

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, November 16, 2022 @ 6:00pm

The public is invited to attend this meeting in person
Attend by phone: 1-844-992-4726 Meeting Access Code: 2495 221 6879
**Meeting is also televised on CTC Cable channel 8 and streamed live on
YouTube: www.youtube.com/CityOfBrainerdMN**

1. Call To Order
2. Roll Call
___ D. Gorham ___ M. Kallroos ___ K. Yeager ___ T. Erickson

___ C. Marohn ___ T. Woodward ___ M. Duval
3. Pledge Of Allegiance
4. Approval/Amendment Of Agenda
5. Approval Of Minutes
 1. Regular Meeting Held on October 19, 2022

Documents:

[2022-10-19 DRAFT.PDF](#)

6. Old Business
 - 6.a. Proposed ORD 1539, Amending Section 515-4 Of The Zoning Code - Restrictions On Demolition And Removal Of Dwelling Units

Documents:

[ORD 1539 - AMEND SECTION 515-4 OF THE ZONING CODE.PDF](#)

7. New Business
 - 7.a. Outdoor Lighting Temperature Discussion

Documents:

[LIGHTING DISCUSSION.PDF](#)

8. 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

9. Community Development Director's Report
10. Commissioner Questions/Comments
11. Adjourn

PLANNING COMMISSION
Wednesday, October 19, 2022
6:00 pm

#1 Call to Order

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

#2 Roll Call

Noted present were Commissioners Gorham, Woodward, Erickson, and Duval. Commissioners Yeager, Kallroos, and Marohn were noted as absent. Also noted as present was Community Development Director Kramvik.

#3 Pledge of Allegiance

Planning Commission Chair Duval opened the meeting with the Pledge of Allegiance to the flag.

#4 Approval/Change of Agenda

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM, DULY CARRIED, TO AMEND THE MINUTES FROM THE SEPTEMBER 21, 2022 REGULAR MEETING BY ADDING COMMISSIONER ERICKSON TO THE ROLL CALL AS BEING PRESENT.

#6 Old Business

None

#7 New Business

7a. Consider Preliminary Plat – Creekside Community Development

Community Development Director Kramvik explained that Vicky Kinney, on behalf of My Neighbor to Love Coalition, has applied for a preliminary plat to consolidate eleven (11) lots into four (4) larger lots near 3rd Street NW. These lots are described as Lots 1 through 12, Block M, and Lots 3 through 10, Block E in the West Brainerd Addition to Brainerd. This proposed preliminary plat is contingent upon the City Council approval of an alley vacation in Block E & M, West Brainerd Addition to Brainerd.

The Chair opened the public hearing at 6:07 pm.

The Chair recognized Vicky Kinney, who gave a brief explanation of the reason to consolidate the lots. She explained this would make the best use of the property in development of the Creekside Community.

The Chair recognized TJ Lake, 8107 Interlachen Rd., Lakeshore, who stated he owns property on James Street and is in favor of the project.

The Chair recognized Stephanie Pontius, 12153 Scenic River Dr., Baxter, who spoke very highly of this project to help alleviate some of the homelessness in our community.

The Chair closed the public hearing at 6:12 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT AS PRESENTED WITH THE FOLLOWING CONDITIONS 1) CONTINGENT UPON CITY COUNCIL APPROVAL OF ALLEY VACATION IN BLOCK E & M 2) DEVELOPER AGREEMENT FOR STORMWATER RETENTION AND INSTALLATION OF REQUIRED FIRE HYDRANTS MUST BE RECORDED IN THE FINAL PLAT 3) ADJUST REAR YARD MINIMUM SETBACK AS TEN (10) FEET AND WORK WITH STAFF ON THE APPROPRIATE NAMING OF THE PLAT.

7b. Consider Conditional Use Permit – Construction of a 12-Unit Multi-Family Apartment Building NW 3rd Street

Community Development Director Kramvik indicated Vicky Kinney, on behalf of My Neighbor to Love Coalition, has applied for a conditional use permit to construct a residential 12-unit multi-family apartment building near 3rd Street NW. These lots are described as Lots 1 through 10, Block M in the West Brainerd Addition to Brainerd. The approval of this conditional use permit is contingent upon the approval of the final plat that is listed as Lot 1 Block 1 in the proposed plat.

The Chair opened the public hearing at 6:26 pm.

The Chair recognized Vicky Kinney, who responded to concerns about the removal of mature trees on the property. She said as many trees as possible will remain, however, there is an extensive amount of grading that will need to be done in order to build on the property.

The Chair recognized Jim Kraemer, surveyor with Kraemer, Leas, Deleo (KLD), who spoke about the stormwater retention plans, which are based on MS4 standards.

The Chair closed the public hearing at 6:32 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A 12-UNIT MULTI-FAMILY APARTMENT BUILDING IN THE WEST BRAINERD ADDITION TO BRAINERD, LOTS 1 THROUGH 10, BLOCK M AS PRESENTED WITH THE CONDITION THAT PARKING LOT LANDSCAPING STANDARDS FOR THE NW 2ND STREET (EAST) SIDE OF THE PARKING LOT ARE MET, AND IS CONTINGENT UPON CITY COUNCIL APPROVAL OF THE FINAL PLAT.

7c. Consider Conditional Use Permit – Operation of a Boarding House at NW 3rd Street

Community Development Director Kramvik stated Vicky Kinney, on behalf of My Neighbor to Love Coalition, has applied for a conditional use permit to operate a boarding house on the second floor above a health center. These lots are described as Lots 1 through 6 and Lots 10 through 12, Block M, West Brainerd Addition to Brainerd; PID's 41040505, 41040501, 41040502, and 41040503. The approval of this conditional use permit is contingent upon the approval of the final plat. He indicated the applicant is asking for a parking lot deferment for two of the required spaces, as the residents will be the primary users of the facility.

The Chair opened the public hearing at 7:00 pm.

The Chair recognized Vicky Kinney, who indicated this health center will be used by the residents of the Creekside Community, with the public potentially being invited for special events from time to time.

The Chair recognized Mike Airy (*SP*), resident of Brainerd, who asked about the rules and responsibilities of the occupants of the boarding house. Ms. Kinney indicated that the residents of the boarding house will have to abide by a set of rules that will be in the handbook being created.

The Chair closed the public hearing at 7:10 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR THE OPERATION OF A BOARDING HOUSE AT LOT 2, BLOCK 1 OF THE PROPOSED PLAT, CONTINGENT UPON CITY COUNCIL APPROVAL OF THE FINAL PLAT AND THE APPLICANT AND THE CITY ENTER INTO A DEVELOPMENT AGREEMENT TO BE RECORDED AGAINST THE SUBJECT PROPERTY, WHICH INCLUDES A CLAUSE REQUIRING THE OWNER TO INSTALL THE ADDITIONAL PARKING STALLS, UPON A FINDING OF THE CITY THAT SUCH ADDITIONAL PARKING STALLS ARE NECESSARY TO ACCOMMODATE THE USE.

7d. Discussion on Proposed Ordinance Amendment Restricting the Demolition and Removal of Dwelling Units

Community Development Director Kramvik gave a recap of Ordinance No. 1534 that went into effect on July 17th, 2022, which imposed a six-month moratorium on the conversion of dwelling units to green space or surface parking in the R-1 Zoning District. He indicated discussion and review of an example ordinance took place at a workshop held in September. A new ordinance was drafted and is being proposed for approval and/or changes tonight.

Commission discussion took place, and the suggested changes will be made to the ordinance and brought back to the Commission in November.

7e. Discussion on Industrial Zone Building Design Standards

Community Development Director Kramvik explained the design standards in the new zoning code did not have any substantial changes from the previous code. Since industrial zoned properties generally have little to no visibility to the public, the design standards could be reviewed further for suggested changes.

After Commission discussion, it was decided to leave the current requirements unchanged.

#8 Public Forum

The Chair opened the public forum at 8:02 pm.

No one came forward.

The Chair closed the public forum at 8:02 pm.

#9 Community Development Director's Report

Community Development Director Kramvik gave the following updates:

- City Council approved the Interim Use Permits for VCV Digital for crypto mining, but denied the Variance Permit request
- All other permits were approved as suggested by the Planning Commission
- Staff has issued several permits for two single-family homes, three duplexes, and a four plex since the last meeting
- Forty-four applications were received and are being reviewed by BLAEDC for the DEED Main Street Revitalization Grant

#10 Commissioner's Questions/Comments

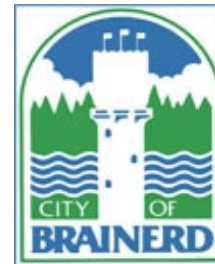
None

#11 Adjourned at 8:04 pm.

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND GORHAM, DULY CARRIED, TO ADJORN.

Michael Duval, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: November 16, 2022

RE: Proposed Ordinance 1539, an Ordinance Amending Section 515-4 of the Zoning Code – Restrictions on Demolition and Removal of Dwelling Units.

Introduction

Ordinance No. 1534 went into effect on July 17th which imposed a six-month moratorium on the conversion of dwelling units to green space or surface parking in the R-1 zoning district. The city has a shortage of housing, particularly affordable housing. Removal of dwelling units for the establishment of green space or surface parking adds to the overall shortage of housing. City staff and the Planning Commission are tasked to study the issues related to conversion of dwelling units and shall provide recommendations to the City Council concerning proposed changes to the City Code.

Planning Commission Workshop

The Planning Commission held a workshop on September 7th to review the issues related to the conversion of dwelling units to green space and surface parking. Planning Commission discussed the need for residential housing in Brainerd and the shortage in housing that the city is currently experiencing. The Commission reviewed an example Ordinance from the City of Crosby and directed staff to make changes based on the workshop discussion related to the issues in the City of Brainerd.

Ordinance Amendment

Staff is presenting a proposed ordinance amendment to the zoning code based on the discussion at the September 7th workshop and the October 19th regularly scheduled meeting. The Commission had a consensus on the following revisions.

- 1) **Dwelling Units.** The proposed ordinance language includes dwelling units instead of structure. For compliance with the proposed language, a construction project could not have a net loss of dwelling units.
- 2) **Residential Districts.** The affected districts should be the primary housing districts in the City of Brainerd which are TN-1, TN-2, CN-1, & CN-2. Commercial buildings and commercially zoned properties would not be affected by this ordinance.
- 3) **TN-2 Complete Neighborhoods.** A special provision should be made for the TN-2 District to encourage complete neighborhoods and mixed-use development. A residential dwelling unit could be converted to a commercial building. However, a dwelling unit could not be removed for parking or green space.
- 4) **Exemptions.** Exemptions should be included for government agencies and properties that pose an imminent hazardous condition.

**ORDINANCE
NO. 1539**

**AN ORDINANCE AMENDING SECTION 515-4: GENERAL BUILDING, DEVELOPMENT AND
DESIGN STANDARDS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 515-4 of the Zoning Code is hereby amended by adding the following:

515-4-14: Restrictions on Demolition and Removal of Dwelling Units

- A. Demolition Permit.** Except as provided in Section A of this chapter, no permit shall be issued to allow the demolition of a dwelling unit in the Traditional Neighborhood 1 (TN-1), Traditional Neighborhood 2 (TN-2), Contemporary Neighborhood 1 (CN-1), or Contemporary Neighborhood 2 (CN-2) Zoning Districts unless:
1. A building permit is also issued at the same time to authorize construction of a replacement dwelling unit; or
 2. A commercial new construction or remodel permit is also issued at the same time to convert or replace a dwelling unit to a commercial unit in the TN-2 district; or
 3. City Council approval has been granted for an alternative use of the property.
- B. Site Restoration.** In addition to requirements set forth in section A, as a condition of issuance of a permit for the demolition of a building, the applicant shall be required to submit a site restoration plan. The plan shall be approved by the building official, city engineer, and zoning administrator before a permit for the removal of a building is issued.
- C. Exemptions.** Notwithstanding any other provision of this article, the requirements set forth in section A of this article shall not apply to the following:
1. The demolition of a dwelling unit by the Brainerd Housing and Redevelopment Authority, the Brainerd Economic Development Authority, or Crow Wing County.
 2. The removal of any unsafe or hazardous structures by the City of Brainerd pursuant to its statutory authority.
 3. The demolition or relocation of any building owned by the City of Brainerd.
 4. Prior to the issuance of the demolition permit, the city building official determines that an exception is necessary because it is compelled by public safety due to an imminent hazardous condition requiring immediate demolition of the building.

SECTION TWO: All other provisions of Section 515-4 shall remain in full force and effect.

SECTION THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

NOTICE OF HEARING

The City of Brainerd Planning Commission will be conducting a public hearing to consider Proposed Ordinance No. 1539. The purpose of this ordinance amendment is to amend Section 515-4 of the Brainerd Zoning Code relating to General Building and Design Standards. The proposed ordinance would restrict the demolition of dwelling units in the TN-1, TN-2, CN-1, or CN-2 zoning districts unless conditions or exemptions listed in the proposed ordinance are applicable.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, November 16, 2022, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding Proposed Ordinance No. 1539. Any individual needing special accommodations please call (218) 828-2307.

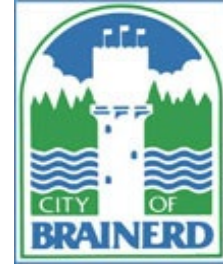
Dated this 3rd day of November 2022

Publication Date: November 5th, 2022



James L. Kramvik
Community Development Director

MEMO



TO: Planning Commission
FROM: James Kramvik, Community Development Director
DATE: November 16, 2022
RE: Outdoor Lighting Temperature Discussion

Review of Other Lighting Ordinances

Planning Commission directed staff to review example ordinances from other cities regarding light temperature standards that have been adopted in their respective zoning codes. Staff reviewed lighting ordinances for cities of similar size to Brainerd. The following cities did not have any code language for lighting temperature: Baxter, Grand Rapids, Bemidji, Moorhead, Fergus Falls, Detroit Lakes, and Little Falls. Staff did find an example ordinance for the City of Greenfield, MN which is in the northwest twin cities metro area with a population of 2,903 residents. The example ordinance also contains language requiring dimmable lighting which has been of interest to the Brainerd Planning Commission. Staff also included an example of an ordinance for the City of Bloomington that requires lighting to be above a color temperature number.

Greenfield, MN Zoning Code

Drive-thru and drive-in establishments. All new lighting must be LED, and comply with Chapter 152.200 in the zoning code, be fully shielded, be no brighter than needed for the task, and shine only where it is needed. Lights should have a correlated color temperature (CCT) of 3,000 Kelvin (K) or lower, and dim by at least 50% or turn off at 11PM or one hour after close of business, whichever is later.

Color Temperature of Lamps. To minimize the amount of harmful blue light in the nighttime environment, lamps (bulbs) shall not exceed a maximum Correlated Color Temperature (CCT) of 3,000 Kelvin as listed on the packaging (5,700 Kelvin for recreational lighting). 3,000 Kelvin appears bright yellow, often called warm white or soft white. 5,700 Kelvin appears bluish white.

Recreational Lighting. The City Council shall approve new recreational lighting fixtures for fields, courts, pools, tracks, or ranges in accordance with standards recommended by the Illuminating Engineering Society (IES) and/or the International Dark Sky Association (IDA). Lighting for athletic fields must use equipment to minimize the visibility of the light emitted by the lamp (bulb), or directed by diffusing, reflecting, or refracting elements and their reflected images from off-site. Lamps (bulbs) shall not exceed a maximum Correlated Color Temperature (CCT) of 5,700 Kelvin (about bluish white) as listed on the packaging. Light levels should be reduced

Greenfield City Code 152.206 540 after an event and light is only needed for exiting and cleanup. Landscaping can be used to screen the lighting at athletic fields.

Bloomington

Prohibited Lighting - Lights with a color temperature (K) of less than 2,500 K (except for approved architectural lighting)

International Dark-Sky Association

Because blue light brightens the night sky more than any other color of light, it's important to minimize the amount emitted. Exposure to blue light at night has also been shown to harm human health and endanger wildlife. IDA recommends using lighting that has a color temperature of no more than 3000 Kelvins.

Staff Recommendation

Language should be added to Section 515-4-8.D (Change Title) Lighting Restrictions?

Color Temperature of Lamps. All new lighting must be LED and must have a correlated color temperature (CCT) of 3,000 Kelvin (K) or lower.

Recreational Lighting (Non-Residential). Lamps (bulbs) shall not exceed a maximum Correlated Color Temperature (CCT) of 5,700 Kelvin (about bluish white) as listed on the packaging. Light levels should be reduced after an event and light is only needed for exiting and cleanup.

Dimmable Lighting. All new lighting must dim by at least 50% or turn off at 11PM or one hour after close of business, whichever is later.

PSP District also must be added to the Residential Use Standards.

Kelvin Temperature Guide

