

PLANNING COMMISSION
Wednesday, April 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, Erickson, Gorham, and Duval. Member Kallroos attended the meeting remotely. Member Foley joined the meeting at 6:04 p.m. Member Woodward joined the meeting at 6:06 p.m. Community Development Director Chanski and Assistant Planner Kramvik were also noted as present.

Due to a member participating remotely, all motions will be made 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 CLARIFYING THE ADDRESS FOR CC'S BAR IS 121 WASHINGTON STREET **NE**.

Upon roll call, members Kallroos, Foley, Yeager, Erickson, Gorham, 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 YEAGER TO APPROVE THE MINUTES FROM THE MARCH 17, 2021 MEETING.

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

#6 Old Business

6a. Comprehensive Plan Amendment

Community Development Director Chanski updated the Commission of the process for approving the Comprehensive Plan Amendment. The amendment was to include the future land use map and additional language in the land use section.

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

No one came forward.

The Chair closed the public hearing at 6:08 p.m.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND APPROVAL OF THE AMENDMENTS TO THE COMPREHENSIVE PLAN TO THE CITY COUNCIL FOR ADOPTION.

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

#7 New Business

7a. Preliminary Plat – Lots 24 - 40 and Outlot C, Northtown

Community Development Director Chanski gave an update of the request from the property owner, Mr. Tom Dehn, to allow a variance for a reduced front yard setback from thirty (30) feet to twenty-five (25) feet. He stated this application also includes the request to consolidate outlot C into lots 24 through 40, Block 9 in Northtown. He explained the replat of these lots is consistent with the Comprehensive Plan.

The Chair opened the public hearing at 6:13 p.m.

The Chair recognized Tom Dehn, owner of the property, 3 Dehns LLC and Thomas Allen Homes, who spoke about the request to replat outlot C to be combined into Lots 24 – 40.

The Chair recognized Michael Brodeur, 9338 Viking Street, who brought in a petition signed by several residents that are opposing the five (5) foot front yard setback due to the uncertainty of the type of homes Mr. Dehn is constructing. He indicated since they are not a part of a housing association, there is a concern about following property ordinances regarding the parking of vehicles.

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

Mr. Dehn stated the types of homes that are being proposed are a combination of one-level and two-story houses to accommodate the need for single family housing. He stated he would prefer to not put these properties in a housing association.

Commission discussion took place and questions were asked of the applicant.

Commissioner Yeager indicated since the topography is different per lot, he did not think the five-foot front yard setback reduction would be appropriate for all lots.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND FOLEY TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR LOTS 24 THROUGH 40, BLOCK 9 NORTHTOWN FOR A REDUCED FRONT YARD SETBACK FROM THIRTY (30) FEET TO TWENTY-FIVE (25) FEET WITH NO ALTERATIONS OR CONDITIONS.

Upon roll call, members Woodward, Kallroos, Foley, Erickson, and Duval voted “aye”. Members Yeager and Gorham voted “nay”. The Chair declared the motion carried.

Community Development Director Chanski explained the details of this request for a preliminary plat to consolidate outlot C into lots 24 through 40. He said one of the benefits to include outlot C into these lots is it will increase the lots' taxable value.

The Chair opened the public hearing at 7:06 p.m.

The Chair recognized Tom Dehn, who explained it was already platted when he purchased the properties, and did not understand the reasoning for the creation of outlot C. He said his intention is to dedicate outlot C to remain conservation property.

Commission discussion took place regarding stormwater and conservation purposes.

The Chair closed the public hearing at 7:21p.m.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND YEAGER TO APPROVE THE PRELIMINARY PLAT REQUEST TO SPLIT OUTLOT C INTO EACH LOT 24 THROUGH 40 BASED ON THE FINDINGS OF FACT, INCLUDE A DRAINAGE AND UTILITY EASEMENT AND TO INCLUDE A CONSERVATION EASEMENT AS PLATTED.

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

7b. Preliminary Plat – Outlot B, Brainerd Oaks

Community Development Director Chanski gave a review of the request to replat the property to allow the property owner to build a single-level dwelling on the property.

Commissioner Foley clarified the plat would be labeled Lot 1, Block 1 of a newly named plat rather than Lot 32, Block 5 as stated in the packet.

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

The Chair recognized Eric Myhra, 26734 Highway 210 Aitkin, who bought the tax forfeited property from Crow Wing County and stated he is interested in building their retirement home on this parcel.

The Chair recognized Ms. Jessica Dewey, 842 Holton Ave, who said she is curious why they would want to build a home on that section of property, which would essentially be in everyone's backyards.

The Chair closed the public hearing at 7:49 p.m.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND ERICKSON TO RECOMMEND APPROVAL OF THE REQUEST TO REPLAT PARCEL ID 41290607 AS PRESENTED WITH NO ALTERATIONS OR CONDITIONS.

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

7c. Patio Resolution

Community Development Director Chanski indicated due to the restrictions of COVID and the changes in dining options, there has been an increase of interest in permanent outdoor patios. He explained the current ordinance restricts the size allowed, and only available by Conditional Use.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND WOODWARD TO RECOMMEND THE CITY COUNCIL ADOPTS THE RESOLUTION TO AMEND SECTION 515 OF THE CITY CODE TO LIFT OUTDOOR PATIO SIZE RESTRICTIONS THROUGH DECEMBER 31, 2021.

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

7d. Conditional Use Permit – CC’s Bar – 121 Washington Street NE

Assistant Planner Kramvik gave an update and details of the proposed Conditional Use permit request to construct an outdoor patio at 121 Washington Street NE.

The Chair opened the public hearing at 8:08 p.m.

No one came forward.

The Chair closed the public hearing at 8:09 p.m.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR 121 WASHINGTON ST NE CONTINGENT UPON THE COUNCIL ADOPTING THE RESOLUTION. IF NOT APPROVED, STAFF WILL WORK WITH THE APPLICANT.

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

7e. Conditional Use Permit – O’Neary’s Irish Pub

Assistant Planner Kramvik gave the details of the application for a Conditional Use Permit for O’Neary’s Irish Pub at 305 South 7th Street for an outdoor patio.

The Chair opened the public hearing at 8:15 p.m.

No one came forward.

The Chair closed the public hearing at 8:15 p.m.

MOVED AND SECONDED BY COMMISSIONERS FOLEY AND WOODWARD TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR O’NEARY’S IRISH PUB LOCATED AT 305 7TH STREET CONTINGENT UPON THE COUNCIL ADOPTING THE RESOLUTION. IF NOT APPROVED, STAFF WILL WORK WITH THE APPLICANT.

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

7f. Text Amendment Request – Section 900

Community Development Director Chanski indicated Ms. Cheryl Strand at 1518 Quince Street submitted a text amendment request to Section 900. He stated the Planning Commission needs to decide whether to pursue a change to Section 900. If the Commission would like to seek a change, discussion would take place of desired language to come back to the commission as a draft ordinance.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND THAT SECTION 900 REMAIN AS IT EXISTS CURRENTLY.

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

#8 Public Forum

The Chair opened the public forum at 8:45 p.m.

No one came forward.

The Chair closed the public forum at 8:45 p.m.

#9 Community Development Director’s Report

Community Development Director Chanski gave updates to the Commission on the following items:

- Sign Ordinance amendments were approved by the City Council
- Garfield School Conditional Use Permit and Variance requests were approved by the City Council

He stated there may be a need to call for a Special Planning Commission meeting in May to consider Planned Unit Development (PUD) request for an assisted living facility. No applications have been submitted yet.

He said the workshop scheduled for April 28th will include the Swanson Haskamp team will present their annotated outline to the Commission. Also being discussed at the workshop is the Transient Food Truck ordinance and asked what time would staff like the workshop to start.

#10 Commissioner’s Questions/Comments

None

#11 Adjourn to the Planning Commission Workshop April 28th at 6:30 pm in the Fire Department Training Room – 8:55 p.m.

Michael Duval, Planning Commission Chair