

PLANNING COMMISSION

Wednesday, May 15, 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 Gorham, Marohn, Burslie and Duval; and Council Liaison Lambert. Community Development Director Chanski and Collin Mieras, the Planning Intern for the summer were also noted as present.

#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 AMEND THE MINUTES OF THE REGULAR MEETING HELD APRIL 17, 2019 AS FOLLOWS:

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT TO FIND THAT A VARIANCE IS NOT REQUIRED FOR THIS REQUEST DUE TO THE FOLLOWING:

- 1.) LEAGUE OF MN CITIES LAND USE NONCONFORMITIES INFORMATIONAL MEMO, WHICH STATES "CITIES HAVE THE AUTHORITY TO DEFINE WHETHER AN EXPANSION OF A BUILDING IS THE SAME AS AN EXPANSION OF THE USE"
- 2.) SECTION 515-15-3 NONCONFORMING USES IN THE CITY ZONING CODE
- 3.) THE REQUEST DOES NOT VIOLATE ANY OF THE PROVISIONS OF SECTION 515- 15-3

Members Marohn and Lambert voted "aye". Members Gorham and Duval voted "nay". The Chair declared a split vote on the motion.

#4 New Business

4a. Rezoning Application, 50 Jenny Street – Submitted by Mr. Scott Magnuson, superintendent of Brainerd Public Utilities, 8027 Highland Scenic Rd., Baxter

- Rezone property from an R-1A (Single Family Residential) District to an I-1 (Light Industrial) District
- Purpose is to better serve the operation of the Brainerd Water Treatment Plant

Community Developer Director Chanski indicated the incorrect term was used and should be referred to as the Water Treatment Plant, not Wastewater Treatment Plant. He stated the building is operated by Brainerd Public Utilities and the property is owned by the City of Brainerd.

Community Director Chanski explained although a public building is allowed in an R-1A district, it would still need to meet all criteria of the R-1A which is typically not ideal for a water treatment plant according to Section 515-55-5.F of the Zoning Code. He said future plans would include construction of a new maintenance facility and the rezoning would give more options to the building standards.

The Chair opened the public hearing at 6:06 p.m.

The Chair recognized Ms. Colleen LeBlanc, property owner of 1521 Emma Street, who asked if additional units would be built in the future and if the rezoning would affect the property taxes.

The Chair closed the public hearing at 6:10 p.m.

Commissioner Marohn asked the reasoning to the rezoning.

Community Development Director Chanski indicated the building standards are different for each district. He stated the building type desired for the facility would be a steel industrial building which is not allowed in the R-1A district.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURLSIE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF PROPERTY AT 50 JENNY STREET FROM AN R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN I-1 (LIGHT INDUSTRIAL) DISTRICT BASED ON THE FINDINGS OF FACT PROVIDED.

Findings of Fact

1. Per Section 515-55-1 of the Code of Ordinances, the purpose and intent of a R-1A District is to “allow areas of low density, single family detached dwellings and to preserve the quiet single-family neighborhoods free from other uses except those which are both compatible with residents of such districts.”
 - a. While public buildings on public land is a conditional use in a R-1A District per Section 515-55-5.F, such zoning is not ideal for a water treatment plant as it must conform to the residential standards set forth in ordinance, and a water treatment plant does not meet the spirit or purpose of such zoning as stated above.
2. Per Section 515-70-1 of the Code of Ordinances, the purpose and intent of a I-1 district is to “provide for the establishment of warehousing and light industrial development, particularly in the form of industrial parks. The overall character of the I-1 District is intended to have low impact character.”
 - a. Public utility buildings are a permitted use in a I-1 District, and the commercial zoning standards integrated within such a much district much better serve the operations of a water treatment plant, including lot area and setback requirements, building regulations, and allowable uses.

4b. Conditional Use Permit – 702 S. 5th St. – Submitted by Ms. Laine Larson, superintendent ISD#181 on Behalf of Brainerd Public Schools

Community Development Director Chanski explained this permit would cover the entire property and the application is to allow the following new construction to the high school including, but not limited to:

- Addition to the school building
- Remodel existing building
- New pool
- Auxiliary Gym
- Performing arts center

Findings of Fact

1. The operation of a school on the aforementioned properties is considered a conditional use per Section 515-54-5.F of the Code of Ordinances.
2. The proposed addition meets the following criteria as required by the aforementioned section of the Code:
 - a. The site accesses a major collector.
 - i. The school is located on S. 5th St. with adjacent streets of Oak St., Pine St., and Quince St., to the east, E. College Dr. to the south, and E. River Rd. to the west.
 - b. The site is landscaped in accordance with Section 20 of the Zoning Code.
 - i. The landscape plan has been reviewed by staff and deemed adequate.
 - c. Off-street parking is provided in accordance with Section 22 of the Zoning Code
 - i. The schools' current parking includes reconstruction of the school's north parking lot following construction of the Performing Arts Center, as well as construction of a parking lot along S. 5th St. between Pine St. and Quince St. provide sufficient off-street parking.
 - d. Off-street loading and service entrances are provided as regulated by Section 23 of the Zoning Code.
 - i. The provided off-street loading entrances are sufficient.
 - e. Emergency vehicle access is provided to and within the site.
 - i. There is sufficient access for emergency vehicles.
3. ISD #181 has come to an agreement with the City Engineer and the Minnesota Department of Transportation to reconstruct S. 5th St from Oak St. to Quince St. to slow traffic and increase pedestrian safety.
4. All school bus traffic will be diverted off S. 5th St. between Oak St. and Quince St.
5. ISD #181 has purchase agreements in place to acquire all the properties associated with this project that are not currently owned by the district.

The Chair opened the public hearing at 6:15 p.m.

The Chair recognized Mr. Scott Whittemore, project manager with ICS Consulting and Mr. Tim Ramerth, civil engineering lead with Widseth Smith Nolting. Mr. Ramerth indicated the City and school district have been working together on the project with many different people and organizations and have come up with the plan that is being presented tonight. Mr. Ramerth explained the details of the application request with the emphasis being on the trees, landscaping and lighting which differ from the Harrison School application. He said in this commercial setting the plans will be consistent with the neighborhood.

Commissioners asked questions and discussion took place.

The Chair closed the public hearing at 6:50 p.m.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURLIE TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT AND WITH THESE CONDITIONS 1) THE HEIGHT OF THE NEW LIGHT POLES SHALL NOT EXCEED 13 FEET BUT MAY COMPROMISE IF AN ACCEPTABLE HEIGHT IS BROUGHT FORWARD 2) REQUIRE A 50% ILLUMINATION REDUCTION BETWEEN 11 PM AND DAWN 3) THE LANDSCAPE PLAN MUST BE APPROVED BY THE PLANNING COMMISSION FOR THE EAST PARKING LOT 4) APPLICANT TO RECONCILE THE ISLANDS TO HAVE BOTH TREES AND LIGHTS.

The Chair recognized Mr. Earl Wolleat, groundskeeper at ISD#181 District and he stated he is concerned about the reduction of light levels. He said a reduction of light levels may be interpreted by the public as having a level of security that does not exist and stated the lights should be turned off completely.

Discussion and questions took place amongst the Commission and the project team.

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

4c. Variance Application – 702 S. 5th St. – Submitted by Ms. Laine Larson, superintendent ISD#181 on Behalf of Brainerd Public Schools

Community Development Director Chanski explained the variance request is to construct a performing arts center as an addition to Brainerd High School. He stated the request would be for a 15-foot setback along south 5th Street rather than the 30-foot requirement. It is also noted that the adjoining high school building has only a 20-foot setback per the requirements of fan R-1 district.

The Chair opened the public hearing at 7:40 p.m.

The Chair recognized Mr. Tim Ramerth, who stated there was nothing additional to add but will welcome questions as needed.

The Chair closed the public hearing at 7:42 p.m.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURLIE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST BASED ON THE STAFF FINDINGS OF FACT, OMITTING 1B. I. AND III AS FOLLOWS:

1. Section 515-7-2, Subdivision 3A – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - i. Theatres and cultural arts centers are permitted uses within a B-4 District
 - b. When the variances are consistent with the Comprehensive Plan
 - i. ~~The proposed Performing Arts Center was approved by through a ballot referendum.~~
 - ii. The current Comprehensive Plan and updated Comprehensive Plan in development support increased educational, cultural, and arts related development and programming.
 - iii. ~~The Brainerd City Council is in support of this project.~~

2. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - i. The proposed Performing Arts Center is a permitted use with a 30-foot front yard setback. The adjoining Brainerd High School building has only a 20-foot setback per R-1 District requirements. The requested 15-foot setback would place the front facade of structure only 5 feet in front of the current high school's front facade.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. A bluff with a significant decline is located on the west side of the property that prohibits the structure from being moved further back.
 - c. The variance, if granted, will not alter the essential character of the locality.
 - i. The proposed Performing Arts Center will be connected to the Brainerd High School. The property is currently used as a parking lot (part of which will remain). The Lincoln Education Center will be located across the street to the east with the Brainerd Public Library located immediately to the north.

#5 Public Forum

The Chair opened public forum at 7:45 p.m.

The Chair recognized Ms. Ann Trombley, 410 East River Rd., Apt. 1202, Brainerd who asked about a new taxi service being approved for the City. It was determined this will be addressed at the City Council meeting on Monday, May 20, 2019.

The Chair closed the public forum at 7:46 p.m.

#6 Old Business

6a. Zoning Uses Matrix

Community Development Director Chanski explained the zoning matrix idea was brought before the City Council and they approved proceeding with the update to the zoning ordinances as requested.

Commission discussion took place on the next steps to simplifying and updating the zoning code.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND MAROHN, DULY CARRIED, TO APPOINT COMMISSIONERS MAROHN, DUVAL AND LAMBERT TO A COMMITTEE TO WORK WITH STAFF TO UPDATE THE ZONING ORDINANCES.

6b. Lighting Standards

Commissioner Duval reviewed and explained photos of nighttime lighting at various businesses in the area and the effects of different light sources.

Commissioners discussed lighting standards and current parking lot lighting.
#7 Commissioner's Questions/Comments

Commissioner Marohn distributed a handout stating he is initiating a neighborhood walk on Kingwood Street with the residents in this area. He said he will be obtaining input regarding the future development along Washington Street and the compatibility with the Kingwood Street neighborhood. The proposed days and times are:

- o Wednesday, May 29 at noon
- o Thursday, May 30 at 7:00 p.m. – Commissioners Burslie and Lambert will attend
- o Friday, May 31 at 7:30 a.m. – Commissioners Gorham and Duval will attend

Community Development Director Chanski will have Intern Mieras work on the mailings.

Commissioner Gorham invited anyone that is interested to attend the Riverfront Committee meetings that are held the first Thursday of each month at 3:00 p.m. at the Chamber of Commerce/Brainerd Lakes Area Economic Development Corporation (BLAEDC) building.

#8 Community Development Director's Report

Community Development Director Chanski introduced the summer intern, Collin Mieras for the Planning Department.

He announced the City of Brainerd has earned the bronze award for being a Bike Friendly Community.

Commissioner Marohn asked for the outcomes from the last Planning Commission meeting recommendations that went to City Council.

Community Development Director Chanski indicated the Council approved the variance for 214 2nd Ave NE and denied the variance for 701 7th Street NW, both as recommended by the Commission.

#9 Adjourn

The Chair adjourned at 8:47 p.m.

Planning Commission Chair