

BRAINERD PLANNING COMMISSION

Wednesday, July 21, 2021
6:00 p.m.
City Council Chamber
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: 146 361 3045

1. Call To Order
2. Roll Call
3. Pledge Of Allegiance
4. Approval/Amendment Of Agenda
5. Approval Of Minutes
 1. Regular Meeting Held on June 16, 2021
 2. Workshop Held on June 23, 2021

Documents:

[2021-06-16 DRAFT.PDF](#)
[2021-06-23 WORKSHOP DRAFT.PDF](#)

6. Old Business
 - 6.a. Discussion Of Findings On Sober Home Regulations

Documents:

[DISCUSSION OF FINDINGS ON SOBER HOME REGULATIONS.PDF](#)

7. New Business

- 7.a. Conditional Use Permit - 310 N. 7th St.

Documents:

[CUP - 310 N. 7TH ST.PDF](#)

- 7.b. Conditional Use Permit - 210 NW 5th St.

Documents:

[CUP - 210 NW 5TH ST.PDF](#)

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. Commissioner Questions/Comments
11. Adjourn

PLANNING COMMISSION
Wednesday, June 16, 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 Woodward, Erickson, Kallroos, Foley, Yeager, Gorham, and Duval. Community Development Director Chanski, HRA Director Charpentier, and Assistant Planner Kramvik were also noted as present.

#3 Pledge of Allegiance

Commissioner Yeager 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 GORHAM AND ERICKSON, DULY CARRIED, TO APPROVE THE MINUTES FROM THE MAY 19, 2021 REGULAR MEETING.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND WOODWARD, DULY CARRIED, TO APPROVE THE MINUTES FROM THE MAY 26, 2021 SPECIAL MEETING.

#6 Old Business

6a. Sober Homes Update

Community Development Director Chanski gave a brief update from the June 7th City Council determination to send the topic back to the Planning Commission to work with the City Attorney. He indicated City Attorney Langel will be bringing information to the July meeting for the Commission to discuss regarding the laws on city regulations of sober homes.

Commissioner Duval suggested a moratorium be implemented while the Commission and Council work out answers to the questions.

Commissioner discussion took place, and it was decided not to place a moratorium on sober homes.

#7 New Business

7a. Eight05 Laurel Project Presentation

Community Development Director Chanski stated a concept proposal has been submitted for a new development called Eight05 Laurel located at the corner of Laurel and South 8th Streets. He said the project includes a 36-unit apartment building with commercial space on first floor and an underground parking garage.

The Chair introduced the president of D.W. Jones Inc., Mr. Skip Duschesneau, who gave a brief presentation of the project. He stated the company is from Walker, MN and they have completed several projects in northern Minnesota. He said this is their first project that combines a residential use with a commercial use. He explained City Administrator Bergman has been in contact with the company for several years through her previous work at the HRA in a potential housing development in downtown Brainerd. He indicated there is an application process to submit for Low Income Housing Tax Credits (LIHTC) to assist in financing the project.

The Chair welcomed Mr. Andrew Duschesneau, who gave a high-level review of the site plan, the proposed floor plan, and details on the apartments. Mr. Skip Duschesneau gave an estimate of resident income guidelines, as well as the proposed rental costs by unit.

Commissioners asked questions, which were answered by the applicants.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND ERICKSON, DULY CARRIED, TO RECOMMEND TO THE CITY COUNCIL A RESOLUTION OF SUPPORT FOR THE DEVELOPMENT PROJECT AS PRESENTED BASED ON THE FOLLOWING FINDINGS OF FACT:

- Supports Infill
- Redevelopment to Reuse Vacant Buildings
- Mixed Housing Opportunity
- Creating/Adding to a Walkable/Bikeable Neighborhood
- Allows Downtown to become a Whole Neighborhood
- Commercial Elements and Opportunities
- Addresses Concerns from the CWC/HRA Housing Study

#8 Public Forum

The Chair opened the public forum at 7:15 p.m.

No one came forward.

The Chair closed the public forum at 7:15 p.m.

#9 Community Development Director's Report

Community Development Director Chanski made the following announcements:

- City Council held the first reading of the rezoning ordinance for Country Manor and the development stage of the PUD
- City Council approved the final plat for lot 1, block 1 Myhra Addition to Brainerd Oaks
- City Council held the first reading of the ordinance to amend the Transient Food Overlay District

- The upcoming workshop will be a presentation from Swanson Haskamp regarding the annotated outline. It is scheduled for Wednesday June 23rd and will take place in the FD Training Room.

#10 Commissioner's Questions/Comments

None

#11 Adjourned at 7:20 p.m. to the Workshop on Wednesday, June 23, 2021 at 6:30 p.m. in the Fire Department Training Room

Michael Duval, Planning Commission Chair

PLANNING COMMISSION WORKSHOP

Wednesday, June 23, 2021

6:30 p.m.

#1 Call to Order

Planning Commission Chair Duval called the Planning Commission Workshop to order at 6:30 p.m. in the Fire Department training room.

#2 Roll Call

Noted present were Commissioners Gorham, Kallroos, Foley, Woodward, Yeager, Duval, and Council Liaison Erickson. Community Development Director Chanski, and Assistant Planner Kramvik were also noted as present along with Jennifer Haskamp, and Michael Lamb from Swanson Haskamp Consulting. Commissioners Erickson, and Kallroos were noted as absent.

#3 Approval/Amendment of Agenda

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

#4 Annotated Outline Draft

The Chair welcomed Jennifer Haskamp and Michael Lamb with Swanson Haskamp Consulting. Ms. Haskamp indicated the draft annotated outline of the zoning code consists of six parts for discussion as follows:

1. Purpose of the Annotated Outline
2. Organization
3. Character Areas
4. Proposed Zoning Code Outline (consisting of five sections)
5. District Recommendations
6. Comparison Table of Proposed Sections and Current Code

She stated the purpose tonight is to make sure her team is on the right path going forward, and any suggested revisions or additions may be discussed. Ms. Haskamp and Mr. Lamb gave a review of each of the parts and sections as provided in the packet. It was discussed that any existing items in the code that are being modified or removed, as well as any code items being added should be indicated for clarity. Further discussion took place regarding town center and town core, which will be determined at a later date.

Mr. Lamb and Ms. Haskamp briefly went through the sections under General Building Use & Design Provisions.

#5 Adjourn

The Chair adjourned at 7:32 p.m.

Michael Duval, Planning Commission Chair

DRAFT

MEMO



TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: July 21, 2021

RE: Discussion of Findings on Sober Home Regulations

After discussion the issue of sober homes during their meeting on June 7, the City Council motioned to send the issue back to the Planning Commission, directed the City Attorney to work with the Planning Commission to identify what the City can regulate regarding sober homes, and requested that the Planning Commission, upon working with the City Attorney, issue a recommendation back to the City Council. The Planning Commission then drafted the following list of questions during their meeting on June 16 for the City Attorney to address:

- What makes a sober home under the law?
- What would be a good definition of sober home that could be placed in the City Code?
- Can the density of sober homes (how many individuals within a home) be regulated?
- Can parking restrictions be imposed on sober homes?
- Can proximity restrictions be placed on sober homes?
 - o If so, what is reasonable?
- The FFHA mentions "reasonable accommodation."
 - o What does that mean?
 - o Should the City have an application requesting reasonable accommodation in order for a sober home to have more than 4 unrelated persons living in the same house?
 - o If the City enacts a reasonable accommodation application, what should the review process look like? Can conditions be imposed?
- How are sober homes different than residential care facilities and boarding houses?
- Can tenants of a sober home be considered in a different "class" than the average renter?
 - o I think what was being asked is can we put different regulations on sober home tenants than regular residential rental tenants?
- Can the City put a moratorium on sober homes and, if so, what would that look like?

Attached is a memo from City Attorney Joe Langel addressing these questions. Mr. Langel will be present at the July 21 Planning Commission to discuss his findings with the Commission.

MEMORANDUM

TO: David C. Chanski, Community Development Director
Brainerd Planning Commission

FROM: Joseph J. Langel, City Attorney

DATE: July 12, 2021

RE: Sober Homes

A number of questions were posed by the Planning Commission concerning sober homes. The following are my responses to those questions.

1. What makes a sober home under the law?

“Sober homes” are not defined under state or federal law. Rather, they are protected under the Fair Housing Act if they have certain general characteristics:

- They are a “dwelling.” The FHA only applies to dwellings, meaning a building occupied as, or designed or intended for occupancy as, a residence by one or more families. Two factors analyzed to determine whether a building is a dwelling are whether it is intended for occupants to remain for a significant period (longer than one would stay at a motel) and whether the occupants view it as a place to return to during that period. A homeless shelter is not a dwelling, but halfway houses might be.
- The residents are disabled, which in this situation means people who are recovering from drug or alcohol addiction and such addiction substantially limits one or more major life activities. The residents cannot be currently abusing alcohol and/or drugs (because current abusers are not protected under the FHA).
- There is a nexus between the need for housing and treatment of the disability. This is typically shown by asserting that a supportive, sober residential environment is necessary for sobriety and addiction recovery. Courts have recognized this nexus.

2. What would be a good definition of a sober home?

The definition used by St. Paul would work:

“A dwelling unit occupied by more than six persons, all of whom are in recovery from chemical dependency and considered handicapped under the Federal Fair Housing Act Amendments of 1988, that provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house are similar to a family unit and share kitchen and bathroom facilities and other common areas of the unit. Sober houses are financially self-supporting.”

Note that this does not regulate homes with fewer than six people. It is up to the City to decide whether smaller sober homes warrant regulation. St. Paul’s definition also excludes facilities that are regulated in a different manner under their code; Brainerd does not have such regulations, so those exclusions were removed from the definition.

3. Can the density of sober homes (number of residents) be regulated?

Under the FHA, “nothing in this subchapter limits the applicability of any reasonable local... restrictions regarding the maximum number of occupants permitted to occupy a dwelling.” So, the City can impose a maximum capacity, but it must be reasonable, and the courts construe this exception narrowly. Imposing a maximum capacity that is lower than what a structure can reasonably handle under the building code may be found to be unreasonable on its face.

4. Can parking restrictions be imposed on sober homes?

It depends somewhat on what is meant by restrictions. A city can have a parking standard that applies to sober homes and similar uses. For example, in St. Paul a single and two-family dwelling unit must have 1.5 off-street parking spaces per unit, whereas a sober home (and shelters, emergency housing, etc.) must have 1.5 spaces for every adult resident. In other words, they have a separate standard that is reasonable on its face given the use of the property. Note that the standard is not applicable to just sober homes; they are not singled out. Any “restrictions” cannot be discriminatory against the sober home or against people with disabilities.

5. Can proximity restrictions be placed on sober homes?

Also referred to as spacing, dispersal or concentration requirements, some communities have implemented these restrictions with mixed results. Some courts have found that spacing requirements violate the FHA because they deny persons with disabilities an equal opportunity to choose where they will live. Regular housing does not have proximity restrictions, so implementing such restrictions only on sober homes necessarily gives rise to an inference that sober homes are being treated differently because of the people who live there. It may, therefore, be difficult to regulate those sober homes that comply with existing ordinances, such as ordinances regulating the maximum number of unrelated people who live together. If a sober home seeks a reasonable accommodation to exceed a limitation on the maximum number of unrelated people who live together, the FHA allows a city to take into account concerns about the over-concentration of group homes that are located in close proximity to each other. If no such limitations exist, however, then regulating the proximity of homes becomes more difficult.

In St. Paul, a sober house is defined as having more than six residents. Those houses cannot be within 330 feet of each other under the premise that a cluster of such dwellings with that many unrelated residents are more likely to have significant neighborhood land impacts (e.g. on-street parking). There are no regulations for sober homes with six or fewer residents, which are seen as having an impact no different than a regular single-family home. It is unknown if St. Paul's proximity rule withstands scrutiny under federal law.

6. Reasonable accommodations.

Under the FHA, discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. So, a reasonable accommodation is a change, exception or adjustment to the City Code when necessary to allow a disabled person equal opportunity to use and enjoy a dwelling.

A reasonable accommodation form may be useful to have, but it is not required. Regardless of whether a form exists, if a request for a reasonable accommodation is made, it must be reviewed and processed. A form simply provides some format to the request and may elicit more of the information needed by the City to properly process the request than if there was no form to use.

A request for an accommodation is likely going to seek an exception to the City Code. Such a request could be handled in a manner similar to a variance. While a

variance can be granted with conditions, an accommodation is not normally granted with “conditions” per se. With accommodations, the issues are whether they are necessary to satisfy the federal fair housing requirements and whether they are reasonable. The details and contours of the accommodation depend on the facts underlying the exception at issue. Unlike a variance, an accommodation is provided because it has been deemed legally necessary to do so to comply with federal law. There could conceivably be certain limits expressed in the accommodation provided those limits do not give rise to a statutory violation.

7. How are sober homes different than residential care facilities and boarding houses?

Unlike residential care facilities, sober homes are often smaller scale, the residents share common areas, support each other and generally live like a family, and there are no treatment services on site. Sober homes strive to provide a home environment for residents under the belief that the environment itself helps in addiction recovery. Sober homes are not licensed by the State. Unlike sober homes, licensed residential facilities are protected from discrimination in zoning under state law (Minn. Stat. § 462.357, subds. 7, 8).

Boarding houses are defined under state law as “a food and beverage service establishment where food or beverages, or both, are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.” Minn. Stat. § 157.15, subd. 4. These establishments provide food and typically a room, but the boarders are not (necessarily) disabled or there for a common purpose. In that respect, boarding houses are more like bed and breakfast establishments, but with a longer term of residency.

8. Can sober home residents be regulated differently than typical residential rental tenants?

It is unclear what kind of regulations are at issue in this question, but generally the answer is no. The fundamental purpose of the FHA is to prevent such disparate treatment in housing. Imposing different regulations on sober homes because of the nature of their residents would likely be viewed as facially discriminatory.

9. Can the City put a moratorium on sober homes?

The short answer is yes. In general, a moratorium (a/k/a interim ordinance) is permitted if the City is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of official controls, including regulations pertaining to the occupancy of

residential dwellings. Minn. Stat. § 462.355, subd. 4. Minnesota law therefore generally authorizes a moratorium on sober homes. Cities like St. Paul and West St. Paul previously had interim ordinances while studies were undertaken, although I believe the West St. Paul moratorium covered other transitional housing as well. The interim ordinance itself is fairly simple and straightforward and requires a public hearing. The real work involves undertaking the study and/or hearings to gather information about these homes and the impact they have on neighborhoods in the City, and then drafting changes to the City Code, if desired and if legally supportable.

MEMO



TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: July 21, 2021

RE: CUP – 310 N 7th Street

James and April Erfurth have submitted a request for a Conditional Use Permit to operate a private learning center at 310 N 7th Street.

Findings of Fact

1. 310 N 7th Street is located in a R-1 (Single Family Residential) District.
2. The operation of a school/ private learning center in a R-1 District is considered a conditional use per Section [515-54-5.F](#) of the Code of Ordinances.
3. The proposed center will be used as a satellite location for elementary aged homeschool students of their former Montessori families to provide an applied learning and home economics environment.
4. The center must meet the following criteria as required by the aforementioned section of the Code:
 - a. The site accesses a major collector.
 - i. The center is adjacent to N 7th Street and located between Juniper and Kingwood Street. These roads are not major collectors, but they do accommodate any traffic in relation to the operation of the center.*
 - b. The site is landscaped in accordance with [Section 20](#) of the Zoning Code. According to Section 515-20-8.B A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes or is across an alley from land used or zoned for residential purposes.
 - i. The owners have applied for the construction of a 6' wood privacy fence that would screen their yard from the street and the neighboring property to the North. There is no required parking lot screening. The lot meets all other landscape requirements.*
 - c. Off-street parking is provided in accordance with [Section 22](#) of the Zoning Code

- i. The site has a parking area off the alley that is sufficient for staff. The students that attend the center do not have any parking needs.*
 - d. Off-street loading and service entrances are provided as regulated by [Section 23](#) of the Zoning Code.
 - i. The site does not receive large delivery shipments. Anything delivered to the site would be similar to the surrounding residential uses.*
 - e. Emergency vehicle access is provided to and within the site.
 - i. The site has emergency vehicle access from N 7th Street and the alley, which is sufficient for the lot size.*
- 5. Mr. Erfurth is currently working with the State of Minnesota for licensing and the Brainerd Building Official for occupancy and building codes. The center will have to meet all requirements from the State of Minnesota and from the City of Brainerd before operation.

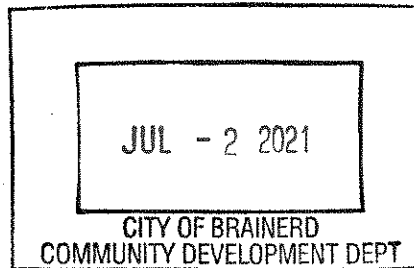
As of this writing, a number of parties have contacted the Community Development Department with questions about the project. The following concerns were discussed: number of students allowed on site, hardwired smoke alarms, ADA accessibility, and commercial building standards.

Staff Opinion

Staff recommends approval of the CUP application contingent upon meeting all requirements from the State of Minnesota and the City of Brainerd Building Official.

**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: _____

LAND USE APPLICATION**RESIDENTIAL****COMMERCIAL**

CONDITIONAL USE PERMIT ☐ (\$250.00)
 REZONING ☐ (\$300.00)
 VARIANCE ☐ (\$250.00)
 ZONING TEXT AMENDMENT ☐ (\$250.00)
 PLANNED UNIT DEVELOPMENT ☐ (\$250.00 +
 \$1,000.00 escrow deposit)

☒ (\$400.00 + \$500.00 escrow deposit)
☐ (\$500.00)
☐ (\$400.00 + \$500.00 escrow deposit)
☐ (\$400.00)
☐ (\$400.00 + \$1,000.00 escrow deposit)

PROPERTY ADDRESS:310 N 7th Street

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

Property Owner Name: James and April Erfurth

Street Address: 13216 Hwy 18 **City:** Brainerd **State:** MN **Zip Code:** 56401

Phone Number: 218-251-3506 **Fax:** _____ **E-mail:** jameserfurth@gmail.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: We are the owners of the Montessori school of Brainerd, and requesting to use the house as a satellite location for our private learning center for older elementary aged homeschool students of our former Montessori families. This is not a public tutoring center, but a private, members only, center, to provide an applied learning, home economics environment.

Property Owner Signature**Date**JAMES ERFURTH

(Please print name)

07/01/2021**Applicant Signature****Date**

(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that James and April Erfurth, owners of the Montessori School in Brainerd, have submitted a request on behalf of Life Lessons, Inc. for a Conditional Use Permit to operate a private learning center at 310 N 7th Street. This center will be used as a satellite location for elementary aged homeschool students of their former Montessori families to provide an applied learning and home economics environment.

*SI/2 OF LOT 17 BLOCK 76 AND ALL OF LOTS 18 THRU 20 INCLUSIVE BLOCK 76
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41241221
Section 24, Township 45, Range 31*

The property is zoned R-1 (Single Family Residential District), and Zoning Ordinance Section 54-5.F (Single Family Residential District) Conditional Uses permits the operation of public and private schools provided that they meet the required provisions as listed under 54-5.F

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, July 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 July 2021



David C. Chanski, MPA
Community Development Director

Publication Date: July 11th, 2021

MEMO



TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: July 21, 2021

RE: CUP – 210 NW 5th Street

Derrick Taylor has submitted a request on behalf of SeeHay LLC, 210 NW 5th St., Brainerd, MN 56401, for a Conditional Use Permit to operate an automobile dealership with associated mechanic shop.

Findings of Fact

1. 210 NW 5th Street is located in a B-4 (General Business) District.
2. The operation of an automobile dealership with associated mechanic shop in a B-4 District is considered a conditional use per Section [515-63-6.O](#) of the Code of Ordinances.
3. SeeHay LLC purchased two parcels that were previously owned by North Memorial Medical Center. Parcel # 41040723 contains the office, shop, and parking areas. Parcel #41040722 to the South is a vacant lot that the applicant is proposing an expansion for vehicle sales.
4. The business must meet the following criteria as required by the aforementioned section of the Code:
 - a. Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least fifteen (15) feet back from any street surface.
 - i. *The outdoor sales areas will meet the setback requirements. The proposed new sales area will be 15' back from the street surface. The road right-of-way extends approximately 19' from the curb. The existing rear sales area will consist of a concrete pad off the alley. The rear parking area is large enough to hold 8 cars and maintain a 5' setback from the alley. Sales will also occur inside the garage.*
 - b. Outdoor sales shall be physically defined on the site by surfacing, curbing, landscaping, or a fence barrier.
 - i. *The outdoor sales area will be defined by a new asphalt paved sales area and a rear concrete pad.*
 - c. The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.
 - i. *The boulevard will not be used as indicated by the site map.*

- d. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with [Section 20](#) of this Ordinance.
 - i. The proposed site is not adjacent to any residential uses.*
 - e. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with [Section 18](#) of this Ordinance.
 - i. The applicant is proposing two new pole lights for the sales area. The lights will be positioned in the interior portion of the sales lot.*
- 5. Automobile repair is considered an accessory use to Automobile Sales per [Section 2](#) of this Ordinance.
 - a. Automobile Sales. The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers or recreational vehicles including any major or minor automobile repair or service uses conducted as an accessory use.
- 6. The City Engineer must approve the parking plan and stormwater management plan prior to construction of the new asphalt sales area. The Community Development Department will review setbacks and lighting fixtures prior to installation.

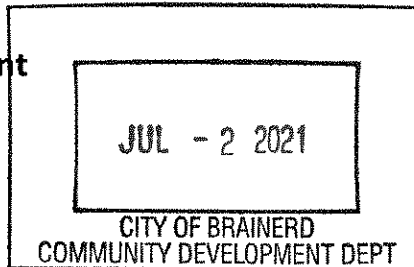
As of this writing, no parties have contacted the Community Development Department with questions about this proposal.

Staff Opinion

Staff recommends approval of the CUP application with the stipulation that the Engineering and Community Development Departments review the new sales lot design prior to construction.

**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: _____

LAND USE APPLICATION**RESIDENTIAL**

CONDITIONAL USE PERMIT ☐ (\$250.00)
 REZONING ☐ (\$300.00)
 VARIANCE ☐ (\$250.00)
 ZONING TEXT AMENDMENT ☐ (\$250.00)
 PLANNED UNIT DEVELOPMENT ☐ (\$250.00 +
 \$1,000.00 escrow deposit)

COMMERCIAL

☒ (\$400.00 + \$500.00 escrow deposit)
 (\$500.00)
 (\$400.00 + \$500.00 escrow deposit)
 (\$400.00)
 (\$400.00 + \$1,000.00 escrow deposit)

PROPERTY ADDRESS:

210 NW 5th Street Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): 9, 10, 11, 12 Block: 24 Addition: The Adjacent Vacated N-S Alley in Block 24 (see attachment)
 (attach description if lengthy)

Property Owner Name: Seeltay LLC

Street Address: 7305 Blue Heron Ln **City:** Nisswa **State:** MN **Zip Code:** 56468

Phone Number: 218-839-9771 **Fax:** _____ **E-mail:** taylor@derrick@hotmail.com

Applicant Name: (If different than Property Owner) Derrick P. Taylor

Street Address: 7305 Blue Heron Ln **City:** Nisswa **State:** MN **Zip Code:** 56468

Phone Number: 218-839-9771 **Fax:** _____ **E-mail:** taylor@derrick@hotmail.com

Description of Request: Retail Auto's and Service

[Signature]
 Property Owner Signature

7/2/21
 Date

Derrick Taylor
 (Please print name)

[Signature]
 Applicant Signature
Derrick Taylor
 (Please print name)

7/2/21
 Date

(OVER)



DISCLOSURE STATEMENT: COMPENSATION DISCLOSURE TO BUYER/TENANT

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form.
© 2019 Minnesota Association of REALTORS®, Edina, MN

1. Date June 29th, 2021

2. If Broker is receiving any compensation from a party other than Buyer/Tenant, relating to the property at
3. 210 NW 5th St Brainerd MN 56401
4. LOTS 9,10,11 AND 12 BLOCK 24 AND THE ADJACENT VACATED N-S ALLEY IN BLOCK 24 AS SHOWN ON DOC # 462374 AND EXCEPT THE N 20
5. the Broker hereby notifies Buyer/Tenant that the amount of compensation to be paid to Broker, excluding listing portion,
6. is: (Check all that apply.)

7. From Seller/Owner or their Broker ☒ 6 % of sale price.

8. ☒ \$ 100,000.00

9. ☐ _____

10. From Buyer/Tenant ☐ _____ % of sale price.

11. ☐ \$ _____

12. ☐ _____

13. I/We hereby acknowledge that I/we have received a copy of this Compensation Disclosure prior to signing a lease or
14. an offer to purchase the property.

15. Positive Realty
(Real Estate Company Name) (Date)

06/29/2021 5:41:53 AM CDT
(Buyer/Tenant) (Date)

16. BY: Patrick R. Buckley 06/29/2021
(License Representative or Assisting Buyer/Tenant) (Date)

(Address)

17. 15244 State Highway 371
(Address)

(City/State/Zip)

18. Baxter MN 56401-6810
(City/State/Zip)

taylorderrick@hotmail.com
(E-mail Address)

19. pbuckley347@gmail.com
(E-mail Address)

(Buyer/Tenant) (Date)

20. _____
(Address)

21. _____
(City/State/Zip)

22. _____
(E-mail Address)



COMMERCIAL PURCHASE AGREEMENT

This form approved by the Minnesota Association of REALTORS® and the Minnesota Commercial Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form.
© 2020 Minnesota Association of REALTORS®, Edina, MN

1. Page 1 Date June 28 2021

2. BUYER(S) is/are: Seeltay LLC , (Check one.)
3. ☐ individual(s); OR ☒ a business entity organized under the laws of the State of Minnesota .
4. SELLER(S) is/are: North Memorial Health Care , (Check one.)
5. ☐ individual(s); OR ☐ a business entity organized under the laws of the State of _____ .
6. Buyer's earnest money in the amount of _____
7. Five Thousand Dollars
8. (\$ 5,000.00) shall be delivered no later than two (2) Business Days after
9. Final Acceptance Date to be deposited in the trust account of: (Check one.)
10. ☒ listing broker; or
11. ☐ _____ ,
(Trustee)
12. within three (3) Business Days of receipt of the earnest money or Final Acceptance Date whichever is later.
13. Said earnest money is part payment for the purchase of property at _____
14. 210 NW 5th St _____ located in the
15. City/Township of Brainerd , County of Crow Wing ,
16. State of Minnesota, Zip Code 56401 , PID # (s) 09198024009Z009 & 09198024011Z009
17. _____
18. and legally described as follows LOTS 9,10,11 AND 12 BLOCK 24 AND THE ADJACENT VACATED N-S ALLEY IN BLOCK 24 AS SHOWN ON DOC # 462374 AND EXCEPT THE N 20
19. 0 FT OF THE N-S ALLEY IN BLOCK 24 AS SHOWN ON DOC #475410.
20. _____ (collectively the "Property")
21. together with the personal property as described in the attached *Addendum to Commercial Purchase Agreement:*
22. *Personal Property*, if any, all of which property the undersigned has this day sold to Buyer for the sum of:
23. Three Hundred Five Thousand
24. _____
25. (\$ 305,000.00) Dollars ("Purchase Price"), which Buyer agrees to pay in the following manner:
26. 1. **CASH** of 100 percent (%) of the sale price, or more in Buyer's sole discretion, which includes the earnest
27. money; PLUS
28. 2. **FINANCING** of _____ percent (%) of the sale price. Buyer shall, at Buyer's sole expense, apply for any
29. financing as required by this Purchase Agreement.
30. Such financing shall be: (Check one.) ☐ a first mortgage; ☐ a contract for deed; or ☐ a first
31. mortgage with subordinate financing, as described in the attached *Addendum to Commercial Purchase Agreement:*
32. ☐ **Conventional/SBA/Other** ☐ **Contract for Deed.**
------(Check one.)-----
33. **DUE DILIGENCE:** This Purchase Agreement ☐ IS ☒ IS NOT subject to a due diligence contingency. (If answer is IS,
34. see attached *Addendum to Commercial Purchase Agreement: Due Diligence.*)
35. **CLOSING:** The date of closing shall be July 28 2021 .

MNC:PA-1 (8/20)



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Derrick Taylor has submitted a request on behalf of SeeHay LLC, 210 NW 5th St., Brainerd, MN 56401, for a Conditional Use Permit to operate an automobile dealership with associated mechanic shop. The property is legally described as:

*LOTS 9 AND 10 BLOCK 24 AND THE ADJACENT VACATED N-S ALLEY IN
BLOCK 24 AS SHOWN ON DOC # 462374 AND EXCEPT THE N 200 FT OF
THE*

*LOTS 11 AND 12 BLK 24 & ADJ VAC N-S ALLEY IN BLK 24 AS SHOWN ON
DOC #462374*

P.I.N. 41040723

P.I.N. 41040722

Section 4, Township 133, Range 28

The property is zoned B-4 (General Business District), and Zoning Ordinance Section 63-6.B & O (General Business District) Conditional Uses permits the operation of auto dealerships and automobile and truck repair shops provided that they meet the required provisions as listed under 63-6.B & O. 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, July 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 July 2021



David C. Chanski, MPA
Community Development Director

Publication Date: July 11th, 2021