

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, December 21, 2022 @ 6:00pm

The public is invited to attend this meeting in person
Attend by phone: 1-844-992-4726 Meeting Access Code: 2489 047 3878
**Meeting is also televised on CTC Cable channel 8 and streamed live on
YouTube: www.youtube.com/CityOfBrainerdMN**

1. Call To Order

2. Roll Call

___ D. Gorham ___ M. Kallroos ___ K. Yeager ___ T. Erickson

___ C. Marohn ___ T. Woodward ___ M. Duval

3. Pledge Of Allegiance

4. Approval/Amendment Of Agenda

5. Approval Of Minutes

1. Regular Meeting Held on November 16, 2022

Documents:

[2022-11-16 DRAFT.PDF](#)

6. New Business

- 6.a. Interim Use Permit (IUP) Amendment - 1005 6th St S - Short Term Rental

Documents:

[IUP - 1005 S 6TH ST. PDF.PDF](#)

7. Old Business

- 7.a. Discussion On Proposed Ordinance No. 1541 - Amending Section 515-4: General Building And Design Standards

Documents:

[PROPOSED ORDINANCE NO. 1541.PDF](#)

- 7.b. Workgroup Selection For Color Temperature Lighting Policy

Documents:

WORKGROUP SELECTION FOR LIGHTING POLICY PC.PDF

8. 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

9. Community Development Director's Report

10. Commissioner Questions/Comments

11. Adjourn

PLANNING COMMISSION
Wednesday, November 16, 2022
6:00 pm

#1 Call to Order

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

#2 Roll Call

Noted present were Commissioners Gorham, Yeager, Marohn, Woodward, and Duval. Commissioners Erickson and Kallroos were noted as absent. Also noted as present was Community Development Director Kramvik.

#3 Pledge of Allegiance

Commissioner Yeager opened the meeting with the Pledge of Allegiance to the flag.

#4 Approval/Change of Agenda

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND WOODWARD, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND YEAGER TO APPROVE THE MINUTES FROM THE OCTOBER 19, 2022 REGULAR MEETING.

Commissioners Gorham, Yeager, Woodward, and Duval voted "aye". Commissioner Marohn abstained from voting. The Chair declared the motion carried.

#6 Old Business

6a. Proposed ORD 1539, Amending Section 515-4 of the Zoning Code – Restrictions on Demolition and Removal of Dwelling Units

Community Development Director Kramvik gave a brief review of the ordinance passed in July which imposed a six-month moratorium on the conversion of dwelling units to green space or surface parking in the R-1 Zoning district. At a recent Planning Commission workshop, the Commission discussed a sample ordinance, recommended changes, and directed staff to draft an ordinance for recommendation.

The Chair opened the public hearing at 6:09 pm.

The Chair recognized Ginny Knudson, 12319 Thompson Rd., who along with Fr. Michael Garry from St. Francis Catholic Church, spoke about the recent expansion of St. Francis Church that resulted in the loss of a dwelling. She suggested a modification to A.3., by adding wording that an approved CUP or Interim Use Permit is required. She indicated a future project may be a new rectory for their priests, as the current accommodations for them are inadequate.

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

Commissioner discussion took place on A.3., which reads *“City Council approval has been granted for an alternative use of the property”*. The consensus of the group was this sentence indicates an implied approval and should be revised or removed.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND YEAGER, DULY CARRIED, TO RECOMMEND APPROVAL OF ORDINANCE NO 1539 AS PRESENTED BY STAFF WITH A.3. BEING REMOVED IN ITS ENTIRETY.

#7 New Business

7a. Outdoor Lighting Temperature Discussion

Community Development Director Kramvik said he searched other communities for codes regarding color temperature and found very few who clarify lighting temperatures. He gave details of codes found in the cities of Greenfield, MN and Bloomington, MN.

Commission discussion took place regarding the desire to add language to the code for lighting temperature requirements. Commissioners directed staff to reach out to members of Brainerd Public Utilities, and the Park Board to schedule a workshop along with members of the Planning Commission to discuss outdoor lighting temperature.

#8 Public Forum

The Chair opened the public forum at 6:58 pm.

No one came forward.

The Chair closed the public forum at 6:58 pm.

#9 Community Development Director’s Report

Community Development Director Kramvik gave the following updates:

- City Council approved the Conditional Use Permits and the Preliminary Plat for My Neighbor to Love Coalition at their November 7, 2022 meeting

#10 Commissioner’s Questions/Comments

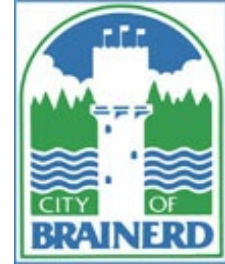
None

#11 Adjourned at 7:00 pm.

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

Michael Duval, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: December 21, 2022

RE: Interim Use Permit Amendment for Short Term Rental – 1005 S. 6th St.

Rick Badeaux has submitted a request for an Interim Use Permit amendment to operate one additional short-term rental in a 4-unit rental building at 1005 S 6th St.

P.I.N. 41240594

Zoning District: Traditional Neighborhood 2 (TN-2) District

Property Area: 9,414 SQFT

Adjacent Uses: North: Single Family Dwelling Unit (Rental Property)
East: Single-Family Dwelling Units
South: Single Family Dwelling Unit
West: Single Family Dwelling Units

Adjacent Zoning: North: TN-2 (Traditional Neighborhood 2) District
East: TN-1 (Traditional Neighborhood 1) District
South: TN-2 (Traditional Neighborhood 2) District
West: TN-2 (Traditional Neighborhood 2) District
& TN-1 (Traditional Neighborhood 1) District

Findings of Fact

1. City Council approved the original Interim Use Permit at their regularly scheduled meeting on May 16th, 2022, for one short term rental unit conditional on reinspection by the Building Inspector and Fire Marshall and the Interim Use Permit complies with all provisions of the adopted Zoning Code. Additionally, staff recommends that the applicant be allowed to change which unit in the building is used as a short-term rental upon notification of staff and reinspection by the Building Inspector and Fire Marshall. Only one unit may be advertised as a short-term rental at any given time.
2. 1005 S 6th St. is located in the Traditional Neighborhood 2 (TN-2) District. The operation of a short-term rental requires an Interim Use Permit in a TN-2 District per [Section 515-2 Allowed Uses, Appendix A: Table of Uses](#) of the Code of Ordinances.
3. Short-term rentals must comply with the following minimum standards as required by [Section 515-3-34](#) of the Code of Ordinances:
 - a. The maximum rental period shall not be more than 28 consecutive nights.
 - i. *The applicant is requesting the use of two units as short-term rentals at any one time. The applicant understands that he must inform staff which*

units are being used as short-term rentals and all required inspections must be completed.

- b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *The owner, Rick Badeaux, of the multifamily dwelling at 1005 S 6th St. is applying for an amended Interim Use Permit.*
- c. The application for an Interim Use Permit shall include:
 - i. The number of bedrooms with dimensions and all other sleeping accommodations.
 - 1. *The applicant has provided the floor plans of each unit in an accompanying document with the following information regarding the bedrooms to be made available for rent:*
 - a. *Unit 1: 1 Bedroom - 144 sq. ft.*
 - b. *Unit 2: Studio – 436 total sq. ft.*
 - c. *Unit 3: Studio – 360 total sq. ft. (Original Short-Term Rental)*
 - d. *Unit 4: 2 Bedrooms - 100 sq. ft. for each bedroom*
 - i. *Section 404.4.1 of the International Property Maintenance Code states that “every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof.”*
 - ii. The number of off-street parking spaces available to guests.
 - 1. *A GIS map of the property has been included as an additional document as well as a drawing from the applicant. There is a total of 4 parking spaces available for the two short-term rental units.*
 - iii. All accessory structures and outdoor recreational features available for guest use.
 - 1. *The applicant indicates that there are no outdoor structures or recreational areas.*
 - iv. A pet, garbage, noise, and parking policy.
 - 1. *The applicant states that the short-term rental rule is that garbage should be put out on the day of collection or if needed not to be put out before 6:00 PM at night the day before. Expectations are that the garbage bin is returned to the side of the house the same day as collection.*
 - 2. *The applicant indicates there will be a NO PET policy.*
 - v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 - 1. *The applicant will verify with City staff that emergency contact information and the location of fire extinguishers has been posted for renters prior to occupancy.*
- d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - i. **Contact Information.** The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property

contact information will be always accessible to the public on the City of Brainerd website.

- ii. **Occupancy.** The maximum number of guests allowed on the property
- iii. **Garbage.** Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
- iv. **Noise.** No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in the any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person
- v. **Pets.** No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.
- e. The occupancy of a short-term rental shall be limited to not more than 3 people per bedroom or the occupancy set by the Building Official, whichever is less.
 - i. *Per Section 404.4.1 of the International Property Maintenance Code, the maximum occupancy per unit under the proposed zoning code would be:*
 - 1. Unit 1 – 2 persons
 - 2. Unit 2 – 2 persons
 - 3. Unit 3 – 2 persons
 - 4. Unit 4 – 2 persons
- f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the building department, whichever is stricter.
 - i. *The rooms used for sleeping have been inspected by the housing inspector for occupancy, egress, and smoke detectors as part of the rental inspection process. The home was inspected for a rental license on 06/08/22 and passed all building and rental code requirements.*
- g. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
 - i. *The house is connected to city sewer and water.*
 - i. *Each unit has a full bathroom.*
- h. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
 - i. *The applicant is not proposing the use of any recreational vehicles, tents, accessory structure, or fish houses for occupancy.*
- i. The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.

- j. A short-term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshall.
 - i. *The property was inspected and licensed as a rental on 06/08/2022 with license number CR2022-00540.*
- k. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- l. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
- m. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
 - i. *The applicant has applied for state and local sales tax numbers for the existing unit and will be required to update any tax information prior to occupancy.*

As of this writing, no one has contacted the Community Development Department with concerns about the Interim Use Permit.

Staff Recommendation

Staff recommends approval of this Interim Use Permit Amendment for two short term rental units conditional on reinspection by the Building Inspector and Fire Marshall. Additionally, staff recommends that the applicant be allowed to change which units in the building are used as short-term rentals upon notification of staff and reinspection by the Building Inspector and Fire Marshall. Only two units may be advertised as a short-term rental at any given time.



City Planning Department

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

Receipt # _____
Check # _____
Date paid: _____

INTERIM USE PERMIT

Application Form (residential - \$250.00 / commercial - \$500.00 + \$500.00 escrow deposit)

(This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit*: 1005 S 6th street Brainerd MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow short term rentals in a second unit. AT THE ABOVE LOCATION.

_____ at the property address listed above until the date of indefinitely

Legal Description (attach, if lengthy): Lot 15+16 Block 269 Addition _____

LOTS 15 and 16 Block 269 and N. 12 1/2 ft of Lot 17
Block 269

Property Owner: Rick Badeaux

Address: 19868 159th st Elk River MN 55330
(Street) (City) (State) (Zip)

Contact Information #: 763-607-1523
(Home)

(Fax)

(Business)
propertylogick@gmail.com
(E-mail)

Applicant: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)

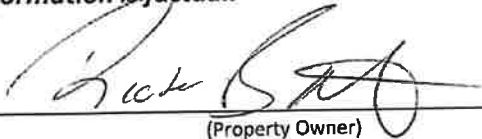
(Fax)

(E-mail)

This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

Obtaining this *Interim Use Permit* does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, MnDOT access permits, etc.

I (We) certify that I (we) have submitted all the required information to apply for an Interim Use Permit and that the information is factual.

Signed by: 
(Property Owner)

Date: 11/28/2022

Rick Badeaux

(Property Owner-Please print Name)

Date: _____

(Applicant-If different than owner)

(Applicant - Please print name)

Interim Use Permit Supporting Information

The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an *Interim Use Permit*, the applicant must address each of the "Criteria", referred to in Section 515-6-1 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 6-14 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)

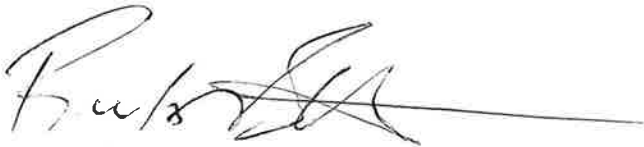
City Of Brainerd
City Planning Department
501 Laurel Street
Brainerd, MN 56401

Dear City of Brainerd,

Please accept the following as a request for an IUP with the city of Brainerd. We currently have a 4 unit building at 1005 S 6th Street in Brainerd. We have a IUP that has granted the use of one short term rental inside of that building. We are looking for approval to add a second short term rental while maintaining 2 long term rentals.

This request requires zero structural changes outside of cosmetic changes. Please see the attached request for your approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Badeaux', followed by a long horizontal line extending to the right.

Rick Badeaux

Interim Use Permit Site Plan Checklist

Interim Use Permit Site Plan Attachments. Provide a narrative addressed to the City of Brainerd describing the following:

- ☐ Responses to criteria for review of Interim Use Permits on Page 2.
- ☐ Approximate number of employees.
- ☐ Type of clientele.
- ☐ Hours of operation.
- ☐ Number of customer seats, if food service related.
- ☐ Handling of deliveries.

The applicant shall provide a Site Plan, which includes the information described below, as set forth in the Zoning Ordinance.

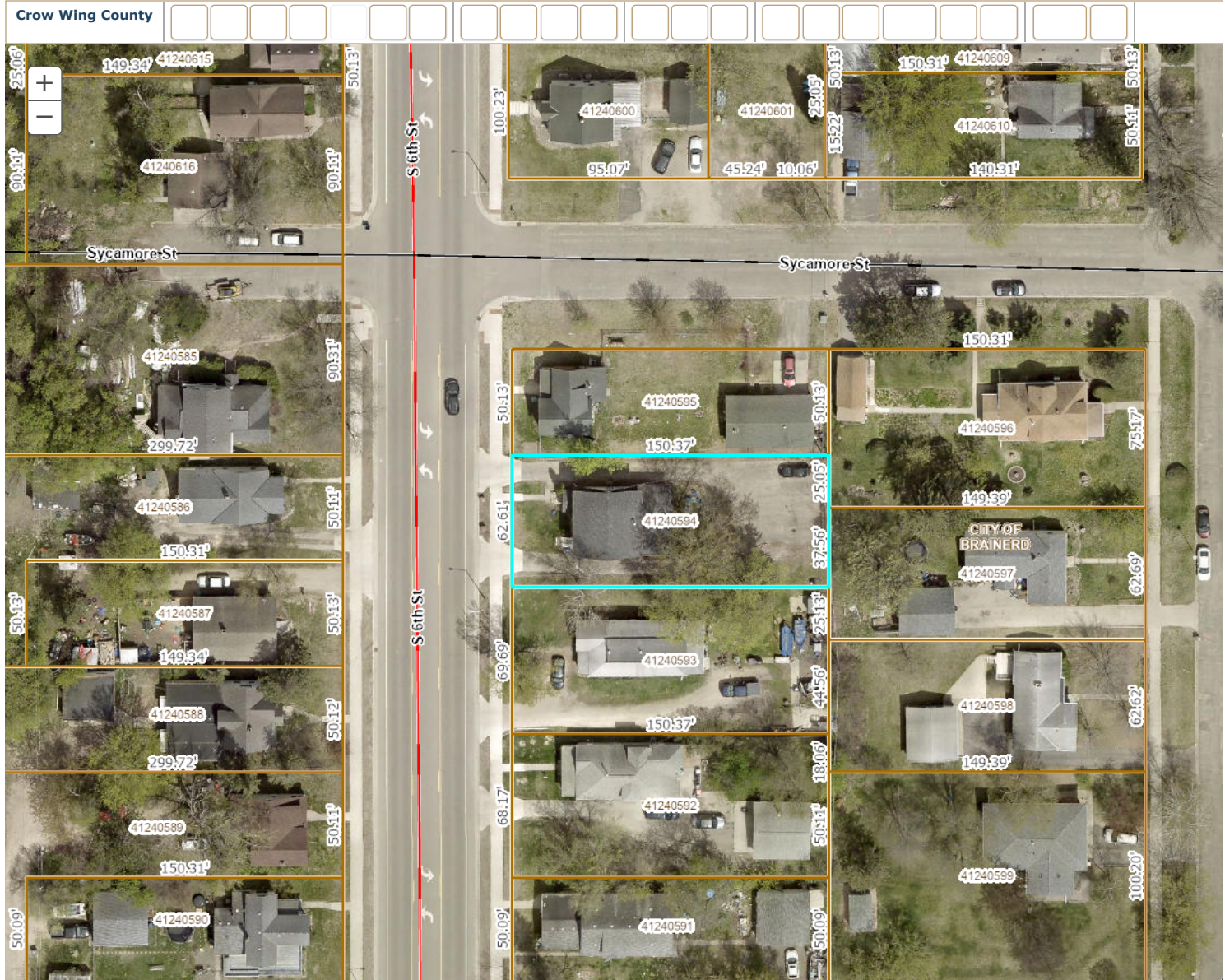
- ☐ Site Plan drawn to scale on a sheet not less than 11"x17".

NOTE: With approval by City Staff at a Pre-Application Meeting prior to submitting the Site Plan, it may be possible to exclude some of the following items from the Site Plan. Please place a check mark in the box in front of each item that is included as part of the application materials submitted for approval.

- ☒ Name(s) and address (es) of the applicant(s). *Rick Badcamp*
- ☒ Name(s) and address (es) of the owner(s) of record of the property. *~~1005 S 6th Street Brainerd, MN 56401~~
19868 154th ST. Elk River MN 55330*
- ☐ Name and address of the person or firm preparing the site plan.
- ☒ Property address (es). *1005 S 6th Street Brainerd, MN 56401*
- ☐ Date of Preparation.
- ☐ North Arrow.
- ☐ Scale: The scale shall not be less than 1"=10', and no greater than 1"=60'.
- ☒ Legal Description. *lots 15 and 16 Block 269 and N. 1/2 1/2 Fr of lot 17 Block 269*
- ☐ Boundary Survey.
- ☐ Size and location of all existing and proposed buildings, additions, structures and uses, including:
 - ☐ Setback distance to property lines;
 - ☒ Exact exterior dimensions of each building;
 - ☒ Location of entrances;
 - ☒ Number of dwelling units; and,
 - ☒ Square footage of each type of use.
- ☒ Zoning designation of the property. *TN-2*
- ☒ Proposed use of the property in sufficient detail to determine code compliance.
- ☐ Existing and proposed location and size of sanitary sewer mains and service lines.
- ☐ Existing and proposed location and size of water mains, service lines and hydrants, and/or water well.
- ☐ Existing and proposed location and size of electrical service (electrical riser diagram) and the location of high-pressure gas lines, high tension transmission lines, cable TV, and telephone lines.
- ☐ Existing and proposed location and size of storm drainage facilities on the property and adjacent to the property.
- ☒ Location and dimensions of all existing paved surfaces and of all abutting streets.

(con't)

- ☒ Existing and proposed location and dimensions of parking areas, individual parking spaces and drive aisles, driveways, curb cuts, easements, and rights-of-way, loading areas, dividers, curbs, islands, and other parking and drive improvements. Also include the number of proposed parking spaces and parking lot construction materials (City Code Section 515-22-1).
- ☒ Location of existing and proposed outdoor trash and dumpster areas and methods for screening such areas (City Code Section 515-20-1).
- ☐ Location and type of all existing and proposed signs (City Code Section 515-37-1).
- ☐ Evidence that the proposed work or activity will comply with the Outdoor Lighting requirements, set forth in Section 515-18-1 of the Zoning Ordinance. Specifically, the application shall include:
 - ☐ Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;
 - ☐ A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description shall include manufacturer's catalog cuts and drawings, including sections when requested;
 - ☐ Photometric data, such as that furnished by manufacturers, showing the angle of cut off or light emissions.
- ☐ Location of water bodies, watercourses, and flood-prone areas with delineated channel encroachment lines, wetland boundary lines, 100-year flood plain boundary line, and floodway boundary line (City Code Sections 515-76-1; 515-77-1; 515-78-1).
- ☐ Location of natural features such as: existing trees or hills, wetlands.
- ☐ A landscape plan (City Code Section 515-20-1) showing:
 - ☐ The location of plants.
 - ☐ Identification of any trees to be removed.
 - ☐ Protection methods for existing trees during construction.
 - ☐ Identification of any trees to be removed.
 - ☐ Protection methods for existing trees during construction.
 - ☐ Areas to be seeded or sodded.
 - ☐ Location, dimensions, topography or any berming.
- ☒ Location and type of underground sprinkler system. — NONE
- ☐ A plant that includes:
 - ☐ The plant species;
 - ☐ The quantity of each type of plant; and,
 - ☐ The size of each plant at the time of planting.
- ☒ The location of fences and walls (City Code Section 515-19-0).
- ☐ Two (2) copies of architectural drawings of all new buildings or structures, or alterations, at a scale not to exceed 1"=8'.
- ☒ Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.
- ☐ A note to be placed on all *Site Plans* to read as follows: "All construction materials, dumpsters, detached trailers, or similar items are prohibited on public streets or within the public right-of-way."



1005 S 6TH ST
Brainerd, Mn 56401

Houses

41240595

Garage

FENCE

41240594 150.37'

S 6TH ST

62.61'

Tenant

NEW STR

Attch'd

Tenant

Garbage

Parking for 5

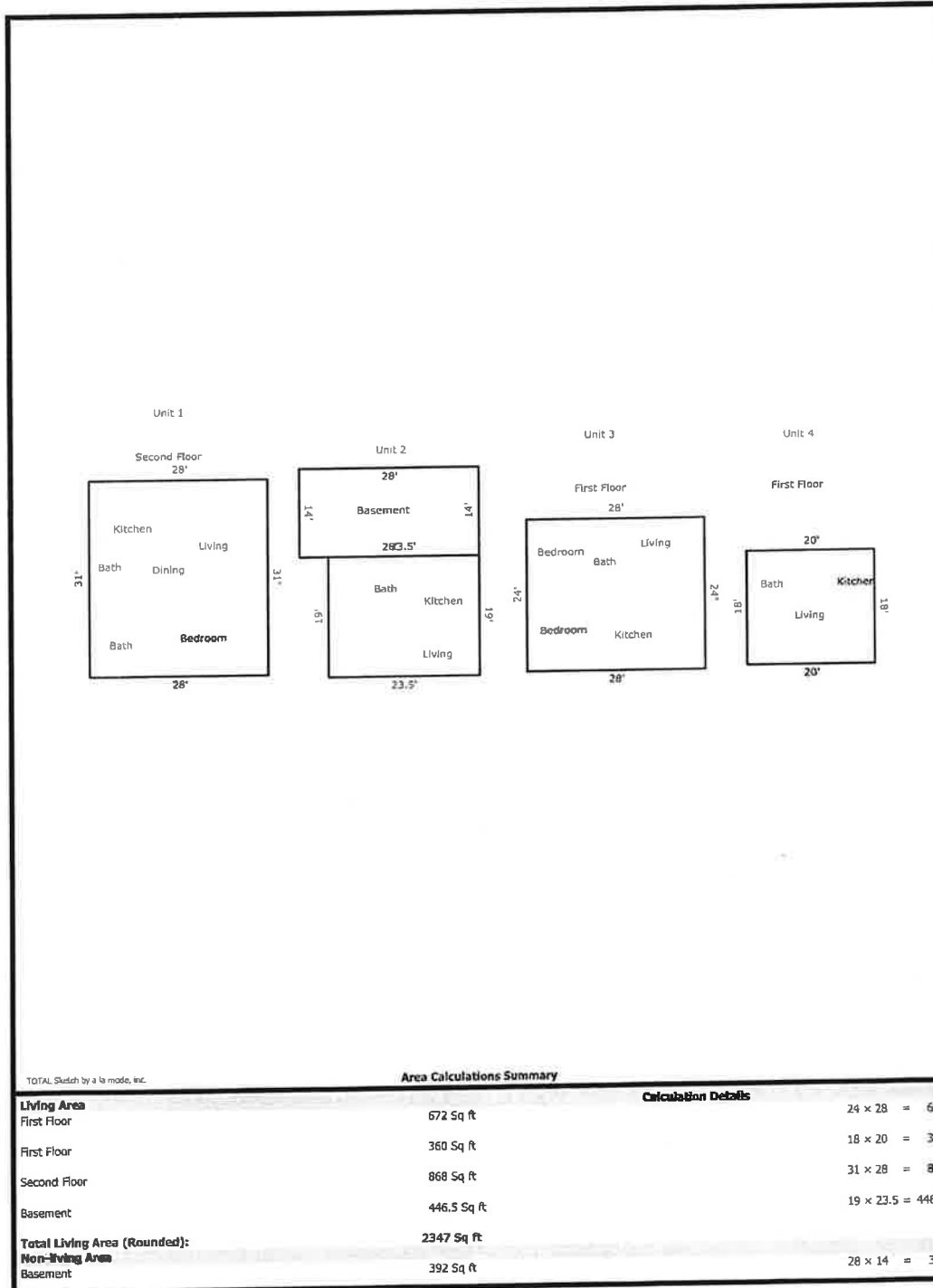
62.61 ft
fence

150.37'

41240593

Building Sketch

Borrower	Richard Badeaux				
Property Address	1005 S 6th St				
City	Brainerd	County	Crow Wing	State	MN Zip Code 56401
Lender/Client	Goldwater Bank, N.A.				



Small Residential Income Property Appraisal Report

File # 909271917

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address 1005 S 6th St **City** Brainerd **State** MN **Zip Code** 56401
Borrower Richard Badaux **Owner of Public Record** BRADLY B HICKS **County** Crow Wing
Legal Description See attached addenda. **Assessor's Parcel #** 41240594 **Tax Year** 2020 **R.E. Taxes \$** 2,654.00
Neighborhood Name Brainerd **Map Reference** county **Census Tract** 9511.00
Occupant ☒ Owner ☐ Tenant ☐ Vacant **Special Assessments \$** 0 ☐ PUD **HOA \$** 0 ☐ per year ☐ per month
Property Rights Appraised ☒ Fee Simple ☐ Leasehold ☐ Other (describe)
Assignment Type ☒ Purchase Transaction ☐ Refinance Transaction ☐ Other (describe)
Lender/Client Goldwater Bank, N.A. **Address** 7400 E Orchard Rd #2100N, Greenwood Village CO 80111
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? ☒ Yes ☐ No
 Report data source(s) used, offering price(s), and date(s). **MLS#** 5694020; the subject was offered for sale for \$177,000 on 01/05/2021. The subject was listed for 0 days.
 I ☒ did ☐ did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. The subject was sold for \$179,000 on 12/17/2020. The listing is after the sale and presumed to be data input for the MLS system.
Contract Price \$ 179,000 **Date of Contract** 12/17/2020 **Is the property seller the owner of public record?** ☒ Yes ☐ No **Data Source(s)** COUNTY
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☒ No
 If Yes, report the total dollar amount and describe the items to be paid.
Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics			2-4 Unit Housing Trends			2-4 Unit Housing		Present Land Use %		
Location	☐ Urban ☒ Suburban ☐ Rural	Property Values	☐ Increasing ☒ Stable ☐ Declining	PRICE	AGE	One-Unit	90 %			
Built-Up	☒ Over 75% ☐ 25-75% ☐ Under 25%	Demand/Supply	☐ Shortage ☒ In Balance ☐ Over Supply	\$ (000)	(yrs)	2-4 Unit	2 %			
Growth	☐ Rapid ☒ Stable ☐ Slow	Marketing Time	☐ Under 3 mths ☒ 3-6 mths ☐ Over 6 mths	80	Low	Multi-Family	2 %			
Neighborhood Boundaries			The subject is bound by 6th to the west, 28th to the east, Highway 25 to the north, and Willow to the south.			400	High	120	Commercial	4 %
Neighborhood Description			The subject is surrounded by residential properties. It is located within close proximity to schools, public services, and retail shopping.			190	Pred.	50	Other	2 %

Market Conditions (including support for the above conclusions) Market conditions appear to be stable. Sales are typically seasonal and the current market is relatively slow for the short term, however, it is picking up.

Dimensions 62' x 150' **Area** 9,300 sf **Shape** Rectangular **View** N;Res;
Specific Zoning Classification B-2 **Zoning Description** Neighborhood Business
Zoning Compliance ☒ Legal ☐ Legal Nonconforming (Grandfathered Use) ☐ No Zoning ☐ Illegal (describe)
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? ☒ Yes ☐ No If No, describe Residential
 use is legally possible, financially feasible, and physically possible.
Utilities **Public** **Other (describe)** **Public** **Other (describe)** **Off-site Improvements - Type** **Public** **Private**
 Electricity ☒ ☐ Water ☒ ☐ Street Bituminous ☒ ☐
 Gas ☒ ☐ Sanitary Sewer ☒ ☐ Alley None ☒ ☐
FEMA Special Flood Hazard Area ☐ Yes ☒ No **FEMA Flood Zone** X **FEMA Map #** 27035C0527C **FEMA Map Date** 8/15/2017
 Are the utilities and/or off-site improvements typical for the market area? ☒ Yes ☐ No If No, describe
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? ☐ Yes ☒ No If Yes, describe

General Description		Foundation		Exterior Description		materials/condition		Interior		materials/condition	
Units	☐ Two ☐ Three ☒ Four	☐ Concrete Slab ☐ Crawl Space	☒ Full Basement ☐ Partial Basement	Foundation Walls	concrete/average	Floors	car/wd/Average	Walls	SR/Average	Trim/Finish	wd/average
☐ Accessory Unit (describe below)		Basement Area	839 sq.ft.	Roof Surface	Asph/Average	Bath Floor	tile/average	Bath Wainscot	fg/Average	Car Storage	
Type	☒ Det. ☐ Att. ☐ S-Det./End Unit	Basement Finish	0 %	Gutters & Downspouts	metal/average						
☒ Existing ☐ Proposed ☐ Under Const.		☐ Outside Entry/Exit ☐ Sump Pump		Window Type	wd/average						
Design (Style)	fourplex	Evidence of	☐ Infestation	Storm Sash/Insulated	metal/Average						
Year Built	121	☐ Dampness ☐ Settlement		Screens	metal/ave						
Effective Age (Yrs)	45	Heating/Cooling		Amenities							
Attic	☐ None ☐ FWA ☐ HWB ☐ Radiant	☒ Fireplace(s) # 0 ☐ Woodstove(s) # 0									
☐ Drop Stair ☐ Stairs	☐ Other ☐ Fuel gas	☐ Patio/Deck none ☐ Fence none									
☐ Floor ☒ Scuttle	Cooling ☒ Central Air Conditioning	☐ Pool none ☐ Patch porch									
☐ Finished ☐ Heated	☐ Individual ☐ Other	☐ Other none									
# of Appliances	Refrigerator 4 Range/Oven 4 Dishwasher Disposal Microwave Washer/Dryer	Other (describe)									
Unit # 1 contains:	4 Rooms 2 Bedrooms 1 Bath(s)	672 Square Feet of Gross Living Area									
Unit # 2 contains:	4 Rooms 2 Bedrooms 1 Bath(s)	868 Square Feet of Gross Living Area									
Unit # 3 contains:	2 Rooms 0 Bedrooms 1 Bath(s)	360 Square Feet of Gross Living Area									
Unit # 4 contains:	2 Rooms 0 Bedrooms 1 Bath(s)	446 Square Feet of Gross Living Area									
Additional features (special energy efficient items, etc.). see grid.											
Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). C4; No updates in the prior 15 years; Physical depreciation due to normal wear and tear. Functional utility is good. The subject is well maintained.											

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Rick Badeaux has submitted a request for an Interim Use Permit Amendment to operate one additional short-term rental at 1005 S 6th St. The four-plex at 1005 S 6th St. is currently permitted to operate one short-term rental. The property included in this application is described as:

*LOTS 15 AND 16 BLOCK 269 AND N. 12 1/2 FT OF LOT 17 BLOCK 269
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240594
Section 24, Township 45, Range 31*

The property is zoned Traditional Neighborhood 2 (TN-2) District, which permits the operation of short-term rentals as an Interim Use according to Zoning Code Section 515-3 Appendix A Table-of-Uses provided it meets the required provisions as listed under 515-3 Allowed Uses. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, December 21, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Interim Use Permit request.

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

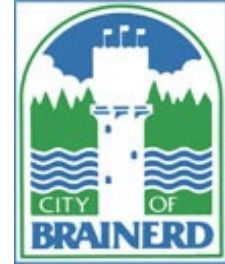
Dated this 7th day of December 2022



James L. Kramvik
Community Development Director

Publication Date: December 10th, 2022

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: December 21, 2022

RE: Discussion on Proposed Ordinance No. 1541, an Ordinance Amending Section 515-4: General Building and Design Standards

Planning Commission

The Planning Commission reviewed and heard public testimony regarding Ordinance No. 1539 at the November 16, 2022, regularly scheduled meeting. After discussion, the Planning Commission recommended approval of Ordinance No. 1539 as presented by staff with A.3 being removed in its entirety. There was concern that it could still potentially lead to a loss of housing in Brainerd for parking lot construction or expansion through the conditional use permit process.

Original Ordinance Section A.3

A. Except as provided in Section A of this chapter, no permit shall be issued to allow the demolition of a dwelling unit in the Traditional Neighborhood 1 (TN-1), Traditional Neighborhood 2 (TN-2), Contemporary Neighborhood 1 (CN-1), or Contemporary Neighborhood 2 (CN-2) Zoning Districts unless:

3. City Council approval has been granted for an alternative use of the property.

Staff's interpretation of "approval of an alternative use" would be in the form of an approved conditional use permit or interim use permit. Conditional Uses and Interim Uses are permitted in the zoning district if they are listed in the table of uses for the zoning district and the application meets all the conditions listed in the Allowed Use Section and the Rules and Administration Section of the Zoning Code.

City Council

City Council was presented Ordinance No. 1539 with the removal of A.3 per recommendation of the Planning Commission. The first reading was conducted on November 21st. The second reading of proposed Ordinance No. 1539 was conducted on December 5th, in addition to another public hearing. There was concern from the public that the removal of line A.3 would negatively affect potential future projects in the City of Brainerd. Proposed Ordinance No. 1539 failed for lack of a second motion. A question was asked to the City Attorney if line A.3 could be added back into the ordinance as part of the motion. The City Attorney indicated that the process must restart because the ordinance in its entirety must be read twice at City Council. City Council then directed the Planning Commission to review the ordinance and bring it back to council with potentially new language.

Extension of the Moratorium

Staff is presenting proposed Ordinance No. 1540 to City Council at the December 19th meeting, which imposes an additional 3-month moratorium on the conversion of dwelling units to green space or surface parking in the TN-1, TN-2, CN-1, or CN-2 Zoning Districts. The original six-month moratorium will expire on January 17th. If approved, the three-month moratorium extension would go into effect on January 15th.

Proposed Ordinance No. 1541

Staff is presenting Planning Commission with a revised ordinance that amends Section 515-4: General Building and Design Standards and restricts the demolition of dwelling units in the Traditional Neighborhood 1 (TN-1), Traditional Neighborhood 2 (TN-2), Contemporary Neighborhood 1 (CN-1), or Contemporary Neighborhood 2 (CN-2) Zoning Districts.

The primary concern from public testimony and City Council was the removal of line A.3. Staff's recommendation for line A.3 is as follows:

“City Council approval has been granted through a conditional use permit or interim use permit for an alternative use of the property other than for parking lots.”

Other options for Section 515-4-14 A.3

“City Council approval has been granted through a conditional use permit or interim use permit for an alternative use of the property other than for parking lots or a vacant contiguous or noncontiguous lot.”

“City Council approval has been granted through a conditional use permit or interim use permit for an alternative use of the property other than for off street parking as a primary use or green space as a primary use.”

“City Council approval has been granted through a conditional use permit or interim use permit for an alternative use of the property other than for parking lots or more than fifty percent green space.”

Definitions from Zoning Code

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Green Space. Open, undeveloped land with natural vegetation.

There are no definitions for off street parking or vacant lot.

- Staff's interpretation of a vacant lot is “any lot lacking a primary use” or “any contiguous lot lacking a use that is accessory to a primary use.”
- Staff's interpretation of off-street parking is “any legal off-street area for the temporary storage of motor vehicles.” Off-street parking can be on improved or unimproved surfaces depending on the location of the off-street parking area. Off street parking area's adjacent to alley's can be on class 5, rock, and grass. Parking lots in most cases must be an improved surface such as asphalt or concrete.

Staff's Recommendation

Staff is recommending proposed Ordinance No. 1541 as proposed with line A.3 as follows:

- "City Council approval has been granted through a conditional use permit or interim use permit for an alternative use of the property other than for parking lots."
- Line A.3 as described will not allow for the demolition of a dwelling unit on a lot for the construction of a parking lot under any circumstances other than requesting a rezoning.
- The ordinance as presented does not allow for the removal of a dwelling units for green space through an administrative process. A dwelling unit cannot be demolished upon purchase of a property in the restricted zoning districts. This was a concern as institutions could potentially remove homes prior to applying for conditional use permits or rezoning requests. A potential project would be reviewed by the Planning Commission and City Council before the removal of a dwelling unit for an alternative use.

**ORDINANCE
NO. 1541**

**AN ORDINANCE AMENDING SECTION 515-4: GENERAL BUILDING, DEVELOPMENT AND
DESIGN STANDARDS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 515-4 of the Zoning Code is hereby amended by adding the following:

515-4-14: Restrictions on Demolition and Removal of Dwelling Units

- A. Demolition Permit.** Except as provided in Section A of this chapter, no permit shall be issued to allow the demolition of a dwelling unit in the Traditional Neighborhood 1 (TN-1), Traditional Neighborhood 2 (TN-2), Contemporary Neighborhood 1 (CN-1), or Contemporary Neighborhood 2 (CN-2) Zoning Districts unless:
1. A building permit is also issued at the same time to authorize construction of a replacement dwelling unit; or
 2. A commercial new construction or remodel permit is also issued at the same time to convert or replace a dwelling unit to a commercial unit in the TN-2 district; or
 3. City Council approval has been granted through a conditional use permit or interim use permit for an alternative use of the property other than for parking lots.
- B. Site Restoration.** In addition to requirements set forth in section A, as a condition of issuance of a permit for the demolition of a building, the applicant shall be required to submit a site restoration plan. The plan shall be approved by the building official, city engineer, and zoning administrator before a permit for the removal of a building is issued.
- C. Exemptions.** Notwithstanding any other provision of this article, the requirements set forth in section A of this article shall not apply to the following:
1. The demolition of a dwelling unit by the Brainerd Housing and Redevelopment Authority, the Brainerd Economic Development Authority, or Crow Wing County.
 2. The removal of any unsafe or hazardous structures by the City of Brainerd pursuant to its statutory authority.
 3. The demolition or relocation of any building owned by the City of Brainerd.
 4. Prior to the issuance of the demolition permit, the city building official determines that an exception is necessary because it is compelled by public safety due to an imminent hazardous condition requiring immediate demolition of the building.

SECTION TWO: All other provisions of Section 515-4 shall remain in full force and effect.

SECTION THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

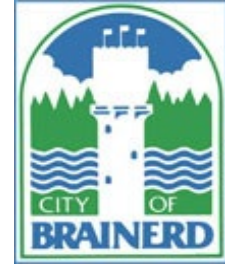
Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: December 21, 2022

RE: Workgroup Member Selection for Color Temperature Lighting Policy

The Planning Commission directed staff to review example ordinances from other cities regarding light temperature standards that have been adopted in their respective zoning codes. At the November 16th, 2022 Planning Commission Meeting, staff presented a lighting ordinance from the City of Greenfield, MN which restricted lights to a maximum color temperature of 3,000 Kelvins. Three thousand Kelvin appears bright yellow, often called warm white or soft white.

The City of Greenfield followed the guidance of the International Dark-Sky Associations which states that LED blue light brightens the night sky more than any other color of light, it's important to minimize the amount emitted. Exposure to blue light at night has also been shown to harm human health and endanger wildlife. The IDA recommends using lighting that has a color temperature of no more than 3,000 Kelvins.

The Planning Commission would like to further review instituting a lighting ordinance regarding color temperature in the City of Brainerd Zoning Code. In addition to potential code language, the Planning Commission tasked staff to attend the Park Board meeting and the BPU Commission meeting to discuss creating a city-wide policy regarding color temperature standards in lighting. In order to institute a city-wide policy, there must be agreement from the Planning Commission, Park Board, BPU Commission, and City Council. There was interest in all meetings in potentially forming a city-wide color temperature lighting standard policy. Staff is proposing the formation of a work group that is made up of city staff and one member from each board or commission. In addition to reviewing the City of Greenfield's lighting policy, staff will present alternative options and potential code language. The recommendations from the work group would then be brought back to each board and commission for approval and then presented to City Council as an agenda request.

Staff Recommendation

Staff recommends the Planning Commission appoint one member to the work group with a meeting date TBD.