

PLANNING COMMISSION
Wednesday, October 16, 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, Duval, Woodward and Foley; and Council Liaison Lambert. Commissioner Burslie was noted as absent. Community Development Director Chanski was also noted as present.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO AMEND THE AGENDA BY REMOVING ITEM 4D. DISCUSSION – INSTITUTE FOR NONDESTRUCTIVE TESTING.

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO CORRECT THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 18, 2019 ITEM 6B. AND 7. TO REFERENCE COMMISSION MEMBERS AS “COMMISSIONERS” NOT “ALDERMEN”.

New Business

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

Community Development Director Chanski explained the property owner has requested to rezone the property from an R-1A to an R-1 Single Family Residential District due to reducing the required setbacks for a garage. He indicated the setback for an R-1A district are 30 feet (front), 10 feet (side) and 10 feet (rear). The setbacks for an R-1 district are 20 feet (front), 3 feet (side) and 5 feet (rear). He said the property is on Rice Lake and the rear of the property has a significant slope and would not be able to be built on.

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

The Chair recognized Scott Vansteenwyk, owner of property at 11349 Easy Street who gave a brief explanation of his plans to construct a detached garage on the property.

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

Commissioner discussion took place regarding the parcel and surrounding parcels.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF 11349 EASY STREET FROM AN R-1A TO AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT BASED ON THE FINDINGS OF FACT AS PRESENTED.

4b. Variance Request – 1853 Graydon Ave – Reduce Setbacks for the Construction of a Garage

Community Development Director Chanski stated the applicant would like to remove the existing 12' x 20' detached garage and construct a new 26' x 28' garage in its place. The property is located in an R-1A Single Family Residential district, and the side yard setback requirement is 10 feet. He said the applicant is requesting a reduced setback of 55 inches. He explained the lot is only 60 feet wide which is legal nonconforming, as the R-1A district requirement states the lot size of 75 feet wide.

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

The Chair recognized Clinton Headley, owner of property at 1853 Graydon Avenue, who gave the details of the garage and reasons for the reduced setbacks. He said he intends to demolish the existing structure and build a larger one in its place. The reason for the setback is to place the garage within a direct line to be able to pull in straight, otherwise it would be very difficult to maneuver.

The Chair closed the public hearing at 6:25 p.m.

Commissioner Duval asked what the practical difficulty would be in constructing the garage with the allowed setbacks. He said if the property was zoned as an R-1 district, the variance would not be necessary.

Community Development Director Chanski stated the practical difficulty would be caused by the unique shape of the lot and the ability to negotiate turning a vehicle into the garage.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND MAROHN TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST FOR 1853 GRAYDON AVE BASED ON THE NONCONFORMITY OF THE LOT, THE INCORRECT R-1A ZONING AND IT WILL LESSEN THE ENCROACHMENT TO THE NEIGHBORS PROPERTY.

Members Gorham, Marohn, Woodward and Foley voted "aye". Member Duval voted "nay". The Chair declared the motion carried.

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

Commissioner Marohn stated he does not think a variance for use can be considered or allowed.

Community Development Director Chanski indicated he has not received information back from the City Attorney. The Commission decided to table the topic until the November meeting in order to obtain more information and recommendations from the City Attorney.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO TABLE THIS TOPIC UNTIL THE NOVEMBER 20TH MEETING.

#5 Public Forum

The Chair opened public forum at 6:42 p.m.

Commissioner Marohn stated he welcomes anyone to come talk with him regarding the previous application, as he lives in the neighborhood and would like to hear feedback.

The Chair closed the public forum at 6:44 p.m.

#6 Old Business

6a. Public Hearing – Proposed Lighting Ordinance Standards

Community Development Director Chanski gave a brief review of the history of the ordinance and the public hearing that was held at the City Council meeting.

Commissioner Marohn indicated he was absent from the previous meeting to hear testimony for or against the ordinance revision. He said he understood the main point that was presented to the City Council was the revision to the ordinance from the allowed 30-foot height to a new 13-foot height with the special consideration for a height of up to 20-feet by Conditional Use Permit. Community Development Director Chanski confirmed this is what was presented to the Council.

The Chair opened the public hearing at 6:49 p.m.

The Chair recognized Mike Higgins, owner of Brainerd Industrial Center (BIC) and the NP Center, who spoke in opposition of the ordinance proposal at it is stated at the 13-foot height with the option to go to a 20-foot height by conditional use permit. He stated this would limit a business and would cause more work for a new business. He explained there is already a conditional use permit in place to monitor these uses up to the 30-feet and does not see the need to change it.

The Chair recognized Mike Killian, president of Chamber of Commerce, who stated the Chamber and the Brainerd members of the Chamber are opposed to the ordinance revision as presented. He indicated that Brainerd has made great strides forward on improvements and rehabilitation, and he feels this is a step backwards. He also asked where this requirement originated from and why the height of 13-feet, as it seems rather arbitrary. He distributed an email that he received from a local gas station owner that shows damage to the canopy from tall vehicles.

The Chair recognized Tim Ramerth, project manager at WSN, who stated he is appearing on behalf of Brainerd Lakes Chamber of Government Affairs Committee and ISD181. He said he would like to inquire what the basis is of the ordinance change, as one size does not fit all circumstances. He explained in the residential areas, it does make sense to limit the height but not commercial. He said the light pollution can be controlled by limiting the candle limits at the property line. He stated with the shortened height, there is added expense, more safety concerns and is very restrictive.

The Chair recognized Reid Thiesse, director of buildings and grounds for Brainerd Public Schools, who spoke against the ordinance and stated safety is the main concern for the students, staff and those that utilize the facilities. He indicated most of the functions taking place

at the schools are in the fall through spring months when it is dark out in the evenings. He stated that lower light poles create more shadowing, as well as adding cost for additional lights and maintenance of the lights. He explained if costs are added towards purchasing more lights and poles, this is funding that is being taken away from the budget for buildings and educational amenities.

The Chair recognized Scott Vansteenwyk, 11349 Easy Street, who stated he has a lot of experience with commercial lighting. He asked if the lighting issue is deterring people from building in Brainerd or preventing new residents from moving in. He indicated the newer lights do not have the pollution that the old fixtures used to. He said if the height is limited, there would need to be a considerable number of additional fixtures.

Community Development Director Chanski read the comments he has received regarding the proposed lighting ordinance. There was one resident who wrote in favor of the amendment to reduce the height and six that oppose the amendment.

The Chair closed the public hearing at 7:16 p.m.

Commission discussion took place.

Community Development Director Chanski distributed and reviewed examples of lighting standards from other cities in Minnesota.

The Chair recognized Mike Killian, who asked staff to consider drafting an ordinance that does not make the City of Brainerd an outlier by creating an ordinance so restrictive it causes people to avoid our area.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO SCHEDULE A WORKSHOP TO DISCUSS THE LIGHTING ORDINANCE AND DIRECT STAFF TO DRAFT A REVISED ORDINANCE.

6b. Public Hearing – Proposed Nonconforming Rentals Ordinance Revision

Community Development Director Chanski explained the details of the proposed wording for the legal nonconforming rental ordinance. He indicated it currently states once a rental license has expired from a legal nonconforming status, it can no longer be relicensed. He said the recommendation was made by the Planning Commission in September to revise Section 515-15-6 of the ordinance by removing *“A nonconforming residential use that had a rental license expire (more than 365 days from the date of license expiration) cannot be reestablished as a nonconforming use.”*

The Chair opened the public hearing at 7:49 p.m.

The Chair recognized Rick Fargo, rental property manager at 1511 Northern Pacific Rd, who clarified the definition of the non-licensed rental does not include a rental that had a family member occupying.

Community Development Director Chanski stated he received a letter from the previous City Planner regarding this revision which he has forwarded to the Commission.

Community Development Director Chanski specified that this would not allow new rentals; this would simply allow existing non-licensed rentals that are currently not in compliance to once again be compliant to city code. He said the zoning districts primarily affected are the R-1 and R-1A districts.

The Chair closed the public hearing at 7:54 p.m.

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ORDINANCE REVISION AS PRESENTED.

#7 Commissioner's Questions/Comments

None

#8 Community Development Director's Report

Community Development Director Chanski indicated the Comprehensive Plan was officially adopted by the City Council at the October 7th meeting. He stated he will be working on the implementation of the plan with Ashley Kaisershot of Sourcewell after the 2020 budgeting process. He also introduced the new Zoning Specialist and Permit Technician, James Kramvik to the commission.

#9 Adjourn

The Chair adjourned at 8:00 p.m.

Don Gorham, Planning Commission Chair