

BRAINERD PLANNING COMMISSION

Wednesday, July 17, 2019
6:00 p.m.
City Hall Council Chambers

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
 1. Regular Meeting Held on June 19, 2019

Documents:

[2019-06-19 DRAFT.PDF](#)

4. New Business
 - 4.a. Rezoning - Property At 701 7th St., NW From A B-4 (General Commercial) District To An R-1 (Single Family Residential) District

Documents:

[701 7TH ST NW REZONING.PDF](#)

5. 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

6. Old Business

- 6.a. Comprehensive Plan Timeline Update

Documents:

[COMPREHENSIVE PLAN TIMELINE UPDATE.PDF](#)

- 6.b. Lighting Standards Proposed Ordinance Language

Documents:

[LIGHTING STANDARDS PROPOSED ORDINANCE LANGUAGE.PDF](#)

- 6.c. Kingwood Walking Tour Recap

Documents:

[KINGWOOD WALKING TOUR RECAP.PDF](#)

7. Commissioner Questions/Comments
8. Community Development Director's Report

9. Adjourn

Any individual needing special accommodations, or that desires more information about the above items, please call 218-828-2309

PLANNING COMMISSION
Wednesday, June 19, 2019

#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 City Hall Council Chambers.

Noted present were Commissioners Gorham, Burslie, Duval, Woodward and Foley; and Council Liaison Lambert. Community Development Director Chanski and Collin Mieras, Planning Intern were also noted as present. Commissioner Marohn joined the meeting at 8:50 p.m.

Commission Chair Gorham welcomed the two new members to the Commission; Theresa Woodward and Christopher Foley.

#2 Approval/Amendment of Agenda

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

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD MAY 15, 2019.

#4 New Business

4a. Conditional Use Permit – 1002 Laurel Street – To Operate a Daycare

Community Development Director Chanski explained in a B-3 Central Business District the purpose of operating a daycare is a conditional use. He indicated the Findings of Fact are as follows:

1. *The operation of a school on the aforementioned property is considered a conditional use per [Section 515-62-6.F](#) of the Code of Ordinances.*
2. *The proposed day care facility meets the following criteria as required by the [Section 515-29 Commercial Day Care Facilities](#):*
 - a. *Lot requirements and Setbacks*
 - i. *Minimum lot area, width, setback, and height requirements are not applicable in a B-3 (Central Business) District per Section 515-62-7.*
 - b. *Sewer and Water*
 - i. *The proposed building is connected to municipal sewer and water and has adequate private sewer and water to protect the health and safety of all persons who occupy the facility.*
 - c. *Screening*
 - i. *The proposed location has a fence and additional natural screen along the south side of the property, a fence along the west side of the property, and the applicant will be constructing a fence to enclose a play area along the east side of the property.*
 - d. *Parking*

- i. *The proposed off-street parking is located separately from any outdoor play area. There are no abutting residential uses from which the parking must be screened. Additionally, off-street parking requirements are exempt within the B-3 (Central Business) District.*
 - e. *Loading*
 - i. *The designated off-street loading space adequately complies with [Section 515-23](#).*
 - f. *Signage*
 - i. *While no sign permits have yet been submitted, staff will work with the applicant to ensure that all signing and informational or visual communication devices are in compliance with [Section 515-37](#).*
 - 1. *At this time, the applicant is only considering a wall sign on the building's front façade.*
 - g. *Compliance with State Requirements*
 - i. *The applicant is in the process of receiving the required permits and licenses from the State of Minnesota Department of Health and Human Services and City of Brainerd Building Department and Fire Department.*
- 3. *Per [Section 515-22](#), a day care facility serving more than 14 persons shall have one parking space per teacher on the largest shift plus one parking space per 10 children based on maximum capacity of the facility. While all businesses within the Central Business District are exempt from off-street parking requirements, staff and the applicant propose the following plan:*
 - a. *Sixteen spaces would usually be required for teachers and 10 spaces required for children for a total of 26 spaces.*
 - b. *Staff has worked with the applicant and is proposing allowing on-street parking for the 10 required spaces for children as those spaces will only be used during the drop-off and pick-up times of operation. The area in which the property is located is a low volume section of Laurel Street.*
 - c. *The applicant is proposing a parking plan to include 20 off-street parking spaces, one off-street handicap space, which is a requirement of the State Building Code.*
- 4. *Per [Section 515-22](#), all areas intended to be utilized for non-residential parking space shall be surfaced with concrete, bituminous, and pavers/brick.*
 - a. *The proposed parking area is currently dirt. The applicant has submitted a variance request to allow for dirt surface parking until the lot can be paved.*
 - i. *The applicant has plans to pave the lot within 5 years.*
- 5. *Per section 515-22, required parking facilities serving two or more uses may be located on the same lot provided that the total number of spaces furnished shall be no less than the sum of the separate requirements for each use. Conditions required for joint use are:*
 - a. *The proposed joint parking space within the distance required under 515-22-11 of this Ordinance of the uses it will serve.*
 - b. *The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint uses of off-street parking facilities is proposed.*
 - c. *A properly drawn legal document approved by the City Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk.*

The Chair opened the public hearing at 6:05 p.m.

The Chair recognized Ms. Denise Blood, 17140 State Highway 371, Brainerd who stated she would like to open a daycare at property located at 1002 Laurel Street.

Commissioner Burslie asked the petitioner about the number of parking spaces the petitioner is requesting. Ms. Blood responded they are going to potentially have 16 staff members and will need the spaces indicated.

Community Development Director Chanski explained the off-street parking requirements.

Commissioners asked questions which were answered by the petitioner.

The Chair closed the public hearing at 6:11 p.m.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AT 1002 LAUREL STREET CONTINGENT UPON AN APPROVED PARKING SURFACE WITH A STATEMENT OF AGREEMENT FROM THE ADJOINING PROPERTY OWNER FOR A SHARED PARKING LOT.

4b. Variance Request – 1002 Laurel Street – To Allow Parking on an Unimproved Surface

Community Development Director Chanski indicated this variance is in partnership with the Conditional Use Permit previously approved. He explained a variance is required in order to approve parking on an unpaved surface for the staff of the daycare being developed.

Findings of Fact

1. Section 515-7-2, Subdivision 3A – Variances shall only be permitted:
 - a. *When they are in harmony with the general purposes and intent of the ordinance*
 - i. *The purpose of a B-3 (Central Business) District is to encourage the continuation of viable, traditional downtown area by allowing retail, service, office, and entertainment facilities and public and semi-public uses as well as the allowance of second-story dwelling units located above such uses.*
 - b. *When the variances are consistent with the Comprehensive Plan*
 - i. *The current Comprehensive Plan and updated Comprehensive Plan in development support the reenergizing of the downtown corridor.*
2. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*
 - i. *The proposed day care facility is a conditional use within a B-3 District.*
 - b. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - i. *While all off-street parking requirements are exempt in a B-3 District, it is staff's opinion that it is in the best interest of the community to require off-street parking for, at a minimum, the facility's employees as they will have 16 employees present at all times.*
 - c. *The variance, if granted, will not alter the essential character of the locality.*
 - i. *The building for the proposed day care facility is an existing structure. The proposed parking area is also already present.*

The Chair opened the public hearing at 6:23 p.m.

The Chair recognized Mr. Greg Grandahl, 12581 Little Pine Rd SW, Brainerd and is part owner of 1014 Laurel Street, who would be in a contract with the petitioner for shared parking.

Ms. Denise Blood stated the allowance of the five years to complete paving is financially based.

The Chair closed the public hearing at 6:27 p.m.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO RECOMMEND DENIAL OF THE VARIANCE BASED ON THE FINDINGS OF FACT AND FINANCIAL CONSIDERATIONS ALONE DO NOT CONSTITUTE PRACTICAL DIFFICULTY WITH THE UNDERSTANDING THAT THEY CAN SHARE PARKING WITH THE ADJACENT PROPERTY OWNER THAT DOES NOT NEED TO BE IMPROVED AS IT IS A PRE-EXISTING USE.

4c. Variance Request – 501 3rd Ave. NE – Nonconforming Duplex as a Rental

Community Development Director Chanski explained the property was recently purchased with the intent to use the duplex as a rental. It was discovered the property was never registered with the City as a rental by the previous owner, thus establishing it as a nonconforming residential use.

Findings of Fact

1. Section 515-7-2, Subdivision 3A – Variances shall only be permitted:
 - a. *When they are in harmony with the general purposes and intent of the ordinance*
 - i. *The purpose of an R-1 (Single Family Residential) District is to allow and preserve areas in the City of quiet neighborhoods of one-and two-family homes, free from other uses except those which are compatible with residents of such a district.*
 - b. *When the variances are consistent with the Comprehensive Plan*
 - i. *The current Comprehensive Plan and updated Comprehensive Plan in development support maintaining of the historical integrity of the neighborhoods within the City of Brainerd.*
2. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*
 - i. *The proposed duplex is an existing home within the North East neighborhood. The home has been used as a rental, but never registered as one with the City of Brainerd.*
 - b. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - i. *The owners purchased the property under the assumption that they could use the property as a multi-family rental as the previous owner did. However, as the previous owner never officially registered the property with the City, the property is considered illegal nonconforming.*
 - c. *The variance, if granted, will not alter the essential character of the locality.*

- i. *The property is an existing home constructed in 1917 and has been previously used as a rental duplex. The current owners are not proposing any kind of expansion to the use except for that which it was previously used.*
3. *The Housing Inspector has inspected the property, and it does conform to the Property Maintenance Code and the Rental Housing Code.*
4. *A rental license has been issued for the property's lower unit.*

Community Development Director Chanski received an email from the previous City Planner, Mark Ostgarden on Tuesday which stated many of these same situations have been brought forth and staff and legal counsel agreed a variance is not an option. Mr. Chanski reached out to the City attorney but did not yet receive a response in time for the meeting.

Commissioners discussed.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO RECOMMEND THE APPLICANT WITHDRAW THE VARIANCE REQUEST BASED ON THE PROPERTY HAS NOT BEEN REGISTERED IN THE PAST AS A RENTAL PROPERTY AND SECTION 515-15.6.B DOES NOT APPLY. THE PROPERTY OWNER HAS FORMALLY REQUESTED TO WITHDRAW THE VARIANCE AND COMMUNITY DEVELOPMENT DIRECTOR CHANSKI WILL ISSUE A VARIANCE FEE REFUND AND THE APPLICANT WILL COMPLETE A RENTAL LICENSE APPLICATION FOR THE SECOND UNIT.

4d. Rezoning Request – 215 N. 3rd St. – From a B-1 (Residential Office) District to an R-2 (Medium Density Residential) District

Community Development Director Chanski explained the petitioner has requested a rezoning in order to better serve the property as the main residence and business office of the applicant, to be able to construct a larger accessory structure and to allow a second-floor residential rental unit.

Findings of Fact

1. Per Section 515-60-1 of the Code of Ordinances, the purpose and intent of a B-1 District is to allow single family uses and office space uses. Additionally, "This district serves as a transitional district between residential neighborhoods and commercial uses in areas where redevelopment is anticipated. The district includes uses that will not disrupt nearby, low-density land uses through high traffic generation, noise, or other nuisances."
 - a. *It is staff's opinion that, while single family dwellings and office spaces are permitted uses within a B-1 District, a property containing an owner-occupied unit with a home business and a rental unit does not fit well.*
2. Per Section 515-56-1 of the Code of Ordinances, the purpose and intent of an R-2 District is to "provide for low to medium density housing through the mixture of one- and two-unit dwellings and medium density multiple family dwellings as well as directly related complementary uses."
 - a. *In R-2 Districts, multiple family dwellings containing 4 units or less are permitted uses and home businesses are accessory uses. As such, it is staff's opinion that the use of this structure as an owner-occupied dwelling with a home business and additional residential rental space is much more suitable in an R-2 District.*
3. *As noted throughout various Planning Commission discussions including that of the Thrifty White CUP process and through the walking tours of Kingwood Street recently conducted by Commissioner Marohn, it is the opinion of the Kingwood area neighborhood that residential uses should be the primarily uses within the area and commercial uses should only be permitted if they are low impact and conform in shape and manner to the neighborhood.*
 - a. *The property seems to be initially designed as a single-family home.*

- The Chair opened the public hearing at 7:07 p.m.

The Chair closed the public hearing at 7:15 p.m.

Members Lambert, Duval, Gorham, Woodward and Foley voted “aye”. Member Burslie voted “nay”. The Chair declared the motion carried.

The Chair opened public forum at 7:21 p.m.

The Chair closed the public forum at 7:21 p.m.

6a. Comprehensive Plan Update

6b. Nonconforming Rentals

6

single-family residential districts, which are considered legal nonconforming as long as they existed prior to the zoning designation and remain registered with the City. He stated that staff does well at locating and questioning properties that may be rentals that are not licensed.

Commissioners discussed the concerns and available options.

Community Development Director Chanski would like to get to the policy level and possibly suggest changes for the City Council to consider.

Commissioner Duval requested Community Development Director Chanski provide a list of suggested solutions for the Commission to consider and work on.

6c. Nonconformance Discussion – 701 7th St. NW

Community Development Director Chanski explained the details of a previous meeting that resulted in a denial of the variance that was requested for this property.

Commissioner Lambert indicated since this property has been used as residential property for many years, she inquired about the possibility of rezoning this property back to a residential district. She stated this would allow the owner to improve the property as requested.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND DUVAL, DULY CARRIED, TO DIRECT COMMUNITY DEVELOPMENT DIRECTOR CHANSKI TO CONTACT THE PROPERTY OWNER AT 701 7TH STREET NW TO INQUIRE IF THEY ARE INTERESTED IN PURSUING A REZONING OF THE PROPERTY TO A RESIDENTIAL DISTRICT.

6d. Kingwood Walking Tour Recap

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO TABLE THIS TOPIC UNTIL THE JULY MEETING.

6e. Zoning Ordinance Review Subcommittee Report

Community Development Director Chanski explained the results of the first subcommittee meeting that met regarding the use of a zoning ordinance matrix in the code. He stated the subcommittee combined uses into categories, which is provided in the packet.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO DIRECT STAFF TO UPDATE THE COUNCIL OF THE DIRECTION THE SUBCOMMITTEE IS GOING.

6f. Continuation of Lighting Standards Discussion

Community Development Director Chanski explained with the most recent Conditional Use Permit applications, lighting standards have become a concern. He stated the City Council indicated if the Planning Commission feels that the ordinance is inadequate, the Commission should address the standards through ordinance changes.

Commissioner Duval suggested different lighting standards for each defined district.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND WOODWARD, DULY CARRIED, TO DIRECT STAFF TO RETURN TO THE PLANNING COMMISSION IN JULY WITH EXAMPLES OF POSSIBLE ORDINANCE SOLUTIONS.

#7 Commissioner's Questions/Comments

Commissioner Marohn made a statement that the Planning Commission has power, authority and responsibility regarding applications that indicate the need for excessive parking, lighting requirements not being met and the costs of required lighting. He said it is important for the Commission to feel empowered to get all the facts and take the time to evaluate each application without the feeling of time constraints to make a hasty decision. He indicated the streamlined process of reviewing applications that is currently in place is not allowing the Commission to complete the research and fact gathering. His suggestion would be a 30-day process of research and review prior to a meeting.

Commissioner Gorham stated if a pre-meeting takes place, this is in violation of open meeting laws. He also indicated the Commission members would have to become full time planning commissioners and this would put a huge burden on everyone. He stated he has faith in City staff to do the reviewing and research for the Planning Commission meetings that take place once per month.

#8 Community Development Director's Report

Community Development Director Chanski updated the Commission of past topics that have been reviewed by Council.

- The high school lighting was approved at a 23' height, which was approved for all the high school property.
- Council directed staff to work with the school district regarding the landscaping plans.
- The variance for the school district's performing arts center was approved.
- The rezoning of the water treatment plant was denied at the June 3rd meeting. BPU requested reconsideration and spoke at the June 17th meeting. The first reading for the rezoning passed.

#9 Adjourn

The Chair adjourned at 9:40 p.m.

Planning Commission Chair

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: July 12, 2019

RE: 701 7th St. N.W. Rezoning

The Planning Commission moved to pursue a Commission initiated rezoning of 701 7th St. N.W. from a B-4 (General Commercial) District to an R-1 (Single Family Residential) District during their regular meeting on June 19.

Property tenant Mitch Toumi previously applied for a variance, on behalf of property owner David Muhonen, from Section 515-15-2.d of the Code of Ordinances to construct a 16' x 40' addition which would include a garage, bedroom and bathroom. The variance request was denied as the residential use of the property was not in harmony with the intent and purpose of the B-4 (General Commercial) District.

Mr. Toumi and Mr. Muhonen were notified of this pursuit of rezoning and appreciate the Commission's pursuit of rezoning the property to better suit its residential use. Notices of Public Hearing were duly published in the Brainerd Dispatch and mailed to all property owners within 350 feet of the property.

The Planning Commission shall conduct a public hearing regarding this potential rezoning and then move whether to recommend the rezoning to the City Council. If a rezoning is recommended, the City Council shall consider the recommendation during their regular meeting on Monday, August 5.

Findings of Fact

1. 701 7th St. N.W. was rezoned from an R-3 High Density Residential District to a B-4 General Commercial District in June 1978.
2. The property has continued as a legal nonconforming residential use since the time the property was rezoned.
3. 701 7th St. N.W. is in close proximity to other residential structures with the 28-unit Circle Pines Apartments, which are zoned an R-3 (High Density Residential) District, one block to the north on 7th St. N.W., and the Westwood trailer park, a similar legal nonconforming residential use, located across the street.
4. If the property were to be rezoned as an R-1 (Single Family Residential) District, the property and primary structure would meet the land use requirements as set forth in [Section 515-54](#) of the Code of Ordinances.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

The City of Brainerd Planning Commission will be conducting a public hearing to rezone the property at 701 7th St. N.W. from a B-4 (General Commercial) District to an R-1 (Single Family Residential) District.

The legal description of the property is as follows:

Lot 1 Block U WEST BRAINERD

P.I.N. 41040753

Section 4, Township 133, Range 28

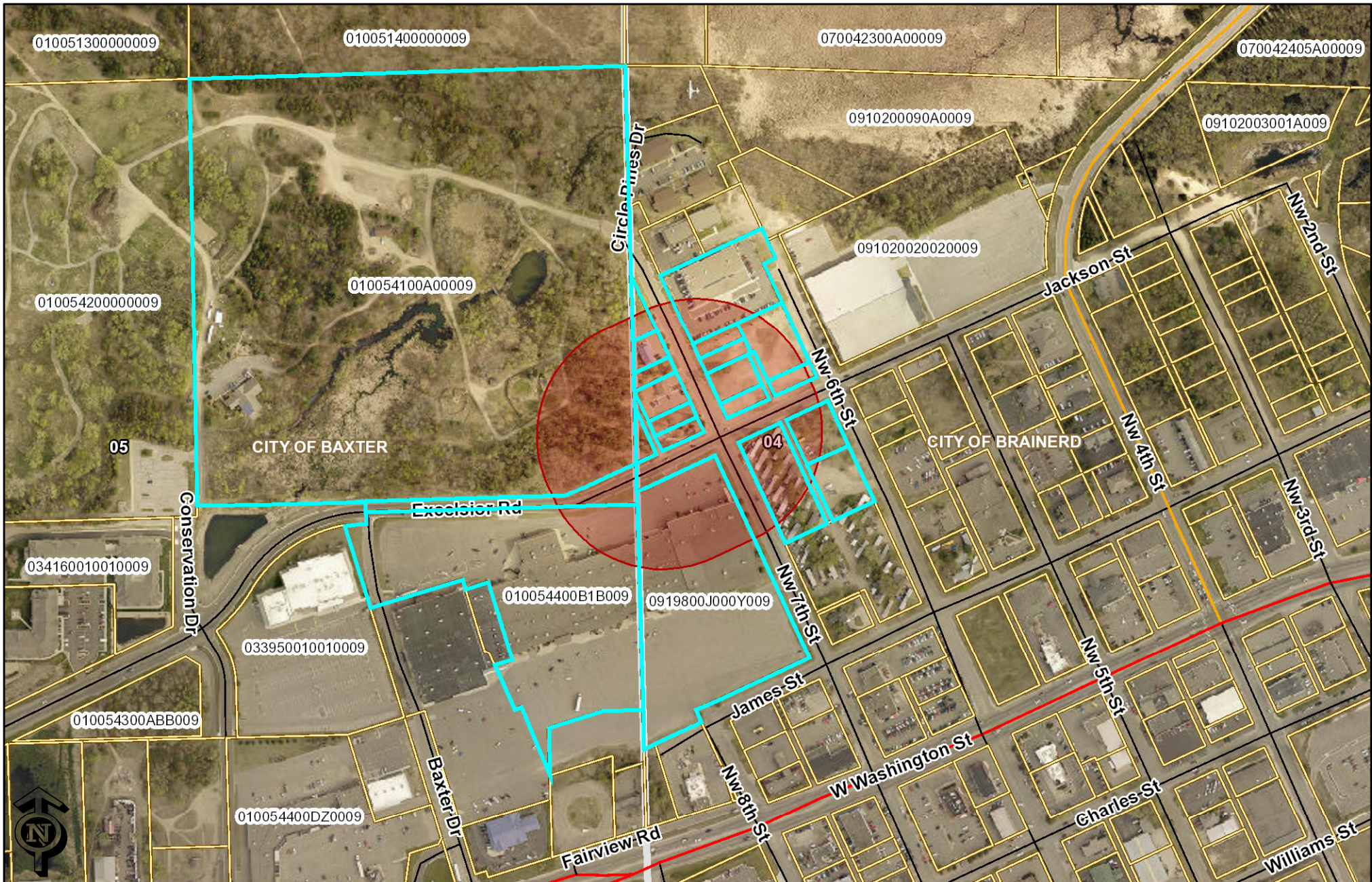
A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, July 17, 2019 in the Brainerd City Hall Council Chambers, 501 Laurel Street to consider the request.

Any individual needing special accommodations or would like more information about this request please call (218) 828-2309.

Dated this 5th day of June 2019.



David C. Chanski, MPA
Community Development Director



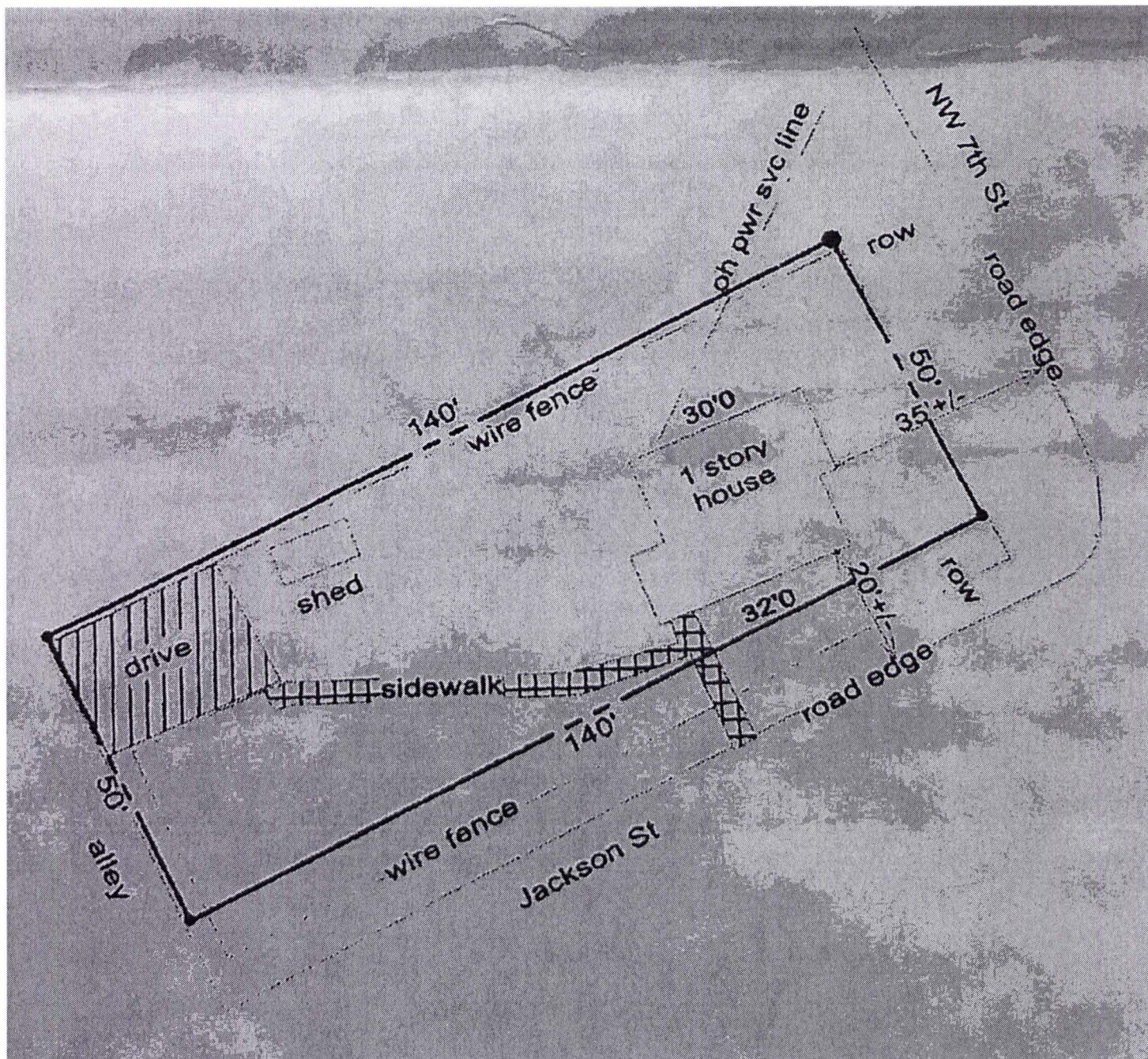
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

701 7th St NW

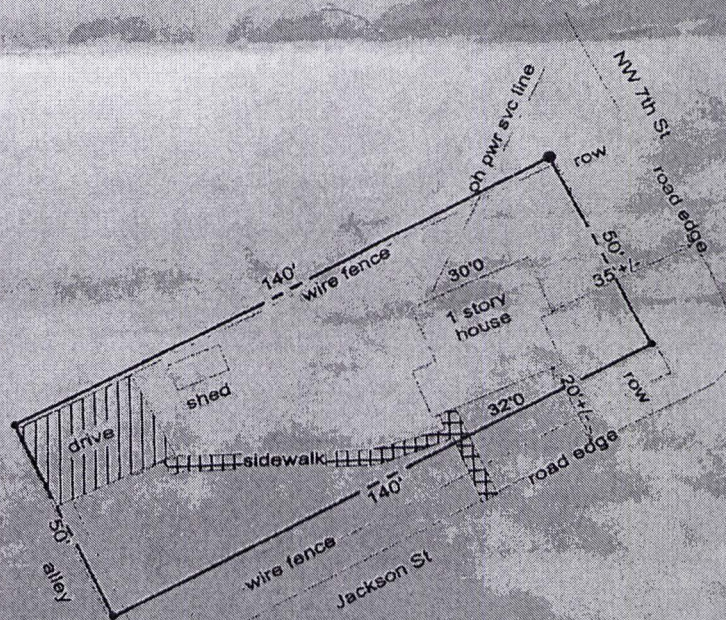
Date: 4/4/2019 Time: 4:07:23 PM



Parcel Number	Legacy Parcel Number	Municipality	Owner ID	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Owner Address	Physical Address	Physical City	Physical Zip
41040751	0919800U003Z009	CITY OF BRAINER	98101	A & E PROPERTIES OF BRAINERD	16348 AHRENS HILL RE	BRAINERD MN 56401			709 7TH ST NW	BRAINERD	56401
41040750	0919800U005Y009	CITY OF BRAINER	133301	DELESANTE, FRANK W	PO BOX 1031	BRAINERD, MN 56401				O BRAINERD	56401
41040760	0919800T0010009	CITY OF BRAINER	41759	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401				O BRAINERD	56401
41040753	0919800U0010009	CITY OF BRAINER	160428	MUHONEN, DAVID W	1023 LINDEN PL	COSTA MESA CA 92627			701 7TH ST NW	BRAINERD	56401
41040748	0919800U007Z009	CITY OF BRAINER	41094	PAUL BUNYAN, ARBORETUM INC	P O BOX 375	BRAINERD MN 56401				O BRAINERD	56401
41040763	0919800Q001Z009	CITY OF BRAINER	138783	ROCK, RODNEY L & SUSAN	8800 HAZELWOOD RD	BEMIDJI MN 56601					
40050637	010054100A00009	CITY OF BAXTER		1 TAX FORFEITED	CROW WING COUNTY	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590		14250 CONSERVATION DR	BAXTER	56425
40050625	010054400B1B009	CITY OF BAXTER	137597	WESTGATE MALL REALTY GROUP LLC	ATTN: LEXINGTON RE/	911 E COUNTY LINE RD	LAKEWOOD, NJ 08701		14136 BAXTER DR	BAXTER	56425



File: 4927-18
Address: 701 NW 7th St, Brainerd, MN 56401
Legal: Lot 1, Block U, West Brainerd



40.00 feet
1:480



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

David Muhonen

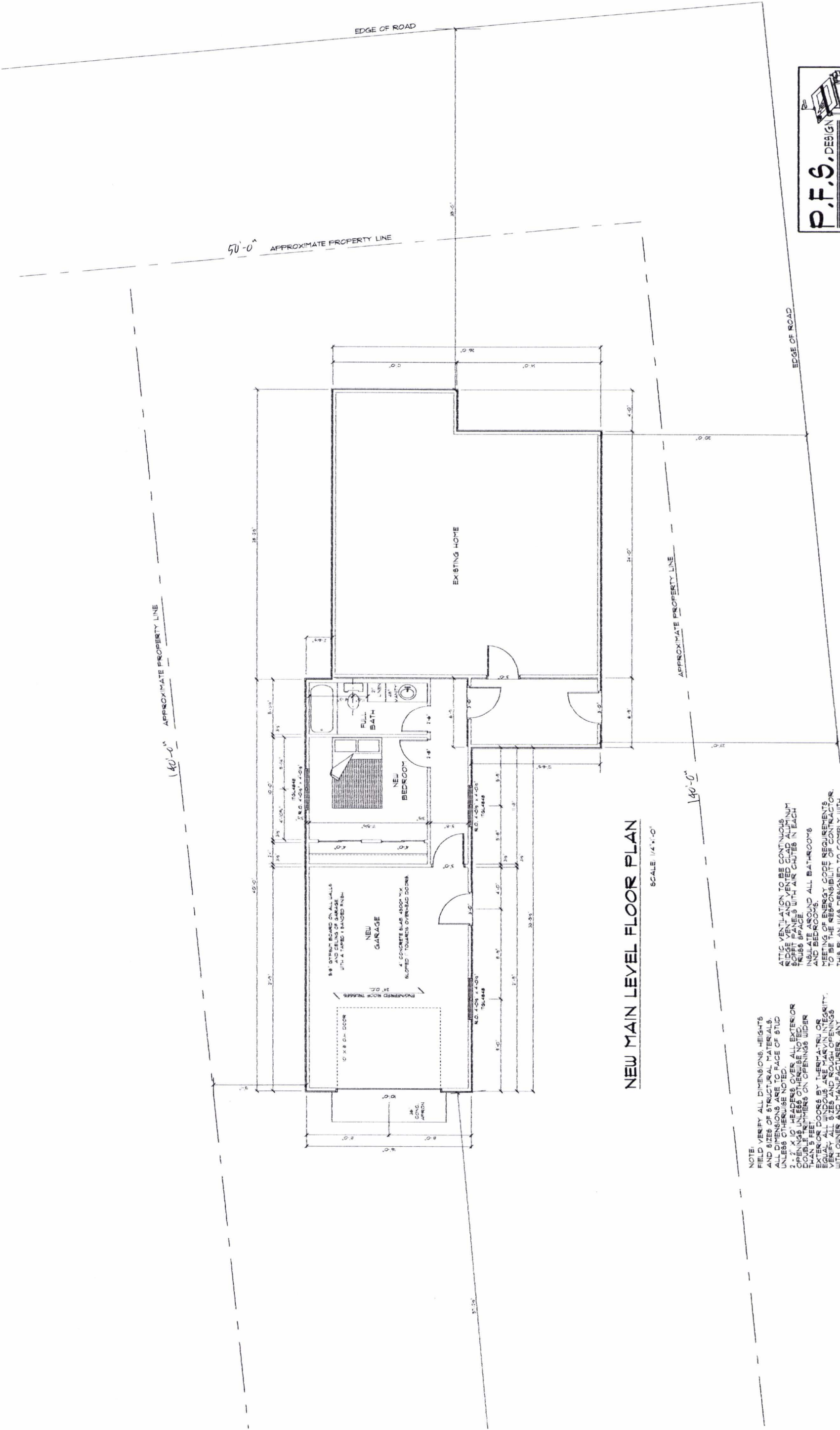
Date: 3/7/2019 Time: 8:53:45 AM







1/23/2019



NEW MAIN LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"

NOTE:
FIELD VERIFY ALL DIMENSIONS, HEIGHTS
AND SIZES OF STRUCTURAL MATERIALS.
ALL DIMENSIONS ARE TO FACE OF STUD
UNLESS OTHERWISE NOTED.
2.2' X 10' HEADERS OVER ALL EXTERIOR
DOOR AND WINDOW OPENINGS UNDER
THAN 5 FEET.
EXTERIOR DOORS BY THERMA-TRU OR
EQUALLY ALL WINDOWS ARE MARVIN
WITH OWNER AND MANUFACTURER ANY
WINDOW WITHIN 18" OF THE FLOOR IS TO BE
TEMPERED. WINDOW HEADER HEIGHT
TO BE 6'-1 1/2" UNLESS NOTED.
VERIFY ALL TRUSSES, BEAMS AND
MICROLATS WITH TRUSS MANUFACTURER.

ATTIC VENTILATION TO BE CONTINUOUS
RIDGE VENT AND VENTED GLAD ALUMINUM
SOFFIT PANELS WITH AIR CHUTES IN EACH
TRUSS SPACE.
INSULATE AROUND ALL BATHROOMS
AND BEDROOMS.
TYPING OF ENERGY CODE REQUIREMENTS
TO BE PROVIDED TO THE CONTRACTOR.
THIS PLAN WAS DESIGNED TO COMPLY WITH
UNITED BUILDING CODES AT THE TIME OF
DRAWING. CHECK WITH YOUR CONTRACTOR
AND FOR THE LOCATION THEY WERE DRAWN.
THE OWNER AND CONTRACTOR ASSUME THE
RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

P.F.S. DESIGN
218-821-0630
PROJECT FOR:
MITCH TUCHI
DATE:
MARCH 6, 2018
PAGE NO.
1 of 1

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: July 12, 2019

RE: Comprehensive Plan Timeline Update

During the Planning Commission's regular meeting on June 19, it was presented that staff would be requesting the Commission to open the public comment period for the Comprehensive Plan during the July 17 meeting. However, as staff review has been much more thorough and in-depth than originally expected as we desire to only publish a final draft level document and with the Independence Day Holiday, staff will not be petitioning the Commission to open the public comment period.

All staff comments will be submitted to our development team for revision by Monday, July 15, and a preliminary final document should be ready for public release by the end of the month. Therefore, staff is proposing the following review and adoption timeline:

- Open 30-day Public Comment Period – On or Around August 7th
 - Only a quorum of 4 members will be needed to open the public comment period
- Call for Public Hearing – August 21st
- Hold Planning Commission Workshop – On or Around September 11th
- Conduct Public Hearing– September 18th
- Recommend Adoption of Comprehensive Plan to Council – October 16th
- Adoption of Comprehensive Plan by Council – October 21st

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: July 12, 2019

RE: Lighting Standards Proposed Ordinance Language

Upon direction from the Planning Commission, staff has drafted language to amend the light pole height standards in Section 515-18 of the Code of Ordinances. The proposed language reads as follows:

515-18-5: Performance Standards.

A. Residential District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
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 building shall not exceed the height of the building**
 - a. **If the bulb/light source is fully shielded from view by an observer at ground level, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit. .**
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. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.
2. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
3. Architectural/historical lights that include fixtures that are not shielded or lighting of entire facades or architectural features of a building are permitted. In no case shall the

light affect adjacent property in excess of the maximum light levels defined in this Ordinance.

~~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 the 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. 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 building shall not exceed the height of the building.

a. If the bulb/light source is fully shielded from view by an observer at ground level, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit.

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: July 12, 2019

RE: Kingwood Walking Tour Recap

On Wednesday, May 29, Thursday, May 30, and Friday, May 31, Commissioner Marohn led walking tours of Kingwood Street. The purpose of these walking tours was to survey the residents who live on or near Kingwood as to how they perceive the mixture of residential and commercial in the area.

As this item was tabled during the June 19 meeting as Commissioner Marohn was not present at the time, he will now provide his report to the Planning Commission. Attached are notes staff took during the walking tours.

Kingwood Walk

Parking Lots

- Despise parking lots, especially Thrifty
 - Hardee's parking lot needs manicure/if it was well maintained people would be more okay with it. Still don't love it, but are appreciative
- Essentia's parking lot was less of an eyesore in their eyes, they liked that it was tucked behind the building
- Parking lot on Third Street was ill-received as well.
- Parking lot on 6th Street was equally ill-received.
- Parking lot at Zion Lutheran was unanimous in dislike. Too big, open, kills any sense of neighborhood character.

On-Street Parking

- On-street parking is good compared to parking lots, but also feels congested when too many people park on the street.
- Several people commented that on-street parking on 3rd street tends to get backed up due to businesses on Washington (one commenter referenced when classes are going on at kick boxing place).

Trees/Landscape

- Love Boulevard trees and canopy
- Loss of trees at Third Street along Kingwood makes the space feel empty, less protected/quaint. Aesthetically unappealing
- There was a worry that trees near corners pose a visibility hazard.

Apartments

- Apartments
 - Very mixed opinions
 - A majority (may be stretching here) are okay with apartments, if they are well-kept and keep traffic levels low.
- No one in the group liked or felt comfortable near the apartment on the West side of 4th and Kingwood.
- Don't want 6th St. apartments replicated, feels barren, big and empty. "Doesn't fit in with the surrounding neighborhood."
- Apartment on 7th and Kingwood is good because of the setback, trees, and low-traffic.
- There were very negative feelings about the apartment on 8th St and Kingwood.
- *Splitting single family into multifamily units was very contentious. One couple were fine with it, the rest were irked. Used ideas such as more traffic and ruining the neighborhood feel as reasons why they were against it.*

Businesses

- People were okay with the businesses with on Washington side, depending on the design/aesthetic.
- Essentia business is alright, but would not like it to be replicated
 - One woman pointed out that she it was off-putting that it was one story vs. two, changes the sightline of the neighborhood.
- Toss-up on businesses coming into the neighborhood, several people are firmly against commercial, others are okay with low-traffic commercial.
- People love Fine Line, would love to have that business picked up and put anywhere in the neighborhood (hard to do considering that house is on the national historic registry and would be a pain to replicate).
- Truth Lutheran is good, blends in well, well maintained
- The house/business on again off again on 5th and Kingwood would be alright if it was a business, fits in with the neighborhood and is well maintained.
- *Everyone was chill with the granny flat in the back of property* EVEN If it was an Airbnb.
- Farmers Insurance is good because it's a house and fits in the neighborhood.
- Signs are a major worry about businesses being in the area. Even the Farmers insurance sign was pushing it for some in the group.
- The Center was a bit of a conversation piece. Some like it because it fits in with the surrounding area (being right off of Washington, larger buildings surrounding it). Others don't like how big it is, feel it's out of character. No one supported the idea of something similar being built in another part of the neighborhood.
- Unanimous love of the small corner building that The Center apparently owns. Everyone would love for that to be replicated across the neighborhood.

Fences

- A consensus was formed that privacy fences are fine, as long as they are well maintained. No one cared what material (wood, vinyl, chain link) again, as long as they are well maintained.

Alleys

- No one was fond of alleys, said that they feel it leaves the area open and exposed, less comfortable walking by alleys.
- There was talk however of an alley further down on Kingwood (just past 7th street), not the one just before 5th street, where people were more okay with it because there were houses packed along it and it felt less open.