



## **PLANNING COMMISSION AGENDA**

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers

Thursday, June 20, 2024 @ 6:00 PM

The public is invited to attend these meetings in person  
Attend by Phone: 1-844-992-4726 Meeting Access Code: 2499 681 8658

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

1. **Call To Order**

2. **Roll Call**

\_\_\_ M. Duval \_\_\_ C. Francis \_\_\_ J. Grunenwald  
\_\_\_ J. Norwood \_\_\_ D. Peterson \_\_\_ T. Stenglein \_\_\_ D. Gorham

3. **Pledge of Allegiance**

4. **Approval Of Agenda - Voice Vote**

5. **Approval Of Minutes**

A. **Draft minutes from the May 15th, 2024 meeting**

6. **New Business**

A. **Consider Conditional Use Permit for the Expansion of Two Additional Early Childhood Education Classrooms at TCCAP, 2410 Oak St.**

7. **Unfinished Business**

A. **Review Proposed Ordinance Regulating Garage Requirements for Residential Housing Units**

B. **Discuss Planning Commission Itinerary**

8. **Public Forum**

Time allocated for citizens to bring matters not on the agenda to the attention of the Commission -  
Time limits may be imposed

9. **Staff Reports**

(Verbal: Any Updates since Packet)

10. **Commission Member Reports**

11. **Adjourn**

Visit the City's Website at [www.ci.brainerd.mn.us](http://www.ci.brainerd.mn.us)

#### MISSION

*"Provide high quality, cost effective public services and leadership in creating a sustainable city"*

## **PLANNING COMMISSION**

Wednesday, May 15, 2024

6:00 pm

### **#1 Call to Order**

Planning Commission Chair Gorham 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 Duval, Peterson, Stenglein, Francis, and Gorham. Commissioner Grunenwald was noted as absent. Commissioner Norwood joined the meeting at 6:39 pm. Also noted as present was City Administrator Broyles, Community Development Director Kramvik, and Interim BPU Director Wussow. City Administrator Broyles and Interim BPU Director Wussow departed the meeting at 7:12 pm.

### **#3 Pledge of Allegiance**

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

### **#4 Approval of Agenda**

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND FRANCIS, DULY CARRIED, TO AMEND AND APPROVE THE AGENDA BY MOVING ITEM 7A CONSIDER IUP FOR OUTDOOR STORAGE AS A PRINCIPAL USE AT 1918 THIESSE DRIVE FROM NEW BUSINESS TO 6A UNFINISHED BUSINESS.

### **#5 Approval of Minutes**

MOVED AND SECONDED BY COMMISSIONERS FRANCIS AND DUVAL, DULY CARRIED, TO APPROVE THE MINUTES FROM THE APRIL 17, 2024 MEETING.

### **#6 Unfinished Business**

#### **6a. Consider IUP for Outdoor Storage as a Principal Use at 1918 Thiesse Dr.**

Community Development Director Kramvik gave a brief review of the Interim Use Permit application. The previous IUP issued in 2022 to allow outdoor storage as the principal use in the industrial park expired after one year, thus the reason for a new IUP application. There were some changes to the number of containers proposed on the site, but it does not change any of the requirements. This property will serve as a crypto mining facility site.

The Chair opened the public hearing at 6:06 pm.

The Chair recognized Matt Feast and Allan Sun with VCV Digital, who spoke about the project and explained the details of the equipment involved in crypto mining.

The following residents spoke against the proposed use of crypto mining at the property citing the concern of excessive noise:

- Sarah Thiesse, 11687 Oakridge Rd
- Shirley Thiesse, 11058 County Rd 45
- Wesley Urdahl, 11463 County Rd 45
- Craig Kunde, 11319 Oakridge Rd
- Glynis Thiesse 9212 County Rd 45
- Gary Thiesse, 12437 Oakridge Rd
- Megan Bock 11633 Oakridge Rd
- Nolan Faber, 10936 Red Oak Trail
- Jessica Faber, 10936 Red Oak Trail

The Chair recognized Bob Fear, Nisswa, who indicated he has a background in facility engineering and gave some insight on the concern about sound. He suggested that a proposed spec be developed within the range that is allowed and can be monitored throughout the project.

The Chair recognized Bob Davidoff, who is an engineer on the team for the crypto project. He stated he has worked on many crypto mining projects and explained the sound will not be an issue. He said the immersion system is different than the air-cooled system that Just for Krypto is operating.

The Chair closed the public hearing at 6:52 pm.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND FRANCIS TO DENY THE INTERIM USE PERMIT AS PRESENTED BASED ON THE COMPREHENSIVE PLAN.

Members Duval, Francis, and Gorham voted “aye”. Members Peterson and Stenglein voted “nay”. Member Norwood abstained from voting. The Chair declared the motion carried.

Community Development Director Kramvik stated this will be heard and voted on at the City Council meeting May 20, 2024.

#### **6b. Review Proposed Short-Term Rental Ordinance and Conduct Public Hearing**

Community Development Director Kramvik gave the history of the proposed short-term rental ordinance.

The Chair opened the public hearing at 7:14 pm.

The Chair recognized Rick Badeaux, 19868 159<sup>th</sup> St NW, Elk River, who owns short-term rental property in Brainerd. He indicated the ordinance as presented is fair and has no concerns with the requirements shown.

The Chair recognized Patty Bjorklund, 4825 Oak St., Baxter, who stated her son has been trying to purchase a home. She said property owners of rentals and short-term rentals are usually corporations that are quick to purchase housing stock and it is frustrating.

The Chair closed the public hearing at 7:18 pm.

MOVED AND SECONDED BY COMMISSIONERS FRANCIS AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE SHORT-TERM RENTAL ORDINANCE AS PRESENTED.

Community Development Director Kramvik stated this will be heard and voted on at the City Council meeting May 20, 2024.

**6c. Review Proposed Cannabis Ordinance and Conduct Public Hearing**

Community Development Director Kramvik explained the details of the proposed cannabis and off-sale liquor ordinance. This ordinance would regulate the time, manner, and place that such facilities would be allowed to operate.

The Chair opened the public hearing at 7:21 pm.

The Chair recognized Luke McCapes, 420 13<sup>th</sup> St., who asked for clarification on the low dose product sales. He indicated local establishments are already selling the cannabis drinks, and the times shown would be restrictive. He asked questions regarding the fees being implemented.

The Chair closed the public hearing at 7:26 pm.

Community Development Director Kramvik stated the regulations would be for off-sale not on-sale establishments. The fees will be discussed with the City Council at a future meeting.

MOVED AND SECONDED BY COMMISSIONERS FRANCIS AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CANNABIS ORDINANCE AS PRESENTED.

**#7 New Business**

**7a. Consider Garage Requirement for Residential Housing Units**

Community Development Director Kramvik indicated that the garage requirement impacts the development of affordable housing. He explained some options to consider other than requiring a garage.

Discussion took place amongst the Commission.

MOVED AND SECONDED BY COMMISSIONERS PETERSON AND DUVAL TO DIRECT STAFF TO DRAFT AN ORDINANCE TO REMOVE THE GARAGE REQUIREMENT FOR NEW CONSTRUCTION OF SINGLE-FAMILY HOMES AND ADD THE REQUIREMENT OF A 10'X12' SHED IN LIEU OF A GARAGE.

Members Duval, Peterson, Francis, Stenglein, and Gorham voted "aye". Member Norwood voted "nay". The Chair declared the motion carried.

**#8 Public Forum**

The Chair opened the public forum at 7:47 pm.

No one came forward.

The Chair closed the public forum at 7:47 pm.

**#9 Staff Reports**

Community Development Director Kramvik made the following updates:

- City Council approved the 805 Laurel and Outlot F land use permits, as well as the Workforce Housing grants.
- Staff have been working on a revised tree ordinance due to the emerald ash borer issue in the City.

#### **#10 Commission Member Report**

Commissioner Duval indicated the Comprehensive Plan is 5 years old this year. He read a passage from the plan regarding the city budgeting process.

Commissioner Francis suggested working on a sound study ordinance.

Community Development Director Kramvik stated there are currently many tasks already on the Planning Commission itinerary, but it can be added for future discussion.

Commissioner Peterson suggested adding building design standards to the itinerary for possible revisions.

#### **#11 Adjournment**

MOVED AND SECONDED BY COMMISSIONERS PETERSON AND STENGLEIN,  
DULY CARRIED, TO ADJORN AT 8:00 PM.

---

Don Gorham, Planning Commission Chair

# MEMO



**TO:** Planning Commission

**FROM:** James Kramvik, Community Development Director

**DATE:** June 20<sup>th</sup>, 2024

**RE:** Consider Conditional Use Permit for the Expansion of Two Additional Early Childhood Education Classrooms at TCCAP, 2410 Oak St.

---

## REQUEST

**PUBLIC HEARING. Conditional Use Permit** to expand the use of the daycare facility by adding two additional classrooms.

Bill Mousseau, 501 Lemieur St., Little Falls on behalf of Tri-County Community Action Partnership has submitted a request for a Conditional Use Permit to expand the use by adding two additional classrooms at 2410 Oak St.

## CONTEXT

**Parcel Number:** 41300905

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

**Property Area:** Approximately 50,099 SQFT

**Adjacent Uses:**  
North: Single Family Residential  
East: Apartment 4 or more Units  
South: Single Family Residential  
West: Commercial Office Space

**Adjacent Zoning:**  
North: TN-2 (Traditional Neighborhood 2) District  
East: TN-2 (Traditional Neighborhood 2) District  
South: CN-2 (Contemporary Neighborhood 2) District  
West: TN-2 (Traditional Neighborhood 2) District

## AERIAL MAP



## FINDINGS OF FACT – CONDITIONAL USE PERMIT

1. The property at 2410 Oak Street Brainerd, MN 56401 is in a TN-2 (Traditional Neighborhood 2) District. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for the operation of commercial daycare facilities as a Conditional Use in the TN-2 District.
2. The request by the applicant is to convert existing office space into two new Early Head Start classrooms (infants/toddlers) at the TCCAP Head Start building. Each classroom would be licensed for 8 children, ages 6 weeks – 3 years; each classroom would have 3 staff. The operating hours would be consistent with the Early Head Start classrooms (8:00am – 4:00pm, Monday-Thursday). There will be no exterior improvements or additions to the building.
3. According to [Section 515-3-14 Commercial Day Care Facilities](#). Day care facilities shall be allowed as a principal use, provided that the day care facilities meet all the applicable provisions of this Section:
  - a. Lot Requirements and Setbacks. The proposed site for a childcare facility must have a minimum lot area as required by the applicable Base Zoning District in which it is located and as determined by the Minnesota Department of Health and Human Services. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the health, safety, and general welfare of the public. The day care facility must meet the minimum setback requirements of the respective Base Zoning District. The City Council may increase setback requirements if considered necessary to ensure compatibility.
    - i. *The TN-2 zoning district has a lot size minimum of 4,000 SF and the property size is 50,099 SF, which exceeds the minimum requirement. According to [Section 515-2-9](#) the side yard setback requirement for the TN-2 district is 5 ft and the rear yard setback requirement is 10 ft. The existing building meets the setback requirements of the TN-2 district. The added classrooms are converted office spaces, and the footprint of the building will not change.*
  - b. Sewer and Water. All day care facilities shall have access to municipal sewers and water or have adequate private sewers and water to protect the health and safety of all persons who occupy the facility.
    - i. *The parcel in question at 2410 Oak St. is connected to the city sewer and water.*
  - c. Screening. A day care facility shall provide screening along any shared property boundaries, regardless of adjacent use.
    - i. *Staff's interpretation of this requirement is for the screening of outdoor play equipment and uses. The existing playground is properly screened and is not expanding in size.*
  - d. Parking. There shall be off-street parking located separately from any outdoor play area and must comply with all applicable standards.
    - i. *The existing outdoor play area is separate from the parking lot. Additionally, the TN-2 zoning district does not have a minimum parking requirement for*

*childcare facilities. The existing parking lot has 49 parking spaces for staff and parent drop-off and pickup and is sufficient for the facility.*

- e. Loading. Off-street loading spaces must be provided.
    - i. *The existing parcel is set up with a loading zone that facilitates the drop-off and pickup of children on the south side of the building.*
  - f. Signage. All signing and informational or visual communication devices shall be in compliance with the provisions of Section [515-3-35] of this Ordinance.
    - i. *No signage is currently proposed in the plan documents submitted to the community development department at this time. Future signage requires a permit and will be in compliance with Section 515-3-35.*
  - g. Compliance with State Requirements. The building and operation shall be in full compliance with State of Minnesota, Department of Health and Human Services regulations and be licensed accordingly.
    - i. *The operation of a childcare facility regardless of location is dependent on the issuance of a certificate of occupancy which is not issued unless the business can demonstrate their adherence to all state Department of Health and Human Services standards. Thus, their licensing and compliance will be met before any operations occur at the proposed parcel.*
4. **Criteria for Granting Conditional Use Permits.** 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 Appendix A: Table of Uses.
    - i. *In accordance with the City of Brainerd Zoning Code Table of Uses a childcare care facility is a permitted conditional use for parcels in the TN-2 (Traditional Neighborhood 2) Zoning District.*
  - b. The proposed use meets the regulations and standards established in this Ordinance.
    - i. *The applicant does not propose an expansion to the building, playground, or parking lot. The current use is a childcare facility and meets the requirements according to Section 515-3-14.*
  - 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. *The proposed childcare facility expansion at 2410 Oak will not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.*
  - d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
    - i. *The plans as presented demonstrate no changes to the orientation of the building or landscaping that would constitute the existing building failing to conform to the code as written. The TN-2 Zoning District is intended to*

*provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses.*

- e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    - i. *The submitted plans include no changes to the existing building's visual impression thus retaining its consistency with the Oak St. neighborhood.*
  - f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
    - i. *The attached 49 car parking lot and loading zone will accommodate the traffic presented by this use.*
  - g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the [Comprehensive Plan](#).
    - i. *Land Use - GOAL 3: Support and invest in the incremental enhancements of quality of life. Policy 2: Encourage and attract stores and services for the daily needs of our community.*
      - 1. *The City of Brainerd and the surrounding communities are in need of childcare. There is currently a childcare shortage in the region. The proposed childcare expansion to the building will add 16 available spots for children. Further, this childcare facility would add additional jobs to this community.*
    - ii. *Economic Development – GOAL 1 : Support infill and redevelopment throughout Brainerd as a strategic component of growth. Policy 1: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.*
      - 1. *This property is an existing fixture in its neighborhood that has access to all city utilities.*
    - iii. *Economic Development - GOAL 2: Support our workforce and help them thrive.*
      - 1. *The shortage of childcare in the region is a concern for businesses and the workforce in the region. This project by TCCAP addresses a major need in the community.*
5. **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 commercial childcare facility at 2410 Oak St.

#### **STAFF RECOMMENDATION**

Option 1: Recommend approval of the CUP as presented.

Option 2: As the Minnesota Department of Human Services regulates the operations of commercial childcare facilities and as TCCAP currently meets all the other requirements set by City Ordinance, staff recommends approval of the CUP amendment without any future occupancy limitations to the existing building related to the CUP.

*Note: Exterior improvements or additions may require a CUP amendment and final occupancy is set by the Fire Marshal.*



## 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 | <input type="checkbox"/> (\$250.00) | <input checked="" type="checkbox"/> (\$500.00 + \$500.00 escrow deposit) |
| REZONING               | <input type="checkbox"/> (\$300.00) | <input type="checkbox"/> (\$500.00)                                      |
| VARIANCE               | <input type="checkbox"/> (\$250.00) | <input type="checkbox"/> (\$400.00 + \$500.00 escrow deposit)            |
| ZONING TEXT AMENDMENT  | <input type="checkbox"/> (\$250.00) | <input type="checkbox"/> (\$400.00)                                      |

PROPERTY ADDRESS: 2410 Oak Street Brainerd, MN 56401

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

Property Owner Name: Tri-County Community Action Partnership (Teresa Carter - Executive Director)

Street Address: 501 Lemieur Street City: Little Falls State: MN Zip Code 56345

Phone Number: (320) 632-3691 Fax: \_\_\_\_\_ E-mail: info@tccaction.com

Applicant Name: (If different than Property Owner) Bill Mousseau

Street Address: 501 Lemieur Street City: Little Falls State: MN Zip Code: 56345

Phone Number: (218) 640-9582 Fax: \_\_\_\_\_ E-mail: bill.mousseau@tccaction.com

Description of Request: \_\_\_\_\_

Request to convert office space into two new Early Head Start classrooms (infants/toddlers) at TCCAP Head Start building.

Each classroom would be licensed for 8 children, ages 6 weeks-3 years; each classroom would have 3 staff. Operating hours

would be consistent with current Early Head Start classrooms (8:00am-4:00pm, Monday-Thursday). TCCAP is proposing

these classroom additions due to our large waiting list for care. Classrooms will be inspected by Minnesota DHS Division

of Licensing prior to operating. There will be no exterior improvements or additions to the building.

Bill Mousseau  
Property Owner Signature

Tri-County Community Action Partnership, Inc.

(Please print name)

Teresa Carter

Applicant Signature

Teresa Carter

(Please print name)

5/23/24  
Date

5/21/24

Date

(OVER)

## NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Bill Mousseau, 501 Lemieur St., Little Falls, has submitted an application for a Conditional Use Permit on behalf of Tri-County Community Action Partnership to expand the use by adding two additional classrooms at the child care facility at 2410 Oak St. The property included in this application is described as:

*Hollands Second Addition to the City of Brainerd  
W. 134 FT. of N. ½ of Tract 17 Ex. Hwy 18  
P.I.N. 41300905  
Section 30 Township 45 Range 30*

The property is in TN-2 (Traditional Neighborhood 2) District, and Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of commercial child care facilities as a conditional use as regulated by Section 515-3-14 of the Brainerd Zoning Ordinance. 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. Thursday, June 20<sup>th</sup>, 2024 in the Brainerd City Hall Council Chambers, 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) 828-2307.

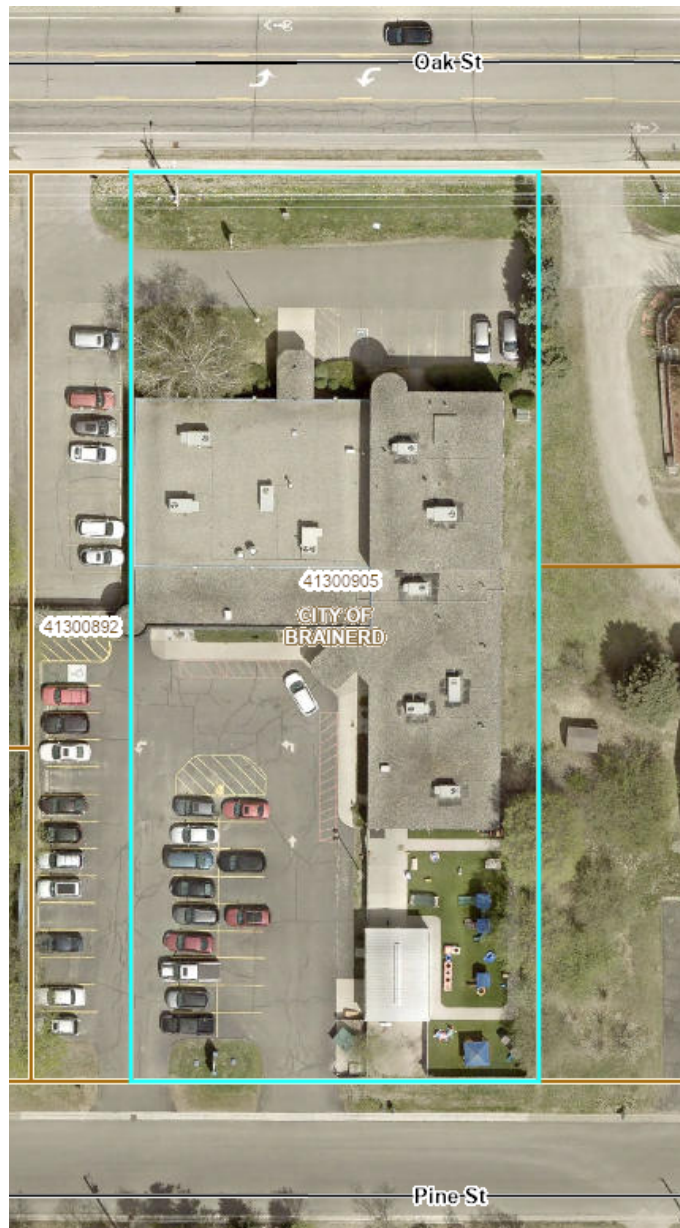
Dated this 30 day of May, 2024



---

James Kramvik  
Community Development Director

Publication Date: June 1, 2024



## CODE REVIEW DATA

## 1. GENERAL INFORMATION

- A. PROJECT NAME: **TRI-COUNTY COMMUNITY ACTION PARTNERSHIP**  
2410 EAST OAK STREET, BRAINERD, MN
- B. PROJECT LOCATION:
- C. PROJECT DESCRIPTION:  
a. PROJECT CONSISTS OF THE REMODEL OF A PORTION OF THE BUSINESS/OFFICE AREAS OF THE EXISTING TRI-COUNTY COMMUNITY ACTION PARTNERSHIP BUILDING INTO CLASSROOM SPACES FOR 6 WEEK TO 3 YEAR OLDS. AREA OF WORK IS 759 SF. SCOPE OF PROJECT INVOLVES THE REMOVAL OF THREE OFFICES TO CREATE TWO NEW CLASSROOMS WITH PORTABLE SINKS AND ONE OFFICE. EXISTING TO REMAIN.
- D. GROSS BUILDING SIZE:

## GROSS BUILDING AREAS

| NAME  | LEVEL        | AREA      |
|-------|--------------|-----------|
| I-4   | FIRST LEVEL  | 10,330 SF |
| B     | FIRST LEVEL  | 1,347 SF  |
| I-4   | FIRST LEVEL  | 738 SF    |
| B     | SECOND LEVEL | 2,441 SF  |
| TOTAL |              | 14,855 SF |

## 2. APPLICABLE CODES

- A. MINNESOTA STATE BUILDING CODE 2020
- B. 2024 MINNESOTA ENERGY CODE W/ ASHRAE 90.1 - 2024
- C. MINNESOTA ACCESSIBILITY CODE 2020
- D. MINNESOTA STATE FIRE CODE 2020
- E. MINNESOTA MECHANICAL AND FUEL GAS CODES 2020
- F. MINNESOTA STATE PLUMBING CODE 2020
- G. NATIONAL ELECTRICAL CODE 2020
- H. NFPA 72
- I. ZONING ORDINANCE - CITY OF BRAINERD 2015
- J. ARCHITECTURAL BARRIERS ACT (ABA) STANDARDS

## 3. USE AND OCCUPANCY CLASSIFICATION

(MN BC CHAPTER 3)

## A. OCCUPANCY CLASSIFICATION: (302-312, 508, 509):

VB

## 4. SPECIAL DETAILED REQUIREMENTS

(IBC CHAPTER 4)

## 5. GENERAL BUILDING HEIGHTS AND AREAS

(IBC CHAPTER 5)

- A. BUILDING HEIGHT (GROUP 1-4 NON SEPARATED MIXED USE) **ALLOWABLE** **PROPOSED**  
TABLE 503.3 **60'** **(EXISTING)**  
TABLE 503.4 **2 STORIES** **(EXISTING)**
- B. BUILDING AREAS (GROUP 1-4 NON SEPARATED MIXED USE)  
TOTAL AREA (EQUATION 5-2)  $A_a = [A_1 + (N \times A_2) + (N \times A_3)] \times 2 =$  **62,640 SF** **(EXISTING)**  
AREA PER FLOOR (EQ. 5-2)  $A_b = [A_1 + (N \times A_2) + (N \times A_3)] \times 1 =$  **31,320 SF** **(EXISTING)**  
FRONTAGE INCREASE (EQ. 5-4)  $I = [F / (P - 0.25)] \times W/30 =$  **48**
- C. INCIDENTAL ACCESSORY OCCUPANCIES (TABLE 509)  
• FURNACE ROOM (>400,000 BTU) 1-HR or SPRINKLER  
• BOILER ROOMS (>15 PSI and 10 HP) 1-HR or SPRINKLER  
• REFRIGERANT MACHINERY ROOMS 1-HR or SPRINKLER  
• GROUP 3 LABS AND VOCATIONAL SHOPS 1-HR or SPRINKLER  
• WASTE COLLECTION ROOMS (>100 S.F.) 1-HR or SPRINKLER  
• STATIONARY BATTERY SYSTEMS 2-HR  
• ELEC. INSTALLATION / TRANSFORMERS 2-HR
- NOTE:  
• INCIDENTAL USES SHALL NOT OCCUPY MORE THAN 10% OF THE BUILDING AREA OF THE STORY IN WHICH THEY ARE LOCATED.

## 6. TYPE OF CONSTRUCTION

(IBC CHAPTER 6)

- A. TYPE VB  
BUILDING ELEMENT (601) **FIRE RESISTANCE**  
• PRIMARY STRUCTURAL FRAME 0 HR  
• EXTERIOR BEARING WALLS 0 HR  
• INTERIOR BEARING WALLS 0 HR  
• EXT. NON-BEARING WALLS/PARTITIONS 0 HR  
• INT. NON-BEARING WALLS/PARTITIONS 0 HR  
• FLOOR CONSTR. & SECONDARY MEMBERS 0 HR  
• ROOF CONSTR. & SECONDARY MEMBERS 0 HR

## 7. FIRE AND SMOKE PROTECTION FEATURES

(IBC CHAPTER 7)

- A. BUILDING ELEMENT **FIRE RESISTANCE**  
• FIRE WALLS (TABLE 706.4, NOTE a) 2 HR  
• FIRE BARRIERS (707) 1 HR  
• EXIT STAIR / RAMP (1023.1) 1 HR  
• EXIT ACCESS STAIR / RAMP (713.4) SEE SECTION 10  
• INCIDENTAL USES (509) SEE SECTION 5  
• FIRE AREAS (707.3.10) 2 HR  
• SHAFT ENCLOSURES, <4 STORES (713.4) 1 HR  
• FIRE PARTITIONS (708) 0 HR  
• CORRIDOR WALLS (1020.1) 0 HR  
• ELEVATOR LOBBY (1006.2) N/A  
• SMOKE BARRIERS (709) 1 HR  
• SMOKE PARTITIONS (710) 0 HR

## 8. INTERIOR FINISHES

(IBC CHAPTER 8)

- A. GROUP I-4  
BUILDING ELEMENT **FINISH CLASSIFICATION**  
• EXIST. ENCLOSURE / EXIT PASSAGEWAYS (803.13) B  
• CORRIDORS, GROUP I-4 (803.13) B  
• ROOMS AND ENCLOSED SPACES (803.13) B  
• EXCEPTIONS: C  
• ADMINISTRATIVE SPACES  
• ROOMS W/OCCUPANCIES UNDER 4  
• FLOOR FINISHES (804.4) **CLASS II**
- B. INTERIOR WALL AND CEILING FINISH MATERIALS  
CLASS A = 0.25 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX  
CLASS B = 25-75 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX  
CLASS C = 75-200 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX

## 9. FIRE PROTECTION SYSTEMS

(IBC CHAPTER 9)

- A. SPRINKLER SYSTEM (903) **PROVIDED**
- B. PORTABLE FIRE EXTINGUISHERS (906)  
• REQUIRED LOCATIONS: FFC 906.1, EXC.)
- C. FIRE ALARM AND DETECTION (907)  
• A MANUAL AND AUTOMATIC FIRE ALARM SYSTEM SHALL BE INSTALLED IN GROUP I-4 OCCUPANCIES  
• INITIATION OF THE FIRE ALARM SYSTEM SHALL BE BY MANUAL AND AUTOMATIC MEANS. APPROVED AUTOMATIC FIRE DETECTORS SHALL BE INSTALLED IN LAUNDRY AND SOILED LINEN ROOMS, BOILER AND FURNACE ROOMS, MECHANICAL AND ELECTRICAL ROOMS, SHOPS, LABORATORIES, KITCHENS, LOCKER ROOMS, CUSTODIAL CLOSETS, TRASH-COLLECTION ROOMS, STORAGE ROOMS, LOUNGES, GIFT SHOPS, AND SIMILAR AREAS. AUTOMATIC SMOKE DETECTORS SHALL BE PROVIDED IN CORRIDORS AND AREAS THAT ARE OPEN TO CORRIDORS.  
• ACTIVATION OF THE FIRE ALARM SYSTEM OR AUTOMATIC SPRINKLER SYSTEM SHALL INITIATE A GENERAL EVACUATION SIGNAL. IN ADDITION, ACTIVATION OF THE FIRE ALARM SYSTEM SHALL IMMEDIATELY TRANSMIT AN ALARM SIGNAL TO AN APPROVED CENTRAL STATION OR REMOTE STATION SERVICE.
- D. FIRE DEPARTMENT CONNECTIONS (912)  
• REQUIREMENTS: BETWEEN 18" AND 48" ABOVE GRADE

## 10. MEANS OF EGRESS

(IBC CHAPTER 10)

- A. CALCULATED OCCUPANT LOAD (1004)  
\*SEE OCCUPANT LOAD SCHEDULE

## OCCUPANT LOAD SCHEDULE (AREA OF WORK)

| ROOM NUMBER    | ROOM NAME            | OCCUPANCY | AREA     | PROPOSED |       | EGRESS (INCHES) |       |
|----------------|----------------------|-----------|----------|----------|-------|-----------------|-------|
|                |                      |           |          | DIVISOR  | COUNT | MEN             | WOMEN |
| 101            | HALLWAY              | N/A       | 197.6 SF | 0 SF     |       |                 |       |
| 102            | 6WK - 3 YR CLASSROOM | EDUCATION | 302.6 SF | 35 SF    | 8.6   | 0.29            | 0.29  |
| 103            | 6WK - 3 YR CLASSROOM | EDUCATION | 296.5 SF | 35 SF    | 8.5   | 0.28            | 0.28  |
| 109            | OFFICE               | BUSINESS  | 95.2 SF  | 150 SF   | 0.6   | 0.02            | 0.02  |
| FIRST LEVEL: 4 |                      |           |          | 17.8     | 0.59  | 0.59            | 1.18  |
| Grand total: 4 |                      |           |          | 17.8     | 0.59  | 0.59            | 1.18  |

- B. MEANS OF EGRESS SIZING (1005)  
\*SEE OCCUPANT LOAD SCHEDULE

- C. NUMBER OF EXITS / EXIT ACCESS (1006)  
D. EXIT / EXIT ACCESS CONFIGURATION (1007)  
SEPARATION:  
F. DOORS (1010)  
• SIZE (1010.1.1):  
• SWING (1010.1.2):  
• EDUCATION LOCKING (1010.1.4.4):  
• PANIC / FIRE EXIT HARDWARE (1010.1.10):

## EXISTING TO REMAIN

## MINIMUM 1/3 BUILDING DIAGONAL

32" MIN. CLEAR WIDTH / 48" MAX. DOOR LEAF  
DIRECTION OF TRAVEL WHERE ≥ 50 OCCUPANTS  
CLASSROOMS, OFFICES, AND OCCUPIED ROOMS  
PERMITTED TO LOCK TO KEEP INTRUDERS FROM ENTERING  
ROOMS / SPACES WITH ≥ 50 OCCUPANTS.  
ELECTRICAL ROOMS W/ EQUIP. ≥ 1,200A  
REQUIRED  
ALLOWED WHERE ACCESSORY TO ONE ANOTHER.  
EXCEPT THROUGH KITCHENS, STORAGE ROOMS, ETC.

200'  
DISTANCE ON STAIRWAYS OR RAMPS SHALL BE INCLUDED

0 HR W/SPRINKLER SYSTEM  
BASED ON CAPACITY: 44"  
24" AT MECH/ELEC EQUIPMENT  
36" AT OCCUPANT LOADS < 50  
44" WHERE NOT LISTED ABOVE  
1-4 OCCUPANCY SPRINKLED = 20 FEET

## 11. ACCESSIBILITY

(IBC CHAPTER 11 / ANSI A117.1-2009)

- A. EXEMPT SPACES (1103.2):  
B. CONNECTED SPACES (1104.3):  
C. TOILET AND BATHING FACILITIES (1109.2):  
D. DRINKING FOUNTAINS (1109.5):  
E. STORAGE (1109.9):  
F. SIGNAGE (1110):

## EQUIPMENT SPACES

ACCESSIBLE SPACES SHALL BE CONNECTED BY AN ACCESSIBLE ROUTE

EXISTING FACILITIES TO REMAIN.

EXISTING FACILITIES TO REMAIN.

≥ 5% OF STORAGE ELEMENTS (CABINETS, COAT HOOKS, ETC.)  
IN EACH AREA SHALL BE ACCESSIBLE

REQUIRED; SHALL COMPLY WITH ICC A117.1

## 12. PLUMBING FIXTURES COUNT\*

(IBC CHAPTER 29)

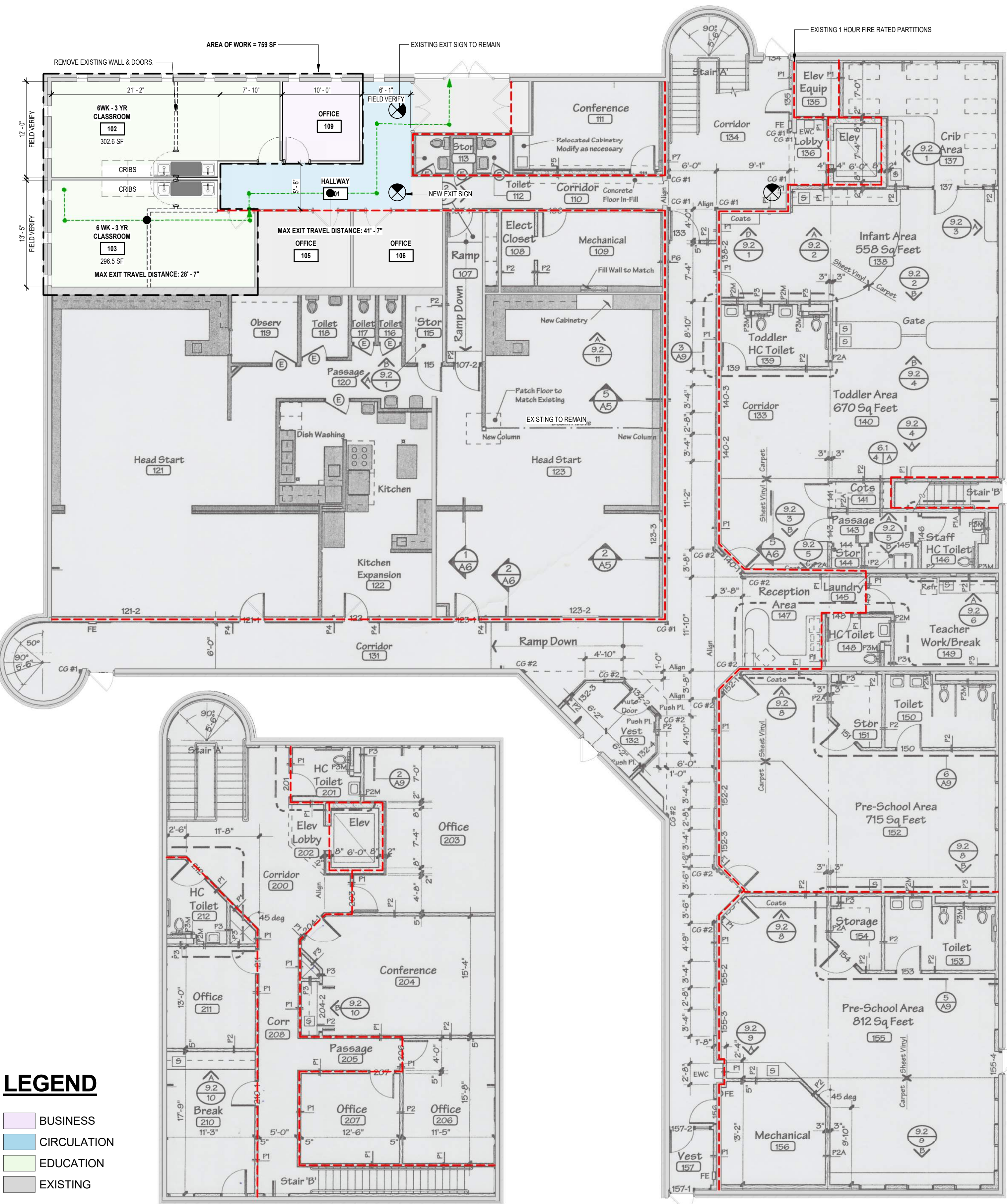
- A. SERVICE SINK  
B. DRINKING FOUNTAIN

REQUIRED  
EXISTING TO REMAIN  
EXISTING TO REMAIN

|                       | 2000 CODE REVIEW |         |           | 2024 CODE REVIEW |         |           | PLUMBING FIXTURES |      |
|-----------------------|------------------|---------|-----------|------------------|---------|-----------|-------------------|------|
|                       | AREA             | DIVISOR | # OF OCC. | AREA             | DIVISOR | # OF OCC. | WC                | LAV. |
| NURSERIES/DAY CARE    | 5,111            | 35      | 146       | 5,870            | 35      | 168       | 11.2              | 11.2 |
| CRIB ROOM             | 210              | 35      | 6         | 210              | 35      | 6         | 0.4               | 0.4  |
| OFFICE AREA           | 2,412            | 100     | 25        | 1,653            | 150     | 11        | 0.2               | 0.3  |
| MECH. EQUIPMENT       | 415              | 300     | 2         | 415              | 300     | 2         | 0.1               | 0.1  |
| CONFERENCE/BREAK ROOM | 688              | 15      | 46        | 688              | 15      | 46        | 1.8               | 1.1  |
| KITCHEN AREA          | 307              | 200     | 2         | 307              | 200     | 2         | 0.1               | 0.0  |
| STORAGE               | 299              | 300     | 1         | 299              | 300     | 1         | 0.0               | 0.0  |
|                       |                  |         | 228       |                  |         | 235       | 13.8              | 13.1 |

## LEGEND

- BUSINESS  
CIRCULATION  
EDUCATION  
EXISTING

2 SECOND LEVEL FLOOR PLAN  
1/8" = 1'-0"1 FIRST LEVEL FLOOR PLAN  
1/8" = 1'-0"

**Brainerd/Baxter**

7804 Industrial Park Road  
Baxter MN 56425

218.829.5117  
Baxter@Widseth.com  
Widseth.com

May 17, 2024,

RE: TCCAP Classroom Remodel  
Tri-County Community Action Partnership  
Brainerd, MN  
Widseth Project No. 2024-10762

**SUBJECT:      ADDENDUM #1**

Total Number of Pages including Drawings: 2

Reference made to Drawings shall be used as a guide only. Contractor(s) shall determine for themselves the work affected by Addendum items.

The following items shall become a part of the drawings and specifications and shall supersede any conflicting provisions of these Documents:

**DRAWINGS:****SHEET LS1.10 CODE REVIEW DATA**

1. Adjusted graphic to show existing firewall location to end prior to where new construction begins, as it is no longer required under current code.
2. Added door schedule for reuse of existing doors and hardware at new locations.

This addendum was prepared under the direct supervision of Project Architect, Ashley Martel



# MEMO



**TO:** Planning Commission

**FROM:** James Kramvik, Community Development Director

**DATE:** June 20<sup>th</sup>, 2024

**RE:** Review Proposed Ordinance Regulating Garage Requirements for Residential Housing Units

---

## INTRODUCTION

The Zoning Code requires garages and storage space for residential buildings with one to four units in all residential zoning districts. The garage requirement was discussed at great length during the Zoning Code update that was completed in 2022. Commission members voiced concerns about the outdoor storage of lawn mowers, tools, snow blowers, toys, etc. and the increasing problem in the City. The Planning Commission ultimately recommended to leave the consultant's recommendation in the Zoning Code which requires the following according to [Section 515-4-2 Building Design Standards](#):

1. All **new single-family detached dwellings** shall have a minimum of one (1) enclosed garage which may be either detached or attached to the principal structure.
2. **Attached Single-Family Residential Structures (duplex, triplex, fourplex)** Each dwelling unit shall include, at a minimum, a one (1) enclosed garage stall, that shall have a minimum dimension of 12 feet by 20 feet.
  - a. Dwellings Units without basements. Each dwelling unit shall include, at a minimum, a one (1) stall 16' x 20' foot garage.
3. **Multi-family attached dwelling units** (5 dwelling units or more): no garage requirement.

The Community Development Department continues to receive multiple code complaints regarding outdoor storage issues throughout the entire City. Single family homes are primarily maintained by homeowners or tenants which requires the storage of tools and outdoor power equipment at the property. Single family homes also tend to accumulate more recreational items than that of multifamily buildings. Historically, the Community Development Department receives more code complaints about properties that do not have a storage shed or garage. However, severe outdoor storage issues are unrelated to the amount of available storage on site.

Multiple contractors and developers have stated that required garages impact affordable housing and rent prices and are often used only for storage by tenants and in turn creates additional off-street parking issues.

## **PLANNING COMMISSION DISCUSSION**

At the May 15<sup>th</sup> Planning Commission meeting, the Commission directed staff to prepare an ordinance related to garage requirements for one-to-four-unit residential structures. The Zoning Code requires garages and storage space for residential buildings with one to four units in all residential zoning districts, which can increase costs for affordable housing. The Planning Commission recommended that two-to-four-unit buildings should have no requirement. Single-family homes would be required to either have a 12x20 garage or 10x12 shed. The Commission directed staff to bring a proposed ordinance back to the next meeting for review.

## **STAFF RECOMMENDATION**

Review the proposed ordinance, direct staff to make any changes, and bring the ordinance back to the next meeting to conduct the public hearing.

**ORDINANCE  
NO. 15XX**

**AN ORDINANCE AMENDING SECTION 515-4-2 OF THE ZONING CODE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Building Design Standards - Section 515-4-2.A.4 is hereby amended as indicated, with the following added language underlined:

**515-4-2 Building Design Standards**

**A. Single-Family Detached Residential Structure Standards.**

4. All new single-family detached dwellings shall have a minimum of one (1) enclosed garage which may be either detached or attached to the principal structure or a one hundred twenty (120) square foot accessory structure shed.

a. The garage shall be considered an accessory building and must comply with the standards and regulations established within the Base Zoning District.

SECTION TWO: Building Design Standards - Section 515-4-2.B.6 is hereby amended as indicated, with the following deleted language struck out:

**B. Attached Single-Family Residential Structures (duplex, triplex, fourplex).**

~~**6. Garages**~~

~~a. Each dwelling unit shall include, at a minimum, a one (1) enclosed garage stall, that shall have a minimum dimension of 12 feet by 20 feet.~~

~~b. Dwellings Units without basements. Each dwelling unit shall include at a minimum, a one (1) stall 16' x 20' foot garage.~~

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
KELLY BEVANS  
President of the Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
DAVE BADEAUX  
Mayor

ATTEST: \_\_\_\_\_  
NICHOLAS W. BROYLES  
City Administrator

Published: One Time – \_\_\_\_\_

# MEMO



**TO:** Planning Commission

**FROM:** James Kramvik, Community Development Director

**DATE:** June 20<sup>th</sup>, 2024

**RE:** Planning Commission Itinerary Update

---

## INTRODUCTION

This itinerary is meant to provide an organization of topics and ordinances for the Planning Commission and the Community Development Department to review in the next year. The new City of Brainerd Zoning Code was adopted in July of 2022 and there were sections of the new Zoning Code that were planned for future review from the Planning Commission after adoption.

## CODE SECTIONS TO REVIEW

- 1) ~~**Off Street Parking: 515-4-12**~~ Off Street Parking was not reviewed by staff or Swanson Haskamp Consulting. Off Street Parking space requirements were exempted in commercial zoning districts in the previous code and the new code. In previous Planning Commission meetings, it was determined that the Planning Commission would review this topic and bring a recommendation back to Planning Commission. Last year, the Community Development Intern researched parking space requirements and compared them to existing businesses in Brainerd. This research will aid in revising parking space requirements in the Zoning Code. **(COMPLETE)**
- 2) ~~**Section 500-6 Administrative Subdivisions**~~ Staff would like Planning Commission to review existing language and create new language that is easier to interpret for developers and land surveyors. Currently staff are administratively allowed to sub-divide properties from one to two parcels if they meet the zoning district requirements. **(COMPLETE)**
- 3) ~~**Section 515-3-34 Short Term Rentals**~~ Staff would like the Planning Commission to review the complete short term rental ordinance and recommend any changes. Updates to the short term rental ordinance were made as part of the Zoning Code update in 2022. Short term rentals remain interim use permits and were expanded to multi family and downtown districts. Previous homeowner occupied dwelling units/buildings did not require interim use permits. Staff would like the Planning Commission to specifically review ordinances from other cities that have implemented regulations on numbers and usage. **(COMPLETE)**
- 4) **Cannabis Dispensaries** – In August of 2023, the State of Minnesota enacted legalization of cannabis and cannabinoid substances in the state. The Statute allows for local controls over cannabis in Subsection 342.13 which is limited to the time, place, and manner of operation of a cannabis business. Additionally, municipalities will be responsible for licensing. The

State's new cannabis regulatory agency is not expecting to release any state licenses until January 1, 2025. By 2025, Brainerd will need to establish zoning regulations and use conditions related to cannabis or cannabinoid products. **(In Progress)**

- 5) **City Code Section 1400 and 1405 Tree Disease & Trees in ROW** – Community Development Staff is drafting an updated tree ordinance and policy as directed by City Council. Language in the new ordinance will clearly state that the City is responsible for the removal of trees in the right-of-way. In addition to boulevard trees, staff will begin to work on an Emerald Ash Borer tree policy and draft language to require the diversification of trees based on the Tree Inventory collected by the City. **(In Progress)**
- 6) **Vacant Building Registry** – Community Development Staff has received numerous complaints about vacant homes with property maintenance issues and houses that have sustained extensive fire damage. Vacant and fire damaged structures can often take years of fines for noncompliance before the property goes into tax forfeiture. Other times, next of kin may inherit a house and not know what to do with the property. In other instances, someone may purchase a blighted property with hopes of fixing the structure, but the project becomes too large to complete. In all these cases, the house remains in a substandard state. Staff reached out the City of Minneapolis to understand their vacant registry program. A property that is vacant with property maintenance issues is charged \$7,000 per year to be placed on the registry. The homeowner is allowed to fix the issues over a period of six months to negate the fees. Staff is recommending the City of Brainerd institute a similar program and add it to the City Code. While this potential code will not fix all issues, it may push some homeowners to make a final decision to fix or sell their properties. **(In Progress)**
- 7) **Garage Requirements for Residential Housing Units** - The Zoning Code requires garages and storage space for residential buildings with one to four units in all residential zoning districts. The garage requirement was discussed at great length during the Zoning Code update that was completed in 2022. Commission members voiced concerns about the outdoor storage of lawn mowers, tools, snow blowers, toys, etc. and the increasing problem in the City. Multiple contractors and developers have stated that required garages impact affordable housing and rent prices and are often used only for storage by tenants and in turn creates additional off-street parking issues. The Planning Commission recommended that two-to-four-unit buildings should have no requirement. Single-family homes would be required to either have a garage or 10x12 shed. The Commission directed staff to bring a proposed ordinance back to the next meeting for review. **(In Progress)**
- 8) **Section 515-4-2 Building Design Standards** – Staff recommends review of the building design standards for all residential construction in the City of Brainerd. New language is needed for better conformity of building materials and design in existing neighborhoods.
- 9) **Mixed Use Development in the CC District** – Staff recommends review of the allowed use section of the Commercial Corridor District with the potential of allowing mixed-use buildings similar to the requirements in the Main Street District in which residential units are prohibited on the first floor.
- 10) **Comprehensive Plan Update** – The last update to the comprehensive plan was in 2019 and in 2021 the City Council approved a proposed Comprehensive Plan amendment to include the revised Future Land Use Map. The process of updating the Comprehensive Plan was an extensive process undertaken by the City Staff, City Council, Planning Commission, the

Steering Committee, and the Planning Team. The City should consider reviewing the comprehensive plan every five years to ensure all of the goals and objectives listed in the plan are still relevant for the City of Brainerd. Staff has recommended allocating \$20,000 in the 2025 capital budget for a consultant to work on the update.

- a. The Comprehensive Plan is a leading policy tool that provides a series of steps to help achieve a shared community vision. This plan will help citizens and local leaders work together more efficiently to guide future growth and development within the city. The plan represents a shared vision for the future and a strategic map to reach that vision. The plan provides broad recommendations to guide and manage growth and development. These broad recommendations come in the form of goals and policies that express the city's aspiration for the future.

- 11) **Solar Arrays** – Brainerd Public Utilities have installed a solar array at Brainerd Airport and are currently working on construction of another solar array behind the BPU wastewater facility in Baxter. BPU is interested in adding additional solar arrays and has been looking at property in the City of Limits of Brainerd. Staff consider individual solar panels as accessory structures. However, code and an addition to the use table would be needed for the construction of a solar array in Brainerd.
- 12) **Manufactured Home Overlay District: Section 515-2-20** Manufactured Home Overlay District (MH-O) was partially reviewed and amended by Swanson Haskamp Consulting but will still need additional review by staff and the Planning Commission.

## ITEMS FOR CONSIDERATION

- 1) **Crypto Mining/ Data Centers/ AI Centers** – Staff recommend consideration of a separate zoning classification for crypto mining, data centers, AI centers, and similar uses. Currently, these uses are considered manufacturing and storage and warehousing which are permitted in the General Industrial District. Creating its own designation as an Interim Use allows the City to place standards and conditions on the use to further protect neighboring properties from new facilities or expansion.
- 2) **Sound Requirements** – Currently, most regulations in the zoning code rely on MPCA standards for sound. Also, CUP's have the ability to add barriers to mitigate affects to neighboring properties. Commissioner Francis asked to consider if there should be additional requirements for sound.
- 3) **Residential Unit Size Requirements** – Commissioner Francis would like to consider revisiting the minimum size requirements for 1-to-4-unit structures (500 SF) compared to multi-family structures (400 SF for an efficiency unit).