



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, November 20, 2024 @ 6:00 PM

The public is invited to attend these meetings in person
Attend by Phone: 1-844-992-4726 Meeting Access Code: 2493 036 2556

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

1. **Call To Order**

2. **Roll Call**

___M. Duval ___J. Norwood ___D. Peterson ___T. Stenglein ___D. Gorham ___ vacant ___
vacant

3. **Pledge of Allegiance**

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

5. **Approval of Minutes**

A. **Draft Minutes from the October 16th, 2024 Regular Meeting**

B. **Draft Minutes from the October 21st, 2024 Special Meeting**

6. **New Business**

A. **Consider Interim Use Permit Renewal for a Short-Term Rental at 502 Juniper St.**

B. **Consider Interim Use Permit Renewal for a Short-Term Rental at 524 N 8th St.**

C. **Consider Interim Use Permit Renewal for a Short-Term Rental at 203 Hawkins Dr.**

D. **Consider Conditional Use Permit for a Brew Pub at 214 S 8th St.**

E. **Consider Conditional Use Permit and Variance for a Mixed-Use Building at 722 Laurel St.**

7. **Unfinished Business**

A. **Review Proposed Design Standards Ordinance**

8. **Public Forum**

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

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

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

MISSION

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

PLANNING COMMISSION
Wednesday, October 16, 2024
6:00 pm

#1 Call to Order

Planning Commission Chair Gorham called the meeting of the Brainerd Planning Commission to order at 6:00 pm in the City Hall Council Chambers.

#2 Roll Call

Noted present were Commissioners Peterson, Duval, Stenglein, and Gorham. Commissioner Norwood was noted as absent. Also noted as present was Community Development Director Kramvik.

#3 Pledge of Allegiance

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

#4 Approval of Agenda

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

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND PETERSON, DULY CARRIED, TO APPROVE THE MINUTES FROM THE SEPTEMBER 18, 2024 MEETING.

#6 New Business

None

#7 Unfinished Business

7a. Discuss Section 515-4 General Building Development and Design Standards

Community Development Director Kramvik reviewed the draft ordinance explaining the items that were discussed at the previous meeting.

Discussion took place on Section Nine, item B.5 b., which states the front façade shall incorporate two of the provided options as design elements for one story structures and three of the design elements for two story structures.

MOVED BY COMMISSIONER PETERSON TO RECOMMEND REQUIRING NO MORE THAN TWO DESIGN ELEMENTS FOR ONE- OR TWO-STORY STRUCTURES.

The motion failed for a lack of a second.

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND DUVAL TO RECOMMEND REQUIRING TWO DESIGN ELEMENTS FOR ONE STORY STRUCTURES AND THREE DESIGN ELEMENTS FOR TWO STORY STRUCTURES.

Members Duval, Stenglein, and Gorham voted “aye”. Member Peterson voted “nay”. The Chair declared the motion carried.

Community Development Director Kramvik discussed section twelve regarding the requirement of other exterior materials being used on a metal structure in the GI (General Industrial) District. He clarified this was worded incorrectly in the packet. It should state that metal panels should not encompass more than an average of 85% of street side building elevations, meaning 15% is required to be of another exterior building material. These could be brick, stone, wood, or other options listed.

Discussion took place on Section Fourteen, Appendix A Table of Uses for single family attached dwelling units (2-4 units) of whether they should be a permitted use in both RL-1 (Rural Living 1) and RL-2 (Rural Living 2) Zoning Districts.

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND DUVAL, DULY CARRIED, TO RECOMMEND ALLOWING SINGLE FAMILY ATTACHED DWELLING UNITS (2-4 UNITS) AS A PERMITTED USE IN THE RL-2 ZONING DISTRICT ONLY AND TO REVISIT THE TOPIC FOR THE RL-1 ZONING DISTRICT IN TWO YEARS.

Community Development Director Kramvik explained staff would like to discuss required surfaces for driveways, storage, and parking in the (GI) General Industrial Zoning District. He indicated the current ordinance requires these areas to be paved with asphalt or concrete.

Discussion took place on the options of class 5 or another material that could potentially be used. There are concerns about dust and dirt blowing around that would affect storm sewer drains and other areas in the City. Although there are concerns about having too many paved areas, there really is not a viable option to alleviate all issues. One suggestion is to plant trees and vegetation to act like wind blockers. Further research will be done.

#8 Public Forum

The Chair opened the public forum at 6:38 pm.

No one came forward.

The Chair closed the public forum at 6:38 pm.

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- The Planning Commission is holding a Special Meeting on Monday, October 21st at 5:30pm prior to the City Council meeting to consider a conditional use permit for a propane fuel storage facility.
- The City Council will be considering advertising City owned industrial park property for \$1/acre if certain objectives are achieved.
- City Council directed staff to start working on a comprehensive crypto ordinance after the completion of the building design standards ordinance.

#10 Commission Member Report

Commissioner Duval asked about the progress on the Green Steps Cities program. Community Development Director Kramvik indicated a part-time staff person will be tasked with this during the winter.

Commissioner Peterson commented that one of the issues regarding the housing crisis is also the shortage of workers in the workforce. He stated government involvement also affects the construction industry, which may impact building homes.

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND STENGLEIN, DULY CARRIED, TO ADJORN AT 6:45 PM.

Don Gorham, Planning Commission Chair

PLANNING COMMISSION SPECIAL MEETING

Monday, October 21, 2024

5:30 pm

#1 Call to Order

Planning Commission Vice Chair Duval called the special meeting of the Brainerd Planning Commission to order at 5:30 pm in the City Hall Council Chambers.

#2 Roll Call

Noted present were Commissioners Norwood, Duval, and Stenglein. Commissioners Peterson and Gorham were noted as absent. Also noted as present was Community Development Director Kramvik.

#3 Consider Conditional Use Permit for Propane Fuel Storage Tank at 2602 S. 11th St for Superior Fuel

Community Development Director Kramvik reviewed the details of the application to utilize the site at 2602 S. 11th St for propane storage.

The Vice Chair opened the public hearing at 5:34 pm.

No one came forward.

The Vice Chair closed the public hearing at 5:34 pm.

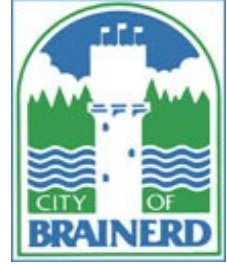
MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND STENGLEIN, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR A PROPANE FUEL STORAGE TANK AT 2602 S. 11TH ST., BRAINERD AS PRESENTED.

#4 Adjournment

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND NORWOOD, DULY CARRIED, TO ADJORN AT 5:35 PM.

Mike Duval, Planning Commission Vice Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: November 20th, 2024

RE: Consider Interim Use Permit Renewal for a Short-Term Rental Renewal at 502 Juniper St.

REQUEST

PUBLIC HEARING. Interim Use Permit Renewal

APPLICANT: Michael Fish on behalf of property owner Brian Knoll for the renewal of a short-term rental at 502 Juniper St. Brainerd, MN 56401. The property owners have been operating the short-term rental for a year and there have been no issues or concerns at the property.

CONTEXT

Parcel Number: 41241262

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

Property Area: 6,579 SQFT

Adjacent Uses: North: Public Park
East: House of Worship
South: Single Family Dwelling
West: Single Family Dwelling

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

AERIAL MAP



FINDINGS OF FACT

1. The property at 502 Juniper St. Brainerd, MN 56401 is located in a TN-1 (Traditional Neighborhood-One) District. The TN-1 District allows short-term rentals as an Interim Use according to Zoning Code [Appendix A: Table of Uses](#).
2. Short-term rentals must comply with the following minimum standards as required by the [Section 515-3-34](#) of the Zoning Code:
 - a. The maximum rental period shall not be more than 28 consecutive nights.
 - i. *The applicants' proposal will not exceed 28 consecutive nights for a rental period.*
 - b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *The applicant has applied for the renewal of an Interim Use Permit for the operation of a short-term rental.*

- c. The application for an interim use permit shall include:
 - i. The number of bedrooms with dimensions and all other sleeping accommodations
 - 1. *The proposed short rental has four (4) bedrooms.*
 - 2. *The dimensions of each of these respective bedrooms are 10.5' x 11.5', 13.5' x 19', 14' x 14', and 7' x 13.5.'*
 - ii. The number of off-street parking spaces available to guests.
 - 1. *There are four off-street parking spaces allocated to guests in the driveway and the applicant does not permit short term renters to utilize on-street parking.*
 - iii. All accessory structures and outdoor recreational features available for guest use
 - 1. *The yard is available for guest use along with a fire pit. Guests are responsible for making sure that all the fires are completely extinguished when they are done tending them. If the property manager receives a call from a neighbor concerned about a fire that is unattended or too large, the manager will deal with it immediately.*
 - iv. A pet, garbage, and noise policy.
 - 1. *There are no pets allowed on the property in their submitted policies noted as, "House Rules".*
 - 2. *Two garbage bins for use are located at the property with a capacity of six bags.*
 - 3. *There is a rule imposing quiet hours after 10:00 PM until 9:00 AM.*
 - v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 - 1. *The housing inspector confirmed this during the inspection.*
- d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will always be accessible to the public on the City of Brainerd website.
 - 1. *Mr. Fish is the responsible party for this rental unit, and he resides within 50 miles of the premises.*
 - ii. Occupancy. The maximum number of guests allowed at the property.
 - 1. *The posted rules for the short-term rental state a guest maximum of 8 guests and parties are prohibited.*
 - iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles

shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street more than forty-eight (48) continuous hours.

1. The rules state that there is parking available in the driveway. This would include trailers, however not recreational vehicles, as they are specifically prohibited by the rules.

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

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

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

1. The short-term rental rules impose quiet hours after 10:00pm and until 9:00 AM.

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

1. The rental rules prohibit pets.

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

- i. *According to [Section 404.4.1 of the Property Maintenance Code](#), every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof, whichever is less.*
- ii. *There is no proposed limit on guests to the property.*
- iii. *Bedroom one is 120 SQFT which exceeds the 120 SQFT requirement to room two guests.*
- iv. *Bedroom two is 256 SQFT which exceeds the 150 SQFT requirement to room three guests.*
- v. *Bedroom three is 196 SQFT which exceeds the 150 SQFT requirement to room three guests.*
- vi. *Bedroom four is 94.5 SQFT which exceeds the requirement to room one guest.*

- vii. *Total occupancy of the short-term rental is 9 guests based on the square footage calculation; the applicant states the occupancy is 8 within the house rules.*
- f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.
 - i. *The rooms used for sleeping have egress windows and smoke detectors that comply with the Minnesota State Building Code and were inspected by the Housing Inspector and the Fire Marshal.*
- g. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
 - i. *The short-term rental is connected to the city sewer and water system. The building plans show a full bathroom with a toilet, tub/shower, and sink.*
- h. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
 - i. *The applicant is not proposing occupancy by use of recreational vehicles, tents, accessory structures, or fish houses. Their policies for the property explicitly prohibit them.*
- i. The permit holder shall keep a report detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
- j. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
 - i. *The premises has been inspected by the Housing Inspector and is scheduled for inspection by the Fire Marshal.*
- k. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- l. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
- m. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.

- i. *The application for short-term rentals includes an application for local sales tax that has been submitted to the City's Finance Department. It is the owner's responsibility to contact the MN Department of Health.*

As of this writing, no party has contacted the Community Development Department regarding the Interim Use Permit.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for one short term rental unit at 502 Juniper St. Brainerd, MN 56401 with the following conditions:

- 1) The Interim Use Permit for a short-term rental at 502 Juniper St. shall terminate on 12/31/2026.
- 2) Upon sale or transfer of the property, the Interim Use Permit for a short-term rental at 502 Juniper St. is no longer valid.
- 3) Submittal of the City of Brainerd monthly lodging tax form.



Community Development Department

City Hall - 501 Laurel Street Brainerd, MN 56401
218/828-2307/Fax 218-828-2316 www.ci.brainerd.mn.us

INTERIM USE PERMIT for SHORT-TERM RENTAL

Application Form (residential - \$350.00 / commercial - \$500.00 + \$500.00 escrow deposit) (This form must be filled out completely before your application will be accepted)

Property Address for this Interim Use Permit: 500 Juniper ST Brainerd MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow Short term rental for traveling medical personnel. managed by Mr Real Estate

and Manag LLC at the property address listed above until the date of _____

Legal Description (attach, if lengthy): Lot 6-18 Block 72 Addition _____

N 87 1/2 H Lots 16 Thru 18 Inclusive Block 72

Property Owner: Brian Knoff

Address: 4055 Wild Rose Dr West Linn Or 97068
(Street) (City) (State) (Zip)

Contact Information #: 702-273-9692
(Home) (Business)

(Fax)

(E-mail)

Applicant: (if different than Property Owner) Mike Fish Mr Real Estate Management LLC

Address: 205 14391 Edgewood N Baxter MN 56425
(Street) (City) (State) (Zip)

Contact Information #: 218-232-7079 Mr Real Estate and Management
(Home) (Business)

(Fax)

(E-mail)

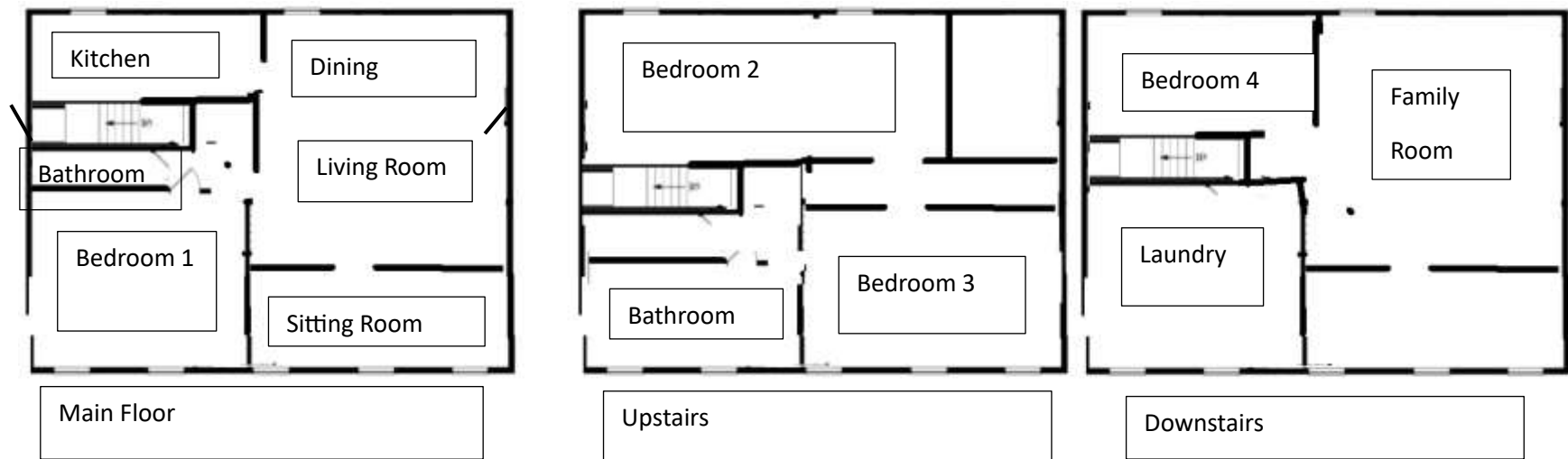
Contact Person: (if different than Property Owner) Mike Fish

Address: 11
(Street) (City) (State) (Zip)

Contact Information #: 218-232-7079 11
(Home) (Business)

(Fax)

(E-mail)



Floor plan for: 502 Juniper St, Brainerd, MN 56401, USA

Bedroom Dimensions:

Bedroom 1: $10.5 \times 11.5 = 120 \text{ ft}^2$

Bedroom 2: $13.5 \times 19 = 256.5 \text{ ft}^2$

Bedroom 3: $14 \times 14 = 196 \text{ ft}^2$

Bedroom 4: $7 \times 13.5 = 94.5 \text{ ft}^2$

502 JUNIPER GENERAL HOUSE RULES

All guests are responsible for reviewing and following all basic house rules. Any violation of these rules MAY result in immediate eviction and forfeiting of all monies. Any breach of House Rules (including extraordinary cleaning) will also result in a charge to the credit card on file for no less than \$250 & up to \$500 per violation plus damage to property. This Charge will be discussed with the guest beforehand and processed on the card on file or billed out to the responsible guest with a 30 net demand for payment.

We want you to have an enjoyable stay! However, the following rules are necessary to protect our guests, neighbors, property, and make it possible for us to continue running as a successful short-term rental. Most guests appreciate and understand the general house rules. Let us know if you have questions. We always accommodate when we can.

Let us start by stating that we ask every guest to have the utmost consideration for our neighbors and community. After all, they did not choose to live next to a vacation rental. Many enjoy and appreciate the guests that rent from us. Some are not so appreciative, so we make our best effort. We must work closely with our neighbors and community if we are going to be able to continue to provide Short Term Rental opportunities for years to come.

Aside from the sign in the yard, all neighbors have our cell phone number and have been asked to call or text 24/7 with any concerns. We also strongly encourage our owners to have a ring camera on the front door. We want everyone to have a good time; however, our basic house rules must be followed. Problems for us are rare, but if you have questions please reach out.

SMOKING OR VAPING INSIDE

Smoking and vaping are strictly prohibited. A guest who smokes in a property without authorization will be charged for carpet cleaning and deodorizing if any evidence of smoking is found.

FIREWORKS

Fireworks of any kind ignited on the property are not allowed. There is just too much clean up, accidental damage, and neighbor complaints to allow fireworks of any kind.

PETS

There are no pets allowed on the property.

Illegal Drugs or other Illicit Activity

No drugs or illegal activity is allowed on the property. Any suspected illegal activity will be immediately turned over to the authorities.

HARD TO CLEAN MESSES

Confetti, glitter, balloons, silly string are not allowed on the property. Please be very careful that gum does not get on furniture, pillows etc. Small, excessive debris of any kind thrown around

the property can make housekeeping very difficult and expensive. We reserve the right to run an extra charge on the CC on file if there is an unreasonable mess left for housekeeping.

YARD DEBRIS

Any garbage or debris thrown in the yard may cause environmental issues and severely impact our relations with neighbors. This most definitely includes water balloons & garbage left in the yard. Water balloons are strictly prohibited, and we ask that you please clean up any outside mess.

GARBAGE

Two garbage cans are provided at the home for each stay. This covers about six bags of trash, which is more than enough for most groups. Please let us know if for some reason you have an excess of garbage. We must hire someone to come and pick up the excess garbage and dispose of it. We do ask that guests let us know if they do have an extraordinary amount of garbage and we ask that they cover the cost of removal. See your specific house rules for pick up times.

UNAUTHORIZED GUESTS OVERNIGHT

Only registered guests can be on the property after dark. See the GUESTS section for more details. We are strictly regulated by the Short-Term License as to how many guests are allowed. This is based on the size of the home. Please be respectful of our rules so our owners do not get in trouble. We prohibit any tents or camping in yards.

NEIGHBOR OR POLICE CALL

Avoiding a complaint or nuisance call by the neighbors or incident involving the police are the reason for all the other rules! The four most common calls we receive are for 1) Too many guests 2) Noise pollution 3) Unauthorized dogs 4) Too many cars. PLEASE ask us if you have questions concerning any of the house rules. Of course, we take each individual situation into account and work closely with our guests to ensure fairness.

EXCESSIVE OR INDECENT NOISE

All neighbors have been given a cell phone number and asked to call or text 24/7 if they have issues. We know you're coming to enjoy your time and that may involve making some noise. However, please be considerate of our neighbors. Quiet hours are 10 PM to 9 AM. Loud music, at any time or music with obscene language or containing explicit sexual content is prohibited. Constant screaming or yelling with obscene language is prohibited. We have some neighbors with small children who may be offended at any loud obscenities. We appreciate your patience and cooperation with this issue.

SELF TANNING LOTION, FINGERNAIL POLISH & REMOVER

Accidents happen and fingernail polish/remover & Self-tanning lotion is prohibited from all properties. It destroys towels, bed linens, and permanently stains furniture.

EXTRA DAYTIME GUESTS

If you do plan to have company during your stay you **MUST** get prior approval from Management. Daytime guests must never exceed more than the number of registered guests and must be off the property by nightfall.

PARKING

The county license allows up to one vehicle per bedroom. There can be no parking on a public road or in a yard. Please let us know if there is a need to make an exception. This is a common complaint call from neighbors, and we need to follow the rules.

USE OF AMENITIES

Due to liability and insurance concerns only guests who are listed on the rental agreement and registered as guests are allowed to use any amenities.

OPERATION OF ATVs & SNOWMOBILES

No motorized vehicles of any kind are allowed at this rental. (expectation of course it he vehicle used to transport guest to the property)

USE OF FIREARMS

As much as we support your right to carry and use firearms, a short-term rental is not the place for them. MN RE&M strictly prohibits firearms from all properties.

OUTSIDE FIRES

We provide a great firepit for our guests to use. It is very important that guests use proper fire safety. When things get dry and the wind picks up flames can easily flare up, get blown into nearby grass and start a serious fire. Guests are responsible for making sure that all fires are completely extinguished when they are done tending them. If we get a call from a neighbor concerned about a fire that is unattended or too large, we must deal with it immediately by calling the guest and asking them to put it out. If they are not reached, all costs of having someone come to put the fire out will be billed to the guest's credit card on file.

LARGE GROUPS, MEETINGS, PARTIES

The Guest must not hold events (such as parties, celebrations, or meetings that exceed the capacity of the home) Any of these cases will allow the Owner to terminate the Agreement without providing a refund of any payment the Guest has paid for the booking and the Owner will not be legally responsible to find any alternative accommodation.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Michael Fish on behalf of property owner Brian Knoll has submitted an Interim Use Permit to operate a short-term rental at 502 Juniper St. Brainerd, MN 56401. The property included in this application is described as:

*Lot 16, Block 72
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41241262
Section 24, Township 45, Range 31*

The property is zoned TN-1 (Traditional Neighborhood One) District. [Appendix A: Table of Uses](#) of the Zoning Code requires an Interim Use Permit for the operation of a short-term rental in a TN-1 District as regulated by Section 515-3-34 Short-Term Rentals. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20th, 2024, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

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

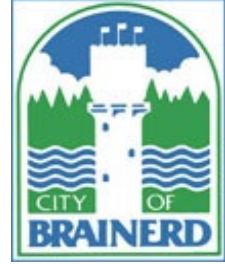
Dated this 30th day of October, 2024



James L. Kramvik
Community Development Director

Publication Date: November 2nd, 2024

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: November 20th, 2024

RE: Consider Interim Use Permit for a Short-Term Rental Renewal at 524 8th St N

REQUEST

PUBLIC HEARING. Interim Use Permit Renewal

APPLICANT: Ms. Nita Gross on behalf of MN Lake Properties LLC applied for the renewal of a Short-Term Rental at 524 8th St N Brainerd, MN 56401. The property owners have been operating the short-term rental for nearly a year and there have been no issues or concerns at the property

CONTEXT

Parcel Numbers: 41240960

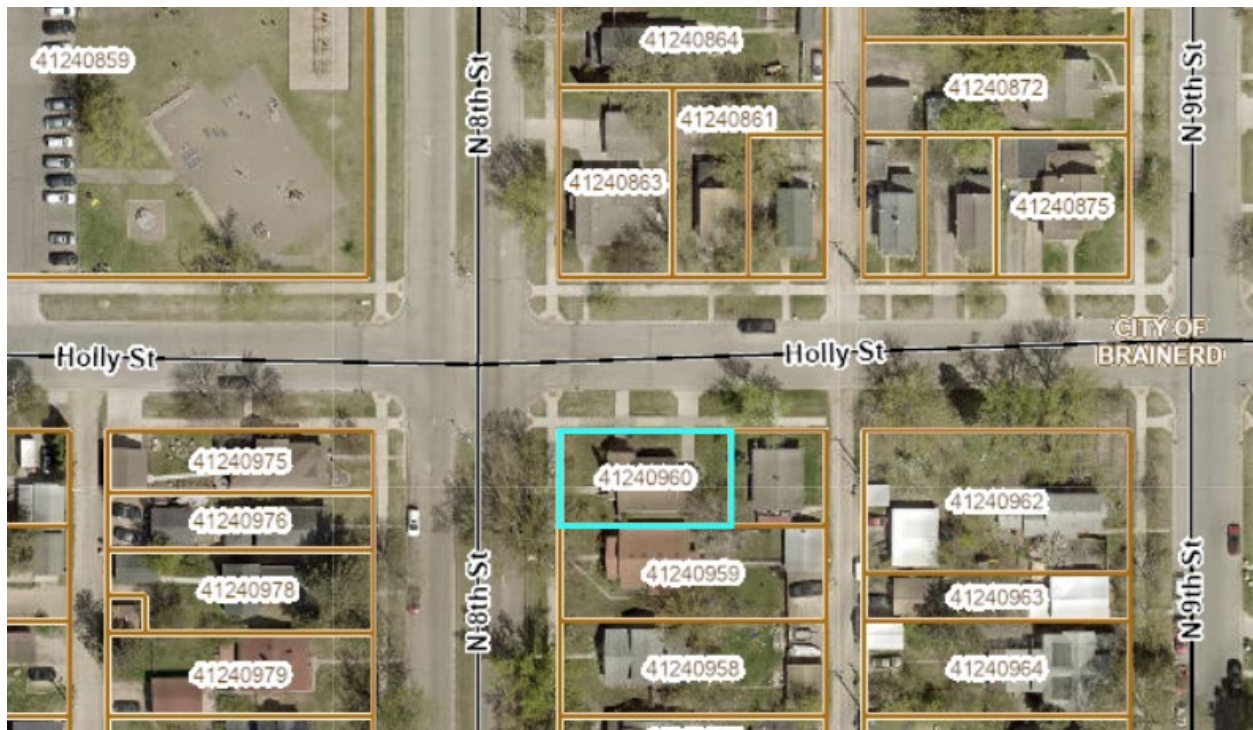
Zoning District: Traditional Neighborhood One (TN-1) District

Property Area: 4526.90 SQFT

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

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

AERIAL MAP



FINDINGS OF FACT

1. The property at 524 N 8th St Brainerd, MN 56401 is located in a Traditional Neighborhood One (TN-1) District. The TN-1 District allows short-term rentals as an Interim Use according to Zoning Code [Appendix A: Table of Uses](#).
2. Short-term rentals must comply with the following minimum standards as required by the [Section 515-3-34](#) of the Zoning Code:
 - a. The maximum rental period shall not be more than 28 consecutive nights.
 - b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *This application process serves as a fulfillment of this requirement of the interim use permit process.*
 - c. The application for an interim use permit shall include:
 - i. The number of bedrooms with dimensions and all other sleeping accommodations
 1. *The applicant provided a floor plan of the subject property which includes two bedrooms at 121 and 110 SQFT.*
 - ii. The number of off-street parking spaces available to guests.
 1. *The house rules note that parking in the driveway is available but also noted the presence of on-street parking on both 8th and Holly Streets totaling 4 spaces.*

- iii. All accessory structures and outdoor recreational features available for guest use
 - 1. *There is a patio and attached garage located at the subject property and are available for use by the occupants during their stay at the property.*
- iv. A pet, garbage, and noise policy.
 - 1. *The house rules prohibit pets directly.*
 - 2. *The house rules note that trash pickup services are provided through Waste Partners with a Thursday pick-up and instructions for disposal provided at the time of occupancy.*
 - 3. *The house rules note all loud noises are prohibited after 10:30 PM.*
- v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 - 1. *These materials are referenced in the rules and available to occupants of the property.*
- d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will always be accessible to the public on the City of Brainerd website.
 - 1. *The applicant states in the house rules these will be available to the occupants during their stay.*
 - ii. Occupancy. The maximum number of guests allowed at the property.
 - 1. *The applicant requests occupancy of five (5) guests. However, according to the bedroom dimensions depicted in the floor plan, the occupancy maximum will be four (4).*
 - iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street more than forty-eight (48) continuous hours.
 - 1. *The parking instructions note that a "boat" is allowed to be parked in the paved driveway. The paved driveway has space for one vehicle or trailer. The applicant states that there are four (4) on-street parking spaces available to guests.*
 - iv. Garbage. Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in

fly tight containers sufficient to receive all garbage which may accumulate between times of collection.

1. The house rules state garbage collection occurs on Thursday's and that the instructions will be given at the time of occupancy.

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

1. Quiet hours start at 10:00 PM.

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

1. No pets are permitted on the premises per the rules of the premises.

- e. The occupancy of a short-term rental shall be limited to no more than 3 people per bedroom or the occupancy set by the Building Official.
 - i. According to [Section 404.4.1 of the Property Maintenance Code](#), every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof, whichever is less.
 - ii. Bedroom one is 121 SQFT which exceeds the 100 SQFT requirement for rooming two (2) guests.
 - iii. Bedroom two is 110 SQFT which exceeds the 100 SQFT requirement for rooming two (2) guests.
 - iv. Total occupancy of the short-term rental is four (4) guests based on the square footage calculation; the applicant states the occupancy is five (5) within the house rules.
- f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.
 - i. The bedrooms meet this criterion, as the premises has been inspected and is currently a licensed rental property.
- g. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
 - i. The short-term rental is connected to the city sewer and water system.
- h. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.

- i. *The utilization of recreational vehicles as sleeping space on the premises is prohibited.*
- i. The permit holder shall keep a report detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
- j. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
 - i. *The subject property is a licensed rental and will be placed on the annual inspection schedule by the rental housing inspector and the Fire Marshal. The housing inspector and Fire Marshal have inspected this property and approved the inspection.*
- k. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- l. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
- m. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
 - i. *The owner of the property has been made aware of these requirements.*

As of this writing, no party has contacted the Community Development Department regarding the Interim Use Permit.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for one short term rental unit at 524 8th St N Brainerd, MN 56401 with the following conditions:

- 1) The Interim Use Permit for 524 8th St N shall terminate on 12/31/2026.
- 2) Upon sale or transfer of the property, the Interim Use Permit for a short-term rental at 524 8th St N is no longer valid.
- 3) Submittal of the City of Brainerd monthly lodging tax form.



Community Development Department
City Hall – 501 Laurel Street Brainerd, MN 56401
218/828-2307/Fax 218-828-2316 www.ci.brainerd.mn.us

RECEIVED

OCT 10 2024

CITY OF BRAINERD
ADMINISTRATION

INTERIM USE PERMIT for SHORT-TERM RENTAL

Application Form (residential - \$350.00 / commercial - \$500.00 + \$500.00 escrow
deposit) (This form must be filled out completely before your application will be accepted)

Property Address for this Interim Use Permit: 524 N. 8th Street, Brainerd MN 56401

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

W. 90 ft. of
at the property address listed above until the date of _____
Legal Description (attach, if lengthy): Lot 13 Block 14 Addition Block 140

Property Owner: My Lake Properties LLC

Address: 10568 Pine Song Dr. SW, Nisswa MN. 56468
(Street) (City) (State) (Zip)

Contact Information #: Cell: Nita Gross (owner)
(Home) (218) 330-0552 (Business)

(Fax)

mylakeproperty@gmail.com
(E-mail)

Applicant: (if different than Property Owner) _____

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

Contact Information #: _____
(Home) (Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner) _____

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

Contact Information #: _____
(Home) (Business)

(Fax)

(E-mail)

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

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

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

Signed by: Nita Gross Date: 10/7/2024
(Property Owner)

Nita Gross
(Property Owner-Please print Name)

(Applicant-If different than owner) Date: _____

(Applicant - Please print name)

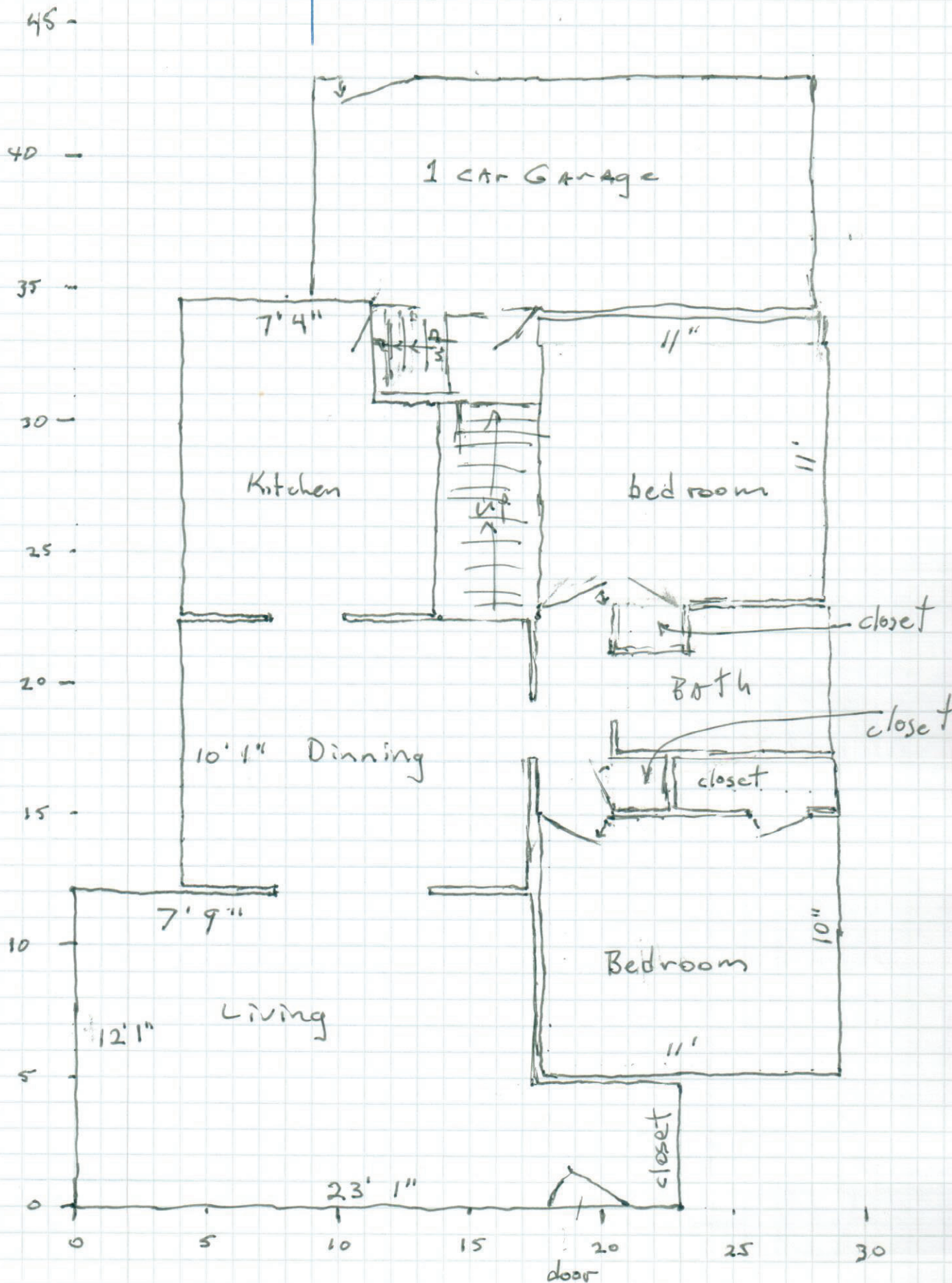
Interim Use Permit Supporting Information

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

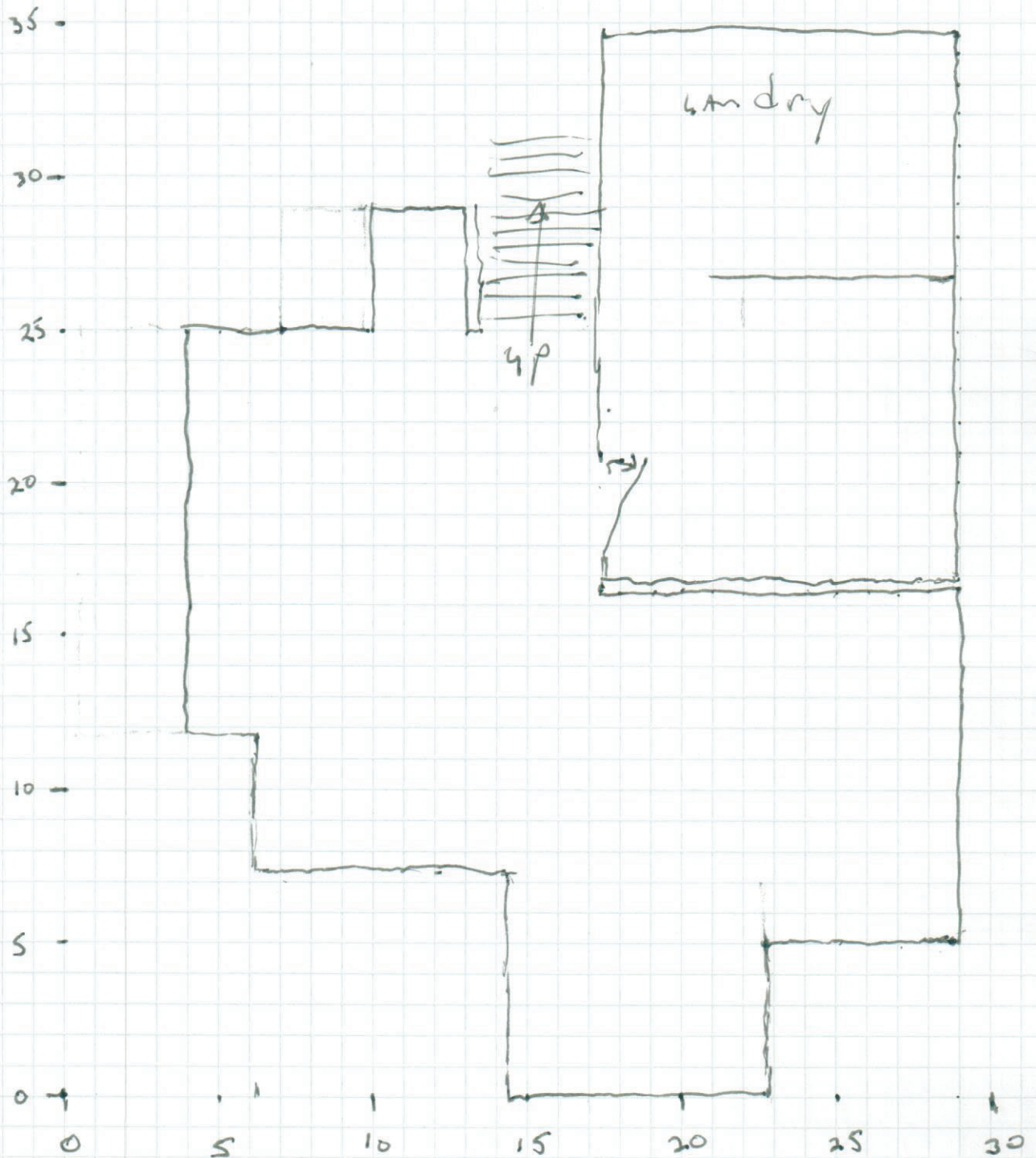
1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed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

(con't)

MAIN floor ^{Patio}



Lower level



Hello,

House rules will be...

No loud noise past 10:30 pm

Not pets

Two parking spaces on 8th Street (in front of house) and two parking spaces on N Holly Street (next to house). Parking will be available in the driveway also.

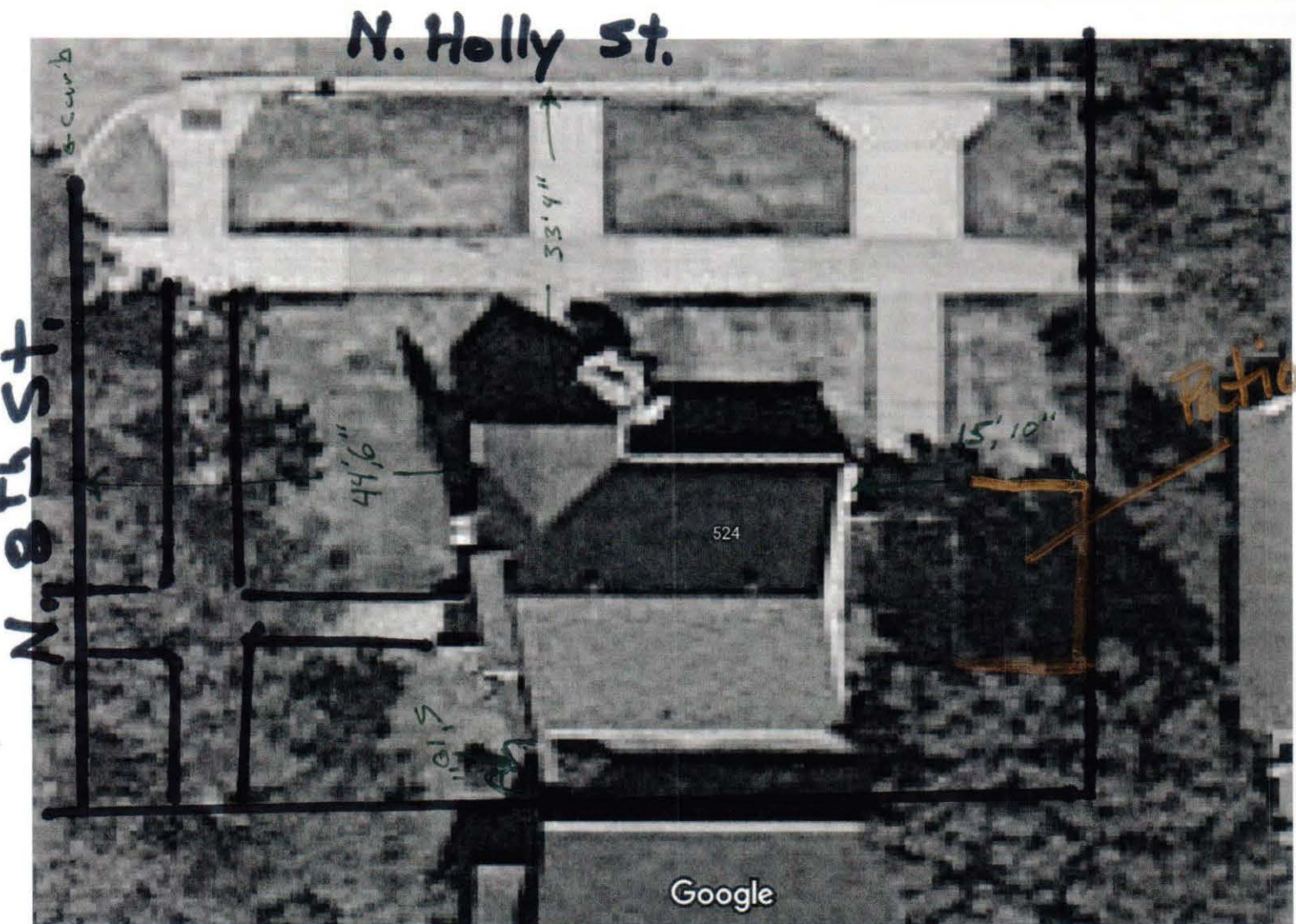
Boat parking only aloud in the driveway.

Two guest rooms, 3 people in one and 2 people in the other.

Trash pick up by Waste Partners is on Thursdays, (owner pays). Property manager provides instructions for appropriate handling of trash to the renters.

Please let me know if there is anything else you would like included in the rules.

All other information listed on the rental ordinance requirement form will be provided to renters (phone numbers, management contact information, license, safety requirements ect..)



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given Ms. Nita Gross on behalf of MN Lake Properties LLC has submitted an Interim Use Permit to operate a short-term 524 8th St N Brainerd, MN 56401. The property included in this application is described as:

*Lot 13, Block 140
Town of Brainerd & First Addition To Brainerd
P.I.N. 41240960
Section 24, Township 45, Range 31*

The property is zoned TN-1 (Traditional Neighborhood One) District. [Appendix A: Table of Uses](#) of the Zoning Code requires an Interim Use Permit for the operation of a short-term rental in a TN-1 District as regulated by Section 515-3-34 Short-Term Rentals. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20, 2024, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

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

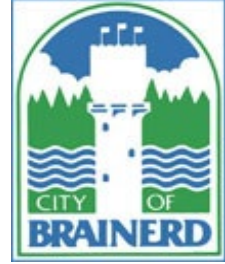
Dated this 30th day of October, 2024



James L. Kramvik
Community Development Director

Publication Date: November 2nd, 2024

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: November 20th, 2024

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

REQUEST

PUBLIC HEARING. Interim Use Permit Renewal

APPLICANT: Bobby Safaie and Alexandra Derasmo

Mr. Safaie and Ms. Derasmo have applied for a renewal of their existing IUP for one short-term rental at 203 Hawkins Dr. Brainerd, MN 56401. The property owners have been operating the short-term rental for over a year and there have been no issues or concerns at the property.

CONTEXT

Parcel Number: 41090584

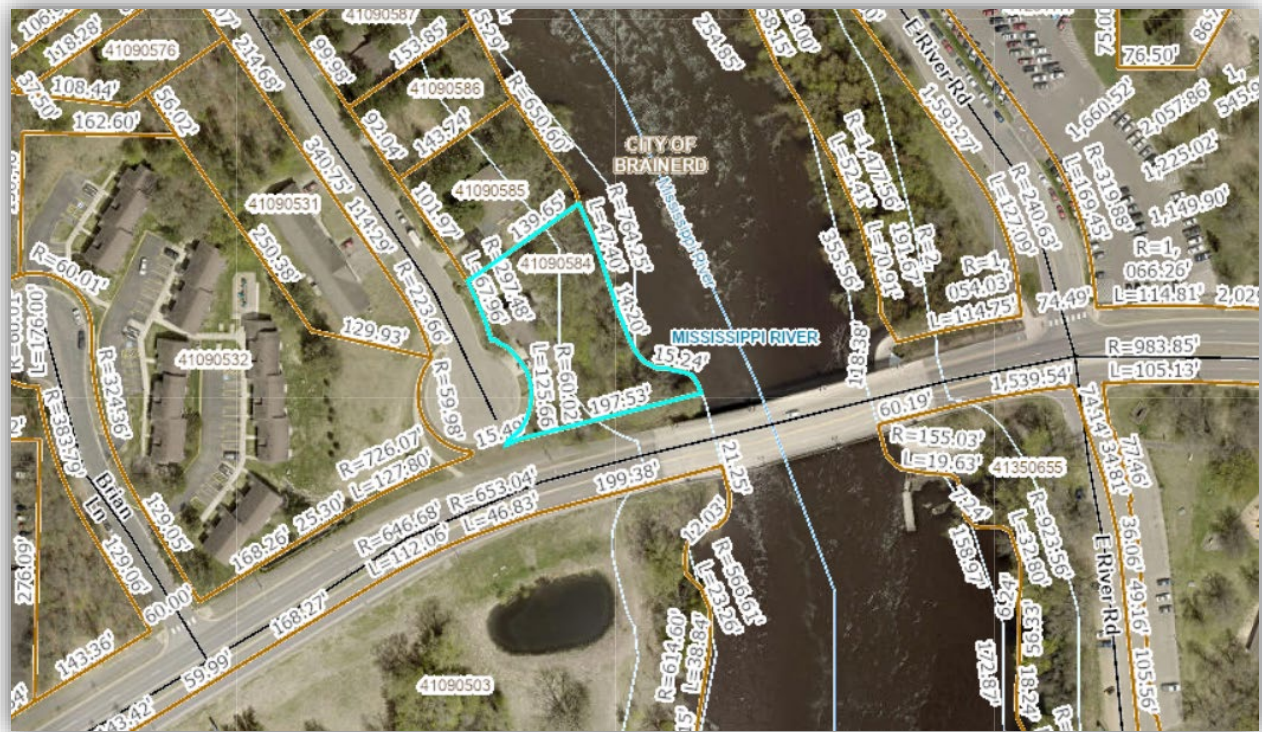
Zoning District: Contemporary Neighborhood-Two (CN-2) District

Property Area: 28,123 SQFT

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

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

AERIAL MAP



FINDINGS OF FACT

1. The property at 203 Hawkins Dr. Brainerd, MN 56401 is located in a CN-2 (Contemporary Neighborhood-Two) District. The CN-2 District allows short-term rentals as an Interim Use according to Zoning Code [Appendix A: Table of Uses](#).
2. Short-term rentals must comply with the following minimum standards as required by the [Section 515-3-34](#) of the Zoning Code:
 - a. The maximum rental period shall not be more than 28 consecutive nights.
 - i. *The applicants' proposal will not exceed 28 consecutive nights for a rental period.*
 - b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *The applicant has applied for a renewal of the current Interim Use Permit for the operation of a short-term rental.*
 - c. The application for an interim use permit shall include:
 - i. The number of bedrooms with dimensions and all other sleeping accommodations
 1. *The proposed short rental unit is 2,079 SQFT. in size and has four bedrooms.*
 2. *The dimensions of each of these respective bedrooms are 17' x 21', 12' x 16', and 12' x 12', and 12.5' x 12.5'.*

- ii. The number of off-street parking spaces available to guests.
 - 1. *There are four off street parking spaces allocated to guests; two in the driveway and two in the street loaded garage.*
- iii. All accessory structures and outdoor recreational features are available for guest use.
 - 1. *The only accessory structure available for guest usage is the attached garage and the dock installed on the Mississippi River.*
- iv. A pet, garbage, and noise policy.
 - 1. *There are no listed prohibitions of pets in their House Rules and the property owner has indicated a limit of four (4) pets at any one time.*
 - 2. *Garbage and recycling bins for use are located at the front of the property and picked up on Wednesdays. They are only to be placed at the front of the property on Tuesday night per the policy.*
 - 3. *There is a rule imposing quiet hours after 10:00 PM.*
- v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 - 1. *The housing inspector will confirm this upon inspection of the rental unit.*
- d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be always accessible to the public on the City of Brainerd website.
 - 1. *Mr. Safaie and Ms. Derasmo have retained the services of Larry Frasier as the responsible party for this rental unit, as he resides within 50 miles of the premises.*
 - ii. Occupancy. The maximum number of guests allowed at the property.
 - 1. *The posted rules for the short-term rental do not state a guest maximum but do prohibit parties.*
 - iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street more than forty-eight (48) continuous hours.
 - 1. *The rules state that there is parking available in the driveway and on the cul-de-sac adjacent on which the property lies. This would include recreational vehicles or trailers.*

- iv. Garbage. Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
 - 1. *The weekly garbage schedule is provided for renters on Wednesdays per the provided House Rules.*
- v. Noise. No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.
 - 1. *The short-term House Rules impose quiet hours after 10:00pm.*
- vi. Pets. No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.
 - 1. *The House Rules state no more than a combination of four cats or dogs can be on the property at any one time.*
- e. The occupancy of a short-term rental shall be limited to no more than 3 people per bedroom or the occupancy set by the Building Official.
 - i. *According to [Section 404.4.1 of the Property Maintenance Code](#), every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof, whichever is less.*
 - ii. *There is no proposed limit on guests to the property.*
 - iii. *Bedroom one is 357 SQFT which exceeds the 150 SQFT requirement to room three guests.*
 - iv. *Bedroom two is 192 SQFT which exceeds the 150 SQFT requirement to room three guests.*
 - v. *Bedroom three is 144 SQFT which exceeds the 100 SQFT requirement to room two guests.*
 - vi. *Bedroom four is 156 SQFT which exceeds the 100 SQFT requirement to room three guests.*
 - vii. *Total occupancy of the short-term rental is 11 guests.*
- f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.

- i. The rooms used for sleeping have egress windows and smoke detectors that comply with the Minnesota State Building Code and were inspected by the Housing Inspector and Fire Marshal.*
- g. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
 - i. The short-term rental is connected to City sewer and water system. The building plans show a full bathroom with a toilet, tub/shower, and sink.*
- h. Additional occupancy by the use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
 - i. The applicant is not proposing occupancy by use of recreational vehicles, tents, accessory structures, or fish houses. However, their policies for the property do not explicitly prohibit them.*
- i. The permit holder shall keep a report detailing the use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
- j. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
 - i. The premises have been inspected by the Housing Inspector and Fire Marshal.*
- k. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- l. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
- m. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
 - i. The application for short-term rentals includes an application for lodging tax that must be submitted to the City's Finance Department. It is the owner's responsibility to contact the MN Department of Health.*

As of this writing, no party has contacted the Community Development Department regarding the Interim Use Permit.

STAFF RECOMMENDATION

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

- 1) The Interim Use Permit for a short-term rental at 203 Hawkins Drives shall terminate on 12/31/2026.
- 2) There shall be no more than two vehicles parked on the street.
- 3) Upon sale or transfer of the property, the Interim Use Permit for a short-term rental at 203 Hawkins Drive is no longer valid.
- 4) Submittal of the City of Brainerd monthly lodging tax form.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218/828-2307/Fax 218-828-2316 www.ci.brainerd.mn.us

INTERIM USE PERMIT for SHORT-TERM RENTAL

Application Form (residential - \$350.00 / commercial - \$500.00 + \$500.00 escrow deposit) (This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit*: 203 HAWKINS DR

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow SHORT-TERM RENTAL

at the property address listed above until the date of

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

Property Owner: BOBAK AND ALEXANDRA SAFAIE

Address: 203 HAWKINS DR BRAINERD, MN 56401

(Street)

(City)

(State)

(Zip)

Contact Information #: 561-564-7513

(Home)

(Business)

allied0215@icloud.com

(E-mail)

(Fax)

Applicant: (if different than Property Owner) _____

Address: _____

(Street)

(City)

(State)

(Zip)

Contact Information #: _____

(Home)

(Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner) Larry Frasier

Address: 12115 Fuschia Dr Baxter, MN 56425

(Street)

(City)

(State)

(Zip)

Contact Information #: 218-330-7897

(Home)

(Business)

(Fax)

(E-mail)

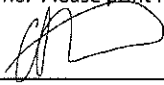
This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

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

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

Signed by:  Date: 10/24/2024
(Property Owner)

Robert K. Saffie
(Property Owner-Please print Name)

 Date: 10/24/2024
(Applicant-If different than owner)

Alexandra Saffie
(Applicant - Please print name)

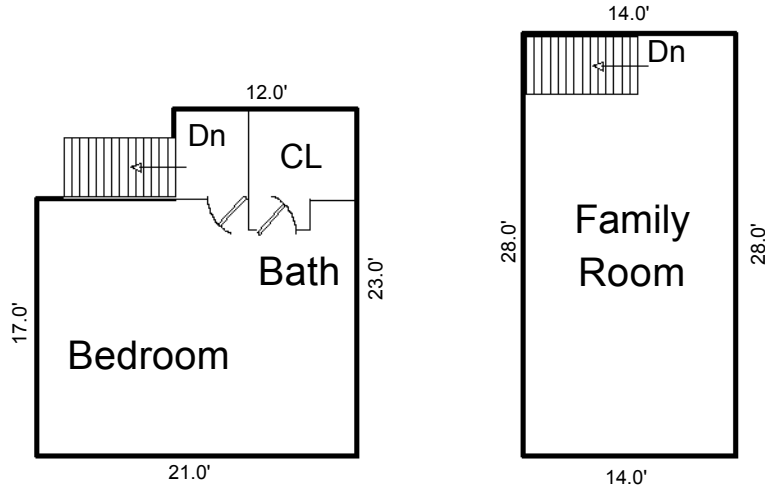
Interim Use Permit Supporting Information

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

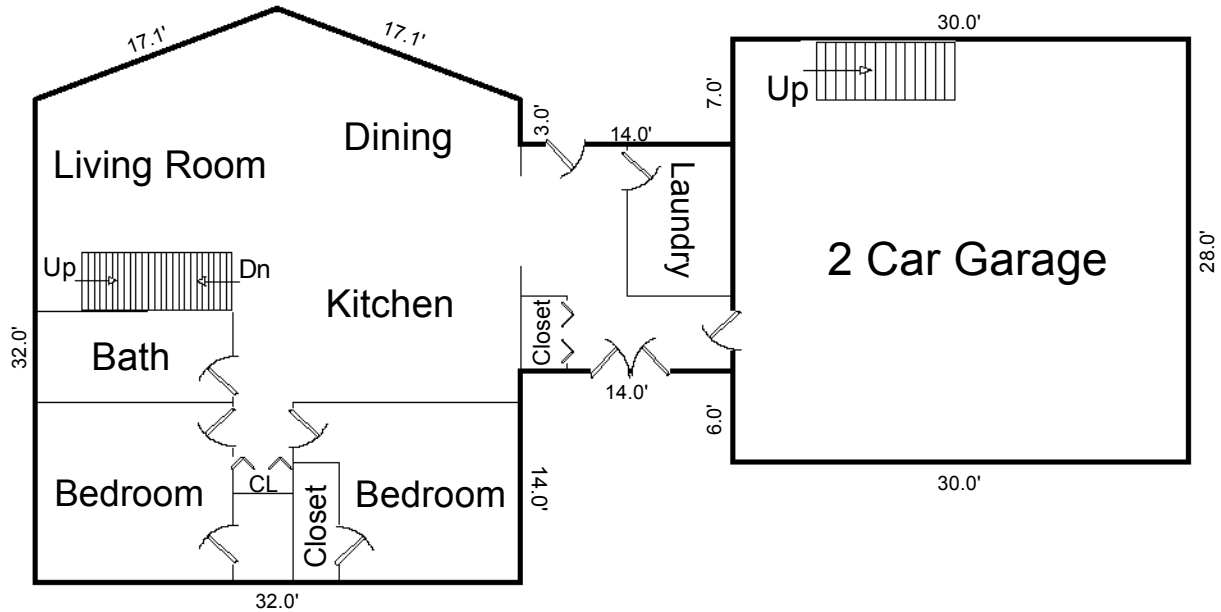
1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed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

(con't)

Upper Level



Main Level



Page 42 of 67

GENERAL HOUSE INFO

- There are NO SECURITY CAMERAS inside the home - only the outside of the home. Please do NOT touch them they are for protection of guests and the home. You will be charged a fee of \$200 if they are tampered with.
- CTC Internet is provided, login credentials are all over the house.
- A whole house water filtering system is installed making the water soft when showering, and safe to drink from either the fridge door or the faucet. More information available upon request.
- The backyard is very steep so please be careful and watch your step at all times. We do provide tea-lighting outside please turn on so you can see when enjoying the backyard and don't forget to turn off when finished.
- The dock is very steep as well please watch your step and pay attention at all times when on the dock. We do have a rope you can grab onto to go up and down the stairs. Please don't leave any trash on the dock or outside AREAS.....Be VERY careful during the winter months the dock / everything can be very slippery and iced over.
- We provide a propane and charcoal grill. PLEASE clean up after you use the grills. Don't leave any utensils or anything outside. Also stay far away from the home when using the charcoal grill as you see the whole house is made out of cedar wood. Please dispose of the ashes after use. We do have propane tanks filled for your use during your stay. If some feel empty more are located in the garage.
- Garbage pick up: Tuesday Nights pickup Wednesday mornings. Please when leaving for your stay all trash is taken out. The garbage cans are located out front of the house.
- Please do NOT move our furniture - if moved and not put back the way you arrived you will be charged a \$100 fee. Also please DO NOT take anything From the home including towels / washcloths. We keep tight inventory and you will be charged for missing items.
- We do provide a few paper towels, coffee pods / filters and toilet paper to get your trip started.
- If there is anything broken during your stay please contact me immediately so I can fix it or help with anything. If something needs fixing or cant find something please contact me so I can help you have an amazing stay!!!
- NO PETS ALLOWED ON PROPERTY
- QUIET TIME is from 10pm-7AM
- No more then 11 guests this is set by the building officials
- No more then two vehicles on the street

HOUSE RULES

- Check out time is at 10am
 - Furniture is not to be moved
 - Please ensure all trash is removed prior to check out
 - Strictly no parties allowed
 - No pets
 - No more then 2 vehicles on the street
 - Please respect our neighbors
 - Quiet hours are from 10pm-7am
 - No shoes on carpeted areas
 - Please be careful when driving on our street we have lots box families
 - No speeding on our block
 - Please leave our home how you found it.
 - No smoking in the home
- Best the river retreat

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

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

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

BONNY WOODE ADDITION TO THE CITY OF BRAINERD

P.I.N. 41090584

Section 09, Township 133, Range 28

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

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 20th, 2024, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

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

Dated this 30th day of October, 2024



James L. Kramvik
Community Development Director

Publication Date: November 2nd, 2024

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: November 20th, 2024

RE: Consider Conditional Use Permit for a Brew Pub at 214 S. 8th St.

INTRODUCTION

Ed Mattson on behalf of Mattson Properties LLC has submitted a request for a Conditional Use Permit to operate a brew pub at the Last Turn Saloon 214 S. 8th St., Brainerd, MN 56401.

Parcel Number: 41241480

Zoning District: Main Street (MS) District

Property Area: 5,277 SQFT

Adjacent Uses: North: Business Offices
East: Financial Institution
South: Commercial Business
West: Commercial Main Floor – Apartments Second Floor

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

FINDINGS OF FACTS

1. 214 S. 8th St. Brainerd, MN 56401 is located in the Main Street (MS) zoning district. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for the operation of a brew pub/brewery as a Conditional Use in the MS District.
 - A. According to [Section 515-6-2 Definitions](#) a **Brew Pub** is a restaurant and brewery that brews less than 3,500 barrels of beer per year for sales on the premises provided the beer is sold for consumption on the premises and not sold to other bars, restaurants, or wholesalers, except that an establishment licensed under

Minnesota Statutes 304A.301, Subdivision 6D may sell “growlers” off-sale with appropriate City licenses.

- B. *The property is currently operating as a restaurant and bar. The property owner would like to add the operation of a brew pub at the location.*
2. According to [515-3-Allowed-Uses](#) Brew Pub/Brewery (off-sale, on-sale, taproom, tasting room), Cidery, Microdistillery, Cocktail Room A brewer with an on-sale malt liquor license subject to the provisions of Minnesota Statutes 340A and the following:
 - A. No outdoor storage is permitted.
 - i. *The applicant has stated there is no proposed outdoor storage.*
 - B. The operation must comply with the requirements of (515-3-28) for Outdoor Dining, if applicable.
 - i. *The applicant will not offer outdoor dining.*
 - C. No odors from the brewery shall be perceptible beyond the property line. If such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
 - i. *The applicant does not anticipate any odor concerns but does indicate that any odors emitting from the site will be handled promptly.*
 - D. On-site sale of wine or spirits is permitted in accord with Minnesota Statutes and Brainerd City Code XII.s
 - i. *The applicant holds a current liquor license, and updates are being handled by the finance department.*
3. **Criteria for Granting Conditional Use Permits.** In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
 - A. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on Appendix A: Table of Uses.
 - i. *The proposed use of operating a brew pub is supported as a conditional use under Zoning Code Section 515-3-10 in the MS district.*
 - B. The proposed use meets the regulations and standards established in this Ordinance.
 - i. *The brew pub use meets all requirements of Section 515-3-10 Brew Pub/Brewery (off-sale, on-sale, taproom, tasting room), Cidery, Microdistillery, Cocktail Room.*
 - 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 Building Official and Fire Marshal have no concerns.*
 - D. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - i. *The building as currently used is appropriately oriented to the road. The applicant does not propose to change the footprint of the facility.*

- E. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. The applicant proposes no changes to the parcel.*
 - F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - i. This property is not located in a residential neighborhood and the proposed brew pub is similar to the previous use of a restaurant/ bar. According to [Section 515-4-12 Off-Street Parking](#) - The MS District has no off-street parking requirements for the proposed establishment.*
 - 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 exist.**
4. **Section 515-2.B.7 Conditions.** In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses. Such conditions may include, but are not limited to, the following:
- A. Increasing the required lot size or yard setback dimension.
 - B. Limiting the height, size, or location of buildings.
 - C. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or another catastrophe.
 - D. Regulating the street width.
 - E. Increasing the number of required off-street parking spaces.
 - F. Limiting the number, size, location, or lighting of signs.
 - G. Requiring a berm, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 - H. Requiring dedication of some open or green space.
 - I. Regulating the appearance of the facilities or site so that they are harmonious with the neighborhood and City.

As of this writing, no parties have contacted the Community Development Department for more information on the Conditional Use Permit application

STAFF RECOMMENDATIONS

The Community Development Department recommends approval of the Conditional Use Permit for 214 S. 8th St. Brainerd, MN 56401. Staff recommend applying the following conditions to the permit:

- 1) Prior to the brewery operation, the building official shall perform an inspection to ensure no odors from the brewery are perceptible beyond the property line.

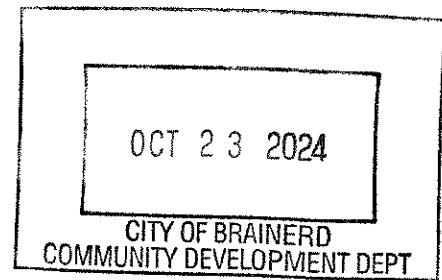


Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us



CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$350.00)	☒ (\$500.00 + \$500.00 escrow deposit)
REZONING	☐ (\$350.00)	☐ (\$500.00)
VARIANCE	☐ (\$350.00)	☐ (\$500.00 + \$500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 214 South 8th Street - Brainerd

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

Property Owner Name: Mattson Properties LLC

Street Address: 109 2nd Ave NE City: Brainerd State: MN Zip Code: 56401

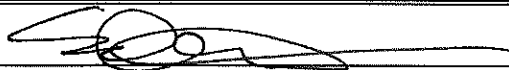
Phone Number: 218-330-8210 Fax: _____ E-mail: edmattson@hotmail.com

Applicant Name: (If different than Property Owner) Shawn Hopman

Street Address: 626 River St. S. City: P. Hager State: MN Zip Code: 56423

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

Description of Request: Brew Pub permit for last turn.


Property Owner Signature

Edward Mattson
(Please print name)


Applicant Signature

Shawn Hopman
(Please print name)

10/23/24
Date

10/23/24
Date

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Ed Mattson on behalf of Mattson Properties, LLC, 109 2nd Ave. NE, Brainerd has submitted a request for a Conditional Use Permit to operate a brew pub at The Last Turn Saloon 214 S 8th St., Brainerd. The property included in this application is described as:

*TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
N ½ OF LOT 5 BLOCK 41 & ALL OF LOT 6 BLOCK 41
Parcel #: 41241480
Section 24, Township 045, Range 031*

The property is zoned MS (Main Street) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows brew pub/brewery (off-sale, on-sale, taproom, tasting room), cidery, microdistillery, cocktail room as a conditional use in the MS District. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, November 20th, 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) 828-2309.

Dated this 30th day of October, 2024



James L. Kramvik
Community Development Director

Publication Date: November 2nd, 2024

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: November 20th, 2024

RE: Consider Conditional Use Permit and Variance Request for a Mixed-Use Building at 722 Laurel Street

REQUEST

PUBLIC HEARING. Conditional Use Permit to convert the existing main floor commercial space into two (2) commercial units and the second floor into seven (7) residential apartment units.

Variance request from the parking requirements for the seven (7) units of additional housing and one (1) additional commercial space.

David Pueringer, 616 ½ Front Street, Brainerd has submitted a request for a Conditional Use Permit to convert the main floor of a commercial building into two (2) commercial units and the second floor into seven (7) apartment units. The current use of the property is Bob & Fran's Factory Direct.

CONTEXT

Parcel Number: 41241273

Zoning District: Main Street (MS) District

Property Area: Approximately 6,263 SQFT

Adjacent Uses:
North: Pit Stop Bar
East: BN Credit Union
South: Bremer Bank parking lot
West: Retail Store

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

AERIAL MAP



FINDINGS OF FACT – CONDITIONAL USE PERMIT

1. The property at 722 Laurel Street Brainerd, MN 56401 is in MS (Main Street) District. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for a mixed-use building, including residential uses not on the main floor as a Conditional Use.
2. The purpose of the MS (Main Street) District is to encourage the continuation of a viable, traditional downtown area by allowing a mix of retail and commercial uses that physically contribute to and reinforce the well-formed, walkable development pattern.
 - a. *The applicant proposes seven (7) one-bedroom apartments on the second floor with two (2) commercial units on the first floor. One commercial unit currently exists on the first floor.*
3. The MS District also requires that new mixed use buildings exceed 20+ units per acre according to [Table 515-2-12.1. MS Dimensional Standards – Density, Lot Size, Coverage and Height Standards.](#)
 - a. *The seven (7) one-bedroom apartments units on an approximate 0.14 acre lot equates to fifty (50) dwelling units per acre.*

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

- a. Single-Family, Attached Single-Family and Multi-Family Dwellings: one (1) space per dwelling unit.
 - i. *The applicant proposes seven new residential dwelling units for the property which require an additional seven spaces that are either owned or leased by the property owner.*
- b. Commercial Uses: One (1) space per commercial unit.
 - i. *The applicant proposes expanding the number of commercial units from one to two. The additional unit requires the owner to provide one additional parking space which is either owned or leased by the owner of the property or business.*
- c. The applicant is requesting a variance from Table 515-4-12.4 Parking Space Minimum to add no additional parking spaces as a result of the building remodel.

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

- a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on Appendix A: Table of Uses.
 - i. *Mixed-use buildings, including residential uses not on the main floor, is a conditional use in the MS District.*
- b. The proposed use meets the regulations and standards established in this Ordinance.
 - i. *There are no special standards associated with this use.*
- c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - i. *The structure will not be dangerous, injurious, or noxious to the surrounding properties.*
- d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - 1. *The building is existing, and the applicant does not propose any major exterior improvements. The existing building is orientated towards Laurel Street which is consistent with surrounding properties.*
 - 2. *The building is a historic building in downtown Brainerd which consists primarily of brick siding with historical architectural features.*
 - 3. *According to [Section 515-4-10.A.3.b \(General Landscaping Improvement Standards\)](#) The Main Street District is exempt from landscape requirements*
- e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - 1. *The proposed use is consistent with the environment and the neighborhood, as there are other mixed-use buildings in the neighborhood.*

- f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - 1. *The applicant is requesting a variance from the parking requirements of the MS Zoning District.*
- g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
 - 1. **Economic Development Goal 1:** Support infill and redevelopment throughout Brainerd as a strategic component of growth.
 - a. **Policy 1:** Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exist.
 - 2. **Housing Goal 1:** Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.
 - a. Expand home ownership and rental opportunities through rehabilitation and new construction.
- 6. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.
 - a. *Staff do not recommend additional conditions be placed upon the requested Conditional Use Permit.*

FINDINGS OF FACT – VARIANCE REQUEST

- 7. The applicant has submitted a request for a variance from the parking requirements for MS (Main Street) Zoning District. The applicant proposes to add no additional parking spaces.
 - a. Table 515-4-12.4 Parking Space Minimum requires one (1) parking space per dwelling unit and one (1) parking space per commercial unit in the MS Zoning District.
 - i. *The applicant proposes seven (7) new residential dwelling units for the property which require an additional seven (7) parking spaces.*
 - ii. *The applicant proposes expanding the number of commercial units from one to two. The additional unit requires the owner to provide one (1) additional parking space.*
 - iii. *As a result of the proposed mixed-use remodel project, the property owner is required to provide eight (8) additional parking spaces which are either owned or leased by the owner of the property or business.*
- 8. 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 applicant proposes a mixed-use building which is a Conditional Use Permit in the MS District. Also, the proposed project aligns with the purpose of the MS Zoning District, which is to encourage the continuation of a viable, traditional downtown area by allowing a mix of retail and commercial uses that physically contribute to and reinforce the well-formed, walkable development pattern.*
- 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.
 - a. **Policy 1:** Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exist.
 - ii. **Housing Goal 1:** Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.
 - a. Expand home ownership and rental opportunities through rehabilitation and new construction.
 - a. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
- 2. [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 two-story building is historic to downtown Brainerd and has existed for many years. The building is completely built out to the property lines.*
 - ii. *The applicant is proposing no exterior improvements or additions that would reduce the number of parking spaces available for the building.*
 - iii. *Adding a parking lot or underground parking to the property is not feasible.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - i. *This variance, if granted, will not substantially alter the character of the locality as the proposed use is consistent with other mixed-use buildings in the neighborhood.*
 - ii. *The building consists primarily of brick siding with historical architectural features that match other downtown structures.*
 - iii. *This property is adding an additional seven (7) residential units to the block which does not have the parking impact that a larger building would have in this location.*
 - 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 adding a parking lot or underground parking to the property is not feasible.*
 - ii. *Staff did confirm that the nearest City parking lot did not have any availability and had a considerable waiting list.*

3. [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. *The City Council recently approved new parking standards for the MS District based on the recommendation of the Planning Commission and Parking Commission. The Parking Commission has voiced their concerns in the past regarding residential tenants parking in the right-of-way which is regulated as two hour parking during the day for downtown customers. The off-street parking ordinance passed in 2024 requires new buildings and building expansions to provide parking spaces to help alleviate issues between customer and tenant parking.*

As of this writing, one party has contacted the Community Development Department for more information on the Conditional Use Permit and Variance application for the proposed mixed-use building. The individual was concerned that there was no parking plan and that new tenants may try parking in private parking lots.

STAFF RECOMMENDATIONS

The Community Development Department recommends approval of the Conditional Use Permit for 722 Laurel Street.

The Community Development Department recommends approval of the Variance request for 722 Laurel Street with the following conditions:

- 1) Tenants are prohibited from parking in private parking lot facilities without approval from the property owner.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RJR

CONDITIONAL USE PERMIT

REZONING

VARIANCE

ZONING TEXT AMENDMENT

RESIDENTIAL

☒
☐
☒
☐

(\$350.00)

(\$350.00)

(\$350.00)

(\$250.00)

COMMERCIAL

☐
☐
☐
☐

(\$500.00 + \$500.00 escrow deposit)

(\$500.00)

(\$500.00 + \$500.00 escrow deposit)

(\$400.00)

PROPERTY ADDRESS: 724 LAUREL

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

Property Owner Name: DAVID POERINGER

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

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

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: CONDITIONAL USE PERMIT FOR A
MIXED USE BUILDING WITH 1 APARTMENT
UNITS ON 2ND FLOOR - Ground Level will be divided
into 2 units (commercial)
VARIANCE REQUEST FOR PARKING FOR THE 1 UNITS OF HOUSING

Property Owner Signature

Date

(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that David Pueringer, 616 ½ Front Street, Brainerd has submitted a request for a Conditional Use Permit and Variance at 722 Laurel Street, Brainerd. The CUP application is to convert the existing main floor commercial space into two (2) commercial units and the second floor into seven (7) residential apartment units. The variance is from the parking requirements for the seven (7) units of housing and one (1) additional commercial space. The property included in this application is described as:

*Town of Brainerd & First Addition to Brainerd
Lot 008 Block 71*

Parcel#: 41241273

*LOTS 13 THRU 15 INCLUSIVE BLOCK 71 EX. THE W'LY 81 1/6 FT THEREOF, AND
ALSO LOTS 16 AND 17 BLOCK 71 EX. THE W'LY 79 ½ FT THEREOF*

Section 24, Township 045, Range 031

The property is located in the MS District (Main Street) and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows for a mixed-use building, including residential uses not on main floor as a Conditional Use. Section 515-4-12.4 Parking Space Minimum indicates one (1) parking space per dwelling unit and commercial space is required, unless a variance is granted.

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, November 20th, 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 30th day of October, 2024



James L. Kramvik
Community Development Director

Publication Date: November 2nd, 2024

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: November 20th, 2024

RE: Review Proposed Design Standards Ordinance

INTRODUCTION

At the June 20th Planning Commission meeting, the Commission directed staff to begin reviewing Section 515-4 General Building Development and Design Standards as well as considering the Commercial Corridor District for mixed-use development. The new Zoning Code was adopted July 18th of 2022 and since adoption, staff have encountered instances that the new code has worked well and other instances that potentially hindered development. The purpose of this review is to ease the burden of development while creating stronger language to ensure new construction conforms with existing neighborhoods.

Highlights of the proposed changes include:

1. Adjust lot sizes and lot frontage requirements in the CN-1, CN-2, TN-1, TN-2 Zoning Districts
2. In the TN-1 and TN-2 Zoning Districts, if the garage is front loaded, it must be in line or setback behind the façade of principal structure.
3. In the CN-1 and CN-2 Zoning Districts, if the garage is front loaded, it must extend no further than 2' beyond the façade into the front yard or side yard (corner).
4. Increased façade standards for 1–4-unit buildings.
5. Allowing larger accessory structures in the General Industrial Zoning District.
6. Allow 85% metal siding on facades in the General Industrial Zoning District.
7. Permit duplex dwellings in the Rural Living 2 Zoning District.
8. Permit accessory dwelling units on rental properties.
9. The conversion of a single-family home into a multi-family home requires a CUP.
10. Create more visual interest in new multi-family homes.
11. Allow mixed-use development in the Commercial Corridor District, similar to the Mainstreet District which prohibits ground floor residential units.

STAFF RECOMMENDATION

Review the proposed ordinance and direct staff to call a public hearing at the next meeting.

Note: Staff will create a summary ordinance in addition to the full ordinance.

**ORDINANCE
NO. 15XX**

AN ORDINANCE AMENDING SECTION OF THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: The purpose of this ordinance is to promote higher density dwelling units within the City while emphasizing the physical characteristics of buildings, including their height, setbacks, facade design, and relationship to the street and existing neighborhoods.

SECTION TWO: RL-1 and RL-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-4.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Coverage and Height Standards		
	Principal structure height/accessory (maximum) See Section [515-4-3]	35'
	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure

SECTION THREE: Figure 515-2-6.1. CN-1 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. CN-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-6.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (range) Density (range)	10,000 SF – 21,780 SF (21,780+ SF requires CUP) 3 – 5 DU/AC
C	Lot Frontage on All Roads (range)	75'-70'-90' <u>100' (100'+ requires CUP)</u>
Other Standards		
K	Garage	Must be setback behind façade of principal structure a minimum of 5' <u>If front loaded, must extend no further than 2' beyond the façade into the front yard or side yard (corner).</u>

SECTION FOUR: Figure 515-2-7.1. CN-2 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. CN-2 Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-7.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (range) Density (range)	Up to 15,000 SF <u>5,000 SF – 15,000 SF (15,000+ SF requires CUP)</u> 4 – 12 DU/AC
C	Lot Frontage on All Roads (range)	65' – 80' maximum <u>50' – 80' (80'+ requires CUP)</u>
Principal Building & Attached Accessory Building Standards		
E	Side Yard Setback (minimum)	10'-5' 20' corner
Other Standards		
K	Garage	Must be setback behind façade of principal structure a minimum of 5' <u>If front loaded, must extend no further than 2' beyond the façade into the front yard or side yard (corner).</u>

SECTION FIVE: Figure 515-2-8.1. TN-1 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. TN-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-8.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (range) Density (range)	5,000- 7,500 <u>1,500</u> SF <u>(10,500+ SF requires CUP)</u> 4 – 9 DU/AC
C	Lot Frontage on All Roads (range)	50'- 60 <u>75'</u> <u>(75'+ requires CUP)</u>
Other Standards		
K	Garage	If front loaded, must be <u>inline or</u> setback behind façade of principal structure. a minimum of 5'

SECTION SIX: Figure 515-2-9.1. TN-2 Density and Lot Dimensional Standards Diagram shall be amended to reflect changes in this Section. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-9.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Lot Dimensions		
A	Lot Size (minimum) Density (range)	4,000 – 25,000 SF <u>(25,000+ SF requires CUP)</u> 9 – 20 DU/AC (20+ DU/AC requires CUP)
C	Lot Frontage on All Roads (minimum)	45'
Other Standards		

K	Garage	If front loaded, must be <u>inline or</u> setback behind façade of principal structure, a minimum of 5'
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SECTION SEVEN: CC Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards - Table 515-2-14.1 is hereby amended as indicated, with the following deleted language struck out:

Coverage, Glazing, and Height Standards		
	Principal Façade Glazing, Avenue (minimum)	65%
	Secondary Façade Glazing, Washington (minimum)	50%

SECTION EIGHT: General Industrial Dimensional Standards – Density, Lot Size, Coverage and Height Standards – Table 515-2-16.1 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

Accessory Building Standards	
Size (maximum)	Not to exceed 30 <u>100</u> % of gross floor area

SECTION NINE: Building Design Standards – Section 515-4-2.A Single-Family Detached Residential Structure Standards is hereby amended as indicated, with the following added language underlined and deleted language struck out:

A. Single-Family Detached Residential Structure Standards.

1. All single-family detached dwellings in the Rural Living, Garden Living, Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts shall meet the following design criteria:

c. Building orientation on lots shall match the predominant orientation of other buildings along the block front. Building primary entrance shall be orientated towards a public street.

g. Front façade shall incorporate two design elements for one story structures and three design elements for two story structures. The following design elements may be used in any combination to satisfy the requirements:

i. porch (enclosed or non-enclosed)

ii. covered entry

iii. window shutters

iv. alternative siding or color patterns

v. brick/ stone

vi. other design elements may be approved by the Zoning Administrator such as a chimney, roof design and angles, window patterns, dormers, corbels, etc...

SECTION TEN: Building Design Standards – Section 515-4-2.B Attached Single-Family Residential Structures is hereby amended as indicated, with the following added language underlined and deleted language struck out:

B. Attached Single-Family Residential Structures (duplex, triplex, fourplex).

2. Attached single-family dwelling units shall have a minimum finished habitable floor area of ~~five~~-hundred (500400) square feet.

4. Any conversion of an existing single-family detached residential structure into a duplex, triplex or fourplex shall meet the lot and dimensional requirements of the Base Zoning District for the total number of units. Such conversion shall also comply with the following standards:

a. All conversions shall require a conditional use permit and comply with all standards of the Base Zoning District. ~~be subject to a Sketch Plan review, which shall be reviewed and approved by the Zoning Administrator. If the proposed conversion does not comply with any standards of the Base Zoning District the conversion shall be denied.~~

5. ~~Building Materials.~~ Attached single-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.~~ The exterior of the principal structure must be finished with materials that are typical of single-family construction. All edges, fasteners, and other structural elements must be finished and/or covered.

a. Building common entrance or unit entrances shall be orientated towards a public street.

b. Front façade shall incorporate two design elements for one story structures and three design elements for two story structures. The following design elements may be used in any combination to satisfy the requirements:

i. porch (enclosed or non-enclosed)

ii. covered entry

iii. window shutters

iv. alternative siding or color patterns

v. brick/ stone

vi. other design elements may be approved by the Zoning Administrator such as a chimney, roof design and angles, window patterns, dormers, corbels, etc...

SECTION ELEVEN: Building Design Standards – Section 515-4-2.C Multi-family attached dwelling units is hereby amended as indicated, with the following added language underlined:

C. Multi-family attached dwelling units (5 dwelling units or more): All multi-family buildings constructed within the City shall conform to the following:

2. Exterior Building Materials. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction, structural elements such as balconies, porches, and wall patterns, or other characteristics that create articulation either between units or floors.

SECTION TWELVE: Building Design Standards – Section 515-4-2.D Commercial Use Design Construction Standards is hereby amended as indicated, with the following added language underlined:

D. Commercial Use Design Construction Standards. All buildings constructed within TN-2, TN-3, CC, TC, ME, PSP, and GC Zoning Districts shall conform to the following:

4. Exterior Building Materials – For all business and commercial districts.

a. New buildings constructed in the CC, TN-2, TN-3, ME, GC, PSP, and TC Zoning Districts should be consistent with the character of surrounding structures. Typical and permitted materials include: brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent unless allowed upon approval of a Conditional Use Permit.

i. Metal siding with exposed fasteners shall be prohibited.

6. Principal Façade Glazing. The following standards shall apply in the MS, TC, and CC Zoning District

a. A minimum of 75 percent of the front facade between two and eight feet above the sidewalk must be comprised of transparent, non-reflective windows into the commercial space. A minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space.

SECTION THIRTEEN: Building Design Standards – Section 515-4-2.E Industrial Use Design Construction Standards is hereby amended as indicated, with the following added language underlined and deleted language struck out:

E. Industrial Use Design Construction Standards. All buildings constructed within the General Industrial Zoning Districts shall conform to the following:

2. Exterior Building Materials.

a. New buildings constructed in the GI Zoning District should be constructed using durable and lasting materials. Permitted typical materials include: brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of ~~fifty-eighty-five~~ (5085) percent of street side building elevations combined.

b. Any structure in the Industrial District ~~within three hundred (300) feet of adjacent to~~ Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3 shall comply with the Commercial Exterior Building Material Standards established in the preceding Subsection [D].

SECTION FOURTEEN: Accessory Buildings, Uses and Equipment – Section 515-4-6.E Industrial Accessory Building Use is hereby amended as indicated, with the following added language underlined and deleted language struck out:

E. Industrial Accessory Building Use.

1. Industrial accessory buildings shall not exceed ~~thirty-one hundred~~ (30100) percent of the gross floor space of the principal building and shall comply with the standards established in the Base Zoning District

SECTION FIFTEEN: Appendix A: Table of Uses.– Section 515-3 Allowed Uses is hereby amended as indicated, with the following added language underlined:

Zoning District	Section Reference	RL-1	RL-2	CC
Residential Uses				
<u>Single Family Attached Dwelling Unit (2 Units)</u>	<u>515-4-2</u>		<u>P</u>	
Mixed-Use Building, including residential uses not on main floor				<u>C</u>

SECTION SIXTEEN: City Code Article III Rental Dwelling Licenses – Section 425.3002.e Applicability and Exceptions hereby amended as indicated, with the following added language underlined and deleted language struck out:

425.3002 Applicability and Exceptions

(e) Accessory Dwelling Units permitted by the Zoning Administrator shall only be licensed as rental dwellings if ~~the primary structure is owner occupied~~ and the accessory dwelling unit complies with all other conditions of this ordinance and those set forth in Sections 400 and 515 of the City Code.

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

Adopted this _____ day of _____, 2024

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2024

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____