

PLANNING COMMISSION
Wednesday, February 13, 2019

#1 Call to Order

Planning Commission Chair Gorham called the Planning Commission Retreat to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Burslie, Duval and Gorham. City Administrator Torstenson, Community Development Director Chanski and Council Liaison Lambert were also noted as present. Commissioner Marohn was noted as absent. Also present was Administrative Specialist Bestul.

#2 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

#3 Ordinance Review/Reform

Community Development Director Chanski stated his goal for 2019 is to review the current ordinances and analyze them for the best practices and what makes sense for Brainerd. There are many that may be outdated and need to be revised. The city ordinances need to be clear and user friendly for both residents and potential businesses.

City Administrator Torstenson stated one of the main reasons to review these ordinances directly relates to economic development. She indicated one of the hurdles and barriers of people wanting to locate in a community is passed through ordinances. If the ordinances are restrictive, complicated, or outdated this could be a deterrent for potential growth. Economic development is not just businesses, it also relates to housing and redeveloping areas.

Commissioner Lambert questioned the format of the current ordinances – is there a different format that could be applied to our cities' ordinances.

Commissioner Burslie suggested a full rewrite of the ordinances using a form-based code strategy. He indicated Sourcewell is a great resource for funding opportunities and to include something in the budget to assist in this task. He said the current ordinances were written in the 1980's and many points do not apply to current times. The City of Brainerd currently has 17 different zoning districts; three rural, six residential, five commercial, two industrial and one mixed use. He explained for a city the size of Brainerd, this seems to be too many.

Commissioner Burslie explained form-based codes are an alternative to conventional zoning that focus on the form of buildings rather than the land use. This would result in concentrating on the physical character of buildings and the relationship of buildings to each other and the street or neighborhood. This simplifies the process of obtaining permits and would be an attractant to potential residents.

Commissioner Duval expressed that tackling a project of a complete rewrite seems too large to handle while the update to the Comprehensive Plan is in process.

City Administrator Torstenson stated the process of a complete rewrite would take a minimum of two years as it would need to go through a budget cycle for funding, review of the current ordinances and the recommended changes. The goal for Community Development Director Chanski is first to review all the ordinances and look for obvious errors, weaknesses and outdated information.

Commission Chair Gorham asked the process to be included in the budget. City Administrator Torstenson explained the budget process starts in June, so anticipated fund amounts need to be determined and submitted for council approval in August.

Commission Chair Gorham indicated a less cumbersome, invasive and confusing process for ordinances by transitioning to form based would be ideal. He also felt that a Frequently Asked Questions (FAQ) section on the City website is needed to assist residents in many areas of codes and ordinances.

Community Development Director Chanski will draft a proposal and bring it to the City Council asking for clear direction regarding a full rewrite of the city ordinances.

City Administrator Torstenson suggests a review of all ordinances is needed, but this group should focus on Section 515 of the Zoning Ordinance, Chapter 4: Building, Housing & Construction Regulations and Chapter 5: Planning & Land Use Regulations of the City Code as these all work together. Any changes or updates would be reviewed by the city attorney prior to presenting to the council. She stated one of her goals as administrator is for Brainerd to become the city of choice in Minnesota and be inviting to new residents and businesses to come here and ultimately stay here.

City Administrator Torstenson indicated the rewrite process would be similar to the Comprehensive Plan rewrite which could include budget request submittal to City Council, appoint committee to draft changes, and public outreach for input. However, in the shorter term, the process would first be to obtain a preliminary scope of work and costs involved.

City Administrator Torstenson stressed the importance of not holding serial meetings, but have all information and suggestions be sent directly to Community Development Director Chanski.

Community Development Director Chanski and Commissioner Burslie will bring examples of form-based codes and an idea of the scope of work to be done to the March Planning Commission meeting. The commission will also work on making smaller ordinance changes as needed.

City Administrator Torstenson stated she attended an Economic Development Conference and one topic of interest is to look at clear span of building heights. In the past, a 12' – 18' was common for commercial and industrial buildings, but now the interest is 32' – 38'. It has been found to be less expensive to build vertically rather than horizontally. Are we a deterrent to economic development due to regulations in our ordinances? It was indicated that businesses and industries are looking at the city codes before they even try to contact a realtor. If the code does not work for what they want, they won't even try to contact that city.

Further discussion took place regarding design standards and neighborhood compatibility.

Commissioner Lambert commented that planning should be a part of public transit and feels that public transit is just as important as walkability. The topic should be addressed in the Comprehensive Plan rewrite.

#4 Planning Commission Bylaws Discussion

Commission Chair Gorham stated these points in the bylaws were of particular interest to him:

- Article II – Section 3. Duties of Offices
 - *“Chairperson: See that all actions of the Commission are properly taken.”*

He stated that the commission should be updated on the outcome of the recommendations made to the City Council. Community Development Director Chanski will improve communication to the commission regarding the decisions made at council level.

- Section 4. Preparation of Comprehensive Plan
 - *“The Commission shall prepare, adopt and revise the Comprehensive Plan..., including proposed public buildings, ...”:*

He stated the commission input could be related to the facility study.

- Article IV – Section 10. Communication with Public and Applicant
 - *“...no Commission member shall lobby the merits of a pending case...”*

This is a great statement that relates to Commissioner Marohn’s comments of being able to communicate with the applicant outside of a commission meeting.

City Administrator Torstenson indicated that all questions or discussion regarding an application should be directed to Community Development Director Chanski. He will do the research and respond to the entire commission.

#5 Discussion of Packets and Education Opportunities

Commission Chair Gorham asked if the commission can review the property of an application prior to the meeting. It was determined that it is acceptable to drive by and review the site, but no contact or communication should take place with the property owner.

Community Development Director Chanski clarified the following are items and information that the Commission would like to have in each meeting packet:

- Application
- Plans and/or Drawings
- Findings of Fact
- Legal Opinions
- Information to Support or Oppose the Request
- Summary of Correspondence Received from Others

Community Development Director Chanski indicated he will be looking into the planning department budget for education opportunities for the commission members to take advantage of. He will also research the League of MN Cities for presenters, speakers and online trainings

that are available. A list of topics of interest may be drafted and potential speakers can be contacted.

#6 Comprehensive Plan and Mission Statement Discussion

Commission Chair Gorham indicated the Mission Statement has several good points as follows:

- #3 - *“the Commission shall complete studies and recommend long term development plans and policies which are consistent with the Comprehensive Plan and the values of the community which are life enriching, economically beneficial and environmentally sound.”*

He believes that and the Commission is more than just a group to review applications.

- #5 - *“the Commission shall encourage efficient utilization of existing infrastructure and buildings and innovative and effective management of public and private land.”*

City Administrator Torstenson stated at the March 2, 2019 meeting, the City Council will be discussing the future of the facilities, as the vote was to retain city buildings. The discussion will also include possible consolidation of city departments and functions for efficiency.

- #6 - *“the Commission shall create with the assistance of the staff, a land use, economic, and demographic information base for use by citizens and developers.”*

Commission Chair Gorham agrees as they work with ordinances and land use applications, this information would be helpful if it was easily accessible.

City Administrator Torstenson explained the Comprehensive Plan does address these issues, plus the Economic Development Authority (EDA) also takes part in this. The EDA is currently working on the goals and priorities for their committee in 2019.

- #7 - *“noting that the City of Brainerd is part of a larger community, the Commission will encourage joint meetings and sharing of information with commissions and committees with the City and with adjacent Planning Commissions.”*

Commission Chair Gorham stated he would enjoy having a meeting and working with Baxter or Crow Wing County for another perspective and ideas for the area.

Commission discussion took place regarding climate changes and stormwater processes.

#7 Other Ideas/Comments

Commission discussion took place on the outreach efforts being done to solicit applicants for the two vacancies on the commission. The request for applications has been posted on the City website, Facebook and they are announced at every council meeting. The commission members have been encouraged to reach out to people they know to try and recruit applicants.

Commissioner Burslie indicated there are some topics he would like to see on this years' agenda for the commission to work on. He stated there is currently no fee for an ordinance amendment. Last year, an issue came up where staff put in a lot of work and time to research and revise an ordinance, but there was no charge to the applicant who requested it. He would like to research the penalty fees for after-the-fact work being performed without a permit. It was determined there is a double permit fee applied when that occurs.

City Administrator Torstenson indicated the City Council will be reviewing the current fee schedule and recommendations will be discussed at the meeting February 19th.

Commissioner Burslie would also like to address the perception by the community of the lack of downtown parking. A parking survey was completed in the summer of 2017, and it showed there was ample parking at that time.

City Administrator Torstenson stated the parking challenges are increasing due to the upsurge of tenants residing in the apartments, as there is no formal place for them to park. Another reason could be the business owners parking on the street.

Commission Chair Gorham indicated he has worked downtown for 25 years and stated it is a challenge to be able to park for work and not receive a ticket. He said it will be difficult to get tenants willing to rent apartments if there is the constant fear of receiving a ticket and having to move their vehicle every two hours.

Further discussion took place regarding the parking concerns.

City Administrator Torstenson explained downtown is one of the two opportunity zones that have been identified in Brainerd. The possibility of obtaining an investor in the downtown area is high and this will also be a factor in the parking concerns as businesses occupy the vacant storefronts.

Commissioner Duval suggested other possibilities to increase the walkable bikeable ability could be to increase the amount of bike racks or have rental bicycles to try and overcome the barriers.

Discussion took place regarding the order of authority by the Chair and governing by the Sturgis Standard Code of Parliamentary Procedure.

#4 Adjourn

The Chair adjourned at 8:44 p.m.

Planning Commission Chair