

PLANNING COMMISSION

Wednesday, July 21, 2021

#1 Call to Order

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

#2 Roll Call

Noted present were Commissioners Yeager, Kallroos, Gorham, Erickson, and Duval. Commissioner Woodward attended the meeting remotely. Commissioner Foley was noted as absent. Community Development Director Chanski, and City Attorney Langel were also noted as present.

Due to a member participating remotely, all motions will be voted on by roll call vote for accuracy.

#3 Pledge of Allegiance

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

#4 Approval/Change of Agenda

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND GORHAM TO AMEND THE AGENDA BY REMOVING THE APPROVAL OF THE JUNE 23, 2021 WORKSHOP MINUTES AND MOVE NEW BUSINESS UP TO #6 AND OLD BUSINESS DOWN TO #7.

Upon roll call, members Yeager, Kallroos, Gorham, Woodward, Erickson, and Duval voted "aye". No member voted "nay". The Chair declared the motion carried.

#5 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND ERICKSON TO APPROVE THE MINUTES FROM THE JUNE 16, 2021 REGULAR MEETING.

Upon roll call, members Yeager, Kallroos, Gorham, Woodward, Erickson, and Duval voted "aye". No member voted "nay". The Chair declared the motion carried.

#6 New Business

6a. Conditional Use Permit – 310 N 7th Street

Community Development Director Chanski explained the details of the application for a conditional use permit to operate a private learning center at 310 N 7th Street.

Commissioner Gorham asked if there are similar uses currently in Brainerd. Community Development Director Chanski indicated he does not think so, as it would require a home business license. He stated the reason this needs a conditional use permit is because the home is not the primary residence of the property owner.

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

The Chair recognized James Erfurth, 13216 Hwy 18, Brainerd, who is the applicant and owner of the property. He stated the information that was provided is correct and he has nothing further to add.

The Chair recognized Pamela Stock, 317 N 7th Street, who stated she does not agree with approving the conditional use permit. She said the use will be a commercial use that does not belong in a traditional residential neighborhood. She indicated the Comprehensive Plan urges the preservation of historic structures and traditional neighborhoods. She voiced concerns regarding zoning, street access, and off-street parking.

The Chair recognized Mike Brusseau, 307 N 7th Street, who is against the conditional use permit for the same concerns as Ms. Stock stated as well as increased traffic concerns. He said the City states they want to protect traditional neighborhoods and this use does not fit in with a traditional neighborhood.

The Chair recognized three young students that attend the school. They spoke in favor of this use and how much they enjoy learning in the home environment.

The Chair recognized Jessica Sampson, 15264 Riverside Drive, who is a parent of students at the school. She stated some of the comments mentioned destruction, which is not at all the case. She said this is a positive atmosphere for children.

The Chair recognized Shannon Himley, 8073 Travis Trail, who is a parent of students at the school. She stated this is a wonderful opportunity for the children to learn about the historic neighborhood properties in the area. They offered a critical need during the pandemic so parents that were essential workers could continue to do their jobs.

The Chair recognized Al Gardner, 317 N 7th Street, who indicated the word destruction was taken out of context and did not mean the physical destruction. He stated it refers to the financial destruction of operating an income-based business out of a residential home. He voiced concerns regarding the proposed fence and the safety of the children in case of a fire.

The Chair recognized Kathleen Maloney-Hermerding, 116 Juniper Street, who is does not approve of the use. She said there have been other businesses able to operate in the neighborhood such as the Fine Line Hair Salon. She stated increased traffic is another concern to many of the residents.

The Chair recognized Ray Horton, 218 SE 2nd Ave., Aitkin, who is a parent of students in the Montessori school. He said he chooses to drive the 30 miles one way to bring his children, because of the exceptional program they offer, as many other parents do.

The Chair recognized April Erfurth, the applicant and owner of the home, who spoke to some of the concerns brought up by the residents. She said all the safety concerns have already been addressed, and the second floor of the home will be unused by the students. She stated the home will remain as it is with no modifications.

The Chair recognized Jordan Benson, 9622 S Lively, who is a parent of the school and spoke in favor of approving the request. She is very grateful to the Erfurth family for providing this as an opportunity for her children.

Commissioners asked questions of the applicants, which were answered.

Community Development Director Chanski gave a brief explanation of what a Conditional Use Permit is and the reasons it is needed.

The Chair closed the public hearing at 6:57 p.m.

Commissioners gave their individual views, as well as their reasons for their decision to approve.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AT 310 N 7TH STREET WITH THE CONDITION THAT THE REQUIREMENTS FROM THE STATE OF MINNESOTA AND THE CITY OF BRAINERD BUILDING OFFICIAL ARE MET.

Upon roll call, members Yeager, Kallroos, Gorham, Woodward, Erickson, and Duval voted "aye". No member voted "nay". The Chair declared the motion carried.

6b. Conditional Use Permit – 210 NW 5th Street

Community Development Director Chanski stated Derrick Taylor, on behalf of Seeltay LLC has submitted a conditional use permit application to operate a service station and retail auto sales business. Mr. Chanski gave a brief review of the findings of fact for the request.

Commissioners discussed the lighting standards in a B-4 (General Business) District.

The Chair opened the public hearing at 7:23 p.m.

The Chair recognized Derrick Taylor, 7305 Blue Heron Lane, Nisswa, who indicated he has nothing further to add. He did agree to any lighting requirements that the Commissioners suggest.

The Chair closed the public hearing at 7:26 p.m.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND ERICKSON TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AT 210 NW 5TH STREET WITH THE CONDITION THAT THE CITY ENGINEER AND COMMUNITY DEVELOPMENT DEPARTMENT COMPLETE NUMBER SIX (6) OF THE FINDINGS OF FACT PRIOR TO CONSTRUCTION AND ALSO CREATE A LIGHTING PLAN.

Upon roll call, members Yeager, Kallroos, Gorham, Woodward, Erickson, and Duval voted "aye". No member voted "nay". The Chair declared the motion carried.

#7 Old Business

7a. Discussion of Findings on Sober Home Regulations

City Attorney Langel gave his responses to the questions that were raised by the Commission regarding the definition, legal details, and regulations of sober homes.

Commissioners discussed and asked questions of Attorney Langel.

Commissioners directed staff to research an application process and form that could be implemented similar to the one currently used in St. Paul. Attorney Langel stated it could be used as an additional document to the Rental Housing License.

#8 Public Forum

The Chair opened the public forum at 8:30 p.m.

No one came forward.

The Chair closed the public forum at 8:30 p.m.

#9 Community Development Director's Report

Community Development Director Chanski made the following announcements:

- City Council did not pass the resolution to adopt the Annotated Outline presented by Swanson Haskamp for the zoning code update. After discussion, the motion from Council was "TO USE THE ANNOTATED OUTLINE TO MAKE A RECOMMENDATION FOR THE PLANNING COMMISSION TO TRANSITION THE ADOPTED ZONING CODE TO A HYBRID CHARACTER-BASED ZONING CODE TO BETTER ALIGN WITH THE 2035 COMPREHENSIVE PLAN."
- City Council held the first reading of an ordinance to institute a temporary moratorium on applications for text amendments to the Zoning Code through January 31, 2022.

#10 Commissioner's Questions/Comments

Commissioner Gorham suggested a letter be drafted and submitted regarding the Commission's views, opinions, and importance of implementing the Comp Plan for the Highway 210 Reconstruction project. Community Development Director Chanski indicated City Engineer Sandy is the representative for the City and has been working with MnDOT. Commissioner Erickson also serves on that committee for Region 5, and stated public input is welcomed. Community Development Director Chanski will provide a draft at the August 18th meeting.

#11 Adjourned at 8:50 p.m.

Michael Duval, Planning Commission Chair