



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, July 17, 2024 @ 6:00 PM

The public is invited to attend these meetings in person
Attend by Phone: 1-844-992-4726 Meeting Access Code: 2498 759 4235

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 June 20, 2024 Meeting**

6. **Unfinished Business**

7. **New Business**

A. **Consider Interim Use Permit for a Short-Term Rental at 1123 15th Ave NE**

B. **Consider Conditional Use Permit for a Childcare Center Expansion at 418 8th Ave NE**

C. **Review Comprehensive Plan Implementation Strategy Progress**

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

MISSION

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

PLANNING COMMISSION

Thursday, June 20, 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, Francis, Norwood, and Gorham. Commissioners Peterson, Grunenwald, and Stenglein were noted as absent. Also noted as present was Community Development Director Kramvik.

#3 Pledge of Allegiance

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

#4 Approval of Agenda

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND NORWOOD, DULY CARRIED, TO ADD AN ITEM TO NEW BUSINESS 6B. DISCUSSION ON THE IMPLEMENTATION OF THE COMPREHENSIVE PLAN.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND FRANCIS, DULY CARRIED, TO APPROVE THE MINUTES FROM THE MAY 15, 2024 MEETING.

#6 New Business

6a. Consider Conditional Use Permit for the Expansion of Two Additional Early Childhood Education Classrooms at TCCAP, 2410 Oak St.

Community Development Director Kramvik stated TCC has requested the expansion of two classrooms at their location at 2410 Oak Street. The expansion would involve converting existing office spaces into two new classrooms.

The Chair opened the public hearing at 6:04 pm.

Commissioner Duval asked if the second option allows the expansion of additional enrollments without the need to return to staff for an additional CUP and questioned the parking requirements. Community Development Director Kramvik confirmed, and parking requirements do not apply to childcare centers.

The Chair recognized Penny Paul, director of the TCC Head Start program, who explained the increase is needed to accommodate more children as there is an extensive waiting list. She also indicated larger family gathering events are usually held off site, so parking is not a concern.

The Chair closed the public hearing at 6:08 pm.

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND FRANCIS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR TCCAP AT 2410 OAK STREET AS WELL AS THE APPROVAL OF THE CUP AMENDMENT WITHOUT ANY FUTURE OCCUPANCY LIMITATIONS TO THE EXISTING BUILDING RELATED TO THE CUP.

Community Development Director Kramvik indicated this topic will be on the City Council agenda for the July 1st, 2024 meeting.

6b. Discussion on the Implementation of the Comprehensive Plan (added item)

Commissioner Duval requested a brief discussion take place on implementing the comprehensive plan. He stated chapter 8 of the Comprehensive Plan explains implementation strategies. He suggests that these strategies be reviewed at the July meeting to rate the progress since the plan is now at the 5-year mark.

#7 Unfinished Business

7a. Review Proposed Ordinance Regulating Garage Requirements for Residential Housing Units

Community Development Director Kramvik reviewed the draft ordinance to modify garage requirements for residential housing units.

Discussion took place.

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND DUVAL, DULY CARRIED, TO APPROVE THE DRAFT ORDINANCE AS PRESENTED.

7b. Discuss Planning Commission Itinerary

Community Development Director Kramvik gave an update of the current Planning Commission itinerary.

Commissioners discussed the topics listed to gauge what items are a priority.

#8 Public Forum

The Chair opened the public forum at 6:40 pm.

No one came forward.

The Chair closed the public forum at 6:40 pm.

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- The EDA recently approved a façade improvement grant to be administered by BLAEDC.

- The EDA has recommended the River to Rail incentive district be expanded to include all properties east to west along Washington Street and all 6th Street properties up to Buffalo Hills Lane.
- State affordable housing aid is currently being advertised.

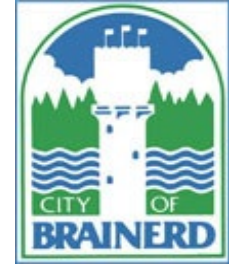
#10 Commission Member Report

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND FRANCIS, DULY CARRIED, TO ADJORN AT 6:45 PM.

Don Gorham, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: July 17th, 2024

RE: Consider Interim Use Permit for a Short-Term Rental at 1123 15th Ave NE

REQUEST

Public Hearing. Interim Use Permit applied by Michael Fish on behalf of property owner Luhman Properties LLC for a short-term rental at 1123 15th Ave NE, Brainerd, MN 56401.

Current/Valid Short-Term Rentals

Address	Zoning District	Type of STR
712 6 th St N	TN-1	VDU
1005 6 th St S	TN-2	VDU
203 Hawkins Dr	CN-2	VDU
9995 Island Dr	GL	VDU
502 Juniper St	TN-1	VDU
524 8 th S N	TN-1	VDU

CONTEXT

Parcel Numbers: 41200517

Zoning District: Traditional Neighborhood-One (TN-1) District

Property Area: 28,690 SQFT

Adjacent Uses: North: Single Family Dwelling
East: Rice Lake
South: Single Family Dwelling
West: Single Family Dwelling

Adjacent Zoning: North: Traditional Neighborhood-One (TN-1) District
East: Rice Lake
South: Traditional Neighborhood-One (TN-1) District
West: Traditional Neighborhood-One (TN-1) District

AERIAL MAP



FINDINGS OF FACT

1. 1123 15th Ave NE. Brainerd, MN 56401 is located in a TN-1 (Traditional Neighborhood-One) District. The TN-1 District allows short-term rentals as an Interim Use according to Zoning Code [Appendix A: Table of Uses](#).
2. Short-term rentals must comply with the following minimum standards as required by the [Section 515-3-34](#) of the Zoning Code:
 - a. The maximum rental period shall not be more than 28 consecutive nights.
 - b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *The applicant has applied for the Interim Use Permit for the operation of a short-term rental.*
 - c. The application for an interim use permit shall include:
 - i. The number of bedrooms with dimensions and all other sleeping accommodations
 1. *The proposed short rental has four (4) bedrooms.*
 2. *The dimensions of each of these respective bedrooms are 12'x11', 12'x10', 10'x10', and 26'x12'.*
 - ii. The number of off-street parking spaces available to guests.
 1. *There are four off-street parking spaces allocated to guests in the driveway and the applicant does not permit short term renters to utilize on street parking.*

- iii. All accessory structures and outdoor recreational features available for guest use
 - 1. *The yard is available for guest use along with a fire pit. Guests are responsible for making sure that all the fires are completely extinguished when they are done tending them. If the property manager receives a call from a neighbor concerned about a fire that is unattended or too large, the manager will deal with it immediately.*
- iv. A pet, garbage, and noise policy.
 - 1. *There are no pets allowed on the property in their submitted policies noted as, "House Rules".*
 - 2. *Two garbage bins for use are located at the property with a capacity of six bags.*
 - 3. *There is a rule imposing quiet hours after 10:00 PM until 9:00 AM.*
- v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 - 1. *The housing inspector will confirm this during the inspection.*
- d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will always be accessible to the public on the City of Brainerd website.
 - 1. *Mr. Fish is the responsible party for this rental unit, and he resides within 50 miles of the premises.*
 - ii. Occupancy. The maximum number of guests allowed at the property.
 - 1. *The posted rules for the short-term rental state a guest maximum of 11 guests and parties are prohibited.*
 - iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street more than forty-eight (48) continuous hours.
 - 1. *The rules state that there is parking available in the driveway. This would include trailers, however not recreational vehicles, as they are specifically prohibited by the rules.*
 - iv. Garbage. Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in

fly tight containers sufficient to receive all garbage which may accumulate between times of collection.

1. The weekly garbage schedule is provided for renters per the provided rules.

- v. Noise. No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume to disturb the peace, quiet, or repose of another person.

1. The short-term rental rules impose quiet hours after 10:00pm and until 9:00 AM.

- vi. Pets. No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

1. The rental rules prohibit pets.

- e. The occupancy of a short-term rental shall be limited to no more than 3 people per bedroom or the occupancy set by the Building Official.

- i. According to [Section 404.4.1 of the Property Maintenance Code](#), every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof, whichever is less.

1. The house rules indicate only registered guests are authorized after dark. No unauthorized guests are allowed overnight.

2. Bedroom one is 132 SQFT which allows for two guests.

3. Bedroom two is 120 SQFT which allows for two guests.

4. Bedroom three is 100 SQFT which allows for two guests.

5. Bedroom four is 312 SQFT which exceeds the requirement for a maximum of 3 guests per room.

- f. *Total occupancy of the short-term rental is 9 guests based on the square footage calculation and zoning requirements; the applicant states the occupancy is 11 within the house rules. The occupancy must be reduced to 9.*

- g. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.

- i. *The rooms used for sleeping have egress windows and smoke detectors that comply with the Minnesota State Building Code and will be inspected by the Housing Inspector and the Fire Marshal.*

- h. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the

time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).

- i. The short-term rental is connected to the city sewer and water system. The building plans show a full bathroom with a toilet, tub/shower, and sink.*
- i. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
 - i. The applicant is not proposing occupancy by use of recreational vehicles, tents, accessory structures, or fish houses. Their policies for the property explicitly prohibit them.*
- j. The permit holder shall keep a report detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
- k. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
 - i. The premises will be inspected by the Housing Inspector and is scheduled for inspection by the Fire Marshal.*
- l. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
 - i. Staff do not recommend a six-foot fence requirement for the northern property line. However, a 4' fence constructed of legal material could be appropriate based on the outdoor nature and usage of the property.*
- m. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
- n. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
 - i. The application for short-term rentals includes an application for local sales tax that must be submitted to the City's Finance Department. It is the owner's responsibility to contact the MN Department of Health.*

As of this writing, three parties have contacted the Community Development Department regarding the Interim Use Permit and did have concerns based on the previous residents use and disruption to the neighborhood.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for one short term rental unit at 1123 15th Ave NE Brainerd, MN 56401 with the following conditions:

- 1) The short-term rental cannot operate until there is an approved inspection by the Housing Inspector and the Fire Marshal.
- 2) The Interim Use Permit for a short-term rental at 1123 15th Ave NE. Brainerd, MN 56401 terminates one year after approval.
- 3) All outdoor lighting fixtures shall meet the standards of Section 515-4-8 Outdoor Lighting of the Zoning Code.
- 4) All watercraft docked in the lake at the property shall be within the boundaries of 1123 15th Ave NE.
- 5) Overnight guest vehicles and trailers must be parked in the driveway. Two additional vehicles may be parked on the street for daytime guests.



Community Development Department

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

INTERIM USE PERMIT for SHORT-TERM RENTAL

Application Form (residential - \$350.00 / commercial - \$500.00 + \$500.00 escrow deposit) (This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit*: 1123 15th Ave. NE Brainerd, MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow us to use the property as a short term rental

at the property address listed above until the date of August, 1 2027

Legal Description (attach, if lengthy): Lot 9 Block Addition
S. 160 FT OF LOT 9 EX. S. 65 FT THEREOF.

Property Owner: Luhman Properties LLC

Address: 23008 350th st Goodhue MN 55027
(Street) (City) (State) (Zip)

Contact Information #: 507-271-5968

(Home)

(Business)

mike@mnreandm.com

(E-mail)

Applicant: (if different than Property Owner)

Address:

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

(Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner) Michael Fish

Address: Suite #205 14391 Baxter MN 56425
(Street) (City) (State) (Zip)

Contact Information #: 218 232 7079

(Home)

218-232-7079

(Business)

mike@mnreandm.com

(E-mail)

(Fax)

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

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

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

Signed by:  _____ Date: 06/25/24

 (Property Owner)
Jared Luhman

 (Property Owner-Please print Name)

 (Applicant-If different than owner) Date: _____

 (Applicant - Please print name)

Interim Use Permit Supporting Information

The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an *Interim Use Permit*, the applicant must address each of the "*Criteria*", referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)

To Whom It May Concern,

I am writing to formally request a Conditional Use Permit (CUP) for a short-term rental property located at 1123 15th Ave NE in Brainerd, MN. This property is intended to accommodate short-term rental guests visiting for business, events, or vacations on Rice Lake.

To ensure a responsible operation that does not disturb the neighbors and community, the property will be professionally managed by MN Real Estate and Management. Our team is committed to maintaining high standards of property management, strictly enforcing house rules, and promptly addressing any concerns or issues that may arise.

The property will consist of one rental unit with four bedrooms, capable of accommodating up to eleven individuals in accordance with MN STR Lodging guidelines. We have attached our general house rules, which are designed to ensure a peaceful coexistence with the neighborhood and foster a comfortable living environment. These rules address issues such as noise control, parking regulations, waste disposal, and adherence to local laws and regulations. Our commitment to maintaining a respectful and responsible atmosphere is of utmost importance to us. Our track record over the past several years has proven the effectiveness of our systems and processes in managing STRs in the area.

Over the years, we have managed approximately 1,200 bookings and 50 properties, demonstrating our experience and positive interactions with neighbors and communities throughout Crow Wing County. We believe the proposed short-term rental aligns with the overall community needs for short-term housing. Most guests at our other properties in Brainerd and Baxter are in town for work or events.

We kindly request the opportunity to present and answer questions before the appropriate zoning and planning authorities, and to discuss in detail how our operation will contribute positively to the community and align with the city's vision. We are fully prepared to provide any additional information or documents as required during the evaluation process.

Thank you for considering our application. We are eager to work collaboratively to ensure the proposed short-term rental meets all necessary requirements while serving the best interests of the community.

Please let me know if you need any more information.

Sincerely,
Mike Fish Broker/ Owner/ Property Manager
MN Real Estate and Management LLC
Cell: 218 232 7079
mike@MNREandM.com

To Whom It May Concern,

I am writing to inform you that the property located at 1123 15th Avenue NE, Brainerd, MN 56401, is scheduled to close on July 9th, 2024. The buyers, represented by MN Real Estate and Management (Mike Fish), are Jared and Valerie Luhman.

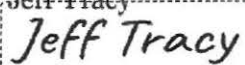
As the current property owner, Jeff Tracy, I explicitly grant permission to Jared Luhman to proceed with the application process for both the Brainerd rental license and short-term rental CUP. We are confident that the purchase of the property will be successful on the scheduled closing date, July 9th.

Mike Fish from MN Real Estate and Management is acting as the buyer's agent and property manager. He will ensure the property adheres to all necessary regulations and guidelines for short-term rentals. Please let us know if you need any more information or documentation to accept the application.

Please feel free to contact me if you need any further information or have any questions.

Thank you for your time and consideration.

Sincerely,

Jeff Tracy
 06/25/24

Date: June 25, 2024

Phone: 651-756-9243

661-301-4064

Email: jefftracy69@gmail.co

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Michael Fish on behalf of property owner Luhman Properties LLC has submitted an Interim Use Permit to operate a short-term rental at 1123 15th Ave NE. Brainerd, MN 56401. The property included in this application is described as:

Lot 9 AUDITORS SUBDIVISION OF NW 20-45-30 S. 160 FT OF LOT 9 EX. S 65 FT THEREOF

P.I.N. 41200517

Section 20, Township 045, Range 030

The property is zoned TN-1 (Traditional Neighborhood One) District. [Appendix A: Table of Uses](#) of the Zoning Code requires an Interim Use Permit for the operation of a short-term rental in a TN-1 District as regulated by Section 515-3-34 Short-Term Rentals. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, July 17th, 2024, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 01 day of July, 2024



James L. Kramvik
Community Development Director

Publication Date: July 3, 2024



1123 15th Ave NE Brainerd GENERAL HOUSE RULES

All guests are responsible for reviewing and following all basic house rules. Any violation of these rules MAY result in immediate eviction and forfeiting of all monies. Any breach of House Rules (including extraordinary cleaning) will also result in a charge to the credit card on file for no less than \$250 & up to \$500 per violation plus damage to property. This Charge will be discussed with the guest beforehand and processed on the card on file or billed out to the responsible guest with a 30 net demand for payment.

We want you to have an enjoyable stay! However, the following rules are necessary to protect our guests, neighbors, property, and make it possible for us to continue running as a successful short-term rental. Most guests appreciate and understand the general house rules. Let us know if you have questions. We always accommodate when we can.

Let us start by stating that we ask every guest to have the utmost consideration for our neighbors and community. After all, they did not choose to live next to a vacation rental. Many enjoy and appreciate the guests that rent from us. Some are not so appreciative, so we make our best effort. We must work closely with our neighbors and community if we are going to be able to continue to provide Short Term Rental opportunities for years to come.

Aside from the sign in the yard, all neighbors have our cell phone number and have been asked to call or text 24/7 with any concerns. We also strongly encourage our owners to have a ring camera on the front door. We want everyone to have a good time; however, our basic house rules must be followed. Problems for us are rare, but if you have questions please reach out.

SMOKING OR VAPING INSIDE

Smoking and vaping are strictly prohibited. A guest who smokes in a property without authorization will be charged for carpet cleaning and deodorizing if any evidence of smoking is found.

FIREWORKS

Fireworks of any kind ignited on the property are not allowed. There is just too much clean up, accidental damage, and neighbor complaints to allow fireworks of any kind.

PETS

There are no pets allowed on the property.

Illegal Drugs or other Illicit Activity

No drugs or illegal activity is allowed on the property. Any suspected illegal activity will be immediately turned over to the authorities.

HARD TO CLEAN MESSSES

Confetti, glitter, balloons, silly string are not allowed on the property. Please be very careful that gum does not get on furniture, pillows etc. Small, excessive debris of any kind thrown around

the property can make housekeeping very difficult and expensive. We reserve the right to run an extra charge on the CC on file if there is an unreasonable mess left for housekeeping.

YARD DEBRIS

Any garbage or debris thrown in the yard may cause environmental issues and severely impact our relations with neighbors. This most definitely includes water balloons & garbage left in the yard. Water balloons are strictly prohibited, and we ask that you please clean up any outside mess.

GARBAGE

Two garbage cans are provided at the home for each stay. This covers about six bags of trash, which is more than enough for most groups. Please let us know if for some reason you have an excess of garbage. We must hire someone to come and pick up the excess garbage and dispose of it. We do ask that guests let us know if they do have an extraordinary amount of garbage and we ask that they cover the cost of removal. See your specific house rules for pick up times.

UNAUTHORIZED GUESTS OVERNIGHT

Only registered guests can be on the property after dark. See the GUESTS section for more details. We are strictly regulated by the Short-Term License as to how many guests are allowed. This is based on the size of the home. Please be respectful of our rules so our owners do not get in trouble. We prohibit any tents or camping in yards.

NEIGHBOR OR POLICE CALL

Avoiding a complaint or nuisance call by the neighbors or incident involving the police are the reason for all the other rules! The four most common calls we receive are for 1) Too many guests 2) Noise pollution 3) Unauthorized dogs 4) Too many cars. PLEASE ask us if you have questions concerning any of the house rules. Of course, we take each individual situation into account and work closely with our guests to ensure fairness.

EXCESSIVE OR INDECENT NOISE

All neighbors have been given a cell phone number and asked to call or text 24/7 if they have issues. We know you're coming to enjoy your time and that may involve making some noise. However, please be considerate of our neighbors. Quiet hours are 10 PM to 9 AM. Loud music, at any time or music with obscene language or containing explicit sexual content is prohibited. Constant screaming or yelling with obscene language is prohibited. We have some neighbors with small children who may be offended at any loud obscenities. We appreciate your patience and cooperation with this issue.

SELF TANNING LOTION, FINGERNAIL POLISH & REMOVER

Accidents happen and fingernail polish/remover & Self-tanning lotion is prohibited from all properties. It destroys towels, bed linens, and permanently stains furniture.

EXTRA DAYTIME GUESTS

If you do plan to have company during your stay you **MUST** get prior approval from Management. Daytime guests must never exceed more than the number of registered guests and must be off the property by nightfall.

PARKING

Our rental license allows up to one vehicle per bedroom. There can be no parking on a public road or in a yard. Please let us know if there is a need to make an exception. This is a common complaint call from neighbors, and we need to follow the rules.

USE OF AMENITIES

Due to liability and insurance concerns only guests who are listed on the rental agreement and registered as guests are allowed to use any amenities.

OPERATION OF ATVs & SNOWMOBILES

No motorized vehicles of any kind are allowed at this rental. (expectation of course it he vehicle used to transport guest to the property)

USE OF FIREARMS

As much as we support your right to carry and use firearms, a short-term rental is not the place for them. MN RE&M strictly prohibits firearms from all properties.

OUTSIDE FIRES

We provide a great firepit for our guests to use. It is very important that guests use proper fire safety. When things get dry and the wind picks up flames can easily flare up, get blown into nearby grass and start a serious fire. Guests are responsible for making sure that all fires are completely extinguished when they are done tending them. If we get a call from a neighbor concerned about a fire that is unattended or too large, we must deal with it immediately by calling the guest and asking them to put it out. If they are not reached, all costs of having someone come to put the fire out will be billed to the guest's credit card on file.

LARGE GROUPS, MEETINGS, PARTIES

The Guest must not hold events (such as parties, celebrations, or meetings that exceed the capacity of the home) Any of these cases will allow the Owner to terminate the Agreement without providing a refund of any payment the Guest has paid for the booking and the Owner will not be legally responsible to find any alternative accommodation.



- | | |
|---|--|
| Bedroom 1: 12x11 (132 sq ft) | Max Proposed Sleeping 3 (queen + twin pullout) |
| Bedroom 2: 12x10 (120 sq ft) | Max Proposed Sleeping 2 (queen bed) |
| Bedroom 3: 10x10 (100 sq ft) | Max proposed Sleeping 2 (queen bed) |
| Bedroom 4: 26 x 12 (312 sq ft) | Max Proposed Sleeping 4 (queen plus two twins) |
| Total Max Proposed Sleeping for STR License: 11 | |

City of Brainerd
Attn: James L Kramvik, Community Development Director
501 Laurel Street
Brainerd, MN 56401

RE: Michael Fish Realtor on behalf of Luhman Properties LLC
Interim Use Permit to operate Short-term Rental at 1123 15th Avenue NE, Brainerd Mn 56401

Current Zoning: Property is zoned TN-1 (Traditional Neighborhood One) District

Who chose and does currently live here: “Traditional Neighborhood” Families

“Families” that know, like and get along well with each other’s family members two and four legged; we support and encourage each other; lending a helping hand when needed; we are respectful, kind, courteous to each other (the previous owners of 1123 who did the opposite of all of the forementioned and did nothing but make life here a daymare and nightmare for all of us)

Who is affected if there is a change to 1123 zoning: “Traditional Neighborhood” families who “Live” here; families who have varying work shifts and schedules (long hours, day and night shifts), families that work remote from their home and conduct business meetings and trainings from home; families with school children, retirees with extreme health conditions who need valuable rest; families who are just trying to live a peaceful, happy life

History of 1123 for the past two years-the “Party House”:

In the past two years-1123 has been converted and was used as an ‘Extreme Party House’ by previous owners (prior to 7/8/2024)

The Hot Tub: ‘adult’ parties took place all hours of the day and night, LOUD music, LOUD conversations, heavy drinking, smoking, voices carry here-all of us are affected by the use of that tub especially us to the north, south, west

The “Party Deck”: ‘adult’ parties took place all hours of the day and night, LOUD music, LOUD conversations, karaoke broadcasted LOUDLY all hours of the day and night, heavy drinking, smoking, voices carry-all of us in the entire neighborhood are affected by those activities especially those of us next to or within the immediate and surrounding blocks near 1123

The bright ‘stadium lights’ installed (deck side, west entrance side, on garage facing the neighboring properties): the ‘stadium bright’ lights on the deck shine directly into the master bedroom of 1208 (no sleep if there is anyone using the deck, hot tub, garage yard after 10:00 p.m. with those types of lights-they would go on and stay on).

The ‘concert loud decibel outdoor speaker system’ has GOT TO GO: it is like listening to a concert a full blast all hours of the day and night 24/7, it can be heard for blocks including the far side of Lum Park and is very disrespectful to all families (see “who lives here” above).

How many people will be allowed at 1123: 1123 is a small residence: activities, comings and goings, sound all impact ‘Traditional neighborhood’ families here. We are all respectful of each other, we have no guarantee of that from strangers who come and go. The permit request shares up to 11 staying at 1123 but has a ‘loophole’ for daytime guests, *who is going to regulate how many are ‘truly’ coming, going, staying there?*

The Traffic: the property does not have adequate parking for more than what a 'normal family' would have (a couple vehicles), as a result not only have the residents and their guests of 1123 blocked 1208 and 1210's access to the city street, 1123 people 'often' block the street altogether (mail, deliveries, general traffic flow have all been impacted).

The heavy traffic and equipment (skid steers used to maintain the RV pad) have resulted in constant wear and tear on the city street, leading to deterioration and ruining the blacktop at the corner of L and 15th Avenue. *If there is going to be even more traffic, how will that be addressed?*

The 'illegally built RV pad': do the new owners know that the pad was built without city approval or knowledge and as a result the pad does not support a typical RV camper (it is too soft)? Any RV or camper that makes it down that hill to park on that RV pad will have a challenge trying to get back up the hill to the city street. They will most likely incur the expense of having to be towed back up to the city street; leading to damage to RV/camper and the RV pad, driveway and city street as well. (1123 previous owners just hired a skid steer to repair that pad (again) prior to close)

The "Marina Party Dock": there was a normal/regular dock there and then when 1123 owners couldn't get anyone to buy the property this year because it was extremely overpriced, the 1123 owners added on to the existing dock exponentially to make the current 'marina Party dock' that is extremely excessive in size. The massive/abnormally large current dock encourages an extreme and excessive amount of watercrafts to be docked and launched from there.

Previous owners stored up to 6 jet skis, a pontoon, a large power boat there, in addition to several other watercraft (kayaks, paddle boats, etc).

The excessive dock and all those watercrafts blocked 1208's access to the lake; blocked and created lake traffic and access issues to and from the public access; it caused hazardous conditions and bank erosion (not only for that property but for the neighboring lakeshore properties) due to the multiple watercrafts constantly coming and going from that dock with no regard for "No Wake" zone. There were constant LOUD parties on that dock all hours of the day and night with no respect or regard for anyone.

The current permit proposal from the new owners **makes 'no mention' of restrictions regarding watercraft.**

That dock NEEDS to be reduced to a size comparable to all neighboring docks for 'safety, respect, and conformity' purposes and to reduce further damage to shorelines for all properties on this side. If new owners are going to allow watercraft-have it be limited and reasonable. No one else around here is operating a Party Marina. Respect us, we were here first; we bought 'family homes' in what we believed was and always would be our 'Traditional Neighborhood' family community.

Lawn care and maintenance: please maintain the yard year-round (lawn mowing, 'fertilizing for weed control', weed trimming, etc), discouraging geese to nest/reside at property (nasty waste, they are aggressive and cause safety issues), mailbox must be kept clear of snow in the winter; conducting maintenance during 'normal/typical' hours.

Previous 1123 owner had an extremely LOUD backpack blower that he ran practically 24/7 all hours of the day and night all year long. If he left that behind**GET RID OF IT!** It can be heard for blocks and is a noise nuisance.

Trespassing on neighboring Private Properties; harassing, intimidating, verbally abusing neighbors, not respecting property lines; not respecting other neighbors' privacy, removal of survey stakes and markings:

1123 owners and their guests or renters should **STAY ON 1123 property, dock, lake access and DO NOT access or use neighboring Private Properties, Docks or Lake Access;** we are not and did not rent anything to them (unless invited by the neighboring property owners to do so).

I am requesting 1123 owners to build a TALL wood privacy fence on the north side (1208 side) to ensure there is NO trespassing.

All watercraft, vehicles and personal belongings of 1123 owners, guests, tenants, renters should remain on 1123 and always be and remain in compliance with city ordinance setbacks.

Leave the survey stakes where they are-do NOT remove or steal them. They are there to designate the property line so everyone 'honors boundaries'

Previous 1123 owners and guests constantly trespassed, harassed, verbally threatened and intimidated their neighbors; they stole/removed/discarded survey stakes and markings, drove ATV's (etc), maintenance equipment, trenchers, anything and everything on 1208 property; their watercrafts were placed so they extended onto 1208 and blocked lake access; they used 1208 dock, lakeshore property and amenities at their whim and without permission despite being politely asked to refrain from doing so many times (a liability issue and total lack of regard for private property)

Fireworks and Pets:

Previous owners of 1123 shot off fireworks all hours of the day and night; had large bonfires despite extreme drought conditions in past years; causing mini-fires on the neighboring property.

Please don't allow pets of any kind if renting out the 1123 property. In this neighborhood 4-legged family members aren't allowed to wander about the neighborhood unsupervised.

Privacy: on all sides of 1123 are "Private family homes"; 1123 owners, guests, tenants, etc. please show respect for neighboring families. Keep the noise down, enjoy 1123 instead of harassing, intimidating, stalking and invading neighbors' and their privacy. Previous owners of 1123 would daily sit on the Party Marina, the Party Deck, in the Party Hot Tub, park their watercraft on lake in front of neighboring properties and stare, gawk, harass, verbally abuse, intimidate and spy on neighbors; it was extremely disrespectful, unsafe and frightening.

Our Traditional Family Neighborhood: as you can see, our neighborhood for the past two years was awful due to the previous two residents and owners of 1123, their guests and their contractors and service providers. We are hoping for better and expect better from the new owners, their guests, tenants, etc. **To have a good neighbor, you need to be one; be one. 1123 New Neighbors: PLEASE Be a good neighbor.** We are done staying quiet and tolerating bad behavior. We will be reporting 'all' issues that are not resolved in an expedient, respectful and courteous manner. The new owners of 1123 are going to need to be exemplary in every way to ensure history is not repeated.

It is truly sad to see the long list above of what our 'Traditional Family Neighborhood' has had to endure these past two years. No one should have to go through what we have. For fear of further retribution many of us stayed silent to stay safe. When we did speak up...little was done to change the situation.

Cheryl Caitland
1208 15th Avenue NE

Though the 1123 property directly affects properties bordering its north, south, west property lines; I am also speaking on behalf of other surrounding neighbors per their request. We want 'good neighbors' going forward.

From: [DOUGLAS MEUWISSEN](#)
To: [James Kramvik](#)
Subject: Interim use permit to operate short term rental at 1123 15th Ave NE
Date: Monday, July 8, 2024 2:42:34 PM

[You don't often get email from dmeuwissen@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Mr Kramvik.

I recently received a notice of Hearing letter, regarding the above property. I have some misgivings about introducing rental properties to a neighborhood in general. It's been my experience that these properties bring nothing but grief to a neighborhood. It's being marketed as a four bedroom house with eleven occupants. That is one small house for that many guests. I will not be able to attend your meeting due to medical reasons. My vote would be at this time along with my wife's to disapprove this request. I live two houses down at 1210 15Th Ave NE.

Sincerely
Douglas Meuwissen
Col/USAR(ret)
Sent from my iPad

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: July 17, 2024

RE: Consider Amendment to Conditional Use Permit for a Day Care Facility at 418 8th Ave NE – Fenced Area Size and Additional Classroom

INTRODUCTION

Tri-County Community Action (TCC) on behalf of Bethlehem Evangelical Lutheran Church has submitted a request for an amendment to the Conditional Use Permit to operate a Commercial Day Care Facility at 418 8th Ave NE, Brainerd, MN 56401. The amendment is to increase the size of the fenced area per the requirements of MN Department of Health. An additional request is to be allowed the ability for a classroom expansion within the year.

PUBLIC HEARING. Conditional Use Permit

CONTEXT

Parcel Number: 41191875

Zoning District: Traditional Neighborhood 1 (TN-1) District

Property Area: Approximately 2.62 acres

Adjacent Uses: North: Car Wash & Single-Family Residence
East: Car Dealership
South: Area Education Center
West: Commercial Retail & Dining

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

AERIAL MAP



FINDINGS OF FACT

1. The property at 418 8th Ave NE Brainerd, MN 56401 is in the Traditional Neighborhood 1 (TN-1) zoning district. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for Commercial Day Care Facilities as a Conditional Use in the TN-1 District.
2. 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 day care 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-1 zoning district has a lot size minimum of 5,000 SQFT. The total area for Bethlehem Evangelical Lutheran Church is approximately 2.62 acres. The*

location of the proposed classrooms and outdoor play area meets the required setbacks of the TN-1 district along Mill Avenue which requires a side yard (corner) setback of 15 feet. The exact setback along Mill Avenue cannot be determined without a certificate of survey.

- 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 418 8th Ave NE is connected to City sewer and water.*
 - C. Screening. A day care facility shall provide screening along any shared property boundaries, regardless of adjacent use.
 - i. *Staff interpretation of this requirement is for the screening of outdoor play equipment and uses. The proposed childcare facility will install a 6-foot fence with privacy slats to screen the outdoor play area. The outdoor play area will be located on the south side of the building as indicated on the site plan and will be additionally screened by existing trees.*
 - ii. *The proposed chain-link fence extension will be 6 ft. in height and screeded with the same-colored privacy slats.*
 - D. Parking. There shall be off-street parking located separately from any outdoor play area and must comply with all applicable standards.
 - i. *The Applicant does not propose a play area on the parking lot. Additionally, the TN-1 zoning district does not have a minimum off-street parking requirement for the proposed use. The proposed day care facility will share the parking lot with the church and peak usage for day care parking and church parking will occur at opposite times of the day and week. The current facility has approximately 76 spaces.*
 - E. Loading. Off-street loading spaces must be provided.
 - i. *The existing parcel has multiple spaces for child drop off and pick up. There will be no impact on surrounding streets.*
 - 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 Day Care 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.*
3. **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 day care facility is a permitted conditional use for parcels in the Traditional Neighborhood 1 (TN-1) Zoning District.*
- B. The proposed use meets the regulations and standards established in this Ordinance.
 - i. *The TN-1 Zoning District must meet the coverage and principal building standards as defined in [Zoning Code Section 515-2-8.C](#).*
 - 1. *The applicant does not propose an expansion to the building or parking lot.*
 - 2. *The proposed outdoor play area meets all setback requirements of the TN-1 District. The six-foot chain link fence will not protrude further towards Mill Avenue than the façade of the building as indicated in the site plan.*
- 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 Day Care Facility at 418 8th Ave NE will be conducted entirely inside the building except for the outdoor play area which is screened by a 6-foot chain link fence. Neighboring properties will not be affected by the proposed use as the outdoor play area is adjacent to Mill Avenue and Washington Street.*
- 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. Staff are recommending that the privacy slats for the chain link fence be earth tone in color.*
- 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 neighborhood.*
- F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - i. *The attached 76 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 day care center capable of hosting 16 children would help offset this burden for parents unable to find a place for their 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. The proposed childcare facility would allow an additional use to be conducted within the building.*
- iii. *Economic Development - GOAL 2: Support our workforce and help them thrive. Policy 1: Collaborate with local partners and stakeholders to address industry workforce needs, creating a career and education pathway for residents of all ages.*
 - 1. *The shortage of childcare in the region is a concern for businesses and the workforce in the region. This project by TCC helps address a major need in the community.*

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:

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 Day Care Facility at 418 8th Ave NE.

TCC had the Fire Marshal review the property for compliance with all Fire Code requirements. The Fire Marshal has no issues.

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 classrooms in the building related to the CUP.

Note: Exterior improvements, additions, or major interior remodels may require a CUP amendment. Final occupancy is set by the Fire Marshal.

STAFF RECOMMENDATIONS

The Community Development Department recommends approval of the Conditional Use Permit for 418 8th Ave NE Brainerd with the following conditions.

- 1) Approved inspections and reviews by the Fire Marshal and Building Official prior to operation.
- 2) The expanded 6-foot fence shall be the same color as the existing fence.
- 3) Approval of the CUP amendment without any future occupancy limitations to existing classrooms in the building.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐

(\$250.00)

☒

(\$400.00 + \$500.00 escrow deposit)

REZONING

☐

(\$300.00)

☐

(\$500.00)

VARIANCE

☐

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

ZONING TEXT AMENDMENT

☐

(\$250.00)

☐

(\$400.00)

PROPERTY ADDRESS: _____

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

Property Owner Name: _____

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

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

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: _____

Property Owner Signature

Date

(Please print name)

Jessie M. Munn

Applicant Signature

Date

(Please print name)

(OVER)

NOTICE OF HEARING

Notice is hereby given that Tri-County Community Action (TCC) on behalf of Bethlehem Evangelical Lutheran Church has submitted a request for a Conditional Use Permit for a Commercial Day Care Facility at 418 8th Ave NE. Brainerd, MN 56401. The request is for the expansion of the outdoor fenced area from 650 square feet to 1,500 square feet and for an additional classroom within the year. The property included in this application is described as:

*THAT PORTION OF THE SW1/4 OF SE1/4 DESC. AS
FOL: BEG. AT A POINT ON THE N. LINE OF SAID
SW1/4 OF SE1/4, 224 FT E. OF THE NW CORNER
THEREOF, THEN E. 300 FT ALONG SAID N. LINE,
THEN S. PARALLEL WITH THE W. LINE OF SAID
SW1/4 OF SE1/4 TO THE N'LY LINE OF STATE HWY
#210, THEN SW ALONG THE N'LY LINE OF STATE
HWY #210 TO A POINT DIRECTLY S. OF THE POINT
OF BEG, THEN N. PARALLEL WITH
THE W. LINE OF SAID SW1/4 OF SE1/4 TO THE
PLACE OF BEG. EX. HWY. SUBJECT TO HWY
EASEMENT OF RECORD. EXCEPT PART TO STATE OF
MINN. SHOWN AS PARCEL 312 ON MINN. DEPARTMENT
OF TRANSPORTATION ROW PLAT #
18-22 ON FILE IN THE CO. RECORDERS OFFICE.*

*Parcel #: 41191875
Section 19, Township 45, Range 30*

The property is zoned Traditional Neighborhood One (TN-1) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows Commercial Day Care Facilities as a conditional use in the TN-1 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, July 17, 2024, 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) 828-2307.

Dated this 26th day of June, 2024



James L. Kramvik
Community Development Director

Publication Date: June 29th, 2024





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Black = Existing Fence
Gold New Fence

Date: 6/6/2024 Time: 7:54 AM

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: July 17, 2024

RE: Review Comprehensive Plan Implementation Strategy Progress

INTRODUCTION

The Planning Commission Directed Staff at the June 19th Planning Commission meeting to create a discussion item on the Comprehensive Plan implementation strategy progress. The Section of the Comprehensive Plan regarding the implementation progress is added as an attachment to this agenda item. The full Comprehensive Plan can be found with the following link:

[2021 Comprehensive Plan Amendment - 5.4.21.pub \(brainerd.mn.us\)](https://brainerd.mn.us/5.4.21.pub)

Chapter 9 of the Comprehensive Plan serves as the action plan for prioritizing the goals and policies within each chapter of the Comprehensive Plan. Once the plan is adopted, a new cycle of continuous work begins. The Comprehensive Plan is intended to guide many of the goals and decisions made by the City each year.

As items are completed, new goals and policies should be identified and brought forward to implementation. Some of the following recommendations may require substantial cooperation with others, including other units of government, the private sector, and partnerships with area stakeholders. In addition, other city departments, administration, or City Council priorities may affect the completion of these key action items.

Staff would like the Planning Commission to discuss the high priority strategy goals and their implementation progress thus far as well as any other goals that should be added or changed in priority status.

IMPLEMENTATION (HIGH PRIORITY) – COMPLETED/ IN PROGRESS

Land Use

1. Update city ordinances to reflect the changes in the plan
 - a. *The Zoning Code was recently updated in 2022 to reflect the goals and policies of the comprehensive plan. The Planning Commission continues to keep a priority list of ordinances to work on and draft throughout the year.*
2. Create policies that promote infill development and redevelopment - Clearly identify infill/growth areas & prioritize infill and adaptive re-use in the downtown
 - a. *The River to Rail Incentive District and now revised Central Business District waive building permit fees and SAC and WAC in targeted areas of Brainerd specifically for infill development.*

Community Character

1. Undergo a marketing and branding initiative
 - a. *The EDA has created a brand and is working on a marketing campaign along with finalizing a website to help entice developers to invest in Brainerd. The EDA also contracts with Visit Brainerd to advertise to developers.*
2. Boost enforcement of city codes and ordinances - Enforce property maintenance codes
 - a. *City Council directed staff to end active code enforcement and only review properties when a complaint is made. However, recently revised Section 320 of the City Code brings nuisance properties before the SPW Committee for review and direction. As a result, staff are obtaining 20 to 30 search warrants per year to abate nuisance properties. Previously nuisance properties were receiving \$100 citations every week and up to \$2,000 for the year and then enforcement would cease with no remedy.*

Housing

1. Support infill development
 - a. *The new zoning code has made infill development more feasible for contractors and developers. The ability to construct single-family homes and up to a four-plex has enticed infill development on properties that have remained vacant for years. The increased density also helps the City with its overall housing goals.*
2. Identify housing needs for seniors, young families, and workforce

Economic Development

1. Keep a log of blighted or vacant properties - Drive investment and businesses to strategic infill locations
 - a. *The Central Business District incentives redevelopment in strategic locations. City Council recently passed an ordinance that requires the City to keep a vacant building registry and charge a fee of \$7,000 for vacant homes with significant nuisance issues.*
2. Allocate appropriate staff time to implement programs, activities, pursue funding, and track results.

- a. *The Deed Mainstreet Grant Funds was a major funding source for property redevelopment in the River to Rail Incentive District.*
 - b. *The EDA recently passed a façade improvement grant for businesses in the City of Brainerd.*
3. Enhance the downtown retail environment - Utilize tactical urbanism to improve the public realm and promote events & promote downtown streetscape and public realm enhancements
 - a. *The EDA subcontracts with the DDBC to hold downtown events. Community Development Staff continues to coordinate the Touch-A-Truck event.*

Parks and Recreation

1. Conduct a series of long-range plans - Develop a long-range plan for the entire park and open space network, specifically focusing on maintenance
2. Expand trails to connect to other destinations and area attractions

Facilities and Infrastructure

1. Continue to research and explore methods for funding options
2. Prioritize infrastructure investments within existing neighborhoods and potential areas of growth

IMPLEMENTATION (HIGH PRIORITY) – NOT COMPLETED

Land Use

1. Via the city's website, show the progression of city planning initiatives, benchmarking, and long-range planning progresses - Develop performance measures and benchmarks and share progress outward.

Housing

1. Amend the comprehensive plan to include the updated housing study information
2. Encourage housing rehabilitation - Develop a low-interest façade improvement program for low- and mid-income households

Economic Development

1. Develop a strategic economic development plan

08

Implementation

This chapter will serve as the action plan for prioritizing the goals and policies within each chapter of the Comprehensive Plan. Once the plan is adopted, a new cycle of continuous work begins. The Comprehensive Plan is intended to guide many of the goals and decisions made by the city each year.

This section summarizes the recommendations and policies, and provides an implementation schedule that city staff, committees, Planning Commission, and City Council can use to develop recommended timeframes for executing individual projects and initiatives. This section of the plan is intended to provide the city a tool that can be used to bridge the gap between planning and implementation. Ideally, this chapter would be used and revised annually at the annual budget meeting to align the city's planning priorities with its investment priorities.

Strategies

Strategies are concrete initiatives that are intended to carry out an idea, goal, policy, or action that has been identified throughout the plan. The following tables provide a summarized list of major action items to be carried out over the course of the next 10-year time horizon. The strategies should be woven into the daily activities of the local jurisdiction and the various departments and are highly encouraged to be included in the budgeting and capital improvement programming. In an effort to measure and report on the progress, the following general principles will support implementation efforts:

- Identify funding sources for plan implementation.
- Establish implementation benchmarks and targets.
- Report annually on implementation progress.
- Adjust the plan as necessary based on evaluation.

An essential component of ensuring this plan is a living document is to review the plan annually and collectively identify and determine the priorities outlined in the plan. City leadership and staff should complete review the plan yearly and make amendments as necessary.

As items are completed, new goals and policies should be identified and brought forward to implementation. Some of the following recommendations may require substantial cooperation with others, including other units of government, the private sector, and partnerships with area stakeholders. In addition, other city departments, administration, or City Council priorities may affect the completion of these key action items.

- Connect the plan's implementation to the capital improvement plan (CIP) process.
- Connect the plan's strategies to the annual budgeting process.
- Establish organization cooperation.

LAND USE		
STRATEGY	SUB-STRATEGY	PRIORITY
Update city ordinances to reflect the changes in the plan	-	High
Formalize a downtown association	-	Medium
Review, analyze, update, and implement the suite of plans accordingly and consider new plans as they are adopted	Nonmotorized transportation plan	Medium
	Downtown Plan	
	Mississippi River Partnership Plan	
Develop new planning documents	Develop an annexation strategy or growth management plan	
	Conduct an Age-Friendly Community Plan	
Consider the formation of a Heritage Preservation Commission	Advance local preservation initiatives through local, state, and federal programs	Low
Conduct a series of small area plans to promote reinvestment and stimulate growth	Evaluate the potential land uses from city limits to the airport	Medium
	Conduct a small area plan of the “river to rails” corridor and formalize this initiative	
Deploy a form-based code for the 1) Kingwood street corridor and 2) Oak Street and 13 th node	Pilot these areas, or others that meet a set of criteria, to test this new regulatory framework	Medium
Via the city's website, show the progression of city planning initiatives, benchmarking, and long-range planning progresses	Develop performance measures and benchmarks and share progress outward	High
Create policies that promote infill development and redevelopment	Clearly identify infill/growth areas	High
	Prioritize infill and adaptive re-use in the downtown	
Identify locations for special use districts or overlays	Consider the implementation of an “art” or “innovation” district	Low
Enact a policy that studies the fiscal impacts of development applications	Determine the complexity of the application that warrants a financial impact review	Medium
Take active steps to complete the MN GreenStep Cities program	-	Medium

COMMUNITY CHARACTER		
STRATEGY	SUB-STRATEGY	PRIORITY
Undergo a marketing and branding initiative		High
Improve citywide signage and wayfinding	Develop a wayfinding plan with incremental steps and funding approaches towards completion	Medium
Boost enforcement of city codes and ordinances	Enforce property maintenance codes	High
Leverage social media to market opportunities and existing success stories outward	-	Medium
Improve the aesthetics of the main corridors	Develop design standards for the 210 corridor, Sixth street, and downtown	Medium
Consider creating design guidelines in both the general commercial and downtown areas	-	Medium
Implement an adaptive re-use policy	-	Medium
Integrate public art throughout the community in strategic locations	Create a communitywide art mural program	Low
Develop a downtown beautification program	-	Medium
Utilize tactical urbanism to evaluate pilot programs for implementation that improve walkability	-	Low

HOUSING		
STRATEGY	SUB-STRATEGY	PRIORITY
Amend the comprehensive plan to include the updated housing study information	-	High
Support infill development		High
Identify housing needs for seniors, young families, and workforce	-	High
Encourage housing rehabilitation	Develop a low-interest façade improvement program for low- and mid-income households	High
Conduct a market study	-	Medium
Work with community partners to target market gaps	-	Medium
Promote neighborhood capacity building	-	Medium
Ensure local land use controls and permitting procedures do not discourage housing development	-	Medium
Utilize targeted incentives to catalyze improvements within the neighborhoods	-	Low

MOBILITY		
STRATEGY	SUB-STRATEGY	PRIORITY
Conduct a walking audit every 3-5 years to measure progress	-	Low
Actively implement the walkable bikeable city plan	-	Medium
Use tactical urbanism and/or demonstration projects to identify and study pedestrian and bicycle improvements	-	Low
Launch a bike-share program in coordination with area partners	-	Low
Achieve silver status through the League of American Bicyclists	-	Low
Hold yearly streets alive events	-	Medium
Extend and increase the capacity of roadways that enhance circulation, mobility, and anticipated growth and development	-	Low

ECONOMIC DEVELOPMENT		
STRATEGY	SUB-STRATEGY	PRIORITY
Offer a variety of shovel ready sites	Create and publish a vacant lot /vacant buildings map; update as necessary	Medium
Explore business improvement district options for the downtown	-	Medium
Appropriately budget funds for economic development and marketing	-	Medium
Keep a log of blighted or vacant properties	Drive investment and businesses to strategic infill locations	High
	Develop policy that seeks to require blighted properties be mitigated before land transfer	Medium
Allocate appropriate staff time to implement programs, activities, pursue funding, and track results.	-	High
Develop a strategic economic development plan	-	High
Collaborate with U of M Extension on an economic futures workshop	Understand the impact that industries make on the city, and identify appropriate industries for recruitment efforts	High
Develop a set of programs to help grow and promote business development	Business mentorship program	Medium
	Revolving loan fund	
	Façade improvement program	
	Create an economic development toolkit	
	Business assistance program	
Enhance the downtown retail environment	Utilize tactical urbanism to improve the public realm and promote events	High
	Promote downtown streetscape and public realm enhancements	
Support businesses in the downtown that promote entrepreneurship and small businesses	Leverage the “maker economy” and seek ways to grow this industry in the downtown	Medium

PARKS AND RECREATION

STRATEGY	SUB-STRATEGY	PRIORITY
Conduct a series of long-range plans	Complete a signage and wayfinding system	Medium
	Complete a bicycle and pedestrian plan	Medium
	Develop a long-range plan for the entire park and open space network, specifically focusing on maintenance	High
Seek revenue-generating sources within the parks and facilities	-	Medium
Incorporate maintenance and improvement costs into future park system decisions	-	Low
Join the 10-minute walk campaign through the Trust for Public Land	-	Medium
Increase the amount and type of recreational opportunities	Diversify the recreation options within the city	Low
Enhance safe walking and cycling routes	-	Medium
Expand trails to connect to other destinations and area attractions	-	High

NATURAL RESOURCES

STRATEGY	SUB-STRATEGY	PRIORITY
Review and revise subdivision ordinances to reflect the content of the plan	-	High
Review and revise site design guidelines to align with the policies of this plan	-	High
Complete a natural resource inventory	Specifically identify greenways, corridors, and sensitive environmental features for protection	Medium
	Identify invasive species	Medium
Conduct an evaluation of citywide opportunities to integrate low impact development solutions	Study areas in the community where green infrastructure solutions can be constructed	Low
Develop a best management practice guide or education series around water quality	Partner with CWC SWCD on projects and programming needs	Low
Clearly identify greenways and corridors that should be preserved	Develop a long-range plan that creates a greenway corridor throughout, or around, the city	Medium
	Identify a nature or passive trail network	

FACILITIES AND INFRASTRUCTURE		
STRATEGY	SUB-STRATEGY	PRIORITY
Promote energy efficiency and the use of renewable resources	Take strides to complete applicable strategies in the GreenStep Cities program	Low
Ensure that adequate infrastructure is provided to areas targeted for growth (residential, commercial, and industrial)	-	Medium
Continue to research and explore methods for funding options		High
Prioritize infrastructure investments within existing neighborhoods and potential areas of growth	-	High
Encourage the use of stormwater best management practices to improve local and regional water quality.	-	Medium

PUBLIC SAFETY		
STRATEGY	SUB-STRATEGY	PRIORITY
Foster neighborhood capacity building to develop a neighborhood watch program	-	Low
Continue to work with the school district on current and long-range planning efforts	-	Low
Promote and expand existing program whereby private business voluntarily share closed circuit security camera footage with law enforcement.		Low
Continue partnerships and programs with the Minnesota Department of Transportation (MnDOT) such as Safe Routes to School (SRTS) and Towards Zero Deaths (TZD)	-	Low