

BRAINERD PLANNING COMMISSION

Wednesday, March 18, 2020

6:00 p.m.

Crow Wing County Board Room

Historic Crow Wing County Courthouse

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
 1. Regular Meeting Held on February 19, 2020
 2. Workshop Held on February 19, 2020

Documents:

[2020-02-19 DRAFT.PDF](#)

[2020-02-19 - DRAFT WORKSHOP.PDF](#)

4. New Business

- 4.a. Zoning Code Text Amendment - Section 515-63: B-4 General Business District

Documents:

[MINI-STORAGE AS CONDITIONAL USE IN B-4 DISTRICTS.PDF](#)

- 4.b. Rezoning Application - Submitted By Tom Lake, On Behalf Of Gustafson Properties For Thirteen Parcels From R-2 (Medium Density Residential) And R-3 (High Density Residential) To B-4 (General Business) District

Documents:

[GUSTAFSON PROPERTY REZONING.PDF](#)

- 4.c. Rezoning Application -Submitted By Becky Dryburgh On Behalf Of Trinity Lutheran Church, 1420 S. 6th St. From R-1 (Single Family Residential) To B-2 (Neighborhood Business) District

Documents:

[TRINITY LUTHERAN CHURCH REZONING - FINDINGS OF FACT.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. Conditional Use Permit - Becky Dryburgh; Trinity Children's Center - 1420 S 6th St

Documents:

[TRINITY CHILDRENS CENTER CUP AMENDMENT - FINDINGS OF](#)

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, February 19, 2020

#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 Crow Wing County Board Room.

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

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND WOODWARD, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND WOODWARD, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 15, 2020 AND THE MINUTES OF THE WORKSHOP HELD ON FEBRUARY 5, 2020.

#4 New Business

4a. Conditional Use Permit – Becky Dryburgh; Trinity Children’s Center – 1420 S 6th St.

Community Development Director Chanski stated Trinity Children’s Center (TCC) has submitted an application to amend their Conditional Use Permit to modify the number of students allowed to be enrolled. He explained the original Conditional Use Permit was issued in 1990, updated in 1991 which allowed for a maximum of 35 children. He stated the Department of Human Services has allowed them increased enrollment multiple times in the past but admittedly failed to notify the local government entity (City of Brainerd). He said the staff of Trinity Children’s Center were not aware of the limitations to the number of children.

He further explained a commercial childcare facility was permitted as a conditional use in the R-1 district at the time in 1991 but are no longer allowed in R-1 districts. He stated the current conditional use permit is now considered legal non-conforming and the use cannot be expanded. He said the original conditional use permit had the following conditions:

1. The permit is for a maximum of 35 children.
2. The hours of operation shall be no earlier than 6:00 a.m. and no later than 7:00 p.m.
3. A copy of the current State License shall be kept on file with the City.

Community Development Director Chanski stated his opinion is to table this discussion as he is working with City Attorney Langel regarding this amendment in order to try to have Trinity Lutheran Church be the “parent” to TCC and hold the permit.

Commissioner Duval questioned the option to rezone the property to a B-1 (Residential Office) district, which allows place of worship.

Community Development Director Chanski stated a rezoning cannot be completed tonight, due to the notification and publication of a rezoning.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO TABLE THE CONDITIONAL USE PERMIT FOR TRINITY CHILDREN'S CENTER TO THE MARCH 18, 2020 PLANNING COMMISSION MEETING.

#5 Public Forum

The Chair opened public forum at 6:12 p.m.

No one came forward.

The Chair closed the public forum at 6:12 p.m.

#6 Old Business

6a. Response to the City Council Regarding Mini-Storage as Conditional Use in B-4 (General Business) District

Commission Chair Gorham stated this topic was first discussed in 2018 resulting in the conclusion it was not the best use of this property. He said this was revisited at the Planning Commission Workshop on February 5, 2020 with the same consensus among the commissioners.

Community Development Director Chanski explained on January 21, 2020, the City Council directed staff to respond to a memo from Breen & Person regarding a proposed amendment to Section 515-63 to allow mini-storage facilities on property located in a B-4 (General Business) district. The Planning Commission directed staff to draft a letter in response to the City Council which details the reasons why this should not be allowed in a B-4 district.

Commissioner Duval recommends replacing sentence *"No new growth results in a stagnant economy, which results in stagnant (and often rising) taxes for our residents"* with *"The proposed type of business use will not contribute to local employment options as recommended under Chapter 5; Policy 2; Goal 3."*

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS KALLROOS AND WOODWARD, DULY CARRIED, TO SEND THE LETTER TO THE CITY COUNCIL AS DISCUSSED.

#7 Commissioner's Questions/Comments

Commissioner Lambert suggested there be a deadline for business owners that are no longer in business to remove the signs from the building. Community Development Director Chanski indicated this would involve an ordinance amendment, as there is no current rule to remove signage. He said he would do some research on possible solutions.

#8 Community Development Director's Report

Community Development Director Chanski indicated the property from a previous canceled application submitted by Country Manor for rezoning and a preliminary plat review has been sold to a developer. He stated new applications will be submitted in the near future.

He announced James Kramvik, the new permit technician will soon be learning more about the zoning portion of the position.

He stated as the Commission works through the Trinity Children's Center conditional use permit application, to make sure to keep in mind the new zoning code update that will be taking place. He said to consider the types of uses that is currently allowed or should be permitted in each district.

#9 Adjourn to Planning Commission Workshop – February 19, 2020 at 7:00 p.m. – 6:53 p.m.

Don Gorham, Planning Commission Chair

PLANNING COMMISSION WORKSHOP

Wednesday, February 19, 2020

#1 Call to Order

Planning Commission Chair Gorham called the Planning Commission Workshop to order at 6:00 p.m.

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

#2 Discussion of February 5, 2020 Workshop

Community Development Director Chanski gave a brief summary of the discussion that took place at the workshop regarding the revision to the zoning code. He indicated one of the first steps in implementing the Comprehensive Plan is updating the future land use map, which serves as a flexible tool to guide in planning.

He said the Commission should look at the big picture; where do you see Brainerd in the future, where are growth patterns appearing, and what do we want to see these areas become. He gave an example of the properties around NW 4th Street that were discussed for mini-storage units. These properties are now identified as R-2 and R-3 and the future land use map lists it as potential office park.

#3 Future Land Use Map Districting Activity

Community Development Director Chanski had asked the Commission to complete individual future land use maps as each member would perceive it being identified. He said this activity will help the Commission in developing the base map that will be used to create a new Future Land Use map.

Each Commissioner shared their input and the reasons for their classifications.

Commission discussion took place.

#4 Adjourn

The Chair adjourned at 8:05 p.m.

Don Gorham, Planning Commission Chair

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: March 13, 2020

RE: Mini-Storage Facilities as Conditional Use in B-4 Districts

The City of Brainerd and Crow Wing County are conducting a major infrastructure improvement to NW 4th St. this summer. In preparation for this project, the City has been working with various property owners along the project area to acquire the necessary right-of-way easements. One such necessary acquisition is to fully acquire a small parcel at the intersection of NW 4th St and Jackson St. (PID 41040506).

The City made an offer to acquire the parcel, and the property owners made a counteroffer, which included allowing the construction of mini-storage facilities on property between NW 3rd St and NW 2nd St to the east and west and between James St and Jackson St to the north and south. This property is currently zoned R-2 Medium Density Residential. Currently, mini-storage units are only allowed as a conditional use in [I-1 Light Industrial Districts](#). The City Council responded to the counteroffer by stating that they support such a development, but that the property owners will need work with staff and go through the proper procedure to do so, starting with the Planning Commission.

Tom Lake has submitted a requests on behalf of Gustafson Properties of Brainerd, LLC to amend [Section 515-63](#) of the Zoning Code to allow mini-storage facilities as a conditional use and to rezone certain properties from R-2 and R-3 to B-4.

Below is draft language for amending Section 515-63.

Section 515-63-6.S Mini self-storage facilities provided that:

- 1. At least twenty-five (25) percent of the site is open green space and landscaped in accordance with a plan approved by the City Council.*
- 2. No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes.*
- 3. No single building shall be greater than one hundred fifty (150) feet in length.*
- 4. All structures are to be within two hundred (200) feet of a fire hydrant*

5. *All driveways and parking areas are to have a bituminous or concrete surface and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to insure adequate and safe access during winter months.*
6. *All structures shall comply with the building standards outlined in Section 17 of this ordinance.*
7. *No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.*
8. *No outdoor storage or long-term parking is permitted, and all storage facilities shall be fully enclosed.*
9. *Outdoor lighting for any structures adjacent to a residential use shall meet the criteria for B-1 and B-2 Districts as outlined in Section 18 of this ordinance.*

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: March 13, 2020

RE: Gustafson Property Rezoning

Tom Lake has submitted a request on behalf of Gustafson Properties of Brainerd, LLC, 424 NW 3rd St., Brainerd, MN 56401, to rezone thirteen (13) parcels located between 2nd St. NW to the east, 3rd St. NW to the west, Jackson St. to the north, and James St. to the south from R-2 Medium Density Residential District and R-3 (High Density Residential) District to B-4 (General Business District).

This rezoning request is in tandem with a requested text amendment to allow mini-storage facilities in B-4 (General Business) Districts as a conditional use. Should both the text amendment and the rezoning be approved, the applicant intends on submitting a conditional use permit application for a mini-storage facility on the parcels associated with this rezoning request.

Findings of Fact

1. There are thirteen (13) parcels associated with this rezoning request.
 - a. The eleven (11) lots located between 3rd St. NW and 2nd St NW are zoned R-2 (Medium Density Residential) District.
 - b. The two (2) lots located on Jackson St. are zoned R-3 (High Density Residential) District.
2. All parcels associated with this rezoning request are currently undeveloped.
3. Parcels are adjacent to both residential and commercial uses.
4. 3rd St. NW and 2nd St. NW are unimproved streets.
 - a. The City of Brainerd is in the planning process for an infrastructure project that would improve 3rd St. NW.
5. The northeast corner of PID 41040583 is located in the Mississippi River shoreland management zone.
 - a. No other parcels are located in any shoreland management zone.
6. City water and sewer are in place on Jackson St., James St, 3rd St. NW, and 2nd St. NW.
7. A stormwater line is in place on Jackson St.

As of this writing, no parties have contacted the Community Development Department with questions or concerns about this requested rezoning.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Tom Lake has submitted a request on behalf of Gustafson Properties of Brainerd, LLC, 424 NW 3rd St., Brainerd MN 56401, to rezone thirteen (13) parcels located between 2nd St. NW to the east, 3rd St. NW to the west, Jackson St. to the north, and James St. to the south from an R-2 (Medium Density Residential) District and R-3 (High Density Residential District) to B-4 (General Business) District. The applicant is also seeking a requested zoning code text amendment to allow mini-storage facilities in B-4 Districts as a conditional use. The purpose of these requests is to allow for the development of a mini-storage facility on the properties described below.

The following properties are zoned R-2 and are legally described as:

Lot 12 Block M and the Adjacent N'ly ½ of Vacated Robert Street, West Brainerd Addition

P.I.N. 41040501

Section 4, Township 133, Range 028

Lot 11 Block M, West Brainerd Addition

P.I.N. 41040502

Section 4, Township 133, Range 028

Lot 10 Block M, West Brainerd Addition

P.I.N. 41040503

Section 4, Township 133, Range 028

Lots 7 Thru 9 Inclusive Block M, West Brainerd Addition

P.I.N. 41040504

Section 4, Township 133, Range 028

Lots 1 Thru 6 Inclusive Block M and the Adjacent N'ly ½ of Vacated Robert Street, West Brainerd Addition

P.I.N. 41040505

Section 4, Township 133, Range 028

Lots 9 and 10 Block E, West Brainerd Addition

P.I.N. 41040805

Section 4, Township 133, Range 028

Lot 8 Block E, West Brainerd Addition

P.I.N. 41040806

Section 4, Township 133, Range 028

Lot 7 Block E and the Adjacent S'ly ½ of Vacated Robert Street, West Brainerd Addition

*P.I.N. 41040807
Section 4, Township 133, Range 028*

Lots 5 and 6 Block E and the Adjacent S'y ½ of Vacated Robert Street, West Brainerd Addition

*P.I.N. 41040808
Section 4, Township 133, Range 028*

Lot 4 Block E, West Brainerd Addition

*P.I.N. 41040809
Section 4, Township 133, Range 028*

Lot 3 Block E, West Brainerd Addition

*P.I.N. 41040810
Section 4, Township 133, Range 028*

The following properties are zoned R-3 and are legally described as:

Lots 1 Thru 6 Inclusive Block S Ex. Part of Lots 4, 5, and 6 for HWY. and also Including the E. 10 FT of Vacated N-S Alley in Block S, Except That Portion for HWY, West Brainerd Addition

*P.I.N. 41040511
Section 4, Township 133, Range 028*

Lot 1 Block 3, Except that Parcel Shown as Parcel 258D on MN DOT ROW Plat #18-90 Cert of Title #67399, Arena Addition to the City of Brainerd

*P.I.N. 41040853
Section 4, Township 133, Range 028*

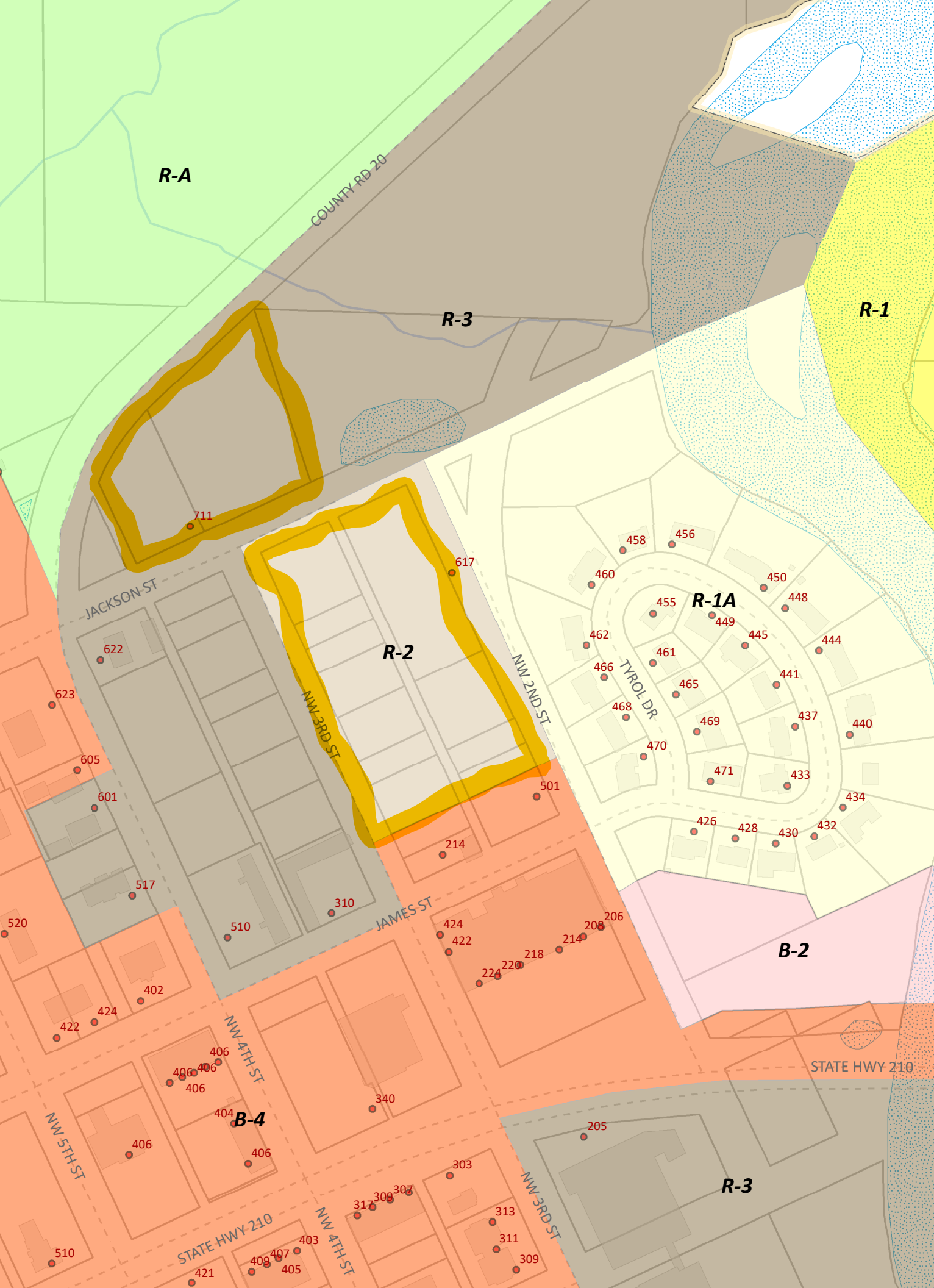
A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, March 18, 2020 in the Crow Wing County Board Room at the Historic Court House, 326 Laurel Street, to consider the request.

Any individual needing special accommodations or would like more information about this request please call (218) 828-2307.

Dated this 6th day of March 2020.

David C. Chanski, MPA
Community Development Director

See reverse side for map.



City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: March 13, 2020

RE: Trinity Lutheran Church Rezoning

Becky Dryburgh has submitted a request on behalf of Trinity Lutheran Church, 1420 S. 6th St., Brainerd, MN 56401, to rezone the property from R-1 (Single Family Residential) District to B-2 (Neighborhood Business) District.

The purpose of this rezoning is to bring Trinity Children's Center (TCC) into compliance with the Zoning Code. TCC's current CUP is considered legal non-conforming. While TCC may continue to operate under such a designation, it cannot expand in any way. TCC has submitted a request to the Minnesota Department of Human Service to increase its occupancy to 71 students. However, an increase in TCC's occupancy is not allowed as it is considered legal non-conforming. Additionally, MDHS will not approve such an increase until the City approves it.

The Planning Commission tabled a requested CUP amendment during their February 19 meeting because of TCC's legal non-conforming status. As a result, Trinity Lutheran Church has submitted a request to rezone their property, from which TCC operates, from R-1 to B-2 in order to bring TCC's CUP back into compliance with the Zoning Code.

Findings of Fact

1. Trinity Lutheran Church is located in a R-1 (Single Family Residential) District.
2. The operation of a church is permitted as a conditional use in a [R-1 District](#) with the following conditions:
 - a. Side yards shall be thirty (30) feet.
 - b. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
 - c. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
 - d. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.
3. The operation of a church is permitted as a conditional use in a B-2 District with the following conditions:
 - a. Side yards shall be thirty (30) feet.

- b. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
 - c. Off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.
- 4. It is staff's opinion that the requested rezoning should not negatively affect Trinity Lutheran Church's current CUP in any way.
 - 5. The requested rezoning would bring Trinity Children's Center (a ministry of Trinity Lutheran Church) into compliance with the zoning code as commercial day care facilities are a conditional use in B-2 Districts.

As of this writing, no parties have contacted the Community Development Department with questions or concerns about this requested rezoning.

Staff Opinion

Staff recommends approval of this rezoning application.

City Hall
501 Laurel Street
Brainerd, Minnesota 56401



August 25, 2005

Mayor

(218) 828-2308
Fax (218) 828-2316

City Administrator

(218) 828-2307
Fax (218) 828-2316
admin@ci.brainerd.mn.us

Civil Attorney

411 Front Street
P.O. Box 367
(218) 828-2775
Fax (218) 829-9768

Criminal Attorney

510 Norwood Street
(218) 828-2311
Fax (218) 825-8922

City Engineer

(218) 828-2309
Fax (218) 828-2316
jhulsether@ci.brainerd.mn.us

Chief of Police

225 East River Road
(218) 829-2805
Fax (218) 825-3489

Fire Chief

Fire Station
23 Laurel Street
(218) 828-2312
Fax (218) 828-2331
brdfire@brainerd.net

City Planner

(218) 828-2309
Fax (218) 828-2316
planning@ci.brainerd.mn.us

Director of Parks & Recreation

1619 Washington Street N.E.
(218) 828-2320
Fax (218) 828-2791
staff@brainerdparks.com

Public Utilities

P.O. Box 373
Business
(218) 829-8726 · fax (218) 829-4703
Service
(218) 829-2193 · fax (218) 829-2308
email@bpu.org

Trinity Lutheran Church
Attn: Mr. Dan Johnson
1420 So. 6th Street
Brainerd, MN 56401

RE: Conditional Use Permit No. 245 and Variance No. 330 for 1420 So. 6th Street

Dear Mr. Johnson:

This is to inform you that the City Council, at its July 18, 2005, meeting approved the Conditional Use Permit for a church expansion on the northerly side of the building and the Variance to waive the 15% interior landscaping requirement on any new parking located at 1420 So. 6th Street.

Enclosed is a copy of the Certification of Conditional Use Permit stamped by the Crow Wing County Recorder's Office.

If you have any questions please do not hesitate to contact me at 218/828-2309.

Cordially,

Mark Ostgarden AICP, CFM
City Planner

/jg

Enclosure

Equal Opportunity Employer



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Office of County Recorder
County of Crow Wing, MN }

I hereby certify that the within instrument was filed
in this office for record on the 2 day of Aug
A.D. 2005 at 2:30 o'clock P M.
and was duly recorded as Doc. No. 0692138

[Signature]

County Recorder

By _____ Deputy

RETURN TO

City of Brainerd

*46.00
City wk*

CERTIFICATION OF CONDITIONAL USE PERMIT AND VARIANCE

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss.
CITY OF BRAINERD)

A Regular Meeting of the City Council of the City of Brainerd, Minnesota, was duly held at the Brainerd City Hall Chambers on the 18th day of July, 2005, at 7:32 P.M.

Upon roll call, the following members were noted present: Aldermen Koep, O'Day, Olson, Nesheim, Goedker, Fisher and Bevans. Mayor Wallin was also noted present.

Conditional Use Permit No. 245 and Variance No. 330 – Trinity Lutheran Church – 1420 South 6th Street – Approved.

Trinity Lutheran Church is proposing a church expansion on the northerly side of the building. Churches and church related buildings are permitted as conditional uses in Residential-1 zoning districts. There is a small area of parking lot expansion on the northerly and westerly side of the building that is not required to be part of the Conditional Use Permit request. The Church is also applying for a Variance from the interior landscaping provision of the Zoning Ordinance that is required for the expanded parking lot.

The expansion will act as an overflow for the main sanctuary and will include a congregation gathering area. A requirement associated with the addition is the required number of parking spaces. The Zoning Ordinance requires one seat for each three people. The existing sanctuary and sanctuary overflow will have 427 seats requiring 142 parking spaces. The petitioner has identified there are 156 spaces on site. The parking lot changes are not required to be part of the Conditional Use Permit.

The property is located at 1420 South 6th Street and is legally described as follows:

a All of the North 771 ft. of Lot 7, of Auditor's Plat of the E½ of NW¼, Section 36, Township 45, Range 31, except the North 200 ft of the West 125 ft. thereof and also except the North 100 ft of East 150 ft. thereof

EXCEPT

That part of Lot 7 of the Auditor's Plat of the E½ of NW¼, Section 36, Township 45, Range 31, described as follows: Beginning at the SE corner of Lot 5, Block 1, Woodland Park Addition to Brainerd, thence North assumed bearing 155.00 ft. along the East line of said Block 1, thence North 89 degrees 52 minutes East 125.00 ft. along the South line of the North 200 ft. of said Lot 7, thence South 38 degrees 49 minutes 55 seconds West 199.35 ft. to the place of beginning.

The Planning Commission recommends approval based on the following Findings-of-Fact and subject to the following conditions:

Findings-of-Fact

1. The church is located in an R-1 zoning district.
2. The site is approximately 12 acres.
3. The Church is proposing a 5000 square foot addition onto the northerly side of the existing church for sanctuary overflow and gathering area.
4. The church is over 400 feet from 6th Street.

5. There is a large wooded area on the westerly Church property line and adjacent residential property, which buffers the Church from the residential neighborhood.
6. Single-family dwellings are located along the southerly boundary of the Church.
7. The Church addition will not require additional off-street parking for the additional seats.
8. The addition will have little to no adverse impact on the adjacent residential property.

Conditions

1. Install an 8-inch water service from 6th Street.
2. A fire hydrant is located on the premises within 500 feet from the hydrant located on Cedar Street.
3. The drive lane located on the north side of the building is widened to 26 feet to accommodate fire vehicle turning movements.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND KOEP, DULY CARRIED, TO APPROVE CONDITIONAL USE PERMIT NO. 245 BASED ON THE FINDINGS-OF-FACT AND SUBJECT TO THE ABOVE LISTED CONDITIONS.

The Planning Commission recommends approval of the variance based on the following Findings-of-Fact:

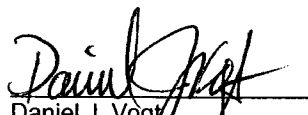
1. The Church is located in an R-1 zoning district.
2. The site is approximately 12 acres.
3. The Church is proposing a 5000 square foot addition onto the northerly side of the existing church for sanctuary overflow and gathering area.
4. The church is over 400 feet from 6th Street.
5. There is a large wooded area on the westerly Church property line and adjacent residential property, which buffers the Church from the residential neighborhood.
6. Single-family dwellings are located along the southerly boundary of the Church.
7. The Church addition will not require additional off-street parking for the additional seats.
8. The Zoning Ordinance requires 15% of the parking lots be landscaped.
9. A parking area on the west side of the building is planned.
10. The additional asphalt area required to expand the parking lot is minimal.
11. The parking lot is not visible to the general public.
12. The parking lot will have 26 parking spaces.
13. Requiring the interior landscaping and the parking lot location create an unnecessary hardship to comply with the Ordinance requirements.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND GOEDKER, DULY CARRIED, TO APPROVE VARIANCE NO. 330 BASED ON THE FINDINGS-OF-FACT.

Adjournment.

The Chair adjourned the meeting at 8:57 P.M.

(S E A L)


Daniel J. Vogt
City Administrator

2. The property is adjacent to Beaver Dam Road.
3. Rezoning of the property to R-1 along with plat approval has recently occurred in the area.
4. Lands to the east are developing with single detached houses and attached condominiums under a Planned Unit Development.
5. Development has occurred with densities less than five units per acre that is considered low to medium density in the Comprehensive Plan.
6. The property is proposed for R-2 zoning which permits single- and two-family dwellings.
7. The R-2 density can be 12 units per acre based on Section 515.59 Subd. 5 of the Zoning Ordinance.
8. The permitted R-2 density is classified as High Density Residential in the Comprehensive Plan.
9. The Future Land Use Plan for the area is low to medium density residential development.
10. The allowable density would not be compatible with the development pattern of the area and is not consistent with the Comprehensive Plan.
11. A bald eagles nest is located in the wetland and within 330 feet of the subject property.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND KOEP, DULY CARRIED, TO APPROVE REZONING TO R-1; FURTHER TO HOLD THE FIRST READING OF ORDINANCE 1264, AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO ZONING IN THE CITY OF BRAINERD.

Conditional Use Permit No. 246 – Mykel Barthel/Erickson Greenhouse – 1004 SE 13th Street – Held over.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND GOEDKER, DULY CARRIED, TO REFER TO PLANNING COMMISSION FOR ADDITIONAL CLARIFICATION.

Conditional Use Permit No. 245 and Variance No. 330 – Trinity Lutheran Church – 1420 South 6th Street – Approved.

Trinity Lutheran Church is proposing a church expansion on the northerly side of the building. Churches and church related buildings are permitted as conditional uses in Residential-1 zoning districts. There is a small area of parking lot expansion on the northerly and westerly side of the building that is not required to be part of the Conditional Use Permit request. The Church is also applying for a Variance from the interior landscaping provision of the Zoning Ordinance that is required for the expanded parking lot.

The expansion will act as an overflow for the main sanctuary and will include a congregation gathering area. A requirement associated with the addition is the required number of parking spaces. The Zoning Ordinance requires one seat for each three people. The existing sanctuary and sanctuary overflow will have 427 seats requiring 142 parking spaces. The petitioner has identified there are 156 spaces on site. The parking lot changes are not required to be part of the Conditional Use Permit.

The property is located at 1420 South 6th Street and is legally described as follows:

All of the North 771 ft. of Lot 7, of Auditor's Plat of the E½ of NW¼, Section 36, Township 45, Range 31, except the North 200 ft of the West 125 ft. thereof and also

except the North 100 ft of East 150 ft. thereof

EXCEPT

That part of Lot 7 of the Auditor's Plat of the E½ of NW¼, Section 36, Township 45, Range 31, described as follows: Beginning at the SE corner of Lot 5, Block 1, Woodland Park Addition to Brainerd, thence North assumed bearing 155.00 ft. along the East line of said Block 1, thence North 89 degrees 52 minutes East 125.00 ft. along the South line of the North 200 ft. of said Lot 7, thence South 38 degrees 49 minutes 55 seconds West 199.35 ft. to the place of beginning.

The Planning Commission recommends approval based on the following Findings-of-Fact and subject to the following conditions:

Findings-of-Fact

1. The church is located in an R-1 zoning district.
2. The site is approximately 12 acres.
3. The Church is proposing a 5000 square foot addition onto the northerly side of the existing church for sanctuary overflow and gathering area.
4. The church is over 400 feet from 6th Street.
5. There is a large wooded area on the westerly Church property line and adjacent residential property, which buffers the Church from the residential neighborhood.
6. Single-family dwellings are located along the southerly boundary of the Church.
7. The Church addition will not require additional off-street parking for the additional seats.
8. The addition will have little to no adverse impact on the adjacent residential property.

Conditions

1. Install an 8-inch water service from 6th Street.
2. A fire hydrant is located on the premises within 500 feet from the hydrant located on Cedar Street.
3. The drive lane located on the north side of the building is widened to 26 feet to accommodate fire vehicle turning movements.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND KOEP, DULY CARRIED, TO APPROVE CONDITIONAL USE PERMIT NO. 245 BASED ON THE FINDINGS-OF-FACT AND SUBJECT TO THE ABOVE LISTED CONDITIONS.

The Planning Commission recommends approval of the variance based on the following Findings-of-Fact:

1. The Church is located in an R-1 zoning district.
2. The site is approximately 12 acres.
3. The Church is proposing a 5000 square foot addition onto the northerly side of the existing church for sanctuary overflow and gathering area.
4. The church is over 400 feet from 6th Street.
5. There is a large wooded area on the westerly Church property line and adjacent residential property, which buffers the Church from the residential neighborhood.
6. Single-family dwellings are located along the southerly boundary of the Church.
7. The Church addition will not require additional off-street parking for the additional seats.
8. The Zoning Ordinance requires 15% of the parking lots be landscaped.
9. A parking area on the west side of the building is planned.
10. The additional asphalt area required to expand the parking lot is minimal.

11. The parking lot is not visible to the general public.
12. The parking lot will have 26 parking spaces.
13. Requiring the interior landscaping and the parking lot location create an unnecessary hardship to comply with the Ordinance requirements.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND GOEDKER, DULY CARRIED, TO APPROVE VARIANCE NO. 330 BASED ON THE FINDINGS-OF-FACT.

Variance No. 331 – Bethany Good Samaritan – 2501 Greenwood Street – Approved.

Good Samaritan is requesting two variances, the first to reduce the required off street parking per building from 20 spaces to 11 spaces and the second to eliminate the required interior parking lot landscaping requirements.

The Planning Commission recommends approval of a variance that allows 12 off-street parking spaces for each building and a variance from the required 15% parking lot landscaping requirements, but to require an area located in the middle of each lot equivalent to one parking space (200 sf.) to be landscaped based on the following Findings-of-Fact:

1. The property is zoned R-3.
2. Two parking lots are part of an expansion of the existing assisted living facility.
3. The Zoning Ordinance requires 15% interior landscaping for new parking lots.
4. The Zoning Ordinance requires each parking lot to have 20 parking spaces and the proposal is to have 11 parking spaces in each lot.
5. The development plan for the facility is to create a residential setting for its residents.
6. There are wetlands on the property, however, they do not prevent development or create a practical difficulty in complying with the landscaping requirements.
7. Neighborhood concern was raised about the impact of granting the Variances on surrounding property.
8. An audit was submitted by the petitioner verifying that based on three months of observation, 8-10 parking spaces in each parking lot will be sufficient to meet the needs of the new buildings.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND KOEP, DULY CARRIED, TO APPROVE THE VARIANCE BASED ON THE FINDINGS-OF-FACT TO ALLOW 12 OFF-STREET PARKING SPACES FOR EACH BUILDING AND A VARIANCE FROM THE 15% PARKING LOT LANDSCAPING REQUIREMENTS BUT TO REQUIRE AN AREA LOCATED IN THE MIDDLE OF EACH LOT EQUIVALENT TO ONE PARKING SPACE (200 SF.) BE LANDSCAPED.

Final Plat – Granite Parkway – Approved.

The Planning Commission recommended approval of the Preliminary Plat but requested additional information on the design of the retaining wall located within the project. The proprietor provided photographs and detail drawings depicting how the retaining wall will be constructed and depicting what it will look like when completed.

The Planning Commission recommends approval of the final plat and accepted the plans submitted for the retaining wall.

MEMO

TO: Safety and Public Works Committee
FROM: Mark Ostgarden, City Planner
DATE: July 13, 2005
RE: Planning Commission Recommendations

Following is action taken by the Planning Commission at its July 13, 2005 meeting.

Variance - Bradley Willemsen, 1306 NE 9th Ave.

Findings-of-Fact

1. The property is zoned R-1 and located in a residential neighborhood.
2. The lot is 81ft. x 140.5 ft. and has a public alley adjacent to the rear property line.
3. Vehicles are parked on grass and are visible to the neighbors and to the general public.
4. The neighborhood has raised concerns about the appearance of the parking and the impact the storage has on area property.
5. Parking and storage of vehicles on grass is not permitted.
6. The storage gives an unkempt appearance to the property and to the neighborhood.
7. There is nothing unusual or unique about the property.

A motion was made by Jan Lambert and seconded by Jim Uhlman recommending denial of the Variance based on the Findings-of-Fact.

Vote: Yea: Lambert, Moss, Sherman, Uhlman
Nay: Koep

Rezoning R-F to R-2 - Rod Osterloh on behalf of Donald Sellnow, 15152 Beaver Dam Road

Findings-of-Fact

1. The property is occupied and zoned R-F.
2. The property is adjacent to Beaver Dam Road.

3. Rezoning of the property to R-1 along with plat approval has recently occurred in the area.
4. Lands to the east are developing with single detached houses and attached condominiums under a Planned Unit Development.
5. Development has occurred with densities less than 5 units per acre that is considered low to medium density in the Comprehensive Plan.
6. The property is proposed for R-2 zoning which permits single- and two-family dwellings.
7. The R-2 density can be 12 units per acre based on Section 515.59 Subd. 5 of the Zoning Ordinance.
8. The permitted R-2 density is classified as High Density Residential in the Comprehensive Plan.
9. The Future Land Use Plan for the area is low to medium density residential development.
10. The allowable density would not be compatible with the development pattern of the area and is not consistent with the Comprehensive Plan.
11. A bald eagles nest is located in the wetland and within 330 ft. of the subject property.

A motion was made by Jim Uhlman and seconded by Nina Moss recommending denial of the R-2 zoning and recommending rezoning to R-1 based on the Findings-of-Fact.

Vote: Yea: Koep Lambert, Moss, Sherman, Uhlman
Nay:

Conditional Use Permit - Mykel Barthel/Erickson's Greenhouse, 1004 SE 13th Street

Findings-of-Fact

1. The property is located in an R-2 zone which permits single-family residential development.
2. The property has been a commercial greenhouse since 1883.
3. The R-2 Zoning District Conditional Use section was amended to include non-conformities that comply with certain standards to be considered as permitted uses.

4. The property meets the standards established in 515.19 Subd 4. of the Zoning Ordinance.
5. There is neighborhood support for the use as a greenhouse.

A motion was made by Jan Lambert and seconded by Nina Moss recommending approval of the Conditional Use Permit based on the Findings-of-Fact and subject to the following conditions:

1. No exterior displays of merchandise or storage of landscape material.
2. The greenhouse operation is limited to the existing property.
3. The property continues to be used as a commercial greenhouse.

Vote: Yea: Koep, Lambert, Moss, Sherman, Uhlman
Nay:

Conditional Use Permit - Trinity Lutheran Church 1420 S 6th Street

Findings-of-Fact

1. The Church is located in an R-1 zoning district.
2. The site is approximately 12 acres.
3. The Church is proposing a 5,000 sf addition onto the northerly side of the existing Church that is planned for sanctuary overflow and for gathering area.
4. The Church is over 400 ft. from 6th Street.
5. There is a large wooded area on the westerly Church property line and adjacent residential property, which buffers the Church from the residential neighborhood.
6. Single-family dwellings are located along the southerly boundary of the Church.
7. The Church addition will not require additional off-street parking for the additional seats.
8. The addition will have little to no adverse impact on the adjacent residential property.

A motion was made by Mary Koep and seconded by Jan Lambert recommending approval of the Conditional Use Permit based on the Findings-of-Fact and subject to the following conditions:

1. Install an 8" water service from 6th Street.
2. A fire hydrant is located on the premises within 500' from the hydrant located on Cedar Street.

3. The drive lane located on the north side of the building is widened to 26' to accommodate fire vehicle turning movements.

Vote: Yea: Koep, Lambert, Moss, Sherman, Uhlman
Nay:

Variance - Trinity Lutheran Church 1420 S 6th Street

Findings-of-Fact

1. The Church is located in an R-1 zoning district.
2. The site is approximately 12 acres.
3. The Church is proposing a 5,000 sf addition onto the northerly side of the existing Church planned for sanctuary overflow and for gathering area.
4. The Church is over 400 ft. from 6th Street.
5. There is a large wooded area on the westerly Church property line and adjacent residential property, which buffers the Church from the residential neighborhood.
6. Single-family dwellings are located along the southerly boundary of the Church.
7. The Church addition will not require additional off-street parking for the additional seats.
8. The Zoning Ordinance requires 15% of the parking lots be landscaped.
9. A parking area on the west side of the building is planned of expansion.
10. The additional asphalt area required to expand the parking lot is minimal.
11. The parking lot is not visible to the general public.
12. The parking lot will have 26 parking spaces.
13. Requiring the interior landscaping and the parking lot location create an unnecessary hardship to comply with the Ordinance requirements.

A motion was made by Jan Lambert and seconded by Jim Uhlman recommending approval of the Variance based on the Findings-of-Fact.

Vote: Yea: Koep, Lambert, Moss, Sherman, Uhlman
Nay:

Variances - Bethany Good Samaritan 2501 Greenwood Street

The staff report for this request did not include a review of the request to reduce the number of required off-street parking spaces. Good Samaritan is requesting two Variances, the first to reduce the required off-street parking per building from 20 spaces

to 11 spaces. The second Variance is to eliminate the required interior parking lot landscaping requirement.

Findings-of-Fact

1. The property is Zoned R-3.
2. Two parking lots are part of an expansion of the existing assisted living facility.
3. The Zoning Ordinance requires 15% interior landscaping for new parking lots.
4. The Zoning Ordinance requires each parking lot to have 20 parking spaces and the proposal is to have 11 parking spaces in each lot.
5. The development plan for the facility is to create a residential setting for its residents.
6. There are wetlands on the property, however, they do not prevent development or create a practical difficulty in complying with the landscaping requirements.
7. Neighborhood concern was raised about the impact of granting the Variances on surrounding property.
8. An audit was submitted by the petitioner verifying that, based on three months of observation, 8-10 parking spaces in each parking lot will be sufficient to meet the needs of the new buildings.

A motion was made by Nina Moss and seconded by Mary Koep recommending approval of a Variance based on the Findings-of-Fact that allows 12 off-street parking spaces for each building.

Vote: Yea: Koep, Lambert, Moss, Sherman, Uhlman
Nay:

A motion was made by Nina Moss and seconded by Jan Lambert recommending approval of a Variance based on the Findings-of-Fact, from the required 15% parking lot landscaping requirements, but require an area located in the middle of each lot equivalent to one parking space (200 sf) be landscaped.

Vote: Yea: Koep, Lambert, Moss, Sherman, Uhlman
Nay:

Final Plat – Granite Parkway

A motion was made by Jan Lambert and seconded by Jim Uhlman to recommend approval of the Final Plat.

Vote: Yea: Koep, Lambert, Moss, Sherman, Uhlman

Nay:

When the Preliminary Plat was recommend for approval by the Planning Commission it requested additional information on the design of the retaining wall located within the project. The proprietor provided photographs and detail drawings depicting how the retaining wall will be constructed and depicting what it will look like when completed.

A motion was made by Mary Koep and seconded by Jan Lambert that the plans submitted for the retaining wall are acceptable.

Vote: Yea: Koep, Lambert, Moss, Sherman, Uhlman
Nay:

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit for Church Expansion

APPLICANT: Trinity Lutheran Church, 1420 S. 6th Street

PROPOSED USE: 5,000 sf. auxiliary sanctuary and gathering area

LOCATION: 1420 S. 6th Street

AREA: 12 acres +/-

CURRENT ZONING: Residential 1

ADJACENT USES: North: Residential
East: Residential
South: Residential
West: Residential

ADJACENT ZONING: North: Residential 1 and B-2
East: Residential 1
South: Residential 1
West: Residential 1

REPORT

PETITION EVALUATION

Trinity Lutheran Church is proposing a church expansion on the northerly side of the building. Churches and church related buildings are permitted as conditional uses in Residential –1 zoning districts. There is a small area of parking lot expansion on the northerly and westerly side of the building that is not required to be part of the Conditional Use Permit request. The Church is also applying for a Variance from the interior landscaping provision of the Zoning Ordinance that is required for the expanded parking lot.

The expansion will act as an overflow for the main sanctuary and will include a congregation gathering area. A requirement associated with the addition is the required number of parking spaces. The Zoning Ordinance requires one seat for each three people. The existing sanctuary and sanctuary overflow will have 427 seats requiring 142 parking spaces. The petitioner has identified there are 156

spaces on site. The parking lot changes are not required to be part of the Conditional Use Permit.

Conditional Use Permit

- (1) In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.

The project will have no adverse affects on community health safety and welfare.

- (b) The proposed use meets all special standards, which may apply to its class of conditional uses as set forth in this section.

There are no special standards specified for this conditional use in the Zoning Ordinance.

- (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, noxious to any other property or persons, and shall comply with the requirements of Section 515.09 Subd. 7(2).

There will not be dangerous, injurious or noxious elements associated with this development.

- (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

The expansion is an addition to the existing building. It is oriented to allow for sanctuary expansion. Its location will not impact adjacent property.

- (e) The proposed use shall produce a total visual impression and environment, which is consistent with the environment of the neighborhood.

The design of the addition is being done in harmony with the existing building. There is a wooded area along the west property line to buffer the church form the residential property to the west. The church is over 400 ft. from S. 6th Street. The addition is located on the northerly side of the main sanctuary, so there

should be no impact on the residential property located to the south of the church.

- (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

Any additional traffic generated by the expansion will not have a negative impact on the carrying capacity of public streets.

- (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

The use meets the objectives of the Zoning Ordinance and Comprehensive Plan.

In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:

Fire Protection, Electrical Disturbance, Noise, Vibrations, Air Pollution, Glare, Erosion, Water Pollution.

There should be no adverse affects from the above items as a result of this development.

STAFF COMMENTS

Fire

The Fire Chief has stated that the location of the existing water service is not acceptable. Service occurs from Cedar Street and runs between two residences fronting on Cedar Street. A new 8" water service form S. 6th Street is required. The closest hydrant in the vicinity is located on Cedar Street. The Fire Chief is requiring that a hydrant be located on the premises within 500 ft. from the one located on Cedar Street. The maneuvering lane for fire equipment access to the rear of the building is not adequate. The drive lane will need to be widened to 26 ft. to accommodate fire equipment turning movements.

Engineering

Also requiring new water service.

BPU

No concerns.

Building

No concerns.

Response To Criteria for Granting Conditional Use Permits

For

Trinity Lutheran Church

June 17, 2005

The following are the responses from Trinity Lutheran Church to the findings of the city for granting conditional use requests:

- A. Our proposal does conform to the district and conditional use provisions of the city Ordinance as we are an established church at our location just simply wanting to add on to our facility.
- B. Our proposal does meet any special standards for its class of condition.
- C. Our addition will not cause any new condition that will cause any dangerous condition to any other property.
- D. Our proposal will be a beautiful addition to the existing structure of which a colored rendering is included with our proposal.
- E. Same comment as item D above.
- F. Our proposal will continue the layout of parking and vehicular access that is already in place and works well. We are just adding a few more stalls in the back of the facility which will not affect negatively the parking and vehicular access that is in place.
- G. Our proposal we feel does preserve the objectives of the city Ordinance and is consistent with the Comprehensive Plan.

RECEIVED

JUN 20 2005

CITY ENGINEERING DEPT.
BRainerd, MINNESOTA





LETTER SENT TO THE FOLLOWING 06-28-05 (93)
 TRINITY LUTHERAN CHURCH CUP #245 VARIANCE #330
 1420-6TH ST, S.

NAME	ADDR 1	ADDR 2	ADDR 3
TRINITY LUTHERAN CHURCH	1420 S 6TH ST	BRAINERD MN 56401	
ALEXSON, LOIS & DONALD S	1407 S 6TH ST	BRAINERD MN 56401	
ALMQUIST, JAMES & JANET	1531 S 6TH ST	BRAINERD MN 56401	
ANDERSON, CONRAD H & SABINA # 15007	502 VINE ST	BRAINERD MN 56401	
ANDERSON, KEITH R & RACHAEL A	1503 PENNSYLVANIA AVE	BRAINERD MN 56401	
ANDREW, KIRSTEN	1516 MARY ST	BRAINERD MN 56401	
ATHMAN, EARL	20323 HICKORY RD	LITTLE FALLS MN 56345	
BADE, JASON W & JENNIFER M ANDERSON	1419 MARY ST	BRAINERD MN 56401	
BAHR, DELBERT & JANICE M	1007 13TH AVE NE	BRAINERD MN 56401	
BECK, ROBERT A & MARIAN C	15893 WINTERWOOD TRL	BRAINERD MN 56401	
BEHR, JEFFERY W & LILIA	321 CEDAR ST	BRAINERD MN 56401	
BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	
BENJAMIN, GARY A	6211 INDIGO RD	BRAINERD MN 56401	
CAIRD, DAVID	PO BOX 542	BRAINERD MN 56401	
CAVE, DAVID T & CAROL A	2302 HILLCREST DR	BRAINERD MN 56401	
CHANDLER, KATHERINE	1325 PARK ST	BRAINERD MN 56401	
CLAPP, ROGER H	313 CEDAR ST	BRAINERD MN 56401	
CLARK, CHERYL L & ROBIN F	1306 PARK ST	BRAINERD MN 56401	
CLARK, TIMOTHY A	1212 S 7TH ST	BRAINERD MN 56401	
COOPER, CHARLES T & GENEVA	1602 GRAYDON AVE	BRAINERD MN 56401	
COOPER, JAMES D & JOAN M	1411 MARY ST	BRAINERD MN 56401	
DORSCHNER, VERNON R & JANE M	1422 S 7TH STREET	BRAINERD MN 56401	
DUMMER, JEFFREY MARK	1523 MARY ST	BRAINERD MN 56401	
DUNN, MICHAEL H & KATHRYN	406 CEDAR ST	BRAINERD MN 56401	
ELSON, KARI	1414 7TH ST S	BRAINERD MN 56401	
FEIERABEND, AUDREY C	1433 S 6TH ST	BRAINERD MN 56401	
FUST, WALTER L & JOYCE A	324 CEDAR STREET	BRAINERD MN 56401	
GOGOLIN, RUTH M	517 CEDAR ST	BRAINERD MN 56401	
GRIBBIN, GREGG A	P O BOX 2703	BAXTER MN 56425	
HANSEN, RANDY L & BARBARA J	1506 7TH ST S	BRAINERD MN 56401	
HARRIS, LINDA J	1206 PARK ST	BRAINERD MN 56401	
HEIDELBERGER, ROGER LEE & CHRISTY L	11381 CRYSTAL LAKE RD	MERRIFIELD, MN 56465	
HELLEN, ALICE	409 CEDAR STREET	BRAINERD MN 56401	
HOWITZ, PATRICIA A	1404 S 7TH ST	BRAINERD MN 56401	
JANSEN, JORDAN M & JENNIFER A	1224 PARK ST	BRAINERD MN 56401	
JOBE, ERIC B & MISTY M	1400 S 7TH ST	BRAINERD MN 56401	
KOLARSKY, KRISTINE A & RUDOLPH, RONALD C	510 VINE ST	BRAINERD MN 56401	
KRAEMER, ALLARD & MARCELLENE	1302 PARK ST	BRAINERD MN 56401	
LAER SR, RICHARD J & OLIVE	1423 MARY ST	BRAINERD MN 56401	
LARSON, WAYNE L & YVONNE A	424 CEDAR STREET	BRAINERD MN 56401	
LASH, HELEN F & LINDA C RUNNING	503 CEDAR ST	BRAINERD MN 56401	
LINDGRON, BARBARA A & DONALD H	1319 PARK ST	BRAINERD MN 56401	
LINDLEY, LISA F & SHAWN C	1214 PARK ST	BRAINERD MN 56401	
LITKE, DENNIS J & DIANE	16120 COUNTY ROAD 22	BRAINERD MN 56401	
LOFSTROM, JOEL	1605 MARY ST	BRAINERD MN 56401	
LONG, PHILIP D & MICHELE A	1411 6TH ST S	BRAINERD MN 56401	

LETTER SENT TO THE FOLLOWING 06-28-05 (93)
TRINITY LUTHERAN CHURCH CUP #245 VARIANCE #330
1420-6TH ST, S.

LOSCHKO, JAMES F & JUDITH	1428 S 7TH	BRAINERD MN 56401	
LOSCHKO, SARAH E	1418 S 7TH ST	BRAINERD MN 56401	
MACDONALD, JACQUELYN M	1324 S 7TH ST	BRAINERD MN 56401	
MARCUSSEN, DENNIS & ERICA	415 CEDAR ST	BRAINERD, MN 56401	
MELEEN, KIPP A & MICHELLE L	412 CEDAR ST	BRAINERD MN 56401	
MERTENS, JUSTIN G	509 CEDAR ST	BRAINERD MN 56401	
METZGER, TERRANCE P & JANET R	1318 S 7TH ST	BRAINERD MN 56401	
MILLER, JAMES L & LYNN M	1312 S 7TH ST	BRAINERD MN 56401	
MILLER, NORMA L	612 WILLOW ST	BRAINERD MN 56401	
MILLS, ROLAND L & ANNETTE	318 CEDAR STR	BRAINERD MN 56401	
MITCHELL, GALE WAYNE & JERILYN J	1419 S 6TH ST	BRAINERD MN 56401	
MONS, ANTON M	315 CEDAR ST	BRAINERD MN 56401	
MORGAN, MICHAEL L & LISA	418 CEDAR ST	BRAINERD MN 56401	
NIEMALA, MITCHELL A	1512 MARY ST	BRAINERD MN 56401	
NORDGREN, JENNIE I	1502 7TH ST S	BRAINERD MN 56401	
NYSTROM, ARTHUR W & LOIS J # 4587	1429 S 6TH ST	BRAINERD MN 56401	
OLSON, KEITH W & KIRSTEN R	330 CEDAR ST	BRAINERD MN 56401	
PASCHELKE, THONGYOY	1205 5TH ST S	BRAINERD MN 56401	
PIERCE, LARRY J & DONNA	1415 6TH ST S	BRAINERD MN 56401	
POWERS, JEFFREY K & KIMBERLY A	506 CEDAR ST	BRAINERD MN 56401	
QUERY, JAMES R REVOCABLE TRUST	427 CEDAR ST	BRAINERD MN 56401	
ROSENBERG, GREGORY J & MARGARET A	219 NORTH 8TH STREET	BRAINERD MN 56401	
ROSENTHAL, LILLIAN	1209 PARK ST	BRAINERD MN 56401	
ROSSINA, ROBERT E & PHYLLIS	1517 MARY ST	BRAINERD MN 56401	
RUBADO, KAREN E & JOSEPH J	1305 PARK ST	BRAINERD MN 56401	
SCHWENDEMAN, CHAD J &	TRAVIS E BANKS	1301 S 6TH ST	BRAINERD, MN 56401
SHOGREN, MICHAEL D & JANA M	1310 PARK ST	BRAINERD, MN 56401	
SKOGEN, MARK A & LISA L	1324 PARK STR	BRAINERD MN 56401	
SMITH, HAROLD R & DONNA M	5113 PINE BEACH RD	BRAINERD MN 56401	
SPEEDWAY SUPERAMERICA LLC	C/O PROPERTY TAX RECORDS	539 S MAIN ST	FINDLAY OH 45840
STENGEL, ARNOLD M & DORIS	1504 7TH ST S	BRAINERD MN 56401	
STRAKA, JOSEPH P & DOROTHY LIFE EST	1207 PARK ST	BRAINERD MN 56401	
SWEDBERG, ELVIN D & BERNICE	1331 PARK ST	BRAINERD MN 56401	
THORKELSON, ROBERT A & THERESA E	1415 MARY ST	BRAINERD MN 56401	
TINDELL, ALICE M	1313 PARK ST	BRAINERD MN 56401	
TOLLEFSON, ROBERT & RUTH	403 CEDAR STR	BRAINERD MN 56401	
TOM THUMB FOOD, MARKETS INC	C/O DAN & CAMMY YAUNICK	13035 STATE HIGHWAY 18	BRAINERD, MN 56401
TOWNE, STACEY TODD	1225 PARK ST	BRAINERD MN 56401	
TROUT, LISA J	1524 MARY ST	BRAINERD, MN 56401	
VOSS, PEGGY A	1424 MARY STR	BRAINERD MN 56401	
VREELAND, JOSEPH L & JULIE	1507 S 6TH ST	BRAINERD MN 56401	
WALLIN, BRIAN K	P O BOX 272	NISSWA, MN 56468	
WESTGAARD, GORDON E & ELEANOR	1420 MARY ST	BRAINERD MN 56401	
BRAINERD FIRE DEPARTMENT	ATTN: FRED UNDERHILL	23 LAUREL ST	BRAINERD, MN 56401
BRAINERD POLICE DEPARTMENT	ATTN: JOHN BOLDUC	304 LAUREL ST	BRAINERD, MN 56401
MN DEPT OF TRANSPORTATION	ATTN: MARY SAFGREN	7694 INDUSTRIAL PARK RD	BRAINERD, MN 56401

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Trinity Lutheran Church has applied for a Conditional Use Permit to add approximately 5,000 sq. ft. to the existing facility.

The property of the proposed Conditional Use Permit is located at 1420 – 6th Street, S. is legally described as follows:

All of the North 771 ft. of Lot 7, of Auditor's Plat of the E½ of NW¼, Section 36, Township 45, Range 31, except the North 200 ft of the West 125 ft. thereof and also except the North 100 ft of East 150 ft. thereof

EXCEPT

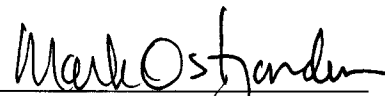
That part of Lot 7 of the Auditor's Plat of the E½ of NW¼, Section 36, Township 45, Range 31, described as follows: Beginning at the SE corner of Lot 5, Block 1, Woodland Park Addition to Brainerd, thence North assumed bearing 155.00 ft. along the East line of said Block 1, thence North 89 degrees 52 minutes East 125.00 ft. along the South line of the North 200 ft. of said Lot 7, thence South 38 degrees 49 minutes 55 seconds West 199.35 ft. to the place of beginning.

Pursuant to Section 515.09 Subd. 9 of the City of Brainerd Zoning Ordinance, the Brainerd Planning Commission will conduct a Public Hearing to consider the Conditional Use Permit. The Public Hearing will be held in the Brainerd City Hall Council Chambers, 501 Laurel Street, 6:00 p.m., Wednesday, July 13, 2005. Such persons who desire to be heard with reference to the requested Conditional Use Permit will be heard at this meeting.

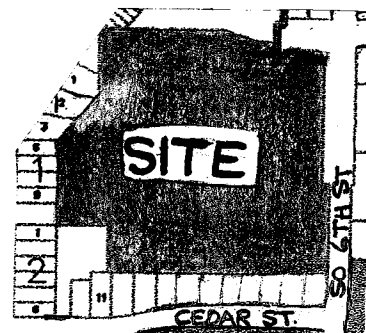
A copy of the Conditional Use Permit is available for review at the City Planning Department, 501 Laurel Street, Monday through Friday, 7:30 a.m. to 4:30 p.m.

Anyone with questions or needing special accommodations, please call 828-2309.

Dated this 22nd day of June 2005


Mark Ostgarden AICP, CFM
City Planner

Publication date: June 29, 2005





APPLICATION FORM

ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED. FOR REQUESTS THAT REQUIRE REVIEW BY CITY, COUNTY, STATE, AND FEDERAL AGENCIES, WRITTEN CORRESPONDENCE FROM THOSE AGENCIES IS A REQUIREMENT FOR A COMPLETED APPLICATION. SEE BACK OF FORM FOR WHICH AGENCIES NEED TO REVIEW THE PROJECT.

NATURE OF REQUEST (CIRCLE)

VARIANCE (\$220.00)

CONDITIONAL USE PERMIT (\$190.00)

FINAL PLAT

REZONING (\$250.00)

PRELIMINARY PLAT

1. PROPERTY ADDRESS: 1420 S. 6th St.
2. PROPERTY LEGAL DESCRIPTION: see attached
3. PROPERTY FEE OWNER NAME: Trinity Lutheran Church
STREET ADDRESS: 1420 S. 6th St.
CITY: Brainerd STATE: MN ZIP CODE: 56401
TELEPHONE (H) --- (W) 218-829-5147 (C) ---
4. APPLICANT NAME: Miller Architects & Builders
STREET ADDRESS: 3335 E. W. St. Germain St.
CITY: St. Cloud STATE: MN ZIP CODE: 56302
TELEPHONE: (H) --- (W) 320-251-4109 (C) ---

DESCRIPTION OF REQUEST: Trinity Lutheran is requesting 2 things.
1. A conditional use permit to allow an approximately
5,000 square foot addition to their existing facility.
2. A variance request for waving the 15' 7"
interior landscaping requirement on any new
parking.

PROPERTY FEE OWNER SIGNATURE

APPLICANT SIGNATURE

DATE 06-20-05 AMOUNT PAID \$410.00 RECEIPT # 5512

Miller

ARCHITECTS & BUILDERS

COMMERCIAL/
INDUSTRIAL
CONTRACTORS

Dan Johnson
rep: Trinity Lutheran
W 828 2547
H 829 0526

Mark,

Here is everything for our
submittal. The church will want
to go for the variance on
the 15% interior landscaping
for the new parking area.
Please call with any questions.

Thanks,
Dan Johnson

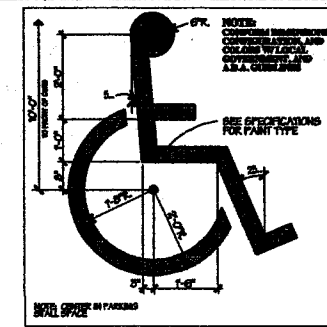
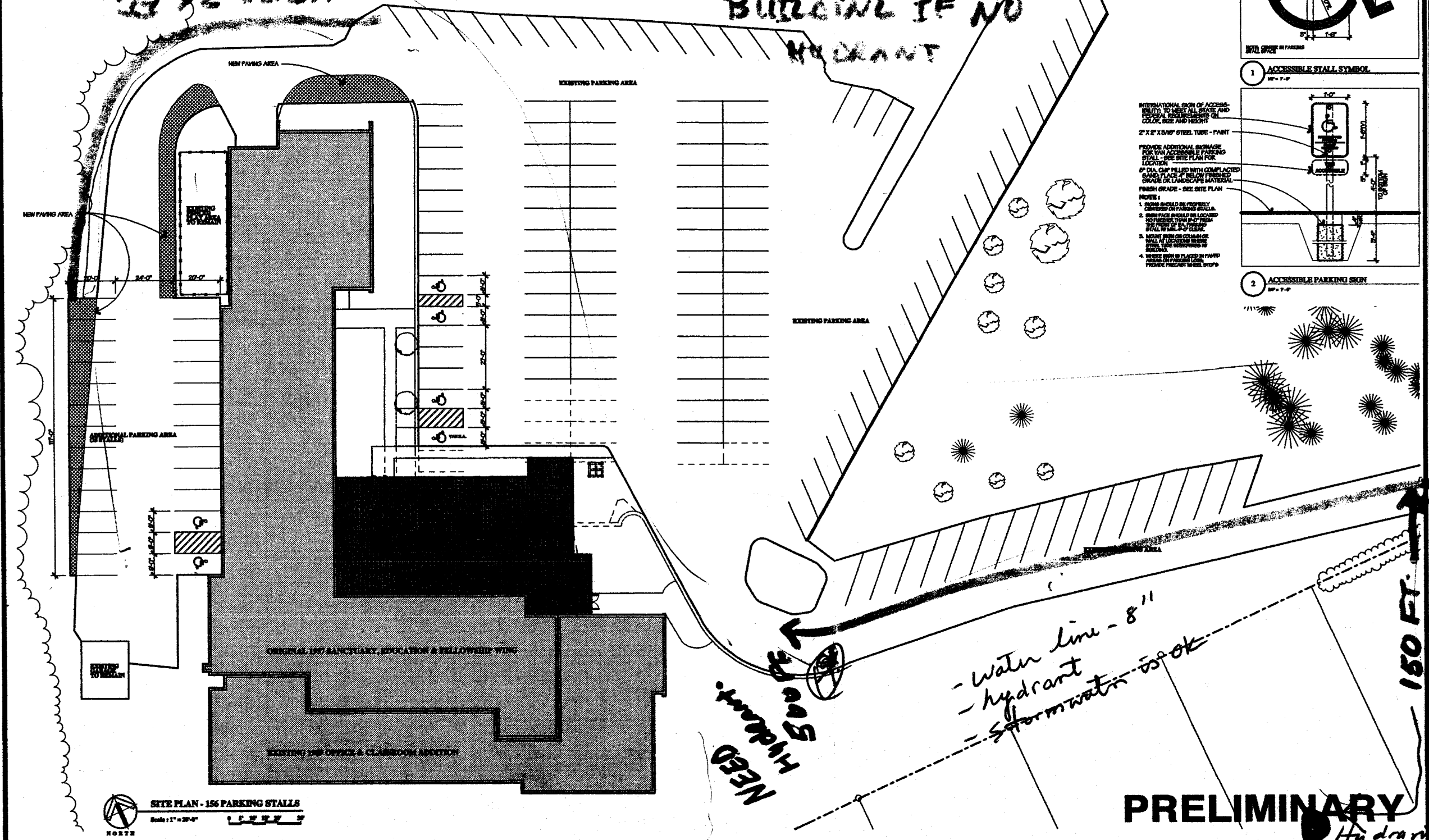
RECEIVED

ON 20 2005

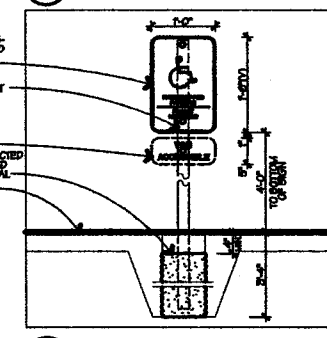
CITY ENGINEERING DEPT.
BRainerd, MINNESOTA

NEED TO SPRINKLE BUILDING IF NO HYDRANT

NEED TO SPRINKLE BUILDING IF NO HYDRANT



1 ACCESSIBLE STALL SYMBOL



2 ACCESSIBLE PARKING SIGN

INTERNATIONAL SIGN OF ACCESSIBILITY TO MEET ALL STATE AND FEDERAL REQUIREMENTS ON COLOR, SIZE AND HEIGHT
2" X 2" X 1/8" STEEL TUBE - PAINT
PROVIDE ADDITIONAL SIGNAGE FOR VEHICLES ACCESSING PARKING STALL - SEE SITE PLAN FOR LOCATION
1/4" DIA. CUP FILLED WITH COMPACTED SAND PLACE 4" BELOW FINISHED GRADE OR LANDSCAPE MATERIAL
FINISH GRADE - SEE SITE PLAN
NOTES:
1. SIGNS SHOULD BE PROPERLY CENTERED ON PARKING STALLS
2. SIGN PLACEMENT SHOULD BE LOCATED NO FURTHER THAN 8'-0" FROM THE FRONT OF A PARKING STALL WITH 10' CLEARANCE
3. MOUNT SIGN ON COLUMN OF WALL, OR SIGNPOST, OR SIGN
4. SIGNS MUST BE PLACED IN PAVED AREAS OR FURNISH LOGS
PROVIDE PRESENT IN SEE STOPS

Miller
ARCHITECTS & BUILDERS
320.251.4100 • 320.240.8711 fx
3335 West St. German Street
PO Box 1228 N. St. Cloud, MN 56302-1228

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of MINNESOTA
Signature: _____ DAY
Reg. No.: _____ Substitution Number: _____ Date: _____ Issue Date: _____

PROJECT INFORMATION

I. ZONING REQUIREMENTS CITY OF BRAINERD
(SITE ADDRESS: 1420 S. 6TH ST.)
A. DISTRICT: R-4
B. USE: CHURCH
C. BULK AREAS
MAX. AREA: 10,000 SF
ACTUAL: 29,611 SF
D. BUILDING SETBACKS
FRONT (MINIMUM) YARD: 30'-0"
SIDE YARD: 30'-0"
REAR YARD: 30'-0"
E. BUILDING HEIGHT
MAXIMUM: 42'-0"
ACTUAL: 32'-0"
F. PARKING REQUIREMENTS
MINIMUM 1 STALL PER 500 SF OF GROUND SPACE
PROVIDED: 121 STALLS
G. BUILDING CODE
A. OCCUPANCY USE: AS, B
B. OCCUPANCY SEPARATIONS: 500 (B-1)
C. CONSTRUCTION TYPE: II-A
D. AUTOMATIC SPRINKLING SYSTEM
MINIMUM PROVIDED: 100%
E. BUILDING HEIGHT
MAXIMUM: 42'-0"
ACTUAL: 32'-0"
F. BUILDING AREAS
G. FIRE DEPARTMENT REQUIREMENTS
H. OCCUPANT LOADS
I. BUILDING FEATURES
J. BUILDING OCCUPANCY
K. BUILDING HEIGHT
L. BUILDING AREA
M. BUILDING VOLUME
N. BUILDING WEIGHT
O. BUILDING VALUE
P. BUILDING COST
Q. BUILDING INCOME
R. BUILDING TAXES
S. BUILDING INSURANCE
T. BUILDING MAINTENANCE
U. BUILDING REPAIRS
V. BUILDING REPLACEMENT
W. BUILDING DESTRUCTION
X. BUILDING ABANDONMENT
Y. BUILDING REDEMPTION
Z. BUILDING REDEMPTION

Comments from
Fire Dept 6-29-05

TRINITY LUTHERAN CHURCH
INTERIOR REMODELING/PARKING CHANGES
1420 SOUTH SIXTH STREET
BRAINERD, MINNESOTA 56401

CONSULTANT
CEAR ST.
CONSULTANT

REVISIONS
DRAWN BY: _____
DATE: _____
PROJ. NO.: _____
SHEET NO.: **A-1**

Miller
ARCHITECTS & BUILDERS

320.351.4100
320.326.8721
3335 West St. Germain Street
PO Box 1228
St Cloud, MN 56302-1228

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of MINNESOTA.

Signature: _____

Reg. No.: BAT Registration Number: _____
Date: June 2005

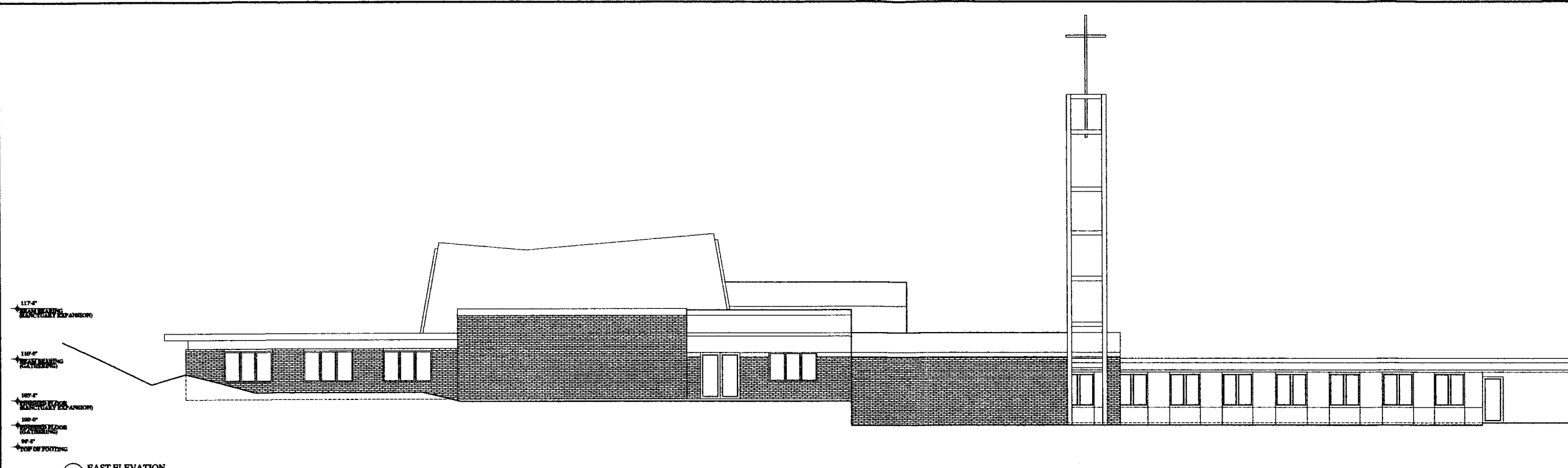
TRINITY LUTHERAN CHURCH
INTERIOR REMODELING
1420 SOUTH SIXTH STREET
BRainerd, MINNESOTA 56401

REVISIONS

SHEET TITLE
Exterior Elevations

DRAWN BY: T.P. DATE: 6/16/05

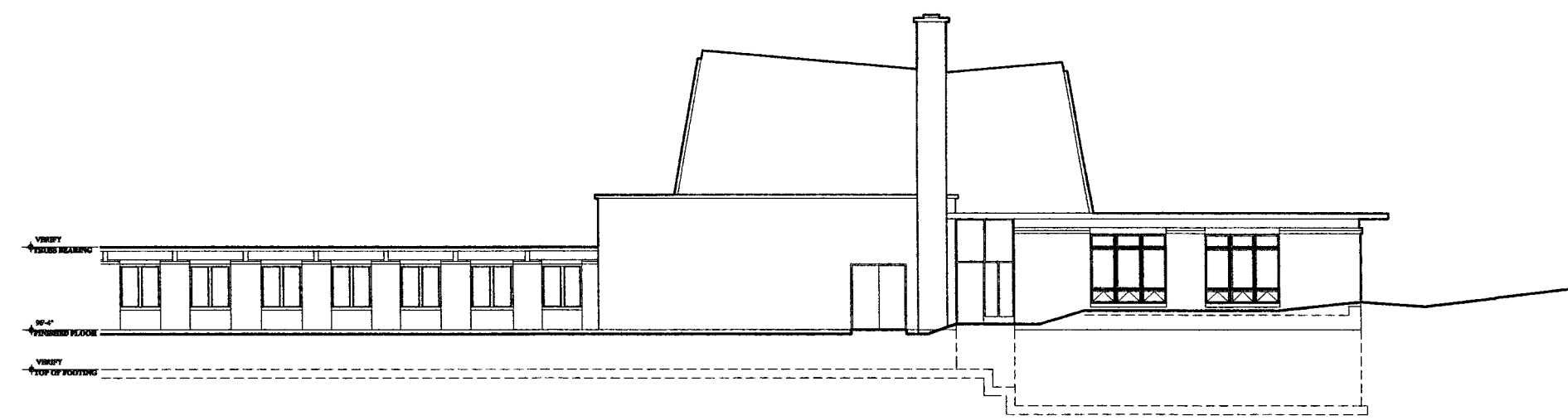
SHEET NO.
A-6



2

EAST ELEVATION

1/8" = 1'-0"



1

NORTH ELEVATION

1/8" = 1'-0"

PRELIMINARY

ALTA/ACSM LAND TITLE SURVEY

LEGAL DESCRIPTION

All of the North 771 feet of Lot Seven (7), of Auditor's Plat of the East One-half of Northwest Quarter (E1/2-NW1/4), Section Thirty-six (36), Township Forty-five (45), Range Thirty-one (31), except the North 200 feet of the West 125 feet thereof and also except the North 100 feet of East 150 feet thereof

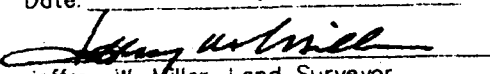
EXCEPT

That part of Lot Seven (7) of the Auditor's Plat of the East One-half of Northwest Quarter (E1/2-NW1/4), Section Thirty-six (36), Township Forty-five (45), Range Thirty-one (31), described as follows: Beginning at the Southeast corner of Lot Five (5), Block One (1), Woodland Park Addition to Brainerd, thence North assumed bearing 155.00 feet along the east line of said Block One (1), thence North 89 degrees 52 minutes East 125.00 feet along the south line of the North 200 feet of said Lot Seven (7), thence South 38 degrees 49 minutes 55 seconds West 199.35 feet to the place of beginning.

To TRINITY LUTHERAN CHURCH, LUTHERAN BROTHERHOOD, AND
COMMONWEALTH LAND TITLE INSURANCE COMPANY:

This is to certify that this map or plat and the survey on which it is based were made (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and ACSM in 1992, and includes Items 7, 8, & 10 of Table A thereof, and (ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of the certification) of a Urban Survey.

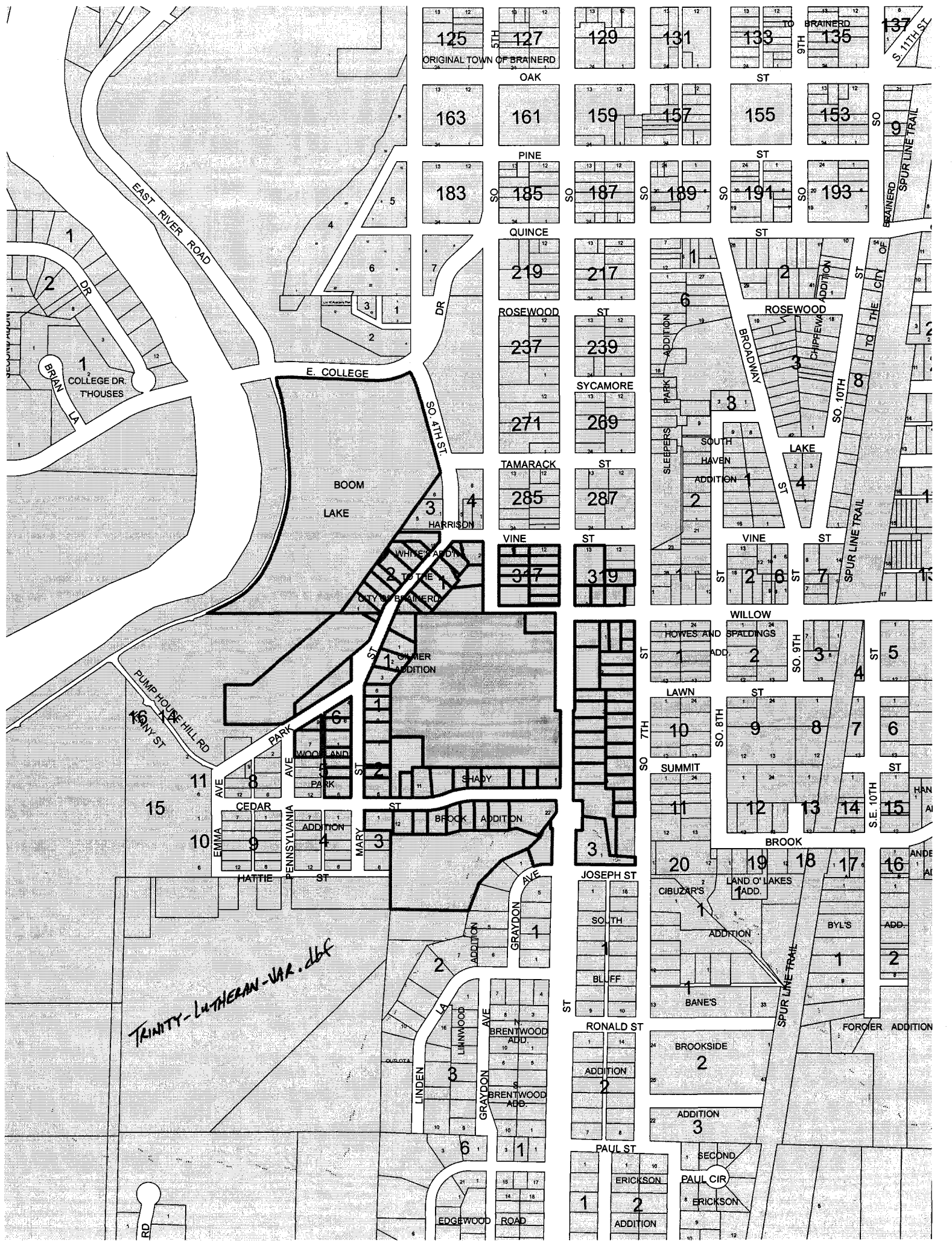
Date: 8.12.94


Jeffrey W. Miller, Land Surveyor
Minnesota Registration No. 13336

RECEIVED

JUN 20 2005

CITY ENGINEERING DEPT.
BRainerd, MINNESOTA



TRINITY-LUTHERAN-VA. dbf

\$ 410.00

ENGINEERING DEPARTMENT
CITY OF BRAINERD

No 5512

Brainerd, Minnesota, June 20, 2005

Received from Miller Arch. + Builders, Inc
Four hundred ten and DOLLARS

For 1 Variance / 1 CUP for 1420 S. 6th St.
Trinity Lutheran Church

Mark Ostgarden
City Engineer

Ck # 9171

JOURNAL	ACCT.-JOB-CODE	DATE	INVOICE NO.	GROSS AMOUNT	DISCOUNT	NET AMOUNT
	425-15109-1060	6-17-05		410.00		
	\$220 Variance \$190	Conditional Use				

REMITTANCE STATEMENT
PLEASE DETACH BEFORE CASHING

DATE OF CHECK → 6-17-05

CHECK NUMBER 9171

CHECK AMOUNT → \$410.00

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: March 13, 2020

RE: Trinity Children's Center CUP Amendment

Becky Dryburgh has submitted a request on behalf of Trinity Children's Center (TCC), 1420 S. 6th St., Brainerd, MN 56401, for an amendment to TCC's Conditional Use Permit to modify the limitation on the number of students allowed to be enrolled.

TCC's current CUP, approved on April 15, 1991, allows for a maximum of 35 children. In the almost 30 years since this CUP was approved, TCC has received increases in its occupancy from the Minnesota Department Human Services. Normally, when an increase is requested from MDHS, a notification is sent to the local municipality to ensure that the requestor is in compliance with all local codes and regulations. Unfortunately, MDHS has admitted that, for whatever reason, the State failed to notify the City when TCC's occupancy was previously increased. Additionally, no members of the TCC staff were aware of the 35-student limit.

The Planning Commission tabled this item during their February 19 meeting as TCC's CUP is currently legal non-conforming. Trinity Lutheran Church has submitted a request to rezone their property, from which TCC operates, from R-1 to B-2 in order to bring TCC's CUP back into compliance with the Zoning Code.

Findings of Fact

1. Trinity Children's Center is located in a R-1 (Single Family Residential) District.
2. The operation of a commercial childcare facility was permitted as a conditional use in a R-1 District at the time of the CUP being issued in 1991.
 - a. However, commercial childcare facilities are no longer permitted in R-1 Districts.
3. A request to rezone the property from R-1 to B-2 has been submitted by Trinity Lutheran Church.
 - a. This rezoning would bring TCC's CUP back into compliance with the zoning code.
4. Commercial childcare facilities are regulated by [Section 515-29](#) of the Code of Ordinances.
5. TCC operates out of Trinity Lutheran Church located at 1420 S. 6th St.
6. TCC currently have a staff of 8.
7. TCC currently is licensed by MDHS for an occupancy of 63 students and is requesting an increase to 71 students.

8. [Section 515-22-8.I](#) of the Code of Ordinances requires commercial childcare facilities with over 14 students to have 1 off-street parking space per teacher on the largest shift, plus 1 space per 10 students/children based on maximum capacity of the facility.
 - a. With 8 staff and 63 students, TCC currently needs 14 off-street parking spaces.
 - b. With an increase to 71 students, TCC will need 15 off-street parking spaces.
 - c. The parking lot of Trinity Lutheran Church, which TCC utilizes, currently has over 75 parking spaces.
9. MDHS first notified the City regarding TCC's occupancy on January 3, 2020.

As of this writing, no parties have contacted the Community Development Department with questions or concerns about this requested CUP amendment.

Staff Opinion

As the Minnesota Department of Human Services regulates the operations of commercial childcare facilities and as TCC currently meets all the other requirements set by City Ordinance and as staff would be provided the opportunity to conduct a full zoning code review of TCC should future occupancy increases be requested, staff recommends approval of the CUP amendment without any occupancy restrictions conditional on the rezoning for 1420 S. 6th St. from R-1 (Single Family Residential) District to B-2 (Neighborhood Business) District



June 14, 1991

To: Al Cottingham

From: Jeanette Rydberg, Director
Trinity Children's Center

Please find enclosed a copy of our most current license.

This reflects the latest addition of school-age children
to our enrollment.

RECEIVED

JUN 18 1991

CITY ENGINEERING DEPT.
BRainerd, MINNESOTA

STATE OF MINNESOTA
License
Department of Human Services

ISSUED TO: TRINITY LUTHERAN CHURCH

KNOWN AS: TRINITY CHILDREN'S CENTER

LOCATED AT: 1420 SOUTH 6TH STREET
BRAINERD, MINNESOTA 56401
CROW WING COUNTY

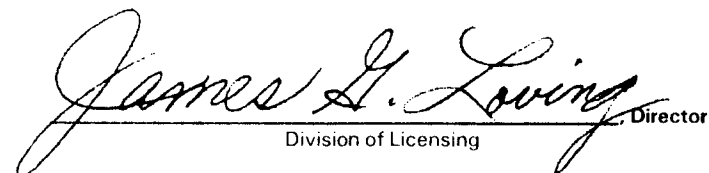
CONDITIONS OF LICENSE: 29 CHILDREN, INCLUDING:
7 TODDLERS, 22 PRESCHOOL AND SCHOOL AGE
CHILDREN, NOT TO EXCEED 20 PRESCHOOL AND
12 SCHOOL AGE, 7:00 A.M. TO 5:30 P.M.,
MONDAY THRU FRIDAY

This license shall be in force from

JUNE 3, 1991 TO AUGUST 1, 1991

This license is issued subject to the provisions of Minnesota Statutes and to the rules and regulations of the Commissioner of Human Services. It is subject to revocation for cause.


Commissioner of Human Services


Division of Licensing, Director

CERTIFICATION FOR CONDITIONAL USE PERMIT

STATE OF MINNESOTA)
) ss.
COUNTY OF CROW WING)

A Regular Meeting of the City Council of the City of Brainerd, Minnesota, was duly held at the City Hall Council Chambers on this 15th day of April, 1991, at 7:30 p.m.

The following Aldermen were noted present: Nesheim, Asplund, Charpentier, O'Day, Goedker, and Wallin.

Alderman was absent: Olander

MOVED AND SECONDED BY ALDERWOMAN NESHEIM AND ALDERMAN CHARPENTIER, DULY CARRIED, TO APPROVE THE FOLLOWING CONDITIONAL USE PERMIT.

Trinity Lutheran Church - 1420 South 6th Street - Conditional Use Permit No. 106 Approved.

Alderwoman Nesheim reported the Planning Commission, at their meeting of April 10, 1991, recommended approval of a conditional use permit for Trinity Lutheran Church, 1420 South 6th Street, to amend Conditional Use Permit No. 103 to allow for an additional 12 to 15 children which would then have a maximum of 35 children. The property for the proposed conditional use permit is legally described as:

a The North 771 feet of Lot Seven (7) except Part to
Gilmer, Auditor's Plat of the East 1/2 of the Northwest
1/4 of Section Thirty-six (36), Township Forty-five (45)
North, Range 31 West.

Committee recommends approval subject to the following conditions:

1. The permit is for a maximum of 35 children.
2. The hours of operation shall be no earlier than 6:00 a.m. and no later than 7:00 p.m.
3. A copy of the current State License shall be kept on file with the City.

ADJOURNMENT.

The Chair adjourned the meeting at 10:40 p.m.



DANIEL J. VOGT
City Administrator/Clerk-Treasurer

(S E A L)

City Clerk 22821
#10.00

Office of County Recorder
County of Crow Wing, Minn. } SS. MICROFILMED

I hereby certify that the within instrument was filed
in this office for record on the 6 day of May
A.D. 1991 at 3:30 o'clock P.M.
and was duly recorded as Doc. No. **422165**

[Signature]
County Recorder
by *[Signature]* Deputy

RETURN TO City Administrator
City Hall
Brainerd, MN 56401

Notices sent to the following on March 29, 1991

Ms. Jeanette Rydberg
1420 South Sixth Street
Brainerd, MN 56401

Harold & Donna Smith
4142 Pine Beach Rd.
Brainerd, MN 55401

Timothy Holtan
622 Willow Street
Brainerd, MN 56401

Leonard and Karen Oseland
409 SW Sixth Street
Brainerd, MN 55401

New Expansions, Inc.
Route 6, Box 17
Bemidji, MN 56601

Roderick & Janet Brixins
Box 17
Lastrup, MN 56334

Jeffrey Lenz
1318 South Seventh St.
Brainerd, MN 56401

Jacquelyn MacDonald
1324 South Seventh St.
Brainerd, MN 56401

Tom Thumb Food Markets
110 E. 17th Street
Hastings, MN 55033

Daniel and Susan Kuhn
1312 South Seventh Street
Brainerd, MN 56401

Inez Kaser
1523 Mary Street
Brainerd, MN 56401

Viking Hedin
1605 Mary Street
Brainerd, MN 56401

Raymond & Patricia Lindberg
1504 Mary Street
Brainerd, MN 56401

Michael & Heather Wedding
1508 Mary Street
Brainerd, MN 56401

Virginia Niemala
1512 Mary Street
Brainerd, MN 56401

Tom & Jacqueline Mehr
1516 Mary Street
Brainerd, MN 56401

Arlen Damlo
1524 Mary Street
Brainerd, MN 56401

Gordon Westgaard
1420 Mary Street
Brainerd, MN 56401

Bruce & Julie Hauck
59K Ahrens Hills
Brainerd, MN 56401

Max Rutter
506 Cedar Street
Brainerd, MN 56401

Linda Harris
1206 Park Street
Brainerd, MN 56401

Southern Oil Co. of NY
P.O. Box 14000
Lexington, KY 40512

Keith & Jan Roberts
1214 Park Street
Brainerd, MN 56401

Dennis & Janet Olson
1399 Ninth Ave., Apt. 1302
San Diego, CA 92101

North Central Comm. Dev. Corp.
1216 S. Sixth Street
Brainerd, MN 56401

Earl Athman
1210 South Sixth Street
Brainerd, MN 56401

Louis & Alice Carlson
1887 Windy Ridge Rd. N.
Brainerd, MN 56401

Ronald & Alice Trotter
Route 2
Aitkin, MN 56431

Conrad & Sabina Anderson
502 Vine Street
Brainerd, MN 56401

Vicki & Wayne Nichols
197 Michelle Circle
Baxter, Mn 56401

Robert Billman
3333 Smith Road
Brainerd, MN 56401

Gary A. Benjamin
1215 South Fifth Street
Brainerd, MN 56401

Mrs. Ben Barr
4551 Bronson Road North
Baxter, MN 56401

Clara Mellesmoen
623 Willow Street
Brainerd, MN 56401

Beverly Johansen
615 Willow Street
Brainerd, MN 56401

Gerald Miller
1212 South Seventh Street
Brainerd, MN 56401

SuperAmerica Station Inc.
P.O. Box 14000
Lexington, KY 40512

Donald & Judith Johnson
517 Cedar
Brainerd, MN 56401

Gladys & Richard Peterson
509 Cedar Street
Brainerd, MN 56401

Edwin & Helen Lash
503 Cedar Street
Brainerd, MN 56401

Arthur & Dorothy Harting
427 Cedar Street
Brainerd, MN 56401

Paul & Vida Driscoll
415 Cedar Street
Brainerd, MN 56401

Alice Hellen
409 Cedar Street
Brainerd, MN 56401

Mary Jo Herr
403 Cedar Street
Brainerd, MN 56401

Jeffrey & Lila Behr
321 Cedar Street
Brainerd, MN 56401

Roland & Annette Mills
318 Cedar Street
Brainerd, MN 56401

Walter & Joyce Fust
324 Cedar Street
Brainerd, MN 56401

Keith Olson
330 Cedar Street
Brainerd, MN 56401

Michael & Kathryn Dunn
406 Cedar Street
Brainerd, MN 56401

Evelyn Michie
412 Cedar Street
Brainerd, MN 56401

Paul & Sandra Bloom
418 Cedar Street
Brainerd, MN 56401

Wayne & Yvonne Larson
424 Cedar Street
Brainerd, MN 56401

Alan & Heidi Prah
1411 Mary Street
Brainerd, MN 56401

Erma Feriancek
1415 Mary Street
Brainerd, MN 56401

Jon & Tedi Stoe
1419 Mary Street
Brainerd, MN 5 56401

Mark & Carol Embretson
1423 Mary Street
Brainerd, MN 56401

Gregory Rosenberg
219 North Eighth Street
Brainerd, MN 56401

Robert & Phyllis Rossina
1517 Mary Street
Brainerd, MN 56401

Warren and Gladys Welton
1400 South Seventh Street
Brainerd, MN 56401

Donald & Patricia Howitz
1404 South Seventh Street
Brainerd, MN 56401

Richard J. & Linda Kreutzfeldt
1414 South Seventh Street
Brainerd, MN 56401

Donald & Lois Alexson
1407 South Sixth Street
Brainerd, MN 56401

William N & Evelyn Matthies
418 North Third Street
Brainerd, MN 56401

William C. Olson
1415 South Sixth Street
Brainerd, MN 56401

Vernon & Jane Dorschner
1422 South Seventh Street
Brainerd, MN 56401

James & Judith Loschko
1428 South Seventh Street
Brainerd, MN 56401

Elmer & Jennie Nordgren
1502 South Seventh Street
Brainerd, MN 56401

Richard & Delores Tromblay
1506 South Seventh Street
Brainerd, MN 56401

Arnold & Doris Stengel
1510 South Seventh Street
Brainerd, MN 56401

Jon & Debra Luhrs
1524 South Seventh Street
Brainerd, MN 56401

Josephine Mitchell
1419 South Sixth Street
Brainerd, MN 56401

Arthur & Lois Nystrom
1429 South Sixth Street
Brainerd, MN 56401

Norman Klinghagen
1433 South Sixth Street
Brainerd, MN 56401

Gladys Weisz
1507 South Sixth Street
Brainerd, MN 56401

Dale & Gaylene Parks
1418 South Seventh Street
Brainerd, MN 56401

Ronald & Donald Knoll
1302 South Sixth Street
Brainerd, MN 56401

Alice Tindell
1313 Park Street
Brainerd, MN 56401

L.R. Mielke
1702 Linden Lane
Brainerd, MN 56401

William & Linda Beasley
1706 Linden Lane
Brainerd, MN 56401

Robert Ferris
70 West Road
Circle Pines, MN 55014

Anton & Elsie Mons
315 Cedar Street
Brainerd, MN 56401

Marie Schuety
1305 Park Street
Brainerd, MN 56401

Allard & Marcellene Kraemer
1302 Park Street
Brainerd, MN 56401

Wayne & Joanne Hayes
1225 Park Street
Brainerd, MN 56401

Leonard & Lillian Rosenthal
1209 Park Street
Brainerd, MN 56401

Joseph & Dorothy Straka
1207 Park Street
Brainerd, MN 56401

Gerald & Rebecca Young
578 Narrow Lane Road SE
Brainerd, MN 56401

Susan Hollister
1208 South Fifth Street
Brainerd, MN 56401

Herbert & Harriett Christensen
1205 Park Street
Brainerd, MN 56401

Roy & Gladys Pike
Box 471
Brainerd, MN 56401

Norbert & Geraldine Ackerman
1324 Park Street
Brainerd, MN 56401

Bernice Cummins
1310 Park Street
Brainerd, MN 56401

Cheryl & Robin Clark
507 South Sixth Street
Brainerd, MN 56401

Mark & Deanna Witter
1224 Park Street
Brainerd, MN 56401

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Trinity Lutheran Church, 1420 South Sixth Street, has applied for an amendment to their Conditional Use Permit for a Day Care Center for a maximum of forty children within the R-1 (Suburban Residential) District, as regulated by Ordinance No. 812 in Brainerd City Code. The property of the proposed Conditional Use Permit is described as follows, TO WIT;

The north 771 feet of Lot 7 except part to Gilmore, Auditor's Plat of the east one-half of the northwest one-quarter of Section 36, Township 45 north, Range 31 west.

Notice is further given that the Planning Commission of the City of Brainerd will meet at Brainerd City Hall Council Chambers, 501 Laurel Street, at 7:00 p.m., April 10, 1991, to consider the request of said Conditional Use Permit.

BY ORDER OF THE PLANNING COMMISSION.

Dated this 22nd day of March, 1991.


Al Cottingham
City Planner

Publication date: March 29, 1991.

MEMORANDUM

TO: Planning Commission

FROM: Al Cottingham, City Planner

DATE: April 4, 1991

SUBJECT: Staff Recommendation for Agenda Item No. 4B, Conditional Use Permit for Day Care Center in the R-1 (Suburban Residential) District

Ordinance No. 812, Section 515.15, Subdivision 4, identifies Day Care facilities as a Conditional Use within the R-1 District. The City Council approved a Conditional Use Permit on October 15, 1990 for a Day Care facility at Trinity Lutheran Church, 1420 South Sixth Street for a maximum of 20 children. The applicant is proposing an amendment to that Conditional Use Permit to allow for an additional 12 to 15 children which would then have a maximum of 35 children as part of this Conditional Use Permit.

Section 515.09, Subdivision 7,2 identifies the requirements for granting Conditional Use Permits. I have reviewed those nine requirements and they appear to be satisfied and thus recommend approval of the Conditional Use Permit application subject to the following conditions:

1. The permit is for a maximum of 35 children.
2. The hours of operation shall be no earlier than 6:00 a.m. and no later than 7:00 p.m.
3. A copy of the State License shall be kept on file with the City.

Attachments:

Hearing Notice
Ordinance Excerpt

City Hall
501 Laurel Street
Brainerd, Minnesota 56401



March 29, 1991

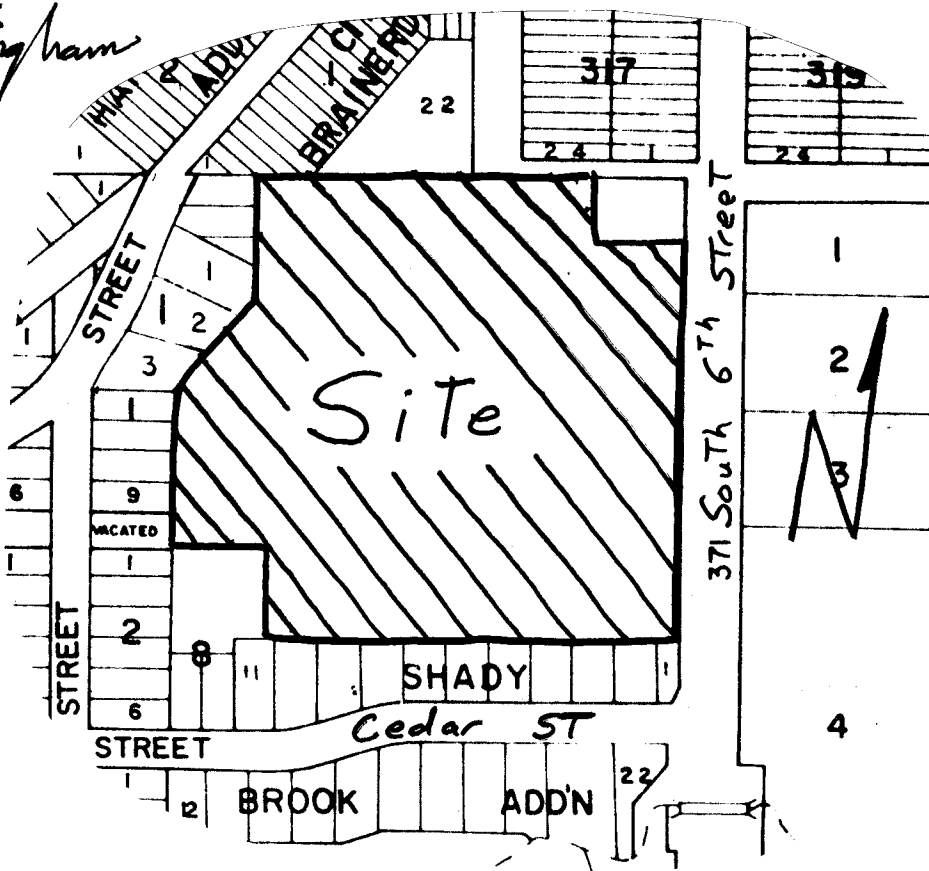
TO WHOM IT MAY CONCERN:

Pursuant to Section 515.09, Subdivision 7, 3C of Ordinance No. 812 you are hereby given notice that Trinity Lutheran Church, 1420 South Sixth Street, has applied for a Conditional Use Permit to expand their existing Day Care Center for an additional fifteen (15) school age children within the R-1 (Suburban Residential) District as regulated by Ordinance No. 812 in Brainerd City Code. The property is more legally described as the north 771 feet of Lot 7 except part of Gilmer, Auditor's Plat of the east one-half of the northwest quarter of Section 36, Township 45 north, Range 31 west.

This request will be heard by the Planning Commission at 7:00 p.m. on Wednesday, April 10, 1991 in the Council Chambers of Brainerd City Hall at 501 Laurel Street. Questions regarding this request may be directed towards me, Monday through Friday, 8:00 a.m. to 5:00 p.m., except holidays.

Sincerely,

Al Cottingham
Al Cottingham
City Planner



Mayor
(218) 828-2308

City Administrator
(218) 828-2307

City Attorney
502 Laurel Street
(218) 828-2311

City Engineer
(218) 828-2309

Chief of Police
Law Enforcement Center
304 Laurel Street
(218) 829-2805

Fire Chief
Fire Station
23 Laurel Street
(218) 828-2312

Economic Developer/Planner
(218) 828-2309

Director of Parks and Recreation
(218) 828-2320

Water & Light Secretary
(218) 829-8726

Water & Light Superintendent
101 Laurel Street
(218) 829-2193

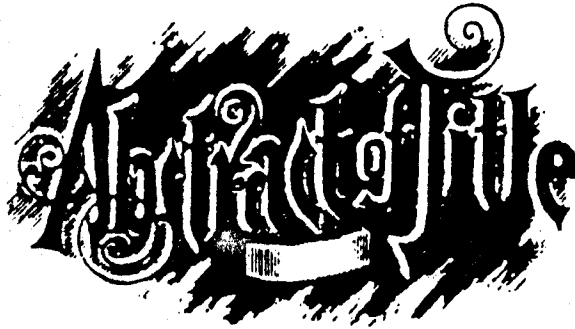
CITY OF BRAINERD
501 LAUREL STREET
BRAINERD, MN 56401
828-2309

PLANNING AND ZONING APPLICATION FORM

PLEASE READ BEFORE COMPLETING. ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED! Applications must be validated by the Planning or Building Official before fees will be accepted. See appropriate information sheets for explanation of application procedures and policies.

PRINT OR TYPE

1. PROPERTY LOCATION (Street Address AND Legal Description):
1420 S. 6th St. Brainerd, MN All of the North 771 feet of Lot 7 of Auditors Plat of
the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, Twp 45, Rge 31
 2. PROPERTY FEE OWNER NAME: Trinity Lutheran Church, Rev. David Holte
ADDRESS: 1420 S. 6th St. Rev. Lynn Ronsberg
CITY: Brainerd STATE: MN ZIP: 56401
TELEPHONE: (Home) 218- 829-5147 (Business) _____
 3. APPLICANT NAME: Trinity Children's Center
CONTACT NAME: Jeanette Rydberg
ADDRESS (Mailing): 1420 S 6th St.
CITY: Brainerd STATE: MN ZIP: 56401
TELEPHONE: (Home) _____ (Business) 829-1385
 4. REQUESTED ACTION(S):
☐ REZONING
☒ CONDITIONAL USE PERMIT
☐ VARIANCE
☐ PLANNED UNIT DEVELOPMENT
☐ PRELIMINARY PLAT
☐ FINAL PLAT
☐ OTHER _____
 5. BRIEF DESCRIPTION OF REQUEST (Attached sepearte sheet, if necessary): Trinity Children's Center has applied for an additional
license with the State of MN to add 12-15 school-age children to be
enrolled in daycare. The school-age section would be open the same hours
as existing daycare - 7:00 a.m. - 5:30 p.m., Mon.- Fri. An additional
full-time and one part-time teachers will be hired.
- PROPERTY FEE OWNER(S) SIGNATURE(S): Rev. Lynn Ronsberg
- APPLICANT(S) SIGNATURE(S): Jeanette Rydberg
- DATE: 3/19/90



*To the following described Real Estate situated in
Crow Wing County, Minnesota*

* * * * *

All of the North 771 feet of Lot 7 of Auditor's Plat of the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, Twp. 45, Rge. 31, except the North 200 feet of the West 125 feet thereof and also except the North 100 feet of East 150 feet thereof,

EXCEPT

That part of Lot 7 of the Auditor's Plat of the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, Twp. 45, Rge. 31, described as follows: Beginning at the Southeast corner of Lot 5, Block 1, Woodland Park Addition to Brainerd, thence North assumed bearing 155.00 feet along the East line of said Block 1, thence North 89 degrees 52 minutes East 125.00 feet along the South line of the North 200 feet of said Lot 7, thence South 38 degrees 49 minutes 55 seconds West 199.35 feet to the place of beginning.

* * * * *

2

No. 106Date March 19, 1991

CONDITIONAL USE
APPLICATION FOR VARIANCE ORDINANCE NO. 812

Property Address 1420 S. 6th St., Brainerd, MN

Legal Description Lot 7

Block Sec. 36

Subdivision Auditor's Plat

Owner Address Trinity Lutheran Church
1420 S. 6th St.
Brainerd, MN 56401Request
Conditional Use PermitReason
Daycare in R-1 Zone

Applicant Signature

Janette Repberg
Daycare Director

PROPERTY OWNERS WITHIN 350 FEET:

NameAddressTimothy Holtan 622 Willow St. Brainerd, MN 56401Harold and Donna Smith 4142 Pine Beach Rd. Brd MN 56401Leonard and Karen Oseland 409 SW 6th St. Brd., MN 56401New Expansions, Inc. Rt. 6 Box 426 Bemidji, MN 56601Roderick and Janet Brixins Box 17 Lastrup, MN 56334Jeffrey Lenz 1318 S. 7th St. Brd., MN 56401Jacquelyn MacDonald 1324 S. 7th St., Brd, MN 56401Tom Thumb Food Markets 110 E. 17th St. Hastings, MN 55033Daniel and Susan Kuhn 1312 S. 7th St. Brd., MN 565401

(Continue on Page 2)

Planning Commission Findings:

Date Approved 4-10-91

City Council

Date Approved 4-15-91

Amount Paid

\$50.00

Date Paid

3/19/91

Receipt No.

A6614

Each Application Three Copies

NAMEADDRESS

✓ Inez Kaser 1523 Mary St. Brd, MN 56401

✓ Viking Hedin 1605 Mary St Brd, MN 56401

✓ Raymond & Patricia Lindberg 1504 Mary St. BRd, MN 56401

✓ Michael & Heather Wedding 1508 Mary St. Brd, MN 56401

✓ Virginia Niemala 1512 Mary St. Brd, MN 56401

✓ Tom & Jacqueline Mehr 1516 Mary ST. Brd, MN 56401

✓ Arlen Damlo 1524 Mary St. Brd, MN 56401

✓ Gordon Westgaard 1420 Mary ST. Brd, MN 56401

✓ Bruce & Julie Hauck 59K Ahrens Hill Brd, MN 56401

Max Ruttger 506 Cedar St. Brd.

Linda Harris 1206 Park St.

Southern Oil Co of Ny. P.O. Box 14000, Lexington Ky
70512

NAMEADDRESS

✓ Keith & Jan Roberts 1214 Park St. Brd, MN 56401

✓ Dennis & Janet Olson 1399 9th Ave Apt. 1302 San Diego, CA 92101

✓ North Central Comm. Dev. Corp. 1216 S. 6th St. Brd, MN 56401

✓ Earl Athman 1210 S. 6th St. Brd, MN 56401

✓ Louis & Alice Carlson 1887 Windy Ridge Rd N. Brd, MN 56401

✓ Ronald & Alice Trotter Trotter's Lakeshore Resort Rt 2 Aitkin, MN 5

✓ Conrad & Sabina Anderson 502 Vine St. Brd, MN 56401

✓ Vicki & Wayne Nichols 197 Michelle Cir Baxter, MN 56401

✓ Robert Billman 3333 Smith Rd Brd, MN 56401

~~Gary # Benjamin 1218 S. 5th St Brd~~

✓ William Grundy 133 Pine Grove St. SW Bemidji, MN 56601

✓ Mrs. Ben Barr 4551 Bronson Rd N Baxter MN 56401

✓ Clara Mellesmoen 623 Willow St Brd, MN 56401

✓ Beverly Johansen 615 Willow St. Brd MN 56401

✓ Gerald Miller 1212 S. 7th St. Brd, MN 56401

SuperAmerica Stations Inc Ashland Oil Inc PO Box 14000 Lexington, KY 40

✓ State of MN Highway Dept Brd, MN 56401

✓ Donald & Judith Johnson 517 Cedar Brd, MN 56401

✓ Gladys & Richard Peterson 509 Cedar St. Brd, MN 56401

✓ ✓ Edwin & Helen Lash 503 Cedar St. Brd, MN 56401 829-8892 ✓

✓ ✓ Arthur & Dorothy Harting 427 Cedar St. BRD, MN 56401 829-8460 ✓

✓ ✓ Paul & Vida Driscoll 415 Cedar St. Brd, MN 56401 829-1145 ✓

✓ ✓ Alice Hellen 409 Cedar St. Brd, MN 56401 829-6904 ✓

✓ May Jo Gohl 403 Cedar St. Brd, MN 56401 829-5367

✓ Jeffrey & Lilia Behr 321 Cedar St. Brd, MN 56401

✓ Roland & Annette Mills 318 Cedar St. Brd, MN 56401

✓ Walter & Joyce Fust 324 Cedar St. Brd, MN 56401

✓ ~~Keith W Olson 330 Cedar St~~

✓ Bernard & Lois Brandl PO Box 304 Brd, MN 56401

✓ Michael & Kathryn Dunn 406 Cedar St. Brd, MN 56401

✓ Evelyn Michie 412 Cedar St. BRD, MN 56401

✓ Paul & Sandra Bloom 418 Cedar St. Brd, MN 56401

✓ Wayne & Yvonne Larson 424 Cedar ST. BRD, MN 56401

✓ Alan & Heidi Prael 1411 Mary St Brd, MN 56401

✓ ERma Feriancek 1415 Mary St Brd, MN 56401

✓ Jon & Tedi Stoe 1419 Mary St. Brd, MN 56401

✓ Mark & Carol Embretson 1423 Mary St. BRD, MN 56401

✓ Gregory Rosenberg 219 N. 8th St. Brd, MN 56401

✓ Robert & Phyllis Rossina 1517 Mary St. Brd, MN 56401

NAME	ADDRESS
✓ Warren & Gladys Welton	1400 S. 7th ST. Brd, MN 56401
✓ Donald & Patricia Howitz	1404 S. 7th St. Brd, MN 56401
Richard D. & Linda Krentz Feldt Richard & Jean Lorge	1414 7th St, S. Brd, MN 56401
Donald & Lois Alexson	1407 S. 6th St. Brd, MN 56401
William N. & Evelyn Mathies Barbara Sheffield	418 N. 3rd St 1411 S. 6th St. Brd, MN 56401
William C. Olson	1415 S. 6th St. Brd, MN 56401
Vernon & Jane Dorschner	1422 S. 7th St. Brd, MN 56401
James & Judith Loschko	1428 S. 7th St. Brd, MN 56401
Elmer & Jennie Nordgren	1502 S 7th St. Brd, MN 56401
Richard & Delores Tromblay	1506 S. 7th St Brd, MN 56401
Arnold & Doris Stengel	1510 S. 7th St. Brd, MN 56401
Jon & Debra Luhrs	1524 S. 7th St. Brd, MN 56401
Josephine Mitchell	1419 S. 6th St. Brd, MN 56401
Arthur & Lois Nystrom	1429 S. 6th St. Brd, MN 56401
Norman Klinghagen	1433 S. 6th St. Brd, MN 56401
Gladys Weisz	1507 S. 6th St. Brd, MN 56401
City of Brainerd	City Hall Brd, MN 56401
Dale & Gaylene Parks	1418 S. 7th St. BRD, MN 56401
Ronald & Donald Knoll	1302 S. 6th St. Brd, MN 56401
Alice Tindell	1313 Park St. Brd, MN 56401
L. R. Mielke	1702 Linden Lane Brd, MN 56401
William & Linda Beasley	1706 Linden Lane Brd, MN 56401
✓ Robert Ferris	70 West Rd. Circle Pines, MN 55014
✓ Anton & Elsie Mons	315 Cedar St. Brd, MN 56401
✓ Marie Schuety	1305 Park St. Brd. MN 56401
✓ Allard & Marcellene Kraemer	1302 Park St. Brd, MN 56401
✓ Wayne & Joanne Hayes	1225 Park St. Brd, MN 56401
✓ Leonard & Lillian Rosenthal	1209 Park St. Brd, MN 56401
✓ Joseph & Dorothy Straka	1207 Park St. Brd, MN 56401
✓ Gerald & Rebecca Young	578 Narrow Ln Rd S.E. Brd, MN 56401
✓ Susan Hollister	1208 S. 5th ST. Brd, MN 56401
✓ Herbert & Harriett Christensen	1205 Park St. Brd, MN 56401
✓ Roy & Gladys Pike	Box 471 Brd, MN 56401
✓ Norbert & Geraldine Ackerman	1324 Park St. Brd, MN 56401
✓ Bernice Cummins	1310 Park St. Brd, MN 56401
✓ Cheryl & Robin Clark	507 S. 6th St. Brd, MN 56401
✓ Mark & Deanna Witter	1224 Park St. Brd, MN 56401