



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, April 17, 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 713 0053

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. **Approval Of Agenda - Voice Vote**

5. **Approval Of Minutes**

A. **Draft minutes from the March 20th, 2024 Meeting**

6. **New Business**

- A. **Consider Conditional Use Permit and Variance Request for a Mixed-Use Building at 805 Laurel Street**
- B. **Consider and Provide Comments for Proposed Brainerd Oaks Outlot F Development and Grant Application**
- C. **Consider Variance Request for a Street Loaded Driveway at 1101 Pine Street**
- D. **Consider Conditional Use Permit and Variance Request for a Multi-Family Apartment Building at 1111 Oak Street**

7. **Unfinished Business**

- A. **Discussion on Short-Term Rental Ordinance**
- B. **Discussion on Cannabis Dispensary Ordinance**
- C. **Planning Commission Itinerary Update**

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, February 21, 2024
6:00 pm

#1 Call to Order

Planning Commission 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 Francis, Peterson, Gorham, and Stenglein. Commissioners Duval and Grunenwald were noted as absent. Commissioner Norwood arrived at 6:24 pm. Also noted as present were City Administrator Broyles, and Community Development Director Kramvik.

#3 Pledge of Allegiance

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

#4 Approval of Agenda

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

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND PETERSON, DULY CARRIED, TO APPROVE THE MINUTES FROM THE FEBRUARY 21, 2024 MEETING.

#6 New Business

6a. Conduct Conditional Use Permit for a 12-plex Apartment at PID 41040889

Community Development Director Kramvik gave a brief review of the proposed project by My Neighbor to Love Coalition to construct a 12-plex apartment building. He clarified the PID number was erroneously assigned as 41040887 under the aerial map and will be corrected in the files.

The Chair opened the public hearing at 6:04 pm.

The Chair recognized Vicky Kinney, who is the applicant on behalf of My Neighbor to Love Coalition. She explained this project is similar to the one at PID 41040887.

The Chair closed the public hearing at 6:09 pm.

MOVED AND SECONDED BY COMMISSIONERS STENGELIN AND PETERSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR PID 41040889 WITH THE CONDITIONS AS PRESENTED.

6b. Consider Conditional Use Permit Amendment for a Boarding House at PID 41040888

Community Development Director Kramvik explained the request to amend the Conditional Use Permit for the boarding house proposed at PID 41040888. The amendment includes eliminating the health center on the first floor, changing the floor plan to include one studio apartment on the second floor, with three studios, office, kitchen, laundry, and meeting rooms on the first floor.

The Chair opened the public hearing at 6:13 pm.

The Chair recognized Vicky Kinney, who is the applicant on behalf of My Neighbor to Love Coalition. She explained for financial reasons regarding grant funding, they decided to eliminate the health center and modify the floor plan in order to continue with the project. She is hoping the grant funding is approved to proceed.

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

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND PETERSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AMENDMENT FOR PID 41040888 FOR A BOARDING HOUSE WITH THE CONDITIONS AS PRESENTED.

6c. Consider Interim Use Permit for a Short-Term Rental at 714 S 7th Street

Community Development Director Kramvik stated the property was reported as a rental to Brainerd Public Utilities in May of 2023. Staff reached out to the owner to obtain a rental license, but discovered shortly thereafter that it was being advertised as a short-term rental online. The owner was unaware of the requirements for rental housing, as well as being different for short-term rentals.

The Chair opened the public hearing at 6:22 pm.

The Chair recognized Mark Reisdorf, St. Paul, who is the applicant on behalf of Mighty Homes LLC. He said he owns a cleaning company in the Twin Cities and has been involved with the cleaning of short-term rentals. He said he has recently purchased a couple properties and converted them to short-term rentals since the success rate shows to be very good.

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

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND STENGLEIN, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT 714 S 7TH STREET WITH THE CONDITIONS AS PRESENTED.

6d. Review Letter of Opposition to the Minnesota Senate Housing and Homeless Prevention Committee's Bill to Bypass Local Government Zoning Regulations

Community Development Director Kramvik announced the senate is proposing a new bill that would bypass local governmental decisions for zoning regulations. He stated staff has drafted

a letter in opposition to be sent to the Minnesota Senate Housing and Homeless Prevention Committee.

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF SENDING THE LETTER TO THE MINNESOTA SENATE FROM THE CITY OF BRAINERD AS PRESENTED.

#7 Unfinished Business

7a. Update on Short-Term Rental Ordinance

Community Development Director Kramvik informed the Commission that the request to hold a workshop with the City Council to discuss the proposed short-term rental ordinance failed. The next step would need to come from the Council back to the Commission to make any adjustments or changes.

The Chair recognized Council Member Terry, who stated she was absent from the meeting that this topic was voted on. She indicated she will make a recommendation to the Council to add it to a future agenda to review the proposed ordinance when a full council is present.

7b. Discussion on Cannabis Ordinance

Community Development Director Kramvik stated staff recently attended a roundtable discussion for updates in the recent legalization of cannabis in Minnesota. He reviewed some of the information with the Commission that he has learned.

Commission discussion took place. Staff have been directed to research other states for details as to how they handled the opening of dispensaries in their cities and the creation of ordinances.

#8 Public Forum

The Chair opened the public forum at 7:09 pm.

No one came forward.

The Chair closed the public forum at 7:09 pm.

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- The 805 Laurel project is progressing and will be appearing before the Commission in April with their CUP applications.

City Administrator Broyles introduced himself to the Commission and is excited to be involved and looks forward to getting to know everyone on the Commission. Commissioners welcomed him to the City of Brainerd.

#10 Commission Member Report

Commissioner Gorham asked for an update on the crypto mining project by VCV Digital.

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND STENGLEIN, DULY CARRIED, TO ADJORN AT 7:15 PM.

Don Gorham, Planning Commission Chair

DRAFT

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 17th, 2024

RE: Consider Conditional Use Permit and Variance for a Mixed-Use Building at 805 Laurel Street.

REQUEST

PUBLIC HEARING. Conditional Use Permit for a mixed-use multifamily building supporting commercial space along with 78 units of housing. The CUP requests are for the construction of a mixed-use building with 5+ residential units, to exceed the height in the Town Center (TC) District, and to allow for residential use on the ground floor.

PUBLIC HEARING. Variance from the landscape requirements for trees and shrubs.

APPLICANT: DW Jones Inc

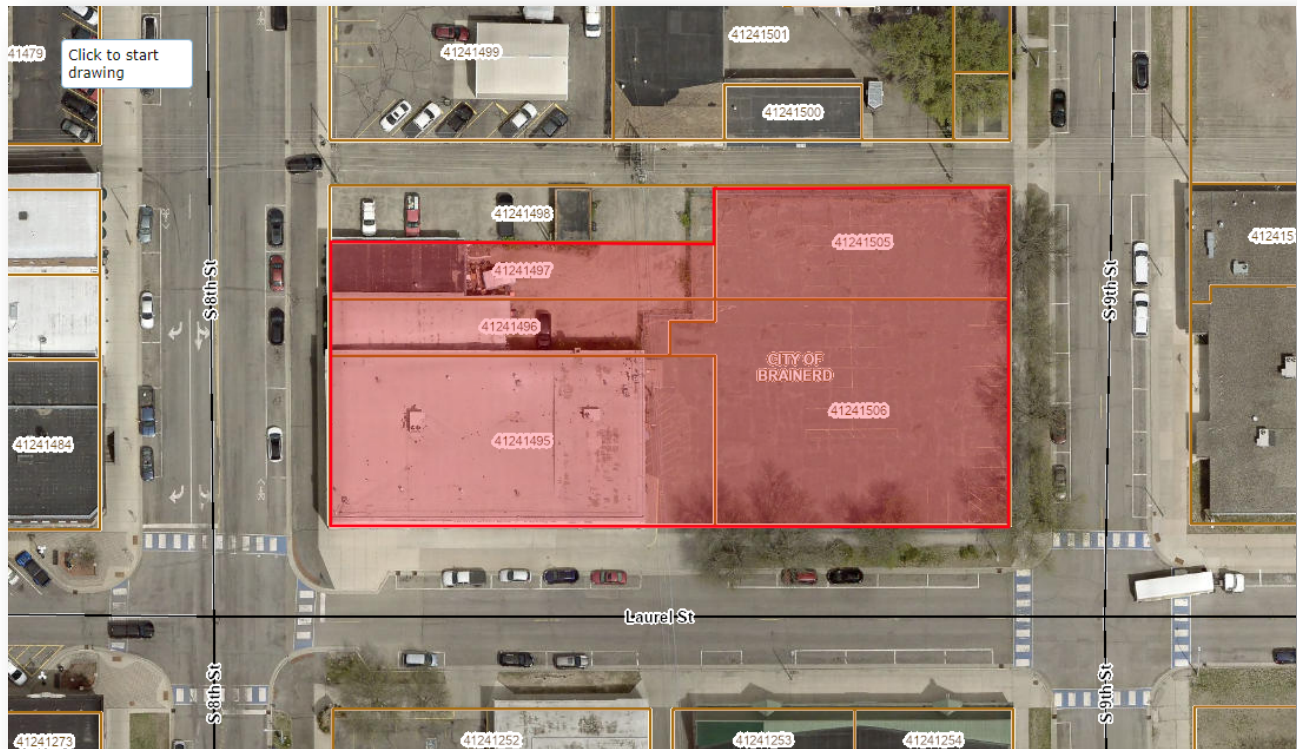
CONTEXT

Parcel Numbers: 41241495, 41241496, 41241497, 41241505, 41241506
Zoning District: Town Center (TC) Zoning District (TC District Frontage Overlay)
Property Area: 40,691 SQFT

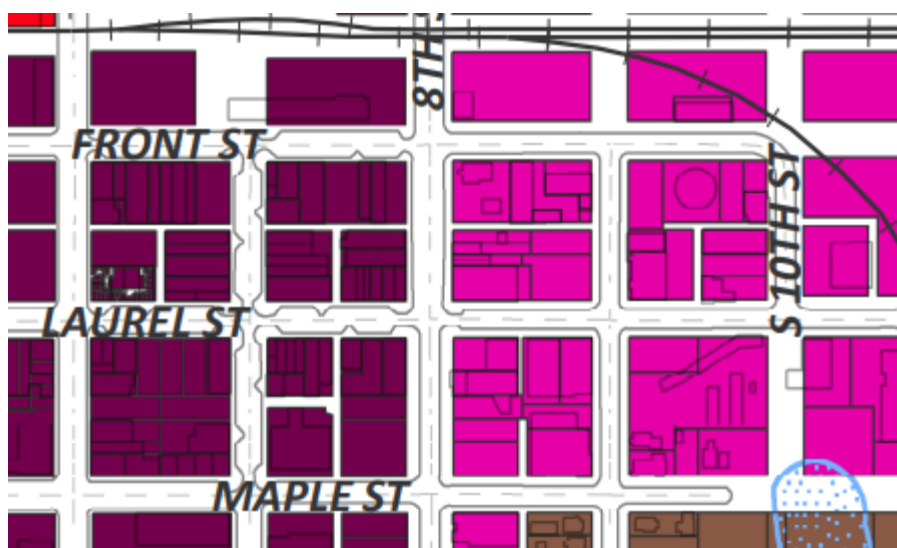
Adjacent Uses: North: Commercial – Northland Fire Protection
East: Commercial– Yesterday’s Gone & Elks Lodge
South: Commercial– BN Credit Union & Communitas Church
West: Mixed Use – Pit Stop, Ya Sure Kombucha, Last Turn Saloon

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

AERIAL MAP



EXISTING ZONING



Zoning Map 2022



Legend

- City Limits
- Lakes
- Parks

Overlay

- Brooks Street Industrial Overlay (BSI-O)
- Manufactured Housing Overlay (MH-O)
- Northern Pacific Center Overlay (PUD)

Zoning

- Rural Living 1 (RL-1)
- Rural Living 2 (RL-2)
- Garden Living (GL)
- Contemporary Neighborhood 1 (CN-1)
- Contemporary Neighborhood 2 (CN-2)
- General Commercial (GC)
- Commercial Corridor (CC)
- Traditional Neighborhood 1 (TN-1)
- Traditional Neighborhood 2 (TN-2)
- Town Center (TC)
- Main Street (MS)
- Makers and Employment (ME)
- General Industrial (GI)
- Public / Semi-Public (PSP)
- Park (P)



FINDINGS OF FACT – CONDITIONAL USE PERMITS

1. The property at 805 Laurel Street Brainerd, MN 56401 is in the TC (Town Center) District and the façade facing 8th Street South is part of the Town Center District Frontage Overlay.
2. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for mixed-use and multi-family attached dwelling units (5+ Units) as a Conditional Use in the TC District.
 - A. *The applicant proposes 5 commercial spaces and 78 apartment units.*
 - i. *The residential units consist of 12 studio units, 29 one-bedroom units, 9 one-bedroom units with a den, and 28 two-bedroom units.*
3. [Zoning Ordinance 515-4-3.B Height](#) states that building heights in excess of those standards contained in the Base Zoning District provisions and any other sections of this Ordinance may be allowed through a Conditional Use Permit.
 - A. According to [Table 515-2-11.1 TC Dimensional Standards](#) the principal structure height maximum for the TC District is 45'.
 - i. *The applicant proposes a parapet height of 52' on the SW corner of the building and an average building height of 47' to 48'.*
4. Zoning [Table 515-2-11.1 TC Dimensional Standards](#) states that Town Center District Frontage Overlay requires a Conditional Use Permit for ground floor residential units if it is not abutting the right-of-way.
 - A. *The applicant proposes three commercial spaces on the first floor along 8th Street South with residential apartment units to the East.*
5. 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 – *proposed 531 square foot units.*
 - ii. One Bedroom Units 500 square feet – *proposed 728 square foot units.*
 - iii. Two Bedroom Units 700 square feet – *proposed 1,043 square foot units.*
 1. *All proposed apartment units meet the minimum floor area requirements of Section 515-4.*
6. Table 515-2-11.1. TC Dimensional Standards – Density, Lot Size, Coverage and Height Standards
 - A. Lot Size – None
 - B. Density (minimum) 20+ DU/Acre
 - C. Build-to-Range – 0' to 10'
 - D. Side Yard Build-to-Range – 0' to 10'
 - E. Rear Yard Setback – 0'
 - i. *The proposed structure meets front and side yard setback requirements along 8th Street South, Laurel Street, and 9th Street South. A portion of the existing parking lot is to remain along 9th Street South.*

- ii. *Without factoring in the commercial spaces, the proposed building equates to 83 Dwelling Units per Acre which exceeds the density minimum of 20+ DU/Acre.*

7. [Table 515-4-12.4 Parking Space Minimum](#)

A. In the TC District - Single-Family, Attached Single-Family and Multi-Family Dwellings are required to provide one (1) parking space per dwelling unit. Commercial uses are to provide one (1) parking space per commercial unit.

- i. *The proposed building is required to provide a total of 83 parking spaces.*
- ii. *The applicant is proposing 65 underground parking spaces to go along with 25 surface parking spaces for a total of 91 spaces which meet the off-street parking requirements of the zoning code.*

8. [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. *Mixed-use multi-family apartments are a conditional use in the TC District. The purpose of the TC Zoning District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.*

- 1. *The proposed mixed-use building perfectly aligns with the intent of the TC District by creating additional housing density and encouraging the growth of downtown East of 8th Street South.*

B. The proposed use meets the regulations and standards established in this Ordinance.

- i. According to Zoning Ordinance 515-4-3.B Height states that building heights in excess of those standards contained in the Base Zoning District provisions and any other sections of this Ordinance may be allowed through a Conditional Use Permit, provided that:

- 1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the Base Zoning District or any applicable Overlay Zoning District in which the structure is located.

- a. *The TC District allows for a height maximum of 45'.*

- b. *The applicant proposes to exceed the height restriction for the decorative parapet by 7' and by an average of 3' for the building.*

- c. *The additional apartment units will positively impact downtown businesses, increase density, and allow for the developer to balance their pro forma with additional revenue. The developer would have to remove the fourth floor to maintain a height under 45'.*

- 2. The site is capable of accommodating the increased structure size.

- a. *The site is capable of maintaining the increased structure size as the applicant has proposed underground parking. Each commercial and residential unit will be provided with at least one parking space, which is a new requirement of the off-street parking ordinance.*

3. The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
 - a. *The surrounding properties east of 8th Street South consist of predominantly low density one story commercial buildings. The streets will be able to adequately handle an increase in traffic volume.*
4. Public utilities and services are adequate.
 - a. *The applicant has been working with Brainerd Public Utilities on infrastructure improvements and location. There are no concerns regarding the surrounding utilities and services.*
5. The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.
 - a. *The proposed building does not greatly exceed the height allowance of the TC District and the proposed structure will not be directly abutting another building.*
 - b. *Surrounding buildings do not have solar uses such as outdoor patios, solar panels, or growing facilities, etc.*
 - c. *The applicant has provided a solar study which shows shadowing to neighboring properties at various times of day and year.*
- ii. *There are no special standards associated with mixed-use or multi-family buildings.*
- 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.
 1. *The applicant has provided a landscape plan around the parking lot to enhance the parking area and north side of the building. As the parking spaces are not adjacent to the street, there is no code requirement for landscape screening.*
 - a. *Staff recommends an additional six shrubs be placed on the east side parking lot planting bed for additional screening.*
 2. *The applicant has applied for a variance from the landscaping requirements as the building will have a 0' front yard setback which is consistent and desired in the TC District.*
 3. *The applicant proposed to replant 11 trees in the boulevard area as existing trees will be disturbed by the redevelopment project.*
- 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 mixed-use multi-family structures across the street.*

- 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 first floor facing 8th Street South and Laurel Street has a brick exterior and floors two through four will have alternating siding patterns.*
 - 2. *The East and North façade will consist of alternating siding patterns without a first-floor brick exterior.*
 - 3. *The proposed façade is consistent with other mixed-use buildings in the downtown area.*
- 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.
 - ii. **Housing Goal 1:** Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.
 - 1. **Policy 2:** Expand home ownership and rental opportunities through rehabilitation and new construction.
 - iii. **Housing Goal 2:** Encourage the preservation and historical significance of existing neighborhoods.
 - 1. **Policy 6:** Seek ways to encourage mixed-use development/ redevelopment in and around the downtown area.
- 9. 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.

FINDINGS OF FACT – VARIANCE

- 10. The applicant has submitted a variance request from the shrub and tree requirements for TC District multi-family properties.
 - 1. [Section 515-4-10.2.a General Landscaping Improvement Standards](#) states that four (4) shrubs shall be planted per dwelling unit. Two (2) perennials can be substituted for (1) shrub.

Shrubs used as required screening as identified in (b) shall not be counted in meeting these requirements.

- a. Based on the 78 apartment units, the property would be required to have/plant 312 shrubs.*
 - b. The applicant has proposed 28 deciduous shrubs and 17 evergreen shrubs.*
 2. Section 515-4-10C.2 states in all commercially zoned districts, new development shall include a planting rate of one (1) tree for every 100 feet of frontage along all roads. The required trees shall be planted within 10 feet of the front property line, or right-of-way line. Parking lot island tree planting requirement does not count towards this number.
 - a. The property has 574 feet of road frontage which would require the applicant to plant 5 trees within 10 feet of the front property line.*
 - b. The applicant is proposing to plant 11 deciduous trees in the boulevard area as the zero-foot setback does not allow for planting within the first 10 feet.*
3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance and:
 - i. The purpose of the TC Zoning District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.
 - 1. This property is proposed to be used as a mixed-use multi-family building which is a conditional use in the TC District.*
 - 2. The zero-foot front yard setback and lack of front yard landscaping is consistent with all other development of adjacent properties. Trees are typically planted only in boulevard areas.*
 - b. When the variances are 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.”
 - a. This project has been approved as a TIF redevelopment project where infrastructure and utilities are present.*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
4. [Section 515-5-4.B.4](#), Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - i. *The existing development pattern and requirements of the zoning code make it difficult for this property to meet the shrub and tree landscaping requirements. The applicant is proposing a high-density mixed-use building which makes it impossible to meet the requirements of 312 shrubs. The*

applicant has proposed plantings in the parking lot and boulevard trees as an alternative.

- b. The variance, if granted, will not alter the essential character of the locality.
 - i. *This variance, if granted, will not substantially alter the character of the locality as adjacent properties do not have front yard landscaping. Trees are predominantly planted in the boulevard in the Main Street and Town Center Districts.*
 - 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. *In this case, the practical difficulties are not an economic consideration as downtown redevelopment projects are much more expensive than constructing an apartment on vacant land.*
5. [Section 515-5-4. B.5](#), The Commission 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 recommends no additional conditions to the variance request.*

As of this writing, two parties have contacted the Community Development Department for more information on the Conditional Use Permit and Variance application for the proposed mixed-use building but provided no comment.

STAFF RECOMMENDATION

Staff recommends approval of the following:

- 1) Approval of the CUP requests are for the construction of a mixed-use building with 5+ residential units, to exceed the height in the Town Center (TC) District, and to allow for residential use on the ground floor with the condition that an additional six shrubs be placed on the east side parking lot planting bed for additional screening.
- 2) Approval of the variance request from the landscape requirements for trees and shrubs.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Skip Duchesneau on behalf of DW Jones Inc, PO Box 340, Walker, MN has submitted a request for a Conditional Use Permit to construct a mixed-use multifamily building consisting of commercial space on the first floor along with 78 units of housing at 805 Laurel St. Brainerd, MN 56401. The applicant also applied for a Conditional Use Permit to exceed the allowed structure height in the Town Center (TC) Zoning District. In addition to the Conditional Use Permits, the applicant is requesting a variance from the landscape requirements for trees and shrubs. The property included in this application is described as:

*LOT 20 BLOCK 39, AND ADJACENT VACATED PORTION OF ALLEY.
LOT 21 BLOCK 39, AND ADJACENT VACATED PORTION OF ALLEY.
LOTS 22 THRU 24 INCLUSIVE BLOCK 39, & ADJACENT VACATED PORTION OF
ALLEY. LOTS 5 & 6 BLOCK 39, AND ADJACENT VACATED PORTION OF ALLEY
LOTS 1 THRU 6, 22 THRU 24, BLOCK 39, THAT PART OF THE VACATED NORTH-
SOUTH ALLEY, ADJACENT TO LOTS 1, 2, 3, 4, 5, 6, 22, 23, AND 24, BLOCK 39, FIRST
ADDITION TO BRAINERD
Plat: TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
Parcel #: 41241497, 41241496, 41241495, 41241505, 41241506
Section 030, Township 045, Range 030*

The property is located in a TC (Town Center) District and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows multi-family attached dwelling units (5+ Units) and mixed-use buildings as a Conditional Use. Section 515-4-3 Height allows for buildings to exceed height standards contained in the Base Zoning District through a Conditional Use Permit. The applicant proposes to exceed the height by 7 feet. Section 515-4-10 General Landscaping Improvement Standards require all TC lots to include a planting rate of one (1) tree for every 100 feet of frontage along all roads. Section 515-4-10 also requires four (4) shrubs be planted per dwelling unit. The applicant is proposing plantings in the boulevard and around the parking lot which do not meet the landscape requirements.

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, April 17, 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 3rd day of April, 2024



James L. Kramvik
Community Development Director

Publication Date: April 6th, 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

☐

(\$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: 805 Laurel Street

LEGAL DESCRIPTION: Lot(s): 22 Block: 39 Addition: Town of Brainerd & First Addition to Brainerd
(attach description if lengthy)

Property Owner Name: DW Jones Inc

Street Address: PO Box 340 City: Walker State: MN Zip Code: 56484

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

Applicant Name: (If different than Property Owner) Skip Duchesneau (Chief Manager of Eight05 Laurel LLC)

Street Address: 7539 Front St NW City: Walker State: MN Zip Code: 56484

Phone Number: 218-547-3307 Fax: _____ E-mail: skip@dwjonesinc.com

Description of Request: Conditional Use Permit for a mixed-use multifamily building supporting commercial space along with 78 units of housing. A conditional use permit to exceed the height in the TC District and to allow for residential use on the ground floor.

A variance request from the landscape requirements for trees and shrubs.

Property Owner Signature

4/2/24

Date

Skip Duchesneau - President of D.W. Jones, Inc

(Please print name)

Applicant Signature

4/2/24

Date

Skip Duchesneau - Chief Manager of Eight05 Laurel LLC

(Please print name)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

BRAINERD POLICE DEPARTMENT

Attn: John Davis, 225 East River Road; Brainerd, MN 56401; 218-829-2805; john.davis@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

Attn: Todd Wicklund, Director.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; twicklund@bpu.org

BWSR (MN Board of Water and Soil Resources)

Attn: Chris Pence; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; chris.pence@state.mn.us

CITY OF BAXTER

Attn: Josh Doty; Community Development Director, 13190 Memorywood Dr; Baxter, MN 56425; 218-454-5100

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111 tim.bray@crowwing.us

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095 melissa.barrick@crowwingswcd.org

CROW WING COUNTY SURVEYOR'S OFFICE

322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

HRA

Attn: Eric Charpentier, 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817; eric@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104 mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Steve Voss; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5779; steve.voss@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

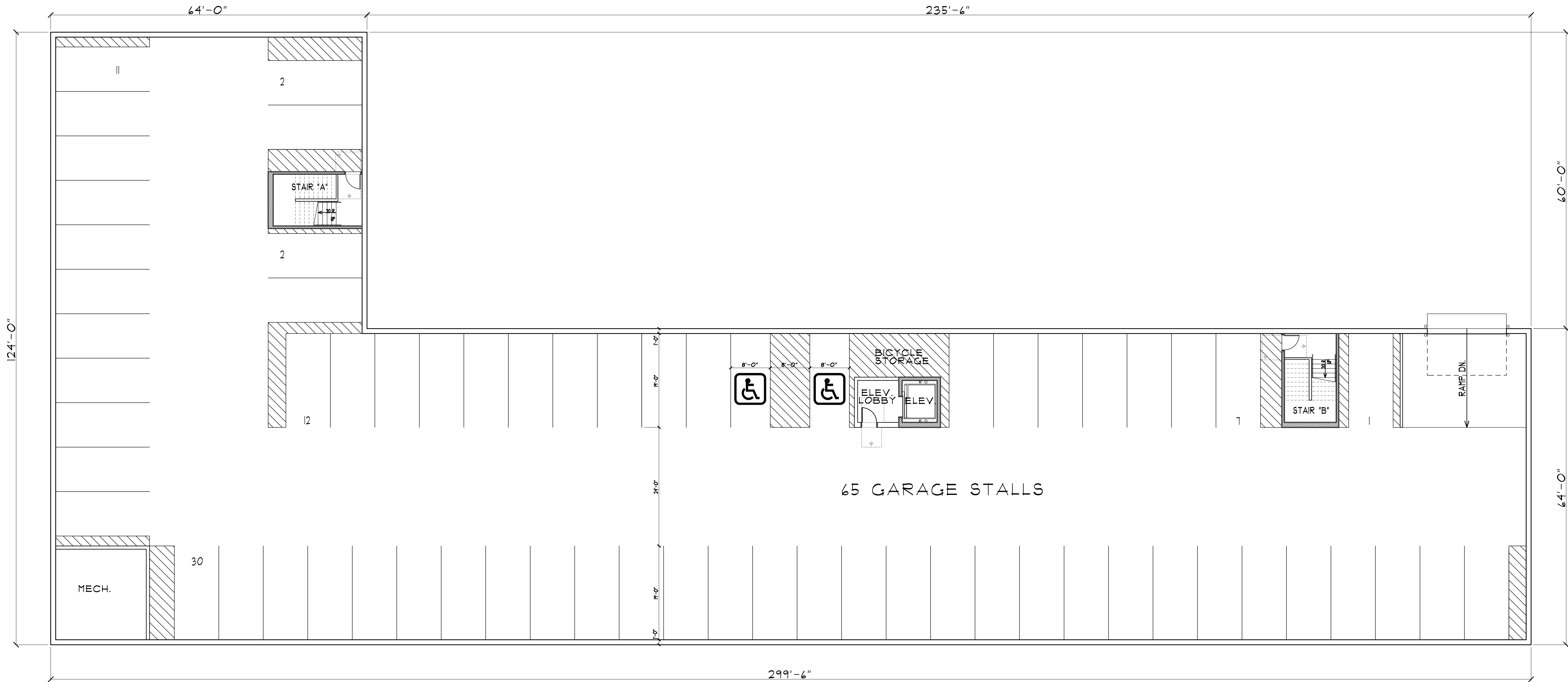
Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594 Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS

10867 E. Gull Lake Dr.; Brainerd, MN 56401; 651-290-5772



 **BASEMENT PLAN**
SCALE: 3/32" = 1'-0"

PLOTTED: 05-23-23 FILE: 21028P COM: 5

Project No.
21028
Issue Date:
PRELIMINARY

Document Set:
PRELIMINARY

A100

REVISIONS COMMENTS

REVISIONS COMMENTS

PROPOSED MIXED USE:

EIGHT 05
LAUREL
BRAINERD, MN

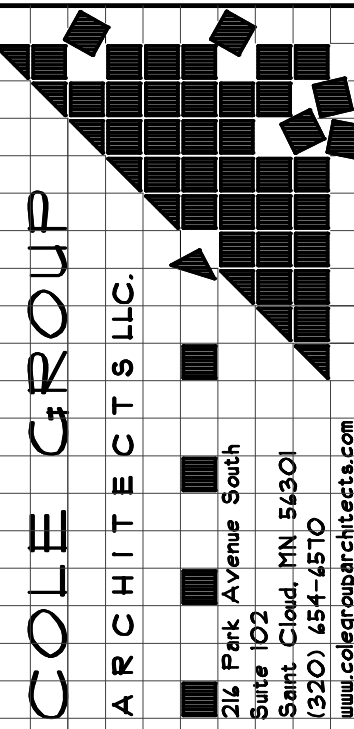
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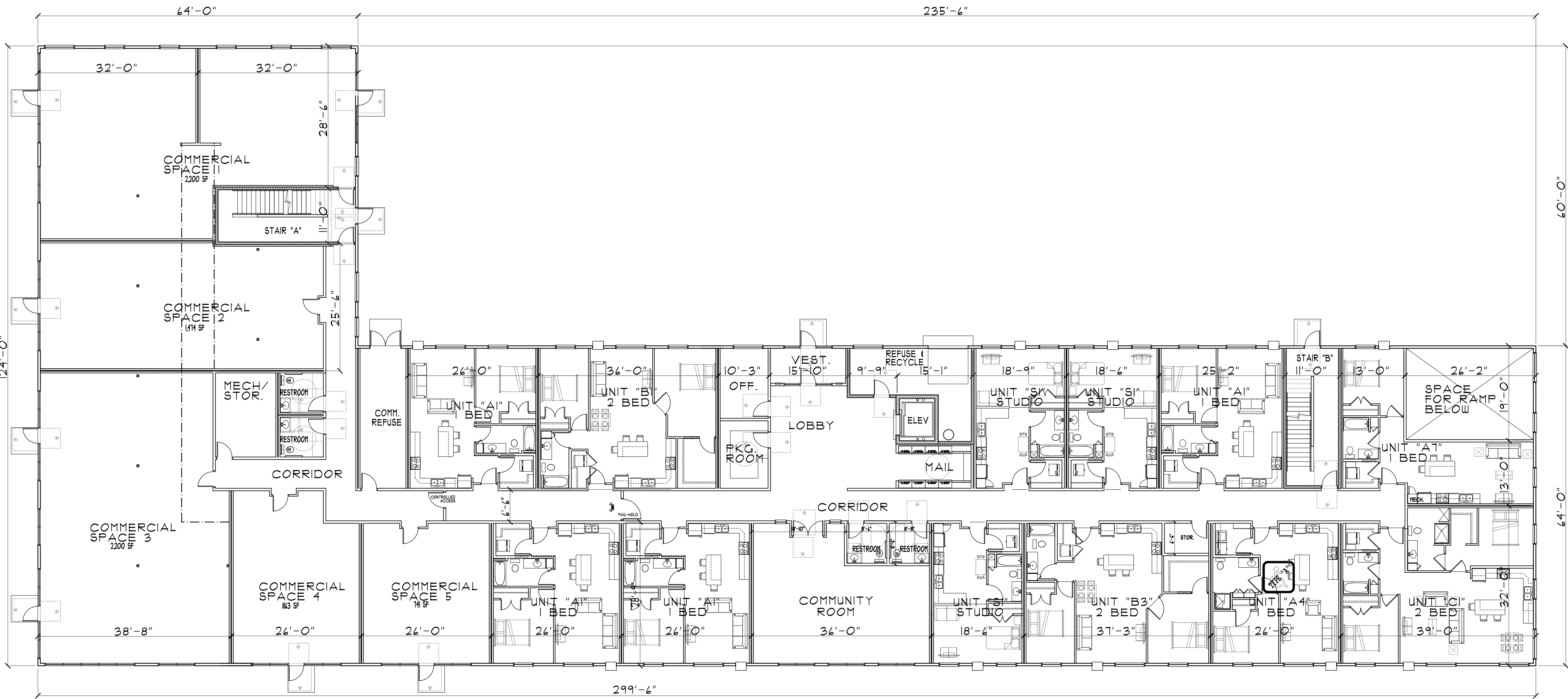


These documents are not valid for building permit unless signed in ink and over sealed. Copies are not valid.
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Architect under the laws of the state of
Name **NORMAN E. COLE**

COLE GROUP
ARCHITECTS LLC

214 Park Avenue South
Suite 100
Minneapolis, MN 55401
(612) 454-4510
www.colegrouparchitects.com





BUILDING AREAS		UNIT MIX:		
SQUARE FOOTAGE		BEDROOMS	TOTAL	MIX %
PARKING GARAGE = 23,008 S.F.		STUDIO	12	15.5%
1ST FLOOR APARTMENT = 13,905 S.F.		1 BED 1 BATH	29	37%
COMMERCIAL SPACE = 9,103 S.F.		1 BED 1 BATH +DEN	9	11.5%
1ST FLOOR TOTAL = 23,008 S.F.		2 BED 1 BATH	14	18%
2ND FLOOR APARTMENT = 23,008 S.F.		2 BED 2 BATH	14	18%
3RD FLOOR APARTMENT = 23,008 S.F.				
4TH FLOOR APARTMENT = 23,008 S.F.				
BUILDING TOTAL = 115,040 S.F.			78	100%

FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"

COLE GROUP
ARCHITECTS LLC.
216 Park Avenue South
Suite 102
Saint Cloud, MN 56301
(320) 451-4570
info@colearchitects.com

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Name: NORTON E. COLE

DEVELOPER:
D.W. JONES
INCORPORATED

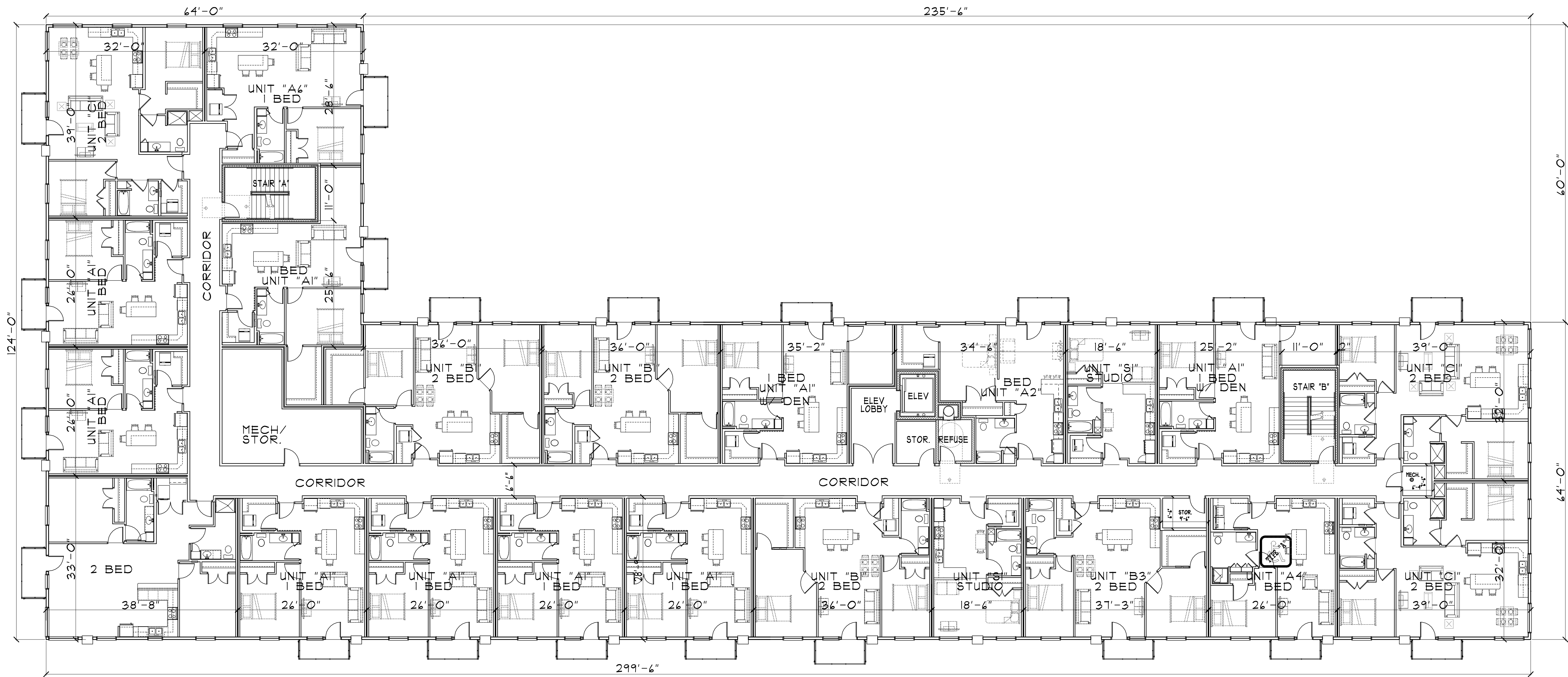
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BRANDED, MN

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REVISIONS COMMENTS

Project No.
21028
Issue Date:
Document Set:
PRELIMINARY

A101

COM: 5
PLOTTED: 05-23-23 FILE: 21028P
Page 19 of 77



BUILDING AREAS		UNIT MIX:		
SQUARE FOOTAGE		BEDROOMS	TOTAL	MIX %
PARKING GARAGE = 23,008 S.F.		STUDIO	12	15.5%
1ST FLOOR APARTMENT = 13,905 S.F.		1 BED 1 BATH	29	37%
COMMERCIAL SPACE = 9,103 S.F.		1 BED 1 BATH +DEN	9	11.5%
1ST FLOOR TOTAL = 23,008 S.F.		2 BED 1 BATH	14	18%
2ND FLOOR APARTMENT = 23,008 S.F.		2 BED 2 BATH	14	18%
3RD FLOOR APARTMENT = 23,008 S.F.				
4TH FLOOR APARTMENT = 23,008 S.F.				
BUILDING TOTAL = 115,040 S.F.			78	100%

2ND, 3RD, 4TH FLOOR PLAN
SCALE: 3/32" = 1'-0"

COLE GROUP
ARCHITECTS LLC.
216 Park Avenue South
PO Box 5430
Saint Cloud, MN 56301
(920) 451-4570
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Name: **NORMAN E. COLE**

DEVELOPER:
D.W. JONES
INCORPORATED

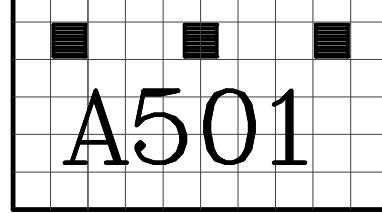
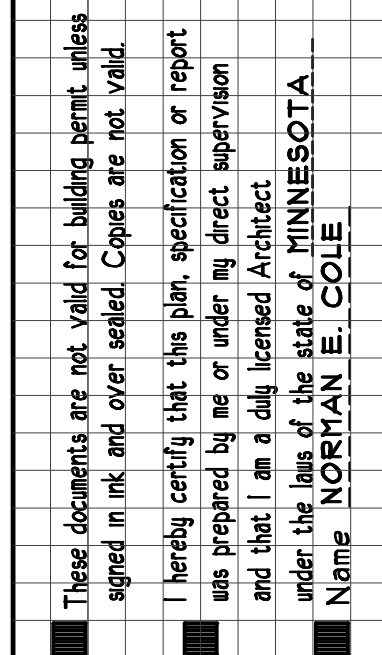
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BRANDER, MN

REVISIONS COMMENTS
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Document Set:
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A102

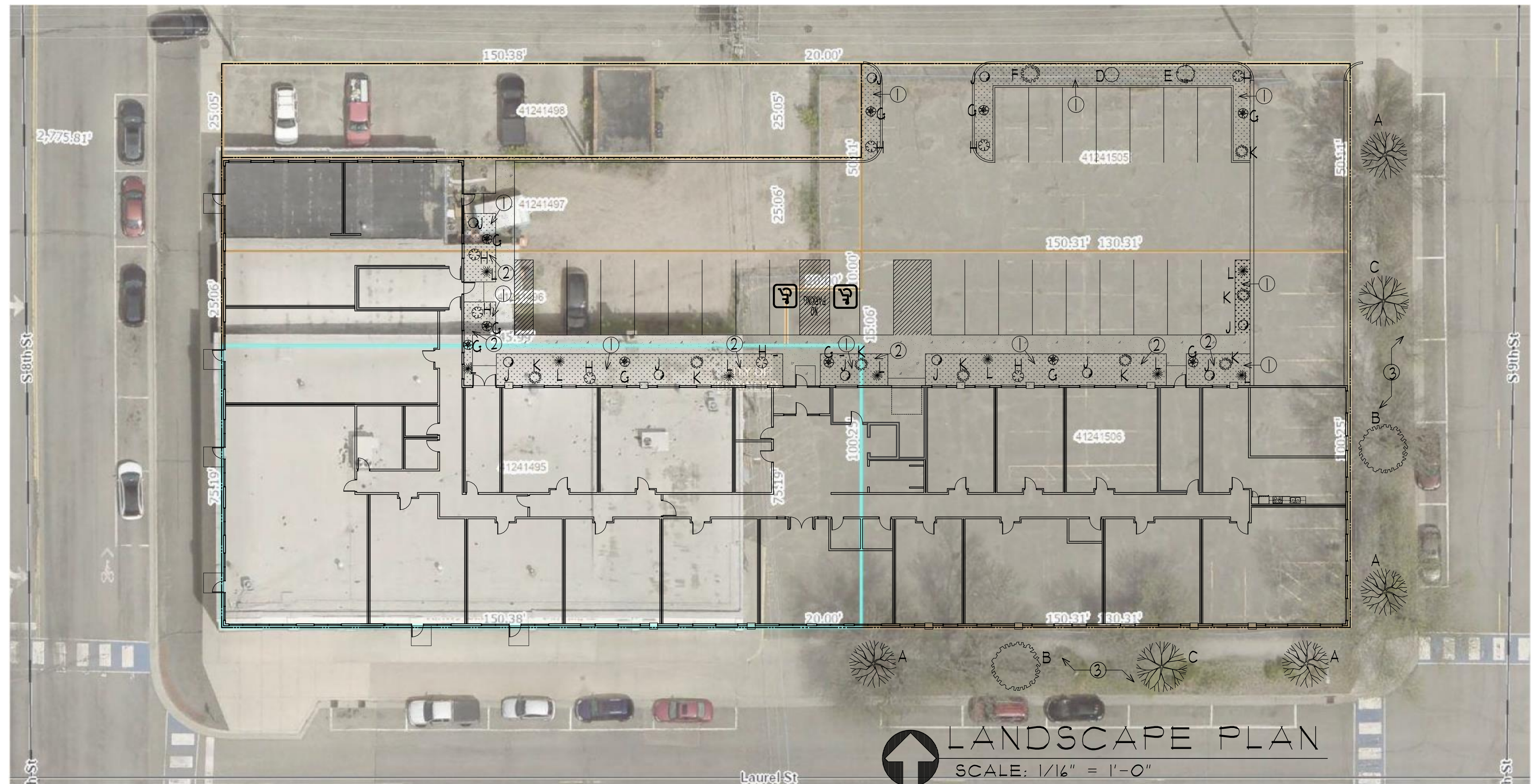
PLOTTED: 05-23-23 FILE: 21028P COM: 5
Page 20 of 77



- A) VERIFY EXISTING TREE LOCATIONS AND QUANTITIES TO REMAIN, AND ADJUST PLANTING SCHEDULE ACCORDINGLY, TO BE APPROVED BY CITY.
- B) ALL LANDSCAPED AREAS TO BE IRRIGATED. EQUIPMENT TO HAVE BACK FLOW PREVENTION DEVICE AND RAIN SENSOR DEVICE. VERIFY W/ G.C.
- C) ALL LANDSCAPED AREAS WITHOUT ROCK / CEDAR MULCH TO HAVE SOD OR SEED. VERIFY W/ G.C.
- D) PLANTING DEPTH OF ALL MATERIALS SHALL BE SUCH THAT THE ROOT FLAIR REMAINS UNDISTURBED GRADE.
- E) ALL DECIDUOUS AND CONIFEROUS TREES SHALL BE BALL AND BURLAP AND STAKES GUYPED PER NATIONAL NURSERYMEN'S STANDARDS. ALL SHRUBS SHALL BE POTTED.

1. LANDSCAPE CLOTH, w/ ROCK / CEDAR MULCH THIS AREA SHOWN HATCHED.
2. PLASTIC EDGING 36" OUT FROM BUILDING AT PARKING LOT & 60" OUT FROM BUILDING AT ROADSIDE, AND OTHER MARKED AREAS.
3. REPLACE TREES EVERY 25'-30'. RED MAPLE, WHITE OAK, OR LYNDEN.

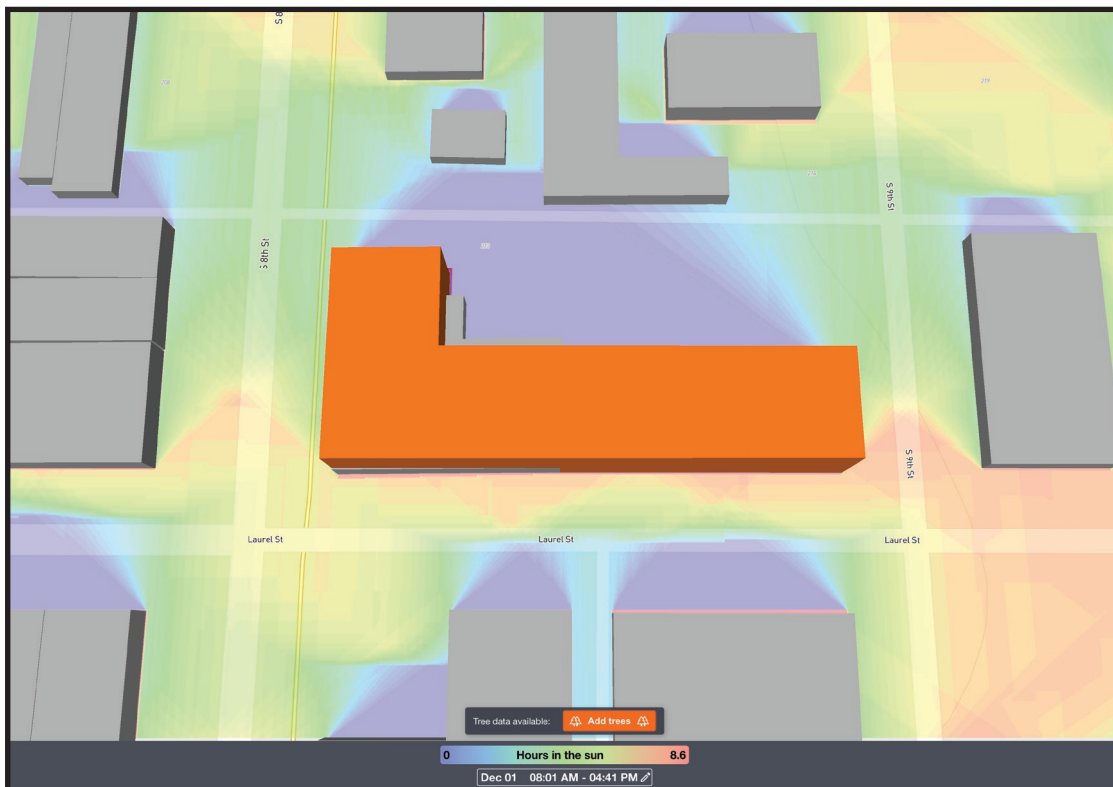
PLANTING SCHEDULE											
OVERSTORY DECIDUOUS	TYPE	QUANTITY	LETTER	SYMBOL	COMMON NAME	BOTANICAL NAME	IN THE TIME OF PLANT	CALIPER	APPROX- MATURE HEIGHT	ROOT	REMARKS
4	A			RED MAPLE	ACER RUBRUM	-	2 1/2"	-	B + B	STRAIGHT LEADER AND FULL CROWN	
2	B			WHITE OAK	QUERCUS ALBA	-	2 1/2"	-	B + B	STRAIGHT LEADER AND FULL CROWN	
2	C			LYNDEN	TILIA	-	2 1/2"	-	B + B	STRAIGHT LEADER AND FULL CROWN	
8 DECIDUOUS TREES PROVIDED											
DECIDUOUS ORNAMENTAL TREES	I	D		FLOWERING CRABAPPLE	Malus 'Snowdrift'	-	2"	-	B + B	STRAIGHT LEADER AND FULL CROWN	
	I	E		SPRING SNOW CRABAPPLE	Malus 'Spring Snow'	-	2"	-	B + B	STRAIGHT LEADER AND FULL CROWN	
	I	F		SUNBURST HONEYLOCUST	Gleditsia Tnecanthes	-	2"	-	B + B	STRAIGHT LEADER AND FULL CROWN	
3 DECIDUOUS TREES PROVIDED											
DECIDUOUS SHRUBS	O	G		GOLD MOUND SPIREA	Spiraea bumalda 'goldmound'	24"	-	-	POTTED	-	
	O	H		NINEBARK SUMMER WINE	Physocarpus opulifolius	24"	-	-	POTTED	-	
	O	J		MISS KIM LILAC	syringa patula 'miss kim'	24"	-	-	POTTED	-	
28 TOTAL DECIDUOUS SHRUBS PROVIDED											
EVERGREEN SHRUBS	K			GOLDEN ARBORVITE	THUJA OCCIDENTALIS AUREA	24"	-	-	POTTED	-	
	L			SAVIN JUNIPER	Juniperus sabina	24"	-	-	POTTED	-	
17 TOTAL EVERGREEN SHRUBS PROVIDED											



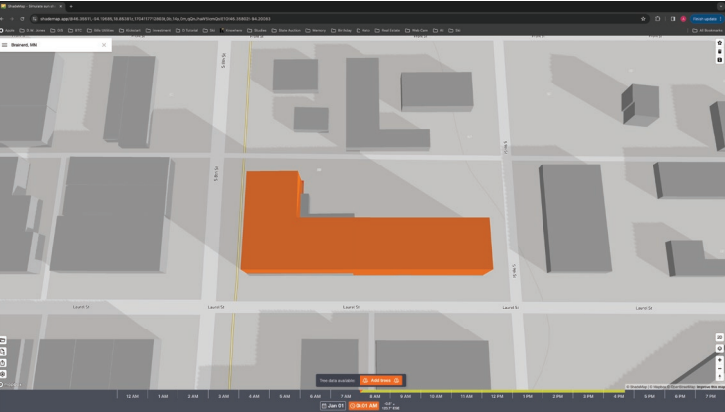
SHADOW STUDY

805 Laurel St, Brainerd MN

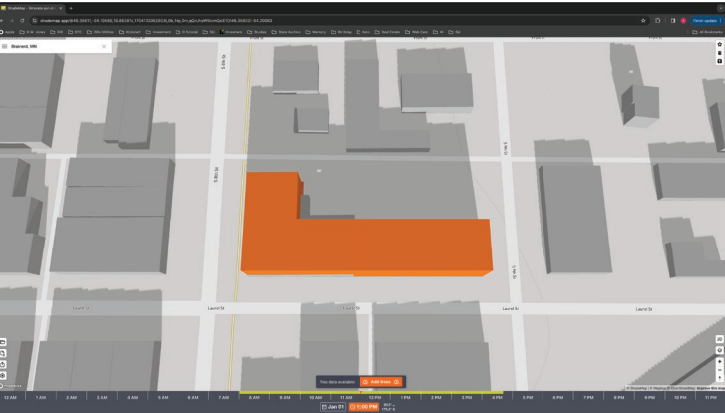
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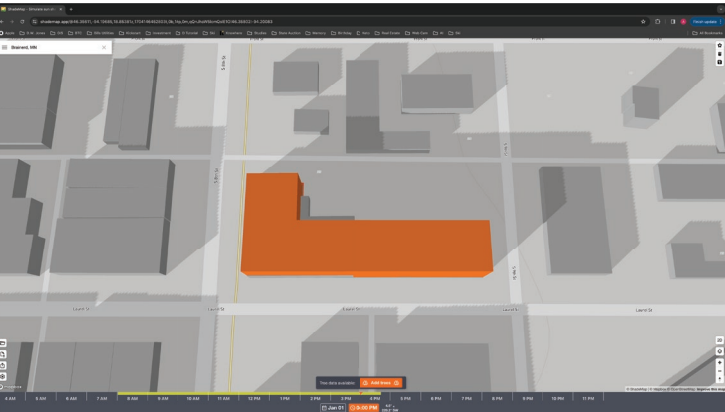
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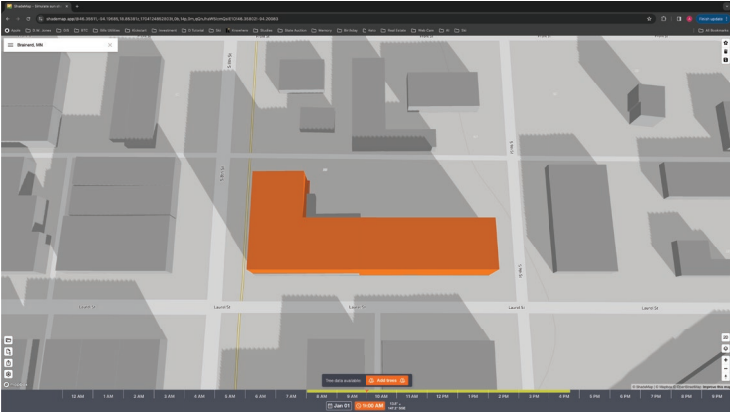


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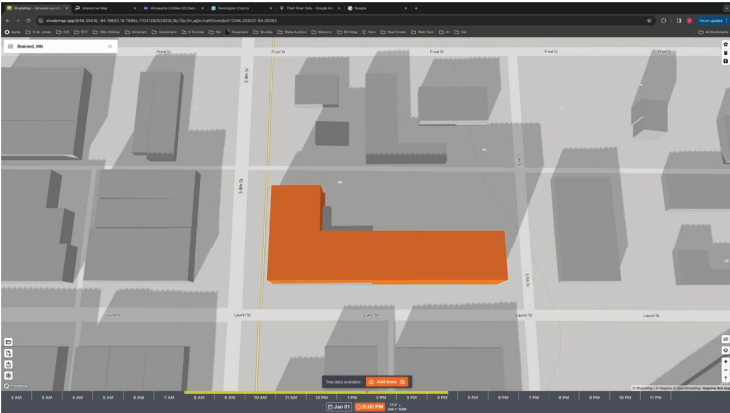


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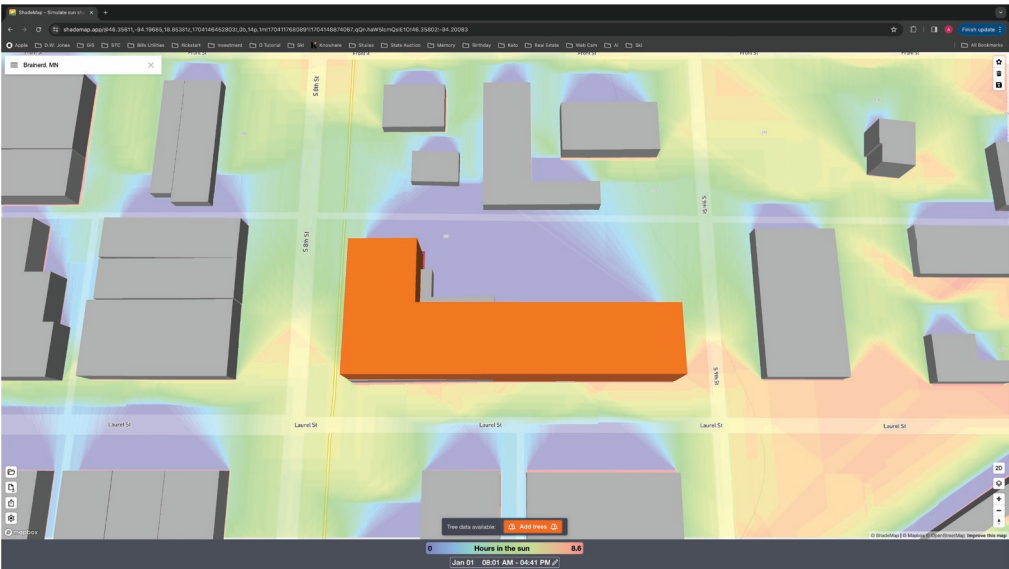
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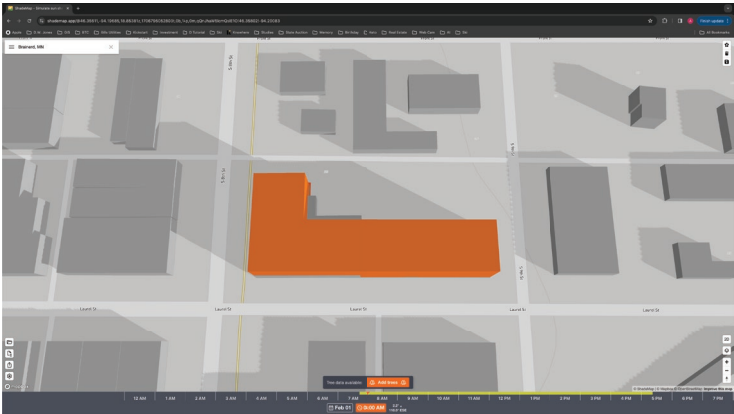


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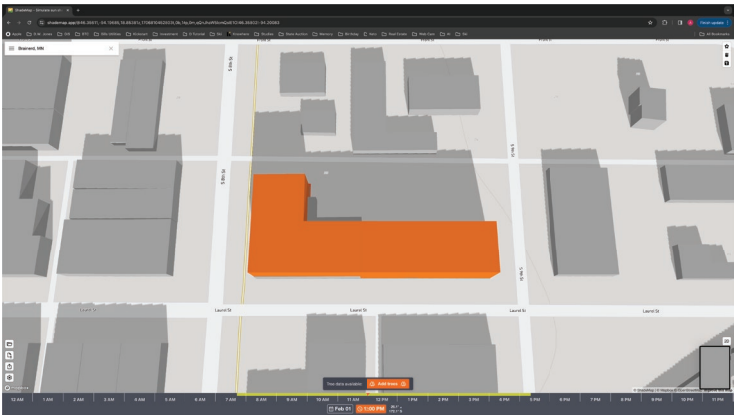


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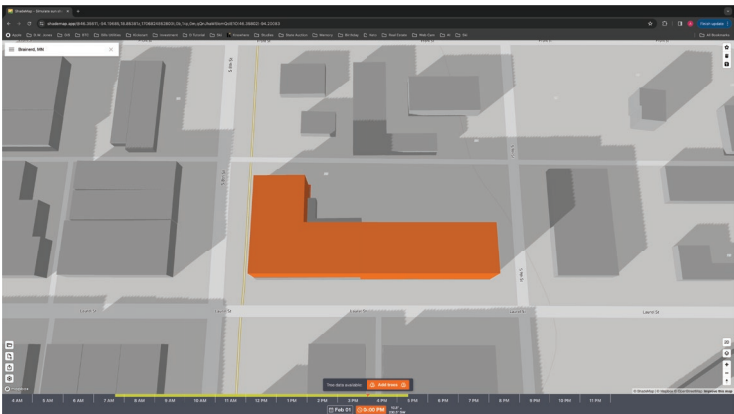
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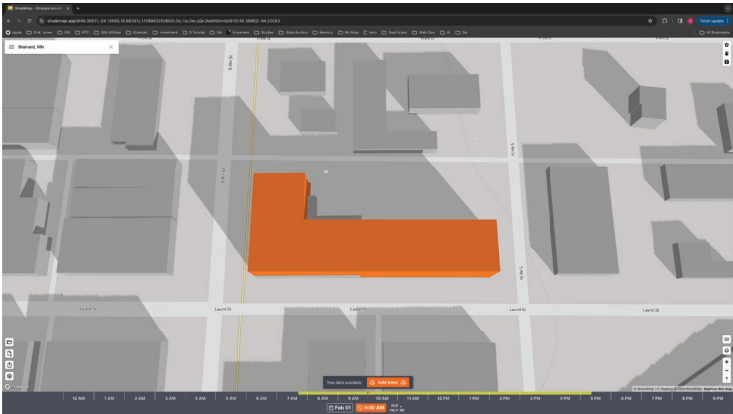


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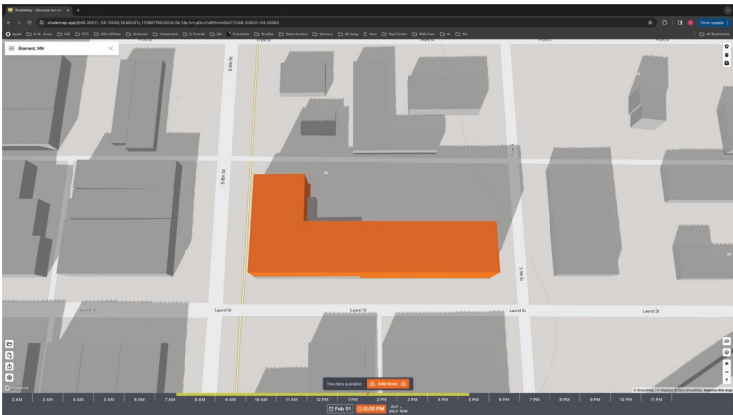


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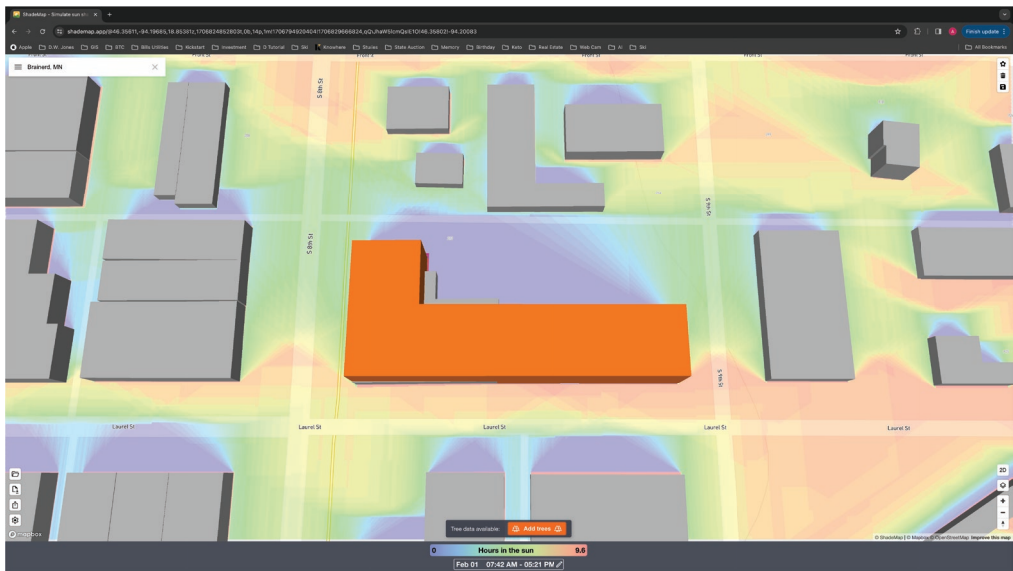
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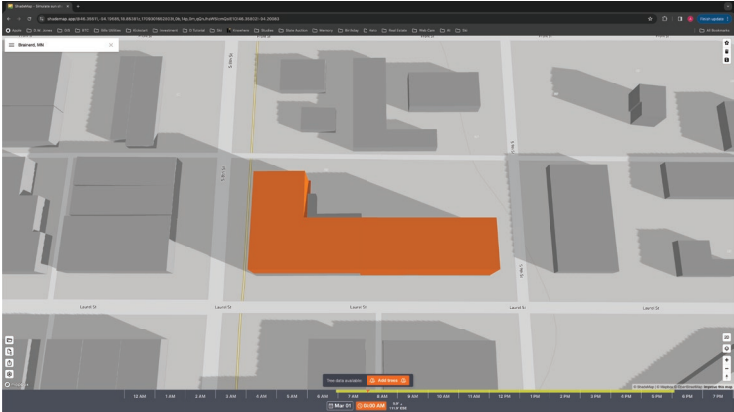


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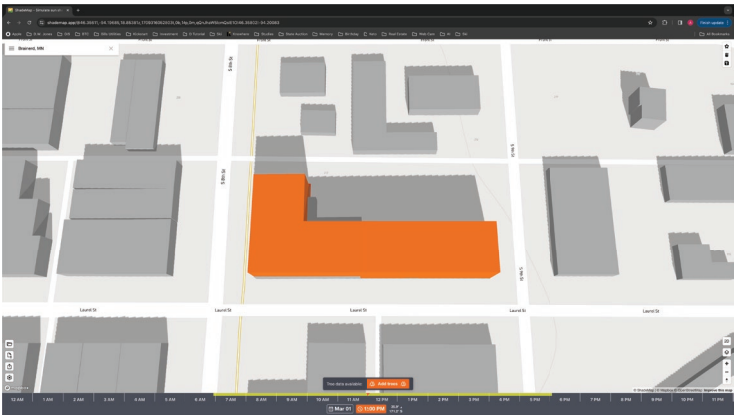


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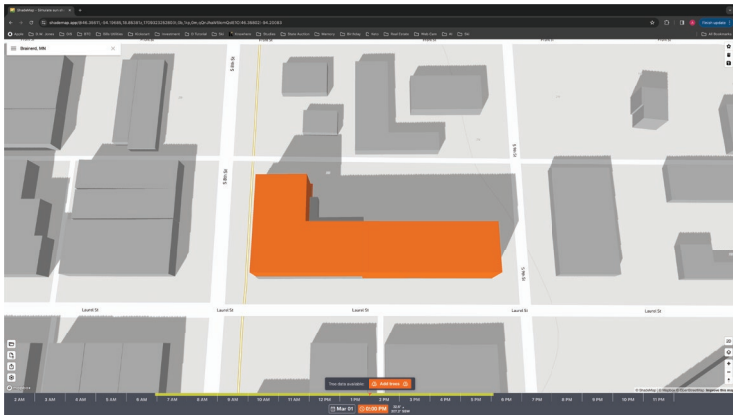
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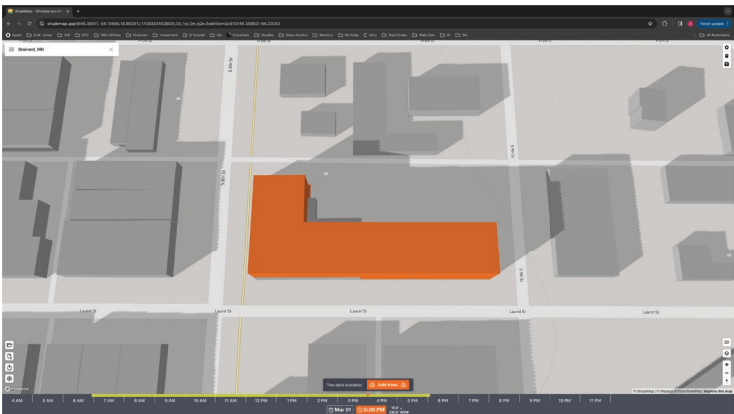
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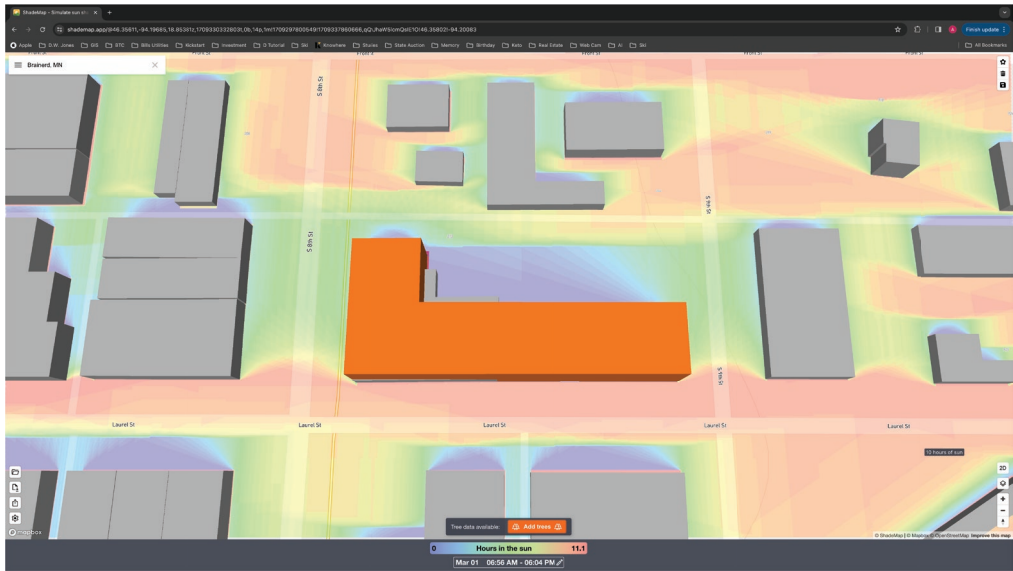


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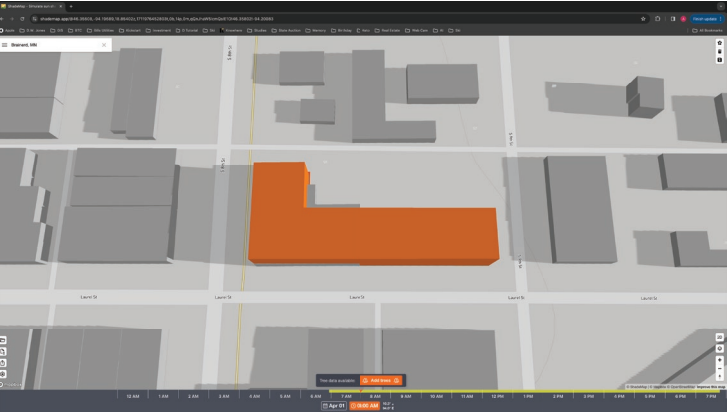
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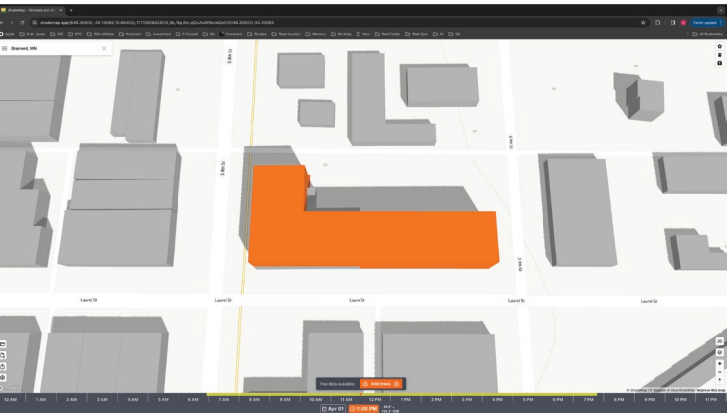


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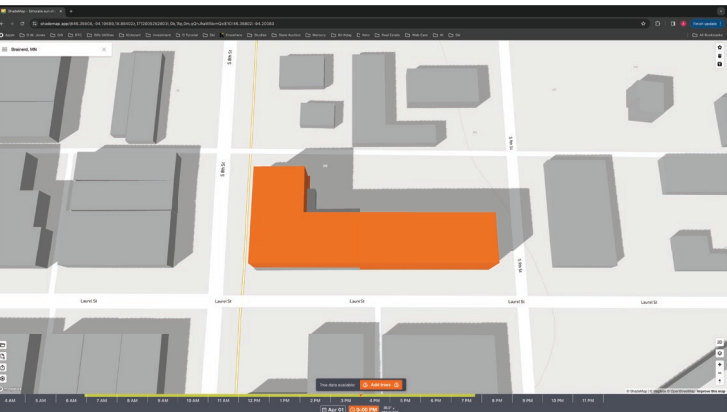
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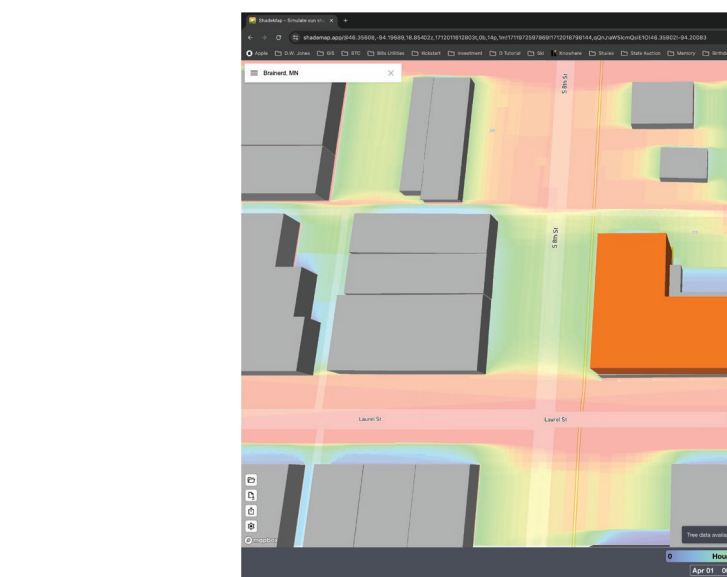
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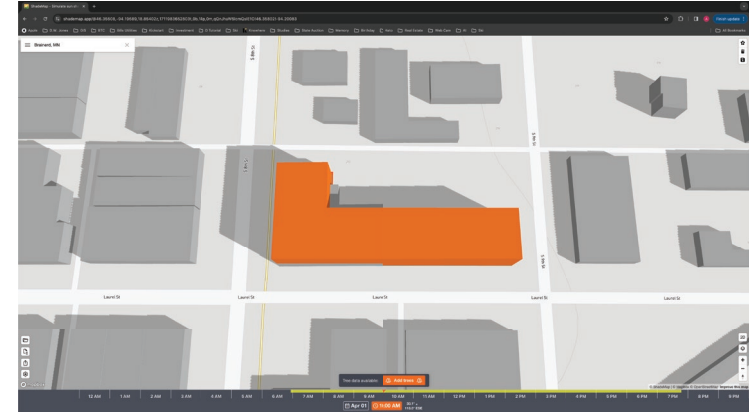
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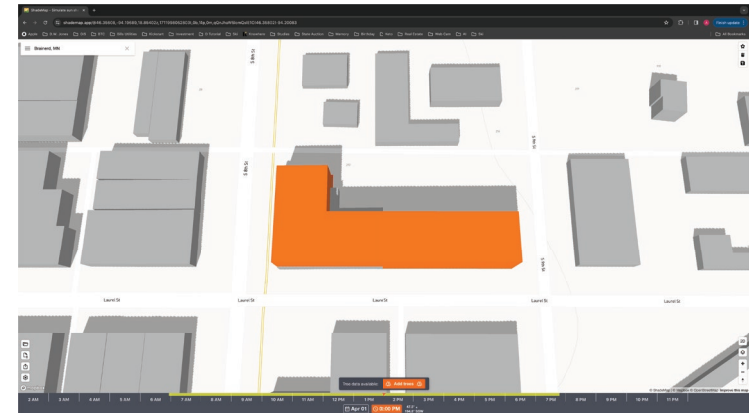
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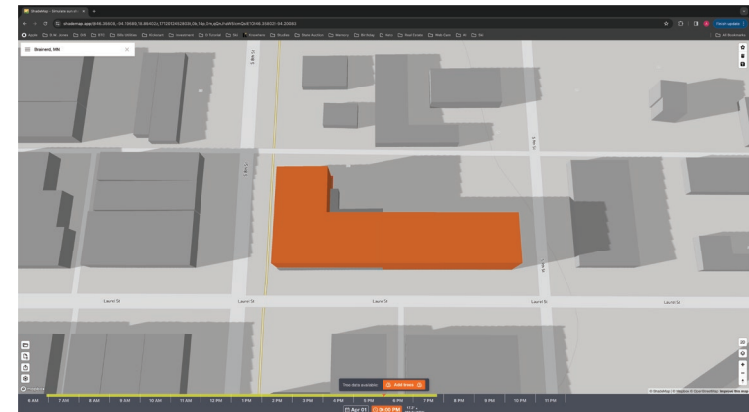
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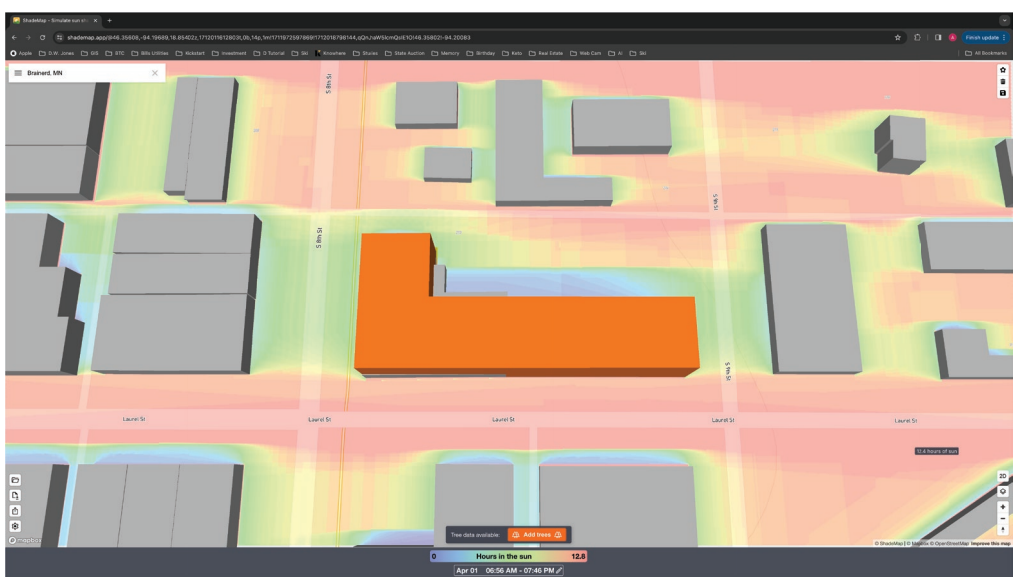
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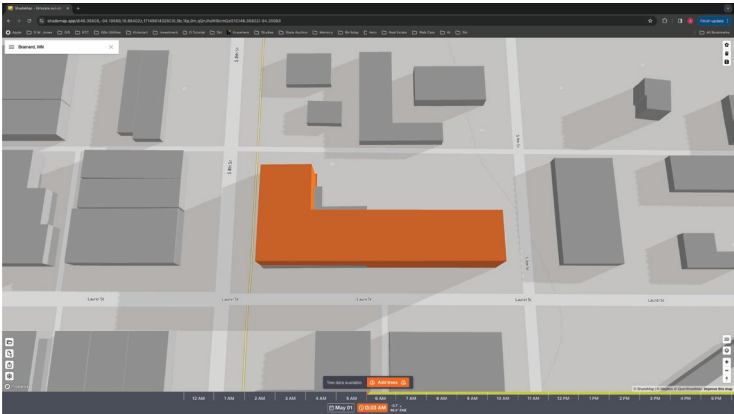


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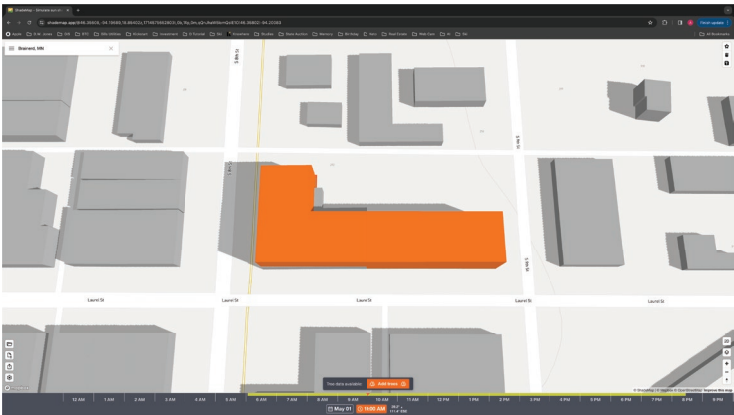


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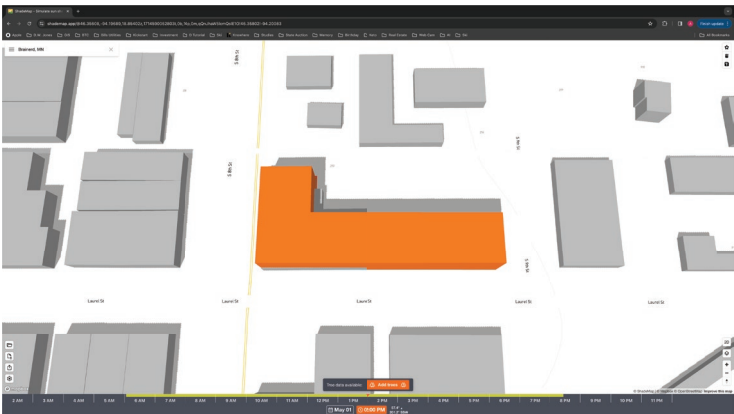
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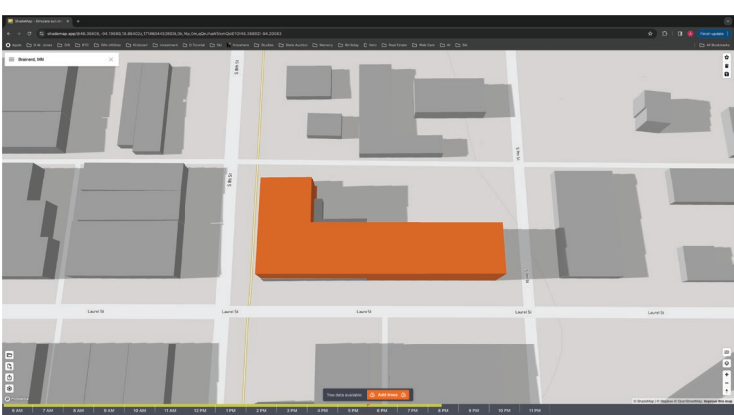
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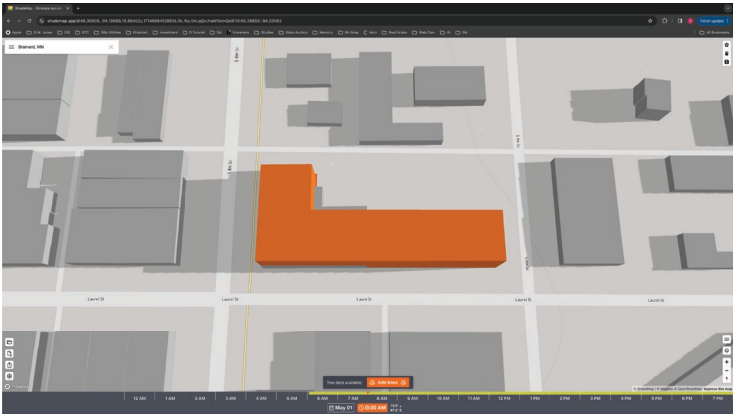


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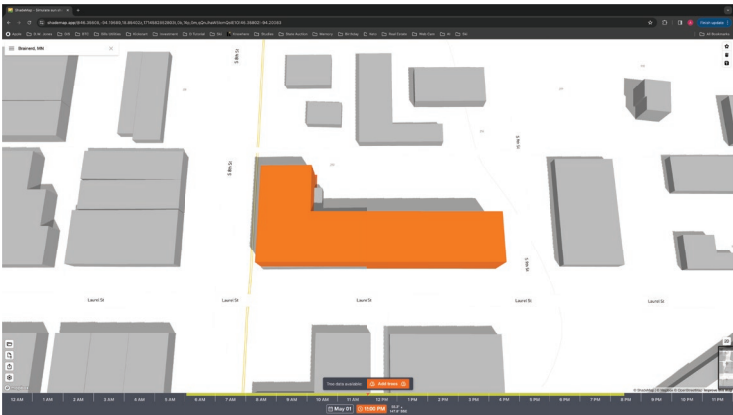


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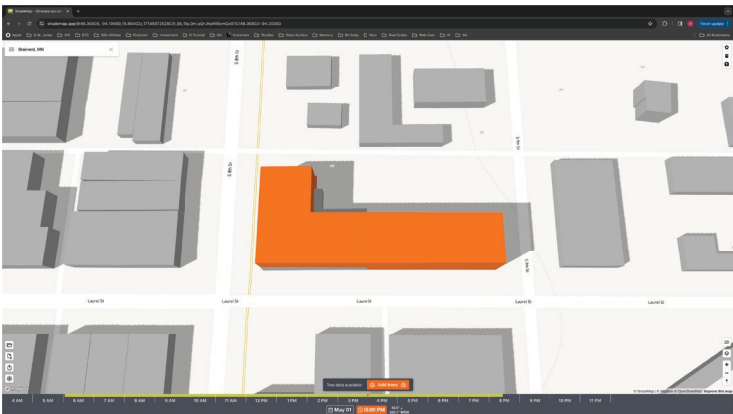
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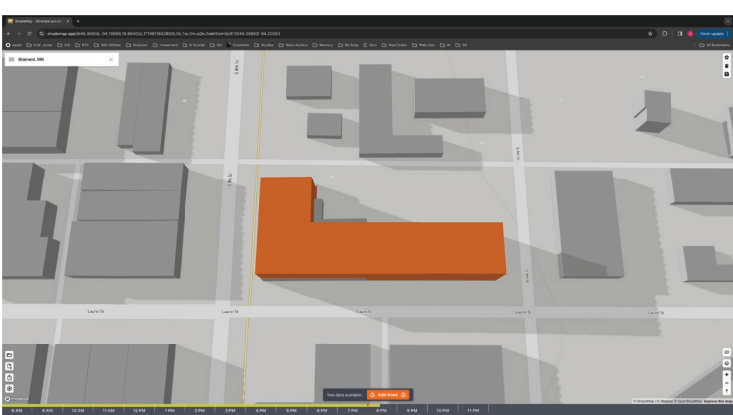
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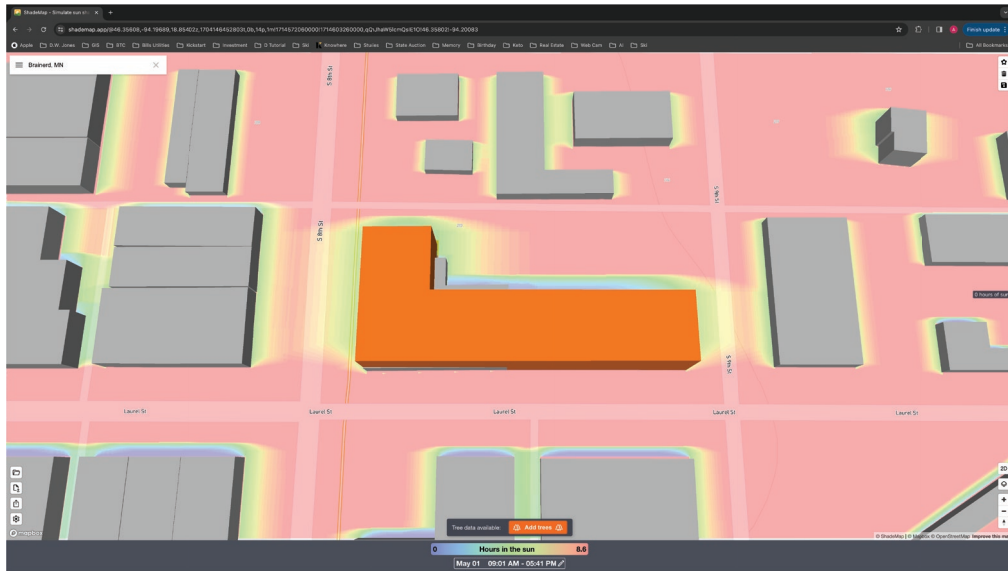
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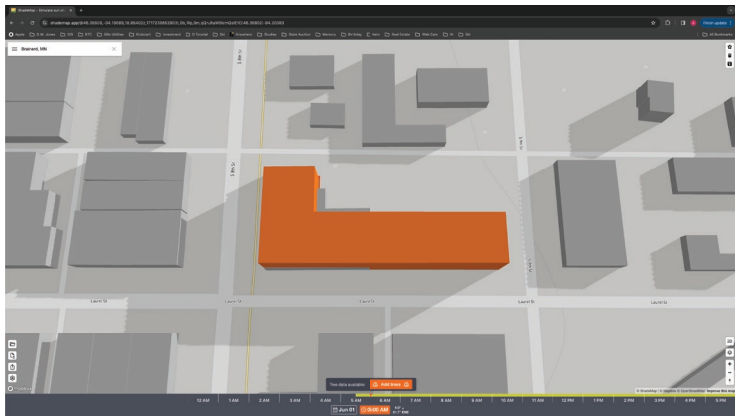


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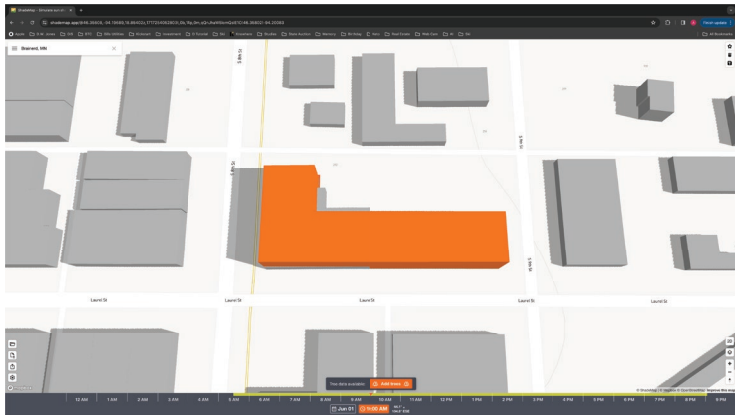


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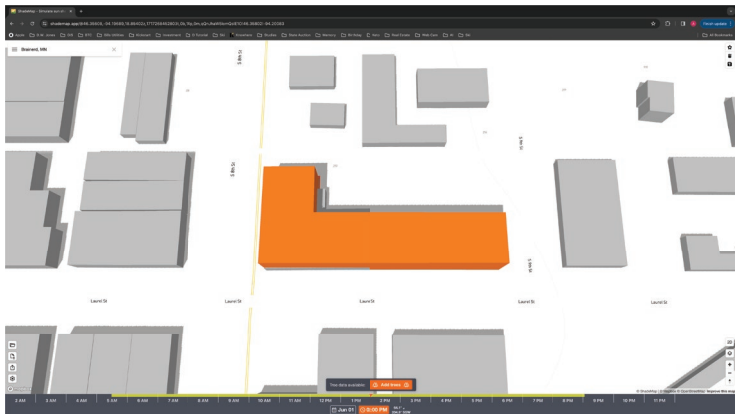
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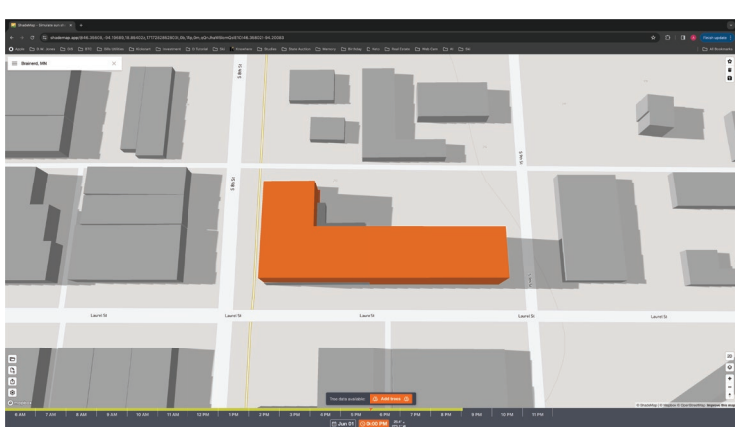
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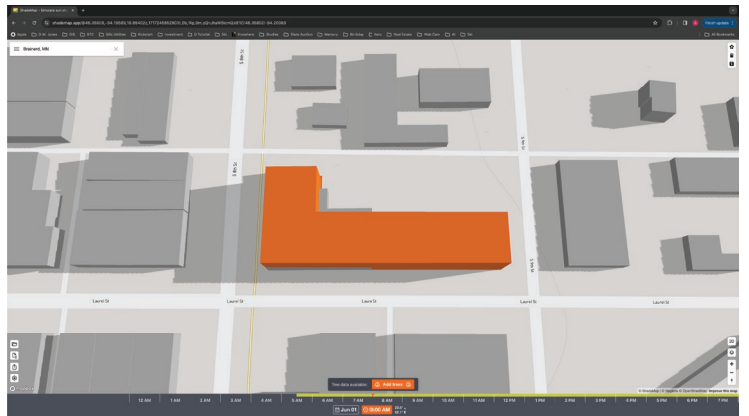


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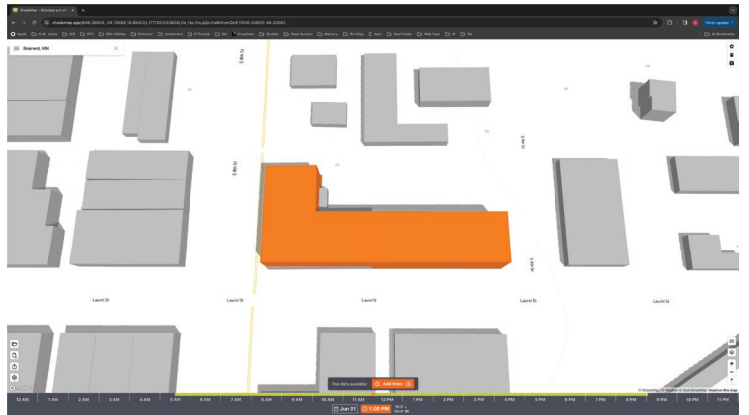


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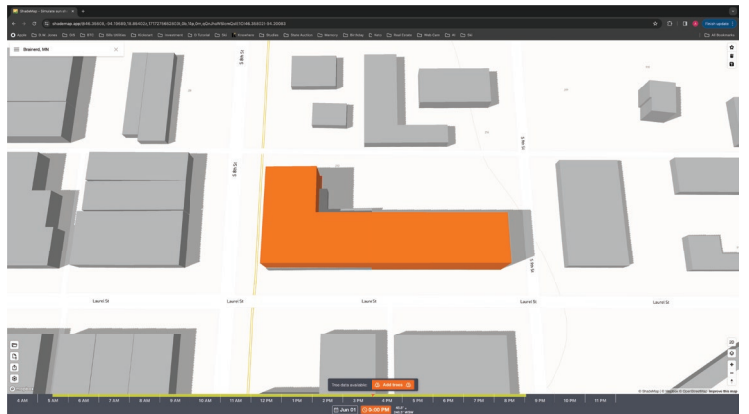
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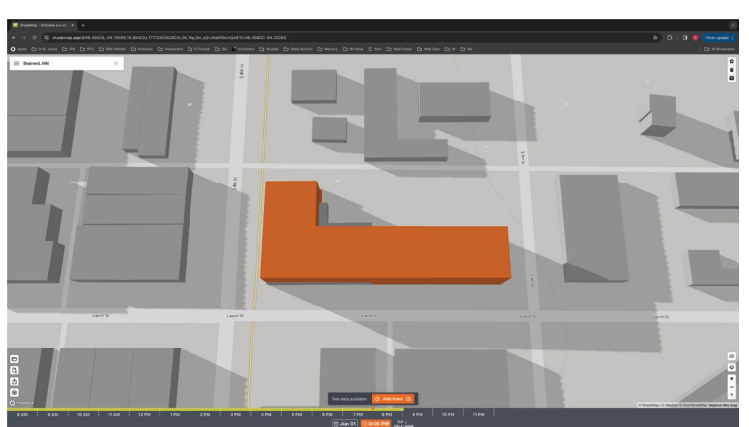
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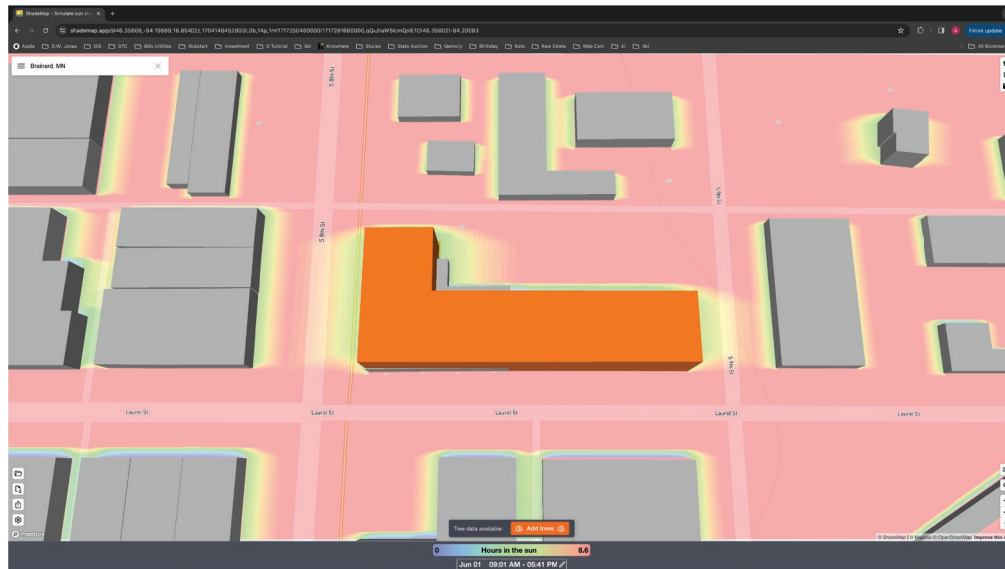
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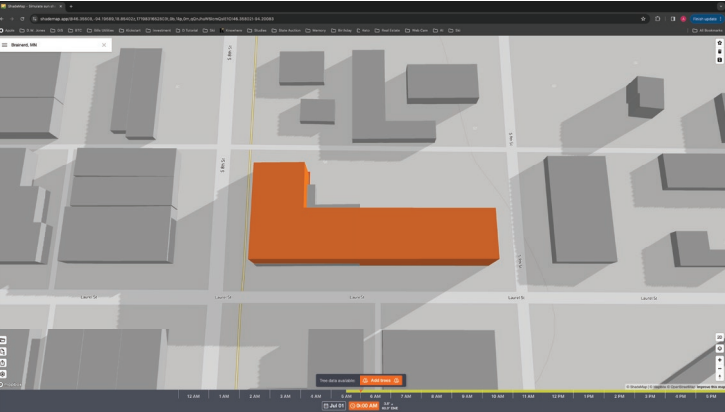


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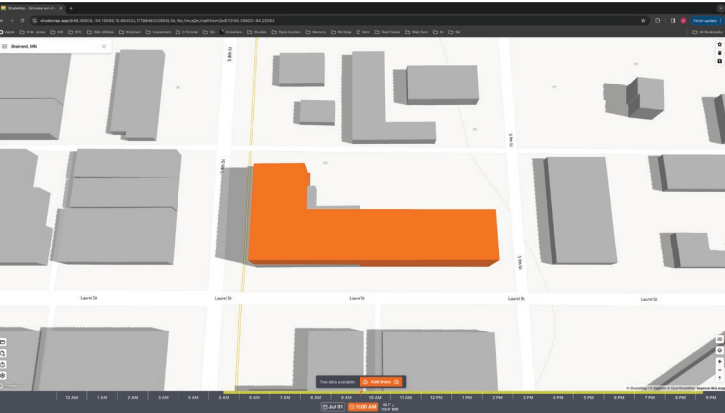


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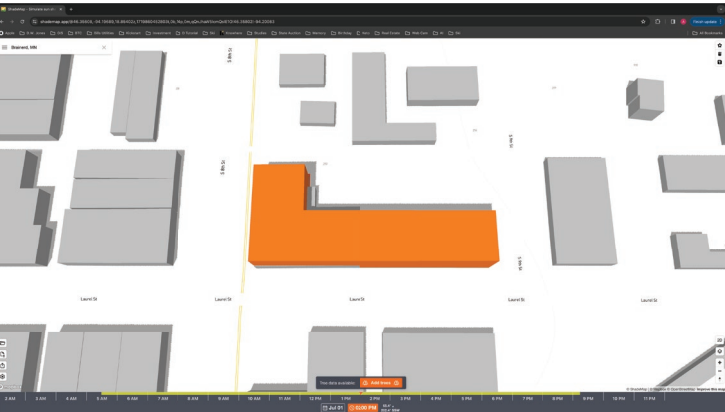
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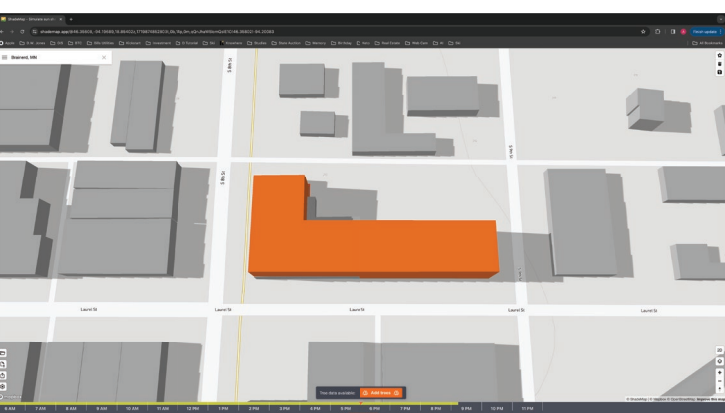
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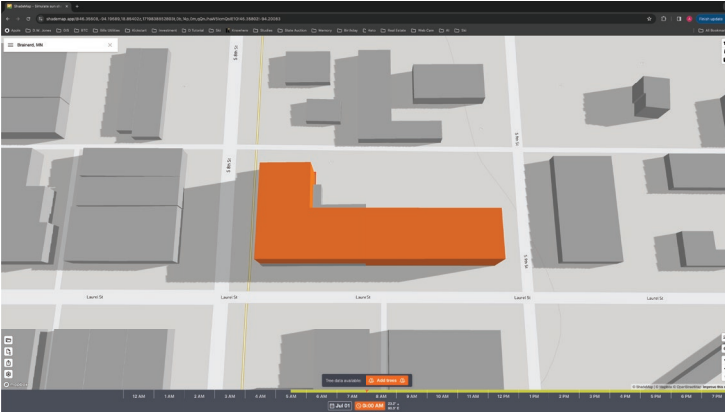


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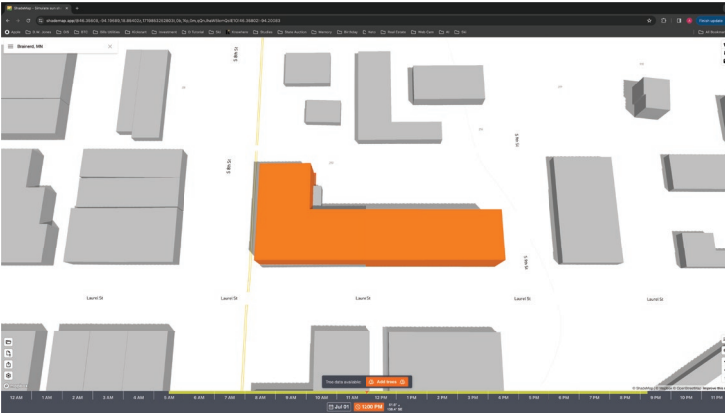


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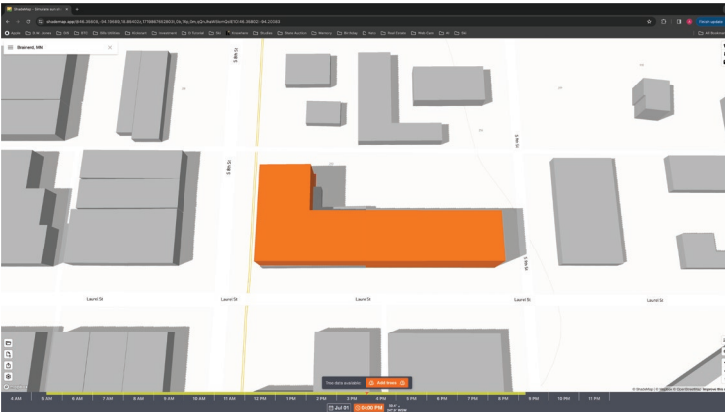
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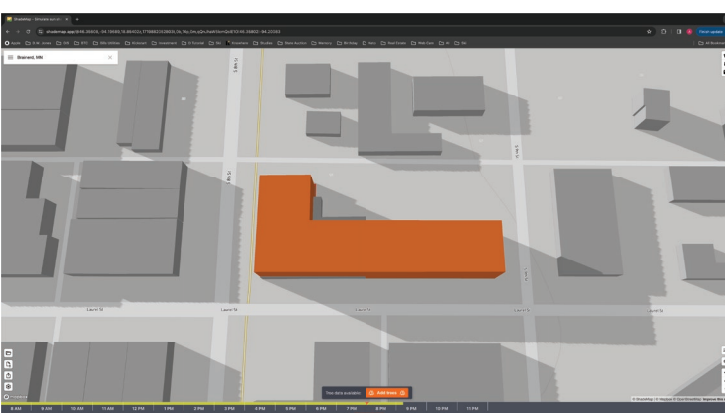
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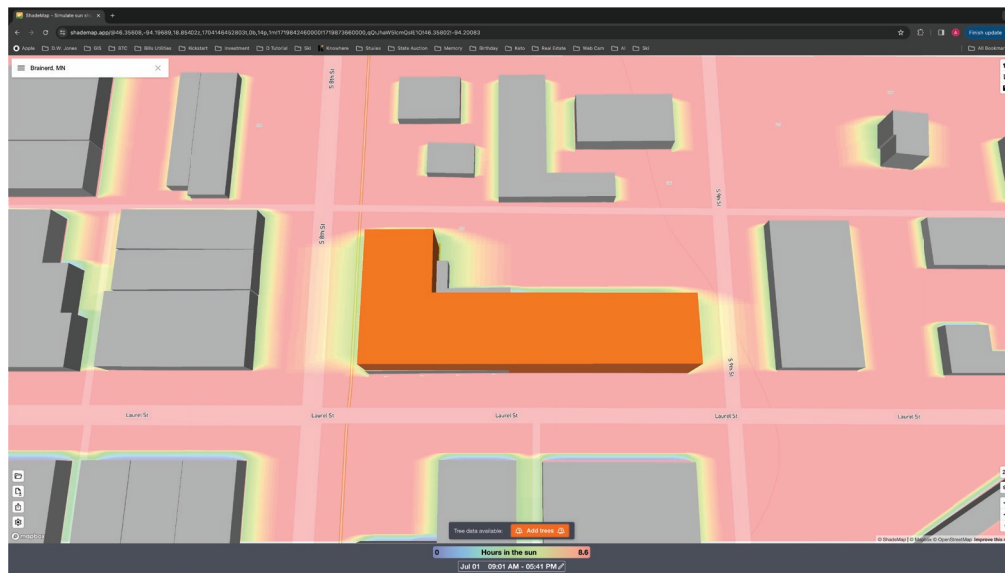
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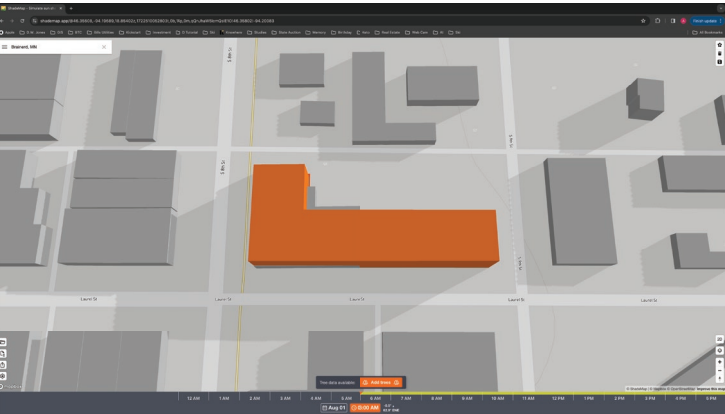
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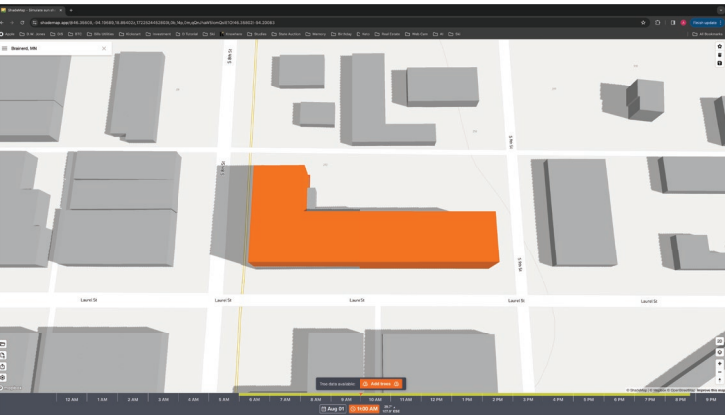
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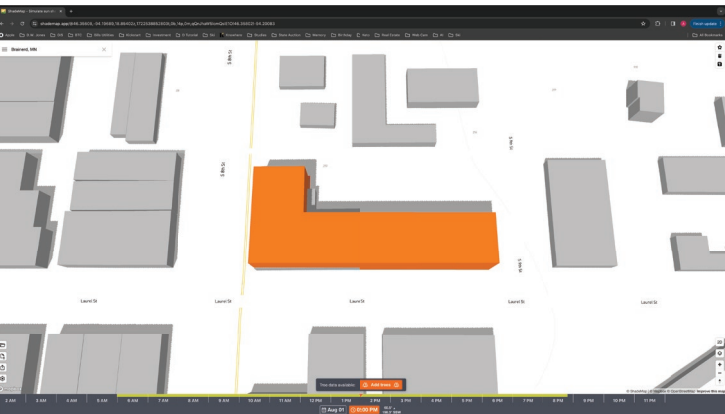
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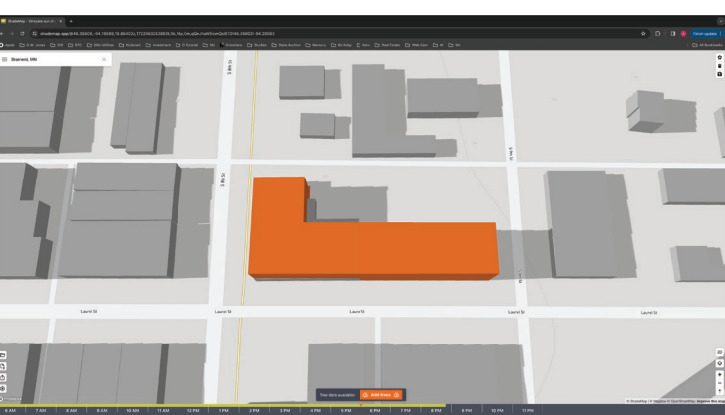
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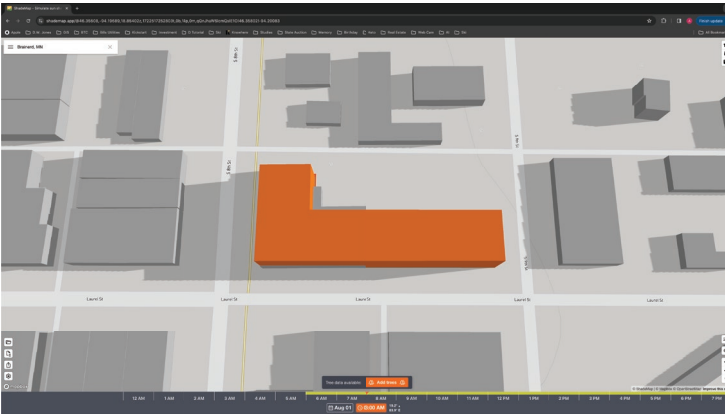


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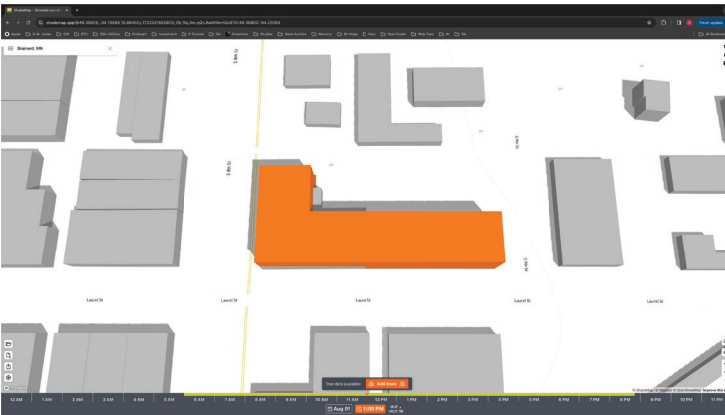


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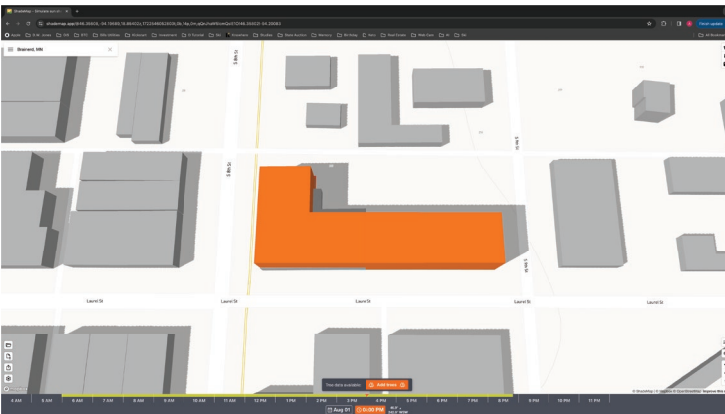
805 Laurel St, Brainerd MN



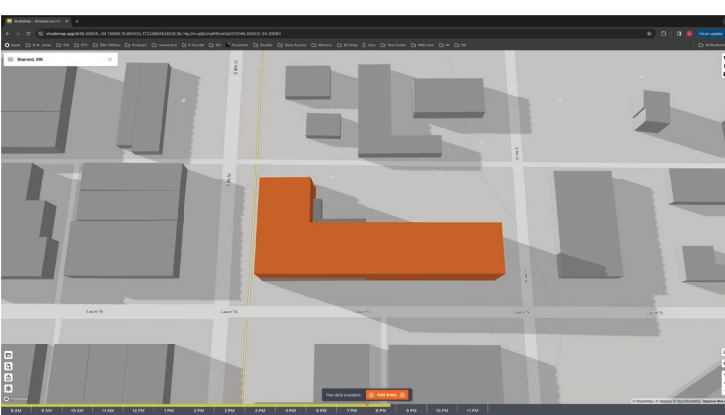
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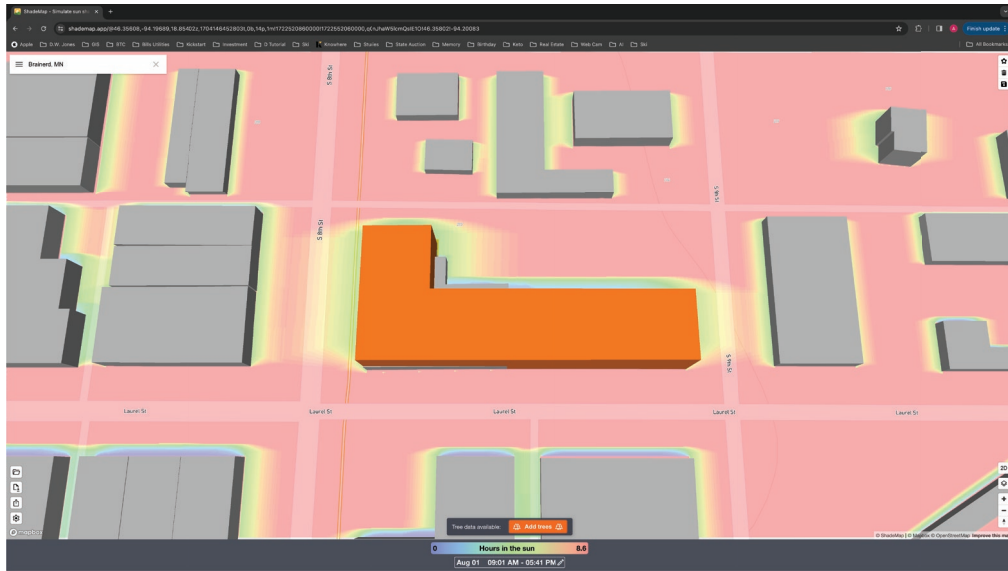
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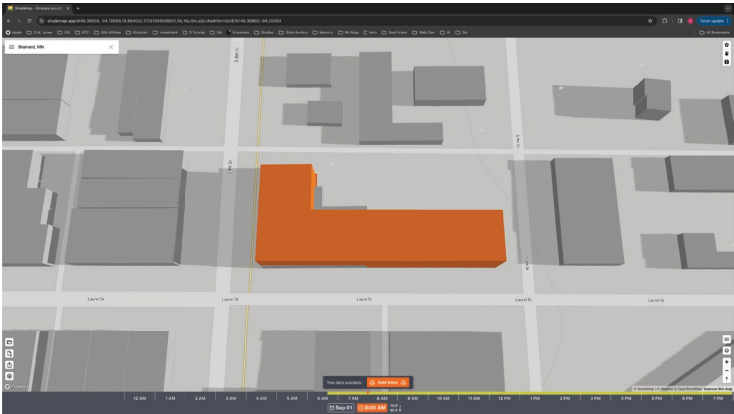


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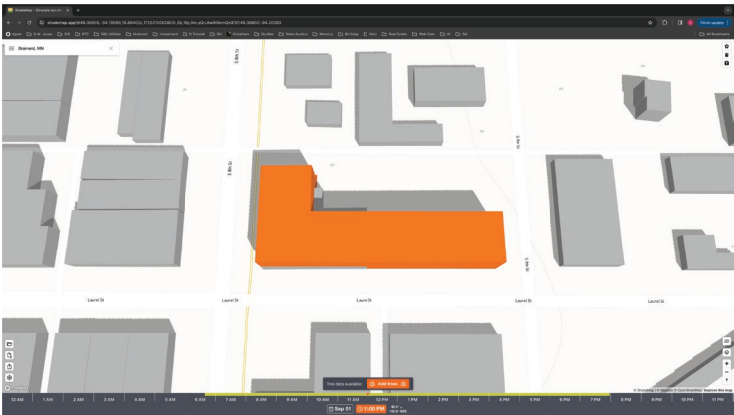


24 HOUR SUN EXPOSURE

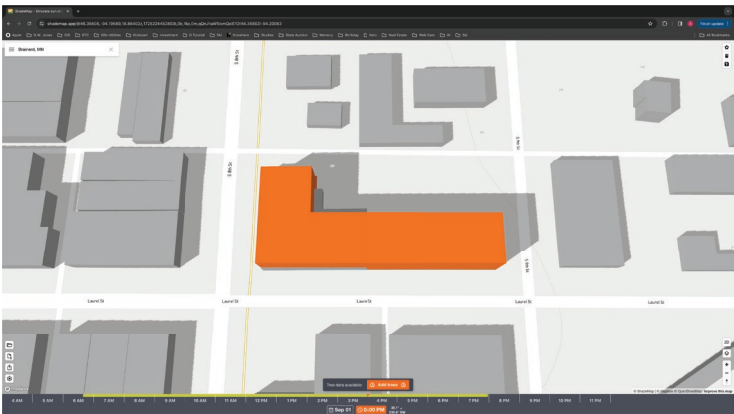
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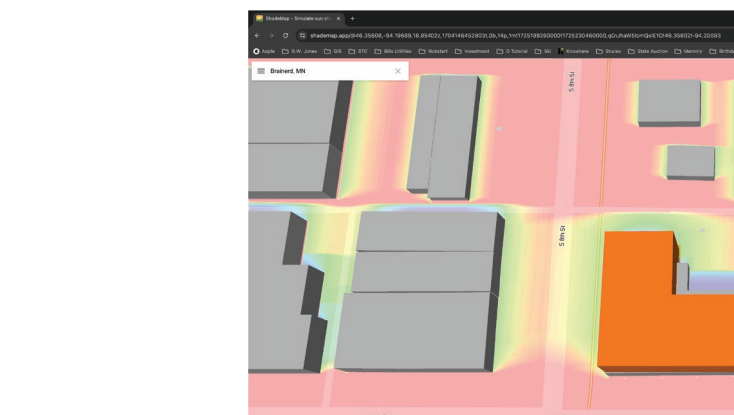
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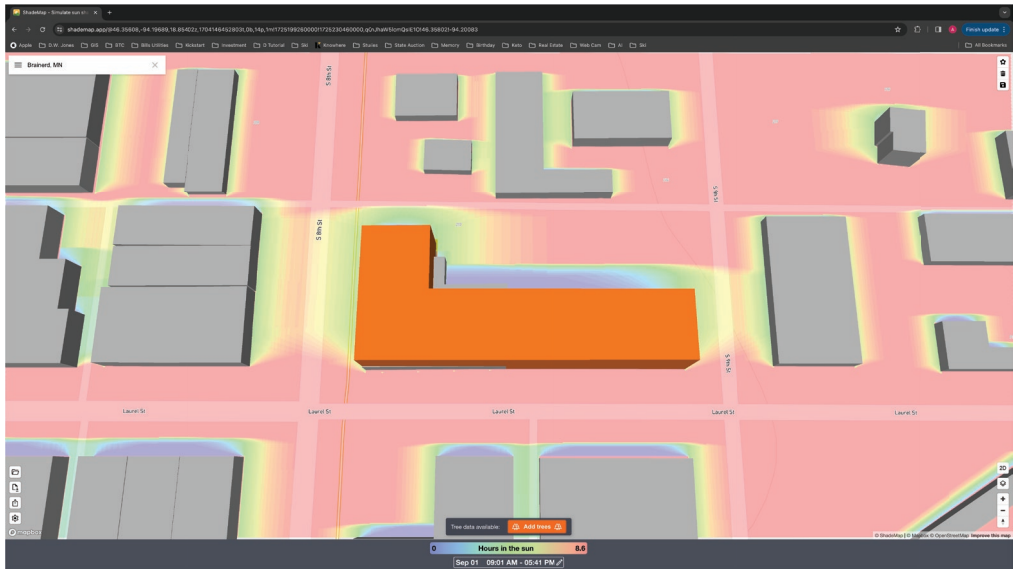
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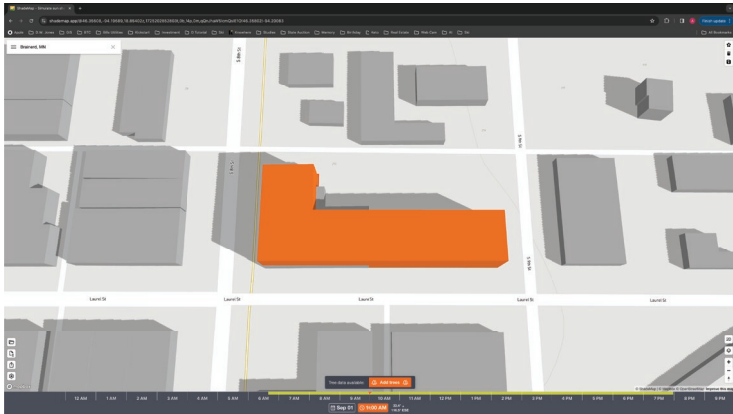


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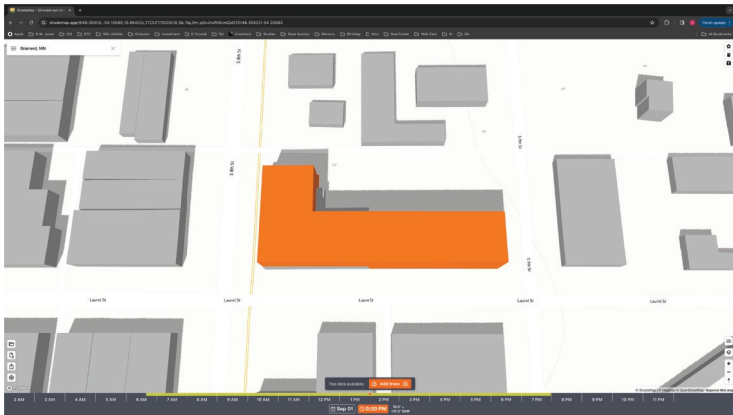


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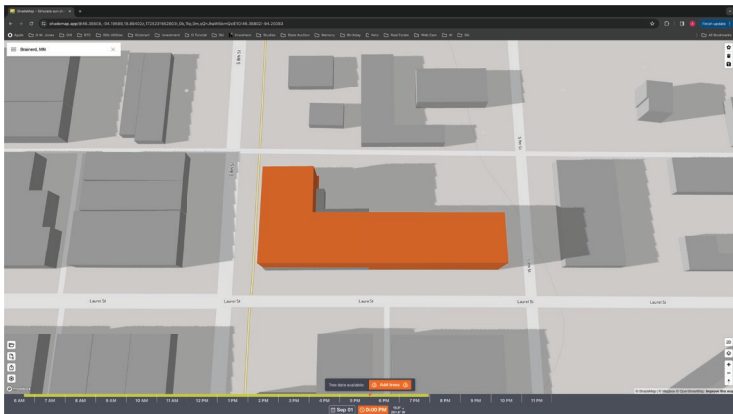
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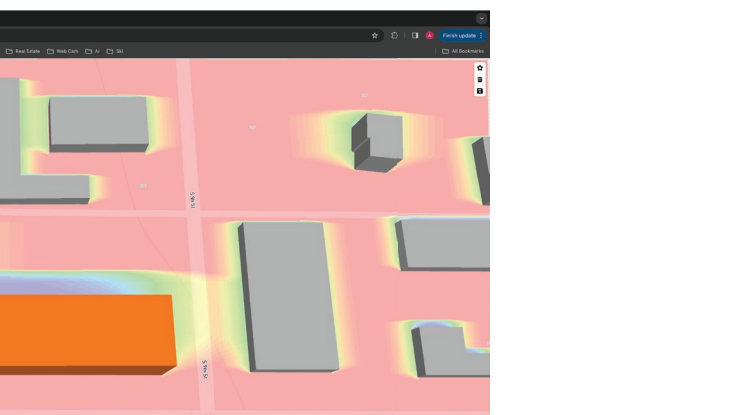
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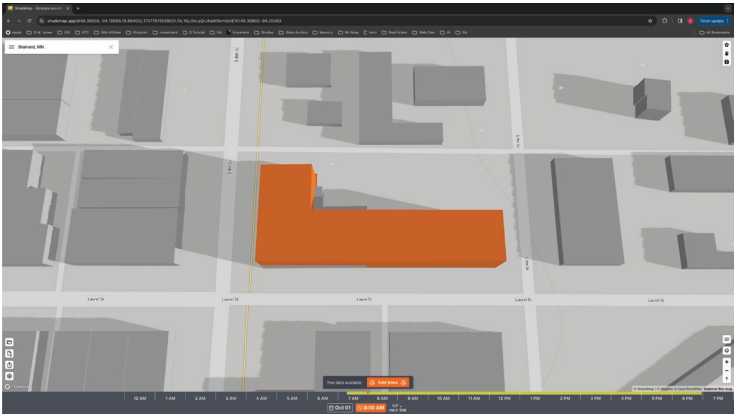


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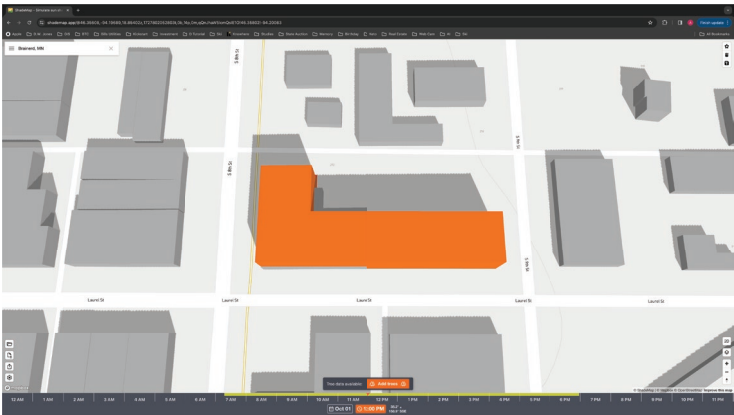


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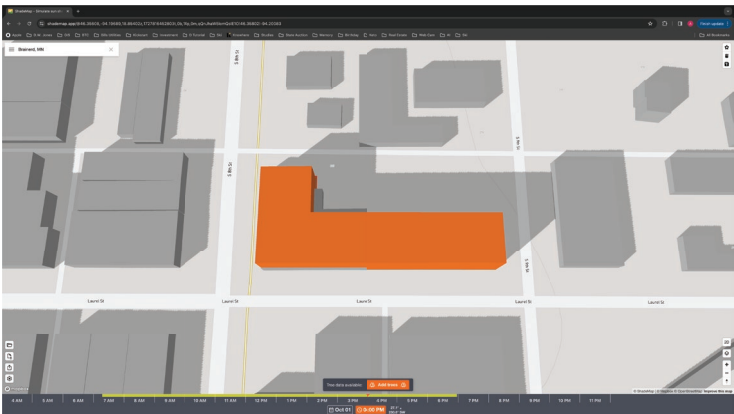
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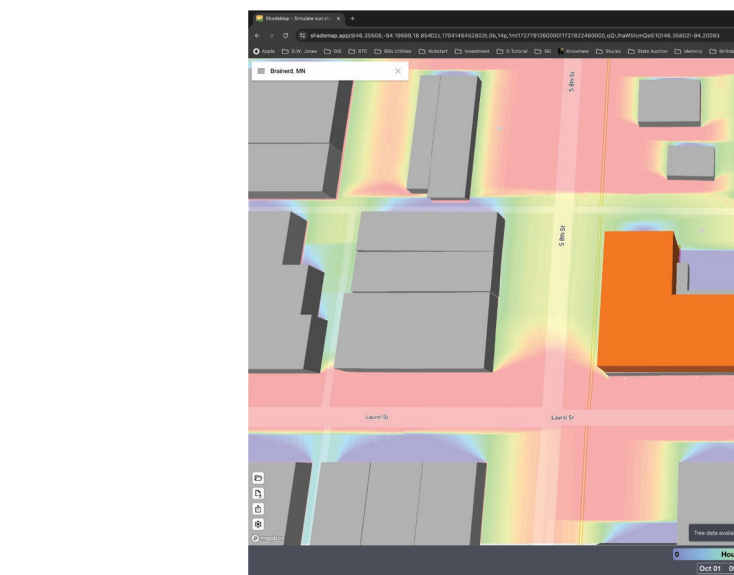
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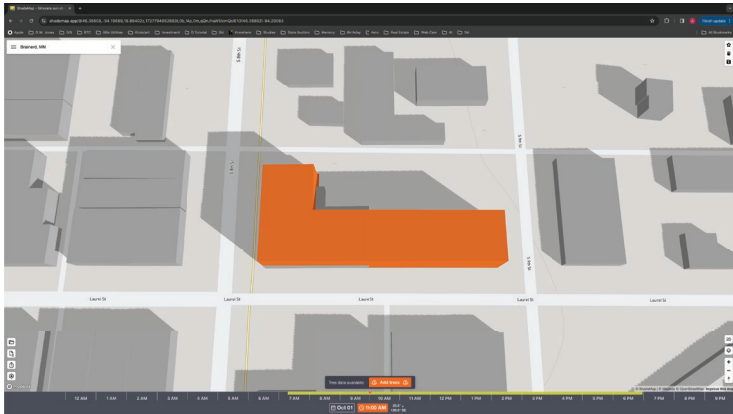
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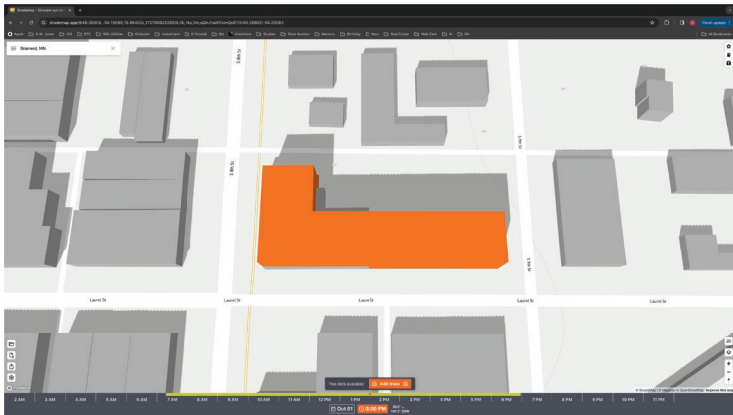
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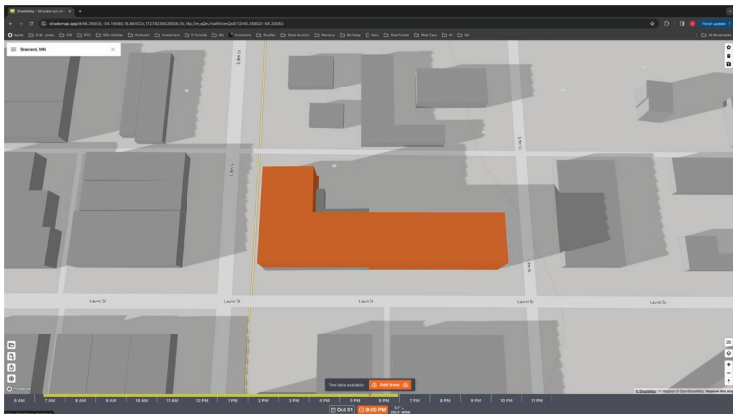
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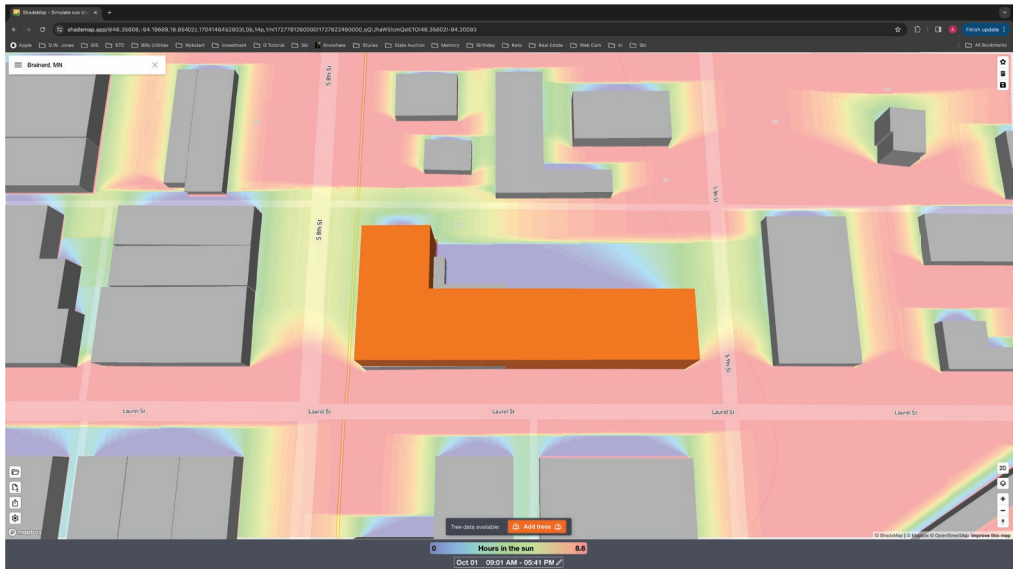
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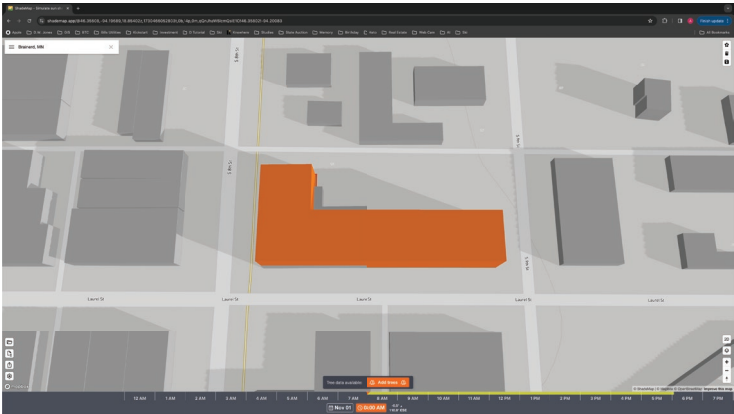


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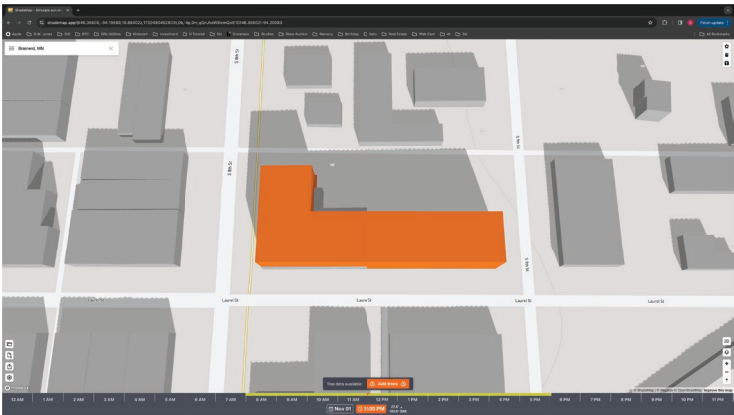


24 HOUR SUN EXPOSURE

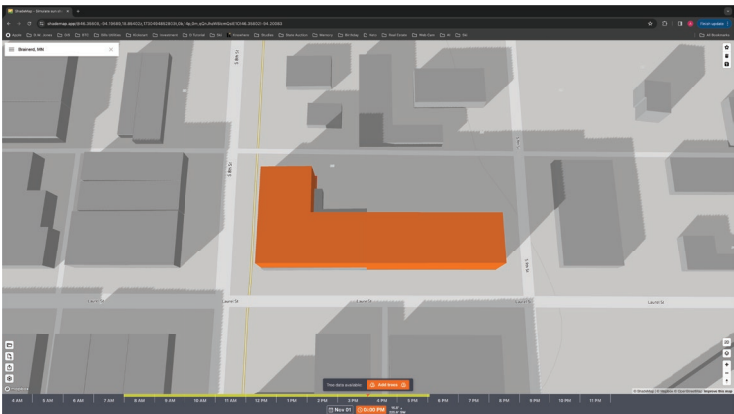
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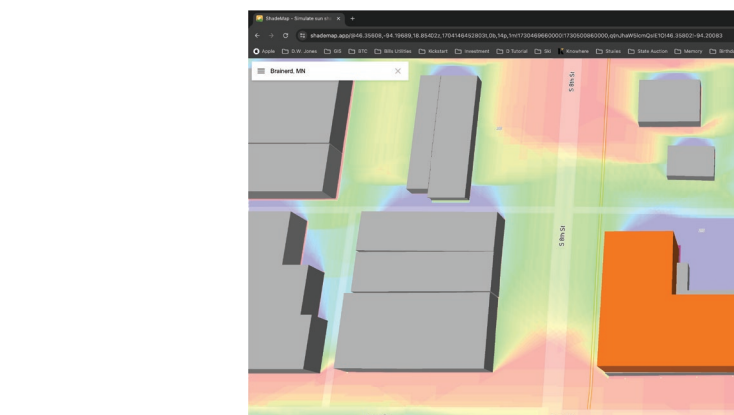
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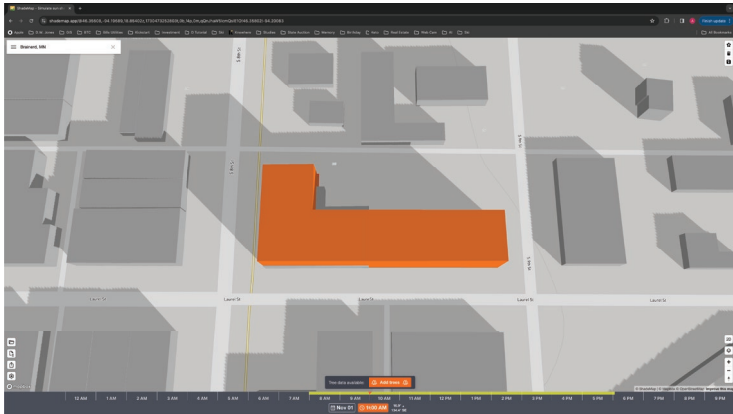
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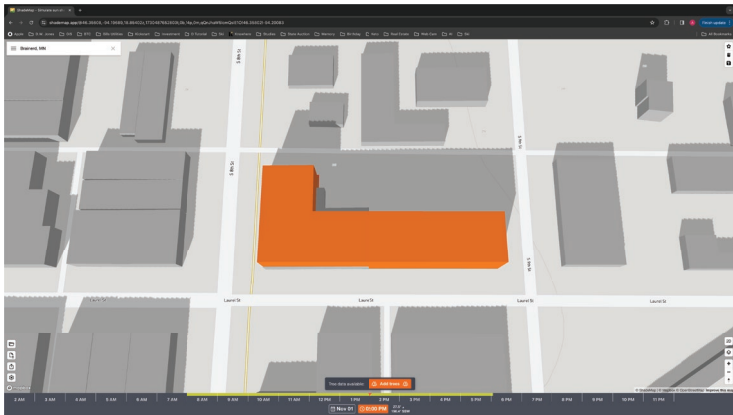
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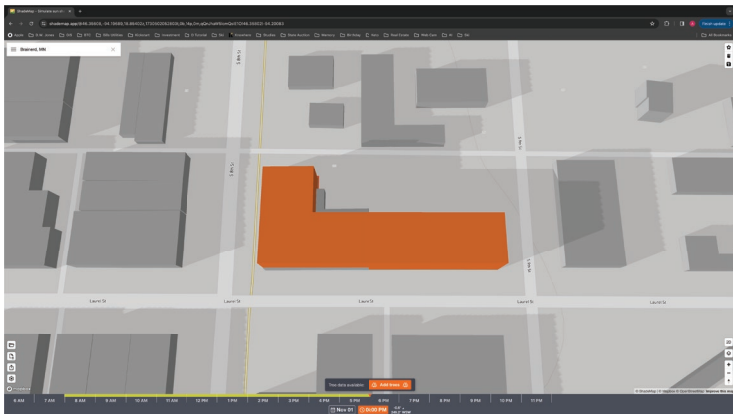
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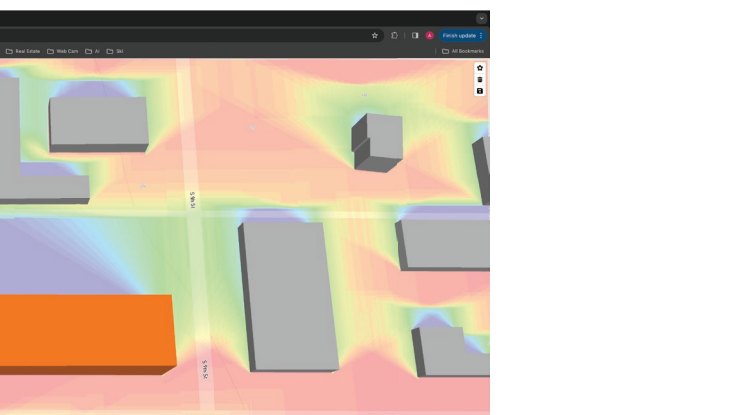
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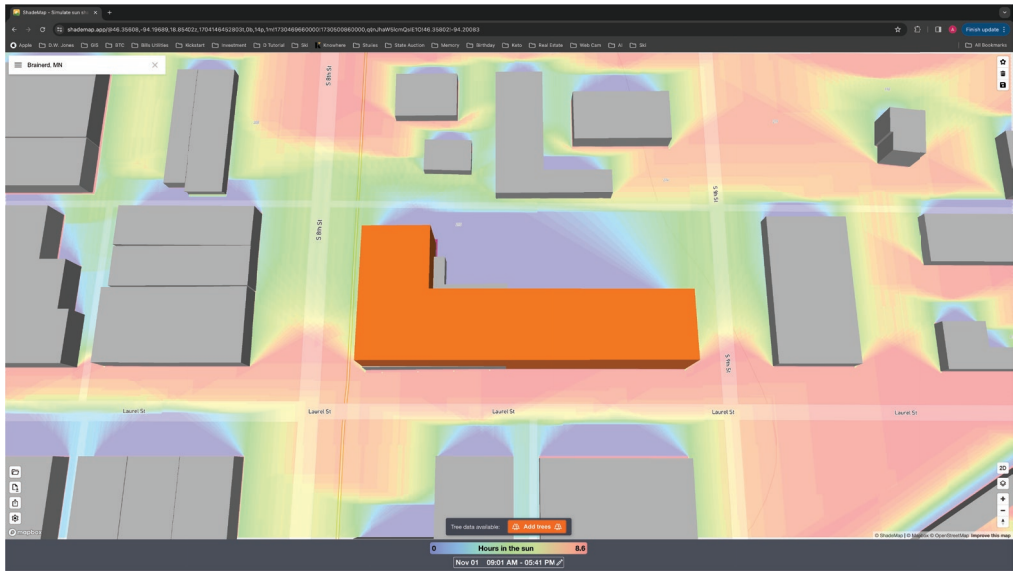
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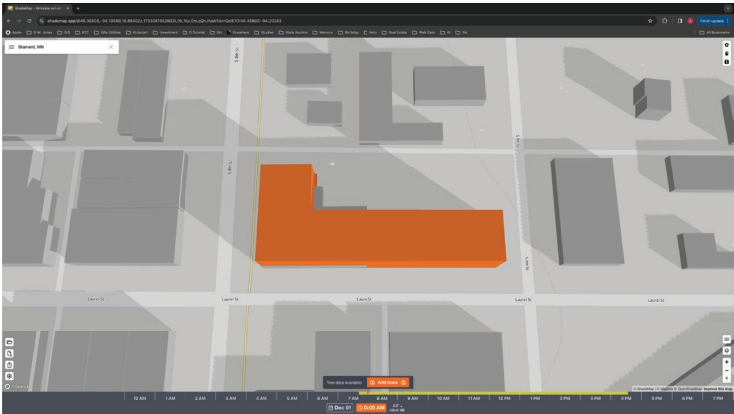


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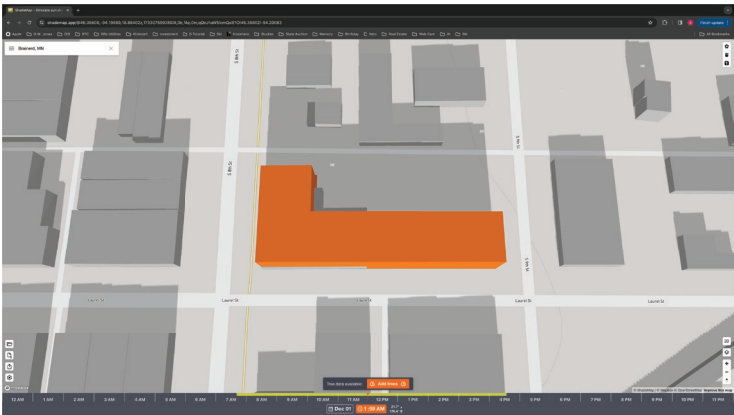


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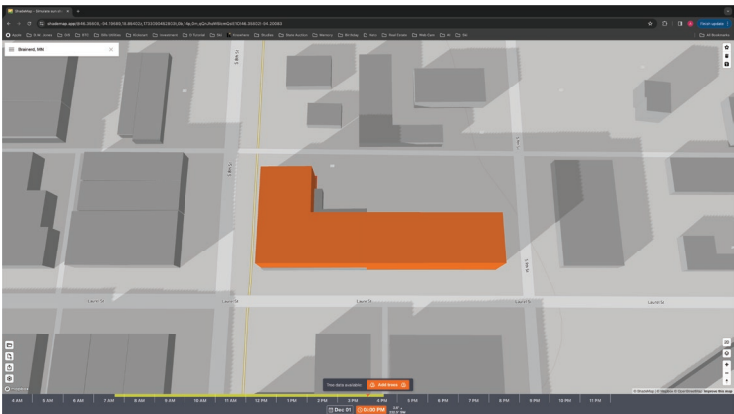
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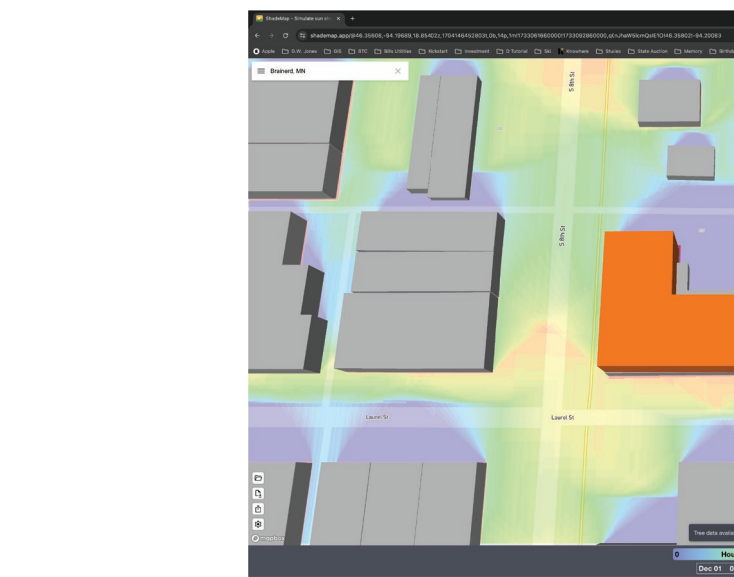
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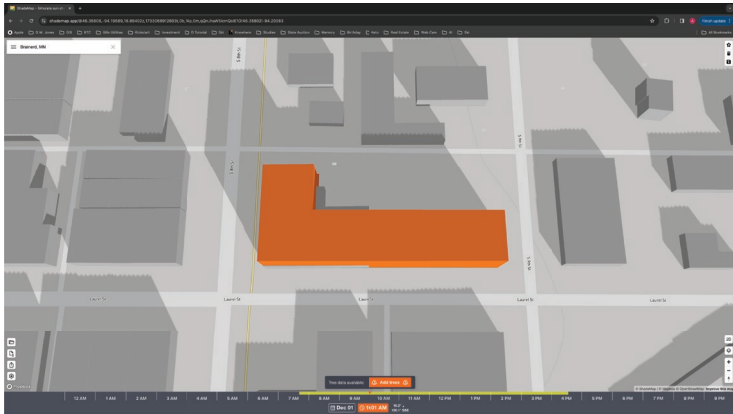
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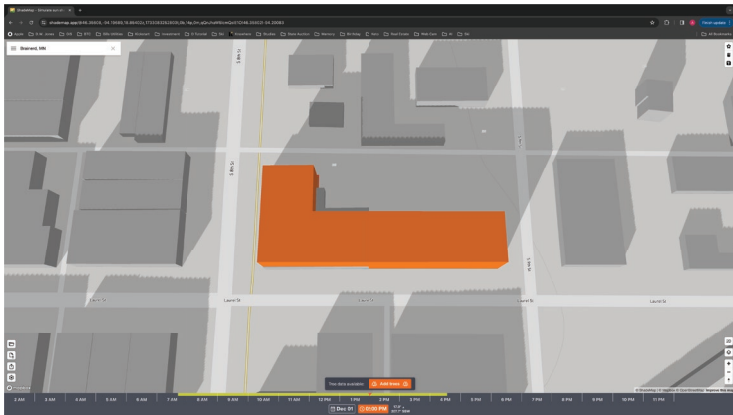
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805 Laurel St, Brainerd MN



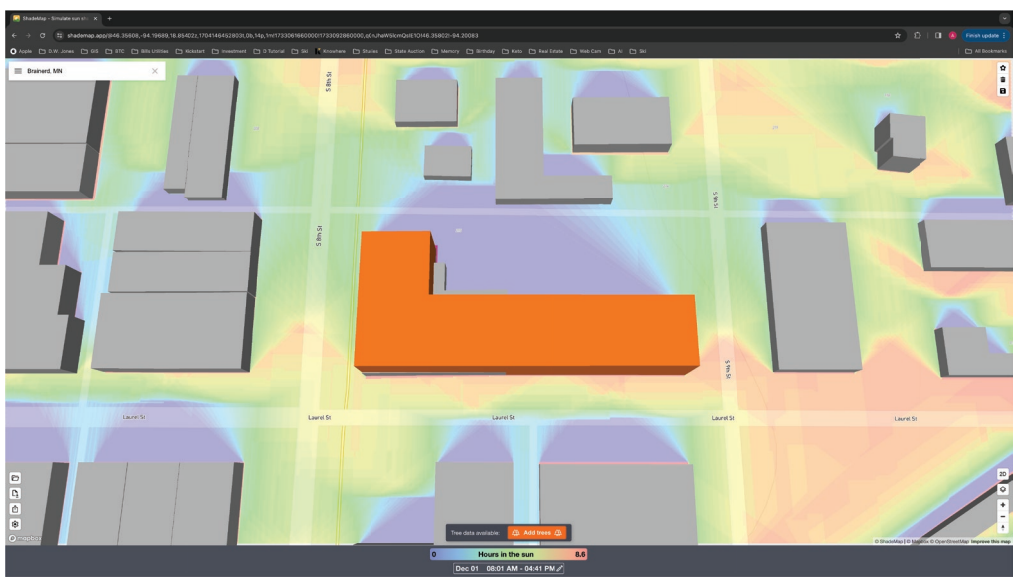
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24 HOUR SUN EXPOSURE

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 17th, 2024

RE: Consider and Provide Comments for Proposed Brainerd Oaks Outlot F Development and Grant Application

INTRODUCTION

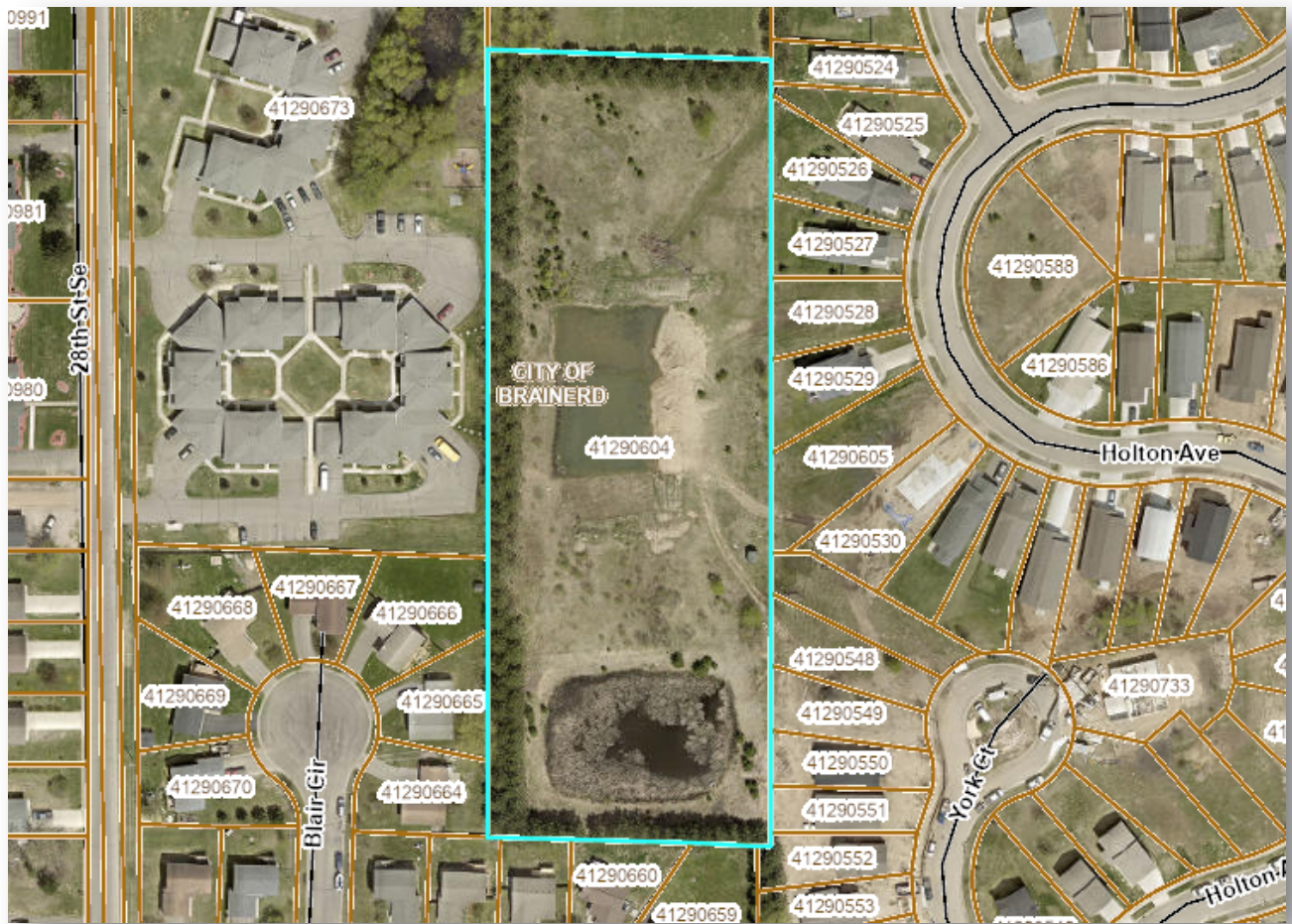
The Brainerd HRA currently owns Outlot F, a 4.3-acre parcel of land within the Brainerd Oaks subdivision in East Brainerd. At the January 24th, 2024 Brainerd HRA board meeting, the board agreed to convey this outlot to the Crow Wing County HRA at no cost with the understanding that the lot would then be conveyed and included in the current purchase and redevelopment agreement with Level Contracting for the purpose of the development of housing units on this parcel. At the February 13th, 2024 Crow Wing County HRA board meeting, the board moved to accept the conveyance of Outlot F from the Brainerd HRA and facilitate adding this land to, via conveyance, to the purchase and development agreement with Level Contracting.

The Brainerd HRA has owned this parcel since 2003 and was originally intended to be parkland space donated to the City after the Brainerd Oaks development was completed. Since that time the Park Board has indicated that they are not interested in the land donation and the HRA has in recent years attempted to sell the land or to convey this property to surrounding landowners at no cost, without success. The HRA staff and board believe that the highest and best use of this land would be to develop this land to add additional housing units. Level Contracting has expressed interest in building 9 twin homes on the property.

Level Contracting would like to apply for the Minnesota Workforce Housing Grant which is allocating 39 million dollars construct workforce housing in rural communities like Brainerd. The grant would help Level Contracting pay for road and utility infrastructure construction costs. Level Contracting will be applying for a Planned Unit Development (PUD) in the near future; however, the grant application is required to be submitted by the end of April. Level Contracting will be asking City Council to sign the application at the April 22nd meeting. This agenda item is an opportunity to provide comments to City Council regarding the proposed development. As there is not a formal land use application, there should be no motion.

All feedback and recommendations shall be considered as guidance to the applicant and Council. Comments and recommendations do not convey any development rights or privileges to the applicant.

AERIAL MAP



CONTEXT

Parcel Number: 41290604
Zoning District: Contemporary Neighborhood 2 (CN-2) District
Property Area: Approximately 4.29 Acres

Adjacent Uses:

- North: Church
- East: Multi-family & Single-family homes
- South: Single-family homes
- West: Single-family homes

Adjacent Zoning:

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

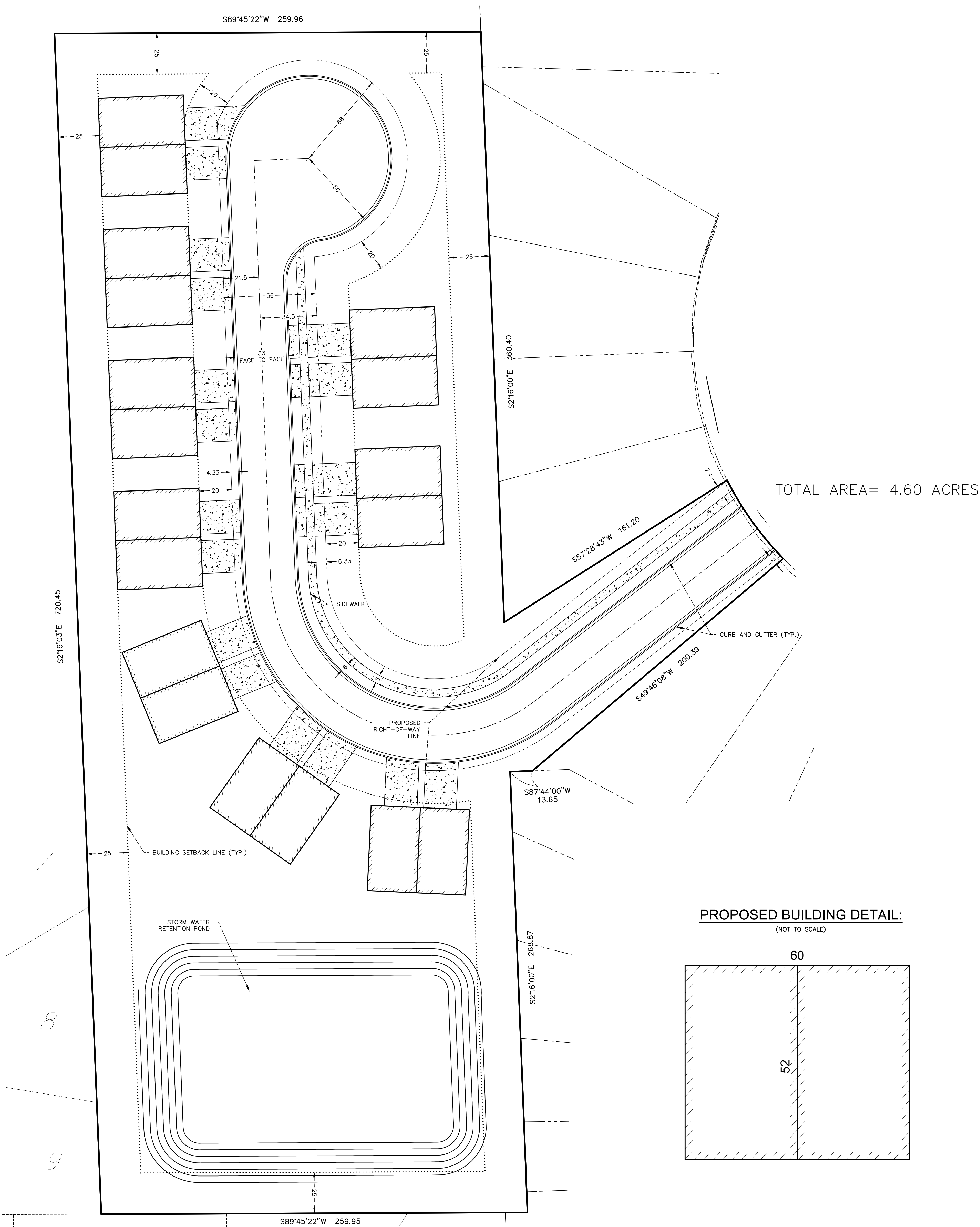
1. The property at PID 41290604 is in a CN-2 (Contemporary Neighborhood 2) District. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows Single Family Attached Dwelling Units (2-4 Units) as a permitted use.
 - a. *The applicant proposes nine (9) duplex units.*
2. According to [Table 515-2-7.1. CN-2 Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards](#) for the CN-2 District the following standards apply:
 - a. The density range is 4 – 12 DU/AC
 - i. *The applicant is proposing nine (9) duplexes, which equates to a total of 18 units and 4.2 dwelling units per acre. Consideration should be given that a large portion of Outlot F is for stormwater retention of other properties in the Brainerd Oaks subdivision.*
 - b. The front yard setback requirement is 25'.
 - i. *The applicant is proposing a 20' front yard setback which is the typical length of a parking space.*
 - c. The rear yard setback requirement is 25'.
 - i. *All proposed duplexes maintain at least a 25' setback.*
 - d. The side yard setback requirement is 10'.
 - i. *The setback depicted in the site plan exceeds 10'.*
 - e. *The proposed development would be set up as an association with common property and must go through the PUD process which encourages a more creative and efficient development of land and its improvements than is possible under the strict application of the Base Zoning District requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan for Brainerd and preserving the health, safety, and welfare of the citizens of Brainerd.*
3. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - a. *The preliminary right-of-way plan has been reviewed by the City Engineer and he has no concerns at this time. The 56' right-of-way width is consistent with the Brainerd Oaks Subdivision. The applicant is proposing a sidewalk on the East side of the road.*
 - b. *The proposed duplexes are consistent with the architecture of the Brainerd Oaks Subdivision as living space is built over the attached garage.*
4. 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.
 - ii. **Housing Goal 1:** Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed Outlot F development and provide comments for City Council consideration of the grant application.

SKETCH PLAN

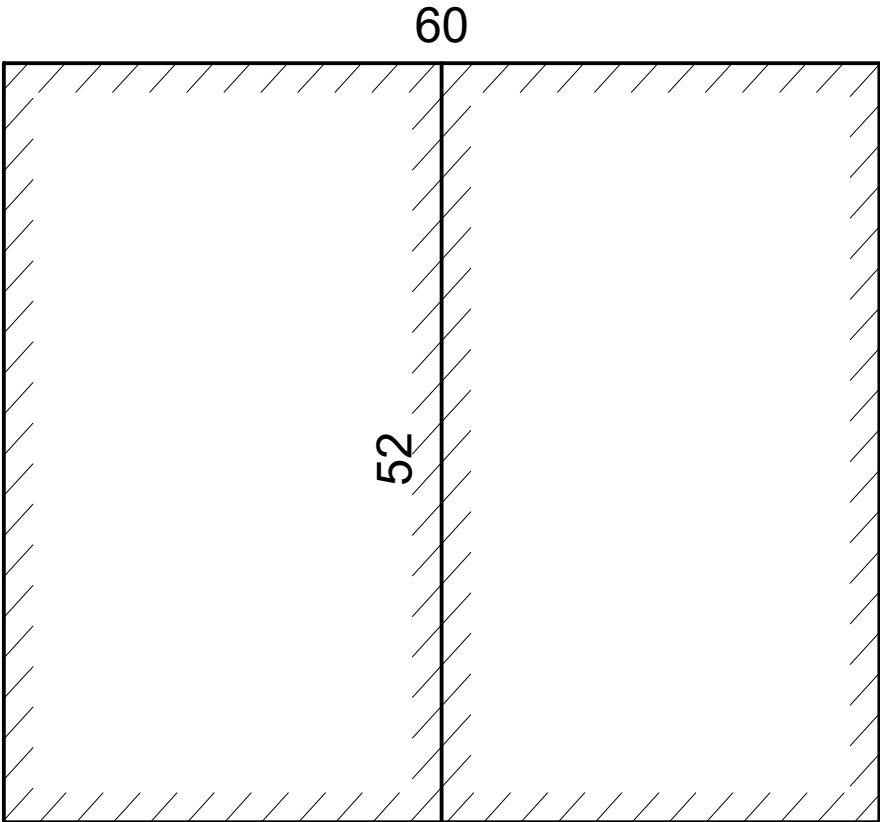
BRainerd OAKS WEST
SECTION 29, TOWNSHIP 45, RANGE 30,
CROW WING COUNTY, MINNESOTA



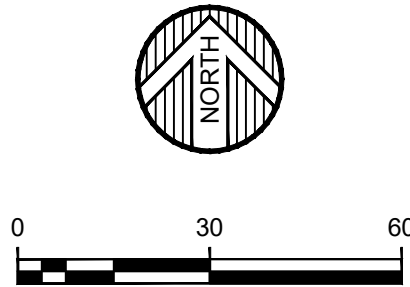
TOTAL AREA= 4.60 ACRES

PROPOSED BUILDING DETAIL:

(NOT TO SCALE)



THE WILLOWS
11 12 13 14

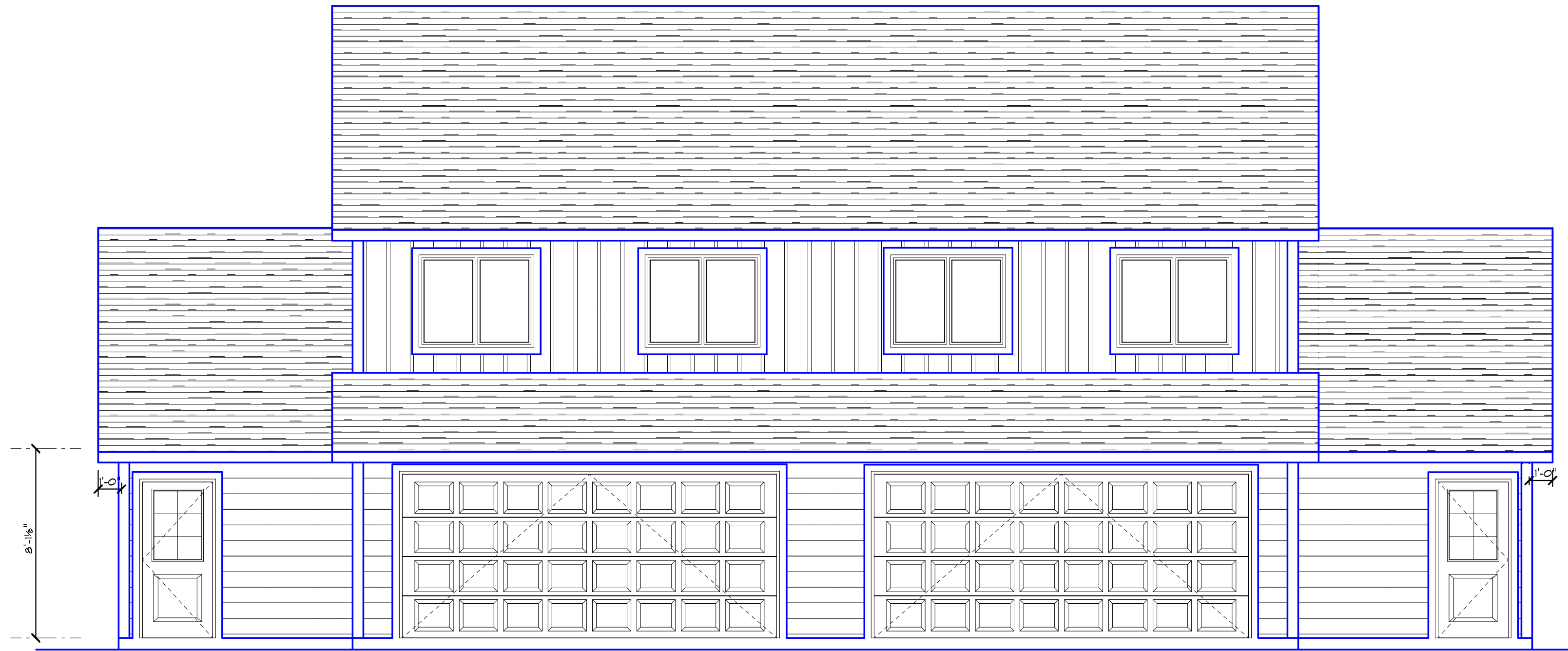


ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON AN ASSUMED DATUM

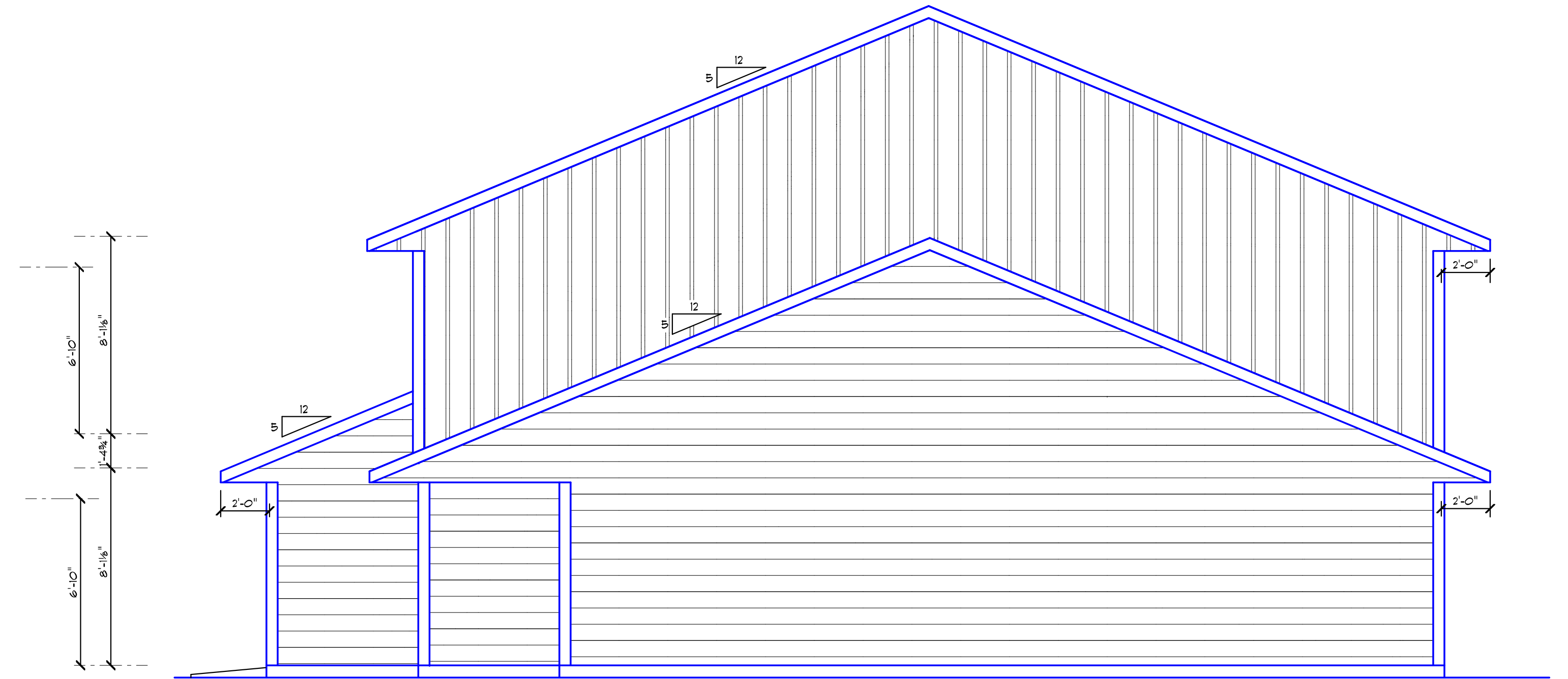
© 2024 WIDSETH

DATE: 3-26-2024	DATE	AMENDMENTS	BY	PREPARED FOR: LEVEL CONTRACTING
SCALE: AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT 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
DRAWN BY: ABS				
CHECKED BY: CMC				
FILE NUMBER: ZZZZZZ				CHAD M. CONNER DATE: LIC. NO. 41643

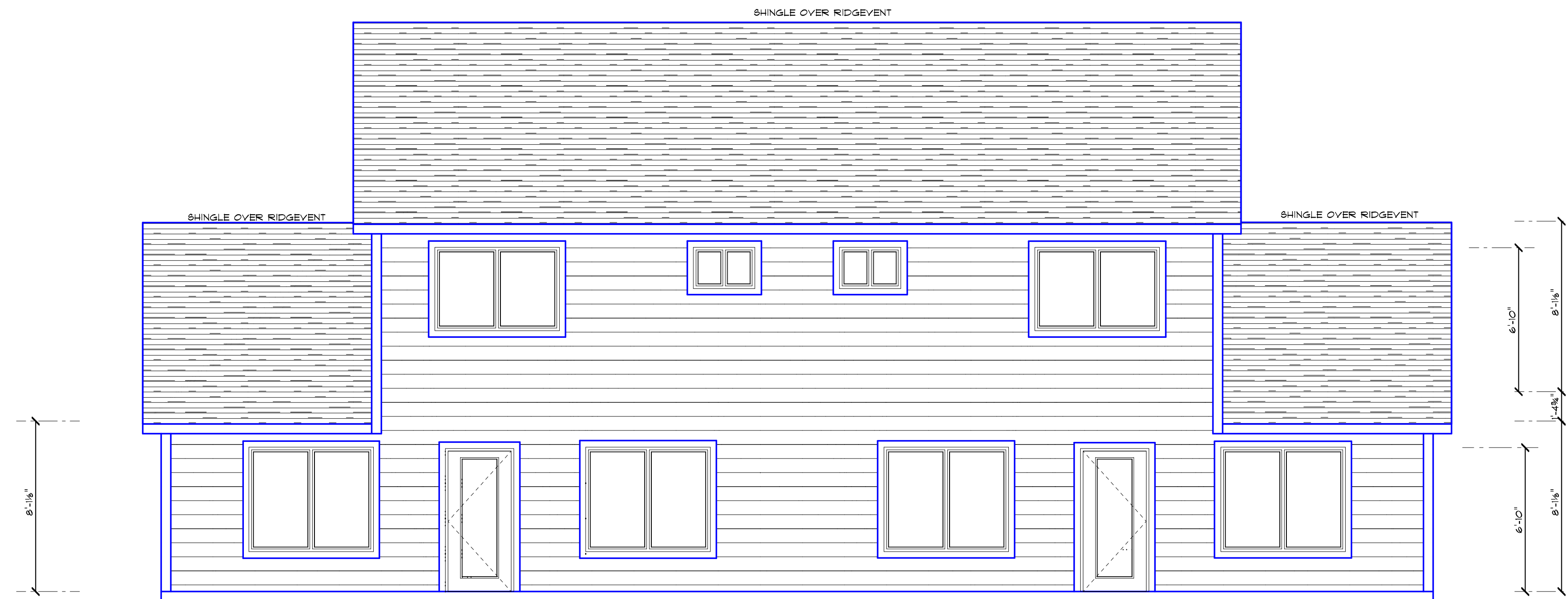
WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS



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

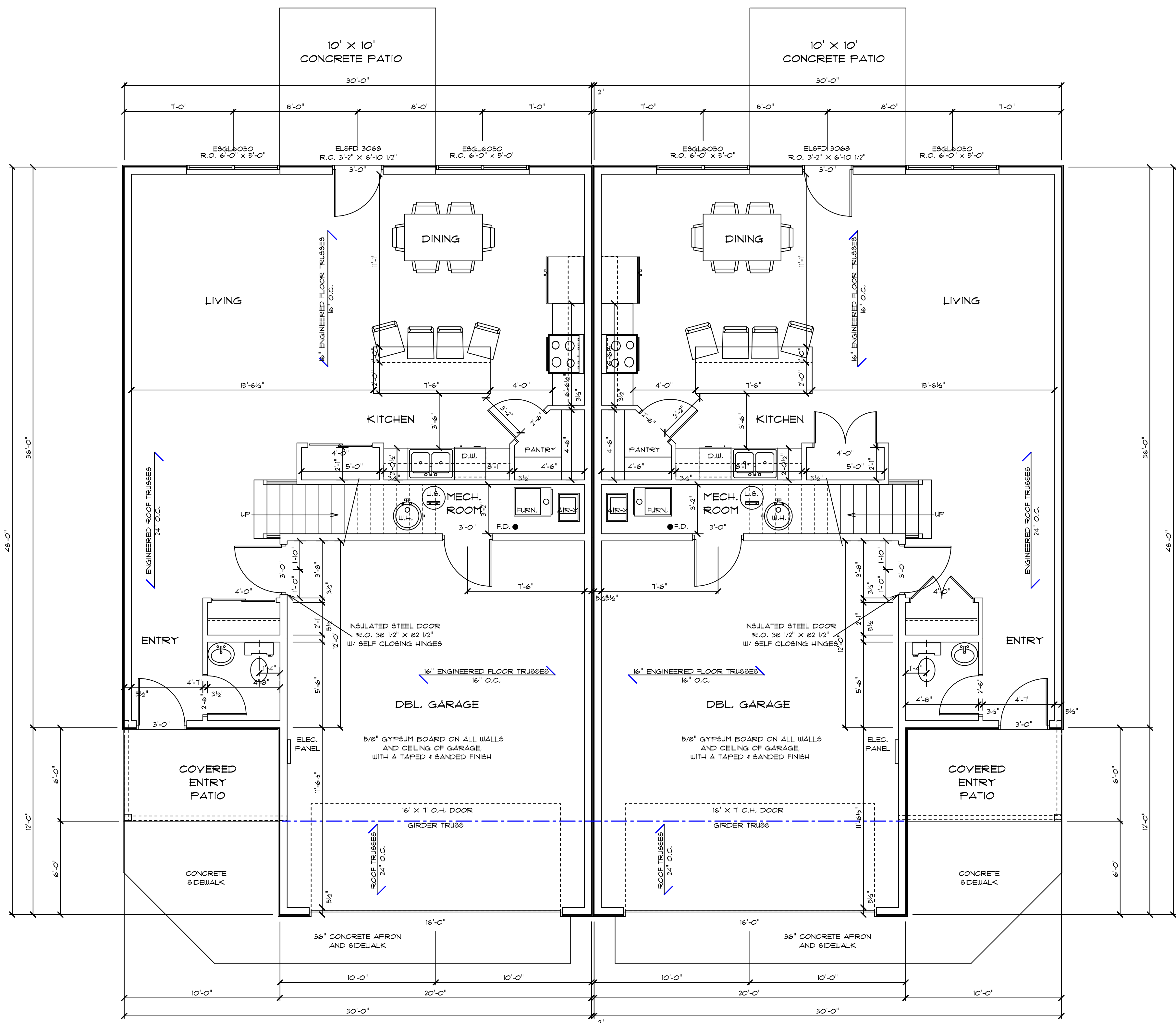


RIGHTSIDE ELEVATION
SCALE: 1/4"=1'-0"



REAR YARD ELEVATION
SCALE: 1/4"=1'-0"

P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: LEVEL CONTRACTING - DUPLEX	PAGE NO.
DATE: APRIL 9, 2024	1 of 4



MAIN LEVEL FLOOR PLAN

846 FINISHED SQ. FT. PER UNIT
474 GARAGE SQ. FT. PER UNIT

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

ROOF ASSEMBLY:
ASPHALT SHINGLES
15' BUILDING FELT
2 ROWS OF WEATHERWATCH # EAVES
15/32" O.S.B. SHEATHING W/ H CLIPS
ENGINEERED ROOF TRUSSES 24" O.C.
AIR CHUTES IN EACH SPACE
R-50 INSULATION
4 MIL. POLY VAPOR BARRIER
5/8" GYPSUM BOARD, TAPED, SANDED & FINISHED

2" X 6" SUBFASCIA
PREFINISHED CLAD METAL ROOF
EDGE, FASCIA & VENTED SOFFIT

3/4" STURD-FLOOR SUBFLOOR,
GLUED AND NAILED,
16" ENGINEERED FLOOR TRUSSES,
16" ON CENTER

4" MIN. SPRAY FOAM INSULATION AT RIM

EXTERIOR WALL ASSEMBLY:
SIDING W/ CORNERS AND TRIM
HOUSE WRAP
7/16" O.S.B. SHEATHING
2" X 6" STUDS @ 16" O.C. W/ DOUBLE TOP PLATES
TREATED BOTTOM PLATE W/ 6" POLY BILL SEAL
R 21 BATT INSULATION
4 MIL. POLY VAPOR BARRIER
1/2" GYPSUM BOARD, TAPED, SANDED & FINISHED

1 COURSE 4" CONCRETE BLOCK
4 COURSES 8" CONCRETE BLOCK
ANCHOR BOLTS AND CORPOURS
4'-0" ON CENTER
2" RIGID INSULATION AROUND PERIMETER,
DOWN TO FOOTING ON INSIDE AND 24" OUT FROM WALL
16" X 10" CONCRETE FOOTING
WITH 2 - #4 REBAR, CONTINUOUS

GRADE
4" CONCRETE SLAB
2" RIGID INSULATION
6" MINIMUM SAND CUSHION

HOUSE & GARAGE SECTION

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

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 WIDER
THAN 5 FEET
EXTERIOR DOORS BY THERMA-TRU OR
EQUAL. WINDOWS ARE MARVIN ESSENTIAL,
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 8'-3 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 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

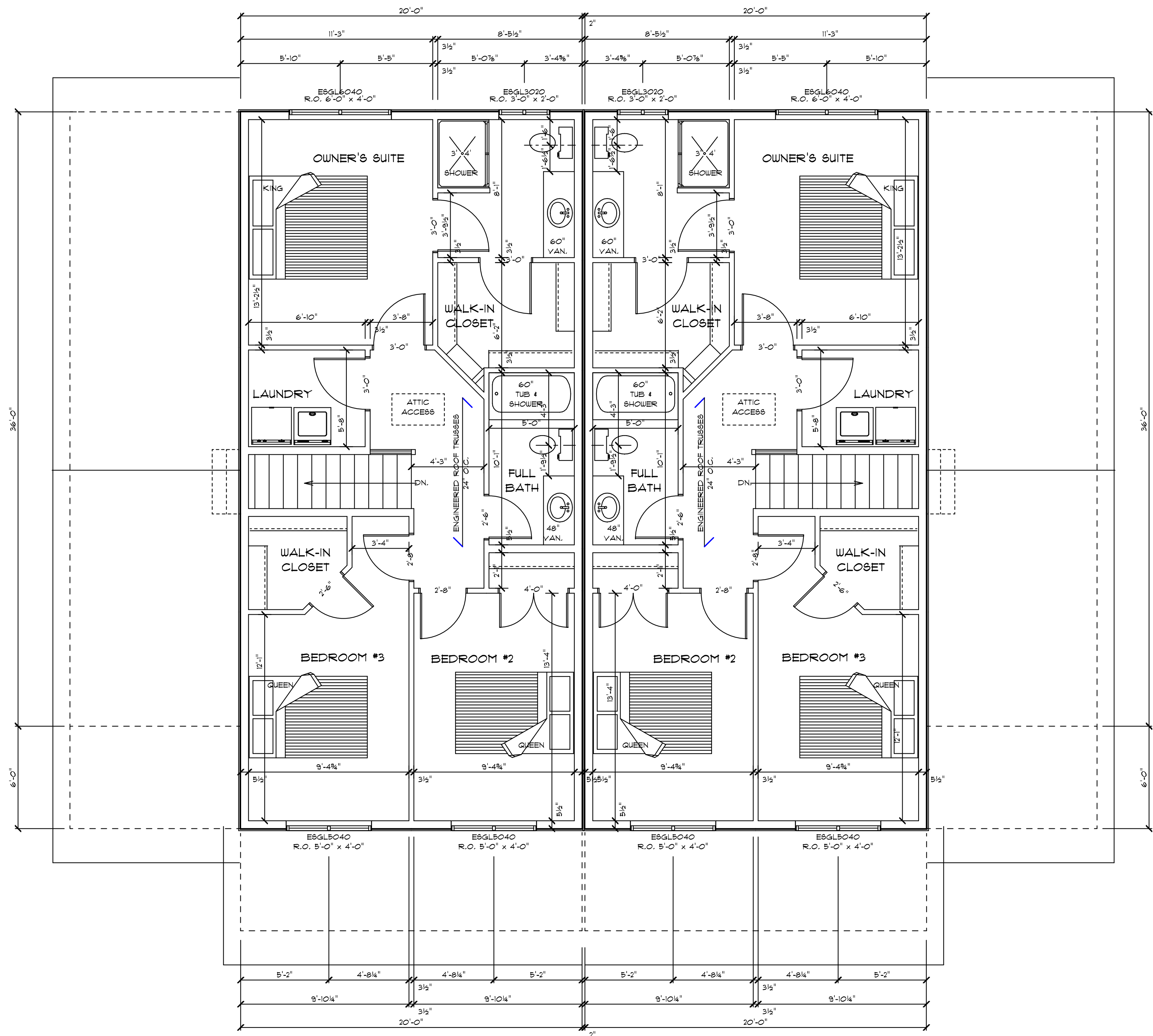
218-821-0630

PROJECT FOR: LEVEL
CONTRACTING - DUPLEX

DATE:
APRIL 9, 2024

PAGE NO.

3 of 4



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 WIDER THAN 5 FEET.
EXTERIOR DOORS BY THERMA-TRU OR EQUAL. WINDOWS ARE MARVIN ESSENTIAL, 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'-3 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 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.

UPPER LEVEL FLOOR PLAN

840 FINISHED SQ. FT. PER UNIT

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

P.F.S. DESIGN LLC

218-821-0630

PROJECT FOR: LEVEL CONTRACTING - DUPLEX

PAGE NO. 4 OF 4

DATE: APRIL 9, 2024

MEMO



TO: Planning Commission

FROM: James Kramvik Community Development Director

DATE: April 17th, 2024

RE: Variance Request for a Street Loaded Driveway at 1101 Pine Street

REQUEST

PUBLIC HEARING. Variance at 1101 Pine Street for a street loaded driveway to an existing accessory structure rather than an alley loaded driveway in the TN-1 District.

Vernona Adams, 1101 Pine Street, Brainerd has submitted the variance request to construct a 12' wide concrete driveway off Pine Street that leads to an existing accessory structure.

CONTEXT

Parcel Number(s): 41250770

Zoning District: TN-1 (Traditional Neighborhood One) District

Property Area: 14,000 SQFT

Adjacent Uses: North: Residential
East: Residential
South: Residential
West: Residential

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

AERIAL MAP



FINDINGS OF FACT

1. **1101 Pine St** is located in a TN-1 (Traditional Neighborhood 1) District.
2. [Table 515-2-8.1 TN-1 Dimensional Standards](#) states that all accessory structures be accessed from the alley if present.
 - a. *The applicant is proposing a 12' wide concrete driveway off Pine Street.*
 - i. According to [Section 515-4-12.F](#) each property is entitled to one curb cut and may have an additional curb cut with additional distance or approval from the City Engineer. The City Engineer has no issues with the proposed placement of the second driveway.
 - ii. A driveway cannot exceed 18' at the road right of way and must be an improved surface such as concrete, asphalt, or pavers. The proposed driveway meets the width and material requirements.
 - b. *The property currently has two accessory structures placed approximately 12' and 14' from the alley right of way.*
 - c. *The garage closest to the house has an asphalt driveway that has access to SE 11th Street with an approximate 13' distance from the side (corner) yard property line.*

3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
- a. When they are in harmony with the general purposes and intent of the ordinance and:
 - i. The TN-1 Zoning District is intended to provide a compact, pedestrian-oriented mix of residential uses. This district reinforces the existing pattern of small, connected lots, blocks and streets and supports future development or redevelopment that is consistent with this pattern.
 - 1. *This property is a residential single-family home which is a permitted use in the TN-1 District. The lot width is larger along Pine Street than most properties in the neighborhood with a 100' lot width.*
 - 2. *Pine Street predominantly has alley loaded garages; however, some houses do have front loaded driveways/garages as indicated on the aerial map.*
 - b. When the variances are consistent with the Comprehensive Plan.
 - i. 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. *An improved driveway off Pine Street would add value to this property and its ability to legally park vehicles and trailers, therefore reducing the potential for blight or zoning violations in the future.*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
4. [Section 515-5-4.B.4](#), Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;
- a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - i. *There are other properties in Brainerd that have difficulty with storing trailers and campers in rear yards as historic garage placement can make it difficult. Corner lots are particularly challenging due to the increased setbacks from both street rights-of-way.*
 - ii. *This property has two garages that have been constructed within 14' of the alley right-of-way which does not provide enough parking space for a typical vehicle or trailer. A typical minimum length of a driveway should be 20'.*
 - iii. *The garage and driveway adjacent to SE 11th Street has an approximate 13' setback which makes it a violation to park in the driveway as vehicles cannot be legally parked in the right-of-way. Original placement of the house and garage are a result of increased corner lot setbacks.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - i. *This variance, if granted, will not substantially alter the character of the locality as there are other front-loaded driveways along Pine Street. The City Engineer agreed with this assessment.*

- 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. *In this case, the practical difficulties are not an economic consideration alone. If the property owner had access to install an alley loaded driveway it could be constructed with Class 5 rather than an improved surface.*
- 5. [Section 515-5-4. B.5](#), The Commission 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 recommends that the sidewalk be repaired on Pine Street and approved by the City Engineer.*

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

STAFF RECOMMENDATION

The Community Development Department recommends approval of the Variance Request as proposed by the applicant with the condition that the sidewalk be repaired on Pine Street and approved by the City Engineer.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Vernona Adams has submitted a variance request at 1101 Pine Street, Brainerd, MN 56401. This property is located in a TN-1 (Traditional Neighborhood One) Zoning District. The purpose of this request is to propose a driveway off Pine Street to a detached garage rather than the required alley loaded driveway.

The property included in this application is described as:

*LOTS 9 THRU 12 BLOCK 7
SECOND ADDITION TO THE CITY OF BRAINERD
P.I.N. 41250770
Section 25, Township 45, Range 31*

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

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 17, 2024 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 3rd day of April 2024



James Kramvik
Community Development Director

Publication Date: April 6th, 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

CONDITIONAL USE PERMIT

☐

(\$350.00)

REZONING

☐

(\$350.00)

VARIANCE

☒

(\$350.00)

ZONING TEXT AMENDMENT

☐

(\$250.00)

COMMERCIAL

☐

(\$500.00 + \$500.00 escrow deposit)

☐

(\$500.00)

☐

(\$500.00 + \$500.00 escrow deposit)

☐

(\$400.00)

PROPERTY ADDRESS: 1101 Pine St. Brainerd, Mn. 56401

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

Property Owner Name: Vernona Adams

Street Address: 1101 Pine St. City: Brainerd State: Mn. Zip Code 56401

Phone Number: 218 330 6000 Fax: _____ E-mail: htraclassic97@brainerd.mn

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: would like to put entrance on Property coming in
on Pine St. To Garage Propose a concrete Driveway

Vernona Adams Vernona Adams
Property Owner Signature

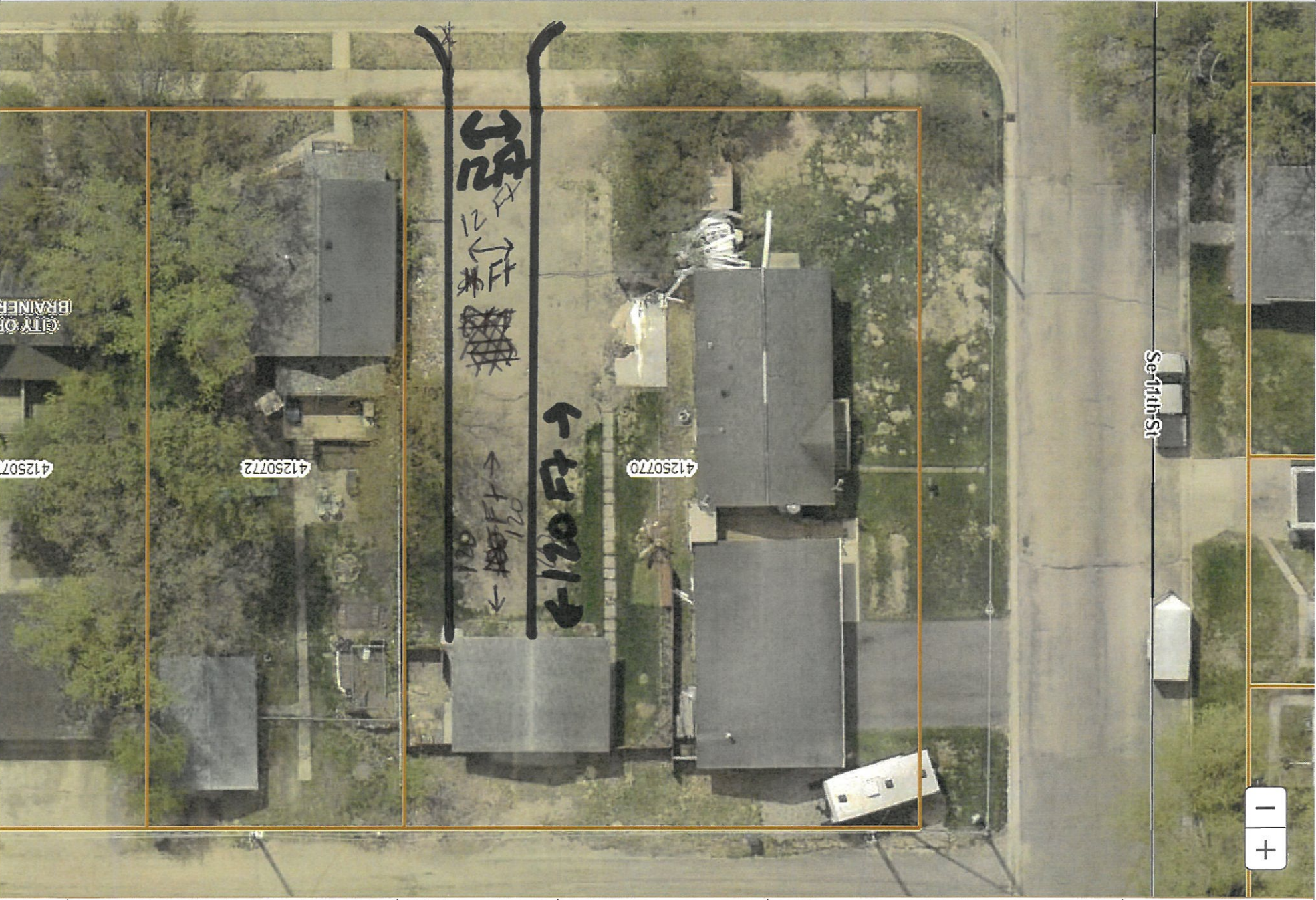
3/25/24
Date

Vernona Adams
(Please print name)

Applicant Signature

Date

(Please print name)



MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 17th, 2024

RE: Consider Conditional Use Permit and Variance Request for a Multi-Family Apartment Building at 1111 Oak Street.

REQUEST

PUBLIC HEARING. Conditional Use Permit to construct a 5+ unit apartment and exceed 20+ DU/AC in the TN-2 District. **Variance** request from the landscape requirements for trees and shrubs.

Ray Giles, 16085 McKay Rd., Brainerd on behalf of Rage Holdings LLC has submitted a request for a Conditional Use Permit to convert the main floor of a commercial building into two (2) studio apartments and a shared laundry room at 1111 Oak Street. There are currently three (3) 420 SQFT efficiency apartments located on the second floor of the property.

CONTEXT

Parcel Number: 41301072

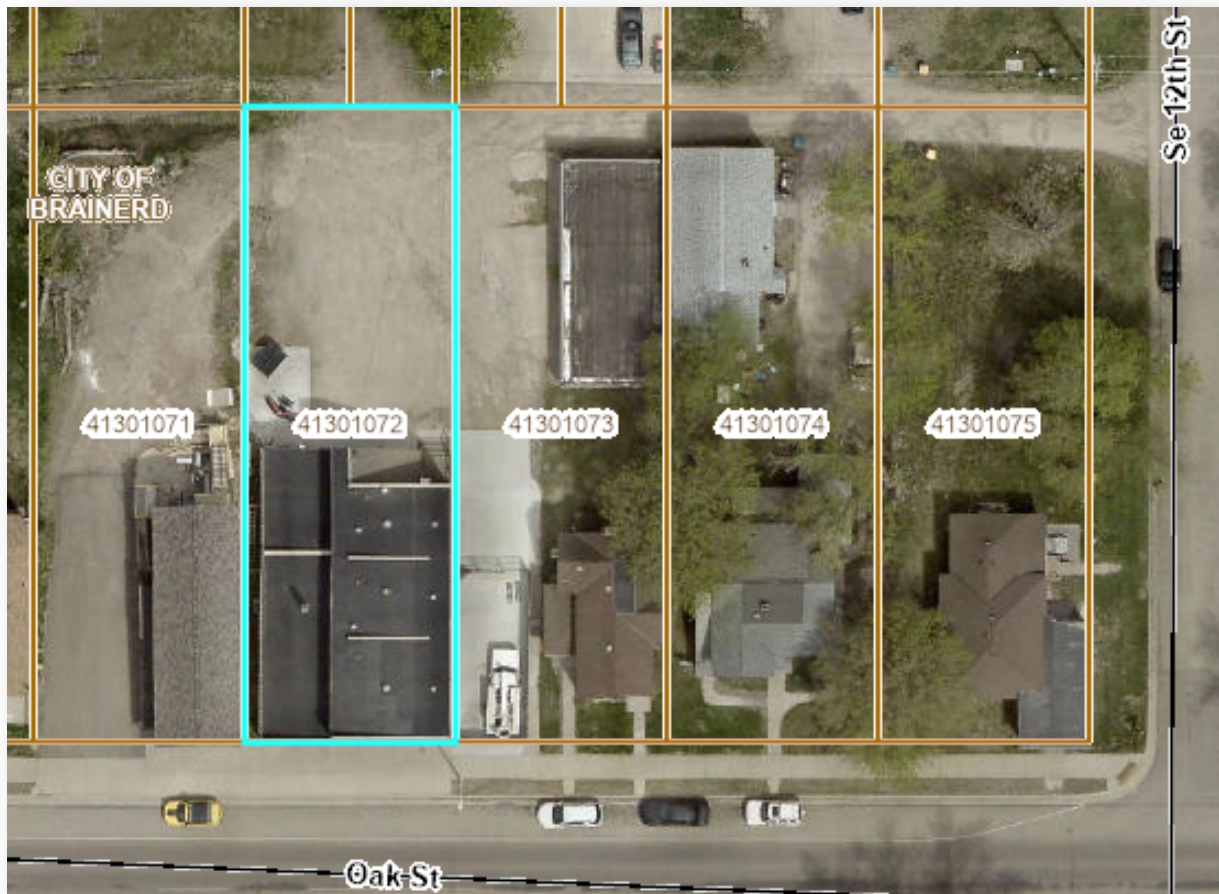
Zoning District: Traditional Neighborhood 2 (TN-2) District

Property Area: Approximately 7,500 SQFT

Adjacent Uses: North: Single family and three-unit Residential
East: Residential Duplex
South: Residential Duplex
West: Future rental property-under renovation

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

AERIAL MAP



FINDINGS OF FACT – CONDITIONAL USE PERMIT

1. The property at 1111 Oak Street Brainerd, MN 56401 is in a TN-2 (Traditional Neighborhood 2) District. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for multi-family attached dwelling units (5+ Units) as a Conditional Use in the TN-2 District.
2. According to Table 515-2-9.1 the Density (range) for TN-2 District properties allow for 20+ Dwelling Units per Acre with a Conditional Use Permit.
 - a. *The applicant proposes the conversion of a main floor commercial space into two (2) 552 SQFT apartments and a small, shared laundry room located at the front of the building.*
 - b. *The property currently has three (3) second floor 420 SQFT efficiency apartments above the commercial space.*
 - c. *The laundry and entry room along with Rage Holdings office maintain the 0' setback minimum for Commercial Uses in the TN-2 District.*
 - d. *The property, if granted a Conditional Use Permit, will equate to 29 DU/AC.*

3. 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 two (2) 552 SQFT efficiency units. Both units meet the size requirements of the zoning code.*
4. [Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards](#)
 - a. Lot Size (minimum) – 4,000 SQFT
 - b. 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.*
 - ii. *The proposed lot includes 5-units on a 7,500 SQFT property which is 29 dwelling units per acre. This number is within range of the density requirements of the TN-2 District and this CUP request satisfies the requirement for 20+ DU/AC.*
5. [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 adding two (2) studio apartments to an existing building that has three (3) efficiency apartments which require 5 parking spaces. The proposed site plan includes 7 parking spaces with one handicap space which meets the zoning code requirement and building code requirement. ADA accessibility and parking has been reviewed and approved by the Building Official.*
 - ii. *The applicant proposes to use the existing rear parking lot.*
6. [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. *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.*
 - ii. *The proposed residential addition adds housing density along Oak Street and is within walking distance of downtown.*
- 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.
 - 1. *The applicant has applied for a variance from the required landscaping requirements.*
 - 2. *The building is existing, and the applicant does not propose any major exterior improvements. The existing building is orientated towards Oak Street which is consistent with surrounding properties.*
- 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 existing building meets these requirements as the first floor has a brick exterior and large windows while the second-floor exterior is a different color and is made of stucco.*
 - 2. *While the building will continue to look like a mixed-use building, which may not be the most aesthetically pleasing design, other structures along Oak Street have made similar transformations.*
- 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.
- ii. **Housing Goal 1:** Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.
 1. Expand home ownership and rental opportunities through rehabilitation and new construction.
 2. *The expansion of residential units in the proposed building adds additional rental units to Brainerd. However, it does lead to the continued decline of commercial properties along Oak Street.*
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.
 - a. *Staff recommends the commercial signage be removed.*

FINDINGS OF FACT – VARIANCE REQUEST

8. The applicant has submitted a variance request from the shrub and tree requirements for TN-2 multi-family properties.
 1. [Section 515-4-10.2.a General Landscaping Improvement Standards](#) states that four (4) shrubs shall be planted per dwelling unit. Two (2) perennials can be substituted for (1) shrub. Shrubs used as required screening as identified in (b) shall not be counted in meeting these requirements.
 2. Section 515-4-10C.5 states 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.
 - a. *Based on the lot width and number of units, the property would be required to have/plant 20 shrubs and 2 trees.*
 - b. *The property does not currently meet the requirements and the applicant is proposing not to add any additional landscaping to the property.*
 3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance and:
 - i. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses.
 1. *This property is proposed to be used as a 5-unit multi-family building which is a conditional use in the TN-2 District.*
 2. *The zero-foot front yard setback and lack of front yard landscaping is consistent with other development along Oak Street.*

- b. When the variances are consistent with the Comprehensive Plan.
 - i. **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. *Commercial properties continue to convert to residential units along Oak Street as the demand for commercial space lessens. The applicant believes there is a much higher demand in the neighborhood for residential units. The property is within walking distance of downtown and Harrison Elementary School.*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
- 4. [Section 515-5-4.B.4](#), Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - i. *The building has existed on the property for a number of years and the zero-foot setback is not conducive to landscaping enhancements.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - i. *This variance, if granted, will not substantially alter the character of the locality as the building is existing and the fact that other properties along Oak Street with small front yard setbacks also lack landscaping enhancements.*
 - 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. *In this case, the practical difficulties are not an economic consideration.*
- 5. [Section 515-5-4. B.5](#), The Commission 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 recommends no additional conditions.*

As of this writing, no one has contacted the Community Development Department for more information on the Conditional Use Permit and Variance application for the proposed 5-unit apartment.

STAFF RECOMMENDATIONS

The Community Development Department recommends approval of the Conditional Use Permits and Variance requests for 1111 Oak Street Brainerd with the following conditions:

- 1) Removal of the commercial signage.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Ray Giles on behalf of Rage Holdings LLC, 16085 McKay Rd., Brainerd has submitted a request for a Conditional Use Permit to convert an existing first floor commercial space into two (2) apartments for a total five (5) apartment units in the building at 1111 Oak St. Brainerd, MN 56401. In addition to the Conditional Use Permit, the applicant is requesting a variance from the landscape requirements for trees and shrubs. The property included in this application is described as:

*Cheney & Moshers Subdivision of Block 2
Lot 4 Block 21
Parcel #: 41301072
Section 030, Township 045, Range 030*

The property is located in a TN-2 District (Traditional Neighborhood 2) and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows Multi-family attached dwelling units (5+ Units) as a Conditional Use. Section 515-4-10 General Landscaping Improvement Standards require all TN-2 lots to have 1 tree per each 20' of lot width with a minimum of one deciduous tree be planted in the front yard within 10-feet of the front property line, or right-of-way line. Section 515-4-10 also requires four (4) shrubs be planted per dwelling unit. The applicant is proposing no additional plantings to the property.

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, April 17, 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 3rd day of April, 2024



James L. Kramvik
Community Development Director

Publication Date: April 6th, 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

CONDITIONAL USE PERMIT

☒ (\$350.00)

REZONING

☐ (\$350.00)

VARIANCE

☒ (\$350.00)

ZONING TEXT AMENDMENT

☐ (\$250.00)

COMMERCIAL

☐ (\$500.00 + \$500.00 escrow deposit)

☐ (\$500.00)

☐ (\$500.00 + \$500.00 escrow deposit)

☐ (\$400.00)

PROPERTY ADDRESS: 1111 OAK STREET BRAINERD MN 56401

LEGAL DESCRIPTION: Lot(s): 4 Block: 21 Addition: CHENEY + MOSHERS SUBDIVISION OF
(attach description if lengthy)

BLOCK 2 LOT 4 BLOCK 21

Property Owner Name: RAGE HOLDINGS LLC

Street Address: 16085 MCKAY RD City: BRAINERD State: MN Zip Code: 56401

Phone Number: 218 820 5948 Fax: _____ E-mail: RAGEHOLDINGS@CHARTER.NET

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: CONVERT EXISTING COMMERCIAL SPACE INTO
(2) 552 SQ FT APARTMENTS AND (1) SMALL SHARED LAUNDRY
IN FRONT OF BUILDING. BUILDING CURRENTLY HAS (3) 420
SQ FT EFFICIENCY APARTMENTS ABOVE COMMERCIAL SPACE
BEING CONVERTED. THIS WOULD MAKE BUILDING HAVE (5)
TOTAL APARTMENTS. VARIANCE FROM LANDSCAPE REQUIREMENTS

[Signature] FOR RAGE HOLDINGS LLC
Property Owner Signature

3/20/24
Date

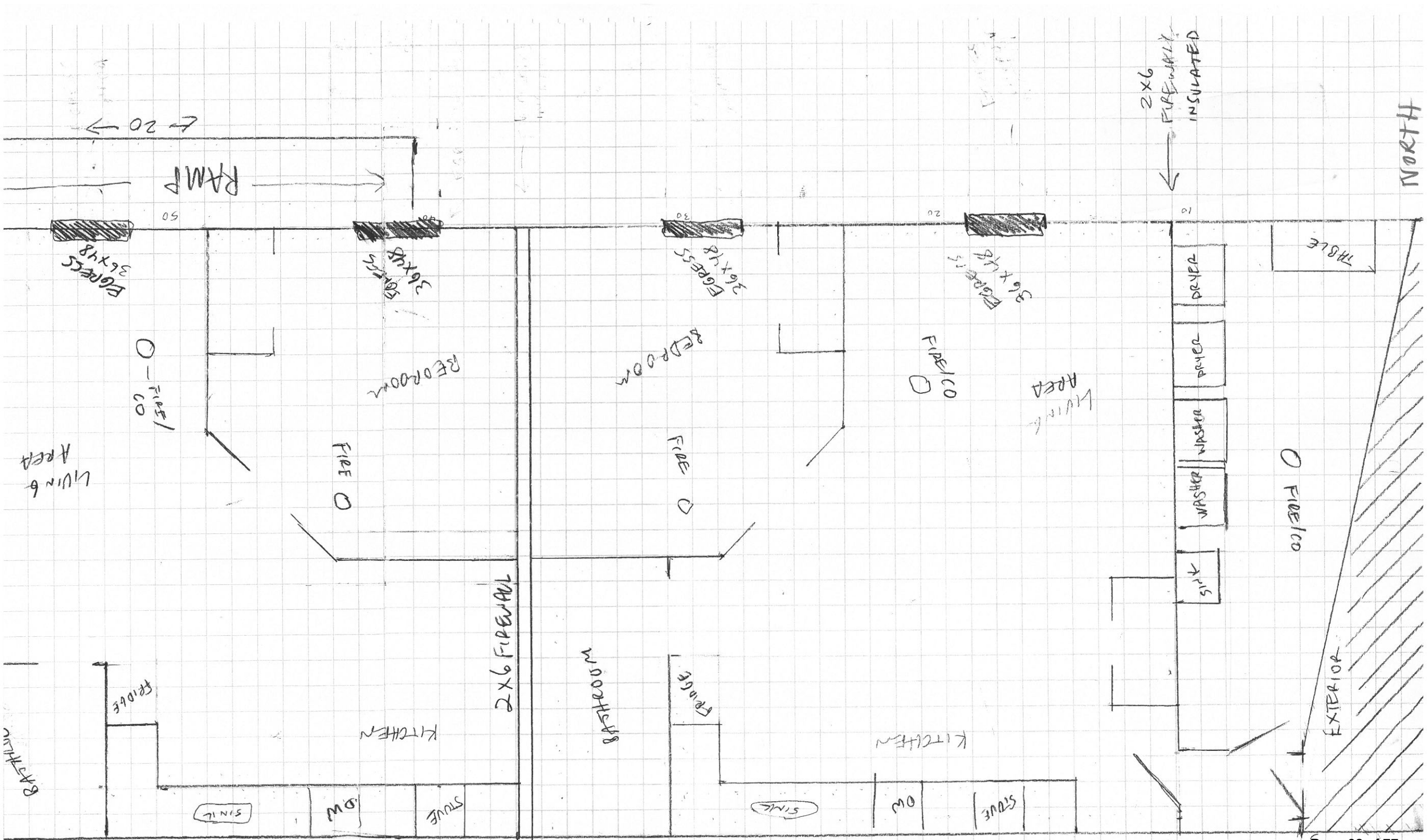
RAYMOND GILES
(Please print name)

[Signature] FOR RAGE HOLDINGS LLC
Applicant Signature

3/20/24
Date

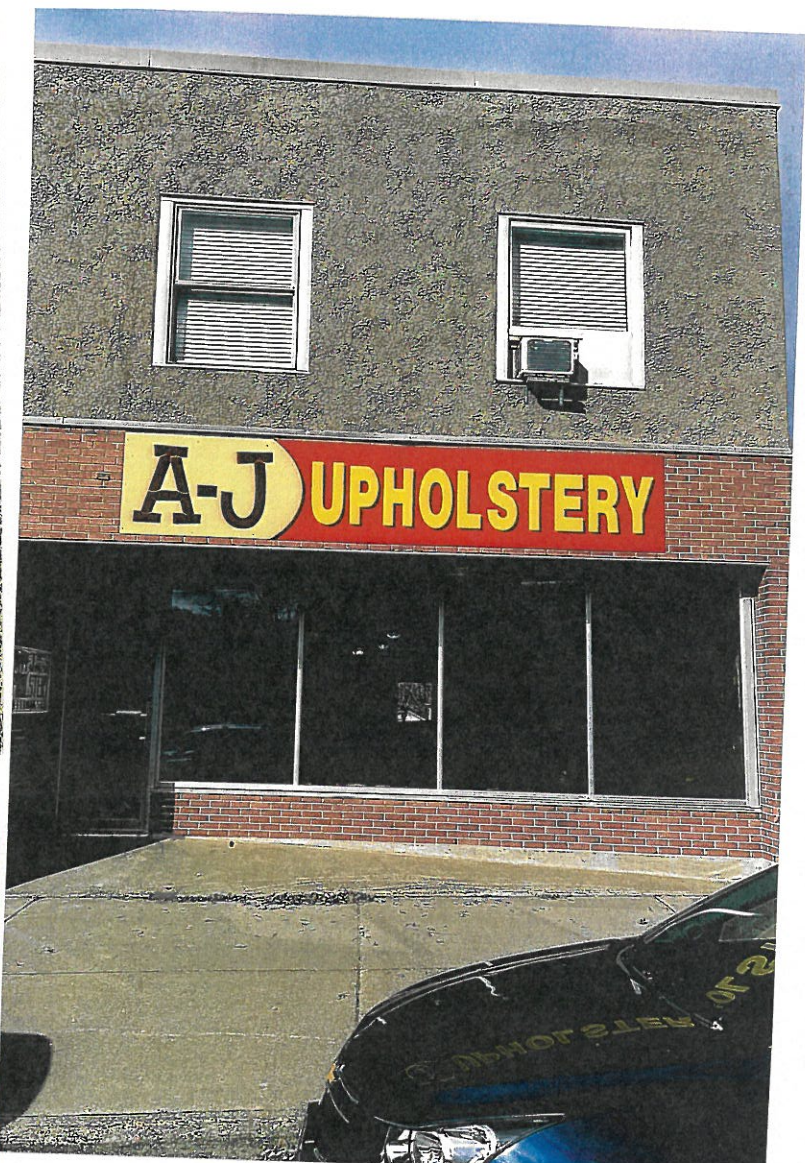
RAYMOND GILES
(Please print name)

(OVER)





PARKING SPOTS X 7



MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 17th, 2024

RE: Discussion on 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 20th meeting. The motion to approve the ordinance as proposed failed by a 4 to 3 vote. After discussion and comments by City Council, Council Member Czezok motioned to recommend that we keep the requirement to renew 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.

At the February 21st Planning Commission meeting, the Commission considered the recommendation provided by City Council and discussed ideas to address concerns. The ideas were not voted on, but the Commission did have a consensus for potential changes. After discussion, the Commission directed staff to ask the City Council for a joint workshop to address the final concerns of the ordinance in order to formulate a consensus about the language and requirements for short-term rentals. City Council denied that request at the March 4th meeting. After consultation with the City Attorney, the Planning Commission still has direction from City Council to proceed with revising the proposed short-term rental ordinance with the recommended changes.

PRIMARY ISSUES TO DISCUSS

1. Removal of the cap that limits an individual property owner to own no more than one VDU in the City.
2. Increase the cap from 20 VDU short-term rentals to 40 VDU short-term rentals allowed in the City.
3. Allow up to two short-term rental units in 4+ unit buildings.
4. Exempt the Town Center and Mainstreet District from the cap requirements.

Staff recommended that multifamily buildings, possibly 4+ units, be allowed to operate 2 VDU units instead of one. This would remove the need to grandfather an existing property from the short-term rental municipal cap section of the proposed ordinance.

STAFF RECOMMENDATION

Staff recommends the following:

1. The Planning Commission discusses each issue and any other idea individually and make a separate motion for the final language to be included in the short-term rental ordinance.
2. Provide comments for City Council consideration.
3. Direct staff to return with the proposed ordinance at the May 15th meeting and conduct the public hearing.

**ORDINANCE
NO. xxxx**

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

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose

1. The purpose and intent of this ordinance is to regulate short-term rental properties within the City of Brainerd.
2. This ordinance is intended to cap the number of permitted short-term rentals to ensure an adequate supply of workforce housing in Brainerd and to distribute short-term rentals throughout the City.

SECTION TWO: 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. 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.~~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.

14. All short-term rentals operating prior to the effective date of these standards shall be compliant with this section by December 31, 2025. All previously issued Interim Use Permits for short-term rentals shall expire December 31, 2025.

D. Ownership, Limitations, and Municipal Caps:

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.

2. Property owners 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.

3. 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.

1. 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.

1. Only one (1) VDU may be located on an platted block and shall not abut another property approved for a short-term rental.

c. 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.

l. 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.

d. 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.

l. 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.

~~4.4.~~ No multi-family dwelling unit may contain more than one (1) short-term rental of any type at any given time.

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: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 17th, 2024

RE: Discussion on Cannabis Dispensary Ordinance

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.

Staff 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.

Municipalities must allow for cannabis dispensaries based on population size and will be able to consider the following zoning regulations:

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.

Staff discussed ideas for a proposed cannabis dispensary ordinance at the March 20th Planning Commission meeting. Staff recommended that cannabis dispensaries should not be allowed in the TN-2 District as they are transitional zoning districts between commercial and residential (Note: off-sale liquor is allowed in the TN-2 District). Staff also recommended that all **NEW** dispensaries cannot be within 100 feet of a school, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field. Also, **NEW**

dispensaries within 300 feet of a school, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field requires a conditional use permit. Cannabis manufacturing and growing should be a conditional use in the General Industrial (GI) District and regulated by the rules and administration of CUP's.

The Commission generally approved of Staff recommendations. Staff will provide comments from municipalities in Michigan that have implemented cannabis ordinances at the upcoming meeting as requested by Commissioner Francis.

STAFF RECOMMENDATION

Staff recommends the following:

1. Review the proposed Cannabis Dispensary Ordinance and direct staff to make any changes.
2. Bring the proposed ordinance back to the May 15th meeting to conduct the public hearing.

**ORDINANCE
NO. xxxx**

AN ORDINANCE AMENDING SECTION 515-3 OF THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose

1. The purpose and intent of this ordinance is to regulate the time, place, and manner of the operations of a cannabis business and an off-sale alcohol business within the City of Brainerd.

SECTION TWO: Section 515-3 is hereby amended with the following new language underlined and shall be added to Section 515-3 in alphabetical order with all other required numerical sections to change in descending order:

Section 515-3-XX Cannabis Dispensary

A. Any cannabis retail store selling adult use cannabis products, not including lower-potency hemp products, must comply with the following minimum standards:

1. New dispensaries cannot be within 100 feet of a school, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
2. New dispensaries within 300 feet of a school, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field requires a conditional use permit.
3. Cannabinoid Product sales are only permitted between 8 a.m. and 10 p.m.
4. All State Statutes and regulations governing such use are strictly adhered to and all required operating licenses are secured.
5. Payment of an annual registration renewal fee.

SECTION THREE: Section 515-3 Appendix A Table of Uses (Commercial/ General Business Uses) is hereby amended with the following new underlined language added to the table:

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
<u>Cannabis Dispensary</u>	<u>515-3-XX</u>									<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>		

SECTION FOUR: Section 515-3 Appendix A Table of Uses (Industrial and Utility Uses) is hereby amended with the following new underlined language added to the table:

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
<u>Cannabis Manufacturing/ Growing</u>															<u>C</u>		

SECTION FIVE: Section 515-3 Appendix A Table of Uses (Commercial/ General Business Uses) is hereby amended with the following deleted language stuck out of the table:

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
Liquor sales, off sale								P	P	P	P	P	P	P	P		

SECTION SIX: 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: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 17th, 2024

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) ~~**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 Planning 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. **(COMPLETE)**
- 2) ~~**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 are administratively allowed to sub-divide properties from one to two parcels if they meet the zoning district requirements. **(COMPLETE)**
- 3) **Section 515-3-34 Short Term Rentals** – Staff would like the 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. Previous homeowner occupied dwelling units/ buildings did not require interim use permits. Staff would like the Planning Commission to specifically review ordinances from other cities that have implemented regulations on numbers and usage. **(In Progress)**
- 4) **Cannabis Dispensaries** – In August of 2023, the State of Minnesota enacted legalization of cannabis and cannabinoid substances in the state. The Statute allows for local controls over cannabis in Subsection 342.13 which is limited to the time, place, and manner of operation of a cannabis business. Additionally, municipalities will be responsible for licensing. The

State's new cannabis regulatory agency is not expecting to release any state licenses until January 1, 2025. By 2025, Brainerd will need to establish zoning regulations and use conditions related to cannabis or cannabinoid products. **(In Progress)**

- 5) **City Code Section 1400 and 1405 Tree Disease & Trees in ROW** – Community Development Staff is drafting an updated tree ordinance and policy as directed by City Council. Language in the new ordinance will clearly state that the City is responsible for the removal of trees in the right-of-way. In addition to boulevard trees, staff will begin to work on an Emerald Ash Borer tree policy and draft language to require the diversification of trees based on the Tree Inventory collected by the City. **(In Progress)**
- 6) **Vacant Building Registry** – Community Development Staff has received numerous complaints about vacant homes with property maintenance issues and houses that have sustained extensive fire damage. Vacant and fire damaged structures can often take years of fines of noncompliance before the property goes into tax forfeiture. Other times, next of kin may inherit a house and not know what to do with the property. In other instances, someone may purchase a blighted property with hopes of fixing the structure, but the project becomes too large to complete. In all these cases, the house remains in a substandard state. Staff reached out the City of Minneapolis to understand their vacant registry program. A property that is vacant with property maintenance issues is charged \$6,000 per year to be placed on the registry. The homeowner is allowed to fix the issues over a period of six months to negate the fees. Staff is recommending the City of Brainerd institute a similar program and add it to the City Code. While this potential code will not fix all issues, it may push some homeowners to make a final decision to fix or sell their properties.
- 7) **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.
- 8) **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.
- 9) **Comprehensive Plan Update** – The last update to the comprehensive plan was in 2019 and in 2021 the City Council approved a proposed Comprehensive Plan amendment to include the revised Future Land Use Map. The process of updating the Comprehensive Plan was an extensive process undertaken by the City Staff, City Council, Planning Commission, the Steering Committee, and the Planning Team. The City should consider reviewing the comprehensive plan every five years to ensure all of the goals and objectives listed in the plan are still relevant for the City of Brainerd. Staff has recommended allocating \$20,000 in the 2025 capital budget for a consultant to work on the update.
 - a. The Comprehensive Plan is a leading policy tool that provides a series of steps to help achieve a shared community vision. This plan will help citizens and local leaders work together more efficiently to guide future growth and development within the city. The plan represents a shared vision for the future and a strategic map to reach that vision. The plan provides broad recommendations to guide and manage growth and development. These broad recommendations come in the form of goals and policies that express the city's aspiration for the future.

- 10) **Solar Arrays** – Brainerd Public Utilities have installed a solar array at Brainerd Airport and are currently working on construction of another solar array behind the BPU wastewater facility in Baxter. BPU is interested in adding additional solar arrays and has been looking at property in the City of Limits of Brainerd. Staff consider 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.
- 11) **Manufactured Home Overlay District: Section 515-2-20** Manufactured Home Overlay District (MH-O) was partially reviewed and amended by Swanson Haskamp Consulting but will still need additional review by staff and the Planning Commission.