIPER ST	BRAINERD	56401
41241305	09196068010Z009	CITY OF BR	KAUNE, FRED C & PATRICIA A	324 JUNIPER ST	BRAINERD, MN 56401		317 4TH ST N	BRAINERD	56401
41241306	09196068008Z009	CITY OF BR	KRAMER, KENNETH & ROSEMARY	10865 COUNTY RD 44	BRAINERD, MN 56401		302 JUNIPER ST	BRAINERD	56401
41241303	09196066013Z009	CITY OF BR	KUEHN, CARTER T & MARTHA	302 JUNIPER ST	BRAINERD MN 56401		305 JUNIPER ST	BRAINERD	56401
41241080	09196110019Y009	CITY OF BR	KURTZMAN, CHRISTOPHER J	P O BOX 587	BRAINERD, MN 56401		319 5TH ST N	BRAINERD	56401
41241282	09196070009Y009	CITY OF BR	LAUTER, LISA	319 5TH ST N	BRAINERD, MN 56401		404 JUNIPER ST	BRAINERD	56401
41241279	09196070013Z009	CITY OF BR	LUTHJOHN, BRANDON W	404 JUNIPER ST		BRAINERD MN 56401	221 KINGWOOD ST	BRAINERD	56401
41241333	09196066001X009	CITY OF BR	MARSOLEK, LAURA W & GEORGE C	221 KINGWOOD ST	BRAINERD, MN 56401		407 4TH ST N	BRAINERD	56401
41241087	09196110003Z009	CITY OF BR	MARTIN, JARED & ANGELEA	407 4TH ST N	BRAINERD, MN 56401		418 3RD ST N	BRAINERD	56401
41241081	09196110016Z009	CITY OF BR	MATTHIES FAMILY TRUST AGMT	MATTHIES, WILLIAM & EVELYN T	418 NORTH 3RD ST	BRAINERD, MN 56401	403 4TH ST N	BRAINERD	56401
41241088	09196110001Z009	CITY OF BR	MATTHIES, TODD K	403 N 4TH ST	BRAINERD, MN 56401		0 BRAINERD	BRAINERD	56401
41241092	09196108016Y009	CITY OF BR	MERCK, JOSEPH & GRETA	424 N 4TH ST		BRAINERD MN 56401			
41241278	09196070015Z009	CITY OF BR	NELSON-WOOD, KATHLEEN D	320 4TH ST N	BRAINERD, MN 56401		320 4TH ST N	BRAINERD	56401
41241084	09196110009Z009	CITY OF BR	RAKOWSKI, MICHAEL & JOYCE	417 N 4TH ST	BRAINERD MN 56401		417 4TH ST N	BRAINERD	56401
41241283	09196070007Z009	CITY OF BR	RESSEN, RICK R & ROSALIND	313 N 5TH ST	BRAINERD MN 56401		313 5TH ST N	BRAINERD	56401
41241388	09196050023Z009	CITY OF BR	ROBERTS, SHON B & LISA L	304 KINGWOOD ST	BRAINERD MN 56401		304 KINGWOOD ST	BRAINERD	56401
41241331	09196066001Z009	CITY OF BR	ROHLOFF, TREVOR	211 KINGWOOD ST	BRAINERD MN 56401		211 KINGWOOD ST	BRAINERD	56401
41241284	09196070005Z009	CITY OF BR	RUPPERT, CHARLES F & BRIDGET J RYAN	311 N 5TH ST	BRAINERD, MN 56401		311 5TH ST N	BRAINERD	56401
41241281	09196070009Z009	CITY OF BR	SIEVERT, NATHAN C & SCHAILIS	414 JUNIPER ST	BRAINERD MN 56401		414 JUNIPER ST	BRAINERD	56401
41241302	09196068019Z009	CITY OF BR	ST JOSEPH'S MEDICAL CENTER	523 N 3RD STR	BRAINERD MN 56401		303 KINGWOOD ST	BRAINERD	56401
41241332	09196066001Y009	CITY OF BR	VOPATEK, JUDI M	215 KINGWOOD ST	BRAINERD MN 56401		215 KINGWOOD ST	BRAINERD	56401
41241276	09196070023Z009	CITY OF BR	WALLIN, MINNA A REVOCABLE LIV TRST	401 KINGWOOD ST	BRAINERD MN 56401		401 KINGWOOD ST	BRAINERD	56401
41241091	09196108017Z009	CITY OF BR	WILEMAN, DANIEL E & JOAN M	412 4TH ST N	BRAINERD MN 56401		412 4TH ST N	BRAINERD	56401



Date: 11/7/2019 Time: 2:45:55 PM



To: The Brainerd City Planning Commission

From: Neighbors of the property at 317 North 4th Street

Re: Rezoning Request for 317 North 4th to convert from R-1 to R-2 in order to make the property a duplex

This is in response to the request by Jeffrey Kramer for a rezoning of the property at 317 North 4th Street from R1 to R2 in order to allow a conversion to a duplex. This is on the November 20th Planning Commission agenda.

We, the undersigned, oppose this request for a number of reasons. We question whether the property is even large enough for a duplex and believe that it is inconsistent with the neighborhood. It is noted in the ordinance that part of the purpose of R-1 zoning is to promote quiet neighborhoods. The Beck home and the Kaune home abut this property and are single family dwellings. While there are a couple of multi-family rentals in the neighborhood, we believe these are as a result of grandparenting non-conforming properties when the zoning ordinances were put in place.

317 North 4th has been a problem property for years. The house is in a substantial state of disrepair. Paint is peeling. It has not been maintained, including lack of lawn care, failure to remove snow from sidewalks and junk piled everywhere. The owner failed to oversee the previous occupants and there was drug use and garbage burned outdoors. There are junk cars in the yard. Neighbors snowblow the sidewalk to make it safe for the public as the owner does not. We seriously doubt that the home would currently meet the city's own rental standards. Making it a duplex would only exacerbate the problem.

Parking would be a problem as there is no parking on that side of the street. The house is only 11' from the neighbors property.

We oppose this request for rezoning.

Signed:

<u>Susan Beck</u>	<u>312 Juniper St</u>	<u>11/18/19</u>
<u>Pat Kaune</u>	<u>324 Juniper St</u>	<u>11/18/19</u>
<u>Les Pitula</u>	<u>421 N 4th St</u>	<u>11/19/19</u>
<u>Sonya Crumbaker</u>	<u>461 Juniper St</u>	<u>11/19/19</u>
<u>Fred Kaune</u>	<u>324 Juniper St</u>	<u>11/19/19</u>

Angel & Mario 407 N 4th St 11/19/19

Alan & Marie Jabs 305 Juniper St 11/19/19

Carter & Martha 302 Juniper St 11/19/19

Chris Kutzman 305 Juniper St 11/19/19

Brandon Luthjohn 404 Juniper St 11-19-19

Ran & Joan Niekman 412 North 4th St 11/19/19

Kathleen & Doug Wood 320 No. 4th St 11/19/19

10/14/19

Dear Neighbor,

I cannot attend your meeting on Oct 16th because I have other commitments on Wednesdays. I want to inform you however that I am 100% opposed to allowing the variance to be approved.

I once lived on North 10th St and the house next door was converted to a duplex. Life on the east side of the block was turned into a holy hell. There were parties & music blaring till late into the night. One of the renters, instead of exiting the property by backing into the street, drove through my yard so he could drive onto the street. The elderly lady living in the 2nd unit nearly had a nervous breakdown. More than once she came to my house crying. The police were pretty much helpless. Will this happen? I don't know. But I'm against even giving it a chance.

Les Pitula
421 N 4th St.

David Chanski

From: Sue Beck <sbeck312@gmail.com>
Sent: Monday, November 18, 2019 1:38 PM
To: David Chanski
Subject: {external} Request to Rezone 317 North 4th Street Property

This is in response to the request by Jeffrey Kramer for a rezoning of the property at 317 North 4th Street from R1 to R2 in order to allow a conversion to a duplex. This is on the November 20th Planning Commission agenda.

I oppose this request for a number of reasons. I question whether the property is even large enough for a duplex and believe that it is inconsistent with the neighborhood. My home and the Kaune home about this property and are single family dwellings. While there are a couple of multi-family rentals in the neighborhood, I believe these are as a result of grandparenting non-compliant properties when the zoning ordinances were put in place.

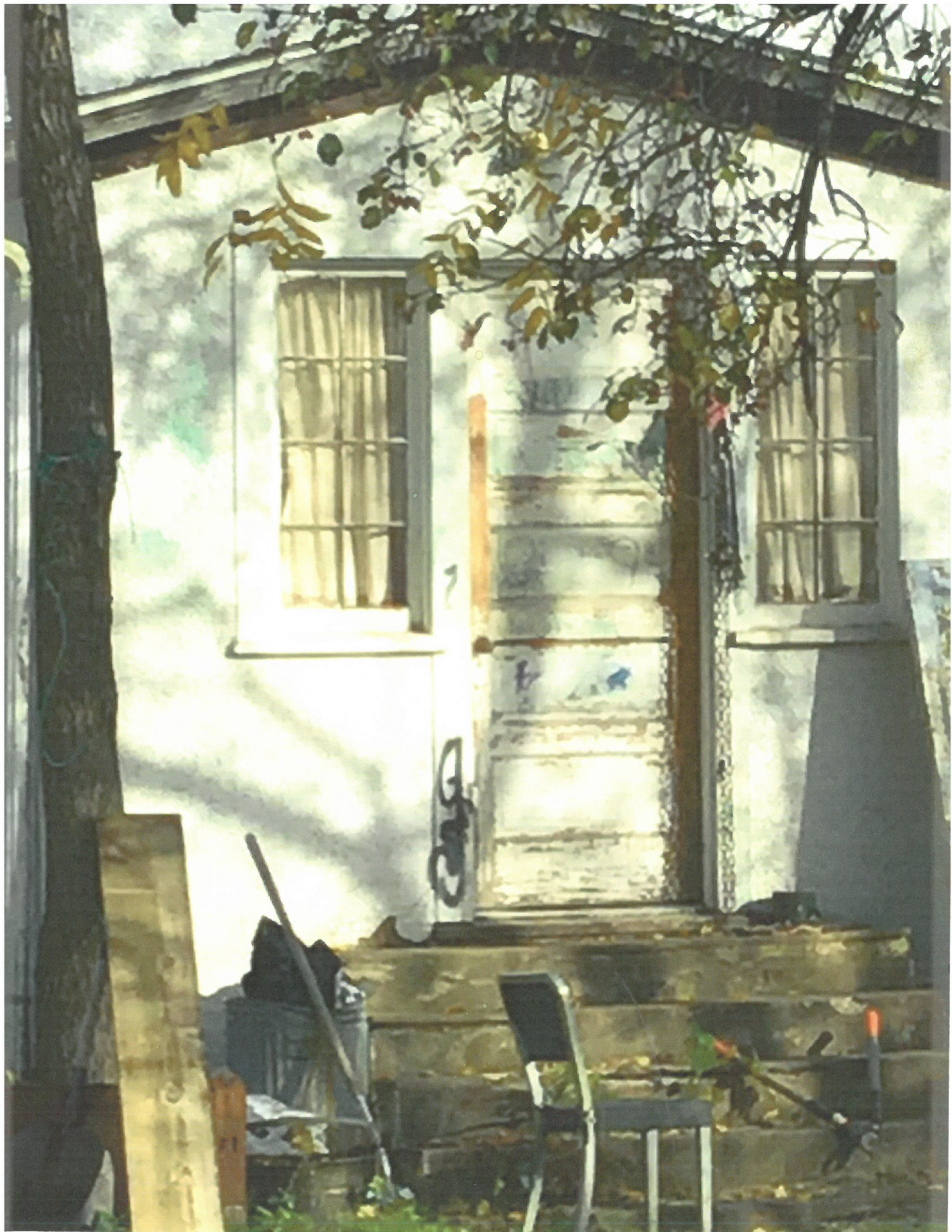
317 North 4th has been a problem property for years. The house is in a substantial state of disrepair. Paint is peeling. It has not been maintained, including lack of lawn care, failure to remove snow from sidewalks and junk piled everywhere. The owner failed to oversee the previous occupants and there was drug use and garbage burned outdoors. There are junk cars in the yard. Neighbors snowblow the sidewalk to make it safe for the public as the owner does not. I seriously doubt that the home would currently meet the city's own rental standards. Making it a duplex would only exacerbate the problem.

Parking would be a problem as there is no parking on that side of the street. The house is only 11' from the neighbors property.

I vehemently oppose this request for rezoning.

Susan Beck
312 Juniper Street
Brainerd, MN 56401
218-829-7254. Cell 218-316-0769

Sent from my iPad





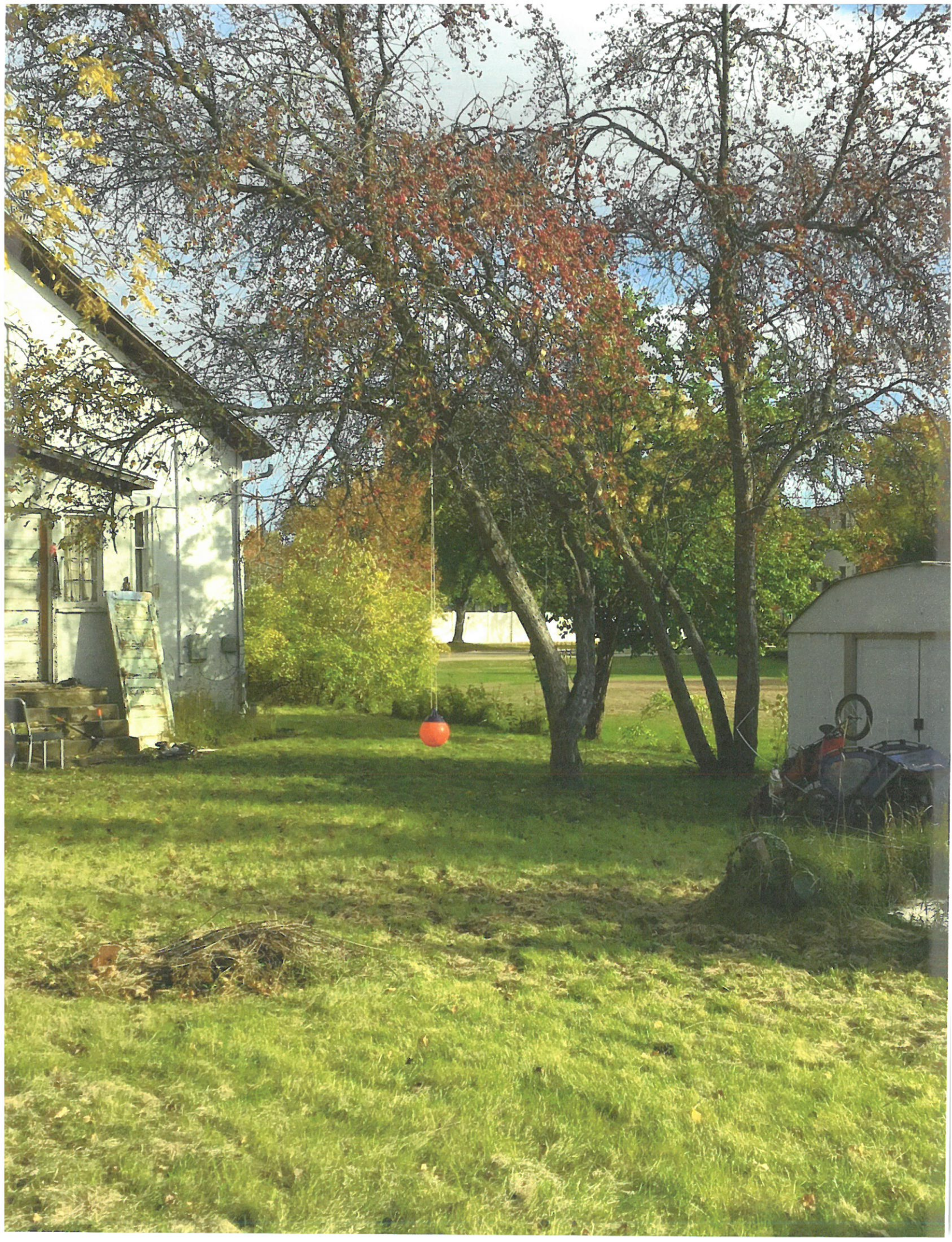
















City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: November 15, 2019

RE: Lowell Elementary CUP

Laine Larson, Superintendent ISD #181, has submitted a request on behalf of Brainerd Public Schools – ISD #181 for a Conditional Use Permit to construct an addition to Lowell Elementary School at 704 3rd Ave NE.

The addition includes but is not limited to classrooms, kitchen, gym, and parking lot.

Findings of Fact

1. Lowell Elementary School is located in a R-1 (Single Family Residential) District.
2. The operation of a school in a R-1 District is considered a conditional use per [Section 515-54-5.F](#) of the Code of Ordinances.
3. The proposed addition must meet the following criteria as required by the aforementioned section of the Code:
 - a. The site accesses a major collector.
 - b. The site is landscaped in accordance with [Section 20](#) of the Zoning Code.
 - c. Off-street parking is provided in accordance with [Section 22](#) of the Zoning Code
 - d. Off-street loading and service entrances are provided as regulated by [Section 23](#) of the Zoning Code.
 - e. Emergency vehicle access is provided to and within the site.
4. ISD #181 has submitted a photometric plan, incorporating lighting standards previously discussed with the Harrison Elementary and Brainerd High School projects.
5. ISD #181 has submitted a request to the City Engineer to designate the section of G Street between 3rd Ave NE and 4th Ave NE as a one-way street flowing east to west.
6. ISD #181 has received approval for the City Engineer to strip the east curb line on 3rd Ave NE between H Street and G Street as bus parking/drop-off.
7. ISD #181 owns all the properties associated with this project.

As of this writing, a number of parties have contacted the Community Development Department with questions about the project, but none have expressed concerns or objections with it.

Staff Opinion

Staff recommends approval of the CUP application.

**City Planning Department**

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

Receipt # _____
 Check # _____
 Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 623 4th Avenue NE, Brainerd

LEGAL DESCRIPTION: Lot(s): 1 Block: 23 Addition: Farrar and Forsyth's
 (attach description if lengthy) First Addition to Brainerd

Property Owner Name: Richard & Mary McKay

Street Address: 21212 Mail Route K City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-851-4687 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) Laine Larson

Street Address: 804 Oak Street City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-454-6900 Fax: _____ E-mail: laine.larson@isd181.org

Description of Request: Lowell Elementary Addition and Remodel

"Conditional use Permit" for the Construction of the Lowell Elementary
 Addition and Remodel consisting of; classrooms, kitchen, gym and additional
 parking lots as indicated on the attached plans.

Laine D. Larson - ISD 181
 Property Owner Signature
Richard McKay
 (Please print name)
Mary McKay
 Applicant Signature

 (Please print name)

11/06/19
 Date

10/31/2019
 Date

Richard and Mary McKay
21212 Mail Route Road
Brainerd, MN 56401
218-851-4687

October 31, 2019

Mr. David Chanski
Community Development Director
501 Laurel Street
Brainerd, MN 56401

Subject: Brainerd Lowell Elementary Conditional Use Permit Approval

Dear Mr. Chanski,

As the owner of the property located at 623 4th Ave. NE Brainerd, MN 56401, I am submitting this letter of approval for the conditional use permit application regarding the Brainerd Lowell Elementary School construction project. The school district and I have a signed purchase agreement in place, for the property listed above, with a closing date on January 3, 2020.

Should you have any questions regarding this approval, please contact us.

Sincerely,



Richard and Mary McKay

10/31/2019

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Laine Larson, Superintendent ISD #181, has submitted a request on behalf of Brainerd Public Schools – ISD #181 for a Conditional Use Permit to construct an addition to Lowell Elementary School at 704 3rd Ave NE, including but not limited to classrooms, kitchen, gym, and parking lot. The properties included in this application are described as:

Block number twenty-six (26) in FARRAR AND FORSYTH'S FIRST ADDITION TO THE CITY OF BRAINERD

Lots Eleven (11) and Twelve (12), Block Twenty-three (23), FARRAR AND FORSYTH'S FIRST ADDITION TO THE CITY OF BRAINERD

Lot 2, Block 23, FARRAR AND FORSYTH'S FIRST ADDITION TO THE CITY OF BRAINERD

Lot One (1), Block Twenty-three (23), FARRAR AND FORSYTH'S FIRST ADDITION TO THE CITY OF BRAINERD

The properties are zoned R-1 (Single Family Residential) District and Zoning Ordinance Section 54-5.F (Single Family Residential) District Conditional Uses permits the operation of public and private schools provided that they meet the required provisions as listed under Section 54-5.F. A copy of the proposed site plan is on file for review at the Community Development Department.

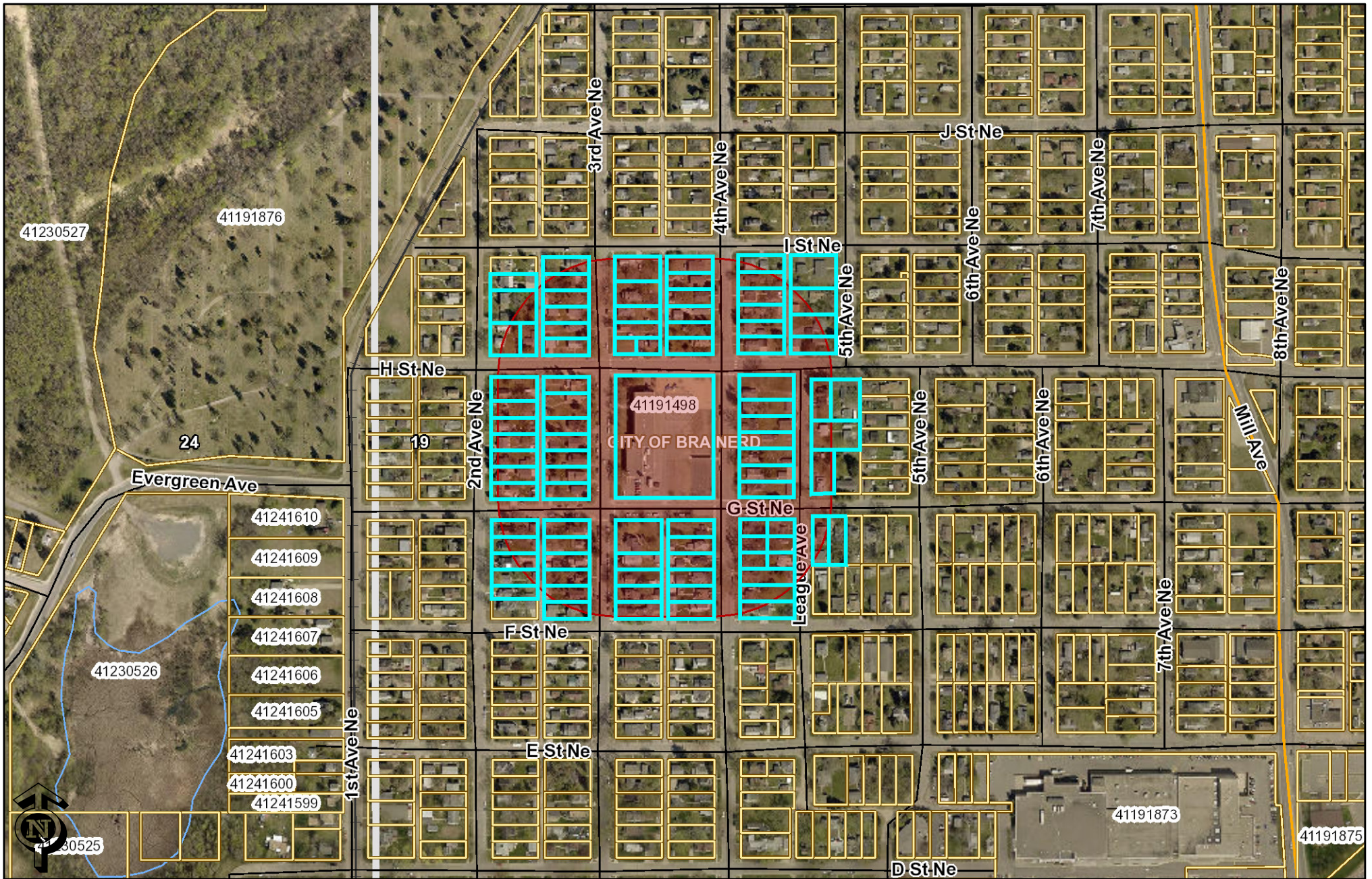
A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20, 2019 in the Crow Wing County Board Room at the Historic Court House, 326 Laurel Street, to consider the Conditional Use Permit request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 8th day of November 2019

David C. Chanski, MPA
Community Development Director

Publication Date: November 11th, 2019



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

704 3rd Ave NE - Lowell School

Date: 11/8/2019 Time: 10:40:36 AM



Owner Name	Owner Address	Owner Address 2	Owner Address 3	Owner Address 4
ABEAR, ALBERT W & DONNA	1577 36TH AVE SW	BACKUS, MN 56435		
ANDERSON, GAYLE A	608 2ND AVE NE	BRAINERD MN 56401		
BADE, JASON & JENNIFER	615 4TH AVE NE	BRAINERD, MN 56401		
BANKS, TRISTAN M & WENDY	611 3RD AVE NE	BRAINERD, MN 56401		
BECKER, CANDY M	819 4TH AVE NE	BRAINERD, MN 56401		
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401		
BENSON, DONALD R	7010 JONQUIL LN N	MAPLE GROVE, MN 55369		
BENSON, STEVEN G & TRACY TJADEF	816 3RD AVE NE	BRAINERD MN 56401		
BIEDERMAN, BRUCE & LEFFLER, MAI	13584 N SYLVAN DAM RD SW		PILLAGER MN 56473	
BIPES, JEFFREY D	811 3RD AVE NE		BRAINERD MN 56401	
BLOCK, TROY & SUZANNE	26257 370TH AVE	HILLMAN, MN 56338		
BOCK, THOMAS C	PO BOX 123	BRAINERD MN 56401		
BRAATZ, JAMES A	603 4TH AVE NE	BRAINERD, MN 56401		
BROWER, SHARON J	617 3RD AVE NE	BRAINERD MN 56401		
BUESGENS, MELANIE	501 G STREET NE	BRAINERD, MN 56401		
BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401		
BUSHOR, RAY E SR & CRENA M	P O BOX 1239	BRAINERD, MN 56401		
CAIN, LEAH M	813 4TH AVE NE	BRAINERD MN 56401		
CAMERON, RICHARD & LORI ZENK	607 3RD AVE NE	BRAINERD, MN 56401		
COSERT, TODD A & MOLLY DEJONGH	718 2ND AVE NE	BRAINERD, MN 56401		
COUNTRYMAN, ANNE	722 2ND AVE NE	BRAINERD, MN 56401		
DAVIS, TIMOTHY J & PATTY A	808 3RD AVE NE	BRAINERD MN 56401		
DEGEN, MICHAEL	10935 GULL LAKE RD	EAST GULL LAKE, MN 56401		
DELLACECCA, ROSS A	1724 HARTFORD LN	CRYSTAL LAKE, IL 60014		
DENNY, LEWIS E	606 4TH AVE NE	BRAINERD, MN 56401		
DISTERHAUPT, CATHERINE & SHAWI	203 H ST NE		BRAINERD MN 56401	
EBINGER, JOHN M & SUSAN M	10773 RIVER HILLS CIR	BRAINERD MN 56401-2146		
ELFSTRAND, SUZANNE	727 3RD AVE NE	BRAINERD, MN 56401		
ERLANDSON, DAVID L & ANNETTE F	8776 DAL MAR DR	BRAINERD MN 56401		
ETHIER, DANIEL R & BRENDA K	608 3RD AVE NE	BRAINERD, MN 56401		
FISHER, TODD A	502 G STREET	BRAINERD MN 56401		
FLANAGAN, LEESHA MARIE	729 3RD AVE NW	BRAINERD, MN 56401		
FRANCIS, MICHAEL & SHAMEAN	604 4TH AVE NE	BRAINERD, MN 56401		

GILB, TRENT & ALINE G	710 2ND AVE NE	BRAINERD, MN 56401	
GOEDDERZ, JAMES F	811 4TH AVE NE	BRAINERD MN 56401	
GOODRICH, WALLACE D	PO BOX 608	BREEZY POINT MN 56472	
GROENWOLD, JOHN & AMANDA	13713 OLIVEWOOD DR		BAXTER MN 56425
HAMANN, RAMANTHA L	820 2ND AVE NE		BRAINERD MN 56401
HEINZ, TRACEY	720 4TH AVE NE	BRAINERD, MN 56401	
HERMAN, DREW M	1941 BIRCH LAKE AVE	WHITE BEAR LAKE, MN 55110	
HERRON, ROBERT W	824 3RD AVE NE	BRAINERD MN 56401	
HOAGLAND, CAROL M	824 4TH AVE NE		BRAINERD MN 56401
HOHEISEL, PAUL & GLENDA TRUST A	15668 NELS JOHNSON R	BRAINERD, MN 56401	
HOLM, CHRIS M	814 4TH AVE NE	BRAINERD MN 56401	
HOLMVIG, ERIC S	615 LEAGUE AVE	BRAINERD, MN 56401	
HOSKINS, SHELLEY	817 3RD AVE NE	BRAINERD MN 56401	
HOWARD, STEVEN M	624 2ND AVE NE	BRAINERD MN 56401	
IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	
JELACIE, MARIAN	616 2ND AVE NE	BRAINERD MN 56401	
JOHNSON, JULIE	815 5TH AVE NE	BRAINERD, MN 56401	
JOHNSON, PAUL D & KLARISE E	502 L ST	BRAINERD MN 56401	
KATZENBERGER, CHAD	9153 COUNTY ROAD 23	BRAINERD, MN 56401	
KERN, DOUGLAS J & SUSAN M	11039 GREENWOOD ST	BRAINERD MN 56401	
LAKEVIEW LOAN SERVICING LLC	80 HOLTZ DR		CHEEKTOWAGA NY 14225
LEMOINE, JEREMY S	702 2ND AVE NE	BRAINERD, MN 56401	
LIND, AMY J & JOSEPH A EBERLY	510 H ST NE	BRAINERD, MN 56401	
LINDBERG, MICHAEL L & LAURIE	823 3RD AVE NE	BRAINERD, MN 56401	
LORIMOR, DIANNA	16380 BIRCHWOOD LN	BRAINERD, MN 56401	
MAREK, STEVEN L & JANA M	502 H ST NE	BRAINERD, MN 56401	
MARTIN, THOMAS J	C/O JOHN & MARGARET	616 NE 3RD AVE	BRAINERD, MN 56401
MCKAY, RICHARD G & MARY	21212 MAIL ROUTE RD	BRAINERD MN 56401	
MCLAIN, COLIN D & AMY M	C/O ROBERT MCLEAN &	2331 DANCING WIND R	PINE RIVER, MN 56474
MILLER, LEXIE	802 4TH AVE NE	BRAINERD, MN 56401	
NEWMAN, KARON G	701 3RD AVE NE	BRAINERD MN 56401	
NORTHWOOD PARTNERS , LLC	29793 E HORESHOE LAK	MERRIFIELD MN 56465	
PECK, ALEXEI N H	724 2ND AVE NE	BRAINERD, MN 56401	
PICKAR, RICK & LINDA	9968 ST MATHIAS RD	BRAINERD, MN 56401	

PIERCE, JIMMIE A	805 5TH AVE NE	BRAINERD, MN 56401	
PIPENHAGEN, LUCAS	211 H ST	BRAINERD, MN 56401	
POTTER, STEVEN T	620 4TH AVE NE	BRAINERD MN 56401	
PRIBBENOW, DENA DENTI	801 3RD AVE NE	BRAINERD, MN 56401	
REITH, KELLY	612 2ND AVE NE	BRAINERD, MN 56401	
ROBERTS, HOLLY M	716 2ND AVE NE	BRAINERD, MN 56401	
SACCONI-SELINGER, DAVID L &	JEANETTE	708 2ND AVE NE	BRAINERD, MN 56401
SALFER, ROSS A & MELISSA A	605-4TH AVE NE	BRAINERD MN 56401	
SAM INVESTMENT PROPERTIES LLC	9534 LIBBY LN	BRAINERD, MN 56401	
SCAMMAHORN, RAYMOND J & DAN	713 3RD AVE NE	BRAINERD, MN 56401	
SCHWENDEMAN, CHAD & MELISSA	7153 FORTHUN RD #12C	BAXTER, MN 56425	
SIMON, GREGORY & MARIA A	823 4TH AVE NE	BRAINERD, MN 56401	
SMITH, CHRISTOPHER & LAURIE	601 3RD AVE NE	BRAINERD, MN 56401	
TAURING, JOSHUA N & ABBEY L	711 3RD AVE NE	BRAINERD, MN 56401	
TAX FORFEITED	CROW WING COUNTY L	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590
TULENCHIK, JOYCE & ROGER	4301 44TH ST SW	PINE RIVER, MN 56474	
WESTER, DUSTIN	812 3RD AVE NE	BRAINERD, MN 56401	
WHALEN, MARY BETH	813 3RD AVE NE	BRAINERD, MN 56401	
ZELL, VICTORIA A	26801 EDNA LAKE RD	NISSWA, MN 56468	

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: November 15, 2019

RE: Garfield Elementary CUP

Laine Larson, Superintendent ISD #181, has submitted a request on behalf of Brainerd Public Schools – ISD #181 for a Conditional Use Permit to construct an addition to Garfield Elementary School at 1120 10th Ave NE.

The addition includes but is not limited to classrooms, kitchen, office space, and parking lot.

Findings of Fact

1. Garfield Elementary School is located in a R-1 (Single Family Residential) District.
2. The operation of a school in a R-1 District is considered a conditional use per [Section 515-54-5.F](#) of the Code of Ordinances.
3. The proposed addition must meet the following criteria as required by the aforementioned section of the Code:
 - a. The site accesses a major collector.
 - b. The site is landscaped in accordance with [Section 20](#) of the Zoning Code.
 - c. Off-street parking is provided in accordance with [Section 22](#) of the Zoning Code
 - d. Off-street loading and service entrances are provided as regulated by [Section 23](#) of the Zoning Code.
 - e. Emergency vehicle access is provided to and within the site.
4. ISD #181 has submitted a photometric plan, incorporating lighting standards previously discussed with the Harrison Elementary and Brainerd High School projects.
5. ISD #181 has submitted a request to the City Engineer to designate four on-street handicap parking spots along the south curb line of L Street between 10th Ave NE and 11th Ave NE to reduce the necessary parking spots in the proposed parking lot.
6. ISD #181 owns all the properties associated with this project.

As of this writing, a number of parties have contacted the Community Development Department with questions about the project, but none have expressed concerns or objections with it.

Staff Opinion

Staff recommends approval of the CUP application.



City Planning Department

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

Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☒ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 1120 10th Ave NE, Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: See attached Certificate of Survey
(attach description if lengthy)

Property Owner Name: Brainerd Public School - ISD 181

Street Address: 804 Oak Street City: Brainerd State: MN Zip Code 56401

Phone Number: 218-454-6900 Fax: 218-454-6901 E-mail: laine.larson@isd181.org

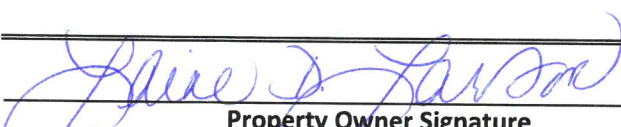
Applicant Name: (If different than Property Owner) Same as Owner

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

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

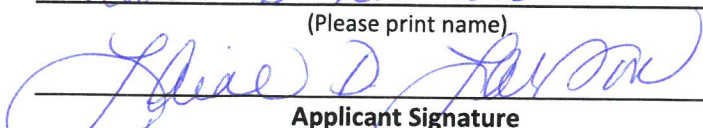
Description of Request: Garfield Elementary Additions & Renovations

Conditional Use Permit for the construction of the Garfield Elementary additions and renovations consisting of; additions including 2 classrooms, a classroom expansion, office addition, kitchen addition, two small special education additions, and new parking lot as indicated on the attached construction documents.


Property Owner Signature

11/06/19
Date

Laine D. Larson
(Please print name)


Applicant Signature

11/06/19
Date

Laine D. Larson
(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Laine Larson, Superintendent ISD #181, has submitted a request on behalf of Brainerd Public Schools – ISD #181 for a Conditional Use Permit to construct an addition to Garfield Elementary School at 1120 10th Ave NE, including but not limited to classrooms, office space, kitchen, and new parking lot. The properties included in this application are described as:

Lot 12 and the South 30 feet of Lot 13, Block 4, GUSTAFSON'S ADDITION TO THE CITY OF BRAINERD, together with the vacated alley adjacent and accruing thereto

The South 45 feet of Lot 14, and Lot 13, EXCEPT the South 30 feet thereof, Block 4, GUSTAFSON'S ADDITION TO THE CITY OF BRAINERD, and the East ½ of adjacent vacated alley

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block One (1), RYAN'S ADDITION TO THE CITY OF BRAINERD and Lots Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8), Block Eight (8), SABIN'S ADDITION TO THE CITY OF BRAINERD

Lot One (1), Block Eight (8), SABIN'S ADDITION TO THE CITY OF BRAINERD

Lot Two (2), Block Eight (8), SABIN'S ADDITION TO THE CITY OF BRAINERD

The properties are zoned R-1 (Single-Family Residential) District and Zoning Ordinance Section 54-5.F (Single Family Residential) District Conditional Uses permits the operation of public and private schools provided that they meet the required provisions as listed under Section 54-5.F. A copy of the proposed site plan is on file for review at the Community Development Department.

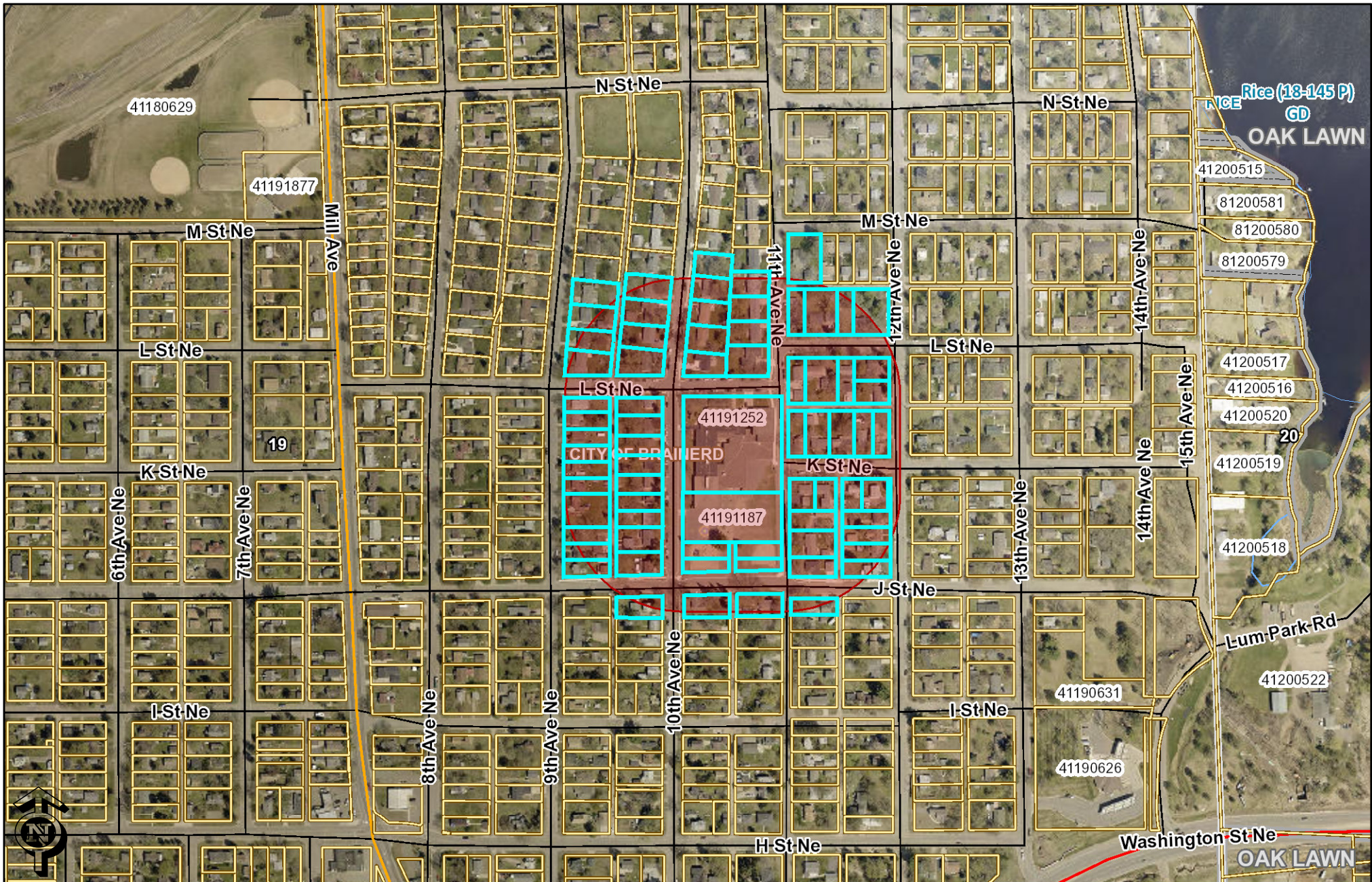
A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20, 2019 in the Crow Wing County Board Room at the Historic Court House, 326 Laurel Street, to consider the Conditional Use Permit request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 8th day of November 2019

David C. Chanski, MPA
Community Development Director

Publication Date: November 11th, 2019



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1120 10th Ave NE Map

Date: 11/8/2019 Time: 10:52:06 AM



Owner Name	Owner Address	Owner Address 2	Owner Address	Owner Add
ANDERSON, LOUIS F & BARBRA TRU	1211 10TH AVE NE	BRAINERD, MN	56401	
ASHMAN, JACOB T	1102 9TH AVE NE	BRAINERD MN	56401	
BAGWELL, JAMES & VICKIE	151 STEPHANIE DR	KERRVILLE TX	78028	
BECK, BRYAN B & TINA M	1215 11TH AVE NE	BRAINERD MN	56401	
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401	
BRAINERD LAKES PROPERTIES LLC	6343 TEACE RD	BRAINERD MN	56401	
BUEHLER, CHRISTIAN	1205 K ST NE	BRAINERD MN	56401	
BUTZER, DEBRA & CHRISTOPHER	1202 L ST NE	BRAINERD, MN	56401	
CARNER, JAMES & DONNA	1218 10TH AVE NE	BRAINERD MN	56401	
CHRISTENSEN, DYLAN J	1112 9TH AVE NE		BRAINERD MN	56401
CLABO, PETER E	1483 LYNNDAL DR		BAXTER MN	56425
CORY, AMANDA J	1109 10TH AVE NE	BRAINERD, MN	56401	
DAHLHEIM, DAVID A	1206 K ST NE	BRAINERD MN	56401	
DALLY, NATHANIEL D & ROSS, MADI	1202 9TH AVE NE		BRAINERD MN	56401
DEGEN, MICHAEL	10935 GULL LAKE RD	EAST GULL LAKE, MN	56401	
ENDRES, DEBORAH J	1108 9TH AVE NE	BRAINERD, MN	56401	
ENGEL, SCOTT E	1209 K ST NE	BRAINERD, MN	56401	
EVENSEN, DENNIS L	6431 CLEARWATER RD	BAXTER MN	56425	
FREDSTROM, RORY A & JANICE	13682 OAK HOLLOW RD	BRAINERD MN	56401	
FRISTEDT, GOLDIE S	1214 9TH AVE NE	BRAINERD, MN	56401	
FULL HOUSE LLC	29793 E HORSESHOE LAKE F	MERRIFIELD, MN	56465	
GABEL, MARY J	1002 9TH AVE NE	BRAINERD MN	56401	
GAVIN, JOHN M	1210 10TH AVE NE	BRAINERD, MN	56401	
GODEJOHN, JUSTIN & BRIAN KARL	1203 10TH AVE NE	BRAINERD, MN	56401	
GOEDKER, DAVID G & SHERRI K	1201 J ST NE	BRAINERD MN	56401	
H & H PROPERTIES OF MINNESOTA	4689 ASHLEY RD	BAXTER, MN	56425	
HANSEN, LINDA	1113 10TH AVE NE	BRAINERD, MN	56401	
HATCHER, HOWARD S & TRACY L	1207 10TH AVE NE	BRAINERD MN	56401	
HOBSON, STEVEN T & LESLIE J	927 11TH AVE NE	BRAINERD MN	56401	
HORSESHOE PROPERTIES LLC	2523 WOODRIDGE LN	BRAINERD MN	56401	
HUNTER, IVY RAE	6078 DONALD ST		BAXTER MN	56425
IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN	56401	
JAMES, TERRY E & MARVIN G	718 S 7TH		BRAINERD MN	56401

JOHNSON, MARK D	1211 11TH AVE NE	BRAINERD, MN 56401
JOHNSON, NOELLE & HENDRICKSON	1214 K ST NE	BRAINERD MN 56401
KENNEDY, VIRGINIA I	1223 L ST NE	BRAINERD MN 56401
KIENHOLZ, CRAIG S & SANDRA R	1206-10TH AVE NE	BRAINERD MN 56401
KUBESH, JOEL & KATRIA	24121 TURNER LAKE DR	CROSBY, MN 56441
KUSCHEL, DUSTIN L & SARAH M	1008 11TH AVE NE	BRAINERD, MN 56401
LAKES AREA HABITAT FOR HUMANIT	1110 WRIGHT ST	PO BOX 234 BRAINERD MN 56401
LANE, CELESTE A & ROBERT	1202 10TH AVE NE	BRAINERD MN 56401
LARSON, JOHN A	1201 L ST NE	BRAINERD MN 56401
LEVIG, LAURIE L	1101 10TH AVE NE	BRAINERD MN 56401
LINDQUIST, TANNER M	1202 J ST NE	BRAINERD, MN 56401
MARTINSON, LAWRENCE E & ANITA	1202 NE K ST	BRAINERD MN 56401
NELSEN, RILEY & ANJA	1004 11TH AVE NE	BRAINERD MN 56401
NIEMEYER, SHAWN R	1006 9TH AVE NE	BRAINERD MN 56401
NORSTROM, DOUGLAS E & DIANE	610 SW 4TH ST	BRAINERD MN 56401
OROURKE, MARGARET	928 10TH AVE NE	BRAINERD, MN 56401
PARKER, JEAN	1206 9TH AVE NE	BRAINERD MN 56401
RADUNZ, CRISSA L	1206 L ST NE	BRAINERD, MN 56401
RUIS, MATTHEW & CAYANNE	1013 10TH AVE NE	BRAINERD MN 56401
SABA, STEVE L	16 MOBILE HOME ESTATES	DEERING, ND 58731
SMUDE, SARAH A	1123 K ST NE	BRAINERD MN 56401
THESING, SCOTT G	1104 9TH AVE NE	BRAINERD, MN 56401
TIBBETTS-PEYERL, RENEE M	1208 L ST NE	BRAINERD, MN 56401
TRETTER, KATRINA M &	WHEELER, JESSE D	1105 10TH AVE NE BRAINERD, MN 56401
VOIT, ALEXANDER J	1215 10TH AVE NE	BRAINERD, MN 56401
WELU, JONATHAN	1121 10TH AVE NE	BRAINERD, MN 56401
WIELENBERG, JANICE K	1214 10TH AVE NE	BRAINERD MN 56401-7298
ZEBROSKI, MATTHEW J & CHANEL M	13925 GREENWOOD DR	BAXTER MN 56425

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: November 15, 2019

RE: Riverside Elementary CUP

Laine Larson, Superintendent ISD #181, has submitted a request on behalf of Brainerd Public Schools – ISD #181 for a Conditional Use Permit to construct an addition to Riverside Elementary School at 220 3rd St NW.

The addition includes but is not limited to gym, finishes, and service entry update.

Findings of Fact

1. Riverside Elementary School is located in a R-3 (High Density Residential) District.
2. The operation of a school in a R-1 District is considered a conditional use per [Section 515-57-5.I](#) of the Code of Ordinances.
3. The proposed addition must meet the following criteria as required by the aforementioned section of the Code:
 - a. The site accesses a major collector.
 - b. The site is landscaped in accordance with [Section 20](#) of the Zoning Code.
 - c. Off-street parking is provided in accordance with [Section 22](#) of the Zoning Code
 - d. Off-street loading and service entrances are provided as regulated by [Section 23](#) of the Zoning Code.
 - e. Emergency vehicle access is provided to and within the site.
4. All proposed additions and renovations appear to meet the shoreland management regulations set forth in [Section 530](#) of the Code of Ordinances.
5. ISD #181 owns all the properties associated with this project.

As of this writing, one neighbor to Riverside Elementary has contacted the Community Development Department with questions about the project, but did expressed concerns or objections with it.

Staff Opinion

Staff recommends approval of the CUP application.



City Planning Department

City Hall – 501 Laurel Street

Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

Receipt # _____

Check # _____

Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐ (\$250.00)

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

REZONING

☐ (\$300.00)

☐ (\$500.00)

VARIANCE

☐ (\$250.00)

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

PROPERTY ADDRESS: 220 NW 3rd St NE Brainerd, MN 56401

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

Property Owner Name: Brainerd Public Schools ISD #181

Street Address: 804 Oak Street City: Brainerd State: MN Zip Code 56401

Phone Number: 218-454-6900 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) Laine Larson

Street Address: 804 Oak Street City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-454-6900 Fax: _____ E-mail: laine.larson@isd181.org

Description of Request: Riverside Elementary Addition and Remodel

"Conditional Use Permit" for the construction of the Riverside Elementary Addition and Remodel
consisting of; service entry update, gym addition, and finishes updates.

Laine D. Larson
Property Owner Signature

11/06/19
Date

Laine D. Larson
(Please print name)

Laine D. Larson
Applicant Signature

11/06/19
Date

Laine D. Larson
(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Laine Larson, Superintendent ISD #181, has submitted a request on behalf of Brainerd Public Schools – ISD #181 for a Conditional Use Permit to construct an addition to Riverside Elementary School at 220 3rd St NW including but not limited to gym, finishes, and service entry update. The properties included in this application are described as:

Parcel I. Lot One (1) and South half of Lot Two (2). Together with vacated portion of Second Street, Block Eighteen (18), WEST BRAINERD

Parcel II North half of Lot Two (2), and all of Lot Three (3), together with vacated portion of Second Street, Block Eighteen (18), WEST BRAINERD

Parcel III Lot Four (4) and South half of Lot Five (5) together with vacated portion of Second Street, Block Eighteen (18), WEST BRAINERD

Parcel IV North Half of Lot Five (5), and all of Lot Six (6), together with vacate portions of Second Street and Charles Street, Block Eighteen (18), WEST BRAINERD

Parcel V Block Twenty (20), WEST BRAINERD together with vacated portion, if any, of Charles Street,

Block Thirty-eight (38) WEST BRAINERD ADDITION TO THE CITY OF BRAINERD including the vacated alley in said Block Thirty-Eight (38) and including the adjoining portion of the abandoned NW 2nd Street, excepting the Highway #371-#210 Right-of-Way

Block Twenty-two (22), WEST BRAINERD ADDITION TO THE CITY OF BRAINERD,

The properties are zoned R-3 (High Density Residential) District and Zoning Ordinance Section 57-5.I (High Density Residential) District Conditional Uses permits the operation of public and private schools provided that they meet the required provisions as listed under Section 57-5.I. A copy of the proposed site plan is on file for review at the Community Development Department.

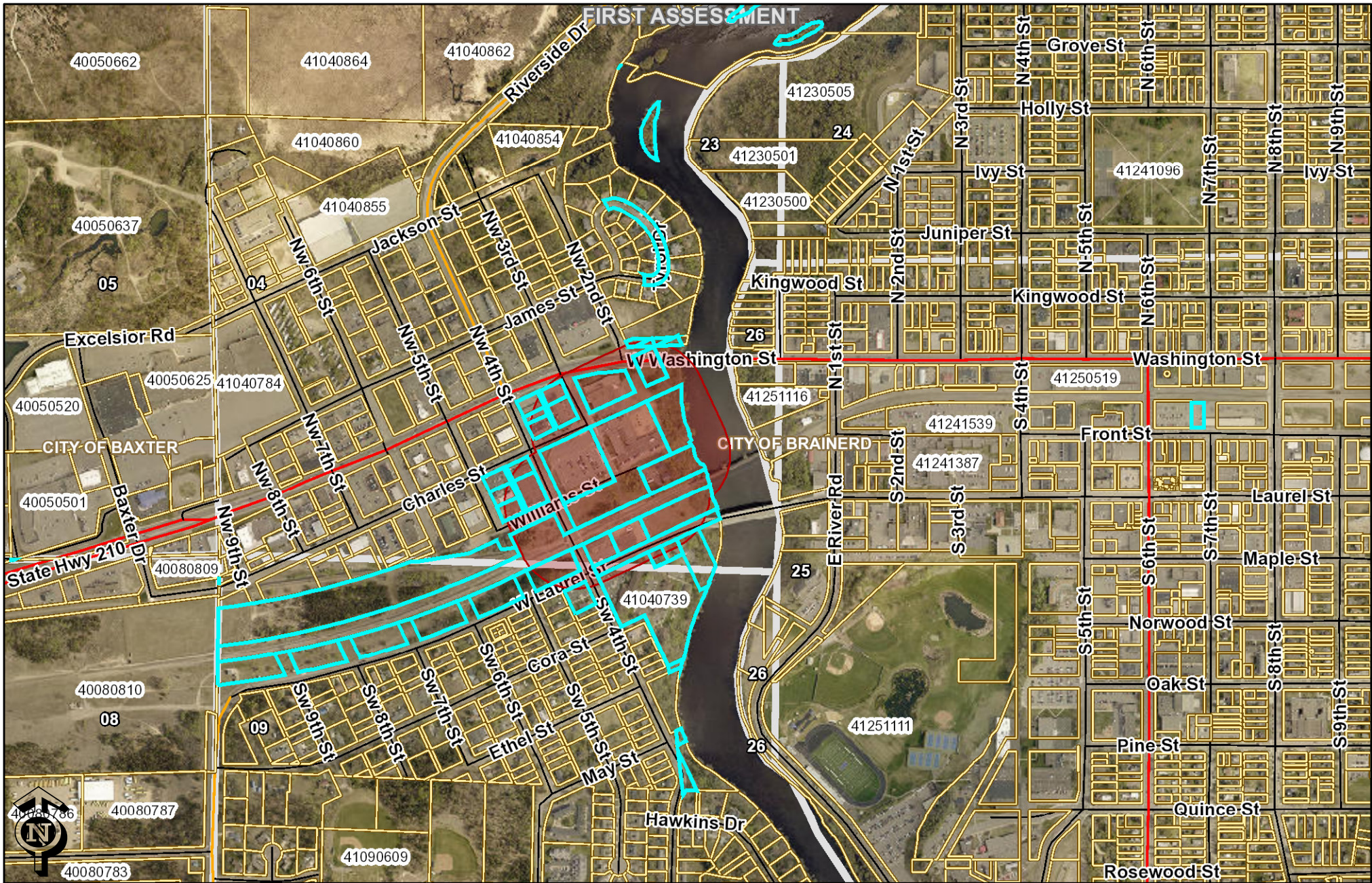
A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20, 2019 in the Crow Wing County Board Room at the Historic Court House, 326 Laurel Street, to consider the Conditional Use Permit request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 8th day of November 2019

David C. Chanski, MPA
Community Development Director

Publication Date: November 11th, 2019



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

205 W Washington St - Map

Date: 11/8/2019 Time: 12:20:00 PM



Owner Name	Owner Address	Owner Address 2	Owner Address 3	Owner Add
CORRAL AUTO REPAIR LLC	303 W WASHINGTON ST		BRAINERD MN	56401
IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN	56401	
KUMMET, LLOYD G	2009 LIC/O RICHARD KUMM	1820 S 8TH ST	BRAINERD, MN	56401
LAVALLE, DENNIS W & JULI	12096 SCENIC RIVER	BAXTER, MN	56425	
MISSISSIPPI TERRANCE PAF	175 7TH AVE S	WAITE PARK, MN	56387	
NORTH MEMORIAL HEALTH ACCOUNTING DEPT	3300 OAKDALE AVE N	ROBBINSDALE, MN	55422	
NORTH MEMORIAL HEALTH	210 NORTHWEST 5TH	BRAINERD, MN	56401	
NORTHERN PINES MENTAL P O BOX 367		LITTLE FALLS, MN	56345	
NORTHERN STATES INVEST PO BOX 327		BRAINERD, MN	56401	
NOVOTNY, LARRY L	2400 BRADFORD BAY	ALEXANDRIA, MN	56308	
SIMON, WILLIAM M & SUS.	9613 LEISURE LN	BRAINERD MN	56401	
STATE OF MINNESOTA DEP	395 JOHN IRELAND BI MAILSTOP 631 (DP)		ST PAUL MN	55155
THELEN - HAGLIN LLC	1717 13TH ST SE	BRAINERD MN	56401	
TRI AXIS ENTERPRISES LLC	310 W LAUREL ST		BRAINERD MN	56401
TT OF BRAINERD LLC	13754 TWO MILE RD	BRAINERD, MN	56401	

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: November 15, 2019

RE: Proposed Lighting Ordinance Revision

The Planning Commission called for a public hearing on lighting standards to be held during their regular meeting on Wednesday, October 16 to get public input after a proposed lighting standards ordinance revision failed to be passed by the City Council. After this public hearing was held, the Planning Commission conducted a workshop on Thursday, November 14 to work through a new lighting ordinance revision that took into account the concerns expressed by the City Council and the Brainerd Community.

The ordinance revisions coming out of the Planning Commission workshop reads as follows (revisions in bold):

515-18-2: Exemptions The provision of this Section shall not apply to the following:

- A. The use of temporary outdoor lighting used during customary holiday seasons.
- B. The use of temporary outdoor lighting used for civic celebrations and promotions.
- C. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings and structures.
- D. Emergency lighting used by police, fire, and rescue authorities.
- E. **Outdoor athletic facilities, except that lighting for such facilities, shall be shut off within sixty (minutes) of final activity.**

515-18-5: Performance Standards.

A. Residential District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
2. **The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.**

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.

3. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.

B. Business/Industrial District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.

2. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.

3. Architectural/historical lights that include fixtures that are not shielded or lighting of entire facades or architectural features of a **building structure** are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance.

~~4. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of the light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located, unless allowed by Conditional Use Permit.~~

4. In B-1 and B-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.

5. In B-3, B-4, B-5, and B-6 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is fifteen (15) feet. A light source mounted on a structure shall not exceed the height of the structure.

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (25) feet may be allowed.

6. In I-1 and I-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty-five (25) feet. A light source mounted on a structure shall not exceed the height of the structure.

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of thirty (30) feet may be allowed.

7. Light sources in parking lots shall be shut of within sixty (60) minutes of final activity.

The Planning Commission shall first conduct a public hearing regarding these proposed ordinance revisions. Upon completion of the public hearing, the Planning Commission may vote to send these revisions to the City Council for adoption.

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: November 14, 2019

RE: Nonconforming Rentals

The Planning Commission voted to send a proposed ordinance revision to the City Council on October 16, 2019. The proposed ordinance revision completely struck Section 515-15-6.B from the Code. The purpose was to allow current legal nonconforming structures to be properly licensed while not allowing for new multi-family structures in single-family zones.

However, members of the City Council voiced their concerns that this revision was too broad and, thus, would open the door for properties that were once multi-family but haven't been for many, many years (not just the ones currently operating as multi-family) to suddenly become multi-family again. When the motion was made to adopt the proposed ordinance, there was no second, and the item failed.

The purpose of this agenda item is to gauge the Commission's thoughts whether they would like to consider this issue further.