

BRAINERD PLANNING COMMISSION

Wednesday, September 16, 2020
6:00 p.m.

City Council Chambers
Brainerd City Hall

Members of the public are invited to attend the meeting in-person or via phone.

Meeting Number: 1-844-992-4726

Access Code: 146 076 0177

The meeting will be live streamed on the City's YouTube channel.

1. Call to Order
2. Roll Call
3. Approval/Change of Agenda
4. Approval of minutes of the regular meeting held on August 17, 2020
5. NEW BUSINESS
 - 5.a Discussion – Rural Service District
6. 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.
7. OLD BUSINESS
 - 7a. Text Amendment – Amending Section 515-62: B-3, Central Business District to allow commercial greenhouses as an interim use.
 - 7b. Discussion – Selection of Consultant to Conduct Zoning Code Update.
8. Commissioners' Questions/Comments
9. Community Development Director's Report
10. Adjourn

Any individual needing special accommodations or that desires more information about the above items, please call 218/828-2307.

PLANNING COMMISSION
Wednesday, August 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 City Hall Council Chambers.

#2 Roll Call

Noted present were Commissioners Kallroos, Yeager, Duval, Woodward, and Gorham. Commissioner Lambert attended at 6:15 p.m. Commissioner Foley was noted as absent. Community Development Director Chanski was also noted as present.

#3 Approval/Amendment of Agenda

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

#4 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS WOODWARD AND YEAGER, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 15, 2020, AND THE WORKSHOP HELD ON AUGUST 12, 2020.

#5 New Business

5a. Section 515-57-7 Variance Request Reduced Side Setback – Submitted by Eric Stangler – 515 S. 9th St., Brainerd

Community Development Director Chanski explained the details of the application, in which the applicant is requesting a reduced side yard setback from five feet to three feet on his legal non-conforming property at 515 South 9th Street. He also indicated the public hearing cannot be held at the meeting tonight, as the notice of hearing did not get posted or mailed due to technical difficulties.

The Chair recognized Mr. Eric Stangler, 7384 Lone Oak Rd., Brainerd who stated he just purchased the lot and would like to request the reduced side setback to allow for the development of a duplex. Commissioner Duval said the measurements indicated on the drawing do not compute to the overall width of 38' of the lot. Mr. Stangler clarified the sidewalk will be placed in the setback dimension, rather than in addition to.

Discussion took place with the applicant.

Community Development Director Chanski stated the public hearing will take place at the City Council meeting, September 8, 2020 at 7:30 p.m., which allows time to publish and mail the notices to surrounding neighbors.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST APPLICATION WITH THE CONDITION THAT THE STRUCTURE BE NO LESS THAN THREE (3) FEET FROM THE NORTH

PROPERTY LINE AND TO ENCOURAGE THE APPLICANT TO CONSIDER THE PLACEMENT OF THE GARAGE TO BE FURTHER FROM THE NORTH PROPERTY LINE DUE TO THE PROXIMITY OF THE NEIGHBORING GARAGE.

5b. Section 515-62-3 Text Amendment to Allow Greenhouses as an Accessory Use in B-3 District – Submitted by Steven Zelinske, owner of Yesterday's Gone Bar and Grill, 219 S. 9th St., Brainerd

Community Development Director Chanski indicated the applicant would like the ability to construct a greenhouse on the property to enhance the quality of food served at the restaurant. He explained the code does not currently allow for this type of structure in the B-3 district.

The Chair recognized Mr. Steven Zelinske, 15965 County Rd 25, Brainerd who explained that he would like to construct a greenhouse in the back lot of the property at 219 S. 9th Street in order to provide fresh ingredients for the restaurant and extend the growing period.

Commission discussion took place regarding the materials that could be used for a greenhouse, which applies to residential districts. Commissioner Duval stated he would prefer the conditional use permit option rather than a text amendment. Community Development Director Chanski explained an interim use is another option.

Community Development Director Chanski indicated he will take all the comments gathered tonight and draft an ordinance to be considered.

5c. Review of Section 515-66: Transient Food Unit Overlay District

Community Development Director Chanski explained due to the cancelation of county and state fairs this year, there has been an increase in the interest of operating food trucks. He stated the district that is currently allowing food trucks is quite limited, and restrictive in the City. Although it is too late to make any amendments for this year, the Commission may agree to review the ordinance and draft revisions if deemed necessary for next year. The Commissioners discussed and shared ideas with further details to be brought to the meeting in October.

#6 Public Forum

The Chair opened the public forum at 7:31 p.m.

No one came forward.

The Chair closed the public forum at 7:32 p.m.

#7 Old Business

7a. Zoning Code Update RFP Review Process

Community Development Director Chanski explained there were eight (8) responses to the RFP process and would like to discuss the process for evaluating these entities. He indicated he would like to present a recommendation to the City Council at their September 21, 2020 meeting.

Commission discussion took place and it was decided to hold a special meeting on Wednesday, September 9th at 6:00 p.m. at City Hall. Community Development Director Chanski will invite all eight applicants to that meeting to present to the Planning Commission - time limits of 10 minutes for presenting and 10 minutes for questions will be allowed per applicant.

#8 Commissioner's Questions/Comments

Commissioner Duval stated his ordinance book has some outdated information. It was determined that some of the updates were not provided to the Commission and copies will be made and distributed.

Commissioner Gorham announced funding was approved to proceed to the next level for funding towards the Riverfront Project.

#9 Community Development Director's Report

Community Development Director Chanski announced work continues with installing the audio equipment in the council chambers and may have the ability to conduct hybrid meetings soon.

#10 Adjourn to Special Planning Commission meeting on September 9, 2020 at 6:00 p.m.

The Chair adjourned at 8:00 p.m.

Don Gorham, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: September 16, 2020

RE: Discussion – Rural Service District

Background

During the City Council meeting on August 17, the City Council considered a request from a Mr. Greg Jedlenski of 9089 Dal-Mar Drive to have the property on which his home sits be added to the City's Rural Service District. His property is landlocked, and he uses the adjacent property he owns, which is located off Dal-Mar Drive, to access his home.

Upon consideration, the City Council directed staff to begin the process of adding Mr. Jedlenski's property to the Rural Service District while simultaneously directing staff to bring the future of Rural Service District as a whole before the Planning Commission for discussion.

History of the Rural Service District

The Rural Service District was created in 1986 by Ordinance No. 844, which set, "the taxes for municipal purposes, exclusive of bonded indebtedness, shall not exceed 80% of full municipal taxes levied in the remainder of the City." Additionally, the ordinance stated, "Whenever any parcel of land in the rural service district received water and/or sewer services or is rezoned, said parcel of land shall be transferred from the rural service district to the urban service district and the levy shall then be on the same basis as the property taxes levied for the urban service district."

In 1996, Ordinance No. 1020 amended the Rural Service District, reducing the tax levy within the district to 52%. This was based on the recommendation from the EDA. From the minutes of EDA meetings in May 1996, it appears the basis of amending the rural service district tax rate was to encourage annexation. They believed that property owners in adjacent unorganized areas and townships would not annex if their taxes were going to be substantially higher even though they still do not have city sewer and water service.

Other than sewer and water, which is not a levied expense, properties within the Rural Service District receive no fewer services than the rest of the community.

Current State of the Rural Service District

As provided by the Crow Wing County Assessor's Office, there are currently 190 parcels located within the Rural Service District of which 43 are tax exempt in one form or another. Prior to Mr. Jedlenski's request, a property had not been added to the Rural Service District in over a decade.

The total 2020 City of Brainerd taxes for these parcels at the 52% levy amount is \$68,882.98. If these parcels had paid the full levy amount, staff estimates these parcels would have paid a total of \$132,467.27 for a difference of \$63,584.29.

City Council Request

The City Council is requesting that the Planning Commission discuss the future of the Rural Service District and whether it still serves a purpose.

O R D I N A N C E

NO. 1020

**AN ORDINANCE DIVIDING THE CITY OF BRAINERD
INTO AN URBAN SERVICE DISTRICT
AND A RURAL SERVICE DISTRICT**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE. That Ordinance No. 844 is hereby repealed.

SECTION TWO. The City of Brainerd hereby divides the area within its limits into an urban service district and a rural service district, constituting separate taxing districts for the purpose of all municipal property taxes, except those levied for the payment of bonds and judgements and interest thereon, in accordance with Minnesota Statute 272.67, as amended.

SECTION THREE. The urban service district shall include all properties within the limits of the City of Brainerd, except those set forth herein as a rural service district.

SECTION FOUR. The rural service district shall encompass the following described properties which are rural in character and are not benefited to the same degree as other lands by municipal services financed by general taxation:

Robert Russell Addition and Auditor's Plat of Government Lots Three (3) and Four (4), Section Thirty-Four (34), Township One Hundred Thirty-Four (134) North, Range Twenty-Eight (28) West of the 5th Principal Meridian.

That part of the Southeast Quarter of the Northwest Quarter (SE1/4-NW1/4) and Government Lot 2, Section 34, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows: Commencing at the iron monument at the Southwest corner of said Government Lot 2; Thence East, assumed bearing,

140.93 feet, along the South line of said Government Lot 2 to an iron monument: thence North 88.99 feet to an iron monument; thence North 56 degrees 49 minutes 50 seconds West 385.67 feet to an iron monument on the north line of the south 300.00 feet of said SE1/4-NW1/4 the point of beginning of the tract to be described; thence reversing thence South 56 degrees 49 minutes 50 seconds East 385.67 feet to an iron monument; thence South 88.99 feet to said iron monument on the south line of Government Lot 2; thence West 634 feet, more or less, along said south line of Government Lot 2 and along the south line of said SE1/4-NW1/4 to the shore of Gilbert Lake; thence northerly along said shore to it's intersection with said north line of the south 300.00 feet of the SE1/4-NW1/4; thence East 269 feet, more or less, along said north line of the south 300.00 feet of the SE1/4-NW1/4 to the point of beginning. Containing 3.4 acres, more or less. Subject to easements, reservations or restrictions of record, if any.

The southwest quarter of the southeast quarter of Section 33, Township 134 N., Range 28 W., except the north thirty (30) feet thereof, Crow Wing County, Minnesota.

The southeast quarter of the southeast quarter of Section 33, Township 134 No., Range 28 W., except the north thirty (30) feet thereof and except the part thereof lying southerly of the following described line: beginning at the point on the east line of said southeast of the southeast which is 614.25 ft. north 0 degrees 18 minutes west assumed bearing from the southeast corner of said Section 33; then south 66 degrees 22 minutes west 525.23 ft.; then south 64 degrees 38 minutes west 109.07 ft.; then south 61 degrees 10 minutes west 128.28 ft.; then south 48 degrees 27 minutes west 123.21 ft.; then south 46 degrees 18 minutes west 292.35 ft. to the south line of said southeast quarter of the southeast quarter and there ending.

Lots 34 and 36, Rearrangement of Lots in Wawanaissa Park.

Blocks 10, 11, 13, 14, 15, 16, 27 and 28
Cuyuna Range Addition to the City of Brainerd.

Tracts 21, 22, 23, 24, 25, 26, 27 and 28
Holland's Second Addition to the City of Brainerd.

Tracts 11, 12, 13, 14, 15, 16, 17 and 18
Holland's Third Addition to the City of Brainerd.

Lot 13, Block 1
Buffalo Hills First Addition.

The Northeast Quarter of the Northwest Quarter (NE1/4-NW1/4),
Section 2, Township 44 North, Range 31 West, except that part
platted as Buffalo Hills First Addition and except the North
Half (N1/2) thereof.

The North Half (N1/2) of the Northwest Quarter (NW1/4),
Section 31, Township 45 North, Range 30 West.

The North Half (N1/2) of the Northeast Quarter of the
Southwest Quarter (NE1/4-SW1/4), Section 31, Township 45
North, Range 30 West.

The Northeast Quarter of the Northwest Quarter (NE1/4-NW1/4),
Section 4, Township 133 North, Range 28 West.

Part of Government Lot 3 described as follows: All of the
Tract deeded Orloff to Wagner recorded in Book 122 of Deeds,
Page 172, except the following described Tract: Beginning at
the iron pipe on the ROW line of the Hwy., the Southwest
Corner of the above named Tract; then South 77 degrees, 37
minutes East 268.4 ft. along its southerly line to an iron
pipe on the bank of the Mississippi River; then North 10

degrees 57 minutes West 100 ft. along said bank to an iron pipe; then North 32 degrees 14 minutes East 206 ft. continuing along said river to an iron pipe; then North 65 degrees 37 minutes West 137.3 ft. to an iron pipe; then continuing North 65 degrees 37 minutes West to the Hwy. ROW; then southerly along said ROW to the place of beginning.

That part of Government Lot 3 described: Commencing at an iron pipe on the shore of Mississippi River, the Southeasterly Corner of Tract deeded from Orloff to Wagner recorded in Book 122, Page 172; then North 10 degrees 57 minutes West 100 ft. along the Bank of Mississippi River to an iron pipe; then North 59 degrees 21 minutes West 112 ft. to an iron pipe; then continuing North 59 degrees 21 minutes West to the Hwy. ROW line, the place of beginning; then South 59 degrees 21 minutes East to an iron pipe on the bank of Mississippi River; then North 32 degrees 14 minutes East 206 ft. along said river to an iron pipe; then North 65 degrees 37 minutes West 137.3 ft. to an iron pipe; then continuing North 65 degrees 37 minutes West to the ROW line of Hwy.; then Southerly along said Hwy. line to the place of beginning with easements.

Part of Government Lot 3 beginning at the iron pipe at the Southwest Corner of Tract deeded from Orloff to Wagner in Book 122, Page 172; then South 77 degrees 37 minutes East 268.4 ft. along the Southerly line of the above described Tract to an iron pipe on the bank of the Mississippi River; then North 10 degrees 57 minutes West 100 ft. along said bank to an iron pipe; then North 59 degrees 21 minutes West 112 ft. to an iron pipe; then continuing North 59 degrees 21 minutes West to the Hwy. ROW line; then Southerly along said ROW line to the place of beginning with easement except part to D. Wagner.

Part of Government Lot 3 described as follows: Commencing at the iron pipe at the Southwest Corner of the Tract deeded from Orloff to Wagner, Recorded in Book 122 of Deeds, Page 172; then South 77 degrees 37 minutes East along the Southerly line of said Wagner Tract to the Easterly ROW line for State Hwy. #25, the point of beginning; then South 77 degrees 37 minutes East continuing along the southerly line of the above described Tract, to an iron pipe on the bank of the Mississippi River, said pipe being 268.40 ft. from the pipe at the point of commencement; then North 10 degrees 57 minutes West 100 ft. along said river bank to an iron pipe; then North 79 degrees 34 minutes West 60 ft. to an iron pipe on the centerline of a 20 ft. road easement; then South 68 degrees 45 minutes West 77.35 ft. along the centerline of said road easement to an iron pipe; then continuing South 68 degrees 45 minutes West 63 ft. along the centerline of said road easement; then North 77 degrees 37 minutes West along the centerline of said road easement to the ROW line of the Hwy.; then Southerly along said ROW line to the place of beginning subject to road easement.

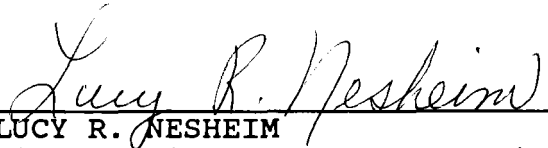
All of the foregoing real property lying and being in Crow Wing County, Minnesota.

SECTION FIVE. That the benefit ratio required by Subd. 2 of Minnesota Statute 272.67 shall be established so that all lands in the rural service district shall be taxed for the general levy at Fifty-Two (52%) percent of the rate levied in the urban service district. That is, the taxes for municipal purposes, exclusive of bonded indebtedness, shall not exceed Fifty-Two (52%) percent of full municipal taxes levied in the remainder of the City. That the said benefit ratio shall not apply on municipal taxes levied for the payments of bonded indebtedness, judgements, and interest thereon.

SECTION SIX. Whenever any parcel of land in the rural service district receives municipal water and/or municipal sewer services, said parcel of land shall be transferred from the rural service district to the urban service district and the levy shall then be on the same basis as the property taxes levied for the urban service district.

SECTION SEVEN. This Ordinance shall take effect and be in full force one week from and after its publication.

Adopted this 15th day of July, 1996.



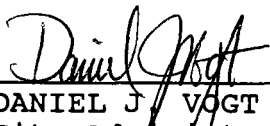
LUCY R. NESHEIM
Vice-President of the Council

Approved this 16th day of July, 1996.



BONNIE K. CUMBERLAND
Mayor

ATTEST:



DANIEL J. VOGT
City Administrator

Published One Time: July 22, 1996

**AN ORDINANCE DIVIDING THE CITY
OF BRAINERD INTO AN URBAN SERVICE
DISTRICT AND A RURAL SERVICE DISTRICT**

Ordinance No. 844

THE COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN AS FOLLOWS:

SECTION ONE. The City of Brainerd hereby divides the area within its limits into an urban service district and a rural service district, constituting separate taxing districts for the purpose of all municipal property taxes, except those levied for the payment of bonds and judgments and interest thereon, in accordance with Minnesota Statute 272.67, as amended.

SECTION TWO. The urban service district shall include all properties within the limits of the City of Brainerd, except those set forth herein as a rural service district.

SECTION THREE. The rural service district shall encompass the following described properties which are rural in character and not developed for commercial, industrial or urban residential purposes, and zoned rural residential, and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation:

Robert Russell Addition and the Auditor's Plat of Government Lots Three (3) and Four (4), Section Thirty-four (34), Township One Hundred Thirty-four (134) North, Range Twenty-eight (28) West of the 5th Principal Meridian.

All of the foregoing real property lying and being in Crow Wing County, Minnesota.

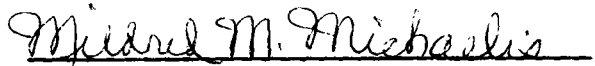
SECTION FOUR. That the benefit ratio required by Subd. 2 of Minnesota Statute 272.67 shall be established so that all lands in the rural service district shall be taxed for the general tax levy at

Eighty (80%) percent of the rate levied in the urban service district: THAT IS, the taxes for municipal purposes, exclusive of bonded indebtedness, shall not exceed Eighty (80%) percent of full municipal taxes levied in the remainder of the City. That the said benefit ratio shall not apply on municipal taxes levied for the payments of bonded indebtedness, judgments, and interest thereon.

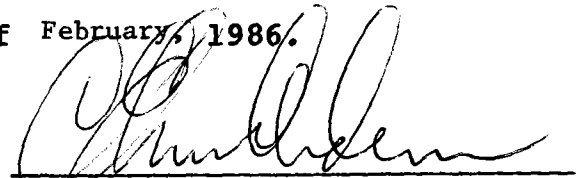
SECTION FIVE. Whenever any parcel of land in the rural service district receives water and/or sewer services or is rezoned, said parcel of land shall be transferred from the rural service district to the urban service district and the levy shall then be on the same basis as the property taxes levied for the urban service district.

SECTION SIX. This ordinance shall take effect and be in force one week from and after its publication.

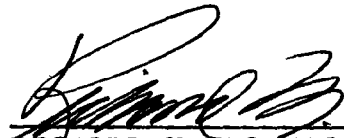
Adopted this 18 day of February, 1986.


MILDRED M. MICHAELIS
President of the Council

Approved this 19 day of February, 1986.


C. ELMER ANDERSON
Mayor

ATTEST:


RICHARD M. JOHNSON, CMC
City Clerk/Treasurer

GILBERT
LAKE

RUSSELL
ADDITION

ROBERT
BLOCK

AVENUE

FARRAR AND FOR

City Administrator Vogt stated that what is needed from the EDA is direction on the properties to be included in the Rural Service District. Properties in the Rural Service District are not getting the same services, which is defined as municipal water or sewer services, that the rest of the community is getting in the Urban Service District.

City Planner Cottingham presented a map with the areas which would be considered to be included in the Rural Service District. The EDA discussed each area to be included.

Commissioner Menk stated that a meeting should be held with the Planning Commission to review the Comprehensive Plan as to its relationship with the Rural and Urban Service Districts.

MOTION AND SECONDED BY COMMISSIONERS GOEDKER AND KUMMET TO RECOMMEND TO THE CITY COUNCIL TO SET THE RURAL SERVICE DISTRICT AT 88% OF TOTAL TAX RATE WHICH TURN RELATES TO A 52% CITY TAX RATE. ALSO, ALL THE AREAS THAT ARE NOT SERVED BY WATER AND/OR SEWER COME INTO THE RURAL SERVICE DISTRICT WITH THE REST TO REMAIN IN THE URBAN SERVICE DISTRICT. DULY CARRIED.

Staff Reports

City Administrator Vogt stated that school gas station is closing. A company called Fast Glass will be locating there by July 1st.

Marsh Run is under construction in east Brainerd on 28th Street.

Southview townhomes are being constructed on Buffalo Hills Lane. Three buildings are up and two single family units are sold.

City Planner Cottingham stated that Sheila Haverkamp has been working with Jim Wills from Image Rotomolding on their plan for expansion.

City Administrator Vogt stated that OSELCO is constructing their building on the north side of Industrial Park Road. The company sells equipment medical supplies.

There is one lot to the west of Range Printing which is low. An individual interested in building a storage building on the lot would generate some tax dollars.

City Administrator Vogt stated the City has asked MnDOT to do a study at the new McDonalds location whether to not to move the signal light at the B.N. entrance east one block.

The City now owns the Dellwood Motel property and working on acquiring the right-of-way for South Fourth Street to continue to Hwy. 371.

The Chair opened the public hearing at 7:43 p.m. relative to nuisance violations at 811 6th Avenue NE and 1221 Maple Street. The Chair asked if anyone in the audience wished to discuss this matter. No one responded.

The Chair closed the public hearing at 7:44 p.m.

Alderman Dehen reported the nuisance violation at 811 6th Avenue NE has been abated. Alderman Dehen reported Safety and Public Works Committee recommends to direct the City Attorney to issue a criminal complaint against 1221 Maple Street for Housing Maintenance Code violations.

MOVED AND SECONDED BY ALDERMEN DEHEN AND GOEDKER, DULY CARRIED, TO DIRECT THE CITY ATTORNEY TO ISSUE A CRIMINAL COMPLAINT AGAINST 1221 MAPLE STREET FOR HOUSING MAINTENANCE CODE VIOLATIONS.

Public Hearing - Consider Dividing City of Brainerd Into An Urban Service District and a Rural Service District.

The Chair called on City Administrator Vogt who stated a Notice of Hearing was published in the Brainerd Daily Dispatch on June 7, 1996. The notice stated the purpose of this hearing is to consider dividing the City of Brainerd into an Urban Service District and a Rural Service District. The Chair opened the public hearing at 7:45 p.m. and asked if anyone in the audience wished to speak. No one responded.

The Chair closed the public hearing at 7:46 p.m.

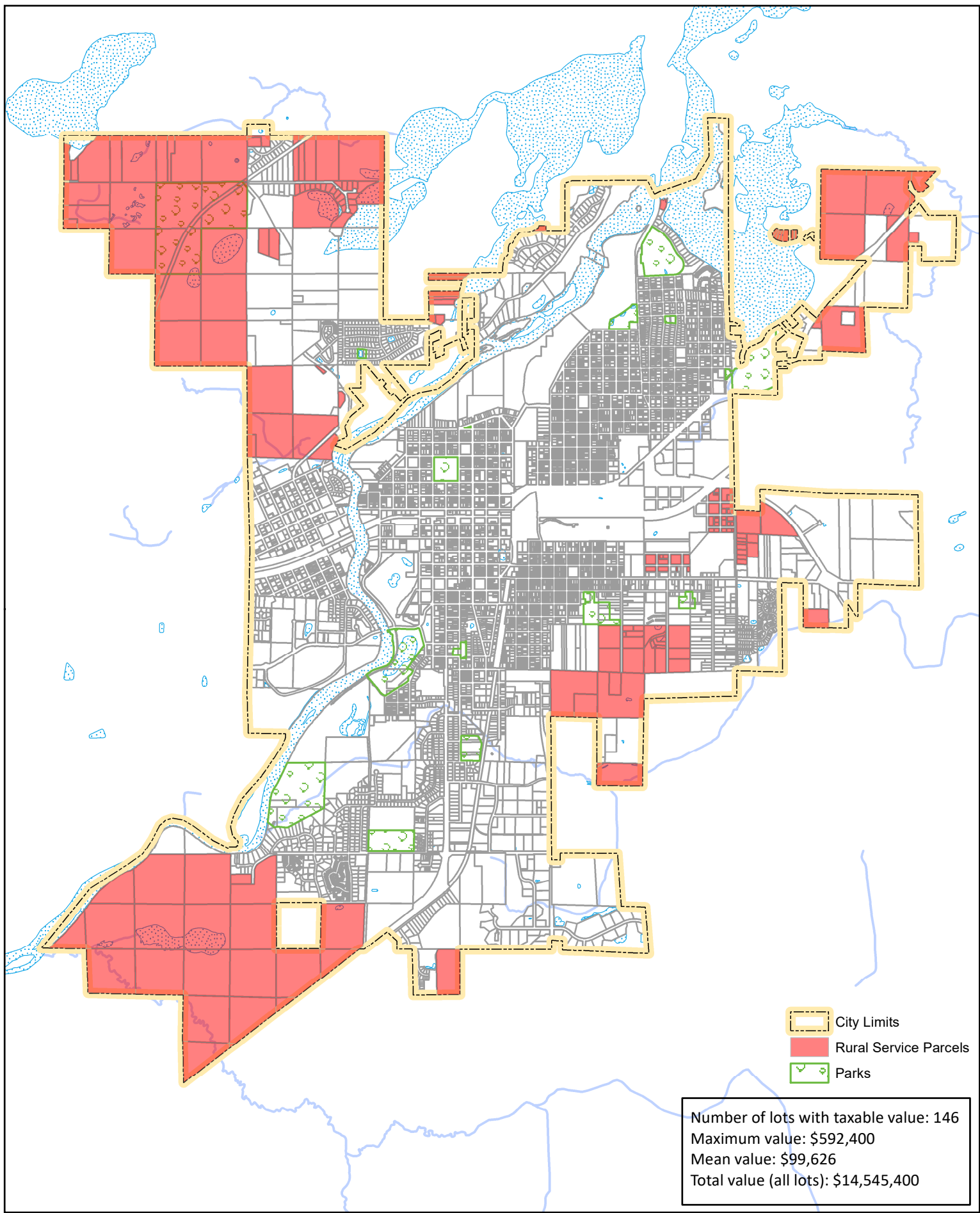
Third Reading - Proposed Ordinance No. 1020 - An Ordinance Dividing the City of Brainerd into an Urban Service District and a Rural Service District - Reading Approved - Ordinance Adopted.

MOVED AND SECONDED BY ALDERMEN ASPLUND AND O'DAY, DULY CARRIED, TO HOLD THE THIRD READING OF PROPOSED ORDINANCE NO. 1020, AN ORDINANCE DIVIDING THE CITY OF BRAINERD INTO AN URBAN SERVICE DISTRICT AND A RURAL SERVICE DISTRICT; FURTHER, TO DISPENSE WITH THE ACTUAL READING OF SAID ORDINANCE.

MOVED AND SECONDED BY ALDERMEN ASPLUND AND O'DAY TO ADOPT ORDINANCE NO. 1020 AS PRESENTED.

ORDINANCE NO. 1020

Upon roll call, all members voted "aye". The Chair declared the motion carried and the Ordinance adopted.



0 1,950 3,900 7,800
Feet

Print Date
8/13/2020

This map is intended for reference purposes only and is not a legally recorded map nor survey. The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.



MEMO



TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: September 16, 2020

RE: B-3 Text Amendment – Commercial Greenhouses as Interim Use

Steven Zelinske of 15965 County Road 25, Brainerd, MN 56401, and owner of Yesterday's Gone Bar and Grill has submitted a request for a text amendment to Section 515-62-3 of the Code of Ordinances to allow greenhouses as an accessory use in the B-3 (Central Business) District. This request was considered by the Planning Commission during their regular meeting on August 19, 2020.

During the August 19 Planning Commission meeting, the Commission directed staff to research and draft a proposed amendment to Section 515-62 to allow for commercial greenhouses supporting another business as an interim use.

Staff is submitting the following proposed ordinance language for consideration by the Planning Commission. Upon consideration, the Planning Commission shall conduct a public hearing prior to making a recommendation to the City Council.

515-62-5: Interim Uses

- A. Commercial greenhouses supporting the operations of a restaurant or floral shop provided that:
1. Structure framing shall be treated wood, aluminum, or steel and shall be covered by materials as regulation by Section 17 of this ordinance.
 2. Structure shall not exceed fifteen (15) feet in height.
 3. Structure may be located on a separate lot from the restaurant or floral shop it supports provided that:
 - a. The lot is within one-hundred fifty (150) feet of the business.
 - b. The structure shall meet the non-residential setback requirements of the B-2 District as regulated by Section 61 of this ordinance.
 4. No outdoor storage.
 5. Indoor storage shall be limited material incidental to the operation of a greenhouse.
 6. Should the restaurant or floral shop it supports cease operations, the greenhouse must be removed within 60 days.
 7. Sales shall only occur at the principal place of business that is supported by the greenhouse.

NOTICE OF HEARING

The City of Brainerd Planning Commission will be conducting a public hearing to consider amending Section 515-62: B-3, Central Business District of the City Code. The proposed amendment is to allow commercial greenhouses as an interim use.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00p.m. Wednesday, September 16, 2020 in the City Council Chambers at City Hall, 501 Laurel St., to consider this amendment.

The public is invited to attend the hearing to offer input regarding the proposed ordinance amendment. Any individual needing special accommodations please call (218) 828-2307.

Dated this 3rd day of September 2020

Publication Date: September 6, 2020

A handwritten signature in black ink, appearing to read 'David C. Chanski', is positioned above a horizontal line.

David C. Chanski, MPA
Community Development Director



City Planning Department

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

Receipt # _____

Check # _____

Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

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

PROPERTY ADDRESS: 219 SOUTH 9TH STREET

LEGAL DESCRIPTION: Lot(s): 3-4 Block: 37 Addition: FIRST
(attach description if lengthy)

Property Owner Name: STEVEN G. ZELINSKE

Street Address: 15965 COUNTY RD 25 City: BRainerd State: MN Zip Code 56401

Phone Number: 218-270-0365 Fax: _____ E-mail: ygone@brainerd.net

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: _____

TEXT AMENDMENT REQUEST TO MAKE
GREENHOUSES A PERMITTED ACCESSORY USE.

Steven G. Zelinske
Property Owner Signature

8-10-20
Date

STEVEN G. ZELINSKE
(Please print name)

Steven G. Zelinske
Applicant Signature

8-10-20
Date

STEVEN G. ZELINSKE
(Please print name)

7/26/20

To whom it may concern

We are seeking permission from the City of Brainerd, to erect a 24'x74' Hoop House.

Our wish is to create a garden to provide produce and enhance the quality of our kitchen food.

We would be happy to answer any questions that you may have concerning this.

Steve Zelinske 218-270-0365

Thank You

Steve & Paula Zelinske

Dimensions

24' W x 72' L x 12' 10" H

Sidewall 6' high (3' 6" available)

Frame Galvanized Steel - 18 Gauge

Covering Included

Arches (2) piece arch, 9 1/2" rollform galvanized steel. 6' center to center.

Columns Not required

Purlins (1) run 5" rollform galvanized steel under peak. (2 or 4) runs 5" rollform under arch.

Warranty Frame - Lifetime

Manual Included

Durability

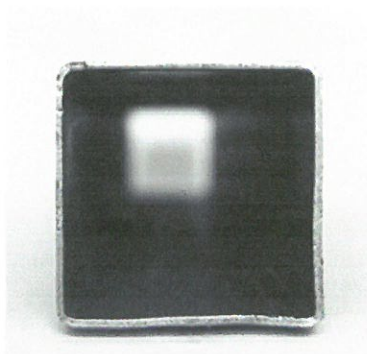
The success of this Cold Frame greenhouse can be found in it's unique roll-form components offering superior strength, reduced cost, and simplified installation. The 1200 Series features a 9" roll form (approx. 3" hat). The galvanized steel frame insures maximum strength and life.

Stronger than the Competition



Roll-Formed Hat Design

vs.



Square Tube



Round Tube

YG

GDR



BMB



DONT LISTEN

BLM

Find Peace within you
Save the planet
Protect the planet

SAVE THE PLANET











10th Street

NEIGHBOR

INSTALL FENCE

24' x 72'
HOOP HOUSE

INSTALL FENCE

INSTALL FENCE

NEIGHBOR
EXISTING
BUILDING

NEIGHBOR
EXISTING
BUILDING

ALLEY

ALLEY

10th Street



www.ci.brainerd.mn.us

August 3, 2020

Steve and Paula Zelinske
219 S. 9th St.
Brainerd, MN 56401

Dear Mr. and Mrs. Zelinske,

I regret to inform you that I am denying your request to construct a greenhouse on the unaddressed lot adjacent to Yesterday's Gone (PID 41241525).

As I discussed with Mrs. Zelinski over the phone on July 23rd, the reasoning behind my decision is that the operation of greenhouses is not supported by the Zoning Code in that:

- 1) Section 515-62 does not list greenhouses as a permitted, administrative, interim, or conditional use with the B-3 District in which Yesterday's Gone is located.
- 2) Section 515-17-8.C states that "accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements within this Section of Ordinance." Therefore, even if a greenhouse were allowed by ordinance, it would have to match the building materials of the Yesterday's Gone building.
- 3) An accessory structure must be located on the same property as the primary structure to which it is accessory is located. Therefore, it could not be located on the separate property across the alley from the Yesterday's Gone building.

For these reasons, I must deny your request. If you disagree with my interpretation of the ordinance, you may appeal my decision *in writing* to the Board of Zoning Appeals, which is the City Council. Otherwise, you may submit a request for text amendment to the Planning Commission.

Sincerely,

David C. Chanski, MPA
Community Development Director

MEMO



TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: September 16, 2020

RE: Discussion – Selection of Consultant to Conduct Zoning Code Update

On September 9th, the Planning Commission interviewed 6 consulting firms who submitted proposal for updating the City's zoning code. The purpose of this item is to discuss and select one of these consultants to recommend to the City Council on September 21st.

Community Development Director Chanski desires to first make is professional recommendation as to which firm(s) he believes will best serve the needs of the City of Brainerd. He will then open the floor for discussion by the Planning Commission.

Swanson Haskamp Consulting

Why:

- Not to exceed fee of \$90,000
 - o Allows for change orders while staying under the two-year budget of \$100,000
- Detailed calendar with TAG and Planning Commission meeting each month and identified deliverable each month
 - o Simple update meetings likely to be virtual, but plan on being in Brainerd regularly
- Proposed 14-month project calendar achieves goal of January 2022 implementation
- Mike Lamb
 - o Arguably most experienced consultant with form-based codes

Why Not:

- Youngest firm
- Lack of familiarity (compared to Kendra Lindahl) with the area
- Not as experienced with creating graphical codes
- Proposed 14-month project calendar achieves implementation goal but leaves little time for delays

Landform Professional Services

Why:

- Approximate \$100,000 fee right within budget.
- Reputable within the MN planning field
- Reputation for keeping projects on track and within scope
- Kendra Lindahl is a Crow Wing County/Aitkin County native
 - o Also served as the Interim Community Development Director in Baxter for 2 years
- Proposed 10-month project timeline well within implementation goal of January 2022
 - o Allows for delays
- Very experienced with making codes graphical and easy to read
- Only firm to emphasize customer service

Why Not:

- Change orders will result in costs exceeding the two-year budget of \$100,000
- In-person meetings limited to 5
 - o 6 virtual meetings
- Form-based code experience is high, but not as great as Mike Lamb
- Smaller team of only 3
 - o 2 planners
 - o 1 designer