

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, May 18, 2022 @ 6:00pm

The public is invited to attend this meeting in person

Attend by phone: 1-844-992-4726 Meeting Access Code: 2481 029 6226

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 April 20, 2022.

Documents:

[2022-04-20 DRAFT.PDF](#)

6. Old Business

6.a. Review Proposed Zoning Code And Map

Documents:

[REVIEW PROPOSED ZONING CODE.PDF](#)

7. New Business

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, April 20, 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 were Community Development Director Chanski, Assistant Planner Kramvik and Jennifer Haskamp with Swanson Haskamp Consulting.

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

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND ERICKSON, DULY CARRIED, TO APPROVE THE MINUTES FROM THE MARCH 16, 2022 REGULAR MEETING.

#6 New Business

6a. Rezoning – 1005 S. 6th St.

Assistant Planner Kramvik reviewed the application to rezone the property from a B-2 (Neighborhood Business) District to an R-2 (Medium Density Residential) District. He explained the purpose of the rezoning is to allow the property owner an Interim Use Permit to operate a short-term rental.

The Chair opened the public hearing at 6:08 pm.

No one came forward.

The Chair closed the public hearing at 6:10 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER, DULY CARRIED, TO RECOMMEND APPROVAL OF REZONING 1005 S. 6TH ST FROM A B-2 NEIGHBORHOOD BUSINESS DISTRICT TO AN R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

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

Assistant Planner Kramvik stated the property owner would like to transition one of his four rental units at 1005 S. 6th Street into a short-term rental. The findings of fact and short-term requirements were reviewed and discussed.

The Chair opened the public hearing at 6:18 pm.

No one came forward.

The Chair closed the public hearing at 6:19 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT FOR 1005 S. 6TH ST., CONTINGENT UPON THE APPROVAL OF THE REZONING TO AN R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

6c. Conditional Use Permit for Auto Body Shop – 124 8th Ave NE

Assistant Planner Kramvik gave a brief review of the application for a Conditional Use Permit at 124 8th Ave. NE to operate an auto body shop in the B-4 (General Business) District.

The Chair opened the public hearing at 6:23 pm.

The Chair recognized Jesse Hopkins from Nor-Son Construction, who is representing Shannon's Auto Body for the Conditional Use Permit. He explained the proposal to remodel the existing building and site with fenced in areas for automobiles. He noted that all outdoor lighting fixtures will remain as they are currently.

The Chair closed the public hearing at 6:27 pm.

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND GORHAM, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AT 124 8TH AVE NE TO OPERATE AN AUTO BODY SHOP.

6d. Variance from Lot Split Standards – PID 41290732

Assistant Planner Kramvik explained the details of the application submitted by Jacob Lauter to split PID 41290732 on Wise Road. The first variance is from the minimum lot area and setback requirements of the maximum one (1) acre. The proposed properties would be split into one 2.58-acre lot and one 3.54-acre lot. The second variance is from the lot frontage requirements of 100 feet, in which parcel A would not have direct frontage on Wise Road. He said the intent of the property owner is to construct two single-family homes on these lots in the near future.

The Chair opened the public hearing at 6:38 pm.

The Chair recognized Jacob Lauter, who phoned in via Webex to speak about his plans for the property. He said he has an easement along the east side of the property which will allow the creation of a driveway to access the northern most portion of the property. He stated he agrees to the maintenance of the driveway that will utilize class 5 material and plans to pave the first several hundred feet going into the property.

The Chair recognized Angela Olson, 7940 Wise Rd., who owns property next to this parcel. She is concerned about the timeframe of proposed construction, as they do a lot of bowhunting on their land. The applicant stated he would like to start the driveway this summer, with the building of one home next year. He will be respectful of the neighboring properties during the hunting season.

The Chair closed the public hearing at 6:46 pm.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCES FROM LOT SPLIT STANDARDS FOR PID 41290732 CONTINGENT UPON THE APPLICANT MUST OBTAIN APPROVED SEPTIC PLANS FOR BOTH PARCELS BY CROW WING COUNTY PRIOR TO THE LOT SPLIT.

#7 Old Business

7a. Review of Council Objections to Proposed Zoning Code

Community Development Director Chanski gave an update of the proposed zoning code and the motion made by the City Council at their April 18th meeting. He explained the second ordinance reading failed and the Council sent the item back to the Planning Commission to address concerns brought forth by various residents.

Jennifer Haskamp indicated some of the changes made to certain properties was to assign the most appropriate district to what the property is currently being used as. This was done to try and bring them into conformity.

The Chair recognized Robert Despot, who owns two parcels that would be affected by the change. He stated one parcel is Brook Street, and the other is on Washington Street. He gave an update to the concerns he has regarding the proposed changes.

The Chair recognized Jeff Strobel, owner of Gull Lake Sandblasting at 900 Brook Street, who said his concern is if he wants to sell the business in the future, the property would be worth less if it cannot be altered.

The Chair recognized Craig Matich, owner of 823 Brook Street, who spoke against the proposed zoning, and sees no reason to make the change.

Jennifer Haskamp clarified that some of these changes indicate a significant change; however, they are positive changes to match what the use already is.

Community Development Director Chanski started by reviewing the properties that are indicated in red on the spreadsheet, as these are the parcels that the owners responded to.

Commission discussion took place on these properties, and the recommendations are as follows:

<u>PID</u>	<u>Address</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Recommended Zoning</u>
41320505	15770 Dellwood (vacant)	I-1	RL-2	RL-2
41040736	219 W Laurel	R-3	TN-1	TC
41170512	East of HWY 25 (vacant)	R1A & B-4	CN-1	RL-1

<u>PID</u>	<u>Address</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Recommended Zoning</u>
41170513	East of HWY 25 (vacant)	B-4	RL-1	GC
41170514	East of HWY 25 (vacant)	I-1 & B-4	RL-1	GC
41170515	East of HWY 25 (vacant)	R-2	RL-1	RL-1
41170516	East of HWY 25 (vacant)	R1-A	RL-1	RL-1
41160503	East of HWY 25 (vacant)	I-1	RL-1	GC
41170509	East of HWY 25 (vacant)	I-1 & B-4	RL-1	GC
41160504	East of HWY 25 (vacant)	B-4	RL-1	GC
41250506	1020 Washington St	I-1	CC	ME
41360806	823 Brook St	I-1	CN-2	CN-2 plus CUP
41360787	830 Brook St	I-1	CN-2	CN-2 plus CUP
41360791	830 Brook St	I-1	CN-2	CN-2 plus CUP
41361094	830 Brook St	I-1	CN-2	CN-2 plus CUP
41360515	(Vacant)	I-1	CN-2	CN-2 plus CUP
41250845	900 Brook St	I-1	CN-2	CN-2 plus CUP
41360977	(Vacant)	I-1	CN-2	CN-2 plus CUP
41360790	(Vacant)	I-1	CN-2	CN-2 plus CUP
41040804	N/A	B-4	TN-2	TN-2
41040803	214 James St	B-4	TN-2	TN-2
41040811	501 2 nd St SW	B-4	TN-2	TN-2

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING CODE WITH THE PROVIDED AMENDMENTS.

#8 Public Forum

The Chair opened the public forum at 9:29 p.m.

No one came forward.

The Chair closed the public forum at 9:29 p.m.

#9 Community Development Director's Report

Community Development Director Chanski gave the following updates:

- The public hearing for the zoning code will take place at the May 18th Planning Commission meeting.
- Community Development Director Chanski indicated his last working day will be Thursday, April 21st, and he expressed gratitude for the work of the Commissioners during his tenure.
- The Community Development Director position was posted today, closing May 10th. There are hopes of having a new hire on staff August 1, 2022.
- The City Council appointed Assistant Planner Kramvik as the Interim Community Development Director.
- City Engineer Sandy will also be departing the City on May 6th.

- City Administrator Bergman will be presenting a list to the City Council of current projects that will be rated in order as “*green light, yellow light, red light*” projects due to the two vacant positions. Green light will proceed as planned; yellow light will be delayed temporarily, and red light will stop until fully staffed.
- Some Planning Commission topics/projects to be delayed until fully staffed.
- City Council approved a consulting service agreement with Swanson Haskamp for Assistant Planner Kramvik to utilize if necessary.

#10 Commissioner’s Questions/Comments

The Planning Commission wished Community Development Director Chanski well in his future endeavors and congratulated Assistant Planner Kramvik for the interim assignment.

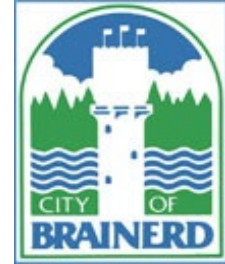
Commissioner Yeager announced the Mississippi Landing Trailhead has been approved to move forward.

#11 Adjourned at 9:40 p.m.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND WOODWARD, DULY CARRIED, TO ADJORN.

Michael Duval, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Acting Community Development Director

DATE: May 18, 2022

RE: Review Proposed Zoning Code and Map

Properties with rezoning concerns

At the April Planning Commission meeting, the commission discussed the proposed zoning for 73 parcels and made recommendations for the future proposed zoning map. Additionally, staff mailed eight letters to property owners that may not have been aware of potential significant zoning changes to their property. Of the eight letters that were sent by mail, four property owners reached out to the Community Development Department with concerns to the proposed rezoning. Additional discussion is needed for these properties, along with the ability for the property owners to voice their concerns to Planning Commission.

Properties to Review

- 1) 15770 Dellwood Dr. (Vacant Lot) – PIN (41320505)
CENTRAL LAKES AREA STORAGE LLC
- 2) Vacant Lot - PIN (41330764)
CARTER, MARION EILEEN
- 3) 8299 WISE RD – PIN (41280539 & 41280540)
SWAN VENTURES LLC
- 4) 310 W Laurel St. – PIN (41040742 & 41040743)
Paradigm Automotive - TRI AXIS ENTERPRISES LLC

Staff Recommendations

- 1) Staff will guide 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.

Brook St. Industrial Properties

At the April Planning Commission meeting, the commission discussed options for the current Brook St. Industrial properties. A major concern discussed by the commission was the potential for future industrial uses that would not be compatible with the surrounding neighborhood. There are two potential options for the Planning Commission to review in order to keep the current businesses conforming while addressing potential future concerns of the residential neighborhood. The first option is through the issuance of a Conditional Use Permit. The issuance of a CUP would allow existing business along Brook St. to remain conforming for

its current use. With this option, the applicants along Brook St. must be a current business and would go through the standard CUP application process. The summary of the mechanics of the CUP are attached to the memo. As a note, CUPs remain with the parcel and are not affected by potential future rezonings. The second option would be through the creation of a Makers and Employment Overlay district for the industrial properties. An overlay district would keep the properties conforming while removing the potential for heavier industrial/commercial uses in the future.

Staff Recommendations

- 1) Staff will guide the Planning Commission through both options for the Brook St industrial properties and ask the Planning Commission to make a recommendation to add one of the options to the proposed code.
- 2) After reviewing the Makers and Employment District staff, is also recommending a change to the setback standard when adjacent to residential properties.

Town Center District

The last item that continues to be an important topic of discussion is the Town Center District.

Purpose of the Town Center Zoning District. The purpose of the TC Zoning District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.

Acting Community Development Director James Kramvik completed a thorough review of the code language and the table of uses for the Town Center District to ensure that the map, code language, and table of uses are in harmony with the purpose statement of the district.

Staff will guide the Planning Commission through a discussion to determine if the map, code language, or table of uses should be amended in the proposed zoning code and map. Staff will ask the Planning Commission to make a recommendation for any changes that the Commission deems necessary for the Town Center District.

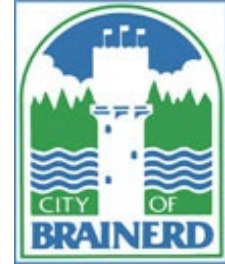
Staff Recommendations

- 1) Two-story minimum (above grade) building requirement for properties with residential uses
- 2) Make 2-4 attached multifamily units a Conditional Use.
- 3) Add Autobody Shops as a Conditional Use in TC District

Additional Items for Consideration

- 1) Move Main Street District one block south
- 2) Commercial and residential uses are not permitted on the same level

MEMO



TO: Planning Commission

FROM: James Kramvik, Acting Community Development Director

DATE: May 18, 2022

RE: Properties with Rezoning Concerns

Properties with rezoning concerns

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- 4) 310 W Laurel St. – PIN (41040742 & 41040743)
Paradigm Automotive - TRI AXIS ENTERPRISES LLC

Staff Recommendations

- 1) Staff will guide 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.



1 Items

	PARCEL NUMBER	APPRCL	TDTDNM	OWNIDN	OWNAME	OWADR1
X	41280540	08028320	CITY OF BRAINERD	133183	SWAN VENTURES LLC	682 39TH AVE NE



Scale 1: 1200

From: [Bruce Clark](#)
To: [James Kramvik](#)
Subject: 15770 Dellwood Dr.
Date: Tuesday, May 3, 2022 7:32:03 PM
Attachments: [V-CS-2021-11791-SURVEY 11x17-H.pdf](#)
[Clark Dellwood Storage DSR CMC 09-23-21.pdf](#)
[2021-12-10 Preliminary Layout.pdf](#)
[Clark Dellwood Wetland.pdf](#)
[B-CLARK BLOCK \(1\) 2021-11-19.dwg](#)

*** **Warning:** External sender, use extreme caution with attachments and links ***

Mr. Kramvik,

I am in receipt of your letter dated April 29, 2022 pertaining to PIN 41320505. Per our conversation, I strongly object to any changes to the zoning as it relates to this parcel.

We purchased this property last year specifically to build 2 storage buildings and have spent the past 10 months trying to get the documents needed to submit with the application, as per my conversation with David Chanski last May.

Following are the events that have taken place since last year:

May of last year I spoke with David Chanski about constructing storage buildings on the parcel. He did not feel it would be an issue as someone else had already sought approval for same, but then never went through with it. However, he wanted to check with fire chief because there is no water at the property.

June 14, 2021 Mr. Chanski said he had spoken with the fire chief, and the chief told him that since there is no Hydrant there, they would treat it as any another rural situation and port the water. Also, since there will not be anyone occupying or working in the building and there is a hydrant less than ¼ mile away, he did not see an issue.

June 29, 2021, based on the conversations with Mr. Chanski we engage an attorney and formed Central Lakes Area Storage LLC..

July 2021 we close on property

September 23, 2021 I engaged Widseth for to produce the following documents needed for application. An existing conditions plan, a site plan, wetland deliniation, grading and stormwater management, and landscaping plan,

We have been working with Widseth ever since, but with Covid everyone is really slow and this process has taken some time. However, attached are some of the documents to show this has been in process. Further Chad from Widseth has had conversations with you regarding the 100' setback and we have adjusted the plans, so as to be able to comply.

Anyway, I do not feel it would be reasonable to make changes to the zoning of this property, that would not allow us to complete our building.

Please contact me at your convenience with your comments or if your have questions regarding the series of events to this point.

Bruce Clark
Central Lakes Storage LLC
(218) 297-0345

September 23, 2021



ARCHITECTS ■ ENGINEERS
SCIENTISTS ■ SURVEYORS

Bruce Clark
PO Box 2926
Baxter, MN 56425

RE: Clark Storage Facility Dellwood Drive Brainerd, MN – Civil Engineering & Survey

Dear Mr. Clark:

Thank you for contacting us regarding your proposed storage facility on Dellwood Drive in Brainerd. Widseth is pleased to have an opportunity to work with you on this project by providing Civil Engineering and Land Survey services. Our proposal is based on our understanding of the proposed concept you provided during our initial meeting. We are confident that our extensive experience working in the City of Brainerd and our proximity to the site will be of benefit to you as you move forward with your project.

We understand the project includes site improvements including parking, drives, fencing and two storage buildings on the existing site. The City of Brainerd is requiring an existing conditions survey, updated wetland delineation, site plan, grading and drainage plan and landscaping plan for the site to obtain the proper permits for construction. The preliminary site layout provided will serve as a starting point and we will further develop the layout for preparation of our plans and to efficiently develop the site to its best potential. The existing conditions survey will serve as the base for this work. It is anticipated that land disturbance will be less than one acre; therefore, an NPDES permit and Storm Water Pollution Prevention Plan (SWPPP) will not be required.

Our proposed scope of services for your project includes the following:

Existing Conditions Survey (\$1,750.00)

- Utilize available survey, concept plan and the deed to be provided as the base for our work.
- Place a Gopher State One Call (GSOC) utility locate call.
- Perform a current topographic site survey update locating the changes to the existing conditions, including:
 - Visible and marked utilities, transformers, and pedestals
 - Establish a site Benchmark for future construction.
 - Surface topography with spot elevation.
 - Locate property boundary corners.
- Prepare an existing conditions drawing and Certificate of Survey to be used as the base for your proposed project

Wetland Delineation Services (\$1,000.00)

- Perform the field observations necessary for wetland delineation placing flags at the wetland boundaries
- Prepare soil boring logs
- Use GPS to locate the wetland boundaries.

September 23, 2021

Engineering and Plan Preparation (\$17,000.00)

- **Existing Conditions and Removals Plan**
 - Plan will include existing improvements, site features and topographic conditions observed during the existing conditions survey and removals of existing site features necessary to accommodate the proposed improvements.
- **Site Plan**
 - A site plan will be prepared showing and dimensioning key features such as buildings, fencing, pavements, parking and proposed walkways. The site plan will show setbacks and include impervious calculations as required by the City.
- **Grading and Stormwater Management Plan**
 - Provide spot elevations for construction of buildings, drives and parking areas
 - Drawing will be prepared with contours to one-foot accuracy and necessary spot elevations.
 - Storm water calculations will be performed as required by the City of Brainerd stormwater regulations. We will work with the City to coordinate the appropriate storm event to be analyzed for the stormwater analysis. A stormwater management plan will be developed and provided to the City of Brainerd for review and approval.
 - Prepare temporary and permanent erosion control plans and details for the site.
- **Landscaping Plan**
 - The location, quantity, size, and name, both botanical and common names, of proposed planting materials.
 - Specification of the type and boundaries of proposed ground cover.
 - The location of vehicular use, property lines and building structures.
 - Typical elevations and/or cross sections as required.

September 23, 2021

WIDSETH

ARCHITECTS ■ ENGINEERS
SCIENTISTS ■ SURVEYORS

Widseth proposes to provide these services on an hourly basis in accordance with the attached fee schedule and general conditions for a total estimated amount for civil/survey services at **\$19,750.00**. We propose to have the work completed within 28-42 days of your notice to proceed.

The following is a list of services not provided as part of this proposal:

- Structural plans/recommendations
- Construction observation or staking
- Lighting
- Construction meetings
- Permitting
- Planning/City Meetings
- Construction Administration/Shop Drawing Review
- Wetland Permitting (if impacts)

Widseth would be pleased to submit a separate proposal for these services, or they can be performed on an hourly basis in accordance with the attached fee schedule with your prior approval.

If you agree with our proposal, please sign below and return one copy of this proposal as our authorization to proceed. We appreciate the opportunity to present this proposal to you and look forward to working with you on this project.

Sincerely,

WIDSETH SMITH NOLTING & ASSOCIATES, INC.



David S. Reese, PE
Vice President

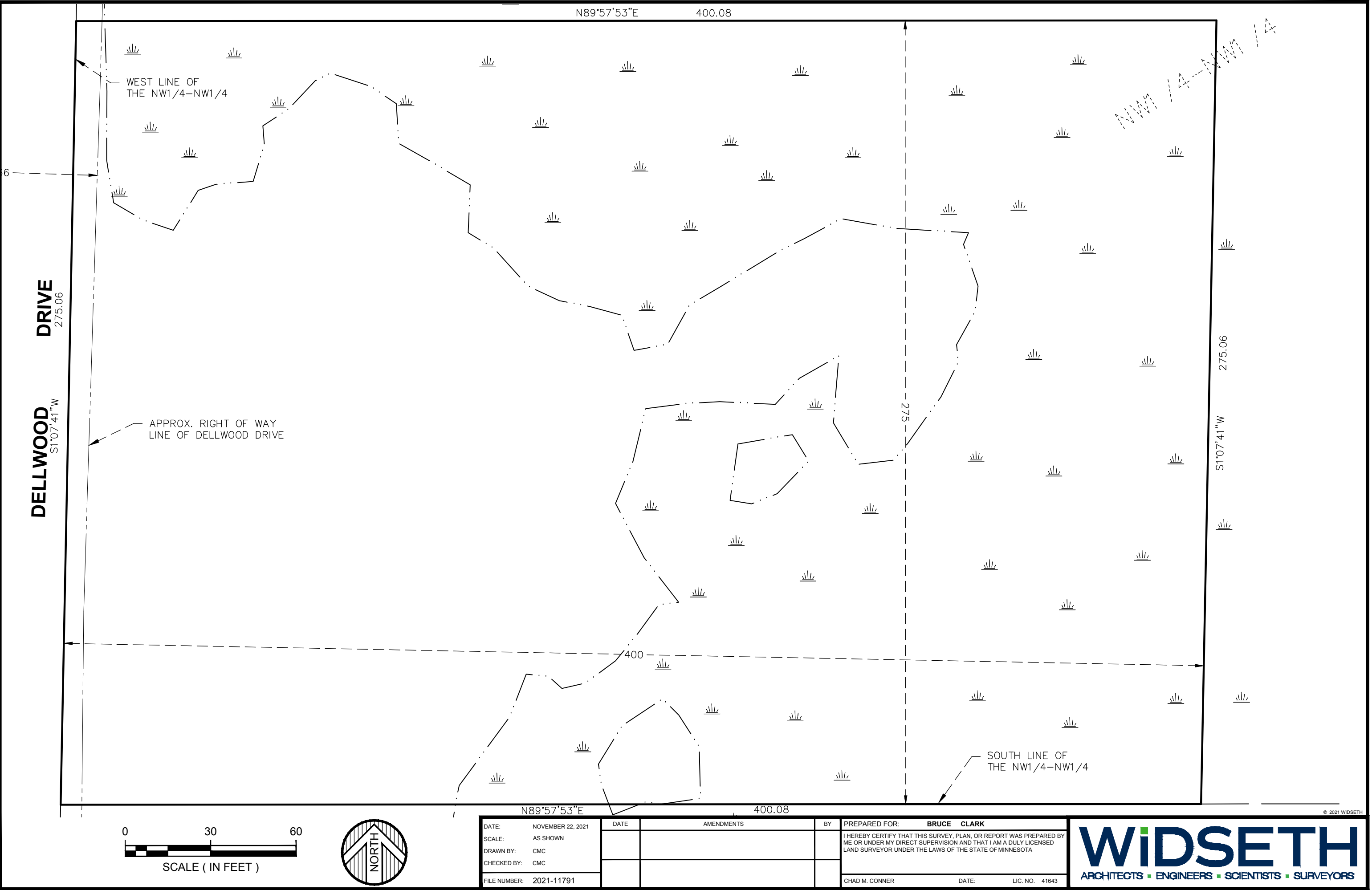


Chad M. Conner, LS, CFedS
Vice President

The above proposal is satisfactory and Widseth is authorized to do the work as specified and in accordance with the attached General Conditions. Payment will be made monthly in accordance with the terms on the attached fee schedule.

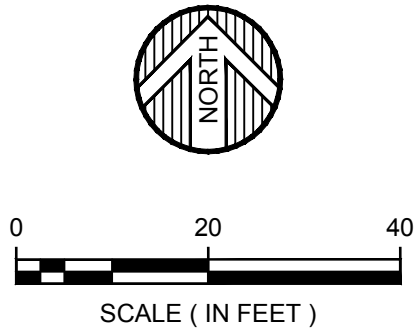
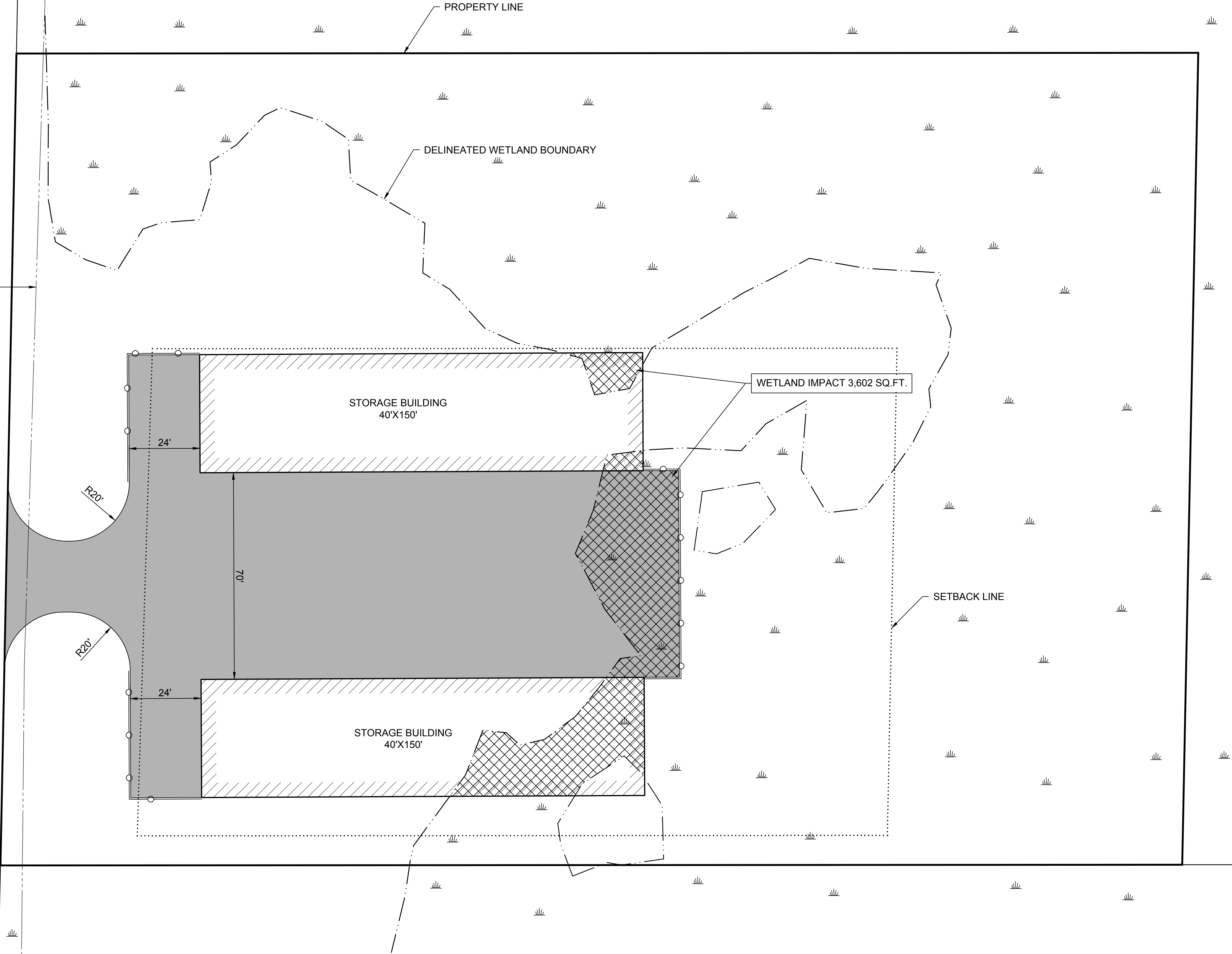
Signature

Date



DELLWOOD DRIVE

ROAD R/W



PRELIMINARY - NOT FOR CONSTRUCTION

CLARK DELLWOOD STORAGE
BRUCE CLARK
BRAINERD, MN
PRELIMINARY LAYOUT

SHEET NO.
EX 1

DATE: DECEMBER 2021
SCALE: AS SHOWN
DRAWN BY: ERC
CHECKED BY:
JOB NUMBER:

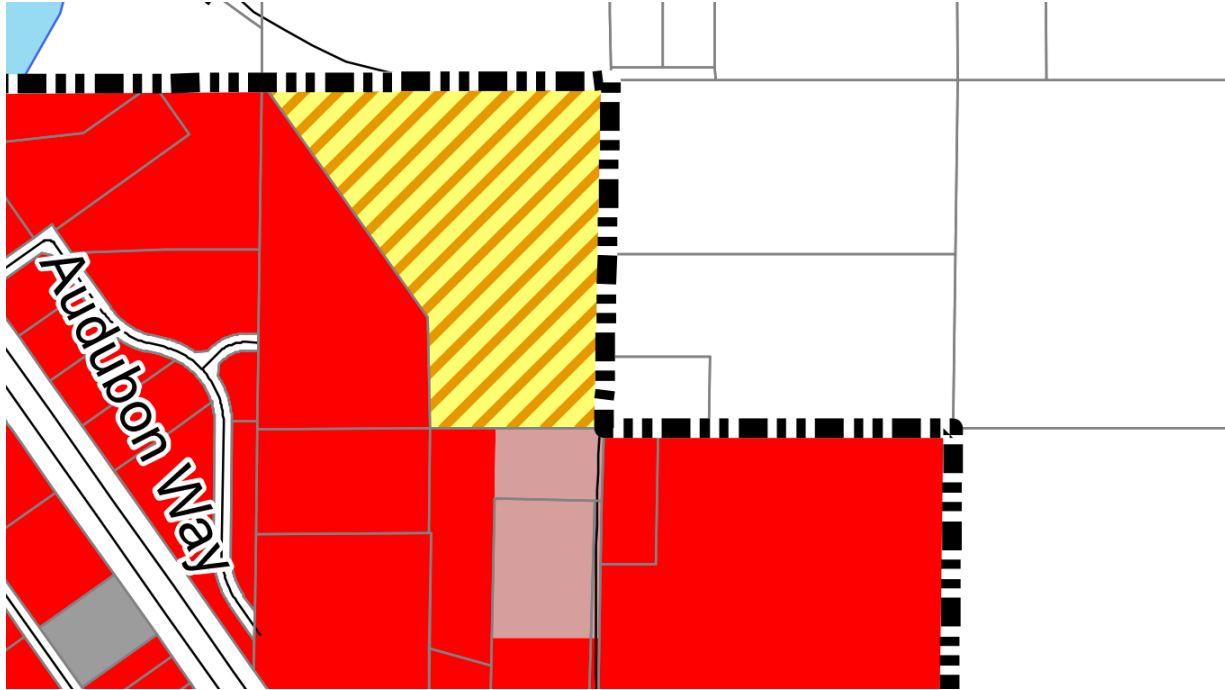
DATE	REVISION DESCRIPTION	BY

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. MY LICENSE NUMBER IS ###.

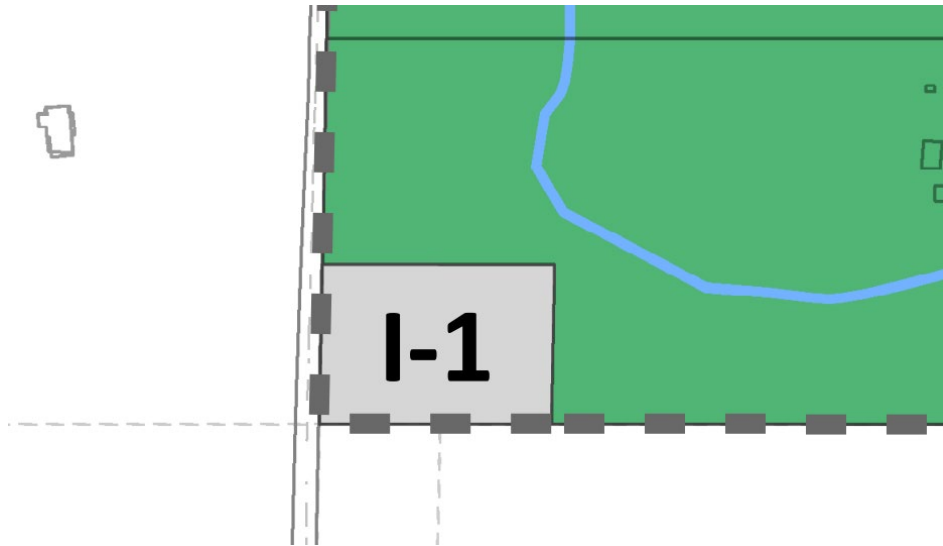
WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

Baxter Zoning Code

C2 = Regional Commercial



Current Zoning Designation – I-1 Light Industrial



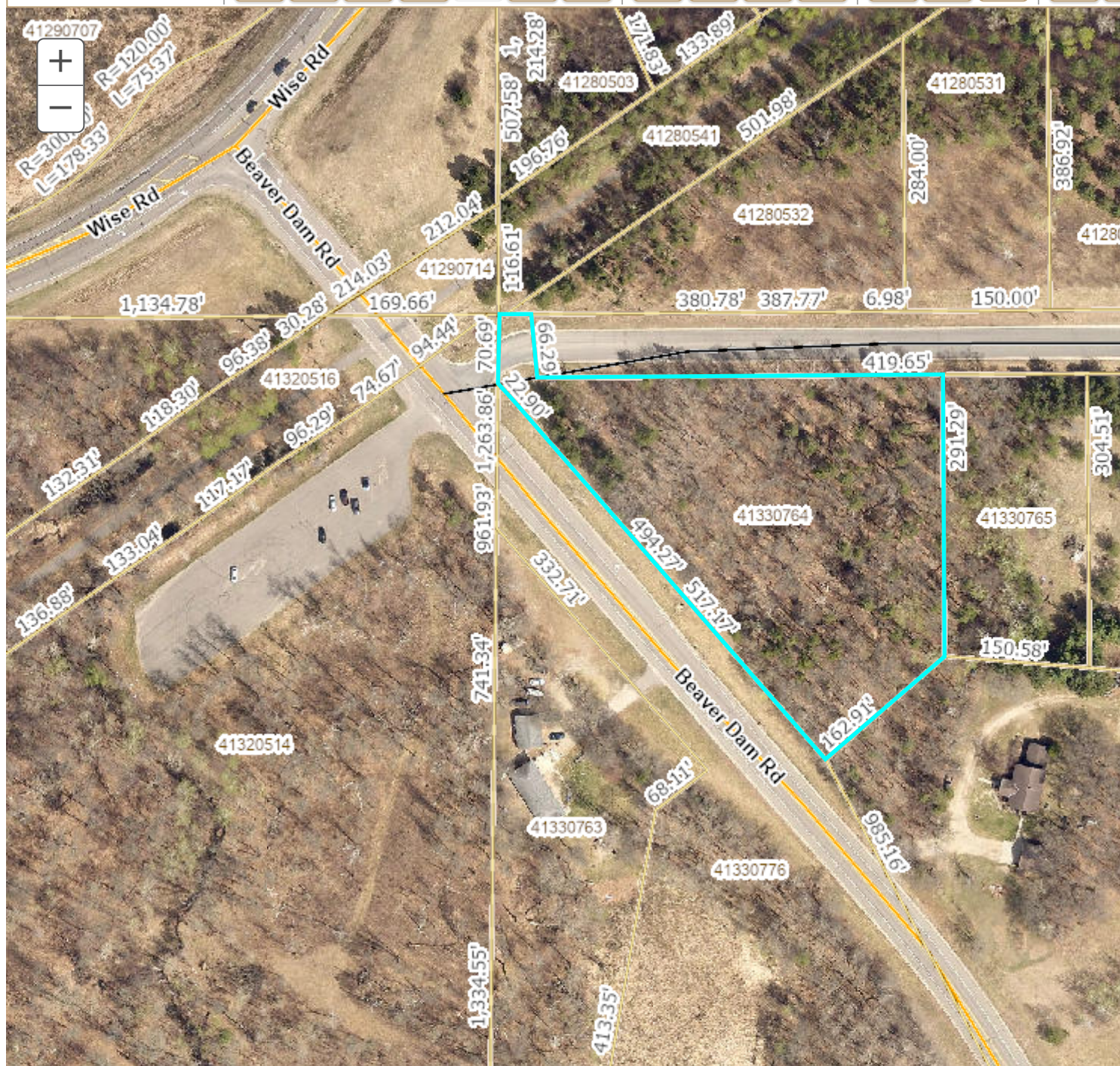
Proposed Zoning Designation – RL-2 Rural Living 2



Purpose of Rural Living Zoning Districts. The RL Districts are intended for areas where Urban Services are not presently available. Lands zoned RL-2 are served by private well and septic and there are no plans for future expansion of Urban Services to the property.

Staff Recommendation

Staff recommends zoning this parcel General Industrial because the applicant worked with former Community Development Director Chanski for the future proposed mini storage unit project. The applicant has hired the services of WSN to produce a wetland delineation and preliminary site map. Mini Storage Units would be a CUP in the General Industrial District.

[illegible]

	PARCEL NUMBER	APPRCL	TDTDNM	OWNIDN	OWNAME	OWADR1
X	41330764	08033220	CITY OF BRAINERD	154749	CARTER, MARION EILEEN	15888 BEAVER DAM RD

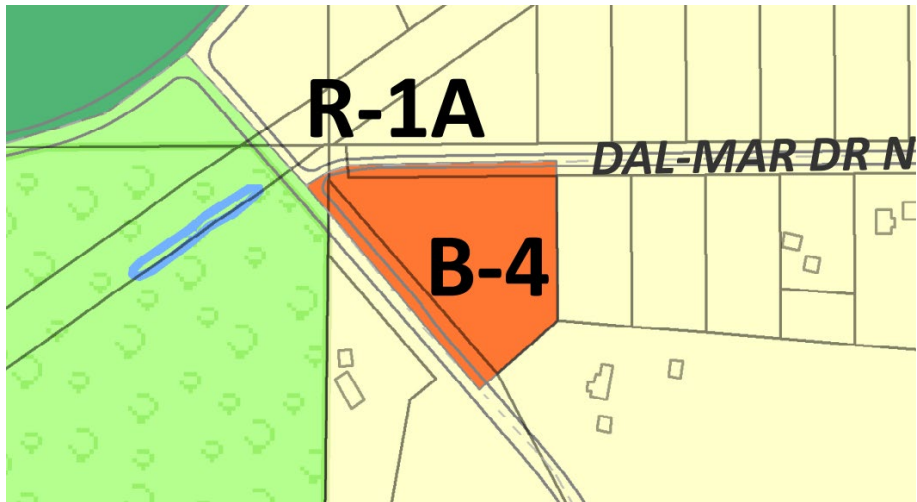
Scale 1:

James Kramvik

From: Jon Carter <jwcarter3002@yahoo.com>
Sent: Saturday, May 7, 2022 4:16 PM
To: James Kramvik
Subject: In response to zoning district B-4

I would like my property #41330764 to remain commercial.
Thank you,
Marion Carter
218-829-5941

Current Zoning District – B-4 General Business District



Proposed Zoning District – GL Garden Living District



Staff Recommendation

Option 1 – Rezone the property to (GC) General Commercial because the property owner went through the rezoning process during the previous zoning map update in 2011 and believes the property holds commercial value at the intersection of Dal-Mar and Beaver Dam Rd.

Option 2 – Leave the property zoned (GL) because the property is surrounded by the Garden Living residential district.



2 Items

	PARCEL NUMBER	APPRCL	TDTDNM	OWNIDN	OWNAME	OWADR1	OWADR2
X	41280540	08028320	CITY OF BRAINERD	133183	SWAN VENTURES LLC	682 39TH AVE NE	COLUMBIA HEIGHTS, MN 55421
X	41280539	08028330	CITY OF BRAINERD	133183	SWAN VENTURES LLC	682 39TH AVE NE	COLUMBIA HEIGHTS, MN 55421



www.ci.brainerd.mn.us

Mayor

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

City Administrator

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

Civil Attorney

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

Criminal Attorney

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

City Engineer

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

Chief of Police

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

Fire Chief

23 Laurel Street
(218) 828-2312
Fax (218) 828-2331
funderhill@ci.brainerd.mn.us

City Planner

(218) 828-2310
Fax (218) 828-2316
mostgarden@ci.brainerd.mn.us

Director of Parks & Recreation

1619 Washington Street N.E.
(218) 828-2320
Fax (218) 828-2791
parks@ci.brainerd.mn.us

Public Utilities

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

Equal Opportunity Employer

March 17, 2010

Bret Swan
Minnesota Petroleum Service
682 39th Ave NE
Minneapolis, MN 55421

RE: 8299 Wise Road

Dear Bret:

The more we talked about your business during our meeting on March 12, 2010 the more comfortable I became with the operation. Its impact on the neighborhood will not be any greater than the previous business that was at this location. A concern I had was that the property may have lost its permitted non-conforming status because it may have been vacant for more than one (1) year. Chris Close called and informed me that the property went vacant in December 2009. Because you will put the property back into use with a similar use within one (1) year of vacancy, it does not lose its legal non-conforming status.

Because your use is similar to the previous use and because the property is reused within one (1) year you can operate Minnesota Petroleum Service at this location.

I would like to remind you that the current RF (Rural Residential) zoning is proposed to change to a B-4 (General Commercial) zoning. The use of the building would be a permitted use in the B-4 zone and outdoor storage is permitted by conditional use. You indicated you require some, but very little outdoor storage (truck and backhoe). The current zoning will not permit you to add more outdoor storage. If the property is rezoned to B-4, you would be able to expand the outdoor storage by conditional use.

Good luck with your business.

Cordially,

Mark Ostgarden AICP
City Planner

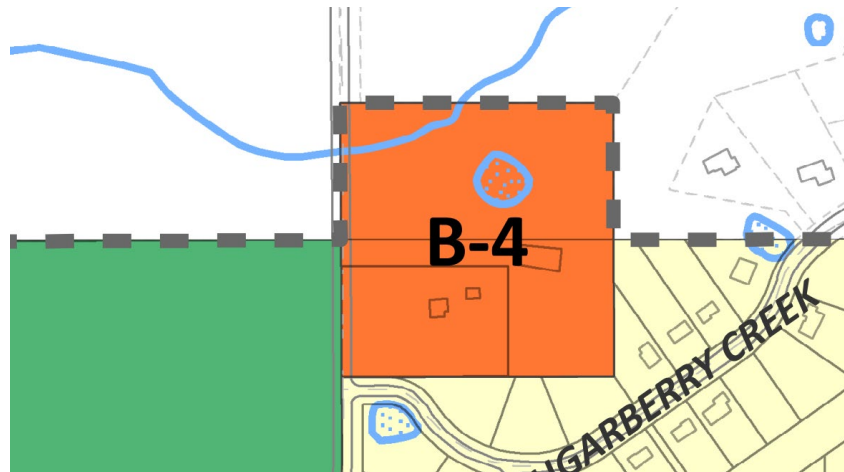
c: Chris Close, Close Converse Realty



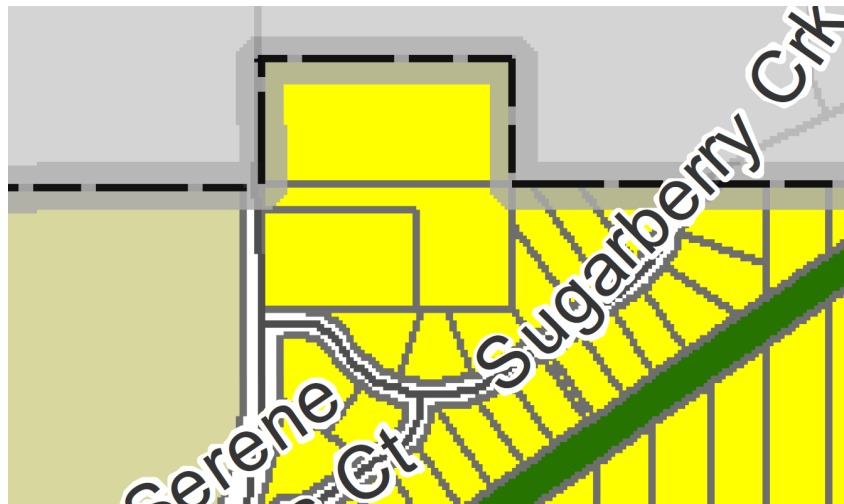
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Independent Petroleum Service

Current Zoning District – B-4 General Business District



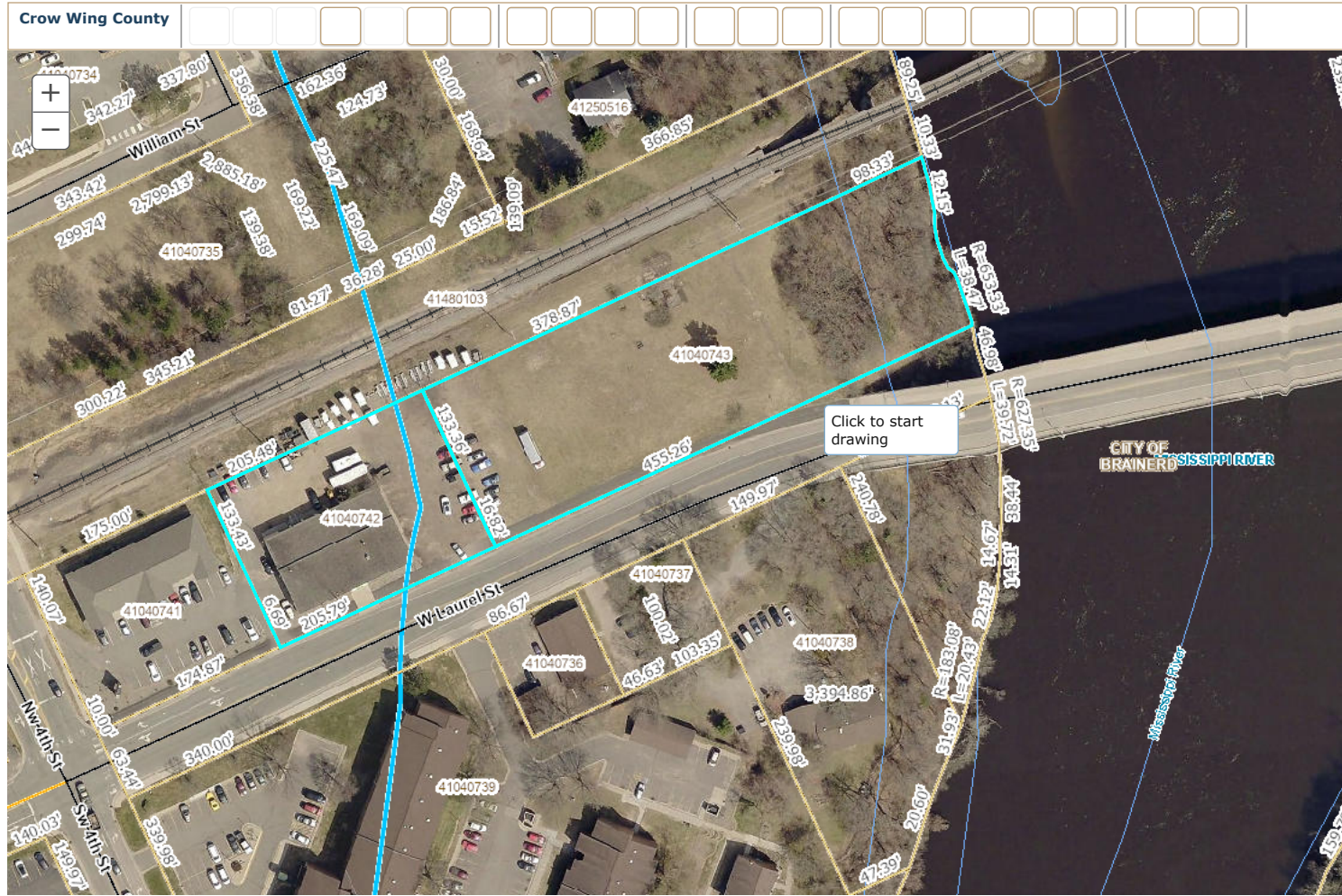
Proposed Zoning District – GL Garden Living District



Staff Recommendation

Option 1 – Rezone the property to (GC) General Commercial because the property owner worked with previous staff during the last rezoning in 2011 and requested the property conform to the use.

Option 2 – Leave the property zoned (GL) because the property is surrounded by the Garden Living residential district. Staff did explain the potential status of legal nonconformity and the rights that the property owner would be entitled to.



2 Items

	PARCEL NUMBER	APPRCL	TDTDNM	OWNIDN	OWNAME	OWADR1	OWADR2
X	41040743	09198001	CITY OF BRAINERD	106870	NORTHERN STATES INVESTMENT LLP	PO BOX 327	BRAINERD, MN 56401
X	41040742	09198003	CITY OF BRAINERD	161288	TRI AXIS ENTERPRISES	310 W LAUREL ST	

**ORDINANCE
NO. 1460**

**AN ORDINANCE AMENDING ORDINANCE NO. 812
PERTAINING TO THE ZONING IN THE CITY OF BRAINERD**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That existing Section 515-04-2 of the Brainerd City Code is hereby amended by changing the zoning designation of the property descriptions below from B-2 (Neighborhood Business) District to B-4 (General Business) District for the following:

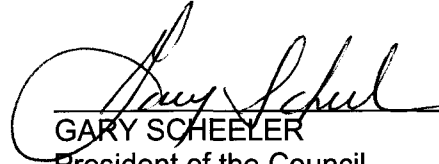
*THE S'LY 150 FT OF BNFS RAILWAY COMPANY'S 400 FT ROW, BEING 200 FT WIDE ON EACH SIDE OF SAIDRAILWAY COMPANY'S MAIN TRACT CENTERLINE, AS ORIGINALLY LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS GOVT LOT 7 OF SEC 4 AND GOVT LOT 1 OF SEC 9 ALL IN TWP 133 RNG 28, LYING BETWEEN TWO LINES DRAWN PARALLEL WITH AND DIST RESPECTIVELY 50 FT AND 200 FT S'LY, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACK CENTERLINE BOUNDED ON THE E BY THE W BANK OF THE MISSISSIPPI RIVER, AND BOUNDED ON THE W BY THE E'LY ROW LINE OF SW 4TH STREET AS DEDICATED ON THE PLAT OF WEST BRAINERD, EXCPT THAT PART THEREOF THAT LIES NE'LY OF THE NE'LY LINE OF THIRD STREET AS DEDICATED ON WEST BRAINERD PLAT AND THE S'LY EXTENSION THEREOF. THE ABOVE DESC PARCEL INCLUDES PORT- IONS OF BLOCK 3, THIRD STREET AND FLORENCE STREET, ALL AS DEDICATED ON THE PLAT OF WEST BRAINERD. & ALSO EXCEPT THE FOLLOWING PARCEL; (S'LY 150 FT OF BNSF RAILWAY CO 400 FT WIDE CHARTER ROW BEING 200 FT WIDE ON EACH SIDE OF SD RAILWAY CO MAIN TRACK CNT LINE AS ORIGIN- ALLY LOCATED & CONSTRUCTED UPON OVER & ACROSS GL 7 OF SEC 4 & GL 1 OF SEC 9 TWP 133 RNG 28 LYING BETWEEN 2 LINES DRAWN PARALLEL WITH & DISTANT RESPECTIVELY 50 FT & 200 FT S'LY AS MEASURED AT RIGHT ANG FROM MAIL TRACT C/L BOUNDED ON E BY W BANK OF MISSISSIPPI RIVER & BOUNDED ON W BY E'LY ROW OF SW 4TH STREET AS DEDICATED ON PLAT OF WEST BRAINERD EXC PT THEREOF THAT LIES NE'LY OF SW'LY LINE OF LOT 5 BLOCK 3 WEST BRAINERD & THE SE'LY EXT THERE OF. THE ABOVE DESC PARCELS INCL PT OF BLOCK 3 OF PLAT WEST BRAINERD.) SUBJ TO AN ESMNT OF RECORD
SECTION 4 TOWNSHIP44 RANGE 31
PID 09198001001A009*

and

*THE S'LY 150 FT OF BNSF RAILWAY COMPANY'S 400 FT WIDE CHARTER ROW, BEING 200 FT WIDE ON EACH SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE, AS ORIGINALLY LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS GOVT LOT 7 OF SEC 4 AND GOVT LOT 1 OF SEC 9, ALL IN TWP 133, RNG 28, LYING BETWEEN TWO LINES DRAWN PARALLEL WITH AND DIST RESPECTIVELY 50 FT AND 200 FT S'LY, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACT CENTERLINE, BOUNDED ON THE E BY THE W BANK OF THE MISSISSIPPI RIVER, AND BOUNDED ON THE W BY THE E'LY ROW LINE OF SW 4TH STREET AS DEDICATED ON THE PLAT OF WEST BRAINERD, EXCEPT THAT PART THEREOF THAT LIES SW'LY OF THE SE'LY LINE OF THIRD STREET AS DEDICATED ON THE PLAT OF WEST BRAINERD AND THE S'LY EXTENSION THEREOF. THE ABOVE DESC PARCEL INCLUDES PORTIONS OF BLOCK 1 AND FLORENCE STREET ALL IN THE PLAT OF WEST BRAINERD
SECTION 4 TOWNSHIP44 RANGE 31
PID 09198003001A009
310 W LAUREL STREET*

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

Adopted this 15th day of August, 2016


GARY SCHEELER
President of the Council

Approved this 16th day of August, 2016

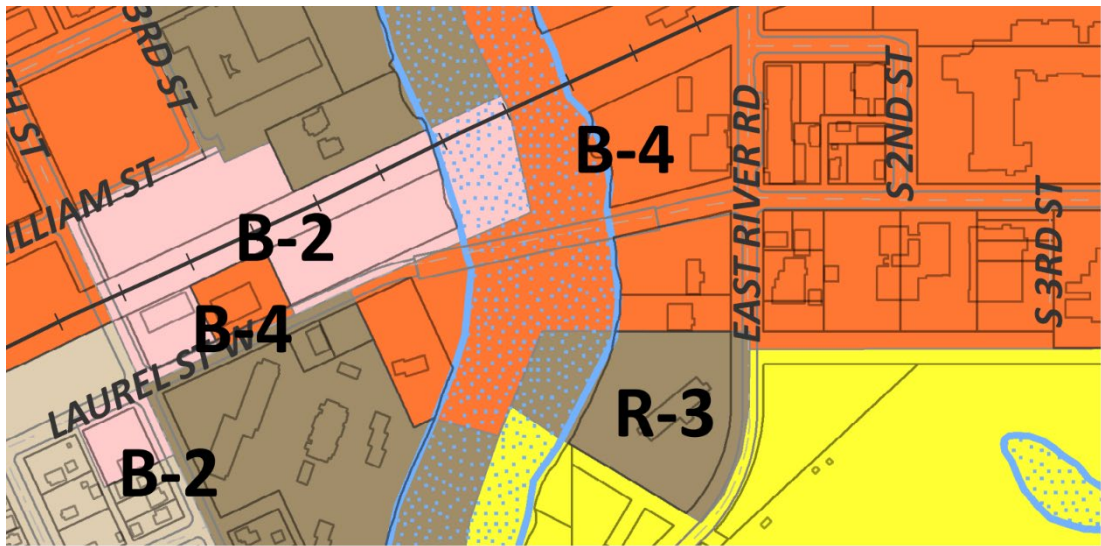

EDWIN L. MENK
Mayor

ATTEST: 
JAMES M. THOREEN
City Administrator

Published: One Time, August 19, 2016

Paradigm Automotive

Current Zoning District – B-4 General Business District



Proposed Zoning District – TC Town Center District

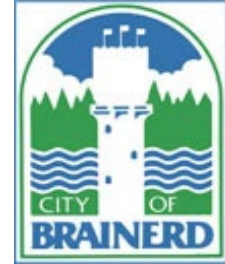
Staff Recommendation

Option 1 – Keep both parcels zoned (TC) Town Center District and add Automobile Repair as a CUP.

- *Current Auto Repair/ Detail Shops in proposed TC District*
 - *Paradigm Automotive*
 - *Exhaust Pros*
 - *Tip Top Detail Shop*

Option 2 – Rezone both parcels to (GC) General Commercial because the property owner worked with previous staff to rezone the property to B-4 in 2016 as part of Ordinance NO. 1460.

MEMO



TO: Planning Commission

FROM: James Kramvik, Acting Community Development Director

DATE: May 18, 2022

RE: Review Brook St. Industrial Properties

Brook St. Industrial Properties

At the April Planning Commission meeting, the Commission discussed options for the current Brook St. Industrial properties. A major concern discussed by the Commission was the potential for future industrial uses that would not be compatible with the surrounding neighborhood. There are two potential options for the Planning Commission to review in order to keep the current businesses conforming while addressing potential future concerns of the residential neighborhood. The first option is through the issuance of a Conditional Use Permit. The issuance of a CUP would allow existing business along Brook St. to remain conforming for its current use. With this option, the applicants along Brook St. must be a current business and would go through the standard CUP application process. The summary of the mechanics of the CUP are attached to the memo. As a note, CUPs remain with the parcel and are not affected by potential future rezonings. The second option would be through the creation of a Makers and Employment Overlay district for the industrial properties. An overlay district would keep the properties conforming while removing the potential for heavier industrial/ commercial uses in the future.

Staff Recommendations

- 1) Staff will guide the Planning Commission through both options for the Brook St industrial properties and ask the Planning Commission to make a recommendation to add one of the options to the proposed code.
- 2) After reviewing the Makers and Employment District, staff is also recommending a change to the setback standard when adjacent to residential properties.

Objectives:

- To allow industrial use to remain conforming, but specific to the existing general business, operations and site.
- IF, current operations cease voluntarily, that a similar replacement business could purchase and operate.
- BUT, if no similar businesses are interested, that the uses established by the Zoning District shall govern.

Background/Current Condition:

There are approximately 28 properties/parcels that are proposed to be rezoned from Industrial to a non-industrial zoning district. Assumptions regarding the parcels:

- Existing businesses in operation are in good standing, with no significant concerns to surrounding properties.
- The existing use is conforming to the Industrial Zoning District.
- The existing site is developed with an industrial use prior to the adoption of the Zoning Ordinance.

OPTION 1:

- Add language to Section 515-3 Allowed Uses that would allow an existing industrial use to remain conforming through the issuance of a CUP. The Section would generally state the following:
 - Applicability: Properties that were zoned for industrial use prior to the enactment of this Zoning Map, that are now zoned for non-industrial use.
 - Note: This would apply to the Brooks Street properties, also northern hydraulic, etc., as opposed to being specifically directed at Brooks Street properties (Approximately 15 properties may be eligible based on GIS analysis).
 - Criteria:
 - Business/operation must have been active and/or operational prior to the adoption of the Zoning Map.
 - Business/operation must have been permitted by-right within the applicable Zoning District (I-1 or I-2)
 - The site must have been improved to support the business activity and operation.
 - Business must be in good standing, without any significant outstanding compliance issues.
 - Permits. Any use of property that meets the criteria established by this section, shall be entitled to a Conditional Use Permit, regardless of whether it is identified on the Table of Uses (Appendix A). The CUP shall:
 - Run with the land and is transferrable.
 - The issued CUP, and its conditions, shall establish that the conditionally permitted use is conforming.
 - Reasonable conditions may be established, provided they are consistent with the current operations and site conditions.

- The Owner/Applicant shall apply for CUP within 18 months of the adoption and enactment of the June XX, 2022 Zoning Map.
- This City will waive the CUP application fee provided all conditions stated herein are met.

OPTION 2:

- Establish Light Manufacturing and Contractor Offices active prior to the adoption of the June XX, 2022 Zoning Map as a Conditional Use on the Table of Uses (Appendix A) for CN-2. This solution is a direct response to the property owners that provided objections on Brooks St.
 - Note: Any property owner in the new CN-2 Zoning District could fall under this land use, it would not necessarily only apply to Brooks Street since we may not know every business or activity in the City. However, this seems fairly low risk, given the GIS analysis and proposed Map Changes.
 - Note: the existing industrial operations of owners on Brooks Street can generally be categorized on the Table of Uses as:
 - Light Manufacturing and Contractor Offices
 - Table of Uses would qualify that the activity must have been present prior to the adoption of the June XX, 2022 Zoning Map.
- Prepare supporting Use Specific Standards for “Light Manufacturing and Contractor Offices, active prior to adoption of June XX, 2022 Zoning Map,” which may include:
 - Business must demonstrate that the operations were active prior to June X, 2022 (effective date of the Zoning Map change).
 - Prior to the enactment of the updated Zoning Ordinance, the use must be permitted by-right under current I-2 zoning.
 - Owner/operator must apply for and receive a Conditional Use Permit that must include: site plan, description of operations and use, and any reasonable conditions.
 - The CUP must be applied for within 12-months of the adoption of the updated Zoning Map.

Objectives of the Makers and Employment Overlay District

1. Keep the properties conforming without having to apply for a Conditional Use Permit
2. Allow for other potential future industrial uses for resale purposes
3. Not adding any other nonconformities from the previous light industrial standards
4. Protect the neighborhood from more intense or dangerous industrial uses

Staff recommends changing a setback standard for the ME District - Setback from abutting residential zoning 100 feet.

- This is the current setback standard for light industrial properties

Historic Brainerd Industrial Park Overlay District (HBIP-O)

- A. **Purpose of the Historic Brainerd Industrial Park Overlay District.** The purpose of the HBIP-O District is to allow for the continued industrial use of properties contained within the building and add additional protection to the health, safety, and welfare of the surrounding residential neighborhood.
- a. The dimensional standards contained within the Makers and Employment (ME) Base Zoning District shall govern the Historic Brainerd Industrial Park Overlay District
 - b. The uses or similar uses permitted in the HBIP-O District are noted in Table [xxxxxx] provided they are conducted wholly within the building:
 1. Light Manufacturing
 2. Commercial sales incidental to the manufacture and processing of products
 3. Woodworking
 4. Small Engine Repair
 5. Electronics assembly and testing
 6. Research laboratories
 7. Business or trade school when conducted entirely within a building
 8. Places of worship and related buildings
 9. Repair services such as electronics (indoor)
 10. Equipment rental (indoor)
 11. Office business
 12. Contractor offices
 13. Commercial sales incidental to the manufacture and processing or wholesaling of products
 14. Government & Public buildings (including utility buildings and structures)
 15. Essential services as regulated by Section XX of this Ordinance
 16. **(Accessory Use)** Outdoor storage accessory to a principal use provided that the storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per Section XX of this Ordinance.

Examples of Uses that would not be allowed (These would not be listed in the ordinance)

Animal Clinic, Hospital, and Shelter

Auto Dealership

Brewery

Car Wash

Commercial/Retail

Food Trucks

Funeral Homes & Mortuaries

Liquor Sales On and Off

Pawn Shops

Taxi or Bus dispatch sites

Telecommunication Towers

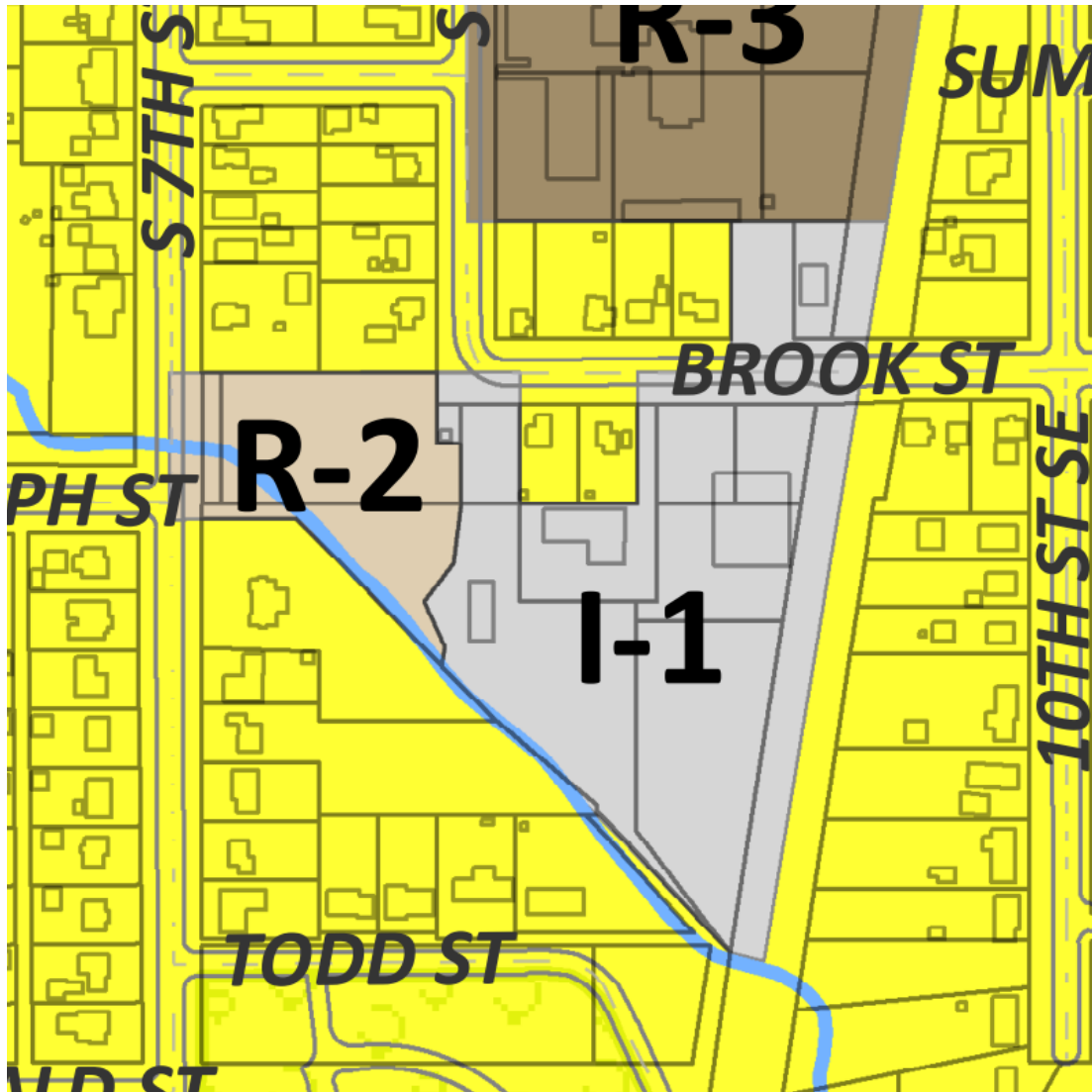
Automobile & Truck Repair

Radio & Television Studios

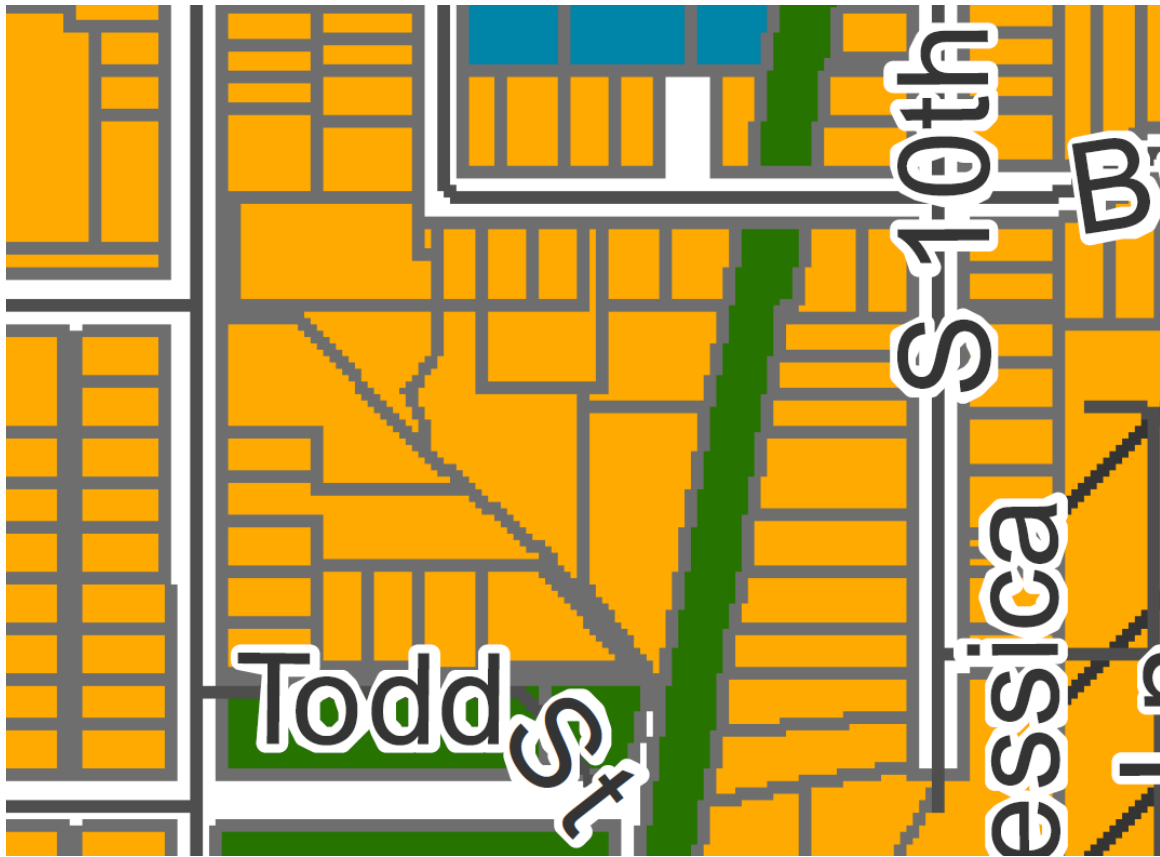
Truck and semi-tractor/trailer sales and repair

Warehousing & Distribution Facilities

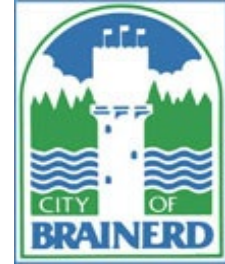
Current Zoning Map



Proposed Zoning Map



MEMO



TO: Planning Commission

FROM: James Kramvik, Acting Community Development Director

DATE: May 18, 2022

RE: Review Town Center District

Town Center District

The last item that continues to be an important topic of discussion is the Town Center District.

Purpose of the Town Center Zoning District. The purpose of the TC Zoning District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.

Acting Community Development Director James Kramvik completed a thorough review of the code language and the table of uses for the Town Center District to ensure that the map, code language, and table of uses are in harmony with the purpose statement of the district.

Staff will guide the Planning Commission through a discussion to determine if the map, code language, or table of uses should be amended in the proposed zoning code and map. Staff will ask the Planning Commission to make a recommendation for any changes that the Commission deems necessary for the Town Center District.

Staff Recommendations

- 1) Two-story minimum (above grade) building requirement for properties with residential uses
- 2) Make 2-4 attached multifamily units a Conditional Use
- 3) Add Autobody Shops as a Conditional Use in TC District

Additional Items for Consideration

- 1) Move Main Street District one block south
- 2) Commercial and residential uses are not permitted on the same level

Town Center – Existing Conditions and Proposed Standards

Existing Conditions

The proposed town center area is primarily zoned B-3 & B-4

Existing 1st story residential properties

Multi-family attached dwelling units (5+ Units) – Legal Nonconforming (Proposed CUP)

- Proposed to bring **2 properties** into conformity that was previously legal-nonconforming

Single Family Attached Dwelling Unit (2-4 Units) – Legal Nonconforming (Proposed Permitted)

- Proposed to bring **5 properties** into conformity that were previously legal-nonconforming

Single Family Detached Dwelling Unit – Legal Nonconforming (Proposed CUP)

- Proposed to bring **9 properties** into conformity that were previously legal-nonconforming
- These properties would not be allowed additions, accessory structures, decks, covered entry ect... if left legal nonconforming. (Only allowed through the rezoning of properties)

B-4 Business properties located south of Downtown have major setback issues in the current B-4 (General Business District) standards.

- The proposed Town Center District would alleviate many on the setback constraints that these business face when proposing additions to their property. Many of the properties are legal-nonconforming in setback standards under the current Zoning Code.

Proposed Town Center District Standards [Table 515-2-11.1. TC Dimensional Standards]

- Besides the Main Street District, first floor residential would not be allowed in the Town Center Overlay District on a portion of South 8th Street and a portion of South 5th Street.
- **There are only three permitted frontage building types in the Town Center District.**
 - o Shopfront, Common Entry, and Stoop
 - o The Stoop frontage would not be allowed in the Town Center Overlay District
 - Frontage building type standards gives the city the ability to deny permits based on the façade type of a proposed structure.
- Build to range of 0'-10' for the front yard setback and side yard setback
 - o The setback range requirements help dictate dense urban development
- **Frontage Types**

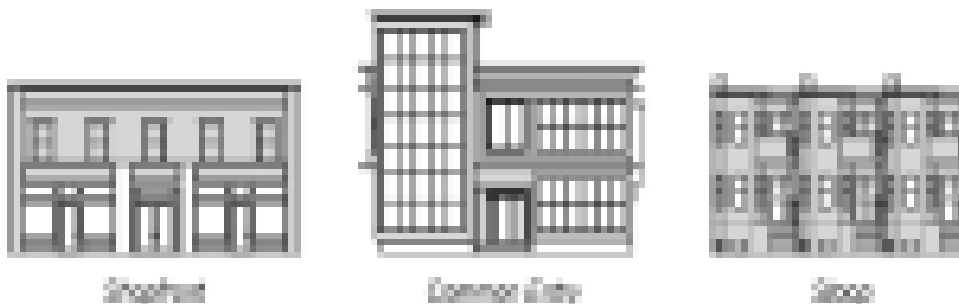


Table 515-2-11.1. TC Dimensional Standards

Accessory Structure size is limited to 500 SQFT in the Town Center District

- *Any larger garage would require a variance that the City can deny.*

515-4-2 Building Design Standards.

D. Commercial Use Design Construction Standards.

New buildings constructed in the CC, TN-2, TN-3, ME and TC Zoning Districts should be consistent with the character of surrounding structures. Typical and permitted materials include: brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.

Purpose of the Town Center Zoning District. The purpose of the TC Zoning District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.

Staff Recommendations

Two-story minimum (above grade) building requirement for properties with residential uses

Make 2-4 attached multifamily units a CUP

Add Autobody Shops as a CUP in TC District

Additional Items for Consideration

Move Main Street District One Block South

Commercial and residential uses are not permitted on the same level

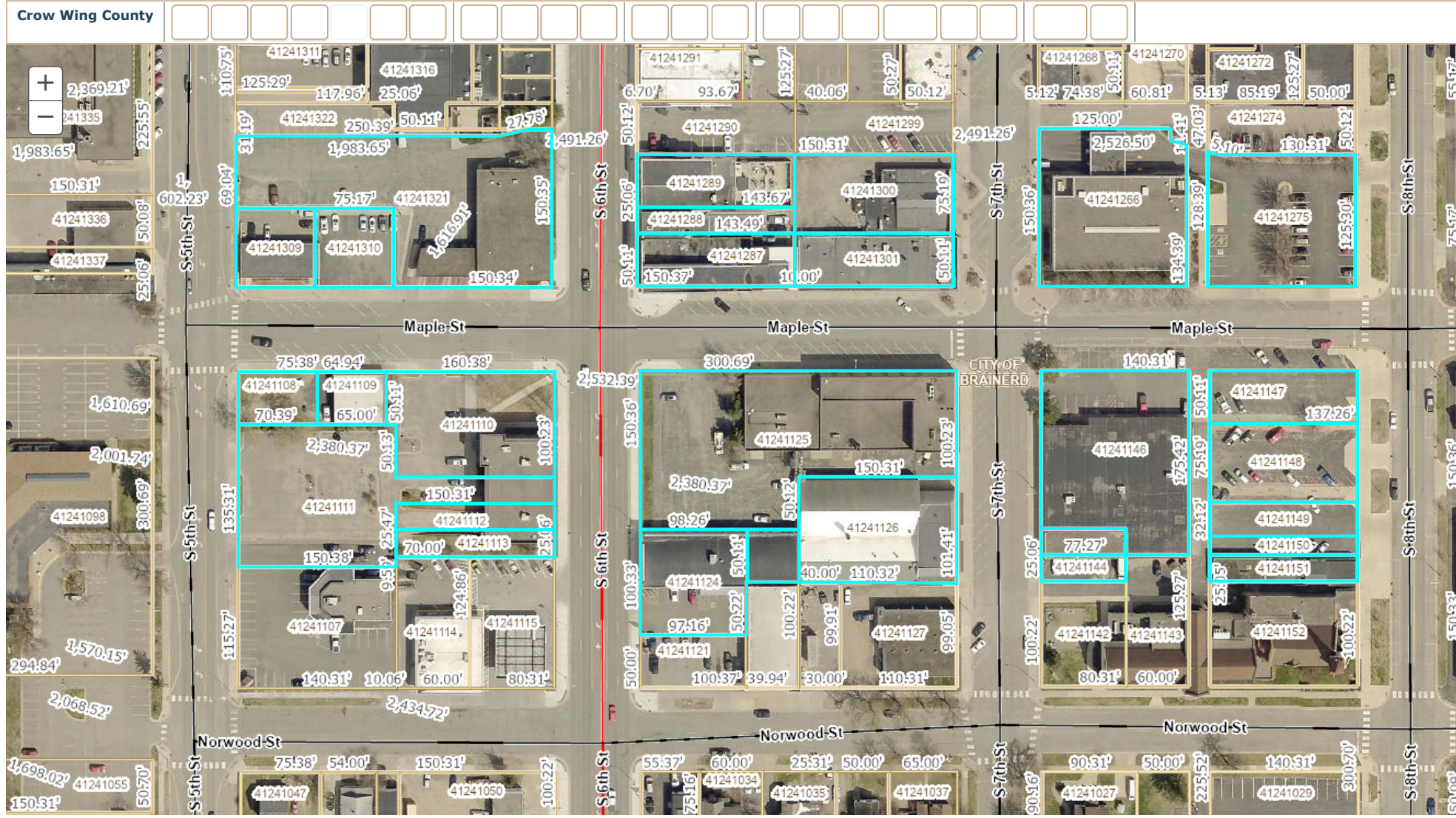
Proposed Zoning Map



Staff Recommendation for Motion Language if Planning Commission Supports Map Change

Zone all properties Main Street District that are listed below by their Parcel Identification Number

- **PIN Numbers** (41241321, 41241310, 41241309, 41241301, 41241300, 41241289, 41241288, 41241287, 41241275, 41241266, 41241151, 41241150, 41241149, 41241148, 41241147, 41241146, 41241145, 41241144, 41241126, 41241125, 41241124, 41241123, 41241113, 41241112, 41241111, 41241110, 41241109, 41241108)
- *Note – MS District would remain between S 5th St. and S 8th St. and all parcels fronting Norwood St would remain Town Center District*



28 Items

	PARCEL NUMBER	APPRCL	TDTDNM	OWNIDN	OWNAME	OWADR1	OWADR2	OWADR3
X	41241321	09196067	CITY OF BRAINERD	26203	FIRST NATIONAL BANK OF BRAINERD	320 S 6TH STR	BRAINERD MN 56401	
X	41241310	09196067	CITY OF BRAINERD	26203	FIRST NATIONAL	BRAINERD MN 56401		

Scale 1: 1200

