



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers

Monday, April 22, 2024 @ 6:00 PM

The public is invited to attend these meetings in person

Attend by phone: 1-844-992-4726

City Council - Meeting Access Code: 2492 273 7578

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

1. **Call To Order**

2. **Roll Call**

___T. Stenglein ___G. Johnson ___J. Czczok ___M. O'Day ___K. Stunek ___K. Terry ___K.
Bevans ___Mayor Badeaux

3. **Pledge of Allegiance**

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

5. **New Business**

- A. **Consider Wage Adjustment for the Public Utilities Director Position**
- B. **Consider Creation of a Strike Contingency Plan Work Group**
- C. **Consider Conditional Use Permit and Variance Request for a Mixed-Use Building at 805 Laurel Street**
- D. **Consider Resolution Authorizing the City of Brainerd to Act as Legal Sponsor for the Eight05 Laurel MN Workforce Housing Development Grant**
- E. **Consider Authorizing the City of Brainerd to act as the Applicant for Brainerd Oaks Outlot F for the MN Workforce Housing Development Grant**

6. **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"



City Council Agenda Request

MEETING DATE: April 22, 2024

TITLE OF ITEM: Consider Wage Adjustment for the Public Utilities Director Position

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Nick Broyles, City Administrator,
Kris Schubert, Human Resources Director

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator, Kris
Schubert, Human Resources Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: Mr. Jeff Weldon from GMP Consultants recently hosted stakeholder meetings regarding hiring for our Public Utilities Director position. Mr. Weldon is recommending that the Council increase the 2024 wage grid for the Public Utilities Director position to the level previously recommended by our Public Utilities Director Work Group. Attached is a memo from Mr. Weldon that discusses his recommendation.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff concurs with Mr. Weldon's recommendation since our initial Public Utilities Director search was unsuccessful.

RECOMMENDED ACTION/MOTION: Motion to adjust the 2024 wage grid for the Public Utilities Director position as recommended by Mr. Weldon.

FINANCIAL IMPACT: We are increasing the Step 4 hiring range by roughly \$10,000. The actual financial impact will be determined when a job offer is extended and accepted.

GMP Consultants

Midwest Regional Office

Jeffrey W. Weldon, Senior Consultant

Jweldon@gmphr.com

320-557-8006

April 17, 2024

TO: Mayor, Council President, and Members of the Brainerd City Council
FROM: Jeffrey W. Weldon, Senior Consultant, GMP Consultants
RE: Compensation schedule, Public Utilities Director

This week, I completed 14 stakeholder meetings with over 20 individuals in preparation for advertising for the position of Public Utilities Director. I want to thank all of them for taking the time to share their thoughts and perspectives on this position. Their responses will be invaluable to the process.

As you know, one of the major determining factors of the quality of the applicant pool and employer's ability to attract and retain high quality staff is compensation. I have carefully examined the proposed salary range you have specified for this position and compared it against several metrics. I am concerned that the proposed starting range of \$117,603-\$131,040 will likely be inadequate to attract a robust pool of applicants. I understand the Joint Work Group had previously recommended a starting range of \$127,171-\$141,690. While I cannot guarantee the applicant results of an increased advertising salary, I am confident an increase in the current amount will go a long way to producing a much better pool of applicants.

As such, I would recommend you adjust the salary schedule for this position to what the Work Group had originally recommended to you. It is preferable to make this adjustment now before we start advertising as opposed to changing it during the advertising period.

There are several salient facts that would support this salary adjustment:

First, the stakeholder meetings made it abundantly clear that the new Director will need exceptional collaborate and interpersonal skills which will be necessary to facilitate improvements in the relationships between and among staff, council, and commission. These skills are well beyond what is described in the job description; and will likely be a process that extends long after the current contract is settled. The City Administrator will need a strong partner in this position to assist with this task. In the interest of ethical disclosure, I am obligated to highlight this challenge in the Position Profile.

Second, this adjustment is recommended like the process used in the recent City Administrator search where we initially saw inadequate results. Once we made the adjustment, the quality of the applicant pool improved immensely.

Third, the recommendation of the Work Group represents a significant salary *reduction* from the current occupant, so it is already a cost savings; and cannot be construed as “unaffordable”.

Fourth, and perhaps most importantly, you previously advertised this position with the current salary range, and it yielded disappointing results. Why repeat this exercise? Use this opportunity to make an adjustment to improve the results.

We are in a highly competitive employment environment which is forcing all wages upward at a rate faster than we are used to. In addition, this type of position is not abundant, and mobility is not common. Employers cannot afford to be ‘penny wise and pound foolish.’ I strongly recommend you adjust the advertised range to the original recommendation of the Work Group.

Jeff Weldon

GMP Consultants



City Council Agenda Request

MEETING DATE: April 22, 2024

TITLE OF ITEM: Consider Creation of a Strike Contingency Plan Work Group

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Nick Broyles, City Administrator,
Kris Schubert, Human Resources Director

DEPARTMENT: HR

PRESENTER: Nick Broyles, City Administrator, Kris
Schubert, Human Resources Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Our IBEW Local No. 31, Public Utility Union contract expired on December 31, 2023. The City of Brainerd has been in negotiations with our IBEW Public Utility Union and we have participated in mediation for over 45 days. Since we have met the minimum timing when the union could file for a strike, Staff recommends that we establish a Strike Contingency Plan Work Group consisting of the City Administrator, HR Director, applicable Department Heads, two City Council members, and two City of Brainerd Public Utilities Commissioners to help make preparations if a strike would occur.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The formation of this Strike Plan Work Group is consistent with League of MN Cities guidance: "A city facing a potential strike must develop a plan to deal with the impact of such a strike. A strike plan details how the city will operate during a strike. Strike planning generally includes establishing a central strike committee and establishing written strike plans. This committee is typically viewed as the central command of strike-related activities. The members of this committee should include the City Administrator, HR Director, the City's labor attorney and key department heads. In some cities where the mayor or a councilmember liaison is actively involved in the city's operational affairs, that individual should also sit on the central strike committee. The primary role of the committee is to coordinate the strike plans of various city departments, provide strategic planning on how operations will continue or cease during a strike (including identifying how required staff needs will be met and how those individuals will be compensated), serve as a resource to others at the city (including the city council and other department heads), and provide central command post for communications."

RECOMMENDED ACTION/MOTION: Motion to establish a Strike Contingency Plan Work Group consisting of the City Administrator, HR Director, applicable Department Heads, two City Council members, and two City of Brainerd Public Utilities Commissioners that will be appointed by Commission President Matten.

FINANCIAL IMPACT: Budgeted personnel costs for Committee members is the financial impact at this time.



City Council Agenda Request

MEETING DATE: April 22, 2024

TITLE OF ITEM: Consider Conditional Use Permit and Variance Request for a Mixed-Use Building at 805 Laurel Street

AGENDA: Main

ACTION REQUESTED:

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 10 min

SUMMARY OF ISSUE:

DW Jones has requested Conditional Use Permits 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. The applicant has also requested a Variance from the landscape requirements for trees and shrubs.

The Town Center District Frontage Overlay requires a Conditional Use Permit for ground floor residential units if it is not abutting the right-of-way. The frontage overlay runs north/south along 8th Street South. The applicant proposes three commercial spaces on the first floor facing 8th Street South with residential apartment units to the east to satisfy the requirements of the Code. In addition to the requirements, the applicant has proposed two additional commercial spaces along Laurel Street.

The applicant proposes a parapet height of 52' on the SW corner of the building and an average building height of 47' to 49'. The TC District allows for a principal structure height maximum of 45' without a Conditional Use Permit.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission considered these land use requests at their regularly scheduled April 17th meeting. And provided the following comments:

Commissioner Duval really liked the landscaping plan and variety of overstory trees and the species selected for the boulevard.

The Chair of BN Credit Union spoke at the public hearing in opposition to the proposed density of the development as there could be issues with parking for their elderly members. Adding to the density and activity of the area is concerning to the members. The applicant stated that there are 65 spaces of underground parking and 26 surface parking spaces for their residents. The applicant believes parking

is sufficient as the apartment is predominantly comprised of studio and one-bedroom units which often require one space.

Commissioner Duval stated he wholeheartedly supports the project and wishes the applicant great success in securing the funding to make this happen for downtown Brainerd.

Commissioner Gorham stated that this is the most exciting project he has seen downtown in 30 years in terms of scale. He can appreciate the neighbors' concern regarding density and parking, but believes this is what we are looking for in this location and is excited about the project.

The motion was moved and seconded by Commissioners Duval and Stenglein, duly carried, to recommend approval of the conditional use permits for a mixed-use building and variance request from the landscaping requirements at 805 Laurel Street as presented.

RECOMMENDED ACTION/MOTION:

- 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.

FINANCIAL IMPACT: N/A

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

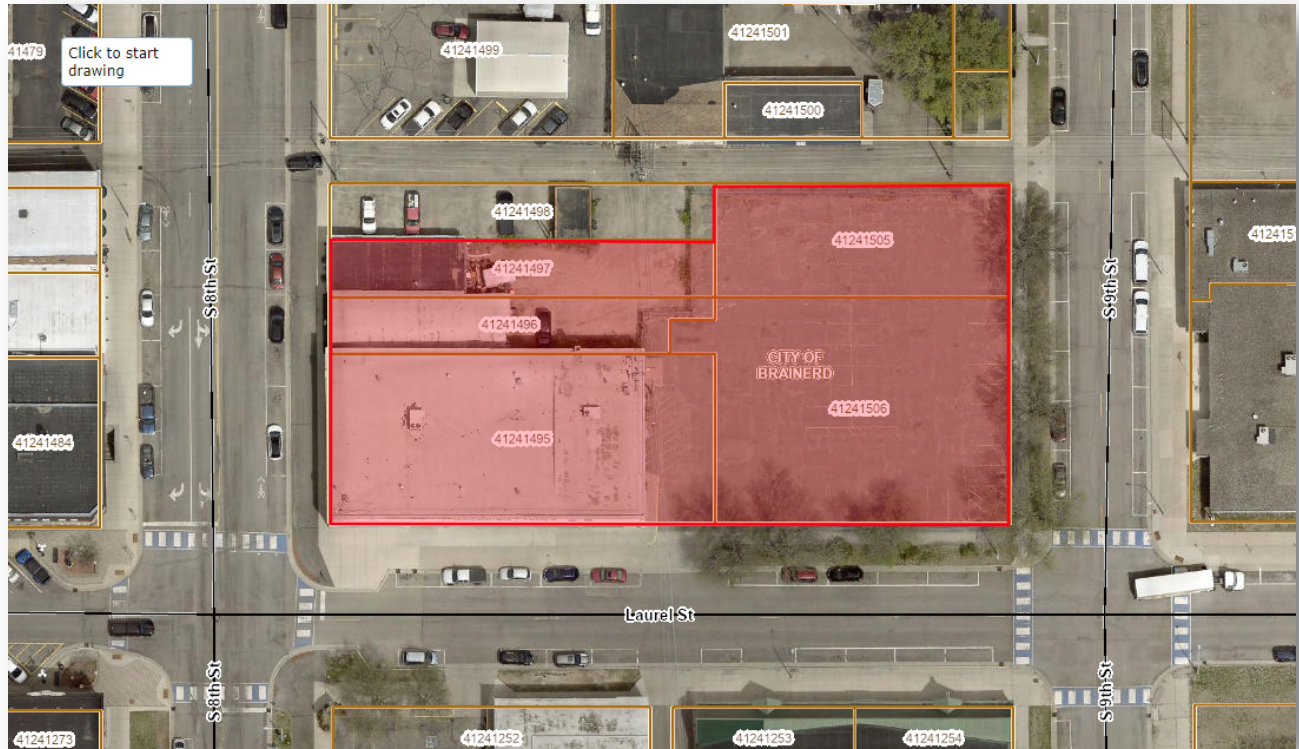
CONTEXT

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

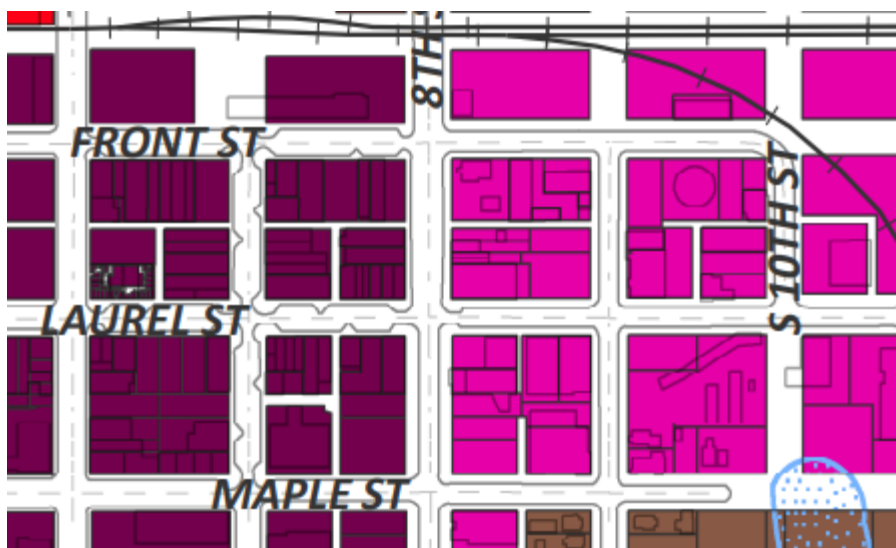
Adjacent Uses: North: Commercial – Northland Fire Protection
East: Commercial– Yesterday’s Gone & Elks Lodge
South: Commercial– BN Credit Union & Communitas Church
West: Mixed Use – Pit Stop, Ya Sure Kombucha, Last Turn Saloon

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.”
 - 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

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: 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

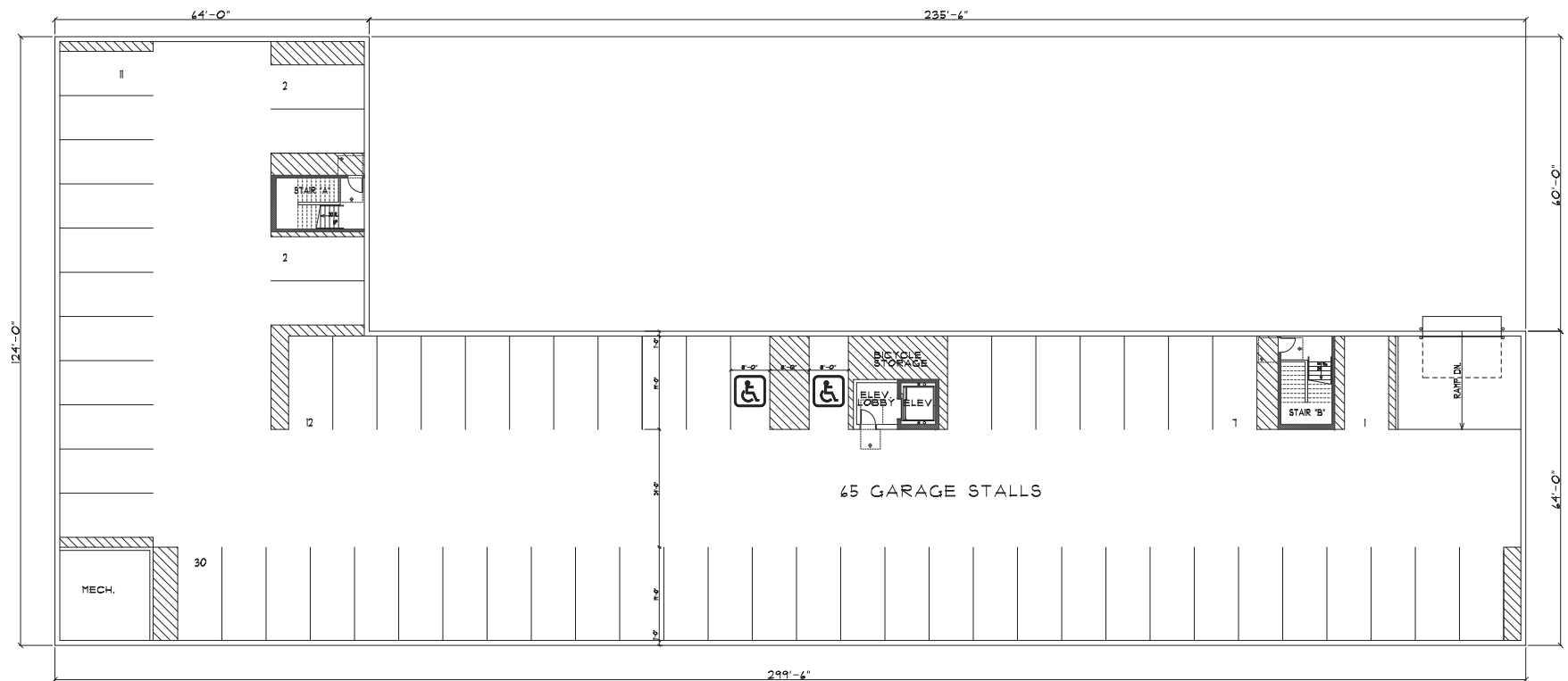
Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

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"

PROJECTED MIXED USE:
EIGHT 05
LAUREL
BRAND, MN

DEVELOPER:
D.W. JAMES, JR.
D.W. JAMES, JR. & ASSOCIATES, INC.
10000 UNIVERSITY AVENUE, SUITE 100
MINNEAPOLIS, MN 55425
TEL: 612-338-1000
WWW.DWJAMESJR.COM

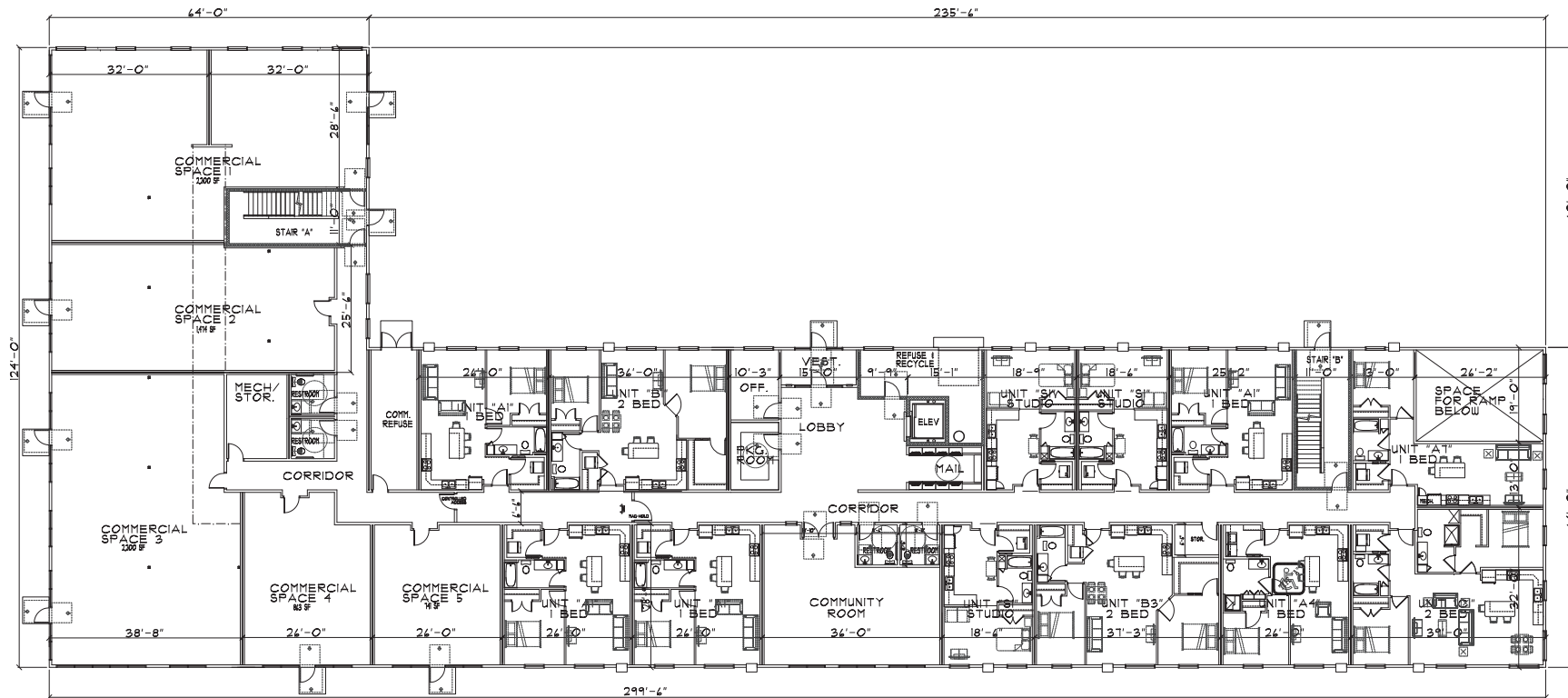
ARCHITECT:
COLE GROUP
ARCHITECTS LLC
10000 UNIVERSITY AVENUE, SUITE 100
MINNEAPOLIS, MN 55425
TEL: 612-338-1000
WWW.COLEGROUPARCHITECTS.COM

DATE: 05-25-2017 FILE: 21050P CON: 5

Project No: 21050P
Issue Date:
Client/Owner Set:
PDS/ISSUE

A100

BUILDING AREAS		UNIT MIX:		
SQUARE FOOTAGE		BEDROOMS	TOTAL	MIX %
PARKING GARAGE = 23,008 S.F.		STUDIO	12	15.5%
1ST FLOOR APARTMENT = 13,405 S.F.				
COMMERCIAL SPACE = 9,103 S.F.		1 BED	29	31%
1ST FLOOR TOTAL = 23,008 S.F.		1 BATH		
2ND FLOOR APARTMENT = 23,008 S.F.		1 BED	9	11.5%
3RD FLOOR APARTMENT = 23,008 S.F.		1 BATH +DEN		
4TH FLOOR APARTMENT = 23,008 S.F.		2 BED	14	18%
		1 BATH		
		2 BED	14	18%
		2 BATH		
BUILDING TOTAL = 115,040 S.F.			78	100%



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

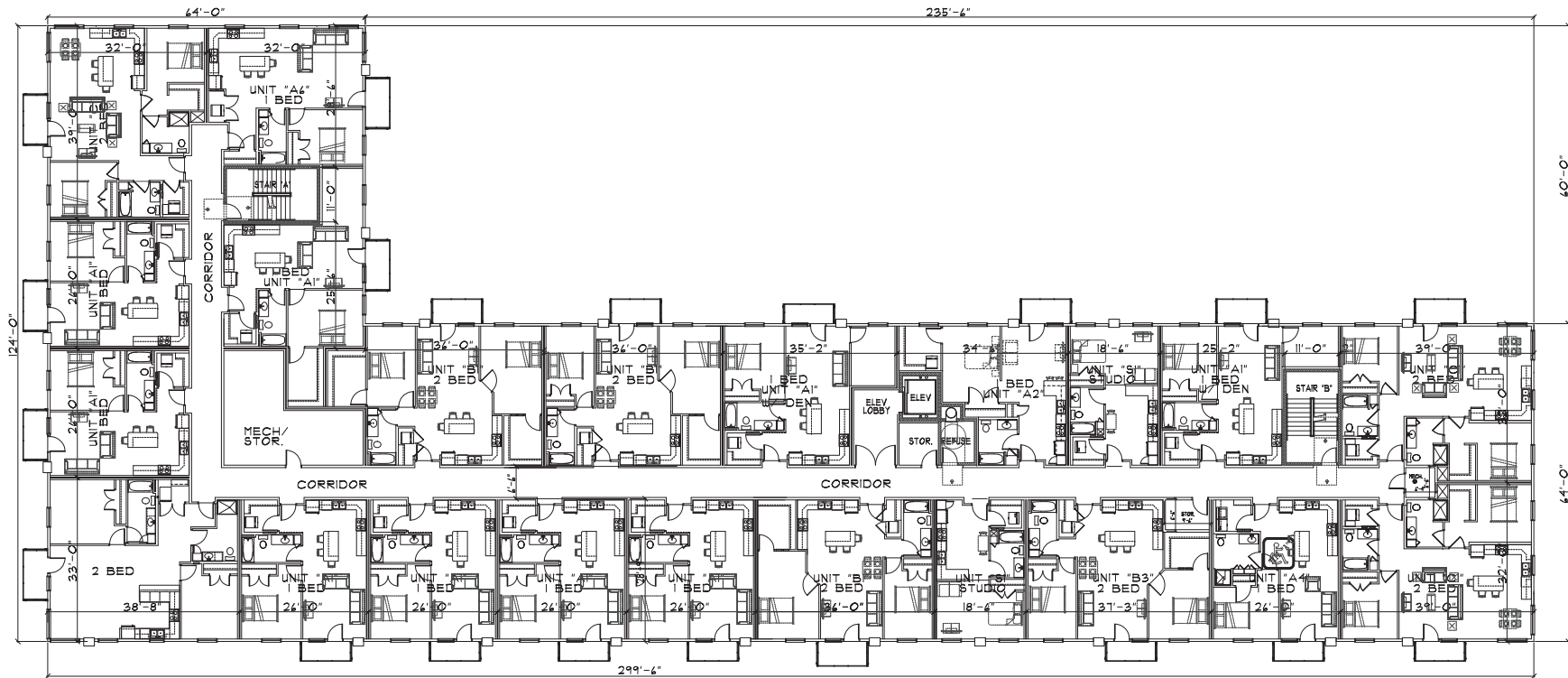
COLE GROUP
ARCHITECTS, INC.
10000 15th Avenue South
Suite 100
Minneapolis, MN 55426
Phone: 612.338.1100
Fax: 612.338.1101
www.colegroup.com

DEVELOPER:
D.W. JAMES & SONS, INC.
10000 15th Avenue South
Suite 100
Minneapolis, MN 55426
Phone: 612.338.1100
Fax: 612.338.1101
www.colegroup.com

PROPOSED MIXED USE:
EIGHT 05
LAUREL
BRAND, MN

PROJECT NO. 2008
DATE
DOCUMENT SET
PLOT/PRINT

A101



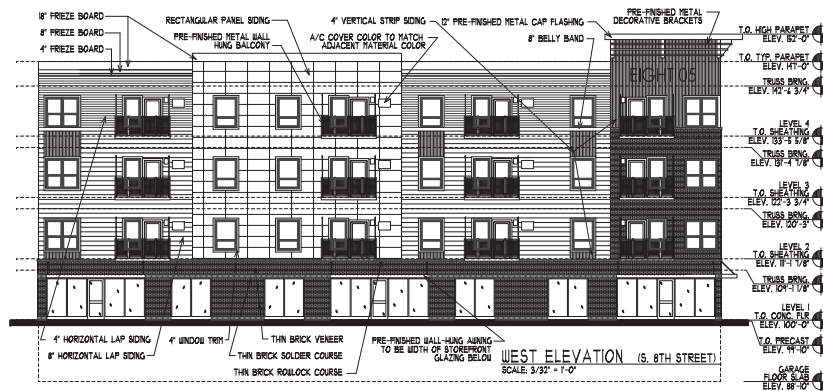

2ND, 3RD, 4TH FLOOR PLAN
 SCALE: 3/32" = 1'-0"

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	29	37%
COMMERCIAL SPACE = 9,003 S.F.		1 BED	9	11.5%
1ST FLOOR TOTAL = 23,008 S.F.		1 BATH	14	18%
2ND FLOOR APARTMENT = 23,008 S.F.		2 BED	14	18%
3RD FLOOR APARTMENT = 23,008 S.F.		2 BATH	14	18%
4TH FLOOR APARTMENT = 23,008 S.F.				
BUILDING TOTAL = 115,040 S.F.			78	100%

PROJECT NO. 21028
 DATE 11/11/2020
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: 05
 EIGHT 05
 LAUREL
 BRAINER, MN

DEVELOPER:
 D W DAVIS & SONS
 1100 W. 10TH ST.
 MINNAPOLIS, MN 55401

ARCHITECT:
 COLE GROUP
 1100 W. 10TH ST.
 MINNAPOLIS, MN 55401



GENERAL NOTE:

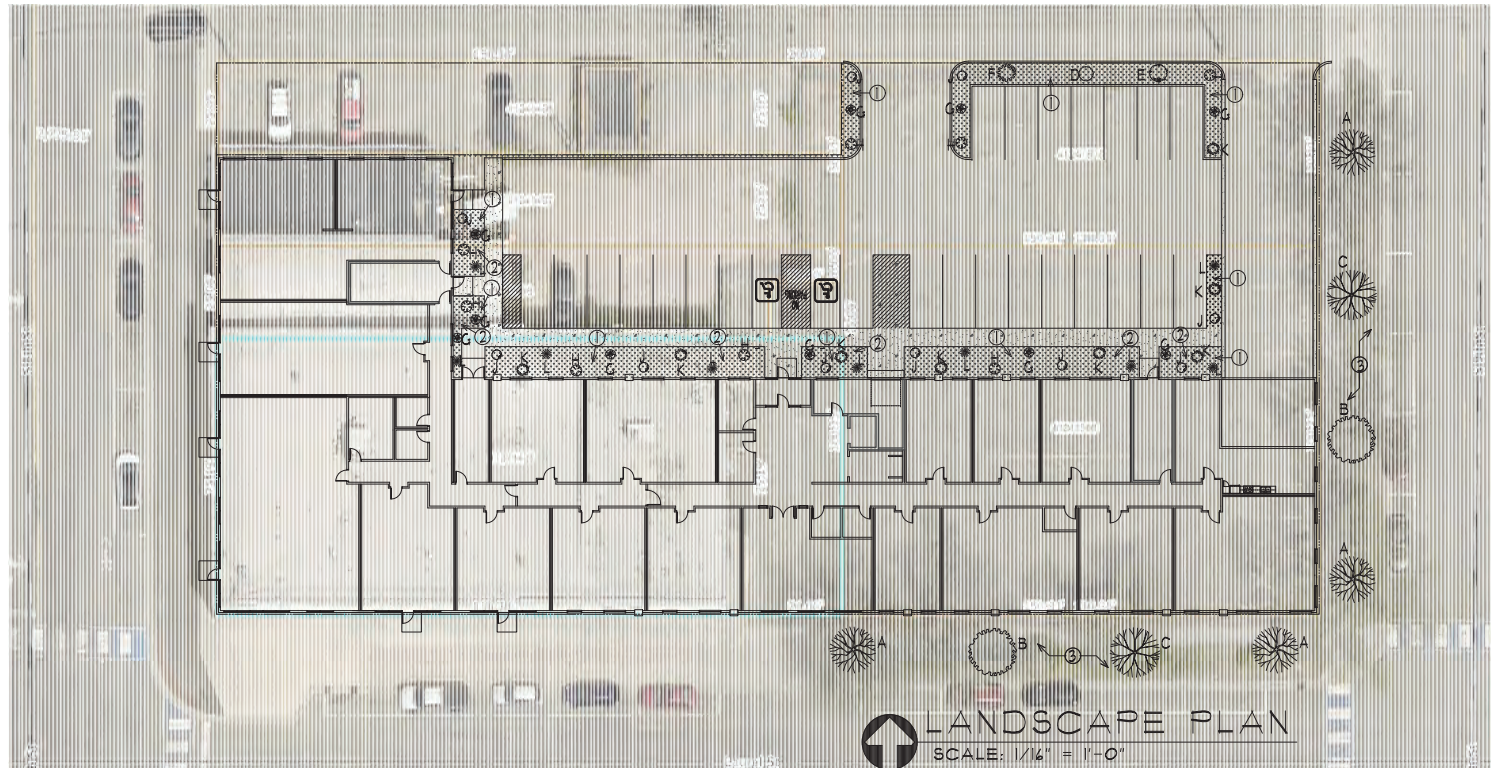
- A) VERIFY EXISTING TREE LOCATIONS AND QUANTITIES TO REMAIN, AND ADJUST PLANTING SCHEDULE ACCORDINGLY, TO BE APPROVED BY CITY.
- B) ALL LANDSCAPED AREAS TO BE IRRIGATED, EQUIPMENT TO HAVE BACK FLOW PREVENTION DEVICE AND RAIN SENSOR DEVICE. VERIFY W/ G.C.
- C) ALL LANDSCAPED AREAS WITHOUT ROCK / CEDAR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

LANDSCAPE PLAN NUMBER NOTES

1. LANDSCAPE CLOTH, W/ ROCK / CEDAR MULCH THIS AREA SHOWN HATCHED.
2. PLASTIC EDGING 3/4" OUT FROM BUILDING AT PARKING LOT 1 60" OUT FROM BUILDING AT ROADSIDE, AND OTHER MARKED AREAS.
3. REPLACE TREES EVERY 25'-30', RED MAPLE, WHITE OAK, OR LYNDEN.

PLANTING SCHEDULE

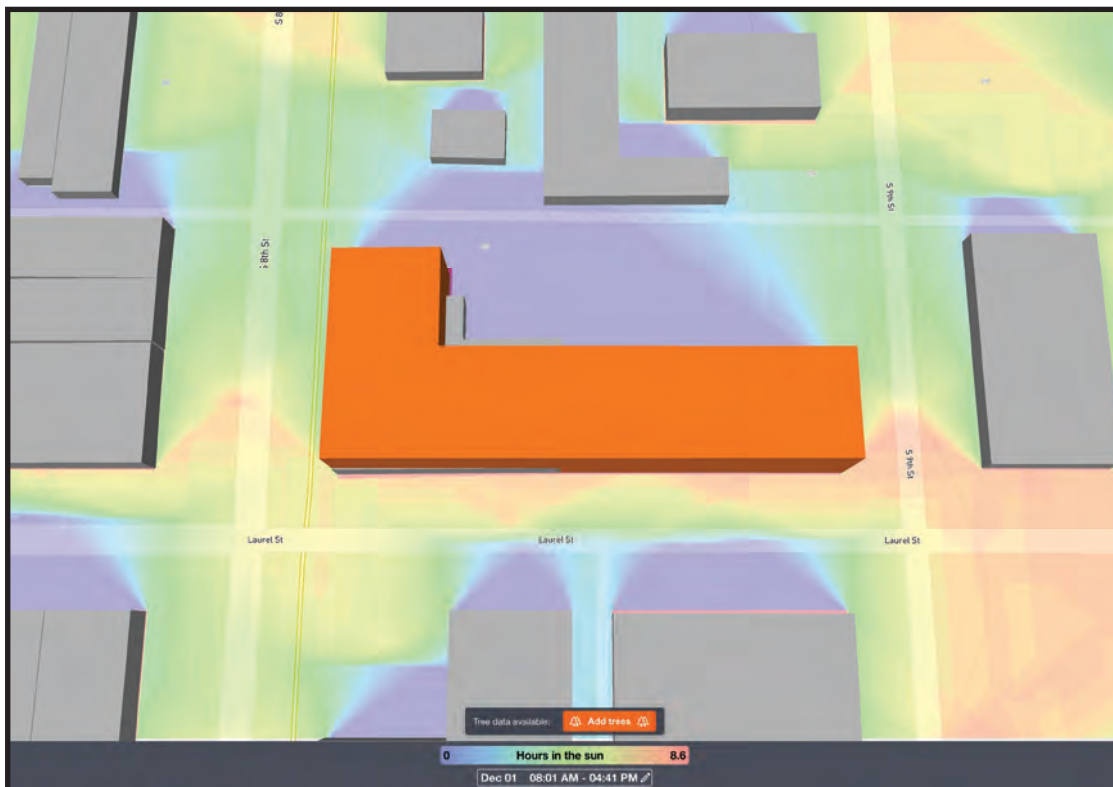
QUANTITY	TYPE	LETTER	SYMBOL	COMMON NAME	BOTANICAL NAME	AT TIME OF PLANT	CALIPER	APPROX. HEIGHT	ROOT	REMARKS
1	A			RED MAPLE	ACER RUBRUM	-	2 1/2"	-	B 1 B	STRAIGHT LEADER AND FULL CROWN
2	B			WHITE OAK	QUERCUS ALBA	-	2 1/2"	-	B 1 B	STRAIGHT LEADER AND FULL CROWN
3	C			LYNDEN	TYLA	-	2 1/2"	-	B 1 B	STRAIGHT LEADER AND FULL CROWN
4 DECIDUOUS TREES PROVIDED										
1	D			FLOWERING CRABAPPLE	Malus 'Sneezhri'	-	2"	-	B 1 B	STRAIGHT LEADER AND FULL CROWN
1	E			SPRING SNOW CRABAPPLE	Malus 'Spring Snow'	-	2"	-	B 1 B	STRAIGHT LEADER AND FULL CROWN
1	F			SUNBURST HONEYLOCUST	Gleditsia Truncata	-	2"	-	B 1 B	STRAIGHT LEADER AND FULL CROWN
5 DECIDUOUS TREES PROVIDED										
10	G			GOLD MOUND SPREA	Spiraea bushii 'goldmound'	24"	-	-	POTTED	-
8	H			WINEBARK SUMMER UME	Physocarpus opulifolius	24"	-	-	POTTED	-
10	J			MISS KIM LILAC	Syringa patula 'miss kim'	24"	-	-	POTTED	-
28 TOTAL DECIDUOUS SHRUBS PROVIDED										
8	K			GOLDEN ARBORVITTE	Thuja occidentalis aurea	24"	-	-	POTTED	-
1	L			SAVIN JUNPER	Juniperus sabina	24"	-	-	POTTED	-
11 TOTAL EVERGREEN SHRUBS PROVIDED										



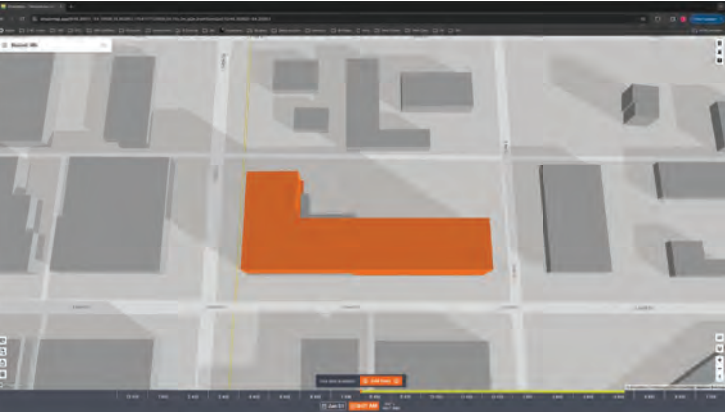
SHADOW STUDY

805 Laurel St, Brainerd MN

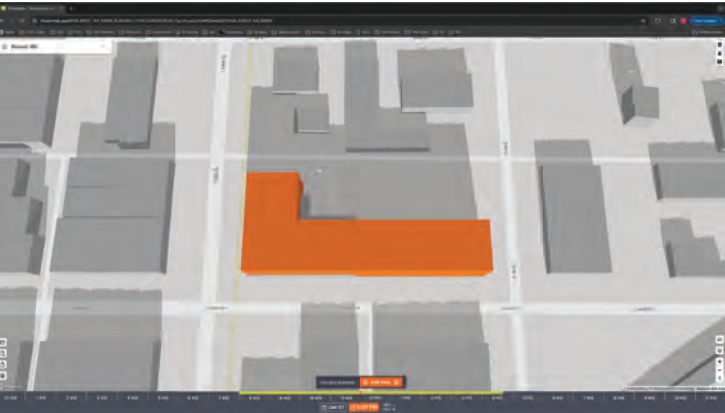
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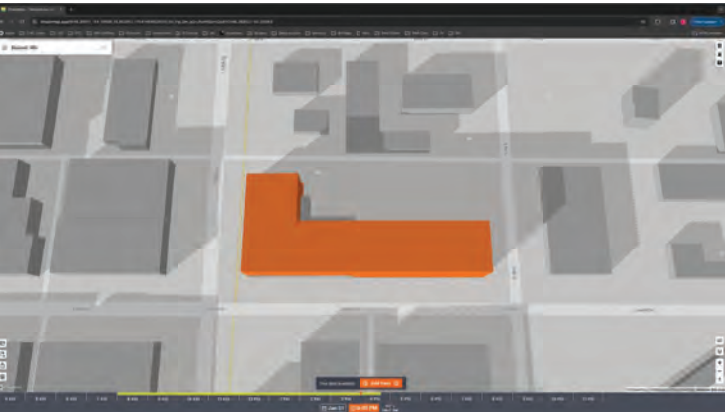
JANUARY 1ST



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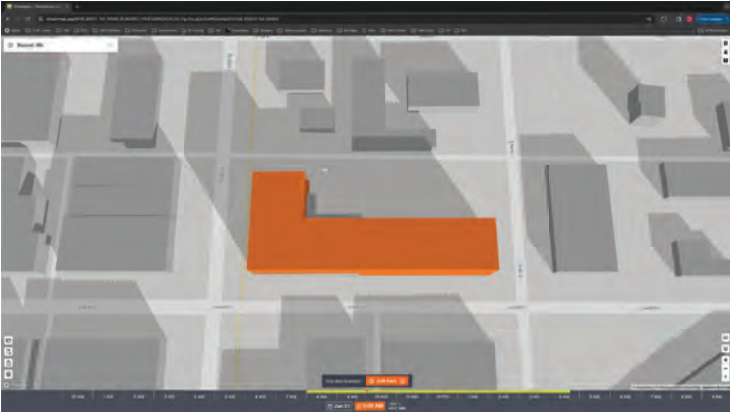


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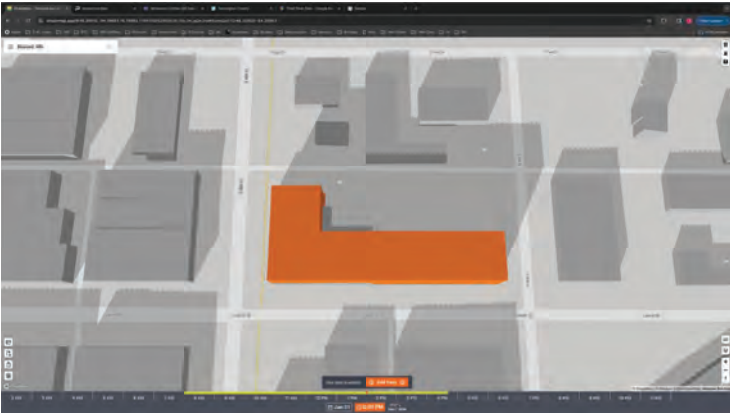


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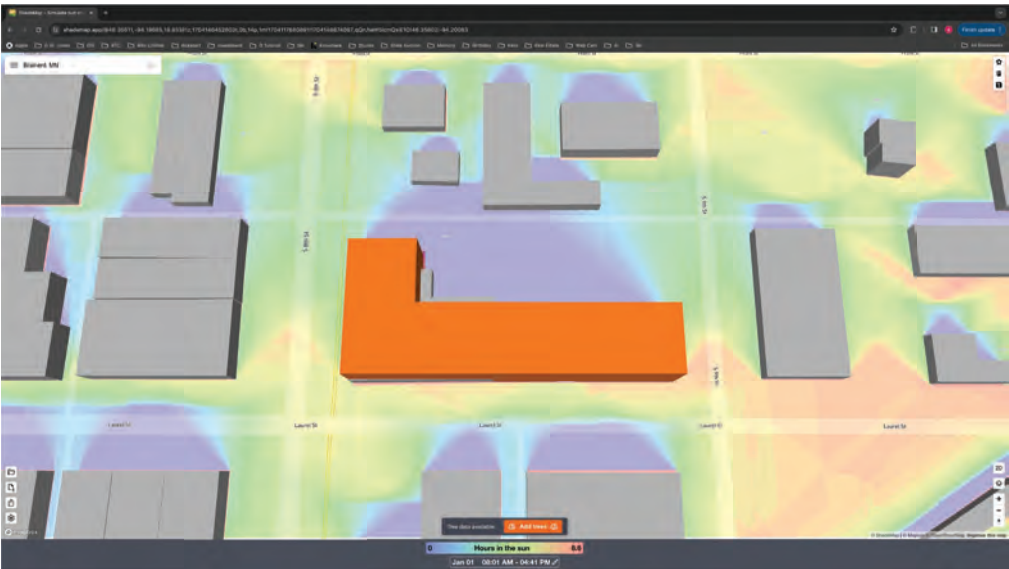
805 Laurel St, Brainerd MN



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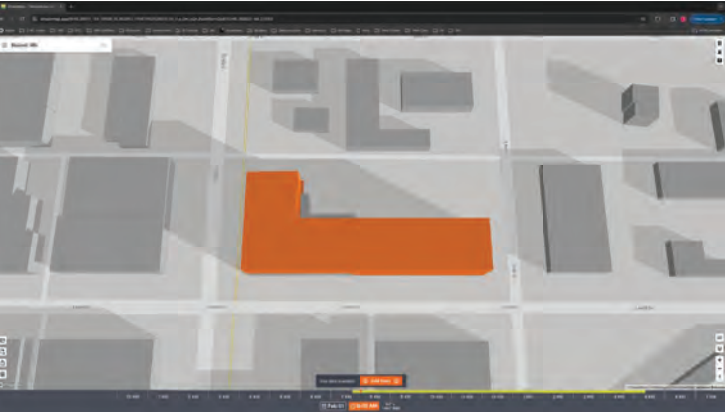


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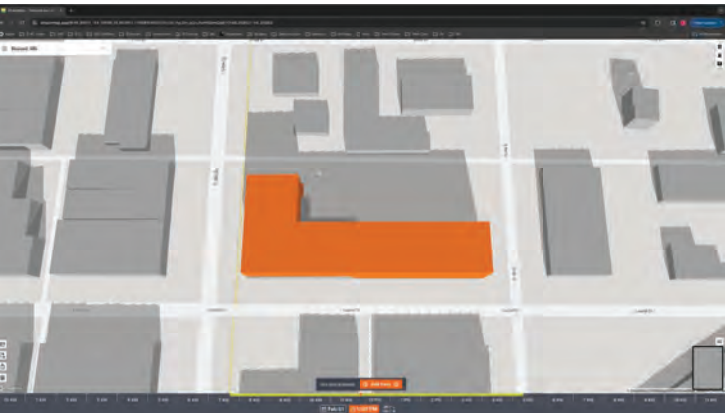


24 HOUR SUN EXPOSURE

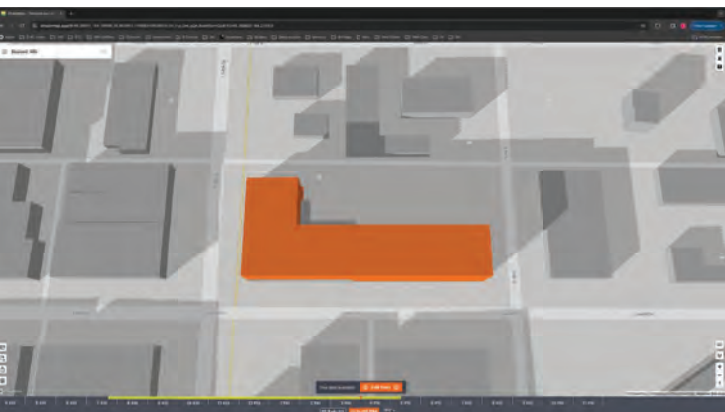
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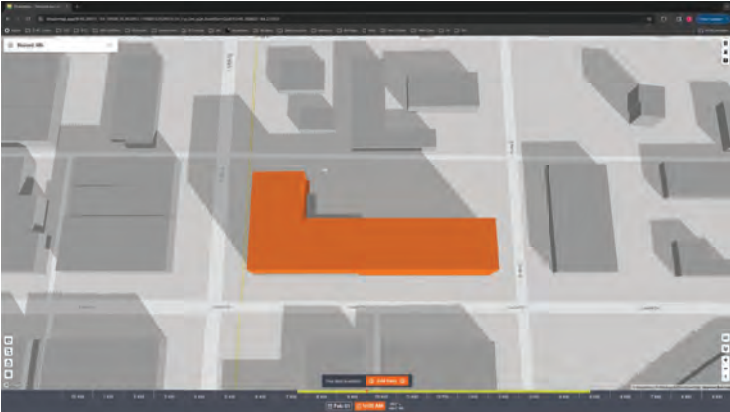


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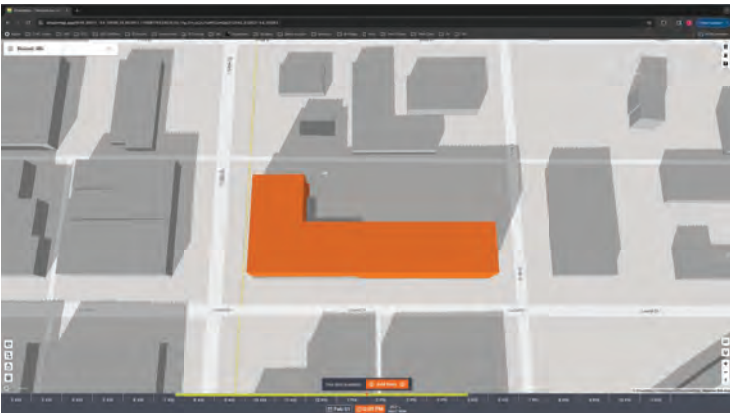


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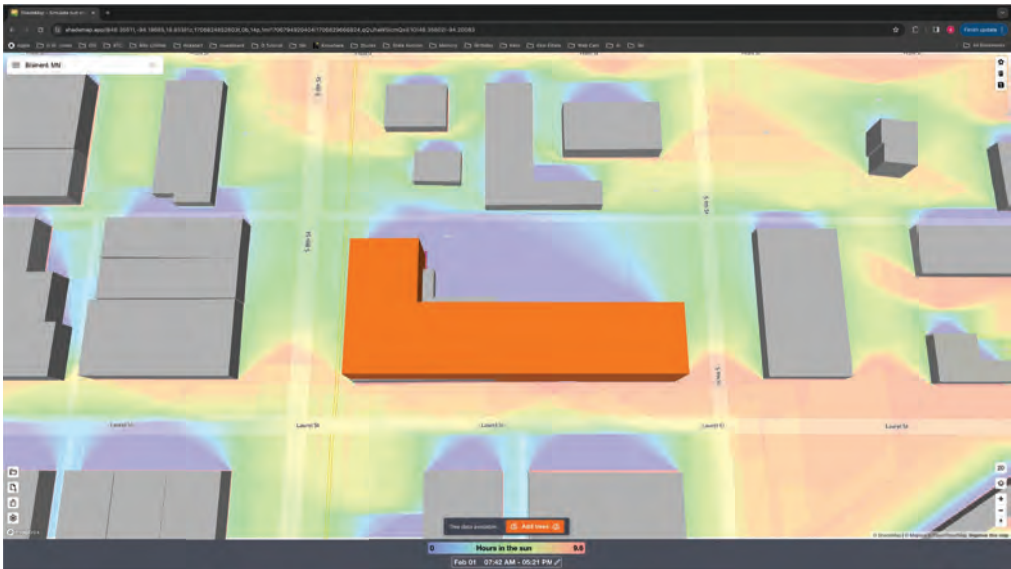
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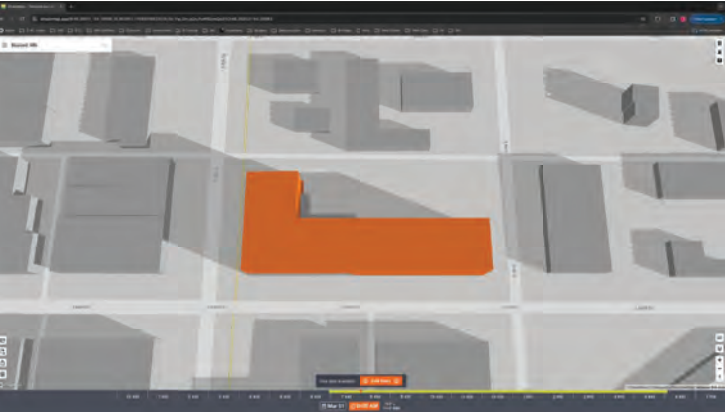


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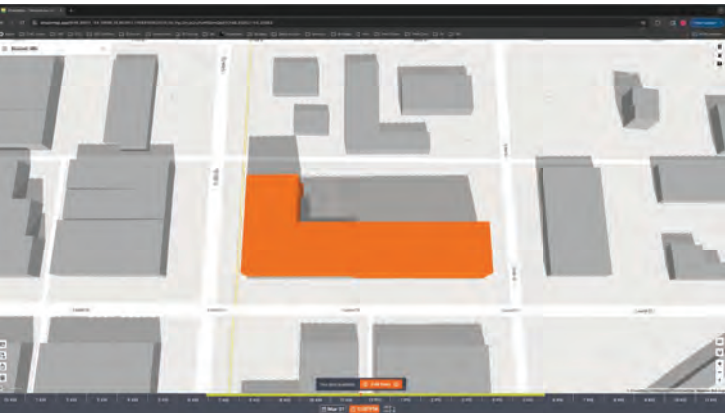


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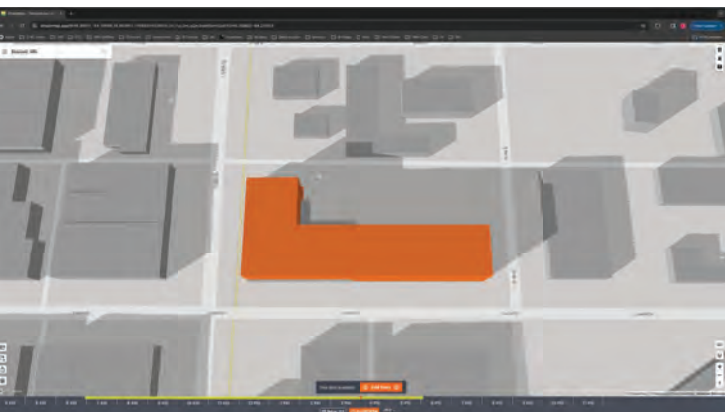
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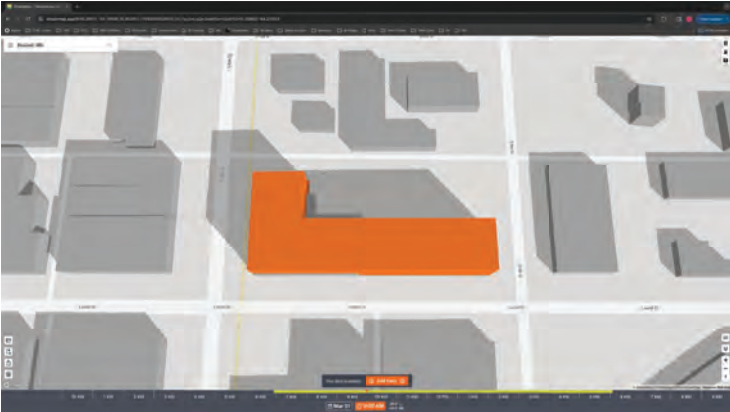


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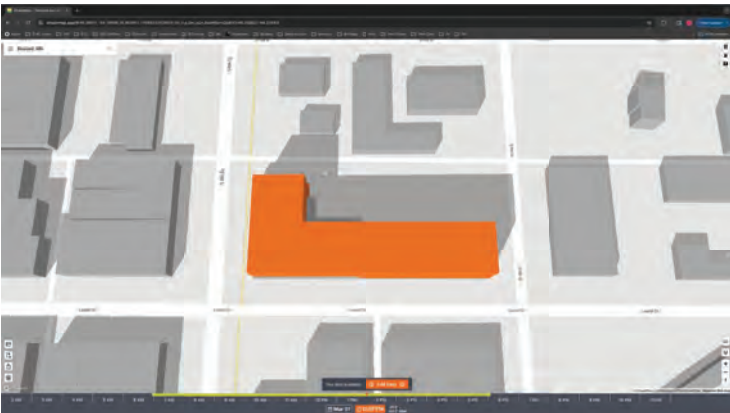


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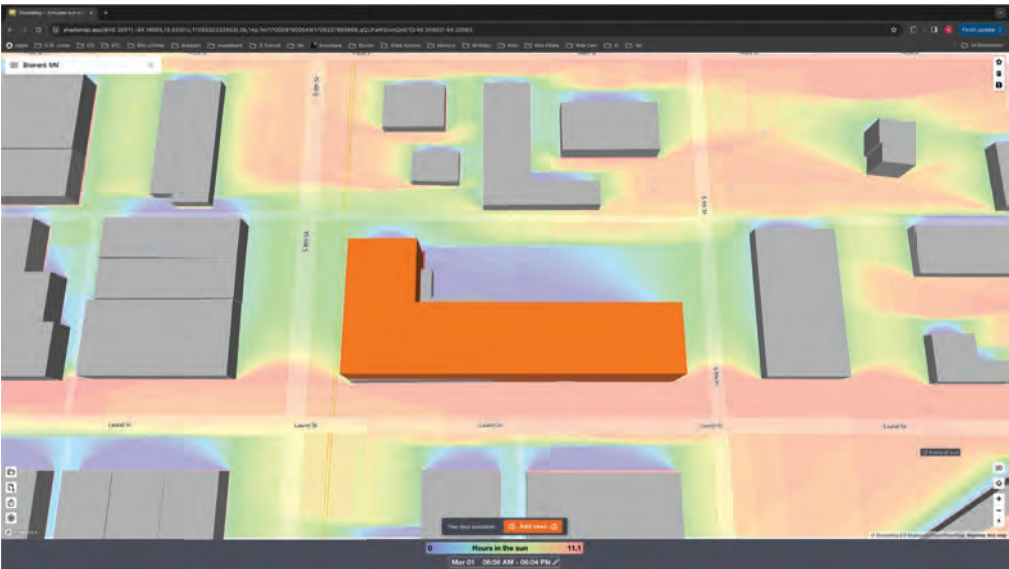
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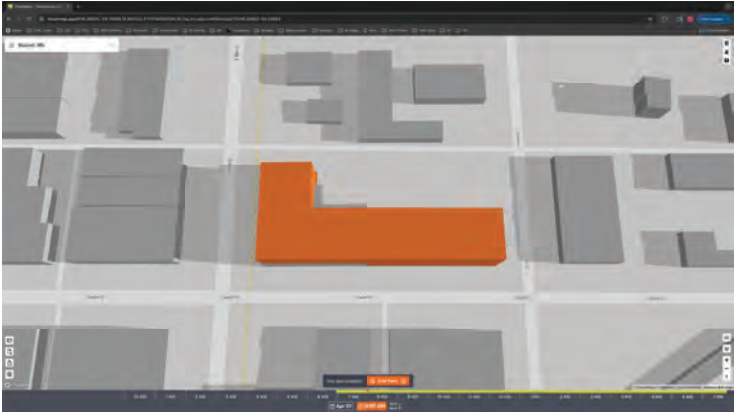
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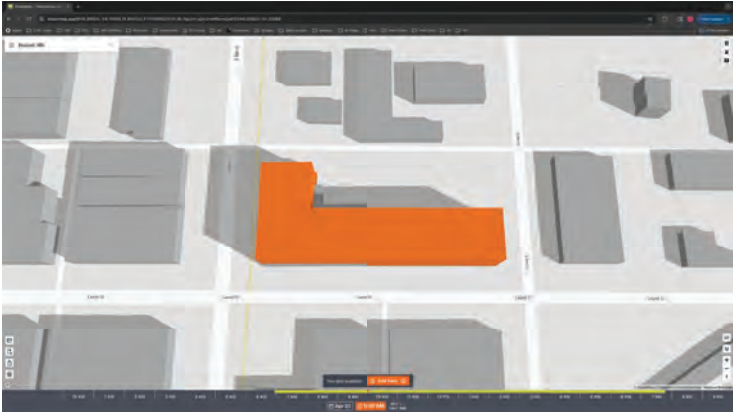
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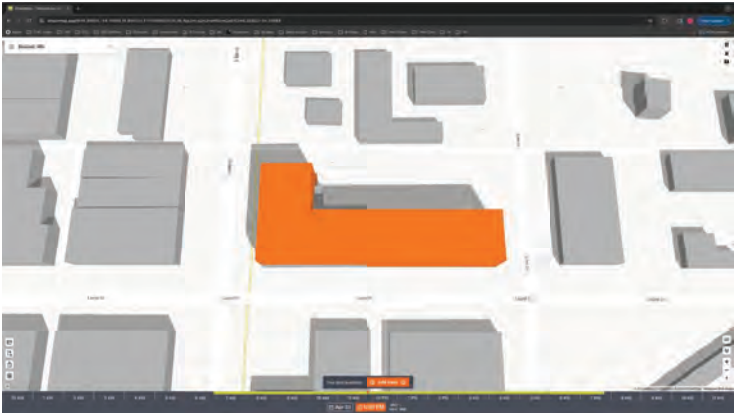
805 Laurel St, Brainerd MN



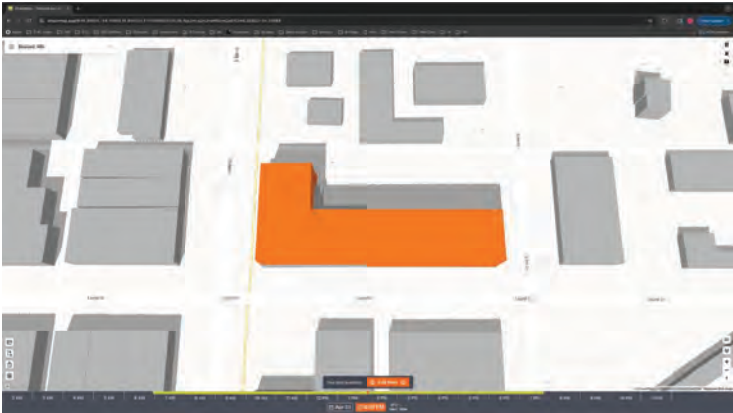
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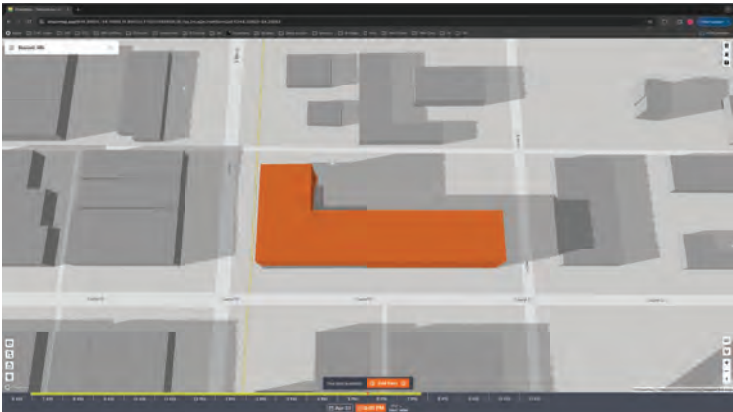
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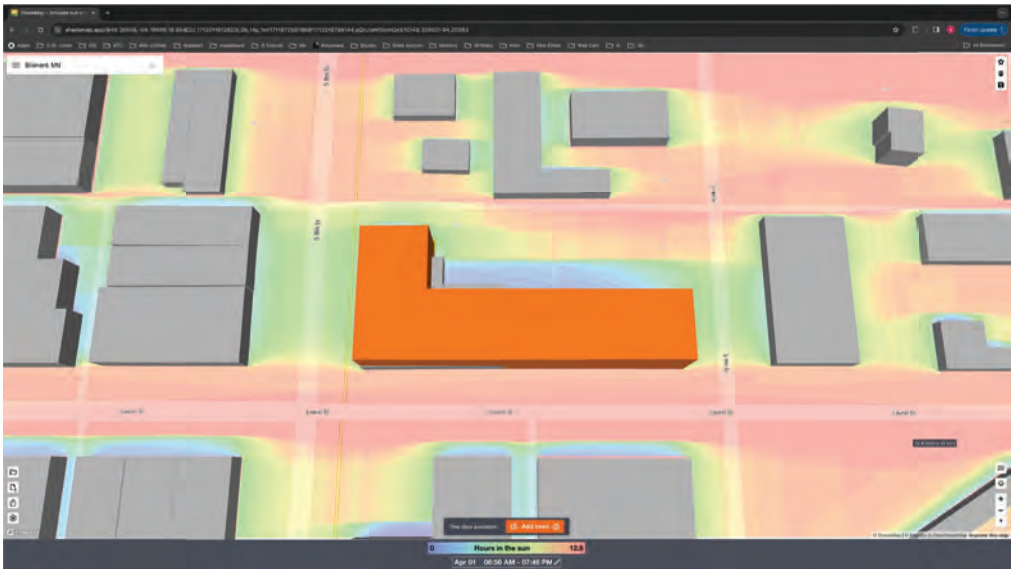
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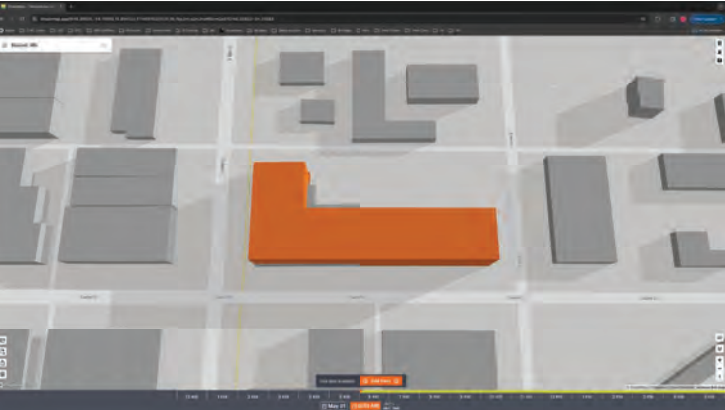


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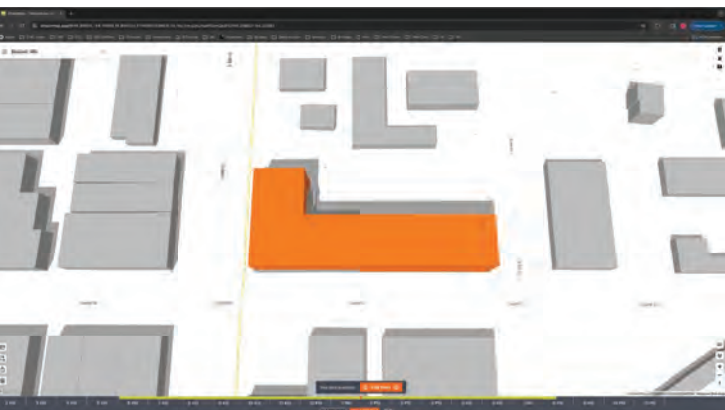
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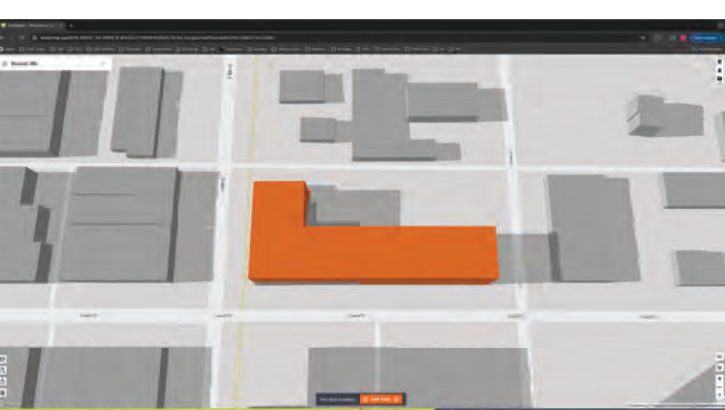
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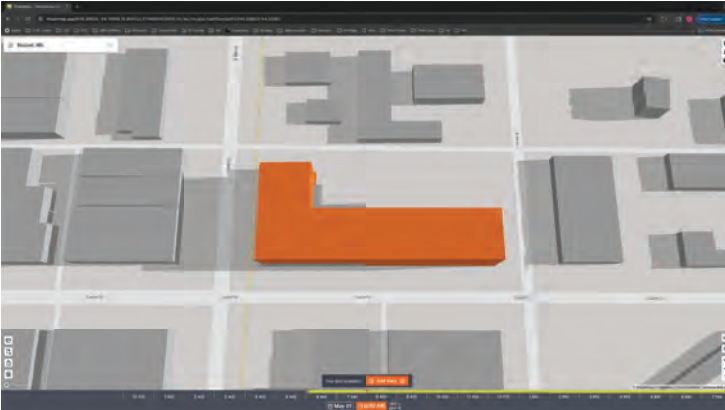


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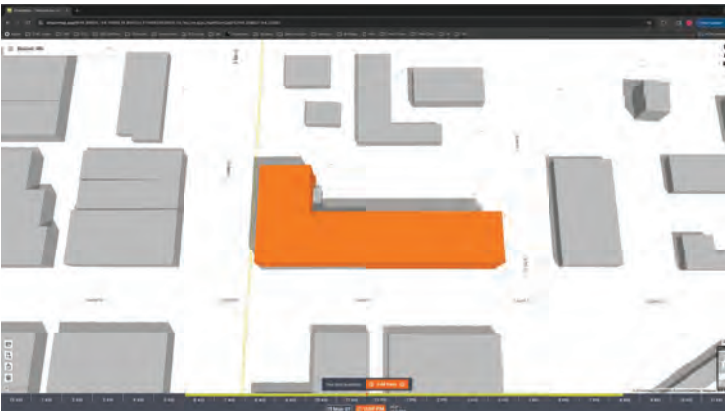


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805 Laurel St, Brainerd MN



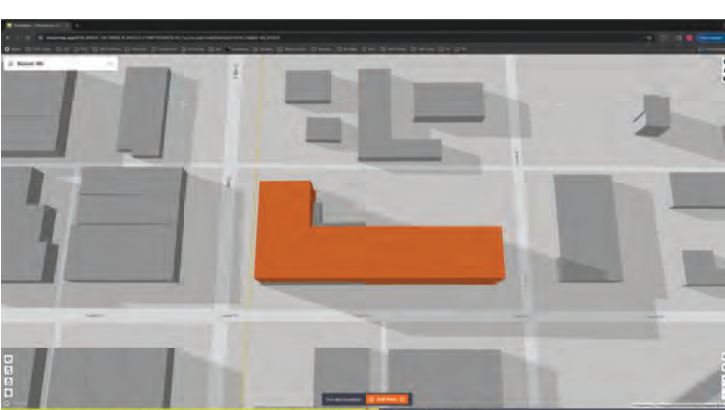
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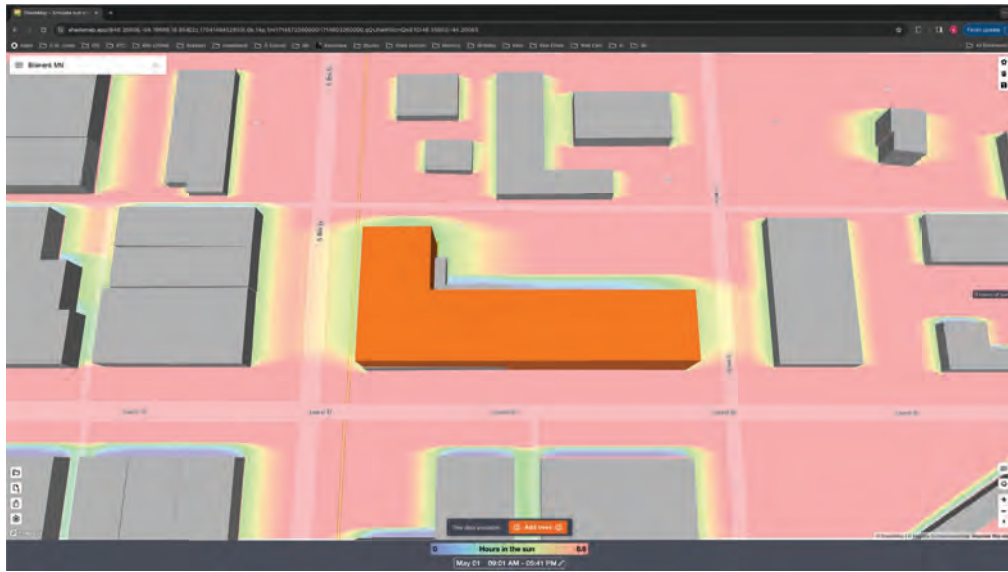
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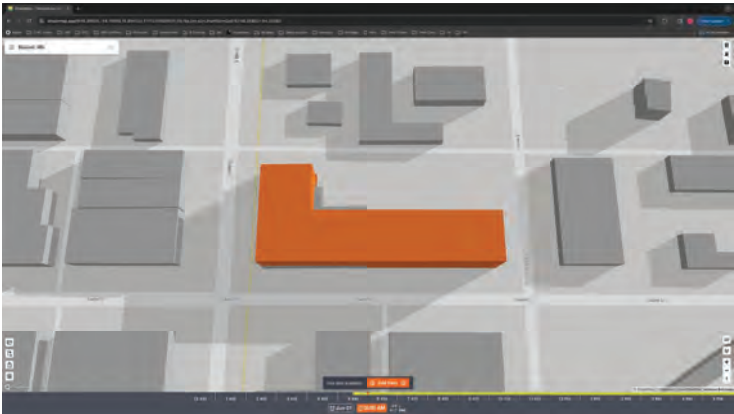
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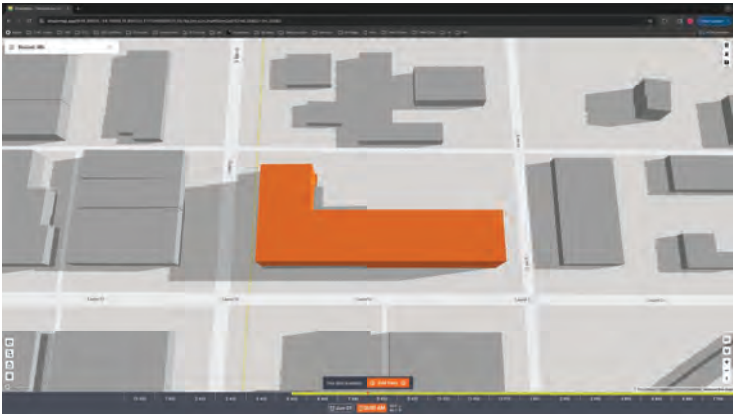
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JUNE 1ST

805 Laurel St, Brainerd MN



6:00 AM



8:00 AM



10:00 AM



12:00 PM



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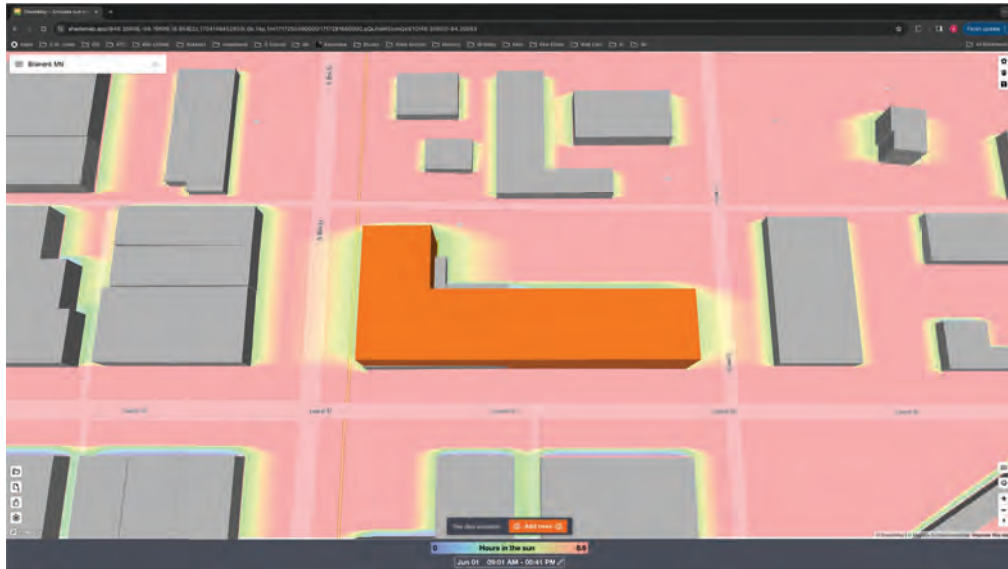
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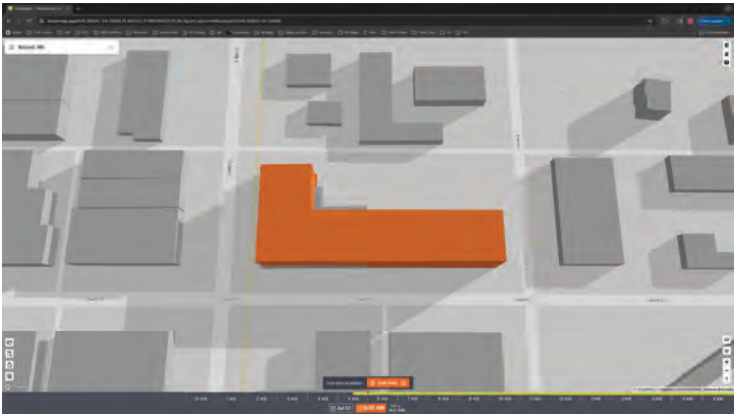
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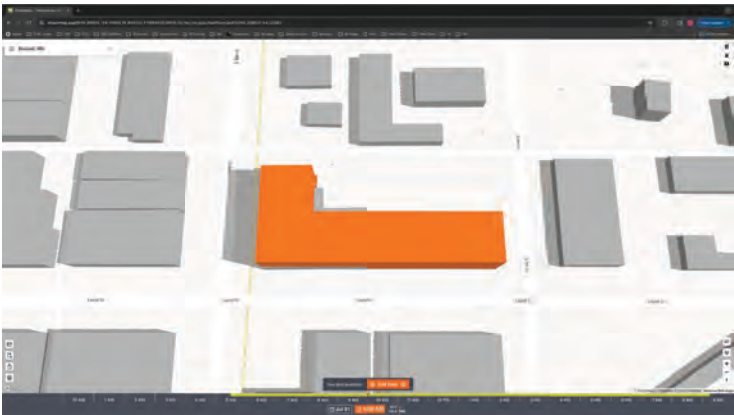
805 Laurel St, Brainerd MN



6:00 AM



8:00 AM



10:00 AM



12:00 PM



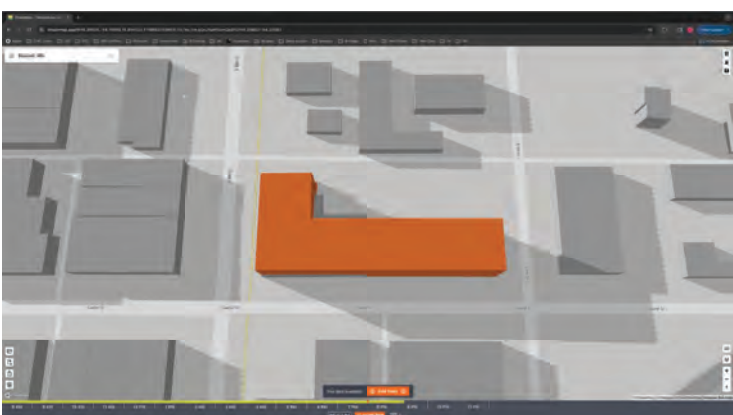
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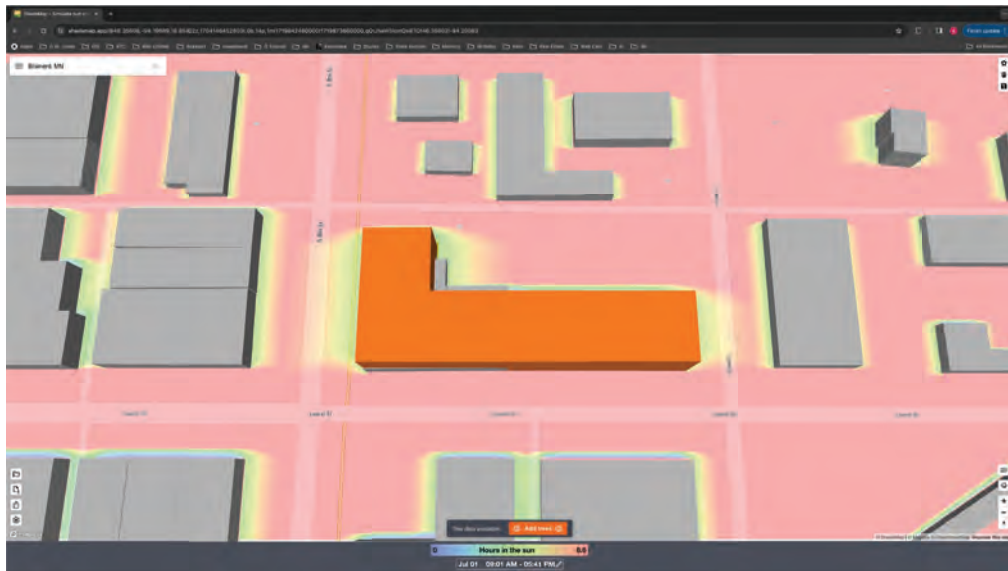
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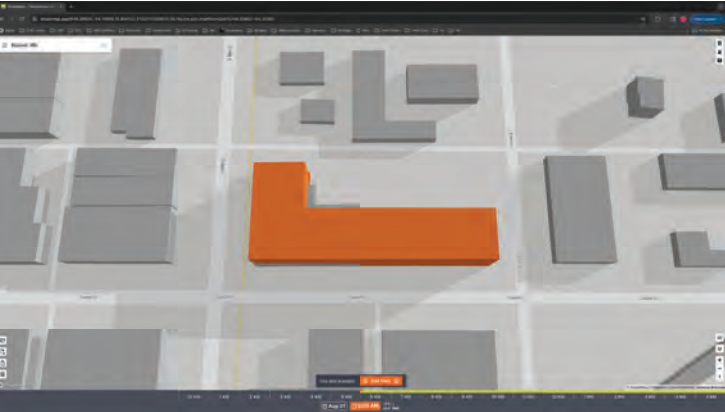


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24 HOUR SUN EXPOSURE

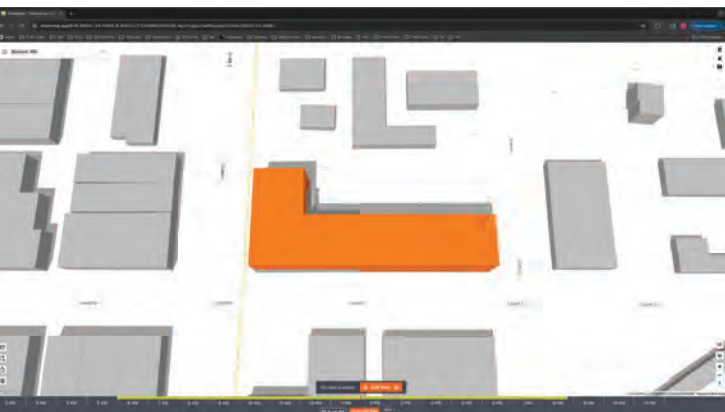
AUGUST 1ST



6:00 AM



10:00 AM



2:00 PM

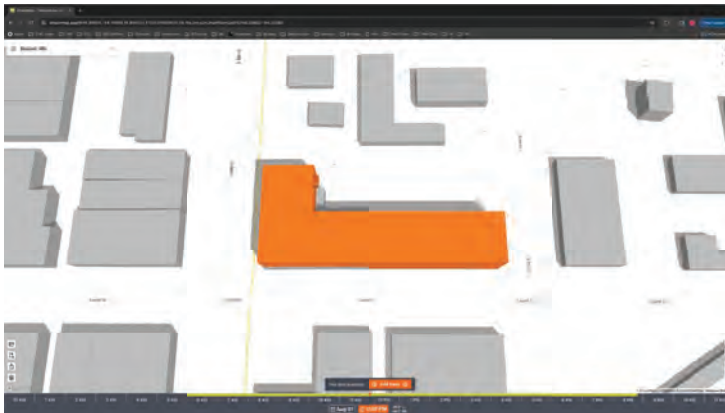


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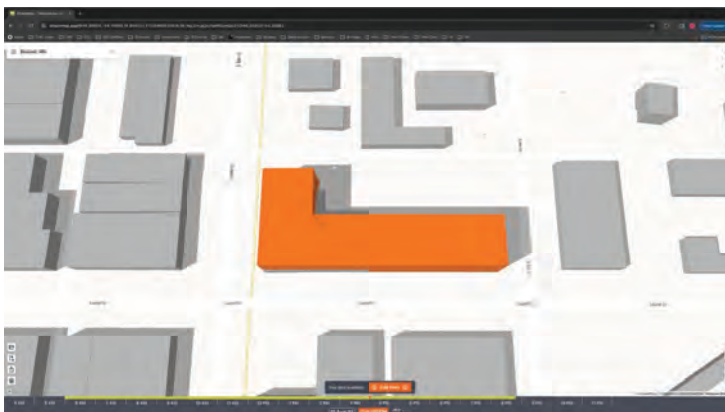
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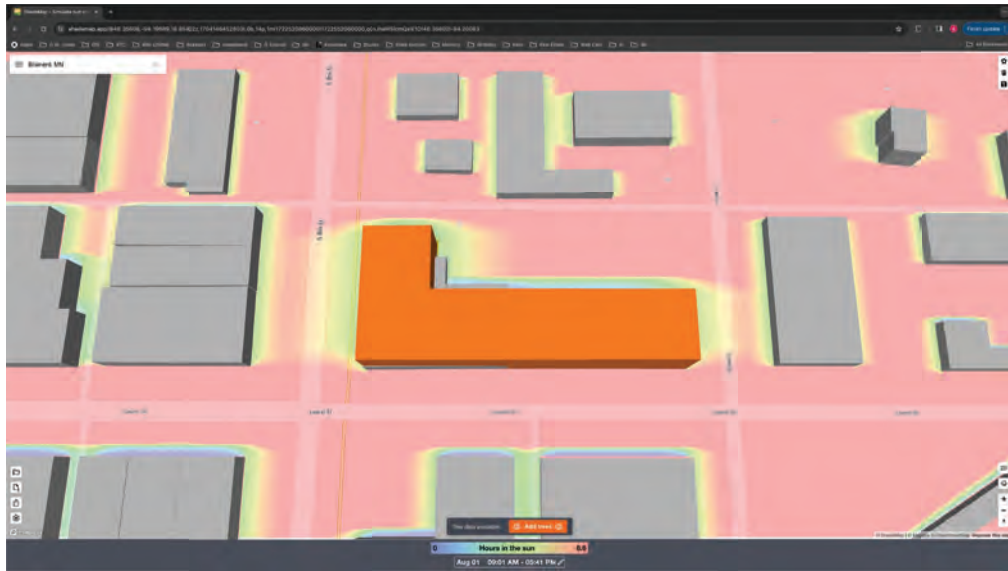
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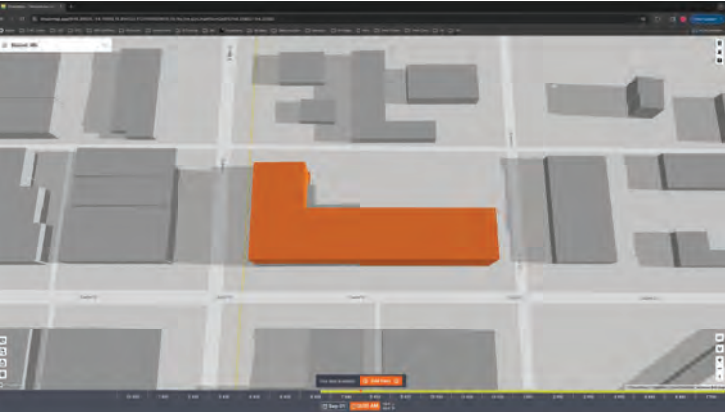


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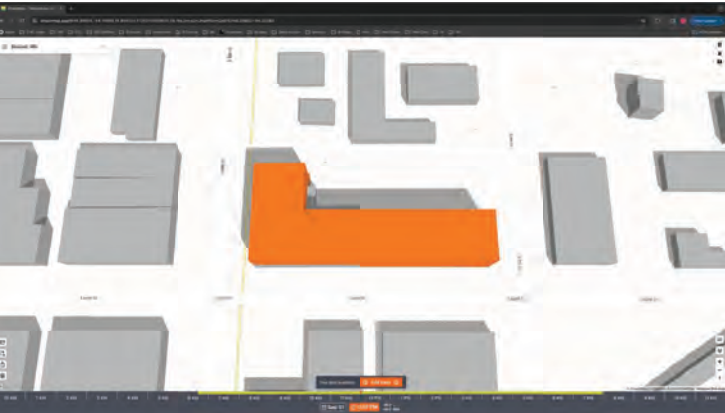


24 HOUR SUN EXPOSURE

SEPTEMBER 1ST



8:00 AM

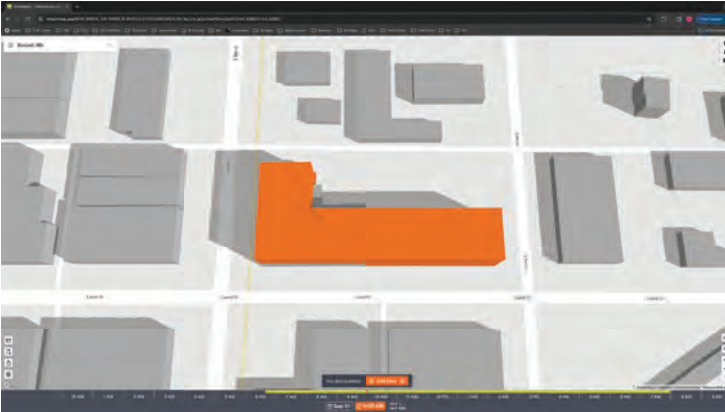


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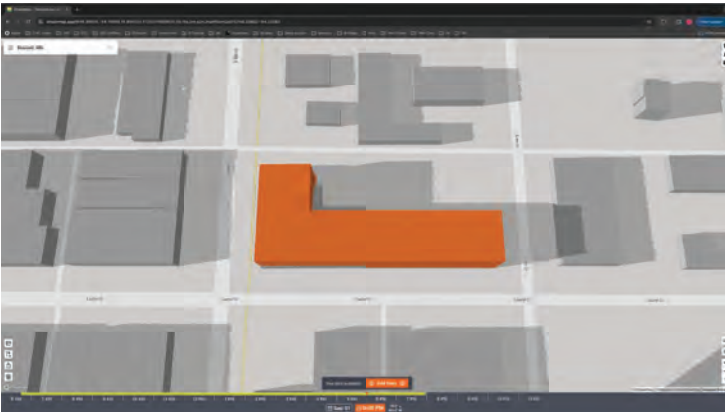
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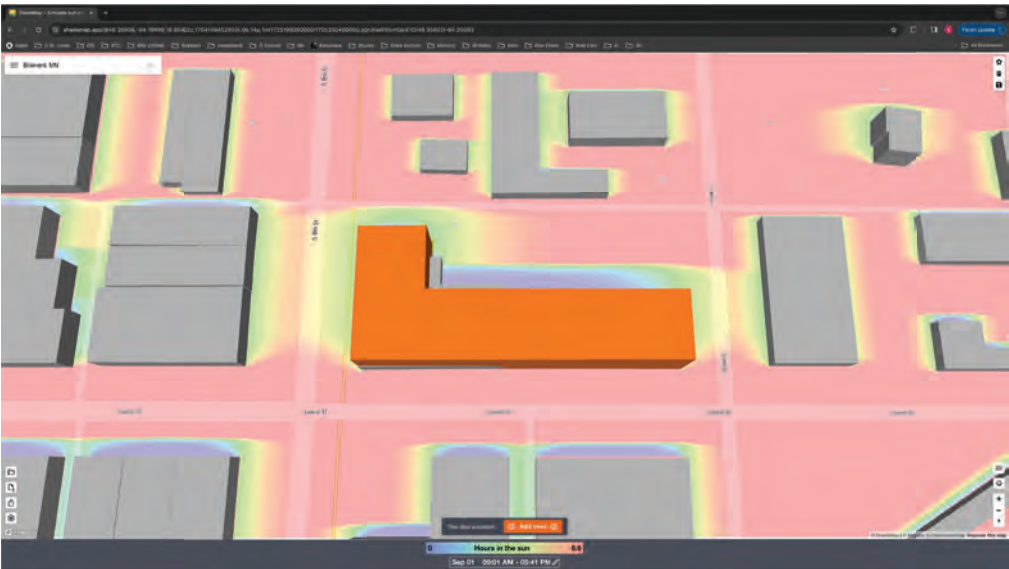
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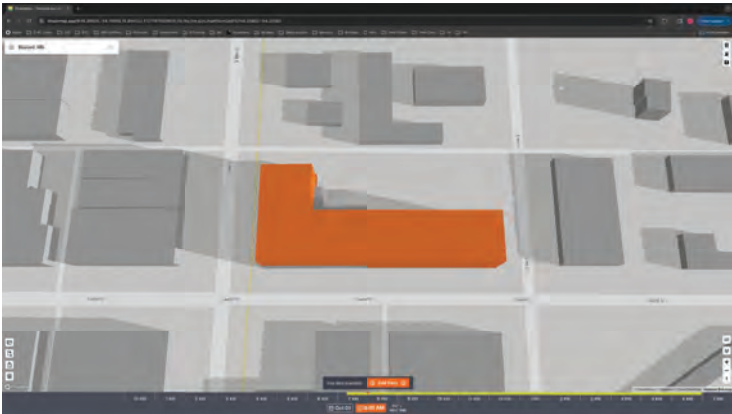
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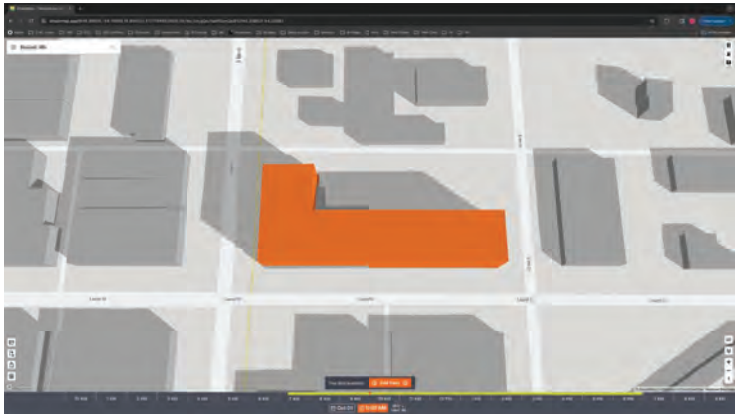
24 HOUR SUN EXPOSURE

OCTOBER 1ST

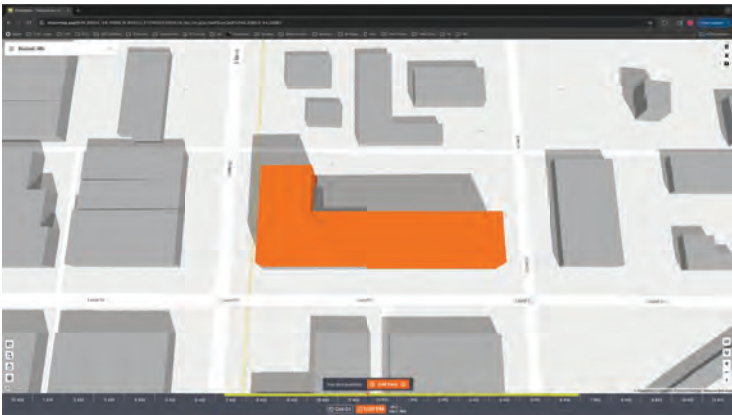
805 Laurel St, Brainerd MN



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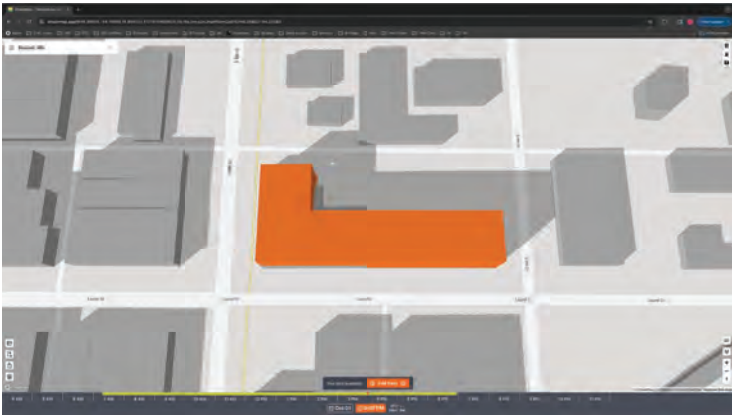
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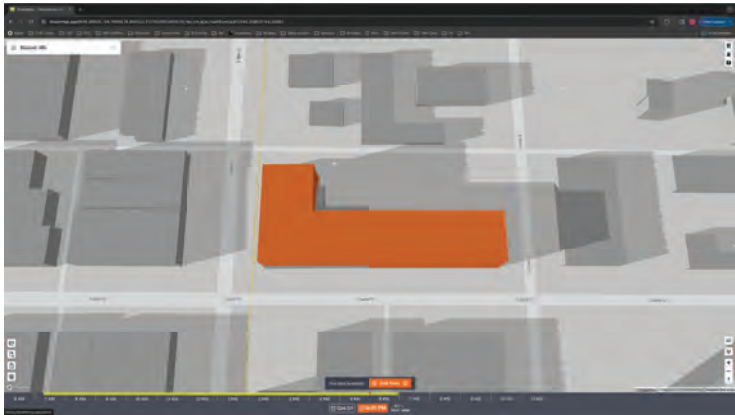
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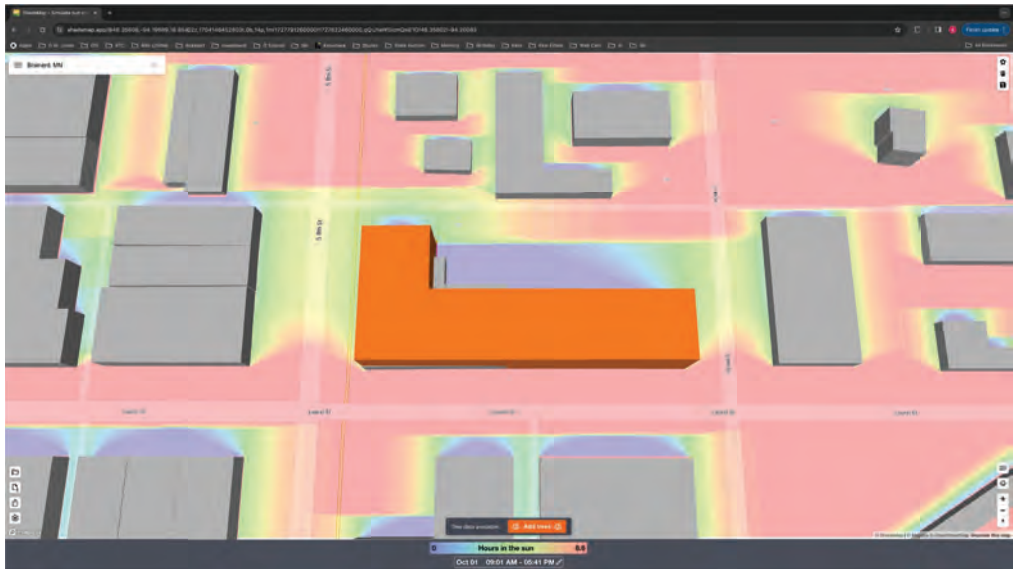
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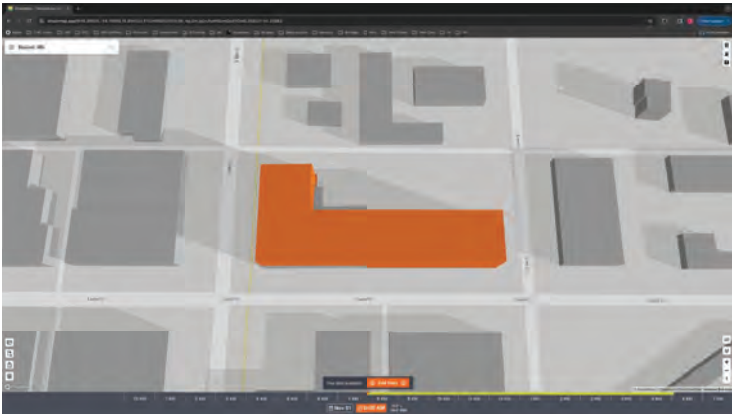
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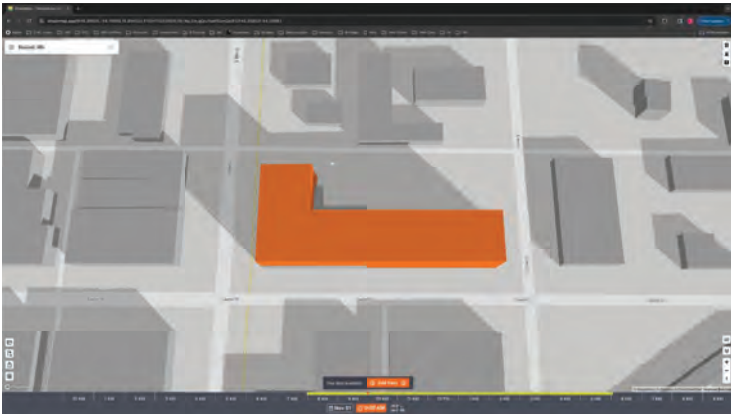
24 HOUR SUN EXPOSURE

NOVEMBER 1ST

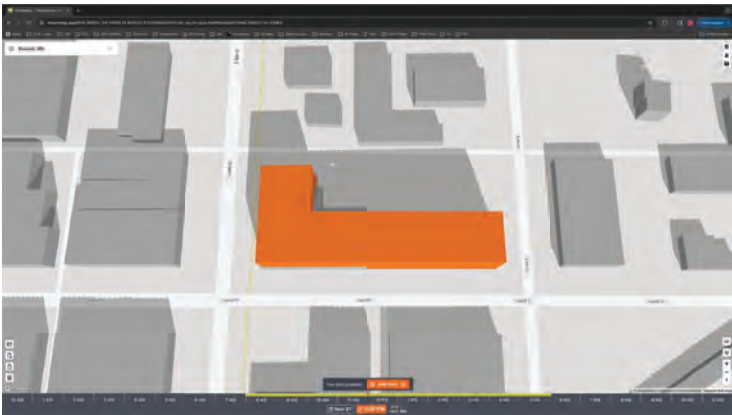
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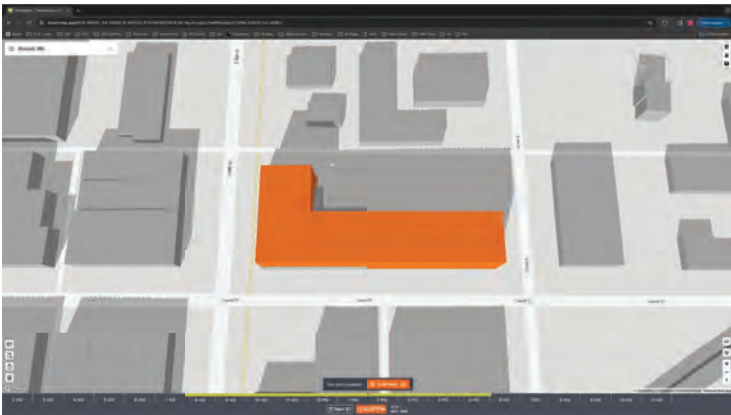
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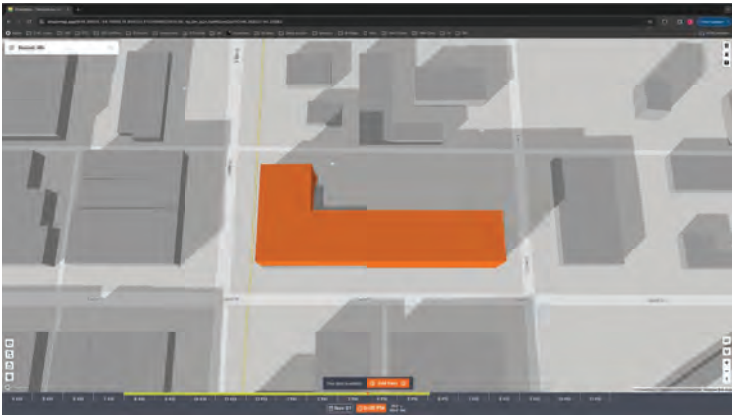
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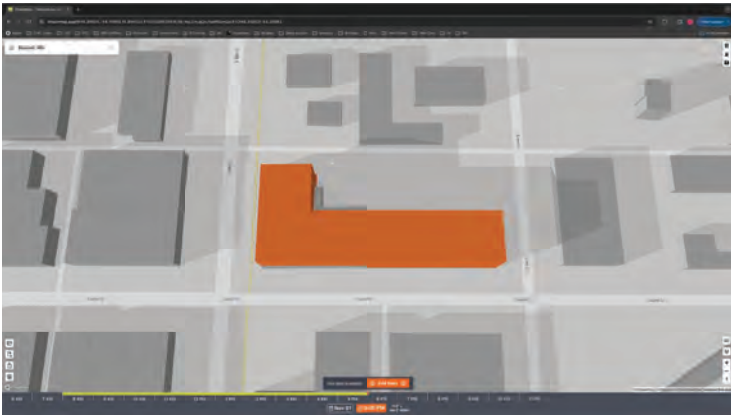
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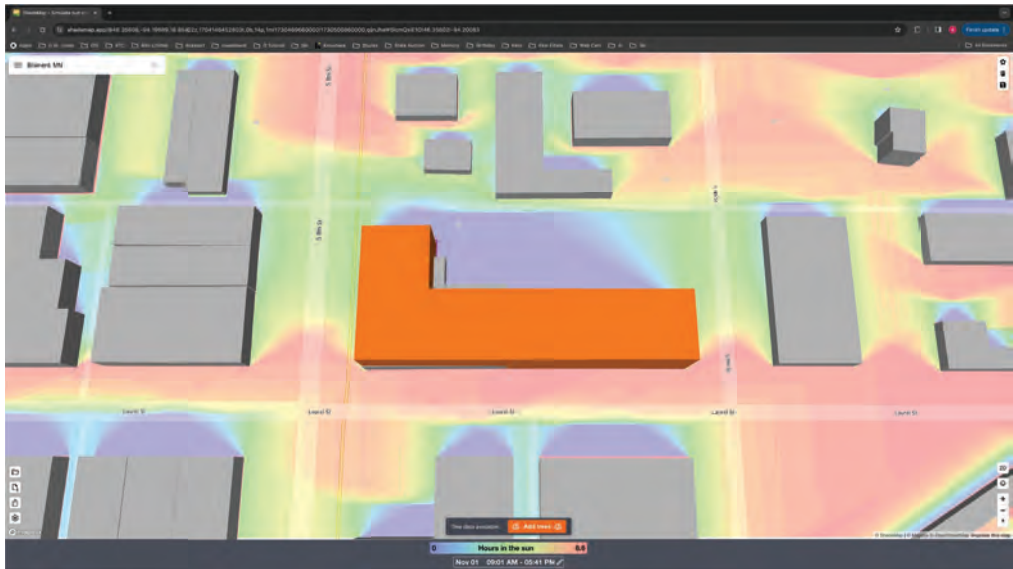
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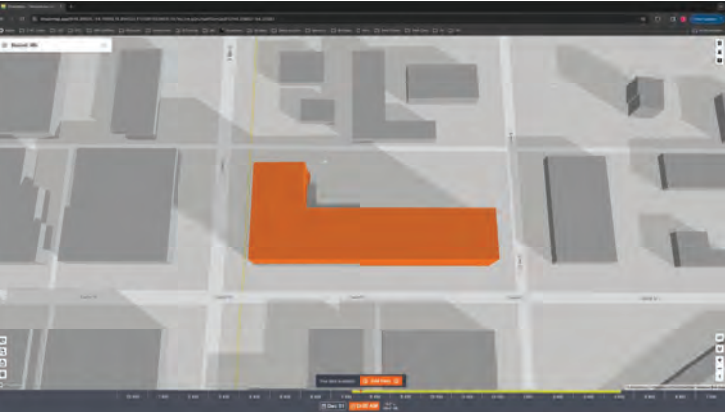


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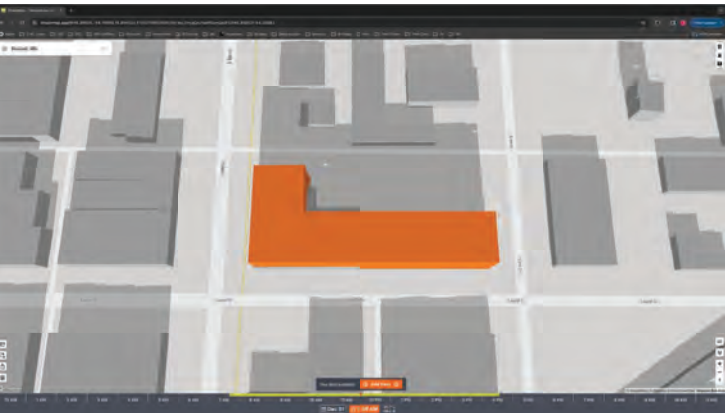


24 HOUR SUN EXPOSURE

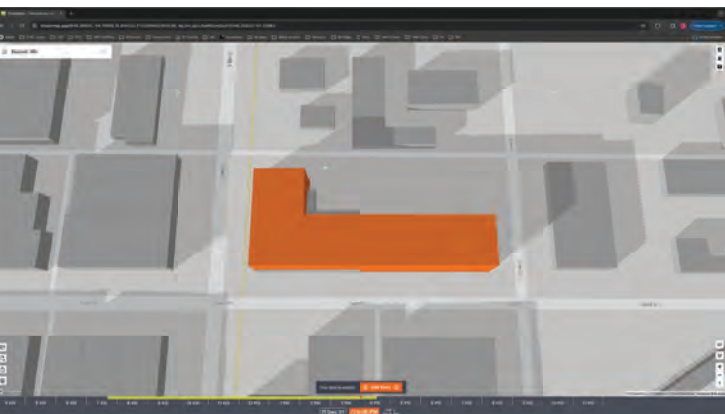
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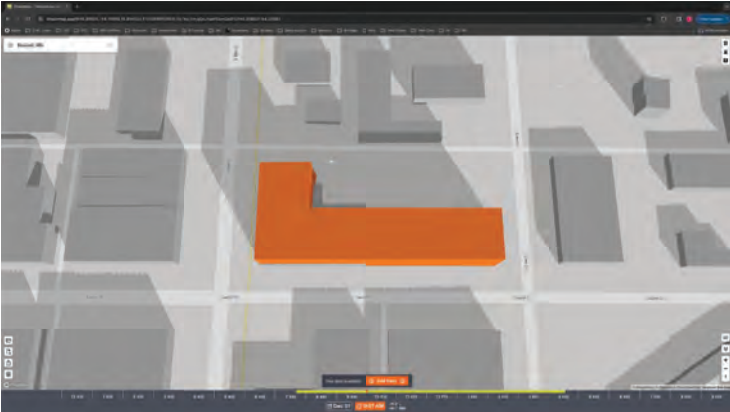


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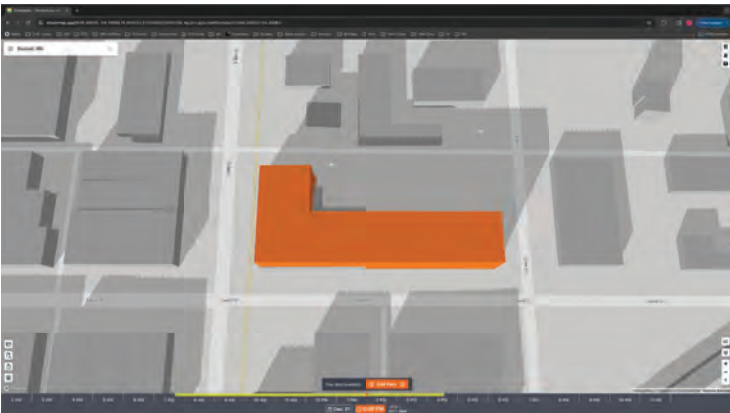


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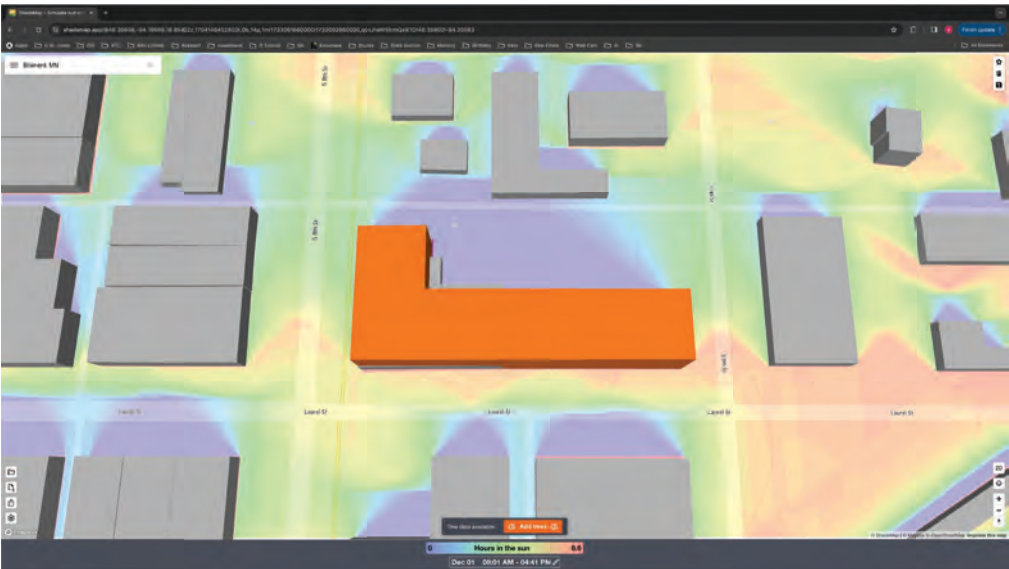
805 Laurel St, Brainerd MN



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24 HOUR SUN EXPOSURE



City Council Agenda Request

MEETING DATE: April 22, 2024

TITLE OF ITEM: Consider Resolution Authorizing the City of Brainerd to Act as Legal Sponsor for the Eight05 Laurel MN Workforce Housing Development Grant

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: Eric Charpentier, James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

The Brainerd HRA has been working with City staff as well as the development company, DW Jones, on a redevelopment project at the corner of 8th Street and Laurel Street in downtown Brainerd. Much of this property has been vacant for years and is primed for redevelopment. This proposed project would include the demolition of the existing buildings within the project's footprint with the plan to rebuild a mixed-use building of commercial space along with 78 units of multifamily housing. The plans also include 65 units of underground parking along with additional surface parking at the back of the building.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

DW Jones would like to apply for the Minnesota Workforce Housing Grant which is allocating 39 million dollars to construct workforce housing in rural communities like Brainerd. The grant requires the municipality to apply for the grant rather than the developer. Due to the prohibitive costs associated with a redevelopment of this size, the developer is researching and applying for multiple funding sources to go along with their traditional financing and owner equity. DW Jones is requesting the City sign the application on their behalf for the proposed 805 Laurel St Development Project.

RECOMMENDED ACTION/MOTION:

Approve Resolution Authorizing the City of Brainerd to Act as Legal Sponsor for the Eight05 Laurel Workforce Housing Project

FINANCIAL IMPACT: N/A

RESOLUTION

22:24

A RESOLUTION AUTHORIZING THE CITY OF BRAINERD TO ACT AS LEGAL SPONSOR FOR THE EIGHT05 LAUREL WORKFORCE HOUSING PROJECT

I HEREBY CERTIFY, that I am the duly elected Secretary and keeper of records of City of Brainerd, "Recipient", that the following is a true and correct copy of the Resolutions duly and unanimously adopted by all the members of the Brainerd Council of Recipient on April 22, 2024, all the members being present and constitute a quorum for the transaction of business; further, that such meeting was called in compliance with all applicable laws and any other requirements of Recipient; that such Resolutions do not conflict with any laws of Recipient nor have such Resolutions been in any way altered, amended or repealed and are in full force and effect, unrevoked and unrescinded as of this day, and have been entered upon the regular Minute Book of Recipient, as of aforementioned date, and that the members of the Brainerd Council of Recipient have, and at the time of adoption of such Resolutions, had full power and lawful authority to adopt such Resolutions and to confer the powers thereby granted to the officer(s) therein named who has full power and lawful authority to exercise the same:

WHEREAS, Recipient has submitted an application (the "Application") for a project (the "Project") pursuant to the Workforce Housing Development Program ("Program") in order to obtain funding from the Minnesota Housing Finance Agency ("Minnesota Housing").

WHEREAS, on this 22nd day of April 2024, there has been presented to the meeting of the City Council of Recipient a proposal for Recipient, upon selection by Minnesota Housing, to enter into a Deferred Loan Agreement pursuant to the Program in order to obtain funding from Minnesota Housing.

NOW, THEREFORE, BE IT RESOLVED, that Recipient is authorized to enter into a Deferred Loan Agreement, substantially in the form as attached to these Resolutions as **Exhibit A**, pursuant to the Program in order to obtain funding from Minnesota Housing in an amount not to exceed \$6,802,775 (the "Loan").

BE IT FURTHER RESOLVED, that Recipient is an Eligible Project Area, as defined in Minnesota Statute Section 462A.39, subdivision 2, has the legal authority to apply for financial assistance, and has the institutional, managerial, and financial capacity to ensure adequate construction, operation, maintenance and replacement of the Project for its design life.

BE IT FURTHER RESOLVED, that Recipient certifies that it will use the Loan for qualified expenditures for the Project to serve employees of business located in the Brainerd or surrounding area.

BE IT FURTHER RESOLVED, that the Loan will be matched by City of Brainerd TIF, Crow Wing County Housing Trust Fund, Mainstreet Grant, BLAEDC, and SAC/WAC Waiver from City of Brainerd with at least \$1 for every \$2 provided.

BE IT FURTHER RESOLVED, that Recipient certifies that the average vacancy rate for rental housing located in Brainerd, and in any other city located within 15 miles or less of the boundaries of the area, has been five percent or less for at least the prior two-year period.

BE IT FURTHER RESOLVED, that Nick Broyles, City Administrator and Dave Badeaux, Mayor, or their successors in office, are hereby authorized to execute the Deferred Loan Agreement and such other agreements, and amendments thereto, as are necessary to implement the Project on behalf of Recipient.

BE IT FURTHER RESOLVED, that Minnesota Housing is authorized to rely on the continuing force and effect of these Resolutions until receipt by the Commissioner of Minnesota Housing at its principle office of notice in writing from Recipient of any amendment or alteration of such Resolutions.

Adopted this 22nd day of April 2024

KELLY BEVANS
President of the Council

Approved this 23rd day of April 2024

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Workforce Housing Development Program 2024 Application Narrative and Certification

Instructions: Complete, sign, and submit the following narrative questions, as applicable, based on the specific housing proposal. The answers to the narrative questions should provide supplemental information to the workbook.

Development and Applicant Information

Development and Applicant Information Requested	Response
Development Name	Eight05 Laurel
Development Address	805 Laurel Street, Brainerd, MN 56401
Name of Eligible Recipient Submitting Application	City of Brainerd
Eligible Recipient Mailing Address	501 Laurel St, Brainerd, MN 56401
Eligible Recipient's Authorized Representative Name and Title	Nick Broyles, City Administrator
Eligible Recipient's Authorized Representative Phone	(218) 828-2307
Eligible Recipient's Authorized Representative Email	nbroyles@ci.brainerd.mn.us
Primary Contact Name and Title	Ronald Duchesneau, Jr, President of D.W. Jones, Inc.
Primary Contact Phone	(218) 820-5010
Primary Contact Email	Skip@DWJonesInc.com

Project Description

- What is the dollar amount of the funding request?
\$6,802,775
- Check the box that describes the project area (refer to the [Program Guide](#) for more information on definitions).
 - ☒ A home rule charter or statutory city located outside of the metropolitan area with a population exceeding 500
 - ☐ A community that has a combined population of 1,500 residents located within 15 miles of a home rule charter or statutory city located outside the metropolitan area

- ☐ An area located outside of a Metropolitan County that serves a federally recognized Indian Tribe in Minnesota, or their associated Tribally Designated Housing Entity as defined by [United States Code, title 25, section 4103\(22\)](#), as approved in writing by Minnesota Housing;
- ☐ An area served by a joint county-city economic development authority

3. Describe the project area and include the population.

Brainerd is located in central Minnesota, along the Mississippi River. Long known as the home of Paul Bunyan and well known as Minnesota's Vacationland, the neighboring cities of Baxter and Brainerd are the economic center of the region known as "Brainerd" or the "Brainerd Lakes Area". The bustling community of Brainerd Lakes Area is nestled among the pines and has something for everyone. The Retail District is where the services and hotels are and where you'll find great dining and events. Historic downtown is where the public parks and beaches are abundant. Brainerd currently has an estimated population of 14,395 with an estimated population growth of 3% by 2029.

4. Summarize the housing proposal. Include the following:

- a. Description of the proposal concept and why it is important to the community
- b. New construction or acquisition/rehabilitation/repurpose
- c. The building type (walk-up, townhome, elevator, etc.)
- d. Number of stories
- e. Number of units

This funding proposal is for the demolition of abandoned adjacent buildings and the new construction of Eight05 Laurel. Eight05 Laurel was carefully planned to be compatible with the character and community of downtown Brainerd, while following the recommendations and desires of the City Council. Eight05 Laurel will be located in the heart of Downtown Brainerd, within blocks of community facilities including churches, parks, shopping, medical facilities, employment, and Crow Wing County Agencies.

Eight05 will address the housing shortage by offering seventy-eight (78) units of mixed income workforce housing in a four story apartment building with sixty-five (65) underground heated parking stalls, twenty-six (26) surface stalls, an elevator, and secured entry.

There will be twelve (12) studio units with 495 sq ft of living space, twenty-eight (28) one bedroom one bathroom units with 662 sq ft of living space, nine (9) one bedroom one bathroom units plus den with 754 sq ft of living space, fifteen (15) two bedroom one bathroom with 939 sq ft of living space, and fourteen (14) two bedroom two bathroom units with 1,140 sq ft of living space. Eight05 Laurel will include handicapped accessible unit per ADA being fully equipped for physically disabled persons.

Each unit will include energy efficient kitchen appliances such as refrigerator, range with exhaust fan, microwave and dishwasher. Included in the rent are cold and hot water, sewer, and garbage. Each unit will have through wall air conditioning. For added convenience, each

unit will include a washer and dryer. Eight05 Laurel will include a garbage chute on each floor. Most units will include a deck depending on the unit plan. Eight05 Laurel will be smoke free.

Eight05 Laurel will include five (5) commercial rental spaces on the main level ranging from 741 sq ft to 2,200 sq ft. Eight05 Laurel will also include an office, community room with kitchenette, work spaces, and unisex public bathrooms on the main level.

The primary reason the market has not filled the housing needs is simple. PreCovid interest rates for similiary projects that D.W. Jones has developed were about 3.5%. For Eight05 Laurel , the higher cost of money reduces our borrowing capacity by \$1,620,000. The other issue is inflation. Minnesota saw construction costs increase 30% during this time. This added \$3,150.000 of extra cost to Eight05 Laurel . During this same time period, rents have increased 5% per year making little difference to high interest rates and construction costs. Without the assistance of the Workforce Housing Development Program, housing would not take place in Greater Minnesota.

Eight05 Laurel is extremely important to the community for several reasons. The new construction will clean up a documented blight area in downtown Brainerd. The City of Brainerd contracted LHB to conduct a survey to determine if the three structures being proposed would qualify for a Redevelopment TIF District. The report dated January 13, 2022 concluded that two of the three buildings were substandard and the development qualifies for a Redevelopment TIF District. Eight05 Laurel is also located within the Brainerd River to Rail Corridor.

The River to Rail Initiative focuses on the area between the Mississippi River and the old Brainerd railyards. In the past year, we have started to see momentum from several organizations including the City of Brainerd, the Brainerd HRA, Lakes Area Chamber of Commerce, Brainerd Restoration, BLAEDC, NJPA, Region 5 Development Commission, and several entrepreneurs. These organizations have stepped forward to bring new initiatives to this area including Destination Downtown (a competition that provides incentives for a new business downtown), the Small Business Revolution Main Street Makeover Program, Small Cities Development Program (SCDP) fund for rental and commercial rehab for our downtown and a potential crowdfunding program.

Organizations, local government, entrepreneurs and developers, working together with BLAEDC, have created a shared vision, now known as the River to Rail Initiative. The vision is to build on the current momentum to revitalize Brainerd's community district and create a strategic narrative that encourages planning and new private sector investments for the future. Individuals and businesses that choose to invest in this area may receive assistance with planning, financing, securing permits, etc.

Residents, tenants, business owners and visitors are identifying needs and hopes for the area. A committee spearheading the initiative has met with individuals, investors, non-profits, and local governmental agencies to begin the necessary planning, collaboration, and cooperation that ensures long-term commitment.

Eight05 Laurel is located within the River to Rail Economic Incentive Corridor. On the updated Revitalization Project Maps dated July 15, 2020, this site was specifically called out to be an apartment block. Eight05 Laurel would help the community fulfill part of the planning to develop the downtown area. Eight05 Laurel will be the first downtown new apartment construction ever that is not above an already existing commercial business. The construction of Eight05 Laurel will help fill the need for critically short housing and help the economic well being of downtown Brainerd.

5. Briefly describe the scope of construction work.

Eight05 Laurel is a seventy-eight (78) unit mixed income workforce housing new construction project in Brainerd. The site currently has an abandoned pharmacy building and two additional commercial buildings which will be demolished for the new construction of Eight05 Laurel. As you can see by the site map, Eight05 Laurel will be located in the heart of downtown Brainerd with all city utilities and water/sewer in place. Eight05 Laurel would only require a building permit to start construction.

6. Will any of the units have income restrictions? If yes, how many of the units will have a restriction? Describe the sources and reasons for the restrictions (for example, another funding source requires the restrictions) and what the restrictions will be.

Yes. The Deferred Loan from the Crow Wing County Housing Trust Fund comes with income restrictions for sixteen (16) units at 80% AMI. Thirty-one (31) units will be restricted at 115% AMI and thirty-one (31) units are Market Rate.

7. Describe:

Who currently owns the property? D. W. Jones, Inc, NJMS Olson, LLC and NJMS TB2, LLC

Who will own the property during construction? Eight05 Housing LLLP

Who will own the property at the time of rental availability? Eight05 Housing LLLP

Will any of the above ownership structures include a public entity? No

8. If this project is rehabilitation/repurpose or acquisition/rehabilitation, provide:

a. Description of the current use of the property

b. Description of how the proposal will expand the supply of workforce housing in the community

N/A. Eight05 Laurel is a mixed income workforce housing new construction project in Brainerd.

Market Information

9. How does the proposal meet the workforce housing needs identified in the community?
- Include the need for additional market-rate housing related to actual and/or future job expansion/growth: Eight05 Laurel will be an added benefit to the community as it will offer seventy-eight (78) units of much needed mixed income workforce housing, which is in short supply. The City of Brainerd and Crow Wing County have an active community focused on bettering their community. One of the targeted goals of these community leaders was to develop new workforce housing units. Eight05 Laurel will offer seventy-eight (78) units to help achieve this goal. An Initial Market Assessment for General Occupancy Market Rate Workforce Rental Housing was completed by Maxfield Research & Consulting dated February 19, 2024, stating that the city is still in critical need of housing. The current demand is between 89-106 units of workforce rental housing. Eight05 Laurel is expected to lease up in seven to eight months. Brainerd currently has an estimated population of 14,395, with an estimated population of 15,310 by 2029.
 - Explain why the market has not filled (or will not fill) the documented need for workforce housing and why financial assistance is necessary: Brainerd continues to grow, requiring additional mixed income housing units. There are currently 2,740 rental units in the Brainerd Lakes Area, with an additional demand of between 89-106 units. Brainerd is forecasting to add 250 jobs by 2030. The primary reason the market has not filled the housing needs is simple. PreCovid interest rates for similar projects that D.W. Jones has developed were about 3.5%. For Eight05 Laurel, the higher cost of money reduces our borrowing capacity by \$2,644,000. The other issue is inflation. Minnesota saw construction costs increase 30% during this time. This added \$5,090,657 of extra cost to Eight05 Laurel. During this same time period, rents have increased 5% per year making little difference to high interest rates and construction costs. Without the assistance of the Workforce Housing Development Program, housing would not take place in Greater Minnesota.
 - Briefly summarize other important benefits of the proposal: One unique aspect and strength of Eight05 Laurel is that it is going to be located in the heart of downtown Brainerd, within blocks of community facilities including churches, parks, shopping, medical facilities, employment, and Crow Wing County Agencies. As mentioned earlier, the site is located in the City of Brainerd's River to Rail Corridor. The site was planned to be a multifamily housing project to benefit the community. It would be the first downtown housing project which would help aid business economy in the downtown region. It would also help fill the critical need for housing in the Brainerd Lakes Area.

NOTE: A market analysis or formal market study is not required; however, if a market analysis or formal market study is submitted, provide information in the narrative below and refer to

the supporting information. If the market analysis or formal market study is two or more years old, provide current market information to support the finding.

10. Describe how the proposed housing will serve the local workforce. Specifically:
 - a. Demonstrate that the proposed rent levels match the community's local wages, particularly for sectors with job growth and employees who are likely to rent.
 - b. Provide information about actual or expected job growth and describe the type of industry and the anticipated wages. Provide the source of the job and wage information. If you collected the information, explain how you collected it.
 - c. Describe how the proposed unit sizes match the household sizes of the local workforce, particularly for sectors with job growth and employees who are likely to rent (if the information is available).
 - d. Provide other relevant information.

Eight05 Laurel will be constructed to address the critical workforce housing shortage in Brainerd. Brainerd currently has an estimated population of 14,395, with an estimated population of 15,310 by 2029.

The site is located in an area attractive to its targeted tenants. The project's proximity to existing residential housing demonstrates the site's viability for residential use. The immediate area has both single family and multifamily residential housing. Grocery, pharmacy, retail services, and public facilities (government offices, post office, parks and schools) are all found within two miles of the site, and are readily available via automobile, Brainerd Area Public Transit or other public transportation.

As market rate rents among newly developed properties include higher rents, it is believed that this proposal should be well received and rapidly absorbed within the market. Eight05 Laurel is expected to lease up in seven to eight months. It is evident from the rental data collected that the demand for workforce housing is positive, with no lingering impacts from the pandemic and temporary economic impacts.

An Initial Market Assessment for General Occupancy Market Rate Workforce Rental Housing was completed by Maxfield Research & Consulting dated February 19, 2024. In 2023, the average weekly wage was \$1,580 in Information, \$1,322 in Health Services, \$1,231 in Financial Activities, \$1,218 in Public Administration, \$1,041 in Manufacturing, \$929 in Trade, Transportation and Utilities, \$909 in Professional and Business Services, \$520 in Other Services and \$456 in Hospitality. The average weekly wage was \$1,110 or \$57,720 annually.

Rents at Eight05 Laurel will be \$820-\$850 for a studio unit, \$985-\$1,010 for a one bedroom unit, and \$1,100-\$1,260 for a two bedroom unit. A single earner would need to make \$16.02 per hour for a studio, \$19.13 for a one bedroom, and \$22.46 for a two bedroom. Two earner family would need to make \$8.01 per hour for a studio, \$9.57 for a one bedroom, and \$11.23 for a two bedroom making Eight05 Laurel affordable.

11. List the name(s) of the local business(es) that have provided letters of support and the number of full-time employees each business has.

Development Team

Development Team Information Requested	Response
Developer	D. W. Jones, Inc.
Architect	Cole Group Architects
General Contractor	Miller Architects & Builders
Management Company	D. W. Jones Management, Inc.
Will the developer also be acting as the general contractor? (Yes or No)	No

12. Briefly explain the developer's experience with multifamily housing development, including the number of years and other projects they have recently worked on.

D. W. Jones, Inc. has demonstrated their commitment to "Creating Better Living" through the development and acquisition of sixty-five (65) multi-family housing tax credit and subsidized housing properties, including Rural Development, Minnesota Housing, HUD, market rate and assisted living properties. These projects are located in thirty-three different communities throughout Minnesota totaling 2,343 units with a development, acquisition & rehabilitation costs of over two hundred and seventy five million dollars.

D. W. Jones, Inc. has previously been awarded workforce housing funding for several projects originally administered through DEED, then subsequently administered by Minnesota Housing. West River Falls Estates, a one hundred four (104) market rate unit housing project in Thief River Falls opened June 2016. Forest Ridge Apartments, a thirty-two (32) unit market rate housing project in Glenwood opened April 2018. The Colony, a thirty-six (36) unit market rate housing project in Pelican Rapids opened September 2020. Central Lakes Apartments, a thirty-seven (37) unit market rate housing project in Alexandria opened March 2021. 2nd Ave Apartments, a thirty-seven (37) unit market rate housing project in Long Prairie opened June 2021. Eleven01, a thirty-seven (37) unit market rate housing project in Roseau opened July 2022. Icon Housing II, a sixty-five (65) unit market rate housing project in Warroad opened October 2023.

13. Briefly explain the architect's experience with multifamily housing development, including the number of years and the projects they have recently worked on.

Cole Group Architects, LLC was established in 1992. Cole Group offers complete architectural services from early planning and feasibility studies to construction documents, specifications, and job site inspections. D. W. Jones, Inc. has worked with Cole Group on several projects, including all seven of the D. W. Jones, Inc. workforce housing projects listed above.

14. Will the architect firm provide architectural supervision? If not, what are the plans to provide such supervision?

Yes. Architectural supervision is included in the contract.

15. Briefly explain the general contractor's experience with multifamily housing development, including the number of years and other projects they have recently worked on.

Miller Architects & Builders, Inc. was established in 2016. Miller Architects has provided General Contractor and construction supervision services to 22 projects totalling 1,385 units for a total construction cost of over two hundred twelve million. D. W. Jones, Inc. has worked with Miller Architects on several projects, including all seven of the D. W. Jones, Inc. workforce housing projects listed above.

16. Briefly explain the property management company's experience with multifamily housing development, including the number of years and other projects they have recently worked on.

D.W. Jones Management, Inc. was established in 1997 to ensure that proper management was being administered to a growing multi-family low-income housing tax credit and subsidized housing portfolio. To date, D.W. Jones Management has fee contracts for 111 projects totaling 3,691 units located throughout Minnesota. The staff size has increased to thirty-six full time employees managing rental property in a geographic area defined by Zimmerman, MN, to the south, Roseau and Warroad, MN, to the north, Duluth and Silver Bay, MN, to the east and East Grand Forks, MN, to the west. D.W. Jones Management, Inc. currently staffs two site office locations to better serve the owner, the property and the community. These sites are located in Grand Rapids, and Baxter, MN. D.W. Jones Management, Inc. is the management agent on all seven workforce housing projects listed above.

General Information

17. Describe the current public infrastructure to support this development (ex. water, sewer, roads, and electricity). If not currently in place, describe the infrastructure needed, include the cost, the timetable of installation, and how the infrastructure will be paid.

Eight05 Laurel is a seventy-eight (78) unit mixed income workforce housing new construction project in Brainerd. All approvals are in place and the site is truly demolition and construction ready.

The abandoned lot site is correctly zoned. Eight05 Laurel already has water/sewer on site. Eight05 Laurel will be transit and walkability connected via sidewalk to all the amenities that downtown Brainerd has to offer.

18. Describe the current status of all required approvals, building permits and zoning, and identify any that have not yet been formally obtained.

All permits and approvals have taken place.

19. If funds are awarded, when do you expect construction to begin and to be completed? Provide the expected month and year for both.

We anticipate construction to begin July 2025 with completion August 2026.

Financing Information

20. Who or what is providing the minimum matching funds of one dollar for every two dollars requested? In addition to the government resolution, provide documentation (for example, a letter from a local business, government or nonprofit) stating the amount of the match. If the match will be an in-kind donation, include the monetary value and supporting documentation of the value (for example, a valuation of land donation or an invoice for the materials donated).

NOTE: Funds from the developer, or an entity affiliated with the developer, will not qualify for the match requirement unless they are an Eligible Recipient and approved in writing.

Matching funds will include Tax Increment Financing and waiver of SAC/WAC fees by the City of Brainerd, Crow Wing County Housing Trust, and Main Street Grant.

The primary source of match dollars is the approved Redevelopment District by the City of Brainerd. The face value of the TIF is \$3,793,275, including both the housing and commercial space. The commercial space represents 7.91% of the total project square footage. If we reduce the total TIF by 7.91%, \$3,493,227 of the TIF would be attributable to the apartment. The project has also been awarded \$1,300,000 from the Crow Wing County Housing Trust Fund at 1/2% interest and deferred for 20 years. We also received a Mainstreet Grant and funding from BLAEDC in the amount of \$199,999. Because the site is located in the River to Rail Corridor, the city waived the SAC/WAC fee of \$257,400. The total local match from the community is \$5,250,626.

21. For all other sources of financing listed in the workbook's Sources and Uses table, indicate below where they are coming from and if they have been formally secured. Review the Application Checklist for more information about what supporting documentation is needed and what must be included for it to count toward the project's secured financing.

- \$7,887,000 - First Mortgage
- A First Mortgage has been requested from Bremer Bank for a 5 year loan at the rate of 6% and interest only for 24 months.

-
- \$1,614,289 - TIF Mortgage
- A TIF First Mortgage has been requested from Bremer Bank for a 26 year loan at the rate of 6% and interest only for 24 months.
-
- \$1,000,000 - Developer Cash Equity
- D.W. Jones, Inc has committed funding to the construction of Eight05 Laurel.
-
- \$20,810 - Energy Rebates
- We have currently identified energy rebates to benefit Eight05 Laurel. A copy of the rebate calculation is included in the Secured Funding Sources.
-
- \$6,802,775 - Minnesota Workforce Housing Development Program
- A grant has been requested from Minnesota Housing for the construction of Eight05 Laurel.
-
- \$1,300,000 - Crow Wing County Housing Trust Fund awarded on March 18, 2024
- A grant has been awarded in the amount of \$870,000 for a 20 year loan at the rate of .5% and interest deferred balloon.
- A grant has been awarded in the amount of \$430,000 for a 20 year loan at the rate of .5% and interest deferred balloon.
-
- \$199,999 - Main Street Economic Revitalization Grant and Brainerd EDA awarded on October 14, 2022
- A grant has been awarded for \$119,999 by The Initiative Foundation
- A grant has been awarded for \$80,000 by Brainerd Economic Development Agency
-
- \$257,400 - SAC/WAC Fees
- The City of Brainerd has agreed to waive the SAC/WAC fees per the attached Project Calculation Estimation.

Certification

I certify that, to the best of my knowledge, the information I have provided in the application material is true and accurate. I acknowledge that some information provided in the application material may be or become public data, which is accessible to the public pursuant to the [Minnesota Government Data Practices Act \(Minnesota Statutes, Chapter 13\)](#).

Signature

Printed Name

Title

Date



Workforce Housing Development Program Certification Form

Effective January 2024

Instructions: Applicants must complete, sign, and submit this Certification Form with their application for Workforce Housing Development Program funds.

Eligible Project Area

The applicant certifies that the application being submitted is for the following Eligible Project Area type:

- ☒ A home rule charter or statutory city located outside of the metropolitan area with a population exceeding 500; or
- ☐ A community that has a combined population of 1,500 residents located within 15 miles of a home rule charter or statutory city, located outside the metropolitan area;
- ☐ An area located outside of a Metropolitan County that serves a federally recognized Indian Tribe in Minnesota, or their associated Tribally Designated Housing Entity as defined by [United States Code, title 25, section 4103\(22\)](#), as approved in writing by the Minnesota Housing Finance Agency (Minnesota Housing); or
- ☐ An area served by a joint county-city economic development authority.

Vacancy Rate

The applicant certifies that the average vacancy rate for rental housing located in the Eligible Project Area, and in any other city located within 15 miles of the boundaries of the area, has been 5% or less for at least the prior two-year period.

Qualified Expenditures

The applicant certifies that the Workforce Housing Development Program funds requested will be used for project-specific costs resulting in the direct development of Market Rate Residential Rental Properties to serve employees of businesses located in the Eligible Project Area or surrounding area.

Environmental Issues

The applicant certifies that any known environmental issues, and any issues discovered during project construction, will be mitigated in accordance to all local, state, and federal laws.

Building Standards

The applicant certifies that the developer, architect, general contractor, and all other parties will adhere to the local building code. If an eligible project area does not have a local building code, the applicant certifies that the developer, architect, general contractor, and all other parties will adhere to the state of Minnesota building code.

Compliance with Local, State and Federal Laws

The applicant certifies that the project will be completed in accordance with all local, state, and federal laws, as well as applicable Minnesota Housing policies.

Maximum Loan Funds

The applicant certifies that the amount of loan funds may not exceed 50% of the rental housing development project cost.

Eligible Properties

The applicant certifies that funds will only be used for Market Rate Residential Rental Properties, which are properties that are rented at market value, including new modular homes, new manufactured homes, and new manufactured homes on leased land or in a manufactured home park. Properties may include rental developments that have a portion of income or rent restricted units.

Matching Funds

The applicant certifies that the source of matching funds is not from the developer or from an entity affiliated with the developer, unless they are an Eligible Recipient and the match is approved in writing by Minnesota Housing.

Signature

I certify and acknowledge that:

- A. The statements and information contained on this Workforce Housing Certification Form, based upon reasonable inquiry and belief, are true, accurate, and complete.

The applicant will promptly notify the Minnesota Housing in writing of a change of any fact or circumstance represented in this certification form, or in any other document furnished in connection with the application, which is reasonably likely to have a material effect on the information contained in the application.

Authorized Signatory

Printed Name

Title

Date

MINNESOTA HOUSING FINANCE AGENCY DEFERRED LOAN AGREEMENT

This Deferred Loan Agreement is between the Minnesota Housing Finance Agency ("MHFA") and [GIVE THE FULL NAME OF THE BORROWER INCLUDING ITS ADDRESS] (the "Borrower").

Recitals

1. Under [Minn. Stat. §462A.39](#), MHFA is empowered to enter into this Deferred Loan Agreement.
2. The MHFA is in need of the development of rental housing to serve the employees of local businesses ("Workforce Housing") in [COUNTY], City of [CITY] pursuant to MHFA's Workforce Housing Development Program (the "Program").
3. The Borrower represents that it is duly qualified and agrees to perform all activities described in this Deferred Loan Agreement to the satisfaction of MHFA. The Borrower agrees to minimize administrative costs as a condition of this Deferred Loan Agreement.

Deferred Loan Agreement

1 Term of Deferred Loan Agreement

1.1 *Effective date:*

The effective date of this Deferred Loan Agreement is [SPELL OUT FULL DATE (e.g., July 1, 2022)]. The Borrower must not begin work until this Deferred Loan Agreement is fully executed and MHFA's Authorized Representative has notified the Borrower that work may commence. No funds will be disbursed to the Borrower until this Deferred Loan Agreement is fully executed.

1.2 *Construction period:*

The construction period for the Program begins with the Effective Date of this Deferred Loan Agreement and continues through the later of [SPELL OUT FULL DATE (e.g., June 1, 2025)] or any extension of this period agreed to in writing by MHFA (the "Construction Period"). All funds provided through this Deferred Loan Agreement must be fully expended in compliance with this Deferred Loan Agreement by the end of the Construction Period.

1.3 *Survival of Terms.*

The following clauses survive the expiration or cancellation of this Deferred Loan Agreement: 8. Liability; 9. State Audits; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; and 14. Data Disclosure.

2 Duties and Contracts

2.1 *Borrower's Duties*

The Borrower has made application to MHFA for the purpose of administering a Program project in the manner described in the Borrower's application (the "Project") which is incorporated into this Deferred Loan Agreement by reference.

The Borrower, who is not a state employee, is awarded funds to provide financial assistance to address the need for Workforce Housing. The Project includes: [INSERT BRIEF DESCRIPTION OF PROJECT INCLUDING TYPE (NEW CONSTRUCTION/ADAPTIVE REUSE, ETC.), AND NUMBER OF UNITS].

The Borrower will be in compliance with the Workforce Housing Development Program Guide, as amended (the "Program Guide"), which is incorporated into this Deferred Loan Agreement.

2.2 Provisions for Contracts and Sub-grants.

(a) Contract Provisions. The Borrower must include in any contract and subcontract, in addition to provisions that define a sound and complete agreement, such provisions that require recipients and subrecipients to comply with applicable local, state and federal laws, rules, regulations and ordinances, as well as any applicable MHFA policies.

(b) Use of Program Funds. The Program Funds (as defined below) awarded under this Deferred Loan Agreement may only be used by the Borrower or awarded by the Borrower to third parties as grant funds or loans in accordance with the terms of the Program Guide. All Program Funds must be used by an Eligible Project Area for the Qualified Expenditures of a Market Rate Residential Rental Property (as such terms are defined in the Program Guide). If awarded as a loan, any fees or interest charged cannot unduly enrich any parties involved beyond the approximate cost of the administrative costs associated with the Project.

3 Time

The Borrower must comply with all time requirements described in this Deferred Loan Agreement and the Program Guide. In the performance of this Deferred Loan Agreement, time is of the essence. Project construction must commence and be completed within the Construction Period

4 Loan

4.1 Loan Amount.

The total principal loan amount by MHFA to the Borrower under this Deferred Loan Agreement will not exceed \$[ENTER AWARD AMOUNT] (the “Program Funds”).

4.2 Repayment

The Borrower promises to pay to MHFA the Program Funds with simple interest, if any, of 0% per annum accruing on such amounts of principal as may be advanced from time to time.

Further, the Program Funds and all accrued interest, if any, less any amounts previously paid or forgiven, are due and payable in one lump sum on the earlier to occur of: (i) a Default (as described below); or (ii) the ____ day of ____, 20__ (the “Maturity Date”).

A Default occurs upon written notice by MHFA to the Borrower of noncompliance with this Deferred Loan Agreement or the Program Guide and failure of the Borrower to cure the noncompliance to the satisfaction of MHFA within 30 days of such notice.

Repayment of the Program Funds will be forgiven upon the Maturity Date provided: (i) MHFA has not given the Borrower notice of a Default; and (ii) the Borrower is in full compliance with this Deferred Loan Agreement and the Program Guide.

All amounts due are payable at the offices of MHFA, 400 Wabasha Street North, Suite 400, St. Paul, MN 55102-1109, or such other place as MHFA may designate in writing.

If a failure to pay the amounts due under this Deferred Loan Agreement occurs, and if the same is submitted for collection by MHFA, its successor and assigns, the Borrower must pay all costs of collection, including reasonable attorney's fees.

All parties to this Deferred Loan Agreement, whether principal, surety, guarantor or endorser, hereby waive presentment for payment, demand, protest and notice of dishonor.

4.3 Disbursement

For all disbursements of Program Funds, the Borrower must be in compliance with this Deferred Loan

Agreement and the Program Guide and complete and submit a Workforce Housing Development Program Disbursement Request Form, attached to this Deferred Loan Agreement as **Exhibit A**, to MHFA for review and approval. MHFA will promptly pay the Borrower up to one third of the Program Funds on or after closing. The Borrower may request an additional one third of the Program Funds as needed upon commencement of Project construction. The remaining one third of the Program Funds will be withheld for final disbursement and will not be released until construction completion of the Project and upon completion of all reporting and monitoring requirements pursuant to this Deferred Loan Agreement.

4.4 Return of Funds

The Borrower must promptly return to MHFA any Program Funds that have: (i) not been accounted for in a financial report to MHFA due annually or at Deferred Loan Agreement closeout; or (ii) not been used in compliance with the Program Guide.

4.5 Contracting and Bidding Requirements

The Borrower must comply with all applicable prevailing wage requirements as further described in the Legal Addendum attached to the Program Guide.

The Borrower must not contract with vendors who are suspended or debarred in MN:

<http://www.mmd.admin.state.mn.us/debarredreport.asp>

4.6 Prepayment

The Program Funds may be prepaid in whole or in part at any time without premium or penalty; provided, however, that payment by Borrower to MHFA of the amount of the Program Funds or any portion thereof shall not be deemed to be or constitute a release of Borrower from the terms or requirements of this Deferred Loan Agreement.

5 Conditions of Payment

All activities performed by the Borrower under this Deferred Loan Agreement must be performed to MHFA's satisfaction, as determined at the sole discretion of MHFA's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Borrower will be responsible for repaying any Program Funds found by MHFA to be noncompliant with this Deferred Loan Agreement or used in violation of federal, state, or local law.

6 Authorized Representative

MHFA's Authorized Representative is **Sara Bunn, Program Manager, 651.296.9827, sara.bunn@state.mn.us, 400 Wabasha St N, Suite 400, St. Paul, MN 55102** or her successor, and has the responsibility to monitor the Borrower's performance under this Deferred Loan Agreement.

The Borrower's Authorized Representative is **[NAME, TITLE, ADDRESS, TELEPHONE NUMBER, EMAIL]**. If the Borrower's Authorized Representative changes at any time during this Deferred Loan Agreement, the Borrower must immediately notify MHFA.

7 Assignment Amendments, Waiver, and Deferred Loan Agreement Complete

7.1 Assignment

The Borrower shall neither assign nor transfer any rights or obligations under this Deferred Loan Agreement without the prior written consent of MHFA, approved by the same parties who executed and approved this Deferred Loan Agreement, or their successors in office.

7.2 Amendments

Any amendments to this Deferred Loan Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Deferred Loan Agreement, or their successors in office.

7.3 Waiver

If MHFA fails to enforce any provision of this Deferred Loan Agreement, that failure does not waive the provision or MHFA's right to enforce it.

7.4 Deferred Loan Agreement Complete

This Deferred Loan Agreement contains all negotiations and agreements between MHFA and the Borrower. No other understanding regarding this Deferred Loan Agreement, whether written or oral, may be used to bind either party.

8 Liability

The Borrower must indemnify, save, and hold MHFA, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by MHFA, arising from the performance of this Deferred Loan Agreement by the Borrower or the Borrower's agents or employees. This clause will not be construed to bar any legal remedies the Borrower may have for MHFA's failure to fulfill its obligations under this Deferred Loan Agreement.

9 State Audits

Under [Minn. Stat. § 16B.98](#), Subd.8, the Borrower's books, records, documents, and accounting procedures and practices of the Borrower or any other party relevant to this Deferred Loan Agreement or transaction are subject to examination by MHFA and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Deferred Loan Agreement, receipt and approval of all final reports, or the required period of time to satisfy all MHFA program retention requirements, whichever is later.

10 Workers Compensation

The Borrower certifies that it is in compliance with [Minn. Stat. § 176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Borrower's employees and agents will not be considered MHFA employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MHFA's obligation or responsibility.

11 Publicity and Endorsement

11.1 Publicity

Any publicity regarding the subject matter of this Deferred Loan Agreement must identify MHFA as the sponsoring agency and must not be released without prior written approval from MHFA's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Borrower individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Deferred Loan Agreement.

11.2 Endorsement

The Borrower must not claim that MHFA endorses its products or services.

12 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this Deferred Loan Agreement. Venue for all legal proceedings out of this Deferred Loan Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

13 Termination

MHFA may immediately terminate this Deferred Loan Agreement if MHFA finds that there has been a failure to comply with the provisions of this Deferred Loan Agreement or the Program Guide, that reasonable progress has not been made or that the purposes for which the funds were loaned have not been or will not be fulfilled. MHFA may take action to protect the interests of the State of Minnesota, including

the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14 Data Disclosure

Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, the Borrower consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MHFA, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Borrower to file state tax returns and pay delinquent state tax liabilities, if any.

15 Responsible Contractor Requirement

The Borrower agrees that it and its contractors will fully comply with all applicable provisions contained in [Minn. Stat. §16C.285](#), as amended.

2. BORROWER

The Borrower certifies that the appropriate person(s) has/have executed the Deferred Loan Agreement on behalf of the Borrower as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

3. MINNESOTA HOUSING FINANCE AGENCY

By: _____

(with delegated authority)

Title: _____

Date: _____

Distribution:
Agency
Borrower
MHFA's Authorized Representative

EXHIBIT A

Workforce Housing Development Program Disbursement Request Form

Summary

This form must be completed, signed, and submitted to MHFA prior to receiving a disbursement of funds. To complete the form, enter the amount of funds you are requesting and a summary of what the funds will be used for. Have the form signed by an Authorized Representative. Submit the completed form to Sara Bunn at WorkforceHousingDevProg.MHFA@state.mn.us.

Disbursement Request and Justification

Amount Requested (not to exceed one-third of the total award): _____

Use the space below to document what the funds will be used for:

Authorized Representative Signature

Authorized Representative Name: _____

Authorized Representative Title: _____

Date Signed: _____

Authorized Representative
Signature: _____

City Letterhead

[Date]

To Whom It May Concern:

**RE: Eight05 Laurel
 805 Laurel St
 Brainerd, MN 56401**

Ladies and Gentlemen:

The undersigned hereby certifies with respect to the property located at 805 Laurel Street, Brainerd, Crow Wing County, Minnesota ("Premises") as follows:

1. The zoning code affecting the Premises is _____.
2. The Premises and its present and intended use as an Apartment with related facilities complies with the applicable zoning codes, city ordinances and building, ordinances and regulations:

☐ YES ☐ NO

Comments: _____

3. There are no variances, conditional use permits or special use permits required for the construction of the improvements on the Premises or its uses. If there are, specify the same and relevant terms or otherwise check here:

☐ YES ☐ NO

Comments: _____

4. The City confirms all land use and zoning approvals are in place or not required with the exception of a building permit for the intended use of the Premises:

☐

YES

☐

NO

Comments: _____

If there are any additional facts regarding the Premises and its proposed use that would be material consideration, please include the information below:

Signature of Authorized person: _____

Typed/printed name of signatory: _____

Title of Signatory: _____ Date: _____

City or Other Governmental Agency: _____



City Council Agenda Request

MEETING DATE: April 22, 2024

TITLE OF ITEM: Consider Authorizing the City of Brainerd to act as the Applicant for Brainerd Oaks Outlot F for the MN Workforce Housing Development Grant

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director, Eric Charpentier

ESTIMATED TIME (MIN): 10 min

SUMMARY OF ISSUE:

Level Contracting would like to apply for the Minnesota Workforce Housing Grant, which is allocating 39 million dollars to construct workforce housing in rural communities like Brainerd. The grant requires the municipality to apply for the grant rather than the developer. The grant would help Level Contracting pay for road and utility infrastructure construction costs. Level Contracting will be applying for a Planned Unit Development in the near future. However, the grant application is required to be submitted by the end of April. Level Contracting is requesting the City sign the application on their behalf for the proposed Outlot F development of the Brainerd Oaks Subdivision.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission considered this development at their April 17th meeting. The agenda item was an opportunity to provide comments to City Council regarding the proposed development. As there is not a formal land use application, there was no motion regarding land use. The Commission provided the following comments:

Commissioner Norwood asked if this type of grant application is common for associations and HOA's. The applicant stated that he has done a number of HOA developments over the years and plans to plat each of these houses individually. They plan to manage these as rentals for workforce housing, but if the company changes years down the road, these could be individual units.

Commissioner Duval understands that the forward-facing garage is consistent with the Brainerd Oaks Development, but would like to see the entrance area enhanced in future land use applications. The applicant agreed with the idea.

The applicant stated that this plan is a good fit for the neighborhood to get three-bedroom three-bath homes for families and workforce families, and it is good for the community.

Commissioner Norwood asked about communal green space for the Brainerd Oaks Development. The

applicant stated he is open to dedicating a small portion of green space for a playground/play equipment.

Commissioner Stenglein was concerned about the high-water table in the development and if this new development would create further issues. The applicant stated this was one of the first things he addressed in meetings with City Staff. The State of MN has very strict stormwater requirements and this was certainly considered by Widseth Smith Nolting when designing this proposed development. Stormwater retention can be accomplished through an increased size of the existing ponds as well as swales in the rear yard.

The motion was moved and seconded by Commissioners Duval and Stenglein, duly carried, to recommend the Planning Commissions non-binding approval of the proposed Brainerd Oaks Outlot F development and grant application as presented.

RECOMMENDED ACTION/MOTION:

Approve authorization of the City of Brainerd to act as the Applicant for Brainerd Oaks Outlot F for the MN Workforce Housing Development Grant.

FINANCIAL IMPACT: N/A

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

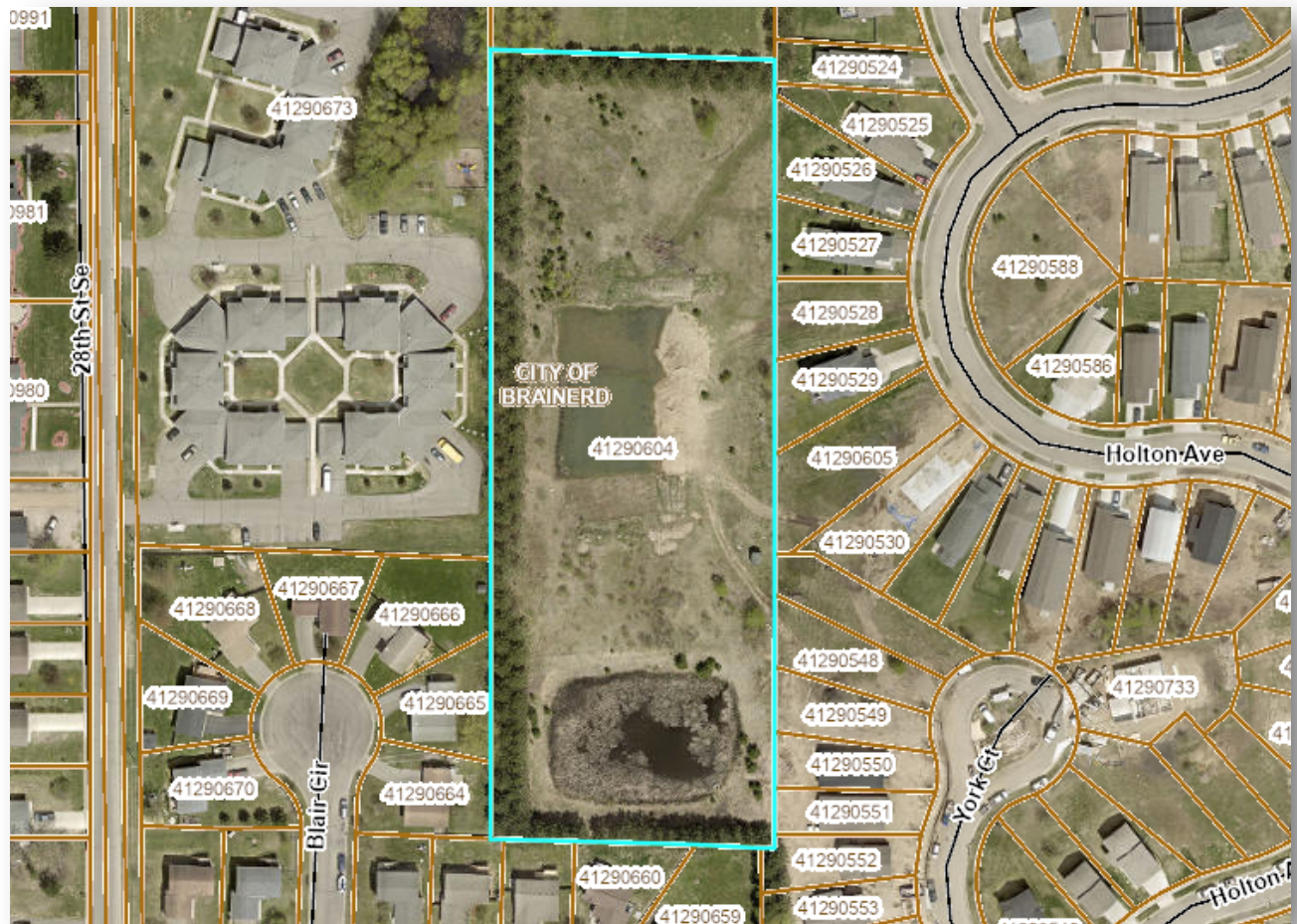
The Brainerd HRA currently owns Outlot F, a 4.3-acre parcel of land within the Brainerd Oaks subdivision in East Brainerd. At the January 24th, 2024 Brainerd HRA board meeting, the board agreed to convey this outlot to the Crow Wing County HRA at no cost with the understanding that the lot would then 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

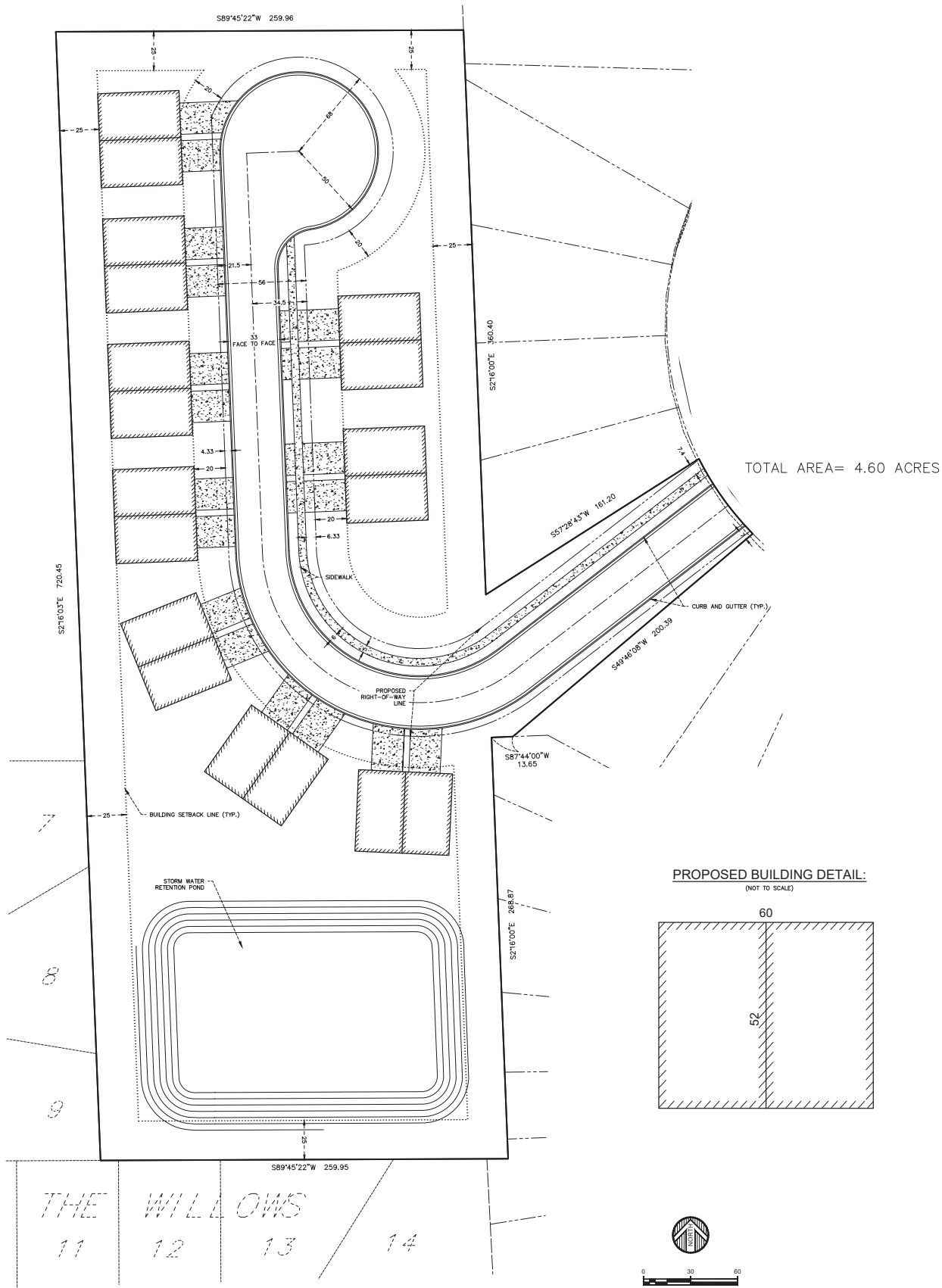
1. The property at PID 41290604 is in a CN-2 (Contemporary Neighborhood 2) District. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows Single Family Attached Dwelling Units (2-4 Units) as a permitted use.
 - a. *The applicant proposes nine (9) duplex units.*
2. According to [Table 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

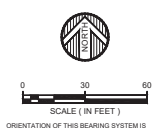
Staff recommends that the Planning Commission consider the proposed Outlot F development and provide comments for City Council consideration of the grant application.

SKETCH PLAN

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



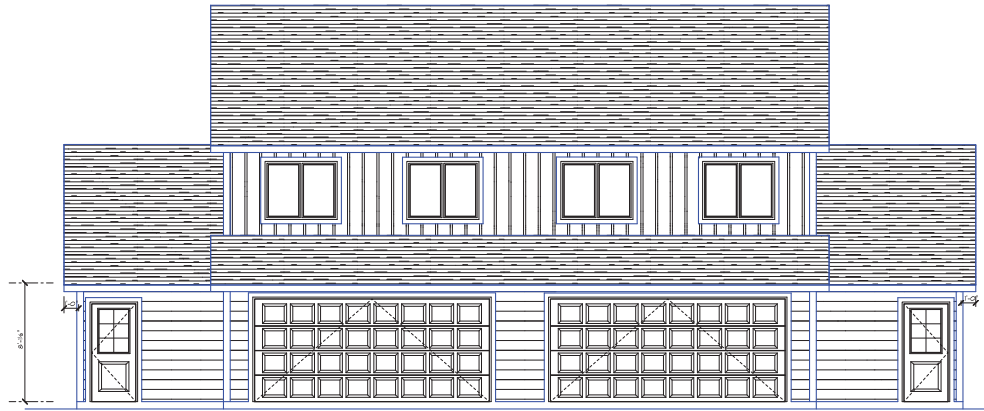
THE WILLOWS
11 12 13 14



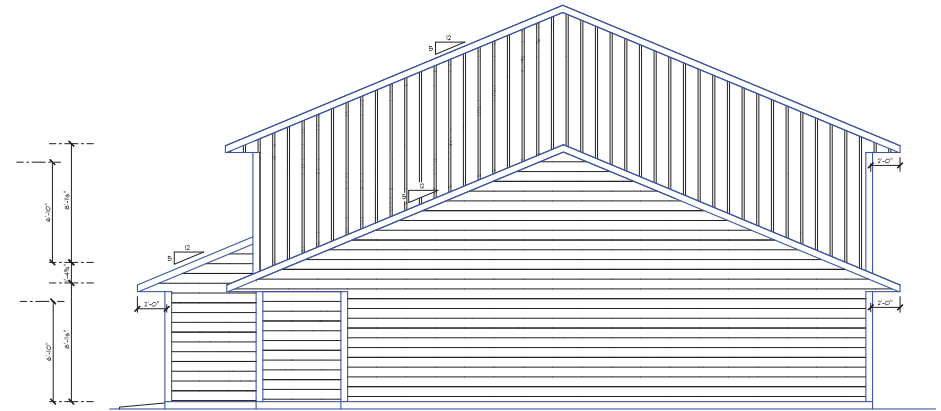
DATE: 3-26-2024	DATE:	AMENDMENTS:	BY:	PREPARED FOR: LEVEL CONTRACTING
SCALE: AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN BY: ABS				
CHECKED BY: CMC				
FILE NUMBER: ZZZZZZZ				CHAD M. CONNER DATE: LIC. NO. 41943



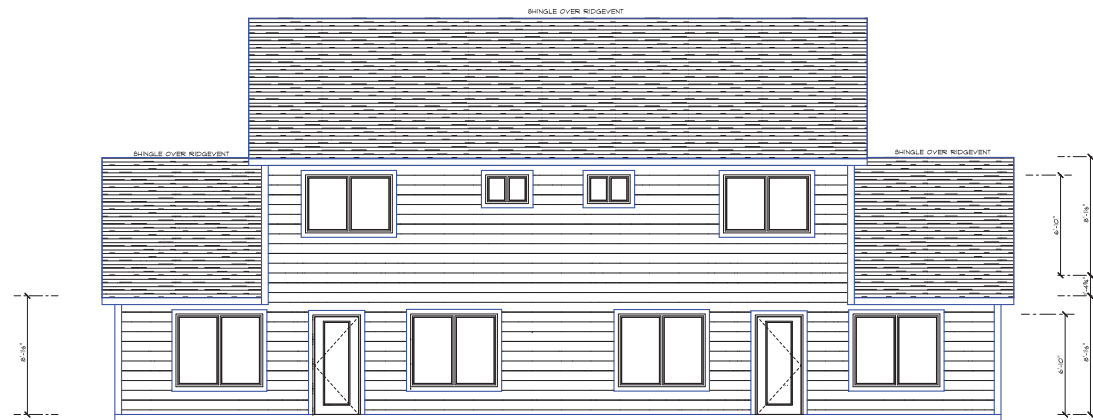
© 2024 WIDSETH



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

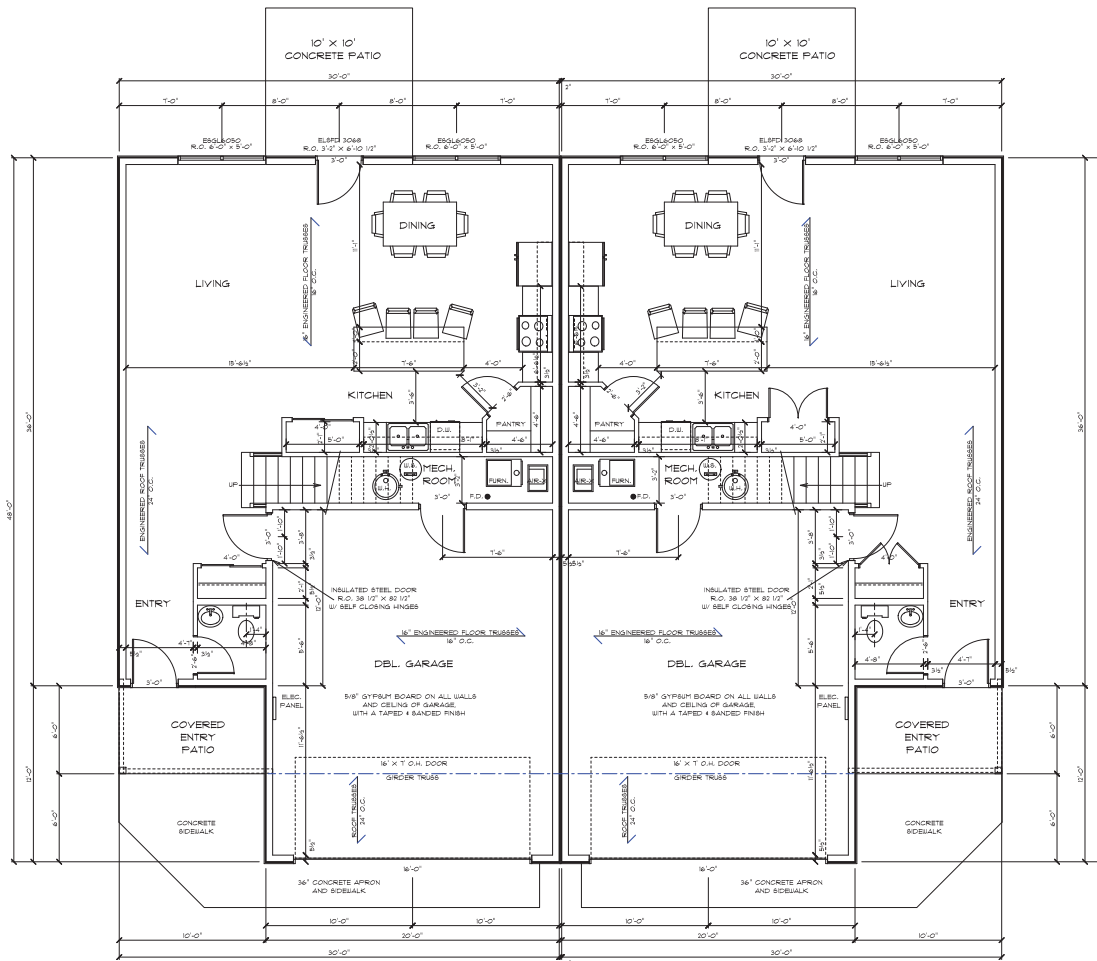


RIGHTSIDE ELEVATION
SCALE: 1/4"=1'-0"



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

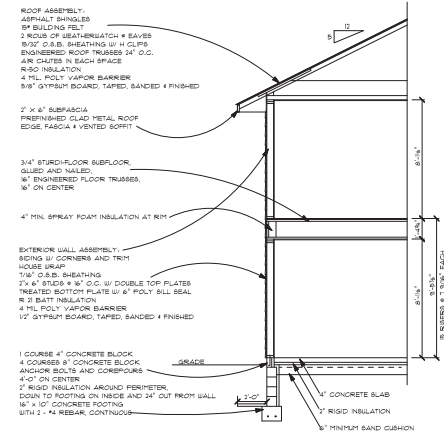
P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: LEVEL CONTRACTING - DUPLEX	PAGE NO. 1 OF 4
DATE: APRIL 9, 2024	



MAIN LEVEL FLOOR PLAN

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

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

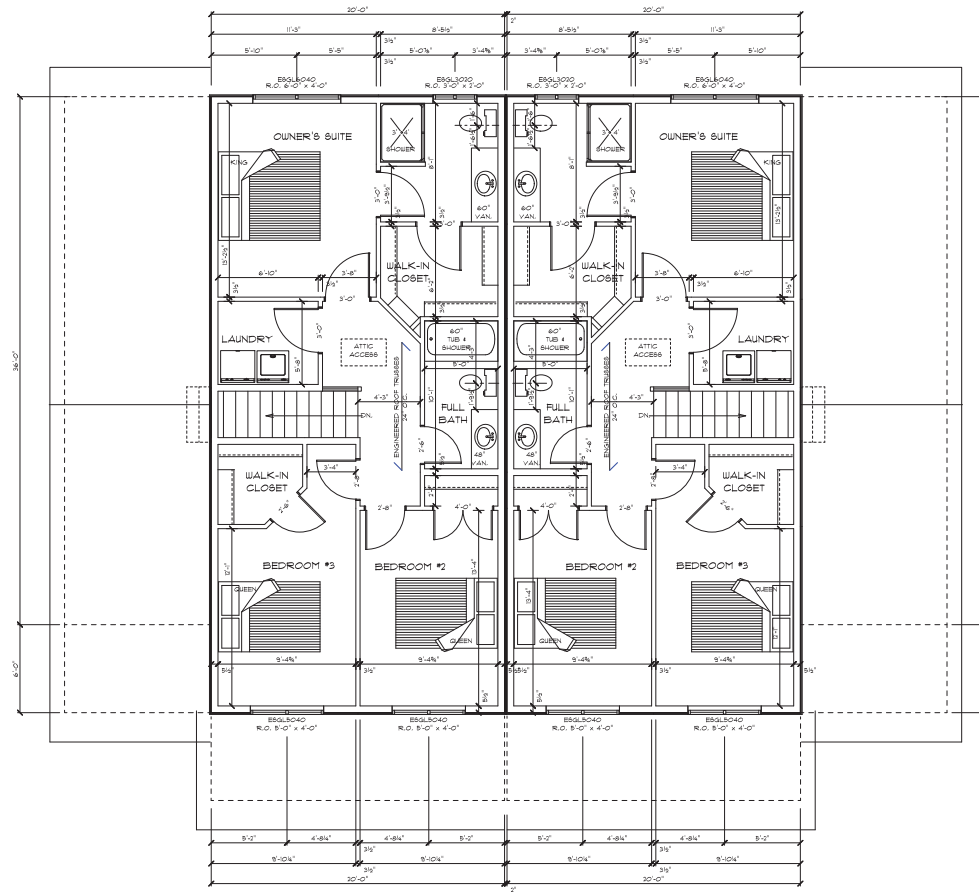


HOUSE & GARAGE SECTION

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

NOTE:
ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
2" x 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'-9 1/8" UNLESS NOTED. VERIFY EXTERIOR DOOR ROUGH OPENING HEIGHTS.
VERIFY ALL TRUSSES, BEAMS AND MICROLAM 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	PAGE NO.
CONTRACTING - DUPLEX	3 of 4
DATE: APRIL 9, 2024	



NOTE:
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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	