PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, October 19, 2022 @ 6:00pm

The public is invited to attend this meeting in person
Attend by phone: 1-844-992-4726 Meeting Access Code: 2492 328 1695
Meeting is also televised on CTC Cable channel 8 and streamed live on YouTube: www.youtube.com/CityOfBrainerdMN

1. Call To Order
2. Roll Call
   ___ D. Gorham ___ M. Kallroos ___ K. Yeager ___ T. Erickson

   ___ C. Marohn ___ T. Woodward ___ M. Duval
3. Pledge Of Allegiance
4. Approval/Amendment Of Agenda
5. Approval Of Minutes
   1. Regular Meeting Held on September 21, 2022

   Documents:

   2022-09-21 DRAFT.PDF
6. Old Business
7. New Business

7.a. Consider Preliminary Plat - Creekside Community Development

Documents:

PRELIM PLAT FOR CREEKSIDE COMMUNITY.PDF

7.b. Consider Conditional Use Permit - Construction Of A 12-Unit Multi-Family Apartment Building NW 3rd Street

Documents:

CUP FOR 12 UNIT APARTMENT.PDF

7.c. Consider Conditional Use Permit - Operation Of A Boarding House At NW 3rd Street

Documents:

CUP FOR THE OPERATION OF BOARDING HOUSE.PDF

7.d. Discussion On Proposed Ordinance Amendment Restricting The Demolition And Removal Of Dwelling Units

Documents:

PROPOSED ORD AMDMT RE DEMO DWELLING UNITS.PDF

7.e. Discussion On Industrial Zone Building Design Standards

Documents:

IND PROPERTY DESIGN STDS.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, September 21, 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 Gorham, Yeager, Woodward, and Duval. Commissioner Marohn joined the meeting remotely at 6:08 pm. Commissioner Kallroos was noted as absent. Also noted as present was Community Development Director Kramvik.

#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 GORHAM TO APPROVE THE AGENDA AS PRESENTED.

Upon roll call vote, members Gorham, Yeager, Woodward, and Duval voted “aye”. No member voted “nay”. The Chair declared the motion carried.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND WOODWARD TO APPROVE THE MINUTES FROM THE AUGUST 17, 2022 REGULAR MEETING AND THE SEPTEMBER 9, 2022 WORKSHOP.

Upon roll call vote, members Gorham, Yeager, Woodward, and Duval voted “aye”. No member voted “nay”. The Chair declared the motion carried.

#6 New Business

6a. Interim Use Permit Request for Outdoor Storage – 1918 Thiesse Drive

Community Development Director Kramvik explained the details of the application for an interim use permit to allow outdoor storage as a principal use in the GI (General Industrial) District. This use is allowed by interim use permit in that district.

The Chair opened the public hearing at 6:11 pm.

The Chair recognized Jerry Tang, who is the applicant and has called into the meeting remotely. He answered the Commission’s question regarding the height of the cooling towers. It was determined they are 14 feet tall. He gave the Commission a brief recap of the permit request to operate a crypto mining facility at 1918 Thiesse Drive. The need is for outdoor storage as a principal use for the crypto mining computer equipment.

Commissioner Gorham inquired if the applicant is aware of *"The Merge".* This involves Ethereum (type of cryptocurrency) migrating from the Proof of Work (PoW) consensus mechanism to Proof of Stake (PoS) which can practically eliminate a carbon footprint by reducing energy. Mr. Tang stated he is aware of this and agrees it will be beneficial for cryptocurrency.

Commissioner Marohn questioned if the business failed, what would be the process for removal of equipment and site conditions. He also suggested the possible need for a reclamation bond for financial security.

Commissioners asked questions and discussed with the applicant about the energy being implemented with this project and details of energy used. It has been determined that Brainerd Public Utilities (BPU) has thoroughly reviewed the project and contracted with the applicant for energy and are fully vetted in this project.

The Chair closed the public hearing at 6:25 pm.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO ALLOW OUTDOOR STORAGE AS A PRINCIPAL USE AT 1918 THIESSE DRIVE UNDER THE CONDITIONS THAT THIS PERMIT IS CONTINGENT UPON THE FINAL SALE OF THE PROPERTY TO VCV DIGITAL, AND THE PERMIT WOULD BE VOIDED IF OPERATIONS DISCONTINUE AS A CRYPTO MINING FACILITY.

Upon roll call vote, members Yeager, Woodward, and Erickson voted "aye". Members Marohn, Gorham, and Duval voted "nay". The Chair declared a tie vote, in which motion fails.

6b. <u>Interim Use Permit for Outdoor Storage – 1911 Thiesse Drive</u>

Community Development Director Kramvik indicated this application is very similar to the previous interim use permit application. He stated the only difference is there will be a requirement to add privacy slats in the fencing along the south and west sides to provide screening from the road.

The Chair opened the public hearing at 6:51 pm.

The Chair recognized the applicant, Jerry Tang, who reiterated that funding has already been secured with BPU for the solar farm that is being constructed, as well as paying for the infrastructure. He suggested the commissioners contact BPU regarding their questions on energy usage, but that part of the project has already been approved.

The Chair closed the public hearing at 6:54 pm.

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND ERICKSON TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO ALLOW OUTDOOR STORAGE AS A PRINCIPAL USE AT 1911 THIESSE DRIVE UNDER THE CONDITIONS THAT THIS PERMIT IS CONTINGENT UPON THE FINAL SALE OF THE PROPERTY TO VCV DIGITAL, AND THE PERMIT WOULD BE VOIDED IF OPERATIONS DISCONTINUE AS A CRYPTO MINING FACILITY.

DRAFT

Upon roll call vote, members Yeager, Woodward, and Erickson voted “aye”. Members Marohn, Gorham, and Duval voted “nay”. The Chair declared a tie vote, in which motion fails.

6c. <u>Variance from Setback Standards – 1911 Thiesse Drive</u>

Community Development Director Kramvik stated this variance is for a reduced front yard setback from the required 40 feet to 36 feet for the construction of a guard shack for the crypto mining facility. The placement of the guard shack would preferably be in front of the gate and fence to provide security for the crypto mining facility equipment.

The Chair opened the public hearing at 7:01 pm.

The Chair recognized Jerry Tang, who gave the reason for the variance. He said the need to locate the guard shack in that area is to maintain the width of the road inside the fence. He said they have already reduced the width to 20’ from 25’. The road needs to be wide enough to accommodate semi-trucks, and potential emergency vehicles.

Commission discussion took place with the applicant and possible alternate locations of the guard shack were suggested to avoid the need for the variance.

The Chair closed the public hearing at 7:10 pm.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND GORHAM TO RECOMMEND DENIAL OF THE VARIANCE FOR A REDUCED FRONT YARD SETBACK AT 1911 THIESSE DRIVE DUE TO NOT MEETING THE PRACTICAL DIFFICULTY REQUIREMENTS.

Upon roll call vote, members Yeager, Woodward, Marohn, Gorham, Erickson, and Duval voted “aye”. No member voted “nay”. The Chair declared the motion carried.

6d. <u>Variance from Setback Standards – 804 Oak Street</u>

Community Development Director Kramvik gave a brief review of the application from Brainerd Public Schools for a reduced rear year yard setback from 5 feet to zero feet. The purpose is to construct an ADA compliant enclosed wheelchair lift along Pine Street.

The Chair opened the public hearing at 7:18 pm.

The Chair recognized Reid Thiesse, Director of Buildings and Grounds, for Brainerd Public Schools, who stated that accessibility to the building is very limited. There currently is only one wheelchair accessible entry along Oak Street and adding this wheelchair lift would be a great improvement to the property.

The Chair closed the public hearing at 7:20 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR A ZERO FOOT REAR YARD SETBACK AT 804 OAK STREET TO ALLOW FOR THE CONSTRUCTION OF AN ADA ENCLOSED WHEELCHAIR LIFT.

DRAFT

Upon roll call vote, members Yeager, Woodward, Marohn, Gorham, Erickson, and Duval voted “aye”. No member voted “nay”. The Chair declared the motion carried.

6e. Variance for Boundary Line Adjustment – 3231 Oak Street

Community Development Director Kramvik explained the variance request is for a boundary line adjustment that will remove the required lot frontage on a public street. The applicant is proposing access to the property through a 33-foot-wide easement.

The Chair opened the public hearing at 7:25 pm.

The Chair recognized Aaron Crandall, Chief Legal Officer at CJK Group in St. Cloud representing the property owner, who gave a brief review of the intent of the request.

The Chair closed the public hearing at 7:30 pm.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND WOODWARD TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR A BOUNDARY LINE ADJUSTMENT THAT WILL REMOVE THE REQUIRED LOT FRONTAGE ON A PUBLIC STREET AND ALOW ACCESS TO THE PROPERTY THROUGH A 33-FOOT-WIDE EASEMENT WITH A SECONDARY EASEMENT IDENTIFIED IN PROPERTY CLOSING DOCUMENTS.

Upon roll call vote, members Yeager, Woodward, Gorham, Erickson, and Duval voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Commissioner Marohn logged out of the meeting at approximately 7:36 pm.

6f. Variance from Setback Standards – 515 S. 9th Street

Community Development Director Kramvik indicated that the applicant was approved for a variance back in 2020, but the project did not take place at that time and the permit expired. He stated that variance request was for a reduced side yard setback from five (5) feet to three (3) feet, but after re-measuring the lot, the applicant is now requesting a reduced side yard setback from five (5) feet to 2 ½ feet along the north boundary line of the property.

The Chair opened the public hearing at 7:43 pm.

The Chair recognized Eric Stangler, Stangler Properties 7084 Lone Oak Rd., Brainerd, who is the property owner and explained his intent to construct a duplex on his property. The reason for the reduction is to allow for the two entry doors and a sidewalk to be located along the south property line.

The Chair recognized Arliss Bement, 11279 Ash Ave Brainerd, who owns 511 S. 9th Street which is the property along the north boundary line. She stated she is not in approval of the reduced setback, as 2 ½’ is too narrow to allow for mowing and maintenance between properties.

The Chair closed the public hearing at 7:50 pm.

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND ERICKSON TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR A REDUCED SIDE YARD SETBACK FROM FIVE (5) FEET TO 2 ½ FEET ON THE NORTH BOUNDARY LINE.

Upon roll call vote, members Yeager, Woodward, Gorham, Erickson, and Duval voted "aye". No member voted "nay". The Chair declared the motion carried.

6g. Variance from Garage Placement Standards and Height Standards – 324 Woodland Hills Lane

Community Development Director Kramvik gave a brief review of the application submitted for a variance from garage placement and garage height. He stated the applicant would like to construct the detached garage in front of the principal structure rather than behind. He is also requesting the garage height is increased 3' 4 ½" over the height of the principal structure.

The Chair opened the public hearing at 8:03 pm.

The Chair recognized Jeff Howard, owner of the property who stated the lots have been consolidated, thus making the placement of the garage in front of the house due to the house being set back further on the property. He would also request the garage height is increased to allow for a truck and camper to fit through the garage doors.

The Chair closed the public hearing at 8:05 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND APPROVAL OF THE VARIANCE REQUESTS FOR GARAGE PLACEMENT IN FRONT OF THE PRINCIPAL STRUCTURE 52' FROM THE PROPERTY LINE DUE TO WETLAND ISSUES AND INCREASED GARAGE HEIGHT AT 324 WOODLAND HILLS LANE AS PRESENTED.

Upon roll call vote, members Yeager, Woodward, Gorham, Erickson, and Duval voted "aye". No member voted "nay". The Chair declared the motion carried.

#7 Public Forum

The Chair opened the public forum at 8:10 pm.

No one came forward.

The Chair closed the public forum at 8:10 pm.

#8 Community Development Director's Report

Community Development Director Kramvik gave the following updates:

- Progress of the Mississippi Trailhead Park
- Events taking place downtown Saturday September 24th
    - Touch A Truck
    - Flapjack Festival
    - Skate Park Event

#9 Commissioner's Questions/Comments

Commissioner Gorham requested a meeting with staff on the Mississippi Trailhead Park progress and changes.

Commissioner Duval indicated there are some typos in the Zoning Code Table of Uses to be corrected.

#10 Adjourned at 8:15 pm.

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

_____

Michael Duval, Planning Commission Chair

DRAFT

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: October 19th, 2022

RE: Consider Preliminary Plat for Creekside Community Development

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Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a preliminary plat for Lots 1 through 12, Block M, and Lots 3 through 10, Block E in the West Brainerd Addition to Brainerd. The purpose of this preliminary plat request is to consolidate 11 lots into four larger lots.

Findings of Fact

The proposed preliminary plat will be contingent upon City Council approval of an alley vacation in Block E & M, West Brainerd Addition to Brainerd.

Lots 1 through 12, Block M, and Lots 3 through 10, Block E in the West Brainerd Addition to Brainerd are all zoned TN-2 (Traditional Neighborhood 2) District.

Adjacent Uses: North: Vacant Land & 4-unit Apartment Under Construction
East: Single-Family Residential
South: Commercial Storage & Retail
West: Vacant Land & Multi-Family Residential

Adjacent Zoning: North: TN-2 (Traditional Neighborhood 2) District
East: CN-1 (Contemporary Neighborhood 1) District
South: TN-2 (Traditional Neighborhood 2) District
West: TN-2 (Traditional Neighborhood 2) District

Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

a. Lot Size (minimum) – 4,000 SQFT
    i. *All proposed lots meet the minimum lot size requirement.*
b. Density (range) - 9 – 20 DU/AC (20+ DU/AC requires CUP)
    i. *The applicant proposes a twelve-unit apartment on Lot 1 which would have a density of 9.73 dwelling units per acre. The applicant also proposes a twelve-unit apartment on Lot 3 which would have a density of 9.1 dwelling units per acre. Both proposed residential lots would meet the density requirement.*
c. Lot Frontage on All Roads (minimum) - 45'
    i. *All proposed lots meet the minimum lot frontage standard.*

Preliminary plat approval shall be based on the following criteria per Section 500-2-5:

1. That the proposed subdivision is consistent with adopted applicable general and specific comprehensive plans of the City.
    a. *The proposed plat request includes the consolidation of 11 lots into 4 larger lots. The applicant is proposing the construction of two twelve-unit apartments and a health center/ boarding house. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses. This District reinforces the existing pattern of small, connected lots, blocks and street and supports development and redevelopment consistent with this pattern.*
    b. *The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.*
        i. *Land Use Goal 3: Support and invest in the incremental enhancements of quality of life.*
            1. *Policy 3: Ensure a wide range of housing types for all income levels.*
        ii. *Economic Development Goal 1: Support infill and redevelopment throughout Brainerd as a strategic component of growth.*
            1. *Policy 1: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.*
2. That the physical characteristics of this site, including but not limited to topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site are suitable for the type of development, design, or use contemplated.
    a. *The site does have topographical challenges. KLD has prepared a site plan to account for drainage, water storage, and erosion while the site is under construction. The engineering department has reviewed the plat and site plan and has no concerns*
3. That the site is physically suitable for the proposed density of development.
    a. *The proposed construction projects meet the density requirements of the TN-2 District and all structures and parking lots meet the setback requirements.*
4. That the design of the subdivision or the proposed improvements are not likely to cause environmental damage.
    a. *KLD has prepared stormwater calculations and designed water retention basins to meet the City of Brainerd stormwater requirements as part of the city's MS4 permit. No other improvements will cause environmental damage to the surrounding neighborhood.*
5. That the design of the subdivision or the type of improvements, are not likely to cause public health problems.
    a. *The improvements will not cause any public health problems.*
6. That the design of the subdivision or the type of improvements will not conflict with easements of record or with easements established by judgment of a court.
    a. *The engineering department has reviewed the recorded easements with the applicant. There is a twenty-foot utility easement on Lot 1. A parking surface*

will be allowed over the easement. Structures are not allowed over the easement and no structures are proposed over the easement.

7. That the proposed subdivision, its site, or its design does not adversely affects the flood carrying capacity of the floodway increases flood stages and velocities or increases flood hazards within the floodway fringe or within other areas of the City.
    a. *KLD has prepared stormwater calculations and designed water retention basins to meet the City of Brainerd stormwater requirements as part of the city's MS4 permit. The proposed site will not increase flood hazards.*
8. The proposed subdivision is consistent with the policies and standards of the State defined shoreland, floodplain, and wetland regulations.
    a. *The applicant had the property delineated for wetlands. There are no areas that satisfy the criteria to be a wetland according to the North central and Northeast Regional Supplement to the Corps of Engineers Wetland Delineation Manual with subsequent clarification memoranda and pursuant to confirmation by the Army Corps of Engineers and / or the Crow Wing County Environmental Services Department. The proposed plat is outside of the shoreland district and floodplain.*
9. The City Council deems the subdivision is not premature.
    a. *This is an existing plat within the city that has the required infrastructure ready for development. All utilities, including water, sewer, and electric, are already in place and will experience no change with this requested plat change.*
10. The design of the subdivision does not conform to minimum City development standards.
11. A subdivision shall be consistent with the following plans:
    a. Brainerd Comprehensive Plan.
    b. Brainerd Sanitary Sewer Plan/Engineering Specifications.
    c. Brainerd Water Plan/Engineering Specifications.
    d. Stormwater Management Plan.
    e. Comprehensive Trail Plan.
    f. Capital Improvement Plan.
        i. *A full list of the requirements in the capital improvement plan can be found in Section 500-2-5.11.f*
        ii. *The engineering department and community development department have no concerns with the above plans.*
        iii. *The fire department will require additional hydrants along NW 3rd St.*

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

Staff Opinion

Staff recommends approval of this Preliminary Plat with the following conditions.

1) Approval of the Preliminary Plat is contingent up City Council approval of the alley vacation in Block E & M, West Brainerd Addition to Brainerd.
2) A developer's agreement for stormwater retention and installation of required fire hydrants are recorded with the final plat.
3) Naming the Plat & Adjusting the Rear Yard Setback Minimum indicated on the Plat.

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

41040504

PRELIMINARY PLAT/FINAL PLAT APPLICATION

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

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

PROPERTY ADDRESS: TBD 3rd Street NW, Brainerd

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

Property Owner Name: My Neighbor to Love Coalition
Street Address: P.O. Box 581 **City:** Nisswa **State:** MN **Zip Code:** 56468
Phone Number: 218-821-7875 **Fax:** _____ **E-mail:** vickyjoKinney@yahoo.com
Applicant Name: (if different than Property Owner) Vicky Kinney
Street Address: _____ **City:** _____ **State:** _____ **Zip Code:** _____
Phone Number: _____ **Fax:** _____ **E-Mail:** _____

Description of Request: Re-plat the above listed properties - combine and divide - to create four new lots in order to best use and develop the property - Creekside Community.

Vicky Kinney
Property Owner Signature

10-4-2022
Date

Vicky Kinney
(Please print name)

Vicky Kinney
Applicant Signature

10-4-2022
Date

Vicky Kinney
(Please print name)

Legal Descriptions of Property and PID numbers for Re-Plat Request

LOT 7 BLOCK E AND THE ADJACENT S'LY ½ OF VACATD ROBERT STREET. PID# 41040807

LOTS 7 THRU 9 INCLUSIVE BLOCK M – PID# 41040504

LOT 12 BLOCK M AND THE ADJACENT N'LY 1/2 OF VACATED ROBERT STREET – PID#41040501

LOT 10 BLOCK M – PID# 41040503

LOT 11 BLOCK M – PID# 41040502

LOT 8 BLOCK E – PID# 41040806

LOTS 9 AND 10 BLOCK E – PID# 41040805

LOTS 1 THRU 6 INCLUSIVE BLOCK M AND THE
ADJACENT N'LY 1/2 OF VACATED ROBERT STREET. – PID# 41040505

LOT 4 BLOCK E – PID# 41040809

LOTS 5 AND 6 BLOCK E AND THE ADJACENT S'LY – PID# 41040808

LOT 3 BLOCK E – PID# 41040810

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a preliminary plat for Lots 1 through 12, Block M, and Lots 3 through 10, Block E in the West Brainerd Addition to Brainerd. The purpose of this preliminary plat request is to consolidate 11 lots into four larger lots. The proposed preliminary plat will be contingent upon City Council approval of an alley vacation in Block E & M, West Brainerd Addition to Brainerd.

The properties are legally described as:

LOTS 1 THRU 6 INCLUSIVE BLOCK M AND THE ADJACENT N'LY 1/2 OF VACATED ROBERT STREET. LOTS 7 THRU 9 INCLUSIVE BLOCK M, LOT 10 BLOCK M, LOT 11 BLOCK M, LOT 12 BLOCK M AND THE ADJACENT N'LY 1/2 OF VACATED ROBERT STREET
WEST BRAINERD
P.I.N. 41040505, 41040504, 41040503, 41040502, 41040501
Section 4, Township 133, Range 28

LOT 3 BLOCK E, LOT 4 BLOCK E, LOTS 5 AND 6 BLOCK E AND THE ADJACENT S'LY 1/2 OF VACATED ROBERT STREET, LOT 7 BLOCK E AND THE ADJACENT S'LY 1/2 OF VACATD ROBERT STREET, LOT 8 BLOCK E, LOTS 9 AND 10 BLOCK E
WEST BRAINERD
P.I.N. 41040810, 41040809, 41040808, 41040807, 41040806, 41040805
Section 4, Township 133, Range 28

The properties are zoned TN-2 (Traditional Neighborhood) District. A copy of the preliminary plat is on file for review with the Community Development Department.

A Public Hearing to consider this preliminary plat will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, October 19, 2022, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

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

Dated this 6th day of October 2022

James L. Kramvik
Community Development Director

Publication Date: October 8, 2022

KRAMER LEAS DELEO
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September 13, 2022

Crow Wing County Environmental Services Department
Attn: Jake Frie
322 Laurel Street
Brainerd, MN 56401

RE: Wetland Determination on PID#'s 41040501, 41040502, 41040503, 41040504, 41040505, 41040805, 41040806, 41040807, 41040808, 41040809, and 41040810

Dear Jake,
On Tuesday, September 13, 2022, I visited the My Neighbor to Love Coalition LLC properties to determine if any wetlands were present within the 4.0-acre site. In my professional opinion, there are no areas that satisfy the criteria to be a wetland according to the North central and Northeast Regional Supplement to the Corps of Engineers Wetland Delineation Manual with subsequent clarification memoranda and pursuant to confirmation by the Army Corps of Engineers and / or the Crow Wing County Environmental Services Department. The wetland determination was conducted at a level of care and skill generally accepted by professionals performing this type of work under the usual constraints of time and resources. No other warranty, expressed or implied, is made.

If you would like more information or have any questions, please feel free to contact me.

Sincerely,

Kyle Cherne - Minnesota Certified Wetland Delineator #1190

CREEKSIDE COMMUNITY DEVELOPMENT

Located in Block E and Block M, WEST BRAINERD, Section 4, Township 133 North, Range 28 West, Crow Wing County, Minnesota.

Surveyors Notes

The property address for the subject property is:

Not Declared

The Parcel Numbers for the subject property is *41040501, 41040502, 41040503, 41040504, 41040505, 41040805, 41040806, 41040807, 41040808, 41040809 and 41040810.*

The current zoning classification for the subject property is Traditional Neighborhood 2 (TN-2).

This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.

The subject property was reviewed for the existence of wetlands on September 13, 2022, Kyle Cherne, Minnesota Certified Delineator number 1190. No wetlands are located within the boundary of this proposed subdivision.

All water mains shown on survey are approximate locations based on the 2020 Storm Sewer Plan and Profile done by Bolton and Menk.

Legal description

Lots 1 thru 12 inclusive, Block M, WEST BRAINERD, Crow Wing County, Minnesota.

AND

Lots 3 thru 10 inclusive, Block E, WEST BRAINERD, Crow Wing County, Minnesota.

AND

All that part of vacated Robert Street which lies adjacent to Lot 1, Block M, and Lot 12, Block M, and Lot 6, Block E, and Lot 7, Block E, WEST BRAINERD, Crow Wing County, Minnesota.

AND

(This portion is proposed alley vacation)

That part of the alley located within Block M, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Jackson Street, and which lies northerly of the northerly line of Robert Street.

That part of the alley located within Block E, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Robert Street, and which lies northerly of the easterly extension of the southerly line of Lot 10, Block E, WEST BRAINERD.

That part of Robert Street, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies easterly of a line from the southeast corner of Lot 12, Block M, WEST BRAINERD to the northeast corner of Lot 7, Block E, WEST BRAINERD, and which lies westerly of a line from the southwest corner of Lot 1, Block M, WEST BRAINERD to the northwest corner of Lot 6, Block E, WEST BRAINERD.

Traditional Neighborhood 2 (TN-2)

Purpose of Traditional Neighborhood 2 Zoning District. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses. This District reinforces the existing pattern of small, connected lots, blocks and street and supports development and redevelopment consistent with this pattern.

TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions

A. Lot Size (minimum)Density (range)4,000 SF, 9 – 20 DU/AC (20+ DU/AC requires CUP)
B. Buildable Area - Floor Area Ratio (FAR) for commercial use Outside of all setbacks 0.5
C. Lot Frontage on All Roads (minimum) 45'
Principal Building & Attached Accessory Building Standards
D. Front Yard Setback (minimum) 0' - 20' if Commercial is Principal Use, 5' – 20' if Residential is Principal Use
E. Side Yard Setback (minimum) 5'/10' corner
F. Rear Yard Setback (minimum) 1

MAPPING LEGEND

STORM SEWER MANHOLE		BURIED ELECTRIC LINE	P-BUR
SANITARY SEWER MANHOLE		BURIED TELEPHONE LINE	T-BUR
CATCH BASIN		OVERHEAD POWER LINE	OHP
CULVERT APRON		WATER LINE	
HYDRANT		STORM SEWER PIPE	
WATER VALVE		SANITARY SEWER PIPE	
UTILITY POLE		TREELINE	
UTILITY POLE ANCHOR		CONTOUR (MAJOR)	1025
UTILITY PEDESTAL		CONTOUR (MINOR)	1026
UTILITY METER		CONCRETE	
LIFT STATION	L	BITUMINOUS	
SOIL BORING	SB#	GRAVEL	

NO.	REVISIONS SINCE INITIAL DATE OF	DATE

KLD
KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRAINERD ST. CLOUD
1120 Industrial Park Road
Brainerd, MN 56401
218-829-5331
13 North 11th Avenue
St. Cloud, MN 56303
320-259-1286

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: James Kramer 09/13/2022
James Kramer, MN License No. 23668 Date

PROJECT NO. KINNV2202

Preliminary Plat of

CREEKSIDE COMMUNITY DEVELOPMENT

For property at: NOT YET ASSIGNED
Section 4, Township 133 North, Range 28 West
Crow Wing County, Minnesota

LEGEND

- DENOTES SURFACE DRAINAGE DIRECTION
- DENOTES CLASS II RAP RAP (12" DEPTH) W/ TYPE 4 GEOTEXTILE FILTER FABRIC
- DENOTES CATEGORY 3N, WOOD FIBER 2S EROSION CONTROL BLANKET
- DENOTES TURF ESTABLISHMENT
  4" TOPSOIL
  TEMPORARY - MNDOT RAPID STABILIZATION METHOD 3
  PERMANENT - RIENFORCED FIBER MATRIX (3,900 LB/ACRE), SEED MIXTURE 25-151(120LBS/ACRE), TYPE 3 SLOW RELEASE FERTILIZER (300LBS/ACRE)
  STORMWATER BASINS - 33-261 (35LBS/ACRE), TYPE 3 SLOW RELEASE FERTILIZER (300LBS/ACRE)
- DENOTES CONSTRUCTION ENTRANCE
- DENOTES SILT FENCE - TYPE MS
- BIOROLL - TYPE WOOD FIBER
- STORMSEWER INLET PROTECTION - SEE DETAIL SHEET

EROSION CONTROL PLAN NOTES

1. BMP'S SHALL BE INSTALLED BEFORE ANY EARTH DISTURBING ACTIVITIES COMMENCE.
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14. FINAL STABILIZATION HAS BEEN ACHIEVED WHEN ALL EARTH DISTURBING ACTIVITIES AT THE SITE HAVE BEEN COMPLETED, AND UNIFORM VEGETATIVE COVER HAS BEEN ESTABLISHED WITH AN INDIVIDUAL PLANT DENSITY OF AT LEAST 70 PERCENT OF PRE-DISTURBANCE LEVELS, OR EQUIVALENT PERMANENT, PHYSICAL EROSION REDUCTION METHODS HAVE BEEN EMPLOYED.
15. ALL TEMPORARY BMP'S SHALL BE REMOVED FROM THE SITE UPON SUBMITTING THE NOTICE OF TERMINATION.
16. ALL SITE WASTES (INCLUDING TRASH AND BUILDING MATERIALS) MUST BE PROPERLY MANAGED TO PREVENT POTENTIAL POLLUTION OF STATE WATERS.

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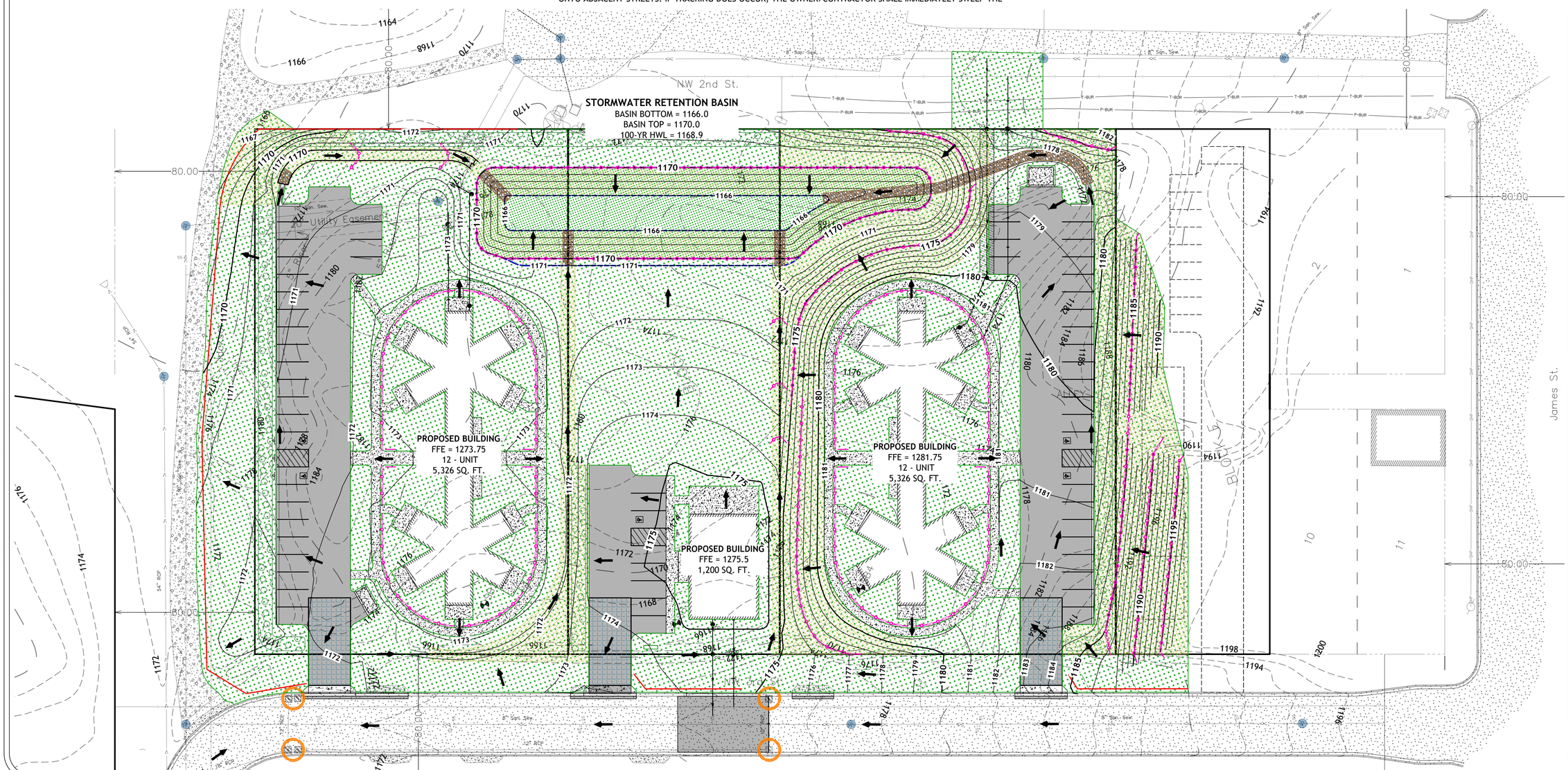
SCALE IN FEET



NO.	REVISION SINCE INITIAL DATE DRAWN/DD/YY	DATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: TONY A. POHL LIC. NO. 56606 DATE 10/11/2022

PROJECT NO. KINNV2202

KRAMER LEAS DELEO
CONSULTING - ENGINEERING - PLANNING

DATE: AUGUST, 2022
DESIGNED: TAP
CHECKED: TAP
SCALE: AS SHOWN

CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRAINERD, MINNESOTA

EROSION CONTROL PLAN

Sheet No. C6.0

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M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: October 19, 2022

RE: Consider Conditional Use Permit on NW 3rd St for the Construction of a 12-Unit Multi-Family Apartment Building.

Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a Conditional Use Permit for Lots 1 through 10, Block M, West Brainerd Addition to Brainerd which is located between (NW 3rd St and NW 2nd St) and (Jackson St and James St.). The purpose of this Conditional Use Permit request is to construct a residential 12-unit multi-family apartment building.

P.I.N. 41040505, 41040504, 41040503

The Conditional Use Permit is subject to City Council approval of a Final Plat for this block. The proposed lot is listed as Lot 1 Block 1 in the proposed plat.

Property Area: 53,700 SQFT

Adjacent Uses:
North: Vacant Land
East: Single-Family Residential
South: Proposed Boarding House and Health Club (Vacant)
West: Vacant Land & Multi-Family Residential

Adjacent Zoning:
North: TN-2 (Traditional Neighborhood 2) District
East: CN-1 (Contemporary Neighborhood 1) District
South: TN-2 (Traditional Neighborhood 2) District
West: TN-2 (Traditional Neighborhood 2) District

Findings of Fact

1. **Lot 1 Block 1 in the proposed plat** is located in a TN-2 (Traditional Neighborhood 2) District. Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the construction of multi-family attached dwelling units (5+ Units) as a conditional use in the TN-2 District.
    a. *The applicant proposes the construction of a 12-unit apartment that has 8 studio units, 2 two-bedroom units, and 2 three-bedroom units. The complex will also contain a laundry room for resident use and a storage room. Each unit has a front porch.*
2. According to Section 515-6-2.C.8 Definitions of Use, Standards and Terms the definition of a Multi-family Dwelling is a building designed with five (5) or more

dwelling units exclusively for occupancy by five (5) or more families living independently of each other. Such buildings may have common hallways and main entrances or have private entrances. Multi-family buildings may include, but not be limited to, efficiency units, one-bedroom, two bedroom, and three-bedroom units.

a. According to Section 515-4-2.C.1 Multiple family dwelling units shall have the following minimum floor area per unit:
    i. Efficiency Units 400 square feet
    ii. One Bedroom Units 500 square feet
    iii. Two Bedroom Units 700 square feet
    iv. More than Two Bedroom Units An additional 100 square feet per bedroom
        1. *The applicant is proposing a 430 SQFT efficiency unit, a 910 SQFT two-bedroom unit, and a 1,040 SQFT three-bedroom unit. All units meet this size requirements of the zoning code.*

3. Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards
    a. Lot Size (minimum) – 4,000 SQFT
    b. Density (range) - 9 – 20 DU/AC (20+ DU/AC requires CUP)
    c. Front Yard Setback (range) – 0' – 20' if Commercial
    d. Side Yard Setback – 5'/10' corner
    e. Rear Yard Setback – 10'
        i. *The proposed structure meets all setback requirements of the TN-2 District.*
        ii. *The proposed lot includes 12-units on a 53,700 SQFT property which is 9.73 dwelling units per acre. This number is within range of the density requirement of the TN-2 District.*
4. 515-4-12.K Off-Street Parking (Number of Required Spaces)
    a. Attached Single-Family Dwellings, Multi-Family and Manufactured Homes within Manufactured Home Parks. At least two and one-fourth (2 ¼) rent-free spaces per unit. In projects involving eight (8) or more units, the City may require additional clustered guest parking spaces based upon calculation of required demand.
        i. *The applicant is proposing a 12-unit apartment which requires 27 parking spaces. The proposed site plan has 27 parking spaces and meets the zoning code requirement.*

5. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
    a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
        i. *Multi-family apartments are a conditional use in the TN-2 District. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses.*

b. The proposed use meets the regulations and standards established in this Ordinance.
    i. There are no special standards associated with this use.
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.
    i. The structure will not be dangerous, injurious, or noxious to the surrounding properties.
d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
    i. Per Section 515-4-10.G.2 One (1) shrub shall be planted for every five (5) lineal feet of parking lot perimeter that is adjacent to a public street.
        1. The applicant has proposed plantings along NW 3rd St. There is not a planting requirement along the north side of the parking lot because Jackson St. is unimproved.
    ii. In all Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts new lots or development shall include landscape plantings as identified in Table [515-4-10.2]. A minimum of one deciduous tree shall be planted in the front yard within 10-feet of the front property line, or right-of-way line. Trees retained on site following development can be reduced from the total required plantings.
        1. The proposed lot is a double frontage lot, therefore the total lot width at the right-of-way is (2 x 179 ft) = 358 ft. A total of 1 tree per each 25' is required. The lot is required to have a total of 14 trees.
    iii. Four (4) shrubs shall be planted per dwelling unit.
        1. The landscape plan meets this requirement with a total of 48 shrubs.
e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    i. The proposed use is consistent with the environment and the neighborhood as there are other multi-family residential structures in the neighborhood.
    ii. As required by Section 515-4-2.C.2 Exterior Building Materials. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors.
        1. The proposed building meets these requirements as the rendering shows a different siding pattern and color between the first and second floors.
f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
    i. As indicated in the parking calculation section, this site will have the necessary parking spaces and there should not be an increase in traffic congestion within the neighborhood streets.
g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

i. **Economic Development Goal 1**: Support infill and redevelopment throughout Brainerd as a strategic component of growth.
    1. **Policy 1**: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.

6. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.

As of this writing, no one has contacted the Community Development Department with concerns about the Conditional Use Permit application for the 12-unit multi-family apartment.

Staff Recommendation

Staff recommends approval of the Conditional Use Permit for construction of a 12-unit multi-family apartment at Lot 1 Block 1 in the proposed plat (P.I.N. 41040505, 41040504, 41040503) contingent upon City Council approval of the final plat for this block.

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

41040504

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	[X] ($250.00)	[ ] ($400.00 + $500.00 escrow deposit)
REZONING	[ ] ($300.00)	[ ] ($500.00)
VARIANCE	[ ] ($250.00)	[ ] ($400.00 + $500.00 escrow deposit)

PROPERTY ADDRESS: 3rd St NW, Brainerd - TBD ~~Creekside Community~~

LEGAL DESCRIPTION: Lot(s): current - 7-9 Block: M Addition: Replat: Lot 1 Block M
(attach description if lengthy) + 1-3 + approx 30' of lot 10

Property Owner Name: My Neighbor to Love Coalition

Street Address: P.O. Box 581 **City:** Nisswa **State:** MN **Zip Code** 56468

Phone Number: 218-821-7875 **Fax:** **E-mail:** vickyjoKinney@yahoo.com

Applicant Name: (If different than Property Owner) Vicky Kinney

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

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

Description of Request: Construct a 12 unit multiplex apartment building for residential purposes.

Vicky Kinney — 10-1-22
Property Owner Signature — **Date**

Vicky Kinney
(Please print name)

Vicky Kinney — 10-1-22
Applicant Signature — **Date**

Vicky Kinney
(Please print name)

(OVER)

Description and Landscaping Plan – Multi-family 12-unit building

This apartment building is designed to meet the housing needs of both single adults and families, who have lower incomes. There will be 8 studio units, 2 two-bedroom units, and 2 three-bedroom units. The complex will also contain a laundry room for resident use and a storage room. Each unit has a front porch. The studio units will be single level while the family units are 2-story. Studios are approximately 430 square feet, the two-bedroom unit is approximately 910 sq. ft., and the three-bedroom is approximately 1040 sq. ft.

Landscaping –

All disturbed areas will be landscaped with either planting beds with mulch and/or rock or leveled and seeded with grass seed.

- West side planting bed by the parking lot will contain 4-foot-high bushes and shrubs made up of a variety of species such as Ninebark, Dwarf Korean Lilac, Spirea, and Hydrangea.
- Bushes surrounding the front porches will range in species dependent on sun exposure. For north facing bushes, the varieties will be Snowberry, Dogwood, Firedance Dogwood, Chokecherry. Bushes getting more sun exposure will be fruit bearing such as blueberry, or a combination of edible perennials such as rhubarb, or other species such as Alpine Currant, Hydrangea, Ninebark, Spirea, or Potentilla.
- Trees – The deciduous trees within 10 feet of the ROW on both 3rd and 2nd Streets will be of a variety of either Birch, Flowering Crab, Service Berry, Ohio Buckeye, Elm, or Maple.
- The conifer tree facing 3rd Street will be a Spruce.
- Other trees – Depending on the number of remaining trees left on the property after excavation, the required plantings will be of a fruit bearing tree variety such as Apple, Plum, or Pear.
- Privacy Screen – A privacy screen on the west side facing 3rd Street will either be made up of 6' high bushes such as Lilac, Neonburst Dogwood, or Hydrangea and/or a privacy fence of solid vinyl material.

Lighting Plan – We do not plan on installing lights and instead will use porch lights, with or without motion sensors for visibility and security.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a Conditional Use Permit for Lots 1 through 10, Block M, West Brainerd Addition to Brainerd which is located between (NW 3rd St and NW 2nd St) and (Jackson St and James St.). The proposed lot for the Conditional Use Permit is subject to City Council approval of a Final Plat for this block. The purpose of this Conditional Use Permit request is to construct a residential 12-unit multiplex apartment building.

The properties are legally described as:

LOTS 1 THRU 6 INCLUSIVE BLOCK M AND THE ADJACENT N'LY 1/2 OF VACATED ROBERT STREET. LOTS 7 THRU 9 INCLUSIVE BLOCK M, LOT 10 BLOCK M
WEST BRAINERD
P.I.N. 41040505, 41040504, 41040503
Section 4, Township 133, Range 28

The properties are zoned TN-2 (Traditional Neighborhood) District, and Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of multi-family attached dwelling units (5+ Units) as a conditional use in the TN-2 District. A copy of the site plan is on file for review with the Community Development Department.

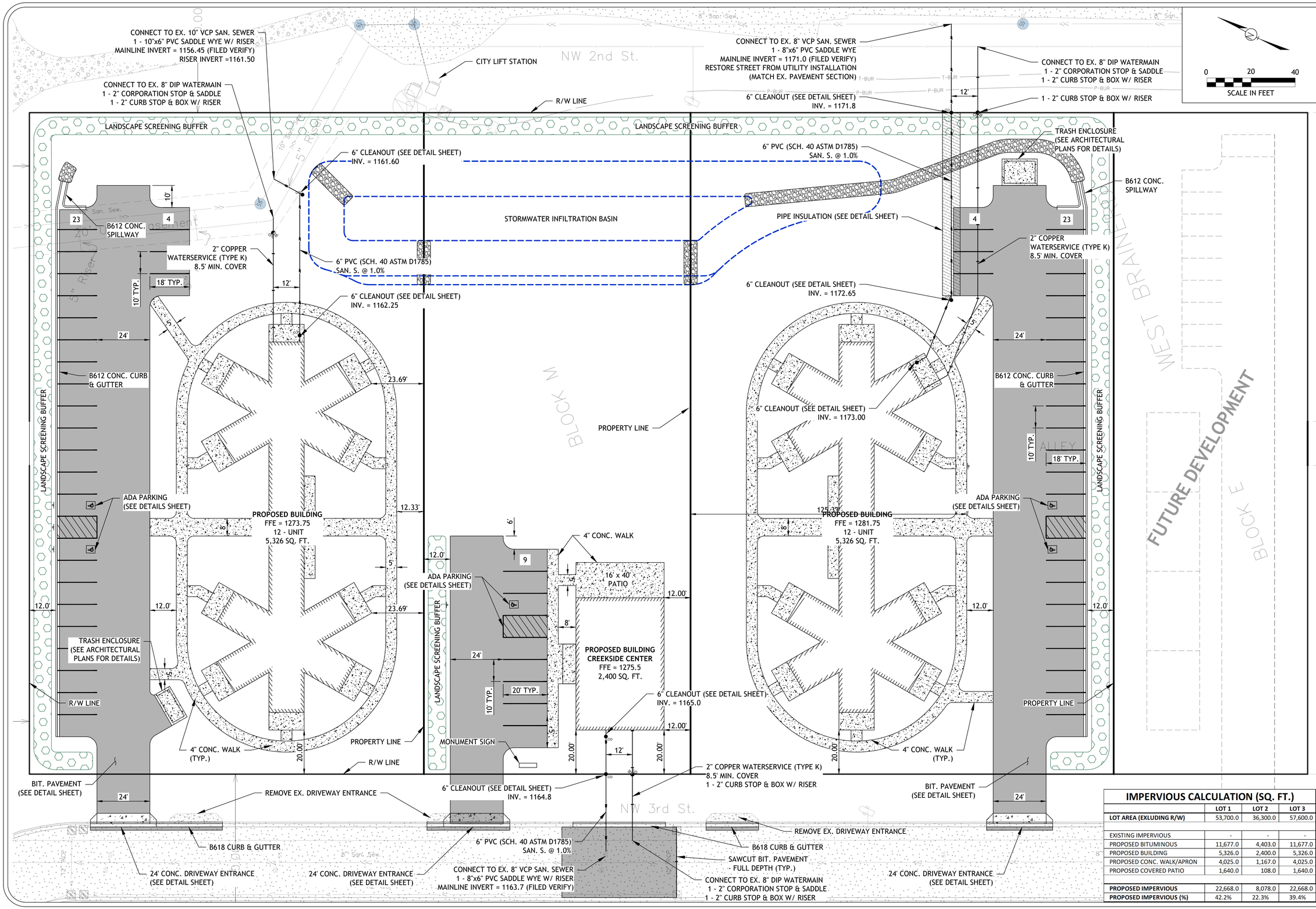
A Public Hearing to consider this conditional use permit will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, October 19, 2022, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

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

Dated this 6th day of October 2022

James L. Kramvik
Community Development Director

Publication Date: October 8, 2022



IMPERVIOUS CALCULATION (SQ. FT.)

	LOT 1	LOT 2	LOT 3
LOT AREA (EXLUDING R/W)	53,700.0	36,300.0	57,600.0
EXISTING IMPERVIOUS	-	-	-
PROPOSED BITUMINOUS	11,677.0	4,403.0	11,677.0
PROPOSED BUILDING	5,326.0	2,400.0	5,326.0
PROPOSED CONC. WALK/APRON	4,025.0	1,167.0	4,025.0
PROPOSED COVERED PATIO	1,640.0	108.0	1,640.0
PROPOSED IMPERVIOUS	22,668.0	8,078.0	22,668.0
PROPOSED IMPERVIOUS (%)	42.2%	22.3%	39.4%

NO.	REVISION SINCE INITIAL DATE DRAW/DD/YY	DATE

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Signature: TONY A. POHL LIC. NO. 56606 DATE 10/11/2022

PROJECT NO. KINNV2202

KRAMER LEAS DELEO
SURVEYING · ENGINEERING · PLANNING

DATE: AUGUST, 2022
DESIGNED: TAP
CHECKED: TAP
SCALE: AS SHOWN

CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRAINERD, MINNESOTA

SITE PLAN

Sheet No. C4.0

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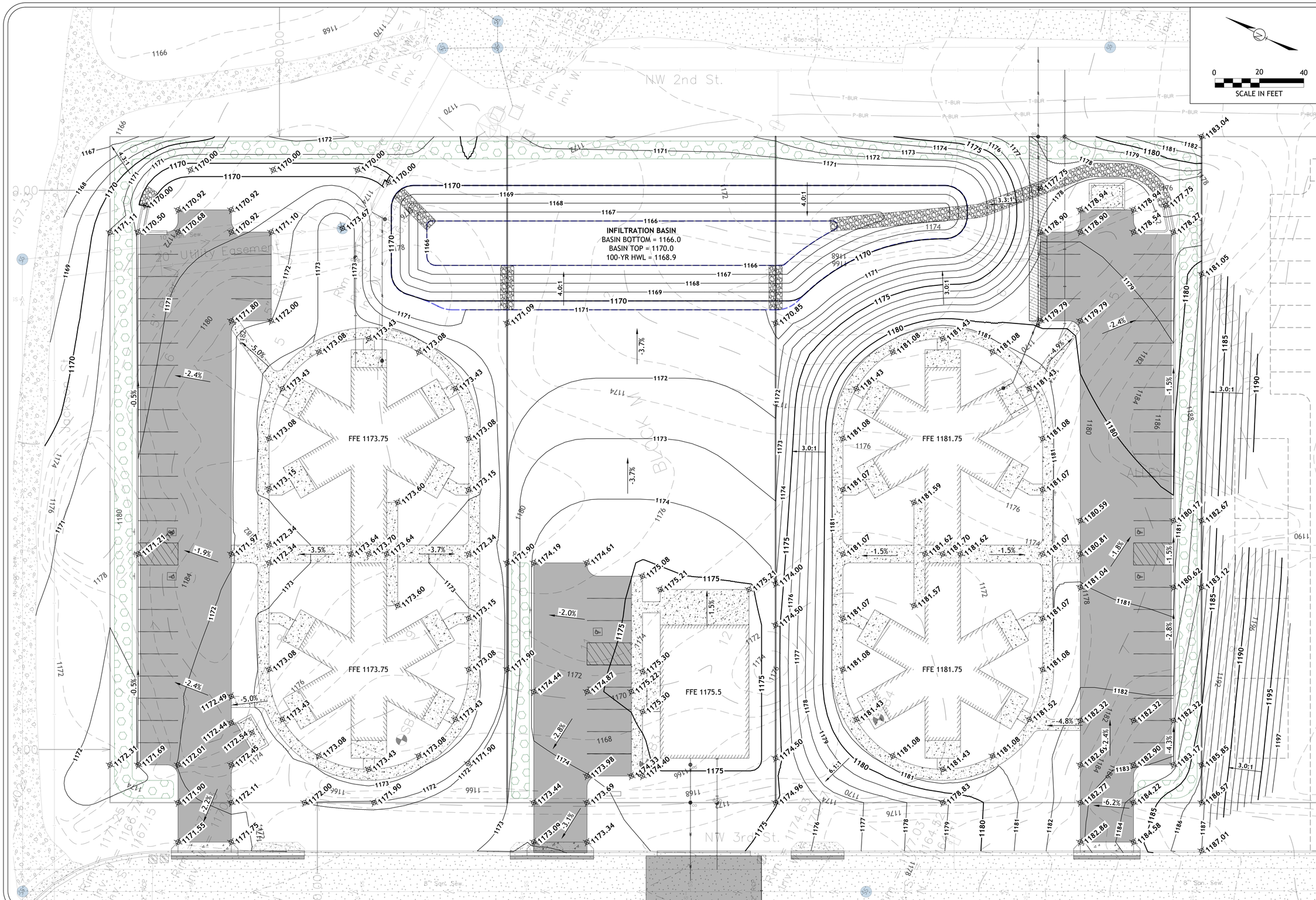

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CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRAINERD, MINNESOTA

GRADING PLAN

Sheet No. C5.0

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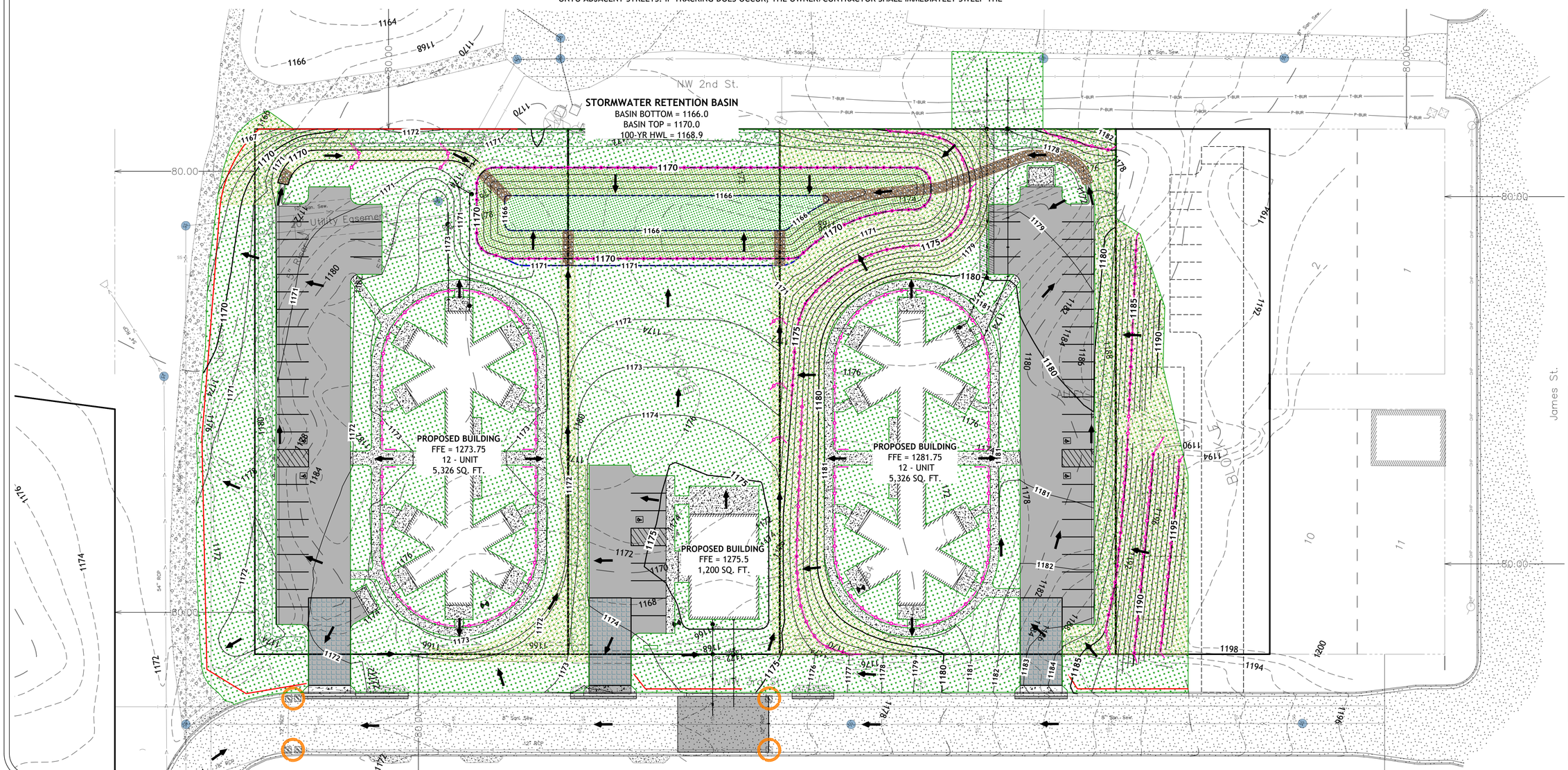
12. ALL SEDIMENT COLLECTED IN BMP'S SHALL BE REMOVED UPON INITIAL ACCEPTANCE.
13. EROSION CONTROL MEASURES FOR SLOPES, CHANNELS, DITCHES, OR ANY DISTURBED LAND AREA SHALL BE COMPLETED WITHIN 7 CALENDAR DAYS AFTER FINAL GRADING OR THE FINAL EARTH DISTURBANCE HAS BEEN COMPLETED. WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH DISTURBANCE HAS BEEN COMPLETED OR WHERE SIGNIFICANT EARTH DISTURBANCE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED WITHIN 14 CALENDAR DAYS. TEMPORARY EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION MEASURES ARE IMPLEMENTED.
14. FINAL STABILIZATION HAS BEEN ACHIEVED WHEN ALL EARTH DISTURBING ACTIVITIES AT THE SITE HAVE BEEN COMPLETED, AND UNIFORM VEGETATIVE COVER HAS BEEN ESTABLISHED WITH AN INDIVIDUAL PLANT DENSITY OF AT LEAST 70 PERCENT OF PRE-DISTURBANCE LEVELS, OR EQUIVALENT PERMANENT, PHYSICAL EROSION REDUCTION METHODS HAVE BEEN EMPLOYED.
15. ALL TEMPORARY BMP'S SHALL BE REMOVED FROM THE SITE UPON SUBMITTING THE NOTICE OF TERMINATION.
16. ALL SITE WASTES (INCLUDING TRASH AND BUILDING MATERIALS) MUST BE PROPERLY MANAGED TO PREVENT POTENTIAL POLLUTION OF STATE WATERS.

0 30 60
SCALE IN FEET



NO.	REVISION SINCE INITIAL DATE DRAWN/DD/YY	DATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: TONY A. POHL LIC. NO. 56606 DATE 10/11/2022

PROJECT NO. KINNV2202

KRAMER LEAS DELEO
CONSULTING - ENGINEERING - PLANNING

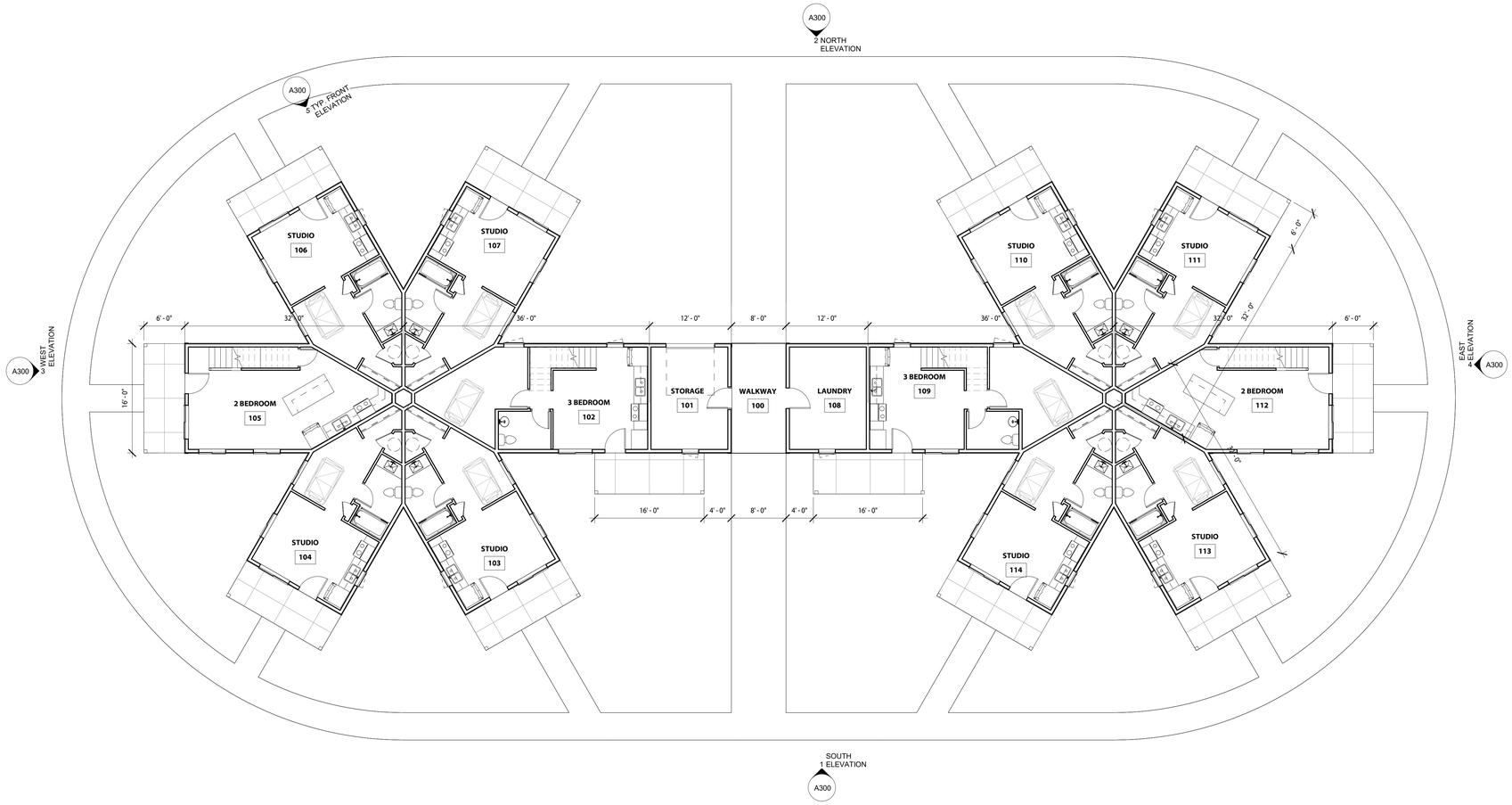
DATE: AUGUST, 2022
DESIGNED: TAP
CHECKED: TAP
SCALE: AS SHOWN

CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRAINERD, MINNESOTA

EROSION CONTROL PLAN

Sheet No. C6.0

P:\Brainerd\828T133\Sec04\KINNV2202\07_Engineering\CAD\C-ER-KINNV2202.dwg PLOTTED BY: tony.pohl 7/27/2021 11:46:20 AM © YEAR KRAMER LEAS DELEO, PC



1 / A100 !LEVEL 01 WORKING PLAN
1/8" = 1'-0"

NOR-SON CONSTRUCTION

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MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

PRINTED: 10/11/2022 10:15:30 AM

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.

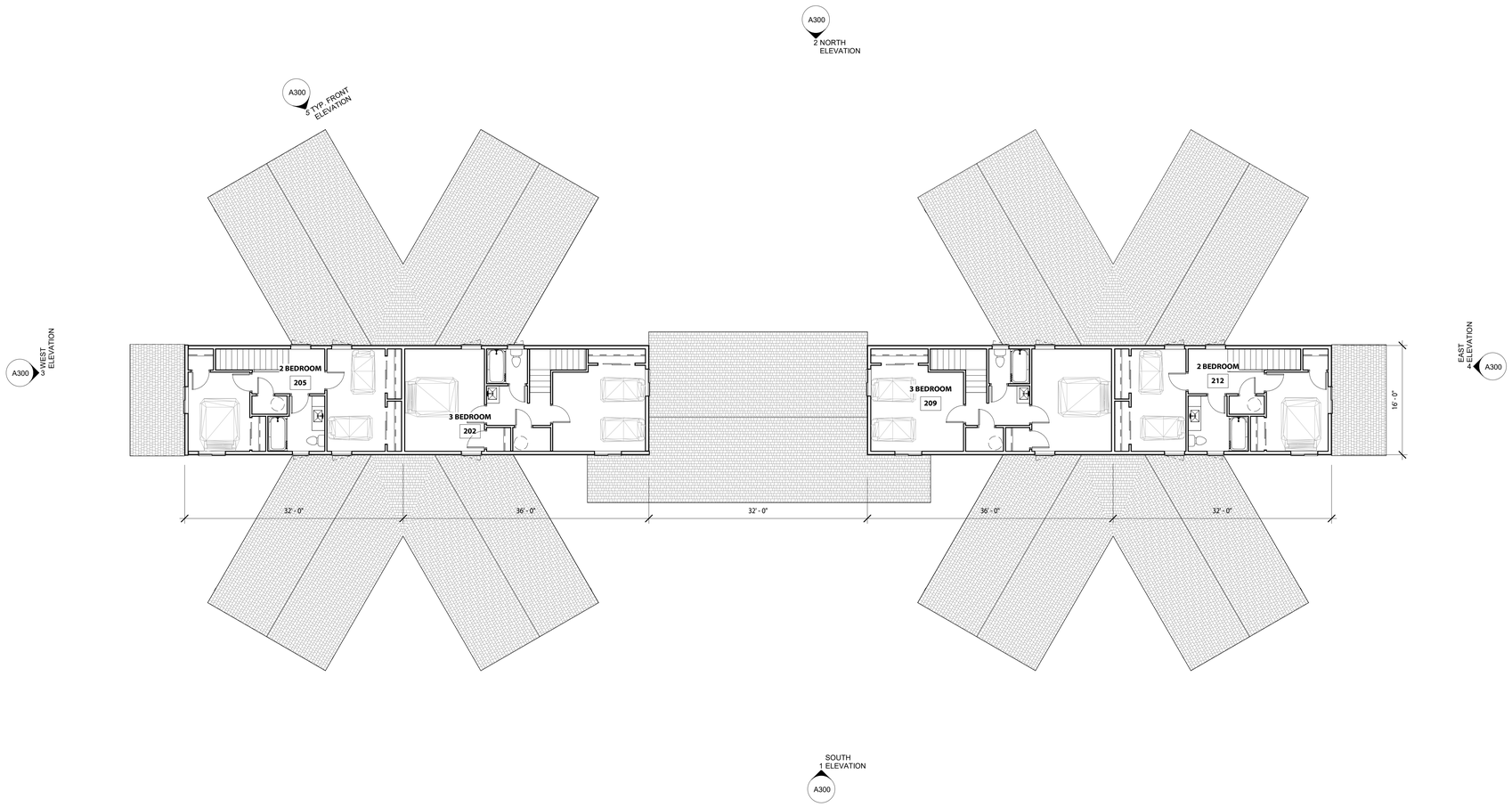
ERIC LARSON
Lic # 47862 10/03/2022

PROJECT NUMBER: 3962
ISSUED: 10/03/2022

#	REVISION	DATE

M.L. OVERALL FLOOR PLAN

A100



1 / A110 !LEVEL 02 WORKING PLAN
1/8" = 1'-0"

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MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

PRINTED: **10/11/2022 10:11:33 AM**

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.

ERIC LARSON
Lic # 47862 10/03/2022

PROJECT NUMBER: 3962
ISSUED: 10/03/2022

#	REVISION	DATE

U.L. OVERALL FLOOR PLAN

A110

NOR-SON
CONSTRUCTION

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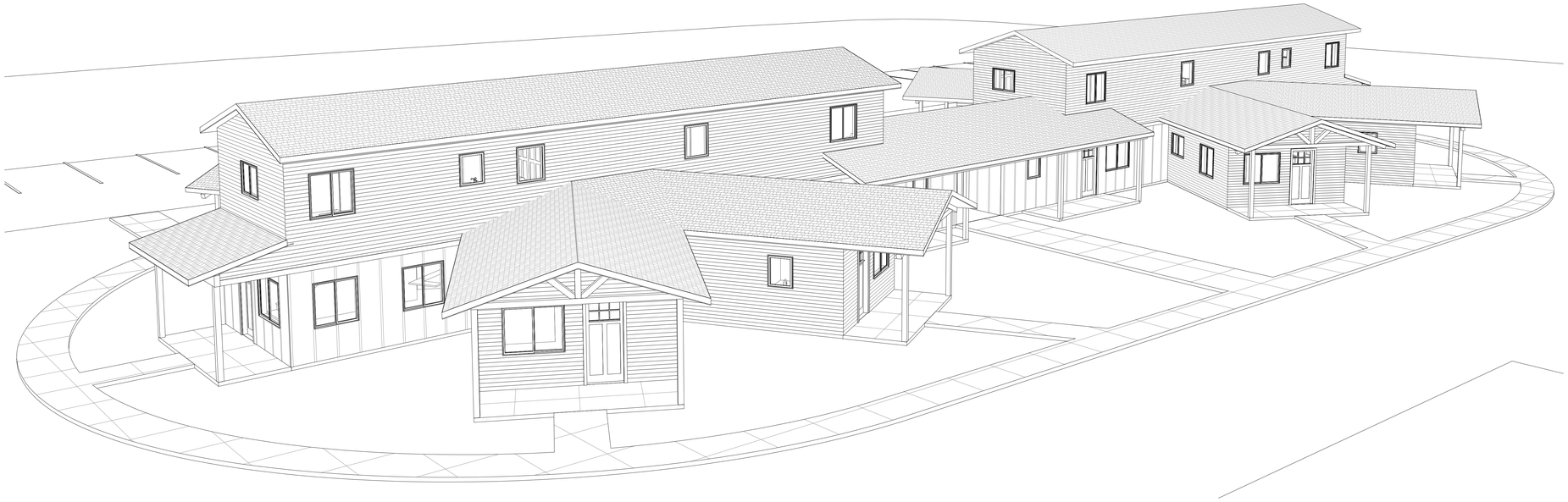
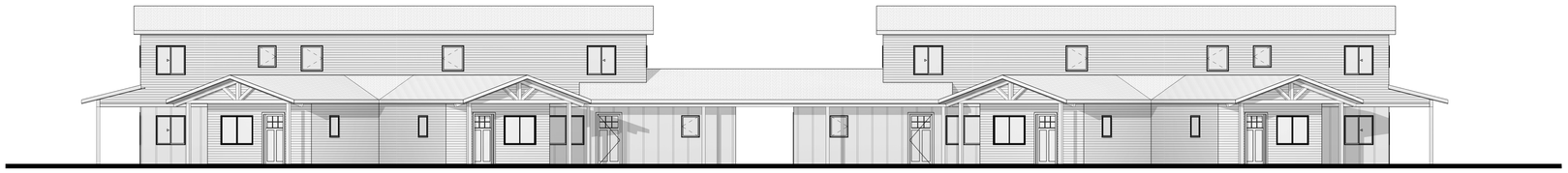
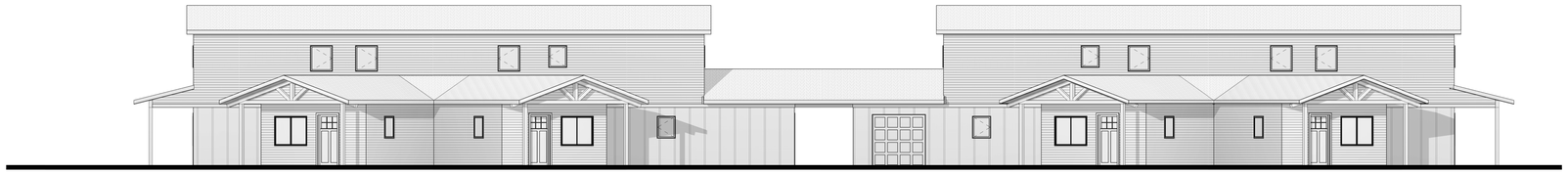




1 A300 SOUTH ELEVATION
1/8" = 1'-0"



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

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

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

5 A300 TYP. FRONT ELEVATION
1/8" = 1'-0"

MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

PRINTED: **10/11/2022 10:14:10 AM**

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.

ERIC LARSON
Lic # 47862 10/03/2022

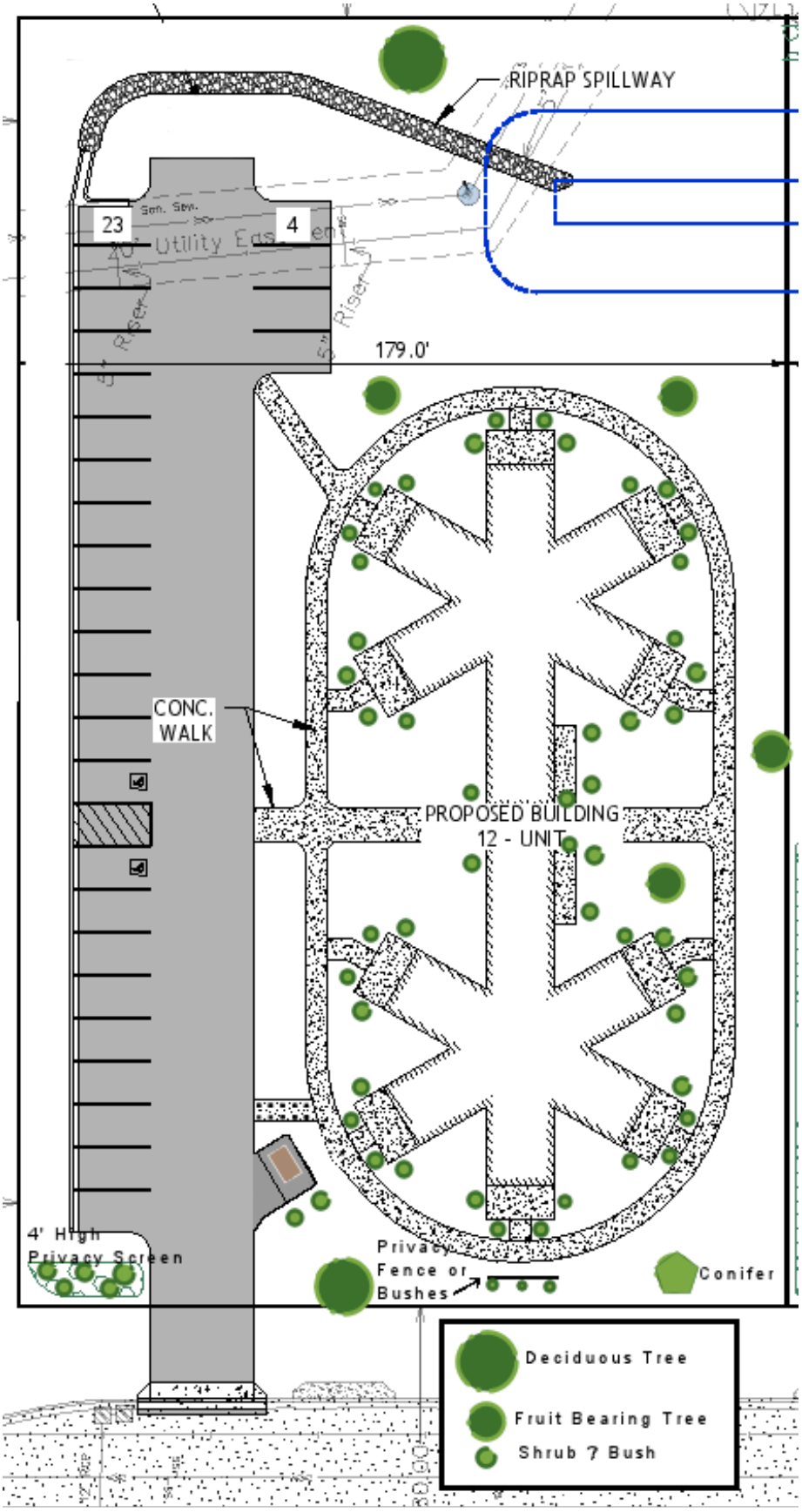
PROJECT NUMBER: 3962
ISSUED: 10/03/2022

#	REVISION	DATE

BUILDING ELEVATIONS

A300

Landscaping Plan North



M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: October 19, 2022

RE: Consider Conditional Use Permit on NW 3rd St for the Operation of a Boarding House.

Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a Conditional Use Permit for Lots 1 through 6 and Lots 10 through 12, Block M, West Brainerd Addition to Brainerd which is located between (NW 3rd St and NW 2nd St) and (Jackson St and James St.). The purpose of this Conditional Use Permit request is to operate a boarding house on the second floor above a health center.

P.I.N. 41040505, 41040501, 41040502, 41040503

The Conditional Use Permit is subject to City Council approval of a Final Plat for this block. The proposed lot is listed as Lot 2 Block 1 in the proposed plat.

Property Area: 36,300 SQFT

Adjacent Uses:
North: Proposed 12-unit apartment (Vacant Land)
East: Single-Family Residential
South: Vacant Land
West: Vacant Land & Multi-Family Residential

Adjacent Zoning:
North: TN-2 (Traditional Neighborhood 2) District
East: CN-1 (Contemporary Neighborhood 1) District
South: TN-2 (Traditional Neighborhood 2) District
West: TN-2 (Traditional Neighborhood 2) District

Findings of Fact

1. **Lot 2 Block 1 in the proposed plat** is located in a TN-2 (Traditional Neighborhood 2) District. Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of boarding houses in the TN-2 District as a conditional use in the commercial/ general business use table. Health centers are a permitted use in the TN-2 District.
2. The applicant has proposed a two-story building 60’ x 40’ with a health center on the first floor and a boarding house on the second floor.
3. According to Section 515-6-2.C.8 Definitions of Use, Standards and Terms the definition of a Boarding House is a building other than a motel or hotel where, for

compensation and by pre-arrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed twenty (20) persons.

4. Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards
    a. Lot Size (minimum) – 4,000 SQFT
    b. Front Yard Setback (range) – 0' – 20' if Commercial
    c. Side Yard Setback – 5'/10' corner
    d. Rear Yard Setback – 10'
        i. *The proposed structure meets all setback requirements of the TN-2 District.*
5. 515-4-12.K Off-Street Parking (Number of Required Spaces)
    a. Boarding Houses. At least one and one-half (1½) parking spaces per boarding room.
        i. *The applicant is proposing up to four rooms which would need a total of 6 parking spaces.*
    b. Health Clubs. One (1) space per two (2) exercise stations (e.g., strength machine or cardiovascular) plus one (1) space per employee on the largest shift plus additional parking for ancillary uses (e.g., gymnasiums, auditoriums, offices, restaurants).
        i. *The applicant is proposing 4 exercise stations, a mental health station, and a dietary station. This facility would have one employee. The health club would need a total of 4 parking spaces. The applicant is requesting a parking deferment for the health center as the residents of the boarding house and adjacent twelve-plex building will be the primary users of the facility. The applicant is proposing a total of 8 parking spaces in the plan. The total parking spaces required for the building is 10 spaces. The proposed plan meets the parking requirement if a parking deferment of two spaces is accounted for with the health club.*

6. Section 515-4-12.L Parking Deferment. The Planning Commission may allow a reduction in the number of required parking stalls for commercial, industrial, and public/semi-public uses provided that:
    a. The applicant demonstrates that the proposed use will have a peak parking demand less than the required parking as defined in [K.] of this Section. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to:
        i. Size of building
        ii. Type of use
        iii. Number of employees
        iv. Projected volume and turnover of customer traffic.
        v. Projected frequency and volume of delivery or service vehicles.
        vi. Number of company-owned vehicles.
        vii. Storage of vehicles on site
    b. In no case shall the amount of parking provided be less than one-half (½) of the amount of parking required by this Ordinance.
    c. The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of

this Ordinance if the parking demand exceeds on site supply. A proof of Parking Plan is submitted for City approval that meets the following conditions:

i. A Parking Plan drawn to scale for the property is submitted with the Sketch Plan and indicates that the site complies with the total parking requirements stated above and with the Parking Lot Design to the standards required by this Ordinance.

ii. The proof of parking area is defined as that portion of the site, which is not paved, but is suitably landscaped and is capable of containing the amount of parking equal to the difference between the total amount of required parking and the amount of parking required to be paved to meet the requirements of this Ordinance.

iii. The proof of parking area shall be clearly delineated on the Parking Plan for the site

iv. The paved portion of the parking area shall comply with this Sections.

v. The proof of parking area is not used to satisfy any other landscaping, setback, or other requirement of this Ordinance and is not located in an area occupied by a building or an easement.

d. The property owner is responsible for informing any subsequent owner of the proof of parking area and parking status of the property and shall record said provision with the County Recorder.

e. On-site parking shall only occur in areas designed and constructed for parking in accordance with this Ordinance.

f. The applicant and City enter into a development agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the City that such additional parking stalls are necessary to accommodate the use.

g. A change of use will necessitate compliance with the applicable Zoning Ordinance standard for parking.

Staff Opinion: *Staff believes the property meets the requirements for a parking deferment of up to two spaces for the health club. The health club is required to have four parking spaces. The facility will be used by adjoining multi-family residential properties. The amount of parking deferment is not more than one half of the required spaces. The site can account for the additional spaces if necessary and has been shown in the landscape sketch plan.*

7. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.

a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.

i. Boarding houses are a conditional use in the TN-2 District. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses.

b. The proposed use meets the regulations and standards established in this Ordinance.
    i. *There are no special standards associated with this use.*
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.
    i. *The structure will not be dangerous, injurious, or noxious to the surrounding properties.*
d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
    i. *Per Section 515-4-10.G.4 A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes.*
        1. *The applicant has proposed a 6' high privacy screen shrub planting along the north side of the parking lot.*
    ii. *In all Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts new lots or development shall include landscape plantings as identified in Table [515-4-10.2]. A minimum of one deciduous tree shall be planted in the front yard within 10-feet of the front property line, or right-of-way line. Trees retained on site following development can be reduced from the total required plantings.*
        1. *The proposed lot is a double frontage lot, therefore the total lot width at the right-of-way is (2 x 121 ft) = 242 ft. A total of 1 tree per each 25' is required. The lot is required to have a total of 10 trees.*
e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    i. *The proposed use is consistent with the environment and the neighborhood as there are other multi-family residential structures and commercial uses in the neighborhood.*
    ii. *As required by Section 515-4-2.D.4 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.*
        1. *The proposed building meets these requirements as there are no proposed metal panels on the structure.*
f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
    i. *As indicated in the parking calculation section, this site will have the necessary parking spaces and there should not be an increase in traffic congestion within the neighborhood streets.*
g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

i. **Economic Development Goal 1**: Support infill and redevelopment throughout Brainerd as a strategic component of growth.
    1. **Policy 1**: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.

8. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.

As of this writing, no one has contacted the Community Development Department with concerns about the Conditional Use Permit application for the boarding house.

Staff Recommendation

Staff recommends approval of the Conditional Use Permit for the operation of a boarding house at Lot 2 Block 1 in the proposed plat (P.I.N. 41040505, 41040501, 41040502, 41040503) contingent upon City Council approval of the final plat for this block and the applicant and City enter into a development agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the City that such additional parking stalls are necessary to accommodate the use.

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

41040501

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

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

PROPERTY ADDRESS: 3rd St. NW, Brainerd - TBD

* Creekside Community Replat: Lot 2 Block M

LEGAL DESCRIPTION: Lot(s): _____ Block: M Addition: _____
(attach description if lengthy) 20' of lot 10, lot 11 + 50' of lot 12 & 121' of lots 4-6
Current!

Property Owner Name: My Neighbor to Love Coalition
Street Address: P.O. Box 581 **City:** Nisswa **State:** MN **Zip Code** 56468
Phone Number: 218-821-7875 **Fax:** _____ **E-mail:** vickyjokinney@yahoo.com
Applicant Name: (If different than Property Owner) Vicky Kinney
Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____
Phone Number: _____ **Fax:** _____ **E-mail:** _____

Description of Request: Construct a 40'x60' health club (an over-the-counter allowed use) and use the 2nd floor for a Boarding House (allowed use w/CUP). We'd also like to ask for a parking deferrment for the health club being health club users/members will live in the neighborhood & walk to the health club.

Vicky Kinney — 10-1-22
Property Owner Signature — **Date**

Vicky Kinney
(Please print name)

Vicky Kinney — 10-1-22
Applicant Signature — **Date**

Vicky Kinney
(Please print name)

(OVER)

Description and Landscaping Plan - Health Club & Boarding House - Mixed Use Building

This building is a two-story 40' x 60' structure and named Creekside Center. The health club will have a more wholistic approach and will contain three physical exercise stations (weights, treadmill, elliptical or bicycle), a dietary health station, and a mental health station. Additionally, there will be an office for property management, rest rooms, and a kitchen and gathering room. The lower level will also function as a storm shelter.

The upper level will be used for a Boarding House, primarily for qualified potential renters who are waiting for their home to be built. We anticipate three to four rooms in the Boarding House. Once the entire Creekside Community is built, the Boarding House will then be used for boarding other people needing transitional housing. A live-in housing manager will maintain the Boarding House.

Landscaping Plan – All disturbed areas will be landscaped with either planting beds with mulch and/or rock or leveled and seeded with grass seed.

- Screening along parking lot will contain either a solid vinyl fence or a variety of 6' high shrubs and bushes such as Lilac, Neonburst Dogwood, or Hydrangea.
- Bushes planted around the building will be a variety of Snowberry, Dogwood, Chokecherry or Firedance Dogwood on the north side; and Alpine Currant, Ninebark, Lilac, Spirea, or Potentilla on the west side.
- Trees - The deciduous tree within 10 feet of the ROW on 3rd Street will be of a variety of either Birch, Flowering Crab, Service Berry, Ohio Buckeye, Elm, or Maple.
- If other trees are required based on the remaining count of trees on the property, they will be of a fruit bearing such as Apple, Plum, or Pear.
- If a conifer tree is required depending on remaining tree count, a Spruce tree will be planted.

Parking Deferment Request – The health club will require a parking space for the property manager (and no parking will actually be needed if the manager lives on site). The total parking required for health stations equals 2 1/2 plus 1 for a manager for a total of 3 ½ parking stalls. The residents living within the Creekside Community development will be able to walk to the building so there really is no need for parking for health club users.

At this time, it is anticipated that we will have three to four rooms in the Boarding House which would require 4 ½ to 6 parking spaces. Combined with the health club, the total required spaces equal 8 to 9 ½ (depending on whether we will have 3 or 4 rooms in the boarding house). The Planning Commission may allow a reduction in the number of parking spaces up to half the total amount required – which would be 4 or 5 spaces. Our current plan allows for 8 parking spaces. We have land reserved to the east of the parking lot which could be added to the parking lot if the need warrants it.

(If the space were to be calculated using net usable floor area – 6 parking stalls would be required. Added to 4 ½ to 6 boarding house stalls – the required total would be 11 to 12 stalls in which half may be reduced by the Planning Commission.)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a Conditional Use Permit for Lots 1 through 6 and Lots 10 through 12, Block M, West Brainerd Addition to Brainerd which is located between (NW 3rd St and NW 2nd St) and (Jackson St and James St.). The proposed lot for the Conditional Use Permit is subject to City Council approval of a Final Plat for this block. The purpose of this Conditional Use Permit request is to operate a boarding house on the second floor above a health center.

The properties are legally described as:

LOTS 1 THRU 6 INCLUSIVE BLOCK M AND THE ADJACENT N'LY 1/2 OF VACATED ROBERT STREET. LOT 10 BLOCK M, LOT 11 BLOCK M, LOT 12 BLOCK M AND THE ADJACENT N'LY 1/2 OF VACATED ROBERT STREET
WEST BRAINERD
P.I.N. 41040505, 41040501, 41040502, 41040503
Section 4, Township 133, Range 28

The properties are zoned TN-2 (Traditional Neighborhood) District, and Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of a boarding house as a conditional use in the TN-2 District. A copy of the site plan is on file for review with the Community Development Department.

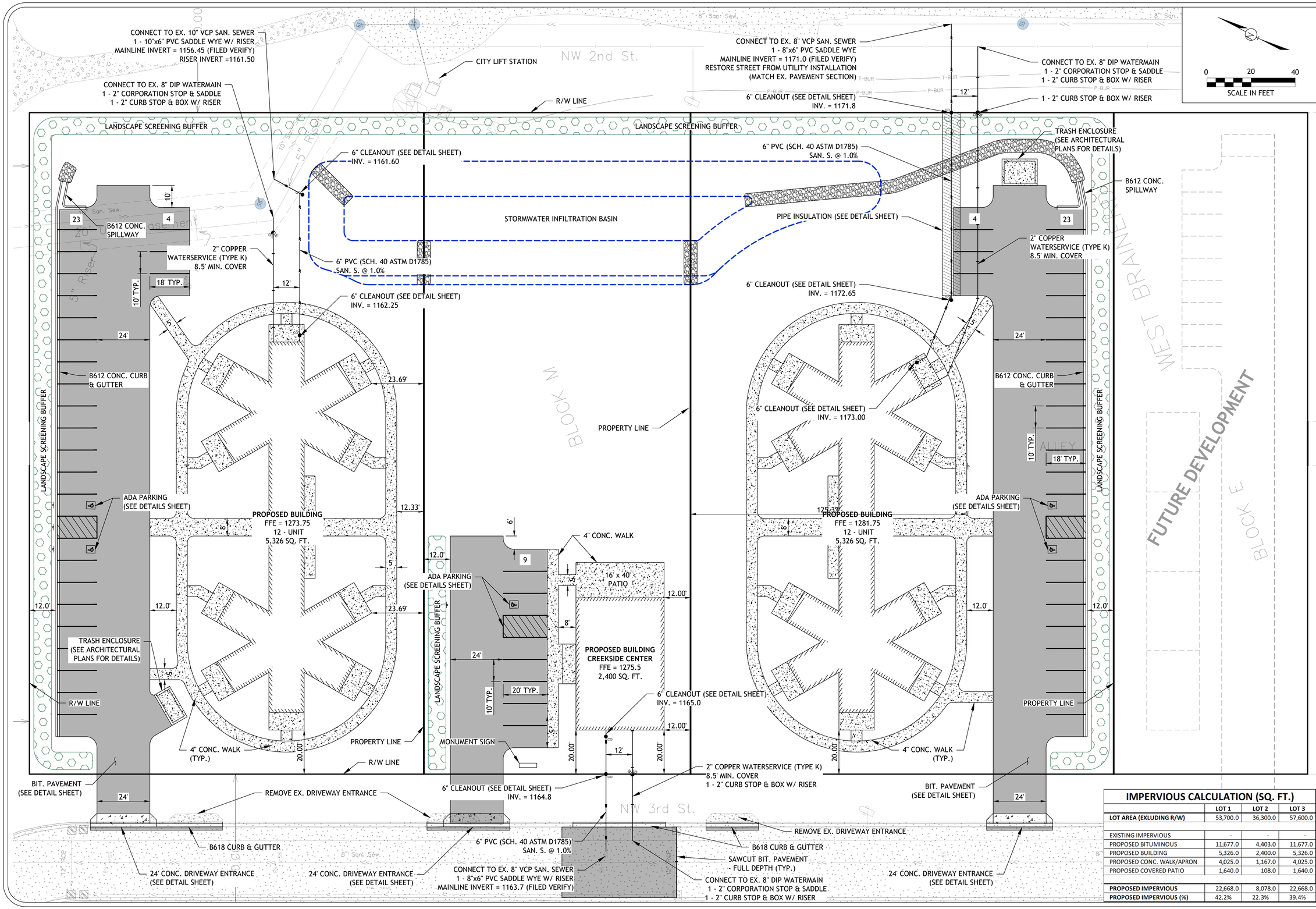
A Public Hearing to consider this conditional use permit will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, October 19, 2022, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

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

Dated this 6th day of October 2022

James L. Kramvik
Community Development Director

Publication Date: October 8, 2022



IMPERVIOUS CALCULATION (SQ. FT.)

	LOT 1	LOT 2	LOT 3
LOT AREA (EXLUDING R/W)	53,700.0	36,300.0	57,600.0
EXISTING IMPERVIOUS	-	-	-
PROPOSED BITUMINOUS	11,677.0	4,403.0	11,677.0
PROPOSED BUILDING	5,326.0	2,400.0	5,326.0
PROPOSED CONC. WALK/APRON	4,025.0	1,167.0	4,025.0
PROPOSED COVERED PATIO	1,640.0	108.0	1,640.0
PROPOSED IMPERVIOUS	22,668.0	8,078.0	22,668.0
PROPOSED IMPERVIOUS (%)	42.2%	22.3%	39.4%

NO.	REVISION SINCE INITIAL DATE DRAW/DD/YY	DATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: TONY A. POHL LIC. NO. 56606 DATE 10/11/2022

PROJECT NO. KINNV2202

KRAMER LEAS DELEO
SURVEYING · ENGINEERING · PLANNING

DATE: AUGUST, 2022
DESIGNED: TAP
CHECKED: TAP
SCALE: AS SHOWN

CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRAINERD, MINNESOTA

SITE PLAN

Sheet No. C4.0

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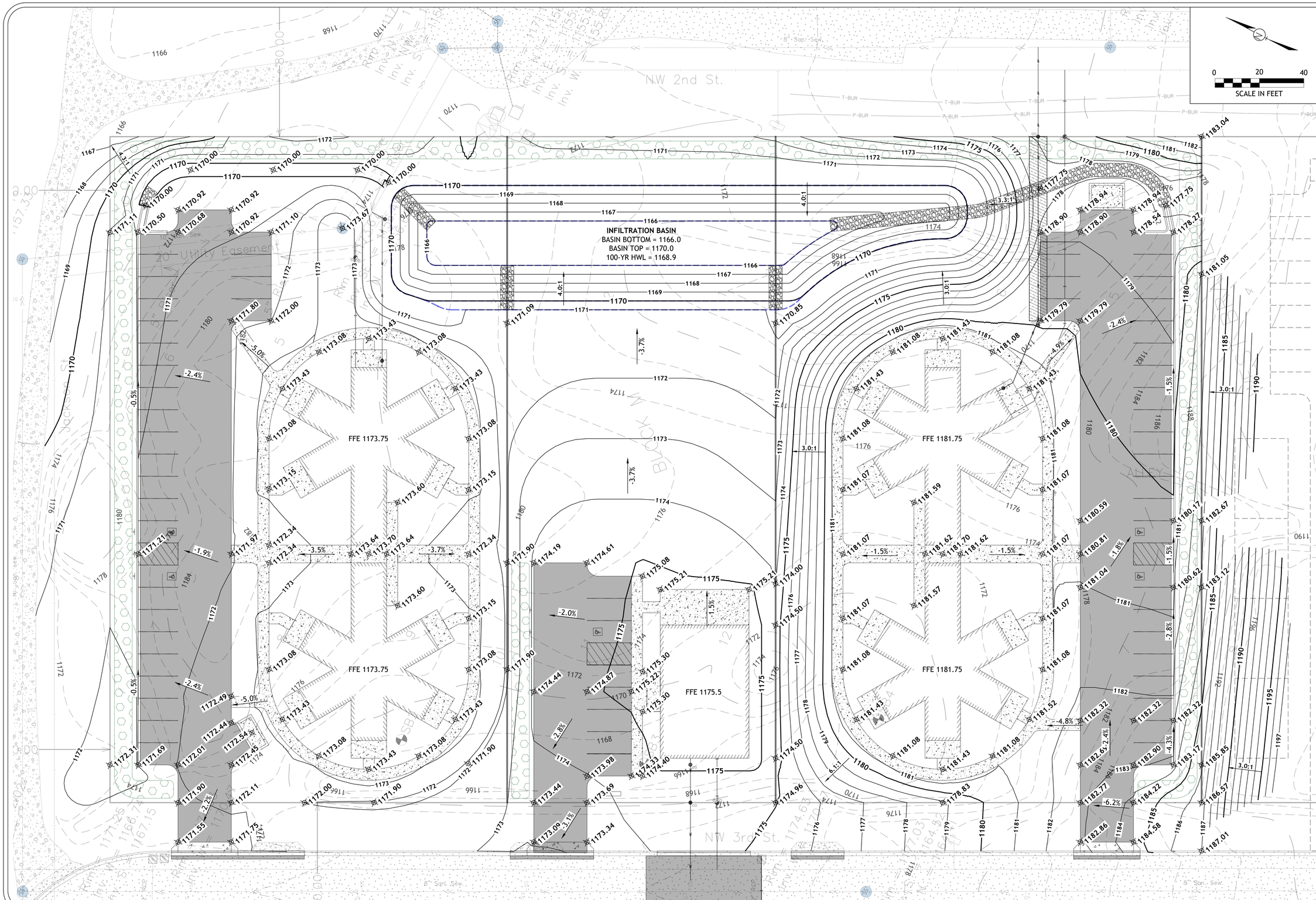

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Signature: TONY A. POHL LIC. NO. 56606 DATE 10/11/2022

PROJECT NO. KINNV2202

KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING

DATE: AUGUST, 2022
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CHECKED: TAP
SCALE: AS SHOWN

CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRAINERD, MINNESOTA

GRADING PLAN

Sheet No. C5.0

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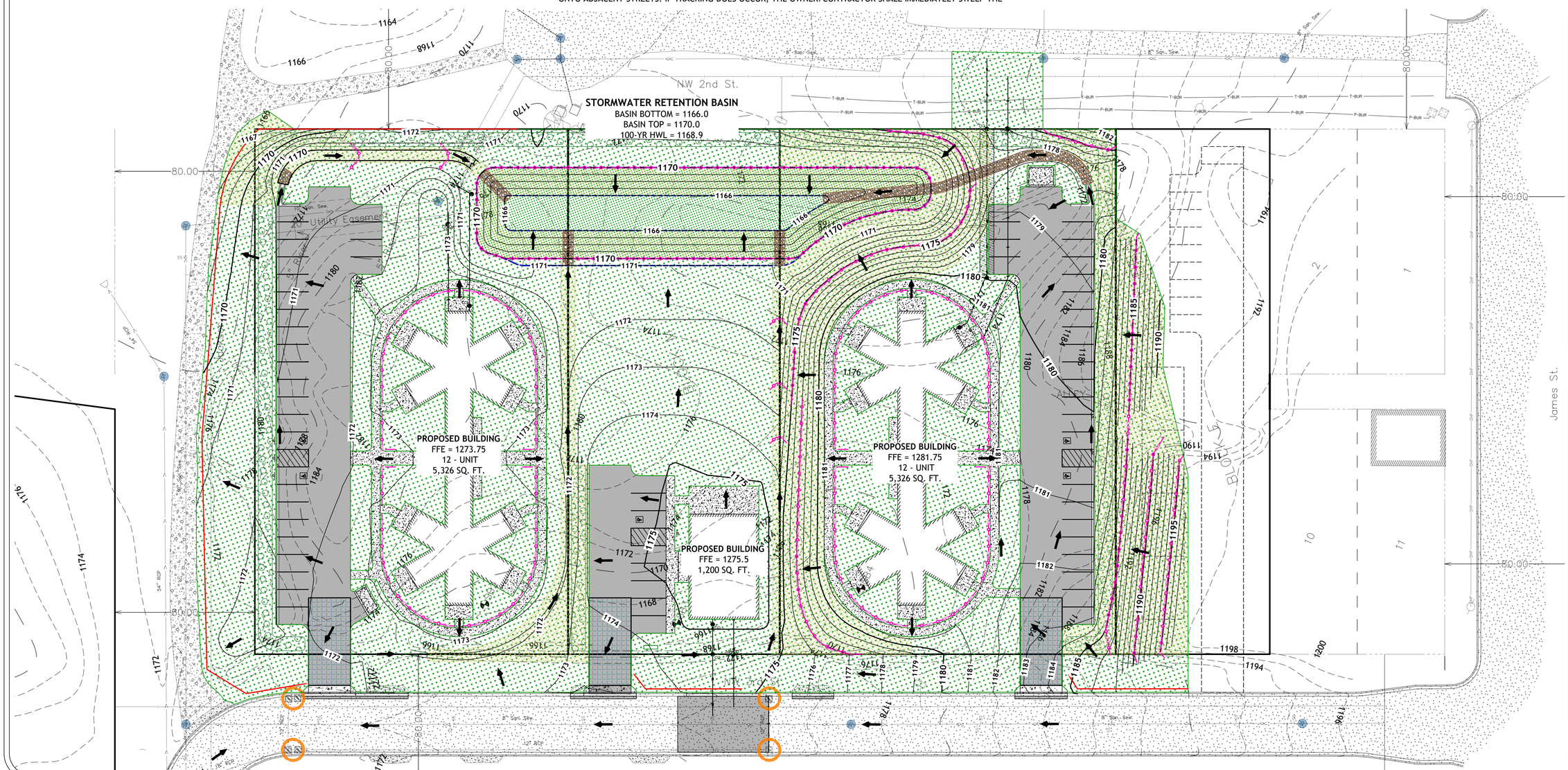
LEGEND

- DENOTES SURFACE DRAINAGE DIRECTION
- DENOTES CLASS II RAP RAP (12" DEPTH) W/ TYPE 4 GEOTEXTILE FILTER FABRIC
- DENOTES CATEGORY 3N, WOOD FIBER 2S EROSION CONTROL BLANKET
- DENOTES TURF ESTABLISHMENT
  4" TOPSOIL
  TEMPORARY - MNDOT RAPID STABILIZATION METHOD 3
  PERMANENT - RIENFORCED FIBER MATRIX (3,900 LB/ACRE), SEED MIXTURE 25-151(120LBS/ACRE), TYPE 3 SLOW RELEASE FERTILIZER (300LBS/ACRE)
  STORMWATER BASINS - 33-261 (35LBS/ACRE), TYPE 3 SLOW RELEASE FERTILIZER (300LBS/ACRE)
- DENOTES CONSTRUCTION ENTRANCE
- DENOTES SILT FENCE - TYPE MS
- BIOROLL - TYPE WOOD FIBER
- STORMSEWER INLET PROTECTION - SEE DETAIL SHEET

EROSION CONTROL PLAN NOTES

1. BMP'S SHALL BE INSTALLED BEFORE ANY EARTH DISTURBING ACTIVITIES COMMENCE.
2. STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES SHALL NOT CAUSE, HAVE THE REASONABLE POTENTIAL TO CAUSE, OR MEASURABLY CONTRIBUTE TO AN EXCEEDANCE OF ANY WATER QUALITY STANDARD.
3. CONSTRUCTION SHALL BE PHASED IN A MANNER TO LIMIT EARTH DISTURBING ACTIVITIES (I.E. THE ENTIRE PROJECT SITE SHOULD NOT BE DISTURBED IF CONSTRUCTION WILL ONLY BE OCCURRING IN ONE PARTICULAR SECTION).
4. SEDIMENT CAUSED BY ACCELERATED SOIL EROSION SHALL BE REMOVED FROM RUNOFF WATER BEFORE IT LEAVES THE CONSTRUCTION SITE.
5. BULK STORAGE STRUCTURES FOR PETROLEUM PRODUCTS AND ANY OTHER CHEMICALS SHALL HAVE SECONDARY CONTAINMENT OR EQUIVALENT PROTECTION TO CONTAIN ALL SPILLS AND PREVENT ANY SPILLED MATERIAL FROM ENTERING STATE WATERS.
6. A COPY OF THE SWPPP AND SITE MAPS MUST BE AVAILABLE AT ALL TIMES ON THE CONSTRUCTION SITE.
7. THE SWPPP AND SITE MAPS SHALL BE CONTINUOUSLY UPDATED TO REFLECT NEW OR REVISED BEST MANAGEMENT PRACTICES (BMP'S) DUE TO CHANGES IN DESIGN, CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE CONSTRUCTION SITE.
8. THE OWNER/CONTRACTOR SHALL INSPECT THE CONSTRUCTION SITE (INCLUDING ALL BMP'S, STORAGE CONTAINERS, AND CONSTRUCTION EQUIPMENT) IN ACCORDANCE WITH THE TIME FRAMES NOTED IN THE SWPPP. THE OWNER/CONTRACTOR SHALL KEEP A RECORD OF ALL INSPECTIONS ON SITE AND AVAILABLE FOR REVIEW.
9. BMP'S REQUIRING MAINTENANCE OR ADJUSTMENT SHALL BE REPAIRED IMMEDIATELY AFTER OBSERVATION OF THE FAILING BMP.
10. FOR ALL INSTANCES OF NONCOMPLIANCE BASED ON ENVIRONMENTAL HAZARDS AND CHEMICAL SPILLS AND RELEASES, ALL NEEDED INFORMATION MUST BE REPORTED TO THE MPCA DUTY OFFICER 800-422-0798 - 24-HOUR EMERGENCY RESPONSE.
11. ALL BMP'S SHALL BE CLEANED WHEN SEDIMENT LEVELS ACCUMULATE TO HALF THE DESIGN OF THE BMP UNLESS OTHERWISE SPECIFIED. A CONSTRUCTION EXIT SHALL BE PLACED AT ALL EXITS FROM THE SITE TO PREVENT TRACKING ONTO ADJACENT STREETS. IF TRACKING DOES OCCUR, THE OWNER/CONTRACTOR SHALL IMMEDIATELY SWEEP THE STREET OF DEBRIS.
12. ALL SEDIMENT COLLECTED IN BMP'S SHALL BE REMOVED UPON INITIAL ACCEPTANCE.
13. EROSION CONTROL MEASURES FOR SLOPES, CHANNELS, DITCHES, OR ANY DISTURBED LAND AREA SHALL BE COMPLETED WITHIN 7 CALENDAR DAYS AFTER FINAL GRADING OR THE FINAL EARTH DISTURBANCE HAS BEEN COMPLETED. WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH DISTURBANCE HAS BEEN COMPLETED OR WHERE SIGNIFICANT EARTH DISTURBANCE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED WITHIN 14 CALENDAR DAYS. TEMPORARY EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION MEASURES ARE IMPLEMENTED.
14. FINAL STABILIZATION HAS BEEN ACHIEVED WHEN ALL EARTH DISTURBING ACTIVITIES AT THE SITE HAVE BEEN COMPLETED, AND UNIFORM VEGETATIVE COVER HAS BEEN ESTABLISHED WITH AN INDIVIDUAL PLANT DENSITY OF AT LEAST 70 PERCENT OF PRE-DISTURBANCE LEVELS, OR EQUIVALENT PERMANENT, PHYSICAL EROSION REDUCTION METHODS HAVE BEEN EMPLOYED.
15. ALL TEMPORARY BMP'S SHALL BE REMOVED FROM THE SITE UPON SUBMITTING THE NOTICE OF TERMINATION.
16. ALL SITE WASTES (INCLUDING TRASH AND BUILDING MATERIALS) MUST BE PROPERLY MANAGED TO PREVENT POTENTIAL POLLUTION OF STATE WATERS.

0 30 60
SCALE IN FEET



NO.	REVISION SINCE INITIAL DATE DRAWN/DD/YY	DATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: TONY A. POHL LIC. NO. 56606 DATE 10/11/2022

PROJECT NO. KINNV2202

KRAMER LEAS DELEO
CONSULTING - ENGINEERING - PLANNING

DATE: AUGUST, 2022
DESIGNED: TAP
CHECKED: TAP
SCALE: AS SHOWN

CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRAINERD, MINNESOTA

EROSION CONTROL PLAN

Sheet No. C6.0

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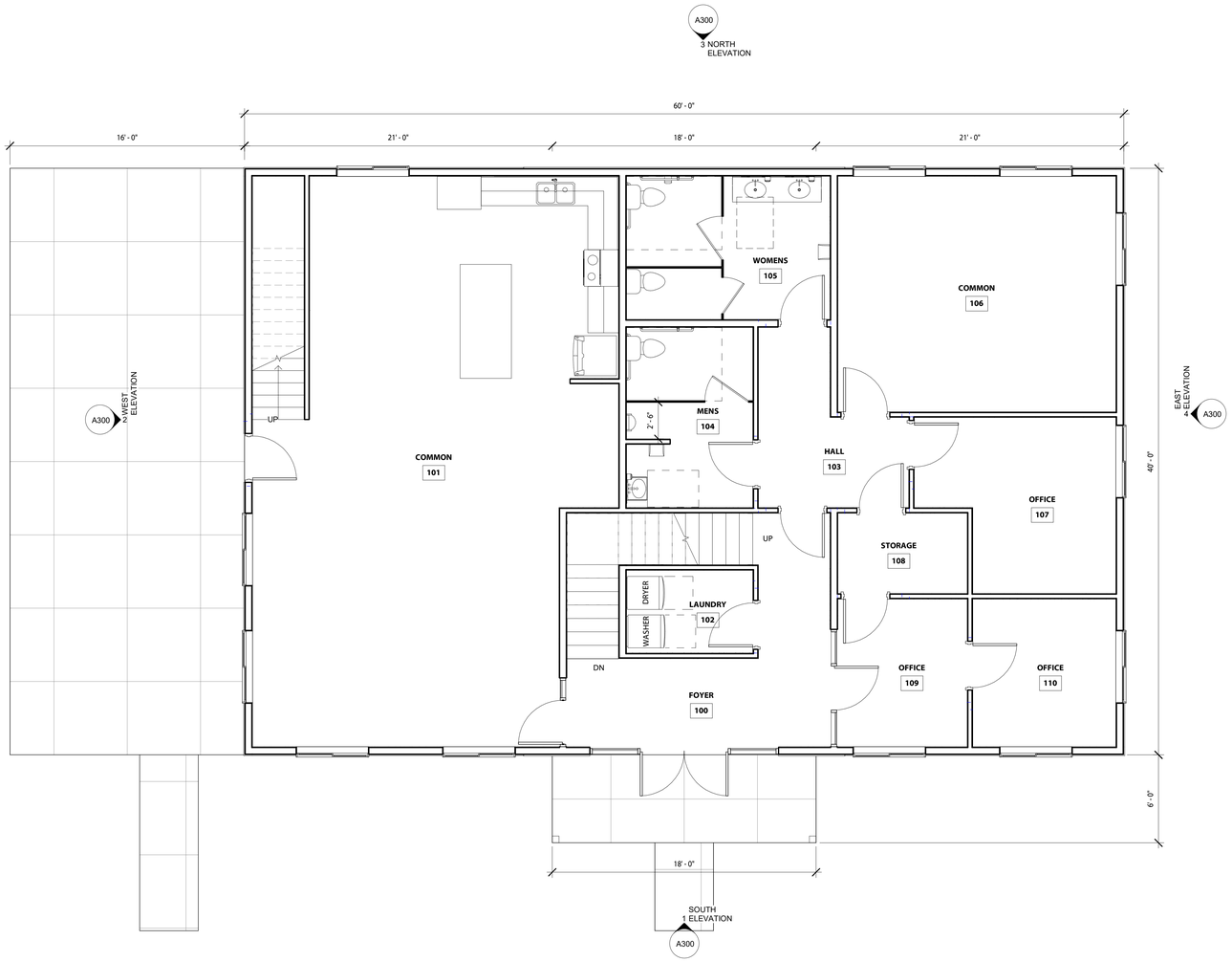

1 / A110 ILEVEL 01 WORKING PLAN
1/4" = 1'-0"

NOR-SON CONSTRUCTION

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MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

PRINTED: **10/11/2022 12:51:35 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.

ERIC LARSON
Lic # 47862 10/11/2022

PROJECT NUMBER: 3962
ISSUED: 10/11/2022

#	REVISION	DATE

LEVEL 1 FLOOR PLAN

A110

NOR-SON CONSTRUCTION

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1 / A120 !LEVEL 02 WORKING PLAN
1/4" = 1'-0"

MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

PRINTED: **10/11/2022 12:51:35 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.

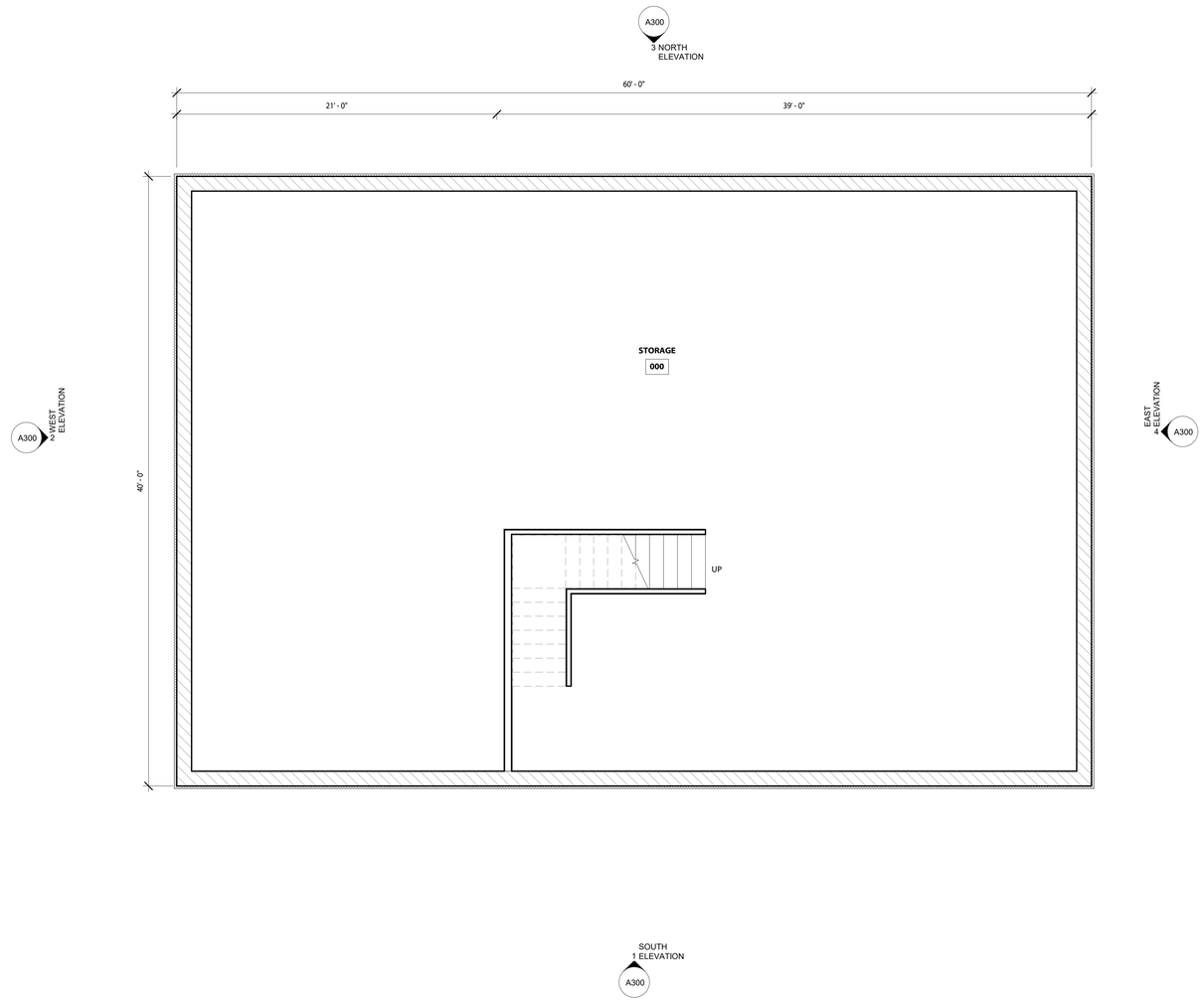
ERIC LARSON
Lic # 47862 10/11/2022

PROJECT NUMBER: 3962
ISSUED: 10/11/2022

#	REVISION	DATE

LEVEL 2 FLOOR PLAN

A120



1 / A000 !LEVEL 00 WORKING PLAN
1/4" = 1'-0"

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MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

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ERIC LARSON
Lic # 47862 10/11/2022

PROJECT NUMBER: 3962
ISSUED: 10/11/2022

#	REVISION	DATE

LEVEL 0 FLOOR PLAN

A000

NOR-SON
CONSTRUCTION

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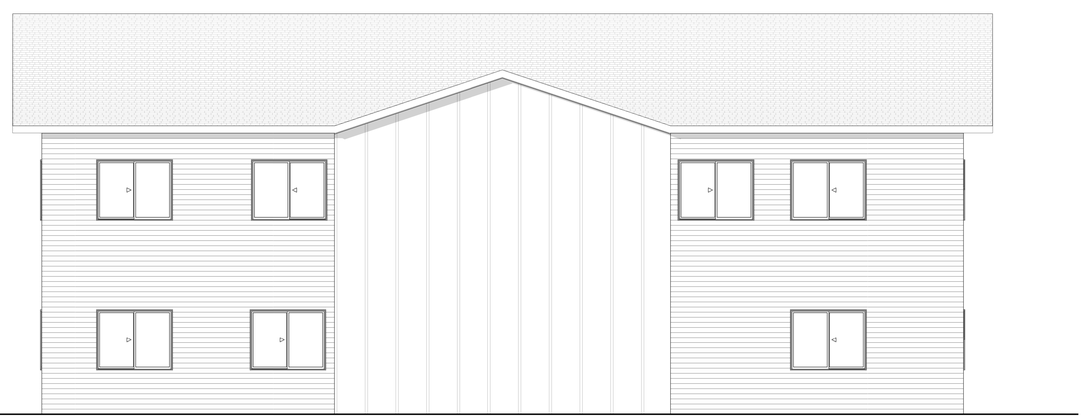
1 A300 SOUTH ELEVATION
1/4" = 1'-0"

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



3 A300 NORTH ELEVATION
1/4" = 1'-0"

4 A300 EAST ELEVATION
1/4" = 1'-0"

MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

PRINTED: **10/11/2022 12:51:45 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.

ERIC LARSON
Lic # 47862 10/11/2022

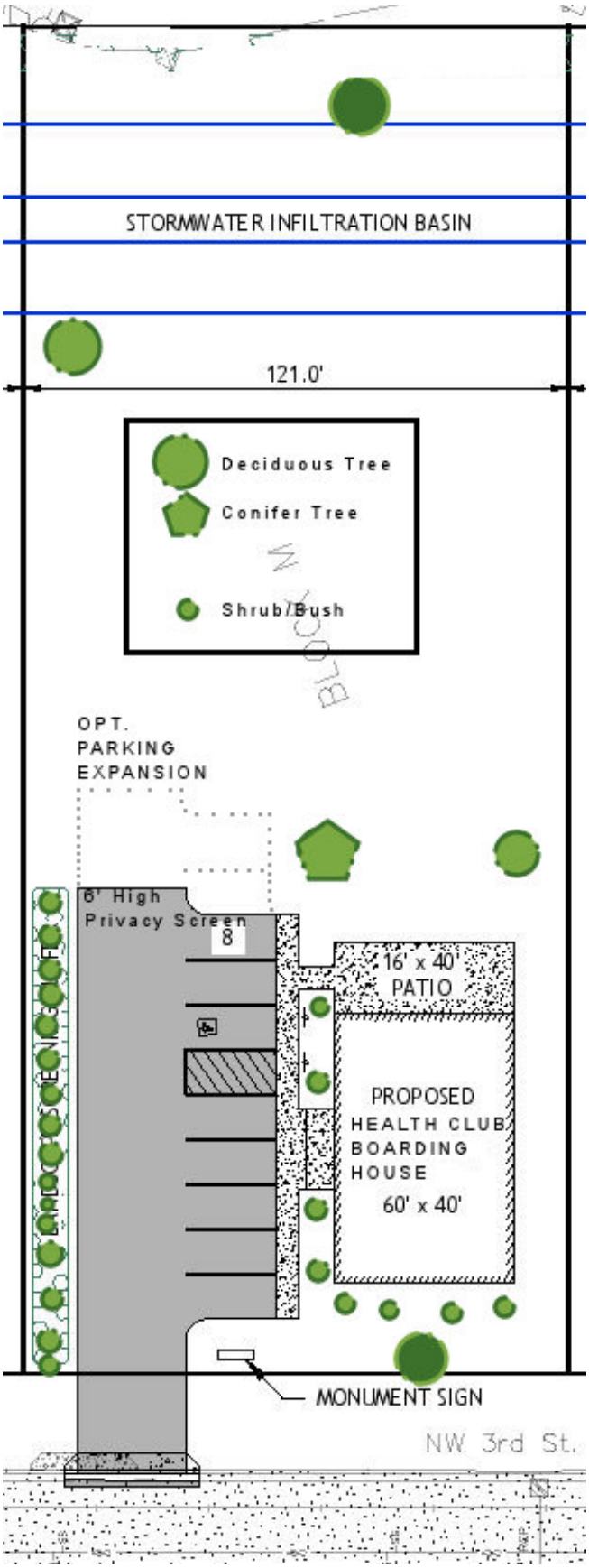
PROJECT NUMBER: 3962
ISSUED: 10/11/2022

#	REVISION	DATE

BUILDING ELEVATIONS

A300

Creekside Center Landscaping Plan



M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: October 19, 2022

RE: Discussion on Proposed Ordinance Amendment Restricting the Demolition and Removal of Dwelling Units

---

Introduction

Ordinance No. 1534 went into effect on July 17th which imposed a six-month moratorium on the conversion of dwelling units to green space or surface parking in the R-1 zoning district. The city has a shortage of housing, particularly affordable housing. Removal of dwelling units for the establishment of green space or surface parking adds to the overall shortage of housing. City staff and the Planning Commission are tasked to study the issues related to conversion of dwelling units and shall provide recommendations to the City Council concerning proposed changes to the City Code.

Planning Commission Workshop

The Planning Commission held a workshop on September 7th to review the issues related to the conversion of dwelling units to green space and surface parking. Planning Commission discussed the need for residential housing in Brainerd and the shortage in housing that the city is currently experiencing. The Commission reviewed an example Ordinance from the City of Crosby and directed staff to make changes based on the workshop discussion related to the issues in the City of Brainerd.

Ordinance Amendment

Staff is presenting a proposed ordinance amendment to the zoning code based on the discussion at the September 7th workshop. Staff would like the commission to review the proposed ordinance and make any final edits before bringing it back to the Planning Commission at their regular scheduled meeting in November and holding a public hearing. Staff has also included the example ordinance from Crosby for review of the changes that were made as a result of the workshop discussion.

ORDINANCE NO. __,
AN ORDINANCE AMENDING CHAPTER 515-4 OF THE CITY CODE REGARDING THE DEMOLITION AND REMOVAL OF DWELLING UNITS
CITY OF BRAINERD
COUNTY OF CROW WING
STATE OF MINNESOTA

The City Council of the City of Brainerd does ordain:

Purpose and Intent: The purpose of this ordinance amendment is to amend Section 515-4 of the Brainerd Zoning Code relating to General Building and Design Standards and the demolition and replacement of dwelling units.

SECTION ONE: Section 515-4 of the Zoning Code is hereby amended by adding the following:

515-4-14: RESTRICTIONS ON DEMOLITION AND REMOVAL OF DWELLING UNITS:

A. **Demolition Permit.** Except as provided in Section A of this chapter, no permit shall be issued to allow the demolition of a dwelling unit in the TN-1, CN-1, or CN-2 zoning districts unless:

1. A building permit is also issued at the same time to authorize construction of a replacement dwelling unit; or

2. City Council approval has been granted for an alternative use of the property.

B. **Site Restoration.** In addition to requirements set forth in section A, as a condition of issuance of a permit for the demolition of a building, the applicant shall be required to submit a site restoration plan. The plan shall be approved by the building official, city engineer, and zoning administrator before a permit for the removal of a building is issued.

C. **Exemptions.** Notwithstanding any other provision of this article, the requirements set forth in section A of this article shall not apply to the following:

1. The demolition of a dwelling unit by the Brainerd Housing and Redevelopment Authority, the Brainerd Economic Development Authority, or Crow Wing County;

2. The removal of any unsafe or hazardous structures by the City of Brainerd pursuant to its statutory authority;

3. The demolition or relocation of any building owned by the City of Brainerd;

4. Prior to the issuance of the demolition permit, the city building official determines that an exception is necessary because it is compelled by public

safety due to an imminent hazardous condition requiring immediate demolition of the building;

SECTION TWO: All other provisions of Section 515-4 shall remain in full force and effect.

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

Adopted this _____day of _____, 2022

_____
KELLY BEVANS
President of the Council

Approved this _____day of _____, 2022

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

ORDINANCE NO. __,
AN ORDINANCE AMENDING CHAPTER 13 OF THE CITY CODE
REGARDING THE DEMOLITION AND REMOVAL OF STRUCTURES
CITY OF CROSBY
COUNTY OF CROW WING
STATE OF MINNESOTA

The City Council of the City of Crosby does ordain as follows:

Purpose and Intent: The purpose of this ordinance amendment is to amend Chapter 13 of the Crosby City Code relating to replacement of structures.

Amendment: Chapter 13, Article 114 and Article 115 shall be amended as follows:

114: RESTRICTIONS ON DEMOLITION AND REMOVAL OF BUILDINGS:

114.1. Except as provided in Section 115 of this chapter, no permit shall be issued to allow the demolition of a building, or any portion of a building, or the removal of a building or any portion of a building from a site, unless:

a. A building permit is also issued at the same time to authorize construction of a replacement building or to restore a partially demolished building to a habitable condition;

b. City Council approval has been granted for an alternative use of the property that does not require a building permit; or

c. The city building inspector determines that an exception is necessary because it is compelled by public safety due to an imminent hazardous condition.

114.2 In addition to requirements set forth in section 114.1, as a condition of issuance of a permit for the demolition of a building, the applicant shall be required to submit a site restoration plan meeting the requirements of this Chapter. The plan shall be approved by the building inspector and zoning administrator before a permit for the removal of a building is issued.

115: EXEMPTIONS

115.1. Notwithstanding any other provision of this article, the requirements set forth in section 114 of this article shall not apply to the following:

a. The demolition or relocation of any accessory structure or accessory building in any residential zone;

b. The demolition or relocation of any building owned by the City of Crosby;

c. Improvements confined to the interior of a building;

d. The storefront remodel of a commercial building;

e. The demolition of any building where one or more of the following exceptions applies:

i. Prior to the issuance of the demolition permit, the city building inspector determines that an exception is necessary because it is compelled by public safety due to an imminent hazardous condition requiring immediate demolition of the building;

ii. Prior to the issuance of the demolition permit, and pursuant to an application and noticed public hearing, the City Council grants an exception based upon a finding that a proposed interim use satisfies a public need;

iii. Prior to the issuance of the demolition permit, a determination is made by an appropriate government body or agency that there are hazardous materials on or beneath the surface of the subject property which require, as part of a remedial plan approved by an appropriate government body or agency, the demolition of the building before any permit and/or financing to improve the property can be obtained.

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

Repeal: This ordinance shall repeal all ordinances inconsistent herewith.

_____
Joanna Lattery, Mayor

ATTEST:

_____
Lisa Sova, City Clerk

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: October 19, 2022

RE: Discussion on Industrial Zone Building Design Standards

The newly adopted zoning code contains many of the same building and design standards that the previous zoning code required for industrial zoned properties. Staff would like Planning Commission to discuss if any changes to the design standards should reviewed for industrial zoned properties as many buildings have little visibility to the public.

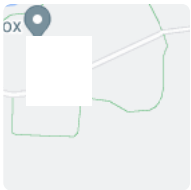
1. According to Section 515-4-2.E.2a New buildings constructed in the GI Zoning District should be constructed using durable and lasting materials. Permitted typical materials include: brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.
    a. *Buildings that were required to meet this design standard.*
        i. *The Fed-Ex building in the Brainerd Industrial Park and the cold storage building for the Brainerd Police Department on Thiesse Drive.*

2. Any structure in the Industrial District within three hundred (300) feet of Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3 shall comply with the Commercial Exterior Building Material Standards established in the preceding Subsection [D].
    a. 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.

Google Maps 1701 Thiesse Dr

Image capture: Sep 2019 © 2022 Google

Brainerd, Minnesota

Google

Street View - Sep 2019