

PLANNING COMMISSION
Wednesday, September 21, 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, Yeager, Woodward, Erickson, and Duval. Commissioner Marohn joined the meeting remotely at 6:08 pm. Commissioner Kallroos was noted as absent. Also noted as present was Community Development Director Kramvik.

#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 ERICKSON AND GORHAM TO APPROVE THE AGENDA AS PRESENTED.

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

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND WOODWARD TO APPROVE THE MINUTES FROM THE AUGUST 17, 2022 REGULAR MEETING AND THE SEPTEMBER 9, 2022 WORKSHOP.

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

#6 New Business

6a. Interim Use Permit Request for Outdoor Storage – 1918 Thiesse Drive

Community Development Director Kramvik explained the details of the application for an interim use permit to allow outdoor storage as a principal use in the GI (General Industrial) District. This use is allowed by interim use permit in that district.

The Chair opened the public hearing at 6:11 pm.

The Chair recognized Jerry Tang, who is the applicant and has called into the meeting remotely. He answered the Commission’s question regarding the height of the cooling towers. It was determined they are 14 feet tall. He gave the Commission a brief recap of the permit request to operate a crypto mining facility at 1918 Thiesse Drive. The need is for outdoor storage as a principal use for the crypto mining computer equipment.

Commissioner Gorham inquired if the applicant is aware of “*The Merge*”. This involves Ethereum (type of cryptocurrency) migrating from the Proof of Work (PoW) consensus mechanism to Proof of Stake (PoS) which can practically eliminate a carbon footprint by reducing energy. Mr. Tang stated he is aware of this and agrees it will be beneficial for cryptocurrency.

Commissioner Marohn questioned if the business failed, what would be the process for removal of equipment and site conditions. He also suggested the possible need for a reclamation bond for financial security.

Commissioners asked questions and discussed with the applicant about the energy being implemented with this project and details of energy used. It has been determined that Brainerd Public Utilities (BPU) has thoroughly reviewed the project and contracted with the applicant for energy and are fully vetted in this project.

The Chair closed the public hearing at 6:25 pm.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO ALLOW OUTDOOR STORAGE AS A PRINCIPAL USE AT 1918 THIESSE DRIVE UNDER THE CONDITIONS THAT THIS PERMIT IS CONTINGENT UPON THE FINAL SALE OF THE PROPERTY TO VCV DIGITAL, AND THE PERMIT WOULD BE VOIDED IF OPERATIONS DISCONTINUE AS A CRYPTO MINING FACILITY.

Upon roll call vote, members Yeager, Woodward, and Erickson voted “aye”. Members Marohn, Gorham, and Duval voted “nay”. The Chair declared a tie vote, in which motion fails.

6b. Interim Use Permit for Outdoor Storage – 1911 Thiesse Drive

Community Development Director Kramvik indicated this application is very similar to the previous interim use permit application. He stated the only difference is there will be a requirement to add privacy slats in the fencing along the south and west sides to provide screening from the road.

The Chair opened the public hearing at 6:51 pm.

The Chair recognized the applicant, Jerry Tang, who reiterated that funding has already been secured with BPU for the solar farm that is being constructed, as well as paying for the infrastructure. He suggested the commissioners contact BPU regarding their questions on energy usage, but that part of the project has already been approved.

The Chair closed the public hearing at 6:54 pm.

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND ERICKSON TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO ALLOW OUTDOOR STORAGE AS A PRINCIPAL USE AT 1911 THIESSE DRIVE UNDER THE CONDITIONS THAT THIS PERMIT IS CONTINGENT UPON THE FINAL SALE OF THE PROPERTY TO VCV DIGITAL, AND THE PERMIT WOULD BE VOIDED IF OPERATIONS DISCONTINUE AS A CRYPTO MINING FACILITY.

Upon roll call vote, members Yeager, Woodward, and Erickson voted “aye”. Members Marohn, Gorham, and Duval voted “nay”. The Chair declared a tie vote, in which motion fails.

6c. Variance from Setback Standards – 1911 Thiesse Drive

Community Development Director Kramvik stated this variance is for a reduced front yard setback from the required 40 feet to 36 feet for the construction of a guard shack for the crypto mining facility. The placement of the guard shack would preferably be in front of the gate and fence to provide security for the crypto mining facility equipment.

The Chair opened the public hearing at 7:01 pm.

The Chair recognized Jerry Tang, who gave the reason for the variance. He said the need to locate the guard shack in that area is to maintain the width of the road inside the fence. He said they have already reduced the width to 20’ from 25’. The road needs to be wide enough to accommodate semi-trucks, and potential emergency vehicles.

Commission discussion took place with the applicant and possible alternate locations of the guard shack were suggested to avoid the need for the variance.

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

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND GORHAM TO RECOMMEND DENIAL OF THE VARIANCE FOR A REDUCED FRONT YARD SETBACK AT 1911 THIESSE DRIVE DUE TO NOT MEETING THE PRACTICAL DIFFICULTY REQUIREMENTS.

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

6d. Variance from Setback Standards – 804 Oak Street

Community Development Director Kramvik gave a brief review of the application from Brainerd Public Schools for a reduced rear yard setback from 5 feet to zero feet. The purpose is to construct an ADA compliant enclosed wheelchair lift along Pine Street.

The Chair opened the public hearing at 7:18 pm.

The Chair recognized Reid Thiesse, Director of Buildings and Grounds, for Brainerd Public Schools, who stated that accessibility to the building is very limited. There currently is only one wheelchair accessible entry along Oak Street and adding this wheelchair lift would be a great improvement to the property.

The Chair closed the public hearing at 7:20 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR A ZERO FOOT REAR YARD SETBACK AT 804 OAK STREET TO ALLOW FOR THE CONSTRUCTION OF AN ADA ENCLOSED WHEELCHAIR LIFT.

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

6e. Variance for Boundary Line Adjustment – 3231 Oak Street

Community Development Director Kramvik explained the variance request is for a boundary line adjustment that will remove the required lot frontage on a public street. The applicant is proposing access to the property through a 33-foot-wide easement.

The Chair opened the public hearing at 7:25 pm.

The Chair recognized Aaron Crandall, Chief Legal Officer at CJK Group in St. Cloud representing the property owner, who gave a brief review of the intent of the request.

The Chair closed the public hearing at 7:30 pm.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND WOODWARD TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR A BOUNDARY LINE ADJUSTMENT THAT WILL REMOVE THE REQUIRED LOT FRONTAGE ON A PUBLIC STREET AND ALLOW ACCESS TO THE PROPERTY THROUGH A 33-FOOT-WIDE EASEMENT WITH A SECONDARY EASEMENT IDENTIFIED IN PROPERTY CLOSING DOCUMENTS.

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

Commissioner Marohn logged out of the meeting at approximately 7:36 pm.

6f. Variance from Setback Standards – 515 S. 9th Street

Community Development Director Kramvik indicated that the applicant was approved for a variance back in 2020, but the project did not take place at that time and the permit expired. He stated that variance request was for a reduced side yard setback from five (5) feet to three (3) feet, but after re-measuring the lot, the applicant is now requesting a reduced side yard setback from five (5) feet to 2 ½ feet along the north boundary line of the property.

The Chair opened the public hearing at 7:43 pm.

The Chair recognized Eric Stangler, Stangler Properties 7084 Lone Oak Rd., Brainerd, who is the property owner and explained his intent to construct a duplex on his property. The reason for the reduction is to allow for the two entry doors and a sidewalk to be located along the south property line.

The Chair recognized Arliss Bement, 11279 Ash Ave Brainerd, who owns 511 S. 9th Street which is the property along the north boundary line. She stated she is not in approval of the reduced setback, as 2 ½' is too narrow to allow for mowing and maintenance between properties.

The Chair closed the public hearing at 7:50 pm.

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND ERICKSON TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR A REDUCED SIDE YARD SETBACK FROM FIVE (5) FEET TO 2 ½ FEET ON THE NORTH BOUNDARY LINE.

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

6g. Variance from Garage Placement Standards and Height Standards – 324 Woodland Hills Lane

Community Development Director Kramvik gave a brief review of the application submitted for a variance from garage placement and garage height. He stated the applicant would like to construct the detached garage in front of the principal structure rather than behind. He is also requesting the garage height is increased 3' 4 ½" over the height of the principal structure.

The Chair opened the public hearing at 8:03 pm.

The Chair recognized Jeff Howard, owner of the property who stated the lots have been consolidated, thus making the placement of the garage in front of the house due to the house being set back further on the property. He would also request the garage height is increased to allow for a truck and camper to fit through the garage doors.

The Chair closed the public hearing at 8:05 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND YEAGER TO RECOMMEND APPROVAL OF THE VARIANCE REQUESTS FOR GARAGE PLACEMENT IN FRONT OF THE PRINCIPAL STRUCTURE 52' FROM THE PROPERTY LINE DUE TO WETLAND ISSUES AND INCREASED GARAGE HEIGHT AT 324 WOODLAND HILLS LANE AS PRESENTED.

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

#7 Public Forum

The Chair opened the public forum at 8:10 pm.

No one came forward.

The Chair closed the public forum at 8:10 pm.

#8 Community Development Director's Report

Community Development Director Kramvik gave the following updates:

- Progress of the Mississippi Trailhead Park
- Events taking place downtown Saturday September 24th
 - Touch A Truck
 - Flapjack Festival
 - Skate Park Event

#9 Commissioner's Questions/Comments

Commissioner Gorham requested a meeting with staff on the Mississippi Trailhead Park progress and changes.

Commissioner Duval indicated there are some typos in the Zoning Code Table of Uses to be corrected.

#10 Adjourned at 8:15 pm.

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

Michael Duval, Planning Commission Chair