PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, February 21, 2024 @ 6:00 PM

The public is invited to attend these meetings in person
Attend by Phone: 1-844-992-4726 Meeting Access Code: 2497 537 8789
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 ___J. Norwood
   ___T. Stenglein ___ D. Peterson ___ C. Francis

3. **Pledge of Allegiance**

4. **Oath of Office**

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

6. **Approval Of Minutes**

   A. **Draft Minutes of the January 17, 2024 Meeting**

7. **Unfinished Business**

   A. **Conduct Public Hearing and Review Administrative Subdivision Ordinance**

   B. **Discussion on the Proposed Short-Term Rental Ordinance *(added item)***

8. **New Business**

   A. **Conduct Public Hearing and Consider Conditional Use Permit for a Day Care facility at 418 8th Ave NE**

   B. **Conduct Public Hearing and Consider Conditional Use Permit amendment for a 12-plex Apartment at PID 41040887**

   C. **Cannabis Dispensary Discussion**

9. **Public Forum**
   Time allocated for citizens to bring matters not on the agenda to the attention of the Commission - Time limits may be imposed

10. **Staff Reports**
    (Verbal: Any Updates since Packet)

11. **Commission Member Reports**

12. **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, January 17, 2024
6:00 pm

#1 Call to Order

Planning Commission Vice Chair Gorham 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 Duval, Gorham, Grunenwald, and Stenglein. Commissioner Norwood was noted as absent. Also noted as present was Community Development Director Kramvik.

#3 Pledge of Allegiance

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

#4 Election of Officers

Commissioner Duval nominated Commissioner Gorham to serve as Chair for 2024.

There were no other nominations.

Members Duval, Gorham, Grunenwald, and Stenglein voted “aye”. No member voted “nay”. The Vice Chair declared the appointment of Commissioner Gorham as Chair carried.

Commissioner Gorham nominated Commissioner Duval to serve as Vice Chair for 2024.

There were no other nominations.

Members Duval, Gorham, Grunenwald, and Stenglein voted “aye”. No member voted “nay”. The Chair declared the appointment of Commissioner Duval as Vice Chair carried.

#5 Approval of Agenda

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

#6 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND STENGLEIN, DULY CARRIED, TO APPROVE THE MINUTES FROM THE DECEMBER 20, 2023 MEETING.

#7 Unfinished Business

7a. Conduct Public Hearing and Consider Proposed Short-Term Rental Ordinance

DRAFT

Community Development Director Kramvik stated the City Council reviewed the draft ordinance at the December 4th meeting and has directed the Planning Commission to address some of their comments. There was interest in *"grandfathering"* in existing short-term rental properties from the proposed caps in number of allowed short-term rentals by one owner.

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

No one came forward.

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

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GRUNENWALD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE SHORT-TERM RENTAL ORDINANCE AS PRESENTED WITH THE MODIFIED LANGUAGE AS DISCUSSED.

#8 New Business

8a. Review Proposed Administrative Subdivision Ordinance

Community Development Director Kramvik gave a brief review of the administrative subdivision ordinance draft with the recommended updates.

Commission discussion took place. The ordinance will be brought to the February Planning Commission meeting for a public hearing.

8b. Conduct Public Hearing and Consider Conditional Use Permit for a 12-Plex Apartment at PID 41040887 (Withdrawn)

Community Development Director Kramvik indicated the permit has been withdrawn by the property owner to allow more time to prepare appropriate documents. The item should be ready for the February Planning Commission meeting.

#9 Public Forum

The Chair opened the public forum at 6:19 pm.

No one came forward.

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

#10 Staff Reports

Community Development Director Kramvik made the following updates:

- The final agreements for the Country Manor project were all approved by the City Council, as well as the tax abatement proposal. The goal is to start the summer of 2024, but they have been approved for a two-year delay if necessary.
- The City Council denied the Interim Use Permit for 701 4th St SW for a short-term rental due to operating without the necessary licenses and permits. Commissioner Duval indicated he felt the Commission did a great job on this review based on land use and the comprehensive plan. He felt

the topics of other details such as licensing are in the Council's hands to make the final decision.

- Staff will attend a roundtable discussion on January 31st regarding cannabis and zoning regulations with the dispensaries.

#11 Commission Member Report

Commissioner Duval stated there are two vacant positions with the Commission and urged the community to seek involvement with boards and committees.

Commissioner Gorham made some comments regarding the bylaws and continuing education.

#12 Adjournment

MOVED AND SECONDED BY COMMISSIONERS GRUNENWALD AND DUVAL, DULY CARRIED, TO ADJORN AT 6:31 PM.

_____

Don Gorham, Planning Commission Chair

DRAFT

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: February 21st, 2024

RE: Review Proposed Administrative Subdivision Ordinance and Hold Public Hearing

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INTRODUCTION

Administrative subdivisions constitute property line adjustments that do not need recommendation and approval by the Planning Commission and the City Council. Administrative subdivisions can be boundary line adjustments, lot consolidations, lot splits, or base lot subdivisions. Most municipalities are more restrictive than state statute on the number of lots that can be consolidated or split. The City of Brainerd Subdivision Ordinance currently allows for the creation or adjustment of no more than two lots.

The Planning Commission reviewed the proposed ordinance at the January 17th meeting and had no additional comments. The Commission directed staff to bring the ordinance back to the next meeting and to conduct the public hearing.

OBJECTIVES

Engineering firms and surveyors have a difficult time interpreting the current ordinance, specifically regarding lot consolidations and boundary line adjustments. In addition to amending the definitions of allowable administrative subdivisions, staff recommends adding a restriction on when parcels are allowed to apply for another administrative subdivision. The following are staff objectives for the proposed ordinance:

1. Create better definitions for boundary line adjustment and lot consolidation.
2. Allow for the adjustment or consolidation of three properties rather than two to reduce the administrative burden on developers and builders.
3. Allow for the base lot subdivision of commercial buildings.
4. State a clear restriction on when the parcel can be administratively subdivided in the future.

RECOMMENDATION

Review the Proposed Ordinance and conduct the public hearing. The full Administrative Subdivision Section can be reviewed at the following link: Section 500-6 Administrative Subdivisions

ORDINANCE
NO. 15xx

AN ORDINANCE AMENDING SECTION 500-6 OF THE SUBDIVISION ORDINANCE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Administrative Subdivisions - Section 500-6-1 Qualification is hereby amended as indicated, with deleted language struck out and new language underlined:

500-6-1: Qualification

The following shall be considered an administrative subdivision:

A. Boundary Line Adjustment. ~~Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two (2) lots.~~ An exchange of land between no more than three (3) adjacent lots that does not create an additional parcel. Newly created lots shall conform to the design and performance standards of the Brainerd Subdivision and Zoning Ordinances.

B. Lot consolidation. The elimination of boundary lines between no more than three (3) adjacent lots under common ownership, for the purpose of development and/or construction that would otherwise be placed across a boundary line or result in inconsistency with applicable current regulations such as, but not limited to water supply, sewage disposal, building code requirements, minimum lot size requirements, critical area buffer requirements, zoning setback requirements or shoreline setback requirements. Newly created lots shall conform to the design and performance standards of the Brainerd Subdivision and Zoning Ordinances.

C. Property Split. The simple division of a single parcel, tract or lot to create no more than two (2) lots and the newly created property line will not cause the remaining portion of the lot or any structure to be in violation with this Ordinance or the Brainerd Zoning Ordinance.

D. Base Lot Subdivision. In the case of a request to divide a base lot upon which a two family dwelling, townhouse, ~~or a~~ quadraminium, or commercial building, which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit or a single commercial unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance, the Brainerd Zoning Ordinance, or the International Building Code (IBC).

SECTION TWO: Section 500-6-6 Restrictions and Limitations is hereby added to Section 500-6 Administrative Subdivisions with the following language underlined:

500-6-6: Restrictions and Limitations

A. Administrative subdivisions shall not be permitted on any parcel previously approved for an administrative subdivision for a period of five (5) years. Prior to the five (5) year expiration, a property owner who wishes to further adjust, consolidate, or split at lot shall meet the requirements of Section 500-4 Preliminary Plat and Section 500-5 Final Plat.

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

Adopted this _____day of _____, 2024

_____
KELLY BEVANS
President of the Council

Approved this _____day of _____, 2024

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

Published: One Time – _____

NOTICE OF HEARING

The City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 500-6 Administrative Subdivisions of the Brainerd Subdivision Ordinance. The proposed ordinance will create better definitions for boundary line adjustment and lot consolidation, allow for the adjustment or consolidation of three properties rather than two, allow for the base lot subdivision of commercial buildings, state a clear restriction on when the parcel can be administratively subdivided in the future.

A Public Hearing to consider this ordinance will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, February 21st, 2024, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

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

Dated this 8th day of February, 2024

James L. Kramvik
Community Development Director

Publication Date: February 10, 2024

Planning Commission
Agenda Request

MEETING DATE: February 21, 2024

TITLE OF ITEM: Discussion on the Proposed Short-Term Rental Ordinance *(added item)*

AGENDA:

ACTION REQUESTED: Discussion Item

SUBMITTED BY:

DEPARTMENT: Community Development

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE:

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION:

FINANCIAL IMPACT:

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: February 21st, 2024

RE: Discussion on the Proposed Short-Term Rental Ordinance

INTRODUCTION

The City Council conducted the second reading of Proposed Ordinance 1561 regarding short-term rentals at their regularly scheduled February 21st meeting. The motion to approve the ordinance as proposed failed by a 4 to 3 vote. Council members provided the following comments:

1. Council Member O'Day voted against the ordinance based on the fact that the ordinance did not exclude the Town Center and Mainstreet Districts from the municipal caps. In past meetings, Council Member O'Day believed this area could benefit from tourists staying downtown and may help incentivize owners to revitalize their buildings.
2. Council Member Johnson voted against the ordinance as he stated that he did not like the cap of one, or the grandfather clause that one person gets to own three but did believe the cap of twenty is ok.
3. Council Member Stenglein supports the ordinance because if someone wanted to open up a hotel in the downtown district that would be great, but the piecemeal short-term rental approach wouldn't be a fit for our downtown. This ordinance is meant to be more restrictive than where we want to be because it is easier to loosen up than try to become more restrictive later. This is not meant to be a permanent ordinance but puts blocks in place to adjust as needed in the future.
4. Council Member Czeczok voted against the ordinance as he does not believe in the limitation of one per person but understands the grandfathering clause and was in favor of it because the individual already had three and would be penalizing them for something they were doing in good faith. Having a cap of twenty is an arbitrary number. He thinks there are many reasons we should let people do more with their property as they feel is best for them.
5. Council President Bevans voted yes and agreed with Council Member Stenglein that it would be easier to loosen up restrictions in the future rather than attempting to reign in existing short-term rentals in the future if it becomes a problem. Council Member Bevans believes there are restrictions in the ordinance that are questionable but believes we have to start somewhere and that this is a pretty good place to start. We can always reevaluate, but if we do nothing it could become a problem.

6. Due to a tied vote with Council Member Terry not present, Mayor Badeaux voted against the ordinance. He stated that there were not many changes from the last time it was presented to Council. He stated there are things that he really liked and things that he really doesn't like and believes the ordinance as presented is not the right way to do this.

CITY COUNCIL RECOMMENDATION

Council Member Czeczok motioned to recommend that we keep the recertification at the end of the year, remove the cap with no limitation to the number owned by an individual, and to send it back to the Planning Commission. The motion was approved by a 5 to 1 vote.

STAFF RECOMMENDATION

Review the comments and recommendations from the City Council, direct staff to amend the ordinance, and direct staff to bring the ordinance back to the next Planning Commission meeting for review and to conduct the public hearing.

ORDINANCE
NO. 1561

AN ORDINANCE AMENDING SECTION 515-3-34 OF THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 515-3-34 is hereby amended by adding and striking the following:

515-3-34 Short-Term Rentals

A. Definitions: For the purposes of this article, the following definitions apply:

1. Accessory Home Share (AHS): A rental where the property owner is a permanent resident of the homesteaded unit and is present on the premises during the rental period.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): A rental where the property owner permanently resides at the homesteaded unit but does not need to be present during the rental period.
3. Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present during the rental period.

B. Short-term rentals are subject to the following length of stay and total number of annual rental days:

1. Accessory Home Share (AHS): May allow a maximum of four (4) guests to stay on the premises a total of one (1) to twenty-eight (28) days.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of two (2) to seven (7) consecutive nights. ADVUL's may not be operated more than twenty-one (21) rental days per calendar year.
3. Vacation Dwelling Units (VDU): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of one (1) to twenty-eight (28) days.

C. Regulations: Any short-term rental must comply with the following minimum standards:

~~A.~~

~~1. The maximum rental period shall not be more than 28 consecutive nights~~.

1. The permit holder (owner) of a short-term rental must apply for and receive an Interim Use Permit.

a. The duration of the first Interim Use Permit granted to an applicant for a short-term rental at a premises shall be twelve (12) months.

~~2.~~ b. Renewal for an Interim Use Permit for an existing short-term rental at a premises shall be granted for a duration not to exceed twenty-four (24) months.

~~3.~~ 2. 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.~~3. 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. In 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.~~4. 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.~~5. 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.~~6. 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).

~~8.~~7. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.

~~9.~~8. 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.

9. 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.

10. The owner or property manager shall reside within 50 miles of the property. An emergency contact does not constitute a property manager. A property manager shall be a relative or compensated individual or company.

~~10.~~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.

~~11.~~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.

D. Municipal Caps and Restrictions:

1. Property owners, individuals, or companies are limited to the operation of one (1) VDU upon approval of an Interim Use Permit in the City at any given time.
2. There are to be no more than twenty (20) operational VDU's at any given time in the City and is granted on a first-come first-serve basis.
   a. There shall be no more than ten (10) total VDU's permitted in the Traditional Neighborhood Zoning Districts.
      I. Only one (1) VDU may be located on any platted block and shall not abut another property approved for a short-term rental.
   b. There shall be no more than ten (10) total VDU's permitted in the Contemporary Neighborhood Zoning Districts.
      I. Only one (1) VDU may be located on an platted block and shall not abut another property approved for a short-term rental.
3. No multi-family dwelling unit may contain more than one (1) short-term rental of any type at any given time.

E. Ownership, Applications, and Renewals:

1. Any property owner may utilize their permanent residence as an AHS or ADVUL upon the receipt of a rental housing license and the approval of an Interim Use Permit.
   a. A designated city official shall create a waiting list which will be posted on the City of Brainerd website with a recorded date and time of an interested applicant if the City has approved the maximum allotment of VDU's in the City or a zoning district.
      I. Applicants on the waiting list shall be contacted and given ten (10) days to submit a complete application and provide payment for their Interim Use Permit.
   b. All short-term rentals applying for renewal will be given preference over new applicants if they are compliant with the rental code, are without outstanding violations of the Code, and are not on a required management plan. The property

must have an approved Interim Use Permit by City Council prior to expiration of their existing permit.

I. Upon expiration of the Interim Use Permit, the property owner can no longer operate a short-term rental at the premises and will be required to reapply as a new applicant.

F. Previously Issued Permits and Operating Short-Term Rentals:

1. All short-term rentals operating under an existing interim use permit issued prior to the effective date of these standards shall be compliant with this section by December 31, 2024. All previously issued Interim Use Permits for short-term rentals shall expire December 31, 2024.

a. All short-term rental properties legally operating prior to the effective date of these standards are exempt from Paragraph D of this section, Municipal Caps.

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

Adopted this _____day of _____, 2024

_____
KELLY BEVANS
President of the Council

Approved this _____day of _____, 2024

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

Published: One Time – _____

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: February 21, 2024

RE: Consider Conditional Use Permit for a Day Care Facility at 418 8th Ave NE

INTRODUCTION

Tri-County Community Action (TCC) on behalf of Bethlehem Evangelical Lutheran Church has submitted a request for a Conditional Use Permit to operate a Commercial Day Care Facility at 418 8th Ave NE. Brainerd, MN 56401.

PUBLIC HEARING. Conditional Use Permit

CONTEXT

Parcel Number:	41191875
Zoning District:	Traditional Neighborhood 1 (TN-1) District
Property Area:	Approximately 2.62 acres
Adjacent Uses:	North: Car Wash & Single-Family Residence East: Car Dealership South: Area Education Center West: Commercial Retail & Dining
Adjacent Zoning:	North: Traditional Neighborhood 1 (TN-1) District North: Traditional Neighborhood 2 (TN-2) District East: General Commercial (GC) District South: General Commercial (GC) District West: General Commercial (GC) District

AERIAL MAP

FINDINGS OF FACT

1. The property at 418 8th Ave NE Brainerd, MN 56401 is in the Traditional Neighborhood 1 (TN-1) zoning district. Zoning Ordinance 515-3 Allowed Uses. Appendix A: Table of Uses allows for Commercial Day Care Facilities as a Conditional Use in the TN-1 District.
2. According to Section 515-3-14 Commercial Day Care Facilities. Day care facilities shall be allowed as a principal use, provided that the day care facilities meet all the applicable provisions of this Section:
    A. Lot Requirements and Setbacks. The proposed site for a day care facility must have a minimum lot area as required by the applicable Base Zoning District in which it is located and as determined by the Minnesota Department of Health and Human Services. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the health, safety, and general welfare of the public. The day care facility must meet the minimum setback requirements of the respective Base Zoning District. The City Council may increase setback requirements if considered necessary to ensure compatibility.
        i. The TN-1 zoning district has a lot size minimum of 5,000 SQFT. The total area for Bethlehem Evangelical Lutheran Church is approximately 2.62 acres. The

location of the proposed classrooms and outdoor play area meets the required setbacks of the TN-1 district along Mill Avenue which requires a side yard (corner) setback of 15 feet. The exact setback along Mill Avenue cannot be determined without a certificate of survey.

B. Sewer and Water. All day care facilities shall have access to municipal sewers and water or have adequate private sewers and water to protect the health and safety of all persons who occupy the facility.
   i. *The parcel in question at 418 8th Ave NE is connected to city sewer and water.*

C. Screening. A day care facility shall provide screening along any shared property boundaries, regardless of adjacent use.
   i. *Staff's interpretation of this requirement is for the screening of outdoor play equipment and uses. The proposed childcare facility will install a 6-foot fence with privacy slats to screen the outdoor play area. The outdoor play area will be located on the south side of the building as indicated on the site plan and will be additionally screened by existing trees.*

D. Parking. There shall be off-street parking located separately from any outdoor play area and must comply with all applicable standards.
   i. *The Applicant does not propose a play area on the parking lot. Additionally, the TN-1 zoning district does not have a minimum off-street parking requirement for the proposed use. The proposed day care facility will share the parking lot with the church and peak usage for day care parking and church parking will occur at opposite times of the day and week. The current facility has approximately 76 spaces.*

E. Loading. Off-street loading spaces must be provided.
   i. *The existing parcel has multiple spaces for child drop off and pick up. There will be no impact on surrounding streets.*

F. Signage. All signing and informational or visual communication devices shall be in compliance with the provisions of Section [515-3-35] of this Ordinance.
   i. *No signage is currently proposed in the plan documents submitted to the community development department at this time. Future signage requires a permit and will be in compliance with Section 515-3-35.*

G. Compliance with State Requirements. The building and operation shall be in full compliance with State of Minnesota, Department of Health and Human Services regulations and be licensed accordingly.
   i. *The operation of a Day Care Facility regardless of location is dependent on the issuance of a certificate of occupancy, which is not issued unless the business can demonstrate their adherence to all state Department of Health and Human Services standards. Thus, their licensing and compliance will be met before any operations occur at the proposed parcel.*

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

A. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on Appendix A: Table of Uses.
    i. *In accordance with the City of Brainerd Zoning Code Table of Uses, a day care facility is a permitted conditional use for parcels in the Traditional Neighborhood 1 (TN-1) Zoning District.*
B. The proposed use meets the regulations and standards established in this Ordinance.
    i. *The TN-1 Zoning District must meet the coverage and principal building standards as defined in Zoning Code Section 515-2-8.C.*
        1. *The applicant does not propose an expansion to the building or parking lot.*
        2. *The proposed outdoor play area meets all setback requirements of the TN-1 District. The six-foot chain link fence will not protrude further towards Mill Avenue than the façade of the building as indicated in the site plan.*
C. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
    i. *The proposed Day Care Facility at 418 8th Ave NE will be conducted entirely inside the building except for the outdoor play area which is screened by a 6-foot chain link fence. Neighboring properties will not be affected by the proposed use as the outdoor play area is adjacent to Mill Avenue and Washington Street.*
D. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
    i. *The plans as presented demonstrate no changes to the orientation of the building or landscaping. Staff is recommending that the privacy slats for the chain link fence be earth tone in color.*
E. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    i. *The submitted plans include no changes to the existing building's visual impression thus retaining its consistency with the neighborhood.*
F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
    i. *The attached 76 car parking lot and loading zone will accommodate the traffic presented by this use.*
G. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
    i. *Land Use - GOAL 3: Support and invest in the incremental enhancements of quality of life. Policy 2: Encourage and attract stores and services for the daily needs of our community.*
        1. *The City of Brainerd and the surrounding communities are in need of childcare. There is currently a childcare shortage in the region. The proposed day care center capable of hosting 16 children would help offset this burden for parents unable to find a place for their children.*

Further, this child care facility would add additional jobs to this community.

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. *This property is an existing fixture in its neighborhood that has access to all city utilities. The proposed childcare facility would allow an additional use to be conducted within the building.*

iii. *Economic Development - GOAL 2: Support our workforce and help them thrive. Policy 1: Collaborate with local partners and stakeholders to address industry workforce needs, creating a career and education pathway for residents of all ages.*
    1. *The shortage of childcare in the region is a concern for businesses and the workforce in the region. This project by TCC helps address a major need in the community.*

4. **Section 515-2.B.7 Conditions**. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses. Such conditions may include, but are not limited to, the following:

As of this writing, no parties have contacted the Community Development Department for more information on the Conditional Use Permit application for the proposed Commercial Day Care Facility at 418 8th Ave NE.

TCC had the Fire Marshal review the property for compliance with all Fire Code requirements. The Fire Marshal has no issues.

STAFF RECOMMENDATIONS

The Community Development Department recommends approval of the Conditional Use Permit for 418 8th Ave NE Brainerd with the following conditions.

1) Approved inspections and reviews by the Fire Marshal and Building Official prior to operation.
2) The 6-foot privacy fence slats shall be earth-tone in color and approved by the Community Development Director.

NOTICE OF HEARING

Notice is hereby given that Tri-County Community Action (TCC) on behalf of Bethlehem Evangelical Lutheran Church has submitted a request for a Conditional Use Permit to operate a Commercial Day Care Facility at 418 8th Ave NE. Brainerd, MN 56401. The property included in this application is described as:

THAT PORTION OF THE SW1/4 OF SE1/4 DESC. AS FOL: BEG. AT A POINT ON THE N. LINE OF SAID SW1/4 OF SE1/4, 224 FT E. OF THE NW CORNER THEREOF, THEN E. 300 FT ALONG SAID N. LINE, THEN S. PARALLEL WITH THE W. LINE OF SAID SW1/4 OF SE1/4 TO THE N'LY LINE OF STATE HWY #210, THEN SW ALONG THE N'LY LINE OF STATE HWY #210 TO A POINT DIRECTLY S. OF THE POINT OF BEG, THEN N. PARALLEL WITH THE W. LINE OF SAID SW1/4 OF SE1/4 TO THE PLACE OF BEG. EX. HWY. SUBJECT TO HWY EASEMENT OF RECORD. EXCEPT PART TO STATE OF MINN. SHOWN AS PARCEL 312 ON MINN. DEPARTMENT OF TRANSPORATION ROW PLAT # 18-22 ON FILE IN THE CO. RECORDERS OFFICE.

Parcel #: 41191875
Section 19, Township 45, Range 30

The property is zoned Traditional Neighborhood One (TN-1) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows Commercial Day Care Facilities as a conditional use in the TN-1 District. 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, February 21st, 2024, in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Conditional Use Permit request.

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

Dated this 06 day of February, 2024

James L. Kramvik
Community Development Director

Publication Date: February 10, 2024

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: 418 8th Ave. NE

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

Property Owner Name: Bethlehem Evangelical Lutheran Church
Street Address: 418 8th Ave. NE **City:** Brainerd **State:** MN **Zip Code** 56401
Phone Number: 218-829-3330 **Fax:** _____ **E-mail:** _____
Applicant Name: (If different than Property Owner) Jessica Martinson, Tri-County Community Action
Street Address: 2410 Oak Street **City:** Brainerd **State:** MN **Zip Code:** 56401
Phone Number: 320-630-1290 **Fax:** _____ **E-mail:** jessica.martinson@tccaction.com

Description of Request: We are requesting to operate 2 Early Head Start Classrooms (childcare rooms) at this location. The total enrollment at this time will be 16 children, 8 children in each room. There will be 6 staff, 3 in each room. We will need room for approximately 16 vehicles during drop off and pick up. Operating hours will be 6 am to 6 pm. There will be a 6 foot screened fence added for a outdoor playground (see map) with mobile play equipment. The Early Head Start (childcare) rooms will not be in session when church services are being held.

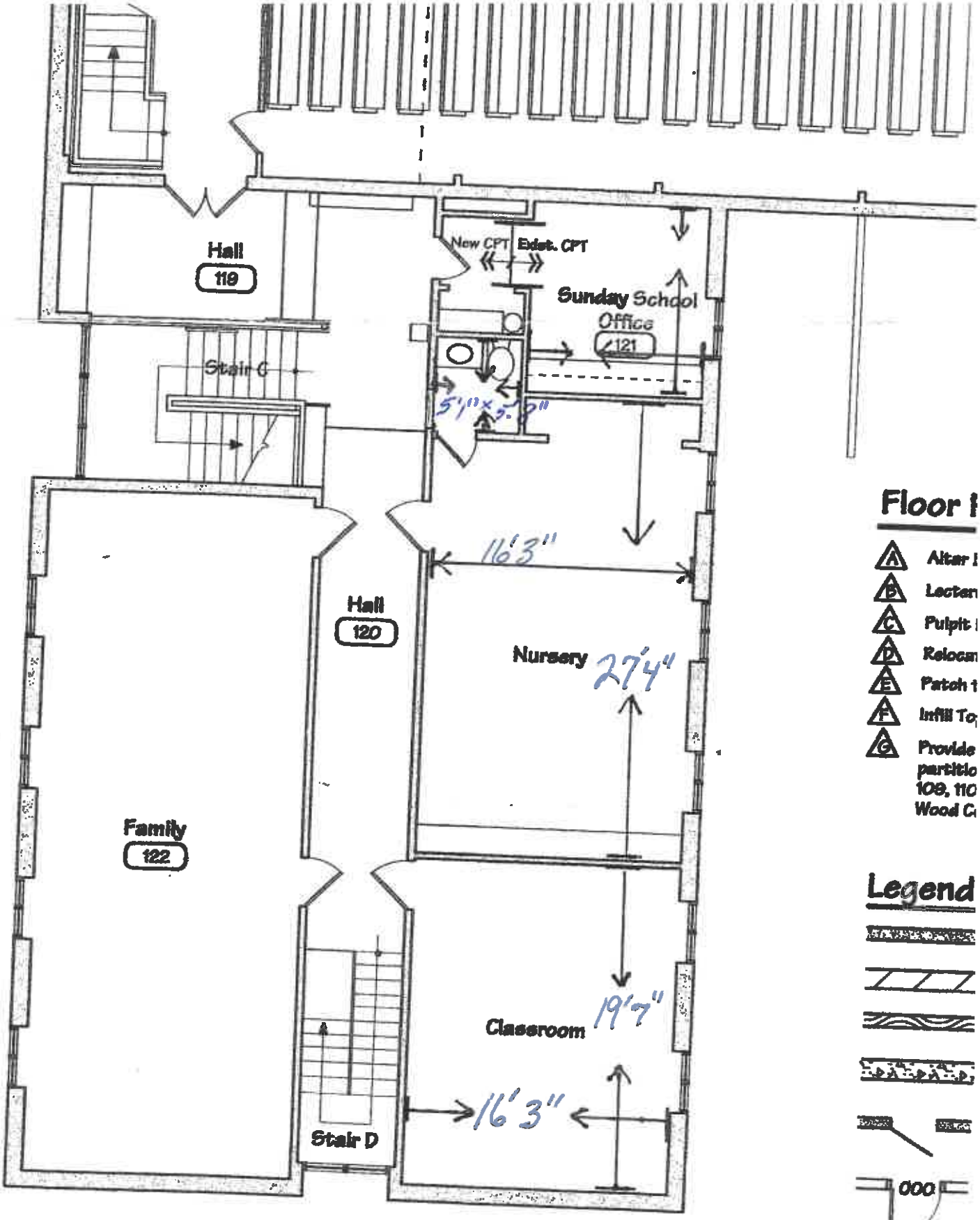
Curtis J Nielsen — 2/5/2024
Property Owner Signature — **Date**

Curtis J. Nielsen, Treasurer
(Please print name)

Jessica Martinson — 01/17/2024
Applicant Signature — **Date**

Jessica Martinson
(Please print name)

(OVER)



Floor

A Altar
B Lectern
C Pulpit
D Relocat
E Patch t
F Infill To
G Provide partitio 109, 110 Wood C

Legend

000

BFE

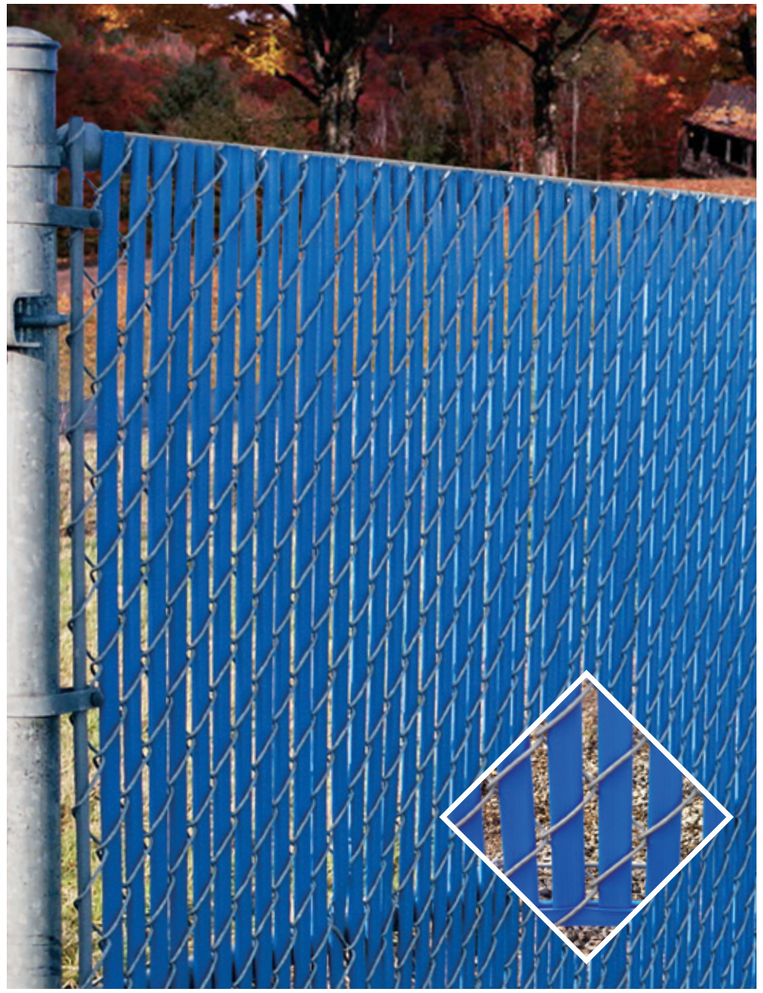
2 / A3 Main Level Floor Plan

SCALE: 1/8" = 1'-0"

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 1/2/2024 Time: 10:32 AM

Bottom Lock



The bottom-lock slat provides an economical and attractive way to enhance any chain link fence.

Pexco is the largest manufacturer of Bottom-Locking Slats, which are marketed under the PDS® brand name. With over 40 years of experience extruding this product and an exclusive, proprietary, locking design, you can be assured of the highest standards in quality—from the raw materials used in manufacturing to the finished product in your fence.

Design
Bottom-lock slats are flat and tubular in shape, with reinforced "legs" inside for extra durability. Our proprietary locking channel provides a "snap-in" locking effect for security and to deter vandalism.

Standard Heights
4, 5, 6, 7, 8, 10 and 12 feet. Special heights available upon requests.

Wind Load and Privacy Factor
Approximately 75%.

Slat Length
3½" shorter than overall height of fence.

Colors*

white | green | brown | black | beige | gray | redwood | royal blue | light blue

* Exact representation of slat colors in printing is difficult. Please refer to actual color samples for final matching.

Covered by one or more of the following patents: US Patent 6,068,243 / 5,165,664 / 5,234,199

PDS® FENCE PRODUCTS

PDS® is a registered trademark of Pexco.

Bottom Lock Product Specifications

Slat Type	Slat Width	Mesh Size	Wire Gauge	Slats Per Bag	Approx. Coverage Per Box
Bottom Lock 2"	1 3/32"	2"	8, 9 or 11	82	10 linear feet
Bottom Lock 2¼"	1¼"	2¼ or 2 3/8"	11½ or 12½	78	10 linear feet
Bottom Lock 1¾"	7/8"	1¾"	8, 9 or 11	100	10 linear feet
	7/8"	2"	6	100	10 linear feet

Materials
The Bottom Lock product is extruded from High Density Polyethylene (HDPE), color pigments and ultra violet (UV) inhibitors, specifically designed to retard the harmful effects of the sun and lengthen the life of the product.

Durability
Pexco PDS® HDPE Fence Products are resistant to: severe weather conditions, salt water, sand, road dirt, most acids, alcohol, alkaline, ammonia, petroleum distillates and common environmental pollutants.

Maintenance
Pressure cleaning of surface contaminants is quickly accomplished with plain water.

Wind load Disclaimer
Pexco will not be responsible for fence damage resulting from wind load conditions due to insufficient structural support.

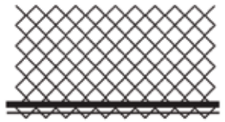
Limited Warranty
Bottom Lock carries a 25-year, pro-rata warranty against breakage under normal conditions. Write Pexco for full warranty information.

HDPE Technical Properties

Property	Value
Melt Index	(.6) A low melt index indicates improved stress and crack resistance.
Density	(.957) Polyethylene ranges anywhere from .914 to .960 in density. A higher density yields maximum stiffness without becoming overly brittle.
Minimum Temp.	(-76° F) Polyethylene stays flexible even at this temperature extreme.
Maximum Temp.	(250° F) Polyethylene does not distort until reaching this temperature.
Tensile Strength	(3,700 psi) Material will not suffer distortion at lesser loads or impacts.

Installation Instructions

Step 1



Insert rail horizontally in first full diamond at bottom of fence with open side facing up.

Step 2

Insert vertical slats with beveled/notched end downward. Slat engages and interlocks with bottom rail.

Step 3

Push the vertical slat into the horizontal channel to lock-in place.

PDS® FENCE PRODUCTS

Pexco Tacoma
Tacoma, WA
800.822.SLAT
(7528)

Pexco Athol
Athol, MA
800.755.SLAT
(7528)

www.pexco.com/fence

Contact your local fence professional for more information about our complete line of enhancement products.

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: February 21, 2024

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

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INTRODUCTION

Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a Conditional Use Permit Amendment for parcel 41040887 which is located between (NW 3rd St and NW 2nd St) and (Jackson St and James St.). The purpose of this Conditional Use Permit request is to construct a residential 12-unit multi-family apartment building consisting of two 2-bedroom units and ten studio apartment units.

PUBLIC HEARING. Conditional Use Permit Amendment

CONTEXT

Parcel Number: 41040887

Zoning District: Traditional Neighborhood 2 (TN-2) District

Property Area: 53,700 SQFT

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

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

AERIAL MAP

FINDINGS OF FACT

1. **PID 41040887** is located in a TN-2 (Traditional Neighborhood 2) District. Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the construction of multi-family attached dwelling units (5+ Units) as a conditional use in the TN-2 District.
    a. *The applicant proposes the construction of a 12-unit apartment that has 10 studio units and 2 two-bedroom units. The complex will also contain a laundry room for resident use and a common room.*
    b. *The original proposed 12-unit apartment approved as a conditional use contained eight 430 SQFT efficiency units, two 910 SQFT two-bedroom units, and two 1,040 SQFT three-bedroom units.*
2. According to Section 515-6-2.C.8 Definitions of Use, Standards and Terms the definition of a Multi-family Dwelling is a building designed with five (5) or more dwelling units exclusively for occupancy by five (5) or more families living independently of each other. Such buildings may have common hallways and main entrances or have private entrances. Multi-family buildings may include, but not be limited to, efficiency units, one-bedroom, two bedroom, and three-bedroom units.
    a. According to Section 515-4-2.C.1 Multiple family dwelling units shall have the following minimum floor area per unit:

i. Efficiency Units 400 square feet
ii. Two Bedroom Units 700 square feet
iii. More than Two Bedroom Units An additional 100 square feet per bedroom
    1. *The applicant is proposing ten (400 SQFT) efficiency units and two (700 SQFT) two-bedroom units. All units meet the size requirements of the zoning code.*

3. Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards
    a. Lot Size (minimum) – 4,000 SQFT
    b. Density (range) - 9 – 20 DU/AC (20+ DU/AC requires CUP)
    c. Front Yard Setback (range) – 0' – 20' if Commercial
    d. Side Yard Setback – 5'/10' corner
    e. Rear Yard Setback – 10'
        i. *The proposed structure meets the rear and side yard setback requirements of the TN-2 District. The applicant is adjusting the site plan to meet the maximum required front yard setback of 20'.*
        ii. *The proposed lot includes 12-units on a 53,700 SQFT property which is 9.73 dwelling units per acre. This number is within range of the density requirements of the TN-2 District.*
4. Table 515-4-12.3 Parking Space Minimum
    a. Attached Single-Family Dwellings, Accessory Dwelling Units, Multi-Family and Manufactured Homes within Manufactured Home Parks: Studios = one (1) space per dwelling unit and Two (2) bedrooms = two (2) spaces per dwelling unit.
        i. *The applicant is proposing a 12-unit apartment with 10 studio units and two 2-bedroom units which require 14 parking spaces. The proposed site plan includes 17 parking spaces with 2 handicap spaces which meets the zoning code requirement.*

5. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
    a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
        i. *Multi-family apartments are a conditional use in the TN-2 District. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses.*
    b. The proposed use meets the regulations and standards established in this Ordinance.
        i. *There are no special standards associated with this use.*
    c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
        i. *The structure will not be dangerous, injurious, or noxious to the surrounding properties.*

d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
    i. Per Section 515-4-10.G.2 One (1) shrub shall be planted for every five (5) lineal feet of parking lot perimeter that is adjacent to a public street.
        1. *The applicant has proposed plantings along NW 3rd St. The Planning Commission previously required parking lot screening for the East side of the parking lot. However, the parking lot has been considerably reduced in size and the applicant has proposed trees and shrubs on the East end of the property.*
    ii. In all Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts new lots or development shall include landscape plantings as identified in Table [515-4-10.2]. A minimum of one deciduous tree shall be planted in the front yard within 10-feet of the front property line, or right-of-way line. Trees retained on site following development can be reduced from the total required plantings.
        1. *The proposed lot is a double frontage lot, therefore the total lot width at the right-of-way is (2 x 179 ft) = 358 ft. A total of 1 tree per each 25' is required. The lot is required to have a total of 14 trees. The applicant is proposing 18 trees with a mixture of coniferous and deciduous trees.*
    iii. Four (4) shrubs shall be planted per dwelling unit.
        1. *The landscape plan meets this requirement with a total of 52 shrubs.*
e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    i. *The proposed use is consistent with the environment and the neighborhood as there are other multi-family residential structures in the neighborhood.*
    ii. As required by Section 515-4-2.C.2 Exterior Building Materials. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors.
        1. *The proposed building meets these requirements as the rendering shows a different siding pattern and color between the first and second floors.*
f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
    i. *As indicated in the parking calculation section, this site will have the necessary parking spaces and there should not be an increase in traffic congestion within the neighborhood streets.*
g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
    i. **Economic Development Goal 1**: Support infill and redevelopment throughout Brainerd as a strategic component of growth.
        1. **Policy 1**: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.

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

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

STAFF RECOMMENDATION

Staff recommends approval of the Conditional Use Permit Amendment for the construction of a 12-unit multi-family apartment at PID 41040887.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a Conditional Use Permit amendment to the original Conditional Use Permit for a redesign of the original 12-plex that will now contain two 2-bedroom units and ten studio apartment units.

The property is legally described as:

Creekside Community Development Lot 1 Block 1
P.I.N. 41040887
Section 4, Township 133, Range 28

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

A Public Hearing to consider this conditional use permit amendment will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, February 21st, 2024, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

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

Dated this 06 day of February, 2024

James L. Kramvik
Community Development Director

Publication Date: February 10, 2024

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	[X]	($350.00)	[ ]	($500.00 + $500.00 escrow deposit)
REZONING	[ ]	($350.00)	[ ]	($500.00)
VARIANCE	[ ]	($350.00)	[ ]	($500.00 + $500.00 escrow deposit)
ZONING TEXT AMENDMENT	[ ]	($250.00)	[ ]	($400.00)

PROPERTY ADDRESS: TBD 3rd Street, Brainerd, MN

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: Parcel #41040887
(attach description if lengthy)

Property Owner Name: My Neighbor to Love Coalition

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

Phone Number: 218-821-7875 **Fax:** _____ **E-mail:** vicky@mntlc.org

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

Street Address: 8660 Fernmont Rd. **City:** Lake Shore **State:** MN **Zip Code:** 56468

Phone Number: 218-821-7875 **Fax:** _____ **E-mail:** _____

Description of Request: Amendment to our CUP: Change building design of a 12-unit apartment complex. New design will have two 2-Bedroom units and 10 efficiency units. Parking stalls will follow updated zoning code.

Vicky Kinney
Property Owner Signature

2-1-2024
Date

Vicky Kinney
(Please print name)

_____
Applicant Signature

_____
Date

_____
(Please print name)

(OVER)

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

This apartment building is designed to meet the housing needs of both single adults and families, who have lower incomes. There will be 10 studio units and 2 two-bedroom units. The complex will also contain a laundry room for resident use and a common room. Six of the studio units will be on the main level while four units will be on the 2nd level. The studios are 400 square feet. The two-bedroom units are 700 square feet and on the main level.

Landscaping –

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

- North side screening buffer planting bed edging the parking lot will contain 4-foot-high bushes of either Spirea or other species such as Ninebark, Dwarf Korean Lilac, Spirea, and Hydrangea, with Karl Forester, Blue Stem, or Silver Grasses or similar grasses planted between the bushes.

- Bushes surrounding the complex will range in species dependent on sun exposure and availability. For north facing bushes, the varieties will be Snowberry, Dogwood, Firedance Dogwood, Chokecherry. Bushes getting more sun exposure will be fruit bearing such as blueberry, or a combination of edible perennials such as rhubarb, or other species such as Alpine Currant, Hydrangea, Ninebark, Spirea, or Potentilla. A variety of perennials may replace some of the bushes.

- Japanese Lilac trees or another ornamental variety will be planted between the parking lot and north side of the complex.

- Trees – The deciduous trees within 10 feet of the ROW on 3rd Street and on the east side of the property will be of a variety of either Birch, Flowering Crab, Service Berry, Ohio Buckeye, Elm, Linden, Oak, or Maple.

- The conifer trees facing 3rd Street will be at least 4' high Spruce or Pine.

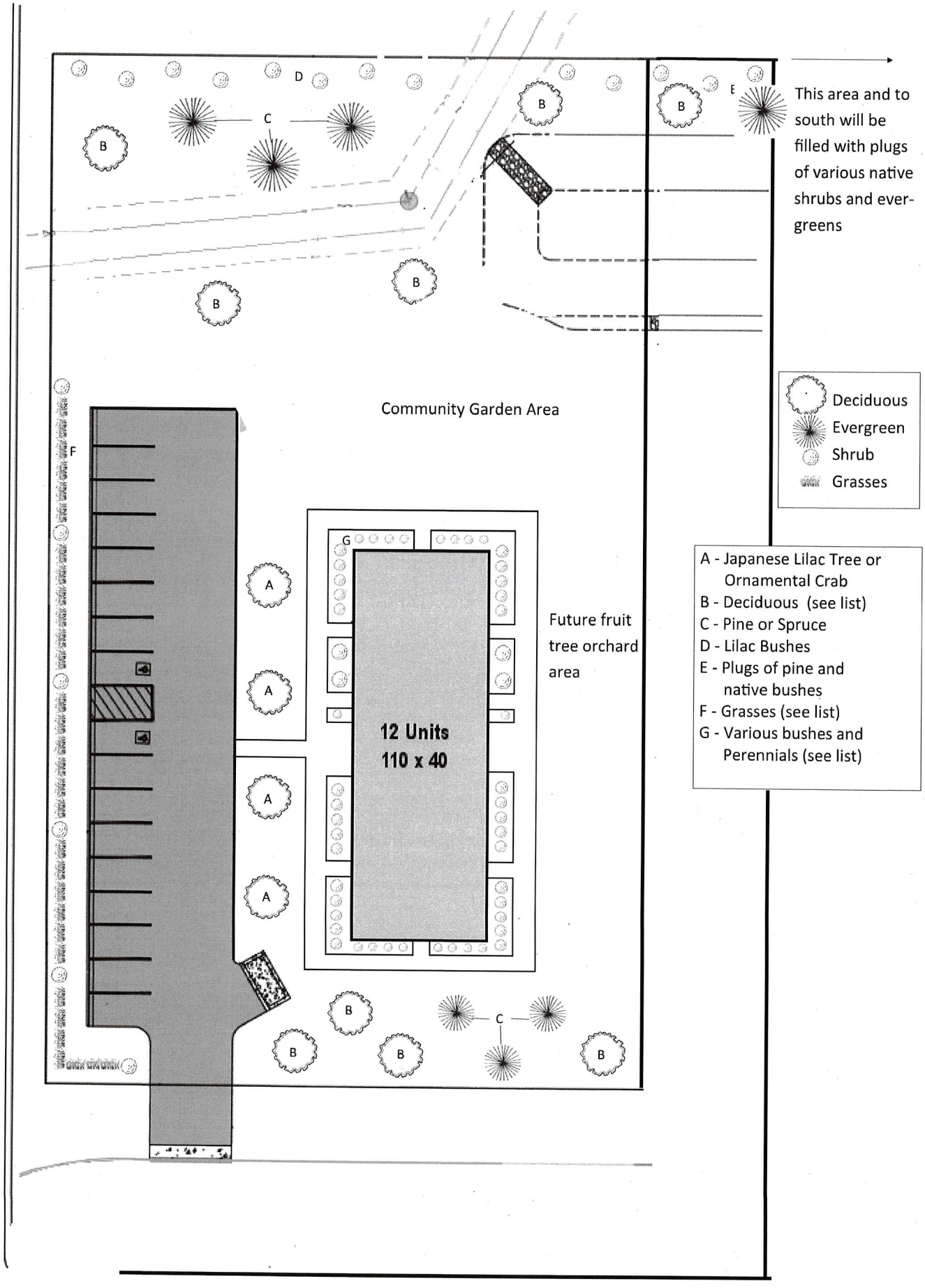
- On the east side of the property facing 2nd Street will be 5-gallon Lilac bushes spaced 10' on center.

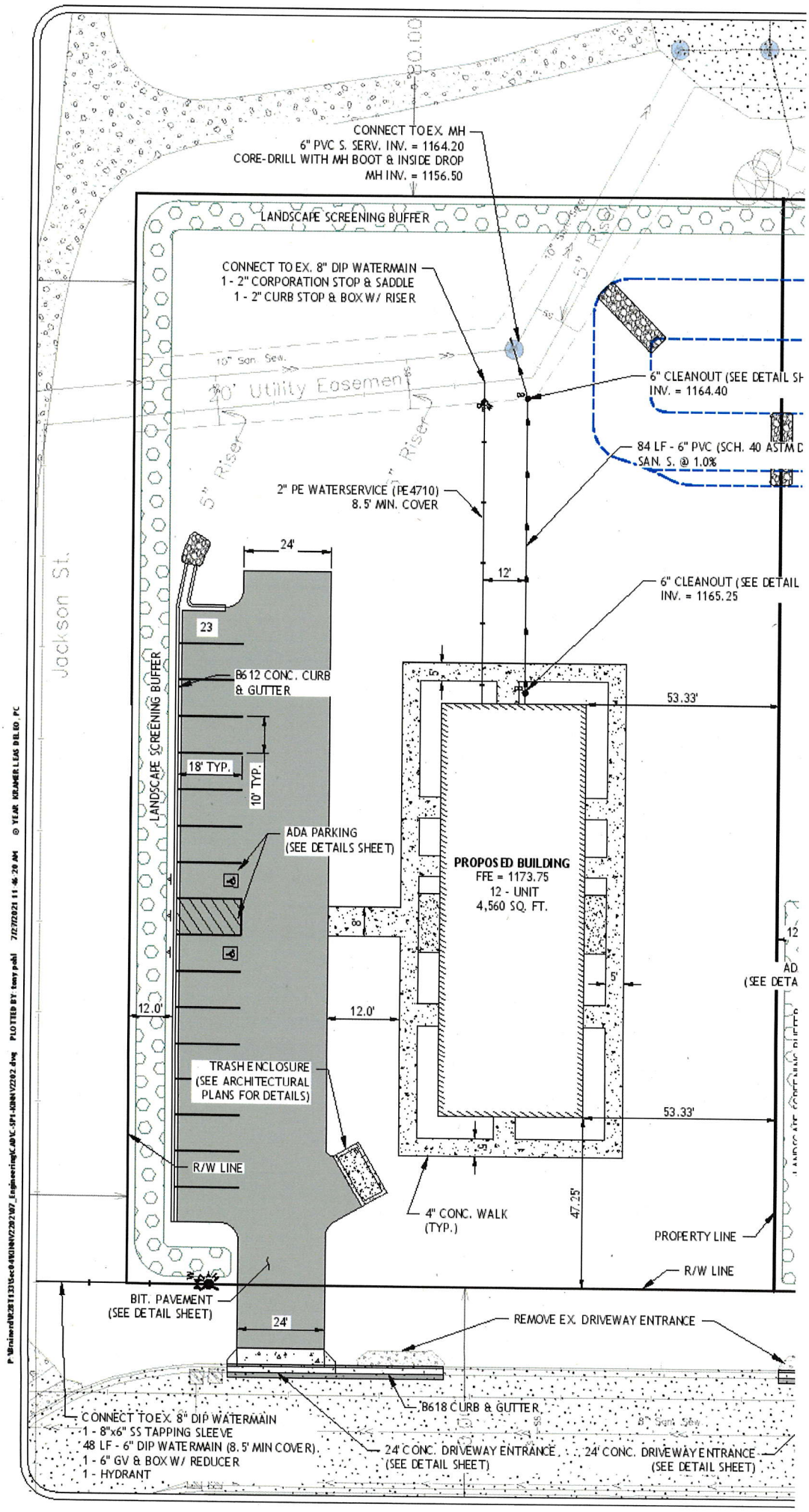
- A future orchard area will contain fruit bearing trees variety such as Apple, Plum, or Pear.

- One the east side of the property and continuing onto the adjacent lot will be 50 evergreen plugs and 50 additional plugs of a variety of bushes such as lilacs, service berry, hazelnut, dogwood, and chokecherry. Additional trees may be planted along this side for added privacy.

- A Community Garden is planned on the east side of the complex.

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


This area and to south will be filled with plugs of various native shrubs and ever-greens
Community Garden Area
Deciduous
Evergreen
Shrub
Grasses
A - Japanese Lilac Tree or Ornamental Crab
B - Deciduous (see list)
C - Pine or Spruce
D - Lilac Bushes
E - Plugs of pine and native bushes
F - Grasses (see list)
G - Various bushes and Perennials (see list)
Future fruit tree orchard area
12 Units
110 x 40



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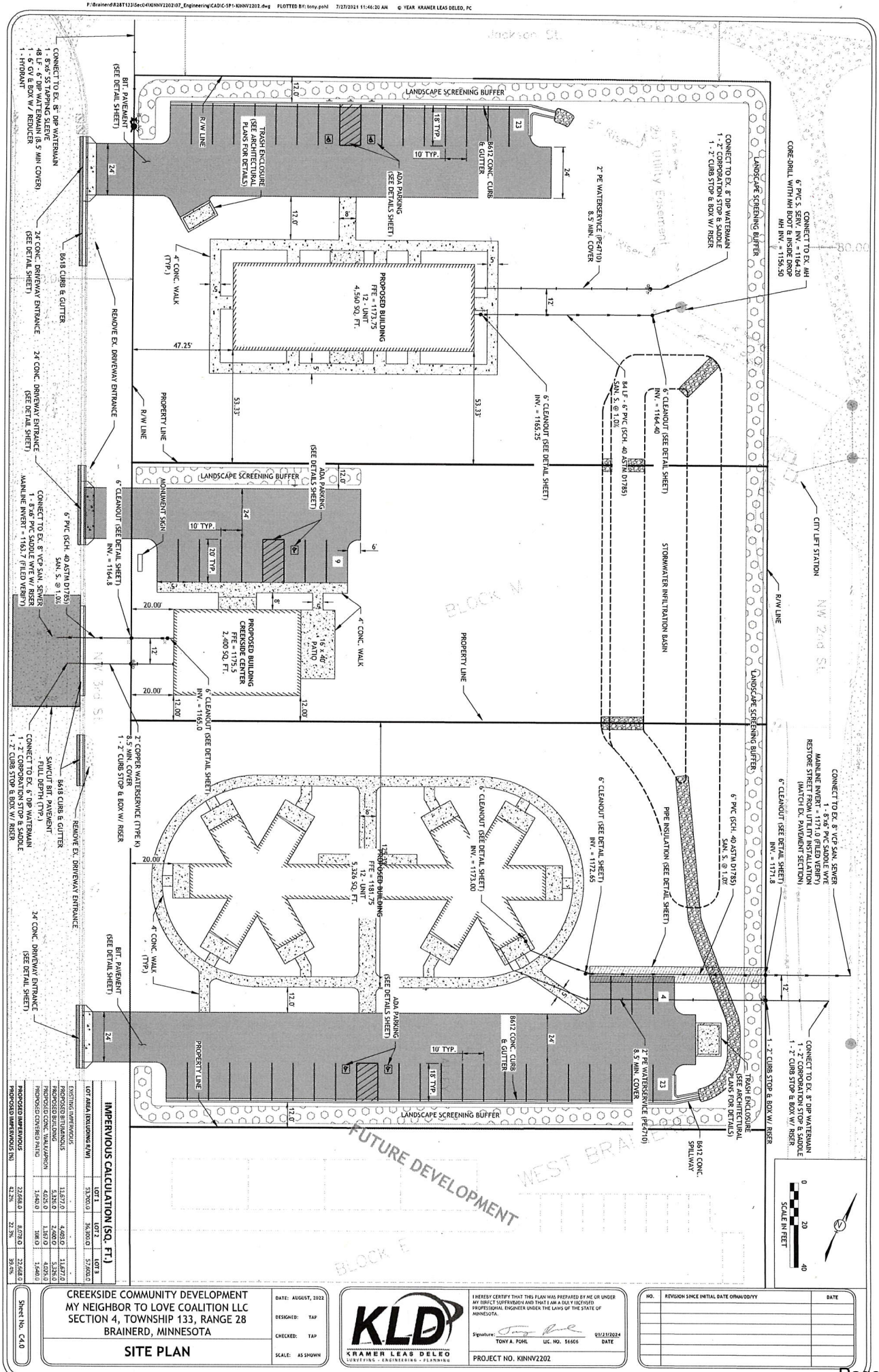


IMPERVIOUS CALCULATION (SQ. FT.)

	LOT 1	LOT 2	LOT 3
LOT AREA (EXCLUDING R/W)	53,700.0	36,300.0	57,600.0
EXISTING IMPERVIOUS	-	-	-
PROPOSED BITUMINOUS	13,677.0	4,403.0	11,677.0
PROPOSED BUILDING	5,326.0	2,400.0	5,326.0
PROPOSED CONC. WALK/APRON	4,025.0	1,167.0	4,025.0
PROPOSED COVERED PATIO	1,540.0	108.0	1,540.0
PROPOSED IMPERVIOUS	22,668.0	8,078.0	22,668.0
PROPOSED IMPERVIOUS (%)	42.2%	22.3%	39.3%

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

SITE PLAN

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

Sheet No. C4.0

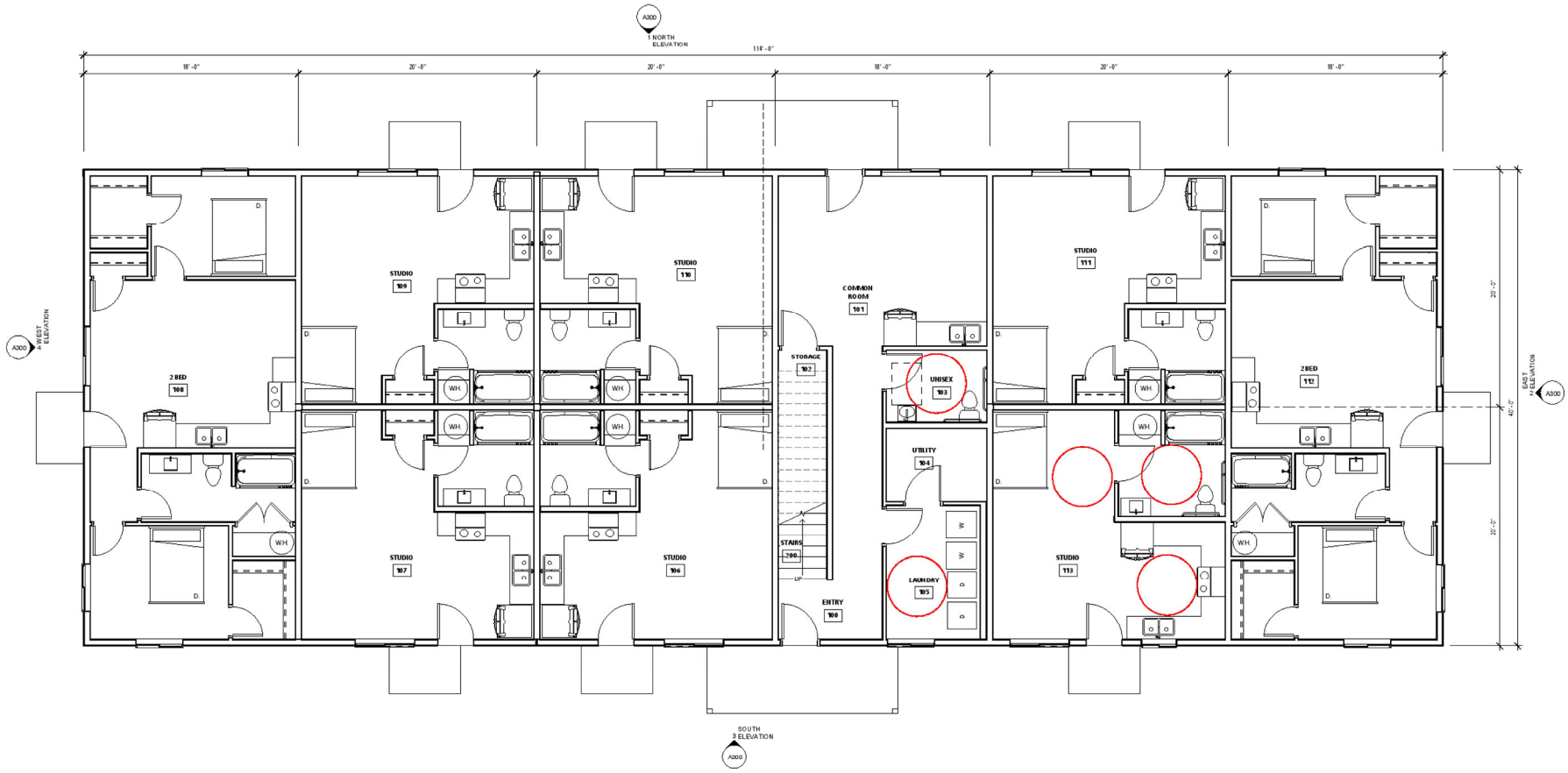
KLD
KRAMER LEAS DELEO
SURVEYING - ENGINEERING - PLANNING

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

Signature:
TONY A. POHL LIC. NO. 56606
01/31/2024 DATE

PROJECT NO. KINNV2202

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



1 / A100 LEVEL 01 FLOOR PLAN
1/4" = 1'-0"

NOR-SO
CONSTRUCTIO

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MY NEIGHBOR TO LOVE COALITION- 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

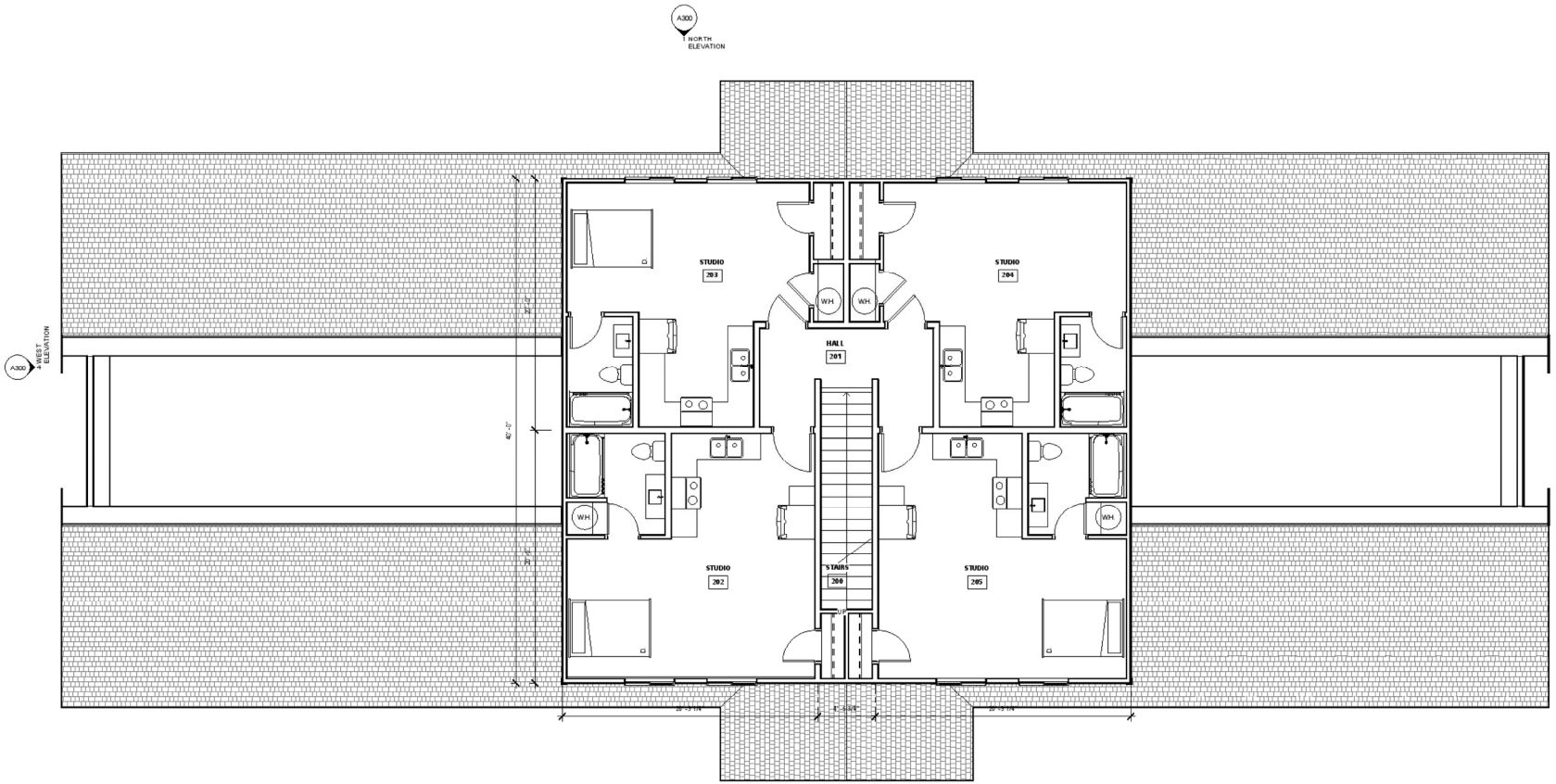
PRINTED: 1/15/2024 4:29:01 PM

PROJECT NUMBER:

REVISION	DATE

M.L. - FLOOR PLA

A100



1 / A116 LEVEL 02 FLOOR PLAN
1/4" = 1'-0"

NOR-SO
CONSTRUCTIO

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MY NEIGHBOR TO LOVE COALITION- 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

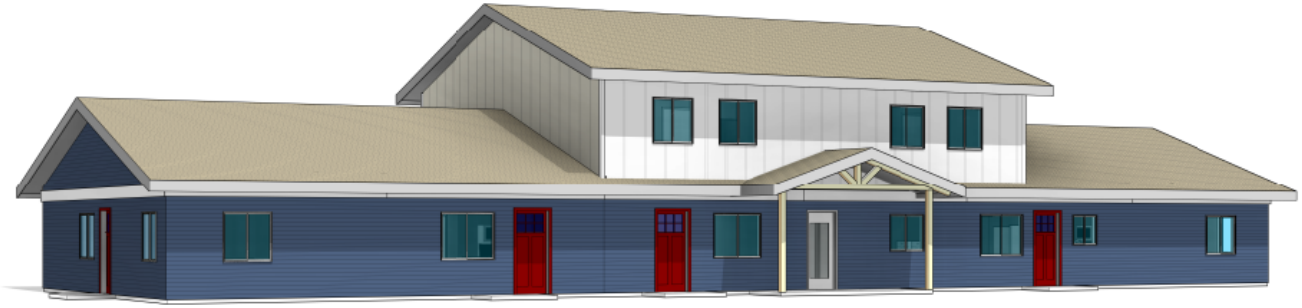
PRINTED: 1/15/2024 4:29:02 PM

PROJECT NUMBER:

REVISION	DATE

U.L. - FLOOR PLAN

A110



SOUTH ELEVATION
3/16" = 1'-0"

WEST ELEVATION
3/16" = 1'-0"

NORTH ELEVATION
3/16" = 1'-0"

EAST ELEVATION
3/16" = 1'-0"

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MY NEIGHBOR TO LOVE COALITION- 12 PLEX

BRAINERD, MN 56401

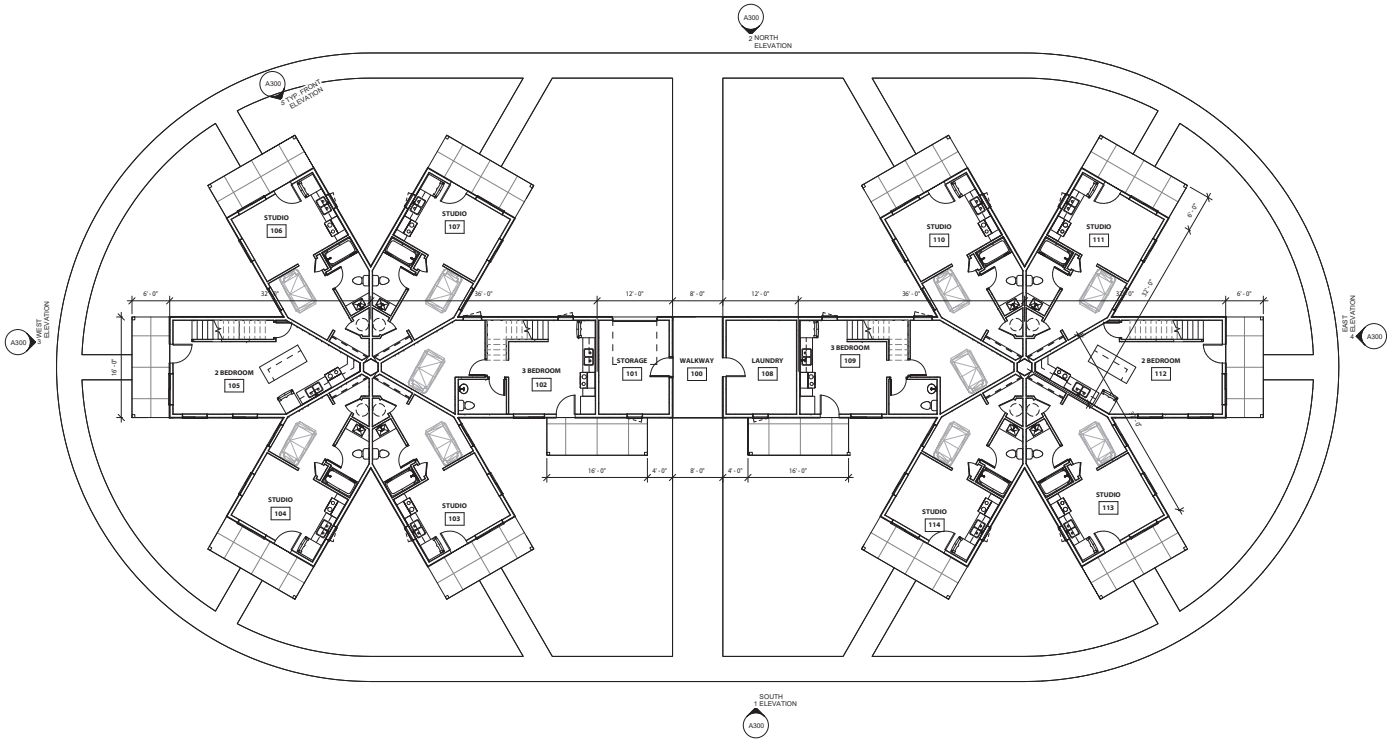
PRELIMINARY

PROJECT NUMBER: 3642

REVISION	DATE

BUILDING ELEVATIONS

A300



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

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MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

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

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

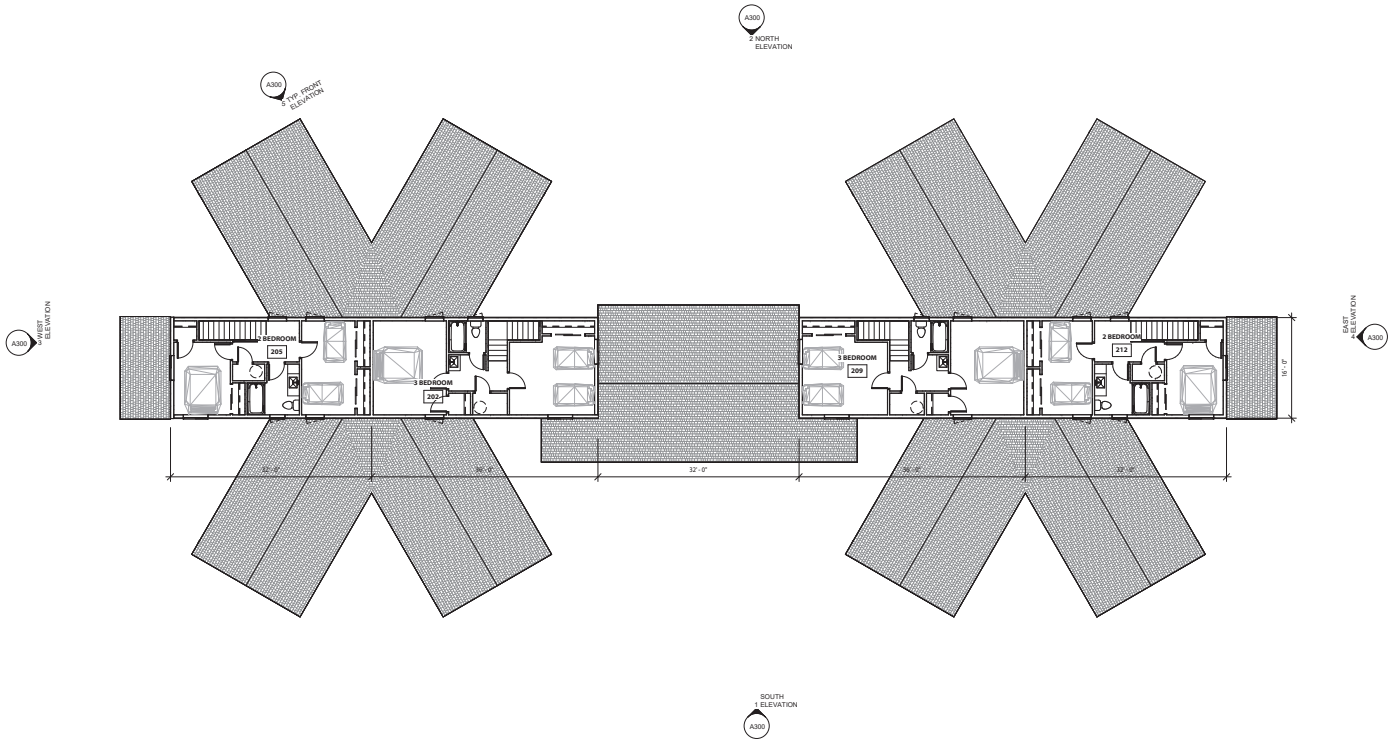
ERIC LARSON
Lic # 47862 10/03/2022

PROJECT NUMBER: 3962
ISSUED: 10/03/2022

⚠	REVISION	DATE

M.L. OVERALL FLOOR PLAN

A100



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

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MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

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ERIC LARSON
Lic # 47862 10/03/2022

PROJECT NUMBER: 3962
ISSUED: 10/03/2022

⚠	REVISION	DATE

U.L. OVERALL FLOOR PLAN

A110

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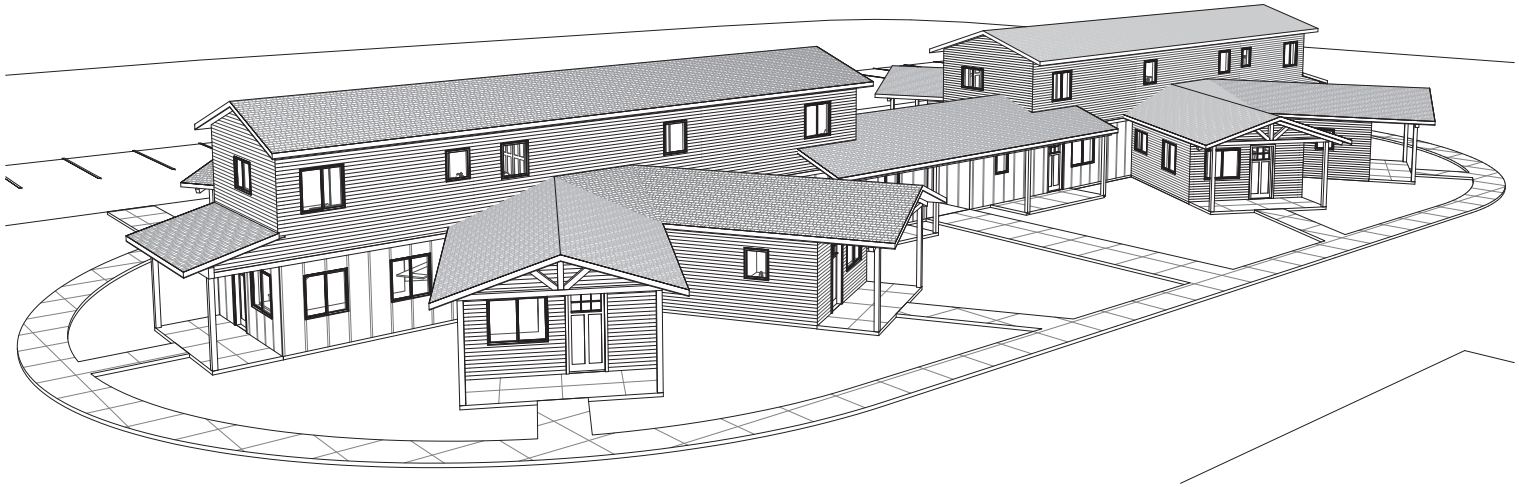
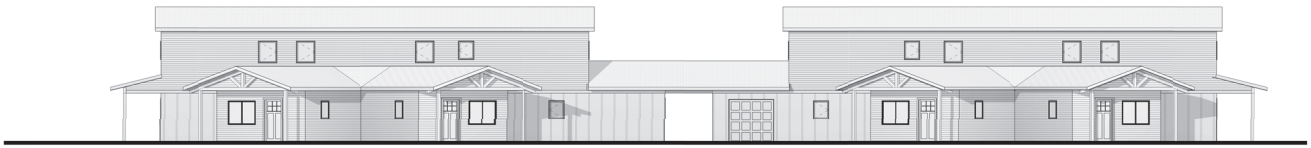


1 A300 SOUTH ELEVATION
1/8" = 1'-0"



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

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

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

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

MY NEIGHBOR TO LOVE COALITION - 12 PLEX

BRAINERD, MN 56401

PRELIMINARY

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ERIC LARSON
Lic # 47862 10/03/2022

PROJECT NUMBER: 3962
ISSUED: 10/03/2022

⚠	REVISION	DATE

BUILDING ELEVATIONS

A300

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: February 21st, 2024

RE: Cannabis Dispensary Discussion

INTRODUCTION

Minnesota is the 23rd state in the nation to legalize cannabis use for people 21 and older. The legislation creates the framework for adult-use cannabis in Minnesota and establishes a new Office of Cannabis Management, which will regulate cannabis (including for the adult-use market, the Medical Cannabis Program, and for lower-potency hemp edibles) and issue licenses and develop regulations outlining how and when businesses can participate in the industry.

The legislation proposes that retail sales for adult use cannabis in Minnesota begin in the first quarter of 2025. Some businesses may be able to start earlier for social equity considerations.

The tax on cannabis product sales will be 10% in addition to state and local sales taxes. Local governments will not collect an additional cannabis-specific tax.

Staff recently attended a cannabis roundtable discussion hosted by Swanson Haskamp Consulting. The purpose of the discussion was to receive an update on the Office of Cannabis Management, discuss how municipalities can regulate dispensaries, and hear from a current operator from another state.

OBJECTIVES

The objective of this discussion is for staff to receive direction from the Planning Commission to draft an ordinance for cannabis dispensaries. The follow items should be considered:

1. Cities are allowed to adopt reasonable restrictions on the time, place, and manner of the operations of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses. Cities may prohibit the operations of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
    a. The State is working on a sample ordinance, but it has not been released for review.

b. The OCM will forward applications to cities for them to certify whether the proposed cannabis business complies with local zoning ordinance and, if applicable whether the proposed business complies with the state fire and building code.
c. Cities are not required to adopt any new regulations under the new law. However, they will be required to register retail sellers and perform compliance checks.
d. Tobacco and liquor sales are currently allowed in all commercial zoning districts and the Traditional Neighborhood 2 district.
e. Should dispensaries have their own classification in the use table and should there be any special provisions in the allowed use section.

2. A city is required to issue a retail registration to a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis retailer, or lower-potency hemp edible retailer that:
    a. Has a valid license issued by the OCM.
    b. Has paid the registration fee.
    c. Is found to be in compliance with the requirements of the applicable state laws through a preliminary compliance check performed by the city.
    d. Is current on all property taxes and assessments at the location where the retail establishment is located.
    e. A city may impose an initial retail fee of $500 or up to half the amount of the applicable initial license fee charged by the OCM, whichever is less. The city may also charge a renewal retail registration fee of $1,000 or up to half the amount of the applicable renewal license fee charged by the OCM, whichever is less.

3. A city that issues cannabis retailer registrations may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement to no fewer than one registration for every 12,500 residents. In addition, if a county has one active registration for every 12,500 residents, a city within the county is not obligated to register any additional cannabis businesses.
    a. Should the City place a limit on the number of allowed cannabis dispensaries and should dispensaries be prohibited in Brainerd if Crow Wing County has reached its total number?

4. Should the cultivation or manufacturing of cannabis have its own classification in the use table, should there be any special provisions in the allowed use section, and which zoning districts should it be allowed.