

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

- o February 19th Planning Commission Meeting –changes or comments to the preliminary plat to determine final plat
- o 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