

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, April 19, 2023 @ 6:00pm

The public is invited to attend this meeting in person
Attend by phone: 1-844-992-4726 Meeting Access Code: 2493 996 9264

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

Commissioner Marohn will be attending the meeting remotely from the following location:

600 N Broadway, Milwaukee, WI 53202

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 March 15, 2023

Documents:

[2023-03-15 DRAFT.PDF](#)

6. Unfinished Business
 - 6.a. Proposed Ordinance To Amend Section 515-4-8 Outdoor Lighting And Hold Public Hearing
 - 1.) Hold Public Hearing
 - 2.) Consider Testimony & Alternatives
 - 3.) Recommend Approval/Denial

Documents:

[LIGHTING ORDINANCE.PDF](#)

6.b. Off-Street Parking Regulations And Review Of Other Communities

Documents:

[OFF-STREET PARKING.PDF](#)

7. New Business

7.a. Consider Conditional Use Permit For Recycling Facility At 1021 Madison St And Hold Public Hearing

- 1.) Hold Public Hearing
- 2.) Consider Testimony & Alternatives
- 3.) Recommend Approval/Denial

Documents:

[CUP 1021 MADISON ST.PDF](#)

7.b. Discuss Detached Accessory Structure Setback Requirements In The Shoreland Overlay District

Documents:

[ACCESSORY STRUCTURES.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, March 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, Stenglein, and Yeager. 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 MAROHN, DULY CARRIED, TO APPROVE THE AMENDED AGENDA MOVING NEW BUSINESS AHEAD OF UNFINISHED BUSINESS AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND MAROHN, DULY CARRIED, TO APPROVE THE MINUTES FROM THE FEBRUARY 15, 2023 REGULAR MEETING.

#6 New Business

6a. Consider Conditional Use Permit for a 5-Unit Apartment at 2307 Crestview Lane

Community Development Director Kramvik reviewed the details of the proposed project to construct a 5-unit apartment building at 2307 Crestview Lane. He indicated staff recommends the following conditions in approving the permit:

1. Enhancement of the front entrance with 25% stone or brick and a covered entrance be constructed for the door facing Crestview.
2. Applicant works with staff on a landscaping plan.
3. All lighting attached to the building has a 90-degree cutoff and a temperature of 3,000 Kelvin or lower.
4. Wood or vinyl fence to be constructed along the south property line if approved by the neighbor to the south.

Commission discussion took place.

The Chair opened the public hearing at 6:16 pm.

The Chair recognized the applicant, Dave Peterson, 8968 Wise Rd. He explained there will not be a fifth door as indicated on the north facing elevation, as these are older plans and that change is not reflected. That door will be facing Crestview as required and the façade will include brick or stone.

The Chair recognized, Don McFarland, 2403 Crestview Ln, who indicated he believes this would not add value to his property or to the neighborhood. He stated there are children and retired residents without sidewalks. He said the additional traffic would be dangerous.

The Chair recognized Susan Haskins, 2417 Crestview Ln, who recently purchased her property and is not in favor of the project. She said there were restrictions on adding a front porch or adding a rear yard platform on her property. She does not understand how this project could be approved with the lot being so narrow.

The Chair recognized Kate Swanson, 2134 Crestview Ln., who spoke against the project. She read from a listing of facts she compiled from the zoning code and comprehensive plan, which has been added to the packet.

The Chair recognized Karen Doyle, 2423 Crestview Ln., who also spoke against the project. She stated the houses along Crestview are all single-family homes, no townhomes, or duplexes. This apartment building does not fit this neighborhood, nor is the lot large enough to accommodate vehicles. She also submitted a petition of signatures from the neighbors that were unable to attend the meeting which has been added to the packet.

The Chair closed the public hearing at 6:28 pm.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND YEAGER TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR A 5-UNIT APARTMENT AT 2307 CRESTVIEW LANE WITH THE ATTACHED CONDITIONS AS PRESENTED AND ADDING THE CONDITION OF DOWNCAST LIGHTING.

Upon roll call, Members Duval, Yeager, Gorham, and Stenglein voted "yea." Members Marohn and Woodward voted "nay." The Chair declared the motion carried.

6b. Discussion on Detachment of Dellwood Properties

Community Development Director Kramvik explained the findings from various departments regarding the detachment of properties on Dellwood Drive.

The Chair opened the public hearing at 6:49 pm.

The Chair recognized Todd Wallin, 15932 Dellwood Dr., who said these properties should remain in the City of Brainerd. He explained the process he went through several years ago. He stated if it were to be annexed back into Baxter, he would be paying more in taxes and could potentially lose the ability to hunt on his 20+ acres.

The Chair closed the public hearing at 6:51 pm.

(It was determined that this public hearing was not necessary, as this was intended to be a discussion.)

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GORHAM TO NOT PURSUE FURTHER ACTION ON THE DETACHMENT OF DELLWOOD DRIVE PROPERTIES.

Upon roll call, Members Duval, Yeager, Gorham, Marohn, Woodward, and Stenglein voted “yea.” No member voted “nay.” The Chair declared the motion carried.

#7 Unfinished Business

7a. Review and Authorize Changes to the Planning Commission Bylaws

Community Development Director Kramvik explained the decision to uphold the decision of City Council in the changes to all committee and commission bylaws.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GORHAM, DULY CARRIED, TO ADOPT THE CHANGES TO THE PLANNING COMMISSION BYLAWS AS PRESENTED.

7b. Review Proposed Lighting Ordinance

Community Development Director Kramvik reviewed the proposed ordinance with updated language as requested by the Commission from a previous meeting.

Commissioner Duval provided the Commission with alternate language taken from a handout featuring Illumination Engineering Society and International Dark Sky Association “*Five Principles for Responsible Outdoor Lighting*”.

Commission discussion took place on the suggested revisions.

Staff was directed to rewrite the ordinance to include the language discussed tonight and bring back to the Commission at the April meeting.

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

Assistant Planner Edwards gave a brief review of the parking study done in 2022.

Commissioners discussed the possibility of weekend or evening parking counts as well as peak tourist activity. They also discussed researching other communities of similar population. Other possibilities were to eliminate minimum requirements, enact maximum parking amounts or to remove all parking quantity requirements from the ordinance.

Community Development Director Kramvik determined staff could start researching other communities initially and bring back a summary of findings at the April meeting.

#8 Public Forum

The Chair opened the public forum at 7:49 pm.

No one came forward.

The Chair closed the public forum at 7:49 pm.

#9 Staff Reports

Community Development Director Kramvik gave the following updates:

- VCV Digital made the land purchase for the crypto mining sites in the Industrial Park last week and are working on next steps with staff.

#10 Commission Member Reports

Commissioner Duval indicated the Brainerd Dispatch is publishing a series of government articles called the Sunshine Laws. He agrees with being involved with your municipality and encouraged anyone interested to apply to the Planning Commission.

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND DUVAL, DULY CARRIED, TO ADJORN AT 7:51 PM.

Kevin Yeager, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 19, 2023

RE: Proposed Ordinance Amending Section 515-4-8, Outdoor Lighting

Introduction

At the last Planning Commission meeting on March 15th, the Commission directed staff to review the performance standards of residential and commercial outdoor lighting and revise language for architectural lighting, landscape lighting, and fixtures attached to structures. As proposed, architectural and landscape lighting are permitted if the bulb or light source is directed or shielded from view by an observer at five (5) feet above grade at the nearest property. An exemption from that regulation is proposed for flagpole and path lighting. Light fixtures attached to structures 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. In addition to performance standards, the proposed amended ordinance addresses outdoor lighting pertaining to outdoor lighting color temperature standards, dimmable lighting, and require the Park and Public Semi-Public District to conform 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 plan on a case-by-case basis.

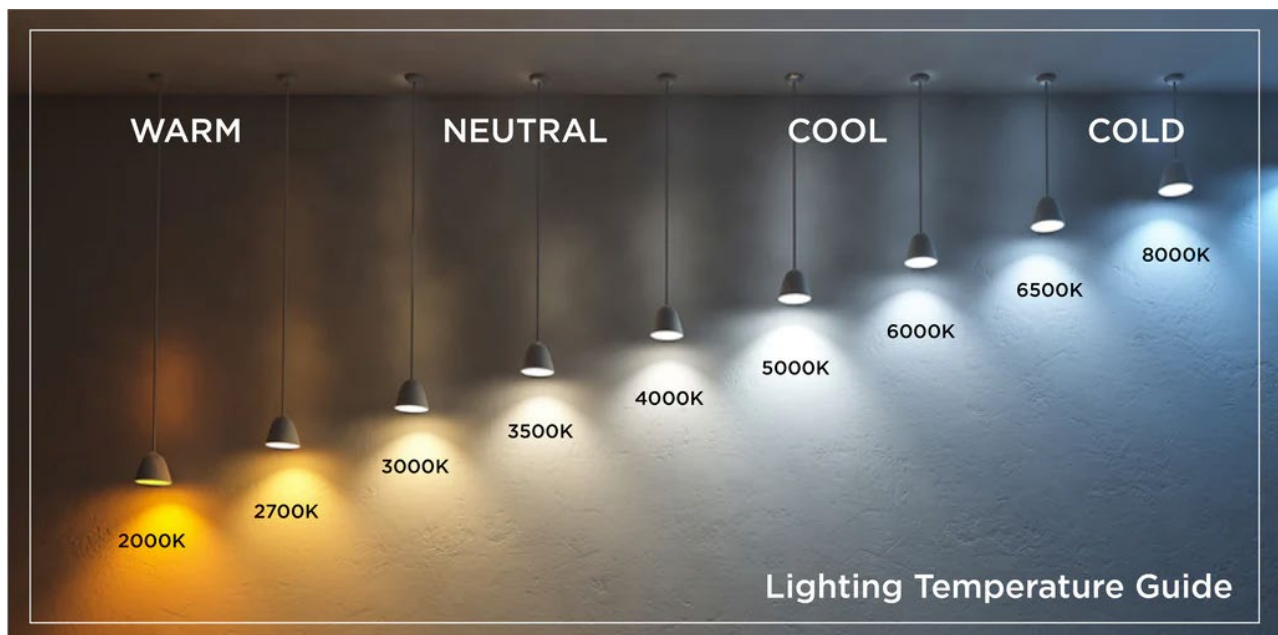
Staff Recommendation

- 1) Hold a public hearing
- 2) Staff recommends approval of the proposed ordinance amending Section 515-4-8

Shield and Cutoff Requirement Example



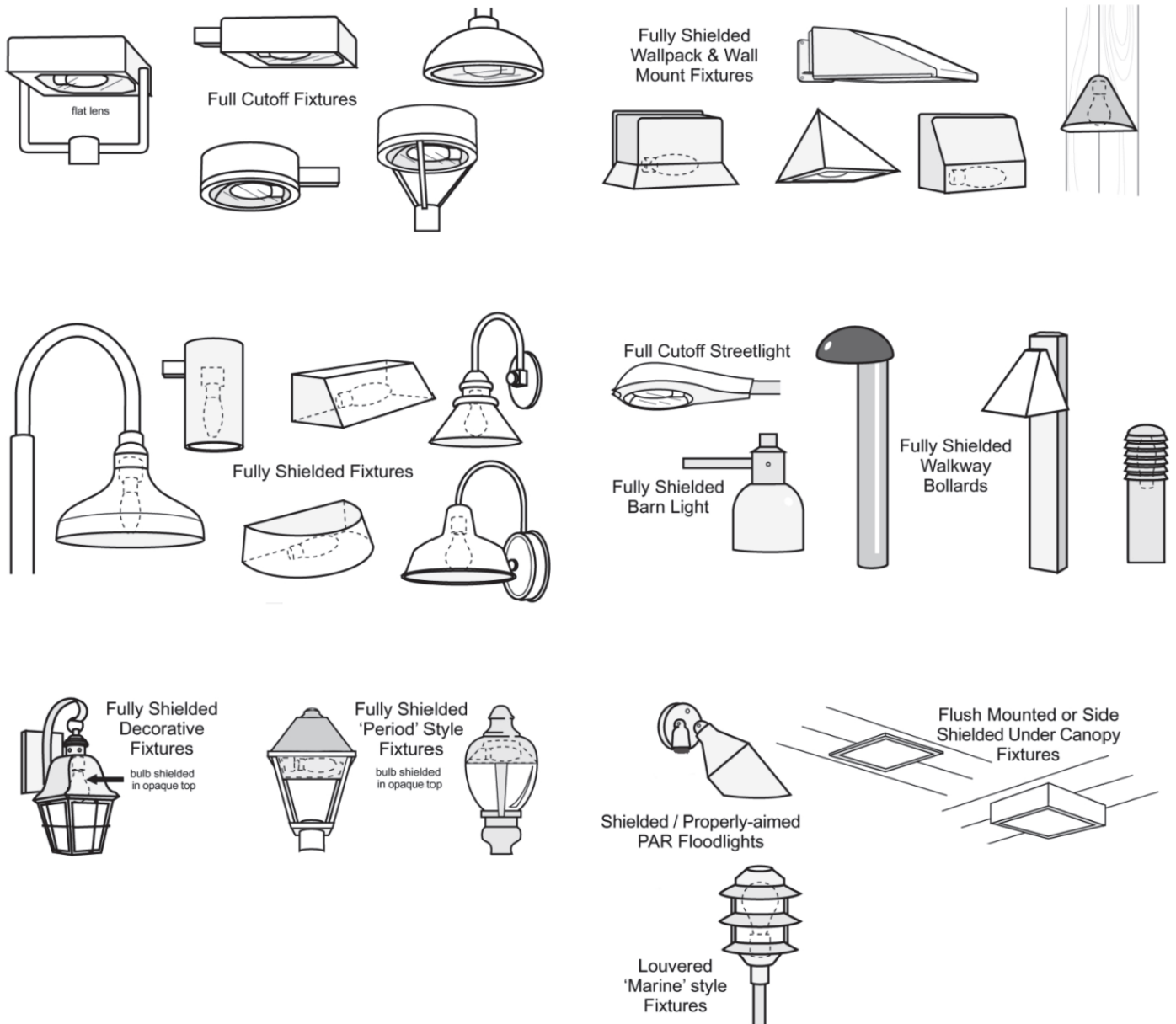
Lighting Color Temperature Guide



City of Sanibel

Dark Sky Light Fixture Guide

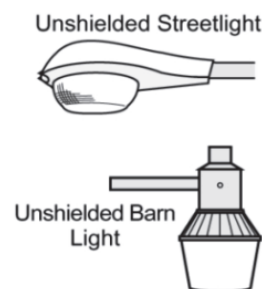
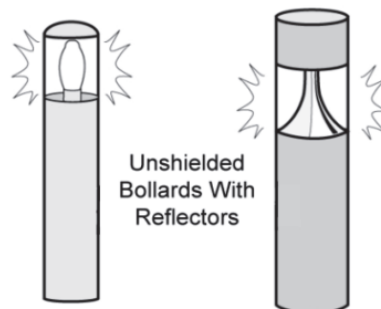
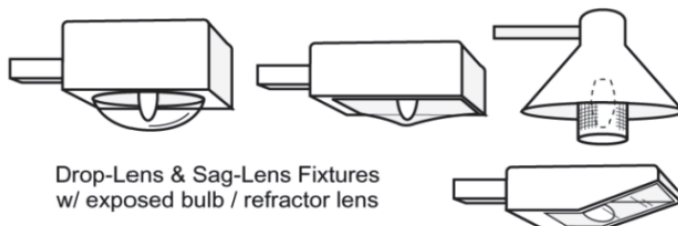
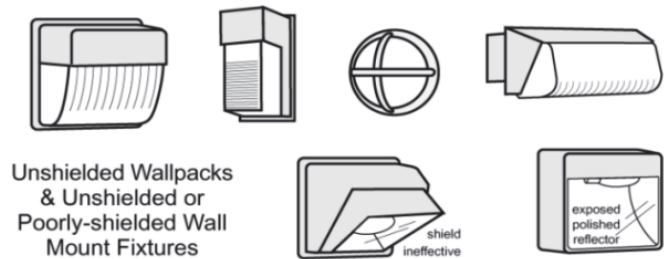
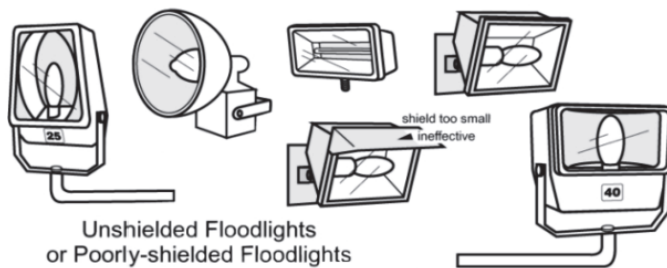
Compliant: Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



City of Sanibel

Dark Sky Light Fixture Guide

Noncompliant: Fixtures that produce light trespass and glare



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 as indicated, with deleted language struck out and new language underlined:

~~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 and E.2 of the Zoning Code is hereby amended as indicated, with deleted language struck out and new language underlined:

E. Performance Standards.

1. Residential Use 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 and landscape lights that include unshielded fixtures, lighting of entire facades, or architectural features of a building are permitted.
 - i. The bulb or light source shall be directed or shielded from view by an observer at five (5) feet above grade at the nearest property line and shall not be directed into the night sky.
 - ii. Flagpole and path lighting are exempted from the above paragraph.

- d. The maximum height of the fixture, pole, and base above the ground grade permitted for pole light sources is thirteen (13) feet. ~~A light source mounted on a structure shall not exceed the height of the structure.~~
 - i. 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.
 - e. 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. ~~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.~~
- 2. Business/Industrial Use/Public Semi-Public/Park 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, historical, and landscape lights that include unshielded 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.~~
 - i. The bulb or light source shall be directed or shielded from view by an observer at five (5) feet above grade at the nearest property line and shall not be directed into the night sky.
 - ii. Flagpole and path lighting are exempted from the above paragraph.
 - d. In ~~GC and CC~~, PSP, and P Districts, the maximum height of the fixture, pole and base above the ground grade permitted for pole light sources is thirteen (13) feet. ~~A light source mounted on a structure shall not exceed the height of the structure.~~
 - i. 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 20 feet may be allowed.
 - e. In GC, TC, MS, ME Districts, the maximum height of the fixture, pole and base above the ground grade permitted for pole light sources is 20 feet. ~~A light source mounted on a structure shall not exceed the height of the structure.~~
 - i. 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 25 feet may be allowed.
 - f. In the GI District, the maximum height of the fixture, pole and base above the ground grade permitted for pole light sources is 25 feet. ~~A light source mounted on a structure shall not exceed the height of the structure.~~
 - i. 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 30 feet may be allowed.
 - g. 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.

- h. Direct or reflected light from high temperature processes such as combustion or welding shall not be visible from any adjoining property.
- i. Location.
 - i. The light source of an outdoor light fixture shall be set back a minimum of three (3) feet from a street right-of-way or residential property and three (3) feet from any other property line.
 - ii. No light source shall be located on the roof unless said light enhances the architectural features of the building and is approved by an Administrative Permit.

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 – _____

NOTICE OF HEARING

The City of Brainerd Planning Commission will be conducting a public hearing to consider an ordinance amendment to amend Section 515-4-8 of the Brainerd Zoning Code relating to outdoor lighting color temperature of lamps, dimmable lighting, and lighting performance standards. The proposed ordinance would require all new outdoor lighting in the City of Brainerd to have a correlated color temperature of 3,000 Kelvin or lower. The proposed ordinance would also require all new nonresidential lighting to dim by at least fifty percent or turn off at 10PM or one hour after close of business, whichever is later. The Commission will also consider an amendment to the performance standards of outdoor lighting within Zoning Districts and require all outdoor lighting attached to structures to be fully recessed and/or shielded.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, April 19, 2023, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding the proposed outdoor lighting ordinance amendment. Any individual needing special accommodations please call (218) 828-2307.

Dated this 5th day of April 2023

Publication Date: April 8th, 2023



James L. Kramvik
Community Development Director

MEMO



TO: Planning Commission

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

DATE: April 17, 2023

RE: Off-Street Parking Regulations and Review of Other Communities

Introduction:

At the last meeting, the Planning Commission directed staff to examine off-street parking code language across other Central Minnesota cities and other cities that have adopted parking maximums or removed parking minimums. Another goal of this report is to focus on cities with recent reforms and determine how the changes to their off-street parking regulations affected their city. The process of simplifying the code will improve interpretation for developers and residents. More importantly, it will potentially allow for the redevelopment of parking lots or reserve vacant land for future development.

In the current Zone Code [Section 515-4-12 Off-Street Parking](#), there are 36 separate space requirements based on uses throughout the City. Brainerd exempts all uses located within the Commercial Corridor (CC), General Commercial (GC), Town Center (TC), Main Street (MS), and General Industrial (GI) Zoning District from parking requirements.

Single Family, Duplex, and Accessory Apartments. Two (2) spaces per unit.

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.

Bemidji, MN

Summary:

The Bemidji Parking Ordinance found in Section 1009 has 30 separate use requirements and is simpler than the Brainerd Code, but still imposes minimums for numerous different commercial and residential uses. Residential uses require one (1) off-street parking space per bedroom, which in most cases is more than what is required by Brainerd's code. Beyond the parking minimums, the city also has stricter regulations regarding required green space/pervious surface which limits development of parking lots on parcels.

Bemidji Off-Street Parking Code:

- [Greater Bemidji Area Zoning and Subdivision Ordinance, Article 10, section 1009](#)

Alexandria, MN**Summary:**

The City of Alexandria requires parking minimums across 40 different use categories. The required minimums for off-street parking are comparable to the City of Brainerd's minimums in the Zoning Code. Alexandria's code formats off-street parking requirements into a table which makes determining required spaces much clearer and easier to interpret. However, for space calculations, there is no substantial difference between the parking ordinances in Brainerd and Alexandria. Multi-family uses require two spaces per dwelling unit.

Alexandria Off-Street Parking Code:

- [City of Alexandria Ordinance No. 545 2nd Series](#)

Fergus Falls, MN**Summary:**

The off-street parking ordinance for the City of Fergus Falls is almost identical to Brainerd's except for a minimum requirement of 1.5 spaces per dwelling in multi-unit complexes. This contrasts with the 2.25 spaces required in Brainerd's code.

Fergus Falls Off-Street Parking Code:

- [Fergus Falls Code of Ordinances, Title XV, Chapter 154, Section 203](#)

Moorhead, MN**Summary:**

The City of Moorhead features a traditional table of parking minimums, however there are a few differences in comparison with Brainerd's code. Moorhead uses a tiered approach for multi-family dwellings and requires 1.5 spaces per efficiency unit; 2 spaces for 1 and 2 bedroom units; and 2.5 spaces for 3 or more bedroom units. Also, Moorhead has a lower minimum number of spaces needed for places of worship at 1 space per 5 seats in main space instead of 1 space per 4 seats. In addition, there is also a separate section of the code that regulates the minimums for the shared parking facilities and provides for clear cooperative agreement standards to ensure parking needs are met if cooperative actions are taken.

Moorhead Off-Street Parking Code:

- [Moorhead City Code, Title 10, Chapter 20, Section 9-10](#)

Winona, MN**Summary:**

In 2021, the City of Winona made changes to their off-street parking standards and adopted a 0-space requirement in their city center and business district area, but retained parking minimums outside of this area. This ordinance has a 0-space minimum requirement for any residential unit in those areas with structures that contain less than 7 dwellings. For more than seven dwelling units, residential requirements in these zones are set at 1 space per unit on

apartments and attached row houses. Additionally, 4 bicycle spaces may be used as a substitute for one required parking space. Brainerd does not require parking spaces for residential mixed-use or residential buildings in the Main Street or Town Center District. However, multi-family uses in Brainerd require a Conditional Use Permit which could add parking space requirements.

Winona Off-Street Parking Code:

- [City Code of Winona, Chapter 43, Article 3, Division 2, Section 2](#)

Superior, WI

Summary:

The Zoning Code for Superior, Wisconsin, which is a city of approximately 27,000 residents, removed all language pertaining to nonresidential parking minimums. This process is now determined by City Staff and the developer or through a Conditional Use Permit. The existing residential requirements include 4 categories with a 1 space per dwelling unit requirement except for assisted living facilities which have a .40 space per dwelling unit requirement plus 1 space per employee.

Key Information:

- [Superior, WI Zoning Code of Ordinances Chapter 122, Article 6, Division 3](#)
- Staff spoke with the Planning Department at the City of Superior for insight:
 - Since removing parking minimums, the city experienced no substantial changes to the amount of parking that new developments are building in their commercial districts.
 - The policy has caused more mutual parking agreements in the more densely constructed parts of the city where new parking developments cannot occur. Businesses are offering portions of their parking area to new businesses for a contracted fee. This has created a self-regulating environment.
 - The City of Superior is a neighboring city of Duluth where parking minimums still exist and during discussions with developers the freedom of being able to reduce parking if needed is a benefit they recognize.
 - One example their department cited was a funeral home construction where the developer decided to reduce parking and used those funds for an enhanced and aesthetically pleasing storm water retention plan.

Branson, MO

Summary:

The City of Branson, MO, a tourist area in the Ozarks, made recent changes and instituted off-street parking maximums and replaced the previously set minimums. In the Branson Code of Ordinances, these maximums are very similar to the current off-street parking minimums in the City of Brainerd with a few differences. Branson requires bicycle parking and a far more diverse range of listed uses despite a similar population. Branson does take a tiered approach for multi-family dwellings which is listed as follows:

- Multi-Family - 1 per studio; 1.5 per 1 bedroom; 2.0 per 2 bedroom; 2.5 per 3 bedroom; 2.5 + 0.5 for each bedroom more than 3; plus 1 per 5 units

Branson Off-Street Parking Code:

- [Branson Code of Ordinances Chapter 94, Article 6, Section 94.87](#)

Culver City, CA**Summary:**

Culver City, CA a LA suburb, chose to eliminate their parking minimums and explore the possibility of adopting parking maximums in the future. The result was a reduction of the existing regulatory language by exempting nearly a dozen pages. The replacement puts the onus of off-street parking needs on the developer. This simplification gives greater discretion to the city and developers to determine what is needed in each situation.

Key Information:

- [Culver City, CA Municipal Code Title 17, Article 3, Chapter 17, Section 320.020](#)
- In a discussion with Planning Department officials in Culver City, since the reduction of all minimums, the city has experienced a significant uptick in permits to redevelop existing parking space into other revenue generating uses. Additionally, compared to the other neighboring suburbs, the Department noted this change has attracted new business.
- Additionally, because the amendment did not exclude residential zoning districts, the city has seen a large increase in garages being turned into ADU's to generate rent revenue and fix a housing crisis that has led to a high rent environment.
- Commercial development has also increased as existing property owners have been submitting plans to turn excess parking into outdoor dining space and expand the business footprint for their commercial uses into areas formerly required to be parking space.

Staff Recommendation

Staff would like the Planning Commission to discuss the findings and provide comments and direction for amending Section 515-4-12 Off-Street Parking

Items to Review

- 1) Review non-residential uses in residential zoning districts and their space requirements.
- 2) Develop a tiered approach for multi-family dwellings.
- 3) Off-Street parking requirements for Accessory Dwelling Units.
- 4) Consider leaving exemptions in place for parking minimums.
- 5) Consider parking maximums in the Mainstreet, Town Center, and Commercial Corridor Districts.
- 6) Consider parking requirements for new residential uses in the Mainstreet and Town Center Districts.
- 7) Consider requiring bicycle parking spaces in Commercial Districts.
- 8) Consider simplifying the required parking space section and converting it to a table.
- 9) Consider adding language to the code to facilitate joint parking agreements.
- 10) Consider revising language to limit rear yard parking on unimproved surfaces.

MEMO



TO: Planning Commission

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

DATE: April 19, 2023

RE: Consider Conditional Use Permit for a Recycling Facility at 1021 Madison St.

Introduction:

Greenforest Environmental Solutions CO applied for a Conditional Use Permit (CUP) to operate a recycling facility at 1021 Madison St. Brainerd, MN 56401.

Parcel Number: 41361021

Zoning District: General Industrial (GI) District

Property Area: 3.9486 Acres

Adjacent Uses: North: Construction
East: Parcel Delivery Service
South: Industrial Printing
West: Aviation Light Manufacturer

Adjacent Zoning: North: General Industrial (GI) District
East: General Industrial (GI) District
South: General Industrial (GI) District
West: General Industrial (GI) District

Findings of Fact:

1. 1021 Madison St. Brainerd, MN 56401 is in a General Industrial (GI) zoning district. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for the use of Refuse/garbage collection, recycling, and incineration as a Conditional Use in the GI District.
 - A. *The property is currently operating as a recycling facility at 1021 Madison St. The property owner was unaware of the need for a Conditional Use Permit. Staff reached out to the owner by phone and mail to inform them of the Conditional Use permit requirement. The property owner has been very cooperative with the department on all required submittals and contacted the Fire Marshal and Building Official for inspection of the property.*

- B. The site plan as submitted by Greenforest Environmental Solutions CO. proposes use of the facility for the recycling of various grades of paper and paper like products sourced from the greater Minnesota area and surrounding states and does not accept drop off or local collection of these materials.
2. According to [Section 515-3-32 Refuse/Garbage Collection, Recycling, and Incineration](#). Any refuse/garbage collection, recycling or incineration uses must comply with the following minimum standards:
- A. The storage of refuse or garbage in any front yard is prohibited.
 - i. *There is no indication of any refuse or garbage storage in the parcel's front yard as proposed in the site plan submitted by Greenforest Environmental Solutions CO. All storage of recycled materials lies inside of a proposed fenced area at the parcel's rear and in an area between the buildings behind the loading dock.*
 - B. Vehicle parking and storage areas are screened from view of neighboring uses, abutting Residential Zoning Districts and public rights-of-way.
 - i. *The proposed 8' chain-link fence with slats will screen the outdoor storage area for neighboring uses. Installation of the fence will require a fence permit.*
 - ii. *The property is surrounded by G1 district parcels and does not abut any residential property of any kind. There are no residentially zoned parcels within 350 ft of the property lines of the parcel.*
 - iii. *All trailers, vehicles, and containers in which recycled products are visible will be required to park in the proposed screened area.*
 - iv. *Employee vehicle parking and semi-trailers customarily found in the G1 district are regulated by [Section 515-4-12 Off-Street Parking](#) and can be visible from the right-of-way if parked on an improved surface.*
 - C. Vehicle parking/storage areas shall be hard surfaced with a bituminous material with curb and gutter to control dust and shall be screened from view of neighboring uses and public rights-of-way.
 - i. *The Proposed Storage area and Vehicular parking area is currently made of bituminous materials.*
 - D. The site shall be maintained free of litter and any other undesirable materials and will be cleaned of loose debris on a daily basis.
 - i. *As proposed by Greenforest Recycling, the maintenance plan is for their 1st and 2nd shift leads to include outside yard clean up with their daily scheduled shift clean up.*
 - E. All in bound and out bound trucks and equipment, excluding employees' personal vehicles, shall be restricted to designated routes established by the City, except for times when providing collection service to customers within the City limits.
 - i. *This business does not engage in collection services and does not propose to do so in their CUP application.*
 - F. The hours of operation shall be limited as necessary to minimize the effects of nuisance factors such as traffic, noise, and glare upon any existing neighboring residential uses, or residential zoning districts.

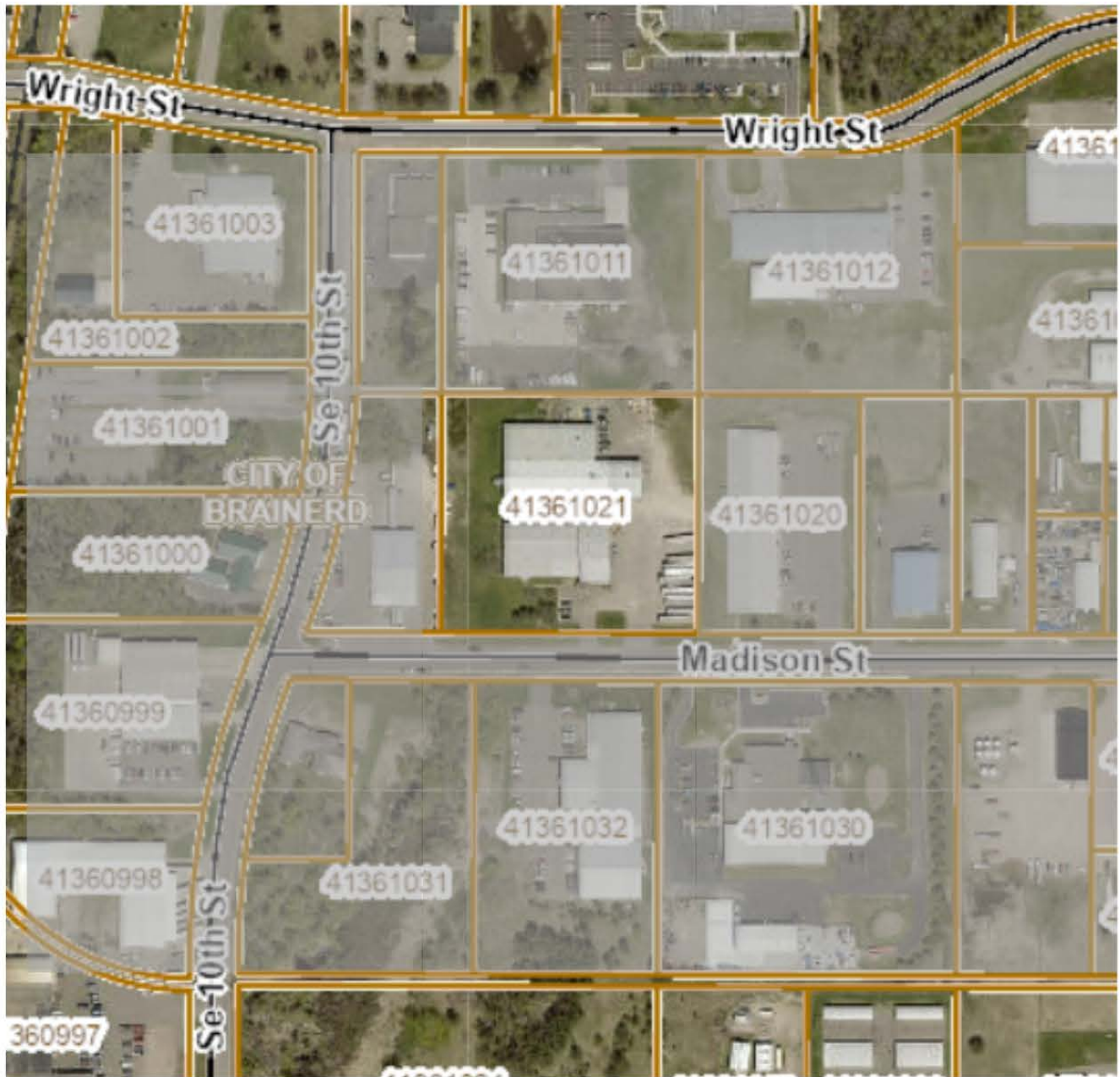
- ii. *According to the Building Official, structure occupancy classification appears to have been changed.*
 - D. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - i. *The building as currently used is appropriately oriented to the road. The applicant does not propose to change the footprint of the facility.*
 - E. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. *No changes to the parcel are included in the CUP besides the additional fence, which is required for outdoor storage.*
 - F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - i. *This property is not located in a residential neighborhood.*
 - G. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the [Comprehensive Plan](#).
 - i. *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.*
 - 2. *Policy 4: Reclaim underutilized infrastructure within the City (industrial sites, rail lines, parking lots, blighted structures, vacant blocks).*
4. **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 another 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, no parties have contacted the Community Development Department for more information on the Conditional Use Permit application for the proposed Refuse /Garbage Collection, Recycling, and Incineration use at 1021 Madison St.

Staff Recommendations:

The Community Development Department recommends approval of the Conditional Use Permit for 1021 Madison St. Brainerd, MN 56401. Staff recommends applying the following conditions to the permit:

- 1) Require a code analysis prepared by a Minnesota Licensed Architect for the facility located at 1021 Madison Street in Brainerd, MN. (PID 41361021) to be submitted to the City of Brainerd within six months of approval of the Conditional Use Permit.
- 2) If the code analysis shows a change in occupancy classification, the facility is to be brought up to the requirements of the 2020 MN Building Code, Chapter 1305 or Chapter 1311 within one year of the code analysis findings.
- 3) Indoor diesel tank storage must be moved outdoors within 4 months of approval of the Conditional Use Permit.
- 4) All other requirements of the Fire Marshal must be corrected within 1 month of approval of the Conditional Use Permit.
- 5) All paved areas must maintain a 20 ft wide fire lane.
- 6) The required fencing must be installed within 6 months of approval of the Conditional Use Permit.



MAP OF 1021 MADISON ST.

with Surrounding properties and Zoning Districts

GI Zoning District =





GREENFOREST
Recycling Resources

1021 Madison Street
Brainerd, MN 56401

March 29, 2023

Dear Mr. James Kramvik,

Please find enclosed the requested Site Plan and Architectural Plan.

Our Maintenance Plan is for our 1st & 2nd Shift leads to include outside yard clean up with their daily scheduled shift clean up.

Dave Cox and Darrin Deseth conducted an onsite inspection on Tuesday March 28th, 2023. Our maintenance department is currently making repairs and replacement recommendations.

Our recycling business does not include residential collection. Our material comes from local and greater Minnesota businesses. The material we process is high grade printer paper, cardboard and newsprint. The material is processed, including sorting different grades of paper and then baling the material. Our buyers are Manufacturing Mills in Minnesota and neighboring states.

We have also enclosed our original CUP application and the related fees.

If additional information is needed, my email address is jeff@gfrr.net and cell 612-224-1004.

Sincerely,

Jeff Grunenwald
Owner



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

☐ (\$250.00)
☐ (\$300.00)
☐ (\$250.00)

COMMERCIAL

☒ (\$400.00 + \$500.00 escrow deposit)
☐ (\$500.00)
☐ (\$400.00 + \$500.00 escrow deposit)

CONDITIONAL USE PERMIT

REZONING

VARIANCE

PROPERTY ADDRESS: 1021 madison st Brainerd MN 56401

LEGAL DESCRIPTION: Lot(s): 2 Block: 2 Addition: Brainerd Industrial Park
(attach description if lengthy)

Property Owner Name: Jeff Gronenwald

Street Address: 1021 madison st City: Brainerd State: MN Zip Code: 56401

Phone Number: 612 224 1004 Fax: _____ E-mail: jeffg@brainerd.net

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: operate a recycling facility at this property

Jeff Gronenwald

Property Owner Signature

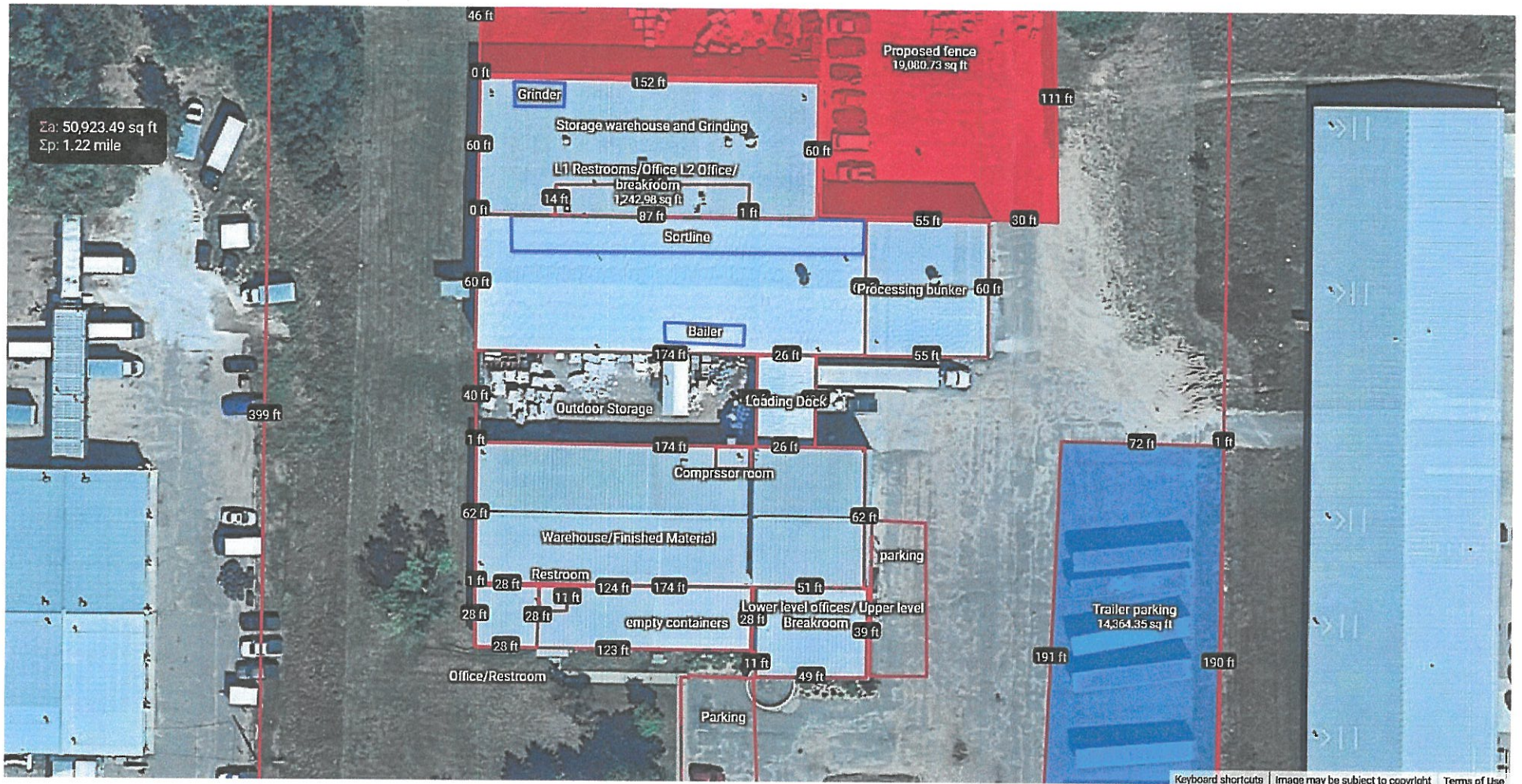
Jeff Gronenwald
(Please print name)

2/23/23
Date

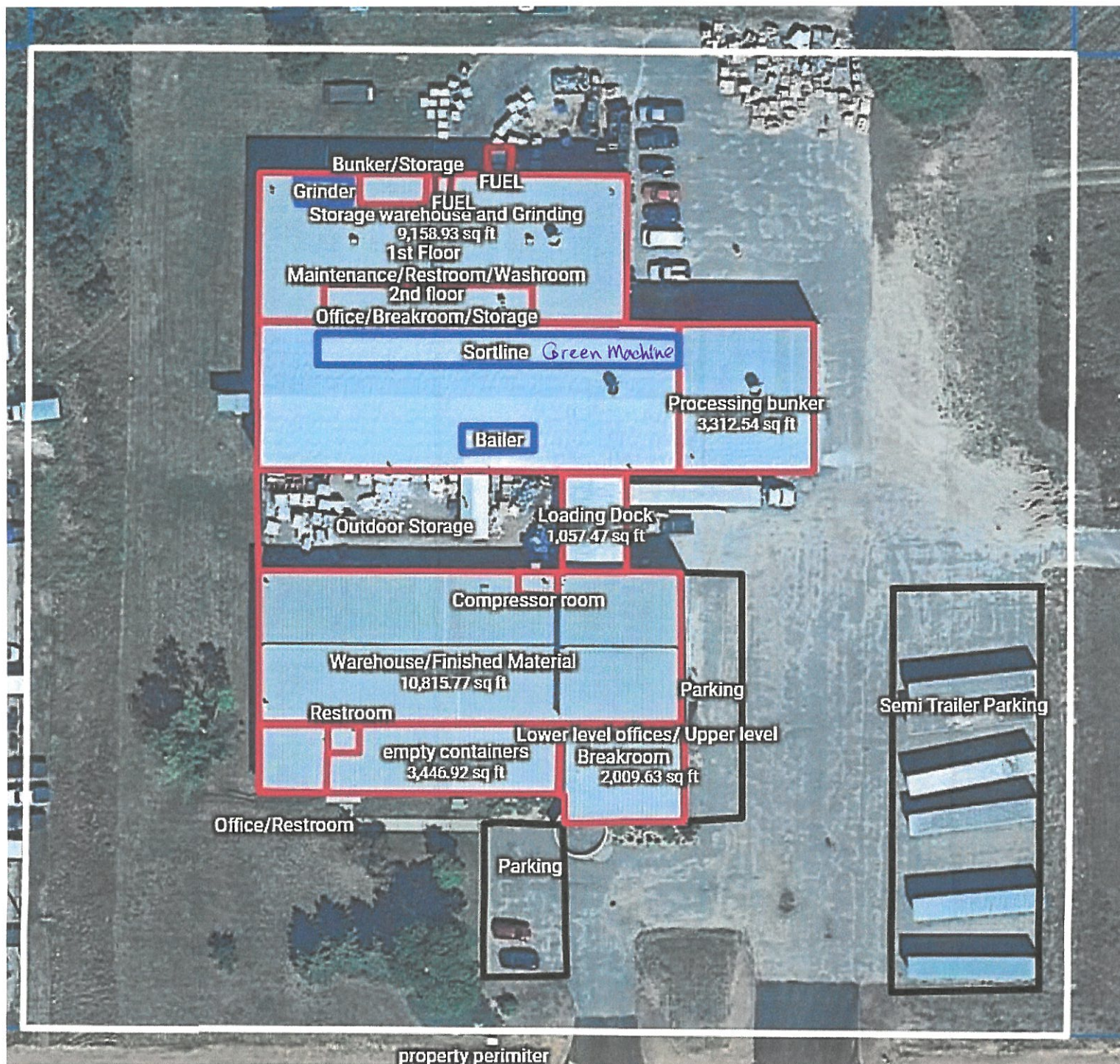
Applicant Signature

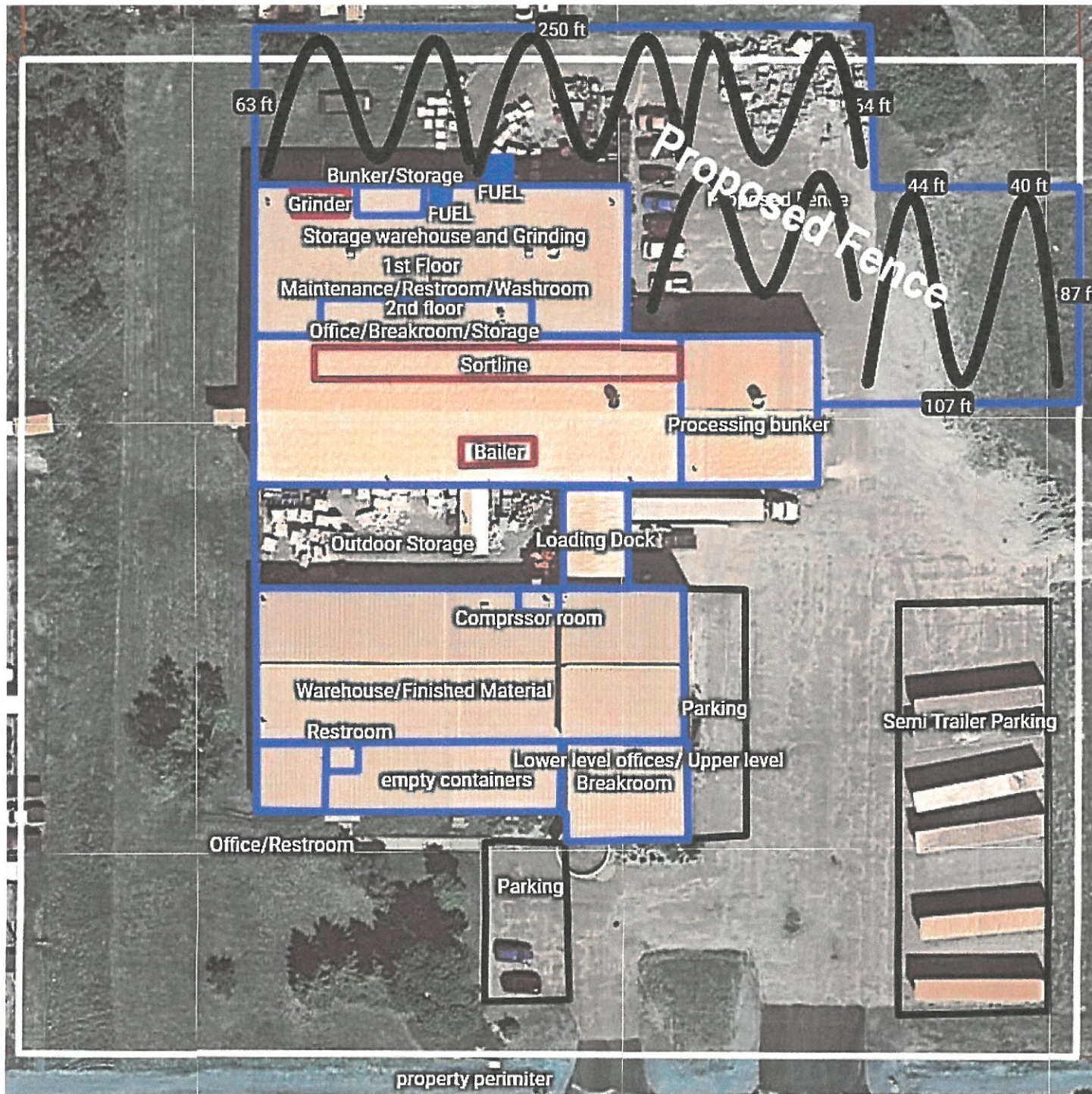
Date

(Please print name)



Square footage





Fence
Propose

8 foot Metal
fence with
Privacy slats

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Greenforest Environmental Solutions CO. has submitted a request for a Conditional Use Permit to operate a recycling facility at 1021 Madison St. Brainerd, MN 56401. The property included in this application is described as:

*LOT 2 BLOCK 2
BRAINERD INDUSTRIAL PARK
Parcel #: 41361021
Section 36, Township 45, Range 31*

The property is zoned GI (General Industrial) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows Refuse/garbage collection, recycling, and incineration as a conditional use in the GI 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, April 19, 2023, in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Conditional Use Permit request.

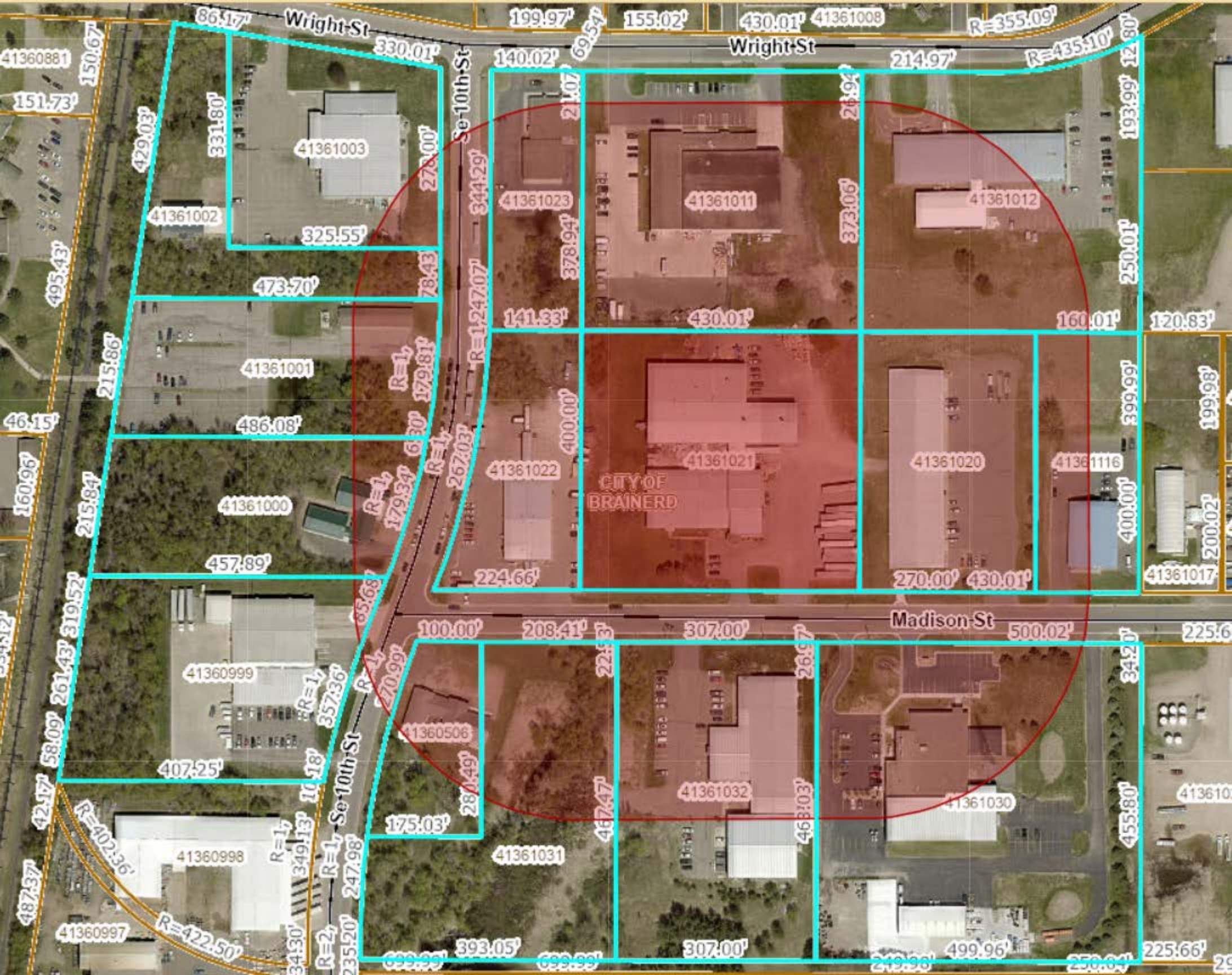
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 5th day of April, 2023



James L. Kramvik
Community Development Director

Publication Date: April 8, 2023



MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 19, 2023

RE: Accessory Structure Standards for Placement on Riparian Lots

Introduction

A Riparian lot is a parcel of land that lies adjacent to a body of water. In the City of Brainerd, these properties may be located along Little Buffalo Creek, Rice Lake, Gilbert Lake, and the Mississippi River. A significant number of parcels in Brainerd are located in the Shoreland Overlay District and are riparian lots. The placement requirements of accessory structures on riparian lots is limited by [Section 530 – Shoreland Management Regulations](#). Sheds or detached garages must be behind the structure setback and must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

In the GL zoning district, an accessory structure can be placed in the front yard ahead of the primary structure 25 ft from the front lot line. This exemption for riparian lots is not allowed in any other residential zoning district.

Other Residential Zoning Districts Containing Riparian Lots

- Rural Living-1
- Contemporary Neighborhood-1
- Contemporary Neighborhood-2
- Traditional Neighborhood-1

Previous Brainerd Zoning Code Language

[Section 17.B.4.a Front Setback](#). No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.

Considerations

Staff have been approached by two property owners that are located on riparian lots. One property is currently petitioning for annexation. The previous code would have allowed them to construct a shed or detached garage in the front yard of their property as they are requesting. The

current code does not allow any properties other than those located in Garden Living to construct accessory structures in the front yard. The Planning Commission did not discuss this detail in previous meetings or workshops, so staff would like to bring this matter to the attention of the Commission.

After review, staff believes that the new zoning code did get this provision right. Garden Living parcels tend to be more rural in nature with larger lots. Allowing all residential zoning districts to exempt accessory structure front yard requirements for riparian lots could result in front yard sheds or garages along such City streets as Bluff Avenue, Tyrol Drive, Hawkins Drive, and 14th Avenue Northeast. Staff sees potential for accessory structure difficulties along Wonderland Park Road and Easy Street for placement. The previous zoning code would have allowed accessory structures in the front yard for those properties. However, property owners do have the ability to apply for a Variance and the Planning Commission would review practical difficulties of the site and conformity to the neighborhood.

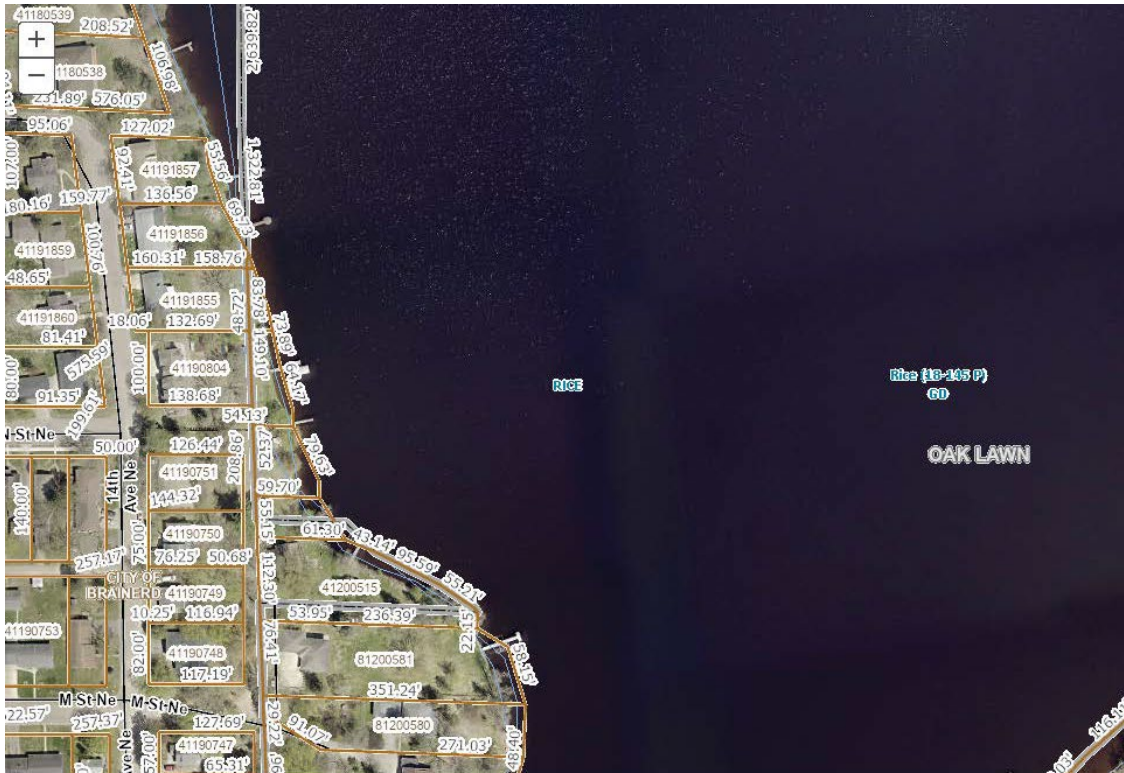
Staff Recommendation

Staff recommends no changes to the Zoning Code, but would like the Planning Commission to have a discussion.

Easy Street



14th Ave Northeast



Bluff Avenue



Tyrol Drive

