

PLANNING COMMISSION
Wednesday, November 16, 2016

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

Noted present were Commissioners Antolak, Headley, Straw, Plantenberg and Turner. Also present were City Planner Ostgarden, City Administrator Thoreen, Planning Intern Bryan Harvey and 5 others.

#2 Approval/Amendment of Agenda

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND TURNER, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval of minutes of the regular meeting held on October 19, 2016

MOVED AND SECONDED BY COMMISSIONERS STRAW AND HEADLEY, DULY CARRIED, TO APPROVE THE MINUTES OF THE OCTOBER 19, 2016 REGULAR PLANNING COMMISSION MEETING AS PRESENTED.

#4 NEW BUSINESS

- a) City of Brainerd, 501 Laurel Street, Brainerd, MN 56401 on behalf of Brainerd Public Utilities, 8027 Highland Scenic Road, Baxter, MN 56425 Conditional Use Permit (CUP) request to permit using rip rap to stabilize a steep slope adjacent to the City of Brainerd owned hydroelectric dam at 1801 Mill Avenue Brainerd, MN 56401**

City Planner Ostgarden reported that due to increased concerns about erosion on a steep slope adjacent to the Mississippi River hydro dam, Brainerd Public Utilities is proposing to remove approximately 300' of vegetation on the slope and installing rip rap for stabilization. He referred to Packet attachments depicting rip rap and how it is used including definitions and pictures.

The Chair opened the Public Hearing at 6:07 P.M.

The Chair recognized Brainerd Public Utilities Superintendent Magnuson who clarified that the erosion is on a hill on the east side of the river at the hydro dam between the driveway and the BIC property. He stated that this has caught the attention of the Federal Energy Regulatory Commission regional engineer based on dam safety, noting that trees on the side hill and maintenance of a fall out pipe will also be addressed. He reported that he met with Crow Wing SWCD representative Beth Hippert onsite and that all agreed that this will be the best solution for the multiple problems on the hill. He also answered questions of the Commission.

The Chair closed the hearing at 6:11 P.M.

The following Findings-of-Fact were read into the record:

1. The City of Brainerd owns the hydroelectric dam and adjacent lands on the Mississippi River located in the city. The dam is operated and maintained by Brainerd Public Utilities.
2. The dam property abuts the Brainerd Industrial Center property and it has a steep slope that is creating erosion concerns for the dam and property.
3. Brainerd Pubic Utilities would like to stabilize about 300' lineal feet of the slope with rip rap.

4. The property is located within 300' of the Mississippi River, making it subject to the City of Brainerd Shoreland Management Regulations.
5. The stabilization method has been reviewed by the Crow Wing County Soil and Water Conservation District that has submitted a letter of support for the project subject to conditions.
6. The DNR, MPCA, and Army Corps of Engineers who were notified of the project and each submitted no comments.
7. The project is in keeping with the Zoning Ordinance objective to *Protect and preserve the natural environment of the City*.
8. The plan is consistent with the following Comprehensive Plan Goal and Strategy:
COMMERCIAL/INDUSTRIAL LAND USE
Goal: *PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.*
Strategy
Buffer commercial and industrial developments from environmentally sensitive areas and residential areas within the community.
9. BPU Superintendent Magnuson appeared at the meeting and reported that all parties involved feel this will be the best solution for the multiple problems on the hill.
10. No correspondence was received for or against the CUP.

Condition: That the stabilization be done in accord with the recommendations for using native vegetation described in the November 14, 2016 Crow Wing County Soil & Water Conservation letter to BPU Superintendent Magnuson.

#5 **PUBLIC FORUM** - None

#6 **OLD BUSINESS** - Short Term Rental (previously VRBOs) Ordinance Draft Discussion

Commission discussed various concerns including guest limitations based on rooms available and square footage and elected to include draft language on the December 21, 2016 Planning Commission meeting.

#7 **COMMISSIONERS' QUESTIONS/COMMENTS** - None

#8 **CITY PLANNER'S REPORT** - None

#9 **ADJOURN – To Workshop to Discuss Proposed Zoning Ordinance Amendment Regarding Cell Towers**

AS THERE WAS NO FURTHER BUSINESS, WITH A MOTION BY TURNER AND SECOND BY STRAW, DULY CARRIED, THE MEETING ADJOURNED AT 6:42 TO THE 2ND FLOOR CONFERENCE ROOM TO DISCUSS A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CELL TOWERS.

Respectfully submitted,

Mark Ostgarden AICP, City Planner

**Brainerd Planning Commission Workshop
November 16, 2016**

Chairman Angie Plantenberg called Brainerd Planning Commission Workshop to order at approximately 6:50 in the City Hall 2nd Floor Conference Room.

Present: Antolak, Headley, Pritschet, Straw, Turner

Others Present: Rick Adams, City Administrator Jim Thoreen, Planning Department Intern Bryan Harvey and City Planner Mark Ostgarden

The meeting purpose was to hear from Rick Adams, Rick Adams KGI Wireless and a consultant with Verizon about the need to amend our telecommunications section of the Zoning Ordinance. He handed out information about the FCC and state statute language. He explained the need to amend our ordinance to permit smaller cell towers in commercial and residential areas and in the public right of way. The issue is that more and more data is sent and received and the industry is moving from taller towers to shorter and more numerous towers.

Mr. Adams has worked with other cities on ordinance updates and he offers his assistance with ours. Chairman Plantenberg asked that staff contact the LMC for its guidance in updating our ordinance. Commissioner Straw raised the concern about health issues associated with telecommunication radio frequencies.

Staff has ordinances from several other cities that can be reviewed for guidance on our process. This item will be discussed at the December meeting

The meeting adjourned at approximately 7:30 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner