

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, May 17, 2023 @ 6:00pm

The public is invited to attend this meeting in person
Attend by phone: 1-844-992-4726 Meeting Access Code: 2499 158 0023

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. Call To Order
2. Roll Call
____ C. Marohn ____ D. Gorham ____ T. Stenglein ____ M. Duval

____ K. Yeager ____ vacant ____ vacant
3. Pledge Of Allegiance
4. Approval Of Agenda
5. Approval Of Minutes
 1. Regular Meeting Held on April 19, 2023

Documents:

[2023-04-19 DRAFT.PDF](#)

6. Appoint New Vice-Chair
7. New Business
 - 7.a. Consider Variance Request For 3 Washington St. NE
 - a) Hold Public Hearing

 - b) Consider Testimony and Alternatives

 - c) Recommend to Approve / Deny

Documents:

[3 WASHINGTON ST NE.PDF](#)

- 7.b. Consider Variance Request For 431 B St. NE
 - a) Hold Public Hearing

b) Consider Testimony and Alternatives

c) Recommend to Approve / Deny

Documents:

[431 B ST NE.PDF](#)

7.c. Consider Variance Request For 2424 Business 371

a) Hold Public Hearing

b) Consider Testimony and Alternatives

c) Recommend to Approve / Deny

Documents:

[2424 BUSINESS 371.PDF](#)

7.d. Discussion On Adult-Use Cannabis Bill

Documents:

[CANNABIS DISCUSSION.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. Staff Reports

10. Commission Member Reports

11. Adjournment

PLANNING COMMISSION

Wednesday, April 19, 2023

6:00 pm

#1 Call to Order

Planning Commission Chair Yeager 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, Woodward, Duval, Stenglein, and Yeager. Commissioner Marohn was noted as absent. Also noted as present were Community Development Director Kramvik and Assistant Planner Edwards.

#3 Pledge of Allegiance

Commissioner Yeager opened the meeting with the Pledge of Allegiance to the flag.

#4 Approval of Agenda

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GORHAM, DULY CARRIED, TO AMEND THE AGENDA BY MOVING ITEM 6B AFTER ITEM 7A.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND WOODWARD, DULY CARRIED, TO APPROVE THE MINUTES FROM THE MARCH 15, 2023 REGULAR MEETING.

#6 Unfinished Business

6a. Proposed Ordinance to Amend Section 515-4-8 Outdoor Lighting and Hold Public Hearing

Community Development Director Kramvik stated the recommended changes from the March meeting have been made to the proposed ordinance.

The Chair opened the public hearing at 6:05 pm.

No one came forward.

The Chair closed the public hearing at 6:05 pm.

Commissioner Duval suggested leaving the General Commercial district in the requirement of a thirteen (13) foot maximum height of the fixture, pole, and base. Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GORHAM, DULY CARRIED, TO RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE TO AMEND SECTION 515-4-8 OUTDOOR LIGHTING WITH ONE CHANGE BY LEAVING THE GENERAL COMMERCIAL (GC) DISTRICT IN 2. D.

#7 New Business

7a. Consider Conditional Use Permit for Recycling Facility at 1021 Madison St and Hold Public Hearing

Community Development Director Kramvik reviewed the details of the application to allow the operation of a recycling facility.

The Chair opened the public hearing at 6:17 pm.

The Chair recognized the applicant, Jeff Gruenwald, who is also the property owner. He stated he was unaware that he needed to apply for a Conditional Use Permit at that property. He gave examples of the work that is done at the facility and welcomed the Commissioners visit for a tour.

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

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT WITH THE SIX CONDITIONS AS PRESENTED.

- 1) Require a code analysis prepared by a Minnesota Licensed Architect for the facility located at 1021 Madison Street in Brainerd, MN. (PID 41361021) to be submitted to the City of Brainerd within six months of approval of the Conditional Use Permit.
- 2) If the code analysis shows a change in occupancy classification, the facility is to be brought up to the requirements of the 2020 MN Building Code, Chapter 1305, or Chapter 1311 within one year of the code analysis findings.
- 3) Indoor diesel tank storage must be moved outdoors within 4 months of approval of the Conditional Use Permit.
- 4) All other requirements of the Fire Marshal must be corrected within 1 month of approval of the Conditional Use Permit.
- 5) All paved areas must maintain a 20 ft wide fire lane.
- 6) The required fencing must be installed within 6 months of approval of the Conditional Use Permit.

#6 Unfinished Business (CONTINUATION)

6b. Off-Street Parking Regulations and Review of Other Communities

Community Development Director Kramvik explained the process that staff have gone through regarding off-street parking. He stated Assistant Planner Edwards reached out to other communities and he will discuss his findings.

Assistant Planner Edwards spoke about the information he received from several cities in Minnesota as well as a few out of state. Many of the communities have implemented a zero space minimum requirement, space maximums, as well as other conditions for multi-family dwellings.

Discussion took place – the next steps are for staff to draft a code with the ideas discussed and bring it to the Parking Commission for review. This will then come back to the Planning Commission within the next few months.

#7 New Business (CONTINUATION)

7b. Discuss Detached Accessory Structure Setback Requirements in the Shoreland Overlay District

Community Development Director Kramvik explained staff has been approached by a couple of property owners that wanted to construct an accessory structure. Their properties are in the shoreland overlay district which limits the ability to construct behind the principal structure. The current code does not allow a front yard accessory structure but may be allowed by going through the Variance process.

Discussion took place and it was determined not to make any changes to the Zoning Code.

Commissioner Yeager suggested a future discussion regarding swimming pools, which are included in the accessory structure portion of the code.

#8 Public Forum

The Chair opened the public forum at 7:26 pm.

No one came forward.

The Chair closed the public forum at 7:26 pm.

#9 Staff Reports

Community Development Director Kramvik gave the following updates:

- He thanked Commissioner Woodward for serving on the Commission, as this is her last meeting.
- VCV Digital, the crypto currency vendor, is currently redesigning the site plan for 1911 and 1918 Theisse Rd. to conform to the Zoning Code.

#10 Commission Member Reports

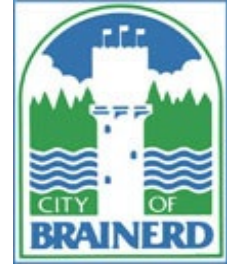
The Commissioner's thanked Commissioner Woodward for serving on the Commission and wished her well on her move. She appreciated the sentiments and said she thoroughly enjoyed the experience.

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND WOODWARD, DULY CARRIED, TO ADJORN AT 7:30 PM.

Kevin Yeager, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director
Dylan Edwards, Assistant Planner

DATE: May 17, 2023

RE: Consider Variance Request for 3 Washington St. NE

Emily Kettinger has applied on behalf of Dairyland Operations LLC (Dunkin' Donuts) for two variance requests at 3 Washington St. NE Brainerd, MN 56401. The first request is to allow their main entrance to face the rear yard of the property. Section 515-2-14.C requires the principal façade to front onto an avenue/street for properties in the CC District. The second variance request is to allow a 27'1" principal building front yard setback, a 24' side yard corner setback, and a 66'7" rear yard setback. Section 515-2-14.C requires principal facades to have a 0-foot to 10-foot build-to-range from the street/avenue.

Property Area: 0.28 Acres

Adjacent Uses: North: Residential Living
East: Restaurant
South: Auto Dealership
West: Auto Mechanic

Adjacent Zoning: North: TN-1(Traditional Neighborhood) Zoning District
East: CC (Commercial Corridor) Zoning District
South: GI (General Industrial) Zoning District
West: CC (Commercial Corridor) Zoning District

Findings of Fact:

1. 3 Washington St. NE is in a CC (Commercial Corridor) Zoning District. Drive-through businesses are permitted in the CC District.
2. Section 515-2-14.C states: "Lot Dimension, Frontage - Principal Façade must front onto Avenue/Street." and "Principal Building Setbacks, Principal Façade Build-to Range (Avenue) - 0-10'."
 - a. *The applicant is requesting a variance from the Zoning District Dimensional Standards to allow for the installation of a drive-thru around the building that accommodates a turning*

radius for most vehicles and to orient the building appropriately for a drive-thru only restaurant layout that the developer proposes.

- b. The applicant is proposing a 27'1" front yard setback and 24' side yard corner setback with a rear entrance/ pickup window to the building.*

3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:

- a. When they are in harmony with the general purposes and intent of the ordinance and
 - i. *The purpose of the 0–10-foot build-to-range in the CC District is to place buildings closer to Washington Street and facilitate rear parking. The proposed design achieves a closer build-to-range than the existing building and places all off-street parking spaces to the rear of the property. The drive through lane and turning radius require building placement to exceed the 10' front façade setback standard.*
- b. When the variances are consistent with the Comprehensive Plan
 - i. *Land Use Goal 2, Through thoughtful planning, maintain the unique identity of the city and all the appropriate land uses that support it.*
 - 1. *Policy 3 states, "Promote reinvestment in the city's main highway corridors and downtown."*
 - a. *The lot on which this proposed development will occur has been vacant for a significant amount of time, leaving one of the more visible lots on Washington St. blighted. By granting these variances, which reduce the existing nonconformities of the parcel, the city will gain a new building and an established franchise.*
 - ii. *Economic Development Goal 3, Help local businesses grow and attract new businesses in our neighborhoods, along our main corridors, and in our downtown.*
 - 1. *Policy 2 states, "Attract new businesses best suited for the community's assets, increasing local employment options and building the city's tax base."*
- c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - i. *Based on the size of the property the applicant does have a challenge complying with the Zoning Ordinance. Drive through facilities require circulation around the property and an appropriately sized stacking lane to accommodate vehicles. This particular property is challenging because of its size. There may be other larger properties in the CC District that could accommodate a rear drive through which would allow for a reduced front yard setback along Washington Street.*
 - ii. *The proposed building is a drive through and pickup only establishment which makes multiple entrances to the building impossible. The proposed rear of the building provides enough space for staff only.*

4. [Section 515-5-4.B.4](#), Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;

- a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

- i. *Alternative designs have been proposed to staff. An earlier design placed the building closer to Washington Street but required pedestrians to walk through the drive through lane.*
 - ii. *The City Engineer also had concerns with the proposed location of the entrance to the property because of the lighted intersection with Gillis Ave. The current design allows for enhanced pedestrian movement, an ideal entrance off Gillis Ave, and rear parking.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - i. *The Zoning Code requires the principal façade to be orientated with the Washington St. or an avenue and requires sixty five percent glazing. The glazing requirement is not depicted in the submitted drawings but has been discussed with the developer and will be a requirement of the final building permit submittal. Jimmy John's, a nearby and recently established restaurant, has a significant glass façade facing Washington St. with a side entrance to the building. The architectural style of the building is very similar to the proposed & required design for Dunkin' Donuts.*
 - ii. *Based on the current state of the property in question the granting of this proposed variance will bring this parcel into greater conformity with surrounding buildings regarding the front yard setback standard. The rear entrance will be unique to the locality, but the glazing requirement will help offset the visual appearance along Washington St.*
 - iii. *Most drive through businesses in the CC District are setback further than 10' from Washington St to accommodate a drive through lane and off-street parking in the front yard.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Section 515-5-4. B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

At the time of this writing, two parties have contacted the Community Development Department with questions regarding the proposed project and did not have any concerns.

Staff Opinion:

Staff recommends the approval of both variance requests 3 Washington St. NE to allow the main entrance to face the rear yard of the property and to allow a 27'1" principal building front yard setback, a 24' side yard corner setback, and a 66'7" rear yard setback with the following conditions:

- 1) Landscape parking lot standards must be applied to the parking lot and drive through lanes along Washington Street and Gillis Avenue and must be approved by staff prior to issuance of the building permit.
- 2) A 65% glazing requirement along Washington Street must be depicted on the construction drawings prior to issuance of the building permit.
- 3) Walk-in cooler must either be screened or consistent with the architecture of the building.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

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: _____

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

Property Owner Name: _____

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

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

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: _____

Emily Kettinger

Property Owner Signature

Date

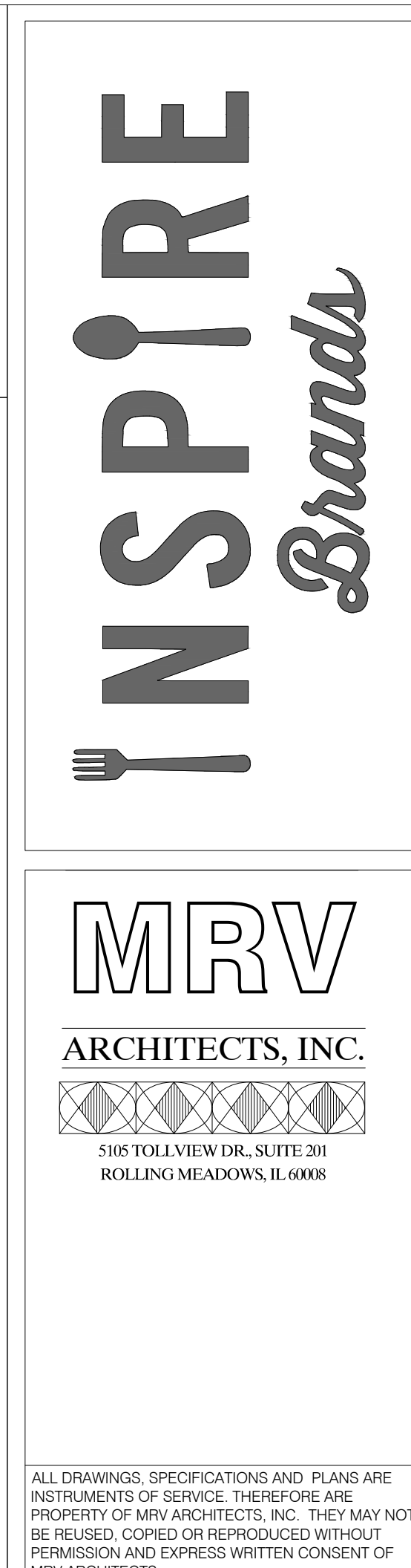
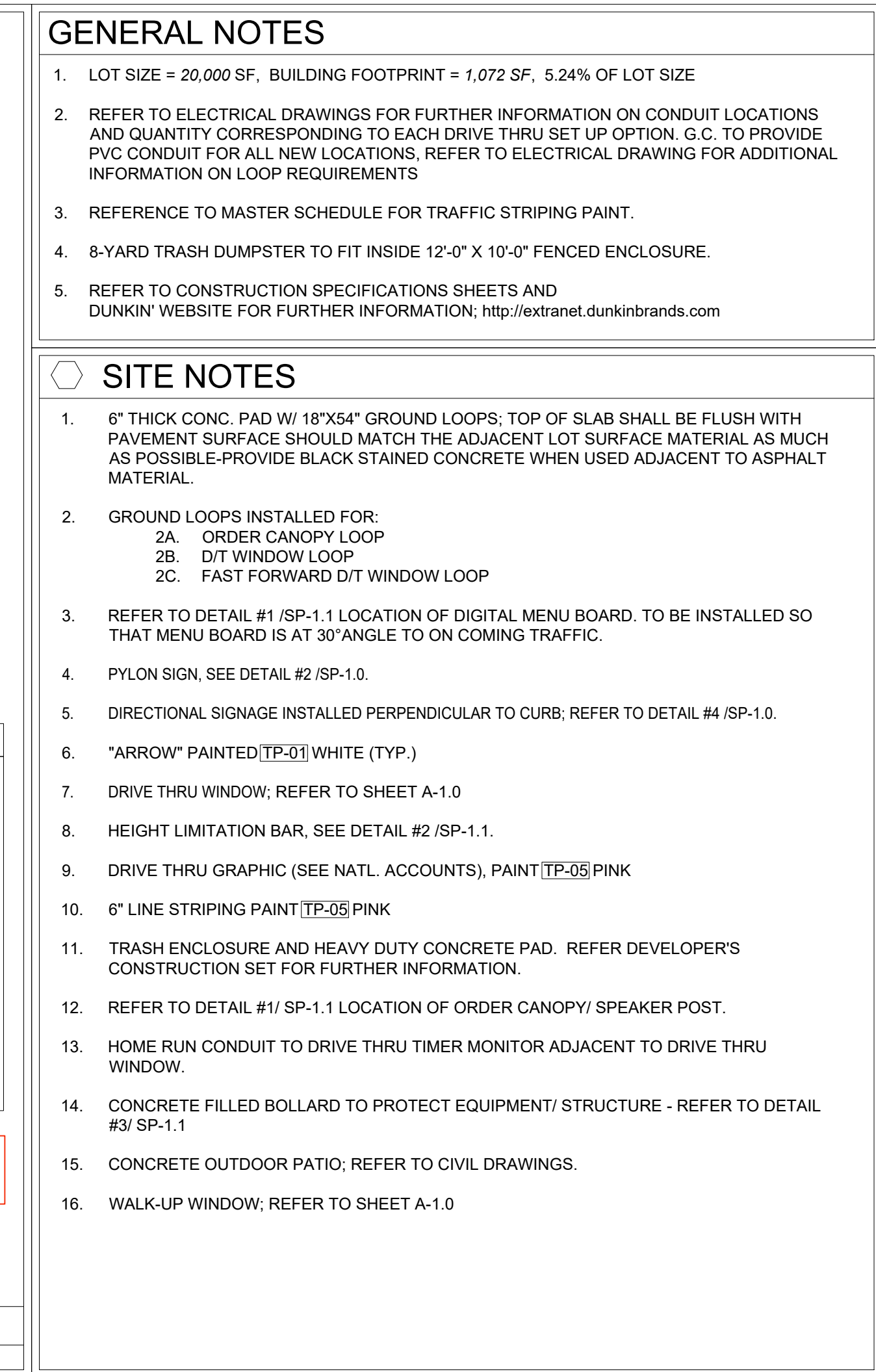
(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)



DD SITE PLAN, DETAILS, & NOTES			
DUNKIN'			
3 WASHINGTON ST NE.			
BRainerd, MN 56401			
PC #			
SHEET			
SP-1.0			

- 1.1. **UNDERSIDE OF BANDING** - WHEN USING THE NATIONAL ACCOUNTS PREFABRICATED ORANGE BANDING LED-13 SHALL BE PROVIDED BY THE VENDOR FOR THE UNDERSIDE OF THE BANDING
- 1.2. **TOP OF BANDING** - WHEN USING THE NATIONAL ACCOUNTS PREFABRICATED ORANGE BANDING LED-13 SHALL BE PROVIDED BY THE VENDOR FOR THE TOP OF THE BANDING



NOTE:



NOTE:



NOTE:



1'-0"	NOT
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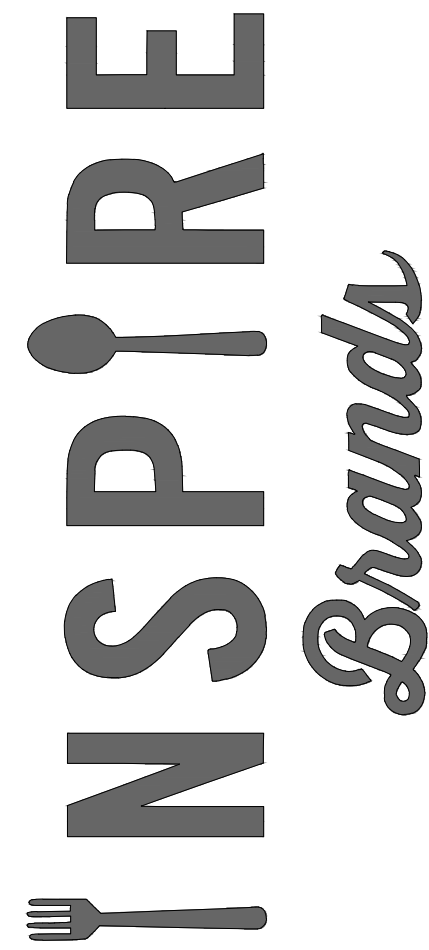
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REVISION	DESCRIPTION	ISSUE DATES	DRAWN	EV
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4			DATE	04-27-23
5			PROJECT No	23059
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GENERAL NOTES:

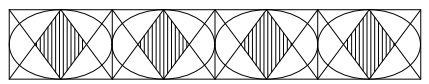
1. NEW & REMODEL STORES HAVE THE OPTION OF A COOL OR WARM PALETTE FOR INTERIOR FINISHES
2. CODE SUFFIX (C) = COOL PALETTE FINISHES
3. CODE SUFFIX (W) = WARM PALETTE OR REMODEL FINISHES WHEN KEEPING 2015 IMAGE FLOOR TILE
4. CODE SUFFIX (E) = EXISTING
5. FINISHES WITHOUT SUFFIX ARE UNIVERSAL TO THE COOL & WARM PALETTE
6. REMODEL STORES KEEPING EXISTING 2015 IMAGE FLOOR TILE (TAN COLOR) SHALL ONLY USE THE WARM PALETTE

	TRAFFIC STRIPING PAINT					
	CODE	MATERIAL	MANUFACTURER	PRODUCT #	DESCRIPTION	VENDOR CONTACTS
TRAFFIC STRIPING PAINT	TP-01	PAINT	SHERWIN WILLIAMS	PRO PARK	"WHITE": B97WD2434	PLACE ORDER WITH LOCAL SHERWIN WILLIAMS STORE FOR A STORE NEAR YOU CALL: 800-474-3794 MARK T. WEINER NATIONAL ACCOUNT EXECUTIVE 93 CHURCH ST BARRINGTON RI 02806 M: 617-438-1408 O: 401-245-5176 EMAIL: MARK.T.WEINER@SHERWIN.COM
	TP-02	PAINT	SHERWIN WILLIAMS	PRO PARK	"BLUE": B97LD2022	
	TP-03	PAINT	SHERWIN WILLIAMS	PRO PARK	"YELLOW": B97YD2467	
	TP-04	PAINT	SHERWIN WILLIAMS	PRO PARK	"ORANGE": CUSTOM MIX B97YD2467 CCE* COLORANT 02 32 64 128 W1-WHITE - 6 1 --- R4-NEW RED 4 53 1 --- Y3-DEEP GOLD - 06 - 1	
	TP-05	PAINT	SHERWIN WILLIAMS	PRO PARK	"PINK": CUSTOM MIX B97RD2012 CEE* COLORANT 02 32 64 128 W1-WHITE 6 - - L1-BLUE - 6 - -	
EXTERIOR FIBER CEMENT LAP SIDING	EXTERIOR FIBER-CEMENT EXTERIOR SIDING AND PANELS					
	CODE	MATERIAL	MANUFACTURER	PRODUCT #	DESCRIPTION / REMARKS	VENDOR CONTACTS
	PS-01	FIBER CEMENT PANEL	JAMES HARDIE	GRAY FINISH	COLOR:"AGED PEWTER " SURFACE: HARDIE SIDING OR COLOR: "PRIMED FINISH" FIELD PAINT TO MATCH PTE-01 DIMENSION: 8 1/4" X 12' X 5/16" THK WITH 6" SIDING EXPOSURE	JEFF HARVEY 774-287-6278 JEFFERY.HARVEY@JAMESHARDIE.COM
	PS-02	FIBER CEMENT SIDING	JAMES HARDIE	CHARCOAL FINISH	COLOR:"IRON GRAY - VOLCANO GRAY " SURFACE: HARDIE SIDING OR COLOR: "PRIMED FINISH" FIELD PAINT TO MATCH PTE-02 DIMENSION: 8 1/4" X 12' X 5/16" THK WITH 6" SIDING EXPOSURE	
EXTERIOR METAL PAINTED COATINGS	EXTERIOR METAL PAINTED COATINGS					
	CODE	MATERIAL	MANUFACTURER	PRODUCT #	DESCRIPTION / REMARKS	VENDOR CONTACTS
	PC-02	PAINTED COATING	MATTHEWS PAINT	CHARCOAL FINISH	COLOR: MP10269 DARK SLATE FINISH LVS SATIN V2.0	
		PAINTED COATING	SHERWIN WILLIAMS	CHARCOAL FINISH	SW 7069 "IRON ORE"	
		PAINTED COATING	POWDER COAT	CHARCOAL FINISH	SW 7069 "IRON ORE"	
	PC-09	PAINTED COATING	SHERWIN WILLIAMS	WALK-IN	SW 7069 "IRON ORE"	
		PAINTED COATING	POWDER COAT	WALK-IN	SW 7069 "IRON ORE"	
	PC-13	PAINTED COATING	MATTHEWS PAINT	DD ORANGE FINISH	COLOR MATCH PMS 165C COLOR: MP797700 R161426 FINISH: LVS SATIN V1.0 OVER MP55898 WHITE BASECOAT	
PAINTED COATING		SHERWIN WILLIAMS	DD ORANGE FINISH COLOR # 5059990	Blended At: Sherwin Williams Product Finishes, Lowell MA Product: LV3 - Genesis Low VOC Satin GT1039 Orange Toner 785.97g / .19gal GT1511 Low VOC Gloss Clear 529.21g / .12gal GT1043 Autumn Orange 194.04g / .05gal GT1011 Arctic White 137.20g / .02gal GR1088 Reducer 442.38g / .13gal GT1510 Low VOC Flat Clear 2157.21g / .49gal		
PAINTED COATING		POWDER COAT	DD ORANGE FINISH	COLOR MATCH PMS 165C		



MRV

ARCHITECTS, INC.



5105 TOLLVIEW DR., SUITE 201
ROLLING MEADOWS, IL 60008

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REVISION	DESCRIPTION	ISSUE DATES	DRAWN	EV
-	-	-	CHECKED	MV
-	-	-	DATE	04-27-23
-	-	-	PROJECT No	23059
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MASTER FINISH SCHEDULE

DUNKIN'
3 WASHINGTON ST NE.
BRainerd, MN 56401

PC #

SHEET

GN-2.0



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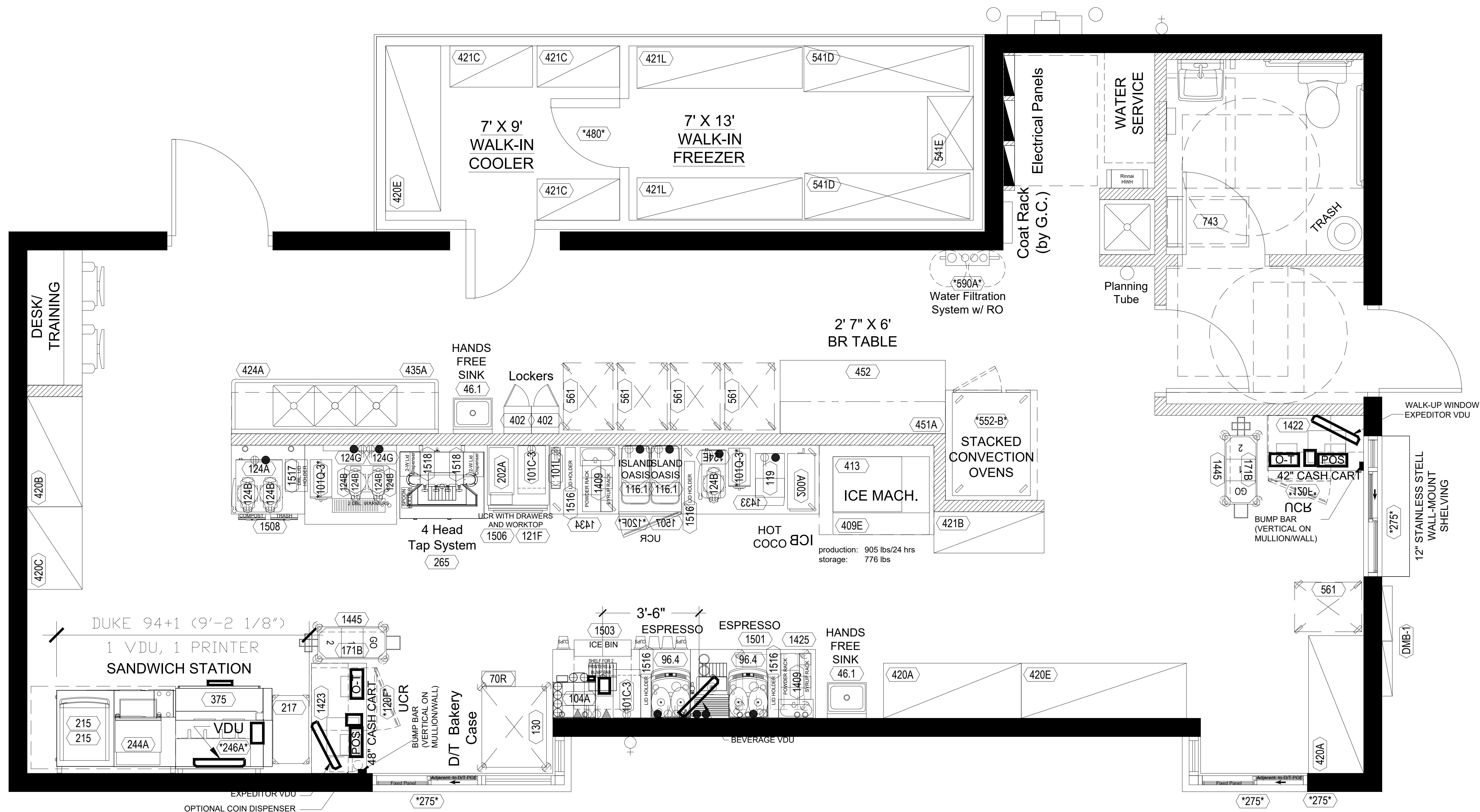
FLOOR PLAN

DUNKIN'
3 WASHINGTON ST NE.
BRainerd, MN 56401

#CC

SHEET

A-1.0



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Dairyland Operation, LLC. has submitted two variance requests at 3 Washington St. NE Brainerd, MN 56401. This property is located in the Commercial Corridor (CC) Zoning District. The first variance request is to allow their main entrance to face the rear yard of the property. Section 515-2-14.C requires the principal façade to front onto an avenue/street for properties in the CC District. The second variance request is to allow a 27'1" principal building front yard setback, a 24' side yard corner setback, and a 66'7" rear yard setback. Section 515-2-14.C requires principal facades to have a 0-foot to 10-foot build-to-range from the street/avenue. The property included in this application is described as:

*LOTS 8 THRU 10 BLK 1 INCLUSIVE
FAIRVIEW ADDITION TO THE CITY OF BRAINERD
P.I.N. 41241672
Section 24, Township 45, Range 31*

A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 17th, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

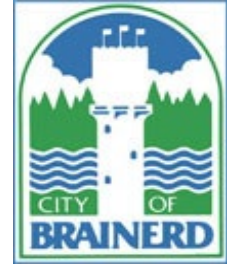
Dated this 2nd day of May 2023



James Kramvik
Community Development Director

Publication Date: May 6th 2023

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director
Dylan Edwards, Assistant Planner

DATE: May 17, 2023

RE: Consider Variance Request for 431 B St. NE

Dale E. Holmquist Jr has submitted a variance request at 431 B St. NE Brainerd, MN 56401 to construct an addition on an accessory structure.

The requested variance is from Zoning Code [Section 515-2-8.C](#) the applicant is requesting the Accessory Building Standards side yard (corner) setback be 7' for a corner lot property.

Property Area: 0.13 Acres

Adjacent Uses: North: Single Family Dwelling
East: Liquor Store
South: Single Family Dwelling
West: Single Family Dwelling

Adjacent Zoning: North: TN-1(Traditional Neighborhood) Zoning District
East: CC (Commercial Corridor) Zoning District
South: TN-1(Traditional Neighborhood) Zoning District
West: TN-1(Traditional Neighborhood) Zoning District

Findings of Fact:

1. 431 B St NE is in a TN-1 (Traditional Neighborhood One) Zoning District.
2. Section 515-2-8.C states:
"Accessory Building Standards, Side Yard Setback, detached (Minimum) – 5'/10' corner."
 - a. *The applicant is requesting a variance from Zoning District Dimensional Standards proposing a 7' setback as opposed to the required 10' for corner lots.*
 - b. *The applicant is also proposing a second story addition to the garage which would be an expansion to a non-conforming structure without a variance to allow a 7' side yard (corner) setback.*
 - c. *The location of the existing garage and proposed addition are behind the principal building which is a requirement of the Zoning Code*

3. Per Section 515-2-8 the total allowable accessory structure building square footage cannot exceed 750 square feet or 10% of the lot, whichever is greater.
 - a. *The applicant has proposed as 12' x 24' addition for a total accessory structure square footage of approximately 713 SQFT (square footage is measured from the inside wall).*
 - b. *The second story square footage is not calculated within the above square footage standards.*
4. Per Section 515-2-8 the accessory structure height (maximum) is 35' but may not exceed the height of the principal structure.
 - a. *The applicant has proposed a height of 23' at the mid-point of the roof which is less than the height of the primary structure.*
5. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance and
 - i. *As stated in Section 515-2-8 the purpose of the TN-1 zoning district is "to provide for a compact, pedestrian-oriented mix of residential uses". It is a neighborhood that is designed in a compact manner to ensure density and pedestrian orientation." This variance request is consistent with the general purposes and intent of the ordinance as this property is located in a dense and compact neighborhood and the addition to the accessory structure will not greatly alter the characteristics of the TN-1 neighborhood.*
 - b. When the variances are consistent with the Comprehensive Plan
 - i. *The Comprehensive Plan states in Housing Goal 3, Ensure quality living conditions for all residents.*
 1. *Policy 2 states that the city should "Promote the maintenance and rehabilitation of all properties."*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - i. *The lot at 431 B St. NE has a non-conforming lot width of 42' as opposed to the minimum 50' lot width required for the TN-1 Zoning District. The lot width along with the fact that this property is a corner lot restricts the buildable area for accessory structures.*
6. [Section 515-5-4.B.4](#), Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - i. *The buildable area for accessory structures on this property is reduced to 27' wide because of the non-conforming lot width and the setback standards for corner lots in the TN-1 District. The applicant would also like to reuse and repurpose the existing garage that was built prior to the current zoning code standards.*

- b. The variance, if granted, will not alter the essential character of the locality.
 - i. *The granting of this variance will not substantively affect the neighborhood character as many nearby primary structures and accessory structures do not meet the current allowable setback standards for the TN-1 District. The height of the garage is also consistent with the neighborhood as there are many surrounding two story structures.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
7. Section 515-5-4. B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

At the time of this writing, two parties have contacted the Community Development Department with questions regarding the proposed project and did not have any concerns.

Staff Opinion:

Staff recommends the Planning Commission approve this variance request at 431 B St. for a 7' side yard (corner) accessory structure setback.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

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: 431 B St NE

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

Property Owner Name: Dale E Holmquist Jr

Street Address: 431 B St NE City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-537-3430 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: 7 FT Side Yard, corner setback for
Accessory Structure Addition.

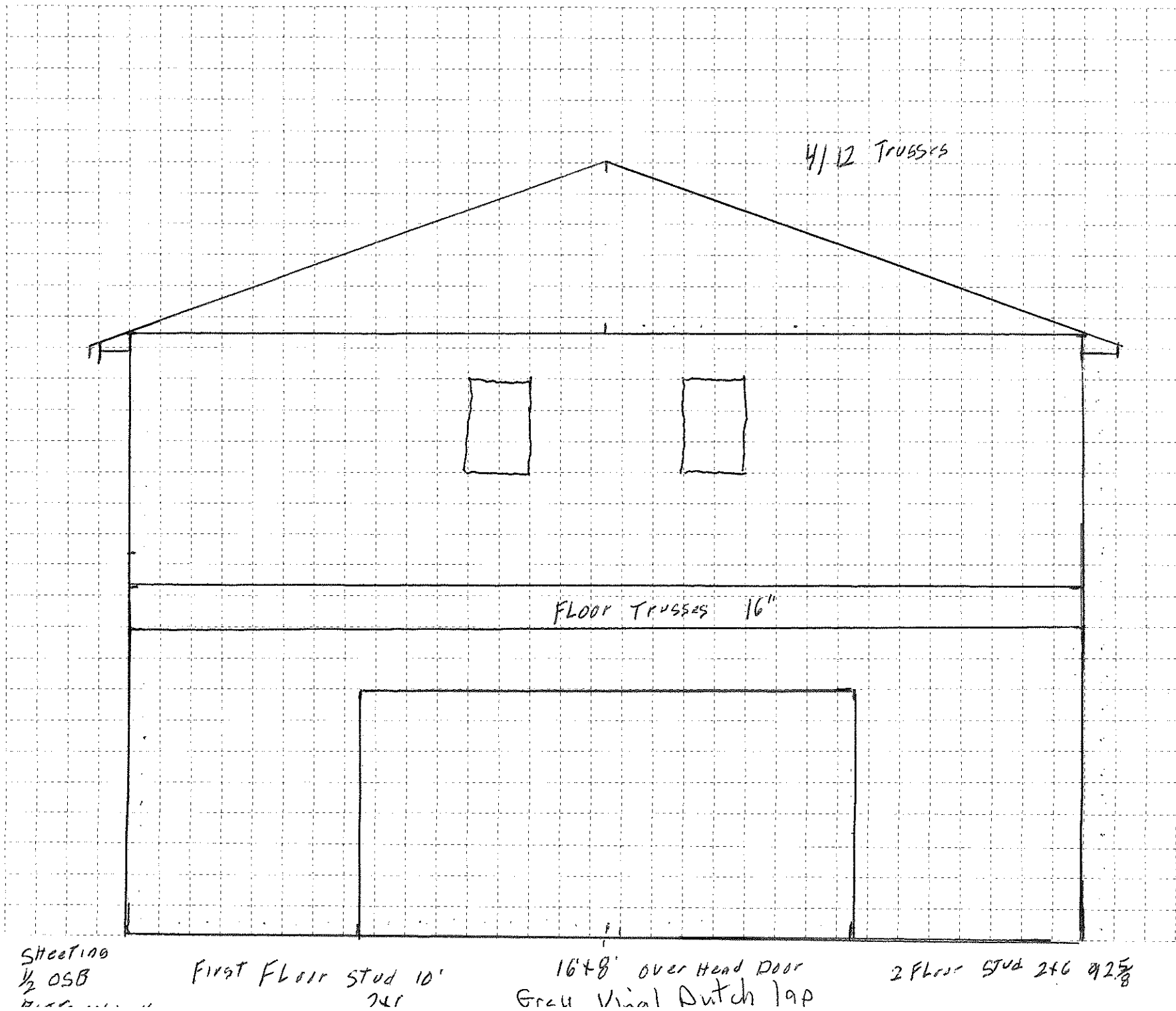
Dale E Holmquist Jr
Property Owner Signature
Dale E Holmquist Jr
(Please print name)

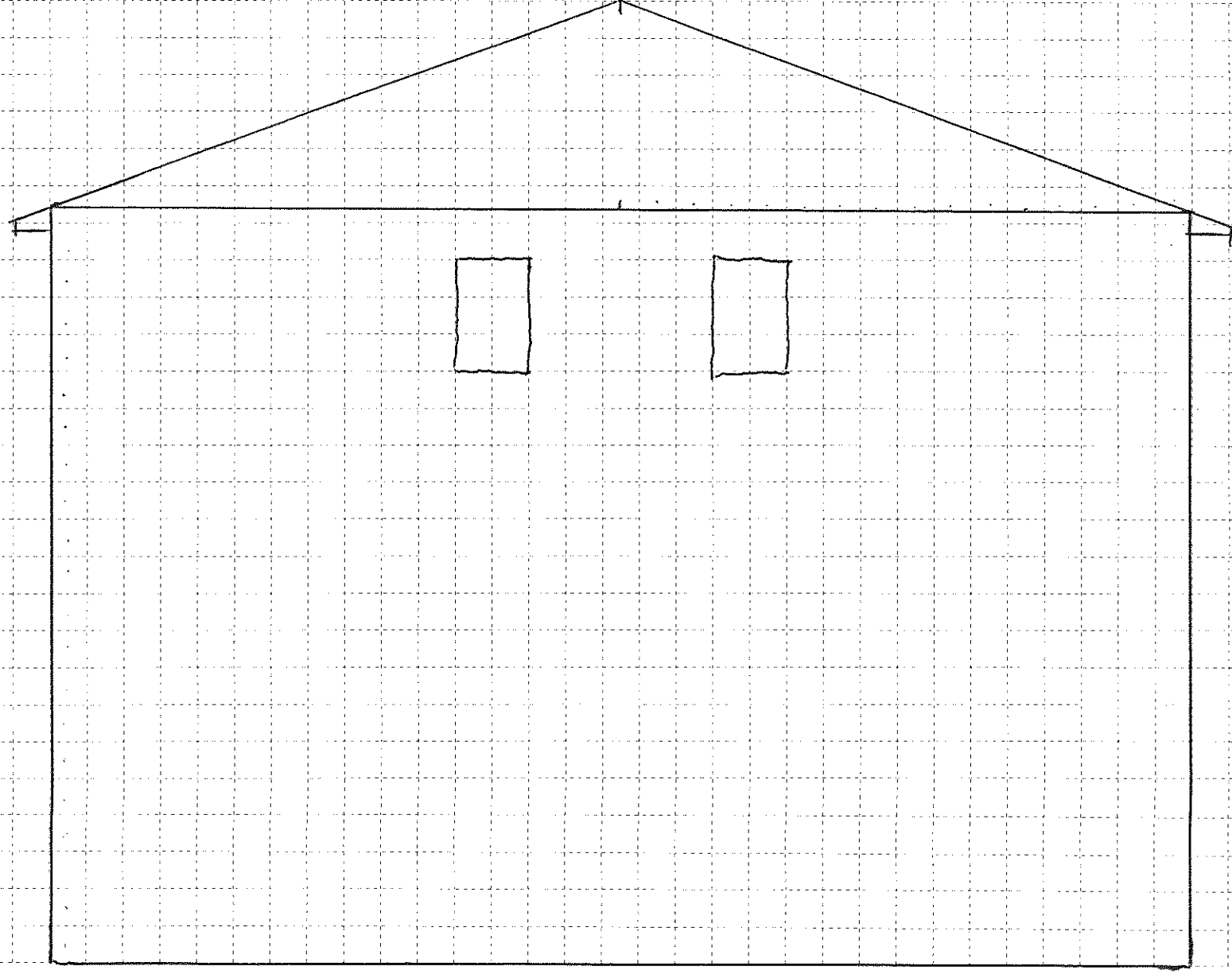
5-3-2023
Date

Applicant Signature
(Please print name)

Date

One square = 1/4"
Scale: 1/4" = 1' Feet





One square = $\frac{1}{4}$ "

Scale: $\frac{1}{4}$ " = 1' Feet

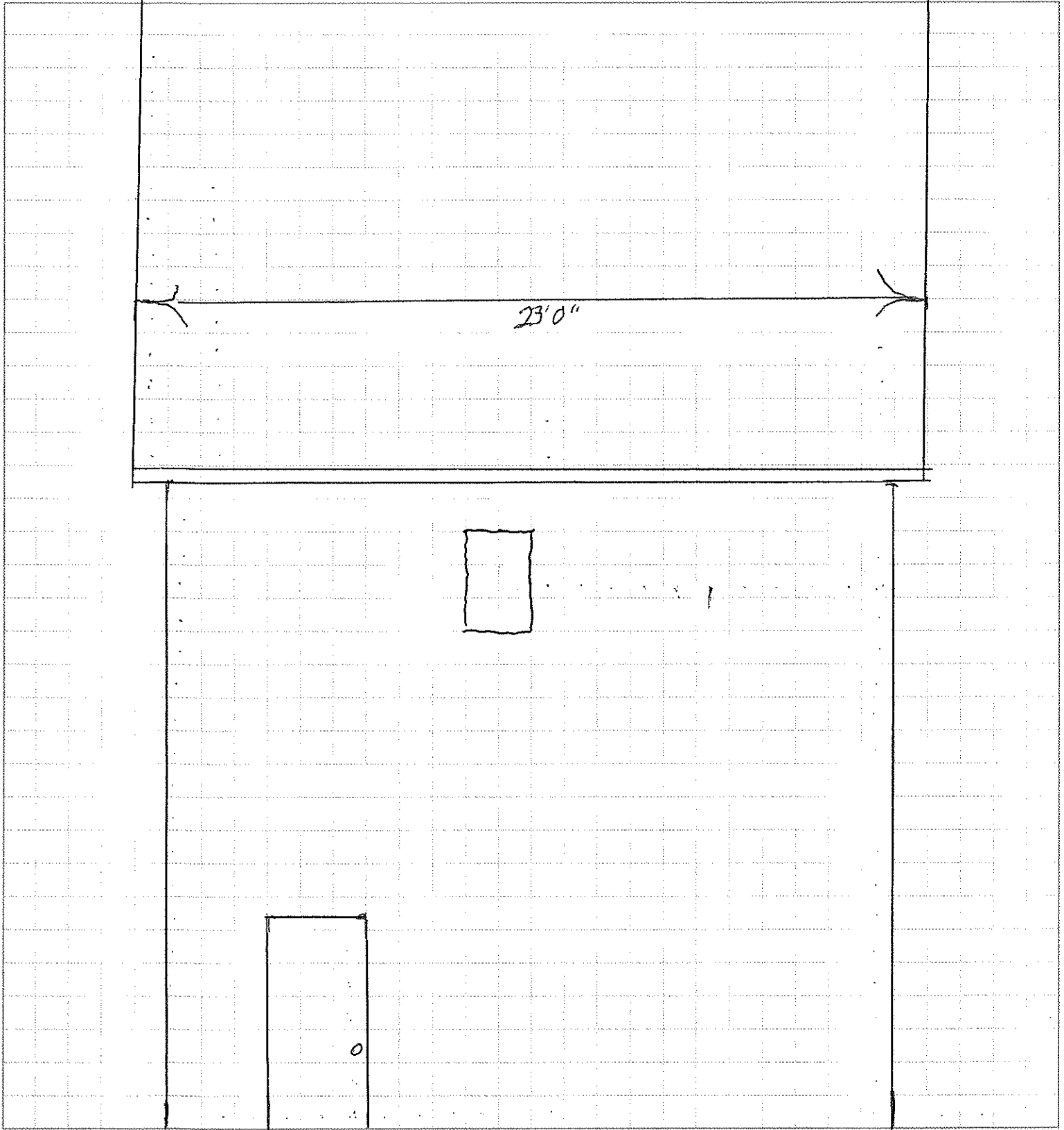


Refrigeration - Heating, Inc.

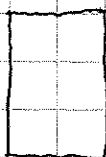
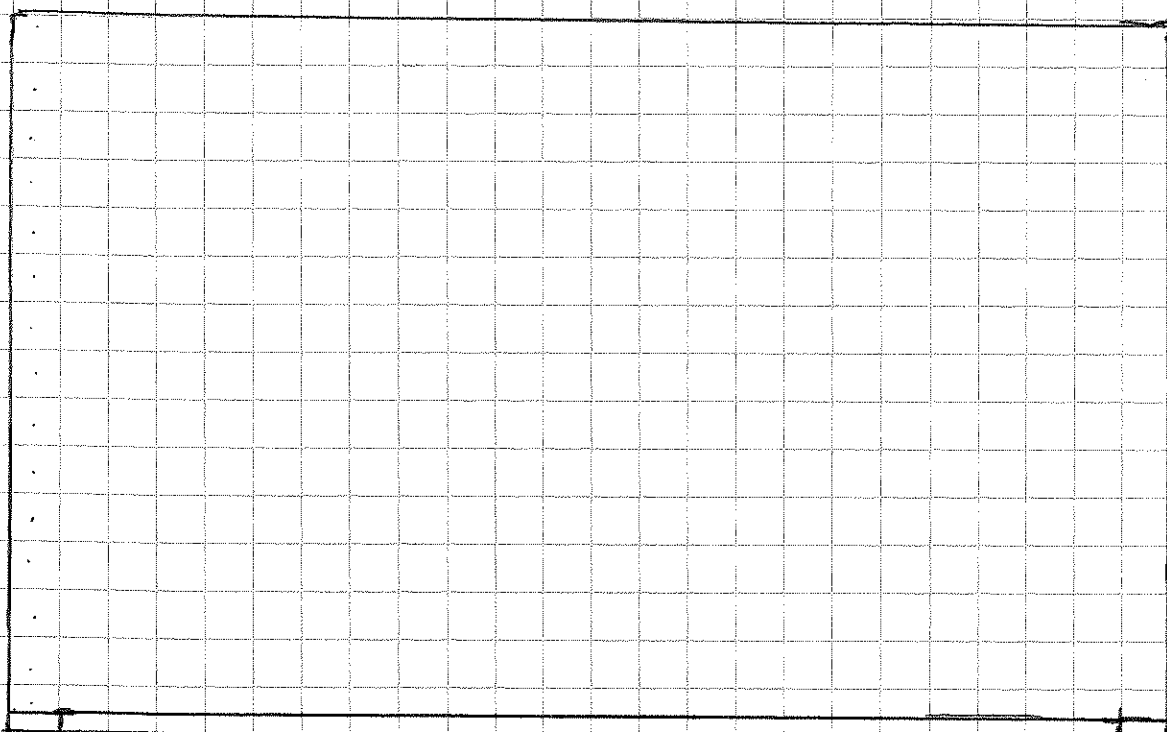
- ☐ 345 - 19th St. N.
- ☐ 1322 S. 22nd St.
- ☐ 825 Burdick Expwy W.
- ☒ 8175 Industrial Park Rd.
- ☐ 2525 Demers Ave.

Fargo, ND 58102
Bismarck, ND 58504
Minot, ND 58701
Baxter, MN 56425
Grand Forks, ND 58201

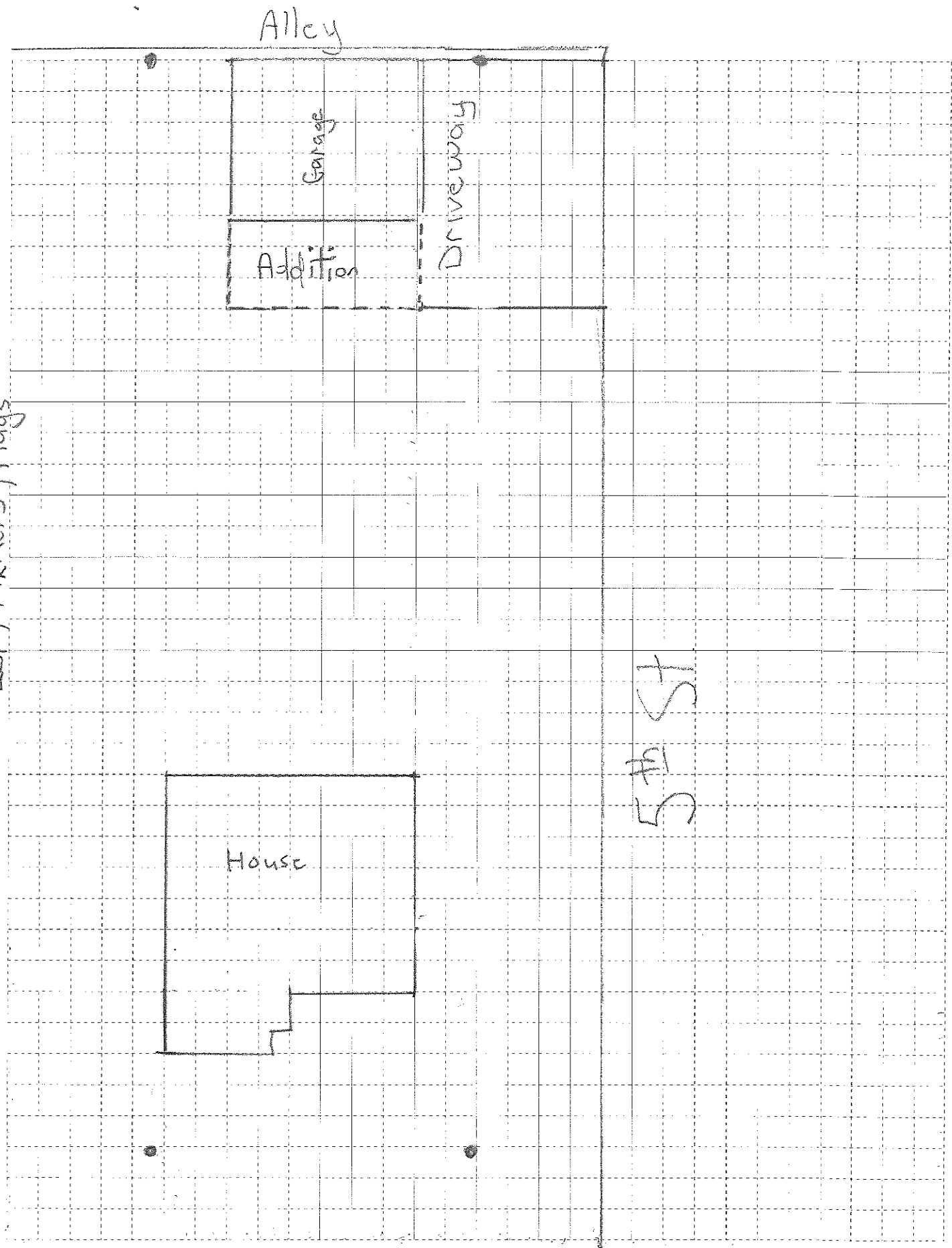
(701) 232-7070
(701) 224-1515
(701) 838-0702
(218) 828-7016
(701) 757-2323



8175 Industrial Park Rd, STE 1 • Baxter, MN 56425
Phone: (218) 828-7016
After Hours Emergency: (218) 232-2521



• Lot Markers / flags



431 B St

One square = 1/4"
Scale: 1/4" = 4 Feet

D.J. Holmquist

Google Maps 200 5th Ave NE



Brainerd, Minnesota
Google Street View
Oct 2018 See more dates

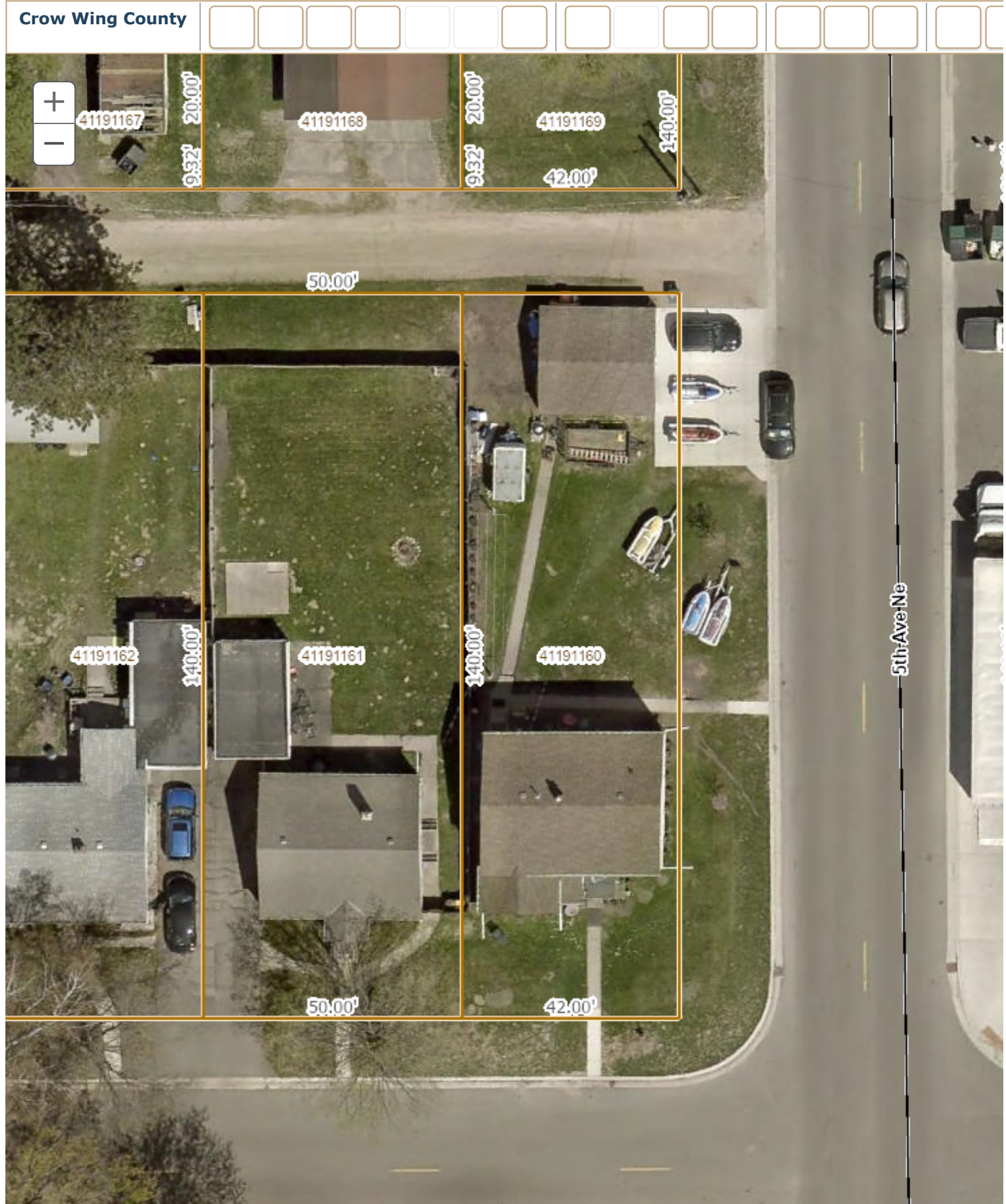
Image capture: Oct 2018 © 2023 Google



431 B St NE

All

Street View & 360°



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Dale E. Holmquist Jr. has submitted a variance request at 431 B St. NE Brainerd, MN 56401 from the detached accessory structure setback requirements in the Traditional Neighborhood 1 (TN-1) Zoning District. Section 515-2-8.2.C requires a 10 foot side yard corner setback for detached accessory structures. The applicant has requested a 7' setback on the side yard corner for an accessory structure addition. The property included in this application is described as:

*LOT 10 BLOCK 3
SCHMELZS THIRD ADDITION TO THE CITY OF
P.I.N. 41191160
Section 19, Township 45, Range 30*

A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 17th, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

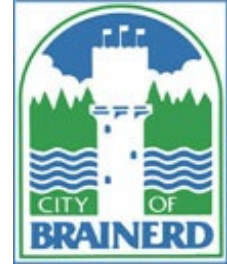
Dated this 2nd day of May 2023



James Kramvik
Community Development Director

Publication Date: May 6th 2023

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director
Dylan Edwards, Assistant Planner

DATE: May 17, 2023

RE: Consider Variance Request for 2424 Business 371

Scott Doss has submitted a variance request on behalf of Minnesota Teen and Adult Challenge at 2424 Business 371, Brainerd, MN 56401 to exceed the height limitation requirement for a monument sign at 12 feet. The applicant is requesting a variance to install a 15-foot-tall sign, 3 feet off the property line along the Business 371 right-of-way.

Property Area: 9.36 Acres

Adjacent Uses: North: Residential Living
East: Concrete Works
South: Vacant Parcels
West: Senior Living

Adjacent Zoning: North: CN-2 (Contemporary Neighborhood 2) District
East: GI (General Industrial) District
South: GC (General Commercial) District
West: PSP (Public / Semi-Public) District

Findings of Fact:

1. 2424 Business 371 is in a PSP (Public/ Semi-Public) Zoning District.
2. [Section 515-3-35 J.4b](#) regulates signage for PSP District Uses and states:
“For each principal building on a lot, there shall not be more than one (1) freestanding monument sign except on a corner lot where two signs; one facing each street, shall be permitted. No such signs shall exceed one hundred (100) square feet in area. Monument signs may not exceed twelve (12) feet in height. The monument sign may include a changeable copy sign as part of the allowable sign area.”
 - a. *The applicant is requesting a variance from the twelve (12) foot monument sign height limit to install a fifteen (15) foot tall monument sign with a signage area total of 86 square feet.*

3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
- a. When they are in harmony with the general purposes and intent of the ordinance and
 - i. *It is Stated Section 515-3-35A.2c the purpose of this ordinance is to, “Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City’s goals of public safety and aesthetics.”*
 - ii. *This variance request allows the applicant and the property to communicate their message more clearly, is more aesthetically pleasing, and fits with the character of the location.*
 - b. When the variances are consistent with the Comprehensive Plan.
 - i. *The Variance proposed supports the aims of the following Comprehensive Plan Goals and Policies:*
 - 1. *Land Use - Goal 2 : Through thoughtful planning, to maintain the unique identity of the city and all the appropriate land uses that support it.*
 - a. *Policy 3 – “Promote reinvestment in the City’s main highway corridors and downtown.”*
 - b. *The proposed sign is an investment in a visual improvement of a property on one of the main thoroughfares into the City.*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - i. *The right-of-way on Business 371 is approximately 73’ wide from the curb to the property line, which is significantly greater than most rights-of-way in Brainerd. This distance and speed at which vehicles travel along this thoroughfare makes communication and signage difficult for this property. Adding additional height to the sign will help communicate messages and entrances to the property.*
4. [Section 515-5-4.B.4](#), Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;
- a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - i. *The width of the right-of-way and speed of traffic on Business 371 is unique to this property and much different than most properties in the PSP District.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - i. *The proposed sign will enhance the property, is modest in size compared to surrounding signs and billboards and will not alter the character of the locality.*

- c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- 5. Section 515-5-4. B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

At the time of this writing, no party had contacted the Community Development Department with questions regarding the proposed project and did not have any concerns.

Staff Opinion:

Staff recommend approval of this variance request at 2424 Business 371 to allow a 15-foot-tall monument sign.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

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: 2424 Business Hwy 371 South

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

Property Owner Name: Minnesota Adult and Teen Challenge

Street Address: 2424 Business Hwy 371 City: Brainerd State: MN Zip Code 56401

Phone Number: 218-833-8777 Fax: _____ E-mail: Scott.doss@MNTC.org

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: We are asking to place a sign in our front yard that is 15' high. This is higher than the 12' code. We believe that due to the higher speed limit, large right of way, and non-residential area, we are a great location to consider a variance for.

Scott Doss
Property Owner Signature

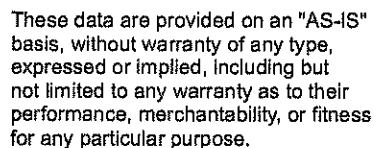
4/26/2023
Date

Scott Doss (Employee)
(Please print name)

Scott Doss
Applicant Signature

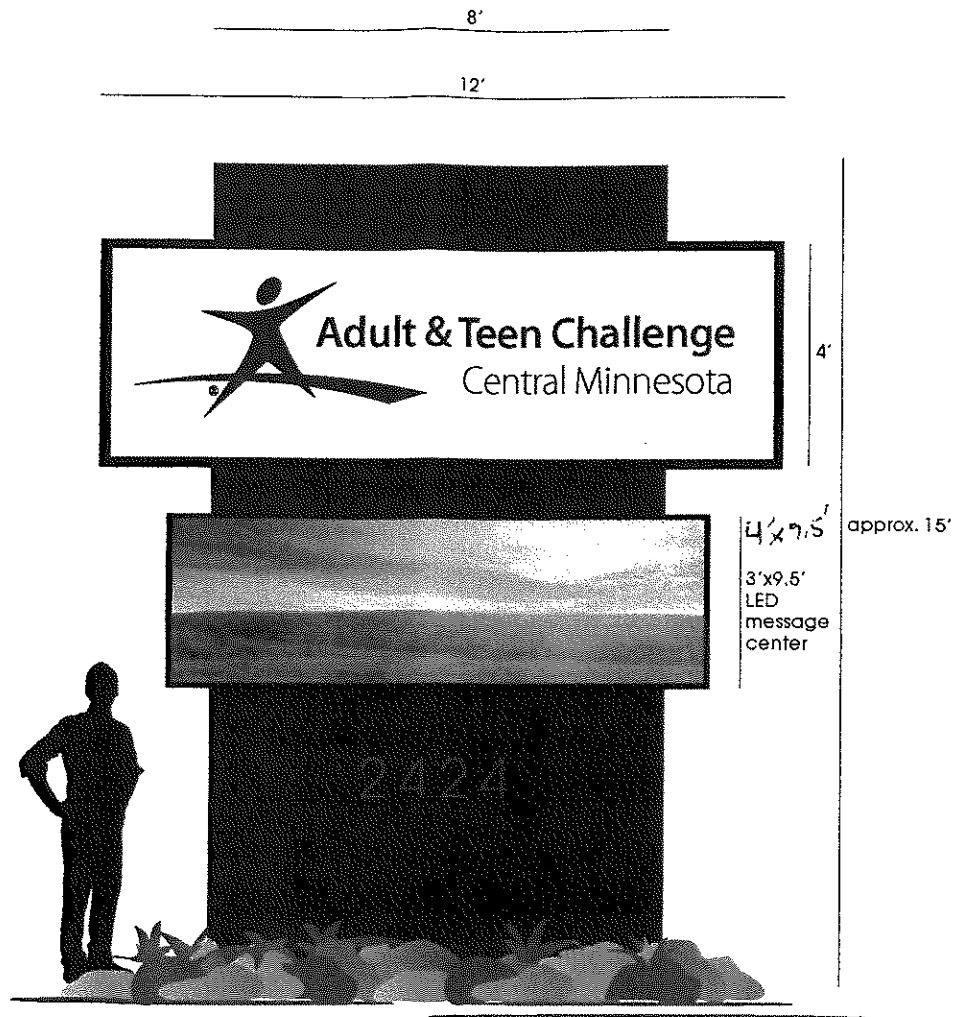
4/26/2023
Date

Scott Doss
(Please print name)



CROW WING
COUNTY
MINNESOTA

4/26/2022



MNTC monument sign

- project management
- site survey
- graphic design
- 4' x 12' double sided Internally lit sign
- vinyl graphics on polycarbonate faces
- 3' x 9.5' double sided message center - 10 MM
- software package
- wireless communication (can control from phone/desktop)
- time/ temp.
- electrical wiring out of signs
- aluminum pole wrap/ painted color of choice
- adhesive vinyl address numbers

Installation

- (2) 5" x 5" steel square posts
- direct burial
- rock/ concrete footings
- set signs

..... \$54,462.00

- estimate valid for 30 days
- final electrical hookups by others
- decorative landscaping/ rockwork by others
- removing existing sign by others
- necessary sign permits may be additional
- 50% down payment required to start fabrication

MNTC monument sign
display sign - creative
3/21/23

UPLAND
ADVERTISING & DESIGN, LLC

21683 Campbell Lake Rd. Merrifield, MN 56465
218/828/9435

◆ This artwork and creative is property of Upland Advertising & Design until purchased



Google Maps 2424 Voyageur Hwy

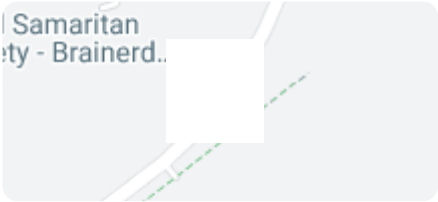


Brainerd, Minnesota

Google Street View

Sep 2019 See more dates

Image capture: Sep 2019 © 2023 Google



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Minnesota Adult and Teen Challenge has submitted a variance request at 2424 Business 371 to exceed the height limit for pylon signs in the Public-Semi-Public (PSP) Zoning District. The maximum height limit for monument signs in the PSP District is twelve (12) feet per Section 515-3-35.J.4. The applicant is requesting to exceed this limit with a proposed fifteen (15)-foot-tall monument sign. The property included in this application is described as:

*LOT 1 BLOCK 1
ASSEMBLIES OF GOD ADDITION TO BRAINERD
P.I.N. 41010608
Section 1, Township 44, Range 31*

A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 17th, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

Dated this 2nd day of May 2023



James Kramvik
Community Development Director

Publication Date: May 6th 2023

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: May 17th, 2023

RE: Adult-Use Cannabis Bill Discussion

Update on Adult-Use Cannabis Bill

The Legislature's proposals to legalize adult-use cannabis made significant headway during the week of April 24, with both the House and Senate bills passing off their respective chamber floors. The bills, containing several major differences, will be assigned a conference committee to negotiate differences and reach an ultimate agreement to be brought back to each chamber.

The bills continue to have major differences between both chambers and are expected to be assigned a conference committee for negotiation. Both HF 100 and SF 73 contain a local registration process for certain cannabis businesses, which will provide a critical enforcement tool for local governments and the authority to conduct compliance checks.

The Senate bill contains stronger local zoning authority, local limits on retailers, and revenue sharing to provide local governments funding — provisions that are not included in HF 100.

Related Uses in the Zoning Code

[Allowed Uses 515-3-1](#)

Controlled substances such as alcohol and tobacco do not have special provisions in the Zoning Code and are not included in the Allowed Use Section. Any special regulations or provisions are achieved through State Licensing. Purchasing hours are regulated by the State of Minnesota.

[Allowed Use Table – Appendix A: Table of Uses](#)

- 1) Liquor sales, off sale is permitted in the TN-2, TN-3, GC, CC, TC, MS, ME, and GI Districts.
- 2) Tobacco sales fall under the category of commercial/ retail establishments and are permitted in the TN-2, TN-3, GC, CC, TC, MS, and ME Districts.

Staff believes that licensed cannabis dispensaries would fall under commercial/ retail establishments unless specified in the Allowed Use Table of the Zoning Code. Staff recommends reviewing adult use cannabis dispensaries in a future meeting if the MN Legislature passes a bill that allows for control from the local zoning authority. Local control may be in the form of hours of operation, zoning districts, and number of retail establishments located in the City Limits.