

BRAINERD PLANNING COMMISSION

Wednesday, February 19, 2020
6:00 p.m.

**Crow Wing County Board Room
3rd Floor - 326 Laurel Street**

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
 1. Regular Meeting Held on January 15, 2020
 2. Workshop Held on February 5, 2020

Documents:

[2020-01-15 DRAFT.PDF](#)
[2020-02-05 - WORKSHOP.PDF](#)

4. New Business

- 4.a. Conditional Use Permit - Becky Dryburgh; Trinity Children's Center - 1420 S 6th St

Documents:

[TRINITY CHILDRENS CENTER.PDF](#)

5. Public Forum

Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission - time limits may be imposed

6. Old Business

- 6.a. Response To The City Council Regarding Mini-Storage As Conditional Use In B-4 (General Business) District

Documents:

[RESPONSE TO CITY COUNCIL .PDF](#)

7. Commissioner Questions/Comments

8. Community Development Director's Report

9. Adjourn To Planning Commission Workshop; February 19, 2020 At 7:00 P.M.

Any individual needing special accommodations, or that desires more information about the above items, please call 218-828-2309

PLANNING COMMISSION
Wednesday, January 15, 2020

#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 Crow Wing County Board Room.

Noted present were Commissioners Gorham, Duval, Woodward, Kallroos, Foley; and Council Liaison Lambert. Community Development Director Chanski was also noted as present.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND WOODWARD, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval of Minutes

Commissioner Duval requested a correction to the minutes of November 20, 2019 regarding 4b. as follows:

4b. Rezoning Application – 317 N. 4th St., Brainerd – From an R-1 (Single-Family Residential) to an R-2 (Single-Family Residential) District

*“Community Development Director Chanski stated the applicant originally applied for a variance that was **tabled** ~~denied~~ by the **Planning Commission City Council.**”*

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 20, 2019 WITH THE CORRECTIONS SHOWN.

New Business

4a. Election of Officers

Community Development Director Chanski indicated with the new year, the commission will need to appoint a new chair and vice-chair for the year.

Commissioner Duval nominated Commissioner Gorham to serve as Chair for 2020.

Commissioner Lambert seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO APPOINT COMMISSIONER GORHAM AS CHAIR FOR 2020.

Commissioner Lambert nominated Commissioner Duval to serve as Vice-Chair for 2020.

Commissioner Foley seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND FOLEY, DULY CARRIED, TO APPOINT COMMISSIONER DUVAL AS VICE-CHAIR FOR 2020.

Commissioner Duval thanked the past commissioners, Chuck Marohn and Justin Burslie, for their service to the Commission for the past three years, as their terms had expired December 31, 2019. Commissioner Lambert welcomed Mathew Kallroos to the commission. Commissioner Kallroos served as the Planning Intern the summer of 2017 with the previous City Planner, Mark Ostgarden. He said he works as a planner for Region Five and is excited to be a part of the Commission.

#5 Public Forum

The Chair opened public forum at 6:08 p.m.

No one came forward.

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

#6 Old Business

6a. Public Hearing – Proposed Lighting Ordinance Revision

Community Development Director Chanski stated the Commission has been working for some time on revising the current outdoor lighting ordinance. He explained the details of the concerns raised from members of the community regarding the proposed changes. He said the final draft ordinance showing the revisions are as follows:

Section 515-18-2 – Exemptions

E. Outdoor athletic facilities, except that lighting for such facilities, shall be shut off within ninety (90) minutes of final activity.

Section 515-18-5 – Performance Standards

A. Residential District Standards

2. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.

3. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.

B. Business/Industrial District Standards

~~4. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of a light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located, unless allowed by Conditional Use Permit.~~

4. In B-1 and B-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.

5. In B-3, B-4, B-5 and B-6 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is fifteen (15) feet. A light source mounted on a structure shall not exceed the height of the structure.

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty-five (25) feet may be allowed.

6. In I-1 and I-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty-five (25) feet. A light source mounted on a structure shall not exceed the height of the structure.

a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of thirty (30) feet may be allowed.

Community Development Director Chanski explained the City Attorney has confirmed that any lighting located in a city, county or state right-of-way, is exempt from the ordinance.

The Chair opened the public hearing at 6:19 p.m.

The Chair recognized Mr. Matt Killian, Brainerd Chamber of Commerce president who thanked the Commission for re-visiting the ordinance revisions. He stated the Chamber and business community do not want to discourage or restrict potential developers from choosing Brainerd due to a strict ordinance. He said the concern remains on the thirteen-foot height of the light poles, as with new LED bulbs, the height should not be a factor and does not understand the thirteen-foot requirement.

The Chair closed the public hearing at 6:27 p.m.

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF PROPOSED ORDINANCE NO. 1502 OUTDOOR LIGHTING AS PRESENTED.

Community Development Director Chanski indicated the ordinance will be brought to the City Council for the first reading on Tuesday, January 21, 2020. Commissioner Gorham stated he will be at the council meeting for an unrelated topic and Commissioner Duval said he would attend to give a short presentation regarding this ordinance.

6b. Zoning Code Update

Community Development Director Chanski explained in 2019, discussion took place regarding an update to the zoning code. He stated the zoning code could be streamlined and simplified for ease of understanding by utilizing a form-based code, which focuses less on the use of a building and more on how the building is being used. He said many developers research the regulations of a city before considering them as an option to locate.

Community Development Director Chanski stated as part of the 2020 budget, \$50,000 was allocated in the City's capital fund for the zoning code revision, which could be used for training of the Commission members, guest speakers and/or for working with an outside source. Commission Lambert asks that the City Council is invited when the Commission has guest speakers.

Commission discussion took place.

Commissioner Gorham suggested the Commission look up the comprehensive plan for the city of Minneapolis located online at "Minneapolis 2040", which addresses several zoning updates.

Commissioner Kallroos indicated it is a great time to make the update with the new comprehensive plan being implemented.

Commissioner Lambert would like the Commission to see the material that the rental code ordinance review committee has been working on for the past several months, as it may help with this revision process. Community Development Director Chanski stated he will put the information on the agenda for the February meeting.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO START THE PROCESS FOR A ZONING CODE UPDATE.

Commissioner Duval stated a starting point could be holding a workshop in February to discuss potential ideas.

Community Development Director Chanski said the special meeting scheduled for Wednesday, January 29th at 7:00 pm will be specifically to discuss the rezoning and preliminary platting process for property owned by CM Brainerd LLC. He explained some of the other tentative dates as follows:

- February 3rd City Council Meeting– review preliminary plat and hold first reading for the rezoning
- February 17th City Council Meeting – final decision on the preliminary plat and hold final reading for the rezoning/adopt rezoning ordinance
- February 19th Planning Commission Meeting –changes or comments to the preliminary plat to determine final plat
- March 2nd City Council Meeting - for approval of plat

He explained he will work on some potential dates and times to hold a workshop and will send them out to the Commission.

6c. Comprehensive Plan Implementation

Community Development Director Chanski welcomed Ashley Kaisershot, planning and zoning specialist from Sourcewell, as she will be working with the City on the implementation of the comprehensive plan.

Ms Ashley Kaisershot stated she has been working with the City for the past three years on updating the comprehensive plan. She gave a review on the next steps toward implementation and the goal to keep it a living, working document. The Commission thanked her for her presentation.

Commission discussion took place.

#7 Commissioner's Questions/Comments

Commissioner Duval stated he would like to discuss a previous application that came through the Commission in October for a variance to construct a garage. He gave a recap of the application, the discussion involved and the perceived practical difficulty of the property owner to build the garage within the property limits without a variance.

Commission discussion took place.

#8 Community Development Director's Report

Community Development Director Chanski welcomed Mathew Kallroos, and thanked Justin Burslie and Chuck Marohn for their service. He said the workshop will be a great time to discuss the goals of the Commission for 2020.

#9 Adjourn to Special Planning Commission Meeting – Wednesday, January 29, 2020 at 7:00 p.m.

The Chair adjourned at 8:06 p.m.

Don Gorham, Planning Commission Chair

PLANNING COMMISSION WORKSHOP

Wednesday, February 5, 2020

#1 Call to Order

Planning Commission Chair Gorham called the Planning Commission Workshop to order at 6:00 p.m. in the training room of the fire department.

Noted present were Commissioners Duval, Gorham, Foley, and Kallroos. Commissioner Woodward and Council Liaison Lambert were noted as absent. Community Development Director Chanski, Ashley Kaisershot from Sourcewell and James Kramvik, permit technician were also noted as present.

#2 Approval/Change Agenda

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND KALLROOS, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

Community Development Director Chanski introduced James Kramvik to the commission, who is the new permit technician hired at City Hall. He stated Mr. Kramvik will be learning more about planning and zoning in the City this summer.

#3 Discussion - Mini-Storage as a Conditional Use in B-4 Districts

Community Development Director Chanski explained the City is working with Crow Wing County on the reconstruction of northwest 4th Street and Riverside Drive. He stated part of the project is to acquire the necessary parcels for easements. He said the City made an offer for parcel 41040506, which is located at the intersection of northwest 4th and Jackson Street. He stated this led to the counteroffer from the owner to allow the construction of mini-storage units on the property between northwest 4th and northwest 2nd Streets and between James and Jackson Streets.

Community Development Director Chanski stated the property is currently zoned R-3 High Density Residential. He explained mini-storage units are only allowed as a conditional use in I-1 Light Industrial Districts. He said he does not feel the I-1 designation is appropriate for this property due to being adjacent to residential districts. Current and future land use maps were distributed to the Commission as well as the shore management district map. Community Development Director Chanski provided recommended text for the proposed amendment that was drafted using some of the language in the I-1 district as. He stated the staff recommended option would be to proceed as follows if the commission chooses:

- Amend Section 515-63: B-4 General Business District of the zoning code to allow mini-storage units as a conditional use
- Direct the property owner to submit a rezoning application to rezone their property from an R-3 to a B-4
- Direct the property owner to apply for a conditional use permit

Commission discussion took place.

After a lengthy discussion regarding the topography of the property, the neighboring zoning districts and goals of the newly adopted comprehensive plan, commissioners determined this is not a good use of this property and would not recommend approval.

Commissioner Duval suggested a counteroffer to the property owner for a potential housing project. Community Development Director Chanski stated this is a great opportunity to put the comprehensive plan into action. He will work with Commissioner Duval to draft a letter to the Council with the reasons why this use does not follow the comprehensive plan.

#4 Discussion – Comprehensive Plan Implementation

Community Development Director Chanski started discussion regarding the implementation and the goals of the commission for 2020. He suggested the first priorities to be the zoning code update which includes revising the future land use map.

Ashley Kaisershot explained the future land use map will not change dramatically and it would not be a parcel by parcel designation. She said it would be general, larger groupings and can be a flexible tool to help guide in planning. She reviewed some ideas of how to proceed with the creation of a new land use map.

Commissioners shared ideas and discussion.

Community Development Director Chanski will provide the Commission with a “blank” map for them to work individually on how they see the different divisions in zoning districts. The Commission will bring their maps back to the February 19th meeting for discussion.

#5 Discussion – Zoning Code Update

Community Development Director Chanski explained the first step may be to bring in a firm to assist in educating the Commission on how to start on a zoning code revision. He stated the zoning code matrix that was started in 2017 was provided in the packet and can be used as a starting point.

Commissioners decided they would like to receive more education and information from speakers willing to attend a meeting and share knowledge with the group.

#6 Adjourn

The Chair adjourned at 8:15 p.m.

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: February 14, 2020

RE: Trinity Children's Center CUP Amendment

Becky Dryburgh has submitted a request on behalf of Trinity Children's Center (TCC), 1420 S. 6th St., Brainerd, MN 56401, for an amendment to TCC's Conditional Use Permit to modify the limitation on the number of students allowed to be enrolled.

TCC's current CUP, approved on April 15, 1991, allows for a maximum of 35 children. In the almost 30 years since this CUP was approved, TCC has received increases in its occupancy from the Minnesota Department Human Services. Normally, when an increase is requested from MDHS, a notification is sent to the local municipality to ensure that the requestor is in compliance with all local codes and regulations. Unfortunately, MDHS has admitted that, for whatever reason, the State failed to notify the City when TCC's occupancy was previously increased. Additionally, no members of the TCC staff were aware of the 35-student limit.

Findings of Fact

1. Trinity Children's Center is located in a R-1 (Single Family Residential) District.
2. The operation of a commercial childcare facility was permitted as a conditional use in a R-1 District at the time of the CUP being issued in 1991.
 - a. However, commercial childcare facilities are no longer permitted in R-1 Districts.
3. Commercial childcare facilities are regulated by [Section 515-29](#) of the Code of Ordinances.
4. TCC operates out of Trinity Lutheran Church located at 1420 S. 6th St.
5. TCC currently have a staff of 8.
6. TCC currently is licensed by MDHS for an occupancy of 63 students and is requesting an increase to 71 students.
7. [Section 515-22-8.I](#) of the Code of Ordinances requires commercial childcare facilities with over 14 students to have 1 off-street parking space per teacher on the largest shift, plus 1 space per 10 students/children based on maximum capacity of the facility.
 - a. With 8 staff and 63 students, TCC currently needs 14 off-street parking spaces.
 - b. With an increase to 71 students, TCC will need 15 off-street parking spaces.
 - c. The parking lot of Trinity Lutheran Church, which TCC utilizes, currently has over 75 parking spaces.
8. MDHS first notified the City regarding TCC's occupancy on January 3, 2020.

As of this writing, no parties have contacted the Community Development Department with questions or concerns about this requested CUP amendment.

Staff Opinion

As the Minnesota Department of Human Services regulates the operations of commercial childcare facilities and as TCC currently meets all the other requirements set by City Ordinance and as staff would be provided the opportunity to conduct a full zoning code review of TCC should future occupancy increases be requested, staff recommends approval of the CUP amendment without any occupancy restrictions.

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: February 14, 2020

RE: Response to the City Council regarding Mini-Storage in B-4 Districts

On Tuesday, January 21, the City Council voted to direct staff to “respond to the memo from Breen & Person and the request will be submitted to Planning & Zoning.” The request in the memo was to consider an amendment to Section 515-63: B-4, General Business District of the Zoning Code to allow mini-storage facilities as a conditional use. Currently, such facilities are only allowed in I-1 Light Industrial Districts as a conditional use.

The Planning Commission met in a workshop setting on Wednesday, February 5 to consider this request. After lengthy discussion, the Planning Commission directed staff to draft a letter in response to the City Council’s direction. Working with Commissioner Mike Duval, staff has drafted the following response for the Commission’s consideration:

Dear Mayor and City Council,

In response to the City Council’s request to consider amending Section 515-63 of the Code of Ordinances, we, the Planning Commission have considered the request and will not be moving forward with the requested amendment. We cite three considerations for our decision.

First, the proposed amendment is not supported by the Comprehensive Plan. Chapter 5, Goal 1 of the Plan is to “support infill and redevelopment throughout Brainerd as a strategic component of growth.” Policy 3 of this goal is to “evaluate the near and long-term fiscal impacts of annexation and development proposals.” It is our opinion that mini-storage facilities are not the highest and best use for generating city tax revenue that funds operations and infrastructure maintenance and improvement. Additionally, there are numerous, ready for development, properly zoned commercial and industrial lots available within the City. In comparison, there are few, ready to be developed, properly zoned residential lots available within the City.

The City of Brainerd and Crow Wing County are experiencing a workforce housing shortage and will continue to experience such a shortage if significant investments into housing are not made, which is our second consideration. The specific area under consideration at this time is unique within the City of Brainerd. There is not another area like this that is properly zoned for medium-to-high density residential growth, has the proper infrastructure in place (or mostly in place), and is within walkable/bikeable proximity to places of work, schools, food, recreation, etc., supporting Chapter 1, Goal 1, Policy 2 of the Comprehensive Plan. By transitioning

residentially zoned land into commercial property, the City would effectively exacerbate the housing shortage and affordability, which is in direct contradiction to Chapter 3, Goal 1, Policy 5 of the Comprehensive Plan.

Third and finally, Chapter 5, Goal 3 of the Comprehensive Plan is to “help local businesses grow and attract new businesses in our neighborhoods, along our main corridors, and in our downtown.” For businesses to grow and new businesses to locate to Brainerd, there needs to be employees available for them to hire. Without housing that serves a diverse workforce, there are no new employees to serve our business community in the ways in which they need to grow. No new growth results in a stagnant economy, which results in stagnant (and often rising) taxes for our residents. Allowing the development of mini-storage facilities over residential housing does not improve the overall quality of life in Brainerd and, by our estimation, may result in loss of anywhere between \$100,000 to \$1,000,000 in tax revenue over the next decade alone (depending on the kind of residential development) in addition to the indirect financial implications such as lost sales tax on goods and services in our community (shops, restaurants, gas stations, etc.).

Therefore, we the Planning Commission decline to consider this issue further and encourage the City Council to invest in policies and procedures that encourage the development of affordable, workforce housing through new construction and redevelopment by infill first and expansion second.

Respectfully,

The Brainerd Planning Commission