

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, April 20, 2022 @ 6:00pm

The public is invited to attend this meeting in person

Attend by phone: 1-844-992-4726 Meeting Access Code: 2490 401 0447

Meeting is also streamed live on YouTube: www.youtube.com/CityOfBrainerdMN

1. Call To Order

2. Roll Call

___ T. Erickson ___ D. Gorham ___ M. Kallroos
___ T. Woodward ___ K. Yeager ___ M. Duval ___ Vacant

3. Pledge Of Allegiance

4. Approval/Amendment Of Agenda

5. Approval Of Minutes

1. Regular Meeting Held on March 16, 2022.

Documents:

[2022-03-16 DRAFT.PDF](#)

6. New Business

6.a. Rezoning - 1005 S. 6th St.

Documents:

[REZONING - 1005 6TH ST S.PDF](#)

6.b. Interim Use Permit For Short Term Rental - 1005 S. 6th St.

Documents:

[IUP - 1005 6TH ST S.PDF](#)

6.c. Conditional Use Permit For Auto Body Shop - 124 8th Ave NE

Documents:

[CUP - 124 8TH AVE NE.PDF](#)

6.d. Variance From Lot Split Standards - PID 41290732

Documents:

[VARIANCE - PID 41290732.PDF](#)

7. Old Business

7.a. Review Of Council Objections To Proposed Zoning Code

Documents:

[REVIEW OF COUNCIL OBJECTIONS TO PROPOSED ZONING CODE.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, March 16, 2022
6:00 pm

#1 Call to Order

Planning Commission Chair Duval called the meeting of the Brainerd Planning Commission to order at 6:00 pm in the City Hall Council Chambers.

#2 Roll Call

Noted present were Commissioners Woodward, Erickson, Yeager, Gorham, and Duval. Commissioner Kallroos was noted as absent. Also noted as present was Community Development Director Chanski. Swanson Haskamp Consultant Jennifer Haskamp attended in person and Consultant Michael Lamb joined the meeting remotely.

#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 ERICKSON, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES FROM THE FEBRUARY 16, 2022 REGULAR MEETING AND THE FEBRUARY 23, 2022 WORKSHOP.

#6 Old Business

6a. Public Hearing and Recommendation for the Proposed Zoning Code and Zoning Map

Community Development Director Chanski announced the final draft of the zoning code has now been completed after fifteen months of work. He indicated Ms. Haskamp will be giving a review of the code by section, highlighting the changes.

Ms. Haskamp stated she is excited to be here to deliver a finished product. She reviewed the schedule, an outline of the Zoning Code with key changes and updates.

- 515-1. TITLE (515-1-1 through 515-7). No significant changes
- 515-2. ZONING DISTRICTS (515-2-1 through 515-2-21). Full Re-write
- 515-3. ALLOWED USES (515-3-1 through 515-3-16, and Appendix A). New Table, modifications to sections
- 515-4. General Building, Development, and Design Standards (515-4-1 through 515-4-13). Update and Revise
- 515-5. Rules and Administration. Reorganization, significant changes to PUD.

- 515-6. Rules and Definitions (515-6-1 through 515-6-3). Reorganization, new definitions

Swanson Haskamp Consulting showed a video they created for the rewrite of the Zoning Code.

The Chair opened the public hearing at 6:34 p.m.

The Chair recognized Vicky Kinney, Lakeshore, who disagrees with the requirement of a garage in the building standards. She said she would suggest it be changed to require a storage building instead for flexibility, especially for small or tiny homes.

The Chair recognized Mike Murphy, 8371 Greenwood Rd., Baxter, who expressed his displeasure in the restrictions he has experienced on a recent project to construct a garage.

Commissioner Duval asked Community Development Director Chanski and Ms. Haskamp to explain the section on garages. A variance would need to be applied for to eliminate the garage requirement. However, a variance cannot be granted for “use” of the property, only for dimensional limitations.

Commission discussion took place.

The Chair closed the public hearing at 6:59 p.m.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING CODE AND ZONING MAP AS PRESENTED.

Community Development Director Chanski explained this will go to the City Council for a first ordinance reading on Monday, March 21st. He stated if approved, it will then be at the April 4th City Council meeting for the second ordinance reading and consideration for adoption. There is a one week waiting period prior to a second reading, thus making the Zoning Code effective April 11, 2022.

#7 New Business

7a. Interim Use Permit for Commercial Greenhouse

Community Development Director Chanski gave a brief review of the application from Steven Zelinske, owner of Yesterday's Gone, to construct a commercial greenhouse using a double layer 6 mil. flexible rolled material. He explained that commercial greenhouses were approved in 2020 but it did not allow the rolled material. He said the topic of rolled material went before the City Council on March 7, 2022 at the request of Mr. Zelinske, which was approved at that meeting. He stated this would be for approval of the Interim Use Permit to allow the commercial greenhouse, which will be in use year-round.

The Chair opened the public hearing at 7:19 p.m.

The Chair recognized Steven Zelinske, 15965 CR 25, who asked what the next step would be if the City Council does not adopt the Zoning Code. Community Development Director

Chanski indicated that the current code would still be in place, and the rolled material would not be permitted.

The Chair recognized Mike Murphy, 8371 Greenwood Rd., Baxter, indicated he has a similar material on a structure that is not permitted, and he feels it should be.

The Chair closed the public hearing at 7:23 p.m.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO CONSTRUCT A COMMERCIAL GREENHOUSE AT YESTERDAY'S GONE BAR AND RESTAURANT, CONTINGENT UPON THE APPROVAL OF THE ZONING CODE AND ZONING MAP BY THE CITY COUNCIL.

7b. Interim Use Permit for Short Term Rental

Community Development Director Chanski gave a review of the application and details of a request submitted by Ms. Kelly Woodman for an Interim Use Permit to operate a short-term rental at 704 Fir Street.

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

The Chair recognized Kelly Woodman, 2431 Cottagewood Dr., Nisswa, who stated she would like to use her property for short-term rental opportunities versus a single-family rental.

The Chair closed the public hearing at 7:48 p.m.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND ERICKSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT SUBMITTED BY KELLY WOODMAN TO OPERATE A SHORT-TERM RENTAL AT 704 FIR STREET UPON THE REINSPECTION BY THE BUILDING INSPECTOR AND FIRE MARSHAL AND UNDER THE CONDITION THE TERM OF OPERATION MUST COMPLY WITH THE ZONING CODE IN EFFECT AT THAT TIME AND IN THE EVENT OF A LAPSE OF RENTAL LICENSING WOULD PROMPT CITY STAFF TO CONTACT THE PROPERTY OWNER.

#8 Public Forum

The Chair opened the public forum at 7:58 p.m.

No one came forward.

The Chair closed the public forum at 7:59 p.m.

#9 Community Development Director's Report

Community Development Director Chanski gave the following updates:

- Ordinance No. 1527 First Reading of the Zoning Code will go to the City Council March 21st – Second reading will be held April 4th
- Ordinance No. 1524 First Reading to amend Section 320 Administrative Citations will go to the City Council March 21st – Second reading will be held April 4th

- Ordinance No. 1525 First Reading to repeal and replace Section 425 Rental Housing Maintenance Code will go to the City Council March 21st – Public hearing and second reading to be held April 4th
- Ordinance No. 1526 First Reading to repeal and replace Section 450 Property Maintenance Code will go to the City Council March 21st - Second reading to be held April 4th

#10 Commissioner's Questions/Comments

None

#11 Adjourned at 8:05 p.m.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND ERICKSON, DULY CARRIED, TO ADJORN.

Michael Duval, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Rezoning – 1005 S. 6th St.

Rick Badeaux has submitted a rezoning request for the property at 1005 S 6th St. The applicant proposes a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District. The purpose of the rezoning is to allow the applicant to apply for an Interim Use Permit to operate a short term rental at 1005 S 6th St.

Findings of Fact

1. 1005 S 6th St. is currently located in a B-2 (Neighborhood Business) District. The B-2 District does not allow short-term rentals. The applicant proposes to rezone this parcel from a B-2 District to a R-2 (Medium Density Residential) District. Per section [515-56-4.A](#) of the Zoning Code, short term rentals are an Interim Use in the R-2 District.
 - a. 1005 S 6th St. will be located in TN-2 (Traditional Neighborhood 2) District upon adoption of the proposed zoning code and zoning map. Short term rentals will also be an Interim Use in the TN-2 District. The applicant approached staff about adding a short term rental designation to this property in December of 2021. At that time the City of Brainerd had a moratorium in place for Zoning Code changes and rezonings of the Zoning Map. The applicant was unable to apply for an interim use to operate a short term rental at 1005 S 6th St because the B-2 District does not allow for that use. We did inform the applicant in March of 2022 that his parcel was proposed to be rezoned TN-2 which allows for short term rentals as an interim use. After City Council chose not to make a motion to adopt the new proposed zoning code and zoning map on April 4th, 2022, the applicant asked staff what the options were for the property. The options for the property were to wait for City Council to approve the revisions of the proposed new zoning code and zoning map or apply for a rezoning and interim use under the current Zoning Code. Since there is no longer a moratorium in place, the applicant would like to expedite the short-term rental process through the rezoning request.
2. Per section 515-61-1 of the Zoning Code the purpose of the B-2 District is to provide for areas that are a mix of residential uses and limited, convenient, office and retail businesses that serve nearby residential neighborhoods.
3. Per section 515-56-1 of the Zoning code the purpose of the Medium Density Residential District is to provide for low to medium density housing through the mixture of one and two unit dwellings and medium density multiple family dwellings as well as directly related complementary uses.

4. The property located at 1005 S 6th St. is a registered 4 unit rental with the City of Brainerd and does not contain any commercial uses. Four-unit dwellings are a permitted use in the R-2 District per section 515-56-2.C of the Zoning Code and also aligns with the purpose and intent of the R-2 district.
5. For multifamily housing, the lot width minimum standard of 100 feet and lot size requirement of 2,200 square feet per unit are identical for the B-2 District & R-2 District. A non-conformity in lot width and lot size would not be added to the property as part of the proposed rezoning.
6. The front yard, side yard, and rear yard setbacks are identical for residential uses in the B-2 District and R-2 District.
7. The B-2 District Zoning Code requirements do not list an impervious surface limit and is therefore regulated by the City Code for stormwater management. The R-2 district has an impervious surface limit of sixty percent for residential uses per section 515-56-10.A of the Zoning Code. The applicant has not proposed any additional impervious surface on the property.
8. The adjacent properties to the north and south of 1005 S 6th St. are currently zoned B-2. The adjacent properties located east on the same block are zoned R-2.

As of this writing, one party has contacted the Community Development Department with concerns about the Interim Use Permit application for the operation of a short term rental that is contingent upon this rezoning. The party did not directly voice a concern to the rezoning.

Staff Opinion

Staff recommends approval of rezoning 1005 S 6th Street from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District. This proposed rezoning for 1005 S 6th Street does not impact the current use on the property and will not impact the future proposed zoning designation for this property.



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)

☐ (\$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)

PLANNED UNIT DEVELOPMENT

☐ (\$250.00 +
\$1,000.00 escrow deposit)

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

PROPERTY ADDRESS: 1005 S 6th street

LEGAL DESCRIPTION: Lot(s): 15&16 Block: 269 Addition: Lots 15 and 16 block 269 and N 12 1/2 ft of lot 17
(attach description if lengthy)

Property Owner Name: Rick Badeaux

Street Address: 19868 159th st City: elk river State: mn Zip Code 55330

Phone Number: 7636071523 Fax: _____ E-mail: propertylogick@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 requesting consideration to switch our current property from a B2 to a R2 zoned property.

This will allow us to open one of our 4 units into a short term rental property through the IUP process

04/04/2022

Property Owner Signature

Date

Rick Badeaux

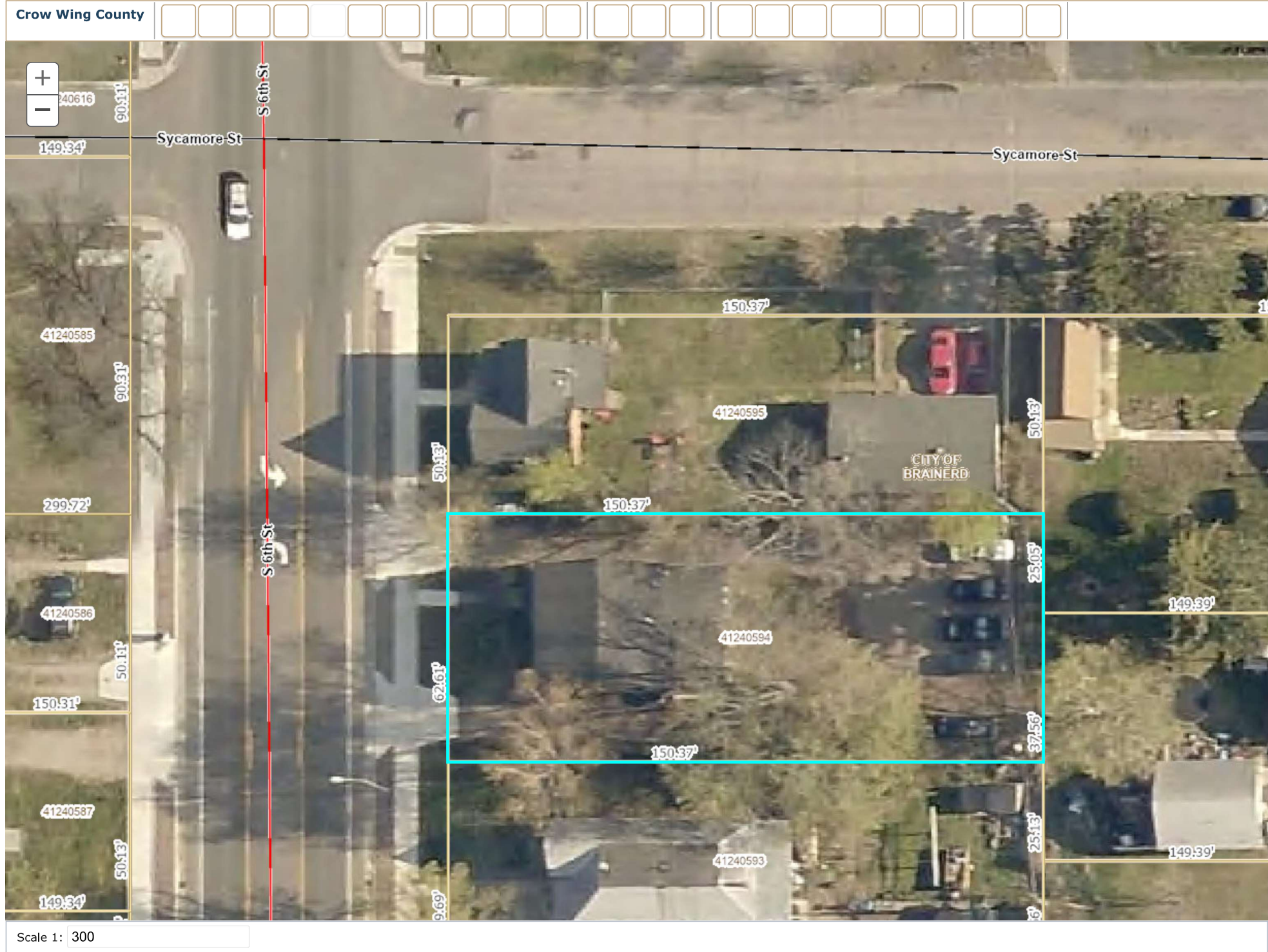
(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Rick Badeaux has submitted a request for a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District at 1005 S 6th St. The applicant has also submitted a request for an Interim Use Permit to operate a short term rental at 1005 S 6th St. The property included in this application is described as:

*LOTS 15 AND 16 BLOCK 269 AND N. 12 1/2 FT OF LOT 17 BLOCK 269
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240594
Section 24, Township 45, Range 31*

The property is zoned B-2, which does not allow for the operation of short term rentals. The applicant has requested a rezoning to R-2, which permits the operation of short term rentals as an Interim Use. Zoning Code Section 515-56-4(A): Interim Uses permits the operation of short term rentals provided that they meet the required provisions as listed under 56-4(A). Information on the proposed short-term rental 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 20, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the rezoning & Interim Use Permit request.

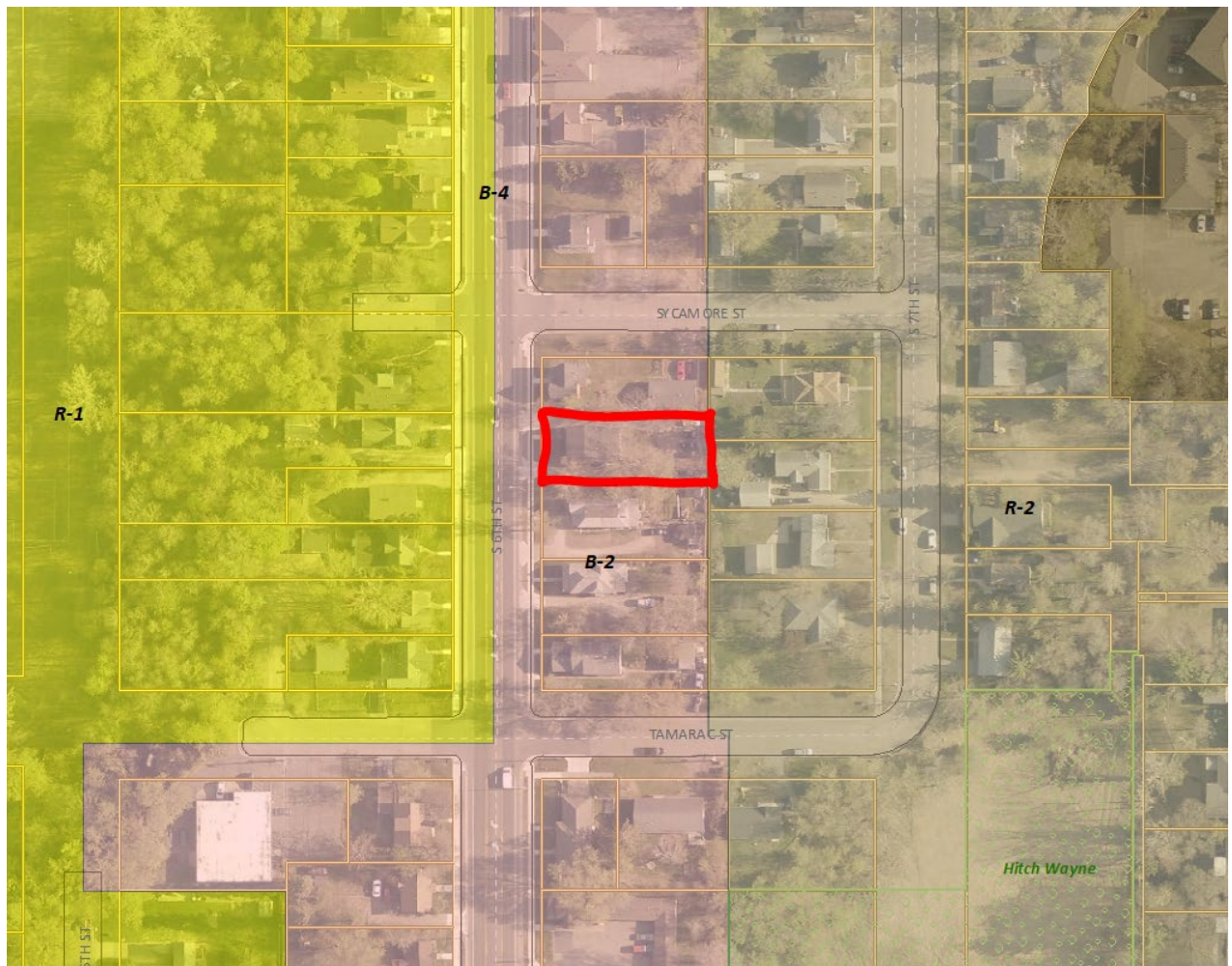
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022



MEMO



TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Interim Use Permit for Short Term Rental – 1005 S. 6th St.

Rick Badeaux has submitted a request for an Interim Use Permit to operate one short term rental in a 4-unit rental building at 1005 S 6th St.

Findings of Fact

1. 1005 S 6th St. is currently located in a B-2 (Neighborhood Business) District. The B-2 District does not allow short-term rentals. In addition to the request for an Interim Use Permit to operate a short term rental, the applicant has also applied to rezone this parcel from a B-2 District to a R-2 (Medium Density Residential) District. An approval of the Interim Use Permit would be contingent upon approval of rezoning this parcel to a R-2 District.
 - a. 1005 S 6th St. will be located in TN-2 (Traditional Neighborhood 2) District upon adoption of the proposed zoning code and zoning map. Short term rentals will also be an Interim Use in the TN-2 District. The applicant would like to expedite the short-term rental process through the rezoning request since the proposed zoning code and map has been sent back to Planning Commission for revisions.
2. The operation of a short-term rental requires an Interim Use Permit in a R-2 District per section [515-56-4.3](#) of the Code of Ordinances.
3. Short-term rentals must comply with the following minimum standards: as required by the aforementioned section of the Code:
 - a. The minimum rental period shall not be more than 28 consecutive nights.
 - i. *The applicant is requesting the use of one unit as a short term rental at any one time. The applicant understands that he must inform staff which unit is being used as a short-term rental and all required inspections must be completed.*
 - b. The permit holder (owner) of a short term rental must apply for and receive an interim use permit. Owner occupied dwellings that are also short term rentals do not require an interim use permit.
 - i. *This is not an owner-occupied dwelling and therefore requires an interim use permit to operate as a short term rental.*
 - c. The application for an interim use permit shall include:
 - i. All information required for a conditional use permit.
 1. *This requirement in the current zoning code has been removed in the proposed zoning code because the submittal list in the short-term rental section is very detailed. All required information in the proposed zoning code has been submitted by the applicant.*
 - ii. Floor plan of the structure(s), including the number of bedrooms with

dimensions and all other sleeping accommodations.

1. *The proposed zoning code does not require a floor plan. However, the applicant must state the number of bedrooms with dimensions and all other sleeping accommodations. The applicant has provided the following information regarding the bedrooms to be made available for rent:*
 - a. *Unit 1: 1 Bedroom - 144 sq. ft.*
 - b. *Unit 2: Studio – 436 total sq. ft.*
 - c. *Unit 3: Studio – 360 total sq. ft. (Proposed short-term rental)*
 - d. *Unit 4: 2 Bedrooms - 100 sq. ft. for each bedroom*
 - i. *Section 404.4.1 of the International Property Maintenance Code states that “every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof.”*
- iii. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shoreland recreational facilities.
 1. *A GIS map of the property has been included as an additional document as well as a drawing from the applicant.*
- iv. A plan for garbage disposal by the permit holder.
 1. *The applicant states that the short term rental rule is that garbage should be put out on the day of collection or if needed not to be put out before 6:00 PM at night the day before. Expectations are that the garbage bin is returned to the side of the house the same day as collection.*
- v. A pet policy.
 1. *The applicant indicates there will be a NO PET policy.*
- d. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short term rental unit.
 - i. *The applicant will verify with City staff that emergency contact information and the location of fire extinguishers has been posted for renters prior to occupancy.*
- e. A permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder shall notify all property owners within 100' of the property boundary within 10 days of a change in the managing agent or local contact's contact information.
 - i. *The proposed zoning code will require that the managing agent's contact information is accessible to the public at all times on the City of Brainerd website.*
- f. A permit holder must disclose in writing to their renters the following information:
 - i. The managing agent or local contact's name, address, and phone number.
 1. *The applicant indicates that this information would be provided through the booking website.*
 - ii. The maximum number of guests allowed at the property

1. *The applicant must indicate the occupancy of the short term rental which will be determined by the occupancy stated in the rental code.*
- iii. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked.
 1. *The applicant indicates that there will be two off street parking spots available for the short term rental.*
- iv. Property rules related to use of exterior features of the property, such as decks, patios, grills, pools, hot tubs, saunas, recreational fires, and other outdoor recreational facilities.
 1. *The applicant indicates that there are no outdoor structures or recreational areas.*
- v. Applicable sections of city ordinances governing noise, parks, parking and pets.
 1. *The proposed zoning code will require the applicant to inform their guests of city ordinances. City ordinances pertaining to vehicles, garbage, noise, and pets have been included in section 515-3-34 Short Term Rentals.*
- g. The occupancy of a short term rental shall be limited to not more than 2 people per bedroom.
 - i. *The proposed zoning code allows for a maximum of 3 occupants per bedroom.*
 - ii. *Per Section 404.4.1 of the International Property Maintenance Code, the maximum occupancy per unit under the proposed zoning code would be:*
 1. *Unit 1 – 2 persons*
 2. *Unit 2 – 2 persons*
 3. *Unit 3 – 2 persons*
 4. *Unit 4 – 2 persons*
- h. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.
 - i. *The rooms used for sleeping have been inspected by the housing inspector for occupancy, egress, and smoke detectors as part of the rental inspection process. The home was inspected for a rental license on 03/24/21 and passed all building and rental code requirements.*
- i. The short term rental shall be connected to city sewer and water.
 - i. *The house is connected to city sewer and water.*
- j. A short term rental shall have a full bathroom (sink, toilet and tub or shower).
 - i. *Each unit has a full bathroom.*
- k. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
 - i. *The applicant is not proposing the use of any recreational vehicles, tents, accessory structure, or fish houses for occupancy.*
- l. The permit holder shall provide a physical visual demarcation of the property lines.
 - i. *This will not be a requirement in the proposed zoning code. The applicant indicates that there is a fence on the north property line.*
- m. The permit holder shall keep a report, detailing use of the short term rental by recording the full name, address, phone number and vehicle license number of

guests using the rental. A copy of the report shall be provided to the planning department upon request.

- n. A short term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the fire marshal.
 - i. *The property was licensed as a rental on 05/07/2021 with license number CR2021-000564.*
- o. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- p. A permit holder must post their permit number on all print, poster or web advertisements.
- q. A permit holder must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.
 - i. *The applicant understands this provision and must show proof prior to occupancy.*
- r. In addition to an interim use permit, short term rentals rented for less than 7 days are considered a hotel and are required to have a Minnesota department of health license.
 - i. *The proposed zoning code requires the applicant to contact the Minnesota Department of Health about lodging license requirements. The applicant understands this provision and must show proof prior to occupancy.*

As of this writing, one party has contacted the Community Development Department with concerns about the Interim Use Permit.

Staff Opinion

Staff recommends approval of this Interim Use Permit for one short term rental unit conditional on reinspection by the Building Inspector and Fire Marshall and the Interim Use Permit complies with all provisions of the adopted Zoning Code. Additionally, staff recommends that the applicant be allowed to change which unit in the building is used as a short term rental upon notification of staff and reinspection by the Building Inspector and Fire Marshall. Only one unit may be advertised as a short term rental at any given time.

Rick Badeaux

19868 159th St.

Elk River, Mn 55330

763-607-1523

ahklar@yahoo.com

latest time available

04/05/2022

City of Brainerd

City Planning Department

501 laurel Street

Brainerd, MN 56401

Dear City of Brainerd:

Please accept the following as our request for an IUP with the city of Brainerd. We currently have a 4 unit building at 1005 S 6th street in Brainerd. We are looking to get approved to allow for a short-term rental unit to go along with our three long term rental units.

This request requires zero structural changes outside of cosmetic changes both inside and outside of the 1 unit.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Badeaux", with a long horizontal line extending to the right.

Rick Badeaux



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: _____

INTERIM USE PERMIT

Application Form (residential - \$250.00 / commercial - \$500.00 + \$500.00 escrow deposit)

(This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit*: 1005 S 6th street Brainerd MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow short term rentals Allowed WITH only 1 Being a Short Team Rental and Three Being Long Term Rentals

_____ at the property address listed above until the date of indefinitely

Legal Description (attach, if lengthy): Lot 15+16 Block 269 Addition _____

LOTS 15 and 16 Block 269 and N. 12 1/2 ft of Lot 17
Block 269

Property Owner: Rick Badeaux

Address: 19868 159th st Elk River MN 55330
(Street) (City) (State) (Zip)

Contact Information #: 763-607-1523

(Home)

(Fax)

(Business)

propertylogick@gmail.com

(E-mail)

Applicant: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)

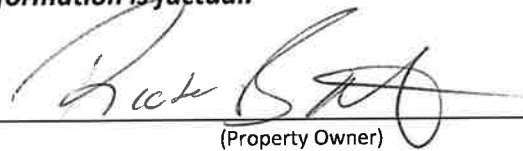
(Fax)

(E-mail)

This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

Obtaining this *Interim Use Permit* does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, MnDOT access permits, etc.

I (We) certify that I (we) have submitted all the required information to apply for an Interim Use Permit and that the information is factual.

Signed by:  Date: 04/04/2022
(Property Owner)

Rick Badeaux
(Property Owner-Please print Name)

(Applicant-If different than owner) Date: _____

(Applicant - Please print name)

Interim Use Permit Supporting Information

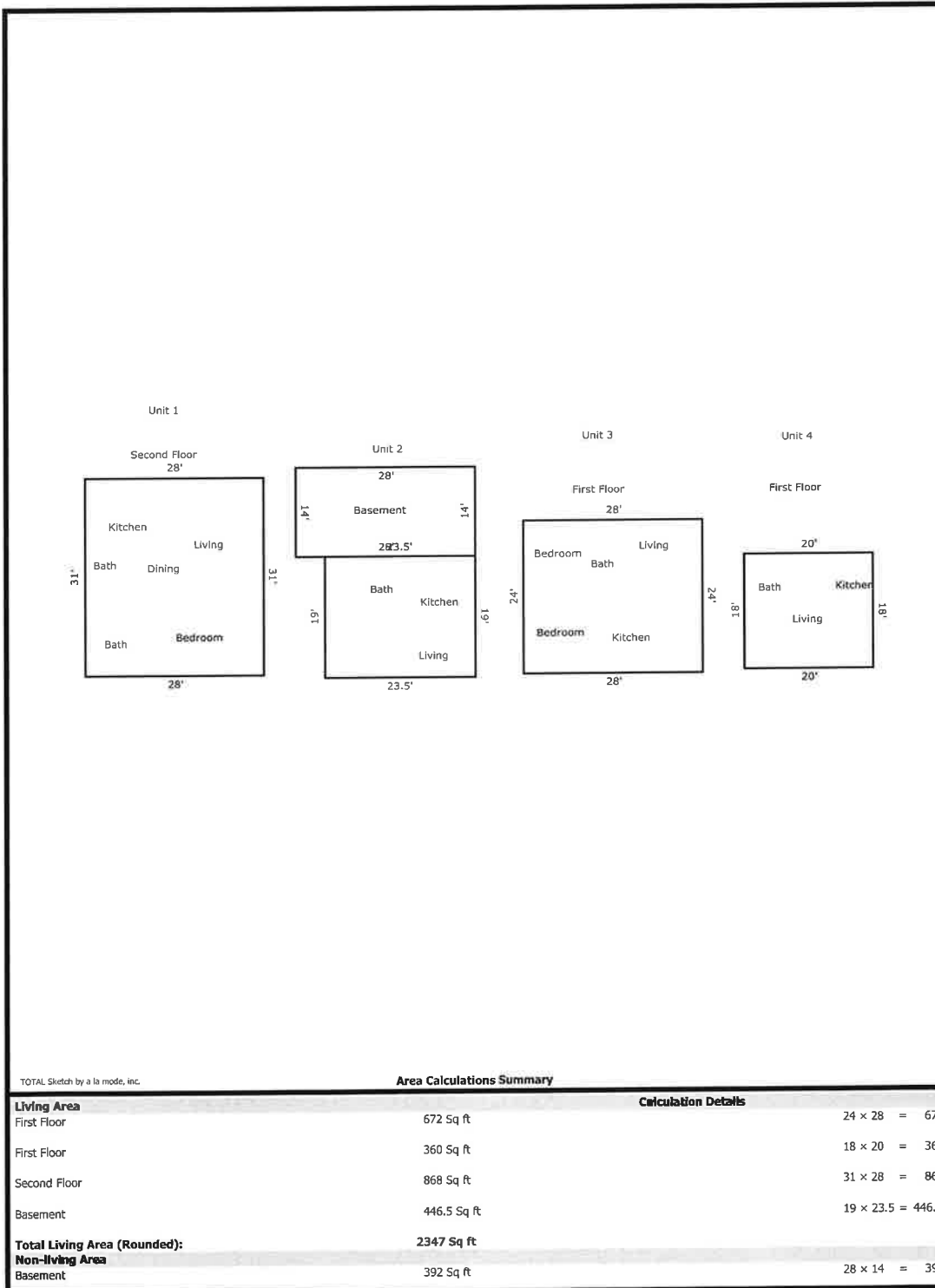
The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an *Interim Use Permit*, the applicant must address each of the "*Criteria*", referred to in Section 515-6-1 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 6-14 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)

Building Sketch

Borrower	Richard Badeaux				
Property Address	1005 S 6th St				
City	Brainerd	County	Crow Wing	State	MN Zip Code 56401
Lender/Client	Goldwater Bank, N.A.				



1005 S 6th St.

Dimensions

The number of bedrooms with dimensions for each unit?

- 1) **Unit 1** 1 bedroom 144 SF, and 2 bathrooms
- 2) **Unit 2** – Studio, 1 bathroom – 436 SF of total space
- 3) **Unit 3** – Studio, 1 bathroom – 360 SF total space (Airbnb)
- 4) **Unit 4** 2 bedrooms, each 100 SF, and 1 bathroom

Please list each unit's number of full bathroom units?

- 1) **Unit 1** 2 bathrooms
- 2) **Unit 2** 1 bathroom
- 3) **Unit 3** 1 bathroom
- 4) **Unit 4** 1 bathroom

Does every unit have a full kitchen? – Yes

Parking and Recreation

- There are 2 off street parking spots available for the Airbnb unit
- All accessory structures and outdoor recreational features available for guest use? – no outdoor structures or recreational areas.

Regulations and Rules

A pet & garbage policy specifically (pet, garbage, noise, and parking policies have to meet at a minimum the City Code Standards outlined in the attached document)

- 1) The Airbnb unit does not allow for pets.
- 2) The Airbnb unit rules state that Garbage should be put out on the day of collection or if needed not to be put out before 6:00 PM at night the day before. Expectations are that the garbage bin is returned to the side of the house the same day as collection.
- 3) Noise limits are enforced between 10:00 PM and 7:00 AM

Local Property Manager

Lori Badeaux

712 N 6th Street Brainerd Mn, 56401

218-330-2356



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Rick Badeaux has submitted a request for a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District at 1005 S 6th St. The applicant has also submitted a request for an Interim Use Permit to operate a short term rental at 1005 S 6th St. The property included in this application is described as:

*LOTS 15 AND 16 BLOCK 269 AND N. 12 1/2 FT OF LOT 17 BLOCK 269
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240594
Section 24, Township 45, Range 31*

The property is zoned B-2, which does not allow for the operation of short term rentals. The applicant has requested a rezoning to R-2, which permits the operation of short term rentals as an Interim Use. Zoning Code Section 515-56-4(A): Interim Uses permits the operation of short term rentals provided that they meet the required provisions as listed under 56-4(A). Information on the proposed short-term rental 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 20, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the rezoning & Interim Use Permit request.

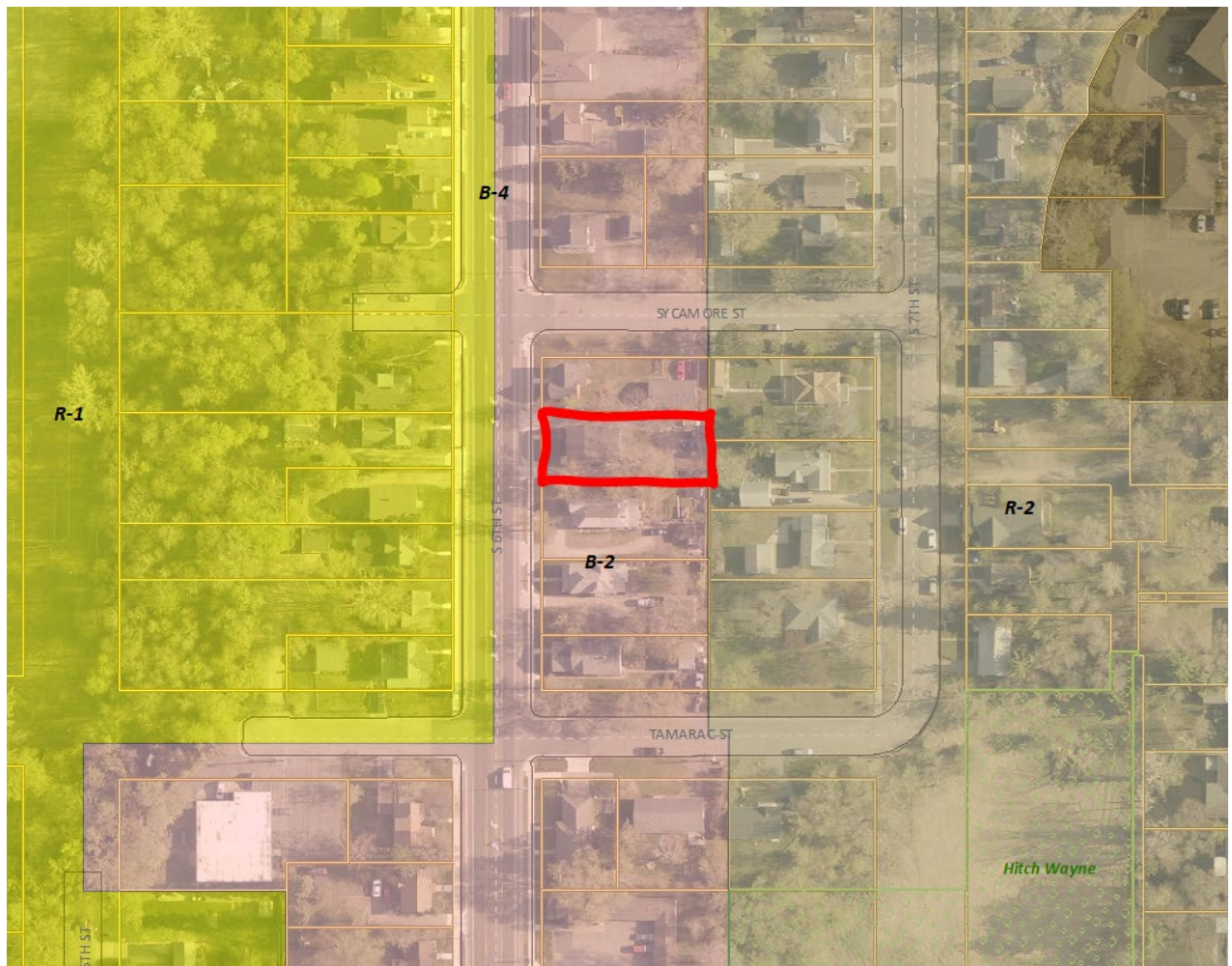
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022



MEMO



TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Conditional Use Permit for Auto Body Shop - 124 8th Ave NE

Jesse Hopkins has submitted a request on behalf of Shannon's Auto Body at 124 8th Ave NE (PID 41190512) for a Conditional Use Permit to operate an auto body shop in the B-4 (General Business) District.

Findings of Fact

1. 124 8th Ave NE is located in B-4 (General Business) District. The operation of an auto body shop in a B-4 District requires a Conditional Use permit per Section [515-63-6.B](#) of the Zoning Code provided that it meets the following criteria.
 - a. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.
 - i. The entire parking surface in an improved surface. The parking area does not have a perimeter curb barrier but will be subjected to review by the City Engineer as part of the building permit submittal. The applicant is not proposing any changes to the existing parking lot.*
 - b. All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
 - i. The Building Official and City Engineer will review the paint booths as part of the building permit submittal and will ensure that it meets all MPCA regulations.*
 - c. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.
 - i. The Building Official will review mitigation measures for odor emissions as part of the building permit review and ensure that it meets all MPCA regulations.*
 - d. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
 - i. The Fire Marshall will review the storage of flammable liquids and rags and ensure that it meets the provisions of the Minnesota Uniform Fire Code.*

- e. All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.
 - i. *The applicant is proposing to screen any inoperable vehicles awaiting repair behind a chain link fence with privacy slats. The screened areas are depicted on the attached site plan.*

As of this writing no one has contacted the Community Development Department with concerns about the Conditional Use Permit application for the proposed auto body shop.

Staff Opinion

Staff recommends approval of the Conditional Use Permit for the operation of an auto body shop at 124 8th Ave NE (PID 41190512).



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)	☒ (\$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)
PLANNED UNIT DEVELOPMENT	☐ (\$250.00 + \$1,000.00 escrow deposit)	☐ (\$400.00 + \$1,000.00 escrow deposit)

PROPERTY ADDRESS: 124 8th Ave.

LEGAL DESCRIPTION: Lot(s): 3 Block: 1 Addition: Bakken's Addition
(attach description if lengthy)

Property Owner Name: Shannon's Auto Body

Street Address: 13540 Ironwood City: Brainerd State: MN Zip Code: 56401
Phone Number: 218-829-6764 Fax: E-mail: shannon@shannonsautobody.com

Applicant Name: (If different than Property Owner) Nor-Son, Inc.

Street Address: 7900 Hastings Rd. City: Baxter State: MN Zip Code: 56425
Phone Number: 218-851-6766 Fax: E-mail: jesse.hopkins@nor-son.com

Description of Request: Convert existing building to Auto Body Repair Shop.

Gut interior remodel, building exterior upgrades, and limited site improvements (fencing and parking lot striping).

Property Owner Signature

Shannon Christian

(Please print name)

3/22/22
Date

Applicant Signature

Jesse Hopkins

(Please print name)

3/25/22
Date

(OVER)

PARKING SUMMARY: TABLE 1106.1 (BRAINERD CITY CODE - VERIFY WITH LOCAL JURISDICTION)

EXISTING PARKING STALLS = XX
PROPOSED NEW STALL = 130
TOTAL NUMBER OF STALLS REQUIRED= 2 PER SERVICE BAY (43) + 1 PER EMPLOYEE = 128 PARKING STALLS
TOTAL NUMBER OF STALLS PROVIDED = 130
TOTAL NUMBER OF H.C. STALLS REQUIRED: XX
TOTAL PARKING SPACES PROVIDED IN PARKING FACILITY (RANGE: 76 to 100) = XX
TOTAL NUMBER OF H.C. STALLS PROVIDED = 1
TOTAL NUMBER OF H.C. VAN STALLS REQUIRED: XX
TOTAL NUMBER OF H.C. VAN STALLS PROVIDED = 1

SITE & LANDSCAPE LEGEND

- PARKING LAMP
- CONIFEROUS:
BASE: 4'-0" MINIMUM HEIGHT
FRONTAGE: 6'-0" MINIMUM HEIGHT
SPRUCE AT AREAS OF SCREENING
- DECIDUOUS:
2" MINIMUM DIAMETER
- SHRUB:
3 GALLON MINIMUM ROOT BALL
- EXISTING TREES TO REMAIN:



© 2020 Nor-Son, Inc. All rights reserved.

SHANNON'S AUTO BODY

124 8TH AVE
BRAINERD, MN 56401

PRELIMINARY

PRINTED: 3/25/2022 1:04:12 PM

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

PROJECT NUMBER: 3905
ISSUED:

REVISION	DATE

ARCHITECTURAL SITE
PLAN

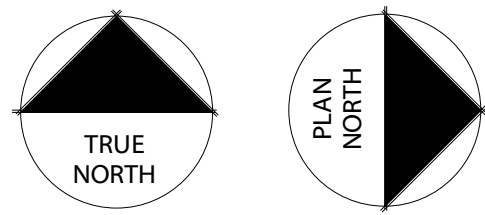
A001

STATE TRUNK HIGHWAY NO. 25

TENTH STREET

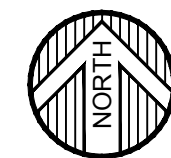
STATE TRUNK HIGHWAY NO. 25

2 ARCHITECTURAL SITE PLAN
A001 1" = 20'-0"



CERTIFICATE OF SURVEY

LOT 3, BLOCK 1,
BAKKEN'S ADDITION,
SECTION 19. TOWNSHIP 45, RANGE 30,
CROW WING COUNTY, MINNESOTA



0 30 60
SCALE (IN FEET)

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

ELEVATIONS ARE BASED ON THE NORTH
AMERICAN VERTICAL DATUM OF 1988

BENCHMARK IS THE TOP NUT OF A FIRE
HYDRANT ON THE NORTH SIDE OF THE
ENTRANCE TO THE WEST
ELEV=1208.12

- = DENOTES FOUND IRON MONUMENT
- = DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS # 41643
- ≡ = DENOTES WETLAND
- ⊙ = DENOTES SIGN
- ⊙ = DENOTES GUARD POST
- = DENOTES STORM CATCH BASIN
- ⊙ = DENOTES STORM MANHOLE
- ⊙ = DENOTES SANITARY MANHOLE
- ⊙ = DENOTES FIRE HRDRANT
- ⊙ = DENOTES CULVERT APRON
- ⊙ = DENOTES LIGHT POLE
- ⊙ = DENOTES ELECTRIC TRANSFORMER
- ⊙ = DENOTES GAS METER
- ⊙ = DENOTES TELEPHONE PEDESTAL
- ⊙ = DENOTES TELEPHONE MANHOLE
- ⊙ = DENOTES ELECTRIC METER
- ⊙ = DENOTES DECIDUOUS TREE
- ⊙ = DENOTES GENERATOR
- UGT — = DENOTES UNDERGROUND TELEPHONE
- UGE — = DENOTES UNDERGROUND ELECTRIC
- = DENOTES WATER LINE
- FOC — = DENOTES UNDER GROUND FIBER OPTIC CABLE
- > — = DENOTES UNDER GROUND SANITARY SEWER LINE
- > — = DENOTES UNDER GROUND STORM SEWER LINE
- = DENOTES BITUMINOUS SURFACE
- = DENOTES CONCRETE SURFACE

SURVEYORS NOTES:

THE PID FOR THE SUBJECT PROPERTY IS 41190512

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR OPINION. THERE MAY BE EASEMENTS OR OTHER LIMITING FACTORS NOT SHOWN ON THIS SURVEY WHICH AFFECT THE SUBJECT PROPERTY.

THE UTILITIES SHOWN ON THIS SURVEY ARE ACCORDING TO VISIBLE EVIDENCE ONLY AND GOPHER STATE ONE CALL TICKET #220040773. WIDSETH ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS AND ACCURACIES OF THE LOCATIONS. FURTHER LOCATIONS AND VERIFICATIONS ARE RECOMMENDED BEFORE ANY CONSTRUCTION OR EXCAVATION.

AT THE TIME OF THE FIELD SURVEY, THE GROUND WAS COVERED WITH A CONSIDERABLE AMOUNT OF SNOW AND ICE. REASONABLE EFFORTS WERE MADE TO LOCATE THE VISIBLE SITE IMPROVEMENTS. UNDER NORMAL CONDITIONS THERE MAY BE ADDITIONAL SITE IMPROVEMENTS THAT WERE NOT VISIBLE AND ARE NOT SHOWN ON THIS SURVEY

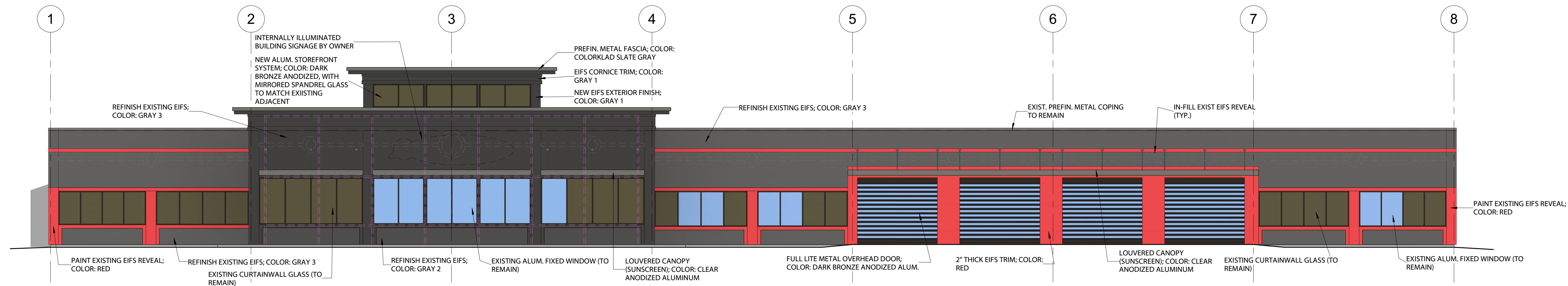
EXISTING LEGAL DESCRIPTION ACCORDING TO DOCUMENT NO. 108980:

LOT THREE (3) OF BLOCK ONE (1) OF BAKKEN'S ADDITION TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF TITLES IN AND FOR SAID COUNTY AND STATE,

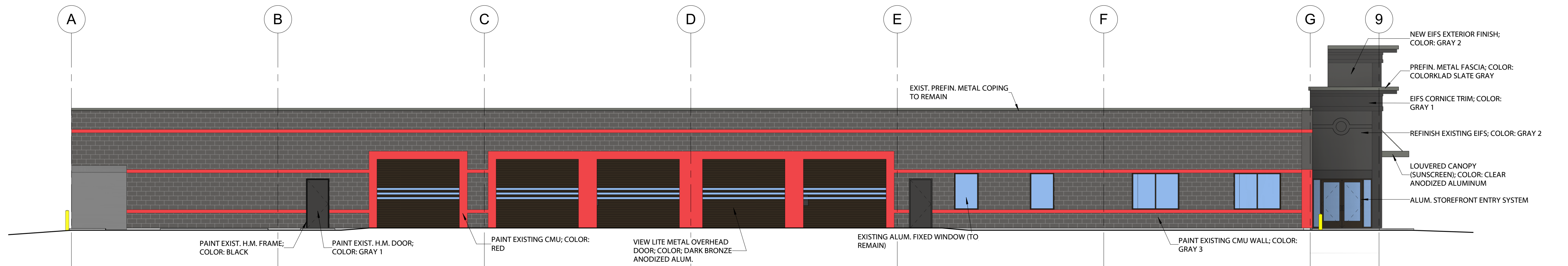
© 2022 WIDSETH

DATE:	01-19-2022	DATE:		AMENDMENTS		BY:		PREPARED FOR:	SHANNON'S AUTO BODY
SCALE:	AS SHOWN							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	
DRAWN BY:	ABS								
CHECKED BY:	CMC								
FILE NUMBER:	2021-12241							CHAD M. CONNER	DATE: 3-07-2022 LIC. NO. 41643

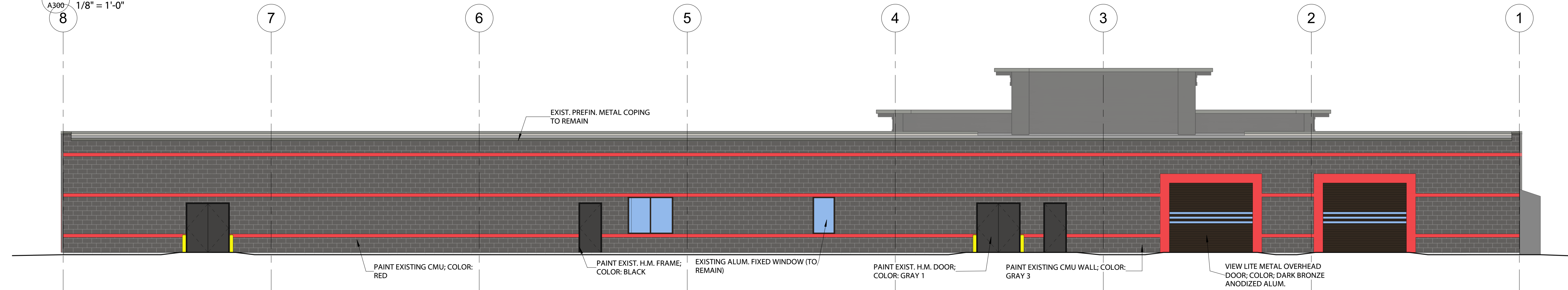
WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS



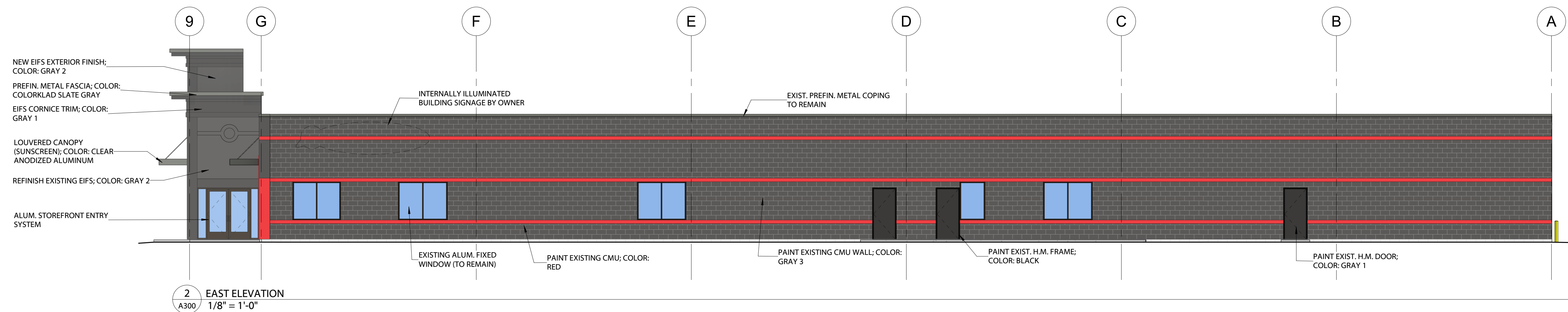
3 SOUTH ELEVATION
A300 1/8" = 1'-0"



4 WEST ELEVATION
A300 1/8" = 1'-0"



1 NORTH ELEVATION
A300 1/8" = 1'-0"



2 EAST ELEVATION
A300 1/8" = 1'-0"

SHANNON'S AUTO BODY

124 8TH AVE
BRainerd, MN 56401

PRELIMINARY

PRINTED: 3/25/2022 1:10:40 PM

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

PROJECT NUMBER: 3905
ISSUED:

REVISION	DATE

BUILDING ELEVATIONS

A300

SHANNON'S AUTO BODY
124 8TH AVE
BRainerd, MN 56401

PRELIMINARY

PRINTED: 3/24/2022 1:13:18 PM

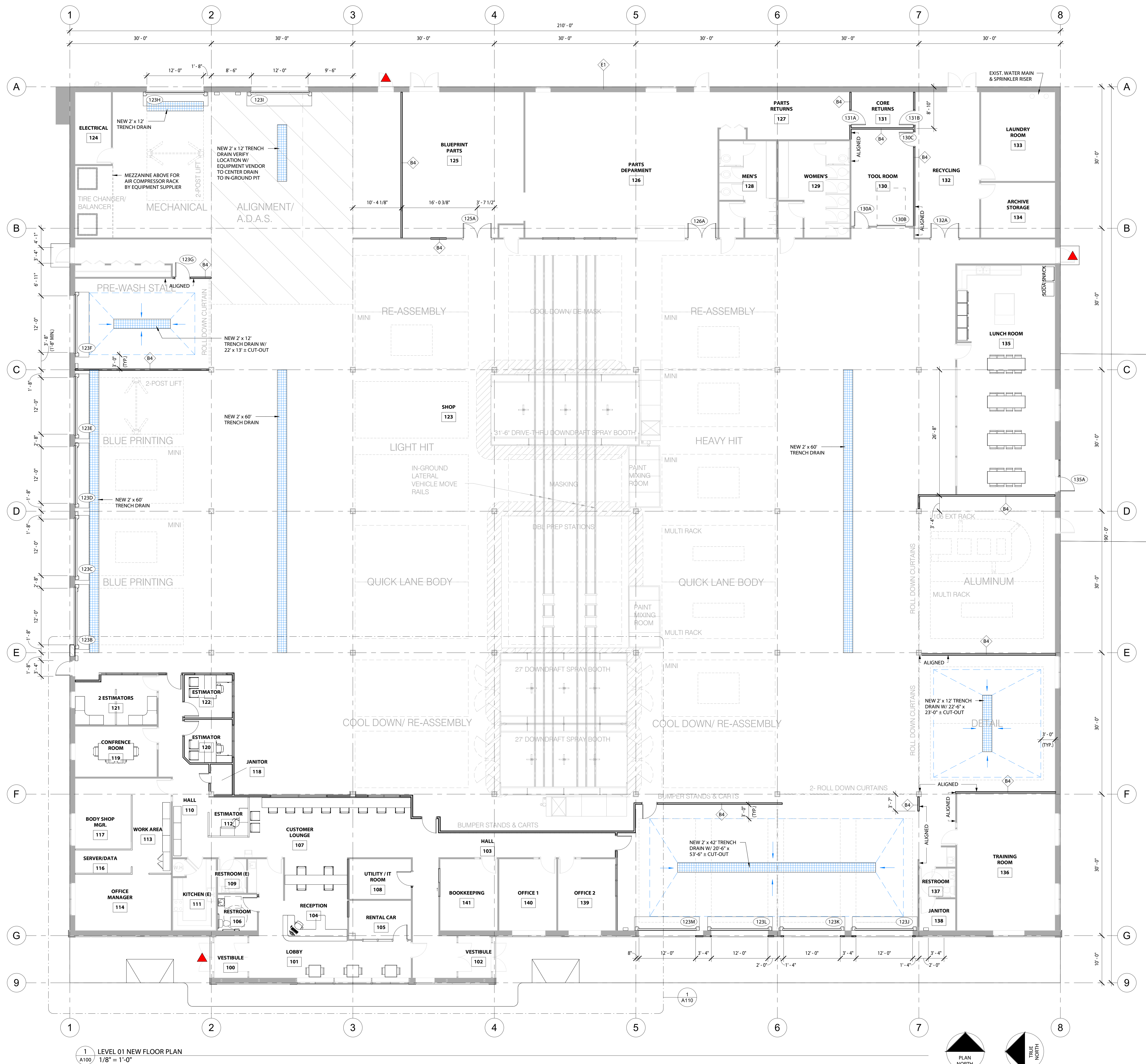
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

PROJECT NUMBER: 3905
ISSUED:

REVISION	DATE

OVERALL FLOOR PLAN

A100



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Shannon Christian has submitted a request on behalf of Shannon's Auto Body for a Conditional Use Permit to operate an auto body repair shop at 124 8th Ave NE. The property included in this application is described as:

*LOT 3 BLOCK 1 EXCEPT MINERALS
BAKKEN'S ADDITION
P.I.N. 41190512
Section 19, Township 45, Range 30*

The property is zoned B-4 (General Business) District, and Zoning Ordinance Section 63-6.(B) allows for the operation of an auto body repair shop as a Conditional Use in B-4 Districts, provided it meets the required provisions as listed under 63-6(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 20, 2022 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 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10, 2022

MEMO



TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Variance from Lot Split Standards –PID 41290732

Jacob Lauter has submitted a request for two variances for a proposed lot split at PID 41290732 along Wise Rd., Brainerd, MN 56401.

Findings of Fact

1. The property with PID 41290732 is currently zoned RR (Rural Residential) District. The applicant was waiting for the new proposed zoning code and zoning map for this lot split request. The proposed future zoning for this parcel is RL-2 (Rural Living 2) District. The purpose of RL-2 Districts is for lands served by private well and septic and there are no plans for future expansion of Urban Services to the property.
 - a. This property is located on the north side of Wise Rd. which does not have access to City of Brainerd sewer and water services and there are no plans for future services to this parcel.
2. The applicant is requesting the creation of two parcels, which would be 2.58 acres and a 3.54 acres in size. Parcel A would not have frontage on a public street. Access to the proposed lot would be through a 30-foot wide easement on the east side of the property. The applicant is proposing in the future to build a single family home on each parcel if the variance request for the lot split is approved.
3. The first variance request for the proposed lot split is from Zoning Code Section [515-52-7.A](#) Minimum Lot Area and Setback Requirements.
 - a. The RR District requires that all parcel created shall have a maximum lot size of one acre. The applicant is requesting a variance from this requirement.
 - i. *The property's new proposed zoning district RL-2 has a lot minimum requirement of 0.75 acres with a lot density maximum of 1 dwelling unit per acre. This variance request would not be necessary under the proposed zoning code.*
 - ii. *All other lot size standards for length and width are compliant with both the current Zoning Code and the future proposed zoning code.*
4. The second variance request is from Subdivision Ordinance Section [500-7-4.F](#). Lot Frontage. All lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback. Flag lots are prohibited.
 - a. The applicant is proposing the creation of a 30-foot wide easement on the east side of the property for access to proposed Parcel A.
 - i. *Proposed Parcel A meets the required lot width minimum standard of 100 feet for the RR District. However, Parcel A does not have direct frontage on Wise Rd.*

- ii. *The City of Brainerd Police Chief and Fire Marshall have reviewed the proposed easement. The Police Chief did not have any concerns with access to Parcel A. The Fire Marshall indicated that there are no code requirements for the access road to Parcel A. However, the Fire Marshall did recommend a minimum driveway width of 16 feet and a Class 5 compacted rating that would support the weight of a fire truck.*
- 5. [Section 515-7-2](#), Subdivision 3A – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - i. The purpose of a RR (Rural Residential) District is to “provide for large lot single family residential uses and open space areas in environmentally sensitive and high natural amenity areas. Developments in the R-R District are required to connect to City water and sewer service. Developments to which municipal utilities cannot be extended are prohibited.
 - 1. *Staff believes this variance request supports the purpose and intent of the RR District. The applicant is proposing the creation of two large lots for the purpose of constructing two single family homes.*
 - b. When the variances are consistent with the Comprehensive Plan
 - i. *Staff believes this variance request is supported by Goal 1 of Chapter 3 of the Comprehensive plan which states, “Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.”*
 - 1. *Policy 1 under Goal 1 states, “Complement Brainerd’s entry-level and affordable housing options by encouraging other move-up and mid to upper-end, market-rate housing options.”*
- 6. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - i. Single-family dwellings are a permitted use within RR districts.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. *The parcel does have a large wetland area on the west side, delineated on the attached survey, that would make it difficult to split this lot in in a different way than what is currently proposed by the applicant.*
 - c. The variance, if granted, will not alter the essential character of the locality.
 - i. *The property is currently vacant. The applicant is proposing to construct two single family homes in the future if the variance is approved.*

As of this writing, no one has contacted the Community Development Department with concerns about the two variance requests.

Staff Opinion

Staff recommends approval of the two variance requests as staff believes the requested variances meets the requirements as outlined in Section 515-7 of the Code of Ordinances and is supported by the Comprehensive Plan.



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)	☐ (\$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)
PLANNED UNIT DEVELOPMENT	☐ (\$250.00 + \$1,000.00 escrow deposit)	☐ (\$400.00 + \$1,000.00 escrow deposit)

PROPERTY ADDRESS:

SEC: 29, TWP: 134, Range: 28, Acres 6.1

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: RP41290732
(attach description if lengthy)

Property Owner Name: Jacob Lauter
Street Address: 4407 Harbor Drive City: Nisswa State: MN Zip Code: 56468
Phone Number: 530-448-9493 Fax: _____ E-mail: jpltahoee@yahoo.com

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

Description of Request: split LOT as mentioned Above

Jacob Lauter
Property Owner Signature

2-23-22
Date

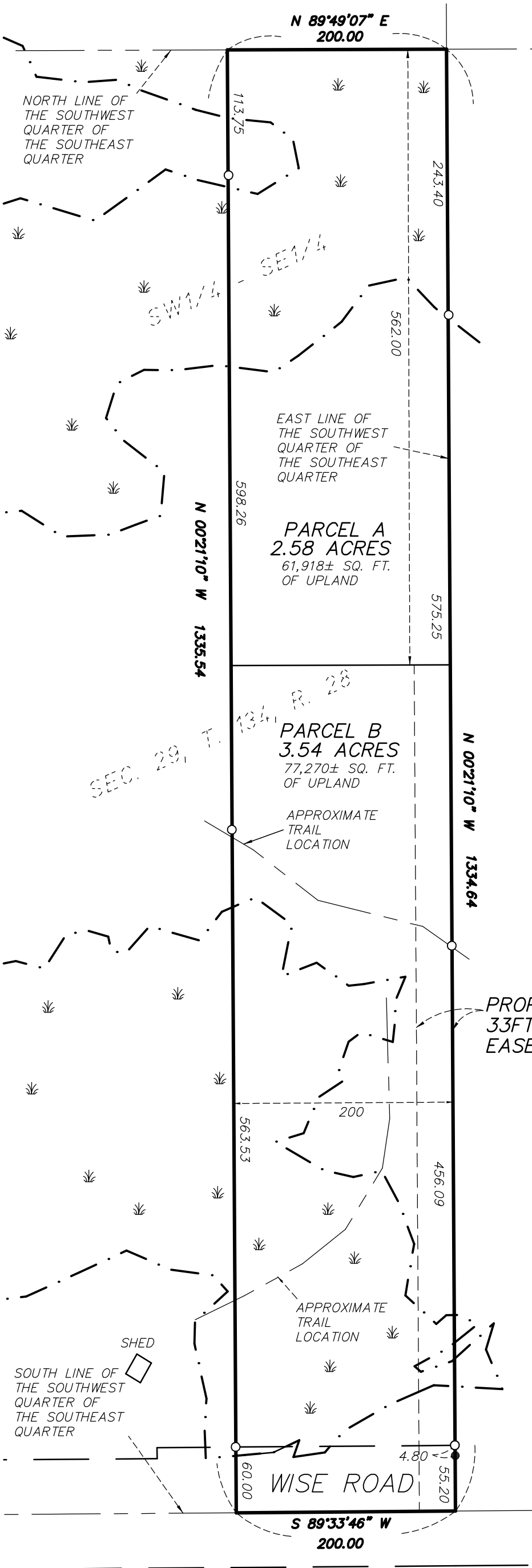
Jacob Lauter
(Please print name)

Jacob Lauter
Applicant Signature

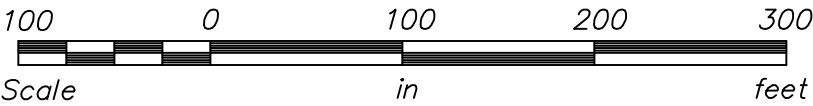
2-23-22
Date

Jacob Lauter
(Please print name)

(OVER)



EXHIBIT



REQUESTED BY:

LAUTER

Lakes Area
SURVEYING
LLC.

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



Drawn by: PDH

Date: 05/25/21

Job No: 21-054

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jacob Lauter has submitted a request for two variances at Parcel Number 41290732 along Wise Rd., Brainerd, MN 56401. The property is legally described as:

*E 200 FT OF SW1/4 OF SE1/4 OF P.I.N. 41290732
P.I.N. 41290732
Section 29, Township 134, Range 28*

The property is zoned RR (Rural Residential) District. The first requested variance is from Subdivision Ordinance Section 500-7-4(F): Lot Frontage. The applicant is requesting a lot split in which one of the proposed lots would not have frontage on a public street. Access to the proposed lot would be through a 30-foot wide easement on the east side of the property. The second variance request is from Zoning Code Section 515-52-7(A): Minimum Lot Area Setback Requirements. The applicant is requesting the creation of a two parcels, which would be 2.58 acres and a 3.54 acres in size. Parcels created in the RR District cannot exceed 1 acre per Section 515-52-7(A). A copy of the proposed lot split is on file for review with the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 20, 2022, in the City Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the variance request.

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

Dated this 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022

MEMO



TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 15, 2022

RE: Review of Council Objections to Proposed Zoning Code

After the City Council held a public comment period on the proposed zoning code and zoning map during their meeting on April 4, Proposed Ordinance No. 1527, which replaced the Zoning Code and Zoning Map, failed due to lack of motion to hold the 2nd reading of the ordinance. The City Council's primary objections were to concerns issued by a handful of property owners regarding the change of zoning for their properties. The City Council sent, specifically, the proposed zoning map back to the Planning Commission for review. Additionally, there were comments made regarding the allowance of residential uses on the first floor in the Town Center District.

Assistant Planner James Kramvik painstakingly spent over 10 hours comparing the current zoning map to the proposed zoning map and developing a list of properties that would experience a significant zoning change under the proposed zoning map. For this exercise, "significant change" would be a parcel that would experience a complete change of use (i.e. residential to commercial, industrial to residential, etc.).

The attached list includes 73 parcels that would experience significant change. For ease of review, the list is broken up geographically. Parcels highlighted in red are those that the City has actually received contact by the property owner. For each parcel, the following items are provided:

- PID Number
- Physical Address
- Owner Name
- Current Zoning
- Proposed Zoning
- Equivalent/Conforming Zoning (the zoning in the proposed zoning code that most matches that of the current zoning code)
- Recommended Zoning (staff recommendation)
- Future Land Use Map Designation

Staff will walk the Planning Commission through each parcel and ask the Commission to make a recommendation as to whether the property should remain zoned as illustrated in the proposed zoning map or changed to a different designation. Please note the 73 parcels listed, in reality, make up 40 properties, so those properties can be acted on as one unit.

Additionally, staff will guide the Planning Commission through a discussion on whether or not to amend the Town Center District regarding the allowance of residential uses on the first floor.

Parcels With Significant Zoning Changes

Parcel ID	Address	Owner	Current Zoning District	Proposed Zoning District	Equivalent/ Conforming Zoning District	Recommended Zoning District	Future Land Use Map Designation
North West							
41320505	15770 DELLWOOD DR (Vacant)	CENTRAL LAKES AREA STORAGE LLC	I-1 (Light Industrial)	RL-2 (Rural Living 2)	GI (General Industrial)	RL-2	Low-Medium Density Residential
41330764	BEAVER DAM RD (Vacant)	CARTER, MARION EILEEN	B-4 (General Business)	GL (Garden Living)	GC (General Commercial)	GL	Mixed Residential
41280539	8299 WISE RD	SWAN VENTURES LLC	B-4 (General Business)	GL (Garden Living)	GC (General Commercial)	RL-2	Low-Medium Density Residential
41280540	WISE RD	SWAN VENTURES LLC	B-4 (General Business)	GL (Garden Living)	GC (General Commercial)	RL-2	Low-Medium Density Residential
41040649	205 W WASHINGTON ST	IND SCHOOL DIST, # 181	R-3 (High Density Residential)	GC (General Commercial)	PSP (Public/ Semi-Public)	PSP	Gateway District
South West Brainerd							
41040730	401 W LAUREL ST	THELEN - HAGLIN LLC	B-2 (Neighborhood Business)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Commercial
41040739	215 4TH ST SW	MISSISSIPPI TERRANCE PARTNERS LLP	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	TC (Town Center)	TC (Town Center)	Low-Medium Density Residential
41040736	219 W LAUREL ST	SIMON, WILLIAM M & SUSAN	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TC (Town Center)	Low-Medium Density Residential
41040737	201 W LAUREL ST	NORTHERN PINES MENTAL HEALTH CENTER	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	TC (Town Center)	TC (Town Center)	Commercial
41040738	201 W LAUREL ST	NORTHERN PINES MENTAL HEALTH CENTER	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	TC (Town Center)	TC (Town Center)	Commercial
41040741	W LAUREL	LAKES HOLDINGS LLC	B-2 (Neighborhood Business)	Not Zoned	TC (Town Center)	TC (Town Center)	Public/Semi-Public, Institution
41040742	310 W LAUREL ST	TRI AXIS ENTERPRISES LLC	B-4 (General Business)	Not Zoned	GC (General Commercial)	TC (Town Center)	Public/Semi-Public, Institution
41040743	310 W LAUREL ST (Vacant)	TRI AXIS ENTERPRISES LLC	B-2 (Neighborhood Business)	Not Zoned	TC (Town Center)	TC (Town Center)	Public/Semi-Public, Institution
41040665	218 9TH ST SW	HORIZON HEALTH INC	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	CN-2 (Contemporary Neighborhood 2)	CN-2	Low-Medium Density Residential
41040666	218 9TH ST SW	HORIZON HEALTH INC	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	CN-2 (Contemporary Neighborhood 2)	CN-2	Low-Medium Density Residential
41040667	218 9TH ST SW	HORIZON HEALTH INC	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	CN-2 (Contemporary Neighborhood 2)	CN-2	Low-Medium Density Residential
41040659	218 9TH ST SW	HORIZON HEALTH INC	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	CN-2 (Contemporary Neighborhood 2)	CN-2	Low-Medium Density Residential
41040658	218 9TH ST SW	HORIZON HEALTH INC	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	CN-2 (Contemporary Neighborhood 2)	CN-2	Low-Medium Density Residential
41040657	218 9TH ST SW	HORIZON HEALTH INC	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	CN-2 (Contemporary Neighborhood 2)	CN-2	Low-Medium Density Residential
North Brainerd							
41251124	201 CHIPPEWA ST	DUVAL, CASEY M & VANESSA JEANNE MARIE	R-1 (Single Family Residential)	CC (Commercial Corridor)	TN-1 (Traditional Neighborhood 1)	TN-1	Low-Medium Density Residential
41251127	210 CHIPPEWA ST	JESKE, DAJION	R-1 (Single Family Residential)	CC (Commercial Corridor)	TN-1 (Traditional Neighborhood 1)	TN-1	Low-Medium Density Residential
41240823	616 3RD ST N	ST JOSEPH'S MEDICAL CENTER	R-1 (Single Family Residential)	TN-1 (Traditional Neighborhood 1)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institution
41241676	TRIANGLE PARK	CITY OF BRAINERD	R-1 (Single Family Residential)	TN-1 (Traditional Neighborhood 1)	P (Park)	Park	Park and Open Space
North East Brainerd							
41180660	MEMORIAL PARK - PARKING	CITY OF BRAINERD	I-2 (General Industrial)	GI (General Industrial)	GI (General Industrial)	Park	Neighborhood Mix
41191645	502 8TH AVE NE	KEHOE ENTERPRISE LLC	B-2 (Neighborhood Business)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Commercial
41190506	302 5TH AVE NE	COMMON AREA	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Commercial
41190510	302 5TH AVE NE	POLLOCK PROPERTIES LLC	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Commercial
41190509	302 5TH AVE NE	KC HOLDINGS LLP	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Commercial
41191905	302 5TH AVE NE	NELSON/KUEPERS, LLP	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Commercial
41191906	302 5TH AVE NE	DEUTSCH 4 LLC	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Commercial
41190507	302 5TH AVE NE	DEUTSCH 4 LLC	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Commercial
4119P000	320 5th AVE NE	B.W. LLC	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Commercial
41191262	511 D ST NE	ASI-BRAINERD INC	R-1 (Single Family Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
41191263	511 D ST NE	ASI-BRAINERD INC	R-1 (Single Family Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
41191264	511 D ST NE	ASI-BRAINERD INC	R-1 (Single Family Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
41191265	517 D ST NE	GERALD & VENETTIE PALMER	R-1 (Single Family Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
41191266	523 D ST NE	ANNA YOUNG	R-1 (Single Family Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
41241663	117 GILLIS AVE	KAIROS MIDWIFERY LLC	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	CC (Commercial Corridor)	TN-2	Low-Medium Density Residential
Brainerd East of HWY 25							
41200509	11284 STATE HIGHWAY 210	JJT LLC	B-4 (General Business)	TN-1 (Traditional Neighborhood 1)	GC (General Commercial)	GC	Mixed Residential
41170512	(Vacant)	C/O ANDERSON BROTHERS	R1-A & B-4	RL-1 (Rural Living 1)	CN-1 (Contemporary Neighborhood 1)	RL-1	Mixed Residential
41170513	(Vacant)	C/O ANDERSON BROTHERS	B-4 (General Business)	RL-1 (Rural Living 1)	GC (General Commercial)	GC	Commercial
41170514	(Vacant)	C/O ANDERSON BROTHERS	I-1 & B-4	RL-1 (Rural Living 1)	GC (General Commercial)	GC	Commercial
41170515	(Vacant)	C/O ANDERSON BROTHERS	R-2 (Medium Density Residential)	RL-1 (Rural Living 1)	CN-2 (Contemporary Neighborhood 2)	RL-1	Mixed Residential
41170516	(Vacant)	C/O ANDERSON BROTHERS	R1-A (Single Family Residential)	RL-1 (Rural Living 1)	CN-1 (Contemporary Neighborhood 1)	RL-1	Mixed Residential
41160503	(Vacant)	C/O ANDERSON BROTHERS	I-1 (Light Industrial)	RL-1 (Rural Living 1)	GI (General Industrial)	GC	Commercial
41170509	(Vacant)	C/O ANDERSON BROTHERS	I-1 & B-4	RL-1 (Rural Living 1)	GC (General Commercial)	GC	Commercial
41160504	(Vacant)	C/O ANDERSON BROTHERS	B-4 (General Business)	RL-1 (Rural Living 1)	GC (General Commercial)	GC	Commercial

Main Street/ Town Center

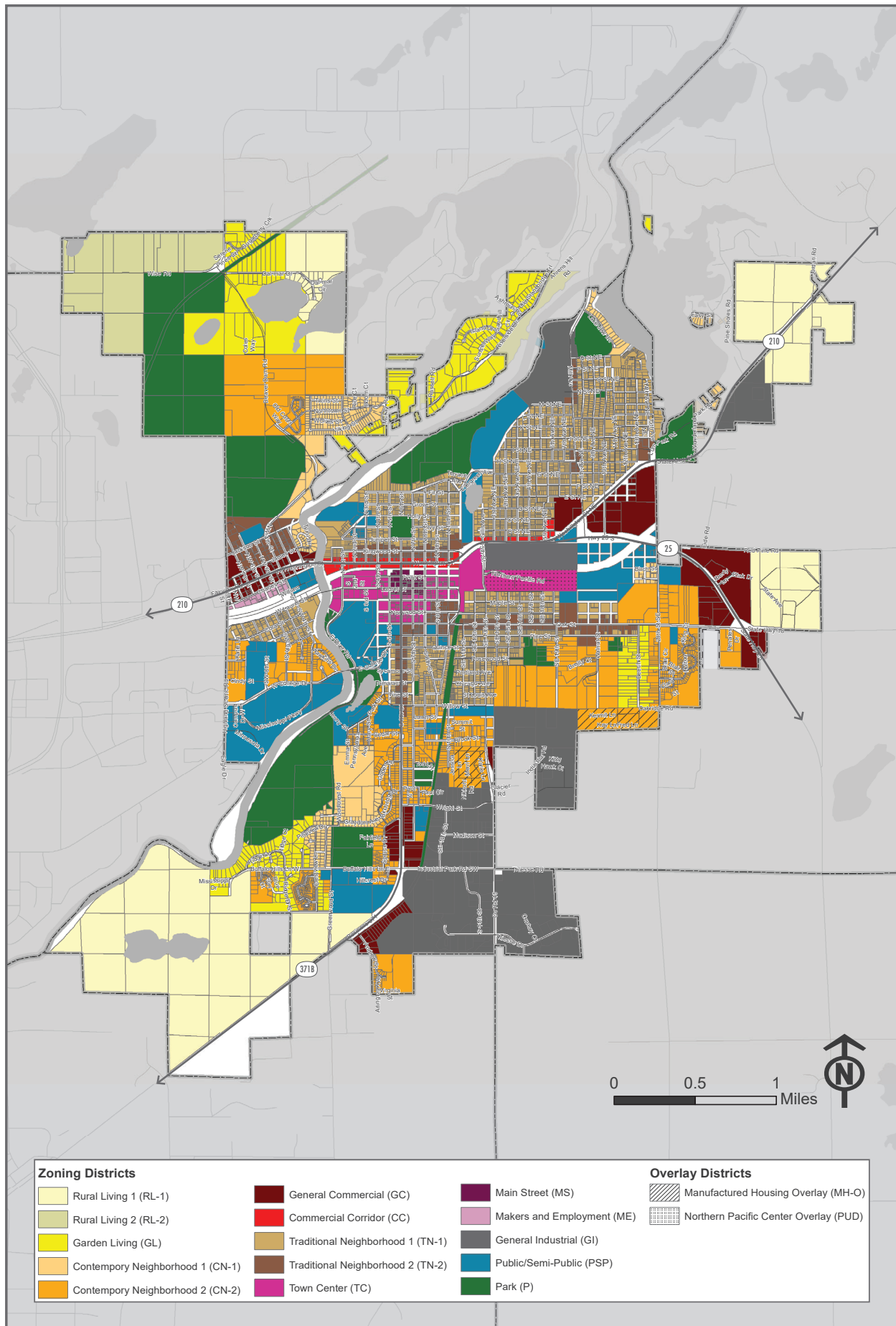
41250506	1020 WASHINGTON ST	FOREST FUELS INC	I-1 (Light Industrial)	CC (Commercial Corridor)	ME (Makers & Employment)	CC	Gateway District
YMCA							
41240893	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240892	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240891	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240894	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240907	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240906	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240905	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240904	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional
41240903	602 OAK ST	YOUNG MEN'S CHRISTIAN ASSOC OF BRD	B-4 (General Business)	TN-2 (Traditional Neighborhood 2)	PSP (Public/ Semi-Public)	PSP	Public/Semi-Public, Institutional

South Brainerd

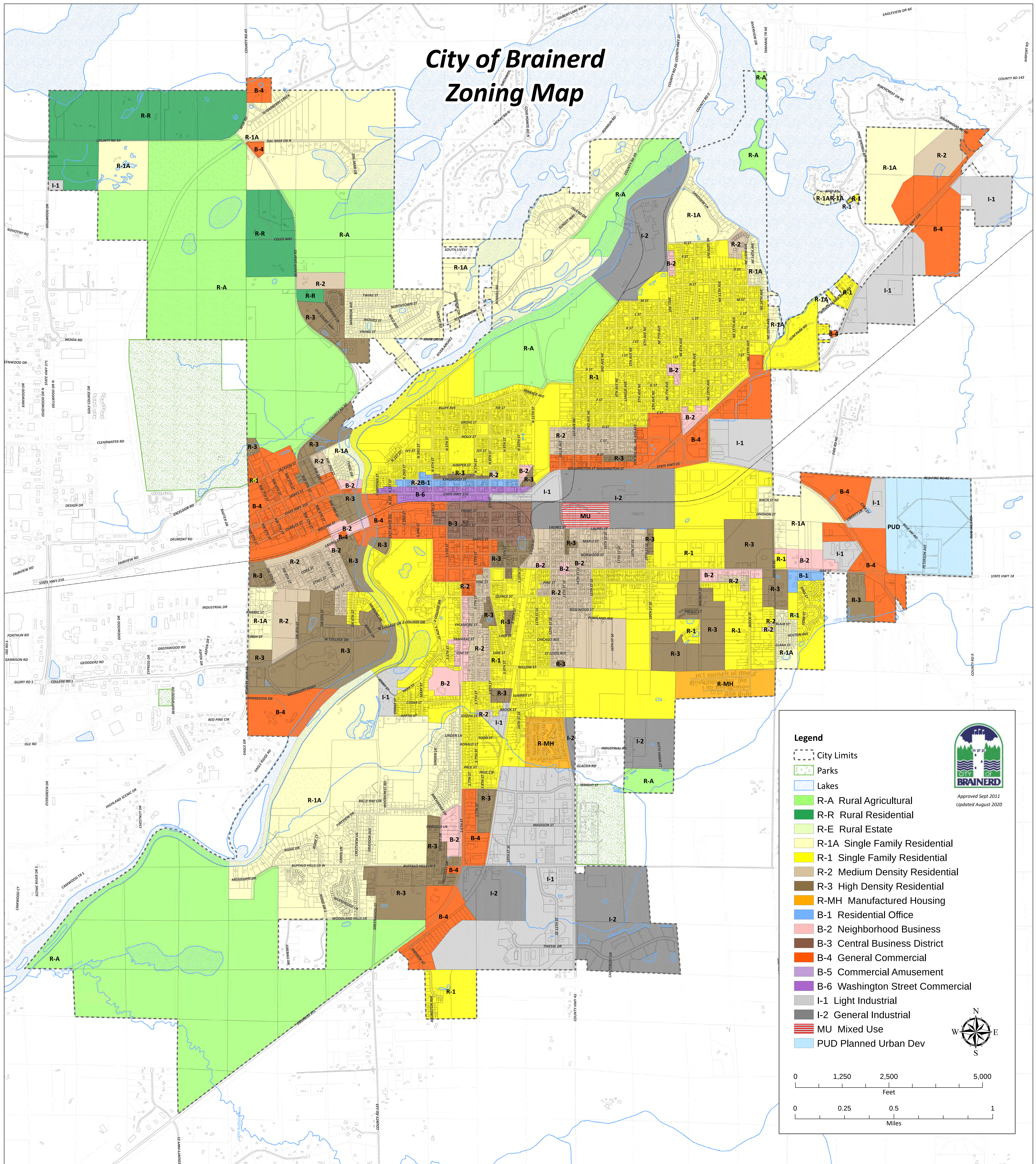
41250585	904 8TH ST S	POP MANAGEMENT LLC	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
Brook St							
41360806	823 BROOK ST	MATCH, JAMES R & BEVERLY	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41360787	830 BROOK ST	DESPOT, ROBERT L REV TRUST	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41360791	830 BROOK ST	DESPOT, ROBERT L REV TRUST	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41361094	830 BROOK ST	DESPOT, ROBERT L REV TRUST	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41360515	(Vacant)	DESPOT, ROBERT L REV TRUST	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41250845	900 BROOK ST	GULL LAKE SANDBLASTING & POWDER	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41360977	(Vacant)	TORFIN, JEFFREY & GWENDA	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41360790	(Vacant)	TORFIN, JEFFREY & GWENDA	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential
41360786		MINNEGASCO INC ACCOUNTS PAYABLE	I-1 (Light Industrial)	CN-2 (Contemporary Neighborhood 2)	ME (Makers & Employment)	CN-2	Low-Medium Density Residential

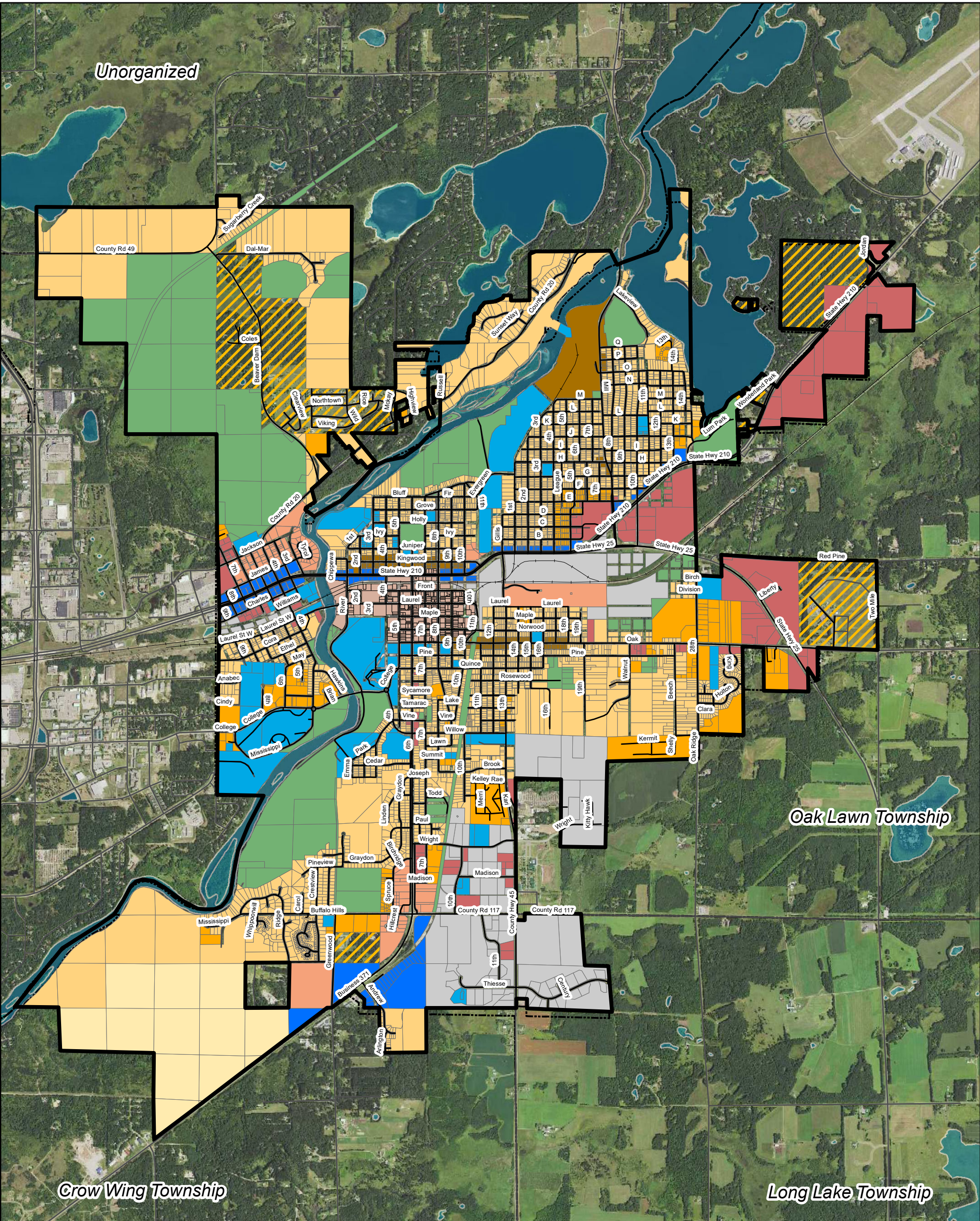
South East Brainerd

41251080	1008 10TH ST S	CENTRAL MN SENIOR CARE PROPERTIES	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
41251079	1008 10TH ST S	CENTRAL MN SENIOR CARE PROPERTIES	R-3 (High Density Residential)	TN-1 (Traditional Neighborhood 1)	TN-2 (Traditional Neighborhood 2)	TN-2	Medium-High Density Residential
41300990	2700 OAK ST	JJ & A PROPERTY MANAGEMENT LLC	B-2 (Neighborhood Business)	GL (Garden Living)	TN-2 (Traditional Neighborhood 2)	TN-2	Commercial
41300997	2720 OAK ST	C/O BRAINERD ANIMAL HOSPITAL	B-2 (Neighborhood Business)	GL (Garden Living)	TN-2 (Traditional Neighborhood 2)	TN-2	Commercial



City of Brainerd Zoning Map





FUTURE LAND USE MAP

Legend

Rail

Road Network

Lakes and Hydro Features

Township

City Limits

Parcel boundary

Future Land Use Categories

Development Reserve

Low-Medium Density

Medium-High Density

Mixed Residential

Public, Semi-public, Institution

Park and Open Space

Gateway District

Mixed Commercial-Residential

Neighborhood Mix

Downtown

Commercial

Industrial

DRAFT

1

Miles