BRAINERD PLANNING COMMISSION

Wednesday, April 21, 2021
6:00 p.m.
City Council Chambers
501 Laurel St.

Members of the public may attend the meeting in-person or monitor the meeting via phone.
Meeting Number: 1-844-992-4726
Access Code: 187 723 3912

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval/Change of Agenda
5. Approval of minutes of the regular meeting held on March 17, 2021.
6. OLD BUSINESS
    A. Comprehensive Plan Amendment
7. NEW BUSINESS
    A. Preliminary Plat – Lots 24 – 40 and Outlot C, Northtown
    B. Preliminary Plat – Outlot B, Brainerd Oaks
    C. Patio Resolution
    D. Conditional Use Permit – CC's Bar
    E. Conditional Use Permit – O'Neary's Irish Pub
    F. Text Amendment Request – Section 900
8. 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.
9. Community Development Director's Report
10. Commissioners' Questions/Comments
11. Adjourn to the workshop on Wednesday, April 28 at 7pm in the Fire Department Training Room.

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

PLANNING COMMISSION
Wednesday, March 17, 2021

#1 Call to Order

Planning Commission Chair Duval 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 Yeager, Erickson, Woodward, Foley, Duval, and Gorham. Commissioner Kallroos was noted as absent. Community Development Director Chanski and Assistant Planner Kramvik were also noted as present.

#3 Pledge of Allegiance

Commission Chair Duval opened the meeting with the Pledge of Allegiance to the flag.

#4 Approval/Change of Agenda

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND GORHAM, DULY CARRIED, TO APPROVE THE AGENDA.

#5 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER, DULY CARRIED, TO APPROVE THE MINUTES FROM THE FEBRUARY 17, 2021 MEETING.

#6 Old Business

None

#7 New Business

7a. Variance and Conditional Use Permit Amendment – Submitted by ISD#181 for Garfield School, 1120 10th Ave NE, Brainerd

Community Development Director Chanski gave an update of the applications submitted by ISD#181 for Garfield Elementary School for a variance and conditional use permit amendment. He explained the purpose of the variance is to request a reduced side yard setback from 20 feet to 16 feet 5 ¾" to expand the gymnasium to a full-size rather than the size initially proposed. The conditional use amendment request is to allow for the construction of an addition to the existing gymnasium.

The Chair opened the public hearing at 6:14 p.m.

The Chair recognized Mr. Reid Theisse, director of building and grounds for ISD#181, who explained the reason for the amendment is to provide a full-size gymnasium. He said bids for the school have come back favorably and they can now budget for a larger gym, as the original plan had the smaller 2/3 size.

DRAFT

The Chair recognized Ms. Jodi Kennedy, principal of Garfield Elementary, who thanked the Commission for considering the applications. She said it is exciting to have this opportunity to allow more space to families for programs and events.

The Chair closed the public hearing at 6:18 p.m.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS FOLEY AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR ISD#181 GARFIELD ELEMENTARY SCHOOL FOR A SIDE YARD SETBACK FROM 20 FEET TO 16 FEET 5 ¾" BASED ON THE FINDINGS OF FACT.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AMENDMENT BASED ON THE FINDINGS OF FACT WITH THE CONDITION THAT TWO TREES ARE PLANTED BETWEEN THE PROPOSED ADDITION AND L STREET NE AS PRESENTED.

7b. Consideration of Amending *Section 515-37: Signs* of the Code of Ordinances

Community Development Director Chanski explained due to COVID, the City has handled code compliance issues on a complaint driven basis only. He said recently, there have been several complaints from residents about non-commercial speech signs being left up past the allowed timeframe, per City code. City staff sent letters to those residents that had any type of non-commercial speech signs posted, which resulted in some residents being opposed to the code as it is stated in Section 515-37.

Community Development Director Chanski reviewed details and areas of possible concerns with the code, as well as recommended revisions.

Commission discussion took place.

The Chair opened the public hearing at 7:03 p.m.

The Chair recognized Ms. Dolly Matten, realtor with Greater Lakes Association, who would like the real estate sign ordinance clarified. She wanted to confirm the procedures for posting real estate signs on properties for sale.

The Chair closed the public hearing at 7:08 p.m.

Community Development Director Chanski read through the red-lined changes that he recommended, and it was determined to revise the following:

Section 515-37-1: Findings

A. Move #2. *Signs provide an important medium through which individuals may convey a variety of messages* up to #1.

Section 515-37-5: Permit not Required

B. Non-commercial speech signs, subject to the following:

- Remove "Non-commercial speech" from the title

- Combine numbers two (2) and three (3) into one bullet point - *"Signs shall be placed no less than fifteen (15) feet from the back of the curb and shall not be within the sight visibility triangle."*
- Number four (4) should specify "ground mounted" signs
- Number five (5) should specify no more than two (2) ground mounted signs and two (2) flags are allowed

E. Do not strike (*E: Official signs*) from the ordinance

Section 515-37-10: District Regulations

A. Add district R-1A and remove districts R-4 and R-5

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER, DULY CARRIED, TO ADOPT THE ABOVE RECOMMENDED CHANGES TO THE SIGN ORDINANCE AS IT RELATES TO NON-COMMERCIAL SPEECH SIGNS.

#8 <u>Public Forum</u>

The Chair opened the public forum at 8:28 p.m.

No one came forward.

The Chair closed the public forum at 8:28 p.m.

#9 <u>Community Development Director's Report</u>

Community Development Director Chanski stated the April agenda will include reviewing the food truck overlay districts. He said there is currently a $300 fee for the entire season, but discussion could take place of creating a one-time event fee instead.

He announced the Swanson Haskamp team will be holding two Technical Advisory Group (TAG) meetings between now and April to discuss elements of the zoning code revision. The first will be held on March 25th with several members of City staff and commissions.

He stated the Parking Commission has compiled several topics for discussion that may be brought to the Planning Commission for consideration.

#10 <u>Commissioner's Questions/Comments</u>

None

#11 <u>Adjourn – 8:40 p.m.</u>

_____

Michael Duval, Planning Commission Chair

DRAFT

M E M O

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 21, 2021

RE: Comprehensive Plan Amendment

During the January 20 Planning Commission meeting, the Commission instructed staff to beginning the County and surrounding municipalities as well as the public review periods for the Comprehensive Plan amendment. Additionally, the public hearing required by state statute for adopting the Comprehensive Plan amendment was scheduled from April 21, 2021.

The 60-day county and surrounding municipalities review period and the 30-day public review period have both concluded, and, as of this writing, no comments have been received.

Staff recommends conducting the public hearing and then voting to recommend adoption of this amendment to the City Council.

The proposed Comprehensive Plan amended document can be found here.

NOTICE OF HEARING

The City of Brainerd Planning Commission will be conducting a public hearing to consider amending the City's Comprehensive Plan. The following highlights the amended content in the plan:

- Land use chapter: The Future Land Use Plan has been amended to include new content, an updated future land use map, and updated future land use categories. This chapter also provides supporting narratives and information to support future work and zoning changes
    - Pages 17-28: **New** content was created, and edits were made to existing content within this page range
    - No additional content was amended or changed prior to page 17
- Housing chapter: Minimal changes occurred to this chapter. The only change that occurred was the additional of language introducing the recent completion of the Workforce Housing Study
    - Page 34: New content added
- Implementation chapter: Minimal changes were made to the land use implementation chart
    - Page 69: Omitted content
- Table of contents and acknowledgment page has been updated

A draft of the amended Comprehensive Plan can be found on the City's website at www.ci.brainerd.mn.us.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, April 21, 2021 in City Hall Council Chambers, 501 Laurel Street, Brainerd.

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

Dated this 8th day of April 2021

Publication Date: April 11, 2021

David C. Chanski, MPA
Community Development Director

ANNOUNCEMENT

March 19, 2020

The City of Brainerd is concluding the process of amending the City's Comprehensive Plan which was previously adopted in October of 2019. A public hearing on this Comprehensive Plan Amendment has been scheduled to place at the regularly scheduled Brainerd Planning Commission meeting on Wednesday, April 21, 2021 in the City Council Chambers at Brainerd City Hall located at 501 Laurel St., Brainerd, MN 56401.

A copy of this draft Comprehensive Plan amendment can be found on the City of Brainerd's website at www.ci.brainerd.mn.us. The City is receiving public comment on this proposed amendment until Wednesday, April 21. The following highlights the amended content in the plan to where the City would like to direct your comments:

- Land use chapter: The Future Land Use Plan has been amended to include new content, an updated future land use map, and updated future land use categories. This chapter also provides supporting narratives and information to support future work and zoning changes
    - Pages 17-28: **New** content was created, and edits were made to existing content within this page range
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    - Page 34: New content added
- Implementation chapter: Minimal changes were made to the land use implementation chart
    - Page 69: Omitted content
- Table of contents and acknowledgment page has been updated

Comments may be submitted to:

Mr. David Chanski
dchanski@ci.brainerd.mn.us
501 Laurel Street
Brainerd, MN 56401

If you have any questions on this project, please contact the Community Development Department at 218-828-2307.

David C. Chanski, MPA
Community Development Director

February 8, 2020

Dear Community Partner:

The City of Brainerd is concluding the process of amending the City's Comprehensive Plan which was previously adopted in October of 2019. A public hearing on this Comprehensive Plan Amendment has not yet been scheduled but is likely to take place at a regularly scheduled Brainerd Planning Commission meeting, held Wednesday, April 21, 2021 at in the City Council Chambers at Brainerd City Hall located at 501 Laurel St., Brainerd, MN 56401.

A copy of this draft Comprehensive Plan Amendment is enclosed for your review. Per the Minnesota Planning Act and Minnesota State Statute 462.3535, please submit questions and comments in writing or via e-mail by Friday, April 9, 2021. The following highlights the amended content in the plan where we would like to direct your comments to:

- Land use chapter: The Future Land Use Plan has been amended to include new content, an updated future land use map, and updated future land use categories. This chapter also provides supporting narratives and information to support future work and zoning changes
    - Pages 17-28: **New** content was created, and edits were made to existing content within this page range
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- Housing chapter: Minimal changes occurred to this chapter. The only change that occurred was the additional of language introducing the recent completion of the Workforce Housing Study
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    - Page 69: Omitted content
- Table of contents and acknowledgment page has been updated

Comments may be submitted to:

Mr. David Chanski
dchanski@ci.brainerd.mn.us
501 Laurel Street
Brainerd, MN 56401

If you have any questions on this project, please do not hesitate to contact me at 218-828-2307.

Sincerely,

David C. Chanski, MPA
Community Development Director
City of Brainerd

M E M O

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 21, 2021

RE: Preliminary Plat – Northtown Lots 24-40, Block 9 & Outlot C

Thomas Dehn has submitted a request on behalf of 3 Dehns LLC for a preliminary plat Lots 24 through 40, Block 9, and Outlot C all in the Northtown addition to Brainerd. The purpose of this preliminary plat request is to consolidate Outlot C into Lots 24 through 40.

Findings of Fact

1. Preliminary plat approval shall be based on the criteria set forth in Section 500-2-5 of the City Code.
    a. As these lots have been previously platted and the requested replat will not significantly alter the physical character or future development of these lots, staff believes this request meets these criteria.
2. The plat for Lots 24 through 40, Block 9 and Outlot C was originally approved by the City Council on June 7, 2004.
3. Lots 24 through 40, Block 9 and Outlot C are all zoned R-1A (Single Family Residential) District.
4. Outlot C does not serve as any kind of easement or for stormwater retention.
5. Lots 24 through 40, Block 9 are all relatively consistent in size with average dimensions of approximately 78'x150'.
6. Outlot C is approximately 5.24 acres in size.
7. Lots 24 through 40, Block 9 experience a significant topography change of approximately 20 feet from their front property lines to their current rear property lines.
    a. Outlot C has a further topography change of approximately 18 to 26 feet from the rear property lines.
8. All utilities, including water, sewer, and electric, are already in place and will experience no change with this requested plat change.
9. There should be no increased stormwater impacts not accounted for upon the development of these lots with the requested plat change.
10. For property tax pay year 2021, Outlot C has an assessment of $640.00 while Lots 24 through 40, Block 9 (which are currently undeveloped) have assessments of around $200.00 each.
    a. It is staff's opinion that replatting Lots 24 through 40 to include Outlot C will increase the lots' taxable values at a higher rate than if they would remain in their current configuration.

As of this writing, the Community Development Department has not received any questions or concerns about this request.

Staff Opinion

Staff recommends approval of this Preliminary Plat with no alterations or conditions.

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: _____

PRELIMINARY PLAT/FINAL PLAT APPLICATION

☒ **PRELIMINARY PLAT ($500.00 + $30.00/lot residential + $1,000.00 escrow deposit)**
($600.00 + $50.00/lot commercial + $1,000.00 escrow deposit)

☐ **FINAL PLAT (fee included with Preliminary Plat)**

PROPERTY ADDRESS: XXX Viking Street

LEGAL DESCRIPTION: Lot(s): 24-40 Block: 9 Addition: Northtown
(attach description if lengthy) OUTLOTC

Property Owner Name: 3 Dehns LLC

Street Address: 17821 HWY 371 **City:** BRAINERD **State:** MN **Zip Code:** 56401

Phone Number: 612-328-2215 **Fax:** 218-822-3571 **E-mail:** tom.dehn@powerladge.com

Applicant Name: (if different than Property Owner) Same

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

Phone Number: _____ **Fax:** _____ **E-Mail:** _____

Description of Request: ① I would like to combine Outlot C to the adjacent LOTS 24-40 BLOCK 9 of Northtown. Thus make all the Lot area Larger + eliminate outlotC. We would have a drainage/Utility easement over the area that consists of outlotC
② I would like to ask for a variance on front yard setback from 30 feet to 25 feet to help with rear yard slope

Thomas A. Dehn — 4/5/2021
Property Owner Signature — **Date**

Thomas A. Dehn
(Please print name)

Thomas A. Dehn - Same — _____
Applicant Signature — Date

_____
(Please print name)

April 19, 2021

Attention: Brainerd Planning Commission
Hearing 6P Apr 21, 2021

Thomas Dehn of Thomas Allen homes requesting to reduce front yard setbacks on 17 lots on Viking St in the Northtown addition, from 30 feet to 25 feet.

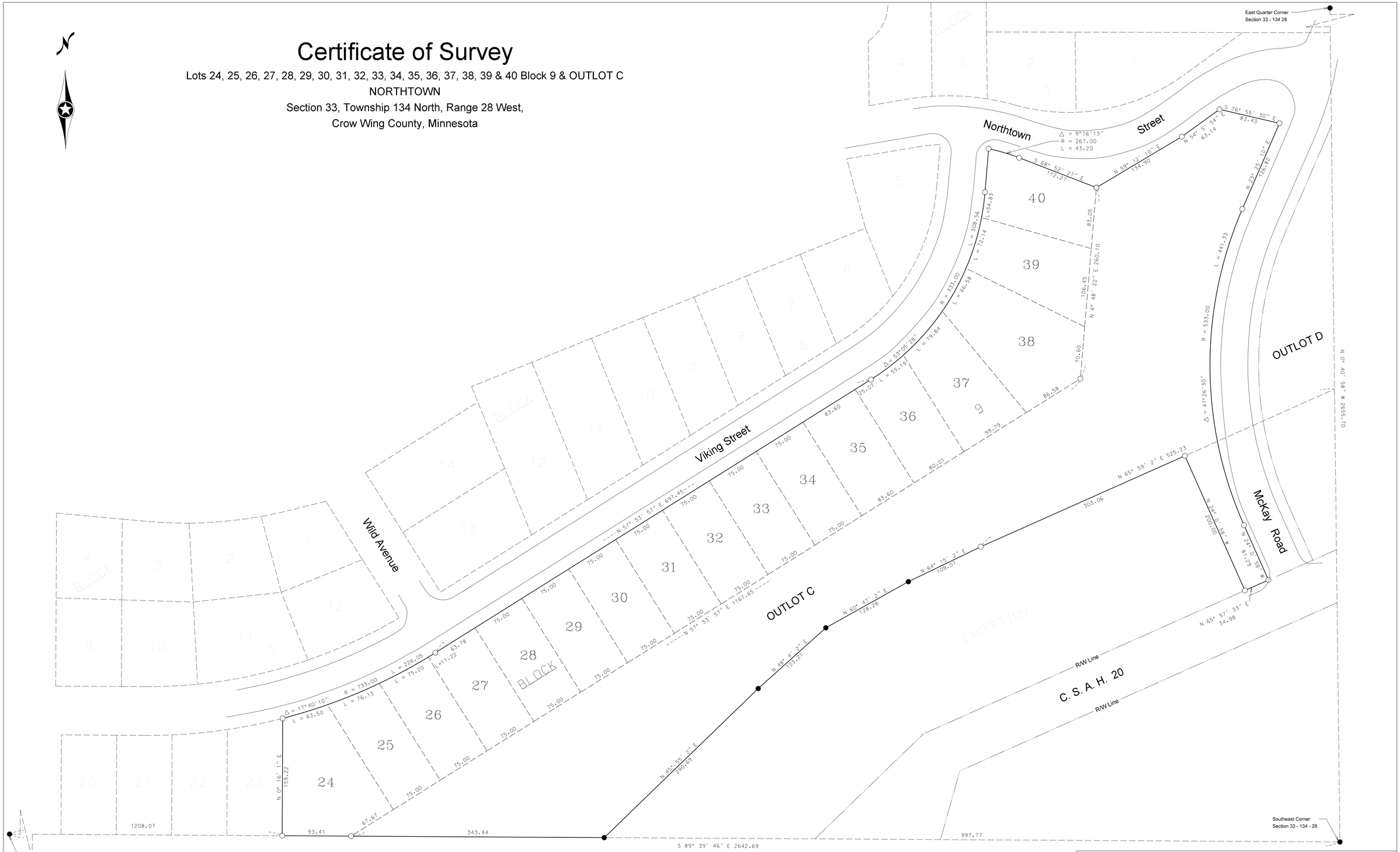
We, the residents of Spruce Reserve ~~and of The Meadows~~ oppose this change.

Arlene Brodeur	9338 Viking St	Arlene Brodeur
Michael Brodeur	9338 Viking ST.	Michael Brodeur
Sandy Stefanoc	9396 Viking ST	[illegible]
Marguerite Hildebrandt	9363 Northtown ST	Marguerite Hildebrandt
Marlene Ricchalla	9345 North Town ST	Marlene Ricchalla
Evelyn Fox	9324 NorthTown St	Evelyn Fox
David Gaudreau	9313 Northtown St.	[illegible]
Don [illegible]	9311 North St	[illegible]

greenroom®

Certificate of Survey

Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 & 40 Block 9 & OUTLOT C
NORTHTOWN
Section 33, Township 134 North, Range 28 West,
Crow Wing County, Minnesota



Indicates iron monument found
Indicates iron monument set, marked RLS 42619

Orientation of this bearing system is the North American Datum of 1983.

SCALE IN FEET
0 30 60 120 180 240 300

No.	Date	REVISIONS

Client Name: TOM DEHN

Survey By: JB
Drawn By: JL
Checked By: JL

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
SIGNATURE: Jarrett M. Leas DATE: 4/01/2021
JARRETT M. LEAS MN LICENSE NUMBER 42619

PROJECT NO. 1823-00853

KLJ
ENGINEERS SURVEYORS PLANNERS
1024 THIESSE DRIVE
BRAINERD, MN 56401
(218) 828-6330

Preliminary Plat of

NORTHTOWN FIRST ADDITION

A Replat of Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 & 40 Block 9 & OUTLOT C
NORTHTOWN
Section 33, Township 134 North, Range 28 West,
Crow Wing County, Minnesota

Legal Description

Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 all in Block 9 and Outlot C, NORTHTOWN, Crow Wing County, Minnesota.

Owner: 3 Dehns, LLC

Surveyor: Jarrett Leas
KLJ Engineering, LLC
1024 Thiesse Dr.
Brainerd, MN 56401
218-828-6330

Parcel ID No: 41330545, 41330546, 41330547, 41330548, 41330549, 41330550, 41330551, 41330552, 41330553, 41330554, 41330555, 41330556, 41330557, 41330558, 41330559, 41330560, 41330561, 41330562, 41330709.

Current Zoning: R-1A

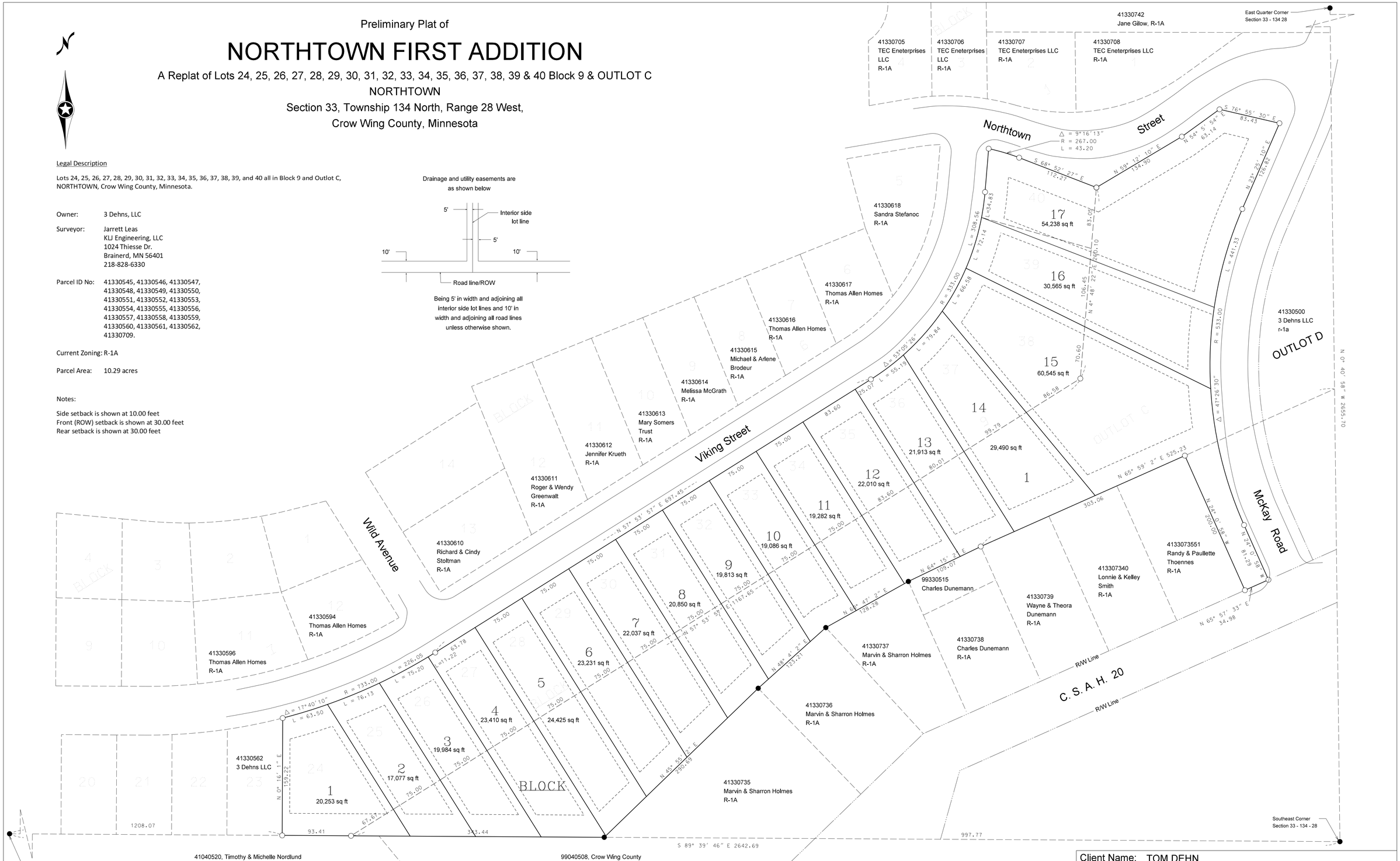
Parcel Area: 10.29 acres

Notes:

Side setback is shown at 10.00 feet
Front (ROW) setback is shown at 30.00 feet
Rear setback is shown at 30.00 feet

Drainage and utility easements are as shown below

Being 5' in width and adjoining all interior side lot lines and 10' in width and adjoining all road lines unless otherwise shown.



● Indicates iron monument found
○ Indicates iron monument set, marked RLS 42619

Orientation of this bearing system is the North American Datum of 1983.

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No.	Date	REVISIONS

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Drawn By: JL
Checked By: JL

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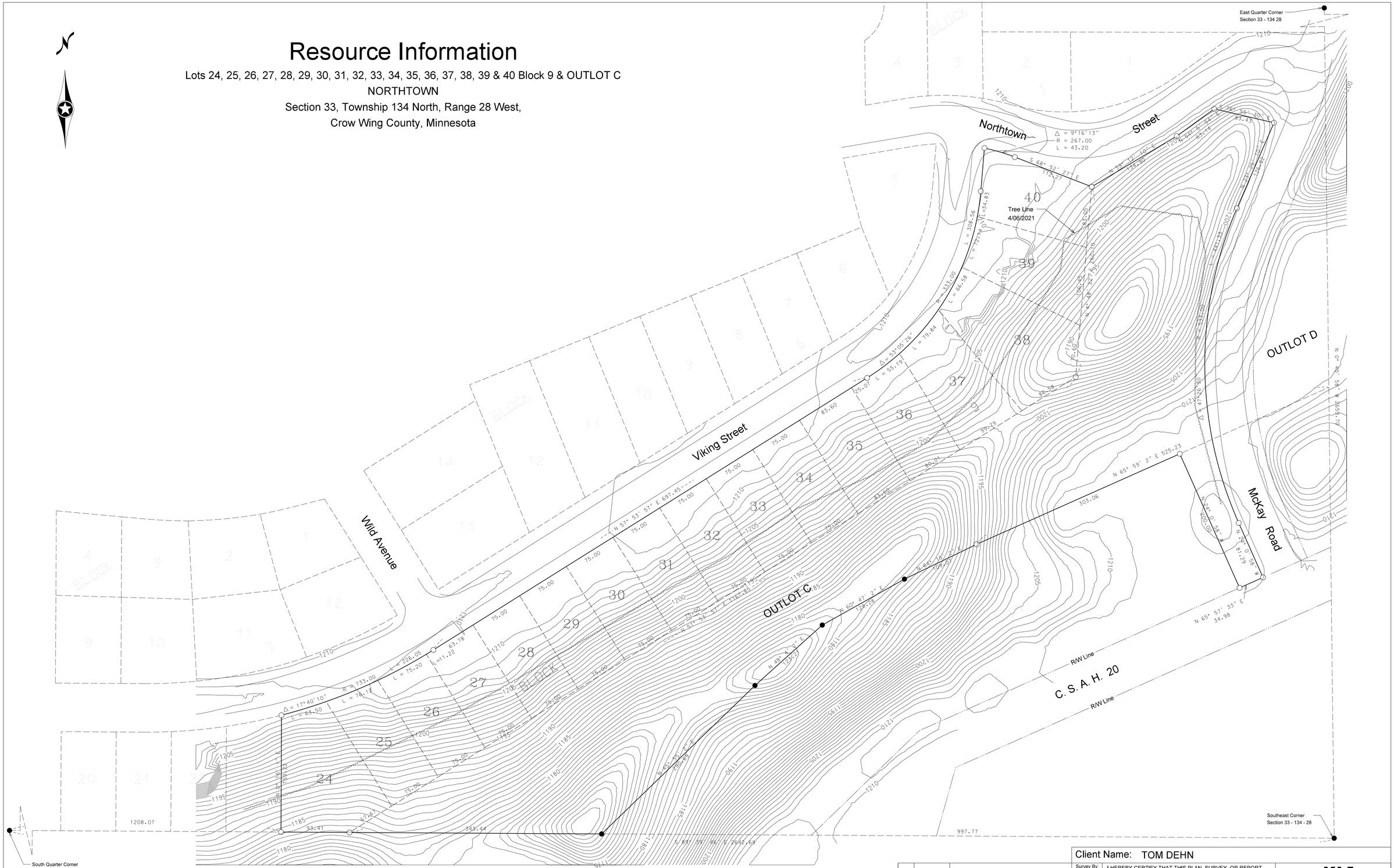
JARRETT M. LEAS MN LICENSE NUMBER 42619

PROJECT NO. 1823-00853

KLJ
ENGINEERS SURVEYORS PLANNERS
1024 THIESSE DRIVE
BRAINERD, MN 56401
(218) 828-6330

Resource Information

Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 & 40 Block 9 & OUTLOT C
NORTHTOWN
Section 33, Township 134 North, Range 28 West,
Crow Wing County, Minnesota



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No.	Date	REVISIONS

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Survey By: JB
Drawn By: JL
Checked By: JL

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SIGNATURE: Jarrett M. Leas DATE: 4/01/2021
JARRETT M. LEAS MN LICENSE NUMBER 42619

PROJECT NO. 1823-00853

KLJ
ENGINEERS SURVEYORS PLANNERS
1024 THIESSE DRIVE
BRAINERD, MN 56401
(218) 828-6330

Copy

NORTHTOWN

KNOW ALL PERSONS BY THESE PRESENTS: That RP&P Partnership, a Minnesota Partnership, is the owner and Lakeland Construction Finance, LLC, a Minnesota Limited Liability Company, is the mortgagee of the following described property situated in Crow Wing County, Minnesota, to-wit:

LEGAL DESCRIPTION: (Warranty Deed Document Number 0664319)

The Southwest Quarter of the Southeast Quarter (SW1/4-SE1/4), Section 33, Township 134, Range 28

EXCEPT the North 30.00 feet thereof

AND

The Southeast Quarter of the Southeast Quarter (SE1/4-SE1/4), Section 33, Township 134, Range28

EXCEPT That part thereof lying Southerly of the following described line: Beginning at a point on the East line of said SE1/4-SE1/4, which is 614.25 feet North 00 degrees 18 minutes West, assumed bearing, from the Southeast corner of said Section 33; thence South 66 degrees 22 minutes West 525.23 feet; thence South 64 degrees 38 minutes West 109.07 feet; thence South 61 degrees 10 minutes West 128 .28 feet; thence south 48 degrees 27 minutes West 123.21 feet; thence South 46 degrees 18 minutes West 292.35 feet to the South line of said SE1/4-SE1/4 and there ending;

AND

EXCEPT The North 30.00 feet of the Southeast Quarter (SE1/4-SE1/4), Section 33, Township 134, Range 28,

AND

EXCEPT All that part of the Southeast Quarter of the Southeast Quarter (SE1/4-SE1/4), Section 33, Township 134, Range 28, lying North of the following described line: Commencing at a point on the East line of the SE1/4-SE1/4, which point is 30.00 feet south of the Northeast corner of the SE1/4-SE1/4; thence running North 89 degrees 59 minutes 05 seconds West a distance of 1332.19 feet to point marked by a surveyors pipe stake which is 30 feet South of a pipe corner fence post.

EXCEPT the North 230 feet of the East 466 feet of the Southeast Quarter of the Southeast Quarter, Section 33, Township 134, Range 28.

AND

That part of the Southeast Quarter of the Southeast Quarter(SE1/4-SE1/4), Section 33, Township 134, Range 28, described as follows: Commencing at the Southeast corner of said SE1/4-SE1/4; thence North 0 degrees 18 minutes West 396.5 feet along the East line of the said SE1/4-SE1/4 to the North right of way line of the County Highway, the place of beginning; thence North 0 degrees 18 minutes West 217.75 feet; thence South 66 degrees 22 minutes West 222.17 feet; thence South 23 degrees 38 minutes East 200.00 feet to the North right of way line of the County Highway; thence North 66 degrees 22 minutes East 135.9 feet along the said right of way line to the place of beginning.

All subject to mineral reservations of record, if any, and also subject to easements, reservations, or restrictions of record, if any.

Have caused the same to be surveyed and platted as NORTHTOWN and do hereby donate and dedicate to the public for public use forever Twins Street, Warrior Avenue, Northtown Street, Wild Ave, Wolves Street, Viking Street, Rice Court, Boom Court, and McKay Road, the roads indicated on the plat and also dedicating the easements as shown on this plat for drainage and utility purposes only.

IN WITNESS WHEREOF, said RP&P Partnership has caused these presents to be signed by its proper officers this 16 day of June, 20 04 and said Lakeland Construction Finance, LLC has caused these presents to be signed by its proper officer this 16th day of June, 2004.

OWNER:
RP&P Partnership

Dohn Pagel, Partner

Tom Swanson, Partner

MORTGAGEE:
Lakeland Construction Finance, LLC

Robert J. Machacek, Chief Operating Officer

State of Minnesota
County of Crow Wing

The foregoing instrument was acknowledged before me this 16th day of June, 2004, by Dohn Pagel, Partner, and Tom Swanson, Partner, of RP&P Partnership, a Minnesota Partnership, on behalf of the partnership.

KATHY A. SCHACK
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2005

Notary Public
Crow Wing County, Minnesota
My Commission Expires: 1-31-05

The foregoing instrument was acknowledged before me this 16th day of June, 2004, by Robert J. Machacek, Chief Operating Officer of Lakeland Construction Finance, LLC, a Minnesota Limited Liability Company, on behalf of the company.

KARI L. HOLLENCAMP
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2005

Notary Public
Stearns County, Minnesota
My Commission Expires: 1-31-05

I hereby certify that I have surveyed and platted the property described on this plat as NORTHTOWN, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been placed in the ground as shown or will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02, Subd. 1, or public highways to be designated other than as shown.

Chad M. Conner, Land Surveyor
Minnesota License Number 41643

State of Minnesota
County of Crow Wing

The foregoing Surveyor's Certificate was acknowledged before me this 16th day of June, 2004, by Chad M. Conner, Minnesota License Number 41643.

KATHY A. SCHACK
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2005

Notary Public
Crow Wing County, Minnesota
My Commission Expires: 1-31-05

This plat of NORTHTOWN was approved by the Planning Commission of the City of Brainerd, Minnesota, on this 26th day of May, 2004.

ATTEST: Robert O. Stone, Chairman

Jeffrey M. Kubiak, Secretary

This plat of NORTHTOWN was approved by the City Council of Brainerd, Minnesota, on this 7th day of June 2004.

ATTEST: James E. Wallin, Mayor

David Hoff, City Administrator

I, Roy A. Luukkonen, Auditor for Crow Wing County, do hereby certify that the taxes on the lands described hereon have been paid for the years prior to 2004.

Auditor
Crow Wing County, Minnesota

I, Laureen E. Borden, Treasurer for Crow Wing County, do hereby certify that the taxes on the lands described hereon payable in the year 2004, have been paid.

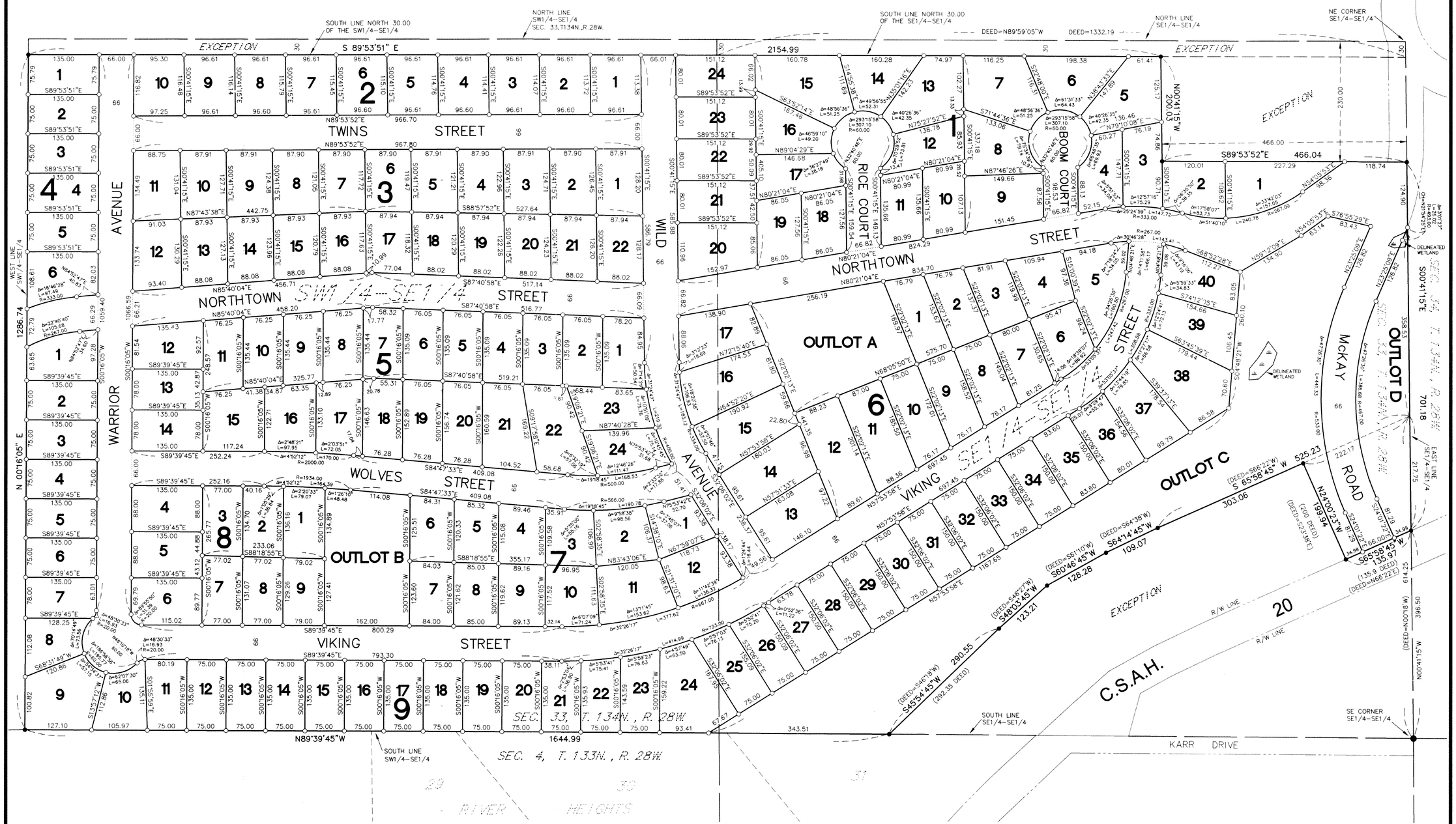
Treasurer
Crow Wing County, Minnesota

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 23 day of June A.D. 2004 at 2 o'clock PM and was duly recorded as Doc. No. 0666973

County Recorder
By: Deputy

WIDSETH SMITH NOLTING
ENGINEERS ALEXANDRIA BEMIDJI
ARCHITECTS BRAINERD
LAND SURVEYORS CROOKSTON
ENVIRONMENTAL SERVICES GRAND FORKS
WWW.WSN-MN.COM

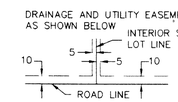
NORTHTOWN



WIDSETH SMITH NOLTING

ENGINEERS ALEXANDRIA
ARCHITECTS BEMIDJI
LAND SURVEYORS BRAINERD
ENVIRONMENTAL SERVICES CROOKSTON
GRAND FORKS
WWW.WSN-MN.COM

DRAINAGE AND UTILITY EASEMENTS ARE AS SHOWN BELOW



BEING 5 FEET IN WIDTH AND ADJOINING ALL INTERIOR SIDE LOT LINES AND 10 FEET IN WIDTH AND ADJOINING ALL ROAD LINES UNLESS OTHERWISE SHOWN.

NORTH

0 100 200
(SCALE IN FEET)

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CROW WING COUNTY COORDINATE DATABASE NAD 83/94

● = DENOTES FOUND IRON MONUMENT

○ = DENOTES 1/2 INCH BY 18 INCH IRON PIPE MONUMENT SET AND MARKED RLS # 41643

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Thomas Dehn has submitted a request on behalf of 3 Dehns LLC for a preliminary plat and variance for Lots 24 through 40, Block 9, and Outlot C all in the Northtown addition to Brainerd. The purpose of this preliminary plat request is to consolidate Outlot C into Lots 24 through 40. The variance request is from *Section 515-55-7.B: Principle Building Setbacks* for a reduce front yard setback from 30 feet to 25 feet.

The properties are legally described as:

Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, Block 9, Northtown
P.I.N. 41330561, 41330560, 41330559, 41330558, 41330557, 41330556, 41330555, 41330554, 41330553, 41330552, 41330551, 41330550, 41330549, 41330548, 41330547, 41330546, 41330545
Section 33, Township 134, Range 28

Outlot C, Northtown
P.I.N. 41330709
Section 33, Township 134, Range 28

The property is zoned R-1A (Single Family Residential) District. A copy of the preliminary plat and variance request is on file for review with the Community Development Department.

A Public Hearing to consider this preliminary plat and variance request will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, April 21, 2021, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

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

Dated this 8th day of April 2021

Publication Date: April 11, 2021

David C. Chanski, MPA
Community Development Director

M E M O

TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 21, 2021

RE: Preliminary Plat – Brainerd Oaks Outlot B

Eric & Dawn Myhra have submitted a request for a preliminary plat for Outlot B in the Brainerd Oaks addition to Brainerd. The purpose of this preliminary plat request is to replat Outlot B to Lot 32, Block 5, Brainerd Oaks. This would allow the applicant to build a single-family dwelling on the property.

Findings of Fact

1. Preliminary plat approval shall be based on the criteria set forth in Section 500-2-5 of the City Code.
    a. As these lots have been previously platted and the requested replat will not significantly alter the physical character or future development of these lots, staff believes this request meets these criteria.
2. The plat for Outlot B was originally recorded with Crow Wing County on December 2nd, 2003.
3. Outlot B is zoned R-1 (Single Family Residential) District.
4. Outlot B does not serve as any kind of easement or for stormwater retention. This was verified by the City Engineer.
5. Outlot B has a lot size of approximately 65'x150'.
6. Outlot B entered tax forfeiture status in 2008 as the developer for the Brainerd Oaks addition filed for bankruptcy.
    a. The lot was originally going to be a city park for the Brainerd Oaks addition.
    b. The idea of a park in Brainerd Oaks was abandoned by the Parks Board.
7. Outlot B was purchased through a tax forfeiture sale by the applicant on June 9th, 2017 from the State of Minnesota.
    a. The Brainerd HRA did not purchase this lot as part of the development agreement with the City of Brainerd because it is an outlot.
    b. The City Engineer and City Planner reviewed the potential use of this lot before the Crow Wing County tax forfeiture land sale, and the City Council approved this land for sale to the public.
    c. No assessments were paid as part of the purchase of this property because it is an Outlot.
    d. All assessments were waived by City Council, in the Brainerd Oaks addition, through an agreement with the HRA to encourage development.
8. All utilities, including water, sewer, and electric are available to this site.

    a. Sewer and water stub-in lines were not installed to the curb of this property because it is an Outlot.
        i. The property owner will be responsible for connecting sewer and water to the utilities located in the street.
9. There should be no increased stormwater impacts not accounted for upon the development of this lot with the requested plat change.
10. For property tax pay year 2021, Outlot B has an assessment of $114.56.
    a. It is staff's opinion that replating Outlot B will increase the lot's taxable value at a higher rate than if it would remain in its current configuration.

As of this writing, the Community Development Department has received one call regarding the preliminary plat. The party had no concerns.

<u>Staff Opinion</u>
Staff recommends approval of this Preliminary Plat with no alterations or conditions.

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

RECEIVED
MAR 10 2021
CITY OF BRAINERD
ADMINISTRATION

Receipt #_____
Check # _____
Date Paid: _____

PRELIMINARY PLAT/FINAL PLAT APPLICATION

☐ **PRELIMINARY PLAT ($500.00 + $30.00/lot residential + $1,000.00 escrow deposit)**
($600.00 + $50.00/lot commercial + $1,000.00 escrow deposit)

☐ **FINAL PLAT (fee included with Preliminary Plat)**

PROPERTY ADDRESS: YORK CT., OUTLOT B BRAINERD MN 56401

LEGAL DESCRIPTION: Lot(s): OUTLOT B Block: ____ Addition: BRAINERD OAKS
(attach description if lengthy) PARCEL # 41290607, SECTION 29, SECTION 29, TOWNSHIP 45, RANGE 30

Property Owner Name: ERIC & DAWN MYHRA

Street Address: 26734 HWY 210, **City:** AITKIN **State:** MN **Zip Code:** 56431

Phone Number: 218-820-2838 **Fax:** _____ **E-mail:** ericmyhra@gmail.com

Applicant Name: (if different than Property Owner) _____

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

Phone Number: _____ **Fax:** _____ **E-Mail:** _____

Description of Request: _____

Eric J Myhra Dawn A Myhra — 3/5/2021
Property Owner Signature — **Date**
ERIC J. MYHRA DAWN A. MYHRA
(Please print name)

Eric J Myhra Dawn A Myhra — 3/5/2021
Applicant Signature — Date
ERIC J. MYHRA DAWN A. MYHRA
(Please print name)

CERTIFICATE OF SURVEY

LEGEND

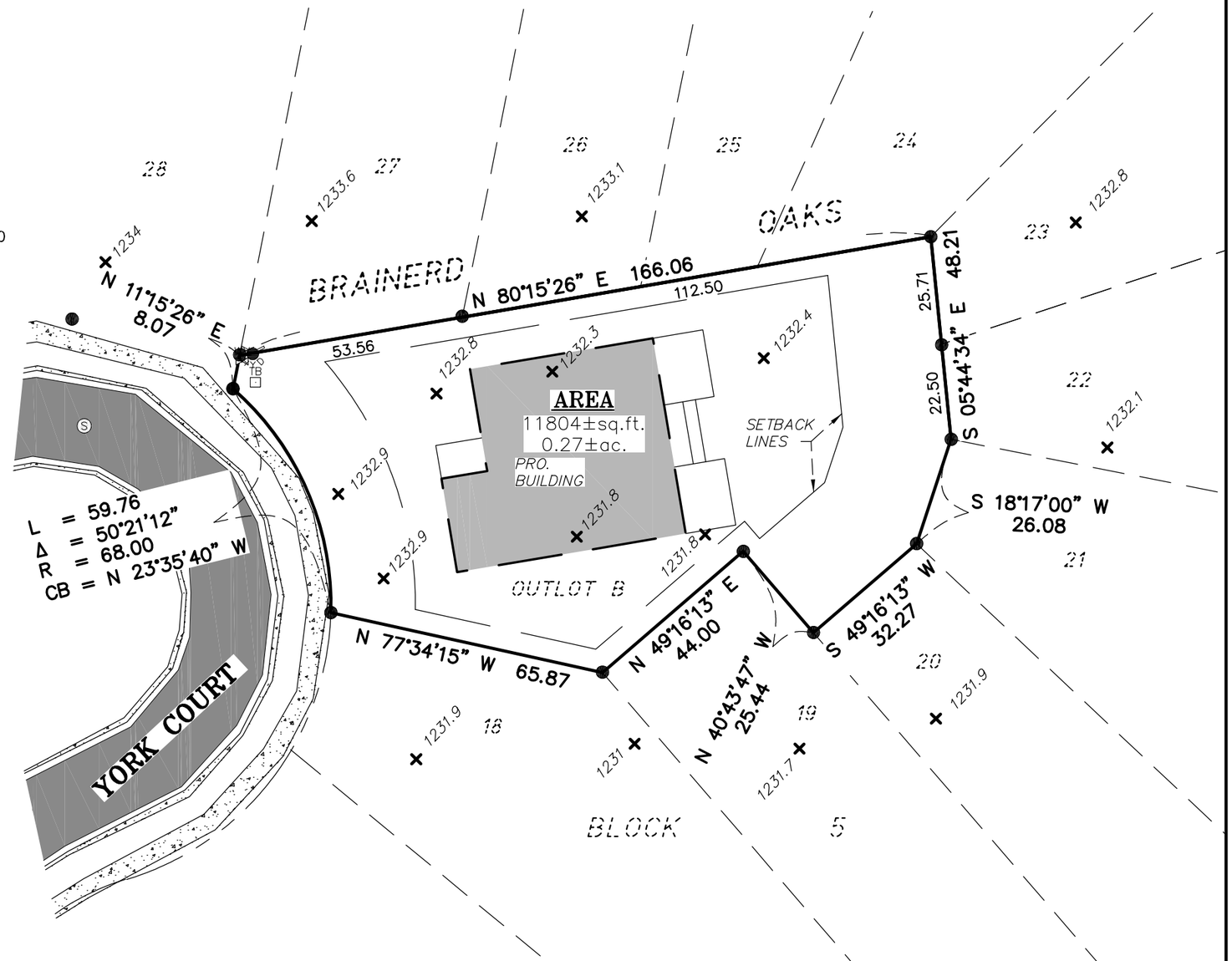
- DENOTES FOUND SURVEY MONUMENT
- DENOTES HYDRANT
- DENOTES WATER VALVE
- DENOTES SEPTIC MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES SPOT ELEVATION (NAVD 88)
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

N
W E
S

GRAPHIC SCALE

30 0 15 30

(IN FEET)
1 inch = 30 ft.



DESCRIPTION – (Parcel No.: 41290607)

Outlot B, BRAINERD OAKS, according to the recorded plat thereof, Crow Wing County, Minnesota

SURVEYOR'S NOTES:

1. Bearing Orientation: The North line of Outlot B, Block 5 of BRAINERD OAKS, is assumed to have a bearing of North 80 degrees 15 minutes 26 seconds East.

2. The field survey was completed on March 17, 2021.

3. Arro Land Surveying of Brainerd, INC. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

4. There was no evidence of visible wetlands across the property being surveyed.

5. The utilities as shown on this survey were developed from the visible utilities across your property and is not implied nor intended to be the complete inventory of utilities in this area. It is the client's responsibility to verify the location of all utilities prior to construction or improving your property.

6. Property Zoning: Single Family Residential (R1)

7. Setback Requirements: Front Yard = 20 feet Side Yard = 5 feet Rear Yard = 25 feet

8. It is the client's responsibility to verify zoning and setback requirements prior to construction or improving your property.

DRAWN BY: JAS CHECKED BY: MTD

APPROVED BY: MTD JOB NUMBER: 21–034B

NO.	DATE	BY	REVISION DESCRIPTION

CLIENT:

Eric Myhra

BOUNDARY SURVEY
Outlot B
BRAINERD OAKS
Sec. 29, T45, R30
Crow Wing County, MN

20396 Division Rd.
Brainerd, MN 56401
(218)820-4437

217 1st Ave. N.
Waite Park, MN 56387
(320)241-6247

ARRO
Land Surveying of Brainerd, INC.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 30th day of March, 2021

By: Mark T. Downing

Mark T. Downing, Minnesota License No. 46165

Copy

BRAINERD OAKS

KNOW ALL PERSONS BY THESE PRESENTS: that THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BRAINERD, a public body corporate and politic under the laws of Minnesota, is the owner of the following described property situated in Crow Wing County, Minnesota, to-wit:

LEGAL DESCRIPTION:

That part of the Northwest Quarter of the Southwest Quarter of Section Twenty-nine (29), Township Forty-five (45) North, Range Thirty (30) West, Crow Wing County, Minnesota that lies east of the following described line: Commencing at the Northwest corner of said Northwest Quarter of the Southwest Quarter; thence East, assumed bearing, 629.00 feet along the North line of said Northwest Quarter of the Southwest Quarter to the point of beginning of the line to be described; thence South 02 degrees 16 minutes 00 seconds East to the south line of said Northwest Quarter of the Southwest Quarter and said line there terminating. AND The East 726.00 feet of the Southwest Quarter of the Southwest Quarter of Section Twenty-nine (29), Township Forty-five (45) North, Range Thirty (30) West, Crow Wing County, Minnesota.

AND

That part of the South 720.00 feet of the Northwest Quarter of the Southwest Quarter (NW1/4-SW1/4), Section Twenty-nine (29), Township Forty-five (45) North, Range Thirty (30) West, lying East of MARSH RUN, according to the recorded plat, on record in the Crow Wing County Recorder's Office, and lying Westerly of the following described line: Commencing at the Northwest corner of said Northwest Quarter of the Southwest Quarter; thence East, assumed bearing, 629.00 feet along the North line of said Northwest Quarter of the Southwest Quarter to the point of beginning of the line to be described; thence South 02 degrees 16 minutes 00 seconds East 1324.77 feet to the South line of said Northwest Quarter of the Southwest Quarter and said line there terminating.

All subject to mineral reservations of record, if any, and also subject to easements, reservations, or restrictions of record, if any.

Have caused the same to be surveyed and platted as BRAINERD OAKS and do hereby donate and dedicate to the public for public use forever Holton Avenue, York Court, King Court, Oak Street and Alexander Street, the roads indicated on the plat and also dedicating the easements as shown on this plat for drainage and utility purposes only.

IN WITNESS WHEREOF, said THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BRAINERD, a public body corporate and politic under the laws of Minnesota, has caused these presents to be signed by its proper officers this 21st day of November, 2003.

OWNER:
THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BRAINERD

James F. Alderman, Chairman

Douglas P. Grout, Executive Director

State of Minnesota
County of Crow Wing

The foregoing instrument was acknowledged before me this 21st day of November, 2003 by James F. Alderman, Chairman and Douglas P. Grout, Executive Director of THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BRAINERD, a public body corporate and politic under the laws of Minnesota, on behalf of the public body.

CYNTHIA L. WITTWER
Notary Public
Minnesota
My Commission Expires Jan. 31, 2005

Cynthia L Wittwer
Notary Public
Crow Wing County, Minnesota
My Commission Expires: 1/31/05

I hereby certify that I have surveyed and platted the property described on this plat as BRAINERD OAKS, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been placed in the ground as shown or will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02, Subd. 1, or public highways to be designated other than as shown.

Chad M. Conner, Land Surveyor
Minnesota License Number 41643

State of Minnesota
County of Crow Wing

The foregoing Surveyor's Certificate was acknowledged before me this 21st day of NOVEMBER, 2003, by Chad M. Conner, Minnesota License Number 41643

KATHY A. SCHACK
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2005

Kathy A. Schack
Notary Public
Crow Wing County, Minnesota
My Commission Expires: 1-31-05

This plat of BRAINERD OAKS was approved by the Planning Commission of the City of Brainerd, Minnesota, on this 24th day of July, 2002.

ATTEST: Chairman Secretary

This plat of BRAINERD OAKS was approved by the City Council of Brainerd, Minnesota, on this 16th day of SEPTEMBER 2002.

ATTEST: James E. Wallin, Mayor — David Pfaff, City Administrator

I, Roy A. Luukkonen, Auditor for Crow Wing County, do hereby certify that the taxes on the lands described hereon have been paid for the years prior to 2003.

Auditor
Crow Wing County, Minnesota

I, Laureen E. Borden, Treasurer for Crow Wing County, do hereby certify that the taxes on the lands described hereon payable in the year 2003, have been paid.

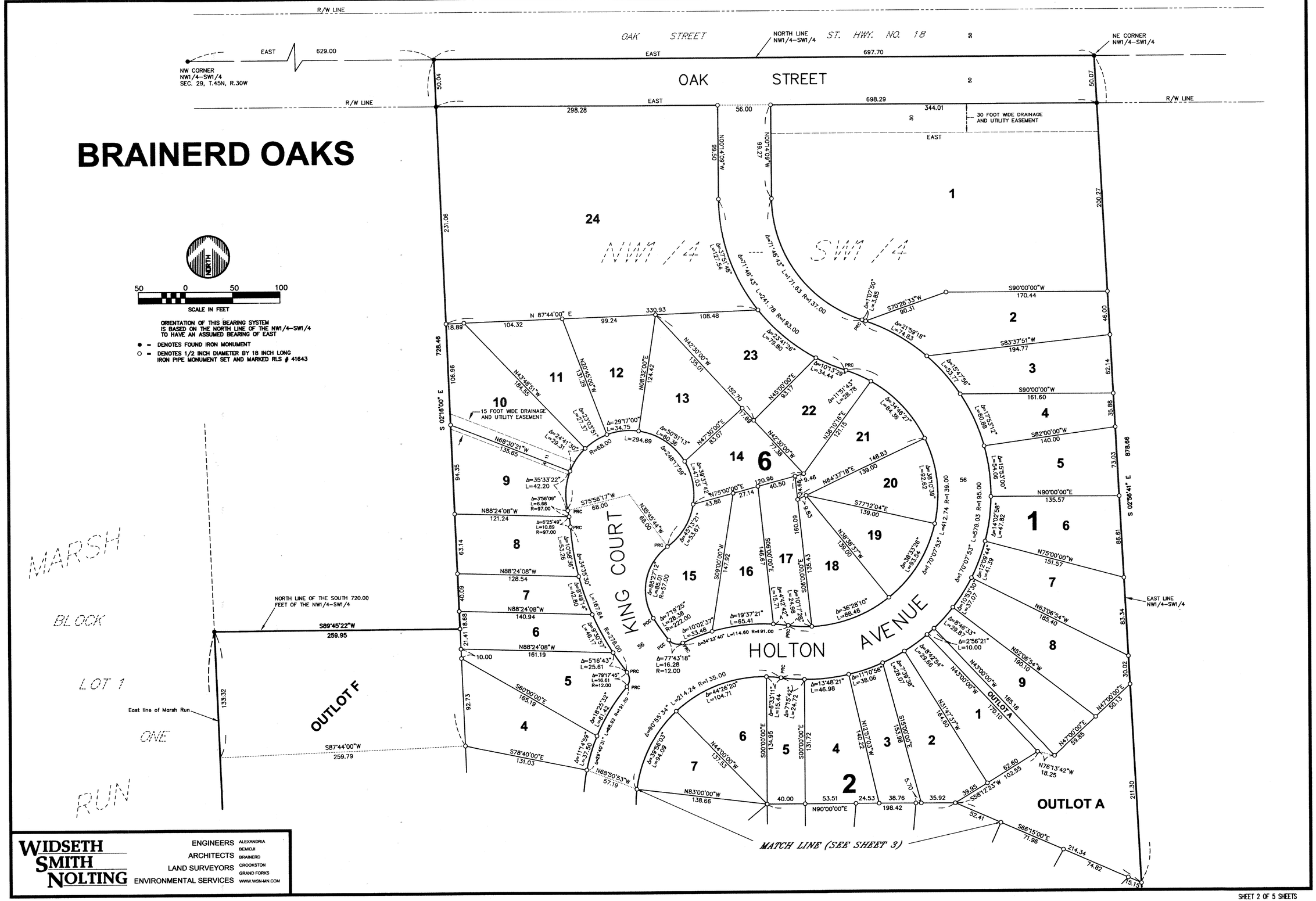
Laureen E. Borden
Treasurer
Crow Wing County, Minnesota

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 Dec, A.D. 2003 at 10 o'clock A M and was duly recorded as Doc. No. 0653319

County Recorder
By: Deputy

WIDSETH SMITH NOLTING
ENGINEERS ALEXANDRIA
ARCHITECTS BEMIDJI
LAND SURVEYORS BRAINERD
ENVIRONMENTAL SERVICES CROOKSTON
GRAND FORKS
WWW.WSN-MN.COM

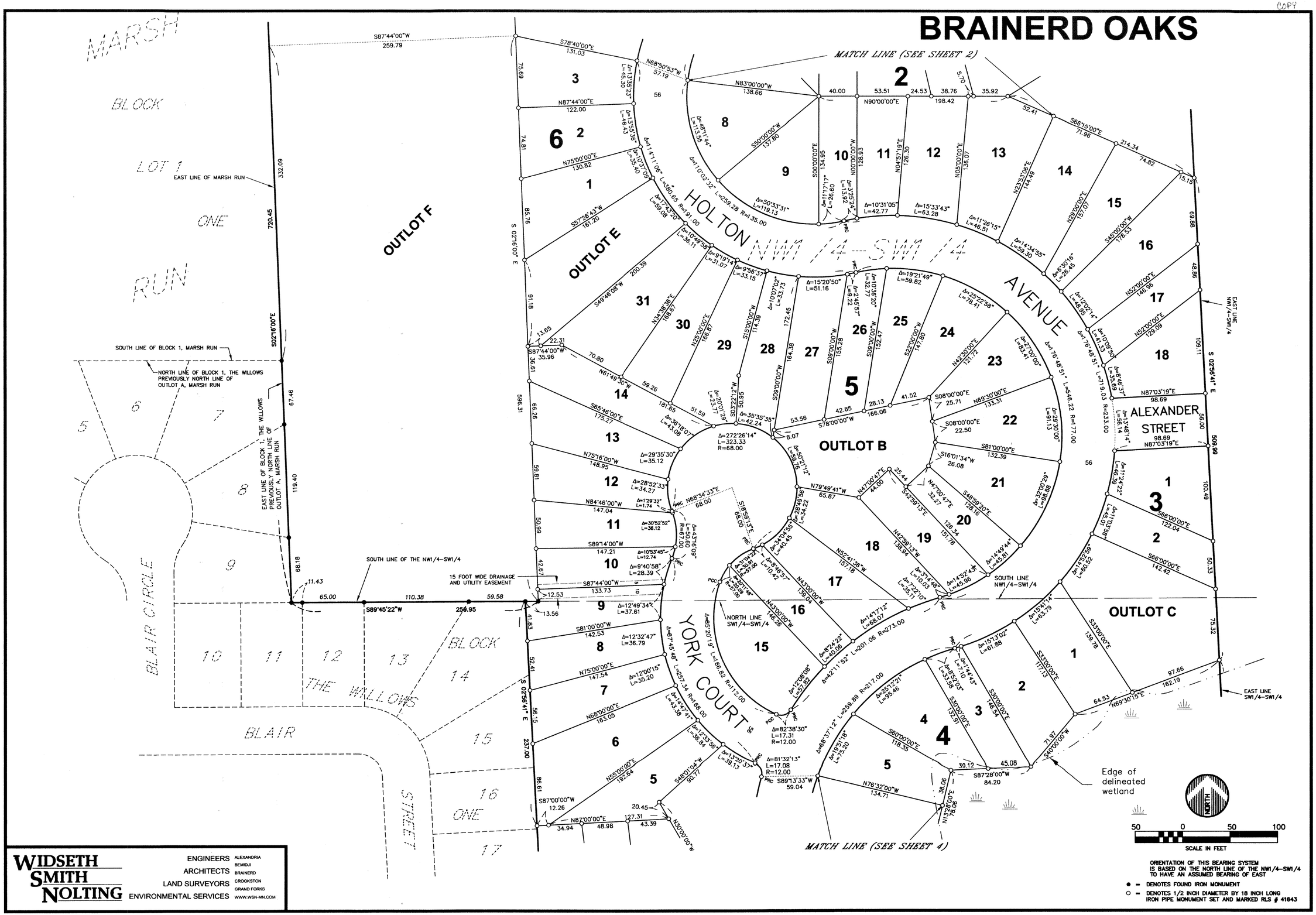
BRAINERD OAKS



WIDSETH SMITH NOLTING

ENGINEERS ALEXANDRIA
ARCHITECTS BEMIDJI
LAND SURVEYORS BRAINERD
ENVIRONMENTAL SERVICES CROOKSTON
GRAND FORKS
WWW.WSN-MN.COM

BRAINERD OAKS



WIDSETH SMITH NOLTING

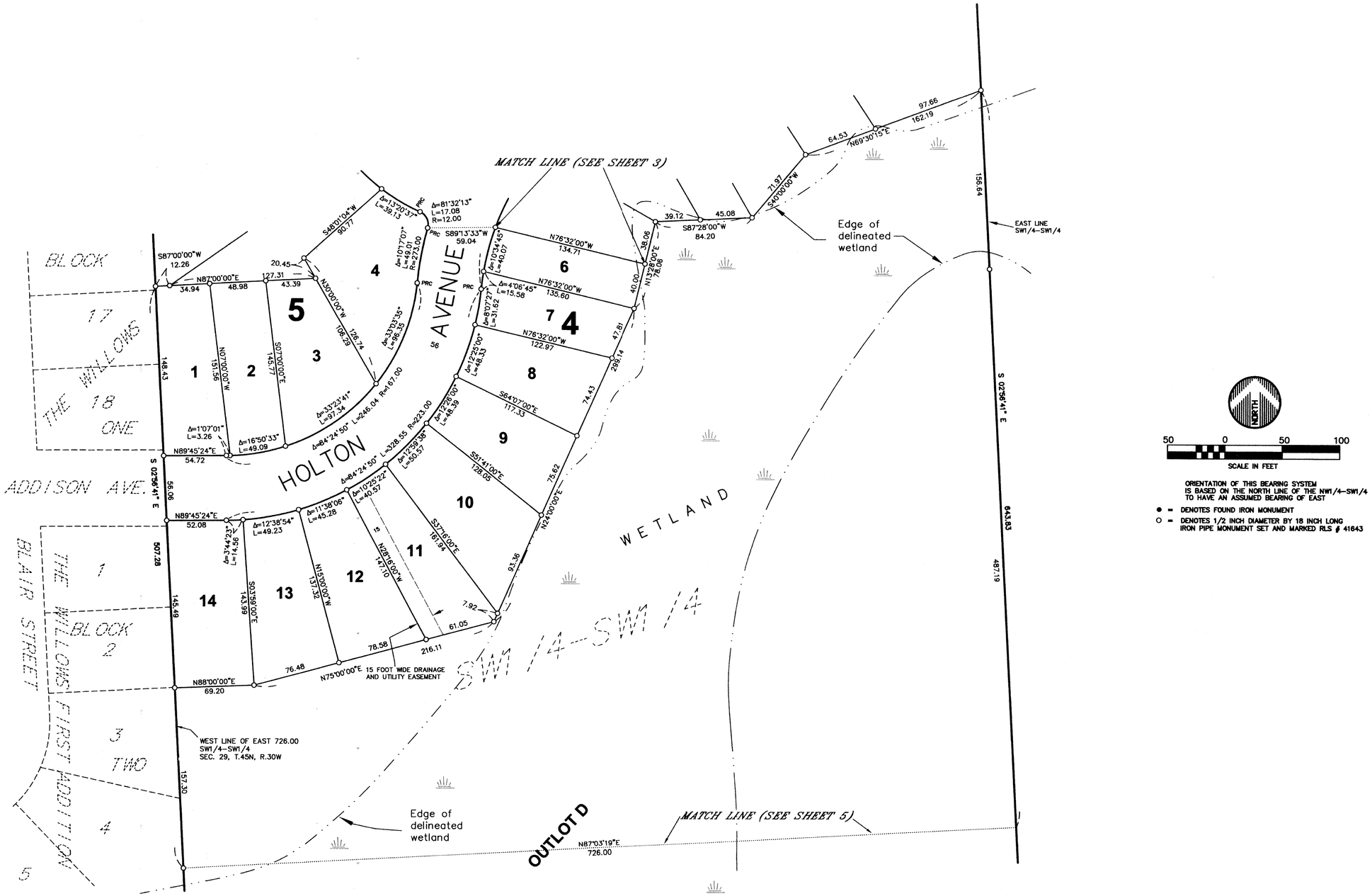
ENGINEERS ALEXANDRIA
ARCHITECTS BEMIDJI BRAINERD
LAND SURVEYORS CROOKSTON
ENVIRONMENTAL SERVICES GRAND FORKS
WWW.WSN-MN.COM

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF THE NW1/4-SW1/4 TO HAVE AN ASSUMED BEARING OF EAST

● = DENOTES FOUND IRON MONUMENT

○ = DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS # 41643

BRAINERD OAKS



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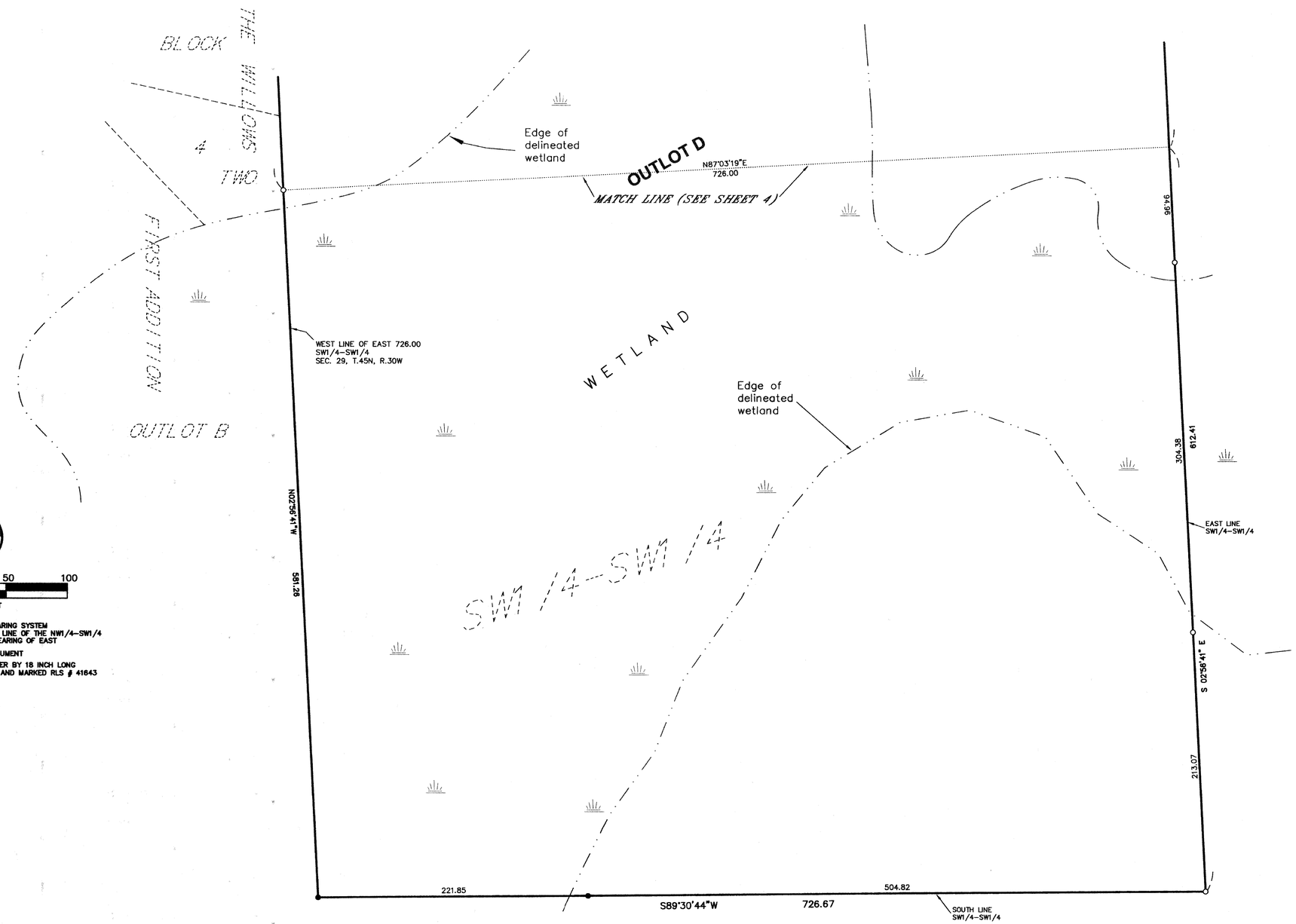
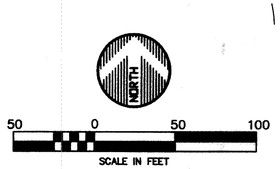
WIDSETH SMITH NOLTING

ENGINEERS ALEXANDRIA BEMIDJI
ARCHITECTS BRAINERD
LAND SURVEYORS CROOKSTON GRAND FORKS
ENVIRONMENTAL SERVICES WWW.WSN-MN.COM

BRAINERD OAKS





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WIDSETH SMITH NOLTING

ENGINEERS ALEXANDRIA
ARCHITECTS BEMIDJI
LAND SURVEYORS BRAINERD
ENVIRONMENTAL SERVICES CROOKSTON
GRAND FORKS
WWW.WSN-MN.COM

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Eric and Dawn Myrha have submitted a request for a preliminary plat for Outlot B in the Brainerd Oaks addition to Brainerd. The purpose of this preliminary plat request is to replat Outlot B as Lot 32, Block 5 Brainerd Oaks.

The property is legally described as:

Outlot B, Brainerd Oaks
P.I.N. 41290607
Section 29, Township 45, Range 30

The property is zoned R-1 (Single Family Residential) District. A copy of the preliminary plat is on file for review with the Community Development Department.

A Public Hearing to consider this preliminary plat will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, April 21, 2021, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

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

Dated this 8th day of April 2021

Publication Date: April 11, 2021

David C. Chanski, MPA
Community Development Director

M E M O

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 21, 2021

RE: Patio Resolution

Over the last 12 months, we have seen a significant change in a central element of our societal structure. Due to the COVID-19 pandemic, bars and restaurants in the State of Minnesota have been twice closed to ingress, egress, use, and occupancy by members of the public. In addition to the financial strain these closures as well as occupancy restrictions have put on our service industry, we have seen an increased desire for outdoor dining options. Even as we begin to see the light at the end of the tunnel, the increased desire for outdoor dining options appears to be here to stay.

Currently, the Code of Ordinances restricted the size of patios to 30% of the total customer floor area within an establishment. For many of our restaurants and bars, this restriction provides little increase in customer service area, especially in a world of social distancing and occupancy restrictions.

Two Conditional Use Permit applications for patios have been submitted for consideration by the Planning Commission. Both of these applications request patios that exceed the 30% size restriction, and, therefore, do not meet the requirements of the Ordinance. However, staff believes that neither of these requested patios would be an aesthetic or functional detriment to the community. Additionally, restricting both of these establishments to patios that do not exceed 30% of their total customer floor area would serve them very little, especially in a post-COVID world.

Therefore, staff has drafted the attached resolution for consideration by the Planning Commission that temporarily lifts the restrictions on the size of patios and outdoor dining areas until December 31, 2021. Staff desires the following actions:

1) Recommend adoption of this resolution to the City Council.
2) Approve the two pending Conditional Use Permit with their request patio sizes contingent on the adoption of this resolution by the City Council.
3) As part of the Zoning Code Update, revise the patio size restriction to increase the allowable size of patios and outdoor dining areas.

RESOLUTION
No. ___:21

WHEREAS, a Peacetime Emergency was declared through Executive Order 20-01 on March 13, 2020 and remains in effect to this day; and

WHEREAS, bars and restaurants in the State of Minnesota have been twice closed to ingress, egress, use, and occupancy by members of the public due to the COVID-19 pandemic through Executive Orders 20-04 and 20-99; and

WHEREAS, the communal dining experience is a central element of our societal structure; and

WHEREAS, the environment by which this element of social interaction is experience has been permanently affected by the COVID-19 pandemic; and

WHEREAS, the restrictions put in place by executive order have put many of our bars and restaurants in dire financial condition; and

WHEREAS, the City of Brainerd Code of Ordinances currently restricts the size of patios to 30% of the total customer floor area within an establishment; and

WHEREAS, such a restriction provides little increase in customer service area for most establishments within the city; and

WHEREAS, the City of Brainerd seeks to partner with our business community and help them survive this pandemic,

BE IT RESOLVED, the City Council of the City of Brainerd, Minnesota, hereby temporarily lifts the restrictions on the size of patios and outdoor dining areas as outlined in Section 515 of the City Code, effective _____, 2021, until December 31, 2021.

Adopted this ____ day of ____ 2021

_____
KELLY BEVANS
President of the Council

Approved this ___ day of ____ 2021

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

M E M O

TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 21, 2021

RE: CUP – 121 Washington St. – CC's Bar LLC

Cheyanne Miles has submitted a request on behalf of CC's Bar located at 121 Washington St. for a Conditional Use Permit to construct an outdoor patio for serving alcohol when accessory to a bar.

Findings of Fact

1. 121 Washington St. is located in a B-4 (General Business) District.
2. The operation of a bar in a B-4 District is a permitted use per Section 515-63-2.C of the Code of Ordinances.
3. The operation of an outdoor patio for serving alcohol when accessory to a restaurant and/or bar requires a Conditional Use Permit in a B-4 District per Section 515-63-6.F.
4. The proposed outdoor area includes a 1,197 square foot patio on the north side of the building with (2) exit gates operable from the patio only.
5. The proposed outdoor patio must meet the following criteria as required by the aforementioned section of the Code:
    a. The applicant submits a site plan in accord with Section 5 of this Ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
        i. The applicant has submitted the required site plan.
    b. Access shall be provided only via the principal building.
        i. The applicant will replace an existing maintenance door with a glass door that directly opens to the proposed patio from the principal building.
    c. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
        i. The proposed patio size will be (64) percent of the principal structure.
    d. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
        i. The applicant is proposing a 6 ft high fence to screen from view. The nearest adjacent property is a parking lot that is also zoned B-4.

e. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.

i. There are no adjacent residential uses. Any added light fixtures will have to meet all zoning ordinances in Section 18. The applicant has not proposed any additional lighting at this time.

f. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area.

i. The proposed plan includes a 6' walkway for access to the rear entrance. The walkway has been reviewed by the Building Official and Fire Marshal for ADA accessibility and emergency escape. There are no proposed structures that will overhang or extend out of the patio.

g. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

i. The area is surface with concrete.

h. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.

i. The applicant must be compliant with this condition. The proposed furniture is moveable.

i. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.

i. The B-4 District is exempt from off street parking requirements. The bar does have a large parking lot to the North with space for approximately (40) automobiles.

j. Closed lid refuse containers are to be provided.

i. The plan indicates (3) refuse containers.

k. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.

i. The applicant is proposing a 6' wood fence. The proposed panel is pictured in an attached document.

l. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.

i. The applicant must be compliant.

m. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.

i. The Building Official will review the fence permit application and indicated the fence would be required to be anchored to meet the 90 mph wind design requirements of the building code.

ii. The Fire Marshal reviewed the plan and required an added emergency exit on the North side of the patio. The applicant added it to the site plan.

n. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.

i. The applicant must be compliant with this condition.

o. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

i. The applicant was approved for a Class 1 Bar License by the Brainerd City Council on April 5th, 2021.

As of this writing, no one has contacted the Community Development Department with concerns or objections to the Conditional Use Permit.

<u>Staff Opinion</u>

Staff recommends approval of the CUP application. The applicant must meet all interior requirements from the Building Official for access to the outdoor patio. Prior to patio use the space must be inspected by the City of Brainerd Building Official and Fire Marshal.

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)
ZONING TEXT AMENDMENT	☐ ($250.00)	☐ ($400.00)

PROPERTY ADDRESS: 121 Washington Brainerd MN 56401

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

Property Owner Name: Cheyanne Miles

Street Address: 1120 S. 8th Street **City:** Brainerd **State:** MN **Zip Code** 56401

Phone Number: 218-330-1955 **Fax:** — **E-mail:** C.C.M.SBAR@Gmail.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Request a conditional use permit to create an outdoor patio for alcohol consumption.

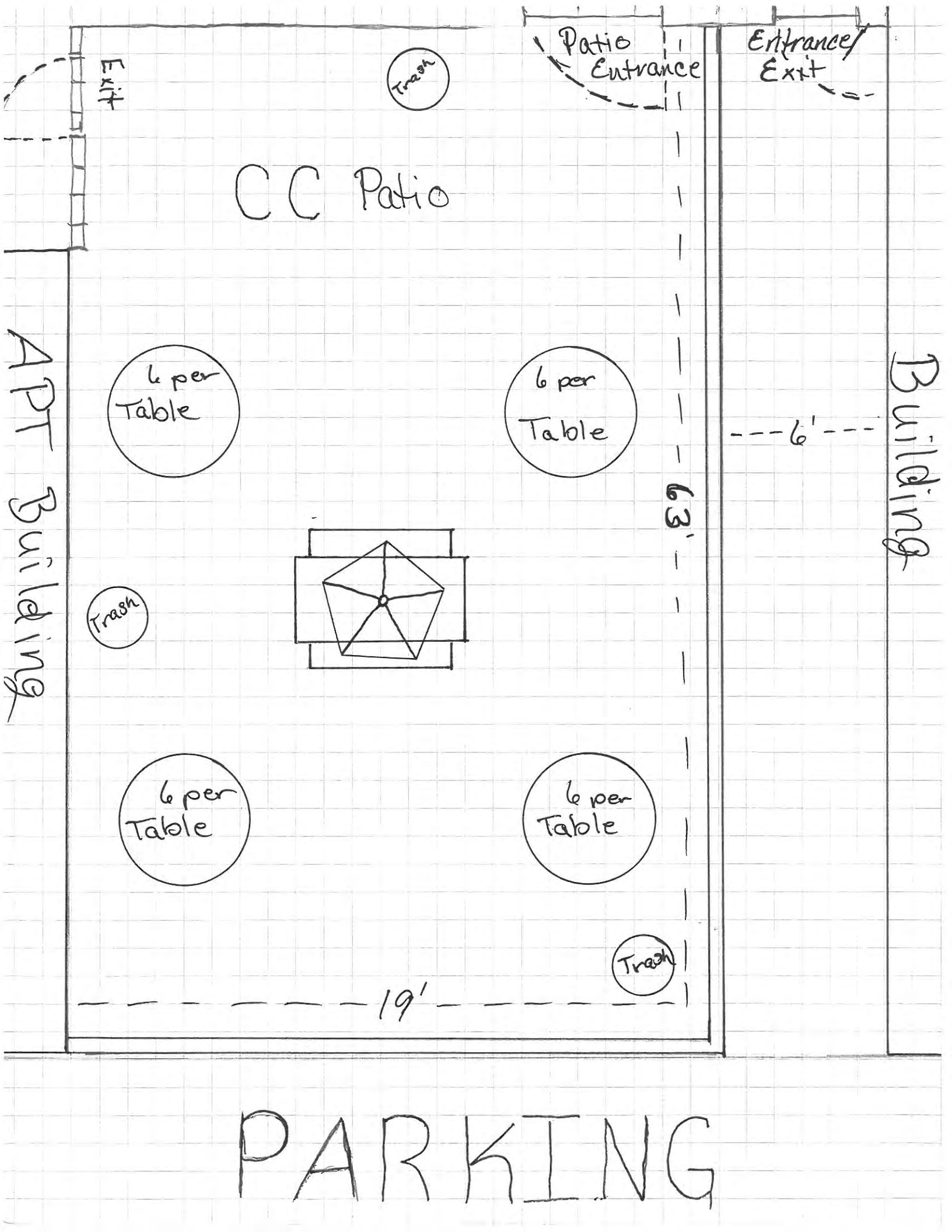
Cheyanne Miles — 4-6-2021
Property Owner Signature — **Date**

Cheyanne C. Miles
(Please print name)

Cheyanne Miles — 4-6-2021
Applicant Signature — **Date**

Cheyanne Miles
(Please print name)

(OVER)


Exit
Trash
Patio Entrance
Entrance/ Exit
CC Patio
APT Building
Building
6 per Table
6 per Table
6 per Table
6 per Table
Trash
Trash
6'
63'
19'
PARKING

$95.97

Actual Dimensions 5/8" x 5-1/2" - 72" x 96"
Model# 253821
SKU 1001-240-194

Pricing does not include posts, accessories, or shipping

ONLINE AT HOMEDEPOT.COM

Starting at $80.97

6' x 8' Color-Treated Cedar Tone Pine Panel Framed Rustic Privacy

Actual Dimensions 5/8" x 5-1/2" - 72" x 96"
Model# 176799
SKU 1001-240-486

Pricing does not include posts, accessories, or shipping

Starting at $116

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1/28/21–7/28/21

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or
18 Months Financing◊ on Purchases of $999 up to $1998
or
12 Months Financing◊ on Purchases of $500 up to $998

Get The Card, Save Up To $100 Today◊

On Your Qualifying Purchase When You Open a New Credit Card Account with The Home Depot®. Coupon Is Not Combinable with Other Discounts. Valid 3/4/21–7/28/21.

$25 Off Purchases of $25†† or $50 Off Purchases of $300†† or $100 Off Purchases of $1000††

3/4/21–3/10/21

Free Home Delivery

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Cheyanne Miles has submitted a request for a Conditional Use Permit to construct an outdoor patio for serving alcohol at 121 Washington St. The property included in this application is described as:

LOT 1, BLOCK 4 EXCEPT THE E 25 FT THEREOF. EAST BRAINERD
P.I.N. 41241674
Section 24, Township 45, Range 31

The property is zoned B-4 (General Business District), and Zoning Ordinance Section 63-6.F (General Business District) Conditional Uses permits the operation of non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that they meet the required provisions as listed under 63-6.F. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 21, 2021 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Conditional Use Permit request.

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

Dated this 8th day of April 2021

David C. Chanski, MPA
Community Development Director

Publication Date: April 11th, 2021

M E M O

TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 21, 2021

RE: CUP – 305 S 7th St – O'Neary's Irish Pub

Denise Rathman has submitted a request on behalf of O'Neary's Irish Pub located at 305 7th St S for a Conditional Use Permit to construct an outdoor patio for serving alcohol when accessory to a bar.

Findings of Fact

1. 305 S 7th St is located in a B-3 (Central Business) District.
2. The operation of a bar in a B-3 District is a permitted use per Section 515-62-2.C of the Code of Ordinances.
3. The operation of an outdoor patio for serving alcohol when accessory to a restaurant and/or bar requires a Conditional Use Permit in a B-3 District per Section 515-63-6.B.
4. The proposed outdoor area includes a (1,020) square foot patio on the east side of the building with (2) exit gates operable from the patio only. The proposed patio currently exists from the 2020 extension of premises permit. O'Neary's Irish Pub would like to make their currant outdoor patio permanent.
5. The proposed outdoor patio must meet the following criteria as required by the aforementioned section of the Code:
    a. The applicant submits a site plan in accord with Section 5 of this Ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
        i. The applicant has submitted the required site plan.
    b. Access shall be provided only via the principal building.
        i. The applicant will add a door that directly opens to the proposed patio from the principal building.
    c. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
        i. The proposed patio size will be (64) percent of the principal structure.
    d. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.

i. The applicant is proposing a 6 ft high fence to screen from view. The nearest adjacent property with view to the outdoor patio is Bremer Bank.

e. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.

i. There are no adjacent residential uses. Any added light fixtures will have to meet all zoning ordinances in Section 18. The applicant has not proposed any additional lighting at this time.

f. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area.

i. The proposed plan includes an approximate 8' walkway around the patio. The walkway has been reviewed by the Building Official and Fire Marshal for ADA accessibility and emergency escape. There are no proposed structures that will overhang or extend out of the patio.

g. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

i. The area is surface with asphalt.

h. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.

i. The applicant must be compliant with this condition. The proposed furniture is moveable.

i. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.

i. The B-3 District is exempt from off street parking requirements.

j. Closed lid refuse containers are to be provided.

i. The plan indicates (2) refuse containers.

k. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.

i. The applicant is proposing a 6' vinyl fence. The proposed panel is pictured in an attached document.

l. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.

i. The applicant must be compliant.

m. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.

i. The Building Official will review the fence permit application and indicated the fence would be required to be anchored to meet the 90 mph wind design requirements of the building code.

ii. The Fire Marshal reviewed the plan to ensure this patio had proper emergency exiting. He indicated an exit gate must be opposite of the building. There is currently a gate on the east side and it will remain there.

n. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.

i. The applicant must be compliant with this condition.

o. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

i. The applicant is approved for a Class 1 Bar License by the Brainerd City Council.

As of this writing, one party has contacted the Community Development Department and had no concerns or objections to the Conditional Use Permit.

<u>Staff Opinion</u>

Staff recommends approval of the CUP application. The applicant must meet all interior requirements from the Building Official for access to the outdoor patio. Prior to patio use the space must be inspected by the City of Brainerd Building Official and Fire Marshal.

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 (River to Rails)
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: 305 S 7th St Brainerd Minnesota 56401

LEGAL DESCRIPTION: Lot(s): 16&17 Block: 71 Addition: First Addition
(attach description if lengthy)

Property Owner Name: Denise Rathman
Street Address: 11304 Half Moon Dr **City:** Merrifield **State:** MN **Zip Code** 56465
Phone Number: 2188206168 **Fax:** 2188293980 **E-mail:** drathman66@yahoo.com

Applicant Name: (If different than Property Owner) _____
Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____
Phone Number: _____ **Fax:** _____ **E-mail:** _____

Description of Request: Requesting a condional use permit to allow alcohol service to the outdoor patio area.

Denise Rathman
Property Owner Signature

4-5-21
Date

(Please print name)

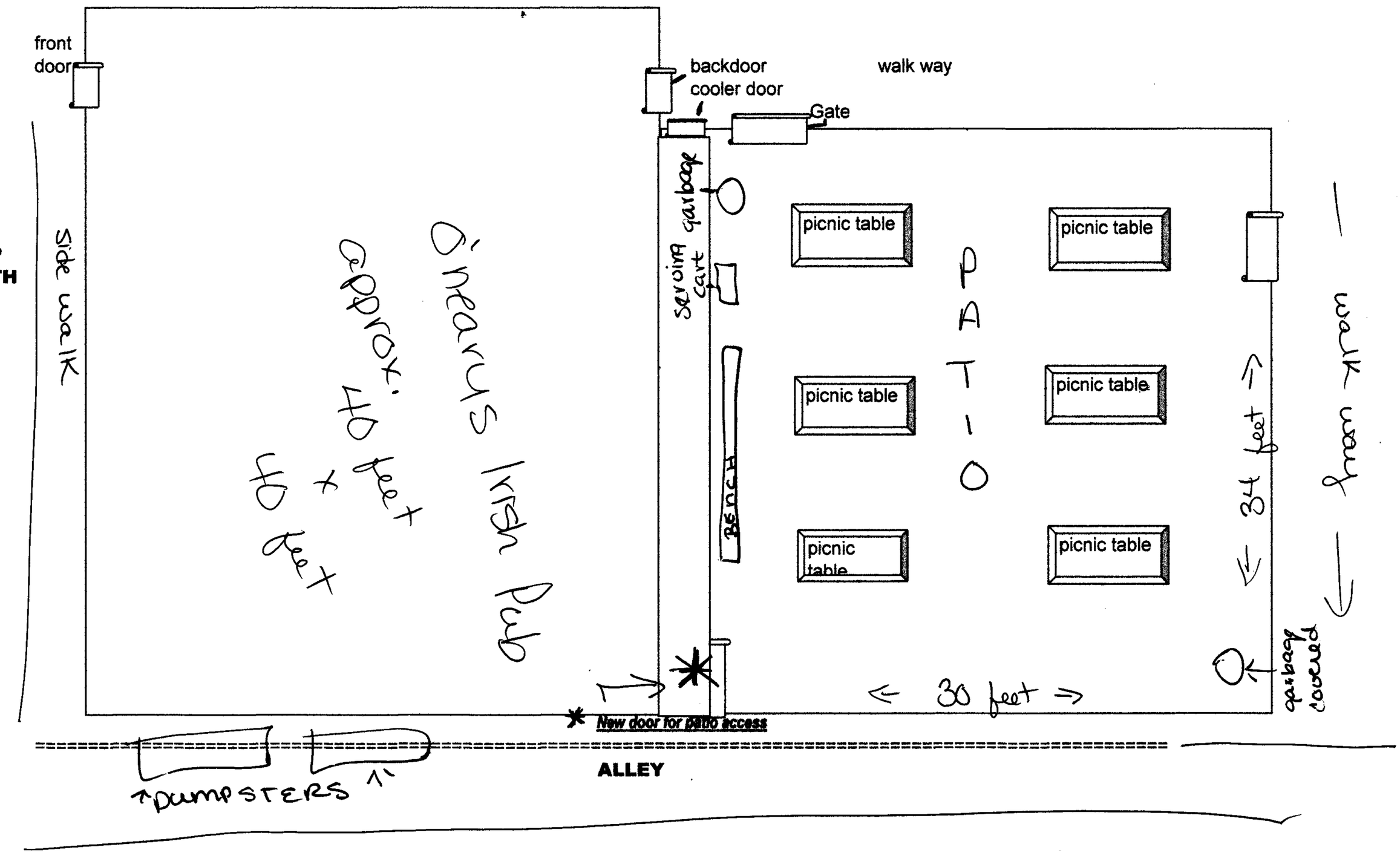
Applicant Signature

Date

(Please print name)

(OVER)

NOTE! SITE PLAN for Conditional Use Permit O'nearys irish Pub
305 S 7TH St Brd Mn 56401



BREMER BANK

BUD LIGHT
NO PARKING
WARNING
Security
Cameras In Use
PUB
PARKING
ONLY

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Denise Rathman has submitted a request on behalf of O'Neary's Irish Pub for a Conditional Use Permit to construct an outdoor patio for serving alcohol at 305 S 7th St. The property included in this application is described as:

THE W'LY 79 1/2 FT OF LOTS 16 AND 17 BLOCK 71
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41241268
Section 24, Township 45, Range 31

The property is zoned B-3 (Central Business District), and Zoning Ordinance Section 62-6.B (Central Business District) Conditional Uses permits the operation of non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that they meet the required provisions as listed under 62-6.B. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 21, 2021 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Conditional Use Permit request.

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

Dated this 8th day of April 2021

David C. Chanski, MPA
Community Development Director

Publication Date: April 11th, 2021

M E M O

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 21, 2021

RE: Text Amendment Request – Section 900

Cheryl Strand of 1518 Quince St. has submitted a text amendment request to Section 900 of the City Code. Her request is to amend Section 900 by either redefining "commercial kennel" or developing a new category of licensure of "animal rescue" or "in-home animal rescue."

In her application, Ms. Strand states that she "would like our city ordinance to become up-to-date and current with state and federal, and aligned with the allowance of most cities across the country." Additionally, she states, "The majority of adopted dogs are transferred to in-home rescues or foster homes assigned through these rescues, then adopted out after necessary vetting, any needed surgeries and behavioral observation so they go to the appropriate home."

The first step of this text amendment request is for the Planning Commission to consider whether or not it would like to consider this request. If the Commission does not desire to consider this request, a recommendation to deny this request would be made to the City Council. If the Commission does desire to consider this request, a discussion would then take place as to what kinds of amendments should be made to Section 900 to meet this request. Staff would then take the direction given by the Commission and draft ordinance language to be considered by the Planning Commission during its May 19 meeting.

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: 1518 Quince Street, Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): 000 Block: 014 Addition: SECOND ADDITION TO BRAINERD
(attach description if lengthy)

Property Owner Name: Clement R. Aberle
Street Address: 1518 Quince Street **City:** Brainerd **State:** MN **Zip Code** 56401
Phone Number: (218) 820-9883 **Fax:** _____ **E-mail:** opaoma3@msn.com
Applicant Name: (If different than Property Owner) (wife) Cheryl L. Strand for National Boxer Rescue
Street Address: 1518 Quince Street **City:** Brainerd **State:** MN **Zip Code:** 56401
Phone Number: (218) 232-7909 **Fax:** _____ **E-mail:** NationalBoxerRescue@gmail.com

Description of Request: An ordinance amendment to Section 900 either redefining "commercial kennel" or requesting a new category of licensure of "animal rescue" or "in-home animal rescue". Would like our city ordinance to become up-to-date and current with state and federal, and aligned with the allowances of most cities across the country. The majority of adopted dogs are transferred to in-home rescues or foster homes assigned through these rescues, then adopted out after necessary vetting, any needed surgeries and behavioral observation so they go to the appropriate home. Licensing is necessary.

Clement R. Aberle — Digitally signed by Clement R. Aberle Date: 2021.03.23 15:21:32 -05'00' — 03/24/2021
Property Owner Signature — **Date**

Clement R. Aberle
(Please print name)

Cheryl L. Strand — Digitally signed by Cheryl L. Strand Date: 2021.03.23 15:11:44 -05'00' — 03/24/2021
Applicant Signature — **Date**

Cheryl L. Strand
(Please print name)

City Prosecutor supports this 100% and says to call him with any Q's. (Joseph P.)

(OVER)

Additional documents attached for reference: C.R.S.

Tasha Halsted
1524 Quince Street
Brainerd, MN 56401

3-12-21

To Whom It May Concern,

I am writing this letter on behalf of my neighbors Cheryl Strand and Clem Aberle. I have been their neighbor for one year. I have never had any problems with them or their dogs. Their dogs are quiet and well behaved. They are kind, thoughtful, and helpful neighbors. I am writing this letter in support of them getting a license for animal rescues. They love their dogs and treat them like family. If you have any questions please feel free to contact me.

Thank you,

Tasha Halsted

Roth Consulting Services LLC
29197 SE Wheeler Rd, Boring, OR 97009
cherice.roth.dvm@gmail.com
469-733-8186

November 9, 2018

To Whom It May Concern:

I have been working with the staff of National Boxer Rescue for three years. The group has recently undergone a name change making it necessary to re-do paperwork. That being said the NBR has proven in my opinion hundreds of times that with my medical advice take excellent care of any animals adopted by the organization. This includes but is not limited to treating according to heartworm status, OVH/castration, fecal exam, deworming, vaccines, socialization and even collecting funds for advanced surgical procedures if needed. It is with full confidence that I recommend this group as a valid and impressive animal care entity. If there are any questions please feel free to contact me directly.

Cherice Roth, MS, DVM, FFc HABc

To Whom It May Concern,

I am Jacklyn Rokusek the Director of Cowtown Boxer Rescue we are located in the Dallas/Ft Worth area. I have known and worked with Cheryl Strand Peterson and her organization on multiple occasions. She has even adopted one of our boxers and helped us with home visits in her home state. Her rescue operates with total transparencey and always in the best interest of their dogs.

If I can answer any questions please do not hesitate to contact me.

Sincerely

Jacklyn Rokusek
Cowtown Boxer Rescue
President/Founder

I have worked with Spay it Forward - Sid Holden and Happy Hearts Dog Rescue Adri Robles-Groban. They can both vouch for me, as well as Sharon Sleighter with Legacy Boxer Rescue

Smart Images

A variety of images are being tested on your petition. View your test here

1,302 have signed. Let's get to 1,500!

Cheryl Petersen started this petition to Alderman at Large ,Ian Lambert Brainerd City Council

I have successfully run National Boxer Rescue sanctuary/rescue for elderly, special needs, medicals and adoptable dogs placing 80 dogs since October 2018. We are a small 501(c)(3) nonprofit organization and save lives with the help of fosters and adopt out many of the dogs directly from my home in central Minnesota. We vet thoroughly and allow the sanctuary dogs to live their lives out in peace.

Our city ordinance only allows 4 animals in any home. Most in-home rescues have more than the allotted amount of animals and hope that animal control doesn't knock on their door. Well they knocked on mine.

We need a "permit" or "license" of some sort written into our city ordinances so that in-home rescues that are already registered with the government and their states can also feel comfortable going to their cities and applying for a final permit to rescue legally in their homes. I'm not talking about a big kennel facility - that is different. I'm talking about 10-12 dogs, a manageable limit of dogs including personals, sanctuary and adoptables. Each rescue knows their own limit.

I'm asking you to please sign for our rescue and all rescues who need this addition to their city ordinance. TY

Cancel

michael nixon · 11 months ago
Old dogs need love too.

-
- 3

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Share

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Delete this comment

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Michael Tedder · 11 months ago

Michael Tedder Shes a wonderful person heart of gold.She give life to all the abandon dogs that deserve a chance. I have adopted a sweet boxer from her rescue. TO WHOM IT MAY CONCERN THERE TOP NOTCH ANIMAL RESCUE. YHEY deserve all the help they can get.

-
- 2

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Share

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Tweet

Delete this comment

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Kathi Konklin · 11 months ago

This a reasonable request, a reasonable number of dogs to manage on one property. City ordinances should not contradict state ordinances, and all health permits are up to state standards. A city ordinance needs to welcome small rescues, since people continue to dump ill/terminal and simply senior pets with medical needs. Also, it is many people's biggest fear, to leave their beloved pets without a plan, without care, only to die a horrifying death in a kill shelter. These small in home shelters are much needed.

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Tweet

Delete this comment

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Maria Van Geel 11 months ago
Getekend

-
- 1

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Share

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Tweet

Delete this comment

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Cara Tomlinson 11 months ago
These dogs are not at fault and deserve a loving home to finish their sometimes traumatic, abusive lives with someone that actually cares about them!

-
- 1

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Share

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Tweet

Delete this comment

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel
View all reasons for signing
Report a policy violation

Share this petition

1,302 have signed. Let's get to 1,500!

Brainerd City Council: City Permit for In-Home Sanctuary/Rescue
Share on Facebook
Shared on Facebook

- Send a Facebook message
- Send an email to friends
- Tweet to your followers
- Copy linkCopiedCopied share link

Show this petition to more potential supporters
Promote this petition

Share this petition

Today: Cheryl is counting on you

Cheryl Petersen needs your help with **"Brainerd City Council: City Permit for In-Home Sanctuary/Rescue"**. Join Cheryl and 1,301 supporters today.

Sign this petition

Today: Cheryl is counting on you

Cheryl Petersen needs your help with **"Brainerd City Council: City Permit for In-Home Sanctuary/Rescue"**. Join Cheryl and 1,301 supporters today.

Sign this petition