



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, August 16, 2023 @ 6:00 PM

The public is invited to attend these meetings in person
Attend by phone: 1-844-992-4726
Meeting Access Code: 2483 017 9450

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

1. **Call To Order**

2. **Roll Call**

___ M. Duval ___ D. Gorham ___ J. Grunenwald ___ C. Marohn
___ J. Norwood ___ T. Stenglein ___ K. Yeager

3. **Pledge of Allegiance**

4. **Approval Of Agenda - Voice Vote**

5. **Approval Of Minutes**

6. **New Business**

- A. **Consider Variance Request for a 6' Fence at 431 B St. NE (canceled)**
- B. **Consider Variance Request for an Accessory Structure at 11617 Andrew St.**
- C. **Consider Variance Request for an Accessory Structure at 219 W. Laurel St.**
- D. **Consider Interim Use Permit Request for a Short-Term Rental at 203 Hawkins Dr.**

7. **Unfinished Business**

- A. **Discussion on Short-Term Rentals**
- B. **Planning Commission Itinerary Update**
- C. **Discussion on Proposed Off-Street Parking Ordinance**

8. **Public Forum**

Time allocated for citizens to bring matters not on the agenda to the attention of the Commission -
Time limits may be imposed

9. **Staff Reports**
(Verbal: Any Updates since Packet)
10. **Commission Member Reports**
11. **Adjourn**

Visit the City's Website at www.ci.brainerd.mn.us

MISSION

"Provide high quality, cost effective public services and leadership in creating a sustainable city"

PLANNING COMMISSION

Wednesday, July 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 Marohn, Gorham, Duval, Stenglein, Norwood, Grunenwald, and Yeager. Also noted as present were Community Development Director Kramvik and Assistant Planner Edwards.

#3 Pledge of Allegiance

Commission Chair Yeager opened the meeting with the Pledge of Allegiance to the flag.

#4 Approval of Agenda

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND NORWOOD, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND STENGLEIN, DULY CARRIED, TO APPROVE THE MINUTES FROM THE JUNE 21, 2023 REGULAR MEETING AND THE JULY 12, 2023 SPECIAL MEETING.

#6 Unfinished Business

6a. Review Letter for DW Jones Requesting Public Art for the Eight05 Laurel Project

Community Development Director Kramvik requested input of the draft letter to DW Jones regarding public art. It was suggested to add in a line encouraging them to reach out to The Crossing Arts Alliance and/or Five Wings Art Council, along with including information on how to contact the organization(s).

#7 New Business

7a. Consider Interim Use Permit for Short Term Rental – 515 9th St S

Assistant Planner Edwards stated Stangler Properties has applied for an interim use permit to operate a short-term rental in one of the duplexes at 515 9th St S. He indicated the applicant expressed interest in providing a short-term housing option for traveling nurses or other people assigned to work on a temporary basis in Brainerd.

Community Development Director Kramvik read a letter submitted by Council Member Johnson. Mr. Johnson disagrees in issuing the permit due to grant housing funds that Stangler

Properties received. There was no verbiage in the grant stating the funds could not be used for short-term housing.

Commissioner Marohn said he feels that the third condition listed is not necessary as conditions cannot be placed on an individual.

The Chair opened the public hearing at 6:17 p.m.

The Chair recognized Eric Stangler, 7384 Lone Oak Rd, who is the property owner and applicant. He stated his wife is in the health care field and they discussed the need for traveling medical staff to find adequate housing during their work tenure. He said he is not against renting to others that qualify.

The Chair closed the public hearing at 6:31 p.m.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND STENGLEIN TO RECOMMEND DENIAL OF THE INTERIM USE PERMIT APPLICATION FOR 515 9TH ST S BASED ON THE FINDINGS OF FACT INCLUDED IN THE VARIANCE PERMIT ISSUED SEPTEMBER 21, 2022 WHICH QUOTED THE COMPREHENSIVE PLAN GOAL 1 CHAPTER 3 AND POLICY 5.

Upon roll call, members Duval and Stenglein voted "yea". Members Marohn, Gorham, Norwood, Grunenwald, and Yeager voted "nay". The Chair declared the motion failed.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND NORWOOD TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT FOR 515 9TH ST S BASED ON STAFF PROVIDED FINDINGS OF FACT INCLUDING THE THREE CONDITIONS, WITH AN AMENDMENT TO NUMBER THREE ADDING TO THE FOLLOWING SENTENCE, "UPON SALE OF THE PROPERTY BY STANGLER PROPERTIES LLC, OR THE TRANSFER OF OWNERSHIP BY STANGLER PROPERTIES LLC, THE INTERIM USE PERMIT..."

Upon roll call, members Marohn, Gorham, Duval, Norwood, Grunenwald, Stenglein, and Yeager voted "yea". No member voted "nay". The Chair declared the motion passed.

MOVED AND SECONDED BY COMMISSIONER DUVAL AND STENGLEIN, DULY CARRIED, TO DIRECT STAFF TO INVESTIGATE APPROACHES, PRECEDENTS, BENEFITS AND/OR CONSEQUENCES OF LIMITING THE NUMBER OF SHORT-TERM RENTALS IN THE CITY AND PROVIDE EXAMPLES TO THE COMMISSION AT A LATER MEETING.

7b. Consider Allowing Mixed-Use Buildings in the Commercial Corridor

Community Development Director Kramvik explained the EDA (Economic Development Authority) discussed allowing mixed use buildings in the commercial corridor. They would like to consider offering an incentive district similar to the River to Rail program for this area.

Commission discussion took place. It was determined that this would be an appropriate use for the corridor. Staff will start working on a draft ordinance to revise the commercial corridor zoning code.

7c. Consider Variance Request for Accessory Structure – 219 W Laurel St (canceled)

This topic has been postponed to the August 16, 2023 Planning Commission meeting.

#8 Public Forum

The Chair opened the public forum at 7:07 pm.

No one came forward.

The Chair closed the public forum at 7:07 pm.

#9 Staff Reports

Community Development Director Kramvik gave the following updates:

- VCV Digital has not yet contacted the department regarding the revised plans approved at the EDA meeting. They may be still working with BPU regarding the power for the site.
- Parking Commission will meet August 2nd to review the draft of the off-street parking ordinance. A final draft will come back to the Planning Commission August 16th.
- City Council held the first reading of the Country Manor PUD at their July 17th meeting.
- City Council approved the TIF District for the Eight05 Laurel project.

Assistant Planner Edwards announced the department is working on an ongoing 2-year list of Planning and Zoning projects that are taking place and where they are in the process. This will keep both the Planning Commission and City Council informed at current time.

#11 Commission Member Report

Commission Chair Yeager attended a phenomenal concert on July 14th at the Lyman P. White Park. He encourages everyone to attend a future event and check out the beautiful park.

#12 Adjournment

MOVED AND SECONDED BY COMMISSIONERS GRUNENWALD AND STENGLEIN, DULY CARRIED, TO ADJORN AT 7:12 PM.

Kevin Yeager, Planning Commission Chair

MEMO



TO: Planning Commission

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

DATE: August 16, 2023

RE: Variance Request for an Accessory Structure at 11617 Andrew St.

REQUEST

PUBLIC HEARING. Variance for an Accessory Structure

Applicant BOOKU, LLC has submitted a variance request for the construction of an accessory structure to be used as a vocational training facility on the site of its offices and student housing for The American Institute of Nondestructive Testing at 11617 Andrew St.

The proposed accessory structure would exceed the maximum allowed square footage of accessory structures on the property.

CONTEXT

Parcel Number(s): 41010592 & 41010591

Property Area: 1.26 Acres

Adjacent Uses: North: Accounting Firm Offices
East: Attached Multi-family Dwelling
South: Storge Unit Facility
West: Auto Dealer

Adjacent Zoning: North: RI-1 (Rural Living One) Zoning District
East: GC (General Commercial) Zoning District
South: Crow Wing County Jurisdiction
West: Crow Wing County Jurisdiction

AERIAL MAP



FINDINGS OF FACT

1. 11617 Andrew St. Brainerd, MN 56401 is in a General Commercial (GC) Zoning District.
 - a. [Per Appendix A: Table of Uses](#), Business or trade schools when conducted entirely within a building is a permitted use in the GC District.
 - b. *The premises currently consists of the main offices for the business and accommodations for guests/students of the American Institute of Nondestructive Testing.*
2. [Section 515-2-13.C Table 1](#) states that for Accessory Structures in the General Commercial Zoning District the maximum size is 500 SQFT.
 - a. *The applicant is proposing a 60'x100' accessory structure with a 6,000 SQFT area to house the vocational training facility currently operating at a separate location in Baxter, MN. The proposed size exceeds the allowed accessory structure square footage in the GC Zoning District.*
3. Section 515-2-13.C Table 1 states that the location of the accessory structure must be in the rear 50% of the lot and have 0-foot rear and side yard setbacks.

- a. *The proposed accessory structure is located in the rear yard with a 22' setback from the rear property line and a 60' plus setback from the side yard (corner) property line.*
4. The City Engineer reviewed the plans and had no additional comments. Perimeter control will be required as part of the building permit.
5. The Fire Chief indicated that they would need to install a fire alarm system. A fire alarm system is required for an occupancy of 50 or more.
6. [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 GC District is to allow more intensive commercial uses that require the primary street network for access and circulation.
 1. *The general purpose of allowing one accessory structure with a 500 SQFT maximum size is to not allow for the construction of large storage and warehousing facilities along the main Corridors of Brainerd, State Highway 210, State Highway 25, and Business 371. The GC District is meant for commercial uses instead warehousing and distribution.*
 2. *The proposed use of the accessory structure would be for a trade school which is a permitted use in the GC District. The trade school building would be accessory to the approximate 19,000 SQFT existing building that is used for offices and accommodations.*
 - 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." Policy 3 "Promote reinvestment in the city's main highway corridors and downtown."*
 1. *The applicant's construction of this accessory structure is the second stage in a multi-year plan to create a vocational training facility that includes administrative offices, housing, and a classroom building all on one site in the City of Brainerd.*
 - ii. *Economic Development, Goal 1: "Support infill and redevelopment throughout Brainerd as a strategic component of growth." Policy 1: "Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists."*
 1. *The applicant is redeveloping an area at the periphery of Brainerd where infrastructure is present, but density is low, and utilization can increase. Allowing this accessory structure with an area greater than the 500 Sq Ft maximum for this zoning district facilitates an*

expansion of the redevelopment taking place at 11617 Andrew St over the preceding years.

- iii. *Economic Development, Goal 3: "Help local businesses grow and attract new businesses in our neighborhoods, along our main corridors, and in our downtown." Policy 1: "Support current businesses through a variety of programs, resources, and offerings."*

- 1. *The construction of this accessory structure will move a segment of this existing vocational training center into our community from a neighboring municipality. This project represents the applicant's multiyear commitment to bring this facility and educational resource to the City of Brainerd and expanding it through the redevelopment of a once blighted property.*

- 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 accessory structure must exceed 500 SQFT in size to properly operate as a nondestructive testing school.*
 - ii. *Staff had conversations with the applicant about connecting the proposed accessory structure to the existing building to create one large structure which would not have required a variance. The applicant was advised against connecting the two buildings because of the need to tie into an aging foundation.*

- 7. [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 presence of wetlands and lack of utilities makes it difficult to place the structure south of the existing building on a separate lot. The proposed location is ideal for construction of the 6,000 SQFT training facility.*

- b. The variance, if granted, will not alter the essential character of the locality.

- i. *The construction of this accessory structure will maintain cohesive harmony with the existing primary structure on this premises and will be similar to other neighboring properties based on exterior materials and building size.*

- 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.

- i. *Wetlands and lack of utilities constitute a practical difficulty.*

- 8. 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.

a. Staff does not recommend imposing any additional conditions.

At the time of this writing, no party had contacted the Community Development Department with questions regarding the proposed project.

STAFF RECOMMENDATION

The Community Development Department recommend the approval of this Variance request for the construction of the accessory structure at 11617 Andrew St in the location presented by the applicant.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that BOOKU, LLC has submitted a variance request for the construction of an accessory structure to be used as a vocational training facility on the site of its offices and student housing for The American Institute of Nondestructive Testing at 11617 Andrew St. The property included in this application is described as:

Lot 01, Block 01 of the NORRGARD ADDITION to the CITY OF BRAINERD

P.I.N. 41010592

Section 1, Township 44, Range 31

The property is zoned GC (General Commercial) Zoning District. According to Zoning Code Table 515-2-13.1 GC Dimensional Standards – Density, Lot Size, Coverage and Height Standards, properties located in the GC District are allowed one accessory building with a maximum of 500 square feet. This property has no accessory structures, and the property owner is requesting to construct a 6,000 SQFT accessory structure which would exceed the maximum allowed square footage of accessory structures in the GC District. The purpose of this variance request is to provide an onsite educational space for The American Institute of Nondestructive Testing. 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, August 16th, 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) 828-2307.

Dated this 1st day of August 2023



James L. Kramvik
Community Development Director

Publication Date: August 5th, 2023



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)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 11617 Andrew St - Brainerd, MN 56401

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

Property Owner Name: Booku, LLC Don Booth - Nelson Kurilla

Street Address: 11617 Andrew St City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-428-5633 Fax: _____ E-mail: donkbooth@yahoo.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: _____

See Attached

Don Booth

Property Owner Signature

7-27-2023

Date

(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

Description of Request

I am requesting a variance for construction of a new building on our property located at 11617 Andrew Street, Brainerd, MN 56401

My company, The American Institute of Nondestructive Testing has located our offices and student housing at this address located in what was once a defunct hotel. We purchased the hotel in 2020 and have invested over \$200,000 in renovations in the past two years to make this property functional for our business and an asset to the Brainerd community.

Now we would like to move our vocational training facility from Baxter to this location to create the first of its kind "All in one" vocational training facility offering student housing along with an onsite training facility.

We attract students from major corporations around the world, including Lockheed Martin, Blue Origin, Northrup Grumman, General Electric, among many others. In August we have several people flying from Norway to our little town to acquire the training they need in Digital Radiographic Testing.

When we build the new facility on the property, we will also be completing the final step in remodeling the existing building by adding new siding that will match the new building construction.

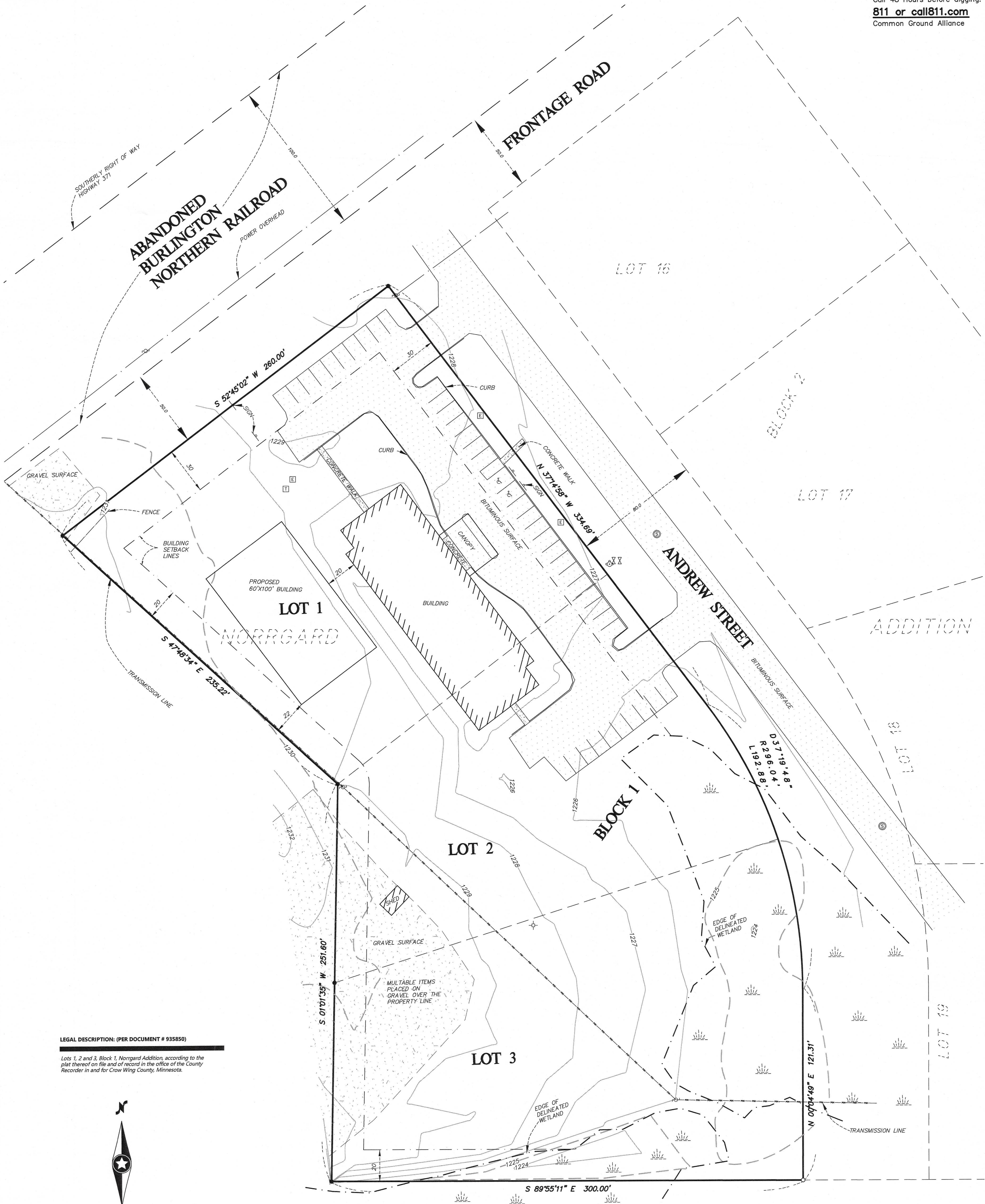
Although the buildings would not be attached, the new building would absolutely be an integral part of the offices and student housing building and business operations.

In closing, I ask that you provide us with this variance. My business and this building will be an asset to the community by creating even more jobs as we grow and revitalize this area of the community.

Regards,

Donald Booth CEO

A handwritten signature in black ink, appearing to read 'Don R Booth', with a long horizontal line extending to the right.



LEGAL DESCRIPTION: (PER DOCUMENT # 935850)

Lots 1, 2 and 3, Block 1, Norrgard Addition, according to the plat thereof on file and of record in the office of the County Recorder in and for Crow Wing County, Minnesota.

EXISTING IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
BUILDINGS	8,377	146,618	5.71%
BITUMINOUS	19,436	146,618	13.26%
GRAVEL	10,533	146,618	7.18%
CONCRETE	363	146,618	0.25%
TOTAL	38,709	146,618	26.40%

GENERAL NOTES

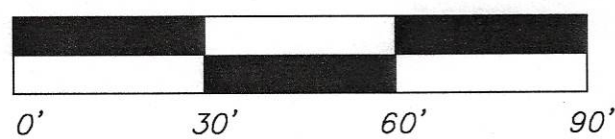
- No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
- Bearings shown are based upon the Crow Wing County Coordinate System.
- The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
- Total area of subject property: 146,618 Sq. Ft. / 3.37 Acres.
- The contours shown here on are based on NAVD 88.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

Paul Herkenhoff
Date: 5/30/23 License No. 45875

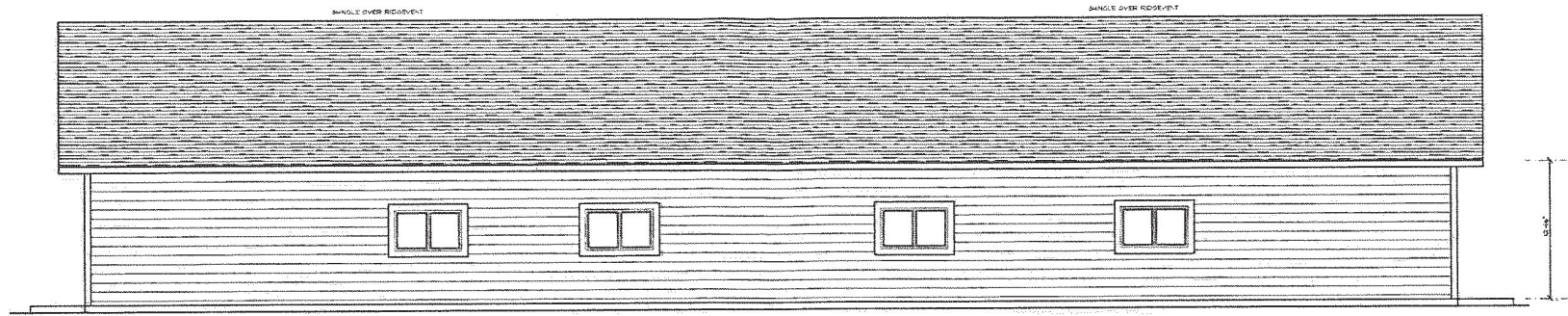
LEGEND

- DENOTES WET LAND NOT-DELINEATED
- DENOTES POWER POLE
- DENOTES FOUND MONUMENT
- DENOTES SET 1/2"x14" IRON PIPE WITH CAP # 50319
- DENOTES ELECTRIC BOX
- DENOTES TELEPHONE BOX
- DENOTES SANITARY MANHOLE
- DENOTES GATE VALVE
- DENOTES HYDRANT

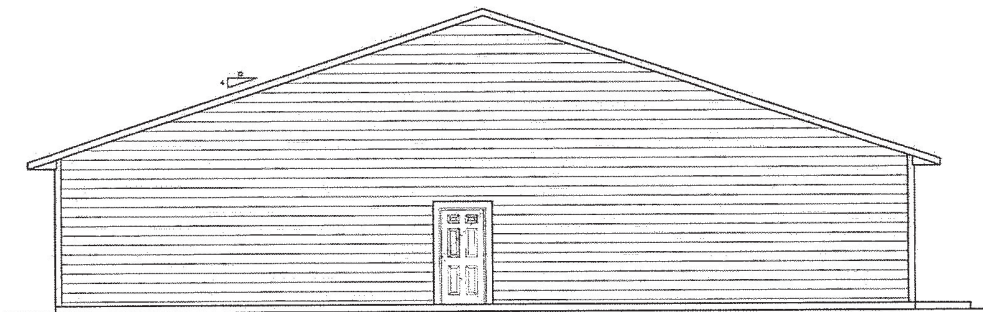


Date: 5/30/23

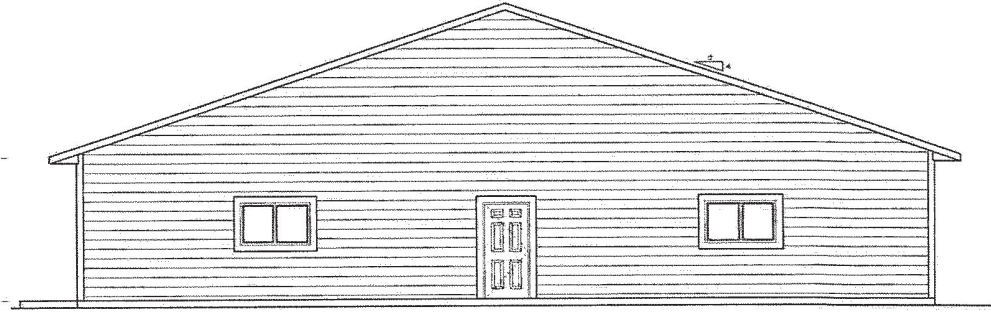
22-303 CTF04.DWG



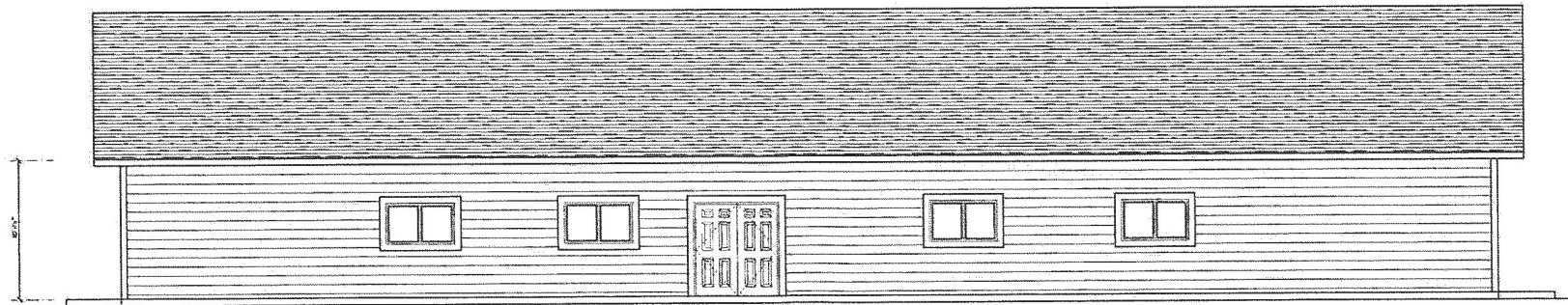
SOUTH ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"



WEST / ROADSIDE ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"

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

Robert W. Ready
ROBERT W. READY, AIA REG. NO.: 11383

DATE: JULY 11, 2023

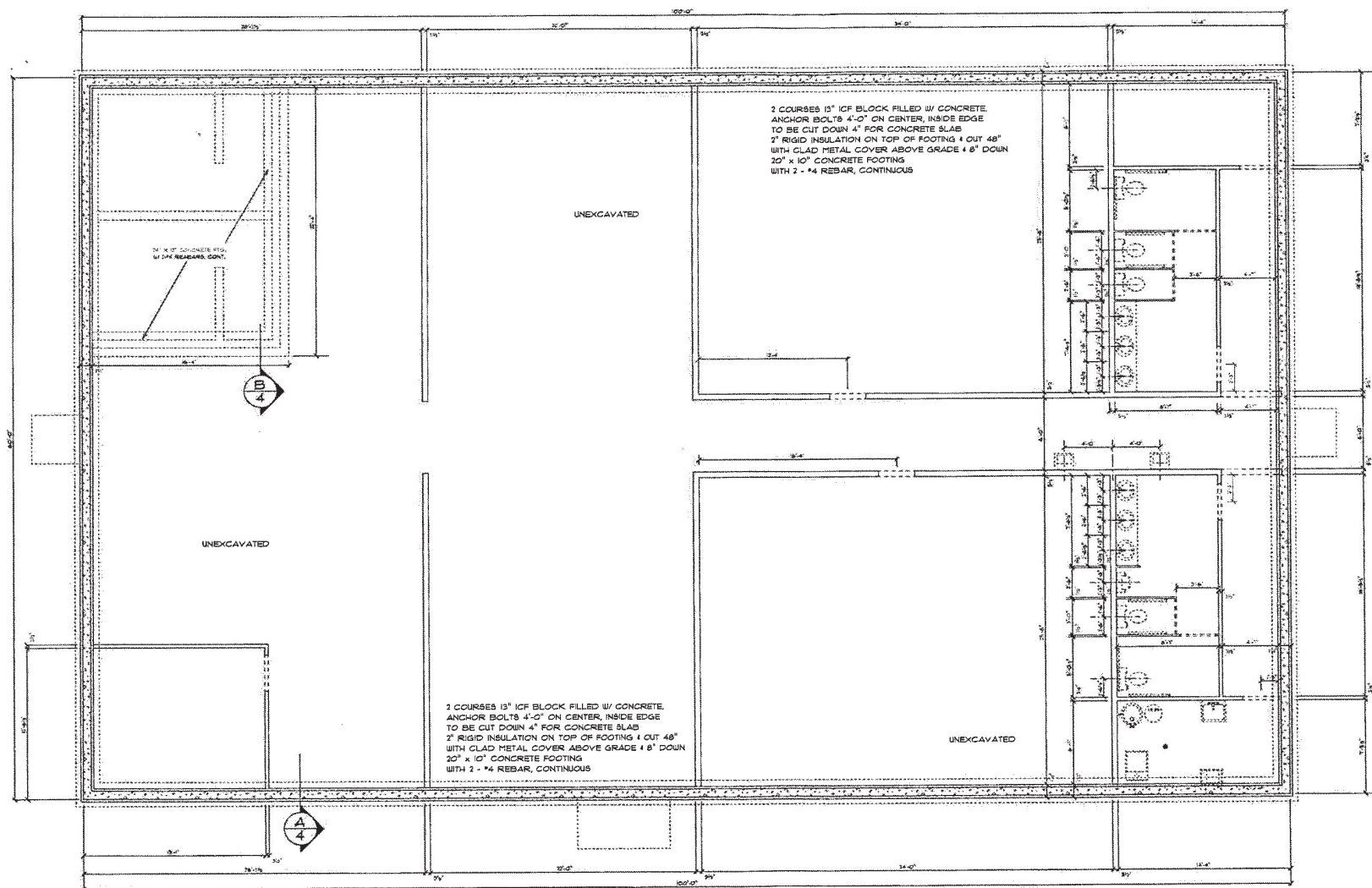
P.F.S. DESIGN LLC
218-821-0630

PROJECT FOR:
BOOKU LLC

DATE:
JUNE 1, 2023

REVISED JUNE 27, 2023
REVISED BY: J. H. JAMES

PAGE NO.
1 of 5



FOUNDATION PLAN

10'-4 1/8" WALL HEIGHT

SCALE: 1/4"=1'-0"

I HEREBY CERTIFY THE PLAN, SPECIFICATIONS OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DUTY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Ready
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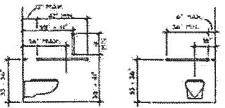
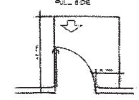
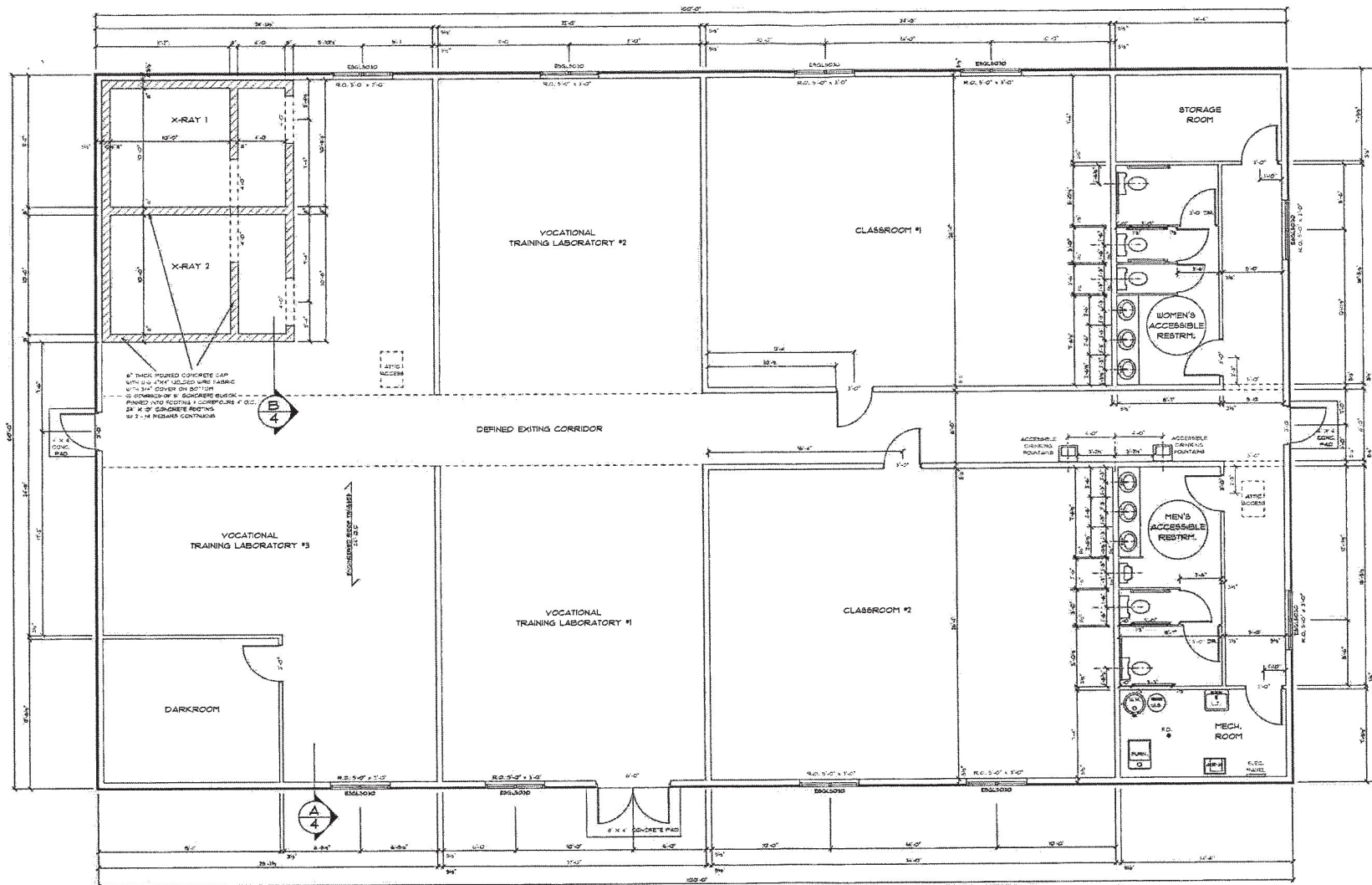
DATE: JULY 17, 2023

NOTE:
 ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
 2 - 7' x 10' HEADERS OVER ALL EXTERIOR OPENINGS UNLESS OTHERWISE NOTED.
 DOUBLE TRIMMERS ON OPENINGS WIDER THAN 5 FEET.
 EXTERIOR DOORS BY THERMA-TRU OR EQUAL. WINDOWS ARE MARVIN INTEGRITY. WITH ALL FALL PROTECTION REQUIREMENTS. VERIFY ALL SIZES AND ROUGH OPENINGS WITH OWNER AND MANUFACTURER. ANY WINDOW WITHIN 18" OF THE FLOOR IS TO BE TEMPERED. WINDOW HEADER HEIGHT TO BE 6'-5 1/8" UNLESS NOTED. VERIFY EXTERIOR DOOR ROUGH OPENING HEIGHTS.
 VERIFY ALL TRUSSES, BEAMS AND MICROLANS WITH TRUSS MANUFACTURER. INSULATE AROUND ALL BATHROOMS AND BEDROOMS.

MEETING OF ENERGY CODE REQUIREMENTS TO BE THE RESPONSIBILITY OF CONTRACTOR. THIS PLAN WAS DESIGNED TO COMPLY WITH 2020 MN STATE BUILDING CODE AT THE TIME AND FOR THE LOCATION THEY WERE DRAWN. CHECK WITH YOUR CONTRACTOR REGARDING LOCAL CODES THAT MAY VARY. THE OWNER AND CONTRACTOR ASSUME THE RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: BOOKU LLC	PAGE NO. 2 OF 5
DATE: MAY 23, 2023	

REVISED MAY 26, 2023
 REVISED JUNE 1, 2023
 REVISED JUNE 21, 2023
 REVISED JULY 11, 2023



TOILET ELEVATIONS

NOTE:
ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
1 - 2\"/>

MEETING OF ENERGY CODE REQUIREMENTS TO BE THE RESPONSIBILITY OF CONTRACTOR. THIS PLAN WAS DESIGNED TO COMPLY WITH 2020 MN STATE BUILDING CODE AT THE TIME AND FOR THE LOCATION THEY WERE DRAWN. CHECK WITH YOUR CONTRACTOR REGARDING LOCAL CODES THAT MAY VARY. THE OWNER AND CONTRACTOR ASSUME THE RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

MAIN LEVEL FLOOR PLAN

10'-4 1/8\"/>

SCALE: 1/4\"/>

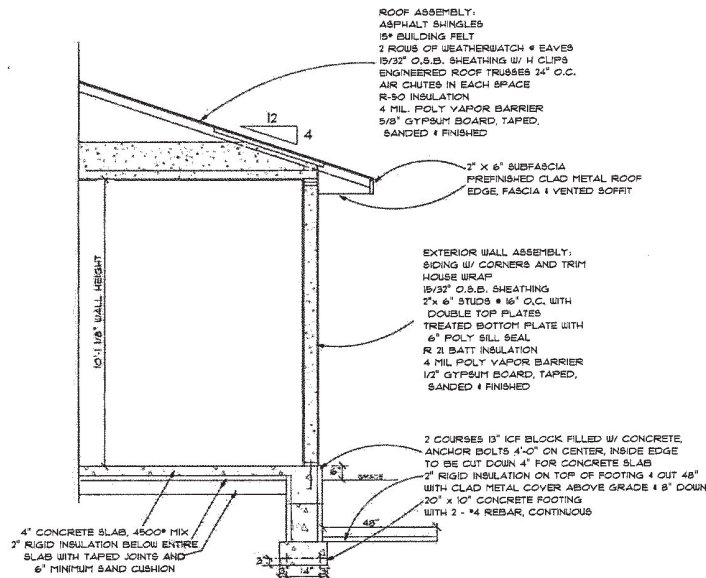
I HEREBY CERTIFY THE PLAN, SPECIFICATIONS OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Ready
ROBERT W. READY, AIA REG. NO. 11383

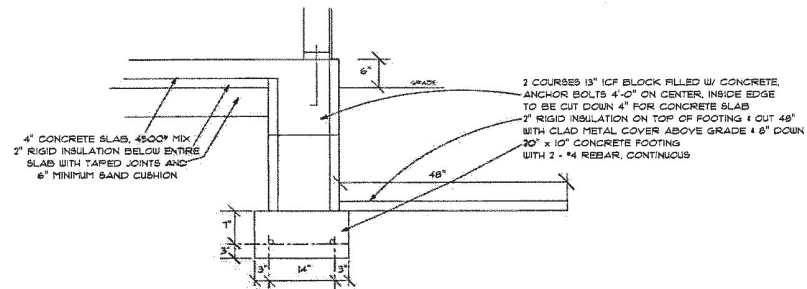
DATE: JULY 17, 2023

P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: BOOKU LLC	PAGE NO. 3 OF 5
DATE: MAY 23, 2023	

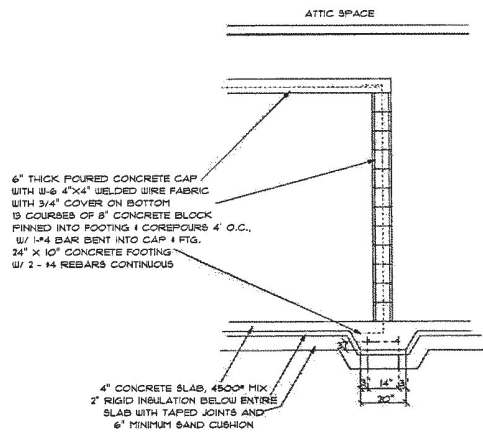
REVISED MAY 26, 2023
REVISED JUNE 1, 2023
REVISED JUNE 27, 2023
REVISED JULY 11, 2023



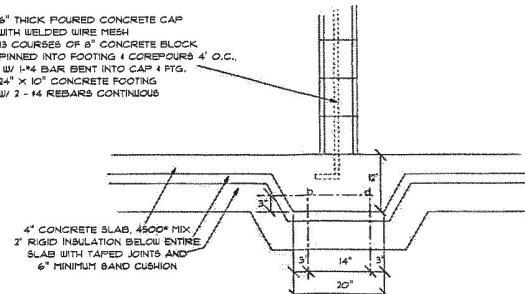
WALL SECTION "A"
 SCALE: 1/2"=1'-0"



DETAIL "A"
 SCALE: 1"=1'-0"



WALL SECTION "B"
 SCALE: 1/2"=1'-0"



DETAIL "B"
 SCALE: 1"=1'-0"

NOTE:
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 UNLESS OTHERWISE NOTED.
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 WITH ALL FALL PROTECTION REQUIREMENTS.
 VERIFY ALL SIZES AND ROUGH OPENINGS
 WITH OWNER AND MANUFACTURER. ANY
 WINDOW WITHIN 18" OF THE FLOOR IS TO BE
 TEMPERED. WINDOW HEADER HEIGHT
 TO BE 6'-9 1/8" UNLESS NOTED. VERIFY
 EXTERIOR DOOR ROUGH OPENING HEIGHTS.

VERIFY ALL TRUSSES, BEAMS AND
 MICROCLAYS WITH TRUSS MANUFACTURER.
 INSULATE AROUND ALL BATHROOMS
 AND BEDROOMS.

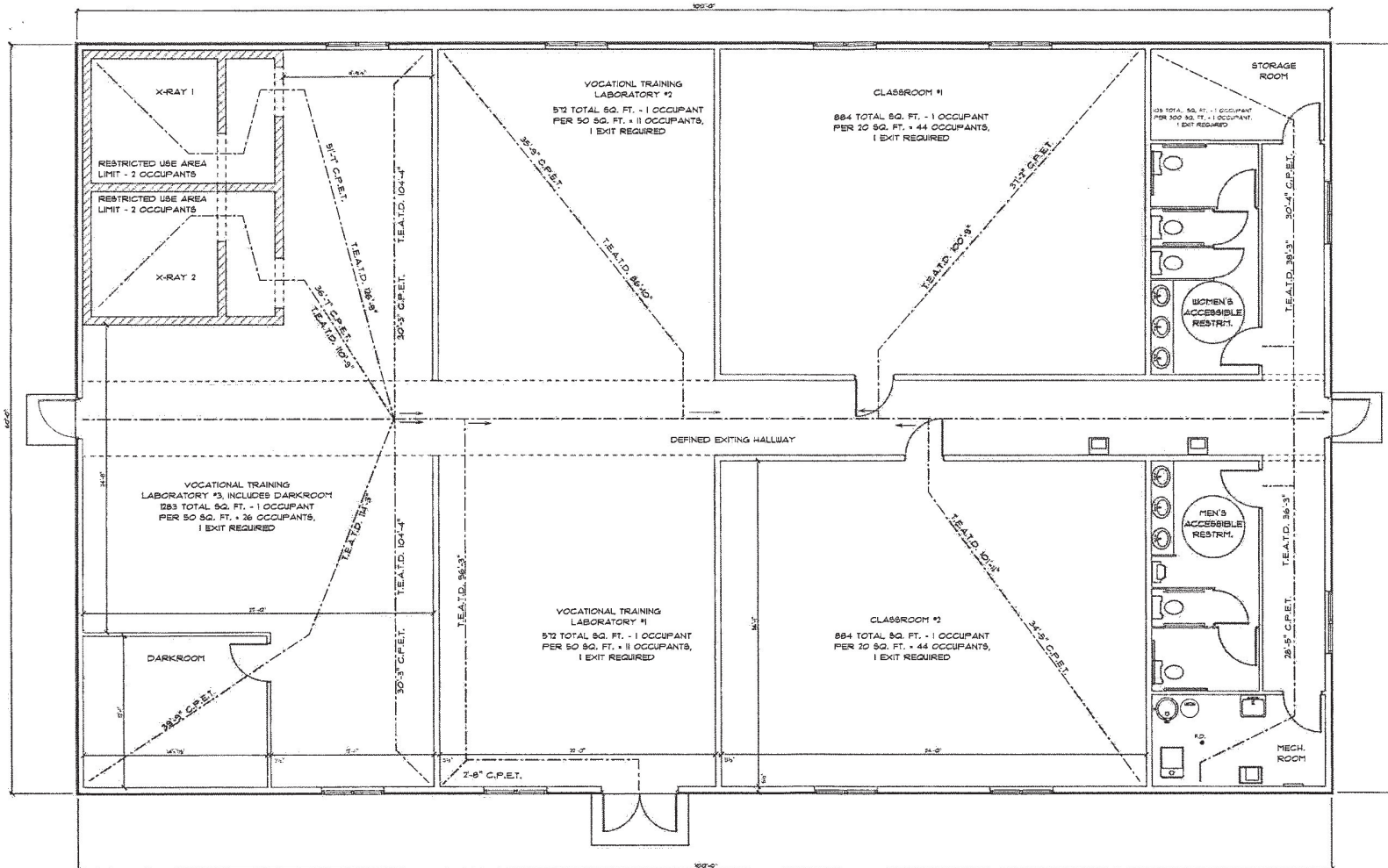
MEETING OF ENERGY CODE REQUIREMENTS
 TO BE THE RESPONSIBILITY OF CONTRACTOR.
 THIS PLAN WAS DESIGNED TO COMPLY WITH
 2020 MINN STATE BUILDING CODE AT THE TIME
 AND FOR THE LOCATION THEY WERE DRAWN.
 CHECK WITH YOUR CONTRACTOR
 REGARDING LOCAL CODES THAT MAY VARY.
 THE OWNER AND CONTRACTOR ASSUME THE
 RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

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

Robert W. Ready
 ROBERT W. READY, AIA REG. NO.: 11583

DATE: JULY 17, 2023

P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: BOOKU LLC	PAGE NO. 4 of 5
DATE MAY 23, 2023	
REVISED MAY 26, 2023	
REVISED JUNE 1, 2023	
REVISED JUNE 27, 2023	
REVISED JULY 11, 2023	



MAIN LEVEL EXITING PLAN

SCALE: 1/4"=1'-0"

C.P.E.T. - COMMON PATH OF EXIT TRAVEL,
MAXIMUM ALLOWED IS 75'-0"

T.E.A.T.D. - TOTAL EXIT ACCESS TRAVEL DISTANCE,
MAXIMUM ALLOWED IS 200'-0"

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

ROBERT W. READY, AIA REG. NO.: 11383
DATE: JULY 11, 2023

NOTE:
ALL DIMENSIONS ARE TO FACE OF STUD
UNLESS OTHERWISE NOTED.
2 - 2" X 10" HEADERS OVER ALL EXTERIOR
OPENINGS UNLESS OTHERWISE NOTED.
DOUBLE TRIMMERS ON OPENINGS UNDER
THAN 5 FEET.
EXTERIOR DOORS BY THERMA-TRU OR
EQUAL. WINDOWS ARE MARVIN INTEGRITY,
WITH ALL FALL PROTECTION REQUIREMENTS.
VERIFY ALL SIZES AND ROUGH OPENINGS
WITH OWNER AND MANUFACTURER. ANY
WINDOW WITHIN 18" OF THE FLOOR IS TO BE
TEMPERED. WINDOW HEADER HEIGHT
TO BE 6'-8 1/8" UNLESS NOTED. VERIFY
EXTERIOR DOOR ROUGH OPENING HEIGHTS.
VERIFY ALL TRUSSES, BEAMS AND
MICROLAMS WITH TRUSS MANUFACTURER.
INSULATE AROUND ALL BATHROOMS
AND BEDROOMS.
MEETING OF ENERGY CODE REQUIREMENTS
TO BE THE RESPONSIBILITY OF CONTRACTOR.
THIS PLAN WAS DESIGNED TO COMPLY WITH
2020 FRI STATE BUILDING CODE AT THE TIME
AND FOR THE LOCATION THEY WERE DRAWN.
CHECK WITH YOUR CONTRACTOR
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RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: BOOKW LLC	PAGE NO. 5 OF 5
DATE: MAY 23, 2023	
REVISED MAY 26, 2023 REVISED JUNE 1, 2023 REVISED JUNE 21, 2023 REVISED JULY 11, 2023	

M.W. Hostetler, Inc.

Structural Engineer

5709 Lake Rose Drive
Minnetonka, MN 55345
(952) 500-2897
markhost@comcast.net

7/5/2023

Mr. Robert Ready
Ready Architectural Associates, Inc.
readyarch@aol.com

RE: BookU LLC, Brainerd, MN

Dear Mr. Ready:

I have reviewed the drawings for the new BookU building in Brainerd, MN.

The lid over the x-ray booths is a 6" solid slab reinforced with W6-4"x4" welded wire fabric with $\frac{3}{4}$ " cover on the bottom.

The drawings are structurally satisfactory.

Truly Yours,

Mark Hostetler, PE, SE, PEng

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



Mark Hostetler

Date 7-5-2023

Reg. No 19906

Code Review
BookU
Brainerd, MN
7-16-23

Applicable Codes:

2020 MN State Building Code
2020 MN Accessibility Code
2020 MN Commercial Energy Code
2020 MN State Plumbing Code
2015 MN State Mechanical & Fuel Gas Code
2020 National Electrical Code
2020 MN State Fire code

Scope of Work:

Work consists of a new building to be used as an education facility. The public restrooms will be constructed to comply with the MN Accessibility Code.

Occupancy Group(s):

Group E: Educational Classroom and Occupational Training Facilities

Building Type: VB (Non-Sprinkled)

Allowable Building Area:

Group E: 9,500 S.F. (6,000 S.F. actual)

Design Occupant Load:

Group E = Classrooms @ 20 Net S.F per Occupant
Occupational Training Areas @ 50 Net SF per Occupant
Storerooms @ 300 SF per Occupant
Total Occupants as shown on Sheet 3 of 5 = 141

Automatic Fire Sprinklers:

Automatic Fire Sprinklers are required in Group E Occupancies only if the occupied space exceeds 12,000 SF, or if the actual occupancy load equals or exceeds 300. No Automatic Fire Sprinkler is required since neither threshold is met or exceeded.

Code Review
BookU
Brainerd, MN
7-16-23

Exit Egress: Two exit doors required for 1-500 Occupants; Three (3) provided.

Egress Width Required: (Occupancy inches per occupant); $(141)(.2)=28.2$ inches)(0.2 required. 136 inches provided.

Common Path of Egress Travel: 75 feet allowed (51'-9" feet actual maximum in X-Ray #1).

Total Egress Travel Distance: 200 feet allowed without an automatic fire sprinkler (126'-9" feet actual maximum from X-Ray #1)

Accessibility: An accessible route must be provided to the building and to spaces within the building. All building entrances and exits and interior spaces must meet accessibility design standards.

Plumbing Fixtures:

For Group E Occupancies, the ratio of WC's and Lav's is 1/50 of each sex. 141 total occupants = 72 occupants of each sex. 2 WC's and 2 Lav's are required for each sex. 3 WC and 3 Lav's are provided for each sex.

Drinking Fountains = $1/100 \text{ Occ} = 2 \text{ Drinking Fountains Req.}; 2 \text{ Provided}$

Prepared By:

Robert W. Ready, AIA, CSI, LEED AP
President



Ready Architectural Associates, Inc.
5420 James Ave. S.
Minneapolis, MN 55419

MN Arch. Reg. # 11383

MEMO



TO: Planning Commission

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

DATE: August 16, 2023

RE: Variance Request for an Accessory Structure at 219 W. Laurel St.

REQUEST

PUBLIC HEARING. Variance for an Accessory Structure

William Simon has submitted two variance requests for the construction of a 24' x 24' garage at a four-unit residential apartment at 219 W Laurel St. The proposed garage would exceed the total number of allowed accessory structures and the maximum allowed square footage of accessory structures on the property.

CONTEXT

Parcel Number(s): 41040736

Zoning District: Town Center (TC) District
Shoreland Overlay District

Property Area: 0.31 Acres

Adjacent Uses: North: Automotive Repair
East: Attached Multi-family Dwelling
South: Attached Multi-family Dwelling
West: Attached Multi-family Dwelling

Adjacent Zoning: North: TC (Town Center) Zoning District
East: TC (Town Center) Zoning District
South: TC (Town Center) Zoning District
West: TC (Town Center) Zoning District

AERIAL MAP



FINDINGS OF FACT

1. 219 W. Laurel St. Brainerd, MN 56401 is in the (TC) Town Center Zoning District.
2. This property is located in the Shoreland Overlay District as it is within 500 feet of the Mississippi River. It is not considered a riparian lot because it is not adjacent to a water body.
 - a. *The local DNR Hydrologist was notified of the variance request and had no issues.*
 - b. *City Engineer Dehn reviewed the site and had no concerns with the request as the existing surface is Class 5. Perimeter control will be required and noted in the Engineering review of the building permit.*
3. [Section 515-2-11.C Table 1](#) states that for accessory structures in the Town Center Zoning District the Maximum size is 500 Sq. Ft. and the maximum number of these structures is one.
 - a. *The applicant is proposing a 24'x24' garage which adds another 576 Sq. Ft. to the existing 484 Sq. Ft. of accessory structure present at the property.*

- b. The additional garage will also result with two accessory structures on the premises which exceeds the one accessory structure allowed in the TC District.*
4. The proposed garage location meets all setbacks as required in Table 515-2-11.1. TC Dimensional Standards – Density, Lot Size, Coverage and Height Standards.
 - a. The side yard and rear yard setback in the TC District is 0 feet. The proposed rear yard setback for the garage is 5 feet and the side yard setback is greater than 15 feet.*
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. The general purpose of the (TC) District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.
 - 1. The Zoning Code allows for one accessory structure with a maximum size of 500 SQFT in the (TC) District because it supports the fact that this district should primarily have retail, service, and office buildings as opposed to storage buildings. New residential units should consider underground/ first story tuck under parking for harmony with the general purpose of the district.*
 - 2. According to [Section 515-4-2.B.6a](#) each dwelling unit shall include, at a minimum, a one (1) enclosed garage stall, that shall have a minimum dimension of 12 feet by 20 feet and each dwelling unit without a basement shall include at a minimum, a one (1) stall 16' x 20' foot garage. The addition of the proposed garage would provide each dwelling unit on the property one garage space, which would bring the property in greater conformity with Section 515-4-2.*
 - b. When the variances are consistent with the Comprehensive Plan.
 - i. Land Use - Goal 3: Support and invest in the incremental enhancements of quality of life. Policy 3 - Ensure a wide range of housing types for all income levels.
 - 1. By constructing a second two stall garage on this property, each dwelling unit would have its own garage space which would enhance this property and the quality of life for the residents living in the apartment units.*
 - ii. Housing - Goal One: Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences. Policy 3 - Rehabilitate and/or replace substandard housing with units that are decent, safe, healthy, affordable, and of appropriate size to meet the city's current and future housing needs.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that William Simon has submitted two variance requests for the construction of a 24' x 24' garage at a four-unit residential apartment at 219 W Laurel St. The proposed garage would exceed the total number of allowed accessory structures and the maximum allowed square footage of accessory structures on the property. The property included in this application is described as:

W. 2/3 OF LOTS 7 AND 8 BLOCK 19 AND THE ADJACENT E. 1/2 OF VACATED THIRD STREET.

WEST BRAINERD

P.I.N. 41040736

Section 4, Township 133, Range 28

The property is zoned TC (Town Center) District. According to Zoning Code Table 515-2-11.1. TC Dimensional Standards – Density, Lot Size, Coverage and Height Standards, properties located in the TC District are allowed one accessory building with a maximum of 500 square feet. This property has an existing two stall garage, and the property owner is requesting to construct an additional 24' x 24' two stall garage which would exceed the maximum allowed accessory structures and the maximum allowed square footage of accessory structures in the TC District. The purpose of this variance request is to provide a garage stall to each apartment unit. 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, August 16, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance requests.

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

Dated this 2nd day of July 2023



James L. Kramvik
Community Development Director

Publication Date: August 5th, 2023



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)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 219 West Laurel st.

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

Property Owner Name: William Simon

Street Address: 9613 Leisure Ln. City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-820-6098 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Construct a 24' x 24' garage.

William Simon

Property Owner Signature

7-3-23

Date

William Simon
(Please print name)

William Simon

Applicant Signature

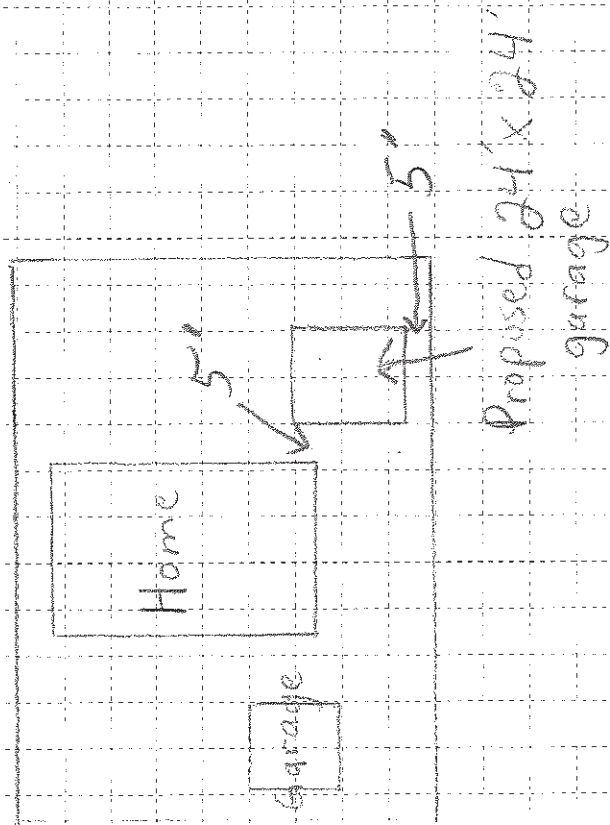
7-3-23

Date

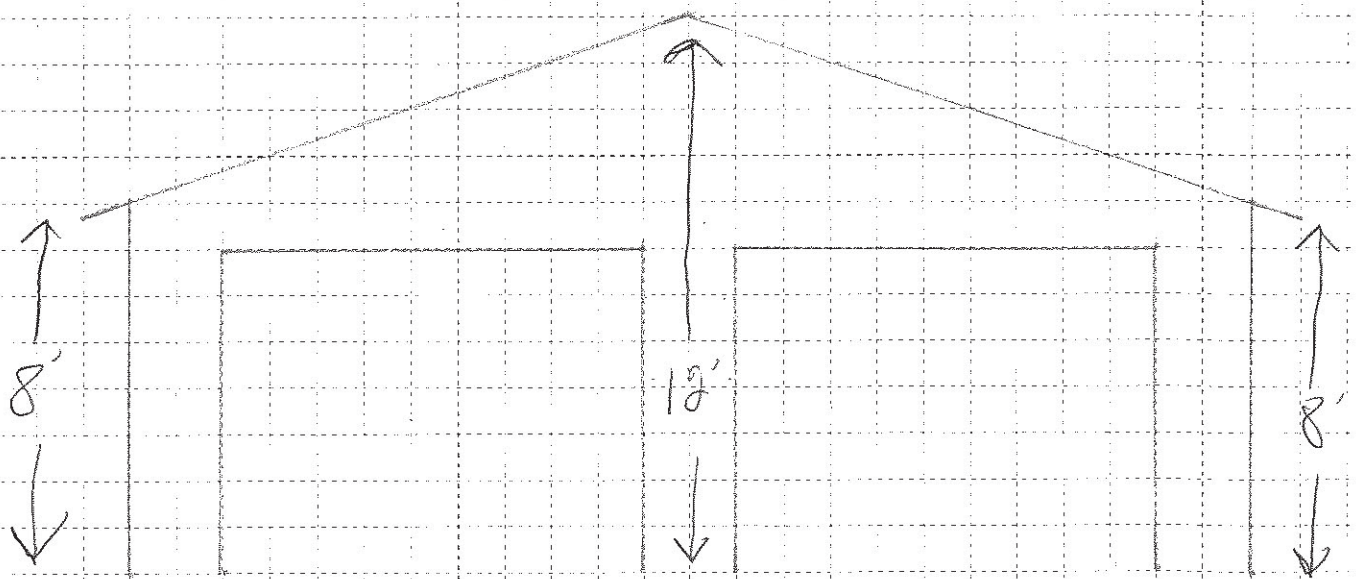
William Simon

(Please print name)

(OVER)



Page 29 of 57

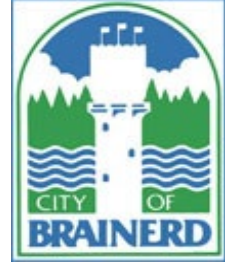


9' x 7' garage doors

219 W. Laurel St.
vinyl siding
tan siding
brown shingles

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

MEMO



TO: Planning Commission

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

DATE: August 16, 2023

RE: Consider Interim Use Permit for Short-Term Rental – 203 Hawkins Dr.

REQUEST

PUBLIC HEARING. Interim Use Permit for a Short-Term Rental

APPLICANT: Bobby Safaie and Alexandra Derasmo

Mr. Safaie and Ms. Derasmo have applied with accompanying documents for one short-term rental at 203 Hawkins Dr. Brainerd, MN 56401.

Staff periodically reviews short-term rental listings on the internet and discovered this property was operating without a rental license and interim use permit. Staff reached out to the property owners and required them to immediately obtain a rental license and inspection and apply for an interim use permit for a short-term rental. The rental license has been issued and the property has been inspected by both the Housing Inspector and Fire Marshal. Staff requested that the property owner block out all remaining scheduling dates until a determination has been made for the requested interim use permit for the short-term rental.

CONTEXT

Parcel Numbers: 41090584

Zoning District: Contemporary Neighborhood-Two (CN-2) District

Property Area: 28,123 SQFT

Adjacent Uses: North: Residential – Single Family Dwelling
East: Mississippi River
South: College – Central Lakes College
West: Multi-Family Residential (Rentals)

North: Contemporary Neighborhood-Two (CN-2) District
East: Mississippi River
South: Public-Semi-Public (PSP) District
West: Contemporary Neighborhood-Two (CN-2) District

1. 203 Hawkins Dr. Brainerd, MN 56401 is located in a CN-2 (Contemporary Neighborhood-Two) District. The CN-2 District allows short-term rentals as an Interim Use according to Zoning Code [Appendix A: Table of Uses](#).
2. Short-term rentals must comply with the following minimum standards as required by the [Section 515-3-34](#) of the Zoning Code:
 - a. The maximum rental period shall not be more than 28 consecutive nights.
 - i. *The applicants' proposal will not exceed 28 consecutive nights for a rental period.*
 - b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *The applicant has applied for the Interim Use Permit for the operation of a short-term rental.*

- c. The application for an interim use permit shall include:
 - i. The number of bedrooms with dimensions and all other sleeping accommodations
 - 1. *The proposed short rental unit is 2,079 SQFT. in size and has three bedrooms.*
 - 2. *The dimensions of each of these respective bedrooms are 17' x 21', 12' x 16', and 12' x 12.'*
 - ii. The number of off-street parking spaces available to guests.
 - 1. *There are four off street parking space allocated to guests, two in the driveway and two in the street loaded garage.*
 - iii. All accessory structures and outdoor recreational features available for guest use
 - 1. *The only accessory structure available for guest usage is the attached garage and the dock installed on the Mississippi River.*
 - iv. A pet, garbage, and noise policy.
 - 1. *There are no listed prohibitions of pets in their submitted policies noted as, "House Rules".*
 - 2. *Garbage and recycling bins for use are located at the front of the property and picked up on Wednesdays. They are only to be placed at the front of the property Tuesday night per the policy.*
 - 3. *There is a rule imposing quiet hours after 11:00 PM.*
 - v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 - 1. *The housing inspector will confirm this upon inspection of the rental unit.*
- d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be always accessible to the public on the City of Brainerd website.
 - 1. *Mr. Safaie and Ms. Derasmo have retained the services of Tom Jacobson as the responsible party for this rental units as he resides within 50 miles of the premises.*
 - ii. Occupancy. The maximum number of guests allowed at the property.
 - 1. *The posted rules for the short-term rental do not state a guest maximum but do prohibit parties.*
 - iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle

or trailer shall be parked on a street more than forty-eight (48) continuous hours.

1. *The rules state that there is parking available in the driveway and on the cul-de-sac adjacent on which the property lies. This would include recreational vehicles or trailers.*

iv. Garbage. Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.

1. *The weekly garbage schedule is provided for renters on Wednesdays per the provided rules.*

v. Noise. No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.

1. *The short-term rental rules impose quiet hours after 11:00pm. The "House Rules" must be changed to align with Brainerd City Code.*

vi. Pets. No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

1. *The rental rules do not state any prohibitions regarding pets. The rules must state that no more than a combination of four cats or dogs can be on the property at any one time.*

e. The occupancy of a short-term rental shall be limited to no more than 3 people per bedroom or the occupancy set by the Building Official.

i. *According to [Section 404.4.1 of the Property Maintenance Code](#), every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof, whichever is less.*

ii. *There is no proposed limit on guests to the property.*

iii. *Bedroom one is 357 SQFT which exceeds the 150 SQFT requirement to room three guests.*

iv. *Bedroom two is 192 SQFT which exceeds the 150 SQFT requirement to room three guests.*

v. *Bedroom three is 144 SQFT which exceeds the 100 SQFT requirement to room 2 guests.*

vi. *Total occupancy of the short-term rental is 8 guests.*

- f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.
 - i. *The rooms used for sleeping have egress windows and smoke detectors that comply with the Minnesota State Building Code and were inspected by the Housing Inspector and Fire Marshal.*
- The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
 - ii. *The short-term rental is connected to the city sewer and water system. The building plans show a full bathroom with a toilet, tub/shower, and sink.*
- g. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
 - i. *The applicant is not proposing occupancy by use of recreational vehicles, tents, accessory structures, or fish houses. However, their policies for the property do not explicitly prohibit them.*
- h. The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
- i. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
 - i. *The premises has been inspected by the Housing Inspector and Fire Marshal.*
- j. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
 - i. *Staff recommend that the following conditions be applied to the Interim Use Permit to conform to the requirements for Short Term Rentals as an Allowed Use:*
 1. *The Applicant explicitly defines a limit on pets that conforms to the limits stated in the Allowed Uses Section, "No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd."*
 2. *The Applicant restricts the quiet hours to 10:00 PM to 7:00 AM in accordance with City Ordinances*

3. *The Applicant clearly defines an occupancy limit for the property conforming to the Property Maintenance Code.*
 4. *The Applicant restricts other occupancy by recreational vehicles, tents, accessory structures, or fish houses.*
- k. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
 - l. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
 - i. *The application for short-term rentals includes an application for local sales tax that must be submitted to the City's Finance Department. It is the owner's responsibility to contact the MN Department of Health.*

As of this writing, one party has contacted the Community Development Department regarding the Interim Use Permit. The resident was concerned about the increased traffic and traffic speeds.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for one short term rental unit at 203 Hawkins Dr. Brainerd, MN 56401 with the following conditions:

- 1) The applicant includes a limit on pets that conforms to City Code, "No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd."
- 2) The applicant restricts the quiet hours after 10:00 PM accordance with City Ordinances.
- 3) The Applicant clearly defines an occupancy limit for the property not to exceed 8 guests or number set by the Building Official.
- 4) Submittal of the local option sales tax form to the Finance Department.
- 5) Upon sale or transfer of the property, the Interim Use Permit for a short-term rental at 203 Hawkins Dr. Brainerd, MN 56401 is no longer valid.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Bobby Safaie and Alexandra Derasmo have submitted an Interim Use Permit to operate a short-term rental at 203 Hawkins Dr. Brainerd, MN 56401. The property included in this application is described as:

LOT 12 BLOCK 1, EXCEPT THE NW'LY 22.0 FT THEREOF. & ALSO INCLUDING THE FOLLOWING PART; PART OF GOV. LOT 2 LYING E'LY OF HAWKINS DR, S' LY OF LOT 12 BLK 1 BONNY WOODE ADD, & N'LY OF W. COLLEGE DRIVE.

BONNY WOODE ADDITION TO THE CITY OF BRAINERD

P.I.N. 41090584

Section 09, Township 133, Range 28

The property is zoned CN-2 (Contemporary Neighborhood-Two) District. [Appendix A: Table of Uses](#) of the Zoning Code requires an Interim Use Permit for the operation of a short-term rental in a CN-2 District as regulated by Section 515-3-34 Short-Term Rentals. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, August 16, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

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

Dated this 2nd day of August 2023



James L. Kramvik
Community Development Director

Publication Date: August 5th, 2023



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

INTERIM USE PERMIT for SHORT-TERM RENTAL

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

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

Property Address for this Interim Use Permit: 203 Hawkins Dr, Brainerd MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow Short term rental

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

Legal Description (attach, if lengthy): Lot _____ Block _____ Addition _____

Property Owner: Bobby Safaire & Alexandra Derasmo

Address: 203 Hawkins Dr Brainerd MN 56401
(Street) (City) (State) (Zip)

Contact Information #: 561-564-7513
(Home) (Business)
(Fax) allied0215@icloud.com
(E-mail)

Applicant: (if different than Property Owner) _____

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

Contact Information #: _____
(Home) (Business)
(Fax) (E-mail)

Contact Person: (if different than Property Owner) _____

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

Contact Information #: _____
(Home) (Business)
(Fax) (E-mail)

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

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

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

Signed by:

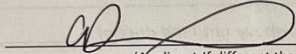
Bobby Safaire
(Property Owner)

Date:

7/3/23

Bobby Safaire

(Property Owner-Please print Name)



(Applicant-If different than owner)

Date:

7/3/23

Alexandra Derasmo

(Applicant - Please print name)

Interim Use Permit

Supporting Information

The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an Interim Use Permit, the applicant must address each of the "Criteria", referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The Planning Commission and the City Council shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)

GENERAL HOUSE INFO

- There are NO SECURITY CAMERAS inside the home - only the outside of the home. Please do NOT touch them they are for protection of guests and the home. You will be charged a **fee of \$200** if they are tampered with.
- CTC Internet is provided, login credentials are all over the house.
- A whole house water filtering system is installed making the water soft when showering, and safe to drink from either the fridge door or the faucet. More information available upon request.
- The backyard is very steep so please be careful and watch your step at all times. We do provide tea-lighting outside please turn on so you can see when enjoying the backyard and don't forget to turn off when finished.
- The dock is very steep as well please watch your step and pay attention at all times when on the dock. We do have a rope you can grab onto to go up and down the stairs. Please don't leave any trash on the dock or outside AREAS.....**Be VERY careful during the winter months the dock / everything can be very slippery and iced over.**
- We provide a propane and charcoal grill. PLEASE clean up after you use the grills. Don't leave any utensils or anything outside. Also stay far away from the home when using the charcoal grill as you see the whole house is made out of cedar wood. Please dispose of the ashes after use. We do have propane tanks filled for your use during your stay. If some feel empty more are located in the garage.
- Garbage pick up: Tuesday Nights pickup Wednesday mornings. Please when leaving for your stay all trash is taken out. The garbage cans are located out front of the house.
- Please do **NOT** move our furniture - if moved and not put back the way you arrived you will be charged a \$100 fee. Also please **DO NOT take anything From the home including towels / washcloths. We keep tight inventory and you will be charged for missing items.**
- We do provide a few paper towels, coffee pods / filters and toilet paper to get your trip started.
- If there is anything broken during your stay please contact me immediately so I can fix it or help with anything. If something needs fixing or cant find something please contact me so I can help you have an amazing stay!!!

House Rules

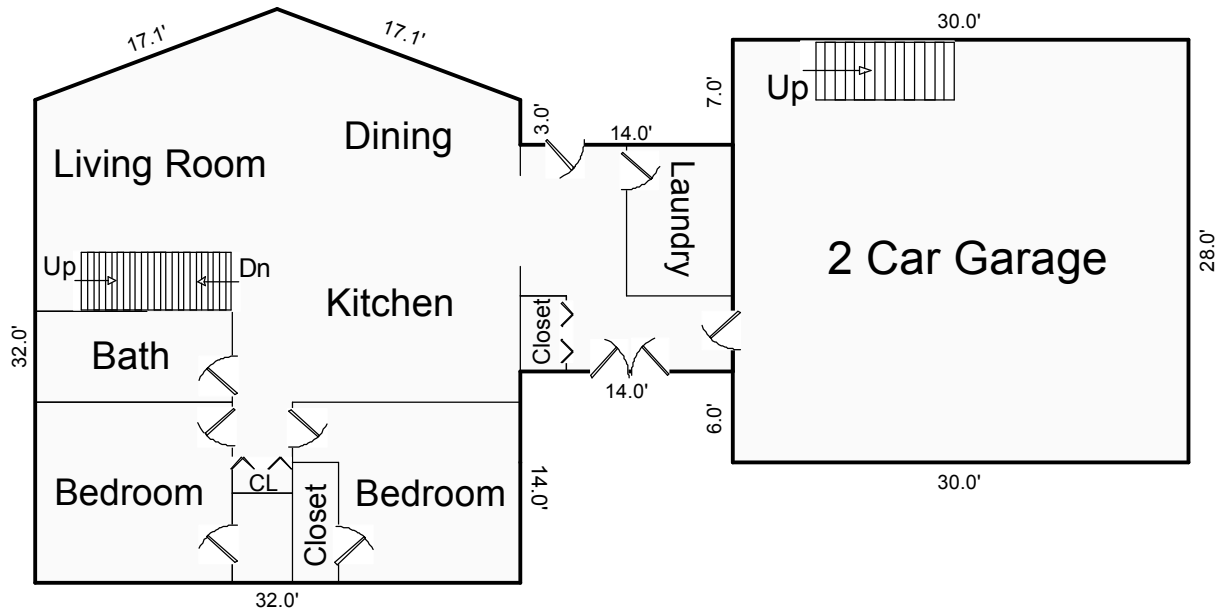
A friendly reminder of the house rules

- Check out time is at 10am
- Furniture is NOT to be moved
- Please ensure all trash is removed prior to check-out
- NO smoking or tobacco in the house
- Strictly NO parties are allowed
- Please respect our neighbors
- Please be quiet outside after 11pm
- Parking is available on the driveway and cul de sac
- NO shoes on the carpeted areas
- Families live on this block please be careful when driving on our street
- Please leave the place like you found it

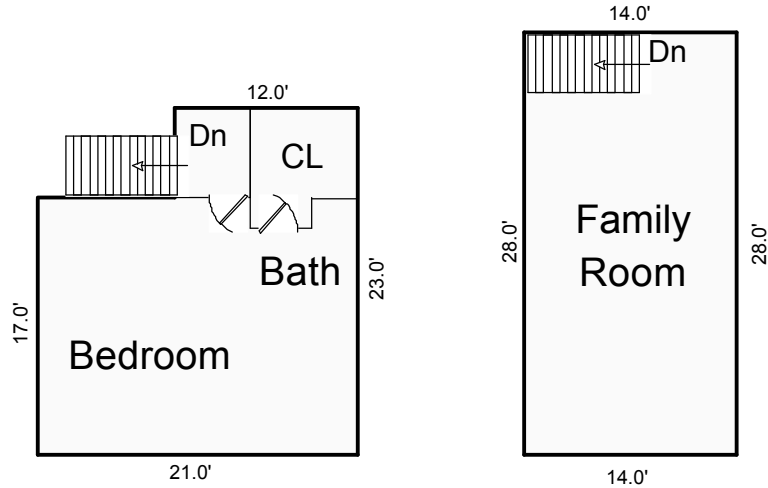
We hope you enjoy your stay!

Thank you!

Main Level



Upper Level



MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: August 16, 2023

RE: Discussion on Short-Term Rentals

INTRODUCTION

[Section 515-3-34 Short Term Rentals](#) – Staff would like Planning Commission to review the complete short-term rental ordinance and recommend any changes. Updates to the short-term rental ordinance were made as part of the Zoning Code update in 2022. Short-term rentals remained interim use permits and were expanded to multi-family and downtown districts. Previously, homeowner occupied dwelling units/ buildings did not require interim use permits. Staff would like Planning Commission to specifically review ordinances from other cities that have implemented regulations on numbers and usage.

EXAMPLES OF OTHER MUNICIPALITY'S REGULATIONS

<u>Minnesota Cities</u>	<u>Restrictions on Length of Stay</u>	<u>Number of Allowed Rentals</u>
Alexandria	30 days is the maximum stay length	Requires a license from the city, no cap on the number of short-term rentals.
Bemidji	Less than 30 consecutive days	Requires a county permit, no cap on the number of short-term rentals.
Crosby	Less than a 30-day period	Previously required a Crow Wing County permit.
Duluth	Accessory Home Share (AHS): Maximum of 4 guests for 1-29 nights Accessory Vacation Dwelling Unit Limited (AVDUL): 2-7 nights cannot exceed 21 calendar days rented in one year. Vacation Dwelling Unit/Accessory Vacation Dwelling Unit (VDU): 2-29 nights guest maximum determined by bedrooms present	AHS – No cap in the city AVDUL – No cap in the city VDU – The City of Duluth caps these at a defined percentage of available housing units in all non-form districts

East Gull Lake		Annual permit. Properties may not be rented or leased to more than one separate party six times in a 12-month period. Properties may not be leased or rented to more than one separate party in a seven-day period.
Fergus Falls	No defined difference between short term and long-term rentals.	No limits present
Grand Rapids	Draft ordinance limits it to 30 days	No limits present
Ironton	Banned in the city as of May 4, 2022	Requires an interim use permit that is good for 1 year in the first year of operation and must renew for a new interim use permit after expiration, if approved, it is good for 2 years. Restricted to single family housing district. No limit to the number of short-term rentals in the city.
St. Paul	Limited to 30 days or less.	Ordinance to cap short-term rentals to one property per host other than the one they live at, and cap short-term rentals to no more than 10 percent of units in a building more than 20 units. Council members cited the impact of short-term rentals on housing supply, as well as complaints about the way property was managed.
Minneapolis	Limited to 30 days or less.	In Minneapolis, STRs may comprise no more than 10% of the units in a building with more than 20 apartments. (The restriction does not apply to condominium communities.)
Edina & Eagan		Edina and Eagan have banned STRs for years; Edina's ban is several decades old, and Eagan's was put into place in 2018, after the city council determined there was no good way to allow STRs in neighborhoods.
Two Harbors	Limited to less than 30 days	Cannot exceed 4% of the total housing stock.

BRAINERD, MN
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515-3-34 Short-Term Rentals

- A. Any short-term rental must comply with the following minimum standards:
1. The maximum rental period shall not be more than 28 consecutive nights.
 2. The permit holder (owner) of a short-term rental must apply for and receive an Interim Use Permit.
 3. The application for an Interim Use Permit shall include:
 - a. The number of bedrooms with dimensions and all other sleeping accommodations.
 - b. The number of off-street parking spaces available to guests.
 - c. All accessory structures and outdoor recreational features available for guest use.
 - d. A pet, garbage, noise, and parking policy.
 - e. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 4. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - a. **Contact Information.** The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be accessible to the public at all times on the City of Brainerd website.
 - b. **Occupancy.** The maximum number of guests allowed on the property.
 - c. **Vehicles.** The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street for a period of time in excess of forty-eight (48) continuous hours.
 - d. **Garbage.** Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
 - e. **Noise.** No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in the any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.
 - f. **Pets.** No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.
 5. The occupancy of a short-term rental shall be limited to not more than 3 people per bedroom or the occupancy set by the Building Official, whichever is less.
 6. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the building department, whichever is stricter.
 7. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).

BRAINERD, MN
Chapter 515 ZONING

8. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
9. The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
10. A short-term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshall.
11. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
12. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
13. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: August 16, 2023

RE: Planning Commission Itinerary Update

INTRODUCTION

This itinerary is meant to provide an organization of topics and ordinances for the Planning Commission and the Community Development Department to review in the next year. The new City of Brainerd Zoning Code was adopted in July of 2022 and there were sections of the new Zoning Code that were planned for future review from the Planning Commission after adoption.

CODE SECTIONS TO REVIEW

- 1) ~~**Outdoor Lighting: Section 515-4-8**~~ Outdoor Lighting will be discussed at the January 18th Planning Commission meeting. Staff will present comments from the lighting workgroup that reviewed color temperature standards and other items to limit light pollution in Brainerd. This topic will require an ordinance amendment and public hearing at Planning Commission when final language has been approved. **(COMPLETE)**
- 2) **Off Street Parking: 515-4-12** Off-Street Parking was not reviewed by staff or Swanson Haskamp Consulting. Off-Street Parking space requirements were exempted in commercial zoning districts in the previous code and the new code. In previous Planning Commission meetings, it was determined that the Parking Commission would review this topic and bring a recommendation back to Planning Commission. Last year, the Community Development Intern researched parking space requirements and compared them to existing businesses in Brainerd. This research will aid in revising parking space requirements in the Zoning Code. **(IN PROGRESS)**
- 3) **Section 515-3-34 Short Term Rentals** – Staff would like Planning Commission to review the complete short-term rental ordinance and recommend any changes. Updates to the short-term rental ordinance were made as part of the Zoning Code update in 2022. Short-term rentals remain interim use permits and were expanded to multi-family and downtown districts. Previously homeowner occupied dwelling units/ buildings did not require interim use permits. Staff would like Planning Commission to specifically review ordinances from other cities that have implemented regulations on numbers and usage.
- 4) **Section 500-6 Administrative Subdivisions** – Staff would like Planning Commission to review existing language and create new language that is easier to interpret for developers

and land surveyors. Currently staff is administratively allowed to sub-divide properties from one to two parcels if they meet the zoning district requirements.

- 5) **Section 515-4-2 Building Design Standards** – Staff recommends review of the building design standards for all residential construction in the City of Brainerd. New language is needed for better conformity of building materials and design in existing neighborhoods.
- 6) **Mixed Use Development in the CC District** – Staff recommends review of the allowed use section of the Commercial Corridor District with the potential of allowing mixed-use buildings similar to the requirements in the Main Street District in which residential units are prohibited on the first floor.
- 7) **Solar Arrays** – Brainerd Public Utilities have installed a solar array at the Brainerd Airport and is currently working on construction of another solar array behind the BPU wastewater facility in Baxter. BPU is interested in adding additional solar arrays and have been looking at property in the City of Limits of Brainerd. Staff considers individual solar panels as accessory structures. However, code and an addition to the use table would be needed for the construction of a solar array in Brainerd.
- 8) **Manufactured Home Overlay District: Section 515-2-20** Manufactured Home Overlay District (MH-O) was partially reviewed and amended by Swanson Haskamp Consulting but does still need additional review by staff and the Planning Commission.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: August 16th, 2023

RE: Discussion on Proposed Off-Street Parking Ordinance

INTRODUCTION

After researching the regulations in other communities related to off-street parking and a review of the City's parking infrastructure, the Community Development Department presents a revised draft of the amended off-street parking ordinance for the Brainerd Zoning Code. Revisions were based on comments from both the Planning Commission meeting on June 21st and the Parking Commission meeting on August 2nd.

OBJECTIVES

- Create parking maximums in all non-residential zoning districts.
- Determine a new standard for the minimum residential parking required, that prioritize a more compact and less burdensome parking footprint.
- Include the Accessory Dwelling Unit in the parking minimum formula.
- Incentivize businesses to increase bicycle spaces in the Commercial Districts.
- Regulate parking on unimproved surfaces in the rear yard.

REVISIONS

- 1) Quantified parking spaces to building footprint to create a formula to determine number of parking spaces allowed and changed the formula for different zoning districts based on pedestrian or auto orientated development.
 - a. One (1) space per two hundred (200) square feet of building footprint area in the TC, MS, CC, and PSP Districts.
 - b. One (1) space per one hundred fifty (150) square feet of building footprint area in the GC, ME, and GI Districts.
- 2) Added a required parking space for commercial units in the MS & TC Districts.
- 3) Exempted outdoor sales and storage areas, motor vehicle fueling spaces, and required ADA spaces.
- 4) Created a CUP process for multilevel buildings and employee parking spaces.
- 5) Changed the language for additional bicycle parking and created a definition.

- 6) Added Off-Street parking in the rear yard exceeding 30 feet from the rear property line must be parked on an improved surface or screened by a six (6) foot privacy fence with ninety (90) percent opacity from neighboring properties and the right-of-way to the Outdoor Storage Section 515-3-28 of the Zoning Code.
- 7) Added language to require fully enclosed unattended trailers to be closed and secured at all times.

STAFF DIRECTION

- 1) Review the changes as recommended by Staff, the Planning Commission, and Parking Commission and provide final comments and direction for Staff regarding the proposed ordinance. Should any of these requirements be retroactive?
- 2) Direct Staff to bring this proposed ordinance amendment to the next Planning Commission meeting as a final draft with a public hearing.

**ORDINANCE
NO. 15__**

**AN ORDINANCE AMENDING SECTION 515-4-12 OFF-STREET PARKING & 515-3-28
OUTDOOR STORAGE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 515-4-12.B of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

B. Application of Off-Street Parking Regulations. The regulations and requirements set forth herein shall apply to all off-street parking facilities, ~~except single family detached and duplex dwellings,~~ in all of the Zoning Districts of the City.

SECTION TWO: Section 515-4-12.D of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

~~D. Exemptions from Parking Requirements. All uses located within the Commercial Corridor (CC), General Commercial (GC), Town Center (TC), Main Street (MS), and General Industrial (GI) Zoning District shall be exempt from the following off-street parking requirements of this Ordinance.~~

SECTION THREE: Section 515-4-12.E of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

8. Fully Enclosed Unattended Trailers. All doors and windows on fully enclosed unattended trailers shall be closed and secured at all times.

SECTION FOUR: Section 515-4-12.F of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

F. Calculating Space.

~~1. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent, except when floor plans are submitted that identify net usable floor area of the building exclusive of ancillary floor areas that do not generate parking demand (e.g., stair wells, hallways, restrooms, closets, utility rooms).~~

2. The term "building footprint area" is the total area of surface coverage of a structure and shall be determined by the exterior walls of the primary structure's first floor for the purposes of calculating the maximum number of parking spaces allowed.

~~3. 2-~~ When determining the number of off-street parking spaces results in a fraction, each fraction of one-half ($\frac{1}{2}$) or more shall constitute another space.

~~3. In gymnasiums, places of worship and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements.~~

4. Except as provided for under joint parking and shopping centers, should a building contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

~~Warehouse area associated with retail uses shall have parking requirements calculated separately from the retail requirements.~~

SECTION FIVE: Section 515-4-12.K of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

K. Maximum and Minimum Off-Street Parking Spaces Required.

The following ~~minimum number~~ maximum number off-street parking spaces shall ~~not exceed the allowable maximum parking space calculation depicted in Table 515-4-12.2 for the affected Zoning Districts.~~ be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth.

- a. Permitted outdoor sales and storage areas, motor vehicle fueling spaces, and required ADA spaces are exempt from the maximum parking space calculation.
- b. Any proposed off street parking facility exceeding the maximum parking space calculation may only be allowed to exceed the maximum number of spaces if the building has more than one level or for designated employee parking and upon approval of a Conditional Use Permit.
 - a. Conditional Use Permit approval for designated employee parking cannot exceed ten (10) spaces.

Table 515-4-12.2 Parking Space Maximum

<u>Zoning Districts</u>	<u>Maximum Parking Space Calculation</u>
<u>Town Center (TC), Main Street (MS), Commercial Corridor (CC), Public/Semi-Public (PSP)</u>	<u>One (1) space per two hundred (200) square feet of building footprint area.</u> <u>One (1) tractor trailer parking space per one thousand (1,000) square feet of building footprint area.</u>
<u>General Commercial (GC), Makers and Employment (ME), General Industrial (GI)</u>	<u>One (1) space per one hundred fifty (150) square feet of building footprint area.</u> <u>One (1) tractor trailer parking space per five hundred (500) square feet of building footprint area.</u>

2. The following number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth for the following Zoning Districts.

- a. Five bicycle parking spaces may be utilized to replace one required parking space for mixed-use buildings or multi-family attached dwelling units (5+ Units) in zones where a minimum parking area is required. This may only be used to replace one (1) space per every ten (10) required parking spaces.
 - i. For this paragraph “bicycle parking space” means an area equipped with bicycle racks that is used for the purpose of parking and securing a bicycle with a minimum dimension of 30” wide by 72” deep per bike space.

Table 515-4-12.3 Parking Space Minimum

<u>Zoning Districts</u> <u>Rural Living One (RL-1), Rural Living Two (RL-2), Garden Living (GL), Contemporary Living One (CN-1), Contemporary Living Two (CN-2), Traditional Neighborhood One (TN-1), Traditional Neighborhood Two (TN-2), and Traditional Neighborhood Three (TN-3)</u>	
<u>Use in Zoning Districts:</u>	<u>Minimum Parking Space Calculation</u>
<u>Bed and breakfasts</u>	<u>One (1) space per each rental room/suite.</u>
<u>Boarding houses</u>	<u>One (1) parking space per boarding room.</u>
<u>Attached Single-Family Dwellings, Accessory Dwelling Units, Multi-Family and Manufactured Homes within Manufactured Home Parks</u>	• <u>Studios = one (1) space / dwelling unit</u> • <u>One (1) bedroom = one and a half (1.5) spaces / dwelling unit</u> • <u>Two (2) bedrooms = Two (2) spaces / dwelling unit</u> • <u>3 bedrooms = Two and a half (2.5) spaces /dwelling unit</u> • <u>*Each additional bedroom in a Dwelling unit over three (3) bedrooms = + one half (.5) Space /dwelling unit</u>
<u>Single Family</u>	<u>Two (2) spaces per unit</u>

Table 515-4-12.4 Parking Space Minimum

<u>Zoning Districts</u> <u>Town Center (TC), Main Street (MS)</u>	
<u>Use in Zoning Districts:</u>	<u>Minimum Parking Space Calculation</u>
<u>Bed and breakfasts</u>	<u>One (1) space per each rental room/suite.</u>
<u>Boarding houses</u>	<u>One (1) space per boarding room.</u>
<u>Single Family, Attached Single-Family Dwellings, and Multi-Family</u>	<u>One (1) space per dwelling unit.</u>
<u>Commercial Uses</u>	<u>One (1) space per commercial unit.</u>
<u>Required parking spaces may be owned or leased by the owner of the property or business.</u>	

1. Auto, Boat, Trailer, Farm Equipment and Other Outdoor Sales Lots. One (1) space per four hundred (400) square feet gross sales and office floor area and of the building plus one (1) space per each two thousand (2,000) square feet of gross outdoor sales lot area.

- ~~2. Auto Repair. Two (2) spaces per serving bay; the service bay is not a parking space, plus one (1) for each employee on the maximum shift.~~
- ~~3. Boarding House. At least one and one half (1½) parking spaces per boarding room.~~
- ~~4. Bowling Alleys. Five (5) spaces for each alley plus additional spaces for related uses.~~
- ~~5. Car Washes (Drive Through and Self Service). One (1) space per employee plus: Drive through: Six (6) stacking spaces. Self-service: One (1) stacking space per wash bay.~~
- ~~6. Places of Worship. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall, plus one (1) space for each church employee. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.~~
- ~~7. Community Centers, Libraries, Private Clubs, Lodges, Museums, Art Galleries. One (1) space for each three hundred (300) square feet of floor area in the principal structure.~~
- ~~8. Contractors' Offices, Shops and Yards. One (1) per 1,000 square feet of shop area or warehousing, plus one (1) per 300 square feet of office space.~~
- ~~9. Day Care Facilities.~~
 - ~~a. Day care facilities serving fourteen (14) or fewer persons. In addition to residential parking requirements, one (1) space per seven (7) children capacity.~~
 - ~~b. All other day care facilities. One (1) space per teacher on the largest shift, plus one (1) space per ten (10) students/children based on maximum capacity of the facility.~~
- ~~10. Elderly (Senior Citizen) Housing. Reservation of area equal to one (1) parking space per unit. Initial development is, however, required of only one half (½) space per unit and said number of spaces can continue until such time as the City Council considers a need for additional parking spaces has been demonstrated.~~
- ~~11. Financial Institutions, Banks, Savings and Loan. Four (4) spaces for every 1,000 square feet.~~
- ~~12. Funeral Undertaking Establishments. At least 20 parking spaces for each chapel or parlor, plus one (1) parking space for each funeral home vehicle. Drive aisle space shall also be provided off the street for making up a funeral procession.~~
- ~~13. Furniture Store/Household Appliances. One (1) space per 400 square feet of gross sales floor area. One (1) space per 1,500 square feet of warehousing.~~
- ~~14. Garden Supply Stores, Building Material Sales in Structures. Eight (8) off street parking spaces, plus one (1) additional space for 800 square feet of floor area over 1,000 square feet.~~
- ~~15. Golf Courses. Four (4) spaces per hole, plus fifty (50) percent of the requirements for any other associated use.~~
- ~~16. Golf Driving Ranges, Miniature Golf Courses and Other Outdoor Commercial Recreational Uses. Ten (10) off street parking spaces plus one (1) for each two hundred (200) square feet of activity area.~~
- ~~17. 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).~~
- ~~18. Hospitals. Three (3) spaces per bed.~~

19. ~~Manufacturing Facilities. One (1) space for every 800 square feet of gross floor area, plus one (1) space for every company owned vehicle.~~
20. ~~Motels and Hotels. One (1) space per each rental room/suite plus one (1) space for each eight (8) units, and one (1) space for each employee on any shift.~~
21. ~~Motor Fuel Stations. At least four (4) off-street parking spaces plus one (1) space for each employee on duty. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.~~
22. ~~Office Buildings, Animal Hospitals and Clinics, Professional Offices and Medical Clinics. One (1) space for every 200 square feet of floor area.~~
23. ~~Sales Lots. Ten (10) spaces or one (1) per 2,000 square feet gross land area devoted to sales lot, whichever is larger.~~
24. ~~Racquetball, Handball and Tennis Courts, Commercial. Not less than six (6) spaces per each court.~~
25. ~~Rest Home, Nursing Home, Convalescent Center, or Institution. One (1) space for each six (6) beds based upon maximum design capacity, plus one (1) space for each two (2) employees.~~
26. ~~Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs. One (1) space per 40 square feet of dining or bar area and one (1) space per 80 square feet of kitchen area.~~
27. ~~Restaurants, Fast Food. Fifteen (15) spaces per 1,000 square feet of gross floor area.~~
28. ~~Retail Sales and Service Business with Fifty (50) Percent or More of Gross Floor Area Devoted to Storage, Warehouses and/or Industry. At least eight (8) spaces or one (1) space per 200 square feet devoted to public sales or service, plus one (1) space per 500 square feet of storage area.~~
29. ~~Retail Stores and Service Establishments. At least one (1) off-street parking space per 200 square feet of floor area.~~
30. ~~Schools: Colleges and Universities. At least one (1) parking space for each two (2) students based on the design capacity plus one (1) space for each classroom. Auditorium or event space shall be subject to separate, additional calculations.~~
31. ~~Shopping Centers. Five and one half (5 ½) spaces per 1,000 square feet of gross leasable floor area (exclusive of common areas).~~
32. ~~Single Family, Duplex, and Accessory Apartments. Two (2) spaces per unit.~~
33. ~~Theaters, Civic Centers, Auditoriums, Stadiums, Sports Arenas or Similar Uses. One (1) space for each four (4) seats plus one space for each two (2) employees.~~
34. ~~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.~~
35. ~~Warehousing, Storage of Handling of Bulk Goods. That space which is solely used as office shall comply with the office use requirements and one (1) space per 1,500 square feet of floor area, and one (1) space for each company owned truck (if not stored inside principal building) or one (1) space for each employee, whichever is greater.~~

36. ~~Other Uses. Other uses not specifically mentioned herein shall be determined on an individual basis by the City Council upon recommendation by the Planning Commission. Factors to be considered in such determination shall include (without limitation) the national parking standards for size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.~~

SECTION SIX: Section 515-3-28.B.2.a.vi of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

vi. Off-street parking of licensed and operable passenger automobiles and pick-up trucks (does not include racing cars or stock cars) may be stored in the front yard on a designated driveway or parking area and on an improved surface according to Section 515-4-12.H.

a. Off-Street parking in the rear yard exceeding 30 feet from the rear property line must be parked on an improved surface or screened by a six (6) foot privacy fence with ninety (90) percent opacity from neighboring properties and the right-of-way.

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

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____