

MEMO



TO: Planning Commission
FROM: James Kramvik, Assistant Planner
DATE: April 15, 2022
RE: Rezoning – 1005 S. 6th St.

Rick Badeaux has submitted a rezoning request for the property at 1005 S 6th St. The applicant proposes a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District. The purpose of the rezoning is to allow the applicant to apply for an Interim Use Permit to operate a short term rental at 1005 S 6th St.

Findings of Fact

1. 1005 S 6th St. is currently located in a B-2 (Neighborhood Business) District. The B-2 District does not allow short-term rentals. The applicant proposes to rezone this parcel from a B-2 District to a R-2 (Medium Density Residential) District. Per section [515-56-4.A](#) of the Zoning Code, short term rentals are an Interim Use in the R-2 District.
 - a. 1005 S 6th St. will be located in TN-2 (Traditional Neighborhood 2) District upon adoption of the proposed zoning code and zoning map. Short term rentals will also be an Interim Use in the TN-2 District. The applicant approached staff about adding a short term rental designation to this property in December of 2021. At that time the City of Brainerd had a moratorium in place for Zoning Code changes and rezonings of the Zoning Map. The applicant was unable to apply for an interim use to operate a short term rental at 1005 S 6th St because the B-2 District does not allow for that use. We did inform the applicant in March of 2022 that his parcel was proposed to be rezoned TN-2 which allows for short term rentals as an interim use. After City Council chose not to make a motion to adopt the new proposed zoning code and zoning map on April 4th, 2022, the applicant asked staff what the options were for the property. The options for the property were to wait for City Council to approve the revisions of the proposed new zoning code and zoning map or apply for a rezoning and interim use under the current Zoning Code. Since there is no longer a moratorium in place, the applicant would like to expedite the short-term rental process through the rezoning request.
2. Per section 515-61-1 of the Zoning Code the purpose of the B-2 District is to provide for areas that are a mix of residential uses and limited, convenient, office and retail businesses that serve nearby residential neighborhoods.
3. Per section 515-56-1 of the Zoning code the purpose of the Medium Density Residential District is to provide for low to medium density housing through the mixture of one and two unit dwellings and medium density multiple family dwellings as well as directly related complementary uses.

4. The property located at 1005 S 6th St. is a registered 4 unit rental with the City of Brainerd and does not contain any commercial uses. Four-unit dwellings are a permitted use in the R-2 District per section 515-56-2.C of the Zoning Code and also aligns with the purpose and intent of the R-2 district.
5. For multifamily housing, the lot width minimum standard of 100 feet and lot size requirement of 2,200 square feet per unit are identical for the B-2 District & R-2 District. A non-conformity in lot width and lot size would not be added to the property as part of the proposed rezoning.
6. The front yard, side yard, and rear yard setbacks are identical for residential uses in the B-2 District and R-2 District.
7. The B-2 District Zoning Code requirements do not list an impervious surface limit and is therefore regulated by the City Code for stormwater management. The R-2 district has an impervious surface limit of sixty percent for residential uses per section 515-56-10.A of the Zoning Code. The applicant has not proposed any additional impervious surface on the property.
8. The adjacent properties to the north and south of 1005 S 6th St. are currently zoned B-2. The adjacent properties located east on the same block are zoned R-2.

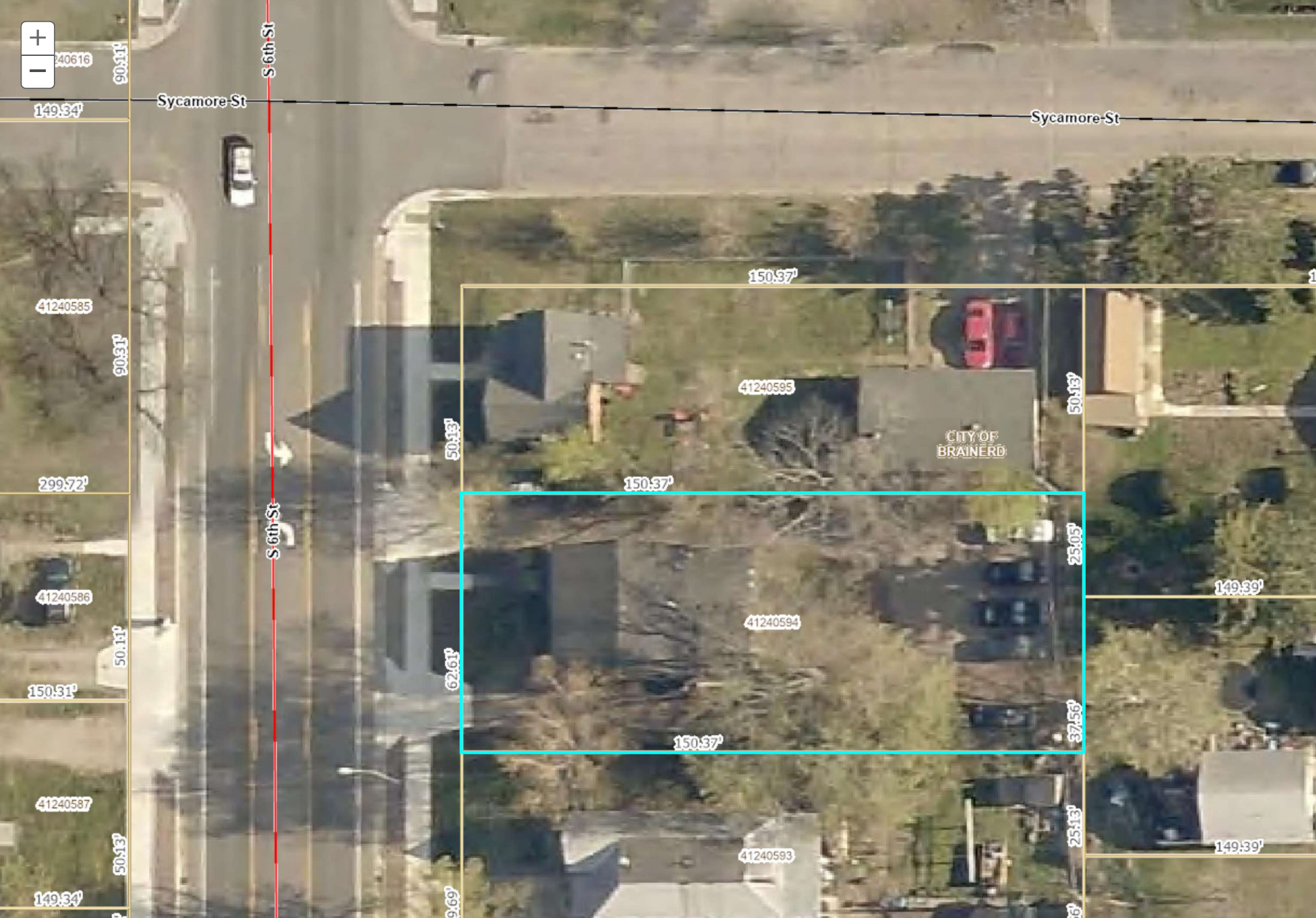
As of this writing, one party has contacted the Community Development Department with concerns about the Interim Use Permit application for the operation of a short term rental that is contingent upon this rezoning. The party did not directly voice a concern to the rezoning.

Staff Opinion

Staff recommends approval of rezoning 1005 S 6th Street from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District. This proposed rezoning for 1005 S 6th Street does not impact the current use on the property and will not impact the future proposed zoning designation for this property.

Crow Wing County

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NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Rick Badeaux has submitted a request for a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District at 1005 S 6th St. The applicant has also submitted a request for an Interim Use Permit to operate a short term rental at 1005 S 6th St. The property included in this application is described as:

*LOTS 15 AND 16 BLOCK 269 AND N. 12 1/2 FT OF LOT 17 BLOCK 269
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240594
Section 24, Township 45, Range 31*

The property is zoned B-2, which does not allow for the operation of short term rentals. The applicant has requested a rezoning to R-2, which permits the operation of short term rentals as an Interim Use. Zoning Code Section 515-56-4(A): Interim Uses permits the operation of short term rentals provided that they meet the required provisions as listed under 56-4(A). 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, April 20, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the rezoning & Interim Use Permit request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022

