

PLANNING COMMISSION
Wednesday, March 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 Gorham, Marohn, Burslie and Duval; and Council Liaison Lambert. Community Development Director Chanski and City Engineer Sandy were also noted as present.

#2 Approval/Amendment of Agenda

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

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND BURSLIE, DULY CARRIED, TO APPROVE THE MINUTES OF THE PLANNING COMMISSION RETREAT HELD ON FEBRUARY 13, 2019 AND THE REGULAR MEETING HELD ON FEBRUARY 20, 2019.

#4 New Business

4a. Rezoning – James Runberg – Properties at 940 and 944 – 28th Street SE and Unaddressed Property on 28th Street

- 940 and 944 28th Street – PIN 09143000005E009 (Twin Home)
- Unaddressed Property – PIN 09143000005H009 (Empty Lot)
 - Rezoning requested from an R-1, Single Family Residential District to an R-2, Medium Density Residential District

Community Development Director Community Development Director Chanski explained the petitioner is requesting the rezoning for the purpose of bringing these properties back into zoning compliance and to construct a twin home on the empty lot. The properties were previously zoned R-2 (Medium Density Residential) and sometime after 2007 the zoning was amended to R-1 (Single Family Residential). However, there was no record found of the details of this change.

Commission discussion took place.

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

The Chair recognized Mr. James Runberg, 1205 Lakeview Lane, Brainerd who submitted the application for his properties at 940 and 944 – 28th Street. He explained he recently retired from his career as a property appraiser but currently owns properties in Brainerd for the purpose of rental housing. He indicated his plans are to construct another twin home on the vacant lot to be used as single-family rental housing. The benefit to developing this vacant parcel not only would provide housing for two families, it would generate additional tax income. He also indicated that he is very selective of the families that he would rent to.

The Chair recognized Mr. Bryce Fry, 1016 - 28th Street, Brainerd who stated he is concerned as the small section of trees will not be enough to screen and provide privacy from his property. He said he is also a little bit leery of having a rental property right next door and would like to see more privacy implemented at the property.

Mr. Runberg indicated he would be happy to plant more trees between the properties for privacy.

The Chair closed the public hearing at 6:16 p.m.

Commission discussion took place and overhead maps and street views were studied.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING REQUEST AS SUBMITTED BASED ON THE FINDINGS OF FACT AS FOLLOWS:

1. The twin home located at the addresses of 940 and 944 – 28th Street is currently a non-conforming use as R-1 districts prohibit multi-family housing.
2. The requested properties were properly zoned as an R-2 Medium Density Residential District when the twin home was constructed in 2004.
3. The unaddressed property (PIN 0914300000H009) is suitable for the construction of a twin home.
4. Returning the properties to an R-2 District will have the following impacts:
 - a. The twin home at 940 and 944 – 28th Street will return to zoning compliance, which will allow the property owner to better maintain and improve the property.
 - b. Rezoning the unaddressed property will allow the applicant to construct new, affordable housing, which is a need in the City of Brainerd.
 - c. Location of the proposed new multi-family construction will have minimal impact on the existing neighboring residences as it will be clustered next to existing multi-family housing and as there are buffers in place (28th Street to the east and a tree line to the south and west) to separate new construction from existing single-family residences.
5. Mr. Runberg is a landlord in good standing with the City of Brainerd, and there are no documented ordinance violations for his residences at 940 and 944 – 28th Street.
6. There is some ambiguity in terms of the current zoning, this act is designed to bring clarity to the situation.

4b. Rezoning – Laine Larson, Superintendent ISD#181 on Behalf of Brainerd Public Schools – Properties at 1609 and 1601 Oak Street

Community Development Director Chanski explained the application is to rezone the properties at 1609 and 1601 Oak Street for the purpose of expanding and remodeling Harrison Elementary School. The two properties are currently zoned as a B-2 Neighborhood Business District with the request to change to an R-2 Medium Density Residential District as is the surrounding neighborhood.

The Chair opened the public hearing at 6:26 p.m.

The Chair recognized Tim Ramerth, with Widseth Smith Nolting (WSN) who stated the change the zoning will be to match the surrounding properties. The property will be used in the expansion and remodeling of Harrison Elementary.

The Chair closed the public hearing at 6:30 p.m.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING AS SUBMITTED BASED ON THE FINDINGS OF FACT AS FOLLOWS:

1. The properties at 1601 and 1609 Oak Street will be used as part of the Harrison Elementary School expansion project.
 2. ISD#181 has a purchase agreement in place to purchase 1601 Oak Street.
 3. Rezoning the properties to an R-2 District will have the following impacts:
 - a. The properties will have the same zoning as the surrounding neighborhood.
 - b. Rezoning to an R-2 is a necessary element of the Harrison Elementary School expansion project as schools are prohibited in B-2 districts.
 4. Upon completion of the property acquisition process, ISD#181 will also own the properties to the immediate north of 1601 and 1609 Oak Street.
- 4c. Conditional Use Permit – Ms. Laine Larson, Superintendent of ISD#181 on Behalf of Brainerd Public Schools**

Community Development Director Chanski explained the properties in question are legally described as: Lots 9, 10 and the East Half of Lot 8, all in Block 16, SLEEPER'S ADDITION TO THE CITY OF BRAINERD and The West Half of Lot 8, and the South 60 feet of Lot 7, all in Block 16, SLEEPER'S ADDITION TO THE CITY OF BRAINERD. The purpose of the Conditional Use Permit is to construct an addition to Harrison Elementary School.

The Chair recognized Tim Ramerth with Widseth Smith Nolting (WSN) who stated they are in agreement with the staff recommendations and findings. Along with the C.U.P., they are working with the City on the vacation of 15th Street, between Oak and Norwood Street and the alley east of 16th Street.

The petitioners brought in the blueprints for Harrison School, commission discussion took place and questions answered.

The Chair recognized Ms. Laine Larson, superintendent for ISD#181 who stated as she is also wanting to keep as many trees as possible, they do sometimes pose a safety concern at the entrance of the building. There are wall mounted security cameras aimed at the front entrance and some of these trees impose on the visibility.

Commission discussion took place regarding tree placement and the plans for adding trees.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT AND WITH CONDITIONS AS FOLLOWS:

1. Upon rezoning from a B-2 Neighborhood Business District to an R-2 Medium Density Residential District, the operation of a school on the aforementioned properties is considered a conditional use per Section 515-56-5.K. 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 SE 15th Street between Oak and Norwood Streets
 - 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 realignment of bus parking from Oak to Norwood Street in addition to a new parking lot constructed on Oak Street will 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 submitted for the vacation of SE 16th Street between Oak and Norwood Streets.
4. ISD#181 has purchase agreements in place to acquire all the properties associated with this project that are not currently owned by the district.

Conditions:

- The lighting shall be no greater than 13' in height
- The applicant shall provide street trees of a species with a straight trunk and an upper canopy to frame the edge of Oak Street between the sidewalk and the curb in which the sidewalk will be moved 5' from the curb to accommodate the installation of trees.

#5 Public Forum

The Chair opened public forum at 7:21 p.m.

The Chair recognized Ms. Laine Larson who presented an overview of the process that has been used since April 2018 when the referendum was passed which are schematic design, design development, and construction documents.

She explained that schematic designing is working with the architects to decide what the overall picture looks like for each of the facilities. The next phase is design development which will take into account every space in the facility and how it will be used. The last phase would be to develop the construction documents. The process for Harrison School is now up to the bidding phase, which will be opening on April 2nd with construction to start on June 3rd, 2019.

She indicated that the Brainerd High School facility project has now passed the schematic design phase and is up to the design development phase. There is the tentative date of April 8th, 2019 to pass the design development and then bids will go out in May. She stated they anticipate the ground breaking to take place in August 2019. The projects for Garfield and Lowell Elementary schools have just entered phase two in the schematics design phase.

The Chair welcomed Mr. Scott Whittemore, project manager from ICS Consulting who stated they have been communicating with Community Development Director Chanski and the City regularly on construction processes.

The Chair closed public forum at 7:50 p.m.

#6 Old Business

6a. Discussion – Rewrite of Chapters 4 and 5 of the Code of Ordinances of the City of Brainerd

Community Development Director Community Development Director Chanski indicated the Commission had expressed the desire to rewrite Chapters 4 and 5 of the City Code and is would like direction on developing the scope of work. There is a guide that is very helpful in reviewing the process of redirecting to form-based codes called “CMAP – Guide for Communities” and the link is provided in the packet. The guide discusses conventional zoning and why a form-based code should be used in communities rather than a use-based code.

Commissioner Lambert suggested the new rewrite should be easier to understand.

Commissioner Burslie indicated he sent Community Development Director Community Development Director Chanski a 12-minute video that could be used to initiate conversation about the rewrite and form-based codes.

Commission discussion took place.

The Commission determined the next step is for Community Development Director Chanski create a chart of usages that would emphasize each district. Commissioner Burslie will send the video to each member to view prior to the next commission meeting.

6b. Comprehensive Plan Update

Community Development Director Chanski stated the committee is in the planning stage of the update by setting guiding principles that are being integrated into goals and objectives for the future. There is a contract in place and the overall goal for completion of the plan is this summer.

#7 Commissioner’s Questions/Comments

None

#8 Community Development Director’s Report

None

#9 Adjourn

The Chair adjourned at 8:36 p.m.

Planning Commission Chair