

BRAINERD PLANNING COMMISSION

Wednesday, October 16, 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 September 18, 2019

Documents:

[2019-09-18 DRAFT.PDF](#)

4. New Business

- 4.a. Rezoning Application - 11349 Easy Street - From R-1A To R-1

Documents:

[11349 EASY ST REZONING.PDF](#)

- 4.b. Variance Request - 1853 Graydon Ave - Reduce Setbacks For The Construction Of A Garage

Documents:

[1853 GRAYDON AVE - SETBACK VARIANCE.PDF](#)

- 4.c. Variance Request - 317 N 4th Street - To Convert Single-Family Structure To Duplex

Documents:

[317 N. 4TH ST - DUPLEX VARIANCE.PDF](#)

- 4.c.i. Distributed At The Meeting - Variance Request

Documents:

[317 N 4TH VARIANCE REQ.PDF](#)

- 4.d. Discussion - Institute For Nondestructive Testing

Documents:

[INSTITUTE FOR NONDESTRUCTIVE TESTING - DISCUSSION .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. Public Hearing - Proposed Lighting Ordinance Standards

Documents:

[PROPOSED LIGHTING ORDINANCE STANDARDS - PUBLIC HEARING.PDF](#)

6.a.i. Distributed At The Meeting - Lighting Ordinance Information

Documents:

[LIGHTING ORDINANCE.PDF](#)

6.b. Public Hearing - Proposed Nonconforming Rentals Ordinance Revision

Documents:

[NONCONFORMING RENTALS ORDINANCE REVISION - PUBLIC HEARING.PDF](#)

6.b.i. Distributed At The Meeting - Nonconforming Rentals

Documents:

[NONCONFORMING RENTAL EMAIL RECEIVED.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, September 18, 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, Marohn, Burslie, Duval, and Woodward. Council Liaison Lambert, Community Development Director Chanski and Ashley Kaisershot from Sourcewell were also noted as present. Commissioner Foley was noted as absent.

#2 Approval and/or Amendment of Agenda

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

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND WOODWARD, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD AUGUST 21, 2019 AND THE WORKSHOP HELD ON SEPTEMBER 11, 2019.

#4 Public Forum

The Chair opened public forum at 6:06 p.m.

No one came forward.

The Chair closed the public forum at 6:07 p.m.

#5 Old Business

6a. Public Hearing to Consider Adoption of the City of Brainerd Comprehensive Plan

Community Development Director Chanski stated the comprehensive plan was available online for input from the public and now is the time to review the plan with the updates suggested by the Planning Commission at their September 11th meeting. He said he outlined the two options in his memo to the Commission.

The Chair opened the public hearing at 6:10 p.m.

Commission Chair Gorham said he felt the memo submitted by Ashley Kaisershot was well stated showing the changes that were suggested.

Commissioner Burslie stated he will be abstaining from the vote, as his employer completed much of the work on the plan.

Commissioner Gorham inquired about the statement from the HRA regarding the discrepancy in the vacancy rate among rentals.

Community Development Director Chanski stated the Brainerd HRA also handles Crow Wing County and some of the research resulted in the 1% vacancy rate.

The Chair welcomed Rick Fargo, rental property manager who served 5 years on the HRA Board and indicated the vacancy rate is very low; less than 2% for the past several years.

Commission Chair Gorham indicated on page 65, more clarification was requested on promoting energy efficiency and he would like wording that addresses the hydro-dam, water supply and renewable energy sources. He stated the sub-strategy that was added is good but needs additional verbiage. It was determined to insert this as a policy under goal three of Facilities & Infrastructure.

Commissioner Duval added the hydro-dam is currently in the relicensing process with the Federal Energy Regulatory Commission and a mention of this should be added in the expanded narrative.

The Chair welcomed Ashley Kaisershot from Sourcewell who stated she will go through the general comments and obtain input from the Commission. The following are questions and potential changes that will be made:

- HRA Comments: Ashley will make the changes to the vacancy rate as previously discussed.
- Additional HRA Comments: Under Housing Goals & Policies section to add a statement regarding workforce housing. It was determined that goal one, policy 2 and 3 already addresses this concern.

Community Development Director Chanski stated in the capital plan, funds are budgeted for plan reviews and small updates as needed.

The Chair welcomed Brian Moon, steering committee member, who stated working with the members was a great experience and the result was a great comprehensive plan. He stated he is very confident that all the layers of the community have been accounted for regarding ideas and concerns. He said he appreciated Ms. Kaisershot's leadership, expertise and level of professionalism and he is confident in the finished document.

The Chair welcomed Rick Fargo who said he wants the plan to be referenced and used in decision making, whether it be council members or city staff.

The Chair thanked Mr. Moon and Mr. Fargo for their participation and hard work on the plan.

Commissioner Lambert stated she is pleased that the plan is people friendly and clear to understand.

Commissioner Burslie would like the following rephrased: *"What is now a booming tourism industry started with the fur traders and trappers who meandered through the maze of lakes and waterways, followed by early explorers and loggers who sought to tame the vast, watery wilderness."* It was determined that Ms. Kaisershot will readjust the phrase to be less of a cultural statement.

The Chair closed the public hearing at 6:45 p.m.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL TO RECOMMEND THE ADOPTION OF THE COMPREHENSIVE PLAN WITH THE CHANGES DISCUSSED TO THE CITY COUNCIL ON OCTOBER 7TH.

Members Gorham, Duval, Woodward and Lambert voted "aye". Members Burslie and Marohn abstained from voting. The Chair declared the motion carried.

6b. Nonconforming Rentals Ordinance Revision

Community Development Director Chanski reviewed the recommended change to the nonconforming rental ordinance revision, by striking the following sentence from Section 515-15-6.b: *"A nonconforming residential use that had a rental license expire (more than 365 days from date of license expiration) cannot be reestablished as a nonconforming use."*

Commissioner Marohn stated the newly written comprehensive plan would not allow this change, as is not taking care of the problem.

Community Development Director Chanski stated as we look forward to update and rewrite our ordinances, the lengthy process was not deemed necessary and it was simpler to make this change instead. He said the subcommittee is reviewing different residential zones for potential revisions in removing the single family or multi family, and using the terms historic, agricultural and suburban for an example.

Commissioner Burslie stated one of the issues was if a property owner could not obtain a rental license, they would rent it out anyway. He said this will allow them to obtain a license and follow the rental code as required.

Commissioner Lambert explained for example, another concern was if there was a five-plex that would be licensed for four rentals and one was a family member, once the family member left, the additional unit could not obtain a license.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND WOODWARD, DULY CARRIED, TO CALL FOR A PUBLIC HEARING REGARDING THE NONCONFORMING RENTAL ORDINANCE REVISION AT THE PLANNING COMMISSION MEETING ON OCTOBER 16, 2019.

#7 Commissioner's Questions/Comments

Commissioner Burslie indicated he would like to discuss the recent outdoor lighting ordinance revision request that was denied by the City Council.

Commission discussion took place. It was determined for the Commission to address the concerns that were raised at the City Council meeting, review the ordinance language and research other municipalities ordinances for comparison.

MOVED AND SECONDED BY ALDERMEN MAROHN AND DUVAL, DULY CARRIED, TO CALL FOR PUBLIC HEARING ON OCTOBER 16, 2019 REGARDING THE AMENDMENT TO THE OUTDOOR LIGHTING ORDINANCE TO CREATE A TWO TIERED HEIGHT STANDARD FOR NEW LIGHTING AT 13' FOR PERMITTED USE AND UP TO 20' FOR

CONDITIONAL USE AS PER THE LANGUAGE THE COMMISSION RECOMMENDED AT THE PLANNING COMMISSION MEETING AUGUST 21ST.

#8 Community Development Director's Report

Community Development Director Chanski stated the school district will be submitting the Conditional Use Permits for Lowell, Garfield and Riverside Elementary Schools. He said they would like consideration of these applications at the October Planning Commission meeting.

Commissioner Marohn indicated he would like guidance as the plans are reviewed by the Commission. Community Development Director Chanski will create a list of items to address in the review process.

Community Development Director Chanski announced the previous City Administrator, Jim Thoreen, was appointed to serve the City as the Interim Administrator until a new administrator is hired.

Commissioner discussion took place regarding the consulting company being used for City Administrator recruitment.

#9 Adjourn

The Chair adjourned at 7:20 p.m.

Don Gorham, Planning Commission Chair

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: October 11, 2019

RE: 11349 Easy St. Rezoning

Scott Vansteenwyk, 11349 Easy St., Brainerd, MN 56401 has submitted a request on behalf of Gilbert Vansteenwyk for the property at 11349 East St., to rezone said property from R-1A (Single-Family Residential) District to an R-1 (Single-Family Residential) District.

The purpose of this rezoning is to reduce the required setbacks for accessory structures from 30 feet (front), 10 feet (side), and 10 feet (rear) to 20 feet (front), 3 feet (side), and 5 feet (rear).

Findings of Fact

1. 11349 Easy St. was annexed into the City of Brainerd in 2002 by Ordinance No. 1149 at which time the property was zoned R-1A (Single Family Residential) District.
2. The properties immediately adjacent to 11349 Easy St. are zoned R-1A.
 - a. However, properties within the City of Brainerd approximately 5 blocks to the east are zoned R-1 (Single Family Residential) District.
3. [Per Section 515-55-7](#) of the Code of Ordinances, the setbacks of accessory structures in R-1A Districts (the current zoning district) are:
 - a. Front yard: thirty (30) feet
 - b. Side yard: ten (10) feet
 - c. Side yard (corner): twenty (20) feet
 - d. Rear yard: thirty (10) feet
4. [Per Section 515-54-7](#) of the Code of Ordinances, the setbacks of accessory structures in R-1 Districts (the proposed zoning district) are:
 - a. Front yard: twenty (20) feet
 - b. Side yard: three (3) feet
 - c. Side yard (corner): fifteen (15) feet, twenty (20) feet if garage faces street
 - d. Rear yard: five (5) feet
5. [Per Section 515-17-8.B.4](#) of the Code of Ordinances, “No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.”

6. [Per Section 515-17-8.B.3.b](#) of the Code of Ordinances, the total number of accessory buildings and garages for 11349 Easy St shall be one (1) attached garage and one (1) detached accessory building.

- a. There is currently no detached accessory structure located on this property.

No parties have come forward to express concern about this rezoning request at the time of this writing.

Staff Opinion

Staff recommends approval of this rezoning request.



City Planning Department

City Hall - 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # 2019-00054
Check # _____
Date Paid: 10/2/19

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☒ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 11349 EASY STREET

LEGAL DESCRIPTION: Lot(s): 839 Block: - Addition: PINE SHORES FIRST SUBDIVISION
(attach description if lengthy)

Property Owner Name: GILBERT VANSTEENWYK

Street Address: 11349 EASY ST. City: BRainerd State: MN Zip Code: 56401

Phone Number: 218-829-5084 Fax: _____ E-mail: svansteenwyk@hotmail.com

Applicant Name: (If different than Property Owner) SCOTT VANSTEENWYK (SON)

Street Address: 11349 EASY ST City: BRainerd State: MN Zip Code: 56401

Phone Number: 612-747-0466 Fax: _____ E-mail: svansteenwyk@hotmail.com

Description of Request: REQUEST PROPERTY TO BE ZONED R1 IN
LIEU OF CURRENT R1A. R1 ZONING WILL ALLOW US
TO CONSTRUCT A DETACHED GARAGE WITH NO SET BACK
VARIANCES. PROPERTY TO THE EAST OF US AND SOUTH ACROSS
LAKE ARE ZONED R1.

Gilbert A. Van Steenwyk
Property Owner Signature

10-2-19
Date

(Please print name)
Letta A. Van Steenwyk
Applicant Signature

9-30-19
Date

(Please print name)

(OVER)





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.

11349 Easy Street

Date: 10/1/2019 Time: 9:38:54 AM



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Scott Vansteenwyk, 11349 Easy St., Brainerd, MN 56401 has submitted a request on behalf of Gilbert Vansteenwyk for the property at 11349 East St., to rezone said property from R-1A (Single-Family Residential) District to an R-1 (Single-Family Residential) District. The purpose of this rezoning is to reduce the required setbacks for accessory structures from 30 feet (front), 10 feet (side), and 10 feet (rear) to 20 feet (front), 3 feet (side), and 5 feet (rear).

The legal description of the property is as follows:

Lot 9 and vacated Plunge Path, PINE SHORES – FIRST SUBDIVISION (ANNEXED 2002)

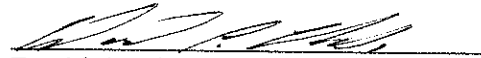
P.I.N. 41170505

Section 17, Township 45, Range 30

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, October 16, 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 4th day of October 2019.


David C. Chanski, MPA
Community Development Director

See reverse side for map.

Parcel Nun	Legacy Parcel Nun	Municipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Owner Adc	Physical Ac	Physical Cti	Physical Zip
81170534	8110800009822009	OAK LAWN CUTTAY, JAMES I & COLLEEN	15359 PINE SHORES RD	BRAINERD MN 56401			15359 PINI BRAINERD			56401
81170580	811080000342009	OAK LAWN EDERBERG, PENNIE MARIE	6467 WETHERBEE RD	BRAINERD, MN 56401			15547 BLU BRAINERD			56401
81170598	811080000100889	OAK LAWN ERICKSON, PHYLLIS S STEVEN EQ	END 351 NORTH MERIDIAN LOT 4 APACHE JUNCTION, AZ 85220				11333 EAS' BRAINERD			56401
81170578	811080000370009	OAK LAWN HALL LAKE CABIN LLC	C/O LYNN ELIZABETH COLVE 315 BROCKTON LN N PLYMOUTH MN 55447				0 BRAINERD			56401
81170579	81108000035Y009	OAK LAWN HOLMES, SHELDON P & DEBRA A	20367 AUBURN ST NW	ELK RIVER MN 55330			15509 TUR BRAINERD			56401
81170555	811080000620009	OAK LAWN HUNTER, RENEE K	11394 EAST ST	BRAINERD, MN 56401			11394 EAS' BRAINERD			56401
81170582	811080000320009	OAK LAWN JOHNSON, MATTHEW E	11352 EASY ST	BRAINERD, MN 56401			11352 EAS' BRAINERD			56401
81170576	811080000392009	OAK LAWN LARSON, THOMAS E	1912 WOODCREST RD	BRAINERD MN 56401			15546 BLU BRAINERD			56401
81170583	811080000310009	OAK LAWN LEWIS, TODD & AMY	11344 EASY ST	BRAINERD MN 56401			11344 EAS' BRAINERD			56401
41170508	92640000030009	CITY OF BR MAROHN, ROBERT E & ANDREA K	11427 EASY ST	BRAINERD, MN 56401			11427 EAS' BRAINERD			56401
41170503	92640000130009	CITY OF BR NOVICK LIVING TRUST DTD 12/14/15	KASMA-NOVICK, DONELLE	1735 ESTATES TRL	BURNSVILLE, MN 55306		11329 EAS' BRAINERD			56401
41170504	92640000110009	CITY OF BR NOVICK, JAMES R	11313 EASY ST	BRAINERD, MN 56401			11313 EAS' BRAINERD			56401
81170556	811080000610009	OAK LAWN PEDERSON, CHARLES S	11376 EASY ST	BRAINERD, MN 56401			11376 EAS' BRAINERD			56401
41170501	92640000150009	CITY OF BR RICE LAKE FAMILY LLC	C/O JOSEPH NOVICK	1735 ESTATES TRL	BURNSVILLE, MN 55306		0 BRAINERD			56401
81170585	811080000290889	OAK LAWN SEVERNS, ROGER ELTON &	SEVERNS, WENDY GRUSS	1778 ORCHID DR N	MANKATO MN 56003		11300 EAS' BRAINERD			56401
81170606	811080000004A009	OAK LAWN SEVERT FAMILY REV LIVING TRUST	11465 EASY ST	BRAINERD, MN 56401			0 BRAINERD			56401
81170603	81108000004A009	OAK LAWN SIEMERS, ADAM & ELIZABETH	11385 EASY ST	BRAINERD, MN 56401			0 BRAINERD			56401
81170553	811080000640009	OAK LAWN THOMPSON, JAMES & BERENS, VANEK	15526 TURNING TRL	BRAINERD, MN 56401			15526 TUR BRAINERD			56401
81170587	811080000270009	OAK LAWN TIFFANY, BRUCE & ANN	32503 327TH ST	REDWOOD FALLS, MN 56283			0 BRAINERD			56401
81170557	811080000600009	OAK LAWN TOMCZAK, KENNETH G & LAURIE J HEI	5565 COUNTY RD 12	MOOSE LAKE MN 55765			15457 PINI BRAINERD			56401
41170506	09264000008B009	CITY OF BR VANSTEEENWYK, GILBERT A & DELORE	11349 EASY ST	BRAINERD MN 56401			0 BRAINERD			56401
81170584	811080000300009	OAK LAWN WILT FAMILY PROPERTIES LLC	5389 PIONEER TRL	BRAINERD MN 56401			11322 EAS' BRAINERD			56401



11349 Easy Street

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: October 11, 2019

RE: 1853 Graydon Ave. Setback Variance

Clinton Headley, 1853 Graydon Ave, Brainerd, MN 56401, has submitted a plan to demolish an existing 16'x20' detached garage and construct a 26' x 28' detached garaged in its place.

The applicant is requesting a variance from setback requirements set forth in [Section 515-17](#) General Building Use and Design Provisions. Section 8.B.4.B.1 states, "side and rear setbacks shall be as provided for in the respective Zoning District." 1853 Graydon Ave. is zoned R-1A (Single Family Residential) District. The side setback requirement for accessory structures in R-1A zones is ten (10) feet. A reduced setback of 55 inches is requested.

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 R-1A (Single Family Residential) District is to allow areas of low density, single family detached dwellings and to preserve the quiet single-family neighborhoods free from other uses except those which are both compatible with residents of such districts.
 - b. When the variances are consistent with the Comprehensive Plan
 - i. The proposed plan is supported by the 2019 Comprehensive Plan.
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. Garages and open off-street parking for private residential uses as regulated by Section 17 of the Zoning Code is an accessory use with Section 515-55.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. [Section 515-55-7](#) of the Code of Ordinances, requires a minimum lot size of 10,000 square feet with a minimum width of 75 feet.
 1. 1853 Graydon Ave. is a legal nonconforming lot as it is only 60 feet wide and 7,200 square feet.

- c. The variance, if granted, will not alter the essential character of the locality.
 - i. A single-family dwelling with garage currently exists on the property.
- 3. The current garage sits approximately 55 inches from property line, 65 inches less than required by the Code of Ordinances.

At the time of this writing, no parties have come forward to express objections to this variance request.

Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 515-7 of the Code of Ordinances and as the applicant will not be increasing the nonconformity of the side setback.

**City Planning Department**

City Hall – 501 Laurel Street

Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

RECEIVED

OCT 03 2019

CITY OF BRAINERD
ADMINISTRATIONReceipt # 2019-00055Check # 1745Date Paid: 10/3/19**CONDITIONAL USE/REZONING/VARIANCE APPLICATION****RESIDENTIAL****COMMERCIAL**

CONDITIONAL USE PERMIT

☐

(\$250.00)

REZONING

☐

(\$300.00)

VARIANCE

☒

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

☐

(\$500.00)

☐

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 1853 Graydon AveLEGAL DESCRIPTION: Lot(s): 3 Block: 2 Addition: Edgewood
(attach description if lengthy)Property Owner Name: Clinton HeadleyStreet Address: 1853 Graydon Ave. City: Brainerd State: MN Zip Code 56401Phone Number: 218-831-1891 Fax: _____ E-mail: clinton.headley@gmail.com

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: As identified in the attached packet. The current 12x20 garage on the property is approx 55" from the southern property line. I would like to demolish the current 240SF garage and yard shed and construct a new 26x28 (728SF) garage. This would utilize the same 55" southern setback as the existing garage and the required 10' setback on the eastern property line. The reason for southern line distance is to accommodate driveway alignment and the south wall will also serve as/tie into the back yard perimeter fence that will be installed.

Property Owner Signature

30OCT2019

Date

Clinton Headley

(Please print name)

Applicant Signature

30OCT2019

Date

Clinton Headley

(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Clinton Headley, 1853 Graydon Ave, Brainerd, MN 56401, has submitted a variance application for reduced setbacks of 55 inches to construct a 26' x 28' garage. The property is in an R-1A (Single Family Residential) District.

A variance from the following Zoning Ordinance section is requested: *SECTION 515-17 GENERAL BUILDING USE AND DESIGN PROVISIONS*

515-17-8.B.4.B.1 Side and rear setbacks shall be as provided for in the respective Zoning District.

The side setback requirement for accessory structures in R-1A zones is ten (10) feet. A reduced setback of 55 inches is requested.

The property is legally described as follows:

*Lot 3 Block 2, EDGEWOOD ROAD ADDITION TO BRAINERD
P.I.N. 41360969
Section 36 Township 45 Range 31*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, October 16, 2019 to consider the request for the Variance.

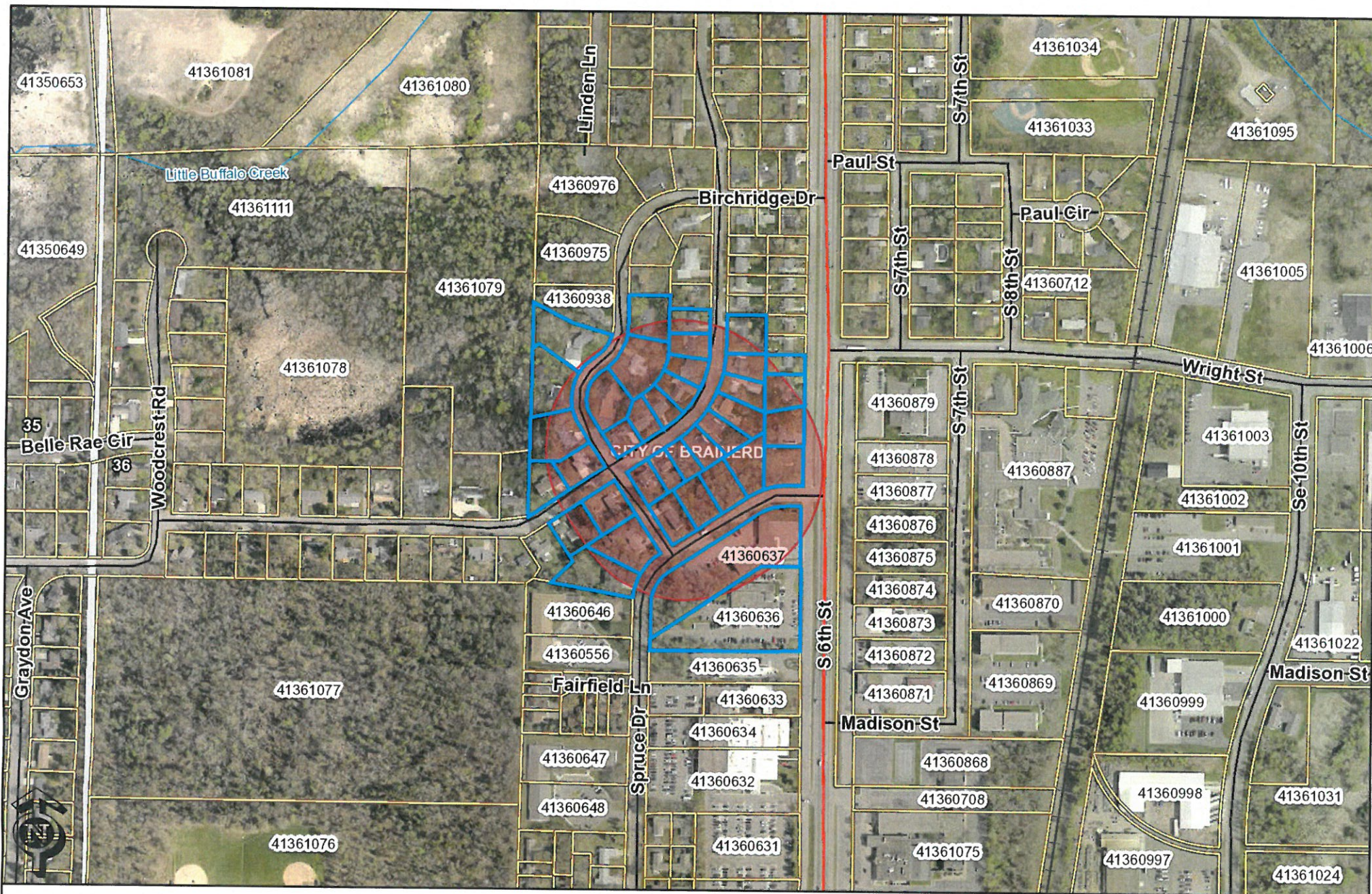
An application is on file for review at the Community Development Department, 501 Laurel Street.

Any individual needing special accommodations, please call (218) 828-2309.

Dated this 4th day of October 2019


David C. Chanski
Community Development Director

Parcel Number	Legacy Parcel Number	Municipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3
41360637	09185003001Z009	CITY OF BRAINE	AMERICAN NATIONAL BANK OF MN	PO BOX 427	BRAINERD, MN 56401	
41360966	91240020060009	CITY OF BRAINE	ANDERSON, NICHOLAS R	1841 GRAYDON AVE	BRAINERD MN 56401	
41360925	09124005016Z009	CITY OF BRAINE	BEDARD, SAMUEL E & AMY L	153 BIRCH RIDGE DR	BRAINERD, MN 56401	
41360926	09124005014Z009	CITY OF BRAINE	BLONIGEN, PAULINE	157 BIRCHRIDGE DR	BRAINERD MN 56401	
41360946	09124003003Z009	CITY OF BRAINE	BOWMAN, PETER H & KRISTI A	1883 GRAYDON AVE	BRAINERD MN 56401	
41360636	09185003007A889	CITY OF BRAINE	BRAINERD LAKES INTEGRATED HEALTH	SYSTEM DBA ESSENTIAL HEALTH CE	2024 SOUTH 6TH ST	BRAINERD, MN 56401
41360933	91240050060009	CITY OF BRAINE	CARLSON, BONNIE J	1830 GRAYDON AVE S	BRAINERD MN 56401	
41360638	09185002005B009	CITY OF BRAINE	CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401
41360939	09124004006Z009	CITY OF BRAINE	DRAKE, CHERYL A	164 BIRCHRIDGE DR	BRAINERD, MN 56401	
41360642	91850020020009	CITY OF BRAINE	EDGEWOOD HOMES INC	P O BOX 492	BRAINERD MN 56401	
41360947	09124003001Z009	CITY OF BRAINE	ELWOOD, LORI L	204 BIRCHRIDGE DR	BRAINERD MN 56401	
41360965	91240020070009	CITY OF BRAINE	FAGERENG, GREGORY	1837 GRAYDON AVE	BRAINERD, MN 56401	
41360941	09124004003Z009	CITY OF BRAINE	FINEDAY, ANITA P	182 BIRCHRIDGE DR	BRAINERD, MN 56401	
41360942	09124004001Z009	CITY OF BRAINE	FOSTER, ELIZABETH A TRSTUAD 8/10/07	C/O ELIZABETH A FOSTER	1880 GRAYDON AVE	BRAINERD, MN 56401
41360969	91240020030009	CITY OF BRAINE	HEADLEY, CLINTON & STACI SEDAHL	1853 GRAYDON AVE	BRAINERD MN 56401	
41360643	91850020010009	CITY OF BRAINE	HERBST, MONA & KARL R	1919 BIRCHRIDGE DR	BRAINERD MN 56401	
41360943	09124004001Y009	CITY OF BRAINE	IMGRUND, JOHN J & GABRIELLA	1876 GRAYDON AVE	BRAINERD MN 56401	
41360645	09185001007C009	CITY OF BRAINE	JOSH'S PLACE HOMES LLC	470 HIGHWAY 96 W STE 120	SHOREVIEW, MN 55126	
41360644	91850010080009	CITY OF BRAINE	KRAUTKREMER, SCOTT M	208 BIRCHRIDGE DR	BRAINERD MN 56401	
41360932	91240050070009	CITY OF BRAINE	LOVING, NEKIA D	1834 GRAYDON AVE	BRAINERD MN 56401	
41360963	09124002009Z009	CITY OF BRAINE	MACARTHUR, VIRGINIA J	1829 GRAYDON AVE	BRAINERD, MN 56401	
41360928	91240050110009	CITY OF BRAINE	MARTIN, DENNIS J & JEANNE	1860 GRAYDON AVE	BRAINERD MN 56401	
41360931	91240050080009	CITY OF BRAINE	MELBY, MARK E & LEIGH A	1840 GRAYDON AVE	BRAINERD MN 56401	
41360639	09185002005A889	CITY OF BRAINE	MESSERSCHMIDT, MATTHEW & KAITLYN M	1912 S 6TH ST		BRAINERD MN 56401
41360927	09124005012Z009	CITY OF BRAINE	MILLER, ROBERT E JR REV TRUST(1/2)	175 BIRCHRIDGE DR	BRAINERD, MN 56401	
41360971	91240020010009	CITY OF BRAINE	NELSON-WILLIAMS, SHIRLEY & GEOFFREY	1861 GRAYDON AVE SO	BRAINERD MN 56401	
41360968	91240020040009	CITY OF BRAINE	NEUMANN, CARRIE LAGER	1849 GRAYDON AVE		BRAINERD MN 56401
41360930	91240050090009	CITY OF BRAINE	O'REILLY, MATTHEW DAVID	1848 GRAYDON AVE	BRAINERD MN 56401	
41360949	91240020240009	CITY OF BRAINE	ROBERTSON, LARS B & KARA K	1834 6TH ST S	BRAINERD, MN 56401	
41360964	91240020080009	CITY OF BRAINE	ROSTE, CRYSTAL J	1833 GRAYDON AVE	BRAINERD MN 56401	
41360934	91240050050009	CITY OF BRAINE	RUEN, ERICA N	1824 GRAYDON AVE	BRAINERD, MN 56401	
41360967	91240020050009	CITY OF BRAINE	SATHER, DENNIS C & SANDRA L AYDT	1845 GRAYDON AVE	BRAINERD, MN 56401	
41360970	91240020020009	CITY OF BRAINE	STOCK, REBECCA D	1857 GRAYDON AVE	BRAINERD, MN 56401	
41360929	91240050100009	CITY OF BRAINE	THESING, MELINDA R	1854 GRAYDON AVE	BRAINERD, MN 56401	
41360940	09124004004Z009	CITY OF BRAINE	WEBSTER, MARKO J & ERICA N	174 BIRCHRIDGE DR		BRAINERD MN 56401
41360948	09124002025Y009	CITY OF BRAINE	WEEKS, NICHOLAS L	1838 6TH ST S	BRAINERD, MN 56401	



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.

1853 Graydon

Date: 10/4/2019 Time: 1:01:28 PM



corner pin

68.2'

corner pin

Proposed Garage
wall

6' fence

24" PL to fence

4' fence

55"

6' fence

House

Driveway

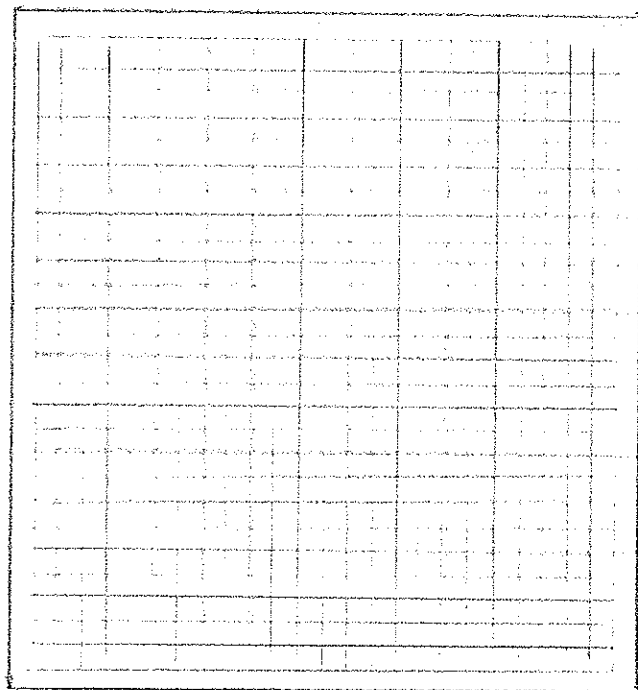
Fence Plan

3' square

corner pin

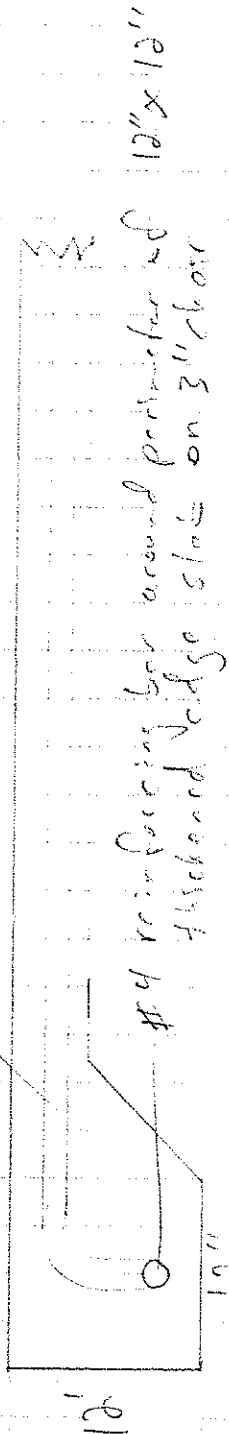
corner pin

Graydon 60' Avenue



slab reinforcement
#4 rebar 12" OC

#4 reinforcing bar 12" OC in either direction on 3' chair



new 6' fence installed

121.4'

68.2'

10'

65" to PL

Proposed Garage
26x28

728 SF

120'

28'

25'

Current
Garage
8x8

55" to PL

would move to
12' from neighbors

Current
Garage
12x20

1/4" fence
21 1/2'

40"

currently
11' to neighbors

20' house
to PL

House
35x25

35'6" to PL

3' square

60'

Driveway

1. New garage 5' wait would maintain the same ft. as existing garage
2. Existing garage and yard shed would be demolished
3. 70 SF of new concrete, driver wait
4. Fence

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: October 11, 2019

RE: 317 N. 4th St. Duplex Variance

Kenneth and Rosemary Kramer, 10865 Co. Rd. 44, Brainerd, MN 56401, have submitted a variance application to convert the single-family structure located at 317 N. 4th St., Brainerd, MN 56401 to a duplex.

The applicant is requesting a variance from permitted uses in [Section 515-54](#) R-1, Single Family Residential District. Section 2.A of said ordinance allows for single-family detached dwellings as a permitted use within a R-1 district. Duplex or multi-family dwellings are not permitted.

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 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.
 1. While one- and two-family homes are listed within the purpose and intent of the ordinance, two family homes are not listed as a permitted, interim, or conditional use within the district.
 - b. When the variances are consistent with the Comprehensive Plan
 - i. The proposed plan is supported by the 2019 Comprehensive Plan.
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. Two-family homes are not a permitted use within a R-1 District.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. Staff does not believe that the plight of the landowner is due to circumstances unique to the property.
 - c. The variance, if granted, will not alter the essential character of the locality.

- i. While there are other legal nonconforming two-family and multi-family homes in the area, these homes are considered legal nonconforming as they existed prior to the ordinance taking effect.

At the time of this writing, a number of parties have expressed concern regarding this request but have stated that they shall wait to formally issue their concerns until the public hearing.

Staff Opinion

While there are numerous two-family and multi-family homes in the North Brainerd neighborhood, staff does not believe that this request fits the requirements of a variance. Specially, staff does not believe it meets the “plight of the landowner is due to circumstances unique to the property” test.



City Planning Department **RECEIVED**
City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us
SEP 17 2019
CITY OF BRAINERD
ADMINISTRATION

Receipt # 2019-00049
Check # 8703
Date Paid: 9/17/19

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 317 NORTH 4TH STREET

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: KENNETH & ROSEMARY KRAMER

Street Address: 10865 CO. RD 44 City: BRAINERD State: MN Zip Code 56401

Phone Number: 218-829-8136 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) JEFF KRAMER / AGENT

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: VARIANCE TO ALLOW DUPLEX OF EXISTING
SINGLE FAMILY RESIDENCE AND
CONSTRUCTION OF GARAGE WITH 2' BUILDING
SET BACK AT NORTH PROPERTY LINE - SIDE YARD

[Signature]
Property Owner Signature

9-17-19
Date

X KENNETH KRAMER
(Please print name)

Applicant Signature
(Please print name)

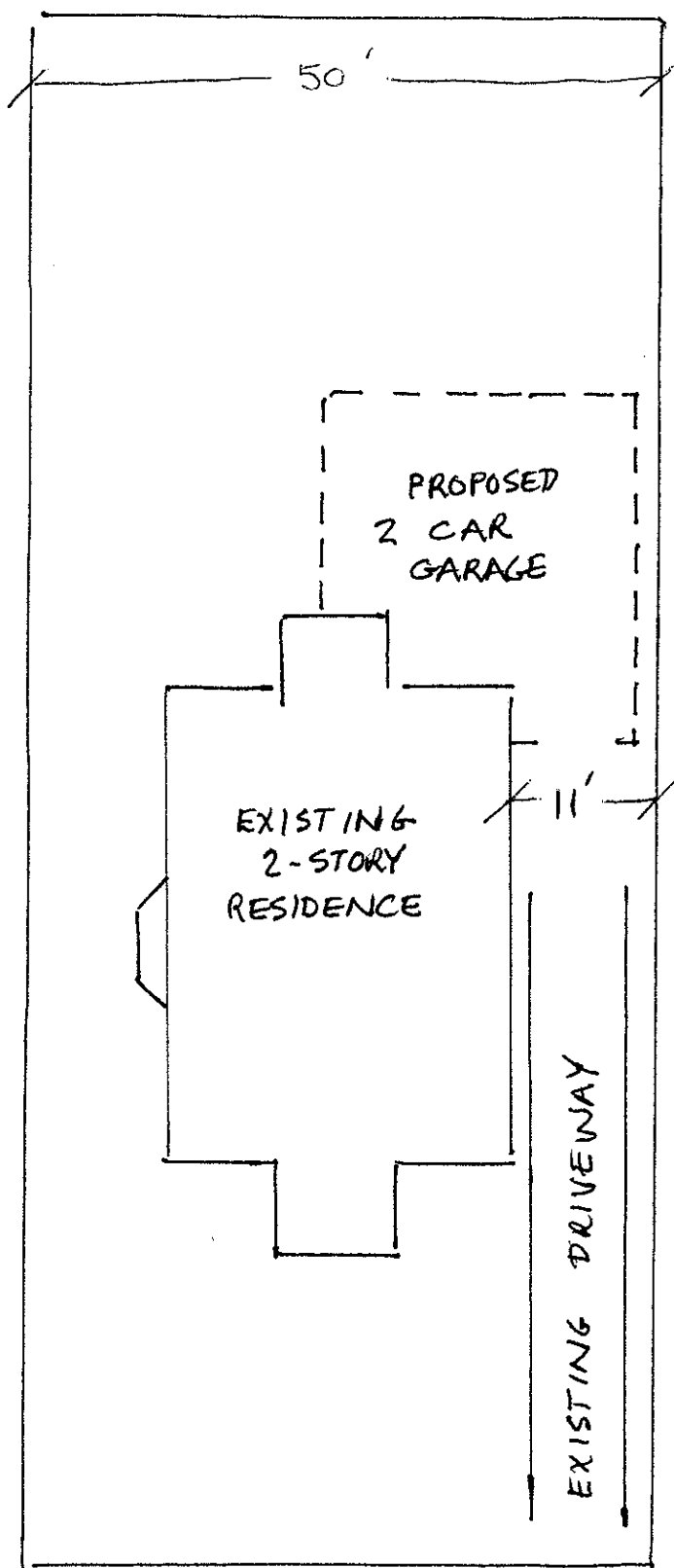
Date

(OVER)

KENNETH KRAMER



6401



317 NORTH 4TH STREET

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Kenneth and Rosemary Kramer, 10865 Co. Rd. 44, Brainerd, MN 56401, have submitted a variance application to convert the single-family structure located at 317 N. 4th St., Brainerd, MN 56401 to a duplex. The property is in an R-1 (Single-Family Residential) District.

A variance from the following Zoning Ordinance section is requested: *SECTION 515-54 R-1, SINGLE FAMILY RESIDENTIAL DISTRICT*

515-54-2.A. Detached single family dwellings.

Single-family detached dwellings are permitted uses within a R-1 district. Duplex or multi-family dwellings are not permitted within a R-1 district.

The property is legally described as follows:

*N. ½ of Lot 8 Block 68 & Lot 9 Block 68 & S. ½ of Lot 10 Block 68, TOWN OF BRAINERD
& FIRST ADDITION TO BRAINERD
P.I.N. 41241306
Section 24 Township 45 Range 31*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, October 16, 2019 to consider the request for the Variance.

An application is on file for review at the Community Development Department, 501 Laurel Street.

Any individual needing special accommodations, please call (218) 828-2309.

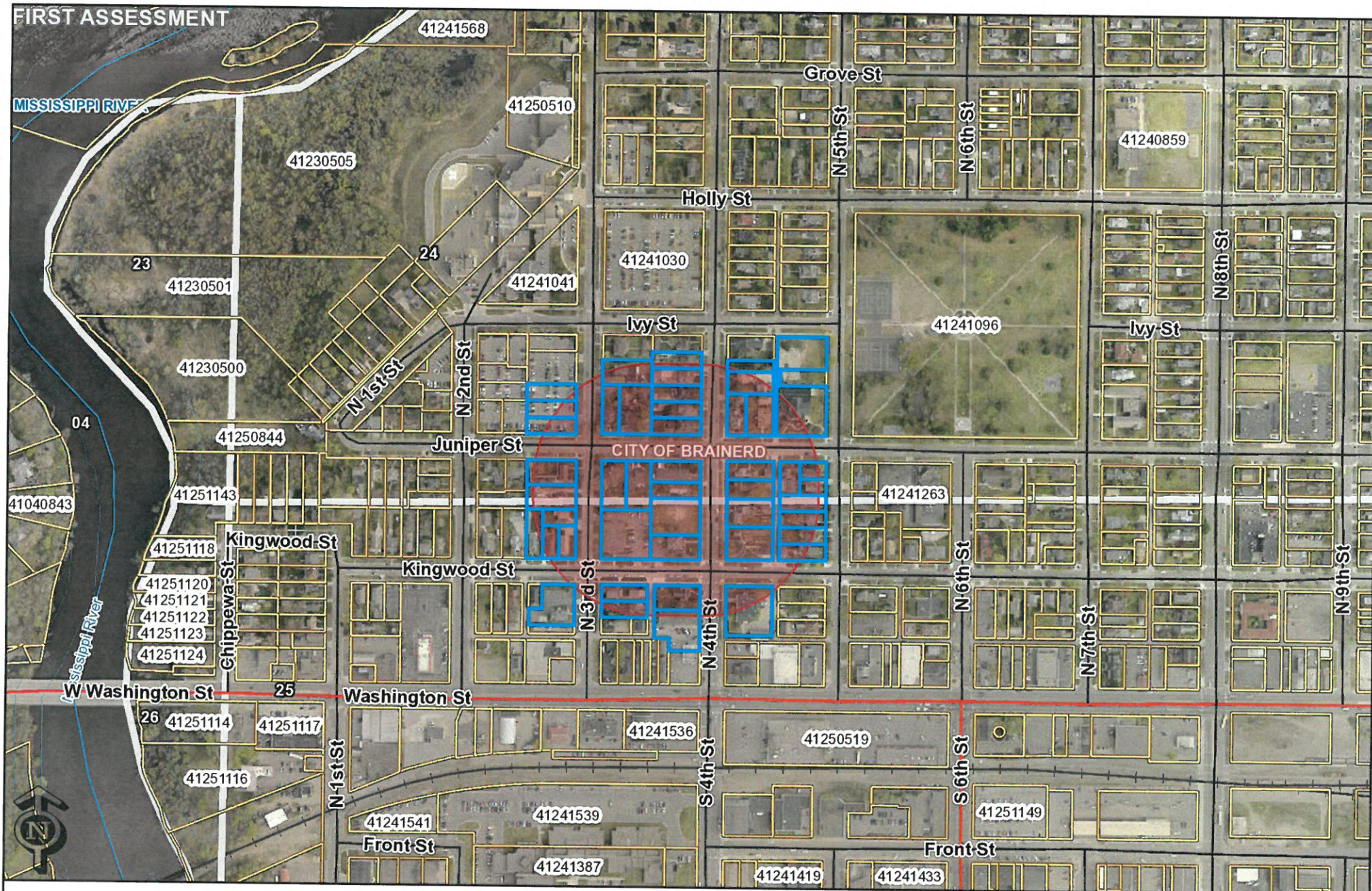
Dated this 4th day of October 2019



David C. Chanski
Community Development Director

Parcel Number	Legacy Parcel Number	Municipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Physical Address	Physical City	Physical Zip
41241386	09196052001X009		CITY OF BR AGATE HOMES LLC	PO BOX 421		BRAINERD MN 56401	215 3RD ST N	BRAINERD	56401
41241086	09196110005Z009		CITY OF BR BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN 56401		409 4TH ST N	BRAINERD	56401
41241304	09196068013Y009		CITY OF BR BECK, SUSAN	312 JUNIPER ST	BRAINERD, MN 56401		312 JUNIPER ST	BRAINERD	56401
41241308	09196068001Z889		CITY OF BR BJORK, RICHARD B & KATHRYN A	303 4TH ST N	BRAINERD, MN 56401		303 4TH ST N	BRAINERD	56401
41241285	09196070003Z009		CITY OF BR BLAHUT, JAMES & VUKELICH, MINDY	307 N 5TH ST	BRAINERD MN 56401		307 5TH ST N	BRAINERD	56401
41241280	09196070011Z009		CITY OF BR BROWN, MARK A & LORIE A	321 5TH ST N	BRAINERD, MN 56401		321 5TH ST N	BRAINERD	56401
41241389	09196050021Z009		CITY OF BR BYE CABLES INC	PO BOX 565	BRAINERD MN 56401		220 3RD ST N	BRAINERD	56401
41241089	09196108020Z009		CITY OF BR CHAMBERLAIN, SONYA HESS & LAURENCE	401 JUNIPER ST	BRAINERD, MN 56401		401 JUNIPER ST	BRAINERD	56401
41241085	09196110007Z009		CITY OF BR CHRISTENSEN, RANDY H & CONNIE	413 4TH ST N	BRAINERD MN 56401		413 4TH ST N	BRAINERD	56401
41241330	09196066005Z009		CITY OF BR CULLINANE, JOHN D & TAMYRA	315 3RD ST N	BRAINERD MN 56401		311 3RD ST N	BRAINERD	56401
41241400	09196050001Z009		CITY OF BR DEGEN, MICHAEL S & JULIE L	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401		313 4TH ST N	BRAINERD	56401
41241079	09196110019Z009		CITY OF BR EL-BASHIR, MOHAMMED H	301 JUNIPER ST		BRAINERD MN 56401	301 JUNIPER ST	BRAINERD	56401
41241277	09196070017Z009		CITY OF BR ENGISC, RUDOLPH D & BRENDA	312 N 4TH STR	BRAINERD MN 56401		312 4TH ST N	BRAINERD	56401
41241328	09196066010Z009		CITY OF BR EVENMO, CHERYL R & HOTZLER, MARK D	323 N 3RD ST		BRAINERD MN 56401	323 3RD ST N	BRAINERD	56401
41241095	09196108001Z009		CITY OF BR FIRST CONGREGATIONAL CHURCH	415 JUNIPER	BRAINERD MN 56401			BRAINERD	56401
41241286	09196070001Z009		CITY OF BR H & H PROPERTIES	4689 ASHLEY RD	BAXTER, MN 56425		303 5TH ST N	BRAINERD	56401
41241399	09196050004X009		CITY OF BR JAMRIE LLC	523 HOLLY ST	BRAINERD, MN 56401		214 4TH ST N	BRAINERD	56401
41241405	09196048019Z889		CITY OF BR JENTSCH, ARTHUR L & COLLEEN J	11572 STATE HIGHWAY 210	BRAINERD MN 56401		220 4TH ST N	BRAINERD	56401
41241305	09196068010Z009		CITY OF BR KAUNE, FRED C & PATRICIA A	324 JUNIPER ST	BRAINERD, MN 56401		324 JUNIPER ST	BRAINERD	56401
41241306	09196068008Z009		CITY OF BR KRAMER, KENNETH & ROSEMARY	10865 COUNTY RD 44	BRAINERD, MN 56401		317 4TH ST N	BRAINERD	56401
41241303	09196068013Z009		CITY OF BR KUEHN, CARTER T & MARTHA	302 JUNIPER ST	BRAINERD MN 56401		302 JUNIPER ST	BRAINERD	56401
41241080	09196110019Y009		CITY OF BR KURTZMAN, CHRISTOPHER J	P O BOX 587	BRAINERD, MN 56401		305 JUNIPER ST	BRAINERD	56401
41241282	09196070009Y009		CITY OF BR LAUTER, LISA	319 5TH ST N	BRAINERD, MN 56401		319 5TH ST N	BRAINERD	56401
41241279	09196070013Z009		CITY OF BR LUTHJOHN, BRANDON W	404 JUNIPER ST		BRAINERD MN 56401	404 JUNIPER ST	BRAINERD	56401
41241333	09196066001X009		CITY OF BR MARSOLEK, LAURA W & GEORGE C	221 KINGWOOD ST	BRAINERD, MN 56401		221 KINGWOOD ST	BRAINERD	56401
41241087	09196110003Z009		CITY OF BR MARTIN, JARED & ANGELEA	407 4TH ST N	BRAINERD, MN 56401		407 4TH ST N	BRAINERD	56401
41241081	09196110016Z009		CITY OF BR MATTHIES FAMILY TRUST AGMT	MATTHIES, WILLIAM & EVELYN T	418 NORTH 3RD ST	BRAINERD, MN 56401	418 3RD ST N	BRAINERD	56401
41241088	09196110001Z009		CITY OF BR MATTHIES, TODD K	403 N 4TH ST	BRAINERD, MN 56401		403 4TH ST N	BRAINERD	56401
41241092	09196108016Y009		CITY OF BR MERCK, JOSEPH & GRETA	424 N 4TH ST		BRAINERD MN 56401		BRAINERD	56401
41241278	09196070015Z009		CITY OF BR NELSON-WOOD, KATHLEEN D	320 4TH ST N	BRAINERD, MN 56401		320 4TH ST N	BRAINERD	56401
41241084	09196110009Z009		CITY OF BR RAKOWSKI, MICHAEL & JOYCE	417 N 4TH ST	BRAINERD MN 56401		417 4TH ST N	BRAINERD	56401
41241283	09196070007Z009		CITY OF BR RESSEN, RICK R & ROSALIND	313 N 5TH ST	BRAINERD MN 56401		313 5TH ST N	BRAINERD	56401
41241388	09196050023Z009		CITY OF BR ROBERTS, SHON B & LISA L	304 KINGWOOD ST	BRAINERD MN 56401		304 KINGWOOD ST	BRAINERD	56401
41241331	09196066001Z009		CITY OF BR ROHLOFF, TREVOR	211 KINGWOOD ST	BRAINERD MN 56401		211 KINGWOOD ST	BRAINERD	56401
41241284	09196070005Z009		CITY OF BR RUPPERT, CHARLES F & BRIDGET J RYAN	311 N 5TH ST	BRAINERD, MN 56401		311 5TH ST N	BRAINERD	56401
41241281	09196070009Z009		CITY OF BR SIEVERT, NATHAN C & SCHAILIS	414 JUNIPER ST	BRAINERD MN 56401		414 JUNIPER ST	BRAINERD	56401
41241302	09196068019Z009		CITY OF BR ST JOSEPH'S MEDICAL CENTER	523 N 3RD STR	BRAINERD MN 56401		303 KINGWOOD ST	BRAINERD	56401
41241332	09196066001Y009		CITY OF BR VOPATEK, JUDI M	215 KINGWOOD ST	BRAINERD MN 56401		215 KINGWOOD ST	BRAINERD	56401
41241276	09196070023Z009		CITY OF BR WALLIN, MINNA A REVOCABLE LIV TRST	401 KINGWOOD ST	BRAINERD MN 56401		401 KINGWOOD ST	BRAINERD	56401
41241091	09196108017Z009		CITY OF BR WILEMAN, DANIEL E & JOAN M	412 4TH ST N	BRAINERD MN 56401		412 4TH ST N	BRAINERD	56401

FIRST ASSESSMENT



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.

317 N 4th St

Date: 10/4/2019 Time: 2:16:53 PM



David Chanski

From: Sonya Hess Chamberlain <skhchamberlain@gmail.com>
Sent: Monday, October 14, 2019 3:39 PM
To: David Chanski
Subject: {external} Variance request, 317 N 4th St

Greetings,

I write today to oppose the variance request for 317 N 4th Street. As a neighbor of this property to the north (I live at the corner of 4th and Juniper Streets) I have had direct sight and observation of this property for over a decade. Aside from the fact that there does not appear to be adequate space for parking or the necessary areas for two households on the property as it currently sits, there have been countless concerns over the years about the upkeep of this house and lot. Basics like mowing and shoveling have not been consistent, and as the general upkeep of the property has appeared to be lacking, I don't see how a two-family unit on the same lot would be any improvement.

I have spoken with several neighbors who agree with my opposition, and as I could not be present at the meeting scheduled for Weds Oct 16, 2019 I wanted to write with my sentiments so that they could be added to the record.

Respectfully submitted,
Sonya Chamberlain
401 Juniper St, Brainerd MN
218-825-9025

--
~Sonya

David Chanski

From: john cullinane <johncullinane56@gmail.com>
Sent: Wednesday, October 16, 2019 2:44 PM
To: David Chanski
Cc: John Cullinane
Subject: (external) 317 N 4th St Variance request

Hi David,

Upon my phone in for you today, the Staff instructed me to email my input to you towards the notice of a variance at this address in the subject.

I reside at 315 N 3rd St. I am not in favor of this ordinance being changed for or a variance to this ordinance being granted for any multi-unit dwelling(s) to be operated in this area.

I recognize that a single family rental operational use is already a part of the Ordinance. That is as far as I would like to see the Ordinance go as it relates to rental dwellings in this North neighborhood.

If you would like any further input feel free to contact me.

Thank you,
John Cullinane
218.851.2515

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: October 11, 2019

RE: Institute for Nondestructive Testing

Don Booth, owner/CEO of the Institute for Nondestructive Testing, is looking to relocate his facility from Baxter to the Parker Building in downtown Brainerd. As part of this project, Mr. Booth is proposing 12 housing units for his students. These housing units will function as complete apartments with full bathrooms and kitchens as well as a sleeping area. Due to the unique nature of these units, Mr. Booth and staff would like to discuss options for licensing these units with the Planning Commission.

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: October 11, 2019

RE: Proposed Lighting Ordinance Standards

The Planning Commission voted on August 21 to send a revision to Section 515-18: Outdoor Lighting to the City Council for consideration and adoption. The Commission chose to allow the City Council to hold the public hearing as not to delay the process by another month.

Upon holding a public hearing regarding the proposed ordinance revision, the City Council voted to on a motion by Aldermen Lambert and Stunek to send Proposed Ordinance No. 1500 Outdoor Lighting back to the Planning Commission to address the issues brought forth during the public hearing and to hold a public hearing at the Planning Commission meeting in October. After discussion, this motion failed with Alderman Lambert voting “aye” and Aldermen Stunek, Bevans, and Johnson voting “nay.” No other further discussion occurred.

In light of this, the Planning Commission, nonetheless, called for a public hearing on the proposed ordinance revision to be held during their regular meeting on October 16 as the Commission believes that this is an important issue and should be addressed.

10-5-4: LIGHTING STANDARDS:

Except for single- and two-family homes located within the residential zoning districts, all exterior lighting shall comply with the following standards:

A. Glare: Glare, whether direct or reflected, as differentiated from general illumination shall not be visible beyond the limits of the site from which it originates.

B. Flashing, Revolving Lights: No light which is flashing, revolving or otherwise resembles a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.

C. Maximum Intensity Of Lighting And Glare:

1. Any light or combination of lights shall not exceed one foot-candle (meter reading) as measured from the property line or the centerline of a public street.
2. Any lighting shall be arranged so as not to produce glare beyond the property line. Lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate glare.
3. Fixture type: Cutoff shield that conceals the light source with nonsag, nonyellowing lens. (Ord. 2014-19, 6-17-2014)

D. General Performance Standards:

1. Light fixtures and freestanding luminaires shall have a cutoff angle of less than or equal to ninety degrees (90°).
2. The height of a freestanding luminaire shall not exceed thirty feet (30').
3. Freestanding luminaires used for outdoor athletic fields and recreation areas that exceed the height limitation may be approved by conditional use permit.
4. All canopy lighting for motor fuel stations shall be recessed into the canopy.
5. Accent lighting used to highlight building facades, foliage, or selected architectural features shall be permitted provided the light source is shielded and directed at the architectural feature. Accent lighting shall comply with the following standards:
 - a. Be stationary, single color, nonchanging lights with all sources of light concealed.
 - b. Permanent exposed continuous strip accent lighting profiling building or rooflines shall count toward the ten percent (10%) wall and canopy signage and shall comply with brightness and illumination standards set forth in this section.
6. Lighting for patios and decks attached to residential units are exempted from the cutoff and shielding requirements provided the light is intended and installed to light the patio or deck area only.
7. Any lighting in existence before the effective date hereof that does not comply with the requirements shall be considered legally nonconforming. However, if a property owner proposes to replace fifty percent (50%) or more of the existing exterior light fixtures or standards in any one year period, the fixtures or standards must be replaced in conformance with this section.

E. Lights Mounted On Poles: Lights mounted on poles shall comply with the following standards:

1. Walkway lighting height maximum: Fifteen feet (15') above base.
2. Parking lot lighting height maximum: Twenty seven feet (27') above base.

3. Roadway lighting height maximum: Forty feet (40') above base.

4. Light pole base height maximum: Three feet (3') above finish grade. (Ord. 2016-021, 5-17-2016)

F. Modifications: The zoning administrator may administratively approve modifications to the above lighting standards if it is demonstrated that the modified standards are LEED compatible. (Ord. 2014-19, 6-17-2014)

- A. Each façade of the parking structure that faces a public street shall contain, or have the appearance of containing, horizontal (rather than sloped) floor planes and shall not reveal interior ramps;
- B. All sides of the parking structure not occupied by retail, office or residential uses must be articulated through the applicant's choice of at least three of the following:
 - 1. Windows or window shaped openings;
 - 2. Decorative wall insets or projections;
 - 3. Awnings;
 - 4. Changes in color or texture of materials;
 - 5. Public art approved by the Duluth public arts commission pursuant to its established review and approval criteria;
 - 6. Integrated landscape planters;
 - 7. Pedestrian-scaled lighting;
 - 8. Benches, plazas, or other pedestrian areas;
 - 9. Other features as approved by the land use supervisor as providing an equivalent degree of architectural articulation, visual interest or pedestrian amenity;
- C. Openings in the podium or tuck under parking areas shall be screened with architectural screens. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 42; Ord. No. 10153, 5-14-2012, § 12.)

50-31 Exterior lighting.

50-31.1 Applicability.

A. General.

Unless excepted in subsection B below, all exterior lighting on lots and parcels in any zone district that contain a primary structure with a multi-family, mixed use, commercial, institutional, industrial or parking principal use, when any of the following conditions occur shall comply with the standards of this Section 50-31:

- 1. A new primary structure is constructed;
- 2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
- 3. An existing primary structure is relocated on the lot or parcel;
- 4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is more than 25 percent of the market value of the land and buildings, as indicated by tax assessor's records;

B. Exceptions.

The following types of lighting are not subject to the requirements of this Section 50-31:

- 1. Public street and right-of-way lighting;
- 2. Temporary decorative seasonal lighting;
- 3. Temporary lighting for emergency or nighttime work and construction;
- 4. Temporary lighting for theatrical, television and performance areas, or for special public events;
- 5. Lighting for a special district, street or building that, according to an adopted city plan or ordinance, is determined to require special lighting aesthetics as part of its physical character;
- 6. Lighting required and regulated by the FAA;
- 7. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that (a) light poles are not more than 80

feet tall, (b) maximum illumination at the property line is not brighter than two footcandles, and exterior lighting is extinguished no later than 11:00 p.m. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 43.)

50-31.2 General review standard.

If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this Section 50-31, properties that comply with the design standards of Section 50-31.3 below shall be deemed to not adversely affect adjacent properties or the community. (Ord. No. 10044, 8-16-2010, § 6.)

50-31.3 Design and illumination standards.

All exterior lighting regulated by this Section shall not be altered or replaced except where the alteration or replacement would comply with the provisions of this Section. All exterior lighting shall meet the following design standards:

- A. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees, with 90 percent of the light below 80 degrees. Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on adjacent property, and traffic hazards for pedestrian and motorists;

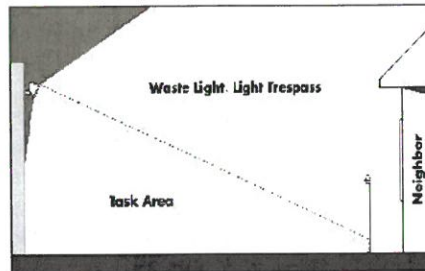


Figure 50-39.1-A: Does not comply -- Light trespass

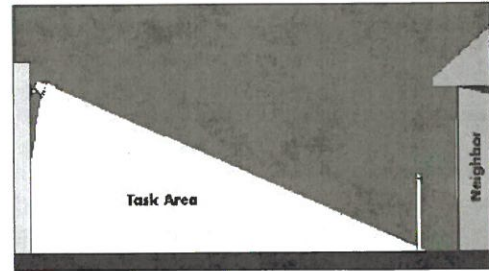


Figure 50-39.1-B: Complies -- No light trespass

- B. All lighting shall have the intensities and uniformity ratio consistent with the IESNA lighting handbook, and shall be designed and located so that the illumination measured in footcandles at the finished grade shall comply with the standards in Table 50-31-1, *Minimum and Maximum Illumination Values*. All exterior lighting shall meet the requirements of the Minnesota State Energy Code, except for temporary decorative seasonal lighting;

Table 50-31-1: Minimum and Maximum Illumination Values (in Footcandles)

Use	Maximum Illumination on Property	Maximum Illumination at Property Line (Excluding Rights-of-Way)	Maximum Illumination at Right-of-Way	Maximum/Minimum Ratio in an Illuminated Area
Residential Uses and Agricultural and Animal Related Uses	5	.5	1.0	10:1
All Other Uses	10	1.0	2.0	15:1

The maximum height of any lighting pole serving a residential use is 20 feet. The maximum height serving any other type of use is 25 feet, except that (1) in parking lots larger than five acres, the maximum height of any pole located at least 100 feet from any residential use is 35 feet, and (2) in the I-G and I-W zone districts, the maximum pole height is 50 feet;

The calculation for the height of lighting poles excludes the pole's base (up to 30 inches;

- D Sign illumination shall conform to the provisions of Section 50-27.
- E Lighting of free standing canopies for automobile service stations, convenience stores, and other similar uses shall have a maximum light level of 15 footcandles. Lighting shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy. Maximum lighting level uniformity (maximum to minimum) on the site shall be 15:1;
- F The use or operation of searchlights for advertising purposes is prohibited. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited;
- G All outdoor light not necessary for security purposes shall be reduced to 30 percent of design levels or less, activated by motion sensor detectors, or turned off during non-operating hours;
- H Light fixtures used to illuminate statues, monuments, or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will only illuminate the object;
- I For upward-directed architectural, landscape and decorative lighting, and flood lights, direct light emissions shall be contained by the buildings and not be visible above the building roof line, and shall not be utilized to light any portion of a building façade between 10:00 p.m. and 6:00 a.m.;
- J. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10153, 5-14-2012, § 13.)

50-32 Housing and property maintenance code.

The city has adopted by reference the year 2012 edition of the International Property Maintenance Code, as the Housing and Property Maintenance Code of the city, as amended by Chapter 29A of the code. (Ord. No. 10044, 8-16-2010, § 6. Ord. No. 10459, 7-11-2016, §3)

50-33 Plats.

50-33.1 General.

All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located. Without limiting the generality of the previous sentence, all plats and land surveys approved after November 19, 2010, shall be consistent with the lot dimension requirements contained in sections 50-13 through 18 of this Chapter, as well as the requirements of Section 50-21, *Dimensional requirements*, 50-22, *Building form standards*, 50-23, *Connectivity and circulation*, 50-24, *Parking and loading*, and 50-18.1.E, *Stormwater and erosion control*. In addition, all subdivision plats and replats, and all registered land surveys approved after November 19, 2010, shall comply with the standards of this Section 50-33. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.2 Site design.

- A. The site design process shall begin with an analysis of site constraints and natural resources, and shall avoid both to the degree practicable;
- B. In addition, the site design process shall include a pre-submittal evaluation of storm drainage to ensure that the proposed design will comply with the storm drainage and

David Chanski

From: Matthew Seymour <matthew@adal.com>
Sent: Wednesday, October 16, 2019 3:53 PM
To: David Chanski
Subject: {external} Opposition to Proposed Changes to Outdoor Lighting Ordinance

To whom it may concern

I want to voice my opposition to proposed changes to the ordinance related to outdoor lighting in the City of Brainerd.

There are a number of concerns however, I would like to focus on the proposal to restrict outdoor light poles to a maximum height of 13 feet.

As a business owner of 3 gas stations in Brainerd I would like to address the City of Brainerd Planning Commission and to give my personal testimony on how this change would be extremely impractical, create unnecessary obstacles and ultimately be dangerous & unsafe for all users of any areas/spaces it may affect.

At my gas station locations I have 5 canopies, and even at a height of 14'6" these canopies are still accidentally hit by customers and visitors who are unaware of the height of their vehicles. I have attached a photo that shows a canopy light that was broken off by a contractor trailering a backhoe that was not lowered correctly.

Further to this type of incident, we observe daily even more vehicles, with or without trailers, who narrowly miss hitting my canopies. Either these operators are ignorant about the clearance needed and are lucky, or they know their height and do not expect to find obstacles under 15'. Either option would prove disastrous for these type of operators encountering anything, including light poles, restricted to a height of 13'.

So I would hope that you would hear these real world experience, as the Planning Commission considers any changes to an ordinance that would endanger the property and the lives City of Brainerd residents, such as these proposed changes to the lighting ordinance.

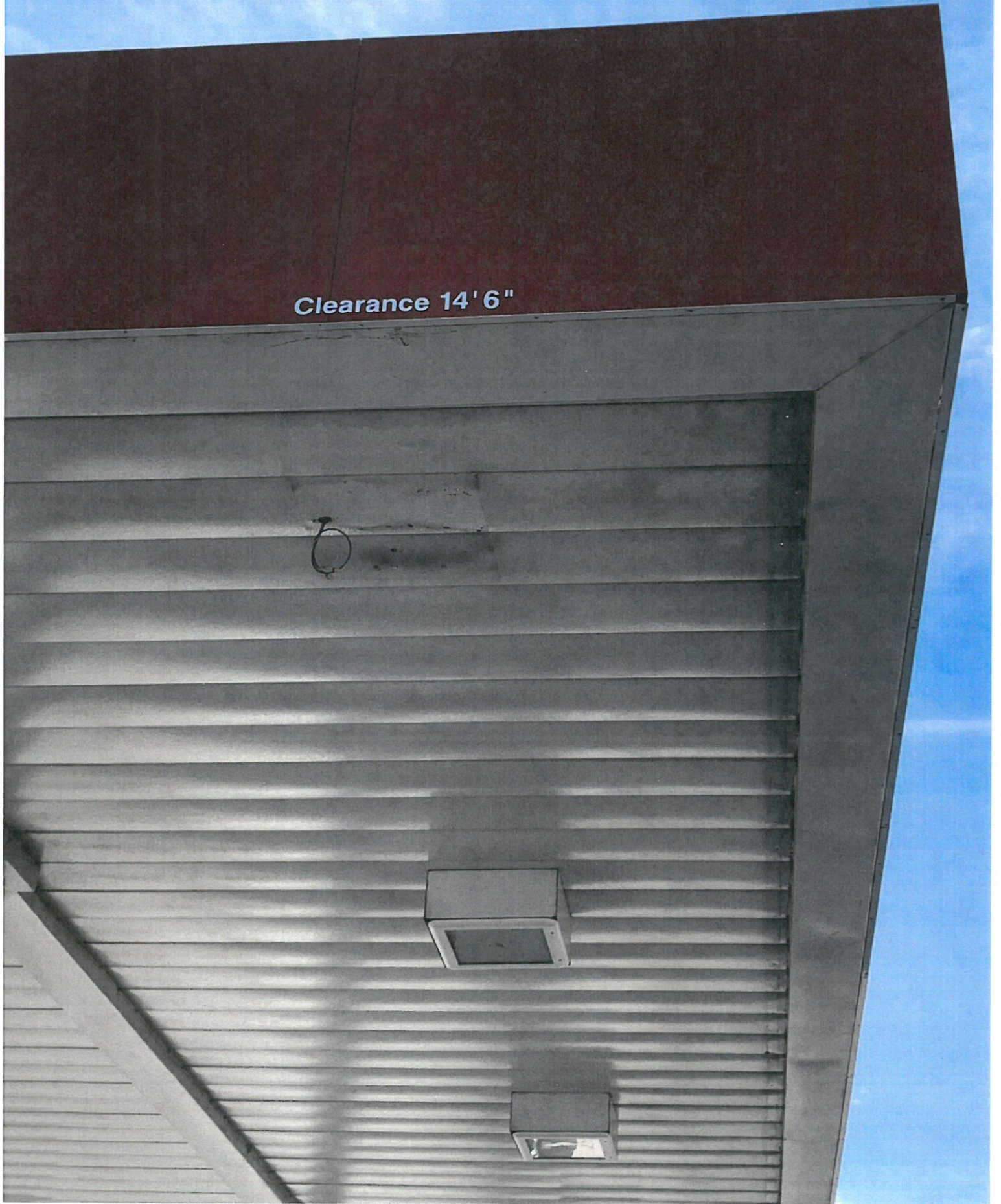
Thank you for your attention to this matter and if you have any questions please do not hesitate to contact me directly on 218-831-3945.

Yours Sincerely

Matthew Seymour
Owner
Q Squares

Qsquares.com

Clearance 14' 6"



David Chanski

From: Nita Gross <nita@maxbotix.com>
Sent: Wednesday, October 16, 2019 4:43 PM
To: David Chanski
Subject: {external} 13 feet high is too short for lightning

Hello,

The standard height for trucks is 13.5 feet and many times lights would be driven into by trucks if placed below 13.5 feet. And if lights are placed higher, fewer lights are needed to light the same area, such as a parking lot. Fewer lights saves money in power usage and because fewer lights are needed, upfront cost is much less.

In Tucson, the requirements were that all lights face down or have reflectors deflecting the light downward. This method saves power and reduced light pollution without having the restrictions on height.

Bob & Nita Gross owners of MaxBotix Inc.

--

Best regards,

Nita Gross
VP Secretary
MaxBotix Inc.
Phone: +1 (218) 454-0766
Fax: +1 (218) 454-0768
Email: nita@maxbotix.com
Web: www.maxbotix.com

David Chanski

From: Kathleen Hermerding <hermkat@msn.com>
Sent: Sunday, September 22, 2019 5:15 PM
To: David Chanski
Subject: {external} Fwd: Street lights

I sent this message to Kelly, my city council member. Please share with the complete council & planning & zoning too. Thank you.

Kathleen Maloney Hermerding

Sent from my iPhone

Begin forwarded message:

From: hermkat@msn.com
Date: September 22, 2019 at 5:09:46 PM CDT
To: kbevans@ci.brainerd.mn.us
Subject: Street lights

13 feet for street lights is plenty high. As you well know I live one block from Thrifty White. I also am often up walking before the sun rises, I am quite aware of how much light is needed by street lights. 13 feet is enough, & fewer lights are enough.

From a light pollution standpoint, less is good. We are all aware of the risks to our climate. Action is needed now.

Thank you.

Kathleen Maloney Hermerding

Sent from my iPhone

David Chanski

From: Keith Bartlett <Keith.Bartlett@zieglercat.com>
Sent: Tuesday, October 15, 2019 12:05 PM
To: David Chanski
Subject: {external} Out door Lighting ordinance

David

The cost to install additional light poles is minimal as compared to the cost of maintenance and the additional use of electricity and the cost of . Also a concern is the resources consumed to produce and dispose of the extra bulbs and the resources consumed to make the add electricity. Also resources consumed to build and install the additional light poles and fixtures. Public safety is another concern from lack of lighting for surveillance equipment to the lower lights causing momentary blindness when shining into someone's eyes. Particular to our business our wall pack lights have to be above our service doors which are 16 feet tall and the light pack is 4 feet above each door for safety reasons.

Keith Bartlett

Branch Operations Manager | Ziegler Cat
3311 Liberty Lane | Brainerd MN 56401
218.829.9800 Office
218.206.3980 Mobile
877.829.9850 Toll Free
218.833.8530 Fax
www.zieglercat.com



David Chanski

From: Mike Dillon <miked@lexingtonbrd.com>
Sent: Tuesday, October 15, 2019 11:57 AM
To: David Chanski
Subject: {external} Input on proposed outdoor lighting ordinance

David, I am unable to attend in person the Planning meeting but would like to offer some input on the effects of the proposal.

Lexington operates it's facility on an around the clock basis, this includes operations inside our facility as well as in our outdoor loading and storage yard. The need for appropriate and safe lighting conditions on our site are critical as operations need to occur both during daylight as well as night time hours. We have activities that take place above 13' that would be restricted, let alone safe given the interpretation of the current ordinance.

As we contemplate our growth and need for additional space it would seem overly restrictive to have a one size fits all ordinance that governs the use of outdoor lighting for the entire city. Lexington is opposed to the current ordinance as proposed based on the highly restrictive nature and one size fits all approach. Please consider alternatives and or a more balanced approach to this issue before adopting this ordinance.

Thanks for seeking the input of the public and considering these comments.

Mike Dillon

President

DIRECT (218) 454-7161

MOBILE (218) 821-5943

EMAIL Miked@LexingtonBrd.com

10055 Thiesse Road

Brainerd, MN 56401

LexingtonMFG.com

"Building relationships, Creating solutions, Delivering value"

David Chanski

From: James Thompson <jt941a@gmail.com>
Sent: Tuesday, October 15, 2019 8:21 AM
To: David Chanski
Subject: {external} Light pollution

Good morning,

It's my understanding that the city is proposing an ordinance to restrict lighting for both business and residential to poles no more than 13'. I'm a huge outdoors fan and all though I don't enjoy excessive light pollution I don't think the ordinance allows for enough flexibility.

From the summer I recieved It seems like a 1 Size fits all solution and does not account for a separation of business and residential zoning.

Lighting is a necessary security measure for many of us in northern mn and I respectfully encourage the council to reconsider its position on light poles and height restrictions To allow for additional flexibility and other height options.

Thanks

James

Sent from my iPhone

David Chanski

From: Ginny Knudson <vjknudson@brainerdlaw.com>
Sent: Tuesday, October 15, 2019 1:26 PM
To: David Chanski
Subject: {external} Outdoor Lighting Ordinance

Hi, David,

As a Brainerd business owner, and parent of a daughter who attends Brainerd High School, please note to the Planning Commission my opposition to an outdoor lighting ordinance that would limit outdoor lighting to 13 feet. Such a limit would decrease the safety of commercial areas and could be extremely costly to businesses. It will stifle further growth in the City of Brainerd. In order to have safe lighting, a forest of light posts will have to be placed within parking lots or other developments. This would be unsightly and cause additional maintenance expense. The height of outdoor lighting can be addressed on an as needed basis through the conditional use permit process. Thank you for bringing my concerns to the Planning Commission.

Ginny Knudson
Borden, Steinbauer, Krueger & Knudson, P.A.
302 South Sixth Street
P.O. Box 411
Brainerd, MN 56401
218-829-1451 (main) 218-829-2946 (fax)
www.brainerdlaw.com



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City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: October 11, 2019

RE: Nonconforming Rentals Ordinance Revision

During the July 21 Planning Commission meeting, discussion was had regarding avenues to address legal nonconforming rentals within the City of Brainerd. Specifically, how do we allow multi-family structures to remain as such within single-family zones while simultaneously not encouraging new multi-family structures.

After a few recommendations from staff and discussion with the Commission, it was determined that the simplest way to address this issue would be to revise Section 515-15: Non-Conforming Lots, Buildings, Structures, and Use of the Zoning Code. Currently, [Section 515-15-6.B](#) states that, “A nonconforming residential use that had a rental license expire (more than 365 days from date of license expiration) cannot be reestablished as a nonconforming use.”

The Planning Commission called for a public hearing on September 18 to be held during their regular meeting October 16 to consider revising the ordinance by completely striking Section 515-15-6.B from it. This will allow current legal nonconforming structures to be properly licensed while not allowing for new multi-family structures in single-family zones.

Upon conducting the public hearing, the Planning Commission shall decide whether or not to forward this proposed ordinance revision to the City Council for adoption.

David Chanski

From: Stephanie Bestul
Sent: Tuesday, October 15, 2019 11:59 AM
To: David Chanski; Jim Thoreen; Joe Langel (jil@ratwiklaw.com); City Council; Charles Marohn; Christopher Foley; Don Gorham; Jan Lambert; Justin Burslie; Mike Duval; Theresa Woodward
Subject: FW: {external} Non Conforming Rental Reestablishment

Sent on behalf of Mark Ostgarden.

Thank you,

Stephanie

Email correspondence to and from the City of Brainerd government offices is subject to the Minnesota Government Data Practices Act and may be disclosed to third parties.

From: Mark Ostgarden <marko@brainerd.net>
Sent: Tuesday, October 15, 2019 11:44 AM
To: Stephanie Bestul <sbestul@ci.brainerd.mn.us>
Subject: {external} Non Conforming Rental Reestablishment

Hi Steph, please forward this to Mr Chanski, Mr. Thoreen, the City Attorney, Planning Commission, Mayor and the City Council.

Mr. Chanski,

I happened to notice that a public hearing is scheduled for the 16th to amend the Zoning Ordinance to allow a non-conforming (by zoning) dwelling that has had a unit vacant for more than 1 year to be reestablished. The proposal to permit the change is to remove Zoning Ordinance Section 515-15-6. B. that specifies the 1 year limitation.

The amendment, however, does not alleviate the city's responsibility to comply with Minnesota Statute that reads:

462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Sub. 1e.**Nonconformities.**(a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption

of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

- (1) The nonconformity or occupancy is discontinued for a period of more than one year

There is some history that needs to be recalled about this issue. The issue of additional 2 and 3 unit dwellings, means the potential for additional rental units and higher density in neighborhoods, concepts that over the years have not been ones that were welcome by neighborhood residents. Further, the City Council was not, from my perspective, been willing to defend the merits of such a change to its constituents. Not once over the years did I receive direction from the City Council to provide options to address this issue.

Also, when the entire city Zoning Map was reviewed, the Planning Commission recommended and the City Council agreed to REDUCE the areas zoned that would permit 2 and 3 unit dwellings.

If this change has been agreed to by the City Attorney, that is disappointing. It had been discussed with them (more than 1 attorney) over the years. Also, they received staff reports about this issue and attended City Council meetings when the issue was addressed, however made no comments about action not being needed to permit the reestablishment of this type of nonconformity. The only remedy was to rezone property to allow the nonconformity to become a permitted use.

Unfortunately as much as we would like, zoning cannot be all things, to all people, all the time. Each time this issue comes up it is frustrating for a current or potential owner or buyer or most of all that person that just purchased a dwelling, thinking it can be a 2 or 3 unit dwelling, only to learn after the purchase that cannot happen.

However, a rental property owner is a business person who has a responsibility to know the rules. To make the status of a dwelling more transparent, realtors should be required to include in the "For Sale" notice, the licensing status of the dwelling. A potential rental owner (business person) should do their "due diligence" about a property, including obtaining information from the city on the status of the licensing BEFORE a purchase. Finally all an owner needs to do, to ensure nonconformity does not become an issue is to keep all licenses up to date, even if one or more is planned to be vacant for a while. That is the cost of business. I realize that can be difficult for an owner (business person) who has only a few units.

I forget the exact number of currently licensed units in the city. It is my observation that this issue, over the years, has affected about .005% of the total units. I realize a statistic like this means nothing to an aggrieved owner or potential buyer.

Do not assume that I am opposed to mixed use higher density neighborhoods. I completely support the idea. It appears the remedy is to amend the Zoning Ordinance and Zoning Map to create such neighborhoods. It will be interesting to see if and when the City Council will be willing to have such a discussion.

Until then we are restricted by unintended consequences of our state statute language.

Mark Ostgarden