

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, March 15, 2023 @ 6:00pm

The public is invited to attend this meeting in person
Attend by phone: 1-844-992-4726 Meeting Access Code: 2480-770-7404

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. Call To Order

2. Roll Call

____ C. Marohn ____ D. Gorham ____ T. Woodward ____ T. Stenglein

____ M. Duval ____ K. Yeager ____ vacant

3. Pledge Of Allegiance

4. Approval Of Agenda

5. Approval Of Minutes

1. Regular Meeting Held on February 15, 2023

Documents:

[2023-02-15 DRAFT.PDF](#)

6. New Business

6.a. Consider Conditional Use Permit For A 5-Unit Apartment At 2307 Crestview Lane

Documents:

[CUP 5-UNIT APARTMENT.PDF](#)

6.a.i. (Added Item) Neighbor Petition Against Development

Documents:

[PETITION.PDF](#)

6.a.ii. (Added Item) Neighbor Submitted Points To Address

Documents:

[NEIGHBOR SUBMITTED.PDF](#)

6.b. Discussion On Detachment Of Dellwood Properties

Documents:

[DETACHMENT DISCUSSION.PDF](#)

7. Unfinished Business

7.a. Review And Authorize Changes To The Planning Commission Bylaws

Documents:

[PLANNING COMMISSION BYLAWS.PDF](#)

7.b. Review Proposed Lighting Ordinance

Documents:

[LIGHTING ORDINANCE.PDF](#)

7.b.i. (Added Item) Alternate Lighting Information

Documents:

[ALTERNATE LIGHTING.PDF](#)

7.c. Review Community Development Department's 2022 Parking Study

Documents:

[PARKING STUDY.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. Staff Reports

10. Commission Member Reports

11. Adjournment

PLANNING COMMISSION
Wednesday, February 15, 2023
6:00 pm

#1 Call to Order

Planning Commission Chair Yeager 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 Marohn, Gorham, Woodward, Duval, and Yeager. Commissioner Stenglein was noted as absent. Also noted as present were Community Development Director Kramvik and Assistant Planner Edwards.

#3 Pledge of Allegiance

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

#4 Approval of Agenda

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

#5 Review and Authorize Changes to the Planning Commission Bylaws

Community Development Director Kramvik explained there were changes made to the Rules of Procedure and Decorum for the City Council back in November of 2020. Those changes were to direct all committees and commissions to follow the same guidelines for uniformity.

Commissioner Gorham indicated that number eleven does not make sense to change. He felt that Commissioners Questions/Comments represents the Planning Commission better than Commission Member Reports. The members do not submit reports; they ask questions and offer comments.

After brief discussion, it was determined the Commission agrees with Commissioner Gorham. Commissioner Woodward suggested the wording be updated to Commissioner Questions/Comments for all committees if it must be uniform. Community Development Director Kramvik will consult with City Administrator Bergman for direction in this modification and report back to the Commission.

#6 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND WOODWARD TO APPROVE THE MINUTES FROM THE JANUARY 18, 2023 REGULAR MEETING.

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

#7 Unfinished Business

7a. Final Plat for Creekside Community Development Addition to West Brainerd

Community Development Director Kramvik reviewed the application and preliminary plat details for the Creekside Community Development Addition that was approved by Council on November 7, 2022. The criteria to approve the final plat are:

- Final plat shall conform the approved preliminary plat and phasing plan.
- Completed development contract including all required financial securities and time frame for final plat and grading.
- Conditions attached to the approval of the preliminary plat shall be fulfilled or secured by the development agreement.
- All fees, charges, and escrow related to the preliminary or final plat shall be paid in full.

The Chair opened the public hearing at 6:13 pm.

Commissioner Duval questioned the applicant on the retainability of mature trees on the site.

The Chair recognized Vicky Kinney, Lakeshore, who stated they plan to retain as many trees as possible.

The Chair closed the public hearing at 6:14 pm.

(It was determined that this public hearing was not necessary, as it was held with the preliminary plat submission.)

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND WOODWARD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE FINAL PLAT FOR CREEKSIDE COMMUNITY DEVELOPMENT AS PRESENTED.

7b. Proposed Ordinance No. 1546, An Ordinance Amending Section 515-4-8 Outdoor Lighting

Community Development Director Kramvik explained the details of the proposed ordinance. There was one change made from the previous meeting held regarding parks being exempt from the dimmable lighting requirement.

The Chair opened the public hearing at 6:18 pm.

No one came forward.

The Chair closed the public hearing at 6:19 pm.

Commission discussion took place. It has been recommended to remove line d and i from E. Performance Standards 1.) Residential Use and PSP District Standards.

Community Development Director Kramvik will revise the proposed ordinance as discussed and will bring back to the Commission at the next meeting.

#8 New Business

8a. Conditional Use Permit for Mini-Self Storage Units at 15770 Dellwood Dr.

Community Development Director Kramvik reviewed the application details for constructing a mini self-storage facility at 15770 Dellwood Drive.

The Chair opened the public hearing at 6:42 pm.

The Chair recognizes Bela Smude, 15694 Dellwood Dr., who owns property abutting this parcel. He asked where on the property they are intending to construct the buildings. He has been directed to contact staff during business hours for details of the site plan.

The Chair closed the public hearing at 6:45 pm.

Commissioner Marohn suggested further discussion take place in the future regarding various parcels that were annexed into the City of Brainerd that may be in odd locations. He states that this parcel may be better suited as a Crow Wing Township property due to location and services.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND MAROHN, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO CONSTRUCT A MINI SELF STORAGE FACILITY AT 15770 DELLWOOD DRIVE AS PRESENTED UNDER THE CONDITIONS THAT THE OUTDOOR LIGHTING COLOR NOT EXCEED 3,000 KELVIN AND THE FIRE MARSHAL APPROVES A FIRE PROTECTION PLAN.

8b. Rezoning Parcel #41160504 (Tract B) to Rural Living One Zoning District

Community Development Director Kramvik gave a brief review of the application to rezone this parcel to RL-1 Rural Living.

The Chair opened the public hearing at 6:55 pm.

No one came forward.

The Chair closed the public hearing at 6:55 pm.

Commissioner Marohn had comments regarding the previous project of connecting sewer and water to the airport. He said at that time, it was proposed that properties in that corridor would be connected as well. Community Development Director Kramvik spoke with City Engineer and Finance Director Hillman regarding this rezoning.

Discussion took place.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GORHAM TO RECOMMEND APPROVAL OF REZONING PARCEL 41160504 FROM GI (GENERAL INDUSTRIAL) DISTRICT TO RL-1 (RURAL LIVING) DISTRICT AS PRESENTED.

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

8c. Itinerary for Zoning Code Changes Related to Off-Street Parking Regulations

Community Development Director Kramvik presented a proposed itinerary for the Commission regarding drafting amendments to Section 515-4-12 Off-Street Parking.

#9 Public Forum

The Chair opened the public forum at 7:11 pm.

No one came forward.

The Chair closed the public forum at 7:11 pm.

#10 Staff Reports

Community Development Director Kramvik gave the following updates:

- City Council will be considering these ordinances at the meeting February 21st. Ordinance No. 1543 Chickens/Ducks, 1544 Outdoor Power Equipment and 1547 Abatement on Citation process.

#11 Commission Member Reports

Commissioner Duval acknowledged that many sidewalks are now walkable with the higher temperatures.

Commissioner Gorham announced there will be a Grand Opening and ribbon cutting event for the Mississippi Landing Trailhead Park taking place on June 3rd, 2023.

Commissioner Marohn requested an update on the crypto mining project. Community Development Director Kramvik indicated last news was the closing on the property was taking place this Friday.

Commissioners discussed the possibility of having an agenda topic regarding the process of de-annexation, as well as the annexation of various properties located within the city limits and outer areas.

#13 Adjournment

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND DUVAL, DULY CARRIED, TO ADJORN AT 7:20 PM.

Kevin Yeager, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: March 15, 2023

RE: Consider Conditional Use Permit for a 5-Unit Apartment at 2307 Crestview Lane

Introduction:

MD Investments LLC. of 1107 6th St S. Brainerd, MN 56401, applied for a Conditional Use Permit to construct a 5-unit apartment complex at 2307 Crestview Lane Brainerd, MN 56401.

Parcel Number: 41020590
Zoning District: Contemporary Neighborhood 2 (CN-2)

Property Area: 0.4153 acres

Adjacent Uses: North: Single Family Residential
East: The Church of Jesus Christ of Latter-Day Saints
South: Single Family Residential
West: Single Family Residential & Single Family Attached Residential

Adjacent Zoning: North: Garden Living (GL)
East: Public/ Semi Public (PSP)
South: Garden Living (GL)
West: Contemporary Neighborhood 2 (CN-2)

Findings of Fact:

1. 2307 Crestview Lane. Brainerd, MN 56401 is in a Contemporary Neighborhood 2 (CN-2) zoning district. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for the construction of multi-family attached dwellings of five (5) or more units as a Conditional Use in the CN-2 District.
 - A. *Single family detached dwelling units and 2-4 unit attached dwellings are permitted in the CN-2 district provided it meets the requirements of the zoning code.*
2. According to [Section 515-6 Rules and Definitions: Dwelling, Multi-family \(5 Units+ also referred to as Apartments or Townhomes\)](#). A building designed with five (5) or more dwelling units exclusively for occupancy by five (5) or more families living independently of each other. Such buildings may have common hallways and main entrances or have private

entrances. Multi-family buildings may include, but not be limited to, efficiency units, one-bedroom, two bedroom, and three-bedroom units.

- A. *The site plan and architectural renderings for 2307 Crestview Lane propose a 5-unit building consisting of 2 bedroom units with separate entrances.*
3. According to [Section 515-4-2.C Multi-family attached dwelling units](#) (5 dwelling units or more): All multi-family buildings constructed within the City shall conform to the following:
 - A. Multiple family dwelling units shall have the following minimum floor area per unit:
Two Bedroom Units must equal 700 SQFT.
 - i. *Each two-bedroom unit is approximately 840 SQFT.*
 - B. Exterior Building Materials. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors.
 - i. *The applicant proposes three variations of siding types on the North and South elevations. The variation of siding does not create articulation between units but does create interest at each gable.*
4. **Criteria for Granting Conditional Use Permits:** As outlined in the Zoning Code [Section 515-5-2.B.6.a-g](#) The Criteria for Granting Conditional Use Permits is as follows: "In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable."
 - A. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
 - i. *The proposed 5-unit multifamily building is permitted as a conditional use in the CN-2 District.*
 - ii. **Density Calculations.** *Using the extents of Buffalo Hills Ln W to the North, Crestview Ln to the West, Woodland Hills Ln to the South, and Greenwood St to the East.*
 - a. *Approximate acreage of all properties is 12.69 acres.*
 - b. *The 12.69-acre area contains 41 residential units/ vacant properties including the proposed 5-unit apartment. This equates to a density calculation of 3.23 units per acre.*
 - c. *3.23 units per acre is more than what is allowed in the GL Zoning District, which has a maximum of 2 dwelling units per acre but is less than the minimum requirement in the CN-2 district which is 4 dwelling units per acre.*
 - d. *According to the [Future Land Use Map, Future Land Use Categories, and the Comprehensive Plan](#) this property and the properties on the East Side of Crestview Ln are categorized as Low to Medium Density which strives for 4 to 9 dwelling units per acre. The extents of the density calculation, which equaled 3.23 dwelling units per acre, does not exceed or meet the desired low-to-medium density range requirements.*
 - e. *The proposed 5-unit apartment increases the density of the neighborhood and achieves a higher dwelling unit per acre rate as opposed to the construction of a single-family home on the same property.*
 - B. The proposed use meets the regulations and standards established in this Ordinance.

- i. The CN-2 Zoning District must meet the coverage and principal building standards as defined in Zoning Code [Section 515-2-7.C](#). The following standards are applied to the construction of a principal building on a CN-2 lot:
 - a. Front Yard Setback (minimum) 25'
 - 1. *The proposed structure has a 25' front yard setback.*
 - b. Side Yard Setback (minimum) 10'/20' corner
 - 1. *The proposed structure has a 10' and 26.93' side yard setback.*
 - c. Rear Yard Setback (minimum) 25'
 - 1. *The proposed structure has a 42' rear yard setback.*
 - d. Impervious Surface Coverage (maximum) 60%
 - 1. *The proposed structure and parking lot equate to 43% impervious surface coverage.*
- 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.
 - i. *This proposed use of the property at 2307 Crestview Lane will not cause any condition dangerous, injurious, or noxious to any other property or person.*
 - ii. *The project has been reviewed by the Fire Marshal and approved.*
- D. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - i. *As proposed, the building is orientated with a front door entrance facing Crestview Lane. The remaining units would have a side entrance facing the parking lot. A front door facing Crestview Lane is consistent with the neighborhood.*
 - ii. Section [515-4-10.A.2 General Landscaping Improvement Standards](#), requires multi-family attached residential units to plant four (4) shrubs per dwelling unit.
 - a. *The applicant proposes the installation of 20 shrubs around the foundation of the building to meet this requirement.*
 - iii. According to Section 515-4-10.G.1,2,&4 All exposed parking areas of ten (10) or more spaces in a front and side yard abutting a public street right-of-way shall be landscaped. One (1) shrub shall be planted for every five (5) lineal feet of parking lot perimeter that is adjacent to a public street. Plants shall be two (2) feet to four (4) feet in height and designed in a way to screen the parking lot from street view. When a parking lot is adjacent to or across an alley from a residentially zoned property, the required screen height shall be increased to six (6) feet. Refer to Table [515-4-10.2] Plant Spacing Requirements for Screening.
 - a. *The applicant proposes the installation of five (5) shrubs to screen the parking stalls from the right-of-way. The applicant proposes the installation of 24 shrubs along the parking lot to screen the lot from the adjacent single family residential lot.*
 - iv. According to Section 515-4-10.C.5 In all Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts new lots or development shall include landscape plantings as identified in Table [515-4-10.2]. A minimum of one deciduous tree shall be planted in the front yard within 10-feet of the front property line, or right-of-way line. Table [515-4-10.2] requires the planting of one (1) tree per each 25' of lot frontage for lots that are 65+ feet wide.

- a. *The applicant will be required to plant four (4) trees. There must be a mix of deciduous and coniferous and one (1) tree must be planted within 10-feet of the front property line.*
 - b. *Staff recommends working with the applicant on the final tree plan prior to certificate of occupancy. Trees left on site may count towards this final number.*
- E. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. *Primary structures along Crestview Lane primarily have vinyl siding. Some, but not all structures have brick or stone on the façade.*
 - a. *The applicant proposes a mixture of vinyl siding size and color which is consistent with the neighborhood.*
 - b. *The front entrance does lack a covered entry way or enhancement that is exhibited on most structures in the neighborhood.*
- F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - i. According to [Section 515-4-12.K.34 Off-Street Parking](#). Attached Single-Family Dwellings, Multi-Family and Manufactured Homes within Manufactured Home Parks. At least two and one-fourth (2 ¼) rent-free spaces per unit. In projects involving eight (8) or more units, the City may require additional clustered guest parking spaces based upon calculation of required demand.
 - a. *The proposed building consists of 5 two-bedroom units. The applicant is required to provide 11.25 off street parking spaces. The applicant is proposing twelve (12) off street parking spaces which will minimize congestion in the residential neighborhood.*
- G. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
 - i. *The proposed use is supported by the following goals of the Comprehensive Plan*
 - a. *Housing Goal 1: Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.*
 - 1. *Policy 2: Expand home ownership and rental opportunities through rehabilitation and new construction.*
 - 2. *Policy 5: Ensure an adequate supply of quality and affordable housing units for current and future residents.*
 - b. *Land use Goal 3: Support and invest in the incremental enhancements of quality of life.*
 - 1. *Policy 3: Ensure a wide range of housing types for all income levels.*
 - c. *Economic Development Goal 1: Support infill and redevelopment throughout Brainerd as a strategic component of growth.*
 - 1. *Policy 1: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.*

Section 515-2.B.7 Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse

impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses. Such conditions may include, but are not limited to, the following:

- a. Increasing the required lot size or yard setback dimension.
- b. Limiting the height, size, or location of buildings.
- c. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- d. Regulating the street width.
- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location, or lighting of signs.
- g. Requiring a berm, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- h. Requiring dedication of some open or green space.
- i. Regulating the appearance of the facilities or site so that they are harmonious with the neighborhood and City.

As of this writing, three parties have contacted the Community Development Department for more information on the Conditional Use Permit application for the proposed 5-unit apartment at 2307 Crestview Lane. Questions regarding the proposed development included screening requirements and whether this was a market rate or affordable housing project.

Staff Recommendations:

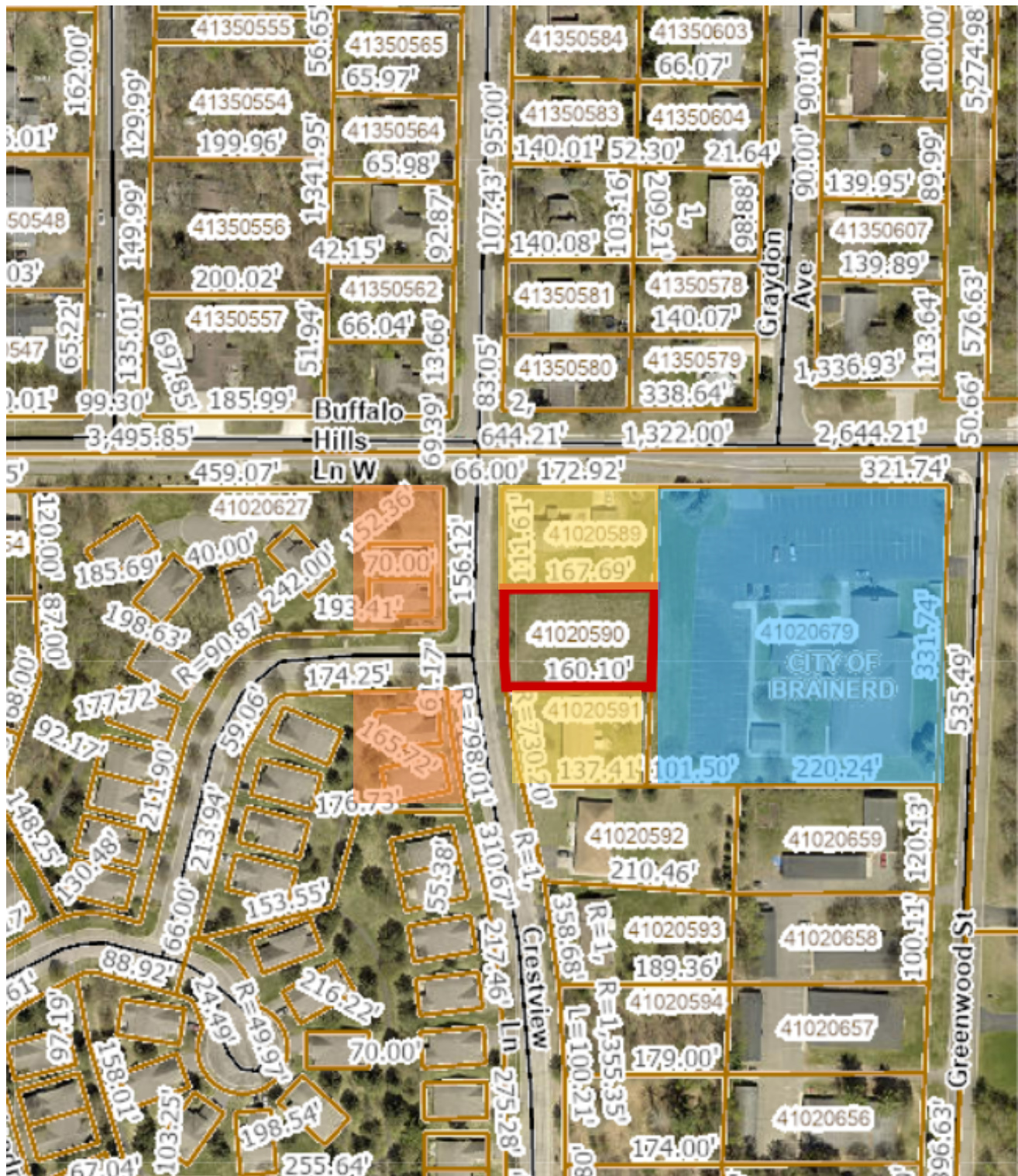
The Community Development Department recommends approval of the Conditional Use Permit for 2307 Crestview Lane, Brainerd, MN based on adherence to the zoning code requirements, rules and administration for Conditional Use Permits, and support from the Comprehensive Plan. Staff recommends applying the following conditions to the permit:

- 1) The applicant works with staff to enhance the front entrance with 25% stone or brick and a covered entrance for the door facing Crestview Lane.
- 2) The applicant works with staff to finalize a planting plan prior to installation. The number of shrubs shall not be reduced.
- 3) All lighting attached to the building shall have a 90-degree cutoff and a correlated color temperature of 3,000 Kelvin or lower.
- 4) A wood or vinyl fence shall be constructed along the south property line from the rear property line to the façade of the neighbor's house. The fence shall only be constructed if agreed upon by the neighbor to the South.

2307 CRESTVIEW LANE - ZONING MAP OVERLAY AND PARCEL STREET VIEWS



2307 CRESTVIEW LANE - ZONING MAP OVERLAY WITH FULL SURROUNDING NEIGHBORHOOD



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that MD Investments LLC. has submitted a request for a Conditional Use Permit to construct a multi-family 5-unit attached dwelling at 2307 Crestview Ln. Brainerd, MN 56401. The property included in this application is described as:

*LOT 13 BLOCK 1
EASTVIEW ADDITION
Parcel #: 41020590
Section 02, Township 44, Range 31*

The property is zoned CN-2 (Contemporary Neighborhood 2) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows multi-family attached dwelling units (5+ Units) as a conditional use in the CN-2 District. A copy of the proposed site plan 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, March 15, 2023, in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Conditional Use Permit request.

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

Dated this 1st day of March, 2023



James L. Kramvik
Community Development Director

Publication Date: March 4, 2023



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

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: 2307 Crestview Lane

LEGAL DESCRIPTION: Lot(s): 13 Block: 1 Addition: Eastview
(attach description if lengthy)

Property Owner Name: MD Investments LLC

Street Address: 1107 South 6th St City: Brainerd State: MN Zip Code 56401

Phone Number: 218-820-7841 Fax: _____ E-mail: dpeterson6@live.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Construct 40x110 5 unit Apartments

[Signature]

Property Owner Signature

3-1-2023

Date

David K Peterson

(Please print name)

[Signature]

Applicant Signature

3-1-2023

Date

David K. Peterson

(Please print name)

(OVER)

(Top 3 inches reserved for recording data)

AFFIDAVIT OF ARCHITECTURAL CONTROL COMMITTEE

State of Minnesota, County of Crow Wing

David Crust being first duly sworn, on oath says that to my actual and personal knowledge:

1. That Restrictive Covenants recorded December 31, 1997, as Document No. 521900 in the office of the Crow Wing County Recorder provide for provide for committee's approval in writing of plans and specifications for building; and
2. That I have authority as set out in the Restrictive Covenants as a member of the architectural control committee and am the sole remaining member; and
3. That I have reviewed the constructions plans and specifications and a plan showing the location of the structure to be constructed on Lot 13, Block 1, Eastview Addition, Crow Wing County, Minnesota, the plans and specifications having been provided to me for review for the construction of multi-unit residential building; and
4. That in my capacity as sole remaining member of the architectural control committee, I approve said plans and specifications and location.

Further affiant sayeth not except that this Affidavit is being made for the purpose of compliance with Restrictive Covenants recorded December 31, 1997, as Document No. 521900, which govern the real property described herein.

Affiant

EASTVIEW ADDITION ARCHITECTURAL
CONTROL COMMITTEE



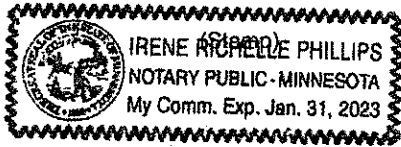
By: David Crust

Its: Sole Member

State of Minnesota

County of Crow Wing

On this 3rd day of October, 2022, by David Crust, Sole Member of Eastview Architectural Control Committee, on behalf of said Committee.

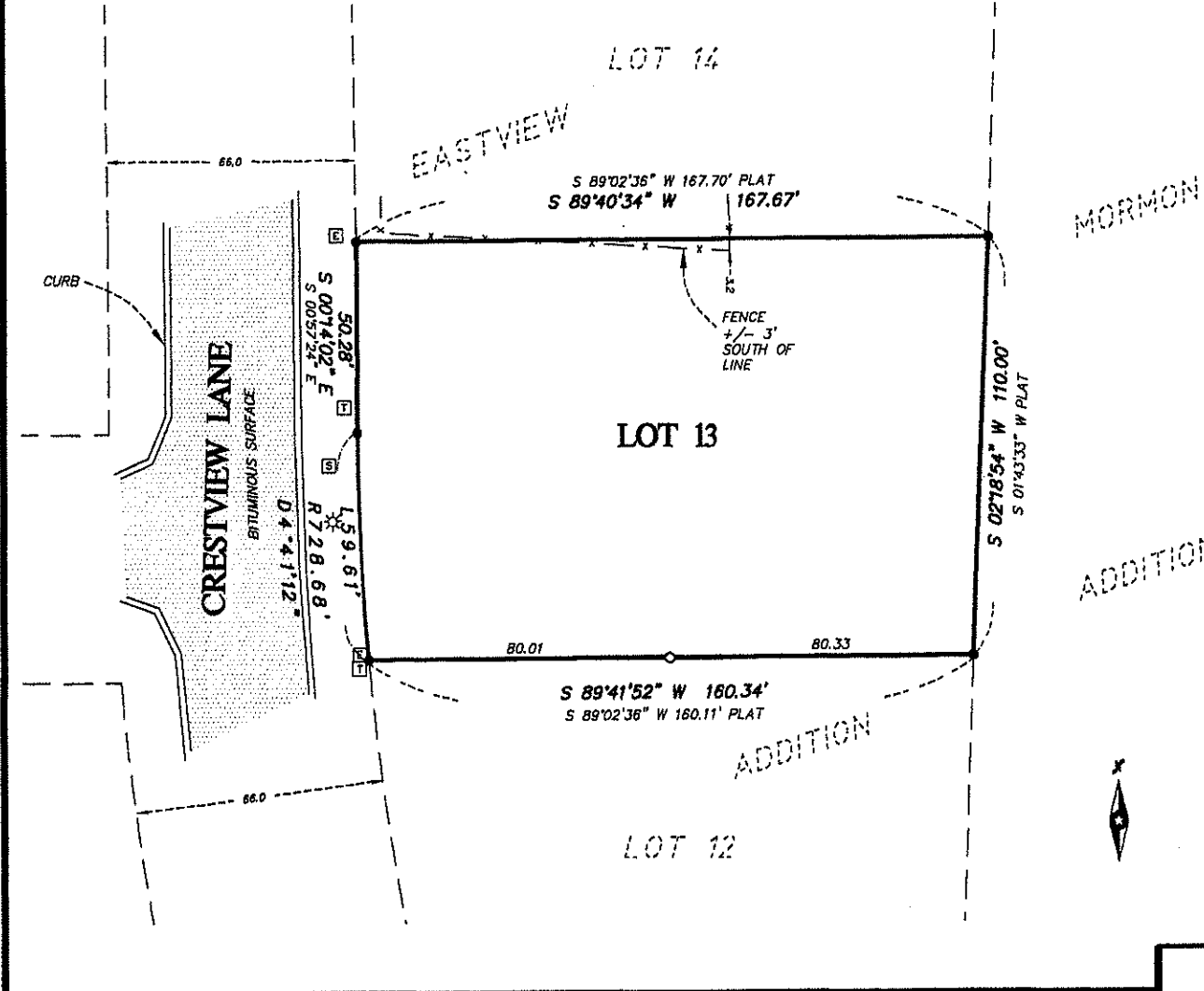


Irene Phillips
(Signature of notarial officer)

Title (and Rank): Notary

My commission expires: 1/31/2023
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
David Crust, Sole Member
Eastview Architectural Control Committee
6671 Racine Road
Brainerd, MN 56401



LEGAL DESCRIPTION: (PER DOCUMENT # 931182)

Lot 13, Block 1, Eastview Addition, Crow Wing County, Minnesota.

GENERAL NOTES

1. No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
2. Bearings shown are based upon the Crow Wing County Coordinate System.
3. The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
4. No wetlands were delineated as a part of this survey.
5. Total area of subject property: 18,101 Sq. Ft. / 0.42 Acres.

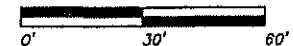
LEGEND

- DENOTES FOUND MONUMENT
- DENOTES SET 1/2"x14" IRON PIPE WITH CAP
- [E] DENOTES ELECTRIC BOX
- [T] DENOTES TELEPHONE BOX
- [S] DENOTES CURB WATER STOP
- ☀ DENOTES STREET LITE

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

Terry T. Strus

Terry T. Strus
Date: 9/6/22 License No. 50319



Date: 9/6/22

22-247 CTF01.dwg

**Lakes Area
SURVEYING**
LLC.

24314 SMILEY ROAD, SUITE C
NISSWA, MN 56468
OFFICE (218) 961-0090



Crew: EAN/JJ
Checked: PDH
Drawn: TTS
Record Drawing by/date:

Prepared for:

**EXIT LAKES
REALTY PREMIER**

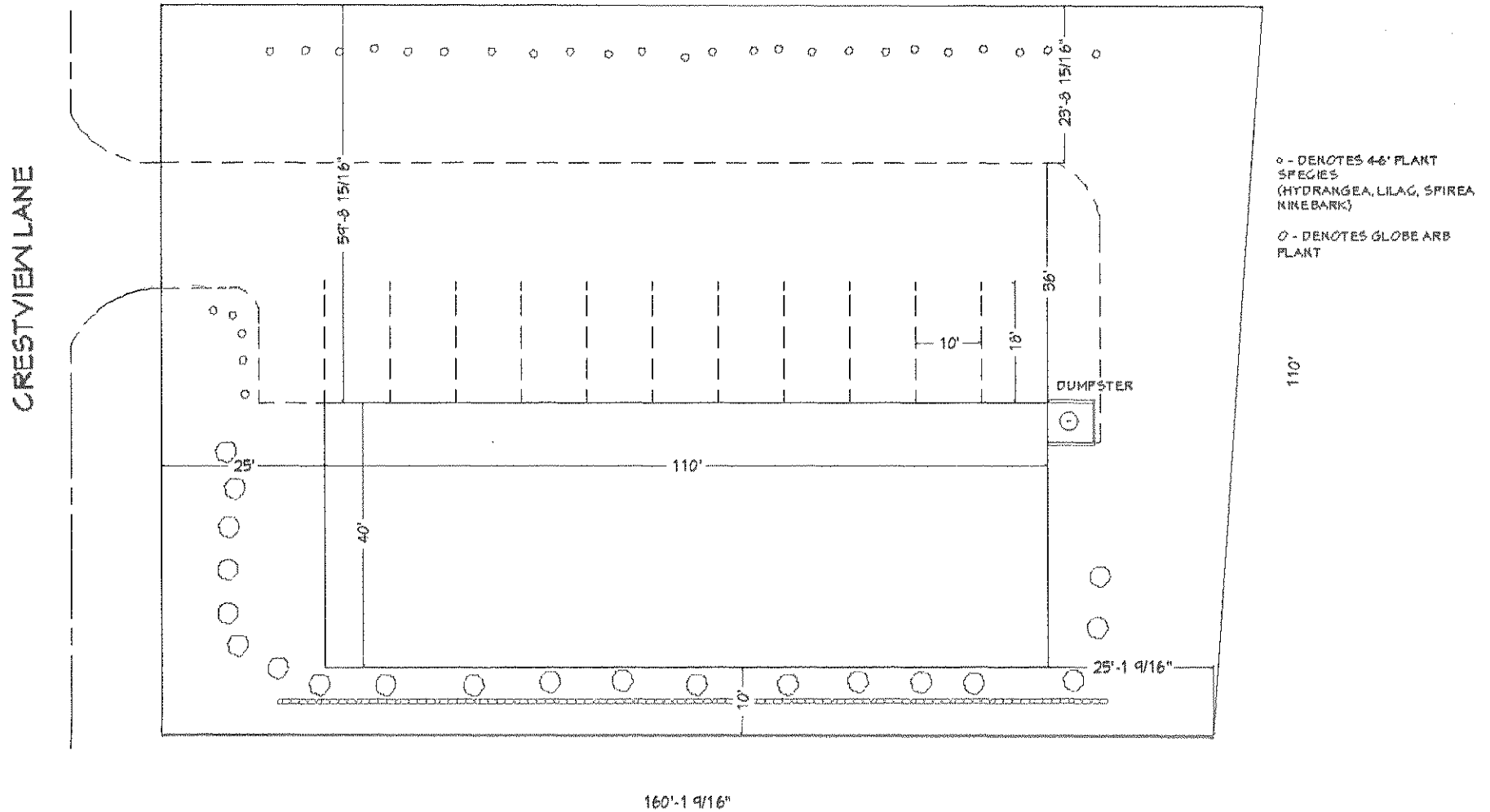
EASTVIEW ADDITION

Brainerd, Minnesota

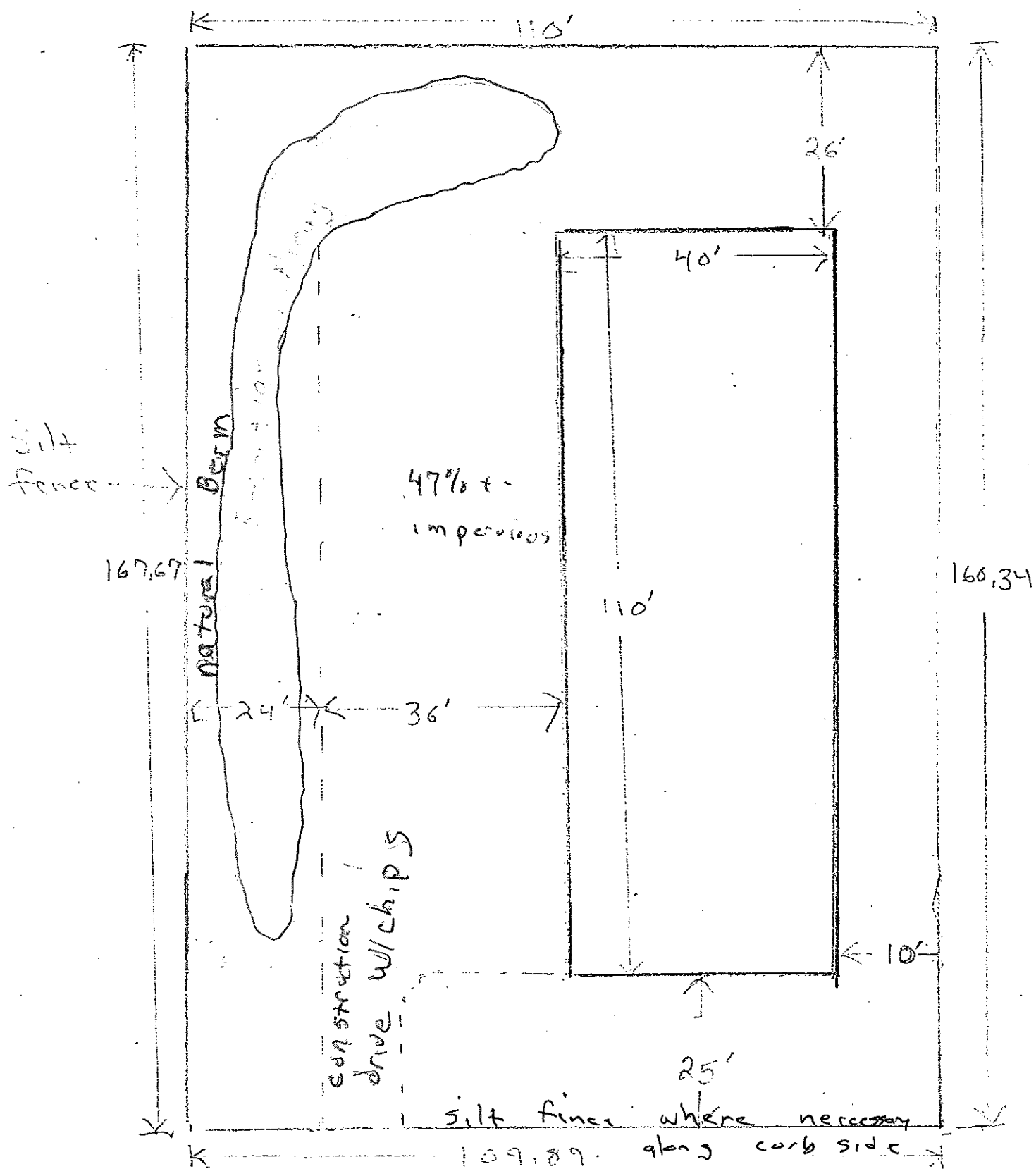
**CERTIFICATE OF
SURVEY**

2307 CRESTVIEW LANE

167'-7 3/8"



← N

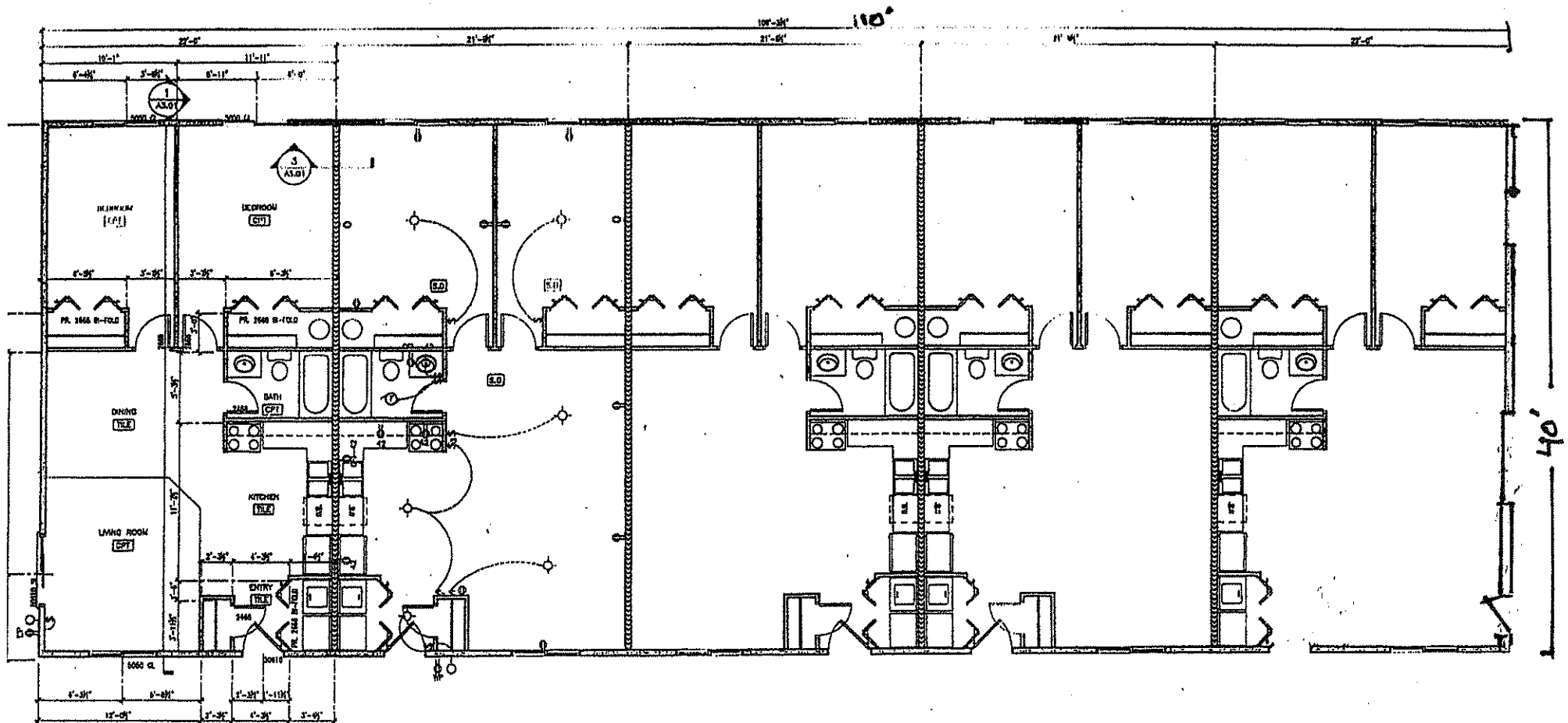


2307 Crestview lane

1" = 20'

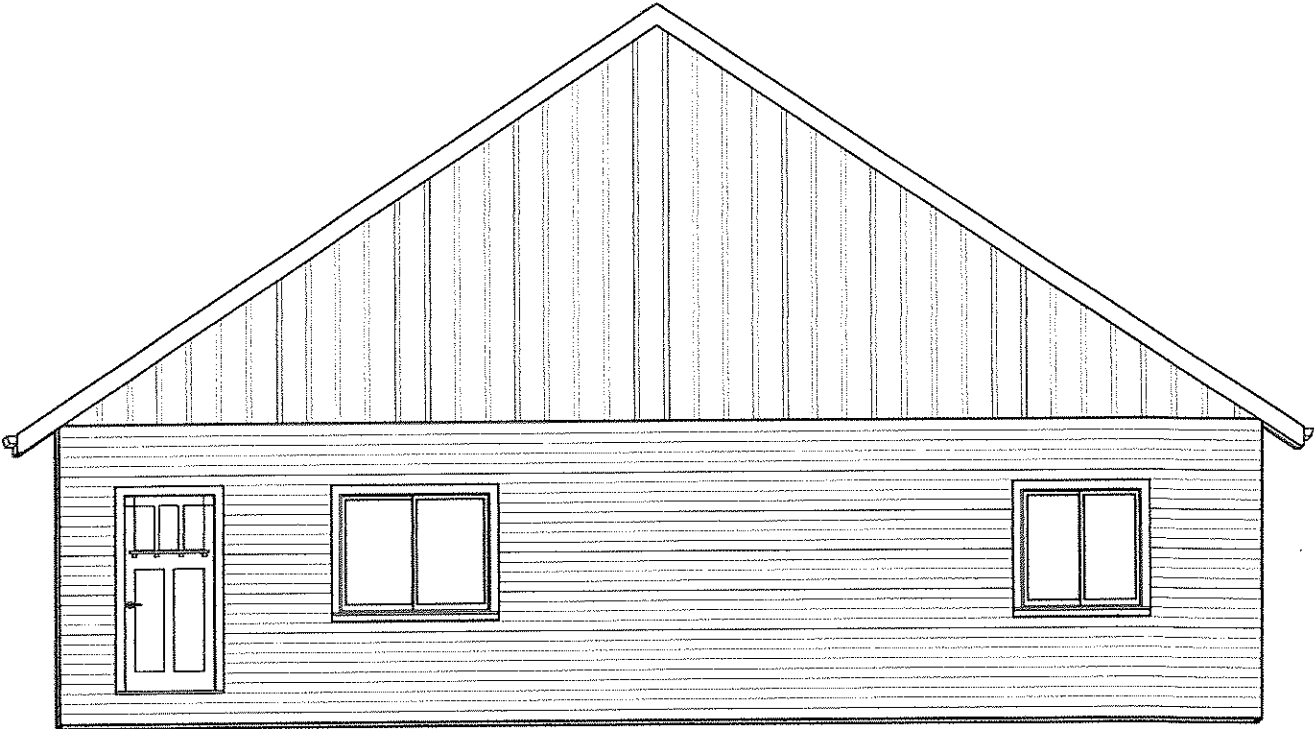
MD Investments

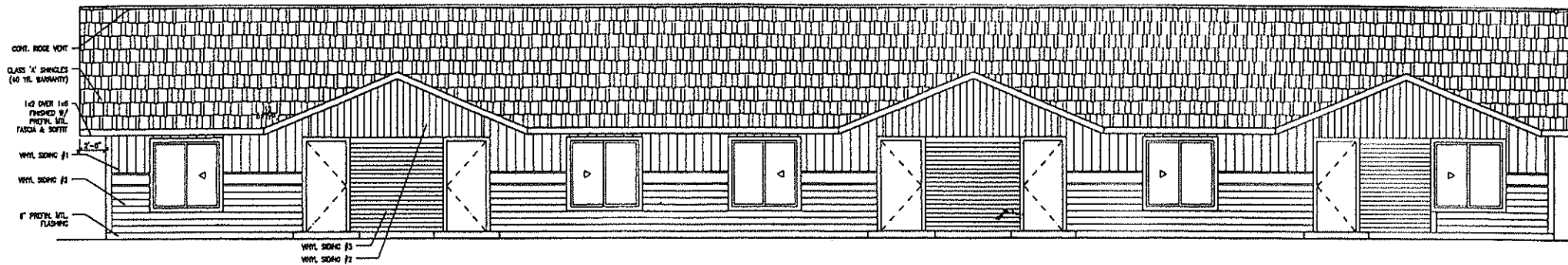
Dave Peterson
410-820-1771



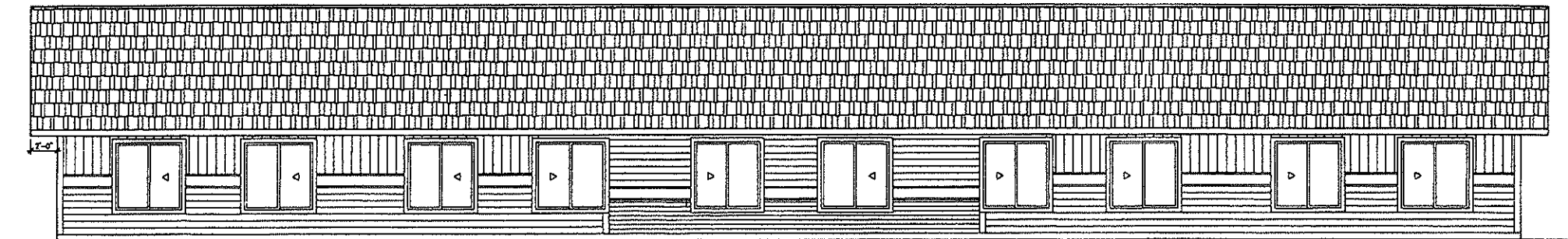
91 MAIN LEVEL FLOOR PLAN
 A1.0 SCALE: 1/4" = 1'-0"

West Elevation





NORTH



SOUTH

March 15, 2023

Mr. James L. Kramvik
Community Development Director
City of Brainerd
501 Laurel St
Brainerd, MN 56401

RE: LOT 13 BLOCK 1
EASTVIEW ADDITION
Parcel #: 41020590
Section02, Township 44, Range 31

Dear Mr. Kramvik

Please accept this letter by all the undersigned residents of the immediate neighborhood community who express our strongest opposition possible to the construction of a multi-family, 5+ units attached dwelling at 2307 Crestview Lane. Brainerd, MN 56401, requested by MD Developments, LLC.

Respectfully Submitted in Opposition:

Resident Name	Address	Telephone
Gayle Hertel	2418 Crestview Ln. Bld.	
Jayda Collins	2402 Crestview Ln. Bld.	
Robert Stone	2304 Crestview	
Don McFarland	2403 Crestview Lane	
Kathy McFarland	2403 Crestview Lane	
Randy Pecunia	2420 Crestview Lane	
John Kwan	2420 Crestview Lane	
Patricia McIntyre	2417 Crestview Lane	
Neg. Hagenson	2419 Woodridge Ln.	
Sharon Judas	2506 Crestview Lane	
John Morgan	2512 Crestview Lane	
Travis Steffen	2516 Crestview Lane	
Beverly Steffen	2516 Crestview Lane	
Carol Rodsett	2518 Crestview Lane	
Brian Spence	"	
Charles Ables	2521 Crestview Ln.	
Arlene Holst	2521 Crestview Ln.	

March 15, 2023

Mr. James L. Kramvik
Community Development Director
City of Brainerd
501 Laurel St
Brainerd, MN 56401

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Respectfully Submitted in Opposition:

Resident Name	Address	Telephone
---------------	---------	-----------

Karen Fenn	2604 Crestview	
Karen Doyle	2423 Crestview Ln.	
Kate Swanson	2134 Crestview Ln	
Alex Harker	2417 Crestview Ln	

Kate Swanson

Owner and Resident on 2134 Crestview Lane

Single Family Home 250 feet North and West of Property applying for the CUP

I will be highlighting objective information that I have gathered from both the IMAGINE BRAINERD Comprehensive Plan, and City of Brainerd Zoning Code.

To Start out: I would like to highlight the Community Character and Identity of Our Neighborhood

Make Mention of the MEMO: Adjacent Uses North, South, and West (All Single Family Residential and Single Family Attached Residential)

Make Mention of the MEMO: Adjacent Zoning to the North and South (both Garden Living)

Looking at the Future Land Use Map of the Comprehensive Plan

It has been decided our neighborhood has been identified as Low to Medium Density Residential.

Specific language from the Comprehensive Plan “This category provides for housing options that include one and two-family dwelling options, such as duplexes (stacked and side-by-side), twin homes, town houses, attached and detached single family dwellings”. Which fits into the current uses as stated above. **No mention is made of allowing multi-family complexes.**

MEMO: Findings of Fact 4: A. ii. Density Calculation.

QUESTION #1: Why the neighborhood boundary, and not just the parcel? Zoning Code does not support specific language of utilizing neighborhood boundaries vs individual parcels. This was a Planning staff decision. How did the neighborhood boundary get picked? Planning Staff stated they “keep it consistent”. Planning Commission member Charles Marohn specifically said during the meeting Wednesday night “this seems like an arbitrary decision process”. Why include vacant parcels, non residential lots (the church which includes a large parking lot), and unbuildable wetland areas.

ZONING

Please reference Table 515-2-3.1 **Summary of Dimensional Standards** (attached pdf) is specific to Zoning of Parcels:

Subject Parcel Size:

0.4153 acres

17,860 Square Feet

110 feet of Frontage on the Public Street

DU/AC

Dwellings units per acre (du/ac) permit how many individual dwellings can be located on **any one property.**

CN-2 : 4-12 Dwelling Unit/AC

For a 0.4153 acre parcel: Density dwelling range for this parcel: 1.66 - 4.98

Proposed CUP has 5 Dwellings, above the Dimensional Standards for CN-2.

QUESTION #3: How is this allowed, being above the Parcel Dimensional Standard? Over 12 DU/AC is well into medium/high density dwellings, which made mention earlier, our neighborhood has been decided as low/medium density.

IMPERVIOUS

Site Plan notes 47% impervious surface coverage. MEMO makes mention of 43%, building and parking lot.

QUESTION #4: Adding up the building, 12 parking spots, driveway, dumpster apron...43-47% is not accurate.

QUICK MATH Building is 4,400 square feet...Paved parking lot, driveway and dumpster apron 4,980 sq ft... Front door needs a sidewalk and stoop, not in building plan.

My math is 55% Impervious, but does not include the missing sidewalk/stoop that is required for the front door. This pushes the Impervious perhaps above 60%, which I am requesting should be clarified and addressed for the Council.

In summary, I have significant concerns allowing a CUP on this parcel. As a resident and home owner in this neighborhood, I am not in support of allowing this 5-Unit multi-family dwelling in this single family residential neighborhood.

Specifically:

- 1) The parcel DU/AC for CN-2 is outside the City of Brainerd Zoning Dimensional Standards.
- 2) Questionable impervious calculations.
- 3) Allowing a multi-family dwelling does not meet the IMAGINE BRAINERD Comprehensive Plan for future land use, and definition of Low to Medium Density housing.

I hope that my questions and comments are taken into consideration. Thank you for your time.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: March 15, 2023

RE: Discussion on Detachment of Dellwood Properties

Introduction

The Planning Commission directed staff to review options for the detachment (de-annexation) of Brainerd properties along Dellwood Drive, which is in the Northwest boundary of City Limits. Staff consulted with the City Attorney on this matter. Detachment is a similar process to annexation in which City Council approval is necessary. Typically, this process is started by a property owner as part of an application. The property would have to be assigned to a neighboring municipality or township. Staff also reached out to the Public Works Department and Brainerd Public Utilities for more information.

Findings

Public Works Department

The public works department verified that sewer and water are not present along Dellwood Drive. City Staff does not plow snow on the Brainerd portion of Dellwood Drive.

Brainerd Public Utilities

On October 19, 2017, BPU entered into Service Territory Agreement with Crow Wing Power to serve new and existing customers on Dal-Mar, Serene Pines, Wise Road, and Dellwood. BPU was able to acquire this service territory from Crow Wing Power only when the land was annexed into the City of Brainerd. Therefore, the actual annexation occurred sometime earlier in 2017. BPU paid \$75,916 for electric system infrastructure from CWP and BPU invested an additional \$122,573 to serve existing, as well as any new customers. Total BPU investment in this project is at least \$198,489. BPU is currently serving 37 electric accounts in this area and total kWh sales for 2022 were 357,637.

Staff Recommendation

Staff does not recommend detachment of Dellwood Drive properties as Brainerd Public Utilities supplies power for these properties and has invested in infrastructure. These properties do not presently add any considerable costs to the City of Brainerd to maintain infrastructure.

Planning Commission could recommend staff work on property annexations as a next work item after completion of the revised off-street parking Zoning Code requirements.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: March 15, 2023

RE: Review and Authorize Changes to the Planning Commission Bylaws

Introduction:

At the February 15th Planning Commission meeting, a proposed revision of language to the Planning Commission Bylaws was presented. After much deliberation over the terminology related to the agenda section labeled *"Commission Member Reports"*, revised from the previous heading *"Commissioners' Questions/Comments"*, the revision of language was not approved by the Commission.

After discussion with Administrator Bergman, staff is bringing back the revised bylaws as proposed. City Council reaffirmed and amended the "RULES OF PROCEDURE AND DECORUM - CITY COUNCIL AND COMMITTEE MEETINGS BRAINERD, MINNESOTA" on November 2nd, 2020.

Section 2, Subd. 3

Applicability. These Rules also apply to committees of the Council as well as City boards and commissions, whether created by Charter or City Code. The term "Council" shall be substituted with "Committee," "Commission" or "Board," and terms "President" and "Vice President" shall be substituted with "Chair" and "Vice Chair", as appropriate.

Staff Recommendation:

Staff recommend approval of the bylaws as revised and presented.

Planning Commission Bylaws

Article I. Introduction

Section 1. Purpose

It is the intent of the City of Brainerd Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These bylaws are established for that purpose.

Section 2. Application of Bylaws

Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Planning Commission business and the conduct of all Planning Commission meetings and hearings.

Article II. Offices and Duties

Section 1. Offices Designated

The Commission, at its first regular meeting in January of each year, shall select a Chairperson and Vice Chairperson.

Section 2. Recording of Meetings

The Planning Department shall supply a qualified staff member to perform all general corresponding and recording secretarial duties for the Planning Commission.

Section 3. Duties of Offices

The duties and powers of the office of the Planning Commission shall be as follows:

A. Chairperson

- 1) Preside at all meetings of the Commission
- 2) Call special meetings of the Commission in accordance with the City Ordinance
- 3) Sign documents of the Commission
- 4) See that all actions of the Commission are properly taken
- 5) Cancel or postpone any regularly scheduled meetings
- 6) Order end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings

B. Vice Chairperson

In the event of the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

C. Secretary

A city staff member will be assigned to perform the functions of Secretary. The Secretary shall keep record of the proceedings of every meeting of the Planning Commission.

Section 4. Preparation of the Comprehensive Plan

The Commission shall prepare, adopt and revise from time to time a Comprehensive Plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. Such plan may be prepared in sections, each of which shall relate to, a major subject of the plan.

Section 5. Means of Executing the Comprehensive Plan

Upon the adoption of the Comprehensive Plan or any section thereof, the Commission shall recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditures of the funds thereof relating to the subjects of the plan. Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long-term program of capital expenditures and such other matters as will accomplish the purpose of the plan.

Article III. Members

Section 1. Number

The Planning Commission shall consist of seven (7) voting members, one of which is a City Council member.

Section 2. Members Appointed.

Voting member shall be appointed by the City Council for three years. Terms shall run from January 1 through December 31. Terms shall be staggered so that there will be continuity of the Commission.

Section 3. Removal

City Council has the power to remove a Commissioner by a 5/7 vote.

Section 4. Voting

A member must be present to vote.

Section 5. Vacancies.

Vacancies shall be filled by appointment of the City Council for the unexpired portion of the term.

Article IV. Meetings and Hearings

Section 1. Notice

Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance notification requirements.

Section 2. Meetings

All meetings of the Planning Commission shall be open to the public.

Section 3. Workshops

Workshops and other meetings whose sole purpose is for general information and/or educational purposes will be open to the public. Public testimony may or may not be allowed.

Section 4. Meeting Records

All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made a part of the record, become the property of the City Brainerd, and be maintained as a permanent record.

Section 5. Meetings

A. Date and Time

The Planning Commission shall meet regularly on the third Wednesday of each month at 6:00 pm, or as soon as practical.

B. Location

The Commission shall meet in regular session in the City Hall Council Chambers.

C. Order of Business

- 1) Call to Order
- 2) Roll Call
- 3) Pledge of Allegiance
- 4) Approval of Agenda
- 5) Approval of Minutes
- 6) Presentations
- 7) Unfinished Business
- 8) New Business
- 9) Public Forum
- 10) Staff Reports (Verbal: Any updates since the packet)
- 11) Commission Member Reports
- 12) Adjournment
- ~~4) —~~
- ~~5) Approval/Amendment of Agenda~~
- ~~6) Approval of Minutes~~
- ~~7) New Business~~
- ~~8) Public Forum~~
- ~~9) Old Business~~
- ~~10) Commissioners' Questions/Comments~~
- ~~11) City Planner Report~~
- ~~12) Adjourn~~

N.D. Special meetings

The Chair person, Vice Chairperson, City Council, or Mayor may call for a special meeting at any time. Notice of the time and place shall conform to the Open Meeting Law.

O.E. Additional Agenda Items

After an agenda has been published, at the discretion of the Chair and approval by the Commission items may be added up to the time of the published meeting.

Section 6. Parliamentary Procedure

All Commission meetings shall be governed by Sturgis Standard Code of Parliamentary Procedure in all cases to which they are applicable and not in conflict with these bylaws, City Code, or other rules this Commission may adopt.

Section 7. Agenda

- A. The agenda shall be prepared by the Community Development Director ~~City Planner~~ with the input of the Chair as requested for the Planning Commission meeting and shall close 7 days prior to the meeting.
- B. Any Planning Commission member can place an item on the agenda. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.
- C. The agenda may be amended during a Planning Commission meeting by a majority vote of the Commission.
- D. The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many persons should generally be placed early on the agenda.
- E. Planning staff shall prepare a written report detailing the request and the ordinance provisions that apply to the matter.

Section 8. Procedure for Public Hearings

Planning staff or consultants, if any, shall summarize for the public the relevant issues of the application contained in the written staff report. The Commission members may direct question to staff regarding the application.

- A. The Chairperson shall call the public hearing to order and declare the time, and prior to taking testimony, shall explain:
 - 1) The order of testimony
 - 2) The purpose and requirements of the public hearing under Minnesota Law
 - 3) That each speaker shall provide their name and address and that public comments should be limited to matters pertinent to the application under review and avoid duplicative testimony. The Chairperson may place reasonable time limits on public comments, depending on the number of persons waiting to testify on the matter.
- B. The applicant and/or representative shall be given an opportunity to present evidence in support of the request and rebut any issues or conditions identified in the staff report
- C. Members of the public, if any, may testify, either in person or through their agent. Written testimony submitted may be read and will be added to the public record.

- D. The applicant shall have an opportunity to answer questions from the Commission.
- F. The Commission may direct questions to the applicant, planning staff, or public to clarify issues but no further testimony may be received from the public.
- G. When all public comment has been received the Commission shall close the public hearing by motion and majority vote of the Commission. The Commission may deliberate and decide the matter. Should the Commission identify relevant facts that remain unknown or disputed the Commission may postpone closing the hearing by motion and majority vote until the Planning Commission's next meeting and refer the issue to planning staff for further fact finding.

Section 9. Protocol for Public Hearings

- A. Everyone who wishes to give testimony shall be given a reasonable opportunity to speak.
- B. All statements or questions should be directed to the chairperson.
- C. All statements should be as factual as possible and should not involve personalities.
- D. Speakers should refrain from repeating what has already been stated.
- E. Each speaker shall provide his or her name and address to the recorder.
- F. The Planning Commission reserves the right to question any speaker.
- G. Written testimony may be received.
- H. No additional testimony may be offered after the close of the public hearing.

Section 10. Communication with Public and Applicant

- A. General. Prior to the public hearing or Commission deliberation, no Commission member shall lobby the merits of a pending case with staff, applicant, Commission member, or the general public.
- B. Disclosures. If a commissioner has discussed the pending case, the commissioner shall disclose the facts relating to such discussion during the public hearing.
- C. Exception. Nothing in this section shall preclude the general information communication by Commission members relating to the general conduct of a meeting or hearing, nor shall anything in this section forbid staff or commissioners from discussing with commissioners an upcoming meeting, so long as the facts or merits of the meeting are not discussed.

Section 11. Quorum

A majority of the Commission members entitled to vote shall constitute a quorum for the transaction of business.

Section 12. Conflict of Interest

Any member of the Planning Commission who shall feel that he or she may appear to have or in fact has, a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself or herself, vacate his or her seat, and refrain from discussing and voting on said matter as a Planning Commissioner.

A conflict of interest is any direct contractual, pecuniary, or other beneficial interest in the outcome of a matter before the Planning Commissioner.

Section 13. Orientation of new Planning Commissioners

To assist new Planning Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to:

- A. Attend an orientation session with the Community Development Director~~City Planner~~, Planning Commission Chair, and City Council member.
- B. Read the Comprehensive Plan and Zoning Ordinance.

Article V. Education, Conference and Convention Policy

The City Council and Planning Commission of the City of Brainerd recognize and accept the concept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of the Planning Commissioner. Further, both groups encourage and highly recommend periodic attendance at various educational opportunities conferences and conventions.

The following is the policy of the City of Brainerd Planning Commission on educational meetings, conferences, and conventions:

- A. Attendance at educational meetings, conferences, and conventions is subject of availability of funds.
- B. Attendance at educational meetings, conferences, and conventions is voluntary. Planning Commission members are encouraged to attend educational meetings, conferences, and conventions.
- C. Involvement in relevant professional organizations such as APA-MN, office holding, or committee work is considered educational.
- D. Planning Commission members are encouraged to participate in the budget process and to request allocations for educational purposes.

**RULES OF PROCEDURE AND DECORUM
CITY COUNCIL AND COMMITTEE MEETINGS
BRAINERD, MINNESOTA**

Adopted April 4, 1994

Reaffirmed and Amended December 1, 2003; November 2, 2020

SECTION 1. PURPOSE

- Subd. 1. General. It is recognized that in order to enhance the concept of effective and democratic government, it is essential that a legislative body establish formal rules of procedure and decorum so that a true deliberative process will be observed and not disturbed.

SECTION 2. GENERAL

- Subd. 1. Law. The City Charter, Ordinances and State Statutes governing the City Council ~~and Committees as established by the City collectively referred to as the "CITY"~~ shall be followed and supplemented by the se Rules of Procedure and Decorum of the City Council.

- Subd. 2. General Rules. In all matters of parliamentary procedures, the Council shall be governed by the latest printed edition of the Sturgis Standard Code of Parliamentary Procedure as published from time to time except as modified by these rules.

- Subd. 3. Applicability. These Rules also apply to committees of the Council as well as City boards and commissions, whether created by Charter or City Code. The term "Council" shall be substituted with "Committee," "Commission" or "Board," and terms "President" and "Vice President" shall be substituted with "Chair" and "Vice Chair", as appropriate.

SECTION 3. PRESIDING OFFICER

- Subd. 1. Who Presides. The Council President shall preside at all meetings of the Council. In the absence of the Council President, the Council Vice-President shall preside. The presiding officer shall have the power to preserve strict order and decorum at meetings, enforce the rules of procedure and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

- Subd. 2. Appeal of the Ruling of the Presiding Officer. Any member of the Council may appeal from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority vote.

- Subd. 3. Rights of the Presiding Officer. The presiding officer may speak on any question.

The presiding officer may only make motions and second motions after stepping down as presiding officer.

SECTION 4. AGENDA

Subd. 1. Matters for Consideration. Matters for Council action shall be submitted by members of the Council and residents to the City Administrator or to ~~the~~ city staff representatives in the case of Committee business.

Subd. 2. Preparation. An agenda of business for each regular and special meeting shall be prepared in the Office of the City Administrator or by City Staff in the case of Committees and copies thereof delivered to each Council member as far in advance of the meeting as time for preparation will permit.

Subd. 3. Order of Business at Regular Meetings. At the hour appointed for the regular meeting of the City Council, the meeting shall be called to order by the presiding officer. If a quorum is present, the City Council shall then proceed with its business in the following order as applicable:

- * Call to Order
- * Roll Call
- * Pledge of Allegiance
- * Approval of Agenda
- * Consent Calendar, including approval of minutes, licenses, reports, bills, fund transfers and other routine, non-controversial items needing little or no deliberation
- * Presentations (if any)
- * Council Committee Reports (Personnel & Finance; Safety & Public Works)
- * Unfinished Business - action items including public hearings, ordinance readings and various other items requiring Council action
- * New Business - action items including public hearings, ordinance readings and various other items requiring Council action
- * Public Forum
- * Staff Reports (Verbal: Any updates since the packet)
- * Mayor's Report
- * Council Member Reports
- * Adjournment

Subd. 4. Varying Order of Business. The order of business may be varied by the presiding officer.

Subd. 5. Consent Calendar. Matters for the Council of a routine or non-controversial nature which need minimal Council deliberation shall be placed on the Consent Calendar. A motion to approve the Consent Calendar shall not be debated. At the request of any individual Council member, an item shall be removed from the Consent Calendar and placed upon the regular agenda for debate immediately following the Consent Calendar. The Consent Calendar shall only be adopted by a roll call vote of those Council members present at the meeting.

- Subd. 6. Items Not on the Agenda. The Council may consider items not appearing on the agenda as normal business if an objection is not raised by the Mayor or a Council member. If an objection is raised by the Mayor or a Council member to consider an item not appearing on the agenda, a vote shall be taken by the Council to determine the appropriateness of further consideration of the matter at that time.
- Subd. 7. Public Participation. Members of the public may address the City Council during:
- A: Public Hearings.
- B: Public Forum. This portion of the meeting shall be limited to fifteen minutes and individuals shall be requested to limit their comments to four minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue may be continued under New Business at the end of the agenda.
- C: Specific issues scheduled on the agenda but in accordance with Section 6, Subd. 6, of these rules entitled, Addressing the Council.
- Subd. 8. Written Communications on All Matters. All interested parties or their authorized representatives may address the Council by written communication regarding all matters under the Council's consideration. The City Administrator shall copy these communications to the Council and forward said communications with the Council meeting packet if possible. If written communications are received after meeting packets are delivered to the Mayor and Council, such communications will be handed out at the meeting.

SECTION 5. VOTING

- Subd. 1. Procedure. The votes of the members on any ordinance or resolution pending before the Council shall be by roll call vote. The votes of the members on any motion shall be by voice vote unless the Mayor or any member of the Council requests that a roll call vote be taken. The presiding officer shall call for a roll call vote whenever a voice vote of the Council is not clear as to the disposition of the action before the Council.
- Subd. 2. Abstention. If a Council member does not vote, the abstention shall be recorded as Abstain - name.
- Subd. 3. Voting Order for Roll Call (applicable to City Council only). The City Administrator shall call for the vote in consecutive order of Wards, with Ward One voting first rotating one position every two months. The presiding officer shall always vote last.

SECTION 6. RULES OF DECORUM

- Subd. 1. Members of Council. While the meeting Council is in session, the members must preserve order and decorum. A member shall neither, by conversation or otherwise,

delay or interrupt the proceedings or the peace of the ~~meeting Council~~ nor disturb any member while speaking or refuse to obey the orders of the presiding officer.

- Subd. 2. Recognition. No person or member ~~of the Council~~ shall address the other members Council without being recognized by the presiding officer.
- Subd. 3. Discussion. No member of the Council shall speak more than twice on any question, nor more than five minutes each time without consent of the Council.
- Subd. 4. Staff. Members of the City staff shall observe the same rules of order and decorum as are applicable to the City Council.
- Subd. 5. Pertinent to Matter Under Debate. Members ~~of the Council~~, staff and public shall confine remarks to the matter under debate.
- Subd. 6. Addressing the Council. Each member of the public addressing the Council shall step up to a microphone provided for the use of the public after being recognized by the presiding officer and give his/her name and address in an audible tone of voice for the records, state the subject to be discussed and state who the speaker is representing if representing an organization or other persons. Unless further time is granted by a majority vote of the Council, remarks from the public shall be limited to four (4) minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without permission of the presiding officer. No question may be asked of a ~~Council~~ member or a member of the staff without the permission of the presiding officer.
- Subd. 7. Spokesperson for Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council.
- Subd. 8. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the City Council.
- Subd. 9. Conduct. Any member of the Council, staff or person indulging in personalities or making impertinent, slanderous or profane remarks or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceeding, shall be called to order by the presiding officer and, if such conduct continues, may at the discretion of the presiding officer, be ordered barred from further audience before the Council during that meeting.

- Subd. 10. Members of the Audience. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

SECTION 7. ENFORCEMENT OF DECORUM

- Subd. 1. Warning. All persons shall, at the request of the presiding officer, be silent. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, said officer may order this person removed from the meeting. If this person does not leave willingly, the presiding officer may call a recess and order that the person be removed by the Sergeant-at-Arms.
- Subd. 2. Sergeant-at-Arms. The Chief of Police, or such member or members of the Police Department, shall be Sergeant-at-Arms of the Council meetings or as asked to be present at a Committee meeting. The Chief or other Police Department representative shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council.
- Subd. 3. Resisting Removal. Any person who resists removal by the Sergeant-at-Arms may be charged with violating City Ordinance.
- Subd. 4. Motions to Enforce. Any Council member may move to require the presiding officer to enforce these rules and the affirmative vote of a majority of the Council shall require the presiding officer to do so.
- Subd. 5. Adjournment. In the event that any meeting is willfully disturbed by a group or group of persons so as to render the orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned with the remaining business considered at the next regular meeting.
- Subd. 6. Special Meetings. If the matter being addressed prior to adjournment is of such a nature as to demand immediate attention, the presiding officer may adjourn the meeting to another date.

SECTION 8. CAMERAS AND RECORDING DEVICES

- Subd. 1. Use of Cameras and Recording Devices Limited. Cameras, including television and motion picture cameras, electronic sound recording devices and any other mechanical, electrical or electronic recording devices may be used in the Council Chamber, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Council and at the discretion of the presiding officer.

SECTION 9. SEVERABILITY

- Subd. 1. General. If any section, subsection, sentence, clause, phrase or portion of these Rules of Procedure and Decorum is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

CITY ~~COUNCIL~~ MEETINGS

CITIZEN PARTICIPATION GUIDELINES

The City Council is meeting as a legislative body to conduct the business of the City. Unless so ordered by the Council President, citizen participation is limited to the following times and always within the prescribed rules of conduct for public input at meetings.

A) Public Hearings. Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak.

B) Public Forum. Any member of the public may speak at this time on any item NOT on the agenda. In consideration for the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue may be continued under New Business at the end of the agenda.

Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion without permission of the presiding officer. No question may be asked of a ~~Council~~ member or a member of the staff without permission of the presiding officer.

Your participation, as prescribed by the se City's rules, ~~Council=s RULES~~ is welcomed, and your cooperation is greatly appreciated.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: March 15, 2023

RE: Review Proposed Lighting Ordinance

Amending [Section 515-4-8, Outdoor Lighting](#)

At the last Planning Commission meeting on February 15, the Commission directed staff to further review the Outdoor Lighting Ordinance specifically for lighting attached to residential structures and structures in the PSP Zoning District. Staff reviewed the ordinance and are presenting revisions to the performance standards in Section 515-4-8.E. Staff used the language from the commercial performance standards and applied them to the residential standards specifically for 90-degree cutoff language and exemptions for architectural lighting.

At the Planning Commission meeting on January 18th, the Commission directed staff to draft an amended ordinance for outdoor lighting pertaining to outdoor lighting color temperature standards, dimmable lighting, and adding the Public Semi-Public District to the residential use outdoor lighting performance standards. Since the Zoning Code also regulates City parks, staff presented the proposed ordinance to the Park Board for their recommendation of the ordinance. The Park Board was in favor of a lighting ordinance requiring a 3,000 K or lower correlated color temperature standard except for recreational lighting. The Park Board is interested in dimmable lighting for their parks but would like to review this standard as part of any park addition or renovation. The dimmable lighting requirement is exempted for parks as part of the proposed ordinance. The Park Board goes through a rigorous review process for all new lighting in the parks and will review each light or park on a case-by-case basis.

Staff Recommendation

The Planning Commission reviews, comments, and adds any necessary language to the proposed outdoor lighting ordinance. Direct staff to prepare a final ordinance for the next meeting and notice a public hearing.

ORDINANCE
NO. _____

AN ORDINANCE AMENDING SECTION 515-4-8, OUTDOOR LIGHTING

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 515-4-8. D of the Zoning Code is hereby amended by adding the following underlined language:

D. Light Trespass Lighting Restrictions and Trespass

- 1. Color Temperature of Lamps. All new lighting must have a correlated color temperature (CCT) of 3,000 Kelvin (K) or lower.**
 - a. All new light fixtures displaying a non-intended correlated color temperature is considered in violation of this ordinance.**
 - b. Outdoor commercial or public recreational uses such as, but not limited to, baseball fields, football fields, hockey rinks, and tennis courts are exempted from this paragraph.**
- 2. Dimmable Lighting. All new nonresidential lighting must dim by at least 50% or turn off at 10PM or one hour after close of business, whichever is later.**
 - a. Lighting in the Park District is exempted from this paragraph.**
- 3. Maximum Light Levels. Light trespass shall not exceed one (1) foot candle at the center line of a public street or four-tenths (0.4) foot candles at the property line of adjacent residential property as measured at the property line per the method outlined in this Section.**
- 4. The foot candle level of a light source shall be measured at the property line and taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.**

SECTION TWO: Section 515-4-8. E.1 of the Zoning Code is hereby amended by adding the following:

E. Performance Standards.

- 1. Residential Use and PSP District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:**
 - a. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of 90 degrees or less.**
 - b. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.**
 - c. Architectural/ landscape lights that include fixtures that are not shielded, or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance.**
 - d. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.**

- e. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.**
- f. ~~Any luminaire affixed to a structure shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.~~**
- i. ~~Any luminaire or light source not affixed to a structure shall be hooded and down cast to protect the night sky.~~**

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

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

From handout in our January 2023 meeting packet featuring Illumination Engineering Society (IES) and International Dark Sky Association (IDA) Five Principles for Responsible Outdoor Lighting

1. **All light should have a clear purpose** – is it needed? How might it impact the area? Are there alternatives?
2. **Light should be directed only to where needed** – use shielding, point downward, and avoid spill beyond where needed
3. **Light should be no brighter than necessary** – use lowest light level possible
4. **Light should be used only when it is useful** – use timers or motion detectors, turn off when not needed
5. **Use warmer color lights where possible** – limit the amount of blue-violet light

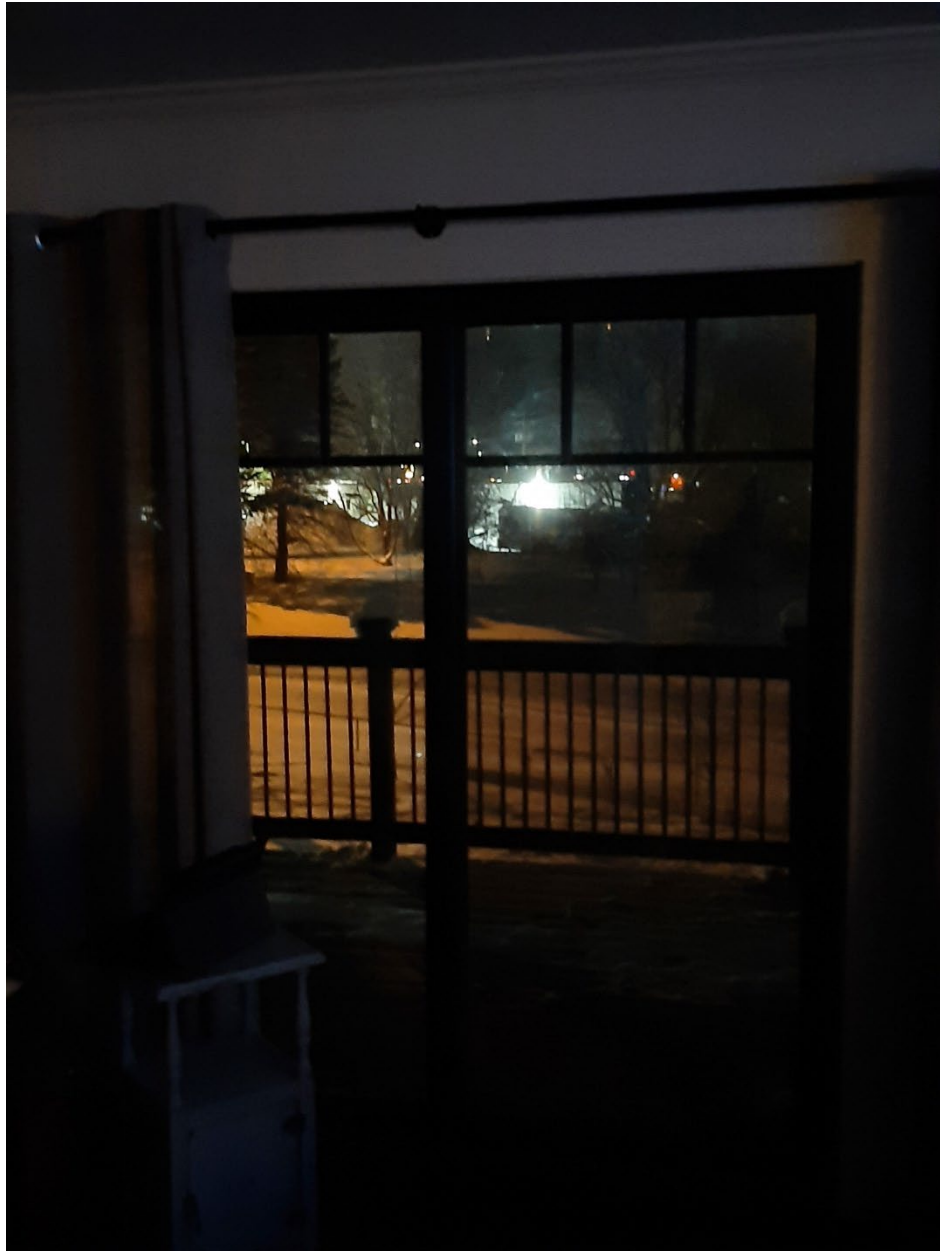
SECTION TWO: Section 515-4-8. E of the Zoning Code is hereby amended by adding the following:

E. Performance Standards.

1. **Residential Use and PSP District Standards.** All exterior lighting shall be directed away from adjoining property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:
 - a. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of 90 degrees or less.
 - b. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
 - c. Architectural/landscape lights that include fixtures that are not shielded, or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance. Any luminaire or light source applied in such purpose shall be down cast to protect the night sky.
 - d. The maximum height of the fixture, pole and base above ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.
 - e. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.
 - f. A light source mounted on a structure shall not exceed the height of the structure, and shall be fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line.
2. **Business/Industrial Use Standards.** All exterior lighting shall be...
 - a.
 - b.
 - c. Architectural/landscape lights that include fixtures that are not shielded, or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance. Any luminaire or light source applied in such purpose shall be down cast to protect the night sky.
 - d. ..., and shall be fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line.
 - e. ..., and shall be fully recessed and/or shielded from view by an observer at

five (5) feet above grade at the nearest property line.

f. ..., and shall be fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line.



MEMO



TO: Planning Commission

FROM: Dylan Edwards, Assistant Planner
James Kramvik, Community Development Director

DATE: March 15, 2023

RE: Review of the Community Development Department's 2022 Parking Study

Introduction:

In 2022, the Community Development Department commissioned a survey from its in-office intern to collect data on off-street parking requirements in Brainerd.

The resulting data looks at the zoning districts of select properties in the City, along with the number of parking spaces required for the property uses, the number present, and the building's area. The data was divided regionally into nine sections of the city:

1. East Brainerd Mall Area
2. Washington St/210 Corridor (5th Ave NE to Mississippi)
3. Washington St/210 Corridor (Mississippi to Baxter)
4. Downtown Area & S 6th St (To Ind Park Rd)
5. North Brainerd
6. Northeast- Mill Ave Section
7. South Brainerd
8. Southeast Brainerd
9. Industrial Areas (Not previous Incl.)

In the findings of the parking study, there are significant regional variations in the parking present versus the parking required.

Findings:

To evaluate the state of off-street parking spaces, staff produced a numerical value; the percentage of spaces present versus the required spaces by code for each building in the survey and then for each region. This allowed staff to observe areas where adjustments to parking requirements may need to increase or decrease.

The following is each region's score:

Region of Brainerd	Total Spaces Required	Total Spaces Present	% Present of Spaces Required
East Brainerd Mall Area	1727	1623	93.98%
Washington St/210 Corridor (5th Ave NE to Mississippi)	1829	1230	67.25%
Washington St/210 Corridor (Mississippi to Baxter)	2474	2563	103.60%
Downtown Area & S 6th St (To Ind Park Rd)	6588	4481	68.02%
North Brainerd	1021	773	75.71%
Northeast- Mill Ave Section	664	692	104.22%
South Brainerd	1350	594	44.00%
Southeast Brainerd	1669	1429	85.62%
Industrial Areas (Not previous Incl.)	1639	1435	87.55%
Totals	18961	14820	78.16%

Zoning District	Spaces Required	Spaces Present	% Present of Required
GC	4955	4205	88.46%
CC	1248	827	66.27%
TN-2	1096	871	79.47%
GI	2431	2086	85.85%
PSP	3522	2556	72.57%
MS	737	476	64.59%
TC	3582	1827	51.01%
ME	373	182	48.79%

The data shows the City is currently underbuilt for parking to the code's standards by approximately 22%; however, this does not track utilization of parking spaces.

Parking Lot Usage Observations:

The prevailing opinion of the Community Development Department is that the City has an overabundance of parking. To test this, we took a sampling of the off-site parking locales tracked in the 2022 Survey and did field observations of their percentage of present spaces used. These observations will shed light on the state of the parking economy in Brainerd.

They are as follows:

Property	Parked Cars present	Spaces present	Percentage of utilization
30 randomly selected Parking Areas	1573	3472	45.31%

This demonstrates that despite having 78.16% of the required parking present city wide, the existing parking is only 45.31% used. These findings make it clear the City has room to lower the amount of required parking spaces needed for different property uses.

The City has a shortage of 4,139 off-street parking spaces from the numbers required in the zoning code, but based on utilization data, staff determined the City faces shortage but, in many areas, has an excessive amount of unused parking capacity. This study does not consider the tourist increases to traffic and parking in the summer season or weekend retail shopping, as this affects decision-making about the year-round parking infrastructure present.

Questions to consider:

- Revision of the Off-Street Parking Ordinance to institute lower parking minimums?
- The creation of parking maximums, specifically zoning districts with dense development.
- Utilizing a tiered approach to make residential parking areas more efficient and reduce the burden on developers?
- Parking in rear properties on unimproved surfaces?