

**PLANNING COMMISSION**  
Wednesday, February 20, 2019

**#1 Call to Order**

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

Noted present were Commissioners Burslie, Duval, Gorham, and Marohn; and Council Liaison Lambert. Community Development Director Chanski and City Engineer Sandy were noted as present. Also present was Administrative Specialist Bestul.

**#2 Approval/Amendment of Agenda**

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE AGENDA.

**#3 Approval of Minutes**

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 16, 2019.

**#4 New Business**

**4a. Variance Request – 2910 Oak Street – Accessory Structure**

Community Development Director Chanski explained the applicant, Mr. Donald Peterson, has submitted an application to construct a 24' x 24' accessory structure on behalf of the Seventh Day Adventist Church located at 2910 Oak Street, Brainerd. The property is in a B-1 Residential Office District. The variance is to allow a 13' setback on the west side of the property in which 30' is the required setback. The Findings of Fact are as follows:

1. Setbacks from adjacent residential zoning in a B-1 Office Residential District will be 30 feet from the property line.
2. A proposed setback of 13 feet along the west side of the property is requested.
3. The western wall of the north section of the principle structure currently sits approximately 20 feet from the property line.
4. Per Section 515-17.8c., the proposed accessory structure does not exceed 30% of the gross floor space of the principle building
5. The proposed accessory structure will be the third accessory structure to the primary structure constructed on the property. However, there is no limit to the number of accessory structures in a B-1 district.
6. The proposed accessory structure will increase the impervious area of the property by approximately 480 square feet. However, there are no lot coverage requirements in a B-1 district.

7. An estimated 2 parking spots would be removed with the construction of this accessory structure, but the minimum required parking per the Code of Ordinances would still be met.
8. The applicant intends to construct the accessory structure some 24 feet to the south of the primary structure.

Commission discussion took place.

Commissioner Duval would like to postpone the public hearing and variance discussion. He feels that the application is incomplete as the submitted site plan is difficult to interpret as to the relationship of the proposed structure to the existing boundary lines, and the existing structure and rights-of-way. He stated he cannot evaluate the application based on the information submitted.

Commission discussion took place.

**MOTION BY COMMISSIONER DUVAL TO POSTPONE THE PUBLIC HEARING AND VARIANCE RECOMMENDATION UNTIL THE MARCH MEETING AFTER A COMPLETE APPLICATION IS SUBMITTED SHOWING PROPERTY LINES AND BOUNDARIES.**

The motion dies for a lack of a second.

The Chair opened the public hearing at 6:07 p.m.

The Chair recognized Mr. Donald Peterson, who is the applicant for the variance request. He stated they would like to construct another accessory structure, similar to what was approved and built two years ago on the property. The structure will be used as a garage for storage of equipment as the previous structure is being used for retail storage of the Dorcas merchandise. The proposed site is the preferred site so it would not infringe on the children's playground. Mr. Peterson specified details about the buildings on the site on the overhead map shown.

The Chair closed the public hearing at 6:20 p.m.

Commissioner discussion took place.

**MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST WITH THE SETBACK NOT TO ENCROACH CLOSER THAN 13' AND BASED ON THE FOLLOWING FINDINGS OF FACT:**

1. Setbacks from adjacent residential zoning in a B-1 Office Residential District will be 30 feet from the property line.
2. A proposed setback of 13 feet along the west side of the property is requested.
3. The western wall of the north section of the principle structure currently sits approximately 20 feet from the property line.
4. Per Section 515-17.8c., the proposed accessory structure does not exceed 30% of the gross floor space of the principle building
5. The proposed accessory structure will be the third accessory structure to the primary structure constructed on the property. However, there is no limit to the number of accessory structures in a B-1 district.

6. The proposed accessory structure will increase the impervious area of the property by approximately 480 square feet. However, there are no lot coverage requirements in a B-1 district.
7. An estimated 2 parking spots would be removed with the construction of this accessory structure, but the minimum required parking per the Code of Ordinances would still be met.
8. The applicant intends to construct the accessory structure some 24 feet to the south of the primary structure.
9. Unique character of the site and the topography of the neighboring site mitigates the necessity of a strict adherence to the setback

Commissioners Gorham, Marohn and Lambert voted “aye”. Commissioners Burslie and Duval voted “nay”. The Chair declared the motion carried.

**4b. Discussion on the Planning Commission’s Responsibilities in Enforcing Stormwater Regulations on Proposed Projects**

Community Development Director Chanski indicated this topic was initiated by Commissioner Duval’s request from the January meeting.

City Engineer Sandy went through a PowerPoint that is part of the MS4 Annual presentation which is a requirement of the storm sewer system permitted through the MPCA. He explained an overview of the stormwater system and the roles of the Planning Commission when considering applications and conducting research for various variances or conditional use permits. He indicated all storm sewer or stormwater questions are directed through the engineering department and the Planning Commission’s role is enforcing the Zoning Code as it relates to lot coverage. The following districts’ maximum lot coverage standards are 60% residential maximum and 50% non-residential maximum:

- R-A – Rural Agriculture District
- R-R – Rural Residential District
- R-E – Single Family Estate Residential District
- R-1 – Single Family Residential District
- R-1A – Single Family Residential District
- R-2 – Medium Density Residential District
- R-3 – High Density Residential District

These lot coverage standards are in place to promote pervious surfaces and green spaces where stormwater infiltration is possible; less impervious surface means less stormwater run-off. The business and commercial districts’ stormwater regulations are handled through City Ordinance 725 – Stormwater Management and do not have maximum lot coverage standards.

**4c. Discussion and Direction as to the Application and Enforcement of Outdoor Dining Areas**

Community Development Director Chanski explained he has discovered inconsistent application of outdoor dining standards in the City. In the City Code, all the commercial districts, B-2 through B-6, have a section in the Conditional Use Permit process regarding non-enclosed areas for outdoor dining. However, in the B-4 General Business District there appears to be duplications in different areas of the code. There are some new businesses locating downtown

that these rules would apply to. He would like direction from the Commission as to revising and clarifying the codes for consistency throughout all districts and how strict the Commission should be on enforcement.

Commission discussion took place. It was determined that Community Development Director Chanski will draft revised language for this section of the code.

**#5 Public Forum**

The Chair opened public forum at 7:36 p.m.

No one came forward.

The Chair closed public forum at 7:36 p.m.

**#6 Old Business**

None

**#7 Commissioner's Questions/Comments**

Commissioner Duval thanked City Staff, Police and Fire Departments for the excellent condition of the north side sidewalks following the heavy snow we have had.

Commissioner Lambert indicated the retreat was very worthwhile and informative. Commission Gorham agreed.

**#8 Community Development Director's Report**

Community Development Director Chanski indicated the City is aware that some of the sidewalks in the community need attention as it is the property owners' responsibility to keep them clear. However, due to the amount of snow and the frequency of the snow, many property owners have not had the 48 hours to properly address the issues before a code compliance letter is mailed to them. He also thanked the Commission members who attended the retreat and the comments and ideas that were shared.

Community Development Director Chanski stated for the March 20<sup>th</sup> Planning Commission meeting, he is drafting a preliminary scope of work to prepare for budget recommendations to the City Council for funds toward the zoning ordinance revisions.

**#9 Adjourn**

The Chair adjourned at 7:45 p.m.

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Planning Commission Chair

